

PARK CITY MUNICIPAL CORPORATION
ADMINISTRATIVE ACTION MEETING MINUTES
PLANNING DEPARTMENT
<https://us02web.zoom.us/j/88167820277>
August 15, 2024

STAFF:

Rebecca Ward, Planning Director; Elissa Martin, Assistant Planning Director; Meredith Covey, Planner I; Mark Harrington, Senior City Attorney (virtual); JJ Trussell, Deputy Chief Building Official (virtual); Levi Jensen, Executive Office Administrator; E. Roman, Administrative Assistant.

PUBLIC:

Bruce R. Baird, Jason Boal, Grace Doerfler (virtual), Hoggan Lee Hutchinson (virtual), Susan Fredston-Hermann (virtual), Steve Grim (virtual), Nic Norsk (virtual), Collin Leonard (virtual), Eric Hermann (virtual), Jeff Schindewolf (virtual).

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The Planning Director called the meeting to order at 12:00 PM.

The Planning Director Ward reminded attendants about the public comment guidelines

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

1003 Norfolk Avenue – Historic District Design Review – PL-23-05845 –
Proposing to construct an Addition to a Landmark Historic Structure.

Planning Director Ward noted that this item would be continued to a date uncertain, but once it is scheduled for a public hearing again it will be publicly noticed.

At 12:02, the Planning Director opened a public hearing. There was no input.

At 12:02, the Planning Director closed the public hearing.

MOTION: The Planning Director **Continued** the Historic District Design Review for 1003 Norfolk Avenue to a date uncertain.

1700 Park Avenue – Administrative Permit– PL-24-06191 – Proposing to Remodel Façade of 1700 Park Avenue.

Planner Meredith Covey presented the Administrative Permit proposal. She noted that the façade improvements proposed involve replacing and updating existing siding, replacing existing roof, replacing windows and doors in the same location and dimensions, and installation of three-foot deep steel awnings over lower windows and doors. She also indicated that the proposed plans comply with GC Zoning District Requirements and Frontage Protection Zone Requirements. The Applicant was in attendance but did not have anything additional to add.

At 12:04, the Planning Director opened a public hearing. There was no public input.

At 12:05, the Planning Director closed the public hearing.

MOTION: The Planning Director **APPROVED** the Administrative Permit for 1700 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. On July 10, 2024 the Applicant submitted an Administrative Permit application for façade improvements at 1700 Park Avenue.
2. 1700 Park Avenue is located in the General Commercial (GC) Zoning District and in the Frontage Protection Zone (FPZ).
3. The Applicant proposes to remodel the facade of 1700 Park Avenue.
4. LMC § 15-2.20-4(C) requires an Administrative Permit for minor remodels and facade improvements for existing Structures.
5. According to the Summit County Assessor webpage, the existing Structure at 1700 Park Avenue was constructed in 1988.
6. 1700 Park Avenue is located on Lot 3 of the Park Ave Commercial Subdivision recorded in 1973.
7. Per the recorded plat there is a 25' non-exclusive easement running along the side and rear Lot lines.
8. Per the recorded plat notes all Lots have a 50' utilities easement on the front Lot lines.
9. The Development Review Committee evaluated the proposed Accessory Apartment on June 18, 2024.

10. The General Commercial Zoning District requires the following Setbacks outlined in LMC § 15-2.18-3:

Requirement	Analysis of Proposal
Front Setback - 20 feet	Complies: The existing Structure is set back 20 feet from the front lot line. The proposed plans do not increase the building footprint.
Rear Setback – 10 feet	Complies: The existing Structure is set back 10 feet from the rear lot line. The proposed plans do not increase the building footprint.
Side Setback – 10 feet	Complies: The existing Structure is set back 10 feet from the rear lot line. The proposed plans do not increase the building footprint.

11. The Frontage Protection Zone requires that all Structures shall be setback at least 30 feet from the nearest highway Right-of-Way
12. The existing Structure is within 33 feet from the Kearns Boulevard Right-of-Way.
13. The Development Review Committee reviewed the proposal on August 6, 2024.
14. Staff published notice on the City's website and posted notice to the property on July 31, 2024.
15. Staff mailed courtesy notice to property owners within 300 feet on July 31, 2024

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.18 General Commercial Zoning District.
2. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.20 Frontage Protection Zone Zoning District.
3. The Use is compatible with surrounding Structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans dated June 12, 2024, and approved by the Planning Department on August 15, 2024. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
3. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
4. The Applicant shall obtain a sign permit in accordance with the Master Sign Plan for 1700 Park Avenue prior to Building Permit issuance.

220 King Road – Historic District Design Review – PL-23-05522 – Proposing Construction of a New Single-Family Dwelling, Accessory Buildings, and Underground Parking Area

Assistant Planning Director Elisa Martin presented the Historic District Design Review staff report. She noted that the project site is a 1.23-acre lot in Historic Residential 1-Master Planned Development (HR-1-MPD), where a single-family dwelling and guest house were recently demolished. She indicated that the property is located in the Sweeney Master Planned Development and is lot two of the Treasure Hill Subdivision, Phase I. She continued to explain that the proposal included a New Single-Family Dwelling with Accessory Building, outdoor pool and underground parking area.

Assistant Planning Director noted in detail the Application Background and HDDR Analysis, indicating that two of the main changes required by the HDDR Conditions of Approval include to remove a portion of the roof overhang and to reduce the glazing to be consistent with the solid to void ratio of Historic Structures in the Historic District. She explained that staff evaluated the project against LMC 15-13-8 Regulations for New Residential Infill Construction in Historic Districts. She described how the proposal was compliant with the LMC Historic District Design Guidelines and where compliance was not met, the Conditions of Approval are in place.

