



AGENDA

MEETING CALLED TO ORDER AT 5:00 PM

ROLL CALL

ADOPTION OF MINUTES FOR

JANUARY 16, 2013; FEBRUARY 6, 2013; MARCH 20, 2013

PUBLIC COMMUNICATIONS – *Items not on regular meeting schedule.*

STAFF/BOARD COMMUNICATION & DISCLOSURES

ACTION ITEMS – *Discussion, public hearing, and action as outlined below.*

101 Prospect Street – Grant

PL-13-01837

Public hearing and possible action

505 Woodside Avenue – Appeal of Historic District Design

Review

PL-13-01842

Quasi-Judicial Hearing/Continuation

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.

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF JANUARY 16, 2013

BOARD MEMBERS IN ATTENDANCE: Marion Crosby, Puggy Holmgren, John Kenworthy, David White

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

Chair McFawn was not present. Board member Holmgren nominated Board member White as Chair-Pro Tem. Board member Crosby seconded the nomination.

ROLL CALL

Chair Pro-Tem White called the meeting to order at 5:06 p.m. and noted that all Board Members were present with the exception of Board member Matsumoto-Gray and Chair McFawn who were excused.

ADOPTION OF MINUTES OF DECEMBER 5, 2012

MOTION: Board member Kenworthy moved to adopt the minutes of December 5, 2012 as written. Board member Crosby seconded the motion.

VOTE: 3-0. Motion carried. Chair Pro-tem White abstained from the vote as he was not present for the meeting.

PUBLIC COMMUNICATIONS

There was no public communications.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Update on 335 Woodside Avenue

Planning Director Eddington gave an update of the Landmark Site located at 335 Woodside Avenue. The historic structure was approved for a renovation and rear addition. The renovation included a full foundation. The historic house fell off of the cribbing late December, approximately December 23. The applicant is committed to saving the house and is currently working with the Building and Planning department to lift the structure. This will require that the roof be detached. Leaving the roof in place may cause additional damage to the historic walls

Chief Building Official Root spoke briefly regarding the cause of the fall which was a combined factor of the wind pushing against the weakest point of the metal supports.

Planning Director Eddington encouraged board members to contact Planner Astorga with additional questions or comments.

Nomination of Board member to Design Review Team

Staff explained that in the past the Historic Preservation Board has had a member attend the Design Review Team (DRT) meeting. Planning Director Eddington asked if there was any interest in nominating a Board member to the DRT. City Attorney Samuel-Mclean did not recommend that the Board nominate a member as it requests that member recuse themselves from any appeal of a Design Review. Prior discussion with the Board was to bring a sample Design Review before the Board of a completed project so that the Board could review the process from start to end.

Board members agreed that this item should be discussed again when there was a full quorum present.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

100 Marsac Avenue – Remand of Appeal of Staff’s Determination
(Application #PL-09-00709)

Chair Pro-tem recommended to the appellant and the applicant that the since there were only four Board members present, which was a legal quorum, that the appeal item before the Historic Preservation Board be continued until such time as the Board could have a full quorum. He stressed that this appeal is an important matter and that a full Board will help ensure the best result for all parties involved.

After a short recess both appellant, Jeff Edison, and applicant, Patrick Putt, agreed to move to a date certain. Discussion ensued regarding upcoming dates and it was decided that February 6 would be most appropriate.

The Board set of date of Friday, January 18, for the applicant or appellant to submit any supplemental information to the appeal.

Additionally, the Board agreed to retain the information provided in the packet and that the packet of February 6 would only be supplemental information that was provided.

MOTION: Board member Kenworthy moved to continue the remand of the appeal of Staff’s determination to February 6, 2013. Board member Crosby seconded the motion.

VOTE: 4-0. Motion carried unanimously.

The meeting adjourned at 5:33 p.m.

Approved by _____
David McFawn, Chair
Historic Preservation Board

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF FEBRUARY 6, 2013

BOARD MEMBERS IN ATTENDANCE: Dave McFawn – Chair; Gary Bush, Marion Crosby, Katherine Matsumoto-Gray Puggy Holmgren, John Kenworthy, David White

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

ROLL CALL

Chair McFawn called the meeting to order at 5:06 p.m. and noted that all Board Members were present.

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Director Eddington introduced Gary Bush and welcomed him as the newest HPB member. Mr. Bush had interviewed for the position vacated by Judy Mckie and he was selected and recommended by the City Council. Mr. Bush is very interested in Historic Preservation. He has a long history in Park City and a good knowledge of construction.

Planner Anya Grahn announced that Jan Perkins was the artist chosen for the HPB award.

Planner Grahn noted that May is Preservation Month. She asked if the Board was interested in creating a subcommittee to brainstorm ideas on how to promote Preservation during that month. Board Member Matsumoto-Gray suggested that the Board have that discussion during the visioning session and select a subcommittee at that time.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

100 Marsac Avenue – Remand of Appeal of Staff's Determination.
(Application #PL-09-00709)

Planner Cattan reported that the purpose this evening was to hear an appeal of 100 Marsac Avenue. She noted that on May 6, 2009 an original appeal came before the Preservation Board, and it was denied. That denial was appealed to the Board of Adjustment. The Board of Adjustment reviewed the appeal on July 28, 2009, and on August 18, 2009 they made findings to remand it back to the HPB to look at certain matters. The Order was very specific on which issues were remanded back for further consideration by the HPB. The HPB shall only hear those items relating to the Design Guidelines 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. Planner Cattan noted that the findings of compliance were attached as an exhibit to the Staff report. Matters raised by Appellants which are not specific to Design Guideline compliance shall not be considered by the

Historic Preservation Board Meeting
February 6, 2013

HPB, including access and lot alignment issues settled by the Third District Court decision dated June 25, 2009. The appeal with regard to notice is denied. Planner Cattan emphasized that the Historic Preservation Board would not be talking about noticing or access and lot line issues.

Assistant City Attorney McLean clarified that the review would be the substance of the Historic District Guidelines Review. Chair McFawn understood that the HPB would also not be looking at anything related to subdivisions. Ms. McLean replied that this was correct.

Planner Cattan reported that the application was submitted under the 1983 Guidelines. Some have questioned why and the answer is that this application was held up in District Court for some time, and it was originally appealed and reviewed under the 1983 Guidelines. The HPB would be reviewing this appeal de novo, which means they would be looking at it anew.

Planner Cattan reviewed specific points of appeal in the Staff report, and the Staff requested that the Board provide direction on these points.

Chair McFawn noted that this appeal was continued from the January meeting to this date, and the Board would be referencing the January 16th Staff report. The 1983 guidelines started on page 145 of the January 16th packet.

Planner Cattan explained the math to show that up to 50 lots would be allowed. Only ten lots are proposed with this application, and the application met the minimum lot size requirement. The lot size was incorrectly identified in a previous Staff report as 2.7 acres due to a typo. The actual total lot is 2.17 acres.

Planner Cattan reviewed the points of appeal for discussion and consideration.

Point 1 – House designs are not sufficiently different as required by the conditions of the MPD. The conditions of the MPD stated that, “All building 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.”

Planner Cattan noted that the Staff report contained two pages of the front facades of both homes and she asked if the Board thought the designs met the condition of approval.

Point 2 – No complete 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. Planner Cattan noted that a complete landscape plan was submitted once it was brought to the applicant’s attention. There was some discussion at what point that would be reviewed by Staff. The Staff was suggesting that this would be the correct step in the process in which to either approve or deny. Planner Cattan presented the streetscape the Staff has on file. The Staff had requested an updated streetscape showing the changes in the retaining wall, but that had not yet been submitted.

Point 5 – Planner Cattan reviewed the site plan that was approved in the Steep Slope CUP and two bolder retaining walls that were approved at 9 feet. Between the process of the Steep Slope CUP and when the Staff reviewed the HDDR, she understood that there were discussions with the developer in terms of making changes to the site plan. When the HDDR was approved it was approved with one 13'2" high wall. Planner Cattan noted that the Staff report indicated the wrong height based on an inaccurate assumption. When put together, there are four-foot steps in between each of the six feet walls. The retaining walls were fully addressed in point 5 on page 11 of the Staff report.

Point 11 – Minimize visual impacts of on-site parking. This is a requirement of Guideline 78.

Point 13 – Guideline 81 states Reserve the Use of Special Ornamental Siding materials for limited surface areas. Planner Cattan noted that the exterior materials proposed include a hardi-board shingle utilized along the bottom of the homes. The Staff would like the HPB to discuss whether that complies with Guideline 81.

Point 14 – Hardi-board clad columns. Guideline 82 states that Contemporary interpretation of building ornamentation is encouraged, but they should be limited in their application. Planner Cattan noted that the size of the columns have not been identified. The HPB may direct the applicant to limit the width for the wrapped box columns or modify the box columns into posts with a limited width of 4 to 6 inches, which is the typical historic post width.

Planner Cattan noted that the Historic Preservation Board had the option to:

- Deny the appeal and affirm determination of compliance with the Historic District Design Guidelines wholly or partly;
- Grant the appeal and overturn the determination of compliance of the Historic District Design Guidelines wholly or partly;
- Continue the discussion to a specified or unspecified date and provide direction on items and issues that require further discussion.

Co-Appellant, Jeff Edison, a full time resident at 128 Ontario Court, stated that this development was obviously very impactful to the neighbors, but it also impacted the City. There are currently 13 existing residences on Ontario Avenue. There would be 20 residences when this development is completed, which is a 70% increase in the visual impacts on the road from the rest of Park City. He believes this was one of the major developments occurring in the City and it raises the level of importance to his neighborhood, and also to the City.

Mr. Edison made it very clear that everyone on Ontario supports affordable housing and believe it is an important part of the fabric of the City. However, it needs to be handled correctly. They also object to the fact that a developer, such as Talisker, is able to develop high-end housing in Deer Valley and bring their requirement for affordable housing into Park City without meeting the same standards and LMC requirements as all other developers under the existing Land Management Code. Mr. Edison noted that both the Planning Staff and the Legal Department recommended that the development be subject to the new Land Management Code since the plat was not filed in a timely fashion. Mr. Edison pointed out that Talisker had the ability to file in time without additional cost or major concerns.

Mr. Edison outlined six critical points relative to this appeal. The first point was that the proposed development has been grandfathered by the City under the LMC that was replaced four years ago.

Chair McFawn clarified that the Third District Court had made a ruling on this point and they had also heard from the Board of Adjustment. He understood that the HPB was limited to the scope of listening to this appeal only for the items specified in the remand and outlined in the Staff report. Chair McFawn could not find where the HPB should be judging whether the new LMC or the old LMC applied.

Assistant City Attorney McLean stated that the appellants have the right to argue that the new Code should apply; however, based on the timing and vesting of the original application, she recommended that the HPB apply the 1983 Code.

Mr. Edison believed the matter was critical to the project because the Code defines the design. Mr. Edison reiterated his understanding that the Legal Staff and the Planning Department had recommended that the applicant be denied the ability to develop under the old Code because the plat was not filed in a timely fashion. They took it to the Ombudsman who gave the following opinion, "UPCM has not presented evidence that it was delayed from recording due to the appeal or that the appeal made it financially burdensome or unduly speculative to proceed with the project while the appeal was pending." Mr. Edison believed that opinion gave the City the right to force the developer to work under the new LMC.

Assistant City Attorney McLean clarified that Mr. Edison was reading from the Ombudsman opinion regarding a subdivision, which was not up for review. She noted that there has been no determination in terms of the subdivision or other land use applications in terms of extensions.

Mr. Edison pointed out that the appellants had filed their appeal under the new LMC and paid the fee based on what was required under the new LMC. For a project of this scale to not be under the same guise of other new development in Park City is not what a citizen wants from the City. Obviously, the City had revised the Land Management Code because they believed the changes were critical. Mr. Edison thought this was an important issue for the HPB to consider as they think through the design issues.

Co-Appellant, Jamie Thomas, a resident at 124 Ontario Court, spoke on the issue of whether the Code should be considered from when it was approved by the City and why. He stated that the subdivision was approved by the City Council on November 6, 2008. The subdivision regulations state that "Every plat shall conform to the existing zoning regulations and subdivision regulations applicable at the time of the proposed final approval. In addition, no vested rights shall accrue to any plat until the actual signing of the plat by the Chair of the Planning Commission and the Mayor of Park City." Mr. Thomas asked if at this time the plat has been signed by either the Planning Commission or the Mayor of Park City. The answer was no.

Assistant City Attorney McLean stated that Utah State Code addresses vesting in terms of an application, and it talks about when the application is complete. Therefore, the

basis of her legal recommendation that the 1983 Guidelines are the applicable guidelines is based on the date when the application was complete as to the HDDR.

Mr. Edison summarized that the first point they wanted to make was their strong belief that the development should be tested under the current LMC and that it was within the jurisdiction of the HPB to make that determination.

Mr. Edison stated that the second point related to land size. He noted that the plan was approved for a 2.7 acre site. It was expressed as a typo; however, the density analysis during the approval process was based on a 2.7 acre site. Mr. Edison acknowledged that it may have been a typo, but the typo went through the entire approval process and there was no adjustment made to the size, scale or density of the project once the typo was discovered. The project was approved for a density on a 2.7 acre site when in fact it was a 2.17 acre site. Who made the mistake was irrelevant, but the fact is, the site is smaller than what was actually assumed in the approval for this development. He noted that the developer took away the green space area that was supposed to be a benefit. Open space is part of the design of the overall project. In a de novo review, it is important to look at the density as part of the overall review. In this circumstance, the density has changed from what was approved by the City.

Mr. Edison remarked that the third point addressed the retaining walls. He reviewed the slide from the Steep Slope CUP showing the retaining walls that were approved and noted the differences from what was approved to what the developer was currently proposing. What was approved was a small rock wall similar to what exists in Old Town. However, the current plan shows three major retaining walls at 13', 6', and 6' feet. That does not include the fences that will need to be installed on top of the retaining walls to prevent the danger of falling down a long distance. Mr. Edison asked the Board to consider the visual appearance of the retaining walls from the other side of Park City looking back at this development. Mr. Edison reviewed the original plan and noted that the retaining wall starts at the turnaround and stops at the end of the last house. In the new plan, the wall goes from his front yard on Ontario Court all the way through to the end of the development. The visual would be one long retaining wall running the entire length of the project. He believed it would be the longest retaining wall in Park City for a new development. Mr. Edison noted that the language in the 10/22 Staff report for the Steep Slope CUP approval hearing stated, "Minimal retaining structures as necessary." He could not understand how they could look at the picture and determine that it was minimal retaining structures. Mr. Edison believed that the retaining walls were a major issue that would create a major visual impact and impact the neighborhood.

Mr. Thomas compared an illustration of the original approval from 2008 with an illustration from the plan submitted by Talisker on 1/9/13, to demonstrate the changes in the retaining walls. He noted that when the application was approved, the Planning Commission had expressed concerns regarding the visual impact of the retaining walls. He believed the difference between the two plans was significant.

Mr. Edison thought the HPB had the purview to consider the impacts that the retaining walls would have on the neighbors and the City.

Mr. Edison remarked that the fourth point addressed the design of individual homes. A unique and beautiful element of Park City is the inconsistency of homes. The City has

gone to great lengths to make sure that everything does not look the same. In looking at the Talisker plans, he sees homes that can be constructed economically and could be identified as affordable housing in Park City. Talisker should build homes that look great in the neighborhood and are consistent with the quality of homes in the neighborhood. Adding ten semi-identical houses to the neighborhood diminishes the unique character that exists. The neighbors do not care who lives next door, and they are proud of affordable housing, but affordable housing should not look like segregated housing. This development is the wrong design and the Planning Department has the right to discourage it for affordable housing.

Mr. Edison remarked that identical housing is a major design flaw of the plan and it does not provide diversity.

Mr. Edison stated that the fifth point is that a portion of the mine wall would come down, which is something the City consistently tries to preserve as part of the historic nature of the City.

The last point was the issue of traffic on Ontario. Mr. Edison understood that it was an issue that the HPB was not allowed to consider under this appeal; and he only wanted to say that it was a major concern to the neighbors.

Mr. Edison believed there was the ability to make this a great project. However, the current plan is a significant deviation from what was actually approved. The six issues outlined would greatly impact their neighborhood and he encouraged the HPB to give this the time it deserves to come up with a better plan that is more consistent with the neighborhood.

Mr. Thomas stated that with respect to design, orientation and visual appearance of the houses, not one lot on the plans submitted in the January has the same square footage that was approved. He found this discussion difficult because it was unclear whether they should be talking about what was approved or what is currently proposed. Mr. Thomas presented redlined documents and pointed out differences between the approved plan and the current plan in terms of road alignment and building placement. He noted that a consequence of the change is the uncertainty of knowing the setbacks and the ground levels.

Mr. Thomas asked Ms. Cattan when she had received the streetscape she had provided in her presentation. Planner Cattan replied that the streetscape was submitted with the original application. However, the Staff had requested an updated streetscape which had not yet been received. Mr. Thomas stated that it was hard to know what the project would look like without a scaled streetscape that had reference points and measurements. Mr. Thomas noted that at one point during the approval process Talisker had presented a computer rendering of a garage with a man who was shown as disproportionately large. The presenter recognized this and immediately reduced the size of the man during the presentation to make him look relevant to the building. Mr. Thomas clarified that his point was that tangible lines are necessary early in the process, and he believed a streetscape was a requirement of the application. Without a streetscape, the application is not complete.

Mr. Edison remarked that if the application is not complete, the question goes back to which LMC should apply. He was unsure why they were holding this project to a different standard than other projects. Mr. Edison stated that affordable housing is important to the neighbors, but this development does not contribute to the City or to the people that would occupy those homes.

Mr. Thomas believed the six points they presented this evening responded to most of the points of appeal listed in the Staff Report. They had issues with Point #11 regarding parking, and felt strongly that the statement that new guidelines do not apply was strictly a Staff opinion. On Point #12 – materials, the guidelines specific state that hardi-board siding will not be approved. They had no comments regarding Points 13, 14 and 15. They did have issues with the approval process. Based on their comments and the information provided, they believe the Staff erred in approving the HDDR.

Board member Matsumoto-Gray asked if the appellants had illustrations on the portion of the mine wall that would be impacted. Mr. Thomas replied that was at the southern end on the Deer Valley side. She wanted know how much of the wall would be affected. She was told that approximately 150 feet of the wall would be destroyed.

Planner Cattan recalled that the Steep Slope analysis done by Brooks Robinson and reviewed by the Planning Commission indicated that 20% of the wall would be removed. Board member Matsumoto-Gray asked if the wall was entirely contained within the Talisker-owned property. She was told that it was. Ms. Matsumoto-Gray asked if the wall or the site had any historic designation and where it was documented as historically significant. Board member White replied that the wall was historic. Director Eddington stated that a sign is posted identifying the wall as a historic site.

Board member Holmgren remarked that the City does not tear down historic walls.

Board member Kenworthy commented on Planner Cattan's reference that 20% of the wall would be removed and asked if the 20% would be from the end of the wall to the opening of the mine. Planner Cattan replied that the impact to the wall would be from the point where the road comes into the development. Looking at the wall, it would be 20% on the left-hand side.

Patrick Putt, representing the applicant, believed the calculation determined by the Staff analysis was that 20% of the existing wall length would be removed in order to achieve access on to the property. Mr. Putt stated that part of the history associated with this project goes back five years. The initial project involved a fairly different site design than the one the HPB was reviewing this evening and the one the Planning Commission approved through the MPD and CUP process. This project was originally designed on the southern end of the site closer to the portal. Through a number of public hearings for the master plan and the conditional use permit, the property owner was directed to move the project to the north, away from the portal. One reason for that recommendation was to minimize the amount of impact on the wall and to be strategic in where and how much of the wall would be removed. The Planning Commission and the public spent a lot of time discussing where the wall segment should be impacted. That was the plan before the HPB this evening.

Chair McFawn asked if there was documentation from the Planning Commission or public input regarding the public's desire at that time. Planner Cattan replied that those discussions had occurred during the MPD and the subdivision process. The plans were created based on the approved subdivision at the time as to where the lot would be located in those areas. She noted that the Planning Commission was aware of the impact to the wall.

Board member Crosby understood that approximately 150 feet of the wall would be demolished at the point where the new street would meet Marsac. If the wall is removed to accommodate the new street, she wanted to know what type of retaining wall would replace it. She thought the historic wall was a retaining wall.

Board member White referred to the streetscape and noted that the retaining walls behind the houses were not shown. Board member Matsumoto-Gray pointed out that he was looking an old streetscape from the original submittal. An updated streetscape had not been submitted.

City Attorney McLean suggested that the applicant be given time to make their presentation and address some of the questions.

Patrick Putt, the applicant's representative, introduced David Smith, Counsel for United Park City Mines, Keith Bennett, project architect, and Steve Schuler from Alliance Engineering. Mr. Putt had not prepared a formal presentation, but he would respond to a number of the points raised by the appellants and answer some of the questions. Mr. Putt appreciated the comment from the appellants that the issue was not about whether or not there should be affordable housing. Mr. Thomas and Mr. Edison have been advocates of affordable housing in Old Town and the applicant recognizes that affordable housing is not the issue. The issue is about design.

