PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 7, 1995

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 7, 1995.

AGENDA

Work Session

3:20 p.m. Council comments
Review of regular meeting
3:45 p.m. Comprehensive Annual Financial Report
Amendments to the Land Management Code regarding the HR-1 and HRL Districts
4:00 p.m. Staff overview of ordinance
4:30 p.m. Public input on proposed ordinance
5:00 p.m. General discussion

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF NOVEMBER 30, 1995

IV CONSENT AGENDA

Acceptance of Comprehensive Annual Financial Report for Fiscal Year ended June 30, 1995

V PUBLIC HEARING

1. Continuation of hearing on Ordinance approving the amendment to the amended Park City Survey, Lots 7 and 8, Block 23, located at 430 Main Street, Park City, Utah **(motion to continue to December 14, 1995)**

2. Continuation of hearing on Ordinance amending Chapters 1, 2, 7 8, and 13 of the Land Management Code relating to building height, snow-shedding, setbacks, garages/parking, notification to adjacent property owners, and floor area ratios in the Historic Residential (HR-1) and Historic Residential Low-Density (HRL) Districts in Park City, Utah

VI ORDINANCE

Continuation of hearing on Ordinance amending Chapters 1, 2, 7 8, and 13 of the Land Management Code relating to building height, snow-shedding, setbacks, garages/parking, notification to adjacent property owners, and floor area ratios in the Historic Residential (HR-1) and Historic Residential Low-Density (HRL) Districts in Park City, Utah

VII COMMUNICATIONS FROM COUNCIL AND STAFF

VIII ADJOURNMENT

Posted: 12/04/95

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 7, 1995

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 7, 1995. Members in attendance were Brad Olch, Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Staff present were Pat Putt, Planning and Zoning Administrator; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any City business not scheduled on the agenda.

CAD application for 664 Woodside Avenue and 703 Park Avenue - Burnis Watts stated that in March 1995, the City Council upheld the Historic District Commission's action to deny his request for a CAD permit for buildings located at 664 Woodside and 703 Park Avenue. The denial was based on inaccurate conclusions and findings by the HDC. Actions taken over the months since that decision, strongly illustrates his point. Mr. Watts pointed out that there is a continuing trend toward commercialization of the zone. He discussed the non-compliance of conditions of approval of the Broken Thumb Restaurant and the impacts on the neighborhood and the approval of the Sweeney Master Plan. The neighborhood is becoming less historical and more commercial. Approvals or currently processed CAD requests in the neighborhood include the historic mine tower, the Ted Larramore house, and the Gary Avise house. Mr. Watts believed that the current proposed changes in the Historic District ordinance add to the disproportionate burden placed on the owners of historic structures. He strongly felt that his property should not be singled out as a test to the validity of the HDC ordinance. He urged Council to rescind its action to uphold the HDC's denial of his CAD applications and prolonging his situation is a taking of his property. Mr. Watts admitted that the Council has policing powers, but in the interest of fairness he again solicited Council's support to rescind or modify the action taken in April 1995. The Mayor indicated that the Council will take a look at his request after the first of the year.

III MINUTES OF MEETING OF NOVEMBER 30, 1995

Ruth Gezelius, "I move approval of the Minutes of the meeting of November 30, 1995, as presented". Shauna Kerr seconded. Motion unanimously carried.

IV CONSENT AGENDA

Acceptance of Comprehensive Annual Financial Report for Fiscal Year ended June 30, 1995 - Ruth Gezelius, "I move approval of the Consent Agenda item which is acceptance of the Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 1995". Shauna Kerr seconded. Motion carried unanimously.

V PUBLIC HEARING

1. Continuation of hearing on Ordinance approving the amendment to the amended Park City Survey, Lots 7 and 8, Block 23, located at 430 Main Street, Park City, Utah - The Mayor requested a motion to continue indefinitely. Ruth Gezelius, "I so move". Shauna Kerr seconded. Motion carried unanimously.

2. Continuation of hearing on Ordinance amending Chapters 1, 2, 7 8, and 13 of the Land Management Code relating to building height, snow-shedding, setbacks, garages/parking, notification to adjacent property owners, and floor area ratios in the Historic Residential (HR-1) and Historic Residential Low-Density (HRL) Districts in Park City, Utah - See work session notes. Pat Putt reported that he has received a phone call from Madeline Smith (Marty Hudson), who owns three lots in Old Town and does not want the Council to change the height requirements. The planning staff also received a letter in opposition to the ordinance from Pamela Bloland and Douglas Jones.

Mr. Putt explained that the amendments involve reducing building heights from 33 feet to 27 feet; flexibility for downhill lots to achieve a one-story element with a pitched roof; flexibility to grant additional building height to promote historic roof forms, provided that no more than 20% of the ridge line except the height requirements; elimination of the floor area ratios to permit construction of living area up to 1,687 square feet regardless of the size of the lot; revision in the HR-1 total front and rear setback to 30 feet (currently 20 feet); revision to the HRL setbacks to provide both a 15 foot front and rear setback for a total of 30 feet (currently 25 feet); requirements that applicants and designers address snow release issues; parking for lock-out units be required at a ratio of one space per bedroom; and a notice requirement for adjacent properties when an application for new construction or an addition occurs.

Mr. Putt described the benefits of the ordinance including lowering of the overall maximum building heights by, in most cases, six feet; precluding three-story building masses under any roof plane; greater flexibility for design by allowing for minor height increases; the prevention of the need for frequent Board of Adjustment reviews; promoting a more compatible residential scale in the Historic District (create a good transition between the older historic fabric and the newer larger construction); reducing site coverage and provides for additional area for parking, yards, building separation and snow storage; and promoting a greater sense of balance between new construction, remodels and additions in existing historic structures. He continued that staff is recommending that this ordinance be approved as presented, although the Council has the discretion to modify it or

continue the matter pending further discussion based on specific direction. The Planning Director stated that the legislation before Council has been endorsed by the HDC. He pointed out that a licensed architect serves as a member on the HDC, and he has provided his support in writing to the City Council. The Planning Commission and the State Historic Preservation Officer have also supported this ordinance.

He pointed out that Section 7.1.3(d) should be corrected to 20 feet for minimum front and rear setback rather than 25 feet. Section 8.17(d) regarding the height of the one-story element, should be "not to exceed 18 feet" rather than 15 feet. Shauna Kerr suggested that the language "and adopted by resolution of the City Council as a supplement to this ordinance" be stricken from Section 7.1.8. In response to a question from Ms. Kerr, Mr. Putt explained that in addition to written notice, that the property will be posted by staff. With regard to the appeal process, Ms. Kerr recommended that it be clear that a written petition be received within ten calendar days from the date the property is posted. She pointed out that "(d)" under Section 7.1.4. should be "(e)". Council member Kerr suggested using the word "shorter" rather than "smaller", unless there is a better term to describe a linear measurement; the word "smaller" connotes mass to her. The City Attorney suggested using both adjectives. Ms. Kerr also suggested that beyond the written notice, that the property owner float balloons to the height or to building a model of the proposed structure. Mr. Putt responded that there is no provision to float balloons because there are practical problems. There is, however, a requirement for scaled streetscapes for both sides of the street, 200 feet on either side of the lot, and this would be part of the complete HDC application. Ms. Kerr indicated that she is comfortable with that proposed requirement.

Leslie Miller referred to the staff report regarding the reduction in building heights and specifically to the language "(whichever yields the smaller building)". She referred to the HDC meeting on October 16, 1995 and this excerpt where the language read, "(whichever yields the greater elevation)" and asked when and why this was changed. Mr. Putt responded that the change was made at the suggestion of the Legal Department in preparing this ordinance. The City Attorney further explained that the "greater elevation" language could have been misleading by connoting that height would be based on the taller of the two measurements and then further measured 25 feet up from that point; that is definitely not what was intended or illustrated throughout the review process with the HDC and Planning Commission. The whole idea was to achieve a smaller scale and to use adjectives conveying that meaning. It is always the objective of the Legal Department to make things as clear as possible so that the meaning is not discretionary if it is questioned by a third party, like a judge. Leslie Miller felt that any changes should be highlighted; Ms. Hoffman noted that they are in the ordinance but not in the staff report. Ms. Miller relayed that since these phrases have such different meaning that the change in verbiage should have been explained.

Ms. Miller stated that it is her understanding that the elimination of floor area ratios on lots of 25 feet x 75 feet or less, permitting a maximum building area of 1,687 square feet is currently in the Land Management Code, and staff indicated that it will remain in the Code. Ms.

Miller referred to the staff report regarding the proposed reduced setbacks and felt that there are uphill, downhill, and flat lots that are not being particularly addressed by this standard. She referred to language in another section that described why the amendment was being made and felt that language should be included in the setback portions of the ordinance so that there is a message to people who are asked to increase their front and rear yard setbacks as to the reason. She continued that in some instances an increased front and rear yard setback is detrimental, depending on the geography of that particular site; her frame of reference for this proposal is that there are so many site specifics that the standards actually at times create problems rather than solve problems. Ms. Miller wanted to ensure that the amendments do not appear arbitrary. If the reason is to reduce the size of the building or provide parking, it should be clearly written. If the reason is to just to increase the setbacks, it shouldn't be required. Shauna Kerr responded that if there is a site specific reason to request a variance for a setback, it is appropriate to apply to the Board of Adjustment, and stressed that she would be uncomfortable with incorporating any language in the ordinance that varies requirements from specific numbers because that would be getting into the BOA's review. Ms. Kerr continued that consideration of lots that are terribly steep is also the type of hardship that the BOA reviews. Ms. Kerr felt that the intent of the ordinance is very clear -- which is to achieve smaller structures and to decrease lot coverage so that development is more compatible with the historic smaller homes. By increasing setbacks, lot coverage is decreased and open space is increased, as well as the opportunity for parking. She added that if it needs to be enumerated in the ordinance, she has no problem putting that into a motion. Ruth Gezelius noted that it also increases the space available for snow storage, water run-off into the ground, and to provide a quality of life buffer for noise, light and air in relation to neighborhood compatibility. Ms. Miller pointed out that in approving lot combinations, there are opportunities for creating larger structures; on one hand, we are writing an ordinance to promote smaller structures, and we have conflicting ordinances that are promoting larger structures. Ruth Gezelius stated that at the same time we are attempting to address the issue of scale and compatibility and on lot combinations, there is an increased setback on side yards; there is increased opportunity for parking on the site and the increase in building mass is differently much smaller than the possibility of two single family dwellings on two separate lots. Lot combinations meet the goals of the Historic District residents who say that the density is too high and they would prefer fewer dwellings.

