



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
October 24, 2017**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Tuesday, October 24, 2017.

WORK SESSION

2:30 p.m. – Public Art Advisory Board Interview **PAGE 3**

CLOSED SESSION

2:45 p.m. To Discuss Property, Personnel and Litigation

WORK SESSION

4:05 p.m. Council Questions and Comments

4:15 p.m. – Open Public Meetings Act Training **PAGE 8**

4:30 p.m. – Park City Kimball Arts Festival Debrief **PAGE 31**

5:00 p.m. – Discuss Main Street Plaza Uses **PAGE 50**

REGULAR MEETING

6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Liaison Assignment Request: National Ability Center **PAGE 83**

Staff Communications Reports:

- Summary of Coffee with Council – September 19, 2017 **PAGE 84**
- Sundance Supplemental Plan Preview **PAGE 89**
- Special Event Fee Reduction Part 2 - Fiscal Year 2018 Update **PAGE 92**

III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from October 5, 2017 **PAGE 97**

V. CONSENT AGENDA

1. Request to Approve Resolution 29-2017, a Resolution Declaring November 1, 2017 as "Extra Mile Day" **PAGE 111**

VI. OLD BUSINESS

1. Consideration to Approve Ordinance No. 2017-56, an Ordinance Amending the Municipal Code of Park City, Sections 4-3-1 License Required; 4-3-3 Business Confined to Private Property; 4-2-13 License Period; 4-3-9(D)(2) Convention Sales and Commercial Hospitality; and Land Management Code of Park City, Utah **PAGE 115**

(A) Public Hearing (B) Action

VII. NEW BUSINESS

1. Consideration to Approve Ordinance No. 2017-57, an Ordinance Approving the Record of Survey to Vacate the Existing Public Access Easement and Create a New Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision Located at 578 and 584 Park Avenue, Park City, Utah **PAGE 137**

(A) Public Hearing (B) Action

2. Consideration to Approve Resolution 30-2017, a Resolution Adopting the Revised Personnel Policies and Procedures Manual, Dated October 24, 2017 for Park City Municipal Corporation **PAGE 156**

(A) Public Input (B) Action

3. Consideration of an Appeal of Planning Commission Approval of a Steep Slope Conditional Use Permit and Height Exception of Eight (8) Feet to Allow a Garage on a Downhill Lot for the Construction of a New Single-Family Dwelling at 352 Woodside Avenue, Park City, Utah **PAGE 167**

(A) Public Hearing (B) Action

4. Consideration to Continue Support of the Winter Balcony Enclosures Pilot Program on Main Street and Approve an Agreement to Allow an Enclosed Balcony Over a Public Pedestrian Right-Of-Way **PAGE 289**

(A) Public Hearing (B) Action

VIII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m.

Posted: See: www.parkcity.org



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff recommends that City Council interview one candidate for the PAAB and select one candidate to be appointed to the Public Art Advisory Board (PAAB) to fulfill a vacant term. The term will expire in June of 2019.

Respectfully:

Jennifer Diersen,



City Council Staff Report

Subject: Public Art Advisory Board (PAAB) Interviews
Author: Jenny Diersen, Staff Liaison Public Art Advisory Board
Department: Economic Development
Date: October 24, 2017

Summary Recommendation

Staff recommends that City Council interview on of the candidates for the Public Art Advisory Board vacancy and select one (1) member to fulfill a vacant term, expiring June of 2019.

Acronyms

PAAB – Public Art Advisory Board

Executive Summary

Staff recommends that City Council interview on of the candidates for the PAAB and select one candidate to be appointed to the Public Art Advisory Board (PAAB) to fulfill a vacant term. The term will expire in June of 2019.

Hard copies of the interview questions and applications are available upon request.

The Problem/ Challenge

Jocelyn Scudder has resigned as a voting member of PAAB due to a recent change in employment for Arts Council. Jocelyn will continue to serve PAAB as a non-voting member representing and fulfilling the requirement for the Park City Summit County Arts Council. Due to this change, there is one vacant position on the PAAB.

Background

In 2003, the City established the Public Art Plan and Policy. In 2013, PAAB developed a [strategic plan](#) designed to coincide with the quality and purpose of public art. PAAB continues to review its policies and strategic plans on a yearly basis and recently updated its [policies](#) in August of 2016.

A list of PAAB members, which is comprised of seven (7) appointed community members, can be found on the City's website on the [PAAB webpage](#).

As directed by City Council in August of 2016, PAAB role to is to help promote and cultivate the Public Art Plan, Policy and Public Art Collection by expending funds on and facilitating works in order to:

- Stimulate vitality and economy of the City.
- Enhance Park City's standing as a leading cultural destination.
- Advance public understanding of visual art.
- Enhance the aesthetic quality of daily life and provide a sense of place.

PAAB's recommendations will impact the:

- Community, arts and culture groups, and local businesses.
- Involvement and coordination with other City Departments.
- Goal in the General Plan of promoting a [sense of community](#) (page 28 through 31) by continuing to grow as an arts and culture hub.

Analysis

Staff has noticed the vacancies on the City's website, PAAB contact list and Arts Council website. Three applications were received. All applicants are eligible for appointment. Two of the applicants, Kendra Kahlow and Jennifer Gardner were interviewed at the October 12th City Council meeting.

The interviews schedule is currently scheduled as follows on Thursday, October 24, 2017:

Interview Schedule: (10 Minutes Each)

- Lee Parker
- Discuss Applicants (CLOSED)

Staff currently intends to return to the November 9 Council meeting for PAAB appointments. Appointed members will begin their terms at the November PAAB meeting.

Department Review

The Special Events, Economic Development, Executive and Legal Departments have reviewed this report.

Funding Source

No funding is needed for appointment, as members are not compensated. Public Art Projects are funded both through one percent (1%) of City Improvement Projects, as well as, through additional allocations from the Capital Improvement Project Funding (CIP).

Alternatives for City Council to Consider

1. Recommended Alternative:

Staff recommends that City Council interview one candidate for the Public Art Advisory Board vacancy and select one (1) member to fulfill a vacant term, expiring June of 2019.

Pros

- a. PAAB's work positively impacts the City's Council's goals of creating a sense of place specifically to Goal 13, allowing Park City to continue to grow as an arts and culture hub encouraging creative expression.

2. Additional Time Alternative:

City Council could interview the candidates for PAAB vacancies and ask to continue the vacancy advertisements to receive additional applications for committee consideration.

Pros

a. Allows Council and staff additional time to receive applications from community members.

Cons

b. Prolonging the selection of PAAB members may pause PAAB in their work of making recommendations regarding public art placement and expenditures to City Council.

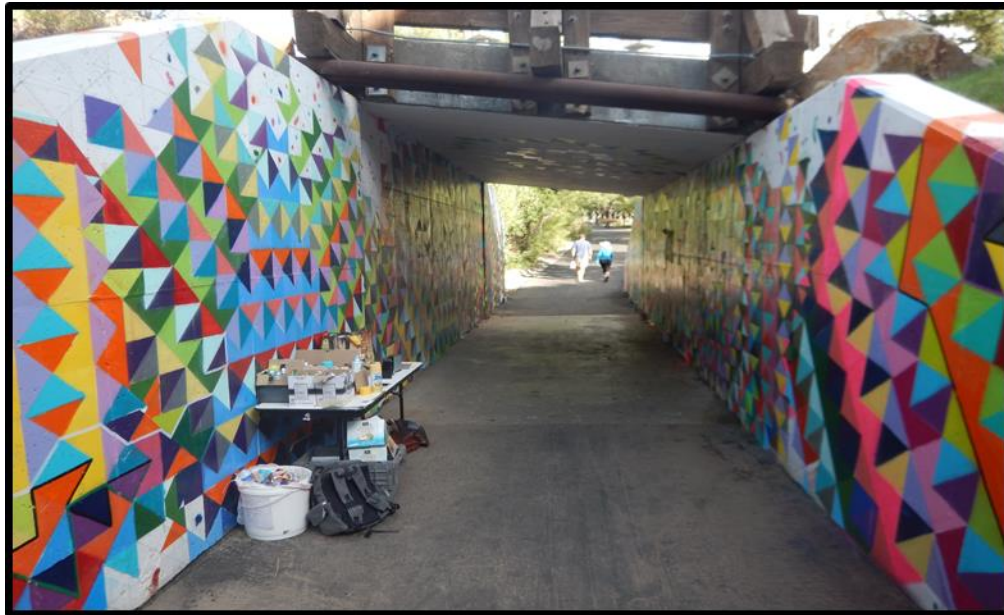
Attachments

A PAAB Vacancy Advertisement



Public Art Advisory Board (PAAB) Vacancies

Notice Date: Monday, September 18, 2017



Poison Creek Tunnel Mural, 2015

The Mayor and City Council are looking for one community member to serve on the Park City Public Art Advisory Board (PAAB) to fulfill a vacant term ending in June of 2019.

Those interested in applying must reside within the city limits of Park City. Board members serve three-year terms, and may serve no more than two consecutive terms. The Board meets on the second Monday of every month at 5:00 p.m. at City Hall in the Marsac Executive Conference Room. Board members are not compensated and serve as representatives of the citizens of Park City.

PAAB makes recommendations to City Council regarding Public Art planning, expenditures and maintains the City's public art inventory. The seven-member board focuses on project identification, requests for proposals, selection process (including reviewing artists' proposals for each project), and making recommendations to City Council.

The [Public Art Advisory Board](#) page on the city's website includes links to the Strategic Plan, Public Art Master Plan, and Policies documents.

An interview schedule will be sent out after the application deadline. Interviews are anticipated to be scheduled at the City Council meeting on Thursday, October 5. The selected candidate will begin their term at the November 13th meeting.

The application is available on the City's website. Application deadline is 5:00 p.m. on Sunday, October 1, 2017. Applications may be submitted by email to jenny.diersen@parkcity.org or in person to Jenny Diersen, Special Events Office, Park City Municipal Corporation/City Hall, 445 Marsac Avenue – 3rd Floor, PO Box 1480, Park City UT 84060. For questions, please contact Jenny Diersen at jenny.diersen@parkcity.org / 435.615.5188



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

Council will receive required annual training on the Open Public Meetings Act.

Respectfully:

Michelle Kellogg, City Recorder



Open and Public Meetings Act **Annual Training**

**Park City
City Council
October 24, 2017**

Spirit of the Act

- Act Openly
- Make Decisions Openly
- Deliberate Openly
(the hardest part)
- Conduct the People's Business Openly

Openly = In Public



Jeff Parker / Florida Today

Spirit of the Act

Who has to follow the OPMA?

- Any local administrative, advisory, executive, or legislative body which:
 - Consists of two or more persons
 - Spends, distributes, or is supported by tax money
 - Has authority to make decisions about the public's business (which has been interpreted to include advisory groups)
- In other words, **you do!**



Mr. Lightman / FreeDigitalPhotos.net

What is a Meeting?

Quorum: For regular Council meetings, 3 members (excluding the Mayor) constitute a quorum. Once there is a quorum, simple majority can approve action. (U.C.A. § 10-3-504).

- The Council shall not conduct any business at a meeting unless a quorum is present (including work session or site visit).
- However, the Open and Public Meetings Act's prohibition on improper meetings outside the public meeting likely applies to the Mayor + 2 Council members, since the Mayor may vote in the case of a tie and on certain specific matters. The Act expressly provides that "2 elected officials" may meet to discuss matters without running afoul of the Act. (U.C.A. § 52-4-103(9)(a)).

Convene: The calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

- Does not include chance or social meetings – unless they are used to circumvent the Act's purposes.

What is a Meeting? (cont'd)

Social Events: OK for members to socialize, just can't discuss/act on matters under their official jurisdiction.

“Meeting after the Meeting”: OK if just social, but staff recommends giving notice and allowing public to attend. Make sure announcement of where you are going is made while people are still paying attention. Don't use the after-meeting to rehash the meeting.



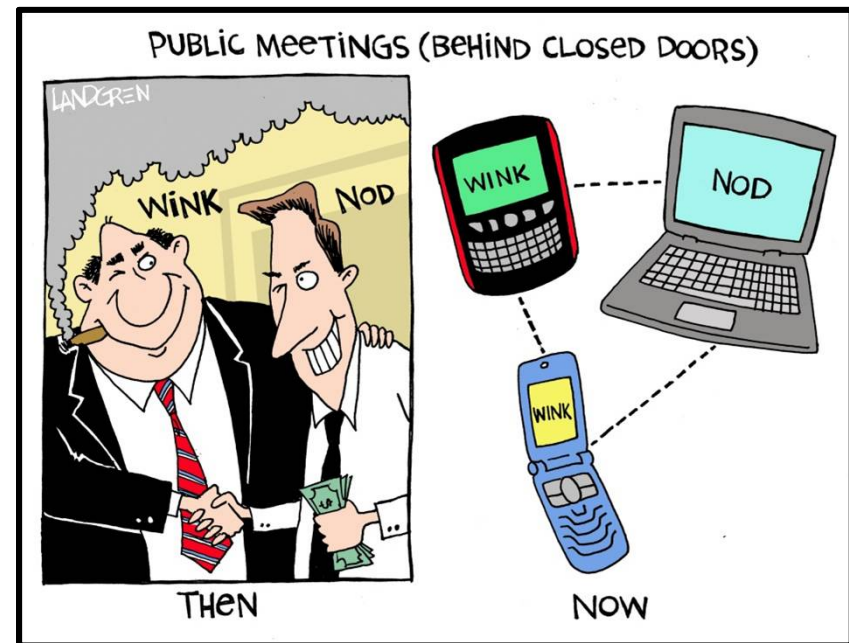
Don Landgren Jr. / The Landmark

Conference Call: It's a meeting if a quorum is involved, so don't do it.

What is a Meeting? (cont'd)

Email: Maybe OK – if not sent to quorum or if limited to non-substantive matters (i.e. scheduling). **Cannot act or deliberate behind the scenes.**

- Example: Borough council policy was to provide water for free to fire houses. Councilman wanted to change it so fire houses which sold liquor (as a sort of side business) would not get the exemption. He wrote an email to the other members to get assent, and then changed the policy without any public deliberation or decision. The council's action was challenged under OPMA.
- Cannot send emails during meetings regarding the subject matter of the meeting.



Don Landgren Jr. / The Landmark

What is a Meeting? (cont'd)

Remember: Email may be a public record under GRAMA. (U.C.A. § 63G-2-103).

- Note: iPads are not city equipment, but emails on your city accounts (or any substantive emails regarding City business, even if on another email account) are subject to GRAMA and OPMA.

Bottom Line: Citizens are entitled not only to **know what** government decides, but to **observe how and why** every decision is reached. Communication by email is not entirely off-limits, but all deliberations must be done in public and recorded.

(U.C.A. § 52-4-210: “Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.”)



Gary Varvel / Indianapolis Star

What is a Meeting? (cont'd)

Example 1A: Two councilmembers meet up for drinks. The conversation strays into council business. Is it a meeting?

No. They do not constitute a quorum.

Example 1B: The mayor happens by and joins the conversation. Is it a meeting?

Yes. With two councilmembers plus a tiebreaking vote from the mayor, they constitute a quorum.

Example 1C: The three of them refrain from talking about council business. Is it a meeting?

No. Councilmembers are free to meet socially and interact, as long as no council business is discussed.

What is a Meeting? (cont'd)

Example 2A: One councilmember emails another councilmember proposing that they vote a certain way on a pending matter. Is it a meeting?

No. They do not constitute a quorum.

Example 2B: The second councilmember forwards the first councilmember's email to another councilmember. Is it a meeting?

Yes. Email communications may count as meetings under OPMA, and three councilmembers constitute a quorum.

Example 2C: One councilmember emails another councilmember during a council meeting, proposing that they vote a certain way on a pending matter. Is this a violation of OPMA?

Yes. Communicating by email instead of publicly during the meeting is not allowed.

Location of Meeting

The Rule: On the day of the regularly scheduled meeting, any work sessions or closed sessions must be held at the regular meeting location, unless:

- The regularly scheduled meeting is being held elsewhere;
- There is an emergency or other extraordinary circumstances;
- The meeting is being held electronically; or
- There is a site visit or traveling tour.



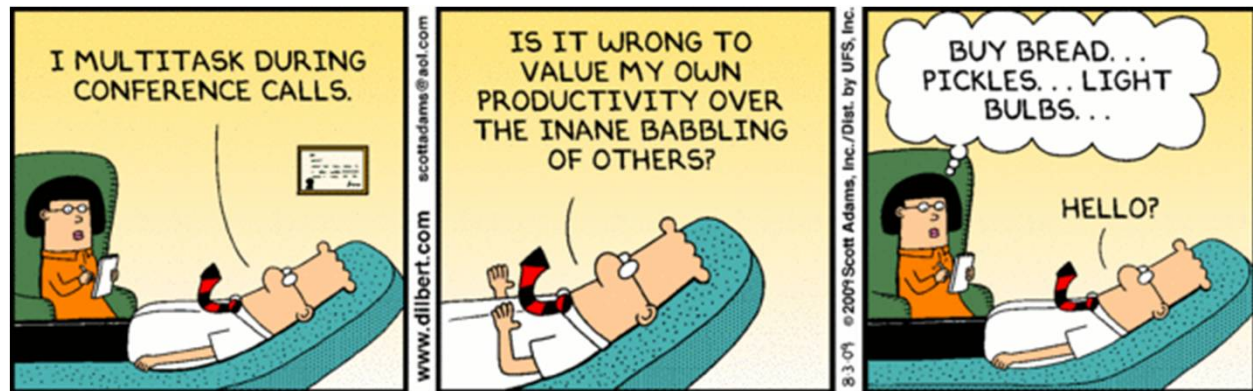
Parks and Recreation

Notice: Must provide public notice of the location.

Electronic Meetings

Electronic Meeting: a public meeting convened or conducted by means of a conference using electronic communications.

- Allowed by Municipal Code § 2-3-2(C) pursuant to the requirements of U.C.A. § 52-4-207. Based on your experiences with electronic meetings, you may adopt rules regarding how such meetings are conducted (i.e. require video connection, etc.).
 - Circumstances such as accepting video testimony on a matter or interviewing a potential board member are not triggered under this provision.



Scott Adams / Dilbert

Closed Meetings

Closing a Meeting to the Public: The only reasons that a meeting may be closed to the public (U.C.A. § 52-4-205):

- Discussion of an **individual's character**, professional competence, or physical or mental health.*
 - But not an interview to fill an elected position or a discussion regarding filling an midterm vacancy.
- Strategy session to discuss **collective bargaining**.
- Strategy session to discuss pending or reasonably **imminent litigation**.
 - Must be specific, not an open-ended threat.
- Strategy session to discuss the purchase, exchange, lease, or sale of **real property or water rights** if public discussion of the transaction would: (a) disclose the appraisal or estimated value of the property under consideration; or (b) prevent the public body from completing the transaction on the best possible terms.
 - If selling, must give public notice that property is being offered for sale, and terms of sale must be publicly disclosed before sale is approved.
- Discussions regarding **security** personnel, devices, or systems.*
- Investigative proceedings regarding **allegations of criminal misconduct**.

*Does not require recording.

Closed Meetings (cont'd)

Example 1: The city proposes to annex some land. Another nearby city objects, and the matter is appealed to the county boundary commission. In the meantime, the county commission meets in closed session to discuss with the county attorney whether to also object to the annexation.

Was this a violation of the OPMA?

Answer: No, because (1) discussing the viability and implications of different courses of action is a “strategy session,” and (2) the fact that the matter is pending before the boundary commission meant that it is “pending litigation.” Such strategy sessions regarding pending litigation are exempt from the prohibition on closed meetings.

See *Kearns-Tribune Corp. v. Salt Lake County Commission* (2001).

Closed Meetings (cont'd)

Example 2: One councilmember, at the end of a long St Patrick's Day pub crawl, overhears his intoxicated neighbor say to no one in particular: "If that stupid City Council doesn't stop giving me parking tickets, I am going to sue, because I have freedom of speech!" At the time, city staff just happens to be working on an overhaul of the city's parking ordinances. Can the discussion regarding parking ordinances be moved to closed session?

Answer: No. Although the statute does allow closed discussions of litigation, the litigation at issue must be actually pending or "reasonably imminent." In this case, there is little reason to believe that the neighbor is actually going to sue.

Closed Meetings (cont'd)

Example 3: After the EPA issues a decision imposing severe restrictions on the use of snow-making machines in areas where mining activity once took place, the city council meets in private with the city attorney and representatives from the three resorts to discuss legal options in response to the EPA decision.

Was this a violation of the OPMA?

Answer: Probably not. The key question is whether the EPA decision created “reasonably imminent” litigation to which the parties were responding.

See Geoff Liesik, “Lawsuit accuses Uintah County commissioners of violating Open Meetings Act” (Deseret News, July 10, 2012) (reporting that a resident had filed suit against county commission for holding a closed-doors meeting with oil-shale companies after a BLM decision to rescind leases; the case did not make any headway).

Closed Meetings (cont'd)

Example 4: A fledgling multi-level marketing company wants to relocate from Utah Valley to Park City and decides the city's Marsac building is perfect for its needs. So the company offers \$20 million for the building. City staff order an appraisal, which places the value of the building at \$5 million. Staff also request an estimate for what it would cost to build a new building that would meet the city's needs. That estimate comes in at around \$7 million. Council decides in closed session to accept the company's offer and construct a new building.

Was this a violation of the OPMA?

Answer: Yes. In order to close discussion of a potential sale of property, the city must first give public notice that the property is for sale and/or disclose the terms of the sale before approving it.

Closed Meetings (cont'd)

Example 5: The city manager notices a glaring error in a memorandum from the city attorney, who is 89 years old. After talking with other city staff and people who know the city attorney, the city manager believes that the city attorney may be suffering from dementia. The city manager drafts a staff report recommending that the city council take action, and the council meets in closed session to discuss the situation.

Was this a violation of the OPMA?

Answer: No. Discussions regarding an individual's professional competence or mental health may be closed, and the city attorney is appointed by the council, not elected.

OPMA Notice Requirements

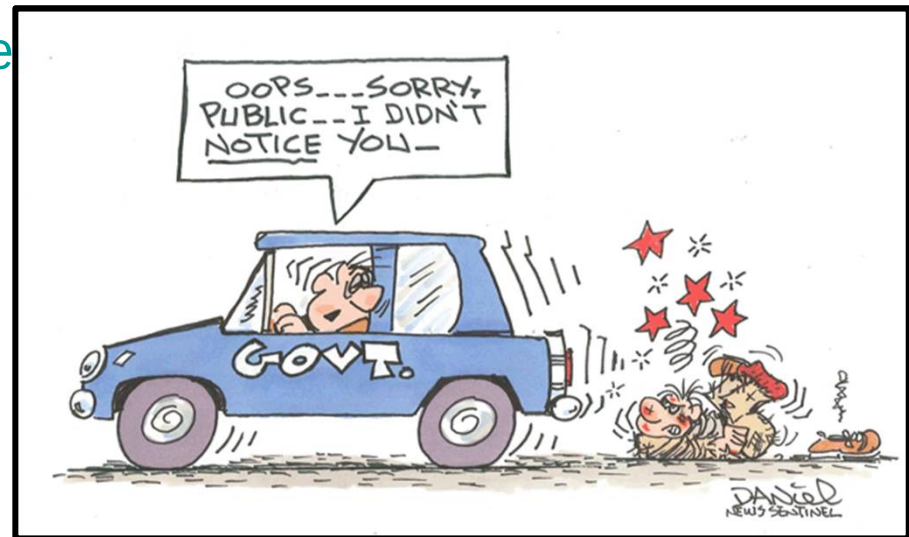
Under OPMA:

- Must provide notice at least 24 hours before the meeting.
- Notice must include the agenda, date, time, and place of meeting.
 - Agenda must be specific enough for public to know what will be discussed.

At a minimum, notice must be:

- Posted on the Utah Public Notice Website; and
- Posted at City Hall;
- Published in media is met by posting on Public Notice Website

Regular Meetings: Public bodies which hold regular meetings over the course of a year must give notice of its annual schedule every year.



Charlie Daniel / News-Sentinel

Public Comment

Open Meeting: Public must be allowed to come and watch, but there is **no requirement to allow them to comment.**

- For example: Congress in action – open, but no public input
- Public hearings, on the other hand, do require an opportunity for public comment.
- Disruption of meetings does not have to be tolerated.
 - For example, students protested at a UNC Board of Governors meeting regarding a decision to close some facilities. Removing the disruptive students did not violate the OPMA. However, the Board went a step further and closed the meeting to everyone but the media. This did violate the OPMA.
- OK to keep people on point.
- Public's time belongs to everyone, not just the individual who is speaking.
- Topics not on the agenda can be raised by the public and discussed, as long as no final action is taken.

Minutes and Recordings

Required for all public meetings.

- Except for site visits.

Recordings: Must be unedited, of entire meeting, clearly labeled, and available to the public.

- Must be made available within three business days.
- Public has right to record meeting, if they can do so without disrupting.

Minutes: The official record of the meeting.

- Must be approved by the body.
- Can be released to the public before body approval, as long as they are marked “unapproved.”
- Draft minutes must be available to public within a 30 days after the meeting (and approved within three days of the approval).
- Must include:
 - Substance of all matters proposed, discussed, or decided
 - Names people giving testimony and substance of their testimony
 - Individual votes
 - Any additional information requested to be added by a member of the body

Emergency Meetings

Notice: Must give best notice practicable as to the time and place of the emergency meeting, as well as the topics to be considered there.

- Must attempt to notify all members of the body.



The Lord of the Rings

Convening: Majority of the body must agree to hold the meeting because of an “emergency or urgent matter.”

Minutes: Should include a statement of the unforeseen circumstances that made the meeting necessary.

Violations of the OPMA

What happens if someone breaks the open-meetings laws?

- In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates OR who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a **class B misdemeanor**.
- Action taken in the meeting is voidable if the body violated the Act.

Who can enforce the law?

- The Attorney General
- A county attorney
- A private citizen who has been denied his/her rights under the law can file a lawsuit within 90 days, or within 30 days if it involves bonds, notes, or debt.





DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

The Park City Kimball Arts Festival serves as the primary fundraiser for the Kimball Art Center each year and is a Level 3 event that helps maintain Park City's reputation throughout the western states as a destination for arts and culture. Over the last 47 years, proceeds from the Festival enable the Kimball Art Center to provide numerous exhibitions and programs for the community.

Staff is returning with representatives from the Kimball Art Center to present City Council a debrief of the 2017 Park City Kimball Arts Festival which will focus on economic impact, performance measures including transportation and sustainability efforts, operational coordination and final City Service Fees. PCKAF is an important cultural and community event and provides economic benefits to our local business community.

Respectfully:

Jennifer Diersen,



City Council Staff Report

Subject: Park City Kimball Arts Festival Debrief
Author: Jenny Diersen, Special Event & Economic Development Manager
Department: Special Events & Economic Development
Date: October 24, 2017
Type of Item: Informational

Summary Recommendation

Each year as a requirement of the City Service Contract for the Park City Kimball Arts Festival, the Kimball Art Center is required to present a debrief of the event. In coordination with representatives from the Kimball Art Center, staff will present a debrief of the Park City Kimball Arts Festival.

Executive Summary

The Park City Kimball Arts Festival serves as the primary fundraiser for the Kimball Art Center each year and is a Level 3 event that helps maintain Park City's reputation throughout the western states as a destination for arts and culture. Over the last 47 years, proceeds from the Festival enable the Kimball Art Center to provide numerous exhibitions and programs for the community.

Staff is returning with representatives from the Kimball Art Center to present City Council a debrief of the 2017 Park City Kimball Arts Festival which will focus on economic impact, performance measures including transportation and sustainability efforts, operational coordination and final City Service Fees. PCKAF is an important cultural and community event and provides economic benefits to our local business community.

Acronyms

HPCA – Historic Park City Alliance
PCKAF – Park City Kimball Arts Festival
PCMC – Park City Municipal Corporation
SEAC – Special Events Advisory Committee

The Problem and the Opportunity

The Park City Kimball Arts Festival is one of the largest events on Park City's event calendar. The continued success of the event has also created impacts that need to be mitigated, specifically in the Old Town neighborhood and Main Street areas. The size and popularity of the event require coordination between almost every department in the City, as well as many community partners.

Background

<u>Date</u>	<u>Item</u>
November 3, 2016	Kimball Arts Festival Contract Approval / Minutes (pg.14)
June 29, 2017	2017 Park City Kimball Arts Festival Supplemental Plan Approval / Minutes (pg. 12)

The 2017 PCKAF debrief will focus on the following topics:

- Economic Impact
- Operations & Construction Mitigation
- Performance Measures
 - Transportation & Parking Plans
 - Residential Mitigation Plans
 - Environmental Sustainability
- Financial Considerations

Exhibit C is a link to the full 2017 Supplemental Summary (which is a requirement of their event permit) provided by the Kimball Art Center.

Analysis Summary

Comments regarding the Park City Kimball Arts Festival continue to be largely positive. HPCA and SEAC have been made aware of tonight's discussions.

Staff did not receive any specific feedback regarding the event from HPCA. Staff did specifically debrief the Arts Festival at the August 2017 SEAC meeting and comments are included below:

Friday night is popular with locals and the kid's area was well received. SEAC noticed that Kimball and the City did a good job of getting people out of their cars. Traffic mitigation worked well. More communication may be needed with regard to residential and business access passes.

Staff is appreciative of the coordination of the many organizations, jurisdictional partners and City Departments that make this event safe, fun and successful.

Alternatives for City Council to Consider

1. Recommended Alternative: This is an informational debrief on the 2017 Park City Kimball Arts Festival.

- The debrief summary will focus on the following areas:
- Economic Impact
- Operations & Construction Mitigation
- Performance Measures
 - Transportation & Parking Plans
 - Residential Mitigation Plans
 - Environmental Sustainability
- Financial Considerations

Pros:

- a. Staff believes the Park City Kimball Arts Festival aligns with [City Council's goals](#) of providing a complete community that values economic diversity and arts and culture, and a thriving mountain community in the following ways:
- Vibrant arts and culture offering;
 - Protected and celebrated history, as well creating a community gathering place;
 - Safe Community;
 - Balance between tourism and local quality of life;
 - Varied and extensive event offerings;
 - Accessibility during peak times
 - Well utilized, fare-free, regional public transit, walk-able and bike-able community;
 - World-class, multi-seasonal resort destination

Department Review

Special Events, Sustainability, Economic Development, Emergency Management, Police, Legal, Executive and Budget have reviewed this report. Parks, Building, Parking Services, Public Works, Transit and Transportation Planning Departments had not reviewed this report at the time it was due but have provided debrief information included in this report.

Funding Source

Funding for the Park City Kimball Arts Festival comes from the General Fund. The Kimball Art Center has been invoiced for \$10,000 in City Services as according to requirements in their contract.

Links & Attachments

Exhibit A 2017 Park City Kimball Arts Festival Recap
Exhibit B Kimball Arts Festival Parking and Transit Analysis 2017
Exhibit C [Click Here for the 2017 Park City Kimball Arts Festival Supplemental Plan](#)



2017 PARK CITY KIMBALL ARTS FESTIVAL RECAP 48TH ANNUAL | AUGUST 4-6, 2017

2017 OVERALL SUMMARY

This was the first year of a five-year contract with Park City Municipal Corporation (PCMC) and Kimball Art Center (KAC) for the annual Park City Kimball Arts Festival. As part of this agreement, the Kimball Arts Festival is now back to its historic date (first weekend in August) through 2021. As we had hoped, attendance and economic impact increased to previous (or higher) levels.

Additionally, the Detailed Summary below shows a comprehensive recap of the entire Kimball Arts Festival.

- **Economic Impact***
 - **Total Economic Impact:** **\$20,788,406** (up 5% from \$19,788,171 in 2016)
 - **Utah State Taxes:** **\$707,183** (up 3% from \$685,853 in 2016)
 - Park City: \$393,980
 - Summit County: \$208,261
 - UT Statewide: \$103,942
 - **Estimated Spending Per Attendee**
 - Average Spending Per Person: \$938.19
 - Average Spending Per Person Visiting Primarily for Arts Festival: \$804.83
 - **Total Combined Artist and Vendor Sales**
 - Total Sales: \$1,195,000, highest ever (up 4.5% from \$1,143,659 in 2016)
 - UT Sales Tax: \$100,189, highest ever (up 11% from \$90,485 in 2016)
- **Attendance**
 - **53,408 Total Visitors** (up 8% from v. 2016)
 - **33,284 Total Paid Visitors** (up 9% v. 2016)
 - Friday: 8,748 (down 4% v. 2016)
 - Saturday: 16,742 (up 10% v. 2016)
 - Sunday: 7,794 (up 25% v. 2016)
 - **4,080 Friday Free Locals' Night** (up 9% v. 2016)
 - **43.3% of attendees were from out-of-state** (up from 38.5% v. 2016)
- **Artists**
 - Call for Artists: November 10 – March 8
 - We went live three weeks earlier than in 2016. The first week in November has been our historical schedule and we'll continue that moving forward
 - 878 applications submitted (down 35 applications from 2016, 3.8%)
 - 233 total participating artists, the most ever (13 in 2 mediums; 220 individual artists)
 - Artists were from 34 states, plus Canada
 - 18% of artists (43) were from Utah
 - 6.4% of artists (13) from Park City Professional Artists Association (PCPAA)
- **Volunteers**
 - 2,164 total hours, 515 total shifts, 355 individual volunteers

*Source: 2017 Lighthouse Research & Development, Inc., Park City Kimball Arts Festival survey. Completion of 411 personal interviews, of the approximately 53,408 persons attending the Park City Kimball Arts Festival, provides a statistical confidence level of 95% with a $\pm 4.82\%$ margin of error.



2017 DETAILED SUMMARY

- **Friday, August 4 – Sunday, August 6, 2017**
 - Friday: 5:00 p.m. – 9:00 p.m. (Friday Free Locals' Night)
 - Saturday: 10:00 a.m. – 8:00 p.m. (New hours; shifted back one hour)
 - Sunday: 10:00 a.m. – 6:00 p.m. (New hours; started one hour later)

- **Economic Impact**

- **Total Economic Impact:** **\$20,788,406** (up 5% from \$19,788,171 in 2016)
- **Utah State Taxes:** **\$707,183** (up 3% from \$685,853 in 2016)
 - Park City: \$393,980
 - Summit County: \$208,261
 - UT Statewide: \$103,942
- **Total Attendee Spending by Type**
 - Hotels: \$3,203,823
 - Restaurants: \$3,938,670
 - Retail: \$3,276,711
 - Arts Festival: \$9,530,621
 - Other: \$838,581

- **Estimated Spending per Attendee ***

	All Attendees		Attendees Visiting Park City Primarily to Attend the Arts Festival	
Spending Category	Mean	% of the Sum	Mean	% of the Sum
Lodging	\$161.87	17%	\$128.79	15%
Restaurants	\$209.33	22%	\$158.33	19%
Other Food and Beverage	\$33.63	3%	\$23.91	3%
Recreation	\$41.40	4%	\$22.20	3%
Retail Shopping	\$120.21	12%	\$93.25	11%
Gasoline	\$17.52	2%	\$14.56	2%
Arts Festival	\$372.20	39%	\$383.12	46%
Other	\$9.81	1%	\$11.51	1%
Sum of Means	\$965.97	100%	\$835.67	100%
Avg. Spending per Person	\$938.19	-	\$804.83	-

*A 95% confidence interval for spending by all persons attending the Arts Festival is \$938.19 +/- \$62.78. Note that this estimate is per person.

*A 95% confidence interval for spending by all persons visiting Park City primarily to attend the Arts Festival is \$804.83 +/- \$81.99. Note that this estimate is per person.

*The estimated total spending by all persons visiting Park City primarily to attend the Arts Festival is \$20,788,406 with a 95% confidence interval of +/- \$2,117,766.

- **Total Combined Artist and Vendor Sales**
 - Total Sales: \$1,195,000, highest ever (up 4.5% from \$1,143,659 in 2016)
 - UT Sales Tax: \$100,189, highest ever (up 11% from \$90,485 in 2016)



- **Attendance and Ticket Analysis**

- **Total Attendance:** 53,408 visitors (up 8% from v. 2016)
- **Total Friday Free Locals' Night Attendees:** 4,080 (up 9% v. 2016)
 - 84098: 46.5%
 - 84060: 44.1%
 - 84036: 4.4%
 - 84068: 2.1%
 - 84017: 1.8%
 - 84055: 0.8%
- **Total Paid Ticket Attendees:** 33,284 (up 9% v. 2016)
 - **Friday:** 8,748 (down 4% v. 2016)
 - Adults: 7,395
 - Kids: 1,353
 - **Saturday:** 16,742 (up 10% v. 2016)
 - Adults: 14,466
 - Kids: 2,276
 - **Sunday:** 7,794 (up 25% v. 2016)
 - Adults: 6,736
 - Kids: 1,058
 - Note: "Kids" are 17 and under. Ages 5 and under were free
- **Total Comps**
 - 20,124 (up 8% v. 2016)
 - Includes Friday Free Locals, VIPs, Artists, Volunteers, Media, Staff, Main St. Employees, Sponsors
 - Increase primarily due to increase in Friday Locals, Main St. Employee redemption
- **Other Attendance Notes**
 - Adult visitation was up 14%
 - Kids visitation was up 8%
 - 14% of overall visitors were kids

- **Visitor Data**

- **Is attending the Arts Festival the primary reason you are visiting Park City?**
 - Yes: 54% (down from 57% in 2016)
 - No: 46%
- **Gender**
 - 60% Female
 - 40% Male
- **Age**
 - Under 18: 0%
 - 18-30: 10%
 - 31-45: 18%
 - 46-60: 29%
 - 61-70: 30%
 - Over 70: 13%
- **Education Level**
 - Less than high school: 0% (1 survey result)
 - High school degree: 7%
 - Some college/technical school: 12%
 - Associate degree: 7%



- College graduate: 41%
- Post-college graduate: 33%

○ **Annual Household Income**

- Under \$50,000: 12%
- \$50,000 - \$99,999: 21%
- \$100,000 - \$149,999: 22%
- \$150,000 - \$200,000: 20%
- More than \$200,000: 27%

○ **Estimated proportion of attendees residing in the Park City Area***

▪ **Are you Park City Area resident?**

- Yes: 13%
- No: 87%

*The point estimate for the number of participants residing in Park City is 7,017 of the 53,408 participants. A 95% confidence interval estimate is that from 2,490 to 11,544 attendees, or from 4.7% to 21.6% of those attending, reside in Park City.

○ **43.3% of attendees were from out-of-state (up from 38.5% in 2016)**

- Utah: 56.7% (down from 62% in 2016)
- California: 7.3% (up from 6.3%)
- Florida: 5.1% (up from 3.5%)
- Arizona: 4.4%
- Texas: 4.1% (down from 5.8%)
- Idaho: 1.7%
- Nevada: 1.7%
- Colorado: 1.5% (up from 0.8%)
- Illinois: 1.5%
- New York: 1.5%
- Other States: 14.5%

○ **County of Residence of Interviewed Utah Residents**

- Salt Lake County: 42%
- Summit County: 24%
- Utah County: 11%
- Davis County: 10%
- Weber County: 4%
- Cache County: 3%
- Wasatch County: 2%
- Other: 4%

○ **34% of attendees booked/paid for lodging in Park City (down from 38% in 2016)**

- Of those that booked/paid for lodging
 - 4-day stay: 60% (up from 50% in 2016)
 - 3-day: 11%
 - 2-day: 24%
 - 1-day: 5%

○ **Where did you get the majority of your information about the Park City Kimball Arts Festival?**

- Friends/Family/Word of Mouth: 37%
- Internet: 19%
- Past Experience: 18%
- Newspaper: 7%
- Live/Lived in Park City: 7%
- Happened Upon It: 5%



- Billboards/Signs: 5%
 - Have Known About It for a While: 4%
 - Radio: 4%
 - TV: 3%
 - Hotel/Condo: 3%
 - Other: 7%
- **Which of the following influenced your decision to attend the Park City Kimball Arts Festival?**
 - Friends/Word of Mouth: 56%
 - Internet: 19%
 - Specific Artist/Vendor Interest: 12% (new question in 2017)
 - Social Media: 12%
 - Newspaper: 11%
 - Radio: 10%
 - Past Experience: 9%
 - Television: 8%
 - Magazine: 4%
 - Tanger Outlets Promotion: 1% (new question in 2017)
 - Live/Lived in Park City: 1%
 - Billboards/Signs: 1%
 - Coca-Cola Promotion: 1%
 - Other: 8%
- **What are the most important reasons you decided to attend the Park City Arts Festival?**
 - Enjoy the Art and Crafts: 55%
 - Attend the Festival: 29%
 - Activity/Outing with Family and/or Friends: 28%
 - Leisure, Entertainment, Fun: 22%
 - Shopping: 12%
 - Currently Visiting or Vacationing in Park City: 11%
 - Good Weather: 11%
 - Enjoy the Music: 10%
 - Beautiful Environment: 8%
 - Other: 14%
- **How many children in your household are present at the Park City Arts Festival?**
 - None: 83%
 - Less than 5 Years Old: 7%
 - 6-12 Years Old: 7%
 - 13-17 Years Old: 8%
- **Did you know this Festival is a fundraiser for Kimball Art Center?** (new question)
 - Yes: 70%
 - No: 30%
- **Artists**
 - Call for Artists: November 10 – March 8
 - We went live three weeks earlier than in 2016 (due to date shift that year). The first week in November has been our historical schedule and we'll continue that moving forward
 - 878 applications submitted (down 35 applications from 2016, 3.8%)
 - 233 total participating artists, the most ever (13 in 2 mediums; 220 individual artists)



- 34 artists declined from original accepted list
- 11 artists withdrew invitations
- Artists were from 34 states, plus Canada
 - 18% of artists (43) were from Utah
 - 6.4% of artists (13) from Park City Professional Artist Association (PCPAA)
 - 12% from CA (29)
 - 11% from AZ (25)
 - 10% from CO (23)
 - 6% from OR (14)
 - 4.3% from FL (10)
 - 3.8% from WA (9)
 - 3.4% from ID (8)
 - 3% from TX (7)
 - 72% of artists from West Coast (168)
 - 54% of artists from Western States other than UT
 - 12% of artists from East Coast (28)
 - 27% of artists were brand new (64)
- **Volunteers**
 - **Total Volunteer Hours**
 - 2,164 total hours (Up 5% v. 2016)
 - **Total Volunteer Shifts**
 - 515 total shifts
 - **Total Volunteers**
 - 355 individual volunteers (up 9% from 2016)
- **New in 2017**
 - **Kimball Arts Festival Logo Re-Brand**
 - We redesigned an entirely new logo this year, including both an evergreen logo and an annual logo. We wanted to create a stronger connection to the arts by showcasing the quality and creativity of the Festival, artists and the KAC. We wanted a modern, clean and bold look and one that was aligned with the overall KAC brand, yet still provided strong brand equity with Park City. Additionally, we are now able to continue to increase our sustainability efforts with onsite signage by using the evergreen logo as it best applies.
 - **Out-of-State Marketing**
 - Added 3 new geographic locations with Utah Digital Services for our out-of-state marketing media buys: San Francisco, CA, Austin, TX and Houston, TX. These were new markets, while we continued to promote the Festival in Boulder/Denver, CO, Phoenix, AZ, Los Angeles/Orange County, CA and Austin, TX through other online platforms.
 - **Interactive Festival Map**
 - <http://parkcitykimballartsfestival.org/how-to-fest/festival-map>
 - Created new online map (desktop, mobile) with Walkabout to help the guest experience pre-Festival and during the event weekend.
 - The ability to show a responsive, real-time and informative map for guests, artists, sponsors and vendors has been well received.
 - This allowed us to reduce our printed programs by 1,000 pieces.
 - **Adjusted Hours of Operation**
 - Based on feedback from HPCA, artists and staff we moved Saturday's operating hours back one full hour to 10:00am – 8:00pm and we started Sunday one hour later at 10:00am (until 6:00pm).



- Initial comments have been positive from all parties.
- **Free Bike Valet, Presented by Cole Sport**
 - Great local partnership with Cole Sport and with Park Silly Sunday Market (donated 3 bike racks).
 - 60 bikes on Friday; 40 on Saturday; 40 on Sunday. 140 in total.
 - On 7th Street, accessible via Park Ave. only.
 - Solid success in year one with anticipated growth in 2018.
- **Town Lift Plaza Activation**
 - New location for our Kids' Art Area.
 - We saw an increase in Kids' attendance and increase in revenue at many of the merchants in that area (The Bridge, The Cabin, etc.).
- **Town Lift Bridge Activation**
 - New location for our annual Yoga Fest. This unique element of the Festival was moved from The Parkite in 2016 and worked well. We changed this to a one-day event only on Saturday morning at 8:00 a.m. and added a new element with a KAC "Wake + Draw Session" class tied to the activity. This plein air class, led by Park City High School teacher, Mark Elliot, was aimed to add a new component to the yoga by capturing people in motion.
- **Summit Sotheby's International Realty Partnership**
 - New local partnership was successful as a home for our annual VIP Lounge.
- **Gateway Center Partnership**
 - Great, central location for our Artist Lounge, Volunteer Lounge, Media Lounge, KAC Staff Offices and UT State Tax Commission.
 - New collaboration with Gateway tenants
 - Back Door Deli created a lunch special for all Festival credential holders
 - Handle restaurant hosted post-event dinner for KAC operational staff
- **Increased Sustainability Efforts**
 - New logo and reusable signage: street banners, pricing, Kid's Area, etc.
 - Partnered with local vendor, Soul Poles, in the Kids' Art Area. Used bamboo ski poles as part of our Wild Wind Catchers activity.
 - Artist Packing Exchange: artists could use and drop-off cardboard and other packing materials for others to use for free.
 - Partnered with Mountain Flower Apparel, local t-shirt company, to print over 600 Volunteer and Staff shirts. These were made with sustainable materials and while more expensive we were able to partner with Mountain Dentistry to sponsor the increase in costs.
 - Contracted with Curb-it Recycling and Questa Services on recycling and trash efforts.
 - New Bike Valet, presented by Cole Sport.
 - With our new digital, interactive map we were able to reduce our printed programs by 1,000 pieces.
- **Utah Artisan Tasting**
 - 2 new local artisans (Wasatch Creamery, Burton's Maplewood Farm) were added in 2017 to bring our total to 4.
- **PCGA Festival Gallery Stroll**
 - We were able to add 3 new galleries to our collaborative partnership with PCGA (7 total)
 - David Beavis Gallery
 - Meyer Gallery
 - Prothro Gallery



- **Enhanced Security and Artist Services**
 - KAC hired a new security firm, Centennial.
 - KAC substantially increased overnight security, creating a new tactical matrix.
 - Better integration between KAC, PCMC and PCPD led to a safe and successful event.
- **Ongoing Festival Items**
 - **Continued/Existing Sustainability Efforts**
 - Continue to work with PCMC to reduce, reuse and recycle via numerous physical and programmatic opportunities, such as
 - Encourage and promote public transportation, carpooling, biking, walking and other alternative means of transportation
 - Limit and/or prohibit vehicle idling during setup and breakdown
 - Discourage glass and Styrofoam
 - Collect, recycle and divert waste streams
 - No gas or diesel generators
 - No power distribution to artist and vendor booths
 - Encourage recyclable and reuse of all packing materials with artists, vendors, contractors, public
 - Proper waste water, grease and liquids disposal
 - Reuse signage and other materials
 - Encourage sustainability best practices
 - **Festival After Dark**
 - Festival After Dark keeps the Festival going into the night with entertaining options for all ages and interests. This has been a great way for us to partner with other key events and businesses in town and in Summit County as a means to drive overnight visitation and to provide additional programming for locals.
 - We were able to co-promote and partner with the Sundance Institute Summer Film Series, Deer Valley Resort, Park City Institute, Summit County Fair and Egyptian Theatre
 - Park City Institute
 - Offered a 2:1 discount for any Festival attendee to their Sunday night concert at Deer Valley Resort
 - Donated 25+ tickets for our “weekend getaway” promotions on Fox 13 and Broadway Media
 - **Main St. Dining Decks**
 - Helped promote the 7 unique dining decks on Historic Main St. online and in print as a key pillar (“Cuisine”) of the Festival.
 - **Utah Artisan Tasting**
 - An annual element of our Festival, we had C&C Candies, JulieAnn Caramels, Wasatch Creamery and Burton’s Maplewood Farm as part of this local, hand-crafted food area.
 - **Park City Gallery Association (PCGA) Gallery Stroll**
 - Back for year two, we partnered with PCGA to offer additional and unique opportunities for our galleries. We were able to help promote these amazing galleries for special exhibit openings, food and refreshments – offered only during the weekend.
 - We were able to increase participation by from 5 galleries in 2016 to 7 in 2017
 - David Beavis Gallery (New)



- Gallery Mar
- J GO Gallery
- Meyer Gallery (New)
- Prothro Gallery (New)
- Susan Swartz Studios
- Trove Gallery
- **Food Truck Round-Up**
 - All 4 trucks returned to continue the success in the Brew Pub lot
 - Banh Mi Time
 - Black's Sliders
 - Brugesmobile
 - Rubadue's Saucey Skillet
- **Yoga Fest**
 - Back again, we moved this year's event to Town Lift Bridge and did one day only – Saturday, August 5 at 8:00am.
 - Added a new element with a KAC "Wake + Draw Session" class tied to the activity.
- **Strong Local and State Partnerships**
 - **Sponsorships**
 - Zions Bank, Strong Auto Group, Coca-Cola, General Distributing, Fox 13, Utah Digital Services, Broadway Media, Park City Chamber, Summit County RAP and Restaurant Tax, Utah Office of Tourism, Skullcandy, Summit Sotheby's International Realty, Gateway Center, Tanger Outlets, Mountain Flower Apparel, Mountain Dentistry, Deer Valley Resort, Stay Park City and other lodging partners.
 - **Additional Partnerships**
 - Continued cross-marketing partnerships and collaboration with local businesses, HPCA, Park City Area Restaurant Association, Park City Chamber, Park City Gallery Association, Deer Valley Resort, Park City Mountain, Utah Office of Tourism, Park City Institute, Stay Park City, Park City School District, official lodging partners and more to promote Kimball Art Center and Park City as a cultural destination. We also continued to use local merchants for volunteer and artist needs, such as Davanza's, Great Harvest Bread Company, Einstein Bros. Bagels, Knead a Massage and The Market at Park City. This continued collaboration with key partners has been successful in increasing the economic impact via lodging, retail, restaurants and overall revenue.
- **Taste of Art**
 - For the first time in recent history, there was zero participation from the restaurants for this program. Whether it was due to a lack of interest by Park City Area Restaurant Association and HPCA members, lack of communication, etc. this is an area we are looking to improve upon and rekindle for 2018.



2018 PLANNING

- **Construction Impacts & Festival Layout**
 - Kimball Art Center will work with PCMC on the items below, plus any other future concerns, as we begin to plan the 2018 Kimball Arts Festival
 - Wasatch Brew Pub Lot
 - Impacts to overall layout, potential attractions and finances
 - Food Truck Round-Up
 - Brew Pub Music Stage
 - Concessions and Beer Garden
 - Sponsor Activation
 - Artist Booths
 - Additional Construction
 - Will Kimball Garage (i.e. crane, sidewalks) be completed by the 2018 Festival?
 - Note: In 2017, the crane at Kimball Garage impacted sales at our Heber concessions area significantly: beer sales were down 12%; total sales at this location were down 6%. This is historically our best concession/beer garden and we lost an estimated \$3,000 in revenue due to the crane and the constricted footprint
- **Continued Collaboration**
 - HPCA & Park City Area Restaurant Association
 - Explore further cuisine-related activation opportunities, specials, etc.
 - Additional local partners, artisans, vendors and more.



MARKETING RECAP

- **10,455,3301:** Total Marketing Impressions
- **21,021,573:** Total PR/Media Impressions
- **31,476,874:** Total Combined Marketing and PR Impressions

Media Outlet/Area	Target Audience	Total Impressions
Austin, TX: Austin Chronicle	Families/Couples: Out of State	681,794
Boulder and Denver, CO: Westword	Families/Couples: Out of State	408,280
Broadway Media	Families: Out of Area	948,062
Call for Artists: Art Fair Insider	Artists: Out of State/Out of Area	57,200
Call for Artists: Art Fair Sourcebook	Artists: Out of State/Out of Area	91,000
Call for Artists: Artshow.com	Artists: Out of State/Out of Area	65,000
Call for Artists: FestivalNet.com	Artists: Out of State/Out of Area	65,000
Call for Artists: Sunshine Artist	Artists: Out of State/Out of Area	40,000
Call for Artists: Zapplication	Artists: Out of State/Out of Area	138,000
Denver, CO: Daily Camera/Prairie Mtn Media	Families/Couples: Out of State	440,003
FOX 13 News	General: Out of Area	1,085,143
Kimball Art Center Social Media	Out of State/Out of Area/Locals	58,887
KPCW Underwriting Spots (55 Spots)	Locals/Visitors	13,750
Los Angeles and Orange County, CA: LA Weekly and OC Weekly	Families/Couples: Out of State	2,281,576
Park Record Digital	Locals/Visitors	92,000
Park Record Print	Locals/Visitors	14,000
PCMC Bus Board Ad	Locals/Visitors	800,000
Scottsdale and Phoenix, AZ: AZ Republic	Families/Couples: Out of State	300,983
Utah Digital Services (LA/OC/SF, CA; Austin/Houston, TX; Phoenix, AZ, Salt Lake City, UT)	Families: Out of State	2,408,391
Utah Media Group (Salt Lake Tribune/Deseret News)	General: Out of Area	466,232
Total Marketing Impressions		10,455,301
Total PR Impressions: Panic Button Media	Media & Travelers: Out of State/Out of Area/Locals	21,021,573
Total Combined Marketing & PR Impressions		31,476,874

COMMUNICATIONS & MEDIA RECAP



- **21,021,573 Media Impressions**

- <https://www.parkcitymag.com/articles/2017/6/13/get-your-kids-away-from-their-screens-and-into-art-this-summer>
- <https://www.parkcitymag.com/articles/2017/7/27/from-bill-kimball-to-the-new-art-culture-district>
- <https://www.houstoniamag.com/articles/2017/6/21/park-city-utah-mountain-getaway-guide-travel>
- <http://www.pclodge.com/concierge/park-city-summer-activities/park-city-kimball-arts-festival/>
- <https://festivalnet.com/12041/Park-City-Utah/Fine-Art-and-Craft-Shows/Park-City-Kimball-Arts-Festival>
- <https://www.visitparkcity.com/events/annual-events/>
- <http://www.parkcityresortlodging.com/park-city-events-festivals/park-city-kimball-arts-festival/>
- <https://www.stayparkcity.com/kimball-arts-festival-lodging/>
- <http://www.parkrecord.com/entertainment/festival-after-dark-keeps-the-art-going/>
- <http://www.parkrecord.com/entertainment/glass-sculptor-rose-ready-to-return-to-the-park-city-kimball-arts-festival/>
- <http://kpcw.org/post/morning-mix-july-28-2017>
- <https://www.gastronomicslc.com/2017/07/31/wrap-july-2017/>
- <http://fox13now.com/2017/07/31/fun-at-the-kimball-arts-festival/>
- <https://saltlakemagazine.com/48th-annual-kimball-art-festival-celebrates-art-music-mountains/>
- <http://www.parkrecord.com/entertainment/park-city-kimball-arts-festival-connects-the-community-through-creative-experiences/>
- https://www.parkcitymag.com/articles/2017/8/2/kimball-arts-festival-2016?utm_source=Sailthru&utm_medium=email&utm_campaign=PCM_Weekly_8.2&utm_term=Park-City
- <https://www.cityweekly.net/utah/the-essential-aande-picks-for-august-3-9/Content?oid=5207744>
- <http://www.good4utah.com/good-morning-utah/local-artist-shows-off-work-at-kimball-arts-festival/781069592>
- <http://kutv.com/features/fresh-living/the-48th-annual-kimball-arts-festival>
- <http://www.deseretnews.com/article/865686072/Your-Weekend-Beatles-tribute-fine-dining-and-jumping-fleas.html>
- <http://www.sltrib.com/artsliving/2017/08/01/art-music-and-food-at-park-city-arts-festival-friday-through-sunday/>
- <http://fox13now.com/2017/07/31/fun-at-the-kimball-arts-festival/>
- <http://fox13now.com/2017/08/05/park-city-kimball-arts-festival-heightens-security-after-thefts-at-last-years-event/>
- <https://kimballartcenter.org/best-show-winners-announced-2017-park-city-kimball-arts-festival/>
- <http://www.parkrecord.com/entertainment/arts-festival-announces-best-in-show/>
- <http://kpcw.org/post/kimball-arts-fest-best-show-winners#stream/0>
- https://www.parkcitymag.com/slideshows/2017/8/7/best-in-show-kimball-arts-festival-2017?utm_source=Sailthru&utm_medium=email&utm_campaign=PCM_Weekly_8.9&utm_term=Park-City
- <https://www.pcscarts.org/calendar/park-city-kimball-arts-festival>
- <https://t.e2ma.net/message/s52ar/wwaamn>
- <http://mailchi.mp/handleparkcity/burger-night-is-back-1313821?e=34304a1abf>



- <http://mailchi.mp/e82d8d1424cc/summer-deals-just-in-time-for-the-arts-fest?e=0c0a898068>
- https://www.parkcitymag.com/articles/2017/8/2/kimball-arts-festival-2016?utm_source=Sailthru&utm_medium=email&utm_campaign=PCM_Weekly_8.2&utm_term=Park-City
- www.parkrecord.com/news/park-city/park-city-arts-fest-committed-to-main-street/
- www.parkrecord.com/news/park-city/park-city-arts-fest-committed-to-main-street/
- www.parkrecord.com/opinion/editorial/the-kimball-art-center-is-taking-art-to-the-streets/
- www.parkrecord.com/entertainment/volunteers-make-the-park-city-kimball-arts-festival-go-round/
- www.deseretnews.com/article/865686071/Community-Calendar-for-Aug-4-2017.html
- kutv.com/features/fresh-living/the-48th-annual-kimball-arts-festival
- www.parkcitymag.com/articles/2017/8/2/kimball-arts-festival-2016
- www.parkrecord.com/news/park-city/parkites-must-brush-up-on-arts-fest-readiness/
- www.parkrecord.com/entertainment/park-city-kimball-arts-festival-connects-the-community-through-creative-experiences/
- www.parkrecord.com/entertainment/festival-after-dark-keeps-the-art-going/
- www.parkrecord.com/entertainment/glass-sculptor-rose-ready-to-return-to-the-park-city-kimball-arts-festival/
- www.sltrib.com/artsliving/2017/08/01/art-music-and-food-at-park-city-arts-festival-friday-through-sunday/
- saltlakemagazine.com/48th-annual-kimball-art-festival-celebrates-art-music-mountains/greetingsfromthepark.wordpress.com/2017/07/28/festival
- archive.sltrib.com/article.php?id=5558403&itype=CMSID
- www.parkcitymag.com/articles/2017/7/27/from-bill-kimball-to-the-new-art-culture-district
- www.thestreet.com/story/14243071/1/discover-art-and-music-in-the-mountains-at-the-48th-annual-park-city-kimball-arts-festival-august-4-6-2017.html?cm_ven=RSSFeed
- blog.forbestravelguide.com/10-top-attractions-in-park-city
- archive.sltrib.com/article.php?id=5493106&itype=CMSID
- kpcw.org/post/kimball-art-center-names-new-executive-director#stream/0
- www.parkcitymag.com/articles/2017/7/5/meet-the-kimball-art-center-s-new-executive-director
- saltlakemagazine.com/lindsie-smith-joins-kimball-art-center-executive-director/
- archive.sltrib.com/article.php?id=5453294&itype=CMSID
- kpcw.org/post/morning-mix-july-28-2017
- www.houstoniamag.com/articles/2017/6/21/park-city-utah-mountain-getaway-guide-travel
- www.parkcitymag.com/articles/2017/6/13/get-your-kids-away-from-their-screens-and-into-art-this-summer
- www.meetingstoday.com/Magazines/ArticleDetails/RegionID/248/ArticleID/30620
- <https://finance.yahoo.com/news/discover-art-music-mountains-48th-114500893.html>
- <http://www.marketwatch.com/story/discover-art-and-music-in-the-mountains-at-the-48th-annual-park-city-kimball-arts-festival-august-4-6-2017-2017-07-26>
- <https://seekingalpha.com/pr/16896605-discover-art-music-mountains-48th-annual-park-city-kimball-arts-festival-august-4minus-6-2017>
- Press Release picked up by 69 national publications, including
 - https://www.bizjournals.com/albany/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
 - https://www.bizjournals.com/albuquerque/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews



- https://www.bizjournals.com/atlanta/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/austin/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/baltimore/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/birmingham/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/boston/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/buffalo/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/charlotte/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/chicago/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/cincinnati/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/columbus/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/dallas/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/dayton/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/denver/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/houston/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/jacksonville/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/kansascity/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/losangeles/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/louisville/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/memphis/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews
- https://www.bizjournals.com/milwaukee/prnewswire/press_releases/Georgia/2017/07/26/LA50732?ana=prnews

Exhibit B - Kimball Arts Festival Parking and Transit Analysis 2017

For the weekend of the Kimball Arts Festival (Friday, August 4 – Sunday, August 6), City staff implemented the following mitigation strategies:

Satellite Parking Options

In order to reduce congestion in Old Town and along corridors such as Deer Valley Drive, Kimball Art Center coordinated the use the School District Kearns Campus lots, Deer Valley and Vail in a park-and-ride capacity during Arts Fest weekend. On the Sunday afternoon of the Festival (August 6), the School District lots filled to approximately 80% capacity, suggesting that the parking measures implemented downtown and encouragement of transit use were effective in reducing private automobile trips into Old Town.

Paid and Restricted Parking in Old Town

For Arts Fest weekend, staff implemented a \$20 cash charge for parking in China Bridge garage in order to manage utilization of reduced availability of downtown parking (given the closure of Main Street and allocation of parking for artists and oversized vehicles). These implementations incentivized visitors to park at the above described park-and-ride locations or reach the Festival by other means, reducing congestion impacts in the Old Town area. On the Sunday of the Festival, in China Bridge garage was at 95% occupancy throughout the afternoon.

Transit Only Lane Along Deer Valley Drive and Encouragement of Transit Use

The transit only lane for southbound shuttles on Deer Valley Drive, new transit efficiencies (the high level of service provided by the *Electric Xpress*), paid parking, advanced Variable Message Signs (VMS) traveler information, residential traffic mitigation signage and personnel, and the availability of transit ‘ambassadors’ directing and helping unfamiliar users at the Old Town Transit Center are all believed to have contributed to dramatically higher levels of transit ridership during Arts Fest 2017 as compared to the 2016 Festival. During the 2017 Festival, Park City Transit accommodated an estimated 32,000 one-way passenger trips, representing a nearly 38% year-over-year increase in one-way passenger trips from Arts Fest 2016 (estimated at 23,200 one-way passenger trips in 2016).

