

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF APRIL 3, 2013

BOARD MEMBERS IN ATTENDANCE: Dave McFawn, Puggy Holmgren, David White, Marion Crosby, John Kenworthy, Gary Bush

EX OFFICIO: Thomas Eddington, Kirsten Whetstone, Anya Grahn, Polly Samuels McLean, Patricia Abdullah

ROLL CALL

Chair McFawn called the meeting to order at 5:06 p.m. and noted that all Board Members were present except for Kathryn Matsumoto-Gray, who was excused.

APPROVAL OF MINUTES

January 16, 2013

MOTION: Board Member Holmgren moved to APPROVE the minutes of January 16, 2013. Board Member Crosby seconded the motion.

VOTE: The motion passed unanimously.

February 6, 2013

Board Member Crosby referred to page 6 of the Staff report and the paragraph beginning with, "Co-Applicant Jeff Edison, a resident at 128 Ontario Court..." She noted that further into that paragraph was the sentence "There would be 20 residences in this development if completed". Ms. Crosby asked if 20 was the correct number. She understood that it would be 10 residences.

Director Eddington stated that the number proposed was 10. However, many years earlier in the process the initial proposal was for 20 units and Mr. Edison may have been referencing that number. Ms. Crosby noted that the sixth paragraph on page 5 of the Staff report states, "Planner Cattan explained the math to show that up to 50 lots would be allowed." Director Eddington replied that 50 lots was correct because it is based on square footage. Therefore, the development could accommodate up to 50 Old Town lots. Referring to page 6, he assumed that Mr. Edison had said 20 units, but it was not accurate. The number of units in the specific proposal reviewed by the HPB on February 6, 2013 was ten individual units.

Board Member Crosby referred to the past paragraph on page 16 of the Staff report and noted that David Williams was the person giving public comment. However, as his comments continue on page 17, he is referred to as Mr. Martin. Ms. Crosby corrected the minutes to change Mr. Martin to **Mr. Williams** on page 17.

MOTION: Board Member Kenworthy moved to APPROVE the minutes of February 6, 2013 as amended by changing Mr. Martin to Mr. Williams. Board Member Crosby seconded the motion.

VOTE: The motion passed unanimously.

March 20, 2013

Board Member Crosby referred to the last paragraph, second sentence on page 31 of the Staff report, "From the information before her she deemed the application to be complete but she did, however, have extensions to the approval dealing with the applicant accommodating some design concerns." Ms. Crosby noted that she had made the statement and the word extensions should be corrected to read **conditions**.

Board Member Holmgren referred to page 32, 3rd paragraph, "Board member Holmgren referred to page 34 and raised the issue of the streamline." She noted that she had actually said **Stringline** and corrected the minutes to reflect the accurate word.

MOTION: Board Member Holmgren moved to APPROVE the minutes of March 20, 2013 as amended with the corrections as noted. Board Member Crosby seconded the motion.

PUBLIC COMMUNICATIONS

Ann Marie Meadows, a resident at 515 Woodside Avenue, commented on the trees between 505 and 501 Woodside. When they built their house in the neighborhood they built around all the trees. Ms. Meadows wanted to make sure that the trees would remain if development occurs because they are beautiful and majestic.

STAFF/BOARD COMMUNICATIONS

Board Member Dave White disclosed that he was involved with both projects on the agenda this evening and he needed to recuse himself. Board Member White left the meeting.

Assistant City Attorney McLean recommended that any Board member who had not participated in the appeal process of the continuation for 505 Woodside should not participate this evening since it was a continuation. Board Member Bush disclosed that he was not at the last meeting and he would not participate this evening.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

101 Prospect Street – Grant (Application PL-13-01837)

Board Member Holmgren disclosed that she was an acquaintance of the owner, Doug Cotter, but it would not affect her decision on this item.

Planner Anya Grahn reviewed the grant request for the property located at 101 Prospect Street, which is a locally designated Landmark Site. In November 2012, the HPB awarded an \$18,052 grant stabilize and restore the garage. The applicant is requesting additional grant money to add a beam to the roof. At one point the bearing wall to the attic was moved six feet and, therefore, the ridgeline of the roof is unsupported. The

owner was also requesting funds to restore two historic basement windows located on the west side of the property.

Planner Grahn reported that the total cost of the project was \$4,840. There is currently \$6319.50 in the CIP Funds, which would be used to finance the grant request.

Doug Cotter, the owner/applicant, clarified that this grant request pertained to the primary residence and not the garage.

Chair McFawn commented on the lack of funds in the RDA. Director Eddington stated that the Staff was currently working with the budget department to present a request for money to fund the grant program. He believed that request would be presented to the City Council in May as part of the budget process.

Chair McFawn recalled how the HPB struggled with the last few grants requests because money was limited. They had decided to drain the available funds in the RDA for the grant applications and put the burden of further applications on the City Council, because the HPB has continually asked for additional funding. Chair McFawn pointed out that each grant application is judged on its own merit. He thought this application was fairly straightforward. He commented on the importance of making sure the application is submitted prior to starting any work.

Board Member Holmgren thought it was a good project because the roof must be stabilized for safety. In terms of the windows, she liked the concept of having the screen inside because it maintains the historical look.

Planner Grahn clarified that the full amount of the grant would be \$2,420.

MOTION: Board Member Kenworthy moved to APPROVE the grant request for 101 Prospect Street in the amount of \$2,240. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

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

Board Member Bush abstained from the vote and discussion because he was absent when the HPB first heard this appeal on March 20th. Assistant City Attorney McLean clarified that because it was an abstention and not a recusal, Mr. Bush could sit in the audience and listen to the discussion.

Chair McFawn reported that the HPB heard this appeal on March 20th, 2013. Larry Meadows was the appellant and the applicant was Jerry Fiat. At that meeting the HPB made decisions on some pieces and requested additional information on the stringline to make a more accurate determination. The Board continued the item until they had the opportunity to review the requested information.

Chair McFawn stated that the Staff would give their presentation first, followed by the appellant and then the applicant.

Planner Whetstone reported that the Staff report contained a quick background of the 6 items of appeal and which ones applied. She noted that Appeal Item 2 regarding the design of the retaining walls and the steep slope CUP was addressed by the Planning Commission on March 27th. The Planning Commission denied the appeal and upheld the Staff determination that a Steep Slope CUP was not required, based on a certified survey. Planner Whetstone stated that like the HPB, the Planning Commission review was de novo and the Commissioners reviewed the appeal and made their determination based on the information presented.

Planner Whetstone stated that Item 6, regarding the historic structure and the preservation of roof forms was the subject appeal before the HPB this evening.

Planner Whetstone pointed out that additional issues could be raised this evening based on a request from the appellant and an opinion from the Ombudsman. She clarified that the Ombudsman's decision was independent of the HPB. One issue related to whether or not the application was complete. Planner Whetstone noted that on the application the owner had signed the acknowledgement of responsibility for the entire application. It was signed by David White, the architect, as the applicant's representative. The applicant is the owner in this case.

Assistant City Attorney recommended that Planner Whetstone keep the presentation to the appeal items and if the Board members have questions regarding the Ombudsman's opinion, those could be addressed later in the meeting. Chair McFawn preferred to keep the presentation focused on the historic issues.

Planner Whetstone clarified that nothing in the Code requires a Stringline. It is a tool used by the Staff, the Planning Commission and the HPB in reviewing a project for compatibility and to address specific guidelines. It is addressed in the design guidelines under various universal guidelines that talk about the view from the primary right-of-way. Planner Whetstone pointed out that the Staff actually looked at the view that could be seen from the streetscape, as opposed to going across the canyon and looking at it in the context of the entire area.

