PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 21, 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, April 21, 2011.

Closed Session
3:00 p.m. Property and litigation

Work Session

3:30 p.m.	Council questions/comments	
3:40 p.m.	1st Quarter update of 2011 goals and targets for action	P. 5 - 18
3:50 p.m.	Monthly budget update	
4:00 p.m.	Main Street dining	P. 19 - 48
4:30 p.m.	Comstock pathway update	P. 49 - 54
4:50 p.m.	Treasure Project update	P. 55 - 72
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Certificates of Appreciation to Cameron Curtis, Tony Oros, Fab Rodig and Phil Wormdahl of Rattle & Hum for their March 2011 Iraq and Kuwait Tour

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MARCH 31, 2011 AND APRIL 7, 2011 P. 73 - 92

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")*

Consideration of addendums to facility leases extending terms to tenants leasing space at the Library and Education Center and Miners Hospital to June 30, 2013: P. 93 - 96

(a) Mountain Trails Foundation, Miners Hospital
(b) Park City Summit County Arts Council, Miners Hospital
(c) Soaring Wings Montessori School, Library and Education Center
(d) Co-op Preschool, Library and Education Center
(e) Park City Film Series, Library and Education Center

VI RESIGNATIONS AND APPOINTMENTS

Appointment to the City Council to fill an unexpired term to January 2012

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

Consideration of an Ordinance amending Titles 6 and 11 of the Municipal Code of Park City by creating Chapter 4, Title 6 – Mine Shafts and Tunnels, and Chapter 20, Title 11 – Physical Mine Hazard Mitigation P. 97 - 112

(a) Public hearing
(b) Action

VIII OLD BUSINESS

Consideration of an Ordinance approving the 109 Woodside Plat Amendment located at 109 Woodside Avenue, Park City, Utah P. 113 - 133

(a) Public hearing
(b) Action

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

X 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.

Posted: 04/18/11
See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

April 2011

22 Quarterly manager's meeting

28 Oath of office – new Council member
iPad delivery - work
Art Festival Supplemental Plan – work/public hearing/action
Street dining leases
Ordinance - age limit for for-hire vehicles – public hearing/action
Treasure Hill LOI

May 2011

5 **Tom gone**
Presentation of tentative budget - work
Public hearing on tentative budget

12 Operating expenditures, pay plan, lump merit increase pool, benefits – work
Monthly budget update - work
Data base merger - work
573 Main Street plat – FA
259, 261, 263 Norfolk Avenue Plat – FA
Receiving zone language General Plan amendment - KC
Public hearing on tentative budget
Pavement management

19 **No meeting - Liza gone**

26 Fee changes, CIP budgets – work
PC-SLC Bus Service (45 min) – work
GPS/AVL contract (20 min) – work/action
811 Norfolk Avenue plat – KC
817 Norfolk Avenue platl - KC
Public hearing on tentative budget

June 2011

2 Personnel policies, fee resolution, council compensation, budget policies, outstanding issues – work
Adoption of personnel manual
Public hearing and adoption of tentative budget
Public hearing and adoption of fee schedule
Public hearing and adoption of council compensation
Adoption of CEMP
Inter-local agreement – SR
SLC-PC Inter-local Agreement - KC

5 Fire District – one-day academy for elected officials

9 Outstanding budget issues – work
Public hearing on final budget
Banking services contract

16 Presentation of final budget and outstanding issues – work
Public hearing and adoption of final budget
RDA and MBA adoption of final budgets

23 PAAB interviews

30 **No meeting**

July 2011
7
14
21
28

Pending Items:
U S Postal Service gang boxes in Old Town

MEMO

Executive Department

To: **City Council**
From: **Tom Bakaly, City Manager**
Subject: **City Council Goals and Targets for Action Update**
1st Quarter (Jan – Mar 2011)
Date: **April 21, 2011**

On April 21, 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 1st Quarter (January through March) 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.

In addition to Council's review of the goals, Staff requests that Council review the revised City Council Board appointments for 2011 and confirm the interim appointments on April 21, 2011.

Attachments:

Quarterly Goals Update
City Council Board Appointments for 2011

2011 Park City Council Goals & Targets for Action (January - March 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**	**In Progress**	Staff working with HPCA & consultant to identify HPCA project priorities
●**CIP presentations during budget**	**Jun-11**		**Pending**	**Staff will make recommendations as part of FY12 budget process**
1. Pocket Park/Historical Wall Renovation	Jun-11		Pending	Project scope pending policy input - Historic Park City Alliance & Council
●Temporary Landscaping	Jun-11		Pending	Work out maintenance and costs with HOA - annual meeting in April.
2. Town Plaza/Swede Alley	Oct-12		Pending	
3. Last Phase of Downtown Improvements (streetscape, sidewalks, pedestrian connections, etc.)	Ongoing		Ongoing	Swede Alley reconstruction and sidewalk planned for 2013
2. Affordable Housing - Phyllis Robinson				
1. Affordable Housing Demand Study and Resolution Update	Apr-11	**Jun-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**
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 early 2011 **TDRs complete; additional work to follow**
4. Clean up miscellaneous Historic Preservation Issues	Jun-11		In Progress	In progress; Preservation Solutions assisting
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 to complete.**
4. Senior Issues - Rhoda Stauffer				
1. InterAgency Working Group & Strategies	Apr-11	**May-11**	In Progress	**Draft plan under review. Scheduled for Council Work Session May 12, 2011**
5. Park City Heights Joint Venture - Phyllis Robinson				
1. Master Planned Development (MPD) for site	Mar-11	**May-11**	In Progress	**Item is scheduled for action at April 27 Planning Commission meeting.**
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**	In Progress	
3. Identify potential components and tax increment	Apr-11	**Jun-11**	In Progress	Projects identified. Identifying tax increment.
4. Extend Revelopment Agency	Feb-11	**Aug-11**	Pending	Return to Council for direction
5. Implementation				
a. Elliott Workgroup co-housing first phase	Apr-11	**Aug-11**	Pending	Return to Council for direction
b. City Property	Ongoing			Community Center, Housing, Transportation 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**	In Progress	Pre-MPD completed. June 2010 date was for initiating MPD process with Planning Commission. Revised date is anticipated approval date. **In final Planning Commission review.**
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		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
●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		In Progress	
2. Planning Department to work with the Planning Commission to better define Old Town Neighborhoods	Dec-11		In Progress	To be included in General Plan

2011 Park City Council Goals & Targets for Action (January - March 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**	In Progress	Yer-end debrief complete. **Fine tuning 2011 implementation.**
● **Infrastructure Committee recommendations (see Goal #1) Prioritization**	Jun-11		In Progress	**Continue to work with HPCA through City budget process**
2. City-wide market analysis & carrying capacity study	Mar-11	**Jun-11**	In Progress	
3. Implementation of 2011 Economic Development Plan	**Dec-11**		Ongoing	
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		Pending	
3. Recreation Center Public Art	Oct-11		Pending	Working with Ken Fisher to identify location(s) of public art
3. Community Amenities and Events: Evaluation, Future Direction - Jonathan Weidenhamer				
1. Event Overhaul Discussion				
●Event Fees, revenues and costs	Feb-11	**Jul-11**	In Progress	Finalizing Trail Fees.
●Criteria to Close Main Street	Feb-11	**Jul-11**	In Progress	
●Update Municipal Code	Feb-11	**Jul-11**	In Progress	
●Update of administrative processes (applications, etc.)	Feb-11	**Jul-11**	Complete	Finalizing implementation with regional stakeholders.
2. Event Overhaul Implementation	Mar-11	**Jul-11**	Pending	
3. Regional Event Calendar Cooperation	Jun-11	**Jul-11**	Ongoing	**Current shared Google calendar with Snyderville Basin Recreation for 2011 Summer Season**

2011 Park City Council Goals & Targets for Action (January - March 2011)

Goal 3 Effective Transportation System

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Neigbhorhood Traffic Management - Kent Cashel				
See Attached Neigbhorhood 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**	**Aug-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**	**Aug-12**	Pending	**Pending General Plan Transportation Element Update**
4. Public Parking - Kent Cashel				
1. Conduct Main Street Circulation Study	Ongoing		Ongoing	**Circulation data during Winter 2010/11, awaiting expression of interest/input from HPCA**
2. Taxi Drop-off/Pick-up	Oct-11		Pending	Awaiting completion of circulatoni study (see above)
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	**Jun-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 occupied by contractor through 4/15/11. 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	**Aug-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**	In Progress	**90% design work completed**
3. Complete Envirionmental Work for Corridor	Aug-11		In Progress	Working with UDOT to define scope & requirements. Seeking to secure study funding. Funding delayed by lack of congressional appropriations for 2009 and 2010.
4. Engineerig 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 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		In Progress	**Draft scope of work completed. Steering committee formed and meeting regularly. Detailed progress schedule target completion May 2011.**

2011 Park City Council Goals & Targets for Action (January - March 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 July 2011
2. Quinn's Treatment Plant - Under Construction	Dec-11		In Progress	Scheduled completion in late 2011/early 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**
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		Pending	Awaiting on-going discussions with Summit County, SWDC and SBWRD
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 participating in bi-weekly metings with County Solid Waste Team (Jasper, Lewis, Blonquist, Koehler) & Recycle Utah's Executive Director
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, Foster and Eddington working on this in conjunction with Weidenhamer. Discussions just began in Dec 2010.

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
6. Environmental Initiatives - Diane Foster				
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
4. 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 launching in April 2011. Website development required for Green Biz program, anticipate launch in summer 2011.
5. WAVE Project/Electric Trolley in partnership with USU	Dec-11		In Progress	
7. Thaynes - Clint McAffee				
1. Sampling Plan	**Mar-11**	**May-11**	**In Progress**	**All sources are currently being monitored on a weekly basis. By first part of April enough data will have been collected to begin modeling distribution system water quality as various sources are blended together. This plan also includes sampling solids at Spiro Water Treatment Plant and material samples in the distribution system.**
2. Data Analysis and Report	**Jul-11**		**Pending**	**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 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**	**Application for permits expected to be submitted August 2011.**
4. Further develop relationships with state and federal regulators	**Ongoing**		**Ongoing**	

2011 Park City Council Goals & Targets for Action (January - March 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				
1. Additional easement monitoring on new acquisitions	Ongoing		In Progress	
2. Kimball and new Round Valley Conservation Easement	Jul-11		In Progress	
3. Gambel Oak & White Acre Conservation Easement	Jul-11		Pending	
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	**Jun-11**	Pending	Coordinating with Transportation Mater Plan Update
7. Bike Route Plan	Apr-11	**Jun-11**	In Progress	Coordinating with Transportation Mater Plan Update
8. Armstrong OS trail connection	Jul-11		In Progress	Under Construction
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		**In Progress**	**Signs completed by April and installed when weather permits**
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		Pending	Setting up meetings with USSA and UOP in January to begin planning process.
●Develop Model	Dec-11		Pending	
6. Walkability Implementation Phase I - Matt Twombly, Heinrich Deters				
1. Bonanza Tunnel				
●Tunnel Infrastructure	May-11		In Progress	Under Construction
●Tunnel Streetscape & Final Landscaping	Jul-11		In Progress	To be completed in Spring
2. SR-248 Tunnel				
●School Campus ped/Connectivity Improvements Construction (SR248)Construction	Aug-11		Pending	**Conceptual design and study has begun.**
3. Sidewinder Drive Sidewalk	Oct-11		In Progress	**Construction mobilization set for June 2011**
4. Comstock Sidewalk	Oct-11		In Progress	**Construction mobilization set for June 2011**
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	**Coordinating with waterline project scheduled for 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 (January - March 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	**Jun-11**		**In Progress**
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 (January - March 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**		**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. Customer Service Survey (P Robinson)	Aug-10		Complete	
4. Citizen Satisfaction Surveys (P Robinson)	May-11		Pending	
5. City "Fam" Program	Annual		Ongoing	Next program in November 2011
4. Public Safety - Wade Carpenter				
1. Community Oriented program - Citizens Academy	Ongoing		Ongoing	Class Two graduated July 14, 2010. Class Three scheduled for Spring 2011.
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	Ideas submitted for review during budget process.
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		**In Progress**	2011 Communications Plan presented at Council Visioning. Implementation
6 Community Emergency Preparedness	Ongoing		Ongoing	**Next campaign is Reverse 911 mobile registration in May/June.**

2011 Park City Council Goals & Targets for Action (January - March 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	In Progress	Jan-11
			●Conduct Crescent Tram Engineering Study	In Process	Feb-11
			●Street sign review and facility inventory	Complete	Complete
			●Meet with primary petitioners in April to discuss NTMP Decisions	**In Progress**	**Apr-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 (January - March 2011)

Neighborhood & Business District Needs Assessment

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

Status Report

Staff met with neighborhood and prioritized requests - Project 1 sidewalk on Deer Vally Drive completed. Bus stop installed. School bus stop pending completion by private developer.

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 existint Creekside restroom winter serivces.**

CITY COUNCIL BOARD APPOINTMENTS FOR 2011

Mayor Pro Tem Joe Kernan — Alternate Mayor Pro Tem Cindy Matsumoto

City Boards/Commissions/Task Forces

Staff	Board	Type	Appointments
Linda Tillson	**Library Board** Meets second Fridays 12:00 p.m. - Park City Library	Non-voting	Cindy Matsumoto Alternate: Liza Simpson
Ken Fisher	**Recreation Advisory Board** Meets first Tuesdays 6 p.m. – Racquet Club	Non-voting	Liza Simpson Alternate:
Kim Leier	**Employee Transfer and Discharge Appeals Board** Meets as needed	Voting	Liza Simpson and Cindy Matsumoto Alternate: Joe Kernan
Bret Howser	**Public Service Contract Subcommittee** Meets as needed	N/A	Cindy Matsumoto and Joe Kernan
Thomas Eddington	**Planning Commission** Meets second and fourth Wednesdays 5:30 p.m. – Council Chambers	Non-voting	Alex Butwinski Alternate: Liza Simpson
Thomas Eddington	**Historic Preservation Board** Meets first and third Wednesdays 6:00 p.m. – Council Chambers	Non-voting	Liza Simpson Alternate: Cindy Matsumoto
Sharon Bauman	**Public Art Advisory Board** Meets second Mondays 6:00 p.m. – Marsac Building	Non-voting	Alex Butwinski
Diane Foster	**COSAC** Meets second Tuesdays 4 p.m. – Council Chambers	Non-voting	Dana Williams Alternate: Alex Butwinski

Groups and Agencies

	Board	Type	Appointments
Sharon Bauman	**Interagency Task Force** Meets fourth Wednesdays 9:00 a.m. – Marsac Building	Non-voting	Joe Kernan Alternate: Liza Simpson
Michael Kovacs	**Park City Board of Education** Work Sessions first Tuesdays at 9:00 a.m. Regular Sessions third Tuesdays at 4:00 p.m. School District Offices	Non-voting	Cindy Matsumoto
Kent Cashel	**Park City Fire Service District Administrative Control Board** Meets first and third Wednesdays 6:30 p.m. – Pinebrook Station	Voting - 4 year term	Liza Simpson
Thomas Eddington	**Park City Historical Society** Meets first Thursdays 8:15 a.m. – 528 Main Street	Non-voting	Cindy Matsumoto
Sharon Bauman	**Park City Summit County Arts Council** Meets quarterly 6:00 p.m. - rotating locations	Voting	Alex Butwinski
Phyllis Robinson	**Park City Chamber/Bureau Board of Directors** Meets fourth Tuesdays 4:00 – 6:00 p.m. - TBD	Voting	Cindy Matsumoto
Diane Foster	**Recycle Utah** Meets third Fridays 8:00 a.m. – Recycling Center	Non-voting	Alex Butwinski Alternate: Dana Williams
Jonathan Weidenhamer	**HPCA** Meets fourth Tuesdays - TBD	Non-voting	Alex Butwinski Alternate: Dana Williams

Mark Harrington	**Mountain Mediation**	Non-voting	--
Phyllis Robinson	**Mountainlands Community Housing Trust** Meets second Tuesdays 8:30 a.m. – Office	Non-voting	Liza Simpson
Rhoda Stauffer	**Senior Center**	Non-voting	Liza Simpson
Phyllis Robinson	**Summit County Board of Health** Meets last Mondays every other month	Voting	Liza Simpson Alternate:
Kathy Lundborg	**Snyderville Basin Water Reclamation District** Meets third Mondays 5 p.m. – District Office	Voting - 4 year term	Dana Williams
Michael Kovacs	**Mountainland Association of Governments** Meets fourth Thursdays 7 p.m. - TBD	Voting	--
Tom Bakaly	**ULCT/Legislative Policy Committee** Meets as needed	Voting	Dana Williams, Alex Butwinski, Alternate: Liza Simpson
Diane Foster	**Ski Utah** Meets third Wednesdays 9:30 a.m. - TBD	Voting	Alex Butwinski
Diane Foster	**EPA**	N/A	Dana Williams and Liza Simpson
Tom Bakaly	**Federal Congressional Delegation** Meets as needed	N/A	Dana Williams, Liza Simpson
Pace Erickson	**Mosquito Abatement** Meets second Tuesdays every other month 5 p.m. – District Office	Voting	Dana Williams
Kent Cashel Matt Cassel	**Joint Transportation Advisory Board**	N/A	Liza Simpson Alternate: Joe Kernan
Diane Foster	**Summit Land Conservancy**	Non-voting	Cindy Matsumoto Alternate: Dana Williams
Kent Cashel	**COG**	Voting	Dana Williams
Rhoda Stauffer	**Peace House**	Non-voting	Cindy Matsumoto Alternate: Alex Butwinski
Jonathan Weidenhamer	**Lodging Association**	Non-voting	Liza Simpson
Phyllis Robinson	**Habitat for Humanity**	Non-voting	Cindy Matsumoto

Revised: February 2011

City Council
Staff Report

Subject: Street Dining on Main Program
Author: Thomas Eddington, AICP, Planning Director
Francisco Astorga, Planner
Date: April 21, 2011
Type of Item: Informational/Update

Summary Recommendations:
Review the Street Dining on Main Street program. Affirm support to continue the program with the modifications as outlined in the staff report, specifically:

- Minor updates to the operational & lease agreements;
- Parking fees of $720/space for the entire summer season;
- Business licensing fees.

Topic/Description:
In the spring of 2010, the City Council considered requests to lease City owned right-of-way for temporary street dining decks on Main Street from May 1st until October 30th. In 2010, the City Council approved leasing the space for a total of four (4) dining decks, of which three (3) were actually installed in the summer 2010. In addition to approval by Council to lease the space, applications were required to get an Administrative Conditional Use Permit (CUP) permitting the use. At the November 18, 2010 City Council work session, Staff received further direction to analyze parking fees, examine alternative deck/scaffolding concepts, recommend a maximum number of decks, and look into specific hours of operation from City Council for future seasons as Staff debriefed the 2010 Street Dining on Main program (Exhibit A).

For the 2011 summer season, Staff received written statements from the same three (3) businesses that received approval and built the street dining decks in 2010 (Ciceros, Bistro 412, and Zona Rosa/501 on Main). Their statements indicated that their request was to use the exact deck that was constructed and used in summer 2010. In addition to these three (3) applications, Staff also received five (5) additional requests to build street dining decks for summer 2011.

The initial leases that were executed in May 2010 were for a one year period that automatically renews contingent upon annual revisions/review for each season for up to three (3) years (through 2012). Therefore, the leases issued last year can be cancelled or amended to be consistent with leases issued this year. After a year of general success with the three (3) approved street dining decks, Staff would like to review the lease agreements and operational restrictions in conjunction with the additional five (5) requests to ensure the program is being managed consistent with Council's goals and to further balance competing interests. Staff will request that Council review the lease agreements for the five (5) new street dining decks during the April 28, 2011 City

Council meeting. Staff recommends renewal per the existing lease terms with some amendments of the three (3) that were approved in 2010.

In 1998 the City prepared the Downtown Action Plan. The purpose of the Plan was to "develop a plan that would assure the long-term viability of Main Street/Swede Alley as the commercial core of Park City, attracting both residents and visitors."   The Plan identified the following as a Main Street enhancement policy:

> "Encourage and promote outdoor dining in conjunction with existing and future restaurants. […] During the summer temporary decking, where appropriate and approved by the City, should be allowed to occupy parking areas on Main Street in front of restaurants wishing to occupy outdoor dining. The City should establish a process for determining the number and location of these temporary decks."

Background:
Section 15-2.6-125 of the Land Management Code (LMC) allows outdoor dining on "leased public property" as an Administrative CUP subject to the specified standards in the LMC. Additionally, the City Council reviews public property lease requests, and is the final authority on lease terms, which may include additional restrictions or requirements.

In addition to the requirements set forth in the lease agreement/operational restrictions (Exhibit B), the Planning Department has to find compliance with the criteria outlined in the LMC for any outdoor dining permit in the Historic Commercial Business (HCB) District as part of an Administrative CUP.

In 2010 the Park City Council approved four (4) restaurant sites for street dining decks. The lease term was for three (3) years with automatic renewal conditioned on annual review and input from Council. The sites that received an approval in 2010 were the following restaurants:

306 Main Street	Ciseros's Ristorante
412 Main Street	Bistro 412
501 Main Street	501 on Main (formerly Zona Rosa)
322 Main Street	Red Banjo – Never built a deck and not proposing building a deck in 2011 and Staff recommends cancelling the existing lease

Of the four (4) sites, only three (3) built their approved street dining deck in 2010. The existing lease agreements with these four (4) sites will expire in October 2012. In 2011 Staff received a total of five (5) additional requests to build street dining decks:

530 Main Street	Main Street Pizza & Noodle
317 Main Street	The Eating Establishment
605 Main Street	Bangkok Thai on Main

440 Main Street	Bandits' Bar & Grill
442 Main Street	Shabu

The Historic Park City Alliance (HPCA) held their own debrief meeting on Street Dining on November 2, 2010. Representatives from each restaurant that used street dining decks attended. Input from each deck holder was strongly supportive of the program and represented financial success. The HPCA's detailed, formal position is attached as Exhibit C. In general, the HPCA:

- likes and supports expansion of the Deck program;
- would like to see a maximum of twelve (12) decks;
- believes restaurants should be assessed a user fee for use of public parking spaces which should go back into the District; and
- seeks further discussion about standardizing the decks into a scaffold like system, which could be customized, but still provide flexibility and efficiency for removal.

Analysis:
Staff received a total of five (5) new street dining decks in 2011. Three (3) of the four (4) decks approved in 2010 have requested to re-build as approved in 2010. **There are eight (8) decks that could be built in 2011.** Staff prepared Exhibit D – 2011 Street Dining on Main proposed decks that illustrates the location/proximity/spacing of the proposed decks.

Events:
There are approximately twelve (12) events that include/occupy portions of Main Street from May 1 – October 30th. While a number of these events would be easier to implement logistically if there were no decks on the street (e.g. July 4 Parade, Tour of Utah, Savior the Summit, Miners Day), event planners & Staff can typically work around the structures (Council previously directed that the leases end on October 30th, just before the Halloween Parade). The table on the following page outlines the events for summer 2011:

Event	Date	Long Term City-Contract	Recurring Event w/ Admin OK	New Event 2010	Street Dining Conflict (y/n)
Park Silly Sunday Market (lower Main)	June 12- Sept 25, 2011 (Sundays)	yes			no
Savor the Summit	June 25, 2011		yes		yes
4th of July	July 4, 2011		yes		yes
Triple Crown	July 11-30, 2011	yes			no
Classic Car Show (lower Main)	July 30, 2011		yes		no
Kimball Arts Fest	August 5-7, 2011	yes			yes
Tour of Utah	August 9, 2011			yes	no
Miner's Day	September 5, 2011		yes		yes
Halloween	October 31, 2011		yes		no

* All events dates are subject to change from year-to-year with the exception of the 4th of July parade.

Kimball Arts Festival:

The Kimball Arts Festival is totally different in nature from other events due to their long-term contract with the City. The contract defines the entire Street as a Use Area, which Kimball has full rights to utilize. Therefore any street dining deck would need Kimball's permission to be erected during the Arts Festival. The current contract with Kimball runs through the 2011 Festival and automatically renews for an additional five (5) year term unless either party provides written intent not to renew.

In order to minimize possible conflicts with the City's commitment with Kimball Arts Center (KAC) related to the Art Festival the lease agreements contain the following clause regarding the use of the Main Street right-of-way during Arts Fest:

The use of the Property shall not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Arts Center). The Kimball Arts Center has been leased exclusive use of Main Street during the first Friday, Saturday and Sunday of August. The Property must be vacated (i.e. removal of decks) no later than 10 a.m. MT of the first Thursday of August for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Arts Center consents in writing to allow Tenant's use of the Property. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant's cost.

Last year, the three (3) restaurants using decks negotiated an agreement with Kimball Arts Fest to lease . Staff met with the Kimball Art Center Staff on April 4, 2011 in anticipation of the current renewals and new proposed decks for 2011. The operations and logistical layout of the Festival has been fine-tuned through years of refinements and practice. KAC supports the decks and the vitality they bring to Main Street and the

Art Festival, but is concerned about impacts to their operations. Their detailed, formal position is attached as Exhibit E. In general, the KAC:

- will re-arrange the Art festival layout to allow all eight (8) proposed decks to operate during this year's festival;
- recognizes that allowing the eight (8) decks to remain will displace as many as 55 of the 260 possible booths;
- with Council's permission (2011 supplemental plan with KAC scheduled for Council consideration on 4/28) will expand their footprint north and south, and along Heber avenue to activate new areas of the street; and
- requests that upon conclusion of the season that PCMC and KAC debrief on the restaurant deck implications and recommends limiting the total number of decks to a maximum of nine (9).

Staff continues to recommend temporary removal of all decks as required by the lease agreements during the Festival if the tenant has not come to an agreement with KAC or the proposed deck simply can't be incorporated into Kimball's operational plan.

<u>Platform/Scaffolding Decks</u>
During the November 2010 City Council debriefing meeting, a platform/scaffolding deck concept was introduced by the Kimball Arts Center staff. In March 2011, the City set up a platform deck mock-up at 317 Main Street (The Eating Establishment), see Exhibit F. This option had been suggested and therefore explored due to the ease for set-up and take-down of the system so as to address the lease requirement of removal during Arts Festival. The mock-up was designed to provide restaurant owners with an option of a system that reduced labor costs since the structure took thirty (30) minutes to put up.

However, the proposed stage will not meet the Building Code for an assembly use. The Building Inspector indicated that in order to meet with applicable building codes, a licensed Utah Engineer will need to review the specifications from the manufacturer and provide the following:

- Engineering for 100lb live load per square foot, 90 mph wind
- Guardrail capable of withstanding 200 lb lateral force
- ADA access
- Balasting/anchoring, due to the light weight of the structure

Due to the Building Code challenges staff does not recommend the stage/scaffolding platform street dining deck be utilized in the right-of-way.

Furthermore, the decks are required to meet Historic District Guidelines and the stages would need a lot of work and/or improved designs to comply with these design guidelines. This would undermine their ability to be easily assembled and disassembled. The three (3) decks that were constructed in summer 2010 met the Historic District's Design Guidelines and Planning recommends that all subsequent decks be constructed to similar standards.

Parking Fees
The City parking fee resolution currently charges $16/day ($15/day in 2010) per parking space removed from the Main Street inventory for construction or other purposes. In 2010, Council chose not to require the owners in the pilot street deck program to pay this fee. Given the 180 days that the decks were permitted to remain on Main Street pursuant to the lease, the fee for a deck that takes away one (1) on-street parking space would be $2,700 for the season (most decks are a little more than 1 parking space, larger ones like Cisero's are a little more than two [2] spaces).

Currently, the lease of the right-of-way is only available to restaurants and restricted to dining activities, not the sale of merchandise. The use of the public parking to support the street dining program further reduces the parking supply available to the businesses on Main Street. However, a fee of this magnitude would likely be cost prohibitive for restaurants and could put an end to the entire outdoor dining deck program. Given Council's direction to improve the vibrancy on Main Street, Staff recommends a fixed "parking" fee in the amount of $720 per parking space (a 75% fee reduction from the overall fee of $2,880). This fee should be paid into the parking revenue account.

Public Works has expressed concern with the proposed reduction for the parking fees; they indicated a preference to charge 100% of the fees. Their rationale for such was 1) to maintain needed revenue and 2) concern regarding the impact of the decks on circulation and access.

Planning Staff recommends charging 25% of the parking fees for use of the right-of-way; however given differing Department positions, Staff requests direction regarding the amount that should be charged as a fee for leasing the right-of-way.

Relative to these fees, the three (3) businesses approved in 2010 for a three (3) year period ending in 2012 did *not* pay any parking fees as directed by Council for the pilot program at that time. Staff recommends that all businesses with decks should pay the same applicable parking fees. Should these three (3) businesses be charged the applicable fees as indicated above or does Council find that they are exempt because of their original lease which waived the parking fee?