Applicant representative Jason Boal shared a presentation to express concern about Condition of Approval number 12 and number 18. He indicated that Condition of Approval 12 relates to the roof overhang, the plans submitted show the roof overhang being exactly the same as it was reviewed and approved by the Planning Commission.

He also mentioned that the Planning Commission had the SWCA letter when they did their review and when they established their Conditions of Approval, and that he believes that Staff had mentioned that the Planning Commission's approach to breaking up the roof was the pop up element, so the applicant complied with this. This makes them comfortable that the roof line that the SWCA comment about breaking up the roof line was sufficiently accomplished through the Planning Commission review and Planning Commission condition that it be broken up with the pop up. He also noted that because of this, they are asking that Condition of Approval number 12 be removed from the Final Action letter.

Jason clarified that condition P of the Conditions of Approval specifically state that the proposed residence's roof shall be consistent with the plans approved by the Planning Commission on February 14, 2024, and attached as Exhibit D, and this matches exactly with their plans and other elements that were reviewed by the Planning Commission. Jason noted that the second item relates to Condition of Approval 18 relating to the Glazing and that the Planning Commission had a specific requirement that 60 percent of the eastern facing façade is permitted to be glazing and lighting impacts from the eastern facing façade shall be mitigated by interior fixtures designed to minimize direct visibility of the lighting element from residences within 1/3 mile of the residence. Jason Boal indicated that the Planning Commission addressed glazing through vegetation, and there was another condition of approval requiring the vegetation to help screen the structure. He wanted to make sure that it was clear that the Planning Commission had addressed the restriction on glazing already. Jason Boal also noted that as building was being designed, consultations with Park City historical society and museum were secured. He also mentioned that they feel that what has been submitted is in conformance with historic mine structure and they have identified some examples of this in their application, Jason Boal also noted that they are under the explicit standard of the plat now and feel like that would be enough to bring them into compliance without the need of this Condition of Approval.

Applicant representative Bruce R Baird indicated that he would like to show that the changes requested by the staff to the roof don't have any real practical input effect on the view of the structure from essentially everywhere, and proceeded to present multiple render images of the model showing the changes and cycling them back and forth. He noted that the applicant is willing to discuss options to deal with the north end of the terrace cover, however they believe the condition requested by staff is punitive.

Director Ward asked the applicant to explain the reasoning for some of the modifications related to floor to ceiling windows that have been referenced as inconsistent with the compatibility of mine sites and window to façade material ratio by the SWCA technical memorandum previously shared.

Bruce R. Baird responded that the reason was twofold, firstly staying within the number referenced by the Planning Commission, and secondly is that many of the floor to ceiling windows were gone, they have been replaced in their model.

At 12:47, the Planning Director opened a public hearing. There was public input.

Planning Director Ward acknowledged that public comment was received and had been included in exhibit O of the packet for today. She also mentioned that there was additional public input that was received yesterday, from the appellant, after the packet had been published, and it will be included as part of the record. Director Ward reminded the public to limit their input to 3 minutes and invited them to come forward if present in person or online.

Nic Norsk (virtual) from zip code 84098, stated that he worries about new precedent being established, is that residential can be compared to mining area commercial buildings, allowing to build a home in old town, as long as it matches to a mining building that is still standing or in a picture. He also mentioned that the CUP for the original development was a 600 feet accessory building, that later turned into a 4,189 feet building, which makes him worry about the city's historical precedent not enforcing CUP guidelines.

Justin Keys (virtual) thanked the Planning Department for receiving and reviewing the letter he had submitted yesterday with his public input.

At 12:53 PM, the Planning Director closed the public hearing.

Planning Director Ward noted that goal 15 of the General Plan is to preserve integrity, mass, scale, compatibility, and historic fabric of our historic districts. To do that we have regulations that are implemented through the LMC, we know the purposes of the HR-1 zone are to encourage the construction of historically compatible structures that contribute to the character and the scale of historic districts. In this instance we have a lot that is 29 times the size of an old town lot, making this lot an outlier. This is a HR-1 MPD zone where we have large lots that are in an area of transition from old town to acreage that was dedicated as open space. Knowing that these larger lots would result in unique structures for this area, extra processes, standards and requirements were put in place when the original Sweeney MPD was approved. Which is beyond what is required in typical single family dwelling in the HR-1 zone would be required to go through. And that includes the CUP in compliance with Treasure Hill Subdivision plat. This project has been through many reviews and many bodies. As part of the CUP

review, the planning commission evaluated all aspects of proposed development in such a highly visible area of Old Town.

The Planning Commission informed their decision on their review of the SWCA memo and voiced concerns raised in this memo that had not been incorporated in the design which resulted in additional modifications.

We find that as conditioned with reducing the form, that the reduced roof form is consistent with the plans approved by the Planning Commission. Their conditions also include Conditions of Approval associated with the CUP, final building plans should reflect substantial compliance, and also added language that changes modifications or deviations from approved design that had not been approved in advanced by Park City Planning and Building departments would result in a stop work order. The Commission was also aware that the Historic District Design Review was still pending where some of the details of the final design elements were being evaluated.