Pat Putt explained for the benefit of Ms. Kerr, that the Building Official's review of snow-shedding would occur prior to the issuance of a building permit; Ms. Kerr requested that that be clarified in the ordinance. Mr. Putt explained to Roger Harlan that excavations to accommodate garages is a very common design alternative when lots are uphill and steep; the implications that the ordinance would have is that from the side, it would probably be below grade and meet the 27 foot height requirement, but would be measured from the street driveway slab.

The Mayor invited the public to comment.

Chris Larson, Historic District Commission Chairman, stated that when the Commission began looking at limiting building envelopes on 25 foot x 75 foot single family lots, the intention was to remove the floor area ratios at the same time. Leslie Miller asked if he understood that by removing the FARs and complying with the proposed regulations, that according to the architects, we're going to end up with approximately 1,400 square feet. Mr. Larson stated that he understood the implications. Ms. Kerr pointed out that there are two separate issues here because the proposal is to remove the calculation as a percentage of lots size but still have a maximum cap on the size, and asked if the HDC is willing to go without a maximum cap and leave it just to height and setbacks to dictate mass. Mr. Larson responded that that was their intent but added that the Planning Commission and staff may have thought it through farther than that, so there may be valid reasons for having a cap on maximum square footage than just removing the calculation. Jodi Hoffman added that the reason for the 1,678 square foot cap is that while the predominant lot size is 25 feet x 75 feet, some are 30 feet x 47 feet, for example, and height and setback requirements may not be enough. For any lot larger than 1,875 square feet, FARs will be used.

Mark Dickens, 1109 Empire Avenue, stated that his family of four lives in an existing structure that is about 1,200 square feet. He intends to build on his vacant lot next door and the plan is to build a larger more comfortable home. He felt that some of the points of the Planning Department are valid and would like to see good architecture, unfortunately it is very difficult to legislate good taste. Mr. Dickens didn't believe that a blanket approach to height and setbacks will achieve all of the concerns that people have and that the majority of property owners would object to these amendments. He didn't believe that the opinions of the Planning Department reflect the concerns from owners of lots. If he is to be restricted in size of the building envelope on his property and there is an option for more living space versus a garage, he would most likely opt for the square footage in the house. This will result in more off-site parking on the street and this should be addressed. He added that if he had an option for a yard or more living space, he would opt for the living space and stated that historically Park City has not had large yards. He felt that this should be an option and not mandated. It is going to be very difficult to justify building a 1,300 or 1,400 square foot house on expensive Historic District lots and this will discourage families from living in Old Town. The legislation will also encourage rental type properties, duplexes or condos or to combine lots and build larger structures. He referred to a letter his neighbor submitted in opposition. Property owners should be given more weight in this decision process. With regard to the slide of the structure on Ontario Avenue during work session, Mr. Dickens believed that the uphill side of Ontario is not part of the Historic District.

David Chaplin, Prospect Avenue resident, stated that although he is not an architect he is very pleased that Council is representing him in this matter, which is to maintain the character of town. He felt that staff's proposal is splendid. He endorses it because of its intention to meet the requirements of scale and compatibility of new structures to the existing historic structures. The character of the Historic District is very important because it is something people come to see because it doesn't exist anywhere else, and he feared that we are in serious danger of losing it by

virtue of ill-designed and maximized in-fill structures. Mr. Chaplin discussed the opportunities for not building a place to live but building a commodity. He endorsed the staff proposal for those who are residents, who want to live in the Historic District. Mr. Chaplin discussed the value of preserving the past and discussed the United Park City Mine museum. Mr. Chaplin stated that if Council wants to preserve this historic town, he urged them to support the proposal but if Council wants a town of maximized nightly rentals, then "bag" the guidelines. The firm hand of government needs to guide this town or the marketplace economy is going to turn us into a collection of condominiums where no one wants to live.

Burnis Watts, Park Avenue resident, endorsed the concept of getting a "leveling" effect to the historical preservation, even though at times he may speak against it for personal reasons. He pointed out that he owns two downhill parcels which will be sitting next to two 40 foot houses. While the Board of Adjustment may be able to mitigate some of that effect, there has to be addendums or considerations to allow that property to be adequately utilized, so that there is the same opportunity as those who built before or that he has some contingency to do more than the proposals. He is concerned with the instances where the lot is shallow and the setbacks would be burdensome and there needs to be some "out" to allow equity. Mr. Watts pointed out that surveys don't always depict where buildings actually are and there needs to be a fair amount of adjustment in those contingencies. He hoped that undue burden would not be placed on the historic home owner as some people want to live there. If the circumstances are in favor of the habitant, Old Town will mature into what the Council's intent is, but if Council prohibits incentives of being able to be a neighbor, it would be making a mistake.

Don Bloxxom, designer representing Judy Summer, Old Town lot owner and resident, stated that his client has four contiguous lots downhill between Sampson and King, and according to the draft amendment, as far as he can tell, those lots become unbuildable. He has been told on several occasions that he cannot combine those lots, and an adjacent home tops 40 feet . He agreed with Mr. Watts that we need scale and there is nothing in the ordinance addressing design elements to keep homes in historical perspective. The only way to fix the density of automobiles is to increase the efficiency of the mass transit system and the town is hurt by building more parking; it doesn't work and increases congestion and harms the look of Old Town. The Historic District should be a pedestrian town without cars. This is a cheap solution and the City would not end up in court with lot owners, which is where we are headed with this legislation. Contrary to a statement made by Mr. Putt, Mr. Bloxxom stressed that if this is not comprehensive, there is no point in starting.

Kevin King, architect, stated that he has been in Park City for three years and prior to that lived in the U.S. Virgin Islands where he wrote the historical guidelines for Planning and Natural Resources, and was also the Chief Building Inspector. He explained that the building elevation and streetscape shown in work session (complying with the proposed guidelines) is his work. He stated that the uphill projects aren't as impacted as the downhill sites. He felt that the FARs should be eliminated and pointed out that if we could base value on design rather than on the

almightily dollar, the world would be a greater place. Mr. King stated that the traditional house rarely sat on a true 25 foot x 75 foot lot; he felt that the car is a necessary evil and there have to be garages due to our weather. He agrees with the 30 foot setback and supports allowing a one-story projection into the front, which allows the scale to step back. If there are larger adjacent structures, the in-fill height should be determined by a formula and the setbacks should be consistent or between what the existing buildings are and are simple to achieve with the right verbiage. With the downhill sites, perhaps there should be a compromise with a 15 foot setback from the road, and 10 feet from the back, but allow a one and a half or two story building. Scale and compatibility can still be met and perhaps the 15 foot setback with the two story front section is only for the first 24 feet and then everything else has to conform to the 27 foot height rule. Mr. King stated that he had no problem designing this building for his client (elevations illustrated at meeting) and felt that this is a give and take situation. He encouraged Council to keep discussion open on the downhill situations.

Jim Steinmetz, Old Town resident, referred to the cover of the new *Lodestar* and asked if this exists or is it an artist's conception of Park City. He discussed a meeting last summer and a comment from a gentleman from the Historic Society who said that Old Town is a bunch of shabby little houses, no one thought would be here in 100 years; none are significant, but maybe as a whole they might be. Mr. Steinmetz continued that one hand of the "Evil Empire" is allowing and encouraging people to max out development on their property while another hand of the "Evil Empire" is determining historic significance. The hands of the "Evil Empire" are doing two separate things, but the same head controls it. Mr. Steinmetz asked if Old Town is worth saving and Council is asked tonight to have the wisdom of Solomon.

David Belz, architect, relayed that this is an issue of change and Council will probably find many people like David and Burnis who say that allowing big houses makes their homes unlivable and many who feel that small homes are not adequate for their families. Old Town is and continues to change and if Council would do nothing, Old Town would not be the same town it is today, but that is not to say that it would be a bad place; it is all a matter of perspective. Mr. Belz stated that he supports the general concept of trying to foster better design and projects, however, there is certain language that he takes exception to and the extra setback of ten feet is one of his primary issues. This will force straighter, tighter building envelopes as opposed to encouraging stepping which will create a scaled transition. He referred to slides of well-designed homes shown in the work session, which could not be built under the new setback and supported Ms. Miller's comments as opposed to Ms. Kerr's who felt that the Board of Adjustment could deal with a setback variance. He felt that the ordinance should move forward with modifications and the setbacks should be kept at 20 feet combined, but require a maximum height of 18 feet with 15% of the facade plans stepping in this ten foot section that is at questions (whether it fall in the front or the back). He reiterated that you could still build in that ten feet, so it is still 20 feet combined, but it has to have a maximum height of 18 feet and it can't actually take up the whole facade, you could only take up 85% of the facade, so that the width of the building is brought down as well. Mr. Belz urged modifications so that measures would be taken from within the site as opposed to three feet off of

the building perimeter as proposed, because most sites have a double fall line. If Council prefers to keep the measurement as proposed in the ordinance, the Planning Director should be allowed greater latitude on his interpretation on where grade is measured from, particularly where a fill condition exists. He has argued over the years that when a site is filled, a new perceived grade is created and it is from there that the building rises up, and that accordingly it shouldn't have been the greater of distant measure from natural or finished grade but the lesser of, so long as finished grade appears natural and asked Council to consider that as an option. He urged Council to dovetail incentives into the Code to encourage porches and not garage doors, and referred to Mr. Dickens' comments. He felt that there are ways to get cars in the front setback area as is currently allowed. He urged to change the long-standing City policy which encourages development on single lots to encourage lot ties which will mean some modifications to FARs and other considerations and reiterated Ms. Gezelius' comments on the economics of building two homes rather than one on two lots. Mr. Belz felt that if Council approves the 30 foot setback, it needs to allow a 36 foot extension on the downhill lots for the garage element, because all of the increased setback is going to occur at the rear of the property line. He felt that the maximum size on single lots should be eliminated and again that should be dovetailed on bigger lots on lot combinations to weigh measures to create a balance between what will encourage the developer to move forward with a lot and a half development, as opposed to single lot development. Mr. Belz felt that with regard to the 1,687 square foot maximum, that people should be allowed to develop as much as desired underground. He stated that the snow release language scares him, as approval is at the discretion by the Chief Building Official, and he would like assurances that the building envelope is not going to be further restricted.

