



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 28, 2024**

COMMISSIONERS IN ATTENDANCE: Chair Sarah Hall, Vice Chair Christin Van Dine, Laura Suesser, Bill Johnson, John Frontero, Henry Sigg, Rick Shand

EX OFFICIO: Rebecca Ward, Planning Director; Jason Glidden, Housing Development Manager; Caitlyn Tubbs, Senior Historic Preservation Planner; Spencer Cawley, City Planner; Virgil Lund, City Planner; Jaron Ehlers, Planning Technician; Rebecca Gutknecht, City Engineer; Mark Harrington, City Attorney

1. ROLL CALL

Chair Sarah Hall appeared remotely and called the meeting to order at approximately 5:30 p.m. She confirmed the attendance of all Commissioners.

It was noted that Planning Director, Rebecca Ward, also participated remotely.

2. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Director Ward reminded the Commission that for public comment, speakers are to state their full name and sign in, limit comments to three minutes or less, direct comments to the Commission and not the applicant or audience, and not engage in clapping or whistling. She also reminded speakers to address matters related to the pending application or ordinance. She explained that three items were scheduled for a Work Session and there would not be public hearings for those items during this meeting. Public input could be submitted to planning@parkcity.org.

Chair Hall clarified that there would be public hearings on the Work Session items when those items are publicly noticed and return to the Regular Agenda.

3. PUBLIC COMMUNICATIONS

There were no public communications.

4. WORK SESSION

- A. Land Management Code Amendments** – Consultants Lisa Wise Consulting, Inc., Cascadia Partners, and Fehr and Peers will Present their Draft Report Regarding Opportunities to Amend the Land Management Code to Incentivize Affordable Housing and to Reduce Single-Vehicle Occupancy through Improved Parking and Transportation Demand Management Criteria.

Housing Development Manager, Jason Glidden reported that he would present this item as Director Ward was under the weather and attending this meeting via Zoom. He introduced the team from Lisa Wise Consulting, which has been working on finding opportunities to amend the Land Management Code (“LMC”) to help incentivize affordable housing and reduce single-vehicle occupancy.

Jen Murillo, Director at Lisa Wise Consulting (“LWC”), introduced herself and reported that they had been working closely with Staff on this project that is very important to the community. This project involves the proposed amendments to the LMC to incentivize affordable housing and reduce single-vehicle occupancy trips. Ms. Murillo introduced Lisa Wise, President of Lisa Wise Consulting. She also introduced Jamin Kimmel from Cascadia Partners, who was working with them on the affordable housing component. She noted that Ivana Medina from Fehr & Peers was not present, however indicated that Fehr & Peers had worked very closely with them on the transportation-related components, analysis, and recommendations for the draft amendments.

Ms. Murillo reminded the Commission that this project was focused on the preparation of amendments to the LMC to incentivize affordable housing and reduce vehicle trips. This project was driven by policies and documents adopted by the City, including Park City Vision, the General Plan, the Moderate-Income Housing Plan, and others. She explained that this was an expedited project due to the urgency and importance of these issues to the community. They conducted initial outreach at the outset and then ran through an analysis of barriers within the current LMC in terms of achieving the City’s affordable housing and transportation goals.

Ms. Murillo reported that based on the feedback from the outreach and their analysis, they have prepared draft recommended amendments. She stated that the outreach included focus group meetings and developer interviews, including interviewing developers who had experience in the area. They also met with internal advisory groups, held a community workshop, and held one Planning Commission Work Session to address their analysis of barriers and Best Practices for alleviating those barriers. They also conducted an online survey and last night held a community open house.

Ms. Murillo reported that she would not repeat the barriers and Best Practices discussed during the last Work Session. She added, however, that they found specific components in the Code that were problematic in terms of achieving the City’s goals for affordable housing and Best Practices. These included barriers related to the discretionary review process as well as specific standards in the LMC, including Open Space, Building Height, parking ratios, and others.

Ms. Murillo explained that they looked at Best Practices in peer communities that had addressed these kinds of barriers. The recommendations are based on LWC’s experience in other communities or looking at what other communities have adopted and implemented and tailoring that to meet the needs of Park City. She reported that she would address five key topics in the

package of recommended amendments. These include Accessory Apartments, Pedestrian Access and Design, Transportation Demand Management, Parking, and Affordable Housing Incentives.

In terms of Accessory Apartments, Ms. Murillo explained they would offer a number of proposed recommendations to facilitate this type of housing product. They proposed that the minimum lot size requirement in the current Code be removed.

With regard to detached Accessory Apartments ("ADU"), they recommended allowing those detached Accessory Apartments to be the same height as the single-family home on the lot on which they are proposed. They also proposed new standards related to privacy and Setbacks. She mentioned that with the increase height allowances, they recommended second-story windows being raised higher on the wall and/or glazed or textured if the second-story ADU is located within 15 feet of a property line.

Ms. Murillo next reported that the recommendations included new Setbacks. Currently, Accessory Apartments are allowed to be up to 18 feet within 5 feet of rear and side property lines. They proposed a 10-foot Setback to accommodate or adjust for that additional height. For Pedestrian Access & Design, Ms. Murillo stated they looked at ways to ensure they would have standards solidified in the Code that would encourage and create appropriate pedestrian connections as well as bicycle connectivity through a site. They included some design standards for pedestrian walkways. She added they also proposed a maximum block length standard to ensure connectivity either through a new street or through a mid-block pedestrian connection. This could be a walkway, steps between Park Avenue and Main Street, or something that would allow pedestrians to have convenience and accessibility through and around properties.

Additionally, they proposed standards for building entrances and building frontages. She noted that these would rise to the level of objective standards for the treatment of building fronts to encourage pedestrian activity, be attractive, and feel welcoming. Ms. Murillo presented an example of a porch frontage where they proposed minimum and maximum standards and dimensions that would be objective in terms of understanding the requirement.

With regard to Transportation Demand Management ("TDM"), Ms. Murillo stated these are strategies or options to address reducing vehicle trips without building more roads. She reported that they proposed requiring TDM plans that identify those strategies for specific projects of 10 or more units, and most commercial projects. This would be tied to and aligned with the thresholds already in the Code for Traffic Impact Studies. Ms. Murillo explained that the proposal included two levels of TDM plans. The first level would be for smaller projects, and the second level would be for larger projects that would require all the measures in the first level, as well as additional standards.

Additionally, she stated they left open additional or supplemental TDM strategies, in which a project developer would have an option and incentive to go above and beyond what is required, which could allow for a reduction in their parking requirement by 15% subject to Commission approval. She mentioned that the proposed amendments also included a provision that the Commission would approve TDM plans.

With respect to Parking, Ms. Murillo recalled the discussions and recommendations from the last Work Session about right-sized parking requirements. Where they have parking standards that

go beyond the demand or the need for certain uses, the proposed amendments would adjust those parking requirements to be appropriate based on certain uses. She also mentioned offering alternative parking strategies and ways in which the amount of land dedicated on-site to parking could be reduced. She stated that those alternative strategies included off-site parking, shared parking, underground parking, and proximity to transit. She stated that these different alternatives would relate to different reductions in on-site parking. These reductions would range from a very slight 5% reduction, up to a 25% reduction for non-residential uses in the project. They also included a cap in the alternative parking strategies wherein a developer could combine strategies, however in no case could parking for non-residential uses go below 50%, and parking reductions for residential uses could not exceed 15 percent.

Finally, with respect to Affordable Housing incentives, Ms. Murillo reported that the current City structure was found in the Affordable Master Planned Development (“AMPD”) process. The AMPD process provides incentives for projects that provide over half of the units as affordable to households earning no more than 80% of the Area Median Income (“AMI”).

Ms. Murillo explained that they proposed to replace the existing AMPD with a tiered structure that would provide more flexibility. Rather than a “one size fits all” approach, they looked at flexibility across different tiers that would allow more opportunity for projects to qualify for incentives, with the overall goal of achieving more affordable and attainable housing. She presented the tiers to the Commission and highlighted that they included adjustments in terms of the level of affordability as well as the set aside of those affordable units. She explained that the lowest tier, Tier 1 would provide an opportunity for projects that set aside half of the units to an average of 100% AMI. Tier 1 would qualify for the lowest level of incentives.

Ms. Murillo explained that the most significant tier, Tier 4, would provide opportunities to qualify whether they had average AMIs of 60% to the traditional 80% AMI. She noted that the set aside would be adjusted across the tiers so there would be more opportunities to access the incentives. She explained that the rationale behind this proposal was that more incentives would be granted to developments that provide more housing to lower-income households. Having lower income and deeper affordability would provide opportunity for more substantial incentives. She added that they did not propose any changes to the incentives for Building Height, Parking, and Open Space. However, these incentives would be adjusted based on the tier.

Ms. Murillo highlighted that they were looking at treating the General Commercial (“GC”) zone differently, and noted this zone incorporated Bonanza Park. She explained that they understood that Bonanza Park is an area that is more appropriate for increased height. She emphasized that a very important incentive for affordable housing is density. The AMPD does not contain a density limit; rather, they addressed the building envelope as a way to get additional units to help subsidize the affordable units being provided.

In this case, they looked at the building envelope from a vertical perspective in terms of increased height, and from a horizontal perspective in terms of open space and parking requirements. She explained that being able to provide a larger building envelope would allow the production of more units and would also allow for additional revenue support through the market-rate units to subsidize the additional provision of affordable units.

Ms. Murillo stated this was a key component in how to achieve the provision of affordable units because the loss in revenue caused by the affordable units at below market rates has to come from somewhere.

In addition to providing additional units, there could also be city subsidies or other financial assistance. She next addressed the proposed incentives for each tier. For reference, she also showed the standards under the existing AMPD that they were proposing to replace with the four tiers. Ms. Murillo explained that Tier 1 with 100% AMI would have incentives that would be lower than the current AMPD, whereas the higher tiers would have increased incentives.

She highlighted Tier 4 and the proposal for a 55-foot height limit and allowing up to 65 feet in the General Commercial ("GC") Zoning District. She commented that this would not mean 65 feet along the street, nor would it be 55 feet everywhere; rather they would still maintain the 35-foot height along the street and a 10-foot stepback to the floors above.

Ms. Murillo stated that the number of parking spaces would be adjusted across the tiers as well. She presented the proposal and mentioned that Tier 1 would require more parking than currently provided in the AMPD. In the proposed amendments, they gradually reduced the parking requirements across the tiers.

Similarly, with Open Space, Tier 4 would require the lowest percent of common Open Space at 10%, as opposed to the current standard that requires 20 percent. She reported that they worked closely with City Staff in terms of looking at the financial feasibility of the tiers and the package of incentives. They found that these tiers were appropriate and reasonable considering the market conditions in Park City.

Ms. Murillo reported on the community Open House held last night. She explained that they presented some informational boards for the approximately 45 attendees at the event, followed by a presentation. They then opened up a survey for the attendees, and 21 respondents participated in the survey. She noted that the respondents were largely from the 84060 zip code, and there was a split in terms of age ranges and income. Approximately 65% of the respondents had a household income under \$150,000, and 35% of respondents had a household income of over \$150,000. She noted that the respondents largely represented two-person households, and 30% were single-person households.

Ms. Murillo next presented the substance of the survey. The first questions related to Accessory Apartments. With regards to eliminating the minimum lot size for Accessory Apartments, 94% of respondents agreed with that recommendation. In terms of the proposed changes for the height of Accessory Apartments, she reported that 81% of the respondents agreed.

They also asked whether respondents agreed with requiring a TDM for projects that would require a Traffic Impact Study, and 70% agreed with that requirement. With respect to whether respondents agreed with offering parking reductions with the alternative parking strategies, 63% agreed with the caveat that the proposed parking reductions were too low. She also noted that 19% of respondents were neutral. She surmised that this group likely included those who agreed with the proposal and did not feel that the reductions were either too high or too low.

Ms. Murillo reported that they also asked respondents if the AMPD standards related to height, parking, and Open Space should be revised to help make these projects be more financially

independent in lieu of financial support or participation from the City. Just over half of the respondents agreed one-quarter disagreed, and nearly 20% were unsure. They also asked if the approach of providing flexibility in the AMPD through tiers made sense, and there was overwhelming agreement that an approach other than the “one size fits all” approach made sense.

Lastly, they asked respondents if they agreed that more height should be allowed in projects where over half of the units provided were affordable. Ms. Murillo stressed her understanding that height is a very sensitive topic and there were concerns with additional height; however, they wanted to understand how the Commission felt about the recommendations. She added that they also gave respondents the opportunity to add any additional comments, and eight residents responded with a variety of comments. She reported that the presentation was available for the Commission’s review and stressed that they had some good conversations with the community members who attended the Open House.

She noted that the attendees were largely in support of the proposed amendments, and they looked forward to receiving the Commission’s feedback so they could move forward with the amendments that the Commission feels would be appropriate for the community.

In terms of next steps, Ms. Murillo reported that the proposed amendments were drafts and they requested the Commission’s comments and recommendations for moving forward. After incorporating the Commission’s comments, they would bring them back with a public hearing to consider adoption before going to the City Council for ultimate adoption. She mentioned that they did not propose to change the way that AMPDs would be approved in terms of the review authority. Any AMPD project or any project requiring a TDM would continue to come before the Planning Commission. She invited comments and questions from the Commission and noted they had the same questions posed in the Open House survey to help guide the discussion. However, they would answer any questions the Commission might have.

Chair Hall invited any clarifying questions prior to addressing the consultant’s specific questions. There being none, she then addressed the first question for the Commission related to Lot size for Accessory Apartments.

Commissioner Shand sought clarification as to the radius being taken into account in terms of the proposed AMIs. He asked if the radius pulled into Wasatch County and the areas where the workforce was coming from.

Manager Glidden replied that AMI was based on Summit County, and stated that they also looked at workforce wage, which involved more State data. He noted that AMI is based on the people who live in a certain area. Workforce wages allow them to look at who is working in an area and how much they are earning. They can then take that data and compare it to AMI to get a standard for where they should be in terms of AMI. He offered that currently, they were probably between 55 – 60% AMI for the workforce wage. He confirmed that the data is just for Park City and not Wasatch County.

With regard to the first question posed regarding Accessory Apartments, Commissioner Shand stated that if they were looking at reducing the minimum lot size, he asked what that would look like on a 25’ x 75’ Lot in Old Town.

Ms. Murillo responded that there would still be Setback requirements and owners would still be required to provide a parking space. Commissioner Shand observed that the Setbacks in Old Town were three feet, and the proposed amendments would set them at five feet. He felt that an Accessory Apartment might not apply to a typical 25' x 75' Old Town Lot, and these would likely be more appropriate for larger lots not in the Historic Residential -1 ("HR-1") zone.

Ms. Murillo agreed that might be the case, but stated there might also be opportunities for Internal Accessory Apartments in those cases.

Commissioner Shand mentioned the statement in the presentation that "density is the key." He agreed with that and felt that was the direction they were headed with the HOPA project and Engine House. He viewed Accessory Apartments as a nice alternative, but they would not solve the meat of the problem.

Commissioner Suesser understood that the presentation was focused on separate accessory structures and noted the reference to Internal Accessory Apartments. She understood that the proposed amendments would remove the minimum lot size requirements and also allow Internal Accessory Apartments.

Ms. Murillo stated they proposed to remove the Lot size requirement for both detached Accessory Apartments and Internal Accessory Apartments. This proposal would remove the barrier of having a minimum Lot size as a requirement for proposing an Accessory Apartment.

Commissioner Suesser agreed with Commissioner Shand that she would like to see what this would look like in the Historic District and whether they should carve out an exclusion for the Historic District.

Commissioner Sigg asked if this would also apply to a conversion and used the example of an owner converting a three-bedroom unit into a two-bedroom unit and a one-bedroom Accessory Apartment. He wondered if these amendments would apply only to new builds.

Ms. Murillo stated they largely focused on detached Accessory Apartments, which would mean a new build or a garage conversion. In terms of the Internal Accessory Apartment, these amendments would not adjust the standards other than removing the minimum lot size threshold that determines eligibility for proposing an Internal Accessory Apartment.

Commissioner Sigg understood this to mean that it would apply to a conversion and that a minimum lot size would be required to change a 3- or 4-bedroom single-family home into a 2-bedroom home with an Accessory Apartment.

Consultant Lisa Wise explained that there were currently very limited requirements for Internal Accessory Units, and the only requirement was that of a 6,000-square-foot lot. The proposed amendments would remove that requirement. Smaller lots could therefore have an internal unit, which means that a three-bedroom house could be converted to a two-bedroom house with an Accessory Apartment.

Commissioner Suesser sought clarification on the proposed parking requirements for an Accessory Apartment. Ms. Murillo explained that the proposal was for one off-street parking space per Accessory Apartment.

Commissioner Johnson echoed some of the questions from the other Commissioners and questioned why they would include the Historic Districts in the proposed amendments regarding Accessory Apartments. He expressed support for the proposed changes to this section and hoped it would move the needle; however, he also felt it might make it a little more complicated given the dynamics of the Historic zones. For future review, he felt it might be best to simply omit those zones for this section. They could always make changes in the future if they see the needle moving.

Commissioner Van Dine agreed and added that it would be difficult to include the HR-1 zone in this section. She also stated her only issue was matching the house height and not having a minimum lot size. She indicated that she did not know how that would look. She commented that it would be particularly complex in the HR-1 zone, especially when dealing with Lot combinations of 2 – 3 Lots. These amendments would allow a 2 – 3 story Accessory Apartment, and she felt that was an issue.

Commissioner Suesser suggested that it would be helpful to explain which properties this proposed amendment would impact, and specifically asked for examples where property owners were being denied the ability to house an Accessory Apartment or internal Accessory Apartment because of the minimum lot size requirement. Ms. Murillo deferred to Director Ward as to whether the Planning Department was seeing requests coming in and having to reject them based on either the zone or location.

Director Ward explained that they had received some applications for neighborhoods outside of the Historic Districts wherein the Lots were larger at 4,000 to 5,000 square feet but were unable to move forward due to the current restrictions.

Commissioner Van Dine asked if areas such as Prospector, Park Meadows, and possibly Thaynes were the type of areas referenced by Director Ward. Director Ward confirmed and stated that it applied to some of the residential neighborhoods with larger lots.

In response to a further inquiry from Commissioner Suesser, Director Ward recalled one application for an Accessory Apartment on a Historic Old Town Lot but noted that Lot would not have qualified for a number of reasons. She added that in the Historic Districts, in addition to the required Setbacks, there is also a Maximum Building Footprint, and it is the latter requirement that makes an Accessory Apartment very challenging for those lots.

Manager Glidden observed that was the purpose here. By removing the minimum lot size but keeping everything else, there would still be properties that would not be able to meet these recommendations within the Historic District, so it would self-govern itself. He explained that was why they did not feel the need to exclude the Historic District. Other issues such as parking and total building size would prevent many of those lots from having an Accessory Apartment.

On the other hand, if a property could meet all the requirements, they wanted to preserve that right for property owners.

Commissioner Frontero stated the average Lot in Old Town was 25' x 75' feet or 1,875 square feet. He proffered that rather than completely eliminating the Lot size requirement, they could reduce the minimum from 6,000 square feet to 2,000 square feet. This would effectively preclude

most Old Town Lots. He asked if any consideration was given to reducing the minimum lot size requirement rather than eliminating it altogether.

Ms. Murillo explained that the rest of the standards in place for Accessory Apartment seemed to be reasonable to address the City's concerns relative to potential neighborhood impacts and compatibility. She reported they did not discuss reducing the Lot size requirement but understood Commissioner Frontero's rationale and felt that was something they could discuss with Staff.

Commissioner Suesser asked if a Conditional Use Permit ("CUP") would be required for an internal or detached Accessory Apartment. Ms. Murillo responded that they did not propose any changes to the permitting requirements for Accessory Apartments.

Director Ward stated that a CUP was not required for an Accessory Apartment; rather, they require an administrative permit with Staff level review.

Commissioner Sigg concurred with Commissioner Frontero's comments and noted the practicalities of adding on to a property that clearly has to do with the amount of lot coverage that is available. He felt they should look at what exists there now and look at what could exist there. To just have a blanket lot size reduction, he noted the practicalities based on existing conditions. Commissioner Suesser agreed with Commissioner Van Dine's comments regarding the height of an Accessory Apartment. Chair Hall asked if Staff felt there was consensus regarding the direction for question 1.

Commissioner Shand noted that other than Lot size, other parameters within a piece of land would govern. He was not really in favor of reducing the Lot size and felt that a 6,000 square-foot lot was 1/7th of an acre, which is less than 1/4 of an acre. Using the example of the Prospector neighborhood, he questioned the impact of having an Accessory Apartment pop up next-door that would conform to the new LMC. He added that what might start as an Accessory Apartment often ends up as a family room. He felt the best focus should be on density as density is the key. Having pop-up Accessory Apartments would not put a big dent in the issue and he would not necessarily be in favor of reducing the minimum Lot size.

Commissioner Frontero clarified that he was not in favor of eliminating minimum Lot size. He stated he could support something less than 6,000 square feet, but he felt that completely eliminating the requirement would present a challenge for him.

Commissioner Sigg asked what effect a Homeowners' Association ("HOA") might have on this decision and what would take precedence. Chair Hall noted that based on prior discussions, the more conservative or more restrictive regulations would govern.

Director Ward clarified that the State prohibits HOAs from prohibiting IADUs. The detached Accessory Apartments are treated somewhat differently.

Commissioner Van Dine agreed with reducing Lot size requirements. She noted that many zones were self-governing and Accessory Apartments would simply not be possible, however having a 2,000 square foot minimum would at least set a baseline standard.

Commissioner Suesser also supported a reduction in minimum Lot size and did not support an elimination of this requirement. Commissioner Sigg concurred and added he would like to see it in the context of an existing condition.

Commissioner Johnson expressed support for a reduction as long as they have some regulations still in place.

Chair Hall expressed that there was a majority consensus for reducing the Lot size as opposed to eliminating it. She assumed that when they see the revised language they would also see the proposed rationale behind the proposal.

Commissioner Suesser added that a couple of examples would also be helpful for the analysis.