Planner Whetstone described that Staff had re-written the Findings of Fact, Conclusions of Law and Conditions of Approval from those presented at the first HPB meeting on this matter. Planner Whetstone remarked that Condition of Approval #20 was revised regarding the preservation of the historic house by disassembly or reassembly. A new preservation plan must come back to the Planning Department because a plan was not approved by the Staff. Planner Whetstone read from Condition #20 "the Staff shall provide notice of final action on the preservation plan in the same manner as notice is provided regarding final action on the HDDR application.", and added language, "The final action on the preservation plan is appealable pursuant to LMC Section 15-1-18."

Planner Whetstone discussed the amended had provided the Findings of Fact, Conclusions of Law, Conditions of Approval and the Order of Appeal that support the Staff approval of the HDDR. Staff requested that the HPB find that the Staff did not err

in their determination and requested the HPB deny the appellant's request to reverse the Staff decision.

Chair McFawn understood that the stringline was not an item required for a complete application, but it is a tool that has been used in the past. He noted that the HPB had requested an updated stringline and that was provided by the applicant. Planner Whetstone stated that the applicant would provide additional information on the stringline this evening.

Regarding the added language to Condition of Approval #20, Assistant City Attorney McLean recommended revising the language to say, "Final action on the Preservation Plan is appealable to the HPB Pursuant to LMC Section 15-1-18."

Larry Meadows, the appellant, stated that for continuity with the HPB and the Planning Commission, he would lodge and preserve the same objection he lodged at previous meetings that he believed he was being subjected to a successive appeal process. He felt that was even more so this evening because he would be asked to come back to the HPB a third time on a separate appeal. Mr. Meadows intended to discuss later why he believed that was inappropriate.

Mr. Meadows stated that under the LMC the HPB has a right to consider prior decisions before a final decision is entered. He believed the application submitted was incomplete and he had new found evidence from City records to prove his belief. Also, that the HPB must approve the preservation plan if it is up on appeal, as per footnote 2 in Section 15-4. Mr. Meadows stated that he would discuss the appropriateness of the green roof, as well as the relative roof ridges used in the stringline. It goes to his original argument that the stringline does not have to be used; however, it was used on all of his projects and it was used when he was asked to clip the roof off his house. He agreed that it is a tool, but in his experience it has been used as more than a tool and it has been required in his applications.

Mr. Meadows requested that the HPB reconsider the incomplete application portion and the Preservation Plan and as provided for in Section 15-1-18-N. He believed the original HDDR application was fatally flawed for the following reasons: 1) The application form was incomplete. 2) The applicant never signed the acknowledgement of responsibility on the form that was submitted to the City. 3) The applicant submitted the HDDR, but he did not submit the physical condition report form, the pre-application report, or the Preservation Plan form, all of which require a separate acknowledgement of responsibility. Mr. Meadows remarked that acknowledgement of responsibility is a major factor because it is where the applicant certifies that everything is true and correct and that he will comply with all the requirements imposed by the City as part of the application process.

Mr. Meadows stated that the survey submitted did not have 2-foot interval contours. Page S-1 of the submitted site plans had 10-foot interval contours and did not depict any vegetation. He was disturbed to find that six months before the applicant submitted his HDDR application, the Planning Department was confirming in writing that a Steep Slope CUP process was not required. He was unsure what that was based on, other than the pre-existing survey from the 2009 application, which was not stamped and certified. Mr.

Meadows stated that this was one reason why the Ombudsman deemed the application incomplete.

Mr. Meadows reiterated the forms that he believes the applicant failed to sign and noted that the verbiage at the bottom of the forms was clear that those must be associated with the HDDR application and must be completed, submitted and signed.

Mr. Meadows presented the HDDR application that was submitted by the applicant in September 2012. He noted that all six pages were completed and the last two pages were signed, but the applicant failed to affirm his acknowledgement of responsibility. Mr. Meadows reviewed a survey showing the contour lines at 71, 10, 20 and 30. He stated that the site plan was too small and illegible and it was not based on the topographic survey elevations. All the elevations on the site plan were written in by the applicant and many are easily refutable by previous surveys he has done over the same land. Mr. Meadows was bothered by the fact that this application was getting a pass on Steep Slope design review before the application was submitted. He believed it was completely improper and it appears to be a pre-determined opinion with no basis or fact.

Mr. Meadow noted that 15-11-12 was clear in requiring that "The Planning Department shall review and approve or deny any conditional use", which would have included Steep Slope. He again stated that the Steep Slope process was not required for this application. Mr. Meadows pointed out that this was the third time that the applicant's architect had dodged the Steep Slope review.

Chair McFawn requested that Mr. Meadows avoid the Steep Slope issue because it was out of their purview.

Mr. Meadows agreed to comply, but he believed that his comments on the Steep Slope issue goes towards the completeness of the application because without the proper surveys no one knows if a Steep Slope CUP is required. He noted that the survey submitted with the application was only a boundary survey and the Staff report never addressed a Steep Slope analysis.

Mr. Meadows stated that it has been six months or more since the application was submitted and the Preservation Plan of the assembly/reassembly, which is not common practice in field preservation, has not been approved. He believed it should be timely approved in conjunction with the application itself. Mr. Meadows noted that unique conditions need to be proven to warrant that; however, the structure is not a dangerous building. It is sound, recently remodeled, and habitable. He read from Section 15-11-14(a), "The Planning Department shall ensure that any plan shall reasonably meet certain criteria." He stated that the criteria was whether unique conditions and the quality of the historic preservation plan warrants the proposed assembly/reassembly. Mr. Meadows stated that 15-11-14, paragraph (a)4, footnote #2, clearly says that the HPB shall make this determination if the HPB is hearing this application on appeal. The Planning Department and Chief Building Official shall, at the appeal, submit a written statement or testify as to whether unique conditions or qualities of the historic preservation plan warrant the proposed assembly/disassembly. Mr. Meadows stated that the preservation plan is currently not approved and is improperly carved out as a condition of approval. Mr. Meadows understood that the LMC does not provide any

mechanism whatsoever for him to come back and appeal the historic preservation plan once the HPB enters their final decision, unless he goes to District Court.

Mr. Meadows stated that protection of significant vegetation was a contentious topic in the last meeting. Initially, trees were not shown on the original survey and they were only depicted after public comment. They have still excluded the one tree that is important to him because it is in a view shed easement in his back yard. Mr. Meadows remarked that at the last HPB meeting and during the Planning Commission meeting the applicant represented that he would keep all the trees and had no intention of removing any of them. However, the applicant has submitted a letter to the Planning Commission and he is seeking to remove one of the most beautiful trees on Woodside Avenue. Mr. Meadows had excerpts from the arborist report stating that the tree is young and vigorous and would probably withstand provided that certain recommendations are followed. The tree has a low hazard rating for failure. It has no lean, so signs of decay or cracks. The tree is stable; however, because of its close proximity to the retaining wall and landscaping at 515 Woodside, this growing site cannot support mature Austrian Pines. The Arborist offered the assumption that sometime in the future the tree would be 50 feet tall and possibly too heavy and topple over. Mr. Meadows believed that remained to be seen and he was willing to take that chance since it would fall in his direction.

