



**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD MEETING
SUMMIT COUNTY, UTAH
MINUTES OF JUNE 7, 2023**

BOARD MEMBERS IN ATTENDANCE: Randy Scott-Chair, Lola Beatlebrox, Puggy Holmgren, Douglas Stephens, Alan Long

EX OFFICIO MEMBERS: Rebecca Ward, Assistant Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; John Robertson, City Engineer; Dave Thacker, Chief Building Officer; Mark Harrington, City Attorney

1. ROLL CALL

Chair Randy Scott called the meeting to order at 5:00 p.m. A roll call was conducted and all members were present with the exception of Jack Hodgkins and John Hutchings.

2. MINUTES APPROVAL

A. Consideration to Approve Historic Preservation Board Meeting Minutes from May 3, 2023.

Board Member Lola Beatlebrox referenced the second or third page of the Minutes where she was asking about Thanes Canyon. She recalled that she was asking about the house on Park Avenue that collapsed. She did not recall if she said Thanes or not.

MOTION: Board Member Douglas Stephens moved to APPROVE the Minutes of May 3, 2023. Board Member Puggy Holmgren seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Senior Historic Preservation Planner, Caitlyn Tubbs reported that the Artist Selection Committee met with the two artists who responded to the Request for Proposals ("RFP") for the Preservation Awards art piece. She noted that the candidates were two very talented local artists. The Committee would make the selection in the near future.

Chair Scott apologized for not being able to attend the meetings but stated that the portfolios that both candidates put together were top-notch.

Planner Tubbs reported that the vote would occur via email, so when all votes are received, they will announce the winner. Board Member Beatlebrox commented that she did not receive the email for the vote.

Chair Scott suggested that the votes be submitted by next week.

There were no further Staff Communications.

5. CONTINUATIONS

A. 317 Ontario Avenue - Material Deconstruction - The Applicant Seeks Approval for Material Deconstruction of a Portion of a Significant Historic Structure to Facilitate the Construction of an Addition. PL-22-05451 (A) Public Hearing; (B) Continue to a Date Uncertain

MOTION: Board Member Beatlebrox moved to CONTINUE 317 Ontario Avenue – Material Deconstruction, to a date uncertain. Board Member Stephens seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

B. Historic District Design Guideline Illustrations - Work Session (A) Continuation to a Date Uncertain

Planner Tubbs reported that the contract for this work was not yet in place, necessitating a continuance of this item.

Board Member Stephens asked if the Board is required to continue Work Session items. Assistant Planning Director, Rebecca Ward reported that because the matter was publicly noticed, the Board would need a motion to continue.

MOTION: Board Member Stephens moved to CONTINUE Historic District Design Guideline Illustrations – Work Session, to a date uncertain. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

6. WORK SESSION

A. Temporary Winter Balcony Enclosures - Work Session - The Historic Preservation Board will Review and Discuss the Temporary Winter Balcony Enclosure Program and Regulations and Provide a Formal Recommendation to the City Council.

Planner Tubbs reported that the Temporary Winter Balcony Enclosure Pilot Program was recently before the City Council in a Work Session. When the item went to the City Council, it was set to expire at the end of April 2023; however, following the direction given to Staff, the Pilot Program was extended through April 30, 2024. The City Council requested Staff return to the Historic Preservation Board ("HPB") to obtain a formal recommendation as to any changes in the standards, whether the program should be expanded to include Historic buildings, whether to include permanent or year-round enclosures and any other feedback. She reported that the Temporary Winter Balcony Enclosure Program provides a method for property owners along Main Street or in the Historic Commercial Business ("HCB") Zoning District who own non-historic buildings with balconies to enclose the balconies between November 15 and April 30 to provide more usable area during the busiest times of the year.

Under the current standards, three properties would qualify for the program. She stated that the program began in 2016 and was renewed a few times. To date, the Riverhorse on Main was the only property owner to utilize the Balcony Enclosure Program. The owner came before the Board to provide feedback and comments on the program and the utilization of the outdoor space during those winter months.

Planner Tubbs reminded those present that collectively, the Board was generally in support of continuing the program, and was supportive of the existing Design Guidelines outlined in the Land Management Code ("LMC") for the program. She noted, however, that the HPB indicated they were not in support of permanent enclosures or allowing these enclosures on Historic buildings in the HCB Zone. She reported that during a Work Session, the Planning Commission indicated there was split support for the Program. Those who supported the Program wanted to see stronger Design Guidelines and enforcement measures. The Planning Commission also did not wish to expand the Program to allow for Permanent Enclosures or allow for Enclosures on Historic Structures.

Planner Tubbs reiterated that City Council requested a formal recommendation from the HPB and from the Planning Commission as the Program moves forward. The Council also expressed concerns regarding the proposed expansion into Historic Structures, as well as presenting equal opportunities for property owners along Main Street. She stated that the Historic Park City Alliance ("HPCA") expressed its support of continuing the Balcony Enclosure Program, and was supportive of expanding the Program to allow for permanent or year-round enclosures.