The next question presented to the Commission related to the height of Accessory Apartments. Commissioner Van Dine referenced her prior comments and acknowledged that properties would still be governed by the zone height. She felt that limiting Accessory Apartments to two stories would be reasonable instead of being able to construct a three-story next to a three-story primary home. She mused that people would likely not construct three-story units because it would look funny. However, rather than allowing Accessory Apartments to go as high as an owner wants as long as it is comparable, she felt it would be reasonable to set a two-story height limit for an Accessory Apartment. Commissioner Shand agreed with Commissioner Van Dine's comments.

Commissioner Suesser noted she did not have the proposed language in front of her to be able to either agree or disagree. She asked if the proposal was that the height of the Accessory Structure could match the height of the existing home.

Ms. Murillo explained that the height could be what is allowed for a Single-Family Dwelling in that zone. Commissioner Shand observed that the slide referenced "allowed to be the same height" as the Single-Family Dwelling, and he assumed that meant the existing Single-Family Dwelling.

Commissioner Suesser preferred that the height be restricted by the zone and mentioned there might be a taller home that was grandfathered in. Commissioner Shand observed that if an existing home was one-story and it was zoned up to three stories, then he asked if there should be allowance for a three-story Accessory Apartment.

Commissioner Shand proffered that an Accessory Apartment could be the same height as the existing home and not exceed two stories. Commissioner Sigg liked keeping it in the context of the existing home and limiting it to two stories.

Consultant Jamin Kimmell noted that one of the standards they did not propose to amend was the maximum size of the Accessory Apartment, which is now set at 1/3 the size of the primary dwelling unit, or 1,000 square feet. With those size limits in place, he felt it would be highly unlikely to have a three-story Accessory Apartment. He stressed that this would also be a significant restriction on the size and especially if there is a smaller home on site, the Accessory Apartment is restricted to 1/3 the size of the home. For a 2,000-square-foot home, the Accessory Apartment would be limited to approximately 750 square feet.

Commissioner Frontero found it difficult to consider all possible scenarios. He suggested that he would be more comfortable with language that would limit an Accessory Apartment to the current home size, not to exceed two stories.

Commissioner Johnson agreed and felt they needed to re-craft Subsection 8.c. in the Packet. He felt using zone height might be okay in certain circumstances but reiterated that this section would need to be revised before the next review.

Manager Glidden understood the Commission's suggestion that an Accessory Apartment shall not be taller than the existing home and limited to two stories. Commissioner Johnson agreed, and also suggested cleaning up Subsection 8.c. to make sure that they have those two options as well as "shall not exceed the zone height."

Commissioner Suesser mentioned a situation where an owner might want to construct an Accessory Apartment on top of a garage.

Commissioner Johnson confirmed that the proposed language was on page 34 of the Packet.

Chair Hall stated she was fine with the proposed language in Subsection 8.c. in terms of wanting to encourage Accessory Apartments as a way of privately funding smaller units in town. She confirmed that the consensus was that "not to exceed two stories" should be added. She asked if they should include an actual height or whether just referencing two stories would be sufficient.

Ms. Murillo heard the suggestion that an Accessory Apartment be no higher than the existing home, which would put a measurement into feet in addition to the story limitation.

Commissioner Johnson reiterated that his preference was to limit the height to the height of the existing home, while also including a zone height limitation.

Chair Hall sought clarification and asked if an owner seeking to add an Accessory Apartment or to do a remodel on an existing home that exceeds zone height could actually build above the zone height.

Director Ward stated that if a home were grandfathered in as a non-complying structure, any addition would then require compliance with the current Code. Commissioner Van Dine then stated she agreed with Chair Hall and keeping the restriction to the zone height or the house height. Commissioner Suesser clarified to Ms. Murillo that they could eliminate the reference to two-story and just refer to zone height. Commissioner Shand offered "zone height, no taller than the existing home," because if it is a non-compliant home that is too tall, then the zone height would prevail over the existing home.

Commissioner Frontero supported removing the two-story limit and having the zone supersede the current size of the home. Commissioner Sigg agreed. There was clear consensus in support of the recommended amendments that would require a TDM for projects in excess of 10 units and most commercial projects.

Commissioner Suesser asked if there were parameters that defined what would be required in a TDM plan. Ms. Murillo explained that the draft amendments included the measures required in a

Level 1 and Level 2 TDM plan and an additional menu of supplemental strategies that could also be incorporated.

Ms. Murillo also noted that these amendments would not be limited to AMPDs. In response to an inquiry regarding Tiers, she explained that Tiers related to AMPDs, and Levels related to the TDM plans. She explained that they proposed two levels of TDM plans, and based on the size of the project, an applicant would be either in Level 1 or Level 2. All AMPDs would be subject to a TDM plan.

Question 4 asked if the Commission agreed or disagreed with offering parking reductions in exchange for alternative parking strategies. Commissioner Shand reported that he agreed with offering parking reductions in exchange for alternative parking strategies and also felt that the parking reductions, particularly for affordable housing, should be re-evaluated in general. He acknowledged that the latter point was likely outside the scope of these discussions, but stressed that the parking requirements could be restrictive to development, and if the objective was to get all the people into town so they could work, then if these workers were located near transit hubs cars would not be as important as if they were commuting into work. He noted that everyone who commutes into town must park somewhere. He reiterated that he was in favor of reducing parking requirements for MPDs and AMPDs. Commissioner Suesser agreed, as did Commissioner Van Dine.

Commissioner Frontero also agreed. Commissioner Sigg agreed as well and added that many of the alternative strategies would be dependent upon the pace of things such as the creation of capture lots. If they were making this decision based on future capture lots, he hoped that some of these initiatives come to fruition sooner rather than later.

Commissioner Van Dine added that bike parking requirements should be higher.

Commissioner Johnson agreed with the prior comments on this question and added that he looked forward to further discussion on some of the proposed changes. He mentioned Section 15-3-9(a)(2) in particular and stated they could take bold action regarding bike parking by increasing the requirement.

Ms. Murillo mentioned that they made recommendations regarding bicycle parking because they were reducing some of the parking requirements. Because the current requirement for outdoor bike parking is 10% of the required off-street parking, they wanted to ensure that this change would not reduce the amount of required bike parking, which is why they changed the thresholds for bike parking with the intent of it being equivalent to or more than the current standard.

Commissioner Johnson mentioned Section 15-3-6.1(b), which went to Commissioner's Sigg comment regarding defining off-site parking. With regards to the reference to it being within City limits, he suggested looking at more flexibility given the geography of the area.

Commissioner Van Dine echoed Commissioner Johnson's comments and noted they were limited in terms of where they could put capture lots.

Chair Hall stated there appeared to be a clear consensus on question 4 and directed the discussion to question 5.

Commissioner Suesser sought clarification on whether the Commission was being asked if they agreed or disagreed with all of the proposed changes to the AMPD standards. Ms. Murillo responded that the focus of this question was more on whether standards should be revised to allow for more private subsidies for AMPD projects, as opposed to City subsidies. She understood that two AMPD projects were approved and required some level of City financial participation.

Manager Glidden stated that the proposed tools could help reduce the subsidy. The alternative would be that if these tools were not provided then these projects would require additional subsidy in some form to pencil. He added that they could use the Code to help incentivize these projects while not having to use public dollars. He asked if the Commission was in favor of making changes to the Code instead of providing public dollars to these projects.

Consultant Wise noted that question 6 addressed the specific tiers and question 7 addressed height, which is likely the issue the Commission would spend the most time in discussion.

Commissioner Frontero agreed on question 5 and was ready to move to question 6. Commissioner Van Dine, Commissioner Shand, and Commissioner Suesser also agreed, with Commissioner Suesser noting her caveat.

With regard to question 6, Commissioner Frontero agreed with the strategy of offering tiers but felt they would have to spend more time on the proposed tiers. He asked to whom the offer of tiers was being made.

Ms. Murillo explained that the tiers would be available for private developers or public/private partnerships. She stressed that these tiers were not exclusive to any one type of developer or project.

Commissioner Frontero understood that the idea would be to create incentives for developers to buy their own land and develop it with financial incentives through scale, structure, and mass in order for the project to pencil. Ms. Murillo agreed. Commissioner Frontero expressed support for having tiers and noted that they would have to spend some time on the details.

Commissioner Shand stated he was generally in favor of tiers but observed that there was a push/pull effect. The tiers seemed to penalize a developer by insisting on more affordable housing within a development, whereas relaxing some of the zoning restrictions such as height helps the developer.

Manager Glidden noted their discussions about some of the issues that were the most financially impactful for projects and density was number one. He added that density is achieved with increased height. While they have higher requirements for affordability, developers would then get more height because of it. They make it work financially through this exchange. Commissioner Shand responded that he agreed with question 6.

Ms. Murillo commented that no one would be required to do AMPD; rather, it is an elective that could be used by a developer to access the incentives.

Commissioner Van Dine and Commissioner Sigg both agreed with having tiers.

Commissioner Johnson conceptually agreed to a tiered system.

Commissioner Suesser also agreed to a tiered system but also agreed with Commissioner Frontero that further discussion and tweaks were needed. She recalled prior discussions about offering 120% of AMI and those types of tiers, which might be appropriate to offer.

Chair Hall noted the consensus on question 6.

Consultant Kimmel added that they specifically analyzed multiple tiers with 100% AMI, and that ultimately they only left one tier at the 100% AMI option. He explained that when they tested the economic viability of the 100% AMI option compared to the 80% or 60% AMI option, it was significantly more financially attractive because of the higher rents that are possible for higher income levels. He stated that one of the goals in designing the tiers was that it would not prefer one income level to another and there would be some parity so that a developer could pick and choose which income level would make sense. Certain set asides would therefore be available to a developer that could make sense for their particular project.

If they offered the 100% or 120% AMI option that might be all you get from the developers, as they probably would not use the 60% or 80% AMI option. Unless a developer is offered significantly greater density for the 60% or 80% option, then those options would not be attractive given the alternative of a 100% AMI option.

With regard to question 7, Chair Hall asked if the height referenced in the question would be more than what is currently allowed in the AMPD exception. Ms. Murillo responded in the affirmative and stated that in the proposed tiers, only Tier 4, which is set at 80% AMI, would go over the 50% set aside.

Ms. Murillo commented that the highest tier would have a maximum height of 55 feet outside of the GC zone, and 65 within the GC zone, which includes Bonanza Park. She clarified that they would like feedback on that tier in particular.

Commissioner Suesser felt that the discussion about what would be appropriate in the GC zone was different than this discussion and should be held separately.

Commissioner Frontero observed that the challenge they would face on height would be the views. He noted this was a unique town and many move here specifically for the mountain views, and he stressed they had to be very protective of that. That said, he felt there were likely scenarios and locations where additional height in exchange for more affordable housing would make sense. He was reluctant to give a blanket "yes" to more height in exchange for more affordability. Rather, it would be very site-specific.

Commissioner Shand understood that Tier 1 and Tier 2 seemed to not require minimum spaces per unit like that required in Tier 3 and Tier 4. He asked if the language would penalize a developer if they only go up to 35 or 45 feet. Ms. Murillo stated this would not penalize a developer, because Tier 1 would offer different parking standards that are currently allowed outside of the AMPD standards. A Tier 1 project would not have access to current AMPD incentives. She reiterated that Tier 1 would not penalize a developer because it would allow a very slight decrease in parking and less Open Space as required in the Code.

Commissioner Shand agreed with Commissioner Frontero's comments regarding question 7. He stated he would not be opposed to allowing more height if half or more of the units were affordable as that gets back to the density component to make it pencil. He added that if they want more affordable housing, in some areas they might need more height.

Commissioner Van Dine agreed with allowing more height in exchange for more affordable units. She stated that if they get to the 65-foot height in the GC zone, there should be an even higher percentage of affordable units. Although she did not like 65 feet, she understood that this was how they could get what was needed.

Commissioner Suesser agreed with Commissioner Frontero that it should be a site-specific analysis. Commissioner Sigg also agreed and proffered that taller buildings should not be close to thoroughfares or Rights-of-Way and should require step backs.

Commissioner Sigg also deferred to the fact that the Sensitive Land Ordinance contemplates the protection of ridgelines. When buildings start masking any view of the mountain, no matter the zone, there should be some consideration given.

Ms. Murillo reiterated that the proposed amendments would not allow these heights along the street, and the height along the street would still be limited to 35 feet with a 10-foot step back above 35 feet.

Commissioner Sigg stated he was not convinced that 10 feet would be enough. Commissioner Suesser and Commissioner Frontero both agreed and Commissioner Frontero stressed it should be site-specific. He observed that developers would like some certainty and would not like the subjectivity of "site-specific." He felt this was a tough issue, but reiterated there might need to be some subjectivity based on the site. Otherwise, they would continue debating whether 10 feet would be enough and spend days crafting Code depending on the street and how busy it is. He recognized the goal was to achieve more objectivity, but he questioned whether that would get them any closer to getting more affordable housing built in the City.

Consultant Kimmel reaffirmed that the value of certainty to a private developer is almost more than many of the other incentives in this section of the Code. He emphasized that a private developer would likely not invest the money to prepare a development plan and an application without some certainty of entitlements regarding height and density. He felt it was important to explore whether there would be a certain height above which there could be a site-specific analysis. He suggested if there was a height the Commission was comfortable with allowing in most places for an AMPD project, then that would help provide some certainty. Having a site-specific determination for any height above the zone height could be a significant barrier for most developers.

Chair Hall suggested something along the lines of 10 feet above the zone height would be allowed for an AMPD rather than an MPD, and it would be a site-specific determination for anything over 10 feet over the zone height.

Commissioner Frontero commented that was similar to what they had now, as the AMPD allows a developer to go up to 45 feet. Commissioner Suesser commented that this Code had only been in place for a year or two, so they were just getting comfortable with that standard. Commissioner

Frontero suggested the consultants return with further suggestions on stepbacks and other things to consider that might make it somewhat more objective.

Chair Hall stated there did not appear to be consensus in support of the tiered chart. Commissioner Shand proffered that question 7 seemed to be more benign in terms of support for more height if over half of the units are affordable. In light of the discussions, he would agree with question 7, with “more height” being ambiguous.

Commissioner Suesser felt that the Commission provided enough direction on this question.

Consultant Wise explained that they calibrated the percentages of AMI and percent of units based on the heights, which correspond with density. If they adjust the heights, they would then return to the density thresholds that might change those percentages.

Commissioner Suesser stated she was still in the process of getting comfortable with a 45-foot height for AMPDs, and anything higher than that would be site-specific.

Manager Glidden stated that Commissioner Suesser’s comments were clear, noted the Code allowed for heights up to 45 feet, and wondered if a proposal went above that it would then be site-specific.

Commissioner Van Dine agreed with Commissioner Suesser, although expressed that she might be comfortable going with a guarantee for 45 feet, with a possibility of up to 55 feet for projects with deeper affordability. She felt the 65-foot height was problematic, and noted there were no other projects in town at that height.

Manager Glidden stated he could bring some examples of taller buildings. In response, Commissioner Van Dine stated those were likely near the mountains and not in the GC zone. She agreed with allowing more height and providing that certainty of 45 – 55 feet.

Commissioner Johnson felt it would be prudent to see the final results of the Bonanza Park and Small Area Plan to see where the community landed on height overall before they move forward with codifying heights in this tiered system. He felt the discussions in that district were relevant to this discussion. They heard that 55% of respondents felt that four stories was the maximum limit, but he stressed they should let that process flush out and then help guide the Commission in addressing the issues here.

Ms. Murillo next moved to question 8 and focused on any additional incentives proposed for the AMPD tiers. In addition to height, there was also a proposal regarding parking requirements and Open Space and she requested feedback on those proposed incentives.

With respect to height and question 7, Chair Hall stated that if the Commission were not generally supportive of the concept of tiers and the proposed 65-foot height, she would be in favor of adding an exception under (b) for the height and add a site-specific analysis for anything 10 feet or more above the underlying zone height.

Commissioner Johnson mentioned proposed Section 15-6-5(c)(1) and (c)(5) and felt that the proposed changes seemed to overcomplicate the Section. He suggested deleting both and

adding to the original (c)(1) “architectural interest, variation” and requested input from legal on how to approach this.

He asked why they included porches and stoops in (c)(1). Ms. Murillo responded that this language referenced walkability and creating an attractive pedestrian environment. Having porches and stoops not far set back from the street would enhance connectivity, walkability, and weather protection for entrances. Rather than having a 25-foot Setback, the language would allow porches and stoops to encroach into that.

In response to an inquiry from Commissioner Suesser, Ms. Murillo reported that they did not propose a minimum sidewalk size.

Commissioner Johnson also referenced Section 15-6.1-10(g) on page 57 of the Packet, which dealt with Common Open Space. He noted that parking, podiums, and rooftops would count towards the common Open Space, and requested clarification with the assumption that these areas would still be subject to Setback requirements and other development requirements.

Ms. Murillo stated that these areas would count towards Common Open Space if they comply with the additional proposed standards that precede this section.

Commissioner Suesser stated she was leaning more towards clarification in the Code regarding Open Space that only publicly accessible Open Space would count towards the Open Space requirement in a project.

In response to a question about defining publicly accessible Open Space, Ms. Murillo explained that in this case, it was Common Open Space, and therefore common and accessible to the residents of the project. The recommendations did not define Open Space as public Open Space. She added that the parameters for Common Open Space included items related to accessibility, amenities, seating, usability, and some additional standards. She stressed that the Open Space must meet these standards to count as Common Open Space.

Commissioner Suesser asked if the recommendations included adding a definition for Common Open Space. Ms. Murillo affirmed, and Consultant Wise added that they were actually clarifying the existing definition of Open Space because it is very limited. Because they proposed reducing the requirements, they required more in terms of what the Open Space would look like. She mentioned that they looked at it as a space that would be usable by the residents.

Consultant Wise stated that in current applications, areas claimed to be Open Space do not look like Open Space, and they were trying to provide more specifics that could be used by the Planning Commission.

Ms. Murillo indicated that a private patio for one dwelling unit would not be deemed Open Space under the proposed amendments. In order to qualify for Common Open Space, the space must be open to the residents of the project.

Commissioner Sigg asked if Common Open Space was defined as being open to the residents of the project or open to the residents of a building. He provided the example of rooftop Open Space on Building 1, and whether that would be accessible to residents of Building 2.

Ms. Murillo clarified that Common Open Space would be accessible to all residential units in the development site, but they could further clarify as appropriate.

Commissioner Johnson next referenced Section 15-6.1-11(a) on page 59 of the Packet and requested the Legal Department to look at that section, as he did not know if “consistent” was enough. He suggested something more solid so the Sensitive Land Overlay would actually be applicable to some applications.

With regard to Section 15-6.1-12(e) on page 61 of the Packet, Commissioner Johnson stated this applied to his previous comment that referenced subsection (g) of that Section. He did not agree with the proposed edits and would like it to remain as written previously.

He asked why they proposed striking subsection (h). Ms. Murillo stated that the reason for striking any of the findings for approval of an AMPD was to provide as much objectivity as possible, and the revisions reflected that approach.

In terms of deleting findings related to promoting the use of non-vehicular forms of transportation, they were looking at the TDM plan requirements, and the pedestrian connectivity and bicycle connectivity standards as addressing those concerns.

Commissioner Frontero commented that on page 38 of 62, much time was spent on building entrances and frontages, and he was not aware there was a frontage problem. He asked what they were trying to solve with these provisions.

Ms. Murillo reported that they were trying to create building design aspects that create a welcoming and attractive pedestrian environment and to achieve that through objective standards. She explained that they identified specific standards and dimensions for ways the front of a building or an entrance could be treated that could be deemed acceptable and appropriate and could be approved. She added that this would allow for flexibility, and the proposed language states that these are acceptable frontage types, but projects would not be limited to these. If a developer has a better design to propose, they may do so, and it would be up to the Commission to approve.

Commissioner Frontero reiterated his question as to whether frontages were a problem and whether this was specifically mentioned during the outreach. Ms. Murillo stated this was an approach to provide objectivity and certainty to developers. With this language, developers could know going into an application process that the Commission wants to provide buildings that are welcoming and support pedestrian connectivity. If a developer includes frontages that meet the proposed standards, they can know that could be accomplished and would provide more certainty, rather than negotiating the frontage design with the Commission.

Commissioner Frontero mentioned that in the two years he had been on the Commission, he had never discussed frontages. Commissioner Van Dine stated that they discussed frontages quite a bit with PEG Development. She expressed support for this section because it would give developers some certainty as opposed to fixing a problem. She added that as they build out Bonanza Park, this language would provide guidance that would be helpful to both the Commission and developers.

Commissioner Frontero expressed his understanding and reiterated that this issue did not come up very often, yet it took up a number of pages in the report. Consultant Wise commented that one of the charges to the consultants was to reduce vehicle trips and to reduce vehicle trips they had to make projects more pedestrian-oriented. Frontages can make buildings more pedestrian oriented and she pointed to Old Town as an example. This proposal was one way to make things more walkable and get people out of their cars.

Commissioner Suesser asked if the porches and fronts were coming closer to the pedestrian walkway. Consultant Wise stated they would come closer to the Right-of-Way.

Ms. Murillo referenced the prior question about porches and stoops encroaching into Setbacks and confirmed that they were looking at ways that these frontages might deviate from current Setback standards.

Commissioner Suesser observed the frontages would be more welcoming but would impede pedestrian traffic. Ms. Murillo stressed that the frontages would never impede sidewalks or pedestrianways.

Director Ward added that it was important to keep in mind that this was the 25-foot perimeter Setback around the MPD, so it would still exceed the zone Setbacks. These frontages would exist in areas where there is an increased perimeter Setback.

Commissioner Suesser felt they needed to give these changes a little more attention and consideration. She added that it did not seem as though the public was asked about this issue, and it was not in the presentation to the Commission. She reiterated that it deserved more discussion and consideration by the Commission before they take action on the redlines on the frontage additions.

Commissioner Frontero agreed and stated that quite a bit of the report focused on this issue, and it was not something he considered much prior to this meeting. He would also like to take more time on those redlines and did not want the consultant leaving this meeting with the impression that the Planning Commission would sign off on those redlines.

Commissioner Suesser also commented that she was unfamiliar with the block length issue, and she was not sure she followed it.

