

## City Council Staff Report

**Subject:** 424 Woodside Avenue  
**Author:** Hannah M. Tyler, AICP – Senior Planner  
**Project Number:** PL-19-04158  
**Date:** April 18, 2019  
**Type of Item:** Appeal of Historic Preservation Board Denial of Material Deconstruction on a Significant Site

### Summary Recommendations

Staff recommends the City Council review the Appeal of the Historic Preservation Board's decision regarding Material Deconstruction of a Significant Structure at 424 Woodside Avenue and consider upholding the Historic Preservation Board's Denial.

### Executive Summary/Proposal

Staff prepared a staff report for the February 6, 2019 HPB meeting recommending approval of the proposed Material Deconstruction for the following materials on the Significant Site ([Staff Report](#) + [Minutes](#), page 2):

1. Existing non-Historic windows and non-historic doors
2. A non-historic east facing addition
3. A portion of the historic roof framing and rear (west) wall to accommodate an addition/connection to the existing non-historic south addition.

The HPB approved items #1 and #2 above and denied item #3 with a 4 to 1 vote.

On March 8, 2019, the City received an application for an appeal of the February 6, 2019 Historic Preservation Board decision for the Material Deconstruction at 424 Woodside Avenue. Specifically, the appellant is requesting that the City Council review the decision made by the Historic Preservation Board (HPB) to deny Item #3 - the removal of a portion of the historic roof framing to accommodate an addition/connection to the existing non-historic south addition as a part of the Historic District Design Review (HDDR) application. This application was accepted within 30 days of the Final Action of the HPB.

Staff has provided two (2) orders for the City Council to consider. One (1) order is to uphold the Historic Preservation Board's decision and one (1) order is to grant the Appeal. These can be amended by City Council as needed.

### Burden of Proof and Standard of Review

In reviewing this appeal, the City Council must review the factual matters de novo and determine the correctness of the Historic Preservation Board's decision in its interpretation of the application of the Land Management Code. The City Council's review shall be limited to consideration of only those matters raised by the petition (see Exhibit 1), unless the City Council, by motion, enlarges the scope of the appeal to accept information on other matters. The burden is on the appellant to prove that the Historic Preservation Board erred.

Furthermore, the City finds these appeals as a non-adversarial process and the following apply ([LMC 15-1-18 \(H\)](#)):

1. The procedural hearings and reviews established by the City's regulatory procedures do not adopt or utilize in any way the adversarial criminal or civil justice system used in the courts.
2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.

The City Council is acting in a quasi-judicial manner. Therefore, like with a judge, all contact by the parties with the City Council related to the appeal should be at the hearing. No "ex-parte" or one on one contact should occur.

[15-11-12.5 Historic Preservation Board Review For Material Deconstruction](#) establishes the process under which Material Deconstruction is reviewed as a part of HDDR applications:

*The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public, Accessory Buildings and/or Structures) designated to the Historic Sites Inventory as Landmark or Significant.*

*Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management Code. Planning staff shall review Material Deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.*

1. **COMPLETE APPLICATION.** *The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.*
2. **NOTICE.** *Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction application, the Planning staff shall provide notice pursuant to Sections 15-1-12 and 15-1-21 of this Code.*
3. **PUBLIC HEARING AND DECISION.** *Following the fourteen (14) day public notice period in Section 15-1-21 of this Code, the Historic Preservation Board shall hold a public hearing and make written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy.*

During the 2015 LMC Amendment process to create 15-11-12.5, the HPB worked with the Planning Commission and City Council to create a Historic Preservation Board Material Deconstruction Review Checklist - included below:

***Historic Preservation Board Material Deconstruction Review Checklist:***

- 1. Routine Maintenance (including repair or replacement where there is no change in the design, materials, or general appearance of the elements of the structure or grounds) does not require Historic Preservation Board Review (HPBR).*
- 2. The material deconstruction is required for the renovation, restoration, or rehabilitation of the building, structure, or object.*
- 3. Proposed exterior changes shall not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.*
- 4. The proposed scope of work mitigates any impacts that will occur to the visual character of the neighborhood where material deconstruction is proposed to occur; any impacts that will occur to the historical significance of the buildings, structures, or objects located on the property; any impact that will occur to the architectural integrity of the buildings, structures, or objects located on the property; and any impact that will compromise the structural stability of the historic building.*
- 5. The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and on adjacent parcels.*
- 6. Any addition to a Historic Building, Site, or Structure has been found to be non-contributory to the historic integrity or historical significance of the structure or site.*

In addition, the HPB also reviews Material Deconstructions using all applicable [Design Guidelines for Historic Districts and Historic Sites](#) and Land Management Code requirements.

**Background**

The initial Historic District Design Review (HDDR) application was deemed complete on March 2, 2017. The initial HDDR application was for the Relocation, Reorientation, Penalization, Restoration, and construction of an addition to a Significant Site.

