PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 11, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 11, 2011.

Closed Session
2:00 p.m. Litigation, personnel and property

Work Session

4:30 p.m.	Council questions/comments	
4:45 p.m.	Second quarter goal update	P. 6 - 17
5:00 p.m.	NG911 update	P. 18 - 19
5:15 p.m.	Unrestricted parking space on Park Avenue request – Ron Whaley	
5:45 p.m.	Break	P. 20 - 37

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Presentation of a Resolution commemorating St. Mary of the Assumption's 130th Anniversary in Park City, Utah P. 49 - 54

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 21, 2011
P. 38 - 48

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

1. Consideration of a Resolution commemorating St. Mary of the Assumption's 130th Anniversary in Park City, Utah P. 49 - 54

2. Consideration of acceptance of findings of fact, conclusions of law and order regarding the business license appeal heard on July 14, 2011 – Appellants Mike Sweeney and Heidi Hughes P. 55 - 58

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of authorization to the City Manager to execute a construction agreement for the re-construction of Bonanza Drive, Phase 3 with Lyndon Jones Construction Incorporated in a form approved by the City Attorney and in an amount not to exceed $984,085
P. 59 - 64

2. Consideration of approving the Condominium Plat located at 333 Main Street, Park City, Utah P. 65 - 97

(a) Public hearing
(b) Action

3. Consideration of a Memorandum of Understanding and City Services Contract for the 2012 Sundance Supplemental Plan P. 98 - 101

(a) Public hearing
(b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

A majority of members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service available in the Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

ARMSTRONG TRAIL GRAND OPENING
AUGUST 16, 2011

PUBLIC NOTICE IS HEREBY GIVEN that a majority of Council Members may attend the Armstrong Trail Grand Opening to be held at 6 p.m. on Tuesday, August 16, 2011 at the trailhead at Silver Star, 1825 Three Kings Drive. This is ceremonial and no formal City business will be conducted.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 18, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, August 18, 2011.

Posted: 08/08/11
See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

August 2011

16 *Grand opening of the Armstrong Trail, August 16th, 6pm, Silver Star Café, 1825 Three Kings Drive.*
18 **No meeting**
25 Elected Officials Training (30 min)
PRI / Kimball Junction conservation easement
Courchevel student exchange presentation
Co-housing – work
Treasure – work / possible action item
Appointments to Police Complaint Board
Main Street and Parks Recycling Contract – TP
PC Heights co-tenancy agreement
Ordinance amending LMC – HPB - administrative reconstruction process – KS
Joint Meeting with Planning Commission

September 2011

1 Award lobbyist contract
Short range transit plan – work
Special event overhaul - work
Resolution – National preparedness month
Award of contract for Library materials security system
Public Art Advisory Board interviews
8 **No meeting** (Summer Tour 9/7 – 9/11)
15 Short range transit plan adoption
22 **No meeting**
29 Appointment of Public Art Advisory Board members

October 2011

6 **Alex gone**
13
20
27

Pending Items:

Bonanza Tunnel ribbon-cutting
Inter-local agreement with Summit County for police database integration
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety
HPCA infrastructure study

MEMO

Executive Department

To: **City Council**
From: **Tom Bakaly, City Manager**
Subject: **City Council Goals and Targets for Action Update**
2ndt Quarter (April – June 2011
Date: **August 11, 2011**

On August 11, 2011, we have scheduled time in work session for City Council to review Staff progress on City Council Goals and Targets for Action for the 2nd Quarter (April through June) 2011.

Staff provides Council with quarterly goals updates as a vehicle for reporting progress related to goals and targets for action that Council identifies at their annual visioning sessions. Staff created this report to provide a link between Council's direction and Staff's progress in accomplishing the specific tasks identified as Council priorities for the year. The Quarterly Goals Report is not a comprehensive list of all programs and activities. Although not listed as Council Goals, Staff added reports on Neighborhood and Business District Needs Assessment in order to keep Council informed about progress on those programs.

In creating the report, Staff assigned "target dates" for each of the actions. These dates are chosen as working dates for each project and not as hard deadlines since many of the actions require coordination with outside agencies. Target dates are also revised based upon council direction, availability of staff and financial resources, regulatory review processes and/or other unplanned pressing matters that arise.

Staff continues to use a system of one-word summaries: **complete** - project is complete; **in progress** - on target for revised or initial date; **pending** - project may not meet time lines depending on action by entities outside the City. All updates are **bold**. Completed items remain in the report through year-end. The comment section includes brief details about projects and explains revisions to target dates. Staff also tentatively adds new action items based upon individual input from Council members, the Mayor and Staff. Those items are in bold and need to be affirmed by Council. At the end of each year, all **completed** items are removed from the report.

Attachments:

Quarterly Goals Update – April through June, 2011

2011 Park City Council Goals & Targets for Action (April - June 2011)

Goal 1 Preservation of Park City Character

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Old Town Improvements - Jonathan Weidenhamer and Dave Gustafson				
Downtown Projects				
HPCA Infrastructure Committee Study (includes streetscape and attractions)	Mar-11	**Jun-11**	**Complete**	**Study completed. Will be presented to Council late summer.**
1. Pocket Park/Historical Wall Renovation	Jun-11		**Pending**	Project scope pending policy input - Historic Park City Alliance & Council
●Temporary Landscaping	Jun-11		**On Hold**	**Pending outcome of historic wall stablilization**
●Historic Wall Stabilization and daylight	Nov-11		**In Progress**	**Scope and preliminary cost estimates being generated**
2. Town Plaza/Swede Alley	Oct-12		Pending	
3. Last Phase of Downtown Improvements (streetscape, sidewalks, pedestrian connections, etc.)	Ongoing		Ongoing	**Preliminary cost estimates and project engineering to be developed prior to FY13 budget**
2. Affordable Housing - Phyllis Robinson				
1. Affordable Housing Demand Study and Resolution Update	Apr-11	**Oct-11**	**In Progress**	**Draft revisions to resolution in progress. Awaiting more detailed Census data in order to complete Housing Needs Study.**
2. Monitor Developer Obligations & Compliance	**Oct-11**		Pending	Compliance review due **Fall of each year**
3. Historic Preservation - Thomas Eddington				
1. Planning Department to work with HPB to clarify their role and Joint Meeting with Council	Feb-11	**Aug-11**	In Progress	At request of City Council, Planning held joint CC/HPB meeting. HPB and Planning working to implement recommendations. Follow-up meeting scheduled **mid 2011**.
2. Create a plan for 1450/1460 Park Avenue	Feb-11	**Aug-11**	In Progress	Project scope and contract approved and begun in September. **Physical assessment completed.**
3. LMC Amendments for Sustainability	Apr-11	**Aug-11**	In Progress	Planning is working through LMC amendments relative to architecture. Will try to partner with Sustainabilty in **late** 2011. **TDRs complete; additional work to follow.**
4. Clean up miscellaneous Historic Preservation Issues	Jun-11	**Ongoing**	**Ongoing**	In progress; Preservation Solutions assisting. **HSI update and misc. studies**
5. Assessment of National Historic District - Main Street Designation	Jun-11	Aug-11	In Progress	Project scope/contract approved - research and analysis underway. **Preservation Solutions finalized draft.**
4. Senior Issues - Rhoda Stauffer				
InterAgency Working Group & Strategies				
1. Present to Summit County Council	**Sep-11**			**Draft plan presented to City Council in June 2011.**
2. Begin Implementation	**Oct-11**			
5. Park City Heights Joint Venture - Phyllis Robinson				
1. Master Planned Development (MPD) for site	Mar-11	**May-11**	**Complete**	**MPD is complete. Preliminary Plat Approved. Beginning work on DA and CDs.**
6. Lower Park Avenue Property Redevelopment - Jonathan Weidenhamer, Michael Kovacs				
1. Adopt plan for City-owned Land in Lower Park Avenue RDA	Feb-11		**Complete**	Adopt implementation plan for City-owned property in Lower Park Avenue RDA. Reaffirm broader plan for entire RDA District.
2. Market Analysis and Carrying Capacity Study				
●Completion	Apr-11	**Jun-11**	**Complete**	
3. Identify potential components and tax increment	Apr-11	**Aug-11**	In Progress	Projects identified. Identifying tax increment.
4. Extend Revelopment Agency	Feb-11	**Oct-11**	Pending	Return to Council for direction
5. Implementation				
a. RFP for use of 1450 & 1460 Park Avenue	Apr-11	**Oct-11**	**In progress**	Return to Council for **decision**
b. City Property **& adjacent private property - concept design & budget**	**Mar-12**		**Pending**	**Community Center, various housing and connectivity goals**
c. PCMR	Ongoing			Identify transit and transportation needs at resort base
d. Other private property within RDA	Ongoing			

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
7. General Plan Update - Thomas Eddington				
1. Work with Sustainability on PC Heights MPD	Mar-11	**Jun-11**	**Complete**	Pre-MPD completed. June 2010 date was for initiating MPD process with Planning Commission. Revised date is anticipated approval date. **Complete - Planning Commission approved.**
2. Data collection, analysis, meetings with Planning Commission, recommendations and complete plan preparation	Mar-12		In Progress	
8. Bonanza Park Plan - Michael Kovacs, Jonathan Weidenhamer, Thomas Eddington				
1. Identify transportation corridors as part of General Plan Transportation Element	May-11	**Aug-11**	In Progress	Transportation Master Plan completion by June**. Transportation Element of General Plan to be created using information in master plan. Grid layout anticipated.**
2. Examine ability for new anchor tenant	Jul-11	**Dec-11**	In Progress	**Exploring options.**
3. Examine ability to do event venue, convention area, and permanent Sundance area	Dec-11		In Progress	City and Chamber to pursue feasibility analysis, using stakeholder to identify needs, goals and components.
4. Concept planning and Bonanza park functional priorities - talk to power company	Dec-11		In Progress	**Talks with Rocky Mountain Power, City staff, and property owners continue in order to reach a solution. Power Company wants to upsize. Owners and City want to move or buffer.**
5. General Plan Future Land Use Element - Area Plan for Bonanza Park				
●Planning Commission	Dec-11	**Apr-12**	Pending	Section to be adopted with General Plan **unless CC directs to be completed sooner.**
●City Council	Jan-12	**Jul-12**	Pending	Section to be adopted with General Plan. **Presentation to City Council upon recommendation from Planning Commission.**
9. Neighborhoods - Thomas Eddington				
1. Tie Lower Park Avenue / Bonanza Park Redevelopment concepts into General Plan	Jun-11	**Dec-12**	In Progress	**To be included in General Plan; Joint CC/PC meetings in July to address timing**
2. Planning Department to work with the Planning Commission to better define Old Town Neighborhoods	Dec-11	**Dec-12**	In Progress	To be included in General Plan

2011 Park City Council Goals & Targets for Action (April - June 2011)

Goal 2 World Class, Multi-Seasonal/Resort Community

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Status
1. Economic Development - Jonathan Weidenhamer				
1. HPCA Issues				
●Street Dining	Feb-11	**Jun-11**	**Complete**	2011 running smoothly. Next target will be year end debrief.
● Infrastructure Committee recommendations (see Goal #1) Prioritization	Jun-11	**Oct-11**	In Progress	**Presentation of final HPCA infrastructure plan.**
2. City-wide market analysis & carrying capacity study	Mar-11	**Oct-11**	In Progress	
3. Implementation of 2011 Economic Development Plan	**Dec-11**	**Oct-11**	Ongoing	
4. Discussion on City's role in RDA & adoption of RDA Strategic Plan	**Jan-12**			
2. Public Art - Sharon Bauman				
1. Art in Public Places Implementation	Ongoing		Ongoing	Working on Strategic Plan goals and priorities
2. Marsac Building Public Art - Exterior				
● Installation 2011	Sep-11		In Progress	**Artist has submitted conceptual plans. Staff is addressing misc. details and code issues.**
3. Recreation Center Public Art	Oct-11		In Progress	**PAAB reviewing submittals from RFQ process.**
3. Community Amenities and Events: Evaluation, Future Direction - Jonathan Weidenhamer				
1. Event Overhaul Discussion				
●Event Fees, revenues and costs	Feb-11	**Sep-11**	In Progress	Finalizing Trail Fees.
●Criteria to Close Main Street	Feb-11	**Sep-11**	In Progress	
●Update Municipal Code	Feb-11	**Sep-11**	In Progress	
●Update of administrative processes (applications, etc.)	Feb-11	**Sep-11**	Ongoing	Finalizing implementation with regional stakeholders.
2. Event Overhaul Implementation	Mar-11	**Sep-11**	Pending	
3. Regional Event Calendar Cooperation	Jun-11	**Sep-11**	Ongoing	**Current shared Google calendar with Snyderville Basin Recreation for 2011 Summer Season**

2011 Park City Council Goals & Targets for Action (April - June 2011)

Goal 3 Effective Transportation System

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Neigbhorhood Traffic Management - Matt Cassel				
See Attached Neighbhorhood Traffic Management Summary Report				
2. Regional Transportation - Kent Cashel				
1. Enhance Transit Marketing	Annual		Ongoing	
2. Implement employee vanpool incentive program	Annual		Ongoing	Program implemented. One van operational
3. Regional/Rural Transporation Issues - COG	Ongoing		Ongoing	
4. Iron Horse Expansion				
●Construction Complete	Dec-11		In Progress	
3. Transportation Strategic Plan - Kent Cashel				
1. Annual Progress Report to City Council	Annual		Annual	Transportation Annual Report scheduled for delivery to Mayor and Council January 2012.
2. Implement Transportation Plan Strategies	Ongoing		Ongoing	
3. General Plan - Transportation Element	**Mar-12**	**Apr-12**	In Progress	**Pending General Plan Transportation Element Update**
4. Update Strategic Plan to include pedestrian-bicycle and transit modes - Pending General Plan Update	**Jun-12**	**Apr-12**	Pending	**Pending General Plan Transportation Element Update**
4. Public Parking - Kent Cashel				
1. Conduct Main Street Circulation Study	**Nov-11**		In Progress	**HPCA has expressed its interest in completing a circulation study, including exploration of taxi staging area. Staff gathering data on numbers and patterns of Main Street taxis.**
2. Taxi Drop-off/Pick-up	Oct-11	**Jan-12**	Pending	Awaiting completion of circulation study
5. Community Transportation Plan -Matt Cassel, Kent Cashel, Jonathan Weidenhamer, Thomas Eddington				
1. Entry Corridor	Ongoing		Ongoing	
2. Citywide Transportation Plan and Modeling	Mar-11	**Sep-11**	In Progress	**Final draft of plan nearing completion and Council review and adoption**
3. Park and Ride	Jun-11		In Progress	Park and Ride operations plan is element of Short Range Transit Development Plan. Transportation Model projects currently underway.
4. Tie to General Plan	Mar-12	**Apr-12**	In Progress	Pending General Plan Transportation Element Update
6. Highway 248 - Kent Cashel				
1. Complete Environmental Study for Richardson Flat Road Intersection	Jan-11		In Progress	**Working with UDOT to define Scopt of Study**
2. Engineering design of Richardson Flat Road Intersection	Mar-11	**Jun-11**	**Complete**	
3. Complete Envirionmental Work for Corridor	Aug-11	**Oct-11**	In Progress	Working with UDOT to define scope & requirements. Seeking to secure study funding. Funding delayed by lack of congressional appropriations for **2010 and 2011.**
4. **Engineering** Design of Strategic Plan Improvements	Feb-12		Pending	Delayed due to lack of federal environmental study funding. Revised target date dependent on congressional funding action.
5. Secure Funding for Strategic Plan Improvements	Mar-12		Pending	Delayed due to lack of federal environmental study funding. Revised target date dependent on congressional funding action.
6. Construct Richardson Flat Road Intersection Improvements	**Aug-12**		**In Progress**	**Pursuing required construction permits through UDOT, Army Corps of Engineers and USEPA**
7. Construct Improvements	Oct-12		Pending	Delayed due to lack of federal environmental study funding. Revised target date dependent on congressional funding action.
7. Traffic Study - Kent Cashel				
(tie with economic carrying capacity)				
1. Complete Highway 224 Strategic Plan	Mar-11	**May-12**	In Progress	**Request for Proposal for Engineering firm to assist with plan preparation released. Project delayed due to need for additional funding (secured druing FY 2011-212 budget process).**

2011 Park City Council Goals & Targets for Action (April - June 2011)

Goal 4 Water and Natural Environment

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Pipeline Preferred Project Agreements - Kathy Lundborg				
Determine a preferred project with Weber Basin and Bureau of Reclamation				
1. Pipeline Construction - Incremental - **All** Sections in progress	Jul-11		In Progress	Pipelines complete. Quinn's Segment - complete Lower Silver Creek Segment -complete Promontory segment - complete Rail Trail Water Lines - Cathodic protection will be complete by **end of** July 2011
2. Quinn's Treatment Plant - Under Construction	Dec-11		In Progress	Scheduled completion in early 2012
3. Raw water line crossing of Hwy 248 at Wyatt Earp	**NA**		**In Progress**	**Scheduled completion in July 2012**
2. Judge Water Line - Kathy Lundborg				
1. NPDES Permit	Aug-11		Pending	Staff recommended a schedule to UDEQ with a draft UPDES application submission of Dec 2011. UDEQ requested date be moved to August 2011. The schedule is not yet final.
2. Judge delivery system to Quinn's Water Treatment Plant construction	Mar-12		Pending	See EA comments below.
3. Determine Scope and Timing for **water line** Design and Construction (Evalulating alternatives due to antimony level increases)	Aug-12	**Dec-12**	Pending	Draft EA w/EPA since 2010. EPA has given City a punchlist of items remaining to address to complete the EA. Major items are to determine the impacts of taking Judge water out of the Silver Maple Claims Wetlands. Confirm SBWRD's local limits on their discharge permit and the ability to receive the waste stream from Quinn's WTP, and clarify the Utah State History Division recommended miigation plan. Final design and construction cannot begin under after FONSI. Original plan was to bid in 2011 and start construction of pipeline in 2011. Schedule depends on EPA's issuance of FONSI. STAG grant extended to Dec. 2012. **The City is also adding an additional alternative alignment from the Judge Tunnel portal to JSSD's WTP via the Ontario Shaft and Drain Tunnel.**
3. Other Water Solutions - Supply Options/Conservation - Kathy Lundborg				
1. Summit County, Snyderville Basin Water Reclamation District Cooperation Discussions/Stream Flow Enhancements	Annual		Ongoing	
2. JSSD Water Discussions	Annual		Ongoing	
3. Supply/Demand Update to City Council	Jul-11		**Complete**	
4. Water Funding Strategy - Kathy Lundborg				
1. Pursue future appropriations and authorizations	Annual		Ongoing	
5. Trash and Recycling - Diane Foster/Michael Kovacs/Tyler Poulson				
1. Work with County Solid Waste Team to represent the City's interest in disucssion of future recycling & solid waste solutions	Jul-12		In Progress	Foster **and Poulson** participating in **monthly** meetings with County Solid Waste Team (Jasper, Lewis, Blonquist, Koehler) & Recycle Utah's Executive Director. **This team has submitted an updated curbside recycling model and Pay As You Throw waste plan for County Council consideration and public input. A new curbside recycling contract for the County will be in place by July 2012.**
2. Support HPCA Recycling Program Efforts (recycling contract completed)	Ongoing		In Progress	Poulson representing City on HPCA's Solid Waste & Recycling Task Force
3. Discussion on recycling facility relocation	Dec-12		In Progress	**Kovacs leading this effort with support from Foster. Coming to Council August 11th on site alternatives**.

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
6. Environmental Initiatives - Diane Foster, Tyler Poulson				
1. Environmental Heroes Awards	Ongoing		Ongoing	Awarded periodically. Website has form for public submissions/nominations.
2. Update to Environmental Strategic Plan	Ongoing		Bi-Annual	**Completed August 2010; next update August 2011**
3. Launch internal revolving loan fund and finance CO_2 emissions reduction projects at the City	Ongoing		In Progress	Council approved fund on July 29, 2010. **The initial project will be piloting idle-reduction technology for a small number of Police vehicles. This will occur from summer 2011-spring 2012 with potential roll-out to more vehicles afterwards.**
4. WAVE Project/Electric Trolley in partnership with USU	**Aug-11**		In Progress	**On June 9 Council provided staff feedback to continue to work with USU's Energy Dynamics Lab on this project. Scope may change to include a fleet vehicle, rather than the trolley, for initial phase. Staff will return to Council for direction once project details are more clear.**
5. Solar Feasibility Study for PCMC and Micro-Hydro Power Research	**Aug-11**		**In Progress**	**Utilizing grant funding, staff is working with a contractor to assess the technical potential for new solar PV installations on City-owned facilities. Once the report is completed, staff will present environmental and financial details to Council and request further direction. Staff is less formally assessing options for micro-hydro electricity generation in PCMC's water system.**
6. Develop and Implement community CO_2 emission and water consumption reduction program in conjunction with partners - community outreach or rebate program for residential and Green Businesses program for commercial properties	Mar-11	**Mar-12**	In Progress	Low Carbon Diet Program community carbon reduction program **publicly launched, along with webpage, in June 2011**. **Focus will remain on the Low Carbon Diet household-based program through 2011-12. Green Business program will be reassessed once resources free up and/or grant assistance is awarded.**
7. Thaynes - Clint McAffee				
1. Sampling Plan	**Mar-11**	**Sep-11**	**In Progress**	**Six weeks of water quality sampling has been completed, including first draw samples for lead and copper. Ten pipe segments were excavated from various locations around the Thaynes area and are currently being analyzed. Hydraulic modeling has been completed to determine blending of the various source and the resultant water quality.**
2. Data Analysis and Report	**Jul-11**	**Sep-11**	**Pending**	**A draft report is in progress which will receive a peer review from the City and Carollo Engineers (second place in the RFP process).** The report will include results from water quality monitoring, including recommendations on operational limitations in terms of mixing sources, potential treatment additions or modifications required, additional water quality monitoring and recommendatons for Phase 2 of the study.
8. EPA - Joan Card, Jason Christensen, Jim Blankenau and Diane Foster				
1. Define a long-term, economical solution for munipal and community mine waste disposal	Sep-11		In Progress	Working with EPA & UPCM/Talisker to define terms of a multi-party agreement to build a second repository.
2. Soil Ordinance Administration	Ongoing		Ongoing	**New one-page "how to" sheet added to the Park City.org website April 2011.**
3. Permits for Judge, Spiro and Prospector Drain	Jan-12		In Progress	**Permit applications submitted to EPA last week.**
4. Further develop relationships with state and federal regulators	Ongoing		Ongoing	
5. Mine hazard mitigation ordinance	**Ongoing**		**Ongoing**	**Given the number of new mine hazards that have opened up this summer, the timing of this ordinance seems particularly good. Both the responsiveness of land owners to hazards and relationship with the City and landowners in mitigating the hazards has been good.**

2011 Park City Council Goals & Targets for Action (April - June 2011)

Goal 5 Recreation, Open Space and Trails

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Ongoing Open Space Acquisition - Diane Foster, Matt Twombly				
1. Flagstaff - Distribution of open space contribution	Ongoing		Ongoing	
2. Red Maple/Air Force	Ongoing		In progress	
3. Other Properties	Ongoing		Ongoing	
2. Open Space Management - Diane Foster, Matt Twombly, Heinrich Deters				
1. Kimball and new Round Valley Conservation Easement	Jul-11	Oct-11	In Progress	
2. Gambel Oak & White Acre Conservation Easement	Jul-11	Oct-11	Pending	
3. Additional easement monitoring on new acquisitions	Ongoing		In Progress	**Staff will ask Council to have a policy discussion on easements in the August 2011 timeframe.**
3. Trails - Matt Twombly/Heinrich Deters				
1. Trailhead Parking Phase III - as sites are available	Ongoing		Ongoing	
2. Coordinate new connections by development/TMP CIP	Ongoing		Ongoing	
3. Flagstaff Trails reconstruction	Ongoing		Ongoing	Preliminary review/coordination with Talisker underway
4. Implement back-country trails maintenance plan and budget	Ongoing		Ongoing	
5. Trails Webpage	Ongoing		Ongoing	
6. Citywide Pedestrian/Street Lighting guidelines consistent with General Plan, Trails Master Plan and WALC	Apr-11	**Sep-11**	Pending	Coordinating with Transportation Mater Plan Update
7. Bike Route Plan	Apr-11	**Sep-11**	In Progress	Coordinating with Transportation Mater Plan Update
8. Armstrong OS trail connection	Jul-11		In Progress	**Due to open beginning of August**
9. April Mountain Trails & Recreation Plan	Nov-11		In Progress	Access road has been improved
10. Evaluate and Improve backcountry trail signage	Ongoing		Ongoing	**Staff is working with Mountain Trails, Resorts and Basin Recreation on community-wide signage and waypoint system**
4. Neighborhood Parks - Ken Fisher/Matt Twombly				
1. Begin Master Plan for north and south ends of City Park	In Progress		**Complete**	**Developed master plan and presented to Council Fall 2010**
2. Recommendation on amended Summit County Leash Law Ordinance	Jan-11	**Sep-11**	In Progress	**County combined with "bigger picture" of kennels**
3. Off-leash Dog Park at Library Field - Install signage at field	May-11		**Complete**	
5. High Altitude Training -Jason Glidden				
1. High Altitude Training/Master Planning City property at Quinn's				
●Goal Setting with USSA and UOP	Jul-11	**Sep-11**	**In Progress**	**Initial meeting held with UOP and USSA to discuss future goal setting meeting which is schedule for September.**
●Develop Model	Dec-11		**In Progress**	**Study being done in fall. Stakeholder goal setting in September.**
6. Walkability Implementation Phase I - Matt Twombly, Heinrich Deters				
1. Bonanza Tunnel				
●Tunnel Infrastructure	May-11		In Progress	**Completed**
●Tunnel Streetscape & Final Landscaping	Jul-11		In Progress	**Bonanza Phase III out to bid**
2. SR-248 Tunnel				
●School Campus ped/Connectivity Improvements Construction (SR248)Construction	Aug-11		Pending	**Study completed. Discussion with School Board planned.**
3. Sidewinder Drive Sidewalk	Oct-11		In Progress	**Under construction**
4. Comstock Sidewalk	Oct-11		In Progress	**Under construction**
5. Traffic Calming Improvements				
●Monitor Drive - Island	Oct-11		Pending	**Initial measures of striping and installation of driver feedback sign have resulted in significant calming of traffic. Staff will continue to monitor through opening of racquet club and revisit them if deemed necessary.**
●Wyatt Earp - Entry Feature / Island	Oct-11	**Oct-12**	Pending	**Design scheduled for fall 2011; construction summer 2012**
6. Walkability Implementation Phase II (Dans to Jans) - Jonathan Weidenhamer, Kent Cashel				
1. SR 224 Corridor Study	**Jul-12**			
2. Identify PCMR transit and transportation needs	**Jul-12**			
3. Implementation Plan for WALC projects	**Jul-13**			