Ms. Murillo explained that this looked at literal pedestrian connections rather than having uninterrupted long blocks. She stated that in Old Town they had stairways that connected long blocks so pedestrians could conveniently walk. The proposed amendments would ensure that blocks would not exceed a certain length without providing pedestrian connectivity. She added it could include a complete street, but if that was not feasible, a developer should at least provide a mid-block pedestrian connection that would allow a convenient way for pedestrians to navigate the block. Commissioner Suesser expressed support for this idea.

Consultant Kimmel commented that having objective standards would make the Code a little more complex compared to a general statement such as having a pedestrian-friendly frontage to the building. However, because there could be different interpretations of the simple language, they sought to provide a menu of different options that were specifically described and quantified, so developers have more certainty in terms of what it means to build a pedestrian-friendly frontage.

Although the proposed amendments look like a lot of new standards, they were replacing something subjective with something more objective, and in doing that, more detail was required.

Chair Hall stated she would be in favor of eliminating an Open Space requirement and eliminating any internal Setbacks but keeping the perimeter Setbacks per the proposal. She also expressed support for prioritizing bike and pedestrian access in favor of wild parking reductions. Additionally, she stated she would be in favor of allowing increased commercial in an AMPD that would have 50% affordable units and 50% commercial space. Her sticking point was the 65-foot height, which she stated she would not support.

Chair Hall invited other comments before closing this item. She reminded that Director Ward reported that public comment may be submitted by emailing the Planning Department, and this item would be publicly noticed for both the Planning Commission meeting and the City Council meeting, and there would be public hearings at both of those meetings.

Ms. Murillo thanked the Commission for the feedback.

Following a brief recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners.

- B. 1800 Park Avenue – Park and Kearns Master Planned Development and Conditional Use Permit** – The Planning Commission will Conduct a Work Session to Review the Revised Proposal for a Master Planned Development at 1800 Park Avenue in the General Commercial Zoning District and Frontage Protection Zone. The Applicant Requests Additional Planning Commission Input Regarding the Proposed Height and the Master Planned Development Criteria Outlined in Land Management Code Section 15-6-5. PL-22-05746; PL-22-05475.

City Planner, Spencer Cawley reported that City Planner Virgil Lund was also present on this item along with Manager Glidden. He stated that Peter Tomai and Craig Elliott, AIA, Elliott WorkGroup also appeared on behalf of the applicant. Planner Cawley stated that at the January 24 meeting, the Planning Commission provided specific feedback regarding increasing the building setbacks, decreasing the overall building height for the Blocks along Kearns Boulevard so they are outside the Frontage Protection Zone (“FPZ”), decreasing the height of Block B at the corner of Park Avenue and Kearns Boulevard, increasing the amount of Open Space, and increasing the pedestrian pathway from 8 feet to 10 feet.

With respect to density, he reported that the applicant showed on their Site Suitability Analysis a total buildable volume of 324,191 square feet. The proposed volume was just less than 300,000 square feet. That volume was then further broken down into residential areas and meeting areas. He noted the MPD code provides that the meeting area shall not exceed 5% of the Floor Area. Staff’s analysis showed that this proposal met those requirements.

In terms of the Setbacks, Planner Cawley stated there were 25-foot Setbacks for the MPD as required. The applicant also showed the current structure and its encroachment into the FPZ Setback and the proposed structure as well. He added that approximately 20% of the proposed footprint would encroach into the FPZ Setback. He mentioned that Staff heard the requests for the distances that the existing structure encroached into the FPZ versus the proposed structure.

Planner Cawley presented a graphic depicting the requested information and explained that currently, a very small portion was around 28 feet, but the majority was a 24-foot encroachment into the FPZ receding back to approximately 12 feet. Along Park Avenue, there was an approximately 10-foot encroachment into the FPZ. He then referenced the applicant's proposal that showed the encroachment ranging from 44 to 51 feet into the FPZ.

Planner Cawley then addressed the Open Space requirements and stated that for the redevelopment of a site, an MPD is required to provide a minimum of 30% Open Space. The applicant updated their proposal to provide an increase in Open Space to 41.5%, exclusive of the private Open Space area in the center of the development. He noted that the bulk of the proposed Open Space was along Park Avenue and Kearns Boulevard, and it would provide a buffer between the pedestrians and Rights-of-Way.

For off-street parking, he relayed that Staff recommended an updated proposal that clearly showed compliance for parking, bicycle storage, and Electric Vehicle ("EV") charging requirements. He stated they would have more information on these items at a future meeting.

Manager Glidden reported that the applicant submitted a Housing Mitigation Plan that was included as an exhibit to the Staff Report. He explained that the purpose of the plan was to show that the project would not adversely affect the supply of affordable housing to the community. He explained that they offset it with two different calculations, one for residential and the other for commercial. He stated they calculate it somewhat differently for hotel condominiums because they take the higher of the two calculations. In this case, the commercial calculation of 0.6 per room was the higher calculation. He presented the applicant's calculations to the Commission. He reported that Staff reviewed these calculations and were in agreement with them.

Manager Glidden highlighted the total requirement of 32.24 Affordable Unit Equivalents ("AUEs"). He reminded that each Unit Equivalent was 900 square feet, and because they put it into a square foot requirement, the applicant's affordable housing requirement totaled 29,016 square feet. In terms of the location, Manager Glidden stated that normally they would look to have the affordable housing inter-dispersed within the development. In this situation, however, the proposed location worked well because of the anticipated uses of more of the market-rate units as short term, therefore it would be less impactful for long-term residents to put the affordable units in their own building.

As far as pricing, Manager Glidden stated the applicant would meet the requirement of 80% AMI and referenced a chart provided by the applicant. He noted this chart was based on today's AMI, and he stated they would re-evaluate this at the time of building completion when the rent levels would be set based on the AMI at that time.

Manager Glidden highlighted that the applicant proposed a geographical waterfall for selection, meaning that there would be prioritization for workers in the 84060 zip code first. They would then look at the school district boundaries, and then widen it to Summit County. This method would ensure that the availability would prioritize workers closest to the housing. He added that the applicant also entertained the possibility that they may want to enter into master leases with local employers. Staff was not necessarily opposed to this as long as the rent remained affordable for the employees and saw that prioritization for these master leases for the 84060 area.

Manager Glidden presented the analysis and explained that the proposal included 52 units totaling over 31,000 square feet or 35.06 AUEs, which would exceed the requirements. The units would also be priced at 80% AMI and Staff liked the idea that this project was centrally located near a major transit stop. He offered that the proposed Housing Mitigation Plan met the requirements set forth in the Housing Resolution. He explained that he is required to take the Housing Mitigation Plan to the Housing Authority which has the final approval; however, it goes to the Housing Authority with either a positive or negative recommendation from the Planning Commission. Alternately, the Planning Commission could request adjustments to the Plan.

Commissioner Suesser noted the discussion about the number of full-time employees currently at The Yarrow, and the expected number of employees generated by this new project. Manager Glidden stated the applicant always has the opportunity to conduct an independent calculation. The City has a standard chart regarding employee generation, and while the applicant did their own calculation, they ended up using the 0.6 number even though the employee generation would be much lower. He felt the applicant's approach was fair and was one of the reasons the Housing Staff supported this project.

Commissioner Suesser understood there were currently 53 full-time employees at The Yarrow, and this project would increase that to approximately 65 employees. Manager Glidden explained they looked at the employees for the current businesses versus what they calculated for the project. He stated that the applicant put that information in the plan, but what it came down to and what the Housing Team agreed to, was that at the end of the day, the applicant would meet the requirements based on the current Resolution. He added that the applicant met the Housing Resolution through their calculation and the requirement. At the end of the day, the applicant's calculation does not matter but they wanted to show that they mitigated the employees currently at that location. There was an argument that the applicant would only be required to mitigate the difference between current and future employees. Manager Glidden stressed that this proposal did not make that distinction and would actually mitigate it in its' entirety.

Planner Cawley next addressed building height and explained that they sought feedback from the Planning Commission as to whether they had all the needed information to review the proposed heights. He also asked for any additional direction the Commission could provide the applicant regarding height exceptions. He added that Staff specifically sought input on the LMC criteria for the Planning Commission to make those determinations to grant a height exception. He noted that there are six criteria that they would address later in the meeting.

Applicant Peter Tomai introduced Rebecca Cocchiola and Pam Grayson from The Yarrow's ownership group. He thanked the Commission for its' time, attention, and input to help renew and rejuvenate a prominent Park City gateway. He stressed that the significance of the site was not lost on them, and their goal with the proposed redevelopment was to replace the long-serving Yarrow/Doubletree Hotel with a new incarnation that would be proud to serve the community for the next 50+ years. He noted that many attended a recent open house at The Yarrow. Whether arriving by car, bus, or foot, he commented that all attendees likely walked through the extensive parking that surrounds The Yarrow. He invited the Commission to imagine replacing that sea of asphalt with a beautiful greenway with wide multi-use trails surrounding a new mixed-use, mixed-income community with opportunities for fresh neighborhood shops and cafés.

Applicant Tomai stated this vision was designed to conform to both the existing Park City General Plan and the recent guidance from the Bonanza Park Small Area Plan and was made possible

by the proposed Site Plan, which rendered over 41% of the property as publicly accessible. He stated that creating over 80,000 square feet of publicly accessible Open Space was made possible by clustering the development into five highly articulated pods. He introduced Architect Craig Elliott who would walk through the specific revisions made in response to each of the comments received during the January Work Session.

Architect Elliott presented a graphic and reminded that the site was located at the intersection of Park Avenue and Kearns Boulevard. The existing hotel was an auto-centric building surrounded by parking lots. He noted that the original solution presented during the last meeting showed the green area as Open Space and the blue area as access to retail spaces consistent with some of the discussions surrounding the Bonanza Park Small Area Plan. He explained that as part of the revisions, they expanded the Open Space and pulled the retail back towards the center of the overall Bonanza Park site. He highlighted the 100-foot FPZ and noted that all of the parking on the north side adjacent to Kearns Boulevard was on the street side of the 30-foot Setback. All of the drive lanes and parking along Kearns and the drive lane and parking along Park Avenue were currently in the FPZ.

Architect Elliott stated there currently is a 10-foot strip of grass and an approximately 5-foot sidewalk on the north side of the property adjacent to Kearns. He noted that at this time of year, this configuration was awful. He presented a graphic showing the proposed pedestrian areas shaded in light blue. The red arrows depicted the proposed changes for automobile access, while the purple star represented the bus stop and transit stop.

Architect Elliott stated that they stepped back the building heights along the FPZ for Blocks A, B, C, D, and E. They also lowered the buildings significantly on the corner of Park Avenue and Kearns Boulevard. He presented an image of the original top floor submitted during the last meeting and compared it to the revisions. He explained that they lowered Block B by four feet and removed a floor to drop it 14 feet. They removed the top floor of Block C that was in the FPZ and lowered Block D by four feet and removed the residential portion that was within the FPZ. He noted that Blocks A and E were essentially the same, with the exception that in Block A all of the mechanical would be located in the parapet areas along the north and east sides of the building.

Architect Elliott explained that with these revisions they lost a couple of units in those Blocks, but moved them into the area that was previously designated retail along the side of Block D. The spa and fitness area was moved to the lower level and replaced with residential. Additionally, a ski/bike area on the first level was replaced with residential. They added residential along the connections between Blocks C and D and between Blocks B and A. He reported that these revisions were one of the ways they were able to expand the green space around the property, and they consolidated the retail along the corner from Block E to Block A, took a portion of the previous areas of the lobby, and dedicated that to retail that would face the south.

Architect Elliott stated that these changes resulted in 41.5% Open Space. There was also an additional 6.8% of private Open Space. He expressed that the best way to understand the changes made with respect to Building Height was to look at it in perspective. He presented renderings that compared various vantage points from the prior proposal with the current proposal.

Architect Elliott mentioned they made some minor modifications to the landscaping and the sidewalk from the south view. He stated the goal was to create the interior space to be more

urban and open to retail on the first floor so that it would set the tone for the rest of Bonanza Park redevelopment. He next addressed the six items included as part of the MPD analysis related to Building Height. The first criterion was that the Building Height would not result in increased square footage or building volume and would provide architectural variation.

He referenced two different calculations in the Packet that show (1) the 30-foot Setback and the building volume, and (2) the 100-foot Setback and the building volume. In terms of cubic feet, it was approximately 6.5 million cubic feet versus 4.09 million cubic feet. He highlighted that the proposed project was 2.9 million cubic feet, or 75% or less than the allowed building volume on the lowest calculation.

From the standpoint of architectural variation and change, Architect Elliott believed that this concept would allow quite a bit of variation in that it breaks up the massing and changes the building roof forms. He explained that the second criterion is intended to minimize visual impacts on adjacent structures, and is specifically evaluated in terms of shadows, solar access, and loss of air circulation. He referred the Commission to the Solar Study in the Packet that analyzed this at the spring equinox, summer, autumn, and winter solstice. He noted that the winter was most impactful, and the mountains would cause most of the shade. At its' greatest length, the project would not impact any adjoining properties or structures.

The third criterion focuses on whether there is adequate landscaping and buffering. Architect Elliott stated that the Landscape Plan showed the landscaping and buffer it would create along both Kearns Boulevard and Park Avenue. He also mentioned how the design embraced the public pedestrian way on the south and east sides. He next turned to the fourth criterion related to increased Setbacks and separations from adjacent projects. There are no adjacent projects to the north and west. He stated that there are adjacent projects to the south and the east, and the Bonanza Park Small Area Plan suggested that they were creating an urban environment. The proposed Setbacks were greater than the 25-foot MPD requirement and greater than the 10-foot Side Yard and Rear Yard Setback in the underlying GC zone.

Architect Elliott explained that along Park Avenue and Kearns Boulevard, they have a tremendous amount of variation, and all of the buildings would be greater than the 30-foot Setback for the "no build" zone. He next addressed the fifth criterion that the additional Building Height should result in more than the minimum Open Space required, and that it is publicly accessible. This proposal has 41.5% Open Space, whereas the minimum requirement was 30 percent. He described the sixth criterion as requiring that the additional Building Height should be designed in a manner that provides a transition or roof elements. Architect Elliott stated that the entire design concept was based on a building that has significant variation in building form and height. The Code calculates transitions by adding the horizontal depth and vertical depth, which in the MPD is 15 feet in total. He reported that they have items that are over 130 feet of combined transition and rooflines. He explained that a transition is required every 120 feet, and they broke them up as detailed in the Packet.

Applicant Tomai added that they painstakingly incorporated the Commission's input into the revised proposal. In addition to the increase in affordable housing, Open Space, and trail width, he stated that significant height reductions were made to prominent areas of the site that reduced the overall mass and volume. He stated that overall, these features were designed to provide a clear basis for the six findings required for the Commission to grant a height exception for the MPD pursuant to LMC Section 15-6-5(f).

Applicant Tomai summarized that this project would deliver 52 deed-restricted affordable homes at no cost to the City, create welcoming and safe pedestrian connectivity that does not exist today, and kick-start a vibrant, mixed-use development pattern identified by the Small Area Taskforce as most desirable in this area. He stressed that this project would accomplish all of this by moving resident and guest parking underground and creating an inviting and attractive pedestrian green way that would replace the current sea of asphalt in the FPZ.

He posited how great it would be to have a fresh new face in town for the next Olympic welcome. He expressed appreciation for the Commission's time and consideration and looked forward to further input to help the committed long-term ownership team find a path to redevelop The Yarrow to meet the changing needs of the community.

Chair Hall invited any clarifying questions from the Commission for the Applicant or Staff.

Commissioner Suesser asked if there was a pedestrian access way along the south side of the project. Architect Elliott explained there would be a very wide sidewalk on both the south and east sides and offered to show the applicable renderings and video. Applicant Tomai added that around the entire perimeter, there would be at least a 10-foot-wide sidewalk with adjacent plaza areas.

Commissioner Shand asked if there would be opportunities for restaurants in the commercial/retail spaces. Applicant Tomai responded that they are contemplating a rooftop restaurant for Building A, and the hope is that at the ground level, there would be a café type operation that would serve breakfast and lunch for residents and skier traffic.

Architect Elliott presented the renderings of the south sidewalk. He added that the entire length of the south side of the project would house retail.

Commissioner Sigg referenced the workforce requirement for the retail and asked if the calculation included an allocation of the spaces for certain uses. He mentioned that an employee calculation for a restaurant was certainly higher than for a clothing store.

Manager Glidden explained that they allocated based on the proposal, but that would be re-evaluated upon completion of construction. He understood that a restaurant would require certain elements, such as ventilation, and he did not see that in the plans. He stated he asked Applicant specifically about that and noted that Applicant would have to include that in these plans to have a full-service restaurant. He commented that if Applicant made major changes such as including a restaurant at street level, the changes would be evaluated, and the housing requirement would be recalculated.

Applicant Tomai added that due to the significance and costs associated with the roof top restaurant, they wanted to avoid having a full-service restaurant at the ground level because of venting. They did not want to vent a restaurant below all of the residential units above. He stated that was why they chose the concept of a café or a grab-and-go coffee shop sort of use on the ground level.

Commissioner Sigg asked if the intention of the redevelopment was to continue an operation as a hotel facility in the entirety of the residential units, or whether the intention was to sell Nightly Rental units that have the option of utilizing a front desk.

Applicant Tomai explained that the intention was primarily to sell residential condominiums and given the historic use of this property they believed there was interest and value associated with the ability to rent those units when not occupied. He expressed the belief that there would be a mix of permanent residential, part-time residential, and second homeowners. He confirmed that there would be no mandate for hotel-like operations. Applicant Tomai added that due to the ability for people to rent their units, they wanted to focus the affordable housing in a building that would strictly prohibit Nightly Rentals and would be limited to long-term permanent residences. The affordable building would therefore have a true residential feel.

Commissioner Sigg asked if there was an obligation to rent Nightly Rentals through the agency or the front desk provided by the hotel versus the opportunity to rent their unit through AirBnB, VRBO, or others.

Applicant Tomai believed there was a legal prohibition against the developer limiting the Nightly Rental options. He stressed these units would be whole ownership condominiums, and he did not believe the developer could limit how someone elected to rent their unit, and the developer certainly could not mandate that owners use a specific rental management program.

With respect to the calculation of AUEs, Architect Elliott explained that they calculated over 170 full-time employees based on the City's requirements. The current hotel, for the comparable space of the restaurant, bar, meeting space, and hotel operations was less than 60 full-time employee equivalents.

Commissioner Suesser asked the Applicant to explain their Open Space calculation. Based on her earlier discussions with Planner Cawley, she understood that Staff had not yet verified the Applicant's calculations.

Architect Elliott pulled up the relevant slide for the Commission and explained that the red box shown on the graphic covered the sidewalks and landscaped areas not internal to the courtyard. Those two spaces combined totaled 41.5% of the site area. The private space was shaded light green and located in the middle, and totals 6.8% private Open Space, and not part of the 41.5% Open Space calculation. He added that the Open Space calculation did not include the drive lanes, the parking, or the Building Footprints. Applicant Tomai added that the Building Footprint was actually smaller than the publicly accessible Open Space that surrounds the buildings.

In response to Commissioner Suesser's request for further clarification around Building B, Architect Elliott explained that the green area represented landscaped areas, and the beige areas represented sidewalks and hardscape. Commissioner Suesser observed that the sidewalks did not appear to connect around the building. Architect Elliott explained the areas referenced were areas people could walk to or from.

There were no further clarifying questions.

Commissioner Van Dine expressed that she still did not think the Building Heights were appropriate. She appreciated the efforts in the revised proposal but felt that Applicant originally

came in with excessive heights of 65, and now the Commission should feel good about reducing the heights by 10 feet, or 3 – 4 feet in some areas. She stressed that they were still in excess of over 20 feet on a majority of the buildings. She reiterated that she did not support these Building Heights and cited Buildings A, C, and D at 56 feet, Building E at 57 feet, and Building B at 41 feet. These heights were still grossly over the zone height requirements.

Commissioner Van Dine understood the proposed mitigations but did not believe these were appropriate gateway heights for this entry into town. She appreciated the amount of affordable housing contemplated in this project but felt the heights were not compatible with the Code and the location.

Applicant Tomai expressed they were very sensitive to the heights and noted that the challenge with the height was that if they removed the height of those buildings, they would end up taking away footprint and would result in less green around and throughout the project. He stressed this was a delicate balance and they were trying to find that balance wherein they could mitigate the shadows and impacts on surrounding properties to get the benefit of these great infrastructure improvements.

Commissioner Shand asked for the rendering showing the view coming into town from Park Avenue. He thanked the Applicant for taking the Commission's comments to heart. He stated that he reviewed the heights of the different buildings and understood the revisions along the Kearns Boulevard section and the view from someone driving along Kearns. He got caught up comparing the proposal with what currently exists at the site and stated that while what exists is not great, they needed to think about how good they could make it.

Commissioner Shand liked the reduced height and how it stepped back to Building E. He also liked the fact that they would pick up the affordable units with very little concession from the City. He expressed appreciation that the Applicant spent the money to take the parking underground. He understood how the height could not sit well with others; however, he felt that Applicant mitigated it in the way it steps back and mitigated it within the building itself by stepping it back within the building. Overall, Commissioner Shand liked the plan.

Commissioner Suesser agreed with Commissioner Shand that what exists currently looks awful and felt that the FPZ was put in place after The Yarrow was built. She expressed that encroaching into the FPZ was a problem, and she noted that 20% of the proposed buildings were encroaching into the FPZ. She stated there were only four FPZs in town, and this was one of them. The FPZ is there for one reason: to preserve the rural community aesthetic. Commissioner Suesser did not agree that any portion of the development should be in the FPZ. She also mentioned that the Code requires that access to a property shall be from existing City streets rather than directly from SR-248, and Applicant proposed an additional entrance to the development off of SR-248 in direct conflict with what is allowed in the FPZ.

Commissioner Suesser identified that another big issue for her was that the current zoning was General Commercial, which the Code defined as creating a commercial environment with limited residential properties. She saw room to make an exception to allow some residential here to meet the affordable housing goals and additional housing stock, however, the idea of putting market-rate condominiums in for Nightly Rentals competes with the goal. She stressed that it was the market-rate condominiums that put the City in its current housing pinch for locals. Commissioner

Suesser's preference was to see more of a commercial boutique hotel rather than market-rate condominiums for vibrancy and consistency with the GC zone.

