

PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF NOVEMBER 4, 2015

BOARD MEMBERS IN ATTENDANCE: Chair David White, Lola Beatlebrox, Jack Hodgkins, Puggy Holmgren, Hope Melville, Douglas Stephens

EX OFFICIO: Bruce Erickson, Makena Hawley, Polly Samuels McLean, Louis Rodriguez

ROLL CALL

Chair White called the meeting to order at 5:00 p.m. and noted that all Board Members were present except Cheryl Hewett was excused.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Director Erickson provided a Staff update to the HPB. He noted that a Staff report was submitted to the City Council on 923 Park Avenue for their meeting the following evening. The Staff report updates the Council on the situation at 923 Park Avenue and how the Staff was handling it. Mr. Erickson assumed that the City Council would provide guidance on the final outcome. He expected to see the crane on-site this week, but he had not seen any evidence of a crane. Director Erickson reported that the Building Department has been to the site and was conducting a review on whether the correct shoring was in place and whether the weather had any effect on the building.

Board Member Melville thought it was unusual to see a cement block foundation instead of a poured foundation. She asked if that cement block was a factor. Director Erickson was unsure whether it was a factor because he is not a building expert. He asked if Board Member Stephens could answer the question. Mr. Stephens stated that it is perfectly acceptable in some situation, but it is not seen very often. Based on his personal experience it is harder to do it with a house that is being raised and put back down because by definition blocks are square but a concrete wall does not have to be poured square. Very often with old houses, particularly those with multiple additions, pouring a concrete foundation to meet the house achieves a better fit. Mr. Stephens agreed that while cement block foundations are acceptable it is unusual to do it.

Chair White agreed with Mr. Stephens that block foundations can be done but most of the foundations are poured concrete. However, occasionally people choose to do concrete block because it is less expensive. Chair White did not

believe there was any less strength with concrete blocks and it was not prohibited by any codes. He noted that the foundation is still engineered with the correct number of steel rebar and the block cores are filled in.

Board Member Melville stated that her general concern was that they were starting to see the failures of a lifted house quite often. She asked if there was anything the HPB could or should be doing to protect these structures. Director Erickson remarked that vigor in watching what occurs is very important. He noted that the penalty phase, which is enforced by a different department, is very important to help prevent these situations from occurring.

Director Erickson explained that the Planning Department has two control mechanisms on these type of activities. One is the Steep Slope Conditional Use permit and the second is the HDDR and Demolition Permit Review. Both are permissible actions. The Staff has started to add conditions of approval. The first one is that if an applicant is allowed to raise the house in some form to put a foundation underneath it, the building cannot be raised for more than 45 days. He noted that the structure at 923 Park Avenue was raised longer than 45 days. The Staff has originally selected 30 days for the condition of approval but the Building Department informed them that concrete needs 28 days to cure. Director Erickson remarked that in the new permits, the Staff was regulating the data and the bond amount would increase to pay for lowering the building within 45 days if it becomes non-compliant. He noted that the Engineering and Building Department have been briefed on that regulation and Planners Grahn and Turpen were helping to writing the language.

Director Erickson stated that the Planning Department has the authority to request a structural engineering review of the cribbing. If the contractor changes the cribbing from the approved cribbing location, the Staff would be able to visit the site and look at the engineers stamp and determine that it was not being done as approved. Unless the structural engineer approves the change the project would be stopped. Director Erickson stated that under the conditional use permit for Steep Slopes, the Planning Department would start requiring that no excavation on a steep slope CUP could occur at October 15th, which is the same date that the City Engineer regulates for paving.

Director Erickson recognized that the new regulatory actions were in retrospect, but they would apply moving forward to try and prevent what has occurred in the past.

Board Member Beatlebrox noted that every article she read regarding 923 Park Avenue states that no one knows what happened. She assumed that some kind of inspection needed take place but it could not be done right now because of safety reasons. She asked if that was why Director Erickson was waiting for the crane; or whether he was waiting for the crane to actually lift the structure and

put it back down. Due to the length of time, she asked if there were concerns about structural failure.