Chris Anderson, Old Town resident for 23 years, stated that she has lived in a home on Prospect Avenue for the past eight years. She described a newly approved residence next to her which is currently under construction. The owner of the building has advised her that he thinks that the snow shed from his house will break her bedroom window. Ms. Anderson relayed that a building inspector informed her that this is now a civil matter with her neighbor. She emotionally urged the Council to do something in hindsight to eliminate this situation and asked how a building like this can be approved when it's life-threatening to her and her animals. She continued that this new home is an atrocity to the street and its towering effect because of the steep grade of the street. There is loss of value to her home and others on the street because of the presence of this new residence. She stated that her stress level is out of control and described her efforts to try to get along with the owner of the house. Ms. Anderson stated that her next step may be a demolition permit which is very sad. She didn't buy her home to make money but wants to live there. She felt that Ms. Kerr's idea about floating balloons to illustrate height is a good one.

Quentin Scott, architect, felt that David Belz has some good points. The legislation which has blanket requirements like 27 foot heights, and increased setbacks of ten feet are "cut and dried rules". There are things that have not been sufficiently addressed like the 27 feet. He would like to see some refining of the flexibility for downhill lots to achieve a one-story element with a pitched roof. Mr. Scott stated that he can live with what Mr. Putt has produced but the ground rules

were never properly laid. Mr. Scott referred to his diagram in work session illustrating that the 27 foot requirement does not work for a two-story home. By just lowering the roof was not part of the overall considering of what was going on in the first place. Mr. Scott continued that this is a bad law when the original parameters are not working. He felt that having a one story element in the first ten feet of the structure is better than what is on the table and pointed out that this is another thing that Council is being asked to approve which has not been properly explored. He stated that he visited the Prospect Avenue (snow-shedding) house and it appeared that there is 14 feet between the buildings. It didn't look like it would be a problem to him, but snow-shedding should be addressed. With regard to the 1,687 square foot maximum for single family, this is already allowable; Mr. Scott felt that the City continues to cut back and there is no real flexibility and that this is a taking of property rights. He added that people are not noticed properly, especially out-of-town owners. He stressed that if someone can't even do the framing structure, as prescribed by staff, to effect the 27 feet, he asked the consequences of the other things that are being proposed. He felt there should be more time devoted to this and there are planning and legal implications and it should be looked at in conjunction with lot combinations. Mr. Scott again agreed with Mr. Belz's comments. Making a decision tonight may be politically popular but the staff should have more time to review suggestions.

Jay Moyes, owner of two lots on Empire Avenue, stated that he lives in Salt Lake City. He complained about the noticing process as he found out about the amendments in the Deseret News two days ago, and a better effort should have been made to contact property owners about this substantial change. It would not have been onerous or expensive to contact a couple hundred vacant property owners. Mr. Moyes relayed that when he bought his lot two years ago, the plans for his property had been approved by the HDC and he had no reason to believe that there was going to be a change in the magnitude being discussed here. He stated that the two buildings next to his lot are relatively tall, so there may very well be a snow-shedding problem on his home. The "cookie cutter" approach has never worked in the past anywhere and will not work here; there's been a number of examples of unintended consequences that are going to occur here including off-site parking. He felt that things have not been thought out, although he understood the process has taken a long time. Mr. Moyes suggested a transition period and stressed that the November 30 deadline for HDC applications is demanding as the ordinance has not even been enacted. He reiterated that there should be proper notification to every party of interest and some kind of a transition period that takes into account the people who "are in the process of doing this" who may not have known about the amendments, like him. There should be some equity. It was clarified that the prior owner of the property had approved plans and Mr. Moyes noted that these plans would not be acceptable because the 18 foot requirement precludes a garage with a structure over the top and then stepping down. A scaled down home would not be consistent with what is now on the street. He felt that this is a quality design, and there should be more of an opportunity to look at things on an individual basis. To ramrod this through without proper notice is inappropriate. In response to a question from Ms. Kerr, Pat Putt clarified that the plans were approved roughly two years ago by the HDC; the approval

had expired and the building permit was never activated. Mr. Putt could not estimate how many plans are out there that have never vested.

Marianne Cone, Old Town resident, directed her comment to Mr. Moyes that there is a Board of Adjustment for situations like his. She asked about the rights of adjacent property owners when notified of new construction or remodels. Ms. Cone stated that the owner on Prospect didn't respond to neighborhood concerns; is there any recourse? Jodi Hoffman responded that it depends on what the neighbors are seeking to have addressed. If the concern is that the snow-shedding has not been adequately addressed, then definitely that issue can be addressed and mitigated. If the height is really 29 feet instead of 27 feet -- that is another legitimate concern that a neighbor can point out and these are the types of things that can be prevented by notice to the neighbors. Ms. Hoffman continued that if, for instance, a house is 27 feet but a neighbor wants it to be 18 feet, there would be no intervention because of vested property rights that are well defined under the Code. Ms. Cone asked if the neighbors could have suggested 35 feet in back and five feet in the front (in the Prospect situation); Ms. Hoffman responded that that would not work. Ms. Miller felt that under the present proposal that would work because there should be some flexibility in proposals. The City Attorney stated that it probably would never be five feet in front and 35 feet in back because you can't use five feet. Flexibility with regard to a combination of the sum of the setbacks were discussed, and Ms. Hoffman clarified that if the owner decided to adjust that combination, it would be allowed under the Code but would not be mandated. Ms. Hoffman stressed that there is a possibility of doing more context-based guidelines, but that would mean to really down-zone, further restricting setbacks and heights and upon merit of the design and/or lot combination, then allow bigger structures, but that the basic structure is much smaller than proposed. She continued that once you start at 27 feet, it really is hard to go up to 33 feet and have a design that doesn't overpower the entire area. She didn't feel that this is the direction Council would want. Ms. Miller felt that a range could be provided and Ms. Hoffman again clarified her position that you have to provide the absolute maximum and it has to be low enough to provide an incentive for somebody to do something that would be otherwise uneconomical to do under our circumstance. Ms. Miller asked again about a range for setbacks; Ms. Hoffman responded that it probably could be done within two or three feet and if there is a whole list of criteria upon which there are findings. In some respects it is possible; in other respects it becomes a impermissible delegation of power. The City Attorney urged the City Council to make the "rules" because decisions made by staff will be criticized; there has to be a defined building envelope or else people will complain that it is an arbitrary and capricious administration of these laws. That is why these envelopes are not more context-based because the consequence of having more context-based standards yields other problems. Marianne Cone suggested that a point system could be considered. Ms. Cone stated that her views are gone because of the 33 foot structure next to her house on Prospect, and described that as a taking since the value of her home is depreciated.

Judy Scipione, property owner, stated that in response to Marty Hudson's (Madeline Smith) who owns three lots in Old Town, that she owns five lots there with two 800 square foot

homes. Ms. Scipione added that she has just as much interest in supporting this measure as she plans on living there as Ms. Hudson has against it. Ms. Scipione stated that she has been approached by Ms. Hudson and her agents, advising her that she needs to get a lawyer because Ms. Hudson needs access through her property to build. Ms. Scipione felt that more consideration should be given to the people who don't have a lot of money to fight developers and reiterated the unfortunate circumstance of Chris Anderson. Ms. Scipione urged Council to listen to the "little people", because those are the people who live and work here and want to preserve the Historic District.

Paul deGroot, contractor, stated that he sympathizes with Ms. Anderson's snow-shedding problem, which has always existed in Park City and he felt that this is a very specific reason why the rules, as they are written, should not be adopted. As a builder and designer, he could arrive at a half dozen solutions that should have been developed in the design stage, but the reason the roof is the way that it is, is probably because other workable designs infringed upon the height restrictions. The guidelines address the snow-shedding problems, but his point is that these are design problems. Mr. deGroot felt that the language in the design guidelines is good as it is and suggested that there be some kind of melding of the design guidelines and the Code. He stated that there is only one architect on the HDC and that is it; he strongly believes that we are talking about design issues. He doesn't expect the Building Department to address design issues and there are no design professionals on the City staff -- it gets scary when attorneys are designing our houses.

Peter Barnes, designer, stated that the technical side needs much more consideration. In any traditional community, patterns of habitation and development reflect social relationships and complex spatial layering. Inhabitants depend on one another for services which bind them together; Interaction is perceived as links and not divisions that define relationships and do not prevent them. Today, it seems that boundaries are controlled by legal documents which make any kind of negotiation practically impossible. Attorneys prefer neat unambiguous lines in order to avoid the possibility of dispute. Neighborly relationships have been redefined by the legal mind in an entirely negative sense. In many new developments no community is plumbed for; the inhabitants are unknown and cannot be consulted. Mr. Barnes explained that this refers to the 200 people out there who are yet to move to Park City. The planners are concerned with technical issues and the different interests of the planners and developers were described. Mr. Barnes discussed resulting architecture that reflects the importance and dependence of the automobile and the principle link with the outside world. In the case of the legislature before the Council, garages are regarded above the house, focusing the community on the road as opposed to the street. It is obvious that if a community does not exist before construction takes place, it is not in a position to articulate its needs and wishes. The resulting power vacuum is all too regularly filled by the technical criteria of engineers and the economics of the developer. The danger of design guidelines theoretically provided to take care of these issues is also a part of a false consciousness from personal objective preferences and reducing essential questions of inter-relationship and meaning to the banality of fashion and the politics of private agendas. Quandary is to recognize the artificiality of the process and get to grips with the power stretcher behind it. We can establish a system whereby we can engage in a dialog. Perhaps

we may get beyond the crudity of failed matching 60s social engineering, perhaps we can get beyond the empty typologies of the 1970s, which are the buildings that everyone is complaining about, or something that offends him as a designer, is the patronizing pretense of community involvement in the retrograde romantic notion of historism prevalent in the early '80s. He stressed that the process should be one whereby planners, developers and designers work together in a creative partnership yielding a richer solution and a commitment to it. In this way, a collective representation begins long before a divided front can be created. We have a divided front. Tying the designers' hands behind their backs, forcing developers into the pure economics of the return, turning the process into a confrontation rather than a cooperation reinforces those early illegal definitions of neighbor. That is an enemy whose territory should not be broached. For those people who ought to be the main guardians of a town's cultural heritage and future identity to enforce inappropriate legislation, as they have in the past, object to the results which they are doing now and then claim innocence for all concerns. This is an abrogation of responsibility that is more appropriate to a child than a body politic, person, developer, or designer. He stated that he will take responsibility and would like the Council to do the same thing. The legislation is inappropriate. He felt that we are getting nowhere by shouting at each other here, and should go back and think about it.

