



AGENDA

MEETING CALLED TO ORDER AT 5:00 PM	<i>pg</i>
ROLL CALL	
ADOPTION OF MINUTES FOR DECEMBER 5, 2012	5
PUBLIC COMMUNICATIONS – <i>Items not on regular meeting schedule.</i>	
STAFF/BOARD COMMUNICATION & DISCLOSURES	
Update on 335 Woodside Avenue	
Nomination of Board member to Design Review Team	
ACTION ITEMS – <i>Discussion, public hearing, and action as outlined below.</i>	
100 Marsac Avenue – Remand of Appeal of Staff’s Determination	PL-09-00709 27
<i>Quasi-Judicial hearing</i>	
ADJOURN	

Times shown are approximate. Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

A majority of Historic Preservation Board 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.

MINUTES – DECEMBER 5, 2012

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

REGULAR AGENDA

Historic Preservation Board Staff Report



PLANNING DEPARTMENT

Subject: Appeal of Historic District Design Review for 100 Marsac Avenue
Author: Katie Cattan, AICP
Date: January 16, 2013
Type of Item: Quasi-Judicial

Recommendation

Staff recommends that the Historic Preservation Board hear the remand of the appeal of the approval of the Historic District Design Review (HDDR) and consider upholding the design approvals in accordance with the findings of fact, conclusions of law, and conditions of approval within the staff report and Exhibit E.

Project Information

Appellants: Jeff and Leslie Edison
Jamie and Kathleen Thomas
Location: 100 Marsac Avenue
Zoning: Historic Residential (HR-1)

Background

Ten Historic District Design Review applications for new construction of single family homes were submitted on August 29, 2008. The applications were deemed complete on August 29, 2008. On January 28, 2009, the Planning Department found the HDDR application for ten homes to be located at 100 Marsac Avenue to be in preliminary compliance with the Historic District Design Guidelines. On February 9, 2009, the City received two appeals of the Historic District Design Review approvals for the 10 single family homes. (Exhibit A) The appeal also claimed that the noticing was faulty. The appellants are Jeff and Leslie Edison (128 Ontario Court) and Jamie and Kathleen Thomas (134 Ontario Court). An additional 36 page submittal was received on May 5, 2009 from the 2 appellants jointly. (Exhibit A) All submittals by the appellant are included as Exhibit A.

The Historic Preservation Board ("HPB") heard the appeals of the HDDRs on May 6, 2009. At that time, the appellants wished to raise new issues and discuss new information with the Board based on the supplemental submittal which the appellants had submitted the day before the hearing. Staff and the applicant (Talisker) objected to the new issues and information. After discussion by the HPB (see May 6, 2009 minutes, Exhibit J), the HPB rejected the May 5, 2009 information as it was not submitted in a timely manner.

On May 18, 2009, the Edisons and Thomas' jointly submitted an appeal to the Board of Adjustment (BOA) of the HPB decision under LMC 15-11-11(D)(3) and 15-10-7.

On July 28, 2009, the Board of Adjustment (BOA) heard the appeal of the Historic Preservation Board's decision regarding the staff approval of the Historic District Design Review. The BOA found that the information submitted the day before the HPB hearing should have been considered by the HPB in their review. In a 3-1 vote the BOA directed staff to prepare findings granting the appeal in part as it related to the review design guideline compliance. The BOA denied the appeal in part regarding the issues which were not specific to Design Guideline Compliance including access and lot alignment issues. (Exhibit L July 28, 2009 Minutes).

On August 18, 2009, the Board of Adjustment ratified Findings of Fact, Conclusions of Law, and an Order remanding the appeal back to the HPB for a hearing on those issues raised in the original appeal and supplemented on May 5, 2009. (Exhibit M) The BOA found that the additional materials should have been heard by the Historic Preservation Board. However, the BOA upheld the HPB determination that prior legal notice and actual notice was given. The BOA denied the appeal in part regarding the issues which were not specific to Design Guideline Compliance including access and lot alignment issues.

On September 2, 2009, the remand was scheduled to be heard by the Historic Preservation Board. During this meeting, the applicant and the appellant requested that the appeal be continued. The appeal was continued three (3) times with the consent of all of the parties (October 7, 2009; November 4, 2009; December 2, 2009). No meeting was held on December 2, 2009. The application does not contain a record of correspondence after the December 2, 2009 regarding the appeal. However, Planning staff met several times with various parties to review possible alternatives but no compromise was reached. A related matter was also sent to the Utah Private Property Ombudsman.

Contemporaneously with the HDDR application, the Applicant also applied for a Master Planned Development, a subdivision and Steep Slope Conditional Use Permits for each property. The subdivision was appealed to Third District Court, which upheld the approval on June 25, 2009. The litigation focused primarily on easement and separate notice claims and did not impact the issues of this appeal. The only appeal before the HPB is regarding the HDDRs.

On August 21, 2012, Staff sent the applicant, Talisker, represented by David Smith, a letter to either move forward with a date to review the appeal or formally close the application due to inactivity. Mr. Smith requested that the file remain open and the appeal be heard.

Based on the schedules of all the parties, the first date available was January 16, 2013. The appeal has been re-noticed in compliance with the Land Management Code 15-1-12 for January 16, 2013.

Burden of Proof and Standard of Review

Pursuant to LMC 15-1-18(G) and 15-11-11(D)(2), the HPB shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The

scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines. The original applications were deemed complete on August 29, 2008. The 2009 Guidelines did not become effective until July 9, 2009. Therefore, the 1983 Park City Historic District Design Guidelines for new construction are applicable to this appeal (Exhibit B). As well as the pre-2009 Land Management Code.

Analysis

Staff has included the site plan (Exhibit C), the approved plans for the ten proposed homes (Exhibit D) and planning staff's Historic District Design Review reports for each of the ten homes (Exhibit E) as exhibits. The Order from the Board of Adjustment (exhibit L) to the Historic Preservation Board states:

Order:

1. The appeal is granted in part and the matter is remanded back to the Historic Preservation Board ("HPB").
2. The HPB shall only hear those items relating to the Design Guideline compliance as raised in the original appeals of February 9, 2009, and as supplemented on April 29th and May 5th. Staff shall include specific written findings of compliance in the remanded staff report.
3. Matters raised by Appellants which are not specific to Design Guideline compliance shall not be considered by the HPB, including access and lot alignment issues settled by the Third District Court decision dated 6/25/09 cited in the staff report.
4. The appeal with regard to notice is denied.

Accordingly, this order and the HPB's scope of review provide that the HPB's role is the same as Staff's and issues for this appeal are therefore limited to design guideline compliance only. As the applications were received prior to the current Historic Guidelines adoption on July 9, 2009, the previously adopted 1983 Design Guidelines are the applicable review document. Subdivision, notice, CUP, and other issues outside of the design review are not within the HPB's authority to consider.

Both the appellants and the applicant were given the opportunity to submit additional arguments regarding the remand.

The Appeal

The points of the most recent submittal by the appellant on December 14, 2012 (see Exhibit A) have been cut and paste from the submitted appeal and placed into a text box. Only applicable points regarding the design review application have been included. The applicant included further analysis of the points of the appeal that were not cut and paste into the staff report. These may be reviewed by the HPB within Exhibit A.

Staff analysis follows each point. In some places, the appellant has submitted arguments relating to the 2009 Historic District Design Guidelines. However, complete applications were filed on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was

no pending ordinance. Thus, the Land Management Code on the date of the complete application and 1983 Historic District Design Guidelines were applied to the application.

Staff included the full 1983 Historic District Design Guidelines in *italics* following each point of the appeal, where applicable.

Point of Appeal #1

1) House designs are not sufficiently different as required by the conditions of the MPD
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1. Staff Analysis: Discussion Requested.

Condition of Approval #2 of the Master Planned Development approval states “All buildings will be required to be reviewed under the Historic District Design Guidelines. The specific house designs shall be sufficiently different to provide variety and interest.”

The applications for the Historic District Design Review (HDDR) include 10 single family homes. There are 2 different floor plans included for the submittal. One floor plan for new homes on the downhill lots (homes 1 – 6) and one floor plan for the uphill lots (homes 7 – 10). Within the floor plans there is some variation of garage and entryway locations. The Architect created further variation on the exterior of the homes through changes in location and design of windows, doors, porches, and dormers. The exterior siding of the homes includes the use of board and batten, horizontal lap siding, and vertical siding. Staff found that the design complies with condition of approval #2 of the MPD. This condition of approval was reviewed within the HDDR application, therefore this point is included within the appeal. Staff has compiled the approved exterior front facades for the HPB to review for compliance with Condition of Approval #2 of the Master Planned Development. Exhibit O has been included with the HPB packet as a 11” x 17” printout for the HPB’s review.

Point of Appeal #2

2) No detail landscaping plans were ever submitted as required by the Conditions of the Master planned development agreement, the required site information, Streetscape and other requirements of the HDDR application were never provided

2. Staff Analysis: **Discussion Requested.**

Landscape plan: The Master Planned Development condition of approval # 4 states "A final water efficient landscape and irrigation plan that indicates snow storage areas is required to be submitted with the Steep Slope CUP or Historic District Design Review, whichever is first." During the review of the Steep Slope CUP and the Historic District Design Review, a landscape plan was not submitted, but conditioned as a requirement prior to building permit issuance. (Condition of Approval #4 SS CUP) This condition of approval continues to apply.

Site plan: The January 20, 2009 site plan (Exhibit C) was approved with the Historic District Design Review application.

Streetscape: A streetscape was included in the original submittal. (Exhibit H) The streetscape does not include the retaining walls. Staff requested that the applicant provide an updated streetscape including the revised retaining walls for the review by the HPB.

Staff requested that the applicant provide the HPB with the following for review by the HPB:

1. Provide survey data showing the original land boundary used for the HDDR versus the subdivision as approved. Submit explanation of any difference (.53 acres difference is alleged).
2. Provide an updated site plan that shows all proposed improvements superimposed on the approved subdivision plat. Please label the dimensions of each lot
3. Roof over topography. Provide an updated roof over topography based on approved roof orientations of the HDDR and the approved Steep Slope Conditional Use Permit. Redline any changes that occurred between the approval of the SSCUP and the HDDR approval.
4. Provide all changes in the retaining walls and building footprints between the October 22, 2008 steep slope conditional use permit approved site plan and the January 20, 2009 Historic District Design Review approved site plan and streetscape. Provide redlined site plan of the retaining wall changes.

The information requested was submitted by applicant on January 9, 2013 and included in the packet as Exhibit I. This packet was provided to the Appellants on January 9, 2013. The additional information included the required landscape plan. The Historic Preservation Board shall review the submitted landscape plan as part of the application. The additional submittal did not include an updated streetscape as requested.

Point of Appeal #3

3) Final plans are not in compliance with final approved Steep Slope Conditional Use Permit (CUP) plans from the planning commission. There are wide discrepancies between the purported HDDR 'application' set (Aug 2008), those approved by Planning Commission and those drawings submitted in Jan 09 to supplement the HDDR application.

Issues referenced include:

- a. Changed locations
- b. Major changes to the retaining walls with high visibility to all of Old Town
- c. Setback deviations
- d. Density issues
- e. Parking issues (potential)

3. Staff Analysis: **Further discussion requested in Point of Appeal #5 and #11.**

Changes in the site plan occurred after the Steep Slope Conditional Use Approval on October 22, 2008 (Exhibit F) and the Historic District Design Review preliminary approval on January 29, 2009 (Exhibit C). The applicant submitted a packet on January 9, 2013 including the approved Steep Slope CUP site plan and the Historic District Design Review approved site plan. Within sheet 4 of 7 of Exhibit I the applicant included the height of each ridgeline from existing grade. There were no changes to the lot configuration. The footprint on Unit 9 flip-flopped moving the garage from the north side of the home to the south side of the home. Staff did not find this change to be substantial. The changes in the retaining walls is reviewed in full within point of appeal # 5.

Point of Appeal #4

4) **Significant subdivision issues were revealed by our ongoing analysis including;** the approved subdivision is approved at 2.7 acres but the site plan only has 2.17 acres including the vacated row. The require ROW is 25' not 24' as shown.

4. Staff Analysis: **Complies.**

The original subdivision application consisted of two metes and bound parcels and platted Seventh Street encompassing approximately 2.19 acres. (See Exhibit I Part 3)

Parcel 1	1.38 acres
Parcel 2	0.69 acres
Platted Seventh Street	0.12 acres
Total	2.19 acres

When Parcel 1 and Parcel 2 are added together, the area prior to vacation of right of way was 2.07 acres (1.38 + 0.69). Within the subdivision review, staff erred within a typo in the staff report stating the land was 2.7 acres. The zero in 2.07 was dropped. This error does not affect the density of the Master Planned Development. Affordable housing MPDs are allowed up to twenty units per acre. The approved subdivision included ten lots of record, all in compliance with the minimum HR-1 lot area requirement of 1,875 square feet. The 24 feet wide Right of Way was approved by the City Engineer under the previous adopted Park City Streets Master Plan.

Point of Appeal #5

70 New retaining walls...

According to this requirement new walls should match the form, texture and color of existing historic walls.

The August 29 2008 application has serious discrepancies between the individual building elevations and the requirements for retaining structures evidenced by the site plan.

The Architectural site plan of August 29 2008 indicates concrete (assumed) retaining walls between the downhill units in order to accommodate side yard parking areas. Boulder retaining walls are shown behind the uphill units running the length of the developed lots. These boulder walls are shown to be approx four feet high on the building elevation drawings in the application. This entire plan was revised prior to the approval of the subdivision as (amongst other issues) it was demonstrated that the proposed layout failed to meet setback criteria.

No new site plan(s) is included in the HDDR file. No analysis possible.

The October 8 Architectural layout (not part of the application) has no retaining structures shown to the down hill units.

The October 14 Architectural site plan (not part of the application) shows two tiers of five foot retaining walls between the downhill units. The truck turn around on the uphill side indicates two tiers of nine foot high boulder retaining walls. However the contours indicate a twenty four foot level change in this location. Boulder retaining walls are indicated in the side yards of the uphill units but no corresponding details appear on the building elevation drawings. The rear boulder walls appear to be, as before, approx four feet high.

The only drawings added to the Historic District Design Review file, dated January 2009, show the rear of the uphill units with boulder retaining walls in excess of ten feet.

This is discouraged by the Historic District Design Guidelines (current and pending) and is in conflict with the LMC requirements for retaining walls to be less than six feet high in the rear (or side yards).

This item of the Historic District Design Guidelines alone raises significant concerns regarding the suitability of the entire project. One of the stated purposes of the proposed site design was a respect for the historic retaining walls currently existing on site. The proposed walls, indicated as massive boulders, tiered up to ten feet high cannot meet this design criteria. These walls do not conform to the drawings submitted at CUP approval and would need separate approvals. As drawn they satisfy neither HDDG nor LMC criteria.

Specifically with regard units 6 (downhill) and 7 (uphill), chosen because they are closest to Ontario Ct, retaining walls shown on the revised elevation drawings do not match those indicated on any site plans available in the HDDR file. The elevations themselves are inconsistent with each other.

Excavation and retaining walls have been a significant source of concern and debate during recent LMC and Historic District Guideline discussions. The conflicting information in the files and the lack of detail provided with the application should necessitate further review by the HPB.

5. Guideline #70 states: New Retaining Walls should be similar in Color. *Retaining walls are a necessity on many sites and their repetition along the street contributes to the visual continuity of the block (see guideline #56).*
- *New stone walls are encouraged.*
 - *Stone veneer may be considered if the material and method of installation are typical of that found historically in the district.*
 - *Textured specially formed and sandblasted concrete walls are encouraged. Stucco finish concrete is not appropriate.*
 - *Align new walls with existing ones when feasible.*

Staff Analysis: **Discussion Requested.** Changes to the retaining walls occurred between the October 22, 2008 Steep Slope CUP approval and the site plan dated January 20, 2009 within the Historic District Design Review application.

The site plan for the HDDR did not specify the wall heights. Staff requested that the applicant provide an updated site plan identifying all wall heights. The applicant submitted the HDDR site plan with identified wall heights on January 9, 2013.

The January 9, 2013 HDDR site plan locates one “exposed bedrock or soil nail wall” 20 foot high retaining wall at the turn-round. No illustrations of the proposed soil nail wall were submitted. The January 9, 2013 HDDR site plan includes two to three 6 feet tall boulder retaining walls along the rear yard of the uphill properties. Two six foot high boulder walls are proposed above the 20 foot high exposed bedrock/soil nailed 20 foot wall. Retaining in this area will exceed 30 feet within an expanse of thirty feet. No illustrations of the proposed walls were submitted. Boulder size, rock type, and method of construction are unknown. Staff requested an updated streetscape including the retaining walls. A new streetscape was not provided by the applicant.

During the original review of the HDDR, staff found that the proposed boulder retaining walls along the rear and side yards of the properties and the exposed bedrock or soil nailed wall at the turn-around as shown in the January 20, 2009 site plan complied with Guideline #70. The changes between the SS CUP application and the HDDR were not determined to be substantial by staff. Therefore staff approved the changes in the retaining walls within the HDDR application.

Retaining Wall Height: Per the Land Management Code Section 15-4-2: “Fences and retaining walls may be erected or allowed within the buildable area and as allowed in the setback exceptions in Chapter 2. Fences and retaining walls shall not exceed six feet (6’) in height measured from Final Grade within any required Rear Yard or Side Yard. Within any required Front Yard or Street Side Yard, Fences and retaining walls shall not exceed four feet (4’) in height, measured from Final Grade.

Two terraced boulder retaining walls of 9 feet each were approved at the turn-around as shown on the approved site plan during the Steep Slope conditional use permit review. The retaining wall at the turn-around is located within the property open space and not within a building pad or setbacks. Therefore, the nine foot walls were reviewed by the Planning Commission during the Steep Slope CUP within the site plan but no exception for additional height was required.

Point of Appeal #6

#71 Façade width

“typically 15 to 20 feet wide” As these are wider than historically found, one would expect a staff report to comment on the suitability or otherwise. There is no staff report.

[A staff report for the HDDR review of the project came later]

6. Guideline #71 states: Maintain the Typical Size and Shape of Historic Facades.

Traditionally, the front of houses facing the street were 15 to 20 feet wide, depending upon the width of the lot, the orientation on the slope, and the floor plan of the house. Building fronts had a vertical emphasis. The similarity in size and the repetition of these similar sizes and shapes is an important element in establishing the “pedestrian scale” of the residential district.

- *New construction should include facades that have similar widths and heights to those found elsewhere on the street.*
- *In cases where a new building is wider than the typical historic building, consider breaking up the façade into smaller components that resemble the scale of typical buildings in the neighborhood.*
- *Where the height of new building will exceed the norm on the street, consider ways to minimize the visual impact on the street. One method might be to step the height down as it nears the street.*
- *See also specific limits in the Land Management Code.*

Staff Analysis: **Complies.** The lots within the subdivision vary in width from 30 to 40 feet wide. This is consistent with many 1 ½ to 2 lot wide lot combinations in existence throughout the historic district. The front facades have been broken up through the introduction of covered porches, gables over front doors, and garages set back from the front wall plane.

Point of Appeal #7

#72 Spacing

The application drawings do not represent the current approved site layout. No supplemental site drawings exist within the HDDR file. The original site layout failed to meet minimum LMC regulations. (Note the guidelines do make specific reference to the need to satisfy LMC). The Staff report on HDDR should indicate why this has been approved as the only evidence available in the file is contrary.

7. Guideline #72 states: Maintain the Typical Spacing Pattern of Street Facades. *Historically, combined side yards were 6 to 16 feet wide, and this has established a pattern of building – space – building. Although this is not a rigid pattern of exactly repeating dimensions, it is still an important element in the visual character of the neighborhood.*
- *In new construction, consider the relationship of the new building and its side yard setbacks to those of existing buildings.*
 - *Remember that minimum setback requirements as defined in the Land Management Code must still be met.*

Staff Analysis: **Complies.** The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC side yard setback requirements. This maintains the pattern of spacing throughout the Historic District.

Point of Appeal #8

#73 Roof orientation

The guidelines refer to typical orientation perpendicular to the street except for a single story house with a full width porch. Whilst this may or may not be relevant in this case a staff report should at least comment on this failure to comply.

8. Guideline #73 states: Maintain Typical Roof Orientations. *Most houses have the ridge of their roof set perpendicular to the street, but one style exception is the one-story with a gallery porch across the entire front. In this case, the ridge of the roof was parallel to the street. This orientation creates a horizontal street façade, rather than a vertical one.*
- *Ridges set perpendicular to the street will minimize the mass of roof material visible from the street.*

Staff Analysis: **Complies.** All ten homes have ridgelines that run horizontal with the street. Hipped roofs and dormers have been included in the design of each home to decrease the visual impact of the roof mass as viewed from the front facade.

Point of Appeal #9

#74 Roof slopes

The guidelines refer to a traditionally “steep roof pitch”. The application drawings have no reference to the designed roof pitch. (normally a required piece of information for applications within the HR-1).

The latest code changes supported by HPB, Planning Commission and City Council require a minimum roof pitch of 7:12.

[Information on the Oct site plan with roof over topo information provides little clarity. Do these numbers refer to plate ht? Underside or top of ridge? 5:12?]

Note: Per subdivision regulations current zoning restrictions apply requiring the 7:12 minimum pitches.

In regard to both roof slope and orientation we would suggest that the downhill houses especially have over-complex roof form. The elevation drawings are inconsistent within themselves as to ridgelines (front and rear views) and location and slopes of hips. Some units appear to deviate in overall height when viewed from different sides]

9. Guideline #74 States: Use Roof Shapes Similar to Those Found Historically in the Neighborhood. *The majority of roofs are hipped or gabled, and have a steep roof pitch. The repetition of these forms is an important one, especially because the steep slopes expose the roofs to view from above and from across the canyon. Shed roofs usually had a gentler slope when used on attachments to the main part of the building.*
- *Note that a new roof may be similar to the older roof without exactly mimicking it.*
 - *Given the basic concept of the typical roof pitch and the range of shaped found historically, a wide variety of designs is possible.*

Staff Analysis: **Complies.** Hipped roofs, shed roofs, and dormers have been included in the designs to break up the massing and provide complimentary designs to those historically found in the neighborhood. The new guidelines requiring a 7:12 minimum roof pitch do not apply to this application.

Point of Appeal #10

#77 Setback

(reference is made to LMC, again reinforcing the idea that HDDR includes LMC provisions)
The application set of drawings show a site plan that is inconsistent with the subdivision approval. No current site plan exists within the HDDR file. Setbacks cannot be determined from the information provided. None of the building plans (known to superseded from those in the application but not updated within the file) contain information relating each unit to its lot. This is inconsistent with the requirements of the application and normal HDDR methods.

[The Ordinance approving the Subdivision requires a 25' ROW this is not consistent with the available (un-dimensioned) site plan which scales at 24'. The elevation drawings for the downhill units show a change to the location of the front garage wall reducing the available setback for the outside tandem parking space to less than the required minimum. The uphill units shown on the site plan appear to deviate in plan depth by almost a foot from the unit plan drawings (as scaled from the plan, the downhill units appear to be consistent). Front setbacks cannot be confirmed without dimensions, Unit 10 for example appears to have a full width porch to the second level intruding into the setback. Window wells are only permitted to extend four feet into the sideyard, the Jan 09 elevation drawings show the complete excavation and removal of the sideyards to a depth approx 10' below grade. NB LMC zoning for HR-1 requires additional 10' setback to third story. This will apply to all uphill units.]

10. Guideline 77 states: Maintain the typical setback of front facades. *Most buildings are set back from the street to provide a front yard. Although this dimension varies, the typical range is from ten to twenty feet. Usually, each block will have a fairly uniform range of setbacks which should be respected.*

- In new construction, set building back from the street in conformance with the typical alignment of facades in the block. Remember that minimum setback requirements in the Land Management Code must be met.

Staff Analysis: **Complies.** The approved January 20, 2009 site plan shows all homes setback a minimum of 10 feet from front property line, compliant with LMC requirements at the time the applications were complete. There is a hatched line on each site showing setback requirements. The site plan is to scale and setbacks have been determined to be in compliance from the information provided within the application.

Point of Appeal #11

#78 Minimize visual impact of parking

Is this achieved by the open car ports provided with the uphill units?

(Note pending guidelines for new construction “D2.5 Carports should be avoided”)

[This guidelines is no longer ‘pending’ refer to next section for comments on current guidelines]

11. Guideline 78 states: Minimize the visual impact of on-site parking. *The residential areas of Old Town were developed before the advent of automobiles, and therefore, the site plans of the older lots were not designed to accommodate parking. Typically, the front yards were landscaped and this is an important characteristic of the neighborhood. The trend to provide parking spaces and driveways in front yards is threatening to alter this important visual element of the street. Therefore, innovative design solutions are needed to help minimize the visual impact of cars on the historic areas.*

- *When designing multi-family units, consider using a single driveway to provide access to a multiple-space parking garage rather than providing each unit with a separate driveway and garage door. This will also help to minimize the amount of façade that must be broken up with garage doors.*
- *Another alternative to consider is to provide a driveway along the side yard of the property. Special zoning provisions allow a shared driveway with the neighboring lot. The side drive can then provide access to parking in the rear of the lot.*
- *Also, consider using textured and porous paving materials other than smooth concrete for driveways in front yards.*
- *New zoning regulations now permit tandem parking so that one car may be parked behind another.*
- *The Land Management Code defines limits for drives that must be met.*

Staff Analysis: **Discussion Requested.** Parking on uphill lots is proposed within one space in the garage and one space adjacent within open carport. Homes located on downhill lots proposed tandem parking, with one spot in a single car garage and one spot in the driveway. The LMC does not require tandem parking. Staff found that the proposed design minimized the visual impacts of on-site parking. The new guidelines discouraging carports do not apply to this application.

Point of Appeal #12

#80 Materials “Aluminum vinyl and other synthetic materials will not be approved”
The application drawings indicate aluminum soffit and fascia and Hardiboard siding.
The revised elevations (Jan 09) indicate Hardiboard siding soffit, fascia and shake accents. A
'simulated wood' garage door is shown. This “...will not be approved...”

[“Will not be approved” is a uniquely different standard than typically found in the 1983 guidelines. It appears to be an absolute; a code requirement. Notwithstanding prior actions, neither staff nor HPB have the authority to waive or increase any requirement of the code. Interestingly new guidelines consider approval of such products dependent on a demonstrated proof of certain conditions. The applicant has suggested the new code does not apply]

12. Guideline #80 states: Use materials that are similar in finish and texture and scale to those used historically. *The majority of buildings are made of wood clapboards or drop lap siding, although some brick exists. These building materials have distinct textures, and establish patterns on individual facades that repeat along the street. These materials are important in establishing the scale of buildings.*

- *New buildings should continue to reinforce these patterns and textures.*
- *Wood and brick are recommended, but other building materials may be considered as long as the finish and texture reinforce the existing characteristic. For example, concrete may be formed to create a horizontal pattern similar in texture to clapboard siding.*
- *Historically, clapboard was painted and therefore new construction should not include unfinished wood surfaces.*
- *Clapboard lap dimensions should be similar to those of historic structures roughly 4 to 6 inches exposed.*
- *Brick was a standard dimension that established a pattern to walls. Jumbo brick sizes are therefore not allowed. Brick is preferred for chimneys.*
- *Aluminum, vinyl and other synthetic siding will not be approved.*

Staff Analysis: **Complies.** Hardi-board is cement-fiber material that was approved as it mimics the finish and texture of wood. Three styles have been approved within the application including horizontal lap siding, vertical siding, and board and batten. Hardi-board, although it is not natural, has a finish and texture which reinforces the characteristic of wood. It does not have the appearance of aluminum or vinyl which is not appropriate in the historic district.

Point of Appeal #13

#81 Ornamental siding
Indicated as Hardiboard shake see above

13. Guideline 81 states: Reserve the Use of Special Ornamental Siding Materials for Limited Surface Areas. *Historically, shingles were used to create ornamental siding patterns as an accent to the predominant clapboard siding. Shingles were used in the ends of gables, for example, but not as siding for lower portions of walls.*
- *The use of ornamental shingles, and other special siding, in new creative ways is encouraged; however, the amount of surface area allocated to these materials should be limited.*

Staff Analysis: **Discussion requested.** Hardi-board shingles are proposed within gables, bump-outs, and wrapping the foundation. Foundation materials are typically stone or concrete.

Point of Appeal #14

#82 Contemporary interpretation of ornament
Hardiboard clad columns in a neoclassical style?

14. Guideline 82 states: Contemporary interpretation of building ornamentation are encouraged, but they should be limited in their application. *Historically in Park City, most residences had modest amounts of ornamental details – and typically these were applied to porches, gables, and dormers. Although new concepts for decorations are encouraged, simplicity of building form should remain dominant.*

Staff Analysis: **Discussion Requested.** Windows and doors have simple trim and design. Simple hardi-board wrapped box columns have been approved within the front entryways. The dimensions of the hardi-board wrapped box columns were not specified. Typical historic posts were 4 to 6 inches in width. The HPB may direct the applicant to limit the width for the wrapped box columns or to modify the box columns into posts with a limited width of 4 to 6 inches.

Point of Appeal #15

#84 Door and window sizes

Unit 8, revised elevations indicate a prominent elliptical window on the front façade. This is inconsistent with park City' historic architecture and prior actions of the HPB.

15. Guideline 83 states: Use window and doors of similar size and proportion to those historically seen in Park City. *Windows with vertical proportions similar to those of the original double hung sash are most appropriate. New operating designs, such as casement windows are readily available in well-proportioned sizes. Arched and bay windows may provide interesting accents if used with restraint. Small pane windows as seen on colonial buildings are not appropriate for Park City.*

Staff Analysis: **Complies.** The majority of the windows within all home designs are double hung. Homes 8 and 10 introduced one elliptical window to provide variation in design. Elliptical windows are not prohibited.

Appeal (of the appeal)

Under the current Land Management Code, the action by the Historic Preservation Board on this appeal can be further appealed to the District Court. However, because of the timing of when the appeal was originally filed the Order includes language, allowing that, if both parties consent, the appeal may be heard by the Board of Adjustment pursuant to Land Management Code 15-1-18 and 15-11-12 (E).

Alternatives

- The Historic Preservation Board may deny the appeal and affirm the determination of compliance of the Historic District Design Guidelines, wholly or partly; or
- The Historic Preservation Board may grant the appeal and reverse the determination of compliance of the Historic District Design Guidelines; wholly or partly; or
- The Historic Preservation Board may continue the discussion to a specified or unspecified date and provide direction on items and issues that require further discussion.

Recommendation

Staff recommends that the Historic Preservation Board hear the appeals of the approval of the Historic District Design Review and consider denying the appeals based on the following findings of fact and conclusions of law:

Findings of Fact:

1. The property is located at 100 Marsac Avenue and includes ten development lots.
2. There are 10 single family homes included within the ten applications for Historic District Design Review.
3. The property is located within the Historic Residential (HR-1) zoning district.
4. Ten Historic District Design Review applications for new construction of single family homes were submitted on August 29, 2008. The applications were deemed complete on August 29, 2008.
5. Complete applications were filed on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the Land Management Code on the date of the complete application and 1983 Historic District Design Guidelines were applied to the application.
6. On January 28, 2009, Planning Staff found the ten HDDR applications for new construction of single family homes to be in preliminary compliance with the Historic District Design Guidelines.
7. On February 9, 2009, the City received two separate appeals of the Historic District Design Review preliminary compliance for the 10 single family homes. The appellants are Jeff and Leslie Edison (128 Ontario Court) and Jamie and Kathleen Thomas (134 Ontario Court). An additional 36 page submittal was received on May 5, 2009 from the 2 appellants jointly.
8. The Historic Preservation Board (“HPB”) heard the appeals of the HDDRs on May 6, 2009. At that time, the appellants wished to raise new issues and discuss new information with the Board based on the supplemental submittal which the appellants had submitted the day before the hearing. Staff and the applicant

(Talisker) objected to the new issues and information. After discussion by the HPB, the HPB rejected the May 5, 2009 information as it was not submitted in a timely manner.

9. On May 18, 2009, the Edisons and Thomas' jointly submitted an appeal to the Board of Adjustment (BOA) of the HPB decision.
10. On July 28, 2009, the Board of Adjustment (BOA) heard the appeal of the Historic Preservation Board's decision regarding the staff approval of the Historic District Design Review. In a 3-1 vote the BOA directed staff to prepare findings granting the appeal in part as it related to the review design guideline compliance. The BOA denied the appeal in part regarding the issues which were not specific to Design Guideline Compliance including access and lot alignment issues.
11. On August 18, 2009, the Board of Adjustment ratified Findings of Fact, Conclusions of Law, and an Order remanding the appeal back to the HPB for a hearing on those issues raised in the original appeal and supplemented on May 5, 2009.
12. On September 2, 2009, the remand was scheduled to be heard by the Historic Preservation Board. During this meeting, the applicant and the appellant requested that the appeal be continued. The appeal was continued three (3) times with the consent of all of the parties (October 7, 2009; November 4, 2009; December 2, 2009). No meeting was held on December 2, 2009.
13. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines for new construction.
14. No Design Guideline or LMC section prohibits replicative design or addresses alignment of uphill and downhill lots. However, Condition of Approval #2 of the Master Planned Development approval states "All buildings will be required to be reviewed under the Historic District Design Guidelines. The specific house designs shall be sufficiently different to provide variety and interest."
15. The ten applications for the Historic District Design Review (HDDR) include 10 single family homes. There are 2 different floor plans included for the submittal. One floor plan for new homes on the downhill lots (homes 1 – 6) and one floor plan for the uphill lots (homes 7 – 10). Within the floor plans there is some variation of garage and entryway locations. The Architect created further variation on the exterior of the homes through changes in location and design of windows, doors, porches, and dormers. The exterior siding of the homes includes the use of board and batten, horizontal lap siding, and vertical siding.
16. Staff found the proposed application to be in compliance with Condition #2 of the Master Planned Development.
17. Exhibit E includes the staff analysis, findings of fact, conclusions of law, and conditions of approval for each of the ten units. These analysis, findings of fact, conclusions of law, and conditions of approval are incorporated herein.
18. The analysis and Findings within the staff report are incorporated herein.

Conclusions of Law:

1. The Staff did not err in finding that the Design Review Applications comply with the Historic District Design Guidelines.
2. The proposed plans comply with the 1983 Park City Historic District Design Guidelines as conditioned.

Conditions of Approval

1. A building permit for each of the ten units must be issued within one year of this approval. The Historic Design Review approval will expire for any unit lacking a building permit by January 16, 2014.
2. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit.
3. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.
4. 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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
5. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
6. Cedar railing must be painted or stained with a solid or semi-solid stain.
7. All standard conditions of approval shall apply.

Order:

1. The appeals are denied and the determinations of compliance with the 1983 Historic District Design Guidelines as conditioned are upheld.
2. Any appeal of this Order shall go to a court of competent jurisdiction pursuant to UCA 10-9a-801 unless both parties consent to having the appeal be heard by the Board of Adjustment pursuant to Land Management Code 15-1-18 and 15-11-12 (E).

Exhibits

Exhibit A – Submittals by Appellants of December 14, 2012; August 24, 2009; May 5, 2009; and February 9, 2009

Exhibit B – 1983 Historic District Design Guidelines for New Construction

Exhibit C – Approved HDDR Site Plan dated January 20, 2009

Exhibit D – Approved Architectural Plans for ten new homes

Exhibit E - Historic District Design Review staff findings for each of ten units

Exhibit F – Steep Slope CUP site plan approved October 22, 2009

Exhibit G – October 22, 2009 Steep Slope CUP Conditions of Approval

Exhibit H – Original Streetscape

Exhibit I – Additional information submitted by Applicant. Part B and C submitted on January 9, 2013

Exhibit J – May 6, 2009 Historic Preservation Board Minutes

Exhibit K – May 6, 2009 Historic Preservation Board Findings of Fact, Conclusions of Law, and Order

Exhibit L – July 28, 2009 and August 18, 2009 Board of Adjustment Minutes

Exhibit M – August 18, 2009 Board of Adjustment Findings of Fact, Conclusions of Law, and Order.

Exhibit N – September 2, 2009 HPB Staff Report

Exhibit O – Front facades complied on one 11 x 17 sheet.

PHILLIPS EDISON & COMPANY

December 14, 2012

Dear Board,

Attached please find our formal appeal to HPB. We believe that this appeal shows a strong basis for the Board to not approve the 100 Marsac Development.

We believe that the current plans violate the Historic Guidelines in the following ways:

- The impact of the retaining walls (length and height)
- The discrepancy of the land area (density)
- The lack of diversity of the homes (these homes all look like the two identical new homes built on Marsac)
- The complete lack of any landscaping plan
- The multiple design and land management code issues outlined in the attached plans

These violations are detailed in the attached memo. As you read the Historic District Design Guidelines, it is clear that this appeal is consistent with the "Objectives of the Guidelines." The Objectives to the Guidelines are:

"To encourage the retention of the visual and historic integrity of the district while also encouraging creative design solutions. The guidelines do not dictate styles or specific design motifs, but instead suggest a choice of approaches for achieving design compatibility."

"To protect property values by managing changes so they reinforce the assets of the district. The value of individual historic structures, and groups of historic buildings, will thus be strengthened."

As we show in the appeal, the 100 Marsac violates the Guidelines but more importantly this proposed project will disturb the visual and historic integrity of Old Town and the Historic District.

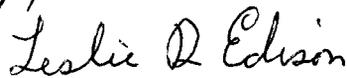


PHILLIPS EDISON & COMPANY

The proposed plan will add a dense development of 10 totally homogenous and indistinguishable homes to a prominent visual location in the city. The visual effect will be a cul-de-sac designed suburban subdivision at the top of Main Street and visible from all of Old Town. If we had wanted to live in a suburban location we would not have moved to Old Town. These 10 nearly identical properties will be in addition to the two new identical properties built on Marsac Avenue.

This board is the right place to protect our town from losing its historic character and charm. We ask you to consider our appeal and appreciate your help in maintaining the historic integrity of Park City.

Thank you,

Jeff and Leslie Edison



Historic Preservation Board Appeal

Attached is a short document offered as a supplemental explanation in support of our appeal to the HPB. The Ontario court home owners association believes the Marsac affordable housing subdivision is deeply flawed. Completing this development in its current form would not benefit the city, the current residents of the city, or the future residents of this development. It has not gone thru the right process for approval and many of the requirements of all developments in Park City were either ignored or overlooked. If you just look thru the city's file(s) on this project, you may understand our frustration and disappointment. We have been struck by the lack information in the files with little or no evidence to support staff findings, conclusions of law and conditions of approval.

In order to get this project back on the normal track, we are pointing out the following discrepancies for HPB's review:

- 1) House designs are not sufficiently different as required by the conditions of the MPD
- 2) No detail landscaping plans were ever submitted as required by the Conditions of the Master planned development agreement, the required site information, Streetscape and other requirements of the HDDR application were never provided
- 3) Final plans are not in compliance with final approved Steep Slope Conditional Use Permit (CUP) plans from the planning commission. There are wide discrepancies between the purported HDDR 'application' set (Aug 2008), those approved by Planning Commission and those drawings submitted in Jan 09 to supplement the HDDR application.

Issues referenced include:

- a. Changed locations
 - b. Major changes to the retaining walls with high visibility to all of Old Town
 - c. Setback deviations
 - d. Density issues
 - e. Parking issues (potential)
- 4) **Significant subdivision issues were revealed by our ongoing analysis including;** the approved subdivision is approved at 2.7 acres but the site plan only has 2.17 acres including the vacated row. The require ROW is 25' not 24' as shown.
- 5) The application plans do not provide the detailed site information required for the HDDR to make a determination of compliance. Absent a staff report, none available April 09, there is no evidence in the files that staff performed a design review.



I hope we will have the opportunity to work thru these issues and make this a project that will make everyone in Park City proud.

Thank You for your consideration,

Jeff Edison



Notes in support of appeal to HPB of Staff Historic District Design Review
Part Two...

PARK CITY Park City Municipal Corporation
445 Marsac Avenue • PO Box 1480 • Park City UT 84060 • (435) 615-5060 • (435)-615-4906-fax • www.parkcity.org

**DESIGN REVIEW PROCESS FOR
PROPERTIES IN THE HISTORIC DISTRICT
INFORMATION GUIDE**

What should I know about the permit process for a property in Old Town?

All new construction, renovations or rehabilitations, additions, and exterior work within the Historic District requires design review and approval **before issuance of any building permits**. The purpose of this design review is to determine compliance of the proposed work with the **Land Management Code (LMC)** and substantial compliance with the **Park City Historic District Design Guidelines**. Copies of the LMC and Guidelines are available at the Planning Department.

How do I know if the property is located within the Historic District? Park City's historic district is composed of several locally designated areas and various structures. To find out if your property is historic, or located within the Historic District, contact the Planning Department at (435) 615-5060.

How do I begin the review process? Before beginning any new construction, rehabilitation, addition, or exterior work within the Historic District, a **Historic District Design Review Application** must be submitted to the Planning Department.

How long does the review process take? Projects that can be reviewed administratively by the Planning Department may be handled over the counter, but, if public noticing is required, may take up to ten days or more once a complete application is received. Projects that must be formally reviewed by the Historic Preservation Board may take three weeks or more to complete. Contact the Planning Department (435) 615-5060 to find out if your project requires

HPB review, or whether it can be reviewed administratively.

What else should I be aware of prior to receiving design review approval? Some design review projects incur delays due to unresolved land-related issues. It is important that the owner contact the Planning Department to determine if there are any additional review processes required in conjunction with the proposed **Historic District Design Review Application** (i.e., Lot Line or Plat Adjustments, Variance, CUP/Steep Slope, etc.).

What should I do after receiving design review approval? Once approval is granted, you will receive a final design approval **Action Letter** that will stipulate specific conditions of approval for the project. These conditions must be met and any changes or modification to the approved design must be reported to the Planning Department prior to construction.

What is the next step? After your plans have been reviewed and approved by the Planning Department, or the Historic Preservation Board, you submit the approved plans to the Building Department for their review. Please refer to the **Information Guide for Building Permits and Inspections**, and the **Information Guide for Commercial Building Permits**.

Disclaimer: This guide is intended to provide general information. Codes are subject to change at any time and up-to-date versions of applicable codes and documents are available at the Planning Department.



The Application

An application form, signed by David Smith on behalf of United Park City Mines and dated August 28 2008 is on file with the Planning Department.

[Many of following notes were previously submitted in support of the initial 2009 appeal of design approval by Planning Staff. The submittal requirements are copied from the application form and our initial observation shown in italics.]

III. SUBMITTAL REQUIREMENTS:

1. Completed and signed application

A single application has been presented for all of the lots. No individual site information is provided. Lot area, Building footprints, setback information cannot be determined on an individual site basis.

2. Review fees - see Fee Schedule in Planning Department

A receipt is included in the file

3. Certified topographical boundary survey of the existing site prepared by a licensed surveyor at an approved scale with two foot contours, along with 8½" x 11" reductions, which includes the following: ...

No certified topographic survey appears (April 09) in any of the HDDR files. A reduced 'Site Plan' (1"=30' scale) with a preliminary building layout was supplied but no individual lot information is included. [The "Record of Survey Map" dated Aug 28 2008 describes two parcels of deed restricted open space (1.36 acres and 0.69 acres). Ten lots and a 25' wide access road appear to be proposed within the open space parcels and across a platted city ROW. This layout was not approved.]

4. A proposed site plan prepared by a licensed architect and based on the submitted certified topographic boundary survey drawn at an approved scale with two foot contours, along with 8½" x 11" reductions, which includes the following...

Reductions only available in the file. Requests for further information was met with the response that all the available drawings were in the file. (ref prior correspondence) The "Architectural Site Plan" from August 2008 refers to a building layout subsequently not approved. The ten building sites did not exist at the time of application. (The subdivision has yet to be recorded, no lots exist at this time, Dec 2012)

5. All floor plans and building sections drawn at quarter-inch scale, along with 8½" x 11" reductions of each plan.

Only reduced plans were available for review. The floor plans from the August 29 application were redesigned. No sections were included in the application



6. All building elevations illustrating the proposed work drawn to quarter-inch scale, along with 8½" x 11" reductions, with the elevations referenced to USGS datum on the submitted site plan demonstrating the following...

Building elevations as submitted failed to indicate the relationship between the building, existing and final grades. Existing and proposed grade lines are not apparent from the information provided. Floor levels were not identified on the elevations. (ref to Oct CUP architectural site plan for assumed floor levels). The 27' ht measurement shown on the Oct 08 or Jan 09 revisions do not appear to correlate with indicated grades. Retaining walls shown on the architectural site plan do not correspond with those shown on the elevation.

7. Four (4) photographic panoramic views of the existing property showing site from the perimeter of the property from 90 degree compass intervals.

A limited number of photographs are included with the application. Each of the ten building sites should have particular site information, including photographs

8. Photographs of all existing buildings on-site, adjacent lots, or any other buildings that may be affected, along with historic photos of the building (if existing).

See above

9. When a historic structure exists on the property, a preservation plan must be provided. See attached submittal requirements for a historic preservation plan.

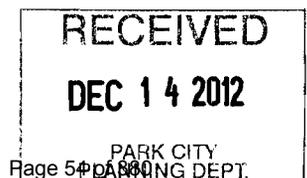
No historic preservation plan is available in the file, presumably this did not form part of the application. This will be required for the existing historic walls.

10. A streetscape elevation drawn at 1/8 inch scale (minimum scale) for the project side of the street that indicates the height, width, and building separation for all proposed work in relation to existing surrounding/adjacent buildings. All windows and door openings shall be shown. The drawing shall encompass an area within 100 feet on either side of the subject property. (A streetscape drawing may not be required for remodels that do not alter the mass of the existing structure.)

The streetscape provided in the application is drawn at half the required scale (1/16"=1'). This streetscape in the HDDR files refers to a lot and building layout not subsequently approved. The accuracy of this and succeeding streetscape drawings has been questioned elsewhere.

11. Any construction details drawn to an approved scale, along with manufacturer's cut-sheets for proposed windows, doors, handrails, exterior trim and architectural ornamentation, etc.

None provided



12. The applicant should be aware that there might be a request to provide presentation material for Historic Preservation Board meetings. The presentation material may include the following:...

The HPB has yet to review this highly visible and significant project

13. Brief written project description that outlines the overall project intent and scope of work. Description should indicate if the project will be divided into specific phases and an anticipated time line to execute each phase. Descriptions shall also indicate the project's compliance with the Historic District Design Guidelines and with the Land Management Code with regard to zoning and parking requirements.

The written statement provided in the application makes no reference to any specific guidelines merely a general statement of an intent to comply with the guidelines and the LMC. The application set fails to a greater or lesser degree in both cases.

14. Stamped, addressed #10 size business **envelopes** for adjacent property owners, including property owners across streets/right-of-ways...

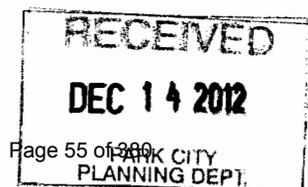
Names, addresses and envelopes for owners living on Ontario Ct across platted Marsac from unit 6 (Dr's Ferriter) and adjacent unit 7 (Edison) were not provided. Noticing issues have been discussed elsewhere. Suffice to say this requirement was incomplete.

Nine of fourteen of the required submittals were not provided at the time of application. The only supplemental information added to the HDDR files is dated January 2009 and consists of several sheets of revised elevations. Revised elevations that in some circumstances contradict themselves (roof lines) and do not appear to correspond with the site plan approved by the Planning Commission at the Steep Slope CUP. Serious questions remain, especially in regard to the proposed site-work. (Excavation, retaining walls, depth of exposed foundation walls and to a lesser degree proposed road level).

From the information available in the file it is impossible to fathom as to why the staff could consider these ten applications complete on August 29 2008. There is no staff report in the file (as of April 09), no evidence of any analysis, findings, conclusions or conditions. No available evidence that an appropriate level of review has taken place.

Section IV of the application (page 4) is a design review fact sheet. Note this has not been completed for any of the ten units. For example, from the information provided it is not possible to analyse Lot size, Unit floor area, or parking for Lot1, 2, 3...etc Whilst we may infer from other sources that these issues can be dealt with, the fact sheet has not been 'completed' for any of the lots.

Note well: according to the fact sheet the application is for ten residential units on 2.187 Acres of land. A project density of 4.57 units per acre. The revised subdivision layout and the final Subdivision Ordinance approved a project with a maximum density of 3.70 units



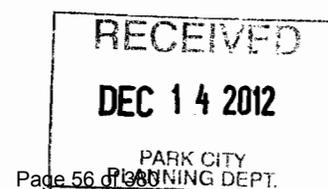
per acre. (10 units on 2.7 acres). Until the size of the project, the project density, the size and location of the individual lots, the size and location of the deed restricted open space and the size and location of the access road have been confirmed (per the City Ordinance?) then the HDDR application is at best premature and most likely invalid.

Section V (page5) is an “Acknowledgement of Responsibility” and an “Affirmation of Sufficient Interest”. Although no confirmation appears in the files we have assumed that Mr David Smith has supplied the required “copy of authorization” or “resolution of the Board of Directors” authorizing the application on behalf of United Park City Mines.

Section VI (page 6) of the application is a further “acknowledgement- receipt of application materials” signed by the applicant stipulating amongst others:

“This application is not deemed complete until Staff has received all the submittal requirements”

“...all subdivision related issues...shall be resolved prior to or in conjunction with the approval of this application”



Historic District Design Guidelines 1983

This part is a restatement of points made previously and specifically related to the 1983 Historic District Design Guidelines. The original text is contained in earlier reports to the BoA and the HPB. Comments subsequently added are shown in italics.

Units 1,2,3,4,5,6,7,8,9,10 Silver Hills Court

The following comments are mainly restricted to the 1983 Historic District Design Guidelines

68 Avoid historic styles

69 Reconstruction

70 New retaining walls...

According to this requirement new walls should match the form, texture and color of existing historic walls.

The August 29 2008 application has serious discrepancies between the individual building elevations and the requirements for retaining structures evidenced by the site plan.

The Architectural site plan of August 29 2008 indicates concrete (assumed) retaining walls between the downhill units in order to accommodate side yard parking areas. Boulder retaining walls are shown behind the uphill units running the length of the developed lots. These boulder walls are shown to be approx four feet high on the building elevation drawings in the application. This entire plan was revised prior to the approval of the subdivision as (amongst other issues) it was demonstrated that the proposed layout failed to meet setback criteria.

No new site plan(s) is included in the HDDR file. No analysis possible.

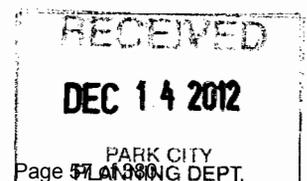
The October 8 Architectural layout (not part of the application) has no retaining structures shown to the down hill units.

The October 14 Architectural site plan (not part of the application) shows two tiers of five foot retaining walls between the downhill units. The truck turn around on the uphill side indicates two tiers of nine foot high boulder retaining walls. However the contours indicate a twenty four foot level change in this location. Boulder retaining walls are indicated in the side yards of the uphill units but no corresponding details appear on the building elevation drawings. The rear boulder walls appear to be, as before, approx four feet high.

The only drawings added to the Historic District Design Review file, dated January 2009, show the rear of the uphill units with boulder retaining walls in excess of ten feet.

This is discouraged by the Historic District Design Guidelines (current and pending) and is in conflict with the LMC requirements for retaining walls to be less than six feet high in the rear (or side yards).

This item of the Historic District Design Guidelines alone raises significant concerns regarding the suitability of the entire project. One of the stated purposes of the proposed site design was a respect for the historic retaining walls currently existing on site. The proposed walls, indicated as massive boulders, tiered up to ten feet high cannot meet this design criteria. These walls do not conform to the drawings submitted at CUP approval and would need separate approvals. As drawn they satisfy neither HDDG nor LMC criteria.



Specifically with regard units 6 (downhill) and 7 (uphill), chosen because they are closest to Ontario Ct, retaining walls shown on the revised elevation drawings do not match those indicated on any site plans available in the HDDR file. The elevations themselves are inconsistent with each other.

Excavation and retaining walls have been a significant source of concern and debate during recent LMC and Historic District Guideline discussions. The conflicting information in the files and the lack of detail provided with the application should necessitate further review by the HPB.

Note pending Historic District Design Guidelines: A4. Site Grading and Steep Slope Issues.
Note recently revised LMC criteria limiting grade changes to a maximum of four feet.

[The MPD agreement has not been recorded. The Steep Slope CUP approval has lapsed. The Subdivision has not been recorded. In accordance with City Subdivision regulations all current LMC Zoning regulations apply. LMC 15-7.1-6 (E). This includes excavation and grading requirements limiting grade change to a maximum of four feet]

#71 Façade width

“typically 15 to 20 feet wide” As these are wider than historically found, one would expect a staff report to comment on the suitability or otherwise. There is no staff report.

[A staff report for the HDDR review of the project came later]

#72 Spacing

The application drawings do not represent the current approved site layout. No supplemental site drawings exist within the HDDR file. The original site layout failed to meet minimum LMC regulations. (Note the guidelines do make specific reference to the need to satisfy LMC). The Staff report on HDDR should indicate why this has been approved as the only evidence available in the file is contrary.

#73 Roof orientation

The guidelines refer to typical orientation perpendicular to the street except for a single story house with a full width porch. Whilst this may or may not be relevant in this case a staff report should at least comment on this failure to comply.

#74 Roof slopes

The guidelines refer to a traditionally “steep roof pitch”. The application drawings have no reference to the designed roof pitch. (normally a required piece of information for applications within the HR-1).

The latest code changes supported by HPB, Planning Commission and City Council require a minimum roof pitch of 7:12.

[Information on the Oct site plan with roof over topo information provides little clarity. Do these numbers refer to plate ht? Underside or top of ridge? 5:12?]

Note: Per subdivision regulations current zoning restrictions apply requiring the 7:12 minimum pitches.

In regard to both roof slope and orientation we would suggest that the downhill houses especially have over-complex roof form. The elevation drawings are inconsistent within themselves as to ridgelines (front and rear views) and location and slopes of hips. Some units appear to deviate in overall height when viewed from different sides]

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#75 Porch orientation

#76 Entrance orientation

#77 Setback

(reference is made to LMC, again reinforcing the idea that HDDR includes LMC provisions)

The application set of drawings show a site plan that is inconsistent with the subdivision approval. No current site plan exists within the HDDR file. Setbacks cannot be determined from the information provided. None of the building plans (known to superseded from those in the application but not updated within the file) contain information relating each unit to its lot. This is inconsistent with the requirements of the application and normal HDDR methods.

[The Ordinance approving the Subdivision requires a 25' ROW this is not consistent with the available (un-dimensioned) site plan which scales at 24'. The elevation drawings for the downhill units show a change to the location of the front garage wall reducing the available setback for the outside tandem parking space to less than the required minimum. The uphill units shown on the site plan appear to deviate in plan depth by almost a foot from the unit plan drawings (as scaled from the plan, the downhill units appear to be consistent). Front setbacks cannot be confirmed without dimensions, Unit 10 for example appears to have a full width porch to the second level intruding into the setback. Window wells are only permitted to extend four feet into the sideyard, the Jan 09 elevation drawings show the complete excavation and removal of the sideyards to a depth approx 10' below grade. NB LMC zoning for HR-1 requires additional 10' setback to third story. This will apply to all uphill units.]

#78 Minimize visual impact of parking

Is this achieved by the open car ports provided with the uphill units?

(Note pending guidelines for new construction "D2.5 Carports should be avoided")

[This guidelines is no longer 'pending' refer to next section for comments on current guidelines]

#79 Ratio of wall to window

#80 Materials "Aluminum vinyl and other synthetic materials will not be approved"

The application drawings indicate aluminum soffit and fascia and Hardiboard siding.

The revised elevations (Jan 09) indicate Hardiboard siding soffit, fascia and shake accents. A 'simulated wood' garage door is shown. This "...will not be approved..."

["Will not be approved" is a uniquely different standard than typically found in the 1983 guidelines. It appears to be an absolute; a code requirement. Notwithstanding prior actions, neither staff nor HPB have the authority to waive or increase any requirement of the code. Interestingly new guidelines consider approval of such products dependent on a demonstrated proof of certain conditions. The applicant has suggested the new code does not apply]

#81 Ornamental siding

Indicated as Hardiboard shake see above

#82 Contemporary interpretation of ornament

Hardiboard clad columns in a neoclassical style?

#83 Window proportions

#84 Door and window sizes



Unit 8, revised elevations indicate a prominent elliptical window on the front façade. This is inconsistent with park City' historic architecture and prior actions of the HPB.

#85.-New Wood Windows...

We would suggest a staff report unique to each unit be provided, as is typical with other applications, detailing the relevant guidelines with a brief response to each. For example Unit #9 horizontal siding is labeled on the revised drawings of Jan 09, however vertical siding is drawn. This problem is specific to this unit not the remainder. What is being approved if anything? Another very disturbing element is that the 27' ht line indicated on the revised side elevation view of units # 7(north), 8(north), 9(north incorrectly labeled, the elevation shown is South), 10(north), is in fact identical. Not similar but identical. This would appear to illustrate that the elevation drawings are not site specific. Whilst repetition of plans has been known to occur it is doubtful that the lots themselves have identical topography. If the drawings required at application are submitted ie site plans and sections the impact of this misleading information can be properly analyzed. Until then the project should not be 'approved'.

A blanket approval of ten houses announced by a letter from staff, finding compliance yet unsupported by any analysis available from information contained within the files is indefensible.

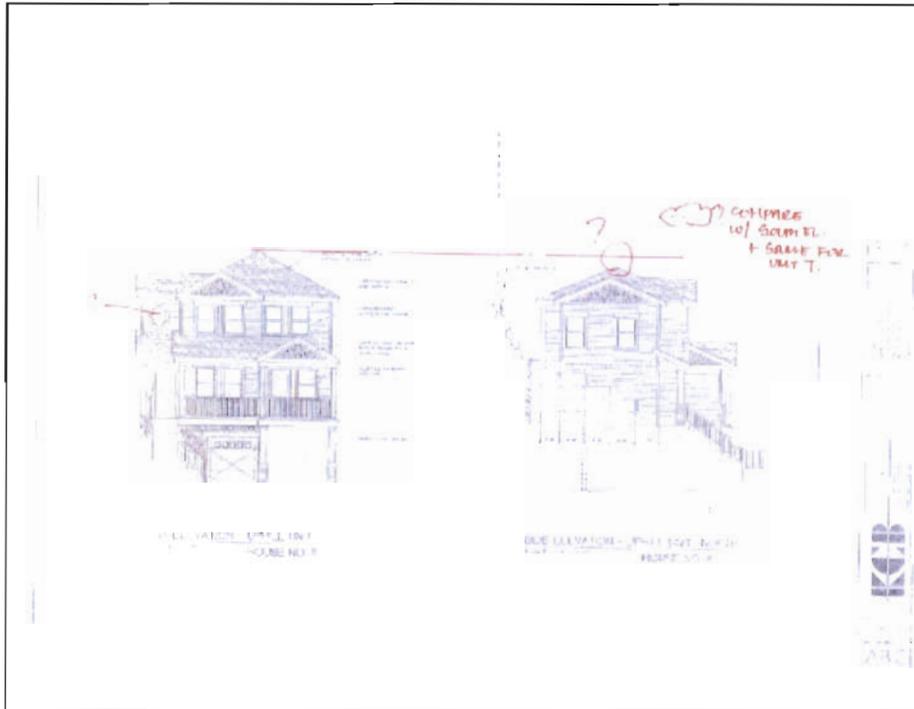
We are aware of staff reports created after these comments were written. The initial approval was given with no evidence that an appropriate level of analysis was possible never mind carried out. An approval is supposed to be based on written findings and conclusions, there were none. The original approval process was deeply flawed. At the time of the appeal significant questions regarding compliance with the guidelines and the code remained. Staff's prior determination could not be justified.

The following notes are an extract from the Design Guidelines for New Construction in Park City's Historic District. These design guidelines replaced the 1983 and were adopted in 2009. The current HR-1 Zoning regulations that refer to these guidelines and the associated review process passed by City ordinance in 2009 but the effective date for enforcement was backdated to October 2008. At the time of the original appeal these guidelines existed in draft form only thus the final impact was 'unknown'.

In accordance with LMC Subdivision regulations (especially LMC15-7.1-6(E) Vested Rights) they are in full force and effect and should apply to this project. As above comments have been added in italics:



LMC: excavation for window wells can extend a max of 4' into the side yard setback.
Side yards have been completely removed between units

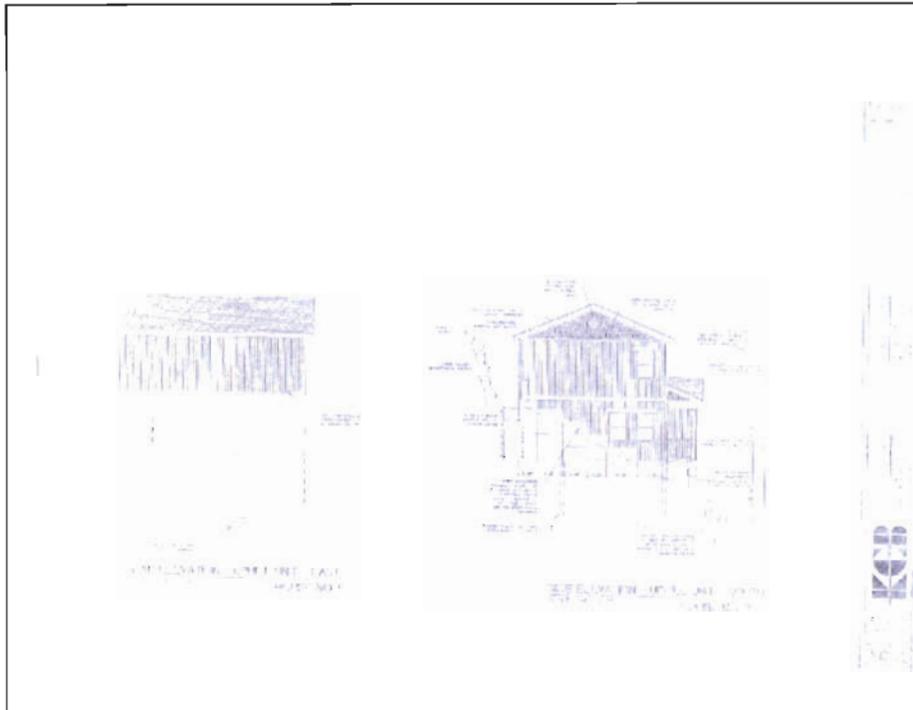


Elliptical window above entry, rare or alien to Park City HR-1 district



Retaining wall to rear of uphill units illustrated at 4' tall during Steep Slope CUP.
Walls 10' high are not allowed under zoning regulations. They cannot be approved during
historic district design review. See LMC 15-4-2 for separate permit process.





