



PARK CITY HISTORIC PRESERVATION BOARD MEETING
SUMMIT COUNTY, UTAH
June 7, 2023

The Historic Preservation Board of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online with options to listen, watch, or participate virtually. [Click here](#) for more information.

MEETING CALLED TO ORDER AT 5:00 PM.

1. ROLL CALL

2. MINUTES APPROVAL

- 2.A Consideration to Approve the Historic Preservation Board Meeting Minutes from May 3, 2023
[HPB 05.03.2023 Minutes](#)

3. PUBLIC COMMUNICATIONS

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

5. CONTINUATIONS

- 5.A **317 Ontario Avenue - Material Deconstruction** - The Applicant Seeks Approval for Material Deconstruction of a Portion of a Significant Historic Structure to Facilitate the Construction of an Addition. PL-22-05451
(A) Public Hearing; (B) Continue to a Date Uncertain
[317 Ontario Avenue Material Deconstruction Continuation Report](#)
- 5.B **Historic District Design Guideline Illustrations - Work Session**
(A) Continuation to a Date Uncertain

6. WORK SESSION

- 6.A **Temporary Winter Balcony Enclosures - Work Session** - The Historic Preservation Board will Review and Discuss the Temporary Winter Balcony Enclosure Program and Regulations and Provide a Formal Recommendation to the City Council.
[Temp Balcony Enclosure Staff Report](#)
[Temporary Exhibit June 25, 2015 CC Minutes](#)
- 6.B **Paint and Stain Opacity - Work Session** - The Historic Preservation Board Will Discuss the Paint and Stain Opacity Requirements for Structures in the Historic Districts, Review Samples, and Provide Feedback to Planning Staff.
[Paint and Stain Opacity Work Session Staff Report](#)
[Exhibit A: SWCA Technical Memorandum on Paint and Stain Opacity](#)
[Exhibit B: July 25, 2022 Applicant Email](#)

7. ADJOURN

REGULAR AGENDA

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

Historic Preservation Board Agenda Item Report

Meeting Date: June 7, 2023

Submitted by: Levi Jensen

Submitting Department: Planning

Item Type: Minutes

Agenda Section: MINUTES APPROVAL

Subject:

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

Suggested Action:

Attachments:

[HPB 05.03.2023 Minutes](#)



**PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD MEETING
SUMMIT COUNTY, UTAH
MINUTES OF MAY 3, 2023**

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

EX OFFICIO MEMBERS: Gretchen Milliken, Planning Director; Caitlyn Tubbs, Senior Historic Preservation Planner; Tricia Lake, Assistant City Attorney

1. ROLL CALL

Chair Randy Scott called the meeting to order at 5:00 p.m.

2. MINUTES APPROVAL

A. Consideration to Approve Historic Preservation Board Meeting Minutes from April 5, 2023.

MOTION: Board Member Beatlebrox moved to APPROVE the Meeting Minutes from April 5, 2023. Board Member Stephens seconded the motion.

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

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Senior Historic Preservation Planner, Caitlyn Tubbs, reported that the historic garage at 69 King Road collapsed a few weeks ago. Per City ordinance, Staff was required to notify the Historic Preservation Board that an Emergency Work Historic District Design Review ("HDDR") Waiver Letter was issued for relocation of the collapsed materials onto the abutting site. This would ensure that the private driveway was not blocked. Those materials would be relocated and the City would continue to work with the property owner to rehabilitate the structure.

Board Member Beatlebrox asked for information about Thaynes Canyon. Planner Tubbs explained that there are no current plans but a meeting was scheduled to discuss next steps. There were no additional Staff communications or disclosures.

5. CONTINUATIONS

A. 317 Ontario Avenue - Material Deconstruction - The Applicant Seeks Approval for Material Deconstruction of a Portion of a Significant Historic Structure to Facilitate the Construction of an Addition. PL-22-05451.

Planner Tubbs reported that the request was to continue the item to the June 7, 2023, Historic Preservation Board Meeting. She explained that there had been a noticing issue. The applicant at 317 Ontario Avenue was requesting Material Deconstruction at the rear of the structure to facilitate the construction of an addition. Due to the previously mentioned noticing issue, Staff recommended that the matter be continued.

Chair Scott invited public input. There were no comments.

MOTION: Board Member Stephens moved to CONTINUE 317 Ontario Avenue, Material Deconstruction (PL-22-05451) to the June 7, 2023, Historic Preservation Board Meeting. Board Member Holmgren seconded the motion.

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

6. WORK SESSION

A. Historic District Grant Program Discussion - The Historic Preservation Board will Discuss the Historic District Grant Program and Provide Feedback Regarding the Eligible Projects, Application Form, and Funding Sources.

Planner Tubbs reported that the Work Session item related to the Historic District Grant Program. During the April 5, 2023, Historic Preservation Board Meeting, the Board suggested revising the administration of the grant program and asked Staff to conduct research. The suggestion was to incorporate Staff review, Staff approval, and Staff level disbursement of funds for grant requests that were \$24,999 or less. The Board could review and approve grant requests that were \$25,000 or more. That would coincide with the Preservation Easements since Preservation Easements were required when grant awards are given in excess of \$25,000. During the previous discussion, the Historic Preservation Board asked Staff to conduct research and look into what it would take to change the administration of the grant program.

Currently, there is one source of funding that is awarded once each year. Staff reviewed the applications and forwarded recommendations to the Historic Preservation Board. After that, the Historic Preservation Board selected awardees to recommend to the City Council. The City Council was ultimately responsible for awarding the final amounts. If the Historic Preservation Board was to take over awarding of grants in

excess of \$25,000, the City Council would need to amend the City Policy. The policy states that any monies awarded by the City in excess of \$25,000 requires City Council approval.

Board Member Stephens wondered if it would be possible for proposals of less than \$25,000 to be reviewed and approved by the Historic Preservation Board without City Council approval. Planner Tubbs explained that if there was only one award and it does not exceed \$25,000, it could be awarded by the Historic Preservation Board. The entire lump sum of the Historic District Grant Program had to be taken to the City Council because the collective total exceeded \$25,000.

Planner Tubbs explained that if the Historic Preservation Board wanted to pursue a policy change, Staff would communicate with the City Council and determine whether the change was supported. She noted that the Historic Preservation Board also suggested a modification to the grant cycle to include a rolling or continuous application window. Alternatively, there could be bi-annual or semi-annual awards cycles so applicants would not have to wait an entire calendar year between grant cycles.

Following the previous Historic Preservation Board discussions, Staff met with members of the Finance Team on April 19, 2023, to discuss the proposed changes. The Finance Team did not have any major concerns and was supportive of an amendment to the grant cycle timeline. Their primary concern pertained to the current setup. Planner Tubbs explained that the City currently awards grant money in one fiscal year and then pays out the disbursements the following fiscal year. The Finance and Budget Teams were somewhat concerned about the possibility of the City awarding more funding than was actually available in the pot to pay out at the end of the year.

Pros and concerns were reviewed. Planner Tubbs reviewed them with the Board as follows:

- Pros:
 - Discussing grant possibilities early in the approval process;
 - Seasonal training and outreach opportunities;
 - Additional advertising opportunities; and
 - Changes to the standards or processes could be more quickly addressed and implemented if the grant cycle was not a full year in length.
- Concerns:
 - Anticipation of applications or needs;
 - Additional Staff resources needed (training and time); and
 - Transparency concerns, since Staff would be recommending, reviewing, approving, and disbursing funds for applications under \$25,000.

Assistant City Attorney, Tricia Lake discussed transparency. If there was a recommendation that policy changes be made, she suggested that there be a

recommendation to bifurcate Staff so there was one planner to handle the grant approval or denial and a separate planner to handle the application.

Board Member Stephens was not sure that the Historic Preservation Board wants to turn everything over to Staff. The intention was to prevent applicants from needing to wait a full year for the application cycle. It would be possible for Staff to bring an application to the Historic Preservation Board for consideration at the next appropriate meeting. He still felt it was important for the Historic Preservation Board to review the grant applications, but there was a desire to alter the application process somewhat.

Board Member Hutchings wondered if there were discussions at the last Historic Preservation Board Meeting about not having the City Council review items \$25,000 or above. Board Member Beatlebrox denied this. Board Member Hutchings felt that the City Council should have the opportunity to review those applications as well. Other Board Members agreed since it was a significant financial request.

Board Member Beatlebrox thought the initial proposal was to better assist applicants. For instance, there may be a desire to upgrade windows and make them more historic, however, the associated costs were much higher. Applicants who are hesitant to spend the additional money for preservation and restoration could consider applying for the grant program. At the next scheduled Historic Preservation Board Meeting, an applicant could request money to support that need from the Historic District Grant Program. That was what she thought Board Member Stephens had proposed rather than shifting approvals for items \$24,999 or under to a Staff level or removing City Council approval. It was more of an incentive tool to encourage preservation of best practices. Board Member Stephens added that this change would create a rolling grant process.

Board Member Holmgren felt it was important that the applicants remain involved in the process. Some of the previous applicants asked for money but did not provide a lot of details. Board Member Stephens pointed out that a rolling grant process would make it easier to ask for additional details from applicants. Chair Scott noted that there was another benefit that was discussed during the last meeting, which was that the applications would not be received all at one time. That made it easier to remember the details and keep the information fresh. That being said, Staff resources need to be addressed. Planner Tubbs explained that what was being described by the Board currently would result in less workload for Staff than what was previously interpreted.

Chair Scott shared a scenario with Staff where an application was submitted in August and there was an opportunity to do preservation work. If the applicant went through the application process and was approved, he wanted to understand when the funding would be received by the applicant. Planner Tubbs explained that currently, the grants were awarded at the end of the year. The awardees had a year and a half to complete the work, send proof of completion, and then ask for the funding to be disbursed. The current method spanned multiple fiscal years. The pots of money that were available to use for the Historic District Grant Program did not roll over. As a result, the money

could not be earmarked and saved to be disbursed later. Board Member Stephens pointed out that encumbered funds were obligated by the City to be disbursed. There could be an encumbered fund amount that had not actually been disbursed yet. He understood that any unencumbered money would not roll over.

Planner Tubbs explained that the primary concern from the Financial Team was that the money pledged did not roll over and there was no guarantee that that same level of funding would be available in the accounts when awardees asked for their money. The money had been pledged, but if the applicant did not ask for their check within that same fiscal year, the City did not have a guarantee that the future amounts in those accounts would match what had been awarded. Board Member Stephens pointed out that this could be an issue whether the grant process stayed the same or changed.

Planning Director, Gretchen Milliken, confirmed that the funds did not carry over. That was the reason the Finance Team was in favor of the proposal to have rolling application cycles. The proposed change could potentially be less risky. Board Member Beatlebrox asked what would happen if an applicant did not complete a project. Board Member Holmgren noted that there had been previous discussions about a sunset clause and potential extension requests. Board Member Stephens believed the rolling application process might solve some of those potential issues.

Another sample scenario was shared where almost all of the funds for the grant program in the current fiscal year had been used. There was still some money left but an application would not be finished before the end of the fiscal year. Board Member Stephens believed it would still be possible for the Historic Preservation Board to start the review process. The awarded funds could be postponed until the next funding cycle and prioritized. The process could be fine-tuned instead of there being hard cut-off dates. Planner Tubbs believed that was a potential solution to the funding issue. The Board further discussed encumbered, unencumbered funds, and awarded grant money.

Board Member Stephens wondered if the City was contractually obligated to provide the funding once the grant is awarded. He wanted to understand if it was possible to legally tell an applicant that the money would not be awarded if it was not collected by a certain date. Planner Tubbs explained that there was a requirement to provide proof that the work had been completed, along with the invoices and W9. The Grant Agreement, Trust Deed Note, and the Trust Deed would be provided and the awardee would fill those out. Those were recorded with the County and then the check was issued. An approval letter was sent explaining that a certain amount of funding had been awarded, but there was no contract in place until the work was done.