Business Licensing
In 2010, businesses were not charged fees for the additional square footage of deck space. An assumption was made that restaurants/licensees reduced use of comparable interior space in return for expanded outdoor space. The fee for an outdoor dining deck for the six (6) month lease term would be $.08/sf. For instance, Cicero's deck was approximately 450 square feet and would incur an additional $36 in fees. Staff recommends application of all licensing related fees moving forward, including specific amendments to leases executed last year.

Operational Requirements
Staff also incorporated in the new lease agreements and operational requirements the items addressed during the November 2010 City Council debriefing meeting. These included:

- A submittal deadline for all applications took place on March 14th, 2011 so that staff can better understand the number of decks proposed and their locations relative to each other and to allow staff to work with KAC. The HPCA assisted in the distribution of the application form, guide, and process handout.
- Requirement of lunch and dinner service while decks exist on street – this new standard was added to the updated 2011 Lease Agreement and also to the Operation Restriction.
- Additional Business License Fees
- Reduced Parking Related Fees as noted in this report.

Procedure:
The Planning Department has developed two (2) informational documents to assist the public regarding Street Dining on Main. These documents include the On-Street Dining Guide and the On-Street Dining Process (Exhibit G). These documents were distributed to all restaurant owners on Main Street via HPCA on February 2, 2011 and once again on March 7, 2011. Staff will present the drafted lease agreements during the April 28, 2011 City Council regular meeting.

Recommendation:
Review the Street Dining on Main Street program and consider affirming support to continue the program with the modifications as outlined in this staff report, specifically:

- Minor updates to the operational & lease agreements;
- Parking fees of $720/space for the entire summer season (25% of the standard $2,880/space charged for construction staging);
- Inclusion of applicable Business License fees for the additional dining square feet;
- Requirement that all restaurants operate during lunch and dinner hours, seven (7) days a week during the period the decks remain on Main Street

Exhibits:
Exhibit A – November 18, 2010City Council work session minutes
Exhibit B – Lease Agreement & Operation Restrictions
Exhibit C – Statement from HPCA
Exhibit D – 2011 Main Street Dining Map Analysis
Exhibit E – Statement from Kimball Art Center
Exhibit F – Stage/scaffolding Concept
Exhibit G – On-Street Dining Guide and Process Handout

for an update of the Bonanza Tunnel. Matt Cassel explained that a redesign of the retaining walls for more support was needed but the look will remain the same. It should be open by the end of the year.

Marianne Cone, resident, explained her involvement in the night sky presentation held Monday evening. The Park City lighting ordinance contains regulations for down-lighting and she referred to the sustainability strategic plan addressing both night skies and saving energy. Ms. Cone requested that night skies be added to Council's goals. Diane Foster explained that updating the night sky ordinance is a goal but not a high priority in the strategic plan so it doesn't appear in Council's quarterly goals. She clarified that new construction requires compliance but there are issues with people later retrofitting lighting devices. There are historic non-compliant fixtures and a comprehensive lighting plan may be appropriate. The Mayor requested that the night sky ordinance be addressed during Visioning. Ms. Cone interjected that she understands the difficulty in enforcement and suggested that the focus be on awareness and education. Since the ordinance is in place, there is probably little work involved.

3. Street dining deck debrief. Thomas Eddington referred to the staff report recommending that decks be removed during Arts Festival and that parking fees be implemented for the loss of parking spaces. Last year, City Council approved four dining decks, three of which were built with the goal of adding vibrancy to Main Street. Comments from residents were positive and there were no complaints. Staff collected feedback from patrons of the decks, included in the staff report, which was favorable. It was determined that there are about 31 locations that could accommodate outdoor dining decks and staff is recommending that applications be received by March 1 so that an analysis can be done from a public health, safety and welfare standpoint.

Mr. Eddington continued that the HPCA felt that last year was successful but have a couple of recommendations for future operations. The HPCA suggested that decks be open seven days a week for lunch and dinner and staff concurs. It further recommends a maximum length of 40 feet which relates better to the parking space measurement of 20 feet as opposed to 50 feet which is currently designated in the guidelines. Mr. Eddington estimated that Ciseros' deck probably measures 42 feet. The HPCA also recommends that restaurants not located at street level obtain their neighbors' written permission to add a deck and staff agrees. The last suggestion is that all applicants must be affiliated with a Main Street restaurant. Based on the City's continued commitment to the Kimball Art Center, it is recommended to remove the decks during the Arts Festival. The booths are installed in the middle of Main Street for emergency access to and for continuity of the Festival. The only exceptions for restaurants with decks would be contracting with KAC as a vendor. Mr. Eddington pointed out that Ciseros' deck created a gap between booths last Festival.

Jon Weidenhamer explained that $270 per parking space is recommended which represents 10% of the cost for the entire year. This low cost supports the goal of vitality and vibrancy while making it feasible for most restaurants. Additional square footage costs assessed for business licensing purposes are minimal.

Discussion ensued on removing and storing decks during Arts Festival. Chris Crowley stated that KAC is exploring all options for the decks. They can be functional in specific areas but to display someone's artwork on a deck, for instance, would be unfair to other artists. It is important to maintain a consistent look and feel and having booths in the middle of the street opens Main Street storefronts. Unfortunately, there isn't an opportunity to use the decks and moving them to the middle of the street is not much different than moving them altogether. Candace Erickson suggested using a forklift and moving them to the top of Main Street. Alex Butwinski emphasized that the Arts Festival has been operating for 40 years and he believed the decks need to be removed. He referred to staff's recommendation about the 10% parking fee and the City's support of $1,500 in helping to move decks which effectively represents a $3,400 subsidy. Jon Weidenhamer clarified that staff is recommending the owner pay for moving the deck. Mr. Butwinski pointed out that the City is still losing about $2,500 in foregone parking revenue. He understood that the bigger concern in moving decks is potential damage and he supported the forklift suggestion.

Mr. Weidenhamer explained a provision that the decks not be moved more than three times a season. This would only occur if another master festival license for the street warranted moving them. Ms. Matsumoto asked if 31 decks could exist on Main Street and Mr. Eddington explained that locations will be analyzed for impacts to emergency response and parking. He stated that 10 of 31 are located between 4th and 5th Streets but staff has discussed a maximum of 12 to 15 decks. Not every restaurant is interested in installing a deck or willing to be open for lunch and dinner for seven days a week and not everyone will qualify if the location doesn't fit within the overall system. The HPCA has requested a limit of 12 decks. Restaurants that already have outdoor dining would probably have lower preference in the selection process. It is likely that the 42 foot deck at Ciseros will be grandfathered and not altered.

In response to a question from the Mayor, Mr. Crowley stated that the Brewpub Lot has not yet been programmed. Storing decks during Arts Festival at the top of Main Street or Swede Alley were debated. Candace Erickson believed that the needs of the Arts Festival should be a priority. Chris Crowley detailed the benefits of using scaffold platforms which can be customized to match buildings and can be constructed and dismantled easily. Mayor Williams acknowledged the high price associated with decks and suggested that standardizing them may cut costs. Joe Kernan hoped the decks would not need to be moved frequently and over time there may be an option to keep them in place during events. If they have to be moved, it would be beneficial to identify a good storage area. Alex Butwinski did not agree with standardizing designs and likes the uniqueness of each individual deck. He requested a rendering of a scaffolding platform and asked whether it will meet installing and dismantling time frames.

Mayor Williams stated that members are in agreement with proceeding with minor tweaks to the operation and lease agreements. Mr. Crowley explained that the Zona Rosa and Bistro 412 decks worked during the Arts Festival last year but the Ciseros deck created significant problems. He stated that KAC is more than willing to evaluate decks on a case-by-case basis and work with restaurant owners.

Kevin Valika, Chairman of the Restaurant Association, stated that the Association agrees with the recommendations of the HPCA, except for the seven day a week lunch and dinner requirement. Hours of operation should be consistent with practices of the restaurant like closing on a certain day of the week. There shouldn't be a problem for businesses adjusting to lunch or dinner. Mr. Valika suggested that the seven day a week requirement only be effective in July and August.

The Mayor recommended that business owners disclose their ability to fulfill hours of operation on the application and that be considered when selecting locations. Joe Kernan liked this option instead of making hours of operation a hard and fast rule. Alex Butwinski believed the HPCA wants seven days a week and encouraged the HPCA and Restaurant Association to continue to work together on this standard. It was explained that decks can be installed at any time. Andy Beerman explained that keeping them open in inclement weather is not expected; the goal is not to have vacant decks on the street.

4. Sundance supplemental plan. Jon Weidenhamer pointed out that not using the Racquet Club this year is a significant change. China Bridge parking was reduced last year to $10 beginning on Wednesday, and based on input and user numbers, moving it back to Tuesday is recommended. There is no parking on the west side of Park Avenue between to 14th Street and Heber Avenue because of impacts to the neighborhood and the parking plan provides better access and circulation for buses. This takes 55 parking spaces out of the mix. Alex Butwinski felt the left side may be better because there are more homes on the west side. Dave Gustafsen expressed that the west side seemed like the most logical choice and there is no parking between 2 a.m. to 6 a.m. A Sundance employee in the audience explained that there are fewer parking spaces on the east side and addressing parking on the west side maximizes Park Avenue. Transit has problems passing obstacles on Park Avenue and Sundance is interested in the customer experience and ensuring that shuttles are efficient. Jon Weidenhamer pointed out that allowing parking may lead to littering and double-parked vehicles. The Mayor felt it important to check with the residents about their preference. Alex Butwinski agreed there should be neighborhood input on Park Avenue parking.

Mr. Weidenhamer acknowledged the challenges with the PCMR load-out and impacts to Deer Valley Drive and Park Avenue. Pedestrian controls will be installed at the intersection, manual controls at the Fresh Market crossing and UDOT is going to manually control the signal at SR224 and SR248. The New Frontier program will be moved from Main Street to City Park. Two open houses have been held at Miners Hospital and flyers have been delivered door-to-door about the new plan. Generally,

STREET DINING ON MAIN
OUTDOOR DINING LEASE

This LEASE AGREEMENT is made and executed this ____day of _________, 20____, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and _________________________________, located at ____________________, Park City, Utah ("Tenant").

RECITALS

WHEREAS, the City wishes to enable opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities; and

WHEREAS, the City's goals include the establishment of new and creative opportunities to facilitate the Main Street experience for residents and visitors alike during the shoulder and summer seasons; and

WHEREAS, the City's goals include the preservation and enhancement of Park City's character regarding Old Town and the desire to strengthen the pedestrian experience along Main Street; and

WHEREAS, the City recognizes the desire of many visitors and residents to dine outdoors along historic Main Street; and

WHEREAS, the City's General Plan recommends utilizing street design techniques to encourage slower traffic speeds and a more intimate pedestrian-oriented scale; and

WHEREAS, the City's goals include maintaining and furthering the resort community's economic opportunities, as well as enhancing the economic viability of Park City's Main Street Business District;

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

TERMS & CONDITIONS OF LEASE

Based upon good and valuable mutual consideration, the Parties agree as follows:

1. PROPERTY. The property affected by this lease is generally described as the street area directly fronting Tenant's building located at ________Main Street, and more specifically described in site plan Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as

the “Premises”). The length of the outdoor dining deck per restaurant may not exceed forty (40) feet.

2. RENT. Annual rent is for the use of the street for the deck is seven hundred twenty dollars ($720) per parking space of a linear length of twenty feet (20’). If a deck covers a fraction of a parking space (20’) the rent will be calculated by the percentage of the deck on the parking space. Tenant shall be solely responsible for payment of any and all costs associated with Tenant’s performance under this lease, including but not limited to City rent, additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall commence on May 1, 2011 and shall terminate on October 30, 2011. The term shall automatically renew each year for a total of three (3) years terminating on October 30, 2013 unless terminated earlier as provided herein. The Property may only be utilized for a six (6) month period commencing on May 1st and terminating on October 30th each year except for the period of the Arts Fest (the first Friday, Saturday and Sunday of August). An annual review by the City Council, with input from the Planning Department will be conducted by April 1st of each year. City Council may terminate or change the terms of this lease at that time. Additional term restrictions are attached hereto and incorporated herein by this reference in Attachment 1 (Street Dining Operation Restrictions). This Agreement may be terminated by Park City upon a finding of non-compliance of this lease or the attached operational restrictions.

   The use of the Property shall not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Arts Center). The Kimball Arts Center has been leased exclusive use of Main Street during the first Friday, Saturday and Sunday of August. The Property must be vacated (i.e. removal of decks) no later than 10 a.m. MT of the first Thursday of August for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Arts Center consents in writing to allow Tenant’s use of the Property. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant’s cost.

4. USE OF PREMISES. Tenant may use the Premises only for outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. The street dining decks shall be utilized for street dining that will serve lunch and dinner seven days a week for the duration of the lease period. Additional operational restrictions are attached hereto and incorporated herein in Attachment 1. Park City makes no representations regarding the premises and Tenant accepts the premises “as is.”

5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted.

6. SIGNS. No signs shall be permitted on the Premises except as specifically approved by the Park City Municipal Corporation Planning Department pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.

7. INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least Two Million Dollars ($2,000,000) per combined single limit per occurrence and Three Million Dollars ($3,000,000) per aggregate for personal injury, bodily injury and property damage. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be noncontributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.

8. HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant' use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act. In case of an emergency including but not limited to a flood, storm drain, utility, the structure may be removed or damaged by response teams at the cost of the owner.

Tenant shall indemnify, protect and hold the Landlord harmless from and defend (by counsel reasonably acceptable to Landlord) the Landlord against any and all claims, causes of action, liability, damage, loss or expense (including reasonable attorneys' fees and costs and court costs), statutory or otherwise arising out of or incurred in connection with (i) the use, operation, occupancy or existence of the Premises or the presence of visitors, or any other person, at the Premises during the Term or the Renewal Term, (ii) any activity, work or thing done or permitted or suffered by Tenant in or about the Premises, (iii) any acts, omissions or negligence of Tenant, any person claiming through Tenant, or the contractors, agents, employees, members of the public, invitees, or visitors of Tenant or any other such person ("Tenant Party" or "Tenant Parties"), (iv) any breach, violation or nonperformance by any Tenant Party of any provision of this Lease or of any law of any kind, or (v) except to the extent resulting from any negligence or intentional torts of Landlord.

9. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.

11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

12. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Tenant:

____

By:

____

Its:

____

Date:

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this__________ day of _________________, 20___, personally appeared before me ________________, who being duly sworn, did say that he is the Owner of ______________________________, and acknowledged to me that the preceding Agreement was signed on behalf of ___________________________________, and he acknowledged that the company did execute the same for its stated purpose.

____
Notary Public

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
City Attorney's Office

Attachment 1
Street Dining Operation Restrictions

Street dining may be allowed by the Planning Department upon issuance of an Outdoor Dining Administrative Conditional Use Permit. Street dining is permitted from May 1st, and shall terminate on October 30th of each year. A total of twelve (12) street dining decks will be accommodated on Main Street based on the layout of the proposed decks. The Applicant must submit an application, pay an application fee, and provide all required materials and plans. Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit or the Lease may be revoked for failure to comply with these restrictions.

Required Submittals:

- Dining Site Plan – This plan shall be to scale and indicate: the Applicant's building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (light fixtures, fire department connections, parking meters, etc.).

- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc.

Design Standards:

1. Size. Street dining area shall be limited to the linear frontage a building has on Main Street and shall not exceed nine feet (9') in width. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb, as the encroachment of the proposed decks into the sidewalk will not exceed one foot three inches (1'-3"). With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor's street frontage. Forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed forty (40') feet in length.

2. Location/Proximity/Spacing. The City reserves the right to reject an application for an outdoor dining deck:

    - If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.

- If the proposed deck is for a restaurant that does not have direct access at street level.
- If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive.
- If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
- The Building, Planning, and Engineering Departments will review the location, proximity, and spacing of each street dining deck as well as impacts of traffic and public safety concerns. A recommendation will be given to the City Council for final review and approval.

3. <u>Hours of Operation.</u> The street dining decks shall be utilized for street dining that will serve lunch and dinner seven (7) days a week for the duration of the lease period.

4. <u>Material.</u> Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.

5. <u>Height.</u> The maximum height of the deck shall not exceed thirty-six inches (36”) measured from existing grade to the base/floor of the deck at any given point. The layout of the deck may include a step to meet the maximum height allowed.

6. <u>Advertising.</u> Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.

7. <u>Furniture.</u> All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Department per the historic district design review.

8. <u>Umbrellas.</u> Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.

9. <u>Lighting.</u> No additional electric lighting is permitted, including exterior building lighting.

10. Planters. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.

11. Use. The terms and scheduling of the use of the outdoor dining decks must not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Arts Center). Existing MFL recipients must be consulted with if the outdoor dining decks are to remain during their event. If no agreement is reached, the outdoor dining structure must be removed in full for the duration (including set-up and breakdown) of the MFL event. If the outdoor dining structure is not removed as required, PCMC will remove the structure at cost to compensate for the employees and equipment needed to complete the task.

12. Licensing. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.

13. Duration. Street dining is permitted from May 1st, and shall terminate on October 30th, each year.

14. Health & Safety. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.

15. Music. The use of outdoor speakers and music is prohibited.

16. Maintenance. The dining area shall be clean and maintained in a neat and orderly fashion.

17. Storage. All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.

18. Removal. Decks must be completely removed from the Right-of-Way prior to the end of business day October 30. If the outdoor dining structure is not removed as required, the City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.

19. Drainage. Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.

20. Utilities. Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed outdoor dining.

21. Insurance Requirement. The tenant shall carry a policy of liability insurance in an amount of at least $2 million per combined single limit per occurrence and $3 million per aggregate for personal injury, bodily injury and property damage. Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.

Exhibit C – Statement from HPCA

November 11, 2010

Jon Weidenhamer
Thomas Eddington
Francisco Astorga
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Jon, Thomas and Francisco:

Thank you for attending our meeting last Tuesday where we discussed the future of Outdoor Street Desks within the District. As you are aware, the HPCA invited all members of the District to attend. An accompanying survey was also sent with the invitation. Those comments were taken into consideration during the discussion.

Please see the attached Outdoor Dining Deck Position Paper for HPCA's formal position on the decks, as reviewed by our Board, for the 2011 summer season. Please feel free to contact me at 435-640-2732 with any additional questions or for clarification.

Respectfully yours,

Alison Butz
Executive Director

cc. Andy Beerman, HPCA President

Position Statement: Outdoor Dining Decks located in Public Parking

It is the objective of the HPCA to promote Historic Park City as a fun, friendly and vibrant destination. We wish to foster an atmosphere that encourages longer stays and gives pedestrians time to circulate throughout the District. We believe that prolonged exposure to our businesses will increase sales and diversify revenues.

The HPCA agrees upon the following:

- The outdoor dining decks,located in public parking spaces, brought a vibrancy and positive atmosphere to the District.
- The outdoor dining decks, located in public parking spaces, may not have measurably increased traffic to the District, but continuing and expanding the program will help to maintain HPC's vibrancy, competiveness, and overall economic health.
- That the outdoor dining program should be managed in a proactive manner to insure that it is consistent with all of our efforts to improve the district and serve our membership.

The HPCA believes that the decks are a positive addition and supportstheir continuation and expansion.However, the HPCA is cautious about rapid growth in numbers of decks, and will closely monitor(and annually review) their effect on public parking, site lines, events, and pedestrian flow.

Recommendations: While participation during the 2011 summer season is anticipated to increase, the HPCA provides the following recommendations.

- 2011 be limited to no more than 12 outdoor dining deck.
- Participating Restaurants must be located at street level, or receive annual permission from the street level business owners if the business is located on an upper or lower floor of the building
- Maximum length of any deck is 40', but in no case can the deck be longer than the width of the building
- Decks should have consistency in construction, but be decorated to match the building
- Restaurants must have full lunch and dinner service 7 days a week
- Decks cannot be enclosed in any sort of way, including a tent
- Height should be limited to maintain visual corridors
- Restaurants should be assessed a user fee for use of public parking spaces. The user fee should be similar to the business license and take into account the 6 months use of this space. The fees collected should go back to the ongoing promotion and marketing of the District.

With regards to events, such as the Arts Festival, the HPCA requests the City and the Kimball explore modifications to the event footprint to accommodate the use of the decks during the festival. If such negotiations are unable to allow this, the City must notify the applicants at the time of application as to the timeframe for deck removal. In no case should the decks be removed for more than 3 events per season.

The HPCA will retain the option for a retailer to experiment, during the summer of 2011, with retail sales on an outdoor deck constructed by the retailer. They would be required to meet similar time and days of the week requirements as the dining decks. The HPCA would also like to explore the use of smaller, temporary decks for entertainment and artists painted, etc.

Actions: The HPCA will present the position to Park City Municipal Corporation in preparation for City Council discussions. If a retailer is interested in use of a deck, the HPCA Events Committee will review their request, and if deemed suitable, make a formal recommendation to the City.

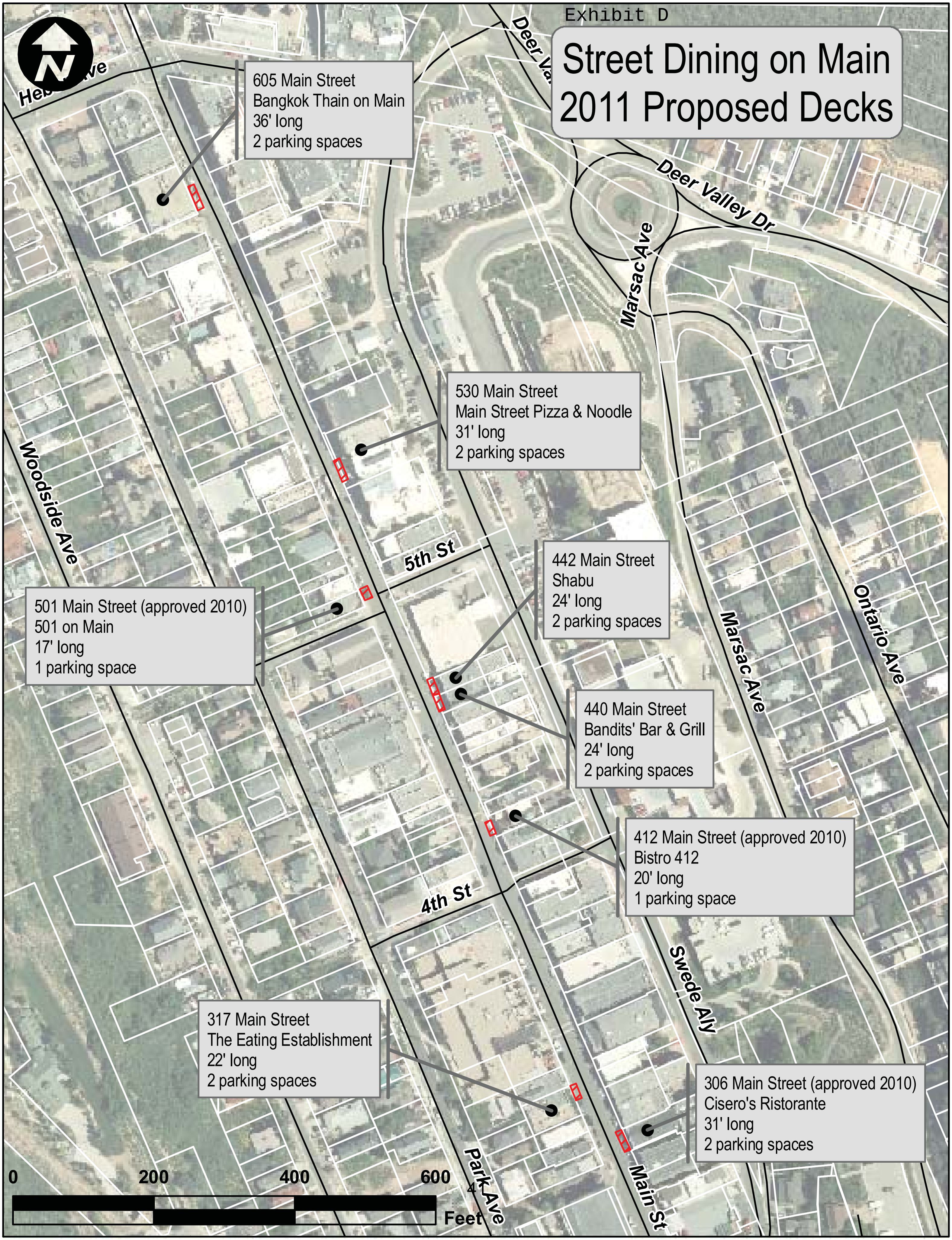
Exhibit D
Street Dining on Main
2011 Proposed Decks
605 Main Street
Bangkok Thain on Main
36' long
2 parking spaces
530 Main Street
Main Street Pizza & Noodle
31' long
2 parking spaces
442 Main Street
Shabu
24' long
2 parking spaces
501 Main Street (approved 2010)
501 on Main
17' long
1 parking space
440 Main Street
Bandits' Bar & Grill
24' long
2 parking spaces
412 Main Street (approved 2010)
Bistro 412
20' long
1 parking space
317 Main Street
The Eating Establishment
22' long
2 parking spaces
306 Main Street (approved 2010)
Cisero's Ristorante
31' long
2 parking spaces
Deer Valley Dr
Marsac Ave
Woodside Ave
Ontario Ave
5th St
4th St
Swede Aly
Park Ave
Main St
0
200
400
600
Feet

kimballartcenter

Date: April 8, 2011

To: Jonathan Weidenhamer, Park City Municipal

From: Robin Marrouche

Re: 2011 Park City Kimball Arts Festival Supplemental Master Festival License Request

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Festival Hours

To address HPCA request of extending our hours, KAC is going to open the Park City Kimball Arts Festival by 5:00 pm on Friday with all programming. This is a huge push for KAC to load the entire street within the time allotted and open to the public. KAC will also maintain the extended hours on Saturday and Sunday requested by HPCA last year. Festival hours will be Friday 5:00 pm – 9:00 pm; Saturday 9:00 am – 7:00 pm and Sunday 9:00 am – 6:00 pm.

Restaurant Decks:

To work with the restaurants building summer dining decks and to accommodate the HPCA request of allowing fewer outside food vendors, Kimball Art Center will re-arrange the Festival layout to allow all 9 deck applicant restaurants to operate during the 42nd Annual Park City Kimball Arts Festival. This accommodate without re-figuring the entire festival displaces 55 booths of the 260 possible with a potential revenue loss of $28,650 to the Kimball Art Center.

To minimize restaurant deck impact, KAC is activating areas of the street that have not been in the past and might be a large disadvantage for our exhibiting artists such as upper and lower Main Street, Seventh Street and Heber Avenues. In addition, the Main Stage will be moved back to the Wasatch Brew Pub where it was removed due to a lack of attendance in this location two years ago. To salvage more artists' booths, KAC will be eliminating four food concessionaires resulting in a concession revenue loss of $4,800. Even with these adjustments KAC will have a net loss of 11 of booths and $6,875.00 in exhibitor revenue.

KAC requests that upon conclusion of the 2011 Arts Festival that Park City Municipal and KAC debrief on the restaurant deck implications and the result of the reconfiguration of the Arts Festival. Currently, after the design of the 2011 Festival, KAC recommends, moving forward, that Park City limit the number restaurants decks to a maximum of 9. If all 12 allowable restaurant decks were approved this year, the Festival would not have been able to accommodate them. The nine decks for 2011 are pushing the Festival to a logistical breaking point.

Transit – 9th Street

KAC requests a transit stop at 9th street with the ability to drop off and pick up. Previously, 9th Street has been used as a dropped off point for PCMR buses without the capability of pick-up at the same location. This request is being made to help assure pedestrian traffic to the newly activated areas under the restaurant deck reconfiguration. By picking up and dropping off at 9th, attendees will have to pass the Arts Festival exhibitors' booths relocated to lower Main Street at least twice during the day directly improving the potential for purchases.

kimballartcenter

Friday Night – Free Locals

KAC will again offer "Free Locals Friday Night" with locals being defined at all Summit County residents and second home owners. This expansion of the definition of local was decided by the KAC's Board of Directors as the KAC benefits greatly from Park City and the Summit County communities. For non-locals, in 2011, KAC intends to charge an admittance fee.

In 2010, based on HPCA request, KAC didn't charge non-locals. On HPCA's recommendation KAC purchased and distributed 14 KAC branded donation boxes manned by volunteers to tell our story. The result was that donations barely covered the cost of buying the donation boxes even though Lighthouse Research estimated over 10,000 people at the Festival Friday evening with 71% of the attendees being non-Park City residents.

As the secret of the historic "Free Friday night" has become widely circulated by media outlets in Salt Lake City, non-Parkites are capitalizing on this opportunity. This usurious action harms the Kimball Art Center as the Arts Festival is our largest annual fundraiser. All Festival proceeds enable the KAC to provide free year-round exhibitions, art talks and community outreach to schools, teachers, students and other nonprofit organizations.

Additionally, since the "secret" of Friday night is known in the press, KAC and our local collaborative partners such as Park City Performing Arts Foundation, Utah Symphony and Canyons will be cross-promoting weekend activities to attract out-of-state/area visitors to come and stay. KAC will be messaging Friday night's opening in its $250K plus media trade/buy campaign.

