

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF SEPTEMBER 16, 2015

BOARD MEMBERS IN ATTENDANCE: Chair David White, Lola Beatlebrox, Jack Hodgkins, Puggy Holmgren, Hope Melville, Douglas Stephens, David White

EX OFFICIO: Anya Grahn, Hannah Turpen, Polly Samuels McLean, Louis Rodriquez

ROLL CALL

Chair White called the meeting to order at 5:00 p.m. and noted that all Board Members were present except Cheryl Hewett, who was excused.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

CONSIDERATION OF AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE SECTION 15, CHAPTER 11 AND ALL HISTORIC ZONES TO EXPAND THE HISTORIC SITES INVENTORY AND REQUIRE REVIEW BY THE HISTORIC PRESERVATION BOARD OF ANY DEMOLITION PERMIT IN A HISTORIC DISTRICT AND ASSOCIATED DEFINITIONS IN CHAPTER 15-15.

Planner Grahn noted that the Staff has kept this item on the regular agenda as a place holder in the event that the Board has comments and questions for discussion. Public Input can be taken.

The Staff requested that the HPB continue this item to a date uncertain. The Staff tentatively scheduled October 7th to update the Board on some of the proposals they have been researching so they could begin the discussion.

Chair White called for public input.

Gary Bush encouraged the HPB to have a discussion and provide additional direction to Staff on the new list. He commented on problems they have experienced with the list in the past. Mr. Bush stated that if the intent is to protect the Historic District, he believed all structures should be on the list to avoid problems of finding the list or making sure it is current. Mr. Bush requested that they eliminate the list and just encompass all structures within the District,

including new buildings and vacant lots. He noted that the Historic District is valued because of the structures, but also because of events and the people associated with a structure. Mr. Bush believed the ordinance was being created as a reaction to what occurred at 569 Park Avenue because there was fear and pressure for the Boards to do something. The result was to create an ordinance that strangles the historic property owner. He did not believe the issue was well thought out. The more they try to control the historic property owner and in some ways penalize them for having historic material is not sustainable. Mr. Bush asked the Board to discuss ways to change the philosophy because the owner of 569 Park Avenue believed that if they removed the historic material they could do whatever they wanted with their building. It is important to change the philosophy or somehow incentivize the historic property owner to keep that material and to realize the benefit of having it. He thought that approach would be more sustainable and fair. Mr. Bush stated that if anyone wanted to talk to him about his suggestion in greater detail they were welcome to call him. Mr. Bush remarked that new development or non-historic development does more damage to the Historic District than the additions or renovations to historic properties, but that is not addressed in the pending ordinance. He stated that everyone within the District must be treated fairly. The City has moved away from helping the historic homeowner to penalizing them.

Board Member Melville asked Mr. Bush for his thoughts on potential incentives.

Mr. Bush stated that he has always tried to encourage tax relief; however, the State does not allow it. The Grant Program helps with cosmetic changes, but the issue goes beyond that and they should be looking at it as buying down density. The City has a number of different agendas and one is to preserve these historic homes. Unfortunately, they cast that burden on the historic homeowner. He thought the City should buy these structures and either deed restrict them and resale them, or maintain them as affordable housing. Mr. Bush also suggested using the grant program to buy down density and to try and make it work with the TDRs. If TDRs do not work, they should still use the grant to buy down the density.

Mr. Bush commented on the Finding of Fact in the pending ordinance stating, "Whereas, these buildings are among the City's most important cultural, educational, and economic assets." He disputed that these structures were not the City's assets. His house is on Park City's balance sheet and the sentiment is that the City owns them, but that is not right. He thought better language would be to say that these buildings, although private property, are among the City's most important cultural and educational economic assets. Mr. Bush referred to another Finding which stated, "Whereas, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City." He noted that a number of buildings have been demolished and rebuilt. He commented on one in particular that was rebuilt and still retained its

listing on the National Historic Register. Mr. Bush thought that finding should say..."the demolition and removal..." Just saying demolition is incomplete.

