



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 8, 2023**

COMMISSIONERS IN ATTENDANCE: Chair Laura Suesser, John Kenworthy, Vice Chair Sarah Hall, Bill Johnson, Christin Van Dine, John Frontero

EX OFFICIO: Gretchen Milliken, Planning Director; Rebecca Ward, Assistant Planning Director; John Robertson, City Engineer; Jaron Ehlers, City Planner; Spencer Cawley, City Planner; Caitlyn Tubbs, Senior Historic Preservation Planner; Celia Peterson, Environmental Sustainability Project Manager; Mark Harrington, City Attorney

1. ROLL CALL

Chair Laura Suesser called the meeting to order at approximately 5:30 p.m. She stated that all Commissioners were present, with the exception of Commissioner Henry Sigg who was excused. Commissioner Sarah Hall attended remotely.

2. MINUTES APPROVAL

A. Consideration to Approve the Planning Commission Meeting Minutes from February 8, 2023.

MOTION: Commissioner Bill Johnson moved to APPROVE the Planning Commission Meeting Minutes from February 8, 2023. Commissioner Christin Van Dine seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reminded the Commission that Staff issued a Request for Proposals ("RFP") for a Land Management Code ("LMC") Update Consultant who will help Staff with the LMC priorities for 2023. She requested two volunteers from the Planning Commission participate in the review of the RFPs on March 16th from 9:00 to 10:00 a.m. Chair Suesser and Commissioner John Frontero volunteered to assist with the RFP review.

Director Milliken noted that in response to some of the Commissioners' questions, the Engineering Department was working with a Consultant to prepare Traffic Impact Study Criteria.

The Engineering Department hoped to have this work finished by the end of May after which they would return to present it to the Planning Commission in June.

Commissioner Kenworthy asked if these involved the baseline studies on the intersections and the capacity of the roads. Director Milliken answered in the affirmative and stated that in addition to hiring the Consultant to develop the criteria, the Engineering Department was also collecting data from the main intersections in town during key events and peak hours. This data would serve as the baseline data they could then work with moving forward.

Commissioner Kenworthy understood they were going to have set times and days so the studies would be comparable. City Engineer, John Robertson reported that they were preparing Traffic Study Guidelines that would study the same intersections and analyze the impacted intersections. The City was also collecting traffic data that would be provided to the applicants so the applicants would be using the same data and similar criteria across the board. He offered that this would provide consistency in the analysis of Traffic Studies. He added that they would also identify when a Traffic Study would be required. There were certain key intersections in town that they would study all the time. In response to an inquiry, he identified these intersections as follows:

- S.R. 224 and 248;
- Bonanza and S.R. 248;
- Bonanza and S.R. 224/Deer Valley Drive; and
- Empire Avenue, Deer Valley Drive, and Park Avenue.

Engineer Robertson noted that these four intersections were heavily impacted and caused congestion throughout town. They would require that any analysis study those intersections and the impacts on them from an applicant's project. They also might add a few other intersections closer to development as well and would make that determination when a project comes in for review.

Commissioner Kenworthy clarified that if they conducted a study on President's Day, they would not focus on Monday at noon; rather they would have a set time such as Saturday at 4:00 p.m. Therefore, every year they would compare that set date and time because as they are aware, traffic fluctuates tremendously. Engineer Robertson noted that they will also capture four key days throughout the year and they look at the best one to apply. The City would provide those counts at the same time and location so they could then determine the best one to use.

Chair Suesser understood that the data provided would include the time and date that the numbers were collected. Engineer Robertson stated the data would include vehicle, bicycle, and pedestrian counts and noted that they would further break down the vehicles into types of vehicles. Engineer Robertson stated that this work should be completed and ready to come back before the Commission in early June.

Chair Suesser asked about the technology being used to collect the data. Engineer Robertson explained that various types of equipment could be used. In some cases, they would still use people at a particular location to conduct the counting; however, they also use cameras that capture movement that is then counted by hand. He added that new technology was available wherein the camera would count as well. For the future, they were looking at equipment they

could put at various intersections and were looking at the more advanced type of collectors such as these cameras that also count.

In response to an inquiry, Engineer Robertson stated that the City hired a Consultant to conduct the counts and collect the data. He did not verify which technology the consultant used, but the requirements were to get all counts, all movements, and the breakdown of the various positions. Whatever means the consultant used, the requirement was to capture the movements.

Engineer Robertson reported that the Consultant they used was Wall Consultant Group ("WCG") which collected data over President's Day weekend. He advised that a couple of additional days would also be studied. He commented that when preparing a Traffic Study, one typically wants to look at the worst conditions. They will get these counts to help establish a baseline but they will probably end up using the President's Day counts as the days to consider for the analysis of the Traffic Impact Study because that is the time period where they see the most concerns they would want to mitigate. They will take these counts at the set locations three to four times throughout the year and were working with Transportation Planning to see what other days would be best. Collecting data at these other locations would also help to establish baselines in those areas as well.

Engineer Robertson reiterated that they were working toward technology that could be installed and provide continuous counting throughout the year. He noted that was more of an investment that Transportation Planning and Transit were working on. In the meantime, they were conducting counts to start that pattern.

A. Initiation of the General Plan Update.

Director Milliken reported that they were hoping to kick off the General Plan Update this spring, and provided an overview. Staff would be returning on April 12, 2023, for a Work Session to obtain Planning Commission input before they issued the RFP for a Consultant. Director Milliken presented an overview of why a General Plan Update was being done and explained that it was considered the City's blueprint for future land use and also provides guidance for sustainable development. She stressed that it was what they look to for the overarching guidelines when applying the LMC to the applications that come before the Planning Commission. She stated that the LMC was aligned with the General Plan, and the General Plan provided the overriding guidance.

When updates are undertaken, it provides an opportunity to engage with the community, check the pulse, and look at the values and vision for the community. They also identify community goals, values, and objectives. Director Milliken explained the different elements of the General Plan and noted there were State requirements covering land use, transportation, and housing. Water was more recently added to the State's requirements. The community at large often decides what other plan elements they want to be included, which can be anything from community facilities, environment, and tourism, to historic preservation. These types of elements illustrate what the community feels best represents their values.

Director Milliken added that the General Plan establishes strategies and helps to achieve desired outcomes. It addresses how they will implement the objectives, goals, and values. The General Plan also provides plan prioritization and implementation strategies. Director Milliken presented a timeline of the land use that has occurred in Park City. She highlighted the two major eras in Park City. The first was the mining era between 1868 and the early 1930s. The

second era began after the economic decline, with the emergence of the ski era. She highlighted the key land use decisions or initiatives on the timeline and noted that beginning in 1973 Park City had a Master Plan. That Master Plan was in place until approximately 1985 when the town created a Comprehensive Plan that included zoning revisions. She characterized this as early Land Management Code.

The Comprehensive Plan was updated in 1997 with an official General Plan, which is what is now required by the State. The current General Plan that was drafted in 2014 updated the 1997 General Plan. Director Milliken explained that they were approaching ten years from the last General Plan, and were looking to update it. She acknowledged events in the interim and mentioned the Olympics and the implementation of the Historic District Design Guidelines. She advised that they would delve deeper into this during the scheduled Work Session to discuss the 2024 General Plan. She explained that in between the listed historical Plans, there had been robust community engagement and visioning to inform the General Plan. With regard to Vision 2020, they will also look to that document to inform the 2024 General Plan.

Chair Suesser asked if further visioning would be conducted for the 2024 General Plan. Director Milliken advised that there would be a very robust community engagement throughout the General Plan process and there would be visioning exercises as well. During the latest City Council Retreat, the critical community priorities were reviewed and the Council provided Staff with direction on those priorities, which would be taken into account as they update the General Plan.

Director Milliken explained that they would break up the process into four phases. Generally, the first phase would involve a general assessment of the relevant City plans. The bulk of the process would involve Plan development, where things such as community engagement, advisory groups, and stakeholder input take place. Finalization of the Plan would occur in-house but would involve checking in with the Planning Commission, City Council, and advisory groups. The final part of the process would be the adoption of the updated General Plan.

In response to an inquiry, Director Milliken offered that the process would likely take 12 to 18 months to complete. They would return on April 12th for a more robust Work Session to obtain input from the Planning Commission on the RFP before it is issued. In preparation for that, it was suggested each Commissioner review the General Plan through the lens of identifying opportunities and ideas for discussion at the April 12th Work Session.

B. Bonanza Park and Snow Creek Small Area Plan Update.

Director Milliken stated that most of the information the Commission needed is in the Packet and mentioned that Assistant Director. Rebecca Ward would be the Project Manager for that project. If there were any questions, they could reach out to either of them. Director Milliken concluded the Staff Communications.

Commissioner Kenworthy disclosed that he owns a home on Woodside Avenue but that it would not impact his decision tonight on Agenda Item 5.C., the Conditional Use Permit. He also stated that in 2014 he served as Chair of the Historic Preservation Board and they worked diligently on the General Plan. As his 10 years of City service were winding down, he would no longer be on the Planning Commission when the General Plan Update work begins this summer. This time had been very rewarding.

Commissioner Kenworthy was bothered by the seasonal housing situation and felt they should zone and put teeth into enforcing and arresting people who stuff houses. He felt there ought to be a way to protect the J-1s and seasonal workers from being forced to live in the conditions that they force them to live in. The real problem was that they knew this going into COVID-19, and he was unsure what they expect coming out of COVID-19, but they did not make any difference. He stressed that they need to make a difference and hoped that City Council was listening.

Commissioner Kenworthy added that they need to start thinking about housing and how desperate the City is for housing. He referenced the guidelines that do not allow them to have resorts or businesses outside of City limits that want to provide housing and felt that needed to be addressed to see what they could do in terms of allowing these businesses to provide housing outside the City limits and allowing them some credits for affordable housing.

Chair Suesser noted that her term would be ending as well. She echoed the comments regarding seasonal workers and J-1s and noted that awareness had been raised with a lot of concern. She encouraged the resort partners in the community to survey their workers to ensure they were living in decent conditions and help them find better housing conditions if they were living in the conditions that have been reported. She stressed that this was on those employers, rather than on the City, to ensure that the employees are well-housed and taken care of.

5. REGULAR AGENDA

A. 1271 Lowell Avenue Units B302 and B401 - Plat Amendment - The Applicant Proposes a Condominium Plat Amendment to Combine Two Units Into One Recorded Unit. PL-22-05425.

Planner Jaron Ehlers reported that Greg Cropper was in attendance as the applicant's representative. Planner Ehlers stated that this application was for a Plat Amendment for 1271 Lowell Avenue, Units B302 and B401. A graphic was presented showing the location of the multi-use dwelling in the King's Crown Subdivision, Building B. He also presented a graphic of the survey that was part of the proposed Plat. The location of Units B302 and B401 were identified. The applicant proposed to combine these two units into one single unit, which would be known as B401.

Planner Ehlers referenced the background of the King's Crown Subdivision that was included in the Staff Report and reported that on October 19, 2022, the applicant submitted the proposed Plat Amendment. Planner Ehlers reported that the proposed Plat Amendment complied with the Recreation Commercial ("RC") zoning requirements in that multi-use dwellings are allowed in the RC Zone and all of the changes would be interior to an existing building. The Plat Amendment would not affect the outside envelope.

Planner Ehlers noted that the proposed unit would be over 2,000 square feet in size and would, therefore, require two parking stalls, as set forth in Condition of Approval 4.

Planner Ehlers referenced the LMC Section that contains special provisions for combining adjoining condominium units. He stated that this section provides that the combination should not impair the structural integrity or mechanical systems of the building; reduce the support of any portion of the common areas for this or other units; and should not violate the Utah Code or

the International Building Code ("IBC"). On February 28, 2023, the Building Department reviewed this proposal and confirmed that the proposed combination would not violate any of these requirements.

Planner Ehlers explained that there was good cause for this proposal, as it would reduce the number of residential units in the King's Crown Master Planned Development ("MPD") and Conditional Use Permit ("CUP"), without any increases in the square footage or density. He commented that this was reiterated in the proposed Condition of Approval 5. The affordable housing obligation for the King's Crown MPD would not be modified by this unit combination, as it is calculated by square footage, and no square footage would be changed by this unit combination.

Planner Ehlers reported that the Development Review Committee reviewed the application on February 7, 2023, and did not identify any issues. Staff did not receive any public comment on this application following publication of the Staff Report. Planner Ehlers indicated that Staff recommended the Planning Commission review the proposed Plat Amendment, hold a public hearing, and consider forwarding a positive recommendation for City Council's consideration on April 27, 2023.

Chair Suesser referenced the proposed Plat and asked about the dimensions of the two units proposed to be combined. Planner Ehlers explained that Unit 302 was 1,796 square feet and Unit 401 was 3,065 square feet. He confirmed that the two units will be combined into new Unit B401. Currently, B401 encompasses the entire top level of the building, while current Unit B302 was to the left unit on the third level.