Mr. Meadow remarked that the trees are a big issue, but the Arborist has only certified the health on the one tree in the City right-of-way. He was required to certify the health on any tree within 20 feet of the proposed development. Mr. Meadows noted that three remaining trees have not been certified. Mr. Meadows presented the letter submitted by the applicant requesting to remove the 33 foot spruce tree and replacing it with a more appropriate type of tree that would be planted further back. The letter states that the existing tree is not indigenous to the area. It is not special to the area and it is likely to fail at some point. Mr. Meadows disagreed because it is a very special tree. It shields his house from three other properties and it rises 40 feet above the curb. The tree is spectacular and it cannot be replaced. Mr. Meadows presented a photo of the tree in question and commented on what he has personally done to preserve trees and vegetation with his projects.

Mr. Meadows noted that green roofs are allowed under the new LMC 15-22-5c, but only if it is not a primary roof. The proposed roof is on top of the house and it is clearly a primary roof. He did not believe the roof complied with the Historic District guidelines because it was not compatible with any of the roof forms describe in the guidelines. Mr. Meadows wanted to know who would maintain the roof and be responsible for making it look green again in the Spring. There was no HOA and to his knowledge there were no Code or enforcement provisions if an owner fails to maintain their landscaping in Old Town.

Mr. Meadows thought the owner should have provided better modeling or three-dimensional drawings to depict his addition. The applicant had only submitted a façade of the existing historic building and failed to exclude the others. Mr. Meadows presented photos he had taken from the opposite curb in the primary public right-of-way to show how much of the structure would be seen well-above the stringline. Mr. Meadows noted

from the stringline submitted by the applicant that the entire green roof was above the stringline.

Board Member Holmgren read from page 66 of the Staff report, Item G, the Proposed Conditions of Approval, "That the green roof shall be maintained in compliance with the City's landscaping requirements as stated in the Municipal Code." That condition would address Mr. Meadow's concern regarding the green roof.

Board Member Holmgren stated that Austrian Pines are not indigenous to the area. Mr. Meadows clarified that he had not disagreed with the statement that Austrian Pines were not indigenous. He disagreed that the tree was not special.

Chair McFawn asked Mr. Meadows to clarify his comment about 20 foot trees. Mr. Meadows stated that he had said that an Arborist must certify the health of all trees within a 20-foot radius of a proposed development. He noted that the language does not specify "on the building lot" and; therefore, he assumed that included the 40 Spruce tree he built his house around that is 3-feet from the property line.

Board Member Kenworthy thought the majority of the issues in Mr. Meadow's presentation were with the Planning Department. Mr. Meadows replied that the majority of his issues have been with the entire process, fairness, and application of the Code. He felt it was unfortunate that he was taking up their time this evening, like he was made to do three years ago, and it took the Ombudsman to bear out that it was an invalid application.

Board Member Kenworthy pointed out that this was the Historic Preservation Board. Mr. Meadows stated that the Board was acting as the gatekeeper at this point because he was on appeal and the HPB had the ability to stop a problem.

Board Member Kenworthy requested that Mr. Meadows focus on the design aspect and identify what he believed to be the biggest problems besides the green roof. Mr. Meadows thought the green roof was a novel idea that sounds good, but in his mind he envisions the appearance of a planter box on top of the historic house. He did not believe a green roof was appropriate and would prefer to see a 3:12 pitch, similar to the other homes on Woodside where a 9:12 pitch roof flattens to a 3:12 pitch. Mr. Meadows pointed out that the stringline was still high but he preferred to see a more traditional roof form in place of a green roof. Board Member Kenworthy noted that Mr. Meadows was saying the stringline was high but the height was still within Code. Mr. Meadows believed that went to his point that you can design a house to meet Code but that does not mean it would be approved. Unfortunately, it is very subjective, which is the problem he was having with this application.

Board Member Kenworthy stated that his problem with the stringline is that it will allow the maximum for one structure and hold another structure to the minimum.

Jerry Fiat, representing the applicant, stated that he was the manager for the property at 505 Woodside. Mr. Fiat presented three photos of the project. The first was a historical picture from the 1940's after a number of additions to the main house. A second photo showed the house as it exists today. The third photo was a full 3-D model of the project with the additions. A photograph was taken from the public right-of-way towards the

downhill side and a model was placed on it. Mr. Fiat stated that the only difference between the historic photo and the model was the addition of the garage and the retaining walls that retain the garage. The majority of grading and landscaping in front of the house is retained. The garage door is tucked significantly back.

Mr. Fiat read from the Staff report, "The HDDGs are concerned with the visual impacts of additions on historic structures when viewed from the primary right-of-way. Staff recommends that the Board review the additional visual analyses provided by the applicant and discuss the visual impact." Mr. Fiat presented an illustration from the HDDG stating how it should be viewed. Another slide was the same picture showing that it clearly meets the language and the visual interpretation of the Code. Mr. Fiat pointed out that the addition is not visible at all from the primary public right-of-way.

Mr. Fiat stated that the HDDG make a point of talking about character defining features. "The garage tucked under the house, which allows character defining features such as the center steps, the porch, and site grading landscaping to be retained." Mr. Fiat believed it did exactly what the guideline sets out to do.

Mr. Fiat presented a slide of the historic structure at 501 Woodside. He had taken individual pictures of 501 and 505 Woodside and another of the two properties together. He noted that both properties were at the same grade at the same plane and both are very similar to each other. Mr. Fiat stated that even though the street drops as it goes in front of 505 Woodside, the grade at 505 rises higher than 501 Woodside. He intended to show surveys later in his presentation to demonstrate that the actual landscaping grade at 505 Woodside is actually 3' to 5' higher at the property line in the front than 501 Woodside. He noted that Mr. Meadow's house at 515 Woodside was actually 12 feet higher. Mr. Fiat clarified that the measurement was to grading. It was another 4' to 6' farther down to the driveway.

Mr. Fiat presented another slide of 505 and 515 Woodside to show how the two structures related to one another. He stated that the main level of Mr. Meadow's house was a full level down. He noted that what was shown in the two photos was what is visible from the public right-of-way. As you view 515 Woodside you see a three-plus story structure and concrete side to side with little or no landscaping retained in front of the structure. Mr. Fiat presented a cross-canyon view to show the stringline. He could not find the stringline addressed anywhere in the LMC or the Historic District Guidelines. He only provided the stringline because they were asked to show it. As the stringline goes across 501 and 515 Woodside, the visible portion of 505 Woodside falls under the stringline. Mr. Fiat provided photos of two additional cross-valley views to show that the structure at 515 Woodside was larger in height and mass than 505 Woodside. He noted that largest structures were the two properties behind 501 and 505 Woodside.

Mr. Fiat remarked that the stringline concept is potentially flawed. It is a tool and like any tool it should be understood when to use it and when it should be applied. He pointed out three illustrations where a stringline would not make sense. Mr. Fiat thought 505 Woodside was similar to Example C, which meets the concept of being below the stringline from the streetscape. Mr. Fiat presented an elevation facing from the south looking north to show how the grade was raised in the back approximately 14 feet by a wall that was built by Mr. Meadows for the tunnel. And additional three or four feet of dirt

was piled on top and another three or four feet of snow and a snow fence. Mr. Fiat noted that they were in a hole that was 24 feet deep. The snow is piled over and fills the hole which they have heavily landscaped to try and hide the existing wall.

Mr. Fiat pointed out that the 505 Woodside lot is deeper. The lot is 87-1/2 feet long and the addition was placed at the very back of the lot. That is why the addition is not visible from the public right-of-way.