Director Erickson replied that the structure has been roughly stabilized which has temporarily alleviated that concern. The Building Official and the Police Department have been to the site at least once and they have given him preliminary discussion on how they intend to conduct the investigation. They will be out there when the building is being lifted in a safe context, and they will provide a determination. Mr. Erickson stated that when the Legal Department reviewed the report from the Planning Department to the City Council, they asked for an expected date when the report would be back. Mr. Erickson remarked that there was concern related to the situation and that the Building Department was closely monitoring it, but they needed to get a crane on site to put the building back on the blocks as quickly as possible.

Board Member Stephens believed that because of the position it has been in, he believed the mostly likely outcome is that the structure has been torqued. However, frame-constructed house are pretty forgiving, so when the crane lifts it up it and puts it back down it will not be square anymore, but it would not be a monumental task to put some winches on it and square it back up again. Chair White pointed out that most of the houses are not square anyway, but this particular house was extremely not square. He stated that the crane needs to right the house to a reasonable point and then set it back on the proper support and complete the foundation. He felt sure that once the house is lowered and they start building on it, they would try to straighten even more. Chair White emphasized that it was not doing the house any good in its current position.

Director Erickson would follow up with the Building Department to see if there was a way to expedite the crane.

Director Erickson reported that the Planning Department was also concerned about the yellow house to the north with the garage up in the air because there has been very little activity.

Director Erickson commented on scheduling. He reported that when the pending ordinance went forward, the City filed papers the next day for determination of significance on eight houses that were not covered under the HSI. He believed there were now 13 structures on the list. Director Erickson stated that the protection of those 13 plus other structures covered by the pending ordinance was moving forward. He explained that the protections that were talked about were coming up and there were brand new application forms for the HPB to authorize demolition whether it is reconstruction, restoration or panelization. The Classification of contributory buildings in the District would be coming forward, as well as a new process for bringing items to the HPB. Director Erickson noted that the item on the agenda this evening was a non-historic structure that as

currently regulated would allow the Planning Department to take action instead of going to the HPB. Director Erickson stated that the HPB would be reviewing the pending ordinance on November 18th. The Planning Commission will meet on November 17th. Another HPB meeting was scheduled for December 11th, at which time the Staff would like the HPB to forward a positive recommendation on the pending ordinance to allow time for it to go before the Planning Commission and on to the City Council.

Board Member Melville asked if it would be ready for the Board to take action on November 18th. Director Erickson replied that there would be noticing issues for the meeting on November 18th. In addition, the Staff would like the additional time to make sure everything is ready to move forward. He noted that the Legal Department had completed their review and Planners Grahn and Turpen were making their updates. The Legal Department was reviewing the comments and suggestions from the HPB to make sure they have a legally defensible position before it moves forward.

Director Erickson stated that the Planning Commission would have one meeting in December on December 9th. The City Council only has one meeting in December and if they do not keep on schedule it would go before the City Council on January 7, 2016 for approval.

Director Erickson stated that as the Staff works through neighborhood compatibility and neighborhood zones, they would like the Board members to take more pictures of structures and send them to the Planning Department. Planners Grahn and Turpen would incorporate those pictures into a powerpoint presentation and explain whether the projects were approved under the old ordinance or the 2009 revisions; and whether or not the compatibility ordinance that is being proposed would have changed the outcome. Director Erickson clarified that it was parallel to the pending ordinance, but it would be a slower process because the Board wanted more time to understand compatibility.

Board Member Douglas stated that a natural tendency is to look at structure in a negative sense and wonder how it was allowed to happen. However, it would be helpful to look at structures in a positive sense and determine what was good, because changes to the LMC might create a situation that would not allow the good ones to be duplicated. He thought it was important for the Board to be aware of both sides of the issue.

