



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

July 12, 2018

The Council of Park City, Summit County, Utah, met in open meeting on July 12, 2018, at 2:00 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property and litigation at 2:00 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting at 3:45 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

STUDY SESSION

Social Equity Discussion:

Mayor Beerman indicated there were translation services available for this session. Holy Cross Ministries showed a video called "The Day in the Life of an Immigrant. Martha Macomber, who filmed and edited the video, shared that she was told the video would be successful if connections were formed because of viewing it. Further discussion ensued on insights gained from watching the video.

WORK SESSION

Discuss Issuing an RFP for Social Equity Community Convening Services:

Jed Briggs, Budget Manager, reviewed the scope of the proposed RFP for a Social Equity convener. He stated the convener would determine the needs of the community and educate the community; develop a strategic plan with goals, vision, action items and deadlines, and a gap analysis; build a coalition between community members,

government, business, nonprofits and other institutions; and have a PCMC relationship - working on internal initiatives including bias trainings, cultural competency trainings, etc.

Council Member Joyce asked about the timeframe for the convener. Council Member Ware Peek suggested having the responders set a timeline. It was noted that the timeline would be proposed by the responders on Page 7 of the RFP. Council Member Worel thought the requirement of qualifications would look different coming from a person than it would coming from an organization. Briggs stated he would clarify that wording. Mayor Beerman stressed that the critical priorities were areas that would take several years, and he thought the expectation for this convener would be for a long term period. Council Member Henney expressed concern that the community hadn't been properly noticed. He knew there were some that didn't agree with this critical priority, but they weren't at this meeting. Council Member Gerber felt the community knew about this priority but didn't want to come out against it since it was uncomfortable.

Council Member Henney felt more notice should be given so people couldn't say at a future date that they didn't know Social Equity was a priority. Mayor Beerman felt the discussions would continue, but the people couldn't be forced to come in to challenge the legitimacy of the process. He encouraged all in the room to continue discussing Social Equity and encouraging others to voice their opinions.

Briggs indicated the RFP would go out soon and a convener would be chosen in August. The Council was comfortable moving forward with the proposed RFP.

Ice Arena Update:

Amanda Angevine and the Ice Arena Team presented this item. Matt Gunther explained ice was utilized 95% of the time. It was noted the fee reduction program was a great success. Mike Diersen reviewed the back of house operations including refrigeration, heating, showers, etc. LED lights were installed and ice temperatures were increased which resulted in decreased electricity costs. Mayor Beerman noted Diersen went to South Korea to make ice at the Olympics.

Jessica Walker discussed customer engagement at the Ice Arena, and indicated staff was very accessible to the different groups and individuals using the ice. Council Member Joyce asked how many of the energy saving pieces of equipment were funded in this budget year. Angevine stated there were several items that were adjusted to be funded between now and the next few years. She hoped to get the computer system and water system funded this year. Foster noted that City grants were given for projects that could recoup that cost in energy savings.

Council Member Ware Peek praised the report and the efforts of the Ice Team. Council Member Worel asked how many groups from out of town used the ice. Gunther stated

Wasatch High School considered the ice as their home rink and scheduled the less utilized times.

Discuss Land Management Code Amendments for Supplemental Regulations to Accessory Apartments:

Hannah Tyler and Bruce Erickson, Planning Department, presented this item. Tyler reviewed that the City Affordable Housing goal was 800 units by 2026, 220 units by 2020, and noted there would be 139 units by the end of 2019. It was indicated that accessory apartments could be a resource for affordable housing. These units could be created within the house or from an addition to the house. One requirement was that there had to be one parking space per bedroom. Currently, there were 44 accessory apartments and none were deed restricted. She indicated these apartments had been allowed since 1994, but they had not been encouraged up to this point.

Erickson stated a number of HOAs limited or restricted accessory apartments. Tyler and the Affordable Housing team saw three problems prohibiting affordable housing: the rental market was not favorable to people needing affordable housing, the housing stock was primarily built out and aging and the cost of construction was high, and not all properties could provide the minimum parking requirement for an additional unit. Staff's proposal would be to waive the one parking space per bedroom parking requirement. Tyler discussed potential impacts from waiving the requirement, noting there would be cars associated with most accessory dwellings which would impact the neighborhood, especially in neighborhoods where parking was already a problem.

Council Member Worel asked how many accessory apartments were being used as such. Tyler did not know how many units were being used. Erickson estimated they were all being used. Council Member Worel asked if single family homes could have cars parked on the street to which Erickson affirmed.

Council Member Joyce asked how nightly room rentals were regulated. Erickson stated nightly rentals required a business license and inspection. Mark Harrington stated that renting an accessory apartment was regulated differently than renting a room since the apartment was a separate unit. Approvals for accessory apartments were usually given with the building permit. Matt Dias agreed with Harrington and indicated the City still had the right to regulate this type of rental.

Council Member Ware Peek asked how the accessory buildings were being created. Erickson stated some existing homes were attempting to legalize the existing use, but were having problems meeting code. Council Member Gerber asked about the use of a guest house over a garage. Tyler stated it was permitted, but it could not be used as an apartment. Erickson indicated he was looking for ways to remove impediments to accessory apartments, such as the effects of parking on the neighborhood.

Council Member Worel asked if the accessory apartment tenant would have to leave at the owner's request, to which Erickson responded in the affirmative.

Mayor Beerman opened the meeting for public comment.

Pete Stoughton, Christian Center, stated he worked with seasonal workers and the majority were J1 visa holders. He thanked the Council for addressing the housing shortage in creative ways and noted J1 students in the U.S. were not allowed to drive.

David Dorsey stated he purchased a house in Prospector and would like to rent part of it, but he didn't meet the parking requirements. He commented it was easier now to live and work in Park City without the necessity of having a car and he hoped parking would be deregulated. He suggested outreach might encourage others in the community to create more affordable housing with the existing housing stock. He requested that his email to Council be in the public record (see attached).

Mayor Beerman closed the public input portion of the meeting.

Erickson displayed a list of impacts to accessory apartments. Council Member Gerber asked if the apartments would be deed restricted and she hoped that compliance checks would be put in place. Laurent stated compliance checks were already occurring.

Council Member Joyce felt Planning was asking if more staff time should be spent on the impacts of accessory apartments, and he was against more time being invested in this. He didn't want affordable housing to get a black eye and didn't want to change the code just to promote affordable housing. Council Member Gerber disagreed since she knew others who would build an accessory unit if it weren't for the parking restriction. She asserted 70% of homes sat empty so she didn't see parking as a problem in most areas. Council Member Ware Peek heard many people who expressed interest in accessory apartments as well. She felt this was a great tool for building more affordable housing.

Council Member Worel stated there was an affordable housing crisis and the City needed to do whatever was possible to address the problem. She supported having staff continue to address the impacts to accessory apartments. Council Member Henney agreed with Council Member Worel. Council Member Joyce stated if parking was not thought to be a problem, then staff should remove the barriers.

Erickson clarified the deed restriction would be to keep the apartment affordable. Mayor Beerman stated there was strong support from Council to pursue the accessory apartments and stated staff should come back with a simple list of options to remove the barriers to these affordable units.

REGULAR MEETING - 6:00 p.m.

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Mark Harrington, City Attorney Michelle Kellogg, City Recorder	Present
None	Absent

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Member Joyce stated he was on the Planning Commission and voted to recommend New Business Item Five for approval, so he would abstain from voting on this tonight.

Staff Communications Reports:

Mid-Season Summit Bike Share Update:

Mid-Season Bike Share Report:

Council Questions and Comments:

Council Members Worel and Ware Peek attended Mountainlands Community Housing tour of affordable housing for Wasatch and Summit County. Council Member Worel attended the Women's Giving Fund Grant Celebration where Big Brothers Big Sisters received a grant. She attended the Leadership picnic. She thanked Julia Collins for her efforts with the ribbon cutting event for the Chambers Trail. She attended the Women in Leadership Treasure Hill hike and noted this group will have a book club event with author Erika Sanchez in September.

Council Member Ware Peek indicated she also attended the housing tour, Chambers Trail ribbon cutting event, and leadership picnic. Additionally, she attended a Shabbat service and the rabbi discussed Social Equity in their community. She commented that she was impressed with Summit County's resolution to denounce the separation of families at the border. Matt Dias reviewed the City's efforts with lobbyist Jim Barker in D.C. Two weeks ago the entire Utah House delegation supported the Dreamers

legislation, even though the legislation ultimately failed. He suggested writing a letter to the Utah delegation in support of immigration and/or writing a letter to the Attorney General. Council Member Henney asked if Park City's support of Summit County's resolution would be productive. Dias stated any and all efforts would be beneficial. Council Member Henney thought a collaborative effort in support of the County's resolution would be nice. Council agreed to send a letter to the Utah delegation as well as pass a resolution supporting the County's resolution denouncing the separation of families at the border.

Council Member Henney indicated he went to the Leadership Alumni party, Mountainlands Community Housing Trust board meeting and tour, and attended the Chambers Trail ribbon cutting ceremony. He thanked staff for their work in enhancing the Chambers Trail for the neighborhood.

Council Member Gerber stated she attended many of the same events mentioned above and thanked staff for organizing a great July 4th celebration, as well as for their work on the July 3rd event.

Mayor Beerman attended the event at Quinn's Junction and noted there was amazing work done by staff on the July 3rd and 4th events. There continued to be meetings on the Arts and Culture District. He indicated the second half of the Armstrong property was available for purchase and Utah Open Lands was fundraising to buy that parcel. The Citizens Open Space Advisory Committee (COSAC) had some funds in reserve to purchase that parcel. He was approached by a group that requested the City tack on a certain amount to the open space bond so this parcel could be acquired and asked if Council supported Rockwood bringing forth a budget option. The Council agreed to look at options.

III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for those who wished to address the Council on items not on the agenda.

Angela Moschetta stated she attended the Social Equity session and had concerns with the RFP. She thought a lot of progress had been made in the last couple of years with regard to Social Equity, but felt this process was moving too fast. She agreed with Council Member Henney that many people didn't understand what Social Equity meant and who would benefit. She thought the RFP was loose and too many things were left to interpretation, and indicated the RFP was not clear because the City hadn't identified its own issues and goals with regard to Social Equity. She felt more of an effort should be made in outreach, branding should be discussed, and more groundwork should be done prior to issuing the RFP.

Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from June 21, 2018:

Council Member Henney referred to Page 6, Lines 23 and 24, where he asked Roger McClain if the new plant would emit additional noise than the current plant. McClain stated the noise level would be very similar and possibly reduced.

Council Member Gerber indicated that on Page 1, Line 39, she and Mayor Beerman would be attending a CAST meeting in August.

Council Member Worel noted on Page 5, Lines 5 and 6, she suggested the visioning process should include second homeowners as well as those who lived and worked in the City limits.

Council Member Ware Peek indicated the correct spellings for Wendy Fischer and Hadley Dynak and noted that the motion on Page 15, Line 22 was Council Member Ware Worel and asked that the motion identify the correct Council member.

Mayor Beerman referred to Page 2, Lines 31 and 32, and stated he attended the CWC meeting and noted that they were going back to Congress to restart the conversation on the Central Wasatch Conservation and Recreation Area bill, which was intended to put additional protections on the Wasatch Mountains.

