

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF SEPTEMBER 21, 2011

BOARD MEMBERS IN ATTENDANCE: Sara Werbelow, Alex Natt, Puggy Holmgren, Judy McKie, Dave McFawn, Katherine Matsumoto-Gray, David White

EX OFFICIO: Thomas Eddington, Kayla Sintz, Francisco Astorga, Mathew Evans, Shauna Stokes, Katie Cattan, Patricia Abdullah, Polly Samuels McLean

The regular meeting and the work session was held at the High West Distillery at 706 Park Avenue.

REGULAR AGENDA

ROLL CALL

Chair Werbelow called the meeting to order at 5:04 p.m. and noted that all Board members were present.

PUBLIC COMMUNICATIONS

There were no comments.

BOARD MEMBER/STAFF COMMUNICATIONS

Director Eddington stated that as they continue to work on the General Plan, the Planning Commission will hold their second Charrette on October 12th at 6:00 p.m. Unlike the first Charrette that was focused on Old Town, this Charrette would address all the neighborhoods in Park City. The public and all residents are invited. He encouraged the HPB to attend.

REGULAR AGENDA/PUBLIC HEARING/ACTION ITEMS

64 Chambers Street - Grant
(Application # PL-11-01302)

Planner Francisco Astorga reviewed the application for a grant for 64 Chambers Avenue located on the west side of the road. The request included removing the non-historic stairs and closing off the deck for safety. The applicant also proposed to repair the dry-stacked sandstone wall on the front. Additional improvements included repair/install the wood stairs at the original location of the entry. Planner Astor noted that the applicant was not requesting funds for the stairs, but it was part of the HDDR application.

Planner Astorga reported that the applicant submitted a pre-application in July and through the design review process it was determined that a full application process was not required. However, they still needed to comply with the guidelines and the Staff found compliance.

Planner Astorga reported that the application was for a matching grant to request half of the total improvement costs at \$9,266. He noted that the Main Street RDA was running out of funds and the City is no longer allocating money to that account. The remaining

funds totaled \$9,379. Planner Astorga remarked that the Capital Improvement Program is another account that is used for historic incentive grants. There is approximately \$60,000 in that account. CIP funds are not specific to any one redevelopment area; therefore, money could be used for any area within the City if it is for a historic incentive grant.

Planning Astorga stated that draining the Main Street account would not be a problem because the CIP balance allows the flexibility to consider additional grants in the Main Street redevelopment area.

Board Member McKie asked if the Main Street RDA account would be replenished next year. Planner Astorga understood that it would not be replenished based on the policy set up by the City Council. Director Eddington stated that the Main Street RDA covered a number of projects that were completed within the Main Street redevelopment area. It primarily includes paying the bond for the China Bridge parking structure. As they continue to look at property tax receipts for this year and next year, they might see an increase. It is too early to know, but there is new construction in that area and more people are paying taxes on time. Director Eddington remarked that there may be the opportunity to look at the Main Street RDA fund in the future, but at this point that was unclear. He pointed out that the Lower Park Avenue redevelopment area still had significant funds, but those funds must stay within the redevelopment boundary. Historic preservation grants can still be allocated from the Lower Park Avenue RDA until 2014. He anticipated that the Staff would request an extension of that deadline.

Chair Werbelow asked if the CIP fund had restrictions on allocations. Planner Astorga replied that it was the same criteria for historic incentives. The City Council approves it and the Planning Commission recognizes the capital improvement. The CIP is city-wide and not designated to a particular area. Planner Astorga clarified that the CIP program is a much larger account. This is a smaller account within the CIP program that is allocated for historic incentive grants. Planner Astorga noted that the last grant awarded was 1101 Norfolk. The one prior to that was approved in October 2010.

