

**PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
CITY COUNCIL CHAMBERS  
January 7, 2014**



## **AGENDA**

**MEETING CALLED TO ORDER AT 5:00PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF November 5, 2014**

**ADOPTION OF MINUTES OF December 3, 2014**

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

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

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

360 & 336 Daly Avenue – Determination of Significant of an Accessory Structure/Garage      PL-14-02481      PG. 35  
*Public hearing and possible action*      *Planner Alexander*

491 Echo Spur – Appeal of a Historic District Design Review      PL-14-02481      PG. 73  
*Public hearing and possible action*      *Planner Astorga*

### **WORK SESSION**

Historic District Grant Program – Policy Review      *Planner Grahn*      PG. 195

Temporary Winter Balcony Enclosures      *Planner Grahn*      PG. 199

### **ADJOURN**

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 NOVEMBER 5, 2014

BOARD MEMBERS IN ATTENDANCE: Chair John Kenworthy, Lola Beatlebrox, Marian Crosby, Puggy Holmgren, Hope Melville

EX OFFICIO: Thomas Eddington, Anya Grahn, Polly Samuels McLean

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ROLL CALL

Chair Kenworthy opened the meeting at 5:00 and noted that all Board member were present except David White and Cheryl Hewett.

APPROVAL OF MINUTES - October 15, 2014

Board Member Beatlebrox referred to pages 17 and 18, which stated that Board Member Holmgren had voted against the motion. The minutes were corrected to reflect that it was Board Member Melville who voted against the motion. Board Member Holmgren had voted in favor.

Board Member Beatlebrox referred to page 3 and noted that the minutes correctly stated that the Board had said \$147,000 per year; however, the actual number is \$127,000. Chair Kenworthy pointed out that the minutes reflect what was said on the recording. However, he acknowledged that Ms. Beatlebrox was correct in noting that the number stated by the Board in their discussion was off by \$20,000.

MOTION: Board Member Beatlebrox moved to APPROVE the minutes of October 15, 2014 as corrected. Puggy Holmgren seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

There were no comments or disclosures.

REGULAR AGENDA – Discussion, public hearing, and possible action

Historic District Grant Program Policy Discussion

Planner Grahn provided a brief overview of the discussion with the City Council a few weeks earlier. The grant program began in 1987 with over \$500,000 in the redevelopment fund. The grant only covers exterior improvements and the plans must comply with the Historic District Design Guidelines. Planner Grahn pointed out that regardless of whether or not a project receives grant funds, it must comply with the Design Guidelines. The grant request was originally housed in the CIP and funded with Main Street and Lower Park Avenue RDA funds. The General Fund can be used for historic sites outside of the historic district.

Planner Grahn stated that due to new government accounting rules, the City had to adjust the way the Grant program is administered because CIP funds cannot be used for projects that are not city assets or city-owned. The Grant Program would be allocated money every year through the budget process and budgeted annually. As part of the FY2015 budget, the City Council had allocated \$50,000 to the Lower Park RDA, \$30,000 to the Main Street RDA, and \$47,000 to the City-wide or General Fund. Planner Grahn presented a color-coded map identifying the areas in yellow as the Main Street RDA, and the green area as the Lower Park Avenue RDA. She emphasized that a historic site outside of the RDAs would be funded from the General Fund.

Planner Grahn stated that during the work session with the City Council it was determined that the Grant Program should continue to be a first come/first serve program. Therefore, changing the review time frame of the Grant Program to quarterly or semi-annually would make the grants too competitive. The HPB would be able to award up to \$25,000 in Grant funds without City Council approval. If the grant exceeds \$25,000 it would be approved by the City Council on their Consent Agenda.

Planner Grahn reported that the City Council was divided on whether or not to allocate different percentages based on primary and secondary homeownership. The Council directed the Staff to get feedback from the HPB regarding this issue.

Planner Grahn outlined the grant application process. She noted that the HPB can award a grant up to 50% of the eligible preservation work. When the project is completed the applicant submits a completed grant payoff form to obtain the grant money. A lien agreement is placed on the property for five years, and if the property is sold within that time the owner has to pay back a prorated portion of the grant funds.

Planner Grahn stated that as part of the grant application the owner is required to provide a project description, a cost estimate, either an approved HDDR or schematic drawings and photos. The Staff usually includes a Historic Site Inventory form with a brief history of the historic property. The Staff believes it would be helpful if the applicant was required to obtain three bids to get a better idea of what the work might actually cost. Currently only one bid is required.

Planner Grahn asked the Board members for their thoughts on requiring additional bids.

Board Member Holmgren was opposed to the idea. She stated that most contractors charge for a bid and that would be an additional expense for the owner.

Board Member Melville asked if the Staff has had problems in the past with inflated bids. Planner Grahn was not prepared to say whether or not the bids were inflated, but the Staff preferred to err on the side of caution to make sure that does not happen. She had compared Park City's grant program to other cities and found that most require more than one bid. Ms. Melville agreed with Ms. Holmgren that three bids would be burdensome for the owner. The intent is to encourage people to apply for a grant. She thought the owner would make sure the bid was not inflated because it would affect the portion they would have to pay as well.

Board Member Holmgren commented on the difficulty of obtaining multiple bids. Ms. Melville agreed that a lot of contractors are not interested in submitting a competitive bid. Chair Kenworthy stated that in reviewing the grant applications he has not seen any inflated costs in terms of doors, windows or foundation work.

Board Member Crosby asked if it was possible for the Staff to have someone in the Building Department review the bid when it comes in with the application to make sure the estimated costs are reasonable. Director Eddington replied that a number of people in the Building Department and the Planning Department have the ability to review a bid. However, when the Staff has reached out to people in the past they were always advised to obtain more than one bid. Director Eddington agreed with the concerns regarding additional cost and the difficulty in obtaining bids.

Planner Grahn stated that she would remove the proposed requirement from the grant application.

Planner Grahn provided a list of the eligible improvements that were currently covered under the grant program. The Staff recommended that they add cladding repairs, architectural ornamentation, weatherization of historic windows and doors, abatement of hazardous materials, and stabilization/preservation of industrial mine structures to the list.

Planner Grahn stated that in the past they also talked about whether the historic preservation grant should help pay for a preservation plan and the physical conditions report, since those are also added costs. If they pursued that direction, it should be broken into two grants. The first grant would cover the

preservation plan and physical conditions report, and the second grant would pay for the construction work.

Chair Kenworthy asked for the estimated costs of the preservation plan and physical conditions report. Planner Grahn stated that it varies per project but she believed it was at least \$2,000. Board Member Melville asked if it would be possible to pay for the preservation plan and physical conditions report retroactively after the grant request is approved. The costs could then be recovered with the grant application as opposed to a two grant process. Director Eddington asked if the Board would hold the amount of the preservation plan and physical conditions report to 50% or if the City would pay the entire amount. Chair Kenworthy preferred to have a cap on the maximum the City would pay.

Planner Grahn clarified that the Board would review the physical conditions report, the preservation plan, and the building plans when the grant application is submitted. She asked the Board for their thoughts on a reasonable cap since the total cost of the physical conditions report and the preservation plan could be \$4,000 to \$6,000. Director Eddington suggested a maximum of \$1500 for the physical conditions report and \$1500 for the preservation plan. The Board concurred.

Planner Grahn reviewed the list of ineligible improvements; which included interior remodeling, repair of non-original features, interior paint, signs, additions, and landscaping/concrete flatwork. The Staff recommended that the list of ineligible improvements also include relocating/moving historic structures horizontally on the lot, HVAC/Mechanical systems upgrades, any restoration work covered or funded by insurance.

Planner Grahn commented on painting. She noted that currently painting is not eligible for grant funds unless it protects wood siding and enhances the life span of the siding. Roofing has also been considered the responsibility of the homeowner. Planner Grahn recalled some instances where special circumstances allowed the grant to pay for painting and roofing.

Board Member Holmgren reported that at one time the grant would pay for exterior painting. However, that was changed when the Board changed from the Historic District Commission to the Historic Preservation Board. She recalled situations where they wanted someone to paint their house and Zions Bank got involved and provided financial help to those who could not afford it. Ms. Holmgren stated that the roofing situation was discussed on a case by case basis. It was typically handled in an emergency situation. Ms. Holmgren emphasized that the grant program used to pay for exterior painting.

Board Member Beatlebrox stated that if the goal of the grant program was to make the historic homes look better and more interesting for tourists, she could

not understand why painting would not be an eligible expense. Director Eddington stated that the reasoning was that general repair and upkeep should be the responsibility of the homeowner. Therefore, it was not considered a component of restoration or rehabbing a significant structure. Board Member Holmgren stated that another reason was that the wood siding on all the houses was the same drab color and that painting the structure would not be a true restoration.

Board Member Melville stated that if people retain the old boards that have to be patched, those needed to be repainted more often than new boards. She suggested that they consider that in their discussion. Otherwise, the practical approach for a homeowner would be to remove the old wood and replace it with something that needs to be repainted less often. Planner Grahn suggested that when a grant application includes the restoration of wood siding, the Staff could include the cost of paint for the HPB to consider when they review the application. Board Member Melville believed it would be considered historic preservation of historic materials. She suggested that they also find a way to grant funds for ongoing maintenance painting.

Chair Kenworthy preferred to keep painting on a case by case basis to be considered with each grant review. Board Member Melville suggested that they find incentives to encourage the applicant to retain the historic materials on the structure.

Planner Grahn stated that during the work session with the City Council they discussed applicant eligibility. Currently, any historic property owner can apply for a grant and be reimbursed up to 50% of the cost. The Staff had proposed to the City Council that a primary homeowner or a renter living in a house full-time could receive up to 50% of the cost for construction. A secondary homeowner who uses the property for nightly rental and does not live at the property would receive up to 35% of the cost. Commercial properties would receive up to 50% of the cost. Planner Grahn asked the Board for their thoughts on differentiating between primary and secondary homeowners and how commercial properties should be treated.

Chair Kenworthy asked for a show of hands from the Board members who supported giving primary residences a higher percentage. Chair Kenworthy and Director Eddington provided background to explain why a different percentage was being proposed for primary versus secondary residences. Board Member Melville was unsure how a percentage of 50% for primary and 35% for secondary would encourage the preservation of primary residences. Director Eddington did not believe it would encourage the primary owners; but it would be an added bonus for those who are primary residents. Ms. Melville was supportive of finding whatever resources were available to assist people in keeping and occupying historic structures. However, she would also like to incentivize as

many builders, contractors, and buyers as possible to be enthusiastic about abiding by the Guidelines and doing the expensive preservation. Ms. Melville thought it was important to encourage secondary homeowners to keep the building as historic as possible. She was concerned about de-incentivizing secondary homeowners. Ms. Melville was not opposed to giving some leeway for a particular hardship on a historic building for a primary owner.

Director Eddington noted that the number and the cost of grant requests are becoming larger, and varying the percentage was an effort towards balancing the available funds.

Board Member Holmgren was not opposed to the tiered percentages; however, she questioned how much commercial money should be available. There are a lot of old buildings on Main Street and she would not want to see grant money going towards new construction. Ms. Holmgren was not comfortable giving grant money to buildings that are used for nightly rentals.

Board Member Melville asked how the City enforces the use. For example, if someone applies for a grant on the basis of a primary residence and it becomes a nightly rental a year later. Planner Grahn stated that it was based on the honesty of the homeowner and trusting that it would remain a primary residence or rented to a full-time renter. However, if the grant is awarded on a primary residence and the owner applies for a nightly rental business license, it would be discovered at the time of licensing. The Board expressed concern for those who rent illegally and do not apply for a business license

Assistant City Attorney McLean stated that the City has a program to catch people who rent illegally. Board Member Crosby asked if it was possible to consider a deed restriction for a specified time frame if a grant is awarded on a primary structure. Ms. McLean answered yes. The City currently has a policy stating that if the owner flips the home within five years of receiving grant money, the money must be paid back to the City at 20% per year. They could use the same formula if a structure goes from primary to nightly rental.

Board Member Melville stated that if the consensus is to have a higher percentage for primary structures and less for secondary structures, she would like the Staff to inform the HPB if that policy diminishes the number of people who apply for historic preservation.

The Board discussed whether to award an amount not to exceed the 50% or 35%, or whether the grant amount should be 50% and 35% of the total cost. Planner Grahn stated that currently the HPB has the ability to award an amount not to exceed 50%. Board Member Melville thought it should be clear what the applicant is entitled to. Her preference would be to award the full 50% for primary and 35% for secondary structures. Board Member Holmgren stated that

in the past the Board has been meticulous in reviewing a grant application item by item. Some applications are complicated and in an effort to be fair the Board needs to be more detail oriented. Director Eddington stated that the amount should be up to but not to exceed so they can be fair to everyone; particularly if they begin to run out of funds and the full 50% or 35% is not available.

Planner Grahn provided a count of the number of grants awarded in recent years and the properties that received the grant. The grant amounts were 40-50% on average, depending on what the budget allowed.

Board Member Crosby asked if it made sense to establish an emergency fund classification for hardship cases. Board Member Holmgren did not favor the idea because it is difficult for the old-timers to ask for help if they cannot afford it. Ms. Crosby understood the concern. Board Member Melville asked if the City could divert the demolition by neglect and offer funds from that type of an allocation. Ms. Holmgren did not believe they could give the fund any name that would make someone from that generation feel comfortable about accepting the help.

Chair Kenworthy asked the Board to comment on the three questions for discussion in the Staff report.

The first was whether the Board wanted the ability to award more money to primary homeowners than secondary homeowners. Board Member Crosby wanted to know how they could keep that from becoming a discriminatory issue.

Assistant City Attorney McLean stated that in terms of ability, she recommended establishing a policy so it is clear that a primary homeowner can be awarded up to a specific percentage; and a secondary homeowner can be awarded up to a specified percentage. Ms. McLean stated that it would be legally defensible as long as the policy is applied evenly and the Board has a rational reason for doing it. She pointed out that the State taxes primary homeowners differently than secondary homeowners. She did not believe the proposed percentage variation would present a problem.

Ms. Crosby was concerned about protecting the City and cited the scenario where a secondary homeowner could argue that they already pay higher taxes. Ms. McLean stated that the City would be legally protected and it would hold up in court as long as the rational reason could be articulated, which is to encourage primary homeownership within the City.

Board Member Beatlebrox that if the question is whether the HPB wants more primary homeowners in Old Town than secondary homeowners, she would answer yes because it builds community. A second question would be whether funding is a tool to help that occur. If that is a logical conclusion, she would agree that a higher percentage should be awarded to primary homeowners.

Assistant City Attorney McLean stated that the Board could also find that a person living in a home full-time would maintain the house at a higher standard, which promotes greater preservation of the home.

Chair Kenworthy noted that the same question was asked by the City Council and City Attorney Mark Harrington had stated that the City did have the ability to tier the percentages awarded for primary versus secondary homeowners.

Board Member Melville stated that her main concern was to incentivize people to do historic preservation as willingly as possible. She would not want the tiered percentage to de-incentivize any homeowner. If the percentage of reimbursement goes down enough it would discourage the homeowners and put historic preservation at risk.

Director Eddington did not believe historic preservation was the issue based on the number of HDDRs that the Planning Staff did last year in addition to the 6 grants that were awarded. Director Eddington asked if the Board was comfortable with the 50% maximum for primary homeowners and 35% maximum for secondary homeowners.

Board Members Kenworthy, Holmgren, Beatlebrox were comfortable with the percentages. Board Member Crosby was unsure. She felt it was double-edge sword because tourism drives the Park City economy. She thought it appeared to be a penalty for people who want to improve their property to maintain its historic value, and at the same time support tourism.

The suggestion was made to change it from 60% for primary homes and 40% for secondary homes. Board Members Melville and Crosby preferred those percentages. Board Member Holmgren was comfortable with the 50% and 35% originally proposed by Staff. She still wanted to talk about commercial and nightly rental properties.

Chair Kenworthy commented on the issues regarding nightly rentals that needed to be part of their discussion. He was pleased that the City has managed to better control illegal nightly rentals.

Assistant City Attorney McLean stated that the Legal Department looked at whether or not they could treat primary homeowners differently than secondary homeowners. However, she had not looked at the legal issue of whether they could treat the people who use a house as nightly rental differently than those who just use it as a second home. If the Board was considering not awarding grants to structures that are used for nightly rentals, she wanted the opportunity to do the research to be sure it was legally defensible.

The Board agreed that they had no intention of withholding grants from nightly rental structures because the intent is to encourage owners to preserve their historic structures.

Board Member Holmgren thought the issue with commercial properties was whether the houses in Old Town that are used as nightly rentals would be considered commercial properties or residential properties. If they only considered actual commercial or retail uses, she questioned whether 50% was needed for those structures.

Director Eddington clarified that nightly rentals are allowed in some of the historic residential zones versus the historic commercial zones. Board Member Holmgren believed the question was how many historic commercial buildings are on Main Street, and whether the nightly rentals in the residential part of Old Town should be considered a commercial business. Director Eddington replied that nightly rental is a business in terms of its function, but the use is still considered residential. Board Member Holmgren asked if it would be considered residential as a second home. She thought that issue also needed to be discussed. Director Eddington stated that nightly rental is considered a residential use in the zone; but by default the owner would be considered a secondary homeowner and would be subject to the reduced incentive.

Chair Kenworthy summarized that there was consensus for giving a primary homeowner a higher percentage of grant money. Board Members Melville, Beatlebrox and Crosby favored 50% for primary and 40% for secondary. Board Member Holmgren preferred 50% and 35%. Chair Kenworthy clarified that the majority wanted 50% for primary residences and 40% for secondary residences.

Planner Grahn asked how they should treat the historic structures on Main Street. Board Melville remarked that Main Street was very important. Board Member Crosby thought the commercial properties on Main Street should receive up to 50%. Board Member Beatlebrox pointed out that commercial properties are now able to get commercial loans and she questioned whether they needed grant money. Board Member Holmgren asked for the number of grant applications the Staff has seen for commercial properties on Main Street. Planner Grahn could not recall ever seeing a grant application for Main Street.

Board Member Holmgren thought they should award grants up to 50% for commercial properties to encourage people to do what Talisker did on Main Street. Chair Kenworthy pointed out that Talisker had not applied for a grant. High West Distillery applied for a grant four or five years ago but they were denied because the work had already been done.

Chair Kenworthy summarized that there was consensus to award up to 50% for historic commercial buildings.

Planner Grahn stated that the Staff initially recommended that the HPB should be limited to awarding up to \$15,000 since this was consistent with contract awards. However, the City Council decided that the HPB could award up to \$25,000 for individual grants. If it goes over \$25,000 the grant request would have to be reviewed and approved on the City Council Consent Agenda. Planner Grahn remarked that the individual grants could not exceed the allocated amounts in the RDAs. If there is \$47,000 available and the HPB awards \$50,000 in grants, they would have to ask the City Council to re-allocate the funds.

Board Member Melville understood that the City Council did not want to review every grant. They wanted the HPB to review the grants, which is why they increased the award amount for individual grants to \$25,000 before it has to go back to the City Council. Chair Kenworthy thought \$25,000 was still too low if the City Council did not want to review the majority of grant requests. The Board agreed. Planner Grahn reviewed the grant history from 2009 to 2014. It showed that the amount of grant money awarded has continually increased. More recently the grants have been closer to \$40,000. Planner Grahn specifically noted that the grant for 343 Park Avenue was \$30,000. They were close to the end of the budget and she had requested that the HPB only grant \$30,000.

The Board discussed the various grants that were awarded based on the actual amounts requested and the work that was done.

The Board recommended that the City Council allow the HPB to grant up to \$45,000 before a grant request is reviewed by the City Council. Board Member Crosby understood that the HPB could grant \$45,000 and make a recommendation to the City Council to consider granting the additional amount over \$45,000 that was being requested. She was told that was correct.

The next issue for discussion was completing the work. Planner Grahn stated that typically they ask that work commence seven months after the grant is awarded. However, currently there is no expiration date on grant funds and funds can be used two or more years after they are awarded. It is difficult for the Planning Department to keep track of the money and the Staff asked if the Board would consider a time frame. Board Member Beatlebrox was concerned that 45 days was not enough time because unforeseen circumstances can arise. Planner Grahn asked if six months was more reasonable. Chair Kenworthy believed that sixty days would be sufficient. Board Member Melville believed 60 days was adequate in practice, and requested that the Staff come back to the HPB if the time frame needed to be changed. Board Member Crosby recommended 90 days because if the economy is good and contractors are busy on other projects it might be difficult to start within a short time frame.

The Board agreed on 90 days to obtain a building permit. Chair Kenworthy asked if the Board was interested in establishing a completion time frame of 24 months to make sure the project stays on track. The Board concurred. Board Member Melville asked about an exception for the plans that needed to be submitted ahead of time. Planner Grahn replied that there would be an exception for the Preservation Plan and the Physical Condition Report.

Chair Kenworthy called for public input.

Ruth Meintsma, 305 Woodside Avenue, referred to the breakdown of available funds on page 22 of the Staff report, and noted that the two RDAs were marked by asterisks with language indicating that amounts in excess of budget to be approved by Council as determined available in the Lower Park or Main Street RDA. Ms. Meintsma pointed out that there was not an asterisk on the City-wide fund because the \$47,000 showing was the only money available in the City-wide fund. It includes Daly, Prospect, Ontario and other places outside of the designated RDA areas. Ms. Meintsma remembered when the Board had to settle on a \$30,000 grant for 343 Park Avenue because there was not enough money to grant a higher amount and still leave funds for another grant application. Ms. Meintsma pointed out that \$40,000 is one project. With only \$47,000 in the City-wide fund they would only be able to award one grant in the City-wide area. She remarked that this was the only carrot the City has and she had raised the issue with the City Council. The City-wide covers a large area with a number of historic houses and the City definitely needs to allocate more money for grants in that area. Ms. Meintsma was willing to do whatever she could to convince everyone that the City-wide fund needed at least \$100,000 a year to preserve historic structures in the area.

Ms. Meintsma commented on the discussion of primary versus secondary. She personally knows two local citizens from mining families who could benefit from the grant program and need financial help to fix a crumbling house. Both houses are significant and both have the potential to be returned back to landmark status. Ms. Meintsma liked the idea of 50% for primary and 40% for secondary because the primary residences are the ones who actually need it. However, when she attended the City Council meeting the Council talked about wanting renovation regardless of whether one group could afford it better than another. The Council thought the percentage should be 50% for both groups, and she agreed with that because it is the single carrot for all the demands the City makes on people with historic homes. Ms. Meintsma thought the HPB should look at granting up to 50% for both primary and secondary homes; unless they were willing to go as high as 60% for a primary residence that is taken from Significant to Landmark status. She suggested 60% for primary and 50% for secondary.

Ms. Meintsma noted that the Design Guidelines talks about how Landmark structures and Significant structures must retain their status on the HSI. A clause states that if at all possible, the City would like to see a Significant structure returned back to Landmark status. She thought they should make it easier for people to take advantage of making that happen.

Ms. Meintsma referred to page 39 of the Staff report, the Historic District Grant Information Guide. She indicated the question at the bottom asking whether there were special terms to the Grant Program. She stated that applying for a grant requires an agreement, a deed and a deed note, and the property cannot be sold for five years or a portion of the grant money needs to be returned. She read from page 40, Item 6 in the Application Process, "Obtain a building permit and arrange for inspections by the building inspectors." Ms. Meintsma stated that as a person on the street she knows that when the inspections are done the building inspectors are not looking at historic detail. They have too much else to deal with. She has mentioned this to the City Council and others but even though they all agree, nothing has changed. She thought there needed to be a checklist that reverts back to the Preservation Plan when the project is inspected and it should be signed off before the owner receives their money. Ms. Meintsma further read, "Upon completion of work and final inspections, submit proof of payment for disbursements of funds." Ms. Meintsma believed there also needed to be language stating that the promises of the Preservation Plan must be checked off and signed off before the money is returned. If the applicant did not accomplish everything they said they would, the grant should be pro-rated and the amount reduced. Ms. Meintsma stated that if the renovations did not accomplish retaining the HSI status, the applicant should potentially lose their grant money.

Ms. Meintsma referred to page 42 of the Staff report and the discussion regarding painting and roofing. The Staff report indicates that painting and roofing were not eligible for payment unless it met specific criteria. Ms. Meintsma believed that outlining the specific criteria would be helpful to the HPB and the applicant. In reading through the criteria she thought that "comprehensive siding replacement" should be a term defined in the Guidelines. She used the Alaska House as an example where the siding was supposed to be preserved but instead the entire front is new siding. Ms. Meintsma stated that the criteria for both painting and roofing were important to help decide whether or not painting and roofing should be paid for with grant funds. She also thought the criteria should be readily available to look at when the Board evaluates painting.

Ms. Meintsma commented on the 45 days for pulling a permit, and she was pleased that the Board had decided on 90 days. In some situations it is difficult to start in 90 days and she would recommend 120 days to pull a building permit, particularly for those who are doing the work themselves.

Chair Kenworthy asked Ms. Meintsma who she would suggest as the best person to verify that a house had retained its HSI status. Ms. Meintsma thought it should be the HPB. Chair Kenworthy did not think the Board had the expertise to make that decision. Board Member Holmgren thought it should be the Planning Department. Ms. Meintsma noted that the Code states that the HPB determines Significance. Ms. Holmgren remarked that determining significance was different than looking to see if something was done to change the status. Director Eddington stated that the actual internal review would be the Planning Department and the HPB would hear the application on a Determination of Significance. Chair Kenworthy thought the Planning Department should do the checklist for compliance with the Preservation Plan upon completion of the project.

Ms. Meintsma remarked that the Building Department focuses on the structural integrity of the structure and not the historic detail. Director Eddington stated that the Building Department may not be focused on the historic detail at the same level as the Planning Staff; however, the specificity of the Guidelines and the degree to which people are held accountable for adhering to the Guidelines has increased dramatically since 2009. He explained that the Building Department is charged with going into a building and doing the final inspection. In theory everything is checked from structural integrity to design. Director Eddington understood that Ms. Meintsma was concerned that some of the details were being missed. For that reason, the Planners have started to go through the buildings with the Building Officials to bridge that gap. Director Eddington remarked that it is a hard challenge and a resource issue, and he agreed that it should be addressed in the future.

Board Member Melville stated that if a grant is awarded for Historic Preservation, she wanted to make sure that the Planning Department checks the preservation aspect of the project.

David Constable stated that he and his wife are the applicants for 264 Ontario Avenue. They submitted the historic grant application in July. Mr. Constable urged the HPB to give them some type of resolution on their project so they can know what to expect. It has been five months and they were still wondering where they stood. The house is a landmark site and it is currently up in the air and getting ready to be dropped next week. Mr. Constable stated that if they knew what to expect it would help with their budget.

Chair Kenworthy asked Planner Grahn to provide a brief background of the project for the benefit of the new Board members. Planner Grahn explained that since July the City has been discussing how to move forward with the Grant Program because of the new government accounting rules. For that reason the Grant Program was placed on hold. Planner Grahn stated that the Constable's applied for a grant but because the Grant Program was on hold, they were told to

wait. However, with winter coming they had to pour their foundation. She stated that once the new policy is in place and the City is ready to begin the Grant Program again, the Staff would look at their project and consider the fact that they had to start in advance of the grant because of the circumstances.

Chair Kenworthy asked if it could be on the next HPB agenda. Planner Grahn stated that it could be on the agenda if the policy was in place. She noted the City Council meets on December 4<sup>th</sup> and the HPB meets before that. She suggested that they wait until January. Another option would be to hold a second meeting in December to consider the Constable's grant application.

Board Member Melville asked if for this grant request the HPB could consider an exception on the work that was already started because the City had put the Grant Program on hold. Planner Grahn answered yes. The Board members thought it was fair to consider the exception.

Board Member Melville verified that the Planning Department would check the final project for adherence to the Preservation Plan before the grant is paid. Planner Grahn answered yes. Ms. Melville understood that it would also be a criteria in the application.

Chair Kenworthy asked the Board to comment on the suggestions made by Ms. Meintsma. The first was an increase to 60% for residences that are taken from Significant to Landmark status. Director Eddington stated that it would be a bonus but it would have to be included as a policy. The Board favored an increase to 60% if a structure is taken from Significant Status and returned to Landmark Status. Director Eddington stated that the Staff would have to create definitive criteria by which a house could go from Significant to Landmark.

The second suggestion was to keep both primary and secondary structures at 50% instead of the 50% and 40% previously discussed. The Board agreed to keep the 50% for primary and 40% for secondary they had decided on earlier, but add the bonus to 60% for returning a structure to Landmark status.

The Board suggested that the City attach a fee to cover the cost of the Planning Department to do the final inspection to make sure what was agreed to in the HDDR for all historic structures was properly done. Director Eddington stated that he would work with Nate in the Finance Department to see if there was a way to establish a fee. He noted that currently there is a fee for building inspections and the question would be whether the fee could be bifurcated or an additional fee added for a planning inspector to go out.

The last issue was the number of days to pull a building permit. Director Eddington believed that 90 days was a good compromise. Chair Kenworthy agreed. Board Member Melville stated that if the Staff finds that most people

need a longer time frame, they should come back to the HPB with that information.

#### WORK SESSION – HPB Visioning

Planner Grahn outlined the HPB duties per the LMC. Their role is to preserve the historic character, update the design guidelines, resolve conflicts, provide input to Staff and recommendations to the Planning Commission and the City Council. Planner Grahn stated that additional duties include participating in design review of City-owned projects, recommend to the City Council the purchase of property for serving cultural resources, recommendations to the Planning Commission and City Council regarding zoning boundaries, and provide input and guidance. Planner Grahn stated that the HPB is the face of preservation in the community.

Planner Grahn presented the goals that the City Council had prepared and noted that historic character was one of the primary goals.

Planner Grahn noted that the time sheets the Board members filled out would be done for every meeting due to changes in the Finance Department. Planner Grahn asked if any of the Board members were interested in attending other Board and Commission meetings and reporting those activities and discussions to the HPB. The meetings dates and times are scheduled on the website, as well as the Staff report for each of those meetings.

Planner Grahn updated the HPB on the HDDR application process. She and Planner Turpin had updated the Old Town handout to give to people during the Design Review. The handout walks through the HDDR process and talks about financial opportunities such as the grant program. Assistant City Attorney McLean was in the process of reviewing the draft handout. Board Member Melville requested to see a copy once it was finalized.

Planner Grahn commented on the miscommunication issue with 1015 Park Avenue and the panelization that occurred. She has been working with the Deputy Building Official, Michele Downard, to create a checklist for panelization and reconstruction projects. At different steps of the project the Planner and someone from the Building Department go out together and check off that certain things have been done. They make sure the materials are safe and they inspect the panels to make sure the panels are stored securely if panelization was approved.

Planner Grahn stated that the Staff had also been updating the Physical Conditions Report and Historic Preservation Plan forms in an effort to improve the quality by adding more detailed descriptions and more photographs.

Planner Grahn stated that the City Council is interested in preserving the mine sites. The Staff did a reconnaissance level survey in July and they discussed it with the City Council last month. The Staff was also working with the Museum to determine whether they could reach out to the new Vail owners and discuss stabilization measures. The Staff was also trying to compile a book with pictures from the reconnaissance level survey and the conditions and history of the different sites.

Chair Kenworthy understood that the mine tour was postponed due to the transition of the Resort ownership. He asked about the relationship between Talisker, Vail and the City with regards to the mines. Planner Grahn was unsure. However, Sally Elliott from the Museum was working to find a contact that they could take on the mine tour and talk about the importance of stabilizing the mines. She believed once they have a contact it would be easier to talk to call them in the spring and set something up for next summer. Chair Kenworthy understood that relations with Talisker were strained, but he wondered whether it was possible to build a relationship with Vail. Director Eddington stated that technically Talisker was the landlord, but it is a 300 year lease and Vail has a good opportunity to utilize and control the land. Director Eddington clarified that the Staff had met with a couple of people from Vail and they would continue to meet with them. He agreed that the relationship with Talisker has been more strained but they did meet with Talisker this week. As Vail comes forward with an MPD for the Mountain and the parking lots, the Planning Department will carefully review the plans and include historic preservation.

Board Member Melville asked if Vail was aware that the mine sites were protected by City Code. Director Eddington replied that Vail has been informed. He clarified that Vail appears to be amenable to working with the City. Chair Kenworthy suggested that the HPB could send Vail a letter and introduce themselves. Since they are not a negotiating body, the HPB could make Vail aware of the unique opportunities that would allow them to elevate this Resort from their other resorts.

Director Eddington stated that the Staff would continue to reach out to Vail and at some point find a way to have the HPB meet with some of the Vail representatives. Director Eddington believed that promoting pro-actively would be more beneficial.

Board Member Melville questioned whether they needed to do more community outreach to make people understand that the mines sites are Park City's legacy and responsibility. She noted that the mine sites were vandalized and the graffiti was extreme. For some reason this year was worse than any other time.

Board Member Beatlebrox stated that the focus for Vail is to get the Mountain open. She met with some of the Vail representatives during City Tour and she

found all of them to be extremely cordial and welcoming. She suggested that the best time to reach out would be after the season opens so they could schedule a mine tour in the Spring. Director Eddington agreed that so far Vail has been great to work with.

Board Member Melville clarified that she was talking about the citizens of the community being responsible for the care of the mines. Director Eddington asked if the HPB was interested in taking on that type of outreach to the community or whether it should be done in conjunction with the Historical Society. Chair Kenworthy thought it would be a good role for the HPB because they are the Historic Preservation Board. Board Member Crosby thought it would be a good opportunity to build a relationship with Vail based on preserving the mining heritage. Board Member Melville reiterated that people in the community, not Vail, are the ones vandalizing the mine sites and it is up to the community to protect these historic sites from that type of activity.

Planner Grahn stated that the HPB needed to discuss the annual preservation award. The Staff was proposing Park City Museum for work around aerial tramway Towers, 562 Main Street, 101 Prospect Garage, and the Mine Sites as potential projects for consideration. She asked the Board for their suggestions to add to the list suggested by the Board. Board Member Melville presented black and white photos of 68 Prospect. The house was redone and a large addition was added on the back, but it connects with the ground on the front. She believed this project was a good example to show that in order to make a re-built garage look historic you need to save the historic roof and materials. Board Member Melville also liked 101 Prospect. She thought 575 Park Avenue was well done and should be considered. A large addition was added to the back but the historic front remained. It was done several years ago but she thought it was a good example of what they like to see.

Planner Grahn asked if the HPB wanted to form a selection committee, or whether they wanted to select the nominees as a Board and have a committee commission the artists. The Board preferred to select the award recipient as a group.

Planner Grahn stated that the Board would be reviewing the Design Guidelines for potential reorganization, revisions and additions. The intent is to give more clarity to the guidelines to avoid confusion. Board Member Melville commented on a glass structure at 575 Woodside and asked how it met the design guidelines. It dilutes the Historic District and she wanted to make sure that it could not occur again in the future. Board Member Holmgren noted that the original structure was never historic. It was a large bungalow that was taller and had more mass. Board Member Melville was still unsure how the current design met the Historic Guidelines. Board Member Holmgren remarked that it was the design the owner wanted and people should be allowed personal latitude. Board

Member Melville believed it was important to follow the Historic District Guidelines or they would eventually dilute the Historic District. Board Member Holmgren stated that a neighborhood is a mix of designs. Board Member Melville felt certain designs were fine outside of Old Town, but there was a reason for having guidelines for the Historic District. Board Member Beatlebrox wanted to know why the Historic Guidelines would apply if the building was not historic. Board Member Melville noted that the Historic District Design Guidelines has a section called Guidelines for New Construction.

Chair Kenworthy remarked that the mountain contemporary style is becoming more prevalent and it annoys a lot of people. Director Eddington stated that even the new construction that follows the guidelines is compatible with the historic but it still looks new. An alternative would be to create more restrictive guidelines for new development.

Board Member Melville stated that the City needs to decide whether or not to have guidelines for new construction in the Historic District, but until they make that decision and it becomes policy, they cannot just ignore the current guidelines.

Board Member Melville suggested that in addition to the historic preservation award they could award a compatible new design award. She thought the building at 260 Main Street was nicely done in terms of being compatible with the existing structures.

Board Member Holmgren stated that one of her favorite phrases is “if we were all the same it would be boring.” Board Member Melville recognized that everyone has a different opinion. For an infill development she thought 819 Empire was a good example of a compatible new design. She understood that they could not make everyone do it, but giving an award for compatible new design would be encouraging. Board Member Holmgren clarified that she was not supporting one design over another. She just thought they needed to be more giving and allow some design flexibility.

Chair Kenworthy remarked that they were specifically talking about the Guidelines and he agreed that some of the guidelines needed to be strengthened. Comparing two structures on Woodside, he was unsure how they could legislate the type of design they preferred to see. Board Member Melville reiterated her suggestion to encourage compatibility with an award for compatible design.

Planner Grahn stated that the Staff would present an outline of proposed Guidelines revisions for the Board to review during their December meeting. She asked the Board to come prepared to discuss areas where the guidelines need to be strengthened.

Board Member Melville asked if the Staff reviews new construction against the Design Guidelines. Planner Grahn answered yes. Ms. Melville wanted to know how some of the new designs were allowed if they followed the guidelines. Director Eddington replied that the guidelines are more lenient for new construction. What one person believes is compatible in mass and scale is different from what another person might think. If the HPB thinks the new construction guidelines should be more restrictive, they can have that discussion and make the appropriate changes. Director Eddington noted that in 2009 it was a challenge to include guidelines for new construction. If the Board wanted to be more restrictive they could revise the guidelines. If they do not want more restrictions, they should expect to see infill development that reflects the current era. He pointed out that Park City started as a mining town and then became a ski town and they were now becoming an International Resort town. Director Eddington thought it was time to address new infill construction.

Planner Grahn stated that the HPB also needed to consider additions to the Historic Sites Inventory. She noted that Board Member Melville had ten addresses in conjunction with the Historical Society to be included on the HSI. Planner Grahn had sent the list to CRSA who was doing the intensive level survey. They also needed to include mine sites. Planner Grahn anticipated discussing the additions to the HSI in January.

Board Member Melville stated that the list she submitted are historic structures that were not included in the current HSI. Until they are placed on the Historic Sites Inventory people can do whatever they want with those structures. Ms. Melville suggested that the Staff compile a secondary list of structures being considered for the HSI to avoid losing any of those structures before the HSI process is completed.

Planner Grahn noted that when Dina Blaes did the Historic Site Inventory a number of accessory structures were marked, but it was unclear which accessory structure Ms. Blaes was referring to. That has created situations where people believe they can do whatever they want because their structure is not listed on the HSI. In those cases the Staff asked the consultant to prepare a report indicating whether or not the structure is historic. If the consultant determines that a structure is not historic, it would come before the HPB for a Determination of Significance.

In terms of the A-frames, Planner Grahn stated that the Planning Department requires a Physical Conditions Report before an A-frame can be taken down. It does not save the structure but it is documented.

Planner Grahn explained the process for updating the HSI. She would prepare a Staff report for their review in December. A legal notice would be sent to the

property owners informing them that their house meets the criteria for historic sites. The owners could then attend the HPB meeting on January 7<sup>th</sup> to provide input.

Planner Grahn commented on future HPB projects in addition to the mine sites. She noted that a suggestion was made to create a walking tour because many properties have historic apple trees or berry bushes. The Board agreed that summer would be the best time for a walking tour. Board Member Holmgren felt it was important to require at least one fruit tree when new trees are planted because Park City used to have an abundance of apple, pear and plum trees. Board Member Melville asked if the City Landscape Guidelines or the Staff suggest fruit trees. Director Eddington replied that the Staff recommends fruit trees if there is space on the site. Board Member Holmgren stated that lilacs are also historic for Park City. Planner Grahn added fruit trees to the proposed guideline revisions.

Planner Grahn reported that the Staff had met with Tom Carter, an expert on vernacular architecture in Utah. Mr. Carter also started the Vernacular Architecture Forum. In 2017 the Forum is interested in holding some events in Park City as part of their larger conference. Approximately 150 could attend and they are a hands-on preservation group. The Staff will be planning workshops for the event. One of the goals of the group is to take away new knowledge from Park City and to leave Park City with a finished product regarding vernacular architecture.

The meeting adjourned at 7:45 p.m.

Approved by \_\_\_\_\_  
John Kenworthy Chair  
Historic Preservation Board

PARK CITY MUNICIPAL CORPORATION  
HISTORIC PRESERVATION BOARD  
MINUTES OF DECEMBER 3, 2014

BOARD MEMBERS IN ATTENDANCE: Chair John Kenworthy, Lola Beatlebrox, Marian Crosby, Cheryl Hewett, Puggy Holmgren, Hope Melville, David White

EX OFFICIO: Planning Manager Sintz, Anya Grahm, Hannah Turpin

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ROLL CALL

Chair Kenworthy called the meeting to order at 5:03 p.m. and noted that all Board Members were present.

APPROVAL OF MINUTES

Approval of the November 5, 2014 minutes was continued to January 7, 2015.

PUBLIC INPUT

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Planner Anya Grahm reported that that the City Council was having a work session the following evening to discuss the Historic District Grant program based on the feedback provided by the Historic Preservation Board.

Planner Grahm had emailed the Board members a resume template on Utah State History that needed to be filled out and returned to her within the next week or two. It is for historic preservation annual auditing purposes and it helps Park City keep their Certified Local Government status.

Planner Grahm reported that the HPB meeting in January would be held on January 7, 2015.

Board Member Melville commented on the Parkite building at 322 Main Street and noted that the City has a conservation easement on the historic structure. Ms. Melville thought the green paint on the new building was so similar to the color of the historic structure that the historic structure seemed to disappear rather than stand out. She asked if there was anything in the Design Guidelines or in the agreement that required keeping the historic structure more distinct. Ms. Melville pointed out that the two structures were distinct when they were different colors. She also felt the different colors helped to break up the mass of the large building.