Council Member Worel moved to approve the City Council Meeting minutes from June 21, 2018 as amended. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute the First Change Order to the 2018 Water Improvements Project, in a Form Approved by the City Attorney, with Daley Excavators, L.L.C. for an Additional \$139,000, Bringing the Total Project to an Amount Not to Exceed \$817,000:

2. Request to Authorize the City Manager to Execute the Third Addendum to the Construction Agreement for the Park Meadows Country Club East Pond Outlet Upgrades with Beck Construction and Excavation, in a Form Approved by the

City Attorney, for Construction Services for an Increase to the Current Contract Amount of \$40,820.25 for a Total Contract Amount Not to Exceed \$168,320.25:

Council Member Gerber moved to approve the Consent Agenda. Council Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VI) OLD BUSINESS

1. Consideration to Approve Ordinance 2018-37, an Ordinance Approving the Daly Delight Plat Amendment Located at 180 Daly Avenue and 182 Daly Avenue, Park City, Utah:

Hannah Tyler, Planner II, presented this item. Council Member Joyce reviewed the size analysis and stated there were similar things shown, but this was a 70% bigger lot. Tyler stated there were a lot of smaller lots in this area, but not a lot of bigger lots, and noted a road dedication would result from this plat amendment.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Henney moved to approve Ordinance 2018-37, an ordinance approving the Daly Delight Plat Amendment located at 180 Daly Avenue and 182 Daly Avenue, Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VII) NEW BUSINESS

1. Consideration to Approve Ordinance No. 2018-38, an Ordinance Approving the 813 Woodside Avenue Plat Amendment, Located at 813 Woodside Avenue, Park City, Utah:

Liz Jackson, Planning Technician, presented this item and indicated there was a request to remove an interior lot line from the property.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Ware Peek moved to approve Ordinance No. 2018-38, an ordinance approving the 813 Woodside Avenue Plat Amendment, located at 813 Woodside Avenue, Park City, Utah. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

2. Consideration to Approve Ordinance No. 2018-39, an Ordinance Approving the 835 Empire Avenue Plat Amendment, located at 835 Empire Avenue, Park City, Utah:

Anya Grahn, Planner II, presented this item and indicated the plat amendment was needed in order to combine one and a half lots of record.

Council Member Joyce stated the last condition of approval was soft. Grahn stated the condition encouraged an encroachment agreement, but if one was not given, this language stated at least there was effort.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce moved to approve Ordinance No. 2018-39, an ordinance approving the 835 Empire Avenue Plat Amendment, located at 835 Empire Avenue, Park City, Utah. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

3. Consideration to Approve Ordinance No. 2018-40, an Ordinance Approving the 1304 Park Avenue Plat Amendment, Located at 1304 Park Avenue, Park City, Utah:

Liz Jackson and Anya Grahn presented this item and Jackson indicated the request was to create a legal lot of record from a metes and bounds parcel. Council Member Worel asked if Condition of Approval Number Four had to occur prior to the plat recordation. Jackson responded in the affirmative and noted that language would be added to the Condition of Approval.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Ware Peek moved to approve Ordinance No. 2018-40, an ordinance approving the 1304 Park Avenue Plat Amendment, located at 1304 Park Avenue, Park

City, Utah with Condition of Approval Number Four amended as noted above. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

4. Consideration to Approve Ordinance No. 2018-41, an Ordinance Approving the 1117 Park Avenue Plat Amendment, located at 1117 Park Avenue, Park City, Utah:

Anya Grahn presented this item and indicated the plat would combine one and a half lots into a single lot.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Joyce asked if it was required to rotate the lot by two degrees. Grahn stated it was not required, but the owner had offered to rotate it.

Council Member Gerber moved to approve Ordinance No. 2018-41, an ordinance approving the 1117 Park Avenue Plat Amendment, located at 1117 Park Avenue, Park City, Utah. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

5. Consideration to Approve Ordinance No. 2018-42, an Ordinance Approving the 227 Main Street Plat Amendment, located at 227 Main Street, Park City, Utah:

Anya Grahn presented this item and indicated the plat would combine two lots of record into one lot of record. Mayor Beerman disclosed that he owned property adjacent to the property in question.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Gerber moved to approve Ordinance No. 2018-42, an ordinance approving the 227 Main Street Plat Amendment, located at 227 Main Street, Park City, Utah. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Ware Peek, and Worel

ABSTAINED: Council Member Joyce

6. Consideration to Continue an Ordinance Approving Land Management Code Amendments regarding Setbacks and Yards in Chapters 15-2.1 Historic Residential-Low Density (HRL); 15-2.2 Historic Residential (HR-1); 15-2.3 Historic Residential (HR-2); 15-2.4 Historic Residential Medium District (HRM); 15-2.5 Historic Recreation Commercial (HRC); 15-2.6 Historic Commercial Business (HCB); 15-2.7 Recreation and Open Space (ROS); 15-2.8 Protected Open Space (POS); 15-2.9 Rural Estate (E-40); 15-2.10 Estate (E); 15-2.11 Single Family (SF); 15-2.12 Residential (R-1); 15-2.13 Residential Development (RD); 15-2.14 Residential Development-Medium Density (RDM); 15-2.15 Residential-Medium Density (RM); 15-2.16 Recreation Commercial (RC); 15-2.18 General Commercial (GC); 15-2.19 Light Industrial (LI); 15-2.22 Public Use Transition (PUT); 15-2.23 Community Transition (CT); 15-3 Off-Street Parking; 15-4 Supplemental Regulations; and 15-15 Defined Terms:

Bruce Erickson, Planning Director, requested a continuance to July 19.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Ware Peek moved to continue an ordinance approving Land Management Code Amendments regarding Setbacks and Yards in Chapters 15-2.1 Historic Residential-Low Density (HRL); 15-2.2 Historic Residential (HR-1); 15-2.3 Historic Residential (HR-2); 15-2.4 Historic Residential Medium District (HRM); 15-2.5 Historic Recreation Commercial (HRC); 15-2.6 Historic Commercial Business (HCB); 15-2.7 Recreation and Open Space (ROS); 15-2.8 Protected Open Space (POS); 15-2.9 Rural Estate (E-40); 15-2.10 Estate (E); 15-2.11 Single Family (SF); 15-2.12 Residential (R-1); 15-2.13 Residential Development (RD); 15-2.14 Residential Development-Medium Density (RDM); 15-2.15 Residential-Medium Density (RM); 15-2.16 Recreation Commercial (RC); 15-2.18 General Commercial (GC); 15-2.19 Light Industrial (LI); 15-2.22 Public Use Transition (PUT); 15-2.23 Community Transition (CT); 15-3 Off-Street Parking; 15-4 Supplemental Regulations; and 15-15 Defined Terms to July 19, 2018. Council Member Henney seconded the motion.

RESULT: CONTINUED TO JULY 19, 2018

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

7. Consideration of the Appeal of Historic Preservation Board Denial of the Relocation and Reorientation of a Significant Structure at 424 Woodside Avenue:

Mayor Beerman stated the Council would act as a quasi-judicial body and would hear the case de novo. Harrington indicated there were two motions before Council and they could decide those at the beginning of the session. He also explained the principles of the hearing were that both sides would be heard and then a decision would be made.

Council Member Ware Peek disclosed that her brother-in-law owned this property 23 years ago and her spouse might have owned it with him, but that was before she knew him. She noted that she had been inside this house.

Hannah Tyler, Planner II, reviewed this was a Significant Site and it faced Main Street. The current proposal would reorient the structure to face Woodside Avenue, and the owners would lift the structure and remodel it. The only issue being discussed tonight was the reorientation of the structure.

Joe Tesch, attorney, indicated he represented Jon and Heather Berkley, and that the owners and Dina Blaes, an expert on Historic structures, were present. Tesch read the code that indicated Council must favor a land use application unless the land use regulation plainly restricted the land use application. He also noted the code stated the Planning staff was not an advocate of the Historical Preservation Board (HPB), and could only give technical and/or legal advice. He made a motion to strike because the Planning staff report supported the Historical Preservation Board and therefore was adversarial.

Harrington argued that staff was allowed to give professional recommendations, which didn't mean they were advocates for the HPB. With that said, Council did not have to give staff's recommendation any weight because Council could have a de novo hearing. At the hearing, the appellant and staff could give any information they wanted. Tesch asserted the code clearly stated staff was not to be an advocate and he felt the report was advocating for denial.

Council Member Henney moved to deny the motion to strike. Council Member Joyce seconded the motion

RESULT: DENIED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

The second motion by Tesch was to reverse the HPB's decision and Tesch asserted it was not necessary to have a hearing. He felt precedence was set by the approval of 1102 Norfolk.

Harrington stated whether or not the hearing was mandatory, a public hearing was mandatory. Tesch stated that nowhere in the code was this request clearly prohibited.

Council Member Joyce moved to deny the reversal of the Historic Preservation Board's position. Council Member Worel seconded the motion.

RESULT: DENIED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

Tesch indicated there would be a slide presentation and evidence given, and he requested all motions, slides and presentations be included in the record. He objected to having the staff reports supporting the HPB and the findings of fact of HPB in the record.

Dina Blaes disclosed she was a historic consultant for the City in the 1990s and for some years in the 2000s. She stated the appeal focused on the HPB decision. She reviewed that it was Council's responsibility to determine the correctness of HPB's interpretation and application of the plain meaning of land use regulations. She reviewed the proposed improvements and the current hazards with the present location. She indicated the surrounding homes were not historic and the home was not contributing to the area.

Blaes continued her PowerPoint presentation and reviewed the criteria for a Landmark Structure and the criteria for a Significant Structure. She indicated the analysis performed by Ann Oliver was flawed because Oliver analyzed a Landmark Structure and not a Significant Structure. She discussed the unique conditions that would allow a reorientation of a historic structure, including if the historic context of the house had been altered so the reorientation would enhance its historic character, if the relocation would not diminish the physical integrity of the Historic District, if the historical integrity and significance of the historic house would not be diminished by relocation and/or reorientation, and if the potential to preserve the historic house would be enhanced by its relocation.

Blaes noted there were four other structures that had been rotated, relocated and/or lifted on their current sites and they remained on the Historic Sites Inventory as Significant: 1895 Three Kings Drive, 801 Park Avenue, 964 Empire Avenue and 1102 Norfolk. She asserted 424 Woodside would be very similar to these other projects.

Blaes disputed the City's reliance on the 2011 Historic District Design Review (HDDR) and Variance application. She also asserted that the current building was threatened by its present setting with the risk associated with snow accumulation.

Jon Berkley stated he and his wife had a passion for historic homes and they had restored four homes. He bought this house after speaking with someone at the Historical Society who sounded positive as he described his desire to lift and rotate the house. He read a prepared statement from Mark Turnbow, a tenant in this house, who spoke of the hazards to the house from ice and snow accumulation. He also read a comment from Kathryn Deckert who supported this project.

Tesch stated the City Engineer felt the drainage could be mitigated, but Tesch asserted the snow accumulation could not be mitigated. Tesch stated staff did not represent any side. Harrington clarified staff was allowed to give additional information.

Hannah Tyler, Planning, Ann Oliver, Historic Preservation Consultant, Nestor Gallo, City Engineer, and Bruce Erickson, Planning Director, were at the table and available for comments. Tyler reviewed the past applications for this site, including a south addition in 1993, a plat amendment combining three existing lots into one lot in 2005, and in 2011 height, setbacks and reorientation exceptions were requested, and the HDDR was denied.

Tyler stated those at the table would rebut all issues presented. Issue #1: The HPB did not err in their analysis of the site. Oliver stated in this case that the structure had to represent the mining area. She stated all the properties, whether Landmark or Significant, would retain their historic characteristics. Significant sites must retain the essential historic form. Oliver noted the only historic characteristics left on this structure were location and to a lesser degree, setting and design. Below street level was the original location, but all the exterior materials on the house had been replaced. In her professional opinion, the reorientation of the house would remove the historic form and the house would need to be removed from the Historic Sites Inventory. She felt the incremental loss of these homes was a big threat to the City.

Issue #2: Tyler stated the HPB did not err in finding that the proposal did not comply with the current LMC 15-11-13, Relocation and/or Reorientation of a Historic Building of Historic Structure. She indicated all the other relocated homes were approved under a very different code. This was one of the last remaining homes that was below the road and if that was altered it would not be historically preserved. It would eliminate the previous development pattern. She also noted that rotation was not required to replace the windows and porch. Another point was that relocating the structure would lose the historic material since it would become an interior wall.

Issue #3: The integrity and the significance of the structure would not be diminished by the relocation. Tyler indicated the request did not comply with that requirement because the remaining character defining features of the site would be removed, including the context, setting, and materials. The potential to preserve the building would be enhanced by its relocation was another argument by the appellant. Tyler asserted it did

not comply and indicated reorientation was not necessary to restore the structure. Specifically talking about the historical material which was provided by the applicant, she identified that there would be less historical material if the structure was reoriented because some of the original exterior walls would become interior walls, which was not considered a unique condition in the code. With regard to the assertion that staff relied on the 2011 HDDR application, Tyler noted it was protocol to review the history of the property and that was not an error. The 2011 HDDR application and variance was referred to, but there was no reliance on the findings.