Chair Suesser observed that 1.5 parking stalls were currently required for B302, and two parking stalls were required for Unit B401. She wondered why they were not requiring more parking for the combined unit. Planner Ehlers explained that any unit over 2,000 square feet requires two parking stalls.

Chair Suesser understood that was how the LMC reads but questioned whether that would be adequate in this circumstance. This was one of her biggest concerns when she reviewed this application.

Commissioner Frontero noted that pursuant to the Code, the Final Subdivision Plat requires good cause and a finding that no public street, right-of-way, or easement would be vacated or amended. He conceded that the second requirement was met.

Commissioner Frontero had difficulty finding good cause. He noted the good cause outlined in the Staff Report that this unit combination would take out a unit but added that this would not reduce square footage. Conversely, he observed during his time on the Commission that good cause had been proffered when they de-couple large units to smaller units, thereby making smaller units more available. Commissioner Frontero stressed that they cannot have it both ways. There would either be good cause when they reduce units, or good cause when they increase units. He could not find good cause under the definition of the LMC, and would not vote in favor of this application.

Commissioner Van Dine disagreed and felt that there could be good cause in either situation and it did not always have to be set in a specific direction. In other applications, they used good cause for smaller units that would become rental units and increase housing. In this case, these

would not be units for employee housing. She felt there was good cause for this application in that it would become a single-family unit, rather than two single-family units. She was okay with the parking as it would be consistent with how King's Crown was laid out because she sees it as a single-family unit and most single families have two vehicles. She also understood the point about increasing parking; however, it was specified that units over 2,000 square feet require two parking spots and this proposal complies with that requirement. Commissioner Van Dine found good cause in this setting.

Commissioner Frontero asked Commissioner Van Dine to specify the good cause. Commissioner Van Dine echoed her comments and also noted that it was set forth in the Staff Report. Commissioner Frontero read from LMC Section 15-15-1 as follows: "[p]roviding positive benefits and mitigating negative impacts..." He did not feel this proposal met this definition. He continued by reading LMC Section 15-15-1 as follows: "determined on a case by case basis to include such things as:

- "Providing public amenities and benefits," to which he stated this application did not;
- "Resolving existing issues and non-conformities," to which he stated this application did not;
- "Addressing issues related to density," which he did not believe applied; and
- "Promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood," to which he did not see how they applied.

Commissioner Van Dine saw how the elements applied. Staff found good cause for this Plat Amendment, there was no additional density and this proposal would not increase the square footage. If someone wanted to purchase both units and combine them, there was no underlying harm to the community as a result of that combination. She felt that they can sometimes lose sight of property rights and when a property owner wants to buy both properties and combine them she questioned what harm that would cause, other than the fact that someone does not want these owners to have a house that big. Commissioner Van Dine stressed her agreement with the Staff Report's statements on good cause. She acknowledged they could disagree on what is good cause; however, she felt the LMC provided the ability to spread out good cause and she supported this Plat Amendment.

Commissioner Kenworthy asked how the reduction in the required affordable housing would be affected by the unit combination. City Attorney, Mark Harrington stated that this proposal would not affect the affordable housing requirement and there was no proposed change to the affordable housing calculation. A Condition of Approval was included that states that this combination would not affect the density of the project. He noted there would not be any additional density and no new residual density available. City Attorney Harrington also addressed Commissioner Frontero's comments and stated that they need to be a little more careful in applying this standard with condominiums because the State views condominiums as ownership, not units. There are express provisions in the State Code that allow people to buy adjoining units and open partitions between them without a Plat Amendment. He noted that an owner can functionally do this under State law and have the same rights to use both units as one without the formality. He commented that this reduces the ability of the pragmatics of what the change would be in approving this application other than having clear title to combine two lots into one unit for tax purposes and assessments.

City Attorney Harrington remarked that condominiums are somewhat different and as they proceed through the LMC amendments and the General Plan they should conduct a workshop on the good cause standard. He noted that Park City is one of the few jurisdictions in the State that has its' own standard, and they wrote it as broad as possible to allow for a case-by-case determination. He commented that it was mainly for the Old Town Plat Amendments. He felt this was getting morphed into some of the other opportunities to either address affordable housing or other extraneous problems without changing the Code. If they want to change the things they want to approve or not approve, he suggested that it be addressed as specifically as possible in the Code, rather than relying on good cause as the basis to do so.

City Attorney Harrington added that they would start seeing rapid changes due to the new Subdivision State Law changes and stated that the Planning Commission's role will be greatly reduced in the new Subdivision approval process. The Legislature did not amend the Plat Amendment section of the State Code yet, and he stated it would be foolish not to consider that in that context. At the same time, City Attorney Harrington offered that they had more of an opportunity to address amendments with pre-existing projects, be it through MPDs and the plats, by identifying the things they do not want. He felt that the next round of Code amendments would be a good place to address this and urged the Commissioners to be conscious of the State Condominium Act provision in their review of this application. One way to approach it would be to ask if the original project had a unit of this size if there would be an objection, and if it would have not met the Code. That was always a safe place to start and then narrow it down from there. If there were objections from neighbors due to change in use or elimination of common walls, those would be very pragmatic concerns that could be fully within the consideration of the application.

Commissioner Kenworthy stated this was good advice for Lot combinations. He returned to his question and asked about the number of affordable units when this subdivision was originally approved, and the developer's request for a reduction. City Attorney Harrington did not have that information but recalled that the developer was originally providing more than what was required, and then they shifted some units for others. This project still provides in excess of what is required by Code and there was negotiation with Council on the swap. He stressed that this proposal will not affect affordable housing in any way unless the Commission finds a reason that it should.

Commissioner Kenworthy understood that affordable housing will not be affected by the reduction of the units because the density will remain the same. City Attorney Harrington stated that was correct and added that usually it is based on a square footage calculation in a residential development, as opposed to being unit based. Chair Suesser observed that they will lose 1.5 parking spaces by combining the units. City Attorney Harrington explained that they would not lose a parking space but will require two spaces to be assigned to this unit. The parking requirements are already established by the prior approval, so they were already built. He felt it was an assignment requirement of the parking in the approved project and they would not eliminate one of those.

He noted that a Condition of Approval clarified that two spaces would be assigned to this new unit. City Attorney Harrington opined that it could cut both ways and there was an argument that three spaces should be assigned to the new unit, however, in a Nightly Rental area he cautioned that if someone advertised for three cars, they would be more inclined to bring three cars. He referenced properties in Deer Valley that advertise one or two parking spots. He noted that those were the properties they see as the most effective use of the common

transportation systems. City Attorney Harrington also mentioned properties such as The Lodges and Stein's that have surplus parking being utilized for day use and Fire Department use. He emphasized that the logic was sound with regard to requiring three spots. Chair Suesser noted that between the two units, 3.5 units could be required since 1.5 spots were required for Unit B302, and 2 spots for Unit B401.

City Attorney Harrington suggested an additional line for the Condition of Approval that the MPD requirement for the total parking shall not be reduced. That would make clear that the overall parking in the facility was the same, but only two spots would be assigned to the combined unit.

Commissioner Johnson asked how many parking spaces are currently assigned for both units. He noted that one unit should have 2 spots, and the other 1.5 spots to be in compliance.

Greg Cropper, on behalf of the applicant, stated that each of the units under the existing approval was assigned one parking space. With the combined unit, two parking spaces would be required. The requirement had always been one parking space for each unit.

Chair Suesser commented that the Staff Report specifies that the parking requirement is based on square footage and felt that there was a misunderstanding regarding the parking requirement.

Commissioner Johnson asked if the original approval for the entire project had those stipulations as well. Planner Ehlers stated that the information in the Staff Report regarding parking requirements reflected the Code requirement.

City Attorney Harrington suggested there might be confusion over "assigned" versus the overall project requirements. It was not uncommon for HOAs to assign less than the Code-required number of parking spaces and maintain other spaces for guest parking that are unassigned. That is within the HOAs authority and is usually approved by the Commission in terms of the Parking Plan.

Chair Suesser noted that there was no parking on Rothwell Road and no parking lot and questioned where the extra parking referred to by City Attorney Harrington was located. City Attorney Harrington stated that the extra parking is in the building; however, they only have assigned parking for unit owners of one per unit, and the rest is for visitors.

Commissioner Van Dine referenced a project that uses the third floor for Deer Valley employee parking and fire station parking.

Commissioner Johnson understood that the developer or the HOA had the discretion to assign the spots as needed and felt they conditioned this to the best of their ability at this point.

The applicant's representative Greg Cropper added that the applicant and the HOA agreed to assign two parking spaces to the combined unit to keep the status quo. They pulled the wall down between the units, but they would maintain the parking situation as it is currently. Chair Suesser felt that if they were keeping it the same, they would have 3.5 parking spaces. The applicant's representative explained that currently, Unit B302 was approved with one parking space, and B401 was approved with one parking space. There were floating spaces within the parking structure that the HOA operates, and it was noted that the ratio would apply to the overall project.

Commissioner Van Dine commented that even if the Commission conditioned it to require three parking spaces, the HOA could still override that because they would only assign two parking spaces. Applicant's representative Cropper added that they did not have an additional space, and they did not want one.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed the public hearing.

MOTION: Commissioner Van Dine moved to forward a POSITIVE recommendation for City Council's consideration on April 27, 2023, for 1271 Lowell Avenue, Units B302 and B401 – Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval set out in the Draft Ordinance as follows:

Findings of Fact:

1. The Applicant proposes combining Units B302 & B401 within the King's Crown Condominiums in the Recreation Commercial Zoning District.
2. On January 10, 2018, the Planning Commission approved the King's Crown Master Planned Development (MPD) and Conditional Use Permit (CUP). The MPD and CUP approval included the following:
 - 27 Single-Family Lots
 - Seven townhomes on Lot 30
 - King's Crown Workforce Condominiums A on Lot 1
 - King's Crown Condominiums B | C | D on Lot 2
 - Over 11 acres of Open Space on Lots 31 and 32
3. On February 1, 2018, City Council approved the King's Crown Re-Subdivision Plat, creating Open Space Parcels and Single-Family Dwelling and Multi-Family Dwelling Lots for the development of the Master Planned Developments, shown below. (Units B302 and B401 were proposed to be in Building B/C on Lot 2 with 12 residential units.)
4. On May 22, 2019, the Planning Commission approved a modification to the MPD/CUP, reallocating square footage and increasing the number of units within Buildings B/C from 12 to 14.
5. On June 20, 2019, the City Council adopted Ordinance No. 2019-34, approving the King's Crown Condominium Plat for Buildings B | C | D on Lot 2. This Ordinance increased the total units within Buildings B/C from 14 to 15. However, this plat amendment was not recorded and the Applicant proposed additional changes.
6. On November 21, 2019, the City Council enacted Ordinance No. 2019-56, approving the King's Crown Condominium Plat, establishing 15 residential units within Buildings B/C.

7. On February 10, 2021, the Planning Commission amended the King's Crown Master Planned Development regarding Building D. On February 25, 2021, the City Council enacted Ordinance No. 2021-11 approving the First Amendment to the King's Crown Condominium plat.
8. Since the approval of the MPD/CUP, residential units have been combined:
 - On January 7, 2021, the City Council approved Ordinance No. 2021-03, combining Lots 27, 28, and 29 into two Lots, reducing the Single-Family Dwellings for the MPD from 27 to 26.
 - On April 28, 2022, the City Council approved Ordinance No. 2022-09, combining Lots 23 and 24 into one Lot, reducing the Single-Family Dwellings for the MPD from 26 to 25.
9. On October 19, 2022, the Applicant submitted a complete Plat Amendment application to combine Units B302 and B401 within Building B on Lot 2.

Conclusions of Law:

1. Neither the public nor any person will be materially injured by the proposed plat amendment.
2. Approval of the plat amendment, subject to the conditions of approval, will not adversely affect the health, safety, and welfare of the citizens of Park City.
3. The proposed Plat Amendment complies with Recreation Commercial (RC) Zoning District requirements outlined in LMC Chapter 15-2.16.
4. The proposal, as conditioned, complies with LMC § 15-3-6, Parking Ratio Requirements.
5. The proposal to combine these two units complies with the Subdivision Procedures outlined in LMC Chapter 15-7.1.
6. There is Good Cause for this Plat Amendment because it reduces the number of residential units within the King's Crown MPD/CUP without increasing square footage or density. Additionally, the unit combination does not modify affordable housing obligations because Affordable Unit Equivalents are based on Residential Unit Equivalents (total square footage), and no changes to project square footage are proposed.

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the plat.

2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one year, 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. There will be no external changes or expansion of the existing building footprint.
4. Two parking stalls shall remain assigned to the combined Unit B401.
5. No additional density unit is available by virtue of this combination and no adjustments are being made to the affordable housing plan as part of this plat.

Commissioner Sarah Hall seconded the motion.