Board Member Natt stated that if the HPB were to grant the award at the requested level, \$113 would be left in the RDA account. He asked if they were prohibited from granting an extra \$113 to the applicant. Director Eddington stated that the HPB would not be prohibited, however the applicant would need to spend \$226 to receive the \$113. Board Member Natt questioned the merit in keeping a \$113 account open. Director Eddington replied that there may be a benefit if the HPB decides to recommend that the City Council allocate additional funds into that line item.

Chair Werbelow indicated a discrepancy in the amounts. The applicant, Chris Petty, explained that the difference was sod work he intended to do, but that expense was not eligible for the grant. He clarified that the matching amount was half of the total cost minus the sod work.

Board Member White referred to the elevation photo and clarified that the stairway on the right would be removed. He asked if the solid deck railing would be improved to look more historic. Mr. Petty stated that for the sake of this project that change was not submitted. The intent is to do the same thing that was done on the side. He explained that the goal was to bring the structure back to its more historic setting. Board Member

White assumed the solid railing was not historic. Planner Astorga replied that this was correct.

Board Member Matsumoto-Gray asked what evidence they had that there was originally no stacked stone. Planner Astorga stated that the evidence was shown in close-up photographs. The Board discussed materials. Planner Astorga stated that they could place a condition to make sure there is a proper union between the two materials and a transition from the railroad ties towards the stacked wall.

MOTION: Board Member Natt made a motion to APPROVE the grant as presented by the applicant. Board Member McFawn seconded the motion.

VOTE: The motion passed unanimously.

The regular meeting was adjourned and the Board moved into Work Session.

WORK SESSION - Visioning

Planner Sintz noted that the first item on the agenda related to an LMC change to add the HPB to Reconstruction/Disassembly for review and approval. She noted that the Staff report contained the information that was given to the City Council at their September 15th meeting. The Council continued the item to October 29th. The Staff report also included the minutes from the Planning Commission meeting where the proposed change was discussed, as well as minutes from the original February 2011 visioning. Planner Sintz encouraged the HPB members to attend the City Council meeting on October 29th.

Planner Sintz reported that on October 13th the City Council had scheduled a site visit to two city owned properties; 1450 and 1460 Park Avenue. The Council had extended an invitation to the HPB to participate in that site visit. The site visit would be noticed and they would like to have as many Board members as possible.

Planner Sintz stated that that with the re-write of the 2009 Historic District Guidelines, additional duties were added for the Historic Preservation Board. One of those duties was to provide input to City Council and Staff on city owned properties.

Board Member Werbelow disclosed that she is a potential applicant for the city owned parcel. She would attend the site visit but recuse herself from any discussion.

Planner Sintz noted that the City purchased the properties at 1450 and 1460 Park Avenue in 2008 and they were currently looking at selling those properties. In order to determine what the City should be responsible for or how much they want to incentivize a project going forward, they need to understand what an applicant would be required to do in terms of historic preservation. That was the reason for requesting HPB input.

Planner Sintz noted that the City Council had been given a document that was prepared for the City by Sandy Hatch, a Salt Lake architect, who did a physical conditions report for the Historic Sites Inventory sheet. Planner Sintz offered to provide a disk to the Board Members so they would have that same information.

Planner Sintz stated that a pre-application meeting was held on the two Park Avenue properties that day. Board Member McKie attended as the DRT liaison and Board Member Werbelow's group was involved as the potential applicant. Planner Sintz noted that due to a request to possibly move the structures, the Staff reviewed the applicable guidelines and the criteria for moving a structure. They also reviewed the guidelines for new construction and the guidelines that would be applicable to any additions.

Planner Sintz reported on the November meeting dates. She noted that one role of the HPB is to review and update the Historic Sites Inventory. Dina Blaes and the Staff would be presenting modifications to the current sites inventory. Approximately 12 structures are affected. The Staff would like to break up the list and have the HPB conduct their review at back to back meetings. Therefore, the Staff was proposing that the HPB meet on November 2nd and November 16th.

Board Member Natt noted that he had a scheduling conflict on November 16th. Patricia Abdullah should be notified if others have scheduling conflicts.