Ticket prices for Park City visitors will be $10 for adults, $5 for children 6-18 and free for children 5 and under. Tickets sold on Friday, the Opening Night, provide first access to the best art selection and enable visitors to return to the festival for the entire weekend encouraging them to come and stay. Festival ticket revenue directly offsets the Festival's $250,000 plus budget and helps assure KAC's continuous full-year operation.

KAC will message the new Friday night scenario in all Festival marketing materials starting in May to alleviate any confusion between local/non-local attendees. Two entry lines will be erected, local/non-local, for each operational gate on Friday night for smooth, quick processing. Locals will be asked to show ID, a rental release or utility bill to prove residence. KAC will also place more volunteers and KAC staff and Board Members at entrance gates to help direct the flow of pedestrians.

Exhibit F – Stage/scaffolding Concept


CAUTION

So You Want to Join the Fun Create Street Dining On Main For Your Restaurant

park city planning department

In recognition of the ongoing nationwide trend to dine outdoors, Park City Municipal Corporation has created the opportunity for restaurant owners to utilize a portion of the Main Street right-of-way for outdoor dining decks. In 2010, the City Council authorized the Planning Department to begin working with interested Applicants and assist them with the approval process. In short, street dining may be permitted for your existing restaurant on Main Street upon the execution of a Lease Agreement between the City and the Applicant (done at a Council meeting) and the issuance of an Outdoor Dining Administrative Conditional Use Permit (CUP), to be completed through the Planning Department. Applicants must submit an application, pay an application fee, and provide all required materials and plans as noted below by **Monday, March 14, 2011 by 5:00 PM**.

WHAT YOU NEED IN ORDER TO SUBMIT:

- Administrative Conditional Use Permit Application
- Dining Site Plan – This plan shall be to scale and indicate: the Applicant's building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (e.g. light fixtures, fire department connections, parking meters, etc.).
- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc

DESIGN GUIDELINES AND CRITERIA FOR STREET DINING ON MAIN

Size - Street dining area shall be limited to the linear frontage a building has on Main Street and shall not exceed nine feet (9') in width. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb, as the encroachment of the proposed decks into the sidewalk will not exceed one foot three inches (1'-3"). With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor's street frontage. Forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed forty (40') feet in length.

Location/Proximity/Spacing - The City reserves the right to reject an application for an outdoor dining deck:

- If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.
- If the proposed deck is for a restaurant that does not have direct access at street level.
- If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive.
- If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
- The Building, Planning, and Engineering Departments will review the location, proximity, and spacing of each street dining deck as well as impacts of traffic and public safety concerns. A recommendation will be given to the City Council for final review and approval.

(cont.)

DESIGN GUIDELINES AND CRITERIA FOR STREET DINING ON MAIN (cont)

Hours of Operation - The street dining decks shall be utilized for street dining that will serve lunch and dinner seven (7) days a week for the duration of the lease period.

Material - Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.

Height - The maximum height of the deck shall not exceed thirty-six inches (36") measured from existing grade to the base/floor of the deck at any given point. The layout of the deck may include a step to meet the maximum height allowed.

Advertising - Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.

Furniture - All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Department per the historic district design review.

Umbrellas - Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.

Lighting - No additional electric lighting is permitted, including exterior building lighting.

Planters - Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.

Use - The terms and scheduling of the use of the outdoor dining decks must not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, including the Arts Fest (Kimball Arts Center). Existing MFL recipients must be consulted with if the outdoor dining decks are to remain during their event. If no agreement is reached, the outdoor dining structure must be removed in full for the duration (including set-up and breakdown) of the MFL event. If the outdoor dining structure is not removed as required, PCMC will remove the structure at cost to compensate for the employees and equipment needed to complete the task.

Licensing - The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.

Duration - Street dining is permitted from May 1st, and shall terminate on October 30th, each year.

Health & Safety - The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.

Music - The use of outdoor speakers and music is prohibited.

Maintenance - The dining area shall be clean and maintained in a neat and orderly fashion.

Storage - All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.

Removal - Decks must be completely removed from the Right-of-Way prior to the end of business day October 30. If the outdoor dining structure is not removed as required, the City will remove the structure at cost to compensate for the employees and equipment needed to complete the task.

Drainage - Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.

Utilities - Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed outdoor dining.

Insurance Requirement - The tenant shall carry a policy of liability insurance in an amount of at least $2 million per combined single limit per occurrence and $3 million per aggregate for personal injury, bodily injury and property damage. Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.

Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit (CUP) and/or Lease may be revoked for failure to comply with the aforementioned restrictions. Beginning in 2011 Park City Municipal Corporation will review all proposed on-street dining decks collectively. To faciliatate this review process, all applications for on-street dining decks will be due **Monday, March 14, 2011 by 5:00 PM**. Please contact the Planning Department at 435.615.5060 should you have any questions or wish to pursue an application for outdoor dining. We look forward to working with you to create a unique Main Street experience this summer!

2011 STREET DINING ON MAIN
CONDITIONAL USE PERMIT

park city planning department

APPLICATION SUBMITTAL 1

the planning department will only accept applications that meet all submittal requirements of the specific application - the application deadline for the 2011 season is **march 14, 2011 by 5:00 pm**

COMPLETE APPLICATION 2

application is given a cursory review by the project planner to check all requirements - comments and anticipated schedule are sent to the applicant within seventy-two hours from the assignment of the application

DEVELOPMENT REVIEW MEETING 3

once the application is deemed complete the project planner, on behalf of the applicant, will meet with representatives of local utility companies, building department, legal department, and engineering department to discuss the anticipated impacts of the proposed application including ranking criteria based on location/proximity/spacing, etc

PRE-HISTORIC DISTRICT DESIGN REVIEW (HDDR) 4

while outdoor dining permits are not required to go through a complete hddr application process in terms of noticing, etc.; the application must be presented to the design review team (drt) to ensure compliance with the design guidelines - these meetings are held every wednesday on an as-needed basis - the drt is made up of the applicant, the project planner, the building official, and the city's historic preservationist

STAFF ANALYSIS – LEASE AGREEMENT 5

the project planner will prepare a staff report based on professional analysis of the information submitted – this report and supplemental information will be include in the informational packet distributed to city council for their next available meeting

CITY COUNCIL HEARING 6

the city council, as owner of the city's rights-of-way, must approve the staff-prepared lease agreement at a public hearing - the city council meetings are held every thursday evening

STAFF ANALYSIS – ADMINISTRATIVE CONDITIONAL USE PERMIT 7

once approved by city council the project planner will prepare a staff report based on expert analysis of the information submitted – the property will be posted and a courtesy mailing will be sent to adjacent property owners - this noticing begins a ten day period during which the planning department will assess any public comment on the proposed outdoor dining decks

ACTION LETTER 8

subsequent to the ten (10) day noticing period, the applicant will receive a letter outlining the decision of the planning department along with the final findings of fact, conditions of approval, and/or conclusions of law

City Council
Staff Report

Subject: **Comstock/Sidewinder Walkability Project**
Author: **Heinrich Deters/Matt Twombly**
Date: **March 3, 2011**
Type of Item: **Informational Update**

Recommendation
This report is an informational construction update for the Comstock/Sidewinder Walkability Project.

Background
At the January 21, 2010 work session meeting, Council directed staff to move forward with the design of a separated pathway along the East side of Comstock Drive, which will remove bike lanes and not impact landscaping within the right of way outside the line of the existing curb and gutter. This option also removed parking from the east side of the street but maintained parking on the west side. Council also directed staff to examine traffic calming options and crossings at Little Bessie and Ina.

In January 2011, the City entered into a Professional Service Provider contract with Horrock's Engineering for design, construction management and public Involvement of the project. On March 3rd, 2011, staff presented Council with an update to the project in response to the current design, the public process, the Public Open House held on March 1, 2011, and the involvement and coordination of Questar Gas's gas line replacement project.

<u>Analysis</u>

Update to Project Scope – Through the engineering and design process, Staff is able to provide Council with a more specific description of the following project aspects:

1. Landscaping
2. Traffic calming on Sidewinder at the Gold Dust intersection
3. Questar timeline
4. Construction impacts due to the design changes on Comstock.

Landscaping:
The landscape design team, consisting of members of the Sustainability and the Parks Departments, is recommending the use of xeriscape materials within the landscape buffer on Comstock. This design calls for low water and drought tolerant shrubs and ground cover. This design may require additional maintenance initially, as well as, some time for the landscaping to fully mature.

Traffic Calming Measures along Sidewinder and at the Intersection of Gold Dust and Sidewinder Drive:
Recommendations from the Fehr and Peers Traffic Calming study completed as an implementation step of Walkability, provided a list of alternatives (see below) including; travel

lane striping, center medians near Gold Dust Lane, and improved crosswalks with bulb outs at Gold Dust Lane and improved crosswalks at Comstock Dr.

Staff including members of the Sustainability, Public Works, Streets, and Transit initially recommended a 3-way stop sign at Gold Dust and Sidewinder consistent with the WALC recommendation, but no vertical traffic calming measures due to the fact that center medians and bulb outs would present issues with Transit, snow removal, and access to driveways.

The team had Horrocks perform an additional warrant study on the 3-way stop sign to confirm the legitimacy of the measure. As part of their study mentioned above, Fehr and Peers performed a study of the stop signs on Sidewinder at Gold Dust as part of the Traffic Calming Study and found that they were unwarranted. Results from the Horrock's warrant study reconfirmed that the stop signs are unwarranted at this time.

The design team then met with the PCMC Neighborhood Traffic Calming Committee (NTCC), on Friday April 1st on Friday April 1st to secure a final recommendation on the stop signs. The group, which includes the City Engineer, Police, Fire, Public Works, and Sustainability recommended that the stop signs NOT be installed as part of the project.

The design team recommends (consistent with the 2 studies and NTCC) that the stop signs on Sidewinder Drive are not installed as part of the project at this time. The recommendation is to take an incremental approach with traffic calming. A study will be performed in 2012 to see if stop signs are warranted or other traffic calming features should be implemented, once the sidewalk, the lane striping, driver feedback and "Residential Area" signs are installed and their traffic calming effects can be gauged.

The current design for Sidewinder and Gold Dust Lane consists of the following traffic calming features:
-Lane striping on Sidewinder between Comstock and Gold Dust to visually narrow the roadway and provide flex space for parking and bicycles.
-Raised intersection at Comstock and Sidewinder.
-Colored concrete crosswalks on the south and west legs of the Gold Dust and Sidewinder intersection.
-An "Entering Residential Area" sign on the east bound lane of Sidewinder.
-A Driver Feedback Sign on the eastbound lane of Sidewinder.

Alternatives

Fehr & Peers developed multiple alternatives for both segments of the Sidewinder Drive corridor. The alternatives are cumulative, representing a range of options from low-cost to higher-cost. As mentioned above, the following alternatives assume construction of a sidewalk on the south side of Sidewinder between Comstock and Gold Dust.

Sidewinder Drive between Comstock Drive and Gold Dust Drive

- Alternative 1: Stripe vehicle travel lanes, bike lanes, and crosswalk improvements at Gold Dust Drive and Comstock Drive
- Alternative 2: Alternative 1 improvements plus center island near Gold Dust Drive, textured crosswalk treatment with bulbouts
- Alternative 3: Alternative 2 improvements plus raised crosswalks at Gold Dust Drive
- Alternative 4: Alternative 3 improvements plus speed lumps

Sidewinder Drive east of Comstock Drive

- Alternative 1: "Residential Area" signage, speed feedback signs, continued monitoring
- Alternative 2: Alternative 1 improvements plus speed lumps

Recommendations

Based on technical analysis and feedback from the community and Park City staff, Fehr & Peers recommends the following improvements.

Sidewinder Drive between Comstock Drive and Gold Dust Drive: Alternative 2 is the recommended option. Improvements should include:

- Center islands near Gold Dust Drive, serving as a neighborhood entry feature and pedestrian refuge
- Textured pavement crosswalks at Gold Dust Drive with bulbouts
- Improved crosswalks at Sidewinder Drive/Comstock Drive
- Travel lane striping: 12-foot lanes with edge striping

Questar Gas Line Project
Staff updated Council on March 3, 2011 about the Questar Gas project to replace their gas line. Staff has continued to coordinate with Questar and their project is still on schedule. The project is out to bid and they anticipate their contractor to mobilize for the gas line on the west side of Comstock and the north side Sidewinder between May 20th and May 31st.

Comstock Roadway Construction and Impacts
During design and engineering for the Comstock pathway project Horrock's identified grade issues associated with tying the new roadway, path and driveways together. Asphalt core samples and geotechnical reports have been completed for both roadways. The following recommendations have been made for the construction process:

-Sufficient drainage for the project
-A centered roadway crown with less than 3% cross slope

-Appropriate cross slopes for driveway tie-ins on both sides of Comstock Dr.

Comstock Drive- Due to the existing conditions, the road crown, and grades of driveways and associated with the final project, milling and resurfacing of the roadway is not recommended. The project engineer and design team is recommending that the entire roadway be completely removed. The entire asphalt surface will be removed and recycled. All of the curb and gutter on both sides of the road will be removed. The base course will be re-graded to the appropriate crown and side slopes. New curb and gutter installed on both sides of the street, and a new 4" thick asphalt surface installed.

Pros:
-Sufficient drainage
-Ability to meet grades for pathway and existing driveways on the east side
-Recommended cross slopes and crown for roadway
-Appropriate cross slopes for driveway approaches on the west side
-The entire surface (including curb & gutter) of the street will be reconstructed reducing maintenance needs and lifespan for reconstruction.

Cons:
-Neighborhood impacts will be greater to residents on the west side of the street
-Traffic impacts will be greater for through traffic due to the reconstruction
-There is an increase in cost for concrete curb and gutter, but it is mostly offset by the cost of asphalt removal and recycling versus the cost of roto-milling

See the significant impacts section below for additional information.

Timeline:
The design team is in the process of finalizing construction drawings and look to bid the project in May. Construction on the Comstock portion of the project is slated for the period of June 13-mid August, which corresponds to the school summer break. The project close out is scheduled for October 10th.

Public outreach:
Staff, in conjunction with Horrock's Public Involvement team, has conducted extensive outreach to notify residents in the affected areas of this meeting. Outreach for the meeting included delivering a door hanger to residences in the area with a notice of the Council meeting, phone numbers and website address to find out more information, and the date of the next open house.. A second pre construction open house is scheduled for June 7th. The project website has been updated to provide further information for residents. Public Involvement during construction will include the following:

- Project hotline number
- Website with specific email contact
- Weekly construction updates posted on City and project websites
- Public Involvement team on site once a week to walk the neighborhood and discuss with residents
- A City representative and Horrock's personnel on site each day to provide a point of contact.

Significant Impacts

There will be additional construction related impacts due to the new design especially to the residents on the west side of the street. The reconstruction of the road will also increase construction related delays to traffic on Comstock. The project team will work with the Contractor when contracted to develop a construction and traffic control plan. This plan will be communicated to the residents at the open house and to public during the project through the media during the course of the project.

The current Engineer’s estimate is $780,000 which is within the budgeted $1.3M for the entire project.

The Streets department does not have a schedule for the complete reconstruction of pavement on roads. The Streets department prioritizes, milling and overlays, and slurry sealing on a yearly basis as part of the Pavement Management program for roads that need the most attention. The Pavement Management program continually extends the life of the pavement instead of a complete replacement as might be performed on an OTIS street reconstruction project. Likewise curb and gutter is replaced in sections that are most in need with the funds available. Beyond this, property owners may request curb and gutter replacement adjacent to their property by the City. If necessary the City will replace up to two sections of curb and gutter at the City’s expense. If the adjacent property owner requests additional curb and gutter replacement then the property owner would be responsible to pay for the additional curb and gutter replacement above and beyond the two sections.

Similar to Questar Gas, staff has been coordinating with the Water department to determine if any infrastructure upgrades are necessary while Comstock is under construction. Water has determined that the main line and service lines to meters should last at minimum 5 years to 20 years or more. The cost to replace the main and service lines is estimated at $300,000 - $500,000. The increased scope would create substantial impacts to the project duration and completion, significant impacts to the homeowner’s landscaping within the ROW, additional traffic and access impacts, and funding and staff resource impacts. Water is not recommending any upgrades to their facilities in Comstock due to the impacts listed and due to other priorities with more immediate needs for replacement.

Departmental Review

This report has been reviewed by the Sustainability Team, Streets, Legal Department, and City Manager.

Staff Recommendations:

This report is an informational construction update for the Comstock/Sidewinder Walkability Project.

Attachments:

Exhibit A -Comstock Drive Design
Exhibit B – Sidewinder Drive Design

Exhibit A

HORROCKS ENGINEERS

Exhibit B

HORROCKS ENGINEERS

City Council
Staff Report

PARK CITY 1884

Author: Jonathan Weidenhamer
Subject: Treasure Hill Letter of Intent (LOI) Update
Date: April 21, 2011
Type of Item: Informational

Summary Recommendations
This is an informational update only. The current Letter of Intent (LOI) with MPE, Inc. (Sweeney Family and partner Park City II. LLC) expires on April 30, 2011. City Council should provide preliminary direction for Staff to return on April 28, 2011 to extend the LOI.

Background
On April 22, 2010, the City Council elected to appoint a hearing appeal panel as the appeal body for the pending Treasure Hill CUP application. This enabled the Council to explore other roles beyond the traditional regulatory/appeal role, including consideration and negotiation of sale and the purchase and/or transfer of density rights.

On September 30, 2010 Park City (PCMC) and MPE Inc. entered into an LOI (Exhibit A) with the following three tenents:

1. Consider various options, not limited to, bond, transfer and/or sale to move approximately 50% of the density off of Treasure Hill; while keeping the remaining resort and residential related density, infrastructure and tax base in a lower height, spread out, compatibly redesigned hotel and residential project with ski and pedestrian connections to PCMR and Main Street;
2. Purse a second parallel track of a complete buyout or transfer of 100% of the density;
3. Participate in a redesign process with the goals of creating a project compatible with old town that addresses the impacts of development including height, visual mass and scale, traffic, excavation, etc.

<u>Current Entitlement</u>
Within the current approved Master Planned Development the maximum allowed unit equivalents (UE) for residential is 197 (1 residential UE = 2,000 square feet) and commercial is 19 at 1,000 square feet per UE, for a total of 216 UE's.

Treasure Hill Entitlement Summary			
	UE's	sf/UE	sf total (net)
Residential	197	2,000	394,000
Commercial	19	1,000	19,000
Total	216	1,912	413,000

This does not account for any support commercial, other "back of house" or gross square feet that would have to be evaluated under other applicable code criteria.

<u>Negotiation Update</u>
The parties have had intermittent meetings since entering into the LOI. The tone of the discussions has been cooperative to date. Some of the items have been data and research

driven, while other topics have been more negotiation based. The following are areas discussions have been focused:

- Value
- Two Alternatives in LOI
    - Complete Buyout or Density Transfer
    - Removal of approximately 50 percent density option
- Community Vision Filter – finding balance between economic, community, and environmental goals
- Redesign Process & Options (for ½ density)
- Efficiencies of Hotel Development (net vs. gross sf)
- MPD Limitations & challenges
- Regulatory Process
- Current agreements between Sweeney Family & PMCR
- Transfer of Density Rights (TDR)
- Methodology to remove density
- Potential Receiving Zones
    - Main Street
    - Bonanza Park
    - Expanded base area adjacent to PCMR

While progress has been slow, staff believes that both parties are firmly committed to finding an agreeable solution. During the process we've learned the Sweeney Family is:

- Committed to the long-term economic success of Park City and Main Street in particular
- Committed to living up to agreements they've made in the past;
- Willing to not "max out" their financial return;
- Wanting people to know their history and story of how we got here;
- Willing to remove some or all of the density, but they strongly prefer to keep at least ½ the density;
- Willing to take a long-term pay-out;
- Firm in their belief that the incremental cost to remove UE's will go up drastically as more density goes away; and
- Asserting that the cost to go to the zero density option is anticipated to be even more drastic.

Analysis
The LOI defines a series of deliverables (Exhibit A). To date the parties have completed the following:

1. Identification of preliminary/concept changes to major parameters that could affect capital and developmental costs.
2. Phases I & II of the redesign, consistent with goals identified in the LOI. Three preliminary redesign concepts for ½ the Treasure density are included (Exhibit C) and compared to the pending Planning application. Much more detail and analysis will be provided at a public open house, anticipated in the third week of May. The redesign concepts are based on the goals identified in the following LOI excerpt below:

Redesign Cost & Participation – joint (financial) participation in a conceptual redesign process, with designers from Ritz Carlton, Elliott Work Group, and participation of City staff, including the Planning Director and Economic Development Manager. This conceptual redesign exercise will have the following phases, scope and estimated costs:

Phase	Scope	Total Cost (not to exceed)	Led by:
I	Analyze existing plan, isolate major conflicts, identify conceptual massing & site redesign consistent with City goals	$10,000	Elliott Work Group (EWG)
II	Bring Ritz to site, integrate initial Ritz design parameters into concept plan	$10,000	Joint - EWG & Ritz Carlton
III	Articulation of Phase II conceptual plan by Ritz and graphic representation of ideas to blend the proposed hotel into the landscape/townscape	$30,000	Joint - Ritz Carlton & EWG
IV	Further articulation of specific components within Plan, ie: gross sf, parking spaces, actual height, etc.	$30,000	Ritz with input from EWG

Park City agrees to an initial cash contribution of $10,000 for Phase I and a total cash contribution not to exceed $20,000 for phases I and II. Furthermore, Park City agrees to reimburse up to an additional $30,000 ($50,000 maximum total expense) for Phases III and IV. This reimbursement will occur as part of the final mechanism to remove density off of Treasure Hill, and only if the zero density option is selected and approved. Prior to agreeing to move into any new Phase after the first, the parties agree to formal progress reviews (by the entire City Council and MPE) to verify consistency with goals in this LOI.

To date the parties have not completed the following:

1. Identified a preferred density alternative (zero vs. ½);
2. Agreed on a value of the density for either option;
3. Determined the threshold or amount of density (cost) the community would be willing to purchase;
4. Identified a maximum gross square footage and construction limits of disturbance, but likely not exhausted all potential major parameters that affect the capital and development costs;
5. Phases III & IV of the redesign.

Issue for Discussion

Transferring some or all of the density from Treasure Hill has been a topic of discussion. City Council recently enacted a Transfer of Density (TDR) ordinance that would allow this. There has been discussion about density being transferred to the Bonanza Park area. Given the amount of density potentially available in that area, Council may want to explore other receiving areas.

<u>Is City Council supportive of exploring the concept of a new density receiving zone adjacent to Park City Mountain Resort – the various entities request preliminary feedback prior to risking the additional expenditure of time and resources to better understand its feasibility?</u>

The Sweeney Family continues to explore other alternatives to move density from Treasure Hill. They have recently begun discussions with 2 major landowners at the base of Park City Mountain Resort, Bernolfo/Bamberger Properties (Bernolfo) and Park City Mountain Resort

(PCMR) who each own significant land adjacent to the existing developed base area of PCMR (Exhibit B).

Staff believes moving density over the King's Crown ridge to an "expanded PCMR base area" adjacent to the Marriott Mountainside may be appropriate for the following reasons:

- Keeps density at an existing commercial resort base
- Uses existing roads and parking infrastructure
- Reduces traffic impacts further south into Old Town
- Puts bed base at PCMR, helping the resort economy
- May help resolve potential unintended conflict with formal Sweeney/PCMR agreements
- Minimizes visual impacts on Old Town and puts height & massing in a compatible location
- Relocates density adjacent to the Lower Park Avenue Redevelopment District

Possible negative aspects may include:

- Enables new location for density that doesn't currently exist
- May facilitate growth in an area currently facing site development and access challenges
- May target area for more density than it can reasonably handle from a Sensitive Lands Overlay standpoint (visual, steep slopes)
- May impact current PCMR base operations (Payday lift, alpine slide)
- Unknown level of feasibility in terms of cost to access the site vs. potential transferred or consolidated density that can be accommodated

Private parties are holding all discussions, and all feasibility costs will be borne by private parties. Notwithstanding, the parties may request the City to participate, as they did in the current LOI with the redesign. Any consideration of a new receiving area (amendments to the TDR ordinance) would have to be vetted through a public hearing process at the Planning Commission and City Council.

To see if transferring density to an expanded resort base is possible a feasibility study will have to be pursued. Staff believes it is unlikely the private property owners will be inclined to put resources into such study unless they feel it is a viable alternative and the preferred option to pursue. The City does not believe it is its role to conduct such study.

Next Steps

Staff recommends City Council consider the following next steps. Staff will return on April 28, 2011 with changes to the LOI based on preliminary input tonight and a scheduled owners negotiation meeting early next week.

1. Extend LOI through June 30, 2011
2. Complete value/cost discussions between parties
3. The parties co-host an open house in May, with the following goals:
   a. Update the community on the specifics of the redesign options;
   b. Create early opportunities for public input on a new receiving zone adjacent to PMCR;

   c. Informally gage threshold for purchase of ½ or all of the Treasure density
4. Based on progress on #'s 2 & 3, give administrative authority to consider extending LOI through end of November to allow, if necessary:
   a. A bond on the November ballot to potentially purchase development rights that are not transferred or developed on site.
   b. Further refinement of LOI terms & deliverables; including in particular identification of a preferred density alternative.

The LOI will expire on April 30 2011. Staff continues to believe continuing negotiations is in the best interest of the community as opposed to having the CUP process completed with the pending application, especially given the high risk of having it settled through potential appeals/litigation. Unless otherwise directed, staff intends to return on April 28, 2011 during the regular City Council meeting to discuss extending the LOI pursuant to the input received on the items outlined above.

Recommendation

This is an informational update only. The current LOI with MPE Inc. expires on April 30, 2011. City Council should provide preliminary direction for Staff to return on April 28, 2011 to extend the LOI.

Exhibits

Exhibit A –LOI
Exhibit B – Land Ownership map & potential receiving zone
Exhibit C – 3 Redesign Concepts (50% density)

Exhibit A

Letter of Intent between Park City Municipal Corporation ("Park City") and MPE, Inc, ("MPE") the ("Parties")

September 30, 2010

Purpose

Per the ongoing MPE and City Council discussions throughout June – September 2010 the Parties intend to focus on negotiating possible modifications to the Hillside Portion of the Sweeney Properties Master Planned Development ("MPD") and revise the Conditional Use Permit ("CUP"). Prior to submittal of formal modifications to the current MPD and pending CUP revision for Planning Commission review, the Parties believe the framework for additional terms should be agreed to. The purpose and goal of this Letter of Intent ("LOI") is to use a combination of various financing options, but not limited to, bond, transfer and/or sale to move density off of Treasure Hill approximately 50% of the Treasure Hill unit equivalents and development rights granted in the 1986 Sweeney Properties MPD (including unit equivalent density); while keeping the remaining resort and residential related density, infrastructure and tax base in a lower height/spread out, compatibly redesigned hotel/facilities and associated whole ownership residential with ski and pedestrian connections to PCMR and Main Street. Park City and MPE agree in concept to the following terms contingent upon further discussion and finalization. These concepts and ideas are not binding on the Parties, however they do set the direction and intent of a redesign of the hotel/facilities and associated whole ownership residential, ski-to ski-from configuration and any transaction that might take place, including a complete buyout of the remaining Hillside Portion of the Sweeney Properties MPD between the Parties:

<u>General Terms</u>

1. LOI expires April 30, 2011, consistent with the MPE suspension of the current Planning Commission review of their pending CUP application.
2. Park City acknowledges that MPE also represents the landowners, Sweeney Land Company and Park City II, LLC and any agreement will have to be agreed to by the landowners.
3. Both parties agree to jointly release media and public statements in mutually agreed upon written press releases, unless otherwise previously agreed upon in writing, provided nothing herein shall limit comments or presentations conducted in open public meetings.
4. Staff, MPE and Council Liaisons shall conduct all negotiations. General meetings with board members, other City elected officials or other affected parties such as Park City Mountain Resort or owners of potential density receiving zones are to be considered only informational. Such participation may be subject to a confidentiality agreement.
5. The parties agree to exchange confidential information through a series of "draft" agreements that will continue to be modified until the Parties agree in writing to a "final" agreement.
6. The parties shall identify and support a preferred alternative prior to expiration of the LOI.
7. On April 30, 2011, the LOI shall be null and void unless amended and or extended in writing by both parties. MPE reserves the right to pursue its currently pending CUP application in accordance to the terms of the approved MPD.
8. The parties agree to pursue in good faith the means and mechanisms needed to facilitate sale, purchase and/or transfer of the Treasure Hill unit equivalents and development rights granted in the 1986 Sweeney Properties MPD (including unit equivalent density) that

includes a complete buyout option of the remaining Sweeney Properties MPD Hillside rights between the Parties.