VOTE: Commissioner Johnson-Aye; Commissioner Hall-Aye; Commissioner Van Dine-Aye; Commissioner Kenworthy-Nay; Commissioner Frontero-Nay. The motion passed 3-to-2.

Chair Suesser asked City Attorney Harrington if the number of bedrooms in a home in Old Town determined how many parking spaces were required. City Attorney Harrington did not recall this as being the case and believed it depended on the type of building. He stated that they used to use the number of bedrooms in some multi-family projects; however, the current Code utilized square footage. He noted there might have been some annexations in which they calculated the requirement using the number of bedrooms, but felt that some accessory uses or the addition of a bedroom for an Accessory Apartment might have that additional requirement. Chair Suesser observed that only two parking spaces were required in a home of over 2,000 square feet. City Attorney Harrington clarified that was the requirement in a multi-family project, and was the same for most Single-Family Dwellings. He stressed that in this last application, the overall parking was not reduced. What was assigned as a limited common area to the unit stayed the same, and the underground parking on site still met the original requirements.

Commissioner Johnson felt it was interesting that the Planning Commission could approve a development with a certain parking requirement per unit, per square footage yet the HOA maintained the discretion to override that once the project is built. Chair Suesser explained that the parking was still provided and two stalls were assigned. City Attorney Harrington noted that it is a matter of how they are distributing it. He added that they had the converse occurring in projects like the surface lots at Prospector, where there was not a requirement based on individually assigned spots, and then the Master Association comes in and limits parking for certain uses. He stated the Commission could always come back and revisit those decisions, but unless there is an affirmative plan it would be difficult to do after the fact.

Chair Suesser proffered a scenario where two 3,500 square-foot townhomes were combined and asked if more than two parking spaces would be required for the new larger unit. City Attorney Harrington responded that it would depend on the type of project and the underlying approvals. Assuming it was part of the MPD and the Master Plan, he stated the answer would likely be no. If it were a single-family subdivision, a lot combination would only require two spaces. He also posited they could see the opposite problem in that those larger homes might build four to eight-car garages; however, in terms of the actual Code requirement, it would be the same.

Director Milliken offered that with Chair Suesser's scenario, they would not be losing two parking spaces; it would just be that two would be assigned to that unit. Chair Suesser commented that for the townhomes there would not be a parking garage; instead, they would park on the townhome street along Rothwell Road. She noted that the requirement would be four parking spaces for the two units, and asked whether only two parking spaces would be required if the two units were combined.

Director Milliken stated they would have to look at that specifically but felt it would be unusual since the two parking spaces to be eliminated were there and more or less underneath one of the townhomes. She said technically, one of the garages could be built out, but it was difficult to know without seeing an application.

City Attorney Harrington added that the owner would have to affirmatively amend the MPD approval if that was part of the underlying approval because the MPD would be losing the two spaces.

Commissioner Kenworthy hoped they could have the Affordable Housing Staff and Affordable Housing Authority make sure that they have the correct amount of affordable housing. He understood the statement that it was based on square footage and felt the chart was confusing. He noted that where they originally had 60 market-rate units, which increased to 65 units, the chart stated that 12.91 affordable housing units were required. He would like to see those 13 units exist in the project.

City Attorney Harrington explained that was a separate requirement approved by the Council, and at this point, no amendment was proposed. He stated Staff would confirm that for the Council when the item goes forward.

B. 1305 Lowell Avenue - Conditional Use Permit - The Applicant Proposes to Install Concealed Rooftop Antennas and Associated Equipment to Increase Telecommunications Capacity Coverage in the Recreation Commercial Zoning District. PL-22-05449.

City Planner, Spencer Cawley reported that the applicant's representative, Janelle Humphrey of Smartlink, LLC was present. In addition, Dustin DiPentino, AT&T engineer, was also present to answer any questions. Planner Cawley explained that this application was for the AT&T Telecommunications Site proposed at the Marriott Mountainside. The project is located at 1305 Lowell Avenue in the Recreation Commercial ("RC") Zoning District and within Phase 1 of the Marriott Mountainside Condominiums.

Planner Cawley reported that in 2021, the Planning Commission reviewed and approved an application allowing AT&T to establish a Telecommunications Facility at 1335 Lowell Avenue, which was highlighted in red on the graphic presented to the Commission. He explained that the prior approval expired and the applicant never procured a Building Permit. The applicant selected a new location at the Marriott Mountainside to better support the service for its customers.

Planner Cawley explained that the applicant proposed to place the antenna within the existing penthouse, which is the highest enclosed point at the Marriott Mountainside. There would be four sectors and within each of those sectors, there would be three antennas. He stated that

each antenna would be four to six-feet tall. Planner Cawley stated there was also a proposal to use the existing rooftop deck, which is approximately 997 square feet, for the associated equipment storage. He noted that there was no public access to the rooftop deck. A graphic was presented showing the location of the penthouse and the rooftop deck.

Planner Cawley referenced Exhibit D to the Staff Report and pointed out the location of the antenna to the northeast and the one to the southwest. He advised that the area in red depicted the location of the rooftop deck. He reported an update to Exhibit D, page 4 that referenced the utility easement shown in the Staff Report; he noted that the area highlighted in blue depicts the location of an access easement. This proposal complies with the Zoning District requirements and specifically mentioned Setbacks and Building Height. Planner Cawley explained that the Marriott Mountainside reaches a height of 115 feet, as allowed by the MPD. Because the zoning height is 35 feet, this would be exempt from that requirement. He advised that this facility would not add to the Building Height.

Planner Cawley stated that this proposal also meets the standards for Telecommunications Facilities requirements in the LMC, which look specifically at compatibility with the Zoning District, the mitigation of adverse impacts on community quality and safety, and ensuring that the location of the facilities and equipment are such that they are the least visible from the public streets, areas, and designated view corridors. As conditioned, Planner Cawley advised that the proposal complied with the Conditional Use Permit ("CUP") criteria. He noted several criteria in the Staff Report that do not require mitigation or did not apply to this application. Condition of Approval 4 provides that the rooftop equipment shall be shielded from neighboring structures as well as the public right-of-way. Condition of Approval 5 provides that no signs or outdoor lighting were proposed or approved as part of this application.

Planner Cawley also reported that this proposal complies with the Sensitive Land Overlay ("SLO") criteria. He pointed out that Staff proposed Condition of Approval 6 regarding the Vegetative Cover criteria that would require the applicant to submit a Landscape Plan at the time of Building Permit to show existing vegetation and the plan to replace any vegetation that is either disturbed or removed within the proposed 15-foot utility access easement. Staff also recommended additional Conditions of Approval that this application would expire one year from approval if a Building Permit is not obtained. In addition, there is a condition that the applicant obtain a Building Permit prior to installing the antenna and associated equipment.

Chair Suesser asked if any vegetation was identified for removal from the 15-foot access easement and requested an image of that area. Planner Cawley advised that information was not submitted as part of the application but would be submitted as part of the Building Permit. Chair Suesser asked if there were any images that could provide a sense of what the antennas would look like once installed and asked about the shielding required as a Condition of Approval. Planner Cawley pointed out where the rooftop equipment would be placed and stated it would be tucked below the view of the surrounding area. He explained that other than what was supplied in the packet, he did not have an image showing the proposed equipment.

Chair Suesser was curious about the recommendation for shielding given the location of the rooftop equipment and felt that the request for shielding might have come from a better image of what this would ultimately look like. Commissioner Johnson suggested beefing up Condition of Approval 2 because the antennas would be placed within the penthouse, and he wanted to ensure that where they would remove panels they look as close as possible to existing conditions. He referenced the crossbeams on the windows in the drawings and wanted to

ensure that the stealthing matched that design. He commented that this was a superior location to the previous location; however, the building was intended to pay homage to the mining history, as was the Coalition Building, and any change to the façade of the penthouse should be matched as close as possible. Chair Suesser suggested phrasing it to include that the stealthing would be consistent with the current architecture. Commissioner Johnson understood that the applicant likely could not match materials, but they could get it pretty close.

With respect to the rooftop equipment, Commissioner Johnson asked if, from a safety standpoint, they could require the applicant to place the equipment on a non-roof-penetrating sled. Planner Cawley did not have an issue including that requirement and confirmed that neither the public nor the residents had access to the rooftop deck.

The applicant's representative, Janelle Humphrey asked if the concern was that the roof would not be able to structurally handle the equipment. Commissioner Johnson felt that would be covered in the Building Permit process; however, he asked if it could be designed to not penetrate the roof structure and not be anchored into the building itself. Ms. Humphrey stated that this query would have to be directed to the construction team, and noted that the zoning drawings did not include construction details. She was unsure if there was a plan to penetrate the roof but stated that in situations where they do penetrate the rooftops, they ensure that it does not create any issue or impact any warranties. Ms. Humphrey stated they work with the roofing contractor for the building, but was unable to answer for this specific application whether the plan was to penetrate the roof.

Commissioner Johnson commented that it was not within the purview of the Planning Commission to require this. Chair Suesser stated that it was a very legitimate question about the application. Commissioner Johnson asked that a condition be added that the conduit running up the south side of the building be capped and painted to match. He requested similar language that the cable runs match the façade.

Chair Suesser asked the applicant for an image of the vegetation that currently exists in the access easement. Ms. Humphrey was unsure if they had an up-to-date photograph of the vegetation but would look through the photographs of the proposed site. She felt they did not have anything detailed showing the vegetation that would have to be removed.

In response to an inquiry from Chair Suesser about the basis for the Condition of Approval that would require the applicant to replace any vegetation that is removed without first knowing what was there, Ms. Humphrey stated that they did not plan on removing or harming any vegetation. She explained that the access way and the utility route were two different routes. Chair Suesser focused on the access way along the south side of the Marriott Mountainside. Ms. Humphrey advised that following the updated survey, the access way would be through the front of the building, whereas the utility route would be located on the back side of the building. She explained that it was potentially the utility route that might suffer some vegetation damage or removal and require replacement. It is mostly dirt based on the images from Google Earth and the few photographs of that side of the building.

Commissioner Johnson looked at it as well and it did not seem that any significant vegetation would be disturbed along the utility route. Commissioner Van Dine added that there was a sneaker bike trail there and it was largely dirt and rock.

Chair Suesser reported that she lives on Lowell Avenue and preferred to see an image of what they were talking about. She emphasized that there is a Condition of Approval that addresses vegetation removal and replacement. It would be helpful to have an image of the area. She reiterated that she lives in that area and did not know if there were any significant trees along the potential utility route that might need removal.

Commissioner Johnson felt it was important for AT&T to understand why the updated Conditions were necessary because the existing site in Bonanza Park was unsatisfactory and took two years to complete to make it look somewhat decent. He stressed that it was important that they match on this building in particular, based on the intentions to use the best stealthing as possible to maintain the existing façade. He asked if this site was intended to offload the applicant's A-site on Quarry Mountain, which AT&T Engineer DiPentino affirmed. In response to an additional inquiry regarding where the applicant anticipated needing additional off-loading in the future, AT&T Engineer DiPentino stated that was an unknown at this point. He stated that this site will go a long way to absorb some capacity off of Quarry Mountain specifically but fundamentally, the demand for additional capacity and speed was doubling on a regular basis. He imagined that at some point in the future, they would need additional sites, small cells, or some network element to absorb traffic.

Commissioner Johnson asked if the applicant had a small cell plan in Park City, or if they handle the macro facilities specifically. Mr. DiPentino stated that there is a balance and they either have some sort of small cell plan within a small area with a specific coverage objective; however, not necessarily small cells in the sense of light poles or traffic signals. He added that the current strategy in Park City was largely a macro play in buildings, such as hotels. Commissioner Johnson remarked that it would be helpful in the future to have a full plan to review but realized that was a big request. He understood there were so many unknowns, and sites needed to be permitted.

Mr. DiPentino added that AT&T hosts FirstNet, which is related to public safety. In addition to the capacity component, this site would also have band 14 for the public safety community which would allow for priority and pre-emption over the commercial network. He added that this was specifically important when dealing with peak periods of time and noted that President's Day weekend was the sort of peak time where priority and pre-emption would be supported by that band of frequency.

Commissioner Frontero asked for a further description of the equipment that would be on the roof deck, as he was trying to understand the scale and the mass of what it would look like. Planner Cawley stated that the proposed equipment for the rooftop deck included a 3-bay utility closet, meters, a fiber distribution box, remote radio heads, and a surge suppressor. Commissioner Johnson offered that based on the plans, the equipment would be centered on the rooftop on a 10' x 15' platform. He mentioned that the cabinets were approximately 6 feet tall.

City Attorney Harrington referenced Exhibit D, Sheet Z-2 which showed the cabinets, with further detail shown on the next sheet for the meters and distribution box. Commissioner Frontero asked if any consideration was given to enclosing the equipment and specifically asked if it would be loud. Chair Suesser offered that Staff recommended shielding the equipment. Ms. Humphrey stated that there would be no noise pollution from the equipment.