Mr. Bush encouraged the HPB to think about and not just react because the issue is dynamic and very important and he believed they could find common ground.

Board Member Stephens referred to what the HPB was currently doing in broadly reviewing demolitions, and he asked if Mr. Bush thought it was an onerous process. Mr. Bush replied that it was very onerous for both the HPB and the historic homeowner. He did not think they should give all the advantage to new construction and make the historic home owner go through additional steps. In his opinion, the logic was very convoluted. He cited a personal experience he had in working on a Landmark building, and the process and delays he experienced in making minor, inconsequential changes that were not on the primary façade. At the same time, a new building was being constructed next door and that project moved along quickly without any problems, and all the changes were handled administratively.

Ruth Meintsma, a resident at 305 Woodside, supported Mr. Bush's comments; however she believes in the demolition process because it provides a closer look at historic bits and pieces. She agreed that the process is tedious but she assumed the Board would get better at isolating what is important. Ms. Meintsma stated that the process focuses more on the work that a historic homeowner has to deal with. She wanted to know if there was any way for the City to encourage the purchase of historic homes over vacant lots by offering an incentive. Currently, the opposite is true because the City makes it easier to build on a vacant lot. Ms. Meintsma understood that the Grant Program is an incentive, but money is the key and the best carrot is the amount of money available. Other incentives could include small details such as setbacks. Ms. Meintsma remarked that having a historic house should not be so overwhelming for a homeowner. She agreed with Mr. Bush that the process is unbalanced.

Based on the comments about owning a historic home versus a vacant lot, Board Member Melville stated that allowing just anything on a vacant lot has a dilutive effect on the Historic District. She suggested that it might be an issue worthy of discussion. People might be less inclined to demolish historic houses to build on a vacant lot if the restrictions for vacant lots were more restrictive.

Planner Grahn stated that there are Design Guidelines for new construction that addresses construction on vacant lots. She agreed that it does take less time to go through the review on a vacant lot because they are not trying to make an addition or remodel compatible with the existing historic structure. Planner Grahn remarked that for the next meeting the Staff was hoping to come back with a compatible visual analysis to discuss what they believe are gaps in the

guidelines. She attended City Tour and found that Breckenridge has been doing interesting things as far as modules and keeping the mass and scale on new buildings similar to historic structures. She would talk more about that at the next meeting.

Chair White pointed out that if you have a vacant lot in the Historic District you are not allowed to do just anything on the lot because you have to comply with the Historic District Design Guidelines. However, he believed that compliance has become a little loose and suggested that it may need to be tied down a little better when they relook at the Guidelines.

Board Member Holmgren could not understand why it takes so long to get through the process. It is a common problem and there should be a set time frame to keep things moving forward. Planner Grahn asked if Ms. Holmgren was talking about the HDDR. Mr. Holmgren stated that it was HDDR as well as other processed. She sits on another committee as well and she could not understand why the process sometimes takes up to a year to complete. Planner Grahn replied that a number of different factors can extend the duration of a project. Some applications need plat amendments, which can be a time consuming process; and a building permit cannot be issued until the plat amendment is recorded. It also depends on the design proposed and how much the Staff needs to vet it. Some projects require a Steep Slope CUP which can also extend the process. Planner Grahn noted that the Planning Department tries to get things turned around in 45 days, but within that 45 days the clock often stops and starts, depending on the number of redlines they have to work through with the applicant.

Board Member Melville agreed that it was important not to over-penalize owners of historic properties and make the process difficult. On the other hand, there are only a certain number of historic properties and once those are gone or severely impacted they could never get them back. Ms. Melville thought it was important to take the appropriate amount of time to review projects in the Historic District; but not an unreasonable amount of time. To penalize the historic homeowner is not in the best interest of anyone.

Planner Grahn asked if the Board members had any comments regarding the ordinance itself that they would like the Staff to consider.