Advanced VMS Messaging and Improved Wayfinding

In partnership with the Utah Department of Transportation (UDOT), City staff increased the role of our VMS infrastructure for operations during Arts Fest weekend compared to 2016. From Thursday, August 3 to Sunday, August 6, staff leveraged VMS in the City to encourage residents and visitors to carpool and use transit when traveling to Old Town. Throughout the weekend, VMS as well as additional wayfinding were used and monitored in order to appropriately direct visitors to parking areas with available capacity.



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

The changes to this report from the October 12, 2017 report include a new analysis section with additional background on current events in the downtown, and potential event use of the Plaza in the future. Options to manage the program include use of the current Special Event process or adding an additional administrative layer. The total days in the draft AUP have been reduced from last week:

Main Street Plaza Threshold	Current Events on Main Street Area		Current Use of Main Street Plaza Area		Estimated Use of Main Street Plaza Through SEP		Potential Max with AUP***	
	total #	total days	total #	total days	total #	total days	total #	total days
Level 1	1	10	0	0	5	10	20?	20
Level 2	1	1	0	0	4	5	10?	15
Level 3	20	46	10*	21	15**	43	15	43
total	22	57	10*	21	24	58	45	78

*currently only 4 events (6 days) use BP parkingfor pgm., the other 6 events (15 days) use Plaza for support ops

** Events may look at Main Street Plaza for programming, instead of operations.

*** While there is opportunity to grow level 1 or 2 events with AUP, this is a more restrictive question of use.

City Council will be asked to balance the goals of creating vibrancy throughout the downtown and facilitating focused energy at the south end of Main street with potential impacts of doing so.

From the October 12, 2017 report:

City Council's stated goals for the Main Street Plaza are to:

- Create a public space that attracts both residents and visitors of all ages with limited programmed events and with no retail or flexible use building types.
- Create a public space that is adaptable for occasional events but primarily suited for the casual or day to day park/ plaza type use.
- Enhance the visitor experience to Park City through the development of a well-designed and unique 'Park City' public space.

The City Council has expressed a desire to define the programming uses anticipated for the plaza as a next step in the process. This staff report identifies a series of alternatives including using existing special event code or creating an additional layer control through an administrative use policy that would state thresholds for amount, type and intensity of use.

Staff recommends that Council affirm that the plaza is primarily passive day-to-day and

the current Special Event process is the appropriate way to regulate occasional, temporary event uses on the Plaza.

Respectfully:

Michelle Kellogg, City Recorder

City Council Staff Report



Subject: Main Street Plaza - Use Policy
Author: Jonathan Weidenhamer
 Jenny Diersen
Department: Economic Development
Date: October 24, 2017
Type of Item: Administrative

Summary Recommendation

With the goal of supporting a public space that is primarily suited for the casual or day to day park/ plaza type use and adaptable for Special Events, staff recommends City Council affirm support to process use and programming requests for the Main Street Plaza through the current Municipal Code Special Events Code, Section 4-8.

Executive Summary

The changes to this report from the October 12, 2017 report include a new analysis section with additional background on current events in the downtown, and potential event use of the Plaza in the future. Options to manage the program include use of the current Special Event process or adding an additional administrative layer. The total days in the draft AUP have been reduced from last week:

Main Street Plaza Threshold	Current Events on Main Street Area		Current Use of Main Street Plaza Area		Estimated Use of Main Street Plaza Through SEP		Potential Max with AUP***	
Type Event	total #	total days	total #	total days	total #	total days	total #	total days
Level 1	1	10	0	0	5	10	20?	20
Level 2	1	1	0	0	4	5	10?	15
Level 3	20	46	10*	21	15**	43	15	43
total	22	57	10*	21	24	58	45	78

*currently only 4 events (6 days) use BP parking for pgm., the other 6 events (15 days) use Plaza for support ops

** Events may look at Main Street Plaza for programming, instead of operations.

*** While there is opportunity to grow level 1 or 2 events with AUP, this is a more restrictive question of use.

City Council will be asked to balance the goals of creating vibrancy throughout the downtown and facilitating focused energy at the south end of Main street with potential impacts of doing so.

From the October 12, 2017 report:

City Council's stated goals for the Main Street Plaza are to:

- Create a public space that attracts both residents and visitors of all ages with limited programmed events and with no retail or flexible use building types.
- Create a public space that is adaptable for occasional events but primarily suited for the casual or day to day park/ plaza type use.
- Enhance the visitor experience to Park City through the development of a well-designed and unique 'Park City' public space.

The City Council has expressed a desire to define the programming uses anticipated for the plaza as a next step in the process. This staff report identifies a series of alternatives including using existing special event code or creating an additional layer control through an administrative use policy that would state thresholds for amount, type and intensity of use.

Staff recommends that Council affirm that the plaza is primarily passive day-to-day and the current Special Event process is the appropriate way to regulate occasional, temporary event uses on the Plaza.

Acronyms

AUP Administrative Use Policy
HCPA Historic Park City Alliance

The Problem & Opportunity

City Council has committed to moving forward with the Plaza and while the construction process and timeline are still being defined, City Council expressed a desire to discuss the preferred level of uses and activity (the “Program”) for this public space.

Programming of the Plaza presents challenges with regards to impacts on residential neighborhoods, in particular noise. However, the programming also presents opportunities to build vibrant gathering spaces, attract people to the top of Main Street and create a sense of community ([PCMC Long Term Strategic Plan](#)). Programming the plaza may also present opportunities to decrease traffic and congestion on Main Street, as it may serve as an alternative location for some special events that, in the past, have required street closures and parking displacement, often times pushing more cars into residential neighborhoods.

History

- A detailed overview/history can be found in Exhibit A
- An overview/history of this summer’s neighborhood outreach and written input to staff is can be found at ([doc central link](#)).
- From the 2012 City/HPCA (IBI) Main Street Improvements Project study, the original goals for the Brewpub Plaza were:
 - Create an anchor and destination at the top of Main Street.
 - Celebrate the snow sports and year-round adventure recreation industry including Olympic Legacy.
 - Emphasis on entertainment and special events.
 - Create revenue generating uses and activities.
 - Link to the heritage and history of the site.
- From October 2015 to June 2016 City Council confirmed the following, updated goals for the Plaza on multiple occasions:
 - Generate daily activity;
 - Allow and promote event activity;
 - Encourage stay and play;

- Combine natural and built elements; and
 - Be multi-season
- On June 16, 2016, Council directed staff to pursue a more simplified, scaled back plaza;
- On August 11, 2016 a new series of objectives were identified:
 - Create a public space that attracts both residents and visitors of all ages with limited programmed events and with no retail or flexible use building types.
 - Create a public space that is adaptable for occasional events but primarily suited for the casual or day to day park/ plaza type use.
 - Enhance the visitor experience to Park City through the development of a well-designed and unique 'Park City' public space.
- The following narrative was included: *The goals for the plaza are to create a quiet and park-like space, emphasizing simplicity and flexibility and allowing for event uses but not specifically designed to promote them. It has become a more passive space to be programmed for activity and a respite from a busy Main Street experience. It should employ art and interactive elements that celebrate Park City, enhance the visitor experience and express the heritage and culture of Park City. It should support the day to day high quality of life in Park City and amplify the attraction to families and kids through interactive adventure play opportunities.*

Alternatives for City Council to Consider

1. **Recommended Alternative: Status Quo or Null** – The underlying Planning Use permits & Special Events Permitting process would be the tools to regulate the Uses at the Plaza.

Pros

- a. The Use permit would contain predictable conditions of approval and restrictions on use.
- b. The Special Events permitting process had demonstrated success in mitigating events.
- c. Event approval would be evaluated based on current code 4-8.
 - i. Council has authority for approval on any new or substantially changed Level Three permit, including any contracted event that requires an annual supplemental plan including Arts Festival, Park Silly Sunday Market, Triple Crown and Sundance Film Fest.
 - ii. Staff has authority for approval on any Level 1, Level 2 or any annual Level 3 event with no substantial changes. These are typically community based events that promote our complete community goals.
 - iii. Noise standards and enforcement are consistent across all City Codes; and
 - iv. Noise Exceptions are very limited and at a Level 3 scale, need City Council approval.

Cons

- a. Without an explicit administrative use policy (AUP), Council may be declining an opportunity to state more clearly their goals and intended uses for use of the plaza.

Consequences of Taking this Action –

Level 1 and 2 Events generally seem to be the types of community building events that Council has expressed an interest in facilitating. Examples we envision could conceptually include a Sundance Movie series on Main Street, Walk a Mile in Her Shoes, DACA, or KPCW's Back Alley Bash.

2. **Alternative 2:** Direct staff to return with an administrative use policy (AUP) that defines the general scope (use types, number, size, noise levels), and other thresholds of a preferred operating program. The Special Events Department would administer the AUP. The Policy would be reviewed by Council after one year (or as necessary) to ensure it is effectuating Council's goals for the Plaza.

Pros

- a. City Council retains authority and control over all but the most innocuous events;
- b. The AUP would define thresholds and give predictability to residents and merchants for uses and events including number, type, size, noise, lights, etc.);
- c. The underlying land (conditional) use approval from Planning (Outdoor Use/Event) will provide underlying restrictions on the plaza including hours, noise levels and other conditions of approval (Overview of Planning Uses & Process, Exhibit E).
- d. The biggest, anticipated event permits are already coming to City Council for approval (Sundance, Silly Market, Tour of Utah, Arts Festival, etc.).

Cons

- a. Due to requirement of City Council having to approve most events, there may be uses that we want to happen that won't meet deadlines to get on a Council agenda.
 - b. City Council retaining their authority over Level 2 and recurring Level 3 events is inconsistent with our normal process of delegating to staff.
3. **Alternative 3:** Create a task force of affected entities ranging from City Council, Planning Commission, staff, neighbors and anticipated users such as: Mountain Town Stages, Kimball, Sundance, Silly Market, etc. to inform and make recommendations on an administrative use policy.

Pros

- a. Allow for more community input from stakeholder including neighbors, HPCA and SEAC.
- b. Process would better inform City on anticipated uses.
- c. Council can decide to what degree they want to delegate their event approval authority to the special event department.

Cons

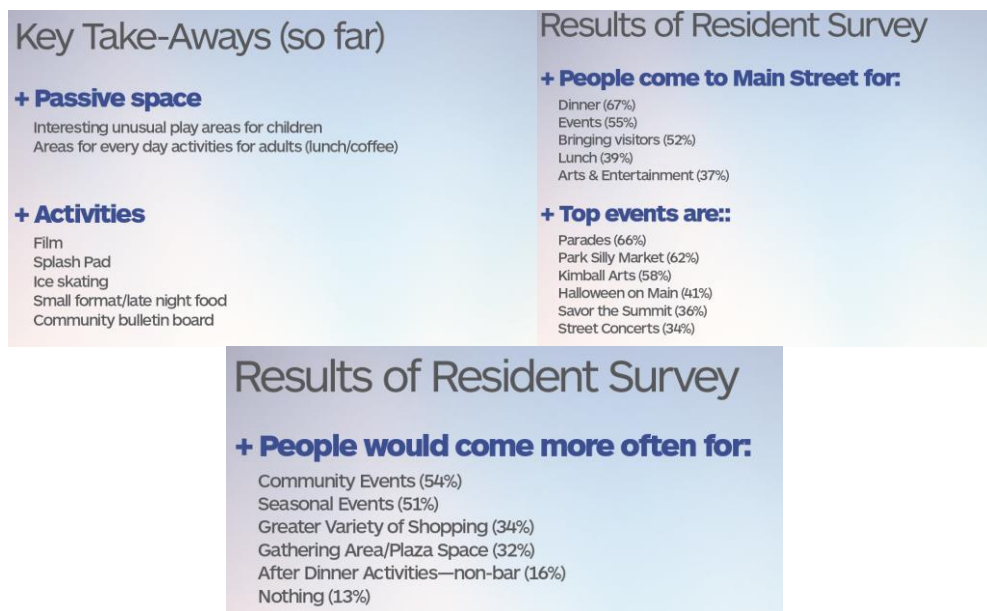
- c. Might not be an efficient process due to competing interests.

4. **Alternative 4:** Direct staff to conduct a new community engagement effort with an exclusive focus on the potential uses associated with the Plaza.

Background

At its inception in 2012, and when funded specifically by a new increase to the resort city sales tax, the initial goal or intent of the Plaza was to host events without having to shut down normal operations of the street – thereby bringing incremental visitors without disrupting typical operations. The intended goal of the plaza has now shifted to focus more on a passive park with limited events.

During initial stake holder interviews, as presented to Council on 10/22/15, the design team found that residents would like to come more often to Main Street for community and seasonal events and for gathering opportunities: [summary slides of Struck interviews](#) (p.47):



The current Special Event process is a tool used by the City Council to promote their economic and community development goals. Approval of events is fundamentally based in the ability to mitigate for the impact of those events. The City Council has been clear that they would like to reduce the degree that PCMC enables and facilitates events, unless there is a specific, compelling economic and/or community basis to approve. However, we've approved nine new events this past year, based on our ability and confidence in mitigating impacts.

When coupled with the underlying conditional use permit and noise ordinance, there are three layers of existing tools to ensure the use is consistent with Council's expectations for balancing economic and community goals.

Types of Events

Council should also consider that the park space could likely be programmed for “community” events with limited impacts and much resident support. Of the nine new events in 2017, only one was on Main Street (March for Science). Staff does not believe we will permit 20 more Level 3 scaled events, likely more Level 1 and 2’s, which typically are community benefits. Such events have been supported by SEAC. Recreation, Golf, Ice and Library do a fair amount of this type of programming, with limited complaints, for example the dirt jump jam, library’s kid events, and City Golf Tournaments, etc.

The following is an overview of the current event calendar, including event number and total event days on Main Street. Of note, of the 76 events that take place over 227 days, 22 of them (57 event days) are on Main Street – that equates to 29% of events taking place on Main Street and 25% of all event days. It is important to note that not all of the events identified that take place on Main Street occur on the south end of Main Street and not all Main Street events would necessarily look to utilize the new Main Street Plaza:

Level 1 Events	# of Days	Level 2 Events	# of Days	Level Three Events	# of Days
Miners Park Concert Series	10	Back Alley Bash	1	Sundance Film Festival**	10
Ability Snow Challenge	1	Red, White & Snow	3	World Cup	4
Latino Music Series	5	Moose Tracks Kids Trail Run	1	Womens March*	1
Peace House Ground Staking	1	Mid Week Mtn Bike Series	4	PANDOS March*	1
Park City Skate Series	3	NAC Barn Party	1	March for Science*	1
Your Barn Door Is Open	1	Park City Trail Series	4	Thin Air Innovation Festival	3
Kimball Arts Festival Gala	1	Tiny Tri	1	Park Silly Sunday Market**	14
St. Mary's Procession*	1	Kids Adventure Games	2	Savor the Summit	1
Walk A Mile In Her Shoes	1	Uncorked Recycle Utah	1	Fourth of July Celebration	1
Scarecrow Festival	1	Discrete Series	1	Park City Food & Wine Classic	3
Celebrity Ski Fest	2	Childrens Justice Center BBQ	1	Triple Crown Baseball **	14
Beethoven Music Fest	1	PC Rec Volleyball Tournament	1	Classic Car Show	1
Total Number of Days	28	PC Rec Summer in the City Volleyball	1	Miners Day	1
		Pioneer Day Celebration	1	Autumn Aloft	3
		Sundance Summer Series	3	Shot Ski on Main	1
Total Number of Events	76	Park City Film Series Drive In	1	Halloween on Main	1
Total Number of Level 3	36	Park City Film Series Aspen Villas	1	Electric Light Parade	1
Total Number Level 2	27	Dirt Jump Jam	1	Park City Arts Festival **	3
Total Number Level 1	12	Hike for Hunger	1	<i>Olympic Opening Celebration*</i>	2
Total Number On Main	22	5K-9 Leash on Life	1	<i>Tour of Utah</i>	2
Total Event Days	227	Tour De Suds	1	Spring Gruv Concert	1
Total Event Days on Main	57	PCHS Cross Country Invitaional	1	Running with Ed	1
		Old Town Hoedown	1	Memorial Day 5K	1
		Santa Comes Down Town Lift	1	Wasatch Back Ragnar Relay	1
		Spring Gruv on Mtn	40	Ski Town Lacrosse	3
		Mid Mountain Marathon	1	Deer Valley Wed Night Concerts	10
		Jupiter Peak Steeple Chase	1	Deer Valley Music Festival	12
		Total Number of Days	77	Big Stars Bright Nights	10
				Fire Cracker Baseball	3
				1033 Foundation Ride	1
Notes:				Extreme Soccer Tournament	3
* One Time Events				NAC Summit Challenge	1
** Contracted Events				Point 2 Point Mtn Bike Race	1
Darkened Rows are events on Main Street				North Face Endurance Challenge	3
Events in Italics have not yet been approved				PCHS Cross Country Invitaional	1
				Utah High School Mtn Bike Race	2
				Total Number of Days	122

Event Impacts & Thresholds

Staff believes the focus of this conversation is about use thresholds including event: types, frequency, hours, duration, number, size, and most specifically, noise levels. If City Council isn't confident that the Special Event process, underlying land use and zoning parameters and the City's noise ordinance will provide that balance, Council may want to consider adding an additional layer that adds specificity (see AUP Alternative below).

Noise

The Code is focused on noise levels, not sound or music, therefore staff recommends focusing on noise levels, i.e. decibels (DB's), not amplified or non-amplified music. City Council has not asked for a specific discussion about special events noise levels. An AUP could define a set threshold in addition to the Event regulatory process. Council could also specifically consider amplified music. The special event process stipulates

that events will meet the noise ordinance unless a specific exception is granted, which is done by the Building Official.

- Of the 22 Events on Main, 17 of them have a Noise Variance as per the Special Event code, allowing them to go to 90 decibels. None of these events are allowed to go past 10:00 p.m.
- Only 3 events out of the total 76 Special Event Permits receive a noise variance allowing them to go past 10:00 p.m. These events are not currently on Main Street and include Sundance Summer Series at City Park and Aspen Villas Latino Movie and Park City Film Series Drive-In Movie. These movies are within 65 decibels, but do not end until midnight because of the need for it to be dark outside for the event.
- Two events do not require a close of Main St., they are already permitted in Music Plazas (the level 1 and level 2 highlighted event) ([4-8\(A\)](#)). These plazas currently allow them to go to 90 decibels.

PCMC is currently updating its noise ordinance ([link to last Council report](#) p.4). The following is an excerpt from that report:

The proposed amendments seek to narrowly tailor the time, place, and manner restrictions on noise to balance the City's interest in protecting citizens from unwelcome noise without encroaching on citizens' First Amendment rights to freedom of expression; and the proposed amendments seek to establish objective standards to determine noise ordinance violations and enforcement in compliance with Fourteenth Amendment due process.

(2) The proposed Noise Ordinance amendments establish a standard to resolve disputes in different use districts.

The proposed Park City Municipal Code Section 6-3-9 clarifies that noise may be "measured at the boundary or at any point within the property affected by the noise." This amendment is intended to address noise reverberating from one location to another, also known as the "canyon effect."

Additionally, the proposed Section 6-3-9 clarifies how the code will be enforced when a noise dispute crosses into another use district: "When a noise source can be identified

and its noise measured in more than one land use category, the limits of the least restrictive use shall apply at the boundaries between different land use categories."

This proposed amendment will particularly impact the Main Street and Park Avenue areas because of the residential and commercial use district proximity. The proposed amendment puts citizens on notice regarding the standard that will be consistently applied and enforced.

Planning Commission

During the July 26, 2017 Planning Commission Meeting ([Minutes, pg 1](#)), the following concerns and questions were identified:

<u>Question/Concern</u>	<u>Staff's Recommendations</u>
Special Events are Impactful	No changes to Special Events is proposed within these amendments. Council may ask that staff return with a conversation on Special Event approvals.

Does City Council wish to self-impose limitations such as the events at the McPolin Farm? Limitations could come in noise levels, duration, hours, etc. This option is covered in more detail in the AUP section, later in the report.

Transportation Mitigation

There would likely be broader benefits to shifting some existing event Level 3 approvals to the Plaza:

- On the current event calendar there are 20 events (55 total event days) where the Main Street is closed.
- Of the 22 Events on Main, staff believes the Main Street Plaza will allow us to have 12 events (28 event days) that require parking removal and/or a closure of Main Street.
- Of the 22 events on Main Street, four of them may be able to use Main St. Plaza instead of Lower Main which would help with overall traffic flow by not closing down a portion of the street and allowing typical transit operations to continue.
 - These may include World Cup, Classic Car Show, Triple Crown, Thin Air Innovation Festival
- Three additional events could have used Main Street Plaza instead of Flagpole and parking removal, but still require a rolling road closure. These were first amendment events.
- Two events (Sundance and food and wine) do not require a street closure. However, the City removes some or all parking.
- The remaining 12 events require road closures. These include Tour of Utah, Park Silly Market, Savor the Summit, Fourth of July Celebration. Triple Crown Parades, Classic Car Show, Miners Day, Halloween, Shot Ski, Electric Light Parade, Arts Festival, Olympic Opening.
 - While it may make sense for these events to utilize Main Street Plaza, these events likely still require parking removal and road closures.
 - The events listed above have historically received permission for amplified music at 90 decibels. None of the events listed above have been allowed to have music after 10 p.m.

The City's Engineering Department is finalizing a study on circulation, access and potential improvements associated with the project to see what opportunities to reduce access and congestion impacts in the neighborhood.

HPCA Input

In speaking with the HCPA Event and Executive Committee's there is consistent support of small, community events and opposition to large events that disrupt typical street operations. Buskers and other vibrant programming were supported. There was a general lack of support for any amplified music. The Current HPCA policy on events is included as Exhibit B.

Administrative Use Policy

Should City Council desire to add another layer or be more explicit in how they want the Plaza to be used they could consider a specific use policy, similar to the McPolin Farm

(Exhibit D). To give City Council the confidence and adjacent neighborhood the assurance and predictability in amount, scale and type of events that will be programmed at the Plaza establishing operating thresholds for uses should be considered.

Staff believes it is realistic that the ten events that currently have a closure of less than eight hours would consider expanding their activity to the Plaza. While this drives use to that location, it comes with other benefits.

Staff believes the major concerns are related to neighborhood impacts, and therefore the following should be considered:

1. Number/ Frequency - How many total events?
2. Hours - Combo of frequency from a recurring event combined with hours – i.e. every Sunday all summer?
3. Noise – Decibels levels, not acoustic versus amplified.

A complete draft AUP that is based on the Farm's is attached as Exhibit F. The mission statement could be:

To create a quiet and park-like space, emphasizing simplicity and flexibility and allowing for event uses but not specifically designed to promote them. It should employ art and interactive elements that celebrate Park City, enhance the visitor experience and express the heritage and culture of Park City. It should support the day to day high quality of life in Park City and amplify the attraction to families and kids through interactive adventure play opportunities.

Based on Staff's review of the current event calendar, some high level assumptions on which existing events may want to use or program the Plaza. While not an arbitrary exercise, this was quite difficult. In general, the effort intends to support growth of Level 1 and 2 events, and exercise constraints on noise levels and larger sized events. Specific concern about recurring or weekly events is also considered.

Please find a preliminary starting point for a discussion and alternatives for use thresholds:

- Number of Event Days – Per the chart below, would allow growth of smaller, community oriented events.
 - Level Three Event Use would require City Council approval as per section 4-8 of the code.
 - We would allow for an additional 3 events to plan for some limited growth
- Event Hours – The recommendation will be to terminate events in Main Street Plaza at 10:00 pm and allow either 10 or 14 events to run past 8:00 pm (that will include events with multiple days).

- **Noise Levels** - The Code is focused on noise levels, not sound or music, therefore staff recommends focusing on noise levels, i.e. decibels (DB's), not amplified or non-amplified music.
 - Options below recommend a small increase in numbers of events that exceed 65 DB before 8:00 pm, while reducing the number of events that exceed 65 DB after 8 pm.
 - Council could consider specific noise levels or non-amplified music requirements for recurring/weekly events. Examples could include:
 - Amplified Music Hours - Only 7 events per year can have amplified music after 8:00 pm.
 - Amplified Music Recurring - Any event that occurs on multiple days that has amplified music shall operate only between noon and 5:00 pm. Music shall be limited to 65 DB.
 - Council could also consider limiting recurring/weekly events to non-amplified.

Main Street Plaza Threshold	Current Events on Main Street Area		Current Use of Main Street Plaza Area		Estimated Use of Main Street Plaza Through SEP		Potential Max with AUP***	
Type Event	total #	total days	total #	total days	total #	total days	total #	total days
Level 1	1	10	0	0	5	10	20?	20
Level 2	1	1	0	0	4	5	10?	15
Level 3	20	46	10*	21	15**	43	15	43
total	22	57	10*	21	24	58	45	78

*currently only 4 events (6 days) use BP parkingfor pgm., the other 6 events (15 days) use Plaza for support ops

** Events may look at Main Street Plaza for programming, instead of operations.

*** While there is opportunity to grow level 1 or 2 events with AUP, this is a more restrictive question of use.

Below is an excerpt from a draft AUP. Sections 3 and 4 are included for discussion, which reference General and Specific Use Guidelines:

SECTION 3. GENERAL POLICY GUIDELINES

- The Plaza shall be open and accessible to the general public year round, weather permitting. Hours will be from 7:00 am to 10:00 pm daily. Amenities include lawn area, picnic tables, large patio, trees, play area, pavilion, and nearby seasonal water feature.
- The restrooms will be accessible during the same hours. General admission to the Plaza may be denied during Events; however, Events will not prevent public access to the parking, elevator or private driveway, unless specifically approved through an Event permit.
- Parking access to the Plaza will be limited. Non- vehicular access to the Plaza is encouraged as pedestrian access exists from all directions. Car pooling and bussing is also encouraged.
- The Plaza's primary function will be to serve as a public plaza/park, and non-programmed use.
- The Plaza's secondary use will be to host events.

SECTION 4. EVENT POLICY GUIDELINES (Option 1)

- A) Event Number - Events will be limited in size and number so as not to interfere with the primary function of a passive park. Events shall be limited to:
1. Not more than ~~53~~ 45 total events of any type in a calendar year (Sundance counts as 1 event, with not more than ~~109~~ 78 total days;
 2. Not more than ~~23~~ 15 Level 3 Events; with not more than ~~49~~ 43 total days.
 3. Not more than 10 Level 2 Events, with not more than ~~20~~ 15 total days.
 4. Not more than 20, Level 1 Events, with not more than ~~40~~ 20 total days.
- B) Event Hours – All Events shall terminate on or before 10:00 PM. Only 15 events shall be allowed to run after 8:00 pm
- C) Noise - Events must comply with municipal noise ordinances. Only 23 events, and 49 total event days may exceed that limit through the Special Event Exception, regulated by the Building Official.
- D) Amplified Music Hours - Only 9 events per year can have amplified music after 8:00 pm.
- E) Amplified Music Recurring - Any event that occurs on multiple days that has amplified music shall operate only between noon and 5:00 pm.
- F) If the Master Festival License permits the sale of merchandise, those sales must be subordinate to the primary event. No Event is allowed for the purpose of selling merchandise for a commercial enterprise.

Analysis

Challenges for Use in the Plaza seem to be centered on concerns of Balancing Event Calendar, Noise and Traffic Concerns. Support for Use seems to be centered on creating a community gathering space / vibrancy on Main Street.

Total Current Events (Balancing the Calendar)

- Out of 76 Total Events in Park City's Jurisdiction, 22 events are in the Main Street Area.
- 1 Level One Event = 10 days.
- 1 Level Two Event = 1 day.
- 20 Level Three Events = 46 event days.
- 22 Permitted Events = 57 event day.
- Events program Main Street 16% of the year, leaving 84% of the year un-programmed.
- Most consecutive event days on Main Street (10 during Sundance).
- After that 3 days for Arts Festival.
- All other uses are 1 day or less and do not create consecutive days of events.
- 6 events (15 days) use 'Main Street Plaza' area for Operations (this is because that is how the space is best suited for use as of now). Sundance (this is actually

used for City Operations currently), First Amendment Event Gathering Space, Fourth of July and Miners Day Parade Staging.

- 4 events (6 days) use 'Main Street Plaza' for programming – Arts Festival, Tour of Utah, Shot Ski and Food & Wine Classic.
- 12 events (36 days) do not use Main Street Plaza area, they Use Main Street area.

Noise

The Level of Special Event does not correlate to the decibel of noise permitted. Special Events staff coordinates noise requests with each individual event request in order to best possibly mitigate concerns. Throughout Park City, every event we permit is adjacent to a residential area, including Quinn's Junction, Events at resort properties, even the fields at the School District, along with Main Street. There has NOT been a permitted event on that has allowed noise at 90 decibels after 10 p.m. Residential Event Examples include:

- Old Town Hoedown 2 weeks ago at Library Field, noise was kept between 2:00 and 5:00 p.m., during the event maximum noise was measured at 85 decibels.
- Sundance Summer Series is kept to 65 decibels, though due to darkness requirements is allowed to run until midnight.
- Of the current 22 events on Main Street, 18 events are allowed noise at 90 decibels:
 - 4 events have this noise level between 10 a.m. and 5 p.m.
 - 5 events have this noise level between 10 a.m. and 8 p.m.
 - 9 events have this noise level between 10 a.m. and 10 p.m.
 - 4 events do not request a noise variance, and keep noise to 65 decibels (Classic Car Show, Food and Wine Classic, Triple Crown Parade, Electric Light Parade).

Traffic and Parking

Each event we permit has a traffic and parking plan. The bigger the event, the more in depth the plan. Smaller community events such as Walk a Mile In Her Shoes, Miner's Park Concert Series or Latino Music Series use existing parking spaces in the area they are hosted, based on a staff determination that the event can happen within existing parking. Larger events such as World Cup, Savor the Summit and Park Silly Market, have larger plans developed that take into account their parking removal, as well as the number of attendees they expect. Such plans include details such as deliveries for the event as well as the surrounding businesses and accessibility to residential areas.

- **20 events (46 days) currently require Main Street parking removal and road closures** – World Cup Concert, Electric Light Parade, Halloween on Main, Savor the Summit, Triple Crown, Classic Car Show, First Amendment Events, Autumn Aloft, Shot Ski, Arts Festival, Thin Air Innovation Festival, Park Silly Sunday Market, Fourth of July, Miners Day.
- **2 events (11 days) don't use 'Main Street Plaza' area** – KPCW Back Alley Bash utilizes Town Lift (private property), and Miners Park Concert Series is programmed by Mountain Town Music.

Proposed Future Uses

- Staff estimates there could be a total of 12 to 20 events that would want to use Main Street Plaza. 11 of these events are already on Main Street. The other 9 are smaller community events that may be interested in programming if the use is allowed. **Other events may wish to use the space that we do not yet know about.
- We believe if allowed to use Plaza, there are 5 events (6 days) that we could move to the Plaza that would no longer require parking removal and road closures. These are currently Level Three Events.
- We believe that 6 to 9 (about 15 days) of the other Main Street events will want to program the plaza, but will still require a closure of Main or Parking removal. This may add vibrancy during the event.
- We believe that out of the current remaining 54 events that are not on Main Street, about 6 to 10 events that we currently permit may be interested in programming the plaza. (For example, Tour De Suds, Walk A Mile In Her Shoes, Sundance Summer Series or Park City Film Series Movie On Main, Beethoven Music Festival).

Currently Events program Main Street 16% of the year, leaving 84% of the year un-programmed. With Proposed increases, Events would program Main Street 20% of the year, leaving 80% of the year un-programmed.

Main Street Plaza Threshold	Current Events on Main Street Area		Current Use of Main Street Plaza Area		Estimated Use of Main Street Plaza Through SEP		Potential Max with AUP***	
	total #	total days	total #	total days	total #	total days	total #	total days
Level 1	1	10	0	0	5	10	20?	20
Level 2	1	1	0	0	4	5	10?	15
Level 3	20	46	10*	21	15**	43	15	43
total	22	57	10*	21	24	58	45	78

*currently only 4 events (6 days) use BP parkingfor pgm., the other 6 events (15 days) use Plaza for support ops

** Events may look at Main Street Plaza for programming, instead of operations.

*** While there is opportunity to grow level 1 or 2 events with AUP, this is a more restrictive question of use.

Community Outreach

We have had a significant amount of community engagement related to this project (Exhibit A1). We are bringing this discussion to City Council before conducting additional outreach, focused exclusively on uses, because it is much easier to gather feedback on a specific proposal than on a generalized concept.

Staff has invited all of the people who have given input to date to this City Council meeting so they can hear Council discuss the topic. Pending on Council direction, we can create an appropriate outreach program that can gather incremental feedback

Attachments

- A Detailed History & Background
- B HPCA Position Papers, Infrastructure & Events
- C Municipal Code
 - C1 - Special Events Code
 - C2 – Outdoor Plaza Code
- D McPolin Farm Admin Use Policy
- E Overview of the current Planning & Regulatory process.

Exhibit A – Detailed Background

The following is an overview of the most relevant history related to goals and programming of the Plaza. The complete summary of each update and links to the meeting below will be found following this condensed list:

- The Design Team interviewed the City Council on August 20, 2015 to kick off a two month process of community and stakeholder input sessions which defined the goals, program and opportunity analysis (activities, elements, amenities, users, etc.) for the project.
- On October 22, 2015 the City Council affirmed we had the correct goals and program elements and directed staff to begin the design process.
- On November 19, 2015 the City Council discussed varying degrees of amenities and programming to support the again confirmed goals of:
 - Generate daily activity
 - Allow and promote event activity
 - Encourage stay and play
 - Combine natural and built elements
 - Be multi-season
- On February 4, 2016 Council considered a package of amenities/program elements and costs in the context of their biennial goals.
- On March 7, 2016 staff met with the Recreation Advisory Board (RAB) to discuss the play feature for the Plaza and they recommended to expand the water feature and recommended a theme of climbing nets over swing-like features.
- On May 19, 2016 the project goals from 11/19/15 were reiterated.
- Based on input on June 16, 2016, where Council directed staff to pursue a more simplified, scaled back plaza, on August 11, 2016 a new series of objectives were identified:
 - Create a public space that attracts both residents and visitors of all ages with limited programmed events and with no retail or flexible use building types.
 - Create a public space that is adaptable for occasional events but primarily suited for the casual or day to day park/ plaza type use.
 - Enhance the visitor experience to Park City through the development of a well-designed and unique 'Park City' public space.
- The following narrative was included: *The goals for the plaza are to create a quiet and park-like space, emphasizing simplicity and flexibility and allowing for event uses but not specifically designed to promote them. It has become a more passive space to be programmed for activity and a respite from a busy Main Street experience. It should employ art and interactive elements that celebrate Park City, enhance the visitor experience and express the heritage and culture of Park City. It should support the day to day high quality of life in Park City and amplify the attraction to families and kids through interactive adventure play opportunities.*

Past Plaza Council meetings:

4/2/15	Council Report (page 94)	Scope of RFP for design services
4/2/15	Minutes (Page 4)	
8/20/15	Report (Page 4)	Scoping Interviews with Council
8/20/15	Minutes (Page 1)	
10/22/15	Report (Page 47)	Affirm project process and programming
10/22/15	Minutes (Page 4)	
11/19/15	Report (Page 16)	Define the project goals
11/19/15	Minutes (Page 3)	
12/17/15	Report (Page 48)	Preliminary Concept Design and Site Analysis
12/17/15	Minutes (Page 4)	
1/14/16	Report (Page 10)	Consider options with various program goals
1/14/16	Minutes (Page 2)	
2/4/16	Report (Page 107)	Recommended concept and program goals
2/4/16	Minutes (page 8)	
2/25/16	Report (Page 228)	Award contract for Schematic Design & Design update
2/25/16	Minutes (Page 11)	
5/19/16	Report (Page 103)	Schematic Design with feasibility of on/offsite parking
5/19/16	Minutes (Page 4)	
6/16/16	Report (Page 4)	Direction on project budget of \$7M
6/16/16	Minutes (Page 2)	
8/11/16	Report (Page 129)	Refined Schematic Design
8/11/16	Minutes (Page 5)	
11/03/16	Report (Page 75)	Value Engineering/Award of Design Phase 3
11/03/16	Minutes (Page 10)	
12/08/16	Minutes (Page 2)	Council request to bring back the Main St paving
3/16/17	Minutes (Page 2)	Council heard comments from people at the Open House concerned with traffic flow in the area.
		Discussion on water feature, curb and paving
3/30/17	Report (Page 48)	
3/30/17	Minutes (Page 4)	
5/11/17	Report (Page 128)	Approval of Parametrix change order
5/25/17	Report (Page 105)	Staff communication on budget, paving, net-zero, driveway
		Approval New Star Pre-Construction contract
9/14/17		

Exhibit B – HPCA Position Papers

Position Statement: Infrastructure

It is the objective of the HPCA to promote Historic Park City as a fun, friendly and vibrant destination. Smart infrastructure, that supports both car and pedestrian traffic, is essential to fostering an alluring and navigable environment. Our District should encourage visitors to linger, circulate and explore throughout the District. To accomplish this, we need to: 1) reduce physical impediments such as difficult sidewalk navigation; and 2) create attractions/draws along the street (from top to bottom) such as parks and art that encourage exploration. We are confident that easy access, a friendly atmosphere and prolonged exposure to our businesses will increase sales and diversify revenues.

Definitions: We are using a broad definition of infrastructure which includes: parks, public art/attractions, sidewalks, streets, signage, lighting, snow management and public transit. In sum, any physical component within the District that is mandated/managed by the City.

Recommendations: In July 2011, the HPCA and City collaborated and prepared recommendations for public space improvements and pedestrian enhancements for the Historic Park City area. Based on discussion and input from the HPCA Infrastructure Subcommittee, HPCA Board and PCMC Staff, the specific improvement recommendations of this study focus on three primary categories – infrastructure (utilities), uses and attractions (activities/plazas/pocket parks) and pedestrian enhancements (streetscape). This focus is intended to create a visionary, yet achievable plan for the next five to ten years and allowed the process to prepare specific design concepts and cost estimates.

Through continual surveying of members the following is the list of project types by priority.

1. Public Plazas
2. Streetscape Improvements (light poles, furniture, and sidewalks)
3. Sidewalk Improvements

Actions: The HPCA will strongly advocate for funding of the above mentioned projects within a 5 to 7 year timeframe with an approximate value of \$10 million. Through the coordination and approval of the projects, the HPCA will actively work with PCMC to ensure the improvements continue to meet the goals, as outlined, and that the management of the construction project is coordinated to the maximum benefit and minimum impact of the businesses.

Position Statement: Events & Street Closures

It is the objective of the HPCA to promote Historic Park City as a fun, friendly and vibrant destination. We are in favor of events that reinforce this brand image. However, the HPCA is not in favor of events that adversely affect business revenues and/or do not reinforce our message. The HPCA will review all proposed events against an event matrix that was adopted per the following considerations:

1. Major (complete or significant) street closures should be limited to 12 days/year
2. Events requiring street closures must attract a minimum of 1000 persons. High impact events should draw from the entire region.
3. Events should look to work with other existing events to maximize the activities on the entire street.
4. Events must be inclusive, fun and lively
5. Events should be required to market HPC as their host and promote our brand message.
6. Event organizers must notify the HPCA of their events a minimum of 60 days prior (consistent with application time frame from City).
7. Street closures should not occur on consecutive weekends or back-to-back days for different events.
8. The HPCA would like to work with the City/Chamber to develop a matrix, for their own use, by which they can quantify and evaluate events, pre- and post-event.
9. Merchants should be surveyed after each new event to collect input and determine adjustments.
10. Events should conclude on Main Street to encourage attendees to linger.
11. Events should be discouraged from bringing vendors that directly compete with existing services. Events should be encouraged to use HPCA vendors.
12. Reoccurring events that take place only on a portion of Main Street should look to alternate the closure to the opposite end of the district at a frequency to benefit the entire length of the street.

Recommendations: The events sub-committee will continue to evaluate events/street closures and to review each event. The committee is empowered by the Board to make decisions on the membership's behalf, within the framework outlined above. This committee should be involved in new events from their application, to implementation, and until their final evaluation. Additionally, the HPCA should continue to retain its seat on the PCCB/PCMC event committee to represent its interests. Recurring events should be reviewed annually and recommendations will be submitted to better integrate these events with the District.

Action: Continue to collaborate with the City/Chamber to evaluate events and their impact on the District. Meet with City representatives and request that they incorporate our criteria and feedback into their event selection. Request that all event/street closures be evaluated by the HPCA events committee prior to the City's approval.

Exhibit C1- Special Events Code

4-8 Special Event Permit

- [4-8-1 Definitions](#)
- [4-8-2 Unlawful To Operate Without A License; Exceptions](#)
- [4-8-3 Renewal Of Permit\(s\)](#)
- [4-8-4 Special Event Permit Application Procedure](#)
- [4-8-5 Standards For License Approval](#)
- [4-8-6 Conflicting Permit Applications](#)
- [4-8-7 Licenses Necessary For A Special Event Permit](#)
- [4-8-8 Fees To Be Assessed; Exceptions](#)
- [4-8-8.5 Events In Parking Structures](#)
- [4-8-9 Fee Reductions](#)
- [4-8-10 Insurance Requirements](#)
- [4-8-11 Permit Application Supplemental Documents](#)
- [4-8-12 Film-Making](#)
- [4-8-13 Criminal Penalty](#)
- [4-8-14 Revocation For Cause; Notice To Cure](#)

4-8-1 Definitions

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

- A. **APPLICANT.** The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lays. The Applicant signs the Special Event Permit application and all other documents relevant to the event. If the Applicant is a corporation, corporate sponsor, or business, or any other entity, which is not a natural person, the co-applicant or responsible party must be a natural person or persons. See sponsor.
- B. **CONCESSION.** A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a permitted event.
- C. **FEES.** Charges assessed by Park City for permitting, staffing, equipment use/rental, property use/rental, set-up, clean up, inspections, public employees, or public equipment assessed to a Special Event and established within the event permitting process.
- D. **PERMITTEE.** The Applicant, as defined above, becomes the "Permittee" when the Special Event Permit is signed by the Economic Development Manager or his/her designee, upon meeting all the criteria in this Chapter. As the permit holder, the Permittee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses and permits, fee assessments, and insurance liabilities connected with the permitted event.
- E. **SPECIAL EVENT PERMIT.** A permit sought by an Applicant for an event as defined in 4-1-1-48 of this Code, granted through the Special Events Department.

Amended by Ord. 01-31 on 7/19/2001
Amended by Ord. 16-07 on 1/28/2015

4-8-2 Unlawful To Operate Without A License; Exceptions

- A. It is unlawful for any person to conduct a Special Event with or without charge for admission, on public or private property, without first applying for and being granted a Special Event Permit for the specific event and its venue(s). All permits issued pursuant to this Title are non-transferrable and expire at the completion of the given event, or upon revocation, whichever is earlier.

B. **EXCEPTIONS.**

1. Funeral processions by a licensed mortuary;
2. Activities lawfully conducted by a governmental agency within the scope of authority;
3. Filming activities, if a permit for such activities has been issued by the city;
4. First Amendment activities: If it is not reasonably possible to obtain a permit in advance of a First Amendment Event, no permit shall be required providing that the prohibitions of subsections B, C, D and E of section 4-8-5 are not violated.

Amended by Ord. 16-07 on 1/28/2015

4-8-3 Renewal Of Permit(s)

Permittees under the provisions of this Chapter who successfully operate a Special Event under the provisions of this Chapter and who wish to have the event on an annual or periodic basis, must renew each Special Event Permit as outlined in Section 4-8-4 herein. Event levels will be determined through the renewal process, regardless of recurrence or previously determined event levels. Activities that occur in series, falling under the criteria established in this Chapter, must have a Special Event Permit, which specifically authorizes each activity in the series, even if the same activity is held on separate occasions.

Amended by Ord. 16-13 on 3/24/2016

4-8-4 Special Event Permit Application Procedure

- A. **APPLICATION SUBMITTAL.** All requests for Special Event Permit(s) shall be made on a Special Event application or First Amendment Event application prescribed by the city and submitted to the Special Events Coordinator. Application materials are available at City Special Events Department and online at the city's website, and must be completed and submitted to the Special Event Coordinator not less than ninety (90) days prior to the scheduled opening of any Level Three Event, not less than sixty (60) days prior to the scheduled opening of any Level Two Event, and not less than thirty (30) days prior to the scheduled opening of any Level One or First Amendment Event unless otherwise approved by the City Council, or by the Economic Development Manager or his/her designee for Special Events, upon a showing of good cause.
- B. In addition to an application for a Special Event Permit, the Economic Development Manager or his/her designee shall require the Applicant to provide as necessary:
1. Insurance coverage, waiver and release of damages and indemnification as described in 4-8-10;
 2. Supplemental documents, including a transport and traffic control plan, contingency plan, and site map s described in 4-8-11;

3. Proof that the applicant has obtained any applicable city, county, state or other governmental agency approvals, permits or licenses as described in 4-8-7.

C. **CITY COUNCIL REVIEW.** The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications:

1. Applications for new Level Three Events;
2. Applications for Level Three Event permit renewals where material elements of the event have substantially changed from the previous application; and
3. Appeals of administrative decisions made pursuant to Subsection (D) Administrative Review, herein.
4. As used herein, a 'new Level Three Event' shall mean any Level Three Event being proposed for the first time, an event renewal of a Level One, Level Two or First Amendment Event that now qualifies as a Level Three Event, or a Level Three Event which was not renewed for a period exceeding one (1) year. The City Council shall review applications for compliance with the standards for permit approval described at Section 4-8-5 herein as follows:
 - a. Staff Review and Recommendation. Upon receipt of a complete Level Three Event application and accompanying fee, City staff shall review the application for compliance with Section 4-8-5 herein. Staff shall subsequently return a copy of the application to the Applicant with comments and a recommendation, i.e., approve as is, approve with changes and/or conditions, or cause for denial. Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Level Three Event application and notice to the Applicant, the Special Events Coordinator shall schedule the application for a public hearing before the City Council.
 - b. City Council Hearing. Level Three Event applications requiring City Council review and appeals of administrative Special Event decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance the standards set forth at Section 4-8-5 herein, and shall record its decision with written findings of fact, conclusions of law, and condition of approval, if applicable. Written notice of the City Council's decision shall be delivered to the Applicant within ten (10) days of the date of decision.

D. **ADMINISTRATIVE REVIEW.** The Economic Development Manager or his/her designee shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications:

1. Level One and Level Two Event applications;
2. First Amendment Event applications;
3. Applications for Level Three Event renewals where material elements of the event have not substantially changed from the previous application. Upon receipt of a complete Level Three Event application and accompanying fee, the Special

Events Coordinator shall review the application for compliance with Section 4-8-5 herein.

Upon receipt of a complete Special Event Permit application and accompanying fee, the Special Events Coordinator shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events Coordinator shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval, to the Economic Development Manager or his/her designee for final administrative approval. Once approved by the Economic Development Manager or his/her designee, the Special Event Coordinator will deliver written notice of such decision to the Applicant.

Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events Coordinator within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

Amended	by	Ord.	01-31	on	7/19/2001
Amended	by	Ord.	16-07	on	1/28/2015
Amended by Ord. 16-13 on 3/24/2016					

4-8-5 Standards For License Approval

Applications for Special Event Permit(s) shall be reviewed for compliance with the standards provided herein. The Economic Development Manager or his/her designee or City Council may deny or restrict any Special Event whenever any of the conditions enumerated in this Section cannot be eliminated or sufficiently mitigated by Conditions of Approval to ensure public safety and consistency with the Park City General Plan.

- A. The Special Event does not provide positive economic, cultural or community value, or is not in accordance with the goals outlined in the Park City General Plan. The economic, cultural and community value shall be determined by the City pursuant to the following criteria:
 1. Unreasonably restricts existing public access or adversely impacts shared space or the public, due to the number of events, nature of the event, proposed location and/or location conditions;
 2. Diversity of existing event calendar and uniqueness of proposed event;
 3. Degree of commercial activity of the event: event is not primarily retail and/or solely to avoid more restrictive general zoning and license regulations;
 4. Degree of economic benefit to the City through tax benefits, resort visitation, or marketing or branding value, compared to community impacts and costs of services.
- B. The conduct of the Special Event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
- C. The conduct of the Special Event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

- D. The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health and safety services.
- E. The Special Event will substantially interfere with any other Special Event for which a permit has already been granted or with the provision of City services in support of other such events or governmental functions.
- F. Where applicable, the Applicant fails to provide the following:
 - 1. The services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices;
 - 2. Monitors for crowd control and safety;
 - 3. Safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the Special Event will be conducted without creating unreasonable negative impacts to the area and with due regard for safety and the environment;
 - 4. Adequate off-site parking and traffic circulation in the vicinity of the event;
 - 5. Required insurance, cash deposit, or other security; or
 - 6. Any other services or facilities necessary to ensure compliance with City ordinance(s).
- G. The event created the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
- H. The Applicant demonstrates inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a permit, or both.
- I. The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.
- J. **EXCEPTIONS**. Applications for First Amendment Event permits will be reviewed for compliance with the standards outlined in subsections B, C, D, E, G, and H above. In reviewing any Application for a permit for a First Amendment Event, the Economic Development Manager or his/her designee may place reasonable time, place and manner of restrictions on the First Amendment Event. No such restriction shall be based on the content of the beliefs expressed or anticipated to be expressed during the First Amendment Event, or on factors such as the identity or appearance of persons expected to participate in the assembly.

Amended by Ord. 01-31 on 7/19/2001
Amended by Ord. 16-07 on 1/28/2015
4-8-6 Conflicting Permit Applications

- A. No more than one (1) Special Event shall be approved for the same date(s) unless the Economic Development Manager or his/her designee finds that the events will not

adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Economic Development Manager or his/her designee will apply the following criteria:

1. Geographic separation of the events;
 2. Proposed time and duration of the events;
 3. Anticipated attendance volumes;
 4. Necessity for public personnel, equipment, and/or transportation services at the events; and
 5. Anticipated traffic and parking impacts.
- B. In cases where an event double booking conflict arises, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant to review the feasibility of collocating with the original Applicant. If collocating proves impractical, the Economic Development Manager or his/her designee will encourage any secondary, or subsequent, Applicant to offer a viable alternative strategy that meets the needs of all Applicants, while also ensuring adequate public safety measures remain intact.
- C. If no voluntary agreement is reached, then the Economic Development Manager or his/her designee shall resolve the issue based on the following order of priorities:
1. The Special Event that provides the greatest overall value to the City based on economic, cultural and community impacts, which for recurring events may be based on annual event debrief with recommendations from the Special Event Advisory Committee.
 2. Special Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:
 - a. The application is timely filed and processed by the City;
 - b. Said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants
- D. If no voluntary agreement is reached, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar

Amended by Ord. 01-31 on 7/19/2001
Amended by Ord. 16-07 on 1/28/2015

4-8-7 Licenses Necessary For A Special Event Permit

The Applicant/licensee shall procure any applicable city, county, state or other governmental agency approvals, permits or licenses.

Amended	by	Ord.	01-31	on	7/19/2001
Amended	by	Ord.	16-07	on	1/28/2015
Amended by Ord. 16-13 on 3/24/2016					

4-8-8 Fees To Be Assessed; Exceptions

- A. **APPLICATION FEE**. Special Event application Fees shall be assessed according to the fee resolution. All application fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application fee is paid in full. An Applicant for a recurring event that qualifies a new event level is responsible for fee amounts of the given level.
- B. **CITY SERVICE FEES**. Upon receipt of a completed Special Event Permit application, the Special Events Coordinator will provide the Applicant with an estimate of fees based on estimated costs for City services arising from the event, including but not limited to the use of City personnel and/or equipment, City transportation services, inspections, and user fees. A final assessment of City costs will occur upon completion of the Special Event. All City service fees will be adjudged to reflect actual cost. Unless reduced pursuant to Section 4-8-9, all City service fees must be paid in full within thirty (30) days of the final assessment of City costs for the Special Event.
- C. **FINANCIAL SECURITY**. The Special Events Coordinator is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of a Special Event Permit, as a guarantee against fees, damages, clean up, or loss of public property.
- D. **EXCEPTIONS**. Specified Fees do not apply to an application for a First Amendment Event permit if the Applicant demonstrates, by sufficient evidence, that the imposition of Fees would create a financial hardship on the Applicant or would have a detrimental effect on services provided to the public.

Exhibit C2 – Public Outdoor Music Plaza Code

4-8A Public Outdoor Music Plazas

- [4-8A-1 Title For Citation](#)
- [4-8A-2 Purpose: Reasonable Licensing Procedures](#)
- [4-8A-3 Application Of Provisions](#)
- [4-8A-4 Definitions](#)
- [4-8A-5 Special Event Permit; Review Procedure](#)
- [4-8A-6 Public Outdoor Music Plazas](#)
- [4-8A-7 General Regulations](#)
- [4-8A-8 Alcohol](#)
- [4-8A-9 License Holder; Program Board](#)
- [4-8A-10 On-Going Compliance Evaluation](#)
- [4-8A-11 Transfer Limitations](#)
- [4-8A-12 Plaza Licenses In Lieu Of Administrative Permit For Outdoor Music And Outdoor Speakers](#)

4-8A-1 Title For Citation

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

Adopted by Ord. [00-36](#) on 6/1/2000

4-8A-2 Purpose: Reasonable Licensing Procedures

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of public outdoor music plazas in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of public outdoor music plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize public outdoor music plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of public outdoor music plazas and thereby to protect the health, safety, and welfare of the citizens and guests of park City, protect the citizens from increased noise, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods.

Adopted by Ord. [00-36](#) on 6/1/2000

4-8A-3 Application Of Provisions

This Chapter imposes regulatory standards and license requirements on certain activities, which are characterized as "public outdoor music plazas". It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of public outdoor music plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise and Title 15, Land Management Code, of the Municipal Code.

Adopted by Ord. [00-36](#) on 6/1/2000

4-8A-4 Definitions

For the purpose of this Chapter, the following words shall have the following meanings:

- A. **AMPLIFIED EVENT OR MUSIC.** An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.
- B. **STAGES.** The raised and semi-enclosed platforms that are designed to attenuate sound, or as otherwise approved by special events staff.

Adopted by Ord. [00-36](#) on 6/1/2000

4-8A-5 Special Event Permit; Review Procedure

The public outdoor music plazas identified at Section 4-8A-6 herein may be programmed for public performances and outdoor music, subject to the regulations and conditions of this Chapter and subject to Special Event permitting review pursuant to Title 4, Chapter 8, Special Event Permit. No permittee or performer shall accrue any vested rights under this revocable license.

4-8A-6 Public Outdoor Music Plazas

The following locations, dates and times may be programmed for public performances and outdoor music:

A. **LOWER SUMMIT WATCH PLAZA.**

- 1. **LOCATION.** On the north end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.
- 2. **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.
- 3. **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified events or music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

B. **MINER'S PLAZA.**

- 1. **LOCATION.** 415 Main Street.
- 2. **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of two (2) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed Special Event as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.
- 3. **TYPE OF MUSIC.** Solo and duo acts with microphones for vocal, with prerecorded music during breaks. For amplified events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

C. **TOWN LIFT PLAZA.**

1. **LOCATION.** 825 Main Street.
2. **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. The maximum duration of programming per day shall not exceed four (4) hours and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30 p.m. Programming of this stage shall not conflict with any City-sponsored or duly licensed Special Event as approved by the Special Events Department, including but not limited to dates reserved for the Park City Arts Festival. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.
3. **TYPE OF MUSIC.** Amplified and acoustic acts with microphones for vocal, with prerecorded music during breaks. For amplified events, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of ninety (90), as measured twenty-five feet (25') in front of the stage.

D. **UPPER SUMMIT WATCH PLAZA.**

1. **LOCATION.** On the south end of Summit Watch Plaza. Approved plans are on file with the Special Events Department.
2. **OPERATION DAYS/HOURS/MONTHS.** This stage may be programmed a maximum of three (3) days per week from June 1st through Labor Day. Programming is limited to a maximum of three (3) hours per day and shall begin no earlier than 12:00 Noon and must conclude no later than 8:30 p.m. A timer device will be installed that shuts the power of the stage and sound system off at 8:30 p.m.
3. **TYPE OF MUSIC.** Amplified and acoustic with prerecorded music allowed during breaks. For amplified events or music at on Upper Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.

Adopted	by	Ord.	<u>00-36</u>	on	6/1/2000
Amended	by	Ord.	<u>01-20</u>	on	6/21/2001
Amended	by	Ord.	<u>03-18</u>	on	5/8/2003
Amended	by	Res.	<u>03-31</u>	on	6/19/2003
Amended	by	Ord.	<u>03-35</u>	on	7/17/2003
Amended	by	Ord.	<u>04-13</u>	on	4/29/2004

Amended by Ord. [16-07](#) on 1/28/2015

4-8A-7 General Regulations

- A. The program manager, or his/her designee, shall provide on-site management for each event.
- B. A sound technician shall provide on-site noise monitoring for each event with music, amplified or otherwise, and any amplified event.
- C. Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage. The data currently available to the City indicates that a maximum

decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

- D. All events shall be open to the public and free of charge.
- E. No event shall exceed 250 people at one time unless a separate Special Event Permit is granted for that event.
- F. The Police Department or other proper City official shall have access at all times to all public outdoor music plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.
- G. All events shall take place only on authorized stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

Adopted by Ord. [00-36](#) on 6/1/2000

4-8A-8 Alcohol

It is unlawful for the Permittee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at the public outdoor music plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable

Exhibit E – Planning Process overview

The Planning Process

The Main Street Plaza is located in the Historic Commercial Business (HCB) district. Planning has determined the project will require five separate approvals in the HCB zone. The project team submitted the design development drawings and applications for these permits on [date]. Applications include:

- The subdivision - The application was submitted in June of 2016. On December 14, 2016 the Planning Commission forwarded a positive recommendation to the City Council. Significant modifications are necessary to finalize the plat, which are currently in process. Economic Development staff anticipates that the plat and agreements will return to Council for approval by January 2018.
- The Planning Department will process three CUP's:
 - Outdoor Use or Event (Administrative) **OUTDOOR USE OR EVENT**. *Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.;*
 - Parking Area or Structure for five or more cars (Planning Commission);
 - Recreation Facility, Public or Private (Planning Commission);
- Historic District Design Review (Administrative).



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

The National Ability Center has requested a Council liaison.

Respectfully:

Michelle Kellogg, City Recorder



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

On September 19, 2017, Park City Municipal's Community Engagement Department held Coffee with Council, the tenth in an ongoing series of monthly Council outreach events. Councilmembers Beerman and Worel hosted the event, which was held from 8:30-9:30 am at The Rockwell Room. Approximately 35 residents, business owners, and students attended the event for informal conversation about city projects and initiatives. Attached, please find a recap of the conversation.

Respectfully:

Linda Jager, Community Engagement Manager



Coffee with Council – September 19, 2017, 8:30-9:30am

Location: The Rockwell Room

Hosts: Councilmembers Andy Beerman and Nann Worel

Notes prepared by Elizabeth Quinn-Fregulia

Attendees:

Karl Petrow	Josh Hobson
Carol Murphy	Kerri Allardyce
SaraJo Dickens	Michael Falk
Ollie Wilder	June Roscoe
Sam Rubin	Sarah Hall
Sean Morgan	Benjamin Ash
Meredith Andrus	Eileen Kintner
Hillary Jessup	Humaira Yusuf
George Jessup	Bea Mayes
Barty Warren-Kretzschmar	Joe Davis
Cheryl Soshnik	Shelley Marshall
Cyndi Schwandt	Myles Rademan
Clay Stuard	

Councilmember Nann Worel - Thanked everyone for coming. Appreciate people attending. This is your opportunity to tell us what you think: concerns and solutions.

Councilmember Andy Beerman - Thanked everyone for coming. Everyone can ask a question. Interesting things going on and we are always open to new ideas.

Michael Falk, owner of Karaoke Cab (for-hire transportation) – Commented on staff report for 9/21 Council meeting where staff is recommending the Downtowner for the microtransit pilot. Falk felt that local companies were ignored. Worel responded that Council hasn't had the conversation yet, but will be discussing in Council's regular session. Worel and Beerman encouraged public to attend and give input. Council is always receptive. Alternatively, public can send an e-mail to Council with comments, which will be included as part of the public record.

(Update: the microtransit item was removed from the 9/21 Council agenda at the request of Mayor Jack Thomas and will not be considered for implementation at this time).

Clay Stuard, resident - Asked for an update on the Park City Arts District. Worel said an RFP has been posted for consultant to help guide the project. City staff is currently working on a Master Plan with the Kimball Arts Center and Sundance Institute. Beerman said we have a concept, and going forward we will remain focused on the public process. Stuard asked if scope of work is available. City Attorney Mark Harrington responded that there are two RFPs: one for consultant about vision, and a second RFP for a master plan design engineering consultant. Bonding for the Arts District property purchase is on [Council's 9/21/17 agenda](#). Purchase scheduled to close in January, with the planning process estimated to take 18 months.

Cheryl Soshnik, resident - Asked a follow up: with old Sports Authority building being leased long-term by Sundance, it seems that this could be part of the whole concept? Harrington said this is not part of the scope of work for the property, but certainly connects the broader theater district—at Yarrow, Holiday Village, etc. Link them together in the long-term plan. Because the venues are seasonal, not part of the Arts District big picture.

Carol Sletta, resident - Wonderful walking trails in town, but always see people walking on Deer Valley Drive and Bonanza, instead of walking on trails. Can City put up signage saying that there is a wonderful trail close by? Beerman responded that we are focusing on a transportation mode shift, which is showing our weaknesses—curb cuts, etc. Also, focusing on particular area as a problem near Poison Creek Trail. Lousy Verizon service in Old Town, but when this business center announced they were opening they were going to put a booster on Wasatch Brew Pub. Beerman and Worel did not have an update on that project, but would check with staff and share information when available.

Update: Lynn Ware-Peek, community engagement liaison, is in contact with the project contractor - J5 Infrastructure Partners – to get an update on the construction schedule for the project. Ware-Peek will provide the updated schedule as soon as it is available.

Main Street Post Office – residents don't want to see it go. Sletta just received a notice to pay \$94 to get mail. She does not want to make a big stink, but what do I say? Beerman said this is frustrating. The post office wants to move away from P.O. boxes and put in gang boxes. Beerman added that we don't want to see this go away. Unfortunately, the post office has carved up Old Town into two sections, and only half pay for a P.O. Box, while the other receives the service for free. The only way you keep your P.O. Box for free is to give up old number. At some point we need to decide as a community to give up and go with gang boxes. Beerman asked attendees for feedback - Soshnik said she has strong feelings: had to give up on Lower Woodside, and pay for smallest P.O. Box, "everyone in this country is allowed to get their mail for free," but City said won't put in gang boxes—we have been paying for two years. I still feel I deserve to get my mail for free. The post office should not have said "We don't consider you deliverable anymore." postmaster, said "It's not just those of us who have P.O. boxes in Old Town. If they put up a gang box, they need to put one up for everyone on that street, even if it's a second homeowner or renter. Doesn't know how can get around that. Beerman said there's no good solution.

