PARK CITY MUNICPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF APRIL 7, 2021

BOARD MEMBERS IN ATTENDANCE: Chair Randy Scott, Lola Beatlebrox, Puggy Holmgren, Jack Hodgkins, John Hutchings, Douglas Stephens, Tana Toly

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Planner; Brendan Conboy, Planner; Aiden Lillie, Planner; Mark Harrington, Jessica Nelson

The Historic Preservation Board meeting was conducted virtually via Zoom. The public was able to submit eComments during the meeting.

<u>Determination of the Health and Safety Risk under the OPMA</u>

Chair Randy Scott read the Determination of Health and Safety Risk under OPMA. Notice of electronic meeting and how to comment virtually.

The meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act Section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020 adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4), is attached as Exhibit A.

The Historic Preservation Board Members will connect electronically. Public comments will be accepted virtually as described. To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings

Exhibit A, Determination of Substantial Health and Safety Risk.

The Board Chair has determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Utah Code Section 52-4-207(4) requires this determination and the facts upon which it is based, which include:
• Statewide COVID cases and hospitalizations remain high;
• Based on metrics established by the statewide COVID-19 Transmission Index, Summit County moved to the High-Risk designation on October 22, 2020; and
• Park City is a resort community continually hosting visitors from areas which may be experiencing rapid COVID-19 spread.

This determination is valid for 30 days and is set to expire on May 7, 2021.

Dated April 7, 2021.

ROLL CALL

Chair Scott called the meeting to order at 5:00 p.m. and noted that all Board Members were present.

ADOPTION OF MINUTES

MOTION: Board Member Holmgren moved to APPROVE the Minutes of March 3, 2021 as written. Board Member Stephens seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS
No eComments were submitted and no hands were raised on Zoom.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Board Member Hutchings disclosed that he would be recusing himself from the 1057 Woodside Avenue item on the agenda due to a business and personal conflict. He has known the applicant for a number of years, and he frequents the business on Main Street.

Board Member Toly stated that she has known the applicant for the 1057 Woodside Avenue item since she was 7-years old, and her sister is a long-time friend of Ms. Toly's. She was unsure whether that was a reason to recuse herself.

City Attorney Harrington stated that personal acquaintances are generally not a sufficient reason to recuse. As reason to recuse, as defined in the Code, is for something that would affect their objectivity to apply the Code as written. Being a neighbor or personal acquaintance is usually an insufficient reason; however, it is helpful if that association is disclosed for the record.

Board Member Hodgkins stated that he has also known the applicant for several years and frequents the business. He thanks Mr. Harrington for the clarification because he was unsure whether he needed to recuse himself. Mr. Hodgkins intended to discuss and vote on the item.

City Attorney Harrington stated that if Board Member Hutchings mutes and turns off his video, that would be sufficient for his recusal.

Board Member Stephens asked Mr. Harrington to provide an update on what occurred with the State Legislature. He recalled from the last meeting that the

Legislature was considering legislation that could impact the Code and the Historic District.

City Attorney Harrington replied that he was working with the Planning Department to have a full list of the ramifications. Some were still within the Governor veto period and they were waiting until the process is completed. Mr. Harrington assumed the Staff could give that update at the next meeting. He pointed out that the League of Cities of Towns had an updated page and a Land Use Impact section if the Board Members were interested in reading their update. Mr. Harrington thought the Staff would be using portions of that update in their presentation; however, it will be tailored to the specifics of amending the Park City Code.

On behalf of the Museum, Chair Scott announced that the Museum had an important anniversary coming up for the Silver King Coalition Building. He noted that at one time there was a model of that building in the Marsac Building. He asked if anyone had an idea of where they could locate the model because they would like to make the model available to the public at the Museum.

Board Member Hodgkins disclosed that he is a member of the National Affordable Housing Investors Council, and he is an investor in affordable housing for Wells Fargo. He did not believe that would affect his ability to discuss the affordable housing item on the agenda this evening.

WORK SESSION

5.A. Small Wireless Facilities in the Historic Districts – Review, Public Input, and Recommendation to City Council on the Small Wireless Facilities in City Right-of-Way Design Standards for Installations in the Historic Districts.

Planner Rebecca Ward stated that this work session for small wireless facilities relates to 5G infrastructure and concerns about unsightly poles. This has been in the new a lot lately, and there was an article in the Salt Lake Tribune in March about these 5G cell towers. She noted that the word unsightly is used quite a bit; however, the City can put regulations into place to help mitigate these small wireless facilities.

Planner Ward explained that small wireless facilities are small cell facilities. She presented a photo that was taken from Salt Lake City Municipal. She noted that Salt Lake Municipal compiled a fact sheet, and they had a good way of describing these facilities. Planner Ward stated that it is a type of wireless infrastructure about the size of a pizza box attached to utility poles to help with 5G technology.

Planner Ward reported that State law defines these as having an antenna in an enclosure that is no more than 6 cubic feet in volume with the total equipment no more than 28 cubic feet in volume. Planner Ward stated that in 2018 the Federal Communications Commission adopted regulations to streamline local deployment of this technology. Also, in 2018 the State Legislature adopted the Small Wireless Facilities Deployment Act, which allows these facilities to be installed in the public rights-of-way. The Act outlines expedited review and permitting.

Planner Ward noted that the small wireless facility design standards are specific to what is in the rights-of-way. She stated that usually the Planning Department would not be involved in these reviews because they are primarily permitted through the Engineering Department; however, the State carved out exceptions for Historic Districts. In order to develop these design standards, the Staff, the Engineering Department and the Historic Preservation Planners have been looking at how other communities shaped their standards for these historic districts.

Planner Ward gave an overall idea of what all small wireless facilities will be subject to. There are requirements in the design standards about the location of these facilities and requirements that they blend into the existing utility pole as best as possible. She provided a slide showing examples of what is unacceptable on the left, and what is outlined in the design standards on the right. She noted that there were also guidelines for existing streetlight poles, standalone poles for small wireless facilities, and freestanding poles as far as their location with sidewalks, intersections, and locations where they need to be placed so they do not impede public safety. There is a requirement that these small wireless facilities be located between property boundaries.

Planner Ward stated that relative to the Historic Districts, State law allows the city to require reasonable, technically feasible, non-discriminatory, and technologically neutral design or concealment requirements for these small wireless facilities specifically in the Historic Districts.

Planner Ward remarked that small wireless facilities that are listed on the National Register of Historic Places are subject to Section 106 review of the National Historic Preservation Act. In addition to that review, State Law requires that small wireless facilities obtain advanced approval from the City before installing any facility within the Historic District.

Planner Ward reported that the City Engineer drafted design standards, and Section 2.7 outlines specific requirements that are in addition to the other requirements for these facilities in Historic Districts. She presented a map showing the majority of the Old Town area encompassing all of the Historic District. She clarified that while not shown on the map, these historic standards would also apply to sites that are listed on the Historic Sites Inventory outside of the Historic Districts. It also applies to sites that have the potential to be nominated to that inventory.

Planner Ward reported that the State outlined an expedited review process. The City has 30 days to review an application for completeness once it is submitted; and then 60 to 105 days to approve the application, depending on new or co-located small wireless facilities. The Staff wanted to make sure to capture the Historic Design Review early in the process, because if the City does not complete this review within the required timeline, the application is automatically deemed approved. Planner Ward noted that the design standards proposed establish a Staff level review very early in this application process. Wireless providers proposing the location of these facilities must complete the Historic District Design Review pre-application, which will be created specific for these small wireless facilities. Planner Ward pointed out that it triggers a review by the planning director, the City's historic consultant, the historic preservation planner, and the applicant within 10 days of a complete submission to make sure they are aware of where these are proposed in the Historic Districts.

Planner Ward stated that Section 2.7 also requires that small wireless facilities employ screening, concealment, camouflage, and stealth techniques to minimize the visual impacts. These facilities cannot be installed along the primary facade or lot frontage of any historic site. They must be integrated with historic structures. Planner Ward clarified that the design standards refer to any kind of pole, a utility pole or freestanding pole. They also need to be integrated with height, color, style, placement, design, and shape.

Planner Ward reported that per State law, new small wireless facilities are not allowed to be installed in the Historic Residential Zones when the right-of-way is less than 60 feet. She pointed out that it pertained to most of the rights-of-way in Old Town. Planner Ward stated that these new small wireless facilities can still be located in these areas but only on existing utility poles. The ground mounted utility boxes are required to be underground when possible, and if not, to be shielded by landscaping.

Planner Ward reported that the City reached out to a third-party consultant who worked out some design standards specific for the lights in the Historic Districts, especially on Main Street. She stated 4G or 5G small wireless facilities will be required to fit within these design standards, so the majority of the equipment is within the pole, and the antenna and small wireless facility at the top is minimized as much as possible.

Planner Ward pointed out that the Design Standards were still in draft form and they were being finalized for review by the City Council. The Staff scheduled this work session so the HPB could review and provide input prior to the City Council review. Planner Ward noted that this item was publicly noticed. She had received phone calls with questions, but she had not received any public input for this work session.

Planner Ward stated that the City Engineer was on vacation. If the Board had detailed questions for the City Engineer, she would take notes and pass them along after the meeting.

Board Member Toly asked about the process. She asked if the City Council votes on whether or not to have these wireless facilities, or if these facilities will come regardless. Ms. Toly commented on various reports that these facilities are not good for health reasons and it cannot be turned off to keep it from coming into your home. Other issues include bird migration patterns, etc. Ms. Toly asked if it was possible for people to say they do not want it in their neighborhoods.

Planner Ward stated that because of Federal and State regulations, local control is preempted to a certain extent. For this work session, they were looking to the Design Guidelines, which is one area where the City has input. The City does not have input necessarily on where the facilities are located, because they are allowed to be located in the rights-of-way, but they can provide input on what the facilities look like when they are installed.

Board Member Beatlebrox referred to the slide of the actual streetlamps and clarified that those were the current streetlamps in town. Planner Ward replied that she was correct. Ms. Beatlebrox thought the only visible extension that would indicate 5G equipment was the extension of an aerial on the pole side. Chair Scott thought there was also a visible shroud at the top. Planner Ward pulled up the slide and pointed to the addition that was for the 4G and 5G. For 5G alone, she indicated what is considered the 5G antenna. Ms. Beatlebrox asked for the size. Planner Ward replied that Salt Lake City calls it the size of a pizza box. Ms. Beatlebrox noted that pizza boxes can be different sizes. Board Member Hodgkins thought it looked more the size of carry-on luggage.

Planner Ward stated that the antenna is 6 cubic feet. All of the accompanying equipment would be within the pole or structure, underground, or ground mounted. The actual antenna at the top would be within the 6 cubic feet.

Board Member Holmgren thought 6 cubic feet was quite big.