Director Milliken understood the confusion that was expressed about the encumbered funds. She noted that there could be additional discussions with the Finance Team for clarity. Planner Tubbs reported that there had not been a situation where there was no funding available when an applicant came to ask for the check. Sometimes, an applicant decided against moving forward with a project, and the funds were forfeited.

As a result, there is sometimes a bit extra at the end of the season. However, it was important to avoid a situation where there was not enough.

Board Member Stephens believed that applicants should have a certain timeframe to obtain a Building Permit. If the Building Permit was not received within a certain period of time, the grant would be forfeited. Planner Tubbs explained that this could be incorporated into the Conditions of Approval. It would even be possible to state that there needed to be an inspection every three months to keep the permit active. Board Member Stephens was not sure the inspections were necessary as that would require additional Staff time. That being said, obtaining the Building Permit made sense.

Planner Tubbs noted that there was an additional question from Staff. There was an intention to utilize the Historic District Grant Program as an incentive for preservation best practices, but the Design Guidelines were also intended to achieve that. She wondered whether the Historic Preservation Board would be interested in reviewing the Design Guidelines. Chair Adams pointed out that someone who knew about alternative forms of materials and construction techniques would need to be present during those discussions. That being said, there could be a Work Session discussion on the matter.

Chair Scott asked if there was anything the Historic Preservation Board needed to do to shore up how much was allocated throughout the year. He wanted to know if goals or maximum amounts per quarter should be determined. Board Member Beatlebrox believed there was difficulty related to the RDAs and the funding there. Board Member Stephens explained that money could not be obligated in excess of what was available. He referenced additional funding. If members of the public saw more improvements being made to the historic buildings in Old Town, there would be an opportunity to return to the City Council to ask for additional funding for preservation in the area. Part of the money was coming from the General Fund and the work being done was very visible.

Planner Tubbs reported that the Finance Team was supportive of the Historic Preservation Board's request for a rolling application cycle. It reduced the risk of promising a certain amount of money and not having that in the account when the check was requested. She explained that there would be additional discussions between Staff and the Finance Team. Board Member Stephens wondered whether the changes being discussed would move to City Council for approval. Planner Tubbs believed that the proposal would fit within the current purview.

There was discussion regarding the application process and format. It was noted that applicants could be asked to provide a self-score based on the rubric that was developed with the Historic Preservation Board. During the Historic Preservation Board discussion, the applicant could explain why they gave their application that score.

Planner Tubbs reviewed the Eligible and Ineligible Projects list. She explained that the items included on the table were determined during the previous Work Session on the

matter. She asked Board Members to review the information and make sure everything was correct. The Eligible and Ineligible Projects were as follows:

- Eligible:
 - Repairing/restoring/replacing windows;
 - Repointing masonry;
 - Repairing or restoring roofs;
 - Reconstructing historic porches; and
 - Restoring historic features.
- Ineligible:
 - Acquisition costs;
 - New additions;
 - Re-roofing;
 - Painting interior or exterior;
 - Interior remodeling/new finishes; and
 - Electrical, plumbing, insulation, or mechanical systems upgrades.

It was suggested that there be an eligible column only. Anything that did not fall into that category would not be eligible for consideration. Planner Tubbs reported that the ineligible list would remain internal and the eligible list would be advertised.

7. REGULAR AGENDA

A. 445 Park Avenue - Material Deconstruction - The Applicant Seeks Approval for Material Deconstruction of a Portion of a Landmark Historic Structure to Facilitate the Construction of an Addition. PL-22-05133 (Continued from April 5, 2023 Meeting).

Planner Tubbs presented the Staff Report and explained that 445 Park Avenue was a Landmark Historic Structure on the Park City Historic Sites Inventory. The applicant was seeking approval for the Material Deconstruction of approximately 225 square feet of siding material on the rear of the house and approximately 92 square feet of the roof in order to facilitate the construction of a new addition. The home was somewhat unique in the Historic District because it had a projecting gable. However, a 2016 Intensive Level Survey, conducted by CRSA, found that it was fairly close to the original construction. It was quite old and contributed to the structure.

The subject property was located in the Historic Residential (HR-1) District. Planner Tubbs explained that the proposal was to lift the Historic Structure, construct a new basement and foundation, replace the home on top of that, and build the rear addition. Existing conditions photographs were shared as well as example images of the proposed conditions. The existing and proposed rear elevations were presented.

As part of the project, the applicant was also proposing to remove the single-car garage that sat out front. It was not shown on any of the Sanborn Maps dating from the late

1880s through the 1940s. As a result, it was likely constructed between the 1960s and the 1980s. There was minimal architectural character or decoration associated with the single-car garage. It was clad in vinyl siding. The garage was also not identified on the 1984 Nomination Form or 2016 Intensive Level Survey. Planner Tubbs explained that the Historic District Design Guidelines encouraged developments that did not interrupt the streetscape or visual flow from one structure to another. On the streetscape, the eye went right to the garage. Staff believed the garage did not contribute to the historic character of the site or the neighborhood and could be removed.

Board Member Holmgren asked about a letter received from a neighbor who stated that the single-car garage was on their property. Planner Tubbs confirmed this. Currently, the garage was 0-3 feet away from the property line. There would need to be some discussions between the applicant and the neighboring property owner. Board Member Stephens did not believe the garage was being considered by the Historic Preservation Board because it was not included in any of the surveys. He thought that the Planning Department had the authority to make the decision about the garage. Planner Tubbs confirmed this but wanted to make sure the information was on the record.

Staff recommended that the Historic Preservation Board review the Material Deconstruction request, conduct a public hearing, and consider approval. Some of the Conditions of Approval from the Final Action Letter were reviewed with the Board. Board Members asked about the Encroachment Agreement that was mentioned. Planner Tubbs explained that the Encroachment Agreement was for work within five feet of a property line. Since the garage sat so close to the adjoining property line, if it was removed, there would need to be an Encroachment Agreement with that neighbor. Additionally, an Encroachment Agreement was required for soil stabilization.

Board Member Stephens believed the Encroachment Agreement for the garage would be easily obtained. That being said, the Encroachment Agreement for soil stabilization could be more difficult to obtain. The neighbors may not be supportive of that. He stated that there were other ways to retain that without doing soil nails, but it would require a different type of structure. He believed that was more of a Building Department issue than a Historic Preservation Board issue. In addition, he did not want to make the process onerous for the property owner and force an Encroachment Agreement. If they could not obtain one, there were other possible options to consider. Other Board Members agreed so that Condition of Approval would be removed.

Discussions were had about the Condition of Approval related to panelization. Board Member Stephens did not believe it needed to be there. Planner Tubbs explained that the Condition of Approval could be removed if desired by the Board. There was a standard for panelization that a Structural Engineer needed to evaluate the building and claim that it was not stable enough to be lifted in one piece. It was determined that the panelization condition would be removed from the Conditions of Approval list.

Chair Scott opened the public hearing. There were no comments. The public hearing was closed.

Board Member Beatlebrox asked about the access to the rear of the property for the purposes of building the addition. She wanted to know if there was enough space to move equipment in. Planner Tubbs reported that the architect believed there was enough space to navigate the required equipment around the structure, especially once it had been lifted. It was not anticipated that neighboring lots would need to be used, aside from the one to the north where the single-car garage was currently located. The Board further discussed the application and the scale of the proposed addition.

MOTION: Board Member Beatlebrox moved to APPROVE the Material Deconstruction for portions of 445 Park Avenue (PL-22-05133), according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval, as amended:

Findings of Fact:

1. 445 Park Avenue is a Landmark Historic Structure on Park City's Historic Sites Inventory.
2. The home was originally constructed c. 1880 and is a 1.5-story Hall-Parlor style house.
3. In 1984, 445 Park Avenue was listed on the National Register of Historic Places as part of the Park City Mining Boom Era Residences Thematic District.
4. On January 4, 2022, the Applicant submitted a Historic District Design Review Pre-Application to discuss a potential addition to the Structure.
5. On January 3, 2023, the Applicant submitted a full Historic District Design Review application for a proposed addition.

Material Deconstruction:

6. The Applicant proposes the Material Deconstruction of a portion of the existing roof and the rear exterior wall to accommodate an addition to expand the living area of the home and provide an attached garage.
7. Additions to Historic Structures shall be considered only on non-character-defining facades, usually tertiary facades.
8. The Historic Preservation Board approved the Material Deconstruction to accommodate an addition and garage, accessed from the front of the property, subject to the Conditions of Approval below.

Conditions of Approval:

1. The Applicant is responsible for notifying the Planning Department and Building Department prior to proposing any changes to this approval.
2. The Applicant shall submit in writing any changes, modifications, or deviations from the approved scope of work for Planning review and approval/denial in accordance with the applicable standards prior to construction.
3. Where the Historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. Prior to removing and replacing Historic materials, the Applicant shall demonstrate to the Planning Director and Historic Preservation Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No Historic materials may be disposed of prior to advance approval by the Planning Director and Historic Preservation Planner.
4. The Applicant must obtain Historic District Design Review approval prior to the issuance of a Building Permit.
5. An Encroachment Agreement may be required prior to issuance of a Building Permit for work conducted five feet or less from a lot line or having the potential to encroach on another property.
6. A Soils Report completed by a geotechnical engineer as well as a temporary shoring plan, if applicable, will be required at the time of Building Permit application.
7. The new foundation shall not raise or lower the Landmark Historic Structure more than two feet from its original floor elevation.
8. The Historic Site shall be returned to original grade following the construction of a foundation. When the original grade cannot be achieved, generally no more than six inches (6") of the new foundation shall be visible above final grade on the primary and secondary facades.
9. The site shall be re-graded so that all water drains away from the Structure and does not enter the foundation.
10. A plinth, or trim board at the base of the Historic Structure, shall be added to visually anchor the Historic Structure to the new foundation.

11. The form, material, and detailing of a new foundation shall be similar to foundations of nearby structures.
12. Historic foundations shall not be concealed with masonry, block, plywood panels, corrugated metal, or wood shingles.
13. The Applicant shall complete a Historic Preservation Plan, subject to approval by the Chief Building Official and the Planning Director prior to the issuance of a Building Permit.
14. The Applicant shall provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan prior to the issuance of a Building Permit.
15. The Applicant shall submit a cribbing and excavation stabilization shoring plan reviewed and stamped by a State of Utah licensed and registered structural engineer prior to the issuance of a Building Permit. Cribbing or shoring must be of engineer-specified materials. Screw-type jacks for raising and lowering the building are not allowed as primary supports once the building is lifted.
16. Historic Structures which are lifted off the foundation must be returned to the completed foundation within 45 days of the date the building permit was issued.
17. The Planning Director may make a written determination to extend this period up to 30 additional days if, after consultation with the Historic Preservation Planner, Chief Building Official, and City Engineer, he/she/they determine that it is necessary. This would be based upon the need to immediately stabilize an existing Historic property, or specific site conditions such as access, or lack thereof, exist, or in an effort to reduce impacts on adjacent properties. The Applicant is responsible for notifying the Building Department if changes are made. If the cribbing and/or shoring plan(s) are to be altered at any time during the construction of the foundation by the contractor, the structural engineer shall submit a new cribbing and/or shoring plan for review. The structural engineer shall be required to re-inspect and approve the cribbing and/or shoring alterations within five days of any relocation or alteration to the cribbing and/or shoring.
18. The Applicant shall also request an inspection through the Building Department following the modification to the ribbing and/or shoring. Failure to request the inspection will be a violation of the Preservation

Plan and enforcement action through the Historic Preservation Financial Guarantee or ACE could take place.