(Incorrect labeling North South and "Horizontal" siding)
"synthetic sidings will not be approved" 1983 Guidelines

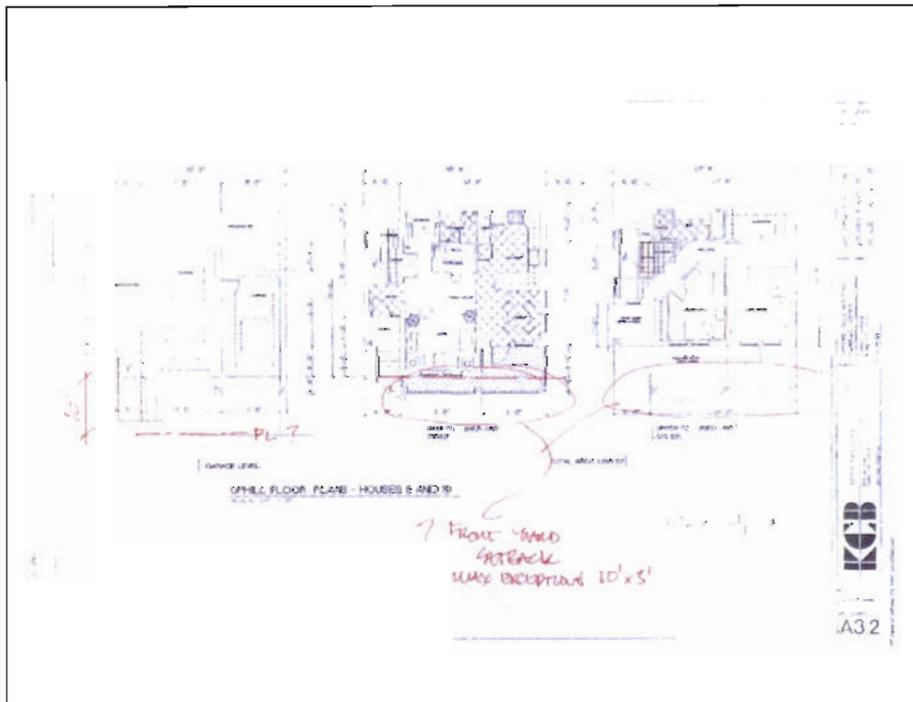


LMC HR-1 zoning regulations require a minimum 10' additional setback to third story
Carports not allowed under current design guidelines for Historic District



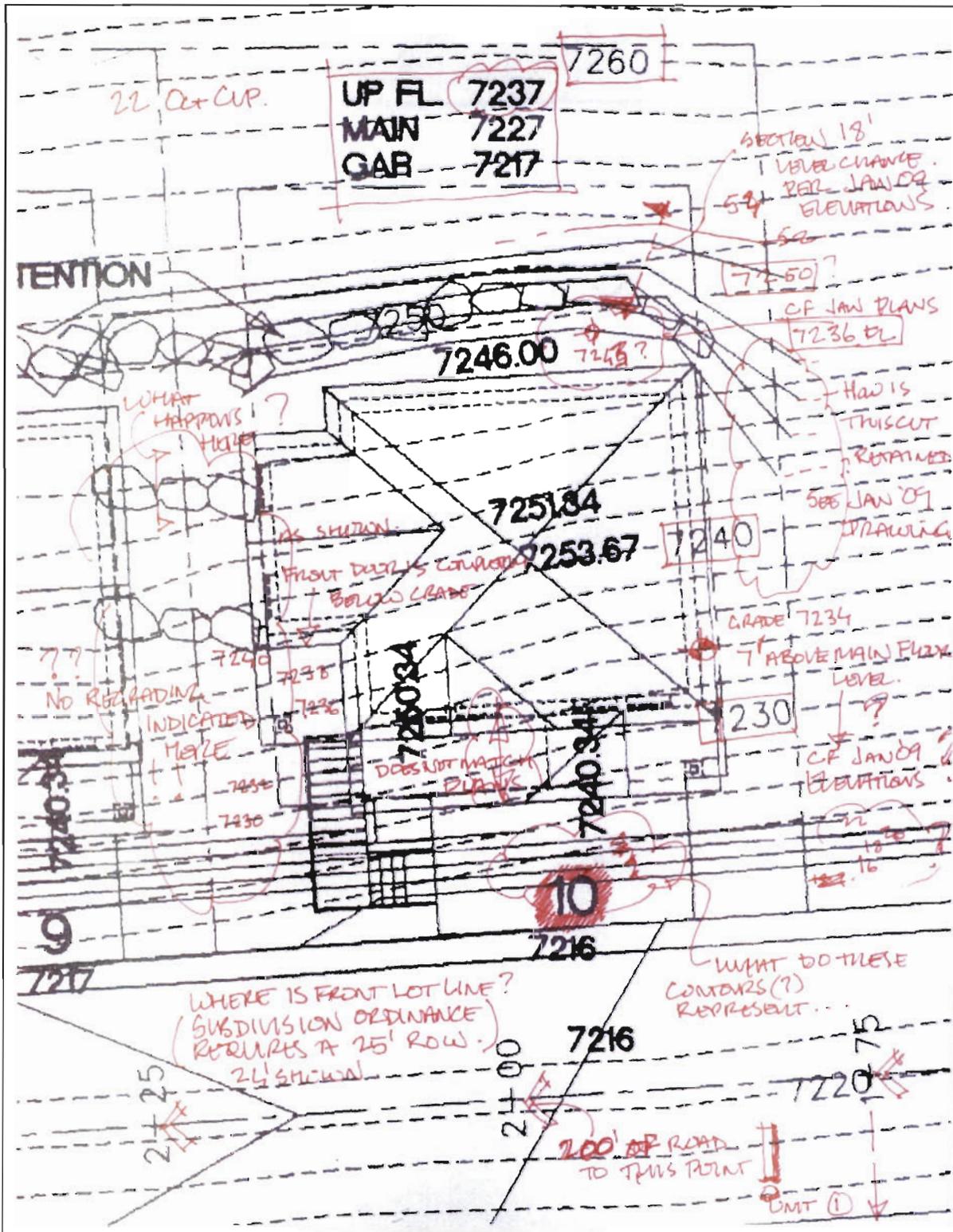


Just what is that 27' height line, why is it identical to North elevations units 7, 8, 10?



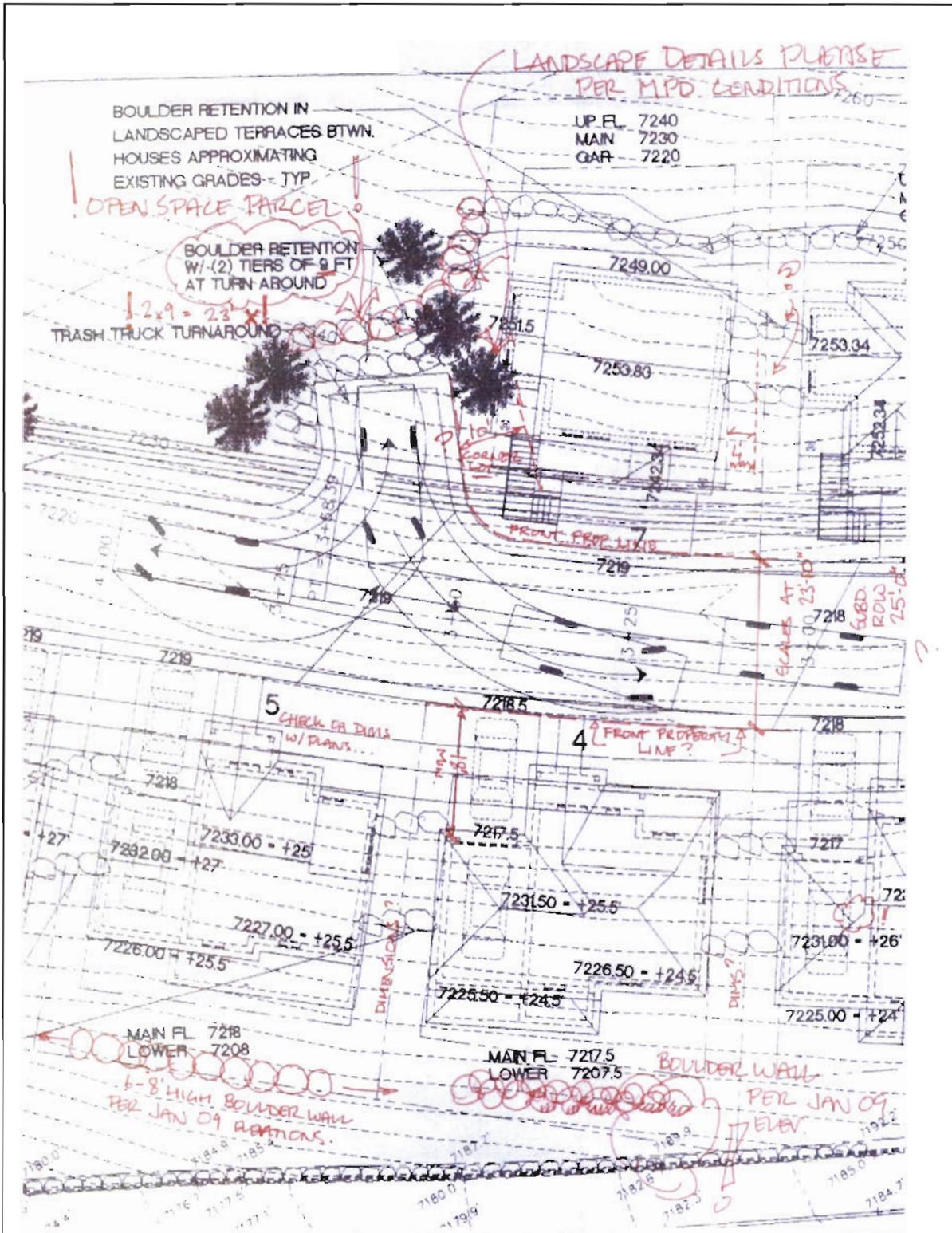
Front yard setback encroachment in breach of LMC HR=1 zoning regulations

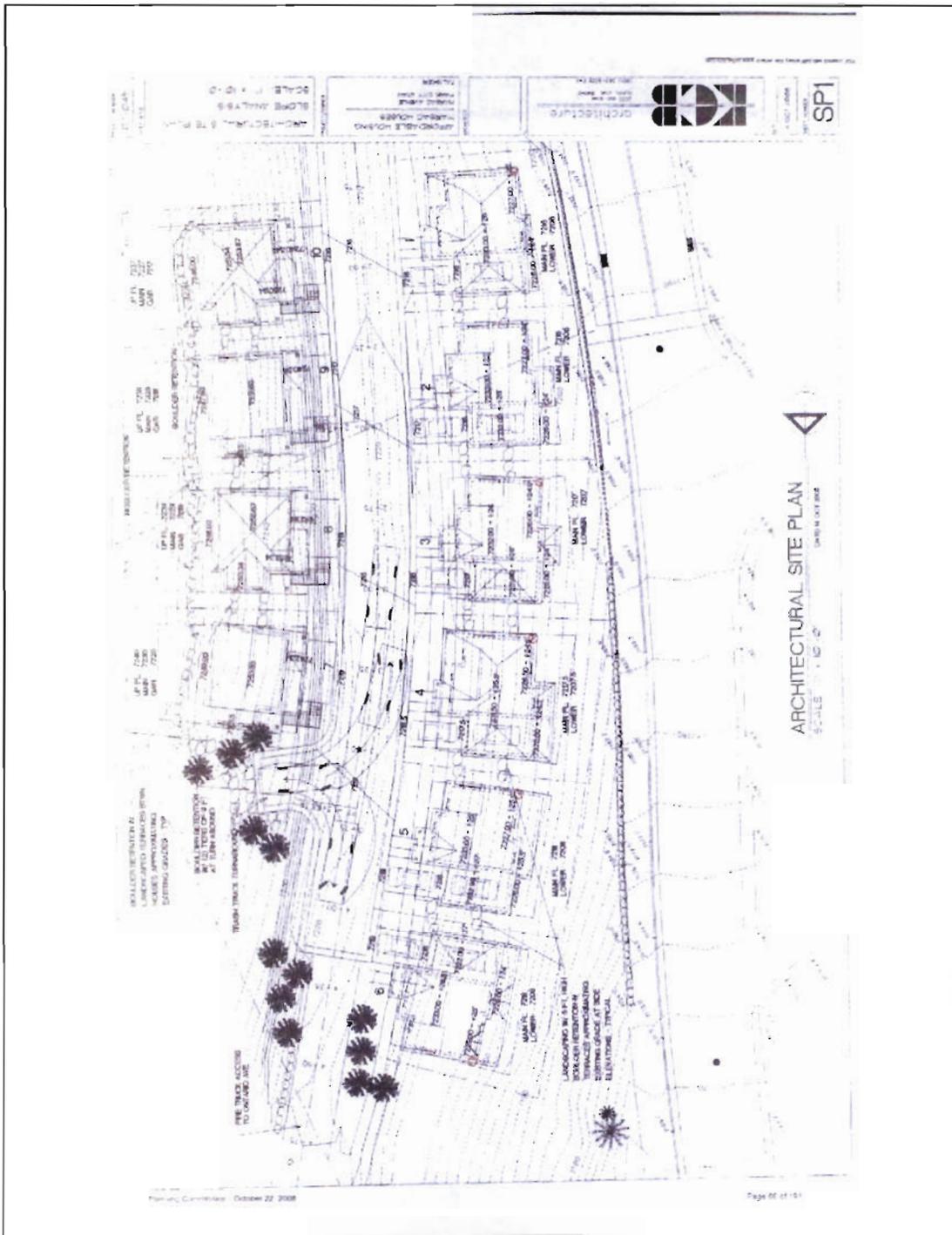




“At the time of the Steep Slope Conditional Use Permit and the Historic District Design Review, detailed landscape plans are required. This requirement is memorialized in a condition of approval” Staff Report to Planning Commission, Master Planned Development Approval July 9, 2008 Brooks T. Robinson,







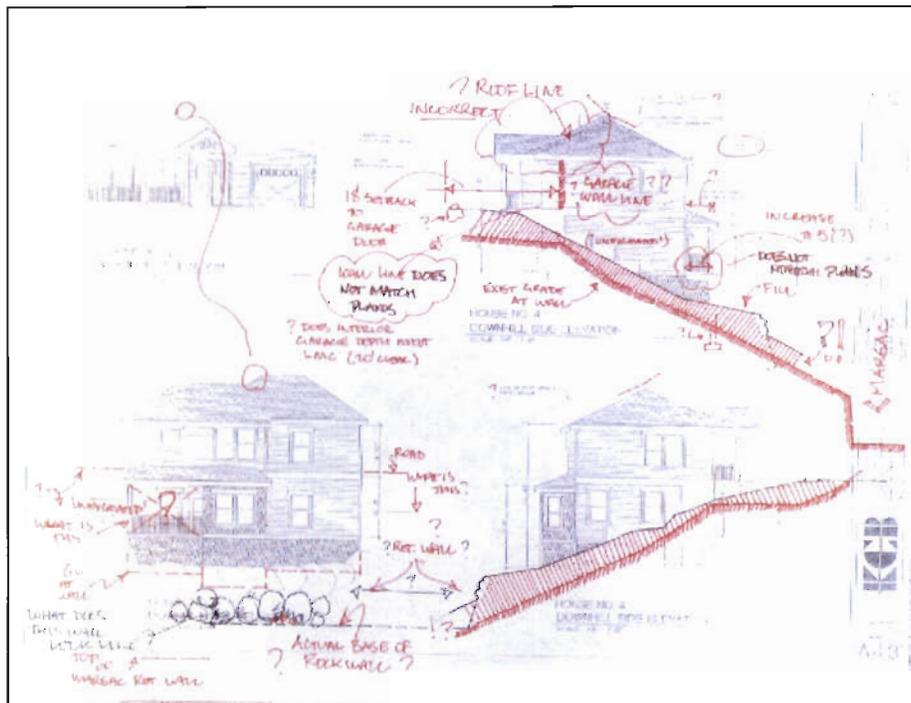
Architectural Site Plan from Oct 22 Steep Slope CUP approval (lapsed)
 Note lack of site work detail and lot information: No indication of retaining walls at rear of downhill units as shown on the elevations. No front lot lines shown (Subdivision ordinance requires 25' ROW). No lot dimensions. Truck turn around shows two nine foot high retaining walls with a 24' grade change. Construction for turn around and road extension encroaches into Open Space Parcel D (Verify with Subdiv map). Excavation and retaining East and South of Unit 10 will require encroachment into Open Space Parcel A. (see previous notes on Subdivision, Parcel A. boundaries are unclear but at 54,000 Sq would likely include all uphill units)

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Setbacks cannot be confirmed, property lines are not shown on the elevations
Garage wall appears to have moved several feet towards edge of ROW, location and elevation of which is inconsistent with the site plan and makes the tandem outside space non conforming



LMC allows a maximum grade change of four feet within the HR-1
Lack of site information and inconsistency within elevations prevents full analysis
Relationship of downhill Units with Marsac Ave should be carefully considered



Marsac Affordable Housing Subdivision
Units 1-10 Silver Hills Court

Notes in support of appeal to HPB of Staff Historic District Design Review:

Part I

“The purpose of this design review is to determine compliance of the proposed work with the **Land Management Code (LMC)** and substantial compliance with the **Park City Historic District Design Guideline.**”

Design Review Process for Properties in the Historic District Information Guide
Published by Park City Municipal Corporation

In addition to the general requirements of the LMC and Design Guidelines this project is also subject to the specific conditions imposed by:

Master Planned Development Agreement, approved by Planning Commission July 2008

Steep Slope Conditional Use Permit, approved by Planning Commission Oct 22, 2008

Subdivision Ordinance passed by City Council Nov 6 2008

A brief reference will be made to the impact of these approvals before reviewing the LMC and the Design Guidelines. Only those items pertinent to the Design Review will be addressed.

Masterplanned Development Agreement

MPD Condition of Approval #2.

"All buildings will be required to be reviewed under the Historic District Design Guidelines. The specific house designs shall be sufficiently different to provide variety and interest."

In May 2009 and in response to an objection from the appellants, Planning Staff attempted to justify the "replicative" nature of the designs by claiming there is no such requirement under the Historic District Design Guidelines. No other defense was offered. We read Condition #2 as requiring differentiation in design in addition to compliance with the Guidelines. As a result of the appeal HPB should determine if the unit designs are 'sufficiently different'.

MPD Condition of Approval #4

"A final water efficient landscape and irrigation plan that indicates snow storage areas is **required to be submitted with** the Steep Slope CUP or Historic District Design Review, whichever is first."

This may have been in response to applicant's previous failure to provide sufficient information for staff to make a prior determination of compliance of neighborhood compatibility. Reference Planning Commission meeting minutes June 11, 2008

"All **Master Planned Developments** shall contain the following minimum requirements in accordance with Section 15-6-5 of the Land Management Code...
"...(H) **LANDSCAPE AND STREETScape**...
...Unknown at this time as no landscape plan has been provided."

And July 9, 2008

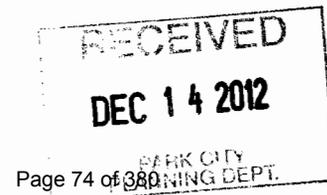
"At the time of the Steep Slope Conditional Use Permit and the Historic District Design Review, detailed landscape plans are required. This requirement is memorialized in a condition of approval"

Ovt 2, 2008 City Council hearing on the Subdivision,

"A landscape plan is required with both a Steep Slope CUP and the Historic District Design Review"

Submission of a detailed landscape plan is a condition precedent to a complete HDDR application. MPD condition #4 has not been met. At the time of staff determination of preliminary compliance in January 2009, no detailed site information was available for review. A continued lack of required application documents was noted by the appellants as late as April 2009.

"As of yesterday [April 28, 2009] the 10 files only had application forms and mailing lists."
E-mail Jamie Thomas to Assist City Atty. Polly McLean April 29 2009



Steep Slope Conditional Use Permit Oct 22, 2008

"Findings of Fact - 100 Marsac Avenue CUP - Units 1-6

1. The property is located at 100 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The approved plat created 10 residential building lots and four open space parcels.
4. Access to the lots from Marsac Avenue is via a private driveway (Silver Hills Court).
5. The minimum front yard setback for lots of this size is 10 feet.
- 6...12...
13. The proposed footprints are 746 to 910 square feet.
14. The total floor area of the ten buildings is 12, 275 square feet, representing 15 Affordable Housing Unit Equivalents.
15. The findings in the Analysis Section of this report are incorporated herein.

Conditions of Approval - 100 Marsac Avenue CUP - Units 1-6

1. All Standard Project Conditions shall apply.
- 2...
9. Building permit plans must substantially comply with drawings reviewed and approved by the Planning Commission on October 22, 2008.
10. This approval will expire on October 22, 2008, if a building permit has not been issued."

[Note, the Findings and Conditions above were copied from a previous Planning Staff report. The expiry date of October 22, 2008 noted as Condition of Approval 10 may reasonably be assumed to be a typing error. The separate approval for Units 7-10 show an expiration date of October 22, 2009. Steep Slope CUP approvals are normally valid for one year with an option to renew under certain strict conditions, we are advised that an extension has been requested.]

Condition #9 requires that final approved plans be in substantial compliance with the drawings approved by the Planning Commission.

Obviously the August 2008 application drawings do not comply in any way. The drawings submitted in Aug 08 are for different building designs, on differently sized and shaped lots, in different locations within the boundaries of a proposed sub-division, that had yet to receive a Preliminary Approval.

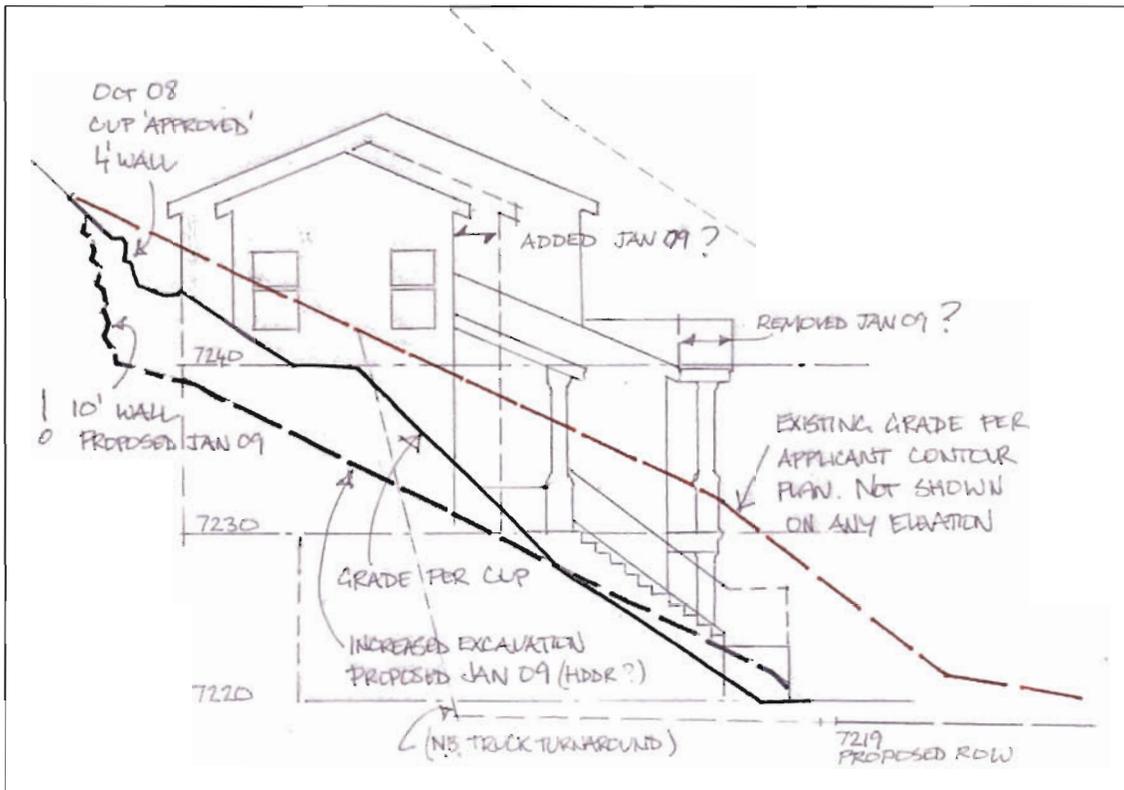
The revised drawings submitted in January 2009, show significant deviations from the proposals reviewed on Oct 22, 2008.

For example the uphill units (#7,8,9&10) are illustrated in the Steep Slope CUP drawing set (Staff report to Planning Commission, Oct 22nd 2008) as having a 4' high retaining wall to the rear of the units. In January 2009 this retaining wall was shown on the applicant's revised drawings at ten feet high.

Newly proposed retaining walls, two and one half times the height previously indicated with a corresponding drastic increase in excavation and site disturbance. This proposal is in startling opposition to contemporaneous proposals to amend the LMC. Proposals which were later adopted **and backdated to Oct 2008.**



Retaining walls over six feet high cannot be granted as part of an Historic District Design Review, unless previously permitted by an MPD or Steep Slope CUP. They may be granted as a Conditional Use subject to application and noticing requirements under LMC 15-4-2. Note also, this wall is continuous across the four uphill lots and will be required to wrap around the North side of unit 7 & and the South side of unit 10. This newly proposed wall will approach two hundred feet in overall length.



Unit Seven, North. Illustrating proposed grades and retaining wall to rear CUP, HDDR

Note also changes to face of building. Does this change the floor area (total 12 275sf) as noted in the 'Findings Of Fact'? Not normally critical for an HR-1 approval, under an affordable housing MPD, project density is calculated using unit equivalents (800sf) divided by project area. (NB 2.7 Acres per subdivision approval). This became a specific point of debate during the approval process. Councilor Jim Hier insisted on the Affordable Housing Unit Equivalents being stated within the analysis and findings.

Any increase in calculated floor area or reduction in calculated site area will result in an increase in the proposed project density. Also unique to an affordable housing MPD, if any additional bedrooms are created then additional parking spaces must be provided.

Illustration is a best estimate based on information contained in staff reports to planning commission. Verify with applicant drawings.

In the event that the approval granted on October 22, 2008 is no longer, ten new Steep Slope Conditional Use Permits will need to be applied for.



Subdivision Ordinance Nov 6th 2008

City Council Nov 6 2009

NOW, THEREFORE BE IT ORDAINED...

Findings of Fact:

- 1. The proposed Marsac Avenue Affordable Housing Subdivision is located at 100 Marsac Avenue and encompasses 2.7 acres...
- 2....3...
- 4. Four deed-restricted Open Space Parcels encompassing a total of 1.63 acres are proposed. ..
- 5...
- 6. Silver Hills Court is a 25-foot wide...
- 7 .. 8...9. ..
- 10. Parking in an Affordable Housing MPD is required at a rate of one space per bedroom...
- 11. .. 12. ..13...14...15...16. ..

Conclusions of Law:

- 1... 2...3...
- 4... Approval of the subdivision, subject to the conditions stated below

Conditions of Approval:

- 1... The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
- 3. All conditions of approval of the Marsac Avenue Affordable Housing Master Planned Development shall continue to apply.
- 4... 5... 6...7...8...9...

Note well: The Marsac Avenue Affordable Housing Subdivision, proposed Site Plan and Architectural Site Plan dated August 2008, do not reflect these "facts".

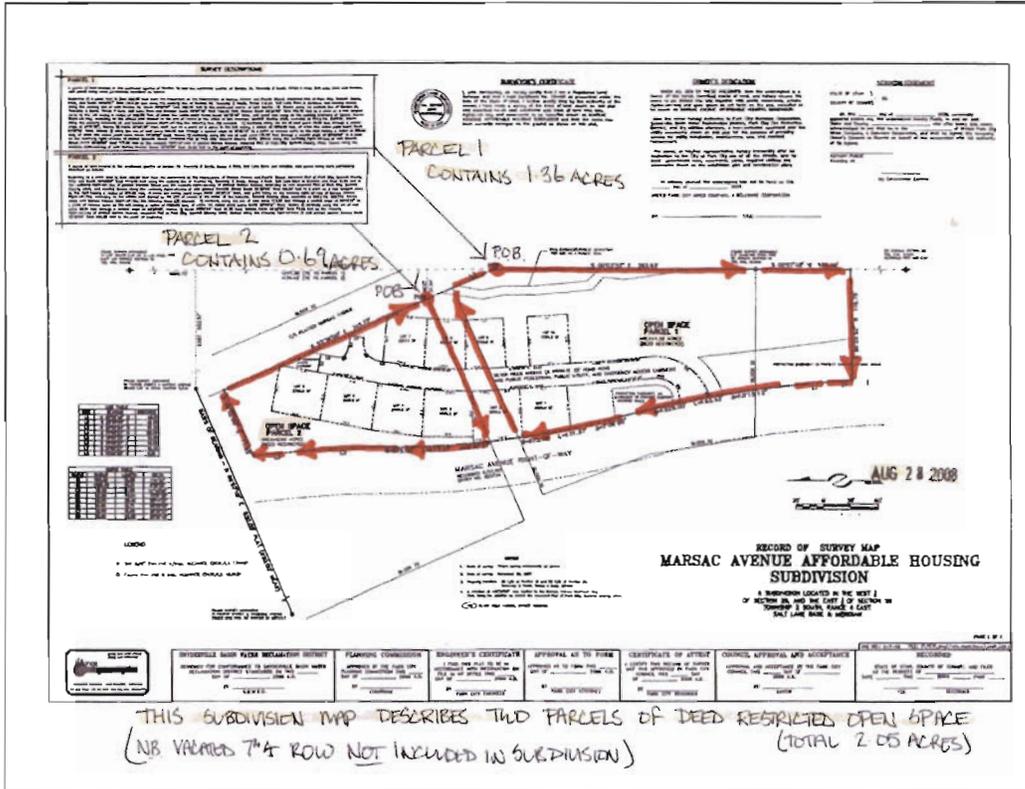
The proposed Record of Survey Map stamped August 28 2008, describes two parcels of land. The boundaries are detailed in a "Survey Description" and they are shown on the drawing as:

"OPEN SPACE PARCEL 1 Area =1.36 Acres (DEED RESTRICTED)".	"OPEN SPACE PARCEL 2 Area =0.69 Acres (DEED RESTRICTED)".
--	--

Because of a lack of clarity, the original Historic District Design Review application of Aug 28 2008, appears to be EITHER an attempt to build ten units of affordable housing in deed restricted open space, OR it was an invalid application, OR it was an incomplete application.

The August 2008 Subdivision layout, together with preliminary approvals granted by the Planning Commission for an associated Steep slope CUP, were rejected by the City Council in October 2008 when it was demonstrated (by the appellants to this design approval) that the proposed architectural layout and designs from Aug 2008 failed to meet LMC setback criteria (amongst others).

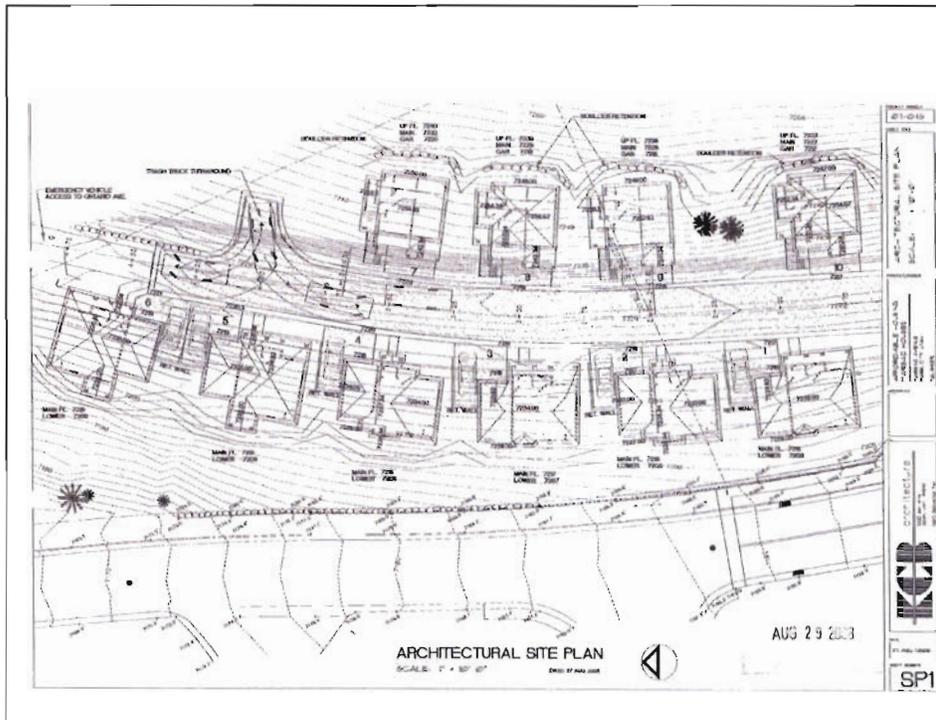




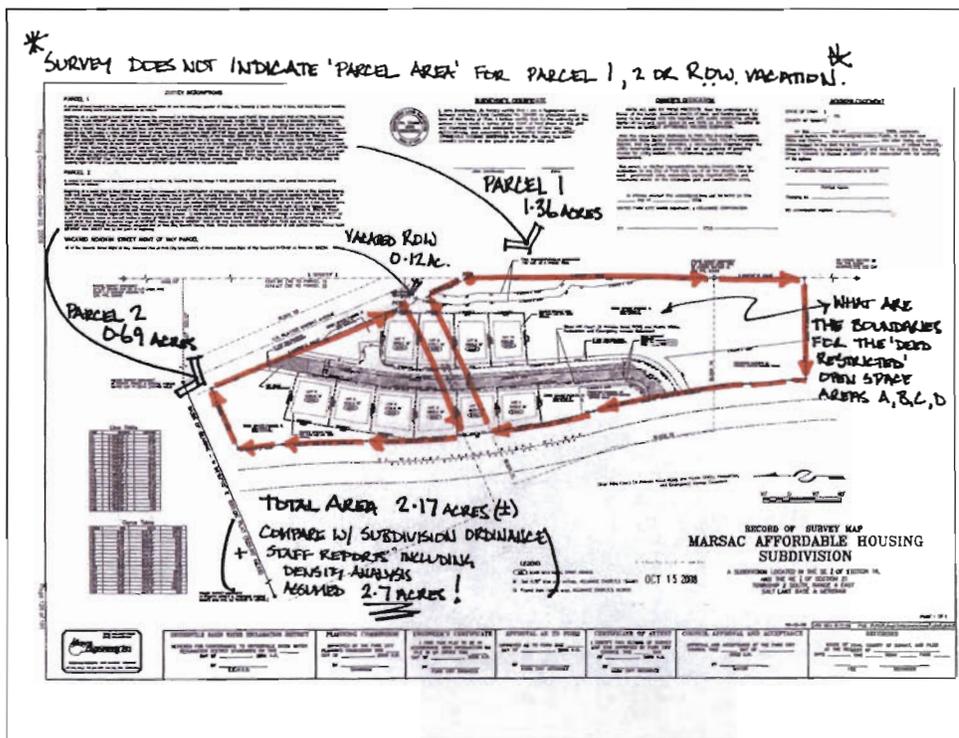
August 2008 Subdivision map shown above, with proposed units below



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PLANNING DEPT.



The original HDDR layout, rejected during Subdivision and Steep Slope CUP process. The revised plans Oct, 2008 and Jan, 2009 fail to resolve outstanding Subdivision issues. (Final Sub-division Oct 2008 below)



Outstanding issues on subdivision layout

Especially true with regard to a lack of clarity in the location and boundaries of the lots and the Deed- restricted Open Space parcels. For example; the access road shown on the Architectural Site Plan appears to encroach into the Deed Restricted open space parcel D. Also, Open Space parcel A is shown on the Subdivision map as containing over 54,000 Sq Ft. If as appears to be the case, the Open Space Parcel lies to the East of the Access road (uphill) then it must incorporate part or all of the uphill lots 7,8,9 &10. More detailed site information is needed to understand these issues

Detailed Site information is a requirement of the HDDR application. Staff cannot make a determination of compliance from the information provided. If for example the front lot line is assumed to be back of curb line indicated on the “Architectural Site Plan” (Oct 2008) then the proposed designs again fail to meet the setback requirement of the LMC. This plan (reviewed by Planning Commission on Oct 22, 2008) appears to show 24’ between front lot lines for the proposed lots. The information is unclear as no dimensions are provided. As a matter of Fact the Subdivision Ordinance requires a 25’ ROW.

Conditions of Approval

Per Condition 2, the application has not been recorded. The plat approval is now void.

However, continuing in the assumption that the Subdivision Ordinance was in effect during January 2009 at the alleged time of staff’s HDDR approval:
Per Condition 3, “All...conditions of MPD continue to apply.”

Absent the detailed site information required by Condition 4 of the MPD agreement the application remains incomplete.

A brief note on vesting.

“...Every plat shall conform to existing zoning regulations and Subdivision regulations applicable at the time of proposed final approval...”

LMC 15-7.1-5(I)

“...no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor.”

LMC 15-7.1-6(E)

The Historic District Design Review and Approval is dependent upon the existence of an approved plat. Subdivision regulations for the HR-1 district, including Historic District design review procedures, were amended by Ordinance with an effective adoption date of October 22, 2008. These design review procedures and other general requirements for the zone including height and setback limits, excavation and grading et al “shall be deemed a condition” for this application.



DESIGN GUIDELINES FOR NEW CONSTRUCTION IN PARK CITY'S HISTORIC DISTRICTS

Universal Guidelines

4. Building and site design should respect the existing topography, character-defining site features, existing trees and vegetation and should minimize cut, fill, and retaining walls

*Minimize cut fill and retaining walls...minimize
(see also LMC15-2.2-5 Max 4' grade change)*

8. New construction activity should not physically damage nearby Historic Sites.

NB There is an outstanding requirement for a preservation plan as part of this application

Specific Guidelines

A. SITE DESIGN

A.4. Site Grading & Steep Slope Issues

A.4.1 Building and site design should respond to natural features. New buildings should step down/up to follow the existing contours of steep slopes.

There is no stepping of the downhill units; the large 'unexcavated' volume below the garage floor is as yet unexplained. Uphill top level requires additional 10' setback over lowest level (LMC 15-2.2-5).

A.4.2 The site's natural slope should be respected in a new building design in order to minimize cuts into hillsides, fill and retaining walls; excavation should generally not exceed one-story in depth.

4.3 When retaining walls are necessary, the impact should be minimized by creating gradual steps or tiers, by using perennial plant materials to minimize visual impact, and by using forms and materials found on surrounding Historic Sites.

A.5. Landscaping

A.5.1 Landscape plans should...

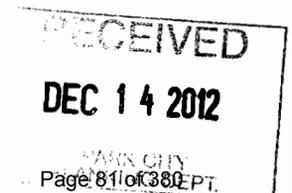
A.5.2 Landscape plans... *There is an outstanding landscape plan requirement necessary for a 'complete' application*

B.2. Key Building Elements

Foundations

B.2.1 Generally, no more than 2' of the new foundation should be visible above finished grade

*See downhill units, walls typically on downhill side and especially 'inflated foundation' (?) wall below garage floor
Also, in discussing this area below the garage "...representing Talisker noted that the space would not be livable or visible from the outside" (Oct 22 PC meeting minutes) we still do not understand this.*



Roofs

B.2.2 Roofs of new buildings should be visually compatible with the roof shapes and orientation of surrounding Historic Sites.

Citizen comments from surrounding historic neighborhood made reference to this during prior hearings eg "In looking at the presentation this evening, it struck her that none of the roof lines look like Old Town. She believed the articulation and the revisions the applicant made have helped, but all the roof lines look flat from across the street." Liza Simpson as quoted in PC meeting minutes Oct 22 2008

B.2.3 Roof pitch

HR-1 Zoning requires pitches to be between 7/12 and 12/12 (LMC 15-2.2-5)

B.2.7 Synthetic materials such as fiber cement or plastic-wood composite siding, shingles, and trim should not be used unless 1) the materials are made of a minimum of 50% recycled and/or reclaimed materials and 2) the applicant can demonstrate that use of the materials will not diminish the character of the neighborhood.

Under 1983 guidelines these materials will not be allowed

B.2.9 Windows and doors should be proportional to the scale and style

D. OFF-STREET PARKING AREAS, GARAGES, & DRIVEWAYS

D.1. Off-Street Parking Areas

D.1.2 If locating a parking area in the rear yard is infeasible, the off street parking area and associated vehicles should be visually buffered from adjacent properties.

D.2. Garages

D.2.2 If the lot size dictates that the garage must be located above, below, or adjacent to the primary living space, its visual impact should be minimized.

D.2.3 Single-width tandem garages are encouraged. Side-by-side parking configurations are strongly discouraged; if used, they should be visually minimized when viewed from the public right-of-way.

D.2.5 Carports should be avoided.

The next section is a brief selection of previously presented illustration with short notes as a summary review



Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 1

Guideline 68: Avoid designs that imitate historic styles

- | | |
|----------|--------------------------------------|
| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

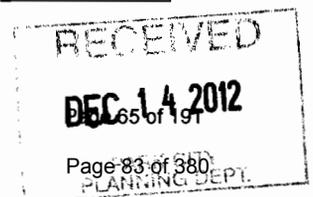
- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, "repetition along the street contributes to the visual continuity of the block". Five foot high boulder retaining walls are proposed between units 1 and 2. This project is not part of a typical street block



(like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

- | | |
|----------------|---|
| Complies | Establishes a pedestrian scale |
| Complies | Façade has similar width and height to those found elsewhere on the street. |
| Complies | Consider breaking up façade into smaller components |
| Not applicable | Consider ways to minimize the visual impact on the street where heights exceed the norm on the street |

Comments: Lot 1 is 47 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a double wide lot found elsewhere in Old Town. This building has a one story front elevation with a covered porch, front door under a gable element, and a single car garage door set back from the front wall plane.

Guideline 72: Maintain the typical spacing pattern of street facades

- | | |
|----------------|---|
| Not applicable | Considers the relationship between the new building and existing buildings. |
|----------------|---|

Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

- | | |
|----------|--|
| Complies | Ridges set perpendicular with the street will minimize the mass of roof material visible from the street |
|----------|--|

Comments: The main ridge for Unit 1 is parallel to Silver Hills Court and Marsac Avenue due to the nature of the lot configuration being wider than it is deep. The ridge is hipped on either end, lessening the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof is hipped similar to other roofs in this development with a pitch of 6:12 (front to back) and 8:12 (hip).

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: A front porch across the south half of the house is proposed.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

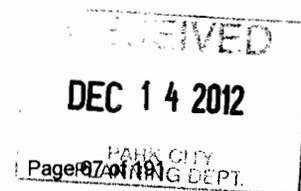
Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 1 complies and utilizes the front yard set back exception for a porch not more than ten feet wide projecting not more than 3 feet into the front yard.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Tandem parking with one space in a garage and one space on the driveway is proposed.



Please find following some information regarding the Design of 100 Marsac Ave.

It is not intended as a Historic Design Review as that is not our responsibility.

We seek only to have the project adequately reviewed before it is approved.

To date this has not been completed.

As additional references please use our original HPB submission and the BOA submissions for context and relevance.

Units 1,2,3,4,5,6,7,8,9,10 Silver Hills Court

The following comments are mainly restricted to the 1983 Historic District Design Guidelines

68 Avoid historic styles

69 Reconstruction

70 new retaining walls...

According to this requirement new walls should match the form, texture and color of existing historic walls.

The August 29 2008 application has serious discrepancies between the individual building elevations and the requirements for retaining structures evidenced by the site plan.

The Architectural site plan of August 29 2008 indicates concrete (assumed) retaining walls between the downhill units in order to accommodate side yard parking areas. Boulder retaining walls are shown behind the uphill units running the length of the developed lots. These boulder walls are shown to be approx four feet high on the building elevation drawings in the application. This entire plan was revised prior to the approval of the subdivision as (amongst other issues) it was demonstrated that the proposed layout failed to meet setback criteria.

No new site plan(s) is included in the HDDR file. No analysis possible.

The October 8 Architectural layout (not part of the application) has no retaining structures shown to the down hill units.

The October 14 Architectural site plan (not part of the application) shows two tiers of five foot retaining walls between the downhill units. The truck turn around on the uphill side indicates two tiers of nine foot high boulder retaining walls. However the contours indicate a twenty four foot level change in this location. Boulder retaining walls are indicated in the side yards of the uphill units but no corresponding details appear on the building elevation drawings. The rear boulder walls appear to be, as before, approx four feet high.

The only drawings added to the Historic District Design Review file, dated January 2009, show the rear of the uphill units with boulder retaining walls in excess of ten feet.

This is discouraged by the Historic District Design Guidelines (current and pending) and is in conflict with the LMC requirements for retaining walls to be less than six feet high in the rear (or side yards).

This item of the Historic District Design Guidelines alone raises significant concerns regarding the suitability of the entire project. One of the stated purposes of the proposed site design was a respect for the historic retaining walls currently existing on site. The proposed walls, indicated as massive boulders, tiered up to ten feet high cannot meet this design criteria. These walls do not conform to the drawings submitted at CUP approval and would need separate approvals. As drawn they satisfy neither HDDG nor LMC criteria.

Specifically with regard units 6 (downhill) and 7 (uphill), chosen because they are closest to Ontario Ct, retaining walls shown on the revised elevation drawings do not match those indicated on any site plans available in the HDDR file. The elevations themselves are inconsistent with each other.

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Note pending Historic District Design Guidelines: A4. Site Grading and Steep Slope Issues.
Note recently revised LMC criteria limiting grade changes to a maximum of four feet.

#71 Façade widths

“Typically 15 to 20 feet wide” As these are wider than historically found, one would expect a staff report to comment on the suitability or otherwise. There is no staff report.

#72 Spacing

The application drawings do not represent the current approved site layout. No supplemental site drawings exist within the HDDR file. The original site layout failed to meet minimum LMC regulations. (Note the guidelines do make specific reference to the need to satisfy LMC). The Staff report on HDDR should indicate why this has been approved as the only evidence available in the file is contrary.

#73 Roof orientations

The guidelines refer to typical orientation perpendicular to the street except for a single story house with a full width porch. Whilst this may or may not be relevant in this case a staff report should at least comment on this failure to comply.

#74 Roof slopes

The guidelines refer to a traditionally “steep roof pitch”. The application drawings have no reference to the designed roof pitch. (normally a required piece of information for applications within the HR-1).

The latest code changes supported by HPB, Planning Commission and City Council require a minimum roof pitch of 7:12.

#75 Porch orientations

#76 Entrance orientations

#77 Setbacks

(reference is made to LMC, again reinforcing the idea that HDDR includes LMC provisions)

The application set of drawings show a site plan that is inconsistent with the subdivision approval. No current site plan exists within the HDDR file. Setbacks cannot be determined from the information provided. None of the building plans (known to superseded from those in the application but not updated within the file) contain information relating each unit to its lot. This is inconsistent with the requirements of the application and normal HDDR methods.

#78 Minimize visual impact of parking

Is this achieved by the open car ports provided with the uphill units?

(Note pending guidelines for new construction “D2.5 Carports should be avoided”)

#79 Ratio of wall to window

#80 Materials “Aluminum vinyl and other synthetic materials will not be approved”

The application drawings indicate aluminum soffit and fascia and Hardiboard siding.

The revised elevations (Jan 09) indicate Hardiboard siding soffit, fascia and shake accents. A ‘simulated wood’ garage door is shown. This “...will not be approved...”

#81 Ornamental siding

Indicated as Hardiboard shake see above

#82 Contemporary interpretation of ornament

Hardiboard clad columns in a neoclassical style?

#83 Window proportions

#84 Door and window sizes

Unit 8, revised elevations indicate a prominent elliptical window on the front façade. This is

We would suggest a staff report unique to each unit be provided, as is typical with other applications, detailing the relevant guidelines with a brief response to each. For example Unit #9 horizontal siding is labeled on the revised drawings of Jan 09, however vertical siding is drawn. This problem is specific to this unit not the remainder. What is being approved if anything? Another very disturbing element is that the 27' ht line indicated on the revised side elevation view of units # 7(north), 8(north), 9(north incorrectly labeled, the elevation shown is South), 10(north), is in fact identical. Not similar but identical. This would appear to illustrate that the elevation drawings are not site specific. Whilst repetition of plans has been known to occur it is doubtful that the lots themselves have identical topography. If the drawings required at application are submitted ie site plans and sections the impact of this misleading information can be properly analyzed. Until then the project should not be 'approved'.

A blanket approval of ten houses announced by a letter from staff, finding compliance yet unsupported by any analysis available from information contained within the files is indefensible.

LMC (pre Oct 22 2008)

15-2.2-3 Lot and site requirements

The August 2008 application failed to meet LMC criteria regarding setbacks. There are no revised plans in the HDDR file.

We are aware that the lot configuration changed. There are no certified topographic boundary surveys in the HDDR file.

It is impossible to check this requirement given the information provided.

The revised elevations (Jan 2009) show for example a discrepancy between the front elevation of unit #7 and the side elevation (south) regarding the sloped retaining wall in the side yard. There are no corresponding site plans. This wall appears to be over four feet high which would be a breach of the LMC

The excavation between the units extends across the lot lines, this is atypical of Historic District development and not normally allowed. This excavation is required to create a window well or escape well, for the side elevation windows of the uphill units. LMC 15-2.2-3(I) limits this excavation to max of four feet into the side yard. The proposal does not meet side yard setback criteria.

The existing grade at the lot lines would be normally be unchanged. The HDDR site plan does not indicate the level of excavation required.

15-2.2-5 Building Height

Whilst the buildings appear to meet this criteria, the Existing grade is not marked on any of the revised elevation drawings. The August 2008 architectural site plan has been superseded. There are no certified topographic boundary surveys in the HDDR file. This requirement cannot be confirmed using the information provided.

15-2.2-6 Steep Slope (see also notes previously supplied to the Planning Commission during the steep slope CUP process)

(1) Location of Development

Fails. Previous iterations of this project had demonstrably lesser visual and environmental impacts. The current proposal increases rather than reduces the impacts.

(3) Access. Previous iterations of this project had a driveway 200 ft shorter than the one currently proposed. How can the grading have been minimized?

(5) Building location. To demonstrate compliance the applicant should provide existing and proposed grade information on the elevation drawings. The cut and fill has not been minimized with this proposal. Indeed the cut to the rear of the uphill units appears to have increased with the revised elevation drawings, over those supplied to the Planning commission at CUP and is greater than the original proposal.

No section drawings were provided with the application. This is a requirement of the application.

15-2.2-8

(B) Notice.: Staff contend that the written notice under 15-1 is a courtesy notice. This is a stricter requirement and is not optional. The Code speaks for itself. In case of conflict the stricter provision applies

(C) Appeals: 15-11-11 requires appeals to go to the Planning Director prior to referral to the HPB. Please clarify. Which version of the LMC applies?

Also 15-11-11 requires the staff to make written findings supporting the staff approval of this project. There are no staff reports in the HDDR files (as of April 28 2009)

LMC Post Oct 22 2008

Upper level of uphill units is required to be setback a minimum horizontal distance of ten feet from the level below on the downhill side.

Grade cannot change by more than four feet.

The application was incomplete when submitted. The applicant knew this. Staff knew this. The application cannot possibly have been complete prior to Oct 22 2008 as the lot configuration had yet to be determined. This layout was first recommended for approval on Oct 22 by the Planning Commission. This is the first time it would be possible for a certified topographic boundary survey to have been prepared. (this would remain a proposal until ratified by City Council).

An incomplete application prepared for the purpose of vesting under a code which is to be changed is null and void.

Hardship appeals by other applicants have fallen on deaf ears in this regard. The City should either enforce the provisions of the new LMC or abandon them.

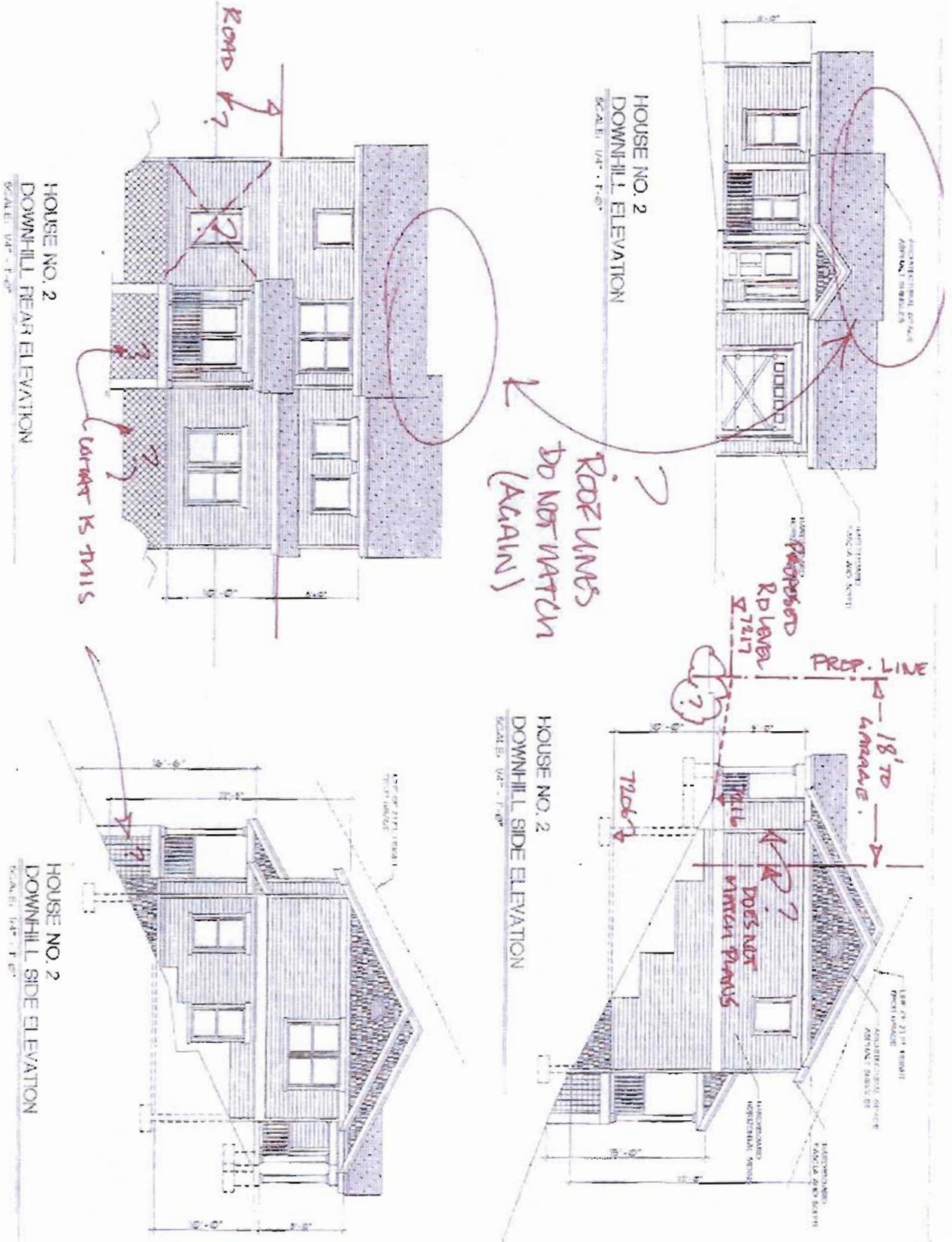
Please see various Units with notes attached.

Unit #6 note down hill side and downhill rear. The rock retaining structures do not align, match, and correspond whatever. There is no plan detail of the extent of retaining structures required. This will be very significant, a major impact on the site, highly visible. Also the rear elevation, lower level. The single window on the right lower level is below the garage in an area marked unexcavated on the plans for HDDR review. Is the intent to make this habitable space? How do we guarantee no increase in use over that which was approved?

Unit 7 front elevation. The existing grade at the front door is above the top of the door. How is this cut retained? "wells" are only allowed four feet into the side yard setback, see similar problem on all uphill units where window wells will be required for the windows in the side elevation. AS illustrated it must breach LMC side yard setback requirements. The 10'high walls to the rear are in breach of LMC re max 6' high walls. These walls were previously shown at four to five feet high. The sloping wall shown on side elevation south is not shown on the front elevation drawing.

Unit 9 sim unit 7 but: "Hardiboard horizontal siding" is noted on the drawings. Vertical siding is drawn. Synthetic sidings are not allowed by the Guidelines which state "will not be approved" what is the orientation?

These are typical comments that can be applied to all the units to a greater or lesser extent. The staff do not appear to have addressed any issues? There is seemingly little evidence to suggest that a staff review has taken place.



<p>KCB architecture 3011 New Ave Bakersfield, CA 93306 (805) 333-3226 Fax</p>	<p>PROJECT: AFFORDABLE HOUSING MARRIAGE HOMER</p>	<p>PROJECT: DOWNHILL ELEVATIONS HOUSE NO. 2 SCALE: 1/4" = 1'-0"</p>	<p>DATE: 1 JAN 2009 SHEET NUMBER: A2.3</p>
	<p>ADDRESS: MARRIAGE AVENUE MARRIAGE CITY, TEXAS CALIFORNIA</p>	<p>DATE: 1 JAN 2009</p>	<p>DATE: 1 JAN 2009</p>

1983 HISTORIC DISTRICT REGULATIONS

#70 RETAINING WALLS

#74 ROOF PITCH

#80 ... "SYNTHETIC MATERIALS WILL NOT BE APPROVED"

LMC

SIDEYARD EXCAVATION OR WINDOW WAY!

DOES NOT MEET LMC SIDEYARD EXCAVATION

EXC. REQUIRED ACROSS ENTIRE LOT -

ALL UPHILL LOTS + BOARD EACH SIDE 2'0" ±

ARCHITECTURAL GRADE ASPHALT SHINGLES

HARD BOARD FANGLA AND SCOFFIT
HARDBOARD HORIZONTAL SIDING

HARDBOARD SHAVE TRIMMED AT GABLE END

ALUM. CLAD WOOD WINDOWS W/ HARDWOOD TRIM, MULL AND HEADER DETAILS - SEE WINDOW TYPES

PERMITS GUIDELINES
A 4 SIDE GRADUAL
D 2.5 CAR PORTS.

LMC SIDEYARD RETAINING WALLS
GRADE BEB. NOW LIMITED TO 4' CHANGE (PER Oct 08)

PER Oct 22 'SITE PLAN'

22'-9" ±
23'-4" ±

EXISTING GRADE AT WALL LINE

PROPOSED NEW ROAD LEVEL

ARCHITECTURAL GRADE ASPHALT SHINGLES

CHANGE FROM UP?