MOTION: The Planning Director **APPROVED** the Historic District Design Review for 220 King Road in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact

1. 220 King Road is a 1.23-acre lot in the Historic Residential-1-Master Planned Development (HR-1-MPD) Zoning District that up until recently contained a 4,235-square-foot Single-Family Dwelling (SFD) built in 1998 and a 4,189- square-foot Guest House built in 2000.
2. The SFD and Guest House were demolished this summer, and the Applicant proposes a new SFD and Accessory Building, the subject of this Historic District Design Review (HDDR) application.
3. On December 18, 1985, the Planning Commission approved the Sweeney MPD, which included seven SFD Treasure Hill Subdivision Lots.¹ The zoning in effect at the time allowed for 450 units within the MPD. However, the Sweeney MPD approval reduced the density to 277 units and “. . . the proposed clustering approach was deemed the most compatible. Rather than spread the density out and thereby impact the entire old town area, the cluster concept afforded the ability to limit the impacts to smaller areas. Efforts to minimize scale have been directed toward this issue as have the solutions to other problems related to traffic, site disturbance, and the preservation of open space....[a] number of the staff's recommended conditions are directed toward minimizing the potential conflicts related to neighborhood compatibility

considerations.”

4. “A key element of the proposed cluster approach is to preserve usable open space in perpetuity. A total of 97% (120 acres) of the hillside will be maintained as open space as part of the proposed Master Plan [t]he potential for the subdivision and scattered development of the hillside would have drastically affected the goal of preserving the mountain substantially intact and pristine” (Exhibit B - 1985 Sweeney MPD Approval, p. 11). Within the Treasure Hill Subdivision of the Sweeney MPD, SFDs were clustered near Old Town and over 40 acres were dedicated to Park City Municipal as open space, shown on an excerpt from the plat below. This resulted in larger SFD Lots than traditional Old Town Lots platted 25 feet by 75 feet (1,875 square feet).
5. 220 King Road, Lot 2 of the Treasure Hill Subdivision, is a 53,694-square-foot Lot, nearly 29 times the size of a traditional Old Town Lot. As a result of these larger SFD Lots, additional review is required. For example, unlike other SFDs within Old Town, the 1985 Sweeney MPD Condition of Approval 1 requires properties within the MPD to obtain Planning Commission approval of a CUP prior to development. The CUP review is to evaluate the project for compliance with adopted codes and ordinances in effect at the time and to ensure conformance with the Sweeney MPD. Additionally, the 1985 Sweeney MPD Condition of Approval 6 requires review for conformance with the Historic District Guidelines and related architectural requirements.
6. In 1987, the Planning Commission approved an amendment to the Sweeney MPD to reallocate 12 units, including the relocation of two SFDs to what are now known as 200 and 220 King Road. Condition of Approval 3 of the 1987 amendment requires Planning Commission approval of a CUP and staff review consistent with the Historic District Guidelines. Both reviews must “include review of the design of the structures to insure [sic] that they are designed to minimize visual impact.”
7. On August 23, 1990, the City Council zoned 200 and 220 King Road Historic Residential-1-Master Planned Development (HR-1-MPD) (Exhibit D – *Ordinance No. 90-24*). As a result, the project is reviewed for conformance with HR-1 Zoning District standards through the lens of the Sweeney MPD.
8. On September 7, 1995, the City Council adopted Ordinance No. 95-50, approving the Treasure Hill Subdivision Phase 1 plat, creating four SFD Lots

- and a 42.7-acre Open Space parcel within the Sweeney MPD.
9. This Subdivision included Lot 2, 220 King Road, and established Building Area Limits and plat notes, outlining precedence with the Sweeney MPD and requiring final house design to be reviewed under the Small Master Plan Process (today's CUP) in accordance with the Sweeney MPD. Additionally, plat notes regulate Footprint, Building Area Limits, Construction Disturbance, Height, Façade Height, Massing, Sewer Laterals, and Fire Sprinkling.
 10. Each SFD within the Treasure Hill Subdivision first obtained Planning Commission CUP approval prior to HDDR approval. Regarding 220 King Road:
 - a. On March 12, 1997, the Planning Commission approved a Small Scale MPD (CUP) for a Single-Family Dwelling and Guest House (Exhibit G).
 - b. On March 17, 1997, the Historic District Commission approved the HDDR (Exhibit H).²
 - c. On May 27, 1998, the City issued Building Permit B97-02937 for the construction of a SFD.
 - d. On September 18, 2000, the City issued Building Permit B00-05967 for construction of a Guest House
 11. The Applicant demolished the SFD and Guest House and proposes construction of:
 - a. A new Single-Family Dwelling with:
 - i. Approximately 7,461 square feet of finished space.
 - ii. Approximately 5,898 square feet of unfinished space.
 - iii. Approximately 1,690 square feet of terrace/patio area.
 - b. A 1,103-square-foot Accessory Building.
 12. The Applicant submitted a Plat Amendment and CUP application in 2022. Staff requested the Applicant also submit an HDDR application to initiate the Historic District review process. On January 18, 2023, the Applicant submitted an HDDR application to the Planning Department. As part of the HDDR review, staff requested SWCA, a consultant who assists the City with Historic District reviews, evaluate the proposal pursuant to the applicable HDDR regulations.
 13. On April 26, 2023, SWCA submitted a Technical Memorandum (2023 SWCA Memorandum) regarding 220 King Road. The 2023 SWCA Memorandum outlines many relevant considerations and notes 220 King Road is "in a setting where industrial buildings were once common. An industrial design

aesthetic is appropriate in this area; however, this and many other Design Guidelines explicitly require that new infill residential buildings be compatible in mass and scale with historic residential buildings to reinforce visual unity in the historic district and/or residential zone. The prominent and highly visible location of 220 King Road only increases the importance of complying with this and other guidelines to reinforce visual unity and maintain existing rhythms and patterns of the nearby streetscapes.” The Applicant modified and updated their plans to incorporate some of SWCA’s recommendations. Staff requires additional Conditions of Approval below to further incorporate SWCA’s recommendations.