Planner Sintz explained that each year the Staff looks at completed HDDR applications, and those are evaluated against the Historic Sites Inventory criteria. The meeting in November would be the first time the HPB would look at the list against items that would have been approved under the old guidelines. Due to construction timing, the projects were approved before the current guidelines were adopted in 2009, but not completed until now. When a project has been completed, it is evaluated by Ms. Blaes and her team.

Planner Sintz reported that training was scheduled for December and January. Because of Thanksgiving, Christmas and Sundance meeting schedules were shortened, but the Planning Department would send potential meeting dates. Planner Sintz noted that the agenda listed a number of topics for training and she welcomed additional items if anyone wanted to add to the list.

Board Member Natt asked if it made sense to do a training before the City Council decides whether or not the HPB would have a more active role in reconstruction and demolition. Planner Sintz stated that if the City Council makes a decision on October 29th to involve the HPB in those reviews, the Staff would adjust the training schedule accordingly.

Board Member Matsumoto-Gray thought the HPB should have training on reconstruction and disassembly regardless of the City Council decision because it is an important issue. Planner Sintz outlined the criteria established in the 2009 guidelines for reconstruction or disassembly, and noted that it took "demolition by neglect" off the table.

Board Member McKie referred to an earlier conversation about finding a way to easily identify that a project is a contemporary reconstruction and not an actual home. In her opinion, easily identifiable means "to the public" and not just on a list. The Board and the Staff discussed reconstruction and disassembly issues. Planner Sintz noted that reconstruction was frequently discussed, which is why it was written in the definitions and states, "if you want to bring back a building that no longer exists or cannot be repaired". Board Member White pointed out that when the guidelines were revised, disassembly or panelization was talked about only as a last resort.

Planner Astorga noted that the National Registry considered panelization or disassembly to be reconstruction. He noted that disassembly is not a typical practice used throughout the Nation. However, it is typical for Park City. He noted that the High West Distillery had a hard time obtaining approval because it was the first building in the Nation to go through a reconstruction because it was panelized, and yet it maintained its Historic National Registry status. Board Member White pointed out that panelization and disassembly means saving the original fabric and putting it back in place. Director Eddington stated that the High West Distillery building was a combination of saving as much fabric as possible and then reconstructed with some new materials. For that reason, the National Parks Service had a hard time getting the building listed back on the National Register.

Assistant City Attorney McLean referred to the first training on the list, which was a recap of the current guidelines in place. She recalled a previous discussion about doing a sample design review. Chair Werbelow thought it was hard to evaluate the guidelines in a vacuum without understanding the different kinds of applications and associated issues. Doing an interactive review would give them a different perspective. The suggestion was made to do a summary of the most common types of applications for the HPB to review. Ms. McLean recommended using buildings that have already been through the process.

Chair Werbelow was interested in the General Plan and requested that it be added to the list for updates or training. Planner Sintz reminded the HPB of the neighborhood Charrette on October 12th and encouraged them to participate. In addition, the Staff planned to do a summary of the findings from the Old Town Charrette and provide an overview for the HPB for input. The Staff was interested in having the HPB be part of the General Plan process.

Planner Cattan asked if it would be appropriate to invite the HPB to do the walk around of Old Town with the Planning Commission on September 28th. Assistant City Attorney McLean stated that if more than three Board members would attend, they should inform the Staff so it could be publicly noticed.

The next item on the agenda was the appeals review. Director Eddington understood that the Board had questions regarding the 811 Norfolk review. He noted that the application was submitted and the Staff denied the movement of the house. The applicant presented their case to the HPB. The Board felt the applicant met the criteria and approved moving the house. Director Eddington noted that the HPB decision was appealed by neighbors and that was heard by the Board of Adjustment. At that time the Board of Adjustment upheld the appellant's request, which was not to move the house. Simultaneously, the applicant had submitted for an opinion to the State Ombudsman and received that response after the hearing at the Board of Adjustment. The Board of Adjustment did not ratify their finding on the night of their decision because they took an opposing position of Staff. The decision would have been ratified at their next meeting. In the interim, the Ombudsman opinion was received and basically supported the applicant by saying that there might be some cause for moving the structure. That opinion was taken back to the Board of Adjustment and they heard the appeal de novo. The appellants maintained their original argument and the Board of Adjustment again upheld the appellant's request.