2X6 STAINED CEDAR PORCH RAILING - SEE DETAIL 'XX'

BOXED COLUMN UNPAINTED W/ HARDBOARD SIDING - SEE DETAIL 'XX'

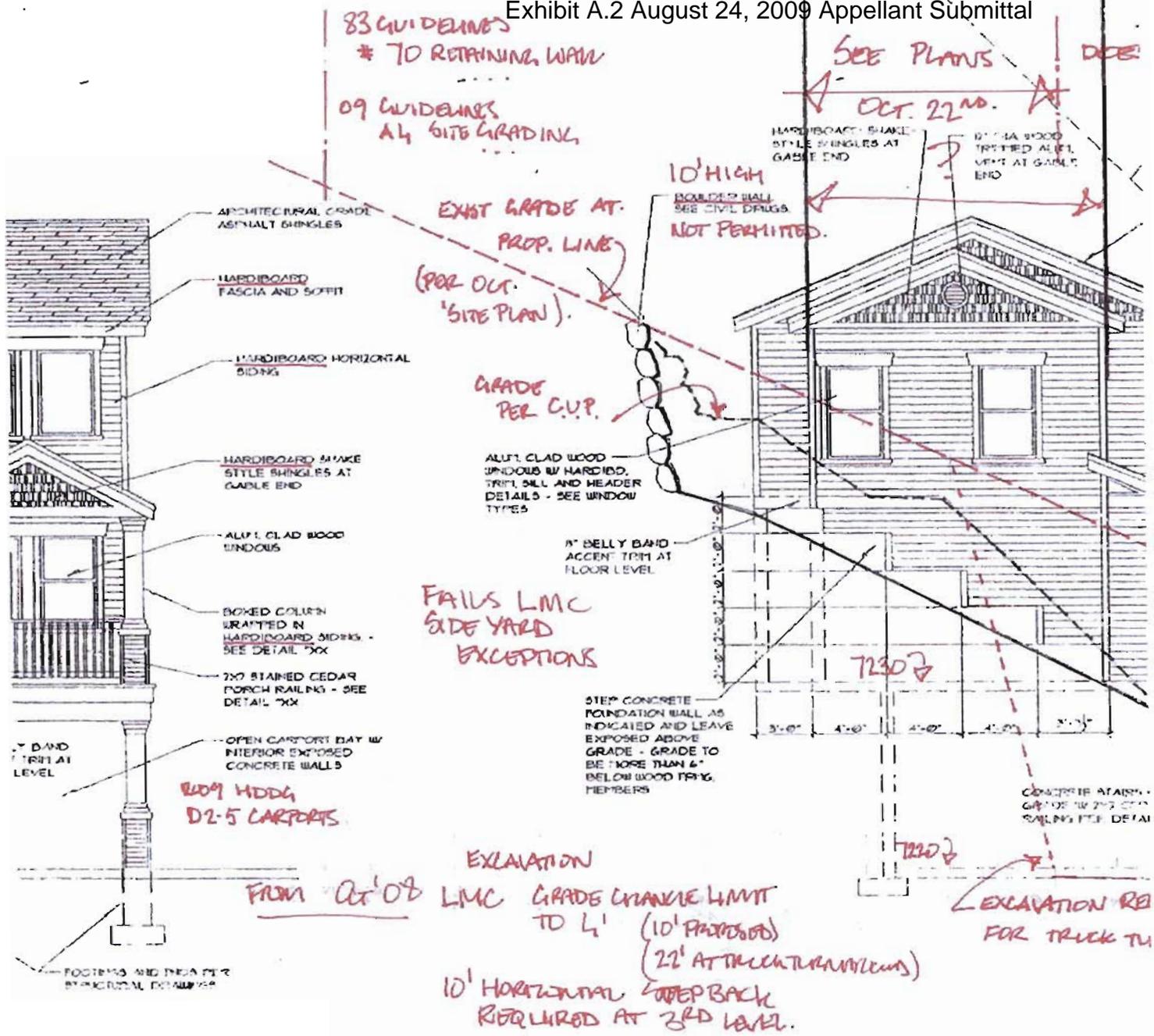
SLOPED RETAINING WALL AT SIDE OF CARPORT BY TOP OF WALL AT ABOVE FINISH GRADE - SEE CIVIL GRADING PLANS

7220 (PER 'SITE

EAST
NO. 7

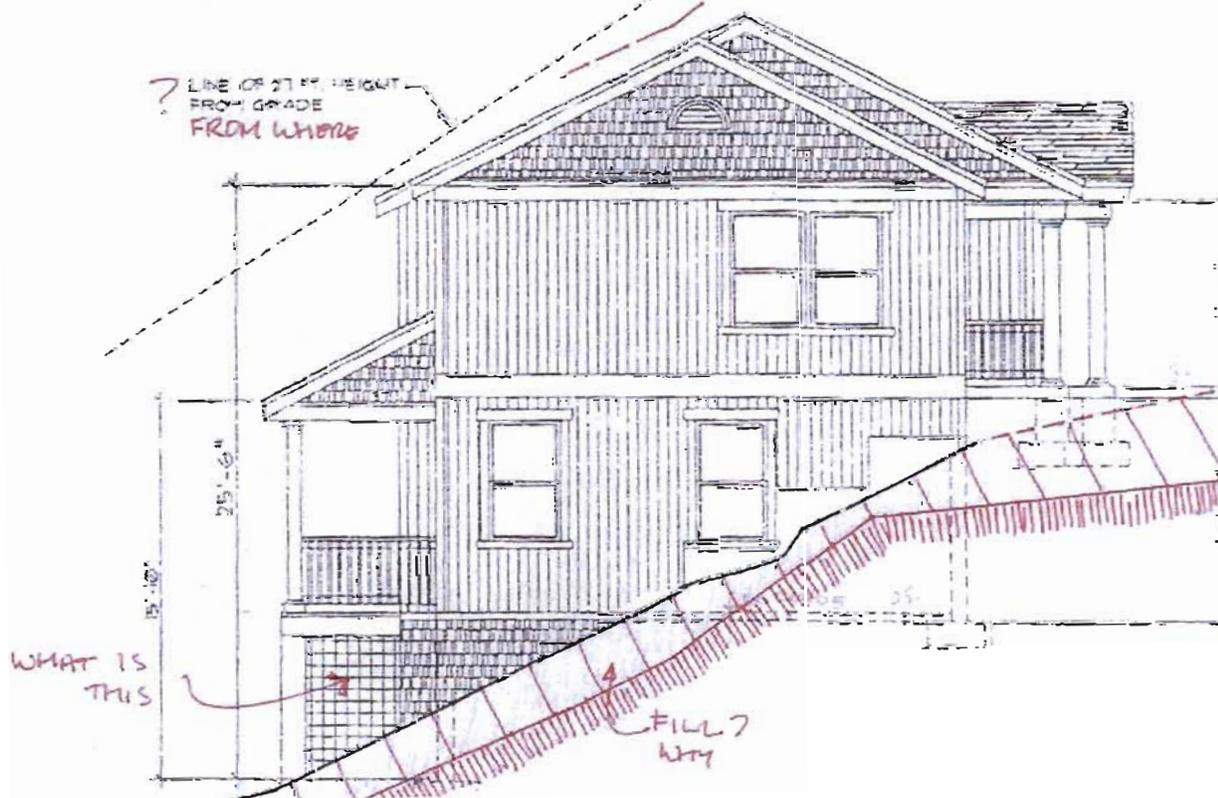
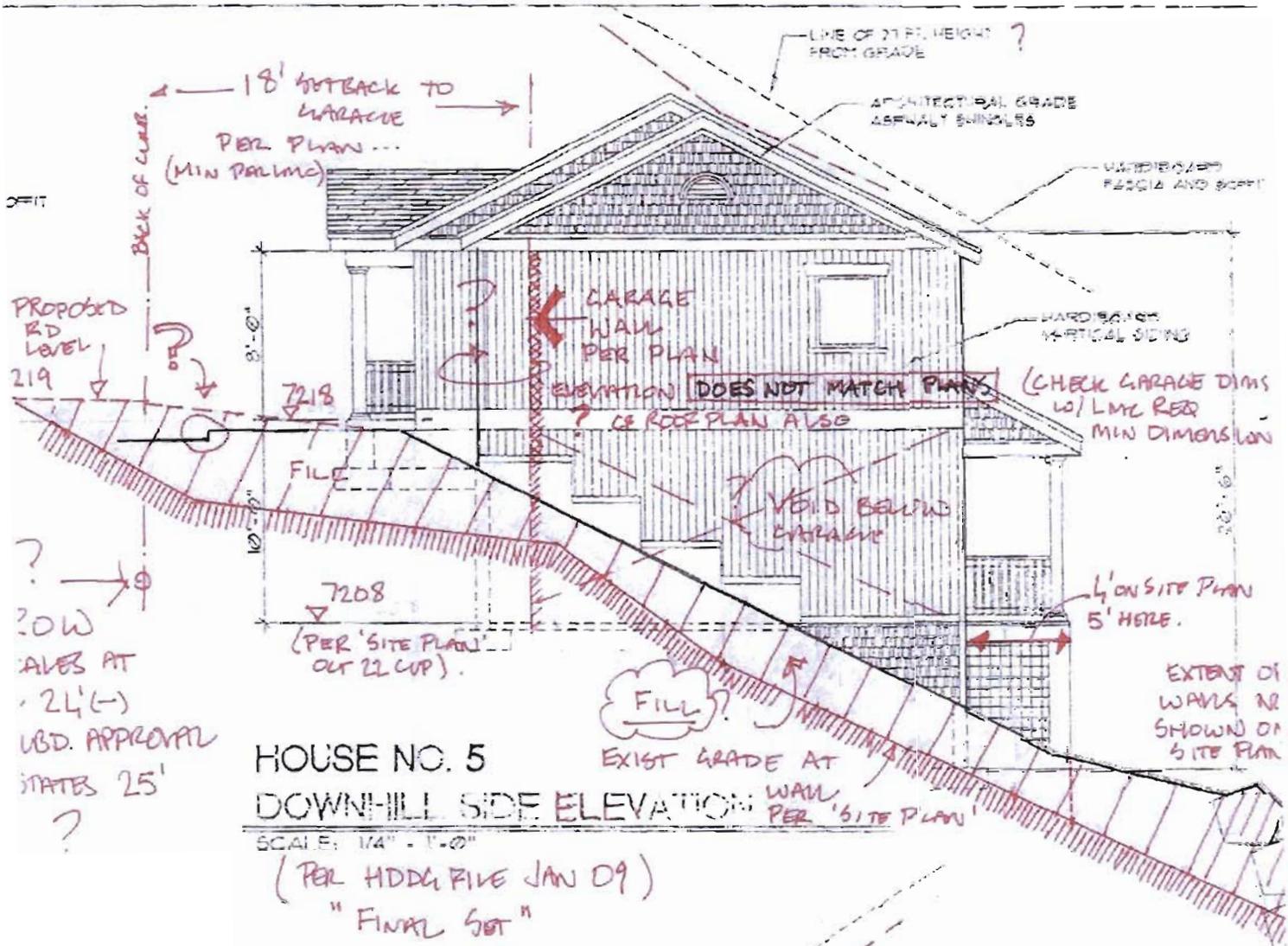
SIDE ELEVATION - UPHILL

SCALE: 1/4" = 1'-0"



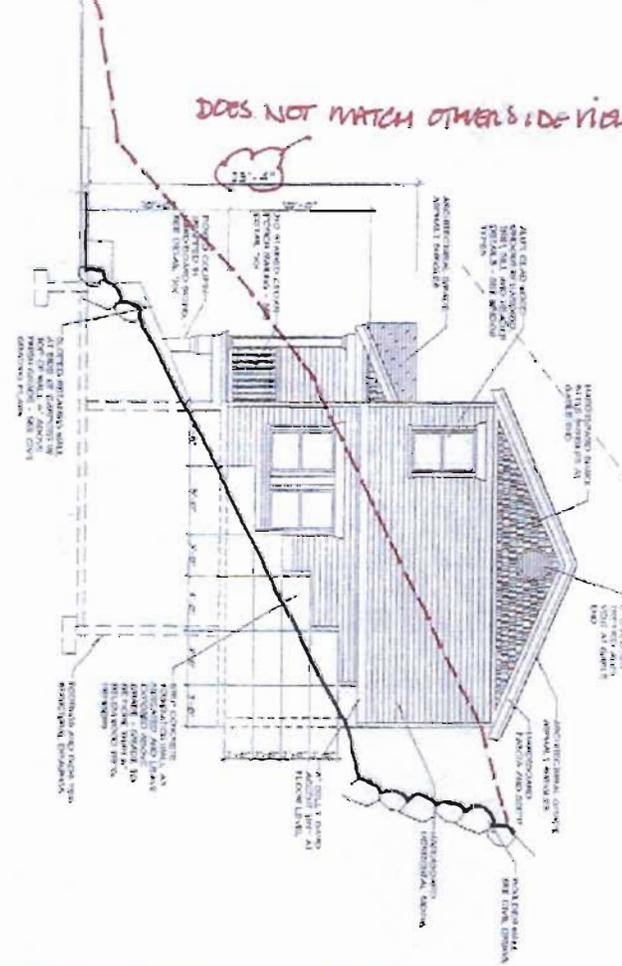
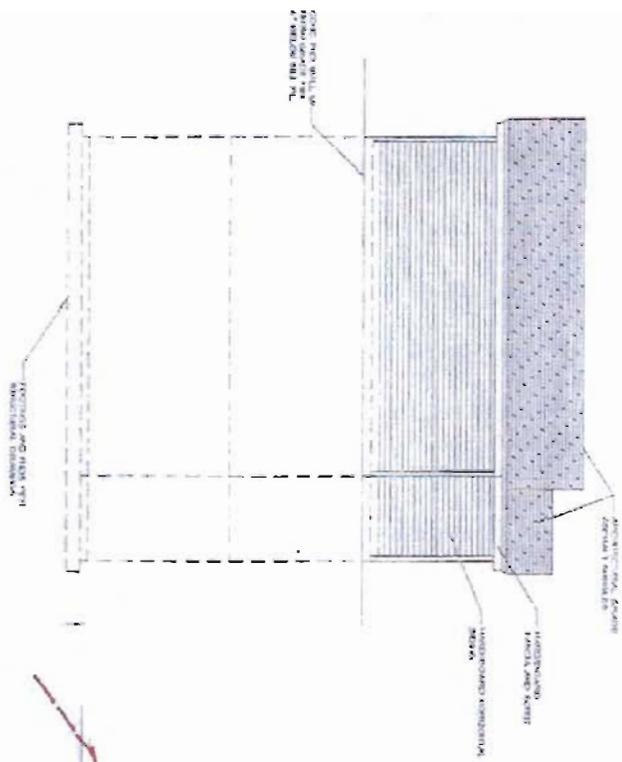
UNIT - WEST

SIDE ELEVATION - UPHILL
SCALE: 1/4" = 1'-0"



REAR ELEVATION - UPHILL UNIT - EAST
SCALE: 1/4" = 1'-0"

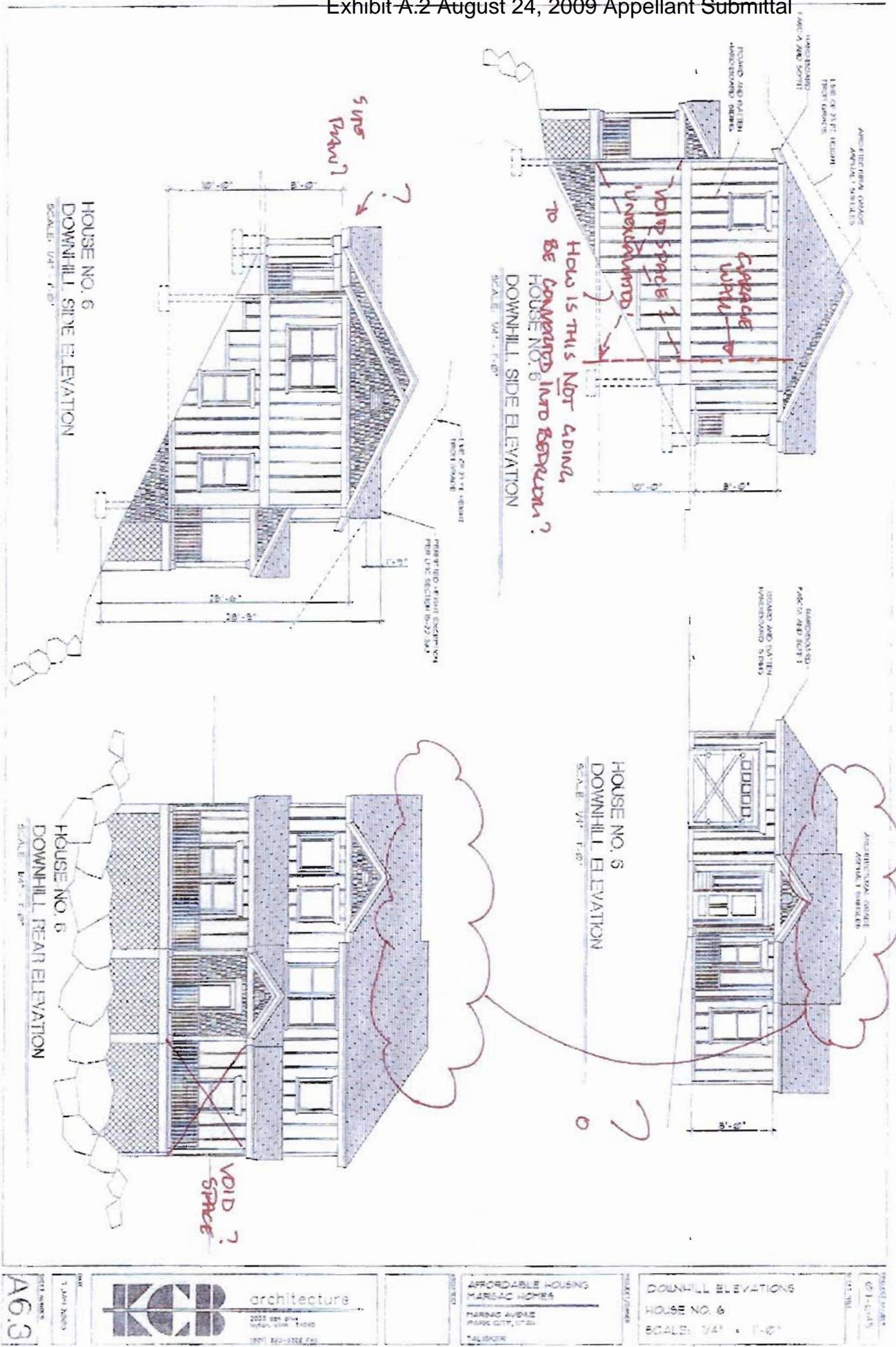
SIDE ELEVATION - UPHILL UNIT - SOUTH
SCALE: 1/4" = 1'-0"



DOES NOT MATCH OTHERS IDE VIEW.

REAR REMAINS W/ W 10' HIGH BRICKER WALL. (LIE CURP).
SIDEYARDS - 10' EXCAVATED (DEEP), FULL WIDTH OF SIDEYARDS
- FAILS LMC SIDEYARDS 'EXCEPTIONS'

	<p>W.A. architecture 2020 4th Street Cottonwood, AZ 86301 (928) 283-5156 FAX</p>	<p>SILVER HILLS COURT AFFORDABLE HOMES 100 MARINO AVENUE MARIANA CITY, TEXAS TALISKER MOUNTAIN, INC.</p>	<p>UPHILL ELEVATIONS HOUSE NO. 7 SCALE: 1/4" = 1'-0"</p>
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<p>PROJECT NUMBER: A6.3</p>	<p>DATE: 7/20/2009</p>	<p>KB architecture 2035 8th Ave Salt Lake City, Utah 84143 801-462-3322/344</p>	<p>PROJECT NAME: AFFORDABLE HOUSING MARSAO HOMES MARSAO AVENUE PARK CITY, UT 84301 TALISKER</p>	<p>PROJECT NUMBER: 07-1-0115 DATE: 7/11/09 DOWNHILL ELEVATIONS HOUSE NO. 6 SCALE: 1/4" = 1'-0"</p>
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LANDSCAPE DETAILS PLEASE PER MPD CONDITIONS

BOULDER RETENTION IN LANDSCAPED TERRACES BTWN. HOUSES APPROXIMATING EXISTING GRADES - TYP.

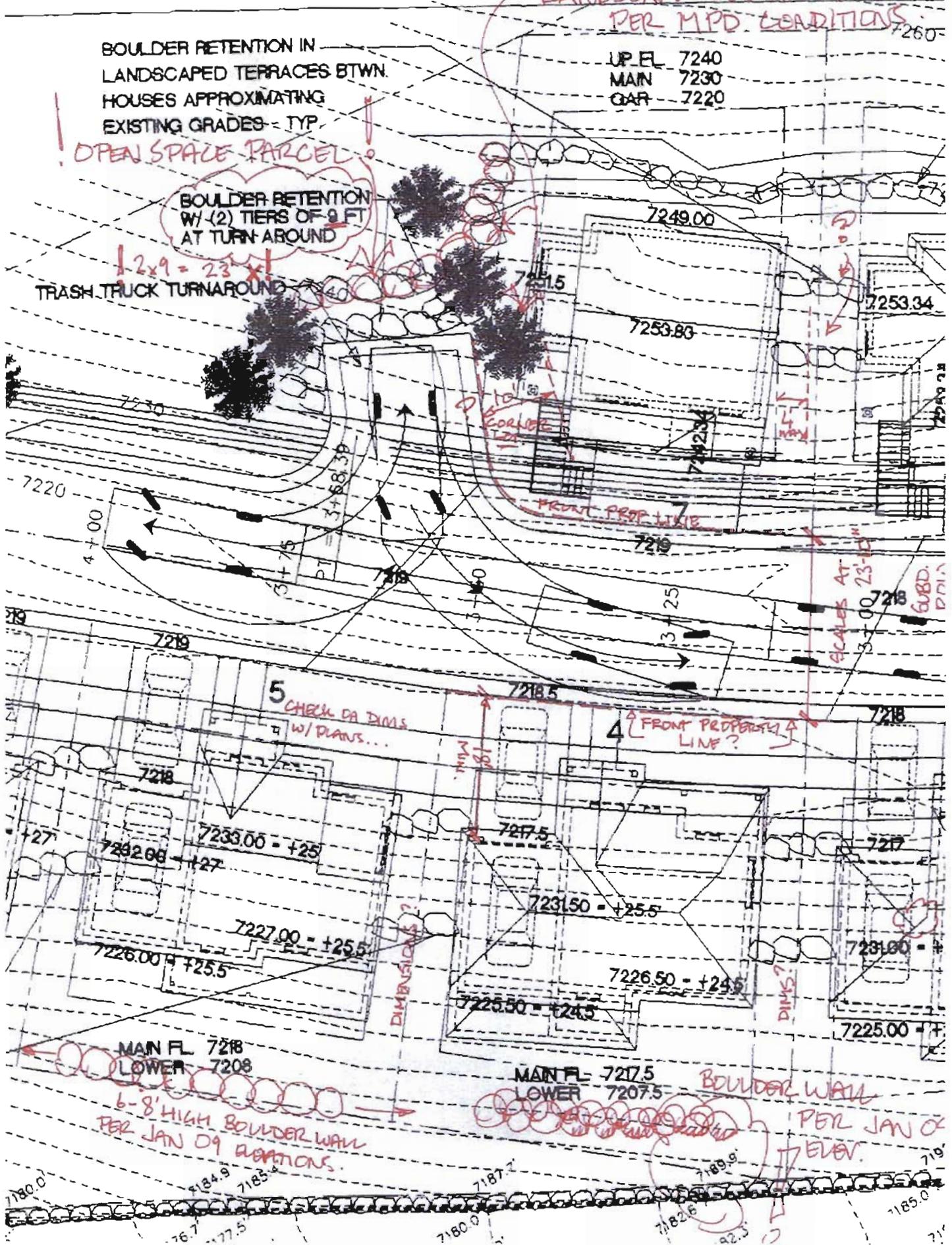
UP FL 7240
MAIN 7230
GAR 7220

! OPEN SPACE PARCEL !

BOULDER RETENTION W/ (2) TIERS OF 9 FT AT TURN AROUND

2x9 = 23'

TRASH TRUCK TURNAROUND



7230
7220
4'-00
3'-68.39
6'-75

7249.00

7251.5

7253.80

7253.34

7219

SCALES AT 1/8" = 1'-0"

5 CHECK ON DIMS W/ PLANS...

4 FRONT PROPERTY LINE?



7219
7218
+27
7232.00 +27
7233.00 +25
7227.00 +25.5
7226.00 +25.5

7218.5

7231.50 +25.5

7226.50 +24.5

7225.50 +24.5

7231.00 +24.5
7225.00 +24.5

MAIN FL 7218
LOWER 7208

MAIN FL 7217.5
LOWER 7207.5

6-8' HIGH BOULDER WALL PER JAN 09 CONDITIONS.

BOULDER WALL PER JAN 09 ELEV.



As you can see there are some significant design issues with regard to the LMC and Historic Design Guidelines.

As mentioned earlier it is not an exhaustive list but should provide enough questions to prompt a more complete review.

We would be glad to elaborate and or supplement the information provided at the HPB meeting as the HPB sees fit.

Thank you for considering this very significant project in Old Town.

Yours sincerely,

Kathleen and Jamie Thomas
Leslie and Jeffrey Edison

Jamie & Kathleen Thomas
134 Ontario Court
Park City

Jeff and Leslie Edison
128 Ontario Court
Park City

To;
Park City Board of Adjustment.

May 18, 2009

Re 100 Marsac Ave Board of adjustment appeal.

Dear Members of the Board of Adjustment.

We are writing to appeal to the Board of adjustment on the HPB's denial of appeal on May the 6th 2009 on the Design approval by Planning Staff in January of 2009 for the 100 Marsac Ave Project.

The basis of our appeal is that we were therefore not given the opportunity to show the LMC and HDC guidelines breaches and our appeal was denied.

During our presentation elaborating on the breaches of the LMC and HDC guidelines we were interrupted by a member of the HPB and told the information was submitted too late.

This is despite our earlier submission highlighting areas of nonconformance and referencing that we would elaborate during the appeal.

We responded to the suggestion regarding lack of timeliness by apologizing for being unfamiliar with the process, indeed LMC says that appeal goes to Planning Director first. Which we were prepared to do months ago. The delay is not one of our making but a date mutually agreed upon between the parties to the appeal.

Also the week before the appeal we got an email off Polly asking that we submit all our arguments to Brooks within 48 hrs. No information had flowed in the other direction and we considered the depth of the request unreasonable. We did however reply and reiterated our points of concern with a promise to elaborate at the meeting as required. If the request was to provide a brief report for inclusion in the HPB packet then that should have been made clear, and both our and Brooks report should have gone to a third party. Without understanding the legal ramifications of 'ex parte' communication we were also wary of 'lobbying' the HPB which Brooks report appears to do, even so far as to instruct the HPB as to what action to



take. As both we and Brooks are parties to the appeal then equal weight should be given and equal opportunity to communicate with the quasi judicial body needs to be guaranteed. Again, apologies for not being familiar with the process but it appears that staff have a distinct advantage in this regard. Perhaps the legal dept should be more even handed in their method....

This is visually the largest Project to affect the Historic district in recent memory.

We are stunned that the HPB would not take this opportunity to look at the project that they were not previously permitted to do.

If the design is in breach of the code surely it must be corrected before giving it a design approval.

Please find following details explaining the Breaches from the incomplete application on August 29 2008 to the still incomplete application today, including extracts from the LMC and HDC Guidelines.

Thank you for your time.

Yours Sincerely,

Jamie & Kathleen Thomas

Jeff & Leslie Edison

PARK CITY Park City Municipal Corporation

445 Marsac Avenue • PO Box 1480 • Park City UT 84060 • (435) 615-5060 • (435)-615-4906-fax • www.parkcity.org

DESIGN REVIEW PROCESS FOR PROPERTIES IN THE HISTORIC DISTRICT INFORMATION GUIDE

What should I know about the permit process for a property in Old Town?

All new construction, renovations or rehabilitations, additions, and exterior work within the Historic District requires design review and approval **before issuance of any building permits**. The purpose of this design review is to determine compliance of the proposed work with the **Land Management Code (LMC)** and substantial compliance with the **Park City Historic District Design Guidelines**. Copies of the LMC and Guidelines are available at the Planning Division.

How do I know if the property is located within the Historic District? Park City's historic district is composed of several locally designated areas and various structures. To find out if your property is historic, or located within the Historic District, contact the Planning Division at (435) 615-5060.

How do I begin the review process? Before beginning any new construction, rehabilitation, addition, or exterior work within the Historic District, a **Historic District Design Review Application** must be submitted to the Planning Division.

How long does the review process take?

Projects that can be reviewed administratively by the Planning Division may be handled over the counter, but may take up to ten days or more if public noticing is required. Projects that must be formally reviewed by the Historic Preservation Board may take three weeks or more to complete. Contact the Planning Division (435) 615-5060 to find out if your project requires HPB

review, or whether it can be reviewed administratively.

What else should I be aware of prior to receiving design review approval? Some design review projects incur delays due to unresolved land-related issues. It is important that the owner contact the Planning Division to determine if there are any additional review processes required in conjunction with the proposed **Historic District Design Review Application** (i.e., Lot Line or Plat Adjustments, Variance, CUP/Steep Slope, etc.).

What should I do after receiving design review approval? Once approval is granted, you will receive a final design approval **Action Letter** that will stipulate specific conditions of approval for the project. These conditions must be met and any changes or modification to the approved design must be reported to the Planning Division prior to construction.

What is the next step? After your plans have been reviewed and approved by the Planning Division, or the Historic Preservation Board, you submit the approved plans to the Building Division for their review. Please refer to the **Information Guide for Building Permits and Inspections**, and the **Information Guide for Commercial Building Permits**.

Disclaimer: This guide is intended to provide general information. Codes are subject to change at any time and up-to-date versions of applicable codes and documents are available at the Building and Planning Divisions.

Response to Staff Report Findings of Fact:

1. The property is located at 100 Marsac Avenue and includes ten development lots.

No such address exists.

The ten properties are unit #1 Silver Hills Court, unit #2 Silver Hills Court... (actual addresses to be confirmed). The application is for ten units not one. The ten properties were not approved until Oct 22, 2008. The application could not have been complete prior to that date. There should be ten surveys describing each of the ten lots. No certified topographic survey has been submitted.

2. The property is located within the Historic Residential (HR-1) zoning district.

(Note: previous comments and objections regarding the MPD process have been argued elsewhere)

3. Legal Notice of Staff's determination of compliance with the Historic District Guidelines was posted on the property on January 28, 2009. Courtesy notice was sent to adjoining property owners on January 28, 2009. The appeal period expired at 5pm on February 9, 2009.

Each application requires a posted property. Ten lots, ten applications, ten posted notices, ten mailed notices.

The mailed notice is a requirement of LMC 15-2.2-8 (B) the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

This is not a courtesy.

4. Two appeals of Staff's determination of compliance with Historic District Guidelines were received on February 9, 2009.

5. The Land Management Code requires Staff to post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

"requires". This is not a courtesy. Staff are required to post the ten properties.

6. The Thomas property is not immediately adjacent to the property.

7. The Edison property is across the platted Marsac Avenue right of way.

8. Planning Director Eddington phoned Mr. Edison on Thursday, February 5th to personally inform him of the Design Review and Appeal period.

9. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12(C) "courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action..."

Mr Thomas' letter states that he lives within three hundred feet. Mr Thomas does not allege that written notice need be provided to him. He alleges that written and posted notices as required by the LMC have not been provided.

10. Staff gave both appellants the ability to supplement their appeals with any additional items. In his supplement, Mr. Edison raised the issue that new guidelines have been implemented and that this project does not comply with the new guidelines.

Why do staff feel that they have the ability to control what information is to be provided at appeal

11. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines.

Historic District Design review includes review of LMC. See City published Citizens guide leaflet.

12. No specific Design criterion is appealed by either party. No Design Guideline or LMC section prohibits replicative design or addresses alignment of uphill and downhill lots.

Per previous correspondence specific breaches will be alleged at the hearing

13. Staff reviewed the application and deemed it complete on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the existing Land Management Code and Guidelines were applied to the application.

The application was made on August 29, 2008. How did staff find the time to review the materials that day? Note, nine of the fourteen required items are incomplete or missing from the August 29 application. The ten required applications could not have contained certified topographic boundary surveys until after Oct 22, 2008. The required site information is the third item in a list of fourteen. It has never been included.

14. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law:

1. The Design Review Application is consistent with the Park City Land Management Code (LMC) and the Historic District Design Guidelines addressing new residential construction.

The proposal is in breach of HDDG and LMC, details to be provided

2. Approval of the Design Review Application does not adversely affect the health, safety, and welfare of the citizens of Park City.

3. No specific Historic District Design Guideline Criteria are appealed.

The appeal has yet to be heard. As staff represent one party to the appeal then this report is lobbying the appeal body in advance of the hearing. Is this a breach of Park City's municipal code?

4. Legal Notice was properly given.

Legal notice of what? The appeal?

Order:

1. The appeal is denied in whole for failure to address specific Historic District Design Guideline criteria and the determination of compliance with the Historic District Design Guidelines is upheld.

The appeal has yet to be heard. This is a direct attempt at lobbying the appeal body.

3

III. SUBMITTAL REQUIREMENTS:**1. Completed and signed application**

A single application has been presented for all of the lots. No individual site information is provided. Lot area, Building footprints, setback information cannot be determined on an individual site basis. Page four of the application has not been completed for any of the individual houses. If this information is not considered relevant by the planning staff then it should be removed as a requirement for all future applications.

Incomplete

2. Review fees - see Fee Schedule in Planning Department

A receipt is included in the file

3. Certified topographical boundary survey of the existing site prepared by a licensed surveyor at an approved scale with two foot contours, along with 8½" x 11" reductions, which includes the following:

- existing grades referenced to USGS - existing utility locations elevations - existing vegetation
- building footprint(s) of all existing - drainage facilities structures and improvements on site - on- and off-site circulation and parking
- existing physical encroachments on- - proposed ground surface treatments and off-site

No certified topographic survey exists for any of the lots. A reduced 'Site Plan' (1"=30' scale) with a preliminary building layout was supplied but no lot information is included.

Incomplete

4. A proposed site plan prepared by a licensed architect and based on the submitted certified topographic boundary survey drawn at an approved scale with two foot contours, along with 8½" x 11" reductions, which includes the following

- proposed grades referenced to USGS - existing physical encroachments on-elevations and off-site
- proposed building footprint(s) of all - proposed utility locations; structures and improvements on site - existing and proposed vegetation
- superimposed building roof plans of - proposed drainage facilities all structure on site having ridge lines - proposed on- and off-site circulation referenced to USGS elevations and parking

Reductions only available in the file. Requests for further information was met with the response that all the available drawings were in the file. The architectural site plan from August 29 2008 refers to a building layout subsequently not approved. The layout of the sites and consequently the buildings were rearranged. The 'sites' did not exist at the time of application. As an obvious example the application for unit#6 or Unit #7 were not complete.

Incomplete

5. All floor plans and building sections drawn at quarter-inch scale, along with 8½" x 11" reductions of each plan.

Only reduced plans were available for review. The floor plans from the August 29 application were redesigned.

No sections were included in the application

Incomplete

6. All building elevations illustrating the proposed work drawn to quarter-inch scale, along with 8½" x 11" reductions, with the elevations referenced to USGS datum on the submitted site plan demonstrating the following:

- USGS datum points indicating - measurement line drawn 27 feet above existing and/or proposed floor levels and parallel to the final grade
- proposed final grade - a measurement string line identifying
- top of foundations the highest point of structure
- overall roof line - any additional diagrams necessary to

confirm height compliance

Building elevations as submitted failed to indicate the relationship between the building, existing and final grades. Floor levels were not identified on the elevations. The 27' ht measurement does not appear to correlate with indicated grades. Retaining walls shown on the architectural site plan do not correspond with those shown on the elevation.

Incomplete

7. Four (4) photographic panoramic views of the existing property showing site from the perimeter of the property from 90 degree compass intervals.

A limited number of photographs are included with the application. None for example are taken of the specific areas around proposed lots #6 and #7, those that would have the greatest impact on Ontario Ct neighbors.

Incomplete

8. Photographs of all existing buildings on-site, adjacent lots, or any other buildings that may be affected, along with historic photos of the building (if existing).

See above

9. When a historic structure exists on the property, a preservation plan must be provided. See attached submittal requirements for a historic preservation plan.

No historic preservation plan is available in the file, presumably this did not form part of the application. This will be required for the existing historic walls at the project entrance.

Incomplete

10. A streetscape elevation drawn at 1/8 inch scale (minimum scale) for the project side of the street that indicates the height, width, and building separation for all proposed work in relation to existing surrounding/adjacent buildings. All windows and door openings shall be shown. The drawing shall encompass an area within 100 feet on either side of the subject property. (A streetscape drawing may not be required for remodels that do not alter the mass of the existing structure.)

The streetscape provided in the application is drawn at half the required scale (1/16"=1'). This streetscape refers to a lot and building layout not subsequently approved. The accuracy of this and succeeding streetscape drawings has been questioned elsewhere.

Incomplete

11. Any construction details drawn to an approved scale, along with manufacturer's cut-sheets for proposed windows, doors, handrails, exterior trim and architectural ornamentation, etc.

None provided

12. The applicant should be aware that there might be a request to provide presentation material for Historic Preservation Board meetings.

The presentation material may include the following:

- 20" x 30" presentation boards
- colored elevations an/or perspectives
- photographs/graphic illustrations
- massing models

The HPB has not been asked to review this highly visible and significant project

13. Brief written project description that outlines the overall project intent and scope of work. Description should indicate if the project will be divided into specific phases and an anticipated time line to execute each phase. Descriptions shall also indicate the project's compliance with the Historic District Design Guidelines and with the Land Management Code with regard to zoning and parking requirements.

The written statement provided in the application makes no reference to any specific guidelines merely a general statement of an intent to comply with the guidelines and the LMC. The application set fails to a greater or lesser degree in both cases.

14. Stamped, addressed #10 size business **envelopes** for adjacent property owners, including property owners across streets/right-of-ways. (All "H" zones.)

a. Envelopes (addressed to property owners as described above) with mailing labels and stamps affixed (we do not accept metered envelopes). **Please do not use self-adhesive style envelopes and do not include a return address on the envelope.**

b. List of property owners, names and addresses as described above.

Names, addresses and envelopes for owners living on Ontario Ct across platted Marsac from unit 6 (Dr's Ferriter) and adjacent unit 7 (Edison) were not provided.

Incomplete

Nine of fourteen of the required submittals were not provided at the time of application. The only supplemental information added to the HDDR files is dated January 2009 and consists of several sheets of revised elevations. Revised elevations that in some circumstances do not match the building plans never mind the site plans. For example the window arrangement on the downhill units. (windows into 'unexcavated' areas?)

From the information available in the file it is impossible to fathom as to why the staff could consider these ten applications complete on August 29 2008.

(4) a

Units 1,2,3,4,5,6,7,8,9,10 Silver Hills Court

The following comments are mainly restricted to the 1983 Historic District Design Guidelines
68 Avoid historic styles
69 Reconstruction
70 New retaining walls...

According to this requirement new walls should match the form, texture and color of existing historic walls.

The August 29 2008 application has serious discrepancies between the individual building elevations and the requirements for retaining structures evidenced by the site plan. The Architectural site plan of August 29 2008 indicates concrete (assumed) retaining walls between the downhill units in order to accommodate side yard parking areas. Boulder retaining walls are shown behind the uphill units running the length of the developed lots. These boulder walls are shown to be approx four feet high on the building elevation drawings in the application. This entire plan was revised prior to the approval of the subdivision as (amongst other issues) it was demonstrated that the proposed layout failed to meet setback criteria.

No new site plan(s) is included in the HDDR file. No analysis possible.

The October 8 Architectural layout (not part of the application) has no retaining structures shown to the down hill units.

The October 14 Architectural site plan (not part of the application) shows two tiers of five foot retaining walls between the downhill units. The truck turn around on the uphill side indicates two tiers of nine foot high boulder retaining walls. However the contours indicate a twenty four foot level change in this location. Boulder retaining walls are indicated in the side yards of the uphill units but no corresponding details appear on the building elevation drawings. The rear boulder walls appear to be, as before, approx four feet high.

The only drawings added to the Historic District Design Review file, dated January 2009, show the rear of the uphill units with boulder retaining walls in excess of ten feet.

This is discouraged by the Historic District Design Guidelines (current and pending) and is in conflict with the LMC requirements for retaining walls to be less than six feet high in the rear (or side yards).

This item of the Historic District Design Guidelines alone raises significant concerns regarding the suitability of the entire project. One of the stated purposes of the proposed site design was a respect for the historic retaining walls currently existing on site. The proposed walls, indicated as massive boulders, tiered up to ten feet high cannot meet this design criteria. These walls do not conform to the drawings submitted at CUP approval and would need separate approvals. As drawn they satisfy neither HDDG nor LMC criteria.

Specifically with regard units 6 (downhill) and 7 (uphill), chosen because they are closest to Ontario Ct, retaining walls shown on the revised elevation drawings do not match those indicated on any site plans available in the HDDR file. The elevations themselves are inconsistent with each other.

Excavation and retaining walls have been a significant source of concern and debate during recent LMC and Historic District Guideline discussions. The conflicting information in the files and the lack of detail provided with the application should necessitate further review by the HPB.

Note pending Historic District Design Guidelines: A4. Site Grading and Steep Slope Issues.
Note recently revised LMC criteria limiting grade changes to a maximum of four feet.

#71 Façade width

“typically 15 to 20 feet wide” As these are wider than historically found, one would expect a staff report to comment on the suitability or otherwise. There is no staff report.

#72 Spacing

The application drawings do not represent the current approved site layout. No supplemental site drawings exist within the HDDR file. The original site layout failed to meet minimum LMC regulations. (Note the guidelines do make specific reference to the need to satisfy LMC). The Staff report on HDDR should indicate why this has been approved as the only evidence available in the file is contrary.

#73 Roof orientation

The guidelines refer to typical orientation perpendicular to the street except for a single story house with a full width porch. Whilst this may or may not be relevant in this case a staff report should at least comment on this failure to comply.

#74 Roof slopes

The guidelines refer to a traditionally “steep roof pitch”. The application drawings have no reference to the designed roof pitch. (normally a required piece of information for applications within the HR-1).

The latest code changes supported by HPB, Planning Commission and City Council require a minimum roof pitch of 7:12.

#75 Porch orientation

#76 Entrance orientation

#77 Setback

(reference is made to LMC, again reinforcing the idea that HDDR includes LMC provisions)

The application set of drawings show a site plan that is inconsistent with the subdivision approval. No current site plan exists within the HDDR file. Setbacks cannot be determined from the information provided. None of the building plans (known to superseded from those in the application but not updated within the file) contain information relating each unit to its lot. This is inconsistent with the requirements of the application and normal HDDR methods.

#78 Minimize visual impact of parking

Is this achieved by the open car ports provided with the uphill units?

(Note pending guidelines for new construction “D2.5 Carports should be avoided”)

#79 Ratio of wall to window

#80 Materials “Aluminum vinyl and other synthetic materials will not be approved”

The application drawings indicate aluminum soffit and fascia and Hardiboard siding.

The revised elevations (Jan 09) indicate Hardiboard siding soffit, fascia and shake accents. A ‘simulated wood’ garage door is shown. This “...will not be approved...”

#81 Ornamental siding

Indicated as Hardiboard shake see above

#82 Contemporary interpretation of ornament
Hardiboard clad columns in a neoclassical style?

#83 Window proportions

#84 Door and window sizes

Unit 8, revised elevations indicate a prominent elliptical window on the front façade. This is inconsistent with park City' historic architecture and prior actions of the HPB.

#85.-

We would suggest a staff report unique to each unit be provided, as is typical with other applications, detailing the relevant guidelines with a brief response to each. For example Unit #9 horizontal siding is labeled on the revised drawings of Jan 09, however vertical siding is drawn. This problem is specific to this unit not the remainder. What is being approved if anything? Another very disturbing element is that the 27' ht line indicated on the revised side elevation view of units # 7(north), 8(north), 9(north incorrectly labeled, the elevation shown is South), 10(north), is in fact identical. Not similar but identical. This would appear to illustrate that the elevation drawings are not site specific. Whilst repetition of plans has been known to occur it is doubtful that the lots themselves have identical topography. If the drawings required at application are submitted ie site plans and sections the impact of this misleading information can be properly analyzed. Until then the project should not be 'approved'.

A blanket approval of ten houses announced by a letter from staff, finding compliance yet unsupported by any analysis available from information contained within the files is indefensible.

3/5

LMC (pre Oct 22 2008)

15-2.2-3 Lot and site requirements

The August 2008 application failed to meet LMC criteria regarding setbacks. There are no revised plans in the HDDR file.

We are aware that the lot configuration changed. There are no certified topographic boundary surveys in the HDDR file.

It is impossible to check this requirement given the information provided.

The revised elevations (Jan 2009) show for example a discrepancy between the front elevation of unit #7 and the side elevation (south) regarding the sloped retaining wall in the side yard. There are no corresponding site plans. This wall appears to be over four feet high which would be a breach of the LMC

According to the revised elevation drawings the boulder retaining walls to the rear of the uphill units are over six feet tall. This is a breach of the LMC. (This section and 15-4-2)

The excavation between the units extends across the lot lines, this is atypical of Historic District development and not normally allowed. This excavation is required to create a window well or escape well, for the side elevation windows of the uphill units. LMC 15-2.2-3(I) limits this excavation to max of four feet into the side yard. The proposal does not meet side yard setback criteria.

The existing grade at the lot lines would be normally be unchanged. The HDDR site plan does not indicate the level of excavation required.

LMC

15-2.2-5 Building Height

Whilst the buildings appear to meet this criteria, the Existing grade is not marked on any of the revised elevation drawings. The August 2008 architectural site plan has been superseded. There are no certified topographic boundary surveys in the HDDR file. This requirement cannot be confirmed using the information provided.

15-2.2-6 Steep Slope (see also notes previously supplied to the Planning Commission during the steep slope CUP process)

(1) Location of Development

Fails. Previous iterations of this project had demonstrably lesser visual and environmental impacts. The current proposal increases rather than reduces the impacts.

(3) Access. Previous iterations of this project had a driveway 200 ft shorter than the one currently proposed. How can the grading have been minimized?

(5) Building location. To demonstrate compliance the applicant should provide existing and proposed grade information on the elevation drawings. The cut and fill has not been minimized with this proposal. Indeed the cut to the rear of the uphill units appears to have increased with the revised elevation drawings, over those supplied to the Planning commission at CUP and is greater than the original proposal.

No section drawings were provided with the application. This is a requirement of the application.

15-2.2-8

(B) Notice.: Staff contend that the written notice under 15-1 is a courtesy notice. This is a stricter requirement and is not optional. The Code speaks for itself. In case of conflict the stricter provision applies

(C) Appeals: 15-11-11 requires appeals to go to the Planning Director prior to referral to the HPB. Please clarify. Which version of the LMC applies?

Also 15-11-11 requires the staff to make written findings supporting the staff approval of this project. There are no staff reports in the HDDR files (as of April 28 2009)

LMC Post Oct 22 2008

Upper level of uphill units is required to be setback a minimum horizontal distance of ten feet from the level below on the downhill side.

Grade cannot change by more than four feet.

As designed the project in its entirety fails to meet these criteria.

The application was incomplete when submitted. The applicant knew this. Staff knew this. The application cannot possibly have been complete prior to Oct 22 2008 as the lot configuration had yet to be determined. This layout was first recommended for approval on Oct 22 by the Planning Commission. This is the first time it would be possible for a certified topographic boundary survey to have been prepared. (this would remain a proposal until ratified by City Council).

An incomplete application prepared for the purpose of vesting under a code which is to be changed is null and void.

Hardship appeals by other applicants have fallen on deaf ears in this regard. The City should either enforce the provisions of the new LMC or abandon them.

4 C

Units 6, 7 9 attached

Unit #6 note down hill side and downhill rear. The rock retaining structures do not align, match, correspond whatever. There is no plan detail of the extent of retaining structures required. This will be very significant, a major impact on the site, highly visible. Also the rear elevation, lower level. The single window on the right lower level is below the garage in an area marked unexcavated on the plans for HDDR review. Is the intent to make this habitable space? How do we guarantee no increase in use over that which was approved?

Unit 7 front elevation. The existing grade at the front door is above the top of the door. How is this cut retained? "wells" are only allowed four feet into the side yard setback, see similar prob on all uphill units where window wells will be required for the windows in the side elevation. AS illustrated it must breach LMC side yard setback requirements. The 10' high walls to the rear are in breach of LMC re max 6' high walls. These walls were previously shown at four to five feet high. The sloping wall shown on side elevation south is not shown on the front elevation drawing.

Unit 9 sim unit 7 but: "Hardiboard horizontal siding" is noted on the drawings. vertical siding is drawn. Synthetic sidings are not allowed by the Guidelines which state "will not be approved" what is the orientation?

These are typical comments that can be applied to all the units to a greater or lesser extent. The staff do not appear to have addressed any issues? There is seemingly little evidence to suggest that a staff review has taken place.

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15-11 -11. HISTORIC DISTRICT DESIGN REVIEW.

(A) The Planning Department shall review and approve, deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

(1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code, may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

Final Design Guidelines

THESE GUIDELINES ARE FOR USE IN THE FINAL REVIEW PROCESS FOR NEW RESIDENTIAL DESIGNS

80 Use Materials That Are Similar in Finish and Texture and Scale to Those Used Historically

The majority of buildings are made of wood clapboards or drop lap siding, although some brick exists. These building materials have distinct textures, and establish patterns on individual facades that repeat along the street. These materials are important in establishing the scale of buildings.

New buildings should continue to **reinforce these patterns and textures.**

Wood and brick are recommended, but other building materials may be considered as long as the finish and texture reinforce the existing characteristic. For example, concrete may be formed to create a horizontal pattern similar in texture to clapboard siding.

Historically, **clapboard was painted,** and therefore new construction should not include unfinished wood surfaces.

Clapboard lap dimensions should be similar to those of historic structures **roughly 4 to 6 inches exposed.**

Brick was of a standard dimension that established a pattern to walls. **Jumbo brick sizes are therefore not allowed.** Brick is preferred for chimneys.

Aluminum, vinyl and other **synthetic sidings will not be approved.**



New siding that matches the lap dimension of existing houses is preferred.



81 Reserve the Use of Special Ornamental Siding Materials for Limited Surface Areas

Historically, shingles were used to create ornamental siding patterns as an accent to the predominant clapboard siding. Shingles were used in the ends of gables, for example, but not as siding for lower portions of walls.

The use of ornamental shingles, and other special siding, **in new creative ways is encouraged;** however, the amount of surface area allocated to these materials should be limited.



Ornamental siding used appropriately.

Too much ornamental siding.

Units 1,2,3,4,5,6,7,8,9,10 Silver Hills Court (addresses unknown)

1. Scope and Purpose of Historic District Design Review

Note the following extract from the Citizens guide to process, available at the Planning Department and published on the City's website.

DESIGN REVIEW PROCESS FOR PROPERTIES IN THE HISTORIC DISTRICT INFORMATION GUIDE

“...The purpose of this design review is to determine compliance of the proposed work with the **Land Management Code (LMC)** and substantial compliance with the **Park City Historic District Design Guidelines.**”

Original emphasis, no changes added. The importance of conforming to the LMC is highlighted within this guide.

Staff contend that the review is limited to compliance with the guidelines only, this is not so.

The files were reviewed as recently as April 28th. Nine of the Historic District Design Review files were empty except for a photocopy of a Historic District Design Review application form, common to all properties and a copy of a letter from Planner Robinson stating an initial finding of compliance. One file contains a set of drawings reduced to 8 1/2”x 11” purporting to be the application set dated August 29th. Additional drawings dated January 2009 have been added illustrating changes to some of the units. A request was made to review the original drawings and or additional drawings typically required for an HDDR application. Administrative staff enquired of Planner Robinson and the reply was that all the required drawings were present in the file, they would simply be copied and attached to files for each individual address. We contend that there is insufficient information provided by the applicant for staff to perform an adequate review of the individual units.

There is no staff report available for any of the units. There is no evidence that any review has been performed. The application is required to contain a brief written statement indicating compliance with the Guidelines and the LMC. No detail reference is made to either document. Traditionally a staff report would exist itemizing the relevant guidelines and specifying whether in the opinion of staff ‘substantial compliance’ has been achieved.

2. The application is incomplete.

This is of significant importance as to which code criteria will be applied. The City's legal department have previously maintained that applications deemed incomplete on October 22 2008 will be reviewed under the new LMC provisions for the Historic District approved by Council in April 2009.

(In addition the question as to which set of Guidelines are to be applied as these new guidelines are listed as ‘pending’ as of Feb 25 2009)

The applicant required to provide:

“Certified topographical boundary survey of the existing site prepared by a licensed surveyor...”

No certified topographic boundary survey is yet present in any of the files. The application was incomplete on August 29th 2008 and remains so. The requirement for a certified survey has been challenged previously. The city has consistently upheld this requirement. No certified topographic boundary survey could have existed at the time of application as the Subdivision was not approved by City Council until long after this date and varied significantly from that originally proposed. The ‘schematic site plan’ (1”=30’ scale) supplied with the application is not a certified topographic boundary survey.

The HDDR application did contain an “Architectural Site Plan” but no lots are indicated nor boundaries marked. The information that could be extracted from this document was used to challenge the originally proposed subdivision layout which was subsequently changed. No new site planning information is present in the HDDR files.

Building sections are required as part of the application. None were present with the August 29th application. None are present in the files.

Building elevations are required to show USGS datum referenced to the site plan indicating: floor levels in relation to the site plan, an accurate rendering of final grade, roof lines, 27 foot ht line parallel to final grade. None of this information is present on the application set. *Note: the new LMC requirement (post Oct 22 2008) measure ht from final grade. The previous LMC requirement measures ht from existing or final grade whichever results in the shorter building. No existing grades are indicated on the elevations.*

A Streetscape elevation at a minimum scale of 1/8” to 1’ is required, extending 100’ either side of the project. This has not been provided. This could not have been provided at the time of application as the current Subdivision significantly varies from that originally proposed. The unit layout changed, spaces between building changed, individual buildings changed. The illustration supplied does not meet the requirements of the application.

Stamped addressed envelopes for adjacent property owners are required to be provided with the application. This failure of notification has been raised before.

Suffice to say here that the application of August 29 2008 was, and remains, incomplete.

The application was not ‘vested’ prior to the cutoff date identified by the City legal staff as October 22nd 2008. These ten lots should be therefore be reviewed under the newly adopted LMC and arguably under the pending HDD guidelines (clarification required as to legal status of the new guidelines).

An incomplete application submitted for the purpose of vesting under a previous code is invalid. If these applications are reviewed under the provisions of the LMC currently in effect then a significant number of the ten applications would be rejected. For example: Min roof pitch, third level setbacks, maximum grade adjustment of 4’ etc.

Park City Municipal Code

1- 1-12. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES.

Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any administrative officer or employee of the City, ***this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be,*** or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-4

- (2) The area is unregulated.

Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

(Amended by Ord. No. 06-22)

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

- (A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.
- (B) No new Use shall be valid on any Property within the City unless the Use is allowed.
- (C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.
- (D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application per type, per Property, will be accepted and processed at a time.
- (E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments,

Administrative Permits, and Administrative Conditional Use permits.

- (F) Projects in the Historic District and Historic Structures outside the Historic District are subject to design review under the Historic District Guidelines.
- (G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.
- (H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.
- (I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.
- (J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-5**

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Director	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic	X	z			
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

*All Applications are filed with the Planning Department. Planning Department staff makes a recommendation to the appropriate decision making body (X).

(Amended by Ord. Nos. 06-22; 09-10)

15-1-9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by

the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-6**

Building is proposed, the Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Historic District Design Guidelines, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and
- (7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance

with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section has not been met.

(Amended by Ord. No. 06-22)

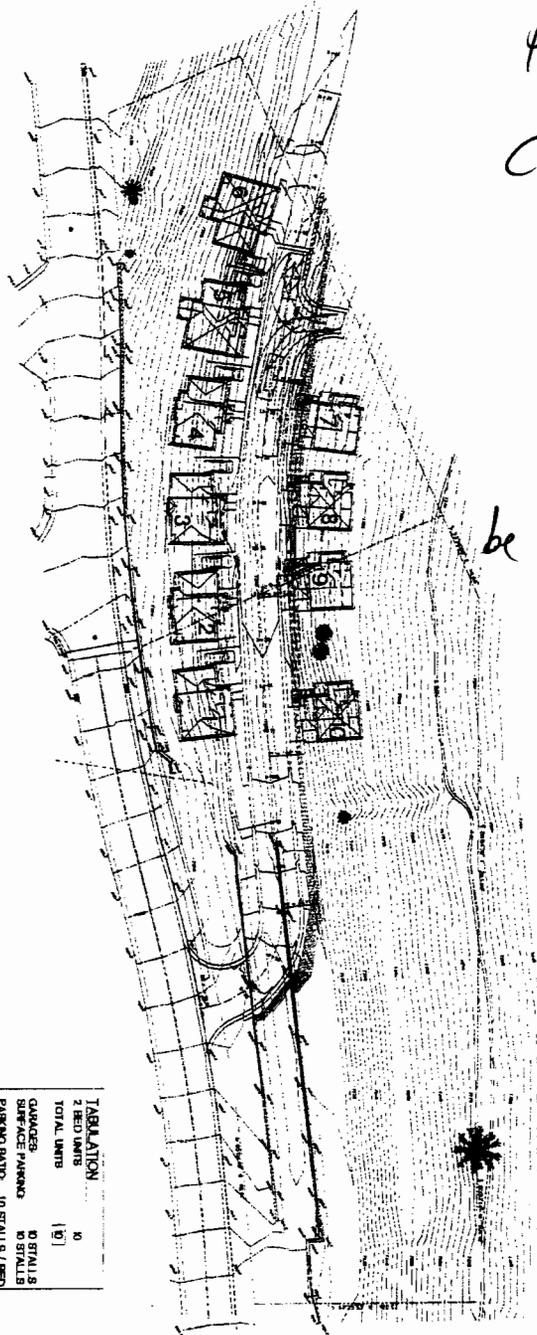
15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the

Please see
 the dates of
 the drawings.
 Changes can be
 seen that were
 not approved by
 the C.U.P.
 and information required to
 be provided was not.



SITE PLAN

SCALE: 1" = 30'-0"

DATE: 27 AUG 2008

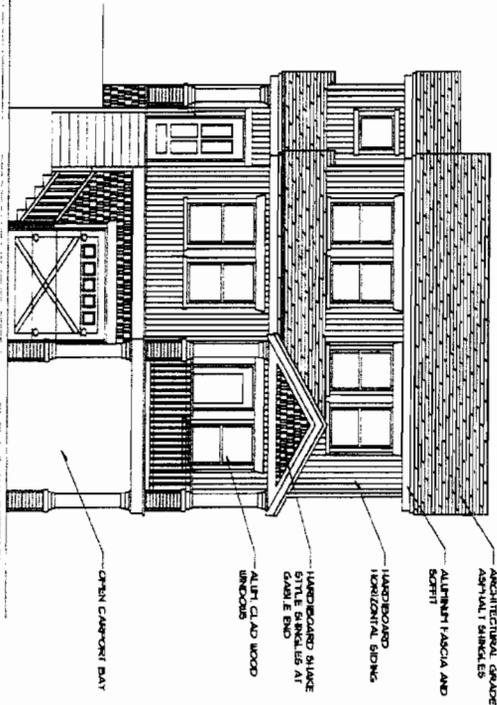


TABULATION	
2 BED UNITS	10
TOTAL UNITS	(10)
GARAGES	10 STALLS
SURFACE PARKING	10 STALLS
PARKING RATIO:	10 STALLS / BED
TOTAL SITE AREA	2.87 AC
DEDICATED OPEN SPACE	1.24 AC
PERCENT OPEN	43.2%

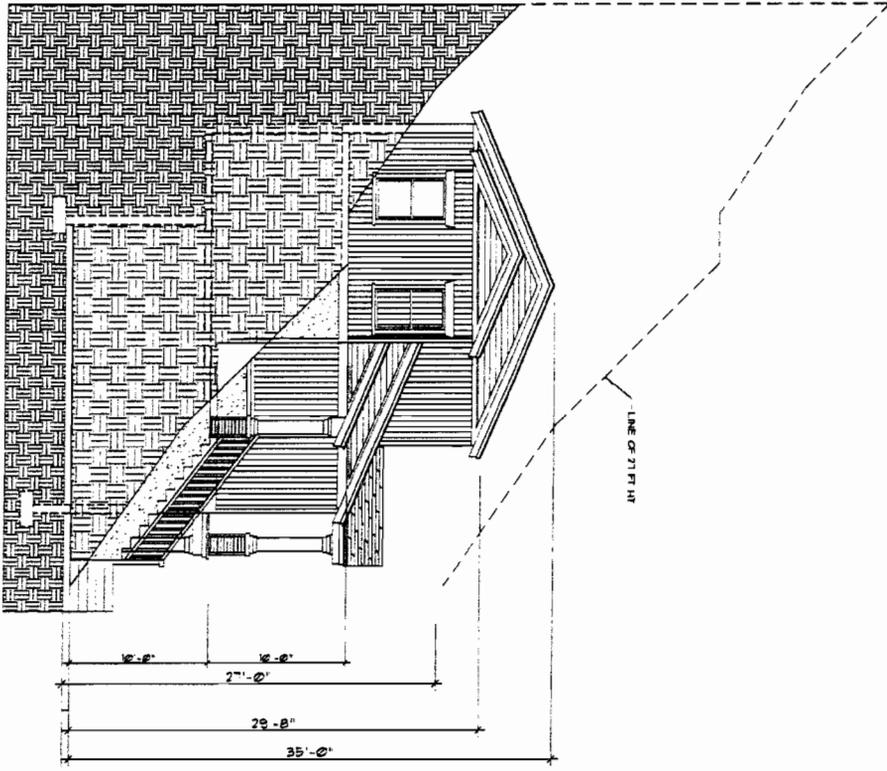
AUG 29 2008

	<p>2033 6th St NE Hayward, CA 94618 (510) 592-9326 Fax</p>	<p>PROJECT NUMBER AFFORDABLE HOUSING MARSAC HOUSES MARSAC AVENUE PARK CITY, UT TALISKER</p>	<p>SCHEMATIC SITE PLAN SCALE: 1" = 30'-0"</p>	<p>SHEET NUMBER 01-045</p>
--	--	--	--	---

FRONT ELEVATION - UPHILL UNIT
 SCALE: 1/4" = 1'-0"
 OPTION 1 - ALT



SIDE ELEVATION - UPHILL UNIT - NORTH
 SCALE: 1/4" = 1'-0"
 OPTION 1 - ALT



AUG 29 2008

A2.6

DATE: 27 AUG 2008
 SHEET NUMBER: 2

architecture
 2033 don drive
 layton, utah 84040
 (801) 593-9328 FAX

PROJECT: AFFORDABLE HOUSING
 MARSAC HOMES

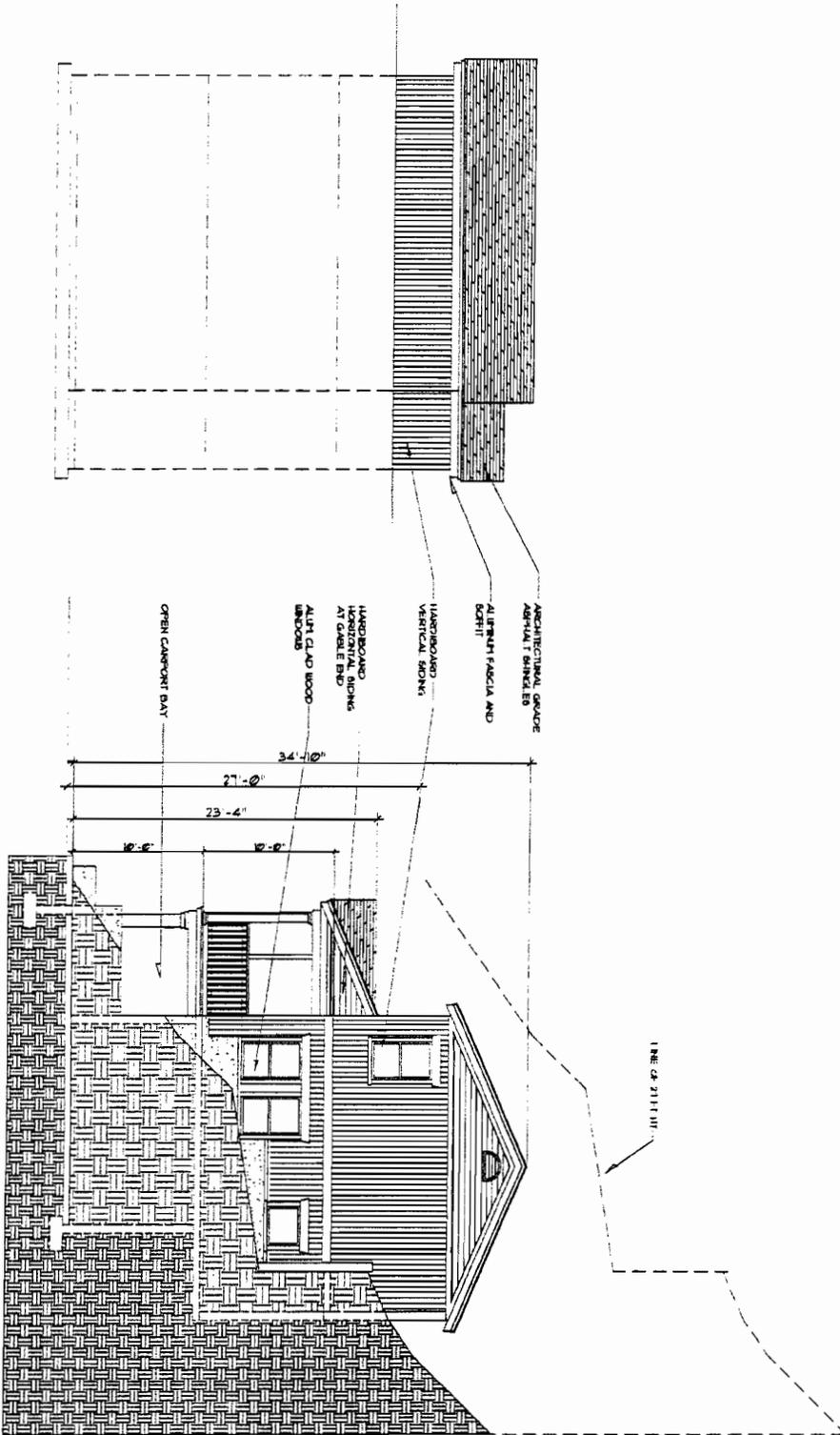
LOCATION: MARSAC AVENUE
 PARK CITY, UTAH

ARCHITECT: T. ALBKER

PROJECT NUMBER: UPHILL ELEVATIONS
 SHEET TITLE: OPTION 1 - ALTERNATE
 SCALE: 1/4" = 1'-0"

PROJECT NUMBER: 01-045
 SHEET TITLE:

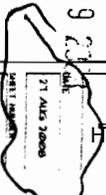
REAR ELEVATION - UPHILL UNIT
SCALE: 1/4" = 1'-0"
OPTION 1 - ALT



SIDE ELEVATION - UPHILL UNIT - SOUTH
SCALE: 1/4" = 1'-0"
OPTION 1 - ALT

AUS 29 2009

A27



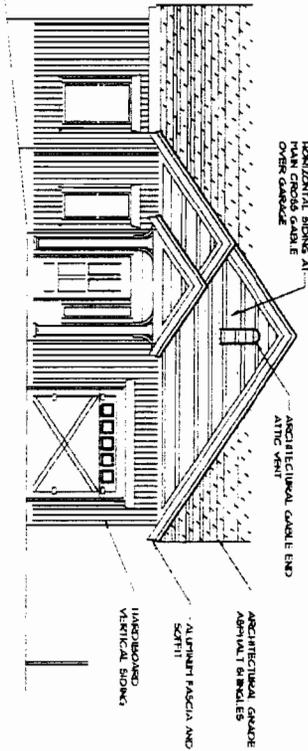
architecture
architectural services on Board January 16, 2013
(801) 563-6326 FAX

PROJECT/OWNER
AFFORDABLE HOUSING
MARSAC HOMES
MARSAC AVENUE
PARK CITY, UTAH
TAL SAKER

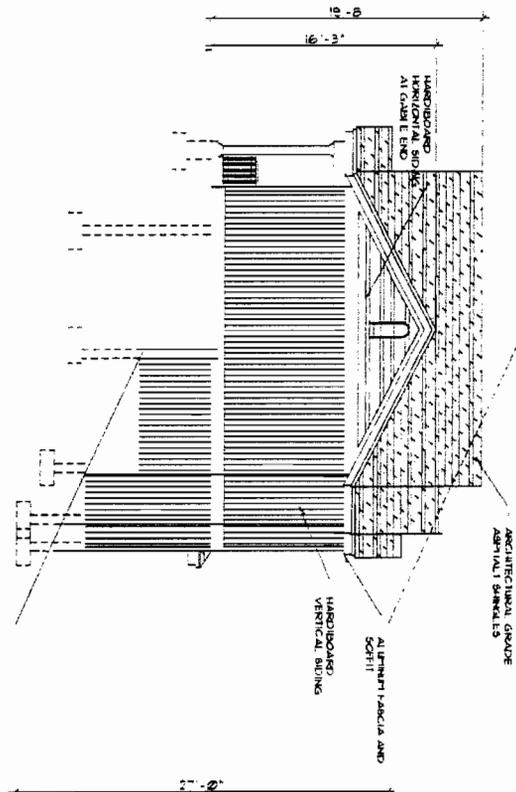
UPHILL ELEVATIONS
OPTION 1 - ALTERNATE
SCALE: 1/4" = 1'-0"