Planner Tubbs reported on Staff's concerns since the inception of the Program in 2016 and noted these concerns were outlined in depth in the Staff Report. She mentioned that the concerns were primarily related to incompatibility with the existing Historic District Design Guidelines adopted in 2019. She noted that the Design Guidelines recommended minimal amounts of glazing on second-floor façades, and were protective of the prevailing pattern and mass and scale of the solid void openings along Main Street for both Historic and Non-Historic Structures.

In addition, Staff had concerns about the effect the Enclosures would have on neighboring or abutting Historic Structures. She provided the example of an Enclosure that would be required to attach to an adjacent Historic Structure and any potential effects those attachment methods would have on those Historic materials.

Planner Tubbs presented the Staff's concerns regarding the impacts of parking, water, and sewer use. As the only example they have of a Balcony Enclosure was for a restaurant, during the winter months there would be a few hundred additional square feet of dining space, which would impact the overall parking, water use, and sewer demands for the local area. She indicated that if the HPB were interested in allowing the Program to continue, the Council would like to hear that feedback. Additionally, the Council requested HPB feedback on any concerns or proposed changes to the Design Standards or regulations.

Planner Tubbs reported that a representative of the HPCA was present, as well as representatives from Riverhorse on Main and City Engineer, John Robertson.

Board Member Stephens asked which three non-historic buildings would qualify under this Program. Planner Tubbs was unsure of the other two buildings, aside from Riverhorse on Main. There was discussion about whether one of the buildings was the 501 Restaurant. Planner Tubbs confirmed that only three properties would qualify under the current regulations.

Board Member Holmgren asked if the Program would be limited to the three properties, or whether it would be like the dining decks where only so many could apply. Planner Tubbs advised that under current regulations, only the three properties could apply. If the LMC was amended to expand these regulations, then additional properties could potentially qualify.

Board Member Stephens noted that to do that, they would go into the Historic inventory or new construction would need to take place.

Chair Scott opened the public hearing.

Seth Adams appeared on behalf of Riverhorse on Main. He acknowledged that this Program was controversial; however, it was something he took advantage of because of the summer dining decks in the past. He noted those were something that others could

profit from that he could not because he did not have the footprint for the door on Main Street. He reported that he developed the Program with the City to create something that he could take advantage of in the winter and noted that he could not utilize similar space during the summer months. Speaker Adams reported that it was a great success, and it was implemented with the guidance of Staff at the time and architects.

Speaker Adams reported that people have told him that the Balcony Enclosure did not take much away from Main Street and that it actually looked nicer than the outside of the building. He added that the Enclosure did not block views and did not change the aspect of Main Street. He understood there were more Historic decks out there, but this building was constructed many years ago, and would likely not be allowed today. He would like to be able to capitalize on the use of the building and remain in business for another 30 years. He stressed that the Balcony Enclosure Program helped tremendously.

Speaker Adams pointed out that the Balcony Enclosure was originally approved as a Temporary Structure. Putting it up and taking it down has taken a toll on the Enclosure, as it was not something to be handled so often. He stated they were able to leave the Enclosure up during COVID-19, and it has become more and more of an asset. He indicated that his company would be happy to address any proposed design changes. He noted that the Balcony Enclosure was over City property, and was not taking up parking spaces or impeding traffic. He stressed that it provided people with a unique view of Main Street, and they were proud of that. He stressed that they would like to keep the Balcony Enclosure up and have it in place on a long-term basis.

Board Member Beattlebrox understood that Speaker Adams would like to keep the Balcony Enclosure as a permanent feature. Speaker Adams stated they would like to keep it permanent, and felt it would be a benefit to have it up year-round in terms of finances and safety. He stated there was only one person who knows how to install and uninstall the Enclosure. They built this Enclosure years ago based on suggestions to have tinted windows. He reiterated that they would be happy to improve it.

In addition, Speaker Adams stated that if the City needed five feet over Main Street in the future, he would be happy to come up with a different solution. Currently, however, the Balcony Enclosure was not hurting anything from a Historic Preservation standpoint because it looks like the building does now.

Board Member Long asked the speaker when he moved into the space. Speaker Adams stated the restaurant had been in that location since 1987, and they first put the Balcony Enclosure up in 2016. Board Member Long asked if anything changed when they first put the Balcony Enclosure in place and specifically mentioned a rent increase with the promise of being able to seat additional people in the winter and create additional income.

Speaker Adams stated that he had begun to be charged rent year-round for the Enclosure, and they started putting up tents to accommodate weddings and Sundance events to help bring in additional revenue to compensate for the increased rent.

Board Member Beatlebrox asked for an estimate of the number of additional people the restaurant was able to seat in the evening on a typical ski season night. Speaker Adams advised they could seat 100 people in the space created by the Enclosure. He added they did approximately 2 ½ turns with the 40 seats in that area. He noted that the restaurant was designed so that it was very easy to create groups of eights, tens, twos, and twelves, and this space was also designed to accommodate any type of scenario.