Mr. Putt remarked that the project is about fulfilling an important community obligation to provide affordable housing that was associated with the Flagstaff/Empire Pass annexation. He clarified that the 100 Marsac Avenue site was not the receiving zone for all of the annexation affordable housing. A significant amount of the affordable housing requirement is required on the Mountain and the applicant continues to move forward project by project to implement that requirement. Mr. Putt reported that a number of technical reports were associated with the development agreement for the annexation area and one of those technical reports was affordable housing. In that affordable housing report, a number of specific sites were earmarked as receiving zones for affordable housing. This was one of those pre-determined locations that had been vetted and discussed through the Planning Commission and the City Council.

Mr. Putt referred to a comment by Mr. Edison that this project would double the number of homes on Ontario Avenue. He assumed Mr. Edison was pointing out that it would be visible from Ontario Avenue and not inferring that it would be accessed from Ontario Avenue. Mr. Putt wanted the HPB to clearly understand that the development would be accessed off its own street. There would be emergency access through Ontario Court, but Ontario Court is not an access point to the subdivision.

Mr. Putt reiterated that the project has been vetted by the Planning Commission and the City Council in terms of the subdivision. A number of LMC requirements have been

reviewed, but this is really about compliance with 17 specific Historic District Guidelines. Mr. Putt believed the proposed project meets those criteria.

Mr. Putt noted that the project boundary has not changed. The boundary of the project area remains the same from the beginning to now, and an exhibit prepared by Alliance Engineering officially confirms that fact. In terms of the retaining wall, Mr. Putt referred to the site plan design contained in the Staff report that was approved for the conditional use permit steep slope review. The wall design has evolved with each successive step in the process. It began with a master planned development and a conditional use permit was approved. The next step was a subdivision approval, which resulted in minor tweaks to the site layout. A few lots were clustered together in order to save vegetation and trees. Following the subdivision approval there were meetings with the engineer, the project architect, and Staff Planning and Engineering. With each meeting attempts were made to improve the design and respond to the comments and concerns regarding the wall. Mr. Putt remarked that after the subdivision was approved there was an evolution of the wall based on a meeting that took place prior to the submittal of the HDDR. Mr. Putt explained some of the discussion that took place and the changes considered that led to the current plan for the wall. Mr. Putt was interested in having a conversation with the appellants and the Board to determine the appropriate strategy for the slope retention. To date, they have tried to respond to some of the concerns raised by the City.

Mr. Putt addressed the comments that the plan has changed and that it was different from the approved subdivision. The applicant had provided an overlay contained in the Staff report showing an overlay of the current plan, an overlay of the house site locations, and an overlay that also includes the approved subdivision. He believed the overlay is consistent with all the approvals and meets the setback requirements. Mr. Putt remarked that the streetscape Planner Cattan had shown earlier this evening was the streetscape submitted with the complete application that vested the project under the LMC and the guidelines at the time. He clarified that it was his misunderstanding about the need for an updated streetscape. He and Planner Cattan had a telephone discussion about a punch list of items she needed for the Staff report and he had asked her to put the list in writing. Mr. Putt stated that somewhere between the conversation and the letter, he missed the streetscape. It was not intentional on the part of the applicant and he was the one responsible for not following through. Mr. Putt stated that if the Historic Preservation Board deems it appropriate to update the streetscape, it would be provided.

Board member Crosby asked for the specifics of the emergency access road through Ontario. Mr. Putt replied that the road width was shown as 24 feet on the subdivision plan.

Board member Kenworthy referred to Mr. Putt's comment that the boundary has not changed, and asked when it was discovered that the half acre was missing due to the typo. Mr. Putt replied that the half acre was never missing. Planner Cattan remarked that it was highlighted through the appeal that the 1 had been dropped from the 2.17 acres. Mr. Putt explained that two numbers went into the overall acreage. Parcel A and Parcel B totaled 2.07 acres. The area of the vacated right-of-way was .12. Adding the two areas together results in 2.19 acres. Mr. Putt stated that like Planner Cattan he was confused about the discrepancy. When he looked at a 2008 City Council Staff report, it

referenced areas at 2.7 acres and he concluded that it was a typographical error. Everything from the original survey and legal descriptions reflects the same piece of ground. The acreage in the original application was 2.19.

Keith Bennett, the project architect, provided an overview of the architectural variations considered based on direction from the Staff and the Planning Commission, and how they achieved the design that was currently proposed. The direction was for a variety of development, particularly on the portion of the site that would be seen from Marsac looking up and homes that were not identical from the rear. Mr. Bennett stated that the front elevations were simplified to look similar on the six homes that face the bottom side of the street because of the massing of the roofs. The gable was eliminated to create a more historic look and be more historic with simple porch lines at the entry. Mr. Bennett reviewed a variety of roof designs, porches and balconies on specific units that provides the preferred design variation. Six elevations of the back of the house were shown differently so six homes would not be seen as identical from Marsac below.

Mr. Bennett stated that the initial intent was to have variation of materials and colors. They looked at using board and batt siding, vertical siding and horizontal siding, and limited the use of shingle shake siding to accent elements only. He noted that the homes on the uphill side were completely different from the homes on the downhill side, which achieves variety in massing because the homes are not identical on both sides of the street.

Mr. Bennett believed the design as proposed addressed the concerns raised by the Planning Commission, and accomplished what they were asked to do.

Mr. Putt clarified a point he had missed in his presentation regarding the wall. He noted that in 2008 the Planning Commission split the findings and conditions for the uphill and downhill units. In the conditions of October 22, 2008, one condition addresses slope retention that is similar for both the uphill and downhill units in terms of the wall. The condition reads, "Prior to the issuance 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." Mr. Putt was not disputing what Mr. Edison had read from the narrative in the Staff report, but he wanted to make sure everyone understood the actual conditions of approval. Mr. Putt believed that would help emphasize that the evolution of the walls resulted from a series of steps and meetings that led to the current design.

Assistant City Attorney McLean recognized that the interplay from all the approvals could be confusing. She clarified that the Planning Commission approval of the Steep Slope CUP was independent to the HDDR. The matter before the HPB related to the design guidelines and it was not tied to the CUP approval.

David Smith, Counsel for United Park, stated that he has been involved with this project for five years. He explained that United Park has an obligation to provide 118 affordable unit equivalents in connection with the Empire Pass approval. This development is a small part of that obligation. United Park has scattered affordable housing throughout projects and it has been integrated into project buildings themselves. He stated that this site was one of a small handful of pre-selected sites identified as being able to meet the

affordable housing obligation. Mr. Smith remarked that it is challenged site, but it was not a random pick. It is the site they were handed.

Board member Crosby returned to her question regarding the fire access. She understood the road was 24' wide, and she wanted to know what would happen when the road abuts into Ontario Avenue. She asked if it would be blocked with a chain and whether the road was gravel or another road material. Mr. Putt stated that they never reached the point of discussing the type of barrier. Once the appeals began, all discussion stopped. Mr. Smith stated that they had determined that it would be an all-weather surface and the road would be blocked off in some fashion. Access would be strictly emergency/fire access. It would not be a thoroughfare.

Board member Crosby asked how the retaining wall material and how it similar it would be to the existing historic wall. Mr. Putt replied that the plan before the HPB this evening did not involve a replication of the Millsite wall. Board member Matsumoto-Gray understood that the wall being proposed on the back end of the development has to be similar in appearance to the existing walls on the site. Mr. Putt remarked that the applicant was looking for direction from the HPB to help achieve compliance. He noted that Guideline #70 lists a number of preferred alternatives, as well as prohibited materials, and they would use that as guidance. Planner Cattan stated that the Staff was under the impression that the wall would be some type of boulder as shown on Sheet L3 of the Staff report.

Board member White asked about a size limitation for the boulders. Planner Cattan replied that the Staff had not given input on the size.

Steve Schuler with Alliance Engineering clarified that it would be a boulder wall, but he could not say that it would be similar to the historic retaining wall. In terms of the size of boulders, he suggested that it would probably be similar to the boulder wall at Silver Star. Mr. Schuler reiterated that they had not reached the point of discussing the specifics of the retaining wall. However, it would involve working with the geo-tech and following their recommendation.

Board member Holmgren wanted to know who gave the permission to tear down a percentage of the Mill wall. Mr. Putt clarified that the approval of the site plan to penetrate the wall in that specific area was outlined in the subdivision plan and it was approved by the Planning Commission and the City Council with the subdivision approval.

Board member Holmgren stated that the HPB set a precedent many years ago that the walls were not to be disturbed. She found it very unacceptable for anyone to say that only 20% of the wall would be removed. Mr. Putt looked to the Staff to give the HPB, the appellants and the applicant direction on that issue because the applicant was proceeding with the design of the wall as directed and approved. Board Member Holmgren thought the Planning Commission and the City Council should be made aware of that precedent. It resulted from a very heated and angry meeting and the intent was very clear.

Chair McFawn opened the public hearing and requested that the comments focus on the Historic District Design.

Bill Hummer, a homeowner of 32 Prospect and 28 Prospect Avenue, felt it was important to understand the points being discussed this evening and what they were actually doing at that intersection. Mr. Hummer stated that in hearing the word Subdivision, the first thing that comes to mind is cookie cutter houses in a suburb. They need to integrate housing that is compatible with the neighborhood; however, the design of the proposed units would not reflect the old town charm. Mr. Hummer has been coming to Park City for 30 years. He purchased a home 20 years ago primarily because of the historic charm. He built a second home so they could be more permanent in the neighborhood. Mr. Hummer remarked that the suburbs was not Old Town. As much as they may want to argue that this is not a historic site, it has beautiful old walls that go back nearly a 100 years. There are only two areas in all of Park City that still reflect the old mining section and both are on Marsac Avenue. Mr. Hummer thought they should be developing the site as more of a historic site and not as affordable housing. He noted that five years ago the neighbors made an offer to reconsider an alternative location for the ten units proposed. Not all the neighbors agreed, but they suggested that the top of Prospect Avenue might be better suited. It was open space owned by the Mine Company and was more suitable for ten affordable housing units. Mr. Smith and his associated looked at the Prospect area and rejected the idea. Mr. Hummer supported integrating affordable housing into the neighborhoods, but it should be done with good planning, good design, and good safety to make sure they are doing the right thing. Mr. Hummer used the two houses built by Habitat for Humanity to demonstrate poor design that does not fit with the neighborhood. Mr. Hummer stated that a number of mistakes were made in the 1970s and he urged the City not to make the same mistakes again. It is important to find the perfect spot to build these homes and to have the support of all the Old Town residents and build something that fits into the neighborhood versus architecture that resembles Bear Hollow.

Mr. Hummer stated that the neighbors worked with Mr. Smith and his associates for two years and one of the areas they definitely would like to see redeveloped is the historic south end of this project. Several buildings were removed and there was a commitment from United Park to bring back some of those buildings that were placed in storage and try to use them in a park-like setting. He wanted it on the record that United Park had made that commitment.

John Pool stated that his home is located on Chambers Avenue across from the proposed entrance to the project. Mr. Pool commented on the berm located between Marsac and Chambers Avenue. During the design process years ago, there were discussions with Mr. Smith regarding what could be approved and done by Talisker to improve the look of that area. Mr. Pool clarified that years ago the road was realigned and they were left with a new open unvegetated area. Some of the neighbors planted trees, but the trees died because of the salt used on the roads. Since 2008 the City has done a lot of work on the Sandridge area and he believed that his area could be incorporated as well. Mr. Pool noted that UDOT would not approve a wall on the Marsac side, but it would be possible to have a 2-foot retaining wall on the Chamber Street side to prevent people from driving and parking across the berm. He believed it would give Talisker a better look driving up the road and it would give Chambers Street more privacy from the highway. Mr. Pool noted that the landscape plan shows parts of the berm in that area but it does not show any landscaping on it.

Alan Schueler, a resident at 9 Prospect Avenue, across the street from the proposed project, commented on a number of issues. Mr. Schueler referred to the 2.7 acre discrepancy and stated that it was actually a 2.1 acre site. The 20% reduction would eliminate the two houses that would be directly across the street from his. Regarding the retaining walls, Mr. Schueler could not imagine that the HPB would approve removing a portion of the historic wall. He stated that if someone wanted to build ten individualistic house that did not look like a subdivision, they would not put them within a set of retaining walls because it emphasize that the homes are there. It is a boundary that physical shows where the ten houses are located. He pointed out that nowhere else in area has long retaining walls holding the avenues together. The homes were built and landscaped. Mr. Schueler understood the need for some type of retention when steep slopes are cut into, but the already built retaining wall does not match the Mill site wall, and the proposed walls that still need to be built would not match either. Mr. Schueler pointed out other drawbacks with having the retaining walls, including noise and echoes. He stated that this proposal was inappropriate as designed with all the interference and the walls drawing attention to the subdivision.

John Martin, a resident at 130 Sandridge Avenue, reaffirmed Mr. Schueler's comments regarding noise and echoes. He noted that 18 to 33 feet of retaining walls would create a coliseum effect. Mr. Martin stated that since 2006 the road traffic on Marsac has increased ten times. Delivery trucks are on the road at 4:00 a.m. to deliver food up the hill. He understood it was necessary, but the sound would be magnified by the retaining walls. Mr. Martin showed pictures of the historic wall and emphasized the need to preserve it. He recognized that this was a very challenged site and he appreciated that the HPB was taking the time to give it careful consideration.

Tina Smith, a resident on Woodside Avenue, stated that she has been an Old Town resident for quite a while. She agreed with all the comments regarding the retaining wall. Ms. Smith stated that this area was the corridor for open space or going out to SR224 and SR248. People coming down are leaving Park City to go into Deer Valley and this would be a vanilla development that would not compliment Park City. She likes living in Old Town because the homes are different. She understood that the applicant tried to add variation in the design, but the homes still look too much the same. She would like a development that is more original. Ms. Smith noted that currently there are 453 affordable units in Park City; 85 are rentals and 50% are owner-occupied. She believed the rules for affordable housing continually change, particularly if the City wants a project to go through. Ms. Smith reiterated her agreement with the comments regarding the retaining walls and the architectural issues. She thanked the Board for allowing the neighbors to speak and be recognized.

David Williams, a Park City resident, stated that he does not live near this affected neighborhood and he was only speaking as an interested citizen. Mr. Williams stated that his point was procedural. As he listened to the Staff presentation, he understood that the issues on this appeal were limited to issues not decided by the Third District Court. He heard both the applicant and the appellants speak to the design guidelines and whether the 1983 or the current guidelines were applicable to this project. While he appreciated the City's Legal Department opinion on that issue, it does not appear that there has ever been a judicial determination as to which historic design guidelines actually control the issues the HPB was being asked to determine. Given that fact, Mr. Williams thought a reasonable proposal was that the resolution of this appeal would be

postponed, outlined in the Staff report as the third alternative, giving the parties the opportunity to seek a declaratory judgment on this very important issue, to the extent that any Board member thinks that the outcome might be different under the 1983 guidelines versus the current guidelines. Rather than deciding this case in a vacuum or based on a legal opinion of Counsel, Mr. Martin suggested that a better approach would be to have guidance from a judicial determination. This application has already been delayed and he could see no harm in pushing the issue to know exactly what set of rules should be applied to make this decision.

Clive Bush, a resident at 9 Hillside Avenue, stated that he and his family have only lived there since 2010. He is a civil engineer by trade, which possibly gave him a different perspective. Mr. Bush noted that in a letter to the Planning Department dated 7/23/09, the applicant explained that they had gone to great lengths to make sure the project was consistent with both the older and newer homes surrounding the project. The letter also stated that the applicant had gone through several iterations to establish significant variety in architectural features and colors to create "banks" of homes. Mr. Bush pointed out that "banks of homes" was significantly different than individual homes. The letter goes on to say that the project is a remarkable achievement for affordable housing. Mr. Bush remarked that whether or not you agree with the sentiments expressed in the letter, the single overriding issue to date is the impact that the steep grade of this land would have on the ability of this project, both visually and technically. The sheer mass of retaining structures that have been part of every approval should make one second guess what has been approved thus far. The Steep Slope CUP Conclusions of Law for all units states that the proposed use is compatible with the surrounding structures in use, scale, mass and circulation. Also, that the effects of any impacts in use or scale are to be mitigated through careful planning. Mr. Bush stated that massive changes, which the applicant defines as evolution, to the height, length and mass of the retaining walls that were submitted after the Steep Slope CUP and was overlooked during the HDDR process, clearly challenges these conclusions. He believed there was substantial evidence that the Staff was given outdated and possibly misleading information regarding historic district guideline compliance. The details reviewed this evening allows for development that is clearly not compatible with surrounding structures in scale or mass that have been approved to date. Specifically, the Staff has requested updated information that was not provided until January. Without the updated information, the Planning Staff approved the HDDR without understanding that the retaining wall configurations had changed since the Steep Slope CUP. Mr. Bush outlined the changes that he believed were substantial and created significant impacts in terms of size and visibility. He indicated areas where the retaining walls shown were not in the Steep Slope CUP review plan but they were on the HDDR review plan; and other areas where changes to the walls in the plan presented this evening were not shown in either the Steep Slope CUP or the HDDR. Mr. Bush remarked that the streetscape that was provided is misleading. An accurate full-scale streetscape plan is a significant missing component of the application, particularly in this highly visible sensitive area. He believed there was overwhelming evidence that the Staff erred in the compliance review based on misleading information that was provided. The 1983 guideline #70 requires new retaining walls to be similar in color and align with existing walls where feasible. Based on what they heard this evening, not one knows how the walls will actually look or what they will be. For that reason, compliance with guideline #70 should be repealed. Mr. Bush pointed out that the proposed design does not meet compliance with the HDDR or LMC. The houses are two basic designs and the applicant calls them "banks"

of homes. Retaining walls bind the homes together. Mr. Bush stated that this was an incomplete application because plans are missing or inconsistent and the streetscape and landscape plan is inaccurate. He urged the HPB to grant the appeal and reverse the finding for compliance with the Historic District Guidelines. There were serious breaches in the design review process and errors in the findings of compliance that cannot be overlooked. Clearly, this piece of land, as evidenced by the destruction of the historic retaining wall, the construction of excessively high and long retaining walls, and the visual impact of a suburban subdivision is sufficient to show that the proposed development, affordable housing or not, is an unsuitable use for this piece of land. It should be denied and sent back to the drawing board and made to comply with the 2009 Design Guidelines.

Peter Marth, a resident at 22 Hillside Avenue, stated that he has lived in Old Town for 31 years. He felt this project was being shoe-horned into a place where it should not be. Mr. Marth clarified that he is a proponent of affordable housing, but the bigger question was whether this development is appropriate for this location. He thought it was insane to put a 10 unit Riverside County subdivision on a Steep Slope in the historic district, on a busy road where there are no food stores and no access to public transportation. Mr. Marth remarked that Marsac has become a high speed freeway and the traffic is 4 times greater than when they started talking about traffic problems four years ago. He believed this project was inappropriate for this location. He suggested that they step back and look for a different location or radically reduce the density. He thought the footprints of the homes were terrible and it looked like a cookie cutter subdivision. Mr. Marth recalled the Old Town Improvement study that was done ten or twelve years ago. The City had a specified amount of money for preserving and protecting Old Town and making it a nice place to live. It was a long process and they went to every location in Park City proper and asked everyone what they wanted to do to help preserve and protect Old Town. He read the first four item on the list: 1) preserve and protect historic rock walls and any remaining structures including shed; 2.) fix roads and sidewalks; 3) underground utilities; 4) parking structures. Mr. Marth noted that four months after the study they had a parking structure. There are no underground utilities, and they are now tearing out historic rock walls. He urged the HPB to take a step back, look to see if this project is compatible, listen the important points made by the public, and do something positive.

Chair McFawn closed the public hearing.

Chair McFawn allowed the appellants time to respond to the comments by the applicant and the public.

Mr. Edison believed the public hearing indicated the sentiment of the neighborhood, and they were counting on the HPB to help preserve the neighborhood they want. Mr. Edison disagreed with the concept of the lot size. It was approved under the auspices that it was a 2.7 lot. How it happened is nobody's fault, but when the Planning Commission reviewed the application, they were looking at it as a 2.7 acre lot. The density was based on a 2.7 acre parcel, not 2.17 acres. Mr. Edison thought the size should be at least 30% less because that is the amount of open space that will be lost and what the Planning Commission believed they were approving. Mr. Edison reiterated that regardless of how it happened, the approval was for development on 2.7 acres. He read from the 10/22 Staff report regarding the retaining structures. "Minimal retaining

structures are necessary. The four uphill units 7 through 10 have boulder retaining walls of less than four feet in height behind the units. The downhill lots 1 through 6 also have four to five foot high walls between the buildings. The vehicular turnaround will also require a retaining wall approximately 18' high in the east hillside proposed to be separated by two 9' high walls with landscaping between the tiers. Buildings are placed into the hillside with natural grade remaining along the sides of the buildings with the exception of the small boulder walls to help maintain existing grade." Mr. Edison stated that now that they are seeing what it looks, he could not understand how anyone could believe that the plan is consistent with the Staff report. Even if it is 50% accurate, he questioned whether anyone would want that view in one of the most prominent spots in Park City. Mr. Edison believed they have the ability to change that and he hoped the HPB would support the neighborhood and help to get it right.