PROJECT NUMBER
5100-10-005
SHEET NUMBER

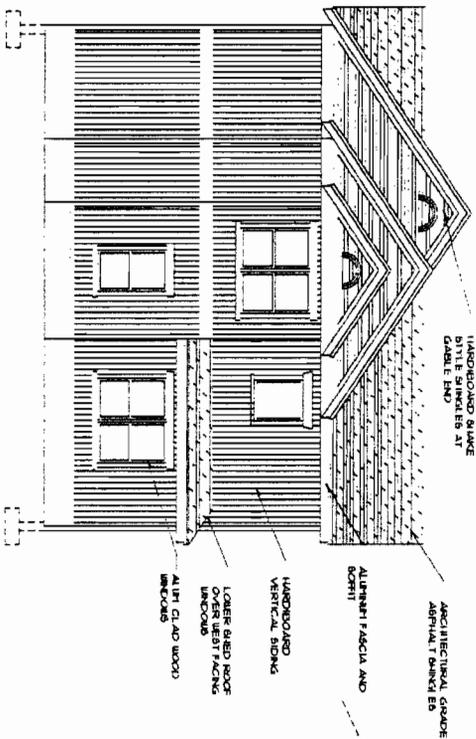
DOWNHILL FRONT ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"



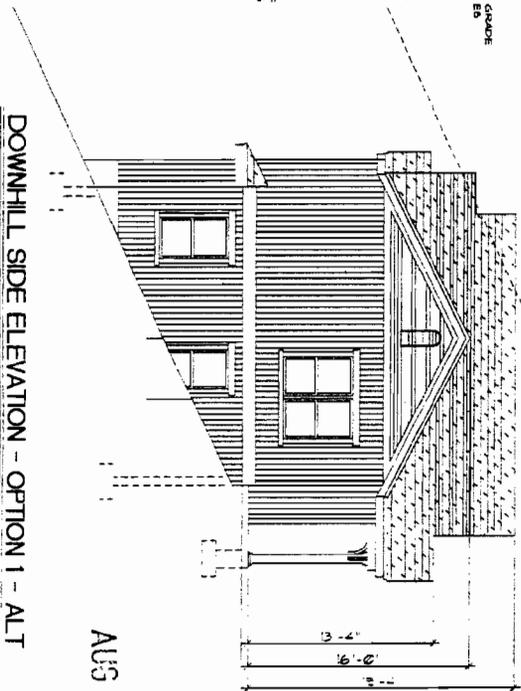
DOWNHILL SIDE ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"



DOWNHILL REAR ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"



DOWNHILL SIDE ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"



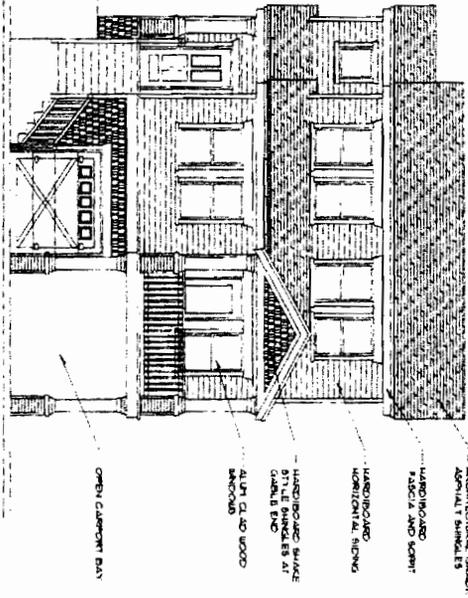
AUS 2 9 2008


architecture
 2022 681 6100
 155 592 1234 45
 Historic Preservation Board January 16, 2013
 A1.4

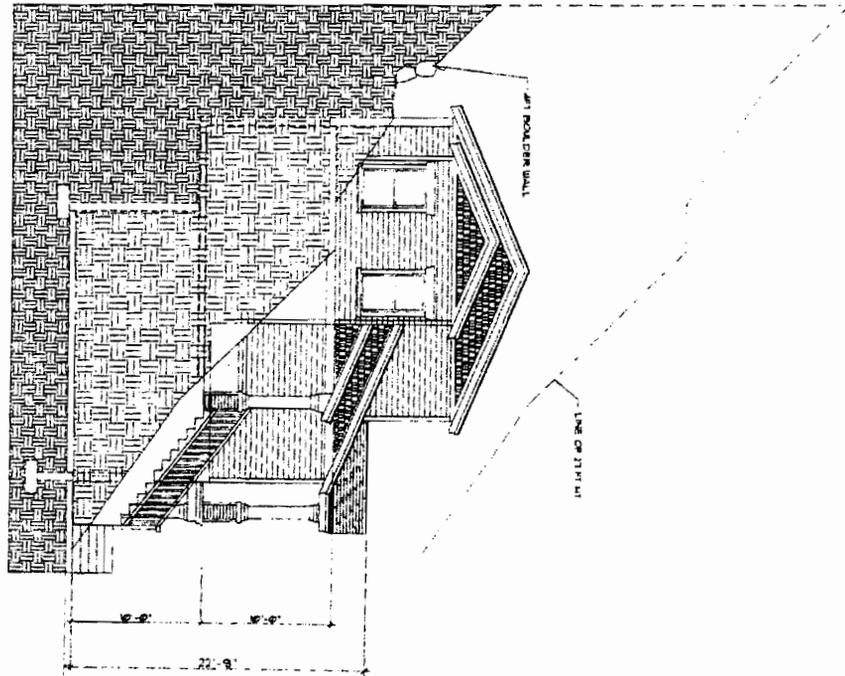
PROJECT: AFFORDABLE HOUSING
 MARSAC HOMES
 MARSAC AVENUE
 PARK CITY, UTAH
 - A. SKER

DOWNHILL ELEVATIONS
 OPTION 1 - ALTERNATE
 SCALE: 1/4" = 1'-0"

FRONT ELEVATION - UPHILL UNIT
SCALE: 1/4" = 1'-0"
HOUSE NO. 7



SIDE ELEVATION - UPHILL UNIT - NORTH
SCALE: 1/4" = 1'-0"
HOUSE NO. 7



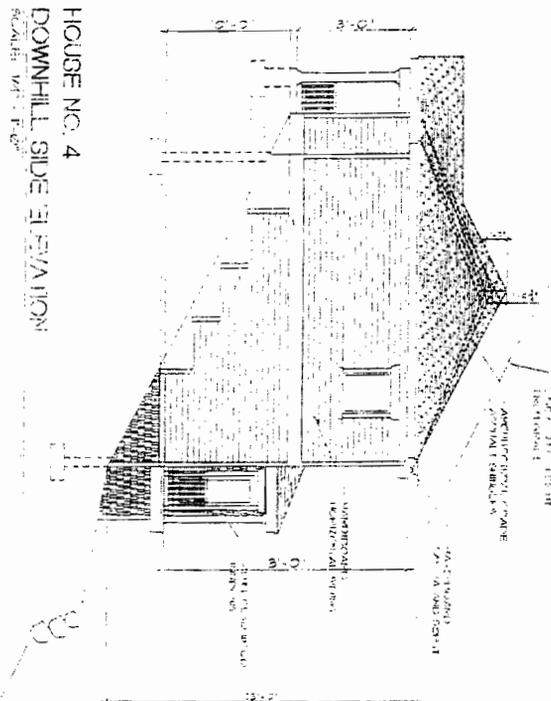
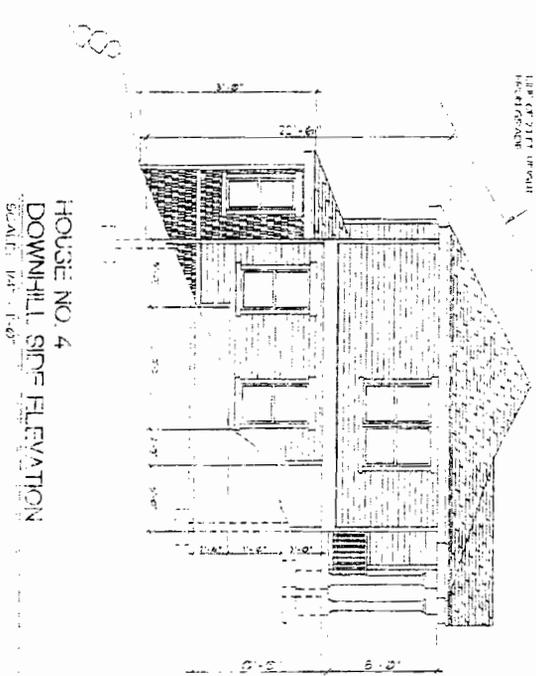
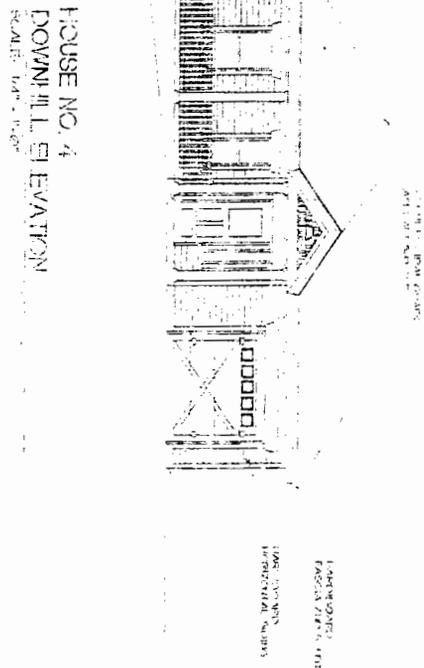
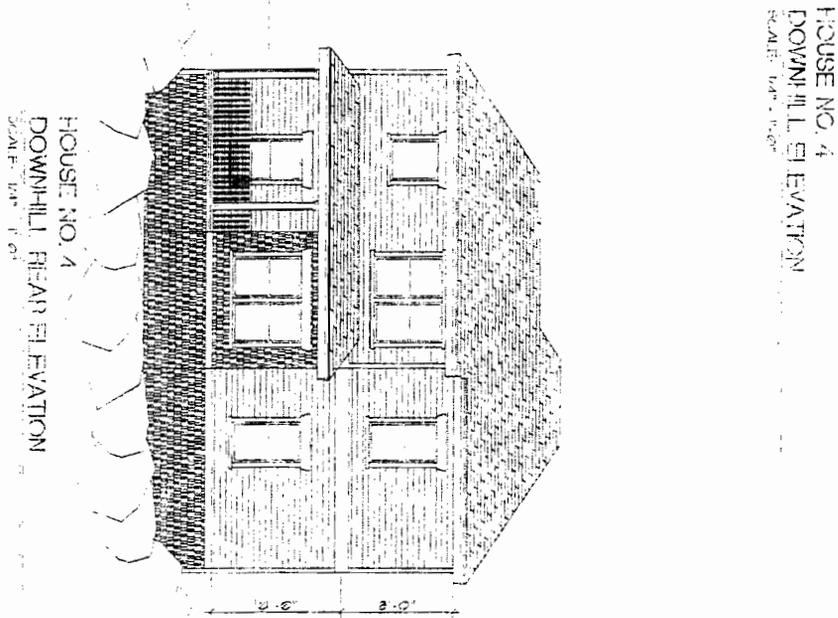
DATE: 14 OCT 2008
DRAWN BY: A4.1

KCB architecture
2033 5th Ave. Ste. 514
Salt Lake City, UT 84143
(801) 555-8598 FAX

PROJECT: AFFORDABLE HOUSING
MARSAC HOMES
MARSAC AVENUE
PARK CITY, UT 84302
ALSINGER

UPHILL ELEVATIONS
HOUSE NO. 7
SCALE: 1/4" = 1'-0"

PROJECT NUMBER: 071-045
SHEET NO. 3




KCB architecture
 1013 2nd Street
 19107, 215-261-8410

ARCHITECTURE
 1013 2ND STREET
 19107, 215-261-8410

DOWNHILL ELEVATIONS
 HOUSE NO. 4
 SCALE: 1/4" = 1'-0"

PROJECT/OWNER: APROBABLE INC. 1500 EAST AVENUE, SUITE 200, DENVER, CO 80202

ARCHITECTURAL SITE PLAN

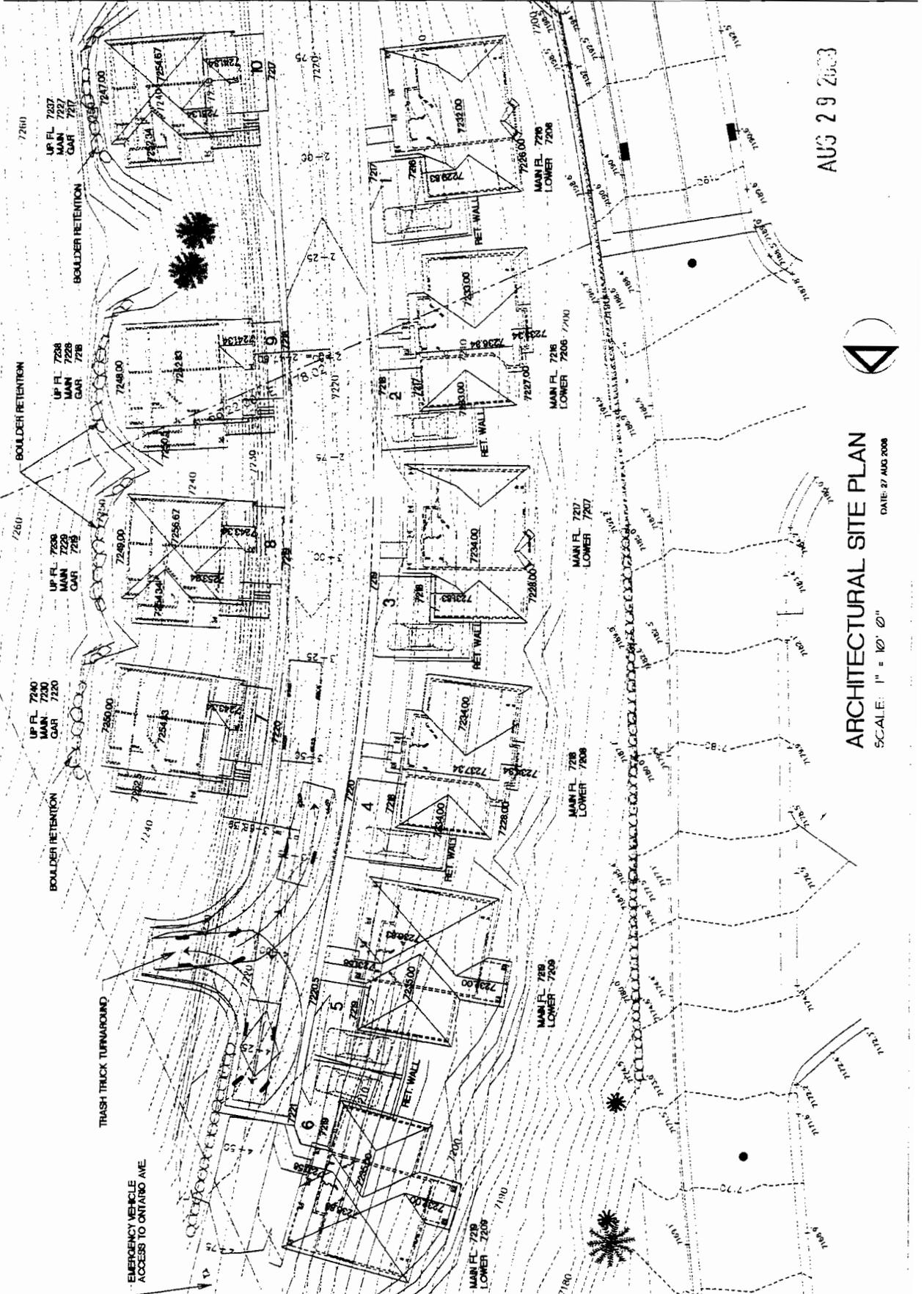
SCALE: 1" = 10' @

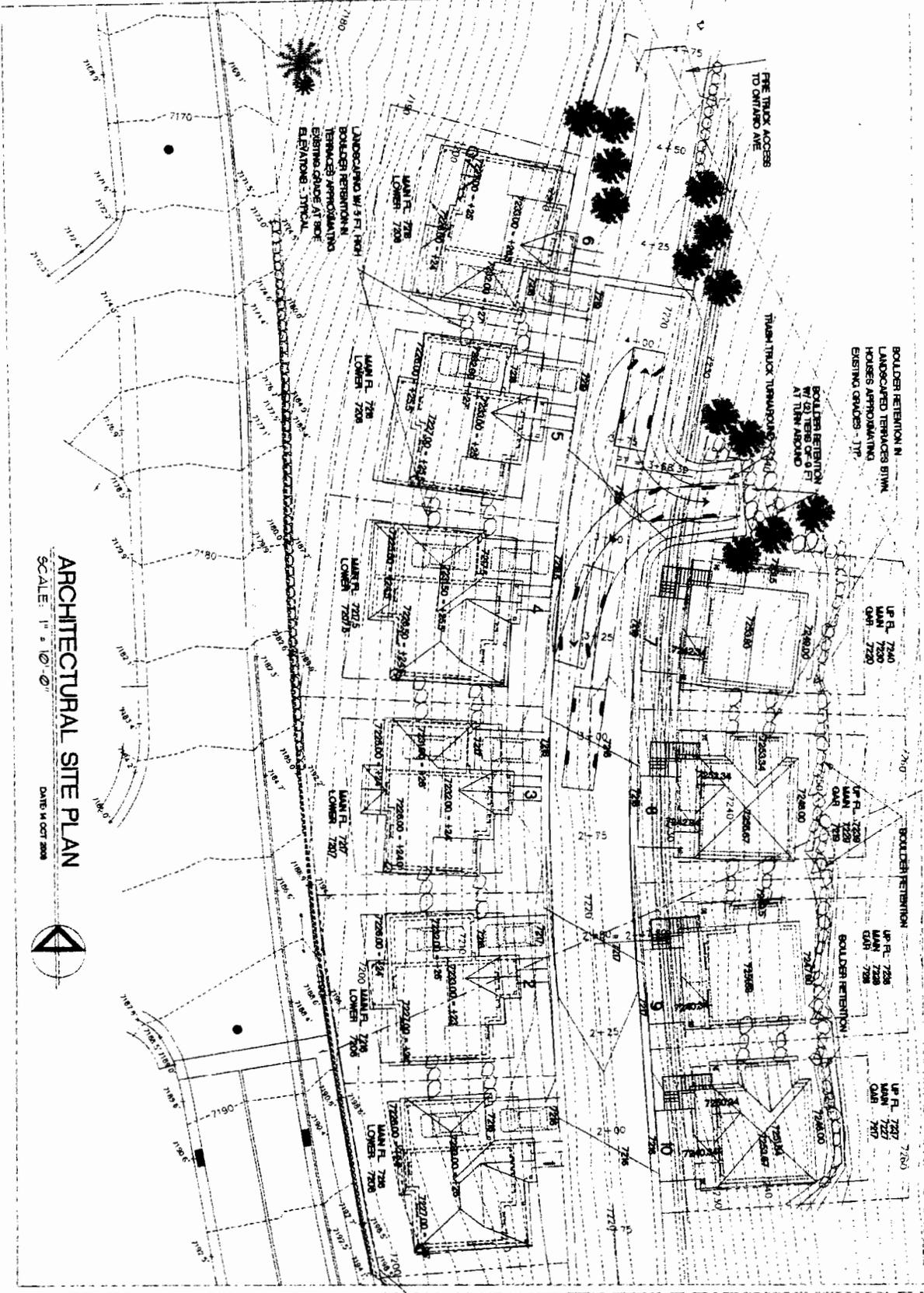
DATE: 27 AUG 2008

PROJECT NUMBER: SP1

DATE: 21 AUG 2009

ARCHITECTURE





ARCHITECTURAL SITE PLAN
 SCALE: 1" = 10'-0"
 DATE: 14 OCT 2008



SP1
 14 OCT 2008
 SHEET NUMBER

KCB architecture
 2033 9th Ave
 PARK AVENUE SUITE 4040
 84015-1501, 503-912-7411 FAX

PROJECT: AFFORDABLE HOUSING
 MARSAC HOUSES
 MARSAC AVENUE
 PARK CITY UTAH
 TALLNER

ARCHITECTURAL SITE PLAN
 SLOPE ANALYSIS
 SCALE: 1" = 10'-0"
 SHEET NO. 01-045

PHILLIPS EDISON &

PAN Y

Via Email

Tom Eddington
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, VT 84060

Brooks Robinson
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, VT 84060

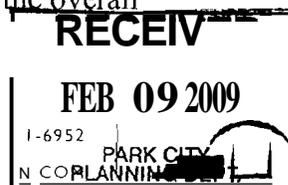
Monday, February 09, 2009

Re: Formal Appeal of the design review of the 100 Marsac Project

Dear: Tom & Brooks,

This is our formal appeal of the design review of the 100 Marsac project. We are extremely concerned about the design given that this is the largest detached single-family development in Park City in over a decade.

Our appeal is based upon three issues. The first is that we did not receive notification of the design, review and the approval of the project, which, as the adjacent landowners, we felt we should have received. Our second concern is the lack of differentiation of the houses in the project. We do not believe this is consistent with the old town Park City guidelines. We do not believe that additional dormers or different colors will create differentiation consistent with the historic homes in Park City. These houses should include multiple designs to improve this differentiation. A cluster of the same house would give the visual impact of a suburban development. The third issue is that the alignment of the homes vertically up the hill will create a perspective and massing that will make the projects look larger than they are. The homes on the uphill and downhill side will be viewed from Main Street as one home. Given the prominent location of the homes, further differentiation should be required. In addition, we believe that access from the 100 Marsac project to Marsac Avenue should be incorporated in the overall design, we would recommend a public stairway.



Although we are currently in litigation with the city over our private driveway being used for fire access to this new development, we believe that with proper changes to the design of the development, including the location of the buildings, we could create a better project for Park City, residents of the development and our neighbors, and eliminate the need for further litigation.

Sincerely,



Jeff & Leslie Edison
128 Ontario Court
Park City, UT 84060

PHILLIPS EDISON & COMPANY

Thomas Eddington
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, UT 84060

Brooks Robinson
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, UT 84060

Monday, February 09, 2009

Re: Formal Appeal of the design review of the 100 Marsac Project

Dear: Thomas & Brooks,

In addition to the issues raised in our previous letter concerning the 100 Marsac project, our appeal is based upon our inability to give a full review given the lack of notice. Please note the technical violations of the code listed below.

Now that there is a subdivision, each lot should be flagged, corners marked and shall be "posted" like every other development in town. Please see the LMC extract below.

15-2.2-8. ARCHITECTURAL REVIEW.

(A) REVIEW. Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) NOTICE TO ADJACENT PROPERTY OWNERS. When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

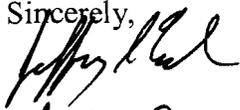
The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.



(C) APPEALS. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.
(Amended by Ord. No. 06-56)

My wife and I are the adjacent landowners to the project, please find our address and telephone number listed below.

Sincerely,



Jeffrey S. & Leslie D. Edison
128 Ontario Court
P.O. Box 3657
Park City, UT 84060-3657
(435) 649-7810

Jamie & Kathleen Thomas
134 Ontario Court
P.O. Box 2275
Park City
Ut 84060

Thomas Eddington
Park City Planning Director
Park City Municipal Corporation

February 9th 2009

RE: 100 Marsac 10 property lack of notice and posting Appeal to Preliminary Design approval.

Tom

We are located within 300' to the north of Houses # 6&7.

Thank you for calling on Friday at approximately 5pm to let us know about the appeal period for Staff's preliminary design review approval expiring today at 4.30pm.

As you are aware the Edisons were not noticed.

Also the 10 Properties were not posted.

Only one sign was posted on one of the properties. We don't know which one.

We have therefore not had enough time to prepare an appeal as we would like.

Would you please let us know when the noticing and posting has been completed so that we may have adequate time to submit an appeal?

Please find attached photos of a notice posted on 1 property.

Please note that the properties corners are not staked.



LMC

15-2.2-8. ARCHITECTURAL REVIEW.

(A) REVIEW.

Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

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(C) APPEALS. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination. (Amended by ORD. No. 06-56)

Sincerely

Jamie Thomas

Conceptual Design Guidelines - New Residential

THESE GUIDELINES ARE FOR THE CONCEPTUAL REVIEW STAGE OF NEW RESIDENTIAL DESIGNS

68 Avoid Designs that Imitate Historic Styles

The City considers that the integrity of the genuine historic structures will be compromised by the introduction of new buildings that appear to be older than they really are, and therefore will not approve historic imitations.

New designs are encouraged.

Historic styles will not be approved
(with the exception of accurate reconstruction.
See guideline #69.)



The form and massing of this new residence is compatible with the existing buildings in the residential district.



This new house at the rear of an older one has combined traditional shapes and materials in a new way that is compatible with its neighbors without imitating them. (Crested Butte, Colorado).

69 Reconstruction of Earlier Park City Structures May Be Considered

Although contemporary designs are encouraged, historic designs may be considered if they are accurate reconstructions of buildings that actually existed in Park City. To be considered, these designs must meet these conditions:

The building must be reconstructed on its original site, in its original orientation for which adequate documentation exists. In exceptional cases, alternate locations may be considered.

The style ***must be one that did occur in Park City*** as a typical building form.

The principles of the ***style must be used correctly***. The rules of proportion, use of materials, and sense of ornamentation must be in character.

A plaque must be mounted on the building which designates the date of construction.

The Planning Staff must determine that ***the integrity of neighboring historic structures will not be compromised***.

The design must be based on ***adequate historic evidence***.

The design must be ***compatible with existing buildings***.

70 New Retaining Walls Should Be Similar in Color

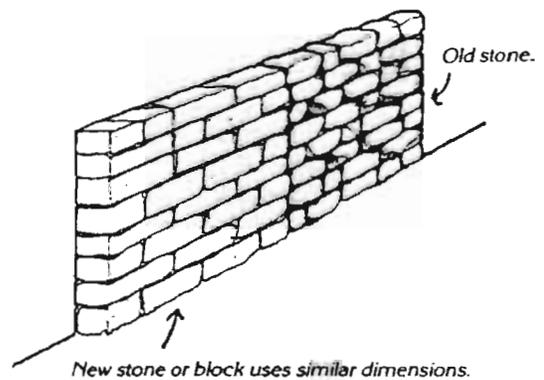
Retaining walls are a necessity on many sites, and their repetition along the street contributes to the visual continuity of the block. (See Guideline #56.)

New stone walls are encouraged.

Stone veneer may be considered if the material and method of installation are typical of that found historically in the district.

Textured specially formed and sandblasted concrete walls are encouraged. Stucco finish concrete is not appropriate.

Align new walls with existing ones where feasible.



71 Maintain the Typical Size and Shape of Historic Facades

Traditionally, the fronts of houses facing the street were 15 to 20 feet wide, depending upon the width of the lot, the orientation on the slope, and the floor plan of the house. Building fronts had a vertical emphasis. The similarity in size and the repetition of these similar sizes and shapes is an important element in establishing the "pedestrian scale" of the residential district.

New construction should include **facades that have similar widths and heights** to those found elsewhere on the street.

In cases where a new building is wider than the typical historic building, **consider breaking up the facade into smaller components** that resemble the scale of typical buildings in the neighborhood.

Where the height of new buildings will exceed the norm on the street, **consider ways to minimize the visual impact on the street.** One method might be to step the height down as it nears the street.

See also specific size limits in the **Land Management Code.**



Shape of adjacent buildings not respected.



Shape of adjacent buildings respected.

72 Maintain the Typical Spacing Pattern of Street Facades

Historically, combined side yards were 6 to 16 feet wide, and this has established a pattern of building-space-building. Although this is not a rigid pattern of exactly repeating dimensions, it is still an important element in the visual character of the neighborhood.

In new construction, consider the **relationship of the new building** and its side yard setbacks to those of **existing buildings**.

Remember that **minimum setback requirements** as defined in the Land Management Code must still be met.



This row of new condominiums repeats the spacing patterns of existing houses. In this case, all ridge lines are perpendicular to the street. (Telluride, Colorado).

73 Maintain Typical Roof Orientations

Most houses have the ridge of their roof set perpendicular to the street, but one style exception is the one-story house with a gallery porch across the entire front. In this case, the ridge of the roof was parallel to the street. This orientation creates a horizontal street facade, rather than a vertical one.

Ridges set perpendicular to the street will minimize the mass of roof material visible from the street.



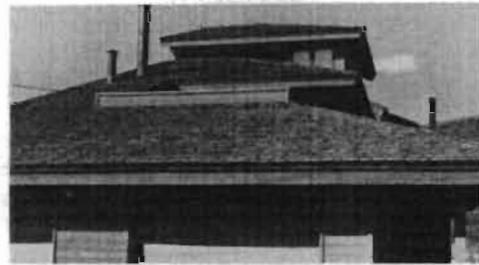
The roof shape on this new house is compatible with the existing homes in the residential area.

74 Use Roof Shapes Similar to Those Found Historically in the Neighborhood

The majority of roofs are hipped or gabled, and have a steep roof pitch. The repetition of these forms is an important one, especially because the steep slopes expose the roofs to view from above and from across the canyon. Shed roofs usually had a gentler slope when used on attachments to the main part of the building.

Note that a ***new roof may be similar*** to the older roof without exactly mimicking it.

Given the basic concept of the typical roof pitch and the range of shapes found historically, ***a wide variety of designs is possible.***



Typical roof shapes can be combined in new ways to create compatible infill buildings.

75 Maintain the Orientation and Dimensions of Porches

Historically, the porch protected the entrance to the house. The main porch faced the street, and it ran across the entire front of the house, or a portion of it.

A modern interpretation of a conventional porch strongly establishes a relationship with the neighborhood.



76 Maintain the Typical Orientation of Entrances Toward the Street

Traditionally, the primary entrance for the house faced the street. This is an important feature that helps to establish the sense of "neighborhood" that we associate with the Old Town residential streets.

Orient the main entrance of buildings toward the street to maintain this characteristic.

Avoid facing main entrances toward the side yards, especially in multi-family dwellings.

77 Maintain the Typical Setback of Front Facades

Most buildings are set back from the street to provide a front yard. Although this dimension varies, the typical range is from ten to twenty feet. Usually, each block will have a fairly uniform range of setbacks, which should be respected.

In new construction, **set buildings back from the street** in conformance with the typical alignment of facades in the block. Remember that minimum setback requirements in the Land Management Code must be met.



Note the uniformity of the setbacks.

78 Minimize the Visual Impact of One-Site Parking

The residential areas of Old Town were developed before the advent of automobiles, and therefore the site plans of the older lots were not designed to accommodate parking. Typically, the front yards were landscaped, and this is an important characteristic of the neighborhood. The trend to provide parking spaces and driveways in front yards is threatening to alter this important visual element of the street. Therefore, innovative design solutions are needed to help minimize the visual impact of cars on the historic areas.

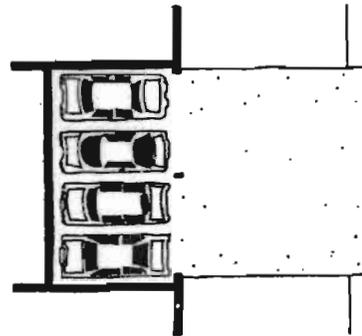
When designing multi-family units, **consider using a single driveway** to provide access to a multiple-space parking garage rather than providing each unit with a separate driveway and garage door. This will also help to minimize the amount of facade that must be broken up with garage doors.

Another alternative to consider is to **provide a driveway along the side yard of the property**. Special zoning provisions allow a shared driveway with the neighboring lot. The side drive can then provide access to parking in the rear of the lot.

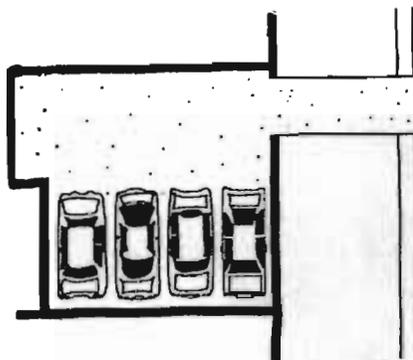
Also, consider using **textured and porous paving** materials other than smooth concrete for driveways in front yards.

New zoning regulations now **permit tandem parking** so that one car may be parked behind another.

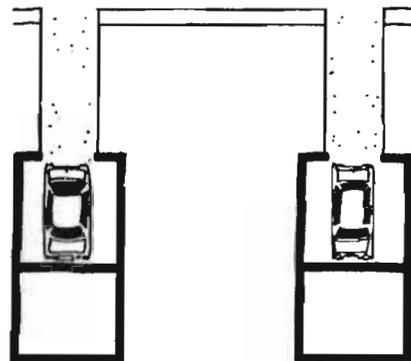
The Land Management Code defines **limits for drives** that must also be met.



This design is discouraged.



This preferred design for parking several cars uses only one drive, but applies only to wider lots.

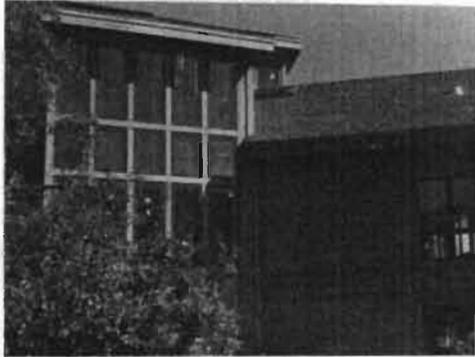


Tandem parking allows additional landscaped area.

79 Use Ratios of Windows to Walls That Are Similar to Historic Structures

This proportion of solid-to-void is important and should be repeated as much as possible in new construction.

In general, **about two-thirds of the front facade is "solid"** on historic structures. The balance is openings—windows and doors.



This is an appropriate design if a large amount of glass is desired.



*Appropriate ratio
of window to wall.*

*Inappropriate ratio
for the street side.*

Final Design Guidelines

THESE GUIDELINES ARE FOR USE IN THE FINAL REVIEW PROCESS FOR NEW RESIDENTIAL DESIGNS

80 Use Materials That Are Similar in Finish and Texture and Scale to Those Used Historically

The majority of buildings are made of wood clapboards or drop lap siding, although some brick exists. These building materials have distinct textures, and establish patterns on individual facades that repeat along the street. These materials are important in establishing the scale of buildings.

New buildings should continue to **reinforce these patterns and textures.**

Wood and brick are recommended, but other building materials may be considered as long as the finish and texture reinforce the existing characteristic. For example, concrete may be formed to create a horizontal pattern similar in texture to clapboard siding.



New siding that matches the lap dimension of existing houses is preferred.

Historically, **clapboard was painted,** and therefore new construction should not include unfinished wood surfaces.

Clapboard lap dimensions should be similar to those of historic structures **roughly 4 to 6 inches exposed.**

Brick was of a standard dimension that established a pattern to walls. **Jumbo brick sizes are therefore not allowed.** Brick is preferred for chimneys.

Aluminum, vinyl and other **synthetic sidings will not be approved.**



81 Reserve the Use of Special Ornamental Siding Materials for Limited Surface Areas

Historically, shingles were used to create ornamental siding patterns as an accent to the predominant clapboard siding. Shingles were used in the ends of gables, for example, but not as siding for lower portions of walls.

The use of ornamental shingles, and other special siding, **in new creative ways is encouraged;** however, the amount of surface area allocated to these materials should be limited.



Ornamental siding used appropriately.

Too much ornamental siding.

82 Contemporary Interpretations of Building Ornamentation are Encouraged; but They Should be Limited in Their Application

Historically in Park City, most residences had modest amounts of ornamental details—and typically these were applied to porches, gables, and dormers. Although new concepts for decoration are encouraged, simplicity of building form should remain dominant.



This home displays an appropriate amount of ornamental siding. The building is obviously new, but uses traditional materials of the historic district.

83 Use Window and Doors of Similar Size and Proportion to Those Historically Seen in Park City

Windows with vertical proportions similar to those of the original double hung sash are most appropriate. New operating designs, such as casement windows are readily available in well proportioned sizes. Arched and bay windows may provide interesting accents if used with restraint. Small pane windows as seen on colonial buildings are not appropriate for Park City. (See also Guideline #57).

Use of windows with **tall proportions is encouraged**. Wide openings may be filled with two or more vertically proportioned windows paired together.

Large areas of glass should be **located on facades which do not directly face on streets**.

Contemporary interpretations of special windows may be considered if they are used in limited numbers as accents.

Doors should be of a simple uncluttered design. Scalloped, "Dutch" or "Colonial" doors are not appropriate. (See Guideline #64.)



New windows that repeat the vertical proportions of older windows are preferred.

84 Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Framing surrounding windows and doors should have a visual mass that appears as heavy as that found on the older buildings in the historic district. The substantial cross section of framing around windows and doors creates interesting shadow lines that add interest to the building's facade. (See also Guideline #58.)



Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture, metal and vinyl cladding over wood frames may be acceptable.

Raw aluminum windows and door frames will not be accepted. Most aluminum frames, even those with anodized finishes, lack the mass and detail necessary to be acceptable.

85 New Wood Windows With Dimensions Appropriate for New Compatible Architecture

Creative energy conserving designs that respect the character of the street are encouraged.

For **roof-mounted collectors**, locate them on the rear or a side.

The angle of the collector **should conform to the slope of the house.** If this is not feasible, consider locating the panels on a secondary structure in the back yard.

If using Trombe walls and greenhouses, **locate them also so they are not on the front of the building.** These can be located on the side or rear of the building.

All visible hardware must be finished in a color to match the roof.

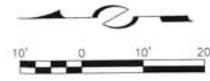


This collector is away from the street view and lies close to the roof.

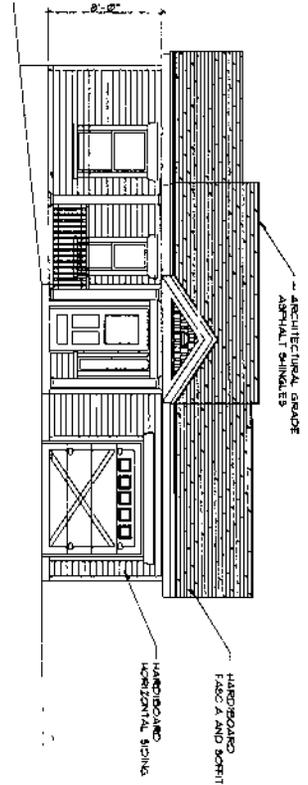
Exhibit C - Approved HDDR Site Plan dated January 20, 2009



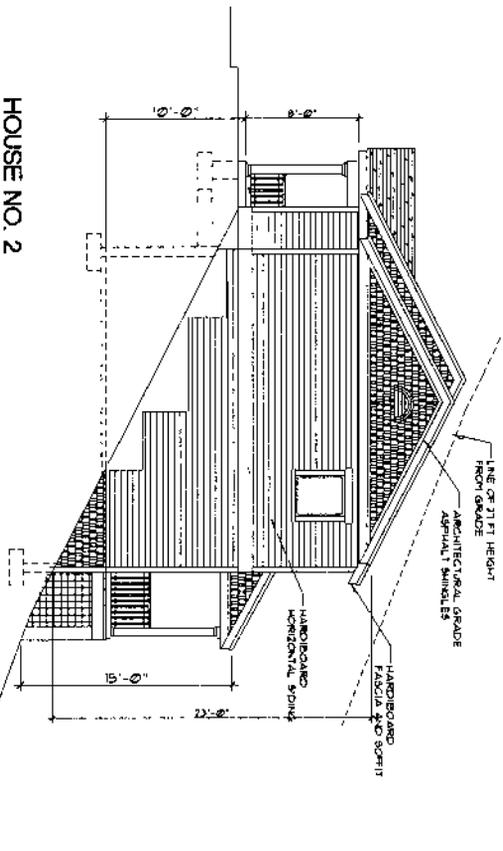
- CONSTRUCTION NOTES:
1. CONCRETE WALLS - 4" CONCRETE SLAB OVER 4" FINISHED BASE.
 2. ASPHALT DRIVEWAYS - 2.5" ASPHALT OVER 6" BASE COURSE.



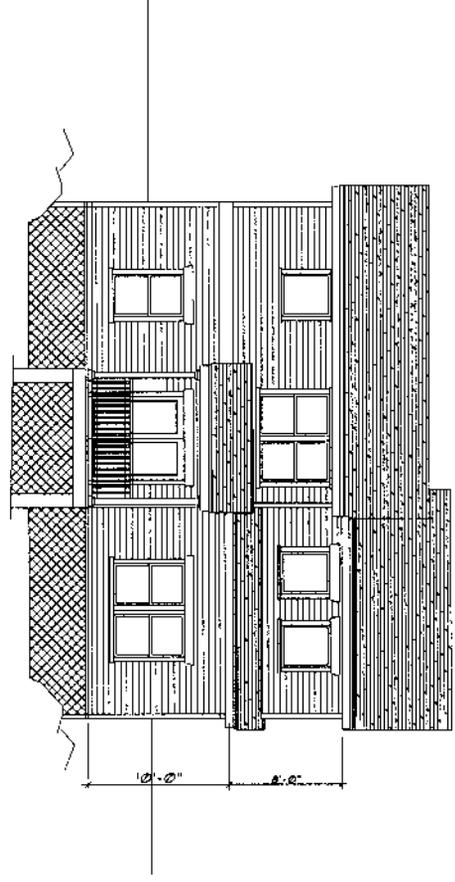
<p>(435) 648-2467</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p> <p>223 West Street, P.O. Box 2004, Park City, Utah 84301-2004</p>	<p>STAFF:</p> <p>J. DEMKOWICZ M. DEMKOWICZ S. SCHUELER</p>	<p>MARSAC AFFORDABLE HOUSING SUBDIVISION</p> <p>SILVER HILL COURT</p> <p>SITE GRADING PLAN</p>	<p>SHEET 4 OF 7</p>
	<p>FOR: UNITED PARK CITY MINES CORPORATION</p> <p>JOB NO.: 8-7-08</p> <p>FILE: X:\PCS\dwg\TaliskerMarsacAffordableHousing\C1.0 Grading Plan.dwg</p>	<p>DATE: 1/20/09</p> <p><i>Max Reeser</i></p>	



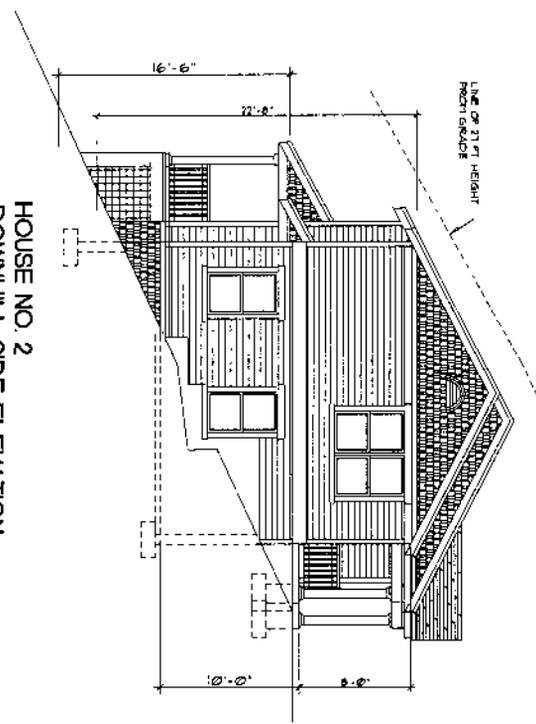
HOUSE NO. 2
DOWNHILL ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 2
DOWNHILL SIDE ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 2
DOWNHILL REAR ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 2
DOWNHILL SIDE ELEVATION
SCALE 1/4" = 1'-0"

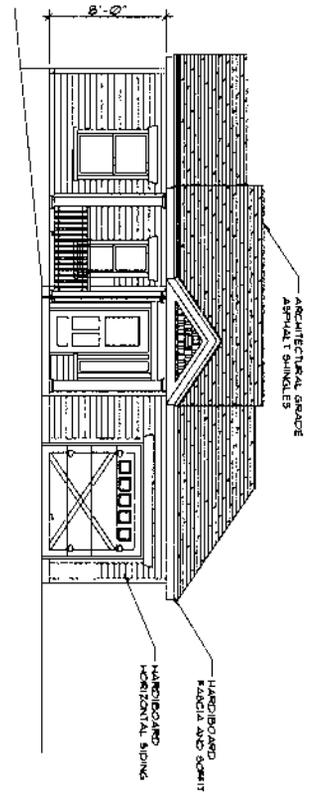
DATE: 1 JAN 2009
SHEET NUMBER: A2.3

KCB architecture
2033 don drive
toyon, utah 84040
(801) 563-9326 FAX

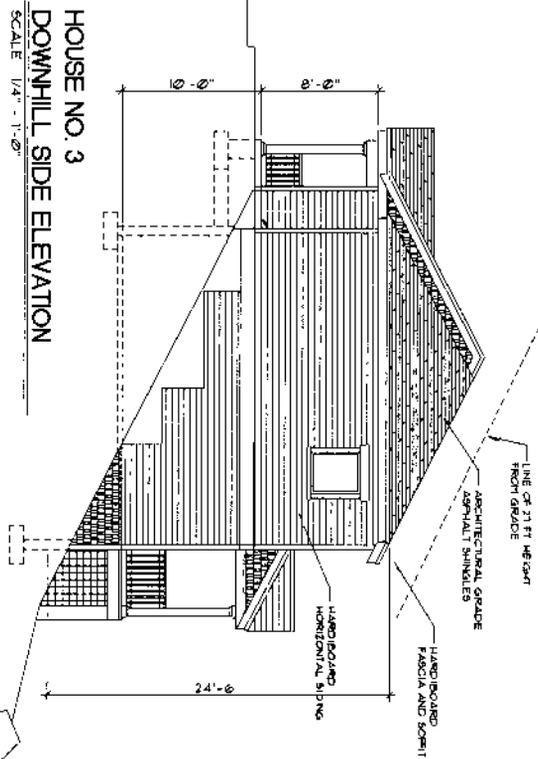
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MARSAC AVENUE
PARK CITY UT 84404
TALICKER

PROJECT NUMBER: 01-045
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SCALE: 1/4" = 1'-0"

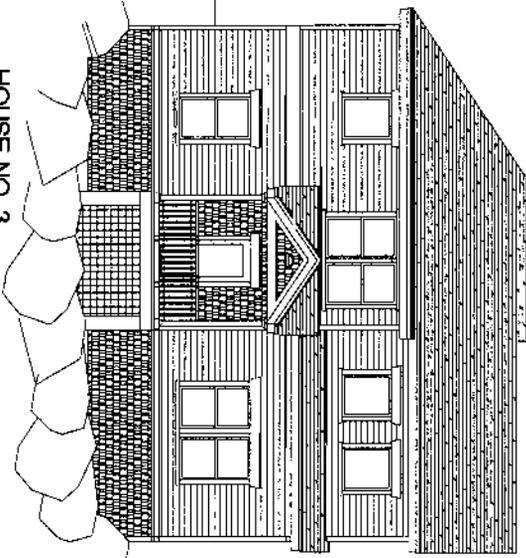
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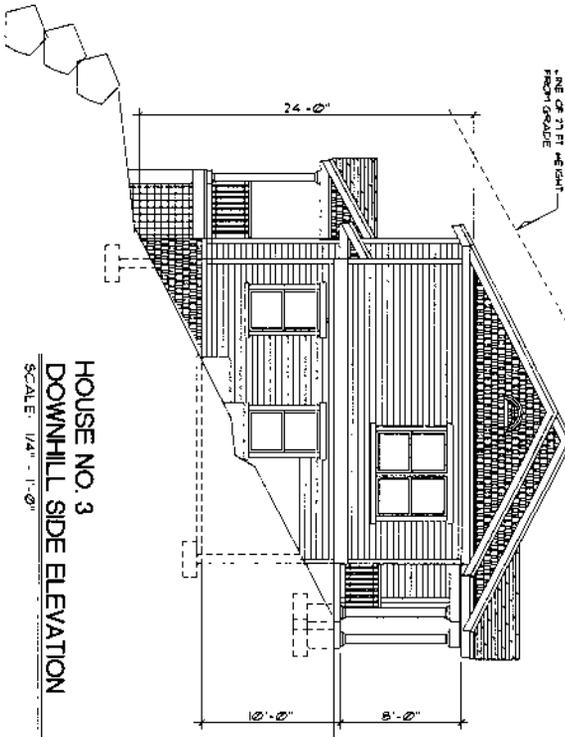
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DOWNHILL ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 3
DOWNHILL SIDE ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 3
DOWNHILL REAR ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 3
DOWNHILL SIDE ELEVATION
SCALE 1/4" = 1'-0"

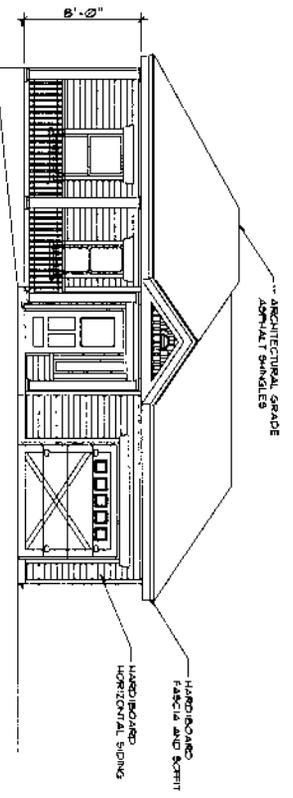
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SHEET NUMBER
A3.3

KCB architecture
2033 dan drive
saylor, utah 84040
(801) 592-0328 FAX

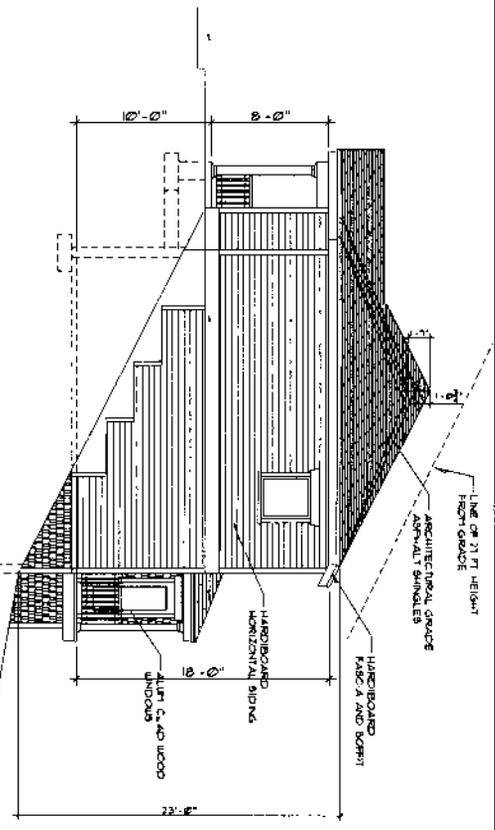
PROJECT/OWNER
AFFORDABLE HOUSING
MARSAK HOMES
MARSAK AVENUE
PARK CITY, UTAH
TALISKER

PROJECT NUMBER
01-045
SHEET NUMBER
DOWNHILL ELEVATIONS
HOUSE NO. 3
SCALE: 1/4" = 1'-0"

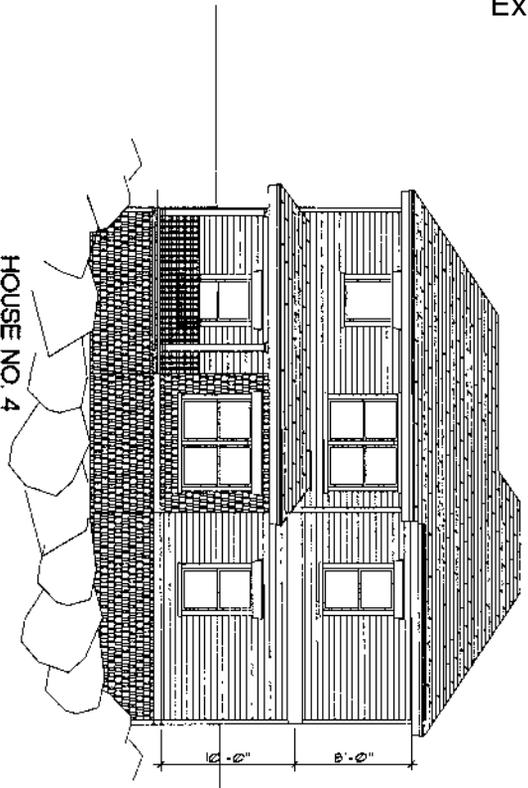
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DOWNHILL ELEVATION
SCALE 1/4" = 1'-0"



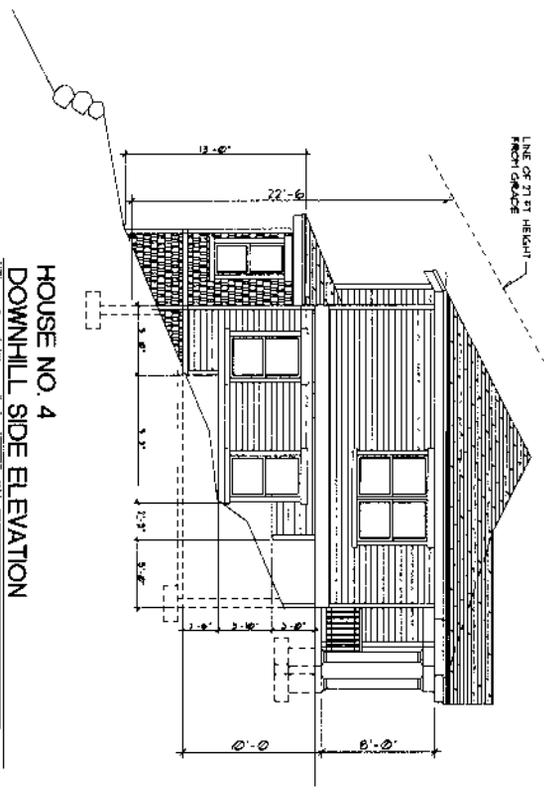
HOUSE NO. 4
DOWNHILL SIDE ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 4
DOWNHILL REAR ELEVATION
SCALE 1/4" = 1'-0"



HOUSE NO. 4
DOWNHILL SIDE ELEVATION
SCALE 1/4" = 1'-0"



PROJECT NUMBER
A4.3

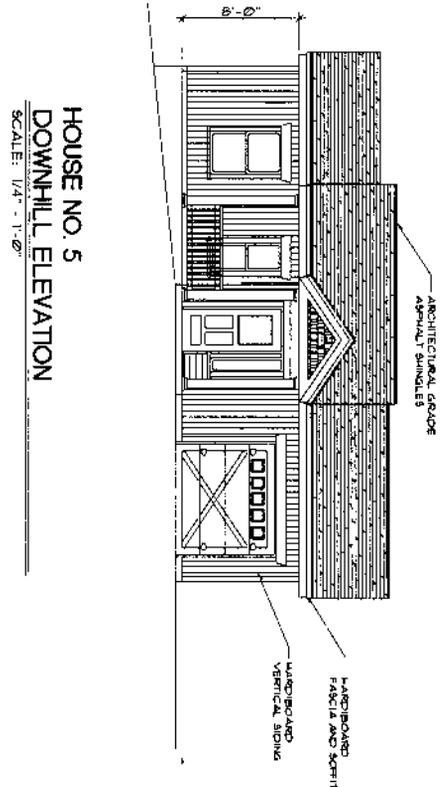
DATE
7 JAN 2009

KCB architecture
2033 5th Ave
Layton UT 84040
(801) 283-9328 FAX

PROJECT/OWNER
AFFORDABLE HOUSING
MARGAC HOMES
MARGAC AVENUE
PARK CITY, UT 84301
TALBCKER

PROJECT NUMBER
01-045

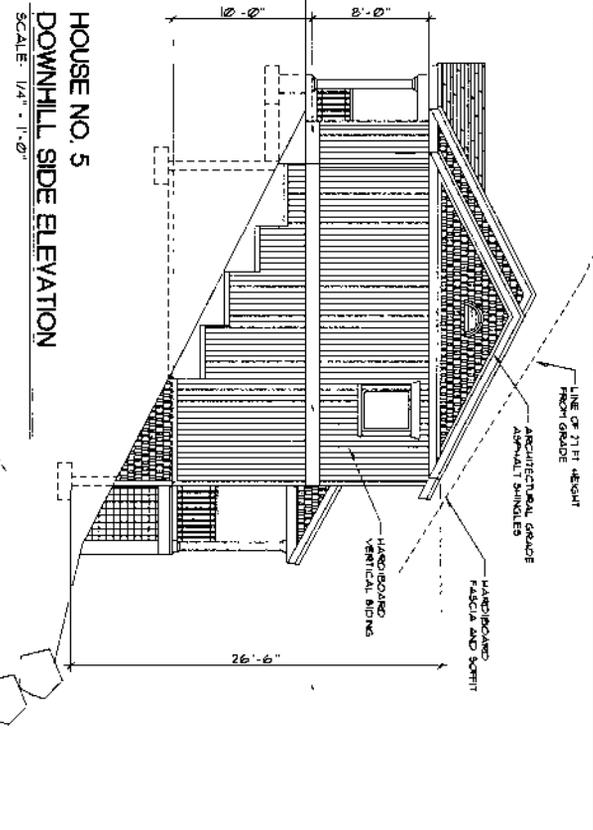
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HOUSE NO 4
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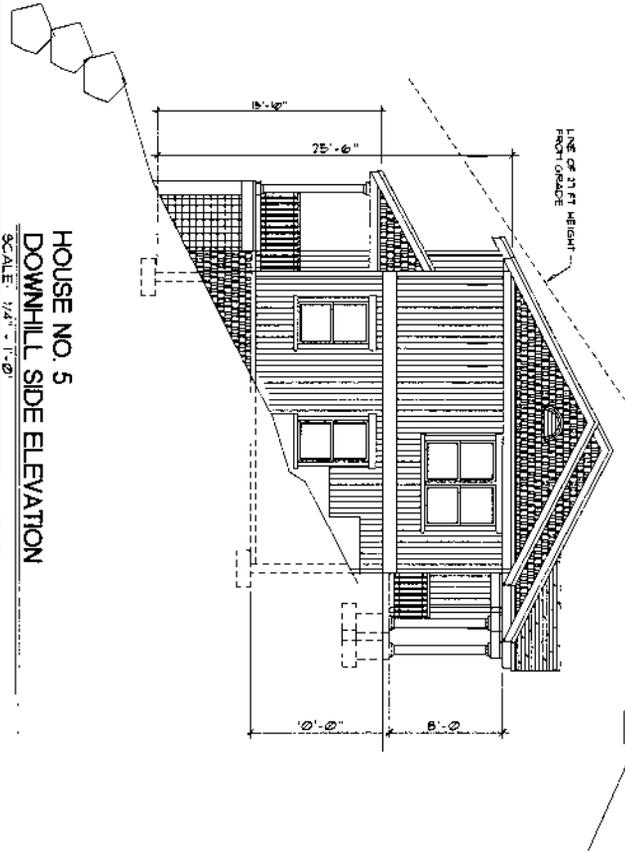
HOUSE NO. 5
DOWNHILL ELEVATION
SCALE: 1/4" = 1'-0"



DOWNHILL REAR ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 5
DOWNHILL SIDE ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 5
DOWNHILL SIDE ELEVATION
SCALE: 1/4" = 1'-0"

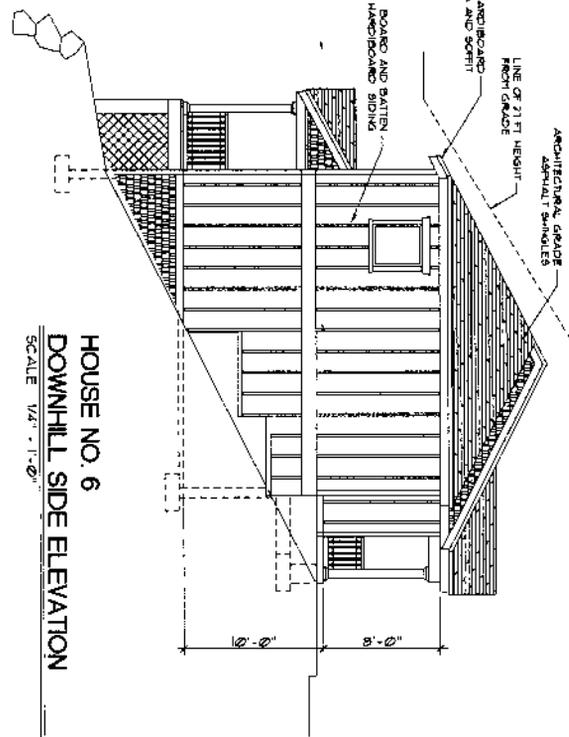
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SHEET NUMBER
A5.3
7 JAN 2009

KCB architecture
2033 40th drive
Cottonwood, Utah 84040
(407) 532-9328 Fax

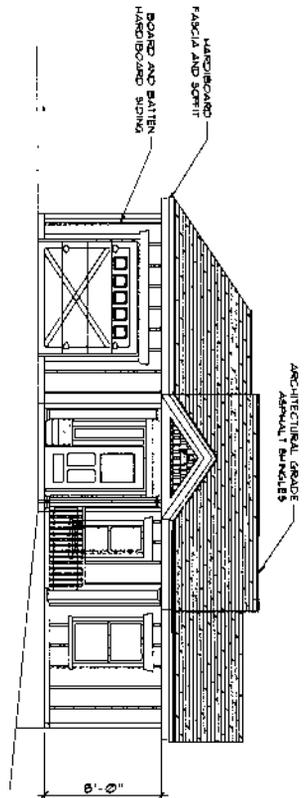
PROJECT
AFFORDABLE HOUSING
MARSAC HOMES
MARSAC AVENUE
PARK CITY UTAH
TALISKER

PROJECT NUMBER
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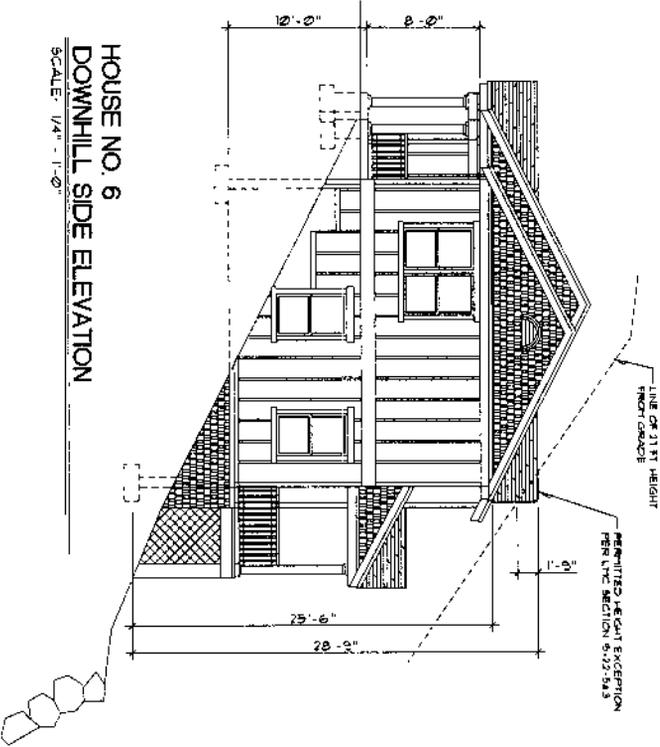
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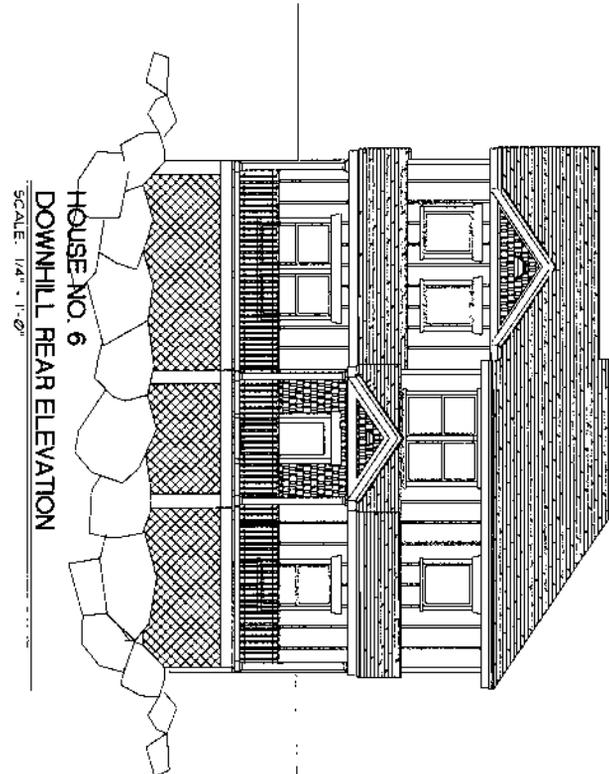
HOUSE NO. 6
DOWNHILL SIDE ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 6
DOWNHILL ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 6
DOWNHILL SIDE ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 6
DOWNHILL REAR ELEVATION
SCALE: 1/4" = 1'-0"