Jack Mahoney, designer/developer, stated that he has owned 15 lots and five homes in Old Town and described his experience in other countries and his familiarity with preservation efforts. He was surprised to learn that replicative architecture was prohibited in Park City, especially when it represents what people like most and suggested installing signs on historic structures to differentiate it with the new construction. He felt that the variable setback is reasonable and described his application for four lots between Woodside and Park Avenues with an easement through old Sixth Street which is unused, and placing the garages behind all of the homes. Mr. Mahoney would like to see this approach discussed more openly and not have to have it so difficult to process, because it is over three properties. Mr. Mahoney warned that people can't afford to wait a year and half to go through the process. He believes that the 27 foot height limit does not work and the simplest solution is to average between the ridge lines in the neighborhood and allow houses to fit in among the houses. The new houses should be the size of the homes around them and he agreed with Mr. deGroot that the height limitation probably dictated the ill-design of the roof for snow shedding. Using height is not going to work and will continue to create problems and there will be ugly homes on the downhill side. He believes that lot combinations are a good idea and discussed his plans for two homes on three lots on Norfolk Avenue, but there has to be sufficient allowable square footage for incentives. Site provisions have to be made to the scale of the neighborhood. Mr. Mahoney reiterated that there shouldn't be a rigid number and as hard as the staff worked, it was given an impossible task. One single thing will not solve the problem, and property rights are being destroyed.

Mary Wintzer, 320 McHenry, stated that living in Old Town is not an easy life style; it takes a special spirit to appreciate the houses and to shovel out the street. Old Town is the heart of our community and many residents voiced their concern to Council a year ago that Old Town was

in grave danger. It gives us the character that makes us unique and definitely is a tourist draw. She added that life is not fair and takings will occur on both sides. Ms. Wintzer stated that she has had to give up a lot of things as a citizen and projects that she wanted to do. As Ms. Cone pointed out, Old Town residents have had a taking of their value and their quality of their lifestyle and the newer people are experiencing a taking of what they consider their value. She stated that if the Council wants to keep the heart of the community alive and wants to make the vacant lots still valuable so that people want to buy them, then you need to support the citizens who live here and who work and contribute to Old Town. Without us, then Old Town will be a shell and no one will want to come here and the people who haven't developed their vacant lots will have their property values go down. Ms. Wintzer stated that she has always had to abide by the rules, and there have to be rules in a community. She advised Council that they have to have the courage to make the decision and there is no higher calling for this body than to legislate something that will help generate humane architecture. People are not designing with the neighbors in mind. Ms. Wintzer commented that everyone has the right to have a decent home but do you have the right to have a decent home at the expense of everyone around you? She asked if the newcomer will ever be integrated into the neighborhood or eventually leave because the neighbors will never be able to forgive them. If Council cannot support this amendment tonight, Ms. Wintzer suggested a six month moratorium. She emphasized that the 33 feet is not working and suggested trying 27 feet for a while; she noted that both her husband and David Belz have indicated that it would work. Ms. Wintzer stressed that we will never have it perfect but what we have now is not working and has pushed people to the brink. We are in danger of losing a lot of valuable citizens that keep the heart of this community alive. She didn't feel that this is an easy choice tonight or two years from now and pleaded with Council to make a commitment to preserve and protect Old Town and give those of us that have invested a lot of years into creating the reason why everybody bought the vacant lots and came in the first place. Give us some support; we can't hang on much longer. Less is more, and on with phase two.

Fred Moore, developer, stated that ever since he was on the HDC, he has been asking for an inventory of the available lots in Old Town. Size and number of lots would be beneficial in determining lot combinations, etc. and everyone is concerned about the same thing. No one wants to throw the baby out with the bath water. He felt that we should perform the inventory and then there needs to be a site specific study. If every one of these lot owners received a letter first and then was called by a staff member to be advised of proposed amendments and then asked if they have a response, there wouldn't be enough room in the building to house people with concerns. He didn't feel that enough time has been devoted to this and it is something Council will not want to live with and something that should happen properly. Mr. Moore felt that snow-shedding problems are endemic but these problems can be lessened through site specific studies. joining lots, and allowing people to have more space underground. He discussed the frustration with the development of eight lots on Park Avenue and Woodside by putting the garages in the back and building porches on the street, but the planning staff advised that it had to be a master planned development and there has

to be 65% open space. There has to be flexibility and specifically the 30 foot setback and a lot more work needs to be done for a limited resource that is very valuable.

Kevin King suggested that there are ways to have snow-shedding barriers on the edges of the roof which could be in the Code. With regard to finished grade of the land; there is a reasonable limit with regard to the final height.

With no further comments, the public hearing was closed.

VI ORDINANCE

Ordinance amending Chapters 1, 2, 7 8, and 13 of the Land Management Code relating to building height, snow-shedding, setbacks, garages/parking, notification to adjacent property owners, and floor area ratios in the Historic Residential (HR-1) and Historic Residential Low-Density (HRL) Districts in Park City, Utah - The Mayor acknowledged his appreciation of the dialog occurring tonight and this meeting is one of the most comprehensive exchanges that he has witnessed since in political office. He stated that he supports the ordinance proposed by staff and asked that Council take a look at two issues. The Mayor wanted to make sure that the snow-shedding issue is addressed as thoroughly as possible and that David Belz's comments be considered.

Shauna Kerr suggested putting additional language regarding variances in Old Town dealing with the issue of being a single lot between two 40 foot structures, that those become a site consideration in a height variance request. She stressed that there are some in-fill lots that are going to be canyons between towers and if there is some way to allow looking at other properties outside the lot that is before the Board. Ms. Hoffman responded that normally variances deal with limitations imposed by the natural topography as opposed to manmade topography. The Board is encouraged to consider the natural topography theory when it comes to accommodating an historic structure, as opposed to considering a manmade self-imposed hardship. Ms. Hoffman suggested that if Council could support a 27 foot height limitation conceptually, that as a part of phase two which is adopting the Historic District Guidelines, that staff come back with a separate amendment to this ordinance within 45 days that addresses this context between a single lot between 40 foot high structures. There could be a Code provision rather than deferring a decision that is dependent on the Board of Adjustment.

Roger Harlan asked the value of a permit moratorium for the number of days it would take for staff to come back to address these secondary issues. Jodi Hoffman responded that Council would effectively have that moratorium by enacting this ordinance today because the maximum height would be 27 feet. This ordinance preserves the intent of all of the citizens within the Old Town community by trying to reduce some of the scale.

Ruth Gezelius stated that she would like to preface her motion with several comments. If indeed the town character and the goal of preserving the Historic District is a value, we have to stop quibbling about the trivia and have to look at the big picture and decide that this is a community value that requires attention. It has been worked on at the staff and public hearing level for over two years and we're addressing only one small portion of the problem by addressing the currently vacant lots that number approximately 200. We have existing problems based on the kind of development that has taken place to date in the Historic District. If we value the Historic District as a diverse residential neighborhood, as a viable commercial neighborhood and as part of our heritage, we have to be willing to say that money isn't what controls all of our decisions and only one of the issues taken under consideration. What we are doing by building incompatible structures in the Historic District is contributing to the demolition by neglect and by outright requests of the current historic structure owners. She stressed that Old Town is not for everyone and large families cannot be accommodated in small homes by today's standards. There are thousands of dwellings on tens of thousands of acres within 20 minutes of Park City that are viable family housing alternatives and if you choose to live in Old Town with the hardships of congestion, density, noise, substandard building structures, snow removal, streets, snow shedding, then you have to make that a conscientious choice. You don't have to live in Old Town and you don't have to live in Old Town for profit. You can live in Old Town because you want it to be a home, and Old Town unfortunately has taken the brunt of the entire diversity of this community and has been expected to provide all of the low income housing. She stressed that it is the only neighborhood to have nightly rentals with single family homes, almost all of the housing for senior citizens, transient nightly housing, and commercial uses even on residential streets. The current system does not help the people who really believe in preservation to participate in it. The historic grants are just a tiny pittance toward maintaining the commercial and residential structures that were in such a sad state of repair because they weren't built to last and no one had the money to maintain them. If you want to maintain them, it is going to take a larger commitment from the community financially and in terms of design guidelines in order to affect that. Ms. Gezelius stated that if design guidelines had worked, we wouldn't have these high buildings without light and air and without a place for snow storage. It should not take the government to legislate common sense and unfortunately it seems to be necessary for us to do that as the government and she is in favor of increasing the setbacks to provide for parking of standard sized vehicles in front of the garage, snow storage, and open space in the rear yard setback. Liveability in terms of square footage is obviously a personal definition and it is not up to the Council to accommodate that value statement on Old Town lots. It is her perspective that basically on single lots, there were single story houses and almost all the two story houses were on larger than 25 foot lots. The template of Old Town, which was designed in Boston makes no sense, and we need to move in the direction of more lot combinations and to address the issue of mass and scale of the neighboring houses, or you're going to lose your Historic District. She warned that you may not value it now, but when it's gone, you're really going to care. She discussed suburban residents who are now restricted to a maximum house size on half acre and acre lots and are complaining that their structures are too close together. Fifteen to 25 feet is not enough separation for them; 4,500, to 6,500 square foot homes are not large enough, and she stated that she did not

know where the standards go in that direction, but knows that the standards in Old Town don't work. Those members of the community who aren't willing to participate in revising the design standards and making the financial commitment to make this a more viable housing and commercial area, will lose it and this community needs to care and it needs to care about this part of town. Ruth Gezelius, "This is a step in the right direction; and is not the end all answer to the problems with our guidelines and ordinances and in my motion to approve the ordinance, I would add language to encourage the staff to consider in the next phase several elements of attention, No. 1 that the issue of single lots in between large structures be addressed from a compatibility standpoint and some accommodation be made to that, or indeed we will lose those small structures. I think snow-shedding and storm run-off and parking need to be very seriously reviewed in terms of specific conditions and I think we need to encourage lot combinations wherever possible to decrease density and to cut down the cookie cutter 25-foot lots. I think we do need to move to increasing the posting regarding notice. I think we need to make further accommodations to people who wish to make adaptive changes to our historic structures, such as adding garages to improve their liveability and I would clarify in the language of the motion that the height of the one-story element would be increased by 15 feet to 18 feet, the setback would read at 30 on the HRL and the date in 7.1.7.4 Section would be ten days from the date calendar running days from the date posted and Shauna's language changes in several places that would indicate "smaller-shorter" to reduce the size of the mass be so indicated." Shauna Kerr seconded, and asked Ms. Gezelius if she would entertain an amendment or clarification. Shauna Kerr, "In the areas of floor area ratio, where it's talked about here for lots 25 feet x 75 feet and smaller, what about a change that says for lots less than 1,875 square feet, . . .so that we have all sorts of configurations". Ruth Gezelius amended her motion.