Issue #4 The building was threatened in its current setting because of hazardous conditions and the structure would be enhanced by relocating and/or reorienting it. Tyler asserted the HPB did not err in the assessment since there were no unique conditions. Dave Thacker, Chief Building Official stated the structure was habitable and reorientation would be approved if it was not habitable. He looked at 18 criteria for hazards and none were found. Alliance Engineering noted drainage and snow were hazardous, but those hazards could both be mitigated. Nestor Gallo, City Engineer, explained the drainage for that area and indicated there had never been an insurance claim for damage caused by drainage.

Issue #5: Tyler stated the HPB did not err by not making a determination on the proposed panelization. She stated the request for panelization was withdrawn after the July 19 meeting, so no decision was made.

Mayor Beerman opened the public hearing.

Ruth Meintsma commented on the appellant's appeal and noted the appellant stated the home was visible from cross canyon. Meintsma explained the visibility was impeded by the large structures on each side of the property, but there was a garage at one time which hid the house. She stated the HPB members were not historic purists because they allowed for development while keeping the history where possible. She stated the appeal noted Woodside Avenue was 10 feet higher than it was when the house was built. Her calculations showed the road was one and a half feet higher than in 1941. She noted that the intent was to reconstruct and restore the home, but she felt that reconstruction would bring back a home that no longer existed. She also thought reorientation was plainly restricted. Another claim was that the primary façade was not relevant because the primary façade was not contested; only the primary access. She knew residents over the years that had lived in the home and she never heard complaints on the living conditions. She indicated that on the Main Street side of the house there was an above grade door and windows, and then a porch was added on later, so there was not access on the Main Street side. The tax records showed that the access was on Woodside. There was an argument that a neighboring house abutted the access, but the access was between the two houses.

Meintsma passed out a photograph of the neighborhood and asserted the view from this house was the same as it was historically because the other historic structures were still standing. The backyard was still open space which refuted the appeal language. She urged Council to save what was left of this historic structure. She addressed the request to raise the home to be visible, and stated to raise it two feet was permissible and it would be more visible. The roof form mass and scale was original and hadn't been altered. She stated the 1990 grant was used to reroof, update the electrical, fix straining rafters, and replace windows and siding. In 1993, there was no talk to raise the house. Meintsma thought the appellant's request did not meet the criteria of the code. She discussed other points on the appeal and thanked Council for their consideration.

Mayor Beerman closed the public hearing.

Council Member Ware Peek asked if 1102 Norfolk was removed from the Historic Sites Inventory to which it was confirmed that this structure was still on the list.

Council Member Worel asked if additions to historic homes would have to be subordinate to the existing historic homes to which Tyler affirmed and noted that the 1993 addition to this structure was under a different code. Council Member Worel asked which code would apply to the current request for reorientation and relocation. Tyler stated the current code would be used. Harrington rephrased the question which asked how to determine if there was a code that would be compatible to approve the HDDR request to raise and reorient the house. Erickson stated the house being raised and the house being relocated were independently considered and there could be a code compliant HDDR request for these two issues. Harrington reviewed the appellant stayed the other appeal depending on the results of this appeal.

Council Member Joyce thought people did remodels and revisions on porches and windows and they met the historic requirements. Oliver stated historic homeowners who had original windows and siding were encouraged to keep them. If the windows were installed in the 1970s, owners were encouraged to restore them to the original status. Tyler stated the reorientation would make the structure different and it would not remain in its original form. Council Member Joyce asked why it was important to treat this location as an essential historic form and a Significant Site. Oliver stated this building had very little historic features remaining, and if it was rotated then there would not be anything left. The code stated location was essential historic form. Blaes explained the change in the code in 2005, and essential historic form was intentionally left off of the seven characteristics. The code changed again in 2015 and the essential historic form was still based on the old code. Oliver stated any remaining piece of a historic building should be preserved.

Council Member Joyce asked if insurance would cover water seepage into the home since most insurance companies didn't cover flood damage. Gallo indicated a claim

could still be filed, whether or not there was a payout. Council Member Joyce asked the appellant about their concerns with drainage and snow, and noted every historic house in Park City could say the same thing. Blaes indicated most of the runoff was from the snow piled on the side of the road. If there was a 10 foot setback, the drainage could be addressed. She stated the HPB discussed allowing a setback and then denied it. Tesch noted the window was 18 inches above ground and a steep road ran above the home. In past years, the windows were broken from the snow. Gallo indicated this condition was addressed in the building code. He looked at the property and did not see shifting ground or any other hazards. Jon Berkley indicated the snow had been mitigated by boarding up the window so it wouldn't break.

Council Member Gerber asked if the relocation could be denied, but allowing a 10 foot setback approved. Erickson stated there could be an application to relocate, but all three requests were combined in this one application. Harrington stated Council could remand the item to submit a new application.

Council Member Henney asked if the code was changed because of complaints on homes that were reoriented. It was indicated too much material was being lost. Council Member Henney asked if specific line items were added to the code to make it more restrictive and was told that was correct. Erickson stated the items of measurement were the same but the tools of measurement were different. The way it was measured was now stricter.

Mayor Beerman noted the material lost in this structure and stated he thought the home was buried in the addition and he felt the historic structure should stand out. Blaes stated none of the exterior was original. Erickson stated the argument of historic material were the studs underneath the siding. Jon Berkley felt there would be a gain in material when the addition was removed and the home was reoriented.

Tesch stated that a denial of this appeal might result in the loss of this house. There were good arguments on each side. The same criteria were used here as were used for 1102 Norfolk, but there were stricter ways to measure it. He noted the standard was to apply a land use regulation to favor a land use application unless the land use regulation plainly restricted the land use application.

Harrington stated the statute clearly limited and established that the relocation and reorientation were restricted unless the criteria were met. He said one approach would have Council ask itself if the HSI would classify the home at the same or higher level after the reorientation and relocation than it was currently designated.

Council Member Henney asked what the difference was between Landmark and Significant. Council Member Joyce indicated that Landmark was more stringent than Significant. Significant did not mention location, whereas Landmark had location as a

requirement. Council Member Henney stated there were certain requests that made sense, but the code was put in place to protect the City. This was done in other places and precedent was set, but a code change was passed in 2015 and he was leaning to staff recommendation. Blaes stated that the code was not different because prior to 2015 a reorientation was only done in compelling circumstances.

Council Member Gerber felt a Significant designation was lowering the bar, and she didn't think it right that the bar should be lowered as much as possible and a structure still hold a designation. She favored denial of the appeal.

Council Member Ware Peek liked preserving the funkiness in the town. However, she felt if this was denied, there would be a hole where this home currently stood. She wanted to enhance the historic character. At one point, the front faced east so that would be restored. She favored the restoration of the roof, siding, porch and windows. She felt the remodeled structure would enhance the community and if left as is, its value would be diminished.

Council Member Worel expressed concern for further deterioration of the house due to the snow against the house and favored the relocation and reorientation.

Council Member Joyce stated the criteria were subjective. There were mitigations to snow load and drainage, and window damage was concerning. He didn't understand why the home needed to be flipped. He felt the house was Significant because it was backwards. He favored denial of the appeal and cautioned against speculation of what would be the fate of the house in the future.

Mayor Beerman stated the Council would consider remanding part of the application back to the HPB to consider just the relocation and asked the applicant to weigh in since the majority of Council favored denial.

Harrington stated a third option would be for Council to provide direction to staff to grant the appeal in part for relocation but deny in part as to reorientation, and leave requirements for relocation to staff as HDDR. Erickson and Harrington were comfortable with this option and noted findings would come back to Council for final approval. A motion would have to be a partial grant and a partial denial. Height and setback would need to be determined. Tesch indicated the appellant was willing to stipulate to Option Three as Harrington explained.

Harrington suggested a motion to direct staff to prepare findings consistent with the comments of the majority of the Council to grant part and deny part the application as it reads to grant relocation and deny reorientation.

Council Member Joyce moved to direct staff to prepare findings of fact that support denying the right to rotate the house and supporting setting the house back and raising it up consistent with comments from the majority of Council with regard to the appeal of Historic Preservation Board's decision for 424 Woodside Avenue. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VIII) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



Ice Arena Update

July 12, 2018

Engage the community in ice sports and support their passion for recreation, competition and learning on ice



BUSINESS PLAN Departmental Goals

PROGRAMS

Provide a variety of programming to engage the community in ice sports

STRATEGIC OBJECTIVES

ACADEMY: Introduce the community to ice sports and provide programming to compliment user group programs

PCHL: Provide organized adult hockey for all abilities

PUBLIC PROGRAMS: Provide opportunities for patrons to play or train in a variety of disciplines

SCHEDULE: Provide balanced access and efficiently utilize the ice for all users

EVENTS: Showcase ice sports and introduce the community to the facility and programs

ICE RENTAL

Allow user groups to facilitate progressive programing and sell underutilized ice for the enjoyment of locals and visitors

STRATEGIC OBJECTIVES

LOCAL CLUBS: Support the objectives of local clubs and coordinate schedule requests

PRIVATE RENTAL: Opportunity for private ice activities and to increase utilization and revenue



BACK OF HOUSE OPERATIONS

Conscientiously use resources to provide consistent, high quality ice in a clean and safe facility

STRATEGIC OBJECTIVES

HIGH QUALITY ICE: Provide consistent, high quality ice

SAFETY & CLEANLINESS: Provide a safe and clean facility for staff and patrons

PREVENTATIVE MAINTENANCE: Proactively maintain equipment and mitigate expenses and the potential loss of ice

ENERGY: Conscientious energy consumption and continuously evaluate opportunities to reduce our carbon footprint

FINANCIAL: Optimize capital, energy, and personnel to maintain affordable access while recovering costs

VALUE & ENGAGED STAFF

Provide resources and training to promote an engaged staff

STRATEGIC OBJECTIVES

TRAINING: Provide continuous educational and training opportunities so staff can fulfill our mission

DEVELOPMENT: Support the development of staff towards their personal and professional goals

EMPLOYEE RECOGNITION: Appreciate employees for contributions large and small

RESOURCES: Empower employees with the appropriate tools and resources to succeed

CUSTOMER ENGAGEMENT

Provide engaged and professional service to all patrons and staff

STRATEGIC OBJECTIVES

EXPERTISE: Maintain a knowledgeable and experienced staff

FEEDBACK: Solicit feedback both formally and informally

UNDERSTAND PATRONS: Anticipate needs and understand customer's perspective

STAFF PARTICIPATION: Staff participate as users and act as ambassadors of the facility

Programs



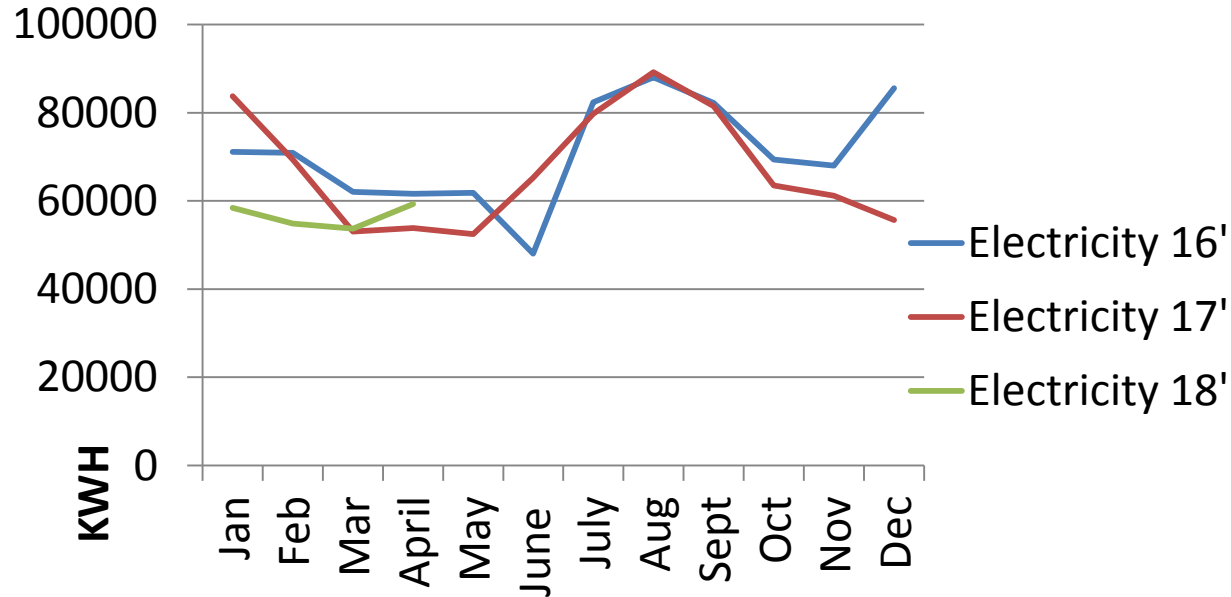
- Utilization of the ice is at 95% .
- Creative ways of best utilizing the ice.
- Skating and Hockey Academy numbers continue to be strong.