2011 Park City Council Goals & Targets for Action (April - June 2011)

Goal 6 Regional Collaboration and Partnerships

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Transportation - Kent Cashel			
2. Flagstaff-Wasatch County - Tom Bakaly			
1. Work with Wasatch County re SR-224 and public versus private access	Ongoing		Ongoing
3. Recreation - Ken Fisher			
See Goal 5			
4. Health - Pace Erickson			
1. Noxious weed coordination and enforcement on private property	Ongoing		Ongoing
5. Water - Kathy Lundborg			
See Goal 1	Ongoing		Ongoing
6. Solid Waste - Pace Erickson			
1. Implementation of Solid Waste Alternatives	Ongoing		Pending
7. Mosquito Abatement - Pace Erickson			
1. Continued coordination with Summit County	Ongoing		Ongoing
8. Library - Linda Tillson			
1. Library Reciprocal Borrowing for Summit County Students	Ongoing		Ongoing
9. Inter-Agency Task Force			
1. Continued Participation	Ongoing		Ongoing
10. Open Space Acquisition			
See Goal 5	Ongoing		Ongoing
11. SOS Community Carbon & Water Action Plan - Diane Foster			
1. Engage community, in partnership with Summit County and other groups (non-profit, HMBA, Chamber, School District) in reducing water consumption and carbon emissions	Ongoing		**Ongoing**
12. MIDA - Tom Bakaly, Mark Harrington, Diane Foster			
1. Maintain relationship with MIDA and monitor progress on project	**Ongoing**		**Ongoing**
13. Public Safety - Special Events			
1. Information Sharing	Ongoing		Ongoing
2. Special Event Staffing to Reduce Overtime Costs	Ongoing		Ongoing
3. Police/Sheriff's Spillman records Management Data Merge	Ongoing		**Ongoing**
14. Council of Governments - Kent Cashel			
1. Continued Participation	Ongoing		Ongoing
15. Utah League of Cities and Towns - Michael Kovacs			
1. Continued Participation	Ongoing		Ongoing

2011 Park City Council Goals & Targets for Action (April - June 2011)

Goal 7 Open and Responsive Government to the Community

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Status
1. Community Vision - Phyllis Robinson				
1. Update Material for Vision Presentations annually following Council Visioning sessions	Annual		Annual	
2. Community Visioning Plan	**Jul-11**		**Annual**	
3. Utilize Vision Plan and four levers for inclusion in General Plan (with Michael Kovacs and Thomas Eddington)	**Dec-11**	**Apr-12**	**In Progress**	
2. Budget Review & Benchmark - Bret Howser				
1. Budgeting for Outcomes	Feb-11		**Complete**	
2. ICMA Resort Consortium (Michel Kovacs)	Fall 2011		Pending	Have buy-in from several resort communities through CAST. Working with ICMA to develop a strategy/workplan.
3. Customer Service: Evaluation and Action Plan - Craig Sanchez, Phyllis Robinson				
1. Accountability/responsibility training for Staff	Quarterly		Ongoing	
2. Employee Survey & Traning - communication of results	Annual		Annual	
3. Citizen Satisfaction Surveys (P Robinson)	May-11		**In Progress**	Initial data will be available in August. After statustically valid survey is complete, the survey will be posted to the City's website for other input. City teamed with National Research Center as part of ICMA's National Citizen Survey.
4. City "Fam" Program	Annual		Ongoing	Next program in November 2011
4. Public Safety - Wade Carpenter				
1. Community Oriented program - Citizens Academy	Ongoing		Ongoing	**Class Three graduated July 2011. Class Four scheduled for Spring 2012**
2. Lexipol Service Evaluation (Comprehensive Police Policy Manual Program based on model policies developed by a national board)	Ongoing		Ongoing	Living document. Updated every six months - next update mid-2011
3. Emergency Response Plan Update				
●NIMS Training for new employees	Ongoing		Ongoing	Test Sessions scheduled for new employees.
4. Create problem-solving committees, physical fitness criteria, and take-home vehicle committees	Jul-11		Pending	**Implementing take-home car policy Mid-July. $50/officer living in district boundaries/ $100/officer living outside district boundaries.**
5. Communications - Phyllis Robinson, Scott Robertson, Myles Rademan				
1. Leadership 101	Annual		Ongoing	Held Feb 2011
2. Media Seminars	Annual		Ongoing	
3. Sustainability Promotion	Ongoing		Ongoing	
4. Park City University - (rebrand)	Ongoing		Ongoing	
5. Annual Communications Plan & Implementation	Annual		**Ongoing**	2011 Communications Plan presented at Council Visioning. Implementation underway.
6 Community Emergency Preparedness	Ongoing		Ongoing	**Preparedness Newsletter to be mailed July 2011. Newsletter partially funded by a state grant.**

2011 Park City Council Goals & Targets for Action (April - June 2011)

Neighborhood Traffic Management Summary Report
Attachment "A" to Quarterly Status Report

Location	Date Recd/ Phase 1 Mtg	Citizen Concerns	Phase 1 Follow-up	Status	Target Completion
Crescent Tram/Empire Avenue					
	Jan-10	●Traffic Calming Requests	Committee Response to Initial Phase I Request		
			● Neighborhood Moved Request to Phase II	Complete	Complete
			●Schedule Phase II Neighborhood Meeting	Complete	Complete
			●Conduct Crescent Tram Engineering Study	**Complete**	**Complete**
			●Evaluate and study neighborhood requests	**Complete**	**Complete**
			●Primary Petitioner informed of NTMP decision - Close File	**Complete**	**Complete**
Norfolk Avenue					
	Aug-10	●Traffic Calming Request	Committee Response to Initial Phase II Request		
			●Winter Traffic Counts	**Complete**	**Complete**
			●Conduct Crescent Tram Engineering Study	**Complete**	**Complete**
			●Street sign review and facility inventory	Complete	Complete
			●Meet with primary petitioners in April to discuss NTMP Decisions	**In Progress**	**Aug-11**
			●Implement sign installation	**In Progress**	**Aug-11**
Round Valley Way Drive					
	Mar-11	**● Parking restriction request**	**Committee response to initial Phase I Request**		
			●Gather spring, summer and fall parking data	**In Progress**	**Oct-11**
Woodside Avenue (Upper)					
	Oct-10	● One Way Request	Committee response to initial Phase I Request		
			●Engineering peer review of study conducted in 2008	Complete	Complete
			●Neighborhood meeting end of January or early February	Complete	Complete
			●Engineering peer review of study conducted in 2008		
			●Primary Petitioner informed of NTMP decision - Close File		

2011 Park City Council Goals & Targets for Action (April - June 2011)

Neighborhood & Business District Needs Assessment

Request for Elevated Levels of Service Request (RELS) Attachment "B" to Quarterly Report

Miscellaneous Requests

Target for Action / Actions / Staff Coordinator	Target Date	Status	Budget
1. Pedestrian Lighting - Matt Cassel			
1. Install street and pedestrian lights from Stonebridge condos to roundabout.	Summer 2012	Cost identified	State Road Funds Grant
2. Quinn's Restrooms (Winter Use) - Heinrich Deters			
1. Provide winter use at Quinn's Trailhead	**Winter 2012**	**Budgeted**	**Capital Costs associated with upgrade in building infrastructure identified in Quinn's budget. Operations budget offset taken from existing Creekside restroom winter serivces.**
3. Main Street Improvements Historic Park City Alliance - Jonathan Weidenhamer			
1. Conduct feasibility study regarding installation of lighting system on Main Street Buildings - pending discussion with HPCA	Pending	Pending	$5,000

City Council Staff Report

Subject: Next Generation 911
Author: Wade Carpenter, Rick Ryan, Maggie Petersen
Department: Public Safety
Date: August 11, 2011
Type of Item: Grant award

Summary Recommendations:
In a combined effort between what's termed as the "Wasatch Back", Park City, Summit County and Wasatch County, are joining together to ensure we can provide redundant emergency capabilities in the event of a major emergency or disaster as well as prepare for future growth.

Topic/Description:
The replacement of the existing three VESTA Pallas phone systems for all three positions in the Park City dispatcher center with newer IP based technology Sentinel Patriot System and a portable Sentinel Command POST System combined with the Orion Mapping application will provide a redundant/back up 911 phone system for all three agencies involved.

Background:
By combining Park City and Wasatch County with Summit County dispatch centers with the new Sentinel Patriot 911 phone system we create a virtual consolidation and multi-jurisdictional unity should an event or disaster occur in the "Wasatch Back". Training between the dispatch centers will require all dispatchers train in all three agency dispatch centers as we utilize the Sentinel Command POST lap tops while we aid and rely on each other for support at the same time maintaining our individual locations.

Analysis:
The Sentinel Patriot 911 phone system will help ensure the citizens of Summit and Wasatch counties receive the best possible response by all 911 dispatch centers during a large emergency situation that has the potential of overwhelming a single dispatch center.

Department Review:
This was a joint decision between Park City, Summit County, and Wasatch County to implement this new phone system at the same time to provide redundancy and interoperability to back up to allow each agency to utilize each other's command POST lap tops in any EOC center and to provide additional call taking positions and the use of dispatchers from any of the three agencies.

Alternatives: Informative Report

A. **Approve:**
   N/A

B. Deny:
N/A
C. Modify:
N/A
D. Continue the Item:
N/A
E. Do Nothing:
This is a grant that has already been received.

Significant Impacts:
Park City, Summit County, and Wasatch County will be able to maintain their dispatch centers in their respectful buildings remaining independent although interconnected by the Sentinel Patriot 911 phone system also called Next Generation or NG 911. If one dispatch center phone lines go down the other two centers will be able to pick up those calls without a break in service maintaining the public's expectation for service.

Consequences of not taking the recommended action:
This new 911 phone system has already been implemented at Valley Emergency Communications Center (VECC) the largest dispatch center in the state of Utah and is the next step in 911 services, within three to four years the public will be able to "text" 911 and/or send a video link. Park City's current 911 phone service has been termed "end of life" and is no longer in production. This is the 911 phone system that all dispatch centers in Utah will need to have in place to receive the most current 911 information.

Recommendation:
This grant has already been approved by the E 911 Committee for the state of Utah. This presentation is to bring the information of the new system to your attention.

City Council Staff Report

DATE:	**August 11, 2011**
DEPARTMENT:	**Public Works Parking Division**
AUTHOR:	**Kent Cashel, Transit & Transportation Manager**
TITLE:	**Park Avenue Parking Regulations.**
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATION:

Staff recommends that current parking regulations (2hour limit, with no 2am-6am parking) on Park Avenue remain in place. Continue with special permit "A" zone on west side of Park Avenue between 9th and 12th streets to address summer parking needs of residents of Park Avenue.

Background

Parking regulations along Park Avenue (Heber Ave to 13th St.) include the following restrictions:

- **No parking 2-6 am**
  These restrictions move vehicles off the street once a day to enable snow removal in the winter and street maintenance (sweeping) in the summer months. While street sweeping crews do not begin until 7:00 a.m., this maintenance access is critical to keeping the street clean of snow and debris (particularly south of 9th street where the road is narrow and parking and traffic are heavy year round).
- **2 Hour limits (Heber Avenue to just north of 9th Ave)**
  Two hour time limits help ensure parking turnover so that spaces are regularly available for customers of businesses that line both sides of Park Avenue between 9th and Heber.

These regulations were put in place prior to the Main Street paid parking program in 1998. Staff improved regulatory signage and enhanced enforcement along Park Avenue in the fall of 2008. Staff recently began a more focused enforcement program along Park Avenue in response to citizen\business requests.

The purpose or goal of these regulations is to:

- Provide for ongoing maintenance of this heavily utilized roadway (snow removal winter, street sweeping summer).

- Create parking turnover to service short term needs of business Locations (Heber to 9th).

- Provide consistent year round regulations.

Residents of Park Ave (between Heber Avenue and 12th Streets) have access to an "A" residential permit. This permit enables them to:

- Park (free from time restrictions) on any street in the "A" permit zone other than Park Avenue; and
- Park (free from any time restrictions) on the west side of Park Avenue north of 9th Street.

Please see "Attachment A" for a summary of interaction with one Park Avenue resident (Ronald Whaley). Ronald Whaley (resides at 819 Park Ave.) contacted Staff in late May of 2009 expressing his dissatisfaction with the Park Avenue parking regulations. Mr. Whaley specifically requested that he be allowed to:

- Park his vehicles in the 800 block exempt from the 2 hour time limit.

- Park his vehicles in the 800 block exempt from the 2-6 am restriction.

Mr. Whaley's justification for this request were:

-He has no-off street parking at his residence

- That the "A" permit which Staff had made available to him did not meet his needs. This permit allowed access to unrestricted parking on Woodside Ave one road west of Park Avenue (See attached zone map) and unrestricted parking from April 15 to November 15 on the west side of Park Avenue from 9th to 12th Streets.

- That he had a standing arrangement with parking enforcement Staff that enabled him to park exempt from regulations in the past (no 2 hour time limit and no 2-6 am restriction). Parking supervisors indicated they had not made such an arrangement and Staff could find no record of a formal agreement to exempt Mr. Whaley from existing regulations. Until 2008 enforcement of this regulation had been inconsistent but it is important to note that a ten year citation history for Mr. Whaley exists (including citations for 2 hour and no parking) violations).

On December 10, 2009 Staff reviewed Mr. Whaley's request with City Council during work session. After significant public input from residents and business owners in attendance Council directed Staff to implement an "A" permit zone on the west side of Park Avenue north of 9th Street. "A" permit holders are allowed to park free from time restrictions April 15 to November 15.

On July 14th, 2011 Ron Whaley requested that City Council reconsider his request. To date City Council and Staff have invested significant time and effort to address Mr. Whaley's parking needs within the confines of existing parking regulations. The timeline below summarizes those efforts and their outcomes.

Late May – mid July 2009

Brian Andersen (Parking Manager) worked with Mr. Whaley to address his parking needs. Brian offered Mr. Whaley an F residential permit that would allow him to park his vehicle on Park Avenue south of Heber Avenue. Mr. Whaley was not satisfied with this offer and requested to speak with Brian's supervisor.

Mid July – August 2009

Kent Cashel (Manager Transit\Transportation) met with Mr. Whaley to fully understand his parking situation and request. Staff offered the following accommodation to Mr. Whaley:

- To create a permit zone that would allow Park Avenue residents (including Mr. Whaley) to park, without restriction, along the west side of Park Avenue between 9th and 10th avenue during the summer months. It is important to note this parking is located less than 50 yards from Mr. Whaley's residence.
- To provide Mr. Whaley with access to (2) C permits which would allow him to park in either the Gateway garage or the China Bridge garage during the winter months. This approach is consistent with accommodations made for Main Street residents who do not have access to overnight parking on Main Street.

Staff felt that these accommodations:

- Reasonably addressed Mr. Whaley's parking needs.
- Are consistent with parking accommodations provided to other residential permit holders in the historic business core.
- Are consistent with purpose of existing regulations.

Mr. Whaley did not feel that this accommodation addressed his parking needs. Mr. Whaley began working with the City Attorney's office to determine what options were still open to further pursue his request.

July 29, 2009

Mr. Whaley was formally notified (via US mail) that he was not exempt from existing parking regulations and any citations he has received would need to be handled either through either payment or the City's formal citation adjudication program. Mr. Whaley was provided instructions on how to file an appeal.

August 7th, 2009

Mr. Whaley left two parking citations he had received with the City Attorney. These tickets were returned to Mr. Whaley and he was again formally notified (via US mail) that he was not exempt from any existing parking regulations and any citations he has received would need to be handled either through either payment or the City's formal citation adjudication program. Mr. Whaley was provided appeal forms and instructions on how to file an appeal.

The deadline for filing an appeal on these citations had expired. Staff as a courtesy extended the filing deadline for these citations until August 19th (Mr. Whaley did not file an appeal).

Early August 2009
Mark Harrington (City Attorney) met with Mr. Whaley and Kent Cashel at 819 Park Avenue to discuss Mr. Whaley's request. At this time Mr. Harrington advised Mr. Whaley that Staff's offer appeared reasonable to him but if Mr. Whaley did not agree he could formally appeal to the City Manager.

Late August 2009
Mr. Whaley formally appealed Staff's decision on his parking request. On August 21st, 2009 Mr. Bakaly (City Manager), Mark Harrington and Kent Cashel met with Mr. Whaley at 819 Park Avenue. Mr. Whaley described his dissatisfaction with Park Avenue parking regulations and with Staff's recommended accommodation. Mr. Whaley requested that Mr. Bakaly consider his appeal and Mr. Bakaly agreed he would. September 9th, 2009 Mr. Bakaly advised Ron Whaley that after careful consideration he was denying Mr. Whaley's appeal.

Late September 2009
Council was presented a Manager's Report outlining the above issues and actions. Mr. Whaley was notified of the Managers Report, where to find the report on the web and invited to provide comment during the Public Input session of the September 30th regular Council meeting. Mr. Whaley chose not to comment.

October 26, 2009
Mr. Whaley was mailed a formal notice indicating his vehicle was now subject to immobilization (booting) due to unpaid citations in accordance with Municipal Code 9-9-6.

Mr. Whaley's citation appeal rights (on all unpaid citations) had expired on or before September 3rd, 2009.

November 16, 2009
In accordance with provisions of Municipal Code 9-9-6 Mr. Whaley's vehicle was immobilized (using a boot) on Park Avenue.

November 17, 2009
Mr. Whaley submitted payment (In Protest) to the City Attorney and Staff removed the boot from the immobilized vehicle. On or shortly after this date Mr. Whaley requested that City Council review his parking request.

December 10, 2009
City Council reviewed Mr. Whaley's request and directed Staff to implement an "A" permit zone north of 9th street on the west side of Park Avenue. Residents holding an A permit are allowed to Park without time limits in this zone from April 15 to November 15.

January 21, 2010
Staff sends e-mail to Mr. Whaley clarifying Council direction provided at December 10' meeting. This e-mail clarified what permit Mr. Whaley should obtain for residential parking on Park Avenue and what accommodations that permit provided (e-mail attached to this report).

April 15, 2010
Staff implements "A" permit zone north of 9th to 12th Street.

January 2010 – July 2011
Parking staff has no formal contact with Mr. Whaley concerning parking on Park Avenue. Citation records indicate that Mr. Whaley received multiple citations for exceeding 2 hour parking limits in the 800 block of Park Avenue. Records also indicate Mr. Whaley paid these citations but did not obtain or apply for an "A" permit which would allow him to park overnight on west side of Park Avenue north of 9th Street.

July 14, 2011
Mr. Whaley appears before Council during Public Input session requesting his parking situation be reviewed again.

Analysis

Park Avenue between 9th and Heber has been included in the City's Historic Core Parking Program since the inception of the program in 1998. This program uses a variety of parking management tools (time limits, permits and paid parking) to control long term parking to help ensure the availability of parking for customers while providing a reasonable level of accommodation for residents of the core.

Number of Parking Spaces (9th – Heber)
The number of on street parking spaces between Heber and 9th is approximately 45. Parking along the street is parallel in unmarked spaces so this number can grow or shrink somewhat depending on length of vehicles parked, and how each individual chooses to park. These spaces comprise the only City provided free parking in the Lower Main district.

Number of residential units along Park Avenue (9th to Heber)
There are 17 residential units with a Park Avenue address (between Heber and 9th. These units are a mix of single & duplex homes as well as condo units). Many, if not all of these units, have off-street parking available. However, it is important to note that while current parking regulations limits the number of permits available to residents with off street parking the Code does not restrict access to residential permits. The City's current Parking Code enables a resident access of up to 5 permits.

Based upon the count of 17 residential units a potential of up to 85 permits could be requested. If only one permit is issued per residential unit over one-third of the available spaces between Heber and 9th could be taken up by residential permit holders. This would cause significant issues for businesses and routine maintenance efforts (snow removal and street sweeping).

Number of Business with a Park Avenue Address (9th – Heber)

The table below contains the businesses with a Park Avenue address (9th – Heber).

Business Name	Business Type
Davanza's	Restaurant
High West Distillery	Restaurant & Distillery
Ski and Golf	Retail
Butchers Chop House	Restaurant-Bar
Flying Sumo	Restaurant
The Bridge	Restaurant
Kimball Arts Center	Center for Arts
Love Your Pet	Retail

The above list does not include businesses along Main Street, 7th Street and Heber whose customers may use Park Avenue to meet their parking needs.

Parking Demand

Parking demand along the street is high year round. This demand generally peaks during lunch and dinner hours but remains heavy throughout the day and night. Open parking spaces are generally limited in number with the exception of the slowest times of the year (spring and fall).

Where Do We Go From Here?

Council could Direct Staff to implement any number of different regulation scenarios on Park Avenue. What follows is a summary of a range of these options:

Leave Existing Regulations in Place – This is Staff's recommendation

The current regulations have proven themselves to accomplish the goals of the program (turnover, consistency and maintenance access). Reasonable parking accommodation (consistent with those offered to Main Street residents) is provided to residents of the street. It should be noted that any change in parking regulations invariably cause confusion and frustration for users of the street.

Allow 2-6 AM Parking (April 15 – Nov 15) Except Wednesday's and Fridays

This would allow Street sweeping crews access to the street while providing some level of accommodation to residents. Staff has found simple, consistent parking regulations are the most effective at achieving program goals. This type of regulation would likely lead to a certain amount of user confusion and frustration.

Allow Summer Residential Permit Parking (No Time or 2-6am restrictions)

Given the volume of residential units along Park Avenue Staff is concerned that this approach will result in a significant demand for residential permits and a corresponding reduction of parking spaces available for businesses along the street.

In addition, this approach will result in decreased access for street sweeping crews and a reduction in street cleanliness.

Allow Winter Residential Permit Parking (No Time or 2-6am restrictions)
The width of Park Avenue requires efficient and effective snow removal to ensure safe road width is maintained. This approach would significantly hinder City snow crew's ability to remove snow and ice. Staff strongly recommends this approach not be implemented.

Provide Mr. Whaley with a Special Parking Exemption
While this would satisfy Mr. Whaley's request and limit the potential impact that residential parking could have on the street, Staff's very limited experience with providing individuals with special parking exceptions has not been good. Special exemptions were implemented in the early days of the parking program but have since been eliminated and none exist currently, generally these have led to confusion for the exemption holder, enforcement officers and users of the street. It is important to note that any special exemption must be recorded on the City's residential permit map.

The equity of this approach for other residents is also questionable and is likely to create a precedent for other special exemptions. If Council feels the need to change current regulations Staff strongly recommends against using any form of special exemption approach. Any form of exemption would require formal recording on the City's residential parking map.

ALTERNATIVES

A. Approve The Recommendation.
Staff recommends that current parking regulations (2hour limit, with no 2am-6am parking) on Park Avenue remain in place. Continue with special permit "A" zone on west side of Park Avenue between 9th and 12th streets to address summer parking needs of residents of Park Avenue.

B. Amend Staff's Recommendation.
Council could direct Staff to implement one of regulation scenarios summarized in this report, or create one of its own. This is not Staff's recommendation.

C. Defer the item to a later date.
Council could defer the item to a later date. If Council directs sweeping change to current regulations Staff recommends deferral until all stakeholders can be properly noticed and provide input prior to final decision.

D. Do Nothing.
Council could choose to do nothing. This would leave current regulations in place and have the same effect as Alternative A

Significant Impacts
If Council should choose to direct Staff to change current parking regulations on Park Avenue this action should take place as an item on a regularly scheduled Council session. If directed to do so Staff will schedule the item and notice Park Avenue

businesses and residents of the pending change as well as the time and place of Council meeting.

This item scheduled for work session discussion has been scheduled to review the parking regulations currently in place on Park Avenue and is not intended to serve as a venue for any citation appeal.