Director Erickson commented on other items that were moving forward. He noted that the Legal Department had completed their first review of new definitions for demolition to make sure they conform to State Code. That would probably come before the HPB in January. Demolition by Neglect was going forward and would probably have three levels. Demolition by Neglect would be much more rigorous on a Landmark site, medium rigorous on a Significant site,

and exterior on the Contributory buildings. Director Erickson stated that the Staff was trying to find a way to address Demolition by Neglect on mine structures. For example, the California Comstock Mine Building is a Landmark structure that would be stabilized for the winter. If a mine structure is Landmark or Significant it is easier to write criteria for Demolition by Neglect than if it were a telephone pole. The Staff was working on moving that forward. Director Erickson remarked that the HPB would see the first part on November 18th and the rest would be in December or January. He stressed the importance of getting everything completed and before the City Council in January to stay within the six month time period before the pending ordinance expires.

Assistant City Attorney McLean noted that the Planning Commission would be reviewing the pending ordinance on November 11th. She thought it would be helpful if someone from the HPB attended that meeting to represent the Board and explain their discussion and recommendations.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

Review of demolition permits for the following Buildings and Structures to be considered under the pending ordinance

1. 221 Main Street – Demolition Determinations – The applicant is requesting to move an existing vent on the south side roof of the buildings as well as add ventilation on the upper loft level, coming through the new roof materials on a Landmark site. (Application PL-15-21863)

Planner Tech Makena Hawley reviewed the demolition request for 221 Main Street. The applicant intends to remove the non-historic roofing in order to add four new exhaust pipes on the rear of the addition.

The Staff recommended that the Historic Preservation Board review the application, conduct a public hearing, and approve the demolition of non-historic roofing on the south rear end of 221 Main Street.

Board Member Hodgkins understood that it was non-historic roofing material, but he believed it was a historic roofline and it would penetrate through that in a historic portion of the building. Planner Tech Hawley stated that in her research of past approvals for this site, she found that an entire re-roofing was done on the structure. She thought that the re-roofing as well as the portion that would be taken out of the roof was not historic. She had taken her information from the Building Permit and the HDDR pre-application from 2011. Ms. Makena remarked that the line may be the same but the actual material being removed was non-historic.

Board Member Hodgkins agreed that the material was non-historic. His concern related to the historic nature of the building. The City allows material to be replaced in kind and he asked if the Staff was saying that once the material is replaced it no longer matters because it is not historic. Director Erickson clarified that the Staff opinion was that removing the material would not have an effect on the historic ridgeline, it would continue to maintain its historic shape, and it would still be readily identifiable as a historic structure, based on the review criteria.

Board Member Beatlebrox asked where on the building it would occur. Chair White stated that it would be on the southwest corner in the rear of the building. Ms. Beatlebrox understood that if it was in the rear of the addition, it would be away from the dormer windows. Ms. Hawley replied that she was correct. Ms. Beatlebrox stated that what she considers to be the historic roofline is the area with all of the dormer windows. Board Member Hodgkins was not sure he agreed with Ms. Beatlebrox because the historic photo showed the same roofline.

Board Member Stephens was familiar with this building and tried to clarify the concerns. He reviewed a drawing by Elliott Work Group contained in the Staff report which showed that the penetrations would occur at the back of the building in an addition that was put on when the building was converted to a bed and breakfast. Mr. Stephens pointed out that it was a fairly new addition to the historic building. He recalled that the addition occurred sometime in the 1980s.

Board Member Hodgkins asked if the photographs shown on page 22 of the Staff report were also from the 1980s. Mr. Stephens replied that the colored photos were the most current. Mr. Stephens and Mr. Hodgkins reviewed several photos and tried to identify specific elements. Mr. Stephens pointed to a picture identified as the Bogan Boarding House and noted that the railing was added in 1983 and the addition was put on after that time.