Board Member Stephens referred to the last paragraph on page 6 of the Staff report which talks about reconstruction, disassembly and panelization. He understood that lifting a building is addressed in the definition of demolition, but for clarity he thought lifting should be spelled out specifically the same as the other issues.

Board Member Beatlebrox commented on the question to Mr. Bush about whether or not the process was onerous. She thought the degree of demolition should be looked at carefully because small items removed from a non-historic siding might not need to go through this process. If there were levels of demolition that needed to be looked at it might prevent the process from being onerous.

Ms. Beatlebrox stated that she was already on record saying that the HPB needed to work with the City Council very closely and rigorously to settle on a grant amount that is available for each of the areas in the Historic District, so they can offer money and make it attractive for people to buy historic homes and preserve them. Ms. Beatlebrox thought the idea of the City buying a historic home from an owner who does not have the mean to repair it and turning it into affordable housing was a good idea. She pointed out that the miner's shacks were the original affordable housing and it would be valuable to have the existing buildings continue to be affordable housing.

Board Member Stephens stated that when he read proposed ordinance, he interpreted the last sentence on page 6, "Planning Staff shall review demolition applications of interior elements...", as a possible way for the Staff not to have to bring everything to the HPB for review. Planner Grahn replied that it was limited to interior exploration demos. She understood that exploratory demo on the exterior would still come to the HPB. Planner Grahn stated that if all of the Board Members were in agreement, they could take away minor construction demos from the HPB review and keep it as a Staff decision. She offered to research it further for discussion at the next meeting.

Board Member Melville thought the question might be become clearer after they review the two agenda items this evening because they were smaller demolition items. She was willing to look at everything, but her concern was that the minor items are all they have to look as opposed to historic design or anything substantial. In terms of demolition issues, Ms. Melville expressed regret that the HPB did not have more to as a Board.

MOTION: Board Member Beatlebrox moved to CONTINUE the Ordinance discussion to October 7, 2015. Board Member Hodgkins seconded the motion.

VOTE: The motion passed unanimously.

REVIEW OF DEMOLITION PERMITS FOR THE FOLLOWING BUILDINGS AND STRUCTURES TO BE CONSIDERED UNDER THE PENDING ORDINANCE.

581 Park Avenue – The applicant intends to remove an existing non-historic window and remove non-historic wood siding to accommodate an enlarged

window opening on the rear elevation of a non-historic addition of the historic house. (Application PL-15-02910)

Planner Grahn reviewed the request to remove three non-historic windows at the rear elevation of the property. The windows are not visible from the street. The applicant was proposing to remove one window opening and side over it, and put the two windows together. The result would be two side-by-side casement windows. Planner Grahn reported that the material was not historic. The house was redone in the 1990's and most of the material dates from that time.

Planner Grahn noted that this proposal was being done as part of a kitchen remodel. The Staff recommended adding Finding of Fact #7 to read, "The applicant applied for a Building Permit for the kitchen remodel on August 5, 2015 and requested an amendment to the Building Permit to include the kitchen windows on September 16, 2015." Planner Grahn explained that a pre-application for a Historic District Design Review is an opportunity for the applicant to discuss the plans, as opposed to an actual application where the applicant is vested under a building permit. You cannot be vested under a pre-application.

Board Member Beatlebrox was not opposed to the request because it was part of an addition that occurred in 1991. Board Member Melville agreed and had no issues.

MOTION: Board Member Melville moved to APPROVE the demolition of non-historic siding in order to reconfigure the window openings on the rear elevation of the historic house at 581 Park Avenue, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Board Member Stephens seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 581 Park Avenue

1. The property is located at 581 Park Avenue.
2. The historic house is listed as Significant on the Historic Sites Inventory.
3. On August 25, 2015, the Planning Department received a Historic District Design Review (HDDR) Pre-Application.
4. A non-historic window will be removed and the opening covered; the existing window opening on the north side of the rear elevation will be enlarged to accommodate two side-by-side casement windows.
5. No historic material will be removed.
6. Based on Sanborn Map analysis, the window and siding material on the rear elevation did not exist during the historic period and likely date to the c.-1991 renovation which expanded the footprint of the home.