14. On February 14, 2024, the Planning Commission reviewed a Plat Amendment to shift and increase the Building Area Limits, a CUP for the SFD, a CUP for the outdoor pool, and a Steep Slope CUP for the proposed project. The Planning Commission voted four to two to approve the Plat Amendment and three to three with the Chair breaking the tie to approve the CUPs. The 2023 SWCA Memorandum was provided to the Planning Commission as part of their review, and the Planning Commission required the Applicant to modify their plans as recommended by SWCA prior to approving the project. These requirements are outlined in the Analysis Section of the Staff Report below. On February 21, 2024, the Planning Commission ratified the Final Action Letter approving the project.
15. On March 1, 2024, the Planning Commission’s approval was appealed. On April 30, 2024, the Appeal Panel denied the appeal and remanded the following questions to the Planning Commission regarding the Plat Amendment:
 - a. Whether the Sensitive Land Overlay applies due to Sweeney MPD vesting.
 - b. If the Sensitive Land Overlay Applies, whether it can bisect a Lot.
 - c. If the Sensitive Land Overlay applies, what is staff’s Sensitive Land determination, recommendation, and mitigations
16. On June 26, 2024, the Planning Commission considered the above questions remanded to them by the Appeal Panel, conducted a public hearing, and determined the following:
 - a. The Sweeney MPD is vested prior to the adoption of the Sensitive Land Overlay.
 - b. Although the Sensitive Land Overlay would apply to a substantive change, the Sensitive Land Overlay does not apply to the 220 King

Property because a land use ordinance has not amended the original Sensitive Land Overlay Boundary, which does not include 220 King Road.

- c. No determination regarding the Staff Sensitive Land Overlay is necessary because the regulations are not applicable per sections (a) and (b) above.
17. The Appeal Panel Final Action Letter contains Condition of Approval 1, which states “[a]ll Conditions of Approval from the Planning Commission Action Letters dated February 21, 2024 apply” and the Conditions of Approval below incorporate the Planning Commission’s requirements.
18. New residential infill in the Historic Districts is reviewed for compliance with LMC § 15-13-8 *Regulations for New Residential Infill Construction (and Non-Historic Residential Sites) in Historic Districts*.
19. The August 15, 2024 Staff Report analysis is incorporated herein.
20. On July 31, 2024, staff published notice on the City’s website and posted notice on July 31, 2024. Staff mailed courtesy notice to property owners within 100 feet on July 31, 2024.

Conclusions of Law

1. The proposed project complies with the Planning Commission’s February 21, 2024 CUP, SSCUP, and Plat Amendment approvals, Findings of Fact, Conclusions of Law, and Conditions of Approval.
2. The proposed project complies with the Sweeney MPD.
3. The proposed project, as conditioned, complies with LMC § 15-13-8 *Regulations for New Residential Infill Construction (and Non-Historic Residential Sites) in Historic Districts*.

Conditions of Approval

1. All Conditions of Approval required by the Planning Commission’s February 21, 2024 CUP, SSCUP, and Plat Amendment approvals remain in full effect.
2. The Applicant shall protect Significant Vegetation located on the eastern portion of the site during and after construction.
3. Final Grade shall be restored to within four feet of Existing Grade upon project completion prior to issuance of a Certificate of Occupancy.
4. The Applicant shall submit a storm drainage analysis to the Engineering Department for review and approval. The analysis must show that the

- required storm drainage storage volume matches the pre-development and post-development conditions for a 100-year 24-hour event.
5. The use of Water Wise Landscaping or permaculture strategies for landscape design shall maximize water conservation. Where watering systems are necessary, systems that minimize water loss, such as drip irrigation, shall be used. These systems shall be designed to minimize their appearance from areas viewable from the primary public right-of-way and when viewed from Old Town.
 6. Retaining walls visible to the north, east, and south of the SFD must be terraced so that no more than four feet of Existing Grade is manipulated. Visible retaining walls shall not exceed more than four feet in height.
 7. Painting, staining, or stucco over stone or concrete retaining walls is prohibited.
 8. Residents and guests shall park in the underground parking area. Parking within the fire truck turnaround or driveway area is prohibited.
 9. The driveway width shall not exceed 12 feet, unless otherwise required by the Chief Building Official or Park City Fire District for fire truck access and turnaround.
 10. Textured and poured paving materials other than smooth concrete are recommended.
 11. Snow storage from driveways shall be provided on site and/or within an easement area approved by the City Engineer.
 12. The Applicant shall reduce the length of the roof overhang on the north end of the SFD to reduce the roof in scale, as recommended by the 2023 SWCA Memorandum. The roof overhang shall not exceed five feet measured from the northernmost façade wall.
 13. The Applicant shall maintain vegetative screening in accordance with the submitted and approved landscape plan to reduce the visibility of retaining walls and landscaping and berming shall reduce the visibility of the lower-level east façade glazing.
 14. No more than eight inches of the new concrete foundation shall be visible above Final Grade on the primary façade and no more than two feet of the concrete foundation shall be visible above Final Grade on secondary and tertiary facades.
 15. The site shall be re-graded so as to blend with the grade of the adjacent areas outside of the Building Area Limits and shall not create the need for

incompatible retaining walls.