On May 2, 2018, the HPB reviewed the proposed Relocation and Reorientation of a Significant Site and denied the proposal with a 5 to 1 vote ([Staff Report, page 23](#) + [Minutes, page 2](#)). This action was appealed by the applicant. The City Council reviewed the Appeal on July 12, 2018 ([Staff Report, New Business Item #7](#) + [Minutes, page 12](#)). On July 12, 2018, City Council gave staff direction to prepare findings to grant the Appeal in part to approve the Relocation and deny the Appeal in part to uphold the Historic Preservation Board's decision regarding the Reorientation. City Council continued the discussion to August 16, 2018 regarding the ratification of the Findings of Fact for the Appeal on August 2, 2018 ([Staff Report](#) + [Minutes, page 10](#)). On August 16, 2018, City Council granted the Appeal in part to approve the Relocation and denied the Appeal in part to uphold the HPB's decision regarding the Reorientation ([Staff Report](#) + [Minutes, page 7](#)).

After the August 16, 2018 City Council meeting, staff worked with the applicant to revise the plans to conform to the City Council's decision. On December 7, 2018, the applicant submitted a revised proposal with new plans that reflected City Council's decision.

The revised proposal was to Relocate the Structure ten feet (10') to the east and construct an addition between the existing addition to the south and the historic portion of the structure along the west façade. The historic portion of the structure would be renovated and lifted one foot eleven inches (1'11"). During construction, the entire structure would be reinforced so that it could be lifted in whole to accommodate the relocation and then set back down on the new basement foundation ten feet (10') to the east.

After internal staff review of the revised proposal and new plans submitted on December 7, 2018, staff prepared a staff report for the February 6, 2019 HPB meeting recommending approval of the proposed Material Deconstruction for the following materials on the Significant Site ([Staff Report](#) + [Minutes](#), page 2):

1. Existing non-Historic windows and non-historic doors
2. A non-historic east facing addition
3. A portion of the historic roof framing and rear (west) wall to accommodate an addition/connection to the existing non-historic south addition.

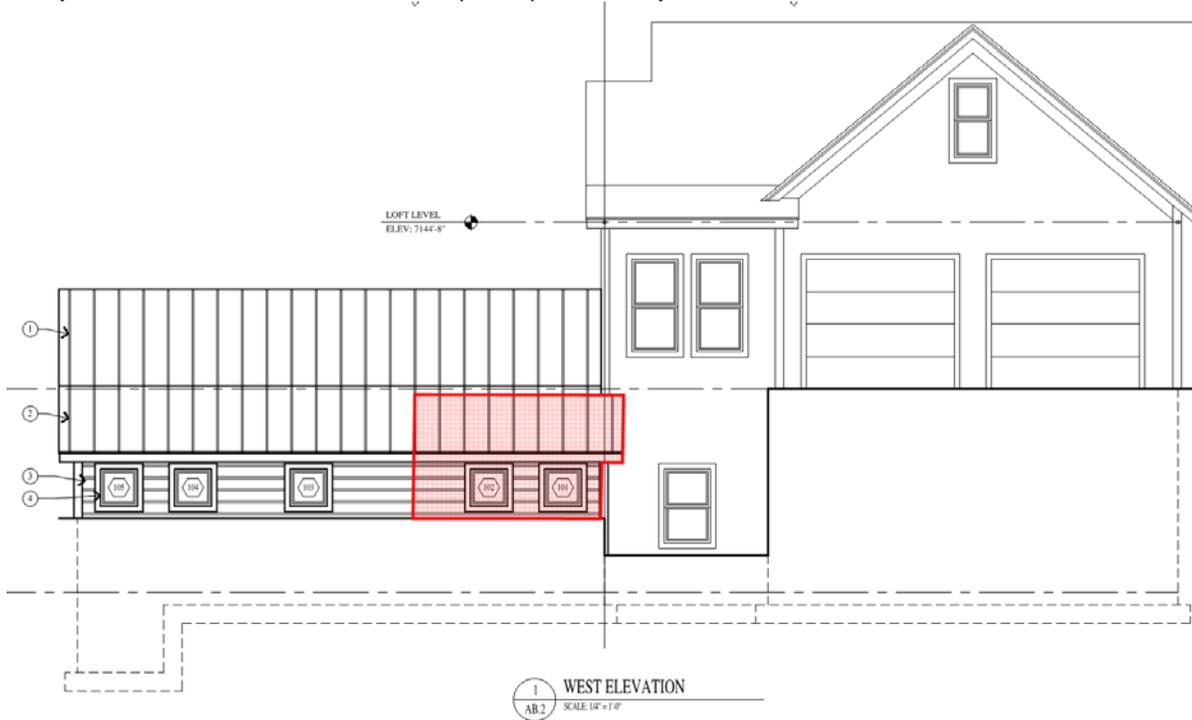
On February 6, 2019, the HPB approved items #1 and #2 above and denied item #3 with a 4 to 1 vote. The Historic Preservation Board found that the removal of a portion of the west facing roof structure and façade to accommodate a new addition would damage the historic integrity and does not comply with the criteria for Material Deconstruction.