Sletta asked, “Does it have to be all or nothing? Can we put something up at library where post office could service? Soshnik said post office refuses to consider delivering to people’s homes. Worel said the solution not working well.

Sean Morgan, resident - Every small town has a post office, even smallest towns in U.S. Critical to keep, if nothing else for the character of our town. Our mail is paid for by our taxes—if we can’t pay for, need to figure it out from that perspective.

Update: Assistant City Manager Matt Dias is researching this issue and will be providing additional information and policy recommendations to Council in the near future.

Eileen Kintner, resident - Thanks for hosting these Council events! Wondering if residents can see map of areas that are in the study phase for the SR248 improvement project. Community Engagement Manager Linda Jager said the City is working with UDOT on the project and will be actively informing the public throughout the process, including information presented at the City’s Open House event (9/20).

Update: SR248 Project website will be online soon and public scoping meeting will be held in November.

Sarah Jo Dickens, resident - Please talk about the SR248 NEPA (National Environmental Policy Act) process. It’s confusing, can you let people know how they can be involved and informed of the process? Beerman explained, “When get federal funding make sure best options are chosen. The NEPA process covers the entire corridor. The Rail Trail is included because it is considered a pedestrian corridor, and was also identified as a transit corridor in a 2009 study. The NEPA process takes 12-14 months. From there, we start vetting things out. End up with purpose and need statement, which will guide the project. Beerman said he would share concern if he felt like Rail Trail was a threat, but he’s not concerned. The many layers of the Rail Trail make difficult—wetlands, conservation easements, etc. Good scenario: park and rides at RF. Some people will be brought in town similar to Electric Xpress. Also, ebikes show that people can bike into town: so need to consider impacts. Nann said what she likes about the process there is a website and you can make comments which need to be included.

Meredith Andrus, Basin resident - Asked about park and ride for Kimball Junction or Lambs Canyon for skiers. Beerman said there are things in the works; park and rides at Kimball Junction and Jeremy Ranch, combine with Electric Xpress. Also study of I-80 corridor that came out of Mountain Accord with county, city, UDOT. Know there needs to be a hub somewhere.

Kerri Allardyce, business owner (for-hire transportation) - 85% of workforce needs to live outside Park City. Outside commuting needs to be our focus rather than spending \$685,000 on microtransit. HOV, park and ride, real solutions should be priority. Not to mention our entire workforce being displaced to Boneyard: how is the shuttle going to work? Microtransit has been very secretive, even as a professional in the industry. This is what happened last time with us. Why is this not a “votable” item? This is important not just to people who live in PC, but also in Jeremy Ranch, etc. Need to have

community solutions. Beerman thanked Allardyce for her feedback: transportation is a critical priority, he differs in belief that it hasn't been a priority regionally—looking at HOVs, looking at park and rides. Microtransit might be a viable option for employees at Bonanza Park. Do believe we are taking broad approach.

Carol Murphy, resident - Why does micro-transit seem to make most sense to Council and so little sense to community? Worel said we haven't done a good job of communicating. Murphy said maybe it's a project that does not have legs? Beerman said when you try something new there is a degree of skepticism— examples: ebikes, Electric Xpress. Microtransit is innovative, creative, and aggressive. We're throwing lots of ideas out there. Some might work, some might not. We heard loud and clear that traffic is jeopardizing our sense of community, so we're trying to get creative. When you bring up an idea, you'll get pushback. Murphy said it's an idea with an expensive price tag.

Sam Rubin, business owner (for-hire transportation) - asked Worel, "When you live in Sun Peak, Aerie, etc. would you feel comfortable being transported in a non-four-wheel drive during winter like the Chevy Volt? Worel said it's a good question: probably not. Beerman said he owns a Chevy Volt. Drives 95% of the time. Snow over 6" won't take out. Discussed the Bolt versus the Volt. There are advantages to all-wheel drive. Rubin said as a for-hire company, they would all love to drive Volts (cheaper). When you look around town, All Resorts, etc. other for-hires drive AWD. You're putting the public in danger. Last year, PCPD was turning away vehicles that were not AWD. Should look at our (Rubin's company) solution: \$100,000 less. Beerman said you are pointing to problems we grapple with on Council. Air quality concerns make us want to use less emission vehicles. Rubin was saying that his company's solution is \$33/hour, as opposed to Downtowner: \$45/hour. Teslas do make sense, but look at the costs.

Eileen Kintner - drives a Nissan Leaf, drove all last year. No problems getting up to friends' houses in Empire Canyon. Blizzard days: maybe need to look at, but other 362 days of year is fine. Beerman thanked her, and thanked her for driving an electric car. In terms of charging future fleets: ¾ of city's power will come from renewables soon. To say we'll be fueling EVs with coal not accurate.

Worel thanked everyone for coming and asked people to come talk to them. We need to hear from you; want to hear from you. We can't do our job without hearing from our constituents.



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

Due to the size and scope of the Sundance Film Festival, a large coordinated effort occurs between every City Department, Sundance Institute and many community stakeholders in order to both support opportunities and mitigate challenges during the event. The success and opportunity that Sundance Film Festival brings creates challenges and a need to increase community outreach and mitigation efforts to offset adverse impacts during the Festival time frame.

From October 15th through November 15th, staff will coordinating community outreach regarding proposed and evolving plans for this year's Festival to numerous stakeholders. After gaining feedback from various stakeholders, staff currently anticipates coming to the November 17th Council Meeting to recommend approval of the 2018 Sundance Supplemental Plan.

Respectfully:

Jennifer Diersen,

City Council Staff Report



Subject: Sundance 2018 Supplemental Plan Preview and Community Outreach Efforts
Author: Jenny Diersen, Special Events & Economic Development Program Manager
Department: Special Events and Economic Development
Date: October 24, 2017
Type of Item: Informational

Summary

The Sundance Film Festival is one of the world's defining international events that reinforces cultural and economic vitality for Park City, the state of Utah and for independent film.

In 2018 the Sundance Film Festival will be held from January 18 through January 28. The event creates a sense of place by providing programs that enable community interaction (both during the Festival and other seasons) and provide unique amenities and experiences for both our residents and visitors to enjoy and benefit from.

Due to the size and scope of the event, a large coordinated effort occurs between every City Department, Sundance Institute and many community stakeholders in order to both support opportunities and mitigate challenges during the event. The success and opportunity that Sundance Film Festival brings creates challenges and a need to increase community outreach and mitigation efforts to offset adverse impacts during the Festival timeframe.

From October 15th through November 15th, staff will be coordinating community outreach regarding proposed and evolving plans for this year's Festival to numerous stakeholders (Historic Park City Alliance, Park City Chamber, Park City Lodging Association, Park City Restaurant Association, Park City School District, Summit County, Park City Resort, Deer Valley Resort, Special Events Advisory Committee, and For Hire/Taxi Working Group among others). After gaining feedback from various stakeholders, staff currently anticipates coming to the November 17th Council Meeting to recommend approval of the 2018 Sundance Supplemental Plan.

Staff is working to gain perspective from numerous stakeholders regarding this year's planning efforts in order to come up with the best possible solutions. Staff wanted to inform Council of this outreach effort as Council may be approached with questions from community members in the coming weeks. While there are many areas which staff is coordinating, our outreach and engagement will focus on the following topics:

- Accessible Information
 - Rules of the Road (released in September)

- Community Guide (also available in Spanish) - goal to release by mid-December
- Communications leading up to the Festival – Social Media, Text Alert System, Local and Regional Media partners
- Public Property/ Facility Use and Impacts
 - Coordination of set up and facility closures.
- Private Facility Use (both for Sundance Film Festival and Local Businesses/ Property Owners)
 - Coordination of Conventional Chain Business Restrictions
 - Vacant Storefront Use and Enforcement
- Transportation Planning*
 - Transit Schedule
 - Alternative Modes of Transportation
 - Taxi/ Ride Share/Hotel Shuttle
- Residential Mitigation*
 - Efforts to deter traffic in residential neighborhoods
- Parking Plans*
 - Create varied parking options and price structures throughout Park City
 - Drop and Load (Delivery Restrictions) on Main Street
 - Parking Removals and Restriction timelines

*Transportation, Residential Mitigation and Parking Plans will focus on Council's critical priority goal to reduce single occupant vehicles as well as reduce traffic and congestion.

Background

City Council Reports:

September 12, 2013	Sundance Contract Extension pg. 41
September 12, 2013	Sundance Contract Extension Minutes pg. 2-3
February 9, 2016	SEAC Debrief of Sundance 2016 pg. 2 - 3
July 21, 2016	Work Session 2016 Sundance Debrief pg. 3
July 21, 2016	Work Session 2016 Sundance Debrief Minutes pg. 2 & 3
March 16, 2017	Sundance 2017 Debrief / Minutes pg. 3 – 5
August 3, 2017	2018 Sundance Supplemental Plan Venues and Costs / Minutes page 8 & 9
August 17, 2017	2018 Sundance Economic Impact Presentation / Minutes

Department Review

Special Events, Economic Development, Transportation Planning, Parking Services
Transit, Public Works, Streets, Parks, Building Maintenance, Police Department,
Emergency Management, Community Engagement, Planning, Building, Finance,
Budget, Legal and Executive



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

This is an informational report on Special Event City Service Fee Reduction for FY 18. During part two of the City Service Fee Reduction for FY 18, staff received 13 applications for reduction. According to section 4-8-9 the municipal code, though none of the request require Council approval, staff is providing an update to City Council on the recommendations from the staff committee to be approved under the authority of the City Manager.

Respectfully:

Jennifer Diersen,



City Council Staff Report

Subject: Special Event City Service Fee Reduction Update
Author: Jenny Diersen, Special Events & Economic Development
Program Manager
Department: Special Events and Economic Development
Date: October 24, 2017
Type of Item: Informational

Summary

This is an informational report on Special Event City Service Fee Reduction for FY 18. During part two of the City Service Fee Reduction for FY 18, staff received thirteen applications for reduction of City Service Fees. According to section [4-8-9](#) of the municipal code, though none of the requests require Council approval, staff is providing an update to City Council on the recommendations from the staff committee to be approved under the authority of the City Manager.

Acronyms

FY Fiscal Year
PCMC Park City Municipal Corporation
SEAC Special Events Advisory Committee

Background

City Council Reports:

January 28, 2016	Special Events Department Code Changes – page 93 through 140 / Minutes – pages 9 through 10
March 24, 2016	Title 4, Chapter 8 Special Event Code Amendment – pages 67 through 101 / Minutes – page 7
May 5, 2016	Special Event Fee Reduction (July 1 through December 31) pages 152 through 170 / Minutes – page 9
September 22, 2016	Special Events Threshold Discussion / Minutes – pages 7-13
November 3, 2016	Special Events Advisory Committee, Event Prioritization & Fee Reduction Update / Minutes – pages 7 through 9
November 17, 2016	Special Events Advisory Committee Amendment / Minutes – Pages 7 & 8
March 9, 2017	Special Event Fee Reduction Update / Minutes page 4 & 5
March 30, 2017	Special Event Fee Reduction Amendment Adoption / Minutes page 8 & 9
June 8, 2017	Request for Approval for Special Event Fee Reduction Part 1 FY 18 / Minutes pages 9 - 11

Analysis

The City Council's stated goals for the Special Event Fee Reduction process are to:

- Balance positive economic and community outcomes of Special Events;

- Mitigate event impacts to the community – specifically City Councils critical priorities including environmental and transportation impacts, as well as residential impacts;
- Ensure Public Safety & Security; and
- Effectively and efficiently utilize City resources.

There are two (2) application periods for events Special Event City Service Fee Reduction.

- For the first application period for FY 18, staff received twenty-two (22) applications for events July 1 through December 31, 2017.
- For the second application period for FY 18, staff received thirteen (13) applications for events January 1 through June 30, 2018.

The City has long supported Special Event Fee Reductions to supplement City Service expenses for events in Park City. The Fee Reduction process has:

- Facilitated Special Events that bring economic and community benefit, mitigate impacts, ensure safety and security, and fiscal responsibility; and
- Created an expectation for many event applicants who are now reliant upon fee reductions to help budget for the City Service costs and their events generally.

Fee reductions directly affect the City's budget through department staffing and ability to provide certain levels of services, which directly affect the threshold and balance of the event calendar.

Levels of fee reduction approvals also directly influence event applicant's ability to host events that bring positive community and cultural experiences, as well as, and economic benefits to the community.

Application Summary

The Special Events Department received thirteen (13) Special Event City Service Fee Reduction Applications for Part Two of FY18 totaling to \$33,510. (Exhibit A)

- Each of the request received were under the Council approval authority of \$25,000.
- The staff committee scored the applications based on the seven Special Event Fee Reduction Criteria and recommends a total reduction of \$25,716.50. A summary of recommendations are outlined in Exhibit A.

City Service Fee Reduction Committee

A City Service Fee Reduction Committee was formed to make recommendations on Special Event and Building Department City Service requests as according to section 4-8-9 of the Municipal Code and Fee Reduction Policy. This committee is constructed of the following seven (7) City Departments and staff representatives:

1. Budget – Todd Anderson
2. Recreation – Lauren Howerter
3. Sustainability – Celia Peterson
4. Community Development – Tippie Morlan

5. Public Safety (Police) – Captain Rick Ryan
6. Public Utilities – Brenda Wilde
7. Public Works – Loretta Haslock

Though SEAC no longer makes recommendations regarding Special Event City Service Fee Reduction requests, SEAC has been made aware of the recommendations being made this evening.

The thirteen applicants that requested City Service Fee Reduction have been made aware of the recommendations that have the approval authority of the City Manager as reflected report this evening (Exhibit A).

Alternatives for City Council to Consider

1. **Recommended Alternative:** This is an informational report on Special Event City Service Fee Reduction for FY 18.

Pros

- a. Works to meet City Council's goals for Fee Reduction process in reducing negative event impacts, while balancing positive economic, community and cultural benefits, while ensuring public safety, security, and fiscal responsibility.
- b. Events create a sense of community and place in our community, and specifically relates to the City's Goals in the General Plan ([goals 11 & 13](#)).

Cons

- a. Some community members may see these recommendations as not being strong enough to curb some of the negative impacts of events and hold events accountable for City Service Costs.

Department Review

Special Events, Economic Development, Building, Budget, Legal and Executive Departments have reviewed this report.

Funding Source

Special Event City Service Fee Reductions are covered through the general fund within department budgets, which is mostly sales and property tax. Any fees that are not waived will help offset costs of the event which is related to Special Events, Building Permits, Field or Park Rentals, Facilities or Equipment Rentals, Special Use of Public Parking, Bleachers and Trails.

Attachments

- A Special Event Fee Reduction Summary Recommendation Part 2 FY 18

Event Name	Event Date	Business or Organization	Total Fee Estimate	Total Fee Request	Recommended Waived Amount
Savor the Summit	Sunday, June 17, 2018	Park City Restaurant Association	\$8,960.00	\$8,960.00	\$4,480.00
Park City Memorial Day 5K	Monday, May 28, 2018	Park City High School	\$1,800.00	\$1,800.00	\$1,800.00
Red, White and Snow	March 1 - 3, 2018	National Ability Center	\$160.00	\$160.00	\$160.00
Barn Party	Saturday, June 02, 2018	National Ability Center	\$253.00	\$253.00	\$126.50
2018 World Cup	January 7 - 12, 2018	Deer Valley on Behalf of the FIS	\$6,374.50	\$6,374.50	\$3,187.25
Moose on the Loose Kids Trail Run	Saturday, May 05, 2018	Moose on the Loose Kids Run, LLC	\$462.40	\$462.40	\$462.40
Latino Music Series - Noches De Verano	Mondays, June 24 through July 2	Mountain Town Music and Latinos in Action	\$1,005.00	\$1,005.00	\$1,005.00
Team USA Winterfest	Saturday, February 10, 2018	United States Olympic Committee	\$12,360.00	\$12,360.00	\$12,360.00
Running with Ed	Saturday, May 19, 2018	Park City Education Foundation	\$1,260.00	\$1,260.00	\$1,260.00
Park City Skate Series	June 21 and June 30	PCMC	\$165.00	\$165.00	\$165.00
McPolin Barn Snow Shoe on Full Moon	Thursday, March 01, 2018	PCMC	\$165.00	\$165.00	\$165.00
Tiny Tri	June 9 (or June 16)	PCMC	\$340.00	\$340.00	\$340.00
Uncorked		Recycle Utah	\$205.00	\$205.00	\$205.00
TOTAL			\$33,509.90	\$33,509.90	\$25,716.15



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

Attached for your approval, please find the minutes for the October 5, 2017 City Council meeting. Thank you for your consideration.

Respectfully:

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES-DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

October 5, 2017

The Council of Park City, Summit County, Utah, met in open meeting on October 5, 2017, at 5:00 p.m. in the City Council Chambers.

Council Member Beerman moved to close the meeting to discuss property, personnel and litigation at 5:00 p.m. Council Member Henney seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, and Matsumoto. Council Member Worel was excused.

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting at 5:30 p.m. Council Member Henney seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, and Matsumoto. Council Member Worel was excused.

WORK SESSION

Council Questions and Comments:

Council Member Matsumoto attended the Historic Preservation Board meeting, where they finalized the design guidelines for the Historic District. She attended the Recreation Advisory Board meeting, where they discussed working with Diego from the Community Foundation on the initiative to increase Latino participation in community sports programs.

Council Member Gerber participated in being a Park City Firefighter for a day. She attended the Scarecrow Festival hosted by Friends of the Farm. She attended a Youth City Council meeting, and the Chamber's skier demographic presentation. She attended a Ski Utah meeting and noted they were rolling out the season's ad campaigns. She attended the Women in Leadership luncheon where Pat Jones, a former Utah Senator, presented. She attended a Park City Action Network (PCAN) social, where Mark Harrington presented on the history and background of the process and how to be involved. She also attended a Bright Futures Board meeting, and the Park City Area Lodging Association.

Council Member Henney noted that at the Chamber's skier demographic presentation, he observed that the data indicated an increase in public transit with return visits by skiers. He toured the Egyptian Theatre and listened to a great local history lesson. He met with the Vernal Mayor and staff as they learned about the City's trail system. He attended a Joint Transportation Advisory Board meeting and the Prospector's Homeowners Association meeting. He attended a Mountainlands Community Housing Trust meeting where the new affordable housing project in Silver Creek was discussed and hope was expressed that a groundbreaking would take place this fall.

Council Member Beerman attended a Citizen's Open Space Advisory Committee (COSAC) meeting. He attended the meeting with the Vernal Mayor and staff. He attended the Prospector Homeowners Association meeting and heard from Transit staff. He also stated he was happy to see the Latino outreach efforts for the Ice Arena activities.

Mayor Thomas indicated he attended the Fire Board meeting, the Historical Society meeting and other events

Transit Signal and Transit Lane Updates:

Blake Foncesbeck, Darren Davis, Matthew Hartnett and Alfred Knotts presented this item. Knotts explained the three agreements for Council approval in the regular meeting. Hartnett indicated the transit lane agreement expanded the current agreement so buses could travel on both northbound and southbound shoulders of SR-224 and it would eliminate the time-of-day restrictions. He noted the traffic signals would align with the electric bus route so that stops would be minimized. This would allow transit to bypass congested areas, which would make transit a more attractive choice for users, and reduce idling times for transit vehicles. Hartnett also noted that a staff study performed during the 2013 Sundance Festival showed a 30% time savings by using transit.

Foncesbeck stated the traffic signal prioritization agreement would be for all the traffic signals in town, and not just the signals on SR-224. Davis stated this was advanced technology that would help transit perform more efficiently. Foncesbeck indicated UDOT was a great partner and the trust had developed over time to the point that they were comfortable allowing the City to operate with these systems on their right-of-way.

Council Member Beerman asked about park-and-rides at Kimball Junction. Foncesbeck stated the County was building a park-and-ride south of the transit center, and one was being planned at Ecker Hill.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Excused
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	City Recorder	Present

1
2 **II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**
3 **Staff Communications Reports:**
4

5 • **Parking Technology Progress Update:**

6 Julie Dixon and Kenzie Coulson asked if Council had questions on the progress of the
7 parking project. Coulson indicated the tone of the outreach had shifted and the
8 response appeared to be receptive and calm compared to former outreach meetings.
9 Dixon indicated Coulson had done amazing work in her outreach efforts. She also noted
10 the compliments on the new parking garage paint job. Council Member Henney stated
11 this was a disruptive and transformative initiative and he would hold it up as the
12 standard for future endeavors by the City. Council Member Beerman praised Coulson
13 for going door-to-door to meet with every business individually. Coulson gave credit to
14 the Community Engagement team for their help as well. Dixon stated the Main Street
15 employees were a priority and that priority had not changed.
16

17 Mayor Thomas asked for public input. No comments were given. Mayor Thomas closed
18 the public input portion of the meeting for this item.
19

20 • **Latino Outreach & Fee Reduction Update:**

21
22 • **Historic District Grant Program:**

23
24 • **Bonanza Flat Lease Agreement- REDUS Park City LLC.:**

25
26 • **Hillside Soft-Surface Trail Enhancement Update:**

27
28 • **Park City Transit Awarded Low-No Grant:**

29
30 • **Transit App MyStop Update:**

1 **III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON**
2 **THE AGENDA)**

3
4 Mayor Thomas opened the meeting to those who wished to address Council on items not listed
5 on the agenda. No comments were given. Mayor Thomas closed the public input portion of the
6 meeting.

7
8 **IV. CONSIDERATION OF MINUTES**

9
10 **Consideration to Approve the City Council Meeting Minutes from September 15,**
11 **2017:**

12
13 Council Member Gerber moved to approve the City Council meeting minutes from
14 September 15, 2017. Council Member Beerman seconded the motion.

15 **RESULT: APPROVED**

16 **AYES:** Council Members Beerman, Gerber, Henney, and Matsumoto

17 **EXCUSED:** Council Member Worel

18
19 **V. CONSENT AGENDA**

20
21 **1. Request to Authorize the City Manager to Execute Contract Change Order**
22 **No. 11 to the Construction Contract with Granite Construction for Construction of**
23 **the Lowell Avenue Re-Construction Project in a Form Approved by the City**
24 **Attorney and for an Amount of \$165,430.69:**

25
26 **2. Request to Authorize the City Manager to Execute Amendment No. 2 to the**
27 **Professional Service Contract with Stanley Consultants for Construction**
28 **Engineering Management for the Lowell Avenue Re-Construction Project in a**
29 **Form Approved by the City Attorney and for an Amount of \$82,158:**

30
31 **3. Request to Authorize the City Manager to Execute a Professional Services**
32 **Agreement, in a Form Approved by the City Attorney, with SKM, Inc. for the**
33 **SCADA Integrator Services for Creekside Water Treatment Plant Project in an**
34 **Amount Not to Exceed \$74,533.00:**

35
36 **4. Request to Authorize the City Manager to Enter into Transit Lane Operation**
37 **Agreement with the Utah Department of Transportation (UDOT) in a Form**
38 **Approved by the City Attorney:**

39
40 **5. Request to Authorize the City Manager to Enter into Transit Signal Priority**
41 **Cooperative Agreement with the Utah Department of Transportation (UDOT) in a**
42 **Form Approved by the City Attorney:**

1
2 **6. Request for Assignment of the Quinn's Junction Property Annexation and**
3 **Master Planned Development Agreement (A.K.A. Park City Film Studio**
4 **Development Agreement) from Quinn's Junction Partners L.C. to Quinn Capital**
5 **Partners, LLC:**
6

7 **7. Request to Authorize the City Manager to Sign a Professional Services**
8 **Agreement with Global Traffic Technologies, LLC for Professional Services**
9 **Related to the Installation of a Traffic Signal Preemption and Priority Control**
10 **System in the Amount of \$389,409.92 in a Form to be Approved by the City**
11 **Attorney:**
12

13 Council Member Beerman moved to approve the Consent Agenda. Council Member
14 Gerber seconded the motion.

15 **RESULT: APPROVED**

16 **AYES:** Council Members Beerman, Gerber, Henney, and Matsumoto

17 **EXCUSED:** Council Member Worel

18
19 **VI. OLD BUSINESS**
20

21 **1. Consideration to Approve Ordinance No. 2017-51, an Ordinance to Repeal**
22 **and Replace Municipal Code Title 4, Licensing; Adopt 4A, Special Events; Adopt**
23 **4B, Franchised Utilities and Taxes; Adopt 4C, Freedom from Discrimination:**

24 Beth Bynan, Business License Specialist, presented this item and indicated Title Four
25 was being amended in two parts. The proposed changes tonight were, for the most part,
26 formatting changes. She thanked those who helped with this process. She stated
27 Special Events, Franchised Utilities and Taxes, and Freedom from Discrimination were
28 being moved to newly added Code Titles and would not be amended at this time. The
29 definitions were reorganized and the refund was now a flat fee of \$25 to cover
30 administration costs. The appeal process was now all under the same section. She also
31 noted that the code was now aligned with State Code.
32

33 Bynan stated "Licenses" was being renamed to "Consultant License" to meet that
34 specific need, and commented that this title was now easier to navigate.
35

36 Mayor Thomas opened the public hearing.
37

38 Mike Sweeney stated he read this document and the exhibits, and thanked Bynan for
39 her efforts, saying he supported the changes.
40

41 Mayor Thomas closed the public hearing.
42

Council Member Gerber stated this was a big feat and it was done very well.

Council Member Gerber moved to approve Ordinance No. 2017-51, an ordinance to repeal and replace Municipal Code Title 4, Licensing; adopt 4A, Special Events; adopt 4B, Franchised Utilities and Taxes; adopt 4C, Freedom from Discrimination. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Matsumoto

EXCUSED: Council Member Worel

2. Consideration to Approve Ordinance 2017-41, an Ordinance Approving the Lilac Hill Subdivision-First Amended Located at 632 Deer Valley Loop, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Anya Grahn, Planner II, Frank Watanabe, Owner and Developer, Bryan Markkenen from Elliott Work Group, Bo Piktin, project manager; and Kyle Cook from Fehr and Peers, the transportation engineer who conducted the roadway study recommended by the City Council, presented this item. Watanabe read a prepared statement (attached to approved minutes) reviewing the history of the project, the conditions that had been met, and the conditions allowed for this parcel.

Markkenen displayed the site plan for this parcel and other options that were proposed, but were not optimal. He indicated the preferred option was in total compliance with the plat requirements. Cook presented a summary of the field operations performed on Rossi Hill Road and Deer Valley Loop. He stated Rossi Hill was not as steep, was not north facing, and had a greater width than Deer Valley Loop. Rossi Hill also had a greater site distance so drivers leaving the proposed development would not have impaired vision. He noted the impact of the development would be divided, with two units accessing Deer Valley Loop and two units accessing Rossi Hill, so neither road would have an undue burden.

Council Member Beerman asked if the trip generation numbers displayed were actual or based on an estimate. Cook stated the numbers were based on the average in a condo residential area. Council Member Matsumoto asked which option would use less cement for the driveways. Markkenen stated the one driveway option would use less cement than the option with two driveways, but the one driveway option would necessitate a parking garage which would use a lot of cement. Mayor Thomas opened the public hearing.

Jennifer Camp stated snow removal was a big deal on Rossi Hill. Most of the snow was pushed into the condo on the corner, which would cut into the sight line. The corner was very dangerous in the winter.

1 Diane Bernhardt represented Save Rossi Hill Historic Open Space and Snow Park
2 Homeowners Association. She requested that access be limited to Deer Valley Loop.
3 She distributed a handout with an overlay transparency of the preferred site plan, and
4 compared each option from the developer using the transparency. She thought the
5 developer could maximize space more efficiently in his non-preferred options so that the
6 one driveway access to Deer Valley Loop could become the preferred option.

7
8 Council Member Henney asked why the neighbors were opposed to the one additional
9 curb cut on Rossi Hill and why it would be safer to put all the traffic onto Deer Valley
10 Loop. Bernhardt stated the hairpin turn on Rossi Hill was dangerous and the City should
11 not promote traffic above that turn. There were pedestrians and bikes that travelled the
12 road as well and the road should not be promoted. She also asserted that when that
13 parcel was developed, there would be more cars and people. Council Member Henney
14 asked if Deer Valley Loop was dangerous. Bernhardt stated it was dangerous but not as
15 dangerous as Rossi Hill.

16
17 Mary Wintzer stated she agreed with everything Bernhardt said. The access would
18 create a hazardous situation. She felt if the condos were sold to fulltime residents, they
19 would learn how to navigate the road, but she guessed these units would be sold to
20 second homeowners who would not be familiar with the hazardous traffic conditions.
21 She asked that the residents could have the assurance that the driveway would be set
22 back as well.

23
24 Jeff Camp reviewed the history of the property and the various owners. He knew the
25 developer's goal was to make money, and asserted the City and community should not
26 be concerned with the developer's profit margin when making a decision on this
27 property. He also expressed concern on the lack of snow storage on the road as well as
28 the lack of parking there.

29
30 Mayor Thomas closed the public hearing.

31
32 Council Member Matsumoto asked where the garages were located on the parcel.
33 Watanabe indicated the garages were located on the lower level and each unit could
34 accommodate two cars. She indicated that street parking was a concern for the
35 residents. Grahm noted that No Parking signs would be installed on one side of the
36 street. Council Member Matsumoto asked about the snow berm problem at the hairpin
37 turn. Matt Cassel indicated the code allowed snow to be pushed into the right-of-ways
38 as long as it wasn't in the travel lanes of the road. He commented that when the road
39 was narrowed, the snow would only be pushed to the downhill side of the road and No
40 Parking signs would be placed on the uphill side of the road. These efforts would help
41 increase the sight lines. It was also indicated that there would be increased enforcement
42 in this area. Council Member Matsumoto stated the concerns that the neighbors
43 addressed should be resolved whether or not a development was approved for this
44 parcel. She preferred the option with the two access points, noting that splitting the

1 traffic would be the best situation for both streets, and added the plat restrictions were
2 being followed.

3
4 Mayor Thomas asked the length of the driveway that was perpendicular to Rossi Hill.
5 Markkenen stated he didn't have an exact number. Mayor Thomas requested the
6 driveway be longer so cars could come out straight to the road and noted the County
7 requirements of having a 20 foot driveway that was perpendicular to the road as well as
8 a five percent grade change maximum going into a parking area. Cassel indicated that
9 the driveway could be adjusted to resolve that concern. Markkenen agreed that the
10 length could be adjusted.

11
12 Council Member Gerber agreed with Council Member Matsumoto with regard to
13 addressing the concerns of the neighbors. She also was in favor of splitting the traffic by
14 having the two access points.

15
16 Council Member Henney stated he was partial to having only one driveway onto Deer
17 Valley Loop. With respect to the conditions and plat notes, he asked what would be
18 required if the Council wanted to restrict the access to one on Deer Valley Loop.
19 Harrington stated it would have to be determined that having the second driveway in
20 this location would not meet code or would be unsafe. It was a question of which option
21 didn't meet code. If the preferred option created an eastern lot which didn't front Rossi
22 Hill, then it wouldn't implicate the existing condition of approval. If it did, then the other
23 code issues, if any, would need to be ascertained. If there was a different basis to deny
24 the current proposal, the condition would be another procedural step. If there was a
25 basis to deny, there would be justification to amend the other ordinance.

26
27 Council Member Henney asked Markkenen if square footage could be added to other
28 options. Markkenen stated the other options could have a little more square footage but
29 open space on the parcel would be minimized. Watanabe indicated the non-preferred
30 options required parking garages, which would eliminate a level of living space for two
31 units. Council Member Henney asked Grahn to highlight the issues on the preferred
32 option. Grahn stated that even if the parcel was configured a different way, there was
33 still the plat note that allowed one unit to access Rossi Hill. She stated the front and rear
34 setbacks were deeper than side setbacks, which affected the configurations. She
35 indicated the other concern, as far as design guidelines, was the transitional element
36 between the historic house and the new development uphill, and noted she didn't want
37 the new structures to overwhelm the existing structure.

38
39 Council Member Henney preferred having the single access on Deer Valley Loop for
40 safety concerns. He thought drivers would drive on that road at a slower speed than on
41 Rossi Hill, making it a safer alternative. He wondered at the extent of the details
42 presented. Harrington indicated the developer provided the details at Council's request.
43 The details were also necessary to show that the actions dictated by the conditions of
44 approval were achievable.

1 Council Member Beerman also expressed concern about the safety of Rossi Hill Drive.
2 When there were significant snow banks, the problem was magnified. He hoped the
3 developer could maximize some square footage with the options that only had access to
4 Deer Valley Loop, noting that road was better equipped to handle the additional traffic
5 since it had two access points onto Deer Valley Drive. He indicated Council didn't know
6 that the developer had enough space to increase the length of the driveway onto Rossi
7 Hill in order to make it safe. Cassel stated that the site plan might need to be adjusted,
8 but the length of the driveway onto Rossi Hill could be achieved.

9
10 Council Member Gerber asked if there was room for a walkability project for the
11 residents in that neighborhood as well as within the development, noting there was a
12 bus stop close by. Watanabe stated there was access to both Rossi Hill and Deer
13 Valley Loop for the owners of this project. Cassel stated there was a request made to
14 the Bureau of Land Management (BLM) for a staircase to be installed on the BLM
15 property. Watanabe indicated if the design was approved for this development and BLM
16 gave consent for a staircase on its land, Watanabe would pay for that staircase on the
17 BLM land.

18
19 Mayor Thomas agreed with Council Members Henney and Beerman that the
20 development should only have one access to Deer Valley Loop, noting the driveway
21 onto Rossi Hill was unsafe. He also commented that many longtime residents travelled
22 Rossi Hill and their knowledge of that road could not be dismissed. He preferred that the
23 developer look at the other options. Grahn noted that if two lots were created, the plat
24 notes would need to be amended since the notes now give one access onto Rossi Hill.
25 Watanabe indicated if the concern was the unsafe driveway onto Rossi Hill, he could do
26 further work on the site plan in order to resolve that concern.

27
28 Bruce Erickson stated the Planning Department was not in favor of any options that
29 included a parking garage. His department would consider alternatives that did not
30 include access onto Rossi Hill but they did not want the parking garage in those
31 alternatives if at all possible. Council Member Matsumoto agreed that parking garages
32 should not be an option. She also thanked the neighbors for their concern and taking
33 time to come tonight.

34
35 Council Beerman stated there were three conditions that he would want addressed
36 before he would consider approval of this development: a walkability solution for the
37 residents, No Parking signs to the elbow of that section of Rossi Hill if access was to be
38 allowed there, and sufficient length to the driveway accessing Rossi Hill. Council
39 Member Henney noted the fourth condition mentioned by Council Member Matsumoto
40 of not having a parking garage.

41
42 Council Member Beerman moved to continue Ordinance 2017-41, an ordinance
43 approving the Lilac Hill Subdivision-First Amended located at 632 Deer Valley Loop,
44 Park City, Utah, pursuant to findings of fact, conclusions of law, and conditions of

1 approval in a form approved by the City Attorney to a date uncertain in order to allow
2 time for staff to work with the developer on the above mentioned conditions. Council
3 Member Gerber seconded the motion.

4 **RESULT: CONTINUED TO A DATE UNCERTAIN**

5 **AYES:** Council Members Beerman, Gerber, Henney, and Matsumoto

6 **EXCUSED:** Council Member Worel

7
8 **VII. NEW BUSINESS**
9

10 **1. Consideration to Approve Ordinance No. 2017-52, an Ordinance Approving**
11 **the Vacation of the John Doyle House Condominium Plat at 339 Park Avenue,**
12 **Park City, Utah According to Findings of Fact, Conclusions of Law, and**
13 **Conditions of Approval in a Form Approved by the City Attorney:**

14 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
15 closed the public hearing.

16
17 Council Member Gerber moved to approve Ordinance No. 2017-52, an ordinance
18 approving the vacation of the John Doyle House Condominium Plat at 339 Park
19 Avenue, Park City, Utah, according to findings of fact, conclusions of law, and
20 conditions of approval in a form approved by the City Attorney. Council Member Henney
21 seconded the motion.

22 **RESULT: APPROVED**

23 **AYES:** Council Members Beerman, Gerber, Henney, and Matsumoto

24 **EXCUSED:** Council Member Worel

25
26 **2. Approval of Richardson Flat Park & Ride Use Agreement for Fire and Ice**
27 **Productions at Park City Film:**

28 Council Member Matsumoto recused herself from this item since she did business with
29 Fire and Ice. Council Member Beerman asked if the City was being paid for the use.
30 Jenny Diersen stated \$6,000 was paid for the use of the lot and it would cover
31 maintenance costs. Council Member Gerber asked if this would be an opportunity to
32 make permanent improvements to this lot. Harrington stated the lease restricted what
33 could and could not be done on the property. The City was fine with having this lot as a
34 temporary use. Council Member Beerman asked how many parking spaces were in the
35 lot. Diersen stated there were 700 spaces and Fire and Ice requested to use 500 of
36 those spaces.

37
38 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
39 closed the public hearing.
40

Council Member Beerman moved to approve the Richardson Flat Park and Ride Use Agreement for Fire and Ice Productions at Park City Film. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, and Henney

RECUSED: Council Member Matsumoto

EXCUSED: Council Member Worel

VIII. ADJOURNMENT

IX. PARK CITY REDEVELOPMENT AGENCY MEETING

ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Chair	Present
Andy Beerman	Committee Member	Present
Becca Gerber	Committee Member	Present
Tim Henney	Committee Member	Present
Cindy Matsumoto	Committee Member	Present
Nann Worel	Committee Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	Secretary	Present

II. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Chairman Thomas opened the public input portion of the meeting for those who wished to speak on items not listed on the agenda. No comments were given. Chairman Thomas closed the public input portion of the meeting.

III. NEW BUSINESS

1. Consideration to Grant an Exclusive Utility Easement Across City Property to Dominion Energy, in a Form Approved by the City Attorney, for the 1450/1460 Park Avenue Housing Project:

Chairman Thomas opened the public hearing. No comments were given. Chairman Thomas closed the public.

Committee Member Gerber moved to grant an exclusive utility easement across City property to Dominion Energy, in a form approved by the City Attorney, for the 1450/1460 Park Avenue Housing Project. Committee Member Beerman seconded the motion.

RESULT: APPROVED

AYES: Committee Members Beerman, Gerber, Henney, and Matsumoto

EXCUSED: Committee Member Worel

X. ADJOURNMENT

XI. PARK CITY WATER SERVICE DISTRICT MEETING

ROLL CALL

Attendee Name	Title	Status
Jack Thomas	Chair	Present
Andy Beerman	Committee Member	Present
Becca Gerber	Committee Member	Present
Tim Henney	Committee Member	Present
Cindy Matsumoto	Committee Member	Present
Nann Worel	Committee Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	Secretary	Present

II. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Chairman Thomas opened the public input portion of the meeting for those who wished to speak on items not listed on the agenda. No comments were given. Chairman Thomas closed the public input portion of the meeting.

III. NEW BUSINESS

1. Consideration to Authorize the Chair of the Park City Water Service District to Execute the Spiro Tunnel Water Agreement with VR CPC Holdings, Inc., a Delaware Corporation, D/B/A Park City Resort:

Chairman Thomas opened the public hearing. No comments were given. Chairman Thomas closed the public.

1 Committee Member Beerman moved to authorize the Chair of the Park City Water
2 Service District to execute the Spiro Tunnel Water Agreement with VR CPC Holdings,
3 Inc., a Delaware Corporation, d/b/a Park City Resort. Committee Member Gerber
4 seconded the motion.

5 **RESULT: APPROVED**

6 **AYES:** Committee Members Beerman, Gerber, Henney, and Matsumoto

7 **EXCUSED:** Committee Member Worel

8
9 **XII. ADJOURNMENT**

10
11 With no further business, the meeting was adjourned.

12
13
14 Michelle Kellogg, City Recorder



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

Extra Mile America is an organization made up of 100% volunteers that is committed to reminding individuals and organizations that creating positive change is not just a water cooler topic; rather, it is being active in going the extra mile. They are an organization that casts a bright light on the “*Extra Mile Heroes*” and change-makers who surround us and who continue to give their best. Extra Mile cities can be found at <http://www.ExtraMileAmerica.org>.

Respectfully:

Katie Madsen,



City Council Staff Report

Subject: Resolution – Extra Mile Day
Author: Katie Madsen, Executive Assistant
Department: Executive
Date: October 24, 2017
Type of Item: Administrative

Summary Recommendation

Approve the Resolution proclaiming November 1, 2017 as Extra Mile Day in Park City, Utah.

Executive Summary

Extra Mile America is an organization made up of 100% volunteers that is committed to reminding individuals and organizations that creating positive change is not just a water cooler topic; rather, it is being active in going the extra mile. They are an organization that casts a bright light on the “*Extra Mile Heroes*” and change-makers who surround us and who continue to give their best. Extra Mile cities can be found at <http://www.ExtraMileAmerica.org>.

The Opportunity

Pass a resolution that supports individuals and organizations who are dedicated to “going the extra mile” in volunteerism and service.

Background

- The idea for Extra Mile Day started in 2009 when Shawn Anderson created the Extra Mile America Tour, a cross country bicycle tour and inspirational outreach event.
- Extra Mile Day has grown from 23 participating cities in its inaugural year to 550+ cities this year.
- Park City has been an “extra mile city” for the last five years.

Alternatives for City Council to Consider

1. Recommended Alternative: Approve the Resolution

Pros

- a. Individuals and organizations in the Park City community who “go the extra mile” will feel the appreciation and support of City Council.

Consequences of Selecting This Alternative

Park City will be an “extra mile city” for the sixth year in a row.

2. Null Alternative: Do not approve the Resolution

Cons

- a. Park City will not be numbered with the cities that support Extra Mile Day.

Department Review

Executive, Legal

Funding Source

There is no membership fee or other commitments associated with this resolution.



Resolution No: 29-2017

RESOLUTION DECLARING NOVEMBER 1, 2017 AS "EXTRA MILE DAY"

WHEREAS, Park City, Utah is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Park City, Utah is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Park City, Utah is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, Park City, Utah acknowledges the mission of Extra Mile America to create 575 Extra Mile cities in America and is proud to support **"Extra Mile Day" on November 1, 2017.**

NOW THEREFORE, the Mayor and City Council of Park City, Utah do hereby proclaim November 1, 2017 to be Extra Mile Day. We urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

PASSED AND ADOPTED this 24th day of October, 2017

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

Staff recommends the City Council hold a public hearing to approve the proposed amendments/adoption of the Municipal Code regarding:

1. Amend Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection, of the Municipal Code to create a pipeline for chain business to apply for a business license prior to Business License Inspection;
2. Amend Section 4-3-8 License Period, to create a tail for a location and/or CCB, but would not allow the capped number of chains to increase, even temporarily;
3. Amend Section 4-7-3 Convention Sales And Commercial Hospitality Applications to clarify that CSLs must also comply with the CCB Ordinance.

On August 17, 2017 the City Council

1. Approved an Ordinance to limit the number of CCB locations within the HRC and HCB Districts.
2. Approved an Ordinance to remove an exception that allowed the Building Official to do grant permission to apply prior to a passed Business License Inspection

On September 14, 2017 the City Council directed staff to:

1. Create a “pipeline” to allow a conventional chain business to apply for a business license prior to completion construction/tenant improvements to their future space if located within the HRC/HCB zones;
2. Allow a “tail” to remain in place, so that if a CCB vacates a space the location would have a predetermined number of days to fill the space with another CCB.
3. Consider an “exception” to allow Type 2 CSL’s to be CCBs during Sundance, even if the cap had been reached – contingent on legal review and affirmation that doing so wouldn’t erode the defensibility of the chain ordinance.

On October 3, 2017, staff met with a large group of stakeholders including our standing ad-hoc business committee, leasing agents, landlords, current and potential lessees and other interested business people. For both potential CCBs and those interested in locations during the Film Festival, to have resolution and therefore predictability in the market as soon as possible was a strong theme.

Respectfully:

Jonathan Weidenhamer, Economic Development Manager

City Council Staff Report



Subject: Conventional Chain Business License Vesting – Municipal Code Amendments/Adoption
Author: Jonathan Weidenhamer, Economic Development Manager
Rebecca Gillis, Finance Manager
Department: Finance, Economic Development
Date: October 24, 2017
Type of Item: Legislative

Summary Recommendation

Staff recommends the City Council hold a public hearing to approve the proposed amendments/adoption of the Municipal Code regarding:

1. Amend Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection, of the Municipal Code to create a pipeline for chain business to apply for a business license prior to Business License Inspection;
2. Amend Section 4-3-8 License Period, to create a tail for a location and/or CCB, but would not allow the capped number of chains to increase, even temporarily;
3. Amend Section 4-7-3 Convention Sales And Commercial Hospitality Applications to clarify that CSLs must also comply with the CCB Ordinance.

Executive Summary

Staff recommends the City Council hold a public hearing to approve the proposed amendments/adoption of the Municipal Code regarding:

1. Amend Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection, of the Municipal Code to create a pipeline for chain business to apply for a business license prior to Business License Inspection;
2. Amend Section 4-3-8 License Period, to create a tail for a location and/or CCB, but would not allow the capped number of chains to increase, even temporarily;
3. Amend Section 4-7-3 Convention Sales And Commercial Hospitality Applications to clarify that CSLs must also comply with the CCB Ordinance.

On August 17, 2017 the City Council

1. Approved an Ordinance to limit the number of CCB locations within the HRC and HCB Districts.
2. Approved an Ordinance to remove an exception that allowed the Building Official to do grant permission to apply prior to a passed Business License Inspection

On September 14, 2017 the City Council directed staff to:

1. Create a “pipeline” to allow a conventional chain business to apply for a business license prior to completion construction/tenant improvements to their future space if located within the HRC/HCB zones;

2. Allow a “tail” to remain in place, so that if a CCB vacates a space the location would have a predetermined number of days to fill the space with another CCB.
3. Consider an “exception” to allow Type 2 CSL’s to be CCBs during Sundance, even if the cap had been reached – contingent on legal review and affirmation that doing so wouldn’t erode the defensibility of the chain ordinance.

On October 3, 2017, staff met with a large group of stakeholders including our standing ad-hoc business committee, leasing agents, landlords, current and potential lessees and other interested business people. For both potential CCBs and those interested in locations during the Film Festival, to have resolution and therefore predictability in the market as soon as possible was a strong theme.

Acronyms

CCB	Conventional Chain Business
CSL	Convention Sales License
HCB	Historic Commercial Business District
HRC	Historic Recreation Commercial District
LOI	Letter of Intent
TI	Tenant Improvements
Type 1	CSL available throughout the year except during Sundance
Type 2	CSL available during Sundance
Type 3	CSL available in a licensed convention space

The Problem

On August 17, 2017 City Council, in addition to approving an ordinance to limit the future number of CCB’s on Main Street, enacted an Ordinance to amend Municipal Codes 4-3-1 and 4-3-4 to remove the exception by the Building Official to allow application for a business license prior to a pre-inspection. There have been implications on the business license process that need to be clarified.

Background

- December 8, 2016 - Staff presented a Work Session regarding the Main Street Storefront Enhancement Program Land Use Controls to City Council. City Council gave staff direction to complete the following:
 1. Amend the Land Management Code (LMC) to limit the allowable storefront width to fifty-feet (50’) on the Main Street façade and the Heber Avenue façade of any single business location on Main Street in the Historic Recreation Commercial (HRC) and the Historic Commercial Business (HCB) Districts (*approved by City Council on April 27, 2017*)
 2. Update the Design Guidelines for Historic Districts and Historic Sites to address Corporate Architecture (*in process with the Historic Preservation Board*)
- May 11, 2017, the Planning and Economic Development Departments conducted a Work Session with City Council to address potential Land Use controls related to CCBs. City Council gave staff direction to pursue a cap on CCBs in the HCB.

- August 17, 2017, City Council approved an Ordinance addressing the CCB cap in the HRC and HCB. City Council also approved amendments to Municipal Codes 4-2-4 and 4-2-8 to remove the exception by the Building Official to allow application for a business license prior to a pre-inspection.
- August 17, 2017 City Council meeting, Council asked staff to come back with recommendations for a process or specific conditions in which an applicant could apply for a business license prior to a pre-inspection, specifically in the HCB and HRC that are subject to the CCB regulation. Council also asked staff to create a “tail” that would allow locations that have approved CCB tenants have the ability to replace them ahead of any pipeline or waiting list.
- On September 14, 2017 the City Council directed staff to:
 1. Create a “pipeline” to allow a CCB to apply for a business license prior to completion construction/tenant improvements to their future space;
 2. Allow a “tail” to remain in place, so that if a CCB vacates a space the location would have a predetermined number of days to fill the space with another CCB.
 3. Consider an “exception” to allow Type 2 CSL’s to be issued to a CCB during Sundance, even if the cap had been reached – contingent on legal review and affirmation that doing so wouldn’t erode the defensibility of the chain ordinance.
- October 3, 2017, staff met with a large group of stakeholders including our standing ad-hoc business committee, leasing agents, landlords, current and potential lessees and other interested business people. For both potential chains and those interested in rentals during the Film Festival, to have resolution and therefore predictability in the market was a strong theme. More specifically,
- Below is a chronological list of all Public Meetings regarding the Storefront Enhancement Program and CCBs:
 1. December 8, 2016 City Council - Work Session (Staff Report, pg. 13 – Minutes, pg. 3)
 2. February 22, 2017 Planning Commission - Regular Agenda (Staff Report, pg. 93 – Minutes, pg. 7)
 3. March 16, 2017 City Council - New Business(Staff Report, pg. 155 – Minutes, pg. 12)
 4. April 13, 2017 City Council - Old Business (Staff Report, pg. 127 – Minutes, pg. 8)
 5. April 27, 2017 City Council - Old Business (Staff Report, pg. 102 – Minutes, pg. 7)
 6. May 11, 2017 City Council – Work Session (Staff Report, pg. 47 – Minutes, pg. 8)
 7. July 26, 2017 – Planning Commission – Regular Agenda (Staff Report, pg. 187 – Minutes, pg. 37)
 8. August 17, 2017 – City Council – Regular Agenda (Staff Report, pg. 174 - Minutes, pg. 11)
 9. September 14, 2017 – City Council – Regular Agenda (Staff Report, pg. 192 - DRAFT Minutes, pg. 10).

Alternatives & Analysis -The following section will be broken into three separate sections:

- A – Pipeline - Municipal Code - Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection.
- B – Tail - Municipal Code Section 4-3-8 License Period.
- C – Type 2 CSL During Sundance - Municipal Code Section to 4-7-3 Convention Sales And Commercial Hospitality.

Section A – Pipeline - Municipal Code - Sections 4-3-1 License Application, and 4-3-4 Code Compliance Inspection.

On August 17, 2017, City Council approved an Ordinance creating the following CCB cap:

Zoning District	Existing CCBs	CCB Cap	Remaining
Historic Commercial Business (HCB) Zoning District	13	17	4
Historic Recreation Commercial (HRC) Zoning District	1	7	6

Historic Commercial Business (HCB) Zoning District

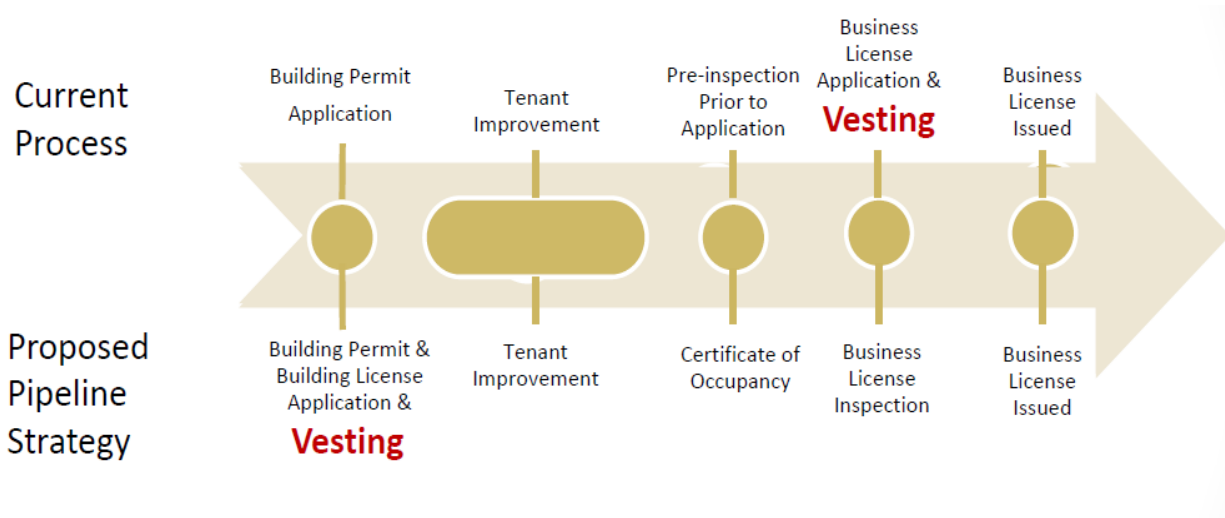
	Address	Business
1.	333 Main Street	Lulu Lemon
2.	333 Main Street	Gorsuch Ski Shop
3.	354 Main Street	Berkshire Hathaway
4.	355 Main Street	Gorsuch Home
5.	405 Main Street	Shirt Off My Back
6.	408 Main Street	Roots
7.	510 Main Street	Rocky Mountain Chocolate Factory
8.	515 Main Street	The North Face
9.	540 Main Street	Marmot Outdoor Gear
10.	545 Main Street	Overland Sheepskin Company
11.	545 Main Street	Summit Sotheby's
12.	625 Main Street	Summit Sotheby's
13.	632 Main Street	Patagonia

Historic Recreation Commercial (HRC) Zoning District

Address	Business
1. 693 Main Street	Keller Williams Real Estate

The existing process does not allow a business to apply for a business license until the space can pass a Business License inspection addressing safety issues and measuring the different types of square footage of the space.

City Council directed staff to create a pipeline that would allow a conventional chain applicant to apply for a business license without a pre-inspection, pay an estimated fee, and be time-stamped in, thereby reserving or vesting one of the remaining chain spots. The application would remain “pending” until all requirements for licensure have been satisfied and the license can be approved. The benefit of doing so prevents a potential chain business of taking the risk of time, effort and money without predictability they will not be over the chain cap when their leasing and tenant improvement (TI) process is done.



The stakeholder group had a strong consensus that the process have two willing partners agree to final lease terms, complete TI's and ultimately open a store can take a significant amount of time and often significant financial investment. Deciding on a mechanism has been difficult. There are many options:

1. Agreements between tenant and landlord – Demonstrating progress in this area, staff believes is critical to the process. There are different steps depending on the specific arrangement. Some typical steps:
 - a. A Letter of Intent (LOI) is a typical starting point, but not binding so staff's concern would be people using a non-binding vehicle to game the system. We've had detailed conversations with landlords and lessors on this topic. It can take many months and significant financial investment to move from the LOI to lease. Typically in that time the parties are spending “real”

money on moving the project forward. Architecture fees, hiring contractors, due diligence on permitting and land use are all typical areas where money is spent. A stated concern is that parties may not be willing to spend money during this interim without assurance of a license. An alternative, not currently recommended, would be to allow the business license application to be accepted with just an LOI. If Council supports this alternative, we would add the step prior to the lease and give a set timeframe, perhaps six months to execute a final lease. If Council does want to include this step, we recommend building the six months into the total 24 month deadline, which we are recommending.

- b. Lease - A final or close to final step towards the partnership. It would imply the two parties intend to move forward. As with everything, creative minds can easily identify “outs” for both parties. A lease also functions as an affirmation of sufficient interest for the land owner.
 - c. Franchise or License Agreements – Will add additional layers, steps and timing to a local vendor. For a potential franchisee we would need affirmation from both the landlord and the Franchise.
2. Entitlement (planning) Process – In some cases, the location needs additional (conditional) use permits. With the commercial zoning in place, most restaurant and retail business are allowed uses, so staff doesn't think we should focus here.
 3. Building Permits – With Occupancy being the final goal, and the Business License Inspection being the tool to ultimately approve any business license application, Staff recommends focusing on the combination of a signed lease with an active building permit with a 24 month deadline.

Staff recommends the following:

4-3-1 License Application

A. Application

1. All Business license applications with a physical location within City limits require a passed Business License Inspection from the Building Department to ensure life safety standards, proper measurements for fee calculation, and Code compliance.
2. Application without an Inspection
 - a) If the Business is a Convention Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply for a Business License without an Inspection only if the applicant provides the following:
 1. A lease agreement, with monetary or other proprietary terms redacted if necessary, or proof of ownership of the space; and
 2. An affirmation of sufficient interest from the parent of the Conventional Chain Business.
 - b) The business license application shall be denied after 180 days unless the applicant has an active building permit.
 - c) The business license application shall be deemed denied if it is pending more than 24 months from application date.
 - d) Any denial can be appealed pursuant to Section 4-3-15.
 - e) Prior to the License being issued, the applicant must provide a Passed Business License Inspection report. A copy of the Business License Inspection report must be submitted to Finance to recalculate the fees based

on the final square footage. Finance will issue a refund or collect additional fees and issue the license.

B. A Business License Inspection will only be scheduled if:

1. A Certificate of Occupancy has been issued by the Building Department;
2. A Letter of Completion has been issued by the Building Department; or
3. There is already an existing licensed Business occupying the space and a building permit is not required to accommodate the new Business.

C. Applications for Business licenses shall be made in writing to the Finance Manager or his/her designee. Each application shall include the:

1. Name of the applicant and DBA, if applicable;
2. Location and contact information of the Business;
3. Payment of the applicable fee and tax to be paid, based on the information recorded on the Business License Inspection or pervious business license at that location if within the HRC or HCB Districts as defined in the Land Management Code; or estimated amount if undergoing significant construction or tenant improvements;
4. Name and contact information of the local Business agent who is authorized to receive service of process and any communication regarding applicant's license, if applicable
5. Federal entity identification number;
6. State sales tax reporting number, if applicable;
7. State contractor's license number, if applicable;
8. State real estate broker's license number, if applicable; and
9. Other information, as needed, for the purpose of guidance of the Finance Manager in issuing the license.

D. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Finance Manager or his/her designee. License application forms shall be prepared and kept on file by the Finance Department.

4-3-4 Code Compliance Inspection

A. INSPECTIONS FOR CODE COMPLIANCE.

1. Prior to applying for a license under this Title for a new Business not previously licensed at that location, or an existing Business with a change of Square Footage, use, or location, the applicant shall be required to have the prospective Place of Business inspected prior to application by the Building Department, and if necessary other government agencies, to ensure compliance with building, fire, municipal, and health codes.
2. Except If the Business is a Convention Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply without an Inspection, but must provide a copy of the Business License Inspection Report showing Passed prior to the License being issued.

PROS:

- This provides more assurance to a potential lessee that a CCB business license is available prior to taking on the cost of new construction or TI.

- The applicant will be required to already have a location and provide consent from the owner/landlord.
- This should minimize the free market trying to commoditize either the space or the business license.
- It eliminates the need for administration of a list or pool and equity/inequity therein.
- This also attempts to keep the licensing process separate from the CCB regulation in the LMC, but allows for an exception if applying for a license with an address located within the HRC or HCB Districts, which is where the CCB ordinance is in effect.

CONS:

- Standing alone, this process would not create a waitlist of CCB's that are "next in line" for an eligible license.
- An LOI is a preliminary step prior to Lease. During this time, significant investment is likely being made. Lack of certainty of gaining a business license may preclude potential businesses from investing in the space.

Alternative Pipeline with LOI Step Prior to Lease:

4-3-1 (A)(2)

2. Application without an Inspection
 - a) If the Business is a Convention Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply for a Business License without an Inspection only if the applicant provides the following:
 1. a letter of intent agreement between the landlord and tenant, with monetary or other proprietary terms redacted if necessary; and
 2. An affirmation of sufficient interest from the parent of the Conventional Chain Business.
 - b) Within 180 days from the day of application a signed lease must be provided between the parties with monetary or other proprietary terms redacted if necessary or the business license application shall be denied unless the applicant has an active building permit.
 - c) The business license application will be denied after 200 days from application unless the applicant has an active building permit.
 - d) The business license application shall be deemed denied if it is pending more than 24 months from application date.
 - e) Any denial can be appealed pursuant to Section 4-3-15.
 - f) Prior to the License being issued, the applicant must provide a Passed Business License Inspection report. A copy of the Business License Inspection report must be submitted to Finance to recalculate the fees based on the final square footage. Finance will issue a refund or collect additional fees and issue the license.

PROS:

- This provides more assurance to a potential lessee that a CCB business license is available prior to taking on the cost of new construction or TI.
- Aligns with a typical step in the commercial leasing exercise.
- Requires submittal for a building permit within 60 days of signed lease.
- Doesn't extend the deadline longer than 24 months for final approval.

CONS:

- May increase people trying to lock up a business license because LOI is less formal and likely less risky to enter into.
- One more administrative step to monitor.

Section B – Tail - Municipal Code Section 4-2-13 License Period.

City Council directed staff to create a “tail”, so that if a CCB vacates a space the location would have a predetermined number of days to fill the space with another CCB (alternative 1 below). The October 3 stakeholder group understood this was a complex issue and there was good synergy in the room between landlords and tenants. In general, the group consensus was to allow a tail to benefit both the tenant and landlord, with the idea that there may be some temporary instances where the chain cap would be exceeded, and attrition in the free market would have to be responsible for reducing the number back to the cap.

Staff's recommendation is to allow the tail to work in favor of both the location and the tenant, Alternative 2 below. Current City Council direction is to provide a tail only for the location (alternative 1 below). For either staff is firmly opposed to allowing any exception to the capped limit. So, first in time would be eligible for the tail allowance.

Alternative 1 – Create a tail for the location only. Proposed language to Section 4-3-8:

4-3-8 License Period

- A. Renewed license certificates shall be valid October 1 through September 30, of the year of renewal unless revoked pursuant to this Title. New license certificates issued between October 1 and June 30 shall be valid through September 30th of the year of issuance unless revoked. New license certificates issued between July 1 and September 30 may be valid through September 30th of the year following the year of issuance, unless revoked. An applicant applying for a license between July 1 and September 1, shall pay one hundred and twenty-five percent (125%) of the amount otherwise imposed for new licenses issued and the license shall be valid through September 30 of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the prorated fee pursuant to this Title on new applications between July 1 and September 30 if the applicant does not intend to do business in Park City the following year
- B. **Conventional Chain Business License Renewal – If the total cap of allowed Conventional Chain Businesses in the HRC and HCB Districts is met and if a Conventional Chain Business no longer maintains its business license, the location is eligible to replace the Storefront with another Conventional Chain Business prior to September 30 of that year. If the period of time when the Conventional Chain Business vacates the premises is less than six months from September 30, the location's representative may put the City on formal notice and have up to 180 days to replace the**

Conventional Chain Business tenant from the time that notice is received by Park City. If the Storefront is not replaced with another Conventional Chain Business within the allotted timeframes above the license shall become available.

1. Formal notice shall be in writing, filed with the City Recorder within ten (10) business days of vacancy.

PROS:

- Existing locations of CCBs would benefit because they could continue to rent to future CCBs.