Commissioner Frontero asked the applicant if they considered enclosing the equipment. He noted that this was a building that is meant to look historic. Ms. Humphrey stated that for this particular equipment area, they did not consider enclosing it because it would not be visible from the ground or to the public.

Commissioner Johnson opined that this was a better design because it will be so elevated that no one will see it. Alternatively, if they put a shelter or enclosure, it would likely be more obtrusive. Commissioner Frontero reiterated that he was unfamiliar with how it would look, but agreed that it would be high up and not likely seen from the ground.

Chair Suesser asked if any units overlooked the roof deck. Planner Cawley understood that no one would see the roof deck from their unit. The roof deck level is shown on Exhibit D. Planner Cawley presented a view from the public right-of-way and it was noted that the roof deck was on the other side of the penthouse. Chair Suesser asked why Staff recommended shielding the equipment if it is not visible to the public or the residents. Planner Cawley stated that shielding is a standard Condition of Approval and they can remove it.

Director Milliken reiterated that shielding is often a standard Condition of Approval for mechanical equipment in the event there is some sort of glare or reflection from shiny metals, or if it could be seen from another vantage point. Chair Suesser commented that while they are being told it would not be seen from another vantage point, they do not know if that is the case.

In response to an inquiry from Commissioner Frontero regarding the proposed height of the equipment, Planner Cawley explained that the existing structure is 115 feet and it would not exceed 115 feet. He explained that the rooftop deck is located below the penthouse, and even with equipment on it, it would still be below the penthouse. He stated it is not a condition but it could be added. Commissioner Frontero stated that there would be no reason to add a condition if the equipment was not more than six feet high. Ms. Humphrey commented that the equipment is no higher than six feet and is probably less than six feet high.

Chair Suesser stated that it would be great to have these details as part of an application, along with visual support. Ms. Humphrey stated that these details are usually part of the construction drawings, which was why they were not included, but apologized for not including them.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed the public hearing.

Commissioner Johnson asked if the Code requires a visual analysis for Telecommunications applications. Planner Cawley referenced the Staff Report analysis of LMC Section 15-4-14, entitled Telecommunication Facilities, that "These requirements intend to ensure that Telecommunication Facilities are (I) compatible with the unique characteristics of each Zoning District, (II) adverse impacts on community quality and safety are mitigated, and (III) Telecommunication Facilities and related equipment are located where they are least visible from Public Streets, Public Areas, and designated view corridors."

He continued by stating that LMC Section 15-4-14(B)(5) requires the applicant make efforts to co-locate the equipment and mitigate any potential negative visual impacts.

Chair Suesser opined that with regard to visual impacts, the Code implies that visual analysis or some sort of depiction of the proposal should be included in the application. Commissioner

Johnson agreed and referenced the prior SLO conversation on vantage points. He felt they needed to address vantage points in the Code and the definition of "Visual Analysis." Chair Suesser agreed. She noted that did not preclude the Commission from continuing this item and requesting the applicant provide that information, because she felt it appropriate to have that information prior to approving the application.

Commissioner Johnson felt it was tough not having a vantage point for reference but thought it would be difficult to have a visual analysis. Chair Suesser noted that they have drones that could provide information.

Commissioner Frontero observed that according to the applicant, it appeared that the equipment would be no taller than six feet, would take up the middle part of the rooftop deck, would have no noise, and would not be visible from the street. As a result, this was acceptable to him. Chair Suesser suggested making this a Condition of Approval because they are representations by the applicant. He asked if the applicant's representation that there would be no noise was an opinion or a factual description of the equipment. He was surprised that there would be no noise but acknowledged it was outside of his understanding. Ms. Humphrey stated that based on her visits to many other cell sites, there is no noise.

Chair Suesser asked the applicant if the rooftop deck and the equipment would be visible from any of the units in the hotel. Ms. Humphrey did not expect the equipment to be visible from any of the units and stated that if that were the case, Marriott would not have been interested in moving forward. She reconfirmed that based on their analysis, no one in any of the units will be able to see the equipment.

Commissioner Frontero referenced shielding and inquired how they could condition this approval to make sure that shielding would be put into place. Planner Cawley explained that the stealth shielding related specifically to the antenna. Commissioner Frontero reiterated that without a visual, it was difficult to review this application. He added that they would have to rely on the applicant's representations as to how this would look.

Chair Suesser commented that the Staff Report stated under Additional Information and Study Requirements, "the Planning Department may require the applicant to submit the following information: a. Visual Assessment..." The Staff Report also stated that this was not applicable.

Commissioner Johnson stated that the applicant will be required to install shielding around the equipment on the rooftop deck pursuant to Condition of Approval 4 and asked for clarification that per the Code, the shielding would be required to be the same height as the mechanical equipment. Planner Cawley agreed. Commissioner Johnson was comfortable with this application and if this moved forward he suggested ensuring that the shielding was similar to the architectural design and painted to match. He did not think that they would require shielding, but he also did not want to give a height restriction on the shielding because then it might become visible. He referenced the sixth photograph in Exhibit E and observed that from the base of the membrane to the top of the ridge would block the cabinet. He felt that as the equipment sits on the 10' x 15' platform in the middle of the deck, it would already be shielded, except to the right side of the photograph. Commissioner Frontero suggested they add a condition that the equipment cannot be taller than six feet. He felt with this condition, he would feel comfortable that the equipment would not be seen from the ground.

Chair Suesser referenced the last photograph in Exhibit E and asked Planner Cawley to identify the location of the roof deck. He confirmed the location and stated that it was not on the sloping roof.

Commissioner Frontero reiterated that a condition that the equipment would be six feet or less would make him comfortable that this would not be seen from the ground. He felt everyone agreed it would not be seen from the ground and noted the applicant's statement that the Marriott would likely not have allowed it if the equipment would be seen by the occupants. He opined this was a Marriott issue and not within the purview of the Planning Commission. At this point, he was comfortable moving this application forward. Commissioner Kenworthy agreed. Planner Cawley noted that they would add to Condition of Approval 4 that the equipment shall not exceed six feet.

Commissioner Kenworthy was comfortable that the design was respectful of the mining era and designed for this rooftop to be a hidden rooftop so if they keep it to six feet and push them right up against the ridge portion of the building, it would be pretty well protected.

MOTION: Commissioner Johnson moved to APPROVE a Conditional Use Permit to Install Roof Mounted Stealth Telecommunication Facilities at the Marriott Mountainside, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Final Action Letter, as amended, as follows:

Findings of Fact

1. The site is located at 1305 Lowell Avenue, in the Recreation Commercial Zoning District, and is part of the Park City Mountain Resort Master Plan Development.
2. The Applicant proposes installing four sectors of roof-mounted antennas, each sector will house three wireless antennas inside the Marriott Mountainside penthouse.
3. An existing rooftop deck will allow for equipment storage including a 3-bay utility closet, a meter, a fiber distribution box, remote radio heads, and surge suppressors.
4. The Applicant proposes a 15-foot utility access easement commencing at Lowell Avenue and terminating at the ground level of the Marriott Mountainside Phase I.
5. Telecommunications Antennae are a Conditional Use in the Recreation Commercial Zoning District.
6. Telecommunication Facilities must be compatible with the unique characteristics of each Zoning District, mitigate adverse impacts on community quality and safety, and locate related equipment where they are least visible from Public Streets, public Areas, and designated view corridors.
7. The Marriott Mountainside reaches a height of 115 feet, as allowed by the Park City Mountain Resort Master Plan Development.

8. Roof-mounted antennae are an ancillary Use.
9. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code § 14-1-10(E).
 - a. Size and Location of Site – No required mitigation. The leased area is approximately 997 square feet and limited to the penthouse and rooftop deck.
 - b. Traffic – No required mitigation. The proposed equipment will have no direct impact on traffic.
 - c. Utility Capacity – No required mitigation. On January 3, 2023, the Development Review Committee reviewed this application and did not identify any undue burden to existing utilities.
 - d. Emergency Vehicle Access – Not applicable.
 - e. Parking – Not applicable.
 - f. Internal Vehicular and Pedestrian Circulation – Not applicable.
 - g. Fencing, Screening, and Landscaping – The rooftop equipment will be concealed within the penthouse and the associated equipment is not visible from neighboring Structures or the public right-of-way.
 - h. Building Mass, Bulk, and Orientation – Not applicable.
 - i. Open Space – Not applicable.
 - j. Signs and Lighting – Signs near the equipment are allowed to ensure health and safety without visual impact from the public right-of-way. Additional signs and the installation of outdoor lighting are prohibited.
 - k. Physical Design and Compatibility with Surrounding Structures – The proposal meets all height, setback, and design requirements for Telecommunications Facilities which results in minimized visual impacts.
 - l. Noise, Vibration, Odors, Steam, or Other Mechanical Factors – Not applicable.
 - m. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas – Not applicable.
 - n. Expected Ownership and Management – Complies. All equipment is proposed to occupy limited common ownership areas. AT&T will own and manage the antennas and equipment.

- o. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes – Complies. The site is in the Sensitive Lands Overlay Zone. The proposed Use does not trigger a review of Steep Slopes or the Park City Soils Ordinance.
 - p. Reviewed for Consistency with the Park City General Plan – Complies. Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City’s role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Implementation Strategy 10.9: Public infrastructure policy should provide visitors with the Park City experience, including cutting-edge technology, which exhibits Park City’s commitment to the visitor experience and the environment.
- 10. The Development Review Committee reviewed the proposal on January 3, 2023, and did not identify any issues.
 - 11. Staff published notice on the City’s website, the Utah Public Notice website, and posted notice to the property on February 22, 2023.
 - 12. Staff mailed a courtesy notice to property owners within 300 feet on February 22, 2023.
 - 13. *The Park Record* published notice on February 22, 2023.

Conclusions of Law

- 1. The application is reviewed for compliance with Land Management Code Chapter 15-2.16, Recreation commercial (RC) District, LMC § 15-4-14, Telecommunication Facilities, LMC § 15-1-10(E), Conditional Use Review Process, and LMC Chapter 15-2.21, Sensitive Land Overlay Zone (SLO) Regulations.
- 2. The Use is compatible with the surrounding Structures in Use, scale, mass, and circulation.
- 3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

- 1. The Conditional Use Permit will expire one year from the date of Planning Commission Final Action unless the Applicant has commenced on the project, or a Building Permit for the Use has been issued.

2. The antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding area, will blend with the existing environment, and match the existing architecture to the extend possible.
3. Antenna panels shall be no more than five square feet in Area per face.
4. The equipment proposed to occupy the rooftop deck shall be shielded from neighboring Structures and the public right-of-way. Shielding shall be similar to the architectural design of the building, shall not exceed the height of the equipment, and be painted to match. Additionally, the equipment located on the rooftop deck shall not exceed six feet in height.
5. No signs or outdoor lighting is approved with this Conditional Use Permit.
6. At the time of the Building Permit, the Applicant shall submit a landscape plan to replace any vegetative coverage disturbed in the proposed 15-foot utility access easement.
7. The Applicant shall obtain a Building Permit prior to installing the antennas or equipment.

Commissioner Kenworthy seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

- C. 316 Woodside Avenue - Conditional Use Permit and Steep Slope Conditional Use Permit - The Applicant Seeks to Construct a New Addition to an Existing Historic Home on a Steep Slope and Encroaching into the Required Front Setback. PL-21-05086 (SSCUP) & PL-22-05483 (CUP) - Item Continued from February 22, 2023.**

Senior Historic Preservation Planner, Caitlyn Tubbs reported that the applicant, Matthew Safchik was present, along with Project Architect, Steven Swanson, AIA. Planner Tubbs reported that this request previously came before the Planning Commission last year. It was coming back for a Steep Slope Conditional Use Permit ("SSCUP") and a CUP to allow an exception to the Front Yard Setback. Planner Tubbs explained that the property is located in the Historic Residential – 1 ("HR-1) Zoning District, and was considered a corner lot with frontage on two public rights-of-way. The rights-of-way are Woodside Avenue and the Third Street stairs. The subject building is a Significant Historic Structure, and there is a pending Historic District Design Review ("HDDR") application that would go before the Historic Preservation Board for material deconstruction to facilitate the construction of the proposed addition. Planner Tubbs presented the Lower Level Floor Plan and explained that the hatched area depicts the area of the Front Setback exception being requested. She reported that it is approximately 108 square feet in size.

Planner Tubbs next presented the Main Level and the Upper Level to the Commission and mentioned that a component of the proposed addition was a single-car garage that would allow the homeowner to have some off-street parking that is not currently readily available. As part of this application, the Planning Director made a Setbacks Determination since this is a corner lot

with two frontages. Planner Tubbs explained that the western lot line was considered a Front-Yard Setback along Woodside Avenue; additionally, the southern Lot line along the Third Street stairs was the secondary Front Yard Setback. Both of these Setbacks are 10 feet. Planner Tubbs explained that the northern property line was considered the side yard, and the Side Setback was five feet. The eastern property line was the rear yard, and the Rear Setback was 10 feet.