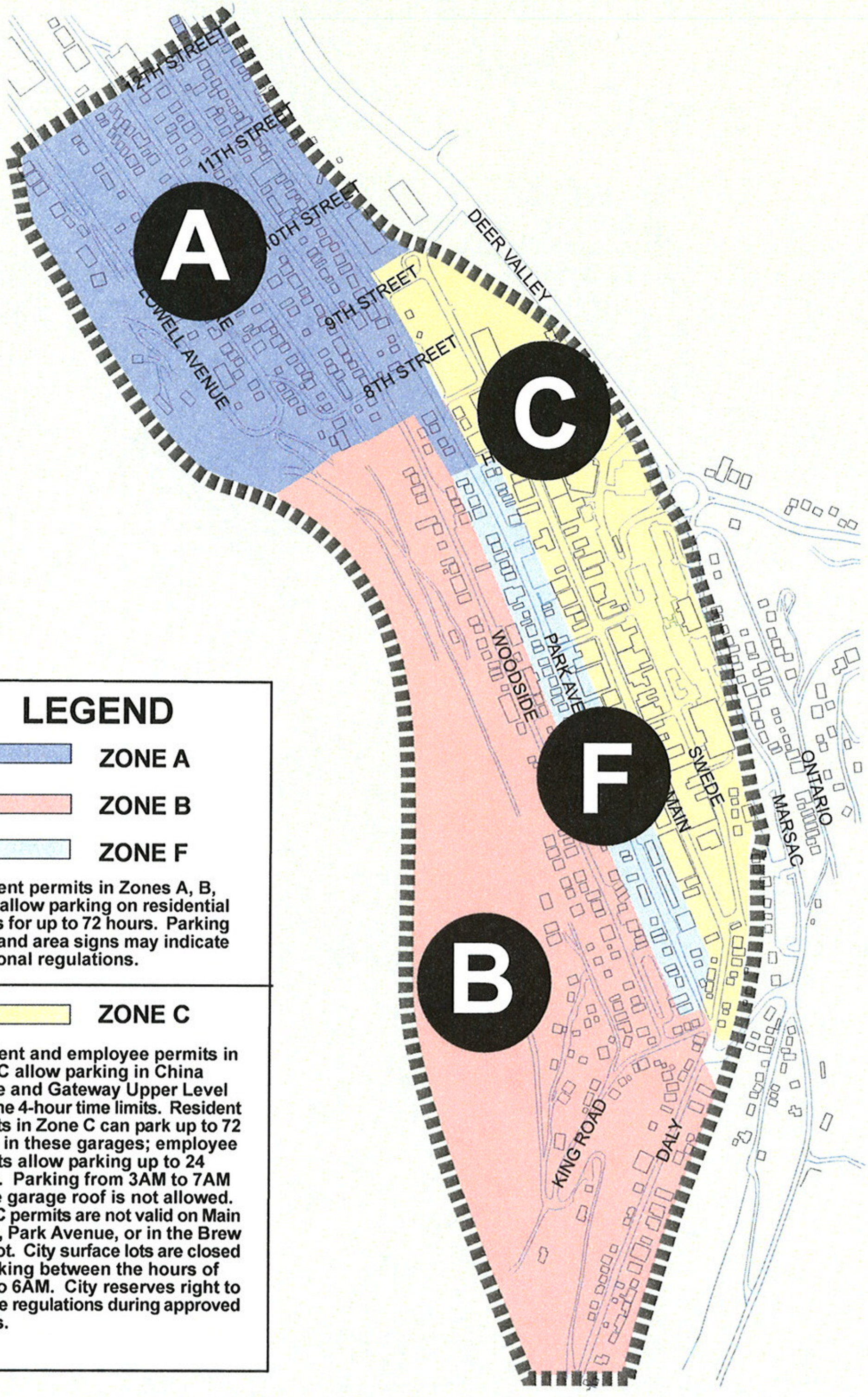
RECOMMENDATION

Staff recommends that current parking regulations (2hour limit, with no 2am-6am parking) on Park Avenue remain in place. Continue with special permit "A" zone on west side of Park Avenue between 9th and 12th streets to address summer parking needs of residents of Park Avenue.

Attachments (3):
Residential Permit Zone Map
December 10th, 2001 Work Session Minutes
Jan 21 2010 e-mail to Ron Whaley

PARKING AREA MAP - PART 2

Permit Parking Zones



LEGEND

ZONE A

ZONE B

ZONE F

Resident permits in Zones A, B, and F allow parking on residential streets for up to 72 hours. Parking Code and area signs may indicate additional regulations.

ZONE C

Resident and employee permits in Zone C allow parking in China Bridge and Gateway Upper Level over the 4-hour time limits. Resident permits in Zone C can park up to 72 hours in these garages; employee permits allow parking up to 24 hours. Parking from 3AM to 7AM on the garage roof is not allowed. Zone C permits are not valid on Main Street, Park Avenue, or in the Brew Pub Lot. City surface lots are closed to parking between the hours of 2AM to 6AM. City reserves right to change regulations during approved events.

RE: December 10th, 2009 Council direction regarding Park Avenue Residential Parking

From: Kent Cashel <cashel@parkcity.org>
To: Ronald R. Whaley <rwhaley@pureutah.com>
CC: Mark Harrington <mark@parkcity.org>, Brian Andersen <bandersen@parkcity.org>
Date: Jan 21 2010 - 10:51am

Ron:

Thanks for your comments

My apologies on item #2. You are somewhat correct in your recollection.

The Council record reflects their direction that I am to create the A zone in question from just north of 9th street north "to whatever point is deemed safe."

I have previously reviewed Park Avenue (9th north to 10th) and am confident adequate width exists. I have not yet reviewed street width further north. Until that review is completed I cannot indicate if the zone will extend north beyond 10th street or not.

It has been, and will be, my plan to conduct the necessary field work and make a determination regarding safe width between now and mid-March and I will set zone boundary consistent with Council direction.

Given that the City's residential permit zones and program only extend as far north as 12th street the A permit zone would not extend beyond that.

Thanks Again

Kent

From: Ronald R. Whaley [mailto:rwhaley@pureutah.com]

Sent: Thursday, January 21, 2010 8:20 AM
To: Kent Cashel
Cc: Mark Harrington
Subject: RE: December 10th, 2009 Council direction regarding Park Avenue Residential Parking

Kent:

Thank you for your note. Please note that your summary item #2 is not what I heard Council direct. Council directed the west side Park Avenue without limitation.

Thank you,

Ron Whaley

From: Kent Cashel [mailto:cashel@parkcity.org]
Sent: Thursday, January 21, 2010 7:29 AM
To: Ronald R. Whaley
Cc: Mark Harrington; Brian Andersen
Subject: December 10th, 2009 Council direction regarding Park Avenue Residential Parking

Good Morning Ron:

I wanted to follow up with a summary of Council direction (December 10th, 2009) on Park Avenue residential parking.

1. 2 hour time limits and 2-6 am parking restriction will remain in effect on Park Avenue (Heber to just north of 9th as signed) Residents are subject to these restrictions.

2. From April 15th through Nov 15th staff will designate an area on the west side of Park Avenue just north of 9th to 10th (as signed) that will enable residents that display an “A” permit to park their vehicle for a period up to 72 hours.

3. From Nov 16 – April 14th 2-6 am parking restrictions will remain in effect on Park Avenue.

4. All other residential permit and parking regulations remain unchanged and in effect.

If you have not applied for and received your “A” permit(s) you will want to do that on or before April 15th. You can accomplish this at the Public Works Building at 1053 Ironhorse Drive. If you have any further permit questions you may speak with a customer service rep at 435-615-5301

Thanks

Kent

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Ron Whaley Search

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
DECEMBER 10, 2009

Present: **Mayor Dana Williams; Council members, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson**

Tom Bakaly, City Manager; Phyllis Robinson, Public Affairs Manager; Kent Cashel, Transportation Manager;

Ron Whaley, 819 Park Avenue; Danny Timken, Park Avenue resident; Jesse Shetler, Park Avenue business owner; John Trujillo, Davanza's Pizza; and Nick Hewlett, Utah Ski and Golf

1. Council questions/comments. Joe Kernan reported that the inter-agency task force met this week and the lobbyist shared by the City and the County was discussed to assist the School District with upcoming legislative issues. Liza Simpson thanked Phyllis Robinson and Rhoda Stauffer for organizing the affordable housing round table with lenders. The focus of the meeting was to examine deed restrictions as they relate to minimizing challenges to obtaining loans. Joe Kernan felt it possible to limit appreciation to 3%, protect the lender, and remove barriers for buyers. Candace Erickson stated that she was re-elected to serve on the ULCT legislative committee and reported on potential legislation. She commented on the success of the Christmas event at the rink last night which was very well attended and attending a party at the beautifully renovated High West Distillery.

Jim Hier discussed Summit County's participation at inter-agency meetings and hoped that Wasatch County will begin attending meetings. He thanked Cindy LoPiccolo for organizing a lunch with the election judges and relayed that the Leadership Class potluck was another nice event. Roger Harlan commented on the St. Regis grand opening. Jim Hier shared concerns expressed by Planning Commissioners regarding the height of the recreation building and encouraged the new council to pay attention to Commission deliberations. The Mayor reported on a meeting he attended on micro-hydro power as a renewable energy source and that a state-wide group will be meeting regularly on this technology.

2. Visioning debrief. Phyllis Robinson relayed that the report provides good information for the City and community organizations. She reported that 227 people attended community gatherings, 183 comment cards were collected, and 534 ideas, concerns or issues were identified. Four hundred and fifty interviews were held and 396 of those were one-on-one in-person interviews. There are a couple of ways to look at the information and she focused on frequency of response because the questions were open-ended and there were multiple responses to the same questions. She pointed out that the interview responses and the answers to the questions matched.

Skiing was the number one answer to the question of what brought people here but one out of two people stay here because of the community. Respondents like the way things are and too much change or growth is the reason one out of three people would leave. If they did leave, one-quarter would go back home to extended family or inexplicably go to Colorado. Responses show that we are very proud to have hosted the Olympics at 38.99%, but 46% indicated that their workforce is being pushed out of Park City. Two out of three said they hoped Park City would remain the same with a small town feel, sense of community and uniqueness. Some key elements emerged including the preservation of the natural environment, promoting balanced management of sustainable growth, preserving a strong sense of place, character, heritage, community, vitality and vibrancy, and supporting and promoting diversity and a diverse and sustainable economy. The quality of interaction is compromised when Park City gets too big.

Ms. Robinson discussed updating the General Plan and aligning it with community values and goals which will be discussed during the Visioning Session in January. The economic and environmental strategic plans will be integrated into a sustainability strategic plan. Visioning findings can be used as a tool to formulate programs and policies within the City and four elements emerged from the exercises including quality of life, economy, environment and equity. She spoke about people being attracted to our small historic town and the arts and cultural component. The third attraction identified is unparalleled property ownership opportunities acknowledging that the terminology is somewhat unclear. She felt that with ownership comes a group of amenities that aren't often found in a town this size, like excellent schools, health care, infrastructure and proximity to an international airport. Joe Kernan suggested replacing *opportunities* with *amenities*. She spoke about staff applying these values when making recommendations to Council.

Roger Harlan pointed out that responses did not seem to be driven by fear of the unknown like the community anxiety which occurred about the development of Flagstaff and hosting the Olympics years ago. Ms. Robinson again discussed an open-ended approach, free of issues or topics, and agreed that many people did not think the Olympics was a good idea at first but ultimately embraced the Games. The Mayor invited input.

Ruth Meisma, resident, felt the report findings should guide the General Plan. She questioned including the wording *unparalleled property ownership* and *incomparable* should be replaced with *all* arts and cultural. Park City is not known for its arts and culture like Paris, New York or Santé Fe, for instance. Park City's economic driver may change and she recommended using terms like winter and summer outdoor recreation rather than skiing. *Unparalleled property ownership* seems off track and wording like quality of life may be more appropriate. The Mayor thanked Ms. Meisma for participating in Community Visioning and for her comments.

Jim Hier felt it important to recognize that Park City is a world-class community which drives the largest component of our economy currently. Changes can be made as they occur.

3. Park Avenue parking regulations. Kent Cashel explained that the parking regulation issue deals with the area between Heber Avenue and 9th Street. If Council decides to change the regulations, formal action would be needed to amend the Code. Residents and businesses have been contacted but no formal noticing was done. He illustrated a map showing the street width changes ranging from 34 feet up to 40 feet. The segment of street at hand consists of about 50 parking spaces and approximately 24 residential units. Nine businesses and the Town Lift are located in this Park Avenue stretch. Mr. Cashel stated that there are two hour time limits to encourage turn-over and no overnight parking. There is currently no permit parking on Park Avenue and these regulations have been in effect since 1998. At that time, parking meters were installed but later removed and the two hour time limit was reinstated. He emphasized that the purpose of the regulations is to promote turn-over and discourage long-term parking. Traffic circulation is critical because it is a high volume street, including transit. Maintenance includes snow removal and street sweeping. Snow removal can not be planned but Park Avenue is swept two times a week and more if needed. He again emphasized the varying widths of the street and through illustration of a graphic, pointed out the challenges of negotiating the Town Lift corridor, especially for transit buses.

Kent Cashel noted that residences in the area are located in a transition zone between the A and C parking zones and are eligible to receive an A Permit, allowing overnight parking anywhere but Park Avenue, or a C Permit which allows access to overnight and long-term parking in either the Gateway or the China Bridge Garage. The two hour time limits do not apply north of 9th Street. Within the regulations, it is feasible to allow some overnight parking in the summer but not the winter and there are private parking options in the area. The off-street parking is heavily used and time limits are in place to support the businesses. He added that businesses have access to employee permits which allow them to parking for longer than four hours in the China Bridge Parking Structure. From an operational standpoint, it is important to keep regulations as simple as possible; the parking staff and police both monitor parking. Alternatives include keeping the regulations the same, allowing 2 a.m. to 6 a.m. parking, except Wednesdays and Fridays during the summer, allowing 2 a.m. to 6 a.m. parking during the summer, providing special parking exemptions for those who do not have off-street parking, and hybrids of the aforementioned. Mr. Cashel stated that staff's recommendation is to leave the current regulations in place because it provides turn-over, circulation, and a balance. Staff feels that reasonable accommodations have been made to residences and businesses. Although it is not perfect, the regulations work. He read an email into the record from Nancy Ellison of Destination Sports expressing opposition to creating more residential parking because of nimbyism.

Candace Erickson brought up the fact that many residential units have provided two parking spaces per unit as required by the LMC, and she is not inclined to provide additional off-street parking. Mr. Cashel advised that the parking code authorizes up to five permits per unit which she felt was excessive. The Mayor invited public input.

Ron Whaley, 819 Park Avenue, explained that he has been meeting with staff over the past seven months regarding his issue of having no off-street parking. He asserted that he is the only resident in the area between Park Avenue and Deer Valley Drive between Heber Avenue and 9th Street which is unbelievable in consideration of the high density in Old Town. He has lived at this address for 35 years. Mr. Whaley clarified that he is not asking to park overnight in the winter and spoke about being issued a Permit A sticker some ten years ago. After receiving parking tickets he visited with the parking staff about his unique situation of not being able to park in front or behind his house on Woodside. Staff agreed to waive tickets and during the summer he had 24 hour parking until two years ago. He returned to staff asking for his parking back and as far as he knows he is the only full-time resident in the area. It is odd that the City mandates parking and then allows the parking not to be used by charging for it, forcing an incredible demand on free parking. Mr. Whaley stated that his request is to consider giving him 24 hour summer parking and the forbearance of the two hour parking limitation in front of his house.

Danny Timken, 631 Park Avenue, complained about the parking signs being very confusing even to our Police Officers. He spoke about paying for five citations on behalf of his guests. The signs have to be fixed. He agreed that the Town Lift corridor is very narrow and prone to accidents and suggested that buses turn up 9th Street to Main Street rather than traveling this stretch of narrow roadway.

Jesse Shetler, Butcher's Chop House, expressed compassion for Mr. Whaley's situation and suggested just giving him a parking pass but supported staff's recommendation of leaving the parking regulations alone. He referred to Mr. Timken's suggestion of rerouting buses so they don't have to travel through the Park Avenue Town Lift corridor section.

John Trujillo, Davanza's Pizza, encouraged Council to leave the parking regulations alone. Some good ideas have been generated regarding the buses and he understood there have been discussions about one-way during Sundance which avoids two buses meeting. Perhaps this could be implemented on a seasonal or year-round basis.

Nick Hewlett, Utah Ski and Golf, suggested giving Mr. Whaley his pass but not changing the residential parking regulations because they have been working for 15 years.

Ms. Simpson asked about the regulations north of 9th Street on Park Avenue and Mr. Cashel explained that the same year-round no overnight parking restrictions exist on both sides of the street but there are no two hour time restrictions. The Code allows for creating a transition zone where the overnight restrictions could be lifted for residential permit holders. He believed that the no overnight parking restrictions on Park Avenue probably date back to when it was a state highway. Staff offered to create a transition zone between 9th and 10th Streets but this proposal did not meet Mr. Whaley's expectation. He pointed out that the level of maintenance here is not as intense as in the business district further south.

Candace Erickson pointed out the amount of time spent on Mr. Whaley's issue and hoped there could be a simple solution for one person and Mr. Cashel acknowledged that issuing an unrestricted permit may seem like the way to go but as soon as it is issued, others will want to be accommodated. Ms. Erickson argued that Mr. Whaley is an anomaly because he doesn't have any parking and this is truly a different situation. Mark Harrington expressed that this is where staff has struggled because Council has not delegated its authority to make this type of a decision but the Code can be amended to exempt certain situations which is what he recommends if Council grants Mr. Whaley his request. Staff has explored all appropriate options at this point and a Code change would be needed to act further on Mr. Whaley's behalf.

Ms. Simpson felt that providing permit parking between 9th and 10th Streets may benefit other Permit A holders and she suggested designating one side of the street for Permit A holders, allowing them to park overnight in the summer. She expressed concerns that if an exemption is created for Mr. Whaley, the number of cars may become another issue. Discussion ensued on allowing residents up to five parking passes and Mr. Cashel suggested limiting the number of cars by the number of off-street parking spaces associated with the property. Mr. Cashel emphasized that off-street parking is a privilege and not a given right. This is the first request and if granted, more will likely follow.

Joe Kernan felt that Mr. Timken's comments about confusing signs were pertinent and Mr. Cashel indicated he will follow-up immediately. In response to a question from Joe Kernan about adjudication, Kent Cashel explained that the fine for the first ticket is $3 which equates to what the person would have paid for parking. A citation can be appealed within 10 days of issuance and an independent adjudication officer reviews the information and makes a determination. More often than not, the first ticket is waived but is kept on record. Mr. Kernan felt the idea of rerouting buses was worth exploring, although it doesn't necessarily address the parking issue. He was uncertain about the level of responsibility on the City's part with regard to Mr. Whaley's lack of parking on his property and pointed out that other neighbors have made expensive improvements to provide parking on their properties. He was unsure if Mr. Whaley has explored building parking on his property, perhaps a pad on Woodside Avenue, and discussed the situation on Sampson Avenue. Kent Cashel pointed out that parking on the downhill side of the street creates problems because snow is pushed in that direction. Mr. Kernan suggested that there may be some consideration given to properties that have retained their historic character in the future but without criteria in place, he supports staff's current recommendation.

Roger Harlan spoke about his experience driving a transit bus through the Town Lift corridor and indicated that he would be very reluctant to alter the bus routing system unless it is highly recommended by the Transportation Manager. He stated that he is willing to support a LMC amendment. Jim Hier agreed with Ms. Erickson about making a simple exception but also understands the potential ramifications going forward. He suggested allowing summer overnight parking north of 9th Street, acknowledging that this is not what Mr. Whaley requested. Liza Simpson stated that she really hates to create *the one permit for the one guy* because there will be more and she agrees with Mr. Hier about providing residents with Permit A stickers and designating one side of the street for overnight parking in the summer months north of 9th Street to whatever point is deemed safe. Kent Cashel clarified that there is no two hour limitation north of 9th Street and the permit would allow for overnight parking in the summer except for street sweeping.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 21, 2011

Present: **Mayor Dana Williams; Council members Alex Butwinski; Joe Kernan; Cindy Matsumoto; Dick Peek; and Liza Simpson**

Tom Bakaly, City Manager; Mark Harington, City Attorney; Jed Briggs, Finance Analyst; and Nate Rockwood, Finance Analyst

Fire Chief Paul Hewitt, Battalion Chief Ray Hunsinger, and Assistant Chief Scott Adams, Park City Fire District

1. City Council questions/comments. Dick Peek reported on a Historic Preservation Board meeting where the newly appointed members attended their first meeting. Alex Butwinski shared Public Art Board business. Liza Simpson stated that she attended the Friends of the Farm meeting where planning the Scarecrow Festival was discussed. Cindy Matsumoto announced that Monty Coates was awarded the Myles Rademan Hospitality Award at the annual Chamber luncheon. She added that the Peace House fund-raiser was a great success and Habitat broke ground on its affordable housing project this week.

2. Monthly financial update. Jed Briggs reported that sales, franchise, and property taxes are still being reported by the state. A portion of sales tax revenue will be transferred into the CIP. Property tax is 1.2% above what is budgeted but franchise taxes are coming in a little bit lower. He referred to actual fee revenue numbers and noted that recreation fees are higher than projections and ice fees are up $150,000 over last year.

He displayed and discussed expenditures by teams. Numbers will not be finalized for about another month but are coming in under budget. He displayed a graph showing revenues above expenditures. Water Fund revenues are a little higher than budgeted and expenditures are exactly on target. Mr. Briggs stated that Transit Fund revenues are -.3% and expenditures represent 87% of the budget. The Golf Fund is about 10% below projections because of poor weather but expenditures have been lowered. In response to a question from Liza Simpson, Nate Rockwood explained that the reason intergovernmental revenue is down 30% is because some funding from outstanding grants has not been received yet.

3. Fire District Update. Fire Chief Paul Hewitt spoke about how much he and his family enjoy the Park City community and commented on the many qualified professionals he works with. He stated that fire districts by nature protect life, property and environment and the PCFD began a strategic planning process when he arrived five months ago. The analysis included comparing the Park City Fire District with other similar organizations and it was found that the PCFD is operating efficiently and is not over-staffed. He emphasized that they are not under-staff but *minimally* staffed at a safe level. Staff totals about 90, including 78 firefighters and he spoke about recruitment and testing so there is a good fit in the community. He read mission statements for PCFD and Summit County pointing out the similarities between them. There are three stations within the incorporated Park City. Chief Hewitt addressed the importance of good ISO ratings which ultimately save the citizens money on fire insurance. Park City is rated at 2 and the unincorporated area at 3 which are excellent scores. Most mountain communities with similar demographics have a 6 or 10. There is a fluctuating rate on the PCFD mill levy and he noted that the District will probably collect $400,000 less than projected this year. The strategic plan identifies community projects and Chief Hewitt discussed the *Pink Heels Tour* which brings awareness and funds to women's cancers. He explained the annual Fire Ops 101 program for elected and appointed officials and introduced PCFD staff members.

Chief Hewitt presented an incident report summary and pointed out that PCFD is unique in operating the ambulance service. The County owns the licenses in all three areas and PCFD is the operator for two areas, Park City and North Summit. Fees are remitted to Summit County and PCFD applies for quarterly reimbursements.

Assistant Chief Scott Adams spoke about the 15 year fire mitigation program which involves chipping. Participation is good and there are up to 300 to 500 requests per season. There has been an increased effort in collaborating with building departments in the enforcement of fire and safety codes and he mentioned working more closely with the Special Events Department at the City. He emphasized that obtaining a good ISO rating is directly tied to the quality of the water departments and the City helped them achieve that grading. The majority of insurance savings is enjoyed by businesses.

Battalion Chief Ray Hunsinger explained that he is a shift commander and detailed equipment, training and staffing for operations and rescues. He pointed out that they are not under-staffed but cross-trained to take on a variety of tasks and responsibilities. Training was discussed as well as training with other fire districts in the Salt Lake Valley; it is beneficial for their employees to integrate with larger organizations.

Chief Hewitt stated that PCFD's mill levy is about $1/10^{th}$ of 1% which meets their needs. He spoke about the much higher levies common in Arizona. He praised his staff for their dedication by voluntarily working out and enrolling in classes. Firefighters are in extremely good shape. The Chief explained the *challenge coin* distributed to Council members as a gift from PCFD.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 21, 2011

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at a special time at approximately 5 p.m. at the Marsac Municipal Building on Thursday, July 21, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; Kayla Sintz, Planner; and Katie Cattan, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

Transfer of development rights and accessory uses - Lisa Wilson, Park City mom, stated that she emailed the Planning Department about the transfer of TDRs and learned that they can be transferred to the Deer Valley parking lot. She attended meetings, reads the Park Record and wasn't aware of this. In the staff report on Treasure Hill written about a year ago, there is 600,000 square feet of vested rights. The Mayor corrected her that it is 419,000 square feet. She understood that transferred unit density is regulated by the new Code where accessory uses are allowed. Lobbies, locker rooms, etc. do not count toward commercial square footage. Even though the lobby space is not counted as commercial, The Montage can charge up to $40,000 to hold the prom there. If Treasure density rights are moved over to the parking lots, there will be a lot of additional square footage beyond that. If the density is going to increase in the Deer Valley Master Plan, there needs to be a public process to amend the Master Plan and she asked that the public be notified.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 7, 2011

Liza Simpson, "I move to approve the work session notes and minutes of the meeting of July 7th". Cindy Matsumoto seconded. Motion unanimously carried.

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving a condominium conversion for 1159 Empire Avenue, Park City, Utah – The Mayor opened the public hearing; there was no input. Cindy Matsumoto, "I move to continue the condominium conversion for 1159 Empire to August 4th". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the 929 Park Avenue plat amendment located at 929 Park Avenue, Park City, Utah – Kirsten Whetstone explained that the request is to combine two standard Old Town lots with two adjacent remnant parcels or the back 25 feet of lots that are adjacent but located on Woodside Avenue. An historic house sits across the lot lines. The Planning Commission conducted a public hearing, continued the item to obtain more information from the applicant, reopened the public hearing and now forwards a positive recommendation. Approval was conditioned that the building footprint be reduced from the 1,888 reached by using the formula outlined in the LMC and reducing it to 1,688 square feet. The applicant consented to the reduction in footprint. In response to questions from Ms. Simpson, Kirsten Whetstone explained that no substandard lots will be created on Woodside Avenue. The average house size in the area is 1,625 square feet but the Planning Commission considered the condominiums in the area and the applicant's willingness to reduce the house size. Moving the historic home back to its original location after construction was discussed. The Mayor opened the public hearing; there was no public input and the hearing was closed. Joe Kernan, "I move we approve New Business Item No. 2". Cindy Matsumoto seconded. Motion unanimously carried.