19. The addition shall be undertaken in such a manner that if removed in the future the essential form and integrity of the Landmark Historic Structure could be restored.
20. The addition shall be visually subordinate to the Historic Structure when viewed from the primary public Right-of-Way.
21. In-line additions shall be avoided.
22. The Applicant shall re-use any salvageable removed original siding material to replace areas of damaged siding on the remainder of the Historic Structure.

Board Member Holmgren seconded the motion.

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

8. ADJOURN

MOTION: Board Member Hutchings moved to ADJOURN the Park City Historic Preservation Board Meeting. Board Member Holmgren seconded the motion.

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

The Historic Preservation Board Meeting adjourned at 6:03 p.m.

Approved by _____
Randy Scott, Chair
Historic Preservation Board

Planning Department Continuation Report



Subject: 317 Ontario Avenue – HDDR
Application: PL-22-05451
Author: Caitlyn Tubbs, Sr. Historic Preservation Planner
Date: June 7, 2023

Recommendation

Staff recommends the Historic Preservation Board (1) open a public hearing, and (2) continue the 317 Ontario Avenue Material Deconstruction request to a date uncertain to allow the Applicant to request required approvals from the Board of Adjustment.

Background

317 Ontario Avenue is in the Historic Residential – 1 Zoning District and contains a [Significant Historic Structure](#), a Single-Family Dwelling. The Applicant is seeking to remove historic material from the rear of the Historic Structure to facilitate the construction of an addition.

On November 11, 2022, the Applicant submitted an Historic District Design Review (HDDR) pre-application. The pre-application was reviewed by the Design Review Team (DRT) on November 30, 2022. The Applicant submitted a full Historic District Design Review application on March 28, 2023. The subject property is on a Steep Slope and a Steep Slope Conditional Use Permit is required prior to design approval. The Applicant submitted a Steep Slope Conditional Use Permit application on March 28, 2023. Additionally, the Applicant must request the Board of Adjustment consider a variance from the Historic Residential – 1 Zoning District minimum lot size.

Historic Preservation Board Staff Report



Subject: Temporary Winter Balcony Enclosures
Application: GI-22-00491
Author: Caitlyn Tubbs, Senior Planner
Date: June 7, 2023
Type of Item: Work Session with Public Input and Formal Recommendation

Recommendation

Evaluate the Temporary Winter Balcony Enclosure program that allows the temporary enclosure of non-historic balconies facing Main Street in the Historic Commercial Business (HCB) District and provide a formal recommendation for City Council's consideration.

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Summary

The City Council initiated a three-year pilot program to allow balcony enclosures on non-historic buildings on Main Street from November 15 through April 30 from 2013 through 2016. In October 2018 the City Council approved an extension of the pilot program for an additional five years through 2023. In December 2022 the City Council extended the pilot program by an additional year. The pilot program is now set to expire **on April 30, 2024**. However, the City Council found the 2022 informal work session feedback from the HPB and PC insufficient and therefore requested staff obtain a formal recommendation from the Historic Preservation Board and Planning Commission for the future of the pilot program for their consideration.

On March 7, 1979, Park City's Main Street was listed on the [National Register of Historic Places](#) and was expanded in 2018. The Historic Character of Park City is one of the core values of the [Park City General Plan](#) ("General Plan"). Goal 15 of the General Plan is to "[p]reserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations." Goal 16 of the General Plan is to "[m]aintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors."

The General Plan acknowledges that historic preservation requires consideration of local business needs to retain vibrancy. The General Plan Community Planning Strategy 16.4 is to "[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners."

The pilot program was suggested by a local business to increase seating capacity during the winter months and to allow temporary balcony enclosures to replace tents. Only one property has requested the Winter Balcony Enclosure, with details provided in the Analysis Section below. Since the Winter Balcony Enclosure pilot program was first introduced, staff has consistently voiced concerns, outlined in the Analysis Section

below. Staff continues to find that the enclosure of Main Street balconies, even temporarily, has a detrimental impact on the historic character of Main Street.

Background

The following table outlines the Temporary Winter Balcony Enclosure pilot program background:

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|--------------------|---|
| September 18, 2014 | <p>A community member proposed PCMC consider a Winter Balcony Enclosure program on Main Street to promote expanded winter use. The City Council supported scheduling the proposal for future discussion.</p> <p>(Minutes, p. 4)</p> |
| November 13, 2014 | <p>The City Council conducted a work session on Winter Balcony Enclosures. Staff expressed concerns:</p> <ul style="list-style-type: none">• Impact on the historic integrity of Main Street• International Building Code Requirements for fire safety and snow loads• Snow shed issues• Increased use of sewer and water• Increased parking demands• Increased strain on City resources and staff time for reviewing and monitoring the enclosures• Enclosures were prohibited in the Land Management Code and Design Guidelines for Historic Districts and Historic Sites and required amendments <p>Some Councilmembers agreed there would be impacts, but most were in support of exploring a pilot program.</p> <p>(Minutes)</p> |
| January 7, 2015 | <p>The Historic Preservation Board conducted a work session on Temporary Winter Balcony Enclosures. The staff report outlined the following concerns:</p> <ul style="list-style-type: none">• Even temporary enclosures of balconies change the historic character of Main Street• Enclosure substantially alters the architectural design of the building, the light and shade of the building design, and the rhythm and pattern of the streetscape• The enclosure of balconies substantially alters the visual character of the original building in shape, roof design, projections, recesses, and solid-to-void ratio• The balcony enclosures obscure and detract from historic details• Balconies not designed to meet the requirements of |

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| | <p>interior spaces and enclosures may require substantial structural changes and reconstruction</p> <p>The Board continued the discussion to March.</p> <p>(Staff Report, Minutes)</p> |
| March 4, 2015 | <p>The Historic Preservation Board provided input on potential amendments to the Land Management Code and Design Guidelines for Historic Districts to allow temporary enclosures on non-historic balconies in the Historic Commercial Business (HCB) Zoning District for balconies facing Main Street.</p> <p>(Staff Report, Minutes)</p> |
| June 25, 2015 | <p>The City Council conducted a work session on Temporary Winter Balcony Enclosures and provided direction to staff to move forward with a three-year pilot program for non-historic buildings on Main Street. Community members raised concerns about the energy required to heat temporary enclosures.</p> <p>(Staff Report, p. 22, Minutes)</p> |
| December 9, 2015 | <p>The Planning Commission voted 5-2 to forward a negative recommendation to City Council regarding amendments to the Land Management Code to accommodate Winter Balcony Enclosures. The Planning Commission expressed the following concerns:</p> <ul style="list-style-type: none"> • If the temporary enclosure was constructed as a permanent structure, why not consider a year-round enclosure • Balcony enclosures severely detract from the historic character and integrity of the Main Street Historic District, blocks views of neighboring historic structures, and changes the mass and scale of the historic commercial district in opposition to the General Plan and historic preservation goals • Balcony enclosures do not add to street vibrancy like summer dining decks • Balcony enclosures do not comply with Utah's adopted State Energy Code and will increase carbon footprint in opposition to the General Plan and City goals. <p>(Staff Report, Minutes)</p> |
| January 7, 2016 | <p>City Council launched a three-year pilot program for Temporary Winter Balcony Enclosures for non-historic</p> |

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| | <p>buildings facing Main Street to enclose their balconies from November 15 through April 30.</p> <p>(Staff Report, p. 105, Minutes)</p> |
| January 7, 2016 | <p>City Council enacted Ordinance No. 16-01, amending the Land Management Code to accommodate Temporary Winter Balcony Enclosures on non-historic buildings in the Historic Commercial Business Zoning District facing Main Street from November 15 through April 30.</p> <p>(Staff Report, p.83, Minutes)</p> |
| November 3, 2016 | <p>The City Council affirmed support of the three-year pilot program and approved a one-year agreement to allow the Riverhorse Balcony Enclosure over the public pedestrian right-of-way.</p> <p>(Staff Report, p. 98, Minutes)</p> |
| October 11, 2018 | <p>City Council extended the pilot program for another five years and approved a one-year agreement to allow the Riverhorse Balcony Enclosure over the public pedestrian right-of-way.</p> <p>(Staff Report, Minutes)</p> |
| November 7, 2019 | <p>As part of the consent agenda, the City Council approved an updated agreement for the Riverhorse Balcony Enclosure. The agreement terminated on April 30, 2020. The balcony enclosure was allowed to be installed from November 14, 2019, through May 4, 2020.</p> <p>(Staff Report, Minutes)</p> |
| September 7, 2022 | <p>The Historic Preservation Board held a work session to review the pilot program and give input. Staff reiterated concerns raised at prior meetings. The Historic Preservation Board expressed support for the continuation of the temporary enclosure of balconies on non-historic structures.</p> <p>(Staff Report, Minutes)</p> |
| October 12, 2022 | <p>The Planning Commission held a work session to review the pilot program and give input. The majority of the Planning Commission was not in support of continuing the program and those Commissioners who were in support desired stronger design guidelines and enforcement if the program continues.</p> <p>(Staff Report, Minutes)</p> |
| December 15, 2022 | <p>The City Council held a work session to review the pilot program and provide direction to staff for the future of the</p> |

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| | <p>program. The City Council requested staff obtain a formal recommendation from the Historic Preservation Board and Planning Commission for the future of the pilot program for their consideration. The City Council also extended the pilot program for an additional year; the program is available through April 30, 2024.</p> <p>(Staff Report, Minutes)</p> |
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Analysis

Preserving the Historic Character of Park City is one of the core values in the 2014 Park City General Plan (“General Plan”). Goal 15 of the General Plan is:

Preserve the integrity, mass, scale, compatibility, and historic fabric of the nationally and locally designated historic resources and districts for future generations.

Objective 15A – maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.

Objective 15B – Maintain character, context, and scale of local historic districts with compatible infill development and additions.

Community Planning Strategy 15.8 is to periodically review newly constructed infill projects for suitability and compatibility of infill development within the Historic Districts. "Identify issues that threaten the aesthetic experience of the districts and refine the Design Guidelines and/or LMC based on findings. The aesthetic experience should be measured from the pedestrian experience at the street frontage. In addition, the influence of site design and architecture should be analyzed in the review."

Goal 16 of the General Plan is:

Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors.

Objective 16E is to “[e]ncourage all infill, additions, and building alterations on Main Street to be compatible with existing Landmark and Significant Buildings.”

Community Planning Strategy 16.4 is to “[w]ork with Historic Park City Alliance (HPCA) and the Park City Historical Society to address the needs and concerns of local business owners.”

The LMC implements the goals and policies of the General Plan, including allowing development in a manner that encourages the preservation and integrity of the Historic

Districts in the unique urban scale of original Park City. The Temporary Winter Balcony Enclosure pilot program was initiated in the Historic Commercial Business District. The purposes of the Historic Commercial Business District include:

- Preserving the cultural heritage of the City's original Business, governmental, and residential center,
- Facilitating the continuation of the visual character, scale, and streetscape of the original Park City Historic District,
- Encouraging pedestrian-oriented, pedestrian-scale development,
- Minimizing the impacts of new development on parking constraints of Old Town,
- Minimizing the impacts of commercial uses and business activities, including parking, access, deliveries, service, mechanical equipment, and traffic in residential neighborhoods,
- Maintaining and enhancing the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public/resort-related attractions.