Planner Tubbs reported that the existing Historic Structure encroaches into the Setbacks, and aside from the encroachment into the Woodside Avenue Front Yard, the proposed addition would be Setback compliant. Planner Tubbs referenced LMC Section 15-2.2-4, which created a process for a homeowner to obtain a Setback exception to facilitate the construction of an addition to a Historic home. She presented the criteria for the exception to the Commission. Planner Tubbs explained that the exception would require the approval of a CUP and that the proposed addition be compatible in scale with the existing Historic Structure and surrounding Historic District. In addition, the proposed addition must comply with all other LMC provisions, Building and Fire Codes, and Design Guideline requirements.

Planner Tubbs reported that there are 16 criteria to be reviewed by the Planning Commission that allows for consideration of potential impacts of the development, and potential sources of mitigation for those impacts. During Staff review of the proposal, they did not find any unmitigated impacts.

With respect to required parking, Planner Tubbs commented that typically single-family dwellings must provide at least two off-street parking spaces. However, Historic structures are typically exempt from this requirement in order to maintain the historic development pattern and character of the architectural features, and not have them completely obscured by a garage. Planner Tubbs commented that the Front Setback exception previously discussed would require compliance with all other sections of the LMC; therefore, this request would require the applicant to provide two off-street parking spaces. She explained that there is already one off-street parking space provided within a garage, and pursuant to LMC Section 15-2.2-3(G), driveways leading to a garage or approved parking area were also considered appropriate areas for off-street parking.

Planner Tubbs presented an image of the garage and noted that the vehicle barely fits in the existing garage, so the applicant needs the Front Setback exception in order to provide the required parking area. With regards to the Steep Slopes, Planner Tubbs presented the generalized criteria. Staff found that the application complies in all categories with the approval of the Setback exception, the CUP, and the Conditions of Approval. Planner Tubbs reported that Staff recommended the Planning Commission review the SSCUP and the CUP applications, conduct a public hearing, and consider approving the SSCUP and CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval.

The applicant, Matthew Safchik, noted that the location of the garage encroachment into the Setback was caused by a historic Bay window, and the required distance from that façade. He also mentioned that the house currently had no off-street access, and the only way to access it was off the Third Street stairs, halfway up from Park Avenue and halfway down from Woodside Avenue.

Chair Suesser asked for visuals supporting the requirement that the garage must be built into the right-of-way. The garage view image was presented, and Applicant Safchik explained that

the existing home has a bump out in the form of a Bay window that the Historic Preservation Board ("HPB") ruled was contributory to the Historic status of the house. That determination triggered the need to move the new structure eight feet away from the home, per Code.

Chair Suesser remarked that for the applicant to comply with that requirement of the Code, the applicant was requesting exceptions to go into the right-of-way. Applicant Safchik reported that he was working with all the different bodies that have an interest in the home to solve the access and parking issues for the site. He felt this was a one-of-a-kind site left in the City, in that it is a Historic home with no street access. Off-street parking was a concern, particularly in Old Town.

Architect Swanson commented that he has worked on this property with two different owners over 20 years. He noted advised that the house was lifted and they raised the existing historic portion to build underneath it. Architect Swanson and the owner had been working on this application for close to 18 months and they previously reached a point where they felt close. The existing home is 130 years old and survived the great fire.

Architect Swanson stated that the over-arching point was that this house was not integrated into the fabric of the Park City street system. The issue of the historic Bay window, which had been modified over the years, resulted in some loss of the historic fabric. Architect Swanson stated that it is not under the Commission's purview to work with these historic elements; however, from a planning standpoint, the HPB determination, and HDDR requirements there was a link that had to grow to 8 feet. They had to find a new location for the garage, and they felt this was a better solution.

Architect Swanson referenced the applicant's previously submitted package that contained 3-D renderings. Architect Swanson reiterated that there were several factors that went into this change in which the applicant asked for additional distance and the encroachment.

Chair Suesser asked if the Bay window was the projection that the HPB determined should remain. Architect Swanson advised that the HPB determined that the Bay window not only must remain but also required it to be restored to its original state. Chair Suesser referenced an image of the home contained in the Staff Report that showed a bump out. Architect Swanson confirmed that was the historic Bay window.

Applicant Safchik advised that the bump out was historically a Bay window; in 2005, the prior owner illegally changed it from a Bay window to a French door. He stated that he would remove the French Doors and restore them back to a Bay window.

In response to an inquiry from Chair Suesser, Applicant Safchik stated that in addition to the garage, he planned on adding additional square footage in the same footprint going down. The structure would be a three-story structure, with the garage serving as the top story. Architect Swanson noted that one story was a completely underground basement.

Chair Suesser stated that moving a structure into the right-of-way on Woodside Avenue, which was a narrow street, and allowing a garage into that right-of-way seemed to her to be a big request. Applicant Safchik stated that the home has one of, if not the largest amount of Open Space on Woodside Avenue. Even with the proposed garage, it would continue to have an enormous amount of Open Space.

Chair Suesser focused on the very narrow roadway and Applicant Safchik responded that the intent was not to encroach on anything but the Setback. He explained that per the Code, he was dealing with two frontages without access. On a year like this, snow is a challenge and so is getting to the house. Applicant Safchik stated that the stairs were maintained by the City, and added that if he were not in good health, it would be physically impossible to get into and out of the home. Chair Suesser appreciated the fact that the applicant purchased a historic home that has that kind of access. When they talk about the exceptions that they could make to accommodate better access to the house, she felt that a better design would not encroach into the Setback. Applicant Safchik stated that per Code, they were trying to incorporate a parking space that is required to be 20 feet. The only way for them to get there is by encroaching into the Setback by just under five feet.

Architect Swanson directed the Commission's attention to the aerial view and stated it was essentially the same configuration with the garage on top. He noted the lot was very steep at the transition between Woodside Avenue and where the main level of the Historic house is located. Architect Swanson stated they would not be changing any of that transition and the Historic house would not be moved in any way.

Architect Swanson explained that the proposal was to link the addition to the Historic home, and emphasized that as one drives up Woodside Avenue the house is not visible. He stated that the hillside was created by the relocation of Woodside Avenue as part of street widening and the installation of utilities. Architect Swanson commented that over time, this home had sunk down lower relative to the street. It was currently very difficult to maintain any vegetation, and the owner's intent was to rehabilitate the site as a viable place and use a bridge to connect the structure and the garage to the street.

There was discussion about pedestrian access. Architect Swanson advised that this house had always had a Woodside Avenue address. The planned addition and the connection to the home were explained on the image before the Commission, and it was noted that there were no internal stairs in the home. Because it was impossible to add stairs, this design created the ability to allow the house to be accessible off of Woodside Avenue.

Architect Swanson explained that using the Third Street stairs as an access point was problematic at best. He added that this house had vehicular access at one point in time, and Third Street had a functioning right-of-way before the construction of the stairs. Architect Swanson stated that while the property was contributing to the fabric of the community, it was so unique that they had to craft a unique solution.

Chair Suesser requested further explanation of how the garage structure would connect to the existing Historic home. Applicant Safchik referenced an image that showed a window-enclosed hallway, and different views of the connection from the street. Architect Swanson added that the house encroaches, and did not feel that it was unreasonable for the applicant to request an additional five feet. He understood there were certain situations where something like this could be impactful to the neighborhood; however, in this case, they were trying to be very sensitive to the neighborhood. Architect Swanson added that the Code allowed for this argument supporting the application.

Commissioner Johnson understood that the area of encroachment would be for the second parking space, and would be the driveway itself. Applicant Safchik stated that the 20' requirement would not fit, so they designed it for 15' plus or minus an inch or two. He stated

that they needed the extra five feet for the garage. Architect Swanson added that there were conflicts between the Historic District Design Guidelines and the Code. Architect Swanson stated that in some cases, they get both parking spaces in the HR-1 zone because they are required for new construction; however, Historic properties do not have the parking requirement, and they would be adding one, although it would not be on the property because it would be in the City right-of-way.

Chair Suesser understood that Historic homes were exempt from the off-street parking requirement, but was confused about the representation in the Staff Report that this new addition would mandate two parking stalls. Architect Swanson stated that it did not. Applicant Safchik understood that driveways could count as a parking spot.

Planner Tubbs explained that Staff read LMC Section 15-2.2-4 as providing that the allowed additions or detached garages required approval of a CUP and compliance with all other LMC requirements, Building and Fire Codes, and Design Guidelines. Staff interpreted that section as requiring two parking spaces, which would be housed within the garage and the driveway.

Chair Suesser asked about the square footage of the addition. Planner Tubbs stated the footprint was 560 square feet, and deferred to the applicant for the total square footage of the addition. Applicant Safchik stated it would be approximately 1,500 square feet, which is the total square footage for the home including the new portions. Architect Swanson added that the additional 1,500 square feet would be on three levels, with the lowest level being completely underground and not visible.

In response to an inquiry regarding why the bump out on the north side was needed, Architect Swanson stated they wanted to include a man-door so there could be a walking entrance into the home without going through the garage door. He stated they were always walking the line between the Historic District, the look from the street, and the residential scale; the Design Guidelines encouraged doors scaled to human scale to provide residential scale. He noted the design for the garage had the smaller functional garage door they could use for a single car.

Chair Suesser asked about the encroachment agreement. Planner Tubbs responded that because it involved City right-of-way, the encroachment agreement would be managed by the Engineering Department. It was noted the stairs were on the south side of the house, and there was also a City right-of-way on the west side of the house.

Applicant Safchik commented that it was difficult to tell from the presented images how depressed his home was from the line of the neighbors. Chair Suesser noted there was a good picture in the Staff Report.

Commissioner Kenworthy stated that he has walked those stairs hundreds of times, and not once had he thought about the owner of that house and how they get their groceries in the house. He expressed doubt that he could live in that house given the current access, but the real issue was the presented solution versus the historic value of the house. He felt it was a very difficult solution, and there was historic value in having a house in the middle of those stairs.

Applicant Safchik was not proposing any changes to the entry to the home, and the front door would still be on the stairs, with the living space right inside the front door. He emphasized that

there were real hardships that were unique to the home. Commissioner Kenworthy understood these statements and added that the house was not noticeable from Woodside Avenue.

Chair Suesser agreed that a garage for this home would be very appropriate on the Woodside Avenue side, and liked that it would be able to accommodate two vehicles. She did not have an issue with the slight encroachment on the door; however, her biggest struggle was with the HPB determination on the Bay window. The Bay window was converted to a French door and would be changed back to a Bay window to preserve some historic significance. She would like to see the re-design eliminate the importance of preserving the Bay window bump out and have the garage designed so it would not have to encroach on the right-of-way on Woodside.

Applicant Safchik stated that, unfortunately, it was out of his control. Chair Suesser suggested the possibility of making a recommendation to the HPB that this would be the preferred solution. Applicant Safchik commented that he had invested an unbelievable amount of time and money to redo the project based on the HPB ruling. He explained that prior designs connected the garage to the bump out.

Director Milliken explained that the proposal that brought the garage out of the Setback used the Bay window as the transitional element. It maintained the shape and form of the Bay window; however, it used it as a transitional element so the addition would be attached to it. The HPB felt the Bay window was a contributing feature, and had been identified on the Sanborn Maps going back to almost when the home was built. She noted the Bay window was an addition, but was added at a very early stage in the home's history. She advised that the HPB found the Bay window to be a contributing feature that should be preserved. They also found that the house should not use the Bay window as a transitional element.

Director Milliken added that the HPB was happy with the location of the garage in that it still allowed a view of the Historic home from Woodside Avenue and the Third Street stairs. A solution to build this garage out of the Setback would be to move it further south, but the HPB felt that would obstruct more of the Historic home, which formed the basis for its request to have the addition towards the north side.

Commissioner Kenworthy agreed with the HPB's reasoning. Chair Suesser did not feel the appropriate solution was to encroach on the already narrow Woodside Avenue.

Commissioner Kenworthy agreed with the HPB in terms of holding on to the Significant designation and keeping the view and the property the way it is. He questioned whether there was a way to construct a carport.

Chair Suesser pointed out that the Bay window would not even be visible from Woodside Avenue after this new construction. Applicant Safchik stated it would be visible from the Third Street stairs at the front of the home.

Applicant Safchik added that Woodside Avenue was the front of the home per the language in the Code, but in actuality, it was the back of the home. The Third Street façade remains in its original form, and as far as they could tell from historical photographs, it is exactly as it was built in the 1880s.

Chair Suesser asked if there were renderings of what the remodeled Bay window would look like from Third Street with the new addition. The applicant did not have a photograph at the

meeting, but Applicant Safchik stated that the Bay window was in one of the images before the Commission. Chair Suesser stressed that she was not suggesting any change of historic significance or any other significant changes.