In response to an inquiry from Board Member Beatlebrox, Speaker Adams stated that the Balcony Enclosure was not attached to a Historic Structure on either side of the restaurant and that at most, the Enclosure touched those structures. He used the example of a garage door's contact with the ground.

Board Member Beatlebrox observed that the Balcony Enclosure at this restaurant was no different than having a deck on Main Street.

With regard to a question raised regarding the tinting, Planner Tubbs stated she would look into it but the current Design Guidelines prohibited tinted glass. Speaker Adams noted that tinting was one of the required Design Guidelines in 2016 to make the Enclosure more appealing from the street. He added that the technology had greatly changed since 2016, and referenced a slide before the Board. He stated the bottom slides were companies they have looked at to replicate what they have now that has infrared heating and would be better for the restaurant in the long run.

Planner Tubbs noted that Chief Building Officer, Dave Thacker was present to respond to questions.

Ginger Wicks identified herself as the Executive Director of the HPCA and expressed support for Speaker Adams and the Balcony Enclosure Program. From the Board's perspective, she stated they want the historic feel of the street maintained but they also want to create a platform of success for the town's businesses. She noted that given the challenges facing businesses, which include high rents and high cost of wages, providing opportunities to expand their footprints and garner more revenue was important. She commented that Riverhorse on Main is a perfect example of this Program. The enclosure was not attached to a Historic Structure and provided Speaker Adams an opportunity that he otherwise would not have. Speaker Wicks felt it was a win-win for the street and the businesses if they could support the businesses as they move through the process.

Board Member Stephens asked Speaker Wicks if the HPCA expressed that it wanted this Program to expand to all business owners on Main Street with an outdoor dining deck on the second level.

Speaker Wicks stated that if additional businesses could have the opportunity to take advantage of a Program like this, as long as it met the Guidelines determined by the HPB, the HPCA would take the position that other businesses should have the opportunity to

participate in the Program. She reiterated the example of the Balcony Enclosure at Speaker Adams' business and noted that you really cannot tell that the structure is there. Speaker Wicks felt that it would be up to the business owner to work with the HPB to make sure that the look of the community does not get skewed.

Board Member Long noted the conundrum that the Enclosures were desired during the time of the year when Park City receives the most affluent clientele. He notices the Enclosures all the time and it is a matter of aesthetics versus profitability. He stressed that they must keep in mind the season that this request is directed towards.

Board Member Beatlebrox observed that Riverhorse on Main was the only business that had a Balcony Enclosure pursuant to this Program, and asked Board Member Long what other Enclosure he was referring to.

Board Member Long stated that during winter, as he looks down Main Street, he can see the architecture the more open it remained. The fewer things that extend beyond the plane of the buildings, the purer the views. He felt that any type of Enclosure or obstruction would take the aesthetics away from the integrity of the street. Board Member Long added that the summer street decks were lower and not within the same visual plane as Balcony Enclosures. He also noted the different clientele during the summer and commented that it was a rather festive summer feel to the street. He felt it was difficult to equate the two. As a real estate agent, he mentioned that whenever he showed an outside area that would be subject to weather, they do not count the rent during that time period.

John Kenworthy stated that he resides in zip code 84060. He previously served on the HPB as Chair and noted that it was the most rewarding position he has had in his years of service. He also served as President of the HPCA and worked with Speaker Wicks. He currently serves as a Member of the Planning Commission. Speaker Kenworthy reported that he owns a restaurant with a deck that would not comply with the current Code. He noted that only one business currently utilizes the Program and only three businesses can utilize the program. He identified the other two restaurants as Pinecone Ridge and Grappa. He stressed that because only three would qualify under the current Code, this would not be something that could be done up and down the street. Speaker Kenworthy commented that the program was implemented with an eye toward restaurant owners and the lack of capacity. He serves on the Restaurant Board and commented that restaurants simply do not have the seating necessary for the tourism that has come to the City over the years. He commented that during COVID-19 they had record numbers during the slow season.

Speaker Kenworthy reported that someone like Speaker Adams could take advantage of that by keeping the Enclosure up year-round. He served as Chair when they allowed the Code. They allowed it originally as a Temporary Program to see how it would work. Looking back, he was glad that they implemented the program because it worked out perfectly. As someone who is a restaurant owner, the hospitality of the town is diminished

when someone has to sit outside for 90 minutes because they cannot get a seat anywhere in town. He commented that Shabu was sold out for the entire season before the season even started. The restaurant business has a very slim margin and unfortunately, family restaurants would not be able to make it with the current rents. Speaker Kenworthy stated that tables can only be turned so often and that a hamburger and fries will not support the current rent. He stated that the old Tent Code helped in the past but it was an eyesore and unsustainable on many levels. The tent issues were addressed over the past decade and he did not doubt that the solution offered by Speaker Adams was the best solution. Speaker Kenworthy expressed his support for the program and strongly suggested that the Enclosure be allowed year-round.