Planning Director Milliken pointed out that the base of the one shown in the picture, had been raised up and widened a little. She thought that would be more noticeable as people walk down small sidewalks on Main Street. Board Member Beatlebrox noted that banners hand from the streetlamps and she asked if this would obstruct those banners. Planner Ward thought Ms. Beatlebrox raised a good point. She assumed the equipment would be located in a way so the banner could remain, but the Staff needed to look into it. Ms. Beatlebrox remarked that it looked tiny in the picture, but they were actually talking about something quite tall. She asked Director Milliken about the enlarged base.

Director Milliken explained that the current base is approximately 20” in width, and the height of the foundation is 3.58. She stated that in one of the 5Gs, they have the base going up as high as 5’ to the crown, and then to the lower base which is also a bit larger than what they have currently. It also goes to a 30” diameter at the base.

Board Member Holmgren asked if the base would go up 5’. Director Milliken referred to the pictures and noted that the lower part of the base would not go up 5’; however, it would from the crown of the base as it extends out to the bottom. Board Member Hodgkins how for the width at the base. Planner Ward stated that it was a 36-inch maximum attachment at the base length.

Board Member Beatlebrox noted that there are no wells around the lanterns, and they go right to the sidewalk. Sometimes the sidewalks are narrow with brick decorations. Ms. Beatlebrox asked if anyone has decided what will happen to the pedestrian pathways. Board Member Hodgkins questioned whether it was an ADA issue.

Chair Scott thought the new base looked oval. The original shown is 20” in diameter. However, the 5G only picture shows 20” wide looking at it straight and looking at it from the side it is 30” long. Chair Scott stated that he pictures the 5G as a 20’x30” oval, and he pictures the 4G and 5G as a 36”x20” oval.

Board Member Hodgkins thought it also looked like the depth goes into the sidewalk based on the orientation of the lamp. He believed that exacerbates the issue of allowable space for pedestrians.

Director Milliken suggested that it could possibly be rotated to avoid impeding the flow of pedestrian traffic, and the Staff would look into it.

Board Member Stephens asked about coverage from the 5G towers. For example, does one streetlight handle all of Main Street. He assumed they were not talking about all the streetlights. He thought that information would help them understand what is going on with the utility poles in the Historic District on Park Avenue, Woodside, etc. Planner Ward stated that the City cannot regulate proximity requirements. Mr. Stephens clarified that he was not asking about regulation. He was only trying to get an idea of whether it would be on every streetlamp or whether two streetlamps might cover all of Main Street. If it does not go on every streetlamp, the City will have more flexibility in putting them in areas that does not restrict pedestrian traffic and would possibly be less visible.

Mr. Stephens stated that he was only trying to get an understanding of how much this will impact the Historic District Design.

Board Member Beatlebrox was under the impression that the coverage from each of these was not much and that many will be required. She pointed out that everyone coming to Sundance will love these and it will make Main Street a phone heaven because 5G is so fast. She believed they would need more than two to meet the requirements. Chair Scott agreed that the facilities need to be fairly frequent.

City Attorney Harrington stated that there is some flexibility. The City Engineer reviews the non-historic requirements first, which were outlined on page 6 of the draft regulations, which include "must meet all ADA and not obstruct pedestrian or vehicular travel and the normal operation of the lights as intended". Mr. Harrington believed those issues are covered by the City Engineer's review in the allowed regulation.

Board Member Toly stated that she took the time to read about wireless facilities and it said that more of these facilities are needed versus the normal cell towers.

Board Member Hodgkins noted that the City does not have streetlights on every street. He asked if they would need more streetlights in order to encompass the entire historic neighborhood. Board Member Hutchings assumed they would go on utility poles. Board Member Beatlebrox thought the wireless facilities could not be located in residential areas. Mr. Hodgkins stated that they can be in the right-of-way with an easement similar to a utility pole easement. Mr. Hutchings pointed out that if a utility pole is in the public right-of-way, someone might have the right to put a wireless facility on the utility pole, but they would still need permission from the utility company.

Board Member Toly remarked that some of the utility poles already have giant boxes on them. She has one in her front yard.

Director Milliken stated that the lights are only on Main Street because the utilities are buried on Main Street. The utility poles are on residential streets but not streetlights because the utilities need to be varied throughout the entire Historic District.

Board Member Beatlebrox wanted to know who would pay the installation cost. Board Member Hutchings assumed the wireless company pays to install them. He believed the City could collect a fee for the installation. Mr. Hutchings agreed that they were unsightly, especially when mounted on a utility pole.

Board Member Hutchings asked if it was certain that the City could not preclude these facilities from certain area such as Main Street or the whole Historic

District. City Attorney Harrington stated that the City Council was getting an opinion from an outside law firm. He thought it was more useful for the Board to focus on the design criteria they have to work with to protect the Historic District. The City Council will address the yes/no question. Mr. Harrington emphasized that the City Council was exploring all legal opinions.

Board Member Beatlebrox thought the photos shown were misleading and she recommended that the City Engineer do a mockup version of the actual size before it goes to the City Council. She noted that something on paper can look completely different than the reality. Ms. Beatlebrox stated that a mock-up model provides an entirely different perspective.

Chair Scott stated that the HPB was not able to say whether or not the wireless facilities can be installed. However, they can look at how they relate to the Design Guidelines. Chair Scott did not disagree with Ms. Beatlebrox, but as he read through the draft, he understood that most of the powering mechanisms would be located inside the pole. He thought the orientation of the base was most interesting because he chooses to walk in Main Street when there are no cars rather than on the sidewalk where there is no room. In his opinion, going from a 20” width to 30” or 36” is not acceptable. Chair Scott was concerned about a 5’ height. He believed the most impact would be to the sidewalk traffic on Main Street.

Board Member Stephens recognized that they did not know the exact number needed, but if they only need four on the street from the bottom of Main Street up to the Brew Pub lot, there could be one at the top of the Brew Pub Lot, one down at the bottom at the turnaround, one at the Bear Park, and one at the Miners Park. If that number would be sufficient, they could take the streetlamps off the sidewalk entirely and just light those areas with something different. Mr. Stephens agreed with Chair Scott in that he walks on Main Street all the time and having a base that high will change the pedestrian experience. Mr. Stephens thought an oblong base might help the pedestrian flow, but visually it is odd to see the base of a streetlight not be circular when the others are circular.

Board Member Toly stated that from her experience owning a business and a building on Main Street, as well as representing the HPCA, she thought they would get pushback from people who would not want something this big in front of their business. Ms. Toly commented on how it could impede traffic coming in and out of businesses.

Board Member Toly referred to an earlier comment from Section 2.7 regarding minimizing visual impacts. She asked if that language covers the existing utility poles, and if so, what are those guidelines.

Planner Ward stated that the utility poles and anything else located in the City rights-of-way are regulated under the Engineering Design Standards that are already in place. The new regulations are proposed to fill in that gap and would not apply to what already exists. Ms. Toly asked if the HPB has ever had to talk about what utility poles should look like, and if so, what was decided. Board Member Holmgren could not recall ever talking about light poles.

Planner Ward summarized the comments this evening. She had direction to look into the banners located on the streetlights and how they would be impacted and integrated. She was asked to look into the flow of pedestrian traffic. Planner Ward noted that the City has the ability to take pedestrian safety and ADA compliance into consideration. There was a recommendation to create models that show these poles in proportion before going to the City Council. She was asked to look at potentially regulating the orientation of the base to help with pedestrian flow on Main Street. The Board would also like an evaluation of the number of poles required along the Main Street area, and to see if they could be located in the Brew Pub parking lot, Bear Park, Miners Park, and within areas away from the pedestrian access that would not require use of the Main Street lights.

Board Member Toly noted that art installations were planned this summer on Main Street, and she asked if there is a way to turn these wireless facilities into something that looks artsy. For example, could they be painted or could the box over them be decorative and painted by local artists. Planner Ward added that direction to the list.

Board Member Hutchings asked if the City could require that these be buried. Planner Ward stated that regarding the ground level equipment, if the City already has undergrounding requirements in place that could be a requirement. However, she did not believe Park City has an undergrounding requirement. Planner Ward noted that it was discussed with the City Engineer and based on those conversations she understood the City could not require undergrounding, but they would encourage it in all the Historic Districts.

Chair Scott asked if Planner Ward was looking for input on anything else or were they just looking at Main Street. Planner Ward replied that it was only Main Street.

Board Member Holmgren asked if there would be a public input opportunity for the residents of Old Town. Planner Ward replied that there would be a public hearing when this goes to the City Council. She noted that the HPB meeting was also noticed for public input, but no input was received.

City Attorney Harrington clarified that the City Council had received a significant amount of public input; however, in terms of this specific review of the historic standards no input was received at this time. Mr. Harrington noted that there are national campaigns against these facilities and the City Council receives a lot of emails, both chain emails and direct emails. He welcomed the Board Members to express their personal pro and con comments to the City Council.

Chair Scott called for public input.

No eComments were submitted and no hands were raised on Zoom.

Planner Toly asked about next steps. Planner Ward stated that these have been in development for some time, and they were scheduled to go to the City Council for the final phase. She was unsure of the exact date for City Council and offered to update the Board at their next meeting.

Planner Ward stated that she had just received an email stating that only two poles were proposed for Main Street.

Board Member Hodgkins asked about the life expectancy. He pointed out that nothing technological lasts very long. City Attorney Harrington agreed with Mr. Hodgkins. He did not know the life expectancy and time will tell, but they do not want to be caught off-guard. The City needs to have these regulations in place if an application comes in. The intent is to give the City Council and the City Engineering the maximum tools possible to limit the impacts.

Board Member Hodgkins asked if the service is responsible for taking it out once it goes in and is no longer being used. City Attorney Harrington explained that the applicant will enter into a Master Agreement, which is similar to a franchise agreement, and that would be addressed the same as other utility regulations.

5.B. Historic Preservation Grants and Awards Work Session – Staff Will Provide an Overview of the Status of the Historic Preservation Grants Program and Awards and Seek Board Feedback.

Planner Aiden Lillie provided a brief background on the Historic Preservation Grants program. This program was first started in 1987 when the Park City Historic District Commission and the City Council recognized the preservation of Park City's Historic Resources as one of their highest priorities. Planner Aiden reported read the Mission Statement that was recently adopted for the Grant Program which was designed to financially incentivize the preservation, rehabilitation, and restoration of historic structures and sites in order to support a community that honors its past and encourages historic preservation.

Planner Lillie stated that the Grant Program provides grants for historic residential or commercial structures and sites that are listed in the Historic Site

Inventory. The purpose of the grant is to assist in offsetting the costs of the work. It is a 50/50 matching grant program, which requires the applicant to match 50% the grant they receive. Eligible work can include interior and exterior repair, rehabilitation, restoration or preservation which includes historic architectural features and structural elements, as well as mechanical systems.

Planner Lillie noted that the Grant Program was on pause for a period of time due to concerns of who was actually receiving the funds and the actual need. After multiple work session and meetings with the Historic Preservation Board and the City Council, the Grant Program was reinstated in February 2020. However, due to Covid-19, what was originally reinstated was changed from a normal cycle such as the one passed in February 2020, to a rush cycle.