CONS:

- Existing locations of non-CCBs would be at a disadvantage because they are dependent on a tail expiring in order to rent to a CCB in the future.
- Allowing a tail while waiting for the location to fill the space with another CCB could lead to vacant storefronts for undetermined periods of time.
- The location is vested, potentially leading to market distortion. This may create an unfair advantage to existing CCB locations over other locations who currently do not have a CCB tenant.
- The location of retail mix will be fixed in place until the location allows the tail to expire.

Recommended Alternative 2 – Create a “tail” for the landlord and tenant. Proposed language to Section 4-3-8:

- A. Conventional Chain Business License Renewal – If the total cap of allowed Conventional Chain Businesses in the HRC and HCB Districts is met and if a Conventional Chain Business no longer maintains its business license, the location is eligible to replace the Storefront with another Conventional Chain Business prior to September 30 of that year. If the period of time when the Conventional Chain Business vacates the premises is less than six months from September 30, the location’s representative may put the City on formal notice and have up to 180 days to replace the Conventional Chain Business tenant from the time that notice is received by Park City. If the Storefront is not replaced with another Conventional Chain Business within the allotted timeframes above the license shall become available.
 1. Formal notice shall be in writing, filed with the City Recorder within ten (10) business days of vacancy.
- B. Conventional Chain Business License Renewal – If a Conventional Chain Business moves their location to another Storefront their Conventional Chain Business status would remain at the new location. A new business license would be required.

PROS:

- Existing locations and licensees of CCBs would benefit because they may be eligible to replace/continue their CCBs.

CONS:

- Because of the firm cap number, this may create external stress on landlord/tenant relation, in that there may be a “race” to reserve the spot.

C – Type 1 and 2 CSLs- Municipal Code Section to 4-7-3 Convention Sales And Commercial Hospitality Applications.

A Type 3 CSL is only available in licensed convention space and would never be in a Storefront; therefore, the CCB Ordinance would not apply. A storefront is defined as:

PROPERTY. Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

- A. **Property, Storefront.** A separately enclosed space, Floor Area, tenant space or unit that has a storefront window or storefront entrance that fronts on a Public Street. Storefront Property includes the entire Floor Area associated with the storefront window or storefront entrance that fronts on the Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space, Floor Area, tenant space or unit with:
1. For Vertical Zoning, a storefront window and/or storefront entrance at the adjacent Public Street, or within fifty lateral/horizontal feet (50’) of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; or
 2. For Storefront Enhancement Zoning, a storefront window and/or storefront entrance at the adjacent Public Street, or within thirty lateral/horizontal feet (30’) of the adjacent Public Street measured from the edge of pavement to the storefront window or storefront entrance; and
 3. A storefront window and/or storefront entrance that is not more than eight feet (8’) above or below the grade of the adjacent Public Street and where such entrance is not a service or emergency entrance to the Building.

In the case of split-level, multi-level or multi-tenant Buildings with only one primary storefront entrance, only those fully enclosed spaces, Floor Areas, tenant spaces, or units that directly front on the Public Street, as set forth above, shall be designated as a “Storefront Property.” The Planning Director or designee shall have the final determination of applicability.

City Council asked staff to consider an exception for Type 1 and 2 Convention and Sales licenses. The Type 2 License is only available during Sundance Film Festival. Type 1 is available at all other times during the year. Council’s request was contingent upon Legal review for impact on defensibility of the CCB ordinance.

Staff believes any exception makes the ordinance less defensible. Therefore, we recommend not allowing any exceptions and treating all applicants alike, including Sundance sponsors. To clarify staff’s intent, consistent with the intent and goals of the CCB ordinance would be to preclude using the CSL process to allow a complete turnover of a storefront into a CCB restaurant or retail space if the cap is met.

CSLs are for temporary use (up to 14 days). It is staff’s assessment that in cases where the businesses are national brands, they generally do not meet the definition of a CCB as a retail or restaurant during that time:

CONVENTIONAL CHAIN BUSINESS. Conventional Chain Business is a business, including but not limited to retailers or restaurants, which maintains one or more of the following standardized items which causes it to be

substantially identical to more than 10 other businesses regardless of ownership or location at the time of the application: (1) standardized menu or merchandise with 50% or more of in stock merchandise from a single distributor bearing uniform markings; or (2) a standardized array of products or merchandise; or (3) uniform apparel; or (4) standardized architectural design, layout of facade, decor or color scheme and/or signs; trademarks, and service marks or logos, or similar standardized features.

If a licensee wishes to Engage in Business as a retail or restaurant location during the CSL license period they would be subject to the CCB Ordinance if the location is in a Storefront in the HRC and HCB Districts.

4-1-1.20 ENGAGING IN BUSINESS. Includes all activities engaged in within the corporate limits of Park City carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in Business" includes but is not limited to, the sale, rental, gifting, or promotion of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment; each manufacturing or originating company whether individually occupying a premise or co-locating shall be required to obtain an individual business license for that business activity.

In summary:

A CSL cannot occupy a storefront in the HRC or HCB zones if it meets definition of a CCB, whether they are selling or giving goods (retail or restaurant) away if the cap is met.

Therefore, we recommend adding the following to the CSL Section:

4-7-3 Applications

- C. Type 1 and Type 2 Convention Sales and Hospitality Licenses, located in Storefronts in the Historic Recreation Commercial District or the Historic Commercial Business District that meet the definition of a Conventional Chain Business, must comply with Land Management Code Section 15-2.5-2 in the Historic Recreation Commercial District or 15-2.6-2 in the Historic Commercial Business District.

PROS:

- Consistency with intent and goals of CCB cap ordinance.
- There is lots of current activity and uncertainty in the sub-letting market. Doing something quickly allows predictability for the 2018 Festival.

CONS:

- Criticism will be leveled that the recommendation is making it harder for sub-letting which hurts small businesses ability to sustain their business.

Department Review

Finance, Planning, Economic Development, Building, Legal, Executive

Exhibits

Exhibit 1 – Draft Ordinance

Attachment A – Municipal Code - Sections 4-3-1 License Application, and 4-3-4
Code Compliance Inspection

Attachment B – Municipal Code – Section 4-3-8 Licensing Period

Attachment C – Municipal Code – Section 4-7-3 Convention and Commercial
Hospitality Applications

Exhibit 1 – Draft Ordinance

Ordinance No. 2017-56

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UTAH, AMENDING 4-3-1 LICENSING APPLICATION; AMENDING 4-3-4 CODE COMPLIANCE INSPECTION; 4-3-8 LICENSING PERIOD; AND AMENDING 4-7-3 CONVENTION SALES AND COMMERCIAL HOSPITALITY APPLICATIONS

WHEREAS, the Municipal Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Municipal Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Municipal Code on a regular basis and identifies necessary amendments to address business license, planning and zoning issues that have come up; to address specific Municipal Code issues raised by Staff, Planning Commission, and City Council; and to align the Code with the Council's goals; and

WHEREAS, Park City has an interest in promoting vibrancy and activity in the historic Main Street downtown area located in the Historic Commercial Business (HCB) and the Historic Recreation Commercial (HRC) Zoning Districts and finds this vibrancy to be essential to the City's long term economic and financial well-being; and

WHEREAS, the Park City General Plan includes Goal 12 that states, "Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City." Objective 12C states, "Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience." and Objective 12D states, "Minimize commercial retail chains on Main Street and the impacts of big box and national chains on the unique Park City experience." Detailed Implementation Strategy for Local Business vs. Chain Stores states, "As Park City seeks to maintain its distinct, historic, small-town, tourism based economy, an ordinance restricting formula businesses along Main Street and the Bonanza Park districts should be seriously considered."

WHEREAS, Park City has an interest in the preservation of the integrity of Main Street and Heber Avenue as it relates to the historic feel and character, traditional rhythm and scale, and Main Street National Register Historic District designation. Main Street is the historic core of Park City and is a focal point of the tourism economy. The Historic Commercial Districts reflects the history of Park City.

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, in the HRC and HCB Zoning Districts, business storefronts located Main Street and Heber Avenue, that do not foster diversity or a unique positive pedestrian

experiences to the general public, may diminish the vibrancy, historic rhythm and scale, and activity of the historic Main Street area; and

WHEREAS, the City monitors the downtown business mix and sales tax generation as part of its financial health assessment and finds a diversified business mix is critical to the attractiveness, vitality, uniqueness and success of the historic Main Street downtown area; and

WHEREAS, the long-term economic sustainability of Park City depends upon the continued economic success and aesthetic attractiveness of the historic Main Street area; and

WHEREAS, in the HRC and HCB Districts, building storefronts that are not inviting to the general public and reflective of Park City's unique historic and resort character may have a negative effect upon the overall economy and vitality of the historic downtown area in terms of satisfaction of visitor experience, diversity of visitors, activity on the street, and sales tax revenue generation; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on October 24, 2017; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah to amend the Municipal Code to be consistent with the values and goals of the Park City General Plan and the Park City Council; to protect health and safety and maintain the quality of life for its residents and visitors; to preserve and protect the vitality, attractiveness, activity and success of the historic Main Street area; to ensure compatible development; to preserve historic resources; and to preserve the community's unique character.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 1 License Application of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 4 Inspections for Compliance of the Municipal Code of Park City as hereby amended as redlined in Attachment A.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 3, Section 8 Licensing Period of the Municipal Code of Park City as hereby redlined in Attachment B.

SECTION 4. APPROVAL OF AMENDMENTS TO TITLE 4 – Licensing Chapter 7, Section 3 Commercial Sales And Commercial Hospitality Applications of the Municipal Code of Park City as hereby redlined in Attachment C.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 24th day of October, 2017

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachments

- Attachment A – Municipal Code - Sections 4-3-1 License Application, and 4-3-4
Code Compliance Inspection
- Attachment B – Municipal Code Section 4-3-8 License Period
- Attachment C – Municipal Code Section 4-7-3 Convention Sales And
Commercial Hospitality

Attachment A – Municipal Code - Sections 4-3-1 License Application and 4-3-4 Code Compliance Inspection

4-3-2 License Application

E. Application

1. All Business license applications with a physical location within City limits require a passed Business License Inspection from the Building Department to ensure life safety standards, proper measurements for fee calculation, and Code compliance.
2. Application without an Inspection
 - a) If the Business is a Convention Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply for a Business License without an Inspection only if the applicant provides the following:
 1. A lease agreement, with monetary or other proprietary terms redacted if necessary, or proof of ownership of the space; and
 2. An affirmation of sufficient interest from the parent of the Conventional Chain Business.
 - b) The business license application shall be denied after 180 days unless the applicant has an active building permit.
 - c) The business license application shall be deemed denied if it is pending more than 24 months from application date.
 - d) Any denial can be appealed pursuant to Section 4-3-15.
 - e) Prior to the License being issued, the applicant must provide a Passed Business License Inspection report. A copy of the Business License Inspection report must be submitted to Finance to recalculate the fees based on the final square footage. Finance will issue a refund or collect additional fees and issue the license.

F. A Business License Inspection will only be scheduled if:

1. A Certificate of Occupancy has been issued by the Building Department;
2. A Letter of Completion has been issued by the Building Department; or
3. There is already an existing licensed Business occupying the space and a building permit is not required to accommodate the new Business.

G. Applications for Business licenses shall be made in writing to the Finance Manager or his/her designee. Each application shall include the:

1. Name of the applicant and DBA, if applicable;
2. Location and contact information of the Business;
3. Payment of the applicable fee and tax to be paid, based on the information recorded on the Business License Inspection or pervious business license at that location if within the HRC or HCB Districts as defined in the Land Management Code; or estimated amount if undergoing significant construction or tenant improvements;
4. Name and contact information of the local Business agent who is authorized to receive service of process and any communication regarding applicant's license, if applicable
5. Federal entity identification number;
6. State sales tax reporting number, if applicable;
7. State contractor's license number, if applicable;

8. State real estate broker's license number, if applicable; and
 9. Other information, as needed, for the purpose of guidance of the Finance Manager in issuing the license.
- H. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Finance Manager or his/her designee. License application forms shall be prepared and kept on file by the Finance Department.

4-3-4 Code Compliance Inspection

B. INSPECTIONS FOR CODE COMPLIANCE.

2. Prior to applying for a license under this Title for a new Business not previously licensed at that location, or an existing Business with a change of Square Footage, use, or location, the applicant shall be required to have the prospective Place of Business inspected prior to application by the Building Department, and if necessary other government agencies, to ensure compliance with building, fire, municipal, and health codes.

2. Except If the Business is a Convention Chain Business located within a Storefront Property in the HRC or HCB Districts, the applicant may apply without an Inspection, but must provide a copy of the Business License Inspection Report showing Passed prior to the License being issued.

Attachment B – Tail - Municipal Code Section 4-3-8 License Period

4-3-8 License Period

- A. Renewed license certificates shall be valid October 1 through September 30, of the year of renewal unless revoked pursuant to this Title. New license certificates issued between October 1 and June 30 shall be valid through September 30th of the year of issuance unless revoked. New license certificates issued between July 1 and September 30 may be valid through September 30th of the year following the year of issuance, unless revoked. An applicant applying for a license between July 1 and September 1, shall pay one hundred and twenty-five percent (125%) of the amount otherwise imposed for new licenses issued and the license shall be valid through September 30 of the year following the year of issuance, unless revoked. However, an applicant may elect to pay the prorated fee pursuant to this Title on new applications between July 1 and September 30 if the applicant does not intend to do business in Park City the following year
- B. Conventional Chain Business License Renewal – If the total cap of allowed Conventional Chain Businesses in the HRC and HCB Districts is met and if a Conventional Chain Business no longer maintains its business license, the location is eligible to replace the Storefront with another Conventional Chain Business prior to September 30 of that year. If the period of time when the Conventional Chain Business vacates the premises is less than six months from September 30, the location's representative may put the City on formal notice and have up to 180 days to replace the Conventional Chain Business tenant from the time that notice is received by Park City. If the Storefront is not replaced with another Conventional Chain Business within the allotted timeframes above the license shall become available.
 - a. Formal notice shall be in writing, filed with the City Recorder within ten (10) business days of vacancy.
- C. Conventional Chain Business License Renewal – If a Conventional Chain Business moves their location to another Storefront their Conventional Chain Business status would remain at the new location. A new business license would be required.

Attachment C – Municipal Code Section to 4-7-3 Convention Sales And Commercial Hospitality

4-7-3 Applications

- A. For Type 1 and Type 3 convention sales licenses, the City may take up to ten (10) business days to complete the licensure process to permit adequate time for the Police, Building, Finance, and Planning Departments for review and investigation. The Departments may request reasonable evidence of title to goods proposed to be offered for sale as part of the review.
- B. Retained Council Authority for Type 2 licenses:
1. The Finance Manager or his/her designee shall refer the Type 2 convention sales license application to the Building, Planning, Parking, and Public Safety Departments for approval.
 2. After obtaining department approval, all Type 2 licenses shall require City Council approval at a publically noticed meeting. All Type 2 license applications must be completed and received at least seven (7) calendar days prior to a regular scheduled meeting and three (3) business days prior to a special meeting.
 3. All Type 2 license applications require the applicant to have a pre-inspection prior to application at the Place of Business conducted by the Building Department for compliance with the building and fire codes. A copy of said pre-inspection report must accompany the license application submittal. The pre-inspection prior to application shall remain valid for one hundred and twenty (120) days.
 4. All Type 2 license applications shall require an accurate floor plan and a design occupancy load stamped by a design professional to be submitted at the time of application.
 5. All Type 2 license applicants require a final inspection by the Building Department post application after the space has been set up for the event. Business shall not be conducted until the final inspection has been passed and the applicant has been issued a Type 2 convention sales license.
 6. All Type 2 convention sales license applications for locations within the Main Street Business Improvement District (BID) boundaries shall require a deposit receipt with Republic Services in the amount of one hundred dollars (\$100), to be submitted at time of application, and be required to pay the Main Street BID tax set forth by ordinance.
 7. All Type 2 convention sales licenses will be assessed the Enhanced Enforcement Fees of forty-five dollars and fifty-eight cents (\$45.58) to be paid at time of application.
 8. The loading operations of each Type 2 convention sales license shall be permitted by the Parking Division with three (3) different permits: Red, Green, and Blue, depending on the type of loading: Red, large-scale operations; Green, food and beverage; and Blue, musical equipment. Any violation of the regulations specified on each permit may result in the revocation of the Type 2 convention sales license or the inability to obtain a Type 2 convention sales license in the future.
 9. Large scale load-out operations for Type 2 convention sales licenses will not be permitted until Day 6 (Tuesday) of the Sundance Film Festival.
- C. Type 1 and Type 2 Convention Sales and Hospitality Licenses, located in Storefronts that meet the definition of a Conventional Chain Business, must comply with Land Management Code Section 15-2.5-2 in the Historic Recreation Commercial District or 15-2.6-2 in the Historic Commercial Business District.



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

The proposed Record of Survey will vacate the existing Public Access Easement on the southern property line of Lot 2 and create a new Public Access Easement that will straddle the lot line between Lots 1 and 2. The Public Access Easement provides Public Access to the rear egress of 577 Main Street which is a commercial building located in the Historic Commercial Business (HCB) District. The new Public Access Easement provides more direct access between the rear egress of 577 Main Street and Park Avenue.

Vacations of Public Access Easements require City Council review and approval. This application did not require Planning Commission review.

Respectfully:

Hannah Tyler, Planner II

City Council Staff Report



Subject: Record of Survey Amending a Public Easement on Lot 1 & Lot 2 of the Gaddis Subdivision
Author: Hannah M. Tyler
Project Number: PL-16-03405
Date: October 24, 2017
Type of Item: Legislative – Record of Survey Amending a Public Access Easement

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Executive Summary

The proposed Record of Survey will vacate the existing Public Access Easement on the southern property line of Lot 2 and create a new Public Access Easement that will straddle the lot line between Lots 1 and 2. The Public Access Easement provides Public Access to the rear egress of 577 Main Street which is a commercial building located in the Historic Commercial Business (HCB) District. The new Public Access Easement provides more direct access between the rear egress of 577 Main Street and Park Avenue.

Vacations of Public Access Easements require City Council review and approval. This application did not require Planning Commission review.

Description

Applicant: Stephen Elrick
Location: 578 & 584 Park Avenue
Zoning: Historic Residential-2 Subzone A (HR-2A)
Adjacent Land Uses: Residential to the west, south and north, commercial to the east
Reason for Review: Vacations of Public Access Easements require City Council approval

Acronyms in This Report

HDDR Historic District Design Review
HCB Historic Commercial Business
HR-1 Historic Residential-1
HR-2A Historic Residential-2 Subzone A

Purpose

The purpose of the Historic Residential-2 (HR-2) District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 - 1. Upper Main Street;
 - 2. Upper Swede Alley; and
 - 3. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
- H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
- K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

Background

On February 3, 2017 the City received a completed application for the Record of Survey (ROS) vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision. Since February, City staff has been reviewing the proposal with the Development Review Committee. The Development Review Committee provided multiple comments and staff worked with the applicant on revisions to address those comments – this has been an ongoing and cooperative process between the City and the applicant.

The Gaddis Subdivision was approved in 1996 and is a three-lot subdivision consisting of the subject Lots, 578 and 584 Park Avenue (Lots 2 and 1), and an additional lot (Lot 3) at 577 Main Street. Lots 1 and 2 are located in HR-2A District while 577 Main Street is located in the HCB District. A Public Access Easement was put in place at the time of the Subdivision to provide egress for 577 Main Street (Lot 3) which is a commercial building on Main Street. The commercial building could not provide rear egress with access to Main Street so access to Park Avenue was required for Health, Life, and Safety reasons. The applicant owned all three lots of the Gaddis Subdivision, therefore, they were able to place the Public Access Easement on the residential properties.

The proposed ROS will vacate the existing Public Access Easement on the southern property line of Lot 2 and create a new Public Access Easement to the north where it will straddle the lot line between Lots 1 and 2. The existing and proposed Public Access Easement(s) provide Public access to the rear egress of 577 Main Street which is a commercial building.

Lots 1 and 2 of the Gaddis Subdivision are currently vacant. The applicant submitted two (2) Historic District Design Review (HDDR) applications (one for each lot) for single-family dwellings to be located at 578 Park Avenue (Lot 2) and 584 Park Avenue (Lot 1). The HDDR applications have been approved by Planning staff; however, a Building Permit cannot be issued until the ROS creating the new Public Access Easement has been recorded by Summit County.

Vacations of Public Access Easements require City Council review and approval. This application did not require Planning Commission review.

Analysis

The proposed ROS will vacate the existing Public Access Easement on the southern property line of Lot 2 and create a new Public Access Easement that will straddle the lot line between Lots 1 and 2. The existing Public Access Easement provides Public access to the rear egress of 577 Main Street which is a commercial building. The new Public Access Easement will provide more direct Public access between the rear egress of 577 Main Street and Park Avenue. There are no amendments to the existing property lines.

The Park City Fire District, Park City Building Department, Park City Fire Marshall, and City Engineer have reviewed the proposed Public Access Easement for compliance with Life Safety Standards. The proposed Public Access Easement complies with the applicable Life Safety Standards and provides more direct Public access between the rear egress of 577 Main Street and Park Avenue.

Table 1 identifies the applicable details of the existing and proposed Public Access Easement – these characteristics have been reviewed by the Park City Fire District, Park City Building Department, Park City Fire Marshall, and City Engineer for compliance with minimum clearances, dimensions, etc. for Life Safety Standards.

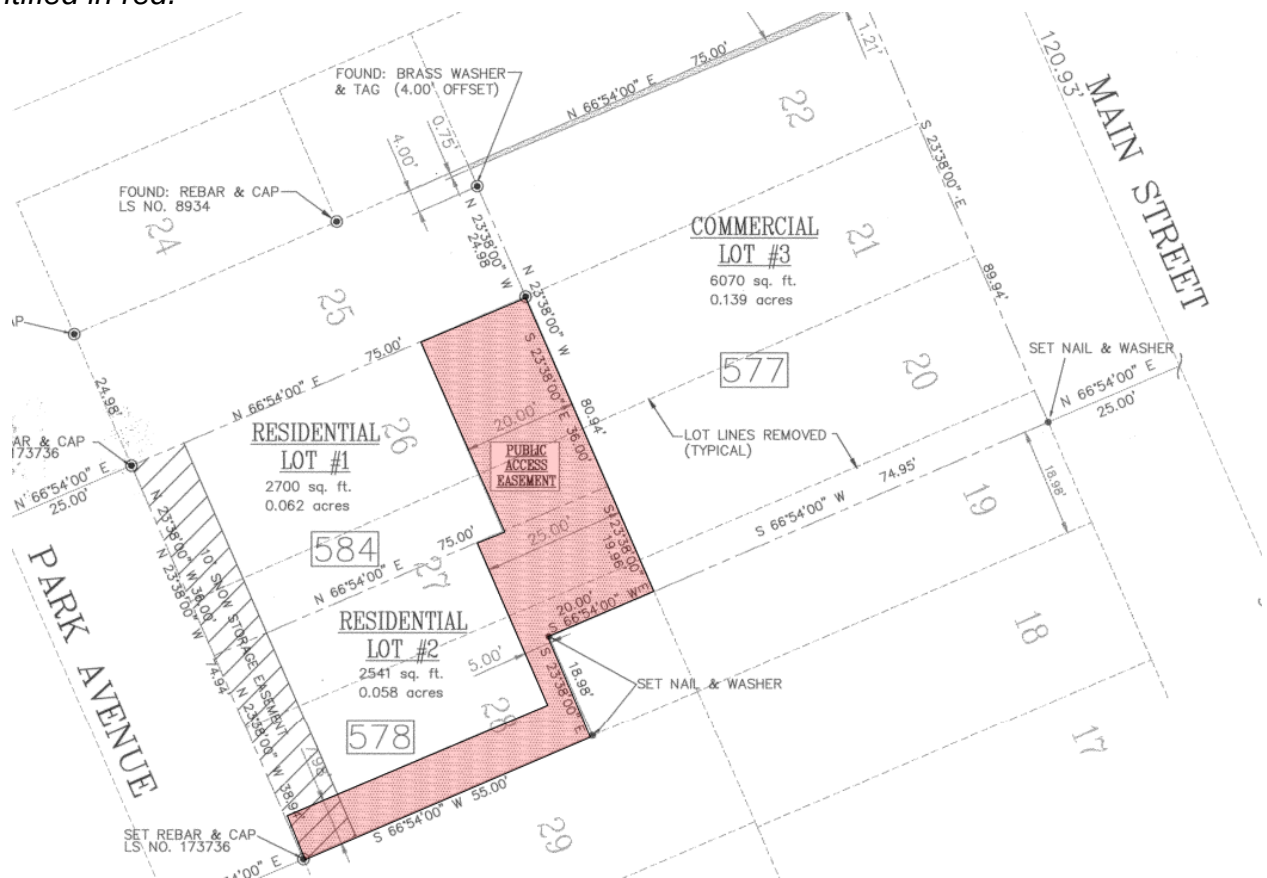
As a part of the ROS, utility easements are being reconfigured to accommodate the proposed single-family dwellings. These easements have also been reviewed by the City Engineer.

All future development on the three (3) lots of the Gaddis Subdivision will have to comply with the applicable requirements of the LMC and respect all easements. The proposed single-family dwellings for Lots 1 and 2 are compliant with the LMC and respect the proposed reconfiguration of utility easements and new Public Access Easement. The following table identified the dimensions of the existing Public Access Easement that is to be vacated and the new Public Access Easement.

Table 1: Characteristics of the existing Public Access Easement that is to be vacated and the new Public Access Easement.

	Public Access Easement to be vacated	Proposed Public Access Easement
Use	Egress for 577 Main Street	Egress for 577 Main Street
Width at Park Avenue	7.98 feet	5 feet
Minimum Width (at any point)	5 feet	5 feet
Total Area (Square Feet)	1,605 square feet (approx.)	957 square feet (approx.)

Figure 1: Existing Gaddis Subdivision with the existing Public Access Easement identified in red.



BLOCK 9

LOT 25 (PC-136)
584 PARK AVENUE
(F) N 66°54'00" E 75.00'

P.O.B. ENTRY 1060040,
DESCRIPTION #1
(A PORTION OF AN ORIGINAL
PREVIOUSLY RECORDED ACCESS
EASEMENT, DESCRIBED PORTION
TO REMAIN)

**LOT 1
RESIDENTIAL**
584 PARK AVENUE
PARCEL ID: GAD-1
2700 S.F.
0.062 AC.

P.O.B. ENTRY
1060040,
DESCRIPTION #2
(A NEW ACCESS
EASEMENT)

D ACCESS & UTILITY EASEMENT (1.5' WIDE)
SEE ACCESS EASEMENT MAINTENANCE AGREEMENT
ENTRY 1060040, BK. 2388, PG. 1421
RECORDED 12-14-2016
83 S.F. OR 0.002 AC.

L 3.0' WIDE ELECTRIC EASEMENT
ENTRY

E ACCESS & UTILITY EASEMENT (2.5' WIDE)
SEE ACCESS EASEMENT MAINTENANCE AGREEMENT
ENTRY 1060041, BK. 2388, PG. 1428
RECORDED 12-14-2016
188 S.F. OR 0.004 AC.

M 5.0' WIDE ELECTRIC EASEMENT
ENTRY

**LOT 2
RESIDENTIAL**
578 PARK AVENUE
PARCEL ID: GAD-2
2541 S.F.
0.058 AC.

VACATED GAS EASEMENT
ENTRY 1072399, BK. 241616,
PG. 705, RECORDED
06-29-2017

C H

N 66°54'00" E 50.00'
N 66°54'00" E 50.00'

S 66°54'00" W 55.00'

A

**LOT 3
COMMERCIAL**
577 MAIN STREET
PARCEL ID: GAD-3

P.O.B. ENTRY 1060041,
DESCRIPTION #1 BEING A
PORTION OF A
PREVIOUSLY KNOWN
EASEMENT, DESCRIBED
PORTION TO REMAIN)

DESCRIPTION #2: A NEW
EASEMENT, AS DESCRIBED

K S 23°38'00" E 36.00'

J I

S 23°38'00" E 19.96'

GAS EASEMENT
(GAS EASEMENT)

573 MAIN STREET
PARCEL ID: 573-MAIN-1

19

- [Utah State Code 10-9a-207](#)
- [Utah State Code 10-9a-208](#)
- [Utah State Code 10-9a-609.5](#)
- [Park City Resolution 08-98](#)

Utah State Code 10-9a-207. Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

(a) For an amendment to a subdivision, each municipality shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b). **Complies.**

- *October 7th, 2017: Public Notice was published on the Public Notice Website and in the Park Record.*

- *October 10th, 2017: In Public Spaces.*
- *October 10th, 2017: Public Notice was mailed to neighboring property owners within 300 feet of the property.*
- *October 10th, 2017: The property was posted with a Public Notice sign.*

(b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:

- (i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or **Complies.**
- (ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by. **Complies.**

See dates listed in section 1(b) above.

(2) Each municipality shall provide notice as required by Section 10-9a-208 for a subdivision that involves a vacation, alteration, or amendment of a street. **Complies.**

See analysis in Section 10-9a-208 below.

Utah State Code 10-9a-208. Hearing and notice for proposal to vacate a public street, right-of-way, or easement.

- (1) For any proposal to vacate some or all of a public street, right-of-way, or easement, the legislative body shall:
 - (a) hold a public hearing; and **Complies.**
 - (b) give notice of the date, place, and time of the hearing, as provided in Subsection (2). **Complies.**

The City Council will hold a public hearing and Public Notice was posted on the following dates:

- *October 7th, 2017: Public Notice was published on the Public Notice Website and in the Park Record.*
- *October 10th, 2017: In Public Spaces.*
- *October 10th, 2017: Public Notice was mailed to neighboring property owners within 300 feet of the property.*
- *October 10th, 2017: The property was posted with a Public Notice sign.*

(2) At least 10 days before the public hearing under Subsection (1)(a), the notice required under Subsection (1)(b) shall be:

- (a) mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement; **Complies.**
- (b) mailed to each affected entity; **Complies.**
- (c) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and **Complies.**
- (d)

- (i) published in a newspaper of general circulation in the municipality in which the land subject to the petition is located; and **Complies.**
- (ii) published on the Utah Public Notice Website created in Section 63F-1-701. **Complies.**

See dates listed in 10-9a-208(2) above.

Utah State Code 10-9a-609.5. Vacating a street, right-of-way, or easement.

- (1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:
 - (a) the name and address of each owner of record of land that is:
 - (i) adjacent to the public street, right-of-way, or easement; or **Not Applicable.**
 - (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and **Complies.**

The applicant has submitted signatures from 577 Main Street, 578 Park Avenue, and 584 Park Avenue as these three (3) properties have exclusive access to the Public Access Easement. The Public Access Easement is for the benefit of 577 Main Street and is only accessible via 578 Park Avenue, 584 Park Avenue, and 577 Main Street.

- (b) the signature of each owner under Subsection (1)(a) who consents to the vacation. **Complies.**

The applicant has obtained signatures with the applicable owners consenting to the vacation of the Public Access Easement.

- (2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section 10-9a-208 and determine whether:
 - (a) good cause exists for the vacation; and **Complies.**
 - (b) the public interest or any person will be materially injured by the proposed vacation. **Complies.**

The City Council will hold a public hearing to determine if good cause exists for the vacation and if the public interest of any person will be materially injured by the proposed vacation. Staff finds good cause for this Record of Survey amending the Public Access Easement as the reconfigured Public Access Easement will provide sufficient egress for the commercial building at 577 Main Street and allow for the construction of two (2) compatible single-family dwellings to be located at 578 Park Avenue and 584 Park Avenue.

- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
 - (a) good cause exists for the vacation; and **Complies.**

- (b) neither the public interest nor any person will be materially injured by the vacation. **Complies.**

See analysis in Utah State Code 10-9a-609.5(2) above.

- (4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
- (a) a plat reflecting the vacation; or **Complies.**
 - (b) an ordinance described in Subsection (3). **Complies.**

If City Council approves the Draft Ordinance, a Record of Survey reflecting the vacation and establishment of a new Public Access Easement will be recorded at Summit County. In addition, an Ordinance (Exhibit A) will be kept by the City Recorder.

- (5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:
- (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated street, right-of-way, or easement; and **Complies.**
 - (b) may not be construed to impair:
 - (i) any right-of-way or easement of any lot owner; or **Complies.**
 - (ii) the franchise rights of any public utility. **Complies.**

The vacated Public Access Easement will no longer be used once vacated. A new Public Access Easement in a different location will replace the vacated Public Access Easement.

Park City Resolution 08-98

SECTION 1. GOOD CAUSE. The City may generally find "good cause" when a proposal evaluated as a whole demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against the following criteria to determine whether a "net tangible benefit" has been demonstrated by the petitioner:

- (a) No Increase in Density. Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance. New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code ("LMC") Chapter 15, Subdivisions, and must result in a lower density than that permitted by the

underlying zoning (Chapter 7), without the vacated right-of-way. **Complies.**

The vacation of the Public Access Easement will not result in increased Density. A new Public Access Easement is proposed to replace the vacated Public Access Easement. A Single-Family Dwelling is currently permitted on 578 Park Avenue (location of existing Public Access Easement) and a Single-Family Dwelling is being proposed.

(b) Neighborhood Compatibility. The proposed shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall review each of the following items when considering compatibility: (1) size and location of the site; (2) traffic impacts including capacity of the existing streets in the area; (3) utility capacity; (4) emergency vehicle access; (5) location and amount of off-street parking; (6) internal circulation; (7) fencing, screening, and landscaping to separate the use from adjoining uses; (8) building mass, bulk, and site plan; (9) usable open space; (10) signs and lighting; (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; (12) provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies; (15) proposed uses in an historic district must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC; (16) all proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9; and (17) the Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development. **Complies.**

The vacation of the Public Access Easement will be compatible with the neighborhood. A new Public Access Easement is proposed to replace the vacated Public Access Easement. The proposed development on 578 Park Avenue and 584 Park Avenue has completed the Historic District Design Review process and has been approved. Staff found compliance with Chapter 15 of the LMC and the Design Guidelines for New Construction.

(c) Consideration. Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval

requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens. **Complies.**

A new Public Access Easement is proposed to replace the vacated Public Access Easement. The new Public Access Easement will still serve as the egress for the commercial building located at 577 Main Street.

(d) Utility of existing Right-of-Way. The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the right-of-way, and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Street Master Plan, unless otherwise reduced by the City Engineer. **Complies.**

A new Public Access Easement is proposed to replace the vacated Public Access Easement. The new Public Access Easement will still serve as the egress for the commercial building located at 577 Main Street.

Good Cause

Staff finds good cause for this Record of Survey amending the Public Access Easement as the reconfigured Public Access Easement will provide sufficient egress for the commercial building at 577 Main Street and allow for the construction of two (2) compatible single-family dwellings to be located at 578 Park Avenue and 584 Park Avenue.

Process

The approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

Department Review

This project has gone through an interdepartmental review.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record on October 7th, 2017.

Public Input

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

Alternatives

- The City Council may approve the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision as conditioned or amended; or

- The City Council may deny the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision; or
- The City Council may continue the discussion on Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The two (2) proposed single-family dwellings will have to be redesigned to accommodate the existing Public Access Easement.

Summary Recommendation

Staff recommends the City Council hold a public hearing and consider approving the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance and Proposed Record of Survey

Exhibit B – Existing Gaddis Subdivision

Exhibit C – Contextual Map

Exhibit A: **Draft Ordinance No. 2017-57**

AN ORDINANCE APPROVING THE RECORD OF SURVEY TO VACATE THE EXISTING PUBLIC ACCESS EASEMENT AND CREATE A NEW PUBLIC ACCESS EASEMENT ON LOTS 1 AND 2 OF THE GADDIS SUBDIVISION LOCATED AT 578 AND 584 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 578 Park Avenue, 584 Park Avenue, and 577 Main Street have petitioned the City Council for approval of the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision; and

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

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

WHEREAS, it is in the best interest of Park City, Utah to approve the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 578 and 584 Park Avenue and 577 Main Street.
2. 578 and 584 Park Avenue are located within the Historic Residential-2 Subzone A (HR-2A) District. 577 Main Street is located within the Historic Commercial Business (HCB) District.
3. On February 3, 2017 the City received a completed application for the Record of Survey (ROS) vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision.
4. The Gaddis Subdivision was approved in 1996 and is a three-lot subdivision consisting of the subject Lots, 578 and 584 Park Avenue (Lots 2 and 1), and an additional lot (Lot 3) at 577 Main Street.
5. The proposed Record of Survey will vacate the existing Public Access Easement on the southern property line of Lot 2 and create a new Public Access Easement to the north where it will straddle the lot line between Lots 1 and 2. The existing and proposed Public Access Easement(s) provide Public access to the rear egress of 577 Main Street which is a commercial building.

6. The Park City Fire District, Park City Building Department, Park City Fire Marshall, and City Engineer have reviewed the proposed Public Access Easement for compliance with Life Safety Standards.
7. The existing Public Access Easement (to be vacated) is 7.98 feet in width at Park Avenue. The proposed Public Access Easement is 5 feet in width at Park Avenue. The area of the existing Public Access Easement (to be vacated) is 1,605 square feet. The area of the proposed Public Access Easement is 957 square feet.
8. The proposed Public Access Easement complies with the applicable Life Safety Standards and provides more direct Public access between the rear egress of 577 Main Street and Park Avenue.
9. Lots 1 and 2 of the Gaddis Subdivision are currently vacant.
10. The applicant submitted two (2) Historic District Design Review (HDDR) applications (one for each lot) for single-family dwellings to be located at 578 Park Avenue (Lot 2) and 584 Park Avenue (Lot 1). The HDDR applications have been approved by Planning staff; however, a Building Permit cannot be issued until the ROS creating the new Public Access Easement has been recorded by Summit County.
11. As a part of the Record of Survey, utility easements are being reconfigured to accommodate the proposed single-family dwellings.
12. All future development on the three (3) lots of the Gaddis Subdivision will have to comply with the applicable requirements of the LMC and respect all easements. The proposed single-family dwellings for Lots 1 and 2 are compliant with the LMC and respect the proposed reconfiguration of utility easements and new Public Access Easement.
13. The proposal complies with Utah State Code 10-9a-207 as Notice for the vacation was sent at least 10 days prior to the Public Hearing.
14. The proposal complies with Utah State Code 10-9a-208 as a Public Hearing and notice for proposal to vacate a public easement was provided at least 10 days prior to the Public Hearing.
15. The proposal complies with Utah State Code 10-9a-609.5 as the applicant has submitted signatures from 577 Main Street, 578 Park Avenue, and 584 Park Avenue as these three (3) properties have exclusive access to the Public Access Easement. The Public Access Easement is for the benefit of 577 Main Street and is only accessible via 578 Park Avenue, 584 Park Avenue, and 577 Main Street. The applicant has obtained signatures with the applicable owners consenting to the vacation of the Public Access Easement.
16. The City Council will hold a public hearing to determine if good cause exists for the vacation and if the public interest of any person will be materially injured by the proposed vacation. Staff finds good cause for this Record of Survey amending the Public Access Easement as the reconfigured Public Access Easement will provide sufficient egress for the commercial building at 577 Main Street and allow for the construction of two (2) compatible single-family dwellings to be located at 578 Park Avenue and 584 Park Avenue.
17. The proposal complies with Park City Resolution 08-98 as the vacation of the Public Access Easement will not result in increased Density. A new Public Access Easement is proposed to replace the vacated Public Access Easement. A Single-

Family Dwelling is currently permitted on 578 Park Avenue (location of existing Public Access Easement) and a Single-Family Dwelling is being proposed.

18. The vacation of the Public Access Easement will be compatible with the neighborhood. A new Public Access Easement is proposed to replace the vacated Public Access Easement. The proposed development on 578 Park Avenue and 584 Park Avenue has completed the Historic District Design Review process and has been approved. Staff found compliance with Chapter 15 of the LMC and the Design Guidelines for New Construction.
19. On October 7th, 2017, Public Notice was published on the Public Notice Website and in the Park Record. On October 10th, 2017, Public Notice was posted In Public Spaces. On October 10th, 2017, Public Notice was mailed to neighboring property owners within 300 feet of the property. On October 10th, 2017, the property was posted with a Public Notice sign.

Conclusions of Law:

1. The Record of Survey is consistent with the Park City Land Management Code and applicable State law.
2. Neither the public nor any person will be materially injured by the proposed Record of Survey.
3. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

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

PASSED AND ADOPTED this 24th day of October, 2017.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Record of Survey



THE PURPOSE OF THIS MAP IS TO ILLUSTRATE EASEMENTS OF RECORD AFFECTING LOT 1 AND LOT 2 OF THE GADDIS AMENDED SUBDIVISION.

FOR PURPOSES OF HISTORY OF RECORDED PLATS/SURVEYS, SEE THE FOLLOWING:

1. "GADDIS LOT COMBINATION PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT" ENTRY NUMBER 467510, RECORDED 11-22-1996
2. ALTA/ACSM LAND TITLE SURVEY OF 578 & 584 PARK AVENUE, BLOCK 9, PARK CITY SURVEY, ALLIANCE ENGINEERING RECORD OF SURVEY S-6750, RECORDED 12-28-2007.
3. ALTA/ACSM LAND TITLE SURVEY OF 578 & 584 PARK AVENUE, BLOCK 9, PARK CITY SURVEY, ALLIANCE ENGINEERING RECORD OF SURVEY S-7393, RECORDED 12-30-2011.

EXISTING EASEMENTS OF RECORD ARE AS FOLLOWS, IN ORDER OF RECORDATION:
(THE ENTRY NUMBERS ARE DESIGNATED ALPHABETIC LETTER NUMBERS FOR IDENTIFICATION ON THE MAP PORTION)

A. ENTRY 104517, RECORDED 10-08-2014 AT 1:20 PM
RECIPROCAL SNOW SHED EASEMENT BENEFITING 578 PARK AVENUE AND 572 PARK AVENUE.

B. ENTRY 1041673, RECORDED 03-30-2016 AT 11:02 AM
RECIPROCAL SNOW SHED EASEMENT BENEFITING 584 PARK AVENUE & 578 PARK AVENUE

C. ENTRY 1051014, BK. 2366 PG. 709 RECORDED 08-08-2016 AT 1:36 PM
A GAS LINE EASEMENT THROUGH GADDIS LOT 2, BENEFITING QUESTAR GAS.

NOTE: THE ABOVE EASEMENT ENTRY NUMBER 1051014, HAS SINCE BEEN QUIT-CLAIMED TO STEPHEN MONTGOMERY ELRICK, GRANTEE, (OWNER OF LOT 2, GADDIS LOT COMBINATION) IN ENTRY 1072399, RECORDED 06-29-2017.

D. ENTRY 1060040, BOOK 2388, PAGE 1421, RECORDED 12-14-2016 AT 9:41 AM
ACCESS EASEMENT MAINTENANCE AGREEMENT BETWEEN STEPHEN ELRICK AND MSLD, L.L.C. A UTAH LIMITED
LIABILITY COMPANY.
(PREVIOUS ACCESS EASEMENT MAINTENANCE AGREEMENT, BOOK 01530, PAGE 362-365 IS REPLACED BY THE
ABOVE-MENTIONED EASEMENT OF RECORD.)

E. ENTRY 1060041, BOOK 2388, PAGE 1428, RECORDED 12-14-2016 AT 9:41 AM
ACCESS EASEMENT MAINTENANCE AGREEMENT BETWEEN STEPHEN ELRICK AND MSJD, L.L.C. A UTAH LIMITED
LIABILITY COMPANY. (PREVIOUS ACCESS EASEMENT MAINTENANCE AGREEMENT, BOOK 01530, PAGE 362-365 IS
REPLACED BY THE ABOVE-MENTIONED EASEMENT OF RECORD.)

F. ENTRY 1066515, RECORDED 03-30-2016 AT 11:32 AM
RECIPROCAL SNOW SHED EASEMENT BENEFITING 584 PARK AVENUE & 594 PARK AVENUE

G. ENTRY 1072398, BOOK 2416, PAGE 0701, RECORDED 06-29-2017 AT 2:09 PM
RIGHT-OF-WAY & EASEMENT GRANT, A 3' STRIP OF LAND ON PARCEL ID 573-MAIN-2, ALSO KNOWN AS 572
PARK AVENUE, BENEFITING QUESTAR GAS COMPANY.

H. ENTRY 1072399, BOOK 2416, PAGE 0705, RECORDED 06-29-2017 AT 2:09 PM
QUIT CLAIM DEED FROM QUESTAR GAS COMPANY TO STEPHEN ELRICK, OWNER OF GADDIS LOT 2, (PARCEL ID
GAD-2). ALSO KNOWN AS 578 PARK AVENUE.

I. ENTRY 1072400, BOOK 2416, PAGE 0707, RECORDED 06-29-2017 AT 2:09 PM
RIGHT-OF-WAY AND EASEMENT GRANT, BENEFITING QUESTAR GAS COMPANY. LYING WITHIN GADDIS LOT 2,
(PARCEL ID GAD-2) ALSO KNOWN AS 584 PARK AVENUE.

J. ENTRY 1072548, BOOK 2416, PAGE 1618, RECORDED 07-03-2017 AT 11:05 AM
RECIPROCAL SNOW SHED EASEMENT BETWEEN 578 PARK AVENUE AND 577 PARK AVENUE.

K. ENTRY 1072598, BOOK 2416, PAGE 1620, RECORDED 07-03-2017 AT 11:05 AM
RECIPROCAL SNOW SHED EASEMENT BETWEEN 584 PARK AVENUE AND 577 PARK AVENUE.

L. ENTRY _____, BOOK _____, PAGE _____, RECORDED _____
ELECTRIC EASEMENT ON GADDIS LOT 1, BENEFITING ROCKY MOUNTAIN POWER.

M. ENTRY _____, BOOK _____, PAGE _____, RECORDED _____
ELECTRIC EASEMENT ON GADDIS LOT 2, BENEFITING ROCKY MOUNTAIN POWER.

TITLE REPORT INFORMATION

REGARDING GADDIS LOT 1:
OTHER DOCUMENTS OF RECORD, PER TITLE COMMITMENT 25679a, EFFECTIVE DATE AUGUST 25, 2016,
PREPARED BY STEWART TITLE COMPANY

ITEM 12. ENTRY 311124, BOOK 529 PAGE 755, RECORDED ON08-01-1989

ITEM 13. BOOK F (OLD) PAGE 207

ITEM 15. ENTRY 656263, BOOK 1530 PAGE 362, RECORDED 04-28-2003

REGARDING GADDIS LOT 2:
OTHER DOCUMENTS OF RECORD, PER TITLE COMMITMENT 25679b, EFFECTIVE DATE AUGUST 25, 2016 AT 8:00
AM.
PREPARED BY STEWART TITLE COMPANY

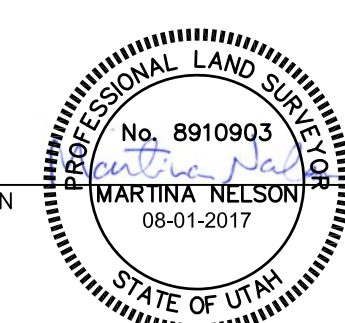
ITEM 12. ENTRY 311124, BOOK 529 PAGE 755, RECORDED 08-01-1989

ITEM 13. BOOK F (OLD) PAGE 207

ITEM 15. ENTRY 656263, BOOK 1530 PAGE 362, RECORDED 04-28-2003

SURVEYOR'S CERTIFICATE

I, MARTINA NELSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 8910903.



MARTINA NELSON
P.L.S. 8910903

[illegible]

SURVEYED BY:

DRAWN BY:
MN

DATE: AUGUST 01, 2017

**RECORD OF SURVEY
LOTS 1 & LOT 2
GADDIS SUBDIVISION**

DWG: GADDIS 1-2 ROS.dwg

FOR: **STEPHEN ELRICK**

SURVEYOR'S CERTIFICATE

I, ROBERT W. POHL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 173736 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

Robert W. Pohl
ROBERT W. POHL

10/10/96
DATE:

GADDIS LOT COMBINATION
PARK CITY SURVEY SUPPLEMENTAL AMENDED PLAT
OF BLOCK 9 OF THE
PARK CITY SURVEY
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That the undersigned are the owners of the herein described tract of land, and hereby causes the same to be divided into lots as set forth and shown hereon, hereafter to be known as Park City Survey supplemental amended plat of block 9 of the Park City Survey. I further dedicate the easements shown hereon in accordance with an irrevocable offer of dedication to Park City.

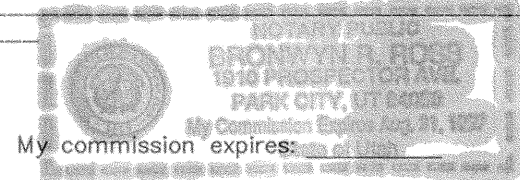
EXECUTED this 13th day of Sept., 1996.

Jim Gaddis
Jim Gaddis, President
MSLP, LLC a Utah limited liability co.

ACKNOWLEDGEMENT

State of _____
County of _____
On the 13th day of September, 1996 personally appeared before me *Jim Gaddis*, who, being by me duly sworn, did say that they are the owners of Park City Survey Supplemental Amended Plat of Block 9 and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said owner freely and voluntarily.

Donna Ross
Notary Public



SURVEYOR'S CERTIFICATE

I, JACK JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 22-153787-2201 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

Jack Johnson
JACK JOHNSON
Professional Engineer & Land Surveyor

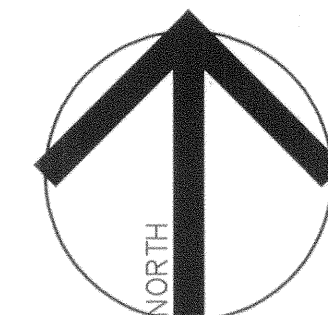
September 25, 1996
DATE

NOTES

- 1) FOUND OR SET REBAR & CAP SET AT ALL PROPERTY CORNERS, EXCEPT AS NOTED, BY ROBERT POHL, UTAH L.S. #173736

000

STREET ADDRESS OF BUILDING



SCALE: 1" = 20'

LEGAL DESCRIPTION

THE NORTHERLY 6.00 FEET OF LOT 19, ALL OF LOTS 20, 21, 22, 26, 27 AND ALL OF LOT 28 EXCEPT THE SOUTHERLY 18.98 FEET OF THE EASTERLY 20.00 FEET THEREOF, BLOCK 9, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE, SUMMIT COUNTY, UTAH.

CITY COUNCIL APPROVAL

PRESENTED TO THE CITY COUNCIL THIS 21st DAY OF March 1996. AT WHICH TIME THIS SURVEY WAS APPROVED.
Jack M. Scott
MAYOR
CITY RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY CITY ENGINEERING DEPARTMENT ON THIS 21st DAY OF October A.D. 1996.
Eric W. DeHaan
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY CITY PLANNING COMMISSION ON THIS 23rd DAY OF October A.D. 1996.
Shirley Jones
CHAIRMAN

SEWER DISTRICT APPROVAL

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS 14th DAY OF October A.D. 1996.
Paul Zimmerman
S.B.S.I.D.

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 14th DAY OF November A.D. 1996.
McDAG
CITY ATTORNEY

RECORDED

Nº. 467570
STATE OF UTAH
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF:
PARK CITY TITLE
DATE - 11-22-96
TIME - 08:19 AM
FEE - \$33.00
Laurel M. Dunn
COUNTY RECORDER

THE JACK JOHNSON COMPANY
1910 Prospector Avenue • Park City, Utah 84060
(801) 645-9000 • fax (801) 649-1620



Map Title
1 in = 232 feet

Summit County Online Parcel Reference Map
Printed on: 1/4/2017



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources including Summit County which is not responsible for its accuracy or timeliness.



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

Each year the City Council adopts by resolution revisions to the Personnel Policies and Procedures Manual. Policy requires the manual be updated once every calendar year through this revision process and approved by City Council. The manual was last updated on July 1st of 2016.

Respectfully:

Michelle Kellogg, City Recorder



City Council Staff Report

Subject: Policies and Procedures Manual updates 2017
Author: Brooke Moss & Cherie Ashe
Department: Human Resources
Date: October 24th, 2017
Type of Item: Legislative

Summary Recommendations:

Adopt a resolution (attached) revising the Personnel Policies and Procedures Manual dated October 25, 2017 for Park City Municipal Corporation.

Topic/Description:

Recommendations for revisions to the Personnel Policies and Procedures Manual.

Background:

Each year the City Council adopts by resolution revisions to the Personnel Policies and Procedures Manual. Policy requires the manual be updated once every calendar year through this revision process and approved by City Council. The manual was last updated on July 1st of 2016.

Analysis:

Changes to the Personnel Policies and Procedures Manual

The recommendation for revisions to the employee Policies and Procedure Manual results from changes in federal regulations, updates to hiring practices and changes in technology, input provided by the City Manager, Legal Department, Management Team, Human Resources and City Council.

Each year the City Council adopts by resolution revisions to the Personnel Policies and Procedures Manual. Policy requires the manual be updated once every calendar year through this revision process and approved by City Council. The manual was last updated on July 1st of 2016.

The following are the amendments and changes to the 2016 Employee Policies & Procedures Manual:

Section 2.7 Background Checks and Credit Checks – NEW SECTION

The City has begun the process of doing background checks for many of our hires depending on their positions. It helps us protect the City, citizens and employees in some safety sensitive and high liability positions. New policy clarifies this requirement and establishes formally best practices and legal compliance.

Language added "The City believes in promoting a safe environment for our customers and employees. In many instances, background and/or credit checks serve as an important part of

this process. All background screens will be conducted in compliance with the Fair Credit Reporting Act ("FCRA") and any other applicable laws. Background checks are performed to obtain information necessary to ensure the protection of people, physical property, proprietary information and assets.

Background and/or credit checks will be conducted on all job applicants applying for previously identified positions. These positions have been pre-determined based upon job duties that require working with proprietary information, security, financial responsibilities, confidential or sensitive information, or as otherwise determined pursuant to a legitimate business need. The background screen will only be used for evaluating the applicant for employment; it will not be used to discriminate on the basis of race, color, national origin, religion, sex, disability, age, sexual orientation, gender identity, or any other protected characteristic under state or local law.

Park City Municipal reserves the right to conduct a criminal background check for a current employee if circumstances indicate criminal activity by this employee may have occurred.

Background checks for public safety positions are performed in house by public safety personnel, and follow a separate procedure. Please see the public safety policy manual for further details.

a. Pre-Employment Background Checks

The City shall not exclude an applicant from an initial interview because of a past criminal conviction. An applicant shall not be required to disclose a criminal conviction on an employment application, before an initial interview, or if no interview is conducted, before making a conditional offer of employment. This shall in no way prevent the City from asking an applicant for information about their criminal conviction history during an initial interview or after an initial interview, or considering an applicant's conviction history when making a hiring decision.

A third-party agency will be used to conduct the background checks, and may also verify the accuracy of the information provided by the applicant during the selection process. Information collected by the agency may include criminal history, past employment, education, character, finances and reputation.

The City will ensure that all background checks are conducted in compliance with all applicable federal and state statutes, such as the Fair Credit Reporting Act and the Americans with Disabilities Act. The information that can be collected from previous employers and other sources will be limited to that which is job-related and pertains to the quality and quantity of work performed by the applicant and to the applicant's attendance record, education and other lawful, work-related inquiries. The human resources department along with appropriate management personnel will be primarily responsible for the background check process.

The City may check criminal arrest and conviction records as part of the background check. In accord with the Equal Employment Opportunity Commission's current interpretation of Title VII of the Civil Rights Act of 1964, this information cannot be used as a basis for denying employment, unless it is determined to be job-related and consistent with business necessity. An arrest or conviction does not necessarily constitute disqualification. The City will consider the following factors: 1) the nature and gravity of the offense or conduct; 2) the time that has passed since the offense, conduct, and/or completion of the sentence; and 3) the nature of the job sought. The City will inform the applicant before taking adverse action and advise the applicant of his or her rights to dispute inaccurate information. If an applicant with a pending criminal case is hired, his or her continued employment will be reviewed upon disposition of the case. Applicants who refuse to consent to a criminal background screening are not eligible for employment.

b. Pre-Employment Credit Checks

Credit reports may collect credit information on applicants consistent with the guidelines set forth by the federal Fair Credit Reporting Act (FCRA). The FCRA requires organizations to obtain a candidate's written authorization before obtaining a credit report. The City will also disclose to the applicant or employee, on a separate form, its plans to obtain a consumer or investigative consumer report and that the information received will be used solely for employment purposes and be seen by only those who require the information to make an informed hiring choice. The City will also provide the individual with a summary of his or her rights under the FCRA.

Applicants may request additional information on the nature of the report and the means through which such information may be obtained such as information about the individual's character, general reputation and personal characteristics. If the results of the credit check are unfavorable, the City will inform the applicant before taking adverse action based on the results, provide the applicant with a Statement of Consumer Rights from the Federal Trade Commission, offer the applicant the opportunity to review a copy of the credit report, and advise the applicant of his or her rights to dispute inaccurate information. Applicants will be granted five business days to dispute the information.

c. Employee Arrests, Pleas and Convictions

If a current employee is arrested, makes a plea of guilty or no contest, or is convicted of a crime, they must inform the HR Department of the City within 5 working days. Employees who are arrested are responsible to provide a copy of the police report (and any other associated documentation concerning the arrest and charges) within 24 hours of the information being available. Noncompliance with the above-stated requirements or misrepresentation of the circumstances of the arrest can serve as grounds for disciplinary action up to and including termination.

Pursuant to an arrest and upon receipt of the police report and associated documentation, the City will consider the following factors: 1) the nature and gravity of the offense or conduct; 2) the time that has passed since the offense, conduct, and/or completion of the sentence; and 3) the nature of the job held. The City will inform the employee before taking adverse action and advise the employee of his or her rights to dispute inaccurate information. Pending

prosecution, the employee may be subject to disciplinary action up to and including termination.

d. Confidentiality

Information obtained from the background check process will be shared only when necessary, and only with those involved directly in a final decision which may include a direct supervisor, manager and/or City Manager. Outside of information which may impact a hiring or disciplinary decision, results will be kept strictly confidential. Only appropriate human resource personnel will have access to this information. No information from background and/or credit checks will be stored in the employee's personnel file. Rather, it will be maintained in a separate location and will not be accessible for managers. The City complies with all federal and state laws regarding the collection, storing and disposal of information, such as the Fair and Accurate Credit Transactions Act (FACTA).

Section 3.6 Phased out Retirement – NEW SECTION

The Utah Retirement System, the state mandated government employee pension system, has begun allowing employees to “phase out” upon retirement by reducing hours over a period of time but still being eligible for credits. The City is allowed to participate only if the option is adopted by policy, hence the addition of this new section. There are currently no employees interested in this program. City approval would also be needed, as many if not most positions are difficult for us to operate around unless full time hours are worked.

Language added “The City participates in the Utah Retirement Systems (URS) Phased retirement option. Should an employee wish to request this option, they must submit a request in writing to the City Manager. Phased out retirement will only be approved when continued employment is deemed necessary to successful City operations and when there are sufficient funds available to cover costs.

To be eligible for consideration of this phased out retirement program, employees must currently meet the following criteria:

- Full Time Regular status
- Worked in a URS eligible position for the City for 4 years or more
- Currently eligible for retirement in the Utah Retirement System
- Must claim a retirement date with URS and the City
- Does not work for another employer participating in the URS system

If the request for a phased out retirement is approved, employee cannot work more than 20 hours per week following the claimed retirement date. The employee will also no longer be eligible for benefits, and will become a part time status employee with the City. In addition, employees may not work in this “phased out” state for longer than 5 years.”

Section 4.5 Timekeeping

Added language to clarify that non-exempt employees are not to work without being compensated per federal law.

“Per the Fair Labor Standards Act (FLSA), non-exempt employees may not perform their job functions without payment. This includes checking email on a cell phone and/or

texting others about work topics that would typically be compensated. Failure to comply with this law may result in discipline up to and including termination.”

Section 5.11 Drugs and Alcohol / a. Drug and Alcohol Testing

Added language last year to require testing after any incident involving an automobile, which is now being removed. Application has been more extensive than necessary especially during winter snowplowing, so reverting back to original standard of drug testing for any incident including damage over \$1,500.

2. **Post-Accident Testing:** Employees will be required to sign the appropriate consent and release form(s) and allow Park City Municipal Corporation to test them for Illegal Drugs and/or Alcohol if employees are involved in: (a) any on-the-job accident or other incident where the City reasonably believes Illegal Drug and/or Alcohol use may have been involved; (b) any on-the-job personal injury accident that results in the need for medical treatment by a clinic or hospital; ~~(c) any on-the-job vehicle related accident~~ or (d) any on-the-job accident which results in damages to property estimated equal to or in excess of \$1,500 commensurate with [Utah Code Ann. 41-6a-401 as amended](#). Park City Municipal Corporation will require post-accident testing for Alcohol only if it reasonably believes that the use of Alcohol may have caused or contributed to the accident.

Section 5.18 Information Technology (IT)

The City no longer offers an employee classifieds section on the employee due to low use. The language is being deleted.

~~Appropriate or approved classified ads on the employee portal are not considered prohibited activities.~~

Section 6.3 Employee Transfer and Discharge Appeal Rights and Procedure

Pursuant to Utah Code, some managers are exempt from appeal rights. Due to management and title changes, there are some updates to this section. For example:

Added Housing Manager
Changed Current Planning Manager to Planning Director
Added Emergency Manager
Changed Public & Community Affairs Manager to Community Engagement Manager
Deleted Regional Community Development Director

Section 7.1 Employee Identification Cards and Identification/Door Key FOB Cards part a. Procedure

Various changes due to practice changes

b. Procedure

All new and rehired employees will obtain an identification card during the hiring process. They must have their picture taken within 5 (five) days of employment. ~~Only designated employees to take photos are~~ Photos may be taken [in departments by employees designated to do so or by the employee's department, if set up to do so](#), at the City Hall Front Desk – 445 Marsac. [Photos must match ID Card photo standards.](#)

All identification cards will have an expiration date and will be renewed bi-annually. Employee photos will only be updated every four (4) years.

- Seasonal employee cards will expire at the end of the designated season in which

they were hired.

- Contract employees will expire at the end of their contract.
- Full-time Regular and FT Contract employee cards are replaced on odd numbered years.
- Part-time employee cards are replaced on even numbered years.
- Vendor or Lessee cards expire at the end of their contract.

Identification cards are PCMC property. Identification cards must be returned to the City in the event an employee leaves under any employment circumstance. In the event of a lost, stolen or damaged identification card, employees must notify their supervisor immediately, who will notify IDCards@parkcity.org (5123 if after hours, weekends or holidays), so the card can be deactivated and/or replaced. There is no cost for the replacement card in the event of a lost or damaged card, unless the employee requires more than one replacement per year. Replacements of greater than one per year may cost the employee \$25.00 each.