Chair Scott asked if Speaker Kenworthy's support extended to any Historic or non-Historic businesses that have an outdoor dining space. Speaker Kenworthy noted that Grappa is set back and with regard to the ambiance, one area might work. Grappa's entire summer business is the patio and felt that the owner would never install an Enclosure during the summer. Speaker Kenworthy commented that the structure installed by Speaker Adams is nice and worked well. He supported the Program, as written, including the Historic buildings.

Casey Adams responded to Board Member Long's comment about the affluent clientele and stated that based on her experience in hospitality, the affluent clientele loves the deck. She noted that it brings a vibe that they are all trying to enjoy and flow to the community. She felt that even visitors to Park City value and appreciate the Balcony Enclosure.

Board Member Holmgren commented that it is magic to use the deck when it is snowing.

Board Member Beatlebrox asked Planner Tubbs for some of the specific Design Guidelines requested by the Planning Commission. Planner Tubbs stated that there were no specific suggestions but the general input from the Planning Commission was that the Balcony Enclosures might not be as historically appropriate under the existing Design Guidelines. She mentioned the large expanse of glass, tinted glass, and overall style and massing. Planner Tubbs reported that the Planning Commission recommended that if the Program continued they look into the Design Guidelines and regulations in the LMC to ensure that they go hand in hand.

Board Member Stephens asked if there was a separate portion of the Code that deals with Design Guidelines for Temporary Structures. Planner Tubbs explained there is a provision in the Historic Commercial Business Zoning District that is separate from the Design Guidelines.

Board Member Stephens asked if they were to make this a permanent solution if it would fall under the typical LMC guidelines for building permanent structures, which would also include following the Historic District Design Guidelines. Planner Tubbs stated that if the City chose to allow the Enclosures on a permanent or year-round basis, it would still

require an LMC amendment to remove the Temporary Enclosure qualifications because they are focused on being seasonal or temporary.

Board Member Stephens asked if it would be possible for the Riverhorse structure to remain because when the Design Guidelines kick in that would be different from the Design Guidelines in the current provision for Temporary Enclosures. He acknowledged property line and engineering issues. If they were to allow this permanently for one building, he wondered if it would present an unfair advantage because the owners of Historic buildings cannot cover their decks. He felt there was not an even playing field and added that it might be easier to put something together if there were more than one building utilizing this Program. He mentioned the new deck at 449 Main that is empty at times during the winter unless it is nice enough and the heaters work.

Planner Tubbs commented that while under the existing standards, only three properties would qualify, Staff looked at the Historic Structures in the HCB Zone that might also qualify if the Program were expanded to include Historic Structures. Eight properties could potentially avail themselves of the Program.

Board Member Stephens did not know how a Temporary Structure could be installed on a Historic building and meet the Design Guidelines. He struggled with the process. Speaker Adams recalled previous discussions regarding doing something for one business. He happens to have a deck that will accommodate a Temporary Enclosure. He noted that the other Main Street summer decks create an unfair advantage to a tenant on a second level who cannot have a Main Street summer deck. He mentioned the visual for people walking down Main Street. He was willing to work with the City and stated that could move it back five feet so that it is not over City property although it is not ideal. He commented that other businesses are not installing them because they are costly. He felt that the Balcony Enclosure was valuable to his business. He reported that he pays rent for every inch of his space and this is a tool that allows his business to survive.

In response to an inquiry, Speaker Adams explained that to install/uninstall the Enclosure involves partially closing the road, removing the structure with a crane, and then putting it on a flatbed trailer to remove it and store it offsite. He reported that it takes two to three days to accomplish both the installation and removal. He stated that although it is doable, he would like to make it something that fits and can remain. Board Member Beatlebrox noted that every building is different and did not feel that such variability in Park City means they should have an even playing field. Board Member Stephens agreed but stated that they needed to apply the Design Guidelines evenly and consistently for Historic or new buildings. It seemed like the Guidelines were different for these Temporary Enclosures. He felt that the Guidelines at the time were appropriate; however, over the years they have been fine-tuned. His question was how the Design Guidelines will be applied to Temporary Structures. If it were not a Temporary Structure, the Design Guidelines in place for permanent structures should be applied. Speaker Adams spoke off-mic in response to these comments.

Chair Scott added that the LMC will need to be amended to specifically include something like this for a permanent structure. Board Member Stephens felt it would just be governed as a Permanent Structure.

Assistant Director Ward reported that as a Permanent Structure, it will go through the full process. She noted that it is not on the property and will require additional review by the City Council. Board Member Stephens understood that if the owner does not want to go through the City Council process they can bring the façade back to the property line.

Speaker Adams reported that the patio is already in the right-of-way and was approved in the 1980s. Nothing was filed with the City or County at the time for the easement over the property. It was discovered when he originally went through the process. The easement was then approved followed by the Temporary Balcony Enclosure, which at the time was his only option.

Speaker Adams reported that they can pull the Balcony Enclosure back five feet to the property line although it would not be financially desirable.

Board Member Stephens asked if the easement defines what could be done. Speaker Adams stated it was just an easement over the sidewalk.