Planner Grahn offered to find out whether the issue was addressed in the design guidelines under siding material. She pointed out that the design guidelines do not regulate color. Ms. Melville assumed there was some language in the guidelines requiring that the historic facades stand out from the rest of the building.

Board Member Holmgren recalled that this was a major issue when they were revising the Land Management Code, and the final decision was that the City should not determine what colors people choose for their structures. She recalled a phrase that was used by a former member of the Planning Department that these were guidelines, not rules. Ms. Holmgren remarked that her house is purple because of the decision not to regulate color following a very contentious discussion.

Board Member Melville believed that aside from the color issue the guidelines should address keeping the historic façade distinct and not allowing it to disappear into the rest of the building.

Planning Manager Sintz replied that the guidelines do not address historic facades in terms of color. She understood that the building was not finished and suggested that Ms. Melville wait to see if that was the final color of the exterior. Ms. Sintz thought it was possible for Ms. Melville or the HPB to reach out and make the owners aware of their concern. Ms. Sintz stated that if the Board was in agreement, they could also consider historic identity as a potential revision to the Design Guidelines moving forward.

## WORK SESSION

### 2014 HPB Award

The Board discussed the annual preservation award. Planner Grahn reported that the premise of the award is to promote adherence to the 2009 Design Guidelines. Is it not meant to compete with any awards given by of the Historical Society. The projects are selected based on adaptive reuse, infill development, excellence in restoration, sustainable preservation, embodiment of historical context, or connectivity of the site.

Planner Grahn reviewed potential nominations as outlined in the Staff report.

260 Main Street - It is a beautiful building and Planner Grahn thought they had done a nice job with the mass and scale. She noted that the project was approved under the 2006 guidelines and completed in 2010.

819 Empire Avenue - This is a very large house that was built over three lots. Planner Grahn thought this project had also done a good job breaking up the mass and scale to keep the structure from appearing too bulky.

Board Member Holmgren stated that 819 Empire was recently completed in 2014; not 2004 as indicated in the Staff report.

575 Park Avenue - Planner Grahn noted that 575 Park Avenue was designated as a Landmark site in 2009 when the City adopted the Historic Sites Inventory. In 2010 a second story addition was approved above a non-historic rear addition. When the Historic Preservation Board re-reviewed the project it demoted the Landmark status to Significant status.

101 Prospect Avenue - This was the little garage at the top of the hill. It is a Landmark site associated with the bungalow style home. The garage was constructed in 1925 on timber and pylons. However, because it was structurally unstable it received a grant in 2012 to be reconstructed. The owners put in a concrete basement underneath the garage for additional storage. Planner Grahn noted that this project was completed in 2014.

Board Member Melville asked if the house was redone as well. Planner Grahn replied that they only did the windows on the house.

Silver King Mine Site - Planner Grahn stated that at one time this was one of the most extensive silver mine sites in the State. It still embodies much of the historic character, and the buildings maintain a sense of the activity that occurred and what life looked like in that mine camp.

562 Main Street – Planner Grahn stated that this property had a façade easement on it. The Staff and the applicant worked closely with the City Council on panelizing it because it was structurally unsound. She understood that the project would be completed prior to Sundance.

Planner Grahn requested that the HPB choose one nominee to receive the award this year. She also asked if three Board members would volunteer to form the artist selection committee. She noted that last year they put out a request for proposals and the selection committee interviewed the artists. One artist was selected to paint the project.

Chair Kenworthy stated that the Preservation Award was a great opportunity for the HPB to get exposure and to reach out to people who made an effort and did the extra work. It also gets more people involved with preservation.

Chair Kenworthy asked each Board Member to give their two favorite selections.

Board Member Holmgren liked 575 Park Avenue and 101 Prospect. She thought both projects had done a really good job. She particularly thought the garage at 101 Prospect fits in with the neighborhood.

Board Member White questioned Planner Grahn's comment that the garage had been reconstructed. Planner Grahn replied that in her research she found that it had been reconstructed. Board Member Holmgren stated that the garage was lifted and moved to put in the basement and then it was moved back. Board Member White clarified that the garage was not reconstructed. It was braced and craned across the street. Once the footing and foundation was built, it was craned back.

Board Member Beatlebrox understood that only the garage and not the house was being considered; and that it was essentially an outbuilding. Planner Grahn answered yes.

Board Member White liked 575 Park Avenue and 562 Main Street.

Board Member Crosby asked why they were only giving one award this year. Planner Grahn replied that it was primarily due to available funding. Another reason was that when the program was first developed it was intended to be one award each year. Ms. Crosby commented on the different types of historic preservation that goes on and she thought it would be beneficial to award more than one category each year. She suggested that it might be a budgetary question for next year.

Board Member Crosby favored 101 Prospect and she was torn between 575 Park Avenue and 562 Main Street. She chose 562 Main Street as her second choice because it was closer to the commercial category.

Board Member Beatlebrox believed 562 Main Street has been a huge project and a major improvement over what was there. She also liked 575 Park Avenue.

Board Member Melville did not think 260 Main Street and 819 Empire were good selections for the Historic Preservation Board. She would like the HPB to consider a separate award for compatible infill. For example, 819 Empire does a wonderful job of blending in with the Historic District while still being different and modern. Ms. Melville would like to recognize and encourage that type of effort through an award or honorable mention that is parallel to the Historic Preservation Award. Board Member Hewett suggested using ribbons like they use to show that a house is historical. Chair Kenworthy concurred.

Board Member Melville liked 575 Park Avenue and 101 Prospect. Ms. Melville also liked 260 Main Street and recommended that they consider that as a nominee for next year.

Board Member Hewett favored 101 Prospect and the Silver King Mine site. She asked if there was a reason why the others had not chosen the Mine Site as their top two.

Chair Kenworthy asked what had actually been done to the Mine Site. Planner Sintz stated that its selection was more about the importance of mine sites. It was included in the list because it was a nice way to kick off a campaign for the preservation of mine sites. Board Member Melville noted that a few things had been done to the site including stabilizing the Silver King water tanks. They are looking at stabilizing the other two water tanks that are above the electrical building. The towers were worked on this summer by taking the trees out that were pushing over the towers.

Board Member Beatlebrox stated that her concern with giving an award to a site that has not had considerable work done to it was that it could be a de-incentive for new owners to do a lot of good restoration work. Board Member Hewett thought one reason for consideration was that the buildings have not been torn down and the owners have maintained the site even though it is on valuable real estate property. It was the right thing to do and she believed an award would encourage others to do the right thing.

Board Member Holmgren asked if the mine site property was accessible to the public. Planner Grahn believed it was accessible through skiing and the trails system.

Chair Kenworthy wanted to do whatever they could to inspire the owners. He recalled from their last meeting that as a preservation board they would like to reach out to Talisker and Vail and encourage them to keep their eyes and their money on preserving these sites.

Chair Kenworthy favored 575 Park Avenue and 101 Prospect Avenue.

Chair Kenworthy noted that based on their choices there was a tie between 575 Park Avenue and 101 Prospect. He asked the Board members for their first choice. Board Members Holmgren, White, Crosby, Hewett and Kenworthy chose 101 Prospect. Board Members Beatlebrox and Melville chose 575 Park Avenue.

Chair Kenworthy thought they were all great projects and they should all be reconsidered next year.

Board Members Kenworthy, Holmgren and Beatlebrox volunteered for the artist selection committee.

Board Member Melville suggested that they contact Patricia Smith when they solicit artists.

### Design Guideline Revisions

Planner Grahn introduced Hannah Turpin, the new Planner in the Planning Department. She and Hannah had created an outline of the Design Guideline revisions for the Board to consider and provide feedback.

Planner Turpin stated that the purpose of the design guidelines is to provide guidance in development proposals in the Historic District and Park City Old Town. The Staff would like the Guidelines to be a living document that can change with the evolution of the City.

Planner Grahn noted that the Guidelines were adopted in 2009 and she did not believe it had been revised since its adoption, with the exception of the annual scrubbing of the Historic Sites Inventory.

Planner Turpin remarked that the Guidelines provide standards and direction for rehabilitating historic structures, including alterations and additions. They also help the Staff with compatible infill for development on historic sites. The Guidelines also allow Park City to maintain its National Historic Listing.

Planner Grahn clarified the difference between the National Register of Historic Places and what Park City does locally. She explained that the National Register is controlled by an advisory committee in Washington, DC, and it's for buildings all across the Country. If someone has a building that is listed on the National Register, they would use the Secretary of Interior Standards, which talks about how different materials are supposed to be treated. Most often preservation projects of National Register structures are given tax credits.

Planner Grahn stated that the Park City Guidelines are based on the Secretary of the Interior Standards. She noted that periodically they have a situation where they reference the Secretary of Interior Standards, but on a daily basis the Staff relies on the Design Guidelines. The Guidelines address general design and technical recommendations. The City enforces the Design Guidelines but not the Department of Interior Standards.

Planner Grahn stated that the Historic Sites Inventory is a local list of Landmark and Historic Structures. Typically, a Landmark building is either eligible for or already listed on the National Register. However, not everything on the Historic Sites Inventory that is designated as Landmark or Significant is on the National Register.

Planner Turpin stated that the proposed revisions change the layout and organization of the Design Guidelines to make it easier to use. They also created separate sections for the commercial and residential infill.

Planner Grahn remarked that the Staff struggles with situations where an applicant wants to add a new building on a historic site that is not an addition to the historic structure. As currently written, they need to flip back and forth between sections in the Guidelines to check for compliance with the proposed plan. Part of the goal of the revisions is to keep the Guidelines concise and to make it easier to determine which Guidelines should be referenced.

Planner Grahn commented on proposed language for residential structures to address backyard accessory structures such as gazebos, etc. She noted that the Guidelines do not address decks, and there is nothing specific regarding restoring porches or chimneys. There is only one guideline for gutters and downspouts. There are all small details but they add up and affect the historic character of the house.

Planner Turpin stated that like the residential section, many parts of the commercial section are not very specific. For that reason, they proposed adding a storefront section that calls out individual elements of the storefront that were missing from the current guidelines.

Planner Grahn remarked that treatment of historic materials was another revision they believed would be helpful for anyone using the Design Guidelines. This particular guideline would not necessarily be enforced but it would provide guidance on how historic materials such as rotted wood should be treated.

Planner Turpin asked the Board for input on the new layout compared to the existing layout.

Board Member Melville asked if they were talking about specific sections. She thought the idea of separating commercial from residential made sense. In addition to re-arranging the layout and adding some additional language, Ms. Melville asked if they were proposing any significant changes.

Planner Grahn stated that they have been researching Design Guidelines from other cities to see where the Park City Design Guidelines fall short in terms of better wording. Another problem with the current Guidelines is that the intent is not always clear or understandable in terms of how to apply it. She believed a few additional guidelines could provide a better understanding of what needed to be done.

Planner Grahn clarified that the intent this evening was to review the outline. The Staff would come back in a few months to review each section individually.

Chair Kenworthy liked the way the layout was broken down and he favored the proposed additions.

Board Member Melville could see where a few things had been eliminated from the Guidelines. She specifically referred to page 34 of the current Guidelines, Detached Garages. Planner Grahn stated that they would roll that into the section on Accessory Structures. It would apply to historic structures as well as any new construction. Board Member referred to page 45 of the existing Guidelines, New Construction, Section A2 lot coverage; and page 46, B1 Mass, Scale and Height, and asked if those were being eliminated. Planner Grahn replied that they were not eliminated but they were being called something different. It might deal more with street patterns, building setbacks and orientation and the look of the streetscape. Board Member Melville noted that added to each section was the street pattern or streetscapes. Planner Turpin stated that it addresses what the entire street would look like. If its infill it would be looking at the entire street on a street-wide scale. She reiterated that nothing was eliminated but some things were moved around and named something different.

Board Member Melville stated that one of the new sections she was particularly interested in was the treatment of historic materials. She asked what materials would be covered. Planner Grahn replied that wood would be covered, as well as architectural metals and architectural glass. She remarked that the Guideline talks about using the best preservation methods for certain materials. Planner Grahn stated that in addition to brick they also have stone buildings. They have to be careful, especially with brick, in terms of the type of mortar because it can crack and break easily.

Board Member Melville commented on sections related to relocation, disassembly, and reconstruction that were moved to the end of the outline. She understood the rationale because it probably applies to everything. She asked if that language was being revised. Planner Grahn thought it would be helpful to have more of a step by step process that would help the Planner identify which Guidelines would apply to a project. They were suggesting expanding the section and making it more specific.

Board Member Holmgren asked when they could expect a more in-depth discussion. Planner Grahn anticipated January or February.

Board Member White thought the outline was fine. He thought expansion needed to be done on a number of things, with significant expansion on the question of panelization, disassembly, and raising intact. Mr. White clarified that he was speaking not only as a preservationist but also as an architect. He personally would like to see those issues tightened down a little more.

Board Member Melville noted that the HPB has had several discussions about whether the Planning Department should get input from a knowledgeable engineer on what could be done when someone wants to raise or disassemble a historic structure. She asked if the Staff was making progress on getting that policy in place. Ms. Melville recalled that one idea was to include the cost as a fee as part of the HDDR.

Planning Manager Sintz stated that whenever the City hires its own engineer to verify validity it becomes a liability issue. She believed it required a broader discussion with the City Council. Ms. Melville stated that she was only suggesting that they get an opinion from an engineer on whether or not it could be done.

Board Member White stated that when he has a question of panelization, reconstruction or raising a structure, he always involves a structural engineer. He tells the engineer what he plans to do and asks how it can be done. Mr. White believed that most of the engineers in town follow the architect's direction to do it and do it right.

Planner Grahn commented on the process for revising the Design Guidelines. She suggested breaking the document into sections and review one or sections at each meeting.

Board Member Holmgren asked if this review would be open to the public like it was in 2009. Planning Manager Sintz thought public input would be helpful.

Planning Manager Sintz suggested that they begin their discussion with panelization and reconstruction, because those also might have LMC changes and the revisions could be concurrent.

Board Member Crosby stated that in constructing the outline, she suggested adding the options in italics to help the Board and others who might review the packet understand what they were trying to accomplish. Ms. Crosby referred to pages 53-55 under Primary Structures for New Construction in Historic Districts. She noted that porches were listed under primary structures. She asked if it was better to list porches/balconies/decks. That would need to be repeated under commercial sites and infill residential development. She suggested adding compatibility with existing street alignment. On page 56, Ms. Crosby suggested adding portico. Planner Grahn offered to provide visual examples when they discuss this section.

Chair Kenworthy called for public input.

Ruth Meintsma, 305 Woodside Avenue, referred to pages 54 and 55 of the Staff report regarding street patterns and streetscapes. She stated that she hesitates at street patterns because if you use the existing street pattern on Woodside to create a new structure, it would be a larger structure. She noted that some streets have the majority of larger or more current houses. If those are used as examples, it justifies building other larger houses. Ms. Meintsma suggested a neighborhood pattern as opposed to street pattern, but the Staff disagreed because it is actually the street that you look at. Ms. Meintsma stated that she referred back to the General Plan and the strategy for preserving the historic character, "Influencing streetscape through lot size, setback and parking. The tests, the General Plan talks about smaller lots and high density. The actual word used is "adverse effects" on the historic pattern and aesthetic of the Old Town neighborhood. Ms. Meintsma pointed out that the language talks about the pattern of the neighborhood. The General Plan also identifies two tools that helps keep the historic pattern. The first one is lot combination. In talking about development patterns, the General Plan refers to the pattern of the neighborhood and the historic development pattern. She remarked that the pattern the City is trying to maintain is lost on some of the streets. Ms. Meintsma stated that the Guidelines say to consider the street that the house is being built on. It may throw things off in a way that is not desirable. Ms. Meintsma suggested that neighborhood patterns and streetscape should be considered instead of street patterns and streetscape.

Chair Kenworthy noted that many homes are approved and the landscaping is beautiful. However, a few years later the home is remodeled and the landscaping is removed and it becomes one massive driveway. He asked if the City has a mechanism for enforcement. Planning Manager Sintz stated that it became such an issue that the Building and Engineering Department started to require flatwork permits. She recommended that the HPB have a robust discussion on that issue when they review the parking section and see if additional language could be included.

Jim Tedford stated that he has become familiar with the Historic District Guidelines over the past few years, specifically addressing Main Street. He completely agreed with the comment about the importance of public input as they go through this process. As the process moves forward he was certain that he and Ms. Meintsma would stay involved and provide input.

Chair Kenworthy looked forward to their comments.

The meeting adjourned at 6:30 p.m.

Approved by \_\_\_\_\_  
John Kenworthy Chair  
Historic Preservation Board





Planning Department

## Historic Preservation Board Staff Report

**Author:** Christy J. Alexander, AICP, Planner II  
**Subject:** Historic Sites Inventory  
**Address:** 360 Daly Avenue (Accessory Structure/Garage)  
**Project Number:** PL-14-02578  
**Date:** January 7, 2015  
**Type of Item:** Administrative – Determination of Significance

### **Summary Recommendation:**

Staff recommends the Historic Preservation Board review the application, conduct a public hearing and find that the accessory structure/garage at 360 Daly Avenue is “Significant” on the Park City Historic Sites Inventory as a standalone structure.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

### **Topic:**

**Project Name:** 360 Daly Avenue  
**Applicant:** Sharon Stout, owner of adjacent property at 336 Daly Avenue - requesting a DOS for a structure that she doesn’t own but that encroaches on her property  
**Owners:** Park City Municipal Corp. (PCMC), owner of 360 Daly Ave property & structure in question/ Sharon Stout, owner of 336 Daly Ave property.  
**Proposal:** Determination of Significance

### **Background:**

The Park City Historic Sites Inventory (HSI), adopted February 4, 2009, includes four hundred five (405) sites of which one hundred ninety-two (192) sites meet the criteria for designation as Landmark Sites and two hundred thirteen (213) sites meet the criteria for designation as Significant Sites. As part of CRSA’s Intensive Level Survey (ILS) of the Mining Boom Era Residences Thematic National Register Historic District, staff worked with the Park City Historical Society and Museum to identify those properties that were considered to be historic by the Museum, but had not been adopted to the HSI in 2009. The accessory structure/garage (owned by PCMC) at 360 Daly Avenue was included with the cabin (owned by PCMC) that was found to be a Significant Structure and listed in the HSI at 360 Daly Ave, but the accessory structure/garage was not specifically called out as a significant structure in the 2009 HSI.

Sharon Stout, the owner of 336 Daly Ave, has submitted a Historic District Design Review Pre-Application with the intent of building a single-family home on her 7,383 sf vacant lot. The 323 square feet accessory structure/garage (approximately 17 feet wide by 19 feet deep) at 360 Daly Ave encroaches onto her lot by approximately 5.5 feet (Exhibit E). The applicant wishes to demolish the accessory structure/garage in order to

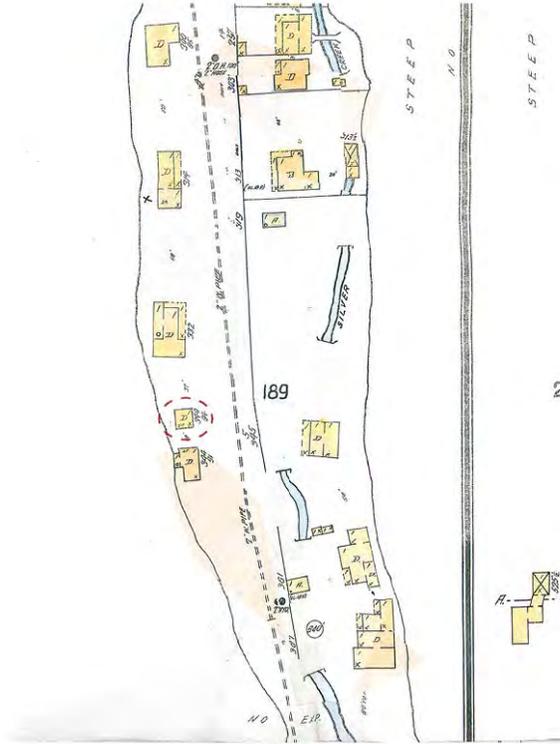
build her home out to the required setbacks. Ms. Stout would need to obtain permission from PCMC (as owner) to demolish the accessory structure/garage encroaching onto her property. If the accessory structure/garage is determined significant and listed on the HSI then demolition would not be permitted without a CAD. Ms. Stout believes she has a right to demolish the accessory structure/garage as the previous property owner in 1996 received permission to demolish the accessory structure/garage but then never did follow through. The Staff Report from May 20, 1996 asking for permission to demolish clearly states in Condition of Approval #1: According to Section 4.17(d) of the Land Management Code, the CAD shall expire on May 20, 1997. Clearly the structure was never demolished and the approval has since expired.

Since that time the City has adopted the 2009 Design Guidelines for Historic Districts and Historic Sites and placed the historic cabin at 360 Daly Ave on the HSI, which mentioned the accessory structure/garage but did not specifically denote it as being “significant” on the HSI.

The applicant states (see attached email in Exhibit F) that the accessory structure/garage has “been altered with additions of metal of various types, electrical wiring added to the outside, water pipes inside, and patches of inferior craftsmanship added to even the limited garage esthetic from the original building function and design.” She also believes that “it is not of historic importance today-that it is a garage with a shed attached, it was not built by a master craftsman, it was not lived in by anyone ever. The house it belonged with has been torn down. The structure itself is derelict, dangerous, a liability to the people who own it.”

### **History of the Structure:**

The accessory structure/garage constructed at 360 Daly Avenue was initially constructed sometime between 1900 and 1907. It first appears on the 1907 Sanborn Fire Insurance map (see map below). According to the Sanborn map, the structure was associated with the historic cabin which was built c. 1892—360 Daly Avenue (on the HSI) (On the 1907 Sanborn map the cabin is listed as 344 Daly Ave and the accessory structure/garage is listed as 340 Daly Ave. The accessory structure/garage is a one-story simple gabled-roof garage constructed of wood framing. The 2009 HSI photograph (see photo below) of the cabin located at 360 Daly Avenue shows the accessory structure located on the northeast corner of the property directly to the side of the historic cabin.



*The red dashed circle shows the accessory structure/garage at 360 Daly Avenue (shown here as 340 Daly Ave) on the 1907 Sanborn Fire Insurance map.*



*The 2009 HSI photograph shows the simple gabled-roof accessory structure/garage (on the right of the historic 1892 cabin).*

The simple gabled-roof accessory structure/garage is indicative of vernacular Park City outbuildings which were typically not constructed by skilled craftsman, but rather untrained property owners. Its simple construction and use of scrap lumber is characteristic of outbuildings built during this period because such materials would have been readily available in a mining town. The doors are typical of the Mature Mining Era (1894-1930). There has been a minimal addition and minimal alterations to the structure since its construction. The addition to the north side of the accessory structure/garage added additional storage space but does not deter from the original design. The alterations that have occurred have mainly been due to necessary repairs. The structure has not been condemned at this point but looks rather unsafe to occupy. A determination from the building department would need to occur before this structure is deemed safe to occupy.

### **Analysis and Discussion:**

The Historic Preservation Board is authorized by Title 15-11-5(I) to review and take action on the designation of sites within the Historic Sites Inventory. The Historic Preservation Board may designate sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the preservation of historic sites in the community (LMC 15-11-10). Land Management Code Section 15-11-10(A) sets forth the criteria for designating sites to the Park City Historic Sites Inventory (HSI).

Because staff finds that the accessory structure/garage does retain its historic form, the evidence supports the conclusion that the accessory structure/garage is "Significant".

Significant Site. Any buildings (main, attached, detached or public), accessory buildings and/or structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and (...) **Complies**

The structure was originally constructed between 1900 and 1907, making the structure approximately 107-114 years old.

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

- (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or
- (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or
- (iii) Moving it from its original location to a Dissimilar Location, or
- (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way. **Complies.**

The accessory structure/garage retains its Essential Historic Form. Staff finds that no alterations have occurred that detract from the historic significance of the building. There have been no additions or removal of upper stories, relocation, or new additions that obscure the Essential Historic Form when viewed from the primary public Right-of-Way. How about roof pitch? Primary façade? Major characteristics and any changes.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

- (i) An era of Historic importance to the community, or
- (ii) Lives of Persons who were of Historic importance to the community, or
- (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period. **Complies.**

This structure contributes to our understanding of Park City's Mature Mining Era (1894-1930). The accessory structure/garage is constructed of dimensional (plank) wood that would have been readily available during this era of Park City's History. The haphazard design is reminiscent of the type of construction occurring within this period, as many homeowners (rather than trained craftsman) were constructing accessory buildings and additions. The accessory structure/garage conveys a sense of Park City history through its material use and simplicity.

The criteria for designating sites to the Park City Historic Sites Inventory as a Landmark Site include:

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and
- (b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and
- (c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:
  - (i) An era that has made a significant contribution to the broad patterns of our history;
  - (ii) The lives of Persons significant in the history of the community, state, region, or nation; or
  - (iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman. **Does not comply.**

Staff finds that the accessory structure/garage at 360 Daly Avenue meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation due to its deterioration and minor addition on the northern side, the date of the addition is unknown but has been constructed of similar materials which would lead us to believe it was added not long after initial construction. The accessory structure/garage is associated with the cabin located at 360 Daly Avenue which meets the standards for local "significant" designation, but does not meet the criteria for "landmark" designation. Because the accessory structure/garage is an accessory

structure for a significant site, staff finds that designating the accessory structure/garage as significant is the most appropriate determination.

Due to the fact that the accessory structure/garage encroaches onto the applicant's property by approximately 5.5 feet at 17.5 feet back from the property line, on the southerly side of the applicant's property, Staff recommends that the City and the property owner of 332 Daly Ave enter into an encroachment permit for the portion of the accessory structure/garage that encroaches onto her property. Planning Staff is willing to compromise the addition to the accessory structure/garage and allow the applicant to remove that portion of the accessory structure/garage as long as the original structure is maintained and stays in place. This would need to be taken to City Council, as owner, for final approval. If City Council approved the removal of the addition, doing so would allow the applicant a few more feet to build out to her side setback line.

**Process:**

The HPB will hear testimony from the applicant and the public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB's decision on whether the application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2) will be forwarded to the Owner and/or Applicant.

The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Appeals shall be considered only on the record made before the HPB and will be reviewed for correctness.

**Notice:**

Legal Notice of this public hearing was published in the Park Record on ? and posted in the required public spaces on ?.

**Public Input:**

A public hearing, conducted by the Historic Preservation Board, is required prior to adding sites to or removing sites from the Historic Sites Inventory. The public hearing for the recommended action was properly and legally noticed as required by the Land Management Code. No public input was received at the time of writing this report.

**Alternatives:**

- Conduct a public hearing to consider the DOS for **360 Daly Avenue (Accessory Structure/Garage)** described herein and find the structure at **360 Daly Avenue (Accessory Structure/Garage)** meets the criteria for the designation of "Significant" to the Historic Sites Inventory according the draft findings of fact and conclusions of law, in whole or in part.
- Conduct a public hearing and find the structure at **360 Daly Avenue (Accessory Structure/Garage)** does not meet the criteria for the designation of "Significant" to the Historic Sites Inventory, and providing specific findings for this action.

- Continue the action to a date uncertain.

**Significant Impacts:**

There are no significant impacts on the City as a result of designating the existing building described in this report to the Historic Sites Inventory as a “Significant” Structure.

**Consequences of *not* taking the Recommended Action:**

If no action is taken, no change will occur to the designation of **360 Daly Avenue (Accessory Structure/Garage)** because the accessory structure/garage is not currently called out as “significant” on the Historic Sites Inventory. The structure will remain in limbo until a designation is made calling out the accessory structure/garage as significant or not.

If the Historic Preservation Board chooses to include this site on the HSI, the structure will be a designated historic site and not eligible for demolition. There may be an option of moving the structure as opposed to demolishing it. That would be an HPB action subject to specific criteria and findings to be made by the Planning Director and Chief Building official should the owner decide to take that route.

**Recommendation:**

Staff recommends the Historic Preservation Board conduct a public hearing and find that the accessory structure/garage at 360 Daly Avenue is “Significant” on the Park City Historic Sites Inventory as a standalone structure.

**Finding of Fact:**

1. The accessory structure/garage at 360 Daly Avenue is within the Historic Residential 1 (HR-1) zoning district.
2. There is a historic cabin (size) and a wood-frame gabled-roof accessory structure/garage (size) located at 360 Daly Avenue.
3. The existing accessory structure/garage has been in existence at 360 Daly Avenue since between 1900 and 1907. The structure appears in the 1907 Sanborn Fire Insurance maps.
4. The accessory structure/garage was built between 1900 and 1907 during the Mature Mining Era (1894-1930). When was the cabin built?
5. The accessory structure/garage is constructed of dimensional lumber. The two (2) hinged garage doors on the east façade as well as the roof are made of thick vertical wood planks typical of the period it was built. The sides are made of the same horizontal wood planks. These materials would have been readily available during the Mature Mining Era.
6. The accessory structure/garage is a single-cell plan and typical of the accessory structures built during the Mature Mining Era. A minor addition to the north side of the structure was added on using the same material. Do you know about when the addition was constructed?
7. The site meets the following criteria as Significant on the City’s Historic Sites Inventory.

8. Built sometime between 1900 and 1907, the structure is over fifty (50) years old and has achieved Significance in the past fifty (50) years.
9. The structure has retained its Essential Historical Form.
10. The structure is important in local or regional history because it is associated with an era of historic importance to the community, the Mature Mining Era (1894-1930).

### Conclusions of Law

1. The existing accessory structure/garage located at 360 Daly Avenue meets all of the criteria for a Significant Site as set forth in LMC Section 15-11-10(A)(2) which includes:
  - (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community (*built between 1900-1907*); and
  - (b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:
    - (i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, (*no changes to the roof have occurred*) or
    - (ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance (*no such change has occurred*), or
    - (iii) Moving it from its original location to a Dissimilar Location (*no such change has occurred*), or
    - (iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way (*no such change has occurred*).
  - (c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:
    - (i) An era of Historic importance to the community (*Mature Mining Era (1894-1930)*), or
    - (ii) Lives of Persons who were of Historic importance to the community, or
    - (iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

### **Exhibits:**

Exhibit A – Historic Sites Inventory Form, 2014

Exhibit B – Photographs

Exhibit C – Vicinity Map

Exhibit D – 1907 Sanborn Map

Exhibit E – Current Topographic Map showing the encroachment onto the applicant's property

Exhibit F – May 1996 Staff Report and supporting documentation provided by the applicant

# EXHIBIT A

## HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

### 1 IDENTIFICATION

Name of Property:

Address: 360 Daly Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number:

Current Owner Name:

Parent Parcel(s):

Current Owner Address:

Legal Description (include acreage):

### 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: )

### 3 DOCUMENTATION

#### Photos: Dates

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

#### 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:

#### Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- 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: Single cell type

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: Preservation Solutions/Park City Municipal Corporation Date: 12-2008

- 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: None

Walls: Vertical plank.

Roof: Gable roof form sheathed in wooden shingles.

Windows/Doors: None, but openings include square window openings and a doorway into the main cell and doorway into the shed addition.

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 single cell house is an uninhabitable ruin, but retains its essential historical form. The windows and doors have been removed, the roof is near collapse, and the siding and roofing materials are severely weathered.

**Setting** (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting is a small wooded lot with a severe uphill slope in the rear yard. North of the main building is a large frame accessory building, also is severe disrepair.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**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 single cell is an early house type in Utah and may have been constructed during the Settlement & Mining Boom Era; however, it is deteriorated and lacking important elements--windows, etc.--such that it would not be eligible for listing in the National Register of Historic Places.

## 5 SIGNIFICANCE

Architect:  Not Known     Known: (source: )

Date of Construction: c. 1892

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)
- 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.<sup>1</sup>

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:** Northwest oblique. Camera facing southeast, 2006.

**Photo No. 2:** Accessory building. Camera facing northeast, 2006.

**Photo No. 3:** Northwest oblique with accessory building. Camera facing southeast, 1995.

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<sup>1</sup> From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.



**Christy Alexander**

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**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 4:18 PM  
**To:** Christy Alexander  
**Subject:** These are pictures of garage on park city property uphill from 336 Daly Ave



## Christy Alexander

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**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 4:21 PM  
**To:** Christy Alexander  
**Subject:** front of shed









addition to garage



## Christy Alexander

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**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 4:20 PM  
**To:** Christy Alexander  
**Subject:** back and sides of shed--almost no original wood standing on my property









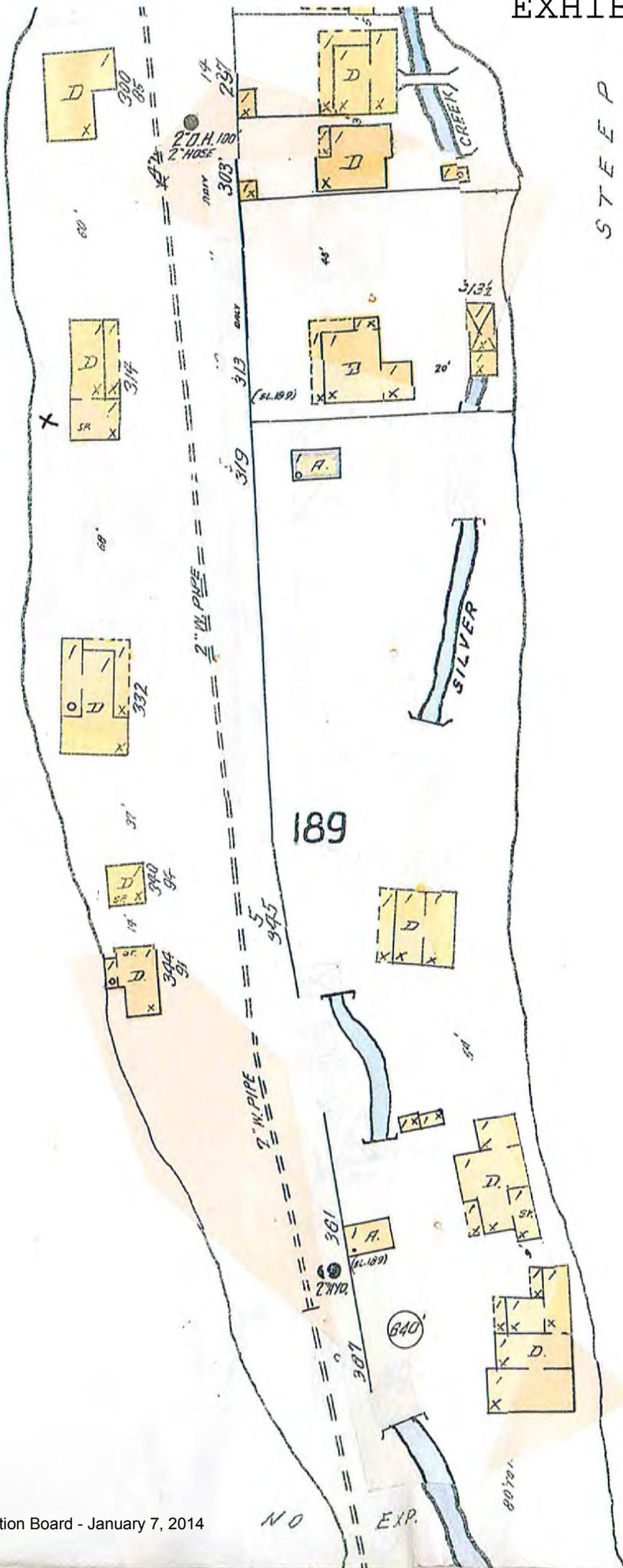
Historic Cabin at 300 Daly Ave listed on HSI



*Small shed to rear of accessory structure/garage*

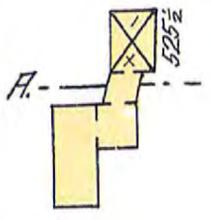
EXHIBIT C





STEEP  
NO  
STEEP

2





# EXHIBIT F

## PARK CITY PLANNING DEPARTMENT STAFF REPORT

TO: HISTORIC DISTRICT COMMISSION  
FROM: PLANNING STAFF  
DATE: MAY 20, 1996  
RE: 332 DALY AVENUE - CERTIFICATE FOR APPROPRIATENESS FOR  
DEMOLITION

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On March 25, 1996, the Planning Department received an application for the demolition of the outbuilding at 332 Daly Avenue. The applicant, in an attached letter, has indicated the a one story residence existed on the property but was demolished in 1984. The garage was slated for demolish as well however the work was never completed.

Following an inspection by the Community Development Department, the structure was found to be in poor condition and structurally unsound. The Community Development Department determined the structure insignificant based upon the standards set forth in Section 4.13(a) of the Land Management Code. Therefore, this request is scheduled as an information item only. If the HDC agrees with the staff determination, the Community Development Department will issue a CAD. The staff's Findings, Conclusions of Law and Condition of Approval are outlined below:

### FINDINGS

1. The structure is located within Park City's Historic District.
2. The Community Development Department conducted an inspection of the site and found the garage in a deteriorated condition.
3. The structure does not represent the work of a master.
4. Although outbuildings were common and document a specific process in the growth of Park City, the primary structure which the garage was associated with no longer exists.

### CONCLUSIONS OF LAW

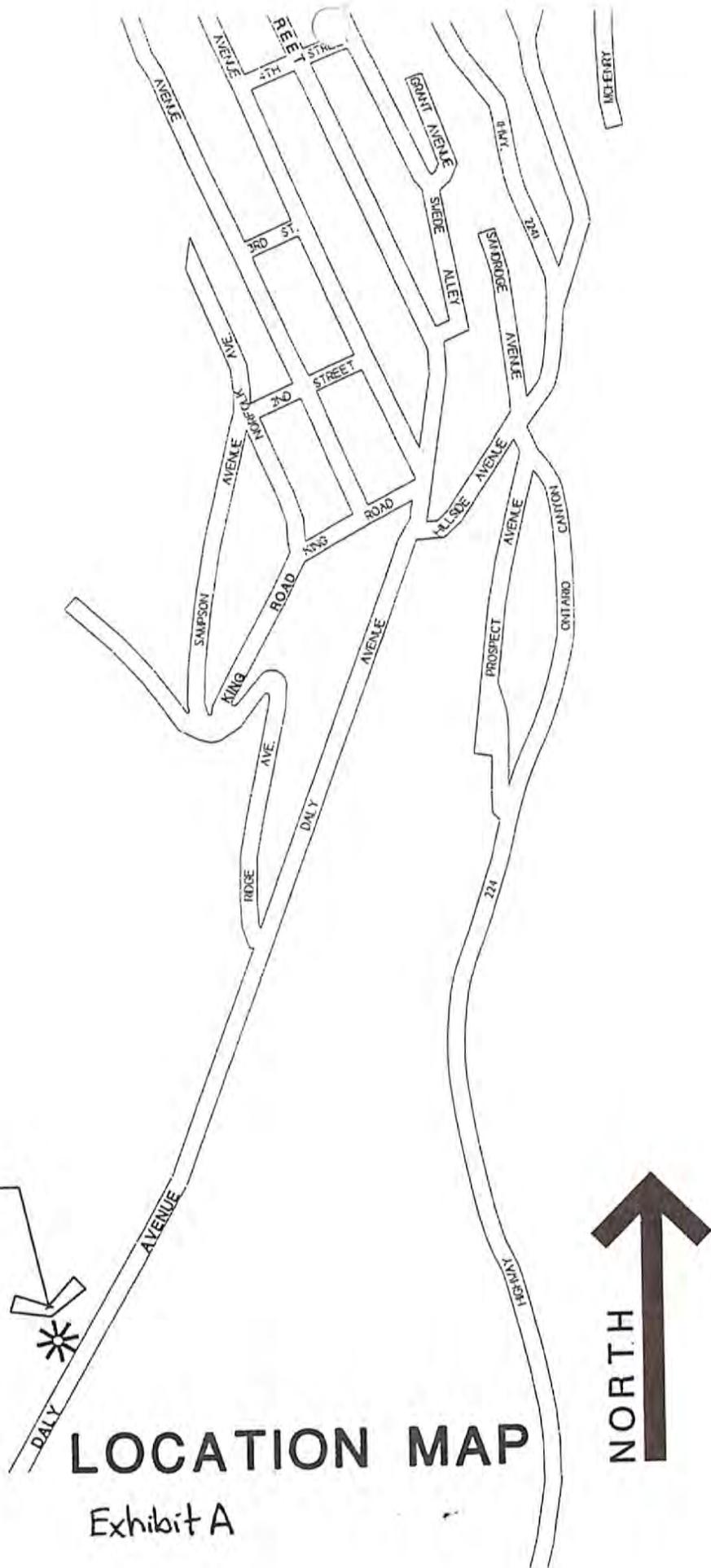
1. The garage is of minimal historic significance because of its condition.
2. The structure does not demonstrate a quality of mining significance in local and state history, architecture, and integrity of location, design, setting, and workmanship.