16. The site shall be re-graded so all water drains away from the structure and does not enter the foundation. See Condition of Approval 4 regarding storm drain storage.
17. Vinyl and aluminum windows and doors are prohibited.
18. The Applicant shall update the glazing of the eastern façade—that façade most visible from Old Town—to replace floor-to-ceiling windows with industrial patterns that create a compatible solid-to-void ratio comparable to the Historic Mine Sites and approved by Planning Staff.
19. Rooftop mechanical and communication equipment is prohibited. Mechanical and communication equipment shall be visually minimized from King Road and from Old Town vantage points. Ground-level equipment shall be screened from view using landscape elements such as low stone walls or perennial plant materials.
20. The roof shall have a matte finish to minimize glare. Roof colors shall be neutral and muted and materials shall not be reflective. The Applicant shall demonstrate the proposed metal siding and roofing materials have a Solar Reflectivity Index (SRI) of 35 or less prior to the submittal of a building permit.
21. Service equipment and trash containers shall be screened. Solid wood or masonry partitions or hedges shall be used to enclose trash areas.
22. Wood materials shall be painted opaque.
23. The railing of the rooftop deck shall be visually minimized when viewed cross-canyon. The Applicant shall plant landscaped screening as indicated on the landscape plan to buffer visibility of the secondary façade rooftop deck along the southern property boundary.

The Park City Administrative Public meeting adjourned at 1:02 PM.

Approved by Planning Director:

A handwritten signature in blue ink, consisting of several fluid, overlapping loops and strokes, positioned below the 'Approved by Planning Director:' text.



Justin Keys
Justin@hlhparkcity.com
Direct: 435.731.9195

August 14, 2024

VIA EMAIL

Park City Municipal Corporation
Park City Planning Staff
Attn: Rebecca Ward
rebecca.ward@parkcity.org
PO Box 1480
Park City, Utah 84060

Re: 220 King Road August 15, 2024 HDDR Public Hearing

Dear Staff and Planning Director Ward:

This firm represents Eric Hermann and Susan Fredston-Hermann—the owners of several Old Town Properties including 200 King Road (Parcel No. THILL-1) and their primary residence at 205 Norfolk Avenue (201-NA-SUB-2) (collectively “1325 Empire”). The Fredston-Hermanns’ properties directly adjoin the Applicant’s (Matt Prince) property at 220 King Road (Parcel No. THILL-2-AM) (the “Project”). And their 200 King Road parcel is the only remaining unbuilt lot in the Sweeney subdivision. The Fredston-Hermanns submit this letter to provide input on the HDDR analysis under Park City LMC § 15-13-8.

Park City LMC § 15-13-8 provides the “Regulations for new residential infill construction (and non-historic residential sites) in Historic Districts.” The Project is located in a Historic District, namely the HR-1 District, and it qualifies as “new residential infill construction” on a non-historic residential site. As proposed, the design cannot meet most of the “universal” and “specific” regulations of § 15-13-8.

1. *The Project fails to meet most of the “Universal Regulations” from LMC § 15-13-8(A).*

LMC § 15-13-8(A) provides the “Universal Regulations” for “Infill Construction” in the Historic District. The Design, here, violates most of these regulations.

- A. The Project is neither compatible with historic structures in materials, features, size, scale and proportion, and massing nor broken up into volumes that reflect the original massing of historic buildings.

As noted in the SWCA memo, the only expert opinion issued on the matter, the proposed Project fails to meet the size, scale, proportion and massing requirements of LMC § 15-13-8(A)(4).¹ That provision requires:

New infill residential buildings shall differentiate from historic structures but be compatible with historic structures in materials, features, size, scale and proportion, and massing to protect the integrity of the Historic District as a whole. The massing of the new infill residential buildings shall be further broken up into volumes that reflect the original massing of historic buildings; larger masses shall be located at the rear of the lot.

The SWCA summarized the Projects non-compliance as follows:

[T]he size, scale, and proportions of the residence and its component elements, including the shed roof and cantilevered flat roof, are reminiscent of a large-scale industrial building rather than a residential building, which is not compatible with the HR-1 zone. While projecting portions of the building on the downslope elevation provide some modulation of mass, additional size reduction or modulation of the building mass itself (as well as its roofs) is required to reflect the size and massing of historic residential buildings[.]²

The Project has not been sufficiently modified to address these issues. Further, the Staff Report's acceptance of the Applicant's assertion that the building has been broken up into five masses goes against all evidence. The building appears as one large mass the width of multiple Old Town lots. The Applicant has not even attempted to break it up to make it appears modulated. Simply saying it has been modulated does not make it true. You can put as much lipstick as you want on a pig, but it remains a pig. Likewise, you can highlight different portions of the design with different colors, but that does not mean it has been "broken up into volumes that reflect the original massing of historic buildings." It remains one large unbroken mass, far beyond the appropriate size and scale for the neighborhood. This building is one large mass and is far too large to fit in the HR-1 District, and, as such, fails to comply with LMC § 15-13-8(A)(4).

- B. The design does not reflect the historic character—simple building forms, unadorned materials, restrained ornamentation—of Park City's Historic Sites.

¹ Memorandum from SWCA Environmental Consultants on Historic District Design Review for 220 King Road to Park City Mun. Corp. 2 (April 26, 2023).

² *Id.*

The proposed Project fails to comply with LMC § 15-13-8(A)(1) which requires: “New infill residential buildings shall reflect the historic character—simple building forms, unadorned materials, restrained ornamentation—of Park City’s Historic Sites.” The proposed Project does not reflect the historic character of Park City’s Historic Sites due to its size, massing, the materials used in its construction and its general ornamentation. While the structure may have been designed to reflect industrial mining building from Park City’s history, the historic districts of Park City are for residential and commercial/storefront buildings, and the design does not reflect that historic character.