Planner Lillie outlined what had been approved to continue in February 2020. The funds come from three separate RDAs: The Main Street RDA, the Lower Park Avenue RDA, and a general fund that encompasses all historic sites on the Historic Sites Inventory. Planner Lillie stated that the Grant Program was proposed to have two categories by which people could apply for grants. The first category is the repair fund. A property owner can apply for up to $15,000 for eligible work. Emergency repair and maintenance work are defined as work requiring prompt approval or for work on a structure that needs to be immediately stabilized due to an immediate safety threat to the public. Planner Lillie reported that this section of the grant is awarded by Staff with the Planning Director and Chief Building Official, as well as recommendations from the Historic Preservation Planner. They all review these applications and decide who will receive the grant funds.

Planner Lillie stated that the competitive fund, which is the second category that was approved in February 2020, has not yet occurred. The maximum amount was never officially decided and that will be part of the steps moving forward. Planner Lillie noted that the HPB previously recommended a range of $5,000 to a maximum of $25,000 for these funds to be distributed. Planner Lillie reported that there are two subcategories for these funds. The first is improvements of historic architectural features. The second category are projects that could be moved from Significant to a Landmark designation on the HSI. Planner Lillie stated that the Historic Preservation Board and the City Council, along with Staff recommendations, will determine who receives these funds. The HPB will review the applications and decide who deserves the grant. Following that, the City Council will also review the applications.

Planner Lillie reported that as part of the Competitive Fund, it was proposed to announce a goal or theme for what type of projects the City would like to see occur in a fiscal year. For example, one goal could be to focus on historic accessory buildings, historic wood window restoration, or mine sites. When an application is received during the evaluation process the applicant can earn additional points to receive a higher evaluation score. Planner Lillie presented the evaluation criteria for the fund, which includes four different sections where points can be received. One is “does the project proposal involve the selected grant goal or the grant theme for that year”. She pointed out that 0-10 points is not a significant amount, but it could definitely help an applicant.

Planner Lillie reiterated that this program was approved in February 2020; however, when Covid changed everything in March 2020 the Staff entered into a rush cycle to allocate the funds for applications that were already received. The funds were still coming from the same RDAs; however, the review process and the two subcategories for funds was different. It was a general fund, and the applications were not separated. She believed the review process entailed three planners using the evaluation criteria form to review the applications. Once the applications were chosen, two HPB Board members reviewed the determinations and distribution of the money was decided and awarded.

Planner Lillie presented an image of the HSI sites and the different RDAs for lower Park Avenue and Main Street.

Planner Lillie requested that the HPB discuss returning to the normal cycle for the 2021 year or the 2022 fiscal year and moving away from the rush cycle. The second item for discussion was how to move forward if they do not move out in the 2022 cycle, and potential themes for the competitive grant program. Planner Lillie also requested that the HPB discuss adding an explanation of need to the grant application criteria. She stated that the program was put on hold a couple years ago because there was uncertainty in where the funds were going and whether the people receiving the grant were in need of the money. The Staff recommended that adding the additional criteria to the application criteria would be beneficial for the life of this program.

Planner Lillie commented on the Historic Preservation Award Program. She noted that the Historic Preservation Awards were designed to honor excellence in preservation in Park City each year. They are determined by the Historic Preservation Board and highlight the Design Guidelines for Historic Districts. Planner Lillie reported that these awards were introduced in 2011 to highlight preservation projects occurring within the Historic Districts and on historic sites. She showed a photo of a plaque that was awarded in 2016 for 1102 Norfolk Avenue, as well as a photo of 1102 Norfolk Avenue.

Planner Lillie stated that these awards are selected on the following criteria: Adaptive Reuse; Infill Development; Excellence in Restoration; Sustainable Preservation; Embodiment of Historical Context; and Connectivity of Site. She noted that the HPB had also commissioned a piece of art that memorializes the projects by the award winners. The art depicts Park City’s historic buildings and structures, and it is displayed in the hallways of City Hall. Planner Lillie presented a photo of the Glenwood Cemetery taken in the Spring of 2019. Due to the pandemic and other changes, it was one of the last awards received as part of this program.

The Staff requested that the HPB discuss how they would like to move forward with this program in 2021 and beyond, and what they see for the future of this program.

Board Member Hutchings disclosed that he may be applying for a grant this year, and he would recuse himself from that discussion. Chair Scott questioned whether Mr. Hutchings needed to recuse.

Planner Toly stated that when she applied for a grant, she spoke with Caitlyn about it, and it was not an issue. Board Member Hodgkins noted that awarding a grant is based on scoring, and he did not believe they were talking about the scoring items this evening. Chair Scott recalled having this discussion last year when Mr. Hutchings was thinking about applying for a grant and the Board determined that it was not necessary for Mr. Hutchings to recuse himself from the discussion. Mr. Hodgkins had the same recollection.

Chair Scott suggested that Mr. Hutchings could recuse himself from a vote on the grant program, but he should still provide input during the discussion.

City Attorney Harrington clarified that the question for the HPB this evening is whether the Board was comfortable reinitiating the process as it existed in 2019. The Board members could address any conflicts with disclosure statements through the application process as appropriate at a later date. Mr. Harrington pointed out that the City Council has the final authority on the final award.

Board Member Beatlebrox commented Planner Lillie on an excellent presentation. As she went through the criteria, she thought the criteria and the scoring was excellent.

Ms. Beatlebrox responded to the four questions asked by the Staff. On the question of whether there should be a theme, Ms. Beatlebrox did not think there should be a theme. She stated that what the building owner needs and what the buildings needs is at the forefront. She was not in favor of giving extra points for a certain theme because it should be owner and building driven. On the needs question, Ms. Beatlebrox stated that the HPB has talked about this a lot. There are wealthy people who want to do complete renovations on their historic homes, and there are people who have lived in Park City for a long time they just need financial help to maintain their historic home. Ms. Beatlebrox stated that rather than being need-based, it should be based on what the historic building needs.

Commissioner Hodgkins concurred with Board Member Beatlebrox. In addition, he did not believe there were enough funds to prioritize a theme. Mr. Hodgkins thought the theme should be making sure that preservation actually happens.

Board Member Toly also commended Planner Lillie on her presentation. Ms. Toly asked if it was necessary to have a theme in the past to narrow down the number of applicants. Board Member Beatlebrox did not recall the number of applicants as being the driving force. Board Member Hodgkins remarked that typically the Board never knows how many applicants they will get in any year. Planner Lillie clarified that the HPB previously decided on the program, but a theme never occurred. She understood that there was usually a large number of applications and distributing the money was an issue.

Board Member Hodgkins understood that the scoring is done by the City Planners and not by the HPB. The Board only approves the scoring and the rest of the process takes place outside of the HPB. Planner Lillie stated that for the competitive funds, the Staff goes through the applications and does the scoring. It then goes to the HPB for the Board to decide who should receive the grant money, and then to the City Council for a final vote. Mr. Hodgkins clarified that the HPB makes a recommendation to the City Council based on the scoring. Planner Lillie answered yes.

Board Member Hodgkins recalled a previous discussion about leftover funds in the general fund being donated to historic mining effort restoration projects. Planner Lillie noted that these funds do not turn over. Therefore, money from one fund cannot be allocated to other projects. Chair Scott recalled the same discussion. Mr. Hodgkins stated that Sally Elliott attended a meeting and spoke to the Board about it. At that time the Board was not opposed to using funds to help with the mining effort restoration and he was curious as to whether there was any agreement. Planner Lillie offered to look into it.

Board Member Stephens did not believe they actually agreed the funds would go to the mining restoration effort. It became a fail-safe measure so if there were more funds the good applications those mining structures could use the financial help. Board Member Hodgkins asked if applications for the mining structures could be submitted each year in case there are leftover funds. Mr. Stephen answered yes. He understood that Sally Elliott and her group intend to submit an application every year.

Board Member Toly recalled talking about a theme such as garages, things that are closer to Main Street, etc. Based on the comments this evening she thought it was clear that the Board preferred not to have a theme and they should move to the next question. Chair Scott agreed that they should keep with the scorecard created, unless dialogue was needed regarding the needs.

Board Member Hodgkins stated that given the nature of the different buckets of funds, it is difficult to compare apples to apples. Certain grant applications work for funds A and B but not C, and that needs to be taken into consideration. Board Member Stephens stated that the Board previously decided to go through one cycle first to see what needs to be fine-tuned.

Planner Lillie asked if the Board would like to return to the normal cycle. Board Member Toly asked when the normal cycle would start. Planner Lillie replied that the normal cycle could start as soon as May 1st. Normally, the rush cycle would have began in March, but due to the turnover in the Planning Department, the Staff decided May 1st would be a good start date to get things in order and to schedule a work session. Board Member Stephens asked if the grant funds need to be used by July 1st. Planner Lillie thought it was the beginning of August for the fiscal year.

Board Member Stephens stated that he personally would like to begin the grant program again. Board Member Holmgren concurred. Board Member Hodgkins asked if the HPB needed to vote on going back to the 2019 recommendation. Planner Lillie replied that this was a work session, and a vote is not required. Based on their comments, she assumed the general consensus was to restart the program. The Board members concurred. Planner Lillie stated that due to the Pandemic, all the funds were not allocated. Since the money is budgeted, they definitely want to use the funds.

Ms. Holmgren thought it was also important to promote the grant program. Planner Lillie agreed. They also promote preservation in Park City with the Historic Preservation Awards. The last award was given in early 2019. She asked whether the Board wanted to continue the awards program. Board Member Beatlebrox felt strongly about going back to giving awards. Chair Scott agreed. Ms. Beatlebrox explained that in the HPB was presented with different projects that were eligible for the award and a committee from the HPB selected one of the projects for the artwork. The art piece was commissioned.

Board Member Toly asked if they normally get a handful of businesses and a lot of residential. Board Member Holmgren replied that it is usually a mix. Board Member Hodgkins stated that it depends on what projects were completed in that year. Ms. Toly asked if the award is associated with the grant, or any historical preservation. Planner Lillie replied that any historic preservation can be considered. Board Member Hodgkins suggested giving more money to the artwork because that budget is light. Board Member Beatlebrox agreed. She recalled the budget for the Glenwood Cemetery piece was $1200. Board Member Stephens agreed with increasing the budget for the art piece.

Planner Lillie summarized that the HPB wanted to continue the grant program and the awards program. She understood that the budget for the artwork comes from the Planning Department budget. She would speak with the necessary parties to see if it was possible to expand that budget.

Board Member Toly asked if they had answered the need-based question. Board Member Beatlebrox stated that she addressed it earlier in her comments. She was against a need-based analysis because a wealthy person who wants to preserve their historic home should not be considered any more or less than a retired person who has lived in Park City for a long and needs help with repair maintenance or updating their home. Board Member Toly was concerned that a lot of people who bought these homes in Old Town have a lot of money and they can afford to preserve their home. A few people are lucky enough to still live here and do whatever is necessary to keep their home because they do not have a lot of money. She believed receiving grant money would be worth much more to someone in that group than to someone who might restore the home and sell it. Ms. Toly was concerned about pushing out more people who live and work in the community and struggle to stay in Park City.