### CONDITIONS OF APPROVAL

1. According to Section 4.17(d) of the Land Management Code, the CAD shall expire on May 20, 1997.

### EXHIBITS

- Exhibit A - Location Map
- Exhibit B - Applicant's Letter
- Exhibit C - Site Plan
- Exhibit D - Photographs



332 DALY AVENUE

# LOCATION MAP

Exhibit A

PC-630-D  
332 Daly Avenue  
Statement Attached to Demolition Permit Application  
Historic Background

Applicant acquired the subject property (a portion of the Washington Millsite) from United Park City Mines Company by deed dated October 14, 1975. At the time of acquisition a one story residence existed on the property known as 332 Empire Canyon and was also described on Summit County tax plats as the 37th House on Daly Avenue. This house was also sometimes referred to as the old Dan Murphy house. The shed or garage that is the subject of this application was located south of the one story residence. The southerly line of the Washington Millsite bisected the shed or garage, that is, the shed straddled the property line between the Washington Millsite acquired by applicant and property to the south retained by United Park City Mines Company. At the time of acquisition of the land by applicant, the residence on the property was occupied by J. Brian and Marjorie Whitesides who had received a quit-claim deed to the improvements on the property dated April 16, 1970 from a Karen N. Wright. The shed was used by Whitesides as a garage. Applicant acquired the interest of Whitesides in the improvements on the property (the residence and shed) by quit-claim deed dated August 30, 1984. The residence was demolished at that time. Concurrent therewith Applicant entered into a Easement and Demolition Agreement with Whitesides dated August 30, 1984 permitting Whitesides the continued use of the shed or garage for a thirty month period at the end of which Whitesides were to demolish the shed. Whitesides subsequently discontinued use of the shed but did not demolish it. This application seeks to carry out the demolition.

The previously demolished residence and the subject shed were among numerous structures located on the Washington Millsite at the time of acquisition by Applicant. The original occupants of most if not all of these buildings were persons employed at various times by United Park City Mines Company. United Park allowed its employees to construct and occupy residences on the Millsite but did not transfer title to the land to the occupants. Applicant has no further records as to the age of the shed. Applicant has also inquired of United Park City Mines Company and United Park has indicated that it has no records either.

Exhibit B



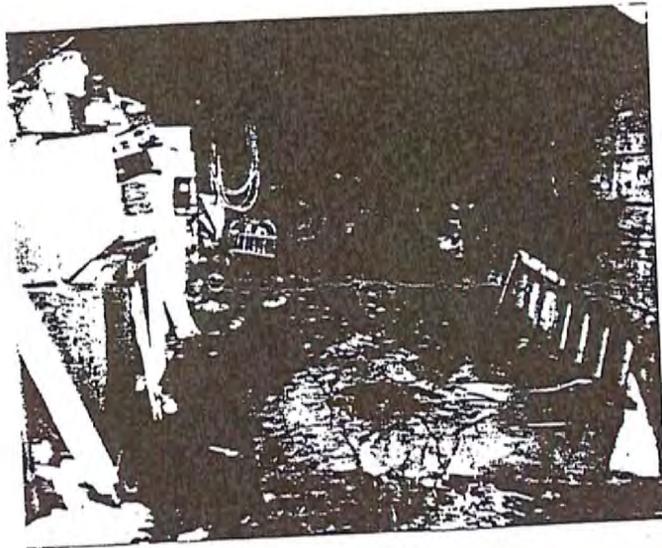
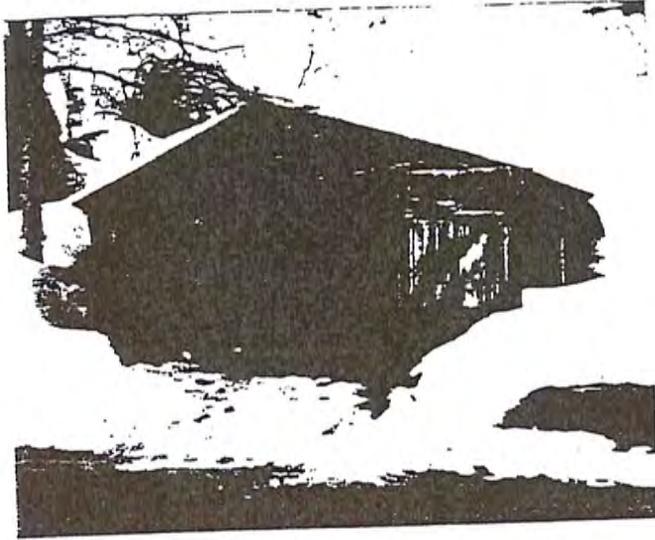


Exhibit D



HANK ROTHWELL  
PRESIDENT

February 28, 1996

Park City Municipal Corporation  
P.O. Box 1480  
Park City, Utah 84060

Gentlemen,

United Park City Mines Company is the owner of property immediately to the south of a .17 acre parcel of land on Daly Avenue owned by Royal Street Land Company. There is an old shed that is located partially on the Royal Street Land Company property and partially on the United Park City Mines Company property. United Park City Mines Company has no objection to the application by Royal Street Land Company for a demolition permit for removal of the shed or to actual removal of the shed. Please advise if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Hank Rothwell". The signature is written in a cursive style with some loops and flourishes.

JUN 06 '96 09:20AM ROYAL STREET

DEER VALLEY RESORT COMPANY  
REAL ESTATE DIVISION  
7620 ROYAL STREET EAST, SUITE 205  
P. O. BOX 1087  
PARK CITY, UTAH 84060  
TELEPHONE (801) 649-1261; FAX (801) 649-9848

DATE: June 6, 1996  
TO: Chris Child - Bald Eagle Realty  
At Fax #: 649-4232  
FROM: Bob Wells  
RE: .17 Acres - Daly Avenue  
# Pages incl cover: 1

Per our telephone discussion, I contacted Janice Lew regarding procedure on the demolition permit application for the shed on the subject property. She indicated that the City does not send out a form like they do on conditional-use applications. The demolition has been approved and the next step is to go in to the Building Department and pull the permit for demolition. The Planning Department will sign off on the permit prior to issuance. Janice indicated that they would prefer that the permit not be pulled until plans were submitted for construction on the property but such was not a condition of the approval. I actually submitted a demolition permit application with the package that got approved but my guess is that a new one would be required to be filled out in the process. Please let me know if any questions.

Bob Wells

6/10

Ey I Ship/Tom

## Christy Alexander

---

**From:** sharon stout <sharonstout@me.com>  
**Sent:** Wednesday, December 10, 2014 5:08 PM  
**To:** Christy Alexander  
**Subject:** Re: explanation

Christy,

Yes,

The reason it is not of historic importance today—is that it is a garage with a shed attached, it was not built by a master craftsman, it was not lived in by anyone ever. The house it belonged with has been torn down. The structure itself is derelict, dangerous, a liability to the people who own it—myself and Park City and in another winter season or two will fall down of its own accord. It has no historic significance since it is a garage. Garages have been used since the use of cars. This is not a structure that anyone can go by and see any part of Park City history and think of the people who lived in it since no one ever lived in it. It is not a hospital or a mine building, it is not anything that Park City is known for. This is a relatively modern building since the house it was used as a garage for used poured concrete for its foundation, retaining walls and stairs. The cabin in your inventory has no foundation, or concrete or stairs, nor does the out building on your historic site inventory.

There are many examples of historic homes in Park City that are actually part of the rich mining history of Park City, this garage was an oversight in demolition. The structure has also been altered—additions of metal of various types, electrical wiring added to the outside, water pipes inside, and patches of inferior craftsmanship added to even the limited garage esthetic from the original building function and design. It is impossible to enter the shed portion without danger.

Sharon

On Dec 10, 2014, at 4:54 PM, Christy Alexander <[christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org)> wrote:

> Do you have any sort of written summary of why you feel it is not significant? I need something more from you instead of the 1997 documents, something that addresses why it wouldn't meet the 2009 guidelines or historic sites inventory.

>

> Thanks!

>

> Christy

>

> -----Original Message-----

> From: Sharon stout [mailto:[sharonstout@me.com](mailto:sharonstout@me.com)]

> Sent: Wednesday, December 10, 2014 4:45 PM

> To: Christy Alexander

> Subject: explanation

>

> Hi Christy,

>

> I have under separate cover sent you emails with PDF's and pictures-because file size would not allow me to incorporate them all into one email.

>

> You should have my title report dated December 9th 2014 with copies of warranty deeds. You will also have my letter of permission to demolish property from 1996 from Park City stating the garage is not of historic importance.



# Historic Preservation Board Staff Report



PLANNING DEPARTMENT

**Subject:** 491 Echo Spur HDDR Appeal  
**Author:** Francisco J. Astorga, City Planner  
**Date:** January 7, 2015  
**Application:** PL-14-02534  
**Type of Item:** Quasi-Judicial – Appeal of Staff’s Determination of Compliance with the Design Guidelines for Historic Districts and Historic Sites

## Summary Recommendations

Staff recommends the Historic Preservation Board (HPB) review the submitted appeal of Staff’s determination approving the Historic District Design Review (HDDR) application at 491 Echo Spur. Staff has prepared Findings of Fact and Conclusions of Law affirming the determination of compliance for the Board’s consideration.

*This Staff report reflects the professional recommendation of the Planning Department. The HPB, as an independent body, may consider the recommendation but should make its decisions independently.*

## Description

**Appellant:** Dan and Paula Riordan  
represented by Scott DuBois, Wrona Gordon Dubois, P.C.  
**Location:** 491 Echo Spur  
**Property Owner:** Leeto Tlou  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Appeals of Staff decisions regarding Historic District Design Review applications are reviewed by the Historic Preservation Board

## Background

The property is located at 491 Echo Spur. The site is currently vacant. The site consists of three (3) Old Town lots that were combined by the City in October 2013 (Lot 17 18 & 19 Echo Spur Development Replat). In April 2014 the Planning Commission approved a Steep Slope Conditional Use Permit for the construction of a single-family dwelling on this lot of record. In June 4, 2014 the Planning Department received complete plans for a Historic District Design Review application.

On October 31, 2014, the City received an appeal of a Historic District Design Review (HDDR) application approved by the Planning Department on October 21, 2014. This appeal was submitted by Scott Dubois with Wrona Gordon DuBois, a Park City law firm, representing Dan and Paula Riordan. The Riordans own the site directly west of the subject site, behind 491 Echo Spur, located at 490 Ontario Avenue.

The appeal is specific to Staff's determination that the request to construct a new single-family dwelling at 491 Echo spur does not comply with the Design Guidelines for Historic Districts and Historic Sites.

Prior to the Historic Distric Design Review approval, this site had extensive Plat Amendment review by the Planning Commission and City Council. The Plat Amendment request was reviewed by the Planning Commision in December 2012, July 2013, September 2013, and June 2013. In June 2013, the Planning Commission made a motion to forward a negative recommendation to the City Council for the Plat Amendment. In October 2013, the City Council reviewed the Plat Amendment and approved it, as conditioned. The Plat Amendment was recorded with the County on October 15, 2014. The approved Plat Amendment is not being appealed as that appeal period has passed and no appeals were submitted during that time frame.

In April 2014 the Planning Commission approved the submitted Steep Slope Conditional Use Permit (SSCUP). A SSCUP before the Planning Commission is necessary for construction of single-family dwellings over slopes thirty percent (30%) or greater. The proposal met the nessesary mitigation as indicated in the LMC which includes: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, and building height. The approved SSCUP is not being appealed as that appeal period has passed and no appeals were submitted during that time frame.

As indicated on the approved HDDR, See Staff's Exhibit C – HDDR Action letter:

*The property owner proposes to build a single-family dwelling on a vacant lot consisting of three (3) lots of record approved by the City Council on October 17, 2013. There are no historic structures located on Echo Spur as the street is vacant. The proposed structure is 2,701 square feet in terms of gross residential floor area. The proposed upper floor is 640 square feet in size. The proposed garage is 596 square feet in size. The main level is 1,865 square feet. The basement level which does not count as gross residential floor area is 2,017 square feet in size. Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the proposal on October 21, 2014 pursuant to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:*

FINDINGS OF FACT

- 1. The property is located at 491 Echo Spur.*
- 2. The property is located in the Historic Residential (HR-1) District.*
- 3. The property, Lot A of the Lot 17, 18, and 19 Echo Spur Redevelopment Replat.*
- 4. The lot contains 5,625 square feet.*
- 5. A single-family dwelling is an allowed use in the HR-1 District.*

6. *The proposed structure is 2,701 square feet in terms of gross residential floor area.*
7. *The proposed upper floor is 640 square feet in size.*
8. *The proposed garage is 596 square feet in size.*
9. *The main level is 1,865 square feet.*
10. *The basement level which does not count as gross residential floor area is 2,017 square feet in size.*
11. *The maximum building footprint for the lot is 2,050 square feet.*
12. *The proposed structure building footprint is 2,049 square feet.*
13. *The minimum front/rear setbacks are ten feet (10').*
14. *The front/rear yard setbacks are ten feet (10').*
15. *The minimum south side yard setback is five feet (5')*
16. *The side yard setback on the south side is five feet (5').*
17. *The minimum north side yard setback is fifteen feet (15').*
18. *The side yard setback on the north side is fifteen feet (15').*
19. *The maximum building height is twenty-seven feet (27') from existing grade.*
20. *The proposed structure complies with the maximum building height and the other building height parameters.*
21. *The proposed use requires two off street parking spaces.*
22. *All of the Echo Spur lots on the west side of the street are vacant.*
23. *The application meets the Universal Guidelines for New Construction.*
24. *The application, as conditioned, meets the Specific Guidelines for Site Design, Primary Structures, Off-Street Parking Areas, Exterior Lighting, and Sustainability.*
25. *Guidelines related to Reconstruction of Non-Surviving Structures, Signs, Awnings, Accessory Structures, Mailboxes, etc., Supplemental Swede Alley Guidelines, and Main Street National Register Historic District Guidelines are not applicable to this application.*
26. *An application for a Historic District Design Review was received on June 4, 2014.*
27. *The property was properly posted and noticed for the public input period on August 27, 2014. Initial public input ended on September 10, 2014.*
28. *The application is subject to the Design Guidelines for New Construction in Park City's Historic Districts.*

#### CONCLUSION OF LAW

1. *The proposed dwelling complies with the Park City Historic District Design Guidelines, as conditioned.*
2. *The proposed dwelling complies with the Land Management Code requirements pursuant to the Historic Residential Density (HR-1) District.*

#### CONDITIONS OF APPROVAL

1. *Receipt and approval of a Construction Mitigation Plan (CMP) by the building Department is a condition precedent to the issuance of any building permit.*

2. *Final building plans and construction details shall reflect substantial compliance with the drawings date stamped (approved) on October 21, 2014. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.*
3. *The architect/designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.*
4. *If a complete building permit has not been obtained by October 21, 2015, this HDDR approval will expire.*
5. *Construction waste should be diverted from the landfill and recycled when possible.*
6. *Lighting has 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 building permit issuance. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.*
7. *Gutter and downspouts locations have not been determined at this time. The style and details shall be submitted to the Planning Department for review prior to building permit issuance.*
8. *A preliminary landscape plan (site plan) has been submitted for review. The landscape plan shall also include an irrigation plan that includes heads, lines, valves, controller and backflow preventer with corresponding legend and key, if applicable. This revised landscape plan is to be reviewed and approved by the Planning Director prior to building permit issuance. The landscape plan shall also include shrubs along the south property line along the driveway to shield the two car garage from Echo Spur.*
9. *City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.*
10. *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.*

11. *Exterior surfaces that are painted should have an opaque rather than transparent finish. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC products are recommended to be used.*
12. *Prior to building permit issuance the contractor and architect will meet with the DRT (Design Review Team) to assure construction compliance with the approved HDDR (Historic District Design Review) set.*
13. *All standard conditions of approval shall apply.*
14. *All conditions of approval of Ordinance No. 13-39 authorizing the approved and recorded Plat Amendment shall continue to apply.*
15. *All conditions of approval of the Steep Slope Conditional Use Permit for a new single-family dwelling authorizing construction over slopes thirty percent (30%) or greater approved by the Planning Commission on April 9, 2014 shall continue to apply.*

### **Historic District Design Standard of Review and Appeal Process**

Pursuant to Land Management Code (LMC) § 15-1-18 Appeals and Reconsideration Process, appeals of decisions regarding the Design Guidelines shall be reviewed by the Historic Preservation Board (HPB) as described in LMC § 15-11-12(E). The HPB shall approve, approve with conditions, or disapprove the appeal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision.

Pursuant to LMC § 15-1-18 (D) Standing to Appeal, the following has standing to appeal a final action:

1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
3. Any City official, Board or Commission having jurisdiction over the matter; and
4. The Owner of the subject Property.

Also pursuant to LMC § 15-1-18(G), the HPB shall act in a quasi-judicial manner. The appellant has the burden of proving that the land use authority (Planning Staff) erred. The scope of review by the HPB shall be the same as the scope of review by Staff. Staff reviews a Historic District Design Review by determining compliance with the Guidelines. The HPB shall review factual matters de novo (as new) and it shall determine the correctness of a decision of staff in its interpretation and application of the Code.

### **Appeal**

The objections raised by the appellant are regarding the following items, See Attachment A - Appellant's Submitted Appeal:

- A. Finding of Fact 23 -"The Application meets the Universal Guidelines for New Construction."

1. *Universal Guideline 6: Scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites.*

*Universal Guideline 7: The size and mass of the structure should be compatible with the size of the property so that lot coverage, building hulk, and mass are compatible with Historic Sites in the neighborhood.*

B. Finding of Fact 24 - The Application, as conditioned, meets the Specific Guidelines for Site Design, Primary Structures, Off-Street Parking Areas, Exterior Lighting and Sustainability.

1. *Specific Guideline A.5.4: The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.*
2. *Specific Guideline B.1.6: Windows, balconies and decks should be located in order to respect the existing conditions of neighboring properties.*
3. *Specific Guideline B.1.8: Buildings constructed on lots greater than 25 feet wide should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, building depth, and patterns within the facade.*

C. Conclusion of Law 1 - The proposed dwelling complies with the Park City Historic District Design Guidelines, as conditioned.

Regulation: Old Town Lots Should Maintain the Existing Block's Historic Fabric.

Regulation: New Construction in the Historic District Should Be Compatible.

D. Conclusion of Law 2 - The proposed dwelling complies with the Land Management Code requirements pursuant to the Historical Density (HR-1) District.

**Analysis**

Staff has prepared the following analysis regarding each objection raised. For clarity, the appellant's findings have been copied below in blue. Staff's response is written after raised objections.

A. Finding of Fact 23 - "The Application meets the Universal Guidelines for New Construction."

1. Universal Guideline 6: Scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites.

Universal Guideline 7: The size and mass of the structure should be compatible with the size of the property so that lot coverage, building hulk, and mass are compatible with Historic Sites in the neighborhood.

The staff conclusion that the Tlou Application met the Universal Guidelines for New Construction is in error. In fact, the proposed Tlou Residence fails to meet Universal Guidelines 6 and 7, because it is inconsistent with the historic nature of the neighborhood in which it is located. There is no dispute that the Tlou Residence is located in a historic district. With this in mind, on September 11, 2013, in an attempt to follow, implement, and enforce the General Plan, the Planning Commission issued a Negative Recommendation to combine lots 17, 18, and 19. A copy of the Recommendation has been attached hereto as Exhibit A. The Planning Commission's negative recommendation was founded on multiple violations of both the General Plan and the Guidelines. In particular, in a September 12, 2012 Planning Commission meeting, Commissioner Hontz expressed concern that approving the combination of three Old Town lots- which would then be used to build one enormous structure on all three lots - would potentially violate the purposes of the HR-1 Historic District under the LMC, and negatively impact the neighborhood and surrounding area. See September 12, 2012 Planning Commission Meeting Minutes, attached hereto as Exhibit B. Commissioner Hontz also expressed concern that any approved structure be restricted in maximum square footage. *Id.* Commissioner Strachan expressed concerns that approval of Echo Spur Development might set a precedent for the surrounding homes and area. *Id.* Despite these legitimate concerns that the scope of this structure would negatively impact the neighborhood and the statements that the square footage should be restricted, the footprint of the proposed Tlou Residence is only one square foot shy of the maximum allowed square footage, and the decks and patios are anticipated to sprawl up to the property line.

In addition, on April 9, 2014, the Planning Commission was unwilling to conclude, as a matter of law, that the Echo Spur Project complied with the General Plan because, among other reasons, the size and magnitude of the project was not historically compatible. See April 9, 2014 Planning Commission Meeting Minutes at p. 21, attached hereto as Exhibit C. Specifically, Tlou's lot does not maintain the existing blocks historic nature. For example, Block 58 of the Park City Survey ("Block 58") does not contain any lot which is comparable to the size and magnitude as Tlou's lot, indicating Tlou's lot is wholly-inconsistent and incompatible with the historic nature of the Historic District, the Design Guidelines, and the General Plan.

Staff does not find that the proposed Tlou Residence fails to meet Universal Guidelines 6 and 7. Staff does not find it to be inconsistent with the historic nature of the neighborhood in which it is located. The proposed structure and driveway is located in the center of the lot. The structure has an L shaped footprint. The proposed single-family dwelling meets all setbacks and has increased setbacks from the minimum towards the north side yard area. The driveway is placed on southeast corner, the only logical place due to the retaining walls for the Echo Spur road. The driveway leads vehicles to the west directly to the garage. The proposed driveway is placed over gentler slopes found on site which reduces the grading of the existing topography.

The main roof ridge orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings and mitigates differences in scale between proposed structure and existing structures in the neighborhood.

The appellant brings forward the Plat Amendment Planning Commission negative recommendation and fails to reiterate the fact that the City Council indeed did approve the requested Plat Amendment. The Planning Commission reviews Plat Amendments and provides a recommendation to the City Council. The City Council then reviews the Plat Amendments again and decides whether the request meets applicable Codes, or not, and takes action. The City Council approved the requested Plat Amendment as it found that it met applicable codes. See Staff's Exhibit A – Ordinance No 13-39. Again, the Plat Amendment is not being appealed at this time.

The incompatibility of Tlou's Residence with surrounding structures, and with structures in Historic District generally, is illustrated on the Artistic Rendering Tlou submitted with his HDDR Application, attached hereto as Exhibit D. It is apparent that the proposed Tlou residence will tower over and dwarf the surrounding homes in the historic neighborhood. Moreover, the Tlou Residence will maximize the entire building space, pushing the allowed setbacks to their respective maximums and will ultimately total over 5,100 square feet, which is substantially larger than any other structure on Block 58. A copy of the Block 58 plat and the Echo Spur Subdivision Plat are attached hereto as Exhibit E. A cursory review of the Block 58 plat shows that most, if not all, other lots in the neighborhood are one lot or one and half lots. In turn, because the lots are smaller, the houses on those lots are smaller- about half the size of the proposed Tlou Residence. For example, the adjacent property to the south of Tlou's Residence, Lot 20, has submitted building plans, which contemplate a residential structure with a size consistent with the surrounding area, the Historic District, the General Plan, and the Guidelines. A copy of the Lot 20 Floor Plans is attached hereto as Exhibit F. The lot is a traditional 25 x 75 lot, one third the size of the Tlou Property. The maximum building footprint is 844 square feet - less

than half of the Tlou Property. The total proposed square footage for the home on Lot 20 is 2038, about 3000 square feet less than the proposed Tlou Residence. Lot 20 is not the exception, it is consistent with the historic neighborhood. It is obvious that the Tlou Residence will be more than twice the size of the home next door and would be substantially larger than other homes in the neighborhood. Simply put, it will stand in stark contrast to the goals and objectives of the Guidelines and neighboring properties.

Staff does not find that the Tlou residence to be incompatible with surrounding structures. The City Council via the Plat Amendment approval did not find that as well. The Planning Commission via the SSCUP did not find that either. Regarding the square footage, specifically to Plat Amendments, the LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

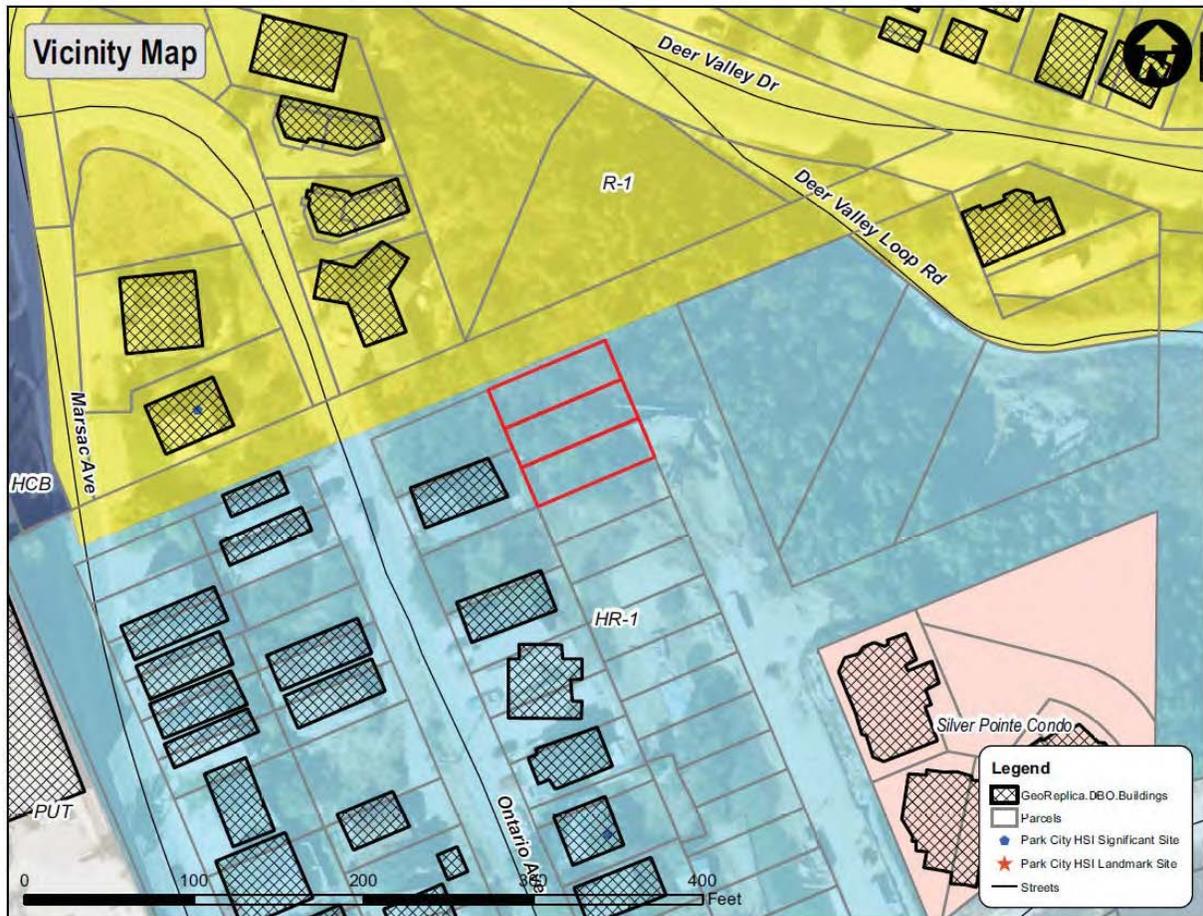
Originally there were sixteen (16) lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. The east side of Ontario contains the following:

Plat amendment/ Lot combination	Number of lots	Lot width (feet)	Lot area (square feet)
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

\*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to “remove” the lot line through their building.

The average lot width on the east side of Ontario Avenue is thirty six feet (36'). The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, now known as Echo Spur, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet. See the Vicinity Map prepared below for the 2012/2013 Plat Amendment analysis.



The City Council adopted additional restrictions limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. The Council included a note on the plat limiting the gross residential floor area of the lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff, and ultimately the City Council, found that the compatibility would be better maintained and consistency is achieved by this gross floor area limitation.

The Tlou Residence is also not compatible with other structures in the surrounding area and the Historic District generally, due to its proposed height. The Tlou Residence has a building heights reaching towards 27 feet. Although this technically complies with the LMC, the General Plan states that "building heights up to twenty-seven feet (27') in the residential area ... exceeds the height of the majority of historic mining homes" rendering it incompatible with other Historic structures as contemplated by the General Plan. See General Plan at p. 210 (emphasis added). For this additional reason, the Tlou Application should be disapproved.

The proposed Tlou residence does not contain any roof forms or features above the maximum height of twenty-seven feet (27') as indicated in the LMC. The LMC is the City's zoning ordinance, which is part of the City's Municipal Code. While the General Plan consists of comprehensive goals, objectives, etc., the restricting standard regarding development, specifically regarding building height, is still the LMC. The Planning Department is responsible of aligning the LMC with the General Plan. Until, the LMC is reviewed, analyzed, and possibly amended, via Planning Commission review and City Council review/approval, the LMC remains the governing law regarding building height.

B. Finding of Fact 24 - The Application, as conditioned, meets the Specific Guidelines for Site Design, Primary Structures, Off-Street Parking Areas, Exterior Lighting and Sustainability.

1. *Specific Guideline A.5.4: The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.*

The proposed residence is a large structure of approximately 5,118 square feet, which mandates a lot size of over 5,600 square feet to accommodate its multiple levels and non-simplistic elevation plans. Further, to accommodate this unreasonably large structure, Park City was forced to approve a plat amendment allowing three previous Old Town lot sizes of 25' x 75' to be consolidated to one geographically unique large lot of 75' x 75'. Rather than building a structure that is compatible with surrounding homes, and leaving the remainder of the combined three lots as open space or non-built yard space, the proposed Tlou Residence maximizes the huge building footprint and leaves very-little space between the home and the setbacks. Indeed, due to the size of the home, and Tlou's proposed use of additional areas for decks and patios, only three feet of unused space exists between the proposed building and the property line in certain areas. The proposed plan will substantially diminish the character of the neighborhood and will significantly reduce the proportion of built/paved area to open space.

The applicant again raises objections regarding compatibility addressed already under appellant section A, above. Staff does not find that the proposed plan will substantially diminish the character of the neighborhood and will significantly reduce the proportion of built/paved area to open space. The approved site, is a buildable lot of record. Due to the lot combination allowed by the LMC, the side yard setback areas are increased to further separate the possible structure with adjacent buildings. Moreover, the approved plat amendment increased the north side yard setback area to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface, see finding of fact #21 on Ordinance No. 13-39, Staff's Exhibit – A.

*2. Specific Guideline B.1.6: Windows, balconies and decks should be located in order to respect the existing conditions of neighboring properties.*

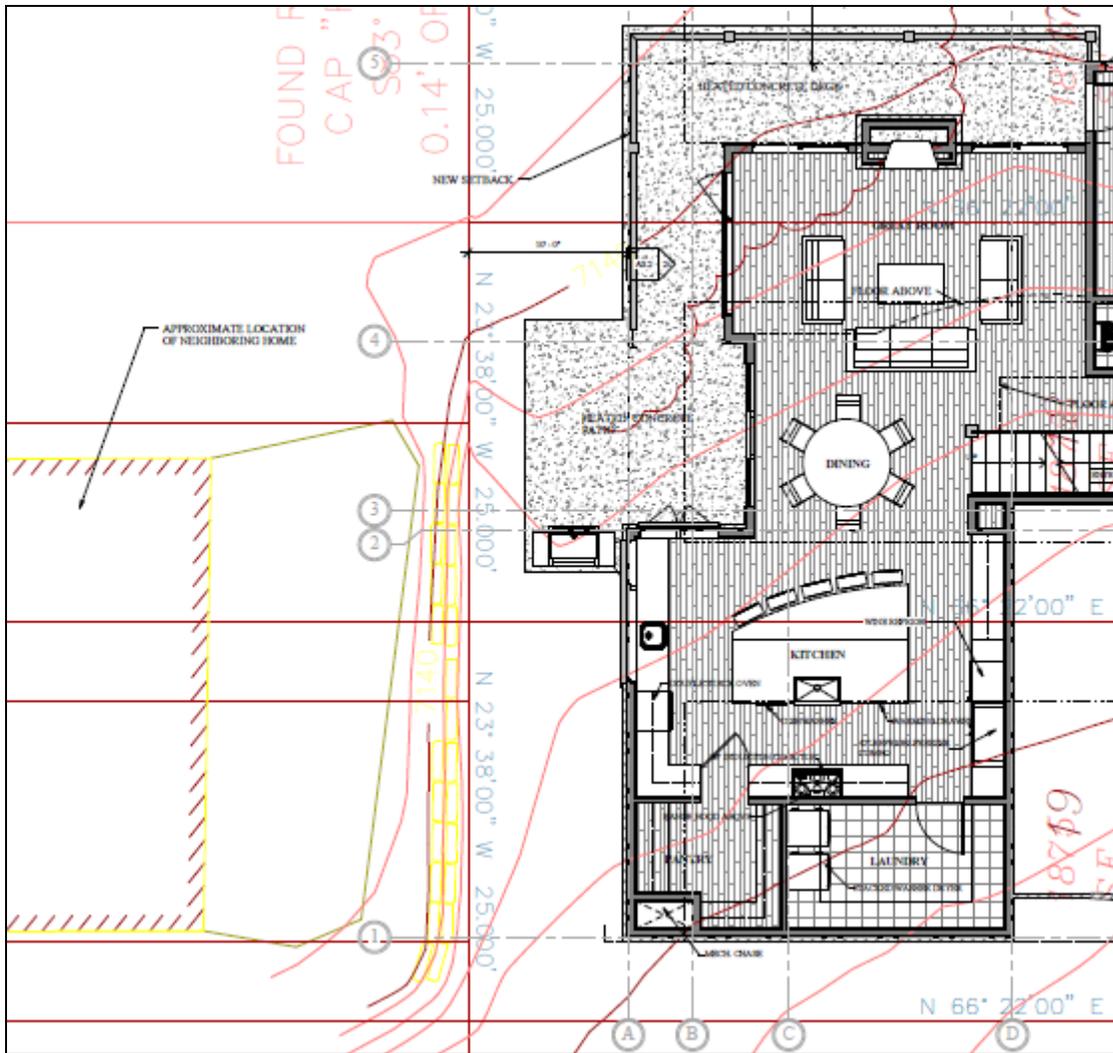
The plans for the Tlou Residence contemplate a deck and/or a patio on the west portion of the lot, adjacent to the Riordan Property (from the plans for the proposed Tlou Residence, it appears that there may be both a deck and a patio that intrude on the setback space on the west side). Although the setback is ten feet, the deck/patio appears to encroach upon the setback by over seven feet, stopping just three feet from the property line.

Given the elevation difference between the Tlou Property and the Riordans Property, the proposed deck/patio will sit approximately 12 feet directly above the Riordans' deck and will allow persons on the proposed deck/patio to look directly into the Riordans' second story windows. This deck/patio, which would have the effect of giving the Tlou's an elevated deck, will significantly impact the Riordan's privacy and quality of enjoyment of the property. The Board should disapprove of the deck/patio in its current location and configuration.

The approved plans propose a deck extending from north to south along the west, rear, portion of the house, at approximately half the width of the house. The deck meets the minimum setback of ten feet (10'), as indicated on the copied floor plan below. The deck turns into an at-grade patio about the middle of the house which then encroaches onto this rear yard setback area.

The LMC indicates under section 15-2.2-3(G)(10) that patios, decks, pathways, steps, or similar structures not more than thirty inches (30") above final grade, located at least one foot (1') from the rear lot line, may encroach onto the rear setback area. The proposed patio encroaches approximately seven feet (7') onto the rear setback area, leaving approximately a three foot (3') patio setback. The location of the Riordan's house is approximately sixteen feet (16') towards the west, towards the front of their lot.

Due to the location of the house, as well as the regulation that would also apply to the Riordan site, staff does not find that the location of the patio needs to be mitigated by the property owner, Mr. Tlou, as the Riordans may also enjoy their back yard by also building an at-grade patio one foot (1') from the this shared property line. The Riordans or Mr. Tlou both have the right to build a six foot (6') fence should they find that they need privacy. A taller fence is also allowed in the HR-1 District through a Conditional Use Permit request reviewed and approved by the Planning Commission.



3. *Specific Guideline B.1.8: Buildings constructed on lots greater than 25 feet wide should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, building depth, and patterns within the facade.*

The front of the Tlou Residence, adjacent to the access street, is 75 feet wide and utilizes all of the maximum buildable space to the setback limitation. Consequently, the size of the Tlou Residence requires a large concrete retaining wall, placed in front of the residence and setback requirements, which is visible from the access street. See Artistic Renderings attached hereto as Exhibit G. The retaining wall lacks a facade consistent with the rhythm of the remaining structures on Block 58 and the Historic District generally, which incorporate materials for retaining walls consisting of rock and similar material consistent with the historic nature of Old Town.

The retaining wall on Exhibit G is not being proposed. This retaining wall feature is currently built. It was built in 2007/2008 when the road was built. This retaining wall

feature is part of the public improvement of the road which has been accepted by the City Council and it was reviewed by the City Engineer for compliance with technical infrastructure improvements.

Further, because of the lot size and square footage of the Echo Spur Project and the Tlou Residence generally, the width of the Tlou Residence is substantially wider than other residential structures on Block 58 and, by nature of the size of the lot compared to the other lots on the same street, will be wider than other residential structures scheduled to be built. Consequently, the width of the Tlou Residence will be inconsistent with the rhythm of Echo Spur Drive, Block 58, and the Historic District generally and therefore violates the Historic Guideline. The Riordan's appeal the approval of the front retaining walls and the width of the front of the Tlou Residence.

Due to the topography of the site and the placement/location of the built road, Staff did not find any issues with the width of the lot and the width of the proposed house. The road was built to barely make it to the south end of the now lot combination as most of the mass of the house is placed past the built retaining wall towards the north. Again, the front retaining walls are not part of the HDDR application and were approved through the public improvement of the road handled by the City Engineer and accepted by the City Council.

C. Conclusion of Law 1 - The proposed dwelling complies with the Park City Historic District Design Guidelines, as conditioned.

Property owners rely on the Design Guidelines to ensure that projects and buildings are reasonable and consistent with buildings and structures in both the immediate surrounding area as well as throughout the Park City Historic District. The Design Guidelines provide the Historic Preservation Board "with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations." See Design Guidelines at p. 2. A copy of the applicable portions of the Design Guidelines has been attached as Exhibit H.

The Design Guidelines are designed to carry out the policy directives in the Park City General Plan ("General Plan"). See Design Guidelines at p.2. A copy of the applicable portions of the General Plan has been attached as Exhibit H. The General Plan states that the Design Guidelines are "an effective tool for retaining the character of a historic district" and designed and adopted to "ensure that the historic district is not overwhelmed by new development and the historic character of a place is preserved." See General Plan at p.132.

Consequently, as it relates to the historic character of the General Plan, specifically including the Historic Districts and Historic Sites, the General Plan states that the "Old Town lots were plotted to accommodate a high density allowing houses to fit "snugly" within the lots, which allowed "adequate spacing between structures while providing sufficient backyard spaces." See General

Plan at p. 118. The General Plan further states that current real estate demands, including the combination of Old Town lots to accommodate large residential structures, threatens the current historic fabric of Park City and have caused and are causing "increased adverse effects on the historic pattern and aesthetic of the Old Town neighborhood." *Id.*

Moreover, the General Plan specifically attributes the adverse effect currently being experienced by the historic nature of the Old Town neighborhoods to lot combinations, which ultimately accommodate uniquely large residential structures. *Id.* Consequently, the General Plan recommends that some regulatory measures be taken, and specific objectives be met, by boards authorized to make decisions to help mitigate the deterioration of the historic fabric of the Old Town neighborhoods and ultimately preserve the intent of the Historic designation. *Id.*

The Planning Commission did not agree that the Tlou Residence complies with the General Plan. In the April 9, 2014 Planning Commission Meeting, Commissioner Strachan raised concerns that the Planning Commission was charged with the responsibility to make a conclusion of law that the Tlou Residence complied with the General Plan. However, Commissioner Strachan stated that the Tlou Residence did not comply with the General Plan. See April 9, 2014 Planning Commission Meeting Minutes at p. 21. Additionally, Commissioner Strachan stated that the size of the Tlou Residence Spur Development was not in conformity with the HR-1 purposes and was not a historically compatible structure. *Id.* Due to the failure of the Tlou Residence to comply with the General Plan, the HDDR application should be disapproved.

In this section the appellant focuses on the General Plan, specifically with Commissioner's Strachan's comments regarding the Plat Amendment. Again, the appellant brings forward the Plat Amendment Planning Commission negative recommendation and fails to reiterate the fact that the City Council indeed did approve the requested Plat Amendment. The City Council approved the requested Plat Amendment as it found that it met applicable codes. The approved Plat Amendment is not being appealed as that appeal period already took place and no appeals were submitted during that time frame.

#### Regulation: Old-Town Lots Should Maintain-the Existing Block's Historic-Fabric

The General Plan proposes a regulation, which requires lot combinations to be:

limited within existing block's pattern to respect the historic fabric of the block. For example, lot combinations in the Historic Residential (HR-1 and HR-2) districts could be limited to that which has historically existed in each block.

*Id.* Specifically, the General Plan regulation states that:

[n]ew development on vacant lots within Old Town should be limited to single-lot development, or allowed only to combine lots to match the existing development pattern. In this case, an average lot size per block should be demonstrated by the home builder to determine how many lots have traditionally been combined and built upon in the past. Existing home owners wishing to combine lots should be limited to the same standards as described above, with an exception for existing homes that straddle lots lines.

See General Plan at p.118-120. The General Plan concludes its first proposed regulation of lot combinations by adding:

[i]n areas in the HR-1, HR-2 and HRL where no lots are platted, new lots should respect the historic lot patterns of 25' X 75' lots.

*Id.*

In this section the appellant focuses on the General Plan, specifically regarding Old Town lot combinations. The LMC contains subdivision/lot combination regulations. A HDDR does not deal with subdivision/lot combination (Plat Amendment) regulations. The approved Plat Amendment is not being appealed as that appeal period already expired and no appeals were submitted during that time frame.

#### Regulation: New Construction in the Historic District Should Be Compatible.

Similar to the previous regulation, the General Plan encourages new construction structures in the Historic District to be compatible in all aspects with the existing surrounding area. Such compatibility includes, but is not limited to, scale, proportion, shape, rhythm, mass, height, roofline, and architectural style. See General Plan at 122. Specifically, the General Plan states:

[n]ew construction and additions must contribute to the overall historic character of the neighborhood, rather than detract from it, in order to protect the historic integrity and coherence of the historic district. For this reason, design reviews are necessary to ensure that new construction and additions maintain the overall feel and composition of the neighborhood by taking a holistic design approach.