Mr. Fiat presented a picture of the rock wall from 1940. He thought it looked like a low stacked wall. Another picture was the currently existing rock wall, which Mr. Fiat believed was approximately 25 years old. It is a concrete retaining wall with a flagstone stone veneer. He clarified that the intention is to replace that wall with a more historic looking wall. It is not needed for the project. On average the wall is 5'3" tall and 5'5" at its maximum height. Mr. Fiat outlined two options to address the wall. The first was to leave the existing concrete retaining wall and remove the stone face and reface it with a dry-stack look. The second option would be to remove the wall in its entirety and replace it with an actual dry-stack historical wall. They would also like to lower the wall height where possible to closer to 4 feet. He believed there was enough room between the structure and the wall to make up the grade. Mr. Fiat noted that the rock wall was in the public right-of-way and anything they do would require City Engineer approval.

Mr. Fiat stated that there would be three bonds on this project; the Public Works bond, the landscaping bond, the historic guarantee bond.

Mr. Fiat presented a photo of the Austrian Pine and stated that they intend to save the tree and work around it. However, the tree is 25 years old. In Mr. Meadows' application for a structure at 503 Woodside, the tree was shown as being 10' tall. Mr. Fiat was unsure if that was accurate, but the Arborist report said that the tree stopped growing 13 years ago and Mr. Meadows had pulled his permit in 2003. Mr. Fiat clarified that the tree is in the public right-of-way. Mr. Meadows claims it would be removed for the 505 project, but that was incorrect. Mr. Fiat pointed out that the wall Mr. Meadows built was within 24" of the tree. He built the wall beyond the edge of his property line. The ornamental shaft was not permitted and it actually encroaches on 505 Woodside. Mr. Fiat took issue with someone saying that a tree is important when that person constructed within the critical drip zone of the tree. He noted that the rock wall dates back 100 years. The tree was only 25 years old so the wall has always been there. Mr. Meadows added the ornamental structure at a much later date and it was clearly in the drip line of the tree. Mr. Fiat noted that the Arborist report states that the tree is too close to the wall. Mr. Fiat reiterated that it was not his tree or his liability if it falls; and it was not his decision as to whether it stays or is removed. After the last meeting he had an arborist inspect the condition of the tree. Mr. Fiat outlined the points in the Arborist's report indicating that the tree will grow too big, there is not sufficient room for its root structure and it has become a liability.

Mr. Fiat reviewed a handout confirming that the survey of the road shows the curvature of the road and how the grade in front of 501 Woodside drops 3+ feet lower and the grading difference drops at 10.6 feet lower to the only remaining portion of earth on 515

Woodside and approximately 6" to the driveway. Mr. Fiat drew a line to show center of grade at the property line would be in the center of 505 Woodside.

Brad Cahoon, an attorney representing the applicant, stated that he would also be representing David White before the Division of Public Licensing on the matter that was filed against him. Mr. Cahoon provided a brief background of his experience practicing zoning and land use matters for over 20 years. Mr. Cahoon submitted letters prepared by architects David White, Roger Durst and Michael Stoker. All three architects had reviewed the plans independently and found compliance.

Assistant City Attorney McLean recommended that the letter from David White be excluded from this discussion since Mr. White had recused himself.

Mr. Fiat read into the record the letters submitted by Roger Durst and Michael Stoker. Based on professional judgment and review, both letters acknowledged that the design proposed for 505 Woodside was in full compliance with the requirements of the Park City Land Management Code and the Historic District Design Guidelines.

Mr. Cahoon stated that he has dealt with the Park City Legal Department on a variety of matters and he has tremendous respect for the Legal Staff. Mr. Cahoon felt it was important to clearly understand the legal requirements that apply to this application, particularly the appeal that has been filed. Mr. Cahoon stated that Utah Code 109A703A, in LUDMA, states that an appellant must file an appeal within the time provided by the ordinance. In this case the Park City Ordinance requires that an appeal be filed within ten days of the decision being appealed. That requirement is mandated by Statute and by the Park City Code and it is confirmed in the Staff report that the only appeal that is viable and timely was the appeal claiming that this was subject to the Steep Slope conditional use review. A determination was made based on interpretation of the Code that the matter should go before the Planning Commission. The Planning Commission reviewed the appeal and made a final decision rejecting the appeal.

Mr. Cahoon stated that all other issues raised by the appellant were untimely. He recommended that the easiest way for the HPB to handle this issue was to pass a motion that all of the other issues raised were outside of the statutory required time for appeal. Mr. Cahoon wanted it clear for the record that when a land use application is pending, LUDMA also requires that, "The Municipality shall, in a timely manner, determine whether an application is complete." He pointed out that the determination was made and that decision was not subject to a timely appeal, and any issue outside of the Steep Slope issue was untimely and inappropriate.

Mr. Cahoon stated that each Municipality in the State of Utah is obligated to respect the due process rights of all participants, including the applicant. That is an important consideration because when the applicant is subjected on appeal to issues that have been raised untimely and should not be subject to appeal, it is a violation of the applicant's due process rights. Mr. Cahoon stated that the appellant in his original appeal filing claimed that he had standing. However, an aggrieved party can claim standing, as well as due process rights. As has been demonstrated, all the issues that should not have been subjected to appeal have been addressed by the City Staff and the appeal has been denied every item except Item 6. In addition, professionally

licensed architects have reviewed the file and rendered their professional opinion that the application complies with the applicable elements of the Code and Guidelines.

Mr. Cahoon stated that in over 20 years of practice he has never seen an appeal raise so many issues that were not grounded in fact or law. Mr. Cahoon explained that standing can be addressed at any time, including at the District Court level or as high as the Utah Supreme Court level. For that reason he felt it was important to understand the motivation behind this appeal. In addition to due process, there is also a concept of abusive process. Abusive process is where someone makes a public filing for improper purpose.

Chair McFawn believed the comments regarding due process were valid, but those issues should be addressed in a court of law. He asked if Mr. Cahoon had comments regarding the stringline or the design guidelines relative to the application.

Mr. Cahoon stated that LUDMA 109A509.5(b) requires that the Municipality diligently evaluate whether all objective ordinance based application criteria have been met. It has to be objective and it has to be in the Code. He noted that the Staff, the project architect, and two independent architects have all concluded that the application complies with the LMC and the applicable Historic Guidelines. Regarding the stringline streetscape, the appellant has admitted that it is not a Code requirement for this application. Mr. Cahoon noted that the stringline streetscape was submitted with the application and was reviewed and approved as part of the HDDR. He clarified for the record that during the discussion at the last meeting a request was made for an updated stringline. Mr. Cahoon stated that there is only one stringline and it did not need to be updated. He pointed out that legally the City cannot hold the applicant to satisfy a stringline streetscape analysis. What is required is Design Guideline D.1.2, which requires that the addition be subordinate to the historic structure, and the height limit requirement in LMC 15-2.2-5. Mr. Cahoon believed they could make a finding based on substantial evidence in the record, that the application meets the roof line requirements that are ordinance based objective criteria. Mr. Cahoon reiterated that holding the applicant to a stringline was good for discussion but it is not legally binding on the applicant.

Mr. Cahoon emphasized that the Staff report confirms that the appellant was actively involved in the design review process and was aware of all the issues. Mr. Cahoon believed that was further reason to hold the appellant to the deadline for filing an appeal.