9. It is the intent of the parties to negotiate terms of using less of the Treasure Hill unit equivalents and development rights granted in the 1986 Sweeney Properties MPD (including unit equivalent density), while keeping the remaining resort and residential related density, infrastructure and tax base of the Hillside Portion of the MPD on the Treasure Hill Site and revisions to the CUP that address the items below.
10. Confidentiality – unless otherwise agreed, all negotiations and draft documents shall remain confidential until both parties agree to public release of such terms and plans. Both parties shall cooperate to periodically engage and inform the public regarding negotiated alternatives and provide timely and meaningful opportunities for public input.

Ongoing Discussion Points

These are subject to change and renegotiation at the discretion of both parties. These items include, but are not limited to:

1. Project Alternatives – The parties will pursue two project alternatives concurrently, establishing the value of each option. These options are: 1) a reduced density option; and 2) a zero density option. Park City shall research and take necessary steps to determine if a zero density option, with cost, terms, and mechanism (not limited to purchase, transfer, or sale) to reduce density, of the Sweeney Properties MPD Hillside rights, subject to Sweeney Land Company's and Park City II, LLC's obligation, under the 1981 Tram Agreement as amended is desired by Park City.
2. Unit Equivalents – reduce the current 216 UE's by approximately 50% through a combination of various financing options, but not limited to, bond, transfer and/ or sale of to move off of Treasure Hill approximately 50% of the Treasure Hill unit equivalents and development rights granted in the 1986 Sweeney Properties MPD (including unit equivalent density). A combination of the various financing options includes a proportional buyout of the remaining Sweeney Properties MPD Hillside rights between the Parties.
3. Square Feet – agreement to identify a maximum gross square footage and construction limits of disturbance allowed and other major parameters that affect the capital/development costs and sustainability of the hotel/facilities and associated whole ownership residential.
4. Redesign Cost & Participation – joint (financial) participation in a conceptual redesign process, with designers from Ritz Carlton, Elliott Work Group, and participation of City staff, including the Planning Director and Economic Development Manager. This conceptual redesign exercise will have the following phases, scope and estimated costs:

Phase	Scope	Total Cost (not to exceed)	Led by:
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5. Redesign Goals Approved by City Council – the remaining density should be redesigned with the goals of providing a sustainable project compatible with Historic Park City and reducing impacts of the proposed development including: height and/or final above grade massing and scale; final building aesthetics; traffic, excavation and site impacts while maintaining the proposed ski-to ski-from amenities including but not limited to beginner skiing into Historic Park City, new snow making, high-speed quad lift and cabriolet gondola people mover. The reduction of height will require spreading the hotel/facilities and associated whole ownership residential over the site including the locations of the One and Five Buildings.

Acknowledgment:

Park City Municipal Corporation

Acknowledgment:

MPE, Inc.

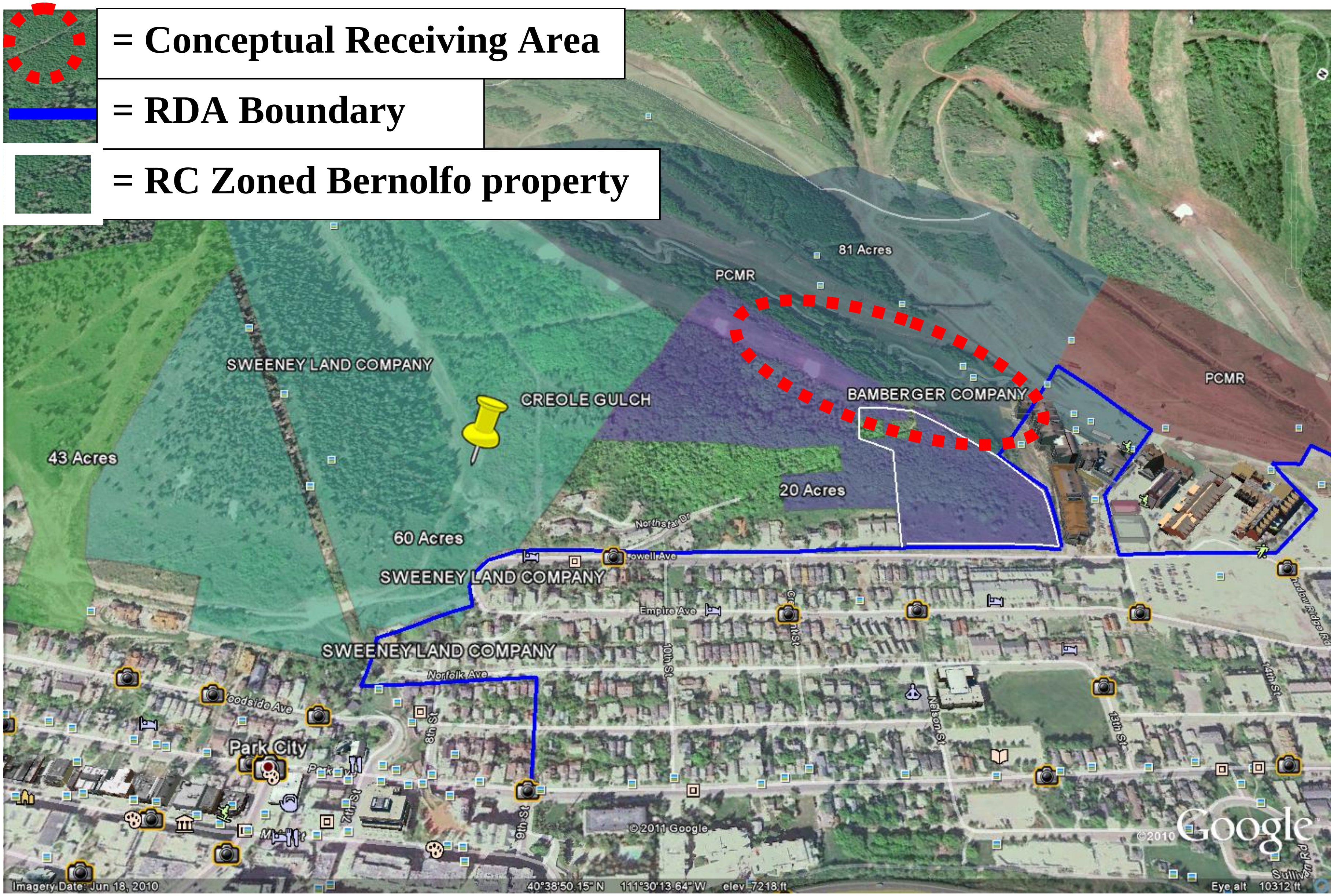
Acknowledgment:

Sweeney Land Company

Acknowledgment:

Park City II, LLC

Exhibit B


= Conceptual Receiving Area
= RDA Boundary
= RC Zoned Bernolfo property
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PCMR
SWEENEY LAND COMPANY
CREOLE GULCH
BAMBERGER COMPANY
PCMR
43 Acres
20 Acres
60 Acres
SWEENEY LAND COMPANY
SWEENEY LAND COMPANY
Norfolk Ave
Empire Ave
Park City
©2011 Google
Imagery Date: Jun 18, 2010
40°38'50.15" N 111°30'13.64" W elev 7218 ft
Eye alt 10312 ft
Google

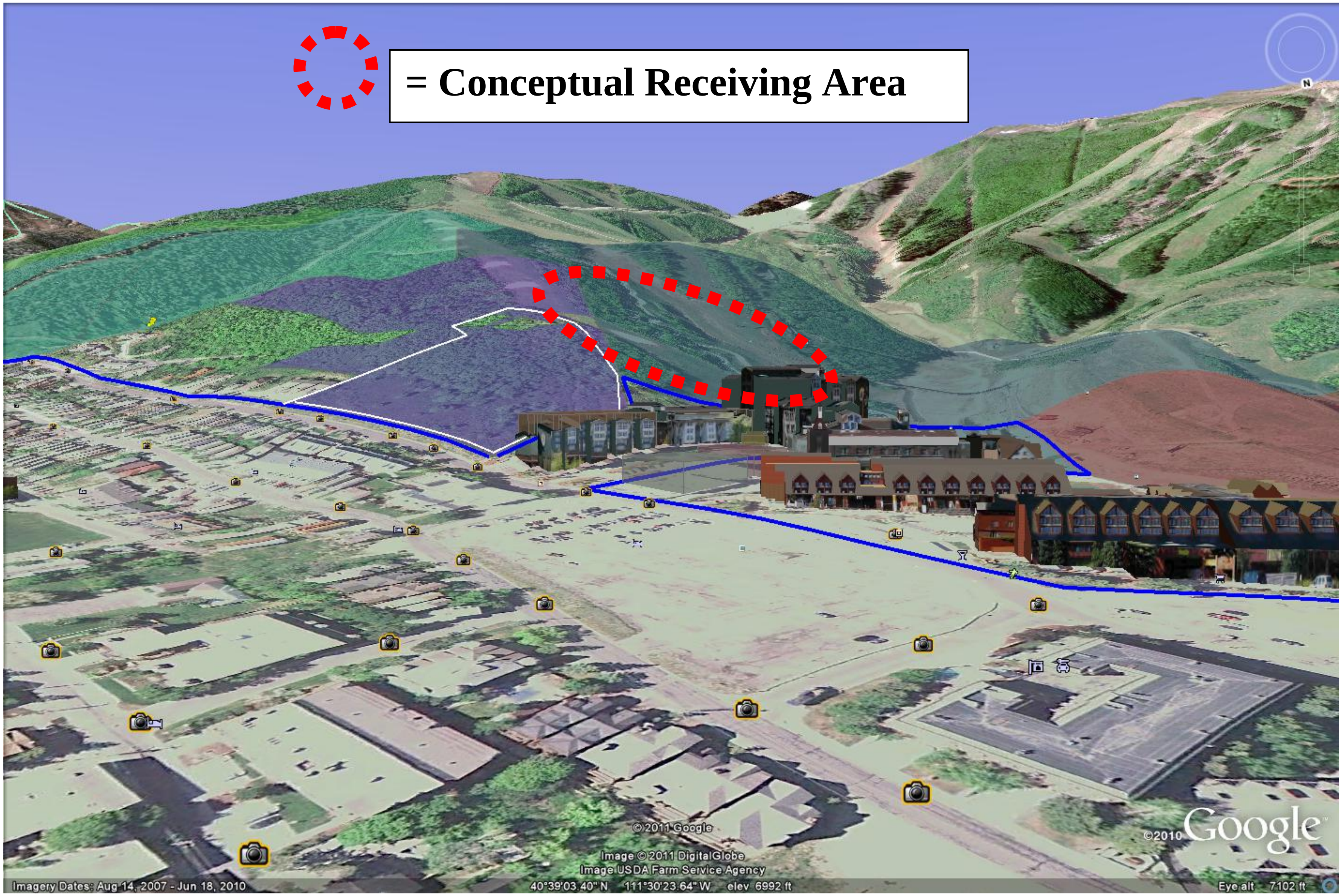

= Conceptual Receiving Area
© 2011 Google
Image © 2011 DigitalGlobe
Image USDA Farm Service Agency
Imagery Dates: Aug 14, 2007 - Jun 18, 2010
40°39'03.40" N 111°30'23.64" W elev 6992 ft
©2010 Google
Eye alt 7102 ft

Exhibit C - Redesign Concepts

Site Plans

Empire Ave

Lowell Ave

Option 1

Option 2

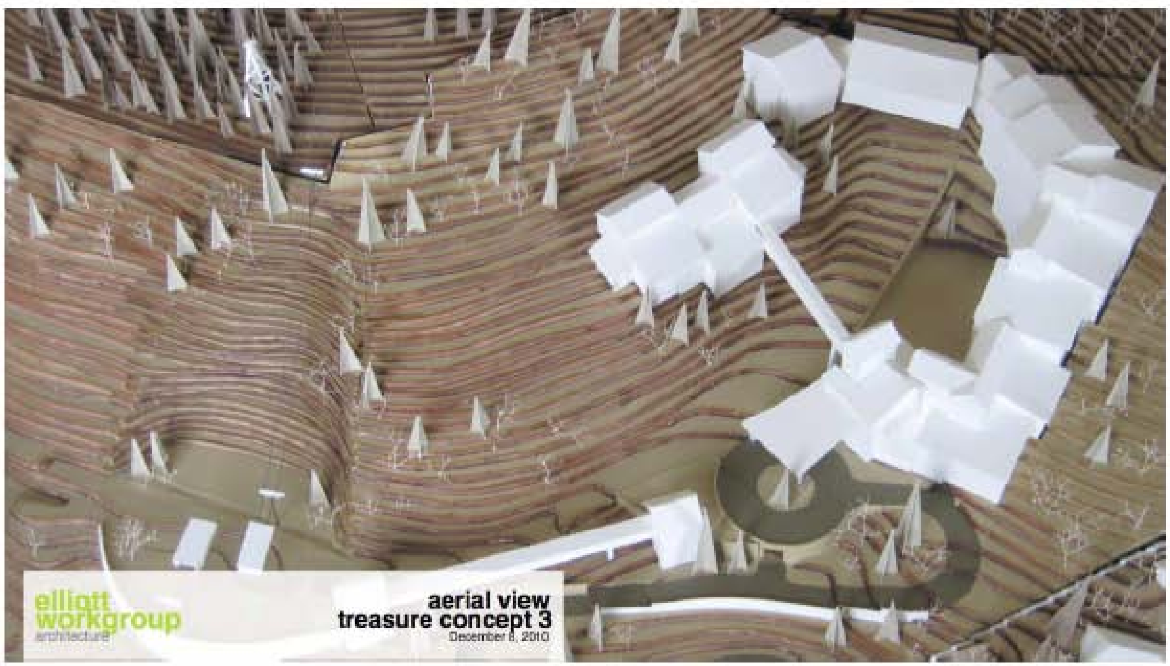
Option 3

Pending Application

Aerial Views

Option 1

Option 2



Option 3

Pending Application

Main & Heber View

Option 1

Option 2

Option 3

Pending Application

Lowell View

Option 1

Option 2

Option 3

Lower Main View

Option 1

Option 2

Option 3

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 31, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Katie Cattan, Planner; Thomas Eddington, Planning Manager; Michael Kovacs, Assistant City Manager

Planning Commission Members Adam Strachan, Brooke Hontz and Dick Peek

Craig Elliott, architect for Mark Fischer; Mark Fischer, Park Bonanza property owner; Bob Wells, Deer Valley Resort, and Mike Sweeney, Treasure Project

1. Council questions/comments. Cindy Matsumoto discussed meeting with Habitat for Humanity this week. Alex Butwinski reported on a Public Art Advisory meeting. Liza Simpson stated that she attended the short range transportation plan meeting; the draft looks good and the meeting was informative. Mayor Williams discussed meeting the Leadership Class. He pointed out the benefit of getting bi-lingual information on new legislation regarding the guest worker program on our website. Phyllis Robinson suggested contacting the Catholic Church to disburse information and Liza Simpson believed that some organizations in Salt Lake may already have information compiled for outreach purposes. The Mayor invited the public to attend a memorial service for Candy Erickson this Sunday at the Eccles Center and he spoke about her as a champion of City Staff. Council member Erickson served the community with grace and class and will be dearly missed.

2. Transfer of Development Rights Overlay Zone. Planner Katie Cattan stated that on March 10, 2011, the City Council asked staff to consider five items. (1) Require Planning Commission review of all projects utilizing TDR credits which would require a MPD process; (2) Require any height exception in a receiving zone to utilize TDR credits; (3) Expand the sending areas to include vacant lots in Old Town where staff assigned a multiplier of 2. Historic District structures that could expand would be tied to a 2,000 square foot per unit development credit; (4) Add Snow Park, Deer Valley Resort and Prospector Square as receiving areas. Snow Park is included in the Deer Valley Master Plan Development so any TDR credits transferred would trigger an amendment to the MPD. Most of Prospector is built-out but there are a couple of vacant lots. (5) Review the Treasure multiplier which has been changed from 2 to 1.5.

Mayor Williams discussed the fluidity of the multipliers. Thomas Eddington recommended that as the ordinance moves forward that appraisal work be done in the associated sending and receiving areas so that the multipliers are accurate. If members want to get this in place as a tool immediately, he recommended leaving the multipliers for Treasure Hill and the others at 1 with the caveat that appraisals will be conducted when appropriate. Mark Harrington suggested the approach to be direction to return with further analyses for future modifications to the ordinance, regardless of what may or may not be on-going negotiations for specific projects. With more receiving areas, additional data may result in different multipliers for specific areas. The Mayor understood that all areas would be 1:1 until an application is received with an analysis. The City Attorney advised that it is a policy decision for the Council to determine, based on current information, justification for the 1.5 number as a more equitable facilitator of moving the density or not, or whether members are more comfortable leaving it at 1:1. Mr. Eddington interjected that staff looked at TDR ordinances across the country where about half used rule of thumb while the other 50% utilized appraisals at the time of finalizing the transaction. He felt it beneficial to have the quantitative analysis now as a base point and if TDRs are not used for years, there may be a need for new appraisals. Mr. Eddington noted that some communities use appraisals and a qualitative element like steep slopes.

Commissioner Charlie Wintzer felt that the more restrictions on a piece of property in the Code, the harder it is to build and an appraiser might not be fully aware of all relevant details. Dick Peek emphasized that sensitive lands should be incentivized to move development. The Mayor felt 1:1 is appropriate to begin with acknowledging that multipliers can change. Brooke Hontz pointed out that the ordinance is dynamic and will need to be revisited often. A lot of effort has been put in determining varying ratios. She pointed out the windfall a vacant lot on a steep slope with no access could potentially realize with a 1:1 ratio. It is a lot less work for the owner who receives a lot of value. Liza Simpson acknowledged the complexity of this issue and felt that keeping the ordinance simple at 1:1 would be the best approach at this point. She discussed the benefits of discouraging maximizing square footage of historic structures and it seems like programs in other communities morphed over time. Mayor Williams believed that owners may accept .5. Mr. Wintzer pointed out that market values change.

Adam Strachan believed that dealing with applications on a property-by-property basis may prompt claims of inequity which is not a great situation for the Planning Commission, City Council or staff. Ms. Simpson didn’t believe the recommendation to be that multipliers would be developed on a case-by-case basis. Thomas Eddington pointed out that staff would be looking at sending and receiving areas holistically and will not isolate specific properties. Mark Harrington clarified that the ordinance would be dynamically modified to reflect changing market conditions and the state of Utah audit recommendations encourage cities from making case-by-case determinations. Mr. Strachan pointed out that sending areas Alice Claim, upper Ridge Avenue, and Treasure Hill are developments, not zones and he didn’t know how a case-by-case analysis can be avoided. Ms. Simpson suggested that the analysis be broad and Dick Peek stated that definitions could distinguish contiguous undeveloped lots on the perimeter of the developed part of town addressing Mr. Strachan’s concern. Adam Strachan added that multipliers could be assigned by zone but it was pointed out that zones would not distinguish between flat and steep lots. Mr. Wintzer relayed that the Code is already set up with overlays and credits could be awarded through the MPD process.

The Mayor asked the Commission's preference and Charlie Wintzer stated that he prefers assigning all at 1 and return with an analysis or appraisal. Brook Hontz indicated that if assigning 1 results in an adopted ordinance, she supports the approach as she feels this program needs to be initiated. The value of 1 matters when Treasure is added back into the mix. Dick Peek agreed. Mr. Strachan stated that he is in favor of an ordinance with further analysis.

Charlie Wintzer questioned Council direction that the only way to obtain a height exception is with a TDR which may compromise the flexibility of the MPD process and he felt the Planning Commission needs that tool. The Mayor stated that he agreed and cited community benefits that a project could provide in exchange for added height. Mr. Wintzer stated that it has been his experience that better designs and buildings can be achieved with this MPD tool. Adam Strachan asked if a series of vacant lots in Old Town is an appropriate place for in-fill development and whether we want to incentivize buying down the development potential on those lots. Alex Butwinski expressed concern about the maintenance of vacant lots with out-of-state owners. He asked the Commission if the desired result of smaller more compatible homes on Old Town lots can be accomplished by offering the owner the opportunity to sell density. Dick Peek pointed out situations with historic homes and situations with vacant lots and new construction in Old Town. Katie Cattan stated that the draft can be changed so that it addresses all homes not just historic homes. Cindy Matsumoto asked if the ordinance is written so that a 1,000 square foot home in the Historic District, for example, will still be allowed and other density on the lot could be transferred. Ms. Cattan noted that the ordinance is not written that way now but she can make that modification. Charlie Wintzer stated that he favors that change. Mark Harington felt this should be studied to better understand the consequences of opening up the program to new construction which could be addressed with the next round of amendments.

Liza Simpson felt all these points are valid but relate to the analysis and incentive elements. The requirement to use TDRs for height exceptions was suggested to incentivize the use of TDRs but she is willing to remove it. Mr. Wintzer suggested that the ordinance be reviewed once a year for appropriate modifications. Ms. Simpson believed that new construction in Old Town should be contributory to the Historic District to be eligible for credit. She looks forward to all of the analyses. Joe Kernan discussed achieving better designs and buildings with height exceptions within a MPD and Ms. Cattan explained that the MPD requires separation between buildings, appropriate mass and scale and compliance with architectural standards. Cindy Matsumoto supported requiring TDRs for height exceptions. Discussion ensued on this point. Alex Butwinski stated that he would rather have the Planning Commission maintain its flexibility in the MPD process. Mr. Wintzer felt it could be left in and amended later. Joe Kernan believed the Commission should have the flexibility to achieve a better project. Brooke Hontz felt that the Commission already gives too much away and this restriction may better promote the TDR program.

Ms. Cattan introduced a concept where 75% would be attributed to TDR credit and the remaining 25% to a variation in the building. Thomas Eddington clarified that if a developer wanted to utilize the height exception in the MPD without the use of TDRs, basically 25% of the density will be given up. Mr. Strachan suggested that the restriction be eligible to be waived by the Planning Commission if the applicant can show good cause. Good cause could mean meeting the purpose statements of the MPD. Ms. Simpson liked this better than a straight percentage and felt restricting the use of TDRs for height exceptions should be studied further. Mark Harrington emphasized that the project must meet the purpose statement in any event but will think of a way to do something similar. He suggested leaving the criteria in place for height exceptions within a MPD with an option to use TDRs. Commissioner Strachan felt the alternative will get the same result and commented on the fluidity of the ordinance. Mr. Wintzer felt it important to get it on the books to see how it works. Mr. Butwinski spoke about incentivizing receiving areas, not just focusing on the sending areas.

The Mayor believed there is consensus for the 1:1 multiplier. Charlie Wintzer expressed his concern that setbacks are included in open space calculations. Michael Kovacs pointed out that the City may want right-of-way in exchange for height. Mr. Wintzer felt that the applicant must provide a circulation plan in any event. He disclosed that he owns property in the Bonanza Park receiving zone. The Mayor invited public input and Mr. Wintzer excused himself from the meeting.

Craig Elliott, Elliott Work Group, urged members to focus on the big picture and he felt that the Bonanza Park receiving zone is an opportunity to build a place for residents. He spoke about his need to drive to Kimball Junction too often while Bonanza Park is within walking distance from a number of locations. Putting limitations in the area may not be the best thing to do; it is not inspiring developers to create the greatest product but is telling people *what not to do bad*. From the perspective of the height exception, he does not want to take discretion from the Planning Commission. Height variances within MPDs allows for better designs. On the detail side, streets and rights-of-way are important and the current circulation plan in Bonanza Park is obsolete. Two and three stories can be done well but he does not feel it is the right thing for the town. Mr. Elliott believed that constructing a street for improved circulation and then penalizing the project is a mistake. If the provision limiting height exceptions to TDRs is adopted, it is likely his clients in Bonanza Park will ask not to be a receiving zone. There is no incentive to give up density and then buy it back. Mark Harrington clarified that density can not be increased with increased height under the existing language. Mr. Elliott understood that additional height is obtainable in exchange for street fronts, walkways, plazas, etc. He spoke about the new City Center in Salt Lake and the lack of a street grid which he feels is not a good design. There are projects that could be approved within the height constraints and the setbacks in the zone but the result could be poor design. The Mayor asked how he felt about TDRs and Mr. Elliott questioned who will buy them. The locations that make sense are areas that already have successful viable projects and Prospector is a great location. He spoke about the integrity of buildings that can handle another story and the substandard construction in the Bonanza Park area. He can't think of an incentive to make the TDR program work, except a simpler process and not going to Planning Commission.

Mr. Strachan expressed that the program is valuable for the applicant, the Planning Commission and the community and asked what it would take for Bonanza Park to participate. Mr. Elliott believed that a reduction in parking through the purchase of TDRs might be an incentive but this can currently be done through a MPD. Dick Peek interjected that there may be other incentives, other than density and a simplified MPD process. Mr. Elliott suggested that the base height could be increased by something like ten feet, for example, and negotiate from there.

Bob Wells, Deer Valley Resort, stated that he agreed with many of Mr. Elliott's comments. He felt there is potential benefit in adopting a TDR ordinance but it is important to remember that the final step that makes it work or fail is what the transferring party is going to charge the receiving party. The more the Council tries to tighten the process, the more likely a deal is going to fail. A simple process that identifies areas to reduce development and allows an opportunity for the parties to negotiate and propose a transaction back would be better than a complicated set of rules. The existing code allows an opportunity for height variation within a MPD as long as mass is not increased. In his mind, this is the best planning tool in the Code because it deals with the sensitivity of the site like view corridors, for example. This has not been used a lot and the larger the site, the more beneficial.

Mike Sweeney, Treasure Project, expressed his desire to talk about the program with his negotiation team. He spoke about the 1986 negotiations with the City where they gave up 50% of their density, provided 97% open space, and created a project for Old Town that was missing from the Town Lift. They agreed to take the obligation on and donated a portion of Main Street, constructed 9th Street, and their partners donated rights-of-way for Deer Valley Drive for additional heights. There are ways to incentivize people to arrive at a plan that is good for the community. TDRs may do that to some extent but not the way the ordinance is currently drafted, specifically taking away the ability to use the MPD process. Buying TDRs for height in many instances is not practical or rationale and he did not feel it is a good solution for the community. He likes the ability for the property owner to go vertical and give up some density for a better design and referred to the successful Sky Lodge project as an example. With respect to multipliers, Mr. Sweeney believed that appraisals will be used in any event to identify values and he likes the ability to negotiate. He felt this is a good effort. Mr. Elliott's comments should be taken to heart when crafting the ordinance and there are many opportunities to move density in better locations.

Mark Fischer, Bonanza Park property owner, expressed confusion about the TDR program and requested that the ordinance be continued and not approved tonight so that everyone can understand it a little better. On March 7, 2011, he filed his pre-MPD application for Bonanza Park, spent hundreds of thousands of dollars on architectural and planning fees, and submitted a pre-MPD based on today's Code. On March 10, 2011, the staff was asked to limit height exceptions to the TDR program. He is sure it is a coincidence but emphasized that he doesn't need any more density; he needs height variation. If he understands the ordinance correctly, he would have to buy density he already has the right to have. That is his issue; he likes everything else. He strongly urged members not to force people who already have the legal right to the density to buy it when they already have it. It just doesn't make sense and he requested one-on-one meetings with the planning staff to help him understand the ordinance as this has been an 11 year project in the planning. Mr. Fischer admitted that the discussion on height exceptions freaked him out.

Liza Simpson clarified that the idea of the height requirement came out of a number of discussions at the Planning Commission level which she brought up at the Council meeting for staff to review. Mark Fischer emphasized that he very carefully followed the letter of the law and at great expense in developing his pre-MPD application and if he understands the process correctly, his submittal would be set aside if this ordinance is approved. It was pointed out that he is correct as the ordinance is retroactive. Alex Butwinski acknowledged the discussions at the Planning Commission meetings about height variance but it is his recollection that rather than requiring TDRs to buy height, to use it as an option. He felt it should be an *either or* situation. Liza Simpson clarified her direction to require the use of TDR. Joe Kernan interjected that this is the first time members have had an opportunity to discuss this as a group. Mr. Fischer stated that based on what he knows tonight, he requested that his Bonanza Park property not be included as a receiving zone because he is better off by playing by today's rules. He asked if he has that right and reiterated that more time should be devoted to the ordinance.

In response to a question from Cindy Matsumoto, Katie Cattan explained that in order to obtain additional height, the TDRs must adequately cover the amount of square footage. Thomas Eddington referred to the building height subsection in the draft ordinance and suggested additional language to Subsection (1) to read, *the increase in building height results in a minimum 25% decrease in square footage of building volume or*, (the language requiring the use of TDRs). Alex Butwinski stated that he likes the concept but the percentage needs to be further discussed. Mr. Eddington felt that the percentage could be taken out as long as there is a decrease in building volume, leaving the final decision up to the Planning Commission. Mark Harrington believed that the approach is defensible and clarified that if an applicant uses the TDR program to receive additional height; Subsections (1) through (5) do not have to be met. Mr. Butwinski stated that he feels comfortable with this approach.

Mike Sweeney noted that the Code provides the opportunity for more density if more open space is provided. Going vertical creates more open space and people should not be penalized. There needs to be consistency throughout the Code.

