PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 15, 2021

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Bill Johnson, Christin Van Dine

EX OFFICIO: Jessica Nelson, Planning Analyst; Alexandra Ananth, Senior City Planner; Rebecca Ward, Senior City Planner; Gretchen Milliken, Planning Director; Brendan Conboy, Senior City Planner; Mark Harrington, City Attorney

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1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:50 p.m. and confirmed the attendance of all Commissioners, with the exception of Commissioner Christin Van Dine, who was expected to join the meeting later.

The following written determination was read:

> The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.
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> Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. PUBLIC COMMUNICATIONS

There were no public communications.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

There were no staff or board communications or disclosures.

4. REGULAR AGENDA

A. Land Management Code Amendments - The Planning Commission will Review Stopgap Amendments for Internal Accessory Dwelling Units to Prepare for State Pre-Emption of Certain Accessory Apartment Regulations that are Effective October 1, 2021. PL-21-04889.

Senior City Planner, Rebecca Ward explained that the proposed Land Management Code ("LMC") Amendments related to Internal Accessory Dwelling Units ("IADU"), which are units that the State defines as an apartment built within the footprint of an existing single-family dwelling. She reported that on October 1, 2021, State regulations will preempt local regulations of IADUs. Since 1994, the LMC has allowed Accessory Apartments in most zoning districts, which are dwelling units within or attached to a single-family dwelling or a detached garage. In 2018, the City Council directed Planning Staff to evaluate reducing regulations to incentivize affordable Accessory Apartment development by the end of this year, which is Goal 2 of the 2021 Update to the Housing Assessment and Plan.

Planner Ward stated that those amendments were in progress when the Utah Legislature adopted House Bill ("HB") 82, which will go into effect October 1, 2021 and preempt some local regulations. Staff proposed stopgap amendments to prepare for the State pre-emption while the Accessory Apartment amendments are being finalized. Staff plans to bring those amendments back to the Planning Commission on October 13, 2021, and November 10, 2021, for finalization and recommendation to the City Council by the end of the year.

Planner Ward reported that both the City Council and Planning Commission provided input on Accessory Apartment amendments that are being incorporated into the next phase of amendments that included the following directives:

- To reduce parking;
- To allow Accessory Apartments in community transition zones;
- To expand the LMC to allow detached Accessory Apartments in certain zones;
- To extend the minimal rental timeline to 90 days;
- To reduce the minimum square footage to as low as 280 square feet; and
- To evaluate proximity prohibitions and eliminate them in certain zoning districts.

She reiterated that these amendments are still in progress, so what they are proposing now will be temporary.

Planner Ward reported that to date the Planning Commission has provided the following input on the State pre-emption for the IADUs:

- Allow IADUs in primarily residential zoning districts without limitation;
- Allow IADUs on lots of all sizes;
- Consider long-term rental requirements in lieu of requiring the property owner to live on site; and
- Track IADUs to ensure they are not used for nightly rentals.

She noted that Staff continues to evaluate the Planning Commission's questions on the following issues:

- Market rate rents as compared with rents capped at 80% AMI or below for IADUs and Accessory Apartments;
- Impacts to significant or landmark historic sites in historic districts;
- How allowing IADUs within already deeply restricted districts would function; and
- Tracking compliance with long term rental requirements

Planner Ward explained that State law does allow some local regulations, so the amendments currently before the Commission are regulations that are allowed by the State. She reiterated that these amendments will be temporary pending finalization of the Code.

The temporary amendments would do the following:

- Restrict IADUs to lots greater than 6,000 square feet;
- Require a parking space in addition to what is required for a single-family dwelling;
- Require an administrative permit, which is approved at the Staff level, to allow them to track nightly rental compliance;
- Require a Conditional Use Permit ("CUP") for properties designated historic;
- Require the property owner to live on-site;
- Prohibit the sale of the IADUs separate from the single-family dwelling;
- Prohibit nightly rentals;
- Require a deed restriction prohibiting nightly rentals;
- Require notice to HOA's; and
- Outline a permit revocation process for non-compliance.

Staff recommended that the Planning Commission submit a positive recommendation for these Code Amendments to the City Council for consideration on September 23, 2021. She explained that these will be stopgap amendments that will be adopted while Staff continues to finalize the Code for further discussion on October 13, 2021, and November 10, 2021.

Planner Ward reported that Staff recommended that the Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for these stopgap amendments to prepare for State pre-emption. Staff also recommended that the discussion be continued to October 13, 2021, and November 10, 2021, to allow time for a holistic amendment consistent with the City's goal of incentivizing affordable Accessory Apartment development. There would be a possible recommendation to the City Council in December 2021.

In response to an inquiry from Commissioner Sarah Hall, Planner Ward clarified that these stop-gap amendments will put something in place for applicants who might apply for an IADU pending the adoption of the further LMC amendments consistent with the City's goals. These temporary amendments will remain in place until they are updated or amended.

Chair Phillips asked if there had been any significant changes to what is being proposed as compared to what had been presented to the Commission previously. Planner Ward stated that this proposal is a baseline of what the State allows the City to regulate. She noted that there would still be opportunities at the October and November meetings to reduce those regulations and look at IADUs, detached ADUs, and Accessory Apartments while the Code is being finalized.

Commissioner Suesser asked if there would be a cap on IADUs similar to the cap on nightly rentals. Planner Ward reported that State law does not include a cap and there is no option for the City to enact a cap. The City could, under the State law, exclude certain zones or implement lot size requirements.

Commissioner Suesser commented that she sees a potential overlap of Accessory Apartments and nightly rentals. Planner Ward clarified that the State allows the City to prohibit nightly rentals and that restriction is included in the temporary Code amendment presently before the Commission. Additionally, the State does not allow the City to track nightly rental compliance by online listings alone; however, for IADUs, the City could track to ensure compliance, even through online listings. She stated that Staff is working with a third party consultant who would track online nightly rental listings to ensure compliance.

Chair Phillips sought clarification of Commissioner Suesser's statements regarding a nightly rental cap. He stated that he is only aware of a nightly rentals cap in the HR-1 West zone, rather than a citywide cap on nightly rentals. Planner Ward confirmed that a nightly rental cap exists only in the Historic Residential-Low West zone.

Commissioner Suesser commented that people like the idea of these units for housing other than nightly rentals. She agreed that having that restriction in place is something the Commission should consider. Commissioner Hall sought clarification of the deed restrictions that are proposed as part of these amendments. Planner Ward confirmed that the State allows the City to prohibit nightly rentals and it is included in these stopgap amendments. Commissioner Hall expressed her view that proposed amendment A.6, entitled Deed Restriction, is the most important. She supported accessory units as long as both dwellings are not being occupied for nightly rentals. She noted that they might want to strengthen the language in the deed restriction in this regard.

Planner Ward explained that the State follows the definition of "short term rentals," which would be 30 days or less in the case of IADUs. Therefore, the City would be able to prohibit nightly rentals or other short-term rentals of less than 30 days. Commissioner Thimm confirmed his understanding that the proposed amendments would be temporary, pending more permanent amendments. He asked if there is a sunset on when the temporary provisions will expire. Planner Ward confirmed that there is no proposed sunset, but there is a timeline to get the permanent amendments in place.

Commissioner Suesser referenced the proposed Ownership restriction contained in A.5 and stated that one of her neighbors just built an IADU and intends to rent out their main home and live in the IADU. Planner Ward opined that this situation would likely be allowed under the Code, but Staff could clarify the language. Commissioner Suesser commented that she doesn't like the use of the word "occupy" in this provision. Planner Ward suggested the following language: "the single-family dwelling or IADU shall be the primary residence of the property owner." Commissioner Suesser objected to the use of "primary residence" as many people own second homes that have IADUs.

It was understood that in Commissioner Suesser's example, the owner would still be "occupying" the residence. Planner Ward clarified that this provision comes from the language of the State law which defines an IADU as a "primary dwelling;" and "primary dwelling" is defined as "a single family dwelling that is detached and is occupied as the primary residence of the owner of record." She added that in the next round of amendments they could look to clarify that requirement. Chair

Phillips agreed with the comments of Commissioner Suesser and clarified that there could not be rentals of both units within a single- family dwelling.

Commissioner Suesser added that upon further review of section A.5, it addresses her concerns. Planner Ward confirmed that they would re-evaluate whether they could include a requirement that the property owner live on site.

Commissioner Hall reiterated her prior position that they should not require an IADU to be in a primary residence occupied by the owner and opined that the real impetus is the prohibition of nightly rentals. Commissioner Thimm and Chair Phillips agreed with this position.

Commissioner Kenworthy asked if enforcement would be easy for Staff or third party oversight vendors. Planner Ward responded that Staff has already reached out to a third party to derive a plan, and the only thing they need to do is provide the third party vendor with an updated list of addresses so that they can continuously monitor online sites for nightly rentals.

With regard to penalties for non-compliance, Planner Ward stated that they would look into whether they are significant enough, and address it in future discussions.

Chair Phillips opened the public hearing. There being no public comment, Chair Phillips closed the public hearing.

Commissioner Hall asked whether the "Ownership" provision of the proposed amendment could be stricken, noting that the "Deed Restriction" provision would sufficiently address the short-term rental issue for either unit. Planner Ward reiterated that Staff recommends this amendment be approved, as written, and stressed that it would be temporary while they continue to re-evaluate the language. She added that this language comes from the State law, but the Commission could remove it if it so chooses.

Chair Phillips commented that a majority of the Planning Commission appeared to be in favor of removing the "Ownership" provision, and agreed with Commissioner Hall that at this point, they should not be more restrictive than they likely would be once the process is completed.

Planner Hall noted that continuing this discussion to October 13, 2021 would give Staff time to evaluate the language. She recommended that in lieu of removing the Ownership provision completely, they could strike "The Single-Family Dwelling shall be occupied by the Owner" and leave in "The Internal Accessory Dwelling Unit shall not be sold separately." Commissioner Hall expressed her agreement with this proposed change.

Planner Ward commented that this change would also require a change to the "Deed Restriction" section, at line 278, which reads "Prospective purchasers should be advised that only one (1) unit on the property may be rented; the other must be occupied by the Owner." She reiterated the recommendation that these discussions be continued to the scheduled future meetings to allow Staff to work through the language on ownership requirements. Alternatively, they could strike the language at line 278 at this time, and direct Staff to amend the Deed Restrictions to reflect that change.

Commissioner Suesser understood that it is an occupancy requirement, not an ownership requirement. Commissioner Thimm expressed his full agreement with the statements of Commissioners Hall and Suesser. That said, he would not be concerned with having this language for a couple of months and would be more concerned with unintended consequences of making changes at this point knowing that these issues would be revisited. He expressed support for adopting these amendments as presented with the clear record presented during this meeting as form for the permanent amendments to be adopted after further discussions. Commissioner Kenworthy agreed with Commissioner Thimm's position.

It was reiterated that Staff would return to the Planning Commission on October 13th and November 10th for continued discussions on the broader amendments. The goal would be that final action on the permanent amendments be taken in December 2021.

Chair Phillips expressed understanding with both sides, and noted that he had concerns about the impact on potential rentals for the upcoming winter season. He agreed that he does not want to see unintended consequences by deviating from the State's language.