Ice Rental



- FY17 \$30,000 increase in Ice Rental.
- Post Olympic Ice Boom!
- New private rentals during slower seasons.

Back of House Operations

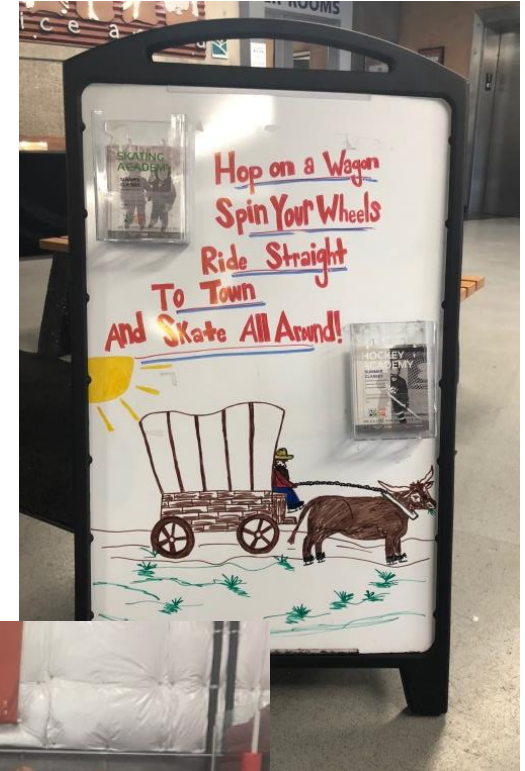


- LED Lights
- Electric Ice Equipment
- Low CO2 levels
- Ice Maintenance 3x Week
- Warmer Ice temps
- New Evaporative Condenser



Customer Engagement

- Surveys
 - Youth Programs
 - Leagues
 - Annual
- BBQ 's and meetings
- Liaison to User Groups
- Management available at front desk



Valued & Engaged Staff



TESCH LAW OFFICES

A Professional Law Corporation

Joseph E. Tesch
joet@teschlaw.com

Stephanie K. Matsumura
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June 4, 2018

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Via Email Only

Mark Harrington
Park City Attorney

Re: Appeal to City Council of HPB decision on 424 Woodside

Dear Mark,

The appeals process under LMC Section 15-1-18 states as follows:

1. Restriction of City Council Members under Subsection G. "The appeal authority [City Council] shall act in a quasi-judicial manner," and "review factual matters de novo, without deference to the land use authority's determination of factual matters." It also states that the City Council in reviewing HPB decisions, it "may exercise only administrative authority."

In light of these directions, it is imperative that the City Council Members do not interact with HPB Members, City Staff (including the City Attorney) or the Appellants or their representatives nor discuss this matter with any interested party other than in an official meeting, on the record when all relevant parties are present.

Since this is a somewhat unique limitation on how City Council Members generally operate, it is Appellants' request that you, in letter form, advise the City Council Members of this requirement. If any City Council Member violates this prohibition, he/she would be subject to a request for recusal, which should be honored. We do not want this to happen.

2. Restrictions on City Staff (including the City Attorney) under Subsection H is entitled "Non-Adversarial Process." In Subsection H.2 it states that City Staff [including the City Attorney] is "not advocates of any party or position" in the appeal. While it only allows Staff to provide technical and legal advice and professional judgment notwithstanding the fact that such advice would [otherwise] lead them to make recommendations.

Obviously, this limitation on City Staff must be honored and City Staff may take no position favoring any party to the appeal but may only give technical (i.e. how to proceed) and legal advice (i.e. whether certain evidence may be considered, how may the Council act, etc.).

Mark Harrington

June 4, 2018

Page 2 of 2

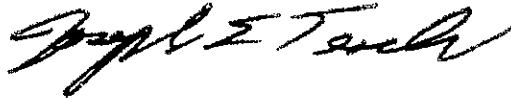
What is very clear is that Staff may not argue or present any argument that the action of the HPB was the correct or the better decision or that one interpretation or finding of fact by the HPB is correct. Remember, this is a hearing on the facts de novo and the City Council may not even give deference to the HPB's determinations.

It is clear from the above that Staff may not file any memorandum opposing Appellants' positions but may only provide technical and legal advice.

As I know you to be a very competent and ethical attorney, I'm confident that you will strictly enforce the above limitations and directions contained in the LMC.

Sincerely,

TESCH LAW OFFICES, P.C.

A handwritten signature in black ink, appearing to read "Joseph E. Tesch", written in a cursive style.

Joseph E. Tesch

Cc: Polly Samuels McLean
Stephanie Matsumura
Jon Berkley
Jonathan DeGray
Dina Blaes

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Attorneys for Petitioners/ Applicants

PARK CITY MUNICIPAL CITY COUNCIL

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9308 Tournament Canyon Drive
Las Vegas, Nevada 89144
Telephone: (702) 501-5005
*Owners of 424 Woodside Avenue, Park City,
Utah*

Applicants/ Appellants

v.

**PARK CITY MUNICIPAL
CORPORATION HISTORIC
PRESERVATION BOARD**

Appellee

**MOTION TO STRIKE THE CITY
COUNCIL STAFF REPORT DATED
JULY 12, 2018 CONCERNING THE
APPEAL OF HISTORIC
PRESERVATION BOARD DENIAL OF
THE RELOCATION AND
REORIENTATION OF A SIGNIFICANT
STRUCTURE**

Park City Project Number: PL-16-03369

COMES NOW, Jon and Heather Berkley (the "Applicants" or "Petitioners") by and through their counsel of record, Joseph E. Tesch and Stephanie K. Matsumura of Tesch Law Offices, P.C., and moves the Park City Council ("Council") to strike the Staff Report dated July

12, 2018 (“Staff Report”) concerning the appeal of the Historic Preservation Board (“HPB”) denial of a relocation and reorientation of a significant structure located at 424 Woodside Avenue, Park City, Utah.

INTRODUCTION

Contrary to the actions of our current federal executive branch, we are and always have been a country of law. In this case the law is that “the role of City staff is to provide [only] technical and legal advice and professional judgment to [the] City Council as they [the City Staff] are not advocates for any party or position in a dispute.” Our Park City ordinances also make it clear that this is not an adversarial proceeding.

The Staff Report crosses the line and clearly advocates for the position of the HPB as if it was representing that party in this dispute. Accordingly, it should be stricken.

The Appellants first obtained the Staff Report after it was posted online on Park City’s website the evening of July 9, 2018—less than three business days before the scheduled appeal. In contrast, the Appellants submitted their brief on June 4, 2018 and supplied all available supplemental information on July 6, 2018.

ARGUMENT

The Park City Code Section 15-1-18(H)(2) clearly limits the role of City staff, including legal staff, to the provision of “technical and legal advice and professional judgment” because “they are not advocates to any party or position in a dispute....” The Staff Report extends beyond the provision of technical, legal, and professional judgment in the following respects:

1. Beginning on the page marked as 172 of the Staff Report¹, the Staff includes an entire "Analysis" that contains a "response to each issue" submitted by the Appellants. The Staff's response to each issue raised in the Appellants' brief exceeds the provision of "technical and legal advice and professional judgment," and advocates for the HPB's position by providing an adversarial response to Appellants' issue on appeal.

2. On Pages 180-183 of the Staff Report, the Staff:

a. Advocates that Anne Oliver is one of Park City's own and is well qualified to provide a formal assessment of the proposed Reorientation/ Relocation of the historic home—*This is contrary to the Park City Code because: (i) the Council is required to review factual matters (including the credibility of Ms. Oliver) anew; and (ii) advocates that the HPB was correct in relying on Ms. Oliver's assessment. The effect of course is to increase her credibility.*

b. Advocates that the HPB did not apply the criteria for Landmark Designation to 424 Woodside Avenue but instead, "agreed with Ms. Oliver's analysis."—*This is contrary to the Park City Code because it advocates that: (i) Ms. Oliver's analysis was corrected under the Park City Code; and (ii) the HPB correctly relied upon Ms. Oliver's assessment. This is beyond technical advice.*

3. On Pages 187-189 of the Staff Report, the Staff:

a. Advocates that the HPB correctly determined that the proposal did not comply with Park City Code Section 15-11-13(A)(c)(1) through (4)—*The Staff's arguments in support of this conclusion extends beyond the provision of technical advice and professional judgment advocating for the HPB decision.*

¹ Appellants note that the Staff Report is part of a larger packet of documents for the July 12, 2018 City Council Meeting. The page numbers appear to correspond with all of the pages contained in the Packet, however, for convenience hereafter, Appellants will refer to those pages as "Page X of the Staff Report."

- b. Advocates that the Planning Director and Chief Building Official correctly determined that there were no unique conditions that would warrant the proposed reorientation/ relocation—*This is contrary to the Park City Code because it does not provide any technical advice or professional judgment concerning why there are no unique conditions, but only advocates that the HPB was correct in concluding that there were no unique conditions.*
- c. Argues that the reference to prior historic structures that were relocated or reoriented is irrelevant because those projects were approved under different criteria in a prior version of the LMC—*This is an adversarial position in response to the Appellants' arguments and not merely the provision of technical advice or professional judgment.*

4. On Page 189 of the Staff Report, the Staff advocates that the history of the application is necessary and that the HPB was justified in relying upon the 2011 Variance application to deny the Application—*Here, the Staff is advocating that the HPB was justified in relying upon the prior application without any basis in law and beyond the ordinance restriction prohibiting advocating for a position.*

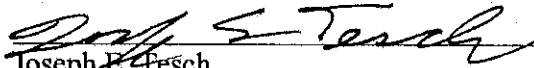
5. On Pages 191-193 of the Staff Report, while the Staff provides some technical advice, it primarily argues that the drainage conditions are not a hazardous condition unique to this property and that even if it were, the proposed solution of installing a drain is the most viable solution—*This conclusion advocates denial of the application on the basis that there may be another alternative solution to address snow or water drainage issues and is beyond the mere provision of technical advice or professional judgment.*

CONCLUSION

Only a blind mouse would be fooled into believing that the Staff Report is not adversarial in nature, in support of the HPB's decision and far beyond the requirement that the Staff's involvement be limited to technical advice. Therefore, if we are to follow our law, the Council should strike the Staff Report in its entirety. In the alternative, the Council should strike all provisions that extend beyond the provision of technical and legal advice and professional judgment and/ or any portion of the Staff Report that advocates for a position.

DATED this 11th day of July, 2018.

TESCH LAW OFFICES, P.C.

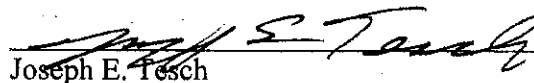


Joseph E. Tesch
Stephanie K. Matsumura
Attorneys for Appellants

SERVICE

Hand Delivered to Planning Department on July 11, 2018.

Delivered by email only on July 11, 2018 to Mark Harrington, Bruce Erickson and Hannah Tyler.



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Telephone: (702) 501-5005
*Owners of 424 Woodside Avenue, Park City,
Utah*

Applicants/ Appellants

v.