Land Management Code (LMC) [§15-2.6-3\(E\)](#) regulates balconies that project over the Main Street public pedestrian right-of-way in the Historic Commercial Business Zoning District. City Council must review any proposed balcony construction, enlargement, or modification that extends over the Main Street public pedestrian right-of-way. Prior to 2016, balcony enclosures were prohibited. However, on January 7, 2016, the City Council amended LMC [§15-2.6-3\(E\)](#) to initiate a pilot program to allow for Temporary Winter Balcony Enclosures on non-historic structures facing Main Street from November 15 through April 30. To date, only one property owner has installed a Balcony Enclosure: Riverhorse on Main at 540 Main Street. The pilot program is set to expire in 2024 and the Historic Preservation Board and Planning Commission are conducting work sessions to evaluate the program and provide a formal recommendation to the City Council.

The pilot program outlines the following:

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosure should retain existing balcony railings to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior wall of the building may not be removed seasonally to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those

- used for the glazing frames of the building.
7. Sunscreens are permitted and should only be used in times of extreme sun but should not be obtrusive.
 8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
 9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant's dining area.
 10. Temporary Winter Balcony Enclosures must address snow shedding.
 11. Any changes to the exterior façade of the building proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.
 12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
 13. No signage is allowed on any Temporary Winter Balcony Enclosures.
 14. Any new Temporary Winter Balcony Enclosures will require a building permit.
 15. Temporary Winter Balcony Enclosures will only be permitted from November 15th through April 30th.

When the pilot program was proposed, staff voiced concerns outlined in the attached staff reports and summarized below:

- Staff's professional opinion is that the enclosure of this space – even temporarily during the winter months – changes the historic character of the Main Street district as a whole.
- The enclosure of balcony spaces substantially alters the architectural design of the building, the light and shade of the building design, and the rhythm and pattern of the streetscape.
- The visual character of the original building (historic or non-historic) will be substantially altered due to changes in its overall shape, roof design, projections, recesses, and solid-to-void ratio.
- The enclosure of the balconies detracts from the historic "western" appearance of our Mining Era Main Street.
- The appearance of balconies over the sidewalks adds appeal and interest to the rhythm and patterning of the Main Street historic district; these enclosures change the massing of the structure and create the perception of the second floor extending beyond the plane of the façade and over the City right-of-way.
- By extending beyond the front plane of the façade, these seasonal balcony enclosures block the views of neighboring historic buildings when looking up or down Main Street.
- Park City's Main Street is characterized by in-line facades with limited breaks in their massing.
- Building over the balconies breaks the well-articulated street wall along the sidewalk and disrupts the continuity of the street wall.

On July 8, 2022, the Planning, Building, Engineering, Public Works, and Sustainability Departments met to evaluate and discuss the pilot program. Staff continues to voice the same concerns raised previously. The enclosure impacts the historic character of Park City's Historic Main Street, presents snow shedding issues, and increases water, sewage, and parking demands. Additionally, while the pilot program allows for temporary enclosure of balconies on non-historic buildings, the enclosure impacts adjacent Historic Structures, requiring attachment to and removal from historic material.

Since the LMC was amended to allow for the Winter Balcony Enclosure pilot program the Design Guidelines for Historic Commercial Infill Construction were adopted in 2019. The current guidelines outlined in LMC [§ 15-13-9](#) include the following for non-historic commercial structures in the Historic Districts and do not support Winter Balcony Enclosures:

- New infill commercial buildings shall differentiate from historic structures but shall be compatible with historic structures in materials, features, size, scale, proportion, and massing to protect the integrity of the Main Street Historic District as a whole. The massing of new infill commercial 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 site.
- Scale and height of new infill commercial buildings shall follow the predominant pattern and respect the architecture of the Streetscape or character area with special consideration given to Historic Sites.
- Size and mass of a structure shall be compatible with the size of the site so that site coverage, and building bulk and mass are compatible with Historic Sites within the Streetscape or character area.
- New construction activity shall not physically damage nearby Historic Sites.
- New infill commercial buildings shall reinforce visual unity within the context of the Historic District but also the context of the Streetscape or character area. The specific context of the 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 to reinforce existing rhythms and patterns.
- Structures shall be located on a site in a way that follows the predominant pattern of historic buildings along the street, maintaining traditional setbacks, orientation of entrances, and alignment along the street.
- All Streetscape or character area elements should work together to create a coherent visual identity and public space. The visual cohesiveness and historic character of a site shall be maintained using complementary materials.
- Historic height, width, and depth proportions are important in creating compatible infill and new design shall reflect the historic mass and scale of commercial buildings in the Historic District.
- The size and mass of a new infill commercial building, in relation to open spaces shall be visually compatible with adjacent historic buildings and historic structures

in the surrounding Historic District.

- New balconies shall be visually subordinate to the new building and shall be minimally visible from the primary public right-of-way.
- A new balcony shall be simple in design and compatible with the character of the Historic Districts. Simple wood and metal designs are appropriate for commercial structures. Heavy timber and plastics are inappropriate materials.
- An addition shall be visually subordinate to the existing building and shall be compatible with the scale of the historic buildings in the Streetscape or character area.
- Ratios of solid-to-void that are compatible with adjacent and neighboring historic buildings shall be used. Window openings shall be similar in location, size, and scale to those found on historic commercial buildings. Except for storefronts, large expanses of glazing are inappropriate.
- Windows shall be proportional to the scale and style of the building and shall be compatible with the historic commercial buildings in the Historic Districts. Window types and glazing patterns shall also be compatible with those seen on historic commercial structures.
- Upper story windows with vertical emphasis are encouraged. The general rule is the window height shall be twice the dimension of the width (commonly referred to as 2:1 ratio). Double-hung, vertically proportioned windows similar to those used historically are particularly encouraged. Windows with traditional depth and trim are preferred.
- New glazing shall match the appearance of historic glazing and/or shall be clear. Metallic, frosted, tinted, stained, textured and reflective finishes are generally inappropriate for glazing on the primary façade.

Amendments to the Design Guidelines for Historic Commercial Infill Construction would be required to continue the pilot program.

Since the pilot program was initiated in 2016, only one property has installed a Temporary Winter Balcony Enclosure: the Riverhorse on Main at 540 Main Street. The Entrance to the Riverhorse on Main is through 540 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). Riverhorse on Main then extends along the upper level of 530 Main Street to the south, which is not a Historic Structure. The Winter Balcony Enclosure extends from this portion of the restaurant. The adjacent property to the south is the Park City Museum at 528 Main Street, a Landmark Historic Structure ([Historic Site Form](#)). As a result, although the balcony for Riverhorse on Main is not on a building designated as a Historic Structure, the enclosure requires a connection to two Landmark Historic Structures.

At their September 7, 2022 meeting the Historic Preservation Board voiced their support of continuing the program but only for temporary enclosures. The HPB was not in support of expanding the pilot program to allow for year-round permanent enclosures. The Board did not express any concerns about the program but indicated they were interested in reviewing the designs of proposed balcony enclosures before their construction.

During a work session held on October 12, 2022, the Planning Commission expressed an interest in examining the historic materials abutting the Riverhorse on Main balcony enclosure to determine how the attachment of the enclosure has impacted the historic materials. Staff has corresponded with the owner of Riverhorse on Main to coordinate the removal of the temporary enclosure. Upon the enclosure's removal Staff will conduct an inspection and examine the abutting historic materials and report back to the Historic Preservation Board and Planning Commission.

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Public Input

Staff has discussed the Temporary Winter Balcony Enclosure pilot program with the owner of Riverhorse on Main and with the Historic Park City Alliance (HPCA). The owner and the HPCA voiced their support for the continuation of the program and encouraged its expansion to allow for a permanent, year-round enclosure.

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HISTORIC PRESERVATION BOARD INTERVIEWS

Historic Preservation Board Interviews

CLOSED SESSION

To discuss Property and Personnel

WORK SESSION

Council Questions and Comments and Manager's Report: Construction Update, Rain Barrel Update, Bonanza Park-Form Based Code Update

Council member Peek attended Planning Commission last night. Attended the What's Next Park City at the Police Station, which was great; heard some good comments from the public.

Council member Matsumoto is interested to hear what was said at What's Next Park City as she had to miss due to a family matter; is looking forward to attending the next What's Next discussion which will be this Saturday at 9:00 at the Police Station. She did a walk-through Sunday with the Silly Market advisory group and reports there was great attendance and that they followed the guidelines of jewelry and snacks.

Council member Henney states he is hearing a lot of discussion framed around our What's Next Park City forum discussions, which he is happy to hear. There were 12 people at his forum on Tuesday. Feels we should look to impact other groups/associations as a future goal for these discussions.

Council member Beerman attended ULCT's legislative policy meeting Monday where they gave an update on what's coming in the next legislative session. Attended the CoSac meeting Tuesday morning. Reports Mountain Accord talks continue; they have reached the point where they're finalizing wording and will be having a final vote on July 13. Reports the growth discussions were great and he had about 30 people at his discussion at the library. He suggests we frame questions as choices for the public in the future to better shape future discussions. States he received an invite to go to Washington for a discussion on Mountain Accord and will miss the July 9th Council meeting. Council members voted to send him to DC to attend the Mountain Accord discussion.

Council member Simpson attended the legislative policy meeting with Dias and Beerman, where the highlight of the day was Speaker Hughes' talk. Library growth meeting, there was a request for a grocery store on Main Street.

Mayor Jack Thomas attended the Snyderville Basin Sewer District meeting where they discussed the transportation sales tax issue and all the Summit County mayors weighed in. Attended the What's Next discussion and thanks Rhoda Stauffer, Sustainability, for talking excellent notes.

Jason Christensen, Water, and Nick Scow, Utah Rivers Council, updated Council on the rain barrel program. Council member Simpson says she feels this is an excellent program and asked Scow how many barrels they

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have sold. Scow says their first program on May 9 in Murray and SLC County sold out in a matter of hours. A total of over 1000 subsidized barrels sold in four hours. Council member Henney asked if the barrel tops are sealed. Scow states the lid is concave with a mosquito-proof screen. Henney asks if Scow intends to talk with the Summit County Mosquito Abatement district, to which Scow says they plan to in order to ensure all the proper information is distributed. Scow states they have also included a link on their pre-order website to educate people. Scow says they're having trouble keeping up with demand. Council member Matsumoto asks if the barrels hook to the rain gutters. Scow says they are designed for the standard rain gutter downspout. Council member Beerman asks how Scow recommends the collected water be used. Scow says the barrels come with instructions that clearly state the water is for use outdoor use only. Council member Matsumoto asked if the water is OK if it comes off a cedar roof, to which Scow states that those type of shingles are OK and the water is also OK to use on gardens. Council member Henney asks if they have considered using the barrels at municipal facilities. Christensen says they will look in to that.

Transportation Planning Update and Presentation by UDOT Signal Engineer

Alfred Knotts, Transportation Planning Manager, updated Council on transportation planning and related planning studies under development. He discussed transportation's current focuses in context to the 2011 Park City Transportation and Traffic Master Plan by explaining the different agencies and layers of government who impact transportation decisions and issues. The 2011 Master Plan provides the guidance on transportation related policies, projects, and programs outlined in the three "themes" within the plan. Knotts further provided an overview of the transportation decision making process that places an emphasis on policy, infrastructure, and constituents. Within the "infrastructure" component, Knotts clarifies ITS refers to Intelligent Transportation Systems and provided examples of changeable message signs, traffic cameras, and adaptive signal timing. He states the last update was done in 2011. To address our existing and future transportation related issues, staff is undertaking the development of a Short Range Transit Development Plan which will look to improve efficiencies and routes to increase ridership, evaluate existing services, and provide prioritized recommendations with 1-7 years for future service. RFP has closed and the contract will be awarded next month with a completion date of January 2016. The plan is being managed by Public Works. Knotts discusses the Transportation Demand Management Plan objectives which include: conducting origin and destination study, identifying who is using the system and who can we get to use the system better, engaging the public in solutions, developing strategies and implementing TDM measures to make more effective use of the existing system. Contract for this study was awarded this past May and is scheduled to be completed in January 2016.