The Mayor closed the work session. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 31, 2011

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 31, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Katie Cattan, Planner; and Thomas Eddington, Planning Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV 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 Professional Service Agreement in a form approved by the City Attorney with Bowen Collins and Associates for design and construction management services related to the Phase 3 of Bonanza Drive in the amount of $106,175 - and

2. Consideration of Contract Change Order No. 4 with Bowen Construction Company for additional construction services related to the construction of the SR-248 Comstock Tunnel in an amount not to exceed $272,721 - and

3. Consideration of Professional Service Agreement, in a form approved by the City Attorney, with Brown and Caldwell for professional services related to the federal and state requirement to permit the existing discharges at Judge Tunnel, Spiro Tunnel and Prospector Drain and Biocell in an amount not to exceed $67,400 – Joe Kernan, "I move we approve Consent Agenda Items 1, 2 and 3". Alex Butwinski seconded. Motion unanimously carried.

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

Consideration of amendments to the Land Management Code considering adding Chapter 2.24, Transfer of Development Rights Overlay Zone and related amendments to Chapter 6, Master Planned Developments; and Chapter 15, Definitions – Thomas Eddington referred to the work session discussion and pointed out concerns expressed about limiting height exceptions to the use of TDRs. Under (F) Building Height in Chapter 6, Master Planned Developments of the Land Management Code he suggested to provide two options, "*The Planning Commission is required to make the following findings (1) the increase in building* *height results in a minimum 25% decrease in square footage or building volume.* He admitted that the appropriate percentage should be further studied and the Mayor suggested leaving the percentage out and leaving the decrease up to the Planning Commission. Subsections 2, 3, 4 and 5 would remain the same. Katie Cattan explained that with the application of development credits, the increase in building height does not result in an increase in square footage or building volume over what would be allowed under the zone required building height and density, including requirements for façade variation and design with the exception of the additional development credits. Put simply, Mr. Eddington stated that if an applicant does not use TDRs, a decrease in building volume will result but if TDRs are used, there is no building volume penalty. The application must meet Subsections 2, 3, 4 and 5.

Joe Kernan stated that he would be more comfortable with the height exception process if it results in equal density or a decrease over what would be allowed in the zone. This would provide the Planning Commission the discretion to maintain the same density without the use of TDRs, if deemed appropriate. He suggested keeping the existing language the same but provide two options. Thomas Eddington believed that a decrease in building volume will incentivize people to use the TRD program. Joe Kernan did not support forcing people to use TDRs. Discussion ensued on this point. Mr. Kernan suggested that the ordinance evolve into a decrease in density but not at this time. Mr. Eddington emphasized that complying with the other four criteria typically results in a reduction in density. The percentage was suggested to quantify the decrease but it could be left up to the Planning Commission. Tom Bakaly spoke about the Sky Lodge which probably did not lose any density during the MPD process but provided greater setbacks from a historic building. Mr. Kernan clarified that he wants the Planning Commission to have the ability to be completely flexible to gain good design. Mr. Eddington believed that even if there is risk of lost square footage, he felt that most applicants will still pursue a height exception because of potentially more window space, building articulation, and a marketable product.

Ms. Cattan felt this provision may cause problems in situations with assigned unit equivalents but would work in Bonanza Park and areas where the underlying zoning is used; large scale master plans may be problematic. Mark Harington believed that the simpler solution is at a policy level. If Council wants to create an incentive for additional height in the case of TDRs, he suggested language, *The increase in building height does not result in increased square footage or building volume over what would be allowed under the zone required building, height and density, unless density was transferred as a result of TDRs. . ."* Ms. Simpson appreciated the alternative because requiring the use of TDRs is a *stick* rather than an incentive. She suggested pulling the language since the concept is so close to being adopted. The Mayor referred to setbacks being counted as open space which doesn't achieve goals. Ms. Simpson stated that that is another discussion and she feels comfortable with the City Attorney's comments and striking the existing language.

Mark Harrington explained that there would have to be findings from the Planning Commission to increase height with no increase to square footage or volume. There needs to be increased setbacks and additional open space beyond what is required in order to meet that exception. The alternative is additional height from a transferred development project where there can be additional density but substantive criteria Nos. 2 through 5 must be met. In order for the TDR program to work, members must be comfortable with allowing density somewhere where it currently is not allowed.

Joe Kernan felt it would be helpful to have a discussion on the impacts of transfers to different parts of town and Mark Harrington spoke about returning at some point with a discussion on maximum caps in a TDR program. Alex Butwinski pointed out that the Planning Commission already has discretion and noted that he feels comfortable with the City Attorney's recommended language. The Mayor opened the public hearing.

Bob Wells, Deer Valley Resort, referred to his work session comments. Deer Valley has one 15 acre development parcel left which has a density entitlement and is required to go through a MPD process within the overall Deer Valley MPD designated at 80% open space and 60% open space site specifically. The existing Code allows the opportunity to propose height variations without additional density. Height variance is a planning tool and may produce better projects. He stated that he granted permission for Deer Valley to be considered as a receiving area two weeks ago but feels that a reduction in density is too punitive for large scale MPDs.

Craig Elliott agreed with Mr. Wells. Applying this across-the-board would be a penalty to those that become a receiving zone. Too many restrictions are not good for the town.

Mike Sweeney spoke about the use of TDRs in the MPD process where there are criteria for increased density and he asked how the Code works with respect to those two goals. People should not be penalized for going with a better vertical design. There needs to be incentives for both the sending and receiving zones. Time is important to developers and maybe participation in the TDR program could provide a quicker process as an incentive.

Dick Peek believed that using TDRs is a policy issue for Council members. Brooke Hontz pointed out the frustration over the current Code and General Plan among Planning Commissioners. The more restrictive version has more value. Discussion ensued on gaining more density if more open space is provided through the MPD process.

Joe Kernan expressed his concern of so many unknowns. He stated he feels more comfortable having the Planning Commission make the decision after reviewing actual plans rather than making a blind decision with some percentage. It is important to create a new part of town and to build out Prospector at the street level. Alex Butwinski discussed the complexity of the concept. Cindy Matsumoto suggested reducing everyone's square footage across the MPD area and giving the people in the transfer zone the ability which is a change in policy. Mark Harrington explained that density is not being reduced, you are reducing better site design alternatives utilizing height. The height exception has nothing to do with density as it currently exists. If you are limiting the height exception because of density, you are fundamentally changing the prioritization of site design alternatives. He felt members should discuss this further to get a better idea of the ramifications including a recommendation from the Planning Commission. Joe Kernan felt that impacts may vary in town; there are locations where height contributes to the architecture and other parts of town where the height might not work.

Ms. Simpson spoke about starting the program with incentives and after evaluating how TDRs are working, maybe move to mandating it in a way that works. She added that staff is currently working to amend the General Plan and the Code. In response to a question from Katie Cattan, members indicated that they are comfortable with the receiving zones. She phrased amended language in Paragraph 1, keeping the first paragraph the same and stating at the end, *unless the increased square footage or building volume is from the transfer of development credits.* Ms. Matsumoto stated she is willing to go farther but understood the Planning Commission's desire to get something adopted now.

Liza Simpson, "<u>I move to approve the amendments to the Land Management Code adding to Chapter 2.24, Transfer of Development Rights Overlay Zone and related amendments,</u>

including the one made by the City Attorney to 15-6-10(f)(1) to Chapter 6, Master Planned Developments; and Chapter 15, Definitions and modifying the table to reflect all transfers at a 1:1 ratio". Katie Cattan added "and modifying Section 15-2.24-7, receiving site procedures, to delete within the TDR Overlay *a height exception may only be considered for projects utilizing TDR credits within the MPD*". Liza Simpson accepted Ms. Cattan's addition to her motion. Alex Butwinski seconded. Motion unanimously carried.

Ms. Cattan clarified the motion for Council and the public that all multipliers will be 1:1 and the requirement that TDRs have to be utilized within a MPD in order to get additional height has been removed which is stated in two different areas. Mark Harrington interjected that the current ability to obtain a height exception exists but TDRs can be used with regard to a height exception request.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a closed session convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Jason Glidden, Marketing Analyst; Thomas Eddington, Planning Manager; Tom Daley, Deputy City Attorney; Tommy Youngblood, Special Events Coordinator; Jonathan Weidenhamer, Economic Development Manager; Diane Foster, Sustainability Manager; Jason Christensen, Legal Intern; Joan Card, Legal Counsel; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4:15 p.m. Joe Kernan, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The City Council met again in closed session at approximately 7:15 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss personnel ". Cindy Matsumoto seconded. Motion carried unanimously. Closed session adjourn at approximately 9 p.m.

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

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 7, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Kent Cashel, Transportation Manager; Bret Howser, Finance Manager

Rob White, District Engineer for UDOT

1. Council questions/comments. Cindy Matsumoto discussed attending the Habitat for Humanity board meeting this week; a fundraiser is planned on April 30. She announced that the Historical Society met this morning. The Museum is showcasing the new Pony Express traveling exhibit and is extending free admission on Tuesday, April 12, 19 and 26. She also attended the Peace House luncheon today where there was a good turn-out. Sales tax numbers were discussed. Liza Simpson stated that she attended the Fire District Administrative Control Board meeting last night. Members are working on a strategic plan; potential spring flooding was also discussed. She reported that the District is organizing a one day fire academy for all elected officials on June 4 but suggested that some staff attend if there are openings. The Recreation Advisory Board met and the Recreation Center construction has passed the 51% completion mark.

Ms. Simpson shared business discussed at the Lodging Association meeting. The Cole Sport Candy Erickson Scholarship Fund has been set up for college bound students, but the first year's collection will go to Brian Erickson who is still in college. The deadline for funding is May 31 and the scholarship will be awarded on June 1. The Park City Foundation endowment fund in her memory has collected over $15,000 in donations. Mayor Williams relayed that the State Capitol gifted a framed American Flag to the City. He expressed the need for disbursing new immigration legislation information to members of the community and specifically what it means to local workers. Having a bi-lingual explanation featured on our website would be helpful. The Mayor relayed that a local band, Rattle & Hum, just returned from an entertainment tour in Kuwait and Iraq and he discussed giving members a certificate of appreciation for their support of our service men and women. All members agreed. He stated that Richard Luskin has resigned from the Planning Commission.

2. Interview process for City Council vacancy. The City Manager pointed out that the interviews will be held in the Council Chambers rather than the Library and Education Center as previously contemplated. Interviews will be held on April 18 and an appointment is tentatively scheduled to be made on April 21. Cindy Matsumoto asked if public input would be accepted and Tom Bakaly advised that it would be up to the discretion of Council members. Discussion ensued on asking each applicant the same questions. Alex Butwinski feared that inviting public input could consume a lot of time. He favored a structured process, asking the same question(s) with a round of follow-up questions. Joe Kernan suggested a decision-making style question to each applicant and felt that giving candidates the questions in advance is fair. Ms. Matsumoto believed that set questions should be asked but that unstructured questions for follow-up should be allowed. The Mayor requested that all questions from members be submitted by Monday morning and distributed to applicants as soon as possible. The City Manager indicated that applicants will also be provided with a candidate information packet.

Liza Simpson asked about the process for bringing names forward for nomination. Mark Harrington felt that after the interviews, the level of consensus or difference of opinion will be obvious. If there is clear consensus, a motion can be made for appointment but if there are differing positions, a ranking system could be used to reach a consensus. This resembles the statutory process if an appointment is not made within 30 days of the vacancy. Members felt that the ranking process should be applied to the top two candidates. In response to a question from Joe Kernan about publicly discussing the appointment, the City Attorney explained that this is a legislative matter so there is no limitation on ex parte contacts outside the meetings. This is essentially supplementing an election and is very much a public process. This is why it doesn't have the protections of a personnel decision that other appointments have. The only restriction is that the Council can not meet in closed session as a group but members may talk to each other as long as there is not a majority meeting. Past candidates have no special bearing and at least three members need to reach consensus. If there is a tie, the Mayor would vote. If the Council fails to reach a decision on April 21, then a more formal statutory process is introduced. The Mayor indicated that 30 minutes should be allocated for each interview.

3. UDOT SR248 Project. Kent Cashel introduced Rob White, District Engineer over maintenance and construction for the UDOT Region 2. He explained that the project involves a pavement overlay of SR248 from SR224 to Kamas, removing the planter on SR248, replacing the pavement, and striping bike lanes on both sides of the road from US40 as far west as Comstock. There are no new travel lanes contemplated in this phase of the project which has a June-July time frame, dependant on when the project is advertised. In response to a question from the Mayor, Mr. White clarified that the planter area will be paved and will be striped very similar to how it is now; there will still be a separation but no physical barrier. Ms. Matsumoto suggested that the area under the median be used for a HOV lane. Mr. White responded that it is possible if there is enough width but there would be substandard shoulders. This project would not include a HOV lane but with the removal of the planter will allow the flexibility to consider other options in the future. Environmental and traffic studies are necessary to develop these types of improvements.

Mr. Cashel acknowledged that the HOV lane is included in the City's strategic plan but there is no current funding. Liza Simpson felt that before that step, other pieces need to be in place like the intersection, the Park and Ride, etc. She asked about lowering the speed on the section of road before the City limits. Mr. White stated that he can not answer that right now and Kent Cashel discussed working with UDOT. He met with a

School Board member who suggested the same thing. Cindy Matsumoto expressed concerns about removing the planter because she believes it mitigates speeding. Ms. Simpson recalled most of the concerns about speeding in previous meetings prompted by discussions about widening the road to four lanes.

4. CIP preview, revenue policy, property tax discussion, budgeting for outcomes. Bret Howser stated that this work session is a continuation of the BFO process which is concluding. Members have discussed service level prioritization, pay plan philosophy, and revenue and taxation policies during Visioning. He presented a computerized model he designed to help guide the direction of Council decisions as the budget process begins. The CIP committee has already met. Members focus on projects that are funded with earmarked revenues and those funded with operating surpluses and their recommendation is a $2 million budget for this year. There is a small surplus this year with revenues coming in a little better than expected. This is consistent to what has been done historically prior to the recession. Mr. Howser explained that $2 million will cover projects that are of an on-going nature like asset management, equipment replacement, pavement management, etc. which add up to between $1.8 and $1.9 and the CIP committee will be recommending an additional $100,000 to $200,000 a year to pay for smaller projects. What is not incorporated in the CIP committee’s recommendations is the ability to handle larger expensive projects like OTIS or the downtown projects.

He believed that the model might guide a funding strategy for those types of projects if supported by Council. The model also provides a tool with regard to setting revenue policy by addressing sales and property taxes. He explained how the model works in detail and noted that the assumptions matrix confirms assumptions accepted by Council members. He discussed variables relating to the policy matrix including projects and funding options. Fees, recovery levels and inter-fund transfers were explained. In response to a question from Joe Kernan, Mr. Howser believed that recovery levels are based on direct costs not capital costs. Asset management with regard to maintaining WALC projects were addressed. By way of example, Mr. Howser displayed various scenarios on the model for funding OTIS projects by way of cash, bonds, etc. and on different time frames.

Mr. Howser emphasized that currently the Transit Fund has a healthy balance because the City has been very successful in obtaining federal dollars on both the operating and capital sides. In response to a question from Liza Simpson, Kent Cashel discussed grants available for operations and emphasized that the future of this type of funding is unknown. Bret Howser indicated that staff is close to completing a FIAR on the Transit Fund. If federal funding is taken away, transit would be in serious trouble by the end of the decade. The resort tax could be moved from the General Fund to Transit or a voter-approved transit tax could be proposed as revenue sources.

Tom Bakaly relayed that there is discussion in the state legislature about controlling the level of building, planning and engineering fees cities can charge, potentially reducing the City’s revenue. Currently the City is recovering 50%. Michael Kovacs stated that this was discussed in interim session, adding that Salt Lake City and Park City have the highest fees in the state. The state is interested in using the section of the International Building Code setting fees and using this type of cap system would represent a loss of several hundred thousand dollars. He pointed out the high level of regulation in Park City. Mark Harrington understood the problem to be municipalities using contract services and passing on the direct costs of those contract services to the applicants without bidding them out and making costs competitive.

He went through an exercise on the model of a property tax increase scenario of 6% every other year and timing options. Cindy Matsumoto expressed her opposition to committing to a 6% property tax increase every other year with so many unknowns. She preferred one property tax increase that would cover expenses into the long term. Liza Simpson suggested that there be a regular analysis of property taxes because 6% may not be necessary every other year. Mr. Kernan expressed his appreciation of discussing a property tax increase which is a reasonable option for many cities. He would like to explore establishing a policy on property tax increases triggered by the financial condition of the City. Voter approval on property tax increases is another interest. Ms. Matsumoto pointed out that although there has not been a property tax increase in decades, there have been voter tax increase increases for open space bonds, WALC, etc. Mr. Howser demonstrated a number of strategies on the model to cover costs. Alex Butwinski believed that a property tax increase is inevitable but agreed with Ms. Simpson that it may not be 6% every time. There may be a way to tie the amount of money needed in the second year of the truth and taxation hearing to Salt Lake City's CPI or property values. Mr. Howser discussed tying the increase to wages by calculating the property tax burden as a percent of area income and setting a policy on not exceeding a certain percentage of wages being paid for municipal services funded by the general levy. He explained that the median household income number is taken from our affordable housing information.

Joe Kernan spoke about creating criteria for evaluating downtown projects and appropriately assigning funding sources. He would like to have more discussion on tax revenues. Tom Bakaly stated that the City Manager Recommended Budget will be presented to Council on May 5 and larger projects may have to be funded by a potential property tax proposed in 2013.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 7, 2011

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 7, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Phyllis Robinson, Public Affairs Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Outreach to community on immigration law – Phyllis Robinson stated that staff has contacted several Latino organizations in Salt Lake and feel confident the City will be able to put a program together in the short term. Holy Cross Ministries has been very helpful. Joe Kernan encouraged her to speak with long term employee Janero Armendariz for ideas and the Mayor stated that he has a list of five volunteers who are willing to help with the program.

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

1. Non-payment of sub-sub contractors – Transit Center project – Messrs. Judd and Shaw missed the public input session, but the Mayor accommodated their request to comment. This discussion occurred after New Business Item No. 1 but appears here for reference purposes.

Whitney Judd stated that he worked on the Iron Horse Project and is still waiting to get paid. He's been trying to get paid from Jacobsen but hasn't heard anything and no one knows were M L Stevens is. They are just two local guys trying to make a living and want to get paid from that job. In response to a question from the Mayor, the City Attorney indicated that he will check on the current status with the Legal Department and report back.

Steve Shaw stated that he can't figure out why the Council won't help them out. The Mayor interjected that the City did not contract with them. He continued that it costs them money to work on the job and he is owed $7,500. This is a $9 million project and it just doesn't seem right. Why can't they get their money. . .it's been almost a year. This is federal stimulus money. He stated that they are local and have been paying taxes in the County for 20 years. He is going to have to lay off his crew if he doesn't get paid this money.

Mr. Judd acknowledged that they contacted with M L Stevens but no one can get a hold of him. Mr. Shaw made allegations that Jacobsen took the lowest bid which caused problems. The Mayor asked if they filed pre-application liens and Mr. Shaw insisted that they don't have to lien a government job. He felt the City should put pressure on Jacobsen and not only is he out this money but he could have been working somewhere else in June and July. Adding that in, his losses are $13,000 or $14,000 to work on a federal stimulus job in his City where he has been paying property taxes for 20 years and the Judd Family longer. What if this happened to Council members? Put some pressure on them. Mr. Judd expressed that although they contracted with Stevens they have an agreement with Jacobsen as well. Mr. Shaw reiterated his comments. Joe Kernan discussed the hardships experienced by a number of local businesses during these times. Tom Bakaly stated that staff will return with a manager's report on April 21 on the status of this issue.

Whitney Judd stated that they gave their truck tickets to the supervisor at the site who told them that Jacobsen would pay them. Mr. Shaw interjected that they are not asking for a lot in consideration of $9 million. Have some morals and some ethics here; this is not right. Mayor Williams pointed out that they decided who to work for and this has been brought back to Council a number of times. He added that he didn't appreciate Mr. Shaw insulting him on a regular basis and making false accusations in the Park Record blogs. Mr. Shaw denied this. Liza Simpson advised that it probably is not a good idea to impugn the morals or integrity of the people you are asking for help. The Council is dealing with the public's money. Mr. Shaw argued that it is federal money; it is all our money.

Steve Shaw appeared before Council again after Mr. Watson's testimony which follows. He stated that he does not own a computer and the blogging in the Park Record has nothing to do with him.

2. Walkability/biking projects – Michael Watson complimented the Council on the Bonanza Drive project and bike lane additions. He spoke about installing qualified bike lanes as a part of the SR248 project and considering lowering the speed limit. He also suggested installing bike lane signs to alert drivers that bicyclist could be on the road. Mayor Williams relayed that a representative from UDOT participated in the work session discussion on the SR248 overlay project which will include new bike paths from Quinns all the way into town with new stripping. Mr. Watson pointed out that bicycling attracts visitors and is good for the economy. He urged members to promote the bikeability part of the walkability program.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 24, 2011

Alex Butwinski, "I move we approve the work session notes and minutes of the meeting of March 24, 2011, as corrected". Joe Kernan seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Appointment of Bruce Taylor as an Alternate Member on the Board of Appeals – Liza Simpson, "I move we appoint Bruce Taylor as an Alternate Member to the Board of Appeals". Alex Butwinski seconded. Motion unanimously carried.

VI 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 Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation in an amount not to exceed $22,154 for a solar feasibility study - and

2. Consideration of a Resolution proclaiming the month of April as Fair Housing Month in Park City, Utah – Cindy Matsumoto, "I move to approve Consent Agenda Items 1 and 2". Liza Simpson seconded. Motion unanimously carried.

VII NEW BUSINESS *(New items with presentations and/or anticipated detailed*

discussions)

1. Consideration of an Ordinance approving the First Amendment to the Silver Baron Lodge at Deer Valley, Phase II, record of survey plat, located at 2800 Deer Valley Drive East – Kirsten Whetstone explained that the request is to amend the 50 unit condominium plat located in lower Deer Valley. The 11th Amended Deer Valley Master Plan was recently approved by the Planning Commission transferring one unit of density from the Snow Park Village area to the Silver Baron Lodge to accommodate one unit of density creating the 50th unit which is reflected in the amended plat. Staff finds good cause as the plat will document as-built conditions permitted by the revised and approved building plans and the plat is consistent with the development pattern envisioned at Deer Valley and in the Deer Valley Master Plan. No exterior changes will be made. On March 23, 2011, the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council. The Mayor opened the public hearing.

Bob Wells, Deer Valley Resort, stated that he is here tonight representing Lynn Stillman who is the receiver for certain units in the Silver Baron Lodge. With no further input, the public hearing was closed. Liza Simpson, "I move we approve the First Amendment to the Silver Baron Lodge at Deer Valley, Phase II, record of survey plat according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance". Joe Kernan seconded.

2. Consideration of an Ordinance approving the 109 Woodside Plat Amendment located at 109 Woodside Avenue, Park City, Utah – Francisco Astorga stated that the site is designated as a Landmark site because of the historic main and accessory buildings which span across five lot lines. The original application included a portion of King Road which they currently own but the City requested that it be dedicated to the City as a prescriptive easement as a part of this action. Cindy Matsumoto pointed out that the accessory building's square footage is not counted and Mr. Astorga explained that the LMC was amended to incentivize property owners to maintain historic accessory structures by not including them in the footprint. This accessory building is approximately 370 square feet and can not be used as living space. Setbacks were discussed for this location and an adjacent property.

Ms. Matsumoto asked if the owner will be able to build a bigger house as a result of the plat amendment. Mr. Astorga stated that the original application requested inclusion of the King Road portion yielding a maximum footprint of 2,200 square feet. The recommended plat yields a maximum footprint of 1,700 square feet. The existing historic structure is 754 square feet. He emphasized that the application will have to comply with the Historic District Design Guidelines and it would be difficult to get that much density considering the placement of the main structure and the accessory building. Cindy Matsumoto expressed concerns about accommodating a larger structure by approving the plat and Francisco Astorga pointed out the benefits of removing the interior lot lots.

Alex Butwinski discussed crafting a condition of approval that would limit the size of the house based on compatibility of the neighborhood rather than rely on an administrative approval. Mr. Astorga commented that the application falls under the parameters of the LMC. Mr. Butwinski felt that the house could be potentially 5,500 square feet. Mark Harrington felt that further analysis would have to be conducted by staff to determine what the number is or have it remanded to the Planning Commission for further analysis. Ms. Matsumoto disclosed that she knows the applicant and has done business with him. The Mayor opened the public hearing. There were no comments from the audience, and the public hearing was closed.

Alex Butwinski, "I move that we continue the plat amendment for 109 Woodside pending further analysis from staff regarding a condition of approval to address compatibility of maximum house size". Cindy Matsumoto seconded. Liza Simpson stated that she prefers to remand the issue to the Planning Commission because members are more qualified to do the analysis and she would like to hear their thoughts on this. Alex Butwinski modified his motion to remand it to the Planning Commission. Cindy Matsumoto accepted.

Mayor Williams felt this approach is arbitrary and unfair to the property owner. If there are General Plan or LMC issues, those should be addressed first rather than changing the process at the last minute. Mr. Butwinski agreed, but on the other hand pointed out that the Council continues to struggle with these applications and the amendments to the Code seem to take forever. Cindy Matsumoto suggested that the analysis be done by staff so the applicant is not held up by waiting to be scheduled on the Planning Commission agenda. Ms. Simpson stated that she didn't think continuing this is arbitrary because it is a historic structure on a prominent corner and some extra analysis is justified. In response to a question from Ms. Simpson, Thomas Eddington stated that in terms of time, it would be better for staff to do the study as it couldn't be scheduled until the May 11 meeting. If Council does not feel the analysis is adequate on April 21, the application could be remanded to the Commission at that time. Mr. Astorga pointed out that the applicant is anxious to work on the accessory structure because of its condition; nothing has been submitted on the house. The second motion and second to the motion were removed.

Alex Butwinski rephrased his motion to continue the item to April 21 with direction to staff to do an analysis of compatibility and determination of maximum house size. Motion unanimously carried.

3. Consideration of an Ordinance approving the 335 Woodside Avenue Plat Amendment located at 335 Woodside Avenue, Park City, Utah – Planner Francisco Astorga introduced the owner's representative Lance Kincaid. This is a double lot measuring 50' x 75' with a Landmark structure which is on the Register of Historic Places. Plans to build an addition on the back of the house were submitted last year but it was discovered during design review that a lot line was missing on the survey submitted and a plat amendment was necessary. The final design could not be approved but a variance has been requested to include the garage as part of the footprint. The Board of Adjustment will consider the request in May to gain an additional 450 square feet. Mr. Kincaid explained that the garage will be underground and above it will be a porch area, just as it looks now. Two walls will be saved and the other two panelized and the new addition will be on the back side. The footprint will not be over the 1,517 maximum. A potential carport was discussed. Mr. Kincaid stated that in order to do anything on the house, a lot line adjustment must be made.

Cindy Matsumoto stated that she feels the same about this house as 109 Woodside Avenue and would like more analysis done on maximum house size. Mr. Kincaid stated that the Planning staff did not have an issue with the design of the house, aside from the carport garage. Mr. Eddington emphasized that no approvals have been granted. Mr. Astorga described the history of the project and stated that the Historic District Design Review was put on hold because of the lot line adjustment. A conditional use permit must be approved by the Planning Commission for the addition because a portion of the slope is greater than 30%. He noted that the 2009 Design Guidelines will be applied. Liza Simpson stated that she feels different about this application and feels comfortable with it being processed with the new Guidelines as a Landmark and National Historic Register structure. Ms. Matsumoto felt that the two properties are being treated differently and a continuance of two weeks is not unreasonable or creating undue expense to the owner. Francisco Astorga believed that staff can provide an analysis on April 21 and hold the Board of Adjustment meeting on May 3 because the timing will occur within the processes. Mr. Butwinski stated that he feels more comfortable with this application because of the CUP process but an analysis could be conducted. Ms. Simpson did not feel the properties are being treated unfairly because they are very different but if the project is not being held up, an analysis might be helpful.

Lance Kincaid asked for clarification on the discussion and Ms. Matsumoto explained that some members are concerned about the house size allowed associated with the lot combination. Mr. Kincaid stated that he has been given the Guidelines and had to apply for a lot amendment in order to do anything. The design for the house has nothing to do with the lot line adjustment and he expressed confusion about continuing action. Ms. Simpson stated that members would like to see more analysis on how big a house could be built on the property and this delay does not slow down the variance process and eventual submittal. Mr. Kincaid stated that he will not be in town on April 21 and he reiterated that the project has been guided by the Code and applying for something bigger than allowed would trigger a variance. The Codes are already written.