Jamie Thomas commented on Board member Crosby's question about the fire access on Ontario Court. He believed there was a misperception in terms of the Third District Court ruling. He noted that the design of the project hinges on a secondary access. Because the new road for the subdivision is 150 feet long, a secondary access is required. Ontario Court was the path of least resistance and they were told that it would be the secondary access. Mr. Thomas clarified that Ontario Court is private land. The road is 12' wide at the entrance. There is a kink on one portion of the road where a fire truck would high side during inclement weather. Mr. Thomas noted that a traffic study was not done to address the health and safety of a fire truck trying to get up Ontario Avenue to service ten houses. Mr. Thomas stated that the residents were told by the City that they were required to build Ontario Court on their own without City help. They built a dry fire line, which was to install a pipe that goes back to a hydrant on Ontario Avenue for the fire truck to plug into because a truck cannot get up the road. Mr. Thomas reiterated that a traffic study was not a priority for the City at the time. He believes they were all clouded by the romance of affordable housing and they are now starting to see the problems. Mr. Thomas stated that there was never an objection to the subdivision. The issue that went to Third District Court was whether they had the right to access the Ontario Court property.

Regarding the density, Mr. Thomas believed the difference between 2.7 acres and 2.17 acres was significant. He disputed a comment by Planner Cattan that 10 houses was a reduction in density because 50 units would be allowed. There are two parcels and the applicant could have two homes; one on each parcel. In trying to rationalize 2.7 and 2.17, the fact remains that all the approvals were based on 2.7 acres. Talisker sat back and watched the approval process on the misleading number without saying anything, but in the end, no one can dispute that the approvals were based on 2.7 acres.

Mr. Smith stated that Talisker has an affordable housing obligation that they take seriously. The requirements is 118 AUE's to be constructed and provided for affordable housing, some of which has been identified to go in Old Town on a limited number of pre-selected sites. He agreed that this is a challenged site. Mr. Smith took issue with the notion of misrepresentation and misleading being hoisted upon the Planning Commission and City Council. This has been a very difficult process. He has attended countless public meetings on this project and the process had included public hearings, long deliberations, input from the appropriate public body, from Staff and from members of the public, meeting with members of the community in their homes, and taking all of that feedback and re-working the plans for this project. Mr. Smith stated that this

application was not jammed through. The issue of the walls was heavily vetted at every turn and the changes made to the project throughout the process were expensive. What the HPB was seeing for the first time is the end result of that very long process. Mr. Smith emphasized that they went to great lengths to be responsive throughout the entire process. This was a carefully, thoughtfully vetted project that today, in its current form, has very little resemblance to where they started with the original submittal. Mr. Smith stated that this was their effort to comply with the affordable housing requirement and they believe what they have submitted meets the requirements. He took great umbrage of the idea that they have been engaged in some misrepresentative process, considering the multiple levels of review this project has undergone. Mr. Smith pointed out that people always support affordable housing until it appears in their neighborhood. He understands that, but a small portion of their affordable housing requirement is mandated to be in Old Town and that is what they were attempting to do.

Planner Cattan she noted that the approved set of drawing was based on a site plan dated January 7, 2009. That site plan was included in the Staff report as Exhibit C. She clarified that the Staff site plan that was received in January 2013 with the re-submittal was the same site plan, so it was not the first time the Staff had seen it. It was the same site plan connected to the approval and the retaining walls were included at that time.

Board Member McFawn stated that based on his experience on the Board regarding the 1983 Guidelines versus the 2009 Guidelines and how it gets applied, has been that the application is submitted and typically elements get refined over time. The general policy has been that if the application was submitted prior to 2009, the 1983 Guidelines apply.

Assistant City Attorney McLean clarified that the HPB review is a de novo review which means they look at it new without giving any deference to Staff. The Staff made a determination that the application was complete. If the Board agrees with the Staff determination that the application was complete as of August 2008, they should apply the 1983 guidelines. If they disagreed and find that the application was not complete in 2009, they would make a finding to that effect and either make a determination of when it was complete or if it was still incomplete. The vesting date is based on the date of the complete application.

Chair McFawn stated that he personally views the application as complete, but the Board needed to discuss the elements and come to a decision. He requested comments from the Board members regarding the 1983 versus 2009 guidelines and the Ontario wall.

Assistant City Attorney McLean stated that she had looked through the HSI inventory during the discussion this evening, and she could not find the Ontario Wall listed on the inventory as a historic site. The design review is limited to what was submitted. The HPB could condition that nothing authorizes the demolition of the wall if it is determined to be historic. At that point it would need its own process if was not already identified as historic on the inventory. Based on the LMC, the protections afforded to historic site are only those sites that have been placed on the Inventory.

Chair McFawn understood that the options before the HPB was to either request additional information and vote for a continuance, deny the appeal and uphold the Staff

determination, or grant the appeal in whole or in part. He noted that the HPB also had the ability to place conditions on specific elements.

Board member Holmgren was very concerned about the retaining walls and the sound effect of noise bouncing off the rocks. She lives on Park Avenue and when the traffic was moved to Deer Valley Drive it greatly improved quieting the noise on Park Avenue. Board member Holmgren asked if it was necessary for the walls to be so high. She also had concerns with the visual aspect since no one knows what the walls will look like without an accurate streetscape and landscape plan. Board member Holmgren emphasized her opposition to removing any part of the Millsite wall regardless of whether or not it is considered historic.

Board member White was uncomfortable with impacts of the retaining wall. He thought the applicant owed a streetscape that adequately depicts what the wall would look like. He believed they would be surprised at the size and height of the walls that would surround this project. In looking at the streetscape provided, Board member White could see a group of buildings that were all the same size. They applicant could revise the elevations, but the scale and massing of the buildings were still the same. He preferred to see more variation. Board member White shared the concerns regarding the historic wall.

Board member Matsumoto-Gray stated that she favored affordable housing and she would like the affordable housing project in that location. She appreciated all the input and presentations and thanked everyone who participated. On the issue of the 1983 versus the 2009 Guidelines, from all evidence presented she could accept that the application was complete in August 2008. However, she thought it was worth looking into further. Board member Matsumoto-Gray stated that the HPB would not be addressing the 2.7 versus 2.17 acres because it was outside of their purview, nor would they be addressing traffic and safety. They could talk about the historic walls, and in her opinion, those walls absolutely must remain intact and be preserved in every way. She thought the walls were a great opportunity to enhance a project on that site. Board member Matsumoto-Gray agreed that the information on the new retaining walls was limited, but in looking at the information she had, the walls did not fit the neighborhood. This is not a neighborhood that is characterized by retaining walls and houses set back into the mountain, and that was a good point made during the public hearing. It does not fit into the design and in addition to being overwhelming, it appears to be inconsistent with the historic walls.

Board member Matsumoto-Gray stated that a major issue for her is the cookie-cutter nature of the design. Any time an applicant describes how a design is not identical, they are clearly pointing out how the design is more alike than different. That is not the intent of the diversity requirement and it does not meet the expectations in Old Town.

Board member Crosby thanked the public for their input. It is important to hear aspects that she had not taken into consideration. She apologized to both the applicant and the appellants for the length of time this had dragged on. She appreciated the time, effort and expense that both sides have incurred since 2008. Board member Crosby was in complete agreement that the historic wall should not be touched. She was uncertain about the new retaining walls and thought a streetscape showing the retaining walls would be helpful and important. From what she could see on the information provided,

the walls look like a tsunami coming down on this neighborhood of homes. She was interested in seeing different rooflines incorporated into the design of the homes. Board member Crosby was comfortable with the scale and the massing of the homes. She noted that the house 1 looked identical to the house 4, with the exception of a slight change in the roof design and the horizontal siding. Except for siding variations, houses 2 and 5 look alike, 3 and 6 look alike, 7 looks like 9 and 8 looks like 10. Board member Crosby wanted to see more variation in the homes to represent the diversity that is seen throughout the historic district. She thought the project could be overwhelmed by the massing, size and height of the retaining walls. The composition of the walls should compliment what is already there historically.

Board member Kenworthy thanked the public for their comments. He noted that the HPB meets regularly and the public is encouraged to attend those meetings and provide comments on issues that do not involve affordable housing in their neighborhood. He extended a great thank you to United Park City Mines because the HPB supports work force housing. It is a complicated process and the amount of money required to design an affordable housing project is astronomical, particularly on this difficult site. With that being said, Board member Kenworthy thought the design of the homes and the overall development lacks the diversity that preserves the Old Town charm. Demolition of the historic wall was extremely troubling, especially when considering that future development of the land could include the historic significance of the mine opening, the mill and the buildings that existed at the time. Board member Kenworthy felt that the design for both the development and the cookie-cutter homes did not fit Old Town. Regardless of which guidelines apply, he would have to grant the appeal based on the design. The role of the HPB is to make sure that projects in Old Town are designed to reflect the preservation of Old Town in all aspects. Board member Kenworthy preferred to take a vote this evening rather than linger the process.

Board member Bush thanked the public for their comments and insight. He also concurred with the comments by the other Board members. Mr. Bush was unsure whether the application was not complete or whether the Staff erred in deeming it compatible, but either way, the project did not comply then and it does not comply now. He had issues with the retaining wall and most of the houses look almost identical. Mr. Bush stated that an accurate streetscape is fundamental to their approval and from what the streetscape presented, there is no correlation to the topo plans at all. He did not believe the application was complete and he was unsure how anyone could say it complies.

Chair McFawn thanked the applicant, the appellants and the public for their time and comments. He also appreciated those who did not speak but came to listen.

Chair McFawn echoed the comments of his fellow Board members. In his opinion, the application looked complete per the 1983 guidelines. However, the HPB has the advantage of looking at things de novo and they have the purview to add additional requirements and conditions. He believed there could be more creativity with regards to the homes to add more originality. The consistent phrase this evening was cookie-cutter and he sees that as well. Chair McFawn had concerns with the impacts related to the retaining walls. He understood the process and how things are always changing, but addressing the issues throughout the process results in a better project. It is ongoing and for that reason an application can be complete but not final. Chair McFawn had

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concerns with whether the new wall was the most minimal it could be and whether it blends with the historic wall that the Board intends to save.

Chair McFawn thought it was time for the Board to make a decision on taking action. He reiterated the options as stated earlier and listed in the Staff report.

MOTION: Board member Kenworthy made a motion to grant the appeal. Board member Matsumoto-Gray seconded the motion.

Chair McFawn asked if granting the appeal included all the points of appeal contained in the Staff report. Ms. McLean stated that she could summarize the reasons that were articulated during the meeting. A motion was on the table and the HPB could vote on that motion. If the vote were to carry, the Board would direct the Staff to come back with findings of fact and conclusions of law.

The Board discussed process and the best way to enumerate the points they agreed or disagreed with. Director Eddington noted that four or five points had requested discussion by the HPB. He believed those had been addressed in their discussion and comments. He suggested that they articulate their comments on those points.

Ms. McLean stated that the HPB could give a show of hands on each point and put together a motion based on each of those points. She believed that was a better approach than trying to make a motion and vote on each one individually. She pointed out that the overall question was whether or not to grant the appeal.

After further discussion, the motion on the floor was tabled.

Patrick Putt stated for the record that the applicant would withdraw this application based on the discussion, comments from the public, and deliberations of the Board, they would reapply under another concept based on the input received.

The meeting adjourned at 8:11 p.m.

Approved by _____
David McFawn, Chair
Historic Preservation Board

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF MARCH 20, 2013

BOARD MEMBERS IN ATTENDANCE: Dave McFawn – Chair; Marion Crosby, Puggy Holmgren, John Kenworthy, David White

EX OFFICIO: Thomas Eddington, Katie Cattan, Anya Grahn, Polly Samuels McLean, Kirsten Whetstone

ROLL CALL

Chair McFawn called the meeting to order at 5:06 p.m. and noted that all Board Members were present.

PUBLIC COMMUNICATIONS

Ruth Meintzma a community member residing at 305 Woodside Avenue made a general comment on notification signs and posting in old town. The steep grade of streets such as Woodside Avenue make it hard to post where the details of the sign are easy to read. Ms. Meintzma suggested something to draw more attention to the signs themselves; such as the neon flags used in construction, or a solar light that would illuminate the sign at night so people could see them at night. She cautioned that she often times sees signs up for weeks after the deadline dates. Chair McFawn requested that this item be brought back to the Board for discussion at a future date.

There was no additional public communications.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

Planning Director Eddington reminded the Board of the upcoming CAMP training that was scheduled for June 14.

Board member White disclosed that he would need to recuse himself from the appeal item for 505 Woodside Avenue as he is the architect on record for the project.

Planning Director Eddington announced that Chair McFawn has submitted his resignation from the Historic Preservation Board and that April 3 would be his last meeting with the Historic Preservation Board.

Board member Kenworthy disclosed that he lives at 214/220 Woodside Avenue.

REGULAR MEETING – Discussion, Public Hearing and Possible Action

505 Woodside Avenue – Appeal of Historic District Design Review
(Application #PL-13-01842)

Chair McFawn reminded the Board that the appeal before them will be heard Di Novo or as if they were looking at the Design Review for the first time.

Chair McFawn reviewed the process for hearing the appeal; Staff will introduce the item, the Board can ask questions of Staff members, the Appellant can make a presentation or comments, the Board may then ask questions, the Applicant may present or comment, the Board may ask additional questions, then the Board will open up for Public Comment, Board discussion, and Action.

Planner Whetstone introduced the item as an appeal of a Design Review that was approved for 505 Woodside Avenue. This Design Review is a new application. There was a previous Design Review submitted in 2009 that was withdrawn. This application was submitted in September, 2012 and falls under the purview of the current Land Management Code and Design Guidelines. The application is for an addition to the rear of an existing historic structure on a Significant site. In the front of the property the applicant is requesting to change the retaining wall to mimic the low, historic retaining wall instead of the current modern retaining wall present.

Staff approved the proposed Design Review on February 4, 2013. On February 13, 2013 Staff received an appeal. The appeal received was a one page appeal that protested that no Steep Slope Conditional Use Permit was required on this lot. Since this was a matter of the interpretation of the Land Management Code this portion was scheduled to be heard before the Planning Commission on March 27, 2013. The appellant then supplemented their appeal on February 27, fourteen days after the original submittal, with the items that are before the Historic Preservation Board tonight.

Planner Whetstone covered a presentation that gave an overview and analysis of the appeal points. She showed the existing modern retaining wall that was not historic retaining wall. She clarified that the existing tree was actually within the city Right-of-Way and is subject to the City Arborist as to whether the tree can be removed. The applicant is request to remove the non-historic existing additions and then add a new rear addition. She showed the proposed site plan that showed the flat roof transition to the main addition with the parallel roof pitch to the historic structure.

Staff addressed each point of the appeal:

The HDDR Application was Incomplete. Staff reviewed the survey that was submitted and prepared and certified by a licensed surveyor and provided that analysis in the staff report.

Steep Slope CUP Planning Commission Review was not performed. The interpretation of the Land Management Code is under the purview of the Planning Commission and will be brought before them on Wednesday, March 27.

Engineered Retaining Walls > 6ft are required in Front Yard. The appellant believes that the retaining walls will be required to be 6' but Staff has not yet received an Engineering that states that. The applicant is moving forward with the intention of a 4' rock stacked walls even if it requires two tiers of walls to attain the height needed. Chair McFawn clarified that this issue would be outside the scope of review for the Historic Preservation Board. Planner Whetstone agreed that the Planning Commission will discuss the retaining walls on the 27th but the Guidelines does discuss the design aspect of low historic retaining walls. The retaining walls will additionally be addressed at the building

permit stage. If an Engineer requires a 6' retaining wall the applicant would be required to apply for an Administrative Conditional Use Permit prior to constructing the wall. Board member Crosby asked if this was regarding the area with the tree in right-of-way. Planner Whetstone stated it was that area and that the retaining wall was on the street side of that tree.

Significant Vegetation must be shown on plan and preserved. There was a tree in the rear of the lot that had not originally been shown on the site plan. The tree was added to the site plan prior to Final Action. All vegetation has been outlined on the plans with notes regarding the preservation. The Order presented in the staff report would require that Staff add to Condition of Approval #6 that reads "requiring an updated survey to identify all existing significant vegetation by type and size for inclusion on the final landscape plan required to be submitted with the building permit application and to specify that none of the large evergreen trees on the property or in the City ROW will be removed unless required to be removed by the City Arborist and that all existing significant vegetation, including that on adjacent lots shall be protected from disturbance during construction and the method of protection shall be approved by a certified Arborist."

Historically Significant Site/Building requires Historic Preservation Plan. The applicant did submit a Preservation Plan and it identified the significant vegetation. The applicant also submitted a panelization plan that was specifically not approved with this design. By Code a panelization requires an exploratory demolition to find out more information before they can get an approval for disassembly and reassembly as that method of preservation is not ideal in Park City. An approval for this method would require a Determination of unique circumstances by the Planning Director and Chief Building Official. This Determination may be appealed at time of Action.

Approval allows for illegal demolition of entire structure except for 3 walls. Staff determined that the addition to the front of the building was made within the historic period of the structure and that the addition is historically significant to the Site. There were additions that took place in the rear in the 1940s. The Guidelines allow that those non-significant additions may be removed. The applicant was also approved to remove and reconfigure existing decks and patios.

Historic Buildings (sic) Structure and roof forms are not being preserved or retained. The applicant is proposing to retain the historic roof form of a cross wing variant roof form. Where the addition that is being removed is where the new addition is proposed with a flat roof transitional area in between.

Universal Guidelines #1 and #2 were mentioned in the appeal; using in the site as a historical use and retaining the historic features that hold historical significance and make sure that they are maintained. Staff clarified that the site is proposed as a single family dwelling which is a historical use. Planner Whetstone further clarified that the historical portion of the site, the front addition and original historic structure, would be kept in its original form.

Staff found compliance with Guideline D.1.4 which states that there must be a “clear transitional element between old and new”. This transitional piece would be the flat roof portion separating the historic structure from the new addition.

The new addition is located approximately 31 feet behind the front façade and complies with Guideline D.1.2 in that it is visually subordinate to the historic structure when viewed from the public right-of-way. Staff stated that the proposed addition would be visible from a 6’ tall person standing in the right-of-way but that the addition would not be obtrusive or overwhelming to the historic structure.

Staff reviewed the application for compliance with all applicable guidelines, including but not limited to; site plan, primary structure, parking and driveways, additions, exterior lighting. These items were found in compliance or addressed in the approval with Conditions of Approval as outlined in the staff report.

Planner Whetstone reiterated the actions available to the Historic Preservation Board in regards to the appeal; deny the appeal and affirm staff’s determination of compliance either wholly or partly, grant the appeal and reverse the determination of compliance either wholly or partly, or the Board may continue this discussion if there are items the Board wishes to be addressed.

Chair McFawn asked, regarding appeal point #5, if the CAD process was for the additions that were done in 1940s or the historic mining period. Planner Whetstone clarified that a CAD was a certificate of appropriateness of demolition for historic structures. In order to qualify for demolition through this process a structure must be historic. Planning Director Eddington noted that additions made outside of the historic period would not require a CAD because those portions of the buildings are not historic.

Chair McFawn opened the floor to the appellant.

The appellant, Lawrence Meadows, and owner of the adjacent property located at 515 Woodside Avenue raised a procedural question to the legal counsel. Mr. Meadows felt that the appeal policy was illegal as he has been noticed to be put through two appeals. Successive appeals violate the Utah Municipal Land Use Development Act. The City should be aware of this because of Love vs PCMC in July ruled that Mr. Love was, in fact, subjective to an illegal procedure. Mr. Meadows felt that he was being subjected to the exact same illegal procedure. He requested that the Ombudsman submit an advisory opinion which he was submit as Exhibit A to the Board. He asked that the Ombudsman provide not only an opinion on the complaint but also to provide an opinion on the process as the Land Management Code does not provide any bifurcation process for an appeal. Mr. Meadows felt the act of having to go to two separate boards and describe the same issues was arbitrary and capricious. The Historic District Design Review, by its nature, has to incorporate the Land Management Code. In the opinion of Mr. Meadows 505 Woodside should have been processed as a steep slope lot. Mr. Meadows suggested that the appeal hearing be postponed indefinitely until such time as the Ombudsman renders their opinion to avoid problems. City Attorney Samuel-Mclean indicated to Mr. Meadows in an email, where he asked the same question, the advice is that the hearing can proceed as they are not success appeals, it is that they are separate issues. The Historic Preservation Board does not have the jurisdiction to

determine whether a Steep Slope Conditional Use Permit would be required. That is a matter that is under the jurisdiction of the Planning Commission under 15-1-18(A) "Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E)." Mr. Meadows would not be arguing the same matters in front of both boards. The Historic District Design Review argument would be made before the Historic Preservation Board and the Planning Commission would address the Steep Slope and any other Land Management Code issues.

City Attorney Samuel-Mclean gave the example of a Conditional Use Permit and a Plat Amendment those appeals would go to different bodies as they are different applications because different bodies have jurisdiction over different matters. Mr. Meadows argued that in that example there were two applications but he is only appealing one application and that he was seeking clarification.

Chair McFawn stated that the appellant has requested the clarification from the Ombudsman but the Historic Preservation Board with regards to Historic District Guidelines. The Board does not review or make judgment on items that are under the purview of the Planning Commission and the Board will not be covering or discussing any of those items today. Chair McFawn recommended hearing the item today, the appeal items pertaining to the Historic District Design Guidelines.