7. The applicant applied for a Building Permit for the kitchen remodel on August 5, 2015 and requested an amendment to the Building Permit to include the kitchen windows on September 16, 2015.

Conclusions of Law - 581 Park Avenue

1. The proposal complies with the Land Management Code requirements pursuant to the HCB District and the pending ordinance.

Conditions of Approval – 581 Park Avenue

1. Final building plans and construction details shall reflect substantial compliance with the proposal stamped in on August 25, 2015. 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.

2. An HDDR review or a Waiver by the Planning Director is required for the approved design before a Building Permit can be issued by the Building Department.

220 Marsac Avenue/Ontario – The applicant intends to remove non-historic asphalt roof shingles and a minor section of board and batten siding material on the north façade. (Application PL-15-02924)

Planner Turpen clarified that the address was officially Marsac, but the applicant put Ontario on the application.

Planner Turpen reviewed the application to remove the non-historic shingles on top of the historic house. The applicant applied for the building permit this morning. The material was determined to be non-historic because a building permit was issued in 1995 for a re-roof. They were also proposing to remove a four inch square on the non-historic batten board side in a location pending the installation of the dryer vent. That portion is non-historic because it was part of a 2000 remodel. The applicant applied for a building permit for that portion on September 8th, 2015.

Board Member Melville assumed the asphalt roof shingles would be replaced. Planner Turpen answered yes. Mr. Melville understood that the HPB did not have the purview under this process to know the replacement material, but they would not want to approve removal if there was no plan to replace it. Board Member Beatlebrox asked if the asphalt shingles would be replaced with a

similar material. Ms. Melville noted that the HPB could not know or care about the replacement material. Chair White clarified that the Board members care but they do not have the purview to make that decision. Planner Turpen explained that if it were appealed and the Board was part of the design review, it could not be appealed to the HPB. That is the reason for focusing only on the demolition portion.

Board Member Hodgkins asked about the location of the dryer vent. Planner Turpen stated that the dryer was on the north elevation. According to the Guidelines it was historically past the midpoint of the structure.

Board Member Melville remarked that cutting a 4 x 4 dryer vent and classifying it as demolition was over-broad. The Board should be concerned about major demolitions and not smaller ones.

MOTION: Board Member Melville moved to APPROVE the demolition of non-historic roof shingles and a 4" x 4" section of board and batten siding on the north façade of 220 Ontario/Marsac Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval. Board Member Hodgkins seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 220 Ontario/Marsac Avenue

1. The property is located at 220 Ontario/Marsac Avenue
2. The building is listed as Significant on the Historic Sites Inventory.
3. The property is located within the Historic Residential (HR-1) District.
4. On September 8, 2015 the applicant submitted a Historic District Design Review Pre-application (HDDR-Pre).
5. The removal of the non-historic asphalt shingles is considered minor and routine maintenance.
6. The 4" x 4" section of board and batten siding that is to be demolished is located beyond the midpoint on the north façade.
7. It can be determined that the asphalt roof shingles are non-historic because a Building Permit for a re-roof was issued by the Park City Building Department on October 23, 1995.
8. It can be determined that the board and batten siding is non-historic because the house was originally clad in horizontal wooden drop (or novelty) siding (as can be seen in the c. 1940 tax photograph – Exhibit B). In addition, the board and batten siding was installed at the time of the garage addition. The Building Permit for the garage addition was issued on July 31, 2000.
9. No historic material will be removed.
10. The removal of these items will not affect the historic materials of the building.
11. The applicant applied for a Building Permit for the dryer vent on September 8,

2015.

12. The applicant applied for a Building Permit for the re-roof on September 16, 2015.

Conclusions of Law – 220 Ontario/Marsac Avenue

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

Conditions of Approval – 220 Ontario/Marsac Avenue

1. Final building plans and construction details shall reflect substantial compliance

with the proposal stamped in on September 8, 2015. 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.