Mr. Cahoon addressed the argument that Mr. Meadows was being subjected to successive appeals. He noted that Mr. Meadows was using the Love v. Park City case, which was a very different case. In that case the applicant was denied the appeal to the HPB and they overturned the decision to deny. A separate appeal was made to the Board of Adjustment. That applicant had to go through a second appeal that was raised by neighbors and the City, and that was the process that was held to be inappropriate. In the case of 505 Woodside, there is only one valid appeal that goes to the Planning Commission. If that is appealed it would go to District Court. Mr. Cahoon pointed out that LUDMA 10987014(b) states that the City may designate appeal authorities to hear distinct type of appeals. Also called out in 3A(ii) is that the appeal authority can either hear interpretations or application of the Code. Mr. Cahoon reinforced that the City was

on solid ground in that the appellant was not being subjected to successive or duplicative appeals.

Mr. Cahoon noted that the appellant had identified acknowledgments of responsibility. This is a de novo review and the acknowledgments are ministerial requirements. Mr. Meadows contends that the application was not complete because the acknowledgments were not signed. He clarified that Mr. Meadows did not appeal the completeness issue and; therefore, was barred from raising that issue. Mr. Cahoon noted that the appellant raised the Ombudsman opinion and stated that the Ombudsman cited the 2009 survey as a basis for his opinion. Mr. Cahoon stated that this was incorrect because what the Ombudsman found was that there was an honest mistake in the 2009 filing and that application lost its vesting. The opinion was not based on an unstamped 2009 survey.

Mr. Cahoon stated that the vegetation preservation plan had already been addressed because there was a condition of approval for an updated survey to confirm preservation prior to building permit.

Board Member Crosby referred to the Arborist report on the Austrian Pine. She understood from the report that the tree is 25 years old and it stopped growing 13 years ago. Mr. Fiat replied that it had a slowed down growth. The tree was irrigated and fertilized and it is currently healthy and growing. The Arborist believed something occurred approximately 13 years ago that affected the tree. Mr. Fiat believed the timing was coincidental to the work that was done next door. Board Member Crosby noted that Mr. Meadows had expressed concern and would like to save the tree. Mr. Fiat reiterated that he would do everything in his power to save the tree. Meanwhile the tree is in the right-of-way and the City has the responsibility to provide the oversight and make the decision on the tree.

Planner Whetstone stated that she spoke with the City Engineer regarding the tree. The tree is in the right-of-way and a permit would be required if anyone wanted it removed. The City Engineer has said that in the next three to five years if the tree is not thriving and an arborist finds that it was due to construction, whoever was responsible for the construction would likely owe the City the equivalent of the tree. Board member Crosby thought it would be debatable as to which construction and at what point in time it caused damage to the tree to the extent that it could not be saved. Planner Whetstone agreed, noting that the Staff recommendation was to keep the existing retaining wall as is to avoid disturbing the tree, even though they would like to see the low rock walls come into compliance with the design guidelines.

Mr. Fiat clarified that the Arborist said that if they leave the concrete retaining wall, re-facing the wall would have no impact on the tree. The Arborist also determined that the rest of the construction would not impact the tree because it was outside of the critical drip zone of the tree. Mr. Fiat noted that the Arborist had said that if they followed certain recommendations, the concrete wall could be removed and replaced.

Board Member Kenworthy understood that the legal recommendation from Mr. Cahoon was to make a motion based on Item 6, and that the other issues should not be addressed because they were not appealed in a timely manner. Assistant City Attorney

McLean recalled that Board member Holmgren had asked the same question at the last meeting and she had advised the Board to move forward on all the issues. Ms. McLean stated that this was not a court of law. It was an informal proceeding and it was important to make sure everyone had the opportunity to present their case to the Board. Assistant City Attorney McLean again recommended that the HPB hear all the items and rule on them.

Chair McFawn stated that the HPB has always been open to the public, applicants, appellants, and they try to gather as much information as possible. He believed Ms. McLean's recommendation was in line with the history of the HPB as a quasi-judicial Board.

Board Member Kenworthy understood that the appellant and the applicant were trying to preserve their rights, but the role and interest of the Historic Preservation Board is to safeguard preservation in Park City. He appreciated that Chair McFawn was willing to allow other issues to be considered, but he preferred to focus on the issues relative to a preservation board.

Chair McFawn called for public comment.

Ruth Meintsma, a resident at 305 Woodside, commented on the stringline concept. She became interested when it was discussed at the last meeting because she rarely misses Planning Commission meetings when historic is involved and she has not heard that terminology used as a basis to judge height and mass. Ms. Meintsma investigated the stringline concept and she understood why it is not used. The stringline does not work consistently in Old Town to be an effective tool. She suggested that the concept might work on the east side of Daly, on lower Woodside, and Lower Park.

Ms. Meintsma provided visuals, using Woodside as an example, to explain why the stringline concept would not work. She stated that Woodside was created for traffic and it consistently flattens and slopes. The stringline becomes a problem for the slope in between the flat and the flat or for the flat in between the slope and the slope. Ms. Meintsma noted that the historic wall undulates with the hillside and the movement of the wall height does not coincide with the movement of the street. She pointed out that the grade can differ on three side by side lots because the street height on grade is actually a difference of 6' from one lot to the other. Ms. Meintsma believed the variables were one reason why the Planning Commission does not use the stringline in their diligence of reviewing mass and scale. It does not work well in Old Town because of the variable.

Ms. Meintsma commented on the stringline for the 505 Woodside project and explained some of the variables that could skew the interpretation and alter the stringline. She pointed that the grade around many of the lots on Woodside has been completely altered. The only thing left are the historic houses.

Ms. Meintsma stated that in terms of historic preservation and historic character, it has to be addressed first under the primary public right-of-way criteria where you cannot see the addition or the addition is diminutive on the street level. The second criteria would be the cross canyon view, and thirdly the context of the neighborhood. She noted that there are very few historic structures in this particular neighborhood.

Ms. Meintsma noted that the impacts to 501 Woodside had not been discussed. When talking about historic preservation and character, 501 next to 505 Woodside should really be considered in the big picture. She reviewed different elements of the design to explain her points and how 505 Woodside has been designed to maintain the historic character of 501 Woodside. Both structures are historic and she believes they complement each other.

Mr. Meadows stated that he was admonished at the last meeting because he was not supposed to talk about the project at the last meeting. He felt that Ms. Meintsma was speaking for Mr. Fiat because her presentation was very technical

Chair McFawn replied that it was public comment and Ms. Meintsma was speaking as a local resident. He noted that Ms. Meintsma is always prepared with thorough and technical presentations when she speaks at public hearings.

Ms. Meintsma pointed out that the 505 lots is 12-1/2 feet deeper and they do have the right to build further back, which is why it goes up the hill a little more. Ms. Meintsma presented another visual of 505 Woodside and the wall. She believed that the addition when built would camouflage the large retaining wall. She also thought the green roof would allow more sun and sky.

Chair McFawn closed the public hearing.

Mr. Meadows corrected inaccuracies in Mr. Fiat's presentation. Mr. Meadows clarified that he did not build the rock walls. They existed before he took possession of his property. He actually offered to move the wall from Mr. Fiat's property but Mr. Fiat would not allow it, and the City charged him for criminal trespass even though he could not remove it. Mr. Meadows wanted it clear that it was something Mr. Fiat subjected himself to when he bought his property as is. Mr. Meadows remarked that Mr. Fiat's story about the tree was inconsistent. At one point he said it stopped growing 13 years ago and he assumed Mr. Meadows harmed the tree when he built his house. Mr. Meadows pointed out that he built his house nine years ago. The tree has been fine and he personally has a letter from David Belz, an architect, who remembers those trees being substantially large in 1991. Mr. Belz also believes the report prepared on the age of the trees was significantly in error based on his experience from living in the neighborhood for many years. Chair McFawn requested that Mr. Meadows provide a copy of the letter to the Staff.