DATE: 7 JAN 2009
SHEET NUMBER: A6.3

PROJECT NUMBER: 01-045
SHEET TITLE: DOWNHILL ELEVATIONS



architecture
2033 4th Ave
Loyton, Utah 84040
(801) 353-8328 FAX

PROJECT OWNER: AFFORDABLE HOUSING MARSAC HOMES

MARSAC AVENUE
PARK CITY UT 84301
TALISKER

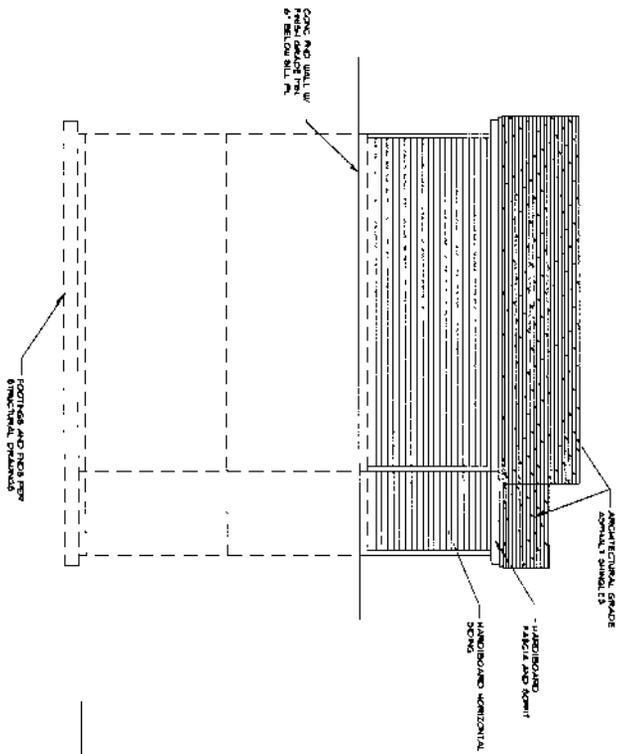
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SHEET TITLE: DOWNHILL ELEVATIONS
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SCALE: 1/4" = 1'-0"

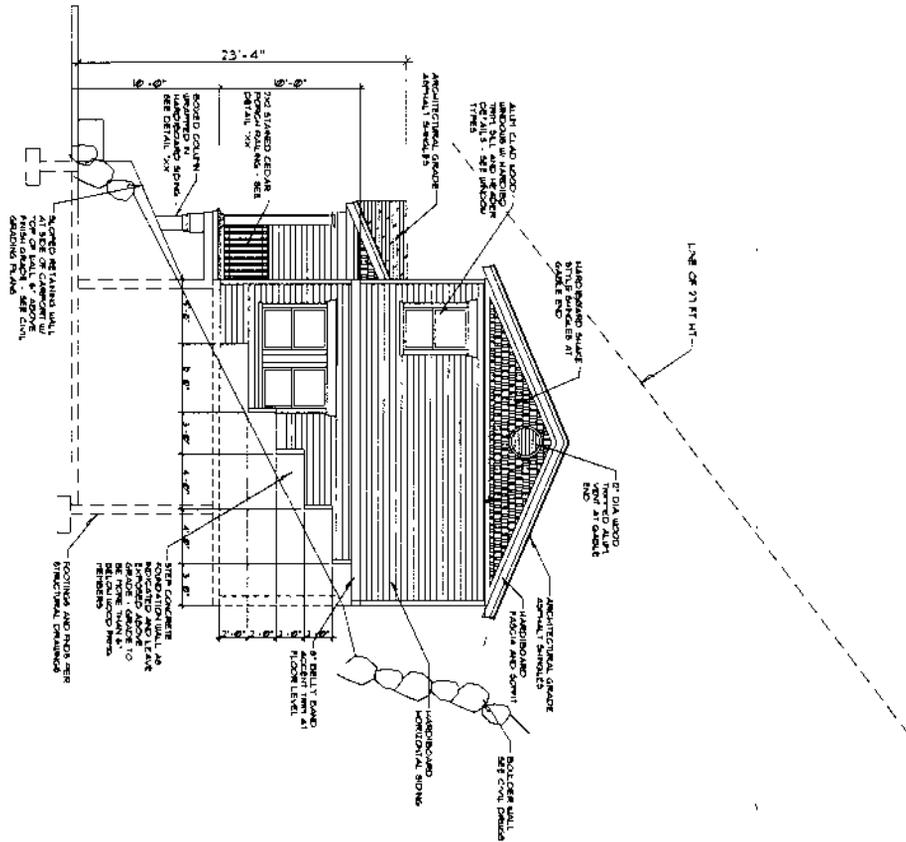
DATE: 7 JAN 2009

SHEET NUMBER: A6.3

REAR ELEVATION - UPHILL UNIT - EAST
SCALE 1/4" = 1'-0"
HOUSE NO. 7



SIDE ELEVATION - UPHILL UNIT - SOUTH
SCALE 1/4" = 1'-0"
HOUSE NO. 7



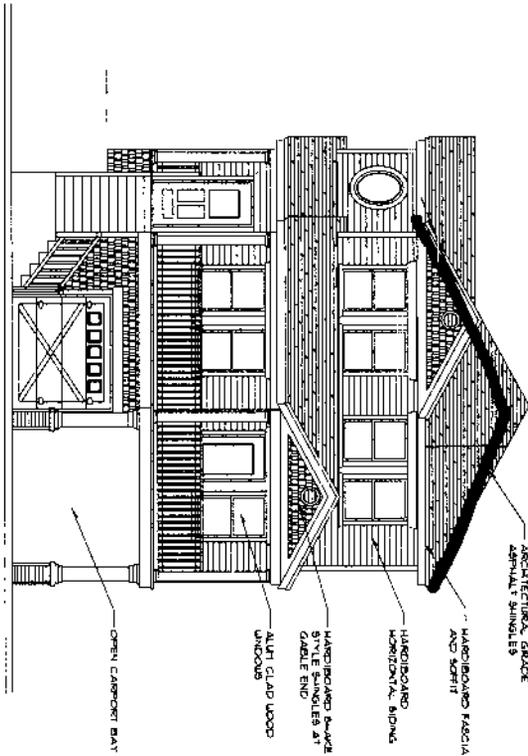
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1 JAN 2009
SCALE
1/4" = 1'-0"
PROJECT NUMBER
01-045
SHEET NO.
A7.4

KB architecture
2033 2nd Ave
Salt Lake City, UT 84143
(801) 593-9328 Fax

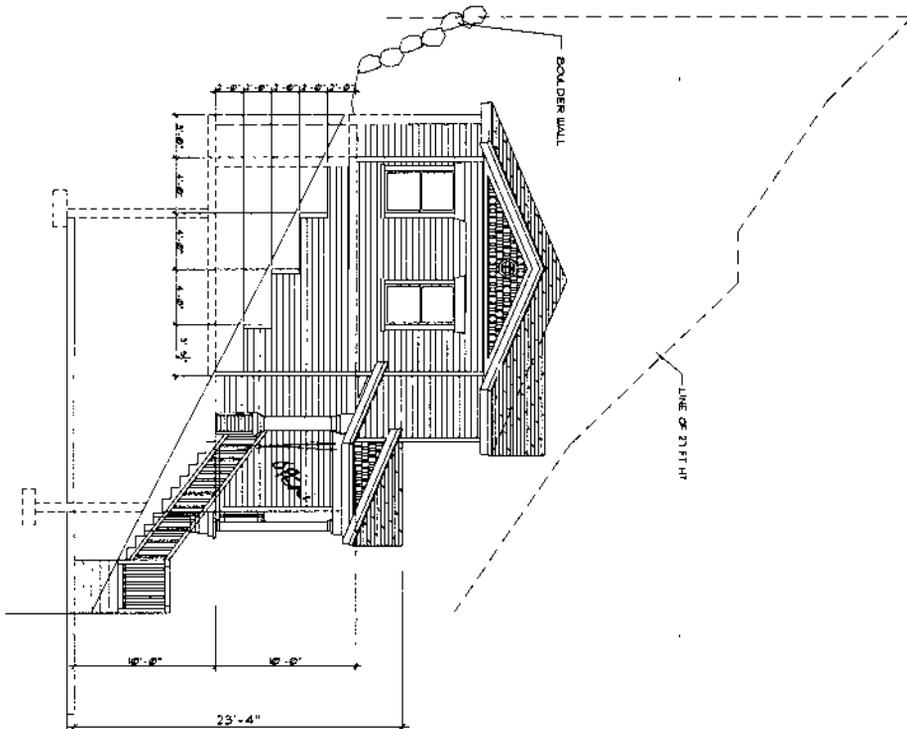
SILVER HILLS COURT
AFFORDABLE HOMES
100 MARBAC AVENUE
PARK CITY UTAH
TALISKER MOUNTAIN, INC

PROJECT NUMBER
01-045
SHEET NO.
UPHILL ELEVATIONS
HOUSE NO 7
SCALE 1/4" = 1'-0"

FRONT ELEVATION - UPHILL UNIT
 SCALE: 1/4" = 1'-0"
 HOUSE NO. 8



SIDE ELEVATION - UPHILL UNIT - NORTH
 SCALE: 1/4" = 1'-0"
 HOUSE NO. 8



SHEET NUMBER
 54-45

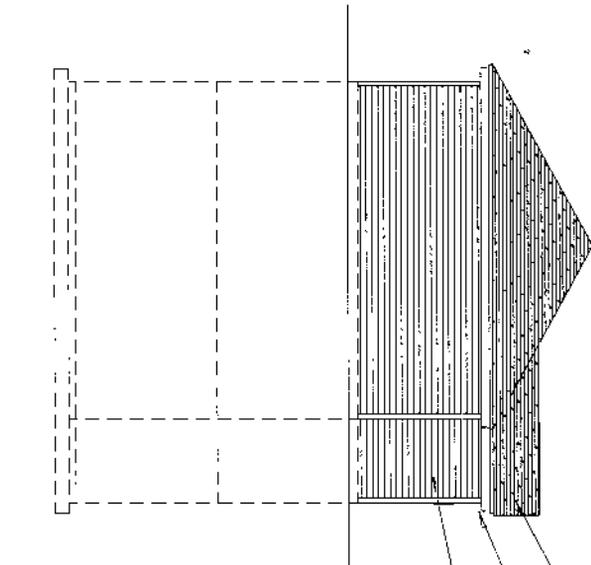
UPHILL ELEVATIONS
 HOUSE NO. 8
 SCALE: 1/4" = 1'-0"

PROJECT OWNER
 AFFORDABLE HOUSING
 MARSAC HOMES
 MARSAC AVENUE
 PARK CITY, UTAH
 TAL SKER

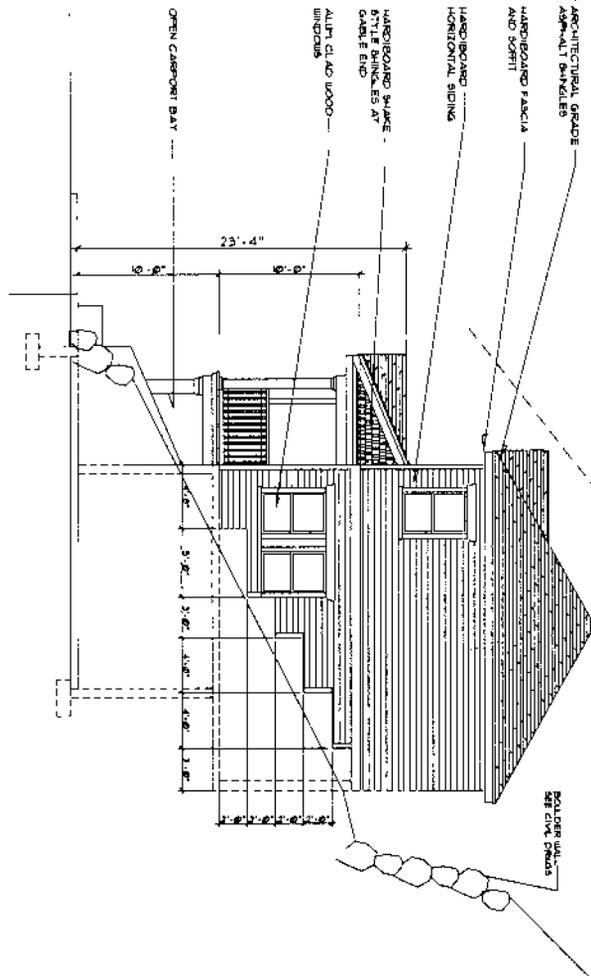
architect
 2033 dai drive
 layton, utah 84040
 (801) 593-8338 FAX

DATE
 7 JAN 2009
 SHEET NUMBER
 A8.3

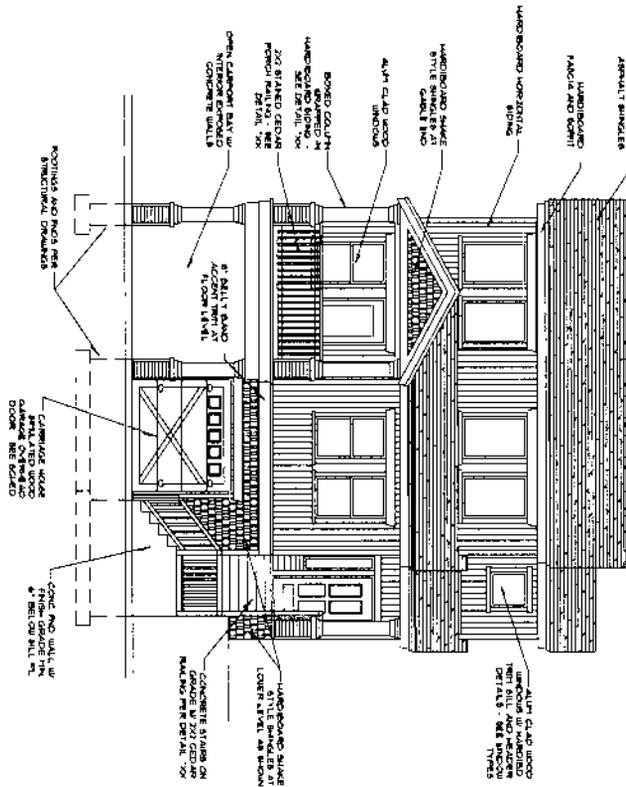
REAR ELEVATION - UPHILL UNIT
 SCALE: 1/4" = 1'-0"
 HOUSE NO. 8



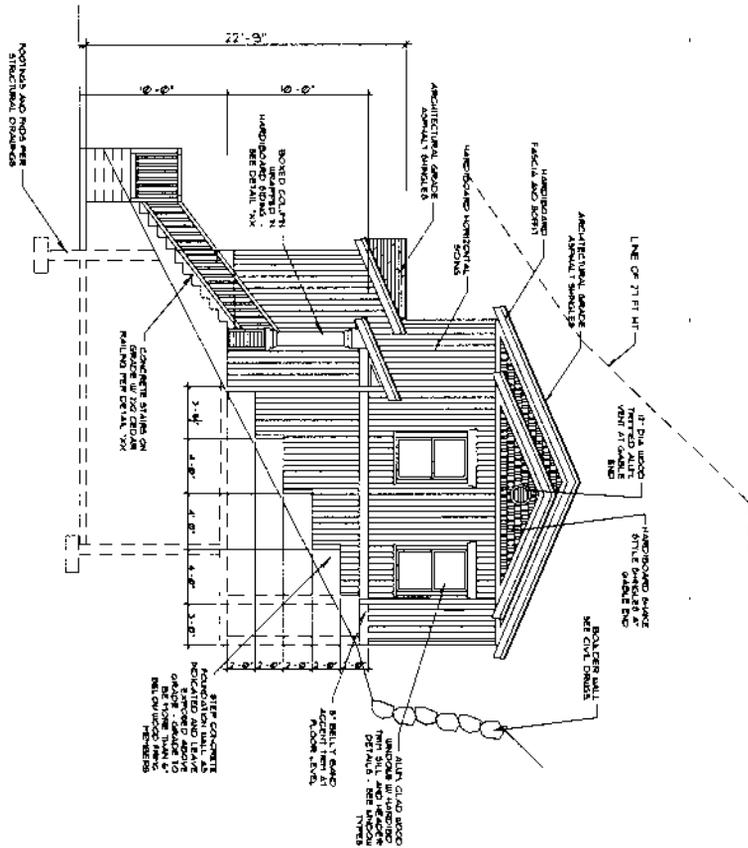
SIDE ELEVATION - UPHILL UNIT - SOUTH
 SCALE: 1/4" = 1'-0"
 HOUSE NO. 8



 <p>architecture 2035 DEP DR 6500 W 400 S SALT LAKE CITY, UT 84119 (801) 487-8200</p>	PROJECT NUMBER: UPHILL ELEVATIONS HOUSE NO. 8 SCALE: 1/4" = 1'-0"	PROJECT NUMBER: 01-045 SHEET NUMBER: A8.4
	AFFORDABLE HOUSING MARSAC HOMES MARSAC AVENUE PARK CITY UTAH TALIBKER	PROJECT NUMBER: 01-045



FRONT ELEVATION - UPHILL UNIT - WEST
 SCALE: 1/4" = 1'-0"
 HOUSE NO. 9



SIDE ELEVATION - UPHILL UNIT - NORTH
 SCALE: 1/4" = 1'-0"
 HOUSE NO. 9

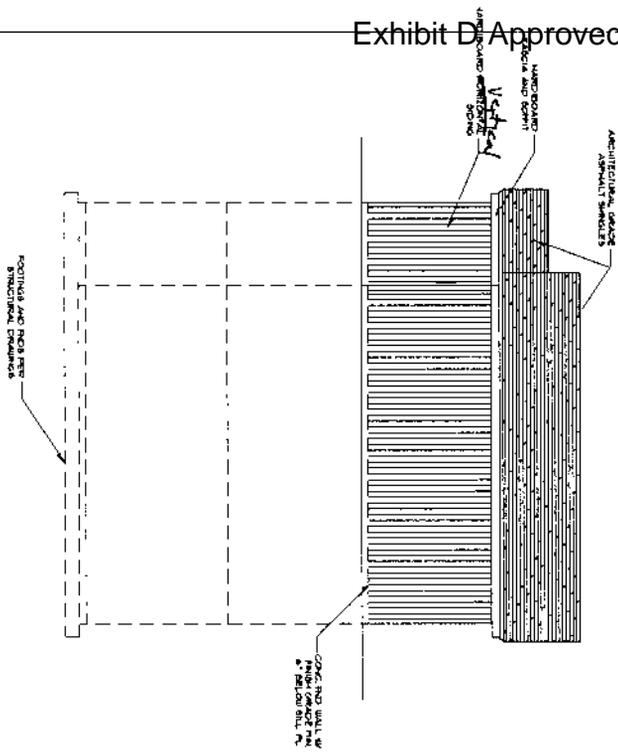
DATE: 7 JAN 2009
 SHEET NUMBER: A9.3

KB architecture
 2033 5th drive
 layton utah 84040
 (801) 963-9328 FAX

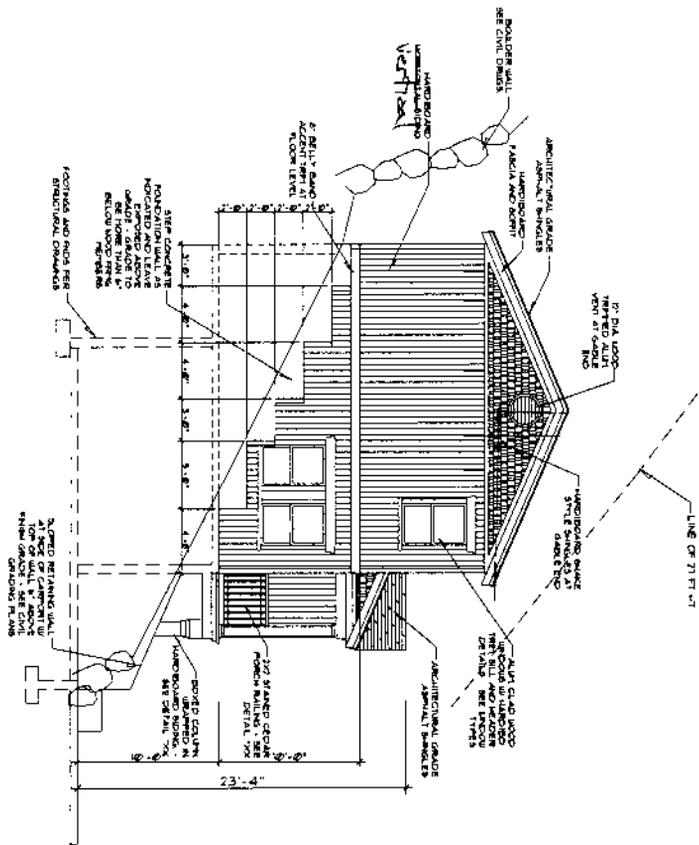
PROJECT: SILVER HILLS COURT AFFORDABLE HOMES
 180 MARSAE AVENUE
 PARK CITY UTAH
 TALKER MOUNTAIN INC

PROJECT NUMBER: 07-045
 SHEET TITLE: UPHILL ELEVATIONS HOUSE NO 9
 SCALE: 1/4" = 1'-0"

REAR ELEVATION - UPHILL UNIT - EAST
SCALE 1/4" = 1'-0"



SIDE ELEVATION - UPHILL UNIT - SOUTH
SCALE 1/4" = 1'-0"



A9.4

SHEET NUMBER
DATE
7 JAN 2009



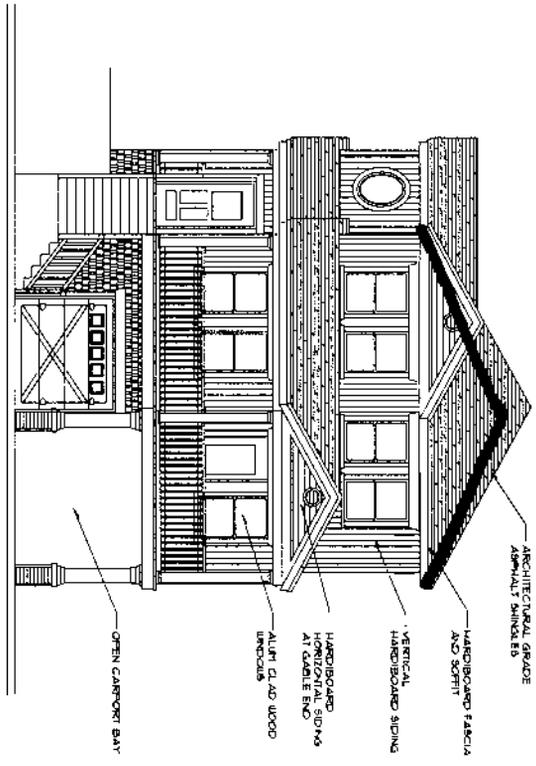
architecture
2033 400 drive
park city, utah 84500
(801) 963-8339 fax

PROJECT
SILVER HILLS COURT
AFFORDABLE HOMES
1825 MARSAC AVENUE
PARK CITY, UTAH
TALISKER MOUNTAIN, INC

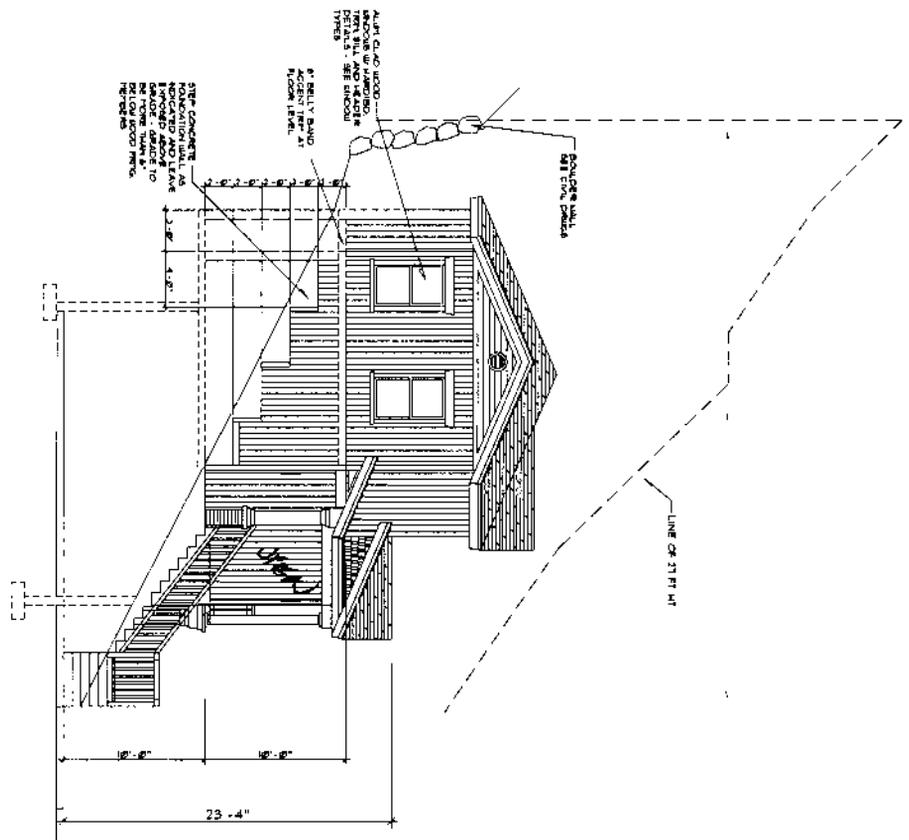
PROJECT OWNER
UPHILL ELEVATIONS
HOUSE NO. 9
SCALE: 1/4" = 1'-0"

PROJECT NUMBER
07-045
SHEET TITLE

FRONT ELEVATION - UPHILL UNIT
SCALE 1/4" = 1'-0"
HOUSE NO. 10



SIDE ELEVATION - UPHILL UNIT - NORTH
SCALE 1/4" = 1'-0"
HOUSE NO. 10



A10.3

SHEET NUMBER
1 JAN 12 2009

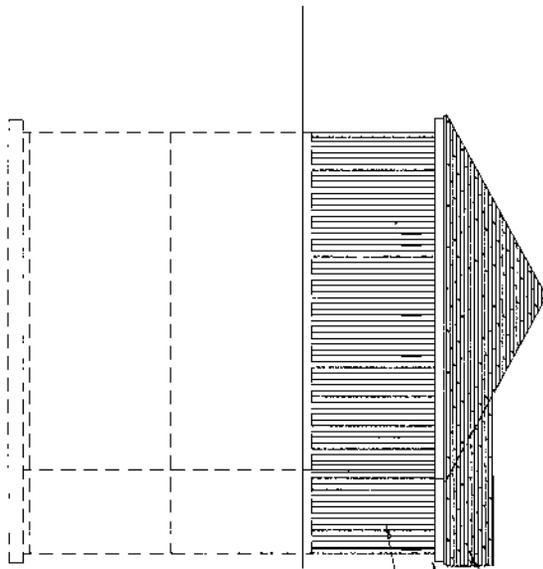
KB architecture
2053 5th Ave
Boylston, Utah 84040
(801) 592-5328 FAX

PROJECT:
AFFORDABLE HOUSING
MARSAC HOMES
MARSAC AVENUE
PARK CITY, UTAH
TALISKER

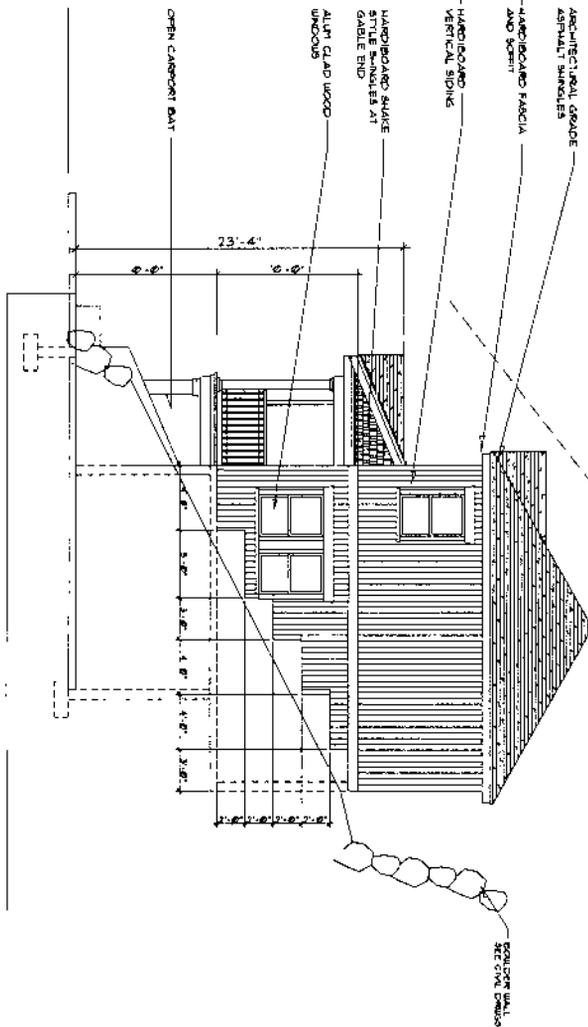
PROJECT/OWNER:
UPHILL ELEVATIONS
HOUSE NO. 10
SCALE 1/4" = 1'-0"

PROJECT NUMBER
01-045
SHEET TITLE

REAR ELEVATION - UPHILL UNIT
 SCALE 1/4" = 1'-0"
 HOUSE NO. 10



SIDE ELEVATION - UPHILL UNIT - SOUTH
 SCALE 1/4" = 1'-0"
 HOUSE NO. 10



DATE: 7 JAN 2009
 SHEET NUMBER: A10.4

KB architecture
 2031 don drive
 layton utah 84040
 (801) 533-9328 FAX

PROJECT: AFFORDABLE HOUSING
 MARSAC HOMES
 MARSAC AVENUE
 PARK CITY, UT 84301
 TAL SKER

PROJECT NUMBER: 01-045
 SHEET NAME: JPHILL ELEVATIONS
 HOUSE NO. 10
 SCALE: 1/4" = 1'-0"

PROJECT NUMBER: 01-045
 SHEET NAME: JPHILL ELEVATIONS

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 1

Guideline 68: Avoid designs that imitate historic styles

- Complies New designs are encouraged
- Complies Historic styles will not be approved

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- Not applicable Building must be constructed in its original site
- Not applicable Style must be one that occurred in Park City
- Not applicable Style must be used correctly
- Not applicable Plaque must be mounted

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- Not applicable: New stone walls are encouraged
- Not applicable Stone veneer may be considered
- Not applicable Textured specially formed and sandblasted concrete walls are encouraged
- Not applicable Align new walls with existing

Comments: Criterion further states, “repetition along the street contributes to the visual continuity of the block”. Five foot high boulder retaining walls are proposed between units 1 and 2. This project is not part of a typical street block

(like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

Complies	Establishes a pedestrian scale
Complies	Façade has similar width and height to those found elsewhere on the street.
Complies	Consider breaking up façade into smaller components
Not applicable	Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 1 is 47 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a double wide lot found elsewhere in Old Town. This building has a one story front elevation with a covered porch, front door under a gable element, and a single car garage door set back from the front wall plane.

Guideline 72: Maintain the typical spacing pattern of street facades

Not applicable	Considers the relationship between the new building and existing buildings.
----------------	---

Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

Complies	Ridges set perpendicular with the street will minimize the mass of roof material visible from the street
----------	--

Comments: The main ridge for Unit 1 is parallel to Silver Hills Court and Marsac Avenue due to the nature of the lot configuration being wider than it is deep. The ridge is hipped on either end, lessening the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof is hipped similar to other roofs in this development with a pitch of 6:12 (front to back) and 8:12 (hip).

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: A front porch across the south half of the house is proposed.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 1 complies and utilizes the front yard set back exception for a porch not more than ten feet wide projecting not more than 3 feet into the front yard.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Tandem parking with one space in a garage and one space on the driveway is proposed.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a board and batten style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways in encouraged.

Comments: Hardiboard shingle is proposed on the west elevation as an accent.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a half light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not Applicable	Contemporary interpretation of special windows may be considered
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is half light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 1 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.

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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 2

Guideline 68: Avoid designs that imitate historic styles

- | | |
|----------|--------------------------------------|
| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, "repetition along the street contributes to the visual continuity of the block". Five foot high boulder retaining walls are proposed between units 1 and 2 and units 2 and 3. This project is not part of a

typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

Complies	Establishes a pedestrian scale
Complies	Façade has similar width and height to those found elsewhere on the street.
Complies	Consider breaking up façade into smaller components
Not applicable	Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 2 is 46 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a double wide lot found elsewhere in Old Town. This building has a one story front elevation with a covered porch, front door under a gable element, and a single car garage door set back from the front wall plane.

Guideline 72: Maintain the typical spacing pattern of street facades

Not applicable	Considers the relationship between the new building and existing buildings.
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Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

Complies	Ridges set perpendicular with the street will minimize the mass of roof material visible from the street
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Comments: The main ridge for Unit 2 is parallel to Silver Hills Court and Marsac Avenue due to the nature of the lot configuration being wider than it is deep. The gabled ridge is stepped in two locations, breaking up the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof has gables on either end similar to other roofs in this development with a pitch of 6:12 (front to back). Small shed roofs in the rear cover a porch and help break the mass of the rear elevation.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: A front porch across a portion (approx 1/3) of the house is proposed.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 2 complies and utilizes the front yard set back exception for a porch not more than ten feet wide projecting not more than 3 feet into the front yard.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Tandem parking with one space in a garage and one space on the driveway is proposed.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a horizontal clapboard style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways in encouraged.

Comments: Hardiboard shingle is proposed on the gable ends as an accent.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a half light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not Applicable	Contemporary interpretation of special windows may be considered
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is half light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 2 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.

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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 3

Guideline 68: Avoid designs that imitate historic styles

- | | |
|----------|--------------------------------------|
| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, "repetition along the street contributes to the visual continuity of the block". Five foot high boulder retaining walls are proposed between units 2 and 3 and units 3 and 4. This project is not part of a

typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

Complies	Establishes a pedestrian scale
Complies	Façade has similar width and height to those found elsewhere on the street.
Complies	Consider breaking up façade into smaller components
Not applicable	Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 3 is 46 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a double wide lot found elsewhere in Old Town. This building has a one story front elevation with a covered porch, front door under a gable element, and a single car garage door set back from the front wall plane.

Guideline 72: Maintain the typical spacing pattern of street facades

Not applicable	Considers the relationship between the new building and existing buildings.
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Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

Complies	Ridges set perpendicular with the street will minimize the mass of roof material visible from the street
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Comments: The main ridge for Unit 3 is parallel to Silver Hills Court and Marsac Avenue due to the nature of the lot configuration being as wide as it is deep. The ridge is stepped in two locations, breaking up the visual impact of the roof mass. The north end is hipped while the south end is a gable.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof has gables on either end similar to other roofs in this development with a pitch of 6:12 (front to back). Small shed roofs in the rear cover a porch and help break the mass of the rear elevation.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: A front porch across a portion (approx 1/3) of the house is proposed.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 3 complies and utilizes the front yard set back exception for a porch not more than ten feet wide projecting not more than 3 feet into the front yard.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Tandem parking with one space in a garage and one space on the driveway is proposed.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a horizontal clapboard style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways in encouraged.

Comments: Hardiboard shingle is proposed on the gable ends as an accent.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a half light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not Applicable	Contemporary interpretation of special windows may be considered
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is half light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 3 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.

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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 4

Guideline 68: Avoid designs that imitate historic styles

- Complies New designs are encouraged
- Complies Historic styles will not be approved

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- Not applicable Building must be constructed in its original site
- Not applicable Style must be one that occurred in Park City
- Not applicable Style must be used correctly
- Not applicable Plaque must be mounted

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- Not applicable: New stone walls are encouraged
- Not applicable Stone veneer may be considered
- Not applicable Textured specially formed and sandblasted concrete walls are encouraged
- Not applicable Align new walls with existing

Comments: Criterion further states, “repetition along the street contributes to the visual continuity of the block”. Five foot high boulder retaining walls are proposed between units 3 and 4 and units 4 and 5. This project is not part of a

typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

Complies	Establishes a pedestrian scale
Complies	Façade has similar width and height to those found elsewhere on the street.
Complies	Consider breaking up façade into smaller components
Not applicable	Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 4 is 46 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a double wide lot found elsewhere in Old Town. This building has a one story front elevation with a covered porch, front door under a gable element, and a single car garage door set back from the front wall plane.

Guideline 72: Maintain the typical spacing pattern of street facades

Not applicable	Considers the relationship between the new building and existing buildings.
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Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

Complies	Ridges set perpendicular with the street will minimize the mass of roof material visible from the street
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Comments: The main ridge for Unit 4 is parallel to Silver Hills Court and Marsac Avenue due to the nature of the lot configuration being as wide as it is deep. The ridge is stepped and hipped at either end breaking up the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof is hipped on either end similar to other roofs in this development with a pitch of 6:12 (front to back). A small shed roof in the rear cover a porch and help break the mass of the rear elevation.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: A front porch across the south half of the house is proposed.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 4 complies and utilizes the front yard set back exception for a porch not more than ten feet wide projecting not more than 3 feet into the front yard.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Tandem parking with one space in a garage and one space on the driveway is proposed.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a horizontal clapboard style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways is encouraged.

Comments: Hardiboard shingle is proposed on the small gable end over the front door and on the rear bay as an accent.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a half light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not Applicable	Contemporary interpretation of special windows may be considered
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is half light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 4 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.

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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 5

Guideline 68: Avoid designs that imitate historic styles

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| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, “repetition along the street contributes to the visual continuity of the block”. Five foot high boulder retaining walls are proposed between units 4 and 5 and units 5 and 6. This project is not part of a

typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

Complies	Establishes a pedestrian scale
Complies	Façade has similar width and height to those found elsewhere on the street.
Complies	Consider breaking up façade into smaller components
Not applicable	Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 5 is 46 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a double wide lot found elsewhere in Old Town. This building has a one story front elevation with a small covered porch, front door under a gable element, and a single car garage door set back from the front wall plane.

Guideline 72: Maintain the typical spacing pattern of street facades

Not applicable	Considers the relationship between the new building and existing buildings.
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Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

Complies	Ridges set perpendicular with the street will minimize the mass of roof material visible from the street
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Comments: The main ridge for Unit 5 is parallel to Silver Hills Court and Marsac Avenue due to the nature of the lot configuration being as wide as it is deep. The ridge is stepped in two places and has gables at either end breaking up the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof has gables on either end similar to other roofs in this development with a pitch of 6:12 (front to back). A shed roof in the rear covers a porch and helps break the mass of the rear elevation.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: A front porch across the middle third of the house is proposed.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 5 complies and utilizes the front yard set back exception for a porch not more than ten feet wide projecting not more than 3 feet into the front yard.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Tandem parking with one space in a garage and one space on the driveway is proposed.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a vertical style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways is encouraged.

Comments: Hardiboard shingle is proposed on the small gable end over the front door and on the gable ends as an accent.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a half light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not Applicable	Contemporary interpretation of special windows may be considered
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is half light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 5 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.

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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 6

Guideline 68: Avoid designs that imitate historic styles

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| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, “repetition along the street contributes to the visual continuity of the block”. Five foot high boulder retaining walls are proposed between units 5 and 6. This project is not part of a typical street block

(like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

Complies	Establishes a pedestrian scale
Complies	Façade has similar width and height to those found elsewhere on the street.
Complies	Consider breaking up façade into smaller components
Not applicable	Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 6 is 45 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a double wide lot found elsewhere in Old Town. This building has a one story front elevation with a small covered porch, front door under a gable element, and a single car garage door set back from the front wall plane.

Guideline 72: Maintain the typical spacing pattern of street facades

Not applicable	Considers the relationship between the new building and existing buildings.
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Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

Complies	Ridges set perpendicular with the street will minimize the mass of roof material visible from the street
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Comments: The main ridge for Unit 6 is parallel to Silver Hills Court and Marsac Avenue due to the nature of the lot configuration being as wide as it is deep. The ridge is stepped in two places and has gables on the north end and a hip on the south end breaking up the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof has gables on the north end similar to other roofs in this development with a pitch of 6:12 (front to back). The hip on the south end has an 8:12 pitch. A shed roof in the rear covers a porch and helps break the mass of the rear elevation. There is a gable in this rear porch roof and another gable in the rear on the second story.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: A front porch across the middle third of the house is proposed.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 6 complies and utilizes the front yard set back exception for a porch not more than ten feet wide projecting not more than 3 feet into the front yard.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Tandem parking with one space in a garage and one space on the driveway is proposed.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a vertical board and batten style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways in encouraged.

Comments: Hardiboard shingle is proposed on the small gable end over the front door and on the gable ends on the north and west (rear) sides as an accent.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a half light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not Applicable	Contemporary interpretation of special windows may be considered
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is half light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 6 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.

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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 7

Guideline 68: Avoid designs that imitate historic styles

- | | |
|----------|--------------------------------------|
| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, "repetition along the street contributes to the visual continuity of the block". Boulder retaining walls are proposed between units 7 and 8. Boulder retaining walls are also proposed in the rear of the

building. This project is not part of a typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

- Complies Establishes a pedestrian scale
- Complies Façade has similar width and height to those found elsewhere on the street.
- Complies Consider breaking up façade into smaller components
- Not applicable Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 7 is 43.6 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a lot and a half found elsewhere in Old Town. This uphill building has a street level single car garage and open carport and stairs leading to a second story covered entry. A third story steps back from the second story approximately 5 feet. A front porch with a gabled roof element over the carport breaks the front façade into smaller components.

Guideline 72: Maintain the typical spacing pattern of street facades

- Not applicable Considers the relationship between the new building and existing buildings.

Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

- Complies Ridges set perpendicular with the street will minimize the mass of roof material visible from the street

Comments: The main ridge for Unit 7 is parallel to Silver Hills Court. The ridge is stepped and has gables on the both ends and secondary shed roofs over the second story. The roof pitch is 5:12 which lessens the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The proposed roof has gables on the both ends similar to other roofs in this development with a pitch of 5:12 (front to back). A gable over the front porch helps break the front façade into smaller components.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: There is a small front porch at the top of the stairs from the street. Another porch on the south end of the building is over the carport.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 7 complies with the setback.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Parking is proposed with one space in a garage and one space adjacent in a carport.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a horizontal clapboard style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways is encouraged.

Comments: Hardiboard shingle is proposed on the small gable end over the front porch and on the gable ends on the north and south sides as an accent.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a divided light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not Applicable	Contemporary interpretation of special windows may be considered
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is divided light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 7 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.
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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.

4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 8

Guideline 68: Avoid designs that imitate historic styles

- | | |
|----------|--------------------------------------|
| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, “repetition along the street contributes to the visual continuity of the block”. Boulder retaining walls are proposed between units 7 and 8 and 8 and 9. Boulder retaining walls are also proposed in the rear

of the building. This project is not part of a typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

- Complies Establishes a pedestrian scale
- Complies Façade has similar width and height to those found elsewhere on the street.
- Complies Consider breaking up façade into smaller components
- Not applicable Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 8 is 43 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a lot and a half found elsewhere in Old Town. This uphill building has a street level single car garage and open carport and stairs leading to a second story covered entry. A third story steps back from the second story approximately 5 feet. A front porch extends along the front of the building with a gabled roof element over the carport breaking the front façade into smaller components.

Guideline 72: Maintain the typical spacing pattern of street facades

- Not applicable Considers the relationship between the new building and existing buildings.

Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

- Complies Ridges set perpendicular with the street will minimize the mass of roof material visible from the street

Comments: The ridge is stepped and is primarily a hipped design. A gable roof element extends to the north. A shed roof over the front porch is broken by a gable element and a secondary gable is also over a paired window on the upper story. The primary roof pitch is 7:12 which lessens the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The primary roof is a hipped design with a gable end extending to the north. A gable over the front porch and another secondary gable over a paired window on the second story help break the front façade into smaller components.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: There is a front porch at the top of the stairs from the street. This porch extends the length of the building.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 8 complies with the setback.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Parking is proposed with one space in a garage and one space adjacent in a carport.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a horizontal clapboard style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways is encouraged.

Comments: Hardiboard shingle is proposed on the small gable ends over the front porch, the upper story paired windows, and on the gable end on the north as an accent. Additional shingle is shown on the lower level around the garage door.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a half light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

- | | |
|----------------|--|
| Complies | Tall proportions are encouraged |
| Not applicable | Large areas of glass should be located on facades that do not directly face the street |
| Complies | Contemporary interpretation of special windows may be considered if limited in number as accents |
| Complies | Doors should be of a simple uncluttered design |
| Complies | Raw aluminum windows and door frames will not be accepted. |

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is half light panel design. One window on the upper story is an oval shape and provides an accent to the design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

- | | |
|----------|---|
| Complies | Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture. |
| Complies | Raw aluminum windows and door frames will not be accepted. |

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

- | | |
|----------------|---|
| Not Applicable | For roof-mounted collectors, locate them on the rear or a side. |
| Not Applicable | If using Trombe walls and greenhouses, locate them also so they are not on the front of the building. |

Comments: No roof-mounted collectors or greenhouse has been incorporated

into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 8 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.
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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.

4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 9

Guideline 68: Avoid designs that imitate historic styles

- | | |
|----------|--------------------------------------|
| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, "repetition along the street contributes to the visual continuity of the block". Boulder retaining walls are proposed between units 8 and 9 and 9 and 10. Boulder retaining walls are also proposed in the rear

of the building. This project is not part of a typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

- Complies Establishes a pedestrian scale
- Complies Façade has similar width and height to those found elsewhere on the street.
- Complies Consider breaking up façade into smaller components
- Not applicable Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 9 is 42 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a lot and a half found elsewhere in Old Town. This uphill building has a street level single car garage and open carport and stairs leading to a second story covered entry. A third story steps back from the second story approximately 5 feet. A front porch with a gabled roof element over the carport breaks the front façade into smaller components.

Guideline 72: Maintain the typical spacing pattern of street facades

- Not applicable Considers the relationship between the new building and existing buildings.

Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

- Complies Ridges set perpendicular with the street will minimize the mass of roof material visible from the street

Comments: The ridge is stepped and is a gable design with a 5:12 pitch (front to back). A shed roof over the front porch is broken by a gable element. The primary roof pitch is 5:12 which lessens the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The primary roof is a gable design. A gable over the front porch breaks the second story shed roof into smaller components.

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: There is a front porch at the top of the stairs from the street. A second porch over the carport also covers a portion of the front façade.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 9 complies with the setback.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Parking is proposed with one space in a garage and one space adjacent in a carport.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a vertical board style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Complies Use of ornamental shingles, and other special siding in new creative ways in encouraged.

Comments: Hardiboard shingle is proposed on the small gable ends over the front porch and on the gable ends of the main roof as an accent. Additional shingle is shown on the lower level around the garage door.

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a divided light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

Complies	Tall proportions are encouraged
Not applicable	Large areas of glass should be located on facades that do not directly face the street
Not applicable	Contemporary interpretation of special windows may be considered if limited in number as accents
Complies	Doors should be of a simple uncluttered design
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is divided light panel design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

Complies	Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture.
Complies	Raw aluminum windows and door frames will not be accepted.

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

Not Applicable	For roof-mounted collectors, locate them on the rear or a side.
Not Applicable	If using Trombe walls and greenhouses, locate them also so they are not on the front of the building.

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 8 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.
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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.

4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Staff reviewed the aforementioned project for compliance with the Historic District Design Guidelines, and approved the project according to the Findings of Fact, Conclusions of Law and Conditions of Approval herein:

HISTORIC DISTRICT GUIDELINES ANALYSIS, UNIT 10

Guideline 68: Avoid designs that imitate historic styles

- | | |
|----------|--------------------------------------|
| Complies | New designs are encouraged |
| Complies | Historic styles will not be approved |

Comments: The building, although simple in design and style, does not replicate a specific historic style.

Guideline 69: Reconstruction of earlier Park City structures may be considered

- | | |
|----------------|---|
| Not applicable | Building must be constructed in its original site |
| Not applicable | Style must be one that occurred in Park City |
| Not applicable | Style must be used correctly |
| Not applicable | Plaque must be mounted |

Comments: New construction; not a replication of an earlier structure.

Guideline 70: New retaining walls should be similar in color

- | | |
|-----------------|---|
| Not applicable: | New stone walls are encouraged |
| Not applicable | Stone veneer may be considered |
| Not applicable | Textured specially formed and sandblasted concrete walls are encouraged |
| Not applicable | Align new walls with existing |

Comments: Criterion further states, “repetition along the street contributes to the visual continuity of the block”. Boulder retaining walls are proposed between units 8 and 9 and 9 and 10. Boulder retaining walls are also proposed in the rear

of the building. This project is not part of a typical street block (like Park Ave or Woodside Ave) with retaining walls along the street. Retaining picks up grade between the buildings.

Guideline 71: Maintain the typical size and shape of historic façades

- Complies Establishes a pedestrian scale
- Complies Façade has similar width and height to those found elsewhere on the street.
- Complies Consider breaking up façade into smaller components
- Not applicable Consider ways to minimize the visual impact on the street where heights exceed the norm on the street

Comments: Lot 10 is 41 feet in width, similar to the other lots proposed (37-47 feet in width) and typical of a lot and a half found elsewhere in Old Town. This uphill building has a street level single car garage and open carport and stairs leading to a second story covered entry. A third story steps back from the second story approximately 5 feet. A front porch extends across the front of the building with a gabled roof element over the carport that breaks the front façade into smaller components.

Guideline 72: Maintain the typical spacing pattern of street facades

- Not applicable Considers the relationship between the new building and existing buildings.

Comments: The closest existing buildings are on Ontario Court to the north. Each of the ten new units maintains a consistent pattern of ten foot spacing between the buildings, meeting the LMC sideyard setback requirements.

Guideline 73: Maintain typical roof orientations

- Complies Ridges set perpendicular with the street will minimize the mass of roof material visible from the street

Comments: The ridge is stepped and is primarily a hipped design. A gable roof element extends to the north. A shed roof over the front porch is broken by a gable element and a secondary gable is also over a paired window on the upper story. The primary roof pitch is 7:12 which lessens the visual impact of the roof mass.

Guideline 74: Use roof shapes similar to those found historically in the neighborhood

Complies Hipped or gabled roof

Comments: The primary roof is a hipped design with a gable end extending to the north. A gable over the front porch and another secondary gable over a paired window on the second story help break the front façade into smaller components..

Guideline 75: Maintain the orientation and dimensions of porches

Complies Historically, the porch protected the entrance to the house. The main porch faced the street and it ran across the entire front of the house, or a portion of it.

Comments: There is a front porch at the top of the stairs from the street. This porch extends the length of the building.

Guideline 76: Maintain the typical orientation of entrances toward the street

Complies Orient the main entrance of buildings toward the street

Complies Avoid facing main entrances toward side yards

Comments: Main entrance faces Silver Hills Court

Guideline 77: Maintain the typical setback of front facades

Complies Maintains setbacks

Comments: Front setback is ten feet. Unit 9 complies with the setback.

Guideline 78: Minimize the visual impact of on site parking

Complies Permit tandem parking

Comments: Parking is proposed with one space in a garage and one space adjacent in a carport.

Guideline 79: Use ratios of windows to walls that are similar to historic structures

Complies In general, ratio of solid-to-void should be 2-to-1

Comments: The visual balance of solid-to-void is achieved.

Guideline #80: Use materials similar in finish and texture.

Complies Wood and brick are recommended; other materials may be considered as long as the finish and texture reinforce the existing characteristic.

Comments: Hardiboard siding in a vertical board style is proposed. Hardiboard is a cement-fiber material that was previously approved by the HPB for new construction as it mimics the finish and texture of wood.

Guideline #81: Reserve use of special ornamental siding on limited surface areas.

Not applicable Use of ornamental shingles, and other special siding in new creative ways in encouraged.

Comments: No special siding is proposed

Guideline #82: Contemporary interpretations of building ornamentation are Encouraged, but they should be Limited in their Application

Complies Simplicity of building form should remain dominant.

Comments: Windows and doors have simple trim. Door is a divided light panel door. Front porch has box columns. Cedar porch railing must have semi to full opaque stain.

Guideline #83: Use windows and doors of similar size and proportion to those historically seen in Park City

- | | |
|----------------|--|
| Complies | Tall proportions are encouraged |
| Not applicable | Large areas of glass should be located on facades that do not directly face the street |
| Complies | Contemporary interpretation of special windows may be considered if limited in number as accents |
| Complies | Doors should be of a simple uncluttered design |
| Complies | Raw aluminum windows and door frames will not be accepted. |

Comments: The proposed windows and doors have a simple uncluttered design. Windows are vertical in proportion, aluminum clad wood; door is a half light panel design. One window on the upper story is an oval shape and provides an accent to the design.

Guideline 84: Use Window and Door Frames Having Similar Dimensions and Finishes to Those Historically Seen in Park City

- | | |
|----------|---|
| Complies | Most high quality wood windows manufactured today offer dimensions appropriate for new compatible architecture. |
| Complies | Raw aluminum windows and door frames will not be accepted. |

Comments: All windows will be framed with trim and painted. Proportions of framing are consistent with the existing windows and doors and are consistent with the proportions found in Old Town.

Guideline 85: Locate Solar Panels so they are not Visible from the Street

- | | |
|----------------|---|
| Not Applicable | For roof-mounted collectors, locate them on the rear or a side. |
| Not Applicable | If using Trombe walls and greenhouses, locate them also so they are not on the front of the building. |

Comments: No roof-mounted collectors or greenhouse has been incorporated into this design.

Guidelines 86 through 88: Color (General)

Complies

Comments: Final colors to be reviewed at Building Permit stage.

Guideline #89: Finish wood surfaces

Complies Painted surfaces are most appropriate

Comments: Hardi-board siding will be painted. Wood porch railing requires a semi-solid to solid stain

Guideline #90: Leave natural masonry colors unpainted where feasible

Complies Stone and brick should be left unpainted.

Comments: No stone or brick is proposed; a limited amount of exposed concrete foundation will be unpainted/stained

Guideline #91: Select muted colors for roofs

Complies Grays and browns are preferred.

Comments: Architectural grade asphalt shingles will be used; final color to be approved with Building Permit.

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the new construction of Unit 8 of the Marsac Avenue Affordable Housing Subdivision pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

1. The applicant is proposing to construct a new single family house within a ten unit subdivision.
2. The property is zoned HR-1 and is subject to the conditions of approval of the historic district design guidelines of 1983.
3. An application for Historic District Design Review was received on August 29, 2008.
4. The Findings and Comments from the Analysis section are incorporated herein.

CONCLUSIONS OF LAW

1. The proposed plans comply with the Park City Historic District Design Guidelines as conditioned.

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.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 9, 2009. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.
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. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.

4. A final landscape plan must be submitted prior to Building Permit issuance. Landscape plan may change with approval of the Planning Department prior to installation.
5. Cedar railing must be painted or stained with a solid or semi-solid stain.
6. All standard conditions of approval shall apply.

EXHIBITS

Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS**

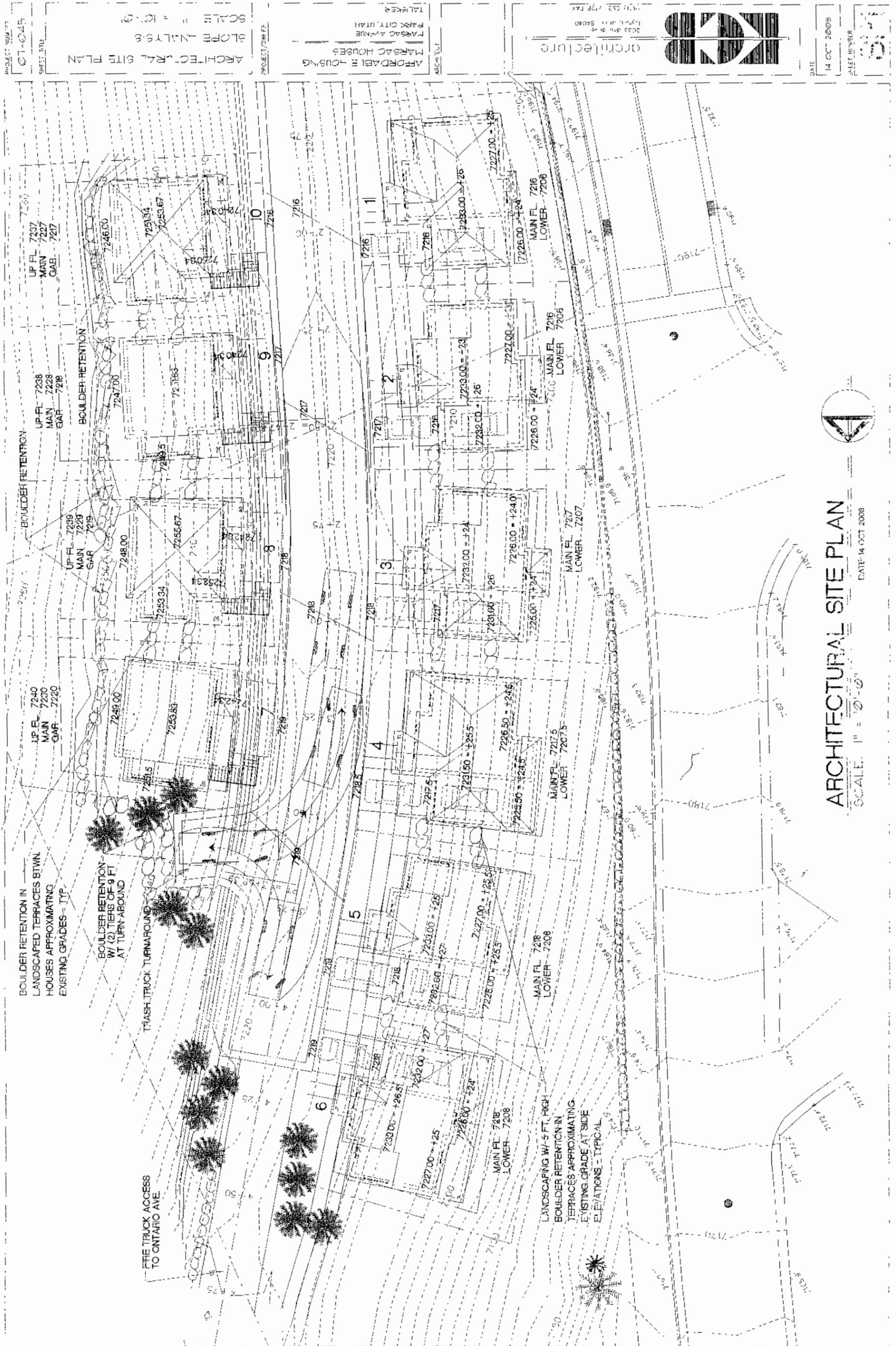
1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing

- construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
 8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
 9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
 10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
 11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

HISTORIC DISTRICT GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007



Final Copy



Building • Engineering • Planning

October 23, 2008

Mr. David Smith
United Park City Mines Company

Sent via email

NOTICE OF PLANNING COMMISSION ACTION

Project Name 100 Marsac Affordable Housing
Project Description Steep Slope Conditional Use Permits

Date of Meeting October 22, 2008

Action Taken By Planning Commission: The Planning Commission APPROVED the ten proposed Steep Slope Conditional Use Permits based on the following:

Findings of Fact – Units 1-6:

1. The property is located at 100 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The approved plat created 10 residential building lots and four open space parcels.
4. Access to the lots from Marsac Avenue is via a private driveway (Silver Hills Court).
5. The minimum front yard setback for lots of this size is 10 feet.
6. The minimum rear yard setback is 10 feet.
7. The minimum side yard setback is 5 feet for the lots as proposed. The applicant proposes 5 feet on all side yards.
8. The maximum building height in the HR-1 zone is 27 feet. The Planning Commission, in reviewing a Steep Slope Conditional Use Permit may grant a height exception.
9. No additional roof height was proposed or approved with the MPD. A minor height exception of 1'-9" is proposed for a subordinate gable on the rear of unit 6.
10. Parking in an Affordable Housing MPD is required at a rate of one space per bedroom. Ten two-bedroom houses are proposed requiring 20 parking spaces.
11. The applicant is proposing two on-site parking spaces within a single car garage and an exterior space for each of the ten two-bedroom units.
12. The maximum footprints for these lots are 1052 to 1197 square feet, based on lot size.

13. The proposed footprints are 746 to 910 square feet.
14. The total floor area of the ten buildings is 12,275 square feet, representing 15 Affordable Housing Unit Equivalents.
15. The findings in the Analysis section of the staff report are incorporated herein.

Conclusions of Law - Units 1-6 :

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - Units 1-6:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance. The landscape plan will include grading, retaining boulders, and plant material to further screen the foundation walls on the downhill units, units 1-6.
5. No building permits shall be issued for this project unless and until the design of the houses are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
7. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
8. A height exception of 1'-9" is granted for the subordinate gable on the rear of unit 6.
9. Building permit plans must substantially comply with the drawings reviewed and approved by the Planning Commission on October 22, 2008.
10. This approval will expire on October 22, 2009, if a building permit has not been issued.

Findings of Fact – Units 7-10:

1. The property is located at 100 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The approved plat created 10 residential building lots and four open space parcels.
4. Access to the lots from Marsac Avenue is via a private driveway (Silver Hills Court).

5. The minimum front yard setback for lots of this size is 10 feet.
6. The minimum rear yard setback is 10 feet.
7. The minimum side yard setback is 5 feet for the lots as proposed. The applicant proposes 5 feet on all side yards.
8. The maximum building height in the HR-1 zone is 27 feet. The Planning Commission, in reviewing a Steep Slope Conditional Use Permit may grant a height exception.
9. No additional roof height was proposed or approved with the MPD. A minor height exception of 1'-9" is proposed for a subordinate gable on the rear of unit 6.
10. Parking in an Affordable Housing MPD is required at a rate of one space per bedroom. Ten two-bedroom houses are proposed requiring 20 parking spaces.
11. The applicant is proposing two on-site parking spaces within a single car garage and an exterior space for each of the ten two-bedroom units.
12. The maximum footprints for these lots are 1052 to 1197 square feet, based on lot size.
13. The proposed footprints are 746 to 910 square feet.
14. The total floor area of the ten buildings is 12,275 square feet, representing 15 Affordable Housing Unit Equivalents.
15. The findings in the Analysis section of the staff report are incorporated herein.