Planner Tubbs added that with the Temporary Balcony Enclosures, there is an Encroachment Agreement with a snow-shed provision. There was also a requirement for an annual License Agreement from the City Council to operate in the right-of-way. Speaker Adams noted that there had never been a complaint, issue, or fine for the snow shed.

In response to an inquiry, Planner Tubbs stated that the Balcony Enclosure will not meet the current Design Guidelines. Board Member Stephens commented that that was the issue they were trying to address and noted that it meets the Guidelines for a Temporary Structure but does not meet the Guidelines for the street. He felt that if it were to become permanent it would have to meet the Guidelines, as they exist now.

Speaker Adams was unaware of the differences from then to now and while he was involved in the design he did not recall the details and others who were involved no longer work here.

Speaker Kenworthy considered those same things 10 years ago and they looked at it as a temporary situation and a test. He was focused on “removable” and something that will have to be dealt with annually. He noted that there is not a “removable structure” provision in the LMC. He commented that it is not fair that he has a street-level dining deck and Speaker Adams cannot use his deck. He reiterated that the dining decks are very valuable to business owners. He added that they pay different fees to keep the dining decks and it is an annual process. Speaker Kenworthy commented that Board Member Stephens’ questions were the same issues they dealt with 10 years ago. They

did not create a new LMC and reiterated the distinction between “removable” and “temporary.”

Assistant Director Ward clarified that when the Pilot Program was put in place there were Historic District Design Guidelines that were part of the Lease Agreement that would go before the City Council for annual approval on whether it could be installed and removed by April 30. As part of the Work Sessions with the HPB and the Planning Commission, Assistant Director Ward stated they were to look at those particular standards and re-evaluate them. She explained they were not necessarily codified. She commented that when the Pilot Program was instituted, the City Council amended the Code so that the Temporary Winter Balcony Enclosure was included. If the Program continues, they will not need to change the Code; however, the Design Guidelines that are specific to the Temporary Winter Balcony Enclosures were outlined in the Lease Agreement process.

Board Member Long wondered if they would next be asked if the summer street decks can be enclosed so they can better serve their customers. Board Member Beatlebrox stated they do not need to worry about that now but she wondered about the dining globes that arose during COVID-19, and whether they required a process to be installed. Planner Tubbs explained that the dining globes go through a process, although it was not necessarily this process. She stated that they were coordinated through Special Events. Assistant Director Ward added that for those that were up for the season, there was an administrative process for temporary improvements similar to what is applied to tents.

Board Member Beatlebrox asked how that differs from the Temporary Balcony Enclosures. Assistant Director Ward explained that the dining globes are on the applicant's property and are usually associated with an Outdoor Dining Permit. She added that the dining globes are also not affixed to a structure and a temporary enclosure on the street to support the outdoor dining that occurs mostly during the summer. Board Member Holmgren felt that the dining globes were not used often along Main Street.

Chair Scott asked the Board if they were interested in allowing them to be year-round permanent structures and if they want to continue with the Program. He stated that it could be helpful to understand the applicable portions of the LMC and have a Work Session where they could review it. When the matter first came before the Board, he felt it could impact Main Street significantly. In reality, their decisions will impact businesses and the historic feel of Main Street. He was not comfortable making a decision without getting clarity. He mentioned the potential for including the Planning Commission as part of that Work Session so that they would all be aligned.

Planner Tubbs understood that Chair Scott was suggesting a walking site tour along Main Street followed by a Joint Work Session with the Planning Commission with LMC language that they could consider. Speaker Adams stated that if anyone walked Main Street today the windows on his Balcony Enclosure likely looked tinted although they are completely clear. They installed blinds on the inside to keep the sun out because the sun makes the space unusable until 7:00 p.m. or 8:00 p.m. He stressed that they designed it

to be completely see-through, but they have had to add things to make it usable for the restaurant. If it were permanent, there would be a lot of improvements, such as double-paned windows and it could be improved to meet the LMC.

In response to an inquiry, Speaker Adams stated that the Enclosure has not yet been taken down because they could not get a contractor to perform that work. Now that the dining decks are up, removal of the temporary structure would become more of an issue. Speaker Adams stated that they have been trying to remove the structure for two weeks. He has a place to store it and has new flooring ready to install but he is in a holding pattern. They would like to remove it because they would like to make improvements to it in any event.

Board Member Beatlebrox asked Speaker Adams if there are timing constraints and if the Planning Commission wants to make a decision about the permanency. Planner Tubbs reported that Staff received feedback from the City Council indicating that they would like an answer by year's end so the applicant would have the information on the Design Guidelines before the Balcony Enclosure would be installed following the 2023-2024 season. Chair Scott noted the importance of fairness to business owners so they can plan accordingly.

Planner Tubbs reiterated that if the Board is interested in a Joint Work Session with the Planning Commission, Staff could coordinate that and schedule a Joint Session. Board Member Beatlebrox was interested in a Joint Work Session and commented that it was unclear as to exactly what applied in this situation. Because the decision would be permanent versus non-permanent, she was not confident that it should be permanent; however, she supported the balcony idea and felt it was a great addition for the town, tourists, and residents.