Roger Harlan noted that he has been thinking about Mr. Steinmetz's comments on Solomon and relayed the biblical story with the true mother stepping forward and giving up her child to save its life. Solomon has the wisdom that the true mother has stepped forward but unfortunately, Mr. Harlan can't find the "true mother" tonight but many things have surfaced in the lengthy debates and discussions that have drawn him to his conclusions. He continued that with regard to mass, scale and character of Old Town, these are significant issues that have been articulated by various people and something has been wrong to put us to the place where we are in tonight. We are not here because we have nothing else to do, but because these issues are significant and we want to redress some things that are not right. Mr. Harlan stated that the Council may not have an architectural background or all own property in Old Town, but something tells our senses that something is not right. Mr. Harlan felt that we have gathered over a long period of time with a lot of people putting in phenomenal hours to make a decision. Roger Harlan emphasized a work session comment that the 27 foot height restriction compared to other similar historic resort mining towns, is very generous. Unless those towns are ugly and people are moving away, the issue of 27 feet is doable. He stated that he would support the extra ideas that have been coming forth tonight and he will cast his vote for this ordinance this evening.

Lou Hudson stated that he has somewhat of a conflict because he is a co-owner of lots in Old Town, and made that known for the record. In consideration of property rights and situations in Old Town, he felt that we talk about the "good old days", but were the "good old days" that good. He asked if Old Town has passed its prime; is it really truly Old Town and do we want to try to hold on to something that's already gone. How are we going to keep a sense of fairness when the structures that have been built the last five years are there, and you can't have one, or not as big although your property cost more than your neighbor's. Sense of balance and equity is part of his decision and he added that he didn't believe in doing things and approving something when there are doubts. He stated that he has doubts about all these changes and is not inclined to approve it and then to back and make changes. He emphasized that if it is not right the first time, why approve it. Mr. Hudson stated that he will be voting against the motion.

Shauna Kerr stated that she has one more amendment, "pursuant to what the staff talked about with the typo of 25 feet for the 20 feet on Page 28 of our packet, which is Section 7.1.3(d), the last line changing that 25 feet to 20 feet". Ruth Gezelius accepted the amendment to her motion.

Ms. Kerr stated that in seconding this motion, the thing that is most important to her is the discussion is community value. If in fact, this is something that we do value as a community, then we need to find the common unities and try to make things compatible. She stressed that the new structures have not had a common unity with the old structures. We haven't had anyone get up and say that this is a commodity value, they've said it's a community value. In reality, this issue is not about the height, this is with regard to the dollar signs and it is unfortunate that it has to come down to that, but structures in Old Town are not for everyone. She discussed the restrictions throughout the community, but emphasized that the City has historically burdened the historic structures by not allowing them to change, because of the desire to keep them the way they were. Ms. Kerr added that we have not burdened those that came later to actually safeguard those historic structures. After-comers have benefitted with having a special place called Old Town without having all of the restrictions that the historic house has on it. She felt that the City needs to go overboard to safeguard the historic structures if it is really a community value. Ms. Kerr stated that this is a good step in that direction and was persuaded as well by Bruce Erickson's statements that this is a lower height restriction than other resort towns that we compete with. Having traveled to those towns and seen some of their historic districts, some of them have very typical topography and some are flatter, but all have chosen to protect their historic district with strict requirements. She continued that she is not very sympathetic to those who are concerned about decreased value since everything in Old Town has substantially increased in price from it was when it initially burdened the historic housing with the requirements and everyone has received a benefit from that time on. She referred to the Mayor of Missoula comments at a Leadership 2000 session about democracy and his analogy with regard to Athens where people decided that the good of Athens was better than the good of any individual. This is driving her vote as she knows that individuals may feel that they

have been "picked on", but the good of the whole outweighs the detriment to any individual, and the good of Athens dictates that we save our Historic District by being bold enough.

Leslie Miller stated that many may be surprised by her comments who know her as a long-time Historic District resident and she disclosed that she owns a couple of lots, or the equivalent of a couple of lots in the Historic District. Her personal experience comes from living in historic homes that were less than 1,000 square feet for the first 20 years she has lived here and discussed her move to a 1,100 square foot condominium. She stressed that although living in small spaces has its charm, to mandate that people on small lots live in 1,400 square foot homes, is something she is not prepared to do. She felt that statements like the Historic District is not for everyone, to a certain extent is true, but on the other hand, the Council is making policies on a regular basis that talk about inclusivity. She noted that we make special arrangements for affordable housing but at the same time, we're willing to increase the cost of building in our Historic District for people who are not necessarily latecomers and stated that there are many people like her who have been paying property taxes for over 15 years. The fact that she has not yet built on her property, does not make her any less of a citizen and resents comments that try to make this a black and white issue. She stated that everyone she has listened to in the past couple of months have the same concerns and noted that we all live here. What is flawed about this legislation, is not addressing design. Ms. Miller indicated to Chris Anderson that if the house next to her was 27 feet, she would still have a snow-shedding problem, and a 27 foot structure would still obstruct Marianne Cone's view. She felt that it doesn't get to the issues we're talking about, or all of them. This is very complicated and she felt it absurd to make a motion after taking in information for the past five hours to construct legislation based on the input and the detail, and to think that in some way that we're benefitting the community, and that this is responsible, is something she cannot buy. She stated that that is not responsible -- she buys character, supporting the neighborhood, reducing heights when it makes sense in context with design standards that are supported by the Land Management Code, so that we don't have laymen interpreting this wonderful document that tells us that houses like yours (Mr. Moyes) that were approved shouldn't have been approved -- in my opinion is negligence on our part and the staff's part. That shouldn't have happened. The fact that it did and the consequence you have suffered breaks my heart. To think that this is a cure-all and that we are going to recover what we have lost is not going to happen, and the ugly 40 foot buildings are still going to be there. She felt that we could come up with solutions because there are a lot of bright minds, and has never, as the Mayor observed, seen such an effort to cooperate and dialog. Ms. Miller emphasized that this should have been the beginning not the end. She added that this is her second last meeting and part of the frustration of being a politician is the inability to address the issues of her friends and the community here and this tears her apart. She discussed her photo research where she documented single family traditional historic homes throughout the community and argued that they are not all one-story structures and that is a fallacy. Ms. Miller warned making decisions based on emotions and although we all care, we can't let that caring get in the way of making smart decisions. It bothers her that there are people here who have been responsible for the policies and the plans that got us here and now sit and talk to her about how six feet is going to make a difference

in the comprehensive character of the Historic District, but at the same time approved heights that are enormous and have been devastating at the bottom of Main Street to the historic residential character of this community. This building has devastated the community. She continued that for the Historic District Commission who privately and publicly is endorsing an element that is recreational and commercial, i.e, the ski bridge, in the middle of the historic residential town, but at the same time say that if we don't approve this tonight, that we are going to lose Old Town, make her laugh. She stated that it makes me laugh or maybe it makes me cry, because the kinds of mistakes that we continue to make are because we allow ourselves to base our decisions in flawed ways. She felt that no one can say that this is perfect legislation and granted that this is not a perfect world, she does not do work that isn't good and this is not good work. Ms. Miller felt it could be better and maybe the Council is three weeks away. She stated that she would rather have a moratorium because we would be sure we would get it right. She added that we can amend it, but the plate is going to be full and she will not endorse it the way that it is proposed. She is fearful that this may be characterized as uncaring or insensitive, and that is not true but listening to everything she has heard she cannot let her emotions override her instinctive judgment and intellect that tells her that there are problems with this that need to be addressed before it is approved. Ms. Miller stated that she hopes her fellow Council members have the good sense and courage to not be forced to rush to judgment and take the time required. She stressed that the community is aware that we are trying to do the right thing and nobody disagrees. Everyone agrees on where we want to go, but this will not get us there.

With no further comments, the Mayor called for a vote:

Ruth Gezelius	Aye
Roger Harlan	Aye
Lou Hudson	Nay
Shauna Kerr	Aye
Leslie Miller	Nay

Motion carries three votes to two.

VII COMMUNICATIONS FROM COUNCIL AND STAFF

None from Council or staff. Burnis Watts recognized the dedication of Lou, Ruth and Leslie for their unselfish efforts on behalf of the City during their terms. He wished them well and hoped that their predecessors will be as dedicated.

VIII ADJOURNMENT

With no further business, the meeting of the City Council was adjourned.

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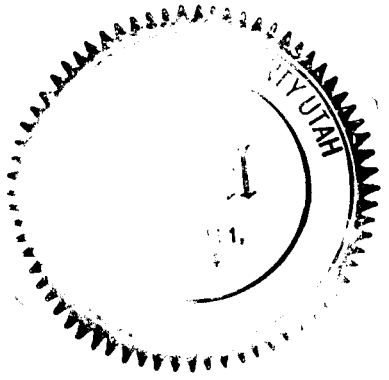
The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, Deputy City Recorder



PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 7, 1994

Present: Mayor Brad Olch, Council members Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Myles Rademan, Public Affairs Director; Tom Bakaly, Finance Manager; Lori Collett, Accountant; Patt Putt, Planning and Zoning Administrator; Bruce Erickson, Planning Commission; Chris Larson, Historic District Commission

Quentin Scott, Peter Barnes, Paul deGroot, David Belz, Brent Dickens, Richard Kohler, design/building community

Marianne Cone, Mary Wintzer, Ron Butkovich, Old Town residents; Paul Sincock, Council-elect

Council questions/comments - Leslie Miller referred to Ms. Rosenbloom's comments at a meeting, and felt that there may be a lack of coordination or understanding between the different tasks and roles and responsibilities in a crisis situation between the different agencies. The Mayor clarified that Officer Ford sits on the domestic violence task force. Discussion ensued about the Rosenbloom lawsuit against the City and Ms. Hoffman explained that it has been dismissed by the court. As part of the litigation research, she emphasized that staff completed fairly extensive research into the protocol of the Police Department and expressed that she felt that they are second to none in their domestic violence response. Ms. Miller reiterated her coordination concern and wanted to make sure that there is follow-up on these incidents to make sure there are no gaps in the system. Ms. Kerr pointed out that the Rosenbloom incident occurred at a time when the entire state was in a state of flux with regard to response and added that there has been some legislation that has changed what the officers are to do, but felt that we handled it appropriately. Ms. Kerr attended a domestic violence seminar recently and agreed that our Police Department is right on the leading edge with regard domestic violence situations. She felt that since Mary Ford is on the board and the peace house that follow-up occurs.

In response to Ms. Kerr's request to have the war veterans memorial plaque returned to the community, Jan Scott clarified that this was discussed with the Mayor who suggested that it would be a good topic at the joint meeting with the County in January.

Myles Rademan reported that a letter of support was sent from the Mayor regarding the Summit County mailer. He also mentioned that the Chamber Bureau is going to do a series of seven focus groups for tourists this winter. In the past it was just used for marketing purposes, but Council has been invited to attend.