See *id.* The General Plan further states that the reason for the compatible design of new construction is to create a "harmonious appearance along streetscapes and the district as a whole. Similarities between structures and designs are necessary to preserve the neighborhood's overall historic integrity, character, and composition." *Id.* As noted above, the proposed Tlou Residence is not compatible with the historic nature and characteristics of the neighborhood. As such, the application should be disapproved.

In this section the appellant outlines the General Plan regarding new construction compatibility and claims that the Tlou residence is simply not compatible with the historic nature and characteristics of the neighborhood similar to the General Plan

subdivision/lot combination regulation objections. Pursuant to LMC 15-1-18(G), the HPB shall act in a quasi-judicial manner and the appellant has the burden of proving that the land use authority (Planning Staff) erred. The appellant fails to specifically indicate how staff erred.

D. Conclusion of Law 2 - The proposed dwelling complies with the Land Management Code requirements pursuant to the Historical Density (HR-1) District.

In addition to the General Plan, the Guide Lines- are- also designed to- carry- out the- policy-directives in the Land Management Code ("LMC"). See Design Guidelines at p. 2. In particular, the LMC states that the purpose of the Historic Residential HR-1 District is to:

- (a) preserve present land Uses and character of the Historic residential Areas of Park City,
- (b) encourage the preservation of Historic Structures;
- (c) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
- (d) encourage single family Development on combinations of 25' X 75' Historic Lots;
- (e) define Development parameters that are consistent with the General Plan policies for the Historic core; and
- (f) established Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

See LMC 15-2.2-1.

Similar to the goals and objectives of the General Plan, the LMC, and those who enforce it, are charged with the responsibility of preserving the historic character of the neighborhoods. This responsibility includes ensuring that new construction is limited to the character and scale of the Historic District generally and is compatible with surrounding structures. As demonstrated above, the Tlou Residence is nearly double those in the neighborhood and necessitated the combination of three Old Town lots. The proposed Tlou Residence is unlike and incompatible with any existing structures in the historic district and the application should be disapproved.

In this section the appellant outlines the purpose statement of the HR-1 District. The purpose statement serves as a preamble of the following LMC regulations/standards as they do not mention any specific standards. Staff does not find that the proposed use

does not preserve present land uses or the character of the historic residential areas. The proposed structure is not near any historic structures and does not discourage the preservation of historic structures. Given the location of the site, the size of the structures provides a transition from the area east of Echo Spur towards Ontario Avenue. The Plat Amendment combined single family development on combination of 25' x 75' historic lots. The Planning Commission found that the proposed structure was properly mitigated for new development on steep slopes which mitigate impacts to mass and scale and the environment.

### **Public Input**

No public input has been received by the time of this report.

### **Alternatives**

- The Historic Preservation Board may deny the appeal and uphold the staff approval of the Historic District Design Review application; or
- The Historic Preservation Board may approve the appeal and reverse the staff approval of the Historic District Design Review application Sites and make findings to support this approval; or
- The Historic Preservation Board may request additional information or impose additional conditions as the Board's review of the Historic District Design Review is "de novo".

### **Summary Recommendations**

Staff recommends the Historic Preservation Board (HPB) review the submitted appeal of Staff's determination approving the submitted Historic District Design Review (HDDR) application at 491 Echo Spur. Staff has prepared Findings of Fact and Conclusions of Law affirming the determination of compliance for the Board's consideration.

### **Findings of Fact**

1. The property is located at 491 Echo Spur.
2. The property is located in the HR-1 District.
3. The property is Lot A of Lot 17, 18, & 19 Echo Spur Development Re-Plat.
4. The site is currently vacant.
5. The site consists of three (3) Old Town lots that were combined by the City in October 2013.
6. In April 2014 the Planning Commission approved a Steep Slope Conditional Use Permit for the construction of a single-family dwelling on this lot of record.
7. In June 4, 2014 the Planning Department received complete plans for a HDDR application.
8. On October 31, 2014, the City received an appeal of a Historic District Design Review (HDDR) application approved by the Planning Department on October 21, 2014 at 491 Echo Spur.
9. This appeal was submitted by Scott Dubois with Wrona Gordon DuBois, a Park City law firm, representing Dan and Paula Riordan.
10. The Riordans own the site directly west of the subject site, behind 491 Echo Spur, located at 490 Ontario Avenue.

11. Pursuant to LMC § 15-1-18 (D) Standing to Appeal, the Riordans have standing to appeal the HDDR final action because they are the owners of property within three hundred feet (300') of the boundary of the subject site.
12. Prior to the Historic District Design Review, this site had extensive Plat Amendment review by the Planning Commission and City Council.
13. The Plat Amendment request was reviewed by the Planning Commission in December 2012, July 2013, September 2013, and June 2013.
14. In June 2013, the Planning Commission made a motion to forward a negative recommendation to the City Council for the Plat Amendment.
15. In October 2013, the City Council reviewed the Plat Amendment and approved it, as conditioned.
16. The approved Plat Amendment is not being appealed as that appeal period has passed and no appeals were submitted during that time frame.
17. In April 2014 the Planning Commission approved the submitted Steep Slope Conditional Use Permit (SSCUP).
18. The approved SSCUP is not being appealed as that appeal period has passed and no appeals were submitted during that time frame.
19. Staff does not find that the proposed Tlou Residence fails to meet Universal Guidelines 6 and 7. Staff does not find it to be inconsistent with the historic nature of the neighborhood in which it is located.
20. The proposed single-family dwelling meets all setbacks and has increased setbacks from the minimum towards the north side yard area.
21. The driveway is placed on southeast corner, the only logical place due to the retaining walls for the Echo Spur road. The driveway leads vehicles to the west directly to the garage. The proposed driveway is placed over gentler slopes found on site which reduces the grading of the existing topography.
22. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model.
23. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure.
24. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings and mitigates differences in scale between proposed structure and existing structures in the neighborhood.
25. The appellant brings forward the Plat Amendment Planning Commission negative recommendation and fails to reiterate the fact that the City Council indeed did approve the requested Plat Amendment.
26. The City Council approved the requested Plat Amendment as it found that it met applicable codes.
27. During the Plat Amendment review staff recommended adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).
28. Staff, and ultimately the City Council, found that the compatibility would be better maintained and consistency is achieved by this gross floor area limitation.

29. The proposed Tlou residence does not contain any roof forms or features above the maximum height of twenty-seven feet (27') as indicated in the LMC.
30. The LMC is the City's zoning ordinance, which is part of the City's Municipal Code.
31. While the General Plan consists of comprehensive goals, objectives, etc., the restricting standard regarding development, specifically regarding building height, is the LMC.
32. Staff does not find that the proposed plan will substantially diminish the character of the neighborhood and will significantly reduce the proportion of built/paved area to open space.
33. Due to the lot combination allowed by the LMC, the side yard setback areas are increased to further separate the possible structure with adjacent buildings.
34. The approved plat amendment increased the north side yard setback area to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
35. The approved plans propose a deck extending from north to south along the west, rear, portion of the house, at approximately half the width of the house.
36. The deck meets the minimum setback of ten feet (10'), as indicated on the copied floor plan below.
37. The deck turns into an at-grade patio about the middle of the house which then encroaches onto this rear yard setback area.
38. The LMC indicates under section 15-2.2-3(G)(10) that patios, decks, pathways, steps, or similar structures not more than thirty inches (30") above final grade, located at least one foot (1') from the rear lot line, may encroach onto the rear setback area.
39. The proposed patio encroaches approximately seven feet (7') onto the rear setback area, leaving approximately three feet (3') patio setback.
40. The location of the Riordan's house is approximately sixteen feet (16') towards the west, towards the front of their lot.
41. Due to the location of the house, as well as the regulation that would also apply to Riordan's, staff does not find that the location of the patio needs to be mitigated by the property owner,
42. Both property owners may enjoy their back yards by also building an at-grade patio one foot (1') from the shared property line.
43. Both property owners have the right to build a six foot (6') fence should they find that they need privacy.
44. This retaining wall feature is currently built. It was built in 2007/2008 when the road was built.
45. This retaining wall feature is part of the public improvement of the road which has been accepted by the City Council and it was reviewed by the City Engineer for compliance with technical infrastructure improvements.
46. Due to the topography of the site and the placement of the built road, Staff did not find any issues with the width of the lot and the width of the proposed house.
47. The road was built to barely make it to the south end of the lot of record as the most of the mass of the house is placed past the built retaining wall towards the north.

48. The appellant focuses on the General Plan, specifically regarding Old Town lot combinations.
49. The LMC contains subdivision/lot combination regulations.
50. A HDDR does not deal with subdivision/lot combination (Plat Amendment) regulations.
51. The approved Plat Amendment is not being appealed as that appeal period already took place and no appeals were submitted during that time frame.
52. The appellant outlines the General Plan regarding new construction compatibility and claims that the Tlou residence is simply not compatible with the historic nature and characteristics of the neighborhood similar to the General Plan subdivision/lot combination regulation objections.
53. Pursuant to LMC 15-1-18(G), the HPB shall act in a quasi-judicial manner and the appellant has the burden of proving that the land use authority (Planning Staff) erred.
54. The appellant fails to specifically indicate how staff erred.
55. Staff found that both LMC standards and Historic District Design Guidelines for Historic Districts were met.
56. The appellant outlines the purpose statement of the HR-1 District.
57. The purpose statement serves as a preamble of the following LMC regulations as they do not mention any specific standards.
58. Staff does not find that the proposed use does not preserve present land uses or the character of the historic residential areas.
59. The proposed structure is not near any historic structures and does not discourage the preservation of historic structures.
60. Given the location of the site, the size of the structures provides a transition from the area east of echo spur towards Ontario Avenue.
61. The Plat Amendment combined single family development on combination of 25' x 75' historic lots.
62. The Planning Commission found that the proposed structure was properly mitigated for new development on steep slopes which mitigate impacts to mass and scale and the environment.

### **Conclusion of Law**

1. The HDDR application complies with the Park City Design Guidelines for Historic Districts and Historic Sites.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Residential (HR-1).

### **Order**

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

### **Attachments/Exhibits**

Attachment A - Appellant's Submitted Appeal:

Sub-Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment

Sub-Exhibit B – Planning Commission Meeting Minutes 9.12.2012

Sub-Exhibit C – Planning Commission Meeting Minutes 4.09.2014

Sub-Exhibit D – Enlarged Artistic Rendering  
Sub-Exhibit E – County Plat Map + Echo Spur Subdivision  
Sub-Exhibit F – Echo Spur Lot 20 Draft Plans  
Sub-Exhibit G – Enlarged Artistic Renderings (2), additional  
Sub-Exhibit H – Design Guidelines, pages 1-6 + 43-53  
Staff's Exhibit A – Ordinance No. 13-39  
Staff's Exhibit B – Planning Commission SSCUP Approved Plans  
Staff's Exhibit C – HDDR Action letter



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October 31, 2014

**VIA HAND DELIVERY AND EMAIL:** [planning@parkcity.org](mailto:planning@parkcity.org); [fastorga@parkcity.org](mailto:fastorga@parkcity.org)

Park City Planning Department  
445 Marsac Avenue  
PO Box 1480  
Park City, Utah 84060

*Re:* Appeal to Park City Historic Preservation Board – 491 Echo Spur

Dear Park City Historic Preservation Board:

**I. INTRODUCTION**

On October 21, 2014, the Park City Planning Department (“Planning Department”) approved a Historic District Design Review (“HDDR”) application submitted by Leeto Tlou (“Tlou”), owner of a lot located at 491 Echo Spur, Park City, Utah 84060 (“Tlou Property”) in the Echo Spur Development Replat Subdivision (“Echo Spur Development”). Specifically, the Planning Department approved the building of a massive residential structure on the Tlou Property (“Tlou Residence”) that is more than twice the size of other residences in the historic neighborhood.

Dan and Paula Riordan (“Riordans”) own property located at 490 Ontario, Park City, Utah 84060 (“Riordan Property”). The Riordans can be reached through counsel at 435-649-2525. The Riordan Property and the Tlou Property share a common property line, located on the west boundary of the Tlou Property. The Riordans are appealing the Planning Department’s HDDR approval of the Tlou Residence because it is not in conformity with the goals and objectives of the Park City General Plan (“General Plan”), the Design Guidelines for Historic District and Historic Sites (“Guidelines”), and the Park City Land Management Code (“LMC”). Specifically, several findings of fact and conclusions of law set forth in the HDDR approval lack support. Accordingly, pursuant to Sections 15-11-12(E) and 15-1-18(D)(2) of the LMC, the Riordans hereby submit this appeal and request that the Board disapprove the HDDR Application.



## II. BACKGROUND

On August 10, 2012, Park City (the “City”) received an application to amend the Echo Spur Development Replat, and combine Lots 17, 18, and 19 into one lot of record (“Requested Plat Amendment”). The purpose of the combination of the three lots was to allow Tlou to build one enormous home on all three lots, which is a substantial deviation from the historic practice of building a residence on one or one and a half lots. On September 12, 2012, the Park City Planning Commission (“Planning Commission”) reviewed the Requested Plat Amendment and expressed concern regarding multiple aspects of the proposed project, including ridgeline development/vantage point analysis and contextual neighborhood analysis. The Planning Commission ultimately continued the item to a future date.

On December 12, 2012, the Planning Commission visited the site and again expressed the same concerns. Further discussion was scheduled for a future date. Thereafter, on June 26, 2013, the Planning Commission reviewed the application and models prepared by Tlou’s architect. The Planning Commissioners disagreed about certain elements relating to the ridgeline analysis. Thereafter, a meeting was scheduled for July 31, 2013. Before, the July 31, 2013 meeting, the Planning Commissioners conducted a public hearing regarding the Requested Plat Amendment. On July 31, 2013, after deliberation and a public hearing, the Planning Commission decided to issue a negative recommendation to the City Council for the Requested Plat Amendment application.

The Planning Commission based their negative recommendation regarding the combination of the three lots – which would enable the construction of a massive structure on the combined lot – on multiple factors, including but not limited to:

- The negative impacts the Requested Plat Amendment would have on the neighborhood and the surrounding area;
- a lack of good cause as the plat would cause undo harm on adjacent property owners;
- the public would be materially injured;
- the Requested Plat Amendment adversely affected health, safety, and welfare of the citizens of Park City;
- the Requested Plat Amendment did not comply with multiple historical objectives of the 2013 Park City General Plan (“2013 General Plan”); and
- the Requested Plat Amendment did not comply with the purposes statements of the HR-1, including the construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods.

A copy of this recommendation is attached as Exhibit A.

On September 11, 2013, the Planning Commission made and unanimously passed a motion to forward a negative recommendation to the Park City Council (“City Council”) regarding the Requested Plat Amendment. Notwithstanding the Planning Commission’s negative recommendation based on the above factors, the City Council approved the Requested Plat Amendment, thereby creating the Echo Spur Development Replat (“Echo Spur Project”) and combining three Old Town lots into one large lot of record.



Again, the purpose of Tlou's requested replat was to triple the lot size and thereby allow construction of an enormous residence in the historic district. A typical lot in Old Town is 75 feet in depth by 25 feet wide. Given this lot size, a property owner would be limited to a maximum building footprint 844 square feet. In contrast, the Tlou property is 75 feet in depth and 75 feet wide. Given this lot size, the maximum building footprint is 2,050 square feet. The footprint for the proposed Tlou Residence is 2,049 square feet. Tlou has used every possible square foot of the maximized building footprint and has sought approval for a residence that is over 5,100 total square feet. In other words, the footprint for the Tlou Residence (and corresponding total square footage) is over double the size of neighboring homes in the Historic District. In addition to a footprint for the structure that consumes most of the three-lot parcel, Tlou has also proposed a multitude of decks and patios that encroach on the very modest ten foot setback. In fact, it appears that the patio/deck (it is difficult from the plans to discern between an elevated deck and patio), comes to within one foot of the property line. Thus, not only is there massive structure looming over neighboring properties, but also decks and patios that are located nearly on the property line, peering down on and into the neighboring patios and windows.

On April 9, 2014, the Planning Commission met to discuss a Steep Slope Conditional Use Permit ("CUP") for the Tlou Residence. Once again, the Planning Commissioners discussed multiple concerns with the both the Echo Spur Project as well as the CUP. In particular, that the Echo Spur Project did not comply with the General Plan and Historical Guidelines. Notwithstanding the disagreement between the Planning Commission members, the Planning Commission ultimately approved the CUP, although not unanimously.

October 21, 2014, the Planning Department completed a Historic District Design Review ("HDDR") for the Tlou Residence. The Planning Department concluded that the Tlou Residence complied with the Design Guidelines thereby approving Tlou's Application, with conditions.

### III. APPEAL

The Riordans write to appeal several of the findings set forth in the HDDR Approval. The Riordans do not undertake this appeal lightly. It is both time consuming and expensive for them. However, the Riordans feel they have no alternative. They are compelled to attempt to preserve the historic nature of the neighborhood they love and appreciate. Like many on the Planning Commission, the Riordans are steadfast in their belief that the proposed Tlou Residence is simply incompatible with the historic nature of the neighborhood, due to its enormous size and location.

With respect to the HDDR Approval, the standard of review for factual issues is "de novo" – which means that the Historic Preservation Board is "starting fresh" and deciding the factual issues without reference to the findings made by the Planning Commission staff. The ultimate conclusions of the Planning Commission staff are reviewed for correctness. If the Planning Commission's conclusions are not deemed correct, the Historic Preservation Board should disapprove the application. The Riordans urge the Historic Preservation Board to disapprove the application for the reasons set forth below. Specifically, in this appeal, the Riordans specifically challenge Findings of Fact 23 and 24 and Conclusions of Law 1 and 2 contained in the HDDR Approval as follows:



A. **Finding of Fact 23 – “The Application meets the Universal Guidelines for New Construction.”**

1. ***Universal Guideline 6: Scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites.***

***Universal Guideline 7: The size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood.***

The staff conclusion that the Tlou Application met the Universal Guidelines for New Construction is in error. In fact, the proposed Tlou Residence fails to meet Universal Guidelines 6 and 7, because it is inconsistent with the historic nature of the neighborhood in which it is located. There is no dispute that the Tlou Residence is located in a historic district. With this in mind, on September 11, 2013, in an attempt to follow, implement, and enforce the General Plan, the Planning Commission issued a Negative Recommendation to combine lots 17, 18, and 19. A copy of the Recommendation has been attached hereto as Exhibit A. The Planning Commission’s negative recommendation was founded on multiple violations of both the General Plan and the Guidelines. In particular, in a September 12, 2012 Planning Commission meeting, Commissioner Hontz expressed concern that approving the combination of three Old Town lots – which would then be used to build one enormous structure on all three lots – would potentially violate the purposes of the HR-1 Historic District under the LMC, and negatively impact the neighborhood and surrounding area. *See* September 12, 2012 Planning Commission Meeting Minutes, attached hereto as Exhibit B. Commissioner Hontz also expressed concern that any approved structure be restricted in maximum square footage. *Id.* Commissioner Strachan expressed concerns that approval of Echo Spur Development might set a precedent for the surrounding homes and area. *Id.* Despite these legitimate concerns that the scope of this structure would negatively impact the neighborhood and the statements that the square footage should be restricted, the footprint of the proposed Tlou Residence is only one square foot shy of the maximum allowed square footage, and the decks and patios are anticipated to sprawl up to the property line.

In addition, on April 9, 2014, the Planning Commission was unwilling to conclude, as a matter of law, that the Echo Spur Project complied with the General Plan because, among other reasons, the size and magnitude of the project was not historically compatible. *See* April 9, 2014 Planning Commission Meeting Minutes at p. 21, attached hereto as Exhibit C. Specifically, Tlou’s lot does not maintain the existing blocks historic nature. For example, Block 58 of the Park City Survey (“Block 58”) does not contain any lot which is comparable to the size and magnitude as Tlou’s lot, indicating Tlou’s lot is wholly inconsistent and incompatible with the historic nature of the Historic District, the Design Guidelines, and the General Plan.

The incompatibility of Tlou’s Residence with surrounding structures, and with structures in Historic District generally, is illustrated on the Artistic Rendering Tlou submitted with his HDDR Application, attached hereto as Exhibit D. It is apparent that the proposed Tlou residence will tower over and dwarf the surrounding homes in the historic neighborhood. Moreover, the Tlou Residence will maximize the entire building space, pushing the allowed setbacks to their



respective maximums and will ultimately total over 5,100 square feet, which is substantially larger than any other structure on Block 58. A copy of the Block 58 plat and the Echo Spur Subdivision Plat are attached hereto as Exhibit E. A cursory review of the Block 58 plat shows that most, if not all, other lots in the neighborhood are one lot or one and half lots. In turn, because the lots are smaller, the houses on those lots are smaller – about half the size of the proposed Tlou Residence. For example, the adjacent property to the south of Tlou’s Residence, Lot 20, has submitted building plans, which contemplate a residential structure with a size consistent with the surrounding area, the Historic District, the General Plan, and the Guidelines. A copy of the Lot 20 Floor Plans is attached hereto as Exhibit F. The lot is a traditional 25 x 75 lot, one third the size of the Tlou Property. The maximum building footprint is 844 square feet – less than half of the Tlou Property. The total proposed square footage for the home on Lot 20 is 2038, about 3000 square feet less than the proposed Tlou Residence. Lot 20 is not the exception, it is consistent with the historic neighborhood. It is obvious that the Tlou Residence will be more than twice the size of the home next door and would be substantially larger than other homes in the neighborhood. Simply put, it will stand in stark contrast to the goals and objectives of the Guidelines and neighboring properties.

The Tlou Residence is also not compatible with other structures in the surrounding area and the Historic District generally, due to its proposed height. The Tlou Residence has a building heights reaching towards 27 feet. Although this technically complies with the LMC, the General Plan states that “building heights up to twenty-seven feet (27’) in the residential area ...exceeds the height of the majority of historic mining homes” rendering it incompatible with other Historic structures as contemplated by the General Plan. See General Plan at p. 210 (emphasis added). For this additional reason, the Tlou Application should be disapproved.

**B. Finding of Fact 24 – The Application, as conditioned, meets the Specific Guidelines for Site Design, Primary Structures, Off-Street Parking Areas, Exterior Lighting and Sustainability.**

1. ***Specific Guideline A.5.4: The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.***

The proposed residence is a large structure of approximately 5,118 square feet, which mandates a lot size of over 5,600 square feet to accommodate its multiple levels and non-simplistic elevation plans. Further, to accommodate this unreasonably large structure, Park City was forced to approve a plat amendment allowing three previous Old Town lot sizes of 25’ x 75’ to be consolidated to one geographically unique large lot of 75’ x 75’. Rather than building a structure that is compatible with surrounding homes, and leaving the remainder of the combined three lots as open space or non-built yard space, the proposed Tlou Residence maximizes the huge building footprint and leaves very little space between the home and the setbacks. Indeed, due to the size of the home, and Tlou’s proposed use of additional areas for decks and patios, only three feet of unused space exists between the proposed building and the property line in certain areas. The proposed plan will substantially diminish the character of the neighborhood and will significantly reduce the proportion of built/paved area to open space.



2. **Specific Guideline B.1.6: *Windows, balconies and decks should be located in order to respect the existing conditions of neighboring properties.***

The plans for the Tlou Residence contemplate a deck and/or a patio on the west portion of the lot, adjacent to the Riordan Property (from the plans for the proposed Tlou Residence, it appears that there may be both a deck and a patio that intrude on the setback space on the west side). Although the setback is ten feet, the deck/patio appears to encroach upon the setback by over seven feet, stopping just three feet from the property line.

Given the elevation difference between the Tlou Property and the Riordans Property, the proposed deck/patio will sit approximately 12 feet directly above the Riordans' deck and will allow persons on the proposed deck/patio to look directly into the Riordans' second story windows. This deck/patio, which would have the effect of giving the Tlou's an elevated deck, will significantly impact the Riordan's privacy and quality of enjoyment of the property. The Board should disapprove of the deck/patio in its current location and configuration.

3. **Specific Guideline B.1.8: *Buildings constructed on lots greater than 25 feet wide should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, building depth, and patterns within the façade.***

The front of the Tlou Residence, adjacent to the access street, is 75 feet wide and utilizes all of the maximum buildable space to the setback limitation. Consequently, the size of the Tlou Residence requires a large concrete retaining wall, placed in front of the residence and setback requirements, which is visible from the access street. *See* Artistic Renderings attached hereto as Exhibit G. The retaining wall lacks a façade consistent with the rhythm of the remaining structures on Block 58 and the Historic District generally, which incorporate materials for retaining walls consisting of rock and similar material consistent with the historic nature of Old Town.

Further, because of the lot size and square footage of the Echo Spur Project and the Tlou Residence generally, the width of the Tlou Residence is substantially wider than other residential structures on Block 58 and, by nature of the size of the lot compared to the other lots on the same street, will be wider than other residential structures scheduled to be built. Consequently, the width of the Tlou Residence will be inconsistent with the rhythm of Echo Spur Drive, Block 58, and the Historic District generally and therefore violates the Historic Guideline. The Riordan's appeal the approval of the front retaining walls and the width of the front of the Tlou Residence.

**C. Conclusion of Law 1 – The proposed dwelling complies with the Park City Historic District Design Guidelines, as conditioned.**

Property owners rely on the Design Guidelines to ensure that projects and buildings are reasonable and consistent with buildings and structures in both the immediate surrounding area



as well as throughout the Park City Historic District. The Design Guidelines provide the Historic Preservation Board “with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations.” *See* Design Guidelines at p. 2. A copy of the applicable portions of the Design Guidelines has been attached as Exhibit H.

The Design Guidelines are designed to carry out the policy directives in the Park City General Plan (“General Plan”). *See* Design Guidelines at p.2. A copy of the applicable portions of the General Plan has been attached as Exhibit H. The General Plan states that the Design Guidelines are “an effective tool for retaining the character of a historic district” and designed and adopted to “ensure that the historic district is not overwhelmed by new development and the historic character of a place is preserved.” *See* General Plan at p.132.

Consequently, as it relates to the historic character of the General Plan, specifically including the Historic Districts and Historic Sites, the General Plan states that the “Old Town lots were plotted to accommodate a high density allowing houses to fit “snugly” within the lots, which allowed “adequate spacing between structures while providing sufficient backyard spaces.” *See* General Plan at p. 118. The General Plan further states that current real estate demands, including the combination of Old Town lots to accommodate large residential structures, threatens the current historic fabric of Park City and have caused and are causing “increased adverse effects on the historic pattern and aesthetic of the Old Town neighborhood.” *Id.*

Moreover, the General Plan specifically attributes the adverse effect currently being experienced by the historic nature of the Old Town neighborhoods to lot combinations, which ultimately accommodate uniquely large residential structures. *Id.* Consequently, the General Plan recommends that some regulatory measures be taken, and specific objectives be met, by boards authorized to make decisions to help mitigate the deterioration of the historic fabric of the Old Town neighborhoods and ultimately preserve the intent of the Historic designation. *Id.*

The Planning Commission did not agree that the Tlou Residence complies with the General Plan. In the April 9, 2014 Planning Commission Meeting, Commissioner Strachan raised concerns that the Planning Commission was charged with the responsibility to make a conclusion of law that the Tlou Residence complied with the General Plan. However, Commissioner Strachan stated that the Tlou Residence did not comply with the General Plan. *See* April 9, 2014 Planning Commission Meeting Minutes at p. 21. Additionally, Commissioner Strachan stated that the size of the Tlou Residence Spur Development was not in conformity with the HR-1 purposes and was not a historically compatible structure. *Id.* Due to the failure of the Tlou Residence to comply with the General Plan, the HDDR application should be disapproved.

**Regulation: Old Town Lots Should Maintain the Existing Block’s Historic Fabric**

The General Plan proposes a regulation, which requires lot combinations to be:

limited within existing block’s pattern to respect the historic fabric of the block. For example, lot combinations in the Historic Residential (HR-1 and HR-2) districts could be limited to that which has historically existed in each block.

*Id.* Specifically, the General Plan regulation states that:



[n]ew development on vacant lots within Old Town should be limited to single-lot development, or allowed only to combine lots to match the existing development pattern. In this case, an average lot size per block should be demonstrated by the home builder to determine how many lots have traditionally been combined and built upon in the past. Existing home owners wishing to combine lots should be limited to the same standards as described above, with an exception for existing homes that straddle lots lines.

See General Plan at p.118-120. The General Plan concludes its first proposed regulation of lot combinations by adding:

[i]n areas in the HR-1, HR-2 and HRL where no lots are platted, new lots should respect the historic lot patterns of 25' X 75' lots.

*Id.*

**Regulation: New Construction in the Historic District Should Be Compatible**

Similar to the previous regulation, the General Plan encourages new construction structures in the Historic District to be compatible in all aspects with the existing surrounding area. Such compatibility includes, but is not limited to, scale, proportion, shape, rhythm, mass, height, roofline, and architectural style. See General Plan at 122. Specifically, the General Plan states:

[n]ew construction and additions must contribute to the overall historic character of the neighborhood, rather than detract from it, in order to protect the historic integrity and coherence of the historic district. For this reason, design reviews are necessary to ensure that new construction and additions maintain the overall feel and composition of the neighborhood by taking a holistic design approach.

See *id.* The General Plan further states that the reason for the compatible design of new construction is to create a “harmonious appearance along streetscapes and the district as a whole. Similarities between structures and designs are necessary to preserve the neighborhood’s overall historic integrity, character, and composition.” *Id.* As noted above, the proposed Tlou Residence is not compatible with the historic nature and characteristics of the neighborhood. As such, the application should be disapproved.

**D. Conclusion of Law 2 – The proposed dwelling complies with the Land Management Code requirements pursuant to the Historical Density (HR-1) District.**

In addition to the General Plan, the Guide Lines are also designed to carry out the policy directives in the Land Management Code (“LMC”). See Design Guidelines at p. 2. In particular, the LMC states that the purpose of the Historic Residential HR-1 District is to:

- (a) preserve present land Uses and character of the Historic residential Areas of Park City,
- (b) encourage the preservation of Historic Structures;



- (c) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods;
- (d) encourage single family Development on combinations of 25' X 75' Historic Lots;
- (e) define Development parameters that are consistent with the General Plan policies for the Historic core; and
- (f) established Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

See LMC 15-2.2-1.

Similar to the goals and objectives of the General Plan, the LMC, and those who enforce it, are charged with the responsibility of preserving the historic character of the neighborhoods. This responsibility includes ensuring that new construction is limited to the character and scale of the Historic District generally and is compatible with surrounding structures. As demonstrated above, the Tlou Residence is nearly double those in the neighborhood and necessitated the combination of three Old Town lots. The proposed Tlou Residence is unlike and incompatible with any existing structures in the historic district and the application should be disapproved.

## VII. CONCLUSION

For the forgoing reasons, the Riordans appeal the Planning Department's approval of the ("HDDR") Application for the Tlou Residence. The proposed structure is not compatible with the historic nature of the surrounding neighborhood. The HDDR Application submitted by Tlou should be disapproved. We request that this firm be included in all future correspondence regarding this appeal.

Respectfully Submitted,

WRONA GORDON & DUBOIS, P.C.



Scott A. DuBois



Exhibit A – Draft Final Action Letter Denying the proposed Plat Amendment

**FINAL ACTION DENYING THE LOT 17, 18 AND 19 ECHO SPUR DEVELOPMENT  
REPLAT LOCATED AT 489 ECHO SPUR, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 489 Echo Spur has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 12, 2012, a work session discussion on December 12, 2013, a public hearing on June 26, 2013 and July 31, 2013, and September 11, 2013 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 11, 2013, forwarded a negative recommendation to the City Council; and,

WHEREAS, on October 17, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to deny the Lot 17, 18, and 19 Echo Spur Development Replat.

NOW, THEREFORE the City Council of Park City, Utah finds as follows:

**SECTION 1. DENIAL.** The Lot 17, 18 and 19 Echo Spur Development Replat as shown in Exhibit A is denied subject to the following Findings of Facts and Conclusions of Law:

**Findings of Fact**

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.

9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The Planning Commission has expressed major concerns with access over platted Fifth Street (formerly Third Street).
13. Platted Fifth Street has not been built and the City does not plat to build this a road.
14. When the road and utilities were built in 2009, the topography was slightly altered.
15. The highest point on the site is six feet (6') higher than the October 2006 survey.
16. The improvements and the conditions regarding the road have not been dedicated to the City.
17. The retaining wall for Echo Spur Drive is very noticeable from the Deer Valley Roundabout and looks extremely tall.
18. There is a private land settlement agreement related to lots in this vicinity that could potentially affect access or the relationship with the site.
19. The site is located on a ridgeline.
20. According to LMC § 15-7.3-2 (D), ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.
21. There are concerns regarding vantage points because the site is very abrupt looking from the roundabout.
22. Without understanding the private land settlement agreement, it would be difficult to take look at these lots which would set a precedent for five to six lots leading up to this development.
23. The impacts of the neighborhood and the surrounding area are not understood.
24. There is not good cause to approve the proposed plat amendment.
25. The purpose statements of the HR-1 are not met; specifically:
  - A. Preserve present land Uses and character of the Historic residential Areas of Park City,
  - B. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
  - E. Development parameters that are consistent with the General Plan policies for Historic core,
26. According to LMC section 15-7.3-1(D) the Planning Commission has the right to require larger set backs on a lot on a ridge line.
27. The proposed plat amendment request does not comply with the following General Plan (GP) statements:
  - a. The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street. (GP page 3).

- b. New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape. (GP page 5).
  - c. Preserve an attractive, healthy environment with clean air and natural landscape. To preserve the natural views of the mountains and meadows, new development should not be allowed on ridges, but rather focused between the middle of the base of hills and in other less visible areas. New development should retain the maximum possible amount of natural vegetation, to screen the structures and preserve the natural quality of the landscape. (GP page 6).
  - d. Broad vistas across ridge lines hillsides and meadows give the town an open feeling, uninterrupted by obtrusive development. Trees and vegetation on the hillsides and mountain slopes maintain the town's link with nature..... (GP page 12).
  - e. Direct development to the "tow" of slopes, preserving the ridge tops, meadows and visible hillsides. (General Plan page 20).
  - f. Require new development to be more compatible with the historic scale of the surrounding area. (GP page 55).
  - g. Building height and mass of new structures should be compatible with the historic structures. Consider further limiting building heights, and floors area ratios. (GP page 56).
  - h. Development to the toe of slopes, preserving the ridge tops, meadows, and visible hillsides. (GP page 57).
  - i. Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District. (General Plan page 148).
28. The intent of the General Plan is to protect ridge lines.
29. The LMC defines a ridge line area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.
30. The proposed development sits on a ridgeline and the site meets the definition of a ridgeline.
31. New development should not be allowed on ridges.
32. Ridges in Old Town should not be jeopardized.
33. This ridge is the entrance corridor to Old Town and Deer Valley.
34. The proposed house would be extremely visible from Deer Valley Drive and the roundabout.
35. The General Plan does not address the Sensitive Lands Overlay, but it does address ridgelines.
36. The subtle ridgelines are the only ridgelines left, which are being threatened when built upon.
37. The topographic map shows the site is clearly on a ridgeline.
38. Exhibit A, topographic map from the July 31, 2013 staff report does a great job indicating the ridgelines.
39. As the property gets closer to the end of the knoll, the visual impact of the ridgeline is more dramatic and visual from other parts of the community.

40. No increase in minimum setbacks or a reduction in height was proposed by the Applicant to mitigate the impacts on the ridgeline.

Conclusions of Law

1. The proposed plat amendment is not consistent with the Park City Land Management Code and applicable State Law regarding lot combinations.
2. The public will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.
4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal does not meet the requirements of the Land Management Code.

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8. Modified residential 13-D sprinklers shall be required for all new construction.
  9. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
  10. The plat shall include an encroachment easement for the Quittin' Time condominiums wood step and foot path from the step to the north property line.
  11. The plat shall contain a note indicating that the northwest area of the Lot is identified as year-round access to adjacent neighbors.
  12. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall include the method and means of protecting the historic house during construction.
  13. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
  14. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
  15. Conditions of Approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
  16. All Standard conditions of approval shall apply.
  17. The applicant stipulates to these conditions of approval.
4. **Echo Spur, Lots 17-19 – Plat Amendment**  
**(Application #PL-12-01629)**

Planner Francisco Astorga reviewed the application to reconfigure Lots 17, 18 and 19 of Block 58 of the Park City Survey. The site is located north of the intersection of Rossi Hill Drive and platted McHenry. The street is currently platted as McHenry Avenue and that will be the official address until the City Engineer changes the name to Echo Spur. Per the City Engineer, this plat amendment is to be referred to as Lots 17, 18 and 19, Echo Spur development replat. The applicant, Leeto Tlou purchased the property in August and is now the owner of Lots 17, 18 and 19.

Mr. Astorga stated that Mr. Tlou filed an application for a plat amendment to combine the three lots of record into one lot. These lots are part of the Historic Park City Survey. The proposed lot would contain 5,625 square feet.

Planner Astorga reviewed the history of the 2007 and 2010 applications that were submitted by the previous property owner. He noted that both applications were eventually withdrawn and no official action was taken. One of the previous applications included up to 16 lots. The other application started with 16 and was later revised to the same three lots as the current application.

Planner Astorga reported that the minimum lot area for a single family dwelling is 1875 square feet, and the standard configuration of a 25' x 75' lot. The minimum lot area for a duplex is 3750 square feet. Planner Astorga stated that the current proposed lot area was 5,625 square feet, which meets the criteria for a duplex. However, a duplex is a conditional use and would require approval by the Planning Commission. At this point, the applicant was not requesting a duplex.

Planner Astorga reviewed the requirements of the HR-1 zone, as outlined on page 181 of the Staff report. He stated that the building footprint formula would trigger approximately 2,000 square feet maximum due to the lot combination.

Planner Astorga outlined three discussion items for the Planning Commission. Due to the regulation of the building footprint and the limit of three stories under the current Code, they could potentially see a 6,000 square foot building. Gross floor area is not regulated in the HR-1 District, but it is indirectly regulated through the footprint and the maximum number of stories. The Staff report contained an analysis of the sites on Ontario Avenue, where most of the properties have a combination of 1-1/2 lots, which triggers a footprint of 1,200 square feet. Given that number, times the number of stories, the Staff recommends adding a regulation that would cap the gross floor area to approximately 3600 square feet to be more compatible with the Ontario Avenue area. Planner Astorga pointed out that there were larger lots of record east of the subject area which trigger a larger footprint.

Planner Astorga reported that the applicant disagreed with his recommendation and he would let Mr. Tlou explain his plan. Planner Astorga requested input from the Planning Commission on whether the additional limitation was appropriate in conjunction with this plat amendment.

Planner Astorga commented on the second discussion item. Ridgeline development per the LMC indicates that the Planning Commission may add additional restrictions in specific ridgelines. He pointed out that these were historic platted lots of record and the City has approved development in the past on both the Ontario side of this neighborhood and Silver Pointe MPD that was approved with the larger lots on the west side of McHenry. However, in order to mitigate for proper drainage, steep slopes, etc., the Staff requests that the north side yard minimum be increased to 15' on that side, plus the other five per Code. The Code requires 18' total, however, the Staff was requesting 20' on the north side.

The third discussion item related to height and topography. The Staff was able to find a survey dated 2006, which indicated that the older survey had a different highest point on this site, mainly due to the construction of the road. The Staff recommended measuring the maximum height from the older survey because it has a lower elevation.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the items outlined, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Leeto Tlou, the applicant, has lived in Park City for ten years. He did not have issues with the Staff report and the disagreement with Planner Astorga was actually a minor conversation. Mr. Tlou commented on the setbacks. He stated that the designs were not set at this point and he was unsure how the setbacks would work. He asked if the 15' setback increase would be set with the plat amendment or not until the CUP. Mr. Tlou referred to the 3600 square foot maximum. He was not interested in building a 6,000 square foot home, but as indicated in the Staff report, he was considering a 3,000 to 4,000 square foot house. When he communicated that to the Staff, he neglected to communicate conditioned versus unconditioned space. He was unsure whether additional square footage for a garage would be available.

Planner Astorga remarked that Criteria 7 of the Steep Slope Conditional Use permit indicates that the Planning Commission may add additional setbacks to designs through the CUP.

Commissioner Hontz asked if the roundabout at Deer Valley Drive was a designated vantage point. Planner Astorga looked it up in the Land Management Code and found that it was not a vantage point.

Commissioner Hontz understood that the improvements and the conditions regarding the road had not been dedicated to the City. City Engineer, Matt Cassel, replied that the road had not been dedicated yet. He explained that the applicant is currently in a warranty period that ends in November. If everything goes well, it would go before the City Council for dedication in December or January. Commissioner Hontz commented on past issues with retaining. She understood that if everything goes well, the City would accept those improvements and it would become a public street. Mr. Cassel replied that this was correct. Commissioner Hontz wanted to know what could happen with platted Third Street to the north of Lot 17. Mr. Cassel stated that it is too steep for a road, but it could be used as a utility corridor. Commissioner Hontz clarified that access to those lots would not take place off of that street, and she suggested making that a condition of approval. Commissioner Hontz thought the retaining wall was very noticeable from the Deer Valley roundabout and looked extremely tall. Mr. Cassel assumed she was talking about the lower concrete retaining wall at the bottom. He could not recall the height of the retaining wall. However, the landscaping that was put in had died and new landscaping would need to be established. The purpose of the landscaping is to help hide the retaining wall. Commissioner Hontz asked how the lot would gain access. Mr. Cassel stated that there is enough space to get on to Lot 19 and access from there. Commissioner Hontz stated that until the time when the City accepts the improvements to make that Echo Spur, she assumed they could still access along the private road. Commissioner Hontz asked if there was a bond for replanting the landscaping. Mr. Cassel answered yes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Hontz stated that in researching the public data base, she found a development in the land use agreements related to lots in this vicinity that could potentially affect access or relationship with the Echo Spur lot. She had presented the information she found to the Legal Department. Commissioner Hontz recommended that the Planning Commission continue this item to allow time for our legal counsel to review and confirm that it may or may not have impacts to the relationship with these properties. Her interpretation is that it does and that causes her concern.