On March 8, 2019, the City received an application for an appeal of the February 6, 2019 Historic Preservation Board decision for the Material Deconstruction at 424 Woodside Avenue. This application was accepted within 30 days of the Final Action of the HPB. A complete background of this project can be found in the May 2, 2018 HPB Staff Report, ([Staff Report, page 23](#) + [Minutes, page 2](#)). Figure 1 identifies the current conditions of the Historic Structure. Photographs provided by Jonathan DeGray.

**Figure 1:** *Current Site Orientation – Photographs West Façade*



**Figure 2:** Proposed Material Deconstruction of the existing west elevation. Red shaded area identifies the portion of the roof and rear (west) wall in question.



**Figure 3:** 3D renderings of the proposed addition and restoration provided by the architect. See Exhibit 2 for additional renderings.



## Purpose

The Purpose of the HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

## Analysis

Staff has provided an analysis of HPB's findings addressing the Material Deconstruction component that was denied (item #3).

3. A portion of the historic roof framing and rear (west) wall to accommodate an addition/connection to the existing non-historic south addition.

These findings addressing item #3 are derived from the Minutes of the February 6, 2019 HPB Meeting (Exhibit 2) and the Notice of Final Action (Exhibit 3). The Appellant has submitted an Appeal outlining their appeal points. For the Analysis, staff has included the Appellant's Appeal in Times New Roman regular and **bold** font. Staff's response to the appeal points reflecting HPB's findings are in *Arial Italics* and ***bold italics*** font. The entire Appellant's Appeal Submittal is included as Exhibit 1.

## **Appellant:**

I am submitting this appeal on behalf of Heather and Jon Berkley, owners of the property at 424 Woodside Avenue. On February 6, 2019 the Historic Preservation Board denied an aspect of a proposed remodel addition for material deconstruction. The staff report and meeting minutes accompanying this application will provide back ground to the project.

The denial was specific to item #40 in the Findings of Facts. It states that "The applicant will remove a portion of the west facing roof structure and facade to accommodate a new addition" We believe that the Historic Preservation Board erred in their denial. We believe the board expanded the scope of review to include design issues and thus were swayed by these design issues. We believe that the HPB should have evaluated the proposed addition in regard to the material that was being removed and assessed if the removal of this material diminished the integrity of the historic form to a degree that would prevent the historic form from being identified. We believe that under this evaluation material deconstruction required for this addition must be approved.

## **Staff Response:**

*The HPB made their final action based on the criteria set forth in the HPB Material Deconstruction Checklist. The discussion and the findings of the Historic Preservation Board on February 6, 2019 are tied to the checklist criterion and applicable Design*

*Guidelines. This is reflected in the Findings of Fact of the February 6, 2019 Notice of Final Action (Exhibit 3).*

**Appellant:**

The following is a listing of pertinent information:

1. The HPB staff report for material deconstruction dated Feb. 6, 2019 recommended approval of the proposed material deconstruction. This included item #40 in the Findings of Fact, page 31. "The applicant will remove a portion of the west facing roof structure and facade to accommodate a new addition"
2. In that report under Conclusions of Law, page 31, staff states that " The proposed complies with the Land Management Code requirements pursuant to the HR-1 district and regarding material deconstruction"
3. The area identified in the staff report, page 28, see also exhibit "A", incorrectly identifies the extent of the material to be removed
4. Exhibit "B" shows the corrected area of material to be removed
5. The existing historic roof area = 1212 sq. ft.
6. The proposed area to be removed = 155 sq. ft. or 12.8% of the total area
7. The proposed wall area to be removed = 35 sq. ft.

**Staff Response:**

*The appellant has provided relevant facts and additional calculations above. The calculations were submitted as a part of the Appeal package and were not reviewed by the HPB. As is noted on page 5 of the February 6, 2019 HPB Minutes, a HPB member stated that 20% of the building was being removed to accommodate the proposed addition. The architect has provided an updated calculation in response to the HPB's comment. Staff finds that these provide additional context and analysis for the proposed area subject to the Material Deconstruction Review.*

**Appellant:**

(Continued from previous list provided by Appellant)

**8. Historic Preservation Board Material Deconstruction Checklist**

1. N/A
2. The material deconstruction is required for the renovation, restoration, or rehabilitation of the building structure or object.