Regarding the Parking Siting and Transportation Plan for Bonanza Park and Lower Park Avenue, the study will look to provide non-automotive transportation links and will explore various transit modes to determine the most attractive and effective mode to serve city needs short and long term. Contract was awarded April 2015 and is scheduled for completion in December 2015.

Regarding the SR-248 corridor plan, objectives will be to update 2009 assumptions and future projections, identify preferred alternatives, develop comprehensive long-term solution, provide priority to transit/HOV's and utilization for Richardson Flat Park and Ride, and to meet 2019 construction schedule STIP programming. Contract for the study was awarded to Fehr and Peers March 2015 with a completion date of August 2015.

Regarding other efforts, they are analyzing weather responsive refinement solutions; intelligent transportation systems such as Sydney Coordinated Adaptive Traffic Signal (SCATS), automated traffic counters, traffic cameras, etc; ongoing monitoring for Main Street circulation; working with transportation management associations, both public and private; transit improvements and services such as SLC/PC connect and Kimball Transit Facility.

Council member Simpson asked about the status of the Kimball facility. Knotts states they are still on schedule for completion of spring 2016. Council member Simpson states the U of U is working on including Park City as a destination with their employee/student package for the SLC/PC connect, to which Knotts states he will look in to. Council member Beerman asks if they settled on a final location for the Kimball Transit

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Facility, to which Knotts reports it's still going in behind the Richins Building. Mayor Thomas asked if the presentation could be posted on the website; Knotts said he would post.

Jamie Mackey, P.E., UDOT Statewide Signal Engineer, gave a presentation on the SCATS system. McKay explained their traffic operations center in Salt Lake and all the data that is handled and processed there. She spoke to different types of traffic signals detection and traffic signal timing mechanisms. She also explained the SCATS system, stating Park City's SCAT system operates differently than anywhere else because of the city's unpredictable traffic patterns.

Main Street Balcony Enclosure Program Proposal

Anya Grahn, Planning, and Kurt Simister, Building, spoke to the winter balcony enclosures on Main Street that would run from Nov 1st to April 30th. Grahn states only three building on Main Street currently qualify to have balconies, and in general we are likely to see balconies only on non-historic buildings. Grahn discussed design guidelines issues such as enclosures distracting from the historic western appearance, accelerating breakdown of the buildings due to enclosures being put up and down, break-up of existing street walls, glare from the sun, etc. Council member Henney asked about transparency concerns of the tents and canvases. Council member Beerman asked about the recommendation from the Historic Preservation Board on the issue. Grahn states the only concern from HPB was damage to historic buildings; they are supportive of allowing them on new buildings only. Council member Simpson asked Mark Harrington about making changes to the Land Management Code regarding the dining decks. Harrington explains the LMC will have to be amended regardless, but implementation changes can be drafted according to Council's desires. Council member Henney asked Grahn if the balconies would compromise the structural integrity of older buildings. Grahn states older buildings may not meet structural codes and could therefore be damaged; she further stated the goal of the restriction is to protect those buildings that are not up to code.

Mayor Thomas opened the public hearing.

Cheryl Watson states she is in favor of the balconies.

Ruth Meitsma (sic) states the Building department originally said there would be a negative environmental impact by the balconies but there was no discussion about it, so she researched the topic and found the energy usage for these structures is massive, hard to control and can upset energy efficiency. She states the heat loss is high for these semi-permanent structures. She referenced a recent study that listed Park City as one of the worst-polluting mountain towns and says she is concerned that we have a long way to go in reducing greenhouse gas emissions and our carbon footprint. She feels these balconies move us in the wrong direction in our aim for the Georgetown Prize. Lastly, she stated concern that if these balconies are allowed on Main Street will they eventually be allowed in town as well.

Michael, Fryuegel (sic) states the power needed to keep the tents heated is very high and probably very costly, but feels what the River Horse is trying to do is a great use of the patio to accommodate winter visitors. States Seth Adam is taking measures to make the structure as aesthetically pleasing as possible and he is in favor of having the balconies.

Becca Gerber, speaking for the HPCA, is in support of the balconies, especially since it only impacts three buildings.

Mike Sweeney states he supports this trial concept to see if it will work. Regarding greenhouse emissions, he feels we can make it work as the city of Toronto, which is farther north than Park City, has many of these features and reports success with them. Regarding attachment to historic buildings, Sweeney says the technology is there to construct these features without causing damage. Feels the three-year trial period is a sufficient amount of time and that this program will give us another tool to help businesses on Main Street be successful.

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Mayor Thomas closed the public hearing.

Council member Peek agrees with Staff's concerns and wants to be clear that these balconies are not appropriate for historic structures; also, he doesn't believe the enclosures can meet heating requirements. Council member Matsumoto asks Seth Adams of River Horse if all the factors under the international building codes have been worked out. Adams states he feels they can meet all the requirements. Council member Matsumoto is comfortable going forward with the pilot program if all requirements are met but not on historic buildings. Simister states a plan has not yet been submitted by River Horse for them to analyze to see if all the requirements have been met. Council member Henney asks Adams if they have done any analyses on heating the tents. Adams says they have not. Simister states the tents would have to be studied to see what is required and that it all depends on duration of use. Henney pointed out that commercial property energy usage does not count towards the Georgetown Energy Prize. Council member Beerman agrees with the HPB in that these should not be on historic buildings but is OK with them being on newer buildings. Regarding energy usage, these structures are minor users compared to other buildings on Main Street and that if this is done right it can be a successful advantage for businesses. Feels we don't need to charge businesses fees for use of private balconies over the right of way.

Council member Simpson agrees these structures don't belong on historic buildings but we should try the three-year pilot program.

Mayor Thomas states the River Horse rendering obscures the view of the adjacent buildings and asks if it can be built without the obstruction, to which Adams states they will make them with as less an impact as possible. Mayor Thomas feels these structures impact the visual impact, diminish the historic value of Main Street and surrounding buildings. Feels glass and tents do not hold energy, are absurd to heat and that these balconies are totally inconsistent with our goals of being environmentally conservative. Thomas asks if Council is supportive of narrowing the facade so as not to obstruct the street view. Council member Simpson states the renderings are not necessarily accurate and she is not concerned about it. Council member Peek supports the narrowing. Council members Matsumoto and Henney agree with Simpson and are OK with the facade the way it is. Council member Beerman states the mayor's suggestions are valid and asks Adams to take them into consideration for their final design.

Victim Advocacy Program Update

Malena Stevens came before Council to update them on the Victim Advocacy Program since it is the end of the fiscal year and as a requirement stipulated in their Victims of Crime Act grant. Stevens spoke to her Staff report, in which she included specific numbers of how many incidents they had and how many victims they served. The report also includes services provided such as filing protective orders and going with victims to court. Stevens states the program is still seeking Spanish-speaking translators. She has looked to other agencies and reports they have the same problem retaining Spanish-speaking help. Council member Simpson asked why all assault victims were not serviced. Stevens explained the reasons are varied such as not having appropriate contact information or victims refusing help. Council member Matsumoto asked if the program coordinates with other agencies, such as the Peace House, to share resources so that services are not duplicated. Stevens says they do work closely with Peace House to make sure there is no duplication.

REGULAR MEETING

- I. **ROLL CALL** – Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6:20 p.m. at the Marsac Municipal Building on Thursday, June 25, 2015. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Karen Anderson, Deputy City Recorder; Hugh Daniels, Emergency Manager; Blake Fonnesbeck, Public Works Manager; Darren Davis, Transit; Francisco

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Astorga, Senior Planning Advisor; Christy Alexander and Kristen Whetstone, Planning.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Mayor Jack Thomas will recuse himself from the Stein Erickson residences discussion due to business relationships. Council member Peek will take over as mayor pro-tem for that discussion.

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

No comments were heard.

IV. CONSIDERATION OF MINUTES

Consideration of Minutes for the June 4, 2015 City Council Meeting.

Council member Simpson had a correction to packet page 96, page 5 of minutes: Council was unanimous in a no for NEPA and majority in favor of an economic study.

Council member Beerman had a correction in the same paragraph where it states, "Council member Beerman suggests a NEPA study would be beneficial." He was actually referring to the Economic and community impact study. He asks that it read, "Council member Beerman suggests that a high-level study considering the economic and community impacts of a connection could offer us useful data and informed future decision makers."

Council member Peek had a correction to page 99. Council member Henney recused himself so the voting was 4-0; Henney recused.

**Council member Simpson moved to approve the minutes
from June 4, 2015 with noted corrections
Council member Peek seconded
Approved unanimously**

V. CONSENT AGENDA

1. Consideration Authorizing the City Manager to Sign the Service Provider/Professional Services Agreement in a Form Approved by the City Attorney with Nelson Nygaard for Consulting Services to Develop a Parking Strategic Management Plan in an amount Not to Exceed \$141,715.

2. Consider Authorizing the City Manager to Enter into an Agreement with Avail Technologies in the Amount of \$587,325 to Provide Ongoing Maintenance and Support for the Transit Department's Intelligent Transportation System (ITS) for the Next Three Years and Implement Necessary Functionality Upgrades (Including Digital Real-Time Signs at Bus Shelters) to Hardware and Software Systems.

Council member Simpson asked for clarification from Blake Fannesbeck and Darren Davis, public works, regarding the interior touch displays that are a part of the Avail Technologies intelligent transport system. Davis states the displays are similar to iPads in how they work and give real-time information for passengers regarding bus routes, etc.

3. Consideration Authorizing the City Manager to Proceed with Phase I of the 1450-1460 Park Avenue Affordable Housing Project and Execute a Special Service Contract for Phase I in a Form Approved by the City Attorney's Office with Caddis PC in an Amount Not to Exceed Eighteen Thousand Dollars (\$18,000).

4. Council Consideration to Authorize the City Manager to Enter into a Service Provider Agreement with the Vitcus Advisors LLC, for Conceptual Designs and Cost Estimates on a

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Potential Expansion to the Park City Ice Arena in an Amount, Not to Exceed Thirty Thousand Dollars (\$30,000), in a Form Approved by the City Attorney.

5. Consideration Authorizing the City Manager to Enter into a Construction Contract in the Amount of \$102,302 with North Ridge Construction for the Installation of Shade Structures at Creekside Park and Park City Sports Complex (PCSC) in a Form Approved by the City Attorney.

**Council member Beerman moved to approve the consent agenda
Council member Simpson seconded
Approved unanimously**

VI. OLD BUSINESS

1. Consideration of the 205 Main Street Plat Condominium Record of Survey Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney.

Francisco Astorga, senior planning advisor, along with Jack Johnson, engineer, and Todd Cusack, representative from the LLC that owns the property, spoke to the current status of 205 Main Street. Astorga states this item was reviewed by Council May 28th where a motion was made to continue to a date uncertain in order to clarify the egress door on the north side of the property. This is a six-unit residential condominium project with a parking garage on the level adjacent to Main Street. Astorga reports they received clarification from the applicant regarding the egress door and it has been removed from the plat as it was a drafting error. Astorga reports the applicant would like to pursue access around the rear of the property in the future, but there is no request for this currently; therefore, no action will be taken at this time. Astorga states this does not need to be shown on the plat. They re-noticed the property and sent letters to property owners within 300 feet, and emails to those who made public comment on May 28th letting them know about tonight's public hearing.

Johnson states they're just trying to get this plat approved since it was originally approved in 2012; he clarifies neither he nor Cusack were involved back then and at this point they're just trying to get the condos finished.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas states they did receive some letters on the subject. Astorga states letters from Eric Nelsen were received but not in time to include in the packet. Council member Simpson clarifies they shouldn't consider anything that came after publication of the meeting packet.

Mayor Thomas closed the public hearing.