With respect to the requirements for allowing an exception for Building Height, Commissioner Suesser disagreed that the proposal complied with the increased Setbacks necessary to grant additional height. In addition, she would like to see the specific calculations for the Open Space to see if it is in compliance. She confirmed she had issues with criteria 4 and 5 to grant an exception for Building Height.

Architect Elliott reported that the proposal would not add curb cuts; rather they would remove two curb cuts along Kearns Boulevard and consolidate them to a location directly across from the curb cut at Jess Reid to access the underground parking. He added that they also proposed removing the curb cut that is closest to the intersection on Park Avenue. They are removing the curb cut on the east side from the corner to the middle of the property.

Applicant Tomai also stressed that this design contemplates the plans and drawings for the grade-separated pedestrian crossing at Snow Creek Boulevard being studied by the City. He stated that this plan was designed to integrate with the City's plan and accommodate it, which is not possible if The Yarrow were to remain with its current driveways.

Commissioner Suesser asked if there was currently a driveway that went off of SR-248 into The Yarrow. Applicant Tomai responded that there were two driveways off of SR-248.

Architect Elliott confirmed this proposal would remove one of those driveways and relocate it to a better location in consultation with the engineers. Commissioner Suesser appreciated Applicant's clarification on this issue.

Commissioner Frontero stated that he liked the design, the layout, the green space, and the underground parking, and Applicant was seeking increased Building Height in exchange for these "likes." He felt the Commission was struggling due to the fact that the proposal would encroach into the FPZ. He commented that the FPZ was to protect views and create a rural feel.

Commissioner Frontero was not convinced that the heights would be justified by the "likes" of the design. At this point, he felt the height was still excessive in an area zoned for 35 feet. He recognized that the Applicant could not make 35 feet work from an economic standpoint, so they increased the height. He loved the idea of the boxes in the spaces in between and burying the parking.

Commissioner Frontero stated his intention was not to come across negatively against this project; however, he would need the design to come down in height for him to support this project. He could not accept 56 or 57 feet on those Blocks.

Architect Elliott reported that he lives in Thanes, and his turnoff is at Hotel Park City. He stated that Hotel Park City is in the FPZ and a little over 70 feet from the property line. The average roof peak is 43 feet, and in some places, it goes taller. Because the road sits approximately 10 feet below, the height would be approximately 53 feet from the roadway. He added that the parking lots along Park Avenue are 30 feet from the property line, and the plantings along there are significant now. He mentioned Hotel Park City because it is a similar use, and it is located in the FPZ. He felt it was a good reference point for this proposal. Architect Elliott stated that they never

come in with something they think is too tall, rather, they come in with what they think is the best project and then try and work with the Commission.

Commissioner Frontero noted Commissioner Suesser's comments that the GC zone references limited residential, and this project proposed 218 residential units, which he did not believe would be considered "limited." He asked Staff if other developments proposed residential in the GC zone.

Planner Cawley offered another example in Prospector which is zoned GC, and the developer proposed quite a bit of residential.

Applicant Tomai expressed that the entirety of what they heard from the Small Area Plan effort was trying to create a vibrant mixed-use community for locals. It contemplates taking the existing GC area and turning it into a neighborhood, and a neighborhood cannot be created without residences. He added that while the GC zone contemplated limited residential, back when it was established car dealerships and the like would have been appropriate in that area, whereas today he believed that was not the case.

Commissioner Frontero agreed with some of that statement. He asked how the Nightly Rentals fit in with the Bonanza Park Small Area Plan to create mixed-use residential. He felt that people coming in for four days over a long weekend did not create a neighborhood. If the units were all going to be long-term rentals, he would find Applicant's argument more valid; however, he felt there was a conflict there.

Applicant Tomai believed the key to the Nightly Rentals was that it would create vibrancy in a mixed-use neighborhood. If they want to have more neighborhood retail and gathering places, there needs to be people to energize those areas. One of the realities of the City's resort economy is that it is based on sales tax revenue, which is heavily paid for by people who are in the City for a short period of time and who frequent restaurants, bars, and cafés as part of trying to experience the wonderful things that Park City has to offer. He could not imagine that all of the market-rate units would be used for Nightly Rentals because this project would likely resonate with people looking for a downsized permanent residence in Park City. At the same time, he believed that some mix of Nightly Rentals would occur when people want to leave the area for a couple of months. In this case, the City would see the best of both worlds: visitors would be here spending money and energizing the existing retail in this development and in the Bonanza Park neighborhood as a whole leading to a vibrant, mixed-use neighborhood.

Architect Elliott noted that hotels were an allowed use in the GC zone. Commissioner Frontero viewed hotels as vibrant. He felt what was not vibrant would be 100 of the approximately 150 units standing empty because they are second homes. He felt the hotel would be more vibrant than ghost units.

Architect Elliott mentioned that the fewest number of units would be two-bedrooms, then it goes to one-bedrooms and the studios. The units were designed for people to use that way, much like at Hotel Park City. He would not expect the one-bedrooms to sit empty; rather they expect them to be used. Hotel structures are different than they were historically and are typically operated separately from ownership. He stated that based on what he has seen, the unit typologies would drive it more than the ownership model.

Commissioner Frontero asked the Applicant if they would consider limiting the available Nightly Rentals to the two-bedrooms. Architect Elliott stated that 29 of the two-bedrooms would have a lockout, so one of the bedrooms is essentially a hotel room.

Architect Elliott stated they really thought about how they could make the space viable in their layouts. He added that in most cases, the lockouts are two-bedrooms and one room as direct access to a public hallway, and there is another “locked door” inside the unit for the other bedroom.

Chair Hall suggested that it might be helpful for the next Work Session to have an analysis of the GC zone. She agreed with Commissioner Frontero’s request, and also with Commissioner Suesser’s questions in regard to this site being in the GC zone and the lack of commercial in this project.

Commissioner Johnson stated the Building Height was the biggest concern. He applauded the Applicant for making the update on Building B. He struggled with the criteria in Section 15-6-5(f), particularly with respect to the façade and architectural design of Buildings C, D, and E and the impact on the FPZ. He stated he would like to see a little more variation, as the current design felt very horizontal versus having some of the step back that would help ease the concerns with the large height exceptions. He was still working through this project and noted that he was interested in Architect Elliott’s comment regarding Hotel Park City. He requested Staff to look into that but noted that by his estimation the building seemed to be set back 100 feet, and also the highest point above three stories was stepped further back from the FPZ.

Commissioner Johnson was interested in seeing if there was precedent here. Overall, he really liked the design of this proposal but struggled with the height.

Commissioner Sigg stated he was a fan of mixed-use development and was instrumental in crafting the new mixed-use ordinance in Summit County. He felt that much of this involved an analysis of the FPZ, and he echoed the request for an analysis of Hotel Park City. He also felt it related to the prior discussion regarding the Code amendments of the site suitability of tall buildings. This is a key interchange into town, and he applauded Applicant in terms of providing Open Space and vibrancy. He also applauded Manager Glidden’s analysis of workforce housing and the Applicant providing that housing.

However, at the end of the day, Commissioner Sigg stated the requested exception contributes to the lack of sustainability in the housing crisis. The reason they are in the housing situation they are in is due to Nightly Rentals.

In looking at a mixed-use, he liked the hotel concept and felt that uniform rooms and a boutique hotel concept would be great for the City in terms of sales tax revenue. He concurred with prior comments of Commissioner Frontero and Commissioner Suesser that when the units are dark, the vibrancy would really be created by the residents who live there full time.

He felt that full-time residents actually created a greater vibrancy than a transient use. He stated he would be more inclined to allow some increased Building Heights outside of the FPZ along the south and back towards the AUE building if those would be deed-restricted from Nightly Rentals. He would prefer allowing locals to buy those units and rent them long-term with a minimum 12-month lease so that people from Park City would actually occupy those units.

Commissioner Sigg reiterated that he is a fan of mixed-use and he liked Applicant's design. He noted that when looking at the County mixed-use, the locations for this type of development are specified specifically in certain areas, and the zone is what applies today. Bonanza Park is a great concept, but the intent is for the benefit of Park City residents, not necessarily visitors.

Chair Hall noted consensus regarding Staff providing an analysis of Hotel Park City, as well as further analysis of the GC zone. She looked forward to a thorough analysis of the CUP for the FPZ. Her biggest concern was exceeding the 35-foot zone height, and most Commissioners shared that concern. She was looking at the issue of adequate landscaping and buffering from adjacent properties and uses, and the primary use as well as this being along the main arteries in town.

Chair Hall reminded that public comment could be submitted via email, and there would be a public hearing announced when this item is scheduled for the Regular Agenda.

Planner Cawley asked for feedback on the Housing Mitigation Plan. Manager Glidden explained that he would like the Commission's recommendation before taking this Plan to the Housing Authority. The recommendation would not be part of the Planning approval for the MPD, rather would be strictly for the Housing Mitigation Plan, as proposed.

Manager Glidden reminded that if the Applicant's design were to change, then the calculations would change, and they would have to come back to amend the Housing Mitigation Plan.

Commissioner Frontero and Commissioner Van Dine were comfortable with the Housing Mitigation Plan. In response to an inquiry, Manager Glidden confirmed that he was comfortable with this Plan. Commissioner Johnson felt it would be advantageous for the Commission to listen to the Housing Authority's discussions and he expressed he was comfortable with the Plan.

Commissioner Sigg agreed that the calculations were accurate based on the proposal. He noted they would always like more affordable housing. Commissioner Suesser agreed.

Following a brief recess, Chair Hall called the meeting back to order and confirmed the presence of all Commissioners.

C. 1200 Little Kate Road – Modification to a Master Planned Development – The Applicant Proposes to Relocate the Existing Swimming Pools at the MARC to be located at the Rear of the Property, within the 25-Foot MPD Setback and 15-Foot Residential Development Zoning District Setback. PL-24-06039.

City Planner, Virgil Lund, stated that the original CUP for the MARC was approved in 1976, and included an expansion of the existing Racquet Club. In 2010, the Planning Commission approved a CUP and MPD for construction of the MARC that is present today. He highlighted one of the Conditions of Approval from the 2010 CUP and MPD that provided that future phases of Natatorium, Restaurant, and Gymnasium expansion were included in the Master Plan and would be subject to an amendment to this MPD. That Condition of Approval also provided that the Development Agreement would stipulate that per Section 15-6-4(i), the amendment would not justify a review of the entire Master Plan. Additionally, future phases would be subject to minimum Open Space requirements of 30 percent.

Planner Lund stated that as part of this application, there would not be a review of the entire Master Plan, but the Commission would consider an amendment or modification to the MPD. He presented some renderings of the proposed pools and explained they would be relocated toward the rear of the property. The applicant proposed an approximate 3,749-square-foot lap pool, a 5,000-square-foot leisure pool, and 747 square feet of structural additions for a lifeguard room and some pool equipment and storage areas.

Planner Lund reported that the Setbacks for this property were determined by the MPD perimeter Setback of 25 feet and the Residential Development ("RD") Zoning District Setback of 15 feet. The minimum Rear Setback is 15 feet for main buildings and 10 feet for Accessory Buildings and detached garages.

Pursuant to the current LMC, swimming pools do not qualify as a Setback exception in the RD Zoning District, which is why the applicant requested Planning Commission input on whether the proposed swimming pools would qualify for an exception to the 25-foot MPD perimeter Setback requirement, and also if it would meet one of the Rear Setback exceptions for the RD zone.

Additionally, Planner Lund reported that the applicant requested the Planning Commission determine whether this modification would be considered a minor modification to the MPD, or a substantive modification. He explained that a minor modification is approved by the Planning Director based on Staff level review. A substantive modification requires Planning Commission review and approval. He stated that a minor modification would not trigger additional off-street parking, would not reduce Open Space, and would not increase traffic by 5% or more. A substantive modification includes a modification to a Finding of Fact or Condition of Approval from the original 2010 CUP and MPD Final Action Letter. It could include a change in use or increase in Floor Area that would trigger additional off-street parking, or a use change that would result in an increase in traffic or reduced Open Space.

On behalf of the Applicant Ken Fisher, Recreation Director introduced himself, and also introduced Brent Tippets, AIA, with VCBO Architecture; Matt Twombly, Senior Project Manager; Tate Shaw, Assistant Director; and Heather Todd, Division Manager over aquatics. He presented a slide that outlined the Mission Statement, which is "enriching lives in our community through exceptional people, programs, and facilities." He stated that their hope is that this proposal would create an exceptional aquatics facility for the community. He listed several community benefits they hope to attain with these pools. First, the PC MARC has the only two public pools within City limits, and the only leisure pool within the Park City School District boundaries. He reported that the community highly utilizes the pools, and their department offers a full range of programming from water aerobics to youth swimming lessons. He stated that learning to swim is a life skill that he equates with learning to read.

Director Fisher reported that new and updated aquatics facilities were identified in Recreation Master Plans in 2017 and 2021. The current leisure pool is undersized, and the new pool would offer many enhancements for the community. He explained that locating the pools closer to one another would create staffing efficiencies. Currently, the pools are separated, requiring them to have additional lifeguards for both pools.

Additionally, he reported that the current pools had significant deficiencies and were beyond their life expectancies. They recently had a major plumbing/pipe leak in the pool that resulted in

expedited excavation and repair. The new facility will have a six-lane, 25-yard lap pool, with the potential for a nine-foot-deep end. They would also have a zero-depth entry in the leisure pool, which would be roughly two times the size of the current leisure pool and include an enhanced slide-and-play feature. This would also provide additional capabilities for swimming lessons. He explained the proposal also included a new lifeguard station and outdoor gathering space. A large mechanical space would accommodate both pools and there would also be a new outdoor spa.

Director Fisher explained that there would be no vertical play equipment or slides within the 25-foot Setback. There would also be no visual impact as existing mature trees screen adjacent residences to the north. He added that those residences were also angled away from the MARC. He stated this proposal would not add lighting other than the lighting for the pools as required by the Code. He added that they do not operate the pools at night. He stated that the pools were only seasonally operational. The leisure pool opens in approximately mid-May and remains open until September. The lap pool is open from April to October. The natural landscape will mitigate any noise, and he expressed that he was unaware of the MARC ever receiving a noise complaint related to the pools.

In terms of the MPD, Director Fisher understood that one of the questions was whether the pools were considered Open Space or a building. He stated that for January 20, 2010, MPD, Finding of Fact 2 provided that the proposed facility Open Space was 44.7%, including exterior tennis and pools as well as the future phases contemplated in that MPD. He also mentioned that Finding of Fact 3 stated that the Building Footprint did not include the pools or tennis court.

Director Fisher mentioned that the LMC provides that Open Space may include landscaped areas, which may include local government facilities, necessary public improvements, playground equipment, recreation amenities, public landscaped and hardscaped plazas, and public pedestrian amenities. He felt this pointed to the conclusion that pools would be considered Open Space. Because different rules would apply based on the pools' designation as either Open Space or a building, they were looking to the Commission for some clarity.

In terms of whether relocating the pools would be a minor or substantive modification to the MPD, Director Fisher highlighted Condition of Approval 16 that provided that future phases of Natatorium, Restaurant, and Gymnasium expansion would be included in this Master Plan and would be subject to an amendment to the MPD. Additionally, the Development Agreement would stipulate pursuant to 15-6-4(i) that the amendment would not justify a review of the entire Master Plan, and future phases would be subject to the 30% minimum Open Space.

Chair Hall directed the Commission to address the question of whether this would be a minor or substantive change. Commissioner Suesser felt the proposal was a minor change.

Commissioner Frontero offered that based on the description of the proposal he felt it would be minor, but moving the pools would not be a minor project. Based on the language in the Code, he had to agree it was minor.

Commissioners Van Dine and Shand agreed it was a minor modification. Commissioner Johnson interpreted it in the same way as Commissioner Frontero. Commissioner Sigg also agreed it was minor.

Chair Hall asked the Commission to comment on the question regarding Setbacks.

Commissioner Johnson understood that both pools would not comply with the MPD Setback, but the lap pool in particular would not comply with the RD zone Setback. He asked Planner Lund if he saw any precedent or future issues with granting an exception for this proposal.

Planner Lund explained that for prior applications, they required applicants to comply with Setbacks for pools. Commissioner Van Dine asked if any of those prior applications were for public amenities. Planner Lund responded that all of the prior applications were for private pools.

Commissioner Johnson stated that Setbacks were one of his biggest concerns with this proposal. When this development was contemplated, everyone knew what would be there, so he felt there was some flexibility in terms of the MPD. He noted that the tennis court was at least compliant with the RD zone Setbacks, so he would look for consistency there.

Commissioner Van Dine asked how far away the closest neighboring property was to this facility. Director Fisher responded that there was a bank of condominiums about halfway up the lap pool, and they all angle away from the facility. Most of the spaces along the pool were garages and parking. Commissioner Van Dine stated it would be helpful to know that distance.

Commissioner Suesser understood there would be no change in the fencing around the property. Director Fisher assumed they would improve the fencing as part of this project. The current fencing is ornamental iron with vertical bars. Given the proximity and the possible encroachment into the Setbacks, she requested information on what the fencing would look like.

Commissioner Frontero referenced the rendering of the proposal and understood that the lap pool would be 13'-9" on the north Setback, and the MPD requires 25 feet whereas the zoning required 15 feet. He understood that the recreation pool was further away from the north boundary at 18 feet 2 inches. Planner Lund commented that the Planning Commission has the authority to decrease the required 25-foot Setback set out in the MPD based on architectural interest and variation.

Commissioner Frontero struggled to find architectural features that would warrant the pools to be that close to the north boundary. He asked if there was input from the neighbors to the north. Director Fisher reported they had not yet done any robust public outreach, but it was planned for mid-March. Commissioner Frontero understood that Applicant was trying to cluster the pools, and there would be associated safety benefits by having one lifeguard; however, he was firm that the MPD was clear that there needed to be a 25-foot Setback, and he struggled with the proposal as presented.

Commissioner Suesser asked what would be done with the space where the recreational pool was currently located. Director Fisher stated that was to be determined, but they contemplated using it as a plaza space where they could have outdoor fitness and other uses. He noted the spa would be put in that space as well.

Commissioner Shand if there was a provision for putting a bubble on the lap pool or the recreational pool. Director Fisher mentioned that when they took this before the City Council, they expressed interest in having the Applicant explore the cost of a potential bubble. Commissioner Shand recalled that when the issue of putting a bubble on the three tennis courts

in the center went before the City Council, there was a surprising amount of support from the community to have those courts usable in the winter. He noted there currently was no covered public lap pool within City limits.

Commissioner Johnson stated that the pool had not changed in quite a while, and applauded the fact that there was some movement in improving this amenity. He recalled this was part of Phase 2 of the MARC development. He expressed concern about the space between the leisure pool and the lap pool, and whether that was enough knowing that parents tend to congregate around the pool to watch their children. He asked the Applicant if they could shift the lap pool east and use the RD zone to provide some seating along the fence line. He supported installing a bubble on the lap pool so it could be used during the winter. With the traffic issues in town, most people go to Ecker, so if they could reduce the impact on the roads the better. Chair Hall echoed Commissioner Johnson's comments.

Commissioner Sigg expressed that the MARC is an amazing community amenity, and his only comment was whether they looked at alternate configurations. As he looked at the rendering, he wondered if they could meet the Setbacks with a reconfiguration of the same pool amenities.

Commissioner Van Dine echoed the comments of the other Commissioners and added that she visits this pool every day in the summer. She agreed that if they could get it to at least the zone Setback, they would be better served. She did not believe the 25-foot Setback was necessary, but it would be preferable to at least meet the zone Setbacks. She stressed that this would be a great upgrade for this facility.

Commissioner Suesser agreed with looking at adjusting the plans to meet the zone Setbacks and specifically mentioned Commissioner Johnson's comments about moving the lap pool further east so there would be more space between the two pools. Alternately, she would like to see a reconfiguration as suggested by Commissioner Sigg.

Planner Lund reported that Director Ward confirmed that the distance to the nearest condominium was approximately 15 feet. Commissioner Van Dine asked if Staff could confirm whether that was a living space or a garage and porch. In response to an inquiry, Planner Lund clarified that the distance from the proposed lap pool to the property line was 13 feet, nine inches, and the closest condominium was 15 feet from that property line.

Commissioner Suesser asked if the original location of the children's pool was done so it would not have an impact on the neighbors to the north. Architect Tippetts stated the reality was that the only available footprint for that pool was where it is currently located.

Director Fisher stated that the location of the current leisure pool was a traditional small rectangular pool.

Architect Tippetts stated they always try to locate the shallow end of the pool closest to the locker rooms, so when they talk about reconfiguration, the last thing they want to do is put deep water close to the area where young children would come out of the locker room. It was possible they could adjust some of the existing lap pool and separation as requested, but the dimension from the north side of the MARC to the property line dictated the placement of this pool when you overlay the required deck space needed around a pool. Therefore, the pool could be moved left and right, but not up and down.

5. REGULAR AGENDA

- A. 327 McHenry Avenue – Conditional Use Permit and Steep Slope Conditional Use Permit** – The Applicant Proposes Construction of a 10-Foot Wide by 20-Foot-Long Outdoor Swim Spa, Hardscaped Patios, and Retaining Walls on a Steep Slope Previously Disturbed to Construct a New Single-Family Dwelling in the Historic Residential – Low-Density Zoning District. PL-22-05389 (CUP); PL-24-06010 (SSCUP).

Chair Hall noted that the Commission had seen this Agenda Item before and was pretty familiar with the basics in addition to the Staff Report and public comments received online.

Planner Cawley announced that this was an application for a Steep Slope CUP (“SSCUP”) and a CUP for a Private Recreation Facility at 327 McHenry Avenue. This item was last before the Planning Commission in November 2022.

Since the last hearing, he reported that the applicant reduced the size of the proposed swimming pool, which is referred to in the Staff Report as a swim spa. The original proposal was for a swimming pool that was 17 feet wide by 36’-9” long and ranging from 3 to 6 feet deep. The outdoor swim spa was now proposed to be 10 feet wide by 20 feet long, and range from 3 to 5 feet deep.