Mr. Meadows disagreed with that direction but proceeded with his presentation. The largest issue he had is that of procedure is the standard of review and that not every applicant is treated fairly due to the fact that the Guidelines is written in such a way that it is subjected to individual interpretation. He was upset that a Historic Preservation Board member was found to be working for the applicant.

Mr. Meadows built three houses that abut the subject property, each of those properties were required to go through a Steep Slope process, but 505 Woodside did not.

Two years ago Mr. Meadows appealed a Design Review on the same property where the applicant submitted misrepresenting information. Planner Whetstone clarified that this was a previous application and is not part of the current proposed plans. Chair McFawn urged Mr. Meadows to keep his comments focused on the current application as that is all that the Board could hear.

Mr. Meadows raised an issue with notice as he stated that the applicant hid the notice signs behind a garbage can and he claimed three months later in the snow the sign was still hidden behind a garbage can. Planner Whetstone stated that the second photo shown was of the first notice period sign was not picked up and was approximately 30 days old. Mr. Meadows agreed with the public comment provided by Ms. Meintzma at the beginning of the meeting and stated that signs needs to be more visible.

The appellant felt the Design Review application as incomplete because the survey has inadequate topographic contour lines, inadequate spot elevations for existing structure and existing retaining wall, and has misstated elevations on the survey. The preservation

plan is not viable and Mr. Meadows wondered how a Design Review could be approved without such a plan in place. A lack of that information on the survey should deem the application incomplete.

Mr. Meadows stressed his concern to preserve the mature pine tree in the front city right-of-way. He estimated that the roots of the tree came up to approximately 5'9" above the road which meant that the applicant would not be able to build a retaining wall under 6' in that area without having to remove or displace the tree. The retaining walls are significant because the applicant wants to take them down and make them smaller – pine tree in the right-of-way is one foot above the wall.

The appellant felt that a lot of the issues regarding protection of the vegetation had been addressed but the one tree left off in the Northwest of the lot is protected by a view shed easement. Mr. Meadows thought it was intentional that the applicant left the tree off the plans. He wished to know what type of loss mitigation would be put into place, especially with the trees in the right-of-way.

Mr. Meadows showed a copy of the applicant's survey zoomed in along with the site plan. He pointed out that the survey did not depict the wall height of the existing wall on the survey. The Architect drew the wall dimension on the site plan and that the information was misstated as 4' when in reality the retaining wall height is approximately 5'9".

The appellant referred to page 16 of the packet, serial appraisal top, the square footage 1265 square feet and the date is 1949. The following page is the footprint of the house that would have been sketched out by the tax assessor shows a 135 foot root cellar as well. The staff report only reflects that the historic structure is only 990 square feet. He contested that the whole building as shown on the 1949 tax records was historic, which shows approximately 1400 square foot footprint, as was stated in the Historic Sites Form. Deviation from the Historic Sites form would violate the inventory and preservation process.

On Page 108 of the packet, Mr. Meadows showed the rear elevation as it is today. He then compared the 1949 tax records and showed that the rear elevations are the same. He did not understand why Staff would allow the demolition of historic material. He pointed out the sliding standard of review as a neighboring property at 543 Woodside Avenue was forced to keep an accessory building at the rear of the lot while the current applicant has been approved to remove a root cellar that is shown on the tax information from 1949.

Mr. Meadows referred to page 106 that states that disassembly and reassembly guidelines will only be considered as a last resort of preservation. He felt that this building was habitable and should not qualify for disassembly.

Mr. Meadows stated the Code requires a CAD for all historic structures and the rear additions are listed on the 1949 tax records and are therefore historic. He did not feel that Staff was applying the Code as written.

The appellant questioned the flat roof form that was proposed to be used a transitional element. The Land Management Code allows for flat roof pitches if it meets the definition of a green roof but the Historic District Guidelines do not allow for flat rooftops. He argued that the more restrictive of the two Codes should apply in this case.

Mr. Meadows was disappointed that Staff did not require a rendering or model of the proposed project during the approval process.

Chair McFawn asked that the appellant wrap up his presentation as he had addressed his six appeal items. Mr. Meadows felt he was being cut off and being forced to take the matter to third district court. He did not agree with taking some of this items of appeal to Planning Commission and having the appeal bifurcated.

Discussion ensued over the appellant's letter dated on March 18 as to which appeal items were under the purview of the Historic Preservation Board and could be ruled on by that Board. It was agreed that the Planning Commission should be the ruling body for the Steep Slope issue. The design aspects of retaining walls can be discussed by the Historic Preservation Board but if the walls are required to be over 6' should be Engineered and approved through an Administrative Conditional Use Process.

Mr. Meadows argued that the Code requires that the health of the existing vegetation be established by a certified arborist and that a loss mitigation protocol be agreed upon prior to construction. Planner Whetstone clarified that a landscaping bond would be required at the time of the building permit. There would additionally be a historic guarantee bond on the historic structure at that time. The construction mitigation plan done through the building permit would address any significant vegetation at that stage. Mr. Meadows concern about the trees was an issue at this stage and he wanted to be assured that the Planning Staff will review and address it. He was not comfortable as an adjacent property owner to wait to see what would happen through the permitting process. Board member Holmgren stated that the site plan included for review to the Historic Preservation Board did identify the vegetation to be saved.

City Attorney Samuel-McClearn expanded on the subject of the ability to panelize the historic structure. The process would be for the Chief Building Official and Planning Director should review the questionable historic materials and make a Determination in terms of whether or not the house or materials should be preserved and how those materials should be preserved. That Determination can be appealed upon such time as when that Action takes place. Planning Director Eddington further clarified that a panelization of the historic structure has not been approved with the current Design Review before them.

Chair McFawn stated that the submittal by the applicant included panelization but the appellant is arguing that the Guidelines do not consider that a common or preferred form of historic preservation. Staff has not approved or denied a panelization at this time and that it would require further exploration and action. Mr. Meadows argued that the application cannot be considered complete without a Preservation Plan and the plan that was submitted included a request to panelize the historic structure. Chair McFawn clarified with Staff that the application contained a preservation plan, that the preservation plan indicated a panelization, and that the HPB is not addressing the

panelization at this time. He further asked Planner Whetstone why the panelization was not before the Board at this time. She responded that Staff did not have the information necessary in order for the Chief Building Official and Planning Director to make a Determination. That information would be required prior to the issuance of a building permit. Board member Crosby identified that the appellant would then have the ability to appeal that Determination at that time. Mr. Meadows felt that would be a successive appeal.

The appellant added additional argument in regards to the flat roof transition element in the fact that it would produce a structure that is not compatible with the current streetscape. The house meets the height limit of the zone but it seems significantly higher than the surrounding structures. Planner Whetstone explained that might be caused by the change in grade that happens along the street.

Jerry Fiat, representing the company that owns the property located at 505 Woodside Avenue, address the Board. He gave background on the process. In 2009 Mr. Fiat hired Architect David White to work on the project for 505 Woodside. Originally he wished to add a side yard garage. The application for a Design Review was approved and appealed by Mr. Meadows. The applicant then withdrew the application. During that time the appellant received an Ombudsman opinion that stated that with erroneous information submitted that is deemed that Design Review incomplete and therefore that application would not be vested under the previous Land Management Code or Guidelines.

The applicant welcomed any constructive criticism or changes the Historic Preservation Board wanted to see in the approval but that the he would oppose upholding the appeal and not allowing the addition to be built.

Chair McFawn opened the floor to the public and asked that they state their name and address for the Board. The public hearing was closed not having any comment regarding the information.

The appellant added that he was not anti-development and that he wanted to see the applicant be able to build an addition that was sensitive to the neighborhood and preserved the existing vegetation and streetscape.

Board member Kenworthy reviewed the information that was submitted and the discussion provided and stated that he would find the application to be complete. The Board has to rely on the processes set out before them and is aware that the building process is sometimes a moving target that plans may change and evolved throughout that process.

Board member Crosby was hearing two arguments coming from the appellant; that the application is not complete, and that he simply does not like some aspects of the design. From the information before her she deemed the application to be complete but she did however have extensions to the approval dealing with the applicant accommodating some design concerns.

Board member Holmgren agreed that the application is complete with the information that the applicant provided. She did not wish to discuss the issue of the Steep Slope Conditional Use Permit as it was the purview of the Planning Commission and not something that the Board could consider. She additionally found that the retaining walls were to be addressed outside by Staff through the Administrative Conditional Use Permit if necessary. Vegetation has been shown on the plans. In regards to the panelization issue she remembered when the City started phasing away from that preservation method because it was more effort than it was worth. She required additional time to review the matter of the historic structure and footprint before drawing a conclusion on that time. She liked having the transitional flat roof line.

Chair McFawn thanked the appellant for the well thought out discussion items. He concurred with the other Board members with the application being complete and the CUP item should be under the purview of the Planning Commission. He did not believe the panelization was approved at this point and that it would be further addressed by the Chief Building Official and Planning Director. One of the goals with the new Guidelines was to clearly delineate the original historic roof line from the new addition using a transitional element. This is a universally excepted historic preservation method to delineate the old and the new elements of buildings. He requested discussion from the Board on some of the Design Guidelines that were raised in the appeal.

Board member Holmgren referred to page 34 and raised the issue of the streamline. She realized that the street grade may create issues but what is seen on the streetscape is that the proposed building is above the streamline and would like the applicant and Architect to make that element more compatible with the surrounding structures. Chair McFawn wished that to be address in an additional Condition of Approval that create a roofline more compatible to the structures surrounding it per the Guidelines. Planner Whetstone stated that the staff did put a Condition of Approval on the rear peak height of the roof. Staff suggested having the applicant provide an updated streetscape.

Board member Kenworthy wish to have more discussion regarding the proposed retaining wall and the tree in the City right-of-way. Chair McFawn replied that the staff provided feedback on the protection of the vegetation on page 7 of the packet in the first full paragraph. He suggested an Engineer review the submitted plan for the retaining wall and also have a certified arborist to examine the tree in question. Board member Kenworthy felt the applicant was open to and sensitive of the preservation of the vegetation. Planner Whetstone asked if the Board wanted to make that a Condition of Approval at the building permit stage or if the Board wished to review that and see if it is consistent with the Guidelines. Board member Kenworthy preferred the review take place sooner rather than later in the process. Chair McFawn agreed with Board member Kenworthy. Board member Crosby asked what the timeline would be for a certified arborist to evaluate the health of the trees. Planning Director Eddington replied that typically that as the applicant comes in for a building permit those plans are reviewed by the Planning department again. At that time the applicant would submit the information provided by a certified arborist. Additionally a landscape bond would be required to ensure that vegetation is protected. Staff can revise the Conditional of Approval for the mitigation plan to make higher standards to ensure that the engineer for the retaining walls and the certified arborist talk to find the best solution for preservation of the tree within the right-of-way.

Board member Kenworthy was comfortable in creating a motion to Deny the appellant's request for a reversal of the Planning Staff's decision to approve the HDDR application at 505 Woodside Avenue as amended. The Board was concerned regarding the issues discussed above and wanted Staff to prepare Conditions of Approvals to address those issues. Chair McFawn particularly wanted to be able to see a visualization of a revised streamline.

The Board discussed whether to Deny the appeal in whole or partially or to continue the item. City Attorney Samuel-Mclean wanted to know if the Board wanted to add Conditions of Approval or to review the materials in question; streamline of streetscape and communications between an engineer and certified arborist. Board member Holmgren wished to review the updated streetscape. That was the largest concern that Board member Kenworthy had. Chair McFawn wanted to see a written Condition of the communication plan and the preservation guarantee of the vegetation in the front right-of-way.

Planner Whetstone reiterated that the Board is asking Staff to additional information so that the Board can make a determination on how the addition complies to the Guidelines in respect to the visual from the street and that is subordinate to the existing structure.

Chair McFawn wanted to be fair to all parties in regards to continuation and that the Board should consider that sensitively. City Attorney Samuel-Mclean felt the most ideal remedy would be to come back to the Historic Preservation Board prior to April 10. Planning Director Eddington said that the Board could meet on April 3. Board members agreed that they could attend. Legal Counsel offered choices as to action. The Board can Deny the appeal in part; all aspects of the appeal are Deny with the exception of those items that you want more information on. Chair McFawn felt that was the general course of action.

Chair McFawn asked that the appellant be provide with the updated streetscape as soon as it is available.

MOTION: Board member Kenworthy moved to Deny the appeal of the Historic District Design Review of 505 Woodside Avenue in part; items 1, 3 (with conditions) 4, and 5. Appeal item 2 is not being reviewed by the Historic Preservation Board as it is not within the body's purview. The Board directed Staff to return to the Board on April 3, 2013 with information regarding; written plan for review and approval of the proposed retaining wall by an engineer and signed off by a certified arborist to guarantee the preservation of the tree in the City right-of-way and that Staff will provide an updated streetscape plan to show the proposed streamline. Board member Holmgren seconded the motion.

VOTE: 4-0. Motion carried unanimously.

Board member Holmgren questioned whether it was standard practice to allow an appellant to supplement appeals with new argument statements outside of the appeal deadline. City Attorney Samuel-Mclean answered that the Board of Adjustment has said that in the past that if the appellant provides supplemental information that the appellant body should review that information. She believed there was more flexibility permitted in these Quasi-Judicial reviews. In this case in particular many of these items weren't new

on the 28th, they were brought up during the Design Review process. The Land Management Code does state that the appeal should cover all of the main arguments of the appeal. Chair McFawn did say that this Board is historically more flexible. Board member Holmgren offered a personal opinion that she found some things to be unacceptable and inappropriate in the appeal and those were comments about David White.

Board member Kenworthy added that he had never seen the previous appeal and is review this application on its merits alone.

MOTION: Board member Holmgren moved to adjourn the meeting. Board member Crosby seconded the motion.

VOTE: 4-0. Motion carried unanimously.

The meeting adjourned at 7:03 p.m.

Approved by _____
David McFawn, Chair
Historic Preservation Board

Historic Preservation Board Staff Report



Subject: 101 Prospect Avenue
Author: Anya Grahn, Planner
Date: April 3, 2013
Type of Item: Historic District Grant
Project Number: PL-13-01837

Summary Recommendations

Staff recommends that the Historic Preservation Board (HPB) review the request for a historic district grant and consider awarding the applicant a portion of the costs associated with restoring two (2) basement windows, as well as replacing structural elements in the attic level located at 101 Prospect Street.

Description

Applicant: Doug Cotter (owner)
Location: 101 Prospect Street – Landmark Structure
Proposal: Historic Grant
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-family dwellings, open space
Redevelopment Area: Main Street

Background

According to the 2009 Park City Historic Sites Inventory (HSI), the main and accessory structures at 101 Prospect are historically significant as a Landmark Site and are eligible for the National Register of Historic Places (Exhibit B). The accessory structure was built circa 1894-1930 and is associated with Park City's Mature Mining Era.

In 2007, the applicant was granted approval for the Prospect Heights Subdivision, a two lot plat which created 10,281 square feet of permanent open space. The historic home and carriage house are located on Lot 1 (19,156 square feet) of the Subdivision, and lot 2 is currently vacant.

This site was listed on the National Register of Historic Places in 1984 as part of the *Park City Mature Mining Era Residences Thematic District*. Both the home and the accessory structure were built within the historic period, defined as the "Mature Mining Era" 1894-1930, in the district nomination, and both continue to retain their historic integrity. As a result, it meets the criteria set forth in the LMC Chapter 15-11 for designation as a Landmark Site. The Park City HSI form describes the following items:

Design. The house is a one story frame bungalow with a clipped gable, low-pitched roof. It has an almost square plan, and narrow lap siding, typical of Park City's bungalows. The gable end of the house is on the north broad side of the building. The roof has a slight overhang with exposed rafters on the north and

south sides. The façade is symmetrical. An enclosed vestibule with a clipped gable roof provides entrance to the interior. The vestibule is centered between two large windows, each divided vertically by mullions into three panels of windows. Each of the panels is multi-paned. Windows on the other sides of the house are simple square or rectangular openings, and are not symmetrically arranged on the façade. Because of the down-hill orientation of the lot, the foundation at the rear of the structure is exposed and provides for a walk-out basement.

Setting. The house sits atop a hill on approximately .44 acres. The landscaping is informal and includes deciduous trees, shrubs, and grasses.

Workmanship. The physical evidence from the period that defines this as a typical Park City mature mining era house are the simple methods of construction, the use of narrow wood siding, the plan type, the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes.

Feeling. The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association. The bungalow was a common house type built in Park City during the mining era and the one of the most common house types built in Utah during this era.

In November 2012, the HPB awarded an \$18,052.50 grant to the applicant to cover the costs of restoring the property's historic garage. Construction included stabilizing the garage by introducing a basement beneath the structure, roof replacement, and other related items. Currently, there are no regulations concerning how often a property owner may apply for historic district grants.

Analysis

General eligible improvements for historic district grants include, but are not limited to:

- Siding
- Windows
- Foundation Work
- Masonry Repair
- Structural Stabilization,
- Retaining Walls/Steps/Stairs Of
Historic Significance
- Exterior Trim
- Exterior Doors
- Cornice Repair
- Porch Repair

The purpose of the grant program is to incentivize property owners to maintain and preserve historic commercial and residential structures in Park City. In 1987, the Park City Historic District Commission and City Council identified the preservation of Park City's historic resources as one of their highest priorities. The grant program has operated continuously since that time with the full support of subsequent City Councils

and Preservation Boards. The purpose of the grant program is to assist in offsetting the costs of rehab work. Funds are awarded to projects that provide a community benefit of preserving and enhancing the City's historic architecture.

According to the 2006 physical conditions report, the building is in "good" condition; however, the applicant has shown that structural upgrades are necessary to maintain the historic structure. To stabilize the roof structure and ensure its longevity, a beam will be installed in the attic. According to the applicant's General Contractor Gary Boswell of Gardner & Boswell Construction, Inc., the structure's bearing wall that supports the roof ridge of the home was moved six (6) feet to the south at some point in the past. This has left the ridge of the roof unsupported. Adding a beam is necessary to distribute the load of the unsupported trusses.

The applicant also wishes to restore two (2) historic wood basement windows. In doing so, the applicant will remove the windows, address wood rot and glazing, and install additional interior hardware in order for these presently non-operable windows to operate as awning windows. Brick mould screens will also be utilized and installed on the interior. Wood trim around the window will be repaired or replaced in-kind.

Window brick moulds are a relatively new technology, and not one previously seen in Park City. When windows are installed, there is a slight gap between the window and exterior or interior cladding. At 101 Prospect Avenue, a window brick mould will be installed to close the gap between the wood window frame and the interior drywall to provide necessary screening. Staff has directed the applicant to install the brick mould screens on the interior of the restored wood windows along the west elevation to preserve the historic character of these basement windows. Historically, these windows did not have exterior screens.

The applicant is eligible for grant monies associated with the following items indicated on the estimated cost breakdown:

- Roof Stabilization – \$2,080
- Restoration of two historic basement windows and installation of new brick moulds – \$2,760

Total estimated cost of the proposed eligible work is \$4,840. The applicant's total work is estimated at \$2,420 (Exhibit C). As the program is a matching grant program, half of the total cost is eligible to be granted. Therefore, the Board can consider granting the applicant one half (1/2) of the proposed cost of the eligible preservation work in the amount of \$2,420.

The historic district grant program states that "funds shall be awarded to projects that provide a community benefit of preserving and enhancing the historic architecture of Park City." The roof framing work is necessary to properly stabilize the building. Though the two basement windows are below grade, their restoration is significant in retaining the historic integrity of the site. Staff finds that by awarding the grant, the HPB

would be enhancing the landmark site and further contributing to the ongoing preservation of a historically significant landmark building in Park City. The Planning Director approved this restoration work through a Historic District Design Review Waiver (HDDR-Waiver) on February 22, 2013.

The project is located in the Main Street Redevelopment area, however the current balance of the Main Street Redevelopment Area (RDA) is \$0. There are no longer additional incoming funds to the Main Street RDA. A CIP request has been submitted to be considered during the upcoming FY2014 budget process to provide additional funding for this program. The balance of the Capital Improvement Program (CIP) account allocated for historic incentive grants is roughly \$6,319.50. The funds of the Main Street RDA are limited to the specific area. However, the funds of the CIP account allocated for historic incentive grants can be used towards any historic grant request within the City. Staff recommends that the funds be allocated from the CIP account allocated for historic incentive grants due to the fact that there are no available funds in the Main Street RDA.

Staff recommends that the HPB award the amount on the estimated breakdown for the insertion of the attic beam (\$2,080), restoration of two historic wood windows and installation of screen brick moulds (\$2,760), totaling \$4,840. Therefore, Staff recommends that the Board consider granting the applicant one half (½) of the proposed cost of the eligible preservation work in the amount of \$2,420.

There is currently not a strong demand for historic grants, even though there are currently several projects under review. Four (4) grants were approved in 2012, and this is the first grant to be received in 2013. Most Historic District Design Reviews (HDDR) tend to be for additions and work that adds to the property value aside from improvement to the historic structure exclusively. It is important to note that if the HPB grants the funds requested, there will be very little monies left in the fund for future grants.