Conclusions of Law – Units 7-10:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B)
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – Units 7-10:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the houses are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges.
7. Prior to the issue of a building permit the applicant shall submit a detailed shoring

plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.

8. A height exception of 1'-9" is granted for the subordinate gable on the rear of unit 6.
9. Building permit plans must substantially comply with the drawings reviewed and approved by the Planning Commission on October 22, 2008.
10. This approval will expire on October 22, 2009, if a building permit has not been issued.

Sincerely,

Brooks T. Robinson
Principal Planner

Silver Hills Court
 (Formerly known as 100 Marsac)
 AFFORDABLE HOUSING



STREETSCAPE ELEVATION
 revised: 21 OCT 08



July 23, 2009

Mr. Brooks Robinson, Sr. Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

RE: 100 Marsac Avenue

Dear Brooks:

This letter is submitted in connection with issues raised by the appellants in their Design Review Appeal regarding 100 Marsac, and the process associated with that appeal. Fundamentally, we are concerned that the Ontario Court landowners' ongoing efforts to further delay this project unfairly prejudices us and continues to give rise to additional costs and obligations that place substantial undue burdens on United Park.

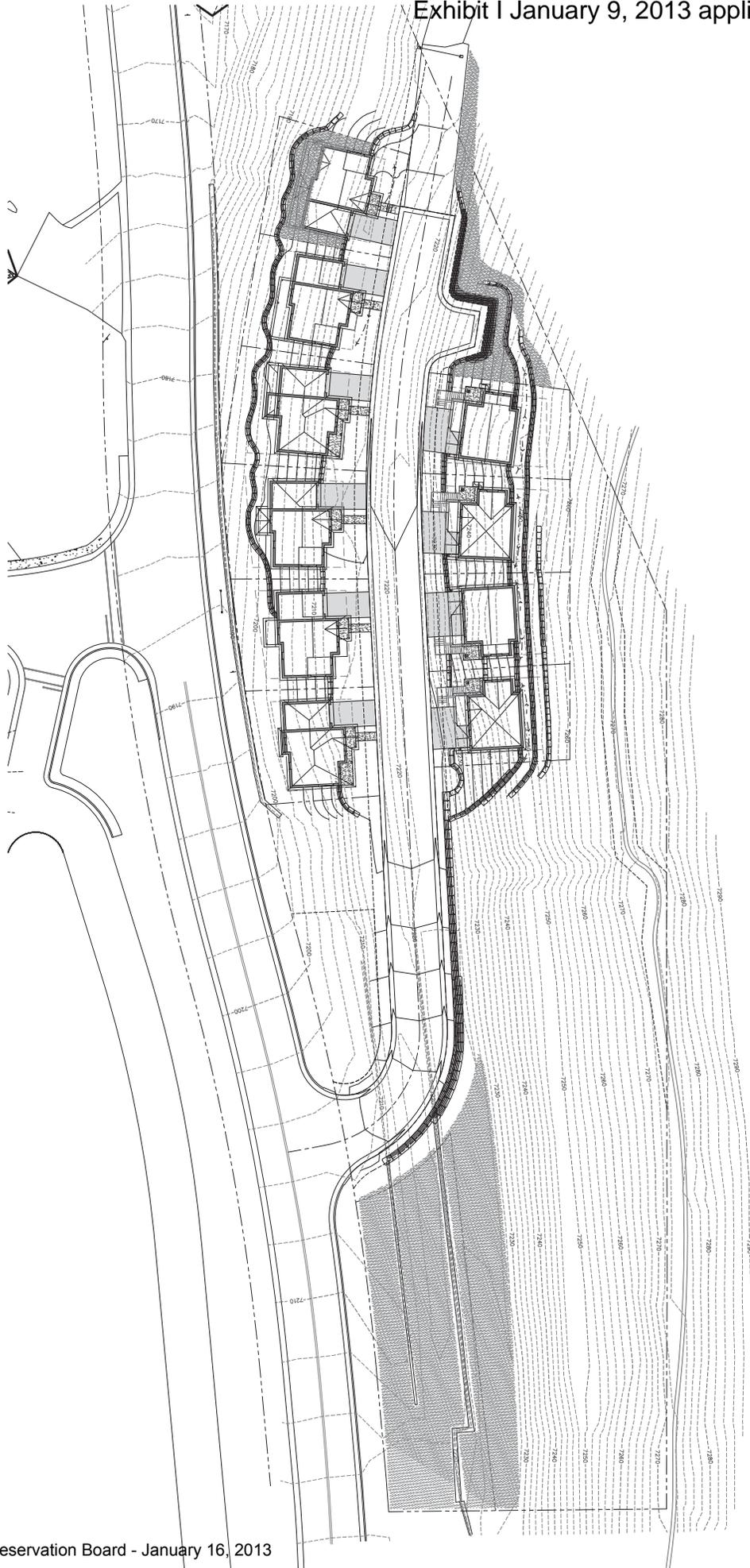
As you recall from the planning process, we went to great lengths to make sure this project is consistent with both the older homes that border one side of the project, and the new and very different homes on the other side of the project. Further, as established during the course of all of our interaction with the Planning Commission, Staff, Architects, Design Consultants, and others, including multiple iterations of the project plans and designs, we established significant variety in architectural features and colors that not only differentiate the homes from each other, but actually create backs of homes that are as visually interesting as the fronts, with no garages visible from Marsac Avenue. All of this is a remarkable achievement given that this is, as everyone knows, affordable housing.

Finally, it should be noted that the initial iterations of this project contemplated far greater site disruption involving a greater number of units that were spread out. A more clustered configuration was the preferred site solution that evolved during the course of the detailed review and approval process with the Planning Commission and City Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "DJS", is positioned below the word "Sincerely,".

David J. Smith



SURVEY DESCRIPTIONS

PARCEL 1

A parcel of land located in the southeast quarter of Section 16 and the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is East 522.57 feet from the monument at the intersection of Marsac Avenue and Fourth Street, Amended Plat of Park City, Summit County, Utah, and South 00'03'57" East 1247.38 feet along the easterly line of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the easterly line of said Section 16, South 00'03'57" East 283.93 feet to the southeast corner of said Section 16, thence along the easterly line of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian South 00'07'45" West 119.75 feet to a point on a non tangent curve to the left having a radius of 660.00 feet, of which the radius point bears South 86°12'43" West, said point also being on the easterly boundary of Marsac Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded as Entry No. 825734; thence along the easterly boundary of said Marsac Avenue Right-of-Way the following four (4) courses: 1) northerly along the arc of said curve 15.65 feet through a central angle of 01°21'32"; thence 2) North 05°08'49" West 48.61 feet to a point on a curve to the left having a radius of 1025.00 feet, of which the radius point bears South 84°51'11" West; thence 3) along the arc of said curve 183.43 feet through a central angle of 10°15'12" to a point of reverse curve to the right having a radius of 975.00 feet, of which the radius point bears North 74°35'59" East; thence 4) northerly along the arc of said curve 121.67 feet through a central angle of 07°09'00" to a point on the southerly right-of-way of platted Seventh Street, Amended Plat of Park City, Summit County, Utah; thence along the southerly right-of-way of said Seventh Street North 66°22'00" East 177.85 feet to the westerly right-of-way of platted Marsac Avenue, Amended Plat of Park City, Summit County, Utah; thence along the westerly right-of-way of Marsac Avenue South 23°38'00" East 49.63 feet to the point of beginning.

PARCEL 2

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is East 522.57 feet from the monument at the intersection of Marsac Avenue and Fourth Street, Amended Plat of Park City, Summit County, Utah and South 00'03'57" East 1174.43 feet along the easterly line of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian and West 31.84 feet to the northerly right-of-way of platted Seventh Street and the westerly right-of-way of platted Marsac Avenue, according to said Amended Plat of Park City, Summit County, Utah; and running thence along the northerly right-of-way of said platted Seventh Street South 66°22'00" West 169.07 feet to a point on a non tangent curve to the right having a radius of 975.00 feet, of which the radius point bears North 83°35'12" East, said point being on the easterly right-of-way of Marsac Avenue Right-of-Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded as Entry No. 825734; thence along said Marsac Avenue Right-of-Way the following three (3) courses: 1) northerly along the arc of said curve 113.57 feet through a central angle of 06°40'27" to a point of reverse curve to the left having a radius of 1025.00 feet, of which the radius point bears North 89°44'21" West; thence 2) northerly along the arc of said curve 96.91 feet through a central angle of 05°25'03"; thence 3) North 05°09'24" West 51.30 feet; thence North 66°22'00" East 77.95 feet to the westerly right-of-way of platted Marsac Avenue, Amended Plat of Park City, Summit County, Utah; thence along the westerly right-of-way of said platted Marsac Avenue South 23°38'00" East 245.27 feet to the point of beginning.



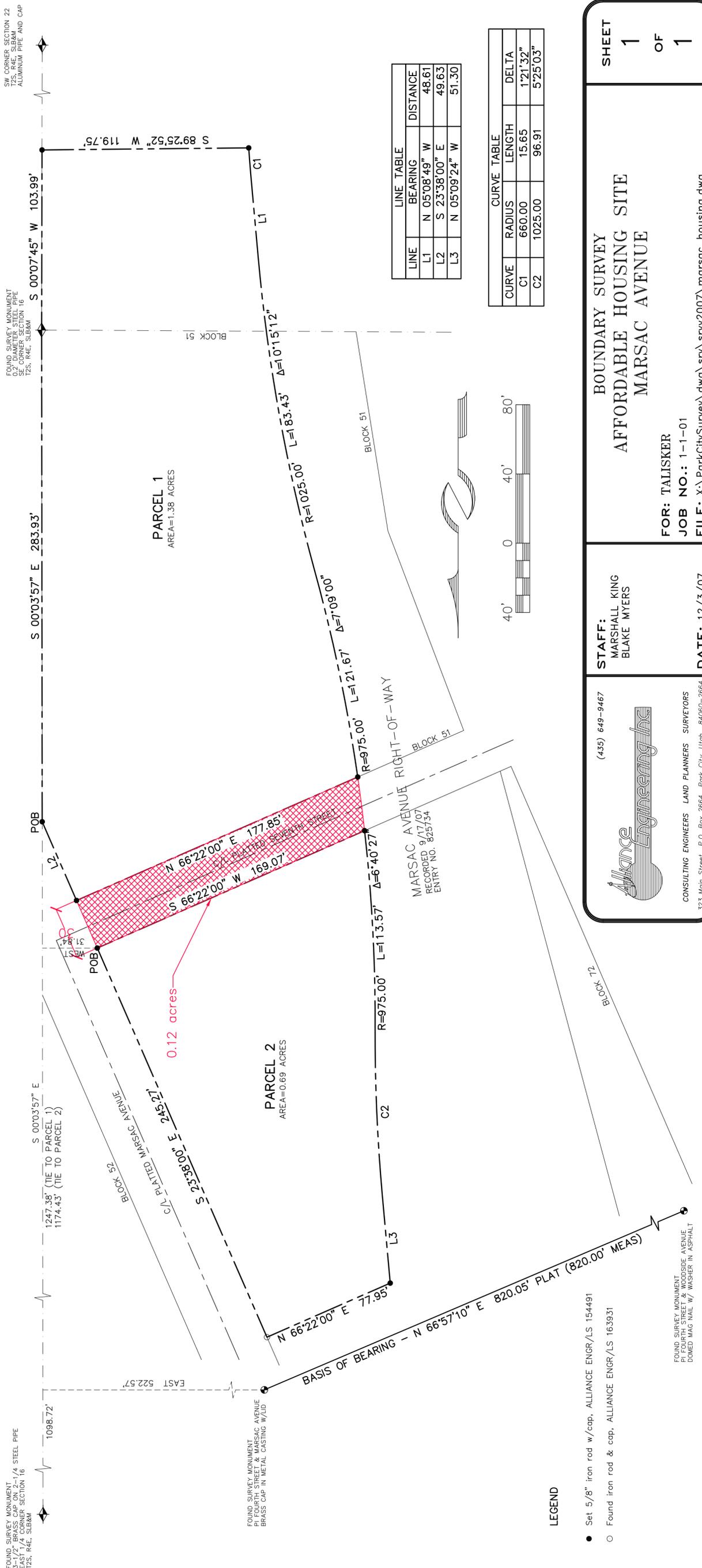
SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

John Demkowicz
Date

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Date of survey: November 28, 2007
3. Property location: SE 1/4 of Section 16 and NE 1/4 of Section 21, Township 2 South, Range 4 East, SLB&M
4. A rotation of -00°34'07" was applied to the Marsac Avenue Right-of-Way Plat, Entry No. 825734 to match the Amended Plat of Park City, Summit County, Utah.



BOUNDARY SURVEY
AFFORDABLE HOUSING SITE
MARSAC AVENUE

STAFF:
MARSHALL KING
BLAKE MYERS

FOR: TALISKER
JOB NO.: 1-1-01
FILE: X:\ParkCitySurvey\dwg\sr\svy2007\marsac housing.dwg

DATE: 12/3/07

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SHEET
1
OF
1

Historic Preservation Board Staff Report



Subject: Appeal of Historic District Design
Review for 100 Marsac
Author: Brooks T. Robinson
Date: May 6, 2009
Type of Item: Quasi-Judicial

Recommendation

Staff recommends that the Historic Preservation Board hear the appeal of the approval of the Historic District Design Review and consider denying the appeals.

Project Information

Appellants: Jeff and Leslie Edison
Jamie and Kathleen Thomas
Location: 100 Marsac Avenue
Zoning: Historic Residential (HR-1)

Background

On January 28, 2009, the Planning Department found the ten homes to be located at 100 Marsac Avenue to be in preliminary compliance with the Historic District Design Guidelines. Pursuant to Land Management Code 15-1-21, Staff posted the property, published notice in the Park Record and Courtesy Notice was mailed to adjacent property owners. The ten day appeal period is triggered by the date of the posting. As the ten day period expired on a Saturday, the posting and courtesy notice gave 5pm on Monday, February 9, 2009, as the final date on which appeals could be filed.

On February 9, 2009, the City received two appeals to the Historic District Design Review for the projects. The appellants are Jeff and Leslie Edison (128 Ontario Court) and Jamie and Kathleen Thomas (134 Ontario Court). The letters of appeal are attached as Exhibit A. Staff sent an email to Mr. Edison on the morning that appeals were due outlining the specifics required (Exhibit B).

Burden of Proof and Standard of Review

Pursuant to LMC 15-1-18(G) and 15-11-11(D)(2), the HPB shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines.

Analysis

The Edison appeal is based on three items: deficient public notice, differentiation in design, and alignment of the uphill and downhill units. The Thomas appeal contends deficient notice, particularly section 15-2.2-8(B) of the Land Management Code.

Since one of the issues raised by the two appeals was noticing, staff gave both appellants the ability to supplement their appeals with any additional items. In his supplement, Mr. Edison raised the issue that new guidelines have been implemented and that this project does not comply with the new guidelines. Mr. Thomas stated that the applications were not complete and that the project doesn't comply with the new LMC amendments as well as the new Historic District Guidelines. Mr. Thomas felt that the "Areas of non compliance are, but not limited too; Incomplete applications, Retaining walls, Grading, Set backs, Building materials, Roof Design.

Notice

LMC 15-2.2-8 (B) states: "NOTICE TO ADJACENT PROPERTY OWNERS. When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way." Staff posted the property on January 28th with a sign indicating that preliminary determination of compliance with the Historic District Design Guidelines had been reached and appeals could be received until 5pm on Monday, February 9th. While the Thomas property is not immediately adjacent to the property, directly abutting the property or across a public street and/or right of way, the Edison property is located across platted, unbuilt Marsac Avenue from the project site. Written courtesy notice was mailed to the adjoining property owners. The list of adjoining property owners provided by the title company did not include the Edison property. Planning Director Eddington phoned Mr. Edison on Thursday, February 5th to personally inform him of the Design Review and Appeal period. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12(C) "courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action..." Additionally, Appellants were given the opportunity to supplement their appeal after they had time to review the files.

Differentiation in Design

No specific Design criterion is appealed. No Design Guideline or LMC section prohibits replicative design. In fact, multiple instances of replicative design are found throughout Old Town.

Alignment of uphill and downhill units

No specific Design criterion is appealed. No Design Guideline or LMC section addresses alignment of uphill and downhill lots. The Park City Survey is based on a grid system that creates aligned buildings throughout Old Town.

Public Stairway

The Edison appeal suggested that access to Marsac Avenue should be incorporated in the design. No specific Design Guideline or LMC section is appealed. The Planning Commission had previously discussed this item during the review of the Master Plan Development. The retaining wall near the Marsac Ave and Hillside Ave intersection and the slope of the property would create a stairway that would not be above existing grade until it reached the new road in the project. Thus, retaining walls on either side would be

necessary and snow removal would be a constant issue. The Planning Commission did not require a public stair after considering these issues.

Vesting

Both Appellants bring up the issue of whether the amended Guidelines and Land Management Code should apply to this development. Staff reviewed the application and deemed it complete on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the existing Land Management Code and Guidelines were applied to the application.

Other items in Mr. Thomas' appeal were not specific enough to respond to.

Appeal (of the appeal)

The action by the Historic Preservation Board on this appeal can be further appealed to the Board of Adjustment and then to District Court.

Alternatives

- The Historic Preservation Board may deny the appeal and affirm the determination of compliance of the Historic District Design Guidelines, wholly or partly; or
- The Historic Preservation Board may grant the appeal and reverse the determination of compliance of the Historic District Design Guidelines; wholly or partly; or
- The Historic Preservation Board may continue the discussion to a specified or unspecified date.

Recommendation

Staff recommends that the Historic Preservation Board hear the appeal of the approval of the Historic District Design Review and consider denying the appeals.

Findings of Fact:

1. The property is located at 100 Marsac Avenue and includes ten development lots.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. Legal Notice of Staff's determination of compliance with the Historic District Guidelines was posted on the property on January 28, 2009. Courtesy notice was sent to adjoining property owners on January 28, 2009. The appeal period expired at 5pm on February 9, 2009.
4. Two appeals of Staff's determination of compliance with Historic District Guidelines were received on February 9, 2009.
5. The Land Management Code requires Staff to post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.
6. The Thomas property is not immediately adjacent to the property.
7. The Edison property is across the platted Marsac Avenue right of way.
8. Planning Director Eddington phoned Mr. Edison on Thursday, February 5th to personally inform him of the Design Review and Appeal period.

9. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12(C) "courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action..."
10. Staff gave both appellants the ability to supplement their appeals with any additional items. In his supplement, Mr. Edison raised the issue that new guidelines have been implemented and that this project does not comply with the new guidelines.
11. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines.
12. No specific Design criterion is appealed by either party. No Design Guideline or LMC section prohibits replicative design or addresses alignment of uphill and downhill lots.
13. Staff reviewed the application and deemed it complete on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the existing Land Management Code and Guidelines were applied to the application.
14. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law:

1. The Design Review Application is consistent with the Park City Land Management Code (LMC) and the Historic District Design Guidelines addressing new residential construction.
2. Approval of the Design Review Application does not adversely affect the health, safety, and welfare of the citizens of Park City.
3. No specific Historic District Design Guideline Criteria are appealed.
4. Legal Notice was properly given.

Order:

1. The appeal is denied in whole for failure to address specific Historic District Design Guideline criteria and the determination of compliance with the Historic District Design Guidelines is upheld.

Exhibits

- Exhibit A – Letters of Appeal and emails
- Exhibit B – Correspondence
- Exhibit C – Copy of Courtesy Notice

Via Email

Tom Eddington
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, VT 84060

Brooks Robinson
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, VT 84060

Monday, February 09, 2009

Re: Formal Appeal of the design review of the 100 Marsac Project

Dear: Tom & Brooks,

This is our formal appeal of the design review of the 100 Marsac project. We are extremely concerned about the design given that this is the largest detached single-family development in Park City in over a decade.

Our appeal is based upon three issues. The first is that we did not receive notification of the design, review and the approval of the project, which, as the adjacent landowners, we felt we should have received. Our second concern is the lack of differentiation of the houses in the project. We do not believe this is consistent with the old town Park City guidelines. We do not believe that additional dormers or different colors will create differentiation consistent with the historic homes in Park City. These houses should include multiple designs to improve this differentiation. A cluster of the same house would give the visual impact of a suburban development. The third issue is that the alignment of the homes vertically up the hill will create a perspective and massing that will make the projects look larger than they are. The homes on the uphill and downhill side will be viewed from Main Street as one home. Given the prominent location of the homes, further differentiation should be required. In addition, we believe that access from the 100 Marsac project to Marsac Avenue should be incorporated in the overall design, we would recommend a public stairway.



Although we are currently in litigation with the city over our private driveway being used for fire access to this new development, we believe that with proper changes to the design of the development, including the location of the buildings, we could create a better project for Park City, residents of the development and our neighbors, and eliminate the need for further litigation.

Sincerely,



Jeff & Leslie Edison
128 Ontario Court
Park City, UT 84060

Thomas Eddington
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, UT 84060

Brooks Robinson
Park City Planning Commission
1255 Park Avenue
P.O. Box 1480
Park City, UT 84060

Monday, February 09, 2009

Re: Formal Appeal of the design review of the 100 Marsac Project

Dear: Thomas & Brooks,

In addition to the issues raised in our previous letter concerning the 100 Marsac project, our appeal is based upon our inability to give a full review given the lack of notice. Please note the technical violations of the code listed below.

Now that there is a subdivision, each lot should be flagged, corners marked and shall be "posted" like every other development in town. Please see the LMC extract below.

15-2.2-8. ARCHITECTURAL REVIEW.

(A) REVIEW. Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

(B) NOTICE TO ADJACENT PROPERTY OWNERS. When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

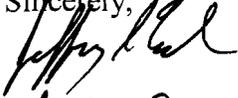
The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.



(C) APPEALS. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination.
(Amended by Ord. No. 06-56)

My wife and I are the adjacent landowners to the project, please find our address and telephone number listed below.

Sincerely,



Jeffrey S. & Leslie D. Edison
128 Ontario Court
P.O. Box 3657
Park City, UT 84060-3657
(435) 649-7810

Jamie & Kathleen Thomas
134 Ontario Court
P.O. Box 2275
Park City
Ut 84060

Thomas Eddington
Park City Planning Director
Park City Municipal Corporation

February 9th 2009

RE: 100 Marsac 10 property lack of notice and posting Appeal to Preliminary Design approval.

Tom

We are located within 300' to the north of Houses # 6&7.

Thank you for calling on Friday at approximately 5pm to let us know about the appeal period for Staff's preliminary design review approval expiring today at 4.30pm.

As you are aware the Edisons were not noticed.

Also the 10 Properties were not posted.

Only one sign was posted on one of the properties. We don't know which one.

We have therefore not had enough time to prepare an appeal as we would like.

Would you please let us know when the noticing and posting has been completed so that we may have adequate time to submit an appeal?

Please find attached photos of a notice posted on 1 property.

Please note that the properties corners are not staked.



LMC

15-2.2-8. ARCHITECTURAL REVIEW.

(A) REVIEW.

Prior to the issuance of a Building Permit, including footing and foundation, for any Conditional or Allowed Use within this District, the Planning Department shall review the proposed plans for compliance with Historic District Design Guidelines.

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When the Planning Department determines that proposed Development plans comply with the Historic District Design Guidelines, the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way. The notice shall state that the Planning Department staff has made a preliminary determination finding that the proposed plans comply with the Historic District Design Guidelines.

(C) APPEALS. The posting and notice shall include the location and description of the proposed Development project and shall establish a ten (10) day period to appeal Staff's determination of compliance to the Historic Preservation Board. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and the Design Guidelines or Code provisions violated by the Staff determination. (Amended by ORD. No. 06-56)

Sincerely

Jamie Thomas

Brooks Robinson

From: Brooks Robinson
 Sent: Monday, February 09, 2009 10:06 AM
 To: 'Jeff Edison'
 Cc: Thomas Eddington
 Subject: 100 Marsac Design appeal

Jeff:

Did you get the information you need for the appeal? Appeals of Staff determination of compliance with the Historic District Guidelines goes to the Historic Preservation Board. From our Land Management Code:

"Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Applicant shall pay the applicable fee established by resolution. The adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court."

Fees are \$100. The appeal must be received at the Planning counter by 5pm today (Feb 9th). The subdivision and Master Planned Development are not subject to this appeal. Only the numbered criteria of the Historic District Design Guidelines are at issue. Let me know if I can be of further assistance.

Brooks T. Robinson
 Principal Planner - Current Planning Coordinator
 Park City Municipal Corporation
 phone: 435-615-5065
 fax: 435-615-4906
brooks@parkcity.org

Please note that all Park City Municipal Corporation departments previously located in the Marsac Building have moved.

- *Planning, Building, Engineering and Finance are located at 1255 Iron Horse Drive.*
- *Executive (City Manager and Mayor), Human Resources and Sustainability are located at 1354 Park Avenue (Miners Hospital)*
- *Legal is located at 1333 Park Avenue.*

From: Jeff Edison [mailto:jedison@PHILLIPSEDISON.com]
 Sent: Saturday, February 07, 2009 8:37 AM
 To: Thomas Eddington; Brooks Robinson
 Cc: JAMIE THOMAS
 Subject: bwelter@c1aritycreative.com; jferriter@hotmail.com; scardili@aol.com; eanderson@forthrightsolutions.com

Tom, thank you for your call on Thursday. We have not received any notice about the design approval process. As a next door neighbor to the development and having voiced our concerns directly to the planning staff, I do not understand why we were not given notice. I will be in the Park City office on Monday to file a formal appeal. Do you know what the process for the appeal is?

Thank you for your concern for Park City. Have a nice weekend,
 Jeff

Jeffrey S. Edison
 Phillips Edison & Company
 175 E. 400 South, Suite 402
 Salt Lake City, UT 84111
 P: (801) 521-6970
 F: (801) 521-6952

Please note my new contact information

Brooks Robinson

From: Jeff Edison [jedison@PHILLIPSEDISON.com]
Sent: Monday, April 27, 2009 4:56 PM
To: Polly Samuels McLean; jtmayflower@msn.com
Cc: Brooks Robinson; ldedison@aol.com
Subject: RE: 100 Marsac HDDR Appeal

Polly/Brooks, I am concerned that the approval of the 100 Marsac project meets with the new revised Park City requirements. As our appeal was filed under the new guidelines (We paid the appeal fee under the new guidelines) and as it is my understanding that all new projects must meet these new guidelines, it is important that this project undergoes the same scrutiny. In particular, the grade upon which portions of the project are being built does not meet the new standards. I believe, given the scope and the prominent position of this large development, that this project should be held to the standard of other projects in Park City. I hope the HPB will assure that this project is held to the new guidelines. This is the primary basis of my appeal.
 Jeff Edison

From: Polly Samuels McLean [mailto:pmclean@parkcity.org]
Sent: Monday, April 27, 2009 6:40 PM
To: jtmayflower@msn.com; Jeff Edison
Cc: Brooks Robinson
Subject: 100 Marsac HDDR Appeal

Jeff and Jamie -

I have reviewed your appeals of 100 Marsac Historic District Design Review. One of the issues presented by both of you had to do with the noticing. As of now, an additional 10 weeks has past in which you could review the files and put together any substantive appeal items. If you have any further items which you would like the HPB to consider as part of your appeal of the Historic District Design Review, please submit them to Brooks before 5pm on Wednesday.

Sincerely,

Polly Samuels McLean
 Assistant City Attorney
 Park City Municipal Corporation
 1333 Park Avenue, P.O. Box 1480
 Park City, UT 84060-1480
 (435) 615-5031



****Protected**** ****This message is intended only for the use of the individual(s) to whom it is addressed, and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not an intended recipient, or the employer or agent responsible for delivering the message to an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.****

Brooks Robinson

From: JAMIE THOMAS [jtmayflower@msn.com]
Sent: Wednesday, April 29, 2009 4:12 PM
To: Polly Samuels McLean; Brooks Robinson
Cc: Jeff Edison
Subject: Re: 100 Marsac HDDR Appeal

Polly

The August 28 2008 applications were incomplete therefore staff could not determine if the buildings comply with the Historic District Design Guidelines & LMC.
 As of October 22 the future , LMC revisions became pending ordinance not formalized in the LMC. As of January 2009 the future Historic District Design Guidelines became pending, neither of which were made available to the public until Monday of this week.
 Therefore we have had 3 days not your stated 10 weeks to review the incomplete files.
 As of yesterday the 10 files only had application forms and mailing lists.
 Building 6 & 7 with a mailing list that did not show our names.
 Areas of non compliance are, but not limited too;
 Incomplete applications
 Retaining walls,
 Grading,
 Set backs,
 Building materials,
 Roof Design,
 All of which we will elaborate upon at the meeting.

Thank You
 Jamie Thomas

----- Original Message -----

From: Polly Samuels McLean
To: jtmayflower@msn.com ; jedison@phillipsedison.com
Cc: Brooks Robinson
Sent: Monday, April 27, 2009 4:40 PM
Subject: 100 Marsac HDDR Appeal

Jeff and Jamie -

I have reviewed your appeals of 100 Marsac Historic District Design Review. One of the issues presented by both of you had to do with the noticing. As of now, an additional 10 weeks has past in which you could review the files and put together any substantive appeal items. If you have any further items which you would like the HPB to consider as part of your appeal of the Historic District Design Review, please submit them to Brooks before 5pm on Wednesday.

Sincerely,

Polly Samuels McLean
 Assistant City Attorney
 Park City Municipal Corporation
 1333 Park Avenue, P.O. Box 1480
 Park City, UT 84060-1480
 (435) 615-5031

January 28, 2009

NOTICE TO ADJOINING PROPERTY OWNERS

Dear Property Owner:

The Park City Planning Department has received an application for a project to be located in your neighborhood as described below. The Planning Department has made a preliminary determination that the proposed plans are in compliance with the Historic District Design Guidelines. This preliminary project approval is described as follows:

Project Location: 100 Marsac Avenue

Applicant: United Park City Mines Company (Talisker)

Project Description: The applicant is proposing ten deed-restricted affordable housing homes.

If you have any questions, concerns or comments regarding the proposal, please contact me at (435) 615-5065 during normal business hours prior 5pm on February 9, 2009.

Sincerely,

Brooks T. Robinson
Principal Planner

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF MAY 6, 2009

BOARD MEMBERS IN ATTENDANCE: Puggy Holmgren, Gary Kimball, Sara Werbelow, Ken Martz, Roger Durst

EX OFFICIO: Thomas Eddington, Brooks Robinson, Kirsten Whetstone, Polly Samuels McLean, Patricia Abdullah

Vice-Chair Holmgren opened the work session.

WORK SESSION

1. 1110 Woodside Avenue – Advice and Guidance

Planner Kirsten Whetstone reviewed the request for an addition to an existing historic structure located at 1110 Woodside Avenue. The structure is listed as a landmark structure on the new Historic Sites Inventory. The HPB previously reviewed this application in January, at which time the applicant presented plans and the Staff expressed concerns regarding the addition.

Planner Whetstone stated that the home is a one-story bungalow and the original plan was to put an addition on top and above the roof of the historic home. The Staff had requested input from the HPB in January and minutes from that meeting were attached to the Staff report.

Planner Whetstone noted that based on input the applicant had revised the plan; however, the Staff still had concerns about the extent of the addition and that it was located too close to the front of the home. Planner Whetstone reviewed a site plan showing the existing historic structure and the proposed addition. The Staff requested input from the HPB on design guidelines 49, 51, 62, and 73 and whether the proposal meets the intent of the guidelines. No action was requested this evening. Planner Whetstone commented on the complexity of the roof and noted that the project architect was present to explain the roof form.

The Staff had reviewed the application against the remaining guidelines and found compliance. Planner Whetstone pointed out that the front window wells shown on the site plan had been removed. The grade at the front of the house would be brought up to keep the same appearance that currently exists.

Planner Whetstone noted that the proposed elevations were included in the Staff report. The applicant had submitted a photo rendering of the existing house and the revised proposed addition. The applicant passed around a streetscape that was submitted too late to include in the packet.

Board Member Martz disclosed that he received a call from the owner, Todd Debonis, after the January meeting. He and Mr. Debonis spoke about the HPB but did not discuss the project itself.

Board Member Martz asked if the proposal to move the house forward was part of this application. Bill Mammen, the project architect, answered yes and explained that moving the house 5 feet forward allows for the addition on the back. The house would also be raised approximately one foot. Mr. Mammen stated that the grade of the grass will be changed so the dirt line would meet the front of the house in the exact spot as it does now.

Board Member Durst pointed out that the lap siding appears to drop down approximately 18 inches below the porch level, but the drawing shows that there are still five risers. Given the seven inch riser, he assumed that the porch would still be above grade. Mr. Mammen replied that this was correct.

Board Member Durst referred to the elevation and noted that originally the windows in the entry at the front of the house were not present. In looking at the photograph, he believed the siding had been lifted six to eight inches below the level of the porch. Mr. Mammen stated that the intention is to match the exact height between the bottom of the lap siding and the ground. The new foundation is the only thing that will be covered with stone. Currently, the visible foundation is concrete. He was willing to keep the foundation concrete if the HPB preferred that instead of stone. The siding would not be changed at all.

Planning Director, Thomas Eddington, asked if the house needed to be raised a foot. Mr. Mammen replied that if the house is not raised they would need to dig a foot deeper to accommodate an 8 foot ceiling in the basement. He believed that raising the house would create less impact to the neighborhood. Mr. Mammen pointed out that the house to the south is higher out of the ground.

Board Member Durst recognized that the HPB should focus on the four elements that deal with roofs and orientation; however, in looking at the site plan, there are indications of areaways in the front. Mr. Mammen replied that those were inadvertently not erased when the plan was revised, but they no longer exist. Board Member Durst asked about the depth of the stone veneer foundation. Mr. Mammen stated that it varies around the building but it is 3 feet in the front. He believed it would end up exactly as it is now and the porch would have the same relationship to the ground. Mr. Mammen reviewed the streetscape to support his comments.

Board Member Durst referred to two areaways on the south side that would provide light, ventilation and egress from the multi-purpose room, the bath and two bedrooms. He asked if those areaways would remain. Mr. Mammen replied that the areaways on the north, south and west sides would remain. Mr. Durst clarified that there would be two on the north wall, one on the west wall, one on the east wall and one on the south wall. Mr. Mammen replied that this was correct.

Planner Whetstone noted that the two cars shown parallel parked on the site plan were within the City right-of-way and were not part of this plan.

Vice- Chair Holmgren stated that the same thing she objected to in January is still present. The roof of the addition alters the historical landmark roofline. She wanted to see the roof straight on and not flat. Mr. Mammen argued that the flat roof was allowed by the guidelines.

Board Member Werbelow suggested that the HPB review each individual guideline per the Staff report. She felt it would be helpful for the Staff to give an explanation of their concerns.

Mr. Mammen noted that the HPB reviewed these same guidelines during the January meeting. The Staff had wanted him to move the addition further back; however, if he did that he would lose a room. He pointed out that if he could move it five feet forward to the south, he would have more flexibility. Mr. Mammen recalled that in January the HPB thought that was an appropriate approach.

Board Member Holmgren stated that this historic structure qualified as a landmark house and it bothers her when she sees a different roof poking out behind it. Mr. Mammen remarked that the guideline allows him to do what he designed. Board Member Werbelow recalled the same discussion in January. She referred to a statement from the Staff under Guideline 51 that the applicant had made some modifications to the design by moving the addition further off the roof on the north but closer to the rear peak. She noted that the Staff still had concerns and suggested that the HPB discuss the guideline.

Planner Whetstone commented on the difference between the proposed plan on Page 11 and the originally submitted plan on Page 12. She noted that the HPB provided feedback and suggested that Mr. Mammen revise the addition for further review. Planner Whetstone stated that in looking at the revised plan the Staff is still uncomfortable with having the addition sit on the existing roof and how much of the addition should be visible from the street and still maintain its historic character. In terms of whether an addition to the rear impacts the front façade, the Staff took a conservative approach and determined that it did. Planner Whetstone remarked that ideally, it is best to have the addition in the rear and not on top of the roof. Consistently over the last three or four years, additions have not been allowed over an existing roof. She pointed out that in this situation a rear addition is difficult because the historic house takes up the entire footprint.

Board Member Durst asked to specifically address Guideline 49, Locate additions to the original house so they do not alter the front façade. He was unsure if the alteration, which is essentially the construction at the back of the house, impacts the front facade. However, in reading the architectural elevations he believes there is substantial proportional change and a calling of attention to the stone foundation. Board Member Durst thought it appeared that the siding does not come down and there is not a minimal foundation, which is apparent in the adjacent homes. If the front façade was not altered by adding the stone and there was not an apparent difference in the elevation at the bottom of the siding, he believed they could find compliance with the guideline.

Board Member Werbelow asked if his vision would be to retain the concrete. Board Member Durst replied that the appearance in the photograph should be preserved. The photo showed concrete. Mr. Mammen believed his elevations were correct in showing the wood siding where it is. He remarked that any change is the change of medium, such as a photograph. Mr. Mammen stated that he had no intention of changing the façade in any way, shape or form; with the exception of the stone. He reiterated his willingness to eliminate the stone if necessary. Board Member Durst stated that in his

opinion, the stone alters the character of this building and the adjacent buildings. He did not think it was appropriate to add the stone.

Board Member Kimball asked if the streetscape of the house would be changed if they were to dig the basement an extra foot deep. Mr. Mammen stated that digging the basement deeper would result in deeper window wells on the north and south sides. He felt that raising the grade a foot was a good compromise because it has been done elsewhere on this street and other streets and no one has noticed.

Director Eddington questioned drainage and asked if they were preserving the trees in the front yard, with the exception of the two right in front of the house. Mr. Mammen answered yes. Director Eddington was not comfortable changing the soil line by removing the trees. He preferred to see the house lowered but was not opposed to raising the house a foot if the HPB was comfortable exposing an extra foot of foundation.

Board Member Durst noted that the open stair and porch on the north and south elevation indicates an infill of stone underneath the porch and steps. He asked if that was intended. Mr. Mammen replied that it was intended. The existing porch is not the original porch and Mr. Mammen believed that filling it in was more historic. After looking at the photo in the Staff report, Board Member Durst conceded that filling it in was more historic.

In terms of Guideline 49, Board Member Durst suggested that the alterations to the front façade were minimal.

Planner Whetstone requested discussion on Guideline 51, preserving the original shape of the roof. She noted that the revised plan allows for more of the original roofline to be visible on the north side. However, in their review, the Staff found the roof to be unusual and the shape of the roof is lost on one side with the addition so far to the front. Mr. Mammen remarked that the front part of the roof is already lost because a shed roof comes off the existing roof in the back where the addition would be. Planner Whetstone stated that the language in Guideline 51 talks about typical roof shapes of gables, sheds, and hips. Flat roofs were not typical. The guideline talks about using dormers to create headroom and Planner Whetstone thought that would be an acceptable solution to achieve additional space in the back of the house. Planner Whetstone stated that the proposed addition is located approximately 25 feet back from the front façade and covers 20 feet of the historic roof in the rear.

Mr. Mammen disagreed with the Staff and noted that only approximately 13 feet of the historic roof is covered in the back. It is 17 feet from the back of the house to the front of the addition and five feet of that is the addition. Mr. Mammen remarked that the pyramidal roof is historic. The roof was interrupted, but there is no way to know how long ago. The tax photo only shows the front of the house and there is nothing to identify what happened on the south side. Mr. Mammen stated that he looked at adding a dormer but it did not allow enough headroom.

Planner Whetstone remarked that the shed roof comes in below the pyramidal roof. She noted that the primary concern related to Guideline 51 was that the addition is designed too far forward and should be moved further back.

Vice-Chair Holmgren asked about making the addition smaller. Mr. Mammen replied that the addition is already small. They are only adding 450-500 square feet to the top floor. The added space will accommodate two bedrooms and a bathroom. Vice-Chair Holmgren suggested a reduction to one bedroom. Mr. Mammen stated that the same suggestion was made by Staff, but it is an unacceptable request. The issue is the guidelines and either they meet the guidelines or they do not. He totally disagrees with the opinion that the plan does not comply with the guidelines. Mr. Mammen remarked that the problem is that the Staff and the HPB are changing the guidelines and imposing a guideline to preserve a designated structure. He stated that you could read the written guidelines several times and not find anything that would indicate that intent.

Mr. Mammen stated that the original Park City Historic Guidelines were designed as façade preservation guidelines and the intent was to save the look from the street. Vice-Chair Holmgren agreed and pointed out that changing the roofline alters the look from the street.

Board Member Werbelow asked if the Staff had a recommendation for the applicant on how to comply with Guideline 51. Planner Whetstone stated that their recommendation is to push back the addition. Board Member Werbelow asked Mr. Mammen if that recommendation has been considered.

Mr. Mammen stated that his reason for coming to the HPB in January was to request some flexibility to come forward. Without voting, the HPB at that time indicated that it was a reasonable approach. He stated that there is no room in the back to put the addition. The house needs to be moved five feet forward before they can do anything.

Board Member Martz felt the addition should be similar in width to the house. If the addition is too small, it would look like a pop-up. He thought that moving laterally with the addition made the structure look better. Board Member Martz agreed with Mr. Mammen on Guideline 51.

Vice-Chair Holmgren stated that this house was not approved by the HPB or the HDC. Mr. Mammen pointed out that it is driven by the historic district guidelines. He stated that the Board's personal feelings or values as to whether or not it is acceptable should not be an issue. The issue is whether or not the plan as proposed meets the guidelines as they were written and intended.

Vice-Chair Holmgren understood that this was an addition to the historic house; however, the visual appearance looks like a separate house. Mr. Mammen pointed out that the addition is smaller in scale but larger than the original house. Planner Whetstone noted that in the case of 1110 Woodside, the house takes up most of the lot. The Staff originally suggested putting in a basement and adding dormers on the rear for extra headroom in the roof. It is hard to do an addition when the original house already takes up most of the lot. She agreed that the visual impact of the proposed addition would be less, but the issue is building on top of the historic house.

Board Member Durst stated that the HPB is called upon to judge improvements to buildings within the historic district, predicated on the guidelines. He thought the HPB should focus their discussion on the constraints of the guidelines. Board Member Durst felt the proposed improvements fall within the guidelines and within the constraints that were established. He could see no cause to vote against them. However, he did not

think the materials proposed contribute to the historic character of the neighborhood and the original building, which the HPB is also charged with preserving. Board Member Durst stated that he could vote in favor of following the guidelines, but he could not vote in favor of this as a piece of architecture that would contribute to the historic nature of the neighborhood.

Mr. Mammen was not opposed to discussing the materials for possible changes. He noted that the Staff and other historic preservation boards in Park City prefer different siding for the addition that what is on the historic house to create a distinction between the old and the new. Board Member Durst understood that preference, which is why that complies with the guidelines. Mr. Mammen stated that many historic homes in town have stone foundations. At some point in the past, this house originally had a stone foundation that was mortared. Mr. Mammen reiterated his willingness to use a concrete foundation. His intent with the stone was to make the house look historic. He pointed out that he also tried to make a distinction between the addition and the historic house to preserve the integrity of the historic house.

Planner Whetstone remarked that the Staff has approved additions with vertical siding, board and batt, many times, as long as the character of the historic house was not altered. Board Member Durst stated that in looking at alternative patterns and textures on the addition, he did not think it had the same quality. Mr. Mammen believed that historically the roof was probably wood shingles, but that was not an option now.

Mr. Mammen presented slides of historic homes with additions and compared them to their proposal at 1110 Woodside. Mr. Mammen pointed out that the additions were done under the old guidelines and those are the guidelines they should live by. Board Member Werbelow felt it was a question of interpretation. Vice-Chair Holmgren remarked that it was also a question of being a good neighbor. Changing the roofline on one house changes the look of the street. She pointed out that this is a landmark house and not a significant house and changing the roofline is a mistake. The HPB has spent the last year updating the guidelines and they need to follow those standards. Mr. Mammen did not think it was right to apply the new standard to a house that was submitted under the old standard. Vice-Chair Holmgren disagreed.

Planner Whetstone did not believe the HPB was applying a different standard. She felt they were applying the current guidelines. Mr. Mammen understood that Vice-Chair Holmgren wanted to apply a new standard. Vice-Chair Holmgren explained that if the houses Mr. Mammen presented on his slide show had come before the HPB they would have been heavily questioned. The point was that none of those houses came before the HPB and were approved by Staff.

Planner Whetstone noted that Guideline 51 calls for preserving the original shape of the roof. Board Member Martz read a comment the Assistant City Attorney had made during a previous meeting, that if the application came in under the existing guidelines, those guidelines apply. However, if the guidelines were wrongly applied, the HPB does not need to continue this mistake. Assistant City Attorney, Polly Samuels McLean had stated that there is a purpose statement in the LMC that talks about trying to maintain the historic value of houses and that is the overriding concern.

In an effort to compromise, Board Member Werbelow asked if anything could be done to further differentiate the addition. Mr. Mammen stated that nothing could be done from a

footprint standpoint. This is the sixth plan that has been proposed and if the Staff does not approve this plan, the owner will ask that it be denied and he will take it to court. Mr. Mammen stated that he desperately tried for a compromise. He believes that the current proposal is an excellent design and it preserves the integrity of the existing house better than anything else proposed. It does not adversely affect the neighbors and it gives his client what he needs.

Planner Whetstone noted that the four guidelines and the purpose statements are the same guidelines used today and the standards were not changed for this project. Mr. Mammen felt that Guideline 51 was not applied to other historic homes and additions in the same way that it was being applied to his project. He noted that Guideline 62 addresses skylights and he was unsure why that was even an issue. He felt there was no question that this plan preserves the essential character of the rooflines. Mr. Mammen thought that adding dormers would be a gross disruption of the historic nature of the house.

Board Member Durst felt that the character of the rooflines and the original shape were altered. A building cannot be considered preserved by just one shot looking from the front because people drive by it, walk by it and pass by it.

Board Member Martz liked the idea of the addition having similar siding to the original house. He agreed with comments about the stone and he thought the stone should be removed. It is a plain craftsman house and he believed that should continue. Board Member Martz thought the metal backside should be eliminated. He was not as opposed to the roofline because it is hard to make an addition without popping up above it. Board Member Martz wanted to see more compromise between Mr. Mammen and the Staff. He felt that all the comments were valid.

Planner Whetstone remarked that the original direction from Staff was for one additional bedroom and a bath. Board Member Martz reiterated his previous comment that the addition should be the same size as the house. He felt that Mr. Mammen had already made the addition more palatable.

Director Eddington stated that the Staff would work through some options with Mr. Mammen.

REGULAR MEETING/AGENDA ITEMS/PUBLIC HEARINGS

ROLL CALL

Vice-Chair Holmgren called the meeting to order and noted that all Board Members were present except Todd Ford and Adam Opalek who were excused.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBER COMMUNICATIONS

Board Member Martz disclosed that he did the historical survey with Sandra Morrison on the house at 16 Sampson Avenue prior to serving on the Historic Preservation Board.

His name appears on the documents and he was unsure if that presented a conflict. Assistant City Attorney, McLean stated that his disclosure was sufficient.

Board Member Kimball disclosed that he was quoted in an article on China Town.

Vice-Chair Holmgren disclosed that she would recuse herself from the 16 Sampson Avenue matter because she is familiar with the owner, Susan Fredston-Hermann.

1. 16 Sampson Avenue – Determination of Historical Significance

Vice-Chair Holmgren recused herself and left the room. Chair Pro Tem Martz assumed the chair.

Planner Brooks Robinson reviewed the request for a determination of historical insignificance for 16 Sampson. The structure is listed on the Historic Site Inventory that was recently adopted. The Staff report provided information on the sites inventory and the criteria for designating sites on the inventory, as well as the criteria for removal of sites.

Planner Robinson referred to the Staff analysis on page 41 of the Staff report. He noted that the Staff found that there had been no change in the building since its listing and it did not meet the criteria for removal. The Staff had provided findings of fact and conclusions of law for keeping 16 Sampson on the Historic Sites Inventory.

Planner Robinson stated that Ken Pollard, the architect representing the applicant, had prepared a presentation. The matter was scheduled for public hearing and action this evening.

Mr. Pollard stated that the project started out as an addition to 201 Norfolk. A developer was involved who had sold property to the current owners, Eric and Susan Fredston-Hermann, to add a garage to 201 Norfolk. He noted that the developer ended up stating that the house could be moved and placed into a project that he planned for an addition.

Mr. Pollard provided a brief background of his qualifications in historical buildings. When Mr. Fredston-Hermann told him the building would be moved, he spoke with the former Planning Director, Patrick Putt, who told him that the building was not on the inventory list. However, it was in a historic district and the developer would have to abide by the historic design guidelines.

Mr. Pollard stated that after looking at the project he saw that it was overly built up. He expressed his concerns to the Fredston-Hermann's that it would block their view and they should do something about it, even though it was a manipulation of the land for the garage addition. Mr. Pollard remarked that the Fredston-Hermann's purchased the property and asked him to do something with the house. Having done a number of historical restorations and remodels, he took on the project and made sure the form, scale, proportion and silhouette were maintained. Even though it was not on the inventory, Mr. Pollard felt the house was significant enough to push the addition into the hill. The result was a sustainable building, which is a semi-intensive and intensive greenhouse with a roof on top. The upper house would have a deck to walk out on and the majority of the house would be underground into the hill.

Mr. Pollard stated that when he later met with Planners Brooks Robinson and Jeff Davis, they also said that 16 Sampson was not on the inventory and he proceeded based on that assumption. Mr. Pollard remarked that 80% of the working drawings were complete when the moratorium was placed on steep slope development. In discussions on steep slopes and the profiles they were trying to abide by, he found out that 16 Sampson was put back on the list.

Mr. Pollard gave a presentation on past projects he had done. He explained how he worked in some of the innovative and new ideas in design and architecture and still maintained the historical aspect of the structure.

Mr. Pollard stated that more than 60% of the structure and materials on 16 Sampson have been altered. In working with the Planning Staff and talking with Patrick Putt, they were told that the structure had been altered so much it was not considered significant and that was why it was not on the inventory list. Mr. Pollard noted that they liked the silhouette, the profile, and the mass and scale of the building and tried to find the best way to utilize those elements and bring back its history.

He explained that they started to lift the garage on 201 Norfolk and step it back. There is a semi-intensive roof over the garage at 201 Norfolk. They used the stones that were coming up along the hill and brought them around to form a stone base that is similar to what exists at 16 Sampson. The profile of the house was set on that stone base, which is the garage. The rest of the house sits back behind and inside the hill where there are four bedrooms and a family room with semi-intensive and intensive landscape behind it. Mr. Pollard remarked that the profile of the house is sitting against the hill, which is what they believe is the original profile of the house.

Mr. Pollard stated that they did an analysis of the entire hillside to understand the materials and the position of all the forms, as well as the landscape, to present the best solution for several of the problems. Mr. Pollard presented the interior floor plan of the house. The footprint of the area is approximately 2100 square feet. Approximately one-third is hardscape and two-thirds is greenscape. They are basically putting back the hillside on top of the house and in to the garden and along the stairways. Mr. Pollard stated that they are looking at simplifying the profile of the house and bringing it from a shed and a gablet to a simple gable form straight across. They intend to keep the clapboard, use materials of the time, and break down the windows to scale. Mr. Pollard stated that they have submitted for a design review with the City.

Mr. Pollard stated that the main question is whether or not 16 Sampson Avenue is on the inventory list and if it is significant to save something that is deteriorating.

Board Member Martz clarified that the objective for the HPB this evening was to re-determine the significance of the house at 16 Sampson.

Board Member Durst asked Board Member Kimball if he knew the history of the house. Board Member Kimball stated that he knew Jim Christensen and his wife quite well. He asked Mr. Pollard how much of the house would be saved. Mr. Pollard replied that the current plan would only save two walls and the windows on those walls would be manipulated and reduced to a more historic scale.

Chair Pro Tem Martz had taken a tour prior to the original significance hearing four years ago. He had worked on the house in the 1970's and knew one of the owners. Chair Pro Tem Martz was aware of the condition of the house, but noted that determining a house as significant does not preclude options such as duplication and panelization. He believed the house at 16 Sampson would be a candidate for duplication. Chair Pro Tem Martz agreed that the house has history and it has been lived in for a long time, even in its current condition. He personally thought it was a significant structure and reiterated that options are available.

Board Member Werbelow deferred to Board Members Martz and Kimball regarding the history and the contribution the house makes to the surrounding neighborhood. She thanked Mr. Pollard for the background. She appreciated their care and sensitivity to the nature of the concept and intent of the guidelines. However, the house is currently on the list that was adopted and approved, and the HPB has a set of criteria to determine significance. In looking at those criteria, she believes the house is significant.

Board Member Durst wanted to know which walls Mr. Pollard thought were candidates for panelization or reuse. Mr. Pollard replied that it would be the east wall and the south wall. Board Member Durst clarified that the east wall was the front with the large glass window. Mr. Pollard replied that this was correct. He explained that they would try to retain as much of that wall as possible and mimic it in a way that still retains its character on the hillside.

Planner Robinson explained that the house is on the historic sites inventory and in its current condition it is considered significant. Recognizing that the structure has been significantly altered does not take away its essential historic form. It could maintain its current form as far as windows and door penetrations, or as a re-creation of the original form.

Board Member commented on a similar house across the street from the Catholic Church that was in worse condition but was nicely duplicated. He believed the roofline on the house at 16 Sampson is the most important element because it appears to be the original.

Board Member Durst asked if they would retain the identity of the same footprint. Mr. Pollard replied that they would stay within the 2100 square foot footprint. Board Member Durst asked if there was any intent to add vertical to the height of the walls. Mr. Pollard answered no. Board Member Durst felt that replication was the appropriate solution.

Planner Robinson stated that the Staff was impressed with the design and the additions proposed. He noted that 16 Sampson is scheduled for a Steep Slope CUP before the Planning Commission to discuss a few minor items relative to the new LMC changes. Based on the outcome this evening, the Staff will continue with the Historic Design Review relative to the older design guidelines based on when the application was submitted and the design guidelines were adopted.

Chair Pro Tem Martz opened the public hearing.

There was no comment.

Chair Pro Tem Martz closed the public hearing.

Chair Pro Tem Martz clarified that the HPB was being asked to determine if the home at 16 Sampson Avenue is either significant or insignificant. He recommended that the home retain its significant status and remain on the Historic Sites Inventory list.

MOTION: Board Member Durst made a motion to sustain the historic significance of 16 Sampson Avenue and to endorse the design and plans presented this evening and encourage the applicant to proceed. Board Member Werbelow seconded the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney, McLean, clarified that the historic district design review had not yet taken place. The Staff would take the direction that the HPB supports what the applicant is proposing; however, under the existing guidelines the Staff would need to do an analysis of the plans presented. She wanted the applicant to understand that the motion was a determination of significance and not a guaranteed approval for their design.

Findings of Fact – 16 Sampson

1. The property at 16 Sampson Avenue is located in the Historic Residential Low Density (HRL) zone.
2. The initial construction of the principal building was built in 2907.
3. The Historic Preservation Board found the building historically significant on February 27, 2006.
4. The HPB adopted the Park City Historic Building Inventory on October 1, 2007. The structure at 16 Sampson was not found to be significant and was not listed.
5. On January 22, 2009, the City Council, at a public hearing, discussed the proposed amendments and approved a resolution adopting LMC amendment to Land Mange Code, Section 15-11-12 to establish the Park City Historic Sites Inventory.
6. The Historic Preservation Board adopted the Historic Sites Inventory on February 4, 2008. The structure at 16 Sampson is listed as Significant.
7. The building is greater than 50 years old having been built in 1907.
8. It retains its essential historical form even though there have been additions and alterations to the building. No major alterations have altered the essential historical form:
 - No change in pitch of the main roof of the primary façade.
 - No upper story additions or removal of an upper story addition have occurred.
 - Still in its original location
 - No addition(s) that significantly obscures the essential historical form when viewed from the primary public right-of-way. The additions and

9. The building is associated with the mining era of Park City.
10. On April 9, 2009, the applicant submitted an application for a Determination of Historical Insignificance for the single family home located at 16 Sampson Avenue.
11. No changes in the qualities that caused it to be originally designed have been lost or destroyed.
12. The building on the site has not been demolished.
13. No additional information indicates that the building on the site does not comply with the criteria set forth in Section 15-11-12(A)(1).
14. All findings from the Analysis section are incorporated herein.

Conclusions of Law – 16 Sampson Avenue

1. The home substantially complies with the standards of review found in LMC Section 15-11-12(A) and therefore is historically significant pursuant to Section 15-11-12.

Order

1. The Historic Preservation Board finds the house at 16 Sampson to be Historically Significant and the building remains on the Historic Sites Inventory.
2. 100 Marsac Avenue - Appeal of Staff's Determination

Board Member Holmgren resumed the Chair.

Planner Robinson stated that the HPB was being asked to consider an appeal of a Staff determination of compliance with the Historic District Design Guidelines. Under the burden of proof and standards of review, the HPB acts as the quasi-judicial body and the appellant has the burden of proof that the land use authority, in this case being the Planning Staff, erred in applying the historic district design guidelines.

The Staff report contained the appeal letters from Jeff Edison and Jamie Thomas, property owners on Ontario Court. Planner Robinson stated that within the Historic District Design review process, the Staff goes through each of the criteria listed in the design guidelines. In this case, the ruling guidelines are the previous design guidelines. After reviewing each guideline, the Staff makes a finding of compliance or non-compliance. Planner Robinson stated that the application was submitted in August 2008, along with a Steep Slope CUP and a subdivision. In the process of the other two applications, changes were made to the layout and the design of the houses. He commented on the number of documents and material that was duplicate to each application but not duplicated in each file. However, all the material was available for the Staff to review against the design guidelines.

Planner Robinson stated that once the Staff finds compliance the property is posted. In this case, a notice was placed on the property saying that ten individual homes were reviewed and found to be compliant with the design guidelines. In addition, courtesy notices are mailed to the adjacent property owner per the Land Management Code. That list is provided by a title company from the original applicant. Planner Robinson explained that the mailed notice is a courtesy notice and if there is a deficiency in the noticing, it does not invalidate any action by the HPB, the Planning commission, the Staff, the City Council or any other land use authority.

Planner Robinson remarked that the original noticing and posting was done in February of 2009, which began a ten-day appeal period. Since the tenth day fell on a Sunday, the period was extended to 5:00 p.m. on Monday. Planner Robinson noted that two property owners had raised concerns related to a number of elements of the project and Planning Director Eddington personally called each one to inform them that the appeal period would expire on that Monday. On Monday morning Mr. Edison came into the Planning Department to obtain information. Planner Robinson also sent him an email, which was included in the Staff report, telling him that only specifically numbered historic guidelines were at issue, and it did not affect the subdivision, the master plan or the steep slope CUP.

Planner Robinson noted that the Staff report contained the information the Planning Department received on the last day of the appeal period relating to the Edison appeal and the Thomas appeal. He stated that neither appeal addressed the specific numbered design guideline criteria in the design guidelines.

Planner Robinson stated that the Staff worked with the appellants to set a date for the appeal hearing with the HPB. Mr. Thomas was not available during the two hearing dates in April and it was pushed into May. Both appellants complained about adequate notice and the Planning Department gave them an extraordinary ability to amend their appeal last week. What the Staff received at that point did not address the individual and numbered design criteria. Planner Robinson noted that the Staff received a large packet of information yesterday, which was forwarded to the HPB.

Planner Robinson stated that outside the scope of the original appeal date and the added supplemental date of last Wednesday, the Staff finds that this is outside the scope of the appeal; however, the HPB can choose to consider it. He noted that typically the acting judicial body does not have evidence that comes in after the date of the appeal has been posted. Planner Robinson expressed a willingness walk through the numbered criteria the Staff received yesterday at the request of the HPB.

The Staff recommended that the HPB deny the appeal because the appellants did not appeal any of the specific criteria in the historic district design guidelines.

Board Member Martz clarified that the response the Board received via email was material that came in after the fact. Planner Robinson replied that this was correct.

Leslie Edison, the appellant, stated that she and her husband live at 128 Ontario Court. Their home directly abuts the 100 Marsac project. Her husband was away on business and asked her to read a short comment that addresses their concerns as neighbors. Ms. Edison stated that her neighbor, Jamie Thomas, was also present this evening and would address in detail Planner Robinson's comments.

Ms. Edison stated that this project has been handled in a very hurried and rushed way and they were not provided the opportunity to address some of their concerns. When they made an attempt to do so, they were denied a fair and open conversation. As neighbors who would be impacted, they feel the project needs to be respectful of the neighborhood it would be developed in. As residents who live there, she believes they have the right to be heard.

Ms. Edison stated that when they started investigating the project and the approval process and how it was approved by the Planning Commission, her husband requested copies of the files of the project. He was concerned that the approval was given with very little documentation and the format was incomplete. Since the file lacked documentation and applications were not filled out completely, it was hard to understand how the Planning Commission could make a fair recommendation. Ms. Edison clarified that she and her husband did not want to stop development of the project. They understand the need for affordable housing within Park City and they support it. However, they object to the way the project is situated on the site and they are only asking for a compromise that would spread the project out over the site instead of wedging it into the most visible corner from Old Town and from their neighborhood.

Mr. Edison pointed out that they have been to the Planning Commission and they attempted to submit appeals to do whatever they could to be heard. Unfortunately, they do not feel that they have been heard and they are before the HPB this evening hoping to have their issues addressed.

Ms. Edison stated that they are submitting their appeal based on three separate issues. The first issue is noticing. Even though Mr. Robinson said they were noticed, they did not receive adequate notice at any time during the Planning Commission process. Since they are directly adjacent to the property, she felt that was inappropriate. The second issue is that the application submitted by Talisker to the Planning Commission was woefully incomplete. The third issue is that the new steep slope guidelines should be used to review this particular project.

Jamie Thomas stated that he and his family live at 134 Ontario Court, which is two houses away from being adjacent to 100 Marsac Avenue. Mr. Thomas responded to Planner Robinson's comments regarding the appeal process thus far. He apologized for any confusion and noted that they are unfamiliar with the process. Mr. Thomas stated that the LMC says that the appeal first goes to the Planning Director, which they were prepared to do months ago. He pointed out that the delay was not their doing and a date was mutually agreed upon by the parties to the appeal.

Mr. Thomas stated that last week he received an email from the Assistant City Attorney asking that they submit all their arguments to Planner Robinson within 48 hours. No information had flowed in the other direction and he considered the depth of the request to be unreasonable. Mr. Thomas remarked that he did reply and reiterated their points of concern with a promise to elaborate at this meeting, as required. Mr. Thomas stated that the request to provide a brief report for inclusion in the HPB packet should have been made clear and his report and Planner Robinson's report should have gone to a third party. Without understanding the legal ramifications of ex parte communication, they were leery of lobbying the HPB, which Planner Robinson's report appears to do. He noted that Planner Robinson also went so far as to instruct the HPB on what action

to take. Mr. Thomas stated that since both Planner Robinson and he and the Edison's are parties to the appeal, equal rights should be given and equal opportunity to communicate with the quasi-judicial party needs to be guaranteed.