Planner Cawley stated that the pool would be located in the rear yard of this property, and because of the proposed disturbances, the project required review of Steep Slopes and compliance with those criteria. He presented an image to the Commission that identified the various retaining walls proposed for the site. The walls highlighted in blue would be within the Setbacks and were proposed to be built up to the property line and range in length from 19 – 23 feet. These walls would not exceed four feet in height.

Planner Cawley added that the walls will be tiered with three feet between each section of that wall. He explained that the orange section highlighted on the drawing depicted the swim spa and equipment. That section of the wall was approximately 41 feet long and 2 ½ feet tall. The section adjacent to the south property line would be approximately 22 feet long and 2 feet tall. The green section to the north would be approximately 4 feet tall and 20 feet long.

Planner Cawley stated that the Single-Family Dwelling on site was approved in August 2021 and was still under construction. The Planning Director approved the Landscape Plan through a Historic District Design Review (“HDDR”) modification in March 2023. He added that the applicant submitted a SSCUP in January 2024, and pending the Planning Commission’s decision, the applicant would then be required to update the Landscape Plan for final review of the pending HDDR modification application because the plans approved in March 2023 were changed in this proposal.

During the prior meeting on this item, Planner Cawley reported that the Planning Commission provided input regarding light trespass and Dark Skies compliance with the proposed television and media center. He reported that those items were removed from the proposal.

The Planning Commission also requested a complete review and approval of the HDDR-modified landscape, including retention of the natural grade, the height of proposed retaining walls, and the impact and mitigation of all of the site's Significant Vegetation. The Planning Commission also requested compliance with the City's Noise Ordinance, the General Plan, and Steep Slope stabilization, including a review of the geotechnical report. The applicant provided an updated geotechnical report that was attached to the Staff Report.

Staff requested that the Planning Commission determine whether the proposal was for a hot tub, a swim spa, or swimming pool. He explained that the applicant's proposal identified this as a hot tub, and the Code calls out a swimming pool as something considered a Private Recreation Facility that would require a CUP. Planner Cawley added that for anything not defined in the LMC, the Code instructs to use Merriam-Webster's New Collegiate Dictionary. He included definitions of hot tub, spa, and swimming pool on page 6 of the Staff Report for the Planning Commission's consideration. The current proposal complied with the Historic Residential – Low ("HR-L") Lot and Site requirements. The proposed swim spa would be located in the rear yard and outside of all required Setbacks.

The retaining walls proposed within the Setbacks complied in that they would not exceed 4 feet in height. Further administrative CUP review would be required if these walls were to exceed 6 feet in height in the Rear Setback. The patios, pathways, steps, and similar structures also complied with the Rear and Side Setbacks in that they do not exceed more than 30 inches from final grade. The retaining walls would be measured from final grade and reviewed by the Planning Staff at the time of the submittal of the Building Permit and prior to issuance of the Building Permit.

Planner Cawley also stated that the proposal, as conditioned, complied with the CUP criteria. He called out the Condition of Approval regarding the requirement to satisfy all parking on site. He reported that the applicant was required to provide four off-street parking spaces, which can be satisfied on-site. A Condition of Approval was that all lighting be Dark Sky compliant and need to be fully shielded and down-directed. This would be reviewed and approved by Planning Staff during the Building Permit phase. Condition of Approval 5 would limit the use of the pool to the primary owners and their guests.

Planner Cawley reported that the proposal, as conditioned, complies with the criteria for development on Steep Slopes. The total Area of Disturbance for this site is approximately

2,260 square feet for the hardscape, the pool, and the landscaping. This area does not account for the house. The slopes in this area ranged from 25 – 42%, and the site was not visible from any of the LMC-established Vantage Points. The applicant proposed landscaped screening of the retaining walls adjacent to Ontario Avenue to help soften the hard scaping. The applicant also proposed terracing as required by the Steep Slope criteria, and the retaining walls would be board-formed concrete tiered and separated by a 3-foot horizontal distance. Staff recommended that the Setbacks remain as established by the HR-L zone so long as the retaining walls do not exceed four feet in height.

Public input was received prior to publication of the Staff Report and included as Exhibit I. Any additional input received thereafter was forwarded to the Commission and would be included in the official record. Planner Cawley reported that the Development Review Committee reviewed this application in October 2022, and the updated submittal in February 2024, and recommended Conditions of Approval 13 – 17. Staff requested that the Commission review the SSCUP and Private Recreation Facility CUP, conduct a public hearing, and consider approving the CUPs subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

Applicant's representative, Jerry Fiat acknowledged that during the prior CUP hearing, it was obvious that there was much concern about the pool, and while a swimming pool is an allowed use under the HR-L Code, they chose to take the concerns into account by removing the pool and hot tub combination and replacing it with a hot tub. He understood that while the Staff Report showed an application for both a Private Recreation Facility CUP and SSCUP, he opined that this was a hot tub and did not qualify as a Recreational Facility as it was not intended for swimming.

Regarding the SSCUP, he noted that it was the Applicant's responsibility to make a reasonable effort to mitigate impacts. He opined that the previous Landscape Plan that included retaining walls along the entire Rear Setback mitigated the Steep Slope impacts through terracing. However, in working with Staff and Applicant's architects, the updated plan went leaps and bounds beyond as the majority of the rear yard along the Setback would now be at natural grade.

Applicant-representative Fiat reiterated that not only was the pool removed from the plan, but the majority of the retaining walls nearest to Ontario Avenue were removed as well. He asked the Commission to note that the retaining wall adjacent to the hot tub was moved closer to the house, which provided for more natural grade landscape towards Ontario Avenue than the plans previously approved by former Planning Director Gretchen Milliken in March 2023.

Based on Planning Staff feedback, he stressed that Applicant made 15 – 20 backyard plan iterations consistently taking into account the thoughts and opinions of Staff and the Planning Commission. He stated that Applicant had been extremely open and amenable to City input, comments, and consideration, and felt it was time the backyard was finally

approved. Ultimately, the proposal was a backyard, and a combination of hardscape and softscape, including an overabundant amount of trees and vegetation, and a hot tub. This combination matches the backyards of the neighbors in the community. Admittedly, most hot tubs in Park City were aboveground, but he felt an in-ground hot tub was far more desirable in terms of visibility and privacy and it would not block views.

Applicant-representative Fiat reiterated that while he did not believe this hot tub qualified as a Private Recreational Facility, it is in the ground and shielded by copious amounts of landscape and the equipment would be vaulted underground. Great efforts were made to mitigate its impact.

Chair Hall invited clarifying questions from the Commission prior to public comment.

Commissioner Suesser asked if there was a definition of swim spa in the Code. Planner Cawley reported there was not, and they used the dictionary definition as directed by the Code.

Commissioner Frontero asked why the Commission was being asked to determine whether this was a pool. Planner Cawley explained that the current definition states specifically that a Private Recreational Facility is something "such as a swimming pool." There are no defined dimensions for a swimming pool, and Staff is seeing applications showing what would be a hot tub but much larger than a traditional hot tub. He stated that there is a gray area in terms of what would be considered a Private Recreational Facility, and what is considered to be a swimming pool. If the Commission determines that this is just a hot tub or a swim spa, then the CUP would not be considered. If it were determined to be a Private Recreational Facility, then the Commission would need to consider the Private Recreational Facility CUP.

Commissioner Suesser asked if there were other examples, particularly in Old Town, of similar facilities being installed. She mentioned an approximately 20-foot pool or hot tub was installed on Norfolk Avenue and wondered how that was defined by the Planning Department.

Planner Cawley was unaware of any current applications for pools in Old Town. He invited Senior Historic Planner, Caitlyn Tubbs to advise if she was aware of any such applications. Planner Tubbs was also unaware of any pending applications for swim facilities or hot tubs in Old Town. She knew that a few had been previously processed but would need to do some research to determine how those findings were made.

Commissioner Johnson reviewed the definition of Recreational Facilities -- Private, and after the list of examples, it includes the wording "and similar facilities for use by owners and guests." While that is vague, he understood that was why they got to the point where they were defining this as a Recreational Facility - Private. He agreed with Staff's conclusion that this would be a Recreational Facility -- Private. Due to the vagueness of

the language, he understood the Applicant's frustration and suggested they put this on the list of potential amendments to the LMC.

Chair Hall noted they were running over time and sought confirmation from the Commissioners that they were okay with staying longer than the scheduled stop time. She noted if some needed to drop off, there would still be a quorum.

Chair Hall opened the public hearing.

Mary Wintzer reported that she resides in zip code 84060. She has lived on McHenry on Rossie Hill for 43 years and during that time it was always a neighborhood of full-time residents. Even with the newer, bigger homes, a majority of homes were still maintained as full-time residences. Years ago, there was a hard-fought battle to become the only Old Town neighborhood to prohibit Nightly Rentals. By having no Nightly Rentals, their property values have increased, and the neighborhood is well sought after. Ms. Wintzer and others reviewed the plans and attended the Planning Commission meetings. She stated that the landscaping was diminished quite a bit from the original approved plans.

When the original swimming pool was proposed, there were enough people who spoke out that the Applicants elected to minimize the size of the pool. With the hardscape and the pool, they still feel that it would create a pool-type situation in terms of noise and activity level. The pool will sit 10 feet from the property line, and there was only 10 feet between this house and its immediate neighbor. On this street, and in this canyon every sound echoes and reverberates. Therefore any noise generated by an outside pool area will be heard across the canyon, across the neighborhood, and especially at the neighbors' home. Ms. Wintzer stated that the currently proposed landscaping would be less than what was approved by the Planning Director in March 2023.

With regard to parking, she stressed that there is no on-street parking. In certain places, the street is only eight feet wide, and in the winter, it goes to one lane. She proffered that Applicant only had room for two cars in the driveway, and if someone parked on the street, it messes it up for everyone using the street. The neighborhood wants to welcome the Applicants, but they do not want them to make their home like Newport Beach. Old Town is a mountainous, quaint setting, and they want anyone moving here to respect that.

There was no further public comment. Chair Hall closed the public hearing.

Commissioner Suesser asked for clarification regarding the retaining wall within the Setback at the property line. Planner Cawley explained that the design of the wall would need to be established in such a way that it does not encroach on the neighboring property, which is City-owned. He added that included both above and belowground infrastructure. An engineer will need to design the walls and if it requires a toe and heel, it would need to be set back from the property line, so the underground infrastructure does not encroach into the City's property. If the walls could be designed so they could

use soil nails, none of that infrastructure would encroach onto City property. He noted that the retaining walls are necessary to provide a level area, and the area adjacent would be re-graded to be consistent with the current natural grade. In response to further inquiry, Planner Cawley stated that retaining walls on a property line can happen, although a fence is more common.

Commissioner Frontero asked if Staff requested the Commission to review the proposal and make a subjective decision regarding whether this proposal was for a pool or hot tub. His subjective opinion was that the facility is a pool. Commissioner Johnson reiterated his prior comment and felt it should be defined as a Private Recreational Facility.

Commissioner Sigg commented that it is a plunge pool, and the fact that it would be in the ground, and considering the classic dimensions of hot tubs there was an argument that this would be defined as a pool.

Commissioner Van Dine felt it was a pool.

Commissioner Shand asked about the significance of defining this as a pool. It was noted that if it is a pool, then it requires a CUP. Commissioner Shand stated he was a competitive swimmer and stated that no one could swim in this; therefore, he felt it was a hot tub.

Planner Cawley stated that if the Commission determined this to be a pool, they would address the mitigation as a pool as opposed to just mitigating the Steep Slope.

Applicant-representative Fiat clarified that both applications were before the Commission, and while he might not consider this a pool, the Applicant was still here for that approval as well. He echoed the comments made by Commissioner Shand that this was not a pool as there would be jets and seating all around. They would most likely have Diamond Spas install it. He understood it is a large hot tub, and where the Code is vague, the interpretation should favor the homeowner.

Commissioner Suesser was of the opinion that it is a Private Recreational Facility because even if it would not be used for swimming, it would be used to recreate in some fashion.

Applicant-representative Fiat stated that by that definition, an entire backyard would be classified as a Private Recreational Facility because backyards create noise when people gather for barbeques and the like. The Code very clearly talks about tennis courts, racquet courts, and facilities like that. He did not want to get hung up on this issue, as the application for the Private Recreational Facility CUP was before the Commission. He felt that the proposal was greatly mitigated and reduced in size.

Commissioner Shand asked if it was the size that led the other Commissioners to conclude it was a pool. Commissioner Johnson referred to the definition of Recreational Facility – Private that lists pools, pickleball, and other things. It then states, “and similar features.” Based on the size, Commissioner Johnson felt it was similar to a pool. Commissioner Shand noted he did not see the original proposal, which Commissioner Johnson stated was changed from 36’ x 17’ to 20’ x 10’ in size. Commissioner Shand reiterated that he saw it more as a hot tub, but recognized it was subjective.

Chair Hall noted that there was consensus that this is a Private Recreation Facility.

Commissioner Johnson had to sign off as he was not feeling well. Before doing so, he stated that no matter how the vote went, he urged a review of the Construction Management Plan and mitigating any potential impacts. There was a previous application on Ontario Avenue that said there would not be any issues, and he saw two reports in the Police blotter based on the construction impact on that road.

Chair Hall stated they would proceed as there was still a quorum.

Planner Cawley reported that the Draft Final Action Letter contained Conditions of Approval for both the SSCUP and the Private Recreation Facility CUP. If the Commission found the Conditions were appropriate for both CUPs, they could move forward.

Commissioner Suesser noted that the Applicant’s statement that they increased vegetation, whereas the public input stated it was less than originally proposed. She asked for clarification.

Planner Cawley reported that the Applicant provided an arborist report for consideration of the vegetation plan, and the Applicant proposed to mitigate the removal of trees by proposing to put back more than what was removed. Staff considered that a net gain. The final form of the Landscape Plan would need to be reviewed by Staff and approved by an HDDR modification. Applicant-representative Fiat added that as compared with the March 2023 HDDR approval, this proposal has significantly more landscape because the wall adjacent to the hot tub was moved two feet closer to the house, which translated into two feet more of the natural grade.

Commissioner Sigg assumed that the additional landscaping was sod and was curious to know what landscaping would be added. Applicant-representative Fiat reported that the upper portion closest to the hot tub adjacent wall would have natural turf as specifically called out by former Director Milliken. There was also a significant amount of shrubs and plants that lead up to the City-owned property. He clarified that following a meeting with the neighbor, they moved the trees around to ensure that they would not block that neighbor’s downvalley sight lines. Both neighbors submitted positive reviews for this proposal, and the Applicant worked closely with them regarding tree placement.

Commissioner Frontero asked about the geotechnical report. Engineer Rebecca Gutknecht reported that Applied Geotechnical Engineering Consultants, who do a lot of the geotechnical reports in this area, prepared the report. She reviewed the report and did not see anything out of the ordinary and it seemed standard. She noted they rely on the geotechnical firm to provide expert engineering, and the report concluded that the proposal was in compliance with the type of soils and conditions at this site.

Commissioner Suesser asked if there was any concern about the removal of Significant Vegetation from this site in terms of soil retainage. Engineer Gutknecht believed it would be okay, especially with replacing vegetation. She added that line item 4 in the geotechnical report stated that the proposed hot tub ranged from approximately 1.7 to 2.0 horizontal to 1 vertical. The report added that in their professional opinion, the slope would have a suitable safety factor with regard to slope stability. She relied on the geotechnical engineer's professional opinion that the stability was acceptable. Planner Cawley clarified that the March 2023 Final Action Letter pertained to the HDDR landscaping. Planner Cawley also confirmed that Staff incorporated all of the Conditions of Approval in the Staff Report into the Draft Final Action Letter.

Chair Hall asked if there was any feedback on the Draft Final Action Letter as set forth in the Staff Report. Commissioner Frontero confirmed that the Commission was comfortable with the Staff Report.

MOTION: Commissioner Van Dine moved to APPROVE the Private Recreational Facility Conditional Use Permit and Steep Slope Conditional Use Permit for 327 McHenry Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the Final Action Letter as follows:

Findings of Fact

1. The Site is located at 327 McHenry Avenue.
2. The Site is located within the Historic Residential Low-Density (HRL) Zoning District.
3. Summit County identifies the property as parcel 331-MC-B-AM and is in the 331 McHenry Avenue Subdivision – First Amended.
4. On November 19, 2020, a Plat Amendment creating 331 McHenry Avenue Subdivision- First Amended was approved by City Council. Ordinance No. 20-50 was adopted. A ten-foot (10') public snow storage easement on McHenry Avenue was required to be recorded on the plat. Two existing easements, an encroachment easement recorded August 2, 2010, and a five-foot (5') water line easement recorded June 24, 2009, are included on the plat.

5. On August 24, 2021, the Planning Department approved a Historic District Design Review application for the property at 327 McHenry Avenue to construct a new Single-Family Dwelling.
6. On September 6, 2022, the Planning Director approved a Modification to the approval of the Historic District Design Review.
7. On September 20, 2022, the Applicant submitted a Conditional Use Permit to install a Private Recreation Facility (swimming pool) in the rear yard. This submittal identified the swimming pool dimensions as 17 feet wide by 36 feet nine inches long, and three to six feet deep, approximately 612 square feet.
8. On November 9, 2022, the Planning Commission reviewed the CUP application to construct an outdoor swimming pool at 327 McHenry Avenue, held a public hearing, and continued the item to a date uncertain. The Planning Commission raised the following concerns:
 - a. Light trespass and Dark Sky compliance of the proposed outdoor television and media center.
 - b. Complete review and approval of the Historic District Design Review (HDDR) of the modified landscape proposal, including retention of the natural grade, the height of proposed retaining walls, and impact/mitigation of all the site's Significant Vegetation.
 - c. Compliance with the City's Noise Ordinance.
 - d. Compliance with the goals of Park City's General Plan.
 - e. Steep slope stabilization, including a review of the Geotechnical Report.
9. On March 2, 2023, the Planning Director reviewed and approved the Applicant's Landscape Plan.
10. On May 10, 2023, at the request of the Applicant and recommendation of staff, the Planning Commission held a public hearing for the proposed swimming pool and continued the discussion to a date uncertain.
11. The Applicant has since submitted a second modification to the March 2, 2023, HDDR approval of the Landscape Plan. The original submittal identified a swimming pool with dimensions of 17 feet wide by 36 feet – nine

inches long, approximately 612 square feet. The updated proposal is for a “hot tub” 10 feet wide by 20 feet long by five feet deep, approximately 200 square feet.

12. This modification significantly reduces the proposed retaining walls along the rear property line.
13. The LMC identifies residential swimming pools as Private Recreation Facilities. Private Recreation Facilities are a Conditional Use in the Historic Residential – Low Density Zoning District.
14. The Applicant states the proposed 200-square-foot and five-foot-deep installation is a hot tub and not a swimming pool. Typical hot tubs range from five feet in length and width to eight feet in length and width, with a depth ranging from three to four feet.
15. The retaining wall required for the site will be dependent upon the approved use of the Applicant’s installation.
16. Although the LMC does not define “hot tub,” “spa,” or “swimming pool,” LMC § 15-15-1 says that words not defined in the LMC “shall have a meaning consistent with Webster’s New Collegiate Dictionary, latest edition.” The Merriam-Webster’s Collegiate Dictionary, 11th edition, makes the following distinctions:
 - a. Hot Tub – A large tub of hot water in which bathers soak and usually socialize; Such a tub with a whirlpool device.
 - b. Spa – A hot tub with a whirlpool device.
 - c. Swimming Pool – A pool suitable for swimming: a tank (as of concrete or plastic) made for swimming.
17. Because the proposed installation exceeds traditional hot tub dimensions, staff interprets the Applicant’s “swim spa” to trigger Planning Commission review as a Private Recreation Facility.
18. The Lot Area of 327 McHenry Avenue is 7,501 square feet.
19. The Lot is 47.33 feet at the Front Lot Line and increases to 60.43 feet at the Rear Lot Line.
20. The new Single-Family Dwelling has a Building footprint of 2,460 square feet.

21. The proposed location of the swim spa is 17 feet – five inches from the Rear Lot Line.
22. The proposed location of the swim spa is nine feet – three inches from the south Side Lot Line and 31 feet – two inches from the north Side Lot Line.
23. Conditional Use Permits require review pursuant to the criteria outlined in Land Management Code § 15-1-10(E):
 - a. Size and Location of Site – The Lot Area is 7,501 square feet. The Lot is in a Historic Residential District. The proposed swim spa is in the Rear Yard of the property and outside all required Setbacks. The proposed swim spa is 20 feet long by 10 feet wide by five feet deep. Included in the plans is a stone paver patio area with guardrails, board form concrete retaining walls, an outdoor kitchen, and vaulted swim spa equipment. All improvements to the site comply with the Land Management Code in 4 terms of size and location of the Site.
 - b. Traffic – The swim spa will not generate additional traffic beyond the primary Use of the property as a Single-Family Dwelling.
 - c. Utility Capacity – On October 24, 2022, and February 20, 2024, Public Works, Utilities, and Synderville Basin Water Reclamation District reviewed the proposal and did not identify an increase to utility capacity and demand.
 - d. Emergency Vehicle Access – The proposal will not change emergency access to the property. On October 24, 2022, and February 20, 2024, Park City Fire District reviewed the proposal and does not require additional emergency access to the site.
 - e. Parking – LMC § 15-3-6(B) requires one off-street parking space per four persons maximum rated capacity for a Private Recreation Facility. LMC § 15-3-6(A) requires two off-street parking spaces per Dwelling Unit for a Single-Family Dwelling. The Applicant will provide four off-street parking spaces, two in the garage and two in the driveway.
 - f. Internal Vehicular and Pedestrian Circulation – Not Applicable.
 - g. Fencing, Screening, and Landscaping – The swim spa is stepped back from the rear of the property. The Applicant indicates that with the site's grade change, the four-foot retaining walls and the

proposed landscaping will minimize the visibility of the swim spa from adjacent properties and the Ontario Avenue Right-of-Way immediately west of the Rear Yard. The Applicant agreed to remove the proposed outdoor television adjacent to the swim spa. The Applicant made the following modifications to the landscape plan:

- i. The natural grade will be preserved from the southern corner to the middle of the Lot and will be planted with a mix of water-wise sod and native seed.
 - ii. Removal of a portion of the proposed retaining wall to maintain the natural grade.
 - iii. The remaining proposed retaining walls will be visually softened and minimized with planted shrubs.
 - iv. A terraced retaining wall at the northern corner of the property will allow for a lower patio on the property.
 - v. All retaining walls will be four feet or less in height.
 - vi. The terracing will follow the site's existing contours and provide additional usable landscaped area.
 - vii. The installation of an irrigation system that will ensure minimal overspray of water onto hardscaped areas as well as a drop system for shrubs and trees.
 - viii. Proposed shrubs and trees will be planted along the side property lines to provide privacy to the site and the neighboring properties. An arborist reviewed the site's vegetation in May 2021 and recommended the property owner remove dead or blighted trees from the site and replace them with new, healthy specimens. The Applicant proposes a variety of plant species in accordance with LMC § 15-5-5(N), which encourages diverse plantings of species to prevent the spread of disease among plants. The proposed species are listed on the city's approved fire-wise plant list and will be compliant with the Wildland Urban Interface. The Applicant removed a total of 129.6" tree caliper equivalent from the site and proposes to replace 132.5", a net increase of 2.9".
- h. Building Mass, Bulk, and Orientation – The HDDR for the Single-Family Dwelling was approved on August 24, 2021. The plans

submitted for the Building Permit show a proposed Building Footprint of 2,450 square feet. The subject property gradually slopes down from McHenry Avenue toward Ontario Avenue. The rear of the property touches a steep slope adjacent to Ontario Avenue. The immediate neighboring properties contain Single-Family Dwellings with mature vegetation.