**We believe that the proposed material deconstruction at the addition is an integral part of the re-use of this building by the owner. Staff, in the HDDR approval agrees that the proposed loss of material and the subsequent addition is compliant with the design guidelines.**

3. Proposed exterior changes shall not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.

**The proposed material deconstruction and subsequent addition does not diminish the historic form or architectural features. The staff and city council have both noted, on several occasions, that the primary façade of the home is the downhill, east elevation, hat faces Main Street.**

4. The proposed scope of work mitigates any impacts that will occur to the visual character of the neighborhood where material deconstruction is proposed to occur; any impacts that will occur to the historical significance of the building, structure, or objects located on the property; any impact that will occur to the architectural integrity of the building, structure, or objects located on the property; and any impact that will compromise the structural stability of the historic building.  
**Scope of work was deemed acceptable to staff through the HDDR process. Therefor the impacts are deemed mitigated.**
5. The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and on adjacent parcels.  
**The building retains its historic importance which has been described by staff as the form and orientation towards main street. The scope of work represents minimal impact to the Woodside Avenue adjacent homes. As viewed from cross canyon, the proposed addition and material deconstruction are not visible.**
6. Any addition to a historic building, site or structure has been found to be noncontributory to the historic integrity or historic significant or the structure or site.  
**We are not removing any non-contributory additions. We are asking to remove 12.8% of an existing roof form to facilitate reuse and enjoyment by the building owner.**

**Staff Response:**

*Based on the HPB's comments in the HPB meeting on February 6, 2019 (as reflected in the Meeting Minutes – Exhibit 2), staff has provided an analysis of each HPB Material Deconstruction Review Checklist criterion below:*

*Historic Preservation Board Material Deconstruction Review Checklist:*

1. *Routine Maintenance (including repair or replacement where there is no change in the design, materials, or general appearance of the elements of the structure or grounds) does not require Historic Preservation Board Review (HPBR).*  
**The HPB found that the proposed Material Deconstruction is not routine maintenance.**
2. *The material deconstruction is required for the renovation, restoration, or rehabilitation of the building, structure, or object.*  
**The HPB found that the proposed Material Deconstruction is not required for the restoration of the structure as there is already a 1990s addition and the structure will be Relocated ten feet (10') to the east.**
3. *Proposed exterior changes shall not damage or destroy the exterior architectural features of the subject property which are compatible with the character of the historic site and are not included in the proposed scope of work.*  
**As is noted by the Appellant, the façade in question is considered the rear of the Historic Form. The HPB found that the removal of a portion of the rear façade and roof structure would compromise the Historic Integrity and ability to interpret the site from the Public Right-of-Way.**

4. *The proposed scope of work mitigates any impacts that will occur to the visual character of the neighborhood where material deconstruction is proposed to occur; any impacts that will occur to the historical significance of the buildings, structures, or objects located on the property; any impact that will occur to the architectural integrity of the buildings, structures, or objects located on the property; and any impact that will compromise the structural stability of the historic building.*

***The HPB found that the proposed Material Deconstruction would obstruct the Historic Structure. The HPB found that the Material Deconstruction would not result in the site maintaining the character of the streetscape.***

5. *The proposed scope of work mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and on adjacent parcels.*

***The HPB found that the proposed scope of work would have a negative impact on the historic importance of the structure as the additional material removal would have adverse effects that could not be mitigated. The HPB found that the visual impact to the structure and loss of material cannot be mitigated.***

6. *Any addition to a Historic Building, Site, or Structure has been found to be non-contributory to the historic integrity or historical significance of the structure or site.*

***This is not applicable.***

#### **Appellant:**

(Continued from previous list provided by Appellant)

9. The HPB in their denial of item #40 "found that removal of a portion of the west facing roof structure and facade, would damage the historic integrity of the structure and did not comply with the criteria for material deconstruction

See response to checklist items above

10. HPB meeting minutes reflect a great deal of discussion about the proposed addition design. See attached meeting minutes Exhibit "C" as annotated (within Exhibit 1 of this staff report).

- a. Discussion of transitional element appropriateness
- b. Discussion of appropriateness of addition and why staff supported it
- c. Board member laments city council decision to allow home to be moved 10' to comply with zone setback
- d. Inaccurate assessment by board member of roof area to be removed
- e. Design issues raised by board and inaccurate representation of roof area to be removed
- f. Public comment in favor of proposed material deconstruction and subsequent addition
- g. City attorney makes distinction that addition should be viewed as rear of building by HPB
- h. Chair Stephens support of addition location as viewed as rear of home.

- i. Further discussion by board members about addition design.

**Staff Response:**

*The HPB found that the proposed Material Deconstruction did not comply with the Historic Preservation Board Material Deconstruction Checklist (as is detailed in this staff report). The discussion and the findings of the Historic Preservation Board on February 6, 2019 are tied to the checklist criterion and applicable Design Guidelines.*

**Appellant:**

(Continued from previous list provided by Appellant)

11. Review of the Universal Guidelines in the Historic District Guidelines provide additional support for the removal of material and subsequent addition.