Cindy Matsumoto discussed the concern of big homes being built on combined lots and members would like to look at this. Mr. Kincaid reiterated that the Codes are written already and how would they change from this meeting to two weeks. Mr. Eddington understood that staff should perform an analysis of the neighborhood in terms of compatibility and focus on what can be built on this lot pursuant to the LMC and the Historic District Guidelines as the more restrictive of the two apply to the lot. Joe Kernan believed Council has the discretion not to combine lots and the City Attorney replied only with findings. If an application meets the Code, it has to be approved but if incompatibility is discovered a condition may be added. Alex Butwinski asked if members can regulate the size of the house. The City Attorney cautioned that the Council has allowed lot combinations at a policy level in the Code which isn't done on a case by case determination. The policy language in the zone facilitates the combination of two 75' x 25' lots. This policy is based on a comprehensive analysis done in the 1990s where the determination was that it is worth having a slightly larger single family home in exchange for an overall reduction in density with greater setbacks and opportunities for parking and those sorts of things. The basis for the analysis on 335 Woodside is limited, the burden is on the City to demonstrate incompatibility, and the decision can not be a reversal of the policy on a case-by-case basis.

Mayor Williams emphasized that the application must meet CUP criteria, including compatibility, which is evaluated by the Planning Commission and Ms. Simpson noted that the plans must be approved by the HDDR under the new Historic District Guidelines. There are three processes that this application must go through.

Liza Simpson, "I move that we approve an Ordinance approving the 335 Woodside Avenue plat amendment according to the Conditions of Approval, Findings of Fact and Conclusions of Law". Alex Butwinski seconded. Motion unanimously carried.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Joan Card, Legal Counsel; Jason Christensen, Legal Intern; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; Thomas Eddington, Planning Manager; 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 3:30 p.m. Liza Simpson, "I move to open the meeting". Alex Butwinski 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

Subject:	**PCMC Facility Lease Extensions**
Author:	**Max J. Paap**
Date:	**April 21, 2011**
Department:	**Sustainability- Implementation**
Type of Item:	**Administrative – Lease Extension Authorization**

Summary Recommendations:
Staff recommends that City Council approve the lease extensions for tenants of the Library and Education Center (Soaring Wings, Co-op Preschool, and Park City Film Series) & Miner's Hospital (Mountain Trails and Park City/Summit County Arts Council) to simultaneously terminate on June 30, 2013 in a form approved by the City Attorney.

Topic:
Facility Lease extensions at the Library and Education Center and Miner's Hospital.

Background:
Park City Municipal has current leases with tenants at both the Library and Education Center that were set to expire on June 30, 2012 and the Miner's Hospital that expired on June 30, 2010. Both the Arts Council and Mountain Trails have been on a month- to -month basis since that June 30, 2010 date in the Miner's Hospital. On September 23, 2010 Park City Municipal Library staff outlined a draft Library expansion project to City Council. The following excerpt is from the Work Session minutes:

In consideration of the project delay, Tom Bakaly suggested short term extensions on existing leases to 2013 if the tenants are willing. He indicated that funding for this project is not identified in the upcoming budget and the work session is intended to introduce members to this potential project.

Analysis:
Staff concurs that the leases in these building should expire at the same time to allow the library the greatest amount of future expansion flexibility. While the initial Library expansion plans targeted 2012 to begin review, Staff recommends renewing the leases for these five organizations to a term that expires on June 30, 2013. The current lease rates are near the low end of the Market-Rates for like office space in the region, but Staff finds the current tenants continue to provide invaluable services to the community that PCMC cannot. Sustainability staff will work with Library staff and respective tenants of the Library and Education Center & Miner's Hospital moving forward to ensure that best use of space in these facilities.

Significant Impacts:
Without an extension, the current tenants would have to vacate the respective facilities at the Library and Education Center & Miner's Hospital on June 30, 2012.

ALTERNATIVES

A. Recommend the lease extensions be approved, thereby allowing the current tenants of the Library and Education Center and Miner's Hospital to be in place until June 30, 2013.

B. Modify terms of the lease extensions and approve, thereby allowing the current tenants of the Library and Education Center and Miner's Hospital to be in place until June 30, 2013

C. Recommend denial of the lease extensions, thereby preventing the current tenants of the Library and Education Center and Miner's Hospital to be in place until June 30, 2013.

D. The City Council may be continued until the April 28, 2011 meeting for more information and discussion.

Consequences of not taking the recommended action:
The current tenants would have to make plans to vacate the current PCMC property on June 30,2012.

RECOMMENDATION:
Approve lease extensions to the facility lease agreements at the Library and Education Center (Soaring Wings, Co-op Preschool, and Park City Film Series) & Miner's Hospital (Mountain Trails and Park City/Summit County Arts Council), extending the terms to June 30, 2013, in forms approved by the City Attorney.

Exhibits
Exhibit A – Redlined PCMC Facility Lease Terms

<u>REVISED PCMC FACILITY LEASE TERMS</u>

<u>MOUNTAIN TRAILS</u>

2. **<u>Term</u>.** The Lease term shall commence on July 1, 2007, and shall run for six (6) years through June 30, 2013**.** The property being leased is currently surplus municipal space, but may be required for municipal purposes by Landlord at the conclusion of the lease term. Landlord may terminate this lease upon three (3) months prior written notice if the leased space is required for municipal purposes. No option of first refusal is granted to Tenant.

<u>No Rent Adjustment</u>

<u>Credit for Early Payment</u>. If Tenant pays Landlord the annual rent in full by July 15, then rent will be reduced by four percent (4%).

<u>TERM</u>. The parties acknowledge and agree that each of the ten (10) month terms, September 1st through June 30th, shall be suspended for the duration of the Sundance Film Festival as approved by the City pursuant to a Master Festival License. Rent shall be waived on a pro rata basis for each period of suspension

<u>PARK CITYI SUMMIT COUNTY ARTS COUNCIL</u>

2. **<u>Term</u>.** The Lease term shall commence on July 1, 2007, and shall run for six (6) years through June 30, 2013. The property being leased is currently surplus municipal space, but may be required for municipal purposes by Landlord at the conclusion of the lease term. Landlord may terminate this lease upon three (3) months prior written notice if the leased space is required for municipal purposes. No option of first refusal is granted to Tenant.

<u>No Rent Adjustment</u>

<u>Credit for Early Payment</u>. If Tenant pays Landlord the annual rent in full by July 15, then rent will be reduced by four percent (4%).

<u>TERM</u>. The parties acknowledge and agree that each of the ten (10) month terms, September 1st through June 30th, shall be suspended for the duration of the Sundance Film Festival as approved by the City pursuant to a Master Festival License. Rent shall be waived on a pro rata basis for each period of suspension

SOARING WINGS MONTESSORI SCHOOL

2. **Term**. This lease shall supercede and replace any/all leases in effect between Landlord and Tenant upon commencement of the Lease term. The Lease term shall commence on July 1, 2002 and shall run for one (1) term of four years and three (3) terms of two (2) years and one (1) year term of one (1) year each at the Tenant's option. This lease shall automatically renew for each successive two (2) year term unless Tenant notifies Landlord in writing not less than one hundred eighty (180) days prior to the expiration of any lease term of its intention not renew.

Rent Adjustment: Beginning each July 1 the annual rate shall increase 5%.

Credit for Early Payment: If tenant pays any subsequent annual rent on or before July 15th, then rent for that year will be reduced by four percent (4%)

CO-OP PRESCHOOL

Rent Adjustment: Beginning each July 1 the annual rent shall increase 5%.

Credit for Early Payment. If Tenant pays Landlord the annual rent in full by July 15, then rent will be reduced by four percent (4%).

PARK CITY FILM SERIES

Term. The Lease term shall commence on July 1, 2008, and shall run for five (5) years through June 30, 2013.

Rent Adjustment: Beginning each July 1 the annual rent shall increase 5%.

Credit for Early Payment. If Tenant pays Landlord the annual rent in full by July 15, then rent will be reduced by four percent (4%).

TERM. The parties acknowledge and agree that each of the ten (10) month terms, September 1st through June 30th, shall be suspended for the duration of the Sundance Film Festival as approved by the City pursuant to a Master Festival License. Rent shall be waived on a pro rata basis for each period of suspension.

City Council
Staff Report

Subject: MINE HAZARD MITIGATION ORDINANCE
Author: Joan Card and Jason Christensen
Department: Sustainability
Date: April 21, 2011
Type of Item: Legislative

Summary Recommendations:

City Council should review this staff report and the attached proposed Mine Hazard ordinance. Staff recommends Council provide a public hearing regarding the attached proposed Mine Hazard ordinance and adopt the proposed ordinance to help ensure the safety of residents and visitors to Park City.

Topic/Description:

Legislation related to Mine Hazards.

Background:

Park City was founded as a mining town and has experienced several mining boom and bust mining cycles. Since 1981, no active mining has occurred in Park City and staff is not aware of any immediate plans for new mining activity. The impacts of over 100 years of mining have given the City extraordinary history and character, but have also resulted in shafts, adits, and other openings exposed on the surface within the City. These openings into the ground are no longer being used and a substantial number were driven by mining entities that are now defunct. The openings represent a hazard to residents and visitors to Park City.

State and Federal agencies have some role in closing hazards. The Surface Mining Control and Reclamation Act (SMCRA) of 1977 established national standards for coal mining and requirements for reclamation of mine sites. As part of that act Title IV created the Abandoned Mine Land (AML) Program to reclaim mined areas that meet a legal definition of abandonment (no party with continuing reclamation responsibility for mine sites abandoned prior to 1977) and that pose significant health, safety and environmental problems to the public. SMCRA requires all active coal mine operators to pay a reclamation fee on each ton of coal mined which is used to fund the AML program. The AML is a federal program and many states receive federal AML grants to fund state programs. Federal legislation targeted abandoned coal mines, and use of this legislation for non-coal reclamation is limited. Utah's Division of Oil, Gas and Mining (DOGM) implements an abandoned mine reclamation program and has inventoried mine features in the Park City area. At the state level DOGM has reportedly closed some mine sites in Park City with the consent of the landowner. Other Park City landowners have not consented to DOGM efforts to close mine sites on their property.

Despite DOGM efforts, hazards are still present within the City. These hazards have the potential to injure people, animals, and property. During a one year period around 2009, a skier fell into a hazard, a dog fell into a hazard, and a sinkhole opened up near the rail trail. Less than two months ago a 28 year old man was killed after falling into a Nevada mine shaft. Staff believes the City will be judged for decades on how well we managed this issue in 2011.

Analysis:

To address the safety hazard represented by these shafts, adits, and other openings in Park City staff has drafted a proposed amendment to the Municipal Code to give the City tools to reduce the danger. This proposal can be viewed as having two parts.

The first part, proposed to be located in Title 6, Chapter 4, is designed to declare Physical Mine Hazards as nuisances. Physical Mine Hazards, defined in detail in the proposed amendments, are basically mine related openings into the ground. According to the draft, once declared as nuisances, the Chief Building Official may order a property owner to abate, or close, the Physical Mine Hazards. If the owner fails to take action, the City may enter the property to abate the hazard and then recover its costs from the property owner.

The second part, proposed to be located in Title 11 Chapter 20, is written so as to place an obligation on land owners within the Mine Hazard Mitigation Area to conduct a search for Physical Mine Hazards and then subsequently close those hazards. It will also create an obligation to notify the City if additional Physical Mine Hazards are found and close those additional Physical Mine Hazards. This requirement would be in effect only within the Mine Hazard Mitigation Area—defined as parcels over 10 acres located within City limits. This definition includes a substantial area within the higher elevations, and it is assumed that larger lots would be more likely to include unaddressed mine hazards.

In creating the Mine Hazard Mitigation Area staff determined that a bright line rule to delineate the Mine Hazard Mitigation Area would result in a better ordinance. The Mine Hazard Mitigation Area was drafted to include property 10 acres or larger. This bright line results in the Mine Hazard Mitigation Area being somewhat over inclusive. This is seen by the inclusion of certain property, such as the Park Meadows Greens, that are unlikely to contain Physical Mine Hazards. For these properties compliance will be simpler as the property should have very few if any indications of Physical Mine Hazards that require visual inspection. Staff is available to assist these property owners with compliance.

Under the second parts, land owners within Mine Hazard Mitigation Area would generally be obligated to do the following:

Obligation:	Proposed Deadline
Create an Evaluation Plan to identify Physical Mine Hazard on the Property.	Before November 1st, 2012
Submit to the Building Department the results of the Evaluation Plan and a Plan for Closure of Any Physical Mine Hazard found.	Before December 1st, 2012
Execute Plan for Closure of the Physical Mine Hazards	Within 3 years of Closure Plan submittal
Update the City when new Physical Mine Hazards are identified	Ongoing

The second part is more proactive, and actively seeks to identify Physical Mine Hazards and then requires those hazards to be closed.

Staff believes that both of these parts should be used. The first part allows the City to react to specific Physical Mine Hazards when made aware of the hazard regardless of where the hazard is located within the City. The second part targets primarily the higher elevations of town where mine hazards are known to exist and requires land owners within that area to identify Physical Mine Hazards and address them. The second part also requires land owners to update the City as additional mine hazards are identified or as previous closures reopen.

Staff previously identified several large property owners within the City as well as individuals with potential Physical Mine Hazards on their property who would be affected by the proposed ordinance. On March 16, 2011 staff met with these stakeholders to solicit input on the proposed ordinance. Staff and Council received a number of comments on the proposed draft from these stakeholders. Staff has reviewed the comments and has prepared the attached revised ordinance for Council's consideration. The revised ordinance includes a number of changes to clarify the requirements of the proposed ordinance.

Staff provided a second opportunity for public comment on April 15, 2011. The meeting was attended by Kerry Gee and Thomas A. Ellision representing United Park City Mines. The meeting was productive and contributed to the overall quality of the proposed ordinance.

Department Review:

Executive, Legal, Sustainability, Building have reviewed this report.

Alternatives:

A. Approve the Request:
City Council should review this report and the attached Physical Mine Hazard Ordinance, hold a public hearing and adopt the amended ordinance.

B. Deny the Request:
Council could deny Staff's request. This would have the same effect as Alternative D

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance. Any significant changes to the attached draft ordinance would require Staff to return at a future Council meeting with an amended ordinance incorporating Council directed changes.

D. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

Significant Impacts: Adoption of this ordinance will create compliance costs for property owners within Park City. These costs will be highest for those property owners with Physical Mine Hazards on their property. Adoption will also require staff time to implement, oversee and enforce the ordinance.

Recommendation:

City Council should review this staff report and the attached proposed Mine Hazard ordinance. Staff recommends Council provide a public hearing regarding the attached proposed Mine Hazard ordinance and adopt the proposed ordinance to help ensure the safety of residents and visitors to Park City.

Ordinance 11-

AN ORDINANCE AMENDING TITLES 6 & 11 OF THE MUNICIPAL CODE OF PARK CITY BY CREATING CHAPTER 4, TITLE 6 - MINE SHAFTS AND TUNNELS, AND CHAPTER 20, TITLE 11- PHYSICAL MINE HAZARD MITIGATION

Whereas, Mining has played an important and large role in the history of Park City;

Whereas, the State Division of Oil, Gas, & Mining regulates the surface effects of mining through bonding and a permit process and also operates a voluntary abandoned mine closure program;

Whereas, the vast majority of past mining in Park City occurred prior to the regulation of surface impacts by the Division of Oil, Gas, & Mining and this past mining has left open mine shafts, mine tunnels, horizontal openings, adits, and other mine-related openings that represent a hazard to the community and that have not been voluntarily mitigated;

Whereas, the City Council desires to address past mining impacts but does not desire to regulate present surface impacts of mining or evaluate those voluntary closures conducted under the Division of Oil, Gas, & Mining;

Whereas, the City Council is granted the authority to declare what shall be a nuisance, and abate the same, and impose fines upon persons who create or suffer nuisances to exist UCA § 10-8-60;

Whereas, the City Council may pass all ordinances necessary and proper for the safety, prosperity, comfort, and convenience of the city and its residents UCA § 10-8-84; and

Whereas, the City Council finds that these openings constitute public nuisances and threats to the health, safety, and welfare of citizens and visitors; and

Whereas, the City Council finds that enacting this Ordinance will reduce the hazard presented by mine related openings

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. AMENDMENT. Title 6 of the Municipal Code of Park City is hereby amended to add Chapter 4 as provided in the following attachment:

Attachment A

SECTION II. AMENDMENT. Title 11 of the Municipal Code of Park City is hereby amended to add Chapter 20 as provided in the following attachments:

Attachment B
Mine Hazard Mitigation Area Map

SECTION III. EFFECTIVE DATE. This ordinance shall be effective upon publication.

PASSED AND ADOPTED this 21st day of April, 2011.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney

Attachment A

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 6 - HEALTH, NUISANCE ABATEMENT, NOISE

TITLE 6 - HEALTH, NUISANCE ABATEMENT, NOISE

TITLE 6 - HEALTH, NUISANCE ABATEMENT, NOISE

CHAPTER 4 - MINE SHAFTS AND TUNNELS

6-4-1. DEFINITIONS.

All words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) MINING OPERATIONS. Any activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.

(B) **MITIGATE**. The completion of Mitigation.

(C) MITIGATION. Actions taken that are reasonably designed to prevent accidental or unauthorized intentional access to an underground working, which actions may include but shall not be limited to backfilling, installing block or stone wall enclosures, installing bat gates, or installing corrugated metal pipe or rebar grates.

(D) PHYSICAL MINE HAZARD. Any open mine shaft, mine tunnel, horizontal opening, adit, or other mine related opening that extends more than 5 feet into the ground. None of the following is a Physical Mine Hazard:

(1) above ground structures;

(2) vertical opening where the Chief Building Official has made a written determination that due to the physical characteristics of an opening it does not present a potential health or safety concern; or .

(3) sites previously the object of Mitigation so long as Mitigation has not failed.

6-4-2. MAINTENANCE OF PHYSICAL MINE HAZARDS PROHIBITED

It is unlawful for any Owner, to knowingly permit or maintain on their premises any Physical Mine Hazard, unless the Physical Mine Hazard:

(1) is a necessary part of a public water system as determined by the applicable public water system operator;

(2) is presently part of Mining Operations as defined in this Chapter or U.C.A. § 40-8-4;

(3) was previously issued a Permit by the Utah Division of Oil, Gas and Mining as defined in U.C.A. § 40-8-4;

(4) prior to December 1st, 2012, is within the Mine Hazard Mitigation Area as defined in Section 11-20-1 so long as the Chief Building Official has not made a written determination that the Physical Mine Hazard represents a substantial hazard to the public; or

(5) after December 1st, 2012, is identified in Section 11-20-3 or Section 11-20-4 and is in compliance with the submitted schedule for mitigation.

6-4-3. VIOLATION – NUISANCE - ABATEMENT

Any Physical Mine Hazard not otherwise exempt from this Chapter is declared to be a public nuisance. An Owner shall within ninety days (90) of written notice from the City as to the existence of a Physical Mine Hazard submit a plan for Mitigation to the Chief Building Official. An Owner shall complete Mitigation within one (1) year of written notice from the City. If the Owner fails to abate the same through Mitigation within this time frame, the Chief Building Official may direct its summary abatement through Mitigation at the full expense of a Owner.

6-4-4. OTHER CLAIMS NOT PRECLUDED

Nothing in this Chapter shall prevent an, Owner, other individual or entity from asserting any claim in law or equity regarding a Physical Mine Hazard..

Attachment B

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 11 - BUILDING AND BUILDING REGULATIONS

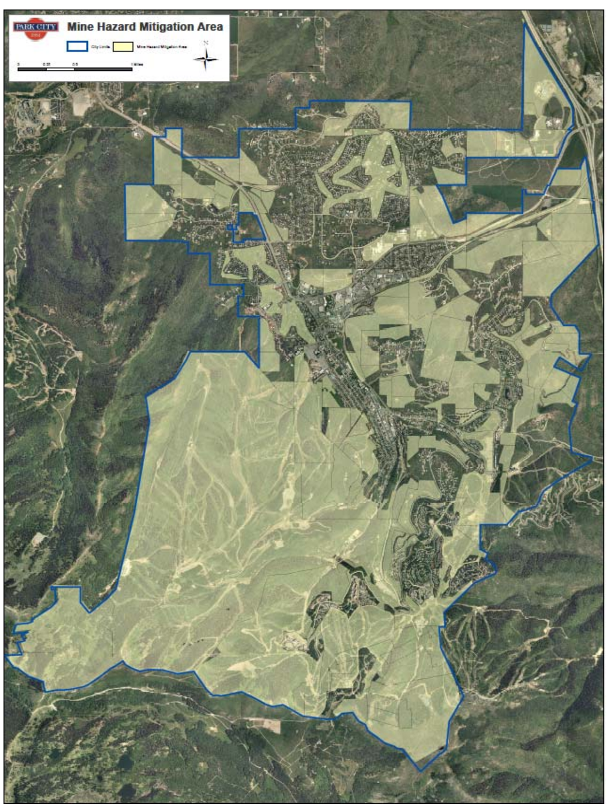
CHAPTER 20 – PHYSICAL MINE HAZARD MITIGATION

TITLE 11 - BUILDING AND BUILDING REGULATIONS

CHAPTER 20 - PHYSICAL MINE HAZARD MITIGATION

11-20-1. AREA

This Chapter shall affect only that property depicted in the map attached hereto, hereinafter referred to as the Mine Hazard Mitigation Area.



11-20-2. DEFINITIONS

All word and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) **EVALUATION PLAN.** Defined in Section 11-20-3.

(B) **MINE HAZARD MITIGATION AREA.** Defined in Section 11-20-1.

(C) **MINING OPERATIONS.** Any activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.

(D) **MITIGATE**. The completion of Mitigation.

(E) **MITIGATION.** Actions taken that are reasonably designed to prevent accidental or unauthorized intentional access to underground workings, which actions may include but shall not be limited to backfilling, installing block or stone wall enclosures, installing bat gates, or installing corrugated metal pipe or rebar grates.

(F) **MITIGATION PLAN.** A written statement of the Mitigation activities to be conducted by the Owner and a schedule for the completion of those Mitigation activities.

(G) **PHYSICIAL MINE HAZARD.** Any open mine shaft, mine tunnel, horizontal opening, adit, or other mine related opening that extends more than 5 feet into the ground. The following are not Physical Mine Hazards:

(1) above ground structures;

(2) vertical opening where the Chief Building Official has made a written determination that due to the physical characteristics of an opening it does not present a potential health or safety concern; or
.

(3) sites previously the object of Mitigation so long as Mitigation has not failed.

11-20-2. PHYSICAL MINE HAZARD PROHIBITED

Physical Mine Hazards are prohibited within the Mine Hazard Mitigation Area, except for those Physical Mine Hazards that:

(A) are a necessary part of a public water system as determined by the applicable public water system operator;

(B) are a part of Mining Operations as defined in this Chapter or U.C.A. § 40-8-4;

(C) were previously issued a Permit by the Utah Division of Oil, Gas and Mining as defined in U.C.A. § 40-8-4;

(D) prior to December 1st, 2012, are within the Mine Hazard Mitigation Area as defined in Section 11-20-1 and where the Chief Building Official has not made a written determination that the Physical Mine Hazard represents a substantial hazard to the public; or

(E) after December 1st, 2012, are identified as required in Section 11-20-3 or Section 11-20-4 and in compliance with the submitted schedule for Mitigation.

Physical Mine Hazards maintained in violation of this section may be declared a public nuisance under Title 6 Chapter 4 of this Code. The Chief Building Official may direct their summary abatement through Mitigation at the full expense of a Owner.

11-20-3. OWNER EVALUATION AND INSPECTION

Owners within the Mine Hazard Mitigation Area shall devise an Evaluation Plan and implement the Evaluation Plan on or before November 1st, 2012. The Evaluation Plan shall include reasonable due diligence to identify Physical Mine Hazard(s) The Evaluation Plan shall include a written statement of the activities to be undertaken to identify Physical Mine Hazard(s). At a minimum, this plan shall require the visual inspection of the property, specifically the:

(A) location(s) on the Owner’s property that are identified on the 1955 or more recent United States Geologic Service

Topographic Map by symbols representing the following:

(1) mine tunnel or cave entrance;

(2) mine shaft;

(3) prospect;

(4) tailings; or

(5) mine dump;

(B) location(s) on the Owner's property that show, scarring, or limited vegetation where the cause of such scarring or limited vegetation is unknown or known to be caused by previous mining activity;

(C) location(s) on the Owner's property identified as possibly containing a Physical Mine Hazard after conducting reasonable due diligence, including inquiry into public records, property records, business records, past leases, employee activities known on the property, real estate disclosures, or other sources known to the Owner to contain information on Physical Mine Hazards on the property; and

(D) any Physical Mine Hazard known to the Owner.

Owners may include additional requirements in the Evaluation Plan that in his or her opinion may lead to location of any additional Physical Mine Hazards.

Owners shall maintain a copy of their Evaluation Plan available for inspection for 10 years from the date of completion of the plan.

11-20-4. SUBMISSION

On or before December 1st, 2012, Owners within the Mine Hazard Mitigation Area shall submit to the Building Department the results of the evaluation and inspection effort conducted pursuant to PCMC 11-20-3. The submittal shall be on a form provided by the Building Department, and at a minimum contain the following:

(A) If Physical Mine Hazards are not found or Physical Mine Hazards were present on or after January 1, 2011 and have subsequently been the subject of Mitigation

(1) identification of the property inspected, including a map;
(2) a statement of the inspection results;

(3) Mitigation that occurred after January 1, 2011 and pre and post-Mitigation photos of Physical Mine Hazards; and

(4) a signed statement certifying the following: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Mitigation Plan and that, based on my inquiry of those persons immediately responsible for obtaining and completing the information contained in the Mitigation Plan and report, I believe that the information is true, accurate and complete and that no unreported Physical Mine Hazards are known to me to exist on the property."

(B) If Physical Mine Hazards are found:

(1) identification of the property inspected, including a map;

(2) a statement of the inspection results;

(3) the location, including GPS coordinates, and a pre-Mitigation photograph of all Physical Mine Hazards identified;

(4) actions taken to Mitigate any Physical Mine Hazards between January 1, 2011 and December 1, 2012 and the location, including GPS coordinates, and a pre and a post Mitigation photo of such Physical Mine Hazards;

(5) a Mitigation Plan with a schedule not to exceed three (3) years for Mitigation of all identified Physical mine Hazards; and

(6) a signed statement certifying the following: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Mitigation Plan and that, based on my inquiry of those persons immediately responsible for obtaining and completing the information contained in the Mitigation Plan and report, I believe that the information is true, accurate and complete and that no unreported Physical Mine Hazards are known to me to exist on the property."

(C) Acceptance of a submission by the City does not indicate approval by the City.

11-20-5. REQUIREMENT TO MITIGATE

After submission of the information required in Section 11-20-4, Owners within the Mine Hazard Mitigation Area shall complete the Mitigation Plan as submitted or as approved by the Chief Building Official or his designee.

11-20-6. OBLIGATION TO UPDATE

(A) Owners that complete the Mitigation Plan under Section 11-20-5 shall report the completion of the Mitigation Plan to the Chief Building Official or his designee. The report shall include a brief written summary of the completed Mitigation Plan and a post-Mitigation photograph of each Physical Mine Hazard corresponding with the GPS coordinates as described in the Mitigation Plan.

(B) After submission of the information required in Section 11-20-4, Owners within the Mine Hazard Mitigation Area shall notify the Chief Building Official or his designee within seven (7) days if additional Physical Mine Hazards, not included in a Mitigation Plan, are later identified or if prior Mitigation work fails. Owner shall within ninety days (90) days of notice to the Chief Building Official submit a Mitigation Plan, with a completion date not to exceed one (1) year, for the Mitigation of the Physical Mine Hazard.

11-20-7. INSPECTION

A. The Chief Building Official or his designee may make inspections to ensure identification and Mitigation of any Physical Mine Hazard consistent with Title 11 Chapter 11 of this code.