Chair Scott recalled that the application had an area for commentary where the owner could make a statement outside of just checking the boxes. He noted that it would not be unusual for the Board to review the applications and send a few back for additional information. Without knowing what applications will be submitted, it is difficult to make it perfect. Chair Scott agreed with Ms. Toly's concerns, but he thought they needed to go through a cycle to get a better understanding.

Planner Lillie confirmed there was that there was not a commentary section on the application. However, it could be added if the Board would like it included on the application. Board Member Holmgren thought it should be included. Board Member Stephens agreed. He also agreed with Chair Scott about getting through one cycle of the grant program. Mr. Stephens believed that a lot of what Ms. Toly talked about will naturally sort itself out. The people who do not have the money to take care of their homes will be obvious when the Board reviews the applications and sees that the home needs help. If those issues do not work themselves out naturally, they should know after the first year.

Board Member Hodgkins asked if the application process identifies whether the owner is a resident, if this is their primary residence, and what year they purchased the property. Planner Lillie stated that the grant application does not require the year the property was purchased. It is similar to the HDDR application with name and address. Sometimes it is easy to tell whether they are a primary resident if their mailing address is different from their Park City address. Board Member Toly asked if they could legally ask for that information. City Attorney Harrington thought they could if it was reasonably related to some of the criteria. Upkeep and maintenance can be related to time of ownership. Mr. Harrington stated that he would double-check but he could see no reason why they could not ask how long the owner has owned the property as part of the application. Board Member Hodgkins asked if they could ask if it is their primary residence. Mr. Harrington replied that primary residence is a matter of public record in Summit County. Ms. Toly suggested asking for the date of the last renovation. Mr. Harrington suggested that the Board could add more specificity in the request for the narrative asking the owner to describe their ownership history with the property, maintenance records, etc. They could put the burden on the owner to make their best case. Board Member Beatlebrox wanted to keep it simple. She recalled that the Board had a long discussion about trying to keep the application simple, so it was not a burden on the grant applicant.

Board Member Holmgren thought there was a criteria stating that if the owner sells the property within a specified number of years after receiving grant money, they need to reimburse the City. Mr. Harrington thought the language was still in there. It is a five-year slide scale.

Chair Scott read, "All projects $10,000 or less will require entering into a five-year lien with the City. Should the property be sold within the five-year period, the applicant is responsible for repaying the City a pro-rated amount of the grant disbursement. $10,000, one cent, or more, the applicant is required to donate a facade easement to the City that will be recorded on the property." He believed that addressed Ms. Toly's concern about people taking grant money and then selling the property. Chair Scott suggested that the only change needed is to add a statement to the application saying, "Please add additional commentary that you think is useful for review of your application". City Attorney Harrington noted that #7 in the application says, "please provide a brief history". They could add additional language to #7 to clarify what the Board has suggested.

Board Member Toly stated for the record that she preferred to know whether the applicant was a primary or secondary homeowner. Board Member Holmgren agreed that it was important. Board Member Hutchings did not disagree; however, he recalled that the Board went through the scorecard to create as much objectivity as possible. He asked how that question would be evaluated or scored and if primary residents would be favored. Board Member Hodgkins believed it could be favored if there is a tie in the scoring. It would make a difference to him personally if they were voting on a tie.

Board Member Holmgren agreed with Board Member Toly about the people who are really in need. In the days when she was working seven days a week at multiple jobs her roof slid off. If she had not been awarded the grant, she would have had plastic neoprene for a roof for a year. Ms. Holmgren stated that on the flip side, the owners of the house up the street got a huge grant and were bragging that they would be there for two years and then sell for a profit. She thought the owner's future plan for the house should be taken into consideration.

Chair Scott pointed out that if an owner sells in two years, they will need to pay back a portion of the grant.

Planner Lillie noted that there will be a cap on the grant amount moving forward. Board Member Hodgkins asked if the cap could be waived in instances where there are not enough grant applications to award all the money. Planner Lillie thought it was a possibility. For the competitive grant the cap was never decided and the HPB had recommended between $5,000 and $25,000 as the typical loan size.

Planner Lillie thought the Board had sufficiently answered her questions and provided good direction.

REGULAR AGENDA

6.A. Land Management Code Amendment – Affordable Master Planned Developments (AMPDs) were Established to Incentivize Private Development and Public-Private Partnerships to Develop Affordable Units. AMPDs Allow for Market-Rate and Affordable Units and may Include Mixed-Uses. Setbacks and Open Space Requirements are Reduced. Building Height for AMPDs may be up to Forty-Five Feet and Parking Requirements may be Reduced with Certain Mitigations. AMPDs are Allowed in the Residential Development, Residential Development Medium, Residential Medium, Recreation Commercial, General Commercial, Light Industrial, and Community Transition Zoning Districts. The City Council Recommended Evaluating AMPDs in Non-Residential Historic Districts and the Proposed Amendments Establish AMPDs in the Historic Recreation Commercial and Historic Commercial Business Zoning Districts.

Planner Rebecca Ward reviewed the proposed LMC amendments for Affordable Master Planned Developments in Historic Districts. She reported that the City Council has a goal for 800 affordable units within City boundaries by 2026. There were still 263 unidentified and unfunded units remaining. The purpose of the proposed Code amendments is to help the City reach this goal.

Planner Ward stated that the amendments come from a few different plans that were adopted. The moderate housing assessment plan encourages affordable and attainable units on City-owned property through public/private partnerships, to implement zoning incentives for these affordable developments, and to encourage these developments near transit. Planner Ward remarked that the City Council's long term strategic plan says that solving housing will greatly mitigate traffic. She noted that some residents worry that bringing more affordable and attainable housing into the region will affect property values;

however, a community without completeness is less resilient, less vibrant and less desirable. Planner Ward stated that the General Plan has many goals and strategies to incentivize the development of affordable housing within the City, including updating incentives for density bonuses, evaluating the Land Management Code to remove barriers, and to update the affordable master planned development requirements.

Planner Ward reported that since 1984 there has been a Code for affordable master planned developments that provide a 20% bonus for these AMPDs that are 100% affordable. She noted that in 37 years these AMPDs were never constructed; however, there was development of affordable housing through private developers and public/private partnerships. The AMPD Code was never the incentive for that.

Planner Ward stated that in 2018 the City Council directed the Planning and Housing Staff to evaluate the AMPD Code and identify obstacles. The Staff proposed amendments at that time to reduce the requirement for the affordable units, to create a sliding scale for density bonuses based on the area median income served, to reduce parking, and to exempt micro units from parking requirements. Planner Ward remarked that the City Council wanted to evaluate whether the Code went far enough so the affordable projects would pencil. The City hired Cascadia Partners to evaluate the Code to complete two studies to see what amendments needed to be put into place to incentive these developments.

Planner Ward stated that based on the Cascadia studies, the Staff developed a Code that allows for AMPDs where at least 50% of the residential unit equivalents are affordable. She pointed out that AMPDs are allowed in non-historic zoning districts where multi-unit dwellings are already allowed or conditional. Volume based density requirements in the Code allows for a density bonus and aligns the LMC with the Housing Resolution requirements for affordable housing. There are also reductions for parking and increases in height. Planner Ward stated that the AMPDs now allow for mixed-use development, they prohibit nightly rentals and timeshares, they require recordation of deed restrictions for forty years, and they require annual compliance reports. There are also setback reductions and open space reductions to incentive these developments.

Planner Ward stated that the only zoning districts where these AMPDs are currently allowed are the Residential Development and Residential Medium Zones in Empire Pass and Deer Valley; the Residential Development Medium Zone along State Road 224 North of Kearns to Holiday Ranch Road; the Recreation Commercial Zone near the Park City Mountain Resort Base Area; the General Commercial and Light Industrial Zones in the Bonanza Park Area; and the Community Transition Zone out by the Park City Medical Campus.

Planner Ward stated that when the City Council adopted the Code Amendments for these AMPDs, they directed the Staff to look at allowing AMPDs in non-residential historic districts. The amendments proposed this evening would allow for these in the Historic Commercial Business and the Historic Recreation Commercial Zoning Districts subject to additional requirements. This would include properties along Main Street, Park Avenue, and Swede Alley.

Planner Ward reported that the General Plan for Historic Preservation is to preserve the Historic Districts and to make sure that the Main Street District is the heart of the City for residents. The Staff crafted a Code to preserve the Historic Districts and to carve out some exceptions for the Historic Commercial Business Zone along Main Street. Planner Ward stated that AMPDs still require preservation of Historic Buildings. She noted that the review process already includes a required analysis of historic structures and preservation obligations. AMPDs would be required to comply with the Historic District Design Guidelines. AMPDs would be required to comply with the storefront property regulations, so office or residential uses would not be allowed at the street level. Planner Ward stated that the AMPDs in the Historic Commercial Business Zoning District would be required to comply with the setbacks, building volume and height, floor area ratios, restrictions for properties that extend from Main Street to Swede Alley, and parking. Planner Ward clarified that the buildings allowed in the Historic Commercial Business Zone would not change for the AMPDs. The amendment would only open the door for the use to be allowed in these structures. Planner Ward pointed out that the Land Management Code already outlines some of the stepback requirements for building height in the zone along Main Street, along Swede Alley, and also when these buildings are adjacent to Residential Historic Zones.

Planner Ward stated that AMPDs in the Historic Recreation Commercial Zoning District would be eligible for two of the AMPDs incentives. This zone is already built out, but if there is future redevelopment in the area, it would allow for a height extension with a 10’ stepback up to 45’. The building facade plane would be able to go as high as the 32’ in the zone, and then a required 10’ stepback up to 45’ total. Planner Ward stated that applicants in the HRC zoning district could request additional reductions in parking requirements if they can demonstrate that a parking reduction materially increases the feasibility of the development. The applicant would also need to fund and submit a parking and traffic study, as well as demonstrate that the AMPD sufficiently addresses the parking demand. Planner Ward clarified that the AMPD Code allows for reduced parking if the Planning Commission determines that there is a clear and irrevocable agreement that authorized tenants to park within 1,000 feet of the AMPD perimeter boundary off-site; if the AMPD is close to transit; if there are dedicated parking spaces for resident car shares; or if there is parking in the right-of-way along the perimeter of the AMPD. Planner Ward stated that if there are parking reductions, the Planning Commission would have an opportunity to review and amend a parking management plan at any point after the approval to address any changes in circumstances.

Planner Ward reported that AMPDs would be prohibited in the HRC zoning District adjacent to the HR1 zone to serve as a buffer between these zones. The Code is crafted to carve out these properties along Park Avenue between 9th Street and Heber to avoid significant changes in height between the two zones. She reiterated that the HCB zone along Main Street already has transition zones that the AMPDs would need to follow.