Assistant City Attorney McLean disclosed that Katherine Matsumoto-Gray was the appellant prior to being on the HPB. Ms. McLean reported that when the Ombudsman's opinion was released, the applicant filed a lawsuit in District Court on the matter. One of the most important questions asked was why there was such inconsistency between the HPB finding and the Board of Adjustment finding. The Ombudsman recommended a strict reading of the statute, which says that an easement cannot be secured. The Board of Adjustment felt that the HPB erred because the statute says that an easement cannot be obtained. The Board of Adjustment interpretation was that "cannot" implied that there had been an effort to obtain an easement. Therefore, to say that the applicant could not obtain an easement did not reflect the facts in this case because he could have obtained one. Ms. McLean would keep the HPB apprised of the court proceedings.

Planner Sintz noted that the last agenda item listed suggested goals for the upcoming year. The first was to begin looking at the preservation award for 2012.

Chair Werbelow updated the Board on the first preservation award presentation. She had second thoughts about combining future award presentations with the Historic Society annual fundraiser. Board Member Werbelow felt it was important for the HPB to continue the awards program. The program identifies several potential categories, and the High West Distillery received the award this year for adaptive re-use. To emphasize the significance of the award, Chair Werbelow thought it was better for the HPB to have its own award ceremony.

Planner Sintz noted that for the first award the HPB appointed a subcommittee to research potential candidates. However, she believed the HPB was a small enough group that they could look for 2012 candidates as a Board. The Board members discussed possibilities for an awards ceremony. Assistant City Attorney McLean suggested that the Board choose a date for their award presentation to help the Staff with scheduling and to avoid coinciding with the Historic Society event. Ms. McLean stated that it would be appropriate for the entire HPB to be involved in the decision making, but it would need to be done in a meeting format and properly noticed. Board Member White preferred to have the entire Board involved. The Board Members concurred.

The Board discussed the idea of a Preservation Month. Ms. McLean believed it would be an opportunity for the HPB to publicize their intent since the press does not attend HPB meetings. It was noted that May is National Preservation Month.

Board Member McFawn suggested that they add visioning with City Council as a goal. Planner Sintz stated that she had already asked the Assistant City Manager to add that to their schedule.

Board Member Natt left the meeting.

Board Member Matsumoto-Gray requested further discussion on the LMC change to add HPB to reconstruction/disassembly review and approval. Planner Sintz provided a handout with the analysis of the amount of time it would take if an applicant had to apply for reconstruction or disassembly with a Staff review versus the analysis of time if the HPB conducted the review. She noted that if the decision was appealed, it would take the same amount of time. Planner Sintz pointed out that if the HPB is involved in the

review, they would lose their appeal body authority and the appeal would be heard by the Board of Adjustment.

Director Eddington noted that with the new guidelines the threshold to do reconstruction has become more difficult. The Staff has only received two applications since the guidelines were adopted.

The Board discussed properties and process. Board Member Matsumoto-Gray wanted to know the difference if they recommend that the HPB review reconstructions but not disassembly/panelizations. Board Member McFawn clarified that there were few properties left that could be reconstructed under the old guidelines. Assistant City Attorney McLean pointed out that if the LMC change was made to add the HPB on reconstruction projects, they would not have the ability to step in on a reconstruction that was pre-2009. She noted that some of those approvals have sunset clauses; however, a lot is contingent on pulling a building permit and some people are good at manipulating the system.