Recommendation

Staff recommends the Historic Preservation Board (HPB) review the request for a historic district grant and consider awarding the applicant a portion of the costs associated with restoring the two (2) historic wood basement windows, installing brick mould screens, as well as replacing structural elements in the attic level located at 101 Prospect Street.

Exhibits

- Exhibit A – Current Grant Fund Amounts
- Exhibit B – Historic Sites Inventory
- Exhibit C – Project Description
- Exhibit D – Gardner & Boswell Construction Bid
- Exhibit E – Approved HDDR Waiver/Submittal
- Exhibit F – Photos

Exhibit A – Current Grant Fund Amounts

Historic Incentive Grants - Capital Project Budget Update

MAIN STREET RDA	
Current Budget Funds	\$ 9,367.00
Allocated monies to date	\$ 9,367.00
Total Budget Funds Available	\$ -

LOWER PARK RDA	
Current Budget Funds	\$ 209,726.00
Allocated monies to date	\$ 4,792.50
Total Budget Funds Available	\$ 204,933.50

CIP FUND - GENERAL FUND TRANSFER **	
Current Budget Funds	\$ 63,020.00
Allocated monies to date	\$ 56,700.50
Total Budget Funds Available	\$ 6,319.50

** The CIP - General Fund is a fund that is allocated from the General Fund and distributed throughout Capital Projects for the discretionary use and distribution within that Capital Project in conjunction with any internal policies of the managing department. It is to be used after the budgeted funds within that project are depleted.

**** City Council will be considering appropriating additional funds to the Historic District Grant Program on March 28, 2013.

Last Updated: March 1, 2013

Exhibit B – Historic Sites Inventory

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property: **House at 101 Prospect Street**

Address: 101 Prospect Street

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PHS-1

Current Owner Name: Douglas Cotter

Parent Parcel(s): PST-1

Current Owner Address: PO Box 2414, Park City, UT 84060-2414

Legal Description (include acreage): 0.44 acres; LOT 1 PROSPECT HEIGHTS SUBDIVISION.

2 STATUS/USE

Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

Evaluation*

- Landmark Site
- Significant Site
- Not Historic

Reconstruction

- Date:
Permit #:
 Full Partial

Use

- Original Use: Residential
Current Use: Residential

- *National Register of Historic Places: ineligible eligible
 listed (date: 10/22/1984 - Mining Boom Era Residences Thematic District)

3 DOCUMENTATION

Photos: Dates

- tax photo:
- prints: 1983, 1995 & 2006
- historic: c.

Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.
Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.
McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.
Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.
Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Bungalow type / Vernacular and Arts & Crafts elements No. Stories: 1

Additions: none minor major (describe below) Alterations: none minor major (describe below)

Number of associated outbuildings and/or structures: accessory building(s), # 1; structure(s), # _____.

General Condition of Exterior Materials:

Researcher/Organization: Dina Blaes/Park City Municipal Corporation

Date: November, 08

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: Concrete block.

Walls: Narrow wood siding.

Roof: Clipped gable roof form sheathed in shingles.

Windows/Doors: Double-hung sash type.

Essential Historical Form: Retains Does Not Retain, due to:

Location: Original Location Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame bungalow remains largely unchanged from what is described in its National Register nomination form (see Structure/Site Form, 1983).

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The house sits atop a hill on approximately 0.44 acres. The landscaping is informal and includes deciduous trees, shrubs, and grasses. The setting has not changed significantly from what is seen in early photographs.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The physical evidence from the period that defines this as a typical Park City mining era house are the simple methods of construction, the use of narrow wood siding, the plan type, the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The bungalow was a common house type built in Park City during the mining era and the one of the most common house type built in Utah during this era.

This site was listed on the National Register of Historic Places in 1984 as part of the *Park City Mining Boom Era Residences Thematic District*. It was built within the historic period, defined as 1872 to 1929 in the district nomination, and retains its historic integrity. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

5 SIGNIFICANCE

Architect: Not Known Known: (source:)

Date of Construction: c. 1925¹

Builder: Not Known Known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)

¹ USHS, Structure/Site Form, and National Register nomination form, 1984.

- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

2. **Persons** (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. **Architecture** (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: Southwest oblique. Camera facing northeast, 2006.

Photo No. 2: Accessory building. Camera facing east, 2006.

Photo No. 3: Northwest oblique. Camera facing southeast, 1995.

Photo No. 4: Northwest oblique. Camera facing southeast, 1983.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

Property Type:

Historic Preservation Research Office

Site No. _____

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 101 Prospect UTM: 12 458330 4498490
 Park City, Summit County, Utah

Name of Structure: House at 101 Prospect T. R. S.

Present Owner: United Park City Mines Company

Owner Address: c/o Mr. E. L. Osika, Jr.
 309 Kearns Building, Salt Lake City, Utah 84101

Year Built (Tax Record): Effective Age: Tax #:
 Legal Description Kind of Building:

This house is located on a large parcel of mining property located in the Northeast quarter of the Northeast quarter of Section 21, T2S R4E Salt Lake Base and Meridian. The small parcel of land upon which this house sits is located on the East side of Prospect Street, Park City, Utah, and is described as commencing approximately 550 feet South of the intersection of Prospect and Chambers streets, that linear measurement paralleling the (See continuation sheet)

STATUS/USE 2

Original Owner: Unknown Construction Date: c. 1925 Demolition Date:

Original Use: Residence Present Use: Residence

Building Condition: Integrity: Preliminary Evaluation: Final Register Status:

<input type="checkbox"/> Excellent	<input type="checkbox"/> Site	<input checked="" type="checkbox"/> Unaltered	<input checked="" type="checkbox"/> Significant	<input type="checkbox"/> Not of the	<input type="checkbox"/> National Landmark	<input type="checkbox"/> District
<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Ruins	<input type="checkbox"/> Minor Alterations	<input type="checkbox"/> Contributory	Historic Period	<input type="checkbox"/> National Register	<input type="checkbox"/> Multi-Resource
<input type="checkbox"/> Deteriorated		<input type="checkbox"/> Major Alterations	<input type="checkbox"/> Not Contributory		<input type="checkbox"/> State Register	<input type="checkbox"/> Thematic

DOCUMENTATION 3

Photography: Date of Slides: 1983 Slide No.: Date of Photographs: 1983 Photo No.:

Views: Front Side Rear Other Views: Front Side Rear Other

Research Sources:

<input checked="" type="checkbox"/> Abstract of Title	<input checked="" type="checkbox"/> Sanborn Maps	<input checked="" type="checkbox"/> Newspapers	<input type="checkbox"/> U of U Library
<input checked="" type="checkbox"/> Plat Records/Map	<input type="checkbox"/> City Directories	<input type="checkbox"/> Utah State Historical Society	<input type="checkbox"/> BYU Library
<input checked="" type="checkbox"/> Tax Card & Photo	<input type="checkbox"/> Biographical Encyclopedias	<input type="checkbox"/> Personal Interviews	<input type="checkbox"/> USU Library
<input type="checkbox"/> Building Permit	<input checked="" type="checkbox"/> Obituary Index	<input type="checkbox"/> LDS Church Archives	<input type="checkbox"/> SLC Library
<input type="checkbox"/> Sewer Permit	<input checked="" type="checkbox"/> County & City Histories	<input type="checkbox"/> LDS Genealogical Society	<input checked="" type="checkbox"/> Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Kummer, Bea. Interview, February 10, 1984, Park City, Utah.
 Osika, E.L., Jr. Telephone interview, April 23, 1984, Salt Lake City, Utah.

Architect/Builder: Unknown

Building Materials: Wood

Building Type/Style: Bungalow

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

This house is a one story frame bungalow with a clipped gable roof. It has a low pitch roof, an almost square plan, and narrow lap siding which are all typical of many of Park City's bungalows. It varies, however, in that the major facade is not on the gable end of the house, but on the north broad side of the building. The roof has a slight overhang with exposed rafters on the north and south sides. The facade is symmetrical. Instead of having an open porch or hood over the door as was common in other Park City houses, access to the interior is through an enclosed vestibule with a clipped gable roof. The entrance, centered on the facade of the vestibule, is a multi-paned glass door with multi-paned side lights. The vestibule is centered between two large windows. Each window is divided vertically by mullions into three panels of equal size. Each of the panels is multi-paned. Windows on the other sides of the house are simple square or rectangular openings, and are not symmetrically arranged as on the facade. This house is unaltered and therefore maintains its original integrity.

PHOTOS

Statement of Historical Significance:

Construction Date: c. 1925

Built c. 1925, this house at 101 Prospect is architecturally significant as one of 18 extant bungalows in Park City, eight of which are included in this nomination. The bungalow is the major Park City house type that was built between 1907 and the end of the mining boom period, and significantly contributes to the character of the residential area.

This house, which is located on mining property, was apparently built in the mid-1920s as the residence for an official of the mining company owning the property.¹ It is unclear which mining company owned this property at the time that this house was constructed, and officials of various mines, including the Judge Mine, the Ontario Mine, and others, have reportedly lived in this house over the years.² Alleged early occupants of this house include a Mr. Hewett, claimed to be the first owner, and Frank Stone, who lived here for many years.³ Nothing is known about either of them. In recent years the house has been occupied by Neff Murdock.

The bungalow styling of this house indicates that it was built in the mid-to-late 1920s. Similarly styled houses at 1100 and 1110 Woodside were built in 1928.

¹Interview with Bea Kummer, February 10, 1984, Park City, Utah. Also, telephone interview with E.L. Osika Jr., vice-president of United Park City Mines Company, April 23, 1984.

²Ibid.

³Interview with Bea Kummer.

101 Prospect

Legal Description continued:

Eastern side of Prospect Street as it runs generally South; thence South 100 feet, East 75 feet, North 100 feet, West 75 feet to point of beginning.

Less than one acre.



House at 101 Prospect
Park City, Summit County, Utah

Northwest corner

Photo by Roger Roper, October 1983
Negative: Utah State Historical Society





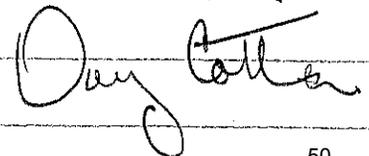
101 PROSPECT AVENUE BASEMENT REMODEL

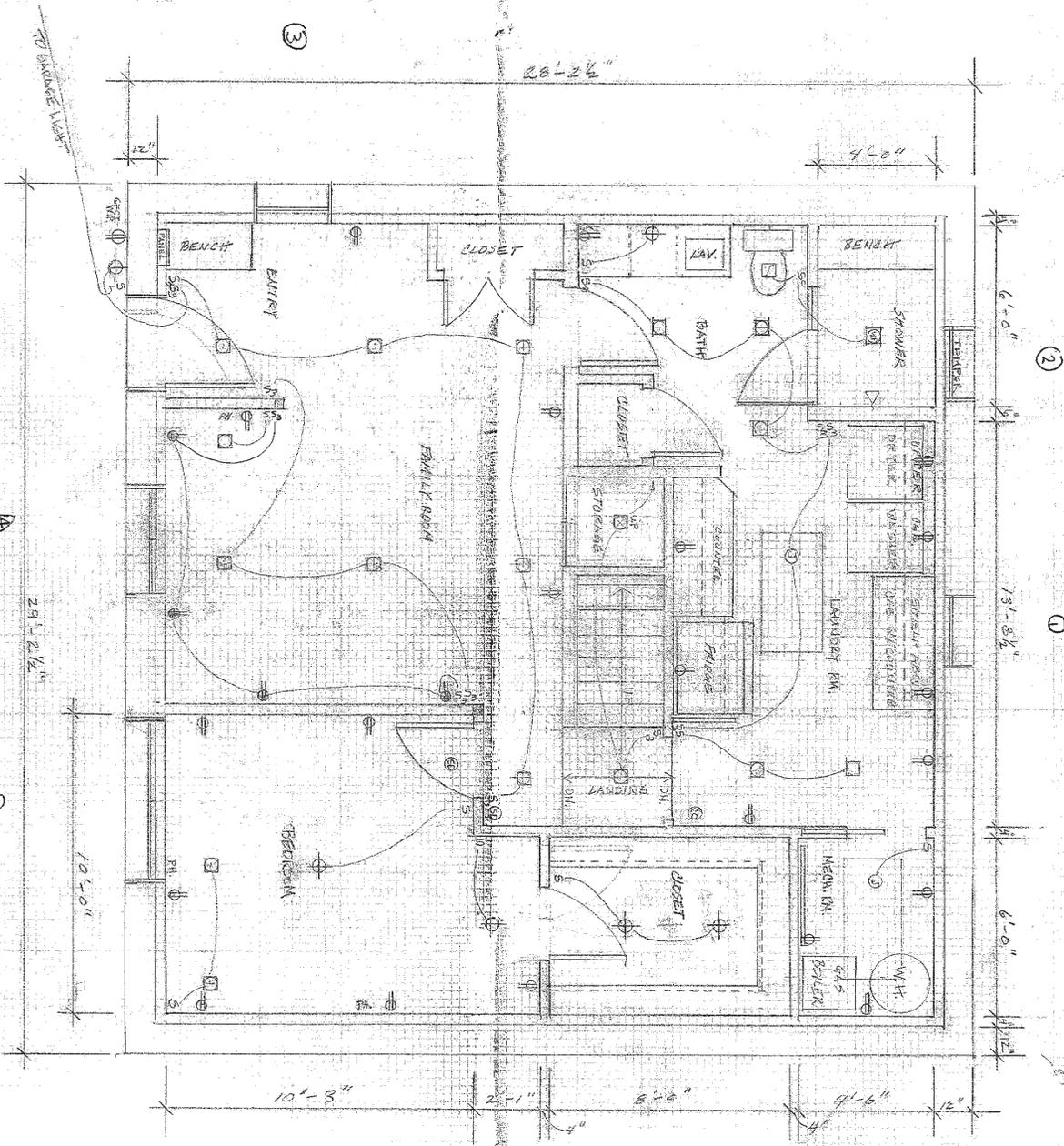
PARK CITY HELPED CURRENT OWNER'S WITH GRANTS IN 1994 & 1995 FOR UPSTAIRS. NOW WE HOPE TO DO AN EXTENSIVE BASEMENT REMODEL. BASEMENT HAS ONLY BEEN PARTIALLY REFINISHED IN 80 YEARS. WE PROPOSE TO REMOVE ALL EXISTING WALLS, SHEETROCK, AND DUCTWORK IN BASEMENT, ALONG WITH THE EXISTING CONCRETE SLAB. NO EXTERIOR WALLS WILL BE MOVED, NOR ELEVATIONS CHANGED. WINDOWS & BASEMENT DOOR WILL BE REPLACED WITH REASONABLE FACSIMILES THAT ARE ENERGY EFFICIENT. HOME WILL BE REWIRED UPSTAIRS AND DOWN, AND A NEW ELECTRICAL PANEL INSTALLED. PLUMBING LINES WILL BE PUT UNDER FLOOR OR WITHIN WALLS FOR EXISTING KITCHEN & BATH, AND NEW BATH AND LAUNDRY ROOM. FINISHED BASEMENT CEILING WILL BE 7'5". HEATING SYSTEM WILL BE CHANGED TO IN FLOOR RADIANT IN BASEMENT, AND STAPLE UP FOR UPSTAIRS.

PROPOSED WORK IS HOPEFULLY MAY 2013 AND FINISH LATE FALL 2013. MY WIFE & I FEEL THESE CHANGES WILL MAKE HOME UP TO DATE AND RELEVANT IN 21ST CENTURY WHILE HONORING ITS HISTORIC PAST.

RECEIVED
JAN 28 2013
PARK CITY
PLANNING DEPT.

DOUG COTTER





RECEIVED
 FEB 07 2008
 PLANNING DEPT.
 PARK CITY

COTTER RESIDENCE
 BASEMENT REMODEL
 301 PROSPECT AVE. PARK CITY, UT 84000
 FLOOR PLAN / ELECTRICAL PLAN

Exhibit D – Gardner & Boswell Construction Bid

GARDNER & BOSWELL CONST.

P.O. BOX 307

PARK CITY, UT 84060

COST ESTIMATE

ATTN: Doug Cotter

RE: Structural Attic Beam

ADDRESS: 101 Prospect Ave. Park City, Utah

DESCRIPTION	AMOUNT
01.0. General Conditions: Add structural beam to roof framing in attic.	.00
08.0. Rough Lumber Package Structural Beam and misc. framing materials	170.00
09.0. Rough Framing Labor Beam installation.	1,600.00
09.a. Crane Work	300.00
31.0. Profit & Overhead	<u>207.00</u>
TOTAL ESTIMATE	2,277.00

Estimate

Date	Estimate #
3/4/2013	111256

Name / Address

Doug Cotter
 101 Prospect
 Park City UT 84060

Item	Description	Qty	Rate	Total
New Window	true divided light 6 lite basement hopper 24 x 30	2	450.00	900.00
Jambs	and hinges	2	250.00	500.00
Paint	One color, to be provided by customer prior to fabrication or factory white	4	90.00	360.00
Installation		4	250.00	1,000.00

We honor our estimates to the best of our ability, but due to unforeseen conditions, we reserve the right to cancel, or make adjustments to this offer. Should conditions cause the signee additional costs, written consent from the signee will replace the original estimate.

25% Deposit required to begin production.	Total	\$2,760.00
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Estimates will be honored for 60 days	Signature _____
---------------------------------------	-----------------

Signature on estimate constitutes acceptance of contract. Balance is due on completion. Customer agrees to pay 1 1/2 % per month service charge on balance after 30 days, and all costs and fees associated with debt collection, if any.



22 February 2013

Doug Cotter
P.O. Box 2414
Park City, UT 84060

**Re: Complete Historic District Design Review Determination
Property Address: 101 Prospect Avenue
PL-13-01822**

Dear Mr. Doug Cotter:

Per your recent Pre-Application Conference before the Design Review Team (DRT) on February 6, 2013, regarding your landmark residence located at 101 Prospect Avenue, it was determined your proposed work is minor routine maintenance and minor routine alterations have little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on windows, doors, trim, and similar work. Therefore, per §15-11-12(A)(3) of the Land Management Code, your proposal would not be required to complete the full Historic District Design Review (HDDR) process; however, adherence to the guidelines is still required.

As we discussed, the following would be required for this project:

- The basement entry door located on the east elevation will be expanded from 2'6" to 36" wide to meet building codes. The height of the door will not be altered. Furthermore, the current door will be replaced with a painted wood door consisting of two panels below a single light.
- Historic window openings, windows, and window surrounds will be maintained and restored.
- Two below-grade, historic wood windows on the west elevation will be removed, restored, and replaced in their original location. In restoring these windows, the applicant will add additional interior hardware to convert these windows to awning windows. Brick moulds will be installed on the interior of the house to provide screening.
- The existing aluminum sliding window on the south elevation will be replaced with aluminum-clad wood window of the same dimensions. An exterior aluminum brick

- mould will be installed to provide screening.
- The two sliding aluminum sliding windows on the east elevation will be replaced with sliding wood windows. Two wood brick moulds will be installed on the exterior of the structure to provide screening.
 - Materials that are traditionally painted should have an opaque rather than transparent finish. When possible, low-VOC (volatile organic compound) paints and finishes should be used.

If you should have any questions or concerns, please do not hesitate to contact Historic Preservation Planner Anya Grahn at 465.615.5067 or anya.grahn@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Eddington Jr.', written in a cursive style.

Thomas E. Eddington Jr., AICP, LLA
Planning Director

OPTIONS:

EXTERIOR FRAME COLOR: BRILLIANT WHITE
HAND OPERATION: N/A
GRILLE TYPE: NO GRILLE
GRILLE COLOR: BRILLIANT WHITE
EXTERIOR TRIM: BRILLIANT WHITE

NOTES:

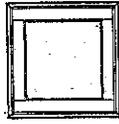
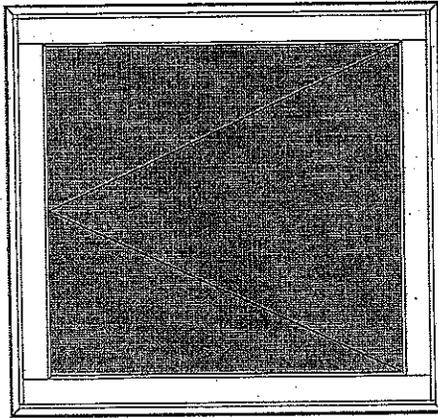
1. DO NOT SCALE DRAWINGS
2. THE INFORMATION CONTAINED IN THIS DRAWING MUST BE CONFIRMED WITH THE PRODUCT MANUFACTURER AS PRODUCT DIMENSIONS AND COMPONENTS ARE SUBJECT TO CHANGE.
3. SITELINE EX CLAD AWNING (ECA) UNITS ARE AVAILABLE AS OPERATING OR STATIONARY UNITS.
4. UNIT ELEVATIONS ARE SHOWN WITHOUT EXTERIOR TRIM. SUBTRACT 1/2" (12.7) FROM M.O. (MASONRY OPENING) FOR UNIT SIZE.
5. DIMENSIONAL VALUES IN BRACKETS ARE MILLIMETER (mm) CONVERSIONS

MANUFACTURER: JELD-WEN, INC.
PRODUCT INQUIRIES: 800-535-3936
ARCHITECTURAL_INQUIRIES@JELD-WEN.COM
PRODUCT NAME: PREMIUM CLAD AWNING UNITS

LOCATION:
ARCHITECT: TIM SNYDER
ENGINEER:
DATE: 2/15/2013
PAGE 1

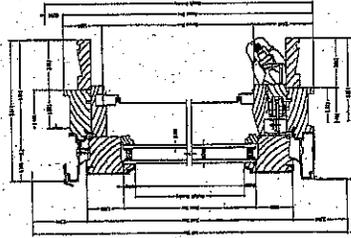
DRAWING #

PROJECT:
FILE: 912-548311-2013215_132955



GRILLE STYLE

*BLOCK FRAME IN
CAN BE*



*NO FIN
INTERIOR SEAM*

VERTICAL SECTION
SCALE: 1:10



RECEIVED

FEB 20 2013

PARK CITY
PLANNING DEPT.