Planner Ward stated that another consideration to incentivize development of affordable units in these zones could be to allow accessory affordable employee units for non-residential uses. Currently, Summit County is exploring allowing different uses such as retail or restaurant uses to carve out a small portion of the floor area ratio to allow for an employee unit within that use. Park City may look into that in the future, but it is not currently proposed as part of the AMPD amendments.

The Staff recommended that the HPB conduct a public hearing and consider forwarding a positive recommendation to the Planning Commission for their meeting on April 14th and for the City Council meeting on April 29th to allow these AMPDs in the Historic Commercial Business and Historic Recreation Commercial Zoning Districts.

Board Member Stephens referred to the HCB District and asked where this might take place on the street. He wanted to know if the intent is to have it in place for a potential future opportunity because nothing has occurred for the past 37 years. Planner Ward replied that for 37 years there were no developments. They are now at a point where the new Code has been adopted based on input from the consultant that with all these additional incentives, the Code should now be an incentive. Planner Ward stated that the previous Code was developed for larger lots and someone could already build an AMPD in the HCB zone with height, reduced parking, reduced setbacks, and reduced open space. These amendments would open the door for potential reuse, restoration, or redevelopment of an existing site in the zone.

Board Member Toly noted that some people have talked about affordable housing in the Brew Pub lot. The Mayor talked about the China Bridge parking garage eventually becoming affordable housing, which is also an area that would fall into under these amendments. She noted that a few parcels of land still exist but not many. Board Member Toly stated that her concern for Main Street is what it will look like if they rebuild an entire non-historical building. She thought some of the affordable housing in the County was an eyesore and did not look good. She recommended having some type of design guidelines.

Planner Ward clarified that there would be no change to the exterior in terms of regulations of the design. If an AMPD is built within one of these zones, it would be held to the same standard as any other development. It would go through the Historic District Design Review and need to comply with the Design Guidelines. She emphasized that there would be no changes to the exterior standards already in place within the zone.

Board Member Hodgkins understood this was a National Historic District within Main Street. Planner Ward answered yes.

Board Member Toly asked if the HPB was being asked to recommend what Planner Ward presented this evening. Planner Ward answered yes. She explained that AMPDs in other zones have their own zoning regulations. For the HCB zone, the Staff was proposing that AMPDs comply with everything that is already in place for that zone and there would not be any changes to the current regulations. In the HRC zone, if a redevelopment were to occur in that area, it would allow for increased height and decreased parking, but it would need to meet the additional requirements and the Planning Commission would review and approve any parking reductions in that zone. Planner Ward clarified that in both areas, the Historic District Design Guidelines and all the standards would still apply.

Board Member Hodgkins did not understand why they would not just waive the parking requirement. He did not believe it was creating an incentive for a developer to create affordable housing. The developer may not need to provide parking, but they still need to spend money on the study and get the reduction approved. Planner Ward remarked that reduced parking becomes more of an incentive in the zones where a reduction is currently allowed for multi-unit dwellings on larger sites. She explained that within the Historic Commercial Business Zone, if a developer paid into the parking assessment prior to 1984, those parking fees are already paid so that might be some incentive; however, that incentive is already there for other uses. Planner Ward agreed that when applying the incentives already in place for the other zones to the Historic Zones, the incentives are not as powerful. She reiterated that it opens the door in case one could potentially be located in these areas in the future.

Board Member Hodgkins thought they should be creating an incentive for natural affordable housing. For example, the possibility of reducing some of the zoning requirements that would allow someone to bring in smaller units or units without kitchens, or other things that would be naturally attractive to the seasonal worker. Mr. Hodgkins stated that another easy way to combine affordable housing and historic preservation is not to allow additions to any of the historic properties. It preserves the building because the footprint remains the same and the building remains truly historic.

Board Member Toly remarked that there are so many units on Main Street that no one knows about because they are built into the rooftops of some of the buildings. Ms. Toly stated that the developers make a lot of money on nightly rentals and she questioned whether they would be interested in affordable units. Board Member Hodgkins agreed. It is difficult for a developer to pencil out affordable housing considering the price per square foot for a penthouse rental. It is really difficult to compete.

Planner Ward commented on the suggestion of restricting a historic building footprint. She noted that the third-party consultant studies looked at multi-unit dwellings in larger developments. Planner Ward thought they could also look into an incentive for retaining a historic footprint and for having a deed restriction that supports the property staying affordable for a 40-year term.

Planner Ward stated that in terms of looking through the Historic Districts to reallocate some of the existing square footage and changing uses to residential uses for affordable deed restricted units, she asked if the Board had concerns about increasing residential square footage within these zones for employee units. Planner Ward asked if the Board could support this if they complied with historic front property requirements to keep the units off the street level. She pointed out that this was not part of the proposal presented this evening.

Board Member Hodgkins questioned restricting the entire first floor. He understood the storefronts, but he wanted to know why they could not allow for small units in the back of the first floors. Board Member Toly replied that there is a restriction on the number of business types in storefronts. For example, at this point, there cannot be another real estate office on Main Street. However, she understood that someone could have a business in the front and housing in the back on the first floor. Board Member Hodgkins thought the amendment as written excludes the first floor. Planner Ward explained that the existing storefront property regulations would apply. She offered to look into Mr. Hodgkins suggestion to reduce the square footage that fits within the definition.

Mr. Hutchings supported the proposed amendment. He understood that the developer would be required to commission a traffic study, but additional traffic going into Old Town would be a disaster. Mr. Hutchings stated that adding more residents with this plan would generate more traffic. He did not believe that was a reason not to do it, but it was an issue that needed to be addressed.

Board Member Holmgren asked if it was possible to put some type of restriction on the affordable units prohibiting the residents from having a motorized vehicle. If they are on the bus route and the fare is free people do not need a vehicle. Board Member Hodgkins pointed out that the City was trying to get private developers to develop affordable housing and he did not think they would do it with that type of restriction. Board Member Hutchings agreed that a developer would not be interested, but he thought it would open the door to allow it in case circumstances change or there is a unique opportunity in the future that they cannot foresee today. Mr. Hutchings stated that how it pencils out or whether it is financially feasible is different for each individual or developer.

Board Member Toly commented on the difference between workforce housing and affordable housing in town and she thought it needed to be defined. Seasonal workers are only here three or four months versus someone who will live in these units long-term. She noted that one of the biggest complaints of the HPCA is not being able to find workers for Main Street. A lot of people are looking for ways to incentivize people to live close to Main Street. Ms. Toly thought some people would be willing to build units if they can get tax breaks or other incentives. She used Flanagan's as an example of a building that has four workforce housing units above the main floor of the building. Ms. Toly stressed the importance of having a definition of affordable versus seasonal workforce. Board Member Hutchings agreed with Ms. Toly that a lot of issues in Old Town would be solved if the people who work there could afford to live there.

Chair Scott supported the proposed amendments. He pointed out that the HPB should not be determining whether it is cost effective. The Staff was asking whether or not the Board members would support this in a recommendation to the Planning Commission and the City Council. Chair Scott agreed with the traffic concern, but he knows a developer in the UK who creates studio apartments with shared living areas and kitchens. He could see the workers along Main Street living in those types of units. Park City needs this because it keeps the town vibrant and adds flavor.

Board Member Toly stated that her family has one of the last existing lots on Swede Alley and they are debating what to do with it. If there was an incentive to help them build, she would build housing to keep their employees.

Board Member Hodgkins asked if Park City allows shared kitchens. It could certainly be an answer, but he did not believe many local zonings allow shared kitchens.

Planner Ward stated that currently one of the requirements for these affordable master planned developments is that they comply with the adopted Housing Resolution. The Housing Resolution outlines the standards for what each unit needs to meet in order to be considered affordable. She noted that there are provisions for a dorm style situation depending on the development and the work force it is serving. Planner Ward stated that the Housing Resolution requires that the leases be long term and that would be the workforce served. She thought the time period was nine months and nightly rentals are definitely prohibited.

Planner Ward stated that she had taken notes on their input this evening, including that incentivizing different types of affordable units within these zones would help to mitigate traffic and parking concerns, and that might be done through a separate process from the AMPD. Planner Ward noted that she would come back with additional LMC Amendments. However, she requested that the HPB move forward with a recommendation on the AMPDs.

Board Member Holmgren stated that many of the rentals was an affordable housing rental for two families, but it has now become a nightly rental. She asked if it was possible to rein that in. Planner Ward replied that in the affordable master planned developments half of the residential units are affordable and half are market, but nightly rentals are prohibited in 100% of the building. The intent is to incentivize long-term residents. Board Member Hodgkins asked if the City had looked into limiting nightly rentals in any part of town. Planner Ward stated that limiting nightly rentals was addressed in several meetings in 2019 and 2020. The City Council recently amended the Land Management Code to put a cap on the number of nightly rentals allowed in the Historic Residential Zone area up by King Road, Sampson Avenue and Ridge Avenue. In addition to the cap, they had discussions on mitigating some of the impacts. Planner Ward noted that the Staff created an online complaint form where community members who live near a disruptive nightly rental can file a complaint online and it immediately goes to all of the relevant departments. She stated that processes have been put in place to help mitigate those impacts.

City Attorney Harrington stated that nightly rentals are prohibited in some zones and allowed in others. In some zones conditional use permits are required for nightly rentals. Mr. Harrington noted that the City fights to retain its ability to regulate nightly rentals every year at the State Legislature because they view the issue very differently. He remarked that the City gained a little this year in their ability to regulate nightly rentals and accessory dwellings, but it was a hard-fought win. The City Council has always taken a balanced approach between State politics and local preferences. Mr. Harrington pointed out that there is a very strong secondary nightly rental market in the Resort areas. Part of the allowances have been deliberate, but other areas and the current change of the nightly rental business requires the City Council to look at it every year.

Board Member Toly asked if Planner Ward was talking primarily about rentals, and the units would not be sold as affordable units. Planner Ward replied that they could be rented or sold. Ms. Toly assumed they would be subject to all the affordable housing limits. Planner Ward replied that all the units would be subject to the adopted housing guidelines.

Board Member Hutchings reiterated his support for the proposed amendments. Board Member Beatlebrox had no issues with it. Board Member Holmgren supported it as well.

Chair Scott opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Scott closed the public hearing.

MOTION: Board Member Stephens moved to forward a POSITIVE recommendation to the Planning Commission for their consideration on April 14, 2021 and to the City Council for their consideration on April 29, 2021 for the LMC Amendments to allow Affordable Master Planned Developments in the HCB and HRC zoning districts. Board Member Hutchings seconded the motion.

VOTE: The motion passed unanimously.

6.B. 1057 Woodside Avenue – Modification of Approval - Amendment to Reconstruction/Relocation of Historic Structure Approval Dated June 13, 2019—Applicant Requests Modification of Approval to Amend Previous Approval PL-19-04208 Requiring the Reconstruction of a Single Car Garage in Order to Remove or Relocate and Reorient the Single Car Garage Structure Behind the Historic House.