Employees and Vendors must sign the appropriate Human Resources Form for each card acknowledging receipt and basic rules concerning the card.

a. Identification (ID)/Key Fob cards

ID/Fob cards look just like a regular ID card with the exception that imbedded in the card is an electronic key used to open city facility doors as authorized for that employee. Each card is programmed to allow access on the days and times to the doors authorized by that Department's Manager. An ID/Fob card has the same policy and procedure requirements as outlined above for a standard ID card.

Both authorized and unauthorized FOB/ID transactions are recorded for auditing purposes. Like a standard ID card, in the event of a lost, stolen or damaged identification card, employees must notify their supervisor immediately, who will notify IDCards@parkcity.org (5123 if after hours, weekends or holidays), so the card can be deactivated and/or replaced. Replacements of greater than one card per year may cost the employee \$25.00 each.

In the event an ID/Fob card stops working, an employee should contact their supervisor who can make arrangements to trouble shoot the problem by emailing IDCards@parkcity.org or idcards@parkcity.org with the details of the problem, including employee name, department, what times and/or doors the card is not working with the IT department or Emergency/Security Manager to troubleshoot the problem.

An ID/Fob card may not be given or loaned to anyone and is for the sole use of the designated employee or vendor. Failure to follow this ID/ Fob card policy may include disciplinary action up to and including termination.

b. Information Availability

The following exhibits are available to authorized users on the H: drive in the IDCards and Photo File

- Exhibit A – ID Card and ID-Fob Card Photo Rules & Tips
- Exhibit B –Card Maker Instructions

- [Exhibit C –Security and Auditing Procedures](#)

Section 7.4 Other Emergency Management Policies

New Emergency policies created or no longer in practice. Added to listing.

The PCMC Administrative Policy & Procedure (AP&P) Manual has a number of additional policies that are Emergency Management related and are key to the City's and the City's staff's ability to respond to emergencies and disasters. Employees should be familiar with these additional policies which can be found in *Section 7 Emergency Planning* of [The Administrative Policy & Procedures Manual](#). These policies include:

- Assigned Emergency Equipment Policy
- AED – Automated External Defibrillators – Early Defibrillation Policy
- Blood Borne Pathogens Exposure Control Policy
- Comprehensive Emergency Management Plan (CEMP)
- Departmental Closures Due to Emergencies and/or Severe Weather Policy
- Emergency Manager Notification Policy
- Emergency Evacuation of City Facilities Policy
- Non-Punitive Sick-Leave During an Emergency or Pandemic Policy
- [Reverse 911 Notification use Policy](#)
- [Policy and Procedures for the Use of the Park City Alert – Emergency Mass Notification Systems \(EMNS\)](#)
- [Use of the 1700 AM Highway Advisory Radio System Policy](#)
- Shelter-in-Place within City Facilities Policy
- "Top" Half Fuel Policy
- Utilization and Access of Building Closed Circuit Video Systems (CCVS)

Department Review:

Legal and the City Manager reviewed this report.

Alternatives:

A. Approve:

The recommendations and revisions to the Policies and Procedures Manual will go into effect immediately upon Council approval for all employees (unless otherwise specified in the manual). Employees will be issued a copy of the new manual in either hard copy or e-format. They will be required to sign that they have received a copy or understand how to open the e-copy format of the updated manual and that they are accountable for reviewing and understanding the policies within it

B. Deny:

The recommendations and revisions for the Personnel, Policies, and Procedures Manual will not go into effect and may result in noncompliance with federal and/or state regulations, which will diminish the City's ability to provide direction and/or enforce employee policies and procedures

C. Modify:

Council could give staff direction to modify Policies and Procedures.

D. Continue the Item:

This has the same effect as Alternative B.

E. Do Nothing:

This also has the same effect as Alternative B.

Significant Impacts:

If Policies and Procedures are not adopted, the recommendations and revisions will not go into effect and may result in noncompliance with federal and/or state regulations, which will diminish the City's ability to provide direction and/or enforce employee policies and procedures.

Consequences of not taking the recommended action:

The recommendations and revisions will not go into effect and may result in noncompliance with federal and/or state regulations, which will diminish the City's ability to provide direction and/or enforce employee policies and procedures.

Recommendation:

Adopt resolution approving recommendations and revisions to the Personnel Policies and Procedures Manual of Park City Municipal Corporation.

Attachments:

A – Resolution Adopting the Personnel Policies and Procedures Manual



Resolution No. 30-2017

A RESOLUTION ADOPTING THE REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL, DATED OCTOBER 24, 2017 FOR PARK CITY MUNICIPAL CORPORATION

WHEREAS, personnel policies and procedures may be adopted and amended at the discretion of the City Council and are subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances; and

WHEREAS, purpose of the manual is to provide for guidance regarding the fair and consistent administration of city personnel, but neither any contract nor implied contract rights are created hereby; and

WHEREAS, the City Manager, Legal Department, Human Resources Department, and management team has reviewed the proposed amendments of the Revised Personnel Policies and Procedures and recommends adoption by the City Council; and

WHEREAS, the City Council deems it in the best interest of the employees of Park City Municipal Corporation to formally adopt them;

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

SECTION 1. ADOPTION. The Personnel Policies and Procedures Manual, dated October 24, 2017 attached hereto, is hereby adopted and the 2017 version is hereby repealed including any temporary amendments thereto adopted by the City Manager

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect on October 24, 2017.

PASSED AND ADOPTED this 24th day of October, 2017.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

The appellant is requesting that the City Council review a decision made by the Planning Commission to approve the application for a Steep Slope Conditional Use Permit with a building height exception for a garage on a downhill lot. The applicant/owner has proposed to build a new single-family dwelling on an existing vacant lot addressed at 352 Woodside Avenue. The property is located within the Historic Residential (HR-1) zoning district. In the HR-1 zone, construction of a new single family home greater than 200 square feet of Building Footprint to be located upon an existing slope exceeding thirty percent (30%) requires a Steep Slope CUP prior to the issuance of a building permit. The purpose of the Steep Slope CUP is to ensure that potential impacts of construction on a steep slope are mitigated, either by plan and design modifications or by conditions of approval related to construction.

Respectfully:

Tippe Morlan, Planner

City Council Staff Report



PLANNING DEPARTMENT

Subject: 352 Woodside Avenue
Project #: PL-17-03658
Author: Tippe Morlan, Planner
Date: October 12, 2017
Type of Item: Appeal of Planning Commission approval of a Steep Slope Conditional Use Permit & Height Exception

Project Number:	PL-17-03658
Appellant:	Ruth Meintsma
Applicant/Owner:	Tomilee Tilly Gill represented by John Shirley
Location:	352 Woodside Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Appeals of Planning Commission action on Steep Slope Conditional Use Permits are reviewed by the City Council.

Executive Summary

The appellant is requesting that the City Council review a decision made by the Planning Commission to **approve** the application for a Steep Slope Conditional Use Permit (CUP) with a building height exception for a garage on a downhill lot. The applicant/owner has proposed to build a new single-family dwelling on an existing vacant lot addressed at 352 Woodside Avenue.

The property is located within the Historic Residential (HR-1) zoning district. In the HR-1 zone, construction of a new single family home greater than 200 square feet of Building Footprint to be located upon an existing slope exceeding thirty percent (30%) requires a Steep Slope CUP prior to the issuance of a building permit. The purpose of the Steep Slope CUP is to ensure that potential impacts of construction on a steep slope are mitigated, either by plan and design modifications or by conditions of approval related to construction.

Summary Recommendations

Staff requests that the City Council review the appeal of the Steep Slope CUP for the construction of a new single-family dwelling at 352 Woodside Avenue and height exception of 8 feet to allow a garage on a downhill lot, and consider upholding the Planning Commission's approval of the CUP.

Burden of Proof and Standard of Review

In reviewing this appeal, City Council must review the factual matters de novo and determine the correctness of the Planning Commission's decision in its interpretation of the application of the Land Management Code. City Council's review shall be limited to consideration of only those matters raised by the petition, unless City Council, by

motion, enlarges the scope of the appeal to accept information on other matters. The burden is on the appellant to prove that the Planning Commission erred.

Furthermore, the City finds these appeals as a non-adversarial process and the following apply (LMC 15-1-18 (H)):

1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent, coherent and experienced advisers outweighs any claims of bias by the applicant.

The City Council is acting in a quasi-judicial manner. Therefore, like with a judge, all contact by the parties with the City Council related to the appeal should be at the hearing. No “ex-parte” or one on one contact should occur.

LMC Section 15-1-10 (D) establishes the Standards for Review of a CUP, including Steep Slope CUPs as follows:

1. the Application complies with all requirements of this LMC;
2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
3. the effects of any differences in Use or scale have been mitigated through careful planning.

[LMC Section 15-1-10 \(E\)](#) establishes the items for review under a CUP while [LMC Section 15-2.2-6](#) establishes the items for review of a Steep Slope CUP in the HR-1 District.

Note: references to LMC sections 15-1 refer to the Conditional Use process and references to LMC Section 15-2-2.5 refer to the requirements of the specific Historic Residential1- Zone District throughout this report

Background

February 22, 2017 – The Board of Adjustment denied a variance to Land Management Code Section 12-2.2-5 and Section 12-2.2-5(A) (Building Height). This request was design specific and indicated in the Findings of Fact that “a different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots.”

March 17, 2017 – A Historic District Design Review (HDDR) application was submitted to the City and was deemed complete on **April 5, 2017**. The application has been reviewed and is ready for approval pending the approval of the Steep Slope CUP, the plat amendment, and the height exception.

April 17, 2017 – The City received an application for a Conditional Use Permit (CUP) for construction of a new single-family home on a steep slope at 352 Woodside Avenue. The application was deemed complete on **April 21, 2017** although Planning Commission review was pending completion of the HDDR review. The applicant is also requesting a height exception to accommodate a tandem garage on a steep downhill lot.

July 13, 2017 – The City Council approved a plat amendment to remove two interior lot lines creating one lot at this address.

August 23, 2017 – The Planning Commission reviewed the request for a Steep Slope CUP and height exception for a garage on a downhill lot as documented in the minutes found in Exhibit N. The commission approved this item with the following motion:

MOTION: Commissioner Suesser moved to APPROVE the Steep Slope Conditional Use Permit and the Building Height Exception for the garage for 352 Woodside Avenue, provided that the length of the garage is reduced from 40' to 36', and in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Campbell seconded the motion.

AMENDMENT: Commissioner Suesser amended her motion to specify that the 4' reduction in the length of the garage should be 2' on the east side and 2' on the west side. Commissioner Campbell accepted the amendment to the motion.

VOTE: The motion passed 5-1. Commissioner Phillips voted against the motion.

September 5, 2017 – The City received an application for an appeal of the Planning Commission's decision to approve the Steep Slope CUP with a height exception for a garage on a downhill lot. This application was accepted on the Tuesday after the appeal period since the last day to submit an appeal (10 days after the action occurred) landed on Labor Day weekend. The first business day after that weekend was September 5, 2017.

September 13, 2017 – During a review of the minutes from the August 23, 2017 meeting, the Planning Commission indicated that their intent was to include the amendment to the original motion on this item as a condition of approval. Thus, Staff is recommending that the City Council include this as a condition of approval for this review.

Purpose

The purpose of the HR-1 District in accordance with LMC Section 15-2.2-1 is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,

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

The Purpose of the Conditional Use Permit for Development on Steep Slopes in accordance with LMC Section 15-2.2-6 is to

- A. Be environmentally sensitive to hillside areas,
- B. Be carefully planned to mitigate adverse effects on neighboring lands and Improvements,
- C. Be consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5 (*of the LMC*).

Analysis

The original application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of a new single-family home. A Steep Slope CUP is required when the Building Footprint proposed is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater. The site is currently vacant, and the owner is proposing to build a new single family dwelling of approximately 4,287 square feet. The entire structure is proposed to be fully ADA accessible. The proposed footprint of the new construction is 1505 square feet and the construction is proposed on a slope greater than 30%, and in some areas, the slope is approximately 66%.

The owner has requested a height exception of 8 feet for a garage on a downhill lot as allowed by LMC Section 15-2.2-5 (D). The owner is proposing a two-car tandem garage accessed from Woodside Avenue as the top level of the house. This increases the building height beyond the 27 foot maximum to 35 feet. Additionally, this increases the interior building height above the 35 foot maximum to 43 feet.

Appeal

In the letter of appeal, the appellant identifies 5 appeal points (see Exhibit A) relating to the project that they feel warrant attention by the City Council. The appellant is requesting that the City Council rule that the Planning Commission erred in its decision to approve the Steep Slope CUP and height exception for a garage on a downhill lot for the proposed home at 352 Woodside Avenue.

Below is Staff's analysis of the 5 points discussed in the applicant's appeal.

Appeal Point #1

"Building Height Exception...should be granted only when a structure cannot be effectively constructed within Land Management Code without Exception, save when Exception is necessary to fulfill minimum requirements for off-street parking."

The building height exception requested by the property owner is explained in LMC Section 15-2.2-5 (D) as follows:

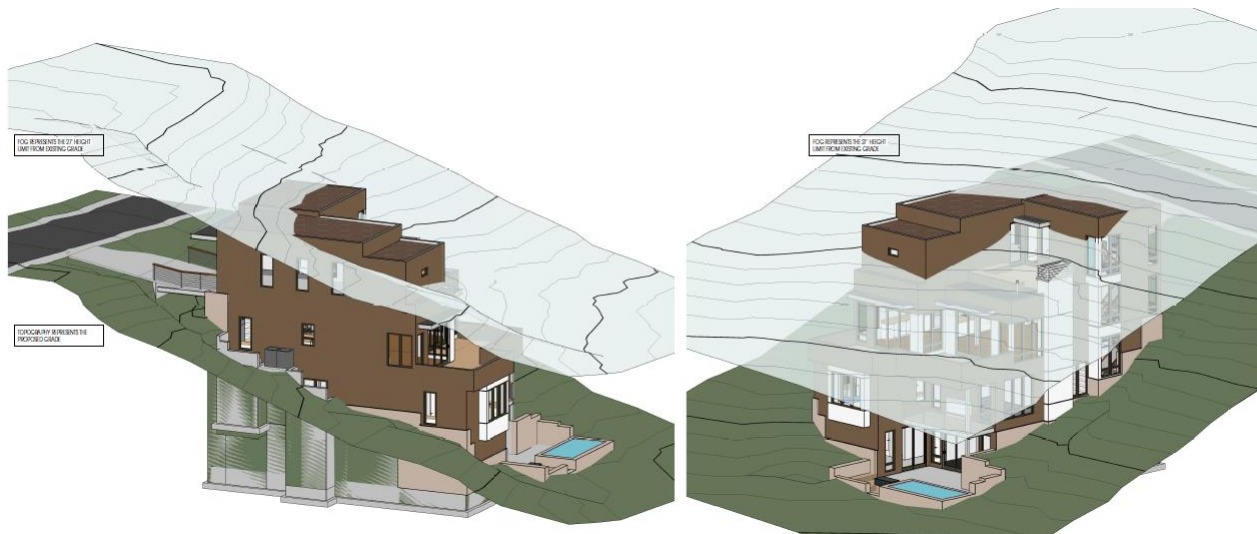
GARAGE ON DOWNHILL LOT. The Planning Commission may allow additional Building Height (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an ADA elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The depth of the garage may not exceed the minimum depth for internal Parking Space(s) as dimensioned within this Code, Section 15-3. The additional Building Height may not exceed thirty-five feet (35') from Existing Grade.

Staff could not find any LMC reference to the standard the appellant purports in this appeal point. The standard the owner has been held to is based in the above LMC reference, and the Planning Commission has the option to allow the height exception if it meets the requirements stipulated in LMC Section 15-2.2.-5 (D). Both Staff and the Planning Commission have found the proposed structure to meet these requirements.

The Planning Commission may allow this height exception if the applicant is only proposing a height exception to the areas indicated in this section of code. The LMC recently changed to allow the Planning Commission to approve building height exceptions up to 8 feet for garages on downhill lots rather than having this exception allowed by the Planning Director administratively. This is the first request since the LMC has changed to require Planning Commission approval.

The owner has requested an 8 foot height exception for this single car wide tandem garage on a downhill lot. The building height exception stipulates that the external height may not exceed 35 feet from existing grade, allowing exceptions of no more than 8 feet, and it does not state an internal height maximum. In this case, the applicant is requesting an exception of 8 feet for both the internal and external heights. The HR-1 zone allows a maximum building height of 27 feet from existing grade and a maximum interior height of 35 feet from the lowest finish floor plane to the point of the highest wall top plate. The 8 foot exception approved by the Planning Commission increases those to 35 feet and 43 feet respectively.

In addition to a single car wide garage, the height exception may also accommodate circulation (including stairs and/or an ADA elevator) and a reasonably sized front entry area and front porch. The only areas proposed to exceed the 27 feet building height requirement are the garage, circulation area (stairs and an elevator), and a small entry area as can be seen in the 27 feet Height Study (Exhibit E) excerpted below. Anything above the representation of fog (the white plane hovering above most of the building) in the exhibit is taller than 27 feet. As is noted in Exhibit E, the fog represents the 27 foot height limit from existing grade, and the green level represents the proposed grade. This exhibit does account for the reduction in 4 feet of garage length the owner has agreed to as motioned in the Planning Commission approval.



Consistent with LMC regulations, the applicant is requesting a height exception of 8 feet for the following areas on the top floor of the proposed home:

- A single car wide two-car tandem garage, including an ADA loading area (543 square feet at 36 feet in length)
- A reasonably sized entry area (137 square feet)
- Circulation by means of stairs (129 square feet) and an elevator (32 square feet) for ADA access.

Additionally, the proposed single car tandem garage meets the requirements of the exception at 36 feet in depth as agreed to by the owner with Planning Commission approval. This does not exceed the minimum depth for internal parking spaces as required by LMC 15-2.2-5 which Staff has determined to be 40 feet based on doubling the minimum interior dimension of 20 feet deep for a residential single garage as indicated in LMC Section 15-3-4.

Appeal Point #2

“Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height adds unnecessary height and mass inconsistent with 15-2.2-1 Purpose, A. (preserve character of Historic residential), C. (encourage construction that contribute[s] to the character and scale of the District), E. (General Plan policies for the Historic core), and F. when the established Development on Steep Slopes criteria works to mitigate impacts of mass and scale.”

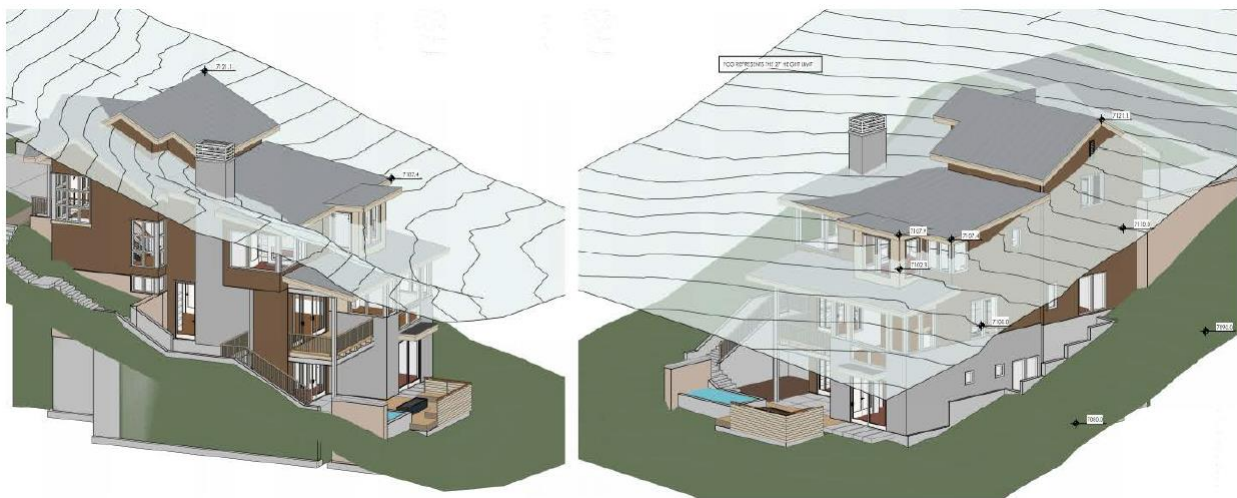
This point refers to the Purpose of HR-1 zone sections A, C, E, and F as follows:

- A) preserve present land Uses and character of the Historic residential Areas of Park City,
- C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

- E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

The Purpose of the HR-1 zone and of each zone in the LMC is an objective which is accomplished by the regulations in that zone. Staff finds that the owner's proposal meets the Purpose of the HR-1 zone in meeting the standards of the Steep Slope CUP requirements set forth in LMC Section 15-2.2-6 as indicated in the Planning Commission staff report for the Steep Slope CUP review on August 23, 2017 (Exhibit M).

Furthermore, Staff finds that the design fulfills the Purpose of the HR-1 zone to the best extent possible while also meeting the requirements of the Board of Adjustment motion from the February 22, 2017 meeting which indicated that "a different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots." The owner is proposing flat roofs because of this Finding of Fact from the Board of Adjustment's determination. The original design requested by the owner proposed a height exception of up to 6 feet above the 27 foot maximum, as indicated in the staff report and minutes from that meeting (Exhibits P and Q, respectively). That design proposed more than half of the roofline of the entire structure to exceed the maximum height as shown in the Height Study below which is included in the Board of Adjustment staff report.



The new proposal greatly minimizes the portion of the house which will exceed the maximum height. As allowed by the Building Height exceptions in the LMC and as explained above in arguments against Appeal Point #1, the current proposal only allows the garage and reasonably sized associated areas to exceed the maximum height. This has reduced the visual impact of the massing and scale of the structure and minimized the impact the roofline of this building on the existing neighborhood.

Appeal Point #3

“Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height adds unnecessary height and mass that does not hold support when subject to elements of Development on Steep Slopes (LMC 15-2.2-6 C.) criteria 1., 2., 3., 5., 6., 7., 8., 9.”

Staff’s analysis of the criteria for Development on Steep Slopes within the HR-1 zone contested in this appeal point is found in the Planning Commission staff report for the Steep Slope CUP review on August 23, 2017 (Exhibit M). These points are reiterated below. Staff finds that the height and mass of the proposed structure has been adequately mitigated and is compatible with the height and mass of the surrounding area as indicated in the analysis below and as shown in the updated cross canyon views (Exhibit F) and street views (Exhibit L).

1. **Location of Development.** Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed house is located within the building pad and outside of all setbacks required on the lot. The proposed garage on the top floor of the home requires a height exception and allows the applicant to have access to Woodside Avenue without a steep driveway. The home is proposed to match the stepping of similar homes in its vicinity.

2. **Visual Analysis.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points a) to determine potential impacts of the proposed Access, and Building mass and design; and b) to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

The applicant submitted plans through the Historic District Design Review process including a streetscape showing how the four (4) story structure will be observed when viewed from Woodside Avenue. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283. The applicant has also provided elevations in conjunction with a height study to show how the house sits on the slope in relation to existing grade and the zoning height requirements (Exhibit E) and cross canyon views (Exhibit F) to show a minimal visual impact.

3. **Access.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed addition has a garage accessed directly off Woodside Avenue. The drive access is designed as a bridge from the street to the top floor of the house with a maximum grade of 12 percent from the street. The bridge reduces the amount of cut and fill required to access the house from the street.

4. **Terracing.** The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts. – Not contested**
5. **Building Location.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The proposed house incorporates a garage into the top floor of the house with a driveway bridging the street and the house to avoid additional cuts and fills that would be required to install a steeper driveway. The structure of the house follows the topography of the lot and maintains the maximum building height of 27 feet with the exception of the garage floor, which would meet the maximum building height of 35 feet if the proposed height exception is granted for a garage on a downhill lot. The structure is located on the lot in a manner that least impacts the natural topography of the lot.

6. **Building Form and Scale.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

Due to the natural topography of the site and the development parameters of Old Town, the building mass orients against the lot's contours. The proposed house is designed in a manner that is broken into the required series of individual smaller components. The applicant is requesting to build a garage within the main structure on the top floor which is significantly smaller than the three main floors of the house. This floor provides 137 square feet of living space, a 543 square foot garage, and 131 square feet of circulation area.

7. **Setbacks.** The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed structure has a front yard setback of ten feet (10'). This is the same as the surrounding houses on the east side of the street and meets the minimum required setbacks. Increasing the front setback would create additional height over the steep slope. The rear setback of ten feet (10') also meets the zone's rear setback requirements. The applicant is proposing a patio/deck and hot tub area that extends into the rear and side setback area as allowed by LMC

Section 15-2.2-3. The hot tub and decks are located three feet (3') from the rear and north side property lines, and all patio and deck structures do not and may not extend greater than thirty inches (30") above Final Grade.

Additionally, this design has minimal impact on the Street wall at the front property line. The top floor/garage level is located as closely to the street level as possible with the roof heights measuring between 6½ and 10½ feet above the existing street height. This is much lower than the surrounding homes as shown in the proposed Street Views (Exhibit J).

The applicant also has agreed to a reduction in the length of the garage from 40 feet to 36 feet including 2 feet coming off the front of the garage to create a variation in the front setback and design of the house.

8. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 – HR-1]. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed massing component is compatible with both the volume and massing of single-family dwellings in the area comprised of four story dwellings with garages on the top floor. As shown in Exhibit J: Street Views and Exhibit I: Existing Site Photos, the top floor of the house is level with the street and does not extend above the road any higher than surrounding structures. The aerial view and cross canyon view in Exhibit J also show the proposed structure taking up a similar footprint to neighboring lots. The structure also steps with the lot and is broken up in a manner that reduces the overall visual mass.

The applicant also has agreed to a reduction in the length of the garage from 40 feet to 36 feet including 2 feet coming off the rear of the garage which will reduce the massing of the house as well. This can be seen in the updated cross canyon views provided (Exhibit F).

9. **Building Height (Steep Slope).** The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **Pending height exception for a garage on a downhill lot.**

The applicant is proposing a building height exception of 8 feet for the garage portion on a downhill lot. If approved, the structure would meet the maximum height allowance of 35 feet as per LMC 15-2.2-5. The first two floors of the proposed structure are well below the 27 in height and the third floor is a little higher, although the only parts of the structure which exceed 27 feet are the

garage area including an entry area and related circulation (See Exhibit G: Exterior Elevations).

Appeal Point #4

Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height would adversely impact adjacent and neighboring Historic Sites.

Staff finds that the proposed building height exception for a garage on a downhill lot would not adversely impact adjacent and neighboring Historic Sites. Many motions of approval on Steep Slope CUP and Historic District Design Review applications for homes constructed within 2 blocks of this site on Woodside Avenue include a Finding of Fact that “The HR-1 zone is characterized by medium to smaller sized contemporary and historic residential structures,” including but not limited to approvals for 320, 424, and 426 Woodside Avenue. Additionally, the motion of approval for the 351 Park Avenue plat amendment indicates that “The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.” 351 Park Avenue is a landmark historic site directly adjacent to 352 Woodside, and this Finding of Fact exemplifies the value in both the historic and contemporary lots in the neighborhood. The standards of development for a historic home and a new home in this zone are different and are both valued. This neighborhood is made up of a good mix of both contemporary and historic residential structures, including a handful of duplexes, triplexes, and condominium units. The proposed house fits into this mix.

Maximum internal building height, as implemented in the Historic Districts of Park City, limits excavation and minimizes hillside development. The LMC exception for a garage on a downhill lot specifies a maximum increase of 8 feet to the external building height although there is no concurrent exception to the internal building height. Staff finds that allowing an exception to internal height that is consistent with the exception to the external height is appropriate because it does not increase the volume, massing, or scale of the building beyond the external height exception.

Staff conducted an analysis of sites directly adjacent to 352 Woodside Avenue and has found that the proposed external building height matches the surrounding neighborhood. This analysis is based on external building heights since there is no available data for internal height measurements. While the proposed height is slightly above average, it falls between the heights of the two adjacent non-historic homes which both meet or exceed the maximum building height. The other two adjacent sites are uphill lots with historic structures which both contribute to shorter building heights.

	Historic Status	Building Height	Slope
368 Woodside Ave.	Not historic	36 feet	Downhill
340 Woodside Ave.	Not historic	27 feet	Downhill
347 Woodside Ave.	Historic – Significant	25 feet	Uphill
351 Park Ave.	Historic – Landmark	23 feet	Uphill
352 Woodside Ave. (subject property)	Not historic	33 feet	Downhill

In relation to the broader neighborhood, Staff also conducted an analysis of properties on the 200, 300 and 400 blocks of Woodside Avenue. Based on the available records, there are 12 existing Steep Slope CUP applications for these addresses. Of the 12 properties, 4 are downhill lots and 8 are uphill lots. Furthermore, 3 of the 4 downhill lots and 2 of the 8 uphill lots have requested and received a building height exception with their Steep Slope CUP approvals. Based on this analysis, Staff does not find the proposed building height to be excessive or to depart from the neighborhood in a manner which would adversely impact adjacent and neighboring properties.

Downhill Addresses (Woodside Ave.)	Approvals	Building Height	Floors	Garage
224	SSCUP 2/25/04 PL-04-00410	27'		
320	SS CUP 8/9/06 P06-0053	31'		Two 9'x18' spaces
368	SS CUP 12/13/00 P99-0138	36'		
424 - Duplex	SSCUP 10/27/04 P04-0485	30' above existing grade		
Uphill Addresses (Woodside Ave.)	Approvals	Building Height	Square Footage	Tandem Garage
205	SS CUP 6/22/05 P05-0119	29.5'	3 floors	Two 1-car garages, side by side 9'x7'
237B	SS CUP 5/25/05 P05-0071	27'	4 floors (including garage floor)	
265	SS CUP 1/28/09 PL-08-00442	27'		
327	SSCUP 10/28/15 PL-15-02861	24.5'	3 stories (including accessory apartment)	
347*	SSCUP 01/99 (Addition)	25'		
409	SSCUP 8/23/00 P99-0022	27'	4 floors (including garage floor)	3 car garage - Not tandem or single-car wide, but single driveway
429*	SS CUP 9/10/08 PL-07-00116 (Historic)	33'1"	4 floors (including garage floor)	
459	SSCUP 10/13/99	27'	3 floors (including garage floor, not including attic)	2 car tandem garage

Appeal Point #5

Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height would have adverse impact to Development on Steep Slopes reaching within the Historic District, far beyond adjacent and neighboring structures.

Staff finds that the proposed house meets the standards of Development on Steep Slopes in the HR-1 zone as indicated in Appeal Point #3 above and as found in the Planning Commission staff report for the Steep Slope CUP review on August 23, 2017 (Exhibit M). In meeting the standards set forth in the LMC, Staff does not agree that this project will have adverse impact to Development on Steep Slopes within the Historic District.

Process

As per the procedures for City Council Action on Appeals as found in Land Management Code § 15-1-18, the City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion enlarges the scope of the appeal to accept information on other matters.

The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed with conditions of approval and during building permit review.

Public Input

No public input has been received at the time of this staff report.

Alternatives

- The City Council may affirm the Planning Commission decision for the Steep Slope CUP and height exception for garage on a downhill lot at 352 Woodside Avenue; or
- The City Council may reverse the Planning Commission decision; or
- The City Council may affirm in part and reverse in part the Planning Commission decision; or
- The City Council may remand the matter back to the Planning Commission with directions for specific areas of review or clarification; or
- The City Council may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise the plans.

Recommendation

Staff recommends that the City Council hold a public hearing and **affirm** the Planning Commission approval of a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling at 352 Woodside Avenue and height exception of 8 feet to allow a garage on a downhill lot based on the Findings of Fact, Conclusions of Law, and Conditions of Approval provided herein for the Commission's consideration.

Exhibits

Exhibit A – Letter of Appeal
Exhibit B – Applicant's Original Statement
Exhibit C – Record of Survey
Exhibit D – Original Site Plan with 40' garage (Sheet SP102)
Exhibit E – Height Studies (Sheets SP106-SP107)
Exhibit F – Updated Cross Canyon View
Exhibit G – Proposed Exterior Views (Sheet SP 108)
Exhibit H – Proposed Floor Plans (Sheets A102-A106)
Exhibit I – Exterior Elevations (Sheets 201-203)
Exhibit J – Building Sections (Sheets A204-A206)
Exhibit K – Existing Site Photos (Sheet SP105)
Exhibit L – Street Views (Sheets SP104 & SP109)
Exhibit M – Planning Commission Staff Report – August 23, 2017
Exhibit N – Planning Commission Minutes – August 23, 2017
Exhibit O – Planning Commission Public Comment – August 23, 2017
Exhibit P – February 22, 2017 Board of Adjustment Staff Report
Exhibit Q – February 22, 2017 Board of Adjustment Minutes
Exhibit R – Letter from the Owner's Attorney – October 11, 2017

PROPOSED ORDER DENYING APPEAL AND UPHOLDING THE PLANNING COMMISSION'S STEEP SLOPE CUP AND HEIGHT EXCEPTION APPROVAL:

Findings of Fact:

1. The site is located at 352 Woodside Avenue.
2. The Planning Commission approved a Steep Slope CUP with a building height exception of 8 feet for a garage on a downhill lot at this address on August 23, 2017.
3. The applicant/owner has proposed to build a new single-family dwelling of approximately 4,287 square feet on an existing vacant lot addressed at 352 Woodside Avenue.
4. The entire structure is proposed to be fully ADA accessible.
5. The proposed footprint of the new construction is 1505 square feet.
6. The construction is proposed on a slope greater than 30%, and in some areas, the slope is approximately 66%.
7. The site is located in the Historic Residential-1 (HR-1) zoning district.

8. In the HR-1 zone, construction of a new single family home greater than 200 square feet of Building Footprint to be located upon an existing slope exceeding thirty percent (30%) requires a Steep Slope CUP prior to the issuance of a building permit.
9. On February 22, 2017, the Board of Adjustment denied a variance to Land Management Code Section 12-2.2-5 and Section 12-2.2-5(A) (Building Height). This request was design specific and indicated in the Findings of Fact that “a different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots.”
10. On March 17, 2017, a Historic District Design Review (HDDR) application was submitted to the City and was deemed complete on April 5, 2017. The application has been reviewed and is ready for approval pending the approval of the Steep Slope CUP, the plat amendment, and the height exception.
11. On April 17, 2017, the City received an application for a Conditional Use Permit (CUP) for construction of a new single-family home on a steep slope at 352 Woodside Avenue and a height exception to accommodate a tandem garage on a steep downhill lot. The application was deemed complete on April 21, 2017 although Planning Commission review was pending completion of the HDDR review.
12. On July 13, 2017, the City Council approved the Gill Subdivision Plat Amendment to remove two interior lot lines creating one lot of record at this address. The plat is pending recordation.
13. On September 5, 2017, the City received an application for an appeal of the Planning Commission’s decision to approve the Steep Slope CUP with a height exception for a garage on a downhill lot.
14. In the letter of appeal, the appellant identifies 5 appeal points (see Exhibit A) relating to the project that they feel warrant attention by the City Council.
15. The appellant’s first appeal point is that a “Building Height Exception...should be granted only when a structure cannot be effectively constructed within Land Management Code without Exception, save when Exception is necessary to fulfill minimum requirements for off-street parking.”
16. Height exceptions for a garage on a downhill lot previously required administrative approval; this is the first request since the LMC has changed to require Planning Commission approval. The LMC recently changed to allow the Planning Commission to approve building height exceptions up to 8 feet for garages on downhill lots rather than having this exception allowed by the Planning Director.
17. The owner has met the requirements of the building height exception for a garage on a downhill lot.
18. The HR-1 zone allows a maximum building height of 27 feet from existing grade and a maximum interior height of 35 feet from the lowest finish floor plane to the point of the highest wall top plate. The exception increases those to 35 feet and 43 feet respectively.
19. The only areas proposed to exceed the 27 feet building height requirement are the garage, circulation area (stairs and an elevator), and a small entry area as can be seen in the 27 feet Height Study (Exhibit E) excerpted below.

20. The proposed single car tandem garage meets the requirements of the exception at 36 feet in depth as agreed to by the owner with Planning Commission approval. This does not exceed the minimum depth for internal parking spaces as required by LMC 15-2.2-5 which Staff has determined to be 40 feet.
21. The appellant's second point of appeal is "Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height adds unnecessary height and mass inconsistent with 15-2.2-1 Purpose, A. (preserve character of Historic residential), C. (encourage construction that contribute[s] to the character and scale of the District), E. (General Plan policies for the Historic core), and F. when the established Development on Steep Slopes criteria works to mitigate impacts of mass and scale."
22. The Purpose of the HR-1 zone and of each zone in the LMC is an objective which is accomplished by the regulations in that zone. It is not intended to be a standard of development.
23. The proposed design fulfills the Purpose of the HR-1 zone to the best extent possible while also meeting the requirements of the Board of Adjustment motion from the February 22, 2017 meeting which indicated that "a different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots."
24. The appellant's third point of appeal is that "Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height adds unnecessary height and mass that does not hold support when subject to elements of Development on Steep Slopes (LMC 15-2.2-6 C.) criteria 1., 2., 3., 5., 6., 7., 8., 9."
25. Staff's analysis of the criteria for Development on Steep Slopes within the HR-1 zone contested in appeal point #3 is found in the Planning Commission staff report for the Steep Slope CUP review on August 23, 2017 (Exhibit M).
 - a. The proposed house is located within the building pad and outside of all setbacks required on the lot.
 - b. The proposed garage on the top floor of the home requires a height exception and allows the applicant to have access to Woodside Avenue without a steep driveway.
 - c. The applicant submitted plans including a streetscape showing how the four (4) story structure will be observed when viewed from Woodside Avenue.
 - d. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
 - e. The applicant has provided elevations and a height study to show how the house sits on the slope in relation to existing grade and the zoning height requirements (Exhibit D) and cross canyon views (Exhibit J) to show a minimal visual impact
 - f. The proposed addition has a garage accessed directly from Woodside Avenue.
 - g. The proposed structure provides two tandem parking spaces in the garage on the top floor.
 - h. The proposed driveway slope is at twelve percent (12%).

- i. The structure of the house follows the topography of the lot and maintains the maximum building height of 27 feet with the exception of the garage floor, which would meet the maximum building height of 35 feet if the proposed height exception is granted for a garage on a downhill lot. The structure is located on the lot in a manner that least impacts the natural topography of the lot.
 - j. The proposed building is designed in a manner that is broken into the required series of individual smaller components to reduce the perceived overall massing.
 - k. The proposed structure has a front yard setback of ten feet (10') consistent with other houses on this street. Increasing the front yard setback would increase overall building height at the rear of the structure due to the steepness of the existing grade.
 - l. The rear setback of ten feet (10') also meets the zone's rear setback requirements.
 - m. A proposed patio/deck and hot tub area also extends into the rear and side setback area as allowed by LMC Section 15-2.2-3. The hot tub and decks are located three feet (3') from the rear and north side property lines, and all patio and deck structures do not and do not extend greater than thirty inches (30") above Final Grade.
 - n. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of four (4) story dwellings
 - o. The top floor/garage level is located as closely to the street level as possible with the roof heights measuring between 6½ and 10½ feet above the existing street height.
 - p. The overall building height ranges from 19 feet to 27 feet, with the garage, front entryway, and circulation area on the top floor proposed at 35 feet from existing grade. This would only be allowed if the height exception is granted.
 - q. The applicant also has agreed to a reduction in the length of the garage from 40 feet to 36 feet including 2 feet coming off the front of the garage to create a variation in the front setback and design of the house and to reduce the massing of the house.
26. The appellant's fourth point of appeal is that "Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height would adversely impact adjacent and neighboring Historic Sites."
27. Many motions of approval on Steep Slope CUP and Historic District Design Review applications for homes constructed within 2 blocks of this site on Woodside Avenue include a Finding of Fact that "The HR-1 zone is characterized by medium to smaller sized contemporary and historic residential structures," including but not limited to approvals for 320, 424, and 426 Woodside Avenue.
28. The motion of approval for the 351 Park Avenue plat amendment indicates that "The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes."

29. 351 Park Avenue is a landmark historic site directly adjacent to 352 Woodside, and this Finding of Fact exemplifies the value in both the historic and contemporary lots in the neighborhood.
30. The standards of development for a historic home and a new home in this zone are different and are both valued.
31. This neighborhood is made up of a good mix of both contemporary and historic residential structures, including a handful of duplexes, triplexes, and condominium units.
32. The proposed house fits into this mix.
33. The subject property is adjacent to 2 historic properties and 2 non-historic properties. One non-historic structure exceeds the maximum building height.
34. The proposed height falls between the heights of the two adjacent non-historic homes which both meet or exceed the maximum building height.
35. The other two adjacent sites are uphill lots with historic structures which both contribute to shorter building heights.
36. Of the 12 properties with Steep Slope CUP records on the 200, 300, and 400 block of Woodside Avenue, 4 are downhill lots and 8 are uphill lots.
37. Of those lots, 3 of the 4 downhill lots and 2 of the 8 uphill lots have requested and received a building height exception with their Steep Slope CUP approvals.
38. The appellant's fifth point of appeal is that "Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height would have adverse impact to Development on Steep Slopes reaching within the Historic District, far beyond adjacent and neighboring structures."

Conclusions of Law:

1. The application is consistent with the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
3. The Planning Commission did not err in granting the CUP approval.

Conditions of Approval:

1. All conditions of approval of the Planning Commission's approval on August 23, 2017 continue to apply.
 - a. All Standard Project Conditions shall apply.
 - b. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
 - c. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
 - d. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
 - e. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

- f. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
 - g. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
 - h. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
 - i. All retaining walls in setback areas shall not exceed 6 feet in height without an amendment to this CUP approval.
 - j. This approval will expire on August 23, 2018 if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Director.
 - k. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.
- 2. The garage shall not exceed 36 feet in length. The garage shall be reduced from the originally proposed 40 feet in length by 2 feet on the east side and 2 feet on the west side.
 - 3. Approval is based on plans reviewed by the City Council on October 24, 2017. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

Order

- 1. The appeal of the Planning Commission's approval of a Steep Slope Conditional Use Permit and height exception for the building at 352 Woodside Avenue is denied. The decision of the Planning Commission is upheld.

September 5, 2017

Ruth Meintsma
P.O. Box 1971
305 Woodside Avenue
Park City, Utah 84060-1971
435 649-2860

Park City Municipal Corporation
Planning Department

Re: 352 Woodside Avenue (Project # PL-17-03532), Conditional Use Permit for Development on Steep Slopes request for BUILDING HEIGHT EXCEPTION in HR-1 zone.

I am a 30-year full-time resident of Old Town, HR-1 zone, Park City, and a concerned community member.

I appeal the August 23, 2017, decision made by Planning Commission to allow, for 352 Woodside Avenue, Building Height Exception (LMC 15-2.2-5 D. 4.) from Existing Grade for a *two-car, 36-foot-deep* (18-feet-deep parking x 2 deep) *interior parking* garage, and Building Height Exception (LMC 15-2.2-5 D.) for interior Building Height (LMC 15-2.2-5 A.) where Exception should be granted only when a structure cannot be effectively constructed within Land Management Code without Exception, save when Exception is necessary to fulfill minimum requirements for off-street parking.

Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height adds unnecessary height and mass inconsistent with 15-2.2-1 Purpose, A. (preserve character of Historic residential), C. (encourage construction that contribute[s] to the character and scale of the District), E. (General Plan policies for the Historic core), and F. when the established Development on Steep Slopes criteria works to mitigate impacts of mass and scale.

Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height adds unnecessary height and mass that does not hold support when subject to elements of Development on Steep Slopes (LMC 15-2.2-6 C.) criteria 1., 2., 3., 5., 6., 7., 8., 9.

Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height would adversely impact adjacent and neighboring Historic Sites.

Allowing Building Height Exception from Existing Grade for a 36-foot-deep interior parking garage and Building Height Exception for interior Building Height would have adverse impact to Development on Steep Slopes reaching, within the Historic District, far beyond adjacent and neighboring structures.

Respectfully,



Ruth Meintsma
ruthworldwide@gmail.com



352 Woodside Ave

Steep Slope Analysis

2017.04.17

Submittal Requirements

- + Architecture
- + Landscape Architecture
- + Land Planning
- + Construction Management
- + Interior Design

1. Included
2. Project intent is provided below.
3. Included
4. Certified topographical boundary survey. See SP101
5. Proposed site plan. See SP102
An aerial photo with proposed site. See SP104
6. Floor plans and building sections. See A102-A105 & A204-A205
7. Building Elevations. See A201-A203
8. Four photographs of existing property. See SP105
9. A streetscape elevation. See SP104
10. Landscape Plan. See SP103
11. Contextual analysis of visual impact. See SP109
12. Noted
13. List of adjacent property owners. See 'Adjacent Properties 300 Feet.pdf'

Project Intent

This project consists of a single family residence located on a vacant lot consisting of two combined parcels measuring 50.13 feet in width and 75 feet deep. There are no significant trees on the property other than two existing spruce trees on the neighboring north east property that have drip lines crossing the property line.

The home as designed fits within the required setbacks and does not exceed the allowable pad size as per table 15-2.2. Due to the fact that the majority of the lot exceeds a 30% slope as do the adjoining neighboring homes and lots, this project qualifies under the steep slope conditional use requirement on 15-2.2-6 of the Land Management Code. This design meets all of the criteria of access, terracing, form, scale, setbacks, height limits, volume and parking as outlined in the code.

The home as designed will be a pleasing and compatible addition to the existing street scape and surrounding neighborhood.

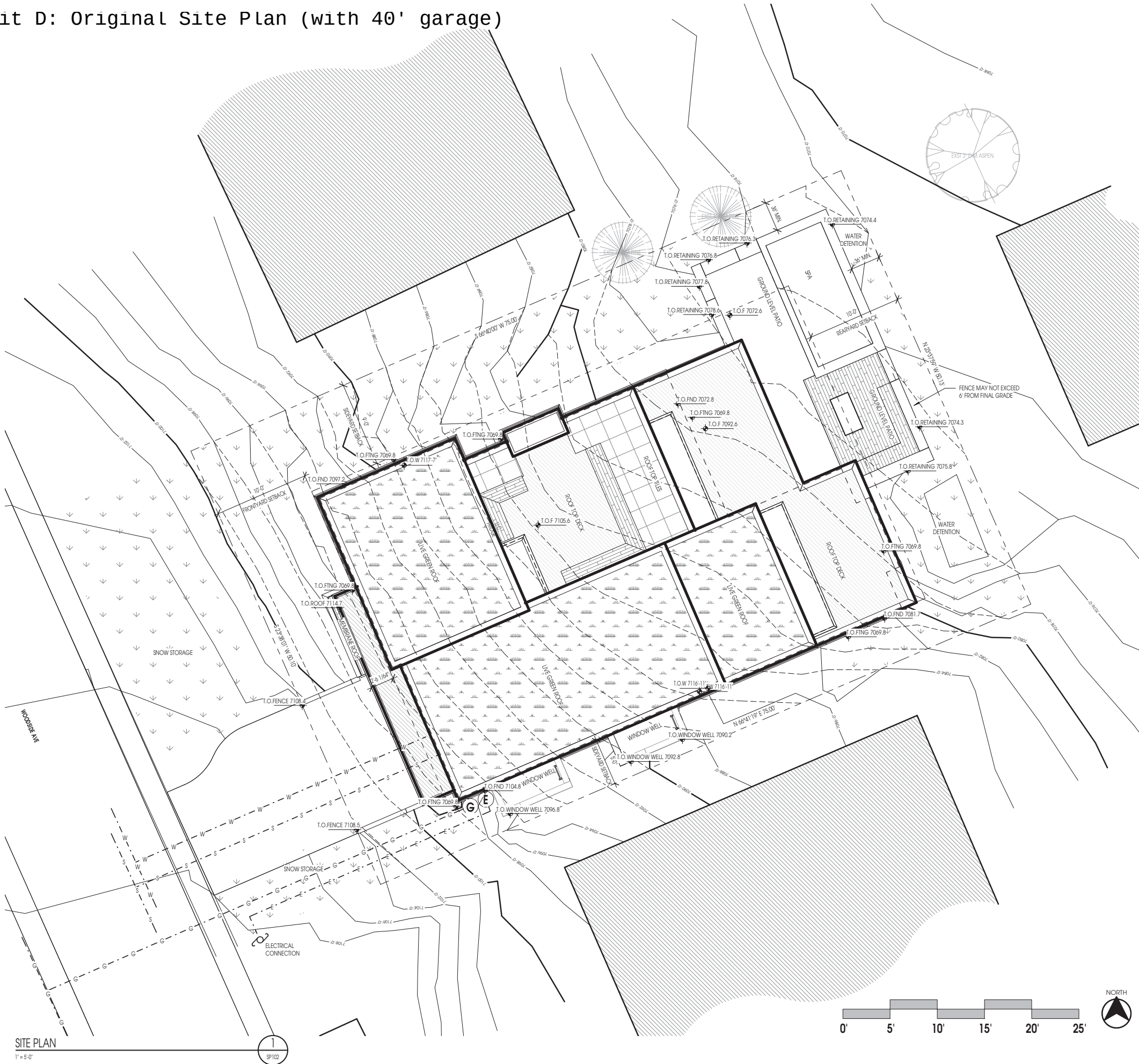
8/15/2017 11:52:59 AM



Packet Pg. 190

ADDRESS	ROOF HEIGHT	MAIN FLOOR	DIFFERENCE
330	7136.71		
332	7128.9		
336	7129.31	7110.53	18.78
340	7127.29	7108.34	18.95
362	7117.57	7098.83	28.74
402	7095.68	7084.74	10.94
408	7102.68	7085.74	16.94
424	7100.76		
426	7103.41		

Exhibit D: Original Site Plan (with 40' garage)



SITE PLAN LEGEND

HATCH PATTERN	DESCRIPTION
	PROPERTY LINE
	SET BACK
	LIMIT OF DISTURBANCE
	FINISHED MAJOR CONTOUR
	FINISHED MINOR CONTOUR
	EXISTING GRADE
	LANDSCAPED AREA
	GREEN ROOF AREA
	BUILDING FOOT PRINT
	ELECTRICAL METER
	GAS METER
	UTILITY LINES
	T.O. FING. — ELEVATION TAKEN AT THE TOP OF THE FOOTING. MAY NOT BE VISIBLE
	T.O. FND. — ELEVATION TAKEN AT THE TOP OF THE FOUNDATION WALL. MAY NOT BE VISIBLE
	T.O. ROOF. — ELEVATION TAKEN AT THE TOP OF THE ROOF

PROPERTY SIZE

0.086 ACRES

3,758 SQUARE FEET

ROOF AREA BY TYPE

Roof Category	Area	%
DECK	544 SF	34.5%
LIVE GREEN ROOF	868 SF	55.0%
MEMBRANE ROOF	166 SF	10.5%
Grand total	1578 SF	

DATUM

ARCH	CIVIL	LEVEL
133' - 0"	7,105.8'	3 GARAGE LEVEL ELEVATION
120' - 0"	7,092.8'	2 UPPER LEVEL ELEVATION
110' - 0"	7,082.8'	1 MAIN LEVEL ELEVATION
100' - 0"	7,072.8'	0 LOWER LEVEL ELEVATION



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

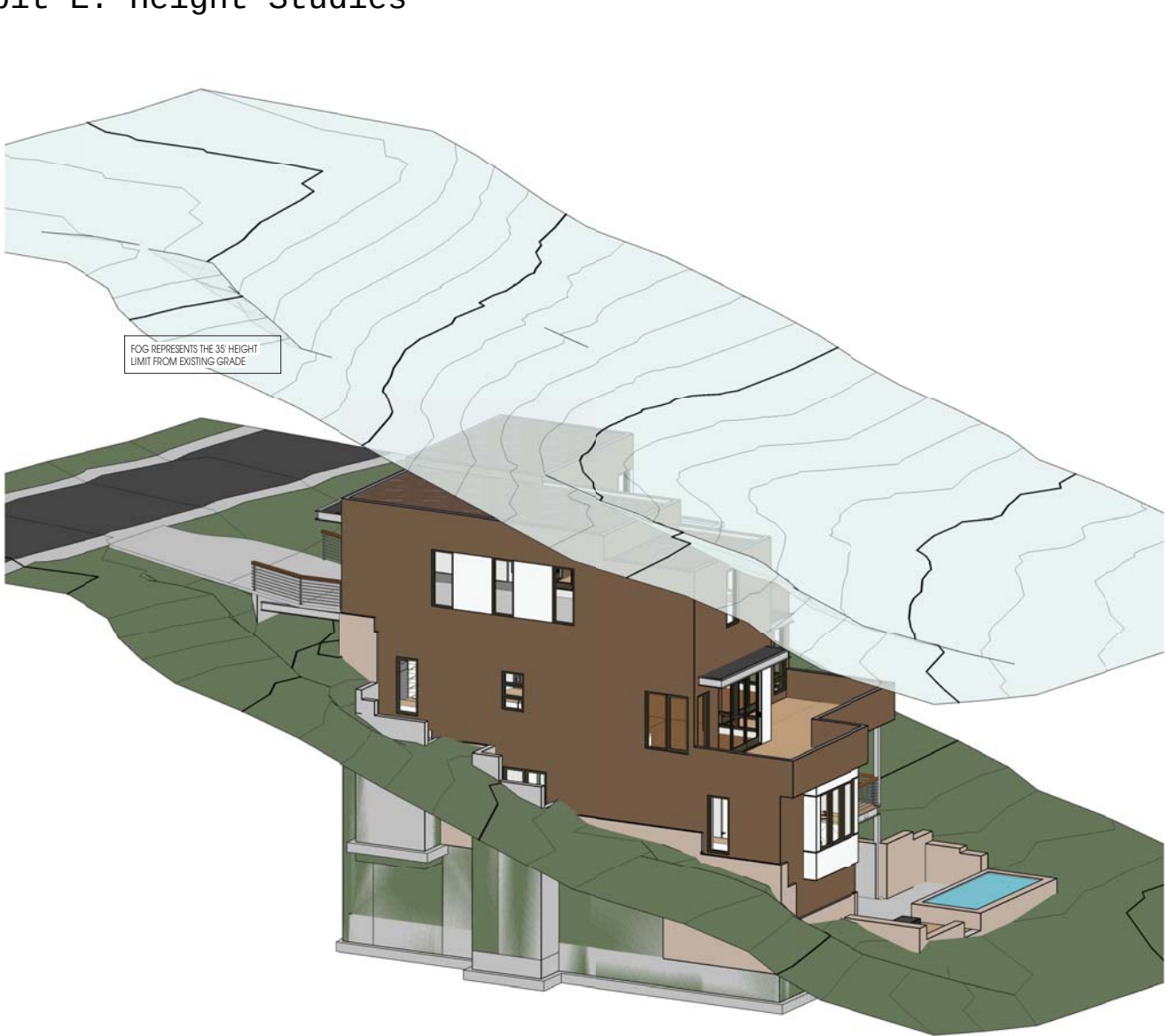
The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and other personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

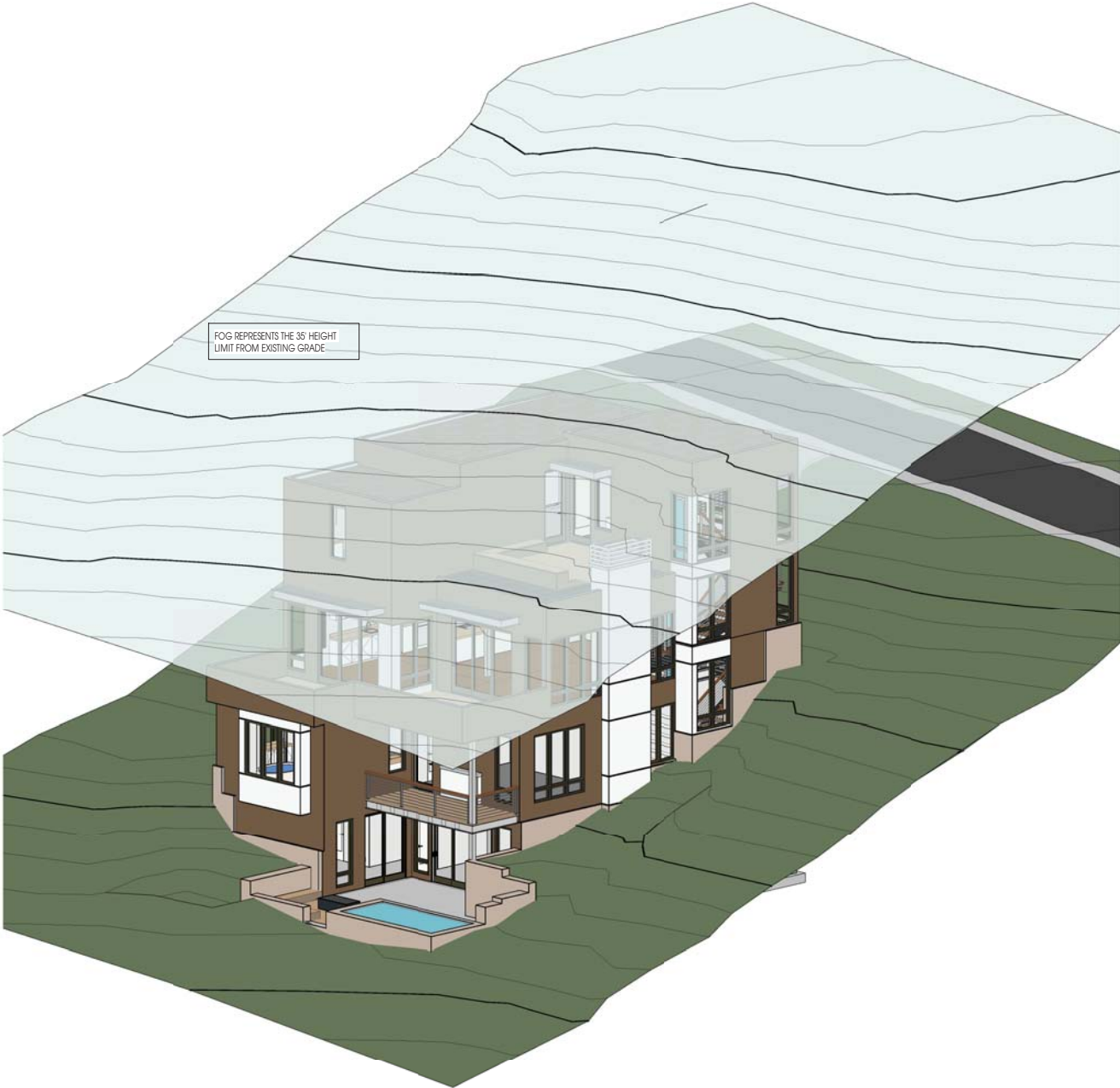
SHEET TITLE:
SITE PLAN

SHEET NUMBER:



35' FOG STUDY SOUTH

1
SP106



35' FOG STUDY NORTH

2
SP106



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sale and express written permission from Think Architecture, LLC for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

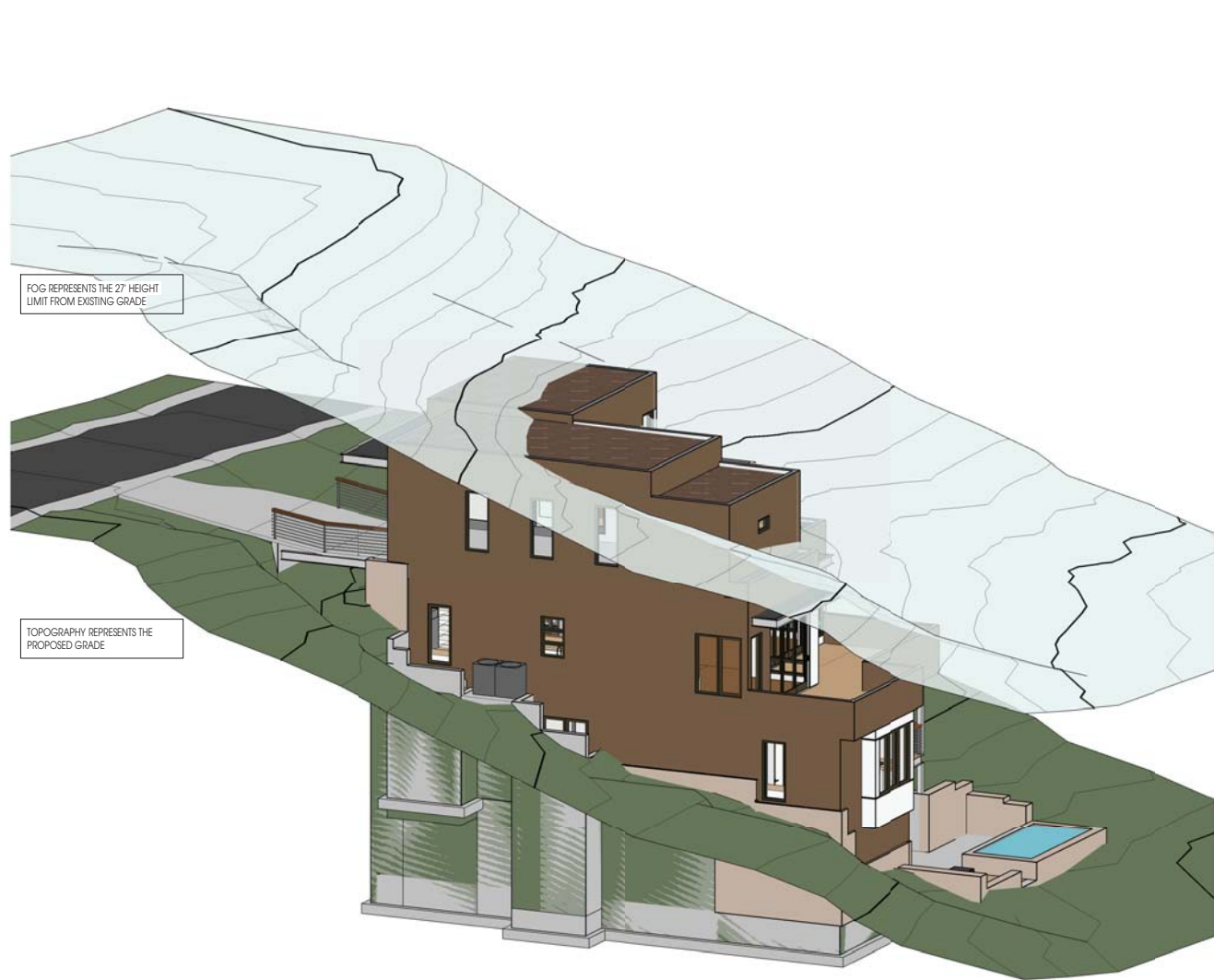
TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
35' HEIGHT STUDY