UG 7. Each site should be recognized as a physical record of its time, place and use.

Owners are discouraged from introducing architectural elements or details that visually modify or alter the original building design when no evidence of such elements or details exist.

**The proposed removal of material will occur at the rear of the building and represents 12.8% of the historic roof area. The historic form and orientation will remain.**

UG 9. New additions, exterior alterations, or related new construction should not destroy historic material, features, and spatial relationships that characterize the site or building.

**The historic form of the primary elevation and building orientation are preserved.**

UG 10. New additions and related new construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity or the historic property and its environment could be restored.

**Roof structure in this location was replaced as part of a 1990's addition. The proposed area could be restored to its current form at any time.**

**Staff Response:**

*The HPB found that the removal of the rear wall and roof area as proposed would compromise the ability to interpret the Historic Form of the Historic Structure. The HPB found that the proposed Material Deconstruction would destroy Historic materials that characterize the building. In addition, the HPB found that the removal of the roof structure to accommodate the addition would destroy the historic material even if the new addition was removed in the future.*

**Appellant:**

In conclusion, we believe that the removal of 12.8% of the existing historic west shed roof form and 35 sq. ft. of west elevation wall would not damage the historic integrity of the structure and does comply with the criteria for material deconstruction checklist. The important aspects of this home have been well documented to be the historic form and orientation as this building faces Main Street. Material deconstruction on the secondary elevation roof, in a limited area, should be approved.

We appeal to the city council to review the information presented here, read the meeting minutes, and recognize that the HPB erred in its denial. They failed to recognize the limits of

their review and that the proposed limited area of material deconstruction will not diminish the historic integrity of this home.

**Staff Response:**

*The HPB found that the proposed Material Deconstruction did not comply with the Historic Preservation Board Material Deconstruction Checklist (as is detailed in this staff report). The discussion and the findings of the Historic Preservation Board on February 6, 2019 are tied to the checklist criterion and applicable Design Guidelines.*

**Process**

As per the procedures for City Council Action on Appeals as found in Land Management Code § 15-1-18, the City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion enlarges the scope of the appeal to accept information on other matters.

The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

**Department Review**

This project has been reviewed by Planning, Legal, and Executive.

**Notice**

On April 4, 2019 notice was mailed to property owners within 100 feet and the property was posted. Legal notice was also published on the Utah Public Notice Website and Park Record on April 6, 2019 according to requirements of the LMC.

**Public Input**

No public input has been received by the time of this report.

**Alternatives**

- The City Council may affirm the Historic Preservation Board's decision for the Material Deconstruction at 424 Woodside Avenue; or
- The City Council may reverse the Historic Preservation Board's decision; or
- The City Council may affirm in part and reverse in part the Historic Preservation Board's decision; or
- The City Council may remand the matter back to the Historic Preservation Board with directions for specific areas of review or clarification; or
- The City Council may request specific additional information and may continue the discussion to a date uncertain.

**Significant Impacts**

There are no significant fiscal or environmental impacts from this application.

### **Summary Recommendation**

Staff recommends the City Council review the Appeal of the Historic Preservation Board's decision regarding Material Deconstruction of a Significant Structure at 424 Woodside Avenue and consider upholding the Historic Preservation Board's Denial.

### **Exhibits**

Exhibit 1 – Appellant's Submitted Appeal and Exhibits

Exhibit 2 – February 6, 2019 Historic Preservation Board [Staff Report](#) + [Minutes](#), page 2

Exhibit 3 – February 6, 2019 Historic Preservation Board Notice of Final Action

Staff has provided two (2) orders for the City Council to consider. One (1) order is to uphold the Historic Preservation Board's decision and one (1) order is to grant the Appeal. These can be amended by City Council as needed.