3. Consideration of Resolution establishing the Historic Preservation Board's Annual Preservation Award Program – Kayla Sintz stated that although Roger Durst is no long on the Historic Preservation Board, he was instrumental in creating this project. The High West Distillery has been selected as the award recipient this year and each year a different artist will be selected by the subcommittee to depict the property. It is the intent that the art work would be displayed in the Marsac Building. The owner and the architect will be presented with a plaque to coincide with this year's Historical Society's home tour program. Mr. Durst felt that the program will bring awareness to the community and publicly thanked Ken Martz for his participation. The presentation to High West is scheduled on August 18.

Liza Simpson thanked them for creating the program and including the Historical Society in the process. She liked the expansion of criteria including in-fill development, new construction, excellence in preservation, sustainable preservation and embodiment of historical context and connectivity on-site. The Mayor opened the public hearing; there were no comments from the audience and the public hearing was closed. Dick Peek, "I move we adopt the Resolution for the Historic Preservation Board's Annual Preservation Award". Liza Simpson seconded. Motion unanimously carried.

4. Consideration of an appeal of the Planning Commission's June 8, 2011 denial of an appeal of the administrative extension of the Conditional Use Permit for the North Silver Lake Subdivision Lot 2B and the North Silver Lake Lodge Development - appellant Lisa Wilson, represented by the law firm Miller Guymon – The Mayor explained that Council has the discretion to expand the scope of the appeal or strictly adhere to the grounds of the appeal. He described the order of presentations, including questions and public input. Liza Simpson, "I move we limit the review of this appeal to the grounds of the appeal and not open it up to other issues". Alex Butwinski seconded. Motion unanimously carried.

The Mayor requested disclosures from members. Cindy Matsumoto disclosed that Lisa Wilson brought information about different lot numbers to her and she briefly looked at the paperwork. Alex Butwinski stated that as the Council liaison to the Planning Commission meeting, he heard the appeal at that level. Dick Peek indicated that he received a phone call from Brooks Leader his lumber salesman who asked him about his opinion on North Silver Lake. He told him what his (quasi-judicial) role would be and that he couldn't talk about it. Liza Simpson stated that she hiked the area with Lisa Wilson three years ago. She received a number of emails on this issue but after reading the subject line, did not read them. Joe Kernan had nothing to report. The Mayor stated that he received emails over the past week and every one of them contained inaccurate information about the project. He invited staff to speak.

Planner Katie Cattan stated that on March 3, 2011 the Planning Department received a request for an extension of the conditional use permit for North Silver Lake. Planning Director Thomas Eddington reviewed the application and on April 20, 2011, the CUP extension was approved. Liza Wilson appealed staff's decision and on June 8, 2011, the Planning Commission reviewed the appeal. She explained that in order to receive an extension of a CUP, there is criteria in LMC Section 15-1-10(g) *the Planning Director may grant an extension of a conditional use permit for one additional year when the applicant is able to demonstrate no change in circumstances that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code in effect at the time of the extension request. Changes in circumstances include physical changes to the property and surrounding.* She added that the conditional use permit extension application that staff received included the exact same set of plans approved the prior year so there was no change in the plans and there was no change in circumstances to the property or the surroundings. Accordingly, the Director approved the extension.

Ms. Cattan stated that during the appeal reviewed by the Planning Commission, and part of the appeal tonight is that an error was made in Finding of Fact No. 9. Appellant Lisa Wilson brought it to her attention during the extension review by staff and Ms. Cattan stated that she then put it in the analysis of the original Planning Director report and the change was made. Lot 2b should have read Lot 2d which was a typographical error made by staff. The Planning Commission ruled to uphold the Planning Director's decision because the error was not deemed substantial and would not change the outcome of the Director's decision. It did not change the circumstances of the site or the original CUP. She pointed out that the calculation for open space remained the same and Finding of Fact No. 8 clearly states that the open space is in Lot 2d. She emphasized that the main point of the appeal focuses on the typographical error and whether the process was conducted properly. There were no questions from Council members.

Matt Muir, attorney for Lisa Wilson from the law firm Miller Guymon, referred to submitted materials that were extensive and he indicated that he will try to keep his presentation within the scope of the appeal. He displayed a concept drawing from the developer of a North Silver Lake Lodge lot and the open space area which consists of Deer Valley terrain and ski runs which sit to the side of the lot. He pointed out the open space areas, the North Silver Lake Lodge Lot 2b and Bellemont which is 2a. He relayed that Ms. Cattan pointed out the main basis of Ms. Wilson's appeal and he displayed the original CUP which was approved by the Council on appeal about a year ago. He referred to Findings of Fact No. 8 and 9. Finding of Fact No. 9 stated that the Bellemont Subdivision was allowed to utilize Lot 2b, the NSL lot toward its open space requirement. He referred to Findings Nos. 8 and 9 in the extension of the CUP approved by staff in April 2011, which has been changed to read that Bellemont is allowed to use Lot 2d, the Deer Valley terrain and ski runs, for its open space requirement. He displayed the plat. The original CUP had open space moving from the open parcel into NSL Lodge and then into Bellemont. There is an overarching standard with regard to this decision found in the Springfield City Utah Supreme Court Case which states *if a municipality's land use decision is arbitrary, capricious, or illegal, it will not be upheld*. Mr. Muir stated that what they are specifically interested in tonight is whether this modification of the CUP is legal and what the Supreme Court means by this. Did it comply with the law that applied to it the applicable legal requirements? What were the legal requirements applied to this CUP? He emphasized that first it must comply with the Deer Valley Master Plan and relayed discussions at a Planning Commission in 2008 reiterating that it is the governing document. He explained that the 8th Amendment to the Deer Valley Master Plan in 2001 addresses NSL and Lot 2b, the terrain and ski runs to be used for open space which is 4.03 acres. He read Footnote No. 6, *This parcel has been platted as open space with the open space applying to the open space requirement of Lot 2b.* Lot 2b is the NSL Lodge lot and he pointed out that there is no mention anywhere of open space being allowed to be transferred to Bellemont. This carries on throughout all of the Master Plan amendments and into the recent 11th Amendment that open space can be used for the NSL Lodge only which is the governing law which specifies that the modification to the CUP is illegal. He again referred to Findings of Fact Nos. 8 and 9. Finding No. 8 says *this parcel has been platted as open space with the open space applying to the open space requirement of Lot 2b.* In other words, the open can be applied to the NSL Lodge lot, nothing else. Finding of Fact No. 9 is *no good* because you cannot use 2d for Bellemont. Matt Muir explained that this is important because Bellemont was never allocated any open space. The 1997 CUP for Bellemont does not mention any open space being transferred and was done without a public process with public hearings. It is unknown how much open space is available in 2d to be used by any project at this point because it hasn't gone through the public process.

Mr. Muir stated that there is a very long history of City documents in which it was never mentioned that this kind of an open space transfer could be done. The CUP was discussed at least four times at Planning Commission meetings, three City Council meetings, and numerous staff meetings and the *so-called typo* was never found. All the way back to November 2001, in these Planning Commission minutes it says that in 1997 when the Bellemont project was approved, a subdivision plat was filed that created a four acre open space parcel north and below Lot 2b. Two acres were pulled out of Lot 2b and put into this open space parcel with the proviso that the open space parcel acreage could be credited to the open space requirement of Lot 2b. He stated that Ms. Wilson feels very strongly that the residents in the neighborhood have a right to know exactly what is going on with the open space in the area. He believed that one of the main goals of Park City's development code and the Deer Valley Master is to make sure neighborhoods get good open space and some of the choicest land should be reserved for open space to be enjoyed by the residents. He felt they are now thrown into chaos and this illegal modification to the CUP has created this situation. Mr. Muir suggested that it be vacated, remanded and the open space allocation should be put out in front of the public so there is input on the calculations and exactly where it's going.

He indicated that this is outside the scope of the appeal but referred to Finding No. 18 which states that some work will be done by July 1, 2011 or the permit would be void. Ms. Wilson feels strongly that the soil was not capped or vegetated and the site is still an unsightly pit in the ground. He reiterated that the modification was illegal because it is contrary to the Deer Valley Master Plan which is the governing law and he asked the Council to vacate it and send it back for further proceedings.

Lisa Wilson stated that we have a very clever developer who has a very clever counsel and spoke about the confusion about the appeal fee and wondered how Mr. Bennett found out about that information. She referred to the 2009 discussion at the Planning Commission meeting about who is allowed to use the ski runs or terrain as open space and since that time the Findings of Fact showed that the NSL Lodge parcel is the site used for Bellemont. She spoke about the many meetings held where the Findings of Fact remained the same using the hotel site for Bellemont open space. Everyone here had a chance to read it. When she caught it, she was told that it was a typographical error and referred to the Brent Bateman's, State Ombudsman Office, letter with a different value and also highlighted the fact that 2b was the open space for Bellemont. She explained that she then started asking Mr. Bateman about the use of the hotel site and how he calculated the open space but he wouldn't talk to her anymore. If Lot 2b is used as the open space for Bellemont, the open space calculation is incorrect. Staff then just switched it. No one knows that the ski runs are being credited as open space except the Planning Department. There is nothing in the Deer Valley Master Plan that specifies that Bellemont can use ski runs as open space or that the Planning Commission can allow developers to use Deer Valley ski runs and terrain as open space for hotels and other developments. Other than City Hall, she doesn't know of anyone that realizes that Deer Valley Resort property is used as open space to aid big developers which is bad for the City and it is illegal.

Richard Lichtenstein, owner/representative for Regent Properties, believed that the re-vegetation was quite extensive and more than was originally planned and it was the opinion of City staff that re-vegetation is completed. He noted that Mr. Bennett will speak to Mr. Muir's points and the staff report has done more than an adequate job. He commended the staff for the effort in getting the report together twice. The standard of review is quite clear and he respectfully requested that the Council uphold the Planning

Commission's decision which upheld the Planning Director's determination to grant an extension.

Tom Bennett, counsel for the applicant, believed there is only one issue that ought to be addressed in the appeal and that is whether the Planning Director and the Planning Commission made an error in deciding to extend the CUP for a period of one year. The appellant has the burden of proving that to Council. The LMC is very clear on the standard for the extension of a CUP which may be extended for a period of an additional year by the Planning Director if there has been no change in circumstances which has created either an unmitigated impact or a change of circumstances that has resulted in a violation of the LMC or of the General Plan. He pointed out that the staff report states that there have been no changes in the development plan for the property, in the LMC or the General Plan regarding the project, or the neighboring properties. The Planning Director and the Planning Commission rightfully concluded that the standard for obtaining a CUP extension was met and the extension was granted. The appellant has not even raised an allegation contesting the satisfaction of the standard. He acknowledged that the Lot 2b / Lot 2d error should have been recognized by a number of people sooner, but the fact of the matter is, that it doesn't make a difference. The findings are a recitation of past history which is important to have on the record. Whether the quarter of an acre came from Lot 2b or Lot 2d doesn't matter because it doesn't impact the calculation of open space for Lot 2b. A quarter acre was taken out of Lot 2b for Bellemont, all four acres of Lot 2d are available to use for open space, the calculation would come out exactly the same, and the open space would be 70.6%. Mr. Bennett commented that the appellant makes it sound as if Finding of Fact No. 9 was actually doing something, as if it were actually transferring some open space over to the Bellemont project, which is not the case.

He emphasized that Bellemont was approved 14 years ago and it's done, built and over. The open space requirement was met. His GRAMA request for all of the information on the approval of Bellemont revealed that the developer was requesting that a quarter acre be transferred from Lot 2d and he agreed that the final decision approving Bellemont, there is not a specific statement that anything came from 2d or that any extra open space came anyplace else. In consideration, one would conclude that Bellemont met the open space requirement without getting any extra open space from anywhere, but again he is not sure but it doesn't have any impact on the approval for Lot 2b. He stated that Mr. Muir brought up the point that the Deer Valley Master only refers to Lot 2d being used as open space for 2d. He is not sure it says that but it may be because at that point the 8th Amended Deer Valley Master Plan was adopted in 2001, Bellemont was already built, and the only lot entitled to use the balance of the open space from Lot 2d would have been Lot 2b. There has been talk that the public has been tricked by this and he displayed the 1997 replat of Lot 2 North Silver Lake Subdivision done in connection with the Bellemont approval, specifically Note 2 which states *pursuant to the North Silver Lake Master Plan Development Amendment portions of Lot 2d are allocated to Lot 2a (which is Bellemont) and 2b for the purposes of open space calculation.* There seemed to be an understanding that a portion of 2d could be allocated to Lot 2a, Bellemont, and there has never been any indication anywhere that more than a quarter acre was sought for additional open space. Mr. Bennett truly felt that it was just a typographical error and that it doesn't matter. There is no harm, foul, error or reason to turn the decision over because of identification of a typographical error. He hoped that the Council focuses on the issue at hand, whether it was proper or improper for the Planning Director and the Planning Commission to approve a one year extension of the CUP. Mr. Bennett stated that he believes the appellant has not met the standard of proving otherwise and encouraged denial of the appeal.

Planner Katie Cattan interjected that when she was initially assigned to the project she researched the NSL parcel and found the note about the quarter acre from Bellemont. It was not in the Deer Valley Master Plan and she let the developer know that a quarter acre had already been utilized and they would not be able to utilize that in their calculation. After doing all the math on the open space for one of the appeals, the Council requested that she go back and check our open space calculation and at that point, she calculated every footprint of the buildings within the project. Ms. Cattan explained that she took out .25 from the 4.03 of Lot 2d. It was a typo and the .24 came out of Lot 2d. Ms. Cattan clarified that she made an error in one staff report after that in the Findings of Fact. The Mayor invited public input.

Mont Sudden, resident of Belle Harbor and representative of the Association, expressed that residents have the impression that the density of this new project is significant and changes the nature of the community.

Kay Floyd stated that he was surprised Mr. Bennett said that it doesn't matter because it does matter. There is harm. The re-vegetation is not adequate and he is surprised that the City says it is. It seems strange that the City is trying to protect the surrounding area by putting a lot of money into Round Valley but at this point in time, Council is not doing much for them as far as Treasure Mountain. Council is dropping the ball. *If Chuck Hollingshead were dead right now*, he would be ashamed of the Mayor. The switch in the open space at this point in time is a critical situation for area residents and all citizens. For the applicant to say that there are other factors and for the Planning Commission to roll over and pass a renewal is not right and he asked the Council to consider the Planning Commission appeal.

Dan Postal, Evergreen, asked Council to look at the vegetation. He stated that no one ever received notification about anything. Everyone has to understand what the open space is and how it is being used between the parcels. If there is a mistake, we need to go back to square one and start over so that the people who live there truly understand what's going on.

With no further input, the hearing was closed and the Mayor invited rebuttals.

Matt Muir stated that regardless of whether there has been a change in circumstances, the City is not allowed to give out a permit that contains illegal provisions that conflict with the governing law. This modification conflicts with the Master Plan which might need to be amended. It should be made clear with public discourse and public hearings which hasn't happened and they were not allowed to say much at the Planning Commission hearing. Mark Harrington asked if he agreed that Finding of Fact No. 9 as written in 2010 or as allegedly corrected, can modify what occurred in 1997 in approving Bellemont. Mr. Muir agreed.

Lisa Wilson stated that *Condition of Law No. 5* says the Planning Commission did not error and she is confused as to why we're even discussing a typo because the Planning Commission by *Condition of Law No. 5* can not use the typo explanation as an excuse. Condition No. 5 says the Planning Commission did not error. You can't use it as an excuse and either way he said that the math doesn't matter. That's how this whole thing started; she did the math. If you look at the parcel, the NSL parcel is 5.96 acres. Lot 2b for NSL is 3.78 acres, the open space left on NSL Lot 2b is 124799 or 70.6% open space. It changes when Lot 2b is used for open space for Bellemont because you have to add a quarter acre more and it changes the value to 68% open space. She stated that she only read it once and noticed the mistake the first time and did the math.

Katie Cattan clarified that Ms. Wilson said Lot 2d is 3.78 acres, but it's 4.03 and becomes 3.78 without the quarter acre. Ms. Wilson stated that the Findings of Fact says that the hotel site is allowed to use 3.78 acres of open space. It never said anywhere that the NSL Hotel is able to use 4.03 acres. Mayor Williams referred to the current application noting that the site contains 70.6% open space including the remainder 3.78 acres of open space on Lot 2d.

Ms. Wilson insisted that the hotel site is only able to use 3.78 acres out of the Deer Valley ski runs, they are not able to use 4.03 acres according to the Findings of Fact and you can't keep it just in the Facts here, because it doesn't fit. You have to do the math.

Cindy Matsumoto stated that she agrees with the Planning Director and the Planning Commission extending the CUP. Alex Butwinski emphasized that typos happen all of the time, In response to a question regarding the remainder issue of whether 4.03 or 3.78 is germane, Mark Harrington stated that it is irrelevant if Council agrees with staff and believes it is a typographical error. Dick Peek expressed that he did not believe staff erred. Alex Butwinski, "<u>I move that we deny the appeal of the Planning Commission's June 8, 2011 denial of an appeal of the administrative extension of the Conditional Use Permit for the North Silver Lake Subdivision Lot 2B and the North Silver Lake Lodge Development - appellant Lisa Wilson with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the staff report</u>". Liza Simpson seconded. <u>Motion unanimously carried</u>.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a joint work session with the Planning Commission convened at 6 p.m. on the topic of redevelopment.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; Phyllis Robison, Public Affairs Manager; Diane Foster, Sustainability Manager; Steve Brown, Consultant; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Liza Simpson, "I move to open the meeting". Dick Peek seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

City Council Staff Report

PARK CITY
1884

Subject: **Resolution Commemorating St. Mary of the Assumption's 130th Anniversary**
Author: **Janet M. Scott**
Department: **Office of the Mayor**
Date: **August 15, 2011**
Type of Item: **Administrative**

Summary Recommendations:
Consider adopting a Resolution commemorating St. Mary of the Assumption's 130th Anniversary

Topic/Description:
The Mayor's Office was contacted by Tom Grondalski, representing the Parish, about adopting a proclamation celebrating this significant occasion. A procession is scheduled on Sunday, August 14 from St. Mary's on Park Avenue to the White Pine Church. See press release for more information. The applicant is working with the appropriate departments to obtain a special event permit which does not require Council approval.

Mr. Grondalski and possibly Pastor Stan Herba will be at the meeting to accept the Proclamation from the Mayor.

Department Review:
The City Manager and Legal Offices have reviewed the Resolution and the applicant has contacted or met with the Special Events, Police and Emergency Management Departments with regard to the procession.

Recommendation:
Consider adopting a Resolution commemorating St. Mary of the Assumption's 130th Anniversary.

RESOLUTION COMMEMORATING ST. MARY OF THE ASSUMPTION'S 130TH ANNIVERSARY IN PARK CITY, UTAH

WHEREAS, St. Mary of the Assumption, the oldest Catholic Church in Utah, was established in 1881 but the small wood-framed Church on upper Park Avenue burned to the ground a year later. The new stone Church was begun and completed in 1884 and became home to the miners of Parley's Park, as Park City was originally known; and

WHEREAS, in the 1950s fire again struck St. Mary's, destroying the roof and interior while the town was again in a depression. It was the will of the Bishop that St. Mary's be closed, but strong defenders rallied and promised that if the Parish could continue, they would never be a burden to him. The Bishop ultimately agreed, the Church was restored and the Parish continued despite the odds; and

WHEREAS, the community experienced an economic rebirth with the introduction of skiing in the 1960s and by the end of the century, St. Mary's had grown so large that the little Park Avenue Church could no longer serve its parishioners and visitors; and

WHEREAS, in 1991 the Ivers Family donated land in the meadow of the entry corridor for a new Church which was completed and dedicated in 1997, but the Old Town Chapel remains ever open celebrating daily Mass. It is a significant landmark in our historic town, continuing to serve Old Town and acting as a precious reminder of our roots; and

WHEREAS, from its inception, St. Mary's attended to the spiritual needs of the local population and also stood as a beacon for the rights of all individuals regardless of origin or religious affiliation – the Chinese, Germans, Poles, Italians, Swedes, Irish and today's Hispanic community;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council are honored to recognize the 130th Anniversary of St. Mary of the Assumption and encourage the citizenry to be mindful of being unbiased and more tolerant of each other because there is so much to gain by celebrating our differences; and

BE IT FURTHER RESOLVED that all members of the Park City community are invited to join Parish members in their procession on Sunday, August 14, 2011 at 9 a.m. from the St. Mary Old Town Church to St. Mary of the Assumption on White Pine Canyon Road as a way to commemorate this very special occasion.

PASSED AND ADOPTED this 11th day of August, 2011.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

PRESS RELEASE

On Sunday, August 14th at 9 AM, the members of St. Mary's of the Assumption Catholic parish will celebrate its 130th Anniversary with a 7k procession from the Old Town Church at the top of Park Ave. to the newer White Pine Canyon Rd Church on Rt. 224, the entryway into Park City. The Parish invites all members of the Park City community to join Parish members in their procession and their celebration following at the St. Mary's of the Assumption White Pine Canyon Road Parish Hall.

St. Mary's of the Assumption Parish was established in 1881, three years prior to the incorporation of Park City as a town, and is the oldest Catholic Church in Utah. The cornerstone of the small wood framed church was laid in 1882. The church burned to the ground a year later. A new church was begun and completed in 1884, this one of stone. It became home to the miners of Parley's Park as Park City was originally known. For the miners, its prominence at the top of Park Avenue became the last bit of home they would see as they climbed to the mine entrances and descended into the earth. It was the beacon that drew them home at the end of a long day. And, in times of disaster it was the gathering place for countless worried wives and families. In the early 1900's an adjacent building of stone was constructed as a school; taught by the Sisters of the Holy Cross. The school was closed during the Depression when the mines were closing and the town population waned. However, the parish remained open.

In the 1950's fire again struck the church; this time destroying the roof and much of the interior. The town was again in depression, the mines largely closed and Park City's population small. It seemed the will of the Bishop that the parish be closed. Strong defenders of the parish rallied. The structure was sound and the roof could be rebuilt if the Bishop would permit it. The parishioners agreed that if the Bishop would allow the parish to continue, they would never be a burden to him. The bishop ultimately agreed, the church was restored, and the parish continued despite the continued waning of the mining industry.

In the 1960's the advent of the ski industry revitalized the town. By the end of the century the parish had grown so large, the tourists and visitors to the town had so increased that the little church could no longer serve. Yet, after the construction of the new church, the Old Town Chapel continues. It remains open. It is home to the daily Mass of our community; and it continues to serve the Old Town community.

It is a precious reminder of our roots and a landmark for our town.

In 1991 Jim and Sally Ivers donated land in the meadow of Park City's entry corridor for a new church. In 1997 the new church was completed and dedicated on August 15th, the feast of St. Mary of the Assumption. In 2001 the new Parish Center was built. Today, St. Mary's of the Assumption is a landmark of Park City's entry corridor – its lofty design and incredible setting is complemented by wonderful views of the mountains from within the church and center.

Consistent with the teaching of the Catholic faith, St. Mary’s is concerned with the well-being of all people, and the parish harbors a special concern for those who are most vulnerable and cannot fully care for themselves. From its inception St. Mary’s served the spiritual/religious needs of the local population, and also stood as a beacon for the rights of all individuals regardless of origin or religious affiliation – the Chinese, the Germans, the Poles, the Italians, the Swedes, the Irish – all the way to today’s Hispanic community. According to the Diocese of Salt Lake City, St. Mary’s serves the religious and spiritual needs of approximately 10% of the full-time residents of the Park City environs. St. Mary’s outreach programs serve the broader population at large whether spiritual, educational, or financial support regardless of religious affiliation – to all those who seek it. St.

Mary's serves those in need, and we are beacons of hospitality who model compassion and seek justice for all. Today, St. Mary's continues its service responsibilities in supporting non-profit endeavors for those less fortunate here in Park City such as the *'Ninos on Skis'* program at Park City Mountain Resort since 1998, the Food Bank, the Peace House, the Peoples Health Clinic, etc

Over the years, many local and prominent leaders of the Park City community and the state of Utah, have been parishioners going back to the founding of Park City.

The Parish Council of St. Mary's of the Assumption Church recommends participants park in the China Bridge parking garage in Swede Alley prior to the procession. After the procession and celebration at White Pine Canyon Rd, they recommend the participants ride the free Park City Municipal buses back to the terminal on Swede Alley.

For more information on St. Mary's of the Assumption 130th Anniversary celebration go to http://www.stmarysparkcity.com/ or call Bill Humbert – office 435-649-0005.

City Council
Staff Report

Subject:	**Business License Appeal**
Author:	**Shelley Hatch Analyst II**
Department:	**Finance Department**
Date:	**August 14, 2011**
Type of Item:	**Ratification of Findings of Michael E. Sweeney and Heidi Hughes appeal.**

Summary Recommendations:
Staff requests that Council ratify the findings of fact, conclusions of law, conditions of approval, and order the refund for the Business license appeal for Michael Sweeney, and Heidi Hughes

Topic/Description:

Appellant:	Michael E. Sweeney representing the Town Lift Plaza and Heidi Hughes representing the Summit Events DMC.
Locations:	136 Heber Ave,(Jean Louie Restaurant), 408 Main Street (Robert Kelly Gallery), 825 Main Street (Town Lift)
Reason for Review:	Appeals of Finance Department are reviewed by City Council.

Background:
On July 14, 2011 Staff requested that City Council review the appeal of the Business License Fees and consider upholding the Finance Department and City Manager Tom Bakaly's decision to deny a refund for additional fees paid on Business License and Convention Sale License during the Sundance Events 2011 pursuant to the attached findings of fact, conclusions of law and order.

The appeal was granted on estoppels grounds for the licenses paid in protest at 136 Heber and 825 Main Street. Appeal denied for HPCA fees.

Findings of Fact, Conclusions of Law and Order regarding July 14, 2011 Appeal of Business License Fees by Mike Sweeney and Heidi Hughes:

Findings of Fact:
1. Between 2002 and 2010, Appellants received business licenses for various hospitality, gifting and filming suites during Sundance under one convention sales license for each location.
2. Gifting is a marketing tool in which goods are given to desirable people with the hopes that their picture or their image will appear in publications and give the product exposure and buzz.