C. The Project radically conflicts with the character of Park City’s Historic Sites.

The design, here, radically conflicts with the character of Park City’s Historic Sites in the HR-1 District. LMC § 15-13-8(A)(3) requires that “[a] style of architecture shall be selected and all elevations of the new infill residential building shall be designed in a manner consistent with a contemporary interpretation of the chosen selected style. Stylistic elements shall not simply be applied to exteriors. Styles that never appeared in Park City shall be avoided. Styles that radically conflict with the character of Park City’s Historic Sites shall also be avoided.” No residence in the Park City Historic Sites inventory looks like the proposed structure, especially not in the HR-1 District. It even radically conflicts with the historic structures the Applicant claims it is trying to mirror. Looking at the design next to the Silver King Mill Building it is inspired by show only minor similarities.³ This design, therefore, cannot satisfy this requirement.

D. The project does not minimize cut, fill, and the use of retaining walls.

The design here fails to minimize cut, fill, and use of retaining walls as required by LMC § 15-13-8(A)(5). LMC § 15-13-8(A)(5) says: “Building and site design shall respect the existing topography, the character-defining site features, including existing trees and vegetation, and shall minimize cut, fill, and the use of retaining walls.” This design requires massive cuts of more than 80’ feet in aggregate and up to 45’ feet for individual cuts, requiring massive retaining walls to support the slope. As a result, the mountainside above the proposed project is losing critical support. In total, cut for the Project will result in the removal of 11,786 cubic yards of earth. For reference, this is nearly the same amount of mountainside removed for a single as was required for the entire Kings Crown Development—three large condominium buildings and twenty-six single-family homes and townhomes. Considering there are already two large homes on the property, such a large cut is not necessary for productive use of the property. This, clearly, is a failure to minimize cuts and the use of retaining walls. The Staff Report completely fails to mention how

³ See Letter from Quinn Kummer, Architect, Olson Kundig, to Planning Director, Park City Mun. Corp. 5 (July 31, 2024).

the Applicant is minimizing cut, and it does so because there is no argument to be made.⁴ The Staff Report, on this issue, simply ignores the problem.

E. The Project's exterior elements are not compatible with neighboring Historic Structures.

LMC § 15-13-8(A)(6) requires: "Exterior elements – roofs, entrances, eaves, chimneys, porches, windows, doors, steps, garages, etc. – of the new infill residential building shall be of human scale and shall be compatible with neighboring Historic Structures." The only expert opinion (i.e., the SWCA memo) states that "the wide shed roof would need to be divided into three to five modules to achieve the appropriate residential scale and the cantilevered flat roof would need to be reduced in size."⁵ While the wide shed roof has been broken up into three modules, it has not been done so to achieve "residential scale." It still has portions far too wide to be compatible with the neighboring Historic Structures in the HR-1 District. Further, the cantilevered flat roof has not been reduced in size. This issue has not been sufficiently addressed by staff or the Applicant, and the design violates LMC § 15-13-8(A)(6).

F. The scale and height of the Project do not follow respect the architecture of the character area.

The design also fails to meet the requirement of LMC § 15-13-8(A)(7) because it does not respect the architecture of the character area, as noted by the SWCA memo.⁶ That code provision reads: "Scale and height of new infill residential buildings shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites." The SWCA analysis is as follows:

The proposed infill references the industrial buildings of the Silver King Mine but the guidelines require that infill residential buildings maintain a historic residential scale appropriate to the historic district or zone in which they are being constructed. The proposed residence at 220 King Road will be on a relatively isolated site and will not be directly adjacent to any Historic Sites. In the absence of a streetscape lined by other buildings, the predominant pattern of the historic district or residential zone applies. The proposed design does not comply with this guideline.⁷

The Staff Report dodges this damning analysis by redefining "character area" to mean subdivision.⁸ So, now, instead of having to respect the architecture of the historic structures within

⁴ Staff Report from Planning Team on 220 King Road Historic District Design Review to Planning Department 11(August 15, 2024).

⁵ Memorandum from SWCA Environmental Consultants, *supra* note 2, at 2.

⁶ *Id.* at 3.

⁷ *Id.*

⁸ See Staff Report from Planning Team, *supra* note 4, at 12.

a zone, one will only have to respect the architecture of the subdivision. Considering much of Old Town has many small subdivisions with no historic structures, under this new method, much of the buildings in the Historic Zoning Districts will no longer need to comply with this code provision. In essence, the Staff Report has effectively rendered this provision moot.

As the above quoted analysis from the SWCA Memo states, this design does not comply because it is not compatible with the true character area (i.e., the HR-1 Zone). Further, the Staff Report wrongly claims it is “aligned” with the Height Regulations established through the Sweeney MPD.⁹ The Sweeney MPD specifically limits structures on this property to 25’ with no exceptions permitted.¹⁰ Here, the property’s height is roughly 33’ in clear violation of the Sweeney MPD.¹¹ Plat Notes cannot exempt a property from the terms of an MPD in any case but especially when the MPD specifically says there are no exemptions allowed. The Staff Report, here, is patently incorrect, and the design violates LMC § 15-13-8(A)(7).

G. The size and mass of the Project are not compatible with the size of the site so that lot coverage, building bulk, and mass are compatible with Historic Sites the character area.

The size and mass requirements of LMC § 15-13-8(A)(8) are also violated by this design. Once again, the SWCA Memo addresses this issue: “its building bulk and mass are not compatible with Historic Sites just downslope in the HR-1 zone. Further reduction or modulation of massing, both of the residence and its shed and cantilevered flat roofs, is required to be compatible with the building bulk and mass of historic residences in the HR-1 zone.”¹² These issues have not been remedied by the Applicant, and the Staff Report analysis dodges the issue by not providing any analysis. It provides no analysis or conclusion because the only reasonable conclusion that could be drawn would be that the design does not comply.