**PARK CITY MUNICIPAL
CORPORATION HISTORIC
PRESERVATION BOARD**

Appellee

**MOTION FOR DIRECTED REVERSAL
OF THE HPB'S DECISION**

Park City Project Number: PL-16-03369

COMES NOW, Jon and Heather Berkley (the "Applicants" or "Petitioners") by and through their counsel of record, Joseph E. Tesch and Stephanie K. Matsumura of Tesch Law Offices, P.C., and moves the Park City Council ("Council") to directly reverse the Historic

Preservation Board's ("HPB") Final Action denying the Applicants' application for reorientation and relocation ("Application") of the structure located at 424 Woodside Avenue, Park City, Utah.

ARGUMENT

Park City Code Section 15-1-18(G) states that, "[t]he appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to **favor a land use application unless the land use regulation plainly restricts the land use application.**"

(emphasis added). In other words, this Council is required to review whether the HPB correctly: (1) interpreted and applied the plain meaning of the land use restrictions related to reorientation and relocation found in Park City Code Section 15-11-13 ("Section 15-11-13"); and upon review, (2) interpret and apply Section 15-11-13 to favor the Applicants' Application, unless Section 15-11-13 **plainly restricts** the Application. In this instance, the relevant portions of Section 15-11-13 are Subsections 3.b. and 3.c.

A. Subsection 3.c.

If the reviewing body determines that there are "unique conditions [that] warrant the proposed relocation and/ or reorientation on the existing site," then the proposed project should be approved for relocation and reorientation. Park City Code § 15-11-13. The Park City Code identifies four criteria that constitute unique conditions.¹ In this instance, nothing in Subsection 3.c. of Section 15-11-13 plainly restricts Applicants' proposed Application.

¹ These criteria include:

- (1) The historic context of the Historic Building(s) and/ or Structure(s) has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the Historic Building(s) and/ or Structure(s) and the Historic District or its present setting; and
- (2) The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district; and

Indeed, the Planning Director and Chief Building Official already found unique circumstances for reorientation where a similar "significant" historic structure was facing east and impacted by an altered vehicular thoroughfare. *See Determination for 1102 Norfolk Avenue dated February 13, 2015*, attached as Exhibit A; *Photograph of 1102 Norfolk Prior to Reorientation*, attached as Exhibit B. In that case, the Planning Director and Chief Building Official specifically noted that:

- The reorientation of the historic structure to face west towards the road, would "allow it to be the visual focal point of the project;"
- The historic context of the historic structure had been lost given the various changes to the surrounding buildings;
- The historic context would not be diminished because the structure's association with the historic feature was "altered after the original vehicular thoroughfare was abandoned and replaced;"
- The orientation of the structure towards Old Town (east) had a diminished visibility from the existing public right of way (Norfolk Avenue);
- The goals of historic preservation are best served by reorienting the structure to face towards the road and prevent the structure from being visually impaired and consumed by new construction (also allowing greater visibility); and
- "Thereby allowing it greater visibility to be appreciated by the public."

In short, the Chief Building Official and Planning Director found unique conditions on another project with nearly identical conditions (i.e., facing east on an altered vehicular

-
- (3) The historical integrity and significance of the Historic Building(s) and/ or Structure(s) will not be diminished by relocation and/ or reorientation; and
 - (4) The potential to preserve the Historic Building(s) and/ or Structure(s) will be enhanced by its relocation.

thoroughfare). Consequently, this Council, under the requirement that it favor the land use application unless the land use regulations plainly restricts the proposed application, should reverse the HPB's decision to deny the Application because there is no plain restriction under Section 15-11-13 that prohibits the proposed reorientation of the structure.

B. Subsection 3.b.

In order to approve the reorientation and relocation of a historic structure, Subsection 3.b. of Section 15-11-13 requires that, "[t]he Planning Director and Chief Building Official determine that the building is threatened in its present setting because of hazardous conditions and the preservation of the building will be enhanced by relocating it." In this instance, there is no written statement from either the Planning Director nor the Chief Building Official that the snow accumulation as well as the water drainage onto the historical structure located ten feet below Woodside Avenue does not constitute a hazardous condition. Indeed, the Planning Director and Chief Building Official only opine that the installation of a drainage system is a viable, alternative method to address possible drainage issues. They do not contest Appellants' engineer's, Michael Demkowicz's, opinion that it is the snow accumulation that causes the hazardous condition. There is no written statements from the Planning Director nor the Chief Building Official concerning the snow accumulation issues given the discrepancy in the height of the historic structure in relation to the heightened location of the road. Moreover, the City Engineer's supplemental report, submitted days before this Council's hearing on the appeal and which includes his opinion that the "existing drainage does not create a hazardous condition," fails to address Engineer Demkowicz's conclusion that the snow accumulation has created a hazardous condition.

There is nothing in Subsection 3.b. of Section 15-11-13 that plainly restricts the reorientation and relocation of the historic structure as proposed by the Applicants. Given that the Council is required by ordinance to favor the Application, the Council should reverse the HPB's decision to deny the Application.

CONCLUSION

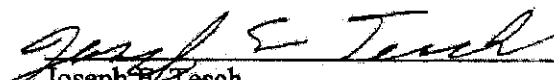
Importantly, the Staff has, up to this point in time, never argued that the ordinance plainly restricts approval of the Application. Instead, in effect, it argues that the HPB correctly exercised its discretion. Of course, the legal standard is that the Council must favor this land use Application under these facts and circumstances.

Moreover, the fact that the Planning Director and the Chief Building Official, regarding 1102 Norfolk Avenue under strikingly similar facts (although the facts regarding 424 Woodside are even more meritorious), is proof that Section 15-11-13 does not plainly restrict this Application. These issues are purely matters of exercise of discretion. City government simply cannot be so arbitrary as to give two thumbs up to 1102 Norfolk while giving two thumbs down to 424 Woodside Avenue.

Based on the foregoing, the Council should directly reverse the HPB's decision to deny the Application for reorientation and relocation and grant Applicants' appeal.

DATED this 12th day of July, 2018.

TESCH LAW OFFICES, P.C.


Joseph E. Tesch
Stephanie K. Matsumura
Attorneys for Appellants

SERVICE

Hand Delivered to Planning Department on July 12, 2018.

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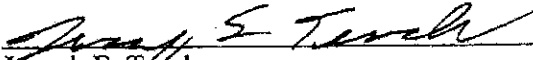

Joseph E. Tesch

EXHIBIT A

February 13, 2015

Casey and Corey Crawford
P.O. Box 3327
Park City, UT 84060

CC: Architect Steven A. Swanson

**NOTICE OF PLANNING DIRECTOR & CHIEF BUILDING OFFICIAL
DETERMINATION**

Project Address: 1102 Norfolk Avenue
Project Description: Planning Director & Chief Building Official Determination
for reorientation of a Significant structure
Project Number: PL-13-02167
Date of Action: February 13, 2015

Action Taken by Planning Director and Chief Building Official:

Pursuant to Land Management Code (LMC) 15-11-13(A), in approving a Historic District or Historic Site Design Review Application involving the relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Significant Site, such as 1102 Norfolk Avenue, the Planning Department shall find the project complies with the following criteria:

- (1) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or*
- (2) The Planning Director and Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or*
- (3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.*

Upon review of the Historic District Design Review (HDDR) for the proposed development of 1102 Norfolk Avenue, the Planning Director and Chief Building Official find that there are unique conditions that warrant the proposed relocation and/or reorientation of the existing building on the existing site.

The Planning Director and Chief Building Official have made this determination based on the following findings of fact and conditions of approval:

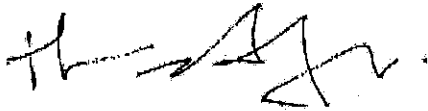
Findings of Fact

1. The property is located at 1102 Norfolk Avenue in the Historic Residential (HR-1) Zoning District.
2. The property consists of Lots 31 and 32 of Block 8 of Snyders Addition to Park City. The entire parcel is 0.09 acres in size.
3. The site is listed on the Park City Historic Sites Inventory (HSI) as "Significant."
4. The Historic Preservation Board received a Determination of Significance Application for this property on January 21, 2014 and determined the site was "Significant" rather than "Landmark."
5. The applicant submitted a Historic District Design Review (HDDR) application on May 21, 2014. The application was deemed complete on January 26, 2015. A public hearing was held on February 9, 2015.
6. The historic structure faces east towards Old Town and was originally accessed by historic Crescent Street, which has since been converted to the 11th Street pedestrian access stairway. The historic structure is currently accessed via a walkway from the 11th Street pedestrian access stairway.
7. The applicant is proposing to rotate the historic structure approximately 180 degrees so that the structure faces west towards Norfolk Avenue.
8. The Planning Director and Chief Building Official have found the following unique conditions that warrant the relocation of the historic structure:
 - a. The reorientation of the historic structure located at 1102 Norfolk Avenue to face west towards Norfolk Avenue will allow it to be the visual focal point of the project. By allowing the reorientation, the historic structure will remain proud of the addition.
 - b. Much of the historic context of the historic structure has been lost. The property is surrounded by 1980s condominiums to the north, 1980s residential structures and one (1) HSI residential structure to the west, and to the south there are five (5) residential structures listed on the HSI and a mixture of 1980s, 1990s, and 2000s residential structures. In total, there are only seven (7) residential structures listed on the HSI of the 35 structures on the Norfolk Avenue block between 10th Street and 12th Street.
 - c. The proposed reorientation will not diminish the historic context that originally existed. The structure's association with historic Crescent Street was altered after the original vehicular thoroughfare was abandoned and replaced by the 11th Avenue pedestrian access stairway. The historic structure is currently the only structure on Norfolk Avenue that is oriented towards Old Town and accessed via pedestrian access stairway. Because of the loss of its association with the historic Crescent Street vehicular thoroughfare, the orientation of the structure towards Old Town has diminished its visibility from the existing public right-of-way (Norfolk Avenue).

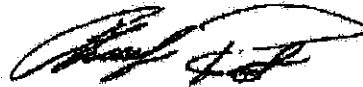
- d. The goals of historic preservation are best served by reorienting the historic structure to face west towards Norfolk Avenue. This will prevent the structure from being visually impaired and consumed by the new construction. The reorientation will emphasize the historically significant structure by allowing it greater visibility to be appreciated by the public as viewed from the existing right-of-way.
- e. Due to the unique configuration of the historic structure oriented east towards Old Town and only accessed via the 11th Avenue pedestrian access stairway, reorienting the structure to the west allows for a rear addition. The orientation of the structures with access via the 11th Avenue pedestrian access stairway is very uncommon in Park City.

If you have any questions regarding this determination, please do not hesitate to contact the Planning Department at 435-615-5060.

Sincerely,



Thomas E. Eddington Jr., AICP, PLA
Planning Director



Chad Root,
Chief Building Official

CC: Hannah Turpen, Planner

EXHIBIT B



Standard of Review
Park City Code § 15-1-18(G)

The City Council must:

1. Review factual matters *de novo* (anew) without deference to the HPB's determination of factual matters; and
 2. Determine the correctness of HPB's interpretation and application of plain meaning of land use regulations, and interpret and **"apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application."**
-

Non-Adversarial Process
Park City Code § 15-1-18(H)(2)

For all appeals before City Council, "the role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as **they are not advocates of any party or position in a dispute**, notwithstanding that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter."

Criteria for Relocation and Reorientation of Historic Buildings
Park City Code § 15-11-13(A)(3)(b) and (A)(3)(c)

The application complies with **one** of the following:

- 3.b. The Planning Director and Chief Building Official determine that the building is threatened in its present setting because of **hazardous conditions** and the preservation of the building will be enhanced by relocating it;

OR

- 3.c. The Historic Preservation Board, with input from the Planning Director and the Chief Building Official, determines that **unique conditions** warrant the proposed relocation and/ or reorientation on the existing Site. Unique conditions shall include all of the following:

1. The **historic context** of the Historic Building and/ or Structure **has been so radically altered** that the proposed relocation **will enhance** the ability to interpret the historic character of the Historic Building and/ or Structure and the Historic District or its present setting; and
2. The proposed relocation **will not diminish the overall physical integrity** of the Historic District **or diminish the historical associations** used to define the boundaries of the district; and
3. The **historical integrity and significance** of the Historic Building and/ or Structure **will not be diminished** by relocation and/ or reorientation; and
4. The **potential to preserve** the Historic Building and/ or Structure **will be enhanced** by its relocation.