3. Gifting is not just the display of goods with the hope of future orders. It involves actually giving product away. The "consideration" for the "gift" is the exposure of the product.
4. The nature of "gifting" has changed considerably from 2002 to 2011. In 2011, gifting involves booths with representative for each company to represent their product and give it to people who will give the product the right exposure. Generally, the product is not given to the general public.
5. Gifting booths are usually stand alone structures or areas which are devoted to a brand of merchandise which are then given to celebrities.
6. Pursuant to 4-2-1 of the Park City Municipal Code, "it shall be unlawful for any person to engage in business within Park City, whether on a temporary or permanent basis, without first procuring the license required by this Chapter."
7. Section 4-1-1.18 of the Municipal Code defines "Engaging in Business" as "Includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment."
8. Municipal Code Section 4-3-9 states, "CONVENTION SALES AND OLYMPIC COMMERCIAL HOSPITALITY**.** The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention and meeting rooms within any licensed convention or meeting facility for the purpose of temporary retail sales of goods or services, whether in conjunction with a convention or not. Solicitation of orders for future sales or deliveries of goods or services is permissible without licensure"
9. Municipal Code Section 4-3-9(D), states, "<u>RESPONSIBILITY OF HOST BUSINESS TO ENSURE LICENSING AND COMPLIANCE WITH THE UNIFORM BUILDING AND FIRE CODES</u>. Businesses which make all of or a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and possess Utah state sales tax numbers listed in Park City. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location. If such business is not currently licensed for assembly use, the business shall obtain the necessary inspection and permit from the Building Department. Nothing herein shall

relieve the sub-letting/guest business from their individual responsibility to obtain the necessary licenses."

10. Business Licenses are required for "B" assembly use, such as retail space. Those fees are calculated based on square footage as listed in the Business License Fee Schedule in Municipal Code 4-2-17. Convention Sales Licenses are required for temporary "A" assembly use, such as restaurants or other assembly use and during Sundance are charged a flat fee for each separate entity engaging in business as required in Municipal Code 4-3-9.
11. In 2011, pursuant to the Municipal Code, the City required a separate license for each gifting booth. Having a promoter organize the gifting booths does not relieve the need for each separate entity having a gifting booth to have a license.
12. Staff did not amend the "Sundance Rules of the Road" prior the change in the City practice of collecting licensing fees for each gifting booth.
13. For every location having gifting suites which Business Licensing was aware of, the City required separate convention sales licenses for each gifting booth as well as a license for the promoter who organized the gifting booths.
14. Of the 14 convention sales license locations during Sundance 2011, 8 of them received licenses for more than one business at their location.
15. The City collects Historic Park City Association (HPCA) fees as a courtesy to the HPCA. The City does not retain those fees.
16. For the location, 825 Main Street (Town Lift Plaza), appellant Mike Sweeney paid in protest $3,445 for 13 convention sales licenses on January 24, 2011, ($265 per convention sales license). There were 13 gifting booths located in the Plaza.
17. At the location 825 Main Street, Appellant Mike Sweeney paid without protest 5 other Convention Sales Licenses for the promoter Best Events. Those 5 other licenses were for tent on deck, garage, House of Swagg, Carrera and Stella Café.
18. For the location, 136 Heber Avenue (Jean Louie Restaurant), appellant Heidi Hughes paid in protest $3,975 for 15 Convention Sales Licenses, on January, 24, 2011,($265 per convention sales license). There were 14 gifting booths located at the restaurant.
19. For the location 408 Main Street (Robert Kelly Gallery), appellant paid for a business license for the square footage of the location on January, 24 2011. Appellant Heidi Hughes paid in protest $972 in HPCA fees ($243 per Main Street Business) collected by the City for 4 gifting booths.
20. On April 20, 2011, City Staff, Tom Bakaly and Appellants met and an appeal hearing was held on Appellants' appeal of the $9,187 that was paid by the Appellants under protest.
21. On May 4, 2011 Tom Bakaly sent a letter to Appellants denying their appeal with findings.
22. On May 6, 2011, Appellants appealed his decision to City Council.

23. On July 14, 2011, the City Council heard this appeal.

Conclusions of Law

1. Gifting does not qualify for the exception outlined in Section 4-2-21 of the Municipal Code because there is more than just display or exhibiting of goods. The consideration for the "gift" is the possibility of getting media exposure for the product.
2. Gifting does not meet the definition of, "Solicitation of orders for future sales or deliveries of goods or services" as stated in Municipal Code Section 4-3-9 because there are no orders being made. Instead, the merchant is hoping of placing his product where it will get media exposure.
3. Gifting is "engaging in business" as defined by the Park City Municipal Code.
4. Pursuant to Section 4-3-9(D), it is the responsibility of the host business (the promoter) to ensure licensing of other persons (i.e. gifting booths) engaging in business in the host business's location or portion of their location.
5. Although in years past, the City only collected business license fees for one business for each location even if there were several gifting booths at the location, in 2011 the City uniformly required a license for each gifting booth when the City was aware that several gifting booths were in a location.
6. Because the City only collects HPCA fees as a courtesy to the HPCA, any dispute over HPCA fees collected must be addressed directly with the HPCA.
7. Staff did not err with the assessment of fees.
8. Due to Appellants reliance on the practice of the City in years past to not collect fees for multiple gifting booths at one location, the City will refund money paid for the individual business license fees of the multiple gifting booth to appellants on estoppels grounds.

Order:

1. Appeal granted on estoppels grounds for the licenses paid in protest at 136 Heber and 825 Main Street. Appeal denied for HPCA fees.

Dated this 14th day of August, 2011

City Council Staff Report

Subject:	**Bonanza Drive Phase 3 Reconstruction Project Construction Agreement**
Author:	**Matthew Cassel, P.E., City Engineer**
Department:	**Engineering**
Date:	**August 11, 2011**
Type of Item:	**Administrative**

Summary Recommendations:
The City Council should authorize the City Manager to execute a construction agreement for the re-construction of Bonanza Drive, Phase 3 with Lyndon Jones Construction Incorporated in a form approved by the City Attorney and in an amount not to exceed $984,085.

Topic/Description:
This construction agreement is with Lyndon Jones Construction Incorporated for the construction associated with the third phase of Bonanza Drive Re-Construction including landscaping, colored concrete turning lanes, concrete planters, road sealing, walkability bridge, striping and other finish work along the Bonanza Drive corridor.

Funding for this project is as follows:

Capital Project cp0097 (Bonanza Drive Reconstruction) contains $450,000 for the project. Additional monies in the amount of $550,000 will be allocated from the walkability bond as these projects all relate to the Bonanza Drive pedestrian tunnel.

Background:
In January 2008, H. W. Lochner completed the Bonanza Drive Corridor and Pedestrianization Plan. City Council reviewed and approved this concept plan during their January 24, 2008 meeting. The design included raised medians along a short section of Bonanza Drive (near the intersection of Kearns Boulevard), acceleration lanes at Prospector Avenue, "no left turn" restrictions, Bicycle lanes, northbound bus pull-out, trail connection including a pedestrian tunnel at the Iron Horse intersection, pedestrian crossing, consistent 6 foot wide sidewalks, speed limit feedback signs, right turn lane at Iron Horse and lengthened southbound left turn lane at Deer Valley Drive. As part of this work, the existing sewer line was relocated due to the pedestrian tunnel and replaced to SR-248, the existing water line was relocated due to the pedestrian tunnel and a new transmission water line was installed.

The waterline was designed by Bowen, Collins & Associates through their contract with the City's Water Department and incorporated into the construction plans. The sewer was also designed by Bowen, Collins and Associates in a separate contract with Snyderville Basin Water Reclamation District (SBWRD) and incorporated in the construction plans.

Because of the size of this project, it was decided early in the design process to break the project into two construction seasons. The first construction season included the installation of the transmission waterline from Deer Valley Drive to Kearns Boulevard and the reconstruction of Bonanza Drive from Deer Valley Drive to a point just north of Upper Iron Horse Drive. The second construction season completed the utilities, completed the pedestrian tunnel and reconstructed the rest of Bonanza Drive and its associated facilities. The project was originally anticipated to be bid as one complete project in June of 2009.

In the spring of 2009, numerous issues still remained unresolved on the project and UDOT indicated they would not proceed with bidding until those issues were resolved. All of the unresolved issues pertain to the second season of construction. To keep the project moving forward, staff decided to split the project into two biddable phases. The first phase was all work associated with the first season of construction and the second phase is all work associated with the second season of construction. This third phase is completing items in phase 2 that were not completed due to weather and addressing changes to the project scope.

As part of the Bonanza Drive Reconstruction Project, it was necessary to obtain easements from adjacent private property owners. The easements were required for the pedestrian tunnel, the ramps to the tunnel, and the relocation of the Poison Creek culvert which extends beyond the existing Bonanza Drive Right-of-Way. As part of the easement negotiations, these owners proposed certain improvements, one of which included the installation of three (3) planter islands located within the turning lanes of Bonanza Drive. They also requested the installation of colored concrete turning lanes along the Bonanza Drive corridor. During the June 17, 2010 City Council meeting, Council directed staff to return in 2011 with a contract to add the center planter boxes and colored concrete turning lanes within the Bonanza Drive corridor from Kearns Boulevard to Deer Valley Drive.

Analysis:
The design consultants and staff advertised to obtain competitive bids for Phase 3 reconstruction of Bonanza Drive. The project was advertised in the Park Record and the Salt Lake Tribune and on Park City's website. Bids were received on August 4, 2011 and two (2) bids were received. Engineer's construction estimate for the project was $1,473,209.

COMPANY	BID SUM
Lyndon Jones Corporation Incorporated	$984,085
Acme Contractors Incorporated	$1,276,989.05

All bids submitted were reviewed and compliant with the terms of the Contract Documents.

When this phase 3 of Bonanza Drive re-construction is completed, a yearly operation and maintenance cost will be incurred by the City. Our Public Work's staff has estimated this cost to be $2,789 yearly. There are a few different ways that Public Works can absorb this additional service cost:

- Increase Public Works budget in fiscal year 2013 to reflect this increase in level of service,
- Offset this increase in level of service with a reduction in a current provided service. One good suggestion by Public Works involved the removal of the SR-248 planter. With the removal of the planter, that operation and maintenance budget can be shifted to offset the future operation and maintenance cost for this phase of Bonanza Drive. This is staff's recommendation.

Staff requests City Council to provide budget direction on the Operation and Maintenance increase in level of service for the Bonanza Drive Re-construction project.

Department Review:
This report has been reviewed by City Manager, Sustainability, Public Works and Legal. All issues have been resolved.

Alternatives:

A. Approve the Request:
This is the staff's recommendation.

B. Deny the Request:
If this request is denied, the Phase 3 re-construction of Bonanza Drive would not commence and the project would be significantly delayed.

C. Continue the Item:
If the Council needs more information the item can be continued, but this would cause the same consequence as denying the request.

D. Do Nothing:
This option would not allow for the construction on this project to commence.

Significant Impacts:
At this point in the project, the major road construction impacts to businesses and commuters/travelers have been realized and the only remaining work is to finalize the last remaining construction elements of the project. Two lanes of traffic along Bonanza Drive will remain open at all times during this phase of construction. This phase of construction is anticipated to be complete in just two months. It is anticipated that these improvements will help to provide a much better sense of place for the surrounding commercial district.

Consequences of not taking the recommended action:
Bonanza Drive is an important commuter link for the City, and has seen a significant increase in traffic congestion. The first two phases of construction are complete. This

final phase will beautify the corridor which will help to define its sense of place. If the recommended action does not take place, the road, and tunnel will still be functional and fully operational as designed.

Recommendation:
The City Council should authorize the City Manager to execute a construction agreement for the re-construction of Bonanza Drive, Phase 3 with Lyndon Jones Construction Incorporated in a form approved by the City Attorney and in an amount not to exceed $984,085.

Exhibit - Consultant letter of recommendation
Bid Tabulation

Bowen Collins
& Associates, Inc.
CONSULTING ENGINEERS

154 East 14000 South
Draper, Utah 84020
Phone: 801.495.2224
Fax: 801.495.2225

August 5, 2011

Matthew Cassel
City Engineer
445 Marsac Avenue
Park City, UT 84060

Subject: Bonanza Drive Phase III

Dear Matthew:

As you know, two contractors submitted bid proposals to construct the Bonanza Drive Phase III. Bowen, Collins & Associates evaluated the bids based on the following criteria: acknowledgment of addenda, providing a bid bond, providing information required of bidder, having a current Utah Contractor's License, and providing a superintendent with three similar projects in the last five years. Both contractors met all of these criteria. Lyndon Jones Construction was the lowest responsive and responsible bidder with a total bid of $984,085. We recommend that Park City award the project to Lyndon Jones Construction.

Lyndon Jones Construction is ready to begin construction as soon as the City signs the contract and issues a notice to proceed. Please call Kirk or me to schedule a Preconstruction Meeting at your earliest convenience.

Sincerely,

BOWEN, COLLINS & ASSOCIATES

Jamie Tsandes, LLA, ASLA
Project Manager

Bonanza Drive Phase III

Contractor	Bid Price		Rankings					Comments
	Schedule A,B,C	Total	Acknowledge Addendum	Bid Security	Info Required of Bidder	UT Contractor's License	Superintendent Experience	
ACME	$1,276,989	$1,276,989	Yes	Yes	Yes	Yes	Yes	
Lyndon Jones	$984,085	$984,085	Yes	Yes	Yes	Yes	Yes	

Average **$1,130,537** **$1,130,537**

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject:	**333 Main Street, Condominium plat**
Author:	**Kirsten A Whetstone, AICP**
Date:	**August 11, 2011**
Type of Item:	**Administrative – Condominium Plat**
Project Number:	**PL-11-01293**

<u>Summary Recommendations</u>

Staff recommends the City Council conduct a public hearing, consider the Planning Commission's positive recommendation, and consider approving the 333 Main Street condominium plat based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

<u>Topic</u>

Applicant:	Michael Scrogham with Park City 333 Main Development LLC
Location:	333 Main Street (Main Street Mall)
Zoning:	Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)
Adjacent Land Uses:	Main Street retail and residential, Park Avenue residential
Reason for Review:	Condominium plats require Planning Commission review and recommendation to City Council with final action by the City Council.

<u>Proposal</u>

This application is a request to create two condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building (Exhibit A). Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases. No residential uses or residential condominiums are proposed with this plat and the plat is consistent with the approved Historic Design Review, including approved changes to the front façade and proposed convertible space within the building and in the proposed penthouse. This application is to change the ownership interest in those spaces.

<u>Background</u>

The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 of the Amended Park City Survey. The building was constructed across the zone boundary between the Historic Commercial Business (HCB) on the Main Street side and Historic Residential Two (HR2) on the Park Avenue side. Current uses within the HCB are allowed uses in the zone. Current office and retail uses within the HR2 are legal non-conforming uses. Future residential uses within the HCB zone are allowed uses. Future residential uses within the HR2 zone are allowed uses, however a Master Planned Development is required for future construction of HCB uses into the HR2 zone (below the street level of Park Avenue) and if single family or duplex homes are constructed fronting Park Avenue at the street level.

On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011 (Exhibit B). The building currently has a single owner with multiple leased spaces.

Included with the previous plat amendment were five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street. These easements are also included on the proposed condominium plat. All conditions of the one lot plat amendment continue to apply (Exhibit C).

On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit D). Under the approved HDDR and as permitted in the zones, they may construct these interior and exterior changes to the building which condo plat will be memorializing)

On June 27, 2011, the City received a complete application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases.

No residential uses or condominiums are proposed with this condominium plat, however 2 residential units, approved with the May 2, 2011, HDDR, are contemplated within the convertible space in HCB zoned penthouse area. A condominium plat amendment would be required when any convertible space is converted for use and ownership is changed. Some of the convertible space may used to create residential condominium units within the HCB zoned portion of the building. Residential uses are allowed in the HCB zone. Any residential units requested for the HR2 zoned portions require a conditional use permit and/or a Master Planned Development. The proposed plat reflects approved changes to the front façade as described in the HDDR (Exhibit D).

Analysis

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0’ in HCB and 10’ in HR-2	Varies, 4’ to 23’ in HCB **Complies** and 15’ in HR-2- **Complies.**
SIDE SETBACKS	0’ in HCB and depends on Lot width in HR-2 (100’ width requires 10’ minimum and 30’ total side setbacks)	0’ in HCB- **Complies** 0’- 3’ in HR-2- **Legal Non-complying.**
REAR SETBACKS	0’ in HCB and 10’ in HR-2 for single family	There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks).
HEIGHT	30’ at property line on Main following a 45 degree angle to a maximum height of 45’ in HCB. 27’ in HR2	Constructed in compliance with the maximum height requirements and allowed volumetric in HCB and HR2 zones. **Complies.**
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* -**Complies.**
MINIMUM LOT WIDTH	25’	224.73’* -**Complies.**
FLOOR AREA RATIO	4.0 (134,836 sf)	89,942 sf (gross floor area) 70,738 commercial/retail **Complies.**
PARKING	56 spaces per 1986 Parking Agreement and Special Improvement District for the existing space and uses.	56 Spaces per existing parking agreement plus 10 private spaces. Further review of parking with any additions or changes in use. **Complies**

*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

Based on the analysis, Staff recommends a condition of approval that prior to issuance of any building permits for reconfiguration of the interior spaces, a parking analysis shall be presented to the Planning Department, identifying compliance with parking requirements of the 1986 Parking Agreement and the LMC. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

In addition to parking required for the existing building, the property is encumbered with a lease agreement to provide a garage for the property at 364 Park Avenue. This lease agreement is identified on the subdivision plat because of the 99-year duration. This parking is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The lease agreement addresses relocation of this garage in the event of construction/remodel of the building. This garage is identified on the condominium plat as well.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code (excepting the legal non-complying side setback in the HR2 zone), is consistent with the approved HDDR, and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and is consistent with the recorded one lot subdivision plat that removed the underlying property lines.

Good Cause

Staff finds good cause for this condominium plat as it creates 2 ownership units to allow separate financing and remodel of the building to occur in two distinct phases. The condominium plat is consistent with the State condominium act and complies with the Land Management Code and is consistent with the approved Historic District Design Review that provides for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

Department Review

This project has gone through an interdepartmental review on July 12, 2011, and issues raised have been addressed with conditions of approval or revisions to the submitted plat.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

Staff has not received any public input at the time of this report.

Future Process

Approval of this condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18. Prior to issuance of a building permit, a building application and plans must be submitted to the Building Department consistent with the approved HDDR and this plat.

Alternatives

- The City Council may approve the condominium plat as conditioned or amended, or
- The City Council may deny the condominium plat and direct staff to make Findings for this decision, or

- The City Council may continue discussion on the plat and provide direction regarding any additional information, findings, or conditions necessary to to take final action on the requested plat.

Significant Impacts
There are no negative fiscal or significant environmental impacts to the city from this application.

Consequences of not taking the Suggested Recommendation
The entire building would continue to be owned by one entity and alternative financing may have to be obtained in order to proceed with the remodel resulting in further delay of the proposed construction.

Recommendation
Staff recommends the City Council conduct a public hearing, consider the Planning Commission's positive recommendation, and consider approving the 333 Main Street condominium plat based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Exhibits
Exhibit A- Proposed condominium plat
Exhibit B- Recorded 333 Main Street one lot plat amendment
Exhibit C- Action letter/conditions of approval of the 333 Main Street plat
Exhibit D- Approved Historic Design Review

Ordinance No. 11-

AN ORDINANCE APPROVING THE CONDOMINIUM PLAT LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as the Main Street Mall, located at 333 Main Street, have petitioned the City Council for approval of a condominium plat to create two non-residential condominium units (Unit A and Unit B) and convertible within the Main Street Mall building (Exhibit A). Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A.

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 27, 2011, to receive input on the 333 Main Street condominium plat;

WHEREAS, the Planning Commission, on July 27, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 11, 2011, the City Council held a public hearing on the 333 Main Street condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 333 Main Street condominium plat.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures

and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.

4. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has legal non-complying side yard setbacks within the HR2 zone.
5. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are proposing a renovation and improvement to the building.
6. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the exterior in compliance with the 2009 Design Guidelines for Historic Districts and Sites.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue.
8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.
9. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases. No residential uses or condominiums are proposed.
10. No changes to the existing parking are proposed with this condominium plat and all parking agreements and easements continue to apply unless and until they are amended by both parties. A review of parking requirements and parking agreements associated with additions to the building or changes of use of this building shall be reviewed at the time of building permit application.
11. A condominium plat amendment would be required when any convertible space is converted for use and ownership is changed. Some of that space may used to create residential condominium units. As shown, these residential units are within the HCB zoned portion and are allowed uses by the zone. Any residential units requested for the HR2 zoned portions require a conditional use permit and/or a Master Planned Development.

<u>Conclusions of Law:</u>

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and

applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request application has been filed with the City prior to expiration.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.
5. Prior to issuance of any building permits for reconfiguration of interior spaces that result in additional floor area or residential uses, a detailed parking analysis shall be presented to the Planning Department, identifying compliance with requirements of the 1986 Parking Agreement and the LMC. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this __th day of ___, 2011.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

Ballard Spahr LLP

MEMORANDUM

TO Park City Planning Department

FROM Thomas G. Bennett

DATE June 27, 2011

RE 333 Main Street Condominiums

This Memo is written as a brief introduction to the condominium plat ("Plat") and declaration of condominium ("Declaration") being submitted for the 333 Main Street Condominiums (the "Project"). The Project is commonly known as the Main St. Mall. The exterior of the Project is being significantly modified and upgraded. The plans for this modification received Historic District Design Review approval on May 2, 2011.

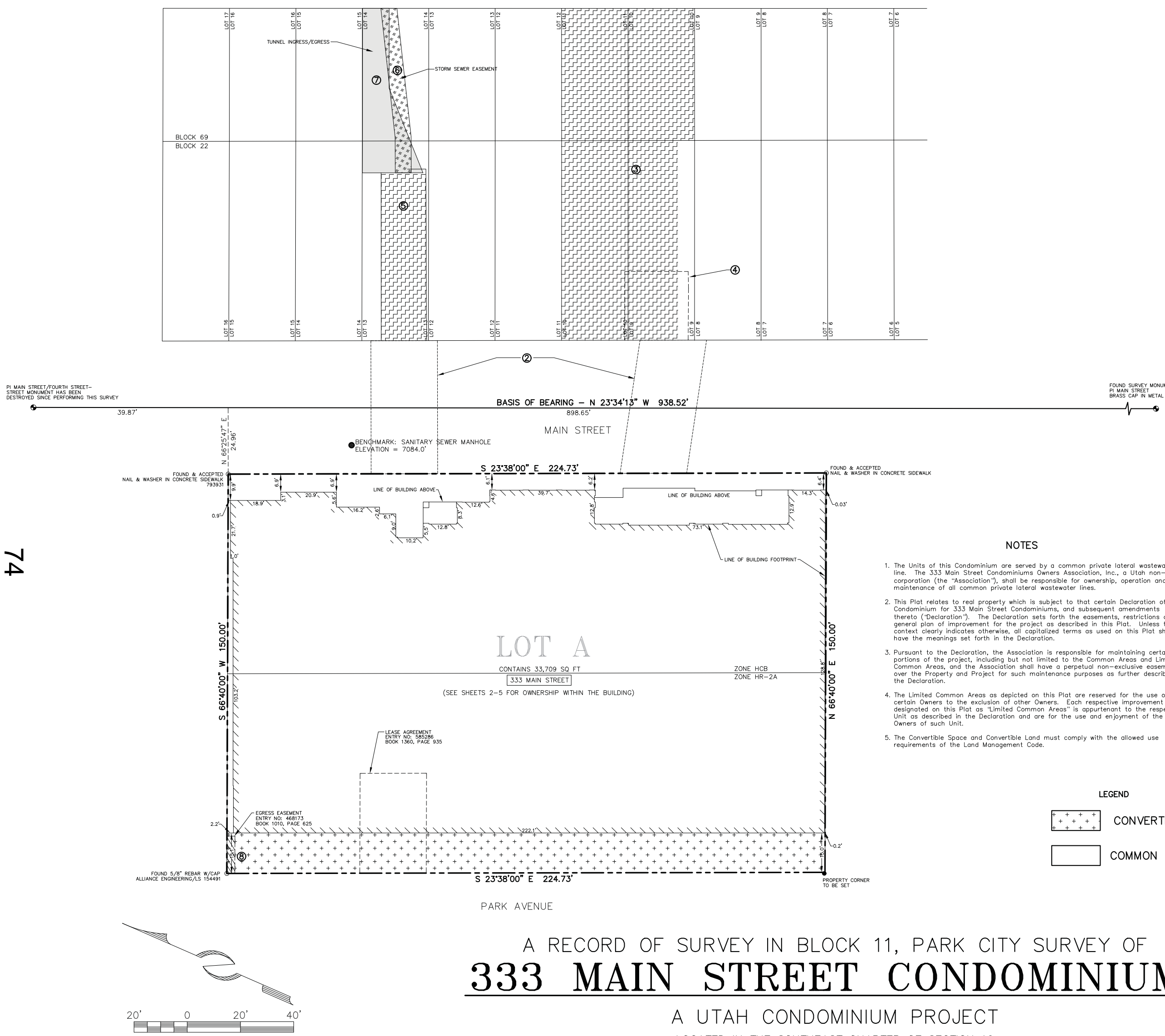
The Plat simply creates two units in the existing space: Unit A is all of the space on the basement level and the two floors above that. Unit B consists of all of the space above Unit A. Units A and B will be renovated as separate phases.