Board Member Hutchings recused himself and left the meeting.

Planner Brendan Conboy reviewed the request for the demolition or relocation and reorientation of a single-car garage at 1057 Woodside Avenue. In addition, the HPB was being asked to discuss the removal of some 1936 addition material that was previously approved for material deconstruction by the Historic Preservation Board back in 2016.

Planner Conboy noted that the site location is Woodside Avenue. As indicated in the Staff report, it is two lots, the original Snyder's Addition to Park City Block 9, Lots 15 and 16. The lots are 25' x 75'. The historic Landmark House at 1057 Woodside conforms to setbacks. It was built in the late 1800s. The Staff received notification from a neighbor that there appears to be some overhang of the house onto Lot 14. Planner Conboy stated that the issue had not yet been addressed so he was unable to speak to it or its validity.

Planner Conboy reported that the history of development on the site starts in the late 1800s. Some additions were done in the early 1900s, culminating in 1929 and the late 1930s. The subject single-car garage was likely to have been on site in the late 1930s or early 1940s. There has been discussion as to whether the date is correct based on the Sanborn maps. Planner Conboy stated that in 2014 under a previous application for the garage, a compelling case was made that the garage was built in 1939. A tax photo taken in 1949 listed the garage as 10 years old.

Planner Conboy presented images of the actual garage itself from various views. The house is now painted white. One view showed the poor condition of the garage when it was standing.

Planner Conboy reported that the applicants were proposing to relocate the garage structure to the rear of the historic Landmark house. They were also proposing to reduce the size of the structure to 12'5" x 10', as opposed to the original dimensions of 20' by 10'. Planner Conboy stated that the applicants would prefer to remove the structure entirely since a former Planner told them it could be removed. Planner Conboy clarified that the former Planner had made a mistake and erroneously informed the applicants that based on an interpretation of the LMC the north portico addition and the garage could be removed entirely. The former Planner considered them "non-historic" because they fell past the Mature Mining Era of 1930.

Planner Conboy presented the photograph in question that was taken in the 1940s. He indicated the neighboring property at 1103 Woodside Avenue showing the garage in the foreground. Planner Conboy also presented a photo of 1057 Woodside in a 1941 photograph showing the north portico addition that the applicant was also requesting to remove in order to return the structure to its 1918 bungalow form. Planner Conboy presented additional photographs of the garage that were taken as part of the last application to reconstruct the garage. It showed the garage in a dilapidated condition and about to fall down.

Planner Conboy reviewed the history of the garage and the HPB's roll in determining its location. In 2014 the property was under separate ownership by the Patterson family. That applicant came in for an HDDR pre-application and received approval in a letter form from the Planning Director and the Building Official stating that the garage could be moved; however, they would first need to obtain HDDR approval. It was later determined that the applicant needed to come before the HPB for the relocation of the garage. At that time, the applicant proposed to relocate the garage approximately 20 feet to the east towards the front of the lot and construct an addition behind it. When that application came through in 2016, the HPB approved the material deconstruction of the north portico addition and reconstruction of the garage, but they denied relocation of the garage. In their denial, the HPB based their Findings on the fact that the garage was representative of the third historic era, which was Decline of the Mining Industry and the emergence of the Recreation Industry. The HPB determined that cohesively the site was representative of all three phases of development of Park City and the garage should remain in its present location and there were no circumstances that would justify relocating the garage.

Planner Conboy noted that subsequent parties interested in the property were given the same information. When the current applicant purchased the property in 2017 from the Patterson's, the Planning Staff informed them that any request to relocate the garage would need to be a substantially different circumstance from what was previously denied based on the Findings that were made at that time.

Planner Conboy stated that the Staff generally supported the proposed relocation behind the house because it was difficult to reconcile why the 1936 addition to the house was allowed to be materially deconstructed and removed, but the garage was not allowed to be relocated. He noted that this was also a point of contention for the applicant.

The Staff did not have a strong recommendation; however, they had provided several alternatives for the HPB to consider to either approve or deny various aspects of the request depending on the Board's ability to make findings that are consistent with approving the relocation/reconstruction.

Planner Conboy noted that Anne Oliver, the City's Preservation Consultant, recently provided a recommendation supporting the relocation of the garage under the assumption that the lots were going to be split. Ms. Oliver thought the lot was legally one lot of record. Planner Conboy clarified that it has always been two lots of record. Therefore, the only protection afforded the garage has been the HPB determination on reconstruction and the requirement that it be reconstructed in the same location.

Planner Conboy noted that the current applicant came into the Planning Department in 2019 and was approved to rebuild the garage in its current location. They were now requesting to move and relocate the garage. Planner Conboy stated that in her Findings, the Preservation Consultants made the case that whether or not the garage is there, 1057 Woodside would still be considered a Landmark Site that is significant under the Mining Decline Era and also the Mature Mining Era.

Planner Conboy remarked that formerly a stable that was built in 1889 stood behind the house and set a precedent for an accessory building in the proposed location, orientation, and dimensions that the applicant was proposing with the reconfigured garage. However, the relocation, reorientation, and reductions size of the garage would not meet the Design Guidelines in several ways. It would affect the historic spatial relationship between the garage and the house, the orientation would alter the historic spatial relationship between the garage and the street and the original setbacks, the relocation from a prominent position on the lot alters the characteristic of the historic district, and the reconstructed garage would not duplicate the original building because it has been reduced in size. Planner Conboy noted that the Preservation Consultant found that the proposed relocation and reorientation meets the broader intent of other Guidelines. He emphasized that her Findings were based on the assumption that this was a separate lot, and no protection would be afforded to the garage otherwise.

Planner Conboy reviewed the applicant's proposal to reconstruct the garage behind the house 12-1/2' x 10' in order to meet lot coverage requirements and accessory setback requirements for the HR1 Zone, which says an accessory structure cannot exceed 50% of the rear setback; it must be less than 18' tall; and it can only be one foot from the property line. This was the applicant's reasoning for reducing the size. Planner Conboy reported that the Preservation Consultant prefers that it be in its original size; however, that creates separate issues and would require a variance. Planner Conboy stated that per the LMC, any structure relocated to a new lot would need to meet the required setbacks, and in this case, the maximum lot coverage. A variance cannot be granted based upon actions of the applicant or because of economic hardship.

Planner Conboy had doubts as to whether the Staff could make Findings for a variance. If the HPB is receptive to relocating the garage behind the house, the Staff preferred that it be for the reduced size in order to meet the LMC requirements. Planner Conboy stated that regardless of the outcome this evening, there was a note in the Staff report regarding Condition of Approval #4, which requested that the HPB make a final determination as to the historic significance of the garage.

Board Member Toly asked if the Board needed to make a decision on both the garage and the portico this evening. Planner Conboy answered yes. The Staff was asking the HPB to reaffirm the 2016 decision to material deconstruct the north portico addition, as well as a decision on the garage.

Board Member Stephens asked if Planner Conboy had a separate presentation on the portico. Planner Conboy noted that the Staff report included an analysis from the 2016 Staff report. Ms. Stephens asked if they would need a separate motion on the portico. Planner Conboy answered yes.

Board Member Stephens suggested that the Board discuss the portico first before talking about the garage. Chair Scott agreed.

Board Member Stephens reaffirmed what the HPB previously decided, and the portico should be allowed to be removed. Board Member Beatlebrox concurred.

Chair Scott opened the public hearing on the portico.

No eComments were submitted and no hands were raised on Zoom.

Chair Scott closed the public hearing.

MOTION: Board Member Beatlebrox moved to REAFFIRM the 2016 approval for material deconstruction of the non-period, no significance north portico shed addition attached to the historic single-family dwelling at 1057 Woodside Avenue, pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval. Board Member Holmgren seconded the motion.

VOTE: The motion passed unanimously.

Board Member Hodgkins stated that given the location of the portico and how it is setback from the front of the building, he asked if the applicant would be required to infill with historic fenestration. He wanted to know what would go in when the portico is removed. Planner Conboy replied that the location of the north portico would be reconstructed with the original siding. Ms. Hodgkins asked if it would be siding and any fenestration on record. Planner Conboy was unsure whether there was fenestration historically. The location of the north portico was part of the original approval and this was only reaffirming that action.

The Board began their discussion on the garage.

Board Member Stephens asked if the garage collapsed from snow loading or if it was panelized. The owner and applicant, Billy Cregger, replied that the garage collapsed, and the salvageable wood was saved.

Chair Scott remembered the approval of the material deconstruction of the shed at that time. However, the Board was not made aware of the previous ruling that it was not allowed to be relocated. The idea of the two lots was not discussed at that time because the HPB was only being asked about the shed that had caved in.

Board Member Stephens stated that he was having a hard time seeing how the garage could even be reconstructed on the original lot. The structure has collapsed, and he thought it would be difficult to rebuild the garage with any semblance to what was there before. He noted that the salvaged material is warped and dried and could not be straightened out for reuse. Mr. Stephens stated that if they were allowing a 1936 portico to be removed, he questioned why a garage built in 1939 needs to remain. If an application was made today on the significance of the garage in its demolished condition, he asked if they would deem that garage by itself, on a separately deeded legal lot, to be a Landmark or even a Significant structure. Mr. Stephens believed the best they will get is a marginal re-creation of what was there. He was also bothered by the fact that in the past the Staff gave approval to demolish and relocate the garage, and now they are being told something different. Mr. Stephens thought it was awkward to put the applicant in this situation.

Board Member Hodgkins asked if the garage was completely gone at this point. Board Member Toly stated that she visited the site and took photos. Currently two very large homes are being built behind it and the workers were using the area where the garage was located to park. Ms. Toly noted that the actual site looks very different than the photo that was shown. Natalie Cregger, the owner and applicant, clarified that they painted the house white because white was the original color, and they want to keep the significance of the home.

Board Member Stephens pointed out that the garage was not panelized. The siding pieces are sitting in a pile in the backyard after the garage collapsed. He emphasized that this would be a very difficult restoration with the material at hand. Mr. Stephens remarked that they also do not know how much material was salvaged from the original garage.

Board Member Beatlebrox clarified that she originally said the shed could be removed because she thought the applicant was going for the 1918 look of the house, which would be a Landmark house. In one of those years there was a shed in the back of the house that was known as a stable, which is a similar footprint to what the applicant was suggesting to rebuild or reconstruct in the back of the house. Ms. Beatlebrox stated that if the applicant was looking to an earlier year than 1936 to be Landmark, then reconstructing to the stable dimensions as proposed would be appropriate. She noted that they could call it a garage, but it would not be the full size of a garage. Ms. Beatlebrox suggested that the applicant should not try to reconstruct the structure because it is too difficult, or they should build something that looks like an earlier outbuilding to make it conform to the Landmark building in an earlier period of time.