Mr. Thomas reiterated his apology for not being familiar with the process, but felt the Staff had a distinct advantage. He suggested that the legal department be more even handed in their method. Mr. Thomas noted that he gave the specifics of their appeal to the Planning Director yesterday and he assumed that was passed on to the HPB. With regard to the project, Mr. Thomas was surprised that given its significance, it had never come before the HPB. This project migrated north along the parcel to avoid disturbing historic retaining walls, and therefore has historic significance. He remarked that part of their appeal is that the consistency with retaining walls is not being maintained and has not been demonstrated in the application. Mr. Thomas reiterated that fundamentally the application was not complete and, therefore, should not have been approved.

Mr. Thomas identified discrepancies in the Staff report prepared for the meeting this evening. The Report indicates that the project is located at 100 Marsac Avenue and includes ten development lots. Mr. Thomas stated that no such address exists. As an example of the addresses, he noted that units 1 and 2 are on Silver Hills Court. He pointed out that the application is for ten units, not one at 100 Marsac. He stated that the ten properties were not approved until October 22, 2008, but the application could not have been complete prior to that date. Mr. Thomas remarked that there should be ten surveys describing each of the ten lots, however, no certified topographic survey has been submitted.

Assistant City Attorney, Polly Samuels McLean, stated that per Mr. Thomas' request, his information was distributed to the Board members yesterday afternoon and they all had a copy in front of them this evening.

Mr. Thomas noted that the Staff report states that the property is located within the HR-1 zoning district. He noted that he has made previous comments and objections regarding the MPD process that have been discussed elsewhere. Mr. Thomas referred to item 3 in the Staff report, which stated that legal notice of the Staff's determination of compliance with the historic district guidelines was posted on the property on January 28, 2009. A courtesy notice was sent to adjoining property owners on January 28, 2009. The appeal period expired on 5:00 p.m. on February 9, 2009. Mr. Thomas stated that each application requires a posted property and one notice is not sufficient. There are ten lots and ten applications and each of them should have been individually noticed. He argued that the mailed notice is a requirement of the LMC and not a courtesy notice. He noted that the Edison's are adjacent to Lot 7 and behind Lot 6 did not receive a mailed notice. He pointed out that one notice was posted in the general vicinity of the former 100 Marsac Avenue. Per the LMC, a notice should have been placed on each of the ten properties.

Mr. Thomas continued to read the bullet items listed in the Staff report and presented his argument for each one.

Mr. Thomas noted that the Staff report indicates that the Staff reviewed the application and deemed it complete on August 29, 2008. The day of the completed application is the date that the application is vested in the Code, unless a pending ordinance would apply to the application. As of August 29, 2008, there was no pending ordinance and

the existing Land Management Code and guidelines were applied to the application. If the application was made on August 29, 2008, Mr. Thomas questioned how the Staff had found the time to review the materials that day.

Mr. Thomas believed that nine of the fourteen required items were incomplete or missing from the August 29th application. The ten required application could not have contained certified topographic boundary surveys until after October 22nd, 2008. Mr. Thomas noted that the required site information was the third item in a list of fourteen, but it has never been included. Mr. Thomas pointed out that a conclusion of law states that the design review application is consistent with the Park City Land Management Code and the historic district guidelines addressing new residential construction.

Mr. Thomas read through the conclusions of law to deny the appeal and explained why he disputed each one. He stated that the appeal has yet to be heard. If the Staff represents one party to the appeal, then the Staff report was lobbying the appeal body in advance of this hearing. He wondered if that was a breach of Park City's Municipal Code.

Mr. Thomas referred to the document he had submitted the day before that detailed where the project did not conform with the LMC or the Historic District Guidelines. He also read the submittal requirements and explained why the 10 submitted applications did not meet the requirements.

Board Member Durst stated that he had no way of determining whether or not the appeal was valid without seeing the graphic representations that were submitted for the project. Until the HPB is made privy to exactly what the application entails and what was being appealed, he was unsure how they could make a judgment.

Mr. Thomas suggested that a good course of action would be for the Board to review the plans and the Staff's approval to determine if it does comply as stated in the Staff report. Mr. Thomas was prepared to show a few examples that were part of the application. He noted that one of the plans approved by Staff shows that the entire project, including the garage doors, would be clad in hardy board siding, which is not permitted in the historic district guidelines.

Vice-Chair Holmgren remarked that one problem was that Mr. Thomas was reading from a document that the Board had not received until that morning, which was a week after the cut-off time for receiving information. That document should have been included in the Staff report so the Board had time to read it. Outside of the application being incomplete, she asked if Mr. Thomas and Ms. Edison were distressed about the project design.

Ms. Edison understood that originally this project was designed to sit at the south end of the site, which is the farthest positioning from their homes and the least visible from downtown Park City. Board Member Durst asked Ms. Edison where she received that initial indication. Ms. Edison replied that her husband understood that through talks with the Planning Department. They were led to believe that there was an issue with the neighbors directly across Marsac Avenue who did not want the project directly facing their homes. After some discussion, those neighbors pointed to the fact that the historic walls would be disturbed at that end of the property. At that point, the project was redesigned and the units were positioned and clustered at the extreme north end

abutting their property. Ms. Edison clarified that she was sensitive to historic preservation in Park City and was not asking that the walls be disturbed. However, the developer has access to a large site of land and she did not think it was necessary to smash all ten units up against one end of the property.

Vice-Chair Holmgren stated that without a site plan or project design, the HPB was caught in an awkward position. In addition, many of the issues raised was outside of their jurisdiction. Ms. Edison felt that because the argument to move the units was based on preserving a historic structure on that site, it was within the jurisdiction of the HPB.

Vice-Chair Holmgren pointed out that the original density was much higher than the ten single-family lots being proposed for this attainable housing project. Ms. Edison remarked that the site itself was not designated to have that quantity of units. She understood that it was a two-lot site.

Mr. Thomas felt it was incorrect to say that the site was permitted to have more than ten units. It was a two-lot subdivision that was allowed to have two houses. Because it went through an MPD process it was reduced from many more units to the proposed ten units. The fact is, the density was increased from two houses to ten houses. Mr. Thomas acknowledged that density was an issue outside of the appeal process this evening. The intent this evening was to appeal the approval of the design review and he and Ms. Edison were attempting to detail their dispute.

Vice-Chair Holmgren reiterated that the Board members received a large packet of papers this morning and they needed time to review the information.

Board Member Martz understood the reason for the appeal was that the February 9, 2009 appeal did not include anything except the notification process. The issues Mr. Thomas mentioned this evening could have been part of that February appeal; but they were not and are now being presented after the fact.

Assistant Attorney McLean stated that what was being appealed was the historic district design review and compliance with the guidelines and that is within the HPB purview. The other issues raised are tangential. The HPB is tasked with determining whether the designs comply with the guidelines. Ms. McLean noted that one page addressed the guidelines and she suggested that they look at that page as the focus of the appeal. In terms of noticing, there are noticing requirements that the Staff believes were met. In any case, the intent of notice is to let people know that a hearing will take place or a design was approved. She pointed out that the parties who were appealing were present because they had notice. Ms. McLean stated that the noticing issue was moot because the parties had the opportunity to appeal the guidelines.

In terms of an incomplete application, Ms. McLean believed that Planner Robinson had a copy of the application available if the HPB was interested in seeing it. She remarked that the issue for consideration was whether the buildings comply with the guidelines. Issues related to the number of houses were decided in the subdivision process under the Planning Commission's purview and jurisdiction and that is currently in District Court.

Board Member Werbelow referred to the packet of information the HPB received that day and asked if Ms. McLean would advise the HPB to consider that package as part of

the appeal. Ms. McLean replied that there were some guidelines that could be addressed this evening under their jurisdiction as an effort to give Mr. Thomas and Ms. Edison their input on the design guidelines. Beyond that, the issues were tangential.

Board Member Werbelow pointed out that there was three pages of guidelines in the package. She was interested in reading and understanding the material and felt it was difficult to analyze the comments without graphics or the application itself so they would have something to compare. Ms. McLean stated that the HPB could also find that the comments came untimely and based on that the Board would not review the material. She emphasized that the applicant has a due process right to move forward and start construction as the summer season approaches.

Board Member Werbelow felt the HPB should take the time to look through the criteria. Board Member Kimball agreed. He felt the City should be held to the same requirements as other builders and provide the HPB with complete documents and drawings. Planner Robinson stated that if the Planning Department had received the three pages of design guideline appeal in February or even last Wednesday, it would have been included in the Staff report, along with the designs and a Staff response. He felt that receiving the material at the last minutes was a way to get the HPB to continue based on review of the documents. He noted that the HPB had the option to continue the matter and ask the Staff to provide the designs and a response or they can move forward and inform the appellants that the material should have been provided sooner. He noted that a continuance could infringe on the applicant's right for due process.

Vice-Chair Holmgren asked if the HPB could request a copy of the drawings for the next meeting. Board Member Durst asked if the Staff intended to refer the designs to the Historic Preservation Board for evaluation as to whether the designs complied with the design guidelines. He noted that the project is within the Historic District and the HPB should have the opportunity for review.

Planner Robinson replied that the HPB would not generally review the design. He noted that the Planning Commission has the opportunity to refer a design to the HPB during the Steep Slope CUP process, but they chose not to take that action. The Planning Commission did not think they needed input from the HPB in terms of mass and scale and the appropriateness of the buildings based on the Steep Slope CUP criteria.

Board Member Durst did not understand why the HPB was being called on to react to this appeal when they were left out of the loop for design approval. Planner Robinson explained that if the appeal and the numbered criteria had been received in a timely manner, the HPB would have had the plans and the Staff response. Board Member Durst stated that the HPB was being asked to make as a quasi-judicial judgment and he did not have any notion as to whether or not the appeals were timely. He was unsure how the HPB could be called upon to make a judgment.

Assistant City Attorney McLean, explained that the LMC requires appeals to be submitted within ten days of the decision. That date was Monday, February 9th. There was an initial appeal and three months later, because the appellants raised the noticing issue, the Staff gave the appellants the opportunity to submit items prior to 5:00 p.m. the previous Wednesday. She noted that Mr. Thomas and the Edison's submitted additional emails, none of which specified any guidelines. The Staff then received the additional packet yesterday that was sent to the HPB this morning.

Vice-Chair Holmgren could not see how the HPB could get involved. She felt it was insulting to the Board and the Staff for the appellants to submit something at the last minute when they were clearly given a deadline. The Staff had gone beyond the requirements to help the appellants and she could not understand what the appellants were asking. Board Member Werbelow pointed out that the appellants had provided three pages of design guidelines that they wanted the HPB to review. She commented on the number of issues that the appellants raised as it pertains to the current guidelines.

Mr. Thomas stated that the appeal is supposed to deal with breaches in the LMC and the historic district guidelines. When they were asked to provide information, they thought that providing the HPB with their argument would be considered lobbying. Mr. Thomas stated that when they were asked for the information, they alluded to the areas they thought were breached. Mr. Thomas pointed out that the LMC and the design guidelines went through changes that were only formalized a week ago. Therefore, it was unfair to say that they have had since February to respond when the guidelines were still changing.

Vice-Chair Holmgren pointed out that there was either the old guidelines or the new guidelines, but there was never a blending of the two. It was always one or the other and they could have responded based on the old guidelines. Mr. Thomas stated that the issues they raised do not comply under the old Code or the new Code. Vice-Chair Holmgren informed Mr. Thomas that the project is subject to the old Code.

Mr. Thomas argued that the Staff report should have included the project files, regardless and separate from any information he submitted. That would have substantiated the appeal. Planner Robinson clarified that the Staff was unaware of what was being appealed. Mr. Thomas stated that the findings of fact and conclusions of law, based on what the Staff has on file, is incorrect. He believed the review process was also incorrect. This appeal was an attempt to involve the HPB in looking at the design.

After further discussion regarding the process, Board Member Durst remarked that the HPB was excluded and left out of the loop by the Planning Commission or the City Council and therefore, has no obligation or responsibility. Whether the appeal was timely or not, he thought this appeal should be made to the Planning Commission, since they made the initial judgment.

Ms. McLean explained that in terms of historic district design review, per the Code, the Staff makes a determination of compliance and that determination can be appealed. In the past it would go directly to the Planning Director and that decision could be appealed to the HPB. The Planning Director was recently eliminated as a step because it slowed down the process. Therefore, the Staff makes their determination during the design review process and that can be appealed. Ms. McLean stated that the HPB has the authority to review design reviews when they are appealed. Board Member Durst remarked that he had no way of determining whether the Staff judgment was good, bad or indifferent because he has not seen the design. He was still unsure what the HPB was being asked to do.

Planner Robinson requested that the HPB follow the recommendation in the Staff report, which was to deny the appeal because the appellants did not appeal any particular

elements of the design guidelines. In February he specifically told Mr. Edison that the MPD, the location and the subdivision were not at issue. At issue was the numbered criteria of the historic district design guidelines, none of which they submitted until yesterday.

Based on the explanations given by Ms. McLean, Board Member Werbelow understood that the HPB could either deny the appeal as recommended by Staff, or continue the discussion if they wanted to incorporate the design review guidelines they received this morning.

Ms. McLean stated that if there was evidence before them, they could also grant the appeal. However, she submitted that there was not any evidence.

Board Member Martz stated that in reading the original packet, the February 9th appeal should be denied, based on the information provided by Planner Robinson because there was not enough criteria given. He felt the Planning Department was correct in their decision regarding the February 9th appeal. However, since receiving the Staff report they received another packet of information on a new appeal that was turned in late and everyone is learning as they go. Board Member Martz felt that if they were only talking about the February 9th appeal, it should be denied. If they intend to include the new information and open up a review of the guidelines, that is another matter.

Board Member Werbelow asked if the Board members had an interest in looking at the criteria that was submitted, regardless of when they were received. Board Member Martz felt there were some interesting factors that should be reviewed, but he felt the basics of the February 9th appeal should be addressed and that there was not a sufficient amount of information provided. When the appellant came in this evening he presented a completely different scenario, which created some confusion.

Board Member Werbelow asked if the HPB would see this project again if they moved forward without reviewing the guidelines. Vice-Chair Holmgren remarked that the project had already gone through Staff and the Planning Commission and she did not understand why the HPB needed to review it. Vice-Chair Holmgren commented on the importance of adhering to deadlines and reiterated that receiving the information this morning was annoying and insulting. She could see no reason why the HPB should not deny this appeal.

MOTION: Board Member Durst moved to deny the appeal. Board Member Martz seconded the motion.

VOTE: The motion passed 4-1. Board Member Werbelow voted against the motion.

Findings of Fact - 100 Marsac Avenue

1. The property is located at 100 Marsac Avenue and includes ten development lots.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. Legal Notice of Staff's determination of compliance with the Historic District Guidelines was posted on the property on January 28, 2009. Courtesy notice

4. Two appeals of Staff's determination with Historic District Guidelines were received on February 9, 2009.
5. The Land Management Code requires Staff to post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.
6. The Thomas property is not immediately adjacent to the property.
7. The Edison property is across the platted Marsac Avenue right-of-way.
8. Planning Director Eddington phoned Mr. Edison on Thursday, February 5th to personally inform him of the Design Review and appeal period.
9. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12 C "courtesy notice is not a legal requirement and any defect in courtesy notice shall not affect or invalidate any hearing or action..."
10. Staff gave both appellants the ability to supplement their appeals with any additional items. In his supplement, Mr. Edison raised the issue that new guidelines have been implemented and that this project does not comply with the new guidelines.
11. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the guidelines.
12. No specific design criterion is appealed by either party. No Design Guideline or LMC section prohibits replicative design or addresses alignment of uphill and downhill lots.
13. Staff reviewed the application and deemed it complete on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the existing Land Management Code and Guidelines were applied to the application.
14. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law - 100 Marsac Avenue

1. The Design Review Application is consistent with the Park City Land Management Code (LMC) and the Historic District Design Guidelines addressing new residential construction.

2. Approval of the Design Review Application does not adversely affect the health, safety and welfare of the citizens of Park City.
3. No specific Historic District Design Guideline Criteria are appealed.
4. Legal Notice was property given.

Order

1. The appeal is denied in whole for failure to address specific Historic District Design Guideline criteria and the determination of compliance with the Historic District Design Guidelines is upheld.

The meeting adjourned at 8:50 p.m.

Approved by _____
Todd Ford, Chair
Historic Preservation Board

Brooks Robinson

From: Brooks Robinson
Sent: Monday, February 09, 2009 10:06 AM
To: 'Jeff Edison'
Cc: Thomas Eddington
Subject: 100 Marsac Design appeal

Jeff:

Did you get the information you need for the appeal? Appeals of Staff determination of compliance with the Historic District Guidelines goes to the Historic Preservation Board. From our Land Management Code:

"Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Applicant shall pay the applicable fee established by resolution. The adversely affected party shall present to the appeal authority every theory of relief that it can raise in district court."

Fees are \$100. The appeal must be received at the Planning counter by 5pm today (Feb 9th). The subdivision and Master Planned Development are not subject to this appeal. Only the numbered criteria of the Historic District Design Guidelines are at issue. Let me know if I can be of further assistance.

Brooks T. Robinson
Principal Planner - Current Planning Coordinator
Park City Municipal Corporation
phone: 435-615-5065
fax: 435-615-4906
brooks@parkcity.org

Please note that all Park City Municipal Corporation departments previously located in the Marsac Building have moved.

- *Planning, Building, Engineering and Finance are located at 1255 Iron Horse Drive.*
- *Executive (City Manager and Mayor), Human Resources and Sustainability are located at 1354 Park Avenue (Miners Hospital)*
- *Legal is located at 1333 Park Avenue.*

From: Jeff Edison [mailto:jedison@PHILLIPSEDISON.com]
Sent: Saturday, February 07, 2009 8:37 AM
To: Thomas Eddington; Brooks Robinson
Cc: JAMIE THOMAS
Subject: bwelter@c1aritycreative.com; jferriter@hotmail.com; scardili@aol.com; eanderson@forthrightsolutions.com

Tom, thank you for your call on Thursday. We have not received any notice about the design approval process. As a next door neighbor to the development and having voiced our concerns directly to the planning staff, I do not understand why we were not given notice. I will be in the Park City office on Monday to file a formal appeal. Do you know what the process for the appeal is?

Thank you for your concern for Park City. Have a nice weekend,
Jeff

Jeffrey S. Edison
Phillips Edison & Company
175 E. 400 South, Suite 402
Salt Lake City, UT 84111
P: (801) 521-6970
F: (801) 521-6952

Please note my new contact information

Jamie & Kathleen Thomas
134 Ontario Court
Park City

Jeff and Leslie Edison
128 Ontario Court
Park City

To;
Park City Board of Adjustment.

May 18, 2009

Re 100 Marsac Ave Board of adjustment appeal.

Dear Members of the Board of Adjustment.

We are writing to appeal to the Board of adjustment on the HPB's denial of appeal on May the 6th 2009 on the Design approval by Planning Staff in January of 2009 for the 100 Marsac Ave Project.

The basis of our appeal is that we were therefore not given the opportunity to show the LMC and HDC guidelines breaches and our appeal was denied.

During our presentation elaborating on the breaches of the LMC and HDC guidelines we were interrupted by a member of the HPB and told the information was submitted too late.

This is despite our earlier submission highlighting areas of nonconformance and referencing that we would elaborate during the appeal.

We responded to the suggestion regarding lack of timeliness by apologizing for being unfamiliar with the process, indeed LMC says that appeal goes to Planning Director first. Which we were prepared to do months ago. The delay is not one of our making but a date mutually agreed upon between the parties to the appeal.

Also the week before the appeal we got an email off Polly asking that we submit all our arguments to Brooks within 48 hrs. No information had flowed in the other direction and we considered the depth of the request unreasonable. We did however reply and reiterated our points of concern with a promise to elaborate at the meeting as required. If the request was to provide a brief report for inclusion in the HPB packet then that should have been made clear, and both our and Brooks report should have gone to a third party. Without understanding the legal ramifications of 'ex parte' communication we were also wary of 'lobbying' the HPB which Brooks report appears to do, even so far as to instruct the HPB as to what action to



take. As both we and Brooks are parties to the appeal then equal weight should be given and equal opportunity to communicate with the quasi judicial body needs to be guaranteed. Again, apologies for not being familiar with the process but it appears that staff have a distinct advantage in this regard. Perhaps the legal dept should be more even handed in their method....

This is visually the largest Project to affect the Historic district in recent memory.

We are stunned that the HPB would not take this opportunity to look at the project that they were not previously permitted to do.

If the design is in breach of the code surely it must be corrected before giving it a design approval.

Please find following details explaining the Breaches from the incomplete application on August 29 2008 to the still incomplete application today, including extracts from the LMC and HDC Guidelines.

Thank you for your time.

Yours Sincerely,

Jamie & Kathleen Thomas

Jeff & Leslie Edison

Jamie & Kathleen Thomas
134 Ontario Court
Park City

Jeff and Leslie Edison
128 Ontario Court
Park City

To;
Park City Board of Adjustment.

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Thank you for your time.

Yours Sincerely,

Jamie & Kathleen Thomas

Jeff & Leslie Edison

DESIGN REVIEW PROCESS FOR PROPERTIES IN THE HISTORIC DISTRICT INFORMATION GUIDE

What should I know about the permit process for a property in Old Town?

All new construction, renovations or rehabilitations, additions, and exterior work within the Historic District requires design review and approval **before issuance of any building permits**. The purpose of this design review is to determine compliance of the proposed work with the **Land Management Code (LMC)** and substantial compliance with the **Park City Historic District Design Guidelines**. Copies of the LMC and Guidelines are available at the Planning Division.

How do I know if the property is located within the Historic District? Park City's historic district is composed of several locally designated areas and various structures. To find out if your property is historic, or located within the Historic District, contact the Planning Division at (435) 615-5060.

How do I begin the review process? Before beginning any new construction, rehabilitation, addition, or exterior work within the Historic District, a **Historic District Design Review Application** must be submitted to the Planning Division.

How long does the review process take?

Projects that can be reviewed administratively by the Planning Division may be handled over the counter, but may take up to ten days or more if public noticing is required. Projects that must be formally reviewed by the Historic Preservation Board may take three weeks or more to complete. Contact the Planning Division (435) 615-5060 to find out if your project requires HPB

review, or whether it can be reviewed administratively.

What else should I be aware of prior to receiving design review approval? Some design review projects incur delays due to unresolved land-related issues. It is important that the owner contact the Planning Division to determine if there are any additional review processes required in conjunction with the proposed **Historic District Design Review Application** (i.e., Lot Line or Plat Adjustments, Variance, CUP/Steep Slope, etc.).

What should I do after receiving design review approval? Once approval is granted, you will receive a final design approval **Action Letter** that will stipulate specific conditions of approval for the project. These conditions must be met and any changes or modification to the approved design must be reported to the Planning Division prior to construction.

What is the next step? After your plans have been reviewed and approved by the Planning Division, or the Historic Preservation Board, you submit the approved plans to the Building Division for their review. Please refer to the **Information Guide for Building Permits and Inspections**, and the **Information Guide for Commercial Building Permits**.

Disclaimer: This guide is intended to provide general information. Codes are subject to change at any time and up-to-date versions of applicable codes and documents are available at the Building and Planning Divisions.

Response to Staff Report Findings of Fact:

1. The property is located at 100 Marsac Avenue and includes ten development lots.

No such address exists.

The ten properties are unit #1 Silver Hills Court, unit #2 Silver Hills Court... (actual addresses to be confirmed). The application is for ten units not one. The ten properties were not approved until Oct 22, 2008. The application could not have been complete prior to that date. There should be ten surveys describing each of the ten lots. No certified topographic survey has been submitted.

2. The property is located within the Historic Residential (HR-1) zoning district.

(Note: previous comments and objections regarding the MPD process have been argued elsewhere)

3. Legal Notice of Staff's determination of compliance with the Historic District Guidelines was posted on the property on January 28, 2009. Courtesy notice was sent to adjoining property owners on January 28, 2009. The appeal period expired at 5pm on February 9, 2009.

Each application requires a posted property. Ten lots, ten applications, ten posted notices, ten mailed notices.

The mailed notice is a requirement of LMC 15-2.2-8 (B) the Staff shall post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

This is not a courtesy.

4. Two appeals of Staff's determination of compliance with Historic District Guidelines were received on February 9, 2009.

5. The Land Management Code requires Staff to post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.

"requires". This is not a courtesy. Staff are required to post the ten properties.

6. The Thomas property is not immediately adjacent to the property.

7. The Edison property is across the platted Marsac Avenue right of way.

8. Planning Director Eddington phoned Mr. Edison on Thursday, February 5th to personally inform him of the Design Review and Appeal period.

9. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12(C) "courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action..."

Mr Thomas' letter states that he lives within three hundred feet. Mr Thomas does not allege that written notice need be provided to him. He alleges that written and posted notices as required by the LMC have not been provided.

10. Staff gave both appellants the ability to supplement their appeals with any additional items. In his supplement, Mr. Edison raised the issue that new guidelines have been implemented and that this project does not comply with the new guidelines.

Why do staff feel that they have the ability to control what information is to be provided at appeal

11. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines.

Historic District Design review includes review of LMC. See City published Citizens guide leaflet.

12. No specific Design criterion is appealed by either party. No Design Guideline or LMC section prohibits replicative design or addresses alignment of uphill and downhill lots.

Per previous correspondence specific breaches will be alleged at the hearing

13. Staff reviewed the application and deemed it complete on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the existing Land Management Code and Guidelines were applied to the application.

The application was made on August 29, 2008. How did staff find the time to review the materials that day? Note, nine of the fourteen required items are incomplete or missing from the August 29 application. The ten required applications could not have contained certified topographic boundary surveys until after Oct 22, 2008. The required site information is the third item in a list of fourteen. It has never been included.

14. The discussion in the Analysis section above is incorporated herein.

Conclusions of Law:

1. The Design Review Application is consistent with the Park City Land Management Code (LMC) and the Historic District Design Guidelines addressing new residential construction.

The proposal is in breach of HDDG and LMC, details to be provided

2. Approval of the Design Review Application does not adversely affect the health, safety, and welfare of the citizens of Park City.

3. No specific Historic District Design Guideline Criteria are appealed.

The appeal has yet to be heard. As staff represent one party to the appeal then this report is lobbying the appeal body in advance of the hearing. Is this a breach of Park City's municipal code?

4. Legal Notice was properly given.

Legal notice of what? The appeal?

Order:

1. The appeal is denied in whole for failure to address specific Historic District Design Guideline criteria and the determination of compliance with the Historic District Design Guidelines is upheld.

The appeal has yet to be heard. This is a direct attempt at lobbying the appeal body.

3

III. SUBMITTAL REQUIREMENTS:**1. Completed and signed application**

A single application has been presented for all of the lots. No individual site information is provided. Lot area, Building footprints, setback information cannot be determined on an individual site basis. Page four of the application has not been completed for any of the individual houses. If this information is not considered relevant by the planning staff then it should be removed as a requirement for all future applications.

Incomplete

2. Review fees - see Fee Schedule in Planning Department

A receipt is included in the file

3. Certified topographical boundary survey of the existing site prepared by a licensed surveyor at an approved scale with two foot contours, along with 8½" x 11" reductions, which includes the following:

- existing grades referenced to USGS - existing utility locations elevations - existing vegetation
- building footprint(s) of all existing - drainage facilities structures and improvements on site - on- and off-site circulation and parking
- existing physical encroachments on- - proposed ground surface treatments and off-site

No certified topographic survey exists for any of the lots. A reduced 'Site Plan' (1"=30' scale) with a preliminary building layout was supplied but no lot information is included.

Incomplete

4. A proposed site plan prepared by a licensed architect and based on the submitted certified topographic boundary survey drawn at an approved scale with two foot contours, along with 8½" x 11" reductions, which includes the following

- proposed grades referenced to USGS - existing physical encroachments on-elevations and off-site
- proposed building footprint(s) of all - proposed utility locations; structures and improvements on site - existing and proposed vegetation
- superimposed building roof plans of - proposed drainage facilities all structure on site having ridge lines - proposed on- and off-site circulation referenced to USGS elevations and parking

Reductions only available in the file. Requests for further information was met with the response that all the available drawings were in the file. The architectural site plan from August 29 2008 refers to a building layout subsequently not approved. The layout of the sites and consequently the buildings were rearranged. The 'sites' did not exist at the time of application. As an obvious example the application for unit#6 or Unit #7 were not complete.

Incomplete

5. All floor plans and building sections drawn at quarter-inch scale, along with 8½" x 11" reductions of each plan.

Only reduced plans were available for review. The floor plans from the August 29 application were redesigned.

No sections were included in the application

Incomplete

6. All building elevations illustrating the proposed work drawn to quarter-inch scale, along with 8½" x 11" reductions, with the elevations referenced to USGS datum on the submitted site plan demonstrating the following:

- USGS datum points indicating - measurement line drawn 27 feet above existing and/or proposed floor levels and parallel to the final grade
- proposed final grade - a measurement string line identifying
- top of foundations the highest point of structure
- overall roof line - any additional diagrams necessary to

confirm height compliance

Building elevations as submitted failed to indicate the relationship between the building, existing and final grades. Floor levels were not identified on the elevations. The 27' ht measurement does not appear to correlate with indicated grades. Retaining walls shown on the architectural site plan do not correspond with those shown on the elevation.

Incomplete

7. Four (4) photographic panoramic views of the existing property showing site from the perimeter of the property from 90 degree compass intervals.

A limited number of photographs are included with the application. None for example are taken of the specific areas around proposed lots #6 and #7, those that would have the greatest impact on Ontario Ct neighbors.

Incomplete

8. Photographs of all existing buildings on-site, adjacent lots, or any other buildings that may be affected, along with historic photos of the building (if existing).

See above

9. When a historic structure exists on the property, a preservation plan must be provided. See attached submittal requirements for a historic preservation plan.

No historic preservation plan is available in the file, presumably this did not form part of the application. This will be required for the existing historic walls at the project entrance.

Incomplete

10. A streetscape elevation drawn at 1/8 inch scale (minimum scale) for the project side of the street that indicates the height, width, and building separation for all proposed work in relation to existing surrounding/adjacent buildings. All windows and door openings shall be shown. The drawing shall encompass an area within 100 feet on either side of the subject property. (A streetscape drawing may not be required for remodels that do not alter the mass of the existing structure.)

The streetscape provided in the application is drawn at half the required scale (1/16"=1'). This streetscape refers to a lot and building layout not subsequently approved. The accuracy of this and succeeding streetscape drawings has been questioned elsewhere.

Incomplete

11. Any construction details drawn to an approved scale, along with manufacturer's cut-sheets for proposed windows, doors, handrails, exterior trim and architectural ornamentation, etc.

None provided

12. The applicant should be aware that there might be a request to provide presentation material for Historic Preservation Board meetings.

The presentation material may include the following:

- 20" x 30" presentation boards
- colored elevations an/or perspectives
- photographs/graphic illustrations
- massing models

The HPB has not been asked to review this highly visible and significant project

13. Brief written project description that outlines the overall project intent and scope of work. Description should indicate if the project will be divided into specific phases and an anticipated time line to execute each phase. Descriptions shall also indicate the project's compliance with the Historic District Design Guidelines and with the Land Management Code with regard to zoning and parking requirements.

The written statement provided in the application makes no reference to any specific guidelines merely a general statement of an intent to comply with the guidelines and the LMC. The application set fails to a greater or lesser degree in both cases.

14. Stamped, addressed #10 size business **envelopes** for adjacent property owners, including property owners across streets/right-of-ways. (All "H" zones.)

a. Envelopes (addressed to property owners as described above) with mailing labels and stamps affixed (we do not accept metered envelopes). **Please do not use self-adhesive style envelopes and do not include a return address on the envelope.**

b. List of property owners, names and addresses as described above.

Names, addresses and envelopes for owners living on Ontario Ct across platted Marsac from unit 6 (Dr's Ferriter) and adjacent unit 7 (Edison) were not provided.

Incomplete

Nine of fourteen of the required submittals were not provided at the time of application. The only supplemental information added to the HDDR files is dated January 2009 and consists of several sheets of revised elevations. Revised elevations that in some circumstances do not match the building plans never mind the site plans. For example the window arrangement on the downhill units. (windows into 'unexcavated' areas?)

From the information available in the file it is impossible to fathom as to why the staff could consider these ten applications complete on August 29 2008.

(4) a

Units 1,2,3,4,5,6,7,8,9,10 Silver Hills Court

The following comments are mainly restricted to the 1983 Historic District Design Guidelines
68 Avoid historic styles
69 Reconstruction
70 New retaining walls...

According to this requirement new walls should match the form, texture and color of existing historic walls.

The August 29 2008 application has serious discrepancies between the individual building elevations and the requirements for retaining structures evidenced by the site plan. The Architectural site plan of August 29 2008 indicates concrete (assumed) retaining walls between the downhill units in order to accommodate side yard parking areas. Boulder retaining walls are shown behind the uphill units running the length of the developed lots. These boulder walls are shown to be approx four feet high on the building elevation drawings in the application. This entire plan was revised prior to the approval of the subdivision as (amongst other issues) it was demonstrated that the proposed layout failed to meet setback criteria.

No new site plan(s) is included in the HDDR file. No analysis possible.

The October 8 Architectural layout (not part of the application) has no retaining structures shown to the down hill units.

The October 14 Architectural site plan (not part of the application) shows two tiers of five foot retaining walls between the downhill units. The truck turn around on the uphill side indicates two tiers of nine foot high boulder retaining walls. However the contours indicate a twenty four foot level change in this location. Boulder retaining walls are indicated in the side yards of the uphill units but no corresponding details appear on the building elevation drawings. The rear boulder walls appear to be, as before, approx four feet high.

The only drawings added to the Historic District Design Review file, dated January 2009, show the rear of the uphill units with boulder retaining walls in excess of ten feet.

This is discouraged by the Historic District Design Guidelines (current and pending) and is in conflict with the LMC requirements for retaining walls to be less than six feet high in the rear (or side yards).

This item of the Historic District Design Guidelines alone raises significant concerns regarding the suitability of the entire project. One of the stated purposes of the proposed site design was a respect for the historic retaining walls currently existing on site. The proposed walls, indicated as massive boulders, tiered up to ten feet high cannot meet this design criteria. These walls do not conform to the drawings submitted at CUP approval and would need separate approvals. As drawn they satisfy neither HDDG nor LMC criteria.

Specifically with regard units 6 (downhill) and 7 (uphill), chosen because they are closest to Ontario Ct, retaining walls shown on the revised elevation drawings do not match those indicated on any site plans available in the HDDR file. The elevations themselves are inconsistent with each other.

Excavation and retaining walls have been a significant source of concern and debate during recent LMC and Historic District Guideline discussions. The conflicting information in the files and the lack of detail provided with the application should necessitate further review by the HPB.

Note pending Historic District Design Guidelines: A4. Site Grading and Steep Slope Issues.
Note recently revised LMC criteria limiting grade changes to a maximum of four feet.

#71 Façade width

“typically 15 to 20 feet wide” As these are wider than historically found, one would expect a staff report to comment on the suitability or otherwise. There is no staff report.

#72 Spacing

The application drawings do not represent the current approved site layout. No supplemental site drawings exist within the HDDR file. The original site layout failed to meet minimum LMC regulations. (Note the guidelines do make specific reference to the need to satisfy LMC). The Staff report on HDDR should indicate why this has been approved as the only evidence available in the file is contrary.

#73 Roof orientation

The guidelines refer to typical orientation perpendicular to the street except for a single story house with a full width porch. Whilst this may or may not be relevant in this case a staff report should at least comment on this failure to comply.

#74 Roof slopes

The guidelines refer to a traditionally “steep roof pitch”. The application drawings have no reference to the designed roof pitch. (normally a required piece of information for applications within the HR-1).

The latest code changes supported by HPB, Planning Commission and City Council require a minimum roof pitch of 7:12.

#75 Porch orientation

#76 Entrance orientation

#77 Setback

(reference is made to LMC, again reinforcing the idea that HDDR includes LMC provisions)
The application set of drawings show a site plan that is inconsistent with the subdivision approval. No current site plan exists within the HDDR file. Setbacks cannot be determined from the information provided. None of the building plans (known to superseded from those in the application but not updated within the file) contain information relating each unit to its lot. This is inconsistent with the requirements of the application and normal HDDR methods.

#78 Minimize visual impact of parking

Is this achieved by the open car ports provided with the uphill units?

(Note pending guidelines for new construction “D2.5 Carports should be avoided”)

#79 Ratio of wall to window

#80 Materials “Aluminum vinyl and other synthetic materials will not be approved”

The application drawings indicate aluminum soffit and fascia and Hardiboard siding. The revised elevations (Jan 09) indicate Hardiboard siding soffit, fascia and shake accents. A ‘simulated wood’ garage door is shown. This “...will not be approved...”

#81 Ornamental siding

Indicated as Hardiboard shake see above

#82 Contemporary interpretation of ornament
Hardiboard clad columns in a neoclassical style?

#83 Window proportions

#84 Door and window sizes

Unit 8, revised elevations indicate a prominent elliptical window on the front façade. This is inconsistent with park City' historic architecture and prior actions of the HPB.

#85.-

We would suggest a staff report unique to each unit be provided, as is typical with other applications, detailing the relevant guidelines with a brief response to each. For example Unit #9 horizontal siding is labeled on the revised drawings of Jan 09, however vertical siding is drawn. This problem is specific to this unit not the remainder. What is being approved if anything? Another very disturbing element is that the 27' ht line indicated on the revised side elevation view of units # 7(north), 8(north), 9(north incorrectly labeled, the elevation shown is South), 10(north), is in fact identical. Not similar but identical. This would appear to illustrate that the elevation drawings are not site specific. Whilst repetition of plans has been known to occur it is doubtful that the lots themselves have identical topography. If the drawings required at application are submitted ie site plans and sections the impact of this misleading information can be properly analyzed. Until then the project should not be 'approved'.

A blanket approval of ten houses announced by a letter from staff, finding compliance yet unsupported by any analysis available from information contained within the files is indefensible.

35

LMC (pre Oct 22 2008)

15-2.2-3 Lot and site requirements

The August 2008 application failed to meet LMC criteria regarding setbacks. There are no revised plans in the HDDR file.

We are aware that the lot configuration changed. There are no certified topographic boundary surveys in the HDDR file.

It is impossible to check this requirement given the information provided.

The revised elevations (Jan 2009) show for example a discrepancy between the front elevation of unit #7 and the side elevation (south) regarding the sloped retaining wall in the side yard. There are no corresponding site plans. This wall appears to be over four feet high which would be a breach of the LMC

According to the revised elevation drawings the boulder retaining walls to the rear of the uphill units are over six feet tall. This is a breach of the LMC. (This section and 15-4-2)

The excavation between the units extends across the lot lines, this is atypical of Historic District development and not normally allowed. This excavation is required to create a window well or escape well, for the side elevation windows of the uphill units. LMC 15-2.2-3(I) limits this excavation to max of four feet into the side yard. The proposal does not meet side yard setback criteria.

The existing grade at the lot lines would be normally be unchanged. The HDDR site plan does not indicate the level of excavation required.

LMC

15-2.2-5 Building Height

Whilst the buildings appear to meet this criteria, the Existing grade is not marked on any of the revised elevation drawings. The August 2008 architectural site plan has been superseded. There are no certified topographic boundary surveys in the HDDR file. This requirement cannot be confirmed using the information provided.

15-2.2-6 Steep Slope (see also notes previously supplied to the Planning Commission during the steep slope CUP process)

(1) Location of Development

Fails. Previous iterations of this project had demonstrably lesser visual and environmental impacts. The current proposal increases rather than reduces the impacts.

(3) Access. Previous iterations of this project had a driveway 200 ft shorter than the one currently proposed. How can the grading have been minimized?

(5) Building location. To demonstrate compliance the applicant should provide existing and proposed grade information on the elevation drawings. The cut and fill has not been minimized with this proposal. Indeed the cut to the rear of the uphill units appears to have increased with the revised elevation drawings, over those supplied to the Planning commission at CUP and is greater than the original proposal.

No section drawings were provided with the application. This is a requirement of the application.

15-2.2-8

(B) Notice.: Staff contend that the written notice under 15-1 is a courtesy notice. This is a stricter requirement and is not optional. The Code speaks for itself. In case of conflict the stricter provision applies

(C) Appeals: 15-11-11 requires appeals to go to the Planning Director prior to referral to the HPB. Please clarify. Which version of the LMC applies?

Also 15-11-11 requires the staff to make written findings supporting the staff approval of this project. There are no staff reports in the HDDR files (as of April 28 2009)

LMC Post Oct 22 2008

Upper level of uphill units is required to be setback a minimum horizontal distance of ten feet from the level below on the downhill side.

Grade cannot change by more than four feet.

As designed the project in its entirety fails to meet these criteria.

The application was incomplete when submitted. The applicant knew this. Staff knew this. The application cannot possibly have been complete prior to Oct 22 2008 as the lot configuration had yet to be determined. This layout was first recommended for approval on Oct 22 by the Planning Commission. This is the first time it would be possible for a certified topographic boundary survey to have been prepared. (this would remain a proposal until ratified by City Council).

An incomplete application prepared for the purpose of vesting under a code which is to be changed is null and void.

Hardship appeals by other applicants have fallen on deaf ears in this regard. The City should either enforce the provisions of the new LMC or abandon them.

(4) C

Units 6, 7 9 attached

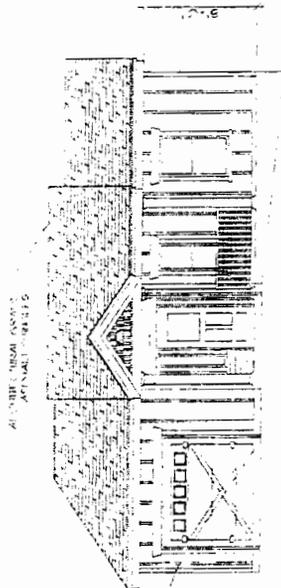
Unit #6 note down hill side and downhill rear. The rock retaining structures do not align, match, correspond whatever. There is no plan detail of the extent of retaining structures required. This will be very significant, a major impact on the site, highly visible. Also the rear elevation, lower level. The single window on the right lower level is below the garage in an area marked unexcavated on the plans for HDDR review. Is the intent to make this habitable space? How do we guarantee no increase in use over that which was approved?

Unit 7 front elevation. The existing grade at the front door is above the top of the door. How is this cut retained? "wells" are only allowed four feet into the side yard setback, see similar problem on all uphill units where window wells will be required for the windows in the side elevation. AS illustrated it must breach LMC side yard setback requirements. The 10' high walls to the rear are in breach of LMC re max 6' high walls. These walls were previously shown at four to five feet high. The sloping wall shown on side elevation south is not shown on the front elevation drawing.

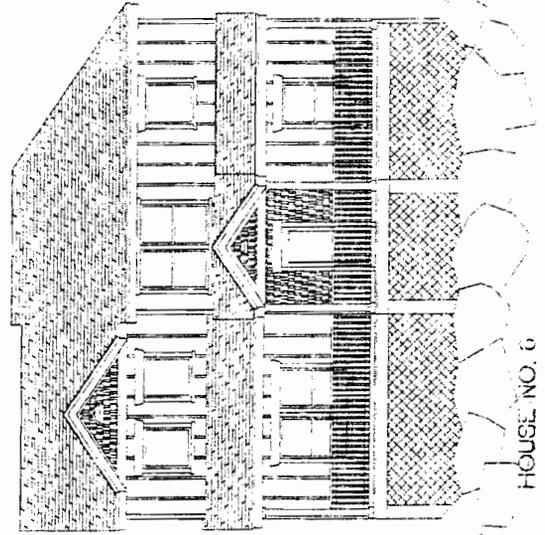
Unit 9 sim unit 7 but: "Hardboard horizontal siding" is noted on the drawings. vertical siding is drawn. Synthetic sidings are not allowed by the Guidelines which state "will not be approved" what is the orientation?

These are typical comments that can be applied to all the units to a greater or lesser extent. The staff do not appear to have addressed any issues? There is seemingly little evidence to suggest that a staff review has taken place.

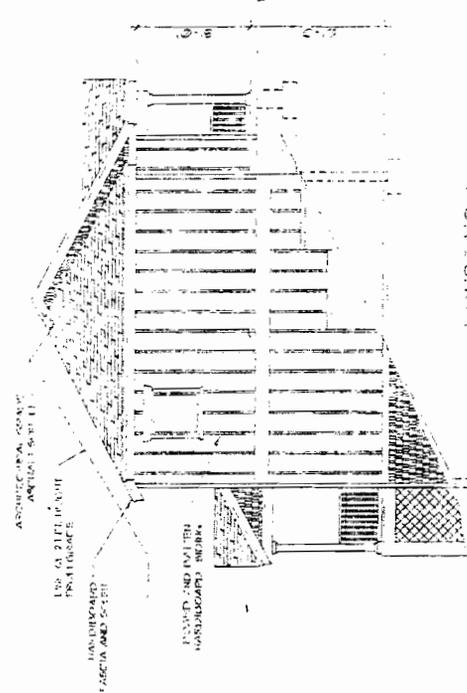
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 SHEET NO. 09-001-01
 DATE 05/06/09
 SCALE 1/4" = 1'-0"
 PROJECT NAME
 SHEET NUMBER
 AGC



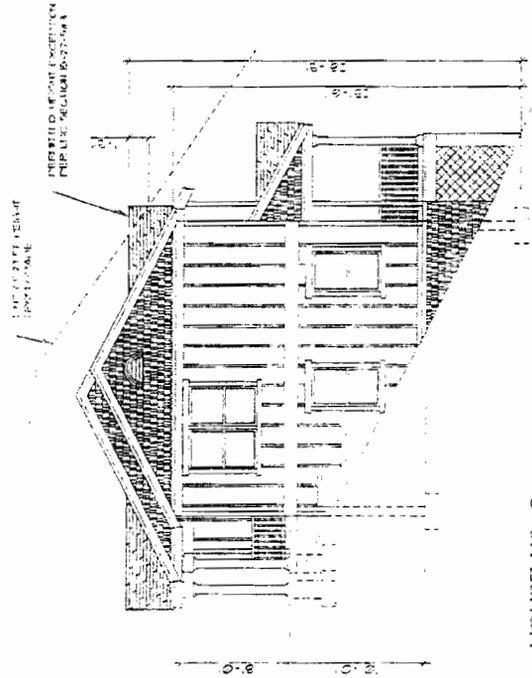
HOUSE NO. 5
DOWNHILL ELEVATION
SCALE: 1/4" = 1'-0"



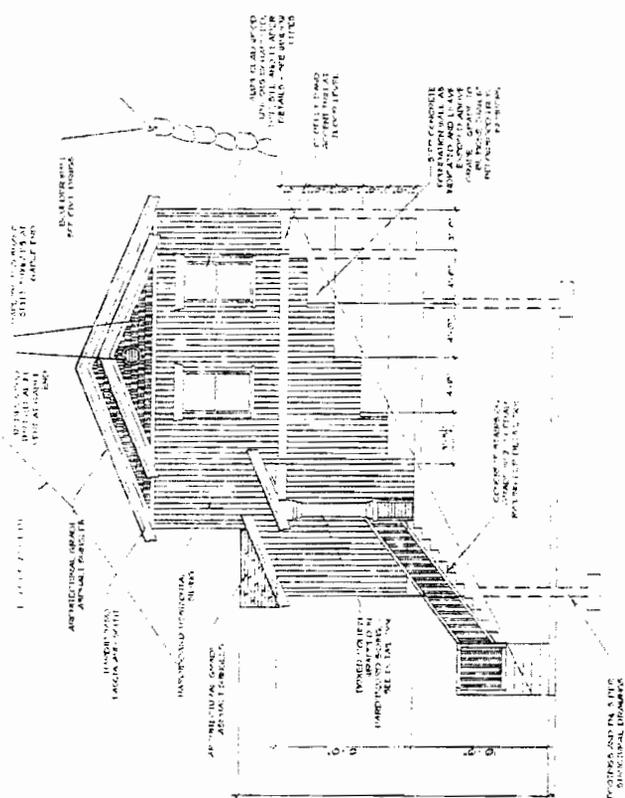
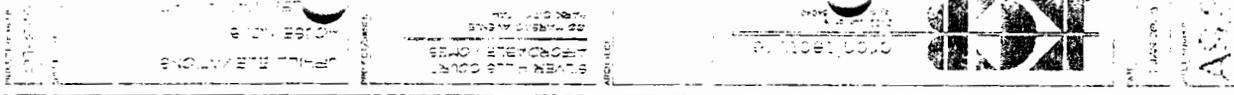
HOUSE NO. 6
DOWNHILL REAR ELEVATION
SCALE: 1/4" = 1'-0"



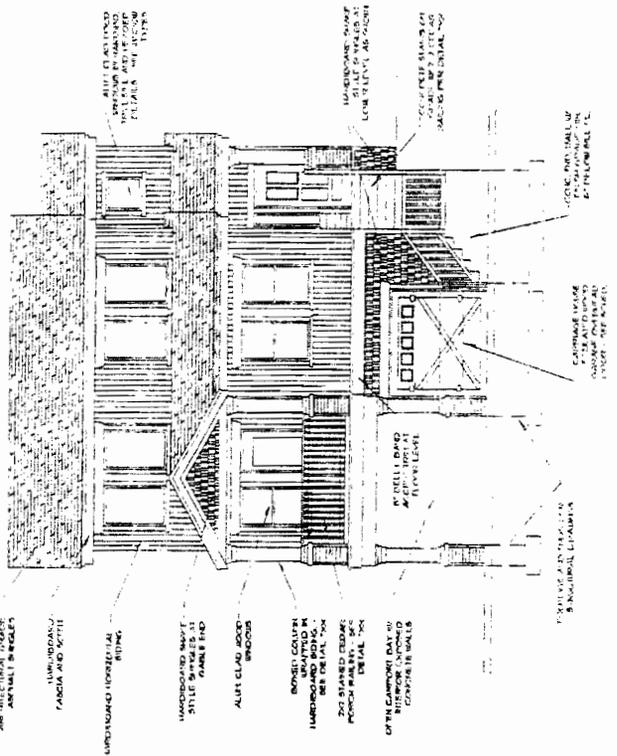
HOUSE NO. 6
DOWNHILL SIDE ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 6
DOWNHILL SIDE ELEVATION
SCALE: 1/4" = 1'-0"



SIDE ELEVATION - NORTH UNIT - NORTH
SCALE: 1/4" = 1'-0"



FRONT ELEVATION - WEST UNIT - WEST
SCALE: 1/4" = 1'-0"

5

15-11 -11. HISTORIC DISTRICT DESIGN REVIEW.

(A) The Planning Department shall review and approve, deny, all Historic District design review Applications associated with a Building Permit to build, locate, construct, remodel, alter or modify any Building, Structure, Site, or other visible element, including but not limited to, signs, lighting fixtures, and Fences located within the Park City Historic District.

(1) The Owner and/or Applicant for any Property shall be required to submit an Historic District design review Application for proposed work requiring a Building Permit in order to complete the work.

(2) Planning Department staff shall review all Historic District design review Applications, including those associated with an Allowed or Conditional Use, which upon determining compliance with the guidelines, shall be approved by the department staff without HPB review or hearing.

(B) **NOTICE.** Prior to taking action on any Historic District design review Application, the Planning staff shall provide notice pursuant to Section 15-1-20 of this Code.

(C) **DECISION.** Upon taking action on the Application, the Planning Department staff shall make written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(D) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code, may appeal any Planning Department staff decision made on a Historic District design review Application to the Planning Director. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the Director shall be the same as the scope of review at the staff level.

(1) In those cases, the Director shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Director decision may be appealed to the HPB. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Director's decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. The scope of review by the HPB shall be the same as the scope of review by the Director.

(3) Any HPB decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the HPB decision. Notice of all pending appeals shall be made by staff pursuant to Section 15-1-20 of this Code. Appeals shall be considered only on the record made before the HPB.

Final Design Guidelines

THESE GUIDELINES ARE FOR USE IN THE FINAL REVIEW PROCESS FOR NEW RESIDENTIAL DESIGNS

80 Use Materials That Are Similar in Finish and Texture and Scale to Those Used Historically

The majority of buildings are made of wood clapboards or drop lap siding, although some brick exists. These building materials have distinct textures, and establish patterns on individual facades that repeat along the street. These materials are important in establishing the scale of buildings.

New buildings should continue to **reinforce these patterns and textures.**

Wood and brick are recommended, but other building materials may be considered as long as the finish and texture reinforce the existing characteristic. For example, concrete may be formed to create a horizontal pattern similar in texture to clapboard siding.

Historically, **clapboard was painted,** and therefore new construction should not include unfinished wood surfaces.

Clapboard lap dimensions should be similar to those of historic structures **roughly 4 to 6 inches exposed.**

Brick was of a standard dimension that established a pattern to walls. **Jumbo brick sizes are therefore not allowed.** Brick is preferred for chimneys.

Aluminum, vinyl and other **synthetic sidings will not be approved.**



New siding that matches the lap dimension of existing houses is preferred.



81 Reserve the Use of Special Ornamental Siding Materials for Limited Surface Areas

Historically, shingles were used to create ornamental siding patterns as an accent to the predominant clapboard siding. Shingles were used in the ends of gables, for example, but not as siding for lower portions of walls.

The use of ornamental shingles, and other special siding, **in new creative ways is encouraged;** however, the amount of surface area allocated to these materials should be limited.



Ornamental siding used appropriately.



Too much ornamental siding.

Units 1,2,3,4,5,6,7,8,9,10 Silver Hills Court (addresses unknown)

1. Scope and Purpose of Historic District Design Review

Note the following extract from the Citizens guide to process, available at the Planning Department and published on the City's website.

DESIGN REVIEW PROCESS FOR PROPERTIES IN THE HISTORIC DISTRICT INFORMATION GUIDE

“...The purpose of this design review is to determine compliance of the proposed work with the **Land Management Code (LMC)** and substantial compliance with the **Park City Historic District Design Guidelines.**”

Original emphasis, no changes added. The importance of conforming to the LMC is highlighted within this guide.

Staff contend that the review is limited to compliance with the guidelines only, this is not so.

The files were reviewed as recently as April 28th. Nine of the Historic District Design Review files were empty except for a photocopy of a Historic District Design Review application form, common to all properties and a copy of a letter from Planner Robinson stating an initial finding of compliance. One file contains a set of drawings reduced to 8 1/2”x 11” purporting to be the application set dated August 29th. Additional drawings dated January 2009 have been added illustrating changes to some of the units. A request was made to review the original drawings and or additional drawings typically required for an HDDR application. Administrative staff enquired of Planner Robinson and the reply was that all the required drawings were present in the file, they would simply be copied and attached to files for each individual address. We contend that there is insufficient information provided by the applicant for staff to perform an adequate review of the individual units.

There is no staff report available for any of the units. There is no evidence that any review has been performed. The application is required to contain a brief written statement indicating compliance with the Guidelines and the LMC. No detail reference is made to either document. Traditionally a staff report would exist itemizing the relevant guidelines and specifying whether in the opinion of staff ‘substantial compliance’ has been achieved.

2. The application is incomplete.

This is of significant importance as to which code criteria will be applied. The City's legal department have previously maintained that applications deemed incomplete on October 22 2008 will be reviewed under the new LMC provisions for the Historic District approved by Council in April 2009.

(In addition the question as to which set of Guidelines are to be applied as these new guidelines are listed as ‘pending’ as of Feb 25 2009)

The applicant required to provide:

“Certified topographical boundary survey of the existing site prepared by a licensed surveyor...”

No certified topographic boundary survey is yet present in any of the files. The application was incomplete on August 29th 2008 and remains so. The requirement for a certified survey has been challenged previously. The city has consistently upheld this requirement. No certified topographic boundary survey could have existed at the time of application as the Subdivision was not approved by City Council until long after this date and varied significantly from that originally proposed. The ‘schematic site plan’ (1”=30’ scale) supplied with the application is not a certified topographic boundary survey.

The HDDR application did contain an “Architectural Site Plan” but no lots are indicated nor boundaries marked. The information that could be extracted from this document was used to challenge the originally proposed subdivision layout which was subsequently changed. No new site planning information is present in the HDDR files.

Building sections are required as part of the application. None were present with the August 29th application. None are present in the files.

Building elevations are required to show USGS datum referenced to the site plan indicating: floor levels in relation to the site plan, an accurate rendering of final grade, roof lines, 27 foot ht line parallel to final grade. None of this information is present on the application set. *Note: the new LMC requirement (post Oct 22 2008) measure ht from final grade. The previous LMC requirement measures ht from existing or final grade whichever results in the shorter building. No existing grades are indicated on the elevations.*

A Streetscape elevation at a minimum scale of 1/8” to 1’ is required, extending 100’ either side of the project. This has not been provided. This could not have been provided at the time of application as the current Subdivision significantly varies from that originally proposed. The unit layout changed, spaces between building changed, individual buildings changed. The illustration supplied does not meet the requirements of the application.

Stamped addressed envelopes for adjacent property owners are required to be provided with the application. This failure of notification has been raised before.

Suffice to say here that the application of August 29 2008 was, and remains, incomplete.

The application was not ‘vested’ prior to the cutoff date identified by the City legal staff as October 22nd 2008. These ten lots should be therefore be reviewed under the newly adopted LMC and arguably under the pending HDD guidelines (clarification required as to legal status of the new guidelines).

An incomplete application submitted for the purpose of vesting under a previous code is invalid. If these applications are reviewed under the provisions of the LMC currently in effect then a significant number of the ten applications would be rejected. For example: Min roof pitch, third level setbacks, maximum grade adjustment of 4’ etc.

Park City Municipal Code

1- 1-12. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES.

Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any administrative officer or employee of the City, ***this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be,*** or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-4

(2) The area is unregulated.

Those temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or Subdivision approval. The City Council shall establish a period of limited effect for the ordinance, not to exceed six (6) months.

(Amended by Ord. No. 06-22)

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

(A) No Building Permit shall be valid for any Building project unless the plans for the proposed Structure have been submitted to and have been approved by the Planning, Engineering and Building Departments.

(B) No new Use shall be valid on any Property within the City unless the Use is allowed.

(C) No Subdivision shall be valid without preliminary approval of the Planning Commission and final approval by the City Council with all conditions of approval completed.

(D) Proposals submitted to the Planning Department must be reviewed according to the type of Application filed. Unless otherwise provided for in this LMC, only one (1) Application per type, per Property, will be accepted and processed at a time.

(E) The Planning, Engineering and Building Departments review all Allowed Uses, Administrative Lot Line Adjustments,

Administrative Permits, and Administrative Conditional Use permits.

(F) Projects in the Historic District and Historic Structures outside the Historic District are subject to design review under the Historic District Guidelines.

(G) Conditional Uses and Master Planned Developments are initially reviewed by staff and submitted to the Planning Commission for review, final permitting and approval.

(H) Subdivisions and Plat Amendments are initially reviewed by the Planning Commission and submitted to the City Council for final approval.

(I) Variances, Special Exceptions, Non-Conforming Uses and Non-Complying Structures are reviewed by the Board of Adjustment.

(J) No review may occur until all applicable fees have been paid. Final approval is not effective until all other fees including engineering fees have been paid, and following applicable staff review.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-5**

RECOMMENDATION (y) and FINAL ACTION (X) and APPEAL (z)					
	Planning Director	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic	X	z			
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X			z	
MPD				X	z
Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

*All Applications are filed with the Planning Department. Planning Department staff makes a recommendation to the appropriate decision making body (X).

(Amended by Ord. Nos. 06-22; 09-10)

15-1 -9. ALLOWED USE REVIEW PROCESS.

(A) An Applicant must file a Complete Application, using the forms established by

the Planning Department, and include payment of all fees. On any Application to construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-6**

Building is proposed, the Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Historic District Design Guidelines, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and
- (7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval of Allowed Uses must be noted by the issuance of a Building Permit in compliance

with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section has not been met.

(Amended by Ord. No. 06-22)

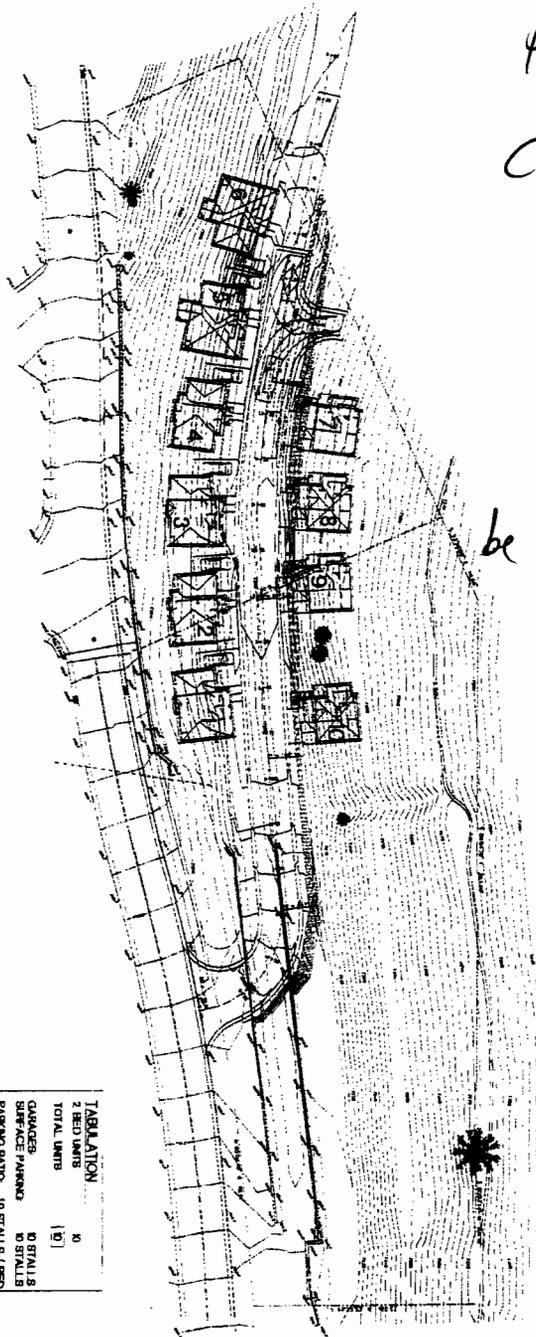
15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the

Please see the dates of the drawings. Changes can be seen that were not approved by the C.U.P. and information required to be provided was not.