Applicant Safchik acknowledged that snow storage was a problem on Woodside Avenue, but the slope on his property fell off so steeply from the street that it was not great for snow storage. He did not feel they would lose much by the encroachment, as there is no parking on his side of Woodside Avenue. There would also still be a lot of Open Space left for snow storage on the southwest corner of the Lot, which would be much more than anyone else in the neighborhood.

Architect Swanson added that there was a 52' frontage, and they were talking about 12 feet, and underneath the 12 feet would be Open Space. There was likely enough space available for as much snow as could be pushed down there.

Chair Suesser noted that the Staff Report contained a good visual of the rear of the home and the adjacent home. She commented that the adjacent home did not encroach on Woodside Avenue, and wanted to have an understanding of where the addition would be in relation to that home.

Applicant Safchik clarified that the request did not propose anything beyond an exception to the Setback, as the addition would still be within his property line. The request did not seek to add anything to the City's property; rather, it only seeks an exception to the Setback. Applicant Safchik commented that there would still be five feet of the property line before the right-of-way.

Commissioner Van Dine asked how much space separated the applicant's property line and the road because she felt it was a long way from Woodside Avenue. Architect Swanson explained that the way the streets were cut and filled in this part of the City, they ended up with more property on the lower side. He opined that in addition to the 10' Setback, there were an additional 17 to 18 feet beyond that before reaching the curb edge and asphalt of the roadway. It was further noted that part of that was on the City right-of-way, and part of it was on the applicant's property.

Commissioner Van Dine wanted to establish how much space there actually was between the proposed addition, the Setback, and the roadway. Architect Swanson stated it was 22' from the garage front. Commissioner Frontero understood that initially the access and the garage were designed to attach to the house where the Historic Bay window is located. Planner Tubbs recalled that the HPB denied that application for material deconstruction to remove the Bay window. Commissioner Frontero continued by recalling that the applicant had to create a transition area to allow the Bay window to exist and be visible. Planner Tubbs confirmed this and added that with the size of the addition, the Historic District Design Guidelines required a transitional element. The transitional element in the current proposal was 8 feet.

Commissioner Frontero observed that the eight-foot transitional element caused the five-foot encroachment into the Setback. He recognized that the applicant was trying to accommodate the Historic District and moved the addition, which resulted in the encroachment. Planner Tubbs clarified that the addition would encroach five feet into the Setback, but the structure would be entirely on the applicant's property. A portion of the second parking space would be in the right-of-way.

Planner Tubbs confirmed there would be a distance of approximately 20 feet from the property line to the asphalt roadway, and a parked vehicle might take up a portion of that 20 feet.

Commissioner Kenworthy clarified that the garage would be five feet into the Setback. Commissioner Frontero noted that it was a three-story addition, so it would not be just the garage but what is below the garage that would also encroach.

With regard to Steep Slopes, Commissioner Frontero observed that the five feet was at the steepest part of the Steep Slope. Planner Tubbs explained that as the property moves towards Woodside Avenue, the slope increases. Assuming the adjacent property shown in the Staff photographs was to Code, Commissioner Frontero stated that the applicant's proposed addition would stick out towards Woodside Avenue five feet further than the adjacent home. Planner Tubbs and the applicant initially agreed, but provided a caveat that they did not know exactly. Architect Swanson noted that with the second design, they moved it five feet, not eight feet closer to the road because they already had the three feet with the Bay window.

Applicant Safchik advised that the eight-foot distance was the calculation of the façade width per the LMC. He added that the structure underneath was the 20 feet they need for the parking spot, per Code. In response to a question from Commissioner Frontero, the applicant did not consider not using the garage. The applicant stated it was an expensive project just to get parking there in general, and to build all of that out and not have an indoor parking space felt like a lot of effort without the benefit. Architect Swanson added that it became a safety issue.

Architect Swanson explained that the building begins at the toe of the slope, and they would do some grading to adjust it, but would only cut into a few feet of the toe of the slope before it goes up. Commissioner Frontero assumed that, if approved, a Landscape Plan would accompany this project. Applicant Safchik advised that the current landscaping was quite rough, and they would install a Utah-appropriate natural landscape. Architect Swanson added that the site had lost its topsoil and was a combination of the natural soil plus the overburden pushed down the slope to build the road.

Commissioner Frontero felt that one solution would be to scale down the size of the proposed addition, but acknowledged they would then run into the garage issue. If this application were denied, the applicant could still construct the addition, but without the garage. Applicant Safchik noted that he could technically take up more of the land.

Chair Suesser asked if a car parked on the proposed driveway would encroach into the right-of-way. Planner Tubbs advised that a portion of the secondary stall would be in the right-of-way. Applicant Safchik added that seemed to be the standard practice in Old Town. In response to an inquiry, Planner Tubbs confirmed that the driveway for the neighboring home shown in the image was also in the right-of-way. Commissioner Frontero observed that this proposal would not necessarily be unique to the street.

Planner Tubbs commented that in this area of Old Town, it is fairly common to see a bridge driveway connecting the street to the private property, and offered that approximately 10 to 15 feet of the neighboring driveway was in the right-of-way. The applicant commented that assuming the right-of-way was a straight-line setback from Woodside Avenue, he would ask for the same amount as the neighboring property. He added that there are two new homes on the other side of the neighboring home that both have a bridge driveway.

Architect Swanson commented that there had to be structure beneath the bridge because you need something for it to land on. He stated that 16 feet of every downhill lot driveway was in the public right-of-way. The applicant proposed five feet less on the property side of the driveway, whereas everything else is the same as had been done. The part that is larger would not be visible from Woodside Avenue, because it is below the street level by about six to eight feet and would provide enough space to make a usable bedroom for the house.

Architect Swanson explained that the third floor was completely buried below grade and provided a connection to the lowest level of the existing Historic house. He stressed there was no internal stair in the house, and stairs were not added when the prior owners raised the house in 2002. That area includes mechanical space, a laundry area, and some stairs.

Chair Suesser asked for a diagram showing how this connects. Architect Swanson explained the drawings and the layout of the underground space. The applicant confirmed that the existing home was two stories, and added that the third story would be the garage. Architect Swanson stated that as part of the design they were trying to reduce the mass and be sensitive to the northerly neighbor by pulling everything down and as far back as possible. He stressed that the applicant did not ask for any height exception for the downhill garage.

Applicant Safchik stated that they have tried to be as cooperative as possible and comply with the Code as much as they could, but it was a unique set of circumstances. There was discussion regarding the drawings and the connection from the garage to the Historic Structure and the bottom floor of the new addition. Applicant Safchik stated that the top level was freestanding and there was no hallway to the home. There would be access down the interior stairs on the north side of the garage to the main level of the home where one could walk through the house.

The garage stairs also continue down to the lower level and that same hallway underneath would connect to the lower level. Only the narrow stairs would be in the new structure. Commissioner Kenworthy understood that it would connect to both the second floor and third floor, and asked the applicant if he intended to connect the basement areas. The applicant confirmed the plan to connect it into one livable space. The applicant advised that the basement area is roughly 1,000 square feet.

Applicant Safchik advised that there were currently two levels that were each 1,000 square feet, with no way to access them without going outside. This proposal would fix that in this new structure. The basement of the new addition would be connected to the basement of the existing home. Applicant Safchik explained that the term "basement" was somewhat misleading because it's up the slope. They call it a two-story home, and they would connect the stories to the new parking through the vertical stack. He stated there was no extra underground floor.

Commissioner Kenworthy noted that the applicant would connect a new basement to the existing basement, and Chair Suesser added that the connection would be with the narrow passageway. In response to an inquiry, Architect Swanson advised that the floor height of the current basement was eight to nine feet. Applicant Safchik noted that the basement was below the stairs and some stairs lead up to the Third Street stairs. He noted that there is a home between his home and Park Avenue.

After a brief recess, Chair Suesser called the meeting back to order and advised of a request that the Commission consider continuing the last item on the Agenda, Item 6.B., Land Management Code Amendments.

After discussion, Chair Suesser confirmed there was a consensus to CONTINUE the Land Management Code Amendments identified in Agenda Item 6. B.

Chair Suesser opened the public hearing. There was no public comment. Chair Suesser closed the public hearing.

Chair Suesser noted that a Suburban is 18.7 feet long, and asked how long the driveway was proposed to be, not including the garage. Architect Swanson advised that it would be approximately 21 feet from the back edge of the curb to the garage door.

Commissioner Frontero observed that the driveway appeared to be approximately the same length as the garage, to which Architect Swanson agreed, and explained the garage was 21 feet. Commissioner Frontero asked the applicant about the current parking situation at the home. Applicant Safchik advised that he currently has one vehicle that he parks on Park Avenue, and access to the home is by way of the stairs. Commissioner Frontero observed that this proposal would effectively take a parked car off the road.

Applicant Safchik stated that he currently has a Resident Parking Permit from the City for the Park Avenue space, and noted that parking on Woodside Avenue in this area was particularly challenging due to the narrowness of the street and the location of some homes close to the road.

Commissioner Johnson asked if the applicant was only required to provide one parking stall. Director Milliken advised that due to the encroachment into the Setbacks, Staff interpreted the Code as requiring the applicant to be Code-compliant, which included parking. Normally, the applicant would be exempt because of the Historic Structure; however, because of the encroachment, two parking stalls would be required.

Commissioner Kenworthy noted that no parking was allowed on the east side of the street, except for in the right-of-way off the street; whereas, there was street parking allowed on the west side along Woodside Avenue. There was discussion about the size of the right-of-way, and Architect Swanson advised that when Woodside Avenue was reconfigured 20+ years ago, small bulb-outs were assigned to create spaces on the west side of Woodside Avenue. There was nothing on the east side of Woodside Avenue.

In response to an inquiry, Architect Swanson reported that Woodside Avenue was supposed to consist of two 12-foot traffic lanes, plus another five to six feet for the assigned bulb-out parking; however, in reality, it was less. He estimated it was less than 20 feet in total width, and the road in front of the applicant's home was not parked because it was needed as a traffic lane.

Commissioner Johnson understood why the addition was being positioned as proposed. He noted that underneath the driveway, the applicant would not be doing much to the Steep Slope, and expressed appreciation for that. He questioned how the construction would work, and the impact on the surrounding neighborhood. He also noted the concern with the tandem spot in the driveway, because whether or not it is common in Old Town does not mean it is right.

Commissioner Johnson commented that they were trying to improve walkability in Old Town, specifically, using the right-of-way, and a lot of cars park on the sidewalk along Park Avenue. He queried what might be done moving forward.

Applicant Safchik reported that he walks more than he drives. The location of the proposed driveway would be an unusable Steep Slope where there is no sidewalk or place to walk. Applicant Safchik stressed support for walkability in Old Town. Commissioner Johnson understood and noted that the area was so unique, he did not want to lose any sort of future technology that might make a sidewalk work in that location.

In terms of the construction process, Applicant Safchik hoped to use J. Ford who has done a lot of work in Old Town, including the same slope two houses over. Applicant Safchik noted that most of the crew parked along Park Avenue, and felt the contractor took care to not block the road or otherwise create a problem.

Chair Suesser focused on the top floor of the garage and noted that if they allowed the encroachment to the north she wanted to understand what was to the right of the garage door. Applicant Safchik stated that in the current plan, there was a wall, and there would be no balcony. Architect Swanson added there would be a roof down below that the applicant was originally asked to include. The bump out off the garage was added to create a modicum of space and storage in the garage.

Commissioner Frontero asked how the applicant arrived at the height of the garage. Architect Swanson explained that the limit in HR-1 is 27 feet from either the finished or existing grade, whichever is taller. The design barely touches the transition from the gable to the hip as it goes down from right to left, and the highest point of the garage was 27 feet from existing grade. Architect Swanson stressed that the applicant did not request any height exceptions, and the design complied with the height requirements.

Architect Swanson also explained that the circulation transitioned from the upper portion, and offered that it was typical of this type of Victorian mining-era home on a hillside. Referencing the sketch before the Commission, it was noted that the middle area depicted the transitional element that is barely 4 feet wide. Architect Swanson stated that the transition was barely wide enough for a hallway and two walls.

In terms of the height of 27 feet from the existing grade, Chair Suesser asked if they would dig out the triangle in the right corner of the new addition. Architect Swanson affirmed that area would be excavated, and clarified that the 27 feet was measured from the grade adjacent to the house. He explained the grades on the drawing and stated that the area they located the garage was critical because it would always be the highest point.

Applicant Safchik explained that the 27 feet would follow the contour of the thick black line shown in the drawing. Architect Swanson confirmed that the grade would not be changed along that line.