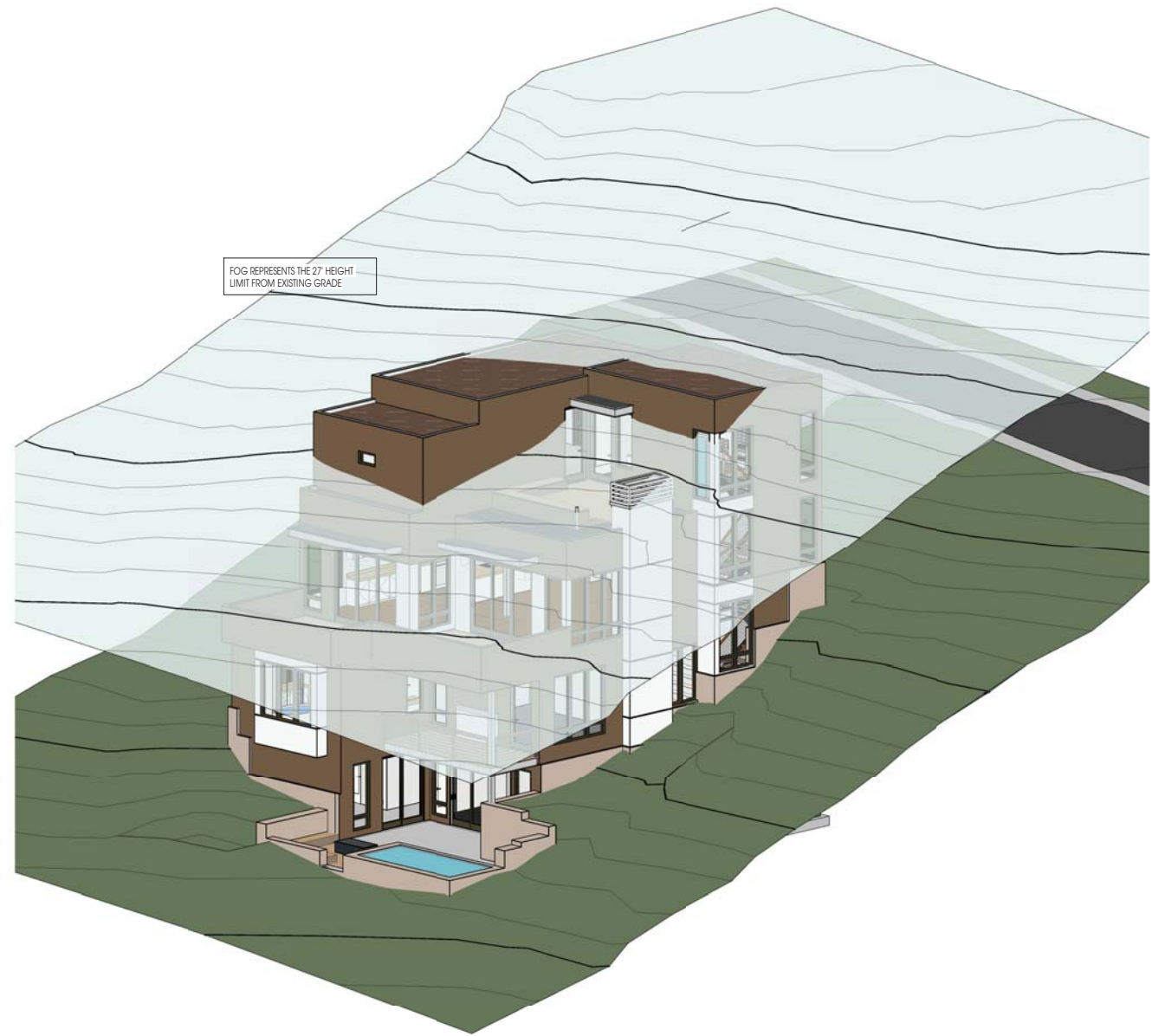
SHEET NUMBER:

SP106



27' FOG STUDY SOUTH

1
SP107



27' FOG STUDY NORTH

2
SP107



Architecture

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sale and express written permission from Think Architecture, LLC for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016

REVISIONS:
2017 / 07 / 20 - 4TH REVISION

2017.09.18

SHEET TITLE:
27' HEIGHT STUDY

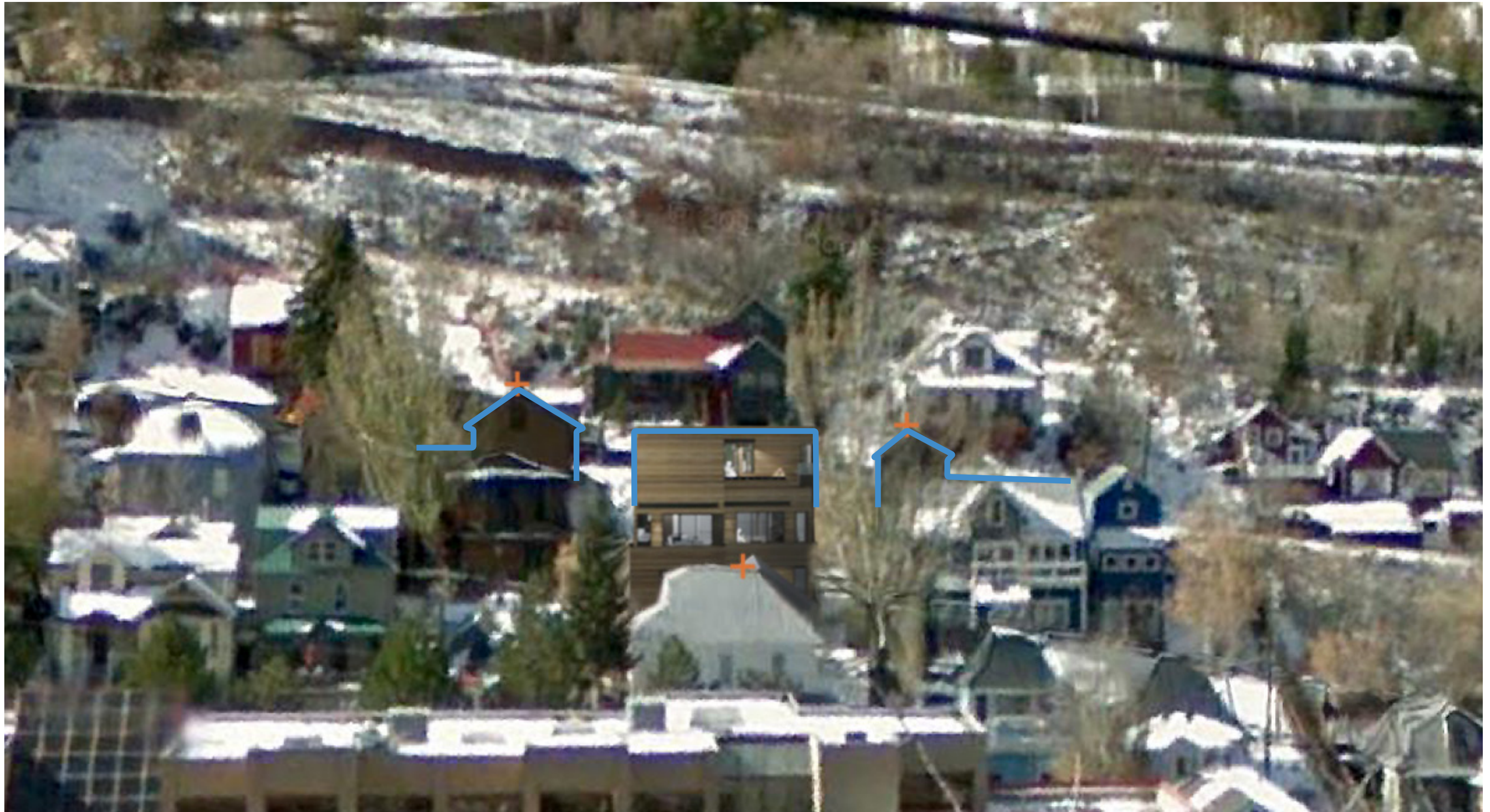
SHEET NUMBER:

SP107

Packet Pg. 193



VIEW FROM EASTERN SLOPE



VIEW FROM EASTERN SLOPE

352 WOODSIDE AVE

Park City, Utah



STREET VIEW - WOODSIDE SOUTH

352 WOODSIDE AVE

Park City, Utah



STREET VIEW - WOODSIDE NORTH



Architecture

352 WOODSIDE AVE

Park City, Utah

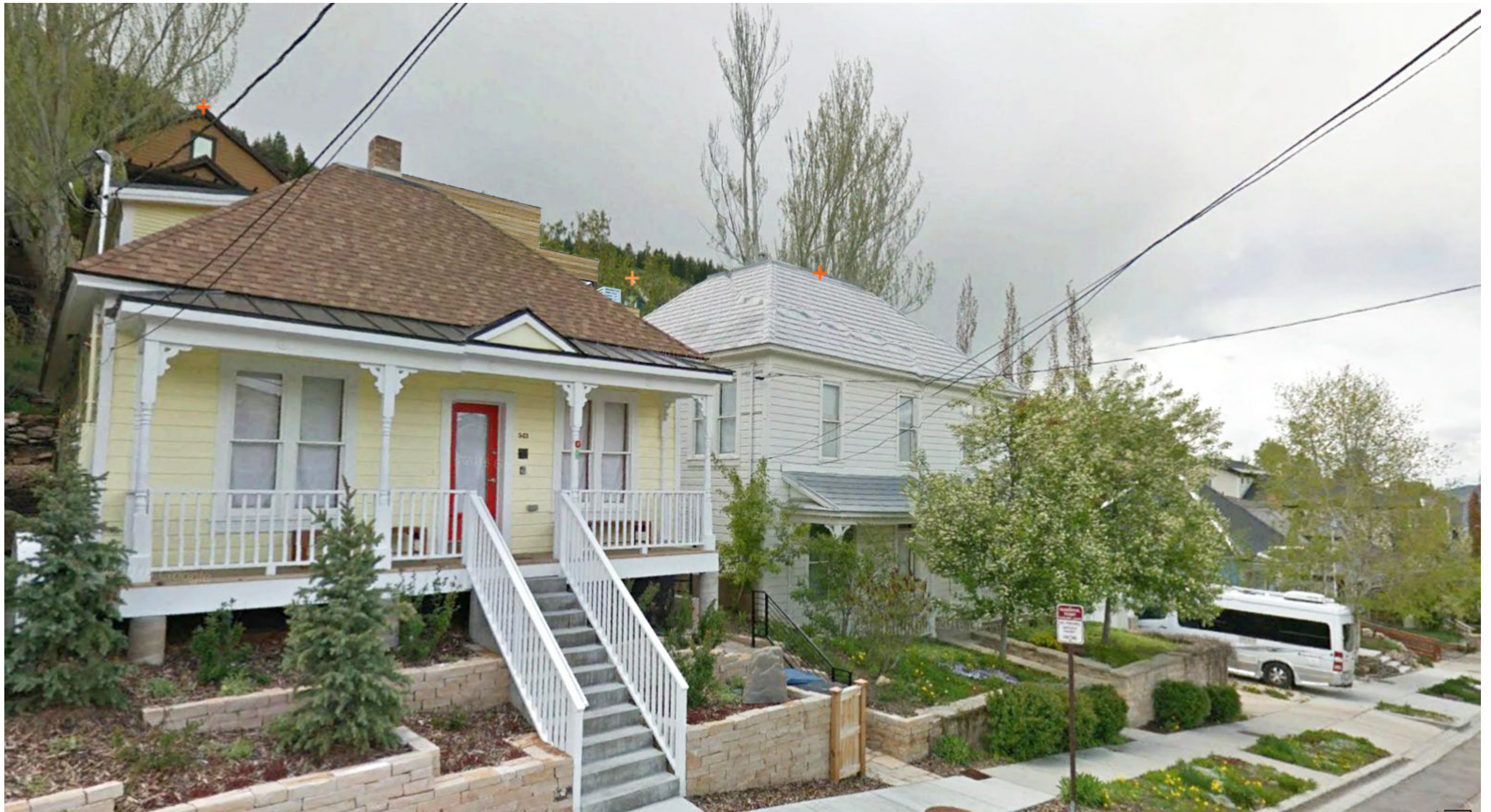
PROPOSED BUILDING LOCATION IS AN ESTIMATE BASED ON A CIVIL SURVEY OF THE HEIGHTS AND LOCATIONS OF ADJACENT BUILDINGS. COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE.

2017.09.14

Packet Pg. 197



STREET VIEW - PARK AVE NORTH



STREET VIEW - PARK AVE SOUTH

352 WOODSIDE AVE

Park City, Utah



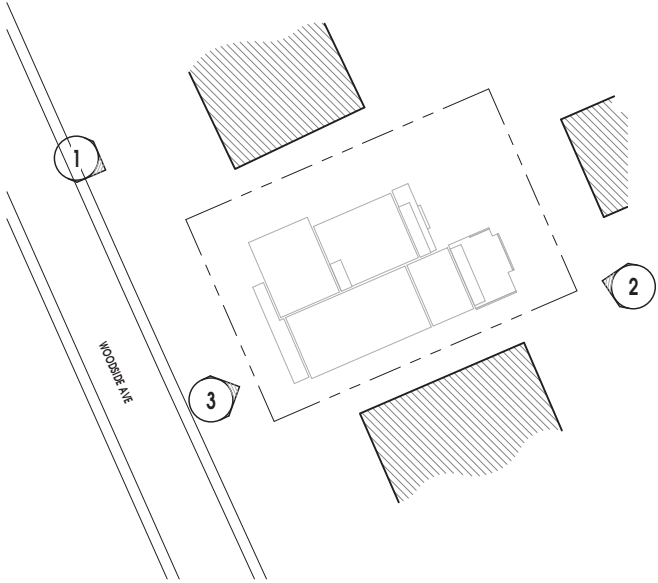
1. VIEW OF PROPOSED STRUCTURE FROM NORTH WEST CORNER / STREET



2. VIEW OF PROPOSED STRUCTURE FROM SOUTH EAST REAR



3. VIEW OF PROPOSED STRUCTURE FROM WEST STREET



Architecture

Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, LLC. For limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and other personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016

REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
PROPOSED EXTERIOR
VIEWS

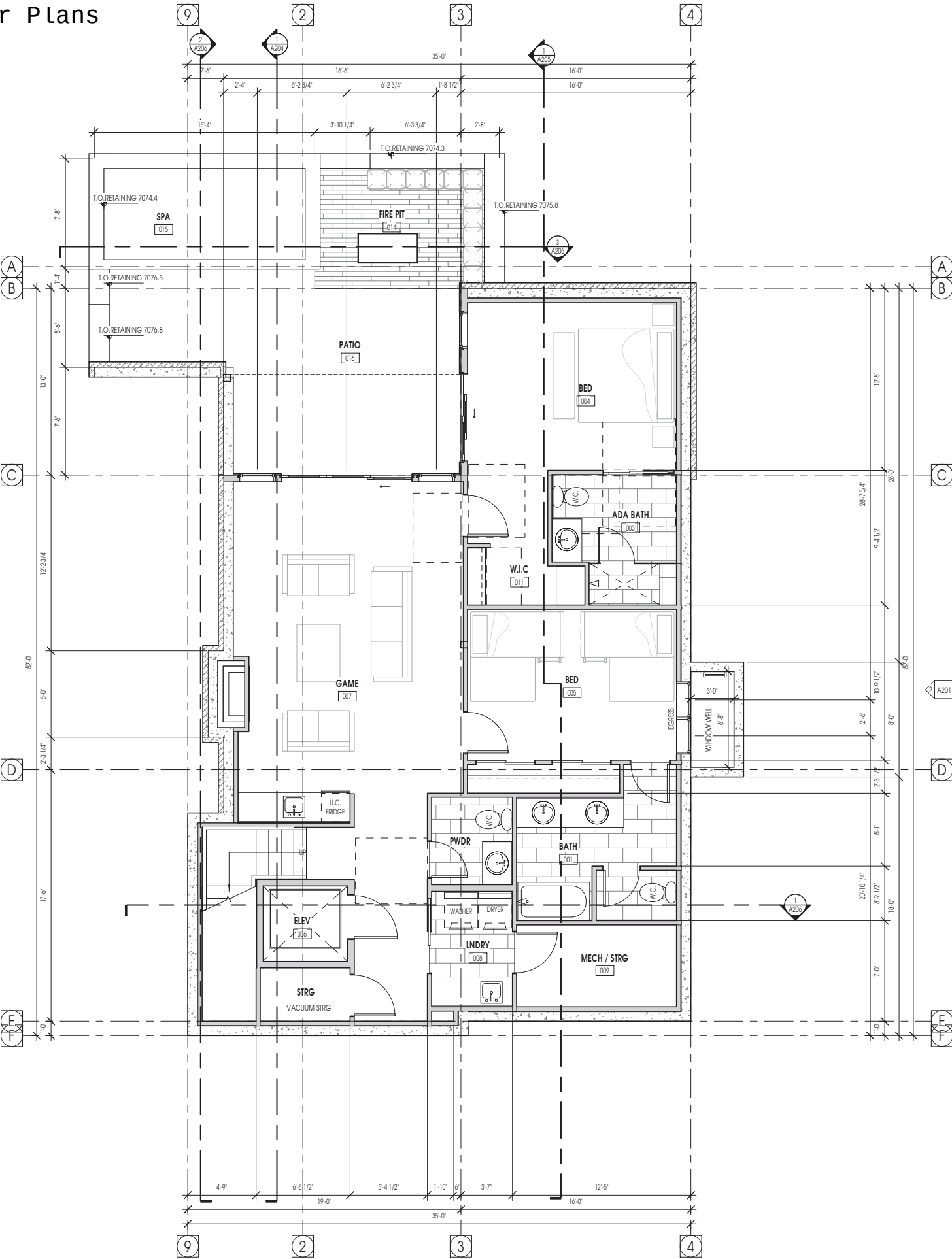
SHEET NUMBER:

CD 100

Packet Pg. 200

HDDR 2017.08.14

Exhibit H: Proposed Floor Plans



FLOOR PLAN LEGEND

HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE
	WOOD STUD WALL
	CMU WALL
	STONE VENEER

FLOOR PLAN MATERIAL LEGEND

HATCH PATTERN	DESCRIPTION
	CARPET FINISH
	TILE FINISH
	EXTERIOR CONCRETE SLABS
	STANDING SEAM ROOFING

FLOOR PLAN GENERAL NOTES

1. ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.

2. CEILING HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS

3. REFER TO ENLARGED PLANS FOR ALL UNIT DIMENSIONS, WINDOW TYPES, DOORS AND WALLS.

4. REFER TO ENLARGED PLANS FOR ALL DECKS/PATIOS.

5. COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.

6. ALL TOPPING SLABS MUST BE POURED AFTER ROOF IS COMPLETE AND BUILDING IS DRIED IN.

7. SEE SHEET A002 FOR PROJECT GENERAL NOTES AND SHEET A003 FOR PROJECT KEYNOTES. REVIEW ALL NOTES PRIOR TO CONSTRUCTION.

8. COORDINATE WITH STRUCTURAL FRAMING PLANS AND SHEAR WALL PLANS FOR LOCATIONS OF COLUMNS, BEAMS, SHEAR WALLS, ETC.

9. COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES

10. COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER AND DATA REQUIREMENTS.

11. ALL EXTERIOR WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

12. ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

13. ALL ROOF TRUSSES TO HAVE RAISED ENERGY HEE CONSTRUCTION TO ALLOW FOR FULL DEPTH INSULATION OVER EXTERIOR WALLS (COORDINATE INSULATION REQUIREMENTS WITH RESCHECKS).

FLOOR PLAN KEY NOTES

Specification Keynote	Instructional Keynote
Key Note Info	Key Note Info

KEYNOTE INSTRUCTIONAL

BUILDING AREA - FOOT PRINT

AREA	SQUARE FOOTAGE
FOOTPRINT	1505 SF

BUILDING AREA - FINISHED

AREA	FINISHED
LEVEL 0	1408 SF
LEVEL 1	1489 SF
LEVEL 2	1252 SF
LEVEL 3	137 SF
	4287 SF

DATUM

ARCH	CIVIL	LEVEL
133' - 0"	7,105.8	3 GARAGE LEVEL ELEVATION
120' - 0"	7,092.8	2 UPPER LEVEL ELEVATION
110' - 0"	7,082.8	1 MAIN LEVEL ELEVATION
100' - 0"	7,072.8	0 LOWER LEVEL ELEVATION

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sale and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
LEVEL 0 FLOOR PLAN

SHEET NUMBER:

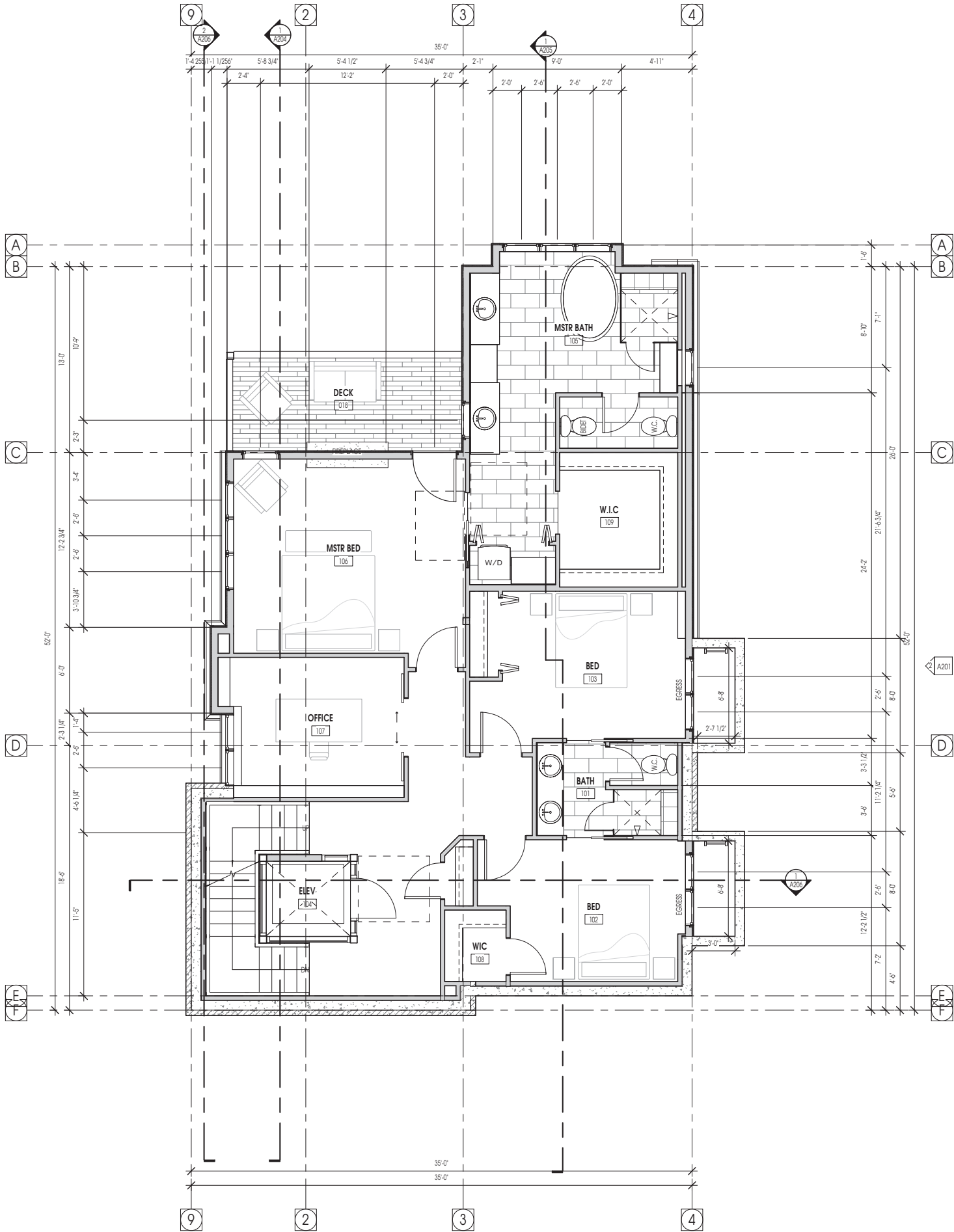
Packet Pg. 201

8/15/2017 11:54:43 AM

LEVEL 0 - FLOOR PLAN
1/4" = 1'-0"

1
A102

LEVEL 1 - FLOOR PLAN
1/4" = 1'-0"



FLOOR PLAN LEGEND

HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE
	WOOD STUD WALL
	CMU WALL
	STONE VENEER

FLOOR PLAN MATERIAL LEGEND

HATCH PATTERN	DESCRIPTION
	CARPET FINISH
	TILE FINISH
	EXTERIOR CONCRETE SLABS
	STANDING SEAM ROOFING

FLOOR PLAN GENERAL NOTES

1. ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.

2. CEILING HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS

3. REFER TO ENLARGED PLANS FOR ALL UNIT DIMENSIONS, WINDOW TYPES, DOORS AND WALLS.

4. REFER TO ENLARGED PLANS FOR ALL DECK/PATIOS.

5. COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.

6. ALL TOPPING SLABS MUST BE POURED AFTER ROOF IS COMPLETE AND BUILDING IS DRIED IN.

7. SEE SHEET A002 FOR PROJECT GENERAL NOTES AND SHEET A003 FOR PROJECT KEYNOTES. REVIEW ALL NOTES PRIOR TO CONSTRUCTION.

8. COORDINATE WITH STRUCTURAL FRAMING PLANS AND SHEAR WALL PLANS FOR LOCATIONS OF COLUMNS, BEAMS, SHEAR WALLS, ETC.

9. COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES

10. COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER AND DATA REQUIREMENTS.

11. ALL EXTERIOR WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

12. ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

13. ALL ROOF TRUSSES TO HAVE RAISED ENERGY HEE CONSTRUCTION TO ALLOW FOR FULL DEPTH INSULATION OVER EXTERIOR WALLS (COORDINATE INSULATION REQUIREMENTS WITH RESCHECKS).

FLOOR PLAN KEY NOTES

Specification Keynote	Instructional Keynote
Key Note Info	Key Note Info

KEYNOTE INSTRUCTIONAL

BUILDING AREA - FOOT PRINT

AREA	SQUARE FOOTAGE
FOOTPRINT	1505 SF

BUILDING AREA - FINISHED

AREA	FINISHED
LEVEL 0	1408 SF
LEVEL 1	1489 SF
LEVEL 2	1252 SF
LEVEL 3	137 SF
	4287 SF

DATUM

ARCH	CIVIL	LEVEL
133' - 0"	7,105.8	3 GARAGE LEVEL ELEVATION
120' - 0"	7,092.8	2 UPPER LEVEL ELEVATION
110' - 0"	7,082.8	1 MAIN LEVEL ELEVATION
100' - 0"	7,072.8	0 LOWER LEVEL ELEVATION

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sale and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and other personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

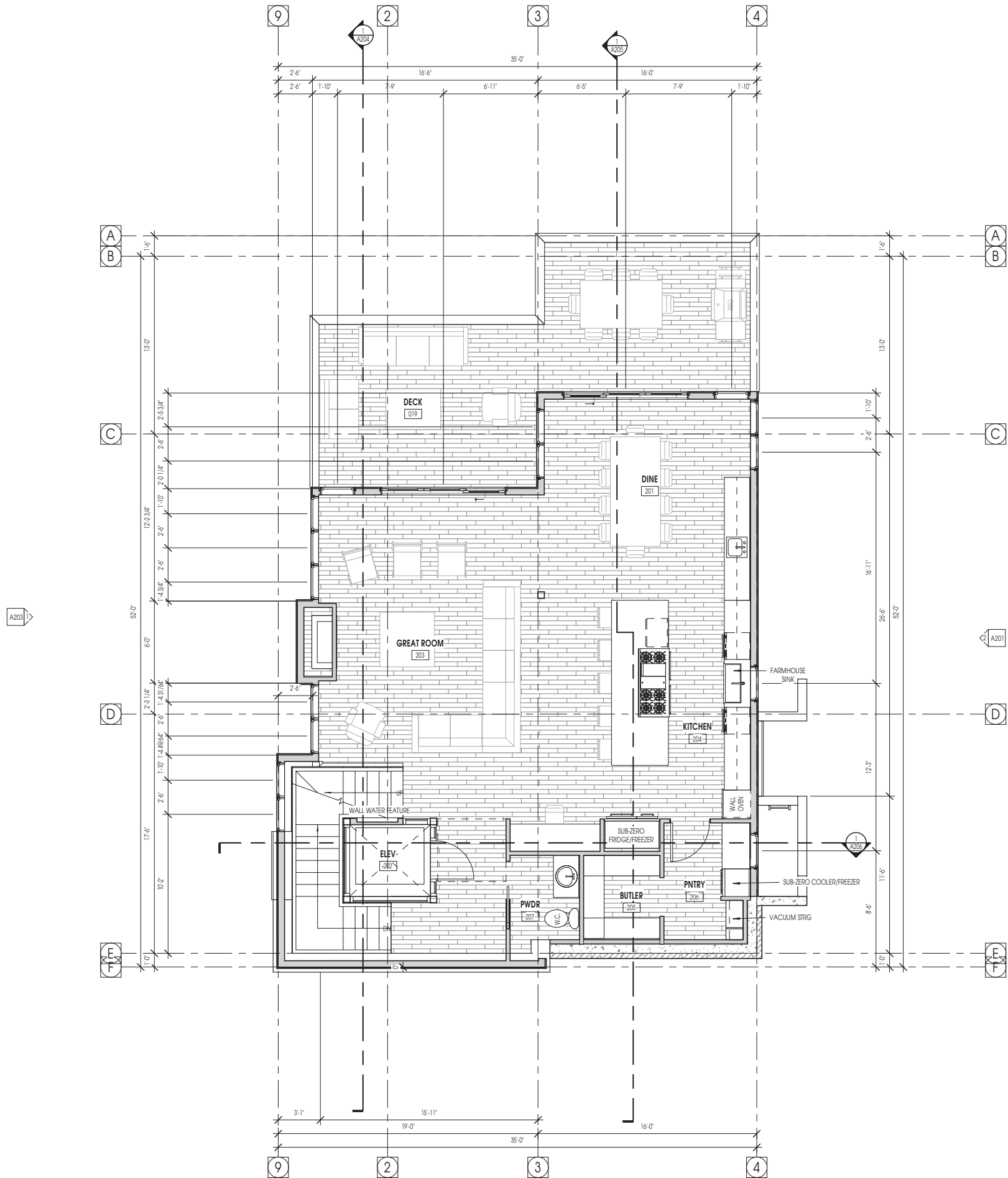
PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
LEVEL 1 FLOOR PLAN

SHEET NUMBER:

Packet Pg. 202

LEVEL 2 - FLOOR PLAN
1/4" = 1'-0"



FLOOR PLAN LEGEND

HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE
	WOOD STUD WALL
	CMU WALL
	STONE VENEER

FLOOR PLAN MATERIAL LEGEND

HATCH PATTERN	DESCRIPTION
	CARPET FINISH
	TILE FINISH
	EXTERIOR CONCRETE SLABS
	STANDING SEAM ROOFING

FLOOR PLAN GENERAL NOTES

1. ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.

2. CEILING HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS

3. REFER TO ENLARGED PLANS FOR ALL UNIT DIMENSIONS, WINDOW TYPES, DOORS AND WALLS.

4. REFER TO ENLARGED PLANS FOR ALL DECK/PATIOS.

5. COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.

6. ALL TOPPING SLABS MUST BE POURED AFTER ROOF IS COMPLETE AND BUILDING IS DRIED IN.

7. SEE SHEET A002 FOR PROJECT GENERAL NOTES AND SHEET A003 FOR PROJECT KEYNOTES. REVIEW ALL NOTES PRIOR TO CONSTRUCTION.

8. COORDINATE WITH STRUCTURAL FRAMING PLANS AND SHEAR WALL PLANS FOR LOCATIONS OF COLUMNS, BEAMS, SHEAR WALLS, ETC.

9. COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES

10. COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER AND DATA REQUIREMENTS.

11. ALL EXTERIOR WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

12. ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

13. ALL ROOF TRUSSES TO HAVE RAISED ENERGY HEE CONSTRUCTION TO ALLOW FOR FULL DEPTH INSULATION OVER EXTERIOR WALLS (COORDINATE INSULATION REQUIREMENTS WITH RESCHECKS).

FLOOR PLAN KEY NOTES

Specification Keynote	Instructional Keynote
Key Note Info	Key Note Info

KEYNOTE INSTRUCTIONAL

BUILDING AREA - FOOT PRINT

AREA	SQUARE FOOTAGE
FOOTPRINT	1505 SF

BUILDING AREA - FINISHED

AREA	FINISHED
LEVEL 0	1408 SF
LEVEL 1	1489 SF
LEVEL 2	1252 SF
LEVEL 3	137 SF
	4287 SF

DATUM

ARCH	CIVIL	LEVEL
133' - 0"	7,105.8	3 GARAGE LEVEL ELEVATION
120' - 0"	7,092.8	2 UPPER LEVEL ELEVATION
110' - 0"	7,082.8	1 MAIN LEVEL ELEVATION
100' - 0"	7,072.8	0 LOWER LEVEL ELEVATION



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

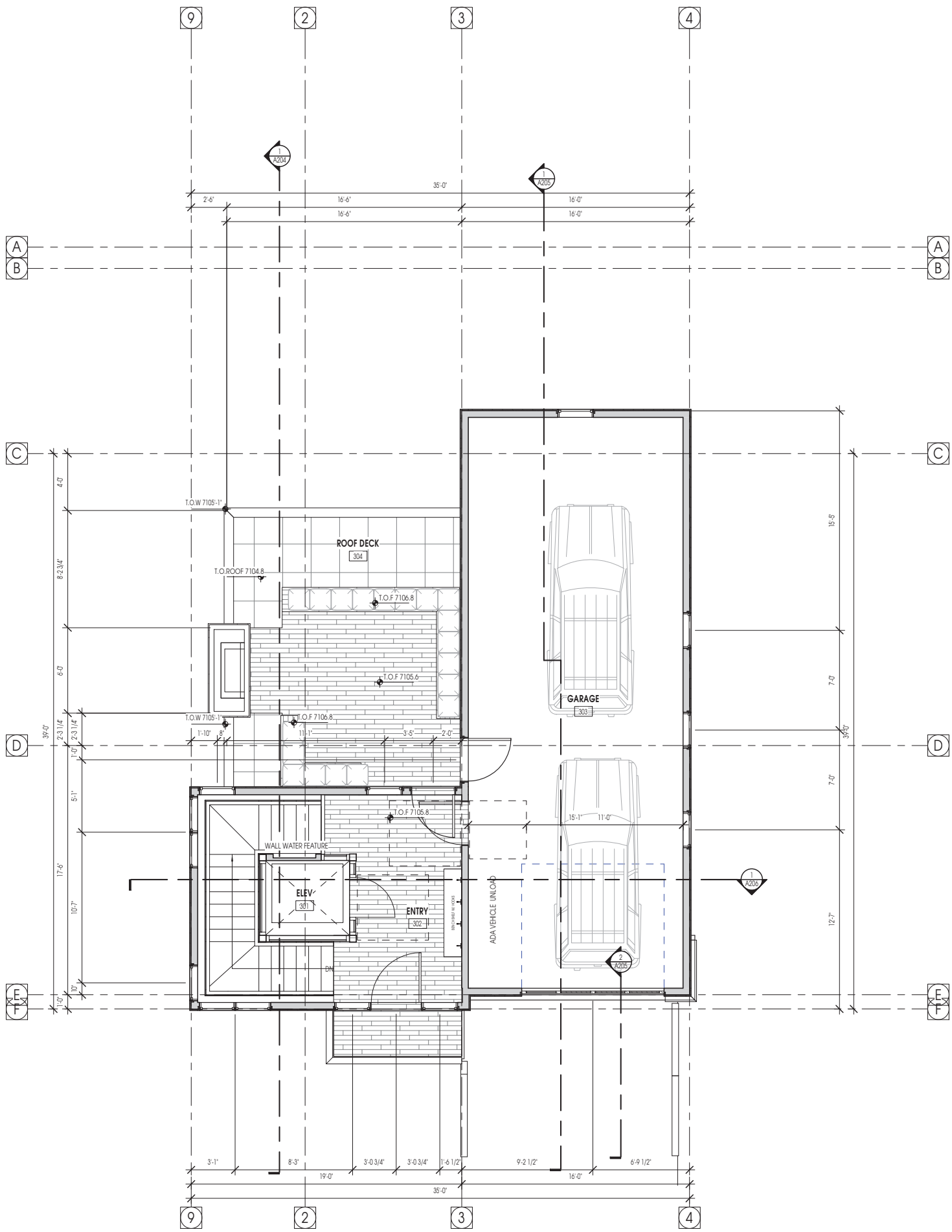
TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016

REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
LEVEL 2 FLOOR PLAN

SHEET NUMBER:



FLOOR PLAN LEGEND

HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE
	WOOD STUD WALL
	CMU WALL
	STONE VENEER

FLOOR PLAN MATERIAL LEGEND

HATCH PATTERN	DESCRIPTION
	CARPET FINISH
	TILE FINISH
	EXTERIOR CONCRETE SLABS
	STANDING SEAM ROOFING

FLOOR PLAN GENERAL NOTES

1. ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.

2. CEILING HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS

3. REFER TO ENLARGED PLANS FOR ALL UNIT DIMENSIONS, WINDOW TYPES, DOORS AND WALLS.

4. REFER TO ENLARGED PLANS FOR ALL DECKS/PATIOS.

5. COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.

6. ALL TOPPING SLABS MUST BE POURED AFTER ROOF IS COMPLETE AND BUILDING IS DRIED IN.

7. SEE SHEET A002 FOR PROJECT GENERAL NOTES AND SHEET A003 FOR PROJECT KEYNOTES. REVIEW ALL NOTES PRIOR TO CONSTRUCTION.

8. COORDINATE WITH STRUCTURAL FRAMING PLANS AND SHEAR WALL PLANS FOR LOCATIONS OF COLUMNS, BEAMS, SHEAR WALLS, ETC.

9. COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES

10. COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER AND DATA REQUIREMENTS.

11. ALL EXTERIOR WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

12. ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE.

13. ALL ROOF TRUSSES TO HAVE RAISED ENERGY HEEL CONSTRUCTION TO ALLOW FOR FULL DEPTH INSULATION OVER EXTERIOR WALLS (COORDINATE INSULATION REQUIREMENTS WITH RESCHECKS).

FLOOR PLAN KEY NOTES

Specification Keynote	Instructional Keynote
Key Note Info	Key Note Info

KEYNOTE INSTRUCTIONAL

BUILDING AREA - FOOT PRINT

AREA	SQUARE FOOTAGE
FOOTPRINT	1505 SF

BUILDING AREA - FINISHED

AREA	FINISHED
LEVEL 0	1408 SF
LEVEL 1	1489 SF
LEVEL 2	1252 SF
LEVEL 3	137 SF
	4287 SF

DATUM

ARCH	CIVIL	LEVEL
133' - 0"	7,105.8	3 GARAGE LEVEL ELEVATION
120' - 0"	7,092.8	2 UPPER LEVEL ELEVATION
110' - 0"	7,082.8	1 MAIN LEVEL ELEVATION
100' - 0"	7,072.8	0 LOWER LEVEL ELEVATION

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
LEVEL 3 FLOOR PLAN

SHEET NUMBER:

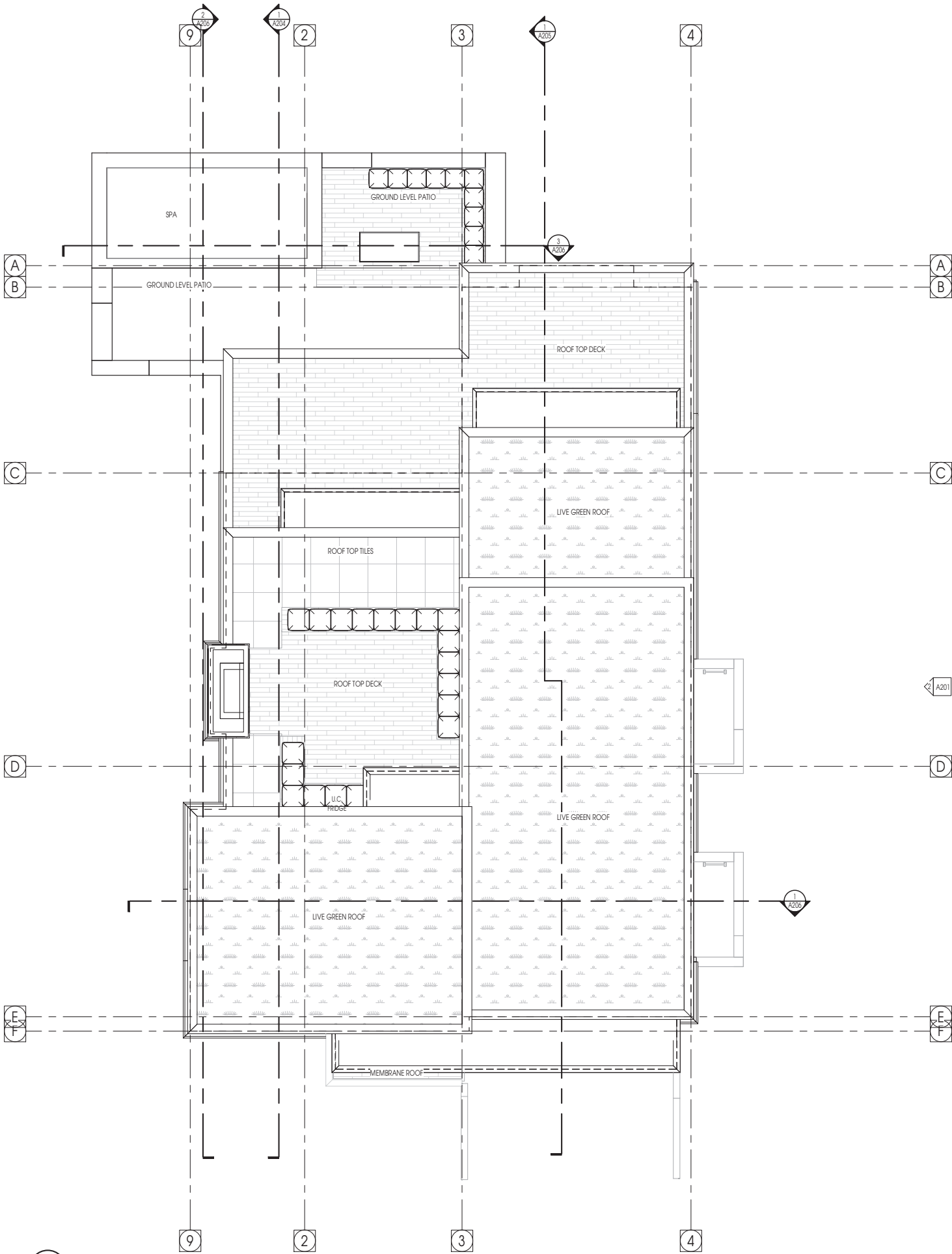
Packet Pg. 204

LEVEL 3 - FLOOR PLAN
1/4" = 1'-0"

AREA PLAN LEVEL 3
1/8" = 1'-0"

8/15/2017 11:54:59 AM

ROOF PLAN
1/4" = 1'-0"



ROOF PLAN LEGEND		CEILING PLAN LEGEND	
HATCH PATTERN	DESCRIPTION	HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE		CT-1 2 LAYERS - GYPSUM BOARD SEE DETAIL 1/G015
	WOOD STUD WALL		CT-2 1 LAYER GYPSUM BD SUSPENDED OVER 2 LAYERS GYPSUM BD. SEE DETAIL 2/G015
	CMU WALL		CT-4 2 LAYERS - GYPSUM BOARD SEE DETAIL 4/G015
	STONE VENEER		CT-5 1 LAYER GYPSUM BD SUSPENDED OVER 2 LAYERS GYPSUM BD. SEE DETAIL 5/G015
	MEMBRANE ROOFING		CT-6 LEVEL 3 LOCATIONS 1 LAYER 1/4" NON-VENTED CEDAR/MILL CEMENT FIBER SOFFIT OVER 1 LAYER 5/8" DENSHIELD BOARD OVER FRAMING
	ROOFTOP DECK		

- ROOF PLAN GENERAL NOTES**
1. ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.
 2. CEILING HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS
 3. COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.
 4. ALL TOPPING SLABS MUST BE POURED AFTER ROOF IS COMPLETE AND BUILDING IS DRIED IN.

ROOF PLAN KEY NOTES	
Specification Keynote	Instructional Keynote
Key Note Info	Key Note Info

KEYNOTE INSTRUCTIONAL

ROOF AREA BY TYPE			
Roof Category	Area	%	
DECK	544 SF	34.5%	
LIVE GREEN ROOF	868 SF	55.0%	
MEMBRANE ROOF	166 SF	10.5%	
Grand Total	1578 SF		



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

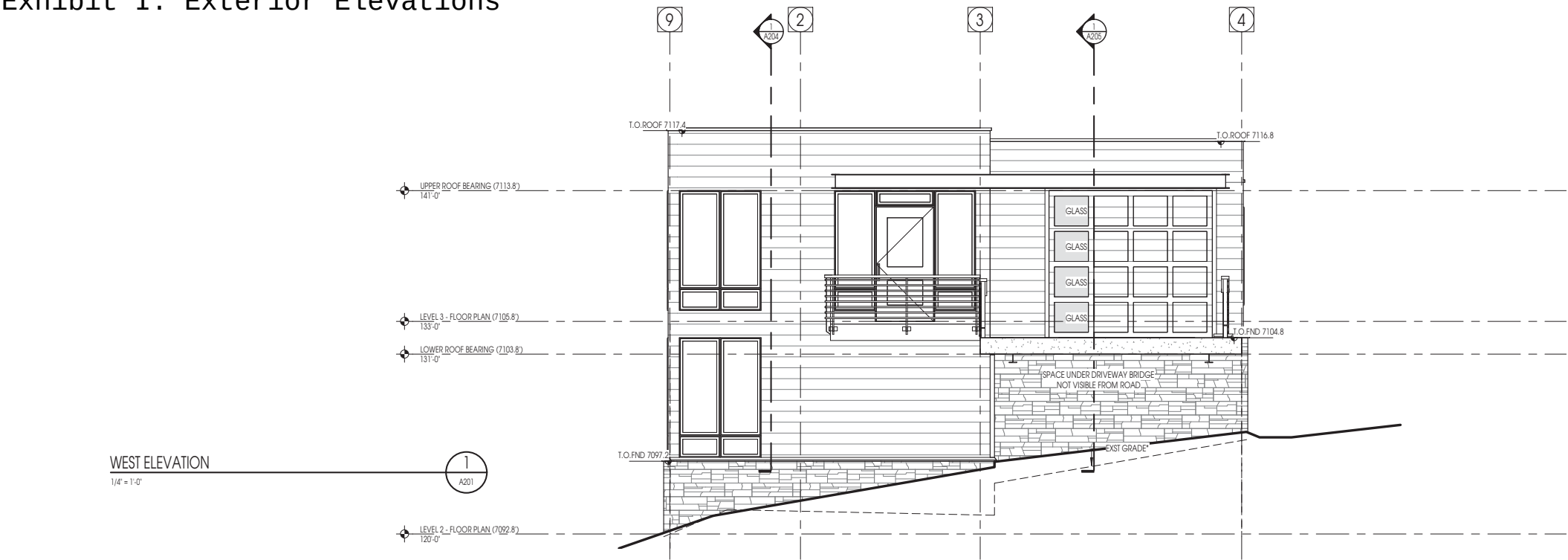
TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

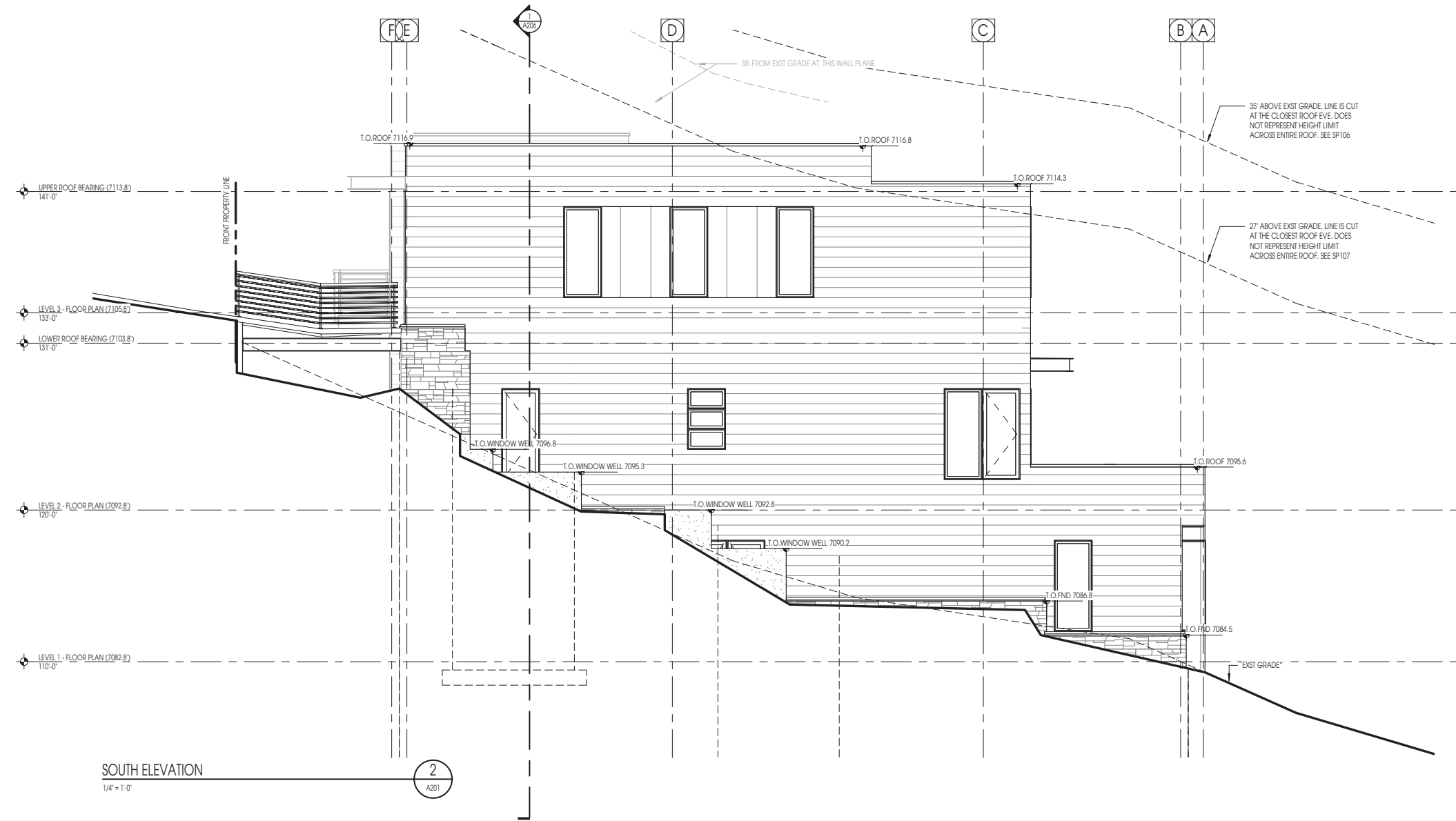
SHEET TITLE:
ROOF PLAN

SHEET NUMBER:

Exhibit I: Exterior Elevations



ELEVATION / SECTION MATERIAL LEGEND	
HATCH PATTERN	DESCRIPTION
	STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH.
	LAP SIDING HISTORIC HORIZONTAL CHANNEL LAP 8" SIDING AS PER SPECIFICATIONS
	12" METAL PANELS SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR.
NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL	
KEYNOTE INSTRUCTIONAL	



Think
Architecture

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

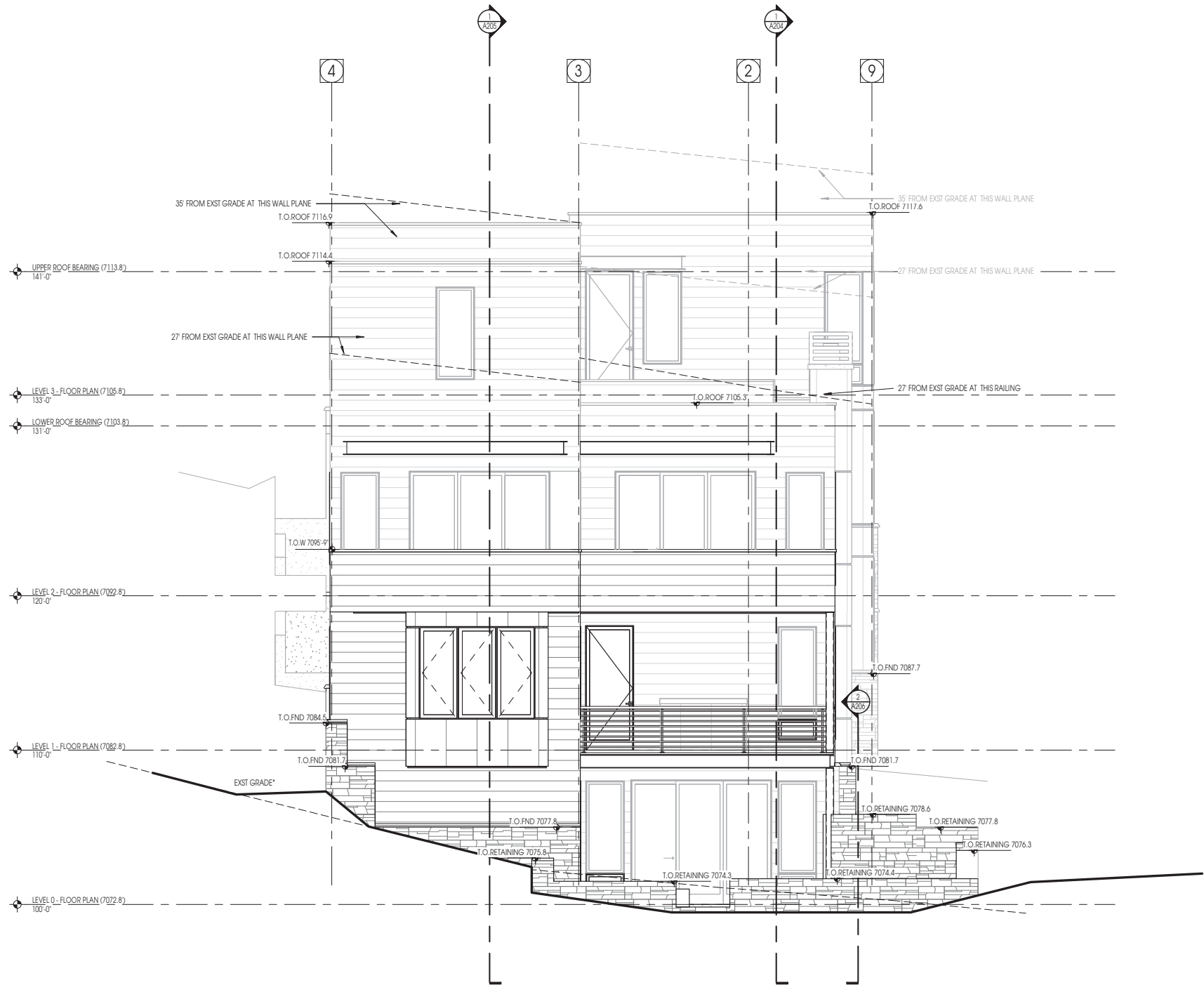
The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sale and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 / 20 - 4TH REVISION

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:



ELEVATION / SECTION MATERIAL LEGEND	
HATCH PATTERN	DESCRIPTION
	STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH.
	LAP SIDING HISTORIC HORIZONTAL CHANNEL LAP 8" SIDING AS PER SPECIFICATIONS
	12" METAL PANELS SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR.
NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL	
KEYNOTE INSTRUCTIONAL	



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

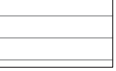
The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and other personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 / 20 - 4TH REVISION

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:

ELEVATION / SECTION MATERIAL LEGEND	
HATCH PATTERN	DESCRIPTION
	STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH.
	LAP SIDING HISTORIC HORIZONTAL CHANNEL LAP 8" SIDING AS PER SPECIFICATIONS
	12" METAL PANELS SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR.
NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL	
KEYNOTE INSTRUCTIONAL	



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sale and express written permission from Think Architecture, LLC. For limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and other personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:

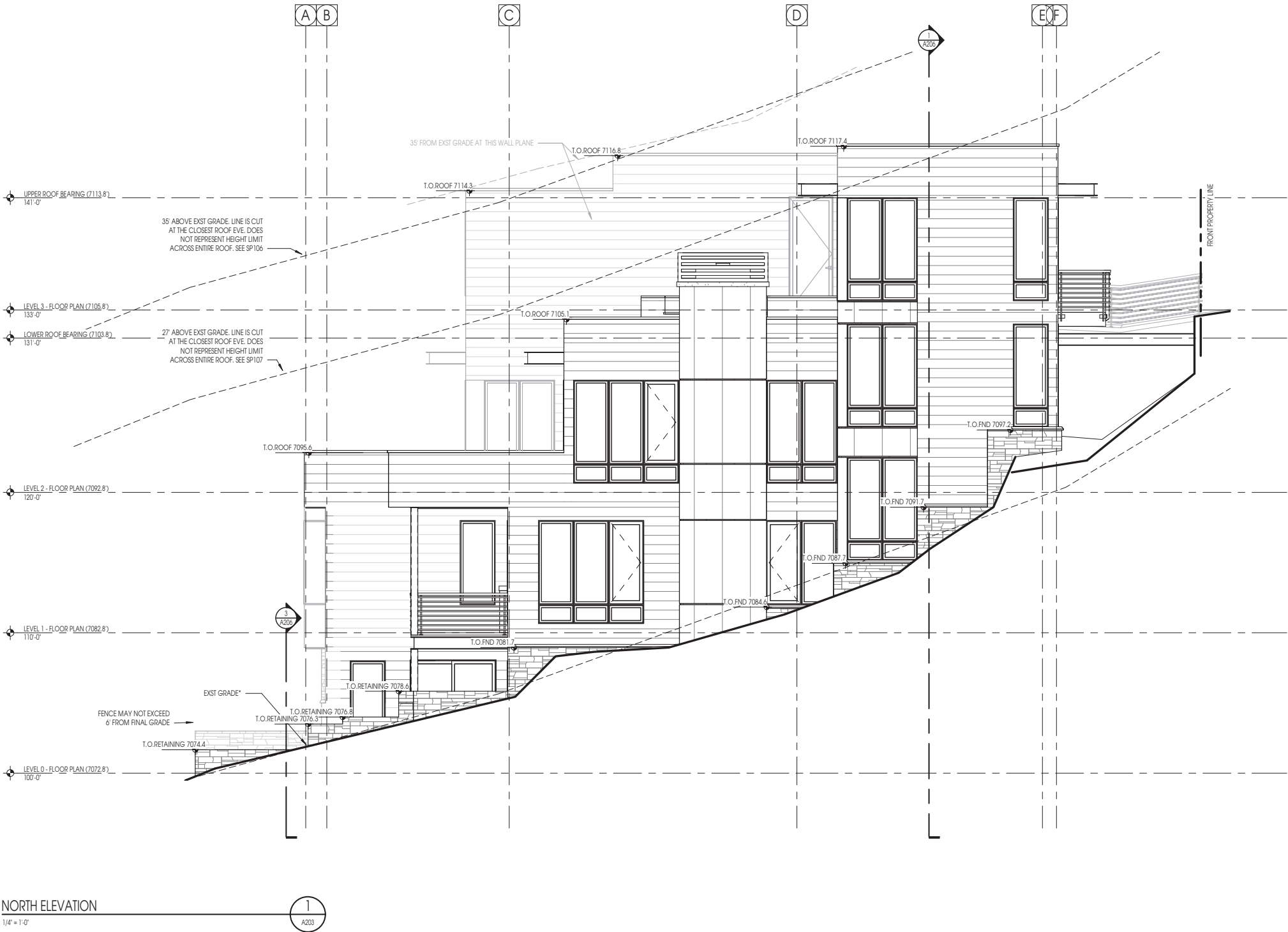
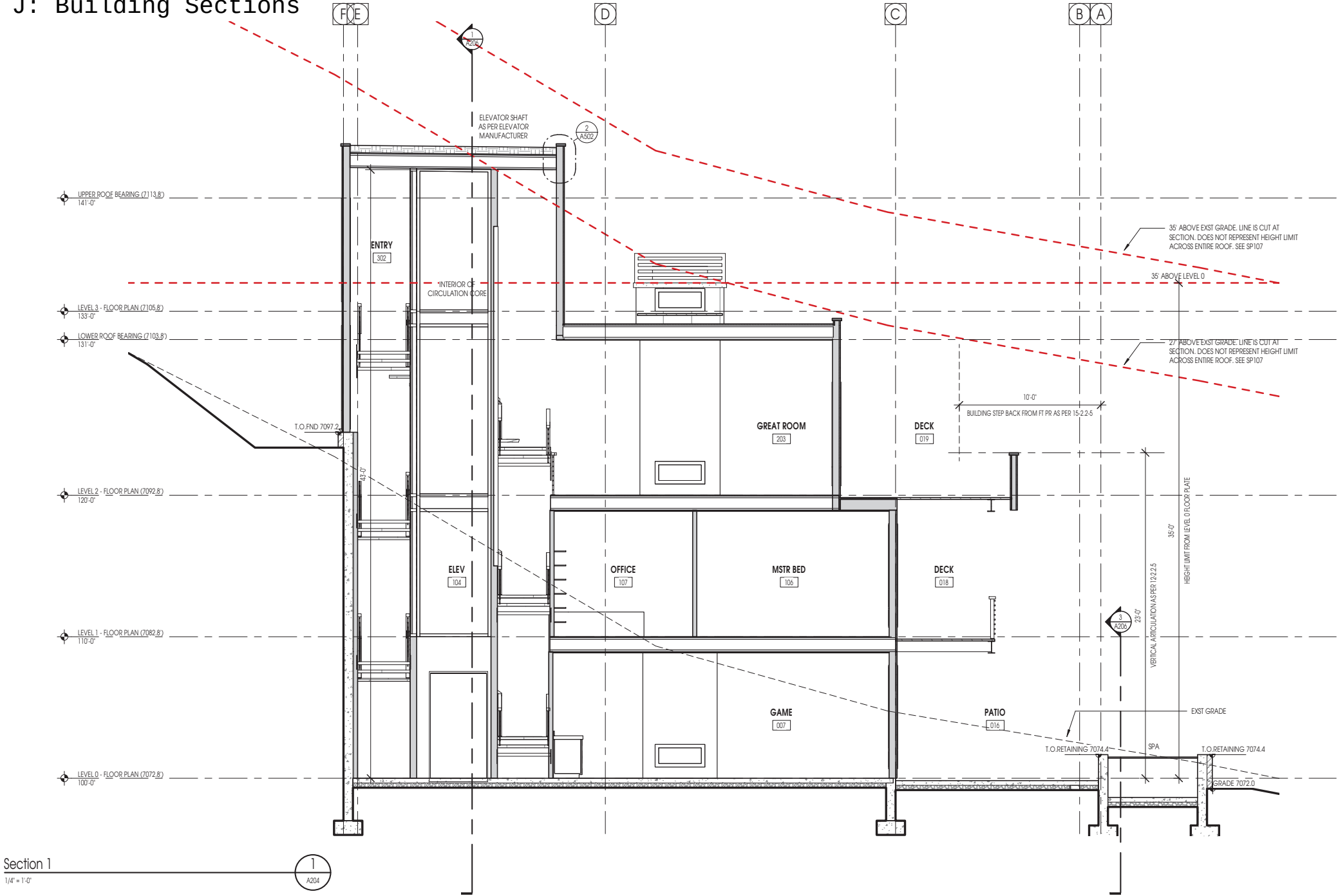


Exhibit J: Building Sections



ELEVATION / SECTION MATERIAL LEGEND	
HATCH PATTERN	DESCRIPTION
	STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH.
	LAP SIDING HISTORIC HORIZONTAL CHANNEL LAP 8\"/>
	12\"/>
NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL	
KEYNOTE INSTRUCTIONAL	



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 /20 - 4TH REVISION

SHEET TITLE:
BUILDING SECTIONS

SHEET NUMBER:

Architecture

Architecture
Interior Design
Landscape Architecture
and Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, Ut 84117
ph. 801.269.0055
fax 801.269.1425
www.thinkaec.com

designs shown and described herein including all technical drawings, graphic presentation & models thereof, are proprietary & can not be copied, duplicated, commercially exploited in whole or in part without the sole and express written permission of THUNK Architecture, Inc. These drawings are available for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and office personnel only in accordance with this notice.