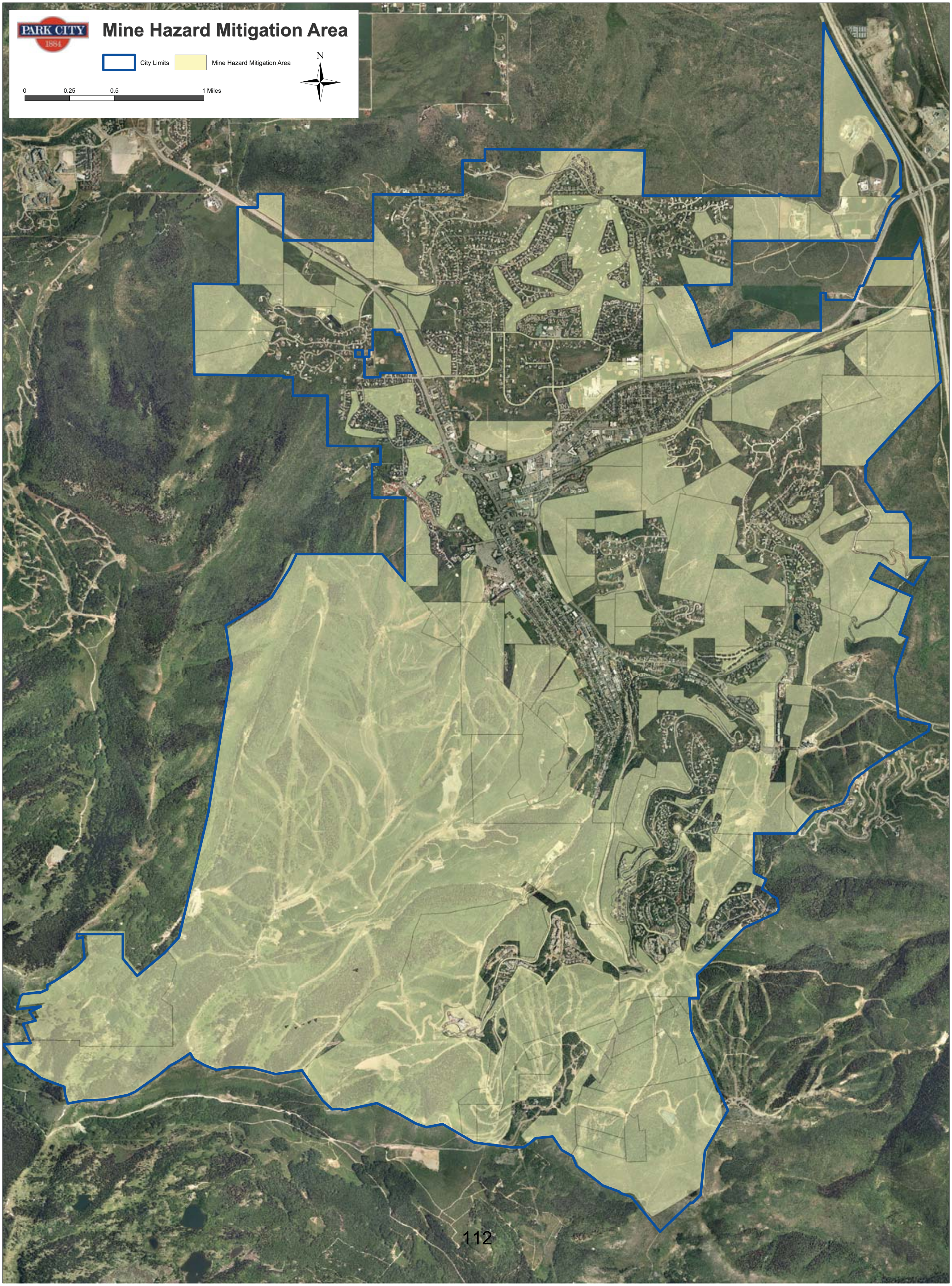
B. The Chief Building Official or his designee may request a copy the Evaluation Plan.

11-20-8. FAILURE TO COMPLY WITH CHAPTER

Any person failing to comply with the provisions of this Chapter may be fined up to $1,000 dollars per violation. Each day of non-compliance may be found to be an additional violation. Any person failing to comply with the provisions of this Chapter may be subject to action under Title 6 Chapter 4 of this Code.

11-20-9. OTHER CLAIMS NOT PRECLUDED

Nothing in this Chapter shall prevent an Owner other individuals, or entity from asserting any claim they may have in law or equity regarding Physical Mine Hazards.


PARK CITY
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Mine Hazard Mitigation Area
City Limits
Mine Hazard Mitigation Area
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1 Miles

City Commission
Staff Report

Application #:	**PL-11-01190**
Subject:	**109 Woodside Plat Amendment**
Author:	**Francisco Astorga, Planner**
Date:	**April 21, 2011**
Type of Item:	**Administrative – Plat Amendment**

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the 109 Woodside Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	Stephen Roy represented by Jonathan DeGray, architect
Location:	109 Woodside Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Proposal
This is a request to combine two (2) lots and portions of several other Old Town lots into one (1) lot of record. There are existing historic structures located at 109 Woodside Avenue. The historic structures were constructed across existing property lines.

Purpose
The purpose of the Historic Residential (HR-l) District is to:

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

Background
On January 24, 2011 the City received a complete application for the 109 Woodside

Plat Amendment. The property is located at 109 Woodside Avenue in the Historic Residential (HR-1) District. The proposed plat amendment combines Lot 2 & Lot 3, and a portion of Lot 1, 4, 29, 30 & 31 of Block 31 of the Park City Survey into one (1) legal lot of record. The requested lot is 6,428 square feet in size. However, staff is recommending that as part of this plat amendment that King Road (portion of Lot 2) be dedicated to the City which would reduce the lot size to 4,376 square feet.

The current use of the property is residential. The site currently contains a single family dwelling and a detached garage accessory building. The site is currently listed as a Landmark site on Park City's Historic Site Inventory (HSI). Both the main dwelling and the garage accessory building have been identified as historic buildings on the HSI. The site is currently eligible for the National Register of Historic Places. The main building is a one-and-a-half story structure which is approximately 754.5 square feet in size (footprint) while the garage accessory building garage is approximately 370 square feet in size.

The applicant wishes to combine the lots and portions of lots as described above into one (1) lot to eliminate the various lot lines going through the main building and the garage accessory building, both historic structures, and to facilitate reconstruction of the accessory building.

After submitting the required Historic District Design Review (HDDR) pre-application to reconstruct the garage accessory building it was discovered that the historic buildings (main and accessory) were built over various lot lines. The improvements to the garage detached structure are subject to HDDR and approval which has not been finalized. A building permit cannot be issued for reconstruction across a lot line.

The Planning Commission held a public hearing and reviewed this request as a consent agenda item during their March 23, 2011 meeting. The Commission forwarded a positive recommendation to the City Council.

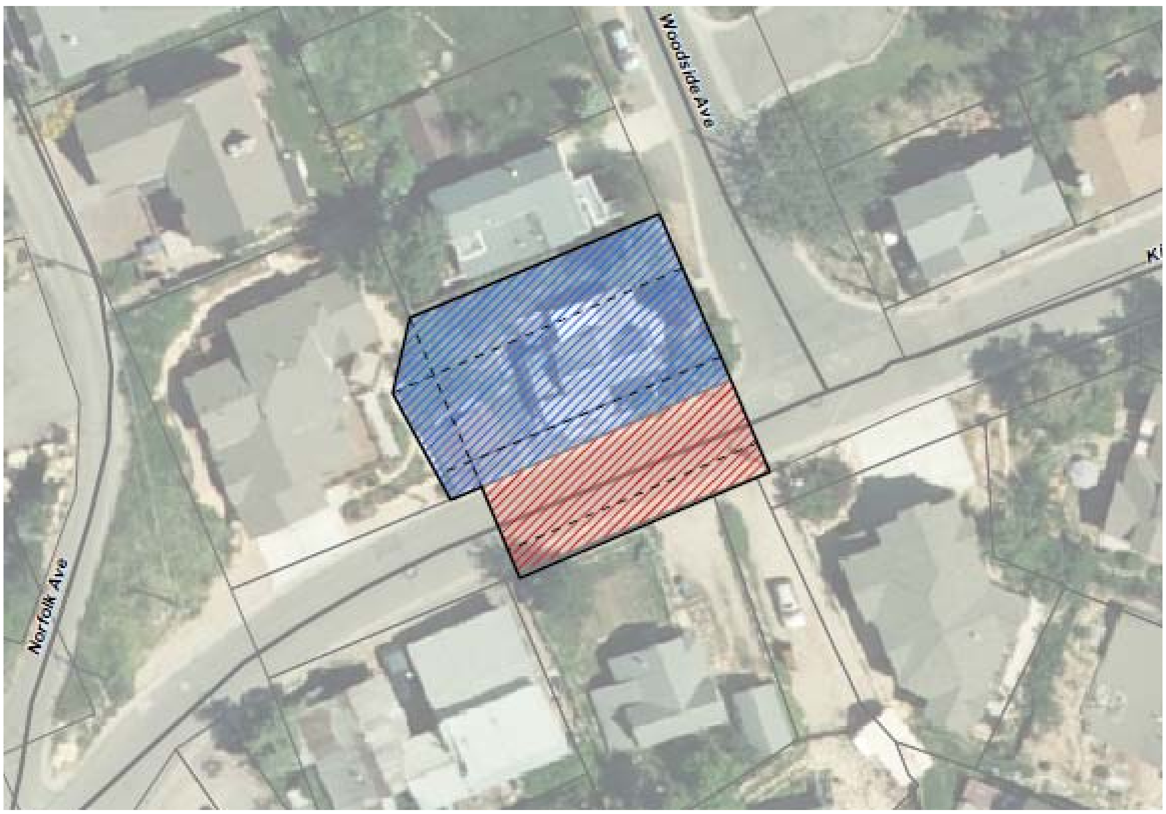
During the regular meeting held on April 7, 2011 the City Council reviewed this Plat Amendment request. The Council made a motion to continue this item to the April 21, 2011 City Council regular meeting and for Staff to provide an analysis related to compatibility with house sizes and footprints within the neighborhood.

Analysis

The proposed plat amendment creates one (1) lot from two (2) Old Town lots and several portions of other adjacent Old Town lots within the HR-1 District all owned by the same property owner. The lot combination will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, and eliminate remnant parcels. Staff has reviewed the proposed plat amendment request and found compliance with the Land Management Code (LMC) requirements for lot size and width.

There is a portion of King Road east of Woodside Avenue that currently goes through the southern portion of the subject property. This area, approximately 2,052 square feet, is owned by the applicant. There is a prescriptive easement that allows the public to utilize the built street, curb, and gutter.

As part of his application, the applicant requested including this portion of King Road to be part of the lot combination. Staff does not recommend including this area as requested, but instead recommends this portion be dedicated to the City as right-of-way for King Road. The applicant will benefit by reducing the assessed area for tax purposes. The public will benefit by the area being an actual right-of-way instead of a prescribed easement over private land. The recommended lot (without the King Road right-of-way) area is 4,376 square feet in size. Staff has prepared the following exhibit below to illustrate the area owned by the applicant, the lot lines to be removed, and the recommended lot area to be platted a one lot of record (area in blue) and the area recommended to be dedicated to the City as a right-of-way (area in red):



Section 15-7.1-3(B) of the LMC requires a finding of good cause for plat amendments. LMC § 15-15.107 defines "Good Cause" as "*providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community*."

Staff finds good cause for this lot combination as the plat amendment will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, dedicate the portion of privately owned King Road to the City as a right-of-way, and eliminate remnant parcels. Staff's recommendation that the applicant dedicates the road over private area (2,052 sq. ft.) is consistent with Park City's Code and policies. The owner has agreed and a condition of approval addresses the dedication. The recommended lot is also in compliance of the following LMC requirements for lot size and width:

	LMC requirement	Proposed	Recommended
Minimum lot size	1,875 sq. ft.	6,428 sq. ft.	**4,376 sq. ft.**
Minimum lot width	25 ft.	79 ft.	**52 ft.**

The overall building footprint of the site is approximately 754.5 square feet, which is the building footprint of the main building. The garage accessory structure is approximately 370 square feet. However, Historic Accessory Structures are not included as footprint for calculation of maximum footprint pursuant to LMC § 15-15-1.34.

Historic structures that do not comply with building setbacks are valid complying structures pursuant to LMC § 15-2.2-4. Both historic structures do not meet the various setbacks as both structures were constructed over the lots lines. If the lots are re-platted as recommended the main structure will meet all minimum setbacks. The garage accessory structure will not meet the side and rear yard setbacks but pursuant to LMC § 15-2.2-4 it will still be considered a valid compliant structure.

Additions must comply with building setbacks, building footprint, and building height. Because both structures are historic they could not be connected in the future. Also because of its historic landmark designation the garage accessory structure will not be able to accommodate another story on top. Landmark structures must retain it historic integrity in terms of form, location, design, materials, workmanship, feeling and association.

The proposed lot will meet the lot and site requirements of the HR-1 District. There are no other violations or non-compliances found on the site with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum/14 feet total
Footprint	1,711 square feet maximum (based on 4,376 sq. ft. lot)
Parking	None required for historic structures
Stories	3 Stories maximum

Footprint/Structure Size Neighborhood Compatibility

The maximum building footprint of structures located on a lot is regulated by the footprint formula found in the LMC. The formula is determined by the size of the lot. The current building footprint is approximately 754.5 square feet. Without a plat amendment, the maximum (combined total) footprint on the existing lots of record is 2,373 square feet plus any (small) increase if any area from the remnant lots, which would have to go through a lot line adjustment application. The building footprints of historic accessory structures are not included in the footprint calculation. The originally proposed lot area (6,428 square feet) yields a maximum footprint of 2,240 square feet. The recommended lot area (4,376 square feet) yields a maximum footprint of 1,711 square feet.

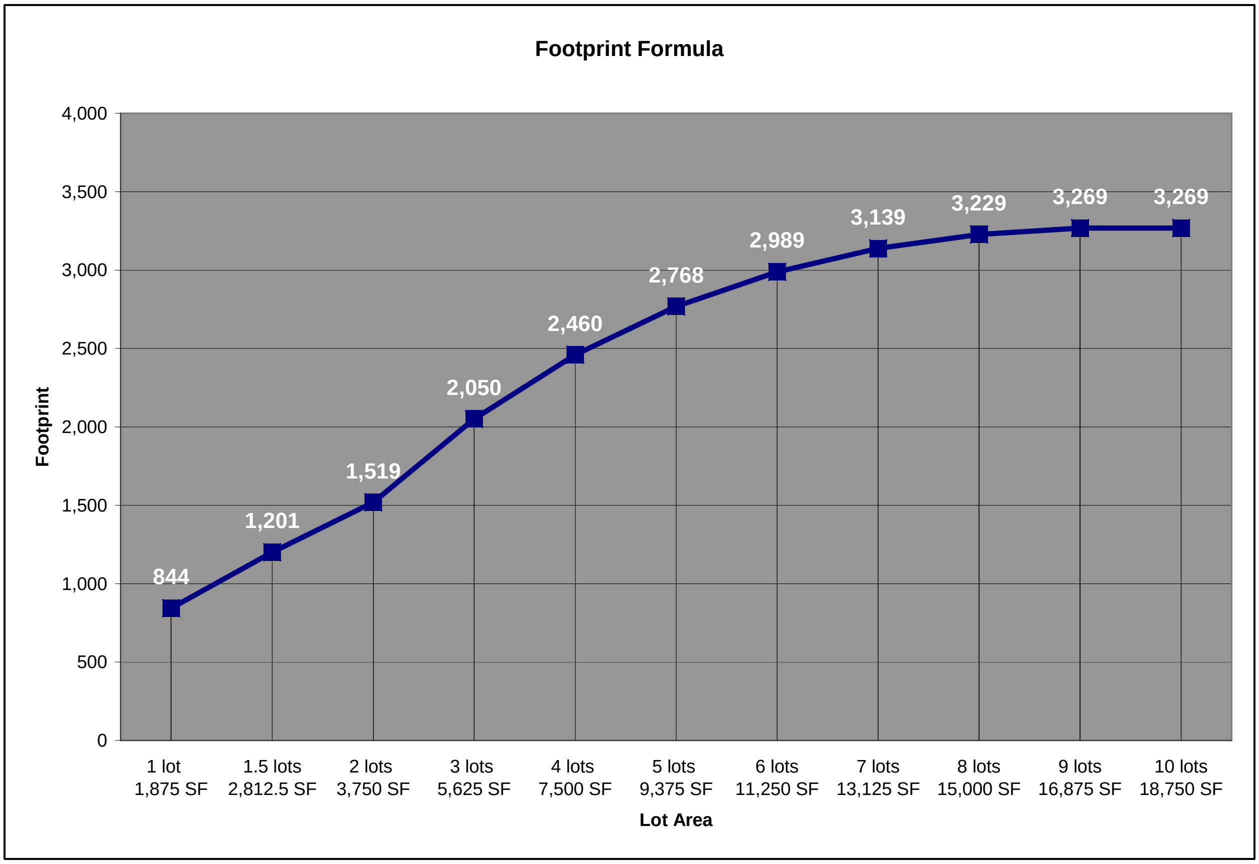
Staff prepared a neighborhood compatibility analysis related to compatibility with house size and footprint within three hundred feet (300') (See Exhibit D). This study was requested by City Council on April 7, 2011. The study was made possible through the information available from Summit County public records retrieved in April 2011 from the EagleWeb on-line system. The footprint of each site was calculated using the acreage of each lot and the adopted LMC footprint formula below:

$$\text{Maximum Footprint} = (\text{area}/2) \times 0.9^{(\text{area}/1875)}$$

LMC sections in the HRL, HR-1, and HR-2 indicate the following related to building footprint:

> ***BUILDING FOOTPRINT (HR-1 DISTRICT)****. The maximum Building Footprint of any Structure located on a Lot or combination of Lots, not exceeding 18,750 square feet in Lot Area, shall be calculated according to the following formula for Building Footprint, illustrated in Table 15-2.2. The maximum Building Footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in Lot Area, shall be 4,500 square feet; with an exemption allowance of 400 square feet, per Dwelling Unit, for garage floor area. A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet.*

To better illustrate the building footprint Staff prepared the following graph below showing the parameters of the footprint formula:



The recommended lot area yields a maximum footprint of 1,711 square feet per the footprint formula above. According to the prepared study (Exhibit D) the average footprint for a lot within three hundred feet (300') is 1,508 square feet. The average footprint of historic sites within the same 300' is 1,397 square feet.

According to the study (Exhibit D) the average square footage of the structures within 300' is 2,399. The average total square footage of historic structures within the same 300' is 1,553. Except for when found necessary to mitigate adverse impacts during original subdivision or the plat amendment process, the LMC currently does not limit the square footage of a structure. However; the LMC does limit minimum setback, maximum footprint, maximum height, and maximum number of stories within the HR-1 District. Given the existing location of the historic structures and the new setbacks established with the proposed plat amendment application Staff finds that it will be somewhat of a challenge to place a significant addition to the existing historic dwelling in the future. Accordingly, staff does not a find a basis in the record for imposing additional size limitations in this instance. See Exhibit E – Existing Site Plan with Building Pad.

All historic structures within the historic districts have to comply with the Historic District Design Guidelines (adopted 2009). There are specific guidelines dealing with additions to historic structures and relocation and/or reorientation of intact buildings. See Exhibit

F – Design Guidelines for Historic Sites (additions and relocation/reorientation).

Both structures located at 109 Woodside Avenue have been identified as historic per the HSI. Because of the two (2) historic structures the footprint analysis should not be determined as if the site was vacant. Should any additions take place in the future, they will have to be in compliance of the LMC development standards and applicable Design Guidelines. Due to the strict nature of the LMC and the Design Guidelines staff believes it will be impossible to maximize the footprint as allowed by the LMC and accommodate an addition that will comply with the Design Guidelines. Staff recommends that in this specific case the maximum footprint be determined by the footprint formula since other parameters including location of built structures (historic) and development standards will reduce the size of the addition that could take place.

Process
The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. They will also have to submit a Building Permit application. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

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

Alternatives

- The City Council may approve the 109 Woodside Plat Amendment as conditioned or amended; or
- The City Council may deny the 109 Woodside Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 109 Woodside Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts
There are no significant fiscal or environmental impacts from this application. The right-of-way dedication for King Road will be a benefit for the City.

Consequences of not taking the Suggested Recommendation

The historic structures would remain as is and no improvements could take place across the existing lot lines and King Road would remain within a prescriptive easement on private property.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 109 Woodside Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Topographic Survey
Exhibit C – Plat Amendment Analysis
Exhibit D – Neighborhood Compatibility Analysis
Exhibit E – Existing Site Plan with Building Pad
Exhibit F – Design Guidelines for Historic Sites (additions and relocation/reorientation)

Exhibit A: Draft Ordinance

Ordinance No. 11-

AN ORDINANCE APPROVING THE 109 WOODSIDE PLAT AMENDMENT LOCATED AT 109 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 109 Woodside Avenue has petitioned the City Council for approval of the plat amendment; and

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 March 23, 2011, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 23, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 7, 2011, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 109 Woodside Plat Amendment.

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

SECTION 1. APPROVAL. The 109 Woodside Plat Amendment as shown in Attachment 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 109 Woodside Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The recommended lot is 4,376 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 sq. ft.
5. The lot width of the recommended lot is fifty-two feet (52').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing building footprint found on site is 754.5 square feet which is the footprint for the historic house.
8. The footprint of accessory buildings which are on the Historic Sites Inventory do not count toward maximum allowed footprint pursuant to LMC § 15-15-1.34.

9. The maximum footprint for a lot this size (recommended lot area) is 1,711 square feet.
10. The current use of the property is a single family dwelling.
11. There are two historic structures on the site, a main building and an garage accessory building.
12. The historic structures were constructed across existing property lines.
13. There are no other violations or non-compliances found on the site.
14. No remnant parcels of land are created with this plat amendment.
15. There is a portion of King Road east of Woodside Avenue that currently goes through the southern portion of the subject property. This area, approximately 2,052 square feet, is owned by the applicant.
16. There is a prescriptive easement that allows the public to utilize this portion of King Road which includes the built street, curb, and gutter.
17. The applicant requested including this portion of King Road to be part of the lot combination.
18. Staff does not recommend including this area as requested, but instead recommends this portion be dedicated to the City as right-of-way for King Road.
19. The recommended lot (without the King Road right-of-way) area is 4,376 square feet in size.
20. Staff prepared a neighborhood compatibility analysis related to compatibility with house size and footprint within three hundred feet (300’) as requested by City Council on April 7, 2011.
21. The study was made possible through the information available from Summit County public records retrieved in April 2011 from the EagleWeb on-line system.
22. The average footprint for a lot within three hundred feet (300’) is 1,508 square feet.
23. The average footprint of historic sites within three hundred feet (300’) is 1,397 square feet.
24. The average square footage of the structures within three hundred feet (300’) is 2,399.
25. The average square footage of historic structures within three hundred feet (300’) is 1,553.
26. Except for when found necessary to mitigate adverse impacts during original subdivision or the plat amendment process, the LMC currently does not limit the square footage of a structure.
27. The LMC limits minimum setback, maximum footprint, maximum height, and maximum number of stories within the HR-1 District.
28. Given the existing location of the historic structures and the new setbacks established with the proposed plat amendment application it will be somewhat of a challenge to place a significant addition to the existing historic dwelling in the future.
29. All historic structures within the historic districts have to comply with the Historic District Design Guidelines (adopted 2009).
30. There are specific guidelines dealing with additions to historic structures and relocation and/or reorientation of intact buildings.
31. Because of the two (2) historic structures the footprint analysis should not be determined as if the site was vacant.

32. Should any additions take place in the future, they will have to be in compliance of the LMC development standards and applicable Historic District Design Guidelines.
33. It will be impossible to maximize the footprint as allowed by the LMC and accommodate an addition that will comply with the Design Guidelines.
34. Other parameters including location of built structures (historic) and development standards will reduce the size of the addition that could take place.
35. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

<u>Conclusions of Law:</u>
1. There is good cause for this plat amendment in that the plat amendment will remove the lot lines going through both historic structures, provide an opportunity for an improvement to the accessory structure, dedicate the portion of privately owned King Road to the City as a right-of-way, and eliminate remnant parcels.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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.

<u>Conditions of Approval:</u>
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment 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 a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage.
4. The area identified on the submitted proposed plat (and survey) as the King Road easement shall be dedicated to the City as a public right-of-way and not included in the proposed new lot. This area is approximately 2,052 sq. ft.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

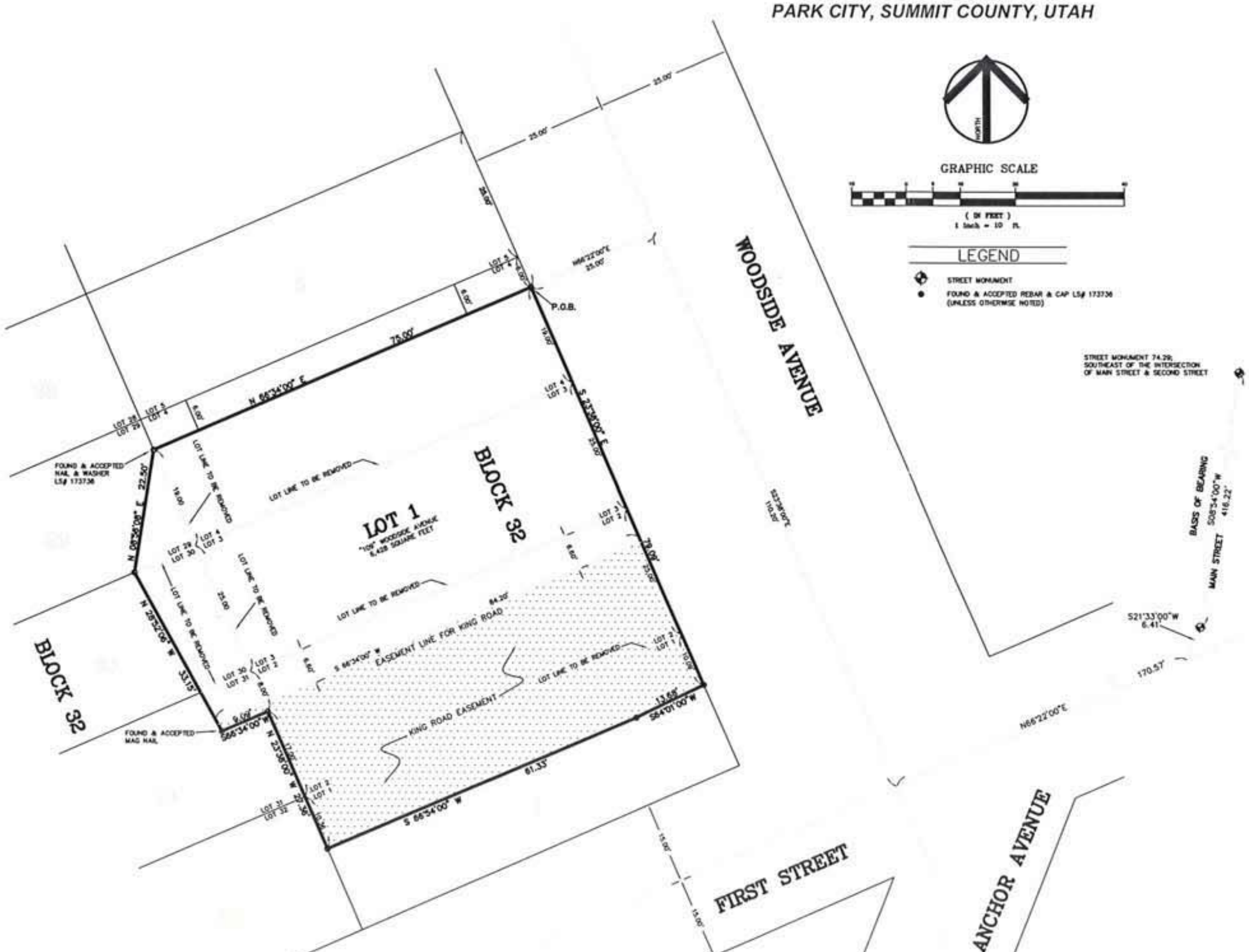
PASSED AND ADOPTED this 21st day of April, 2011.

Attachment A – Proposed Plat

Attachment A – Proposed Plat

109 WOODSIDE PLAT AMENDMENT

LOTS 1, 2, 3, THE SOUTHERLY 19 FEET OF LOT 4 AND A PORTION OF LOTS 29, 30 AND 31, BLOCK 32, AMENDED PLAT OF THE PARK CITY SURVEY, LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 3 EAST SALT LAKE BASE & MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH



PLAT NOTES:

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO COMBINE ALL OF THE SUBJECT LOTS AND PARCELS SHOWN HERE INTO ONE LOT
2. ALL NOTES AND COVENANTS OF SNYDERS ADDITION TO PARK CITY SURVEY PLAT REMAIN IN EFFECT ON THIS PLAT AMENDMENT.
3. PLAT BASED ON SURVEY S-4893 ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 32, AMENDED PLAT OF THE PARK CITY SURVEY; THENCE SOUTH 23°38'00" EAST ALONG THE EAST LINE OF SAID LOT 4, 8.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 23°38'00" EAST ALONG THE EASTERLY LINE OF SAID BLOCK 32, 79.09 FEET; THENCE LEAVING SAID EASTERLY LINE SOUTH 64°01'00" WEST 13.68 FEET; THENCE SOUTH 66°54'00" WEST 61.33 FEET TO THE WESTERLY LINE OF LOT 1, BLOCK 32 OF SAID AMENDED PLAT OF THE PARK CITY SURVEY; THENCE ALONG THE WESTERLY LINE OF SAID LOT 1 AND LOT 2 OF SAID BLOCK 32 NORTH 23°38'00" WEST 27.36 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 66°34'00" WEST 9.09 FEET; THENCE NORTH 28°52'06" WEST 33.15 FEET; THENCE NORTH 08°56'08" EAST 22.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 4, NORTH 66°34'00" EAST 75.00 FEET TO THE POINT OF BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land known as 109 WOODSIDE PLAT AMENDMENT, to be known hereafter as the ______________ do hereby certify that I have caused this Plat to be prepared, and we, ______________ hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this _____ day of ____________ 2011.