Mark Harrington spoke to background information from the Planning Commission, saying they initiated some ordinance changes and that it would be helpful for Council to read the original staff report from the original planning meeting as it clarifies vertical zoning use intent. He explains intent was aimed at stopping non-vibrant uses on Main Street and not necessarily to create a mandatory element of storefronts on every building. Harrington further explains there can be disagreement with the planning director's original decision, but that doesn't make it illegal, invalid or catastrophic. Council member Simpson states this is important to remember since it has been implied that mistakes were made on approval of this property, but that's not the case.

Council member Beerman states there is disappointment with how this turned out but that we should move forward with approving this decision, stating it reminds him of the saying "what do you do with something that meets the guidelines but that doesn't meet with people's approval."

**Council member Simpson moved to approve consideration of the 205 Main Street Plat
Condominium Record of survey pursuant to findings of fact, conclusions of law and
conditions of approval in a form approved by the city attorney
Council member Peek seconded
Approved unanimously**

VII. NEW BUSINESS

1. 2015 Wildfire Season and Possible Ordinance Prohibiting Open Fires and Restricting the Use of Fireworks

Hugh Daniels and Kurt Simister, deputy fire marshal, spoke to the wildfire season and possibility of adopting a fire restriction ordinance. Daniels states since last week they haven't seen much change in the weather, but that fuels have continued to dry with the heat. He states forecasts show the high will continue through the next week, no storms are predicted and temperatures look to be higher than normal. Daniels states he and his team are required to make an educated guess and evaluate conditions, and they unanimously find current conditions to be hazardous; however, there is some disagreement as to the level of risk to Park City this year. Staff feels risks are high enough to move forward with a restriction, but Chief Hewitt does not. Chief Carpenter feels we should not take an unnecessary risk in allowing fireworks. Simister states the best time to do tests are during the heat of the day, between 3 - 6 pm, and that his tests show rapid burning and feels it's time to do a ban. Daniels says Staff recommends Council pass the ordinance.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council member Simpson feels if there are hazardous conditions, we should do all we can to prevent risks. Council member Henney agrees with Simpson and that we should take steps to protect the built environment. Council member Matsumoto agrees that fuels have continued to dry out over the past week and that it is unsettling to know fires could be started. Mayor Thomas states the consequences of fire would be devastating despite the likelihood and we should take steps to prevent them.

**Council member Matsumoto moved to approve a possible ordinance
prohibiting open fires and restricting the use of fireworks as
amended with the effective date of June 25th, 2015
Council member Simpson seconded
Approved unanimously**

2. Consideration of a Lease Agreement on City Property for Outdoor Dining by Fletcher's Restaurant Located at 562 Main Street.

Francisco Astorga and Steve Demirist, owner of Fletcher's, spoke to the outdoor dining conditional use permit for public property on 562 Main Street. Astorga states the area is 231 square feet towards the rear of the property. He mentions there is sufficient space for the bike rack and walkway which Sustainability wishes to implement. After studying comparables, the recommended rent came in at \$45 per square foot, \$866/mo. This lease would be a successive rent schedule due to Main Street improvements and other impacts. So this year the City would only charge 60% of the total annual rent, the next year 70%, and so on.

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Demirist states this would be an alternative to a dining deck and can fit six tables in the back area of his restaurant. He explains this move for him would not be a great financial gain, but is more of a move to draw attention to Swede Alley.

Mayor Thomas opened the public hearing. Mike Sweeney states he doesn't understand the proposed price per square foot based on what he and others charge for open space. Feels more analysis should be done to compare apples to apples and not apples to oranges.

Council member Beerman agrees with Sweeney and feels the numbers are high for outside space. He explains these base numbers are high in that figures are usually based on a year-round schedule that includes busy periods such as Sundance. Council member Matsumoto is in favor of having the tables and agrees the \$45 per square foot price is high, is in favor of looking at a lower base price. She doesn't feel this space is comparable to dining decks and doesn't agree with a graduated fee schedule. She also states she doesn't know how there would be enough room for bike racks, tables and a walkway. Council member Henney says the dining deck number in the packet provides a good baseline figure, and with an amortized capital improvement amount factored in, reflecting the improvement by the city on Fletcher's behalf, that would be a solid figure to use. Council member Peek agrees with Henney's capital improvement assessment; he also questions the stairway he sees in the picture that goes to the adjacent building that looks to be blocking the Swede Alley right of way. Council member Simpson states the dining decks are required to serve lunch seven days a week, which is not what Fletcher's has in mind, and therefore she feels this situation is not comparable to dining decks. She feels a fair price is more along the lines of \$30 per square foot and that Council should come up with a fairer amount. Council member Henney feels there are similarities to the dining deck argument here in that it provides vibrancy and is not sure how Council would arrive at a fair price but that we need a simple fix.

Astorga states his guesstimate is \$1700 per season based on a 10-year life span for dining decks. Mayor Thomas suggests a price of around \$25 to \$30 per square foot. Council member Beerman suggests \$30, to which Council member Matsumoto agrees. Council member Peek agrees with that price and suggests Staff review it after 12 months. Demirist asks that the required numbers on the insurance be adjusted from \$2 million per occurrence and \$3 million per aggregate to \$1 million per incident and \$2 aggregate, to which Astorga says Staff is OK with lowering.

**Council member Simpson moved to approve consideration of a lease agreement on city property for outdoor dining by Fletcher's Restaurant located at 562 Main Street with direction to Staff to set the rental rate similar to the dining decks of \$1235 per season adding \$1000 towards capital cost, determining a square footage price, lowering the insurance requirements as agreed upon by Staff, and having Staff review at the end of 12 months
Council member Henney seconded
Approved unanimously**

3. Consideration of the Stein Eriksen Residences Condominium Plat Amending North Silver Lake Condominium Plat Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney.

Mayor Thomas recused himself due to architectural involvement. Council member Peek acted as mayor pro-tem.

Francisco Astorga and Tom Bennett, property owner representative, spoke to the plat, saying it replaces the North Silver Lake condominium plat which was approved May, 2014. Astorga states this is in response to market trends and buyer requests as well as specific configuration of units.

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The original MPD didn't specify maximum number of unit equivalents or maximum square footages. Staff finds that everything is in line in keeping with the original intent as far as the number of units staying at 54 as well as the massings and heights.

Council member Simpson asks Bennett if he contacted both appellants to receive confirmation that there are no issues. Bennett states yes he did and Astorga verifies there are no outstanding issues. Council member Beerman asks for clarification that they are asking to exchange one single family unit for a duplex, to which Astorga says yes. Council member Matsumoto states if Bennett has contacted the appellants and Astorga verifies there are no issues, then she is comfortable with the changes.

Mayor pro-tem Peek opened the public hearing. No comments were made. Mayor pro-tem Peek closed the public hearing.

**Council member Simpson moved to approve consideration of the Stein Eriksen Residences Condominium Plat amending North Silver Lake Condominium Plat pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the city attorney
Council member Matsumoto seconded
Approved unanimously**

4. LMC Amendments Chapter 6 Master Planned Developments

Kristen Whetstone, planning, spoke to the land management code amendments to chapter 6 of the Land Management Code to allow MPD process to be used for development proposals in the BoPA area. Whetstone states the proposed amendments allow projects with less than 20,000 square feet to utilize the MPD process in the GC and LI zones. The existing code requires the MPD process in GC and LI for projects with 10 or more lots or 10 UE (20,000 square feet) or more, but does not allow the MPD process for smaller projects. This would also allow better overall design and would provide for affordable housing. She states the Planning Commission suggested bringing back questions of whether this should be allowed in other zones or whether there are other types of uses to be required at another time when they look over the entire chapter, but that they forwarded a positive recommendation to Council. Council member Simpson asks why we're not allowing the process in the HRL, HR1, HR2, HRC and HCV. Whetstone states there were concerns about flexibility on height requirements in a historic zone. Harrington explained the height flexibility came in to play originally in working with large developments with shared parking in order to help save historic structures, and that overall it's an enabling statute for better planning on large developments.

Mayor Thomas opened the public hearing.

Hank Lewis states he agrees with Whetstone and the Planning Commission, asking why shouldn't we allow smaller MPDs in smaller zones to allow for a better outcome? Mayor Thomas closed the public hearing.

Brian Markedon states he is in approval of this approach, but it feels like an abandonment of the form based code, which he was in favor of but has seen it lose steam since Thomas Eddington left the Planning Department. Markedon hopes it can be revived since he felt it was a progressive, prescriptive opportunity that is being replaced with a cumbersome approval process.

Mayor Thomas closed the public hearing.

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**Council member Simpson moved to approve LMC amendments to
Chapter 6 master planned developments
Council member Beerman seconded
Approved unanimously**

5. Consider Holding a Public Hearing Regarding Various Land Management Code Amendment Updates and Continuing to July 16, 2015.

Public hearing – continued to July 16th, 2015

**Council member Beerman moved to continue to July 16th consideration to hold
a public hearing regarding various LMC amendment updates
Council member Simpson seconded
Approved unanimously**

6. Consideration of an Ordinance Approving Amendments to the Land Management Code Revising Chapter 2.24: Transfer of Development Rights (TDRs)

Mayor Thomas opened the public hearing.

Mike Sweeney spoke to his concerns regarding the density in the Bonanza Park area. He says with the amount of density there already, it can't be built out and we might want to move some of the density to another location.

Mayor Thomas closed the public hearing.

**Council member Peek moved to approve consideration of an ordinance
approving amendments to the land management code revising
chapter 2.24: transfer of development rights to a date uncertain
Council member Simpson seconded
Approved unanimously**

VIII. Recreation Advisory Board Interviews

IX. ADJOURNMENT

**Council member Simpson moved to adjourn
Council member Beerman seconded
Approved unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 3:00 pm. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager, Anya Grahn, Hannah Turpin, Kayla Sintz and Heinrich Dieters. **Council member Peek moved to close the meeting to discuss Property and Personnel. Council member Henney seconded. Motion carried.**

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

Prepared by Karen Anderson, Deputy City Recorder

Historic Preservation Board Staff Report



Subject: Paint and Stain Opacity Discussion
Application: GI-22-00492
Author: Caitlyn Tubbs, Senior Planner
Date: June 7, 2023
Type of Item: Work Session

Acronyms

| | |
|------|-------------------------------------|
| HDDG | Historic District Design Guidelines |
| HDDR | Historic District Design Review |
| HPB | Historic Preservation Board |
| LMC | Land Management Code |
| PCMC | Park City Municipal Corporation |

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § [15-15-1](#).

Background

The purpose of the [Design Guidelines for Historic Districts and Historic Sites](#) (Historic District Design Guidelines, or HDDG) is to provide guidance in determining the suitability and architectural compatibility of proposed projects while also allowing for reasonable changes to individual Structures to meet the occupants' current needs¹. The HDDG advise applicants and the Planning Staff on appropriate elements to use on Historic Structures and within the Historic Districts including, but not limited to, windows, doors, siding materials, etc.

The HDDG repeatedly state “[m]aterials, such as wood, that were traditionally painted shall have an opaque rather than transparent finish.”² Staff requests feedback from the HPB to help determine the necessary level of opacity to satisfy the HDDG. Property owners and applicant representatives have proposed numerous materials to be used as siding in the Historic Districts and additional clarification of the requirement would be helpful.

Analysis

Historic residential Structures in Park City were traditionally constructed of wooden materials and primary Structures were typically painted. Accessory Structures, such as garages or sheds, were traditionally left unpainted. In recent years Staff has received feedback from members of the public stating the HDDG need to be more specific regarding the appropriate opacity for wooden siding. Following this feedback from the public, the Planning Team requested a technical memorandum (Exhibit A) from the City's Historic Preservation Consultant, SWCA, to further detail the historic context of painted siding materials and provide insight into the opacity requirement.