Commissioner Hall agreed with Chair Suesser's prior statement that there was good cause to provide this home street access and a garage. She also felt there was good cause in giving this home internal stair access. She relied on the expertise of the HPB with regard to the evaluation of the historic issues. Commissioner Hall stressed that while the proposal was complicated and imperfect, there was good cause. She applauded the applicant for buying a house with no

internal stairs, no driveway, and no street access and taking on this monumental task while rehabilitating a Historic Structure.

Commissioner Hall opined that this application complied with the LMC, and the Conditions of Approval took into consideration some of the LMC provisions. She was ready to move forward to talk about Conditions of Approval or making a motion.

Commissioner Kenworthy also applauded the application and noted it was a very difficult decision as to how they could maintain the historic value while allowing a property owner the rights to function differently from 100 years ago. He felt the applicant did a good job, and stated he liked the door at the street level, which was important for the frontage.

Commissioner Kenworthy also found there would be plenty of snow storage as long as everything was kept to the north end. He also applauded the HPB and felt they held their ground and did the right thing. This is a trophy, and it tells a great deal of the story of Park City. He liked the view corridors that were left with the placement of the house and noted the applicant had preserved them. Commissioner Kenworthy supported the project.

Commissioner Van Dine echoed the comments of Commissioner Hall and Commissioner Kenworthy and stated that giving up 5' into the Setback was acceptable as they were giving the owner a parking space. She noted the Commission spends a lot of time trying to create off-street parking, and this was a good compromise. She applauded the applicant's efforts in coming up with a conscious design and supported the application.

Chair Suesser appreciated the application but would prefer not to give an exception given the tightness of the Old Town streets. She would have preferred a different design. Chair Suesser respected the HPB's expertise on the matter, although she was not quite sure that was the best trade-off in this situation. She supported the application.

MOTION: Commissioner Van Dine moved to APPROVE the Steep Slope Conditional Use Permit and Conditional Use Permit for 316 Woodside Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Draft Final Action Letter as follows:

Findings of Fact

1. The Site is located at 316 Woodside Avenue.
2. The Site is located within the Historic Residential – 1 (HR-1) Zoning District.
3. The Applicant proposes to construct an addition to a Significant Structure over a Steep Slope and within the required Front Setback.
4. Staff reviewed 316 Woodside Avenue's SSCUP application for compliance with the 16 Conditional Use criteria for Steep Slopes in LMC §15-2.2-6(B).
5. Staff reviewed 316 Woodside Avenue's CUP application for an exception to encroach into the required Front Setback.

6. The application was reviewed per LMC § 15-13-2 Design Guidelines for Historic Residential Sites and LMC Chapter 15-2.2, Historic Residential – 1 (HR-1) District.
7. Staff mailed a courtesy notice to property owners within 300 feet on February 8, 2023.
8. The Analysis Section of the Staff Report is incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically sections 15-2.2-4 and 15-2.2-6.
2. The Use is consistent with the Park City General Plan, as amended.
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the plans approved on February 22, 2023, by the Planning Commission. Any changes, modifications, or deviations from the approved design that have not been approved in advance by the Planning and Building Departments may result in a stop work order.
2. The Applicant shall receive approval of a Historic District Design Review Permit prior to Building Permit Issuance.
3. If the Applicant does not obtain a complete building permit within one year of the date of this approval, these Steep Slope Conditional Use Permit and Conditional Use Permit approvals will expire unless the Applicant submits a written extension request to the Planning Department prior to the expiration date and the Planning Department approves an extension.
4. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans.
5. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director or designee prior to construction.
6. Residential fire sprinklers are required for all new or renovation construction on this lot, per the requirements of the Chief Building Official.
7. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City Planning Department for mine-related impacts. If the property owner does

encounter mine waste or mine waste-impacted soils they must handle the material in accordance with State and Federal law.

8. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
9. Metal materials shall not be reflective.
10. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be down-directed and fully shielded to prevent glare onto adjacent property and public rights-of-way and shall comply with the City's outdoor lighting code in LMC Section 15-5-5(J). Final lighting details will be reviewed by the Planning Staff prior to installation.
11. Historic exterior features (all-inclusive but namely, the pop-out roof, sidelight windows, and siding) shall be preserved.
12. Distinctive materials, components, finishes, and examples of craftsmanship should be retained and preserved.
13. Deteriorated or damaged historic features and elements should be repaired rather than replaced.
14. The site shall be recognized as a physical record of its time, place, and use.
15. Chemical or physical treatments should be undertaken using recognized preservation methods.
16. Construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.
17. Landscaping shall be water-efficient with drought-tolerant plants and water-wise landscaping is encouraged.
18. The Applicant will be required to acquire and record an encroachment agreement, subject to the City Engineer's approval for the proposed driveway and the use of the driveway as a second tandem off-street parking space.
19. The driveway shall remain 12' in width maximum, and the front door access shall not read as part of the driveway and shall be treated either with different materials or colors to differentiate the walkway from the driveway.
20. Prior to submitting a building permit, the Application shall submit a plan demonstrating how they will provide the temporary shoring needed during construction, subject to City Engineer approval.

21. The Applicant shall submit a geotechnical report and design of the temporary shoring and final slope stability prior to submitting a building permit, subject to City Engineer approval.
22. The Applicant shall provide soil stabilization details documenting how the disturbed area will be restored and stabilized, to be approved by the City Engineer prior to submission of a Building Permit.
23. The Applicant shall provide a landscape bond to ensure the stabilization and vegetation rehabilitation is complete prior to submission of a Building Permit.
24. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
25. All retaining walls shall be approximately four feet (4') in height and be consistent in size with those seen in Park City historically.
26. If nail shoring is required for the Steep Slope stabilization, the Applicant will be required to submit a geotechnical report to the Engineering Department as part of the Building Permit application.
27. The Engineering Department requires the submittal of a storm drainage analysis. The storm drainage study must include the calculations showing the required storm drainage volume storage to match the pre and post-development conditions for a 100-year 24-hour event.
28. Outdoor lighting must be reviewed and approved by the Planning Department prior to installation and must comply with the City's Dark Sky requirements. Outdoor lighting must be fully shielded, down-directed, and 3,000 degrees Kelvin or less.
29. The property owner shall not create a lockout unit or accessory apartment. If the Applicant would like to establish either of those uses they will need to obtain additional permits.
30. The Final Grade shall be no more than four feet (4') in height difference from Existing Grade.

Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission.

There was discussion regarding how helpful it would be to have better visuals and architectural renderings in the Packets. Commissioner Johnson highlighted his push for a Visual Analysis update.

6. WORK SESSION

A. Net Zero Stretch Code Resolution and Incentives Program.

Environmental Sustainability Project Manager, Celia Peterson stated that she would present the Code, along with the proposed incentives for Commission review and feedback. Manager Peterson stated that they were in the midst of climate change, and she presented a graphic showing the cost of climate change disasters over time. The curve is trending up and climate change is costing more, and Net-zero homes were intended to address these issues.

Net-zero can also provide some insulation against price volatility, and Manager Peterson reported that natural gas prices were becoming quite erratic. Therefore, as they discuss electrifying and increasing the energy efficiency of the buildings, it also becomes an affordability issue. She noted that the price of electricity was relatively stable. As a result, Net-zero homes would be more affordable as they move into the future with mentioned fossil fuel scarcity.

Manager Peterson commented that electricity fit better with the Net-zero carbon goals, which she would explain later in her presentation. Manager Peterson also provided an update on global CO₂ emissions and noted that it was trending up. There was a slight dip in 2020 due to the global pandemic; however, the emissions were back up and on the rise. As the pathway gets further out into the future, they would need to see major reductions in the number of carbon equivalents that are emitted into the atmosphere, which is the focus of the Environmental Sustainability team.

The community-wide goal is to achieve Net-zero carbon and run on 100% renewable electricity by the year 2030. Manager Peterson reported that they would meet the municipal operations goals by the end of the year as soon as the electron solar project was activated. She stated that they would have achieved that goal by 2020, but for a trade war on solar panels.

Manager Peterson advised that as soon as those operations are turned on, the municipal operations would be Net-zero carbon. She noted, however, there was still a lot of work to do as they head toward 2030. A wedge diagram was presented demonstrating how they would de-carbonize different industries and sectors moving forward. Manager Peterson highlighted the green category and explained that she was surprised that Building Energy Codes had such a big wedge; however, it highlighted the importance of having stringent, effective energy Code in the de-carbonized future.

The most recent community-wide carbon footprint was presented. Manager Peterson pointed out that buildings were a heavy component of the community-wide emissions. Buildings account for approximately 30% in most communities; whereas, in Park City, they were pushing 60%. She obtained recent updates from the community-wide carbon footprint update for 2021 and they were still trending upwards. Therefore, they need to figure out how they can de-carbonize the buildings within the City.

Manager Peterson presented an image prepared by the New Buildings Institute ("NBI"), which is one of the thought leaders in the country for Net-zero super-efficient buildings. She noted the impact of different energy policies and explained that the policies highlighted in red were already in place in Park City. Park City provides permit fee waivers for solar installations and the municipal portfolio was headed toward Net-zero. Additionally, there are permit incentives and utility incentives. Manager Peterson explained that because Utah is a non-home rule State,

they are not allowed to set Energy Code that is more stringent than what is set at the State level. They have therefore had to get creative in terms of the Code.

Manager Peterson also updated the Commission on the current Energy Code in Utah. She presented a graphic showing where they were currently and highlighted the Residential Energy Code. At this point, they still had the combination of the 2012 and 2105 International Energy Conservation Codes ("IECC"). She reported that at the last Legislative Session, the Legislature approved updates so that commercial buildings would now adhere to 2021 IECC. The Legislature did not address residential buildings, so they still have relatively inefficient Energy Code governing residential buildings.

Manager Peterson pointed out where they would like to be in the future and explained that they want to bridge that gap with the Net-zero Energy Stretch Code. Manager Peterson explained that they worked on this throughout 2020 and 2021, in collaboration with Utah Clean Energy and a host of community stakeholders. They had focus groups and working groups with over 80 stakeholders from the building community, local businesses, developers, and others. Manager Peterson advised that they have programs targeting existing buildings, new construction, financing, and how to engage businesses and the community. She explained the initial focus for completion was new construction, since the most efficient building is one that is designed to be efficient; whereas, retrofitting buildings is more cumbersome and costly. They would like to see new buildings coming in as efficiently as possible.

Manager Peterson noted they were not allowed to mandate this; therefore they must incentivize a voluntary program. As equity had been one of their critical priorities, they wanted to infuse as much of that as possible into the process. She noted that during the outreach for the decarbonizing buildings project, they conducted special outreach with Mountainlands Community Housing Trust and Holy Cross Ministries to target some of the community's lower-income community members. They heard that utility costs were high and cumbersome for the community, and a surprising number of people responded that had they known what the utility bills would be, they would have chosen a different place. She commented that the building stock in Park City was quite inefficient.

Manager Peterson presented some renderings of Net-zero buildings. She noted they do not appear unfamiliar; rather, it would just involve putting the pieces together. She pointed out that they have all the technology available to construct Net-zero buildings, and felt it was something the City should incentivize in line with the community goal.

Manager Peterson explained there is a host of certifications and standards and they designed the policy to give as much choice to the design-build team as possible while still meeting their goals. A graphic was presented that showed what standards would meet the Net-zero definition; she also presented foundational information. Manager Peterson advised that the third-party certifications take a lot of burden off of Staff to make sure they are Net-zero certified.

In terms of the Net-zero Stretch Code, Manager Peterson advised that the outreach revealed that more definition was better. They need to set forth the expectations for the incentive program and wanted to use something that would be as familiar to builders as possible. They, therefore, used the most up-to-date version of the IECC, plus their Zero-Energy provisions. This would provide the recipe for how to build a Net-zero building.

Manager Peterson stated that in addition, there was the overlay of the NBI, which would define the energy target for the building. A graphic was presented regarding energy use intensity ("EUI"), and Manager Peterson explained that they want to drive down EUI and set stringent targets so the design-build team knows what the target is and what to design for. She stated that 6. B was the climate zone and a circle highlighted the EUI targets for building projects that decide to use the voluntary Stretch Code and receive incentives through it.

With regard to third-party certifications, Manager Peterson stated they wanted to have as many eligible pathways as possible that would help them to reach the goal. It was noted that every project was different, and they wanted to ensure there was enough choice for builders. Third-party certifications were the way to go because they are the experts on how to reach Net-zero and can offer a lot of advice to the design-build team.

Manager Peterson invited the Commissioners to provide their feedback.

Commissioner Kenworthy commented that the issue was how aggressive they could be, and how much could they incentivize people to do this. He understood that they could not use Codes, so he wondered how they could balance out the costs with the developer who is trying to pencil out a project. Manager Peterson offered there were many different ways they could incentivize builders, and one was a fee waiver. Additionally, there are some Code instruments such as density and height allowances and added that process innovations could also act as an incentive to provide builders with extra help to meet the goal. Manager Peterson added that there were energy modelers and energy commissioners they could retain to help different projects move forward to meet that goal.