Commissioner Hontz rejected the notion that this was not part of a ridgeline, based on the Land Management Code. She stated that LMC 15-7.3-1(D) is important when taking into account the very sensitive nature of this particular area. She understood that the surrounding area has been developed and much of that occurred prior to the most recent LMC amendments. Commissioner Hontz concurred with the Staff recommendation regarding the setback area. Commissioner Hontz also concurred with the Staff request for additional limitations on maximum square footage. She was very concerned about the vantage point because it is very abrupt looking from the roundabout. If you can see the retaining wall, the house would be much more visible.

Commissioner Hontz pointed out that these are lots at the end of what may be a future subdivision. As shown in the Staff report, it comes with a variety of configurations. She felt it was difficult to take the step to look at these lots with an existing land use agreement in place that would affect the lots, but secondly, it would set precedent for five to six lots leading up to this. She did not understand the impacts to the neighborhood and the surrounding area and that should be taken into account based on what the Planning Commission is allowed to do under good cause and the purpose statements of the HR-1 District.

Commissioner Thomas believed the issues warranted a group site visit, and possibly looking at the property with balloons flying from the site at a reasonable structure height to consider the visual impacts.

Commissioner Strachan agreed that a site visit would be worthwhile. He would like to see exactly where the building footprint would be with the new proposed setbacks. He was particularly concerned with the north side. In addition to view issues, there were also major issues in terms of drainage and topography that a site visit would allow them to digest. Commissioner Strachan echoed Commissioner Hontz regarding a precedent that could be set for nearby lots. One of the requirements for good cause for plat amendments is to utilize best planning practices. A best planning practice would be to see how this would align with the other lots that may be developable in the Echo Spur area. He was unsure how to look that far into the future. Commissioner Strachan did not think they could say that Lot 17, 18, and 19 could be combined into one lot and disregard Lots 20, 21 and 22 when they will probably end up using the same access point of the newly constructed and to be dedicated road. Commissioner Strachan believed the plat amendment needed to be looked at from a larger perspective than just lots 17, 18 and 19. The Code allows it and directs them to use best planning and design practices, resolve existing issues and non-conformities and to provide positive benefits and mitigate negative impacts. Commissioner Strachan directed the Staff to look at the status of Lots 20 and 21 and what implication this plat amendment would have for those lots.

Planner Astorga stated that the Staff would look at the land use agreement Commissioner Hontz mentioned. He noted that Lot 20 is currently owned by Mike Green and he plans to build one single family dwelling. Lots 21-32 are currently owned by Sean Kelleher. He has come in many times, but has not committed to submitting a plat amendment to combine lots to build single family dwellings.

Commissioner Strachan thought it would be worthwhile for the Planning Commission to look at the old plat amendment submittals from Kelleher and Bilbrey. It would at least give them an idea of what could be done and how it would work with the plat amendment to combine Lots 17, 18 and 19. Commissioner Strachan stated that the impact of a home on Lots 17, 18 and 19 may not be significant in and of itself, but the homes that could be built on the rest of the lots cumulatively could significantly disrupt the vantage point on Deer Valley Drive.

Commissioner Strachan recommended that the Staff bring this back for a work session. The suggestion was made to schedule a site visit and the work session on the same night. Planner Astorga requested that the item be continued to a date uncertain to give the applicant and his architect time to come up with a preliminary design for the Planning Commission to review.

MOTION: Commissioner Strachan moved to CONTINUE this item to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 200 Ridge Avenue - Subdivision  
(Application #PL-10-00977)**

Planner Evans reviewed the request for a plat amendment to combine 9 Old Town lots and approximately 21 partial lots to create a six lot subdivision. The Planning Commission reviewed this application at three previous meetings. The applicant was proposing to create six lots ranging in size from 3,700 square feet to 6100 square feet. The minimum lot size in the HRL Zone is 3,750 square feet. Therefore, each proposed lot would meet or exceed the minimum.

Planner Evans reported that the application first came before the Planning Commission in June 2010 as a work session item. At that time the Planning Commission raised a series of issues outlined in the Staff report. The applicant came back on April 24, 2012 and the Planning Commission had additional concerns. The first was that the slope of each lot was very steep and questioned whether homes could be built on each lot without a variance. The second issue was that unplatted Ridge Avenue is very narrow and raised concerns regarding emergency access. The third issue related to mitigation and preservation of the existing vegetation on the site to accommodate six lots. There was concern about destabilizing the hillside and impacts to the homes on Daly Avenue. The fourth issue was that the concerns raised during the 2010 work session had not been addressed or mitigated. The fifth issue was that the proposed subdivision did not meet the purpose of the HRL zone, particularly with consideration to Section A of the purpose statement, which says to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. The last issue was that this

Planning Commission Meeting  
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12. As conditioned, this amended plat is consistent with the conditions of approval of the Portico Condominium plat.

13. Consistent with the amended Portico Condominiums CC&Rs, the HOA, by a required vote of the members, has provided consent to this plat amendment to memorialize the combination of Units 1 and 2.

Conclusions of Law – 670 Deer Valley Loop Road

1. There is good cause for this amended supplemental plat as it memorializes the as-built conditions that combined Units 1 and 2 into a single residential condominium unit.
2. The amended plat is consistent with the park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the amended plat.
4. Approval of the amended supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 670 Deer Valley Drive Loop

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat a Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval will be void, unless a complete application requesting an extension is granted by the City Council.
3. All conditions of approval of the Portico Condominium CUP and of the Condominium plat, recorded at Summit County on February 7, 2000, shall continue to apply, and shall be noted on the amended plat.
4. **491 Echo Spur – Steep Slope Conditional Use Permit**  
**(Application PL-14-02276)**

Commissioner Campbell disclosed that he has an interest in another property on the

street and that project that was also on the agenda. However, after speaking with City Attorney Mark Harrington, they determined that there was no direct relationship between the two projects and he would not have to recuse himself on this matter. It would not affect his ability to fairly vote on this item.

Planner Francisco Astorga reported that this property was formerly known as 489 Echo Spur. However, the City Engineer, Matt Cassel has identified the address as 491 Echo Spur.

Planner Astorga reviewed the application for a Steep Slope Conditional Use Permit for construction on a steep slope, since a portion of the structure and a large portion of the access falls under the LMC requirements that trigger a review by the Planning Commission. Planner Astorga introduced the owner and applicant, Leeto Tlou, and the project architect, Scott Jaffa.

Planner Astorga was prepared to answer questions regarding the Staff analysis on pages 82 and 83 of the Staff report, as well as the Steep Slope Conditional Use Criteria beginning on page 83.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the steep slope conditional use permit in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Chair Worel opened the public hearing.

Alex Butwinski noted a reference in the Staff report indicating that this had gone to the City Council on the issue of breaking the ridgeline. He stated that it came before the City Council and because the ridgeline was poorly defined in the LMC, they determined that this application should move forward. Mr. Butwinski reminded the Commissioners that ridgeline was still clearly undefined in the LMC and he urged them not to revisit the ridgeline discussion. Mr. Butwinski thought the project was well-designed.

Chair Worel closed the public hearing.

Assistant City Attorney McLean reminded the Commissioners that they should focus their discussion on the application for a steep slope CUP and it should be reviewed against the criteria outlined in the Staff report.

Commissioner Strachan read from page 85 of the Staff report under Dwelling Volume. "The proposed structure is both horizontally and vertically articulated and broken

into compatible massing components. The design includes setback variations and lower building heights for portions of the structure.” He asked Planner Astorga to point out where the specific articulation was on the structure and the setback areas. Planner Astorga reviewed the west elevation. He explained that his intent for including the language in the Staff report was to say that it was not one big box. He identified a series of different planes that were broken up vertically and horizontally.

Mr. Jaffa stated that the project meets or exceeds all the design requirements in the Land Management Code, including the setbacks on the third floor from the inside walls. They were working with different materials. The chimney are used as the vertical stone element. A third chimney on the front of the house will house the mechanical equipment. Mr. Jaffa indicated a single-story transitioning down to a two story on the west elevation. Shed roofs were used to articulate the façade. Down the backside of the third floor there is a step back of more than 10’ off of the elevation. Mr. Jaffa commented on the different elements that provided significant undulation going vertically and horizontal on all sides. Planner Astorga concurred with Mr. Jaffa’s analysis.

Commissioner Stuard thought the element that made the building look tallest was the fireplace that runs from the lowest level above the highest roof on the north elevation. It was all stone and all the same dimension. He appreciated that it was an expensive element to construct; however, since this was on the end of Echo Spur and visible from Deer Valley and the roundabout, he suggested that the building might look less tall by eliminating the full height of the chimney, and instead using a direct vent fireplace for the mid-level master bedroom.

Mr. Jaffa stated that it was strictly an architectural element so they could consider Commissioner Stuard’s suggestion. Commissioner Stuard liked the design but he thought removing the chimney would give the elevation a lower profile visible from Deer Valley.

Commissioner Phillips concurred with Commissioner Stuard about lowering the chimney. He suggested lowering it to the same elevation as the chimney on the backside.

Mr. Jaffa stated that he was willing to consider it as long as it did not result in a long flat wall without any articulation. If the chimney height is lowered he would still be able to do a direct vent, but the intent of the design was to break up the roof massing with vertical elements. Commissioner Stuard believed that lowering the chimney and using direct vent would be a good solution.

Commissioner Gross asked if the retaining wall that was showing was the existing retaining wall. Planner Astorga answered yes.

Commissioner Strachan thought this was the first project caught between the newly passed General Plan and the existing LMC, which does not yet mirror the new General Plan. The problem is that the Planning Commission was required to make a conclusion of law that the project complies with the General Plan. He always looks at the purpose statement of the District, and one of the purpose statements of the HR-1 is to encourage construction of historically compatible structures. Commissioner Strachan noted that the newly approved General Plan addresses that issue, but he was unsure how to apply it to this application. He read from the General Plan because he believed it epitomizes this project. "21st century real estate demands and modern family necessities have threatened the historic urban fabric. To meet these demands, lot combinations have become common practice to accommodate larger residential structures and additions." Commissioner Strachan pointed out that the Planning Commission approved a lot combination that was overturned by the City Council.

"The resulting incremental changes have caused increased adverse effects on the historic pattern and aesthetic of the Old Town neighborhood. Although there are many influencing factors to compatibility, lot combinations are a major factor that must be reassessed by the Planning Commission to create new regulations to prevent further negative impacts to the fabric of the neighborhoods." The General Plan further states, "The built environment of the local historic districts should stay true to its architectural roots, specifically relative to the integrity, mass, scale and historic fabric of the mining boom era (1872- 1929)."

Commissioner Strachan noted that former Commissioner Savage consistently said that imposing historic district constraints on people would decrease the property value. He noted that the General Plan also speaks to that issue. With the restrictions placed on historic districts for limiting alterations, compatibility of additions, and prohibiting demolitions, the question often arises of whether or not owning property in a historic district is economically beneficial compared to owning property outside of a historic district. Fearing a loss of property rights, many owners within historic neighborhoods are opposed to being included in a locally or federally designated historic district. The question of value has been studied within many communities of the United States with consistent findings of higher valuations within historic districts."

Commissioner Strachan remarked that the project complies with the LMC, but from his reading it does not comply with the General Plan.

Assistant City Attorney McLean remarked that the new General Plan was adopted on

March 6<sup>th</sup>. This application was dated March 7<sup>th</sup> and; therefore it is subject to the new General Plan. Ms. McLean stated that if a project complies with the LMC but it is in conflict with the General Plan, the more restrictive document controls. In this case it would be the Land Management Code.

Commissioner Strachan agreed, but he could not make the required finding that it complies with the General Plan. Ms. McLean suggested that they amend the conclusion of law to say that it complies with the LMC. Commissioner Strachan noted that the purpose statement says that the project also has to comply with the General Plan. Ms. McLean thought they could wordsmith it to say that it complies with all the requirements of the Land Management Code, which is an embodiment of the General Plan. Commissioner Strachan was not comfortable with that approach. All other Steep Slope CUP approvals have had the Conclusion of Law that it is consistent with the General Plan.

Planner Astorga pointed out that the Planning Commission would encounter this issue with every application until the LMC is updated to match the newly approved General Plan.

Commissioner Strachan stated that he would not approve a Steep Slope CUP that does not comply with the General Plan. He would defer to the other Commissioners on whether or not to take the legal advice and amend the Findings and Conclusions.

Commissioner Stuard thought the issue of the LMC not matching the General Plan needed to be addressed by the City Council. The Planning Commission could potentially vote no on every application between now and when the LMC is amended based on the issue of finding compliance with the General Plan. He asked if there was a process for requesting that the City Council pass an ordinance stating that the Planning Commission is not required to find that applications are in compliance with the General Plan when they could not, even if they comply with the LMC.

Assistant City Attorney McLean understood the difficulty because it was in transition. However, she felt it was possible to make findings based on the LMC, which is the stricter document.

Commissioner Campbell was concerned that they were giving the implication that the LMC is defective. He thought it was absurd to imply that this house was sneaking through a window of opportunity, and that six months from now when the LMC is updated these types of houses would no longer be allowed.

Commissioner Strachan stated that it was a chicken and egg syndrome because the lot

combination triggers the incompatible homes. Commissioner Campbell stated that if the intent is to have fewer people living in the same space, he could not understand Commissioner Strachan's opposition to combining lots. Commissioner Strachan believed it required a much broader discussion outside of this project. The lot was already combined because when the Planning Commission unanimously forwarded a negative recommendation it was overturned by the City Council. The Council passed an ordinance to combine the lots. Assistant City Attorney stated that based on that action, the applicant was already vested with the lot size and the associated footprint.

Commissioner Stuard asked if language could be added to Conclusion of Law #2 stating that the application is consistent with the Park City General Plan that existed at the time the lot combination was approved.

Planner Astorga understood from the comments that it was the plat amendment and not the Steep Slope CUP that was inconsistent with the General Plan. Commissioner Stuard thought Commissioner Strachan was referring to the scale and mass of the structure.

Assistant City Attorney McLean recommended that they revise the language to say that the Steep Slope CUP is consistent with the Park City General Plan that was in place at the time of approval, and add an associated Finding with the specific footprint based upon the lot size. Commissioner Stuard thought the City Legal Department should draft language that would keep the Planning Commission from having to make findings that were not necessarily true.

Commissioner Phillips agreed that the City needed to come up with a short term solution until the LMIC is updated. He suggested a joint work session discussion with the City Council to resolve the problem, because the Planning Commission will encounter the same issue with nearly every application.

Commissioner Strachan thought a better approach was to give it to the City Council and let them decide how the Planning Commission should proceed with future applications. Commissioner Strachan did not want to forward a positive recommendation to the City Council and have them assume that everything was fine. The Council needed to be made aware of the situation and to address the issue.

Assistant City Attorney McLean stated that this application was a Steep Slope CUP and the Planning Commission would make the final decision. She noted that City Council Member Henney was present this evening as the City Council Liaison.

Council Member Henney stated that he had heard their comments and concerns and

he would take the issue to the City Council. He noted that the General Plan was the visioning document and the LMC was the code and ordinance document. As it stands today, he personally felt that the LMC was the guiding document.

Planning Manager Sintz understood that Commissioner Strachan had an issue with Conclusion of Law #3 regarding compatibility with the neighborhood. She pointed out that a requirement in the HR-1 zone is to be compatible in size and scale with the surrounding structures. She stated that if the lot combination created a size for the structure, in working with the Planner the applicant came with up a successful design that is compatible with this portion of the neighborhood.

Commissioner Strachan did not disagree. However, the problem is that the new General Plan is clear that it is tied to the LMC definition of Historic District. During the General Plan re-write they decided to take a more holistic approach to the compatibility analysis and not look only at the houses in the immediately surrounding area. They decided to look at all of the homes in the Historic District of greater Main Street and Old Town and impose that rubric on the compatibility analysis. Commissioner Strachan agreed that the proposed home was compatible with the surrounding structures, but it was not compatible with the structures in Daly Canyon. That was his view of how they address compatibility. Commissioner Strachan acknowledged that his concern was the dwelling volume requirement of the Code. They have never looked holistically at the compatible analysis and at the dwelling volume requirement on the basis of an Old Town lot.

Planning Sintz remarked that another possible outcome would be for the HR-1 zone to be taken out of the Historic District because it is not compatible. Commissioner Campbell asked if the HR-1 could be treated as a transitional neighborhood as opposed to removing it. Ms. Sintz believed that was a philosophical question.

Planner Astorga recalled that when the Planning Commission was entertaining a positive recommendation, they had drafted a condition of approval for a house limitation, but that was eventually dropped because of the ridge discussion. Planner Astorga had included the limitations in the Staff report, because as proposed, the structure meets the limitations that the Planning Commission had considered putting on the plat.

Chair Worel believed there was consensus regarding the inconsistency between the LMC and the General Plan. The challenge was to decide how to move forward this evening. She took a straw poll of the Commissioners regarding revisions to Conclusion of Law #2.

Commissioner Stuard thought that revising the language identifies the conundrum. If they strike it, it would be forgotten. The Commissioners concurred. Commissioner Stuard believed the applicant would prefer the language to remain as written because everyone wants to know that their use is consistent with the General Plan. However, he was unsure how that could be accomplished under the newly adopted General Plan.

Chair Worel clarified that the proposed wording for Conclusion of Law #2 would be, "...is consistent with the General Plan that existed at the time the lots were combined." Assistant City Attorney McLean was comfortable with the language.

MOTION: Commissioner Phillips moved to APPROVE the Steep Slope Conditional Use Permit for 491 Echo Spur, based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance, and with the amendment to Conclusion of Law #2. Commissioner Campbell seconded the motion.

VOTE: The motion passed 5-1. Commissioner Strachan voted against the motion.

#### Findings of Fact – 491 Echo Spur

1. The property is located at 491 Echo Spur.
2. The property is located in the Historic Residential (HR-1) District.
3. The property, Lot A of the Lot 17, 18, and 19 Echo Spur Redevelopment Replat.
4. The lot contains 5,625 square feet.
5. A single family dwelling is an allowed use in the HR-1 District.
6. The proposed structure is 2,701 square feet in terms of gross residential floor area.
7. The proposed upper floor is 640 square feet in size.
8. The proposed garage is 596 square feet in size.
9. The main level is 1,865 square feet.
10. The basement level which does not count as gross residential floor area is 2,017 square feet in size.
11. The maximum building footprint for the lot is 2,050 square feet.

12. The proposed structure building footprint is 2,049 square feet.
13. The minimum front/rear setbacks are ten feet (10').
14. The front/rear yard setbacks are ten feet (10').
15. The minimum side yard setbacks are five feet (5') minimum and eighteen feet (18') total.
16. The side yard setbacks on the north side are fifteen feet (15').
17. The side yard setbacks on the south side are five feet (5').
18. The maximum building height is twenty-seven feet (27') from existing grade.
19. The proposed structure complies with the maximum building height and the other building height parameters outlined in the staff report.
20. The proposed use requires two off street parking spaces.
21. The proposed structure contains a two car garage.
22. The proposed structure and driveway are located in the center of the lot. The structure has an L shaped footprint.
23. The proposed single family dwelling meets all setbacks and has increased setbacks from the minimum towards the north side yard area.
24. The driveway is placed on southeast corner, the only logical place due to the retaining walls for the Echo Spur road.
25. The proposed building coverage (footprint) is 36%.
26. The impermeable lot coverage of the proposal is approximately 41%, which include the driveway, porch/entry, building footprint, and rear deck.
27. The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts.

28. The proposed structure cannot be seen from the key vantage points as indicated in the LMC § 15-15-1.283, with the exception of across canyon view.
29. The cross canyon view contains a back drop of the surrounding geography which does not break the skyline. The proposed building is surrounded by undeveloped lots.
30. The project will be accessed by a concrete slab on grade off the end of built Echo Spur. The driveway leads vehicles to the west directly to the two car garage.
31. The proposed driveway is placed over gentler slopes found on site which reduces the grading of the existing topography.
32. Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress on the lower level as well as the rear patio.
33. Limited retaining is being requested around the driveway located in the front yard area.
34. The proposed structure will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade.
35. The driveway access was designed to come right off the built road leading towards the two car garage.
36. The main ridge orients with the contours.
37. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted model.
38. All of the Echo Spur lots on the west side of the street are vacant.
39. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
40. The design includes setback variations and lower building heights for portions of the structure.
41. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings and mitigates differences in

scale between proposed Structure and existing Structures in the neighborhood.

42. The height of the main ridges ranges from 20 – 26 feet above existing grade.
43. The proposed building height minimizes the visual mass of the proposed structure.
44. The findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law – 491 Echo Spur

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The Steep Slope CUP, as conditioned, is consistent with the Park City General Plan in place at the time the three (3) lot combination was approved by the City Council in October 2013.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 491 Echo Spur

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.

7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.

8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on April 9, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval is requested in writing and is granted by the Planning Director per LMC§ 15-1-10(G).

10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.

**4. Echo Spur Subdivision – Lot 21-32, Block 58, Park City Survey - Plat (Application PL-14-02292)**

Commissioner Campbell recused himself and left the room.

Planner Astorga had received public comment and it was forwarded to the Planning Commission via email this morning.

Planner Astorga presented slides of the subject property located in the same neighborhood as the previous item. He noted that it is platted as McHenry Avenue. The site consists of 12 Old Town lots of record as shown on the survey. The three lots in the 491 Steep Slope CUP were lots 17, 18 and 19. Lot 20 is owned by Mike Green, and the lots owned by this applicant, Sean Kelleher, are Lots 21 through 32.

Planner Astorga noted that three of the lots did not meet the minimum lot size due to a



**ENLARGED ARTISTIC RENDERING-**

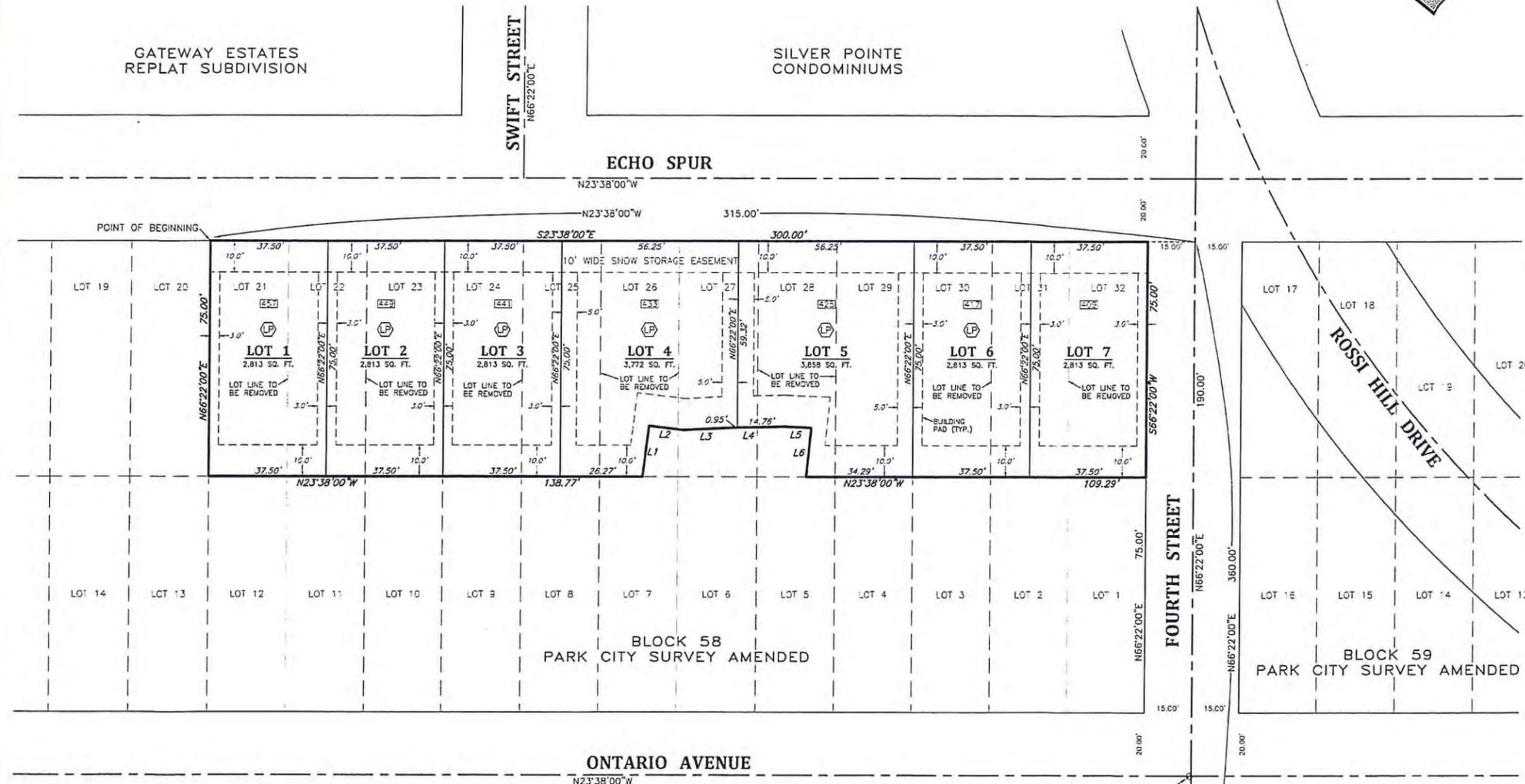
**PT 3: EYE ELEVATION 7045'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





# ECHO SPUR SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
 BLOCK 58, PARK CITY SURVEY AMENDED  
 SUMMIT COUNTY, UTAH



### LEGAL BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ECHO SPUR AND THE LINE COMMON TO LOTS 20 & 21, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE AMENDED PLAT THEREOF, AND RUNNING THENCE SOUTH 23°38'00" EAST 300.00 FEET; THENCE SOUTH 66°22'00" WEST 75.00 FEET; THENCE NORTH 23°38'00" WEST 109.29 FEET; THENCE NORTH 72°11'03" EAST 15.70 FEET; THENCE NORTH 21°14'47" WEST 8.81 FEET; THENCE NORTH 24°50'20" WEST 15.71 FEET; THENCE NORTH 26°29'04" WEST 16.16 FEET; THENCE NORTH 16°42'10" WEST 11.00 FEET; THENCE SOUTH 73°17'50" WEST 16.30 FEET; THENCE NORTH 23°38'00" WEST 138.77 FEET; THENCE NORTH 66°22'00" EAST 75.00 FEET TO THE POINT OF BEGINNING.  
 CONTAINS: 21,693 SQUARE FEET OR 0.498 ACRES NET  
 7 LOTS

### DEED DESCRIPTION

ALL OF LOTS 21 THROUGH 32, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE AMENDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.  
 EXCEPTING THEREFROM:

BEGINNING AT A POINT SOUTH 23°38'00" EAST 13.77 FEET FROM THE CORNER COMMON TO LOTS 7, 8, 25 & 26, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE AMENDED PLAT THEREOF, AND RUNNING THENCE NORTH 73°17'50" EAST 16.30 FEET; THENCE SOUTH 16°42'10" EAST 11.00 FEET; THENCE SOUTH 26°29'04" EAST 16.16 FEET; THENCE SOUTH 24°50'20" EAST 15.71 FEET; THENCE SOUTH 21°14'47" EAST 8.81 FEET; THENCE SOUTH 72°11'53" WEST 15.70 FEET; THENCE NORTH 23°38'00" WEST 51.94 FEET TO THE POINT OF BEGINNING.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: THAT THE OWNERS OF THE HEREON DESCRIBED TRACTS OF LAND, HEREBY CAUSES THE SAME TO BE DIVIDED INTO LOTS AND PRIVATE STREETS, AS SET FORTH IN THIS PLAT, HEREAFTER TO BE KNOWN AS

## ECHO SPUR SUBDIVISION

ALSO, THE OWNERS HEREBY DEDICATE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT AND PARK CITY FIRE DEPARTMENT, A NON-EXCLUSIVE EASEMENT OVER THE ROADWAYS AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE USE AND EVENTUAL REPLACEMENT, AND TO PROVIDE ACCESS FOR EMERGENCY SERVICES. THOSE AREAS THAT ARE INTENDED FOR PUBLIC USE ARE HEREBY DEDICATED TO PARK CITY.

EXECUTED THIS 22<sup>nd</sup> DAY OF JULY, 2014.

[Signature]  
 REPRESENTATIVE OF JGC BEACH PROPERTIES, L.L.C., OWNER

### ACKNOWLEDGMENT

STATE OF UTAH }  
 COUNTY OF SUMMIT }  
 ON THIS 22<sup>nd</sup> DAY OF JULY, 2014, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN SAID STATE OF UTAH, THE SIGNER OF THE ABOVE OWNER'S DEDICATION BY [Signature], REPRESENTATIVE OF JGC BEACH PROPERTIES, L.L.C., OWNER, WHO ACKNOWLEDGED THAT HE SIGNED THE ABOVE OWNER'S DEDICATION FOR AN IN BEHALF OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN STATED.

[Signature]  
 NOTARY PUBLIC  
 RESIDING AT: Wasatch County, State of Utah  
 MY COMMISSION EXPIRES: 10-29-16



### CONSENT TO RECORD

STATE OF UTAH }  
 COUNTY OF SUMMIT }  
 THE UNDERSIGN LIEN HOLDER CONSENTS TO THE RECORDATION OF THE PLAT.  
 BY: \_\_\_\_\_ AUTHORIZED OFFICIAL  
 THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 BY \_\_\_\_\_ REPRESENTATIVE OF JGC BEACH PROPERTIES L.L.C., THE OWNER OF THE ABOVE DESCRIBED PROPERTY.  
 NOTARY PUBLIC  
 RESIDING AT: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

I, JOHN W. FRANCOM, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 156213 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A BOUNDARY SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW AS OF THE DATE OF SURVEY, MARCH, 2014.

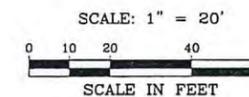
[Signature]  
 JOHN W. FRANCOM  
 DATE JULY 21, 2014



## ECHO SPUR SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
 BLOCK 58, PARK CITY SURVEY AMENDED  
 SUMMIT COUNTY, UTAH

LINE	BEARING	LENGTH
L1	S73°17'50"W	16.30'
L2	N15°42'10"W	11.00'
L3	N26°29'04"W	16.16'
L4	N24°50'20"W	15.71'
L5	N21°14'47"W	8.81'
L6	N72°11'03"E	15.70'



- NOTES:
- MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR ALL NEW CONSTRUCTION.
  - THIS SUBDIVISION IS SUBJECT TO THE CONDITIONS IN ORDINANCE 14-23.
  - ADDRESS = XXX ECHO SPUR

(LP) 5. LOTS 1-6 ARE DESIGNATED AS LOW PRESSURE SEWER SYSTEM LOTS. THE PURCHASERS OF THESE LOTS ARE HEREBY NOTIFIED THAT WASTEWATER SERVICE TO THESE LOTS WILL BE PROVIDED BY A LOW PRESSURE SEWER SYSTEM. THE PRIVATE LOW PRESSURE SEWER LATERAL TO THESE LOTS CONSISTS OF A LOW PRESSURE GRINDER PUMP STATION AND LOW PRESSURE DISCHARGE LINE AND APPURTENANCES. THE PRIVATE LOT PRESSURE LATERAL SYSTEM, WHICH IS THE PRIVATE PROPERTY OF EACH LOT OWNER, CONNECTS TO THE SNYDERVILLE BASIN WATER RECLAMATION DISTRICT'S (SBWRD) PUBLIC LOW PRESSURE SEWER SYSTEM. PURCHASERS OF THE LOW PRESSURE SEWER SYSTEM LOTS SHALL BE SOLELY RESPONSIBLE FOR ALL COSTS OF THE PRIVATE LOW PRESSURE LATERAL SYSTEM RELATED TO OR ARISING FROM THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF THE PRIVATE LOW PRESSURE SEWER LATERAL SYSTEM. SEWER SHALL HAVE NO LIABILITY OR RESPONSIBILITY FOR PRIVATE LOW PRESSURE SEWER LATERAL SYSTEMS, INCLUDING ANY COSTS ARISING FROM OR RELATING TO INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT AND MATTERS ARISING FROM FREEZING OR INCORRECT INSTALLATION.

(LP) 6. UPON RECORDATION OF THIS PLAT, JGC BEACH PROPERTIES, L.L.C. HEREBY CONSENTS AND AUTHORIZES SNYDERVILLE BASIN WATER RECLAMATION DISTRICT TO RECORD A NOTICE FOR EACH LOW PRESSURE SEWER SYSTEM LOT WITH THE SUMMIT COUNTY RECORDER'S OFFICE. THE RECORDED NOTICES SHALL SERVE AS NOTIFICATION TO ALL FUTURE LOT OWNERS OF THE RESPONSIBILITIES ASSOCIATED WITH THE PRIVATE LOW PRESSURE SEWER LATERAL SYSTEM SERVING THE LOT.

**JOHN W. FRANCOM & ASSOCIATES, INC.**  
 LAND SURVEYORS  
 BOUNDARY, TOPOGRAPHIC & CONSTRUCTION SURVEYS  
 505 SOUTH MAIN STREET, BOUNTIFUL, UTAH 84010  
 BUS: (801) 295-7500 FAX: (801) 295-7524  
 EMAIL: FRANCOMSURVEY@WESTOFFICE.NET

**CERTIFICATE OF ATTEST**  
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 1<sup>st</sup> DAY OF August, 2014 A.D.  
 BY: [Signature]  
 PARK CITY RECORDER  
 Historic Preservation Board - January 7, 2014

**PLANNING COMMISSION**  
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 9<sup>th</sup> DAY OF April, 2014 A.D.  
 BY: [Signature]  
 CHAIRMAN

**COUNCIL APPROVAL AND ACCEPTANCE**  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 8<sup>th</sup> DAY OF May, 2014 A.D.  
 BY: [Signature]  
 MAYOR

**CITY ENGINEER**  
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 22<sup>nd</sup> DAY OF July, 2014 A.D.  
 BY: [Signature]  
 PARK CITY ENGINEER

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 22<sup>nd</sup> DAY OF July, 2014 A.D.  
 BY: [Signature]  
 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THIS 1<sup>st</sup> DAY OF August, 2014 A.D.  
 BY: [Signature]  
 PARK CITY ATTORNEY

**RECORDER**  
 # 1000356  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF First American Title Co  
 DATE 8/1/14 TIME 10:10 AM BOOK --- PAGE ---  
 \$ 37.00 FEE  
[Signature]  
 RECORDER  
 127 of 221

**PONTIS**  
ARCHITECTURAL GROUP  
PO BOX 242  
SPRINGVILLE, UT 84663  
(801) 704-9551

GENERAL NOTES

A. GENERAL CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION. REPORT ANY SERIOUS DISCREPANCIES TO THE ARCHITECT

SHEET NOTES

CONSULTANT:

CONTRACTOR:

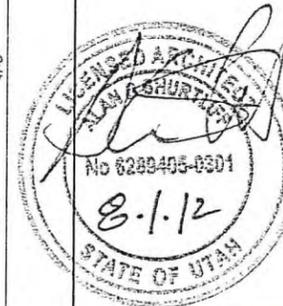
PROJECT NAME:  
**Echo Spur Addition  
Lot 20**

McHenary Avenue  
Park City, Utah

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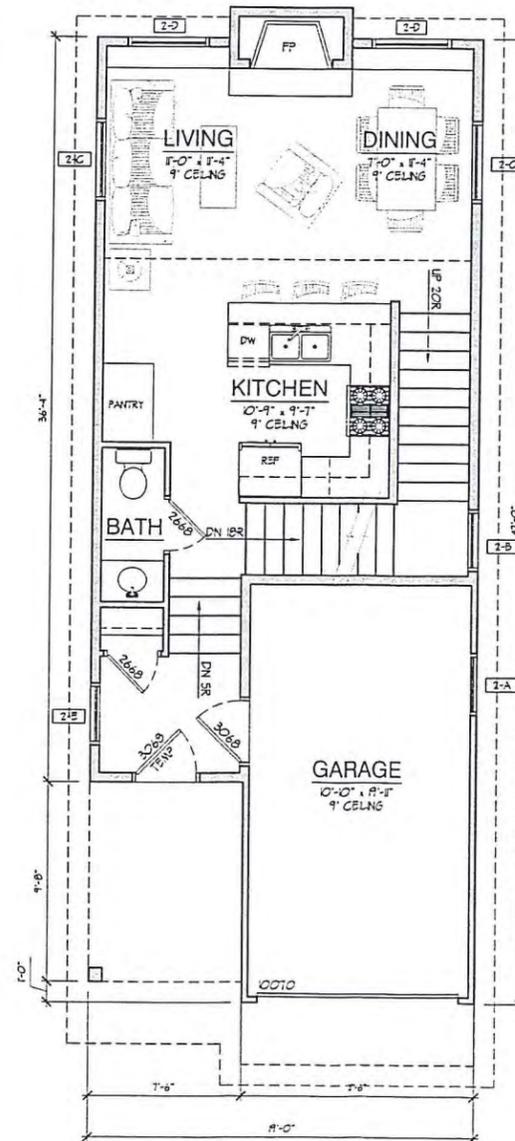
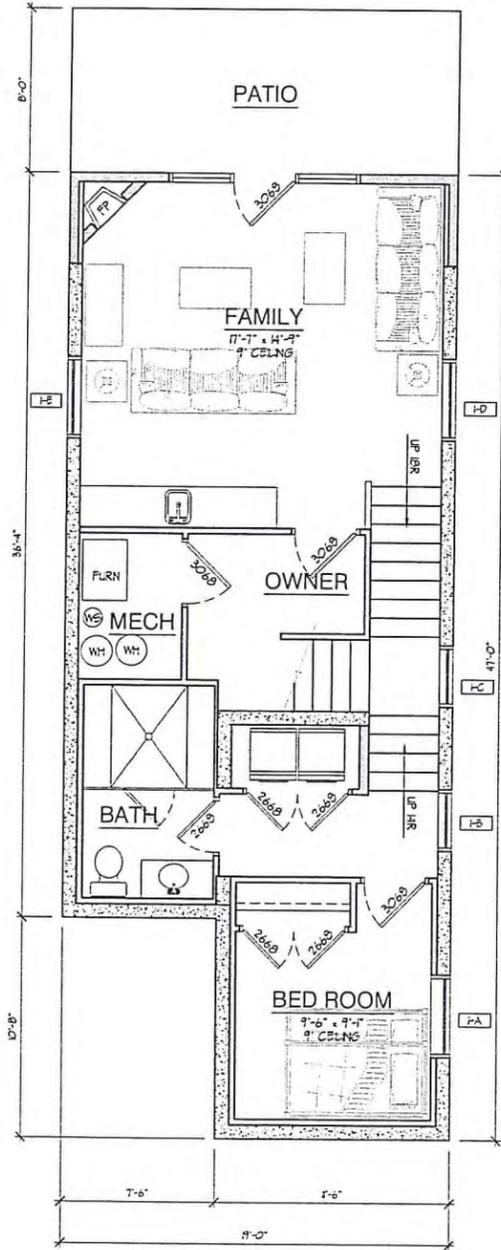
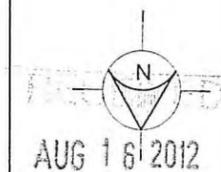
THIS PRINT, ALL INFORMATION AND ALL DESIGN CONCEPTS SHALL NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF PONTIS ARCHITECTURAL GROUP, LLC

SEAL:



AREA CALCS

LIVING AREA:	
MAIN FLOOR FINISHED	583 SF
UPPER FLOOR FINISHED	642 SF
BASEMENT FLOOR	813 SF
TOTAL LIVING	2038 SF
GARAGE AREA:	
MAIN FLOOR	240 SF
PATIO AREA:	
BASEMENT FLOOR	152 SF







ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES



Design Guidelines

FOR

Historic Districts

AND

Historic Sites



UTAH





# Design Guidelines

**FOR**

**Historic Districts**

**AND**

**Historic Sites**



**UTAH**



**June 19, 2009**

**Prepared**

**FOR**

**Park City  
Municipal Corporation**

**BY**

**Dina Williams-Blaes  
Trent Jameson**



# Acknowledgements



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Roger Harlan

Jim Hier

Joe Kernan

Liza Simpson

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# Introduction



## Purpose of the Design Guidelines

The Design Guidelines for Park City’s Historic Districts and Historic Sites (referred to throughout the document as the “Design Guidelines”) is intended to fulfill the policy directives provided in the General Plan and the Land Management Code.

The goal of the Design Guidelines is to meet the needs of various interests in the community by providing guidance in determining the suitability and architectural compatibility of proposed projects, while at the same time allowing for reasonable changes to individual buildings to meet current needs. For property owners, design professionals, and contractors, it provides guidance in planning projects sympathetic to the unique architectural and cultural qualities of Park City. For the Planning Department staff and the Historic Preservation Board, it offers a framework for evaluating proposed projects to ensure that decisions are not arbitrary or based on personal taste. Finally, it affords residents the benefit of knowing what to expect when a project is proposed in their neighborhood.