Chair Scott recalled that when the garage collapsed, because it was associated with the Landmark house it was considered historic. When the applicant came to the HPB they were told that the structure had collapsed, and they needed to make it safe. The intention at that time was meaningful in terms of putting back a historic structure; however, the Board did not realize how much material was lost and that it was on a different lot. Chair Scott agreed with Board Member Stephens. He could not see a connection with the house in terms of the garage location. Chair Scott understood that the applicant was asking that the garage should not be reconstructed. However, if the HPB felt strongly about it, one option in the Staff report was for the applicant to use whatever historic material is left to build something in the back.

Board Member Beatlebrox noted that Park City reveres its outbuildings, but they were losing the outbuildings in town. She stated that if the lot is every sold, someone will build something and the historic structure in the back will not be seen if it is reconstructed. Ms. Beatlebrox remarked that a garage set apart from the house was very typical. She stated that if the applicant was looking to an earlier year, in her opinion the garage would not matter.

Board Member Hodgkins thought there were mechanisms in place for the City to step in to preempt the failure of any historic building. Mr. Hodgkins wanted to know how it reached the point of collapsing. He was concerned about rewarding a homeowner for not doing something to protect the structure and that becomes a slippery slope. Board Member Holmgren noted that this was discussed in 2016 and the comment made was demolition by neglect. She understood that the City could step in and require the owner to either replace the structure or take care of it. Mr. Hodgkins agreed that the City has stepped in before, and he wanted to know what happened in this case.

Ms. Cregger stated that they inherited the home in very poor condition. They have owned the home for four years and they are primary residents. She explained that in prioritizing their limited funds, they were not able to salvage the condition it was in when they purchased it. Ms. Cregger noted that they went to the City to talk about what they could do, and they have been working on it. In the meantime, the structure collapsed in a huge snow year. She indicated a photo with a for sale sign and the condition of the property.

In response to Board Member Hodgkins, Planner Conboy stated that in 2019 when the current applicants came in with a request to materially deconstruct and reconstruct the garage in its present location, the Chief Building Official issued a notice of order to repair. When they found that the structure was hazardous and in danger of falling down the order was to repair and reconstruct, which is why the applicants came before the HPB and why it was approved to be reconstructed. Planner Conboy noted that the garage was not approved to be demolished because that is a separate process.

Planner Conboy understood that currently there was a historic lien associated with the garage. Based on the approval from the HPB, the Cregger's are required to reconstruct that garage in two years. That time period would terminate this summer. Board Member Holmgren thought they should rebuild the garage because that was the Board's decision in 2016. Board Member Hodgkins agreed.

Chair Scott asked the applicants if they had any information regarding the material that was salvaged. Mr. Cregger stated that he went through the boards with Caitlyn Barhorst and Hannah Tyler. They took down a number of boards that looked salvageable, but after taking it apart they realized the boards were warped. Ms. Cregger emphasized that with the goal to rebuild they want to keep the significant structure. However, she was concerned that because it sits on the extra lot that it would look like a new storage unit. Mr. Cregger stated that they definitely want to rebuild something. He liked Ms. Beatlebrox's comment about building something more like the original stable to bring the house and the property back to its original 1980s, 1910 or 1920 structure.

Board Member Toly understood the Board had three options. Planner Conboy clarified that the Board could; 1) reaffirm the 2016 decision requiring the structure to be built in its current location. 2) approve the demolition pursuant to the findings for demolition. 3) approve the relocation in its original dimensions subject to approval of a variance or other relief from the LMC. 4) approve relocation in smaller dimensions subject to the findings for relocation and reorientation.

Board Member Toly noted that in the last three months there have been multiple applications where something was built after the original footprint. The applicant wanted to go back to the original footprint and the Board allowed those removals. Board Member Hodgkins thought this application was different than others because the structure is on its own lot, and it appears to be the only thing ever to be built on that lot. He did not believe this was the case of an ancillary building and the applicant was restoring the lot back to its original timeframe. According to the homeowners, it is two different lots, and the structure is not part of the house. Ms. Toly pointed out that the lots have never been owned by two different people. She noted that many homes in Park City sit on multiple lots. For example, the house she lives in crosses two lots. Mr. Hodgkins remarked that her situation was one structure across two lots, where this was one structure on one lot.

Planner Conboy noted that in 2016 they acknowledged that it was two lots, and there was a discussion as to whether the applicant should be required to combine the lots. He stated that one point made at the time was that the house and the accessory buildings and outbuildings all contributed to the Landmark site and were listed on the Landmark site. Part of the reasoning to deny relocating the garage was because the actual accessory outbuildings were listed as part of the Landmark site.

Board Member Beatlebrox pointed out that the garage does not appear on any of the Sanborn maps. They only think it was built in 1930 because of the tax photos. Ms. Beatlebrox remarked that from the Sanborn maps they know for sure that the stable was there consistently. Board Member Hodgkins pointed out that the stable is no longer there. Board Member Toly understood that the applicant was willing to build a structure similar to the stable and they would use the material from the garage. Ms. Toly stated that she is never in favor of throwing away old material. If they could make a new structure look like the stable from the 1800s it would be quite unique. She preferred that approach to building something that looks like a shed with leftover pieces. Board Member Stephens thought there may be enough material to do what the owner would like to do in terms of having a stable in the back; however, he questioned whether there was enough material to build a 12' x 10' structure. He noted that the material has not been preserved since the structure fell and the wood keeps warping from the weather. The wood tends to break when building because it is so brittle.

Planner Conboy asked City Attorney Harrington if a certificate of appropriateness for demolition would be required if the HPB determines that to be appropriate. City Attorney Harrington replied that the structure is already down. He thought they were overthinking it. Mr. Harrington stated that the Board only needed to decide whether to go with Option C and require the design review to have a component of the stable reconstructed at the rear in the auspices of the relocation to the earlier period; or they can stick with their original decision. Mr. Harrington stated that as he understood the Staff report, the Consultant and the Staff could support either relocation or the original decision which required reconstruction on the individual lot. Due to the separate lot, combined with the intent to restore to the earlier period, the only question is whether the relocation can be done in a manner that meets the Design Guidelines.

Board Member Stephens thought the HPB could approve the applicant's request to demolish the single-car garage and approve the material deconstruction of the north portico. They were basically saying that both additions that were put on at the same time do not contribute to the Landmark status of the original house. City Attorney Harrington stated that based on the individual comments, he was trying to get the Board to focus on a decision point for a majority. He thought two Board Members were leaning towards Option B, two Board members were focused on C and some were focused on A. Mr. Harrington suggested that Chair Scott open the public hearing and then try to focus the Board on a decision. He realized that it was a difficult discussion.

Chair Scott opened the public hearing.

No eComments were submitted and no hands were raised on Zoom.

Chair Scott closed the public hearing.

Chair Scott personally liked the thought of historically preserving the shed. However, requiring the applicant to recreate a new shed in the exact location is onerous, and when completed it would be more of a facade than something truly historically preserved. If they can use that material and take it back to a time of a Sanborn map they could point to, that would be his preference even though it would be recreated.

Board Member Stephens asked if Chair Scott was talking about going back to the idea of a stable to match what was on the Sanborn map rather than building a larger structure. Chair Scott answered yes. He was looking towards Alternative

C but similar in size to the stable. Board Member Stephens agreed with Chair Scott on the dimensions.

Ms. Cregger stated that they were comfortable with that suggestion.

Board Member Beatlebrox thought the owners would need to research what stables looked like in that era and use whatever materials that were salvaged to create the design. She suggested that an artist might be able to help them. Ms. Beatlebrox suggested that the owners might be eligible for the grant program. Ms. Cregger thought a smaller stable would be feasible with the amount of saved wood, at least on the front side.

Board Member Toly liked the idea of a stable. The houses going in behind are so massive it would be nice to see something besides giant structures. Chair Stephens referred to an earlier comment by Ms. Toly that it would be seen from the 11th Street stairs.

Board Member Beatlebrox stated that in prior iterations in 2016 and 2019 they commended the owners for wanting to restore it, but it was never restored. She thought they needed to follow this particular project.

The Board discussed the best way to word a motion to reflect their intent. Board Member Stephens suggested a new approval reaffirming the relocation of an additional structure consistent with the Sanborn map. He thought it was important to get away from reconstructing a 10' x 20' garage.

Chair Scott asked if the HPB has jurisdiction over spelling out a new structure. City Attorney Harrington replied that the Board was clarifying the intent of reconstruction. He noted that it was a catch-22 because the structure was already deconstructed per prior approval. Mr. Harrington cautioned against creating further uncertainty. He recommended that the Board clearly specify their intent to avoid any misunderstanding. He thought it made sense to specify at least the Sanborn map intent, and if possible, a "stable-like" structure, so the Staff is clear on what they should be reviewing in the HDDR approval.

Board Member Hodgkins thought it was strange to require the applicant to bring back a building that has been extant for decades. He understood the jurisdiction of being able to relocate a structure that is currently on site and historic. However, to say they need to rebuild something from a period where they do not even know what it looks like does not fit with the HPB jurisdiction. Board Member Stephens agreed about the jurisdiction, which is why he was leaning towards Option A. However, if the applicant is willing to do it and it is a way to salvage and reuse the historic material it thought might be a solution for all parties concerned and to get it done before the two-year timeframe expires in July. Board Member Hodgkins stated that if the applicant wanted to rebuild a structure that looks like a historic stable, they could do that within the current zoning and LMC.

Ms. Cregger did not believe they would have the funds to build it by July. Board Member Stephens was unsure whether it needs to be built by July or whether the building permit needs to be pulled by July. Planner Conboy thought there was a process to request an extension, and he recommended that as the first recourse. He noted that the two-year time limit was contingent on the previous approval. The HPB could make a new finding with this approval and start a new timeframe.

Board Member Hodgkins understood that the July timeframe goes away if the Board makes a new determination. If they do not make a new determination the garage must be rebuilt in its current location by July. City Attorney Harrington replied that he was correct.

Planning Director Milliken stated that Anne Oliver and her team did a lot of research on this site, and they have no idea what the stable looked like. There was no photograph or any type of documentation. She remarked that taking the stable route will require a lot of guesswork. On the other hand, there is plenty of documentation on the historic garage and they know what that looked like.

Board Member Holmgren thought they should stay with the historic garage and move the location, which is part of what was previously agreed to. The garage was historic, and she felt strongly about rebuilding it.

Board Member Hodgkins stated that very few things were built in the period when the garage was built, and he was hesitant to let it go. Mr. Hodgkins was disappointed that the applicants came to the HPB prior to this and did not adhere to what was decided, which is why the Board was in this position.

Ms. Cregger clarified that it was the previous owners that came before the Board when this was initially approved. They have never gone through this process. The prior owner sold the property because they could not build a big home.

Board Member Toly wanted to know how the Planning Department could prevent the same confusion in the future. She thought it was unfair to the applicant to be told they could do something and then find themselves back before the HPB because they were misinformed. Director Milliken stated that part of rebuilding and restructuring the Planning Department is putting routines and procedures in place to prevent something like this from happening again. That work is currently ongoing. Ms. Milliken pointed out that if the proper routine and review process was in place, it would have gone through an internal review before sending an email to the applicant. Those are the types of procedures the Planning Department was working to establish.