Mr. Meadows stated that he has done nothing but preserve the tree. He did not cut anywhere near the root ball when doing his construction and he has photos to prove it. The Arborist said the tree had a low failure risk but Mr. Fiat seems to think it will fail. Mr. Meadows remarked that his biggest concern is what they would do with the tree if it does die. It is on City property and they now know it is healthy, so if it dies it would be the result of construction. Mr. Fiat has to mitigate and build a defense around the drip line and that area must remain inviolate. If he does not do that and damages the tree, there should be a loss mitigation bond because that particular tree cannot be replaced. Chair McFawn thought a loss mitigation bond was addressed in a condition of approval. Mr. Meadows was concerned that it was never finalized.

Mr. Meadows stated that his application was submitted timely and he had reserved the right to supplement. He was never told of any conditions or exceptions. He knows for certain that he has standing. Joe Tesch previously tried to say that he did not have standing and the Ombudsman ruled otherwise. Mr. Meadows stated that the opinion letters from the architects specifically said it was only their professional judgment and the design appears to comply. He argued that the architects are licensed professionals and not experts. They are not authorized to give a professional opinion in a court of law.

Mr. Meadows noted that the ornamental shaft was built into an existing railroad tie that Christy Banbury had placed there. He only built into it and buttressed it; he did not actually create it. It was an attempt to make a stack of railroad ties look more attractive. Mr. Meadows stated that Mr. Fiat's comments about the size and scale of 515 Woodside was not relevant because his house is not historic. However, in amendments to the LMC, his house was a model used in the Code for volume analysis.

Planner Whetstone clarified the issue regarding the signature and noted that there was a signature on the application. She remarked that other applications that require signatures are also a requirement of the HDDR and only one signature is needed that asserts to the acknowledgment and responsibility of the entire application. Planner Whetstone believed that the disassembly/reassembly issued had been addressed in the conditions of approval.

Planner Whetstone commented on the issue of significant vegetation and the requirement to have a certified Arborist review the vitality and health. She noted that it was part of LMC Section 15-2.2-10, which is part of the HR1 and talks about significant vegetation. Planner Whetstone stated that it is development activity which occurs with the building permit. If there is a disturbance or a risk that the tree might die, or construction impacts, the Staff would want to see the landscape plan and the arborist report to determine the limits of disturbance. Planner Whetstone explained that the HPB was reviewing the landscape plan because the HDDR application says that the site plan needs to show existing vegetation and the proposed plan needs to show a landscape plan of proposed vegetation. It has to be reviewed by Staff and then on appeal to the HPB for compliance with the design guidelines regarding landscaping. Planner Whetstone noted that Guidelines A.5-1 through A.5-8 talk about landscaping. She could not find any design review applications where the Staff required an arborist to certify significant vegetation. That typically comes later in the process. Planner Whetstone clarified that the applicant had obtained an arborist report at the request of the Board.

Chair McFawn asked for clarification of the comments regarding the Ombudsman opinion regarding an incomplete application and 2009.

Assistant City Attorney McLean stated that it was not relevant because this was a new application. She explained that there is a new Ombudsman request for an advisory opinion concerning this new application, but the Ombudsman letter Mr. Meadows referenced in 2009-2010 was on a previous application for this project. The 2009 application had been withdrawn.

Planner Whetstone pointed out that the Staff used the streetscape in review of design guideline D.1.2 and how it was determined and why the Staff used it as a guide. They used what was visible from the public right-of-way.

Assistant City Attorney McLean stated that the Board had one minor question and one major question. This appeal was continued from the last meeting primarily to address the two items concerning the stringline and the tree. The appellant has requested that the Board re-open and reconsider their prior vote. Ms. McLean stated that it was within their purview to do that if they wanted to address the additional items that were raised. However, it required a vote of the majority of the Board. The Board also had the purview to decide not to re-open. Ms. McLean remarked that the Board should deliberate and vote on the outstanding issues.

Chair McFawn clarified that when the Board makes their decision it is based on the Findings of Fact and Conclusions of Law. He asked if that should be done on what was approved at the last meeting or just for the remaining issues for this meeting. Assistant City Attorney McLean stated that the Staff report contained draft findings of fact, conclusions of law, conditions of approval and the order, in part based on the vote at the last meeting and a ratification of that discussion. It also includes the Staff recommendation to deny the appeal. Ms. McLean clarified that the Board has the right to amend any of the findings of facts. They could vote to adopt them, to grant the appeal and direct the Staff to come back with findings to support that decision, and/or amend the findings.

Chair McFawn asked if the Board wanted to relook at any of the issues from the last meeting.

Board Member Kenworthy was comfortable with the decision that was made at the last meeting without any changes.

Board Member Crosby stated that she was also comfortable with their decision. Based on the comments and materials presented by the applicant and the appellant, she believed the application was complete subject to the stated conditions of approval that would be met prior to obtaining a building permit.

Board Member Holmgren concurred. She could see no reason to re-open the issues previously discussed and voted on.

Board Member Kenworthy appreciated that the Board had continued this item because he had a much better understanding of the design and the role of the stringline. He also appreciated the comments from Ruth Meintsma. He encouraged Mr. Meadows to attend more meetings because Mr. Meintsma is very detailed and informed and the Board respects and appreciates her interest.

Chair McFawn concurred with his fellow Board members. He felt that the Board had fully addressed the issues at the last meeting. Chair McFawn appreciated the interest of everyone in attendance, even those who did not speak. He also expressed appreciation to Mr. Meadows for his time and passion, and the time and effort of Mr. Fiat and Mr. Cahoon.

Chair McFawn requested that the Board begin their discussion with the trees. He was personally interested in the tree that was mentioned in the City right-of-way. He thought the tree appeared to be healthy based on the report. He wanted the tree should be preserved. Chair McFawn was comfortable moving the far section of the wall for the garage if it was supported by the engineer. He did not want to see the concrete retaining wall removed because it would increase the likelihood of harming the tree.

Board Member Kenworthy was comfortable that the appellant, the applicant and the City wanted the tree preserved. He did not want to place restrictions on the concrete wall because in the end it might be best to take it down.

Board Member Crosby concurred with Board Member Kenworthy.

Board Member Holmgren stated that after having a tree tip over that day, she understood the importance of the root ball. That was one of her main concerns. If they need to keep part of the concrete wall to protect the root ball, that should be part of their consideration.

Chair McFawn asked if they should add conditions or restrictions to address the tree and the wall. Board Member Holmgren felt that protecting the tree was sufficiently addressed in the conditions of approval. Chair McFawn noted that proposed conditions A, B, C and D addressed the tree and the wall. The Board wanted to make sure those were included in the conditions of approval. Planner Whetstone noted that it had already been incorporated into the conditions of approval.

Planner Whetstone read from the guidelines, "Features that do not contribute to the significance of a site or building that exists prior to the adoption of the guidelines....but be maintained. However, if it is proposed to be changed, those features must be brought into compliance with these guidelines." Planner Whetstone stated that the guideline needed to be considered when talking about moving part of the wall. She believed leaving the wall and refacing it would be fine.

Director Eddington clarified that the Board preferred to keep the concrete wall and taking off and replacing the existing veneer. The only place they would break the wall would be for the driveway. The wall would then be consistently designed from the driveway back to the house.