ELEVATION

SIZE: W 29'-1/2" (749) x 31'-1/2" (800)

Photographs:

WEST ELEVATION



Historic wood windows below grade



Exterior of historic wood window



Interior of historic wood window



Interior of historic wood window



Exterior of historic wood window



Interior of historic wood window

Historic Preservation Board Staff Report



Subject: 505 Woodside Avenue
Author: Kirsten A. Whetstone, MS, AICP
Project #: PL-13-01842
Date: April 3, 2013
Type of Item: Quasi-Judicial Appeal

Summary Recommendation

Staff recommends the Historic Preservation Board hold a quasi-judicial hearing as part of the continuation of the appeal of Planning Staff's approval of the Historic District Design Review application for a proposed addition at 505 Woodside Avenue. The Board should review and discuss the information requested at the March 20th meeting regarding appeal item #6. Staff recommends the Historic Preservation Board make a determination as to compliance with the Historic District Design Guidelines, consider revisions to the conditions of approval of the HDDR, and ratify the findings made at the March 20th meeting based upon the findings of fact, conclusions of law and order attached hereto.

Topic

Applicant: Jerry Fiat, representing Woodside Development LLC (505 Woodside, owner)
Appellant: Lawrence Meadows, representing Casa Di Lorenzo, LLC (515 Woodside Avenue, owner)
Location: 505 Woodside Avenue
Zoning: HR-1
Adjacent Land Uses: Residential, ski runs, and open space
Reason for Review: Appeals of Staff approval of Historic District Design Review applications are heard by the Historic Preservation Board

Background

On March 20, 2013, the Historic Preservation Board held a quasi-judicial hearing regarding an appeal of the Staff approval of the Historic District Design Review (HDDR) application for an addition to 505 Woodside Avenue. See Exhibit A, March 20th staff report, for additional background information and appeal information. The Historic Preservation Board (HPB) heard portions, namely items 1, 2 (a), 3, 4, 5, and 6 of the appeal including the following:

- Item #1 regarding allegation that the HDDR application was incomplete,
- Item #2 (a) regarding the design of the retaining walls in the front yard and what their height will be,
- Item #3 regarding allegation that "Old growth" trees are not identified on

- the plans and are not being preserved,
- Item #4 regarding allegation that a preservation plan was not submitted,
 - Item #5 regarding allegations that the approval allows for the demolition of the entire structure, except for 3 panelized walls and that a CAD was not approved, and
 - Item #6 regarding the allegation that the historic structure and roof forms are not being preserved and retained.

The additional appeal item, #2 (a) and (b) regarding the determination that a Steep Slope CUP was not required and if a CUP would be required for the front retaining wall, was not discussed by the HPB as they do not have jurisdiction to do so under the Land Management Code (LMC). Planning Commission heard those items at their March 27, 2013 meeting.

Standard of review

The scope of review by the HPB shall be the same as the scope of review by the staff. The HPB shall review the application “de novo” or anew and shall give no deference to the underlying staff decision.

Appeal

Items of Appeal

The appeal is written in *ITALIC* followed by summary of the HPB findings.

1. The HDDR Application was Incomplete. (Site plan contains inadequate topographic contours and misstated spot elevations.)

The HPB made a finding that the HDDR application was complete and rejected this item of the appeal.

2. (a) Steep Slope CUP Planning Commission Review was not performed. (Portions of the Lot under areas of construction and access thereto exceed 30% slope. Driveway is also (sic) exceeds maximum allowed slope)
2. (sic) (b) Engineered Retaining Walls > 6ft are required in Front Yard. (Driveways exceed maximum allowed slope)

(These items fall under an interpretation of the Land Management Code which is outside of the purview of the HPB. These items were heard by the Planning Commission on March 27, 2013. The Planning Commission found that a Steep Slope Conditional Use Permit was not required and denied this item of the appeal.)

The HPB discussed the retaining wall issue as it relates to the design and recommended a condition that the retaining wall design be reviewed by an arborist, as well as the applicant’s engineer (and the City Engineer) to determine the best wall design to comply with the HDDG and to ensure viability of the tree in the City ROW. The applicant desires to bring back the historic look of the low (4’) front wall as seen in the tax photos. However if it is best for the tree to leave

the non-historic poured concrete wall in place, and reface it with stacked rock, the applicant will do that. If any portion of the wall exceeds four feet then the Planning Director and the City Engineer must approve it. If any portion of the wall exceeds six feet within the front setback area, then an administrative Conditional Use Permit will be required and the adjacent neighbors will be notified.

To allay concerns regarding heights of retaining walls due to design consideration, whether stacked or poured and faced with stacked stone, staff recommended revisions to the conditions of approval, as follows:

- a) Add "retaining walls" to the list of items in Condition of Approval #10 to be reviewed by the City Engineer at the time of building permit plan review.
- b) Add a condition of approval that all retaining walls shall comply with the Land Management Code requirements.

The HPB did not discuss the issue as to whether a Conditional Use Permit was required for the HDDR application.

3. Significant Vegetation must be shown on plan and preserved. (Trees require a health evaluation by a certified arborist and Loss Mitigation)

The HPB found that the significant vegetation was shown on the plan as required by the HDDR application and noted that it will be preserved. The HPB rejected this appeal item and requested staff includes a condition of approval that the front retaining wall is designed to ensure the viability of the tree in the City ROW and that the design is reviewed by the engineer and a certified arborist to come up with the best design to preserve the tree.

The applicant does not have the ability to make a decision to remove a tree in the City's ROW and has noted that the tree will remain. A permit from the City is required prior to removal of any trees from the City ROW.

Any significant changes in landscaping on property that is located within the Historic District or located on an Historic Site, requires review by the Planning Director as to whether a full HDDR is required. A pre-HDDR may also be submitted and reviewed by the Historic Design Review Team.

The applicant hired an arborist to inspect the trees. The tree in the ROW is approximately 25 years old and in good health, however the root ball maybe compromised by the close proximity of the existing retaining wall (Exhibit B).

Staff recommended that a sentence be added to Condition of Approval #6 requiring an updated survey to identify all existing significant vegetation by type and size for inclusion on the final landscape plan required to be submitted with the building permit application.

4. Historically Significant Site/Building requires Historic Preservation Plan.
(A viable plan that meets common practice was not submitted or approved)

HPB found that a Historic Preservation Plan was submitted with the application and rejected this appeal item.

The application included an existing conditions report, a preservation plan strategy in written form, and a plan showing a proposal to panelize the remaining historic walls in order to preserve them from destruction during construction of the garage and basement. The Board concurred with Staff that prior to issuance of a building permit for the addition, the Planning Director and Chief Building Official, upon review of the exploratory demolition report, will have to make a final determination as to whether unique conditions and overall quality of the historic preservation effort warrant this method of preservation. Once that determination is made by staff, it is appealable.

If the proposed method of preservation of the historic house by disassembly and reassembly is not warranted and approved by the City, then the applicant will have to provide an amended preservation plan prior to issuance of any building permits related to this HDDR. Either plan requires approval by the City as a condition precedent to issuance of a building permit for the addition. Staff recommends inclusion of a condition that Staff shall provide notice of final action on the preservation plan in the same manner as notice is provided regarding final action on the HDDR application.

5. Approval allows for illegal demolition of entire structure except for 3 walls.
(A CAD permit has neither been applied for nor approved)

HPB found that the approval does not allow for illegal demolition of the entire structure with the exception of the three panelized walls. The HPB rejected this item of appeal.

A Certificate of Appropriateness for Demolition (CAD) is not required for additions that were deemed non-contributory or non-historic additions, such as the existing rear additions to 505 Woodside that are out of the historic period and have not acquired historic significance in their own right. The home is being preserved back to the 1940's design removing non-contributory additions. The removal of non-contributory additions may be approved at a staff level during the historic district design review process as was done with this application. Because the rear additions were non-contributory they did not require a CAD.

6. Historic Buildings (sic) Structure and roof forms are not being preserved or retained.
(Numerous HDDG are either disregarded or outright violated)

The Board requested additional information from the applicant and continued this item of the appeal. The Board requested additional visual analysis of the addition as it relates to the historic house including a streetscape view to review the

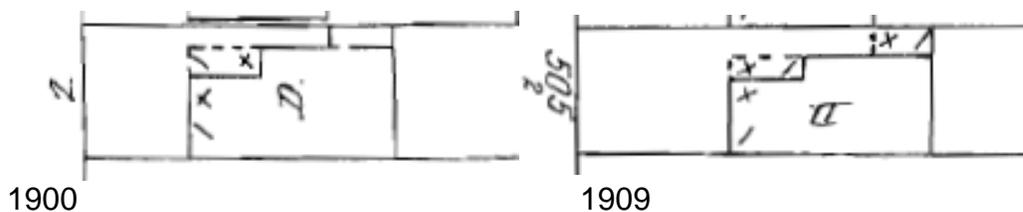
streetscape, specifically related to the “string-line” analysis of the heights of the adjacent houses.

The applicant has provided additional visual analysis as viewed from both the primary right-of-way and across the “valley” as another way to analyze the visual impact of the addition on the rhythm and scale of the streetscape. This analysis gives a view of the streetscape as seen from a distance.

The HDDGs are concerned with the visual impacts of additions on historic structures when viewed from the primary right-of-way. Staff recommends that the Board review the additional visual analyses provided by the applicant and discuss the visual impact.

The historic house and unique cross-wing variant and porch historic roof form is being preserved and retained. The existing home at 505 Woodside Avenue is listed as “significant” on the Park City Historic Sites Inventory (HSI). The home has been modified significantly since the original construction in 1904 during the mature mining era (1894-1930). In the 1930’s, an expansion to the north of the front of the house (adjacent to the front porch) occurred as is evident by the 1940’s tax photo. This addition is also being retained as it is deemed contributory.

The historic Sites Inventory further describes the changes to the house, the front porch and the side and rear additions. The following are the footprints of the home from the Sanborn Maps. The applicant based the current preservation plan on the 1940’s tax photo. Staff found that the essential historic form of the house and roof are maintained and are not compromised by the removal of the later rear additions and construction of the proposed HDDG compliant addition.



The proposed addition is located approximately 31 feet behind the front façade and complies with Guideline D.1.2 in that it is visually subordinate to the historic structure when viewed from the public right-of-way. In contrast to newer homes on the uphill side of Woodside the highest point of the subject house is located beyond the midpoint of the lot. Many newer homes on the street rise to the highest point at or near the front elevation. Because the highest point of the proposed addition is located nearly 47’ behind the front elevation, the addition is visually subordinate to the historic house and front façade.

A flat roofed connector element functioning as a circulation/staircase area provides a transition between the historic house and the pitched roof of the rear addition located 47' behind the parallel pitched roof of the historic house.

The flat roof of the connector element is proposed to be a planted, green roof, consistent with requirements of the Land Management Code and compliant with Guideline D.1.4 as a "clear transitional element between old and new". To allay concerns regarding the maintenance of the roof staff recommends a condition of approval that the green roof shall be maintained in compliance with the City's landscaping requirements as stated in the Municipal Code.

The rear addition preserves the existing roof forms, and complies with the current HDDG, specifically Universal Guidelines 1 and 2 regarding using the site as it was historically used (single family home) and historic features that have acquired historic significance should be maintained and preserved. The cellar, and the rear additions are out of period additions and not contributory to the historic timeframe.

Additionally, through the use of complementary materials and architecture (e.g. simple forms, siding (both harmonizing horizontal siding and juxtaposing vertical corrugated siding), simple corresponding windows, and other fine grained detailing) the addition complements the visual and physical qualities of the historic building.

As previously discussed, the original house has been significantly altered since the Historic era. Removal of non-historic additions to the house does not alter the Essential Historical Form and the character defining elements of the house. The shape of the roof will be preserved. Staff finds that the original shape of the roof with the 1930's era changes as reflected in the 1940's tax photo will be maintained. Portions of the historic roof were changed with the non-historic additions. Additions subsequent to the Historic era may be removed without a Certificate for Appropriateness of Demolition (CAD).

The existing front façade, including the historic portions of the roof of the historic structure, will remain. Portions of the historic roof were removed with the previous non-historic additions. The addition complies with Guideline B.1 that refers to maintaining the original roof form. The current application proposes a straight in driveway and garage door to be located beneath the front porch. The driveway is on the north side of the existing stairs that will remain in their current location. The driveway does not exceed twelve feet in width and is subservient to the front façade. The garage and basement are proposed to be added without raising the level or changing the location or orientation of the historic structure.

Staff reviewed the proposed HDDR application for compliance with all applicable guidelines, including Universal Guidelines 1-10 and Specific Guidelines A (regarding site design), B (regarding primary structure), C (regarding parking areas and driveways), D (regarding additions) , J (regarding exterior lighting), and L (regarding sustainability). Guideline F (regarding disassembly/reassembly

of all or part of the historic structure) was specifically excluded from Staff's review and so stated in the final action letter. This Guideline will be utilized after an exploratory demolition permit is issued and the applicant can provide the City with a report of existing conditions, additional photographic survey information and written plans detailing how the disassembly and reassembly will be completed.

Appellant's Conclusion

In response to the Appellant's conclusion on page 12 of the February 28th appeal, there is no deference or special treatment for any applicant or appellant. Disclosure of conflicts of interest or recusal will occur at the HPB meeting.

Proposed Conditions of Approval

Based upon the above discussion and discussion at the March 20, 2013 appeal, staff is recommending the Conditions of Approval from the February 5, 2013 HDDR Action Letter continue to apply with the following amendments:

- a) Add "retaining walls" to the list of items in Condition of Approval #10 to be reviewed by the City Engineer at the time of building permit plan review.
- b) Add a condition of approval that all retaining walls shall comply with the Land Management Code requirements.
- c) Add a condition of approval that the front retaining wall design be reviewed by a certified arborist, as well as the applicant's engineer (and the City Engineer) to determine the best wall design to comply with the HDDG and to determine the best option for the tree in the City ROW.
- d) Add a sentence to Condition of Approval #6 requiring an updated survey to identify all existing significant vegetation by type and size for inclusion on the final landscape plan that is required to be submitted with the building permit application.
- e) Add a condition that the Construction Mitigation Plan to be submitted at the time of the building permit application shall include a specific plan for the protection of existing significant vegetation on the subject property and on adjacent properties.
- f) Add a condition that if the proposed method of preservation of the historic house by disassembly and reassembly is not warranted and approved by the City, then the applicant shall provide an amended preservation plan prior to issuance of any building permits related to this HDDR. Either plan requires final approval by the City as a condition precedent to issuance of a building permit for the addition. Staff shall provide notice of final action on the preservation plan in the same manner as notice is provided regarding final action on the HDDR application.
- g) Add a condition of approval that the green roof shall be maintained in compliance with the City's landscaping requirements as stated in the Municipal Code.

Notice

Notice of the appeal was provided as required by the Land Management Code. The appellant provided the list of property owners within 100 feet and letters

were sent to the property owners by the Planning Staff.

Process

Per LMC Section 1-18 (B), the City or any Person with standing adversely affected by any final decision of the Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision.

Recommendation

Staff recommends the Historic Preservation Board hold a quasi-judicial hearing on the appeal of Planning Staff's approval of the Historic District Design Review application for a proposed addition at 505 Woodside Avenue. The Board should review and discuss the information requested at the March 20th meeting regarding appeal item #6. Staff recommends the Historic Preservation Board make a determination as to compliance with the Historic District Design Guidelines; consider adopting the findings of fact, conclusions of law, conditions of approval and order below which represent the findings made at the March 20th meeting.

Findings of Fact:

1. The property is located at 505 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1 District).
3. There is an historic house located at 505 Woodside that is listed as a "Significant" site on the Park City Historic Sites Inventory. The site is not listed as a "Landmark" site. The house was constructed in 1904 and because of major non-historically significant and non-historically sensitive additions; the house is currently not eligible for listing on the National Register of Historic Places. The 1968 additions were determined during the Sites Inventory to be out of period and they diminish the buildings association with the past. The 1930's addition at the northeast side of the house will remain, however the front porch that was modified over time will be reconstructed to be consistent with typical front porches from the historic era for this type of house. The applicant is proposing to restore and preserve the original exterior walls of the historic home and construct an addition to the rear after removing non-contributory additions.
4. The property consists of Lot 1 of the 505 Woodside Avenue Subdivision, being a combination of Lots 2, 3, and a portion of Lots 30 and 31, Block 28 of the Park City Survey, recorded September 4th, 2009.
5. The lot contains 4,375 square feet (sf). The minimum lot size in the HR-1 District is 1,875 sf.
6. The existing lot is 50' in width and 87.5' in depth. The minimum lot width is 25' in the HR-1 District.
7. Minimum front setback for a lot of this depth is twelve (12') feet with a combination of front and rear setbacks equal to a minimum of twenty-five (25') feet. Minimum side yard setbacks for a lot of this width are five (5') feet.

8. The proposed building footprint is 1,707.5 square feet, and includes removal of non-significant additions and construction of a new rear addition. The LMC allows a building footprint of 1,710 square feet for a lot of this size.
9. The existing house does not encroach across the side or rear property lines. The front stairs to the front porch and the front retaining wall encroach onto the Woodside Avenue public right-of-way (ROW). An existing low railroad tie landscaping wall encroaches onto the adjacent lot to the south and onto the property to the rear. An encroachment agreement with the city is required prior to commencing any work in the public ROW, including for any work on the existing retaining wall or driveway.
10. The existing house has a non-conforming front setback of 10.5' for the house that will remain. The front porch has an existing minimum setback of seven (7') feet that will remain. The house also has a non-conforming south side setback of 1.5' that will remain. All new construction will meet current LMC required setbacks and no new non-complying setbacks will result from the new addition.
11. The proposed plans indicate a building height of 27' or less from existing grade for all roof ridges and the flat roof connector element. The plans indicate no change in final grade around the perimeter of the house exceeds four (4') feet. The third story steps more than 10' back from the front façade. All final heights will be verified at the time of the Building Permit application.
12. There is a significant historic house adjacent to the south at 501 Woodside Avenue. The three houses to the north are non-historic houses, including the large contemporary house adjacent at 507 Woodside. There are two large non-historic houses to the rear (west) that are part of the Sweeney Master Planned Development, and the house to the south of 501 Woodside is also a large contemporary structure.
13. For construction and maintenance purposes, access and construction easements should be acquired from the adjacent property owners or construction shall occur completely on the subject property.
14. Historic door and window openings will be maintained, and/or taken back to the historic openings/locations, with the exception of the addition of a garage door on the primary façade. The proposed garage door does not exceed 9' wide by 9' in height. The proposed driveway does not exceed 12' in width.
15. The historic front porch does not exist and the plans include a proposal to bring the porch back to the historic dimensions consistent with this historic style of house.
16. No portion of the lot where construction is proposed exceeds 30% slope for the required 15' of distance. Therefore no Steep Slope CUP is required prior to issuance of a building permit.
17. Changes to the existing grading and landscaping are documented on the preliminary landscape plan. A final grading and landscape plan,

- consistent with the preliminary plat, will be submitted with the building permit application.
18. The landscape plan indicates all large trees on the adjacent property will remain as will the old mine ore cart.
 19. The front retaining wall will be reconstructed with the flagstone veneer removed. The retaining wall will be replaced with a stacked rock wall typical of historic walls in the neighborhood. Final design of the front wall is subject to review by a certified arborist and an engineer as conditioned.
 20. Panelization of the Historic Structure is proposed. This method of preservation is not a common practice. This design review approval does not include approval of a Disassembly/Reassembly and review of the panelization proposal is conducted at the time of review of the final building plans and upon review of the photographic survey and results of an exploratory demolition permit and report. Before disassembly and reassembly may occur, the Planning Director and Chief Building Official have to make a determination that unique conditions and the overall quality of the historic preservation effort warrant the disassembly and reassembly of the historic structure per Chapter 9 of the LMC.
 21. The proposed design complies with the Universal Guidelines for Construction on Historic Sites.
 22. The proposed design complies with the Specific Guidelines for Construction on Historic Sites.
 23. On November 30, 2011, a pre-HDDR application meeting with the Design Review Team was held and the applicant was provided with information regarding applicable guidelines and LMC requirements to take into consideration when preparing the Historic Design Review application.
 24. On September 24, 2012, a complete HDDR application was submitted to the Planning Department. The topographic survey submitted was prepared and certified by a licensed surveyor. There are 2' contour intervals on the survey. A preservation plan and report was submitted with the HDDR application, including an existing conditions report, a written preservation plan report, photographs, and a plan proposing to panelize the historic walls.
 25. Due to circumstances unique to this historic house and the timing of the application, the request for panelization, was not approved as part of the HDDR, as specifically stated in the Action Letter. Additional information is required to be provided after results of an exploratory demolition permit are known and a report is submitted to the Planning Director and Chief Building Official to use in order to determine whether unique conditions and overall quality of the historic preservation effort warrant this method of preservation. If this method is not warranted, the applicant will have to provide an amended preservation plan for approval by the Planning Director and Chief Building Official.
 26. A preservation guarantee is required for all construction projects involving historic properties. The guarantee is typically \$250.00 per square foot of

- construction. This guarantee is required prior to issuance of any building permits.
27. The findings discussed in the Background and Analysis Sections of this report are incorporated herein.
 28. The landscape plan was revised on January 31, 2013, to show the existing significant vegetation located at the northwest portion of the lot. The approved HDDR plans indicate that these trees will remain. Significant vegetation may not be removed from a site without prior approval through a pre-HDDR application.
 29. Per the Park City Municipal Code, a permit is required for cutting or removal of trees or vegetation from City property, including the City's rights-of-way.
 30. A landscape guarantee is required for all construction involving the disturbance of existing ground and/or vegetation and for any projects that have required landscape plans. This guarantee is required prior to issuance of any building permits.
 31. The HDDR approval does not allow for demolition of the entire structure except for 3 walls. A Certificate of Appropriateness for Demolition (CAD) is not required for additions that were deemed non-contributory or non-historic additions, such as the existing rear additions to 505 Woodside that are out of the historic period and have not acquired historic significance in their own right.
 32. The historic house and historic roof forms are being preserved and retained.
 33. Additional living space is proposed with the rear addition. The addition is located approximately 31 feet behind the front façade.
 34. The proposed flat roofed connector element is a "clear transitional element between old and new" functioning as a circulation/staircase area and providing a transition between the historic house and the pitched roof of the rear addition located 47' behind the parallel pitched roof of the historic house. The rear addition does not encroach on the historic portion of the existing house, and it preserves the existing cross-wing variant roof form and complies with the current HDDG.
 35. The flat roof of the connector element is proposed to be a planted, green roof, consistent with requirements of the Land Management Code and complies with the Guideline D.a.4 in that it is a "clear transitional element between old and new" and it is not a primary roof for the overall structure.
 36. The proposed addition is located approximately 31 feet behind the front façade and complies with Guideline D.1.2 in that it is visually subordinate to the historic structure when viewed from the public right-of-way.
 37. On October 11, 2012, the Planning Staff posted the property and sent out notice letters to affected property owners, per the requirements of the LMC.
 38. On October 24, 2012, the Planning Staff received comments from adjacent property owners regarding the proposed design.
 39. Staff reviewed the comments and met with the applicant to review the plans and consider revisions.