Commissioner Suesser stated that she would be in favor of striking the language in the "Ownership" section, as discussed, and striking the entire sentence on line 278 in the "Deed Restriction" section. Commissioner Hall agreed with this position and noted that she would not like to pass a bad amendment that they know needs improvement.

Planner Ward added that the State allows the City to track compliance through online listings of nightly rentals for IADUs. They need to evaluate whether the State would allow tracking of compliance with the single-family dwelling.

Commissioner Suesser acknowledged that she does not currently have a position on whether nightly rentals of the main dwelling should be allowed, as long as the accessory dwelling is long term.

Commissioner Thimm suggested that thoughtful consideration of these issues over the next couple of months and coming up with a perfected amendment is the right course. He stated that he could support either side, but worried about unintended consequences of certain provisions in these ordinances.

Commissioner Kenworthy acknowledged Planner Ward's concern about the jurisdictional difference between the State and City if this proposed amendment is changed. Planner Ward confirmed that she would like additional time to evaluate the potential impacts of deviating from the State's definition. Commissioner Kenworthy supported leaving the proposed amendment as-is, knowing that it is a stopgap amendment.

Chair Phillips added that currently, the owner of a single-family residence could have nightly rentals of the main house and by putting in an IADU, these owners are effectively losing the ability to have nightly rentals, which might provide a higher income. His expressed concern as to whether these provisions would discourage IADUs and suggested this should be explored in depth.

Chair Phillips expressed his agreement to move this amendment forward as proposed by Staff and address the details in future discussions. Commissioner Suesser commented that in reviewing the ordinance, additional changes would be necessary and referenced the definition at line 301. She expressed that the amendments need a lot of work and noted that "primary residence" is not a defined term and problematic, since Park City is a resort community with many second homeowners. She stated that she would be agreeable to waiting a month or two and expressed hope that they do not receive backlash on this because it would be problematic to pass something that they do not think works or is appropriate for the City. Commissioner Suesser stated that she is agreeable to recommending these amendments as presented because they are required to but stressed that the ordinance needs a lot of work.

Chair Phillips announced that Commissioner Van Dine joined the meeting. He also reported that Commissioner Johnson stated in the chat that he is “okay with proceeding for now, but look forward to continuing the discussion in October.” Chair Phillips confirmed that he considered this statement a positive vote for purposes of the following motion.

MOTION: Commissioner Doug Thimm moved to forward a positive recommendation to the City Council concerning the proposed Ordinance Amendments regarding IADUs for their consideration on September 23, 2021, based on the draft ordinance included as Exhibit A in the meeting packet, and continue the discussion of further amendments to October 13, 2021. Commissioner Suesser seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. It was confirmed by Commissioner Johnson that he voted “Aye” in response to the motion.

5. WORK SESSION

A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session- Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss Off-Site Parking and Transportation, Draft Findings of Fact, Draft Conditions of Approval and Other Issues Raised in the Staff Report. PL-20-04475.

Chair Phillips provided a framework for the upcoming discussions regarding this application for this meeting and future meetings. He suggested taking the comments of Commissioner Suesser and Commissioner Thimm from the prior meeting to ensure that they are on the record.

From there, he suggested addressing the second half of the Conditions of Approval. They would open the matter up for public comment, and thereafter allow Commission discussion, time permitting. Chair Phillips requested that the discussions remain on the topic of the Conditions of Approval. He anticipated that the next meeting would involve presentation of Findings of Fact, a public hearing and the conclusion of discussions. The following meeting could then finalize any outstanding items so that they could potentially get to a vote.

Senior Planner Alexandra Ananth summarized that this application seeks to amend the 1998 Development Agreement and replace expired Exhibit D with a new Master Plan Study. She advised that tonight’s presentation would include a project update, a presentation by the applicant, additional comments on Findings of Fact and draft Conditions of Approval.

She noted that the next meeting on this application would take place on September 29, 2021, and would include a public hearing. Following that, there would be a meeting on October 20, 2021, to address this application. Planner Ananth reminded that this is the 13th public meeting on this project since August 26, 2020. At the last meeting, they went through the draft Findings of Fact, and the Commission provided good feedback, which she tried as best she could to incorporate into the draft included in the Commission's packet. She expressed hope that they could focus tonight's discussions on the Conditions of Approval.

Planner Ananth invited the applicant to address the Commission. Robert Schmidt, PEG Development, expressed his hope that they could move forward to a vote on this project in October 2021. He noted that they brought various team members to address some of the questions raised at the last meeting. He introduced Ryan Hales and Josh Givens from Hales Engineering; Pete Williams from ST Group; Robert McConnell, PEG's counsel; and Kristin Williams, consultant. In addition, Mike Gore, the General Manager for Park City Mountain Resort was present to share some thoughts on this project, as well as Kara Bowyer, Vail Planning.

Ms. Williams began her presentation and expressed that due to the challenges of reviewing an application of this size via Zoom, it would be helpful to pull back and provide a succinct overview of where this started and where the project currently stands. She noted that the intent from Day 1 was to make sure that they kept the City's strategic pillars in mind.
Ms. Williams offered that this redevelopment embraces bold action and new ideas by asking all to change their behavior over time. She added that the proposal would transform under-utilized parking lots into a world-class resort base without losing one day-skier parking spot.

She reported that nearly two years ago, they started pre-application community outreach in order to get a sense of what City Staff, the residential and commercial neighborhood, and the greater community wanted to see at the base of the mountain. Ms. Williams stated that the most popular ideas included the following:

- Come in under the City's allowed density;
- Assume the outstanding obligation for 23 employee beds, but also maximize the potential for housing and keep employees on site;
- Make room for and design a world-class transit center;
- Take cars off of the already congested roads;
- Incentivize locals and guests to take transit options;
- Provide day skier lockers;
- Maintain open space and create public plazas;
- Have retail and restaurant offerings that do not compete with Main Street and current resort center businesses;
- Take into account the City's bold sustainability goals and meet them;
- Not allowing any impact to the 1,200 day-skier parking during the multiple years of construction;
- Incorporate bike stalls, bike access and parking stalls for Sprinter vans; and
- Construction of sidewalks.

She acknowledged that there were competing priorities on this list, but noted that where no prior developer could figure out how to bring all of this together, they have created something special for this area that incorporates these ideas. She emphasized that input from the Commissioners and the community has been invaluable, and they have made significant adjustments along the way.

Ms. Williams stated that what they are proposing today would be better for the resort, the locals and guests over what was contemplated in 1998 and what currently exists. She reminded that the City's General Plan allows for flexibility for a developer to help overcome many of the constraints from the 1998 Development Agreement that they have talked about over the past 13 meetings. They are appreciative of the ability to have that flexibility.

Ms. Williams stated that the proposed plan seeks to develop the existing surface parking lots and construct a sustainable mixed-use resort development consisting of 146 for-sale condominiums and attainable workforce housing. There would be no loss of day-skier parking, and "transit first" prioritization with enhanced connection to Main Street and a full service and expanded Transit Center. The plan also includes a 249 room hotel, retail and restaurant space, ski club, public ski lockers for day/seasonal and year-round rental, skier services, state of the art wayfinding and lively public plazas.

She acknowledged that the construction phasing plan is bold, noting that Phase 1 would result in all of the attainable housing, new Transit Center, new traffic circulation and 800 parking stalls in Parcel B, while also delivering all 1,200 parking stalls throughout construction. Additionally, they would make sure that the drop-off locations would remain available during construction.

The applicant has asked for exceptions to achieve the substantial density reduction and greater open space areas. She noted that they have heard the continued concerns that the scale and heights are too much. The developer understands the fear that there is significant growth and redevelopment occurring now, with numerous pending land use applications in process.

Ms. Williams expressed hope that the Commission sees the thought that has gone into this project, which seeks to bring less density and more open space, and deliver a significant housing program on site with the height exceptions and structured parking. She noted that everyone would need to embrace behavioral change to make this plan work, and commented that Park City is a special resort community, which she believed could make this plan work.

She focused on the Art, Culture and Local Economy pillar and stated that it was a must for the applicant that the redeveloped base area is inclusive of guests and locals alike. By creating a vibrant, year-round neighborhood featuring incremental new hotel beds, onsite attainable housing and prioritizing transit options, businesses at the base and throughout Park City would be supported.

Ms. Williams highlighted the architectural changes made during this process and noted that one of the earliest changes was the pedestrian pass-through among the Parcel B buildings to and from 14th Street and Lowell Avenue. She commented that art is a fun component of planning a project of this size and reported that they had really good conversations early on with The Kimball to potentially utilize their partner artists for the Transit Center.

She noted that it was important to remember that if they followed the 1998 Development Agreement, they would only have to fulfill an 80-bed requirement to satisfy the attainable housing obligation. By complying with the 2017 Housing Regulations, they would be delivering nearly double the amount of beds.

The plan includes a hotel with 249 rooms in addition to the condominium units. The proposed four-star hotel is a much-needed addition to the base of North America's premier mountain resort. She acknowledged the perception that this project would bring a significant amount of people to the resort, however stated that they are, for the most part, shifting people from other locations that could not otherwise have had the opportunity to be at the base of the mountain. That, alone, potentially takes cars off the road. She added that having the hotel would bring year-round recreation to the slopes and customers to the existing commercial offerings and restaurants.

Ms. Williams stated that they recognize that the shoulder seasons are the toughest part of a resort community, and as a seasoned hotel operator, PEG included the meeting space, which would be critical during the shoulder seasons. She noted that the meeting space would not be made available during peak periods unless the utilization was by people already staying at the hotel.

The redevelopment would bring together tourism, environmental, economic and socioeconomic aspects to promote the City's Sustainable Tourism pillar. She recalled the meetings on sustainability compliance and promised that they would be adhering to the City's guidelines, which did not exist in 1998.

Ms. Williams stated that the architecture would be reflective of the mountain contemporary design, with a nod to the City's historical mining roots. She added that the Conditional Use Permit (CUP) process would be another opportunity to further refine the architecture. She presented a rendering of the entrance to the resort, which reflected the changes made to the Parcel D building to move density back up against the mountainside into Parcel C and adjust the garage entrance to the south based on feedback from the Commission.

She explained that height measurements are to existing grade, which differs from the 1998 Development Agreement that measured to a benchmark on the high side of the buildings. Ms. Williams reiterated that this proposal is similar to the heights and massing as compared with the 1998 Development Agreement and substantially less along Empire Avenue. Community inclusivity also feeds into the Sustainable Tourism goal. Right parking by structuring 1,200 day-skier stalls and a reduction for the new uses while leveraging the shared parking program would result in no added traffic during peak times.

Ms. Williams next turned to the Transportation Innovation pillar and noted that the collective has worked to be innovative and bold with the transportation options, and they have made significant headway with these efforts. She acknowledged the difficulties and complexities involved that require a commitment to changed behavior. Every mountain resort community is tackling the transit issue.

She stated that they feel good about the collaborative discussions with the City's consultants to look at other resorts and data collection that allowed them to move forward. She reiterated that the 1998 Development Agreement did not include a shift to transit. Ms. Williams relayed that she recently attended a transit summit with Summit County and Wasatch County officials, and several developers, and they discussed the collective intent to get people out of their cars. She expressed excitement at being involved in a project in Park City that could be one of the first to lead this effort.