The Design Guidelines are not intended to be used as a technical manual for rehabilitating or building a structure, nor are they an instruction booklet for completing the Historic District/Site Design Review Application. Instead, they provide applicants, staff, and the Historic Preservation Board with a foundation for making decisions and a framework for ensuring consistent procedures and fair deliberations.

*The Historic District includes the following six zoning districts (See Appendix A: Maps):*  
*HRL: Historic Residential-Low Density*  
*HR-1: Historic Residential*  
*HR-2A/B: Historic Residential*  
*HRM: Historic Residential-Medium Density*  
*HRC: Historic Recreation Commercial*  
*HCB: Historic Commercial Business*  
*Corresponding chapters of the Land Management Code can be viewed at [www.parkcity.org](http://www.parkcity.org)*

## Park City’s Historic Districts (See Appendix A: Maps)

Park City’s Historic Districts are often referred to collectively as “Old Town” or “The Historic District” because they are associated with the earliest development of the City and retain the greatest concentration of Park City’s historic resources. The Historic Districts are comprised of six separate zoning districts, each of which is preceded in name by the term “Historic” or “H”. Four districts are made up of residential neighborhoods and two are commercial areas, including Park City’s historic Main Street. The zoning classifications define the base land use regulations and building code requirements for each district, but also require design review for all new construction, preservation, rehabilitation, restoration, reconstruction, additions and exterior work proposed in these areas.

The Land Management Code, in which the Historic Districts are legally established, recognizes that historic resources are valuable to the identity of the City and should be preserved. It also recognizes that change is a normal part of a community’s evolution, without which the long-term health and vitality of neighborhoods are at risk.

## Park City’s Historic Sites

The Park City Historic Sites Inventory is the City’s official list of historic resources deserving of preservation and protection. The current inventory, adopted by the Historic Preservation Board on February 4, 2009, includes more than 400 separate sites. The inventory is made up of Landmark Sites and Significant Sites.

### Landmark Sites

Landmark Sites are those with structures that are at least fifty years old, retain their historic integrity as defined by the National Park Service for the National Register of Historic Places, and are significant in local, regional or national history or architecture. Landmark Sites have structures that exemplify architectural styles or types that were constructed during significant eras in Park City's past.

### Significant Sites

Significant Sites have structures that are at least fifty years old, retain their essential historical form (as defined in the Land Management Code), and are important in the history of Park City. These sites have structures that contribute to the historic character of the community and convey important information about the development history of Park City.

Owners of Historic Sites may not demolish buildings or structures without first going through a rigorous demolition permit approval process. However, the City balances this regulation with financial incentives and regulatory relief. Historic Sites are eligible for specific Land Management Code exceptions and also for matching grants for projects that adhere to recognized preservation methods and techniques.

Most of Park City's Historic Sites are located within one of the six historic districts. However, those Historic Sites located outside the geographic boundaries of the "H" Districts are also subject to these guidelines.

### The City's Two National Register Historic Districts

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources.

Park City has two National Register Historic Districts. The Main Street Historic District, listed in the National Register in 1979 (See Appendix A: Maps), comprises structures between 3rd Street and Heber Avenue, located primarily along Main Street. The Mining Boom Era Residences Thematic District, listed in 1984, includes residential structures throughout Park City built during the mining boom period (1872-1929) that were found to be both architecturally and historically significant (See Appendix A for a list of structures by address and corresponding map).

Under Federal law, owners of private property listed in the National Register are free to maintain, manage, or dispose of their property as they choose provided that there is no federal involvement. Owners have no obligation to open their properties to the public, to restore them or even to maintain them, if they choose not to do so.



*More than 400 sites have been listed as Historic Sites in Park City. The complete Historic Sites Inventory can be viewed at [www.parkcity.org/hsi](http://www.parkcity.org/hsi). Historic Site Forms, like this one, document Park City's Historic Sites.*

While listing in the National Register is honorary, local designation as a Historic Sites brings with it certain benefits and limitations that are spelled out in the Park City Land Management Code.

*A roster of current Historic Preservation Board members and links to agendas and meeting packets can be found on the web at [www.parkcity.org/citydepartments/planning](http://www.parkcity.org/citydepartments/planning) or by calling 435/615-5060.*

### **The Historic Preservation Board**

The Historic Preservation Board (HPB) serves as an advisory body to the City on all matters pertaining to historic preservation. The HPB is an important resource for the public in helping to preserve and protect the City's historic sites.

The HPBs purpose includes reviewing the Design Guidelines on a regular basis and making recommendations to the City Council to update them when necessary. In addition, the HPB provides input to staff and the City Council on historic preservation policies and programs, reviews all appeals of design review applications as they relate to compliance with the Design Guidelines, designates buildings and structures within Park City as Historic Sites, and promotes the benefits of historic preservation to the general public.

The HPB consists of seven members appointed by the Mayor with the consent of the City Council. All members need not reside in Park City to serve, but at least one must live in Old Town and one must be associated with Main Street business and commercial interests.

### **Historic Preservation Theory**

Historic Preservation theory centers on two important principles; historical significance and integrity.

#### **The Concept of Historical Significance**

In Park City, a site may be considered historic if:

- It is at least fifty years old,
- It is associated with events or lives of important people in the past,
- It embodies distinctive characteristics of type, a period, or construction method, or is the work of a notable architect or craftsman.

In most cases, Historic Sites in Park City provide an understanding of the culture and lifestyle of the area's mining activity and early ski industry. Buildings and structures obviously change over time, but the materials and features that date from the mining and early ski eras typically contribute to the character and significance of the property.

Park City's Landmark Sites have structures with the highest level of importance. They not only convey the history of Park City, but also are physical representations of Park City's past influence in shaping the region and the nation. Park City's Significant Sites have structures primarily of local importance. They are the structures that define the fabric of historic Park City and reflect the community's past development patterns.

## The Concept of Integrity

In addition to historical significance, a property must also have integrity. Integrity can be defined as “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period” (National Park Service). Another way to look at a site’s integrity is to ask, “Would the person who built the structure still recognize it today?” Generally, the majority of the structure’s materials, structural system, architectural details, and ornamental features, as well as the overall mass and form must be intact in order for a building to retain its integrity.

Park City’s Landmark Sites have structures that possess the highest level of historic integrity. Landmark Sites, and their associated buildings and structures, must retain their historic integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places (listing in the National Register is voluntary and not required as part of Park City’s Land Management Code). Significant Sites have structures that retain their essential historical form, meaning that the buildings must retain the physical characteristics that make it identifiable as existing in or relating to an important era in Park City’s past.

## Approach and Treatments for Historic Sites

Each project involving a Historic Site is unique, but how you approach the project should follow a specific path.

### Approach to Historic Sites

Begin by evaluating the character of the site. What changes have been made to the site and its structures over time and were the changes made during the historic period or later? Have windows been blocked or added, have additions been constructed, has the original plan been altered? Changes may or may not contribute to the historic character of the site and should be evaluated as the project is being planned. It is important to identify what it is about your site and its structures that contributes to its historical significance.

Then, the architectural integrity and physical condition of the property should be assessed. Are historic features hidden behind later materials? Are there physical problems that could lead to structural failure? Is there damage to materials that will require repair? If the materials cannot be repaired, can they be replaced in-kind? Historic preservation philosophy places a high premium on the retention of historic building materials and your plans will dictate how much of that material remains after the work is complete.

Following the physical conditions assessment, check the Land Management Code and other legal requirements. Will the project require design review? How do the building codes apply and will they impact the integrity or character of the structures? Are there encroachments or easements? Are there funds available from the City to assist with the project?

Finally, based on answers to the questions above, determine which of the Four Treatments for Historic Sites you will use. The Four Treatments for Historic Sites are: preservation, rehabilitation, restoration, and reconstruction. Projects often include two or more treatments in combination. Before you start your project, it is important to know which treatments or combination of treatments you will use.

### **Four Treatments for Historic Sites**

#### **Preservation**

If you want to stabilize a building or structure, retain most or all of its historic fabric, and keep it looking the way it does now, you will be preserving it. **Preservation** is the first treatment to consider and it emphasizes conservation, maintenance and repair.

#### **Rehabilitation**

If you want to update a building for its current or a new use, you will be rehabilitating it. **Rehabilitation**, the second treatment, also emphasizes retention and repair of historic materials, though replacement is allowed because it is assumed that the condition of existing materials is poor.

#### **Restoration**

If you want to take a building back to an earlier time by removing later features, you will be restoring it. **Restoration**, the third treatment, centers on retaining materials from the most significant period in the property's history. Because changes in a site convey important information about the development history of that site and its structures, restoration is less common than the previous treatments.

#### **Reconstruction**

If you want to bring back a building that no longer exists or cannot be repaired, you will be reconstructing it. **Reconstruction**, the fourth treatment, is used to recreate a non-surviving building or one that exists now, but is extremely deteriorated and un-salvageable. Reconstruction is rarely recommended.



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



## DESIGN GUIDELINES FOR NEW CONSTRUCTION IN HISTORIC DISTRICTS

These design guidelines apply to new construction in Park City's Historic Districts; specifically, all new construction on undeveloped lots or previously occupied lots where a structure exists and would be demolished.

Because Park City's Historic Districts ("H" zones) include both residential and commercial districts, these guidelines are inclusive and may include sections that do not apply to your particular building or project.

The City, through the Planning Department staff, will determine when a project complies with the Design Guidelines. Compliance with the Design Guidelines is determined when a project meets the Universal Guidelines and Specific Guidelines. Because the scope of one project will differ from another, the City requires each application to meet all of the Universal Guidelines and Specific Guidelines unless the Design Review Team determines certain Specific Guidelines are not applicable.

All proposed projects must also meet the legal requirements of the Land Management Code before a building permit can be issued. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply. As a result, elements such as building height, building pad and/or building footprint may be limited.

### UNIVERSAL GUIDELINES

1. New buildings should reflect the historic character—simple building forms, unadorned materials, restrained ornamentation—of Park City's Historic Sites.
2. New buildings should not directly imitate existing historic structures in Park City. Roof pitch, shape and configuration, as well as scale of building elements found on Historic Sites may be duplicated, but building elements such as moldings, cornice details, brackets, and porch supports should not be directly imitated. Reconstructions of non-surviving historic buildings are allowed.
3. A style of architecture should be selected and all elevations of the building should be designed in a manner consistent with a contemporary interpretation of the chosen style. Stylistic elements should not simply be applied to the exterior. Styles that never appeared in Park City should be avoided. Styles that radically conflict with the character of Park City's Historic Sites should also be avoided.

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

5. Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc.—should be of human scale and should be compatible with neighboring Historic Sites.

6. Scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites.

7. The size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood.

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

## SPECIFIC GUIDELINES

### A. SITE DESIGN

#### A.1. Building Setbacks & Orientation

A.1.1 Locate structures on the site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.

A.1.2 Avoid designs that will cause snow shedding onto adjacent properties.

#### A.2. Lot Coverage

A.2.1 Lot coverage of new buildings should be compatible with the surrounding Historic Sites.

#### A.3. Fences

A.3.1 New fences should reflect the building's style, but solid wood fences in the front yard should be avoided.

#### A.4. Site Grading & Steep Slope Issues

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

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

*Front yard setbacks provide a transition space between the public street and the private building entrance. The pattern along the street created by setbacks and entrances impacts community character. These elements, along with other site features, should be designed to respect the established patterns along the street.*



*Step a new building to follow the contours of the site.*

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

## A.5. Landscaping

A.5.1 Landscape plans should balance water efficient irrigation methods and drought tolerant plant materials with existing plant materials and site features.

A.5.2 Landscape plans should allow for snow storage from driveways.

A.5.3 Incorporate landscape treatments for driveways, walkways, paths, building and accessory structures in a comprehensive, complimentary and integrated design.

A.5.4 The character of the neighborhood and district should not be diminished by significantly reducing the proportion of built or paved area to open space.

A.5.5 Provide landscaped separations between parking areas, drives, service areas, vehicular access points and public use areas including walkways, plazas.

*The term "visually compatible" means that the new construction visually relates to the surrounding Historic Sites in terms of the factors of visual compatibility. Those factors are:*

- Height,
- Width,
- Scale of buildings,
- Proportion of façade elements,
- Relation of solids to voids on primary facades
- Rhythm of spacing of buildings on streets,
- Rhythm of entrance and/or porch projections,
- Roof shapes, and
- Directional expression of front elevation.

## B. PRIMARY STRUCTURES

### B.1. Mass, Scale & Height

B.1.1 The size of a new building, its mass in relation to open spaces, should be visually compatible with the surrounding Historic Sites.

B.1.2 When overall length of a new structure is greater than those seen historically, it should employ methods—changes in wall plane, roof heights, etc.--to diminish the visual impact of the overall building mass, form and scale.

B.1.3 Larger-scaled projects should include variations in roof height in order to break up the form, mass and scale of the overall structure.

B.1.4 Taller portions of buildings should be constructed so as to minimize obstruction of sunlight to adjacent yards and rooms.

B.1.5 New buildings should not be significantly taller or shorter than surrounding historic buildings.

B.1.6 Windows, balconies and decks should be located in order to respect the existing conditions of neighboring properties.

B.1.7 Regardless of lot frontage, the primary façade should be compatible with the width of surrounding historic buildings. The greater width of the structure should be set back significantly from the plane of the primary façade.



*Historic buildings establish a range of building heights in a neighborhood; New construction should not significantly deviate from that established range.*

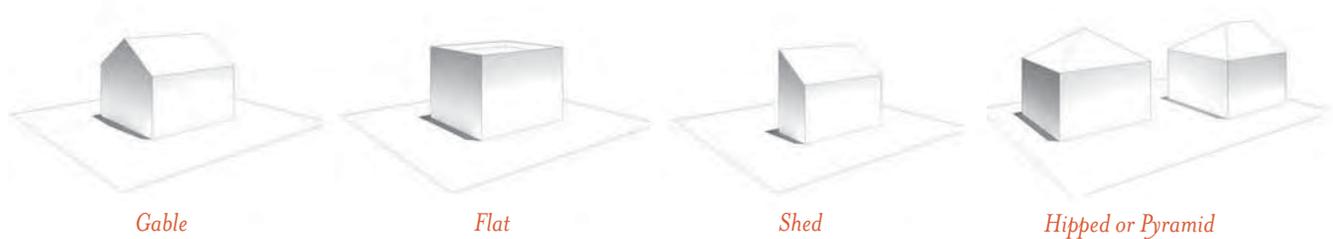
B.1.8 Buildings constructed on lots greater than 25 feet wide should be designed so that the facades visible from the primary public right-of-way reinforce the rhythm along the street in terms of traditional building width, building depth, and patterns within the façade.

## B.2. Key Building Elements

### Foundations

B.2.1 Generally, no more than two (2) feet of the new foundation should be visible above finished grade when viewed from the primary public right-of-way. (Exception in the event the garage must be located under primary living space, as is often the case with standard 25'x75' lots).

### Roofs



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

*Typical roof forms seen in the Historic Districts.*

B.2.3 Roof pitch should be consistent with the style of architecture chosen for the structure and with the surrounding Historic Sites.

B.2.4 Roofs should be designed to minimize snow shedding onto adjacent properties and/or pedestrian paths.

### Materials

B.2.5 Materials should be compatible in scale, proportion, texture, finish and color to those used on Historic Sites in the neighborhood.

B.2.6 Materials, especially stone and masonry, should be used in the manner they were used historically.



*With residential buildings, stone was traditionally used for retaining walls and as a foundation material.*

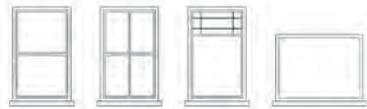


*On commercial and institutional buildings, stone was used for foundations, exterior walls, sills, and/or coping.*

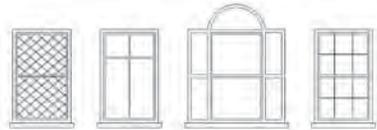




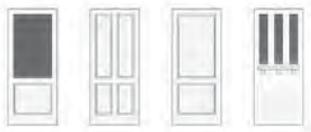
*Non-traditional window configurations like those shown above should be avoided.*



*Preferred solution - windows*



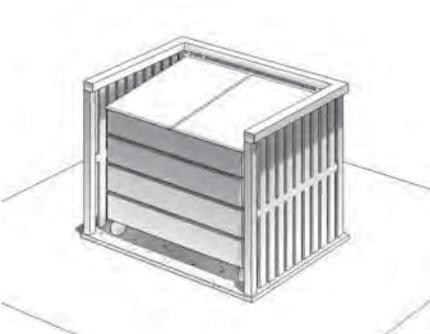
*Not recommended - windows*



*Preferred solution - doors*



*Not recommended - doors*



*Service equipment should be screened.*

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

## Windows and Doors

B.2.8 Ratios of openings-to-solid that are compatible with surrounding historic buildings should be used.

B.2.9 Windows and doors should be proportional to the scale and style of the building and be compatible with the historically buildings in the neighborhood.

## Porches

B.2.10 Porches should be incorporated into new construction when the Historic Sites in the neighborhood establish the pattern for this entry type.

B.2.11 Porches should be compatible with the building's style and should respect the scale and proportions found on historic buildings in the neighborhood. Over-scaled, monumental and under-scaled entries should be avoided.

## Paint & Color

B.2.12 Exterior surfaces that are painted should have an opaque rather than transparent finish.

B.2.13 Provide a weather-protective finish to wood surfaces that were not historically painted.

B.2.14 When possible, low-VOC (volatile organic compound) paints and finishes should be used.

## Mechanical and Utility Systems and Service Equipment

B.2.15 Equipment should not be located on the roof or primary façade (except as noted in Supplemental Guidelines main Street National Register Historic District). If equipment is located on a secondary façade it should be placed behind the midpoint or in a location that is not visible from the primary public right-of-way.

B.2.16 Ground-level equipment should be screened using landscape elements such as fences, low stone walls, or perennial plant materials.

B.2.17 Loading docks should be located and designed in order to minimize their visual impact.

## C. RECONSTRUCTION OF NON-SURVIVING STRUCTURES

C.1 Reconstruction of a non-surviving historic structure that once existed in Park City is allowed when no existing building in Park City with the same historical significance has survived.

C.2 Reconstruction may be allowed when documentary and physical evidence is available to facilitate an accurate re-creation.

C.3 Reconstruction should not be based on conjectural designs or on a combination of different features from other historic buildings.

C.4 Reconstruction should include recreating the documented design of exterior features such as the roof shape, architectural detailing, windows, entrances and porches, steps and doors, and their historic spatial relationships.

C.5 A reconstructed building should accurately duplicate the appearance of the non-surviving historic property in materials, design, color, and texture.

C.6 A reconstructed building should duplicate the building, but also the setting, placement, and orientation of the non-surviving structure.

C.7 A reconstruction should re-establish the historic relationship between the building or buildings and historic site features.

C.8 A building may not be reconstructed on a location other than its original site.

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

Accommodating the automobile, specifically off-street parking, garages, and driveways, is one of the greatest challenges in the Historic Districts. It is the city's intention to encourage a range of design solutions that address the conditions of the site and meet the needs of the applicant while also preserving the character of the Historic Districts.

### D.1. Off-Street Parking Areas

D.1.1 Off-street parking areas should be located within the rear yard, beyond the rear wall plane of the primary structure.

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

D.1.3 Parking areas and vehicular access should be visually subordinate to the character-defining streetscape elements of the neighborhood.



*Preferred Solution - front yard paving*



*Not Recommended - front yard paving*

*Because many of the lots in Old Town are too narrow to accommodate off-street parking in the rear, these parking areas may need to be located in the front yard. The visual impact should be minimized.*

## D.2. Garages

D.2.1 Garages should be constructed as detached or semi-detached structures and located beyond the midpoint of the building in the side yard or within the rear yard.

*Left: This design solution is preferred because it effectively minimizes a garage beneath the living space, a front yard driveway, and garage door. Right: This design is not recommended because the garage and hard surface dominate the primary facade.*

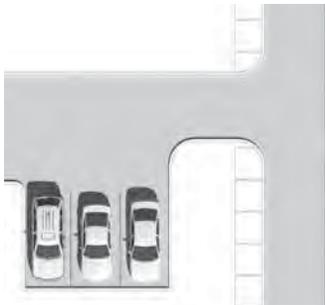


D.2.2 If the lot size dictates that the garage must be located above, below, or adjacent to the primary living space, its visual impact should be minimized.

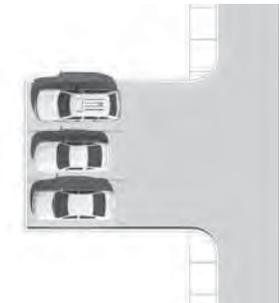
D.2.3 Single-width tandem garages are encouraged. Side-by-side parking configurations are strongly discouraged; if used, they should be visually minimized when viewed from the public right-of-way.

D.2.4 Single vehicle garage doors that do not exceed 9'x9' are recommended.

D.2.5 Carports should be avoided.



*Preferred Solution*



*Not Recommended*

## D.3 Driveways

D.3.1 Driveways should not exceed twelve (12) feet in width.

D.3.2 Shared vehicular approaches—curb cuts and driveways—should be used when feasible.

## E. SIGNS

E.1 Signs should be subordinate to the overall building design.

E.2 Select sign styles, colors, types and materials that reflect the building's style and are compatible with the surrounding Historic Sites.

E.3 Position signs to fit within the architectural features of the façade.

E.4 If one building will house several businesses, a comprehensive sign plan should be developed that results in signs that are compatible with the overall building design and with surrounding Historic Sites.

## F. AWNINGS

F.1 Awnings may be appropriate for use on the street level façade. If used, they should be compatible with the building's style and materials and not detract from surrounding Historic Sites.

F.2 Awnings should not shed excessive amounts of rain or snow onto the sidewalk or other pedestrian paths.

## G. EXTERIOR LIGHTING

G.1 Exterior, building-mounted light fixtures should be compatible with the building's style and materials.

*All lighting must meet the requirements of Park City's lighting regulations for shielding.*

G.2 Exterior lighting schemes should compliment the overall building and site design.

G.3 Indirect lighting should be used to identify entrances and to illuminate signs.

## H. ACCESSORY STRUCTURES

H.1 New accessory structures should generally be located at the rear of the lot.

## I. SUSTAINABILITY

I.1 Water efficient landscaping should be balanced with existing plant materials that contribute to the character of the neighborhood.

*The U.S. Green Building Council is a leader in green building techniques and practices.*

I.2 Construction waste should be diverted from disposal when feasible.

*The non-profit organization provides resources for owners and building managers.*

I.3 Owners are encouraged to use sources of renewable energy—on- or off-site. Photovoltaic cells should be located on roofs such that they will be visually minimized when viewed from the primary public right-of-way and should be mounted flush with the roof.

*Go to [www.usgbc.org/](http://www.usgbc.org/) to learn more about the Leadership in Energy and Environmental Design (LEED) programs for residential and commercial sustainable building practices.*

## J. MAILBOXES, UTILITY BOXES, AND OTHER VISUAL ELEMENTS IN THE LANDSCAPE

J.1 Cluster mail boxes (commonly referred to as gang-boxes) located within rights-of-way or on private property are discouraged in the Historic Districts.

J.2 Utility boxes should be located underground when possible. Where not possible, such boxes should be visually minimized and/or concealed by landscaping or other appropriate features.

J.3 Electrical lines and other utilities should be located underground.

## SUPPLEMENTAL GUIDELINES

### SWEDE ALLEY

In addition to the Universal Guidelines and Specific Guidelines stated above, the following supplemental guidelines apply to commercial properties located along Swede Alley.

The traditional role of Swede Alley as a service road is changing with the development of the transit hub and adjacent parking facilities. To accommodate the increase in pedestrian traffic entering the Main Street commercial core from Swede Alley, the following guidelines are provided.

SANC1. Swede Alley should remain subordinate but complementary to Main Street with regard to public access and streetscape amenities.

SANC 2. Rear entrances, if developed, should accommodate both service activities and secondary access.

SANC 3. Swede Alley facades should be simple in detail and complement the character of the building's primary entrance on Main Street.

SANC 4. Swede Alley facades should utilize materials, colors, signs, and lighting that reinforces a cohesive design of the building.

SANC 5. Window display areas may be appropriate, but should be subordinate to and proportionally smaller than those seen on Main Street.

**MAIN STREET NATIONAL REGISTER HISTORIC DISTRICT**

In addition to the Universal and Specific Guidelines stated above, the following supplemental guidelines apply to properties located within the boundaries of the Main Street National Register Historic District. (See appendix for map)

The Main Street National Register Historic District, with its collection of historic buildings and unique character, is an integral part of Park City's tourism and economic development programs. Proposals involving infill or the remodeling of non-Historic structures in the area are scrutinized to ensure that projects will not diminish the integrity of the district, but also will serve to strengthen the historic character of the area.



*Unlike the central example above, new construction should respect the range of building heights established by the historic buildings in the district.*

MSNC1. New construction in the Main Street National Register Historic District should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the district and the surrounding Historic Sites.

MSNC2. New construction should utilize the standard components of historic commercial buildings in the district. Street-level facades and upper facades should be designed to be compatible with the surrounding historic buildings.

MSNC3. Primary entrances should be oriented toward Main Street.

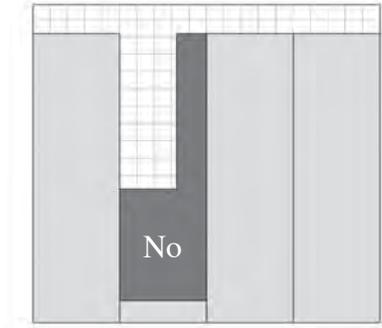
MSNC4. Maintain the range of building heights seen historically on Main Street.

MSNC5. New buildings should maintain the stair-step effect of storefronts on Main Street. The step effect is reinforced by a standard first floor height—which should be maintained—the use of cornices, moldings and other façade treatments.

MSNC6. New buildings, in general, should be constructed in line with adjacent historic structures and should avoid large setbacks that disrupt the continuity of the street wall.

MSNC7. New construction on corner lots should reinforce the street wall, but where appropriate, may be designed to define public plazas and public gathering places.

MSNC8. Roof-mounted mechanical and/or utility equipment should be screened.



*Setbacks should not deviate significantly from the street edge established by historic buildings in the district.*

**Ordinance No. 13-39**

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 12, 2012, a work session discussion on December 12, 2012, and a public hearing on June 26, 2013 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 26, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on October 17, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Lot 17, 18, and 19 Echo Spur Development Replat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.

6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street).
16. Platted Fifth Street has not been built and the City does not plat to build this a road.
17. When the road and utilities were built in 2009, the topography was slightly altered.
18. The highest point on the site is six feet (6') higher than the October 2006 survey.
19. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
20. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
21. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).
22. Traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the

requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

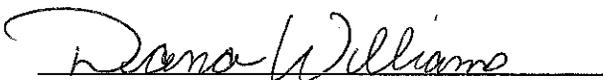
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Before a building permit can be issued, the street shall be either be identified as either private drive or a public street.
4. Access to the site shall not take place over platted Fifth Street (formerly Third Street).
5. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
6. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
7. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
8. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
9. Modified 13-d sprinklers will be required for all new construction.
10. The north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
11. A note on the plat shall be placed which will limit development to a single family dwelling.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17 day of October, 2013.

PARK CITY MUNICIPAL CORPORATION



Dana Williams

Dana Williams, MAYOR

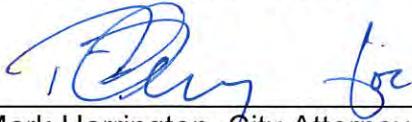
ATTEST:



Marci S Heil, City Recorder



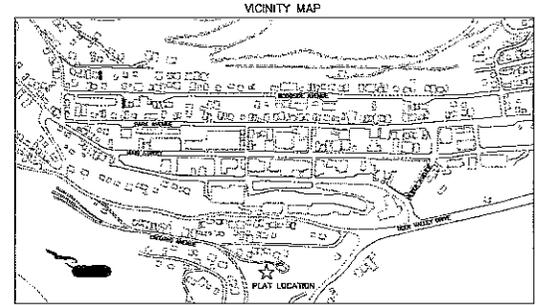
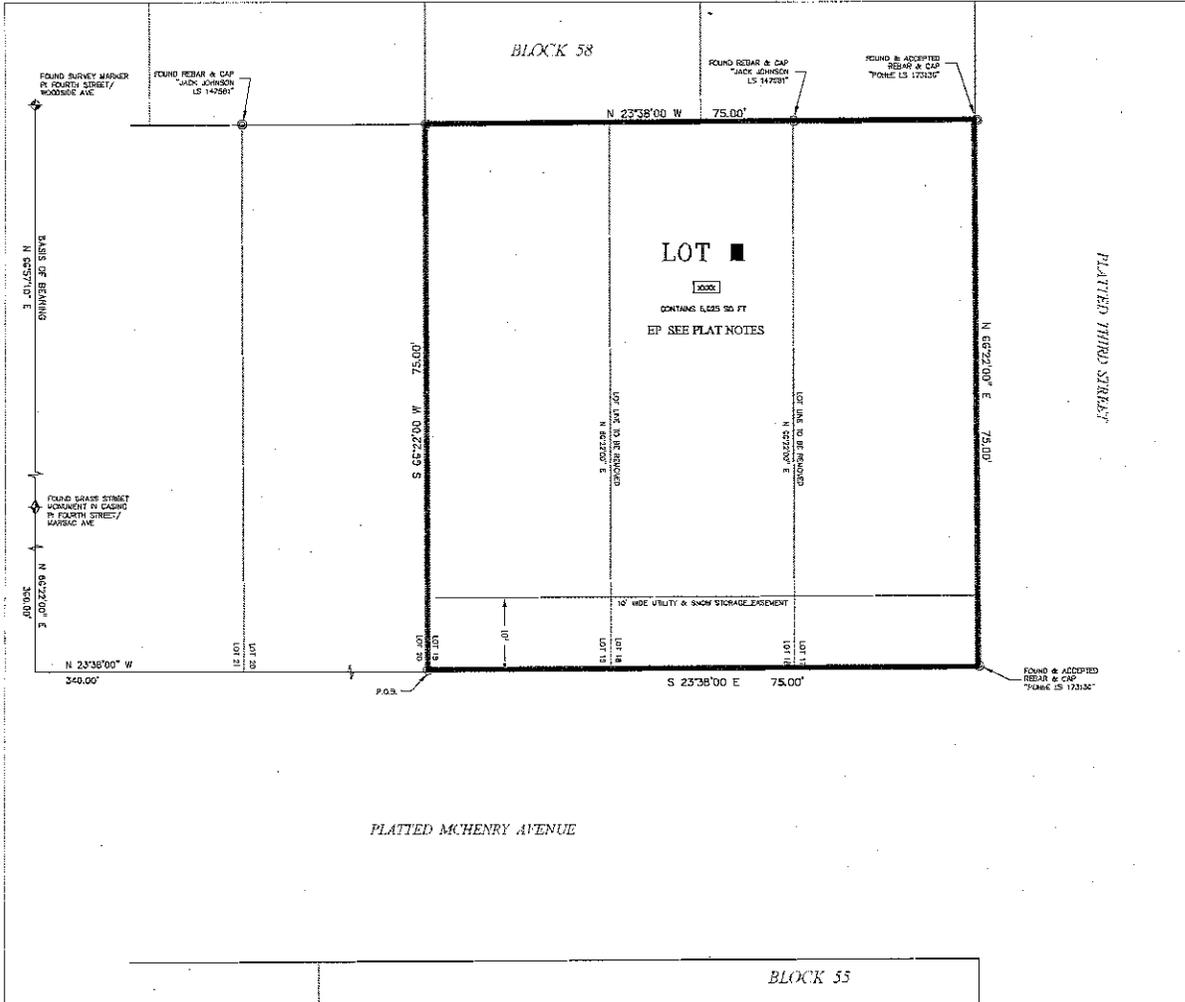
APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment A - Proposed Plat



**SURVEYOR'S CERTIFICATE**  
 I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I made Certificate No. 349961, as represented by the laws of the State of Utah, and that by the authority of the aforesaid I have prepared this Record of Survey of the XXX MCHENRY AVENUE REPLAT. I further certify that this plat is a true representation of said property.



BLOCK 57

**LEGAL DESCRIPTION**

All of Lots 17, 18, and 19 Block 58, of the the AMENDED PARK CITY SURVEY, according to the official plat thereof, on file and of record in the Office of the Recorder, Summit County, Utah.

LOT A (COMBINATION OF Lots 17, 18 and 19)

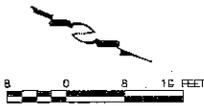
BEGINNING at a point that is North 81°20'00" East 360.00 feet and North 23°38'00" West 343.00 feet from the intersection of Horset Avenue and Fourth Street as is shown on the the Amended Monument Control Map by Bush & Gudgeon (1988) on file and of record on Entry No. 793887 in the Office of the Recorder, Summit County Utah, said point being the Southwest corner of Lot 18, Block 58 of the Amended Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County Utah; thence South 60°22'00" West 75.00 feet; thence North 23°38'00" West 75.00 feet; thence North 66°22'00" East 75.00 feet; thence South 23°38'00" East 75.00 feet, to the Point of Beginning.

Description contains 5,625.00 square feet more or less.

PLATTED MCHENRY AVENUE

BLOCK 55

- LEGEND**
- ⊙ SET REBAR & CAP "ALTA ENGINEERING/LS 249957"
  - ⚙ SET NAIL & WASHER "ALTA ENDR/LS 349961"
  - Ⓞ FOUND REBAR (AS NOTED)
  - ⚡ FOUND SURVEY MARKER
  - Ⓧ FOUND NAIL & WASHER (AS NOTED)
  - ⚡ FOUND STREET MONUMENT (AS NOTED)
  - ▭ STREET ADDRESS



**PLAT NOTES:**  
 1) LOT "A" MAY REQUIRE A PRIVATELY OWNED AND OPERATED ELECTOR PUMP FOR SANITARY SEWER SERVICES.

PAGE 1 OF 2

LAND PLANNING, CIVIL ENGINEERING, SURVEYING, PROJECT MANAGEMENT  
 100 PARK DRIVE PARK CITY, UTAH 84302-4326 (409) 241-1011

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DATE OF 01/07/2012 A.D.  
 BY [Signature]

**PLANNING COMMISSION**  
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 01/07 DAY OF DECEMBER, 2012 A.D.  
 BY [Signature]

**ENGINEER'S CERTIFICATE**  
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 01/07 DAY OF DECEMBER, 2012 A.D.  
 BY [Signature]

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THIS 01/07 DAY OF DECEMBER, 2012 A.D.  
 BY [Signature]

**CERTIFICATE OF ATTEST**  
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 01/07 DAY OF DECEMBER, 2012 A.D.  
 BY [Signature]

**COUNCIL APPROVAL AND ACCEPTANCE**  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 01/07 DAY OF DECEMBER, 2012 A.D.  
 BY [Signature]

**RECORDED**  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF [Signature] DATE 01/07/2012 THE 0000 BOOK 0000 PAGE 0000  
 [Signature]

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that RICHARD L. HENNING, LLC, a Utah limited liability company...

In witness whereof the undersigned has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

Richard Henning, Member

ACKNOWLEDGEMENT

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2012, RICHARD HENNING, LLC, a Utah limited liability company...

Attest: Public Commissioner in Utah

Residing in \_\_\_\_\_

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that RICHARD L. HENNING, LLC, a Utah limited liability company...

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Richard Henning, Member

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County of \_\_\_\_\_

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Attest: Public Commissioner in Utah

Residing in \_\_\_\_\_

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Richard Henning, Member

ACKNOWLEDGEMENT

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County of \_\_\_\_\_

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Attest: Public Commissioner in Utah

Residing in \_\_\_\_\_

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In witness whereof, the undersigned has hereunto set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_

Richard Henning, Member

ACKNOWLEDGEMENT

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2012, RICHARD HENNING, LLC, a Utah limited liability company...

Attest: Public Commissioner in Utah

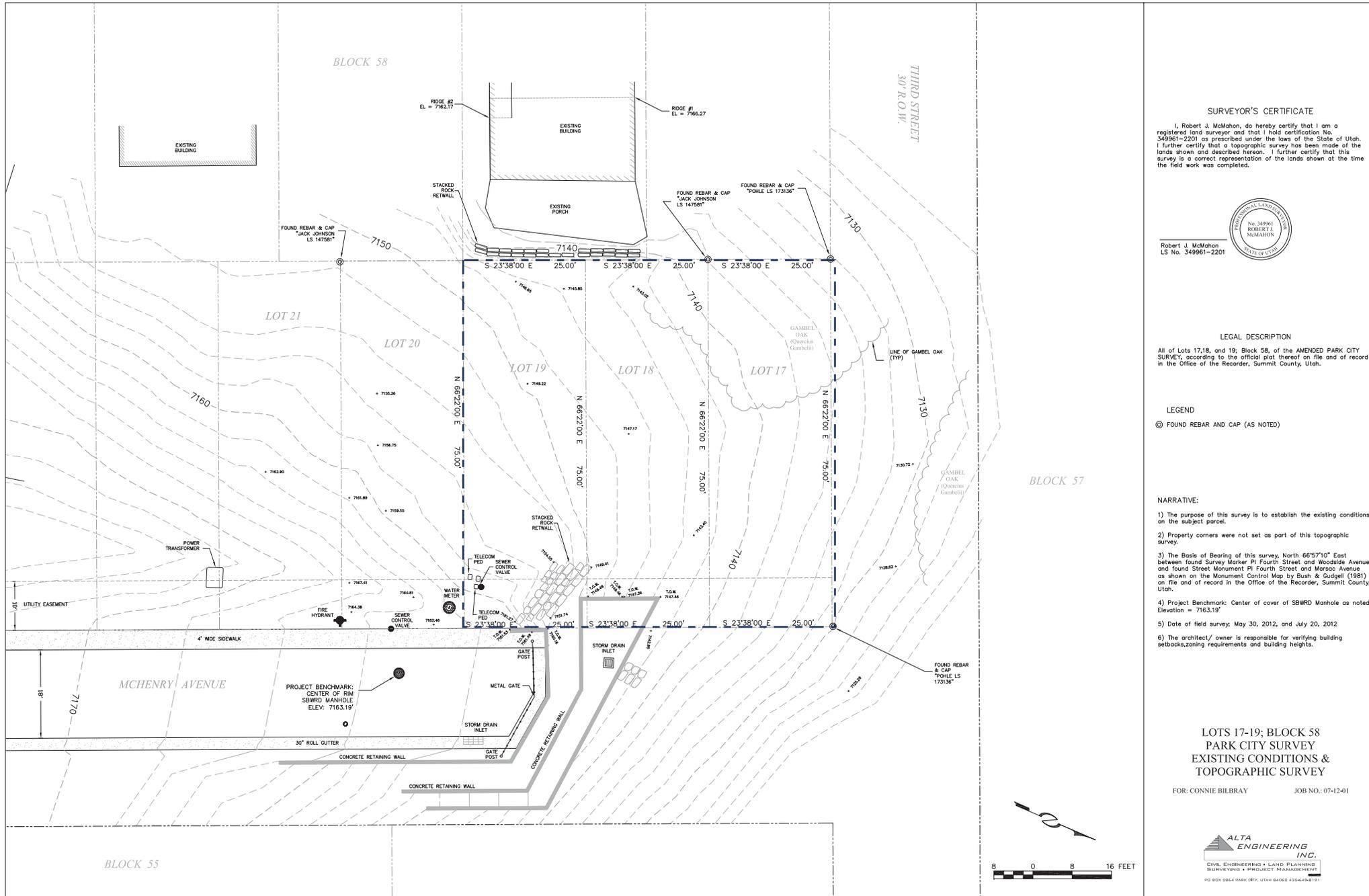
Residing in \_\_\_\_\_

A LOT COMBINATION PLAT  
XXX MCHENRY AVENUE REPLAT

LOCATED IN THE SOUTH EAST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

PAGE 2 OF 2  
PREPARED BY  
LTA  
ENR/NEER/INC  
g... Ma...  
PRT

# Staff's Exhibit B – Planning Commission SSCUP Approved Plans



### SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, do hereby certify that I am a registered land surveyor and that I hold certification No. 349961-2201 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made of the lands shown and described hereon. I further certify that this survey is a correct representation of the lands shown at the time the field work was completed.



Robert J. McMahon  
LS No. 349961-2201

### LEGAL DESCRIPTION

All of Lots 17, 18, and 19; Block 58, of the AMENDED PARK CITY SURVEY, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah.

### LEGEND

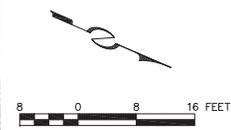
© FOUND REBAR AND CAP (AS NOTED)

### NARRATIVE:

- 1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- 2) Property corners were not set as part of this topographic survey.
- 3) The Basis of Bearing of this survey, North 66°57'10" East between found Survey Marker PI Fourth Street and Woodside Avenue and found Street Monument PI Fourth Street and Marsac Avenue as shown on the Monument Control Map by Bush & Gudge (1981) on file and of record in the Office of the Recorder, Summit County, Utah.
- 4) Project Benchmark: Center of cover of SBWRD Manhole as noted Elevation = 7163.19'
- 5) Date of field survey: May 30, 2012, and July 20, 2012
- 6) The architect/ owner is responsible for verifying building setbacks, zoning requirements and building heights.

LOTS 17-19; BLOCK 58  
PARK CITY SURVEY  
EXISTING CONDITIONS &  
TOPOGRAPHIC SURVEY

FOR: CONNIE BILBRAY JOB NO: 07-12-01





JAFFA GROUP

1960 SIDWINDER DRIVE, SUITE 101 PARK CITY, UT 84090 (435) 615-6873

THIS DOCUMENT IS THE PROPERTY OF JAFFA GROUP AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JAFFA GROUP. THE INFORMATION CONTAINED HEREIN IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS.