40. On November 8, 2012, the applicant submitted revised plans and additional information that was reviewed by Staff.
41. On January 17, 2013 the applicant submitted additional revised plans to address additional comments by the Staff.

Conclusions of Law:

1. The proposed addition complies with the 2009 Park City Historic District Design Guidelines for Historic Districts and Historic Sites as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District.
3. The proposal complies with the Non-complying Structure standards listed in Section 15-9-6(A), in that the existing structure is historic and extends into the south side and front yard setbacks. The proposed construction will not create any new non-compliance with the HR-1 requirements.

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 permits for this property. The CMP shall consider and mitigate impacts to the existing historic home, adjacent structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department. The CMP shall explain how construction along the south property line will be completed if no construction and maintenance easement is obtained from the adjacent property owner at 501 Woodside Avenue. Construction Mitigation Plan to be submitted at the time of the building permit application shall include a specific plan for the protection of existing significant vegetation on the subject property and on adjacent properties.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 17, 2013, redlined and approved by the Planning Department on January 30, 2013. 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 February 4, 2014, then this HDDR approval will expire, unless an extension is requested in writing prior to the expiration date and an extension is granted by the Planning Department, with notice given according to the Land Management Code.
 6. Any area disturbed during construction shall be brought back to its original state or landscaped according to an approved Landscape Plan, prior to issuance of a Certificate of Occupancy. An updated survey shall be submitted with the building permit application to identify all existing significant vegetation by type and size for inclusion on the final landscape plan that is required to be submitted with the building permit application.
 7. A final Landscape Plan shall be submitted with the building permit submittal and shall be reviewed in conjunction with the building permit, and shall include irrigation details for the new landscape area, plantings and mulch materials, and materials and locations of all hard surfaced areas and retaining walls.
 8. Construction waste should be diverted from the landfill and recycled when possible. Any proposed roof mounted solar panels shall be shown on the plans submitted for building permit review and shall be located towards the rear of the house.
 9. Lighting fixture details have not been submitted, included or reviewed as part of this application. All exterior lighting 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.
 10. City Engineer review and approval of all grading, utility installation, public improvements, drainage plans, retaining walls, and flood plain issues, for compliance with City and Federal standards, is a condition precedent to building permit issuance.
 11. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
 12. As noted on the plans, exterior wood surfaces shall be solid-stained and must have an opaque rather than transparent finish. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC paints and paints are recommended to be used.
 13. The proposed porch posts and railing details, including dimensions, shall be shown on the final building plans, consistent with the HDDR plans.

14. All exterior materials shall be identified on the final building plan set, consistent with the January 17, 2013 HDDR plans. The heavy timber elements, both the horizontal and vertical members, shown for the addition, around the flat roof portion, shall be reduced in dimension in order to comply with the Guidelines. The 12" dimension is not in scale with the historic scale of trim and detail elements. Final details of the scaled down elements, as redlined on the plans, shall be submitted with the Building permit application plans.
15. Approval of this HDDR was noticed on February 4, 2013 and is subject to a 10 day appeal period.
16. A preservation guarantee shall be calculated by the Chief Building Official and all paper work and documentation regarding the preservation guarantee shall be executed and recorded at Summit County recorder's office prior to issuance of any building permits for construction on this property.
17. The Staff shall review the panelization proposal at the time of review of the final building permit application. Upon review of the photographic survey and results of an exploratory demolition permit and report the Planning Director and Chief Building Official shall determine whether unique conditions and overall quality of the historic preservation effort warrant the disassembly/reassembly of the historic structure per Chapter 9 of the LMC.
18. All retaining walls shall comply with the Land Management Code.
19. The front retaining wall design shall be reviewed by a certified arborist, as well as the applicant's engineer (and the City Engineer) to determine the best wall design to comply with the HDDG and to ensure viability of the tree in the City ROW.
20. If the proposed method of preservation of the historic house by disassembly and reassembly is not warranted and approved by the City, then the applicant shall provide an amended preservation plan prior to issuance of any building permits related to this HDDR. Either plan requires final approval by the City as a condition precedent to issuance of a building permit for the addition. Staff shall provide notice of final action on the preservation plan in the same manner as notice is provided regarding final action on the HDDR application.
21. The green roof shall be maintained in compliance with the City's landscaping requirements as stated in the Municipal Code.

Order:

1. The Planning Staff did not err in the approval of the Historic District Design Review of the proposed addition for 505 Woodside Avenue.
2. Appellant's request for a reversal of the Planning Staff's decision to approve the HDDR application is denied.

Exhibits

Exhibit A- Staff report from March 20, 2013 (Exhibits are not included but are available at the Planning Department or at www.parkcity.org)

Exhibit B- Arborist report
Exhibit C- Revised Street Scape and string line view

Historic Preservation Board Staff Report



Subject: 505 Woodside Avenue
Author: Kirsten A. Whetstone, MS, AICP
Project #: PL-13-01842
Date: March 20, 2013
Type of Item: Quasi-Judicial Appeal

Summary Recommendation

Staff recommends the Historic Preservation Board hold a quasi-judicial hearing on an appeal of the Planning Staff's determination of compliance with the Historic District Design Guidelines for the proposed addition at 505 Woodside Avenue. The Planning Staff determined that the proposed addition complies with the Historic District Design Guidelines and recommends revisions to the conditions of approval to clarify certain requirements.

Topic

Applicant:	Jerry Fiat, representing Woodside Development LLC (505 Woodside, owner)
Appellant:	Lawrence Meadows, representing Casa Di Lorenzo, LLC (515 Woodside Avenue, owner)
Location:	505 Woodside Avenue
Zoning:	HR-1
Adjacent Land Uses:	Residential, ski runs, and open space
Reason for Review:	Appeal to Historic Preservation Board of Staff approval of an Historic District Design Review

Background

On March 5, 2009, a previous application was submitted for an addition to 505 Woodside and was approved by the Planning Staff on August 28, 2009. On September 4, 2009, the previous application was appealed by Lawrence Meadows, owner of 515 Woodside. The previous application was withdrawn by the applicant after a determination was made that the application was not complete due to an error in the application material regarding interpretation of an historic photo. An advisory opinion by the State Ombudsman indicated that because the previous application was deemed incomplete it was not vested under the "old" guidelines

On September 24, 2012, the Planning Department received a new and complete application for a Historic District Design Review (HDDR) for an addition to the property located at 505 Woodside Avenue. 505 Woodside Avenue is listed as a Significant Historic Site on the 2009 Park City Historic Sites Inventory (Exhibit A). The application for the proposed addition to the historic home (Exhibit B) was reviewed by staff and the Design Review Team as described below.

On October 11, 2012, Staff posted a sign on the property and sent notice to the surrounding property owners that an application for a Historic District Design Review (HDDR) had been received. This preliminary notice was done in accordance with requirements of the current Historic District Design Guidelines (HDDG) and the Land Management Code (LMC). In response to the posting, the owner to the south requested clarification of the rear setbacks and the owner to the north, the appellant, requested to review the file.

On October 24th following a review of the file, the appellant submitted two letters outlining concerns with the proposed plans (Exhibit C). During the months of November and December Staff met with the applicant's architect, David White, to discuss the application and address concerns raised by staff and the adjacent property owners.

In January, staff scheduled the application for a second review by the Design Review Team to go over all items raised regarding design elements of the addition and regarding the concerns about removing the non-contributory additions in the rear.

At that meeting, the Design Review Team again provided direction to the applicant and staff that the current HDDG and the Historic Sites Inventory do not require a Certificate of Appropriateness for Demolition (CAD) for additions that are deemed non-contributory additions, such as the existing rear additions to 505 Woodside. This information was provided to the applicant during the Pre-HDDR application review with the Design Review Team prior to submittal of the current HDDR application. On January 17, 2013, the applicant submitted revised plans based upon concerns raised by the adjacent property owners and input from Staff.

Upon review of the revised plans, staff found the proposed design was in compliance with the current (2009) Design Guidelines, as conditioned, and sent an action letter, including conditions of approval, to the applicant on February 5, 2013 (Exhibit D).

On February 4, 2013, a notice of final action approving the HDDR for 505 Woodside Avenue was posted on the property and notices were mailed to surrounding property owners as required by the Land Management Code. The notice stipulated a 10 day appeal period for the action and stated that any appeal shall be provided in writing to the Planning Department by 5pm on February 14th.

Appeal

On February 13th the Planning Department received a written appeal (Exhibit E) pursuant to Chapter 15-1-18 of the Land Management Code. The February 13th appeal states that the appellant has standing to appeal and that "the application was required be (sic) reviewed under the steep slope criteria as provided in LMC 15-2.2-6. Appellant reserves the right to supplement or amend this appeal."

On February 24th the appellant submitted an additional appeal document (Exhibit

F). This information was submitted fourteen (14) days after the ten (10) day appeal period ended. The February 24th appeal includes allegations that 1) the HDDR application was incomplete, 2) that a Steep Slope CUP has not been performed, 3) that the engineered retaining walls in the front yard will be greater than 6' in height, 4) that "old growth" trees are not identified on the plans and are not being preserved, 5) that a preservation plan was not submitted, 6) that the approval allows for the demolition of the entire structure, and 7) that the historic structure and roof forms are not being preserved and retained. These items are addressed below.

Appeals made within ten days of the Planning Staff's determination of compliance with the Historic District Guidelines are heard by the Historic Preservation Board (HPB). Appeals related to provisions of the LMC are heard by the Planning Commission.

Appeal information submitted after the ten day period should be considered if the HPB and/or Planning Commission find that the late appeal information is related to the initial appeal. LMC Section 15-1-18 (A) states: "all appeals shall be filed with the Planning Department within ten (10) days of the Final Action" Subsection (F) states: "FORM OF APPEALS. . . . Appeals . . . 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 Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal".

Staff has provided analysis of both appeals.

Included in both appeals are references to provisions of the Land Management Code. As the Historic Preservation Board does not have jurisdiction to make decisions on Land Management Code issues, Staff bifurcated the appeal so that issues related to the LMC, such as whether a Conditional Use Permit is required or whether retaining walls are too high pursuant to the LMC, will be heard by the Planning Commission at a separate hearing (scheduled and noticed for March 27th) and issues related to the HDDG are heard by the Historic Preservation Board.

Standard of review

The scope of review by the HPB shall be the same as the scope of review by the staff. The HPB shall review the application "de novo" or anew and shall give no deference to the underlying staff decision.

General Analysis of the HDDR application

Existing Character

The existing 1,700 square foot house has been significantly altered by additions and changes to the exterior and materials as described in the Historic Sites

Inventory. The original historic house was approximately 800 square feet. A front addition of about 200 square feet was added in the However, the original “cross-wing” form is evident and is a character defining element to the house. The historic house is approximately 990 sf, including the front addition. Non-contributory additions to the rear (west) are proposed to be removed (Exhibit G).

Front façade and garage addition

The existing front façade will remain unchanged. The previous application proposed to remove a portion of the front façade on the north side to allow room for a side accessing garage under the north side of the house. The current application proposes a straight in driveway and garage to be located beneath the front porch, to the north of the existing stairs that will remain in their current location. The driveway does not exceed ten feet in width.

HDDR approval does not give approval to any items that do not meet the requirements of the Land Management Code, and all LMC items will be verified at the time of the Building Permit plans review. Likewise, HDDR approval does not give approval for items that require specific approval by the Planning Director, City Engineer, or Building Official, as the details to make such an approval are typically submitted with the building permit plans.

Additions, connector element, and roof form

Additional living space is proposed with the rear addition. A flat roofed connector element functioning as a circulation/staircase area provides a clear transition between the historic house and the pitched roof of the rear addition located 47’ behind the parallel pitched roof of the historic house. The rear addition does not encroach on the historic portion of the roof. The addition preserves the existing roof forms complies with the current HDDG. The flat roof of the connector element is proposed to be a planted, green roof, consistent with requirements of the Land Management Code and Design Guideline D.1.4 requiring a clear connector element between old and new. The flat roof section is not a primary roof.

Items of Appeal

This section contains the Staff Analysis of the items of appeal subject to review by the HPB. The appeal is written in *ITALIC* followed by staff’s analysis.

1. The HDDR Application was Incomplete. (Site plan contains inadequate topographic contours and misstated spot elevations.)

Staff analysis: The HDDR Application was deemed complete on September 24, 2012 as all required submittal items were provided with the application including both a topographic survey and a preservation plan.

The topographic survey submitted was prepared and certified by a licensed surveyor. (See Exhibit B) There are 2’ contour intervals on the survey. In certain instances, such as on an existing retaining wall that is 4’ or 6’ tall, 2 or 3 of the two foot intervals fall on top of each other in plan view. Additionally, there is not a

significant part of the lot that does not have an existing structure, deck, retaining wall, or other encumbrance where the contour intervals would not be shown because they could not be determined under the existing structures. While the two foot contours were faint, staff was able to see them and use them to determine the existing grade of areas not encumbered by existing structures or walls. Staff did not utilize the applicant's hand drawn topographic lines interpolated through the existing building footprint.

The HDDR application states the following items need to be included on the survey: 1) existing grades referenced to USGS elevations, 2) building footprints of existing buildings, structures, and improvements; 3) existing physical encroachments on and off the site; 4) utility locations; 5) existing vegetation; 6) existing drainage facilities; 7) existing on-and off-site circulation and parking. The survey submitted contains these items. (See Exhibit B).

The HDDR application states the following are items need to be included on the proposed site plan: 1) proposed grades reference to USGS elevations, 2) proposed building footprints, 3) superimposed building roof plans of all structures on site having ridgelines referenced to USGS elevations, 4) existing physical encroachments, 5) proposed utilities, 6) existing and proposed vegetation, 7) proposed drainage facilities, 8) on and off-site circulation and parking, 9) proposed ground surface treatments. The submitted site plan contains these elements (see Exhibit B).

Although Appellant mentions the driveway steepness under a separate argument (last paragraph of Argument 2), his allegations involve the topography of the site. Staff's response to the Driveway slope is that the garage door is proposed to be located under the porch 31' feet back from the curb and gutter. There is a four foot change in grade across the length of the driveway from the garage to the street resulting in a 12.90 % slope. This is less than the maximum allowable driveway slope of 14%.

Likewise, Appellant makes certain arguments regarding the height of the walls as depicted in the survey (first paragraph of Argument 2 (sic – labeled 2, really 3)). Although retaining walls greater than 4' in height, located in the front setback area, require a building permit and Planning Director/Building Official approval and retaining walls greater than 6' in height in the front, side or rear yards also require an administrative conditional use permit and a building permit, the current HDDR approval includes a note on the plans that all stone retaining walls on the property will be dry-hand stacked 2' to 4' high walls (non-engineered walls, therefore less than 4' in height). These low stacked walls do not require a building permit or a Conditional Use Permit.

The existing front retaining wall (not an historic wall) is identified as being "rebuilt with dry stacked rock" to comply with the HDDG and conform to the style of the stacked low rock walls proposed along the driveway. This front retaining wall is within the City ROW and is not technically located within the front yard area. If the existing rock facing can be replaced without having to structurally upgrade

the concrete wall then the applicant will reface the existing wall with stone to match the new walls. If however, the underlying wall is not structurally sound, or wasn't built to current Building Code standards, then the wall will have to be rebuilt according to the Building Department to handle the new rock load. A new wall in the ROW will require approval and an encroachment agreement from the City Engineer. These retaining wall approvals are obtained prior to issuance of a building permit for the addition when the Building Department has structural calculations from a licensed Engineer.

To allay concerns regarding heights of retaining walls due to design consideration, whether stacked or poured and faced with stacked stone, staff is recommending revisions to the conditions of approval, as follows:

- a) Add "retaining walls" to the list of items in Condition of Approval #10 to be reviewed by the City Engineer at the time of building permit plan review.
- b) Add a condition of approval that all retaining walls shall comply with the Land Management Code requirements.

A preservation plan was submitted with the application. (See Exhibit B) The plan provided an existing conditions report, a preservation plan strategy in written form, and a plan showing a proposal to panelize the remaining historic walls in order to preserve them from destruction during construction of the garage and basement. Staff specifically stated in the action letter that the design review approval does not include approval of the Disassembly/Reassembly (panelization) as proposed by the applicant. Staff indicated that additional information will need to be provided after results of an exploratory demolition permit and report for the Planning Director and Chief Building Official to use to determine whether unique conditions and overall quality of the historic preservation effort warrant this method of preservation.

2. Steep Slope CUP Planning Commission Review was not performed.

(Portions of the Lot under areas of construction and access thereto exceed 30% slope. Driveway is also (sic) exceeds maximum allowed slope)

2. (sic) Engineered Retaining Walls > 6ft are required in Front Yard.

(Driveways exceed maximum allowed slope)

Staff analysis: These items fall under an interpretation of the Land Management Code which is outside of the purview of the HPB. Therefore, these items are scheduled to be heard on March 27, 2013 by the Planning Commission who has jurisdiction to hear appeals of decisions by staff regarding application of the LMC to a property. The HPB has jurisdiction to hear appeals of decision regarding the Design Guidelines.

3. Significant Vegetation must be shown on plan and preserved. (Trees require a health evaluation by a certified arborist and Loss Mitigation)

Staff analysis: Existing significant vegetation is shown on the plans and there are notes indicating that the existing vegetation will be preserved. (See Exhibit B) The evergreen tree located in the City ROW, while tall and significant, is not "old

growth” and the plans contain a note stating that the tree will not be removed. The applicant does not have the ability to make a decision to remove trees in the City’s ROW and has already stated that the trees will remain.

Staff recommends an amendment to conditions of approval #6 requiring an updated survey to identify all existing significant vegetation by type and size for inclusion on the final landscape plan required to be submitted with the building permit application and to specify that none of the large evergreen trees on the property or in the City ROW will be removed unless required to be removed by the City Arborist and all existing significant vegetation, including that on adjacent lots shall be protected from disturbance during construction.

An existing evergreen tree in the northwest corner of the rear yard was mislabeled on the landscape plan, which has been corrected on the approved HDDR landscape plan. (See Exhibit B) There is an approximately 20’ tall evergreen tree in this location, planted after the date of the survey and not an old growth tree. The applicant has no intention of removing this tree.