She noted that Mr. Schmidt would address the proposal for the right number of parking stalls to achieve the 20% modal split, as well as the employee parking plan and what would happen if the "transit first" efforts were not succeeding. She mentioned the positive impacts that a paid parking management program has on traffic reduction, and stated that it is a critical component of this plan. Ms. Williams stressed that paid parking would increase Average Vehicle Occupancy (AVO) and would also encourage people to utilize transit.

Additionally, the applicant has an expert traffic-engineered circulation plan that prioritizes neighborhood mitigation and a bus-only lane to the Transit Center. This plan has improved dramatically from the initial proposal of one-way traffic on Empire Avenue.

Ms. Williams stated that they have a bicycle plan featuring 52 year-round bike stalls and nearly 100 stalls during the summer, as well as improved access to the mountain. In response to the feedback from the Commission, sidewalks have been included throughout the entire project area. She noted that the loading dock was relocated to avoid pedestrian conflicts, and they will implement a multi-modal communication system that would allow locals and guests to make better transit decisions before they leave their homes.

Ms. Williams touched on skier drop-off/pick-up, and agreed that this is a vital function of a resort. She relayed that her experiences in dropping off her own children shaped what is now working very effectively in resorts such as Vail and Breckenridge, and what is being proposed for this project. In addition to the eight surface level drop-off spaces, they added twenty 30- minute free spaces into Parcel B that would be in one convenient location where the coaches of the regular ski programs could meet their participants. This is currently the system used by Vail and would require a coordinated effort between PEG and the parking manager, and the ski programs. Ms. Williams expressed that there are numerous options that could be analyzed, including ski program shuttles, transit programs and the locations of drop-off parking. She expressed confidence that the surface level and structured parking would work because it has worked in Vail and Breckenridge.

She stated that they have increased the free parking from 15 minutes to 30 minutes, which would also help those families who want to walk their children into the ski programs. Ms. Williams reminded that throughout the construction cycle, drop-off/pick-up would remain available.

Ms. Williams addressed the Affordability and Equity pillar, and stated that she is proud of the efforts made in this regard. The housing plan not only satisfies the outstanding obligation that was not fulfilled by the prior development team, but PEG is meeting the housing regulation requirements in place when the application was initiated. She added that the plan received unanimous approval from the Housing Authority and in particular, the Housing Authority was excited and proud that all of the housing would be on site and included in Phase One. She emphasized the importance of inclusivity and creating one neighborhood, which is a highlight of this plan.

Ms. Williams lastly touched on the pillar of Environment and Leadership. There were no forward thinking sustainability guidelines in the 1998 Development Agreement and she lauded the City for taking on these issues. She commented that this could be the first major development to implement the City's guidelines. Ms. Williams expressed her appreciation to the Commission for their leadership and time commitment to this application.

She introduced Mike Gore, Chief Operating Officer of Park City Mountain Resort (PCMR). Mr. Gore thanked the Commission for the opportunity to speak. He acknowledged the attendance of Kara Bowyer, Vail Resorts Director of Community Development, who has been working closely with PEG, the Park City Mountain Resort Operations team and the City.

Mr. Gore stated that they have been very involved in this project from its inception. They have and continue to respect PEG's role in the process, as developer and applicant. Throughout the process, Park City Mountain Resort has had ongoing discussions with PEG, and have reviewed plans and discussed the feedback from the Commission and the community.

He reaffirmed the Resort's position on, and participation in, this project. Mr. Gore has spent many years in Park City and has seen the community and the resorts grow. He stated that they have all worked hard to create a special place to live and recreate and are proud that their resort delivers a world-class mountain experience. They now have the opportunity to connect the on-mountain experience with an equally world-class base area.

Mr. Gore stated that this project is key to creating a unique and memorable place at the base of one of the greatest ski mountains. He, and the entire Vail Resorts team, are supportive of the project and believe that it would be transformational for the City in fulfilling many of the goals set forth by the community.

Mr. Gore commented that he drives in the same traffic as everyone else and shared the concerns expressed during this process. He stated, however, that busy days would not be going away and they need to discuss solutions. Doing nothing, and denying this project, would not solve the traffic issues, nor would building more onsite parking. He expressed his belief that creating a place where transit is easy and convenient would begin to solve traffic issues. The community needs a place with the right amount of parking and a mix of uses that balance each other. The community must be willing to share in the vision created by the City, which is the foundation of the community planning documents.

In addition to creating the right place with the right services, they need to change behavior. He stressed that changing behavior is important and cannot be ignored. He added that it must be acknowledged that local, single occupancy trips to the resorts present a significant problem in terms of traffic.

Mr. Gore stated that they ask their employees and guests to use transit in order to fulfill the City's vision. He would also ask Park City residents to further embrace transit and re-think how they get to the resort. The proposed local transit service and adequate on-site lockers would make it easier and more convenient than ever to get to the resort.

He suggested everyone do their part to solve traffic in the community by using transit. He added that the days of free parking are coming to an end, regardless of what happens with this project. He emphasized that change must happen with or without this project, and behaviors must change to embrace a shared vision to prioritize transit.

Mr. Gore stated that this project is a significant step in that direction. It is a demonstration of partnering between the resort, the developer, the City and the community. PEG has heard and responded to the community's concerns. He commented that the proposal as outlined by Ms. Williams represented a remarkable response to the comments from Staff, Commissioners and the community.

He stated that he has worked in a number of mountain communities over the years, and is familiar with the challenges they are facing, but this is a project that he is really proud to be a part of. He stressed that they should not miss the opportunity to enhance the community and be part of a traffic and transit solution.

Mr. Schmidt initially focused on how they would accommodate those who would be parking in satellite lots and using the transit system to access the resort. He referenced the Staff Report and the draft memorandum prepared by Hales Engineering.

Commissioner Suesser pointed out that all of the Commissioners share in the concerns raised by Commissioner Kenworthy regarding off-site parking. Commissioner Kenworthy quoted from the minutes from last meeting, in which Planner Ananth stated that the transportation plan, in her opinion, does not have enough stalls and has not been fully developed. He stressed that he the City's own Planning Staff shares in his opinion in this regard.

Commissioner Suesser referenced Ms. Williams' statement that paid parking would decrease parking needs. She recalled that the Commission had requested Hales Engineering provide additional information on the anticipated percentage decrease, which still has not been provided. The information is needed to allow the Commission to make its' decisions.

Mr. Schmidt referenced the graphic from Hales Engineering's memorandum depicting the current status of the Park and Ride lots at SR-224 and the future Park and Ride lot to be constructed at Quinn's Junction. He noted that a substantial amount of the stalls at Ecker Hill were reserved by CVMA.

Mr. Schmidt stated that between Jeremy Ranch, Ecker Hill and Kimball Junction, there are 220 available stalls for the public. The intent is to build 465 stalls at Quinn's Junction for public use. He explained that Hales Engineering's calculated that the needed capacity, with the mode split, would be between 276 and 422 stalls. He stated that they utilized 422 as the most conservative number of needed stalls, and between the lots listed above, there are 685 available stalls.

He addressed the existing parking conditions as compared with the projected parking conditions for day-skiers, and how it would be impacted by shared parking. At the end of the day, they tried to analyze how much onsite parking they would need, while implementing a mode split. He stated that there is not a direct correlation between the traffic analysis and the parking analysis; however he would try and explain them both together.

Mr. Schmidt presented a graphic to explain the concept. He explained that on the graphic, one stall represented 20 stalls and one car represented 20 cars. Yellow cars represented employee parking, and a skier symbol represented 500 skiers. One bus represented five buses and one shuttle represented five shuttles.

Based on numbers presented by ST Group, the existing conditions show a comfortable capacity of 12,570 skiers who arrive by different means. He stressed that under today's conditions, if the current parking block that represents the 1,200 surface day-skier stalls is parked at an AVO of 2.3, they are filling the 1,200 stalls completely full.

He noted that there are an additional 389 stalls available at the Resort Center in Sweetwater that are owned by Vail Resorts and available for skier parking. Those stalls are currently full as well. He explained that, currently, they have a demand for an extra 347 stalls that are currently parked at the High School.

Mr. Schmidt stated that currently some stalls at Jeremy Ranch, Ecker Hill and Kimball Junction are being used for day-skier parking. He reported that the County does not have any data on how many stalls are used for day-skier parking, but they do know that there is some usage. In it's current condition, Richardson Flat is not being used for day-skier parking or employee parking.

Commissioner Kenworthy asked whether PEG had Vail's parking data for Park City Mountain Resort. Mr. Schmidt responded that they have information from Vail regarding usage at the High School. Commissioner Kenworthy referenced Mr. Gore's statements regarding sharing, yet noted that PEG does not have any data for the Park City Mountain Resort parking lot.

Mr. Schmidt stated that they have data for the High School, and noted that when the High School parking lot is being used, it follows that the parking at the base is full. He further explained that the data shows three days of 300+ stalls at the High School and 24 days where the High School was used for parking, which indicates that the parking at the base was full.

Commissioner Kenworthy stated that this explanation does not tell him anything about the Park City Mountain Resort, and is only an assumption based on the overflow at the High School. He emphasized the word "sharing," and stated that if they are going to solve this issue, they will have to do it together. Park City Mountain Resort must be transparent and must be at the table. He explained that he has been on Transportation Committees for eight years and expected much more from everyone coming to the table. He commented that PEG has compromised on many issues, but on this most important issue he does not find the right number of stalls. Commissioner Kenworthy recalled that he fiercely requested a copy of the contract at Ecker Hill; yet found out today that the developer at The Canyons has the option of taking another 100 stalls.

Commissioner Kenworthy expressed that in the last meeting, he was trying to get to the solution, which he sees as PEG as having a substantial fee-in-lieu. PEG is requesting an exception of 500 parking spaces from the Land Management Code and they do not have the stalls in the County. "Transit First" does not win if the cars get into the City, or if they rely on the Kimball Parking Lot, which is a hub. He stated that they are exhausting every parking stall out there, and the whole philosophy is to capture cars before they come into the City. There are now reduced stalls outside the County. He stressed that they want to work with PEG, but they have to deal with reality and not what they hope would happen. He emphasized that they have to do better because this plan does not work.

Mr. Schmidt stated that he would like to get to the proposed conditions, and noted that everyone could agree that the existing conditions present a challenge. Doing nothing means continuing with what they have, which does not work. Commissioner Kenworthy wanted to talk about the fee-in-lieu, noting that in the five years this proposal has been in process, it is still woefully short according to City Planning Staff. Mr. Schmidt stated that there is a huge shift that would happen when this resort is built out. He stressed the proposed conditions and how it dramatically affects the parking situation and how people arrive at the resort.

He reiterated that building this resort actually would help the traffic situation. Looking at the existing conditions, ST Group's analysis concluded that the CCC could increase under the current Mountain Upgrade Plan to 13,440, an increase of just fewer than 1,000 skiers. In the future, the skiers will arrive in different ways. He explained that the guests within walking distance--the hotel guests that are already at the base--increases by over 700 skiers. Additionally, the Town Lift would increase access and create a mode split in the future. He emphasized that they could increase housing and lodging on-site and get skiers on the mountain from locations within walking distance.