After discussing several scenarios, Ms. McLean suggested that Patricia Abdullah could compile a list of the number of pending applications that are pre-2009 guidelines. Board Member White thought they should find a way to reduce the time limit for activity. Board Member Holmgren liked the idea of penalizing for inactivity. Director Eddington noted that the Staff was working to shorten the timeline.

Director Eddington stated that when the HPB met with the Planning Commission and the City Council at visioning, the HPB recommended only looking at reconstruction. He noted that the Staff added disassembly because significant disassembly is nearly reconstruction. Director Eddington remarked that the Staff presented the matter to the Planning Commission and the Commissioners were concerned about causing a bureaucratic delay in the process. Planner Sintz stated that the Planning Commission was uncomfortable with the Board of Adjustment hearing the appeal, and they preferred that the HPB remain the appeal body.

The HPB members were split between those who preferred to hear the appeal and those who wanted to review the reconstruction. Board Member Matsumoto-Gray remarked that another issue was whether it was better to have reconstruction projects reviewed in a public meeting where people are noticed and could make comment.

Planner Sintz noted that the timing analysis addressed the difference between the old and the new guidelines in terms of the amount of time a project gets publicly noticed. She remarked that the new guidelines were put into place to give more public notice to neighbors and Old Town advocates. She suggested that they could mark the noticing requirement as an item to be tweaked in the guidelines update review. Planner Sintz outlined the current noticing timeline and procedure. Planner Astorga commented on the old noticing requirements to show how the procedure had significantly changed. The Board discussed the pros and cons of a 100 foot or 300 foot noticing boundary.

Assistant City Attorney McLean pointed out that the Planning Commission discussed the fact that 300 feet was too large of an area because owners were noticed so often that it lost its relevance. Director Eddington noted that 100 feet would be approximately 12 lots surrounding the subject property. The noticing letters more clearly describe the project, and that combined with the new signs gives public more information. Planner Cattan remarked that an average of 30 letters are sent for a historic design review. For

a steep slope CUP, 60-90 noticing letters are sent. It was noted that the property owner and not the renter would be noticed. Since notices are published in other forms of communication and posted in public locations, renters have the responsibility to keep themselves informed.

Board Member Matsumoto-Gray suggested an agenda item for the next meeting to discuss and vote on a recommendation to the City Council regarding the reconstruction/disassembly review. Board Member McKie commented on how much she has learned about Old Town through the DRT meetings. It would be nice if the other Board Members could tap into that type of information to know what was happening in Old Town. Planner Sintz suggested that Board Member McKie provide a summary for the Board members, similar to what Chair Werbelow had done when she was the liaison. Director Eddington remarked that it should be a generic summary without specific addresses.

Planner Sintz summarized that Patricia Abdullah would do public noticing so the HPB could attend the Planning Commission walk through Old Town on September 28th. The Board members would receive copies of the Planning Commission Staff report. Many of the Board members were willing to receive the packets electronically.

Chair Werbelow thanked the Staff for supporting the HPB and giving them the opportunity to do visioning. After being on the Board for three years she felt newly inspired. The Board members concurred. Director Eddington stated that the Staff was excited about new opportunities for this Board and they could see an opportunity for the HPB to get involved with the General Plan. Historic character would play a large role in the General Plan.

Planner Sintz noted that the Board members would receive an email with a summary of all the important dates involving the HPB. The next HPB meeting would be October 5th. The neighborhood Charrette would be October 12th. Two HPB meetings were tentatively scheduled in November. Planner Sintz requested that the Board members inform the Staff if they had scheduling conflicts because it was imperative to have a quorum. Any additional ideas for training in December or January should be submitted to the Planning Department.

Board Member McFawn asked if it was possible for the HPB to recommend a TDR ratio to the City Council. He felt there was an opportunity for the HPB to make recommendations to the City Council on certain properties. Assistant City Attorney McLean stated that if the HPB was interested in having that discussion, it should be tabled to the next meeting as an agenda item.

The meeting adjourned at 6:44 p.m.

Approved by _____
Sara Werbelow, Chair
Historic Preservation Board