Commissioner Kenworthy liked the idea of a density bonus and asked whether they could do something with the property tax to incentivize Net-zero projects. City Attorney Harrington stated they could look at that issue. He was aware of programs that give back a portion of the City rate, although they had not yet looked at that.

Commissioner Kenworthy felt that property taxes could be a significant rebate for developers of rental properties.

Chair Suesser observed that the City had really committed to these goals and was about to meet its target for this year. She asked if it included private/public partnership buildings. Manager Peterson responded in the affirmative and stated that private/public partnerships could take advantage of this. They would like to see all buildings that are built using City funds adhere to this Code as well, and it was something they could negotiate.

Chair Suesser asked if there was a EUI target for the Homestake project. Manager Peterson stated it was 24, which would be in line with the chart presented earlier to the Commission. Chair Suesser noted this was not emphasized during the application process, but was glad to hear this.

Manager Peterson stated that they had been working closely with the Affordable Housing team, and they realized that it needed to be upfront and center in the RFP that Net-zero would be expected, and what the program looked like.

Manager Peterson commented that projects often begin with high aspirations in terms of sustainability goals and then things get value-engineered out at the last second. One of the

incentives was more education and concierge service where builders could ask about available incentives. Manager Peterson stated that with the Inflation Reduction Act, a lot was coming in. She stated they would request that City Council designate a fund to offer financial incentives for projects as well.

Chair Suesser noted that concept came up as they discussed the landscaping revisions to the Code, and how expensive it could be to hire someone to help with a Landscape Plan to comply with the Code requirements or be more water-wise. She liked the concept of having someone available to provide information.

Chair Suesser also liked the incentives and felt they might want to try and be more creative with some of them. Manager Peterson referenced the Staff Report that divided the incentives into three different buckets. Financial incentives would mimic the landscape incentives in terms of dollar amounts. She noted that with permit fee waivers, the Building Department requested that a special fund be set aside to not hit their budget. The proposed fee waiver was up to \$10,000 per residential project and up to \$40,000 for a multi-family project that would be capped. Additional financial incentives would include grants for third-party certification, which would be beneficial to the City because this could essentially be outsourced.

Commissioner Van Dine asked about the permit fees for an average residential project. Manager Peterson opined that it varied widely, and could not state what a typical amount would be. A member of the Steering Committee provided information on this and noted that it was not as much the City fees but the water fees that were prominent. This tied into the idea to have a fund for other fees as well. Commissioner Van Dine requested information on permit fees, stating it would be helpful to know if the \$10,000 waiver would make a difference for a residential builder of a normal house.

Manager Peterson acknowledged that adopting tiers could be a consideration because, for a zero-energy-ready home, that is something that helps them meet the goal. Although the home would not be Net-zero yet, it would be Net-zero in 2030. She did not feel that type of project should be given as big of an incentive as one that meets the most stringent standards. Commissioner Van Dine would like to see tiers for multi-family, commercial, and residential buildings so they become a true incentive.

Manager Peterson next addressed the process-oriented incentives. She stated that establishing what they want would help a lot in terms of process because design teams could conceivably present standards that Staff is not familiar with; on the other hand, if the City comes to the conversation saying what they want, then it would be up to the developer to meet that request. Manager Peterson explained that all electric Net-zero buildings were actually cheaper to build, and noted there was quite a bit of misinformation, so having training and collaboration with Utah Clean Energy and utilities would be impactful.

Manager Peterson referenced the Net-zero help desk/concierge, which was described as more consumer-facing. The energy squad would be an energy modeler or commissioning agent that the City would keep on retainer to help supplement those projects. She felt this would benefit the City as well because developers often hire an energy modeler who does not know what they are doing. If the City offered one who they know would be objective, then it would help the City in the end. Commissioner Kenworthy commented that would be a great idea to have someone who knows the City's processes.

With regard to the streamlined approval process incentive, Manager Peterson reported that the Utah State Legislature passed an update several years ago that all commercial projects needed to be reviewed in two to three weeks. A streamlined approval process was met with resistance from the Planning and Building teams, because if something gets streamlined, then 50 other permits get downgraded. Commissioner Kenworthy felt there would be problems with this incentive, especially when the Net-zero is engineered out in the end. Manager Peterson felt the awards incentive was very suitable for Park City and would be a great way to get the message out there and elevate those projects that made the extra effort to build a Net-zero home. Chair Suesser agreed this would be a popular incentive.

Manager Peterson next turned to the policy incentives and stated that when it comes to density, height, and parking allowances it starts to get a bit sticky because these are things they could not claw back as easily. She noted in other jurisdictions, these were typical incentives for Net-zero buildings. Manager Peterson suggested starting with the first two categories of incentives and then adding some Code modifications later. She noted that a denser building was more sustainable at the end of the day, and more density was typically something they would promote. In terms of parking allowances, the Sustainability team would like to see fewer cars in town, so they would be happy to give less parking for Net-zero projects. Open Space allowances were another issue that could be discussed.

Chair Suesser also suggested awarding developers for building Net-zero projects, wherein they could market themselves as being committed to those types of building practices. Manager Peterson analyzed the pros and cons of each of the incentives. She noted that the financial incentives were easy if they could get budget allocations. The one drawback was that the Sustainability Department does not have a fund. Manager Peterson supported the process incentives because it would develop competency across the board, as well as partnerships and community trust. It would, however, require more Staff and take longer to implement. As far as policy instruments, she presented what is typically used in other jurisdictions. There would essentially be no cost to the City; however, they would want to study these before moving forward.

Manager Peterson commented that there is a higher risk of abusing the system with policy incentives and it would take longer to implement. The "Stretch" refers to stretching beyond the established Energy Codes. They are called Reach Codes in California.

Commissioner Frontero understood that many of these proposals were designed mostly for new construction, but commented that most residential buildings were already built in Park City. He questioned what an existing home could replace, and mentioned that a homeowner could replace a gas stove with an electric stove, or add solar to rooftops.

Manager Peterson stated they would like to have community solar projects where owners would sign on and then the City could purchase solar panels in bulk. She mentioned that dual-fuel air source heat pumps were all the rage and are incredibly efficient. Manager Peterson added that there was a lot of research on the indoor air quality impacts of gas-burning stoves, and they wanted to be as electric as possible, especially in affordable housing. She stated that existing buildings were targeted in the de-carbonizing building project and offered to present further information when they come back before the Commission. However, the biggest bang for the buck in terms of energy efficiency would be to swap out to a dual fuel heat pump system, as well as things such as improving insulation and window replacement.

Manager Peterson stated that most of the building stock was built before 2006 when the Energy Code was much less stringent. There were therefore a lot of leaky buildings in Park City, which is likely why they have a high contribution to the overall community footprint. Manager Peterson mentioned thermal cameras at the library that can show leakage from windows and doors.

Commissioner Johnson commented that this is exciting, and felt they should get the financial and process incentives tied down first before addressing the policy incentives. Manager Peterson advised that in talking with local architects, just a 2-foot bonus could be significant for some projects.

Chair Suesser asked when the next bulk buy program would be coming along. Manager Peterson felt they needed to figure out what would be involved in dual fuel heat pumps and finding installers for them. She stated the Biden administration was building factories because there were not enough of these pumps. It could be a program they could set up in the next year or so if they could find the funding for it. Chair Suesser preferred the pump program before rooftop solar. Manager Peterson added that it would drastically reduce the amount of energy that would need to be heated and cooled. She added that they work well in cold climates, and are all over Scandinavia.

Commissioner Kenworthy asked Manager Peterson if she had looked at the relatively new solar tax equity credits, where a developer would invest in a fund and would get a tax credit. Manager Peterson stated this sounded like Rocky Mountain Power's Blue Sky Program where a developer pays extra to fund rooftop solar. Commissioner Kenworthy added that the City has to have some sort of involvement and designation for it to set it up. Manager Peterson stated Rocky Mountain Power sets up the solar program. Commissioner Kenworthy added that in theory, the fund would end up making some money as well as giving people with wealth some tax incentive. He stated it was different that the Rocky Mountain program. Manager Peterson was unfamiliar with this type of program.

B. Land Management Code Amendments – The Planning Commission Will Conduct a Work Session to Review the Vibrancy Ordinances Outlined in Land Management Code Chapters 15-2.5 Historic Recreation Commercial and 15-2.6 Historic Commercial Business and Section 15-15-1 Definitions to Determine Whether Additional Amendments are Recommended. PL-23-05564.

The above item was continued.

7. ADJOURN

MOTION: Commissioner Hall moved to adjourn.

The meeting adjourned at approximately 9:47 p.m.

An aerial photograph of a mountain town covered in snow, with a river or stream winding through the valley. The town's buildings are densely packed, and the surrounding landscape is rugged and snow-covered.

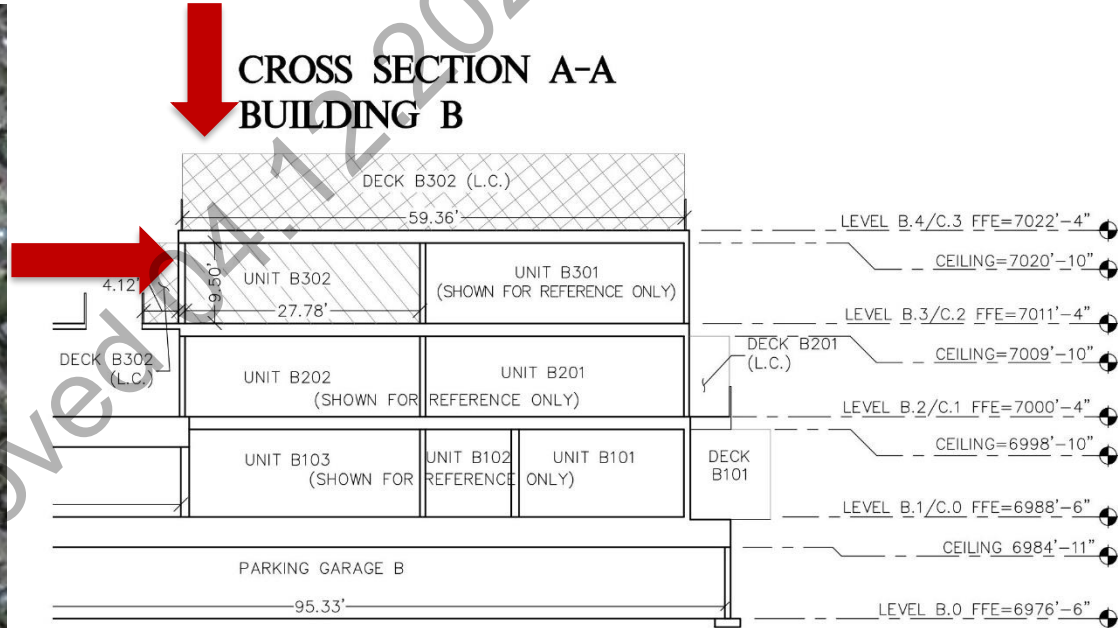
1271 LOWELL AVENUE

PLAT AMENDMENT

PL-22-05425
March 8, 2023
Planning Commission



1271 LOWELL



BACKGROUND

1271 LOWELL AVE

- October 19, 2022 Applicant submitted Plat Amendment

Approved 04.12.2023



ANALYSIS

1271 LOWELL AVE

- The proposed Plat Amendment complies with Recreation Commercial (RC) Zoning District requirements
- The proposal, as conditioned, complies with LMC § 15-3-6, Parking Ratio Requirements
 - Condition of Approval 4: “Two parking stalls shall remain assigned to the combined Unit B401.”



ANALYSIS

1271 LOWELL AVE

LMC § 15-7.1-6(G) requires the following for combining adjoining condominium units within a condominium plat:

The combination does not:

- Impair the structural integrity or mechanical systems of the building or either unit
- Reduce the support of any portion of the common areas and facilities or another unit
- Violate Utah Code or the IBC

On February 28, 2023, the Building Department reviewed and confirmed the unit combination complies with the above requirements.



GOOD CAUSE

1271 LOWELL AVE

- Reduces number of residential units part of King's Crown MPD/CUP without increasing square footage or density
 - COA 5: "no additional density unit is available by virtue of this combination"
- The affordable housing obligation are not modified by this unit combination.



DEPARTMENT REVIEW

1271 LOWELL AVENUE

The Development Review Committee reviewed the application on February 7, 2023 and did not identify any issues

Approved 04-12-2023



PUBLIC NOTICE

1271 LOWELL AVENUE

Staff did not receive any public input at the time this report was published

Approved 04.12.2023



RECOMENDATION

1271 LOWELL AVE

(I) Review the proposed King's Crown Second Amended Combining Units B302 and B401 Plat Amendment, (II) hold a public hearing, and (III) consider forwarding a positive recommendation for City Council's consideration on April 27, 2023, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the Draft Ordinance