Mr. Schmidt continued by focusing on the increase in transit, and referenced the Hales Report that states that in the peak hour/peak day they need a 20% mode split at the intersection. In order to do that, they need approximately 700 skiers on a bus. He explained that in the proposed condition, with 13,440 skiers, they would have the surface parking lot replaced by 1,200 covered parking stalls and they would also have the existing stalls at Resort Center in Sweetwater. The AVO of 2.7, which is an increase from existing conditions, would be achieved by paid parking. Mr. Schmidt stated that when they charge for parking, they get a 15% reduction in demand for parking, which is consistent with standards in the industry and what exists on other projects.

Mr. Schmidt continued by stating that by adding lodging to the base, they park the demand onsite without the need to park cars at the High School. He added that there would actually be some excess parking onsite. He emphasized that even on a capacity day, there would be sufficient parking onsite and they would achieve a mode split.

He stated that when they apply the mode split, they would need 422 cars parked at a remote lot. If they remove the High School as an option, the available lots are Jeremy Ranch, Ecker Hill, Kimball Junction and Quinn's Junction, where they would have 422 out of 685 available stalls.

Commissioner Kenworthy commented that the capacity would be for the entire City, and he questioned the numbers presented. He was flabbergasted that PEG would think this would work, since PEG would only get a fraction of that capacity. He questioned how many employees would be parked at Richardson Flat, and invited Mr. Gore to share the data.

Mr. Schmidt responded that if they did not want to use all the demand at Quinn's Junction, they could shift some of these stalls to the High School. He recognized his assumption that the stalls at the High School would be available. Commissioner Johnson commented that this would increase traffic in town.

Commissioner Suesser commented that based on the Hales Report, the hotel would generate approximately 1,000 cars per day on a peak day, which belies the conclusion that the hotel is not generating more cars coming to the resort. She pushed back on Mr. Schmidt's comment that they don't want to increase traffic, since putting a hotel at the base does significantly increase traffic. She recalled statistics presented at a prior meeting where it was stated that building a condominium building only would result in roughly half of the traffic estimated for a four-star hotel. The change in use is driving more traffic to the resort that was not contemplated under the MPD.

She also referenced the statements made earlier about changing behavior, and suggested the hotel provide a free shuttle to and from the airport for its' guests. She has never heard a suggestion that a hotel in Park City provide a free shuttle, and expressed that it would be a good condition to include in the project.

Mr. Schmidt explained that there is a difference between trip generation and peak hour traffic, with trip generation occurring over an entire day, while peak hour is only during certain times of the day when traffic is heaviest.

Josh Givens, Hales Engineering, added that 1,000 trips do not necessarily translate into 1,000 vehicles. A "trip" is an entering vehicle or an exiting vehicle and 1,000 trips might equate to 500 vehicles. He further stated that normally a peak hour generates about 1/10 of the daily trip generation, therefore, for 1,000 daily trips, one would expect 100 peak hour trips.

Mr. Schmidt stated that with all of the data and analysis that they have completed, the City concluded that the plan would work. There would be sufficient stalls and the ability to achieve a mode split, which is accomplished by building the resort. He emphasized that developing the resort actually improves the conditions and gives them a path forward.

He added that day-skier parking is only one element of the parking plan. They also have a shared parking analysis for the new uses on the site. He stated that the shared parking would be above and beyond the day-skier parking. Hales Engineering prepared charts showing peak usage of the parking that they have provided, not the parking for which they requested an exception. He noted that many communities nationwide have implemented shared parking provisions within their code, because it has been found that the shared use provides sustainable ability to use parking stalls without overbuilding the number of stalls.

Mr. Schmidt presented a graphic of the shared parking analysis and showed that on Parcel B, there would be excess parking for the condominiums and housing. On Parcel C, although the hotel would be under parked by approximately 48 stalls, there would be sufficient parking in Parcels D and E at the same hour. He explained that the plan for the condominiums in Parcels D and E would be branded under the hotel umbrella; therefore they would be able to control those stalls with a valet parking system. He assured that there would be more than enough parking to handle the needs of the development.

Mr. Schmidt expressed confidence that they have sufficient onsite parking. They are willing to negotiate a guarantee in the Development Agreement that there will always be enough parking onsite for the uses that they are building. In terms of day-skier parking, he recognized that if they do not use the High School, there would be an impact to the public system and agreed that there should be a contribution on PEG's behalf to help offset some of that cost. They would be willing to negotiate that cost through the Development Agreement.

He added that the ability to achieve the mode split at the intersection of Deer Valley Drive would require the City to also step up and improve the transit system not only for the Park and Ride lots, but for all guests and residents. Other developments in the City would also need to consider mode splits to reduce the traffic loads through these major intersections.

Commissioner Kenworthy respected Mr. Schmidt's statements, as well as everything that he and PEG has done throughout this process. He stated that he would like a win-win for the community and he does not want to lose this opportunity. Driving into the existing base, it is clearly not a world-class resort experience.

He suggested that they agree that Mr. Schmidt would get Vail and Mr. Gore to provide the real numbers on the number of employees forced out to satellite lots, as well as the real numbers on the parking lot. He also stated that to get the AVO numbers to 2.5 – 3.0+ they must get substantial bus ridership. Mr. Schmidt agreed that bus ridership must increase to increase the AVO.

Commissioner Kenworthy stated that the presence of shuttles driving in and out of the area would negatively impact the AVO. Mr. Schmidt disagreed that the shuttles would impact the AVO. In response, Commissioner Kenworthy focused on reality and stated that if he takes the shuttle, or drives someone into the Park City Mountain Resort and then picks them up, it amounts to four trips to pick up one person.

Mr. Schmidt pointed out that a trip is impactful to the level of service of the intersections if it occurs during the peak hour. Outside of the peak hour, there is capacity in the intersections to handle these trips. He agreed that they do not want frivolous trips to the resort, but their goal is to reduce the peak hour trips to allow the intersections to function.

Commissioner Kenworthy noted that for the day-skiers, the system should catch the people from the Wasatch Front, Kimball, Jeremy and Pinebrook before they get to the City. Mr. Schmidt agreed that is the goal as much as possible. He also agreed that SR-224 is the busiest corridor.

Commissioner Kenworthy highlighted that there are 330 available stalls off of I-80 and SR-224. Mr. Schmidt clarified that that is what is available today, and does not take into account the available spaces that would be created by Quinn's Junction. Commissioner Kenworthy noted the assumption that 70% of day-skier parking comes up SR-224, and there are only 330 total spaces until the County, City, Vail and PEG come up with a plan to put more spaces at SR-224.

Mr. Schmidt responded that while they might not get more spaces at SR-224, they would get more spaces at SR-248 and educate people that it is a better option. He posited that those that park at Quinn's Junction would arrive at the resort faster because it would utilize an express bus.

Commissioner Kenworthy confirmed that the reality is that more spaces could not be made available off of SR-224 that allow him, as a Planning Commissioner, to mitigate the loss of 500 spaces. He asked whether it is fair to ask him to mitigate that number of spaces on SR-224 when the Land Management Code states that PEG is required to have 1,000+ spaces for 650,000 square feet of development.

Mr. Schmidt stated that if a stand-alone hotel were built three miles out from the resort, it would be required to have the number of stalls required by the Code. Additionally, if each component of this project were built as a stand-alone project, the LMC would require that number of stalls. He added that common sense supports the shared parking analysis because they have proposed synergistic uses.

Commissioner Kenworthy concluded that traffic would not be reduced because buses would be run from the satellite lots on SR-224 in less than an hour. Mr. Schmidt disagreed with this conclusion, and stated that the plan reduces traffic by implementing the mode split. Commissioner Kenworthy stated that there are only 175 stalls off of the busiest corridor, which would be filled pretty quickly, even if people were directed to SR-248. No stalls would be available for day-skiers to use and transit to the resort.

Mr. Schmidt responded with the assumption that they would not use everything on SR-224 and shift the majority of the use to Quinn's Junction, where day-skiers would have a better experience and get to the resort faster.

Chair Phillips interjected and suggested that the matter be brought back to topic so that the full agenda could be addressed.

Mr. Schmidt noted that they wanted to demonstrate graphically how the parking would work. He expressed confidence that their plan would improve the situation by improving the mode split and the addition of Quinn's Junction. He reiterated PEG's willingness to negotiate their contribution.

Ms. Williams offered to allow Ms. Bowyer to speak and share her analysis with the Commission. Chair Phillips stated that at this point, the Commission would need to decide whether to focus on parking, or focus on the agenda. He requested the input from Planner Ananth and others as to how they wished to move forward.

Ms. Bowyer offered that they could respond to Commissioner Kenworthy's request for data by sending the requests to Planner Ananth who could transmit them to the PEG team so that they could obtain that information before the next meeting. She noted that she has the data with her and could share parking counts. Chair Phillips agreed that this could be addressed at the next meeting, but noted that he is not trying to stop the conversation. He appreciated the new information and would like the opportunity to review it and discuss it in future meetings.

Chair Phillips suggested that PEG finish their presentation, and reserve these conversations for the next meeting. He added that Commissioners could call and request information be provided for the meetings. Chair Phillips stressed that they need to get to the public comment so that they can hear from the public about the item that is on the agenda.

Mr. Schmidt confirmed that their presentation was complete at this point. Planner Ananth stated that she would welcome the comments from Commissioner Thimm and Commissioner Suesser from the last meeting, and then move into the draft Conditions of Approval.

Chair Phillips invited Commissioner Thimm to register his comments to the prior meeting. Commissioner Thimm stated he agreed with the comments of the Commissioners made at the previous meetings. Upon reviewing the Findings of Fact, in general, he is okay with where they are at in terms of density, square footage, and intensity of use in comparison with the 1998 Approval. He also is agreeable with the setbacks.

Commissioner Thimm stated that he is supportive of the applicant working with the City on the mitigation measures concerning traffic; notwithstanding, he requested Commissioner Kenworthy compose a bullet point list of the items of concern for the applicant's response. He noted that such a list would help in understanding specifically the concerns and responses.

With regard to parking, Commissioner Thimm was much more concerned about Building C. After reviewing the shared parking analysis, he agreed with the findings with the proviso that the building-to-building shared relationship of parking be absolutely enforceable and not changed if there is a change of ownership. Otherwise, the shared parking would not work.

He stated that he is in general agreement with the findings as to sustainability. He had a question about the height of drop-off stalls in Building D, and does not know if that had been specifically addressed. He clarified that he is agreeable with the location, but wants to ensure that it would be functional.

Commissioner Thimm did not change his opinion regarding distribution of building height and the exceptions being granted. He still felt that Building D at the northeast end needed to be softened, as it is the major entry into the resort. He added that the way the circulation is set up, that would be a prominent corner where they are already allowing a parking structure entrance.

He also expressed continued concerns about the pathway along Building C as it abuts the resort, stating that it needs to be robust and handle the public in all seasons.

Commissioner Suesser listed her specific comments on the redline document as follows:

- Background Information No. 4: She questioned whether this was an accurate statement. She noted that the "City granted development rights and height exceptions in exchange for, *inter alia*, development restrictions…" (change in italics) Commissioner Suesser noted that the setback exceptions contemplated in 1997 and 1998 were 20 feet. It is not clear whether this was a granted exception. The City Council stated that providing the height exception would allow greater setbacks among the buildings.

  Commissioner Suesser added that it was not just an exchange for the open space; it was "among other things," and she requested that language be added.