¹ LMC [§15-13-1](#)

² LMC [§15-13-6\(A\)\(3-4\)](#), LMC [§15-13-8\(B\)\(5\)\(b-d\)](#), LMC [§15-13-9\(B\)\(5\)\(b-c\)](#)

In the included technical memorandum, SWCA outlined the development of paint and varnish, from the initial 1867 patent held by the Averill Chemical Company to the widespread availability of ready-mix paint by 1905, and their prevalence in Old Town Park City. Several articles and advertisements in the *Park Record* proclaimed the benefits of paint which included aesthetic and fireproofing benefits in the late 1800s. As noted in SWCA's memorandum all the paint advertised for exterior use was fully opaque and varnishes (with a translucent finish) were advertised for interior use.

LMC [§ 15-13-8\(B\)\(5\)](#) reads “[o]riginal materials such as brick and stone that was historically left unpainted shall not be painted. Materials, such as wood, that are traditionally painted shall have an opaque rather than transparent finish.” This section continues “[r]ustic, unfinished wood siding is generally not appropriate on houses, but may be appropriate on accessory structures or additions to non-historic buildings. A transparent or translucent weather-protective finish shall be applied to wood surfaces that were not historically painted.”

“Opacity” is not a defined term in LMC [§ 15-15-1](#). LMC [§ 15-15-1](#) states words not defined shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition. Opacity is defined as “*Opacity is used to describe how much light can pass through an object ranging from transparent through translucent to opaque. A substance that is translucent lets some light pass through making it partially see-through while an object or substance that is transparent lets a lot of light through, giving the appearance of it being totally see-through. The term opaque originated from the Latin, meaning ‘dark’ meaning ‘not transparent’ and opaque substance does not let any light pass through at all.*” Under this definition the Planning Team has utilized a general rule that the opacity of the paint must obscure the color differences in the natural wooden grain. The texture of the wood may still show through but the color changes of the grain should be fully obscured. Examples of opaque and non-opaque wood finishes are provided below:



Figure 1: Examples of opaque paints/stains



Figure 2: Examples of non-opaque paints/stains

Questions for the Historic Preservation Board

- Is the current implementation of the existing guideline which requires masking the color differences between the wood and the wood grain appropriate? The Town of Breckenridge, Colorado also only allows wooden materials to retain their natural appearance on accessory structures ([Handbook of Design Standards](#),

page 78). Telluride, Colorado also requires wooden structures to be painted but the [guidelines](#) are silent with regard to opacity. The Secretary of the Interior's Standards for the Treatment of Historic Properties (page 19) details the need to maintain painted surfaces and lists pigments used historically to "conceal" the material beneath the paint.

- If not, would the HPB be interested in adopting a minimum percentage opacity (e.g. 75% minimum) in the HDDGs?
- Are there circumstances in which the HPB would be supportive of allowing a semi-translucent or non-opaque exterior finish beyond the current allowance for accessory structures, garages, and sheds?

Department Review

The Planning Department and City Attorney's Office reviewed this report.

Exhibit

Exhibit A: SWCA Technical Memorandum on Paint and Stain Opacity

Exhibit B: July 25, 2022 Email from Applicant



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TECHNICAL MEMORANDUM

To: Gretchen Milliken, Planning Director
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

From: Christina Olson, Lead Architectural Historian, SWCA Environmental Consultants
Trevor Mark, Assistant Staff Architectural Historian, SWCA Environmental Consultants

Date: November 22, 2022

Re: **Park City Design Review Team – Paint and Stain Design Code / SWCA Project
No. 00026949-005-SLC**

OVERVIEW

Historic preservation is a core value outlined in the Park City General Plan. Park City’s historic character is defined by “more than 400 historic sites, including two National Register Historic Districts” (Park City Planning Department 2022). The Main Street Historic District was listed in the National Register of Historic Places in 1979; the Mining Boom Era Residences Thematic District, which comprises historically significant residential structures built during the mining boom period of 1872 to 1929, was listed in 1984 (Park City Planning Department 2022).

Park City has pursued protection of historic resources through local designation on their Historic Site Inventory and through Historic District Design Guidelines (design guidelines), initially adopted in 1983. In 2009, Park City completed a total update of the regulating documents for the historic districts, including an updated Historic Site Inventory, new design guidelines, and amendments to the land management code (LMC); the design guidelines were updated again and incorporated into the LMC in 2019 (Park City Planning Department 2022).

Recently, the Park City Design Review Team (DRT) has been confronted by applicants with questions regarding the use of natural and reclaimed wood siding on new infill in the historic districts. Several infill buildings within both historic districts have been sided with natural and reclaimed wood despite guidance in the LMC against the use of such siding. To address the apparent inconsistencies in the use of natural and reclaimed wood siding within the historic districts, the DRT asked SWCA Environmental Consultants to draft a memorandum outlining best practices as appropriate to the design guidelines and LMC.

HISTORIC CONTEXT

The first patent for ready-mixed paint was issued in 1867 to the Averill Chemical Company (Moss 1981:11). Prior to this, paint production involved multiple ingredients mixed separately in specific custom batches and required a chemist or trained artisan. As ready mixed paint became more stable and transportation times lessened with more railroads, easier-to-use paint could be acquired even in far-flung parts of the American frontier. Although paint had been applied for centuries before, the last decades of the 19th century saw a rapid advancement in the use of paints because of advancements in chemistry as well as transportation (Moss 1981:10). During the early years of the development of the paint industry, Park City was a small encampment in an otherwise untraveled valley of the eastern Wasatch foothills. As the encampment became a town advertisements and accolades for the use of paint began to appear in local newspapers. As early as 1880, when Park City was realizing a more urban appearance, paint was mentioned as an important addition to two important buildings: “The Park City hotel is being dressed with a new coat of paint on the outside and presents a very neat appearance. McGrath’s saloon is being treated likewise” (*Park Record* 1880a).

That same day in 1880, an advertisement for paints, oils, varnishes, brushes, and other items appeared as available at the City Drug Store operated by J. T. Beers and Company (*Park Record* 1880b). A few weeks later a painter named John A. Lenzi advertised in the *Park Record*, indicating that an application of paint would aid in fireproofing a building, commentary doubtlessly taken seriously by a fire-conscious population in a wooden fire-prone frontier town (Figure A-1, Appendix A) (*Park Record* 1880c). That same year, a pamphlet was published called *House Painting Plainly Taught*, an early guide for the do-it-yourself painter that listed numerous recipes for a variety of colors and textures. Nearly all the paints listed were for exterior purposes and were opaque. Those that were clear or transparent (also called varnishes) were generally indicated to be best for interior application (DeWitt Publishers 1880). A guide to house painting published by two New York-based architects in 1883 entitled *Modern House Painting* provides some insight into the late 19th century definition and position on the use of stains, an alternative to painting:

A stain goes into the wood and does not hide the grain. The wood remains the same as it was before, only darkened and colored...The weather acts on a stain to wash out the color. All colors are more fugitive when used as a stain than when they are employed as paint, and for this reason it is best to use more of the color. It will fade to lighter tones. This is the objection to staining the exterior. It is also a merit, for this weathering process results in new tones and softening effects that is impossible to get with ordinary paint. (Rossiter and Wright 1883)

Aside from hundreds of newspaper advertisements for paints and paint products in Park City hardware and drug stores during the 1880s and 1890s, mentions of paint always appeared in commentary on the improvement of the appearance of buildings. In 1887 and again in 1889 the *Park Record* commented briefly that a new coating of paint on the Park City Hotel gave it a “credible appearance” (*Park Record* 1887) and in 1889 “greatly improved the appearance” (*Park Record* 1889). These aesthetic decisions are not only reserved for the Victorian era but remain true today; coatings of new paint, then as now, indicate maintenance and care. Additionally, paint provided protection from water infiltration, a trait so integral to the purpose that it was often left out of paint treatises during the late 19th century. By the early 20th century, a familiar name in the world of paint appeared in a *Park Record* notice: “Protect your house from the weather by giving it a coat of Sherwin-Williams ready mixed paint” (*Park Record* 1905).

This advertisement was also one of Park City’s first to specifically mention ready mixed paint, indicating how long it took to perfect the technology from its first patent in 1867. The value of paint continued to remain present when a local opined for tidiness in the form of paint during the spring of 1915: “It will soon be time for a general clean up and in order to make it a success a general paint-up movement should

be included. Residence and business property can be made to reflect a more prosperous condition if treated to a new coat of paint” (*Park Record* 1915). The basic utility of paint has remained unchanged even as technology continued to advance, and lead-based paint gave way to latex in the later 20th century.

GUIDELINES AND INTERPRETATION

The intent of the design guidelines is to protect the historic character of Park City. Period photographs clearly illustrate that part of that character was a pattern of painted horizontal wood siding for most residences and commercial buildings and unpainted wood siding, often of wider boards installed vertically, for many outbuildings (Figure A-2 through Figure A-5 in Appendix A). Based on that knowledge, the following guidelines regarding wood siding and wood construction materials have been written into the LMC (Park City Planning Department 2019):

- 15-13-6 Treatment of Historic Building Materials

Although paint color is not dictated by the design guidelines, paint colors should be appropriate to the historic style and period of the historic structure being painted. Materials, such as wood, that were traditionally painted shall have an opaque rather than transparent finish. A rustic, bare-wood look is generally not appropriate on historic residential and commercial structures but may be appropriate on accessory structures. A transparent or translucent weather-protective finish shall be applied to wood surfaces that were not historically painted.

- 15-13-8 Design Guidelines for New Residential Infill Construction in Historic Districts

Building materials should be compatible in scale, proportion, texture, finish, and color to materials used on historic structures in the historic district. The dimensions of wood siding should be like those used historically. The primary siding material for new structures should appear similar to those on historic structures in the Streetscape or character area. Historically, the most common material on primary structures was painted horizontal lap siding with a reveal between 6 to 8 inches. Secondary structures, such as barns and sheds, typically had siding of unpainted wood (horizontal lap or vertical board and batten) or corrugated metal panels.

Paint color is not regulated by the design guidelines; however, materials, such as wood, that are traditionally painted should have an opaque rather than transparent finish. Rustic, unfinished wood siding is generally not appropriate on houses, but may be appropriate on accessory structures or additions to non-historic buildings. A transparent or translucent weather-protective finish should be applied to wood surfaces that were not historically painted.

- 15-13-9 Design Guidelines for Historic Commercial Infill Construction

Building materials shall be compatible in scale, proportion, texture, finish, and color to materials used on historic structures in the Main Street Historic District. The dimensions of masonry units, wood siding, and other building materials shall be like those used historically. The primary siding material for new buildings shall appear like those on historic commercial structures in the historic districts. Historically, the most common material on primary structures was painted horizontal lap siding with a reveal between 6 to 8 inches. Secondary structures such as barns and sheds typically had siding of unpainted wood (horizontal lap or vertical board and batten) or corrugated metal panels.

Paint color is not regulated by the design guidelines; however, materials, such as wood, that are traditionally painted should have an opaque rather than transparent finish. Rustic, unfinished wood siding is generally not appropriate on houses, but may be appropriate on accessory structures or additions to non-historic buildings. A transparent or translucent weather-protective finish should be applied to wood surfaces that were not historically painted.

Since the update of the design guidelines in 2009 and through the 2019 incorporation of the design guidelines into the LMC, the DRT has been consistent in its review of natural and reclaimed wood siding on new infill in the historic districts in accordance with these guidelines. Although there are several primary infill structures within the two historic districts with natural or reclaimed wood siding that is unpainted and/or not finished with an opaque coating, these design changes were likely made during construction and after proposed designs were reviewed and approved by the DRT. New secondary infill structures (outbuildings) with unpainted or unfinished natural or reclaimed wood siding do meet the current design guidelines and LMC.