Chair Scott understood from the comments that the relocation of the garage and building a stable instead of a garage was out of their jurisdiction. The Board was at the point of either approving reconstruction in the same exact location and complying with what was approved in 2019; or approve a relocation and two smaller dimensions that comply with the setback requirements and fit at least the structure size on the Sanborn map. Board Member Stephens clarified that they would not use the word “stable”. They would just require that the use of the existing material remaining from the garage be used on a structure consistent in size and location as shown on the Sanborn map. He suggested putting a date of the Sanborn map. Board Member Holmgren pointed out that the garage was shown on the tax photo but not the Sanborn map. Mr. Stephens clarified that he was talking about the smaller shed structure at the back of the house.

Board Member Beatlebrox suggested a motion to approve the reconstruction of an outbuilding with existing materials from the single-car garage on the rear Lot 15, to be reconstructed to smaller dimensions that comply with the outbuildings from a Sanborn map with the setback requirements. City Attorney Harrington suggested adding “The Sanborn map consistent with the HDDR on the main structure”, and let the Staff determine which map it is. Chair Scott suggested “in the 1889-1929 Sanborn map”.

Board Member Beatlebrox thought they should call it an outbuilding using the materials from the single-car garage. She believed there was consensus among the Board that a historic outbuilding is important because it tells the story of the house. If they go back in time, they should use the material to create something that still tells the story of the house. Board Member Holmgren thought it was important to keep the phrase “single-car garage” because it is part of the historic time of moving away from horses and starting to use vehicles. She thought it was important to relocate and reconstruct a single-car garage at a smaller scale.

Planner Conboy noted that the Staff had asked the HPB to provide input on Condition #4 as to whether the garage in the back was deemed to be historic. He understood they were moving in the direction of saying it was historic. Board Member Hodgkins did not understand how it would not fit the definition of historic because it was more than 50 years old. Board Member Beatlebrox did not believe anyone disagreed that the garage is historic. Board Member Stephens remarked that the issue is that the garage is no longer there. Mr. Hodgkins pointed out that the applicant was currently under order to rebuild it. Mr. Stephens was unclear on how they could rebuild the garage with any semblance to being a historic building when there is not enough historic material left to build a garage. Mr. Hodgkins understood the concern. However, reconstruction is the last of the four preferred methods and at this point the applicant was under legal obligation to do it.

Board Member Beatlebrox pointed out that there is no driveway, and the structure would not be used as a garage. Board Member Hodgkins understood, but if outbuildings are important and should be reconstructed, he questioned why they allow others to be demolished to make way for large additions. He felt they were conflicting themselves. He would like it if every existing outbuilding in Park City could never be torn down and/or needs to be rebuilt because that is great preservation. However, he wanted to make sure the Board was consistent, and he did not want to set a slippery precedent. If the Board says a structure needs to be rebuilt and restored within a two-year time frame, the owners can get out of that commitment by selling the house and letting it fall structure down. The lot is suddenly worth more money because the structure is gone.

Board Member Stephens thought the Board was being consistent. He disagreed that they were doing what Mr. Hodgkins was suggesting. He did agree that a prior applicant let the structure demolition itself by neglect. Mr. Stephens stated the Board already agreed that the 1930s portico could be removed. He remarked that if the applicant had come in with an application to combine two lots into one, keep the historic bungalow house and do an addition to the house on the vacant lot, tear off the portico, and demolish the 1940 garage, the HPB approves this all the time. Board Member Hodgkins thought part of the earlier recommendation was to combine the two lots. Mr. Stephen replied that the HPB does not have the authority to ask the applicant to combine lots. It is addressed in the planning process when buildings cross property lines.

Board Member Holmgren stated that Option D is relocation and reconstruction of the single-car garage.

City Attorney Harrington noted that Board Member Beatlebrox had crafted a motion and they needed to vote on her motion before moving forward.

MOTION: Board Member restated her motion to approve the reconstruction of an outbuilding with existing materials from the single-car garage on the rear Lot 15, to be reconstructed to smaller dimensions that comply with the outbuildings in the Sanborn map from 1889 to 1929 and with the setback requirements. Board Member Stephens seconded the motion.

City Attorney Harrington noted that there was a request from a Board Member to amend the motion to include single-car garage. Board Member Beatlebrox did not accept the amendment and preferred to keep it as an outbuilding rather than specify single-car garage.

VOTE: The motion passed. Board Members Beatlebrox, Stephens, Toly, and Scott voted in favor of the motion. Board Members Hodgkins and Holmgren voted against the motion.

Chair Scott clarified that the motion passed for reconstruction of an outbuilding consistent with the Sanborn maps 1889-1929 for location and dimensions.

<u>Findings of Fact – 1057 Woodside Avenue</u>

1. The property is located at 1057 Woodside Avenue. The property consists of Lot 15 and Lot 16, Block 9, Snyder's Addition to Park City.
2. The historic site is listed as Landmark on the Historic Sites Inventory and currently includes the historic house and its outbuildings.
3. The house was originally constructed c. 1889, per the Historic Site Inventory (HSI) Form and has undergone a series of alterations since.
4. Development on this property has spanned across three (3) of Park City's designated Historic eras, including the Settlement and Mining Boom Era (1868-1893), the Mature Mining Era (1894-1930), and the Mining Decline and Emergence of Recreation Industry Era (1931-1962).
5. In 1936, Robert J. Birkbeck, a shop foreman for a mining company, and his wife Lillian P. Langford Birkbeck purchased the property. The Birkbecks made a series of changes to the site including the construction of the north addition to the single-family dwelling, the single-car garage and the storage shed.
6. The circ. 1940 tax photograph of 1057 Woodside Avenue documents the changes to the single-family dwelling. At the far-right edge of the photograph, the corner of an outbuilding is visible; the front (east end) of this building is roughly aligned with the east face of the addition. In the background stands a large, rectangular outbuilding with a wood-shingled roof.
7. The ca. 1940 tax photograph of 1103 Woodside Avenue, which is the property on the north side of Crescent Street, provides a better view of the two (2) outbuildings. The white-painted, board and batten building with a wood-shingled roof is clearly the single-car garage in the same location on the property today.
8. In 2017, then Senior Planner, Hannah Tyler, informed the current applicant that, "You will need to make sure that any 'ask' for relocating the single-car garage is substantially different than what was Denied by the Historic Preservation Board."
9. On May 10, 2019, the Planning Department received a Historic District Design Review (HDDR) application for the property at 1057 Woodside Avenue. After working with the applicant on the materials of their submittal, the application was deemed complete on May 16, 2019.
10.On June 5, 2019, the Historic Preservation Board unanimously approved the applicant's request to Materially Deconstruct and Reconstruct the historic single-car garage.
11.Following HPB's approval, in early October 2020, the applicant submitted plans for Historic District Design Review Pre-Application on Lot 16 where the single-car garage once stood. Later, in January and early February of 2021 the applicant submitted additional materials which stated the intention of the

applicant to now relocate the garage structure behind the historic house and to demolish and remove the attached north portico addition on the north-side of the house.

12.In February 2021, in discussions with the applicant, former Planning Department staff pivoted and explored whether a revision in the Land Management Code (LMC) 15-11-12.5(A)b, ‘Removing or Replacing Non-Historic Features’ would allow the Planning Director or their designee to administratively approve the removal of non-historic material from Landmark and Significant sites. They reasoned that because the north portico addition and the ca. 1939 single-car garage had been constructed outside of the Mature Mining Era (1894-1930), and instead within the Mining Decline and Emergence of Recreation Industry Era (1931-1962), that these items were both ‘non-historic’ and could be removed via administrative approval, without fully vetting the specifics of the last HPB findings and approval. Without a response from the City Attorney, the former Planning Department staff mistakenly informed the applicant via an email that the ca. 1936 single-car garage and the north portico ‘shed’ addition could be permanently removed per an incorrect interpretation of the LMC.

13.Staff, in consultation with the City Attorney, determined that in order to Demolish or Relocate the single-car garage and Materially Deconstruct the north portico addition, the applicant would need to appear before the Historic Preservation Board to amend their prior approval, Item PL-19-02408.

14.The applicant is proposing to Demolish or Reconstruct and Relocate the Historic Single-Car Garage on the Landmark site at 1057 Woodside Avenue behind the historic house on Lot 15 and to Materially Deconstruct the north portico addition to the main Historic house.

15.The existing condition of the single-car garage was poor. The structural members of the single-car garage are compromised, the roof has buckled from the weight of the snow, the exterior siding material is deteriorating, and the building is leaning significantly to the South.

16. The applicant has since Deconstructed and panelized the storage shed.

17.The applicant is required to reconstruct the garage in its original location within two years of Material Deconstruction per the approval of PL-19-02408.

18.The approved plan for Reconstruction complies with LMC 15-11-15(A)(1) as the representative of The Chief Building Official made a site visit on April 4, 2019. At that time, the representative of the Chief Building Official observed the conditions of the structures to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code. The site was posted “Do Not Enter- Unsafe to Occupy” due to its general dilapidated and unsafe state on April 4, 2019. The hazardous or dangerous conditions observed included: The Historic Garage structure has buckled from the weight of the snow and this structure has been determined to be dangerous and uninhabitable.

19.In 2019, the Building Official found that, due to the instability and collapse of the garage’s roof structure system, the extent of the deterioration of the original materials, as well as the health concerns, the safest approach is to Reconstruct

the Historic single-car garage.
20.In 2019, the Chief Building Official found the building to be dangerous. Staff found it apparent that there were unique conditions, specifically, the structural conditions, physical conditions of the existing materials, and the additional submitted reports by the applicant supporting the dangerous building finding. The Historic Building(s) cannot be safe and/or serviceable through repair. The Planning Director and Chief Building Official have found unique conditions of safety (outlined below) that warrant the proposed Reconstruction of the Historic single-car garage.
• Safety conditions:
a. The owners have reported pests infesting the structure.
b. The structure is adjacent to a platted Right-of-Way.

Conclusions of Law – 1057 Woodside

1. The applicant is entitled to request modification of a previous approval and new approvals subject to the Land Management Code requirements and the HR-1 District regarding historic structure Demolition, Deconstruction and Reconstruction, and Relocation and Reorientation.

Conditions of Approval – 1057 Woodside

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal if approved. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. Where the historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removing and replacing historic materials, the applicant shall demonstrate to the Planning Director and Project Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No historic materials may be disposed of prior to advance approval by the Planning Director and Project Planner.
3. The applicant shall salvage and reuse any and all serviceable Historic Materials. The applicant shall demonstrate the severity of deterioration or existence of defects by showing the Planning Department that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition prior to disposal.
4. The Historic Preservation Board hereby determines the status of the single-car garage to be historic.

The Historic Preservation Board Meeting adjourned at 8:50 p.m.

Approved by _________________________________
Randy Scott, Chair
Historic Preservation Board