1. Review of regular meeting:

Comprehensive Annual Financial Report - Tom Bakaly and Lori Collett presented the financial report to the Council. Tom explained that the main part of the report is the introduction letter which summarizes the report. He described the various sections of the report and explained that all of the funds are very healthy. There are no financial downturns indicated in any of the funds. All of the enterprise funds, which are operated like a business, experienced an increase in working capital which is a good sign. Resort city sales tax was up significantly from what was budgeted last year. When asked how the wet spring had affected the golf course, Tom explained that the indicators show that this year's performance will equal or exceed last year's. The City Manager mentioned that Greg Cunningham, the golf professional, had been concerned about the late start and had worked very hard to keep expenses down. In addition to determining that the City is fiscally healthy, the auditors found no material weaknesses in the City's accounting practices. The Finance Manager explained that the audit letter does describe five specific accounting practices and all of those have now been changed or corrected to the auditor's satisfaction. Mr. Harlan asked if the ending balance of $3.5 million was a problem and Mr. Bakaly explained that, while we would like to be closer in our estimate, it's better to be conservative and have room to move.

Amendments to the Land Management Code regarding the HR-1 and HRL Districts - Pat Putt, Planning and Zoning Administrator explained that this work really in fact is nothing new. There has been a lot of input and effort that's been evolving over the past two years, starting with input from the community, direction from the Council, Planning Commission and HDC. This is not a new concept, but a hybrid of tested alternatives. He continued that the proposal before Council is a draft ordinance which is currently being supported by the Historic District Commission, the Planning Commission and most recently by the State Historic Preservation Officer, and referred to his letter of endorsement.

Mr. Putt emphasized that there is a reduction of the overall building height from 33 feet to 27 feet. There is flexibility for steep downhill lots to achieve a one-story element with a pitched roof so that there are the same advantages to accomplish this element as on lots on flat terrain or a lot on uphill terrain. Thirdly, there is flexibility to grant additional height to promote historic roof forms. Those roof forms include hip roofs and traditional gable roofs. This would be considered, as long as no more than 20% of a ridge line does not exceed the height requirement. His fourth point was the elimination of the floor area ratios on the standard Old Town lots measuring 25 feet x 75 feet or smaller, to permit square footages up to 1,867, plus a garage, regardless of the lot size. The revisions to the HR-1 total front and rear setbacks are proposed at 30 feet instead of

the current 20 feet. He continued that there was some confusion both at the Historic District Commission and Planning Commission about whether that was 20 feet or 25 feet. In some of the older Land Management Codes, there was a typographical error which specified 25 feet and it should, in fact, have been 20 feet. The proposal includes an additional overall setback increase of 10 feet, front and rear. A revision to the HRL setback provides a 15 foot setback front and 15 foot rear, for a total of 30; currently the total is 25. Mr. Putt discussed requirements that address snow release issues in the architectural design and site planning in order to preclude the potential dangerous situations discovered recently.

The Planning and Zoning Administrator pointed out that a parking requirement for lock-out units of one parking space per bedroom has been added. This is consistent with what has been adopted as part of the accessory apartment changes. Finally, a noticing requirement has been added to require to posting and mailing to adjacent property when an application is received for a new residence or a significant addition. That notice will include a description of the property, a site plan, building elevations and language from the Code describing the appeal process. If there is a problem perceived by an adjoining neighbor about regarding as aspect of the plan, the mechanism to appeal to the HDC that is currently in the Code would apply.

With regard to a question asked by Lou Hudson regarding clarification of flexibility for minor increase in height, Mr. Putt stated that he would explain with an exhibit. Mr. Putt displayed a building elevation submitted by a designer for a local property owner. The actual plans that demonstrate what the building would look like -- its livable area and height and is the type of building that works for both uphill, downhill and flat lots. He continued that in this particular case, this house is on a moderately sloping uphill lot. Mr. Putt explained that the way heights are now measured is very complicated because it depends on what part of the building you measure. On a downhill sloping lot, height is measured 28 feet on the front element from natural grade to the ridge line. On sloping lots, the sides and the back aren't 28 feet, it's 28 feet plus five feet or 33 feet to the ridge. Ms. Miller restated for clarification that the height is measured at the front facade. Mt. Putt reiterated that the height is measured at the front downhill facade differently than the other sides of the building. The downhill facade is measured 28 feet from existing or final grade to the ridge; on the other sides of the building, 28 feet is allowed plus an additional five feet for roof or 33 feet to the ridge. Mr. Putt stated that we are proposing to change the numbers from 33 and 28 feet to 27 feet and that number will be measured from grade up to any ridge line. He referred to his illustration. On the front, side and back, staff will be checking to make sure that the building doesn't exceed that 27 foot height.

Mr. Putt discussed the flexibility provisions and referred to his illustration to switch the floor plan to depict a downhill lot. In the amendments there is a provision, in order to accommodate a one-story element, with a pitched roof to provide a garage space or additional living space. He explained that we are going to allow a 24 foot element, ten feet back and allow whatever it takes to get that one-story element and pitched roof. In this case of the exhibit, it is meeting that

requirement, but assuming that this was a real steep lot and dropping off, even on the 24 foot element even it ends up being 33 or 40 feet, Mr. Putt explained that we're going to allow that ability to get that one-story element. Ms. Miller asked how that translates to height. Mr. Putt responded that that would allow for nine foot ceilings and an eight foot garage door. Mr. Putt explained that from the front property line, you can't exceed 15 feet from the ridge. Based on a smaller building element, however, the more staff reviewed this, it was determined that more detail on the front is desirable, and to accommodate that, 18 feet is recommended.

He then discussed the flat lot with a two-story structure (which could be added onto with a basement area) and the concern that this ordinance would result in unlivable buildings that are too small, with tight rooms, or low ceilings and that is not the case. The illustrated house would currently be allowed under the maximum FAR. A two story structure, not including a basement, would yield an area of a little over 1,700 square feet total; with a one-car garage, 1,510 square feet; and two-car garage, 1,310 square feet. Typically, the houses shown on the slides varied from 600 to 850 square feet; 1,300 or 1,500 square feet, in the staff's opinion, is reasonable and liveable square footage. He discussed his own experience in moving in a Silver Meadows duplex with his family of five who are living in 1,089 square feet and are very comfortable. He pointed out that square footage alone is not the determining factor. Liveability is based on need and in overall good design and 1,300 square feet can provide liveable units that are still larger than historical homes in Old Town. He stated that nine foot ceilings can be achieved in most cases. He referred to the building illustration, and noted that on mid or upper levels, using the scissor truss construction, vaulted ceilings of 15 feet can be done. Staff feels that this is a functional room volume and again slightly under what is proposed for the ordinance change. He discussed the benefits of this on the streetscape, through the illustration of an actual scaled drawing for an application discussed earlier. He compared an existing historic structure to the new element which are on the same scale. This type of design achieves the type of appropriate scale desired. In response to a question from Ms. Miller, Mr. Putt stated that this proposal was submitted in time to be considered under the 33 foot standard, but currently meets the new requirement at 27 feet. For the benefit of Roger Harlan, Mr. Putt clarified that this is an uphill lot and achieves the maximum FARs and is a little over 1,800 square feet with no basement. There is crawl space that could be converted into additional living area. This plan, however, doesn't meet the additional ten foot setback although a portion of the living area could be traded. He discussed the existing and final grade of the illustration and the concept of "whichever creates the smaller building". Ms. Kerr stated that she has a problem with the word "smaller" and thought the word "shorter" should be used, because smaller denotes square footage rather than height.

David Belz asked if the 27 foot illustration was measured from the property line on the downhill side or projected from center line of the building underneath the gable. Mr. Putt indicated that it as and presented more slides and discussed that the previous slides misrepresented what is currently allowed to build under the current standards. He showed the impacts of construction that he described as massive homes on Ontario which are three stories and very vertical,

dark between buildings, with limited light and air. Ms. Miller understood that there are current requirements, even on flat lots, for facades to step back to avoid a "wall". Mr. Putt explained that under the revised design standards, there is that language, but the current design guidelines only recommend that buildings be in scale as appropriate to historic context. Ms. Miller reiterated that there is nothing in the current Historic District guidelines that requires facades to step back and noted that in these instances, it is as much a design problem as a height issue. Mr. Putt agreed.

Paul deGroot interjected that Historic District Guidelines are just that and not necessarily rules. The Code contains strict rules that are forced to be followed. Mr. Putt explained that the Land Management Code has the "hard numbers". Ms. Miller stated that she brings this up because if she were to show building that are the same height, but stepped back, they would appear differently and the observations made have to do with as much as a design element as they do a height element. Mr. Putt agreed and showed another slide and discussed the homes in Old Town which sit on or across the property line creating design problems, and in this case next to a building which does not meet current guidelines. This shows a relationship of snow release that needs to be solved. Mr. Putt discussed the traditional scale in Old Town of one and two story elements anywhere from ten feet to 20 feet apart and also noted that when buildings are smaller, the separation between them seems greater. He showed another slide depicting the vertical element and two more slides that don't meet the current standards, which appear to be very massive. He showed a building meeting the current standards and pointed out its mass and Ms. Miller argued that even if it meet the proposed standards it would still appear massive. Shauna Kerr argued that it would be measured differently and Mr. Putt clarified that the highest element would be 27 feet. He showed a slide showing the contrast of the scale of new construction and the older homes which demonstrates the amount of in-fill still to occur, and building out to these sizes will continue to contribute to impacts that are increasing as the build-out occurs. The next couple of slides depicted historic scale and Mr. Putt discussed a residence that went through the HDC. He pointed out that it is a good example of in-fill and is slightly under the standard proposed today. He stressed that it fits in scale and context and is liveable but is more of the exception than the rule. Mr. deGroot did not feel that this is a typical single family house since the lot is 37 feet wide. Leslie Miller felt that 25 feet is typical for a single family lot and a 37 foot wide lot would yield a larger building because of the FARs that will still be in place, increasing the size of that building 30%. Mr. Putt stated that that is a point well taken but what he is trying to illustrate is scale on lots in Old Town that work. He showed an example of building forms which could also meet the new standards. He stated that we want to provide the flexibility and incentives for these types of forms and not build up to the maximum height. He discussed some slides under the current guidelines and pointed out the problems with the juxtaposition of historic structures and new construction which Mr. Putt described as massive and a conflict. Ms. Miller interjected that she considered it poor design as well. He presented a slide which illustrates the amount of in-fill in Old Town how the scale will drastically change if large structures are still allowed.