The sole purpose for creating Units A and B is to accommodate the recapitalization and renovation of the Project. The current lender has a deed of trust lien on the entire Project, which is being modified to accommodate the recapitalization. With a new institutional investor, DDRM will be paying off a portion of the existing loan. In return, the existing lender will release its security interest in the Unit A space, which will be the first phase, but will retain an encumbrance on the Unit B space. In order to allow for the separate financing of the two phases, it is necessary to divide the space into two legally recognized parcels of property, Unit A and Unit B. These financing arrangements are contingent upon the Plat being amended as submitted.

The Plat does not impact any of the existing zoning approvals, other entitlements or uses of the Project. It simply creates two condominium units out of the current improved space in the Project. It is anticipated that a future MPD application will be filed to address the second phase of the renovation (Unit B).

DMWEST #8340336 v2

RECEIVED
JUN 27 2011
PARK CITY
PLANNING DEPT.



SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the owner, this plat of the 333 MAIN STREET CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

________________ John Demkowicz ________ Date

PROPERTY DESCRIPTION

Lot A, 333 Main Street Plat Amendment, according to the official plat thereof, recorded April 12, 2011 as Entry No. 920678 of the official records in the office of the Summit County Recorder.

EASEMENT DESCRIPTIONS

② Together with perpetual, non-exclusive easements for the construction of tunnels under Main Street for the sole purpose of providing pedestrian and freight access, as created by that certain Easement Agreement recorded July 9, 1984 as Entry No. 222585 in book 306 Page 589 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:

EASEMENT FOR NORTH PEDESTRIAN TUNNEL SILVER MILL MAIN STREET MARKET PLACE
Located in the Southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.

BEGINNING at a point which is North 23°38'00" West 146.03 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended; and running thence North 23°38'00" West 25.00 feet along the Westerly right-of-way of Main Street; thence North 66°22'00" East 50.00 feet to a point in the Easterly right-of-way of Main Street and running Southerly along said right-of-way South 23°38'00" East 25.00 feet; thence South 66°22'00" West 50.00 feet to the true point of BEGINNING.

EASEMENT FOR SOUTH PEDESTRIAN TUNNEL SILVER MILL MAIN STREET MARKET PLACE
Located in the Southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

BEGINNING at a point which is North 23°38'00" West 52.50 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended; and running thence North 23°38'00" West 25.00 feet along Westerly right-of-way of Main Street; thence North 75°00'00" East 50.57 feet to a point on the Easterly right-of-way of Main Street; and thence along said right-of-way South 23°38'00" East 25.00 feet; thence South 75°00'00" West 50.57 feet to the true point of BEGINNING.

③ Together with a non-exclusive easement for parking of automobiles and for pedestrian and vehicular ingress and egress, as created by that certain Easement Agreement, recorded January 28, 1994 as Entry No.396881 in Book 783 at page 242 of the official records in the office of the Summit County Recorder.

④ Together with non-exclusive easement for pedestrian ingress and egress across the Stairway Property, as created by that certain Easement and Maintenance Agreement, recorded January 28, 1994 as Entry No.396882 in Book 783 at Page 250 of the official records, said easement being more particularly described as follows:

BEGINNING at a point along the East line of Main Street North 23°38'00" West 1.35 feet from the Southwest corner of Lot 10, Block 22, Park City Survey; and running thence North 66°39'04" East 25.80 feet along Northerly edge of existing concrete stairs; thence South 23°34'40" East 23.99 feet; thence South 66°49'06" West 25.78 feet along the Southerly edge of a concrete wall; thence North 23°38'00" West 23.91 feet along the East line of Main Street to the point of BEGINNING.

⑤ Together with a non-exclusive easement to use portions of the North Tunnel, the entrance/exit of the North Tunnel, and ingress and egress, as created by that certain Easement Agreement, recorded January 28, 1994 as Entry No.396883 in Book 783 at Page 260 of the official records in the office of the Summit County Recorder.

⑥ Together with a non-exclusive underground easement for storm sewer purposes, and together with limited ingress and egress easement, as created by that certain Easement Agreement, recorded January 28, 1994 as Entry No.396886 in Book 783 at Page 283 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:

STORM SEWER EASEMENT
A 6.0 foot wide storm drain easement being 3.0 feet each side of the existing storm drain line whose centerline is described as follows:

BEGINNING at a point South 23°31'00" East 9.90 feet from the Northeast corner of Lot 14. Block 69, Millsite Reservation; and running thence South 60°08'28" West 48.63 feet; thence South 66°15'37" West 13.44 feet and terminating.

⑦ NORTH TUNNEL INGRESS AND EGRESS EASEMENT
BEGINNING at the Northeast corner of Lot 14, Block 69, Millsite Reservation; and running thence along the East line of Lot 14, South 23°31'00" East 10.00 feet; thence South 66°29'56" West 30.00 feet; thence South 44°37'49" West 34.22 feet; thence North 23°36'44" West 22.28 feet; thence North 23°24'33" West 0.48 feet; thence along the North line of Lot 13, Block 22, Park City Survey, North 66°34'45" East 11.95 feet; thence along the North line of Lot 14, Block 69, Millsite Reservation North 66°29'56" East 49.85 feet to the point of BEGINNING.

⑧ Subject to an egress easement:

Beginning at the Northwest corner of Lot 18, Block 11, Park City Survey; and running thence along the Northerly line of Lot 18 North 66°40'00" East 14.00 feet; thence South 23°38'00" East 3.00 feet; thence South 66°40'00" West 14.00 feet; thence along the Westerly line of Lot 18 North 23°38'00" West 3.00 feet to the point of beginning.

NOTES

1. The Units of this Condominium are served by a common private lateral wastewater line. The 333 Main Street Condominiums Owners Association, Inc., a Utah non-profit corporation (the "Association"), shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
2. This Plat relates to real property which is subject to that certain Declaration of Condominium for 333 Main Street Condominiums, and subsequent amendments thereto ("Declaration"). The Declaration sets forth the easements, restrictions and general plan of improvement for the project as described in this Plat. Unless the context clearly indicates otherwise, all capitalized terms as used on this Plat shall have the meanings set forth in the Declaration.
3. Pursuant to the Declaration, the Association is responsible for maintaining certain portions of the project, including but not limited to the Common Areas and Limited Common Areas, and the Association shall have a perpetual non-exclusive easement over the Property and Project for such maintenance purposes as further described in the Declaration.
4. The Limited Common Areas as depicted on this Plat are reserved for the use of certain Owners to the exclusion of other Owners. Each respective improvement designated on this Plat as "Limited Common Areas" is appurtenant to the respective Unit as described in the Declaration and are for the use and enjoyment of the Owners of such Unit.
5. The Convertible Space and Convertible Land must comply with the allowed use requirements of the Land Management Code.

LEGEND

CONVERTIBLE LAND

COMMON OWNERSHIP

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City 333 Main Development, LLC, the owner of the herein described tract of land, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of ______________, 2011.

Park City 333 Main Development, LLC, a Delaware limited liability company

By: Main Mall Development, LLC, a Delaware limited liability company, its Manager

By: DDRM Park City, LLC, a Utah limited liability company, its Manager

By: ____________________
Stanley R. Castleton, Manager

ACKNOWLEDGMENT

State of __________)
:ss.
County of __________)

The foregoing instrument was acknowledged before me this _____ day of _____________, 2011, by Stanley R. Castleton, the Manager of DDRM Park City, LLC, a Utah limited liability company, which is the Manager of Main Mall Development, LLC, a Delaware limited liability company, which is the Manager of Park City 333 Main Development, LLC, a Delaware limited liability company.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: ______________

My commission expires: __________________

A RECORD OF SURVEY IN BLOCK 11, PARK CITY SURVEY OF

333 MAIN STREET CONDOMINIUMS

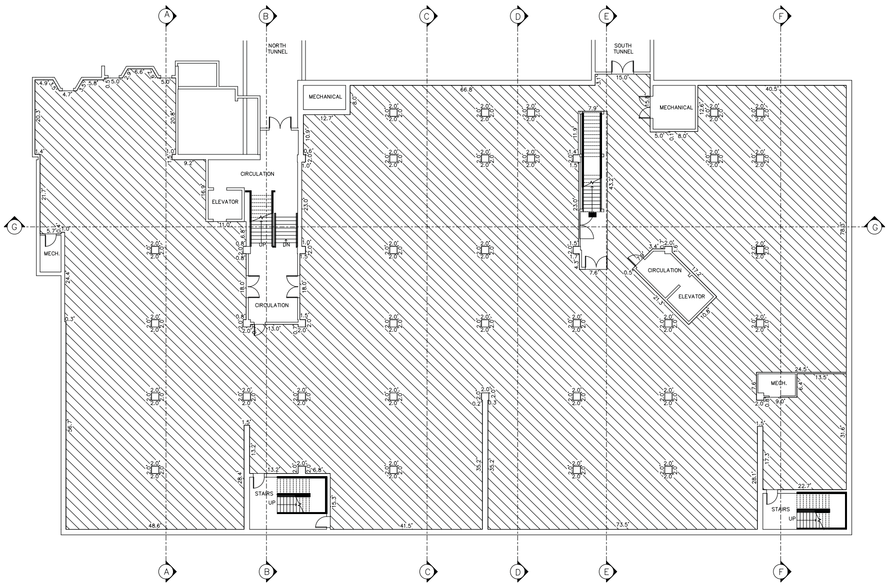
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 5

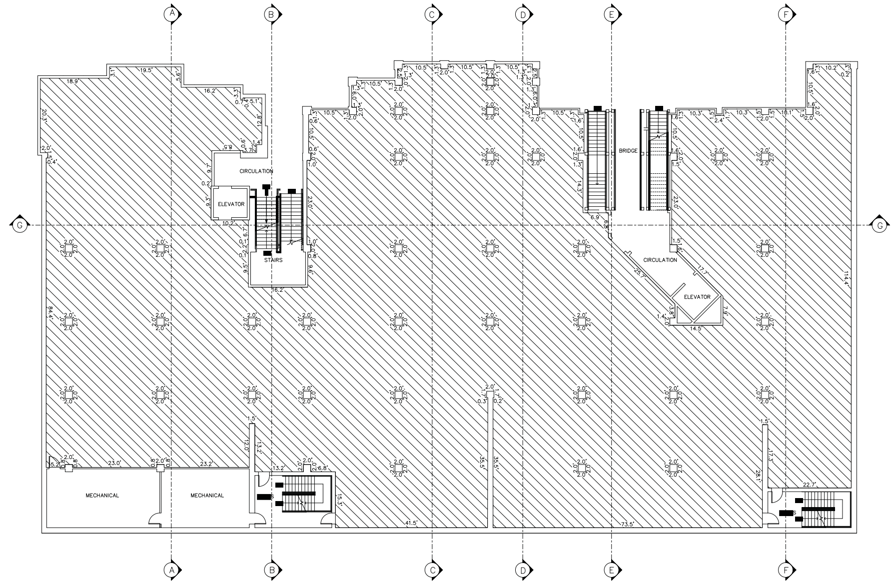
7/18/11 JOB NO.: 6-11-08 FILE: X:\ParkCitySurvey\dwg\srv\plat2008\061108.dwg

(435) 649-9467 Alliance Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2011 A.D. BY ______________ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _________, 2011 A.D. BY ______________ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2011 A.D. BY ______________ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF __________, 2011 A.D. BY ______________ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _________, 2011 A.D. BY ______________ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 2011 A.D. BY ______________ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF __________________ DATE ______ TIME _____ BOOK _____ PAGE _____ ________ FEE ____________ RECORDER



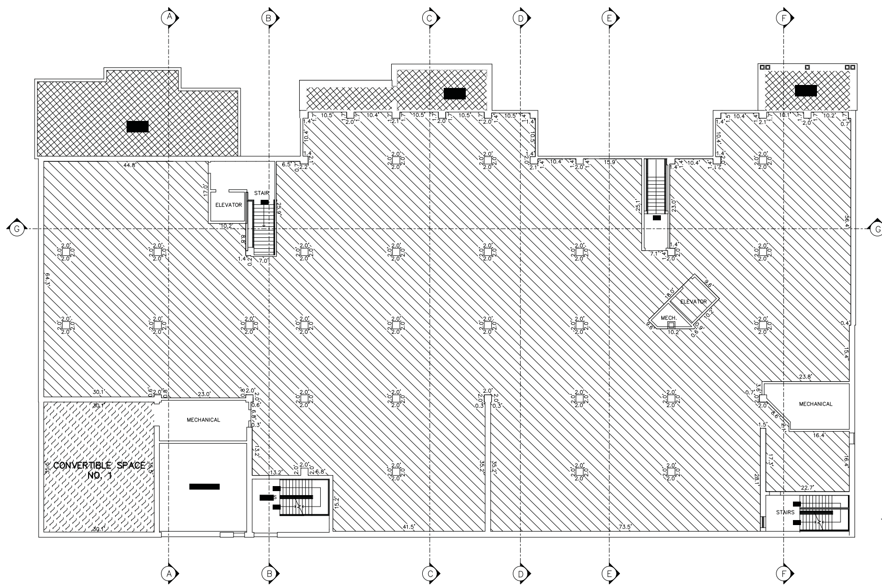
UNIT A–LOWER LEVEL

PRIVATE OWNERSHIP AREA = 22,884 SQ FT



UNIT A–FIRST LEVEL

PRIVATE OWNERSHIP AREA = 22,417 SQ FT



UNIT A–SECOND LEVEL

PRIVATE OWNERSHIP AREA = 19,634 SQ FT
CONVERTIBLE SPACE = 1,068 SQ FT

UNIT AREA TABLE

UNIT	AREA	TOTAL
A – LOWER LEVEL	22,884 SQ FT	64,935 SQ FT
A – FIRST LEVEL	22,417 SQ FT	
A – SECOND LEVEL	19,634 SQ FT	
B – THIRD LEVEL	12,829 SQ FT	15,176 SQ FT
B – PENTHOUSE LEVEL	2,347 SQ FT	

CONVERTIBLE SPACE AREA TABLE

CONVERTIBLE SPACE	AREA	TOTAL
NO. 1	1,068 SQ FT	6,206 SQ FT
NO. 2	4,296 SQ FT	
NO. 3	842 SQ FT	

NOTE

The dimensions of the Units shown on this plat and the square footage calculations are based on drawings provided by Elliott Workgroup. Therefore, no as-built measurements were taken.

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

333 MAIN STREET CONDOMINIUMS

SHEET 2 OF 5

JOB NO.: 6-11-08 FILE: X:\ParkCitySurvey\dwg\srv\plat2008\061108.dwg

5/31/11

16' 0 16' 32'

(435) 649-9467

Alliance Engineering Inc

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

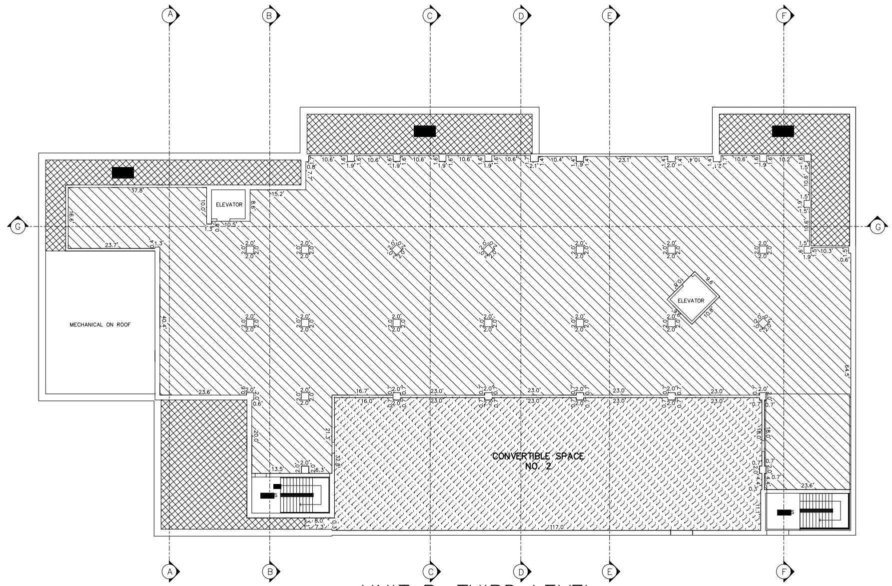
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________

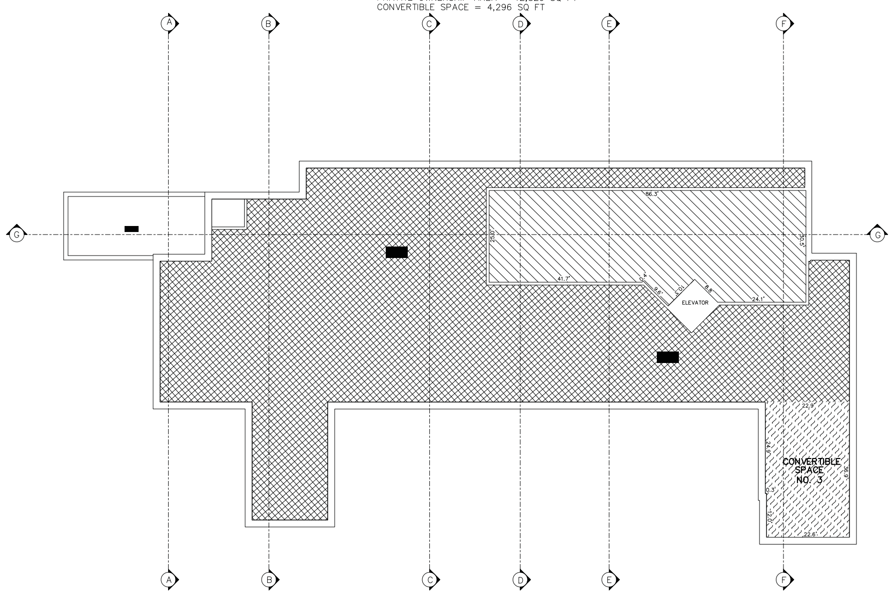
DATE _______ TIME _____ BOOK _____ PAGE _____

FEE RECORDER



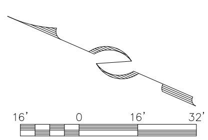
UNIT B–THIRD LEVEL

PRIVATE OWNERSHIP AREA = 12,829 SQ FT
CONVERTIBLE SPACE = 4,296 SQ FT



UNIT B–PENTHOUSE LEVEL

PRIVATE OWNERSHIP AREA = 2,347 SQ FT
CONVERTIBLE SPACE = 842 SQ FT



UNIT AREA TABLE

UNIT	AREA	TOTAL
A – LOWER LEVEL	22,884 SQ FT	64,935 SQ FT
A – FIRST LEVEL	22,417 SQ FT	
A – SECOND LEVEL	19,634 SQ FT	
B – THIRD LEVEL	12,829 SQ FT	15,176 SQ FT
B – PENTHOUSE LEVEL	2,347 SQ FT	

CONVERTIBLE SPACE AREA TABLE

CONVERTIBLE SPACE	AREA	TOTAL
NO. 1	1,068 SQ FT	6,206 SQ FT
NO. 2	4,296 SQ FT	
NO. 3	842 SQ FT	

NOTE
The dimensions of the Units shown on this plat and the square footage calculations are based on drawings provided by Elliott Workgroup. Therefore, no as-built measurements were taken.

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

333 MAIN STREET CONDOMINIUMS

SHEET 3 OF 5

JOB NO.: 6-11-08 FILE: X:\ParkCitySurvey\dwg\srv\plat2008\061108.dwg
5/31/11

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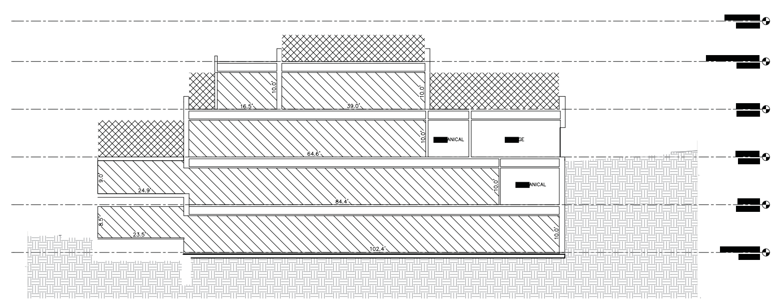
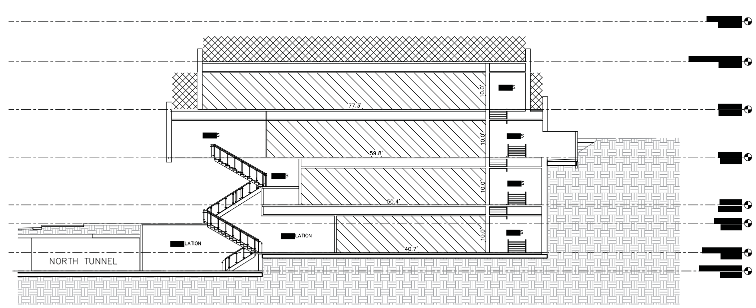
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF ____________________
DATE _______ TIME _____ BOOK _____ PAGE _____
__________ FEE ______________ RECORDER

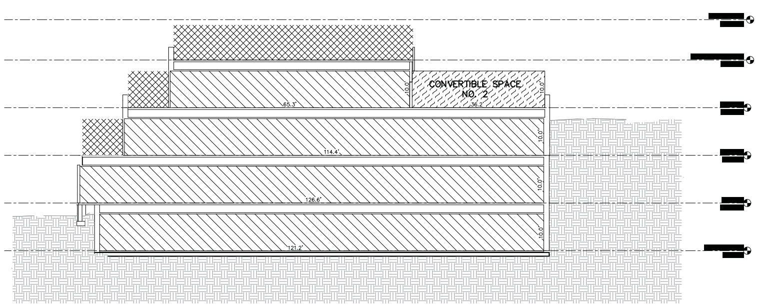
(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



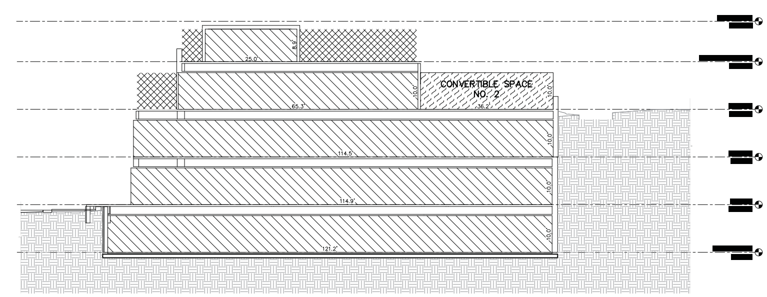
SECTION A



SECTION B



SECTION C



SECTION D

NOTE
The dimensions of the Units shown on this plat and the square footage calculations are based on drawings provided by Elliott Workgroup. Therefore, no as-built measurements were taken.

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

SHEET 4 OF 5

JOB NO.: 6-11-08 FILE: X:\ParkCitySurvey\dwg\srv\plat2008\061108.dwg

5/31/11

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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________

DATE _______ TIME _____ BOOK _____ PAGE _____

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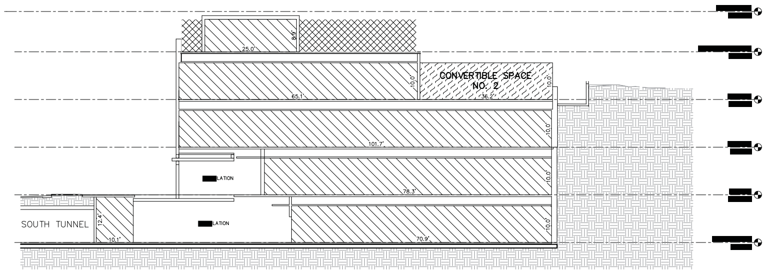
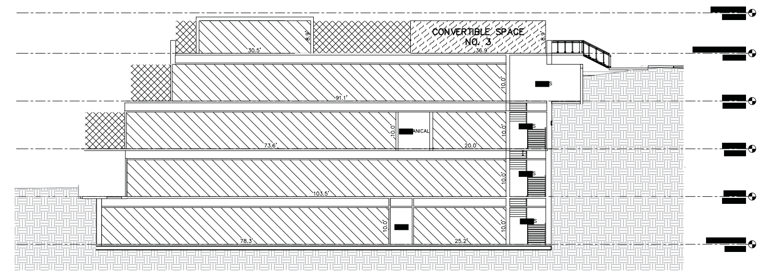
(435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

16' 0 16' 32'

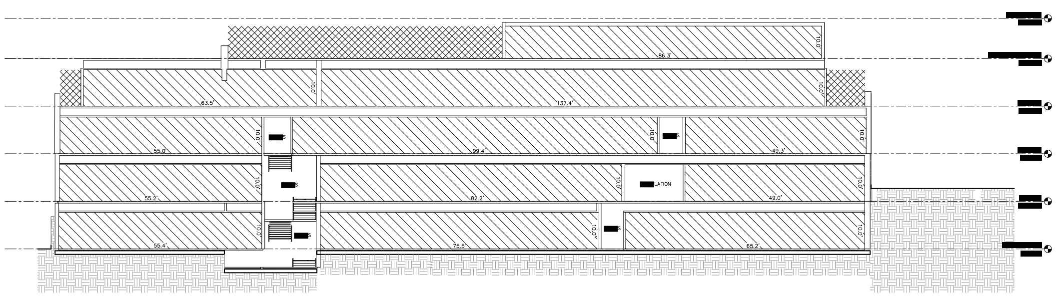
333 MAIN STREET CONDOMINIUMS



SECTION E



SECTION F



SECTION G

NOTE
The dimensions of the Units shown on this plat and the square footage calculations are based on drawings provided by Elliott Workgroup. Therefore, no as-built measurements were taken.