- Background Information No. 5: Commissioner Suesser stated that this should specify the density allocated for each parcel.
- Background Information No. 7: She requested the addition of the statement that "the Development Agreement does not allow for the transfer of density from one parcel to another."
- Background Information No. 11.c.: Language should be added that the rights are vested "subject to compliance with the requirements under the DA."
- Background Information No. 12: Commissioner Suesser was curious about the use of the phrase "proposing to assign…" and asked whether that assignment had occurred. Her understanding of the 1998 DA is that unless the City releases Vail, Vail is on the hook for all the rights and responsibilities, even if obligations were transferred to PEG. Given the language of No. 13, this does not seem consistent. She requested clarification of the City's understanding of Vail's obligations under the DA, or whether the City is releasing them.

Planner Ananth responded to this last point and expressed her understanding that Vail has proposed to release themselves from a number of obligations with the transfer to PEG, which would take place if PEG's application for a new MPD is approved. PEG would therefore take on some of the obligations, and some would remain with Vail, such as employee transportation. She stated she could spell out what obligations would remain with Vail and which ones would be transferred to PEG.

Commissioner Suesser stated that it is important that Vail remain contractually liable so that they could enforce the requirements on an ongoing basis. She also commented that there was no reference to the Mountain Upgrade Plan and who is responsible for that. Planner Ananth clarified that the ski operations includes the Mountain Upgrade Plan and Vail is responsible for the mountain upgrades. She noted that she has included that the Mountain Upgrade Plan is still considered to be in effect.

She noted that PEG has requested removal of the condition of limiting ticket sales as a way to address parking issues, but there has not been a consensus amongst the Commission that removal of this condition would be appropriate. She would like to keep that requirement intact, and commented that the developer came into this project knowing that was a condition in the Development Agreement. Commissioner Suesser stated that she does not see any good reason to remove that condition, and it should be one of Vail's continuing obligations.

Commissioner Suesser returned to her specific comments on the redlined Findings of Fact:

- General Information No. 16: She requested a more accurate reference to the Master Plan
- General Information No. 18: She suggested the following phrasing: "The applicant is seeking *the following* exceptions from the requirements of the Land Management Code…" (change in italics). In addition, in No. 18.a., she would change the language as follows: "…for portions of Parcel B, *specifically* the Shadow Ridge Road…" (change in italics) She requested clarification whether this captures the below grade exceptions requested by PEG.

Planner Ananth confirmed that PEG was requesting a reduced setback below grade and the only façade where an exception below grade was sought is the Lowell Avenue façade, which encroaches into the 20' setback below grade. They are still looking at that, since it is unclear how that could be granted. They may end up re-writing this to reflect that they must meet the setbacks below grade.

Commissioner Suesser continued with her comments as follows:

- General Information No. 18.b.: She stated that instead of beginning the sentence with "Exceptions", it should begin with "Reductions"
- Zoning No. 21: She would add "but they are not approved uses in the 1997 PCMR Concept Master Plan"
- Density No. 25: In the second line, she would add, "…on a square footage basis, *per parcel*, in the…" (change in italics)

With regards to Density No. 26, Commissioner Suesser asked why Planning could not determine the Maximum Parcel Allowed Square Footage. Planner Ananth stated that she was waiting for the applicant to finalize their numbers to ensure the table is accurate.

Commissioner Suesser expressed surprise that there were blanks in this document, especially given the fact that it had been suggested that the Commission vote on this at the September 29, 2021, meeting. She felt as though the Commission was getting pressured and there are still some loose ends in the application and in the details.

She returned to her comments on the Findings of Fact document as follows:

- Density No. 27: She agreed with the first sentence, but does not agree that they should be transferring density on this project. She interpreted the General Plan as allowing the transfer or moving of density off-site, not within the project. The Development Agreement specifically prohibits transferring density between parcels, and she does not agree that the General Plan allows for a way to get around the transfer of density
- Density No. 29: Commissioner Suesser suggested that this Finding of Fact be deleted in its' entirety
- Setbacks No. 33: She stated that the LMC contains minimum requirements of which the applicant was well aware, so to suggest that they gave up their request would be unnecessary. She suggested the following revisions:
  "The applicant currently requests reductions in the perimeter setbacks to 20' for the northeast and west facades of Parcel B only, consistent with the 20' setback for the

Recreation Commercial District, but contrary to MPD requirements of 25' setbacks for parcels greater than two acres."

She commented that based on her review of the last meeting, many of the Commissioners seemed to be on board with allowing the setback on the north corner of Parcel B. Her understanding was that at an earlier meeting there had been a consensus that that setback would not be appropriate given the bus turnaround and the amount of people who would presumably come out of the garage and come from the transit center to that corner. She observed that as the Commission blew through these Findings of Fact at the last meeting, the Commissioners present agreed that this setback was appropriate, to which she disagreed.

Commissioner Suesser also does not agree that any setbacks would appropriate for the entire project, so none of the setbacks for Building B should be approved.

- Setbacks No. 35: Commissioner Suesser stated that this should be deleted because it suggests that the Commission is satisfied with the configuration.

She noted that the applicant started with a proposal that did not remotely comply with what was approved in 1997 and still does not include the two open spaces accessible to the public. Additionally, the proposal includes aboveground parking, which was prohibited in the 1997 approvals. The pedestrian walkway should connect to a pedestrian bridge across Lowell Avenue and it does not. She added that the City Council's approval in 1997 was explicitly conditioned on those pedestrian bridges, which are not included in this proposal.

- Setbacks No. 35: Commissioner Suesser noted that the standard for the setback exception is that it is necessary to provide vertical and horizontal architecture, and given the magnitude, density and location of this project, setbacks would not be appropriate, nor has the applicant shown they are necessary. She does not believe that any of the setbacks for Parcel B, which is a tremendous structure, should be approved.

Commissioner Suesser explained that the LMC sets forth minimums and in Section 15-6-5, it lists the minimum requirements that shall be included in all MPD's. The LMC provides that "many of the requirements and standards will have to be increased in order for the Planning Commission to make necessary findings to approve the MPD." She suggested that they should increase the setbacks, not contemplate reductions.

She continued with her specific comments to the Findings of Fact as follows:

- Setbacks No. 37: She disagreed with every statement contained in No. 37a – d and suggested it be deleted in its' entirety
- Setbacks No. 38: At a minimum, this should reference Parcel B, and she suggested that it state that "no perimeter setbacks less than 25 feet, except on the northeast and west of Parcel D."
- Setbacks No. 39: This finding should be changed as follows: "…all parking structures meet the twenty-five (25') MPD Setback requirements." She commented that the Commission has not contemplated the setback exception into Lowell Avenue below grade

Regarding Open Space, she asked whether Resort Core was defined. She also commented that she is not familiar with any landscape buffers and natural areas in the application, and the applicant does not include private open space. Commissioner Suesser reiterated that when they talked about open space, Planner Ananth indicated that they were satisfied that the applicant met that requirement; however, the Commission has asked for further information detailing how the applicant met this requirement. She has not seen any evidence and expressed no confidence that the open space requirement has been met.

Planner Ananth stated she would add further information in this regard. Commissioner Suesser requested the calculations, the list and the dimensions of the parcels included and how it adds up to meet that requirement. She added that the helipad was still an open question.

Commissioner Suesser next addressed off-street parking and liked the direction that the applicant seemed to be going by agreeing to a fee-in-lieu. The Planning Commission is tasked with applying the Code to this project, and they should not reference the Vision 2020 project. She emphasized that the Planning Commission does not make policy; they apply the Code, and therefore should not reference the Vision 2020 in making a determination or finding.

She stressed that the Planning Commission is bound by the minimum parking requirements set forth in the Code; they may decrease the required number of parking spaces based on the applicant's parking analysis. For months, many of the Commissioners have found problems with the applicant's parking analysis, including the AVO's and the timing and location of the data collected. The applicant promised to provide additional analysis from Breckenridge or other resorts, because everyone agreed that The Canyons was not analogous to the resort base in Old Town.

She pushed back on the statements that bold changes are necessary by reiterating that they have minimum requirements and they can only decrease them based on the parking analysis. The Commission has not been satisfied with that analysis.

She referenced Carolyn Rodriguez' statements at the last meeting that anything is possible with money, and her reference to increasing shuttles and buses to reduce vehicles at the entry corridors. The Planning Commission should be involved in the negotiations with the City since it is the Commission who would grant the parking exceptions, if they get there. If the Commission grants the exception, she stated that the applicant would get above-ground parking that was not approved in the 1998 Development Agreement, and 500 less parking spaces.

Commissioner Suesser was not satisfied that the applicant's parking analysis would adequately park this project. She hoped that the applicant's position that they would not be obligated to park Vail employees would change, as this is part of the applicant's obligation to make the project run as a whole.

With regard to the discussions regarding using Richardson Flat, she understood that it would only be used for employees and construction workers, without bus service. Planner Ananth confirmed that the public would not be parking at Richardson Flat, unless something extreme occurred, such as the non-renewal of the lease with the High School. Commissioner Suesser suggested they would lose the High School lot when the school bonded and expanded. Planner Ananth stated that is possible, in which case the resort would use Richardson Flat and shuttle the public to the resort.

Chair Phillips assumed that the High School would still have parking, albeit reconfigured, so he expected that there would still be available parking there on the weekends.

Commissioner Suesser stated that because the City does not have a long-term lease with the High School, the situation is much more volatile than she would expect at this point in the process.

She added that it does not make sense to require employees to park at Quinn's Junction for half the week, and Richardson Flat on Thursday through Sunday. The resort should be responsible for parking and shuttling its' employees 100% of the time, and not use public parking for employees.

Chair Phillips invited input from the Commissioners regarding the remainder of the meeting, stressing that it was important to allow public comment. He suggested moving to where they left off at the last meeting.

Commissioner Suesser expressed that she would like to hear from the public on the Findings of Fact before moving on to the Conditions of Approval. The majority of the Commission agreed.

Chair Phillips opened public comments and reiterated that each speaker would have a limit of five minutes and remain on-topic with this meetings' discussion.

Nicole Deforge stated that they have submitted a redline of the Findings of Fact that details many of the issues already touched on by Commissioner Suesser and others. She agreed with Commissioner Suesser's comments and encouraged the other Commissioners to review their redlines and pay close attention to the language of the factors required by the Code to grant variances and project approval. Ms. Deforge stated that the LMC requirements were not always accurately stated in the proposed Findings and the analysis often does not closely track the language or intent of those provisions.

Ms. Deforge stated that not only does the LMC contemplate the need to increase the perimeter setbacks for MPD's, increases are actually required for the building height increases that were requested by the developer. The building heights for Building B cannot be increased by increasing the setbacks on Building E, because it does not mitigate the additional height proposed for Building B. She stated that it is not enough to say that the average setback is greater or that the increased setbacks were included on one far end of the development. She urged the Commission to look at the Code and the intent with which it was drafted. The intent of the Code is that if the buildings are higher, they must be further away from adjacent properties.

She raised the issue of the applicant's Traffic Circulation Plan and noted that multiple meetings have been held on this plan and she did not see it referenced in the Findings of Fact, nor what it would do to Empire Avenue. She stated that there would be 66% more parking spaces and associated passenger traffic and shuttle traffic, yet this is not included in the Findings of Fact.