H. The Project creates an unmitigable risk of physical damage to nearby Historic Sites.

The Applicant has failed to demonstrate that the new construction activity will not physically damage nearby Historic Sites. LMC § 15-13-8(A)(9) requires that “[n]ew construction activity shall not physically damage nearby Historic Sites.” The Applicant cannot guarantee this requirement will be met. A report from the Utah Department of Natural Resources indicates that the Treasure Hill area is highly prone to erosion if vegetation is cleared, which is necessary for this Project. This clearing also raises the risk of land subsidence, potentially leading to landslides. It is evident, even to non-experts, that the Project presents significant dangers. Furthermore, the Geotech report submitted by the applicant does not properly address the risk of landslides. It

⁹ *Id.*

¹⁰ Sweeney MPD § III(5)(a).

¹¹ See Olson Kundig, Park City Residence 220 King Road HDDR Drawings A2.50 (July 31, 2024).

¹² Memorandum from SWCA Environmental Consultants, *supra* note 2, at 3.

merely states that the Project will be safe once completed. Even this is doubtful, however. It is common knowledge in the community that several mineshafts under Treasure Hill were loosely filled after abandonment, resulting in an unstable slope prone to landslides. The King's Crown development, discussed above, involved shallower cuts moving a similar amount of earth from much less steep slopes on the same mountain but still caused a land slide.

The Staff Report addresses this issue by pointing out that "[t]here are no designated Historic Sites on Park City's Historic Sites Inventory near 220 King Rd."¹³ This is misleading. While there may not be Historic Sites adjacent to the subject property, there are numerous Historic Sites downhill from the property. A landslide, triggered by this massive cut, would put much of Old Town, along with its Historic Sites, in jeopardy. It is impossible for the Applicant, here, to guarantee that their construction activity will not cause a land slide that physically damages nearby Historic Sites.

I. The Project does not reinforce visual unity within the context of the character area.

Another LMC provision that this design fails to meet is LMC § 15-13-8(A)(10) which requires:

New infill residential buildings shall reinforce visual unity within the context of the Streetscape or character area. The specific context of each Streetscape or character area is an important feature of the Historic District. The context of each Streetscape or character area shall be considered in its entirety, as one would see it when standing on the street viewing both sides of the street for the entire length of the Streetscape or character area. Special consideration should be given to adjacent and neighboring Historic Sites in order to reinforce existing rhythms and patterns.

The SWCA Memo succinctly explains why the design fails to meet this requirement:

[T]his and many other Design Guidelines explicitly require that new infill residential buildings be compatible in mass and scale with historic residential buildings to reinforce visual unity in the historic district and/or residential zone. The prominent and highly visible location of 220 King Road only increases the importance of complying with this and other guidelines to reinforce visual unity and maintain existing rhythms and patterns of the nearby streetscapes. Because the guidelines are so clear on this point, a variance from the Board of Adjustment would be required to permit the design as proposed.¹⁴

Despite this expert recommendation, no variance has been sought by the Applicant or required by the City. The Staff Report once again relies on a creative application of "character area" to argue that it only needs to fit with the industrial structures well out of sight from Old Town rather than the Historic Residences that fill the immediate surrounding area. Staff's argument—that this

¹³ Staff Report from Planning Team, *supra* note 4, at 13.

¹⁴ Memorandum from SWCA Environmental Consultants, *supra* note 2, at 3.

provision requires the proposed structure, in a very prominent sight visible from most of the Historic Districts, to have “visual unity” with industrial structures that cannot be viewed most anywhere in Historic District rather than the Historic Residences that are visible and fill the neighborhood—contradicts the plain language of the Code provision itself. This is yet another attempt to argue that this design complies with a standard that it cannot meet.

2. *The Project fails to meet many of the “Specific Regulations” from LMC § 15-13-8(B).*

In addition to the “Universal Regulations” violations discussed above, the Design also violates many of the “Specific Regulations” for Primary Structures. Specific Regulations are provided in LMC § 15-13-8(B).

A. The Project does not comply with the Specific Requirements for mass, scale and height.

The Design violates many of the Mass, Scale and Height Specific Regulations for Primary Structures from LMC § 15-13-8(B)(2)(a). Some of the Specific Regulations violated include:

Regulation Violated:	Analysis:
15-13-8(B)(2)(a)(1): The size and mass of a new residential infill building in relation to open spaces, shall be visually compatible with adjacent historic buildings and historic structures in the surrounding Streetscape or character area.	As stated by the SWCA memo, “the size of the building and its component elements must be broken into distinct masses more reminiscent of the size and mass of historic buildings in the zone to achieve visual compatibility.” ¹⁵ This has not been done. The Staff Report, here, ignores the City’s own contracted experts and argues that the Design complies with this provision by, once again, relying on an incorrect application of “character area.” ¹⁶ This is incorrect.
15-13-8(B)(2)(a)(2): Buildings that utilize traditional building forms – rectangular, cross-wing, pyramid-roof – are encouraged.	The Staff Report only says: “The proposed form for 220 King Road is drawn from Historic Mine Sites.” ¹⁷ This is false. While the structure may draw inspiration from Historic Mine Sites, the “form” of the proposed structure

¹⁵ Memorandum from SWCA Environmental Consultants, *supra* note 2, at 3.

¹⁶ Staff Report from Planning Team, *supra* note 4, at 24.