**PROPOSED ORDER DENYING APPEAL AND UPHOLDING THE HISTORIC PRESERVATION BOARD MATERIAL DECONSTRUCTION DENIAL:**

**Findings of Fact:**

1. The Duplex Dwelling located at 424 Woodside Avenue is listed as "Significant" on the Park City Historic Sites Inventory (HSI).
2. The property is located in the Historic Residential (HR-1) zone.
3. The Historic Structure faces towards Main Street in that the original primary entrance faces east. In 1993, a 700 square foot (SF) addition was constructed to the south of the Historic Structure to create the Duplex Dwelling Use.
4. In 2005 a Plat Amendment was approved creating a 75 foot wide lot by combining three (3) existing lots into one legal lot of record. The Historic Structure straddles two (2) of the three (3) lots that were combined.
5. On November 16, 2016, the applicant submitted a HDDR Application for the subject property. At the time, the project scope of the HDDR included: Reorient (rotate) the Historic Structure so that the primary entrance faces Woodside Avenue (west) and Relocate the Historic Structure ten feet (10') to the east in order to comply with the minimum Front Yard Setback.
6. After working with the applicant on the required materials for their submittal, the current HDDR application was deemed complete on March 2, 2017. Between March 2, 2017 and the first HPB meeting on July 19, 2017, staff provided the applicant with redline comments and re-reviewed new plans addressing those comments once submitted by the applicant.
7. The Historic Preservation Board held a public hearing and continued this item on July 19<sup>th</sup>, 2017.
8. The Historic Preservation Board held a public hearing and continued this item on October 4<sup>th</sup>, 2017.
9. The Historic Preservation Board held a public hearing, discussed the item, and continued this item on December 5<sup>th</sup>, 2017.
10. The Historic Preservation Board held a public hearing and continued this item on February 7<sup>th</sup>, 2018.
11. The Historic Preservation Board held a public hearing, discussed the item, and continued this item on March 7<sup>th</sup>, 2018 in order to facilitate a site visit at the request of the applicant.
12. The Historic Preservation Board conducted a site visit, held a public hearing, discussed the item, and continued this item on April 4<sup>th</sup>, 2018.
13. The Historic Preservation Board held a public hearing, discussed the item, and denied the Relocation and Reorientation of the Historic Structure at 424 Woodside Avenue with a 5 to 1 vote on May 2, 2018.
14. On May 22, 2018, staff issued a Denial Letter for the HDDR application.
15. On June 4, 2018, the City received an application for an appeal of the Historic Preservation Board's decision for the Relocation and Reorientation of the Historic Structure at 424 Woodside Avenue. On June 15, 2018, the Appellant provided

supplemental information. This application was accepted within 30 days of the Final Action of the HPB.

16. On July 12, 2018 the City Council reviewed the appeal, held a public hearing, and directed staff to return with findings of fact granting the Appeal in part to approve the Relocation and deny the Appeal in part to uphold the HPB's decision regarding the Reorientation.
17. On August 2, 2018, City Council continued the discussion to August 16, 2018 regarding the ratification of the Findings of Fact for the Appeal.
18. On August 16, 2018, City Council granted the Appeal in part to approve the Relocation and denied the Appeal in part to uphold the HPB's decision regarding the Reorientation.
19. On December 7, 2018, the applicant submitted drawings that complied with the City Council's August 16, 2018 action and the Land Management Code. The new proposal is to relocate the structure ten feet (10') to the east, lift the structure one foot eleven inches (1'11"), renovate the historic portion of the structure, and construct an addition between the existing south addition and historic portion of the structure.
20. After internal staff review of the revised proposal and new plans submitted on December 7, 2018, staff prepared a staff report for the February 6, 2019 HPB meeting recommending approval of the proposed Material Deconstruction for the following materials on the Significant Site:
  - 1) Existing non-Historic windows and non-historic doors
  - 2) A non-historic east facing addition
  - 3) A portion of the historic roof framing and rear (west) wall to accommodate an addition/connection to the existing non-historic south addition.
21. The HPB approved items #1 and #2 above and denied item #3 with a 4 to 1 vote.
22. The appellant is requesting that the City Council review the decision made by the Historic Preservation Board (HPB) to deny Item #3 - the removal of a portion of the historic roof framing to accommodate an addition/connection to the existing non-historic south addition as a part of the Historic District Design Review (HDDR) application.
23. On March 8, 2019, the City received an application for an appeal of the February 6, 2019 Historic Preservation Board decision for the Material Deconstruction at 424 Woodside Avenue. This application was accepted within 30 days of the Final Action of the HPB.
24. The appellant provided a letter detailing the Appeal points related to the denial of item #3 including, but not limited to:
  - The Historic Preservation Board erred in their review authority
  - Relevant facts and additional calculations
  - Analysis of the Historic Preservation Board's Material Deconstruction Checklist
  - Analysis of the applicable Design Guidelines
25. The discussion and the findings of the Historic Preservation Board on February 6, 2019 are tied to the checklist criterion and applicable Design Guidelines as reflected in Findings 26 through 34 below.