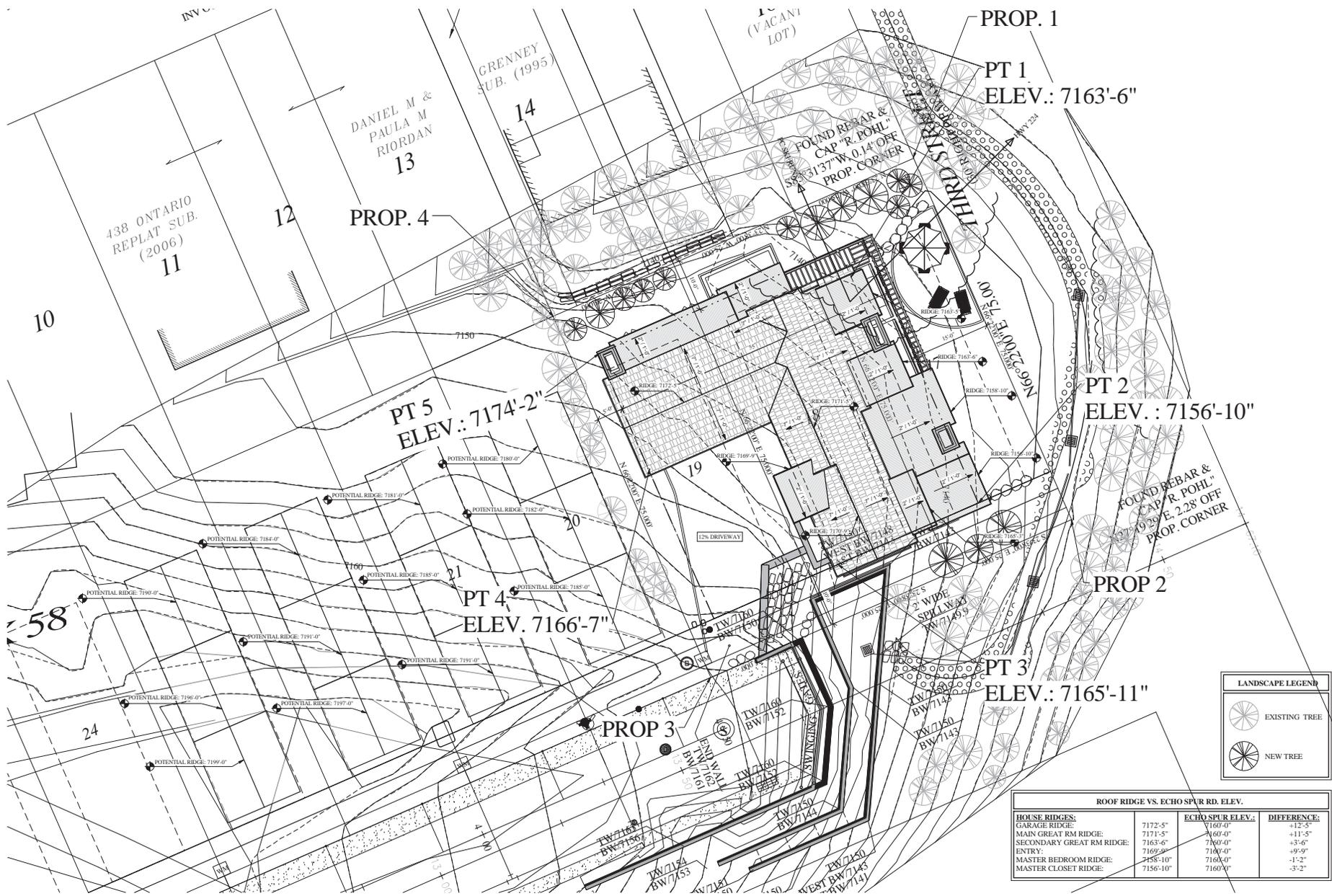
ECHO SPUR  
489 MCCHENRY AVE. PARK CITY, UT  
DESIGNED BY JAFFA GROUP  
LOT 17-19  
PLAT 17-19

REVISION SCHEDULE

DRAWN BY: DO  
PROJECT #: 17-19  
2/20/2013 1:37:33 PM  
SCALE: 1/8" = 1'-0"

SITE PLAN

A1.0



LANDSCAPE LEGEND

- EXISTING TREE
- NEW TREE

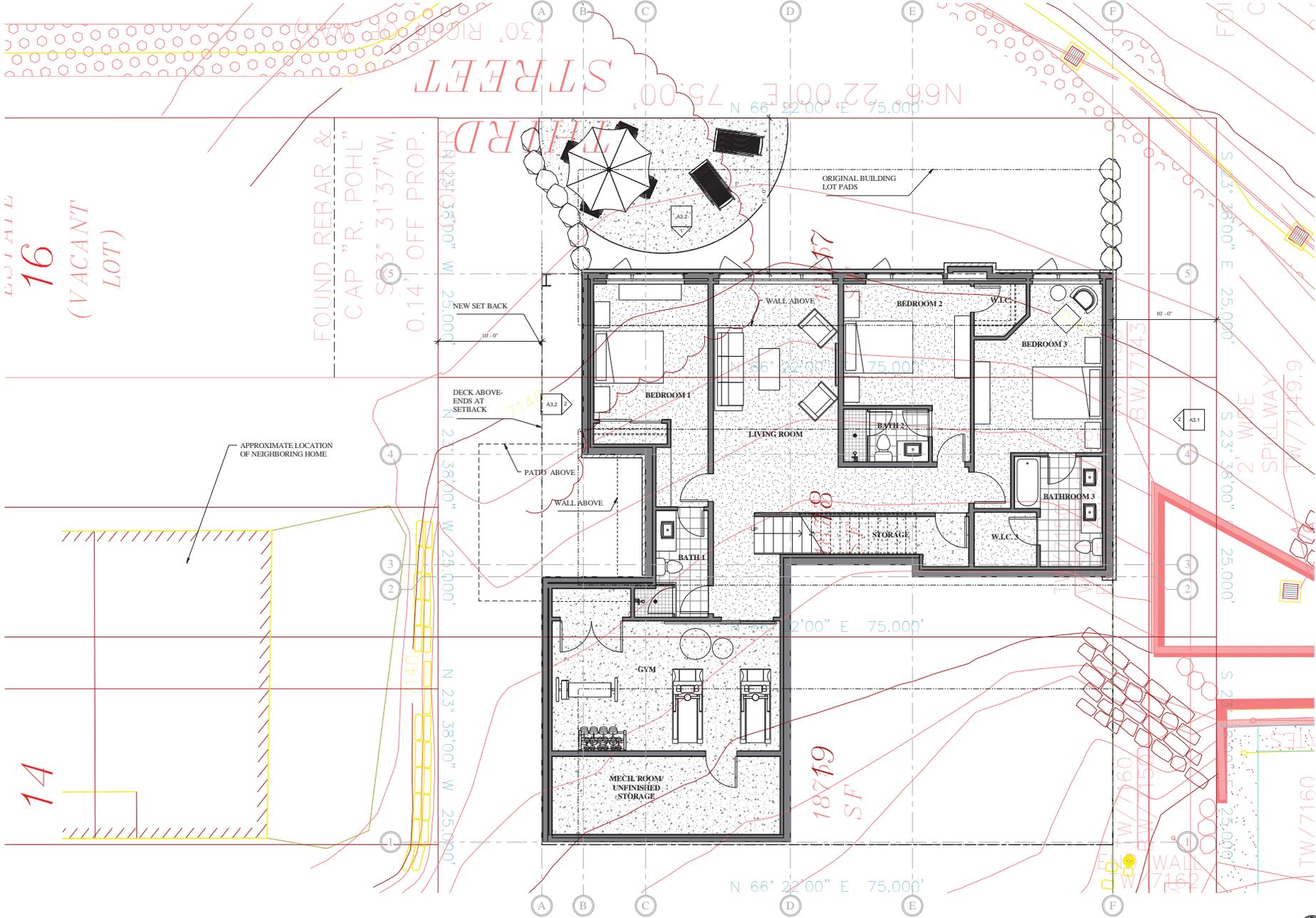
ROOF RIDGE VS. ECHO SPUR RD. ELEV.

HOUSE RIDGES:	ECHO SPUR ELEV.:	DIFFERENCE:
GARAGE RIDGE:	7160'-0"	+12'-5"
MAIN GREAT RM RIDGE:	7171'-5"	+11'-5"
SECONDARY GREAT RM RIDGE:	7163'-6"	+3'-6"
ENTRY:	7169'-9"	+9'-9"
MASTER BEDROOM RIDGE:	7155'-10"	-1'-2"
MASTER CLOSET RIDGE:	7156'-10"	-3'-2"

ENLARGED SITE PLAN  
1/8" = 1'-0"







1 A2.1 BASEMENT LEVEL  
1/4" = 1'-0"



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1900 SEEMINGER DRIVE,  
SUTE 101  
PARK CITY, UT 84090  
(435) 615-6873

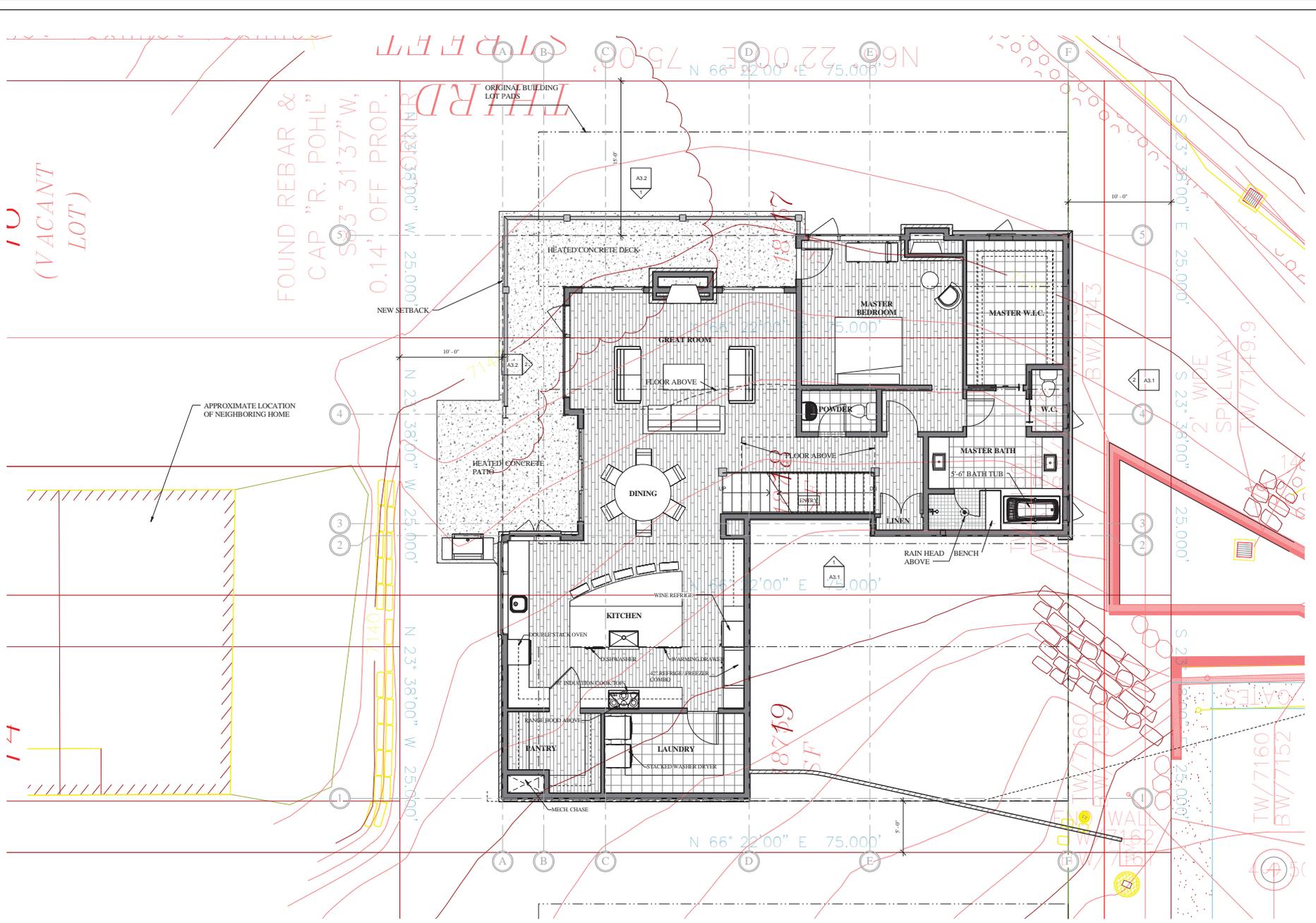
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**ECHO SPUR**  
489 MCHENRY AVE. PARK CITY, UT  
DEVELOPMENT/ECHO SPUR  
LOT 17-19  
PLAT 17-19

REVISION SCHEDULE  
DRAWN BY: DO  
PROJECT #: 17-19  
11/13/2012 4:12:07 PM  
SCALE: 1/4" = 1'-0"

**LOWER LEVEL**

A2.1



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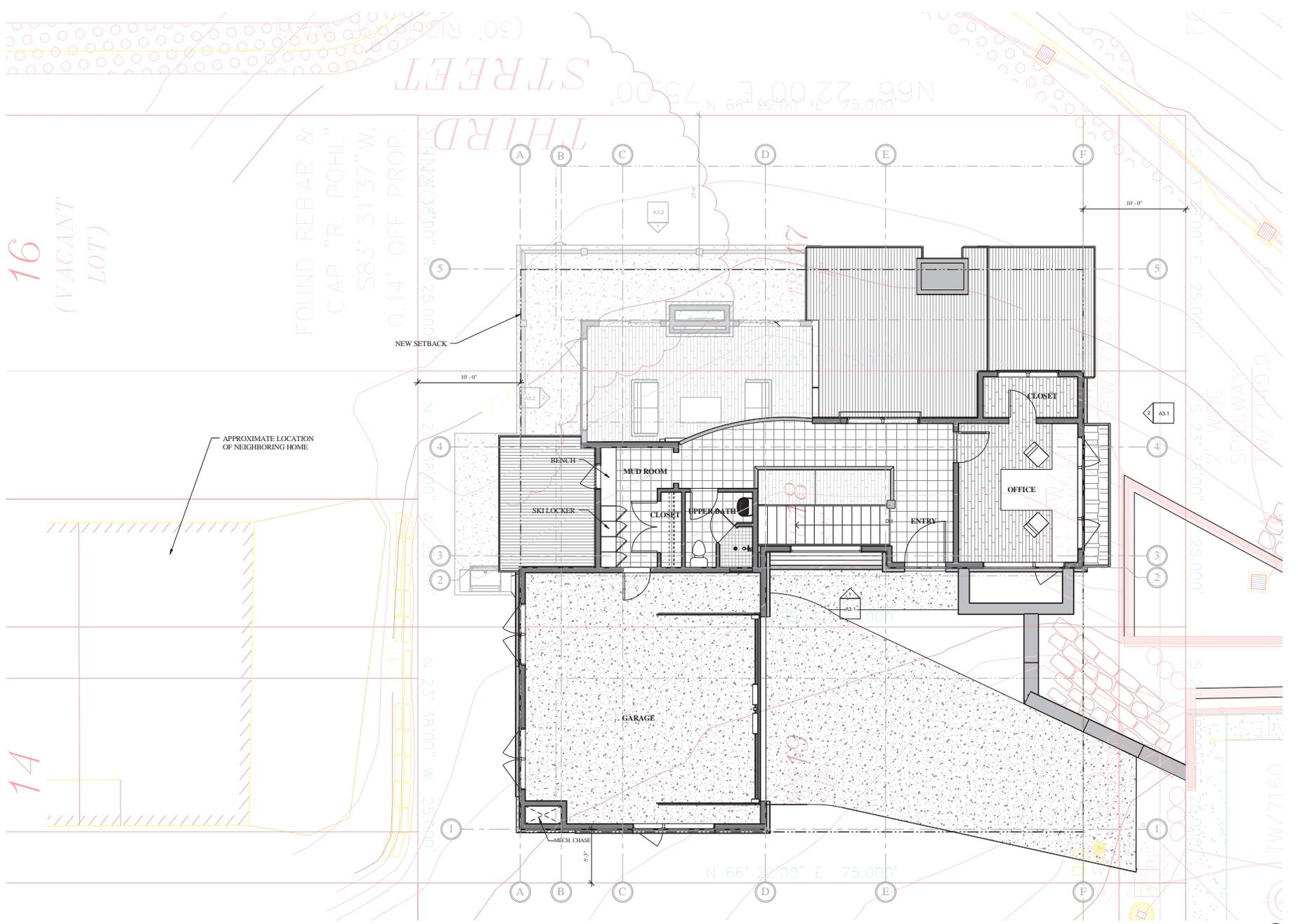
**ECHO SPUR**  
489 MCHENRY AVE. PARK CITY, UT  
DEVELOPMENT/ECHO SPUR  
LOT 17-19  
PLAT 17-19

REVISION SCHEDULE  
DRAWN BY: Author  
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**MAIN LEVEL**

**A2.2**





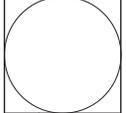
A2.3 UPPER LEVEL  
1/4" = 1'-0"



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**ECHO SPUR**  
489 MCHENRY AVE. PARK CITY, UT  
DEVELOPMENT/ECHO SPUR  
LOT 17-19  
PLAT 17-19

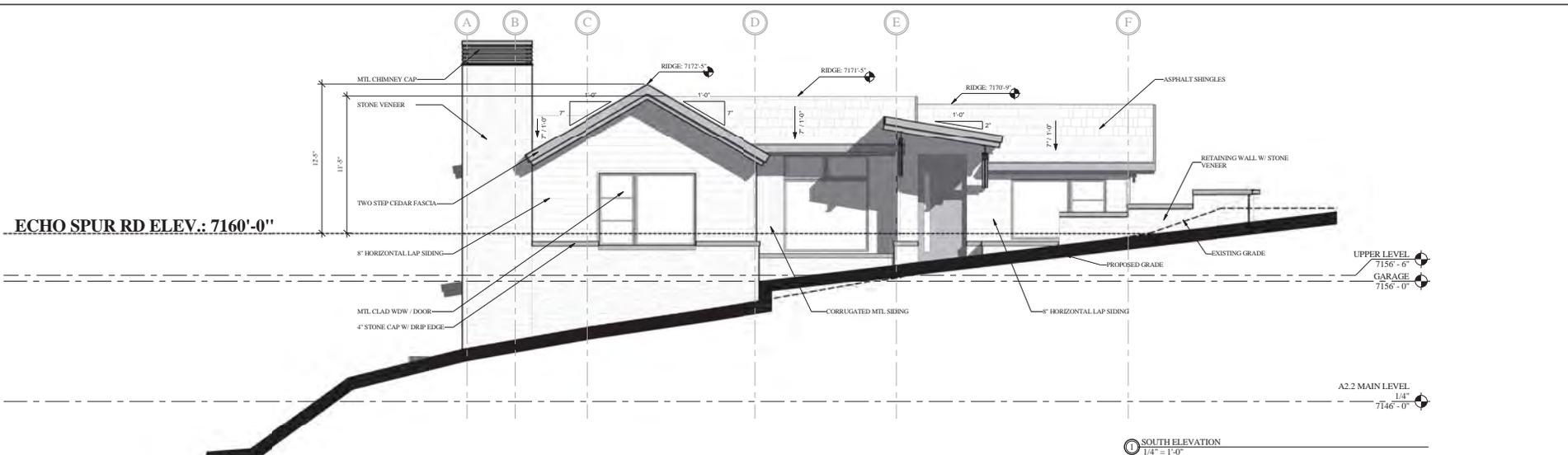
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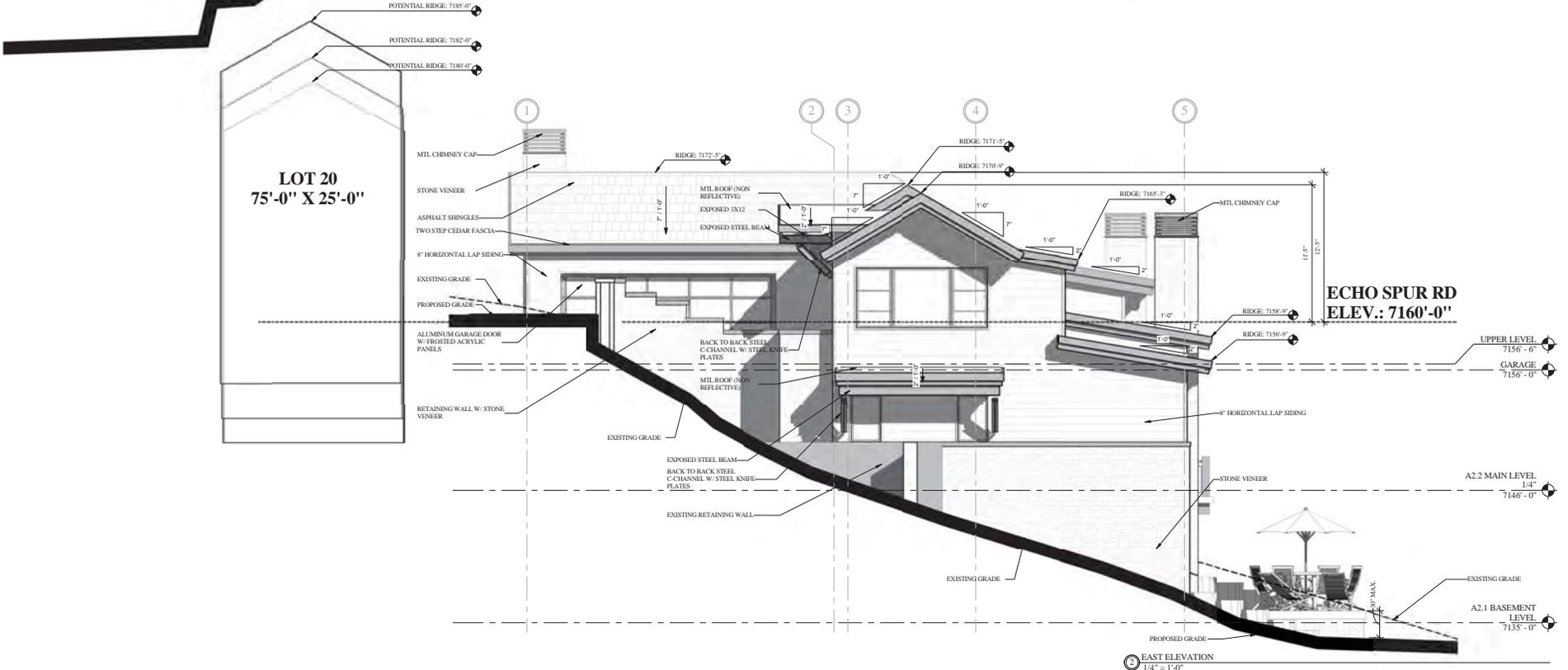
**UPPER LEVEL**

**A2.3**





① SOUTH ELEVATION  
1/4" = 1'-0"



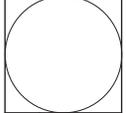
② EAST ELEVATION  
1/4" = 1'-0"



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1960 SIDWINDER DRIVE  
SUITE 101  
PARK CITY, UT 84090  
435.615.8873

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**ECHO SPUR**  
489 MCCHENRY AVE. PARK CITY, UT  
DESIGN ORNAMENT/ECHO SPUR  
PLAT: 17-19

REVISION SCHEDULE

DRAWN BY: Author  
PROJECT #: 17-19  
2/20/2013 1:38:12 PM  
SCALE: 1/4" = 1'-0"

Exterior Elevations

A3.1

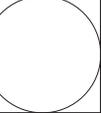




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**ECHO SPUR**  
489 MCHENRY AVE. PARK CITY, UT  
DESIGN ORIGINATOR: ECHO SPUR  
PLAT: 17-19

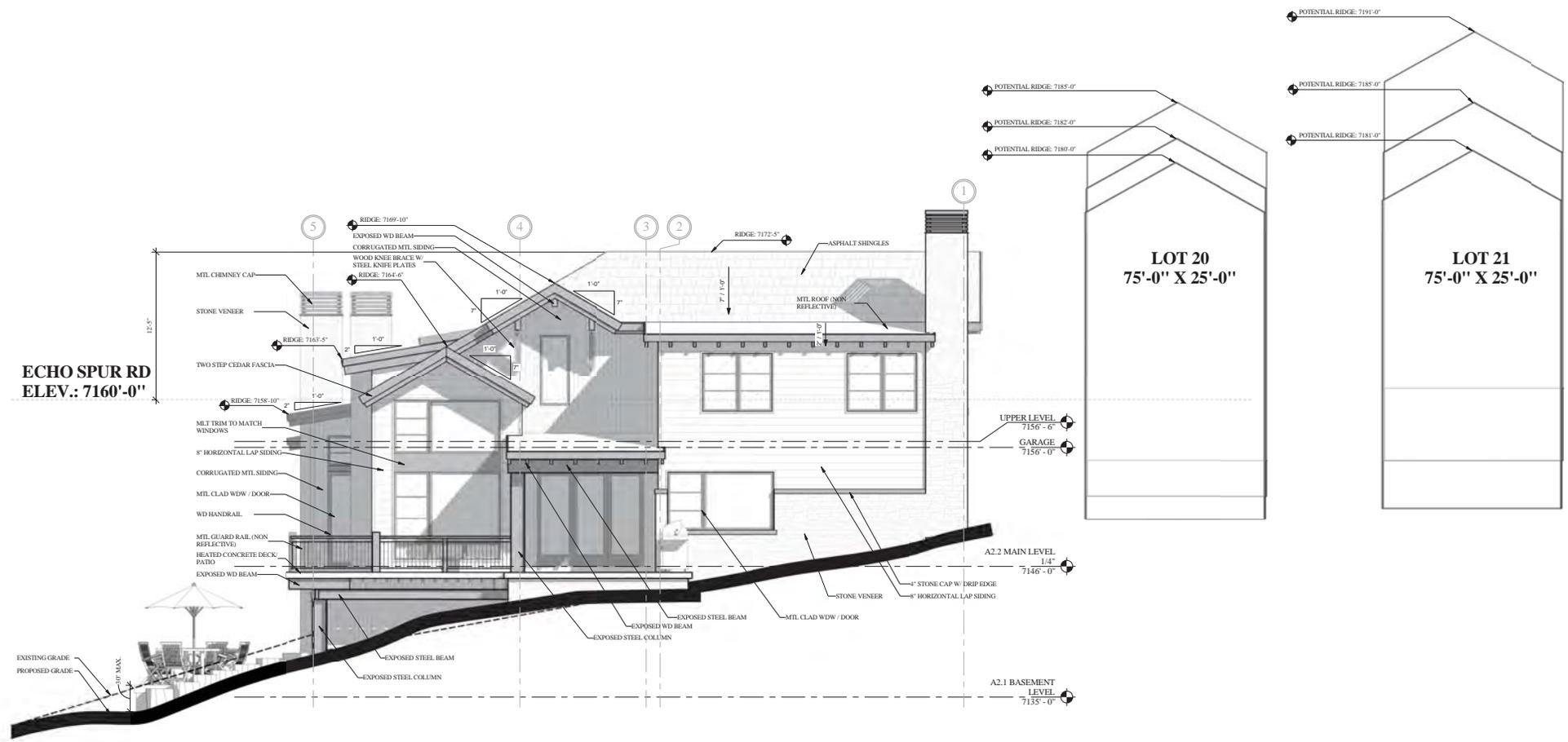
REVISION SCHEDULE

DRAWN BY: Author  
PROJECT #: 17-19  
2/20/2013 1:38:58 PM  
SCALE: 1/4" = 1'-0"

**EXTERIOR ELEVATIONS**

**A3.3**

ECHO SPUR RD  
ELEV.: 7160'-0"



1 WEST ELEVATION  
1/4" = 1'-0"



ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





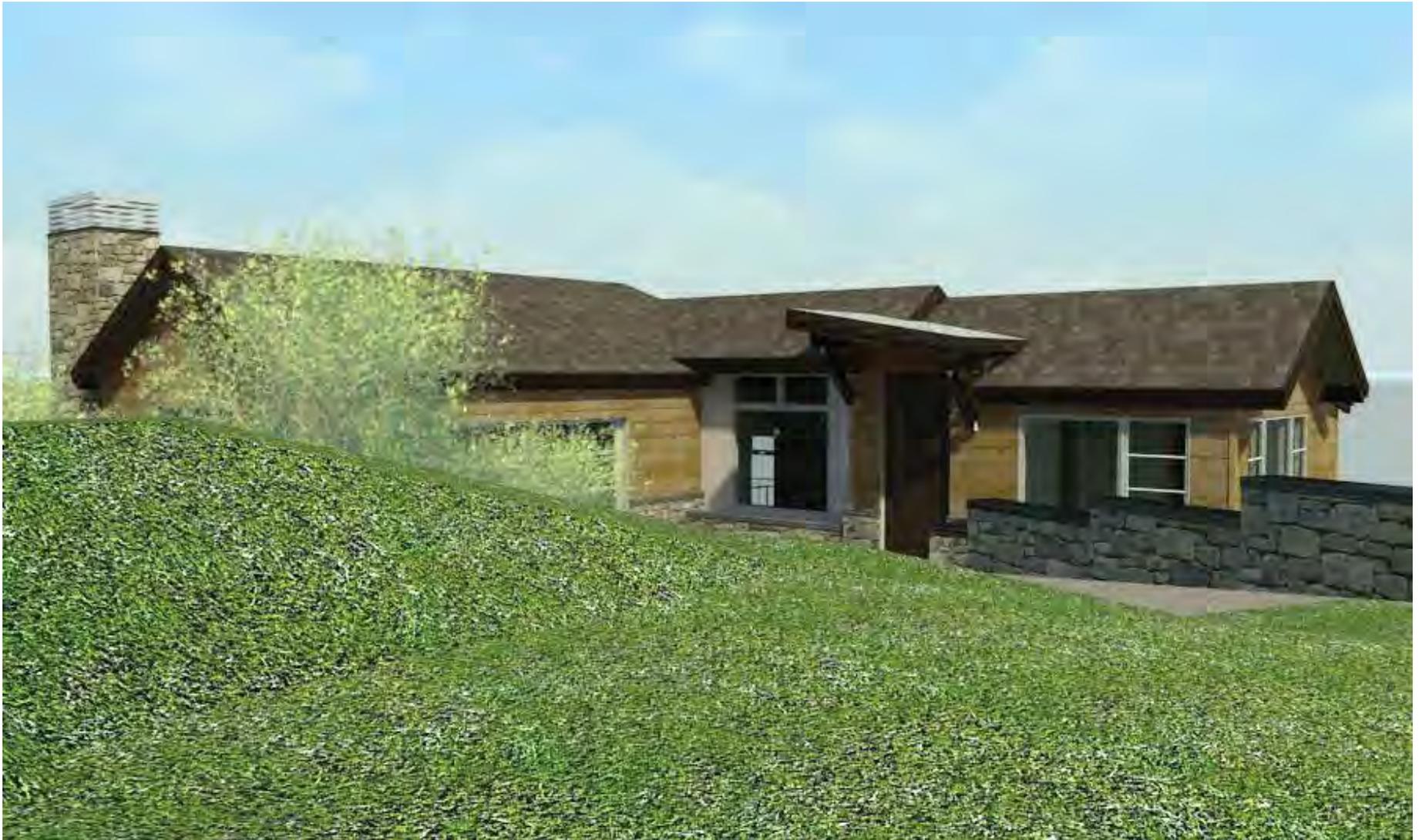
ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 1: EYE ELEVATION 7000'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 1: EYE ELEVATION 7000'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 2: EYE ELEVATION 7022'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 2: EYE ELEVATION 7022'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 3: EYE ELEVATION 7045'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**

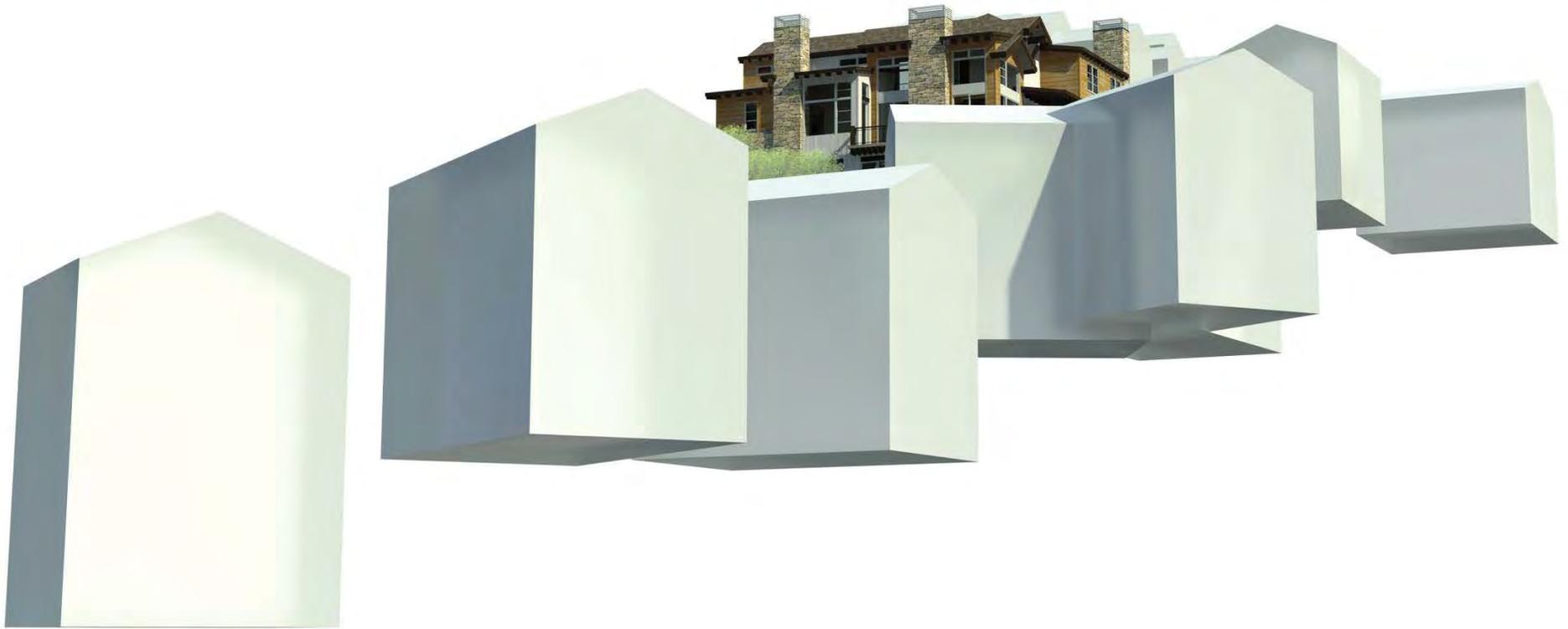




**ENLARGED ARTISTIC RENDERING-**

**PT 3: EYE ELEVATION 7045'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**

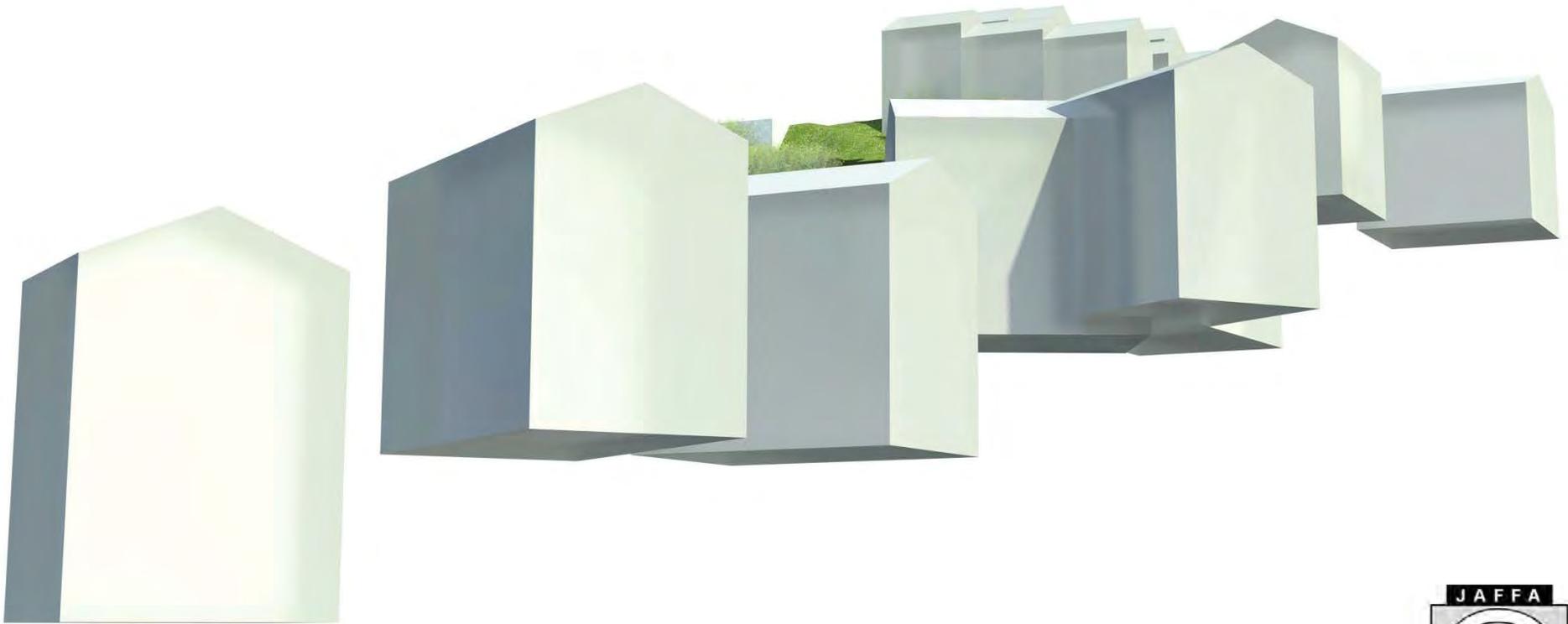




**ENLARGED ARTISTIC RENDERING-**

**PT 4: EYE ELEVATION 7066'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 4: EYE ELEVATION 7066'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 5: EYE ELEVATION 7082'-0"**  
**LANDSCAPE REPRESENTED WITH 8'-12' TREES**





**ENLARGED ARTISTIC RENDERING-**

**PT 5: EYE ELEVATION 7082'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 6: EYE ELEVATION 7097'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES





**ENLARGED ARTISTIC RENDERING-**

**PT 6: EYE ELEVATION 7097'-0"**  
LANDSCAPE REPRESENTED WITH 8'-12' TREES



**HISTORIC DISTRICT DESIGN REVIEW**

**SUBJECT: 491 ECHO SPUR**  
**JOB NUMBER: PL-12-01617**  
**AUTHOR: FRANCISCO ASTORGA**  
**DATE: OCTOBER 21, 2014**



**PLANNING  
DEPARTMENT**

<b>DESIGN REVIEW SUMMARY</b>	
<b>ZONING</b>	Historic Residential (HR-1)
<b>HISTORIC STATUS</b>	Non-historic Site
<b>DATE OF APPLICATION</b>	June 4, 2014
<b>APPLICATION DEEMED COMPLETE</b>	August 27, 2014
<b>OWNER</b>	Leeto Flou
<b>APPLICANT REPRESENTATIVE NAME</b>	Scott Jaffa
<b>TELEPHONE #</b>	435.615.6873
<b>E-MAIL ADDRESS</b>	scott@jaffagroup.com

<b>PROPOSED USE</b>	Residential
<b>SECONDARY USE (I.E. LOCKOUT APT)</b>	n/a
<b>STEEP SLOPE</b>	n/a
<b>LOT SIZE (MUST BE 1875 SQ FT OR MORE)</b>	5,625 square feet
<b>LOT FRONTAGE (MUST BE 25' OR MORE)</b>	75 feet
<b>LOT DEPTH</b>	75 feet

	<b>CODE REQUIREMENT</b>	<b>PROPOSED</b>
<b>BUILDING FOOTPRINT</b>	2,050 square feet	2,049 square feet, complies
<b>SETBACKS – FY/RV</b>	10 feet/10 feet, minimum	FY: 10 feet, complies. RV: 10 feet, complies.
<b>SETBACKS – SY</b>	South side: 5 feet min., North side: 15 feet min., per approved Plat.	South side: 5 feet, complies. North side: 15 feet, complies.
<b>ACCESSORY SETBACK</b>	n/a	n/a
<b>BUILDING HEIGHT</b>	27 feet, maximum	Various all under 27 feet, complies
<b>PARKING</b>	2 parking spaces	2 parking spaces

*The applicant proposes to build a single family dwelling on a vacant lot consisting of three (3) lots of record approved by the City Council on October 17, 2013. There are no historic structures located on Echo Spur as the street is vacant. The proposed structure is 2,701 square feet in terms of gross residential floor area. The proposed upper floor is 640 square feet in size. The proposed garage is 596 square feet in size. The main level is 1,865 square feet. The basement level which does not count as gross residential floor area is 2,017 square feet in*

*size. Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the proposal on October 21, 2014 pursuant to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:*

FINDINGS OF FACT

1. The property is located at 491 Echo Spur.
2. The property is located in the Historic Residential (HR-1) District.
3. The property, Lot A of the Lot 17, 18, and 19 Echo Spur Redevelopment Replat.
4. The lot contains 5,625 square feet.
5. A single-family dwelling is an allowed use in the HR-1 District.
6. The proposed structure is 2,701 square feet in terms of gross residential floor area.
7. The proposed upper floor is 640 square feet in size.
8. The proposed garage is 596 square feet in size.
9. The main level is 1,865 square feet.
10. The basement level which does not count as gross residential floor area is 2,017 square feet in size.
11. The maximum building footprint for the lot is 2,050 square feet.
12. The proposed structure building footprint is 2,049 square feet.
13. The minimum front/rear setbacks are ten feet (10').
14. The front/rear yard setbacks are ten feet (10').
15. The minimum south side yard setback is five feet (5')
16. The side yard setback on the south side is five feet (5').
17. The minimum north side yard setback is fifteen feet (15').
18. The side yard setback on the north side is fifteen feet (15').
19. The maximum building height is twenty-seven feet (27') from existing grade.
20. The proposed structure complies with the maximum building height and the other building height parameters.
21. The proposed use requires two off street parking spaces.
22. All of the Echo Spur lots on the west side of the street are vacant.
23. The application meets the Universal Guidelines for New Construction.
24. The application, as conditioned, meets the Specific Guidelines for Site Design, Primary Structures, Off-Street Parking Areas, Exterior Lighting, and Sustainability.
25. Guidelines related to Reconstruction of Non-Surviving Structures, Signs, Awnings, Accessory Structures, Mailboxes, etc., Supplemental Swede Alley Guidelines, and Main Street National Register Historic District Guidelines are not applicable to this application.
26. An application for a Historic District Design Review was received on June 4, 2014.
27. The property was properly posted and noticed for the public input period on August 27, 2014. Initial public input ended on September 10, 2014.
28. The application is subject to the Design Guidelines for New Construction in Park City's Historic Districts.