Ms. Deforge agreed with Commissioner Suesser's comments that Vail should remain on the hook for the Development Agreement, and the only way they get out is if the City agrees to release them. With all of the issues regarding enforcement, she questioned why the City would agree to release them. She expressed that the best enforcement options would be available if both Vail and PEG remained obligated under the Development Agreement.

She addressed the issue of excessive Support Commercial for the hotel, included in the Staff Report. She stated that the applicant has requested a 200% increase in the support commercial space and there is no provision in the LMC that allows for any increase. In fact, Section 15-6-8 states that the applicant "may not exceed 5% of the total floor area of the approved residential unit equivalents." She reiterated that there is nothing in this section or anywhere in the Code that provides an option for requesting a variance, and therefore the Commission lacks the legal authority to grant it. She added that without a provision, the Commission would not even know the standards for granting a variance of this type. Ms. Deforge opined that this plan could not be approved if the variance were included.

Ms. Deforge agreed that the burden is on the applicant to demonstrate that the traffic and parking plan would work. Staff noted that the applicant has not provided Traffic Studies, which Staff agreed was the applicant's responsibility to provide. She also referenced Staff's statement that AECOM did not prepare a Traffic Study because it was the applicant's responsibility. Ms. Deforge emphasized that no Traffic Study has been done, and no one seems to care that there is none despite the fact that everyone agrees that traffic and related parking issues are the most important aspect of this project.

She urged the Commission that the most reasonable and prudent course of action for a project of this magnitude would be to require Traffic Studies and to not accept the applicant's assumptions.

Ms. Deforge agreed with Commissioner Kenworthy's position regarding the Park and Ride lots. She added that not only are these lots for the entire City, they are for three different ski resorts, with a fourth on the way. These lots are not reserved for PCMR and the applicant cannot make assumptions that these spaces are available for PCMR's guests only. She commented that if the Commission did not require the applicant to put all of the parking required under the Code onsite, there should at least be a requirement that the applicant put the parking offsite.

She added that there is nothing in the LMC that would allow for the parking encroachment variance. Set back reductions must be necessary for architectural interest and below grade encroachments for the parking garage do not meet that factor under any possible definition. Any above-grade parking could likewise not be part of the setbacks. If the Commission allows setbacks, the Findings of Fact must set them out specifically.

She noted that tandem parking at the hotel is not allowed under the LMC, so she is confused as to how that could be a Finding of Fact and Condition of Approval.

Nancy Lazenby expressed her appreciation for the time and effort of all to ensure that this base area development project will be done in a responsible manner and to the benefit of the entire community. She also appreciated the efforts to listen, evaluate, modify and compromise. She expressed that she is not opposed to reasonable exceptions to the LMC that are adequately evaluated and justified.

Ms. Lazenby stated that it would require a team effort to create the "win-win" outcome that everyone wants and what they must insist upon given the impact that this project will have for generations to come. She agreed with Commissioner Suesser that it seems the project is being rushed and they are trying to move forward without resolution of critical issues.

She focused her comments on the proposed building heights. As pointed out by the City, the governing legal precedent for building heights is the LMC Section 15-6-5. There are six criteria that must be met in order to grant the building height exceptions. The City's Planning Department addressed these six criteria in the Findings of Fact, Nos. 75 – 87, which she wanted to address.

Ms. Lazenby stated that Nos. 75 and 76 clearly spell out that the LMC allows for a maximum height of 35 feet, but the Commission could approve an exception. To call the requested building heights an "exception" seems absurd. The applicant has requested building heights of up to 103 feet, which is a nearly 300% increase to what is allowed in the LMC. That is not an exception, it is excessive.

She noted that all of the condominiums in the area that face a street or parking lot do not come close to the proposed building heights. The two tallest condominiums in the area are Silver Creek and Shadow Ridge Condominiums on Empire Avenue. Per the Summit County Recorder, both of these buildings are only 53 feet tall from natural grade. She commented that the Marriott Mountainside was granted an exception because it backs up to the mountain.

She express that the proposal by PEG includes stand-alone buildings facing the streets or ski runs that will tower over surrounding buildings and egregiously out scale them by a minimum 40 to 70 feet.

With regard to Nos. 77 through 80, which address the building heights from the 1998 Development Agreement, Ms. Lazenby stated that this Agreement, Exhibit D, has expired so it has no legal relevance on this approval process. Notwithstanding, she noted that there are several differences between the 1998 buildings and the current proposal.

In the 1998 approval, Parcel B was approved at 78 feet as opposed to the current proposal of 87 feet, which is an 11.5% increase in height. Parcel C was approved at 75 feet, and is now being proposed to be 103 feet, which is a 37.3% increase in height. Parcel D was approved at 60 feet, and is now proposed to be 71 feet, which is an increase of 18.3%. Finally, Parcel E was approved at 83 feet, and is proposed to be 84 feet, which is a 1.2% increase. She added that in addition to heights, the mass and feel of the buildings are significantly larger. The architecture of the buildings designed in 1997 and 1998 included a lot of variation and stepping to the rooflines, with the maximum heights being only a small portion of the overall building. She referenced the Marriott Mountainside as an example, where the tallest part of the building is only a small section, with the roofline stepping down quickly and significantly towards the street.

Ms. Lazenby stated that the new mountain contemporary architecture does not have the same design. It is a block design where the heights of the buildings do not deviate much from the maximum height. This makes the buildings feel far more massive than prior architecture. She commented that an 87-foot building designed in 1997 had a much smaller mass than the 87-foot building being presented by the applicant. She compared the new condominiums at The Canyons with an older, mountain rustic type architecture design such as the Westgate Condos. The new condominiums feel more massive because of the building's boxy shape.

With regard to Findings of Fact No. 81, she noted that the Planning Department found that the buildings were positioned to minimize visual impact and air circulation on neighboring buildings. She disagreed with this statement, especially on Parcel B at Lowell Avenue between The Lodges and the Lowell Condominiums. The proposal includes a 6 to 7 bay bus drop-off, a 6 to 7 shuttle drop-off and two-thirds of the pedestrians would cross to access that road in that location. This area on Lowell would be the main pedestrian entrance, and the buildings and transit around that area would create overwhelming fumes.

Ms. Lazenby commented that in her view, the Deer Valley/Snow Park proposal is being done more responsibly. The buildings at PCMR could be greatly reduced if the applicant would put the parking below grade and not merely at the lowest point of the current grade. She stated that it is clear that the applicant is only concerned with economic gain and not the project's impact on the town. The Snow Park project has it's parking almost entirely below-grade, yet this project does not achieve a similar design. She suggested that if everyone really wants a solution, the monstrous buildings should be reined in, and extreme exceptions to the Code be avoided. She asked and insisted that the parking be put underground.

Deb Rentfrow shared some slides with the Commission and stated that there are sixteen Findings of Fact and Conclusions of Law required by Section 15-6-6 of the LMC.

She stated that the applicant is seeking to amend the 1997 MPD with a new 2021 Concept Master Plan. She commented that the last 2021 Concept Master Plan was dated April 2021. There have been changes discussed and recommended and she assumed that some changes have been made; however, any of the required Findings of Fact require a thorough review of the 2021 Concept Master Plan. Expecting the Commissioners to agree to the required Findings, without a final version of the 2021 Concept Master Plan in front of them is unacceptable.

Ms. Rentfrow also stated that expecting the Commissioners to agree to the required Findings of Fact without sufficient time to review the final version, once provided, would also be unacceptable. She expressed hope that an updated 2021 Concept Master Plan would be forthcoming. She addressed a few of the sixteen Findings required by the Code. With respect to compliance with all requirements of the LMC, this project does not meet this requirement in terms of building heights, setbacks, parking and site planning. This project also does not meet the minimum requirements of Section 15-6-5 with regards to setbacks, parking, site planning and potentially open space.

Ms. Rentfrow acknowledged that the requirement that the proposal "strengthens and enhances" the resort character of Park City is subjective; however she asked whether one could honestly say that this project enhances and strengthens the resort character of PCMR. They should not focus on other resort areas; they are talking about PCMR's vibe and character.

She addressed the requirements that the project compliment the natural features on the site and preserves significant features and vegetation, noting that Staff eliminated a portion of this Finding and altered the language in Finding of Fact No. 135. She offered that mountain views are significant features to those who live in the area and to those who visit.

The compatibility requirement has also not been met. She noted that other than the Marriott Mountainside, there are no other properties nearby that are between 71 and 103 feet tall. The scale is not compatible with the surrounding neighborhood. Ms. Rentfrow added that 66% of all day-skiers and shuttles must use Empire Avenue, which will increase the volume of traffic and potential for conflict adjacent to residences.

With respect to the requirement to provide amenities to the community, Ms. Rentfrow considered that the traffic and parking proposal is not enough. She added that the applicant proposed that shuttles could use Parcel B as overflow if the six shuttle spaces are full; however, a shuttle could not fit in an 8'2" clearance garage.

She also referenced drop-off/pick-up locations, life saving medical access/helipad and the displacement of the farmer's market as additional impacts caused by this plan.

Ms. Rentfrow referenced the Sensitive Lands requirement and stated that the building heights make this requirement impossible to meet.

She noted that traffic is at capacity now and the roads are currently failing. Adding more parking brings more cars, as does adding more density. She stated that there is little to no enforcement of illegal parking today, and the applicant has stated it is not their responsibility.

She stated that visitors to the base would come and go and would not remain hostage to the resort. The reality is that Park City has experienced incredible growth since 1997/1998, and the community has clearly identified traffic and sustainable tourism as primary concerns. She offered that the current proposal fails to meet the LMC, General Plan and 1997 MPD. It is not the responsibility of the City or its' residents to create the project. An improved Concept Master Plan is necessary and must be provided to the Commissioners for a thorough review before any vote can occur.

Shari Harding began by stating that she always cedes some of her time to Ms. Deforge, who represents over 500 citizens, and suggested that Ms. Deforge have unlimited time to speak.

Ms. Harding focused her comments on setbacks in the draft Findings of Fact. She expressed that Finding of Fact No. 30 is clearly acceptable. She noted that some of the more unacceptable Findings of Fact include No. 31, noting that decreased exceptions for architectural interest and variance are very arbitrary. Many of the locals interpret this as stepping away from the roads and the neighbors and cascading rooflines; however, what they see are building walls that are a sad example of architectural interest. It is not Old Town.

With respect to Finding of Fact No. 34, Ms. Harding expressed that this is moot since Exhibit D has expired, making it legally irrelevant. She noted that the statement in No. 35 is sadly true and the applicant is still not in line with the Codes. She expressed that this does not seem to be an important Finding of Fact. Ms. Harding suggested that the word "average" be deleted from Finding of Fact No. 36, as it is not a legally relevant term. She added that this Finding should potentially be deleted in its' entirety.

With respect to Finding of Fact No. 37, Ms. Harding implored the Commissioners to not approve any reductions in setbacks for any reason. The applicant is seeking a building height exception for every parcel, thus no parcel should be allowed any setback reductions.

Finally, with respect to No. 39, Ms. Harding urged the Commission to not approve any above-grade parking.

Clive Bush reminded that this development was at an impasse two years ago with regards to the Traffic Study and traffic mitigation. It was the City and AECOM that rescued this project with "transit first," and modal shift, which, as Commissioner Suesser pointed out, is not part of the Code. He noted that the junctions are failing, which is likely the primary reason that this area has not been developed in the past. He stated that the timing of this shift to transit unravels who should be held accountable for parking and transit if it is shared between multiple agencies and the applicant. As written, the Conditions do not hold the applicant responsible and are therefore worthless. He expressed that it is like a "get out of jail free" card for the developer since they could simply shift responsibility to another agency.