¹⁷ *Id.*

	varies wildly from anything in Park City. Further, the forms listed are not used.
15-13-8(B)(2)(a)(3): Historic height, width, and depth proportions that are important in creating compatible infill and maintaining the historic mass and scale of the Streetscape or character area.	Here, the Staff Report says: “The Sweeney MPD Treasure Hill Subdivision SFD character area establishes compatible infill based on larger Treasure Hill Subdivision Lots through plat notes governing mass, scale, and height.” ¹⁸ This is a creative way of saying that it does not comply with the historic height, width and depth proportions of the historic district (as the SWCA Memo concludes), ¹⁹ but we do not care because it complies with plat notes. Plat notes, however, are not a legal method of exempting a project from code requirements.
15-13-8(B)(2)(a)(5): The perceived scale of new buildings shall respect the scale established by historic buildings in the character zone. Abrupt change of scale in the character zone is inappropriate, especially when a new, larger building would directly abut smaller historic buildings.	Once again, the Staff Report relies on the misapplication of “character area” to claim compliance despite their retained experts saying otherwise. ²⁰ The SWCA Memo says: “Both the actual and perceived scale of the proposed residence is significantly greater than a typical historic residence in the HR-1 zone and there are no historic large-scale industrial buildings nearby or anywhere in the zone that establish a precedent for large-scale infill. As stated above, the reference to the industrial aesthetic of the Silver King Mine buildings is encouraged in the design of the structure, but those historic mining buildings are neither in the HR-1 zone nor visible from it. For these reasons, the perceived scale should reflect that of a historic residential building rather than a

¹⁸ Staff Report from Planning Team, *supra* note 4, at 24-25.

¹⁹ Memorandum from SWCA Environmental Consultants, *supra* note 2, at 4.

²⁰ See Staff Report from Planning Team, *supra* note 4, at 25.

	historic industrial building.” ²¹ The Staff Report takes a directly contradictory stance by considering the character area to include the non-visible structures far away rather than the Historic District where the property lies.
15-13-8(B)(2)(a)(6): A larger building shall be divided into ‘modules’ that reflect the mass, scale, proportions, and size of historic buildings within the Streetscape or character area. Modules shall be clearly expressed throughout the entire building and a single form shall remain the dominant element so the overall mass does not become too fragmented. To minimize the scale perceived from the primary public right-of-way, stepping down the mass of a larger building shall be considered.	The Staff Report takes the Applicant’s position that this structure is divided into five modules. ²² That is, simply, incorrect. The Applicant arbitrarily divided the proposed building into five segments and called them “modules,” but calling these “modules” does not make them into modules. Looking at the exterior of the proposed structure, there are not clear modules. It is important to note that the point of the modules requirement is that the structure looks broken up. That is not the case here. To suggest this structure is divided into five modules is to ignore what is plain to the naked eye.
15-13-8(B)(2)(a)(7): Larger-scale projects shall also include variations in roof height in order to break up the form, mass and scale of the overall structure.	Here, as acknowledged in the Staff Report, ²³ the Design has been changed partially (and to create further non-compliance with other code provisions) to address the SWCA Memo’s recommendation on this provision. ²⁴ The change, however, does not go far enough to comply with this provision. Sections of the roof are still far too wide (i.e., in excess of 25 feet in width) for the Historic District. Therefore, the Design does not comply with this provision.

B. The Project does not comply with the Specific Requirements for Roofs.

²¹ Memorandum from SWCA Environmental Consultants, *supra* note 2, at 4.

²² See Staff Report from Planning Team, *supra* note 4, at 25.

²³ Staff Report from Planning Team, *supra* note 4, at 25.

²⁴ Memorandum from SWCA Environmental Consultants, *supra* note 2, at 4.

Finally, the structure does not comply with the Specific Regulation for Roofs in LMC § 15-13-8(B)(1)(e)(1). That provision requires: "Roofs of new residential infill buildings shall be visually compatible with roof shapes and orientation of surrounding Historic Sites and adjacent buildings that contribute to the character of the Historic District. Sloping of roof forms, such as gable, hip, and shed, should be the dominant roof shapes. Roofs composed of a combination of roof planes, but simple in form, are also encouraged. Roofs shall be in scale with those on historic structures." Although the Staff Report concludes that it meets this requirement,²⁵ the SWCA Memo concludes otherwise.²⁶ The SWCA Memo says: "[T]he guidelines are clear that the perceived scale of larger residential buildings (on lots wider than 25') should be managed by breaking them into smaller masses or modules that reflect historic residential massing, including their roofs. There is no precedent for exceptions when an industrial aesthetic is used for a residence, or for residences that may be in historically industrial areas. To comply with the guidelines, the roof could be broken into a horizontally stepped series of shed roofs (3 to 5 of them, with differences in roof height of a few feet or more to create shadow lines) that shelter their corresponding modules, or a mix of shed and flat. The cantilevered flat roof would also need to be reduced in scale."²⁷ While the roof was broken up some after the memo was written, it was not done sufficiently to meet this requirement. There are segments that are still far too large (i.e., greater than 25' in width) to be compatible with the Historic Residences in the neighborhood. Further, the cantilevered flat roof was not reduced in scale. Therefore, the design remains out of compliance with LMC § 15-13-8(B)(1)(e)(1).

Based on the foregoing, we respectfully request that do not approve the Draft Final Action Letter until the many non-compliance issues are adequately addressed. Thank you for your consideration in this matter.

Very Truly Yours,
HOGGAN LEE HUTCHINSON



Justin J. Keys

²⁵ Staff Report from Planning Team, *supra* note 4, at 32.

²⁶ Memorandum from SWCA Environmental Consultants, *supra* note 2, at 6.

²⁷ *Id.*