Chair McFawn stated that the Board preferred to keep the concrete wall if it was necessary to preserve the tree. He was comfortable changing the facing to make it look more historical, but if it risks damage to the tree he would not want the concrete wall next to the tree removed.

Board Member Kenworthy preferred to see the stack look. He suggested that they might want to put weep holes in the concrete wall, which is why he would not want to place restrictions. In his opinion, the most logical course would be to keep the concrete wall and reface it.

Planner Whetstone reviewed the proposed conditions and identified where they were incorporated into the Conditions of Approval.

Mr. Meadows was concerned about protecting his rights because he has the right to appeal the preservation plan if the HPB would not rule on it this evening. Chair McFawn clarified that the Board would not rule on the preservation plan.

Assistant City Attorney McLean stated that it was addressed in the Code. An appeal of that decision would go to the HPB so it would come back. Planner Whetstone explained that notification would be done in the same manner as the HDDR.

Chair McFawn asked if the stringline needed to be addressed based on the comments this evening.

Board Member Holmgren was comfortable with the presentation showing how the roof lines would fall.

Board Member Crosby agreed. She also thought the stringline helped show the differences in grade.

Board Member Kenworthy appreciated the understanding he now has of the depth of the additional stories and height.

MOTION: Board Member Kenworthy moved to deny the appeal and uphold the Staff's approval of the HDDR based on the Findings of Fact, Conclusions of Law, Conditions of Approval and the Order with the amendment to Condition #20. Puggy Holmgren seconded the motion.

Board Member Kenworthy stated that he was comfortable with the safeguards that were put in place for preservation and for the process. It was met and will continue to be met. The appellant had gone through a great deal of detail and he wanted the rights of all citizens to be upheld. However, he believed that everything they did as a preservation Board was very straightforward and he was comfortable denying the appeal.

VOTE: The motion passed unanimously.

Findings of Fact – 505 Woodside - Appeal

1. The property is located at 505 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1 District).
3. There is an historic house located at 505 Woodside that is listed as a "Significant" site on the Park City Historic Sites Inventory. The site is not listed as a "Landmark" site. The house was constructed in 1904 and because of major non- historically significant and non-historically sensitive additions; the house is currently not eligible for listing on the National Register of Historic Places. The 1968 additions were determined during the Sites Inventory to be out of period and they diminish the buildings association with the past. The 1930's addition at the northeast side of the house will remain, however the

front porch that was modified over time will be reconstructed to be consistent with typical front porches from the historic era for this type of house. The applicant is proposing to restore and preserve the original exterior walls of the historic home and construct an addition to the rear after removing non-contributory additions.

4. The property consists of Lot 1 of the 505 Woodside Avenue Subdivision, being a combination of Lots 2, 3, and a portion of Lots 30 and 31, Block 28 of the Park City Survey, recorded September 4th, 2009.

5. The lot contains 4,375 square feet (sf). The minimum lot size in the HR-1 District is 1,875 sf.

6. The existing lot is 50' in width and 87.5' in depth. The minimum lot width is 25' in the HR-1 District.

7. Minimum front setback for a lot of this depth is twelve (12') feet with a combination of front and rear setbacks equal to a minimum of twenty-five (25') feet. Minimum side yard setbacks for a lot of this width are five (5') feet.

8. The proposed building footprint is 1,707.5 square feet, and includes removal of non-significant additions and construction of a new rear addition. The LMC allows a building footprint of 1,710 square feet for a lot of this size.

9. The existing house does not encroach across the side or rear property lines. The front stairs to the front porch and the front retaining wall encroach onto the Woodside Avenue public right-of-way (ROW). An existing low railroad tie landscaping wall encroaches onto the adjacent lot to the south and onto the property to the rear. An encroachment agreement with the city is required prior to commencing any work in the public ROW, including for any work on the existing retaining wall or driveway.

10. The existing house has a non-conforming front setback of 10.5' for the house that will remain. The front porch has an existing minimum setback of seven (7') feet that will remain. The house also has a nonconforming south side setback of 1.5' that will remain. All new construction will meet current LMC required setbacks and no new non-complying setbacks will result from the new addition.

11. The proposed plans indicate a building height of 27' or less from existing grade for all roof ridges and the flat roof connector element. The plans indicate no change in final grade around the perimeter of the house exceeds four (4') feet. The third story steps more than 10' back from the front façade. All final heights will be verified at the time of the Building Permit application.

12. There is a significant historic house adjacent to the south at 501 Woodside Avenue. The three houses to the north are non-historic houses, including the large contemporary house adjacent at 507 Woodside. There are two large non-historic houses to the rear (west) that are part of the Sweeney Master Planned Development, and the house to the south of 501 Woodside is also a large contemporary structure.

13. For construction and maintenance purposes, access and construction easements should be acquired from the adjacent property owners or construction shall occur completely on the subject property.

14. Historic door and window openings will be maintained, and/or taken back to the historic openings/locations, with the exception of the addition of a garage door on the primary façade. The proposed garage door does not exceed 9' wide by 9' in height. The proposed driveway does not exceed 12' in width.

15. The historic front porch does not exist and the plans include a proposal to bring the porch back to the historic dimensions consistent with this historic style of house.

16. No portion of the lot where construction is proposed exceeds 30% slope for the required 15' of distance. Therefore no Steep Slope CUP is required prior to issuance of a building permit.

17. Changes to the existing grading and landscaping are documented on the preliminary landscape plan. A final grading and landscape plan, HPB Meeting April 3, 2013 68consistent with the preliminary plat, will be submitted with the building permit application.

18. The landscape plan indicates all large trees on the adjacent property will remain as will the old mine ore cart.

19. The front retaining wall will be reconstructed with the flagstone veneer removed. The retaining wall will be replaced with a stacked rock wall typical of historic walls in the neighborhood. Final design of the front wall is subject to review by a certified arborist and an engineer as conditioned.

20. Panelization of the Historic Structure is proposed. This method of preservation is not a common practice. This design review approval does not include approval of a Disassembly/Reassembly and review of the panelization proposal is conducted at the time of review of the final building plans and upon review of the photographic survey and results of an exploratory demolition permit and report. Before disassembly and reassembly may occur, the Planning Director and Chief Building Official have to make a determination that unique conditions and the overall quality of the historic preservation effort warrant the disassembly and reassembly of the historic structure per Chapter 9 of the LMC.

21. The proposed design complies with the Universal Guidelines for Construction on Historic Sites.

22. The proposed design complies with the Specific Guidelines for Construction on Historic Sites.

23. On November 30, 2011, a pre-HDDR application meeting with the Design Review Team was held and the applicant was provided with information regarding applicable guidelines and LMC requirements to take into consideration when preparing the Historic Design Review application.

24. On September 24, 2012, a complete HDDR application was submitted to the Planning Department. The topographic survey submitted was prepared and certified by a licensed surveyor. There are 2' contour intervals on the survey. A preservation plan and report was submitted with the HDDR application, including an existing conditions report, a written preservation plan report, photographs, and a plan proposing to panelize the historic walls.

25. Due to circumstances unique to this historic house and the timing of the application, the request for panelization, was not approved as part of the HDDR, as specifically stated in the Action Letter. Additional information is required to be provided after results of an exploratory demolition permit are known and a report is submitted to the Planning Director and Chief Building Official to use in order to determine whether unique conditions and overall quality of the historic preservation effort warrant this method of preservation. If this method is not warranted, the applicant will have to provide an amended preservation plan for approval by the Planning Director and Chief Building Official.