He referenced the developer's confidence in the collaboration on transportation, but noted that it is not good enough. There has been no collaboration or policy with Wasatch, Summit, UDOT, Salt Lake City and County and Park City. The Chamber of Commerce just spent millions of dollars promoting a drive-in market, yet now we are trying to put people on buses. He offered that it would be difficult to change habits, and added that there is currently a general shift away from public transit because of the pandemic. He did not think that would change overnight.

Mr. Bush also referenced a shift to more personal transportation such as Uber and Lyft, which are being promoted extensively by lobbyists. He noted that while the developer might be able to achieve the modal split on paper, he questioned whether they could achieve it in real life. The Staff Report even expresses doubt about the City's ability to deliver the number of buses required. He referenced the discussions about whether the experts could be trusted. Park City's transit consultant who has addressed the Park and Ride has not been presented or considered.

Mr. Bush highlighted the "comprehensive vision and high level plan for infrastructure" which does not exist and likely never would. He referenced the statements of Carolyn Rodriguez that they would not be building any more parking lots, which he opined was a surprise to most. He also referenced Summit County's rejection of Park City's attempt to sign a Joint Transit First policy in 2009. He commented that Staff and the applicant seem to be working against Summit County's policy to try and put more people into the Quinn's Park and Ride. There is general concern about the ability of that junction to handle the traffic now.

He stated that there is no way to enforce these conditions, and expressed that the burden has been placed on the City. He referenced Finding of Fact No. 54 and questioned why a five-year period was included, given the statements in the January 27th Staff Report that acknowledged that these system-wide improvements must come online concurrently or in advance of the base area improvements in order for the transit to function effectively.

Mr. Bush commented that the City has had 20 years to think about "transit first" and they are still not there; yet the community is being asked to trust that it would be achieved with a five year period of suffering. He touched on the plan for free parking and noted that it could wreak havoc with the applicant's proposed messaging system. With regards to Finding of Fact No. 129, he offered that there would be a loss of community amenities as a result of this project. He emphasized that they do not need a public plaza, they need slope-side drop off. He expressed that if the traffic is to be mitigated, it needs to be done before the approval.

Deborah Hickey echoed the comments of Ms. Deforge. Ms. Hickey noted that she has a bird's-eye view of this area and feels that this would bring too much density without enough consideration for the modal shift. She expressed that it is the duty of the Planning Commission to follow the Code rather than provide numerous concessions to the developer, which would leave the community to live and suffer with the consequences.

Ms. Hickey stated that the residents' properties are highly valued and they have worked hard to live here. It does not seem fair to lose views and live with increased traffic and congestion. She expressed the general consensus that this project is not putting forth the very best for Park City. It does not have an Old Town feel, and the Commission must do its duty and follow the LMC.

Lisa Paul agreed with the previous speakers. She referenced Findings of Fact No. 111, and commented that this proposal might increase buses, but the plan still has to get the buses there. She stated that the garage in Building D would create a problem with traffic, and she expects accidents in that location.

With regard to No. 111.c., Ms. Paul stated that because none of the parking locations are part of an agreement, the applicant should not be able to include that offsite parking as part of the resort parking. She expected that traffic would increase as a result of the hotel, and the applicant's claim that the hotel would actually reduce traffic does not make sense. Ms. Paul did not see how the proposal would improve connections between the Resort and Main Street, Deer Valley and the Bonanza Park area, as noted in Finding of Fact No. 111.e. She stated that this project would have a huge impact on surrounding residential neighborhoods. She asked for the studies on shadows, air pollution and airflow. She added that Finding of Fact No. 111.g. references "discouraging" traffic, which proves that there is no way for them to stop that traffic from entering the neighborhoods.

Ms. Paul addressed Finding of Fact No. 114 and stated that there needs to be a plan in place that works before building the resort. She added that people could not be forced to ride the bus, nor could they be educated to do it. In this time of COVID-19, people do not want to ride the bus, and COVID-19 itself illustrates the difficulties in trying to educate the public.

With regard to No. 117, Ms. Paul referenced Ms. Deforge's redline which stated that the 2021 Concept Master Plan is not relevant to an amendment approval, and only applies to the execution of a then-existing MPD approval. She added that the statement in No. 118 does not reflect that the 2021 Concept Master Plan also reduces transit access on Empire Avenue and Three Kings Drive. Additionally, she commented that the proposed Transit Center might not be sufficient for current capacity and could not be expanded to address further growth due to its' location.

Finally, Ms. Paul addressed No. 119 and noted that discouraging traffic does not solve anything. Ms. Deforge has stated that the proposed vehicle drop-off location on the north end of Lowell Avenue is too close to the proposed Hawk signal, loading dock, hotel entrance and traffic signals which would result in additional congestion and conflicts. Ms. Paul suggested that it would be inappropriate to not follow the LMC. They want something great in this location, but is has to work for the community.

Doug Lee presented some slides to the Commission. He expressed appreciation for everyone's time and diligence on this project and to the neighbors. He stated that he submitted written comments last month that did not get added to the public record. Those comments were consistent with issues raised all along, and mostly related to the setbacks on Building B, the reallocation of square footage across parcels and the mode split assumptions. He commented that the fact that Parcel B is 10% above permitted density has been ignored, and noted that the above-grade parking must be included in the calculation. He also expressed that there were no real assumptions to the mode splits, which to him represented more of a hope or a wish, unsupported by data.

His comments tonight would focus on parking and were consistent with the views expressed by Commissioner Kenworthy. He stated that he has carefully read the Hales Report regarding offsite parking, which uses what he termed "Hales math." Mr. Lee explained that based on Hales' assumptions, they concluded that PEG and the City would need to provide 276 – 422 spaces for additional vehicles. They further concluded that if no one else were using the parking lots, except for the reserved spaces in Ecker Hill, there would be 685 available spaces, which would be more than enough capacity.

Mr. Lee pointed out that existing occupancy of the lots is not zero; in fact Ms. Rodriguez reported that the northern lots, where only 220 spaces exist and 69% of the traffic comes from, were 80 to 90 percent full. He concluded that if 35% of the lots are already being used, the actual available spaces are much less, with the potential for a 150-space shortfall on the three northern lots. More importantly, using the high end of applicant's estimate, there would be dramatic shortfalls on every lot.

Chair Phillips noted that the Commission could only see one page of Mr. Lee's presentation, and invited him to submit it to the Commission for their review.

Jennifer Mooney appreciated the honesty of Commissioner Suesser that this approval is being rushed when it is apparent that there are many questions concerning restrictions, regulations and unresolved parking and traffic issues. She recently became aware of this project so she does not yet have the details, but finds not only the scale of the project truly shocking, but also how little the community knows of it.

She expressed concern about the heights of the buildings, and the environmental impact of the proposed development on this amazing town. Not only would traffic increase and have a negative impact on the air quality, water usage would exponentially increase. Water shortages are already of great concern. She relayed that she moved to Park City in 1992 when SR-224 was one lane in and one lane out, with one stoplight. She acknowledged that growth is necessary for a town to thrive and survive, but the dollar seems to be taking precedence over the impact that this development would have on the environment and those who live in and care about Park City.

Ms. Mooney expressed that the development would impact the mountain as well, causing runs to be more crowded and longer lift and restaurant lines. Skiing and enjoying this town, as they know it would dramatically change for both locals and visitors who have been coming to Park City for many years. Stores would become overcrowded and parking would become more frustrating. Ms. Mooney stated that she is saddened and concerned that the Planning Commission is even entertaining a proposal of buildings over 100 feet high and 500 feet wide, which is 3x the height restrictions in place. She added that those restrictions were put into place to prevent Park City from becoming overwhelmed and over-developed, and she does not understand why it is necessary to put a development of this magnitude in such a small location.

She felt that The Canyons would have the space for this development, but stressed that PCMR does not. The idea of new shops and restaurants is welcomed, but within reason and in keeping with the small town feel. The character of Park City should not be buried under massive buildings and parking garages. Ms. Mooney urged the Commission to consider the impact that this development would have on this beautiful town. She appreciated the time and effort put in on this project.

David Gordon lives in the Shadow Ridge building. He thanked everyone for their efforts to achieve a "win-win" for this project, as it is something they all want and need to achieve. He was happy to see the resort involved in tonight's meeting, and was hoping to see more commitment to the mountain upgrades, which should go hand-in-hand with this project. Mr. Gordon addressed his comments to Findings of Fact Nos. 88 – 99, relating to LMC site planning requirements. He would like to see information supporting the calculation of the open space and where the reported values are coming from.

He referred to Finding of Fact No. 93 regarding locating primary trailhead parking in Building E. He noted that in order to access the trailhead on a bicycle from Building E, one would have to go up Lowell Avenue to the Shadow Ridge extension because the other direct routes would require getting off the bike and walking. Mr. Gordon commented that there does not appear to be any multi-use trail to allow biking from the Three Kings intersection to the trails. He commented that Finding of Fact No. 94 is invalid because there is not adequate internal pedestrian and bicycle circulation in this project. He also questioned whether there would be safe travel ways for bikes moving in and out of the parking structure.

With regard to snow storage, Mr. Gordon asked if evaluation of this in the CUP process would be too late if exceptions to building setbacks are granted. He queried whether heated sidewalks would be required, and stated that the plan does not adequately address snow removal and storage. Mr. Gordon also expressed concerns about leaving the trash and recycling pickup to the CUP process, and stated that it could be too late to accommodate structural changes. He also commented that there was no mention of whether the transportation amenities would be adequately sized for the number of shuttles and car services. He noted that Finding of Fact No. 98 failed to acknowledge that primary loading dock access would cross a main pedestrian pathway, a multi-use pathway on Lowell Avenue and near the Hawk pedestrian crossing. He urged Staff and the Commission to challenge the Findings of Fact and be certain that they are drafting actual Findings of Fact and not formulations of fiction.

There were no further public comments. Chair Phillips closed the public hearing.

Planner Ananth stated that she would like to present some of the Conditions of Approval to start moving the process forward, knowing that the next meeting would focus on public input as well. She expressed that they have received great feedback on the Findings of Fact.

Planner Ananth referenced the clean version of the Conditions of Approval and invited the Commissioners to express their thoughts on specific conditions.

Commissioner Suesser stated that with respect to Condition of Approval No. 1, the 1998 Development Agreement keeps Vail on the hook unless released by the City. She would like to keep Vail on the hook for compliance because that is how they ensure that this is enforced. She suggested that the City Attorney might weigh in on this, or this Condition be expanded based on what is anticipated in terms of what Vail might be held responsible for and what they would be released from. Planner Ananth stated that this is something she would work on in the next month.

Commissioner Kenworthy asked Planner Ananth to walk them through what she envisions as an adequate timeline to get to a vote. Planner Ananth agreed that it is not in anyone's interest to rush a vote. The Commission must feel that they have the information, and have heard enough from the applicant and from Staff, to be comfortable taking a vote one way or another. She surmised that the applicant realizes that this is in their best interest as well. If there is something that has not been adequately explained, the applicant needs time to do it, regardless of the fact that they have already had 13 meetings on this project.