Ms. Hawley noted that the Historic Sites Inventory shows the date of when the photos were taken and the third photo was taken in 2008. Board Member Hodgkins asked if they were saying it was part of an addition and not part of a historic structure. As written, the Staff report suggests that it was a replaced roof where the penetration would occur. If it is in a roofline that was part of an addition that was not historic, he thought that would be an important distinction to make. Ms. Hawley stated that she was under the impression that it was an addition in the back, but she did not have the exact year that the addition was put on. She explained that based on the historic preservation guidelines, taking away non-historic material is usually considered minor construction that does not affect the historic nature of the building.

Chair White read from the Staff report, "This addition to the west side was built in 1907", which would make it a historic addition. The Staff report further states that the addition was severely damaged by fire in 1940 and it was not restored until

1985. Chair White stated that if the portion of the building they were looking at was originally a historic addition and it was then destroyed by fire and restored fully in 1985, should they assume that the house was restored back to the original 1907 addition and if so, was the 1985 considered historic.

Director Erickson remarked that the building itself is in the Register. The addition that burned in 1940 and was reconstructed in 1985 is considered the same as other non-historic additions to historic buildings. As long as it does not affect the character of the building, the building itself retains its historic character. The penetrations are going through non-historic shingles in a non-historic portion of the roof.

Chair White stated that he was trying to figure out whether in 1985 the addition was reconstructed to the original 1904 addition. Director Erickson asked if he was talking about the original form or materials. Director Erickson believed that the reconstruction roughly restored the form. He pointed out that if the form of the building had been disturbed by the addition it would have been taken off the Register.

Chair White stated that he personally had no problems with the request proposed by the applicant.

Board Member Melville asked if it would make a difference if it was actually a historic building. Board Member Hodgkins stated that he was expressing his concerns because they were reviewing this application as part of a test. He was trying to point out that if material is replaced in kind, is the homeowner allowed to penetrate to do whatever they want because it is new material and not historic. He thought it was important to distinguish whether or not the roofline was reconstructed in the historic portion. The fact that it retained its Register designation would indicate that the roofline was part of the form. Whether or not they allow these penetrations, Mr. Hodgkins thought they should make it clear that they were allowing penetrations that in the past would not have been viewed as historic. He pointed out that even though it was in the back it would still be visible from the street. Mr. Hodgkins thought they should ask the question of whether the vents need to be there or if there is another alternative. He believed another question to consider is how many penetrations are considered insignificant.

Board Member Melville understood that Mr. Hodgkin's concern was whether it affects the form of a historic building versus just going through the materials. Mr. Hodgkins answered yes.

Board Member Beatlebrox stated that at one time you could stand in the vacant lot and look carefully at that side of the structure. She stood there many nights talking about the history of this building and the ghost that lives on the top floor.

Now there is a building instead of a vacant lot and she questioned whether the rear portion could still be seen from the street. Ms. Beatlebrox asked if the pipes would be visible. Director Erickson replied that they would not be visible from the side where Ms. Beatlebrox used to stand.

The applicant, Seth Adams, agreed that the pipes would not be seen from that standpoint because the buildings are three feet apart. He clarified that where they would penetrate the roof is non-historic. It is so far back that it would not be seen from the sidewalk across the street. Mr. Adams believed it would only be visible from the back side.

Board Member Stephens thought Mr. Hodgkins made a good point about these being test cases. However, he also raised an issue that had not been addressed which is what happens when someone requests a demolition on historic material on a historic structure, and what values they have to judge that against. For example, if someone asks to put a window in a historic house where there previously was not a window, what would the HPB use to make that judgment. Mr. Stephens thought it was important to deal with that issue prior to an actual application so people would know ahead of time how it would be addressed.

Director Erickson recalled that the HPB had this situation at the last meeting when an applicant requested to install a window on an historic house for egress. Director Erickson stated that there were two different questions. The first is how to address a penetration in a historic structure. The second is how to address it if the penetration is in a non-historic portion of a historic structure. Director Erickson remarked that the correlation to the question is how many times it could be done before the building is no longer historic. Board Member Hodgkins thought a third question was if the penetration is in a historic structure but in replacement material whether that fact matters.