26. A preservation guarantee is required for all construction projects involving historic properties. The guarantee is typically \$250.00 per square foot of construction. This guarantee is required prior to issuance of any building permits.

27. The findings discussed in the Background and Analysis Sections of this report are incorporated herein.

28. The landscape plan was revised on January 31, 2013, to show the existing significant vegetation located at the northwest portion of the lot. The approved HDDR plans indicate that these trees will remain. Significant vegetation may not be removed from a site without prior approval through a pre-HDDR application.

29. Per the Park City Municipal Code, a permit is required for cutting or removal of trees or vegetation from City property, including the City's rights-of-way.

30. A landscape guarantee is required for all construction involving the disturbance of existing ground and/or vegetation and for any projects that have required landscape plans. This guarantee is required prior to issuance of any building permits.

31. The HDDR approval does not allow for demolition of the entire structure except for 3 walls. A Certificate of Appropriateness for Demolition (CAD) is not required for additions that were deemed non-contributory or non-historic additions, such as the existing rear additions to 505 Woodside that are out of the historic period and have not acquired historic significance in their own right.

32. The historic house and historic roof forms are being preserved and retained.

33. Additional living space is proposed with the rear addition. The addition is located approximately 31 feet behind the front façade.

34. The proposed flat roofed connector element is a “clear transitional element between old and new” functioning as a circulation/staircase area and providing a transition between the historic house and the pitched roof of the rear addition located 47’ behind the parallel pitched roof of the historic house. The rear addition does not encroach on the historic portion of the existing house, and it preserves the existing cross-wing variant roof form and complies with the current HDDG.

35. The flat roof of the connector element is proposed to be a planted, green roof, consistent with requirements of the Land Management Code and complies with the Guideline D.a.4 in that it is a “clear transitional element between old and new” and it is not a primary roof for the overall structure.

36. The proposed addition is located approximately 31 feet behind the front façade and complies with Guideline D.1.2 in that it is visually subordinate to the historic structure when viewed from the public right-of-way.

37. On October 11, 2012, the Planning Staff posted the property and sent out notice letters to affected property owners, per the requirements of the LMC.

38. On October 24, 2012, the Planning Staff received comments from adjacent property owners regarding the proposed design.

39. Staff reviewed the comments and met with the applicant to review the plans and consider revisions.

40. On November 8, 2012, the applicant submitted revised plans and additional information that was reviewed by Staff.

41. On January 17, 2013 the applicant submitted additional revised plans to address additional comments by the Staff.

Conclusions of Law – 505 Woodside – Appeal

1. The proposed addition complies with the 2009 Park City Historic District Design Guidelines for Historic Districts and Historic Sites as conditioned.

2. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District.

3. The proposal complies with the Non-complying Structure standards listed in Section 15-9-6(A), in that the existing structure is historic and extends into the south side and front yard setbacks. The proposed construction will not create any new non-compliance with the HR-1 requirements.

Conditions of Approval – 505 Woodside - Appeal

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permits for this property. The CMP shall consider and mitigate impacts to the existing historic home,

adjacent structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department. The CMP shall explain how construction along the south property line will be completed if no construction and maintenance easement is obtained from the adjacent property owner at 501 Woodside Avenue. Construction Mitigation Plan to be submitted at the time of the building permit application shall include a specific plan for the protection of existing significant vegetation on the subject property and on adjacent properties.

2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on January 17, 2013, redlined and approved by the Planning Department on January 30, 2013. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

4. All standard conditions of approval shall apply (see attached).

5. If a building permit has not been obtained by February 4, 2014, then this HDDR approval will expire, unless an extension is requested in writing prior to the expiration date and an extension is granted by the Planning Department, with notice given according to the Land Management Code.

6. Any area disturbed during construction shall be brought back to its original state or landscaped according to an approved Landscape Plan, prior to issuance of a Certificate of Occupancy. An updated survey shall be submitted with the building permit application to identify all existing significant vegetation by type and size for inclusion on the final landscape plan that is required to be submitted with the building permit application.

7. A final Landscape Plan shall be submitted with the building permit submittal and shall be reviewed in conjunction with the building permit, and shall include irrigation details for the new landscape area, plantings and mulch materials, and materials and locations of all hard surfaced areas and retaining walls.

8. Construction waste should be diverted from the landfill and recycled when possible. Any proposed roof mounted solar panels shall be shown on the plans submitted for building permit review and shall be located towards the rear of the house.

9. Lighting fixture details have not been submitted, included or reviewed as part of this application. All exterior lighting cut sheets and locations shall be submitted to the Planning Department for review and approval prior to installation. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.

10. City Engineer review and approval of all grading, utility installation, public improvements, drainage plans, retaining walls, and flood plain issues, for compliance with City and Federal standards, is a condition precedent to building permit issuance.

11. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.

12. As noted on the plans, exterior wood surfaces shall be solid-stained and must have an opaque rather than transparent finish. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC paints and paints are recommended to be used.

13. The proposed porch posts and railing details, including dimensions, shall be shown on the final building plans, consistent with the HDDR plans.

14. All exterior materials shall be identified on the final building plan set, consistent with the January 17, 2013 HDDR plans. The heavy timber elements, both the horizontal and vertical members, shown for the addition, around the flat roof portion, shall be reduced in dimension in order to comply with the Guidelines. The 12" dimension is not in scale with the historic scale of trim and detail elements. Final details of the scaled down elements, as redlined on the plans, shall be submitted with the Building permit application plans.

15. Approval of this HDDR was noticed on February 4, 2013 and is subject to a 10 day appeal period.

16. A preservation guarantee shall be calculated by the Chief Building Official and all paper work and documentation regarding the preservation guarantee shall be executed and recorded at Summit County recorder's office prior to issuance of any building permits for construction on this property.

17. The Staff shall review the panelization proposal at the time of review of the final building permit application. Upon review of the photographic survey and results of an exploratory demolition permit and report the Planning Director and Chief Building Official shall determine whether unique conditions and overall quality of the historic preservation effort warrant the disassembly/reassembly of the historic structure per Chapter 9 of the LMC.

18. All retaining walls shall comply with the Land Management Code.

19. The front retaining wall design shall be reviewed by a certified arborist, as well as the applicant's engineer (and the City Engineer) to determine the best wall design to comply with the HDDG and to ensure viability of the tree in the City ROW.

20. If the proposed method of preservation of the historic house by disassembly and reassembly is not warranted and approved by the City, then the applicant shall provide an amended preservation plan prior to issuance of any building permits related to this HDDR. Either plan requires final approval by the City as a condition precedent to issuance of a building permit for the addition. Staff shall provide notice of final action on the preservation plan in the same manner as notice is provided regarding final action on the HDDR application. Final action on the Preservation Plan is appealable to the HPB Pursuant to LMC Section 15-1-18.

21. The green roof shall be maintained in compliance with the City's landscaping requirements as stated in the Municipal Code.

Order:

1. The Planning Staff did not err in the approval of the Historic District Design Review of the proposed addition for 505 Woodside Avenue.

2. Appellant's request for a reversal of the Planning Staff's decision to approve the HDDR application is denied.

Director Eddington noted that David McFawn had resigned from the Board and this was his last meeting. He thanked Mr. McFawn for his dedicated service to the Historic Preservation Board.

The meeting adjourned at 7:44 p.m.

Approved by _____
Dave McFawn, Chair
Historic Preservation Board