- i. Signs and Lighting – Signs are not proposed or approved with this application.
- j. Physical Design and Compatibility with Surrounding Structures – The swim spa’s materials and design must comply with LMC Chapter 15-5 Architectural Review and LMC Chapter 15-13 Design Guidelines for 6 Historic District and Historic Sites. The Planning Department reviewed and approved the modified landscape plan on March 2, 2023.
- k. Noise, Vibration, Odors, Steam, or other Mechanical Factors – All swim spa equipment will either be vaulted (underground) or screened from the neighboring property, as required by the LMC. The Applicant agrees to limit the Use of the swim spa to the property owner and their guests as well as adherence to Park City’s Noise Ordinance.
- l. Control of Delivery and Service Vehicles, Loading and Unloading Zones, and Screening of Trash and Recycling Pickup Areas – Vehicles for service and maintenance of the swim spa will access the property from McHenry Avenue.
- m. Expected Ownership and Management – The Applicant is the owner of record and the property maintained as a Single-Family Dwelling. Nightly Rentals are prohibited in the McHenry Sub-Neighborhood of the HRL Zone.
- n. Within and Adjoining Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste, Park City Soils Ordinance, Steep Slopes – See Conditions of Approval 8 – 13.
- o. Reviewed for Consistency with the Park City General Plan – The proposal is consistent with the Park City General Plan and is a Conditional Use in the HRL Zoning District. The General Plan identifies “Historic Character” as one of the core values of Park City. Objective 15B is to maintain character, context, and scale of local historic districts with compatible infill development and additions. 327

McHenry Avenue is not a Historic Site as defined by the City's Historic Site Inventory. The properties adjacent to this site are new, infill Single-Family Dwellings. The swim spa is in the rear of the property and will not be visible from Ontario Avenue or McHenry Avenue. The proposed landscaping will screen the pool from the neighboring properties to the north and the south as well as from the Ontario Avenue public right-of-way.

24. Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Design Guidelines for Historic Districts.
25. LMC § 15-2.1-6(A) requires a Steep Slope CUP for the construction of any Structure with a Building Footprint of more than 200 square feet and is located on or projected over an existing Slope of 30% or greater. The total area of disturbance to accommodate the swim spa, retaining walls, and patios is approximately 2,260± square feet and greater than 30% for most of the proposed development.
26. The HDDR-approved Single-Family Dwelling is in the final stages of construction. The landscaping, construction of the swim spa, associated equipment, and retaining walls are located toward the rear of the property. The slope ranges from 25-42 percent at this location.
27. The site is not visible from the LMC-established Vantage Points. The Applicant proposes to screen the retaining walls with vegetation to minimize and soften their appearance.
28. Access for construction of the swim spa must be reviewed and approved by the Engineering Department at the time of building permit review.
29. The Applicant proposes constructing three tiers of reinforced concrete retaining walls to the west of the swim spa, up to the rear property line. The retaining walls will reach a height of four feet and be separated by a horizontal distance of three feet. Directly south of the tiered walls will be graded to return to natural grade, reducing the need for additional retaining walls/terracing.
30. The updated proposal reduces the length of the retaining walls from the entire length of the rear property line to less than half. Staff does not recommend an increase to the Rear Setback as long as the Applicant does not exceed four feet in height and can ensure the walls do not encroach into the Property to the west.

31. Staff published notice on the City's website, at the property, and at City Hall on February 14, 2024.
32. Staff mailed courtesy notice to property owners within 300 feet February 14, 2024.
33. *The Park Record* published public notice on February 14, 2024.
34. The Development Review Committee reviewed the proposal on October 24, 2022, and February 20, 2024, and recommends Conditions of Approval.
35. The Engineering and Building Departments require Conditions of Approval 13 – 17.

Conclusions of Law

1. The proposal complies with the Land Management Code requirements pursuant to Chapter 15-2.1 Historic Residential Low-Density (HRL) District.
2. The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code § 15-1-10(E).

Conditions of Approval

1. Land Management Code § 15-3-6(B) requires one parking space per four persons maximum rated capacity for a Private Recreation Facility. On-Street parking is prohibited. Parking on McHenry Avenue and Ontario Avenue is prohibited. Land Management Code § 15-3-6(A) requires two parking spaces per Dwelling Unit for Single-Family Dwellings. The proposed Single-Family Dwelling has a two-car garage, and two temporary parking spots are possible on the driveway and parking shall be satisfied on site.
2. The Significant Vegetation shall be replaced with equivalent landscaping in type and size as reviewed and approved by the Forestry Board and Planning Director. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Plants similar in type and species identified on the approved landscape plans may be considered without Planning Department approval.
3. If the proposed landscaping in the Side Setbacks fails to establish within the first year after installation, then the Applicant shall replace it with new

vegetation at another location on the property and shall be reviewed and approved by Planning Staff.

4. All outdoor lighting must be down-directed, fully shielded, with bulbs 3000-degree Kelvin or less. A fully shielded light is installed in such a manner that all light emitted either directly from the bulb, or indirectly by reflection or refraction, is below the horizontal plane through the fixture's lowest light-emitting part. The top and sides of a Fully Shielded fixture are made of completely opaque material such that light only escapes through the bottom of the fixture. Final lighting details shall show compliance with this condition and shall be reviewed by the Planning Department prior to installation.
5. The Use of the swim spa is limited to the residence's primary owners and their guests.
6. The Applicant shall ensure compliance with the Park City Municipal Code Chapter 6-3 Noise.
7. The Applicant shall provide an updated Construction Mitigation Plan for review by the Planning, Engineering, and Building Departments before issuing a new Building Permit.
8. The updated Construction Mitigation Plan must verify the Limits of Disturbance for the construction operations as well as define construction access locations and material laydown locations for the site.
9. Construction of the swim spa and retaining walls shall not disturb the slope adjacent to Ontario Avenue beyond the property line.
10. If any soil or landscaping is disturbed on adjacent properties during construction, the Applicant shall return the disturbed areas to original grade and revegetate with non-invasive, Water Wise vegetation per Land Management Code § 15-5- 5(N).
11. The Applicant shall provide the Planning and Engineering Departments details on the type of machinery used for excavation and how the machinery will access the site prior to approval of the Building Permit.
12. If the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
13. Any concrete pumping operations shall access the pool area via McHenry Avenue. If access from Ontario Avenue is necessary, then the Applicant

shall coordinate with the Engineering Department prior to initiating any construction activity.

14. Construction of the swim spa and the retaining walls shall not close access to Ontario Avenue or McHenry Avenue at any time unless the proper permits are acquired through the Engineering Department.
15. Prior to submitting a building permit, the Applicant shall acquire necessary agreements with owners of any property that may be disturbed during construction.
16. The Applicant shall provide structural engineering and plan details for all retaining walls at the time of building permitting. The retaining walls at the property line must be designed to avoid encroachment onto neighboring properties.
17. An updated Geotechnical Report must approve the method of slope stabilization in accordance with the site plan.

Commissioner Frontero seconded the motion.

VOTE: The motion passed with the unanimous consent of the Commission. Chair Hall noted that Commissioner Johnson did not participate in the vote as he left the meeting.

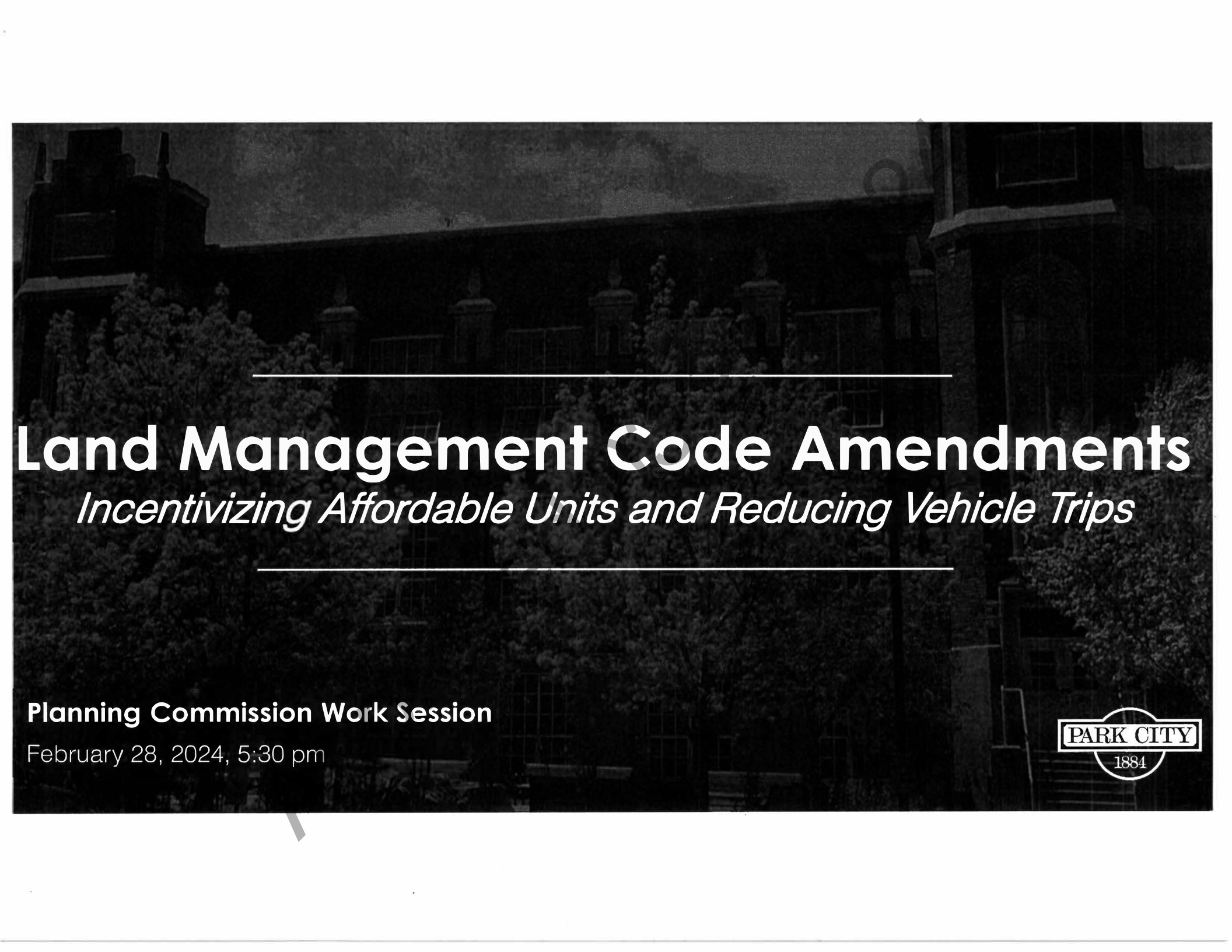
It was confirmed that none of the Commissioners would be meeting following adjournment.

Planner Cawley stated that Staff would bring the issue of the definition of a swimming pool to the Commission.

6. ADJOURNMENT

MOTION: Commissioner Van Dine moved to adjourn.

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



Land Management Code Amendments

Incentivizing Affordable Units and Reducing Vehicle Trips

Planning Commission Work Session

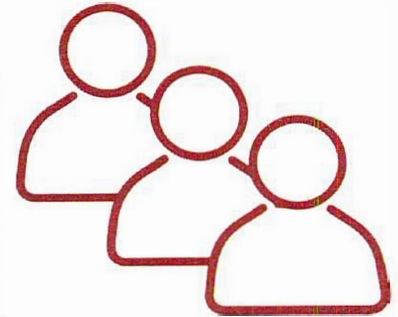
February 28, 2024, 5:30 pm



Introduction

Park City Municipal Corporation

- **Rebecca Ward** – Interim Planning Director
- **Jason Glidden** – Housing Manager
- **Julia Collins** – Transportation Planning Manager
- **Hannah Pack** – Transportation Planner
- **Erik Daenitz** – Director of Economic Development and Data Analytics



Consultant Team

Lisa Wise Consulting, Inc. (LWC)

- **Lisa Wise** – President
- **Jen Murillo** – Director/Project Manager
- **Ethan Stan** – Lead Associate

Cascadia Partners

- **Jamin Kimmell** – Partner

Fehr & Peers

- **Ivana Medina** – Transportation Planner



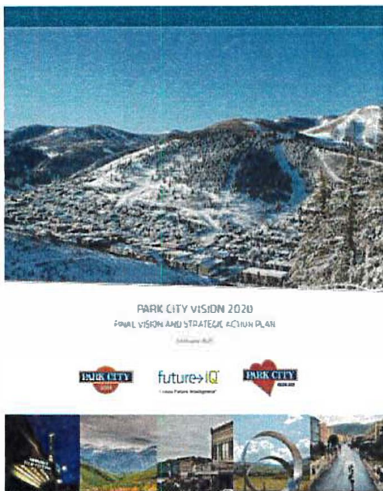
Agenda

1. Presentation
2. Discussion

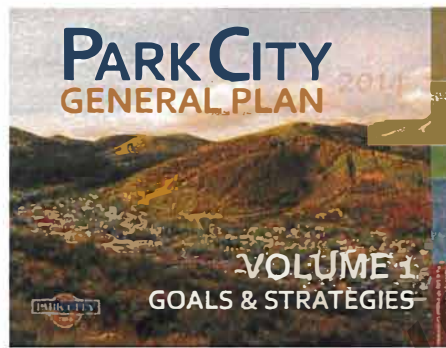
Approved 03.27.2024



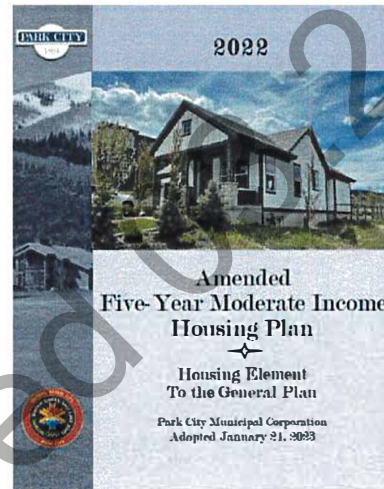
Project Background



“Embrace Bold Action” on housing, transportation, and the environment



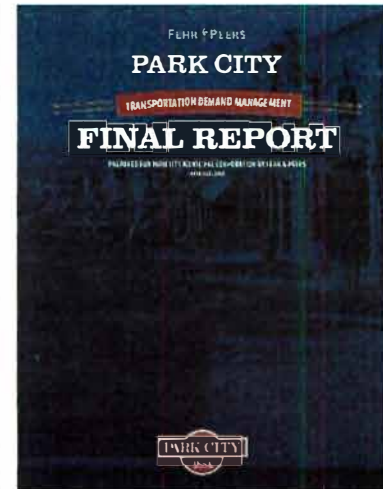
Revise the LMC to promote multimodal transit, remove barriers to affordable housing, and reassess parking requirements



Amend the LMC to incentivize the development of affordable housing



Improve mobility connections to **reduce single-occupancy vehicles** and **right-size parking**

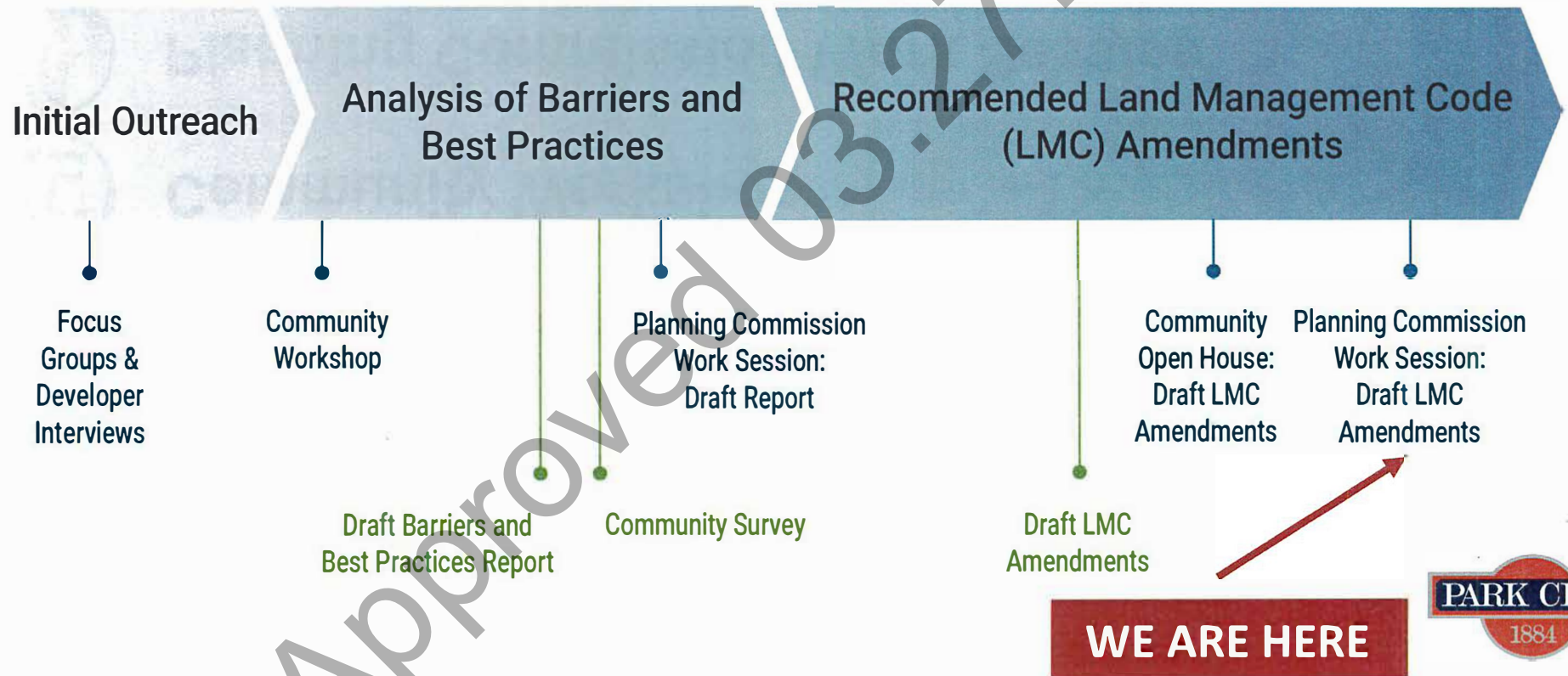


Require **transportation demand management strategies** for new development

Project Timeline

2023
August

2024
January



Outreach



Focus Groups & Developer Interviews



Internal Advisory Groups



Community Workshop



Planning Commission Work Session



Online Survey



Open House



– Key Barriers & Best Practices –



Barriers

- **Discretionary review** adds costs and increases uncertainty
- Density and **lot size standards** favor larger, more expensive units
- **Open space and building height standards** don't support housing or transit goals
- **Parking ratios** are higher than needed for certain uses and do not support affordability or transit



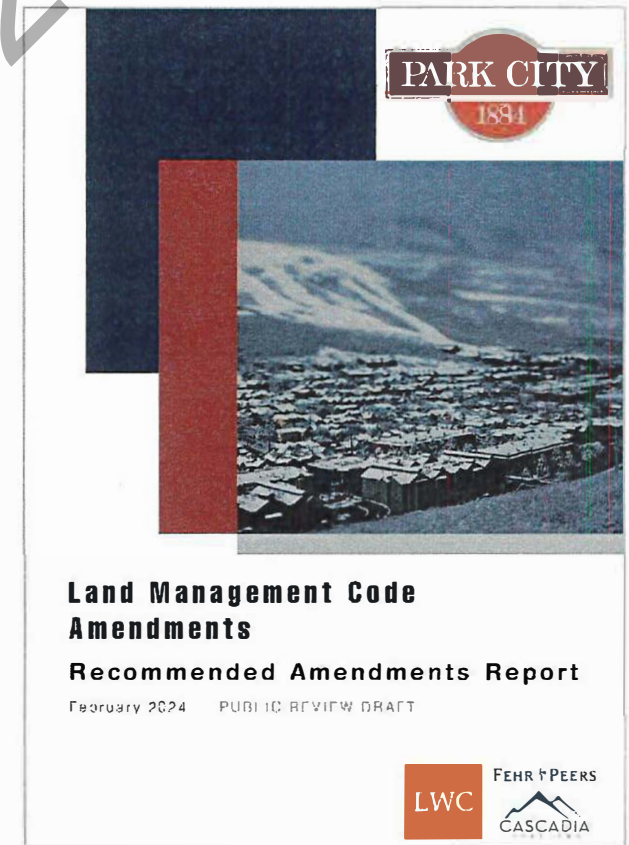
Best Practices

- Revise development standards to be **objective**
- Modify standards for open space, building height, and parking to **incentivize housing and transit use**
- Require strategies that **reduce parking demand**
- **Right-size parking** ratios and allow **alternatives parking strategies**



Recommended Amendments

- Accessory Apartments
- Pedestrian Access and Design
- Transportation Demand Management
- Parking
- Affordable Housing Incentives



Accessory Apartments

- Minimum lot size requirement removed
- Allowed to be the same height as the single-family dwelling
- Privacy standards for second-story windows within 15 ft. of a property line
- New setback requirements

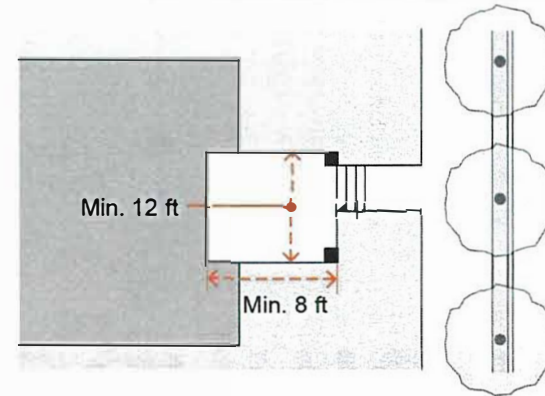
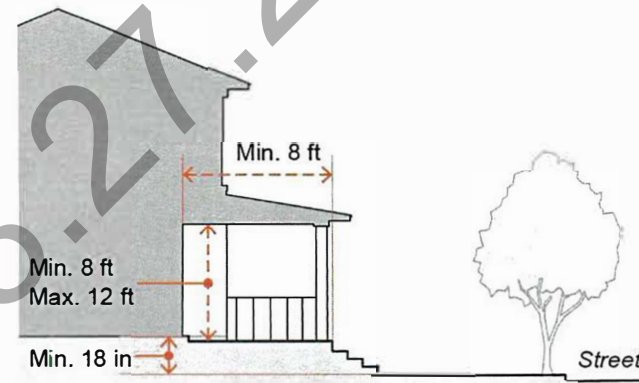


Source: Mono County/Town of Mammoth Lakes, RRM Design Group



— Pedestrian Access & Design —

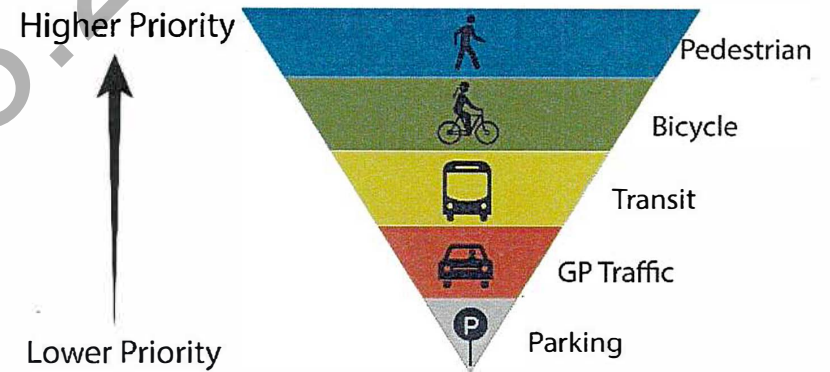
- Pedestrian and bicycle connections
- Pedestrian walkway design standards
- Maximum block length
- Building entrances



Porch Frontage

— Transportation Demand Management

- Options to reduce vehicle trips and reduce congestion without building more roads.
- Require a TDM Plan for new projects of 10+ units and most new commercial projects.