SITE PLAN

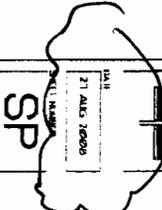
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DATE: 27 AUG 2008



TABULATION	
2 BED UNITS	NO
TOTAL UNITS	(9)
GARAGES	10
SURFACE PARKING	10 STALLS / BED
PARKING RATIO	10 STALLS / BED
TOTAL SITE AREA	2.87 AC
DEDICATED OPEN SPACE	1.24 AC
PERCENT OPEN	43.2%

AUG 29 2008



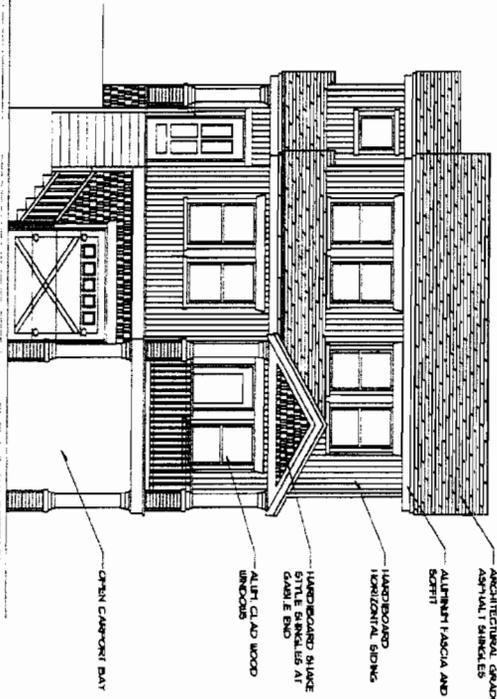
KB architecture
 2033 69th St NE
 Hayward, CA 94608
 (510) 592-9226 FAX

PROJECT NUMBER
**AFFORDABLE HOUSING
 MARSAC HOUSES**
 MARSAC AVENUE
 PARK CITY, UT
 TALIBKER

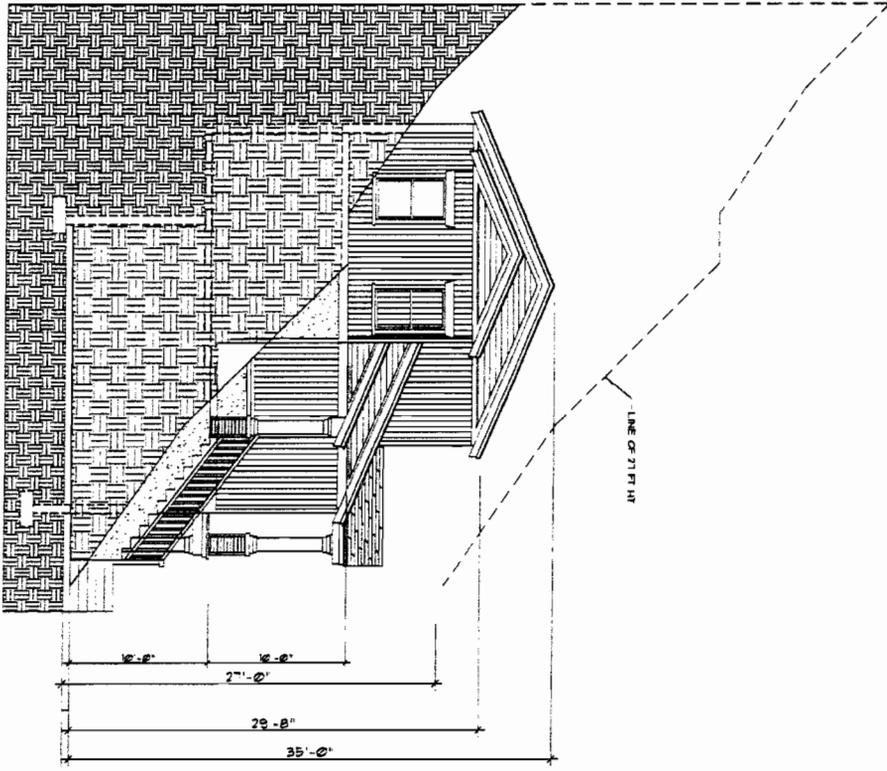
SCHEMATIC SITE PLAN
 SCALE: 1" = 30'-0"

SHEET NUMBER
 01-045
 NUMBER OF SHEETS
 45

FRONT ELEVATION - UPHILL UNIT
SCALE: 1/4" = 1'-0"
OPTION 1 - ALT



SIDE ELEVATION - UPHILL UNIT - NORTH
SCALE: 1/4" = 1'-0"
OPTION 1 - ALT



AUG 29 2008

A2.6

DATE: 27 AUG 2008
SHEET NUMBER: 2

HPB architecture
2033 SON DRIVE
CANYON, UT 84040
(801) 593-9328 FAX

PROJECT: AFFORDABLE HOUSING
MARSAC HOMES

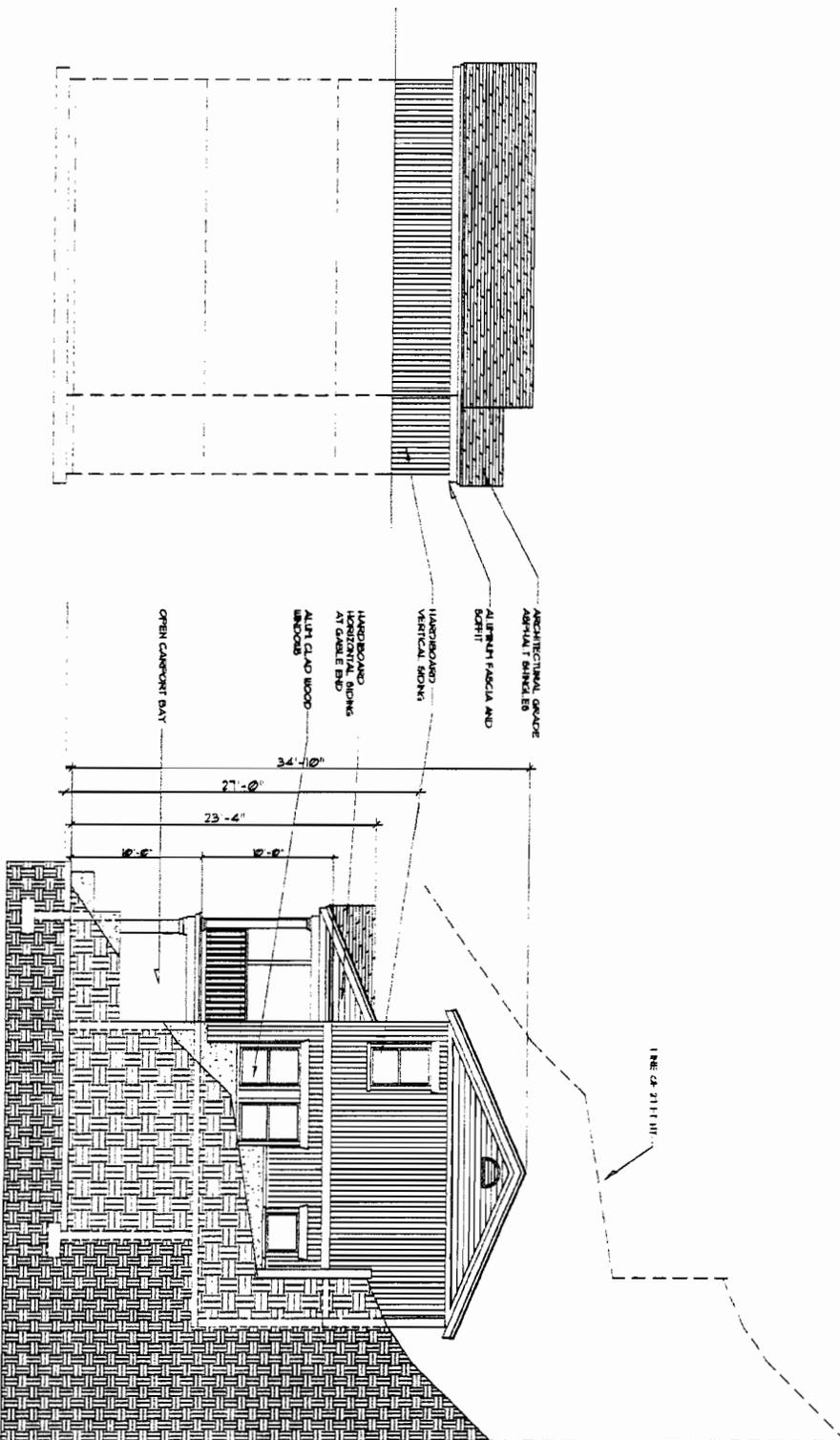
LOCATION: MARSAC AVENUE
PARK CITY, UTAH

ARCHITECT: T. ALBKER

PROJECT NUMBER: UPHILL ELEVATIONS
SHEET TITLE: OPTION 1 - ALTERNATE
SCALE: 1/4" = 1'-0"

PROJECT NUMBER: 01-045
SHEET TITLE:

REAR ELEVATION - UPHILL UNIT
SCALE: 1/4" = 1'-0"
OPTION 1 - ALT



SIDE ELEVATION - UPHILL UNIT - SOUTH
SCALE: 1/4" = 1'-0"
OPTION 1 - ALT

AUS 29 2009

A27

KCP architecture
 37 ALPS DRIVE
 PARK CITY, UTAH 84303
 (801) 563-6326 FAX

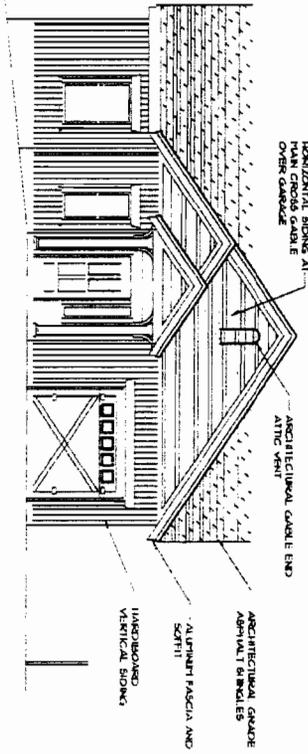
PROJECT/OWNER
 AFFORDABLE HOUSING
 MARSAC HOMES
 MARSAC AVENUE
 PARK CITY, UTAH
 T. SAKER

UPHILL ELEVATIONS
 OPTION 1 - ALTERNATE
 SCALE: 1/4" = 1'-0"

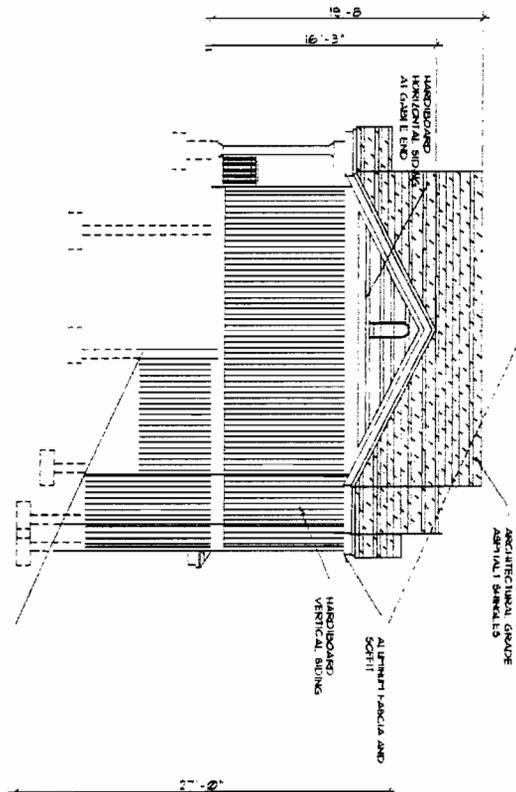
DATE: 05-29-09

ag5636880

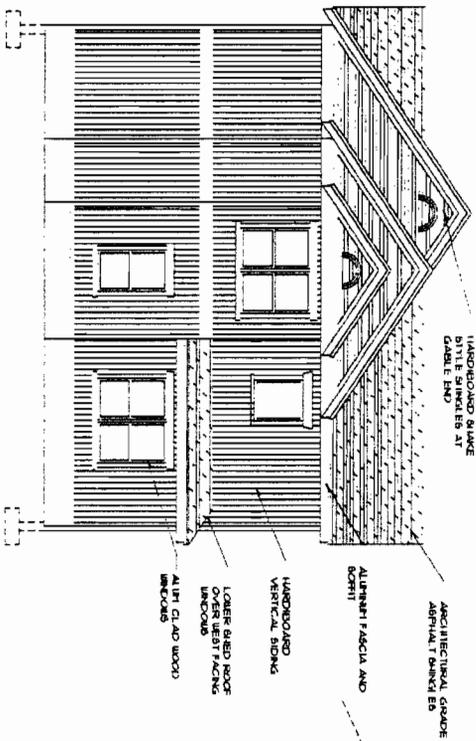
DOWNHILL FRONT ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"



DOWNHILL SIDE ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"



DOWNHILL REAR ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"



DOWNHILL SIDE ELEVATION - OPTION 1 - ALT
SCALE: 1/4" = 1'-0"

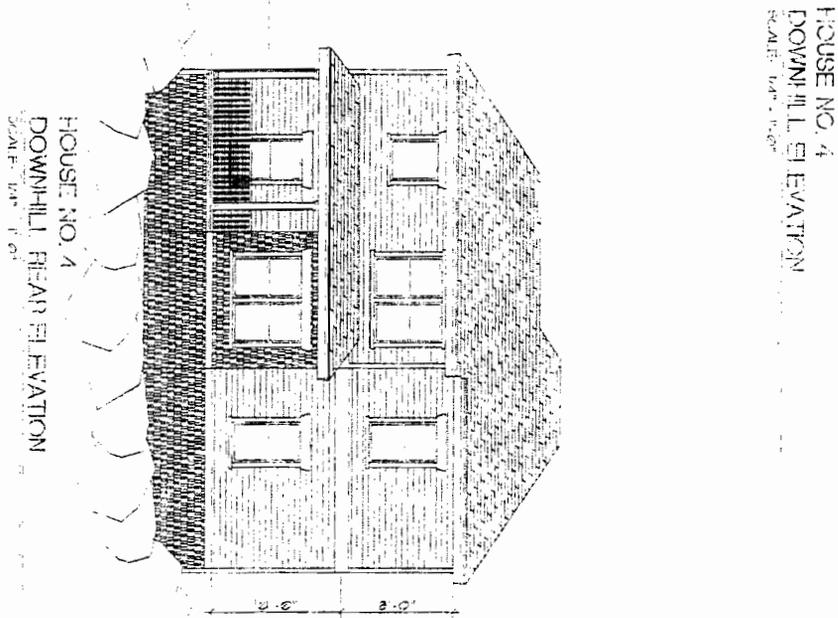


AUG 29 2008

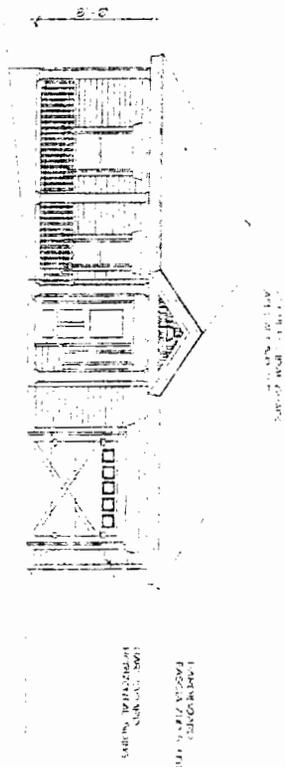

architecture
 2022 681 6100
 1000 S. 1000 E. SUITE 100
 PARK CITY, UT 84302
 435-263-1234

PROJECT/OWNER
AFFORDABLE HOUSING
MARSAC HOMES
 MARSAC AVENUE
 PARK CITY, UTAH
 - A. SKER

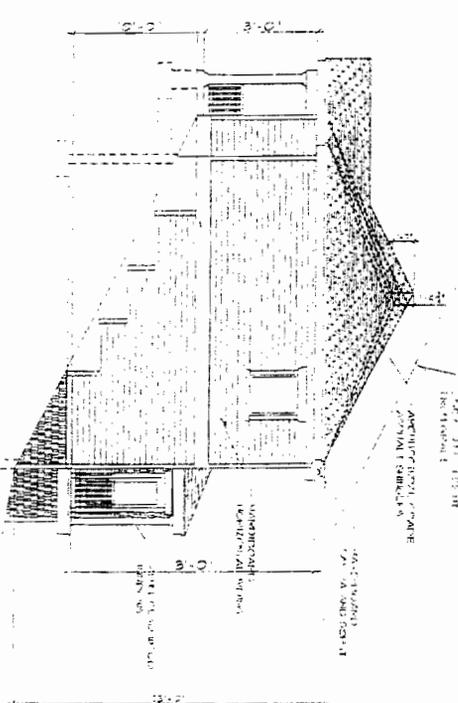
SHEET NUMBER
 01 OF 15
 SHEET TITLE
DOWNHILL ELEVATIONS
OPTION 1 - ALTERNATE
 SCALE: 1/4" = 1'-0"



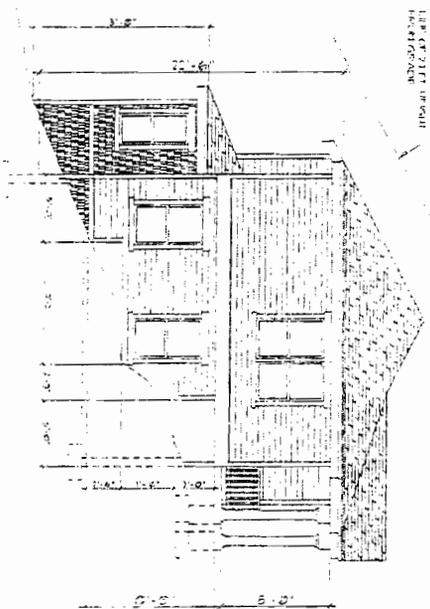
HOUSE NO. 4
DOWNHILL ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 4
DOWNHILL SIDE ELEVATION
SCALE: 1/4" = 1'-0"



HOUSE NO. 4
DOWNHILL FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROJECT/OWNER: AFRONABER & SONS, 14554C HOUSES, 14554C AVENUE, VANCOUVER, B.C. V1V 1Y4

SCALE: 1" = 10' @

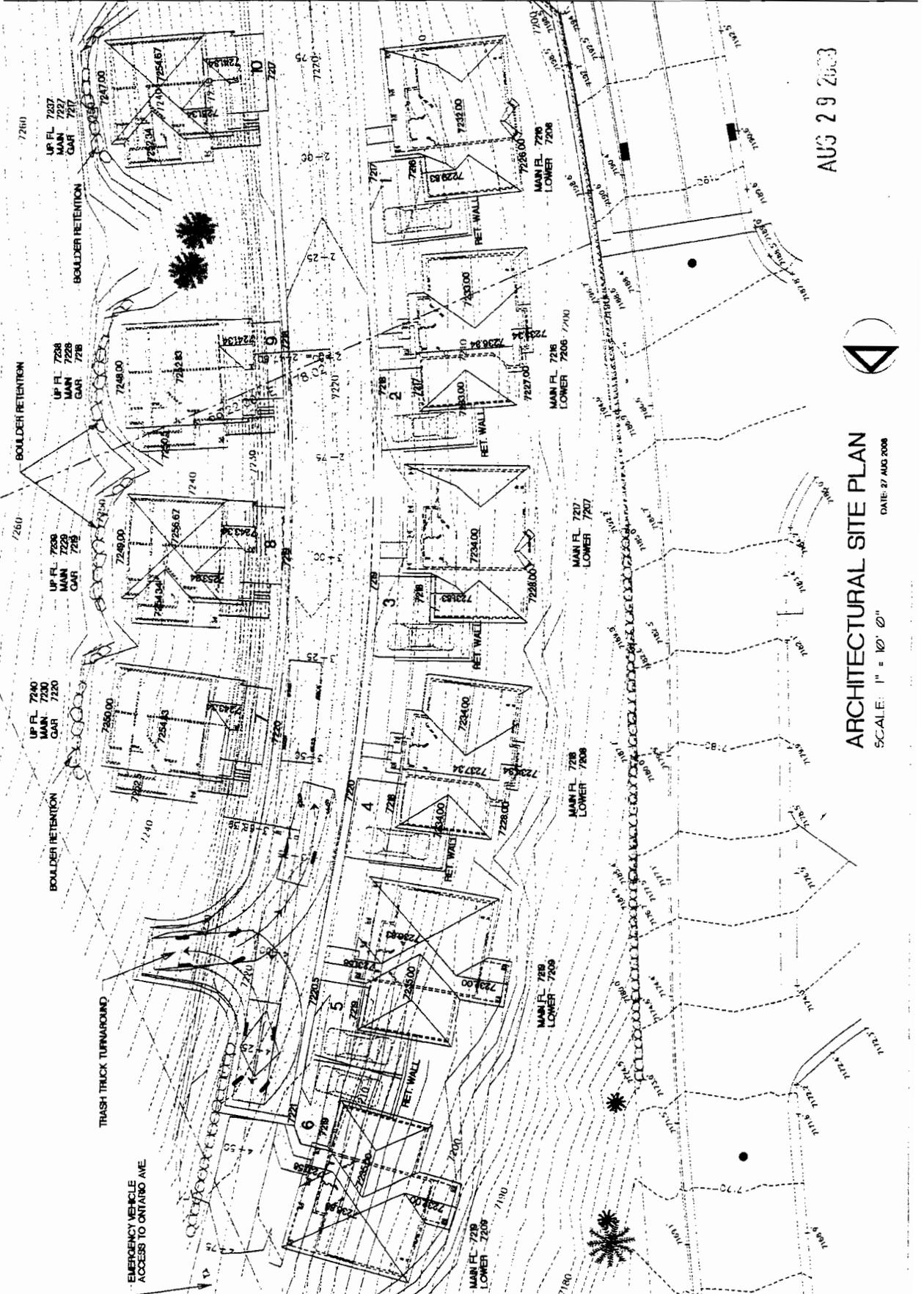
DATE: 27 AUG 2008

PROJECT NUMBER: 21 AUG 2008

DATE: 27 AUG 2008

DATE: 27 AUG 2008

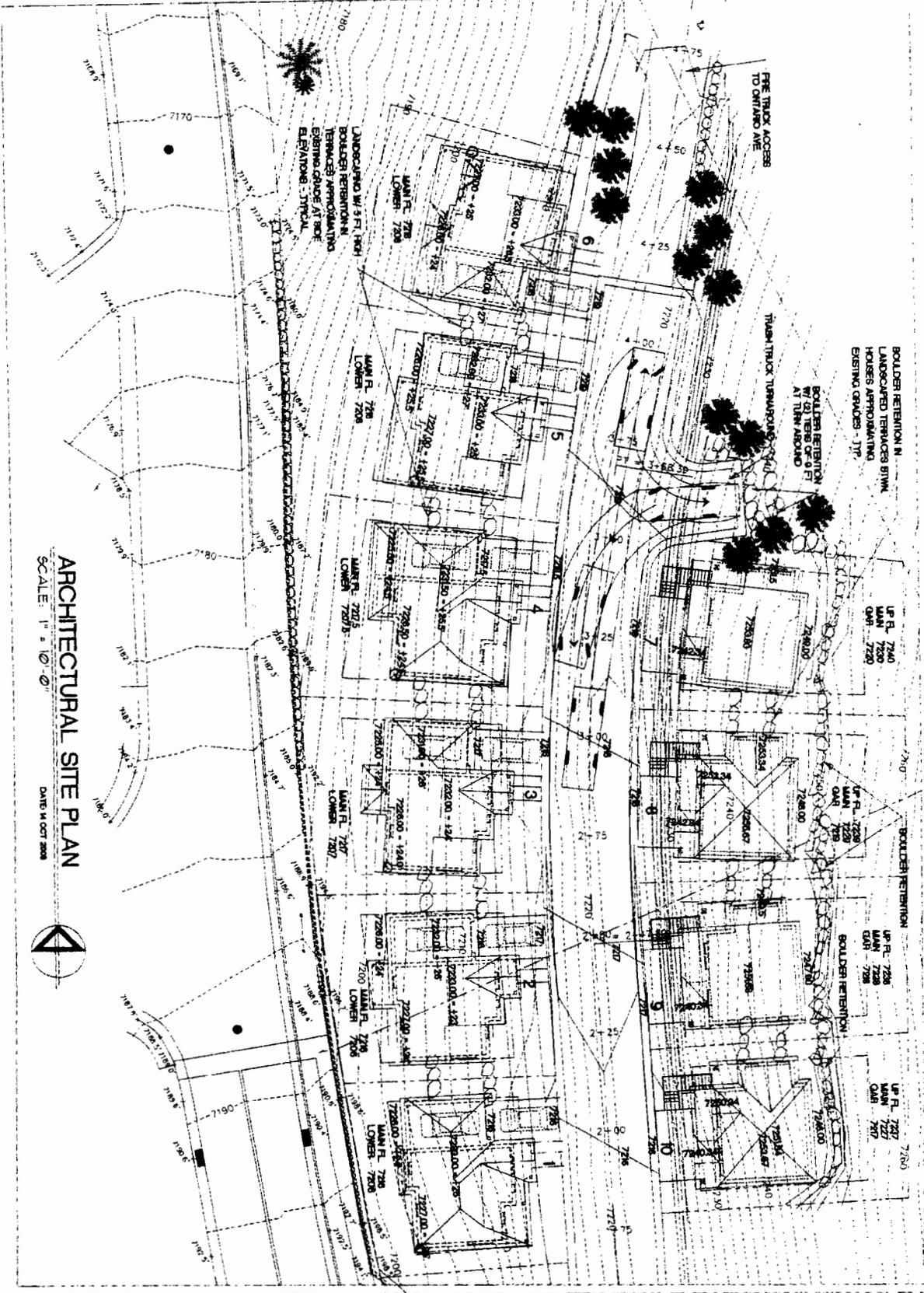
DATE: 27 AUG 2008



AUG 29 2003



ARCHITECTURAL SITE PLAN
SCALE: 1" = 10' @
DATE: 27 AUG 2008



ARCHITECTURAL SITE PLAN
 SCALE: 1" = 10'-0"
 DATE: 14 OCT 2008



SP1
 14 OCT 2008
 SHEET NUMBER

KCB architecture
 2033 9th Ave
 BLDG. 400 84040
 (801) 593-9123 FAX

PROJECT: AFFORDABLE HOUSING
 MARSAC HOUSES
 MARSAC AVENUE
 PARK CITY UTAH
 TALLNER

ARCHITECTURAL SITE PLAN
 SLOPE ANALYSIS
 SCALE: 1" = 10'-0"
 SHEET NO. 01-045



July 23, 2009

Mr. Brooks Robinson, Sr. Planner
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

RE: 100 Marsac Avenue

Dear Brooks:

This letter is submitted in connection with issues raised by the appellants in their Design Review Appeal regarding 100 Marsac, and the process associated with that appeal. Fundamentally, we are concerned that the Ontario Court landowners' ongoing efforts to further delay this project unfairly prejudices us and continues to give rise to additional costs and obligations that place substantial undue burdens on United Park.

As you recall from the planning process, we went to great lengths to make sure this project is consistent with both the older homes that border one side of the project, and the new and very different homes on the other side of the project. Further, as established during the course of all of our interaction with the Planning Commission, Staff, Architects, Design Consultants, and others, including multiple iterations of the project plans and designs, we established significant variety in architectural features and colors that not only differentiate the homes from each other, but actually create backs of homes that are as visually interesting as the fronts, with no garages visible from Marsac Avenue. All of this is a remarkable achievement given that this is, as everyone knows, affordable housing.

Finally, it should be noted that the initial iterations of this project contemplated far greater site disruption involving a greater number of units that were spread out. A more clustered configuration was the preferred site solution that evolved during the course of the detailed review and approval process with the Planning Commission and City Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "DJS", is written over a light blue horizontal line.

David J. Smith

MINUTES OF PARK CITY BOARD OF ADJUSTMENT
1255 PARK AVENUE, ROOM 205
JULY 28, 2009

IN ATTENDANCE: Ruth Gezelius, Bill Thompson, Richard Miller, Mary Wintzer

EX OFFICIO: Brooks Robinson, Principal Planner; Mark Harrington, City Attorney;
Patricia Abdullah, Analyst

I. ROLL CALL

Chair Gezelius called the meeting to order at 6:00 PM and noted that all Board members were present with the exception of Board Member Petit, who was excused.

II. PUBLIC COMMUNICATION

There was no comment.

III. STAFF & BOARD COMMUNICATIONS

There was none.

IV. REGULAR AGENDA

3028 Oak Rim Lane – Special Exception

MOTION: Board member Wintzer moved to continue the Special Exception for 3028 Oak Rim Lane to August 4, 2009. Board member Miller seconded the motion.

VOTE: 4-0. Motion carried unanimously.

100 Marsac Avenue – Appeal of Historic Preservation Board’s Determination of a Historic District Design Review

Chair Gezelius disclosed her attendance and participation in the Planning Commission meetings regarding the 100 Marsac Avenue Subdivision and Master Planned Development applications. She did not feel that her involvement created a conflict and she would be voting.

Planner Robinson introduced the item as an appeal of the Historic Preservation Board’s determination regarding the compliance of 100 Marsac Avenue Design Review with the Historic District Guidelines. He outlined that in a Quasi Judicial hearing the Board of Adjustment could consider if the Historic Preservation Board erred in their decision. The Historic Preservation Board determined the appeals made by Jamie Thomas and Jeff Edison to be untimely and not submitted within the 10 day appeal period as outlined in the Land Management Code. He clarified that the Legal Department had also contacted the appellants prior to the Historic Preservation Board meeting and given them an extended two day window to clarify their position regarding the appeal as their original letter did not speak towards the specific numbered Historic District Guidelines. No additional material was delivered within the time period. The appellants did submit detailed materials 24 hours before the Historic Preservation Board meeting. The

Historic Preservation Board was given the option of continuing the item for review but the Board ruled the appeal to be untimely.

Chair Gezelius asked if all the noticing requirements set forth in the Land Management Code were met in regards to the Historic District Design Review. Planner Robinson answered that the noticing was done according to the requirements of the Land Management Code but that the appellants felt they had not been given adequate notice, so the Legal Department granted them an additional two days to submit changes. He clarified for Board member Wintzer that the two days were given a week before the Historic Preservation Board meeting and that the appellants did not provide the information until 24 hours before the meeting.

Chair Gezelius asked what options the appellants would have if the Board of Adjustment were to uphold the determination of the Historic Preservation Board. Planner Robinson said that the appellants could appeal to the Third District Court.

Chair Gezelius then opened the floor for one of the appellants, Jamie Thomas. Mr. Thomas introduced himself as the resident at 134 Ontario Court which would be relatively two doors to the North of the proposed project at 100 Marsac Avenue. He stated that the Board was there tonight due to the fact that Staff did not prepare a report and did not perform a Historic District Design Review consistent with the requirements of the Land Management Code. He stated the materials provided in the packet would illustrate that to the Board and Chair Gezelius reassured him that the Board members do read their packets prior to the meetings.

Mr. Thomas felt that Staff created a double standard when no staff report was written for the Historic District Design Review for one, let alone all 10 individual homes proposed. He stated that the Land Management Code recently changed and that the current code would require the Planning Department to prepare written findings for 10 separate homes within 45 days of the application being deemed complete. He posed the question on how an appellant can dispute something that has no written conclusions. He was discouraged that the Historic Preservation Board had not been involved in the process of the application up to this point even though it was a larger project involving a sensitive historic retaining wall.

Mr. Thomas stressed that all he wanted was for the Historic Preservation Board to discuss the Design Review and to hear his and Mr. Edison's concerns and he felt they were denied that.

Chair Gezelius stressed that the role of the Board of Adjustment was not one to discuss the Design Review but to determine if the Historic Preservation Board erred in their decision not to hear the appeal.

There was limited discussion in regards to the eligibility of hardy plank in the Historic District.

Board member Wintzer clarified for the appellant that the project was submitted to the Planning Department well before the new Historic District Guidelines were adopted. Discussion ensued regarding the vesting of the application in regards to the old Land Management Codes and the recently adopted change. City Attorney Harrington stated that the City does not vest applications but when Land Management Code changes are noticed it creates a Pending Ordinance Doctrine. The Land Management Code changes in question became a Pending Ordinance on October 22, 2008.

Mr. Thomas asked then why the Planning Director was never used as an appellate body for the appeal of the Historic District Design Review as the old Land Management Code dictated. City Attorney Harrington answered that the Land Management Code pertaining to the appeal process of the Design Review was changed by specific request of a citizen as they felt it was a cumbersome process due to the lack of functional difference between Staff and Planning Director. He also clarified that the appeal was submitted under the new Land Management Code.

Mr. Thomas concluded his presentation and the floor was opened for the appellant Jeff Edison. Mr. Edison identified himself as a recent resident at 128 Ontario Court having moved to the City mid November.

His concern was the prominence of the project for the City and for Old Town in particular and the speed at which it was approved by the City. He felt it should be a longer process that more closely looks at what is best for the City overall. He wondered at the harm at having the Historic Preservation Board look at the project regardless of the timing of the supplemental documents. He stressed that the project would be a large development sitting over the top of Main Street.

No members of the Board had questions for the appellants at the time so Chair Gezelius opened the floor to the public. Dave Smith representing United Park City Mines and Talisker choose to speak and relayed that the project in question was probably the most heavily and interactively discussed projects he had ever been involved with. He stressed the amount of reiterations and design changes the project had been through, including the cut of approximately 50% of the original density. Through current designs in questions were evolved from numerous meetings with the Planning Commissions. Mr. Smith felt they had achieved and adequately addressed the concerns on every level.

Mr. Edison agreed that the Planning Commission meetings that dealt with the density were very lengthy but the current application of design had moved very quickly.

Chair Gezelius reminded the appellants that it was not within the purview of the Board to analyze the design. The public hearing was closed and she opened the Board up to discussion. She laid out the issue before the Board and the options opened to them; 1) To affirm the determination of the Historic Preservation Board 2) To determine the Historic Preservation Board erred in refusing to hear the appeal based on untimely submittal 3) Continue the item to a future date for discussion.

Board member Miller felt the discussion could happen now and there was no need to continue it. He wondered why the Board was not given a copy of the original appeal submitted for the Historic Preservation Board. He only saw a reference to it under the analysis section of the Staff Report. Planner Robinson agreed that the staff report referenced the item in analysis and that if the Board chose to continue the item the original appeal could be provided to them.

Discussion from the Board with Planner Robinson continued regarding the redesign process and the application had gone through and the lack of updating of the project files. Planner Robinson stressed that there was one updated application provided to the appellant for viewing.

Board member Miller asked why the Historic Preservation Board did not review a project this prominent that also had the sensitive issue of a historic retaining wall. Planner Robinson stated

that it is not within the purview of the Historic Preservation Board to perform Design Reviews. He added that the Planning Commission does have the power to refer projects to the Historic Preservation Board during the Steep Slope Conditional Use Permit process if they feel it warranted. The Planning Commission had not chosen to do so.

Board member Thompson asked the prior processes the project had undergone with the Planning Commission. Planner Robinson outlined that the project had undergone a Pre-Master Planned Development, a Master Planned Development, a Subdivision, and a Steep Slope Conditional Use Permit.

Board member Thompson requested clarification regarding the two additional days that the appellants were given. Planner Robinson stated that the City Attorney Samuels-McClean contacted the appellants on April 29 and asked them to provide any supplemental information pertinent to specific Historic District Guidelines by May 1. The appellants did submit additional information to the City that was received on May 5, 24 hours before the Historic Preservation Board was scheduled to meet. He stressed the original appeal date was in February of 2008 and the Planning Department had received no additional information during that time.

Board member Miller thought that this project was one that was highly visible, sensitive, and had historic retaining walls that needed to be preserved that falls under the purview of the Historic Preservation Board. He read over the Land Management Code Chapter 15-11-5H that stated the Historic Preservation Board is the appellate body to review design in the Historic District and Historic Sites. He was aware of the time and effort that Park City Mines had put into the project but was of the opinion that the Historic Preservation Board should review to ensure the outcome of the project.

Board member Wintzer understood in principal what Board member Miller relayed but she considered that the project had been discussed in depth during the Planning Commission phase and that the timeliness of the appeal should be a considering factor. Her decision at this point would be to uphold the decision of the Historic Preservation Board.

Board member Thompson agreed with Board member Wintzer in that the Board of Adjustment should operate under the rule of the City code and if the time schedule for making input was not met then he would support the determination of the Historic Preservation Board. Board member Wintzer sympathized with the appellants but agreed that the rules were what the Board needed to go by.

Board member Miller wondered that if the original letter from Mr. Edison did address differentiate and design then the Historic Preservation Board should speak towards those concerns.

Chair Gezelius expressed her surprise over the fact that the Historic Preservation Board did not seem to want this item under their purview. Her feeling was that if you received information too late to have reviewed it prior to the meeting that you continue it until you had time to review it.

MOTION: Board member Miller moved to remand the item of the appeal of the Historic District Design Review at 100 Marsac Avenue back to the Historic Preservation Board. He directed Staff to return to the Board of Adjustment with revised Findings of Fact, Conclusions of Law, and Order to support that decision. Chair Gezelius seconded the motion.

Chair Gezelius – Aye.
Board member Miller – Aye.
Board member Wintzer – Aye.
Board member Thompson – Nay.

VOTE: 3-1. Motion carries.

Board member Thompson elaborated on his vote that he personally would have liked to see the original appeal before casting a vote.

Chair Gezelius hoped that the Historic Preservation Board review the appeal in a timely manner for the sake of the applicant who had been waiting a very long time.

Chair Gezelius adjourned the July 28, 2009 Board of Adjustment meeting at 6:20 PM.

Minutes prepared by: _____
Patricia Abdullah

Board of Adjustment Staff Report



Subject: Appeal of Historic Preservation Board Decision regarding appeal of Historic District Design Review for 100 Marsac

Author: Brooks T. Robinson

Date: August 18, 2009

Type of Item: Quasi-Judicial

PLANNING DEPARTMENT

Recommendation

Staff recommends that the Board of Adjustment review the attached Findings for remanding the appeal of the decision by the Historic Preservation Board regarding the Historic District Design Review approval of ten homes at 100 Marsac Avenue back to the Historic Preservation Board.

Project Information

Appellants: Jeff and Leslie Edison
Jamie and Kathleen Thomas

Location: 100 Marsac Avenue

Zoning: Historic Residential (HR-1)

Background

On July 28, 2009, the Board of Adjustment (BOA) heard an appeal of the Historic Preservation Board's decision regarding the staff approval of the Historic District Design Review. The BOA voted 3-1 to remand the matter back to the Historic Preservation Board and directed staff to prepare Findings, Conclusions and Order in accordance with the comments at the hearing. Additionally, the Board asked for the information presented in the original appeal of Staff's determination of compliance with the Historic District Design Guidelines. That information is attached along with the staff report to the HPB for the May 6, 2009 hearing.

Staff submits the attached Findings, Conclusions and Order for the Board's consideration. The Board should review the Findings, Conclusions and Order and adopt such by motion provided the proposal reflects the decision of the Board. Alternatively, the Board may amend the Findings, Conclusions and Order as appropriate. The Board should take comment from the applicant and appellants prior to adoption.

Findings of Fact

1. The property is located at 100 Marsac Avenue and includes ten development lots.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. Legal Notice of Staff's determination of compliance with the Historic District Guidelines was posted on the property on January 28, 2009. Courtesy notice was sent to adjoining property owners on January 28, 2009. The appeal period expired at 5pm on February 9, 2009.
4. Two appeals of Staff's determination of compliance with Historic District Guidelines were received on February 9, 2009.
5. The Land Management Code requires Staff to post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.
6. The Thomas property is not immediately adjacent to the property.
7. The Edison property is across the platted Marsac Avenue right of way.
8. Both parties received actual notice as Planning Director Eddington phoned Mr. Edison and Mr. Thomas on Thursday, February 5th to personally inform them of the Design Review and Appeal period.
9. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12(C) "courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action...".
10. Staff gave both appellants the ability to supplement their appeals with any additional items..
11. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines.
12. The Historic Preservation Board heard the appeal of compliance with the Historic District Guidelines on May 6, 2009.
13. The Historic Preservation Board considered reviewing the additional information prepared by Mr. Thomas and received the day before the hearing.
14. The Historic Preservation Board found that the additional materials were not timely received and would not be considered.
15. The Historic Preservation Board found that no specific Historic District Design Guideline was included with the original appeal statements, and therefore the appeal was denied.
16. On May 18, 2009, two parties appealed the decision of the Historic Preservation Board. The ten day appeal period ended on a Saturday, therefore, the appeal period was extended to Monday May 18 at 5pm.
17. LMC Section 15-1-18 requires a "comprehensive statement of all the reasons for the appeal, including specific provisions of the law, *if known*, that are alleged to be violated by the action taken." (emphasis added)
18. The Board of Adjustment heard the appeal of the Historic Preservation Board's decision on July 28, 2009.

19. The Appellants met their burden of demonstrating that Design Guideline issues were specifically raised in the original appeal statement of Staff's determination and that the supplemental information received on April 29th and May 5th relating to the original appeal should be heard by the Historic Preservation Board, as it relates to Design Guideline compliance.
20. Since written findings by the staff regarding specific compliance were not provided to the Appellants, it would be unjust and contrary to a plain reading of the Land Management Code to hold Appellants to a higher standard and bar their appeal based upon failing to similarly cite specific Design Guidelines by number.
21. Both Appellants sufficiently preserved the ability to raise further design compliance in their original appeal statements.

Conclusions of Law:

1. The Historic Preservation Board erred by failing to consider the supplemental information relating to Design Guideline compliance received at or prior to the hearing.
2. The Historic Preservation Board did not err in finding legal notice was given.

Order:

1. The appeal is granted in part and the matter is remanded back to the Historic Preservation Board ("HPB").
2. The HPB shall only hear those items relating to the Design Guideline compliance as raised in the original appeals of February 9, 2009, and as supplemented on April 29th and May 5th. Staff shall include specific written findings of compliance in the remanded staff report.
3. Matters raised by Appellants which are not specific to Design Guideline compliance shall not be considered by the HPB, including access and lot alignment issues settled by the Third District Court decision dated 6/25/09 cited in the staff report.
4. The appeal with regard to notice is denied.

Exhibits

- Exhibit A – Staff report and appeals for May 6, 2009, Historic Preservation Board.
Exhibit B- Appellants' Supplemental submissions of April 29 and May 5, 2009.

MINUTES OF PARK CITY BOARD OF ADJUSTMENT
CITY HALL, COUNCIL CHAMBERS
AUGUST 18, 2009

IN ATTENDANCE: Ruth Gezelius, Bill Thompson, Rich Miller, Hans Fuegi

EX OFFICIO: Thomas Eddington, Planning Director; Brooks Robinson, Principal Planner; Polly Samuels-Mclean, City Attorney; Patricia Abdullah, Analyst

I. ROLL CALL

Chair Gezelius called the meeting to order at 5:04 PM and noted that all Board members were present with the exception of Board member Pettit and Wintzer who were excused.

Chair Gezelius also noted that in regards to the action item of 100 Marsac because only three members were present for the original discussion on July 28 that only those three members will be voting on the item and that Alternate Fuegi will abstain. Any vote would require agreement of all three members to pass.

II. PUBLIC COMMUNICATION

There was no comment.

III. STAFF & BOARD COMMUNICATIONS

There was none.

IV. ADOPTION OF MINUTES OF JUNE 2, 2009

MOTION: Board member Thompson moved to approve the minutes of June 2, 2009 as written. Board member Miller seconded the motion.

VOTE: 4-0. Motion carries unanimously.

V. ADOPTION OF MINUTES OF JULY 28, 2009

MOTION: Board member Miller moved to approve the minutes of July 28, 2009 as written. Board member Thompson seconded the motion.

VOTE: 4-0. Motion carries unanimously.

VI. ADOPTION OF MINUTES OF AUGUST 4, 2009

Chair Gezelius asked for a continuation of minutes of August 4 due to a lack of members present that were also present at the meeting.

MOTION: Board member Thompson moved to continue the minutes of August 4, 2009 due to a lack of quorum. Board member Miller seconded the motion.

VOTE: 4-0. Motion carries unanimously.

VII. REGULAR AGENDA

100 Marsac Avenue – Appeal of Historic Preservation Board Determination on Historic District Design Guidelines approval

Planner Robinson referred the Board to the minutes of July 28 and the discussion that took place on that day in regards to this project. Staff was directed to create Findings of Facts, Conclusions of Law, and an Order for Ratification by the Board of Adjustment. Additionally Staff received a letter from the appellant and applicant that have also been provided to the Board in the packet for their review.

Chair Gezelius questioned why correspondence submitted would refer to the use of the 1983 Historic District Design Guidelines. Planner Robinson responded that the application for the Historic District Design Review was submitted prior to the adoption of the new guidelines and that the current application would be subject to the review under the 1983 guidelines. Chair Gezelius wanted to make sure that would be adequately defined in the Findings of Facts and Board member Miller concurred but asked of City Attorney Harrington if it was within the purview of the Board to add that Finding. City Attorney Harrington recommended that it be left up to the Historic Preservation Board to decide if the application should be reviewed under the existing guidelines or the previous version. The Board was in agreement that it should be the decision of the Historic Preservation Board.

Chair Gezelius opened the floor for public hearing. No public input was offered and the public hearing was closed.

Board member Miller states that having reviewed the original appeal information and that it is one of the duties of the Historic Preservation Board to hear appeals of design in the historic district and that they should hear the appeal.

Board member Thompson agreed that it was proper to remand the item back to the Historic Preservation Board for review. He additionally agreed with the City Attorney's advice to leave the decision of the use of the 1983 or current guidelines up to the Historic Preservation Board as well.

MOTION: Board member Thompson moved to ratify the Findings of Fact, Conclusions of Law, and Order in regards to the appeal for 100 Marsac Avenue and remand the item back to the Historic Preservation Board for review and consideration. Board member Miller seconded the motion.

VOTE: 3-0. Motion carried unanimously. Alternate Fuegi abstained from the vote.

Findings of Fact

1. The property is located at 100 Marsac Avenue and includes ten development lots.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. Legal Notice of Staff's determination of compliance with the Historic District Guidelines was posted on the property on January 28, 2009. Courtesy notice was sent to adjoining

property owners on January 28, 2009. The appeal period expired at 5pm on February 9, 2009.

4. Two appeals of Staff's determination of compliance with Historic District Guidelines were received on February 9, 2009.
5. The Land Management Code requires Staff to post the Property and provide written notice to Owners immediately adjacent to the Property, directly abutting the Property and across Public Streets and/or Rights-of-Way.
6. The Thomas property is not immediately adjacent to the property.
7. The Edison property is across the platted Marsac Avenue right of way.
8. Both parties received actual notice as Planning Director Eddington phoned Mr. Edison and Mr. Thomas on Thursday, February 5th to personally inform them of the Design Review and Appeal period.
9. Courtesy notice to property owners within 300 feet, as alleged by Mr. Thomas, is not required under LMC 15-1-12. The applicable section of 15-1-12 (Historic District Design Review) states that courtesy notice shall be given to adjacent property owners. Further, as stated in LMC 15-1-12(C) "courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action...".
10. Staff gave both appellants the ability to supplement their appeals with any additional items..
11. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines.
12. The Historic Preservation Board heard the appeal of compliance with the Historic District Guidelines on May 6, 2009.
13. The Historic Preservation Board considered reviewing the additional information prepared by Mr. Thomas and received the day before the hearing.
14. The Historic Preservation Board found that the additional materials were not timely received and would not be considered.
15. The Historic Preservation Board found that no specific Historic District Design Guideline was included with the original appeal statements, and therefore the appeal was denied.
16. On May 18, 2009, two parties appealed the decision of the Historic Preservation Board. The ten day appeal period ended on a Saturday, therefore, the appeal period was extended to Monday May 18 at 5pm.
17. LMC Section 15-1-18 requires a "comprehensive statement of all the reasons for the appeal, including specific provisions of the law, *if known*, that are alleged to be violated by the action taken."
18. The Board of Adjustment heard the appeal of the Historic Preservation Board's decision on July 28, 2009.
19. The Appellants met their burden of demonstrating that Design Guideline issues were specifically raised in the original appeal statement of Staff's determination and that the supplemental information received on April 29th and May 5th relating to the original appeal should be heard by the Historic Preservation Board, as it relates to Design Guideline compliance.
20. Since written findings by the staff regarding specific compliance were not provided to the Appellants, it would be unjust and contrary to a plain reading of the Land Management Code to hold Appellants to a higher standard and bar their appeal based upon failing to similarly cite specific Design Guidelines by number.

21. Both Appellants sufficiently preserved the ability to raise further design compliance in their original appeal statements.

Conclusions of Law:

1. The Historic Preservation Board erred by failing to consider the supplemental information relating to Design Guideline compliance received at or prior to the hearing.
2. The Historic Preservation Board did not err in finding legal notice was given.

Order:

1. The appeal is granted in part and the matter is remanded back to the Historic Preservation Board ("HPB").
2. The HPB shall only hear those items relating to the Design Guideline compliance as raised in the original appeals of February 9, 2009, and as supplemented on April 29th and May 5th. Staff shall include specific written findings of compliance in the remanded staff report.
3. Matters raised by Appellants which are not specific to Design Guideline compliance shall not be considered by the HPB, including access and lot alignment issues settled by the Third District Court decision dated 6/25/09 cited in the staff report.
4. The appeal with regard to notice is denied.

Chair Gezelius adjourned the October 20, 2009 Board of Adjustment meeting at 5:16 PM.

Minutes prepared by: _____
Patricia Abdullah

Historic Preservation Board Staff Report



Subject: Appeal of Historic District Design
Review for 100 Marsac

Author: Brooks T. Robinson

Date: September 2, 2009

Type of Item: Quasi-Judicial

Recommendation

Staff recommends that the Historic Preservation Board hear the remand of the appeal of the approval of the Historic District Design Review and consider upholding the design approvals in accordance with the attached findings, conclusions and conditions of approval.

Project Information

Appellants: Jeff and Leslie Edison
Jamie and Kathleen Thomas

Location: 100 Marsac Avenue

Zoning: Historic Residential (HR-1)

Background

On January 28, 2009, the Planning Department found the ten homes to be located at 100 Marsac Avenue to be in preliminary compliance with the Historic District Design Guidelines. On February 9, 2009, the City received two appeals to the Historic District Design Review for the projects. The appellants are Jeff and Leslie Edison (128 Ontario Court) and Jamie and Kathleen Thomas (134 Ontario Court). The letters of appeal are attached as Exhibit A. Staff sent an email to Mr. Edison on the morning that appeals were due outlining the specifics required (Exhibit B).

The Historic Preservation Board ("HPB") heard the appeals on May 6, 2009. At that time, the appellants wished to raise new issues on the record and discuss new information with the Board. Staff and the applicant objected to the new issues. After discussion by the HPB (see minutes, Exhibit A), the HPB rejected the new information as it was not submitted with the original appeals or during the two-day supplemental period. Some of the issues were beyond the jurisdiction of the HPB, and as such, more appropriately the subject of other hearings for the project's subdivision plat approval.¹

On May 18, 2009, the Edisons and Thomas' jointly submitted an appeal of the HPB decision under LMC 15-11-11 (D)(3) and 15-10-7.

¹ The City Council's approval of the subdivision was appealed to Third District Court, which upheld the approval and granted the City's Motion for Summary Judgment on June 25, 2009. The litigation focused primarily on easement and additional notice claims and does not impact the issues of this appeal.

On July 28, 2009, the Board of Adjustment (BOA) heard an appeal of the Historic Preservation Board's decision regarding the staff approval of the Historic District Design Review. At the BOA hearing, the Board asked for the information presented in the original appeal of Staff's determination of compliance with the Historic District Design Guidelines. A majority of the BOA directed staff to prepare findings granting the appeal in part as it related to the review design guideline compliance.

On August 18, 2009, the Board of Adjustment adopted Findings, Conclusions and an Order remanding the appeal back to the HPB for a hearing on those issues raised in the original appeal and supplemented on May 5th. As the Edison appeal referenced "design guidelines," and LMC Section 15-1-18 requires a "comprehensive statement of all the reasons for the appeal, including specific provisions of the law, *if known*, that are alleged to be violated by the action taken," the BOA found that the additional materials should have been heard by the Historic Preservation Board. However, the BOA upheld the HPB determination that prior legal notice and actual notice was given.

Burden of Proof and Standard of Review

Pursuant to LMC 15-1-18(G) and 15-11-11(D)(2), the HPB shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines. The Guideline Review for each of the ten houses is included with this report as are all of the information from the appellants (including information received after the BOA hearings).

Analysis

Staff has provided the site plan (roof over topography), proposed subdivision plan, and the Historic District Design Review reports for each of the ten houses. As the applications for these designs were received prior to the July 9, 2009, adopted of new Design Guidelines, the 1983 Design Guidelines were still in effect. Staff's findings of compliance are attached.

The Order from the Board of Adjustment to the Historic Preservation Board states:

Order:

1. The appeal is granted in part and the matter is remanded back to the Historic Preservation Board ("HPB").
2. The HPB shall only hear those items relating to the Design Guideline compliance as raised in the original appeals of February 9, 2009, and as supplemented on April 29th and May 5th. Staff shall include specific written findings of compliance in the remanded staff report.
3. Matters raised by Appellants which are not specific to Design Guideline compliance shall not be considered by the HPB, including access and lot alignment issues settled by the Third District Court decision dated 6/25/09 cited in the staff report.
4. The appeal with regard to notice is denied.

Accordingly, this order and the HPB's scope of review provide that the HPB's role is the same as Staff's and issues for this appeal are therefore limited to design guideline compliance only. Analysis of the design issues is attached.

Subdivision, notice, CUP and other issues that the appellants continue to raise are not within the HPB's authority to consider.

As stipulated with the Legal Department, both the appellants and the applicant were allowed to submit additional argument which is included in the packet. Again, only those matters relating to design guideline compliance may be considered by the HPB.

Appeal (of the appeal)

The action by the Historic Preservation Board on this appeal can be further appealed to the Board of Adjustment and then to District Court.

Alternatives

- The Historic Preservation Board may deny the appeal and affirm the determination of compliance of the Historic District Design Guidelines, wholly or partly; or
- The Historic Preservation Board may grant the appeal and reverse the determination of compliance of the Historic District Design Guidelines; wholly or partly; or
- The Historic Preservation Board may continue the discussion to a specified or unspecified date.

Recommendation

Staff recommends that the Historic Preservation Board hear the appeals of the approval of the Historic District Design Review and consider denying the appeals:

Findings of Fact:

1. The property is located at 100 Marsac Avenue and includes ten development lots.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. Two appeals of Staff's determination of compliance with Historic District Guidelines were received on February 9, 2009.
4. The appellant has the burden of proving that the land use authority erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines.
5. No Design Guideline or LMC section prohibits replicative design or addresses alignment of uphill and downhill lots.
6. Complete applications were filed on August 29, 2008. The date of the complete application is the date that the application is vested in the Code unless there is a pending ordinance that would apply to the application. As of August 29, 2008, there was no pending ordinance and the existing Land Management Code and Guidelines were applied to the application.
7. The analysis and Findings in the attached Staff determinations of compliance are incorporated herein.

Conclusions of Law:

1. The Staff did not err in finding that the Design Review Applications comply with the Historic District Design Guidelines.
2. The Conclusions of the attached Staff determinations are incorporated herein.

Order:

1. The appeals are denied and the determinations of compliance with the Historic District Design Guidelines as conditioned are upheld.

Exhibits

Exhibit A – Submittals by Appellants of August 24th, May 5th, and February 9, 2009

Exhibit B – Architectural Site Plan (Roof over topography)

Exhibit C – Historic District Design Review report for each of ten units

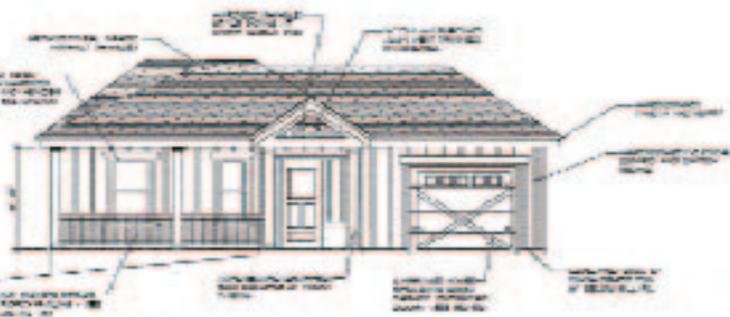
Exhibit D – Building Elevations

Exhibit E – Board of Adjustment Findings

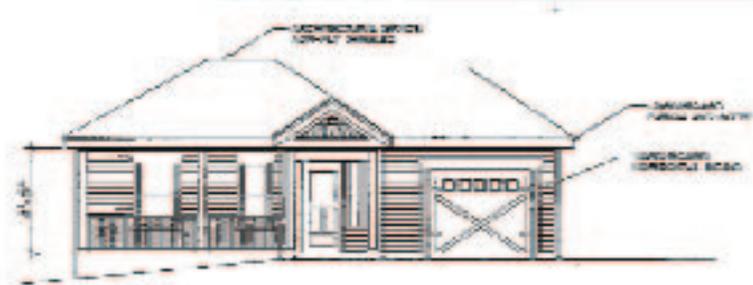
Front Facade of Homes 1-6 Located on Downhill Lots.

Front Facade of Homes 7-10 Located on Uphill Lots.

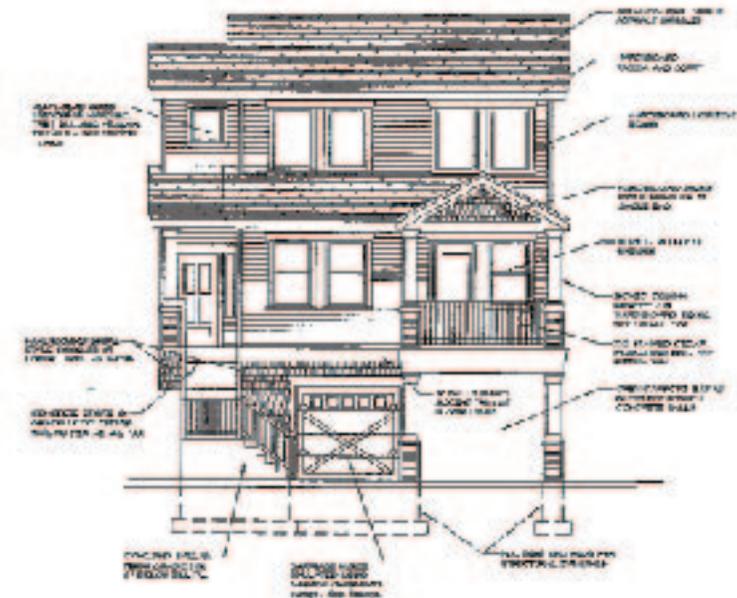
Exhibit P. Front Facades



HOUSE 1
Hardboard Vertical Board and Batten Siding

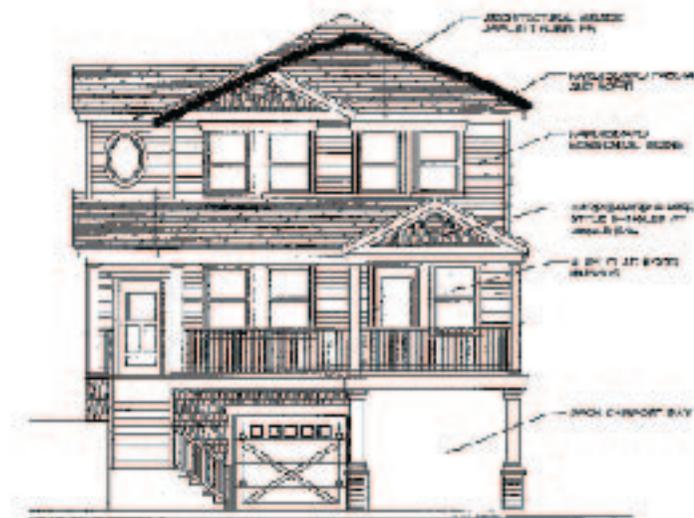


HOUSE NO. 4
Hardboard Horizontal Siding



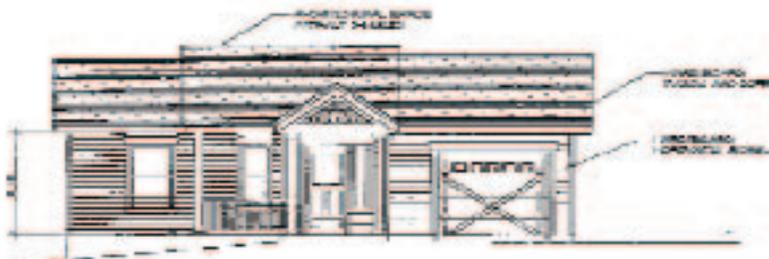
FRONT ELEVATION - UPHILL UNIT - WEST
HOUSE NO. 7

Hardboard Horizontal Siding



FRONT ELEVATION - UPHILL UNIT
HOUSE NO. 8

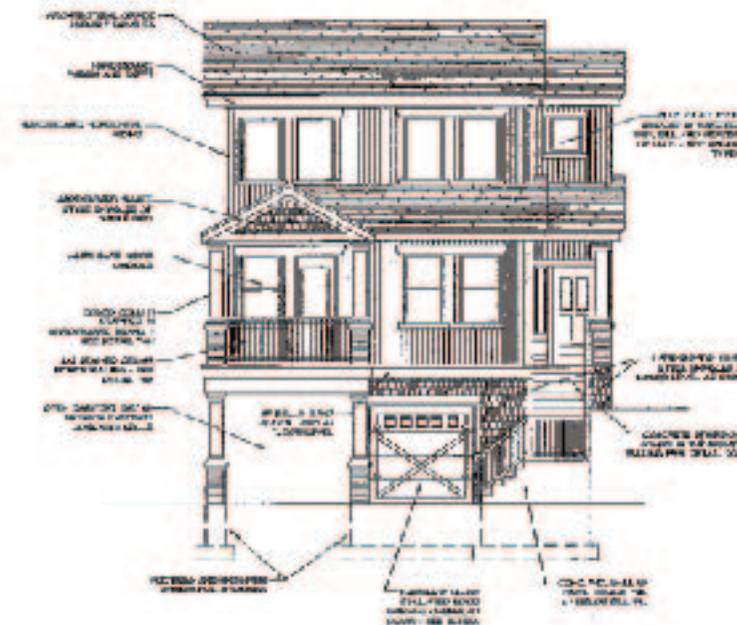
Hardboard Horizontal Siding



HOUSE NO. 2
Hardboard Horizontal Siding

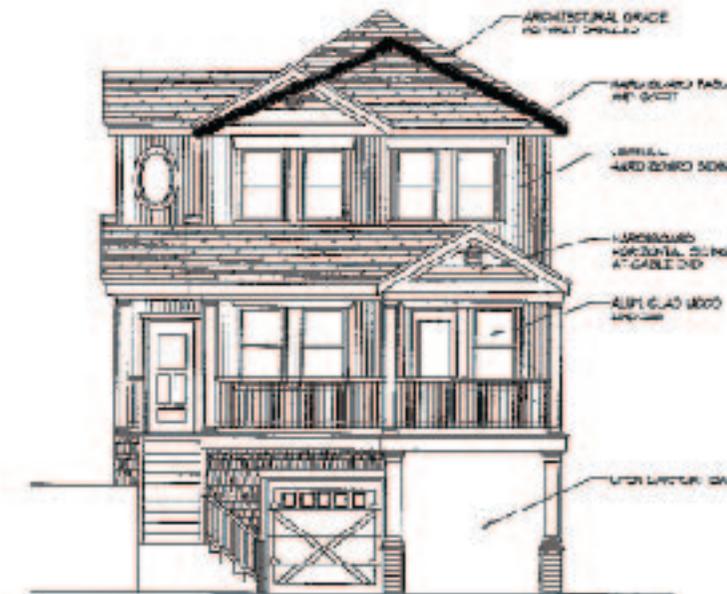


HOUSE NO. 5
Hardboard Vertical Siding



FRONT ELEVATION - UPHILL UNIT - WEST
HOUSE NO. 9

Hardboard Vertical Siding

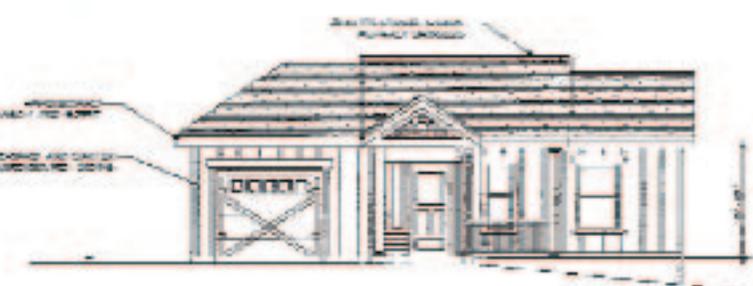


FRONT ELEVATION - UPHILL UNIT
HOUSE NO. 10

Hardboard Vertical Siding



HOUSE NO. 3
Hardboard Horizontal Siding
(Same exterior as Home #2)



HOUSE NO. 6
Hardboard Vertical Board and Batten Siding