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

16' 0 16' 32'

333 MAIN STREET CONDOMINIUMS

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

SHEET 5 OF 5

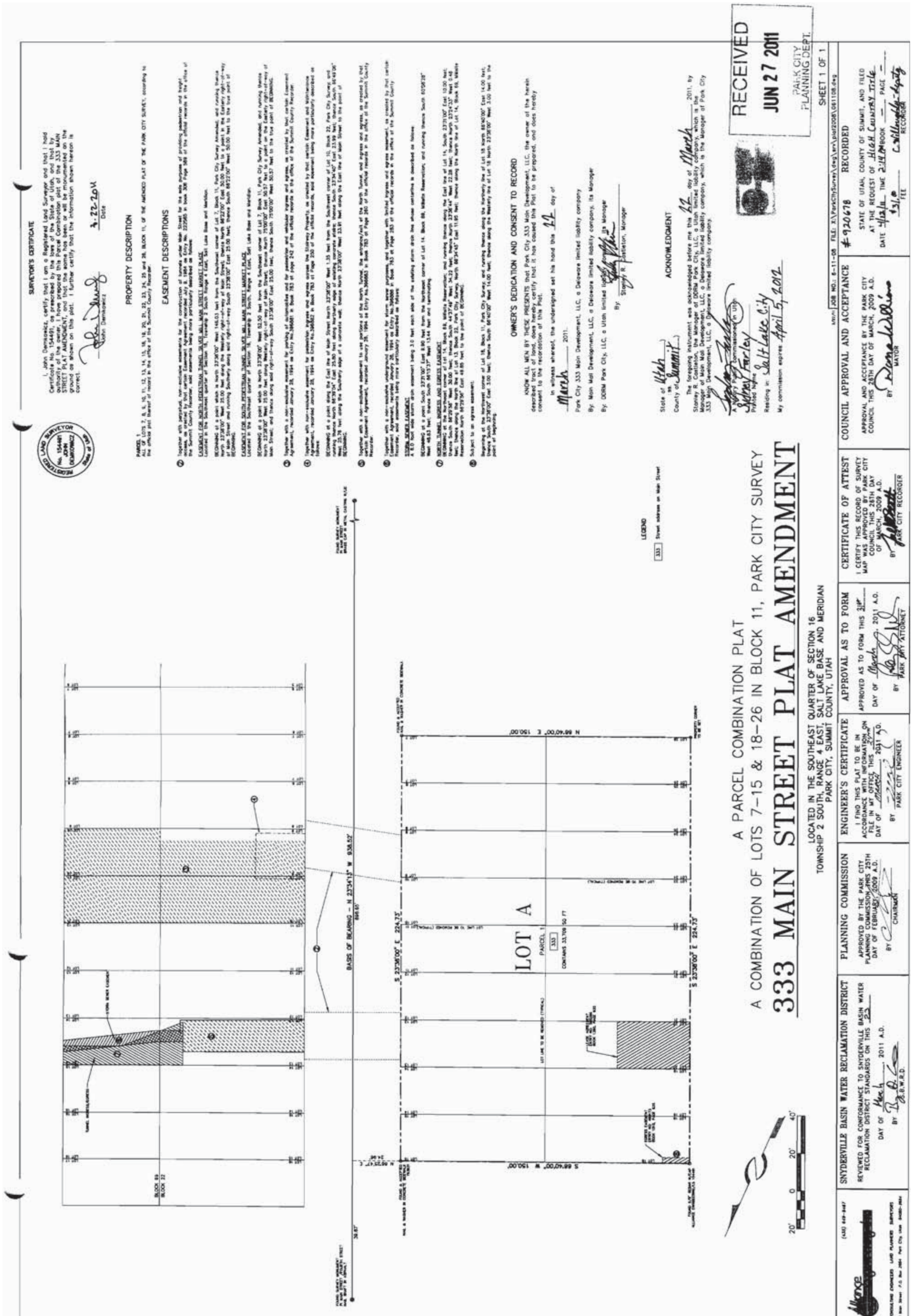
JOB NO.: 6-11-08 FILE: X:\ParkCitySurvey\dwg\srv\plat2008\061108.dwg

5/31/11

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________

DATE ________ TIME ______ BOOK ______ PAGE ______



A PARCEL COMBINATION PLAT
A COMBINATION OF LOTS 7–15 & 18–26 IN BLOCK 11, PARK CITY SURVEY
333 MAIN STREET PLAT AMENDMENT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
LOT A
SURVEYOR'S CERTIFICATE
PROPERTY DESCRIPTION
EASEMENT DESCRIPTIONS
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGMENT
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
RECEIVED
JUN 27 2011
PARK CITY PLANNING DEPT.
SHEET 1 OF 1

April 3, 2009

Park City Main 333 Main Street Development. LLC
PO Box 4151 Suite 325
Park City, UT 84060

NOTICE OF CITY COUNCIL ACTION

Project Name: 333 Main Street
Project Description: Plat amendment
Date of Action: March 26, 2009

Action Taken by City Council: The City Council APPROVED the plat amendment for 333 Main, based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 Amended Park City Survey. Also included in the plat amendment are 5 easements on the plat for existing emergency and pedestrian access, utilities, storm drainage, and parking as described in the title report and title survey for 333 Main Street.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines and is an existing legal non-conforming building.
3. The plat amendment creates one lot of record for the existing building.
4. The Main Street fronting lots are located in the Historic Commercial Business District (HCB) and the Park Avenue fronting lots are located in the Historic Residential Two (HR-2) zoning district.
5. The lot configuration meets minimum standards of the HCB and HR-2 Districts.
6. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. It is important to carefully consider impacts of construction on the vitality and character of Main Street and the residential nature of Park Avenue.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking is currently provided within a garage in the Main Street Mall building with access

to Park Avenue.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will provide the City with a signed mylar plat for recordation at the County, within one year from the date of City Council approval.
3. The plat shall be recorded prior to issuance of any building permits associated with the remodel and Historic Design Review application for 333 Main Street, the Main Street Mall. Approval of an Historic Design Review is required as a condition precedent to building permit issuance.
4. As a condition precedent to issuance of any building permits a detailed parking analysis shall be submitted for City review, identifying compliance with parking requirements of the 1986 Parking Agreement and the LMC. A revised parking analysis shall be submitted with any reconfiguration of tenant spaces, sizes, or uses. The parking analysis shall identify and discuss all existing parking agreements associated with the property.
5. A Construction Mitigation Plan (CMP) shall be submitted to the City for review and approval prior to issuance of any building permits for remodel or construction on or within the building. The CMP, in addition to the standard mitigation measures, shall address construction staging areas and access, a detailed construction phasing plan, road and sidewalk closures, timing of utility interruptions, timing of construction during times of high activity (Arts Festival, 4th of July, Miners Day, Sundance Film Festival, President's Day weekend, and other similar high activity dates and events), construction deliveries (time, place, type), worker parking and transportation alternatives, environmental issues regarding soil removal and erosion, disposal/recycling of removed materials, a schedule of meetings with the neighborhood and affected owners to keep them informed of construction progress, a relocation plan or plan to work around existing businesses, and other items that address mitigation of construction impacts on the activities, commerce, viability and livability of the surrounding commercial and residential neighborhoods.
6. Fire sprinkler systems, in accordance with the International Building Code in effect at the time of building permit application, are required prior to issuance of certificates of occupancy for the building.

7. A condominium record of survey plat is required prior to individual sale of any commercial tenant space or residential unit on this Lot.
8. As a condition precedent to issuance of a certificate of occupancy associated with any building permit, all exterior mechanical equipment and vents shall be painted to match the adjacent building materials and mechanical equipment shall be enclosed and /or adequately screened from public view. Sound baffles shall be installed to attenuate noise and all mechanical equipment shall comply with the City's noise ordinance requirements.
9. As a condition precedent to plat recordation, all signs shall comply with the City's Sign Ordinance, including any signs on Park Avenue.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements, erosion control, and drainage plans for compliance with City standards is a condition precedent to building permit issuance, this includes any plans to place utilities underground. All required permits or approvals from these utility providers shall be provided to the City Engineer prior to commencing any utility work.
11. As a condition precedent to issuance of any building permits a landscape plan shall be submitted for City approval. The Park Avenue landscaping and frontage shall be included on the landscape plans and shall mitigate impacts of the rear building elevation.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or e-mail me at Kirsten@ parkcity.org.

Sincerely,

Kirsten A. Whetstone, AICP
Senior Planner

Cc File

1 Main Street Panoramic View Looking East
SCALE: Not to Scale

6 Panoramic View Looking North
SCALE: Not to Scale

See 3/A-006
for Main Street Mall Elev.

View 1

View 6
View 5
View 2
View 3
View 4

See 1/A-006
for Main Street Mall Elev.

0 Main Street Mall Aerial Key Plan
SCALE: Not to Scale

2 Panoramic ViewLooking South
SCALE: Not to Scale

5 Panoramic View Looking South to Mall
SCALE: Not to Scale

4 Park Avenue Panoramic View Looking West
SCALE: Not to Scale

3 Panoramic View Looking North to Mall
SCALE: Not to Scale

HISTORIC DISTRICT DESIGN REVIEW
March 07, 2011 Revised

elliott workgroup
architecture

DORM
Main Street Mall
Renovation
333 Main Street
Park City, Utah 84060

RECEIVED
JUN 27 2011
PARK CITY
PLANNING DEPT.

EXISTING PANORAMIC VIEWS

A-005

(1) Existing Streetscape Elevation - Main Street
SCALE: Not to Scale

(2) Proposed Streetscape Elevation - Main Street
SCALE: Not to Scale

(3) Existing Streetscape Elevation - Park Avenue
SCALE: Not to Scale

(4) Proposed Streetscape Elevation - Park Avenue
SCALE: Not to Scale

HISTORIC DISTRICT DESIGN REVIEW
March 07, 2011 Revised

elliott workgroup
architecture

DDRM
Main Street Mall
Renovation
333 Main Street
Park City, Utah 84060

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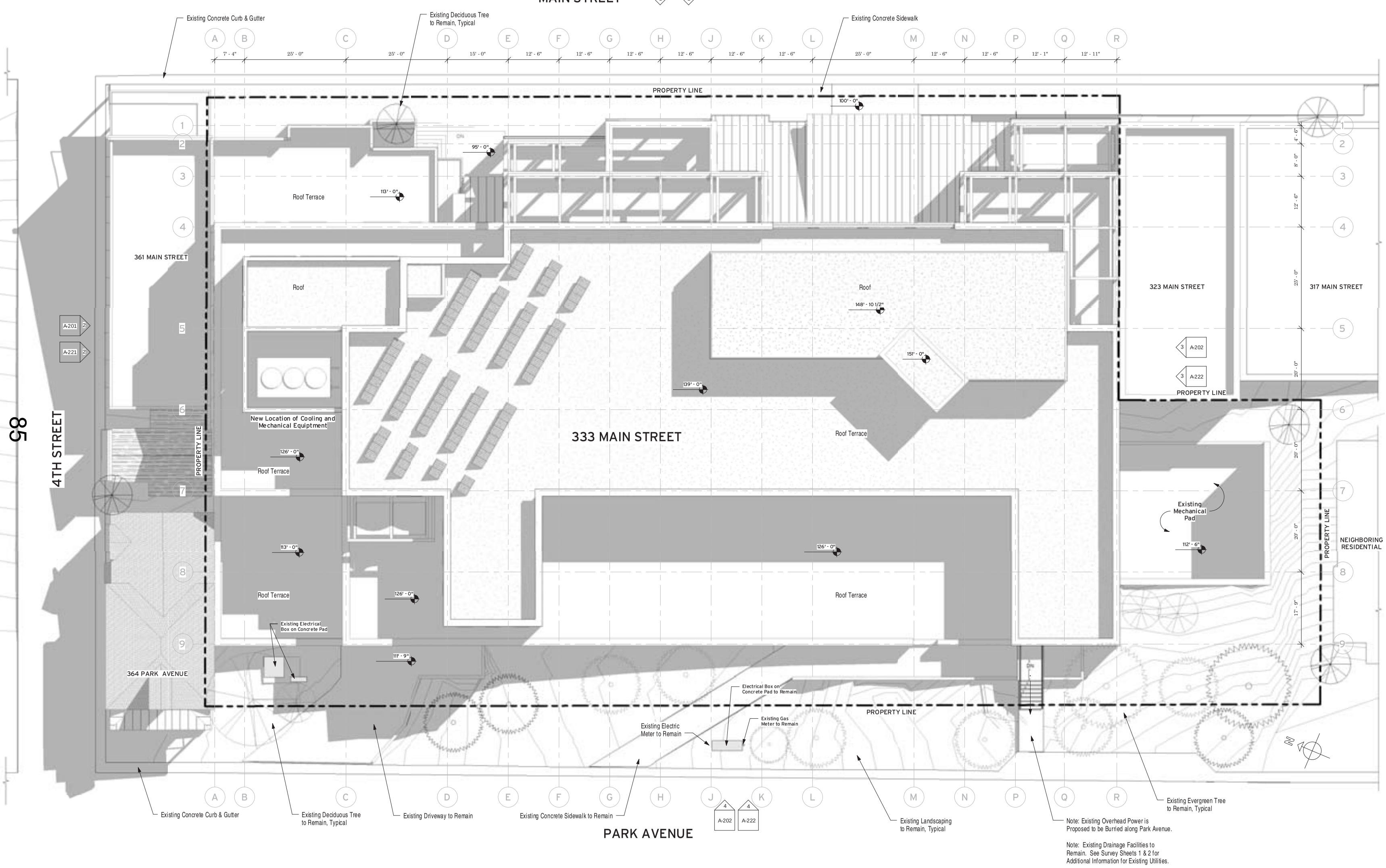
JUN 27 2011
PARK CITY
PLANNING DEPT.

STREETSCAPE ELEVATIONS
A-006

USGS Reference

USGS		Architectural
Elevation +7092	=	Elevation 100'-0"

Notes:
*See Roof Plan Sheet A-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
*See Roof Plan Sheet A-105 for Reference to Building Section Locations.
*See Architectural Building Sections Sheets A-300's for Reference to Allowable Zone Height for HCB and HR-2A.
*See Architectural Area Plans Sheets A-400's for Floor Area Analysis.



1 SITE PLAN
SCALE: 1" = 10'-0"

HISTORIC DISTRICT DESIGN REVIEW

March 07, 2011 Revised

elliott workgroup architecture
364 Main Street PO Box 3419 Park City, Utah 84060
435.649.0092 801.415.1839 www.elliottworkgroup.com

DDRM

Main Street Mall Renovation

333 Main Street
Park City, Utah 84060

SITE PLAN - PROPOSED

A-010

3/7/2011 9:14:51 AM

HISTORIC DISTRICT DESIGN REVIEW

March 07, 2011 Revised

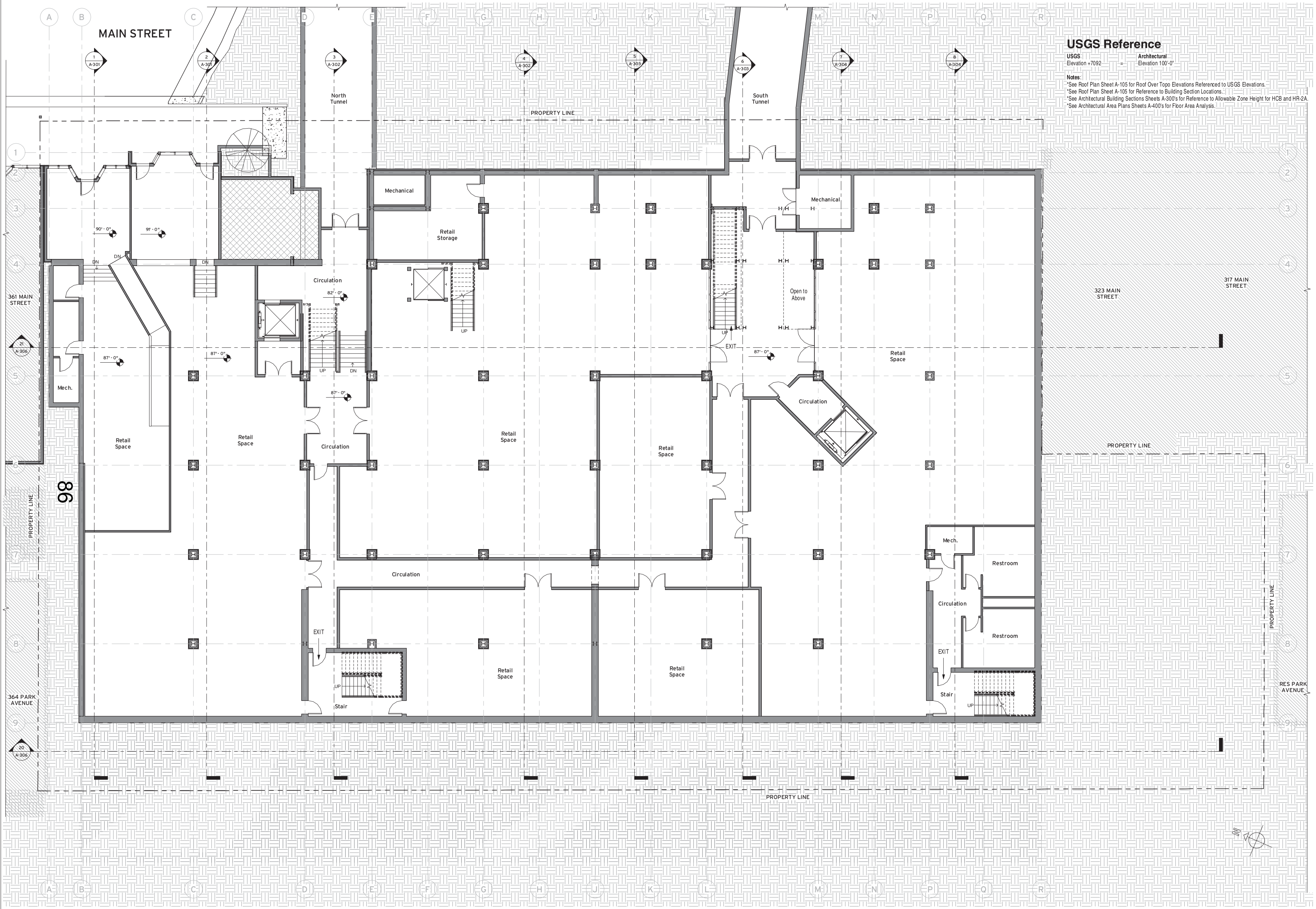
elliott workgroup architecture

364 Main Street PO Box 3419 Park City, Utah 84060
435.649.0092 801.415.1839 www.elliottworkgroup.com

DDRM

Main Street Mall Renovation

333 Main Street
Park City, Utah 84060



USGS Reference

USGS		Architectural
Elevation +7092	=	Elevation 100'-0"

Notes:

*See Roof Plan Sheet A-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
*See Roof Plan Sheet A-105 for Reference to Building Section Locations.
*See Architectural Building Sections Sheets A-300's for Reference to Allowable Zone Height for HCB and HR-2A.
*See Architectural Area Plans Sheets A-400's for Floor Area Analysis.

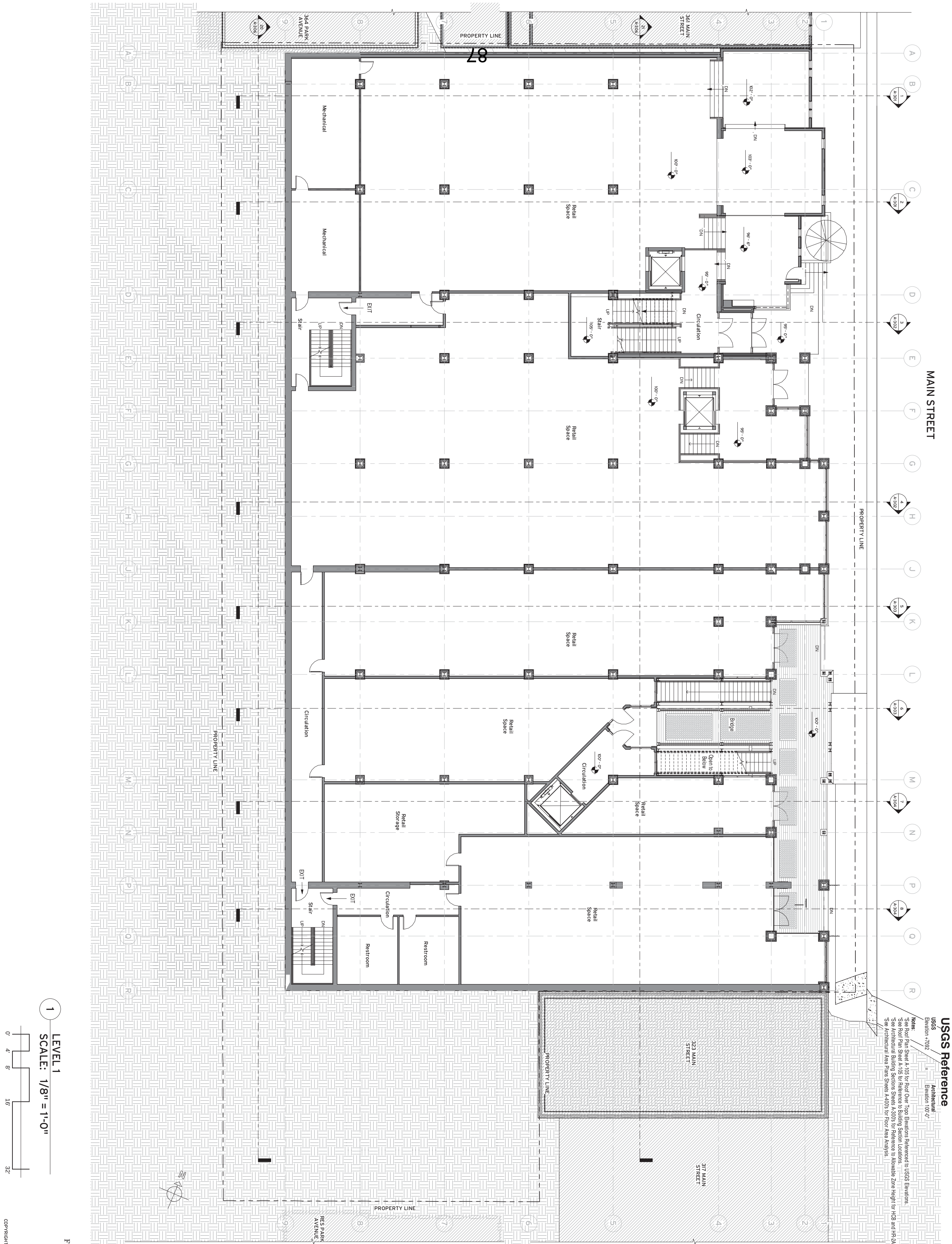
0 LOWER LEVEL
SCALE: 1/8" = 1'-0"

0' 4' 8' 16' 32'

LOWER LEVEL - FLOOR PLAN

A-100

3/7/2011 9:15:29 AM



87

DDRM

Main Street Mall Renovation

333 Main Street
Park City, Utah 84060

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HISTORIC DISTRICT DESIGN REVIEW

March 07, 2011 Revised

FIRST LEVEL - FLOOR PLAN

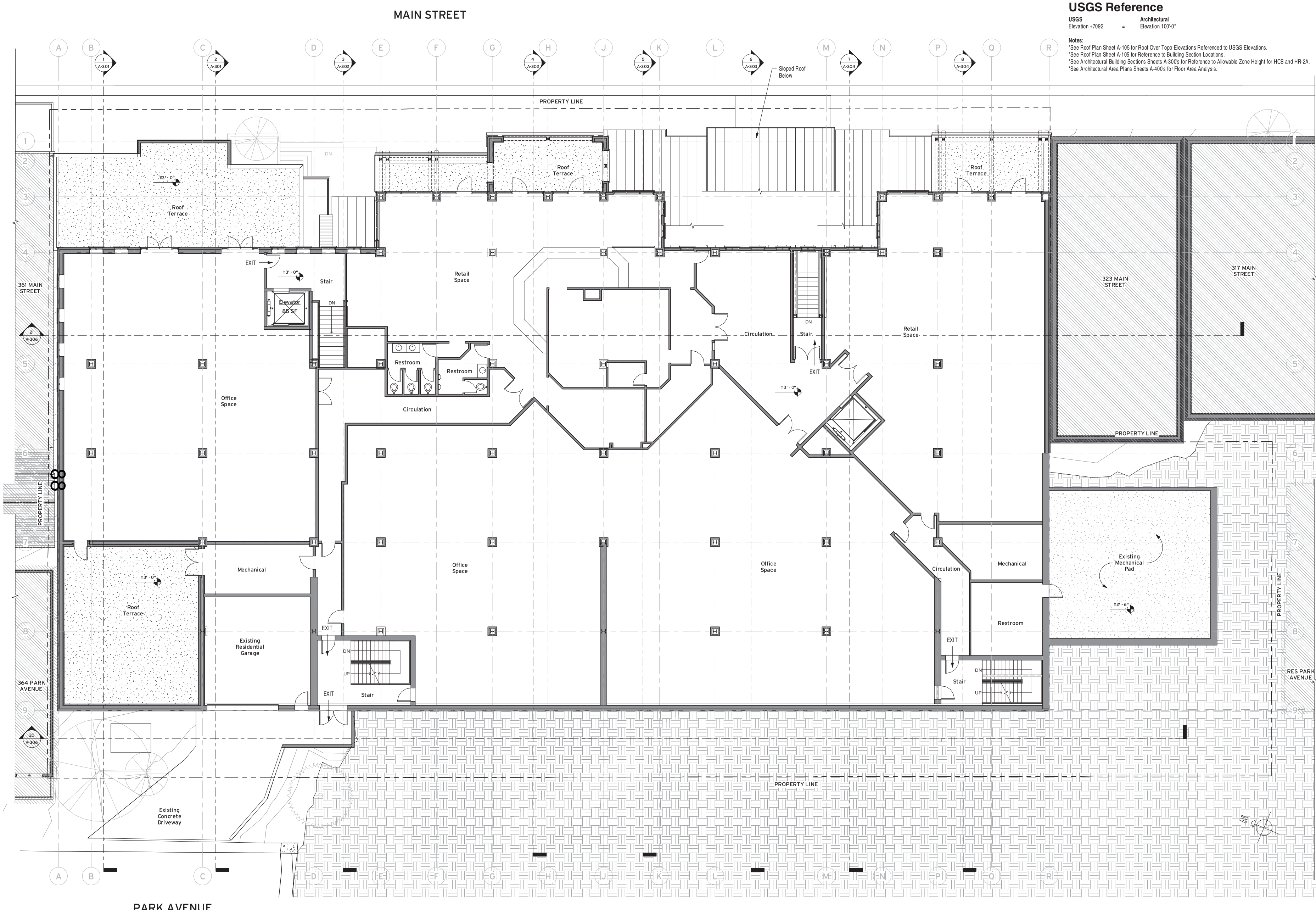
A-101

3/7/2011 9:16:26 AM

USGS Reference

USGS		Architectural
Elevation +7092	=	Elevation 100'-0"

Notes:
*See Roof Plan Sheet A-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
*See Roof Plan Sheet A-105 for Reference to Building Section Locations.
*See Architectural Building Sections Sheets A-300's for Reference to Allowable Zone Height for HCB and HR-2A.
*See Architectural Area Plans Sheets A-400's for Floor Area Analysis.