—Transportation Demand Management—



- **Level 1 TDM Plan** (required, smaller projects)
- **Level 2 TDM Plan** (required, larger projects)
- **Supplemental TDM strategies** (optional, additional strategies may reduce parking requirement)



Parking

- Right-size parking requirements
- Offer alternative parking strategies



Off-Site Parking



Shared Parking



Underground Parking



Compact Parking Stalls



Designated Carshare Parking



Parking Maximums



EV Charging Spaces



Proximity to Transit

– Affordable Housing Incentives –

A tiered Affordable Master Planned Development (AMPD) structure would offer flexibility to achieve more affordable and attainable housing.

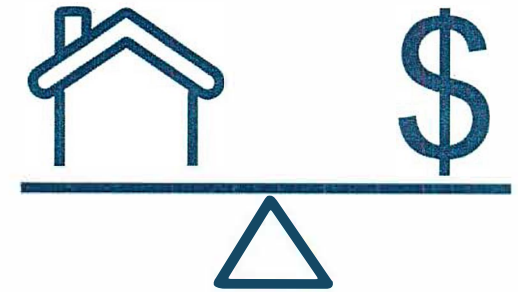


	Existing	Proposed						
	AMPD	Tier 1	Tier 2		Tier 3		Tier 4	
Average Area Median Income (AMI) Level	80%	100%	60%	80%	60%	80%	60%	80%
Percent of Total Units at AMI Level	50%	50%	25%	35%	35%	45%	45%	55%



– Affordable Housing Incentives –

- More incentives would be granted to developments that provide more housing to lower-income households.
- Incentives are building height, parking, and open space.
- Increased building height proposed for the General Commercial (GC) District (e.g., Bonanza Park).



– Affordable Housing Incentives –

	Existing	Proposed			
	AMPD	Tier 1	Tier 2	Tier 3	Tier 4
Maximum Building Height					
General Commercial (GC) District	45 ft.	35 ft.	45 ft.	55 ft.	65 ft.
All Other Districts	45 ft.	35 ft.	45 ft.	45 ft.	55 ft.
Minimum Number of Parking Spaces					
Spaces per Unit	0 – 2.0	0.75 – 2.0	0.75 – 1.5	0.5 – 1.5	0 – 1.5
Minimum Common Open Space					
Common Open Space (% of Site)	20%	25%	20%	15%	10%



Open House

- Tuesday, February 28 | 5:30pm at The Yarrow
- **Nine** informational boards
- Approximately **45** attendees
- **21** responses to the Open House survey



Affordable Housing Incentives

Zoning incentives for affordable housing are offered through the City's Affordable Master Planned Development (AMPD) process. AMPDs are currently limited to projects providing 50% of units at 80% Area Median Income (AMI). Altered AMPD structure is proposed to provide flexibility in achieving more affordable and attainable housing in Park City.

Affordable Master Planned Development (AMPD) Tiers

Two proposed AMPD tiers provide options for different levels of affordability and share of affordable units in a project.

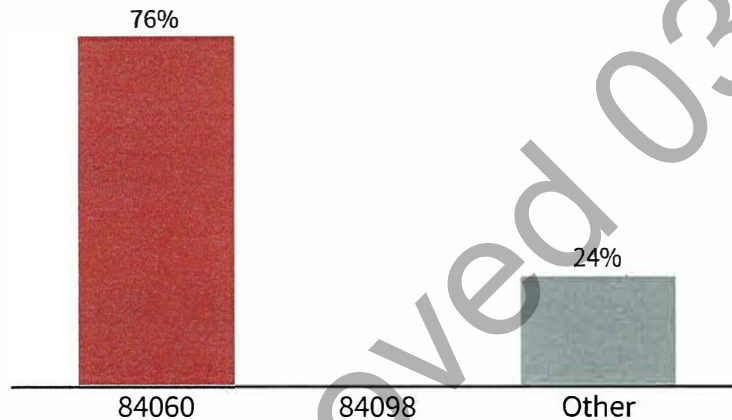
	AMPD Tier 1	Tier 2	Tier 3	Tier 4
Average GDP Level	80%	70%	60%	50%
Percent of Total Units at Park City Median Income	30%	25%	20%	15%
Projects that meet the above affordability requirements would be granted incentives for increased building height, reduced parking, and reduced open space requirements.				
	Tier 1	Tier 2	Tier 3	Tier 4
Maximum Building Height (feet)	10	12	14	16
Maximum Parking Spaces per 1,000 sq. ft. of building area	1.0	1.2	1.4	1.6
Maximum Open Space per 1,000 sq. ft. of building area	1.0	1.2	1.4	1.6



Survey: Demographics

DEMOGRAPHIC QUESTIONS

What is your zip code?

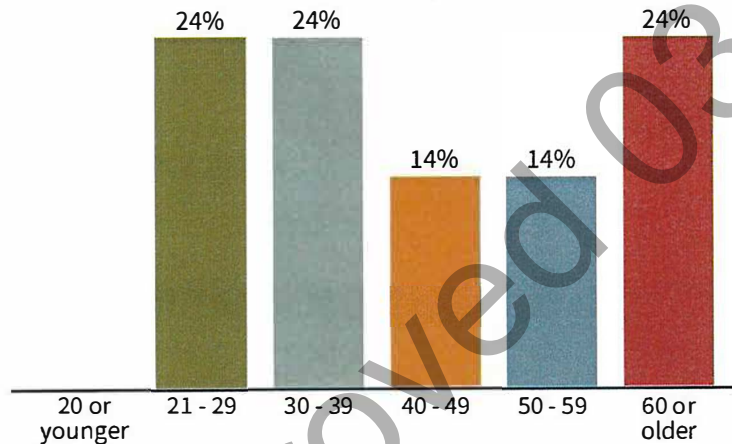


Live in 84060: 76%

Survey: Demographics

DEMOGRAPHIC QUESTIONS

What is your age?



Live in 84060: 76%

Age: Under 50 (62%)

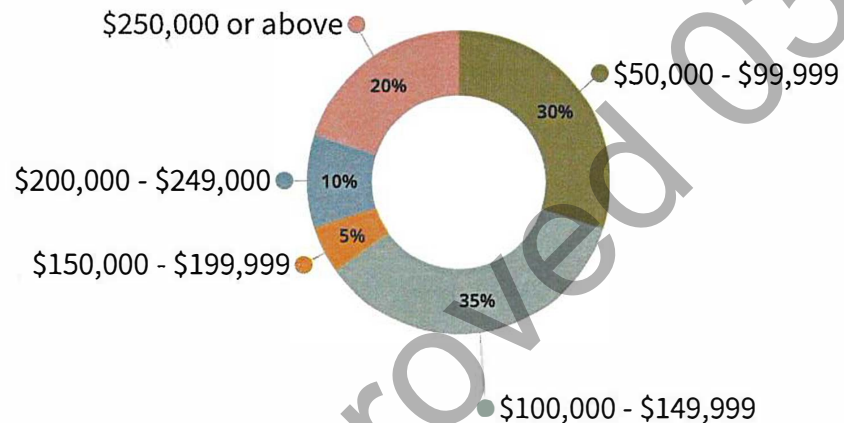
Over 50 (38%)



Survey: Demographics

DEMOGRAPHIC QUESTIONS

What is your household income?



Live in 84060: 76%

Age: Under 50 (62%)
Over 50 (38%)

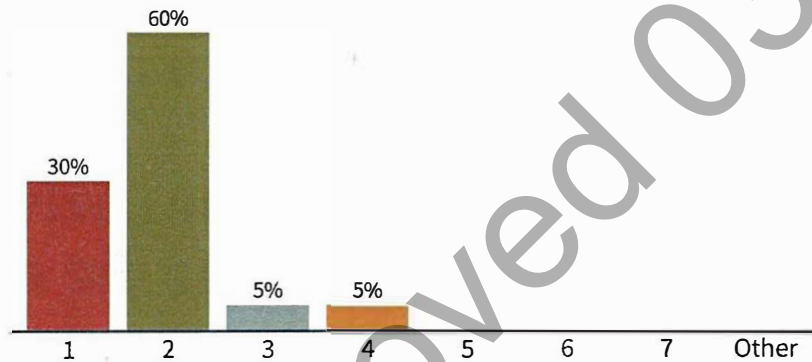
Household Income:

Under \$150k (65%)
Over \$150k (35%)

Survey: Demographics

DEMOGRAPHIC QUESTIONS

How many people, including yourself, live in your household?



Live in 84060: 76%

Age: Under 50 (62%)
Over 50 (38%)

Household Income:
Under \$150k (65%)
Over \$150k (35%)

Household size:
1 person (30%)
2 people (60%)
3+ people (10%)

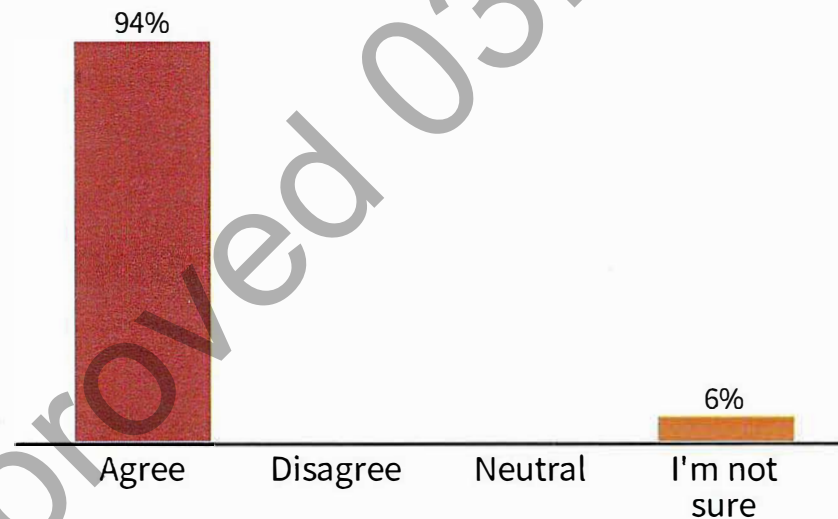


— Survey: LMC Amendments —



LMC AMENDMENTS

Do you agree or disagree with the proposed changes to lot size for accessory apartments?

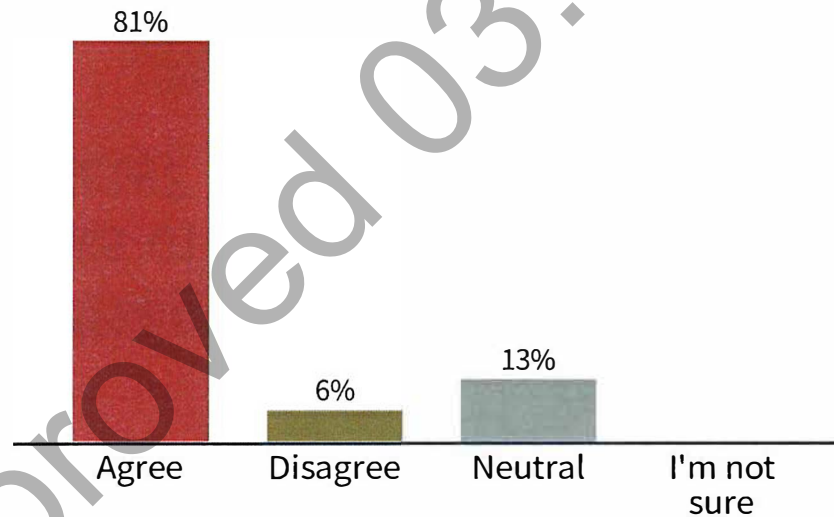


— Survey: LMC Amendments —

LMC AMENDMENTS



Do you agree or disagree with the proposed changes to height for accessory apartments?

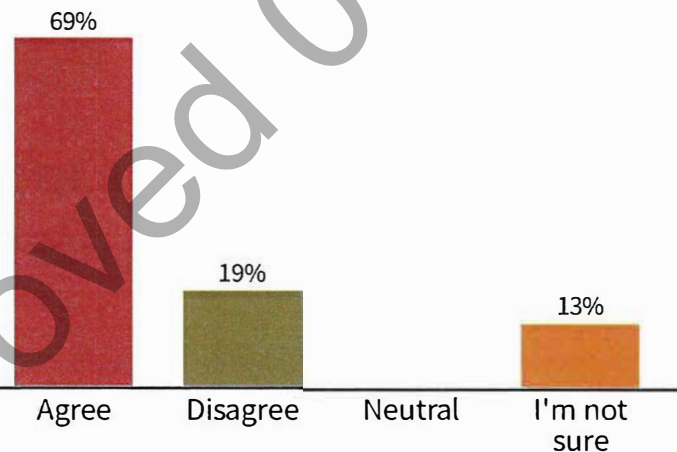


— Survey: LMC Amendments —



LMC AMENDMENTS

Do you agree or disagree with requiring a TDM Plan for all new projects of 10 or more units and most commercial projects?

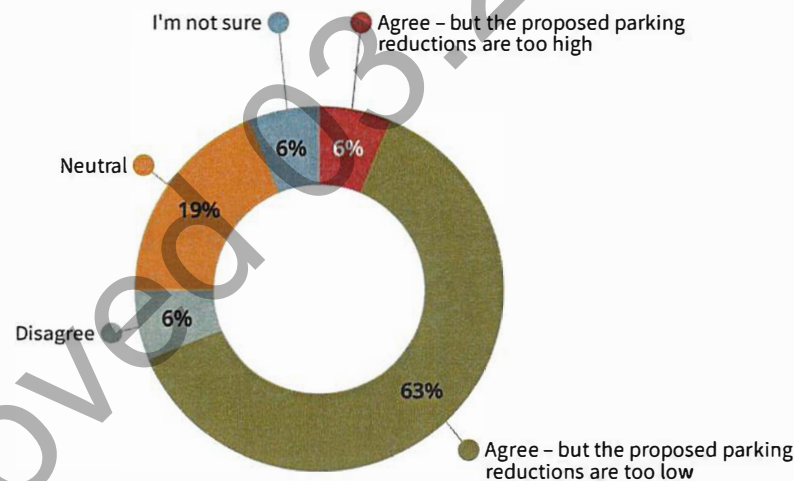


— Survey: LMC Amendments —



LMC AMENDMENTS

Do you agree or disagree with offering parking reductions in exchange for the use of alternative parking strategies?

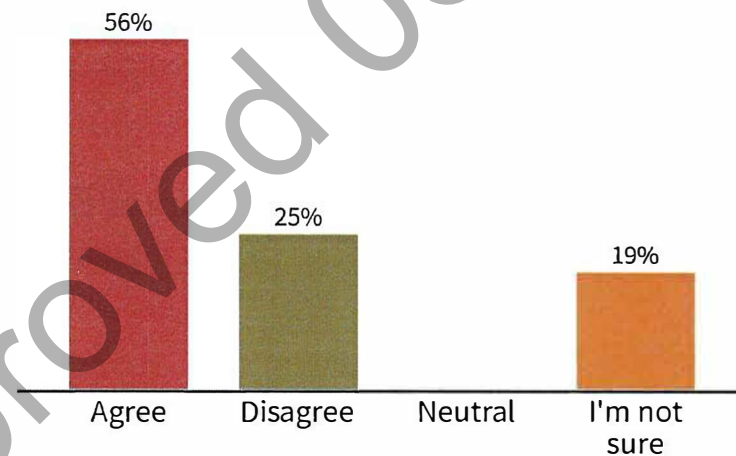


— Survey: LMC Amendments —



LMC AMENDMENTS

Do you agree or disagree that AMPD standards should be revised to reduce the amount of City financial support needed to build affordable housing?

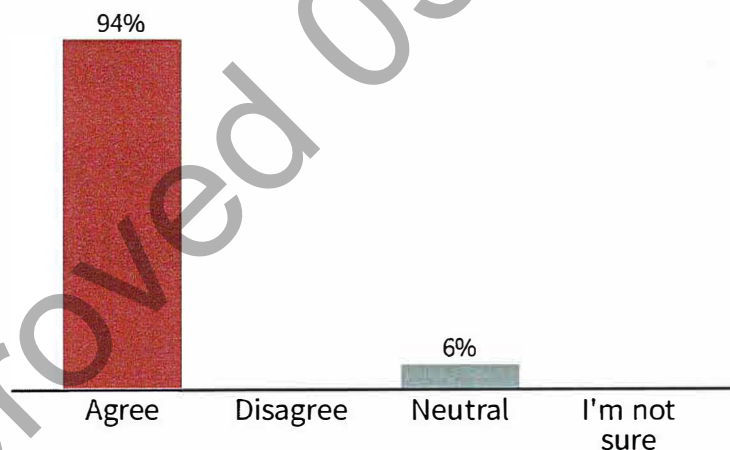


— Survey: LMC Amendments —



LMC AMENDMENTS

Do you agree or disagree with providing tiers that offer more opportunities for projects to be eligible for housing incentives?

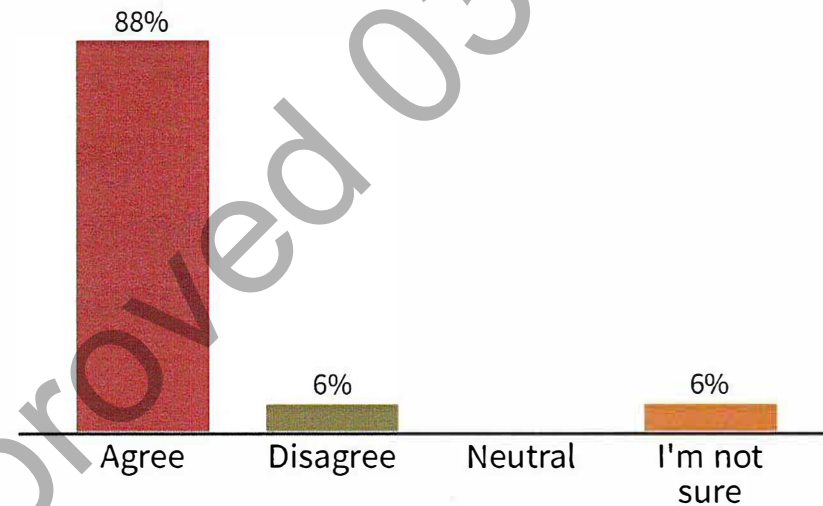


— Survey: LMC Amendments —



LMC AMENDMENTS

Do you agree or disagree with allowing more height if over half of the units are affordable?



— Survey: LMC Amendments —



LMC AMENDMENTS

Do you have anything else to add?

More affordable housing should be provided in the rental segment of the market versus a total focus on affordable ownership.

The tiers are too restrictive. The 50% at 100% of AMI should be same as current AMPD.

Many elected officials and planning commissioners are purposefully slowing down processes to prevent any development and affordable housing to take place.

No

PC should be more creative with its surplus property, such as unused right-of-ways, provide property tax reductions for afford housing esp. Net Zero projects

Question about parking restrictions in exchange for reductions should have had a general "agree" as stated.

Interested in what specific TDM requirements are recommended for affordable units with 0 parking spaces. What level of transit service/access is necessary to live without a car in Park City?