26. The proposed Material Deconstruction of a portion of the west facing roof structure and façade does not comply with the Historic Preservation Board Material Deconstruction Checklist.
27. The proposed Material Deconstruction of a portion of the west facing roof structure and façade is not routine maintenance.
28. The proposed Material Deconstruction of a portion of the west facing roof structure and façade is not required for the restoration of the structure as there is already a 1990s addition and the structure will be Relocated ten feet (10') to the east.
29. The removal of a portion of the rear façade and roof structure would compromise the Historic Integrity and ability to interpret the site from the Public Right-of-Way.
30. The proposed Material Deconstruction of a portion of the west facing roof structure and façade would obstruct the Historic Structure. The Material Deconstruction would not result in the site maintaining the character of the streetscape.
31. The proposed scope of work would have a negative impact on the historic importance of the structure as the additional material removal would have adverse effects that could not be mitigated. The visual impact to the structure and loss of material cannot be mitigated.
32. The removal of the rear wall and roof area as proposed would compromise the ability to interpret the Historic Form of the Historic Structure. The proposed Material Deconstruction would destroy Historic materials that characterize the building. In addition, the removal of the roof structure to accommodate the addition would destroy the historic material even if the new addition was removed in the future.
33. The removal of a portion of the west facing roof structure and façade to accommodate a new addition would damage the historic integrity does not comply with the criteria for Material Deconstruction.
34. On February 6, 2019, the Historic Preservation Board approved the following:
  - Replace the non-historic materials with historically compatible materials. The removal of the proposed non-historic materials will assist in restoring the duplex dwelling to its Historic Form because the existing non-historic materials are incompatible and/or beyond repair.
  - Remove the non-historic windows. Replacement windows will not change the dimensions of the existing windows and will be compatible with the historic structure.
  - Remove the non-historic east entrance railing.
  - Remove the foundation to accommodate a new basement foundation.
  - Remove the non-historic door on the north façade. Replacement door will not change the dimensions of the existing door and will be compatible with the historic structure.
  - Remove the non-historic rear porch enclosure. The applicant will reconstruct the historic porch. The reconstructed porch will require the removal of a portion of the roof; however, this will restore an architectural feature that was previously removed.
  - The removal of the proposed non-historic materials will assist in the renovation of the duplex dwelling to its Historic Form because the existing non-historic materials are incompatible and/or beyond repair. In addition, the applicant will be restoring Historic features that have been lost.

**Conclusions of Law:**

1. The proposal does not comply with the Land Management Code requirements pursuant to the HR-1 District and regarding material deconstruction.

**Order:**

1. The appeal of the Historic Preservation Board's Denial of the Material Deconstruction of the Historic Structure at 424 Woodside Avenue is denied. The decision of the Historic Preservation Board is upheld.

**PROPOSED ORDER GRANTING THE APPEAL OF THE HISTORIC PRESERVATION BOARD MATERIAL DECONSTRUCTION DENIAL:**

**Findings of Fact:**

1. The Duplex Dwelling located at 424 Woodside Avenue is listed as “Significant” on the Park City Historic Sites Inventory (HSI).
2. The property is located in the Historic Residential (HR-1) zone.
3. The Historic Structure faces towards Main Street in that the original primary entrance faces east. In 1993, a 700 square foot (SF) addition was constructed to the south of the Historic Structure to create the Duplex Dwelling Use.
4. In 2005 a Plat Amendment was approved creating a 75 foot wide lot by combining three (3) existing lots into one legal lot of record. The Historic Structure straddles two (2) of the three (3) lots that were combined.
5. On November 16, 2016, the applicant submitted a HDDR Application for the subject property. At the time, the project scope of the HDDR included: Reorient (rotate) the Historic Structure so that the primary entrance faces Woodside Avenue (west) and Relocate the Historic Structure ten feet (10’) to the east in order to comply with the minimum Front Yard Setback.
6. After working with the applicant on the required materials for their submittal, the current HDDR application was deemed complete on March 2, 2017. Between March 2, 2017 and the first HPB meeting on July 19, 2017, staff provided the applicant with redline comments and re-reviewed new plans addressing those comments once submitted by the applicant.
7. The Historic Preservation Board held a public hearing and continued this item on July 19<sup>th</sup>, 2017.
8. The Historic Preservation Board held a public hearing and continued this item on October 4<sup>th</sup>, 2017.
9. The Historic Preservation Board held a public hearing, discussed the item, and continued this item on December 5<sup>th</sup>, 2017.
10. The Historic Preservation Board held a public hearing and continued this item on February 7<sup>th</sup>, 2018.
11. The Historic Preservation Board held a public hearing, discussed the item, and continued this item on March 7<sup>th</sup>, 2018 in order to facilitate a site visit at the request of the applicant.
12. The Historic Preservation Board conducted a site visit, held a public hearing, discussed the item, and continued this item on April 4<sup>th</sup>, 2018.
13. The Historic Preservation Board held a public hearing, discussed the item, and denied the Relocation and Reorientation of the Historic Structure at 424 Woodside Avenue with a 5 to 1 vote on May 2, 2018.
14. On May 22, 2018, staff issued a Denial Letter for the HDDR application.
15. On June 4, 2018, the City received an application for an appeal of the Historic Preservation Board’s decision for the Relocation and Reorientation of the Historic Structure at 424 Woodside Avenue. On June 15, 2018, the Appellant provided supplemental information. This application was accepted within 30 days of the Final Action of the HPB.
16. On July 12, 2018 the City Council reviewed the appeal, held a public hearing, and directed staff to return with findings of fact granting the Appeal in part to approve the

Relocation and deny the Appeal in part to uphold the HPB's decision regarding the Reorientation.