ELEVATION / SECTION MATERIAL LEGEND

HATCH PATTERN	DESCRIPTION
	STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH.
	LAP SIDING HISTORIC HORIZONTAL CHANNEL LAP 8" SIDING AS PER SPECIFICATIONS
	12" METAL PANELS SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR.

NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL

KEYNOTE INSTRUCTIONAL

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

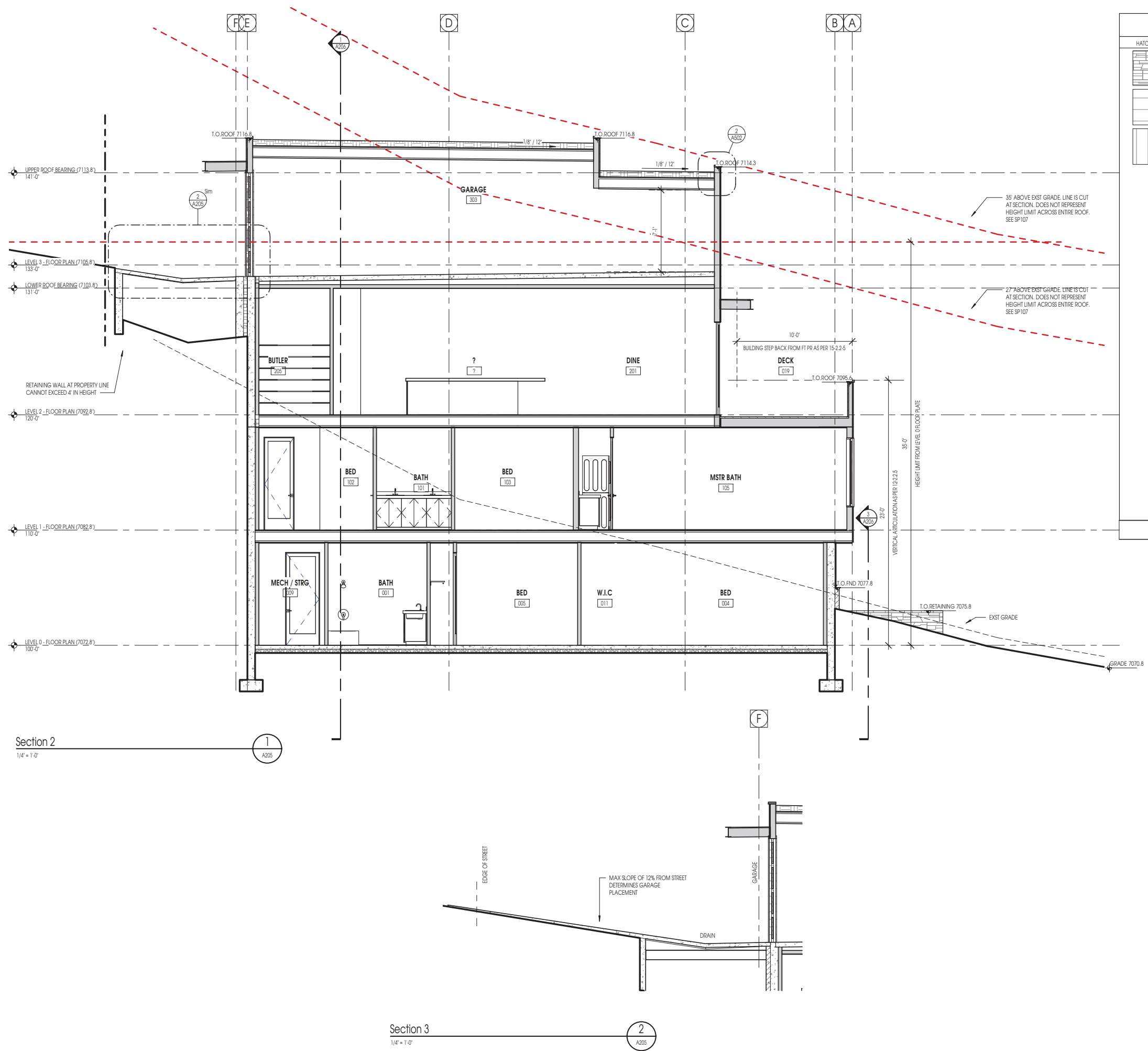
PROJECT NO. 16098
DRG DATE: SEPT 2016

017 / 07 /20 - 4TH REVISION

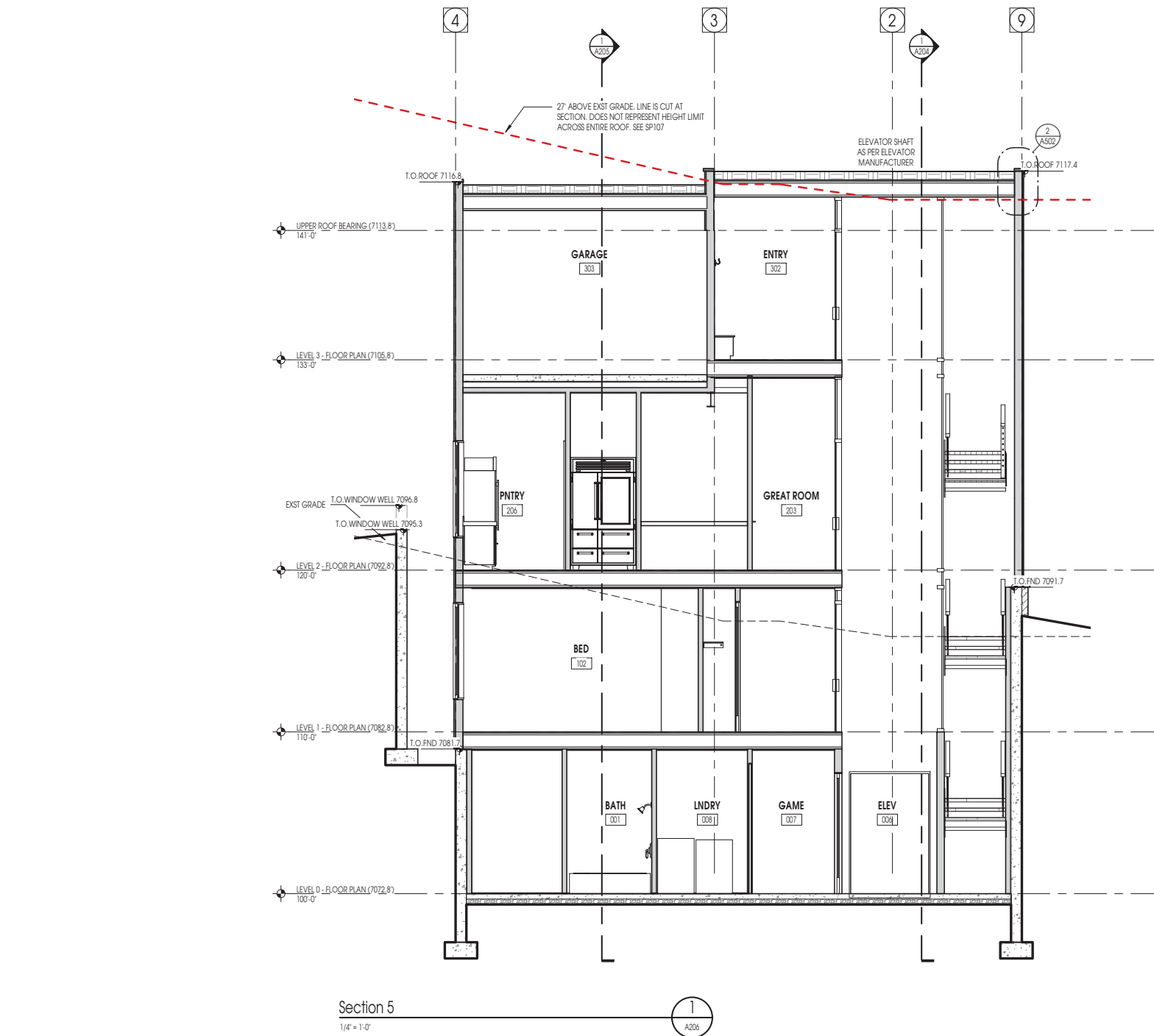
SHEET TITLE:
BUILDING SECTIONS

SHEET NUMBER:

205
Packet Pg. 210



8/15/2017 11:55:14 AM



ELEVATION / SECTION MATERIAL LEGEND	
HATCH PATTERN	DESCRIPTION
	STONE VENEER SEE SPECIFICATIONS FOR TYPE, LAY, AND FINISH.
	LAP SIDING HISTORIC HORIZONTAL CHANNEL LAP 8" SIDING AS PER SPECIFICATIONS
	12' METAL PANELS SEE SPECIFICATIONS FOR TYPE, PATTERN AND COLOR.
NOTE: REFER TO MATERIAL SPECIFICATIONS DOCUMENT FOR DETAILED INFORMATION REGARDING EACH FINISH MATERIAL	
KEYNOTE INSTRUCTIONAL	



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax. 801.269.1425
www.thinkaec.com

The designs shown and described herein including all technical drawings, graphic representation & models thereof, are proprietary & can not be copied, duplicated, or commercially exploited in whole or in part without the sole and express written permission from Think Architecture, Inc. for limited review and evaluation by clients, consultants, contractors, government agencies, vendors, and other personnel only in accordance with this notice.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
ORG DATE: SEPT 2016
REVISIONS:
2017 / 07 / 20 - 4TH REVISION

SHEET TITLE:
BUILDING SECTIONS

SHEET NUMBER:

Packet Pg. 211

HDDR 2017.08.14

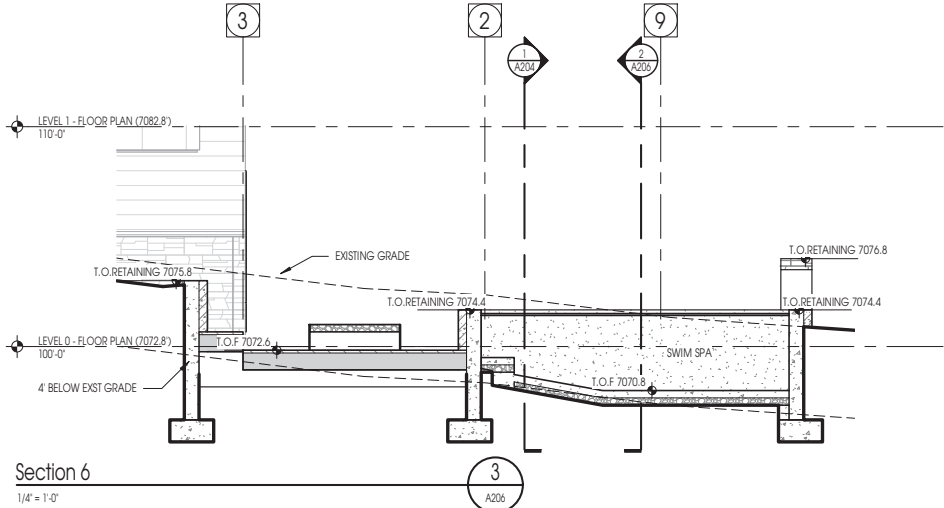
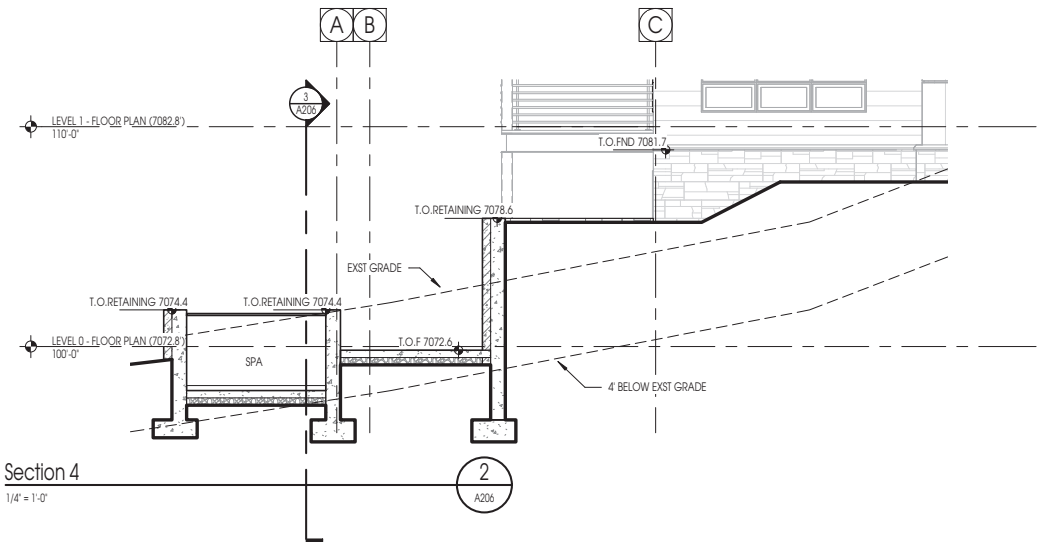
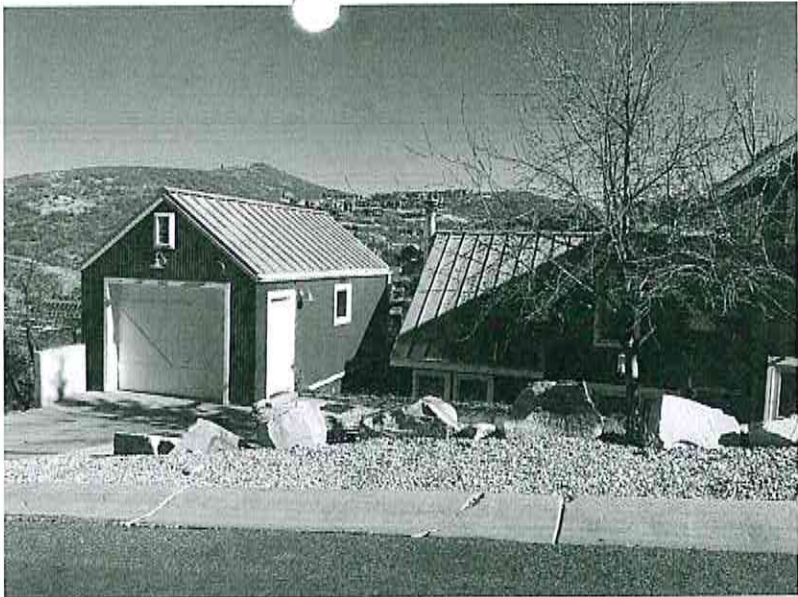


Exhibit K: Existing Site Photos



1. NEIGHBORING HOME TO THE NORTH OF SUBJECT PROPERTY



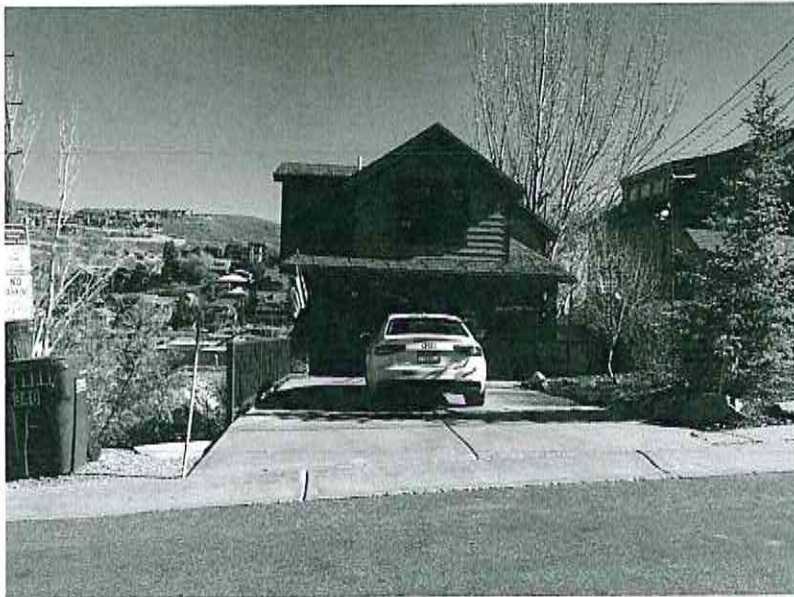
2. NEIGHBORING HOME DIRECTLY TO THE NORTH OF SUBJECT PROPERTY



3. LOOKING NORTH EAST FROM THE SOUTH WEST STREET



4. LOOKING SOUTH EAST FROM NORTH EAST STREET FACE



5. NEIGHBORING HOME DIRECTLY TO THE SOUTH OF SUBJECT PROPERTY



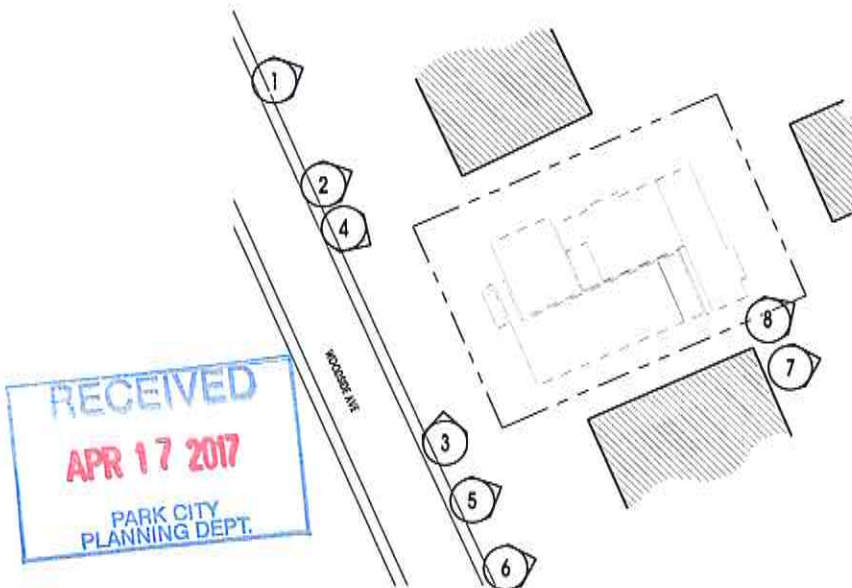
6. SECOND HOUSE TO THE SOUTH OF SUBJECT PROPERTY



7. EXST HOME SOUTH/EAST OF PROPERTY



8. EXST HOMES EAST OF PROPERTY



pk
Think
Architecture

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

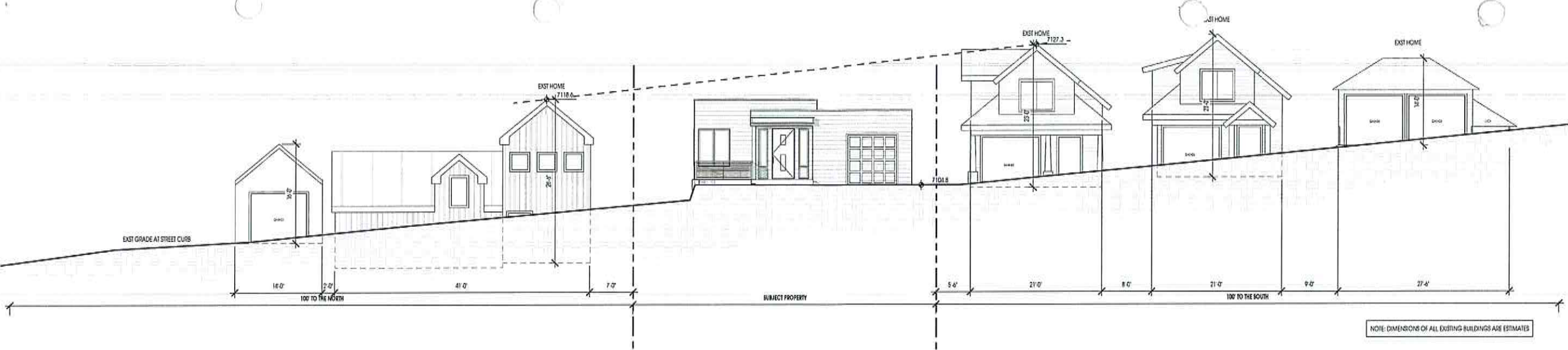
5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0065
fax. 801.269.1426
www.thinkpk.com

The designs shown and created herein
including all technical drawings, graphic
representations & models are the property
of the firm and are not to be copied, altered,
or commercially exploited in whole or in part
without the written permission of the firm.
These designs are provided for the use and
evaluation by clients, consultants,
contractors, government agencies, vendors,
and off-site personnel only in accordance with
the terms of the contract.

TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY, UTAH

DESIGN REVIEW 2016.04.17

PROJECT NO. 16098
DATE: SEPT 2016
REVISIONS:
SHEET TITLE:
EXISTING SITE PHOTOS
SHEET NUMBER:
SP105



Think
Architecture

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 East, Suite 200
Salt Lake City, UT 84117
ph. 801.269.0055
fax 801.269.1425
www.thinkaec.com

This drawing and associated notes
including all technical drawings, graphic
representation & models thereof, are
property of Think Architecture and shall
be used only for the project and site
shown and shall not be copied, duplicated,
reproduced or otherwise used in whole or in part
without the written consent of Think Architecture.
This drawing is not to be used for any other
purpose without the written consent of Think
Architecture. Government agencies, vendors,
and other personnel are to use this drawing
only in accordance with the scope of work.

STREETSCAPE ELEVATION AT CURB

1/8" = 1'-0"



SITE PLAN AERIAL

1" = 20'-0"



TOMILEE GILL
RESIDENCE
352 WOODSIDE AVE
PARK CITY UTAH

PROJECT NO. 16098
DATE: SEPT 2016

REVISIONS:

SHEET TITLE:
STREET ELEVATION

SHEET NUMBER:

SP104



DESIGN REVIEW 2016.04.17

Planning Commission Staff Report



Subject: 352 Woodside Avenue
Project #: PL-17-03532
Author: Tippe Morlan, Planner
Date: August 23, 2017
Type of Item: Administrative – Conditional Use Permit for Steep Slope Construction & Height Exception

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and approve a request for a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling at 352 Woodside Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval provided herein for the Commission's consideration.

Staff also recommends that the Planning Commission approve a request for a height exception of 8 feet to allow a garage with the proposed single-family dwelling on a downhill lot pursuant to LMC 15-2.2-5 and based on the Findings of Fact, Conclusions of Law, and Conditions of Approval provided herein for the Commission's consideration.

Description

Applicant/Owner: Tomilee Tilly Gill represented by John Shirley
Location: 352 Woodside Avenue
Zoning: Historic Residential-1 (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of a new single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater.

Proposal

This application is a request for a Steep Slope Conditional Use Permit (CUP) for construction of a new single-family home. A Steep Slope CUP is required when the Building Footprint proposed is in excess of 200 square feet if the Building Footprint of the addition is located upon an existing Slope of 30% or greater. The site is currently vacant, and the applicant is proposing to build a new single family dwelling of approximately 4,287 square feet. The proposed footprint of the new construction is 1505 square feet and the construction is proposed on a slope greater than 30%, and in some areas, the slope is approximately 66%.

The applicant is also requesting a height exception of 8 feet for a garage on a downhill lot as allowed by LMC Section 15-2.2-5. The applicant is proposing a two-car tandem garage accessed from Woodside Avenue as the top level of the house. This increases the building height beyond the 27 foot maximum to 35 feet. Additionally, this increases the interior building height above the 35 foot maximum to 43 feet.

Background

March 17, 2017 – A Historic District Design Review (HDDR) application was submitted to the City and was deemed complete on **April 5, 2017**. The application has been reviewed and is ready for approval pending the approval of the Steep Slope CUP, the plat amendment, and the height exception.

April 17, 2017 – The City received an application for a Conditional Use Permit (CUP) for construction of a new single-family home on a steep slope at 352 Woodside Avenue. The application was deemed complete on **April 21, 2017** although Planning Commission review was pending completion of the HDDR review. The applicant is also requesting a height exception to accommodate a tandem garage on a steep downhill lot.

July 13, 2017 – The City Council approved a plat amendment to remove two interior lot lines creating one lot at this address.

Purpose

The purpose of the HR-1 District is to:

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

Analysis

The property is located at 352 Woodside Avenue on an undeveloped lot. This downhill lot consists of 3,757.5 square feet and is located in the Historic Residential (HR-1) District. The proposed building footprint is 1,505 square feet which complies with the maximum building footprint of 1,521.14 square feet for a lot of this size. The proposed house is a total of 4,287 square feet. Including the two car tandem garage, the total size is 5,049 square feet.

The proposed addition takes place on slopes that reach up to approximately 66% in grade. The proposed single-family dwelling complies with all setback and LMC requirements as outlined in the following table:

Requirement	LMC Requirement	Proposed	Compliance
Lot Size	Minimum of 1,875 square feet	3,757.5 square feet	Yes
Building Footprint	1,521.14 square feet maximum	1,505 square feet	Yes

Front Yard	10 feet minimum	10 feet	Yes
Rear Yard	10 feet minimum	10 feet	Yes
Side Yard	5 feet minimum, total 14 feet.	9 feet and 5 feet, Total of 14 feet	Yes
Height	27 feet above existing grade, maximum. - Exception requested for Garage on Downhill Lot*	35 feet including a proposed 8 foot exception for a garage with two tandem spaces, an entry room, and circulation (elevator and stairs) Every other portion of the proposed structure meets the 27' max height.	Yes, if exception is granted
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. - Exception requested for Garage on Downhill Lot*	43 feet including a proposed 8 foot exception for a garage with two tandem lots, an entry room, and circulation (elevator and stairs).	Yes, if exception is granted
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the all elevations.	Yes
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade. Architectural	There is a 10 foot horizontal step in the downhill façade. No exceptions for vertical articulation are requested.	Yes

	features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.		
Roof Pitch	Between 7:12 and 12:12. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.	The structure proposes a flat roof which will be a Green Roof	Yes
Parking	Two off-street parking spaces required.	A garage with two parking spaces in a tandem configuration, compliant with required dimensions, however requires a height exception as allowed by the LMC with approval by the Planning Commission.	Yes

* Per LMC 15-2.2-5, the Planning Commission may allow additional Building Height (see entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration.

Building Height Exception

The applicant is requesting an 8 foot height exception for the garage on a downhill lot. This height exception would apply to both the maximum building height and the maximum interior height requirements for this lot. The HR-1 zone allows a maximum building height of 27 feet from existing grade and a maximum interior height of 35 feet from the lowest finish floor plane to the point of the highest wall top plate. The exception would increase those to 35 feet and 43 feet respectively.

Pursuant to LMC 15-2.2-5, the Planning Commission may allow additional Building Height on a downhill lot to accommodate a single car wide garage in a Tandem Parking configuration. This additional height may also accommodate circulation (including stairs and/or an ADA elevator) and a reasonably sized front entry area and front porch. The building height may not exceed 35 feet from existing grade, allowing exceptions of no more than 8 feet. Such an exception previously required administrative approval; this is the first request since the LMC has changed to require Planning Commission approval for Building Height exceptions on downhill lots. Consistent with these regulations, the

applicant is requesting a height exception of 8 feet for the following areas on the top floor of the proposed home:

- A two-car tandem garage, single car wide including an ADA loading area (645 square feet)
- A reasonably sized entry area (137 square feet)
- Circulation by means of stairs (129 square feet) and an elevator (32 square feet) for ADA access.

These are the only areas included in the height exception. All other areas of the house must meet the standard HR-1 height requirements. The garage meets the requirements of the exception at 40 feet in depth. This does not exceed the minimum depth for internal parking spaces as required by LMC 15-2.2-5.

Steep Slope Regulations

Regulations for development on steep slopes in the HR-1 zone are stated in LMC 15-2.2-6. All such development is subject to the following criteria:

1. **Location of Development.** Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed house is located within the building pad and outside of all setbacks required on the lot. The proposed garage on the top floor of the home requires a height exception and allows the applicant to have access to Woodside Avenue without a steep driveway. The home is proposed to match the stepping of similar homes in its vicinity.

2. **Visual Analysis.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points a) to determine potential impacts of the proposed Access, and Building mass and design; and b) to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

The applicant submitted plans through the Historic District Design Review process including a streetscape showing how the four (4) story structure will be observed when viewed from Woodside Avenue. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283. The applicant has also provided elevations in conjunction with a height study to show how the house sits on the slope in relation to existing grade and the zoning height requirements (Exhibit D) and cross canyon views (Exhibit J) to show a minimal visual impact.

3. **Access.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed addition has a garage accessed directly off Woodside Avenue. The drive access is designed as a bridge from the street to the top floor of the house with a maximum grade of 12 percent from the street. The bridge reduces the amount of cut and fill required to access the house from the street.

4. **Terracing.** The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The proposal includes one set of retaining walls surrounding the uphill side of the deck and hot tub area at the lowest level of the proposed house extending up toward the second level. The applicant has proposed retaining walls within the side and rear yard setback areas. As per LMC Section 15-4-2, retaining walls within side and rear yard setback areas on any lot (steep slope or not) cannot exceed six feet (6') in height measured from Final Grade. Proposed plans show retaining walls which do not exceed 6 feet. If these plans change, an amendment to this CUP will be required since retaining walls affect the terracing aspect of the steep slope CUP approval.

5. **Building Location.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The proposed house incorporates a garage into the top floor of the house with a driveway bridging the street and the house to avoid additional cuts and fills that would be required to install a steeper driveway. The structure of the house follows the topography of the lot and maintains the maximum building height of 27 feet with the exception of the garage floor, which would meet the maximum building height of 35 feet if the proposed height exception is granted for a garage on a downhill lot. The structure is located on the lot in a manner that least impacts the natural topography of the lot.

6. **Building Form and Scale.** Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

Due to the natural topography of the site and the development parameters of Old Town, the building mass orients against the lot's contours. The proposed house is designed in a manner that is broken into the required series of individual smaller components. The applicant is requesting to build a garage within the main structure on the top floor which is significantly smaller than the three main

floors of the house. This floor provides 137 square feet of living space, a 645 square foot garage, and 131 square feet of circulation area.

7. **Setbacks.** The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

The proposed structure has a front yard setback of ten feet (10'). This is the same as the surrounding houses on the east side of the street and meets the minimum required setbacks. Increasing the front setback would create additional height over the steep slope. The rear setback of ten feet (10') also meets the zone's rear setback requirements. The applicant is proposing a patio/deck and hot tub area that extends into the rear and side setback area as allowed by LMC Section 15-2.2-3. The hot tub and decks are located three feet (3') from the rear and north side property lines, and all patio and deck structures do not and may not extend greater than thirty inches (30") above Final Grade.

Additionally, this design has minimal impact on the Street wall at the front property line. The top floor/garage level is located as closely to the street level as possible with the roof heights measuring between 6½ and 10½ feet above the existing street height. This is much lower than the surrounding homes as shown in the proposed Street Views (Exhibit J).

8. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 – HR-1]. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed massing component is compatible with both the volume and massing of single-family dwellings in the area comprised of four story dwellings with garages on the top floor. As shown in Exhibit J: Street Views and Exhibit I: Existing Site Photos, the top floor of the house is level with the street and does not extend above the road any higher than surrounding structures. The aerial view and cross canyon view in Exhibit J also show the proposed structure taking up a similar footprint to neighboring lots. The structure also steps with the lot and is broken up in a manner that reduces the overall visual mass.

9. **Building Height (Steep Slope).** The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **Pending building height exception.**

The applicant is proposing a building height exception of 8 feet for the garage portion on a downhill lot. If approved, the structure would meet the maximum height allowance of 35 feet as per LMC 15-2.2-5. The first two floors of the proposed structure are well below the 27 in height and the third floor is a little higher, although the only parts of the structure which exceed 27 feet are the garage area including an entry area and related circulation (See Exhibit G: Exterior Elevations).

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in Land Management Code § 15-1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed with conditions of approval and during building permit review.

Public Input

No public input has been received at the time of this staff report.

Alternatives

- The Planning Commission may approve the requested CUP and height exception as conditioned or amended, or
- The Planning Commission may deny the requested CUP and height exception and direct staff to make Findings for this decision, or
- The Planning Commission may approve the requested CUP without the height exception and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise the plans.

Recommendation

Staff recommends that the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit for the construction of new single-family dwelling at 352 Woodside Avenue AND a building height exception for a garage on a downhill lot based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

General Findings of Fact for both requests:

1. The site is located at 325 Woodside Avenue.
2. The site is located in the Historic Residential-1 (HR-1) zoning district.
3. The site is currently an undeveloped lot of 3,757.5 square feet.

4. The City Council approved the Gill Subdivision Plat Amendment at this location on July 13, 2017 and the plat is pending recordation.
5. A Historic District Design Review (HDDR) application is currently under review.
6. The applicant requests to build a new single-family dwelling at this location.
7. Single-family dwellings are allowed uses in the HR-1 zone.
8. The proposed single-family dwelling consists of 4,287 square feet. Including the garage and unfinished area, the size is 5,049 square feet.
9. The proposed building footprint is 1,505 square feet which complies with the maximum allowable footprint of 1,521 square feet.
10. The new construction takes place over slopes that are thirty percent (30%) or greater.
11. The applicant is requesting a height exception of 8 feet for a garage on a downhill lot.
12. This is a downhill lot with an average slope of approximately 40%. The greatest slope on the property occurs in the west of the property toward the front of the lot, where the slope can reach up to 66.7%.
13. The proposed front yard setback of ten (10') complies with the minimum front yard setback of ten feet (10').
14. The proposed rear yard setback of ten (10') complies with the minimum rear yard setback of ten feet (10').
15. The proposed side yard setbacks of five feet (5') to the north and nine feet (9') to the south comply with the minimum side yard setbacks of five feet (5') including a total setback of fourteen feet (14').
16. With the exception of the garage on the top floor (pending a height exception approval), the proposed structure complies with the maximum building height, including the following provisions: final grade, thirty-five foot rule, vertical articulation, roof pitch.
17. This property is located outside of the Soils Ordinance Zone.

Steep Slope CUP Findings of Fact:

1. The applicant submitted plans including a streetscape showing how the four (4) story structure will be observed when viewed from Woodside Avenue.
2. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
3. The proposed house is located within the building pad and outside of all setbacks required on the lot.
4. The proposed garage on the top floor of the home requires a height exception and allows the applicant to have access to Woodside Avenue without a steep driveway.
5. The applicant has provided elevations and a height study to show how the house sits on the slope in relation to existing grade and the zoning height requirements (Exhibit D) and cross canyon views (Exhibit J) to show a minimal visual impact.
6. The proposed addition has a garage accessed directly from Woodside Avenue.
7. The proposed structure provides two tandem parking spaces in the garage on the top floor.
8. The proposed driveway slope is at twelve percent (12%).
9. The proposal includes a retaining wall at the lowest level of the structure extending up toward the second level and around the deck and hot tub area.

10. Proposed retaining walls are in the side and rear yard setback areas but do not exceed 6 feet in height measured from Final Grade.
11. The structure of the house follows the topography of the lot and maintains the maximum building height of 27 feet with the exception of the garage floor, which would meet the maximum building height of 35 feet if the proposed height exception is granted for a garage on a downhill lot. The structure is located on the lot in a manner that least impacts the natural topography of the lot.
12. The proposed building is designed in a manner that is broken into the required series of individual smaller components to reduce the perceived overall massing.
13. The proposed structure has a front yard setback of ten feet (10') consistent with other houses on this street. Increasing the front yard setback would increase overall building height at the rear of the structure due to the steepness of the existing grade.
14. The rear setback of ten feet (10') also meets the zone's rear setback requirements.
15. A proposed patio/deck and hot tub area also extends into the rear and side setback area as allowed by LMC Section 15-2.2-3. The hot tub and decks are located three feet (3') from the rear and north side property lines, and all patio and deck structures do not and do not extend greater than thirty inches (30") above Final Grade.
16. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of four (4) story dwellings
17. The top floor/garage level is located as closely to the street level as possible with the roof heights measuring between 6½ and 10½ feet above the existing street height.
18. The overall building height ranges from 19 feet to 27 feet, with the garage, front entryway, and circulation area on the top floor proposed at 35 feet from existing grade. This would only be allowed if the height exception is granted.

Height Exception Findings of Fact:

1. The HR-1 zoning district allows a building height exception for garages on downhill lots.
2. 352 Woodside Avenue is a downhill lot.
3. Such exceptions are allowed to accommodate a single car wide garage in a tandem parking configuration including circulation and a reasonably sized entry area and front porch. If approved, all other areas of the structure must meet HR-1 building height requirements.
4. The applicant is proposing a single car wide garage with an ADA loading area in a tandem parking configuration including a small entry area of 137 square feet and an elevator and stairway circulation area of 161 square feet.
5. The depth of a garage under this exception may not exceed 40 feet, the minimum depth for internal parking spaces.
6. The proposed garage is 40 feet in depth.
7. The additional building height may not exceed 35 feet from existing grade.
8. The applicant is proposing an 8 foot height exception to allow a maximum building height of 35 feet with a maximum interior height of 43 feet.

Conclusions of Law:

1. The Application complies with all requirements of this LMC.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. All retaining walls in setback areas shall not exceed 6 feet in height without an amendment to this CUP approval.
10. This approval will expire on August 23, 2018 if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Director.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.

Exhibits

- Exhibit A – Applicant's Narrative
Exhibit B – Record of Survey
Exhibit C – Site Plan (Sheet SP102)
Exhibit D – Height Studies (Sheets SP106-SP107)
Exhibit E – Proposed Exterior Views (Sheet SP 108)

Exhibit F – Proposed Floor Plans (Sheets A102-A106)
Exhibit G – Exterior Elevations (Sheets 201-203)
Exhibit H – Building Sections (Sheets A204-A206)
Exhibit I – Existing Site Photos (Sheet SP105)
Exhibit J – Street Views (Sheets SP104 & SP109)
Exhibit K- Standard Project Conditions

Exhibit N - Planning Commission Minutes

Planning Commission Meeting
August 23, 2017
Page 6

2. Prior to installing a temporary structure, the Planning Department must sign off on a building permit and record the date within the CUP Temporary Tent application logbook folder found at the Planning Department front counter.
3. The temporary structure within the Hotel courtyard shall be operable for a maximum of one-hundred and eighty (180) days in a calendar year.
4. The use shall not violate the City noise ordinance. Any violation of the City noise ordinance may result in the CUP becoming void.
5. The temporary tent shall only be used in the enclosed ballroom courtyard area and may not exceed the 60' x 40' size as approved with the original CUP.
6. The tent shall be used in conjunction with the existing meeting space and not leased out separately, unless leased to guests of the hotel, to ensure that the use of this temporary space does not cause overflow parking onto adjacent properties. Any complaints regarding overflow parking issues may result in the CUP becoming void.
7. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All new exterior lighting must be approved by the Planning Department and comply with the Land Management Code. All existing exterior lighting shall comply with the Land Management Code prior to approval of a permit from the Building Department for installation of the tent.
8. Operation of the temporary structure with expired permits from any applicable City Department may result in the CUP becoming void. Building and Fire Permits must be up to date to operate the temporary structure.
9. All Standard Project Conditions shall apply.
2. **352 Woodside Avenue – The applicant is requesting a Steep Slope Conditional Use Permit for the construction of a single-family home on a vacant lot and a height exception to construct a garage on a downhill lot.**
(Application PL-17-03532)

Planner Morlan reported that the applicant was requesting a Steep Slope CUP for construction of a new single-family dwelling at 352 Woodside, and a building height exception for 8' for a garage on a downhill lot.

Planner Morlan noted that the slope on this lot reaches up to 66% in some areas and an average of approximately 40% throughout the site. The lot is 3700 square feet and the house is proposed at 4,287 square feet. The building footprint and all other standards for the HR-1 zone were met.

Planner Morlan commented on the building height exception. She stated that the HR-1 zone allows additional building height on downhill lots to accommodate a single-car side tandem garage. She noted that the Code previously allowed the Planning Director to make the determination; however, that clause in the Code was recently changed to allow the Planning Commission to approve these types of exceptions. This was the first height exception to be reviewed by the Planning Commission since the Code change.

Planner Morlan stated that the only limiting stipulation is that the building height may not exceed 35 feet from existing grade. The other aspects of building height were not limited; however, the Staff was proposing that eight additional feet be allowed for the interior building height measurement. Planner Morlan explained that there are two different measurements for building height; one for exterior height and one for interior height. In this zone the exterior building height is 27' and the interior building height is 35'. She pointed out that this exception would allow eight additional feet on each of those.

Planner Morlan remarked that the height exception allows a garage and associated circulation space and entry area above the standard building height maximum. All of the areas proposed above the 27' building height maximum were the tandem single car wide garage area, entry area and circulation area on this house plan. She pointed out that the exception also stipulates that the depth of the garage may not exceed the minimum depth for internal parking spaces. Planner Morlan explained that in the off-street parking requirements, the minimum standard depth for a garage one car deep is 20' feet wide. There are no codified depth minimum or maximums for a tandem garage; however, they have always allowed a 40-foot deep garage for a tandem garage; 20' plus 20'. The applicant was proposing 40-feet deep, which meets the standard according to the Staff review.

Planner Morlan reviewed the Steep Slope CUP. Per the Staff analysis, the proposed house meets all setbacks and HR-1 Code requirements, except for the proposed building height exception for the garage. That would need to change if the building height exception was not approved this evening.

Planner Morlan stated that street, aerial and cross canyon views of the proposed house show minimal visual impact on the existing site. The proposed house is similar in mass and size to the surrounding houses. It has a smaller impact on the street view in terms of

height. It is just large enough to fit the garage on the top of the house. The house comes up to the 10' setback line. The garage is stepped one foot back from the rest of the front of the house as well, giving slight variation along the frontage. The building is designed to allow access to the street without a steep driveway. Planner Morlan stated that the applicant tried to design it as high as possible meeting the standards, but also preventing it from being steeper than it could be. It is currently at 12% grade.

Planner Morlan presented slides showing a small step where the garage would be, and the front entry area on the north side up along the 10' setback.

The Staff recommended that the Planning Commission conduct a public hearing and approve both the Steep Slope CUP and the building height exception, finding that the proposed single family dwelling meets requirements for development on a steep slope in the HR-1 zone, and that the proposed height exception meets the requirements in the LMC for a garage on a downhill lot.

The applicant's representatives, Don Shirley with THINK Architecture and Joe Tesch were present to answer questions. Mr. Shirley thought Planner Morlan had done a wonderful job with the Staff report and her presentation and he had nothing to add.

Commissioner Joyce referred to page 141 of the Staff report, and the deck in the photo at the bottom left corner of the page. He asked for the elevation of the deck, and asked if it was on top of the third floor. Mr. Shirley replied that the deck comes right off the entry door. It actually sits on the roof. Commissioner Joyce understood that it was three stories up or 30+ feet up. Mr. Shirley clarified that it was the third level.

Commissioner Joyce noted that the Planning Commission had not forwarded a recommendation to the City Council on the proposed changes to flat roofs at a previous meeting. However, he believed this design would not meet the criteria for that flat roof ordinance. Director Erickson stated that the deck has to be 23' above natural grade. Commissioner Joyce understood that if the flat roof ordinance was in place, the deck would be too high and the front façade would not have the appropriate roof lines. Director Erickson replied that he was correct. Commissioner Joyce clarified that his question was for his own understanding of the proposed flat roof ordinance; and it was not directed to this application. Director Erickson pointed out that this application came in before the ordinance was proposed.

Assistant City Attorney McLean requested that the Commissioners keep their comments focused on the subject applications. If they wanted to better understand the flat roof ordinance, they could request that the Staff provide examples at a future meeting.

Commissioner Campbell referred to page 141 and photo #1 at the top and asked about the concrete colored cube to the right of the photo. Mr. Shirley replied that it was the mass of the neighboring home. He explained that they do not model all of the existing homes. Instead they put in cubes to show the height and mass.

Chair Strachan recalled when the Code was changed to remove the discretion of the Planning Director. He asked Director Erickson whether or not he would grant the height exception if that discretion was still in place. Director Erickson stated that Planner Moran had done a great job negotiating with the applicant for almost a year to achieve what they have now. Based on that work and Planner Morlan's recommendation, he would have granted the height exception.

Chair Strachan read from the LMC 15-2.2-5, "The following exceptions may apply: antennas, chimneys, flues, vents or similar structures, water towers, mechanical screening equipment...." He further read, "garage on a downhill lot to accommodate a single car wide garage in a tandem parking configuration to accommodate circulation such as stairs and/or an ADA elevator, and to accommodate a reasonably sized front area and front porch that provide a compatible streetscape design". He asked Planner Morlan what she thought was a reasonably sized front area and a front porch that provided compatible streetscape design. He wanted to know her findings to meet this height exception.

Planner Morlan stated that the elevator shaft was a big issue with the design for the HDDR review, because the applicant had ADA needs that needed to be met with this house. The major reason for needing the height exception and the entry area was to allow for the ADA access. The front entry area did not have a very big space to go between the garage and the elevator area. She believed it was intentionally written to be flexible, depending on the layout of the house. If the applicant had not needed the elevator the height would have been lower in a smaller space. Chair Strachan asked if there had not been an ADA issue whether Planner Morlan would find this reasonable. Planner Morlan clarified that without the elevator it would have definitely been smaller. Chair Strachan agreed.

Mr. Shirley stated that because of the exception in the Guidelines for the ADA elevator, he had shown where they have access compatibility for ADA compliance on every floor and in every room. He clarified that per Code, in addition to being compatible in terms of accessing an ADA elevator, they have to show compliance throughout the entire house. That also addressed the 15' width of the garage. The ADA access is in the garage as well as through the door, to the elevator and down through every floor. Mr. Shirley pointed out that the stairs were configured to wrap the elevator. Given the program for accessibility, he believed the footprint was as small as it could get.

Commissioner Thimm noted that Planner Morlan had explained the length as 20' plus 20' for a standard tandem stall. He commented on the width in terms of accessibility. He was perplexed with trying to get an 11' wide stall plus a 5' loading area. Mr. Shirley replied that it was a 9' stall plus a 5' loading area, which was the requirement. Commissioner Thimm understood that it was 16' wide. In looking at the diagram on page 144 of the Staff report, it appeared to be an 11' width plus 5' for a 60-inch circle. He questioned how they arrived at 16'. Mr. Shirley stated that it was 15' inside, and they worked through that width with the Staff based on ADA requirements. Commissioner Thimm asked if it was 15' less the wall. Mr. Shirley answered yes. It was an inside dimension. He explained that the Federal mandate for an accessible stall is 15'.

Planner Morlan indicated the 11' width as shown on the plan, as well as the additional 4' for the ADA vehicle unload area. Commissioner Thimm was satisfied with the explanation.

Commissioner Phillips joined the meeting.

Chair Strachan opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, addressed the massing and articulation. One was under the heading of the 35' interior measurement, which is lowest floor plane to highest wall plane. The second was the double deep garage. She noted that her comments would be in the context of the neighborhood. Ms. Meintsma presented images and photos of historic homes in the area and surrounding 352 Woodside Avenue. The Landmark structures were identified with stars. She noted that 352 Woodside looks directly over four Landmark houses. Those houses will always remain a lower height because of their Landmark status. She noted that this was the neighborhood this house would be sitting in.

Ms. Meintsma commented on the double deep garage, and how required parking for two vehicles and the ADA requirements can all be accomplished with a lot less mass than what was showing. She also commented on the cross canyon view that was in the Staff report, as well as the reverence to the adjacent four Landmark structures sitting below 352 Woodside. Ms. Meintsma pointed out that the Code says tandem parking. It does not say tandem garage. She noted that up and down Woodside all the garages are for one car, and the second car is parked outside the garage. Ms. Meintsma had stated that she changed the design to one interior parking with the ADA requirement intact, 20' deep, which is the minimum required. There was a 10' front yard setback. She moved the front 8' back to give the required 18' of parking. She believed that redesign would give articulation on the street in this historic neighborhood. Ms. Meintsma clarified that she was pro flat roofs, recognizing that it is controversial subject in the community and definitely in this neighborhood. She thought her suggestion would help with some level of articulation. Ms.

Meintsma remarked that on the other side, the mass that looms out and hangs over would probably cut off some of the sun from those houses below. With her suggestion, all that mass is eliminated, the parking requirements are fulfilled, and the ADA requirements is fulfilled. There is less mass and more articulation. Ms. Meintsma stated that she had drawn everything to scale to show how it all works.

Ms. Meintsma addressed the 35' interior height. She took the south section and put in how the floors exist in the current design with a 43' interior height. She pointed out the 9' ceilings, a 9' ceiling, and a 12' ceiling that steps down in the front to 11', and then a 10' ceiling. She presented the north elevation showing the 43' interior height. The green line identified the driveway location. Ms. Meintsma stated that she was at the meeting when the Planning Commission came up with the 35' interior height. It was a struggle because the limit was three stories only. Everything was being stepped and it crawled up the side of the hill. A three-story structure started to look like a four and five story structure. Ms. Meintsma stated that based on the measurement you can have four stories in a structure instead of three, but in order to have the fourth story, there must be compromises. You can add more living space and more square footage, but the only way to stay within Code is to have 8' ceilings. She noted that most people want 9' and 13' ceilings, but if the ceiling goes that high, it has to go three floors and step. Ms. Meintsma stated that she took the driveway as the center point to keep it in its current location for access from the street and she made an 8' ceiling. She pointed to the blue parts which showed where she had eliminated the mass that would stick out if there was a garage. On the left side where the garage steps in, she designed it so the other part of the structure was behind it. Ms. Meintsma stated that she went down feet for every floor, which is an 8' ceiling and came up lower. By doing that she accomplished the 35' interior height. She noted that the ceilings were 8', but the footprint did not change and the square footage did not change. The bonus was pulling the house out of the ground as opposed to being deep into the basement.

Ms. Meintsma remarked that in her reading of the Code, she believes that exceptions are granted when you cannot accomplish what you need to accomplish, unless you have the exception. She thought this house could be built beautifully without the 35' interior exemption. Ms. Meintsma noted that going to 8' foot ceilings eliminates a whole floor. She assumed they would still need the 35' garage from grade exception. Ms. Meintsma presented the east view, which would be looking down upon the historic Landmark houses. She pointed out how the height was reduced from the top and it comes up from the bottom. The mass was reduced a small amount, with a larger mass reduction on the side with the garage. Accomplishing the 35' interior height will give the house a smaller, more broken up aesthetic.

Ms. Meintsma referred to the conceptual drawing on the streetscape in the Staff report, and the cross canyon view on the same page. She remarked that the small amount of articulation would make this house fit better in the neighborhood. She reiterated that she is pro flat roof for storm water, insulation, to keep snow from falling off and filling the sides of the yard, as well as other advantages. She thought the green roof was positive.

Chair Strachan closed the public hearing.

Commissioner Phillips stated that he had noticed that the ceiling heights were very spacious, and also the parking. He believed the exception was only when nothing else was possible. He liked the design of the house, but he has personally gone through this process and he ended up with 7'8" ceilings. Commissioner Phillips stated that in his opinion this would be granting an exception of height to achieve additional interior space. He thought the design needed more work, and the parking needed to be brought to a minimum. He remarked that having two inside stalls was a luxury, not a given. He thought the same applied to the ceiling heights.

Commissioner Phillips stated that in looking at the streetscape it is easy to see how a flat roof can create a smaller façade. However, from the back, especially with the exception, it was difficult to see and he suggested that Mr. Shirley do a sketch similar to the streetscape so they can see it in a similar fashion. He thought the house appears to tower over the neighboring homes. With those houses being historic, he thought they needed to be particularly sensitive to the neighborhood.

Commissioner Joyce stated that he was not able to figure out the solutions, but one of his biggest issues was the massing of a flat roof, where instead of losing the top of the roof, there is a big four-story square. From the cross-canyon view he thought it would be very visible and incompatible with the surrounding houses and the façade coming down the east side definitely needed to be broken up.

Commissioner Campbell thanked Ms. Meintsma for the time she spent preparing her comments. He asked Mr. Shirley what would happen to the garage level versus the street level if they were to drop the interior ceiling heights. Mr. Shirley replied that the site is so steep that in order to comply with the 12% or the maximum for the driveway coming down, it elevates the floor. They are not in a position to create fill at the bottom, which is what the surrounding homes have historically done. The Code no longer allows that because the grade can only be adjusted by 4'. Ms. Shirley remarked that this is a very steep lot and the challenge has been not only the grade from street to the bottom of the lot, but also the fact that it is a compound slope and it slopes from corner to corner. The shape of the home with the garage and the entrance was designed to not only go down the hill, but also to adjust the heights from side to side as well. Mr. Shirley explained that in order to reach the

ground to come up to get to the garage to get to the street, is what established the heights to the house. If they lower the ceilings it raises the house out of the ground and they would not meet Code in terms of adjusting the grade. He noted that they have worked with the Staff for over a year to achieve the current design.

Mr. Shirley remarked that they initially came in with a smaller garage. He did not believe the Guidelines defined the depth of the garage. They could reduce the depth of the garage, but when someone builds a new home the preference is for a two-car garage or two covered stalls, which was the interpretation they were getting from the Staff as they developed the garage.

Commissioner Campbell asked if Mr. Shirley could mitigate some of the cross canyon view that appeared to be the objection of how large it appears from the back. He asked if there was enough room to plant trees in the back, or for some other type of screening. Mr. Shirley pointed to the side elevation and noted that the home steps with the grade and it meets the requirement of a 10' step with a maximum 23' height in the back. He thought that because it tiers down, it would have less impact than the existing homes on each side because they were under previous guidelines and do not have the stepping.

Commissioner Campbell thought this design felt compatible with the homes on either side from the backside.

Commissioner Joyce referred to an image where it looked like the bottom floor was almost completely underground, except for where it was dug out with some retaining walls for ingress/egress. He stated that if they leave the garage level where it is and if they cut back to 8' or 9' ceiling and pulled it up, he thought it looked like they would only be pulling the bottom of the lowest part up to ground level. Mr. Shirley explained that because it is a compound slope, the opposite corner where the hot tub is shown is at least 4' lower than the other side of the house. They have to go from the lowest point to the highest point, which is one of the nuances of this site.

Planner Morlan clarified that per Code they could only vary from existing grade up to 4'. Commissioner Joyce was confused because from the image it looked like the lowest point was actually dug into the ground. Planner Morlan explained that the dashed line was the existing grade and the solid line was the final grade. On one side of the house it departs a lot more than 4'. Mr. Shirley stated that the northeast corner governs more than the southeast. Commissioner Joyce commented on the fog study. Mr. Shirley pointed out that the fog study was based on existing grade. Planner Morlan remarked that the green color identified existing grade and the fog area was the 27' height limit. She noted that Mr. Shirley had shown both the 35' exception and the 27' standard height.

Commissioner Phillips asked if Mr. Shirley could confirm the driveway was at 12%. Mr. Shirley replied that it was at 12% grade. Commissioner Phillips stated that he has a lot that slopes in two directions but he only has 25' to work with. He understood the complications of the site. In his opinion, the second stall is really the biggest problem. Mr. Shirley stated that they could go to a 36' depth rather than 40' to get the articulation in the front.

Joe Tesch stated that a second stall would be a benefit in Old Town versus outside parking because it is better for the neighborhood. He has lived in communities where they do not allow outside parking because it junks up the neighborhood. The ideal of having two inside spaces hidden from the neighborhood is an advantage. Mr. Shirley noted that street parking is already a problem in Old Town. Commissioner Phillips agreed. Commissioner Joyce pointed out that they were not talking about street parking. Mr. Shirley stated that there would be two parking stalls in the garage plus one in the driveway. Commissioner Phillips reiterated that having two interior stalls is a luxury. If the owner really wanted that he should have purchased a different lot.

Mr. Shirley stated that he has been working with the Staff for over a year and this was the first time he has heard that a tandem stall was just tandem parking. It was always a tandem stall as a tandem parking garage, according to the definitions within the Guidelines. From the beginning they have been working with a tandem garage, not tandem stalls.

Commissioner Phillips did not believe it was a tandem garage. Planner Morlan read from 15-2.2-5, "The Planning Commission may allow additional building height, (see entire Section 15-2.2-5), on a downhill lot to accommodate a single car wide garage in a tandem parking configuration. She noted that the language does not specify either way. She was unsure whether they could require one or the other.

Commissioner Phillips stated that he would still argue that they could get two off-street parking with one being inside and one being out front. Mr. Shirley stated that he specifically asked for that interpretation nearly a year ago and he was told that it was a tandem garage with two interior spaces. The conversation was then how deep it had to be because it refers to standard depths. They were unable to find a specific depth except for an exterior parking stall which is 20' deep. The applicant originally suggested two 18' foot stalls rather than two 20' stalls. Planner Morlan understood that the practice from when this was previously allowed by the Planning Director that 40' deep tandem parking garages were allowed for this exception. Commissioner Phillips expressed an interest in seeing some examples of what was done in the past in this same situation. He suggested that Mr. Shirley tweak the design to address their concerns and show what the two 18' stalls would look like. He would also like to see a better illustration of the cross canyon view.

Commissioner Thimm stated that in looking at the street scene and elevation on page 153 of the Staff report, as well as some of the cross sections, he thought it was clear that the overall building height expressed is driven by the garage and the entry to the garage off the street. He was unsure what bringing it up out of the ground on the backside of the house would do. Commissioner Thimm thought it was more important to look at the façade on the street scene. On the issue of granting an exception, the idea of articulating the face has a lot of merit. He noted that many municipalities recognize 18' depth as a legitimate parking stall. Therefore, 36' or two 18' depths would afford the ability to have somewhat of an articulated face, and a greater amount of shadow line cast across the front. In terms of looking at the exception, he believed that allowing for breaking down that face of the building would be an enhancement.

Director Erickson clarified that the parking section of the LMC defines a tandem space as one car parked in or behind. It does not necessarily say whether it has to be inside or outside to achieve the tandem.

Chair Strachan pointed out that the picture in that LMC section showed the tandem as one covered car in a garage and the other car outside. Chair Strachan agreed that the language does not say that one car has to be outside, but the definition of tandem parking says, "A parking design which allows parking one vehicle behind another. Such parking may not include more than two cars in depth and may not require occupants of separate dwelling units to park behind one another." He again referred to the diagram. Chair Strachan also thought the tandem parking proposed might violate the section that reads, "Such parking may not include more than two cars in depth", because as designed they would be parking three cars.

Director Erickson noted that without pulling the garage back they only have ten feet of setback. Planner Morlan pointed out that there was additional space between the front property line and the road; therefore, there is a large buffer but it is in the City right-of-way. Chair Strachan thought the setbacks shown in the diagram under the definition of tandem parking showed the two cars outside in the driveway were also in the setback.

Planner Morlan pulled up the slide with the defined terms. Commissioner Phillips agreed that the diagram clearly shows one car being out in front. In his opinion, it was an illustration of tandem parking, but it did not mean that both stalls could not be inside. However, he would argue that two stalls would fit, regardless of whether they are inside or outside, without having to push the garage out. It still may need an exception, but not an 8' exception.

Chair Strachan pointed to the north fog study and stated that he would be more comfortable granting the exception for the circulation space required for the ADA garage

on the northeast side, but not an exception on the southeast side. He clarified that the southeast side was only an exception to allow an additional parking space, but it was not related to ADA. Planner Morlan noted that the Code allows an exception for a garage on a downhill lot; and regardless of whether it is inside or outside it can be up to 8'.

Commissioner Phillips stated that he sees an exception as being absolutely necessary. It does not mean that just because there is an exception, anyone can request an exception to achieve their preference. He was concerned about setting a precedent.

Planner Morlan stated that the Planning Commission could condition the exception on having one stall inside and one stall outside.

Commissioner Campbell pointed out that the roof already steps down at the nose of the first car. He asked Mr. Shirley for the ceiling height at the back of the garage. Mr. Shirley replied that where the back of the garage steps down was 6'. Commissioner Phillips stated that he has seen that in other places, but the second parking stall was placed next to the garage but it was not as deep. He struggled with the fact that it was not necessary to have the two stalls in the garage. The exception is for when the applicant cannot accomplish two off-street parking spaces without an exception.

Mr. Shirley understood what Commissioner Phillips was saying, but for nearly a year he was told that it was a tandem garage. Director Erickson wanted it clear that the Staff said they would allow a tandem garage, but they did not give design direction to do a tandem garage. Mr. Shirley noted that they had discussed the depth of the garage and what was required. He might have misconstrued the Staff's comments, but he has been showing it for a long time and the only feedback was to make it deeper, not shallower.

Mr. Shirley thought the notion that more than a one-car garage is a luxury was counter-productive on a street that currently has a severe parking shortage. Commissioner Phillips emphasized that Mr. Shirley could accomplish two off-street parking on-site with one car in the garage and still meet the Code requirements. With this plan, the applicant was achieving three off-street parking. Mr. Shirley pointed out that everybody has a stall in the right-of-way because of the width of the driveway. No one is ever told they cannot park in their driveway because it is on City property. Commissioner Phillips thought the LMC showed a clear illustration of how tandem parking is defined, and it shows one car nearly to the road. Mr. Shirley stated that it also shows the depth of the garage much deeper than a single car. Commissioner Phillips remarked that it also did not show it 8' out of the height limit.

Commissioner Joyce thought there were two issues. He assumed that the Planning Commission was comfortable with the height exception for the ADA piece. Commissioner Joyce believed that the street façade was close to flat. There was a small setback but not significant. He thought the Planning Commission could look for more articulation in that area to get more view from the street. The second issue was on the backside. Having the back of the garage in line with the floor below results in a lot of mass that is already on the third and fourth story. It is a big wall even though it is half the width of the house. Commissioner Joyce stated that if they were looking for one or the other, if the Staff and the applicant were willing to drop to 18' parking stalls, they should be able to get to either better articulation in either the front or the back, whichever they were trying to fix, and the applicant could keep their two inside stalls. Commissioner Joyce clarified that he was not opposed to two stalls unless it causes a different problem.