Director Erickson remarked that when the Planners review these applications they look at the exact language in the LMC in terms of what makes these structures historic, and whether or not any of the changes would affect the LMC criteria. He stated that the limitation on the number of times the roof could be penetrated or a window could be installed is directed correlated to the LMC criteria. On a Landmark site, the Planners go directly to the National Parks Service criteria for that designation. Director Erickson noted that the Staff uses the National Park Service and LMC regulations, and the Historic District Design Guidelines for construction on historic buildings as their tools in evaluating these applications. The standards are higher for penetrating a historic structure and historic materials, and the materials have to be replaced in kind.

Board Member Holmgren had gone by the structure that morning and she did not believe it would be visible from the street. Director Erickson reported that the Staff had approved a request weeks earlier on another house where non-historic

material was penetrated on a historic house for a dryer vent, and then replacing the roof. The recommendation for 221 Main was consistent with their decision on that building. He summarized that the request is to penetrate a renovated structure from 1985 through a roof that was replaced in 2001. The home retains its essential historic form and would be readily identified as a historic structure after the proposed modification.

Mr. Adams commented on existing vents that stick out of the side of the building and noted that those vents would be relocated to the back of the building so they will no longer be visible.

Brian Brassey, the contractor, stated that they were also planning to separate the residential utilities from the commercial utilities in the building. Presently all of the venting comes out of the side of the building at the lower level. By moving the utility room for the residential unit up to a loft in the non-historic portion of the building in the back, the least visible location would be through the roof.

MOTION: Board Member Melville moved to APPROVE the demolition of non-historic roofing on the south rear end of 221 Main Street for installation of four new exhaust pipes per the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Board Member Beatlebrox seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 221 Main Street

1. The property is located at 221 Main Street.
2. The building is listed as Landmark on the Historic Sites Inventory.
3. The property is located within the Historic Commercial Business (HCB) District.
4. On September 16, 2015 the applicant submitted a Building Permit for the relocation of the interior mechanical room which proposes to affect the exterior by adding 4 exhaust pipes through the non-historic south roofing at 221 Main Street.
5. The removal of the non-historic roofing is considered minor construction and routine maintenance. It can be determined that the roofing on 221 Main St. is non-historic because a Building Permit for a re-roof was issued on December 19, 2011.
6. The removal of the non-historic asphalt shingles will not affect the historic materials of the building.

Conclusions of Law – 221 Main Street

1. The proposal complies with the Land Management Code requirements pursuant to the HR-M District and the August 6, 2015 pending ordinance.

Conditions of Approval – 221 Main Street

1. Final building plans and construction details shall reflect substantial compliance with the proposal stamped in on September 14, 2015. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. An HDDR Waiver Letter by the Planning Director is required for the approved design before a Building Permit can be issued by the Building Department.

Board Member Melville stated that in considering these test cases, she thought an issue that may come up in the future is when they see a reconstruction to the building something that would come up in the future related to reconstruction of a building or the building was demolished and there was really no historic material was used in the structure and now nothing in the building is 50 years old. Director Erickson used the example of a nice house on Woodside that mimicked the historic structure that was there previously or it was renovated and no historic material was used. The building would be regulated under the Contributory category and it would require an HPB review. Assistant City Attorney McLean understood that under the Code a reconstructed building can still be Significant. Ms. Melville understood that a reconstructed building that had used historic materials could remain on the HSI. However, the criteria for being on the HSI is that it has to be 50 years old. Ms. McLean replied that 50 years old is only one criteria. The building could meet the other criteria including having received a grant.

Assistant City Attorney suggested that the Board ask the Staff to address the question at a future meeting to be clear on the criteria and how those types of structures would be addressed. Ms. Melville thought it was important to look at current Code as they address these questions to see if the language is open to interpretation and whether it needs to be strengthened.

The meeting adjourned at 5:46 p.m.

Approved by _____
David White, Chair
Historic Preservation Board