There isn't much land left so density will be key to allowing for more housing units in general. Taller and more dense buildings should absolutely be encouraged as one of the city's tools.

Next Steps



Public Hearings for adoption of amendments

Planning Commission (TBD)

City Council (TBD)



DISCUSSION



Discussion

Accessory Apartments

1. Do you agree or disagree with the proposed changes to lot size for accessory apartments?
2. Do you agree or disagree with the proposed changes to height for accessory apartments?



Discussion

Transportation Demand Management (TDM) & Parking

3. Do you agree or disagree with requiring a TDM Plan for all new projects of 10 or more units and most commercial projects?
4. Do you agree or disagree with offering parking reductions in exchange for the use of alternative parking strategies?



Discussion

Affordable Housing Incentives

5. Do you agree or disagree that AMPD standards should be revised to reduce the amount of City financial support needed to build affordable housing?
6. Do you agree or disagree with providing tiers that offer more opportunities for projects to be eligible for housing incentives?



Discussion

Affordable Housing Incentives & Other

7. Do you agree or disagree with allowing more height if over half of the units are affordable?
8. Do you have any other comments on the draft LMC Amendments?

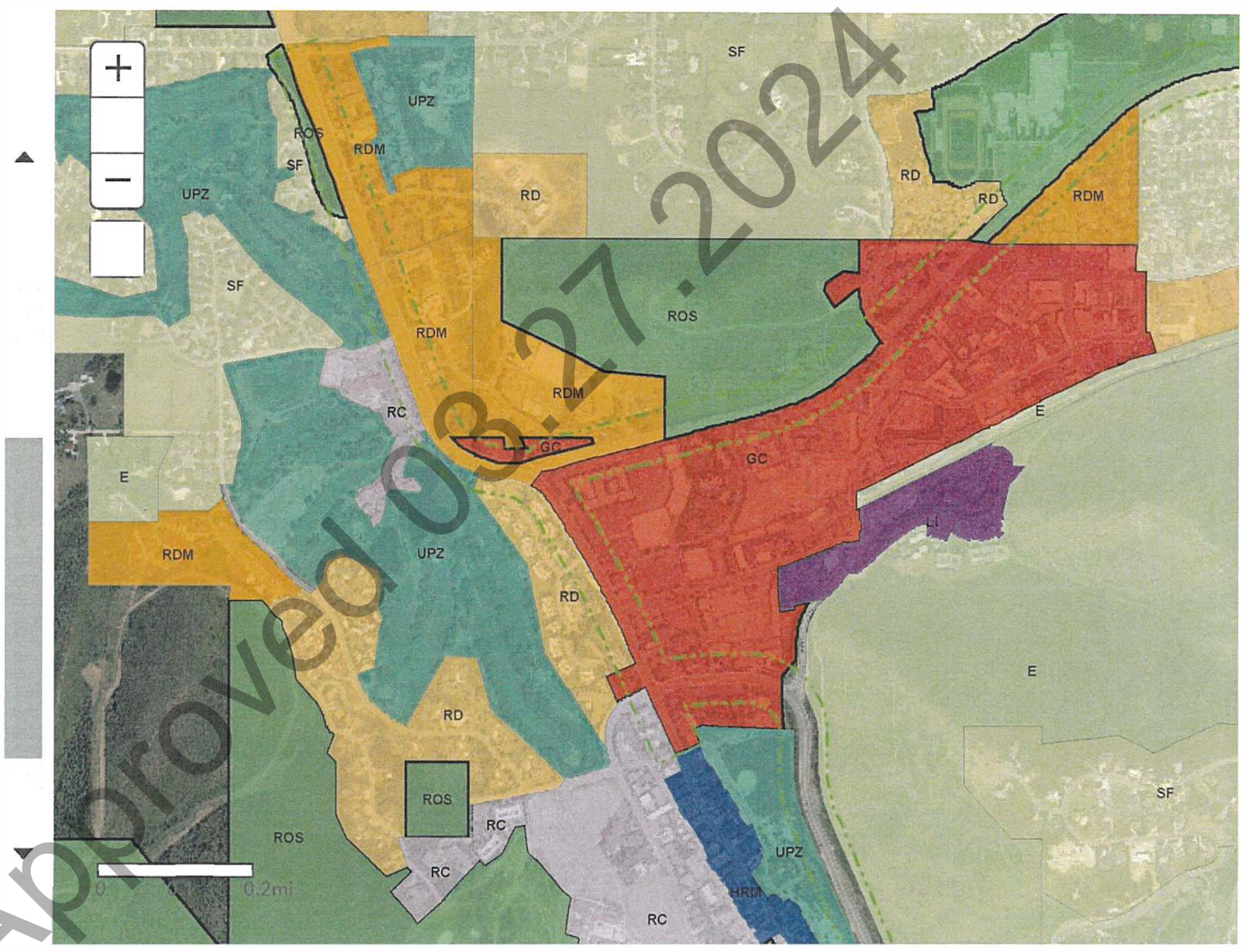


THANK YOU



legend

- ROS
- POS
- E
- SF
- R1
- RD
- RDM
- RM
- RC
- GC
- LI
- PUT
- Regional Commercial (RCO)
- CT



PARK + KEARNS

1800 PARK AVENUE



PL-22-05475 CUP

PL-22-05476 MPD

February 28, 2024 – Work Session



PARK + KEARNS

PROPOSED TIMELINE

1/24/2024 – Building height; Site plan

2/28/2024 – Building height; Open Space; Density; Setbacks; Affordable Housing

Future Discussions –

- Traffic, Parking, Sustainability
- CUP and MPD Criteria



PARK + KEARNS

January 24, 2024 - Input

- Increase the Building stepback and decrease the overall Building Height for the blocks along Kearns Boulevard to be outside the FPZ 100-foot Setback
- Decrease the height of block B, on the corner of Park and Kearns
- Increase the amount of Open Space
- Increase the pedestrian pathway from 8 feet to 10 feet.



PARK + KEARNS

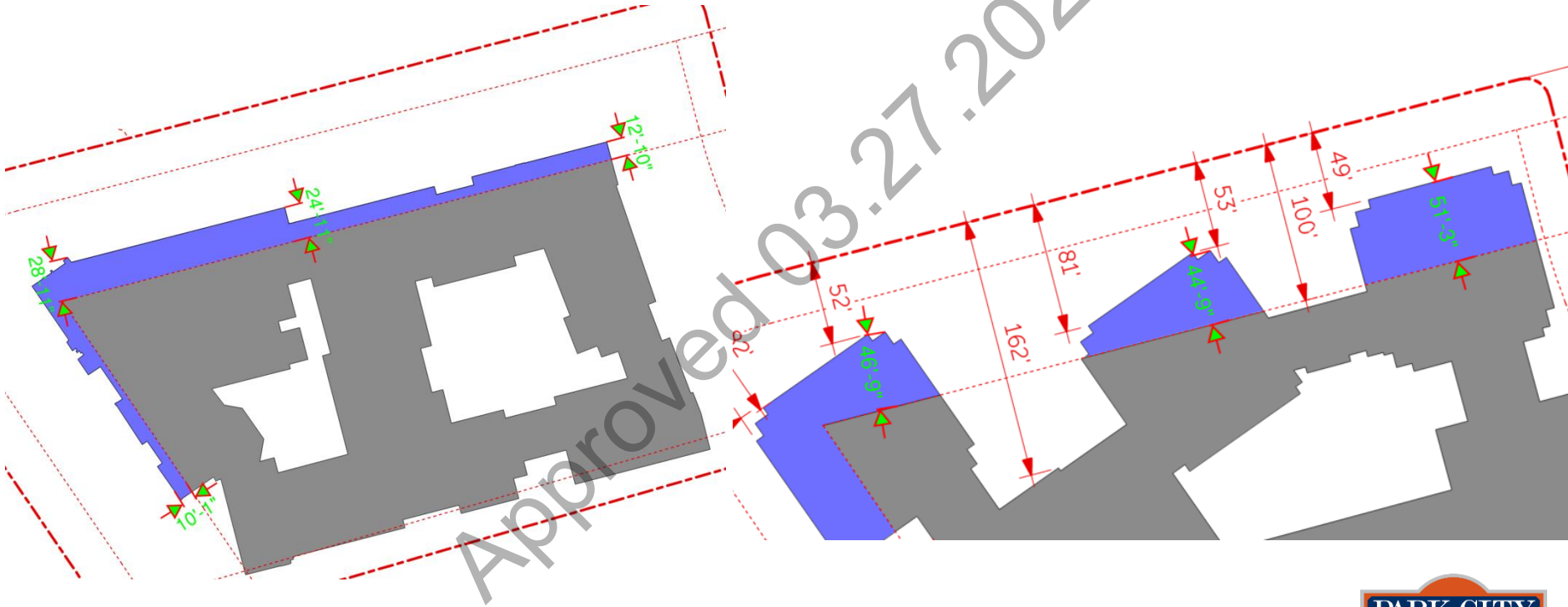
Density

- Buildable volume = 324,191 sq. ft.
- Proposed volume = 272,160 sq. ft.
 - Residential area = 134,292 sq. ft.
 - Meeting area = 6,260 sq. ft. (not to exceed 5% of total Floor Area)

Setbacks

- 16,329 sq. ft. (20%) of proposed footprint encroaches into FPZ setback

PARK + KEARNS



PARK + KEARNS

Open Space

- 30% min. required for redevelopment
- 41.5% proposed Open Space (1.8% increase from previous proposal)
- Bulk of Open Space along Park and Kearns, which aligns with FPZ landscaping

Off-Street Parking

- Staff recommends updated proposal for compliance with parking, bike storage, and EV charging requirements

PARK + KEARNS

Housing Mitigation Plan



Background

- The purpose of Housing Mitigation Plans are to ensure that new development does not adversely affect the supply of affordable housing in the City and to maintain the social, economic, and cultural fabric of Park City's community character. It is intended that the requirements imposed herein are roughly proportionate and reasonably related to the impacts of the Development.
- Housing Obligations are calculated by:
 - Developer shall provide affordable housing units in an amount equal to twenty percent (20%) of the total RUEs in the project.
 - The Developer shall be required to mitigate 20 percent of the employees generated.

Proposal

Park & Kearns Employee Generation & Unit Equivalent Calculations (Hotel) v2

2/14/2024

Proposed Redevelopment		quantities	employee rate	employees	mitigation rate	workers per household
Hotel/Condo		room/suite	per room		20%	1.5
studio		54	0.6	32.4	6.48	4.32
ADA studio (exempt)		1		0	0	0.00
studio corner		2	0.6	1.2	0.24	0.16
1 bedroom		70	0.6	42	8.4	5.60
ADA 1 bedroom (exempt)		1		0	0	0.00
1 bedroom corner		11	0.6	6.6	1.32	0.88
1 bedroom suite		1	0.6	0.6	0.12	0.08
2 bedroom		40	0.6	24	4.8	3.20
2 bedroom lockout		28	0.6	16.8	3.36	2.24
ADA 2 bedroom (exempt)		1		0	0	0.00
ADA 2 bedroom lockout (exempt)		1		0	0	0.00
3 bedroom		7	0.6	4.2	0.84	0.56
ADA 3 bedroom (exempt)		1		0	0	0.00
		218		127.8	25.56	17.04
	total area	unit equivalent	employee rate	employees	mitigation rate	workers per household
Commercial		1,000.0			20%	1.5
Hotel Restaurant/Lounge**	6,832	6.8	6.5	44.41	8.88	5.92
Retail	14,232	14.2	3.3	46.97	9.39	6.26
Office (Prof. Services)	6,106	6.1	3.7	22.59	4.52	3.01
Spa & Fitness (exempt)	4,443	0.0	0.0	0.00	0.00	0.00
Breakout Rooms (exempt)	1,821	0.0	0.0	0.00	0.00	0.00
Meeting Hall (exempt)	4,439	0.0	0.0	0.00	0.00	0.00
Pool Locker(exempt)	324	0.0	0.0	0.00	0.00	0.00
Ski/Bike Locker (Storage)	0	0.0	0.0	0.00	0.00	0.00
Total Exempt	11,027					
10% of Residential UE	13,429 ***					
		27.2		113.97	22.79	15.20
Total Proposed Redevelopment Affordable Unit Equivalents						32.24

Hotel/Condo Housing Req.
= 17.04 AUEs

Commercial Housing Req.
= 15.20 AUEs

TOTAL = 32.24 AUEs or
29,016 Square Feet



Proposal



Market Rate Housing
Building Block A

Retail at Ground Level

Affordable Housing
Building Block E

Pricing

Unit Type	Occupants	*AMI -80%	Income Percentage	Yearly Rent	Monthly Gross Rent	No. of Units
Studio	1	\$83,200	30%	\$24,960.00	\$2,080.00	20
1- Bedroom	2	\$95,120	30%	\$28,536.00	\$2,378.00	20
2- Bedroom	3	\$106,960	30%	\$32,088.00	\$2,674.00	12
					Total	52

Yarrow Owner proposes to use a geographic waterfall approach in selecting from applicants, in the following priority:

1. Qualifying applicants employed in the City of Park City, 84060.
2. Qualifying applicants employed within the Park City School District boundaries.
3. Qualifying applicants employed within Summit County.



Selection

Yarrow Owner proposes to use a geographic waterfall approach in selecting from applicants, in the following priority:

1. Qualifying applicants employed in the City of Park City, 84060.
2. Qualifying applicants employed within the Park City School District boundaries.
3. Qualifying applicants employed within Summit County.

Yarrow Owner may enter into one or more master leases with local employers whereby local employers may lease a block of units to meet the housing needs of their qualifying employees. The priority of any such master leases shall follow the same geographic waterfall provided previously. Any such master leases must be consistent with the remaining provisions of this Housing Mitigation Plan, as it may be amended from time to time.

Analysis

- The proposed project exceeds the housing requirement
 - Number of units – proposing 52 affordable units totaling 31,552 sq ft or 35.06 AUEs (required is 32.24 AUEs)
 - Affordability levels – all units will be priced at 80% AMI
 - Centrally located next to a major transportation stop.
- The Housing Team feels that the proposed HMP meets the requirements laid out in the Housing Resolution.

Recommendation

- Review the Affordable Housing Mitigation Plan proposed by the applicant and forward either a positive or negative recommendation to the Housing Authority on the proposed plan to fulfill the affordable housing obligation generated by the proposed Yarrow Hotel project.

PARK + KEARNS

Building Height

The Applicant will present on the changes to building height and requests input on the updated proposal. Does the Planning Commission have all the necessary information to review the proposed heights? What additional direction can the Commission provide the Applicant regarding height exceptions?

PARK + KEARNS

Staff requests input on the criteria in LMC § 15-6-5(F)(1-6):

1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Façade variation and design, but rather provides desired architectural variation.
2. Buildings have been positioned to minimize the visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar access, and loss of air circulation have been mitigated as determined by the Site-Specific analysis.
3. There is adequate Landscaping and buffering from adjacent Properties and Uses.



PARK + KEARNS

4. Increased Setbacks and separations from adjacent projects are proposed.
5. Additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible.
6. Additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review.



327 MCHENRY AVENUE

STEEP SLOPE DEVELOPMENT AND PRIVATE RECREATION FACILITY

PL-22-05289

PI-24-06010

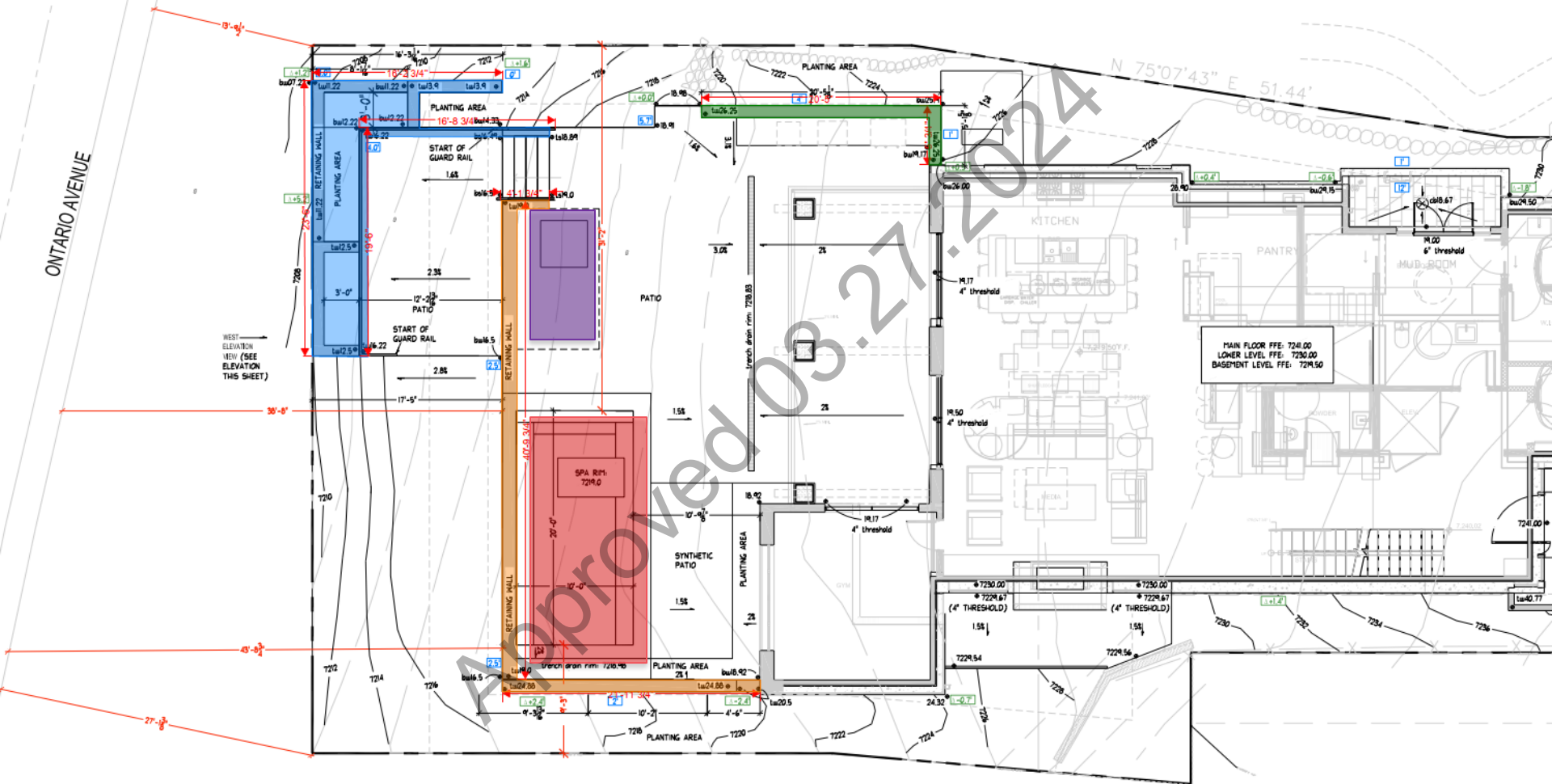
February 28, 2024

Planning Commission





ONTARIO AVENUE



BACKGROUND

327 MCHENRY AVE

- HDDR Approved on August 24, 2021
- Landscaping approved March 2, 2023
- Steep Slope CUP submitted January 4, 2024
- Updated proposal includes reduced swim spa (17 x 36 to 10 x 20)
- Pending Planning Commission decision, the Applicant will then update the landscape plans for final review of the pending HDDR modification application.

BACKGROUND

327 MCHENRY AVE

Planning Commission Input (Nov. 2022):

- Light trespass and Dark Sky compliance of the proposed outdoor television and media center. (Removed from proposed plans)
- Complete review and approval of the HDDR of the modified landscape proposal, including retention of the natural grade, the height of proposed retaining walls, and impact/mitigation of all the site's Significant Vegetation.
- Compliance with the City's Noise Ordinance.
- Compliance with the goals of Park City's General Plan.
- Steep slope stabilization, including a review of the Geotechnical Report.

ANALYSIS

327 MCHENRY AVE

Planning staff requests the Planning Commission determine whether the proposal is a hot tub, swim spa, or swimming pool.

- Recreation facilities operated on private property and not open to the general public, including swimming pools, tennis courts, outdoor pickle ball courts . . .
- Hot Tub – A large tub of hot water in which bathers soak and usually socialize; Such a tub with a whirlpool device.⁵
- Spa – A hot tub with a whirlpool device.⁶
- Swimming Pool – A pool suitable for swimming: a tank (as of concrete or plastic) made for swimming

ANALYSIS

327 MCHENRY AVE

Complies with HRL lot and site requirements

- The proposed pool is in the rear yard and outside all required Setbacks
 - Front and Rear = 15 feet
 - Side = 5 feet each side



ANALYSIS

327 MCHENRY AVE

The proposal, as conditioned, complies with the Conditional Use Permit criteria.

- Of the 16 criteria, Staff recommends the following Conditions of Approval
- COA 1: Applicant required to satisfy all parking on-site; On-street parking prohibited
- COA 4: All lighting shall be Dark Sky compliant (LMC 15-5-5(J))
- COA 5: Use of pool is limited to primary owners and their guests



ANALYSIS

327 MCHENRY AVE

The proposal, as conditioned, complies with Development on Steep Slopes criteria.

- Total area of disturbance is approximately 2,260 square feet.
- Slope ranges from 25 – 42%
- Not visible from LMC established Vantage Points – landscaped screening of retaining walls adjacent to Ontario Avenue
- Terracing – board form concrete retaining walls, tiered, separated by a three feet horizontal distance
- Setbacks – remain as established by the HRL Zone as long as retaining walls do not exceed four feet height

PUBLIC INPUT

327 MCHENRY AVE

Public Input received before publishing the report is included as Exhibit I.

Public Input received after has been forwarded to Commissioners and will be included in the official record.



DEPARTMENT REVIEW

327 MCHENRY AVE

On October 24, 2022, and February 20, 2024, the Development Review Committee reviewed the proposal and recommend Conditions of Approval 13-17.



RECOMENDATION

327 MCHENRY AVE

(I) Review the Steep Slope and Private Recreation Facility Conditional Use Permits, (II) conduct a public hearing; and (III) consider approving the Conditional Use Permit subject to the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter.