Mr. Putt stated that he toured Old Town with Chris Larson, Chairman of the HDC, who has the benefit of memory of what has been approved recently and showed slides of what has been built under today's standards. Mr. Putt discussed a house that he considered attractive because of its form, but the problem again is the scale associated with a building this big next to smaller forms. He described another new home on King Road which went through a variance process because the original house had been demolished by fire, and the point of the photograph illustrated a snow-shedding problem. Ms. Miller noted that she could hardly believe that it was approved. Mr. Putt added that the new regulations will address snow-shedding. He showed a structure where the second story would not be permitted under the current guidelines and the photo illustrates the proposed flexibility in incentives for types of roof forms. He addressed the 18 foot one-story element and explained that there would be additional height allowed with the desirable roof forms, by allowing 20% of the ridge line to go beyond the height requirement which staff believes is going to help provide better roof forms. He discussed the garage element, and even if the back of the lot is extremely steep there will be an opportunity to provide a one-story element.

The next series of slides depicted garage doors facing the street. He indicated that designers have said that as long as lots are 25 feet wide and in consideration of the climate, people are going to want garages and it is a function of architectural detailing and design to help soften that impact. Mr. Putt explained that this was also a concern of the Commission. Working on the detailing is important, but the massing problem is not from the front, it's the side and the back. There is something that can be done with garages and he showed slides to portraying good examples.

Mr. Putt stated that people are still going to build multiple levels, but under this proposal we're basically not seeing more than two levels under one ridge line. The combination for the one-story element and greater flexibility for roof forms, will result in a prevention of the need for frequent reviews by the Board of Adjustment, however, there will be exceptions. More compatible residential scale in the Historic District is being promoted, and again encouraging a good transition between large and small houses. He felt that 27 feet is still a big building, with a reasonable amount of living space. A reduction in site coverage to provide additional area parking, yards, building separation and snow storage promotes a greater balance and scale between new construction and remodels in historic structures. During the public hearing process, the double standard was discussed. New construction will be more sensitive; additions and remodels will be set to the same standard, and Mr. Putt added that this ordinance is proposed because mass and scale in the Historic District is everything and differentiates Park City from other all other historic districts. Two years ago the public, Planning Commission and HDC approached the Council and complained that things were getting out of hand, and Mr. Putt agreed that there is a problem. In February, when this was last reviewed at a work session, Council challenged staff to develop a height measurement that is easy to understand, a provision to address snow-shedding, flexibility to solve problems and achieve forms without going to the Board of Adjustment. He emphasized that staff has done that. There was concern about the garages and streetscape, and staff took this to heart and talked with some of the designers. Not to belittle the point, Mr. Putt stated that staff feels it is a fact

of life so long as there are 25 foot wide lots, however, good architecture with detailing and design can minimize the problem. There will be a public hearing on this tonight and staff is requesting adoption of an ordinance that has been reviewed by the HDC, of which a member is a licensed architect. This has been endorsed by the Planning Commission and State Historic Preservation Officer, and Mr. Putt continued that if we lose control of our mass and scale, we lose our identity and become just another identity-less community. People are talking about management of growth and here is an opportunity to do something about it. Staff is recommending that the ordinance be adopted. He emphasized that this step is really phase one; staff will work on the hard numbers in the Land Management Code and there will be revisions to the design standards for contextual review which will address design as Ms. Miller has identified as extremely important. This will be part of phase two. If the Council agrees with staff, he asked for direction to help solve the problem of the 25 foot wide lot and would like permission to start working with the public, HDC and the Planning Commission to come up with ways to provide incentives to build on lot and half and two lot widths so that architectural variety can be accommodated.

If Council opts to approve the ordinance, Mr. Putt pointed out the 18 foot versus the 15 foot measurement for the garage element. He again pointed out a typo in the HR-1 front/rear setback provision that it should be 20 feet instead of 25 feet. Quentin Scott asked in recognition of the 20 feet instead of 25 feet, if that would result in a 25 foot setback instead of 30 feet. Mr. Putt stated that it would be still be at 30 feet and there are members from the HDC and Planning Commission who would support that this was the focus of discussions during the public hearings. If response to a question from Leslie Miller regarding the elimination of FARs, Mr. Putt stated that in the instance of a 25 foot x 42 foot lot or a lot smaller than that, you could build up to 1,687 square feet. It was reiterated that the elimination of the FARs affect 25 foot x 75 foot lots or smaller to a maximum of 1,687 square feet, as long as the height and setback requirements are met.

Peter Barnes, designer explained that there are two methods of building houses; balloon and platform framing. Mr. Barnes stated that they can illustrate how the 27 foot structure with nine feet interior ceilings for two-stories will not fit. Through an exhibit with stick-on elements, Mr. Barnes emphasized that looking at any historic building in town, you step off to the first floor and build a foundation a minimum six inches off the grade and build a platform. He discussed two floors with nine foot ceilings, which are determined reasonable by the Planning Commission. on top of that you take on a nine interior ceiling, as determined by the Planning Commission. He warned that the exhibit illustrates that the structure is now getting close to the height limit, and when the pitched roof is added, it is over the height limit. Mr. Barnes emphasized that one could reduce the ceiling height, but the original premise is incorrect and Council could pass a law based on incorrect premise. He explained that when there is a slope against the foundation, the ground is not allowed to slope again and if water stands against it, the foundation may be damaged. In mitigating water drainage problems, these buildings have already lost a foot and a half are still two three feet above the guideline. Mr. Barnes discussed the new setbacks, the square footage of each floor which would result in a home of 1,440 square feet. Although staff has

indicated that you can go underground to mitigate the height restrictions, Mr. Barnes relayed that this would be precluded any ventilation or a fire escape, so 1,440 square feet is the maximum and the 1,687 square feet is not an accurate maximum. He proposed that if lots are combined to increase the setbacks between houses, scale can be achieved. He discussed a example of someone wanting to build a on Daly and has two lots and wants to build on a 1,500 square foot lot. The required setback is 35 feet but the owner may not want a house that big, there is 12 feet on either side, resulting in a 26 foot wide house but with this legislation, a 31 foot home is not allowed. He asked why bring in legislation that you know will be problem in the future. He showed several photographs of familiar significant historic buildings that are over the proposed height limit. Mr. Barnes stated that he doesn't have a problem with height limits or increasing setbacks but everything that has been brought up has been based on an incorrect premise. It has been reported several times that staff has been asking quite specifically for five foot increases in setbacks, but now ten feet increases are requested and Mr. Barnes cannot support that, because it is making the buildings really small. Although Mr. Putt has indicated that he can live in a small house and that may be great, but Mr. Barnes argued that it will result in square buildings and when a garage and stairwell are added, the floor space is gone. Mr. Barnes emphasized that detailing makes a building interesting and referred to his photo of historic buildings, which would not be allowed by today's proposal. The problem is design constraints and he referred to the guidelines developed in 1983, and although there is a desire to amend them, those restrictions are still current. He stressed that building heights alone do not dictate good designed and liveable houses, and asked why we are using building heights to determine what will be done in the future.

Quentin Scott argued that a slide of a home depicting good design shown by Mr. Putt would still not be allowed under the current guidelines because of its ridge line. He urged Council to get some sense in the legislation and referred to the Ontario house which looks very tall, but he pointed out that there is nothing next to it and any building in isolation will look large in comparison. He asked that there be some perspective and suggested reviewing building designs that are reflective of current standards.

Mr. Scott showed slides noting that we are in an urban situation and buildings tend to be close to each other. He showed a typical situation which he didn't find offensive and stated that there were once 30,000 people in an area smaller than Old Town in Park City, and people are complaining about open space. Mr. Scott urged Council to show some proper historical context and to see what is wrong with the buildings that are being built now. Mr. Scott presented slides of Burnis Watts' home, the Raddon House and other historically significant homes that are too high by today's standards. Mr. Barnes emphasized that we should be addressing the design guidelines not the height limit and its importance for the flexibility of detail was discussed. Mr. Scott discussed a building meeting the current guidelines, and pointed out that you may get living space underground and maybe that is what Council wants, but he did not think that putting people underground is a good way of living. He added that 1,400 square feet is not sufficient for a modern family. He doesn't feel it appropriate to tell families to move to Park Meadows or tell people who have bought in Old Town

that they knew what they were buying and it's tough luck and get out, because the people who lived in Old Town knew that there was a buildable lot next to them when they bought their houses so they knew exactly what was coming. He urged to get some perspective; there are people who want the height restrictions, but there are also about 200 vacant lots in Old Town which is a substantial constituent that has not been notified that they a substantial part of their property is being condemned. Mr. Scott emphasized that this is a virtual moratorium on buildings and these intentions should be clear.

The Mayor asked if Mr. Scott and Mr. Barnes agreed with the mass and scale concept and they indicated they did. He then asked how to go about getting the desired results in changing the proposal. Mr. Barnes felt that people should realize that design should be the product and it is the process that is at fault. If at the start of the review, designers, staff and neighbors sat around a table and voiced their concerns and opinions, that would have been the way to go forward. He stressed the lack of effectiveness of blanket rules and passing this would be a mistake. He stated that no one paid attention to their concerns when this was studied months ago or responded to their comments at public hearings. He wondered why this has gotten to this point when everyone could have been in agreement. Roger Harlan asked why the room is not filled with other architects who are equally concerned. Mr. Scott responded that many do not care and they are getting to that point, as well. The Historic District guidelines are like working with your hands tied and one cannot put details on the building.

Ruth Gezelius stated that there are problems because everyone is trying to get this square peg in this round hole by trying to build large dwellings on small lots and it doesn't work. Mr. Scott noted that this is where staff is right -- we should be looking at the Code in conjunction with multiple lots and suggested the increased setbacks for lot combinations so that it is financial acceptable to the owners while evaluating the benefits to the City at the same time. Larger buildings on multiple lots will look smaller. Ruth Gezelius argued that if we are left with small lots, unless we have more compatible structures on those lots, the whole plan falls apart. Mr. Scott argued that an inventory of vacant lots has not been produced yet and this is something that has to be worked out when there is a dispute of how many unbuildable downhill lots exist.

Richard Kohler, stated that he is an architect and currently serving on the Summit County Planning Commission. He noted that when the Historic District guidelines were adopted in 1983, he was more active in Park City and participated in the process. The dilemma facing Council is the same as that time. In 1979, height was measured with a calculation average, but the generic problem is the west side of town when the land tilts down and the houses traditionally were terraced down the hill. Typically, it was a taller house with a one-story element and coming straight back; and the uphill lot had a view over the downhill lot. The guidelines in the early 1980s squeezed things so that the tendency was to build a taller element on the downhill side and the shorter element on the uphill side. Mr. Kohler stated that the purpose of the height limit is to protect views. Currently under the guidelines, a three story element at the rear is possible but tight, but the historic

process mitigates to allow decks, etc. so that the downhill elevation is particularly unattractive, but it is tall. Presently, four floors if stepped is possible and Mr. Kohler continued when faced with this in 1983, the floor area ratio was introduced. Mr. Kohler suggested not dealing with the height limit, but deal with the floor area ratio and be straight forward about it.