Board Member Stephens stated that if it were permanent, it would be easy because it would then need to go through the regular process involving the Design Guidelines. He did not believe the Board could give special consideration to three buildings on Main Street because they cannot do spot zoning. He did not think they could give anyone special treatment where they would not have to comply with the Design Guidelines, the LMC, and the Building Code simply because it has now gone from Temporary to Permanent.

Speaker Adams commented that they adhered to the design through the entire process and the design was well accepted.

Chair Scott stated that the Board's responsibility at a Joint Work Session would be to look at the historic fabric of the street and the potential of Historic Structures. They would leave it to the LMC experts in the Planning Department to create what is needed. He felt there was a good marriage of knowledge for them to have an effective meeting and be galvanized in the decision together.

Planner Tubbs stated that Staff would look into scheduling a Joint Work Session with a walking site tour. Chair Scott added that applicable LMC provisions would be helpful. He felt there might need to be new language added to the Code specific to this.

Planner Tubbs added that often there is an overlap between the Guidelines in the Lease Agreement and the LMC or other City Ordinances.

B. Paint and Stain Opacity - Work Session - The Historic Preservation Board Will Discuss the Paint and Stain Opacity Requirements for Structures in the Historic Districts, Review Samples, and Provide Feedback to Planning Staff.

Planner Tubbs reported that this is one of the Design Guidelines that is discussed with designers and homeowners alike that materials such as wood that are traditionally painted shall have an opaque rather than transparent finish. She reported that it is fairly simple as laid out in the Code; however, when they get samples of siding, there are questions regarding whether it is opaque enough or if it is considered fully opaque. They also get questions about whether the sample would look different inside or under shade as opposed to outside. Property owners and designers have requested further clarification on how opaque the materials must be to be Code compliant.

Planner Tubbs indicated that the general rule in terms of paint and stain opacity in the Historic Districts is that if the wood grain texture can still be seen as opposed to the wood grain color, that would be considered opaque enough.

Planner Tubbs presented several siding samples to the Board to demonstrate different levels of opacity. The first sample was one that Staff would generally consider as not fully opaque. She noted the grain texture and color differences and the wear and tear on the siding. The next sample demonstrated some level of color change and still appeared to be somewhat unfinished. The third sample showed less grain texture and color difference except when up close where color differences could be seen.

Planner Tubbs noted that these samples are stains, paints, or pre-finishes. She noted that one of the features of the new siding materials on the market is that siding can come pre-finished or pre-stained. The pre-finishing is represented to protect the product from sun damage, bleaching, or color change.

The final sample was the pre-finished wood stained to be dark. Planner Tubbs noted that the grain texture and grain color disappeared; however, upon closer inspection, it could still be seen.

Planner Tubbs demonstrated a sliding scale of paint opacities for the Board. She explained that the scale showed a change in opacity from 20% to 100%. She noted that the darker color covers better than the white paint; however, with both there comes a point where the grain coloring comes through. She explained that in the past, applicants pointed out that the LMC allows for the staining of exterior siding materials; however, by

the very nature of the stain, it does not go darker. She presented an example of various coats and highlighted the minimal color difference.

Planner Tubbs reported that the reason they require full opacity in the Historic District is outlined in the Packet. She referenced a memo from the Planning Department's Historic Preservation Consultant who found that throughout the development of paint when it becomes readily available in Park City, exteriors of Historic Structures are traditionally painted as a fireproofing method. She added that fully opaque paints are advertised for exterior use only and stains and varnishes are advertised for interior use only.

Planner Tubbs requested feedback from the HPB with regard to the appropriate level of opacity in the Historic District, whether for use on Historic Structures or new construction. Board Member Stephens noted that there were also hybrid structures, wherein there is a Historic home with a new addition and the new addition would be treated like new construction. He asked if they called for anything outside of the Historic District requirements for new construction.

Planner Tubbs stated that they require the wooden materials to be painted, whether they are attached to a Historic Structure or a new build, or a new addition. The paint or stain opacity requirements are not required outside of the Historic District.

Chair Scott asked how this would apply to the wood-burning technique. Planner Tubbs stated that would qualify when initially done; however, as it ages and weathers, it tends to show more of the grain and color difference. Therefore, it was not considered a long-term solution. Planner Tubbs explained that the LMC requires paint or stain; however, the stain does not cover the grain as well as paint. Chair Scott noted that his home was stained with a solid stain that works much like paint.

Board Member Holmgren asked if the colors on the samples would be part of the Guidelines. Planner Tubbs reported that they were just examples to illustrate the general rule of thumb. They do not regulate the paint or stain color in the Historic Districts; they just require them to be opaque.

Board Member Holmgren stated the reason her house is purple is because they were trying to provide guidelines.

Chair Scott felt that the opacity at 75 to 80 percent seemed to work.

Board Member Beatlebrox noted that historically they did not have stains. She felt that they need to stay closest to what they had in the early 1900s, which was opaque paint or stain. She did not support anything that looks modern for a Historic home.