2. An HDDR review or a Waiver by the Planning Director is required for the approved design before a Building Permit can be issued by the Building Department.

Board Member Melville reiterated that all the Board Members were willing to do whatever they could for historic preservation and they were happy to look at demolitions. However, she felt it was a shame that this Board was not able to do anything else. Ms. Melville pointed out that if they were not looking at these minor demolitions they would not have a reason to meet. She asked that Council Member Peek, as the HPB liaison, pass her comment on to the City Council.

Board Member Holmgren stated that she was on the HPB in previous years and she felt that the Board does have a lot of input in terms of changes with the LMC and things. She believes the Board has plenty to do, recognizing that it may not be the things that Ms. Melville and others expected. As an appeal board and providing input on any of the LMC changes, she thought the HPB was profoundly involved.

Board Member Stephens agreed with Board Member Holmgren. He noted that currently they were dealing with lighter issues, but he believed it would become more complicated as time goes on and as different types of issues come up with regards to construction and demolition. Mr. Stephens pointed out that the matter this evening would have been more complicated if the request involved windows going into the historic structure at the back of the house. They would soon be talking about grant programs, and they have also been tasked with looking at LMC amendments and the Design Guidelines. Mr. Stephens thought the HPB had a lot of work to do and he was pleased to be a part of this Board.

Board Member Beatlebrox concurred. Chair White anticipated much larger demolition items in the future.

Board Member Stephens stated that in support of the comment made by Mr. Bush, the homeowner should not have to go through this process for something as small as a cut for a dryer vent.

Assistant City Attorney McLean pointed out that this was an unusual process because of the pending ordinance. However, once the ordinance is adopted, whatever is decided in that ordinance will be the Code. The direction from the City Council and the pending ordinance that was created was to have a wide net to work through these issues to keep things from being destroyed or demolished while waiting for the ordinance to be adopted. Ms. McLean stated that it was a work in progress and if the pending ordinance is amended while working through the process, that becomes the pending ordinance that people have to abide by until the ordinance is adopted, not adopted, or 180 days passes.

Mr. Stephen understood the process, which was why they were making these comments. The intent was to help make the ordinance better and he would like the Staff to come back with suggestions on how to adjust the wording. Mr. Stephens agreed that in the meantime they needed to cover everything to keep things from slipping through.

Board Member Melville agreed. She believed the issue came down to the definition of demolition. Whether the definition is broad or narrow, it would be more credible to historic homeowners if they focus on the major items and not something as small as a dryer vent.

Planner Grahn noted that the next meeting was scheduled for Wednesday, October 7th. Board Member Beatlebrox asked if the HPB would have another joint meeting with the City Council to talk about grant fund and the gap in coverages for the different areas of Park City. Planner Grahn replied that the current focus is primarily on the ordinance. Once the ordinance is completed, they will move ahead on the grant program.

Planner Turpen had forgotten to mention a recommended change to the Findings of Fact for 220 Ontario/Marsac Avenue. Ms. McLean stated that Ms. Turpen could make her comments and the Board could revote on her suggestion to amend.

For the 220 Ontario/Marsac Demolition, Planner Turpen suggested adding Finding of Fact #11 to read, "The applicant applied for a building permit for the dryer vent on September 8th, 2015". She also suggested adding Finding of Fact #12 to read, "The applicant applied for a building permit for the re-roof on September 16th, 2015."

Historic Preservation Board Meeting
September 16, 2015

MOTION: Board Member Melville moved to APPROVE the demolition of non-historic roof shingles and a 4" x 4" section of board and batten siding on the north façade of 220 Ontario/Marsac Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval, as amended. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Note: The Findings listed under the original motion were amended per the revised motion and revote.

The meeting adjourned at 5:40 p.m.

Approved by _____
David White, Chair
Historic Preservation Board