424 Woodside Avenue



Clerk

Joel's

Project Number: PL-16-03379, 424 Woodside Avenue
Petition for Appellate Review



Introduce Jon & Heather and others representing the applicant at the hearing.
Presenting the petition for Appellate Review of the Historic Preservation Board's
decision on the relocation and reorientation of the historic structure at 424 Woodside
Avenue.

Proposed Preservation and Enhancement

- Make the historic structure the focal point of the project by reorienting it to face west towards Woodside Avenue.
- Lift the historic structure to enhance visibility from the road and prevent it from being visually impaired from the road and consumed by surrounding new construction.
- Restore and maintain historic features of the home.
- Resolve the hazards of snow accumulation from the road and roof.
- At the recommendation of the City Staff, this is a phased application process; approval for reorientation/relocation first.

PC Council, July 12, 2018

PL-16-03379 Appeal

2

The appeal is focused on the HPB's most recent decision, a holistic look at the application that was submitted provides important context for your deliberations.

The application proposed the preservation and enhancement of the historic home in whole, including these elements.

City staff recommended the application be phased so this was the first in a multi-step process.

Standard of Review

Council must:

- Review factual matters *de novo* (anew) without deference to the HPB's determination of factual matters
- Determine the correctness of HPB's interpretation and application of plain meaning of land use regulations
 - When interpreting and applying a land use regulation, the council is required to **"favor a land use application unless the land use regulation plainly restricts the land use application"**

Park City Code §15-1-18(G)

PC Council, July 12, 2018

PL-16-03379 Appeal

3

It never hurts to be reminded of the Standards of Review that will guide your deliberations.

- Review factual matters anew
- Determine the correctness of the HPB's interpretation
 - In doing so, the Council is required to favor...

Relevant Facts



PC Council, July 12, 2018

PL-16-03379 Appeal

4

The procedural history of the application is well-documented in the packet, as is the history and all of the changes that have been made to the building over time, so we're not going to spend time restating those things here.

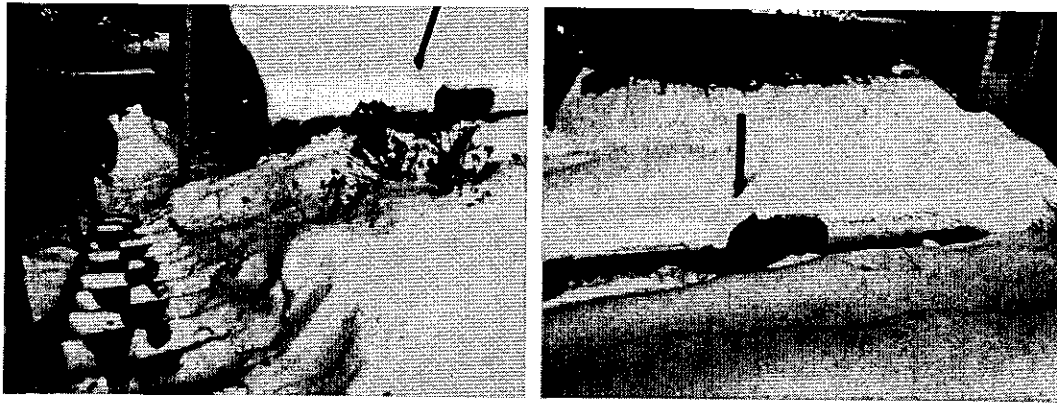
Instead, we'd like to spend a few minutes highlighting some of the relevant facts about the property and the application.

The application calls for all of the non-historic roofing materials to be removed and replaced with historically compatible materials.

All of the non-historic siding will be removed and replaced with historically accurate materials.

All of the windows will be replaced with historically appropriate wood windows.

Relevant Facts



PC Council, July 12, 2018

PL-16-03379 Appeal

5

The hazards caused by where the house sits in relation to Woodside Avenue will be solved.

The property line is the west wall of the house. Snow accumulation against the rear wall is an issue, that the application resolves. The risk of damage from plows throwing snow onto the roof of the house, from the city using the area between the house and the road for snow storage, and the ever-present risk of vehicles exiting the roadway or striking the house will all be resolved.

Relevant Facts



PC Council, July 12, 2018

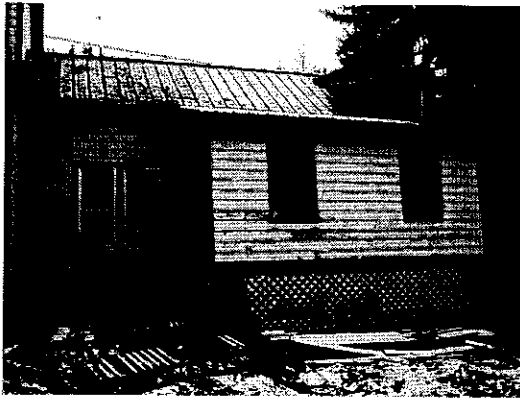
PL-16-03379 Appeal

6

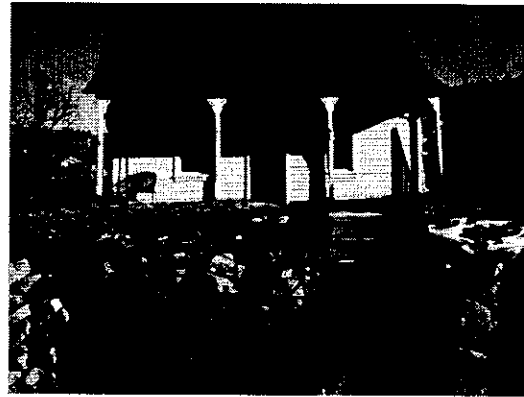
The rear, full-width porch will be restored with historically accurate window openings and placement.

The character-defining feature of the chimney stack will be brought back.

Relevant Facts



PC Council, July 12, 2018



PL-16-03379 Appeal

7

Here on the front of the house, the non-historic porch enclosure will be removed

The historic porch will be restored, much like the example you see here from 147 Ridge Avenue.

The openings on the front façade that have been removed will be restored to their historic appearance and configuration.

Relevant Facts



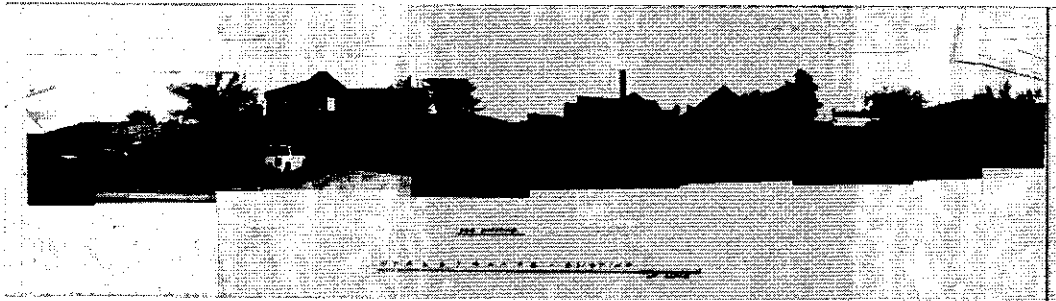
PC Council, July 12, 2018

PL-16-03379 Appeal

8

As we come back around to the Woodside Avenue frontage, you can see the harsh juxtaposition between the historic house and the 1993 addition, as well as how the surrounding development looms over the historic structure.

Relevant Facts



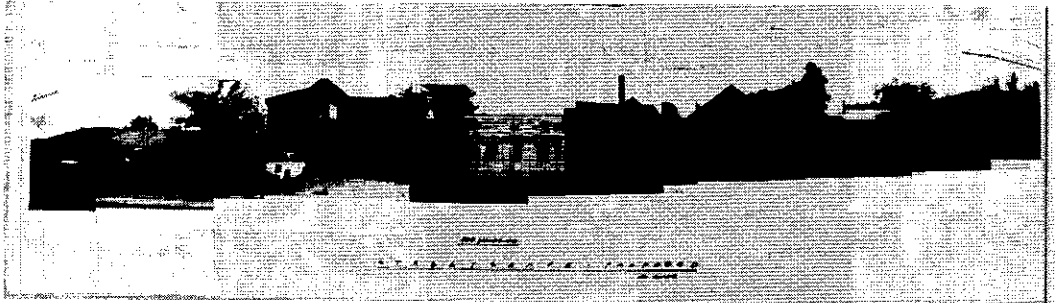
PC Council, July 12, 2018

PL-16-03379 Appeal

9

The project is surrounded by condos or houses built in the 1960s, 1980s, and 1990s and its historic character is not visible from the public right-of-way. It's not contributing to the city's sense of historic significance.

Relevant Facts



PC Council, July 12, 2018

PL-16-03379 Appeal

10

The proposed project will make the historic structure the focal point so that the transition from the historic to the new construction is visually compatible.

Also, the project will strengthen the historical associations within the Historic Residential District because the character of the historic structure will be visible from the public right-of-way.

This context, we feel, is important to understanding the overall goals for the project and now we'll briefly touch on the issues raised in our appeal.

ISSUE #1 Historical Analysis

Landmark Site

- Age of structure
- Historic Integrity: Location, Design, Setting, Materials, Workmanship, Feeling & Association
- Relevance in local, regional or national history

Significant Site

- Age of structure
- Historic Integrity: Essential Historic Form
- Retains certain visual and design characteristics
- Relevance in local, regional or national history

PC Council, July 12, 2018

PL-16-03379 Appeal

11

The first issue is the Historical Analysis. Refer you to page 207 of your packet where this information is provided in a table that compares the criteria side-by-side.

Ann Oliver is a respected preservation consultant, we are not questioning her credentials. She performed a strong analysis but unfortunately used the wrong criteria as the basis for that analysis.

Nowhere in the report are the criteria outlined in the right side of this table mentioned. Only those elements that make up historic integrity for landmark Sites.

I'm emphasizing this so vigorously because the analysis is THE BASIS for nearly every argument on which the HPB based its denial of this application. The effect of this error cannot be overstated.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(1) The historic context of the historic house has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the house and the historic district or its present setting.

PC Council, July 12, 2018

PL-16-03379 Appeal

12

As you know, one of the ways a historic structure can be relocated or reoriented is if unique conditions warrant it. The LMC defines what those unique conditions are and they are listed in the next 4 slides I'll show.

The city's arguments indicate a misunderstanding of difference between historic context and physical context.

Historic context is understood to mean that structures, events, or buildings don't happen in a vacuum but rather reflect larger trends or themes.

The historic context for this property, which is undisputed, is the mining era boom in Park City and all the aspects that reflect that era, including its type as a hall-parlor house, its form as a side gable-roof, its modest size and scale, its construction method and materials, its vernacular architecture.

The ability to interpret all that historic character is lost because its buried in a hole surrounded by modern condos and incompatible structures and has lost a lot of its historic features. Making the historic structure the focal point of the project will enhance everyone's ability to appreciate its historic character.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(2) The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district.

PC Council, July 12, 2018

PL-16-03379 Appeal

13

This is the second component of unique condisitons:

This is a zoning district, not a historic district. A historic district is universally understood in Historic Preservation to be a majority concentration of historic resources located within a contiguous geographic area. HR-1 is a zoning district where the vast majority of properties are not historic.

The overall physical integrity of the district won't be diminished by the reorientation and relocation because the project complies, as confirmed in the staff report, with the setback and height requirements, which are the primary elements that make up the physical integrity of a zoning district.

Historical associations that define the boundaries are only enhanced by the relocation and reorientation because the historic structure will finally be visible as the main element of the of the project and the street scape and, therefor, can convey those associations to the public.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(3) The historical integrity and significance of the historic house will not be diminished by relocation and/or reorientation.

PC Council, July 12, 2018

PL-16-03379 Appeal

14

The third component of unique conditions.

We addressed this issue of historic integrity and significance in an earlier slide.

It should be noted that at least four other structures have been rotated, relocated and/or lifted on their current sites and they remain on the Historic Sites Inventory as Significant; specifically, 1895 Three Kings Drive, 801 Park Avenue, 964 Empire Avenue, and 1102 Norfolk Avenue.

This project is very similar to these other projects.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(4) The potential to preserve the historic house will be enhanced by its relocation.

PC Council, July 12, 2018

PL-16-03379 Appeal

15

The fourth and final element;

Lasting preservation depends on the ability to adapt historic structures for contemporary use while keeping their historic designation and Essential Historic Form. The project as proposed does all of those things.