HISTORIC DISTRICT DESIGN REVIEW
March 07, 2011 Revised

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DDRM

Main Street Mall Renovation
333 Main Street
Park City, Utah 84060

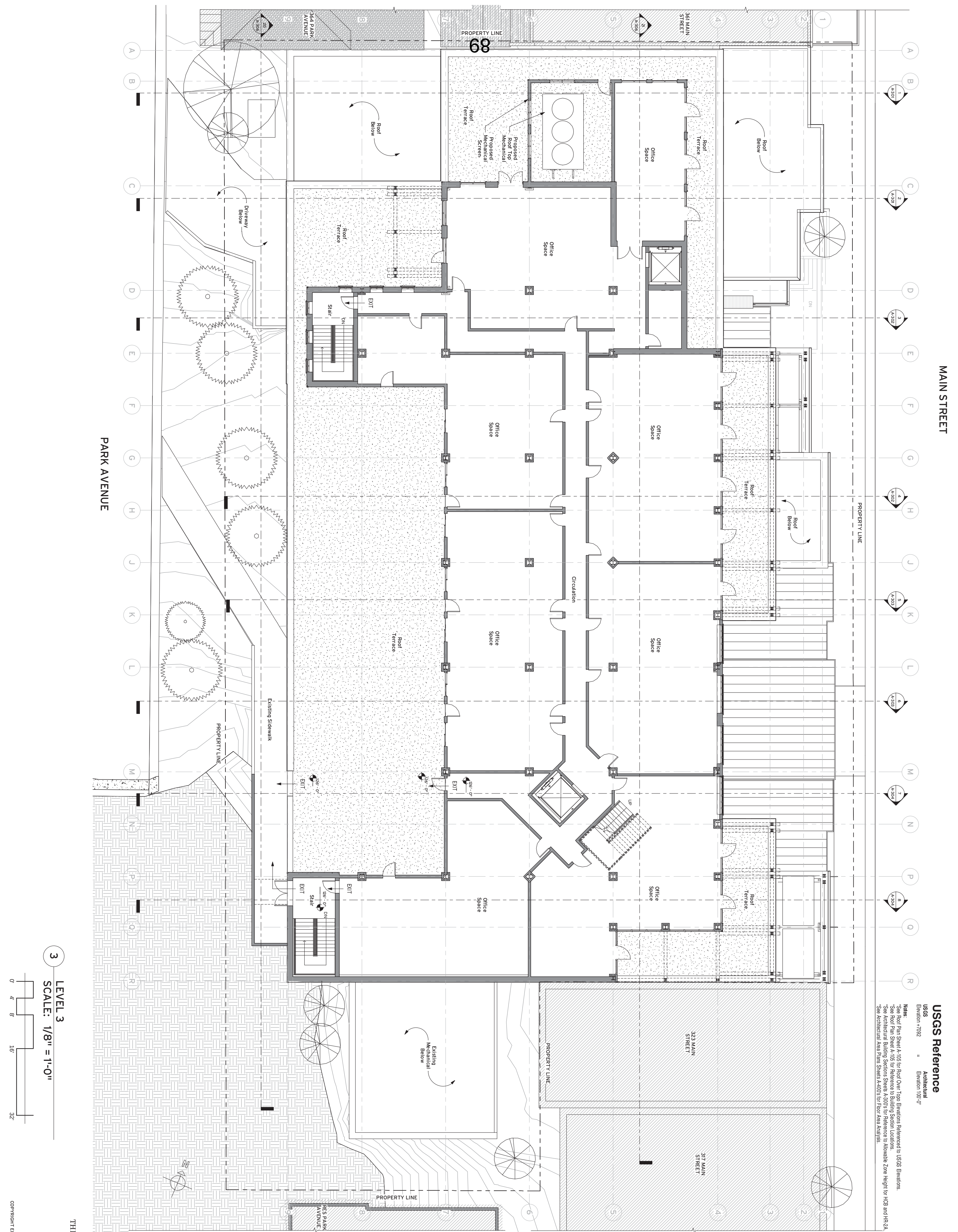
2 LEVEL 2
SCALE: 1/8" = 1'-0"

0' 4' 8' 16' 32'

SECOND LEVEL - FLOOR PLAN

A-102

3/7/2011 9:16:40 AM



DDRM

Main Street Mall Renovation

333 Main Street
Park City, Utah 84060

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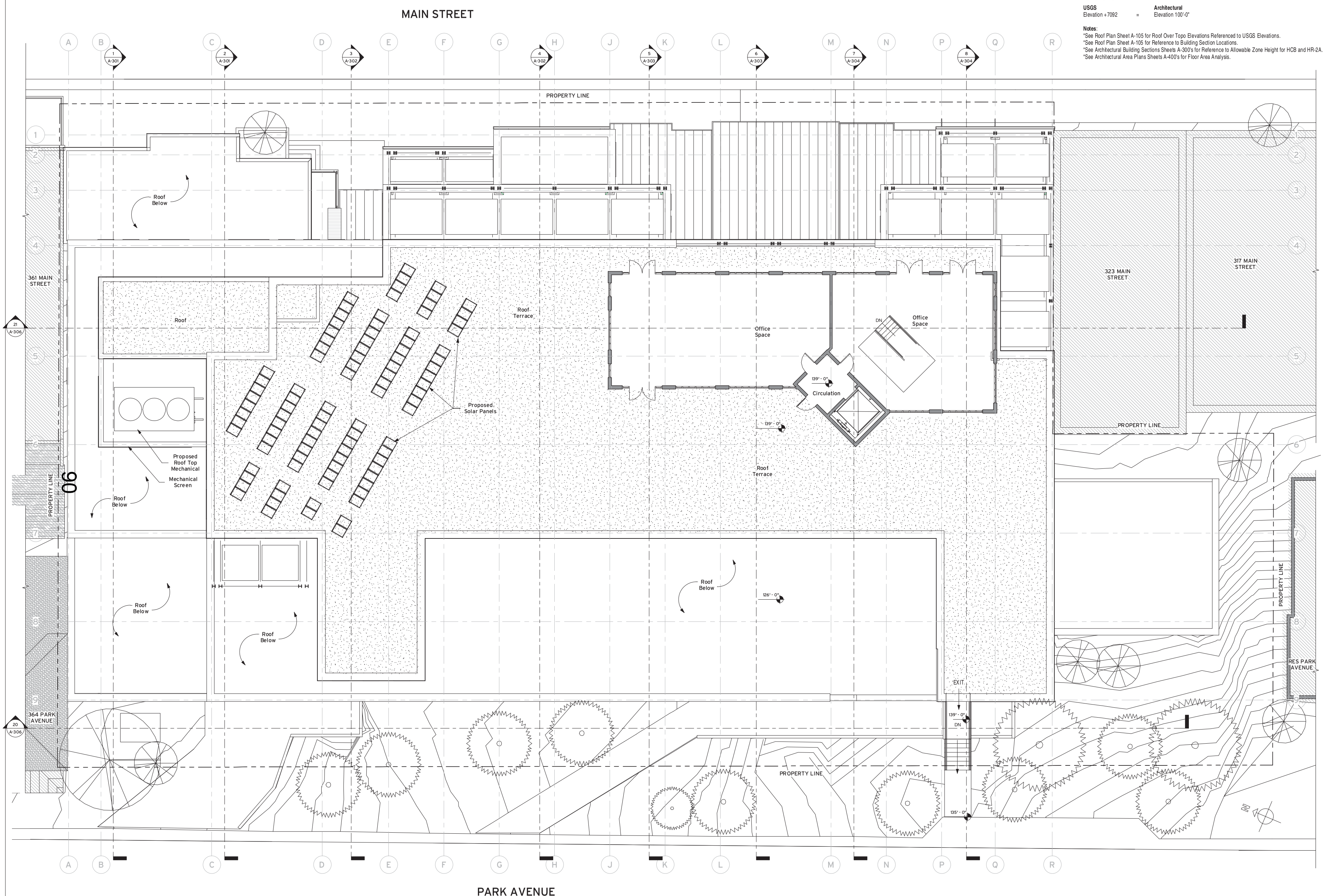
HISTORIC DISTRICT DESIGN REVIEW

March 07, 2011 Revised

THIRD LEVEL - FLOOR PLAN

A-103

3/7/2011 9:17:04 AM



USGS Reference

USGS		Architectural
Elevation +7092	=	Elevation 100'-0"

Notes:
*See Roof Plan Sheet A-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
*See Roof Plan Sheet A-105 for Reference to Building Section Locations.
*See Architectural Building Sections Sheets A-300's for Reference to Allowable Zone Height for HCB and HR-2A.
*See Architectural Area Plans Sheets A-400's for Floor Area Analysis.

HISTORIC DISTRICT DESIGN REVIEW

March 07, 2011 Revised

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435.649.0092 801.415.1839 www.elliottworkgroup.com

DDRM

Main Street Mall Renovation

333 Main Street
Park City, Utah 84060

4 PENTHOUSE LEVEL
SCALE: 1/8" = 1'-0"

0' 4' 8' 16' 32'

PENTHOUSE LEVEL - FLOOR PLAN

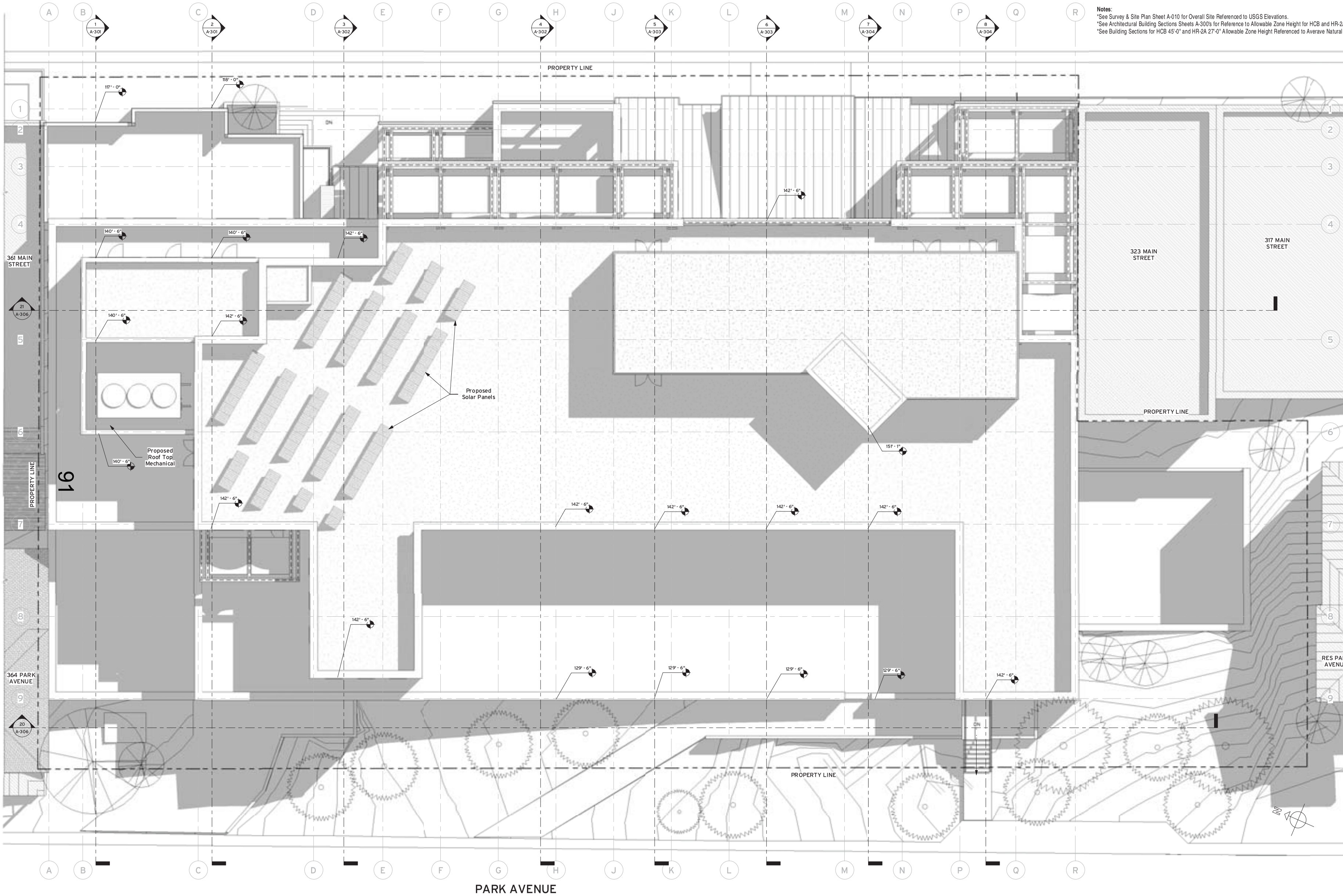
A-104

3/7/2011 9:18:36 AM

USGS Reference

USGS Elevation +7092 = **Architectural** Elevation 100'-0"

Notes:
*See Survey & Site Plan Sheet A-010 for Overall Site Referenced to USGS Elevations.
*See Architectural Building Sections Sheets A-300's for Reference to Allowable Zone Height for HCB and HR-2A.
*See Building Sections for HCB 45'-0" and HR-2A 27'-0" Allowable Zone Height Referenced to Averave Natural Grade.



5 ROOF LEVEL
SCALE: 1/8" = 1'-0"

0' 4' 8' 16' 32'

HISTORIC DISTRICT DESIGN REVIEW
March 07, 2011 Revised

elliott workgroup architecture
364 Main Street PO Box 3419 Park City, Utah 84060
435.649.0092 801.415.1839 www.elliottworkgroup.com

DDRM
Main Street Mall Renovation
333 Main Street
Park City, Utah 84060

ROOF LEVEL - FLOOR PLAN

A-105

3/7/2011 9:21:26 AM

PLANNING DEPARTMENT

May 2, 2011

Craig Elliott
Elliott Workgroup Architecture
PO Box 3419
Park City, Utah 84060

NOTICE OF PLANNING STAFF ADMINISTRATIVE ACTION

Project Address:	333 Main Street
Project Description:	Historic District Design Review
Date of Action:	May 2, 2011
Project Planner:	Kayla Sintz
Project Number:	PL-10-01139

SUMMARY OF STAFF ACTION

Staff has reviewed this project for compliance with the Historic District Design Guidelines, and approved the proposed modifications to a non-historic site at 333 Main Street and related historic sites at 347, 355 and 357 Main Street pursuant to the following Findings of Fact, Conclusions of Law and Conditions of Approval:

FINDINGS OF FACT

The findings discussed in the Background and Analysis Sections of this report are incorporated herein.

1. The existing structure at 333 Main Street, previously known as the Main Street Mall, is non-historic.

2. The property is zoned HCB and is subject to the conditions of approval of the historic district design guidelines.

3. The proposed footprint is not being modified.

4. There are no minimum setbacks in the HCB zone.

5. Access to the property is from Main Street, a public street. Swede Alley access also exists through private parking areas and two access tunnels which connect to the lower level of the building at 333 Main Street.

6. The building's exterior skin is being modified. The building is not being demolished. A 2,626 square foot penthouse office space and elevator addition are proposed on the top floor.

7. The building modifications meet the height limits and height envelopes for the HCB zone.

8. A plat amendment to combine eighteen (18) lots was recorded on April 12, 2011.

9. Related structures tied into current re-design and ownership of 333 Main Street include 347, 355 and 357 Main Street. 347, 355 and 357 Main Street are historic significant structures as defined in the Historic Sites Inventory.

10. The new total gross square footage is 37,455.

11. New roof top solar panels are proposed.

CONCLUSIONS OF LAW

1. The proposed work complies with the Park City Historic District Design Guidelines as conditioned.

2. The proposed work complies with the Land Management Code requirements pursuant to the HCB district.

CONDITIONS OF APPROVAL

CONDITIONS #1 AND #2 MODIFIED BY ASSISTANT CITY ATTORNEY, POLLY SAMUELS MCLEAN, AND APPLICANT ATTORNEY, THOMAS BENNETT

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the building Department is a condition precedent to the issuance of any building permit.

2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on May 2, 2011. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to their construction. ~~Any formal request for design modifications submitted during construction may result in a stop-work order by the Chief Building Official until the modifications are approved.~~ <u>Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.</u>

3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take

precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. ~~Failure to do so, or any request for changes during construction may require the issuance of a stop-work order for the entire project by the Chief Building Official until such time that the matter has been resolved.~~ Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.

4. All standard conditions of approval shall apply.

5. If a complete building permit has not been obtained by May 2, 2012 this HDDR approval will expire.

6. The historically significant connected structures located at 347, 355 and 357 Main are under the same plat amendment and ownership and will not be modified externally except for repairs (paint and exterior window and siding repair). Any modifications to these historic structures shall trigger an additional Historic District Design Review application.

7.Any modifications to landscaping will require a Landscape Plan to be reviewed prior to building permit issuance. Such plan will include water efficient landscaping. No landscaping plan has been reviewed as part of this application.

8. Construction waste should be diverted from the landfill and recycled when possible.

9. Lighting has not been submitted, included or reviewed as part of this application. All exterior lighting cut sheets and locations shall be submitted to the Planning Department for review and approval prior to building permit issuance. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.

10.City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

11.All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.

12.Because the building faces the residential HR-2 zone, commercial features along Park Avenue are not appropriate. No new commercial entrances or access is proposed in the rear of the building.

13.Exterior surfaces that are painted should have an opaque rather than transparent finish. Provide a weather protective finish to wood surfaces that were not historically painted. Low VOC paints and paints are recommended to be used.

14. The applicant is current in their assessment to the Main Street Special Improvement District. Therefore, only the square footage above the 1.5 FAR is required to meet the parking obligation. Upon submittal for a full building permit, staff will calculate the remaining FAR and the applicant will pay in lieu fees for that area.

Exhibit A – Standard Conditions

Approved HDDR elevations- Main Street and North side

City Council
Staff Report

Subject:	**Sundance Film Festival** **2012 Supplemental Plan- Amendment to Miner's Hospital Lease**
Author:	**Sustainability Team**
Department	**Sustainability**
Date:	**August 11, 2011**
Type of Item:	**Administrative- Master Festival License**

Summary Recommendations:
Approve an amendment to the Sundance Film Festival Supplemental Plan to allow the Sundance Institute expanded use of Miner's Hospital for the 2012 Festival.

Background:
Staff continues an ongoing commitment to working as partners with the Sundance Institute and jointly address critical issues. This collaboration is vital to the ongoing relationship between Park City and the Institute and critical to the ongoing success of the Festival in Park City. In October of 2005 Park City Municipal Corporation and the Sundance Institute entered into along term agreement for the 2006 through 2018 film festivals with an option to renew for an additional ten (10) years through 2028. Chapter three of the MFL Agreement states if Sundance desires to use certain facilities owned or controlled by Park City and others as appropriate in connection with the festival, all under the terms provided in the contract.

Section 1.2 of the Agreement refers to annual review of the Supplemental Plans, which details the implementation and operational plans with respect to those functions of the Use Areas that may change with each annual Festival. The Supplemental Plans and any annual modifications are a material part of the Agreement. Generally, Supplemental Plans for future Festivals will follow Supplemental Plans for the previous Festival unless changes that are mutually acceptable to the Parties will promote the efficient and successful operation of the Festival.

For 2012 Sundance has requested use of the Miner's Hospital as an administrative office from November 1, 2011 until February 24, 2012. A placeholder for these dates has already been secured and therefore the use will not displace any other possible rental. This request has come due to the increase need in seasonal staffing and the lack of office space at the Institute's Silver Star facility.

Analysis:
Continued improvements to the festival are ongoing and the Sundance Institute continues to morph their operational planning in efforts to best achieve their mission.

Council should specifically consider approval of the following changes to the 2012 Festival Supplemental Plan regarding the use of Miner's Hospital based on the following analysis:

- Financial Impacts-

Miners is generally rented 5 days a month in the winter months; the daily rate for a full facility rental is $125. Based on this average, the City may forgo up to $2500 by renting the space to Sundance. Staff believes the positives stemming from supporting successful operations and implementation of the Festival far outweigh lost revenues.

- Operational Impacts- Waste, increase in park activity, and parking.

Sundance has indicated that they will house 20-25 employees on the second floor in a set-up similar to when the City offices were there. The third floor will serve as meeting room space. Sundance has agreed to initiate outreach and communication with the neighborhood much like they did during the 2011 Festival, when the New Frontier Program was hosted there. The outreach and mitigation efforts were meaningful to producing a successful use of miners while mitigating impacts. Affected residents would concur. Parking in City Park will not be secured for Sundance employees. Sundance shall mitigate any parking concerns by use of public transit and carpooling when available. For the 2012 festival Sundance shall manage and integrate this venue into the operation of the event. Any requirements for IT or tenant improvements to the facility will be specifically addressed in the lease agreement.

- Impact to current tenants-

Currently Mountain Trails and Park City Summit County Arts Council lease office space on the Main Level of the facility on a long term basis. The current leases do account for suspension of the lease terms for the duration of the Sundance festival each year. Sundance has indicated that there will be no need to suspend any tenants' leases. Additionally 4 days are given for free for community not-for-profits & other meetings. These will have to be relocated during this time. Staff finds that the inventory of meeting space at the Library and Education Center can fill the gap.

Department Review:
Sustainability, Parking, Parks, Building Maintenance, and Legal departments have reviewed the Sundance Film Festival 2012 Supplemental Plans to the

Miner's Hospital lease and their comments have been incorporated into the report.

Alternatives:

A. **Approve:**
Approve the Sundance Film Festival 2012 Supplemental Plans to the Miner's Hospital lease. This is staff's recommendation.

B. **Deny:**
Direct Staff to provide more information regarding the Sundance Film Festival 2012 Supplemental Plans to the Miner's Hospital lease.

C. **Modify:**
Direct Staff to modify the condition of the Sundance Film Festival 2012 Supplemental Plans to the Miner's Hospital lease.

D. **Continue:**
Staff may return at a future date with additional information requested by Council.

Significant Impacts:
It should be noted that this portion of the Supplemental Plan is likely only a part of a comprehensive plan that will be presented to City Council at a later date for approval before the 2012 festival.

Consequences of not taking the recommended action:
The Sundance Film Festival 2012 Supplemental Plans to the Miner's Hospital lease would not be allowed to be pursued.

Recommendations:
Review the Sundance Film Festival 2012 Supplemental Plans to the Miner's Hospital lease, conduct a public hearing, and approve the plan, for the 2012 Sundance Film.

Attachments:
Exhibit A- Redlined facility use from 2011 Supplemental Plans

EXHIBIT “A” TO
MASTER FESTIVAL LICENSE AND CITY SERVICES AGREEMENT

USE AREAS

Use Area	Address	Use Period *	Intended Use	Type of Use	Basic City Services	Access Control	Traffic Control
Santy Auditorium of Park City Public Library and Education Center, all associated furnishings, fixtures, and equipment; including 201, 202, 205, & 207;north lawn area and Reading Garden.	1255 Park Avenue	Santy & Proj. booth- 1/13/11- 2/3/11 Classrooms- 1/17/11- 2/1/11 Courtyard& field- 1/13/11- 2/3/11	Screening venue; Concessions/ Hospitality; Wait list Line; Box Office, kiosk, volunteer use, tent, storage	Parking – Nonexclusive (except 16 reserved via permit; All others – Exclusive	Park City shall maintain regular Cleaning, Waste Removal and snow and ice removal inside and outside the use area. In addition, Park City shall clear snow, ice and debris from the field & courtyard for placement of Sundance’s Tent & other activities.	Sundance and Park City	Sundance and Park City
PCMC Recreation Building, Miners Hospital (Second and Third floor), No Pavilion in 2012	1354 Park Avenue	Rec. Building 1/10,2011 – 2/1, 2011 Miners 11/1/11- 2/24/12		Parking – Exclusive- adjacent to Recreation and Miners; Other - Nonexclusive	Park City shall maintain regular, Cleaning, Waste Removal and snow and ice removal inside and outside the use area.	Sundance	Sundance and Park City
Park Avenue- Between Heber & 9th St.	Park Ave	1/20,2011 – 1/29, 2011	Parking mitigation	Parking/exclusive	Park City shall place barricades and enforce the operations plan	Park City	Park City
Park Avenue- Between 9th and 14th St	Park Ave	1/20, 2011 – 1/29, 2011	Parking mitigation	Parking/exclusive	Park City shall place barricades and enforce the operations plan	Park City	Park City
Main Street - Entire east & west sides.	Main Street	1/18, 2011 – 1/29, 2011	Parking control to increase response time and increase traffic mitigation	Pedestrian	Park City shall place the barricades, provide snow removal and place “no parking” and “drop zone” signs	None	None