BY: NAME
NAME OF COMPANY/CORP.

____
NAME

____
NAME

ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of ____________ 2011, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, ____________ the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: ______________________

My Commission Expires: ______________________

LIEN HOLDER'S CONSENT TO RECORD

State of Utah
County of Summit

The undersigned lien holder hereby consents to the recordation of this plat.

______________________ BY: ______________

The foregoing consent to record was acknowledged before me this _____ day of ____________ 2011.

By: ______________

______________________ My Commission Expires:

Notary Public

SURVEYOR'S CERTIFICATE

I, Christopher R. Braun, certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152604, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

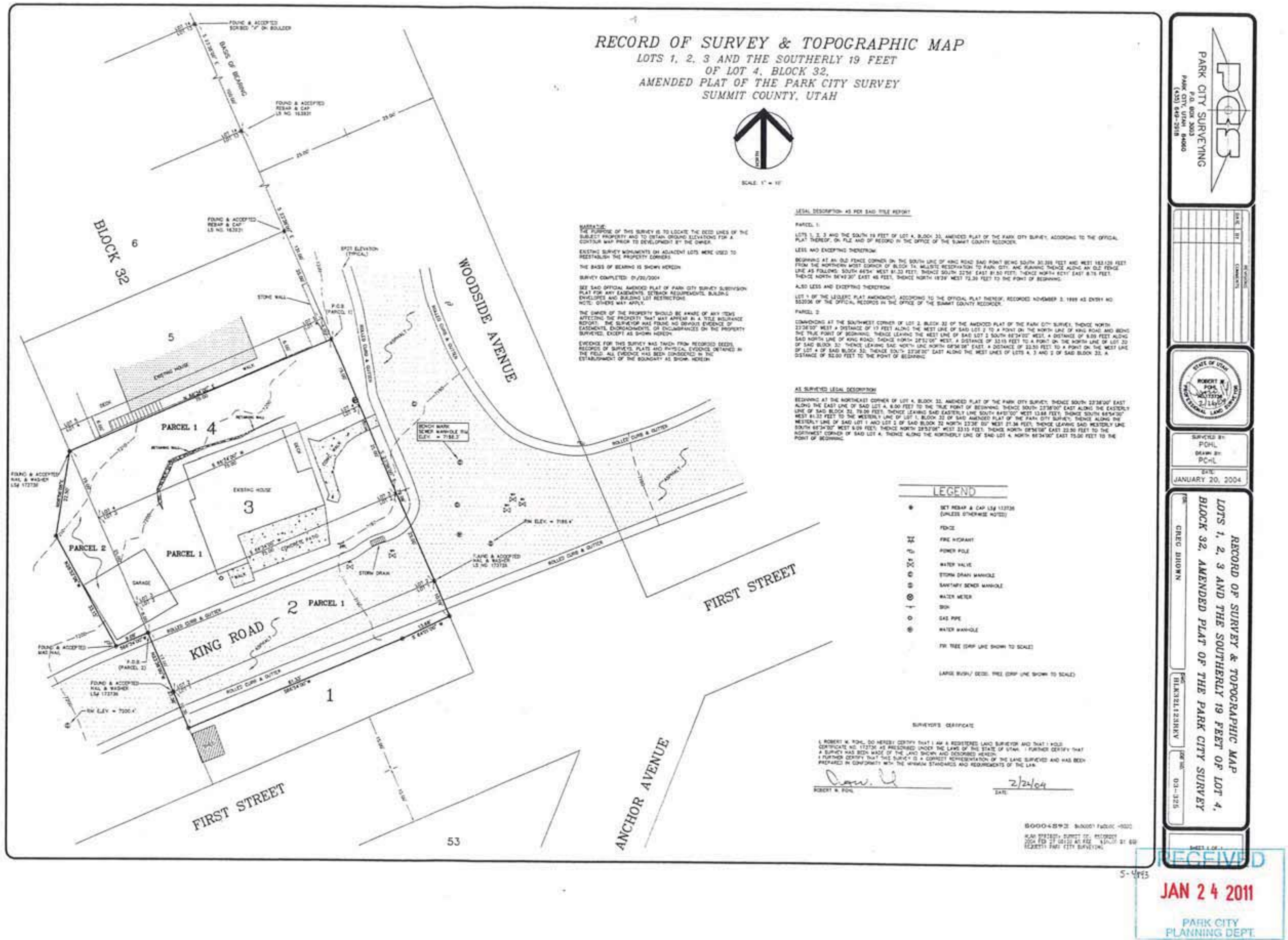
______________________ ____________
Christopher R. Braun, PLS 5152604 — Date

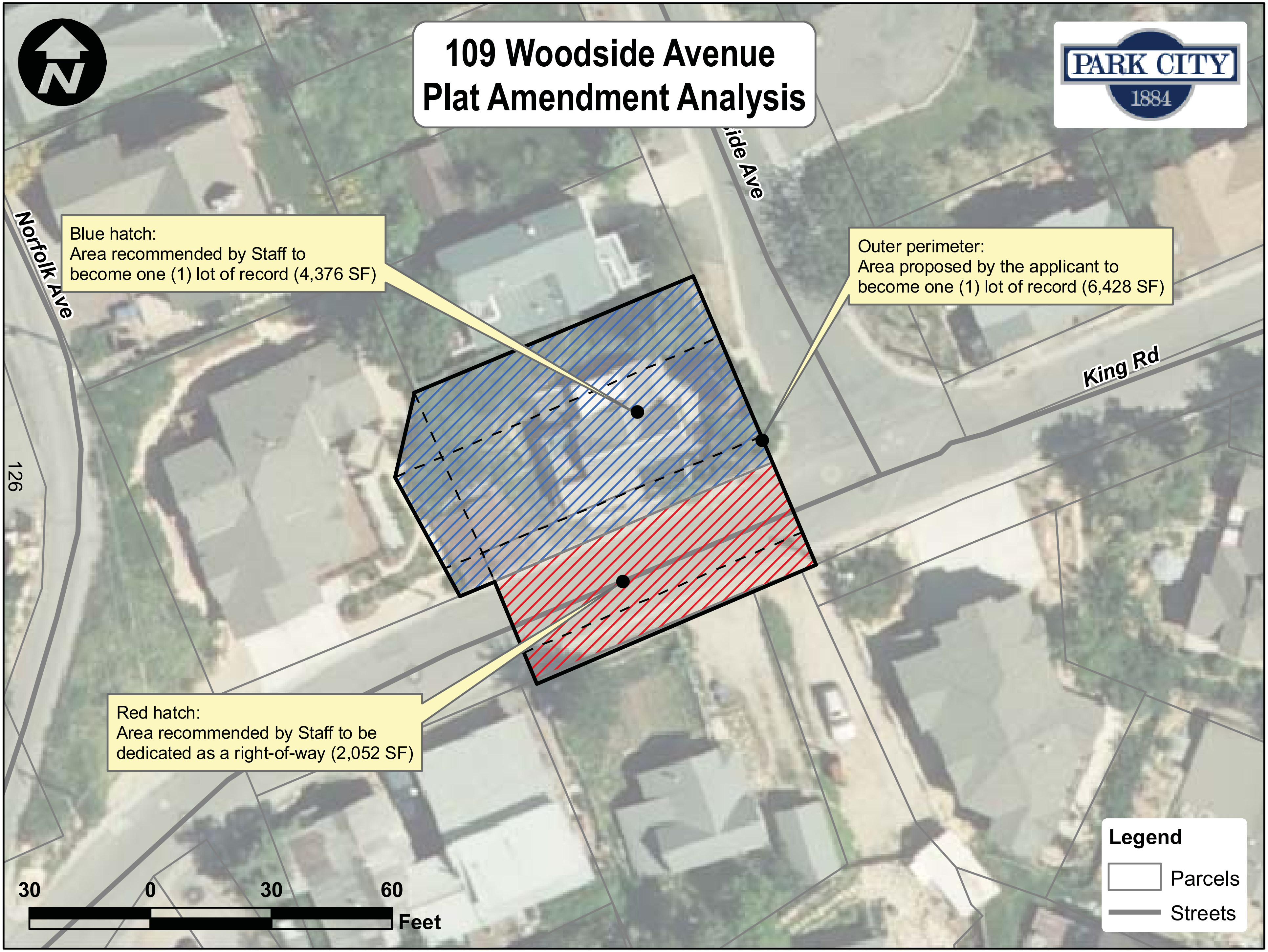
RECEIVED
JAN 24 2011
PARK CITY PLANNING DEPT.

SHEET 1 OF 1

Park City Surveying	COUNCIL APPROVAL & ACCEPTANCE	PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	RECORDED
	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF ______, 2011 A.D.	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ___ DAY OF ______, 2011, A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF ______ 2011 A.D.	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ___ DAY OF ______ 2011 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ___ DAY OF ______ 2011 A.D.	APPROVED AS TO FORM THIS ___ DAY OF ______ 2011 A.D.	ENTRY NUMBER: ___ BOOK: ___ PAGE: ___ STATE OF UTAH, COUNTY OF ___ DATE: ___ TIME: ___ FEE PAID: ___ RECORDED AND FILED AT THE REQUEST OF:
	MAYOR	CHAIRMAN	PARK CITY RECORDER	S.B.W.R.D.	PARK CITY ENGINEER	PARK CITY ATTORNEY — DATE	COUNTY RECORDER

Exhibit B – Topographic Survey




109 Woodside Avenue
Plat Amendment Analysis
PARK CITY
1884
N
Norfolk Ave
ide Ave
King Rd
Blue hatch:
Area recommended by Staff to
become one (1) lot of record (4,376 SF)
Outer perimeter:
Area proposed by the applicant to
become one (1) lot of record (6,428 SF)
Red hatch:
Area recommended by Staff to be
dedicated as a right-of-way (2,052 SF)
30 0 30 60
Feet
Legend
Parcels
Streets

Averages	SF	FP
within 100' radius	2,553	1,546
within 200' radius	2,517	1,569
within 300' radius (overall)	2,399	1,508
Overall historic (300' radius)	1,553	1,397

109 Woodside Avenue Neighborhood Compatability Analysis

Address	Parcel no.	Acres*	Historic site	Living Area*	Basement Area*	Attached Built-in Garage Area*	Unattached Improvements*	Total Square Footage (SF)	Maximum Footprint (FP) Allowed per LMC
115 WOODSIDE AVE	PC-399	0.05		1,080	417			1,497	964
133 WOODSIDE AVE	PC-401	0.09	significant	1,836				1,836	1,573
139 WOODSIDE AVE	MLCH-A-AM	0.06	significant	1,943	712	503		3,158	1,128
145 WOODSIDE AVE	MLCH-B-AM	0.06		2,509		529		3,038	1,128
149 WOODSIDE AVE	PC-404	0.04	significant	675				675	790
157 WOODSIDE AVE	PC-406	0.04		2,306	458	320		3,084	790
171 WOODSIDE AVE	HARDING-1	0.09		2,043	1,320			3,363	1,573
5 KING RD	PC-645	0.05	significant	1,168				1,168	964
6A KING RD	KR-B2-AM	0.05		1,554		472		2,026	964
6B KING RD	KR-B1-AM	0.04		1,391		461		1,852	790
14 KING RD	KR-A	0.06		1,518		473		1,991	1,128
15 KING RD	10-DALY-1AM-2	0.10		1,768	1,117	473		3,358	1,705
33 KING RD	LEC-1	0.13	landmark	899			175	1,074	2,060
39 KING RD	PC-685	0.10	landmark	674			189	863	1,705
41 SEVENTH ST (KING R	PC-684	0.08	significant	1,925	560			2,485	1,433
52 KING RD	52-KR-1	0.13		3,112	596	506		4,214	2,060
NO ADDRESS	PC-678	0.24	landmark	790				790	2,905
55 KING RD	ANCH-2-2AM	0.27		2,318	1,313	708		4,339	3,037
68 KING RD	PC-711	0.07		2,183	684			2,867	1,285
69 KING RD	PC-681	0.14	landmark	819			288	1,107	2,165
74 KING RD	PC-722-A	0.11	landmark	1,228				1,228	1,830
81 KING RD	ANCH-4-2AM	0.11	significant	1,382				1,382	1,830
10 DALY AVE	10-DALY-1AM-1	0.13	significant	2,218	597	406		3,221	2,060
17/19 DALY AVE	DALY AVENUE CON	0.12		4,620				4,620	1,948
24 DALY AVE	PC-648	0.07	significant	1,022				1,022	1,285
25 DALY AVE	PC-603	0.07		2,110	824	461		3,395	1,285
32 DALY AVE	EMPIRE CANYON C	0.09		4,357				4,357	1,573
37 DALY AVE	PC-603-A	0.10		2,907		369		3,276	1,705
40 DALY AVE	EMPIRE CANYON C	0.90		4,365				4,365	2,166
48 DALY AVE	EMPIRE CANYON C	0.90		4,365				4,365	2,166
56 DALY AVE	EMPIRE CANYON C	0.90		4,468				4,468	2,166
62 DALY AVE	62-DALY-A	0.06		1,339	406			1,745	1,128
68 DALY AVE	PC-652	0.05		1,521				1,521	964
109 MAIN ST	PC-209	0.01	significant	496				496	213
115 MAIN ST	PC-210	0.03	significant	894				894	607
122 MAIN ST	CLTR-1	0.04	significant	978	624			1,602	790
140 MAIN ST	PC-245	0.05	landmark	990	1,024	246		2,260	964
104 PARK AVE	PC-233	0.03	significant	791	791			1,582	607
121 PARK AVE	PC-3-X	0.67	landmark						
145 PARK AVE	PC-4	0.06	significant	1,758	1,234			2,992	1,128
151 PARK AVE	PC-5	0.04		1,858	867			2,725	790
157 PARK AVE	157-PA-14A	0.06	landmark	947		240		1,187	1,128
105 NORFOLK AVE	DEGRAY-1	0.17		3,773	1,088			4,861	2,442
113 NORFOLK AVE	PC-724-A	0.10		3,425		385		3,810	1,705
124 NORFOLK AVE	PC-410-411	0.11		2,000	1,114	350		3,464	1,830
125 NORFOLK AVE	PC-718-C-3	0.17		2,001			301	2,302	2,442
130 NORFOLK AVE	PC-401-A	0.06		2,987	865	525		4,377	1,128
143 NORFOLK AVE	PC-719	0.11	landmark	788			79	867	1,830
150 NORFOLK AVE	PC-402-A	0.09		1,024	1,024			2,048	1,573
152 NORFOLK AVE	PC-403-A	0.04		934				934	790
156 NORFOLK AVE	ROSS-2	0.06		2,052		482		2,534	1,128
164 NORFOLK AVE	PC-407	0.04	significant	1,589	517	264		2,370	790
41 SAMPSON AVE	DON-1	0.11	landmark	908			150	1,058	1,830
115 SAMPSON AVE	PC-718-1	0.18	significant	784				784	2,523
121 SAMPSON AVE	121-1	0.15		927	927			1,854	2,263
131 SAMPSON AVE	GATCH-ALL	0.14		1,359	1,234	626		3,219	2,165

Street Average	**SF**	**FP**
Woodside Avenue	2,041	1,117
King Road	2,305	1,637
Daly Avenue	3,245	1,819
Main St/Park Avenue	1,547	777
Norfolk Avenue	2,658	1,566
Sampson Avenue	1,687	1,568

Averages	**SF**	**FP**
within 100' radius	**2,553**	**1,546**
within 200' radius	**2,517**	**1,569**
within 300' radius (overall)	**2,399**	**1,508**
Overall historic (300' radius)	**1,553**	**1,397**

*Source: Summit County, Public Records, EagleWeb (Property), Retrieved by Francisco Astorga, Park City Planning Dept. April 2011

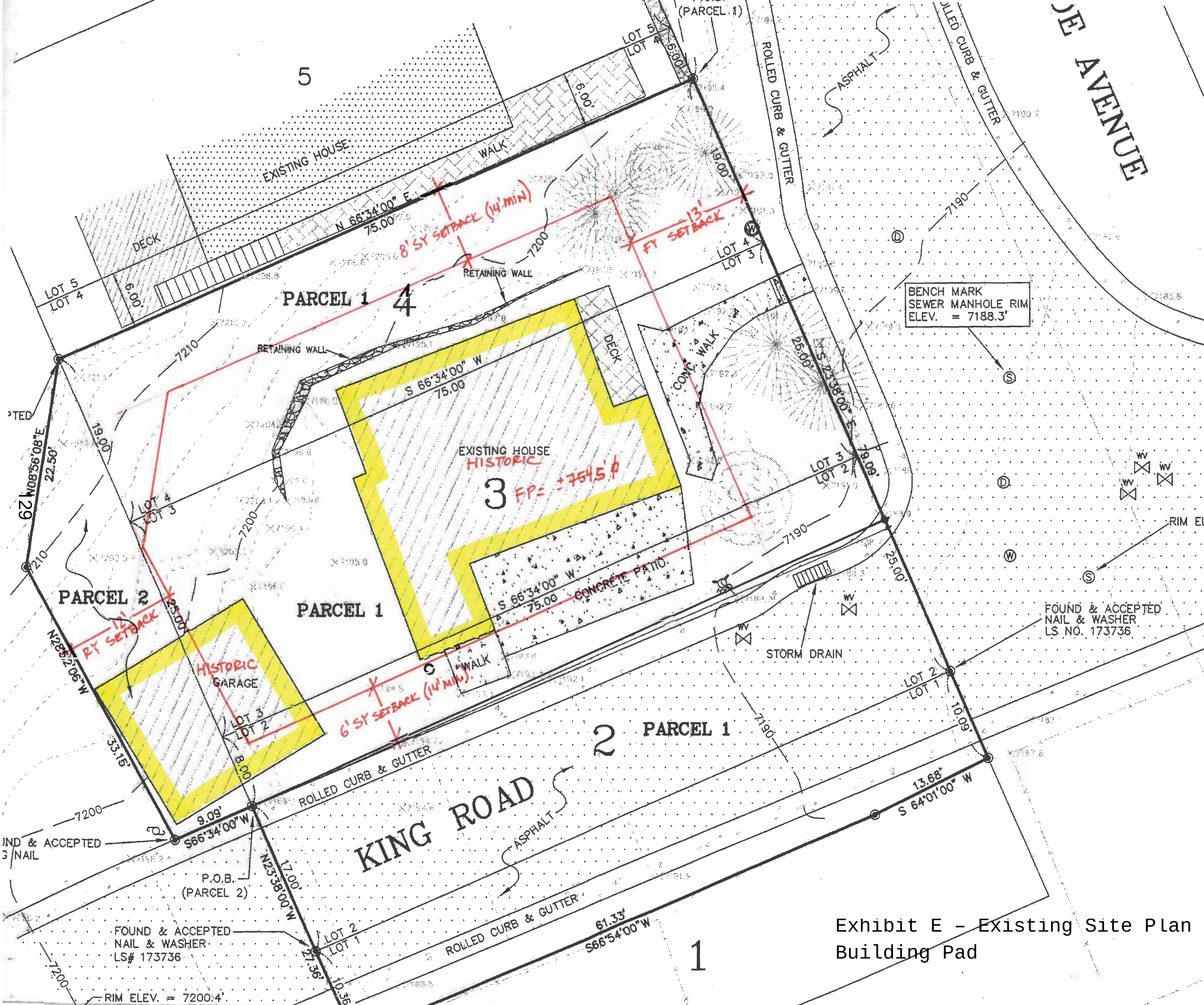


Exhibit E – Existing Site Plan with Building Pad

Exhibit F – Design Guidelines for Historic Sites (additions and relocation/reorientation)

C.3. Detached Garages

C.3.1 New detached garages built on sites with existing historic structures should have an interior dimension that does not exceed twelve (12) feet in width.

C.3.2 Garage doors should not exceed the dimension of nine (9) feet wide by nine (9) feet high.

C.3.3 Roof form, exterior materials, and architectural detailing of a detached garage should complement the primary structure.

These detached garages complement the primary structures. Left: The garage complements the new house--the garage and the front gable of the house are original to the site. Right: The house was moved to this site and rehabilitated.

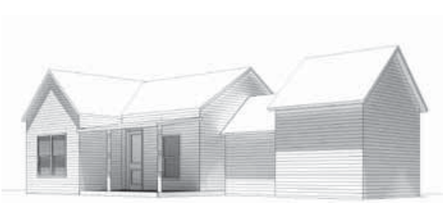
D. ADDITIONS TO HISTORIC STRUCTURES

D.1. Protection for Historic Structures and Sites

D.1.1 Additions to historic buildings should be considered only after it has been demonstrated by the owner/applicant that the new use cannot be accommodated by altering interior spaces.

D.1.2 Additions should be visually subordinate to historic buildings when viewed from the primary public right-of-way.

Left: This rear addition complements the historic building and is a preferred solution. Right: This rear addition overwhelms and engulfs the historic building and is not recommended.



A transitional element between a historic building and an addition is preferred.

D.1.3 Additions should not obscure or contribute significantly to the loss of historic materials.

D.1.4 Where the new addition abuts the historic building, a clear transitional element between the old and the new should be designed and constructed. Minor additions, such as bay windows or dormers do not require a transitional element.

D.1.5 Retain additions to structures that have achieved historic significance in their own right.

D.2. General Compatibility

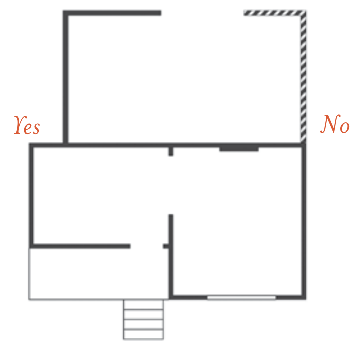
D.2.1 Additions should complement the visual and physical qualities of the historic building.

D.2.2 Building components and materials used on additions should be similar in scale and size to those found on the original building.

D.2.3 Window shapes, patterns and proportions found on the historic building should be reflected in the new addition.

D.2.4 Large additions should be visually separated from historic buildings when viewed from the public right of way.

D.2.5 In-line additions should be avoided.



Left: Additions that engulf a historic building are not recommended.

Right: In-line additions that extend the wall plane of the historic building should be avoided.

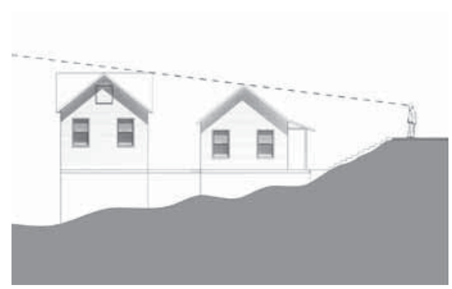
D.3. Scenario 1: Residential Historic Sites—Basement Addition without Garage

D.3.1 The addition should not raise the historic structure generally more than 2' from its original floor elevation.

D.3.2 In plan, the basement addition should not extend beyond the wall planes of the historic structure's primary or secondary facades.

D.3.3 Window or egress wells, if needed, should not be located on the primary façade. Window or egress wells should be located behind the midpoint of the secondary façades or in a location that is not visible from the primary public right-of-way. Landscape elements should be used to screen window/egress wells.

D.3.4 After construction of the basement, the site should be re-graded to approximate the grading prior to construction of the addition.



Large additions, whether constructed on downhill or uphill lots, should be visually separated from the historic building.

D.4. Scenario 2: Residential Historic Sites—Basement Addition with Garage

D.4.1 The addition should not raise the historic structure more than two (2) feet from its original floor elevation. Historic buildings on downhill lots may be raised to accommodate a basement garage provided 1) access to

In the HRL, HR-1, HR-2, HRM, and HRC zones, additions to historic buildings that do not create a Lockout Unit or Accessory Apartment are exempt from off-street parking requirements. As a result, applicants must demonstrate that a proposed basement garage and related driveway will not diminish the integrity and significance of the Historic Site.

the garage is from the side or rear yard, 2) the structure is not raised above finished road grade adjacent to the primary facade, and 3) the integrity and significance of the structure will not be destroyed by the action.

D.4.2 In plan, the basement addition should not extend beyond the wall planes of the historic structure's primary or secondary facades.

D.4.3 The vertical wall area of the basement addition that is visible from the primary public right-of-way should be minimized.

D.4.4 Window or egress wells, if needed, should not be located on the primary façade. Window or egress wells may be located behind the midpoint of the secondary façades or in a location that is not visible from the primary public right-of-way.

D.4.5 After construction of the basement, the site should be re-graded to approximate the grading prior to construction of the addition.

D.4.6 Single vehicle garage doors not greater than nine (9) feet wide and nine (9) feet high should be used.

Left: The garage is tucked under the house which allows character-defining features such as center steps, the porch, and the site grading and landscaping to be retained. Right: The vertical wall area of the basement is visually minimized by the addition of the diagonal retaining wall.

In the HRL, HR1, HR2, HRM, and HRC zones, existing Historic Sites that do not comply with building setbacks are considered valid complying structures. Therefore, proposals to relocate and/or reorient a historic building may be considered ONLY

-if a portion of the historic building encroaches on an adjacent property and an easement cannot be secured; or

-if relocating the building onto a different site is the only alternative to demolition; or

-if the Planning Director and Chief Building Official determine that unique conditions warrant the relocation or reorientation on the existing site.

E. RELOCATION AND/OR REORIENTATION OF INTACT BUILDINGS

E.1. Protection for the Historic Site

E.1.1 Relocation and/or reorientation of historic buildings should be considered only after it has been determined by the Design Review Team that the integrity and significance of the historic building will not be diminished by such action and the application meets one of the criterion listed in the sidebar to the left.

E.1.2 Relocation and/or reorientation of historic buildings should be considered only after it has been determined that the structural soundness of the building will not be negatively impacted.

E.1.3 The structure should be protected from adverse weather conditions, water infiltration, and vandalism before, during, and after the relocation/reorientation process.

E.1.4 If rehabilitation of the structure will be delayed, temporary improvements should be made—roof repairs, windows/doors secured and/or covered, adequate ventilation—to the structure to protect the historic fabric until rehabilitation can commence.

E.1.5 A written plan detailing the steps and procedures should be completed and approved by the Planning and Building Departments.

F. DISASSEMBLY/REASSEMBLY OF ALL OR PART OF A HISTORIC STRUCTURE

F.1. General Principles

F.1.1 Disassembly of a historic building should be considered only after it has been determined by the Design Review Team that the application meets one of the criteria listed in the sidebar.

F.1.2 Though disassembly/reassembly is not a common practice in the preservation field, if it must be undertaken, it should be done using recognized preservation methods.

F.2. Documentation Requirements prior to the commencement of disassembly

F.2.1 Measured drawings of the structure or element to be disassembled/reassembled should be completed.

F.2.2 A thorough photographic survey of the element or interior and exterior elevations of the structure should be made, including site and location views from all compass points, exterior elevations, interior elevations of each room, and elevations of each basement and attic wall. Standards for photographic documentation are provided in the Design Review Process section of these guidelines.

F.2.3 Written plans detailing the disassembly and reassembly steps and procedures should be completed and approved by the Planning and Building Departments.

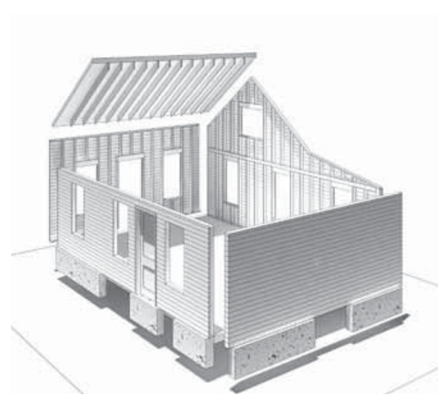
F.3. Disassembly

F.3.1 In order to minimize loss of historic fabric, structures should be disassembled in the largest workable pieces possible.

F.3.2 To ensure accurate reassembly, all parts of the building or element should be marked as they are systematically separated from the structure. Contrasting colors of paint or carpenter wax crayons should be used to establish a marking code for each component. The markings should be removable or should be made on surfaces that will be hidden from view when the structure is reassembled.

F.3.3 Important architectural features should be removed, marked, and stored before the structure or element is disassembled.

Disassembly/Reassembly of historic structures is not a common practice in the field of Historic Preservation. Therefore, a proposal to disassemble/reassemble a historic structure will be considered ONLY:
-if a licensed structural engineer certifies that the building cannot reasonably be moved intact; or
-if disassembly/reassembly is the best alternative to demolition; or
-if the building is determined by the Chief Building Official to be a hazardous or dangerous building, pursuant to Section 115.1 of the International Building Code; or
-if the Planning Director and the Chief Building Official determine that unique conditions and overall quality of the historic preservation effort warrant the disassembly/reassembly of part or all of the building,
AND
-if it is to be accurately reassembled in its original form, location, placement and orientation.



Structures should be disassembled in the largest pieces possible.

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