As it sits now, additions can't be built without causing the structure to lose its historic designation, snow continues to accumulate and damage the west wall, the historic structure continues to be engulfed by the road build-up and ever new construction in the area, and the historic features of the home remain lost.

Standard of Review

Council must:

- Review factual matters *de novo* (anew) without deference to the HPB's determination of factual matters
- Determine the correctness of HPB's interpretation and application of plain meaning of land use regulations
 - When interpreting and applying a land use regulation, the council is required to **"favor a land use application unless the land use regulation plainly restricts the land use application"**

Park City Code §15-1-18(G)

PC Council, July 12, 2018

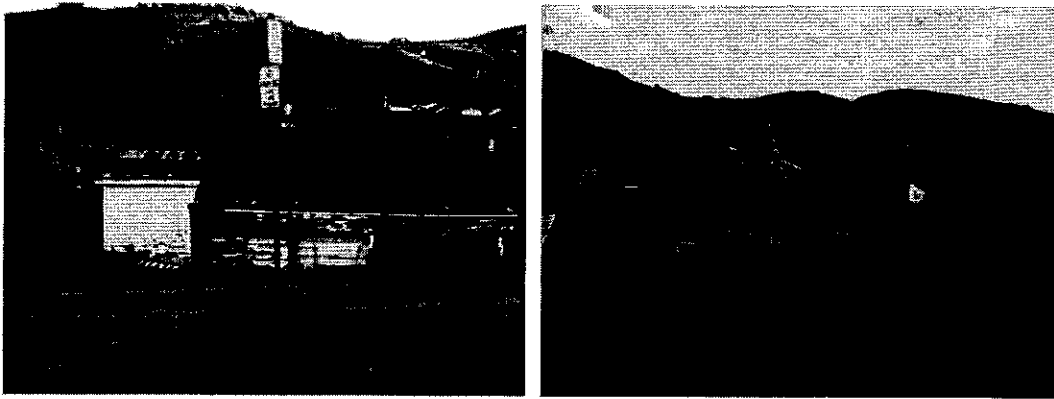
PL-16-03379 Appeal

16

We want to come back to the standard of review because, in this case, it underscores the city's inconsistency in interpreting and applying these standards.

One project, in particular, illustrates a perverse situation where the arguments used in DENYING THIS application are the same as those used by the city to APPROVE another project that is nearly identical.

1102 Norfolk Avenue (2015-2017)



PC Council, July 12, 2018

PL-16-03379 Appeal

17

Left = before photo from 2013
Right = after photo from 2018

1102 Norfolk Avenue (2015-2017)



PC Council, July 12, 2018

PL-16-03379 Appeal

18

Located significantly below the roadway of Norfolk Avenue

Limited accessibility

Incompatible alterations over time

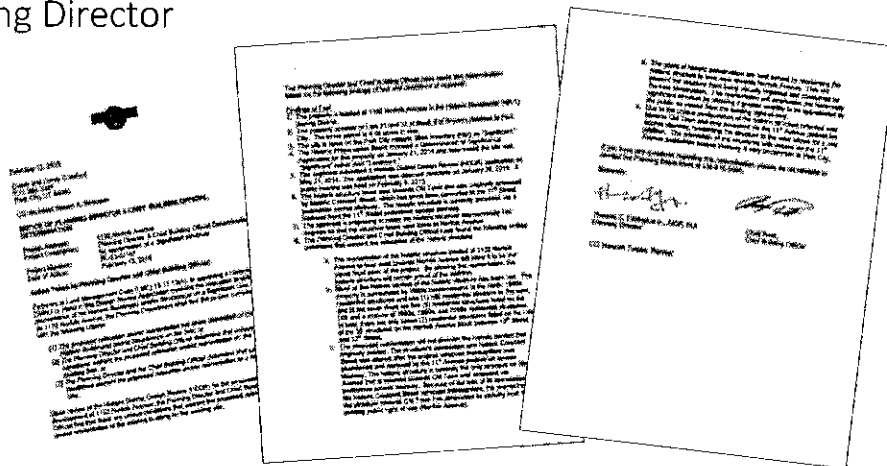
Isolated example of a downhill facing structure

Can't build additions that will extend the structure's useful life as a primary residence or investment property

All the things we're dealing with at 424 Woodside.

1102 Norfolk Avenue

Notice of Determination issued by Chief Building Official and Planning Director



PC Council, July 12, 2018

PL-16-03379 Appeal

19

Dated February 13, 2015 Determining the project meets unique conditions standard and grants the approval to relocate and reorient.

Makes the same arguments found in the letter to the Berkleys in 2017 that are used to deny this application.

The problem is the standard back in 2015 and the standard now are basically the same. The standard did not substantively change.

There are only two differences in the ordinance between then and now.

The first, is that in 2015, the staff could find unique conditions and in 2017 that power is the HPB's with input from the staff

The second is that "unique conditions" is not more specifically defined in 2015 and in 2017, the LMC included the four elements we just discussed.

1102 Norfolk Avenue

Notice of Determination issued by Chief Building Official and Planning Director

7. The applicant is proposing to rotate the historic structure approximately 180 degrees so that the structure faces west towards Norfolk Avenue.
8. The Planning Director and Chief Building Official have found the following unique conditions that warrant the relocation of the historic structure:

- a. The reorientation of the historic structure located at 1102 Norfolk Avenue to face west towards Norfolk Avenue will allow it to be the visual focal point of the project. By allowing the reorientation, the historic structure will remain proud of the addition.
- b. Much of the historic context of the historic structure has been lost. The property is surrounded by 1980s condominiums to the north, 1960s residential structures and one (1) HSI residential structure to the west, and to the south there are five (5) residential structures listed on the HSI and a mixture of 1960s, 1980s, and 2000s residential structures. In total, there are only seven (7) residential structures listed on the HSI of the 35 structures on the Norfolk Avenue block between 10th Street and 12th Street.
- c. The proposed reorientation will not diminish the historic context that originally existed. The structure's association with historic Crescent Street was altered after the original vehicular thoroughfare was abandoned and replaced by the 11th Avenue pedestrian access stairway. The historic structure is currently the only structure on Norfolk Avenue that is oriented towards Old Town and accessed via pedestrian access stairway. Because of the loss of its association with the historic Crescent Street vehicular thoroughfare, the orientation of the structure towards Old Town has diminished its visibility from the existing public right-of-way (Norfolk Avenue).
- d. The goals of historic preservation are best served by reorienting the historic structure to face west towards Norfolk Avenue. This will prevent the structure from being visually impaired and consumed by the new construction. The reorientation will emphasize the historically significant structure by allowing it greater visibility to be appreciated by the public as viewed from the existing right-of-way.
- e. Due to the unique configuration of the historic structure oriented east towards Old Town and only accessed via the 11th Avenue pedestrian access stairway, reorienting the structure to the west allows for a rear addition. The orientation of the structures with access via the 11th Avenue pedestrian access stairway is very uncommon in Park City.

PC Council, July 12, 2018

PL-16-03379 Appeal

20

What is difficult to reconcile in these completely contradictory conclusions is the fact that the arguments used in 2015 to approve are used to deny the application in 2017.

these are the same arguments we've been making from the beginning and are

1. *The historic context of the historic house has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the house and the historic district or its present setting.*
2. *The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district.*
3. *The historical integrity and significance of the historic house will not be diminished by relocation and/or reorientation.*
4. *The potential to preserve the historic house will be enhanced by its relocation.*

ISSUE #3 Reliance on 2011 HDDR & Variance

- Initial staff report of July 19, 2017 referenced analysis from prior HDDR application from 2011
- Applicant objected to the reference to and any reliance upon the 2011 application
- Relying on the decision of a different body (the Board of Adjustment) on a different application applying a different standard of review is legal error and is irrelevant

PC Council, July 12, 2018

PL-16-03379 Appeal

21

We have vigorously argued this point throughout the application process in writing and at public hearings and I won't belabor it here.

ISSUE #4 Increasing requirements in 15-11-13



PC Council, July 12, 2018



PL-16-03379 Appeal

22

The building is threatened by its present setting; particularly during the winter months with the risk associated with snow accumulation. The standard in the LMC, as noted in our appeal, is not one or another plan to mitigate a situation, but rather a recognition that the building is threatened, which was acknowledged by the Chief Building Official earlier this year.

ISSUE #5 Other issues to be addressed by HPB

- Applicants submitted application for entire project
- At the Staff's recommendation, other issues will also need to be addressed by HPB, including but not limited:
 - Lifting
 - Identifying and retaining historic materials
- Phased approval process requires the Applicants to return to HPB several times

We mentioned at the beginning of our presentation the phased nature of this project and how there are other issues beyond those we've raised here that still need to be addressed. They are listed here and in the materials you've already reviewed.

Understanding where this appeal fits into the larger context, however, we believe helps to support our argument that the HPB erred in its decision to deny the application to reorient and relocate the historic structure at 424 Woodside.

Conclusion

Thank you for your time and consideration

In conclusion, we are asking you to grant the appeal and reverse the PB's decision.

Thank you of your time and consideration.

Hannah Tyler

From: Hannah Tyler
Sent: Tuesday, July 10, 2018 10:49 AM
To: Council_Mail
Cc: Diane Foster; Mark Harrington; Polly Samuels-McLean; Bruce Erickson; Michelle Kellogg
Subject: PUBLIC COMMENT - FW: hearing for 424 woodside

Honorable Mayor and Council,

Please see the public comment below regarding the Appeal of Historic Preservation Board's Decision at 424 Woodside Avenue. This Appeal is scheduled for this Thursday's meeting (last item on the agenda). I will also provide hard copies of the email at the meeting for your review.

Respectfully,
Hannah

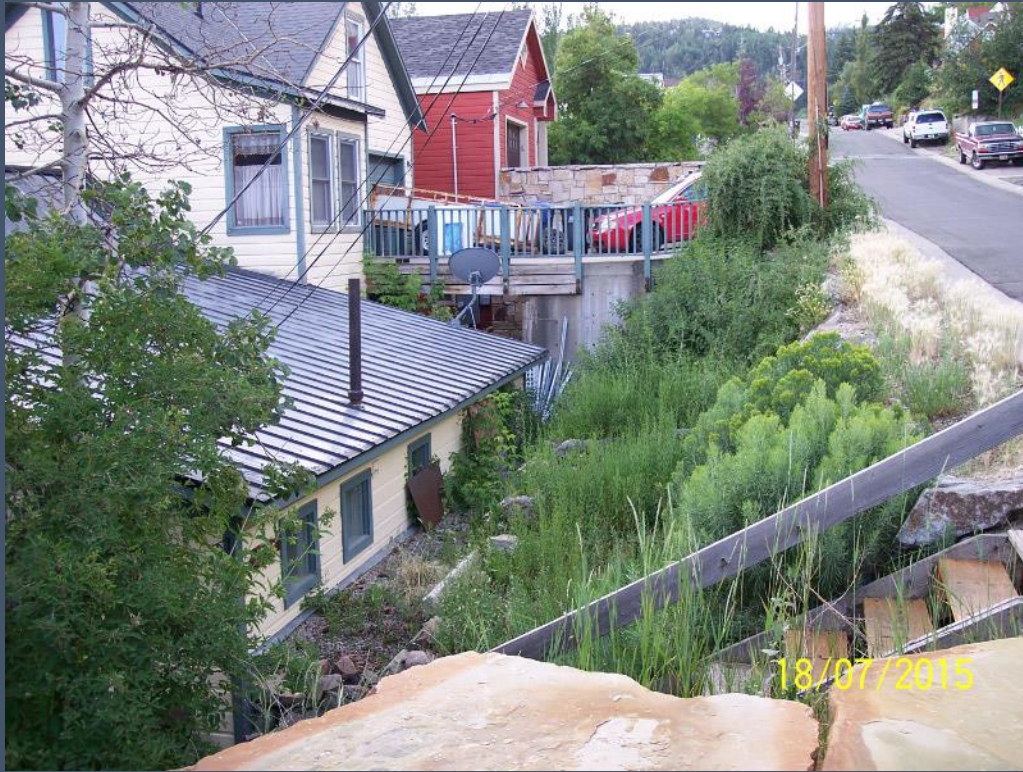
Hannah M. Tyler | Planner
Park City | Planning Department
445 Marsac Avenue | P.O. Box 1480
Park City, UT 84060-1480
(435) 615-5059

-----Original Message-----

From: Deric Hopkins [mailto:dhoppy@comcast.net]
Sent: Monday, July 09, 2018 4:51 PM
To: Hannah Tyler
Subject: hearing for 424 woodside

Dear Hannah—I am unable to attend the hearing for the the redo at 424 woodside. I would like you to know that i am against the purpose project as presented. i do not feel it is a project that lends its self to the area and i understand that it is to be a triplex which is totally unacceptable. parking is all ready a problem on the street and this would only add to it. please enter my vote AGAINST this appeal. thank you—charles hopkins —409 woodside—801-580-4733

Project Number: PL-16-03379, 424 Woodside Avenue Petition for Appellate Review



Proposed Preservation and Enhancement

- Make the historic structure the focal point of the project by reorienting it to face west towards Woodside Avenue.
- Lift the historic structure to enhance visibility from the road and prevent it from being visually impaired from the road and consumed by surrounding new construction.
- Restore and maintain historic features of the home.
- Resolve the hazards of snow accumulation from the road and roof.
- At the recommendation of the City Staff, this is a phased application process; approval for reorientation/relocation first.