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APPENDIX A

Historical Photographs

Jno. A. Lenzi,
PARK CITY, UTAH,
HOUSE, SIGN,
—AND—
Ornamental Painter.
Buildings made
FIRE-PROOF BY THE USE OF FIRE-
PROOF PAINT, MADE A
SPECIALTY.
Leave orders at Fennemore & Frazier's.

Figure A-1. Early advertisement for paint services touting fire safety as a selling point (Park Record 1880c).



Figure A-2. Park City, view of upper town from Hillside Avenue, ca. 1900 (Park City Museum 2022).

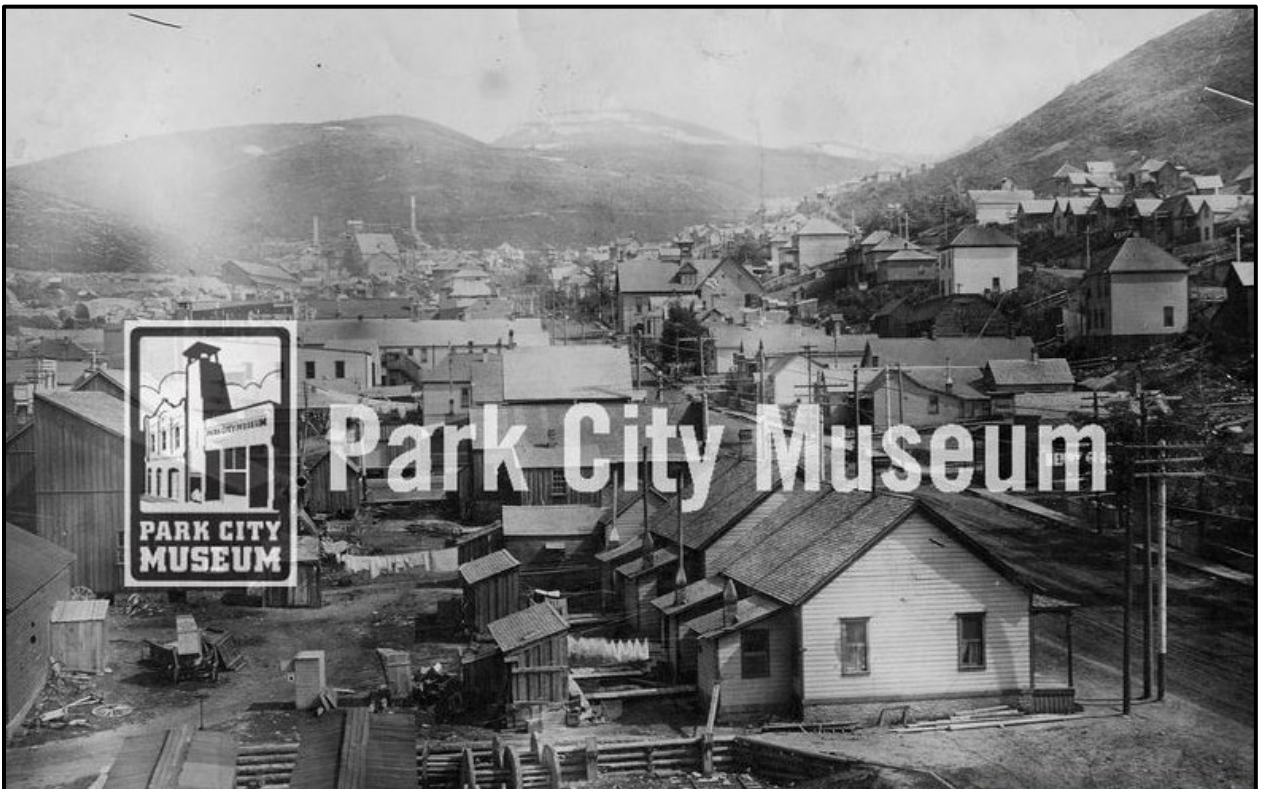


Figure A-3. Park City; view facing south, ca. 1900 (Park City Museum 2022).

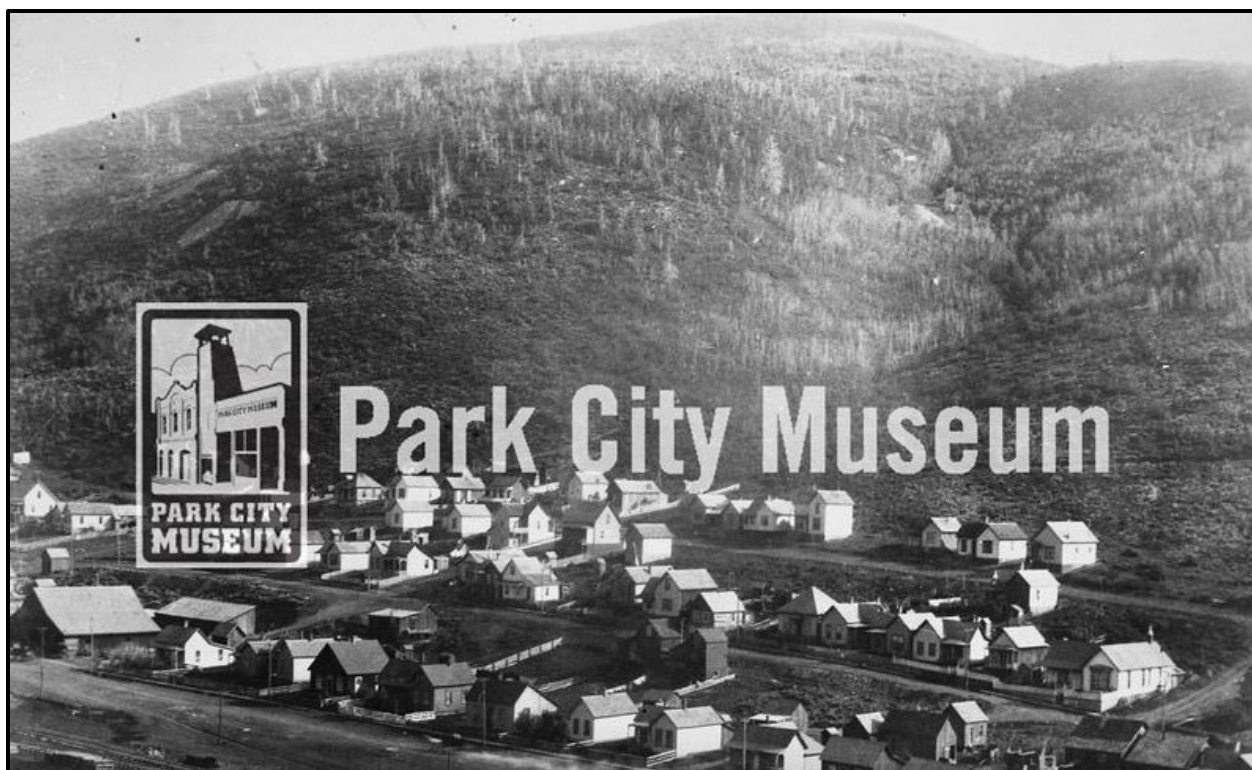


Figure A-4. Park City, lower town along Park Avenue, ca. 1889 (Park City Museum 2022).

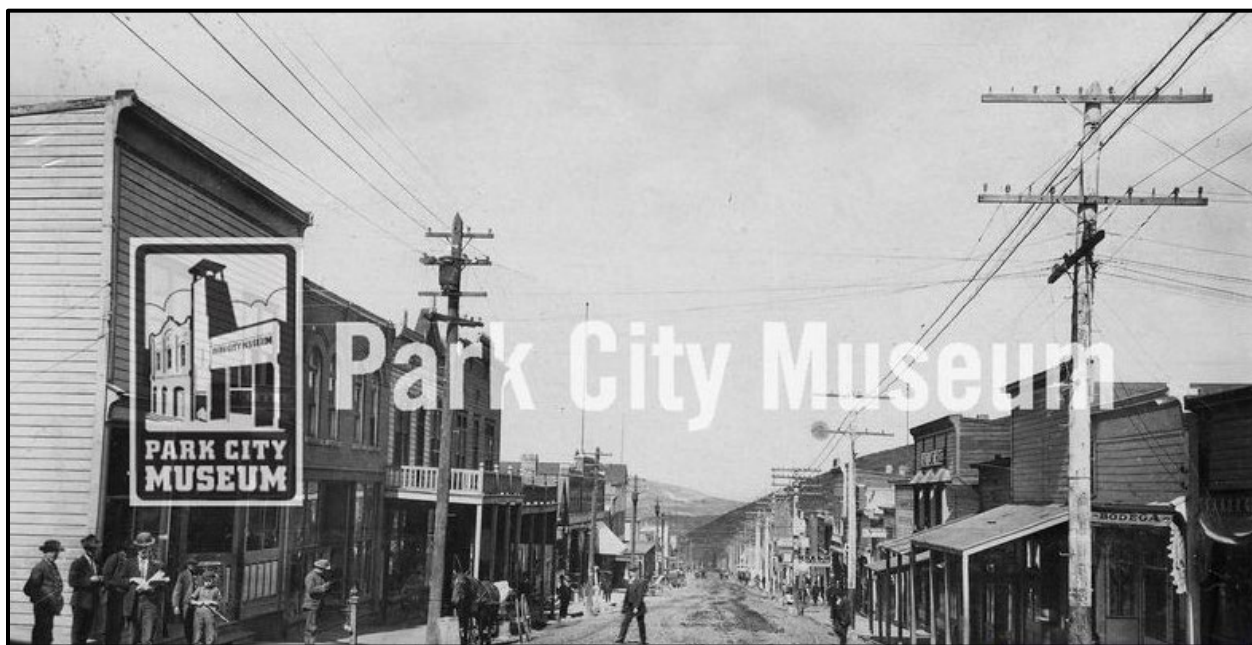


Figure A-5. Park City, Main Street, ca. 1910 (Park City Museum 2022).

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: [External] [REDACTED] Roof Deck Revisions

Good morning. Following up on this email. We would like to request a sit down meeting with the City to discuss further. Does late next week work for you?

On Mon, Jul 25, 2022 at 5:10 PM [REDACTED] wrote:

Good afternoon Aiden,

I hope you had a good long weekend. Following back up on the [REDACTED] home and siding conversation. Unfortunately, the language used for the conditional approval items pertaining to siding aren't clear and leave room for confusion.

By definition, opaque means not able to be seen through, not transparent. That being said, when using a stain on any wood, it's virtually impossible to achieve an opaque look. If you get a certain distance to any piece of wood with a stain the wood grain will show through, it will be transparent. For example, a black stain would be the best color to achieve the opaque outcome but, as you can see in the attached photo I have shown a side by side comparison of the [REDACTED] siding the blonde wood clearly has less transparency than the black. The black shows a lot more of the wood grain than the blonde. The blonde creates the illusion otherwise but, side by side that's simply not the case.

What is clear in the conditional approval is the fact that we cannot use raw wood, it must be painted or stained. You can see in the side profile of the attached photo the blonde raw wood vs. the clearly stained face of the wood.

The fact of the matter is there is no more money on this project to spend. The [REDACTED] have stretched their budget to the max and have gotten all they can out of a bank loan. There is no extra money on this project to double stain this house. All the siding on this home has been stained per the code requirements, we have complied with the clearly stated portion of the written approval items. If the City has any issues with this please reach out and let me know, looking forward to hearing back from you soon.

Thanks.

On Mon, Jul 25, 2022 at 9:36 AM [REDACTED] wrote:

Where are we on a meeting. I am back in town and my schedule is pretty open.

On Tue, Jul 19, 2022 at 6:59 PM [REDACTED] wrote:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]