Paul deGroot, contractor and designer, agreed with the people who are against this new regulation. By reducing the heights of the buildings by six feet, the Cote building across the street would not be able to be built as a minimum of four to five feet is required to have scissor trusses. By increasing the setback by ten feet, the possibility of an extra bathroom or other amenities is eliminated. He objects to Mr. Putt's statement that his family of five is comfortable in a 1,200 square foot house. Although he believes that that occurred in old miner's shacks historically, times have changed and we would be going back to the ski bum scenario which was an argument presented to the various commissions in the early 1980s. People did not want that kind of housing or that kind of scale, and now 15 years later we are back to smaller houses. Mr. deGroot believed that the issue of takings, mentioned by Mr. Scott, should be taken with a lot of thought. The issue of restricting the size of houses is something that will come up in his business dealings with clients. He strongly believed that making the building envelope smaller is not going to address the issue of mass. The way that staff and the HDC interprets both the building code and the guidelines is very strict, but he pointed out that the guidelines provide for a 33 foot height limit to the ridge, but we are not allowed to step down the hill or cannot infringe outside of the envelope. The design professionals will fill up the envelope and the development community acts as agents of the owners. By making the envelope smaller, the "box" will be built in even a more restrictive way with straighter walls and boxy shapes. He noted that the next logical step is to offer the design community four or five models and if the Council is going to have a moratorium be up-front about it. Mr. deGroot felt that if people are concerned about the sunshine, let them buy the lot next door, but felt that a better approach is to allow the development community to offer alternatives. Instead of making the envelope smaller, he suggested going outside the envelope with trade-offs and gave an example with regard to setbacks. Mr. deGroot pointed out that this is in the guidelines, but it is not in the Code and he would like to see the guidelines become a lot more of a tool so that if everything is meet strictly by the Code. There are good things in the guidelines if the staff could use it in the decision-making and design process of these buildings as it is a good document. Mr. deGroot agreed with Mr. Scott that most of the problems are a direct result of adhering to the existing rules. There is nothing wrong with our vision of the Historic District, but the answer is not stricter rules, but being more imaginative with the rules already in place.

Mary Wintzer stated that from a human standpoint, square footage does not make a person happy and discussed her personal experience in Old Town. She discussed the restraints on her house in 1979 including siding, solar, window style and as far as takings, we have all experienced that. She stated that their house could not be built under the current guidelines because it is 33 feet and she and her husband redesigned it on paper under the proposed guidelines. The house would be totally different but it would be acceptable and Ms. Wintzer pointed out that

although the Cote house may not meet current standards, it is a good example of good building form. Ms. Wintzer did not perceive that reducing the height is stricter, but a different guideline. She stressed that we know what we have is not working and something needs to be done.

Brent Dickens, architect, stated that even Ann Landers says that the "best thing about the old days, is that they're gone" and pointed out the demands of contemporary life, including energy requirements, garages, indoor plumbing, and appliances and emphasized that you can't go back. Mr. Dickens pointed out that you can't regulate good taste and there always will be bad architecture. Hopefully there will be a preponderance of good architecture if the rules are flexible and this proposal is not accommodating enough and need to be tested more realistically in an open forum with experienced architects. He felt that there is talent is in this room and the Council should take advantage of the available expertise.

Marianne Cone felt that besides the conflict with old and new and small and large, there is a conflict in usage. There is a difference between people living in their homes and those who want to nightly rent. Nightly rental property owners do not want to maintain a yard and this is part of what is driving this problem.

Bruce Erickson, Planning Commission, stated that the Commission started this review five years ago and the reason was because all of the arguments with developers in Old Town, were over height. The other area of concern was the guy who was trying to preserve his historic house and the neighboring towering new construction. He explained that we are here five years later after a lot of time has been spent by the HDC, Planning Commission, staff and architects. He stated that the alternative of not doing what is suggested by staff is to trust the designer, and the designer is going to do what the owner wants. Mr. Erickson noted that he is not sure we can trust the designer. He stated that there will be complaints about the difficulties of working under our ordinance and pointed out that every single one of the resort town historic district ordinances are more restrictive than the current provisions and the one proposed here in Park City. Telluride, Crested Butte, Breckenridge and Aspen are much more restrictive in terms of height, bulk, FARs, front and rear setbacks, and architectural controls. He reviewed the positives, including a comprehensive vision of Old Town, a substantially clear method for analysis with the caveat to allow the 20% variation which has never occurred before. Also, the FARs go away on single family standard lots which is cleaning up the process. Debate ensued regarding of the restrictions of height and setbacks. Mr. Erickson stated that the complexity of the regulatory process was a consideration in the analysis. The HDC did arrive at a hugely complex mechanism that was boggling to designers, and the height of 27 feet was then suggested. Mr. Scott asked if the staff suggested 30 feet at that time, if that would have been considered. Mr. Erickson explained that both the HDC and Planning Commission desired a lower height limit and believed 27 feet to be adequate and asked staff to look at the technical details and work with the architectural community to make sure it works. Both bodies are policy-makers and are not technicians, and agreed that there is only one architect on the HDC and none on the Planning Commission. He continued that another benefit of the amendment is that there will be consideration

for extreme lots in the next phase. There will be an improved parking situation in Old Town because of the increased setbacks. This ordinance in its policy form is in compliance with the Comprehensive Plan and the Historic District guidelines and urged approval.

David Belz, architect, stated that generally he supports the plan but would suggest some modifications. With regard to the illustration presented by Mr. Barnes, Mr. Belz described a slab on grade foundation and felt that there could be two stories within the 27 foot height restriction. He agreed that this is a design issue and not a height issue, but height enters into a design. Buildings should only look two stories high in the front. It is true that if a building is set back further, that there will be a tighter envelope and the one-story element can be lost leaving a two-story element at the street. This is fine, but a one-story element is better, and encouraged the City Council not to pass the amendment with the additional ten foot setback, bringing it to 30 feet total and leave it at 20 feet. He suggested instead to require that within that five feet on either side that it can only be one or one and a half stories tall, and described a stepping plan. Mr. Belz was concerned that the measuring will occur at the property line, because often there is a pitch to a site and recommended that it be measured from within the site. He described the possibility of losing two feet when measured at the property line as the code language proposes and felt that the more leeway the Planning Director has on grade measure, the more opportunity to arrive at a better solution. His concern is not the height but the pedestrian experience of walking down the street and the "garage barrage". People have said that there is no way to talk owners out of having a garage in this climate and he disagrees. He felt that there can be an incentive-based code where more liveable square footage could be offered instead of a garage; this could even be done with porch encroachments into the ten foot setback. All those things offer scale and it could be possible to put a car in the side yard setback. He concurred with the 18 foot garage element and felt that the 1,687 square foot maximum should be eliminated in consideration of the defined envelope and required stepping. He encouraged Council to keep the setbacks at 20 feet rather than 30 feet to better accommodate stepping and stressed that it is time to do something. Mr. Belz stated that he is a staunch believer in property rights but agrees that there are reasonable measures that should be in place.

Shauna Kerr stated that there is a tremendous opportunity for someone to design a garage door that looks like the building. The Mayor suggested coming up with design options for garage doors so that they look like the front doors that are illustrated on the recent *Lodestar* and there can be some creativity in that direction. David Belz added that as an architect, he would be making a suggestion that would take work from him and others, but the idea of having a set of volumetrics for both the uphill and downhill residences is not a bad idea, as the constraints now define that shape anyway. With regard to garages and in-fill, Ruth Gezelius stated that the problem is not garages but vehicles and density. The bigger the house, the more vehicles there are and there are not wide enough streets to accommodate these houses. We're talking about garage doors, but the real issue is density. She continued that with regard to the exchange for more living space, emphasized that vehicles are part of life today and the number of vehicles with in-fill lots is creating the very density and congestion that people are complaining about. The issue for Old Town residents is not looking

at garage doors, but the issue is why there isn't enough required parking on site for the new in-fill structures; this is not a design issue but a density issue. David Belz argued that the pedestrian friendliness of a street is important and that the City could probably not legislate more than two spaces per single family dwelling. Ms. Gezelius countered that with off-site parking, you can't see the garage door or the front of the house, and you may not be able to get up the street.

Chris Larson, Chairman of the HDC, stated that this whole discussion is pretty simple and comes down to a couple of concepts. If we want an Historic District, we have to have new construction that respects the size, mass of the historical home and if we don't have that, we will have a theme park. He addressed the double standard and pointed out that on a vacant lot, one can build to 33 feet, but often historic structures are one-story high. Owners are allowed to remodel historic structures to make them more liveable but the underlying preservation philosophy is that you preserve the historic structure. The only equitable thing to do is to bring the heights down. With all due respect to the architects in this forum, the buyers are driving the game and everyone wants to build to the maximum building envelope with cursory application of historical elements. There are a few examples of buildings that have been done well, but the majority are done very poorly.

Paul Sincock stated that in California there is a coastal commission and restrictions on height, but there is a simple formula which calculates the elevation at which the lowest point of the foundation hits natural grade and the highest point and the average is determined, then height is measured up from that point. Pat Putt stated that he worked under a similar formula as a professional and the staff did look at this approach as an alternative.

Pat Putt quoted Will Rogers, "even if you're on the right track, if you don't do anything, you're going to get run over by the train". He felt that it has been demonstrated that 27 feet works and that interior room volumes can be achieved without being cramped. There may be other systems of solving this problem but as Bruce and Chris have said that this has been debated for a long time and every day, the applications come in and the in-fill continues. What is proposed is phase one, the "hard" numbers and the second phase is review of design guidelines to make them standards. The hard numbers and the design issues work together and to do it comprehensively would take forever. He urged Council to give staff the first step which will make a positive change; the second step would be review of incentives to build on wider lots and all of the design elements discussed today can be explored. The prototype issue is sort of a good idea, but his experience has been that they tend to ultimately restrict design. Design done in context with the results of amending the design standards tailored to the individual site will result in architectural variety. Mr. Putt encouraged Council to include any modifications it finds necessary as opposed to not adopting the ordinance tonight.

Ron Butkovich, Old Town resident and Historical Society member, stated that Old Town is not necessarily for everyone and something needs to be done about the heights. He urged Council to lower the heights as towering structures are not the answer.

The Mayor adjourned the work session and the regular meeting convened.

Prepared by Janet M. Scott