4. Historically Significant Site/Building requires Historic Preservation Plan.
(A viable plan that meets common practice was not submitted or approved)

Staff Analysis: A preservation plan was submitted with the application. The plan provided an existing conditions report, a preservation plan strategy in written form, and a plan showing a proposal to panelize the remaining historic walls in order to preserve them from destruction during construction of the garage and basement (see Exhibit B). Staff specifically stated in the action letter that the design review approval does not include approval of the Disassembly/Reassembly (panelization) as proposed by the applicant. Staff indicated that additional information will need to be provided after results of an exploratory demolition permit and report for the Planning Director and Chief Building Official to use to determine whether unique conditions and overall quality of the historic preservation effort warrant this method of preservation. Once that determination is made by staff, it is appealable.

5. Approval allows for illegal demolition of entire structure except for 3 walls.
(A CAD permit has neither been applied for nor approved)

Staff analysis: The HDDR approval does not allow for demolition of the entire structure except for 3 walls. The historic house is approximately 990 sf (including the front addition). The current house is approximately 1,700 square feet including existing additions. There were two additions to the building, one in the front of the house in the 1930s which is deemed contributory, and one in the rear of the house which has been found not to be contributory. (See Exhibit A, page 2 “The rear additions were constructed after 1968 according to the tax cards.”) It is Staff’s interpretation of the Code that a Certificate of Appropriateness for Demolition (CAD) is not required for additions that were deemed non-contributory or non-historic additions, such as the existing rear additions to 505 Woodside that are out of the historic period and have not acquired historic significance in

their own right. The home is being preserved back to the 1940's design removing non-contributory additions. The removal of non-contributory additions may be approved at a staff level during the historic district design review process as was done with this application. Because the rear additions were non-contributory, they did not require a CAD.

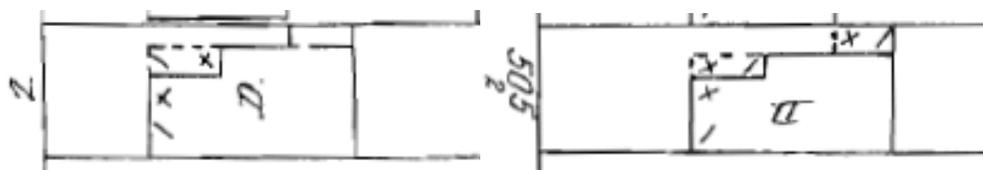
A preservation plan was submitted with the application. The plan provided an existing conditions report, a preservation plan strategy in written form, and a plan showing a proposal to panelize the remaining historic walls in order to preserve them from destruction during construction of the garage and basement.

Staff specifically stated in the action letter that the design review approval does not include approval of the Disassembly/Re-assembly (panelization) as proposed by the applicant. Staff indicated that additional information will need to be provided after results of an exploratory demolition permit and report for the Planning Director and Chief Building Official to use to determine whether unique conditions and overall quality of the historic preservation effort warrant this method of preservation. If this method is not warranted, the applicant will have to provide an amended preservation plan for approval by the Planning Director and Chief Building Official.

6. Historic Buildings (sic) Structure and roof forms are not being preserved or retained. (Numerous HDDG are either disregarded or outright violated)

The historic house and unique cross-wing variant and porch historic roof form is being preserved and retained. The existing home at 505 Woodside Avenue is listed as "significant" on the Park City Historic Sites Inventory (HSI). The home has been modified significantly since the original construction in 1904 during the mature mining era (1894-1930). In the 1930's, an expansion to the north of the front of the house (adjacent to the front porch) occurred as is evident by the 1940's tax photo. This addition is also being retained as it is deemed contributory.

The attached historic Sites Inventory form (Exhibit A) further describes the changes to the house, the front porch and the side and rear additions. The applicant researched the history of the property with the Sanborn maps and the 1940's tax photo. The following are the footprints of the home from the Sanborn Maps. See Exhibit G for photographs, including a 1940's tax photo. The applicant based the current preservation plan on the 1940's tax photo. Staff found that the essential historic form of the house and roof are not compromised by the removal of the later rear additions and construction of the proposed addition.



Additional living space is proposed with the rear addition. A flat roofed connector element functioning as a circulation/staircase area provides a transition between the historic house and the pitched roof of the rear addition located 47' behind the parallel pitched roof of the historic house. The rear addition preserves the existing roof forms, and complies with the current HDDG, specifically Universal Guidelines 1 and 2 regarding using the site as it was historically used (single family home) and historic features that have acquired historic significance should be maintained and preserved. The cellar, and the rear additions are out of period additions and not contributory to the historic timeframe. The historic roof form, the cross-wing variant form is maintained (see Exhibit B). The flat roof of the connector element is proposed to be a planted, green roof, consistent with requirements of the Land Management Code and complies with Guideline D.1.4 as a "clear transitional element between old and new". The new addition is located approximately 31 feet behind the front façade and complies with Guideline D.1.2 in that it is visually subordinate to the historic structure when viewed from the public right-of-way. Additionally, through the use of complementary materials and architecture (e.g. simple forms, siding (both harmonizing horizontal siding and juxtaposing vertical corrugated siding), simple corresponding windows, and other fine grained detailing) the addition complements the visual and physical qualities of the historic building.

As previously discussed, the original house has been significantly altered since the Historic era. Removal of additions to the house does not alter the Essential Historical Form and the character defining elements of the house. The shape of the roof will be preserved. Staff finds that the original shape of the roof with the 1930's era changes as reflected in the 1940's tax photo will be maintained. Portions of the historic roof were changed with the non-historic additions. Additions subsequent to the Historic era may be removed without a Certificate for Appropriateness of Demolition (CAD).

The existing front façade, including the historic portions of the roof of the historic structure, will remain. Portions of the historic roof were removed with the previous non-historic additions. The addition complies with Guideline B.1 that refers to maintaining the original roof form. The current application proposes a straight in driveway and garage door to be located beneath the front porch. The driveway is on the north side of the existing stairs that will remain in their current location. The driveway does not exceed ten feet in width and is subservient to the front façade. The garage and basement are proposed to be added without raising the level or changing the location or orientation of the historic structure.

Staff reviewed the proposed HDDR application for compliance with all applicable guidelines, including Universal Guidelines 1-10 and Specific Guidelines A (regarding site design), B (regarding primary structure), C (regarding parking areas and driveways), D (regarding additions), J (regarding exterior lighting), and L (regarding sustainability). Guideline F (regarding disassembly/reassembly

of all or part of the historic structure) was specifically excluded from Staff's review and so stated in the final action letter. This Guideline will be utilized after an exploratory demo permit is issued and the applicant can provide the City with a report of existing conditions, additional photographic survey information and written plans detailing how the disassembly and reassembly will be completed.

Appellant's Conclusion

In response the Appellant's conclusion on page 12 of the February 28th appeal, there is no deference or special treatment for any applicant or appellant. Disclosure of conflicts of interest or recusal will occur at the HPB meeting.

Notice

Notice of the appeal was provided as required by the Land Management Code. The appellant provided the list of property owners within 100 feet and letters were sent to the property owners by the Planning Staff.

Process

Per LMC Section 1-18 (B), the City or any Person with standing adversely affected by any final decision of the Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision.

Recommendation

Staff recommends that the Historic Preservation Board uphold the staff's approval of the Historic District Design Review and deny the appeal of the Historic District Design Guidelines approval at 505 Woodside Avenue based on the following:

Findings of Fact:

1. The single family residence located at 505 Woodside Avenue is located in the Historic Residential (HR-1) zone.
2. 505 Woodside is listed as a significant site on the Park City Historic Site Inventory.
3. The historic home is located on Lot 1 of the 505 Woodside Avenue Subdivision. Lot 1 is approximately 4375 square feet in lot area.
4. The applicant is proposing to restore and preserve the original exterior walls of the historic home and construct an addition to the rear after removing non-contributory additions.
5. The historic home will remain in the original location and elevation with the unique historic cross-wing variant roof form.
6. The maximum height of a structure in the HR-1 zone is 27' above existing grade. The proposed addition meets the code maximum height allowance of 27 feet. The highest portion of the addition is located 47' behind the parallel pitched roof of the original historic house.
7. The HDDR Application was deemed complete as all required submittal items were provided with the application including both a topographic survey and a preservation plan.

8. The topographic survey submitted was prepared and certified by a licensed surveyor. There are 2' contour intervals on the survey.
9. A preservation plan and report was submitted with the HDDR application, including an existing conditions report, a written preservation plan report, photographs, and a plan proposing to panelize the historic walls.
10. The request for panelization, was not approved as part of the HDDR, as specifically stated in the Action Letter. Additional information is required to be provided after results of an exploratory demolition permit and report to be presented to the Planning Director and Chief Building Official to use in order to determine whether unique conditions and overall quality of the historic preservation effort warrant this method of preservation. If this method is not warranted, the applicant will have to provide an amended preservation plan for approval by the Planning Director and Chief Building Official.
11. A preservation guarantee is required for all construction projects involving historic properties. The guarantee is typically \$250.00 per square foot of construction. This guarantee is required prior to issuance of any building permits.
12. The findings discussed in the Background and Analysis Sections of this report are incorporated herein.
13. Existing significant vegetation, including the large evergreen trees on the property and within the City ROW will remain. The landscape plan was revised on January 31, 2013 and shows that the evergreen tree located on the northwest portion of the lot will remain and will be shown on the final landscape plan to be submitted with the building permit plans.
14. A landscape guarantee is required for all construction involving the disturbance of existing ground and/or vegetation and for any projects that have required landscape plans. This guarantee is required prior to issuance of any building permits.
15. The HDDR approval does not allow for demolition of the entire structure except for 3 walls. A Certificate of Appropriateness for Demolition (CAD) is not required for additions that were deemed non-contributory additions or that have not acquired historic significance in their own right.
16. The historic house and historic roof forms are being preserved and retained.
17. Additional living space is proposed with the rear addition. The new addition is located approximately 31 feet behind the front façade.
18. The proposed flat roofed connector element is a "clear transitional element between old and new" functioning as a circulation/staircase area and providing a transition between the historic house and the pitched roof of the rear addition located 47' behind the parallel pitched roof of the historic house. The rear addition does not encroach on the historic portion of the existing house, and it preserves the existing cross-wing variant roof form and complies with the current HDDG.
19. The flat roof of the connector element is proposed to be a planted, green roof, consistent with requirements of the Land Management Code and complies with the Guideline D.a.4 in that it is a "clear transitional element between old and new" and it is not a primary roof for the overall structure.

20. The February 5, 2013 action letter, including findings of fact, conclusions of law and conditions of approval are hereby adopted.

Conclusions of Law:

1. The proposed addition complies with the Park City Historic District Design Guidelines as conditioned.

Order:

1. The Planning Staff did not err in the approval of the Historic District Design Review of the proposed addition for 505 Woodside Avenue.
2. Appellant's request for a reversal of the Planning Staff's decision to approve the HDDR application is denied.
3. The Conditions of Approval from the February 5, 2013 HDDR Action Letter continue to apply with the following amendments:
 - a) Add "retaining walls" to the list of items in Condition of Approval #10 to be reviewed by the City Engineer at the time of building permit plan review.
 - b) Add a condition of approval that all retaining walls shall comply with the Land Management Code requirements.
 - c) Add a sentence to Condition of Approval #6 requiring an updated survey to identify all existing significant vegetation by type and size for inclusion on the final landscape plan required to be submitted with the building permit application and to specify that none of the large evergreen trees on the property or in the City ROW will be removed unless required to be removed by the City Arborist and that all existing significant vegetation, including that on adjacent lots shall be protected from disturbance during construction and the method of protection shall be approved by a certified Arborist.
 - d) If the proposed method of preservation by disassembly and reassembly is not warranted and approved by the City, then the applicant will have to provide an amended preservation plan for approval by the Planning Director and Chief Building Official prior to issuance of any building permits.

Exhibits

Exhibit A- Sites Inventory form

Exhibit B- Plans, Preservation Plan, Landscape Plan, Survey

Exhibit C- Appellant's letter following first notice

Exhibit D- February 5, 2013 Action Letter of approval with conditions

Exhibit E- Appeal submitted on February 13, 2013

Exhibit F- Additional appeal submitted on February 24, 2013

Exhibit G- Photos

**HEALTH AND STABILITY ASSESSMENT for AUSTRIAN PINE
in FRONT YARD at 505 WOODSIDE AVE, PARK CITY, UTAH**

INTRODUCTION

On March 25, 2013 I was retained to perform a Visual Tree Assessment (VTA) on an Austrian pine (*Pinus nigra*) at 505 Woodside Ave, Park City, Utah 84060.

A remodel to an existing home at 505 Woodside Ave, Park City, UT 84060 is being proposed. As part of the remodel, a renovation to an existing stone-veneered concrete retaining wall is also being proposed. This wall separates a strip of unimproved right-of-way, which lies on the eastern side of the property at 505 Woodside and Woodside Ave. Within this unimproved right-of-way exists the Austrian pine in question (see photo on page 5). A concern has been raised over the impact that the proposed renovation to the wall would have on the existing Pine.

OBSERVATIONS

The Austrian Pine lies within a Park City right-of-way, so technically the tree belongs to the City of Park City. The Austrian pine measured 14.5 inches diameter at breast height (DBH) and a measured height of 33 feet.

An increment borer was used to determine the tree's age is approximately 25 years. A core sample also indicated that the tree started slowing down growth at 13 years of age.

The trunk of the Austrian pine lies:

A measured 29 inches to the southwest to the retaining wall that separates 505 Woodside from Woodside Ave.

A measured 24 inches south of landscape work that was performed in 2005 by the next door neighbor at 515 Woodside. This work consisted of excavation and subsequent placement of retaining boulders and an ornamental shaft.

Both the retaining wall and the landscape work are within the drip line or Critical Root Zone (CRZ) of the Austrian pine in question.

The tree had a drip irrigation system installed under the tree by the homeowner around 2006..

At 14 feet above ground, the main trunk becomes co-dominant. The crotch is "U" shaped and stable. Using a ladder, I determined there's no decay present in this "U" crotch. The trunk had no lean and there were no visible cracks in the trunk.

The foliage had a good dark color with no signs of foliage loss.

New growth averaged a measured 9 inches on the mid to lower branches, which would indicate good

growth. According to Dirr¹, maximum growth for an Austrian pine is about 12 inches in the upper canopy.

Lower scaffold branches on the uphill side (southeast) of the pine were removed. This has resulted in an asymmetrical canopy on the side that faces Woodside Ave (downslope). See photo page 5.

There was some sapsucker woodpecker damage at mid-bole, but not enough to cause vascular dysfunction.

DISCUSSIONS

Because the pine is only a measured 29 inches from the retaining wall and a measured 24 inches from the next door neighbor's recent landscaping, it has nowhere to grow its roots to the northeast and north. Therefore, the only soil volume for the tree to grow roots is confined to the south and to the west.

Ground failure can occur when site conditions restrict root development, such as when soil volume or soil strength is insufficient to anchor the tree (e.g. wet soils coupled with strong winds and a dense canopy).² Trees with normal root development have 5-7 buttress roots that extend out as far as the height of the tree in a 360° configuration. In high wind events the trunk and canopy act as a lever in which forces are transferred to the base of the trunk which acts like a fulcrum. The buttress roots are outriggers that stabilize the tree under these forces. This pine lacks this configuration, so if it were to fail it would fail to the north or northeast. The targets include vehicles and pedestrians that occasionally pass by, as well as vehicles parked next door and along Woodside Ave.

Matheny and Clark assign Austrian pine with a "medium hazard" rating³. Defects in pines in general is typically dead wood and decay.

According to Dirr,⁴ Austrian pines are capable of growing 50 to 60 feet high with a 20 to 40 feet width. The Austrian pine at 505 Woodside Avenue had a measured height of 33 feet with a measured width of 20 feet. Therefore, it is approximately one-half size of a mature Austrian pine. A mature pine would have an estimated trunk DBH of 36 inches or more and with a trunk flare of 50 inches. In other words, the increased growth from the existing 16.5 inches radius trunk flare to a projected 25 inches radius mature trunk flare would reduce the distance to the wall from an existing 29 inches to 19 inches. It's estimated it will take another 25 years before this tree reaches mature size.

CONCLUSIONS

Because the proposed remodel will be confined outside the drip line and because the tree is young and vigorous, the tree will probably withstand the disturbance provided recommendations are followed.

¹ Dirr's Hardy Trees and Shrubs, Michael Dirr, Timber Press, 1997.

² Evaluation of Hazard Trees in Urban Areas, 2nd Ed, N.P. Matheny and J. R. Clark, ISA, 1994.

³ Ibid

⁴ Dirr's Hardy Trees and Shrubs, Michael Dirr, Timber Press, 1997.

Matheny and Clark developed a procedure to determine hazard rating posed by trees in urban areas, where Hazard rating = Failure Potential + Size of Part + Target Rating.⁵ In the case of this pine the Hazard Rating would be 5 (Failure potential: 1 (low), Size of Part: 2 (6-18 inches), and Target Rating : 2 (intermittent). This is considered a “low” hazard rating.

The tree has no lean, no signs of decay and no visible cracks. The tree is currently stable. However, because of its close proximity to the retaining wall and landscaping at 515 Woodside Ave, this growing site can not support a mature Austrian pine.

RECOMMENDATIONS

Based on my investigation, I recommend the following course of action if the decision is to retain the Austrian pine at 505 Woodside Ave should the concrete retaining wall need to be removed and replaced:

Erect a temporary fence around the south and west sides of the pine during the construction process. This fencing should be placed at least to the drip line. The area inside the fence is inviolate to traffic and storage of building materials.

If the retaining wall needs to be replaced, it should be performed in stages rather than replacing the entire wall all at once.

Once the wall closest to the trunk is removed, it's essential that the exposed roots do not dry out. To prevent desiccation, cover the roots with burlap and keep moist.

Once a new wall is poured and stripped of forms, backfill the void between new wall and root system with good quality screened topsoil, and water deeply to settle out any air pockets.

Keep tree watered during construction process.

⁵ A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas, 2nd Ed, N.P. Matheny and J.R. Clark, International Society of Arboriculture, 1994.

= signature =

I certify that all the statements of fact in this report are true, complete,
and correct to the best of my knowledge and belief, and that they are made in good faith.

Keith B. Clapier
BCMA #UT-0034B
March 28, 2013



Austrian Pine and the retaining in ROW in front of 505 Woodside

Applicant comments;

The retaining wall in front of 505 that lies between the unimproved ROW and the improved ROW

The original retaining wall as seen in the 1940 tax photo was a low, dry stack wall.

The existing Austrian Pine lies on the north end of the ROW about 24" off the retaining wall.

The tree is 25 years old.

It would be my guess that about 25 years ago the low, dry stack wall stack was replaced with a poured in place concrete, retaining wall that is faced with a flagstone veneer. The top of this wall slops at an angle down to match the slope of the road.

A small portion of the existing concrete stone veneered retaining wall is to be removed to accommodate the new proposed driveway. This proposed driveway is outside the drip zone of the Austrian Pine, and per the report from the Arborist, the removal of this portion of the retaining wall will not impact the Austrian Pine.

In our application we propose to modify the "non- historic look" (flag stone veneer) and return the look of the wall to a "low dry stack stone look". This does not impact our ability to construct the project but rather our wish to make the project look more historic.

We can most likely can reuse the existing concrete wall and give it a "makeover" to give it the "low dry stack look". We believe we can accomplish this look by;

1. Removing the stone veneer on the concrete wall
2. Cutting the height of the concrete wall in some location to reduce the height and create a horizontal line cross the top of the wall to match the horizontal (level line of the homes on the street)
3. Replace the flag stone veneer with a dry stack stone veneer.

The method stated above would have no impact on the existing Austrian Pine.

Should however it prove not possible to reuse the existing concrete wall, The arborist has provided instructions as to the best mean to replacing the existing concrete retaining wall and preserving the Austrian Pine.

We like landscaping, gardens, green, the screening of trees. For the last 8 years we have watered, feed, and protected this Austrian Pine, we have added about 30 trees to 505, added an irrigation system, over, 50 shrubs, and 500 perennials.

We can protect and keep the Austrian Pine. However, after meeting with the arborist, it is not clear that the Austrian Pine should remain for the following reasons;

1. The tree is the wrong type of tree for its location. It will simple grow too large for the amount of space that is there (it is a young tree at 25 years old and about half its full size at age 50).
2. The tree is very limited in its root structure as it is bound on one side by the retaining wall and the other by the boulders and ornamental shaft placed there by Meadows. At some point in the future the tree may become a liability as it will not have sufficient root structure to support its size.
3. The tree as it continues to grow can push the retaining wall, as the roots have nowhere else to grow.
4. The tree has a u shape in the trunk, which generally is a potential place to have issues.
5. The tree is "off balance" or heavier on the street side and at some point may start to lien into the street.

It would seem to be worth the consideration of replacing this tree with one that is planted farther back from the wall and is a more appropriate type of tree. It was the recommendation of the arborist to consider this.

While the tree is a nice tree, it is not old growth, it is not a special tree, it is likely to fail at some point and need to be replaced, would it not be better to replace it now and eliminate the potential for damage and injury.

See attached report from Arborist

Exhibit C

Photographs:



505 Woodside Model



505 Woodside Photograph, with addition

Exhibit C



515 Woodside



Cross Canyon View

Exhibit C



Woodside Composite Showing 505 and 515 Woodside