17. On August 2, 2018, City Council continued the discussion to August 16, 2018 regarding the ratification of the Findings of Fact for the Appeal.
18. On August 16, 2018, City Council granted the Appeal in part to approve the Relocation and denied the Appeal in part to uphold the HPB's decision regarding the Reorientation.
19. On December 7, 2018, the applicant submitted drawings that complied with the City Council's August 16, 2018 action and the Land Management Code. The new proposal is to relocate the structure ten feet (10') to the east, lift the structure one foot eleven inches (1'11"), renovate the historic portion of the structure, and construct an addition between the existing south addition and historic portion of the structure.
20. After internal staff review of the revised proposal and new plans submitted on December 7, 2018, staff prepared a staff report for the February 6, 2019 HPB meeting recommending approval of the proposed Material Deconstruction for the following materials on the Significant Site:
  - 4) Existing non-Historic windows and non-historic doors
  - 5) A non-historic east facing addition
  - 6) A portion of the historic roof framing and rear (west) wall to accommodate an addition/connection to the existing non-historic south addition.
21. The HPB approved items #1 and #2 above and denied item #3 with a 4 to 1 vote.
22. The appellant is requesting that the City Council review the decision made by the Historic Preservation Board (HPB) to deny Item #3 - the removal of a portion of the historic roof framing to accommodate an addition/connection to the existing non-historic south addition as a part of the Historic District Design Review (HDDR) application.
23. On March 8, 2019, the City received an application for an appeal of the February 6, 2019 Historic Preservation Board decision for the Material Deconstruction at 424 Woodside Avenue. This application was accepted within 30 days of the Final Action of the HPB.
24. The appellant provided a letter detailing the Appeal points related to the denial of item #3 including, but not limited to:
  - The Historic Preservation Board erred in their review authority
  - Relevant facts and additional calculations
  - Analysis of the Historic Preservation Board's Material Deconstruction Checklist
  - Analysis of the applicable Design Guidelines
25. Planning Staff has prepared findings 26 through 30 below reflecting that the proposed Material Deconstruction of a portion of the west facing roof structure and façade complies with the Historic Preservation Board Material Deconstruction Checklist.
26. The removal of a portion of the rear façade and roof structure will not compromise the Historic Integrity or ability to interpret the site from the Public Right-of-Way.
27. The proposed Material Deconstruction of a portion of the west facing roof structure and façade will not obstruct the Historic Structure.

28. The proposed scope of work will have no negative impact on the historic importance of the structure as the additional material removal is minor and allows for a visual transition between the 1990s addition and the existing Historic Structure.
29. The removal of the rear wall and roof area as proposed will not compromise the ability to interpret the Historic Form of the Historic Structure.
30. The removal of a portion of the west facing roof structure and façade to accommodate a new addition will not damage the historic integrity of the structure or site.

**Conclusions of Law:**

1. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District and regarding material deconstruction.

**Order:**

2. The appeal of the Historic Preservation Board's Denial of the Material Deconstruction of the Historic Structure at 424 Woodside Avenue is granted.

**Conditions of Approval:**

1. Final building plans and construction details shall reflect substantial compliance with the HDDR proposal stamped in on December 7, 2018. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
2. Where the historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material and finish. Prior to removing and replacing historic materials, the applicant shall demonstrate to the Planning Director and Project Planner that the materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No historic materials may be disposed of prior to advance approval by the Planning Director and Project Planner.
3. Any deviation from approved Material Deconstruction will require review by the Historic Preservation Board.
4. A structural engineer shall be responsible for creating a cribbing plan prior to the house being supported from the interior for the installation of the new concrete foundation. Within five (5) days of installation, the structural engineer will inspect and approve the cribbing as constructed. If the cribbing is to be relocated or altered at any time during the construction of the foundation, the structural engineer shall create and approve a new cribbing plan. The structural engineer shall re-inspect and re-approve the cribbing within five (5) days of any relocation or alteration to the cribbing.
5. Historic buildings which are lifted must be returned to the completed foundation within 45 days of lifting the building. Failure to do so will be a violation of the Preservation Plan and enforcement action through the financial guarantee for historic preservation could take place. 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

determines that it is necessary 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.

6. The Preservation Plan must include a review and stamp by a licensed and registered structural engineer on the proposed cribbing or shoring methods. If the contractor makes a revision to the cribbing or shoring plan, the structural engineer must approve the change in writing. Cribbing or shoring must be of engineered materials. Screw-type jacks for raising and lowering the building are not allowed. The owner (or through its agent or the contractor) is responsible for notifying the Planning Department if changes are made.