Assistant Director Ward mentioned that during the last Work Session, there was a lot of public interest in person. People were attending remotely to provide input for this meeting.

Board Member Stephens asked if there was a big issue in this regard, or whether there was an issue within the Design Guidelines on Historic Residential Structures. Planner Tubbs responded that there were not necessarily problems but as they assist applicants through the Historic District Design Review process, they have presented samples similar to those presented at this meeting. She noted it had become difficult to explain why one was acceptable and another was not without having a formula or clarity.

Planner Tubbs stated that it is a consistent requirement for Historic homes although not as common as with new construction or new additions. Some property owners were interested in finishing the exterior of their Historic homes to something that would be more transparent.

Board Member Stephens suggested that the Board focus on whether they could agree on the opacity level for Historic Structures.

Chair Scott opened the public hearing.

Matthew Christensen identified himself as the applicant referenced by Planner Tubbs. He hoped to use the pre-finished wood product. His Architect is the Director of Design for Brandon Architects who could better speak to the wood varieties. He stated that his is a new build and offered that some varieties would have more texture. His proposed design is monochromatic wood. The sample before the Board is sustainable and is reclaimed wood from river water. The sample was installed on the deck at his Jeremy Ranch home for approximately 1-½ years and showed only a very slight color change over that time period.

Speaker Christensen stressed that the products can last a long time with very little upkeep. He felt it was consistent with the general idea of opacity and uniformity. With his home, they tried to accomplish more of an industrial feel as an ode to the mining days. He referenced the historical purpose of paint for use in fireproofing and added that it was also a way to enforce the completion of a home.

Speaker Christensen would appreciate consideration of the Epay wood product and scheduled some larger samples to be shipped to Planner Tubbs so the Board could get a good idea of how it would look. He clarified that he currently resides in Jeremy Ranch but is building a home in Old Town for which he was seeking approval for the proposed siding.

Ryan McDaniel, AIA reported that Speaker Christensen's project is new construction. He felt that anytime they look at historic preservation, the period of construction matters. Paint and stain are very different and paint is much more easily controlled in terms of the finish. Stains result in a tremendous range in terms of opacity as well as a tremendous amount of upkeep.

Speaker McDaniel stated that natural wood is a beautiful siding and architects love the natural characteristics of natural wood. The species of wood is another important factor. He challenged the Board to consider some of the alternatives, especially for a new construction project that would be aesthetically pleasing, fit into context, and have a look that would be true to history and reflective of industrial architecture from Park City's mining era.

Speaker McDaniel stressed that reclaimed wood and sustainable products should not be taken lightly. He identified issues with staining natural wood and mentioned Volatile Organic Compounds ("VOC") that are harmful to the environment. As an architect, they look for sustainable alternatives. Because Epay is reclaimed, it has certain qualities and would not have a huge range of color variation based on exposure as compared with natural cedar for example. He felt that paint and stains were two separate things for discussion as was the period of an existing house. Using reclaimed wood siding on new construction that is trying to fit within a Historic District is a great fit, especially as a sustainable option.

There were no further public comments.

Chair Scott liked Board Member Stephens's suggestion of addressing one issue at a time. He felt that Historic Structures should have an opacity of 75% or more. Board Member Holmgren agreed.

Board Member Stephens stated that historic wood in Park City was over 100 years old and needed good protection with an adequate coat of paint. For longevity of the material on Historic Structures, he suggested allowing only paint at 100%.

There was discussion of opacity at 75%. Board Member Beatlebrox suggested at least 80%. Board Member Stephens commented that one coat of watered-down paint included in the sample would not provide adequate protection. He reiterated his suggestion of 100%. The remainder of the Board agreed.

Board Member Stephens noted the difficult environment and the lack of the vapor barrier in Historic Structures that allow moisture on the siding from the inside in addition to exterior elements. He stressed that the material needs to be sealed. The Board confirmed its consensus for 100% opacity for Historic homes.

With regard to new construction or new additions, Board Member Stephens wanted to give the design community as much flexibility as possible. He felt that new additions 10 to 15 years ago were out of proportion and they could lose the home.

Board Member Holmgren would like to see the proportion maintained and referenced the house that was built next to hers as an example of a bad proportion. She stressed that proportion, especially in Old Town, is important.

Board Member Stephens commented that the Code already contains provisions that call for the design to be broken up with massing and other elements. Rather than having an opacity standard, he suggested it might not matter for new construction. There was discussion regarding paint color.

Chair Scott liked the comments of Board Member Stephens and stated that by allowing flexibility with infill and additions, if all additions and infill were stained that would make the Historic Structures stand out, which is what they want to accomplish. If they make everything the same, the Historic Structures would not stand out the way they should.

Board Member Stephens commented that the material suggested in the public comment was consistent in grain and could be an interesting material for a newly constructed home or addition. It would allow for changing the vertical patterns in the building, as well as trim.

Board Member Long liked the more opaque color and agreed with the Board. Board Member Beatlebrox was also in agreement.

