

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

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

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

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ROLL CALL

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

PUBLIC COMMUNICATIONS

There was no comment.

STAFF/BOARD MEMBERS COMMUNICATIONS AND DISCLOSURES

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

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

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

REGULAR MEETING – Discussion, Public Hearing and Possible Action

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

Planner Cattan reported that the purpose this evening was to hear an appeal of 100 Marsac Avenue. She noted that on May 6, 2009 an original appeal came before the Preservation Board, and it was denied. That denial was appealed to the Board of Adjustment. The Board of Adjustment reviewed the appeal on July 28, 2009, and on August 18, 2009 they made findings to remand it back to the HPB to look at certain matters. The Order was very specific on which issues were remanded back for further consideration by the HPB. The HPB shall only hear those items relating to the Design Guidelines compliance as raised in the original appeals of February 9, 2009, and as supplemented on April 29th and May 5th. Staff shall include specific written findings of compliance in the remanded staff report. Planner Cattan noted that the findings of compliance were attached as an exhibit to the Staff report. Matters raised by Appellants which are not specific to Design Guideline compliance shall not be considered by the

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

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

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

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

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

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

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

Point 1 – House designs are not sufficiently different as required by the conditions of the MPD. The conditions of the MPD stated that, “All building will be required to be reviewed under the Historic District Design Guidelines. The specific house designs shall be sufficiently different to provide variety and interest.”

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

Point 2 – No complete landscaping plans were ever submitted as required by the Conditions of the Master Planned Development agreement, the required site information, Streetscape and other requirements of the HDDR application were never provided. Planner Cattan noted that a complete landscape plan was submitted once it was brought to the applicant’s attention. There was some discussion at what point that would be reviewed by Staff. The Staff was suggesting that this would be the correct step in the process in which to either approve or deny. Planner Cattan presented the streetscape the Staff has on file. The Staff had requested an updated streetscape showing the changes in the retaining wall, but that had not yet been submitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Putt clarified a point he had missed in his presentation regarding the wall. He noted that in 2008 the Planning Commission split the findings and conditions for the uphill and downhill units. In the conditions of October 22, 2008, one condition addresses slope retention that is similar for both the uphill and downhill units in terms of the wall. The condition reads, "Prior to the issuance of a building permit, the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped and signed by a licensed structural engineer if required by the Building department." Mr. Putt was not disputing what Mr. Edison had read from the narrative in the Staff report, but he wanted to make sure everyone understood the actual conditions of approval. Mr. Putt believed that would help emphasize that the evolution of the walls resulted from a series of steps and meetings that led to the current design.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair McFawn closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The meeting adjourned at 8:11 p.m.

Approved by \_\_\_\_\_  
David McFawn, Chair  
Historic Preservation Board