Commissioner Suesser indicated that she requested the applicant provide a diagram or image of how the drop-offs in the parking garages would work. She would like to make sure that those drop-offs work and does not have a clear idea how it would function. Additionally, she would like to see an image of the proposed delivery-docking bay in Building B, especially given that many of the Commissioners are considering approving the setbacks requested on Building B. She would like to see the snow storage and access to the delivery zone.

Chair Phillips stated that they need to focus on and understand that these buildings would come back in the CUP process if the project were approved. He stressed the importance of delineating what is normal in the CUP process and what is normal in the MPD process. Commissioner Suesser responded that they just learned about the docking bay, and expressed that the Commission must determine setbacks at the MPD stage.

In response to an inquiry from Commissioner Kenworthy, Planner Ananth stated that she could provide a Staff opinion on what items are detailed enough to be pushed to the CUP process versus the big picture items that should be addressed in the MPD process.

Commissioner Suesser referenced Ms. Deforge's comments about the lack of a Traffic Study and questioned whether that is something that should have been done. Planner Ananth expressed that would be a decision for the Commission. The applicant submitted a Traffic Impact Study and the Commission should determine whether it is adequate and meets the conditions and findings that need to be made.

Chair Phillips agreed that understanding what needs to be addressed at the MPD level would be helpful and invited the Commissioners to continue to address the draft Conditions of Approval.

Commissioner Thimm stated that the Conditions of Approval hinge on the Findings of Fact, and there continues to be major questions regarding the Findings of Fact. As he read the draft Conditions of Approval, many of them refer to the Findings of Fact, so if they do not have a clear understanding of the Findings of Fact, it would be difficult to comment on the Conditions of Approval. He expressed that the input on the Findings of Fact should be coalesced so that the Commission could go through them again before addressing the Conditions of Approval. Commissioner Kenworthy agreed and expressed that the CUP issues could be voted on after they receive a summary of them. He offered that this would allow them to move forward much more productively.

Planner Ananth agreed that the goal would be to coalesce around some general consensus in the Findings of Fact, particularly where the applicant is looking for exceptions.

Commissioner Kenworthy suggested adjourning the meeting to allow Planner Ananth to address the Findings of Fact so that they could discuss them at the next meeting. Commissioner Thimm suggested it would be helpful to go through the Findings of Fact as a group and provide some direction on what each Commissioner is thinking with regards to each section. He would like to give Staff and the applicant specific direction on the Findings of Fact.

Chair Phillips commented that these documents were a starting point for the Commissioners to do the work, and expressed appreciation to Planner Ananth for the work she has put into this project. He added that they are all putting a lot of effort into this, and they all have good intentions and are trying to work together. He encouraged everyone to appreciate the effort that is being put into this application.

Commissioner Suesser thanked Planner Ananth for her efforts and apologized for any of her comments that seemed harsh or critical, as they were not intended to be.

Planner Ananth suggested looking at the requested exceptions to determine if the Commission could reach any consensus on some of the items. She recalled the comments by Commissioner Suesser that the setback requirement is 25 feet, and would allow for exceptions only on the northwest and east portions of Building B. She acknowledged that there was a divide amongst the Commission about approving the exception.

Chair Phillips stated that he accepts most of the exceptions on setbacks and height and stated that there are some things that the City gets out of this, namely that this application comes in under the 2017 Code. He correlated the amount of affordable housing included in this proposal to a "balloon." He opined that the setbacks have been reduced through the conversations to what he finds to be a reasonable amount.

Commissioner Suesser stressed that the Code requires that a reduction must be necessary for architectural variation. Chair Phillips responded that the setbacks help to create that on Empire Avenue, because without the setback there would be a flat building. He found that it creates the bays and articulation and is the result of going to the property line to fit in double the affordable housing.

Commissioner Thimm referenced earlier discussions of the setbacks building-by-building, and expressed that the exception on Building B due to the architectural configuration is met. With regard to the transfer of density, he recalled major discussions during prior meetings on what they could do along Empire Avenue and stated that major changes were made which resulted in a better Empire Avenue street scene as a result. Moving some of the height and mass to Building C seemed appropriate and would be an exception that he would support. Chair Phillips concurred with Commissioner Thimm in regards to height and the transfer of density.

Commissioner Johnson stated that there is a 25-foot setback requirement for a reason, and he does not really see the need for the reduction, but saw some justification in where they are trying to reduce it. He expressed that he is leaning towards wanting to see the full setback in place, but remained undecided on the areas where slight reductions were proposed.

Commissioner Kenworthy stated that he feels he does not have his arms around Resort Support Commercial and Accessory Use. They haven't spent nearly the time needed to address this and he does not feel comfortable addressing it in the Findings of Fact. He noted that the transfer of density in Parcel C worked for him in the past, but everything is comprehensive. He would like to see more on the snow storage before they get to the setbacks.

He expressed that he has clearly stated his position on the exceptions to the parking requirements. He would like to see a Traffic Study, and noted that they are requiring them for other MPD's. He added that he does not feel comfortable making definitive statements on specific items and would rather see the list of information that they have requested as well as the items that would be pushed to the CUP process.

Commissioner Kenworthy expressed his appreciation to Planner Ananth for her efforts. He announced that he had to leave the meeting.

Commissioner Hall stated that her biggest concern was the absence of a plan to mitigate the transportation of people without sufficient parking stalls. She added that there needs to be a much better plan, and cautioned that if they get it wrong, it would be a huge challenge for the community. It is already an issue for that site and the community as a whole. She would like to see the exceptions from the Development Agreement written out. Planner Ananth stated that she could provide that at the next meeting. Chair Phillips added that the Code provides room for the Commission to approve exceptions, specifically on MPD's.

Commissioner Hall clarified that her request would be for exceptions from the Development Agreement that was granted for parking and the transfer of density. She agreed with a statement that the underground parking goes hand-in-hand with the 35-foot height exemption for Building C.

Chair Phillips noted that the prior Commission that approved the 1998 Development Agreement was working with different codes and he struggled with comparing the approved Development Agreement with the new codes. He highlighted that parking was completely different back then, and the approved plan would not even come close to achieving what the current Code requires. He expressed that the applicant did a good job of pointing out the improvements from the prior Development Agreement, and mentioned reduced density, additional affordable housing, and sustainability. He stated that he tried to look at it as a whole and considered this as an improvement over the 1998 Development Agreement.

Commissioner Van Dine agreed with Commissioner Thimm on Parcel A and felt they went through that extensively. She expressed that the area where the applicant is requesting the setback is reasonable. She agreed with much of the public comment regarding Parcel C, noting that the heights are high. She expressed that being given a list of what would be more pertinent in the CUP process versus the MPD would be very helpful.

Commissioner Suesser asked if there is no cap for the Resort Support Commercial and Accessory Use given the reference to "in excess of 10%." She commented that it appeared the Commission was in favor of transferring the density to Building C, which would allow the applicant to exceed another Code requirement. She would like to hold the applicant to the Code requirements for the Resort Support Commercial and Accessory Use, especially given the change in use in Building C. In the 1998 Development Agreement, Building C was contemplated to be a skier services building for the local community, not a 103-foot high four-star hotel. She would not support the requested additional space for Support and Accessory Use. She would agree to increase the allowed building height above the 35-foot limitation, but what the applicant has requested is excessive.

Chair Phillips agreed with Commissioner Suesser's comments regarding the change in uses from the 1998 Development Agreement and the absence of some of the services contemplated, and agreed that is an important part of the 1998 Development Agreement. Commissioner Suesser highlighted that this was the cause of her concern regarding Finding of Fact No. 4, because the building heights exceptions were given based on the whole package of this project and there was a lot of community benefit expected from what was proposed in 1998 versus what has been proposed in this application.

Commissioner Johnson asked whether there are photo simulations from the applicant depicting the applicable vantage points and adjacent structures. Mr. Schmidt responded that those simulations are in the record and could be provided, and confirmed that several vantage points were provided to the Commission. Planner Ananth clarified that the simulations were part of the original submission in February 2020. Mr. Schmidt noted that some of those were re-adjusted, as changes were made to height and massing. They also show adjacent structures.

Chair Phillips referenced Mr. Schmidt's statements regarding a guarantee regarding the parking. Mr. Schmidt stated that he was referring to their proposed shared parking analysis for the new uses which supports the reduction of 500 stalls. There is language in the draft Conditions of Approval that included a fee, or a guarantee, that they would have sufficient parking under their shared parking analysis for their uses. If there is not, the City could utilize that guarantee to share the problem.

Commissioner Suesser pointed out that in the existing Development Agreement, the impact fee is something the developer agrees to pay for offsite development. Mr. Schmidt responded that impact fees are different and covered by State statute. He acknowledged that they would be paying impact fees on this project.

Commissioner Johnson requested clarification on the drop-off locations. He represented that Vail currently has one permanent drop-off zone that is spaced for approximately 11 vehicles on the west side of Parcel B, as well as a temporary drop-off zone on the north side of Parcel E that accommodates 12 vehicles but is eliminated at 9:00 a.m. Because this system is not working, the entire west end of Parcel C and E get used as drop-off zones, as well as any available day-skier stalls.

He noted that the applicant proposed one aboveground drop-off location that would accommodate 8 vehicles, as well as the short-term 20 vehicle free parking in Parcel B. He has researched local ski programs for ages 12 and under based in PCMR, and nine of the twelve programs had rosters adding up to 415 children on a Saturday, and 375 children on a Sunday. He stated that it would be safe to assume that there are at least 500 children enrolled in local ski programs on both Saturday and Sunday.

Commissioner Johnson wondered if these programs were accounted for in the consultant's studies. This goes back to the projection of 267 count for drop-off and rideshare and it does not seem to add up. Commissioner Suesser concurred with these comments and referenced earlier comments that many of these children could not be put into an Uber and they have to be walked up to their program. She reiterated that this project is supposed to be an improvement over current conditions, and she questioned whether parking in Parcel B and then having to walk to First Time lift is an improvement of that user experience.

It was noted by Ms. Williams that the rationale for carving out the 20 spaces allowed them to create a good, solid space for the programs to meet the children. Commissioner Johnson responded that the plan actually reduces drop-off spots and he offered to show what happens on the weekends. Everyone parks along the west side of Parcels C and E and when that is full, they go into day-skier parking. He stressed that his is a serious impact on the community and cannot be brushed aside. He also noted that this is what makes PCMR much different than The Canyons.

Ms. Williams agreed that this is a huge component of resort functionality and much thought has gone into it. It is modeled after very successful drop-off programs and would be a change for everyone. She added that it would be a huge improvement over current conditions, and as it evolves over time, they would make changes as necessary.

Commissioner Van Dine agreed with the concerns expressed by Commissioner Johnson and stressed that they have not seen this plan and it is difficult to imagine that what they have presented is an improvement. She has seen other resorts that have done a better job accommodating these families.

Ms. Williams stated that they would bring this back to the Commission. Commissioner Johnson stressed that there are 500 children under 12 that are being dropped off. Commissioner Van Dine added that it is a drop-off issue for everyone, considering paid parking and the inconvenience of the bus service for locals. She referenced that buses are not an option for entire communities. Commissioner Johnson agreed that they should solve transit before they make assumptions that local transit would work.

6. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 10:30 p.m.