Planner Tubbs confirmed that the Board suggested 100% opacity for all Historic Structures and no opacity requirements for additions to Historic Structures or new infill construction. Board Member Beatlebrox added that an owner could use paint or stain.

Planner Tubbs asked if the Board would recommend updating the LMC since the language in the LMC includes both Historic Structures and new construction or additions. There was a consensus among the Board Members that the LMC should be amended in this regard.

Assistant Director Ward sought clarification on the percentage. Board Member Stephens explained that the Board requested 100% opacity for the paint on Historic Structures, and no requirement for infill or new additions to Historic Structures.

7. ADJOURN

MOTION: Board Member Holmgren moved to ADJOURN. Board Member Stephens seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

The Historic Preservation Board Meeting adjourned at approximately 6:50 p.m.



RIVERHORSE ON MAIN

Balcony Enclosure

Introduction

Riverhorse on Main has been a pillar of the Main Street community ever since its opening back in 1987. As time has passed and Park City has continued to expand and grow, Riverhorse has followed suit. We have strived to create ways to thrive in this unique and costly industry. We value creating spaces and experiences that serve our friends our community and visitors alike. When we purchased Riverhorse many years ago we were excited to re brand and design the interiors as well as upgrade operations.

When the opportunity was given to us to add the enclosure we were thrilled. It has been a huge success for us as well as a fun and exciting addition for the community and visitors. We understand when we had the opportunity to develop this program several years ago that others chose not to participate. Riverhorse has a larger and more viable space for this program, we understand not all do. We are however willing to assist any other restaurants or businesses that would like to participate.

We want this restaurant to have success and thrive for another 30 plus years, and the deck enclosure has given us the ability to better ensure long term success. Growth and change in this industry is a must to stay fresh and relevant. We believe it would be a great set back for us to not have and use this space in the winter, so approval of the program on a long term basis would be great, however a plan to make this structure or one similar would be the ultimate goal.

Below you can see the initial façade v. what we have in place now.



As you can see, the glass elements were already in place. The color scheme of the glass enclosure falls perfectly in line with the rest of the building, without altering or contrasting it.

We realize this patio is 5 feet over city property. However, we feel, as do others, that it doesn't affect the street, the sidewalk or the view.

Below is the original concept drawing approved by city staff.

Most say that this is the original façade of the building as it blends in perfectly with the surrounding elements. Most don't even know that it was proposed to be there or original.





It is our understanding that the some of the concern is regarding our current design – “it is that the building is detracting from the overall western architectural appearance of Main Street”.

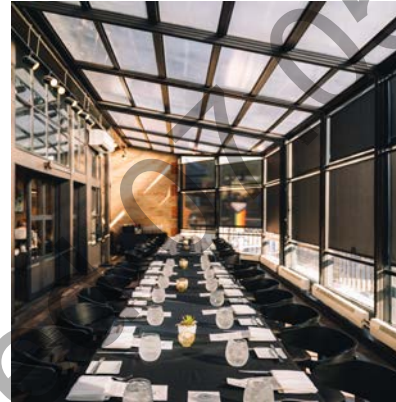
We found other images from buildings on Main Street, that have been designed and built, similar to ours. These other spaces are quite modern and do not have a western feel.



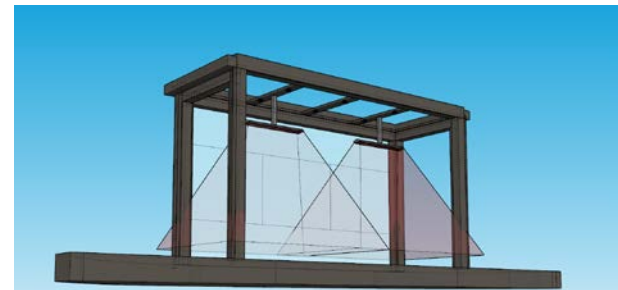
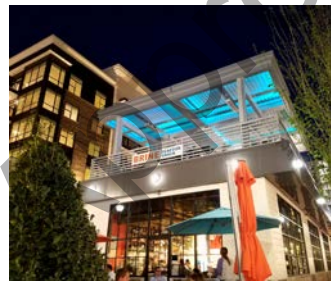
We are trying to maximize what we have worked hard to create and are grateful to have. We would be open to input and discussion on how the patio could be worked to be able to be permanently in place for us.



There certainly could be other alternatives to using this structure, but I believe 99% would agree what we have is the best. The tent suggestion is not in line with our brand or caliber.



A possible alternative could be a pergola or some type of retractable awning system.



Summary

Riverhorse on Main will continue to strive to be the restaurant of choice for our local community, visitors and partners.

We believe the program is a beneficial one, not just to the owners and staff of Riverhorse, but also to the Main Street experience. As stated in the introduction, we are also willing to assist others in implementing the program.

We would love to continue program, as well as proposing to take it a step further. We hope to work together to produce a way to make it a permanent agreement or code adjustment. This would make it much less costly and stressful on us to not have to be uncertain each season and be able to better layout our business proforma.