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 - When interpreting and applying a land use regulation, the council is required to “favor a land use application unless the land use regulation plainly restricts the land use application”

Park City Code §15-1-18(G)

Relevant Facts



Relevant Facts



Relevant Facts



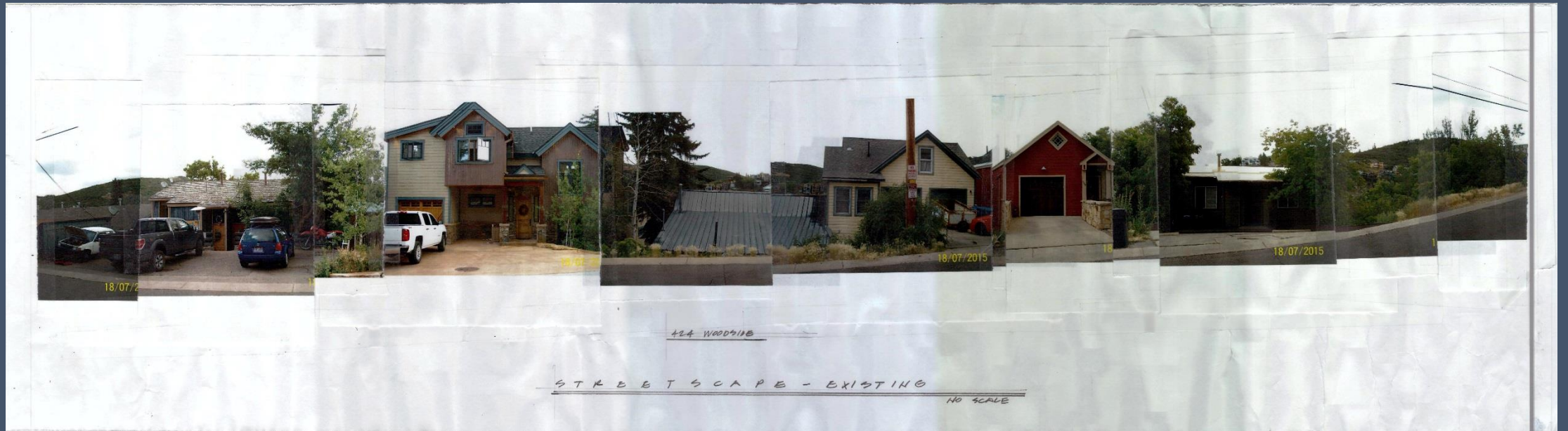
Relevant Facts



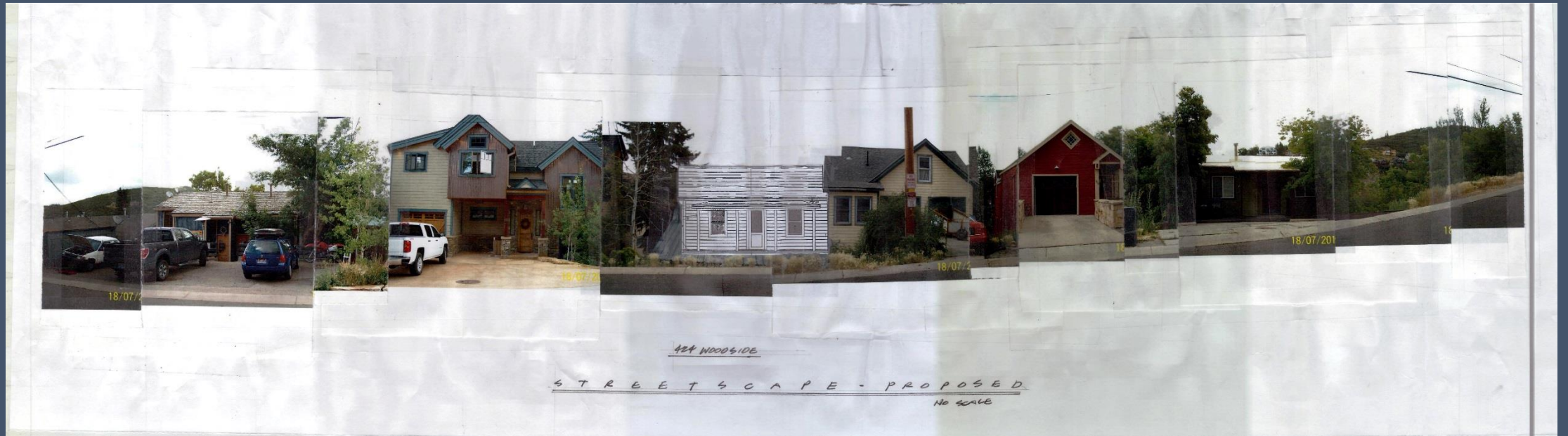
Relevant Facts



Relevant Facts



Relevant Facts



ISSUE #1 Historical Analysis

Landmark Site

- Age of structure
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- Relevance in local, regional or national history

Significant Site

- Age of structure
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ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(1) The historic context of the historic house has been so radically altered that the proposed relocation will enhance the ability to interpret the historic character of the house and the historic district or its present setting.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

(2) The proposed relocation will not diminish the overall physical integrity of the Historic District or diminish the historical associations used to define the boundaries of the district.

ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

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ISSUE #2 LMC 15-11-13(A)(3)(c)(1)-(4)

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1102 Norfolk Avenue (2015-2017)

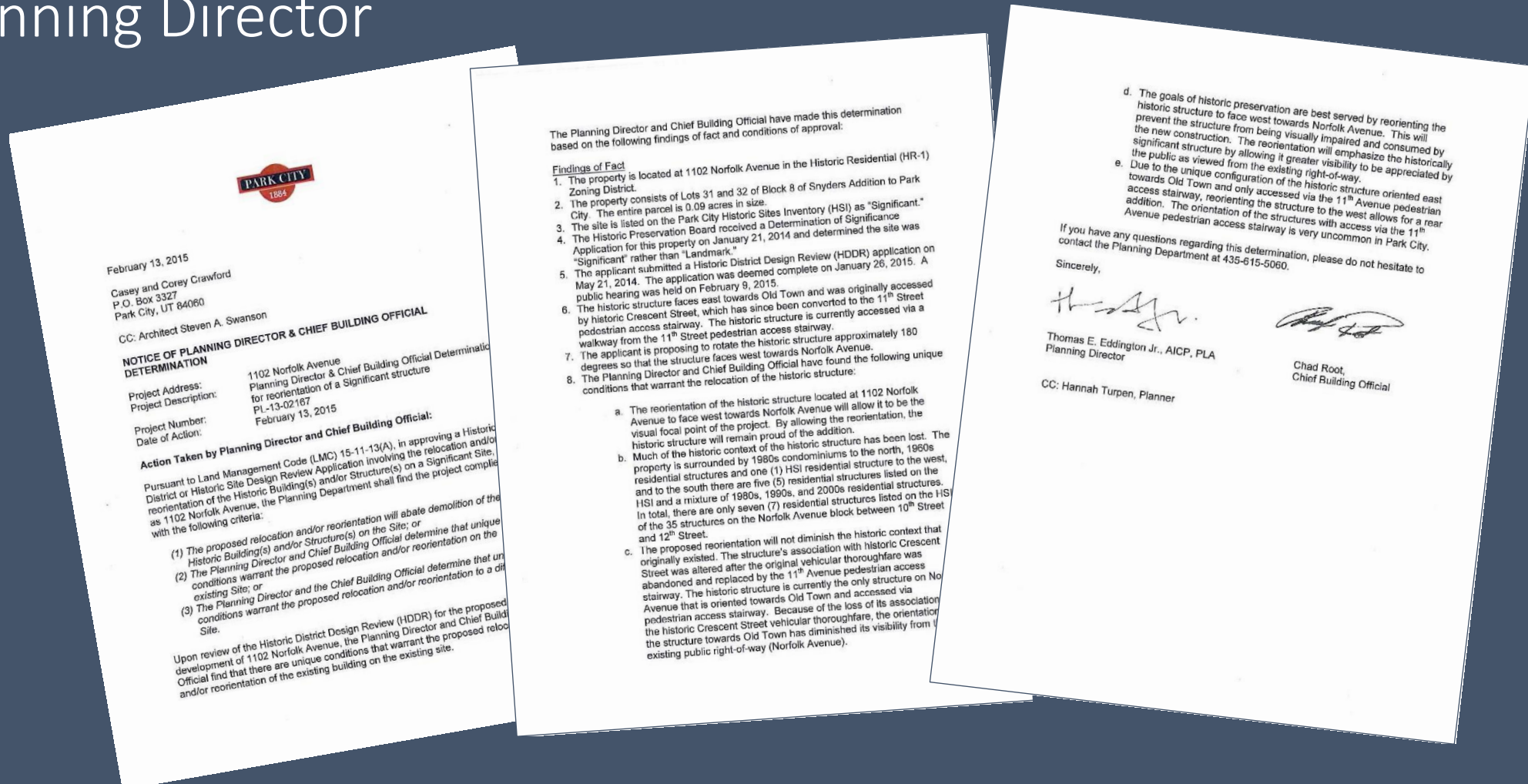


1102 Norfolk Avenue (2015-2017)



1102 Norfolk Avenue

Notice of Determination issued by Chief Building Official and Planning Director



1102 Norfolk Avenue

Notice of Determination issued by Chief Building Official and Planning Director

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ISSUE #4 Increasing requirements in 15-11-13



ISSUE #5 Other issues to be addressed by HPB

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- Phased approval process requires the Applicants to return to HPB several times



Conclusion

Thank you for your time and consideration

Dear Council Members,

Please find below our comments referencing the Planning and Community Development Department report on accessory apartments that will be presented and discussed on Thursday, July 12. We look forward to attending the work session Thursday to hear the discussion. Unless something new were to arise from the discussion we don't feel it is necessary to speak. We would; however, like our response to be a part of the permanent meeting record.

July 11, 2018

To: Park City Council Members,

We were pleased that the Planning and Community Development Department are taking a proactive approach to reviewing the Land Management Code Amendment § 15-4-7 Supplemental Regulations for Accessory Apartments and are encouraged that the staff report acknowledges some of the same points and concerns we felt were important and raised in our correspondence to City Council members June 7, 2018.

In order to meet the City's interim goal of 220 affordable units by 2020 density is a fact of life and we should embrace the positives of infill housing and positive impact it could potentially have on the community. That is why we fully support further study of the following:

1. Deed restrictions on rent in exchange for parking exemptions or pedestrian only units.
2. Off-site parking
3. Pedestrian only units with reasonable access to public transit

Lastly, based upon our experience we would also support a feasibility study on how the housing department personnel could implement an education program to assist homeowners who may be interested in creating accessory housing develop their ideas within the constraints and goals of the code.

Thank you for your time and consideration.

Respectfully,

David and Jenny Dorsey 2900 Cochise Court Park City, UT 84060