#### CONCLUSION OF LAW

1. The proposed dwelling complies with the Park City Historic District Design Guidelines, as conditioned.
2. The proposed dwelling complies with the Land Management Code requirements pursuant to the Historic Residential Density (HR-1) District.

#### CONDITIONS OF APPROVAL

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the building Department is a condition precedent to the issuance of any building permit.
2. Final building plans and construction details shall reflect substantial compliance with the drawings date stamped (approved) on October 21, 2014. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.
3. The architect/designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.
4. If a complete building permit has not been obtained by October 21, 2015, this HDDR approval will expire.
5. Construction waste should be diverted from the landfill and recycled when possible.
6. Lighting has 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 building permit issuance. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.
7. Gutter and downspouts locations have not been determined at this time. The style and details shall be submitted to the Planning Department for review prior to building permit issuance.
8. A preliminary landscape plan (site plan) has been submitted for review. The landscape plan shall also include an irrigation plan that includes heads, lines, valves, controller and backflow preventer with corresponding legend and key, if applicable. This revised landscape plan is to be reviewed and approved by the Planning Director prior to building permit

- issuance. The landscape plan shall also include shrubs along the south property line along the driveway to shield the two car garage from Echo Spur.
9. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
  10. 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.
  11. Exterior surfaces that are painted should have an opaque rather than transparent finish. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC products are recommended to be used.
  12. Prior to building permit issuance the contractor and architect will meet with the DRT (Design Review Team) to assure construction compliance with the approved HDDR (Historic District Design Review) set.
  13. All standard conditions of approval shall apply.
  14. All conditions of approval of Ordinance No. 13-39 authorizing the approved and recorded Plat Amendment shall continue to apply.
  15. All conditions of approval of the Steep Slope Conditional Use Permit for a new single-family dwelling authorizing construction over slopes thirty percent (30%) or greater approved by the Planning Commission on April 9, 2014 shall continue to apply.

#### **EXHIBITS**

##### Exhibit A – Standard Conditions

EXHIBIT A

**PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be

- reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
  8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
  9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
  10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
  11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
  12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval

- by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
  14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
  15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
  16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
  17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
  18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
  19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

# Historic Preservation Board Staff Report



**Subject:** Historic District Grant Program  
**Author:** Anya Grahn, Historic Preservation Planner  
Thomas Eddington, Planning Director  
**Department:** Planning, GI-12-00190  
**Date:** January 7, 2014  
**Type of Item:** Policy Review

## Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review the proposed requirements for improving the designation of a locally-designated Significant Structure to Landmark and provide additional criteria if necessary.

## Topic/Description:

With recent changes to government accounting rules (GASB), the City can no longer fund capital improvement projects with CIP funds for projects or assets the City does not own. Historic Preservation Grants fall into this category. In 2014, Staff began meeting with City Council and the Historic Preservation Board in order to develop a policy for the Historic District Grant Program. Currently, the grant program is “on hold” until City Council adopts a policy to administer the program. City Council will be reviewing the proposed policy on Thursday, January 8<sup>th</sup>.

Staff met with the Historic Preservation Board (HPB) on November 5, 2014, to discuss changes to the Historic District Grant Program. At that time, the HPB elected the following:

- Houses lived in by primary residents (those houses in which the homeowner or a renter lives in full time) be awarded up to 50% of their eligible costs, while homes which are to be used as secondary homes or nightly rentals (i.e. not lived in by the primary residents) be awarded up to 40% of eligible costs.
- Commercial properties will continue to be eligible for up to 50% of construction costs regardless of ownership.
- An additional 10% may be awarded to those property owners committed to renovating a significant structure in order to elevate its status to landmark.

Planning staff committed to work with the HPB to set required criteria for those unique cases where an owner committed to renovating a significant structure in order to elevate its status to landmark. City Council supported this and also recommended that the HPB develop criteria for these cases.

## Analysis:

Land Management Code (LMC) 15-11-10 defines the criteria for designating Landmark and Significant Sites to the Historic Sites Inventory (HSI). The table below outlines the differences between these two local designations for historical significance:

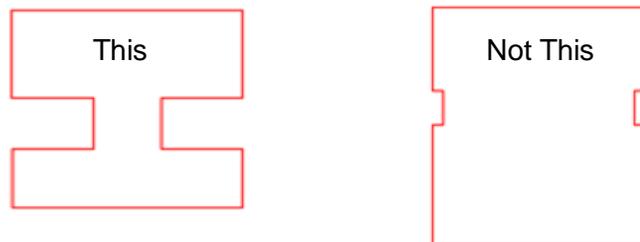
<p><b>Landmark:</b> Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:</p>	<p><b>Significant:</b> Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:</p>
<p>(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and</p> <p>(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and</p> <p>(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:</p> <ul style="list-style-type: none"> <li>(i) An era that has made a significant contribution to the broad patterns of our history;</li> <li>(ii) The lives of Persons significant in the history of the community, state, region, or nation; or</li> <li>(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.</li> </ul>	<p>(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and</p> <p>(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:</p> <ul style="list-style-type: none"> <li>(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the or a previous Owner, or</li> <li>(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or</li> <li>(iv) Moving it from its original location to a Dissimilar Location, or</li> <li>(v) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.</li> </ul> <p>(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:</p> <ul style="list-style-type: none"> <li>(i) An era of Historic importance to the community, or</li> <li>(ii) Lives of Persons who were of Historic importance to the community, or</li> <li>(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.</li> </ul>

*LMC 15-11-10(A)(3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.*

The major difference between the Landmark and Significant determinations is that Landmark structures are eligible for the National Register of Historic Places. Significant structures often have a number of alterations to their original materials and may even have non-historic alterations that detract from their Essential Historical Form. These changes diminish the historic integrity of these historic structures; however, in some cases, restoring original materials and removing non-historic additions may reestablish the historic integrity that has been lost.

Staff finds that a Significant structure may be restored to Landmark designation if the following are met:

1. The building shall not have been reconstructed, panelized<sup>1</sup>, relocated, or reoriented as part of the proposed or any previous renovations.
2. If a new basement addition is constructed, no more than six inches (6") of the new foundation should be visible from the public right-of-way. If a historic foundation previously existed, then any new foundation shall match the historic in material, texture, composition, and color. The height of the original foundation above Existing Grade shall be retained—the new foundation shall not be shorter or taller above Finished Grade than what previously existed. No new underground garages are permitted.
3. The transitional element used to connect the historic house to the new addition shall not consume more than twenty-five percent (25%) of the length of the historic wall. The length of the transitional element shall be fifty percent (50%) of the length of the two (2) sides of the historic building.



4. The footprint of the addition should not exceed fifty percent (50%) of the historic footprint.
5. The addition should not be visible from the primary right-of-way unless the property is a corner lot.
6. Any later additions to the roof form such as dormers, sky lights, or changes to roof pitch must be removed and the historic roof form restored.

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<sup>1</sup> Landmark structures, which are typically eligible for the National Register of Historic Places, often do not retain their historic integrity following panelization. The High West Garage is one of the few structures to be listed on the National Register following panelization; however, this form of reconstruction did not significantly alter the historic floor plan of the structure. In this instance, panelization maintained the overall form of the building and much of its historic material. Many panelized houses, however, no longer retain their historic integrity due to the loss of interior walls.

7. Porch posts, railings, and materials shall be restored based on sufficient documentation.
8. Window and door openings and configurations on primary and secondary facades shall be restored based on sufficient documentation.
9. The existing grade shall be substantially unchanged following the project.
10. Following completion of the project and issuance of a Certificate of Occupancy, but prior to grant payout, staff will return to the Historic Preservation Board with a Determination of Significance to ensure that the project meets the criteria in which to be designated a Landmark Structure.

**Department Review:**

This report has been reviewed by the Planning and Legal Departments.

**Consequences of not taking the recommended action:**

If we do not take the recommended action, we will not have a clear set of criteria in which to determine whether or not a Significant structure has been elevated to Landmark status.

**Recommendation:**

Staff recommends the Historic Preservation Board (HPB) review the proposed requirements for improving the designation of a locally-designated Significant Structure to Landmark and provide additional criteria if necessary.



## Historic Preservation Board Staff Report

**Subject:** Temporary Winter Balcony Enclosures  
**Author:** Anya Grahn, Historic Preservation Planner  
**Department:** Planning Department  
**Date:** January 7, 2014  
**Type of Item:** Work Session

### Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

### Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1<sup>st</sup> through April 30<sup>th</sup>). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

### Background:

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program. The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks. Staff met with City Council on November 13, 2014, to discuss this program and expressed their concern for these balcony enclosures; City Council directed staff to meet with the HPB for feedback on this program.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. LMC 15-2.6-3(D) specifically states that "Balconies . . . may not be enclosed." Should City Council decide to pursue a seasonal balcony enclosure program, the LMC will need to be amended to allow for temporary balcony enclosures. Property owners are required to provide insurance for their balconies.

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs

for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

Business Name:	Address:	Use:	Historic Designation:	Admin CUP for Outdoor Dining
TMI	255 Main St	Multiple	Not Historic	No
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
Berkshire Hathaway Home Services	354 Main St	Real Estate	Significant	No
Burns Cowboy Shop	361 Main St	Retail	Landmark	No
Woodbury Jewelers	421 Main St	Retail	Not Historic	No
Flannagans	438 Main St	Restaurant	Landmark	No
Robert Kelly Home	449 Main St	Retail	Significant	No
501 on Main	501 Main St	Restaurant	Not Historic	<i>Under review</i>
The Expanding Heart	505 Main St	Retail	Not Historic	No
The Cunningham Building	537 Main St	Office	Not Historic	No
River Horse	530-540 Main St	Restaurant	Landmark (Balcony is on the addition)	Yes
Quicksilver	570 Main St	Retail	Not Historic	Yes
Wahso	577 Main St	Restaurant	Not Historic	Yes
Gaucha/Above Condo	591 Main St	Retail/Residential	Significant	No
Destiny	608 Main St	Retail	Not Historic	No
Montgomery Life Fine Art	608 Main St	Retail	Not Historic	No
Condos	613 Main St	Residential (2 <sup>nd</sup> level)	Not Historic	No
Condos	614 Main St	Residential (2 <sup>nd</sup> level)	Not Historic	No
Summit Sotherby's International Realty	625 Main St	Residential/Realty	Not Historic	No
Bahnhof Sport	639 Main St.	Retain	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

### Analysis:

A balcony is a platform that projects from the wall of a Building and is enclosed by a railing, parapet, or balustrade. It typically does not have a roof. Usually, balconies are incorporated into the design of a building for functional and aesthetic reasons. In some cases, the balcony offsets the massing of the commercial building while embellishing the façade of the structure with additional architectural detailing. The balcony is one of the most visible elements of the building and significantly contributes to the style, appearance, and relationship of the structure to the streetscape.

Balconies traditionally serve as open-air spaces. They are an extension of the interior yet provide a clear transitional space between the private interior spaces and public

exterior spaces of the building. Balconies are an outside room during warm weather and provide a covered entrance to the lower level during adverse weather conditions.

Staff's professional opinion is that the enclosure of this space—even temporarily during the winter months—changes the historic character of the Main Street district as a whole. The enclosure of balcony spaces substantially alters the architectural design of the building, light and shade of the building design, and the rhythm and pattern of the streetscape. The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio. On historic structures, the balcony enclosure would obscure and detract from historic details of the balcony and the corresponding historic building. In other cases, balconies that were not originally designed to meet the requirements of interior spaces and enclosures may require substantial structural changes and reconstruction.

#### *Design Guidelines for Historic Districts and Historic Sites*

Staff does not believe that the seasonal enclosures of balconies over Main Street complies with the current *Design Guidelines for Historic Sites and Structures*.

Planning Staff's professional opinion is that the enclosure of the balconies detracts from the historic "western" appearance of our Mining Era Main Street. The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district. These enclosures would change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way. By extending beyond the front plane of the façade, these seasonal balcony enclosures would also be blocking the views of neighboring historic buildings when looking up or down Main Street. Park City's Main Street is characterized by in-line facades with limited breaks in their massing. Staff finds that building over the balconies would break the well-articulated street wall along the sidewalk and will greatly disrupt the continuity of the street wall.



**Scenario 1.** *The balcony projects over Main Street adding interest to the street wall overall, but the balcony is also transparent and does not impede the view of the neighboring historic buildings.*



**Scenario 2.** *The seasonal enclosure extends over the city right-of-way. On the second level, the enclosure disrupts the continuity of the street wall and blocks the view of the Park City Museum.*

The Design Guidelines specify that new additions on historic buildings be visually subordinate to the historic building from the primary public right-of-way, including incorporating rooftop additions that are not visible from the street. The guidelines also recommend that the new addition does not obscure or significantly contribute to the loss of historic materials. Staff finds that these balcony enclosures are a very visible addition to the existing structure, conceal historic building facades, and threaten historic materials.

Staff is concerned that the annual construction and removal of the balcony enclosures will be detrimental to historic building materials. Nails, screws, sealants, and other materials used at connections will leave behind holes, scratches, stains, and other signs of damage on the historic materials that will need to be patched and repaired annually when the enclosure is removed. Staff finds that this will intensify normal wear and tear on historic materials and cause the materials to deteriorate faster.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Most buildings would not be permitted to add a new door to access their non-historic balcony. As new doors and balconies would not be permitted to be constructed without a Historic District Design Review (HDDR) approval and permission from City Council to construct over the public right-of-way, staff finds that only a limited number of balcony enclosures would be permitted for those decks already existing.

Staff has met with the Legal, Building, Finance, and Engineering Department to identify other issues that will need to be addressed in order to establish this program. These include:

- The applicant must submit a full architectural and engineering plan to the Building Department that addresses energy efficiency, structural loads on the cantilevered deck, emergency egress plans, seating plan, weather proofing, electrical plans, etc. Additional electrical upgrades must be permanent and electrical outlets will need to be concealed from the view of the public right-of-way.
- The applicant will also need to provide a snow shed plan. Snow will need to be retained on the roof and the applicant shall show how the melted snow will be diverted to the public way without draining across the sidewalk.
- Building permits will be required for the assembly and disassembly of the seasonal balcony enclosures.
- Increased water and sewer impact fees will require Snyderville Basin Water Reclamation District sign-off.
- There will be increased fees for business licensing due to the additional square footage.
- Additional fire safety requirements will require approval by Park City Fire District.

- The applicant will assume all liability for the seasonal enclosures and need to provide insurance for the balcony and enclosure.

***Is the HPB supportive of the seasonal enclosure of restaurant balconies during the winter months?***

*Developing a program similar to summer dining decks*

In order to accommodate such a program, the Design Guidelines and the Land Management Code (LMC) will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies. LMC 15-2.6-3(D) Balconies should be amended to state:

(D) BALCONIES. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18”) square and are allowed no closer than thirty-six inches (36”) from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10’) from the sidewalk and may not be enclosed permanently. Temporary seasonal balcony enclosures may be appropriate on some structures. With reasonable notice, the City may require a Balcony be removed from City property without compensating the Building Owner.

If City Council supports temporary balcony enclosures, than Staff recommends altering the following guidelines to specify that these guidelines are not impacted by temporary structures:

*Design Guidelines for Historic Sites in Park City:*

MSHS1. The proposed project must not cause the building or district to be removed from the National Register of Historic Places. Temporary structures are not subject to review of the National Register of Historic Places.

MSHS8. Temporary winter balcony enclosures are reviewed by the program’s criteria and are not addressed by these Specific Design Guidelines.

*Design Guidelines for New Construction in Park City’s Historic Districts*

MSNC1. New construction in the Main Street National Register Historic should be approved only after it has been determined by the Planning Department that the proposed project will not jeopardize the integrity of the surrounding Historic Sites. Temporary structures are not subject to review of the National Register of Historic Places.

MSNC9. Temporary winter balcony enclosures are reviewed by the program’s criteria and are not addressed by these Specific Design Guidelines.

Should the HPB believe such enclosures are appropriate along Historic Main Street, staff finds that there need to be some basic guidelines in order to protect the historic

integrity of the Main Street Historic District. Staff is recommending that the HPB review and provide feedback on the following proposed guidelines for balcony enclosures:

#### General Requirements for Balcony Enclosures

1. The enclosure must be constructed on a balcony on Main Street.
2. There may be times when it is not appropriate to enclose a balcony due to the unique historic character and architectural detailing of the historic building.
3. The applicant must demonstrate that the temporary enclosure will not damage the existing façade and/or side walls with repeated attachment and detachment.
4. The enclosure and balcony should respect the architectural style of the building.
5. The enclosure should retain existing railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
6. The existing exterior wall may not be removed seasonally in order to accommodate the balcony enclosure.
7. The enclosure must not block existing door and window openings on neighboring buildings.
8. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and material as those used for the glazing frames of the building.
9. Draperies, blinds, and/or screens must be located in a traditional manner above doors and windows. Draperies, blinds, and/or screens should not be used within the balcony enclosure if they increase the bulk appearance of the enclosure. The use of these must blend with the architecture of the building and should not detract from it. Materials should be high-quality, colorfast, and sunfade resistant.
10. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
11. The enclosure must have direct access to the restaurant's dining area.
12. The design must address snow shedding.
13. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require the approval of City Council.
14. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
15. Any new signage will require a Sign Permit application.

***Does the Historic Preservation Board approve of these proposed Design Guidelines for Balcony Enclosures? Are there any other Design Guidelines that should be incorporate?***

**Recommendation:**

Staff recommends the Historic Preservation Board (HPB) review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April) as well as proposed Design Guidelines, and the HPB make recommendations to City Council.

**Exhibits:**

Exhibit A – City Council Staff Report and Minutes

Exhibit B – HPCA input for balcony enclosures

Exhibit C – Additional renderings of proposed enclosure at Riverhorse



## City Council Staff Report

**Subject:** Temporary Winter Balcony Enclosures  
**Author:** Anya Grahn, Historic Preservation Planner  
**Department:** Planning Department  
**Date:** November 13, 2014  
**Type of Item:** Work Session

### Summary Recommendations:

Staff recommends City Council review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November through April). If City Council wishes to pursue a winter balcony enclosure program similar to the summer Street Dining on Main program, then City Council should provide direction to staff for moving forward.

### Topic/Description:

The Riverhorse on Main wishes to construct a temporary, seasonal enclosure on their balcony that would provide additional restaurant space during the winter months (November 1<sup>st</sup> through April 30<sup>th</sup>). They believe other restaurants on Main Street would also benefit by having the ability to enclose their balconies, and the Riverhorse has proposed that City Council develop a seasonal program similar to Street Dining on Main—the dining deck program.

### Background:

Riverhorse on Main submitted a Conditional Use Permit (CUP) application on September 13, 2013, to construct a "temporary" six (6) month structure that would enclose their balcony over the City right-of-way during the winter months. Staff found that though the structure would only be up during the winter months, the enclosure of balcony space over city-owned property detracted from the historic character of Main Street and would have recommended to the Planning Commission denial of a temporary structure that would be in place longer than fourteen (14) days and more than five (5) times per year. The applicant and staff agreed to defer the hearing before the Planning Commission in order to get direction from Council on this larger policy discussion.

On September 18, 2014, Seth Adams of the Riverhorse presented to City Council his concept for a winter balcony enclosure program (see Exhibit A for meeting minutes). The applicant requested that property owners be permitted to enter into a lease agreement with the City for the enclosure of balcony space above the City right-of-way (ROW). This program would be similar to Street Dining on Main's summer dining decks.

There are approximately twenty-one (21) balconies on Main Street that extend over the City ROW. Of these, seven (7) are constructed on historic buildings, but only one (1) balcony is historic (361 Main Street). Land Management Code (LMC) 15-2.6-3 requires

that no balcony projecting over City ROW may be erected, re-erected, located or relocated, enlarged, or structurally modified without first receiving approval from City Council. Finally, LMC 15-2.6-3(D) specifically states that “Balconies . . . may not be enclosed.”

Additionally, the LMC requires that the property owner submit a certificate of insurance or continuous bond protecting the owner and the City against all claims for personal injuries and/or property damage. Should the balcony encroach over the Public ROW, the owner is required to enter into an encroachment agreement with the City Engineer. Currently encroachment agreements exist for only two (2) balconies—255 and 530 Main Street. (City Engineer Matt Cassel has been diligent about obtaining encroachment agreements as they come up. It is unclear why they were not consistently attained in the past.)

Outdoor dining is a conditional use in the Historic Commercial Business (HCB) District for restaurants. Any outdoor dining must be approved through an Administrative Conditional Use Permit (Admin-CUP). Riverhorse and Wahso both have Admin-CUPs for their outdoor dining for summertime balcony dining. No other restaurants currently have approvals.

The following chart outlines the location, historic designation, and existence of Admin-CUPs for the existing balconies:

<b>Business Name:</b>	<b>Address:</b>	<b>Use:</b>	<b>Historic Designation:</b>	<b>Admin CUP for Outdoor Dining</b>
TMI	255 Main St	Multiple	Not Historic	
Red Banjo Pizza	322 Main St	Restaurant	Landmark	No
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Bahnhof Sport	639 Main St.	Retail	Not Historic	No
Town Lift Condominiums	693 Main St	Commercial/Residential	Not Historic	No
Caledonian Hotel	751 Main St	Commercial	Not Historic	No

**Analysis:**

*Design Guidelines for Historic Districts and Historic Sites*

Staff does not believe that these seasonal enclosures of balconies over Main Street complies with the *Design Guidelines for Historic Sites and Structures* and conflicts with our goals for historic preservation.

Planning Staff’s professional opinion is that the enclosure of the balconies detracts from the historic “western” appearance of our Mining Era Main Street. The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district. These enclosures would change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way. By extending beyond the front plane of the façade, these seasonal balcony enclosures would also be blocking the views of neighboring historic buildings when looking up Main Street. Park City’s Main Street is characterized by in-line facades with limited breaks in their massing. Staff finds that building over the balconies would break the well-articulated street wall along the sidewalk and will greatly disrupt the continuity of the street wall.



**Scenario 1.** *The balcony projects over Main Street adding interest to the street wall overall, but the balcony is also transparent and does not impede the view of the neighboring historic buildings.*



**Scenario 2.** *The seasonal enclosure extends over the city right-of-way. On the second level, the enclosure disrupts the continuity of the street wall and blocks the view of the Park City Museum.*

These balcony enclosures also threaten the historic integrity of historic commercial buildings. Staff finds that the proposed enclosures do not meet the *Design Guidelines for Historic Sites*. The construction of the enclosures would require the enclosure to be constructed atop historic exterior materials. Depending on the materials and the

connection, this construction could severely impact and damage the historic materials, components, finishes, and examples of craftsmanship.

Staff also finds that the proposed balcony enclosures will visually modify or alter the original building design. The majority of historic buildings with existing balconies already have second-level doors accessing the balcony; however, these doors are not original to the building. Flannigan's at 435 Main Street, for instance, would not be permitted to add a new door to access their balcony.

As will be discussed further in the next section, the Building Department will require the temporary enclosures to be constructed as permanent structures. Not only will this cause substantial damage to the historic building materials, but it will also require extensive restoration work to patch any damage made while connecting the new enclosure to the historic building. This may threaten the historic integrity of the building.

Should City Council wish to pursue the seasonal enclosures, staff would need to revise the Design Guidelines; however, staff believes that these seasonal enclosures conflict with our goals to preserve the historic character of Main Street. Should staff deny an individual application for a balcony enclosure HDDR because it does not meet the Design Guidelines, the applicant could appeal staff's determination to the Historic Preservation Board (HPB).

#### *Land Management Code & International Building Code*

The Land Management Code (LMC) was revised to address the duration of temporary structures in 2009. At that time, there were several temporary structures located on hotel properties in town that had been approved as temporary structures, but were left standing in virtual perpetuity. To ensure this trend would not continue, new duration parameters were adopted in 2009.

The LMC defines a temporary improvement as a structure built or installed, and maintained during the construction of a development, or during a special event or activity and then removed prior to release of the performance guarantee. Staff finds that the proposed balcony enclosures meet the definition of a temporary improvement, BUT extend beyond the duration of construction activity or a special event or activity as currently allowed by code. The winter season is not a special event.

The LMC stipulates that:

- All temporary structures greater than 200 square feet in floor area must submit structural calculations, wind load information, fire ratings, etc.
- A building permit is required for temporary structures greater than 200 square feet in area, or as determined by the Chief Building Official upon review of size, materials, location, weather, and proposed use.
- Temporary structures, such as tents, in no case may be installed for a duration longer than 14 days and for more than five (5) times per year on the same property or site, unless a longer duration or greater frequency is approved by the

Planning Commission consistent with the Conditional Use Criteria or as approved by City Council as part of a Master Festival.

\*There have been instances where a temporary structure has been approved to stay up for greater than 14 days. Most recently, in 2013, the Planning Commission approved a Conditional Use Permit (CUP) at the Montage to allow for the construction of temporary structures for up to 15 times per year of which 4 structures would be allowed for a maximum of 60 days due to the high frequency of weddings and outdoor parties. The yurt at Park City Hotel was approved in 2007 for an extended duration for the benefit it provide to cross-country skiers, and the tent at the Yarrow Hotel was also approved to for up to twice (2) per year and a maximum of 180 days (i.e. the tent could be up 180 days consecutively, up to two (2) times per year)

The intent of this provision in the code was to allow events to run together if necessary, but each 14 day period would count toward the total allowed amount of five (5) times per year, or 70 days total. This limits temporary structures, such as tents, from standing indefinitely by allowing them to stand for only 70 days per year. The Planning Commission, however, may approve a longer duration or greater frequency through a Conditional Use Permit (CUP).

Permits have been issued in the past to permit temporary tent structures in order to allow restaurants additional tempered space on its balcony and permit wintertime use during special events, such as Sundance. During these special events and Master Festivals, tents have been approved through Administrative Conditional Use Permits (Admin-CUP). Tents are typically held in place on the balcony by water ballasts, heated by propane, and lit internally to meet the International Building Code (IBC). The duration of the tent has not exceeded fourteen (14) days.

Riverhorse hopes to imitate the success of their tent's use during special events by constructing a temporary 180-day enclosure on the balcony from approximately November 1<sup>st</sup> through April 30<sup>th</sup> that would promote winter-time use. The temporary enclosure would add approximately 350 square feet of restaurant space on the balcony and seat approximately twenty (20) patrons, or about five (5) tables of four (4). Given the duration of the proposed enclosure (180 days), staff finds that such a structure would be a permanent fixture during the winter season and should comply with the Historic District Design Guidelines.

As previously noted, LMC 15-2.6-3 (D) specifies that Balconies may not be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of City Council. It goes on to specify that "Balconies...may not be enclosed." Staff finds that this proposal is in direct opposition to the current LMC. The LMC does not make exception for temporary, seasonal structures. The LMC would need to be amended in order to allow for balcony enclosures.

### International Building Code

The International Building Code (IBC) defines temporary as less than 180 days. In reviewing the Riverhorse's proposal, the Building Department found the following requirements will impact temporary winter balcony enclosures:

- Fire sprinklers
- Exits within fifty feet (50')
- Lighting and ventilation
- Engineering for live loads, wind, roof capacity
- Fire separation on windows and roofing
- Snow shedding on public right-of-way (Main Street)
- Energy efficiency

Any temporary structure greater than 200 square feet in area would require a building permit. The balcony enclosure would have to be constructed as a permanent structure in order to meet the International Building Code, making it difficult and costly to construct and take down seasonally.

### Other Concerns

In meeting with our Development Review Committee—comprised of the Building, Engineering, Public Works, Water, Legal, Snyderville Water Reclamation District (SBWRD), Fire District, and Sustainability Departments—the group identified other potential issues such as:

- Increased use of sewer and water
- Parking demands generated by additional tables within enclosures
- Increased strain on city resources for reviewing and monitoring enclosures
- Encroachment agreements for construction over city right-of-way
- Insurance and liability

### Developing a program similar to summer dining decks

Riverhorse has suggested that the winter balcony enclosures could be approved through a program similar Summer Dining on Main. Overall, staff is not in support of the balcony enclosures; however, if City Council wished to pursue the balcony enclosures, staff has compared and contrasted the two programs and has found:

- The Summer Dining on Main program was developed to promote street activity and outdoor dining on Main Street. Though the dining decks are not subject to a complete Historic District Design Review application, the Design Guidelines are applicable to the project. The dining decks are required to complement the style of the existing building with which they are associated.
- Similar to the dining deck program which operates six (6) months from May through October, the proposed winter balcony enclosure program could operate approximately six (6) months from November through April.

- Currently, the dining deck program charges \$550 per parking space of 20 feet. This was calculated based upon the loss amount of funds generated by the parking space during the summer season. Staff finds that it would be appropriate to request a rental rate similar to that of commercial square footage as the seasonal enclosure would expand the gross floor area of the commercial space. This is roughly \$42-\$60 per square foot annually, before Common Area Maintenance (CAM) fees. (This equates to approximately \$3.50 to \$5 per square foot monthly, before CAM fees.) Using the Riverhorse as an example, the rental income generated for the City would be approximately \$1,225 to \$1,750 per month for a balcony enclosure that is roughly 350 square feet in area.
- Currently, the dining decks are only permitted to those restaurants that serve lunch and dinner seven (7) days a week as long as the structure exists in the right-of-way (ROW). This promotes activity on the street. Staff finds that the balcony enclosures do not promote street activity and thus, there would be no need to limit the enclosures to only restaurants or to only businesses that are open seven (7) days per week.
- The Dining Deck Program requires the City to give a minimum of 72 hour notice to dining deck owners so that the decks may be removed to allow for street improvements. Staff finds that it is unlikely that any street improvements would be occurring during the winter months; however, in case of such an instance, it may be difficult to remove the balcony enclosure on such short notice if it is constructed as a “temporary” permanent feature. Such a provision could be part of the standard contract language.
- The code does not allow any improvements or permanent alterations to be made to City property without City Council consent. Staff finds that many of the existing balconies would need to be restructured in order to carry the load of a seasonal balcony enclosure. This would require City Council review and consent.
- No signs are permitted on the dining decks, except as approved by the Planning Department. Staff finds that no existing signs would be obstructed by the balcony enclosures; however, any new signs would be approved through a Sign Permit.
- Insurance is required for the dining decks, and the LMC stipulates that property owners insure their balconies. The enclosures would also require insurance.
- Snow shed issues onto sidewalk or parking areas on Main Street must be resolved prior to construction and approved by the Chief Building Official.
- The Design Guidelines and the Land Management Code will need to be amended in order to allow for the temporary, seasonal enclosure of the balconies.

In summary, staff has created a following chart to document the pros and cons of such a wintertime program:

Pros:	Cons:
<ul style="list-style-type: none"> <li>• Rental income generated by balconies up to \$3.50-\$5.00 per square foot per month.</li> <li>• Expansion of Main Street businesses during peak occupancy during the winter</li> <li>• Extended use of balconies during the winter season</li> </ul>	<ul style="list-style-type: none"> <li>• Does not comply with the Design Guidelines for New Construction as the new enclosures will disrupt the rhythm and patterning of the street wall.</li> <li>• Does not comply with the Design Guidelines for Historic Sites as the construction of the enclosure will likely damage historic, exterior building materials</li> <li>• It will be difficult to design an aesthetically-pleasing enclosure that meets the International Building Code’s requirements for fire safety, live loads, etc.</li> <li>• Snow shed issues will have to be addressed to avoid shedding onto sidewalks and parking areas.</li> <li>• Increased use of sewer and water</li> <li>• Increased parking demands</li> <li>• Increased strain on city resources and staff time for reviewing and monitoring the enclosures</li> <li>• The Design Guidelines and Land Management Code would need to be amended to allow for balcony enclosures.</li> </ul>

**Significant Impacts:**

Staff finds that the enclosure of the balconies during the winter months would have a significant impact on the historic integrity of Main Street. In addition to opposing the enclosures due to aesthetic values, staff finds that the enclosures would require

additional inspections by the Building Department, cause greater water demands, and etc.

	<b>World Class Multi-Seasonal Resort Destination</b> <b>(Economic Impact)</b>	<b>Preserving &amp; Enhancing the Natural Environment</b> <b>(Environmental Impact)</b>	<b>An Inclusive Community of Diverse Economic &amp; Cultural Opportunities</b> <b>(Social Equity Impact)</b>	<b>Responsive, Cutting-Edge &amp; Effective Government</b>
Which Desired Outcomes might the Recommended Action Impact?	<ul style="list-style-type: none"> <li>~ Varied and extensive event offerings</li> <li>+ Accessibility during peak seasonal times</li> <li>~ Multi-seasonal destination for recreational opportunities</li> </ul>	<ul style="list-style-type: none"> <li>- Effective water conservation program</li> <li>- Reduced municipal, business and community carbon footprints</li> <li>- Enhanced conservation efforts for new and rehabilitated buildings</li> </ul>	<ul style="list-style-type: none"> <li>- Preserved and celebrated history; protected National Historic District</li> <li>~ Cluster development while preserving open space</li> <li>~ Shared use of Main Street by locals and visitors</li> <li>~ Community gathering spaces and places</li> <li>- Primarily locally owned businesses</li> </ul>	<ul style="list-style-type: none"> <li>~ Fiscally and legally sound</li> <li>~ Streamlined and flexible operating processes</li> </ul>
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Neutral 	Negative 	Neutral 	Neutral 
<b>Comments:</b>				

**Consequences of not taking the recommended action:**

Should City Council find that they would like to pursue this topic further, staff recommends that they receive input from the Historic Preservation Board (HPB) regarding compliance with the Design Guidelines. If the HPB supported the enclosures, staff would then return to City Council with a proposed lease agreement and policy for the program as well as a summary of the HPB's comments.

**Recommendation:**

Staff recommends that City Council support staff's decision that the seasonal enclosure of balconies above Main Street is not appropriate for our historic Main Street given the health and safety issues, demands on staff time, as well as the look and feel of our commercial core.

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Council member Beerman has attended many Mountain Accord meetings. Stated that the December 3<sup>rd</sup> Community Outreach meeting has been postponed until early January. Live PC Give PC killed it and he is very proud of the community for raising over a million dollars.

**2015 Legislative Update**

Matt Dias spoke to the Council gearing up to the upcoming Legislative session. Spoke to the platform he created in the staff report discussing transportation, land use. Mayor and Council feel that the framework is a great idea and feel comfortable with the outline presented to Council. Dias stated that he did not want to look into the crystal ball but feels that there will be a push for transportation as well as the usual hot topics of clean air, health care. Discussed a proposed resolution that he will be bringing back to Council next week. Council member Beerman stated that he got a preview of the proposed transportation tax stating that it will be a very broad definition of transportation with this bill. He inquired about what the tax would mean to Park City. Dias stated that he will have a better number next week following the kickoff meeting. Council member Simpson inquired if this money will stay within our City. Dias stated that a city-wide option is available and he will have more information next week as well. Simpson inquired if there is any LGBT movement this time as the door was closed on those bills last year awaiting the Supreme Court ruling. Dias stated that anything is possible. Dias will be bringing back updates at each Council meeting until the close of the session.

**Temporary Winter Balcony enclosure discussion**

Planner Grahn stated that in September 2013 the Riverhorse approached the City regarding winter balcony enclosures. Staff is not in favor of the temporary winter enclosures as they would interrupt the view along Main Street as well as cause possible damage to the historic structures. Grahn outlined the LMC and International Building Code that would be against permitting these temporary enclosures. John Allen, Building Department, stated that he can agree that there is not a desire for the tent structures, as well as being unsightly they have energy efficiency deficits. Mayor Thomas feels that this winter program would be redesigning Main Street for the winter season and he agrees with Staff.

Council member Matsumoto stated that she does not have a problem with the dining decks and stated that there are only 5 restaurants with decks and they may not all want to participate and would be inclined to a shorter period of time. She also thanked staff for the wonderful report but does not see this as a negative aspect. Council member Peek stated that he feels that it will change the architectural pattern of Main and feels with the snow load impacts would be too great. Council member Henney stated he agrees with Matsumoto and would like to think that staff could make certain adjustments to make this work. Council member Simpson agrees with the Mayor. Council member Beerman agrees with Matsumoto and Henney and feels that there is not an impact and feels that during the summer there are large umbrellas up that interrupt the vibe and flow and also remembers the hurdles we had with the summer decks. Allison Butz spoke for the HPCA stating that they do not have a problem with adding square footage to the restaurants during the winter season.

Mayor Thomas spoke to the structural design and snow load issues of the property. Allen stated that each deck would have to go through a design review. Mayor Thomas stated that even with

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a pilot program it would still impact the character of Main Street. Council member Simpson stated that she feels that this will be a lot of pain for not a lot of gain. Council member Matsumoto stated that she does not feel it should be allowed up year-round and looks at health and safety as a paramount issue and would suggest the HPCA take a look at this item but is still in favor. Sintz suggested a compromise that would allow the restaurants to keep the tents up for longer than the currently allowed 14 days to allow for more seating during the winter season. Council agreed that the proposed enclosures looked nicer than the tents. Mayor and Peek spoke again to the architectural load.

Seth Adams, Riverhorse, stated that he has worked with architects and have looked at the snow load and fire codes. They are looking at just adding time through the ski season and would like to give a different perspective to our visitors. Spoke to the impact to the adjacent buildings as well as the process of taking the structure up and down.

Kasey Crawford, business owner, spoke to the tent structure stating that it detracts from the appeal of Main Street.

Mike Sweeny took this from a perspective as a business owner and stated that he supports creative and innovative ideas to bring people into Main Street.

Mayor Thomas expressed his continued concern regarding this item. Foster spoke to the items staff will bring back a proposed lease agreement and a policy program as well as a read from the HPCA and the Historic Preservation Board as well as building guidelines.

**Main Street Employee Parking Initiative**

Blake Fonesbeck, Public Works Director; Brian Anderson, Transportation and Allison Butz, HPCA spoke to the parking initiative stating that this has been an evolving plan to better serve our parking issues. Fonesbeck stated that the Task Force that included HPCA members as well as staff looking at peak hour/peak day data to develop a final recommendation for Council. Fonesbeck recognized the parking problem apparent in Park City. Outlined the recommendations stating that they looked at China Bridge proposing 6 hours per vehicle instead of the current 6 hours per space where they have identified spot jumping in the garage.

Council member Henney thanked staff for looking at resolving actual parking issues. Fonesbeck outlined the changes for the China Bridge Pass with increased fee and restrictions on Friday and Saturday reserving the current restrictions during Sundance and Arts Fest. Council member Simpson stated her concerns with the transferrable pass and will exacerbate the problem. Council member Peek stated that in his mind the goal is to free up parking for visitors and feels that if there are problems then the task force should be able to change those restrictions. Council member Henney stated that he feels this is an appropriate step to help mitigate the issue. Fonesbeck outlined the transportation system that will help encourage people to use the bus routes and the shuttle service. Mayor Thomas thanked staff and looks forward to the item coming back in a future meeting.

**Introduction of new Park City Mountain Resort Chief Operating Officer Bill Rock**

Mike Gore introduced Bill Rock as the Chief Operating Officer of Park City Mountain Resort sharing that the Council and Community will find his involvement outstanding. Gore asked the record to reflect that Bill brought the snow storm this evening. Rock thanked Gore for the great introduction and is very excited to be in the Community. Stated that his family is so excited to



December 19, 2014

Anya Grahn  
Park City Municipal Planning Department  
445 Marsac Avenue,  
PO Box 1480  
Park City, UT 84060

**RE: Riverhorse on Main Balcony Enclosure**

Dear Anya:

The Historic Park City Alliance reviewed Riverhorse on Main's request to seasonally enclose their balcony to provide additional restaurant space during the winter months (November 1st through April 30th). The HPCA Board reviewed the submitted visuals showing the deck from both north and south perspectives, with and without the enclosure, at their December Board Meeting.

At the meeting, the HPCA Board unanimously supported the seasonal enclosure of the Riverhorse's deck. Puggy Holmgren abstained from the vote due to her role on the HPB Board. Support was also given generally for deck enclosures on non-historic buildings with restaurant uses.

We thank you for the opportunity to provide input on this item.

Best regards,

A handwritten signature in black ink, appearing to read "Alison Butz", written in a cursive style.

Alison Butz  
Executive Director