Commissioner Campbell asked if the applicant would be willing to push the garage door back two feet and pushing the back wall of the garage closer to the street two feet. Mr. Shirley answered yes. Commissioner Campbell stated that he was in favor of doing whatever was necessary to take action this evening. He was not comfortable putting up a roadblock at the last minute after the applicant has worked with the Staff for nearly a year.

Director Erickson stated that the City Engineer has the authority to vary the size of parking spaces. It was a Staff determination that the inside spaces were 2 times 20, in accordance with the Code, and not 2 times 18. There was double dipping in the calculation and there was some wiggle room.

Commissioner Thimm asked if there was room in this proceeding to move to a 36' depth. Planner Morlan noted that the exception for a garage on a downhill lot says that the depth may not exceed the minimum depth for internal parking spaces as dimensioned within this Code Section 15-3. That section states that single-car garages are 11' x 20' for single family residences inside. She explained that they doubled that size to get the total depth of 40'. Director Erickson reiterated that the City Engineer has the discretion to vary the parking size. Reading further down into the Code, "Passenger cars are not allowed to park in the right-of-way with certain exceptions in the Historic District at the discretion of the City Engineer". He explained that the City Engineer would have to grant the exception to have a tandem with less than an 18' long driveway on private property.

Commissioner Joyce pointed out that if the garage is reduced from a two-car garage to a one-car garage and the front of the garage is moved back, there would be a lot of indoor room and a lot of outdoor room without going into the right-of-way. He believed

the only time the right-of-way is an issue is when three cars are stacked; two in a garage and one in the driveway. He did not think that was an issue in this case.

Chair Strachan stated that the Planning Commission was being asked for an exception to the rule, but the problem is that the applicant wanted something that was technically not allowed in the Code. Aside from the compatibility issue, there was not a physical limitation on what could be done on this site. Chair Strachan recalled that the Code section was changed because building height exceptions were granted under previous Planning Directors in circumstances that neither the Planning Commission nor the City Council thought were appropriate. The direction from the public and the elected officials was to tighten the reins. Chair Strachan remarked that he as skeptical about the exception when he read the Staff report. He thought there were valid grounds for having a height exception for the ADA accessible areas, but there was no link between the ADA access and having a second stall inside the garage.

MOTION: Commissioner Suesser moved to APPROVE the Steep Slope Conditional Use Permit and the Building Height Exception for the garage for 352 Woodside Avenue, provided that the length of the garage is reduced from 40' to 36', and in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. Commissioner Campbell seconded the motion.

Chair Strachan asked if clarification was needed on the motion and whether everyone understood the measurements. Commissioner Thimm did not believe the motion fully describes the measurements. Going to a 36' clear depth should mean an adjustment of 2' on both the east and west sides of the house, rather than 4' on one side.

Commissioner Suesser stated that she personally did not have a preference, but she was not opposed to the clarification.

AMENDMENT: Commissioner Suesser amended her motion to specify that the 4' reduction in the length of the garage should be 2' on the east side and 2' on the west side. Commissioner Campbell accepted the amendment to the motion.

VOTE: The motion passed 5-1. Commissioner Phillips voted against the motion.

General Findings of Fact for SS CUP and Height Exception

1. The site is located at 325 Woodside Avenue.
2. The site is located in the Historic Residential-1 (HR-1) zoning district.
3. The site is currently an undeveloped lot of 3,757.5 square feet.
4. The City Council approved the Gill Subdivision Plat Amendment at this location

on July 13, 2017 and the plat is pending recordation.

5. A Historic District Design Review (HDDR) application is currently under review.
6. The applicant requests to build a new single-family dwelling at this location.
7. Single-family dwellings are allowed uses in the HR-1 zone.
8. The proposed single-family dwelling consists of 4,287 square feet. Including the garage and unfinished area, the size is 5,049 square feet.
9. The proposed building footprint is 1,505 square feet which complies with the maximum allowable footprint of 1,521 square feet.
10. The new construction takes place over slopes that are thirty percent (30%) or greater.
11. The applicant is requesting a height exception of 8 feet for a garage on a downhill lot.
12. This is a downhill lot with an average slope of approximately 40%. The greatest slope on the property occurs in the west of the property toward the front of the lot, where the slope can reach up to 66.7%.
13. The proposed front yard setback of ten (10') complies with the minimum front yard setback of ten feet (10').
14. The proposed rear yard setback of ten (10') complies with the minimum rear yard setback of ten feet (10').
15. The proposed side yard setbacks of five feet (5') to the north and nine feet (9') to the south comply with the minimum side yard setbacks of five feet (5') including a total setback of fourteen feet (14').
16. With the exception of the garage on the top floor (pending a height exception approval), the proposed structure complies with the maximum building height, including the following provisions: final grade, thirty-five-foot rule, vertical articulation, roof pitch.
17. This property is located outside of the Soils Ordinance Zone.

Steep Slope CUP Findings of Fact – 352 Woodside

1. The applicant submitted plans including a streetscape showing how the four (4) story structure will be observed when viewed from Woodside Avenue.
2. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
3. The proposed house is located within the building pad and outside of all setbacks required on the lot.
4. The proposed garage on the top floor of the home requires a height exception and allows the applicant to have access to Woodside Avenue without a steep driveway.
5. The applicant has provided elevations and a height study to show how the house sits on the slope in relation to existing grade and the zoning height requirements

- (Exhibit D) and cross canyon views (Exhibit J) to show a minimal visual impact
6. The proposed addition has a garage accessed directly from Woodside Avenue.
 7. The proposed structure provides two tandem parking spaces in the garage on the top floor.
 8. The proposed driveway slope is at twelve percent (12%).
 9. The proposal includes a retaining wall at the lowest level of the structure extending up toward the second level and around the deck and hot tub area.
 10. Proposed retaining walls are in the side and rear yard setback areas but do not exceed 6 feet in height measured from Final Grade.
 11. The structure of the house follows the topography of the lot and maintains the maximum building height of 27 feet with the exception of the garage floor, which would meet the maximum building height of 35 feet if the proposed height exception is granted for a garage on a downhill lot. The structure is located on the lot in a manner that least impacts the natural topography of the lot.
 12. The proposed building is designed in a manner that is broken into the required series of individual smaller components to reduce the perceived overall massing.
 13. The proposed structure has a front yard setback of ten feet (10') consistent with other houses on this street. Increasing the front yard setback would increase overall building height at the rear of the structure due to the steepness of the existing grade.
 14. The rear setback of ten feet (10') also meets the zone's rear setback requirements.
 15. A proposed patio/deck and hot tub area also extends into the rear and side setback area as allowed by LMC Section 15-2.2-3. The hot tub and decks are located three feet (3') from the rear and north side property lines, and all patio and deck structures do not and do not extend greater than thirty inches (30") above Final Grade.
 16. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of four (4) story dwellings
 17. The top floor/garage level is located as closely to the street level as possible with the roof heights measuring between 6½ and 10½ feet above the existing street height.
 18. The overall building height ranges from 19 feet to 27 feet, with the garage, front entryway, and circulation area on the top floor proposed at 35 feet from existing grade. This would only be allowed if the height exception is granted.

Height Exception Findings of Fact – 352 Woodside

1. The HR-1 zoning district allows a building height exception for garages on downhill lots.

2. 352 Woodside Avenue is a downhill lot.
3. Such exceptions are allowed to accommodate a single car wide garage in a tandem parking configuration including circulation and a reasonably sized entry area and front porch. If approved, all other areas of the structure must meet HR-1 building height requirements.
4. The applicant is proposing a single car wide garage with an ADA loading area in a tandem parking configuration including a small entry area of 137 square feet and an elevator and stairway circulation area of 161 square feet.
5. The depth of a garage under this exception may not exceed 40 feet, the minimum depth for internal parking spaces.
6. The proposed garage is 40 feet in depth.
7. The additional building height may not exceed 35 feet from existing grade.
8. The applicant is proposing an 8-foot height exception to allow a maximum building height of 35 feet with a maximum interior height of 43 feet.

Conclusions of Law – 352 Woodside

1. The Application complies with all requirements of this LMC.
2. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval – 352 Woodside

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.

7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. All retaining walls in setback areas shall not exceed 6 feet in height without an amendment to this CUP approval.
10. This approval will expire on August 23, 2018 if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Director.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.

Commissioner Band left the meeting.

**3. 606 Mellow Mountain Road - Second Amendment to the Sunnyside Subdivision to add an adjacent remnant parcel to Lot 11.
(Applicant PL-17-03584)**

Planner Whetstone reviewed the plat amendment request to amend the Sunnyside Subdivision to add a 6,200 square foot remnant parcel to the adjacent and existing platted Lot 11, which is approximately 11,600 square feet. The lot and the parcel are owned by the same property owner. For many years the Summit County Recorder has recognized this lot and parcel as one parcel as SNS #11, which is the Sunnyside subdivision #11.

Planner Whetstone reported that an existing house that was constructed on Lot 11 straddles the property line. She identified the lot line that was proposed to be removed. The house was constructed in 1986, which was prior to plat amendments and not being able to build across property lines. Planner Whetstone noted that a similar plat amendment was approved in 2016 for Lot 10 on the south side of Mellow Mountain Road.

Planner Whetstone stated that the plat amendment revolves around a historic error in the recordation of the original subdivision plat and the way that it was surveyed. The east boundary was supposed to align with the MS 5665 Lily No. 3 Mining Claim; however, it did not align in that way. Therefore, the 31' portion on the east side was always attached to

Verbatim Comments
Proposed corrections to Motion for
352 Woodside made at 9/13 meeting

Chair

Strachan: I don't know if I'm missing something, but in the Findings of Fact for---let me just pull it up here, for 352 Woodside, the one you'll recall that requested the height exception. I don't see anywhere in the conditions of approval the specific requirements that Commissioner Suesser made in her motion. And you can see that motion on Page 19 of the packet. It says Commissioner Suesser amended her motion to specify that the 4' reduction in length of the garage should be two feet on the east and two feet on the west. That was parallel with Commissioner Thimm's suggestion. And I don't see that anywhere in the conditions of approval.

So, unless I'm missing something and somebody can point me to that, I think what we better do is probably Continue these Minutes until the next meeting. Have that change inserted into the Conditions of Approval and then approve it then. Anybody?

Director

Erickson: Hang on just one second, Mr. Chairman. I think our folks looked at the Minutes of that and I think that that was a clarification; not a condition. But that will show up in the Minutes as well.

Chair

Strachan: No. I think---well, I mean, the other Commissioners can chime in, but I think we all were---

Director

Erickson: If we misheard that, then that's fine, go ahead and put that in there. That helps us. We went back and checked because we were trying to work with the applicant a little bit on it.

Chair

Strachan: So, am I wrong in asserting that it was a condition of approval and your motion, Commissioner Suesser, intended it to be condition of approval?

Commissioner

Suesser: It was actually Commissioner Thimm's recommendation there. I didn't have a preference as to the configuration of the reduced four feet. But the motion, as I recall, was to make it a condition.

Commissioner

Thimm: Yes, I would say it was. That was the intent.

Polly: I would recommend that in light of that, that you just Continue the Minutes so that we can have Mary double-check exactly what it says so it's reflected correctly.

Chair

Strachan: Great. And considering that we're all on the same page that it was a condition, the conditions of approval probably have to be amended. All right.

MOTION: Commissioner Band moved to CONTINUE the Adoption of the Minutes of August 23, 2017 until the next meeting. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.











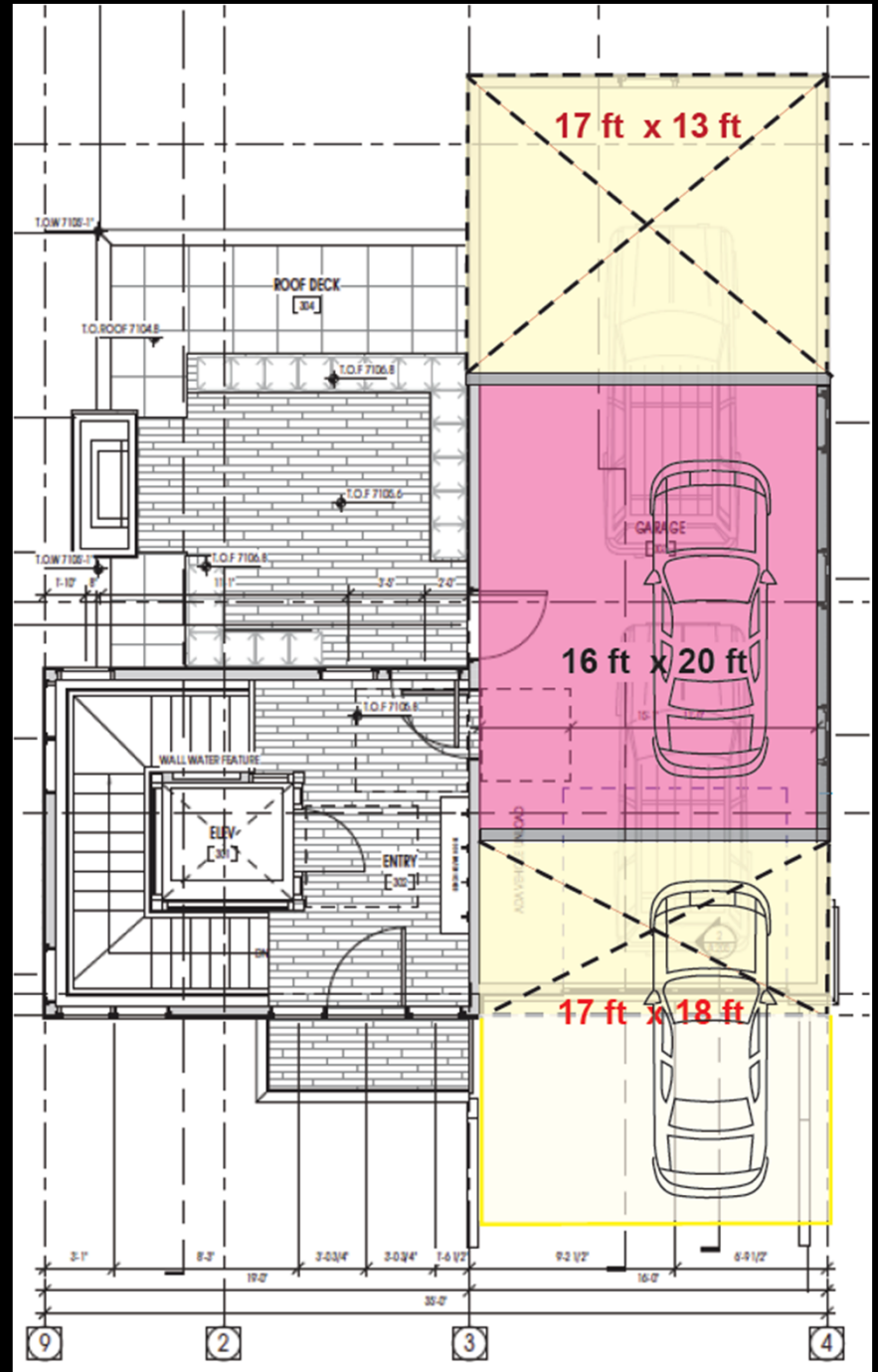
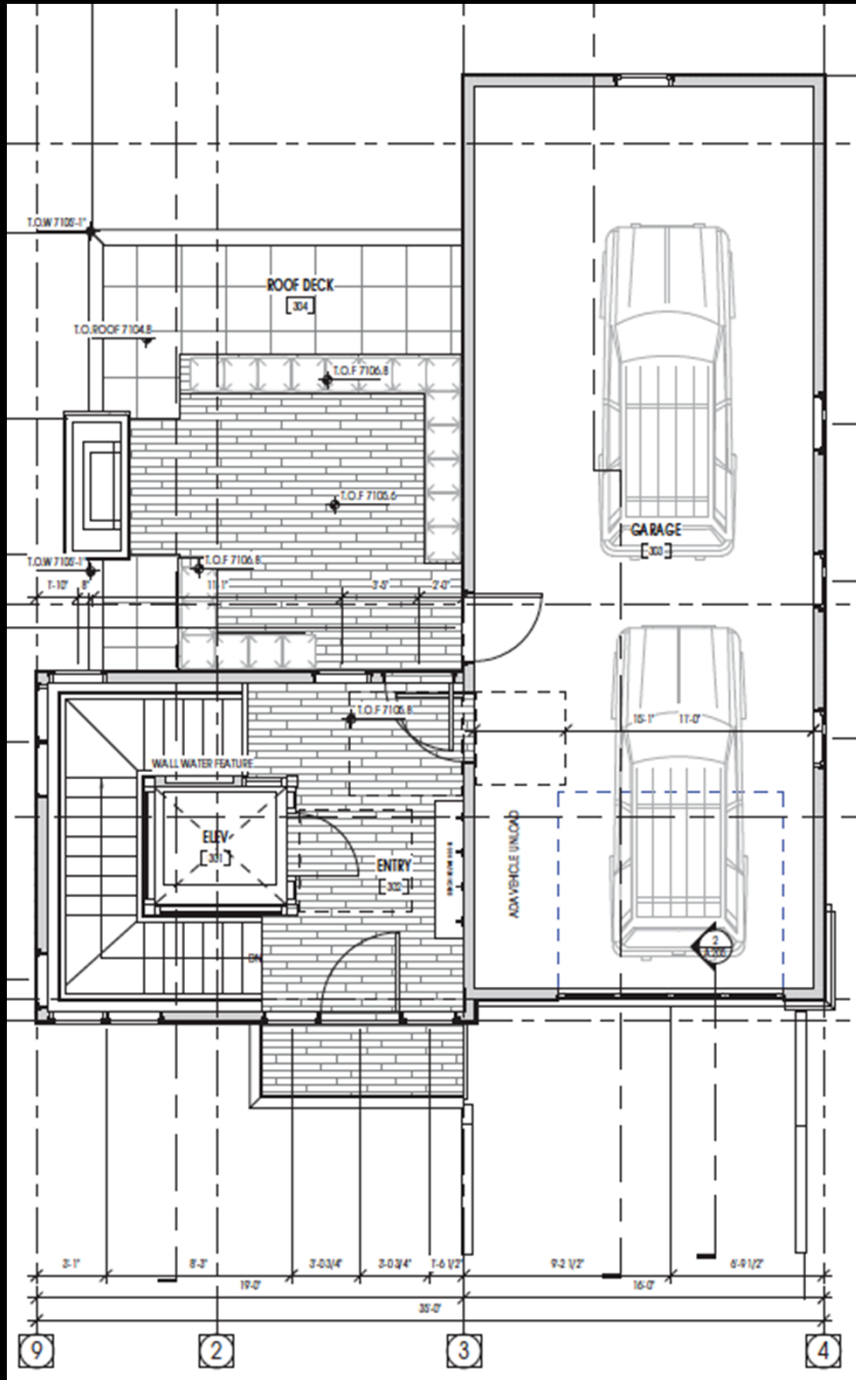


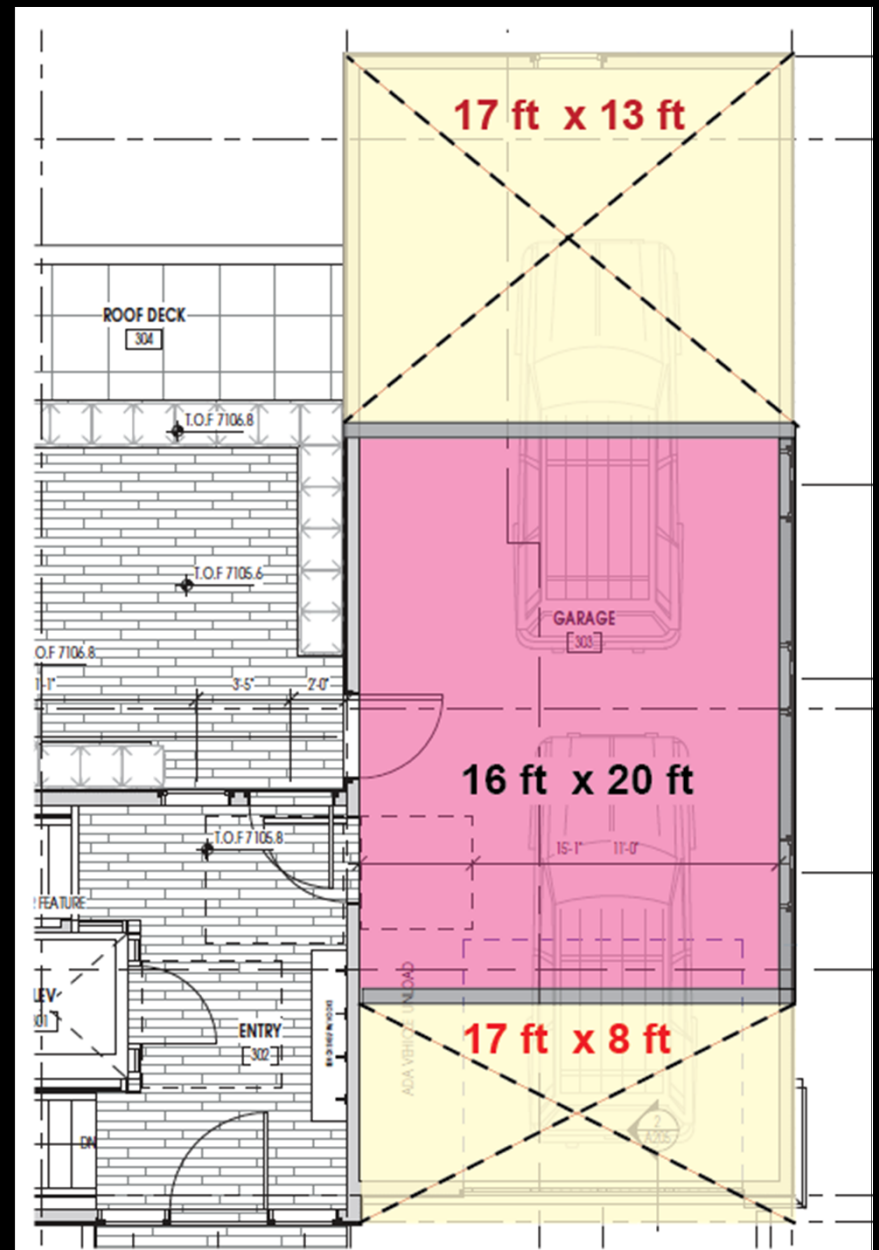
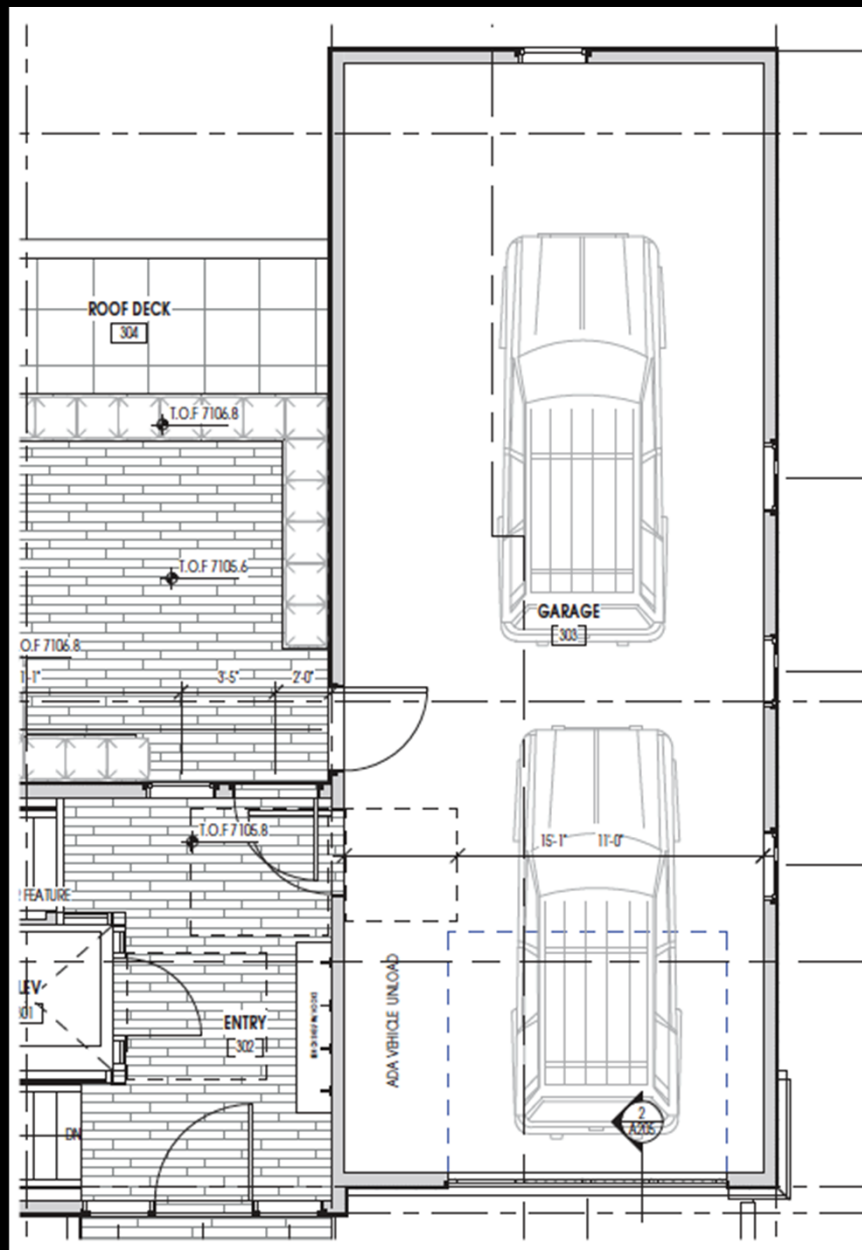




GARAGE

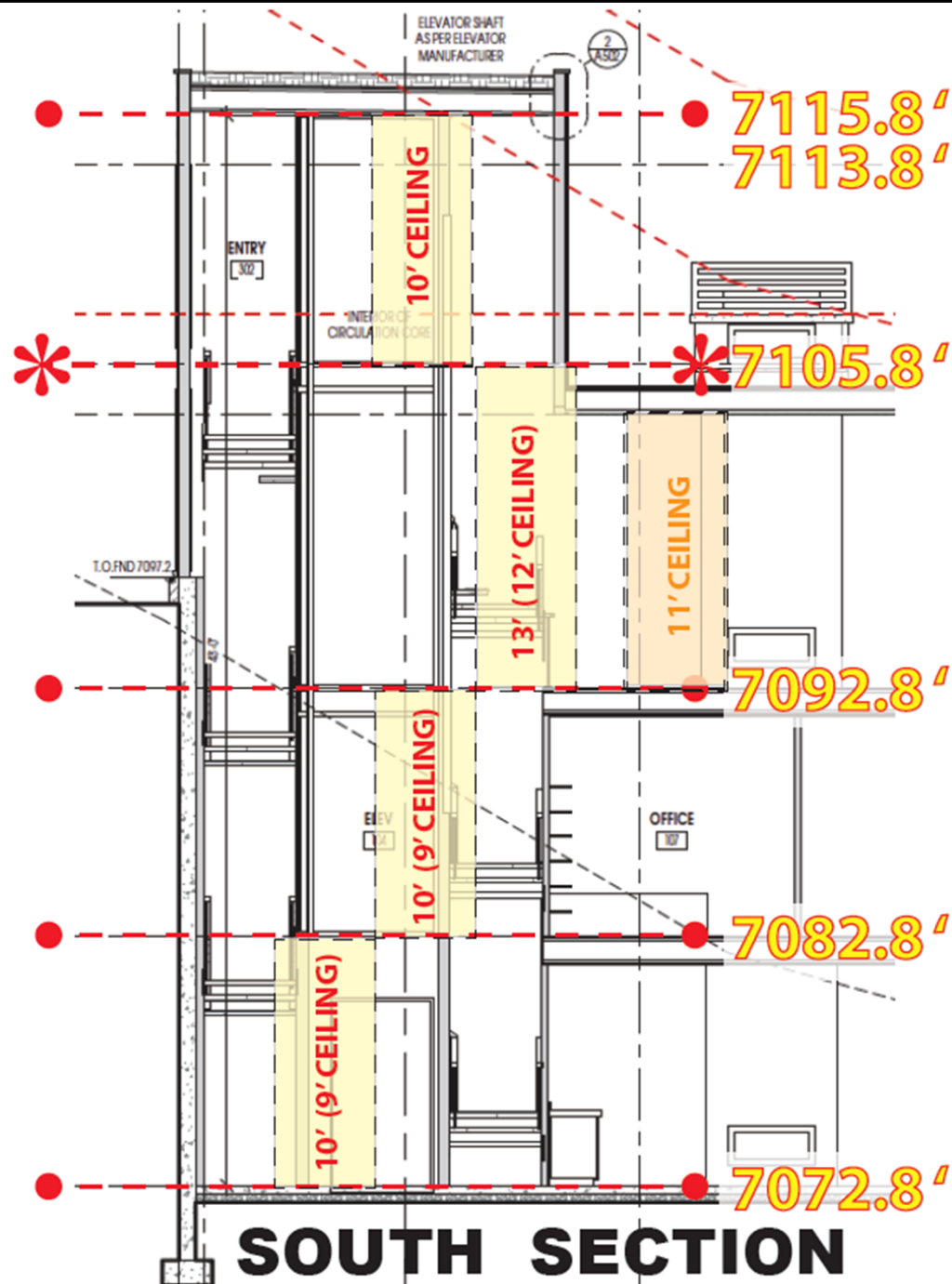
- ADD ARTICULATION TO FAÇADE AT STREET /
PRIMARY PUBLIC RIGHT OF WAY
- REDUCE MASS: ACROSS CANYON VIEW /
ADJACENT HISTORIC PROPERTIES

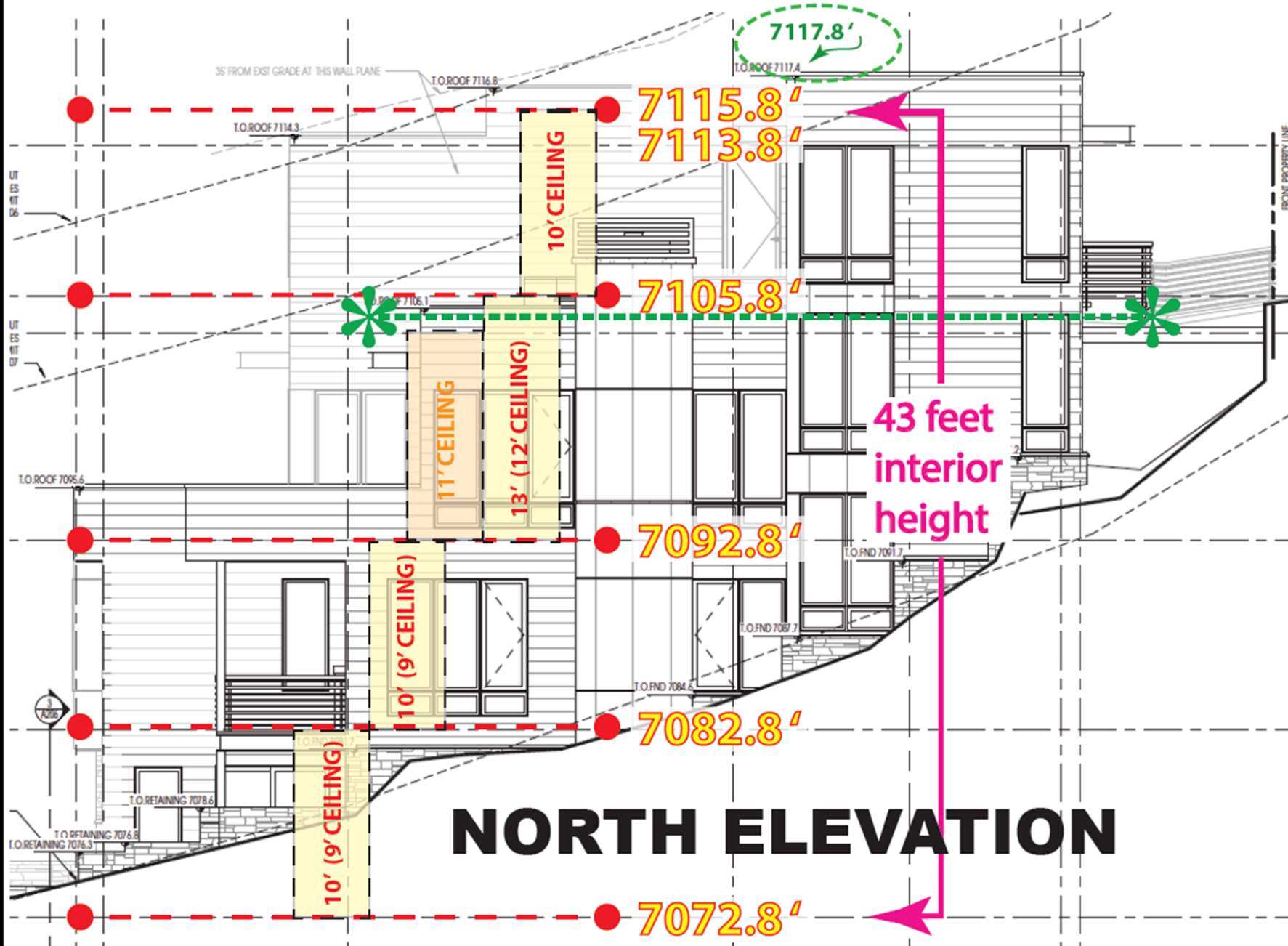


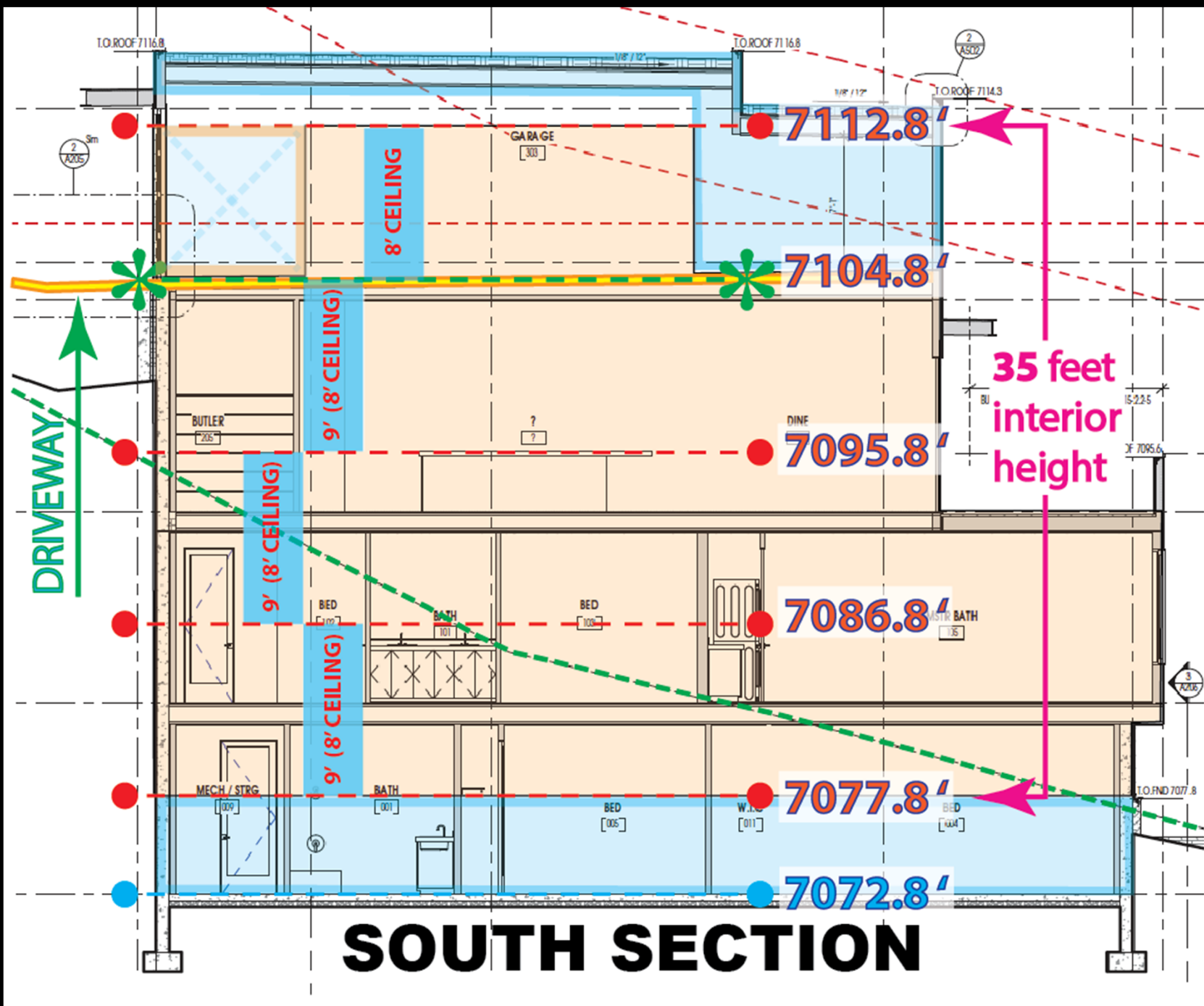


35 feet INTERIOR HEIGHT

- MAINTAIN FOOTPRINT AND LIVING SQUARE FEET
 - REDUCE HEIGHT
- RAISE FROM EXISTING GRADE







Board of Adjustment Staff Report



PLANNING DEPARTMENT

Application #: PL-16-03388
Subject: 352 Woodside Avenue
Author: Makena Hawley, City Planner
Date: February 21, 2017
Type of Item: Variance

Summary Recommendations

Staff recommends the Board of Adjustment review the variance application for 352 Woodside, conduct a public hearing, and consider denying the requested variances.

Description

Applicant: Tomilee Tilley Gill, represented by John Shirley
Zoning: Historic Residential -1 (HR-1) District
Adjacent Land Uses: Residential single family homes
Reason for Review: Variances require Board of Adjustment approval

Proposal

The applicant is proposing to construct a single family home on a 50.13' x 75' lot at 352 Woodside Avenue. Due to the steepness of the lot the applicant has found it difficult to meet the height regulations with the design proposed. The purpose of this variance application is to gain an increase to the exterior height for 55% of the total roof area as well as additional height for the interior of the house.

Variances requested:

- A variance to LMC Section 15-2.2-5 – Building Height. The HR-1 zone requires that no Structure shall be erected to a height greater than 27' from existing grade. The applicant would like a variance in order to go above the 27' maximum height to a max of approximately 33' of height for the third floor.
- A variance to LMC Section 15-2.2-5 (A) – Building Height. The HR-1 zone requires an interior height requirement that states "a Structure shall have a maximum height of 35' measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters". The applicant would like a variance in order to gain 2.5' of height on the interior of the house.

Purpose

The purpose of the Historic Residential HR-I District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential

- neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
 - E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
 - F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On December 6, 2016, the Planning Department received an application for a variance request to the HR-1 height requirements. The application was deemed complete on December 21, 2016.

The property is located at 352 Woodside Avenue. At this location, Woodside Avenue has an uphill slope heading from north to south. The lots on the west side of the street having a steep uphill slope and the lots on the east side of the property have a steep downhill slope.

After a Land Management Code Review, Staff found the requested design to be out of compliance on two issues being that the house design exceeds the exterior height of 27 feet from existing grade as well as exceeding the interior height of 35 feet from the lowest floor plane to highest wall top plate.

The applicant has also articulated that 352 Woodside Ave is a unique case along Woodside in that it has never been built on. Though the rest of the lots on the east side of Woodside are rather steep downhill lots as well, the applicant's letter indicates that undeveloped 352 Woodside has been used as a location for snow storage. With snow and subsequent runoff every spring the applicant believes that this has led to an increase of erosion that other lots in the neighborhood did not experience before homes were built, thus the erosion has steepened the lot.

During the staff report review, Staff found an error in the online code and initially thought the applicants needed a larger side yard setback than is required. The current proposal for the 50.13' foot wide lot is a 5 foot side yard setback on the north side and 10 foot side yard setback on the south side, which complies with the requirements of a lot width of up to 62.5 feet of a minimum of 5' and a total of 14'. The current design proposal complies with setbacks for the HR-1 zone and no setback variance is requested.

In addition to the Variance the applicant will need to submit and gain approval of three (3) different applications with the Planning Department. The additional applications would include: a historic district design review, a Planning Commission determination on the Height Exception for Garages on a Downhill Lot, and a Steep Slope Conditional Use Permit; these have not yet been submitted. The Planning Commission will review the Height Exception for Garages on a Downhill Lot, Steep Slope Conditional Use Permit and the HDDR will be reviewed internally by Staff.

Analysis

The property is located within the HR-1 District and consists of a 50.13' x 75' undeveloped lot equaling a total square footage of 3759.75 square feet.

The applicant is proposing to construct a single family dwelling with access to Woodside Avenue. Moreover, the applicant argues that if the design is to meet the height limit it would not allow for the construction of a garage and that even in the best case scenario with the smallest garage, providing parking on this steep slope requires the garage to slightly extend past the height limit as allowed for by the LMC in Section 15-2.2-5 Building Height.

The applicant reports that due to lack of development on the lot and the continuous erosion due to snow storage taking place there, the lot is unique in its steepness. In addition the applicant expresses concerns about the necessity for height exceptions in order to meet ADA accessibility in the home.

Additionally, because of the significant 53% downhill slope grade change from Woodside Avenue moving east, the applicant is requesting variances to LMC 15-2.2-5 and 15--2.2-5 (A) which states that a structure shall have a maximum height of 27 feet measured from existing grade and a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plat the supports the ceiling joists or roof rafters.

Per 15-2.2-5 (D) 3 & 4, the LMC does allow height exceptions for elevator access and garages on downhill lots. The Planning Commission may allow additional Building Height (See entire Section 15-2.2-5) on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration; to accommodate circulation, such as stairs and/or an elevator; and to accommodate a reasonably sized front entry area and front porch that provide a Compatible streetscape design. The additional building height may not exceed 35' from existing grade. This height exception, with Planning Commission approval, is still available to the applicant; however it only includes the portions of the home design mentioned above, not the additional floor space the applicant is requesting.

As currently designed, the applicant's proposal requires approximately 33 feet above existing grade; this is approx. 6' above the 27 foot maximum and 2.5 feet above the 35 foot maximum overall interior building height. Height exceptions are included in the code but the additional variance for height is not consistent with the LMC.

The following are the minimum lot, site, and height requirements per Land Management Code Section 15-2.2 for development within the HR-1 zoning district for a lot of this size, 3,759.75 square feet:

	LMC Requirement	Proposed
Front Yard Setbacks	10 feet	10 feet Complies
Rear Yard Setbacks	10 feet	10 feet Complies
Side Yard Setbacks	5' per side, 14' total	5 feet and 10 feet Complies
Minimum Lot Size	1,875 sf. Minimum	3,759.75 sf. - Complies
Building Footprint	1521.86 sf. Maximum	1519 sf. - Complies
Building (Zone) Height	27 ft. maximum from existing	The applicant is requesting up

	grade	to approx. 33 feet above existing grade. This is 6' above the 27 foot maximum for. 55% of the total roof is above the height limit.
Lowest Finished Floor Plane to Highest Wall Top Plate	35 ft. maximum measured from the lowest finished floor plane to the point of the highest wall top plate	The applicant is requesting up to 37.5 feet. This is 2.5' above the 35 foot maximum for the interior height measurement.
Vertical Articulation	10' minimum horizontal step in the downhill façade – taking place at a max height of 23' from where the footprint meets the lowest point of existing grade.	Applicant is working on revisions to comply.
Roof Pitch	Must be between (7:12) and (12:12)	Roof pitch ranges from 2:12 and 7:12. 51% of the roof is 7:12 - Complies
Height Exception for Elevator Access and Garages on Downhill Lots	Per 15-2.2-5 (D) the LMC allows height exceptions for elevator access and garages on downhill lots.	If this Variance is not granted the applicant would be required to gain the Planning Directors approval for elevator access (Per LMC 15-2.2-5 (D)) and gain approval from the Planning Commission for the garages on downhill lots to receive the height exceptions by the code.
Parking Regulations	2 spaces required	2 parking spaces are provided
Steep Slope	Required for any structure in excess of 200 sq. ft. if located upon an existing slope of 30% or greater	352 Woodside will require a SS CUP to be approved by the Planning Commission

LMC Review Criteria for a Variance

In order to grant the requested variances to the aforementioned code sections, the Board of Adjustment must find that all five (5) criteria located in LMC § 15-10-9 are met. The applicant bears the burden of proving that all of the conditions justifying a variance have been met (see Exhibit A).

Criteria 1. Literal enforcement of the LMC would cause an unreasonable hardship

for the Applicant that is not necessary to carry out the general purpose of the LMC. *In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the BOA may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.*

The applicant wrote:

"We, the applicant, are requesting a variance in height. The structure's upper level, including garage and entry roof, plus a large portion of the master suite, exceed the 27 foot from natural grade height limit despite the architect's attempts to minimize the impact.

The compound steep slope of the lot creates a hardship due to its relationship from the street to existing grade. The driveway is located on the low side of the street and has a maximum 12% down slope to the garage. Though this driveway is steeper than preferred, it meets Park City standards. At this point allowing for an 8 ft high garage door and clearances, and using the minimum 7/12 roof pitch, our highest point breaks the height limit.

The applicant request a variance in height using the 35 feet from grade exception found in the Historic District Design Guidelines, 15-2.2-5 exception D. This exception is granted for a tandem garage and we are requesting this height exception for a 20 foot by 20 foot side by side 2 car garage. A tandem garage example is illustrated on 1/SP106 of the Variance Request drawings. Our proposed garage placement and design is illustrated on the same page at 2/SP106.

In addition the height exception D-3 grants additional height for ADA compliant elevators. The client has immediate family requiring an elevator for accessibility. The 2 car garage is necessary for all season access into the home and to the elevator. As one looks at the floor plans, it is apparent as to how the design meets these needs.

When an ADA driver parks in the garage the second car will have to pull out to allow for the wheel chair transfer. After the transfer, the second car can return to the additional garage space. In essence we propose a 2 car garage that gives ADA clearances as required. All clearances at door way & elevator meet IBC requirements.

As such, additional height is requested for the garage. Please note that our street slope exhibit SP104 illustrates that the height and massing of the home meets the intent of the code. "Slope and configuration as well as scale" is consistent with the surrounding neighborhood. Elevator opening to comply with ICC A117.1-2009 409."

Staff finds that the Planning Department cannot support the request for additional external height that exceeds the 27' height limitation and the request to exceed the interior 35' height limitation for the design proposed.

Per 15-2.2-5 'Building Height' the LMC states the following:

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

- A. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

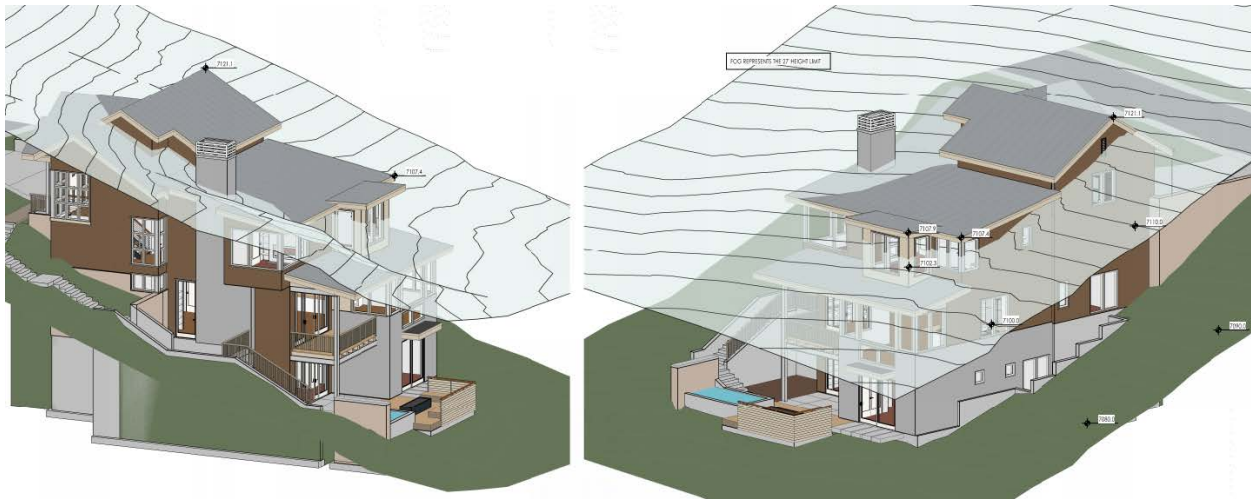
The applicant is proposing an additional 2.5' above the 35' maximum interior height regulation and up 6' above the 27' maximum exterior height regulation from existing grade.

Staff does not agree that the variance request meets Criteria 1. Staff finds that the extreme slope of the lot is not a unique circumstance and is a condition that is general to the neighborhood on Woodside as well as the HR-1 zone. The slope steepness does not cause unreasonable hardship that is different from other lots in the neighborhood. In order to support this request, the Code requires the applicant to show how their lot and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

In response to the ADA accessibility necessity, Staff also finds this is not a request that can be supported under the current terms being proposed for the following reasons:

1. The LMC provides height exceptions for ADA access including interior and exterior height exceptions for elevator, circulation and access. In order for this to be achieved the elevator and floor plans must comply with ADA standards.
2. The LMC 15-2.2-5 (D) provides height exceptions of garages on downhill lots, but this only accommodates a single car wide garage in a tandem parking configuration as well as a height exception for circulation and stairs/or an ADA elevator, in addition to a reasonably sized front entry area.

For reference, below is the fog study provided by the applicant showing the amount of the structure proposed to exceed the 27' height regulation for the HR-1 zone. Staff finds that the height exceptions for garages on downhill lots granted by the LMC, with approval by the Planning Commission, are reasonable and give leeway for applicants that are dealing with steeper lots and give appropriate height exceptions for ADA accessibility.



The applicant is asking for significant height exceptions that include a double car garage, entry area, elevator, a master bedroom, master bathroom and space of an office. This request is asking for a height exception for 55% roof area of the structure. The Planning Commission has the ability to grant a height exception per LMC 15-2.2-5 (D) To allow a tandem car garage, circulation, and front entry area. This applicant is requesting a height exception that is beyond what the Planning Commission can grant.

Literal enforcement of the code would not cause a hardship, it is likely that other lots within the HR'1 and along Woodside are configured in a similar manner and face similar issues.

Criteria 2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. *In determining whether or not there are special circumstances attached to the Property the BOA may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.*

The applicant wrote:

"While the property is steep and will require a steep slope conditional use, the ADA accessibility requirement places a burden on the owner to require this variance. Without it, family members will be excluded from the home. This gives the community an opportunity to show that the Historic District can be consistent with preservation and inclusive to all residents.

Staff finds that the purpose of this criterion is to show how the property imposes a special circumstance on the applicant. The resolve for this is that an owner could be granted a variance due to their personal circumstances verse circumstances of the lot, and once the variance is granted it is in the owner's right to sell the property whenever they choose. The applicants are not planning to sell the lot; this just describes why the standards are set so these situations may be avoided.

Regarding height requirements, in the HR-1 zone there are specific exceptions for ADA necessities with 2 exceptions that allow additional height for the building under 15-2.2-5

(D). These exceptions allow extra height for entry ways, garage circulation and elevators. Staff finds the request for additional height to accommodate ADA necessities far exceed these needs to include a height exception for a master bedroom, master bath and office.

Staff finds that the essential property right possessed by others in the same zone can be accommodated with a different design proposal that reduces the overall height of the structure. The hardship cited by the applicant could generally apply to many other properties in the same zone in regards to the height request and therefore special circumstances don't exist.

Criteria 3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

The applicant wrote:

Granting this variance allows for direct benefit of the disabled to live on the property. This approval will have no adverse effect upon adjoining neighbors 'enjoyment' or 'rights' but rather add additional value to the District and the street.

Staff finds that a double car garage, office, master bed and master bath do not require a height variance in order for ADA accessibility to be an option. A different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots.

Criteria 4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

The applicant wrote:

The home with the variance, as stated before, is consistent with the General Plan, and public interests. We are consistent with the Universal Guidelines, page 44, and comply with all eight criteria.

Staff believes that the variance for height will not substantially affect the General Plan but could be contrary to public interest in that granting the height variance would set a precedent for others to take advantage of in order to not adhere to the height regulations of the zone. Granting this height variance could also create sizable impacts on the adjacent lot below.

Criteria 5. The spirit of the Land Management Code is observed and substantial justice done.

The applicant wrote:

Again, the spirit of the Land Management Code has been met as well as the Historic District Design Guidelines. The only other design options would require non-conforming flat roof lines that would be out place with the context of the street scape and

neighboring residences.

Staff finds the request for a height exception to go beyond observation of the Land Management Code. The LMC provides height exceptions for interior and exterior height in order to create additional opportunities for ADA necessities and steep slopes with garages on downhill lots. Staff does not find this lot to provide any unique circumstances that lot owners on Woodside did not also experience in similar situations.

Future Process

Approval or denial of these variances by the Board of Adjustment constitutes Final Action that may be appealed following the procedures found in LMC § 15-10-13. Approval of a Historic District Design Review (HDDR) for the design of structure and approval of a Steep Slope Conditional Use Permit is necessary prior to the issuance of a building permit.

Standards for new construction as listed within the Historic District Design Guidelines will apply. HDDR's are an administrative approval and are processed by the Planning Staff. A steep slope Conditional Use Permit, issued by the Planning Commission, is required because the new structure will exceed 200 square feet in area on an area with a slope of greater than 30%. Independent of the variance request, the applicant may pursue approval from the Planning Director for the Elevator Access height exception per 15-2.2-5 (D) 3 and Planning Commission approval for the Garages on downhill lots height exception per 15-2.2-5 (D) 4.

Department Review

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

Notice

On February 2, 2017, the property was posted and notice of the variance request was mailed to property owners within 300 feet of the property in accordance with requirements of the Land Management Code. Legal notice was published in the Park Record on February 4, 2017 according to requirements of the Code.

Public Input

The Planning Department has received public comment that can be found under Exhibit K.

Alternatives

- The Board of Adjustment may deny the entire variance request according to the findings of fact, conclusions of law and conditions of approval drafted below and/or as amended; or
- The Board of Adjustment may approve portions of the variance request and deny other portions of the variance request and direct Staff to make findings of fact to support this decision; or
- The Board of Adjustment may grant the entire variance request and direct staff to make findings of fact to support this decision; or
- The Board of Adjustment may continue the discussion and request additional

information on specific items.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. The impact that should be considered with an approval of this application is the precedent being set for applications that may follow.

Consequences of not taking the Suggested Recommendation

The property would require a single family home design that complies with the LMC HR-1 zone requirements.

Recommendation

Staff recommends that the Board of Adjustment review the proposed variance requests:

- A variance request to LMC section 15-2.2-5 – Building Height; to allow an additional 6' above the required 27' from existing grade to a maximum of approximately 33' above existing grade.
- A variance to LMC Section 15-2.2-5 (A) – Building Height; to allow an additional 2.5' of height above the allowed 35' on the interior of the house

The BOA should conduct a public hearing and consider denying the variance requested for additional height, based on the following findings of facts and conclusion of law.

Findings of Fact

1. On December 6, 2016, the Planning Department received an application for a variance request to the HR-1 height requirements.
2. The application was deemed complete on December 21, 2016.
3. The property is located at 352 Woodside Avenue.
4. Woodside Avenue has an uphill slope heading from north to south. The lots on the west side of the street having a steep uphill slope and the lots on the east side of the property have a steep downhill slope.
5. Staff found the requested design to be out of compliance on several issues including the following: the house design exceeds the exterior height of 27 feet from existing grade as well as exceeding the interior height of 35 feet from the lowest floor plane to highest wall top plate.
6. In addition to the Variance the applicant will need to submit and gain approval of 3 different applications with the Planning Department. The additional applications would include: a historic district design review, a steep slope conditional use permit and a Planning Commission approval for the Garages on Downhill lots height exception. The Planning Commission will review the steep slope conditional use permit and the height exception, the HDDR will be reviewed internally by Staff.
7. Per 15-2.2-5 (D) 4 the LMC allows height exceptions for garages on downhill lots if approved by the Planning Commission.
8. 50.13' x 75 undeveloped lot equaling a square footage of 3759.75 square feet.
9. Based on the size of the lot, the applicant is permitted to construct a maximum footprint of 1521.86 square feet.
10. The applicant is proposing to construct a single family dwelling with access to Woodside Avenue.

11. The applicant reports that due to lack of development on the lot and the continuous erosion due to snow storage taking place there, the lot is unique in its steepness.
12. The applicant expresses concerns about the necessity for height exceptions to meet applicant's desire for ADA accessibility in the home.
13. Because of the significant 53% grade change from Woodside Avenue moving east down the lot the applicant is requesting an exception to LMC 15-2.2-5 and 15--2.2-5 (A) which states that a structure shall have a maximum height of 27 feet measured from existing grade and a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plat the supports the ceiling joists or roof rafters.
14. As currently designed, the applicant's proposal requires approximately 33.2 feet above existing grade; this is approx. 6' above the 27 foot maximum.
15. The applicant's interior proposal requires approximately 37.5 feet that requires 2.5 feet above the 35 foot maximum.
16. The applicant's vertical articulation for a 10' minimum horizontal step in the downhill façade does not comply.
17. The applicant bears the burden of proving that all of the conditions justifying a variance have been met ().
18. The slope of the lot is not a unique circumstance and is a condition that is general to the neighborhood on Woodside as well as the HR-1 zone. The steepness of the slope does not cause unreasonable hardship and is not unusual from other lots in the neighborhood. In order to support this request, the Code requires the applicant to show how their lot and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.
19. The essential property right possessed by others in the same zone can be accommodated with a different design proposal that reduces the overall height of the structure. The hardship cited by the applicant could generally apply to many other properties in the same zone in regards to the height request and therefore special circumstances do not exist.
20. A different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots.
21. The variance for height will not substantially affect the General Plan but could be contrary to public interest in that granting the height variance would set a precedent for others to take advantage of in order to not adhere to the height regulations of the zone. Granting this height variance could create sizable impacts on the adjacent lot below.
22. The request for a height exception goes beyond observation of the Land Management Code. The LMC provides height exceptions for interior and exterior height in order to create additional opportunities for ADA necessities and steep slopes with garages on downhill lots. This lot to does not provide any unique circumstances that lot owners on Woodside did not also experience in similar situations.
23. LMC Section 15-2.2-5 D (3) provides height exceptions for ADA access including interior and exterior height exceptions for elevator, circulation and access. In order for this to be achieved the elevator and floor plans must comply with ADA

- standards; the proposed plans do not comply with ADA standards.
24. LMC Section 15-2.2-5 D (3) provides height exceptions of garages on downhill lots, but this only accommodates a single car wide garage in a tandem parking configuration. This exception also includes a height exception for circulation and stairs/or an ADA elevator, in addition to a reasonably sized front entry area. The applicant is not proposing two parking spaces in a tandem configuration, but, rather two side-by-side parking spaces.
 25. In regards to the height request, a double car garage, office, master bed and master bath do not require a height variance in order for ADA accessibility to be an option.

Conclusion of Law

1. Literal enforcement of the HR-1 District Land Management Code requirements for height for this property would not cause an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district in terms of lot width.
3. There are no special circumstances attached to the property that do not generally apply to other properties in the same district in terms of the steepness of the slope.
4. Granting the variance for additional height is not essential to the enjoyment of substantial property right possessed by other property owners in the same district.
5. The variance for additional height will not substantially affect the General Plan but will be contrary to the public interest.
6. The spirit of the zoning ordinance is not observed by this application for additional height.

Order

1. A variance to LMC Section 15-2.2-5, to the required maximum height of 27' from existing grade to allow a maximum height of 33' above existing grade, is hereby denied.
2. A variance to LMC Section 15-2.2-5 (A), to the required maximum height of 35' to allow a maximum height of 37.5' measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, is hereby denied.

Exhibits

- Exhibit A – Applicant's statement
- Exhibit B – Applicant's 5 criterion statements
- Exhibit C – Proposed site plan
- Exhibit D – Street Elevation
- Exhibit E – Height Fog Study
- Exhibit F – Bottom Level Floor Plan
- Exhibit G – Middle Level Floor Plan
- Exhibit H – Top Level Floor Plan
- Exhibit I – Exterior Elevations

Exhibit J – Building Sections
Exhibit K – Public Comment

Exhibit Q - Board of Adjustment Minutes

PARK CITY MUNICIPAL CORPORATION BOARD OF ADJUSTMENT MINUTES OF FEBRUARY 21, 2017

BOARD MEMBERS IN ATTENDANCE: Ruth Gezelius – Chair; Hans Fuegi, David Robinson, Mary Wintzer

EX OFFICIO: Planning Director Bruce Erickson, Anya Grahn, Planner; Hannah Tyler, Planner; Makena Hawley, Planner; Polly Samuels McLean, Louis Rodriguez

ROLL CALL

Chair Gezelius called the meeting to order at 5:00 p.m. and noted that the Board did have a quorum.

ADOPTION OF MINUTES

October 18, 2016

Chair Gezelius noted that approval of the October 18, 2016 Minutes were continued at the last meeting pending clarification requested by Jennifer Franklin. She assumed the clarification was made to the satisfaction of Ms. Franklin, who was absent this evening.

Planning Director Bruce Erickson noted that after the Minutes were continued, the person preparing the minutes was asked to review the recording. She reported that the Minutes as typed were substantially in compliance with the Minutes as recorded. The verbatim comments taken from the recording were sent to Jennifer Franklin for her review and comment. He did not believe the Planning Department had heard back from Ms. Franklin. Director Erickson stated that Ms. Franklin may have been waiting to read her comments into the record at the next meeting, but she was not present and had given no indication to the Planning Department that she had comments.

Chair Gezelius stated that having received no formal objection from Ms. Franklin, she called for a motion to approve the Minutes of October 18, 2016 as presented.

MOTION: Board Member Wintzer moved to APPROVE the minutes of October 18, 2016 as written. Hans Fuegi seconded the motion.

VOTE: The motion passed unanimously.

January 17, 2017

2. 352 Woodside Avenue – Variance request for an increase in the exterior height for a majority of the upper level, and for additional height for the interior of the house. (Application PL-16-03388)

Planner Makena Hawley reviewed the variance request for 352 Woodside Avenue, which is currently a vacant lot in the HR-1 zone. The owner has found difficulties in meeting the height restrictions with the design proposal and was requesting a variance application to gain an increase to the exterior height and the interior height.

Planner Hawley explained that the LMC has several building height regulations. One being reviewed this evening was the exterior height, which is 27' from existing grade to the top of the structure. The second was the interior height of 35' from the lowest finished floor plane to the highest wall top plate.

Planner Hawley stated that the applicant believes their lot contains different circumstances because it is one of the last lots to be developed on Woodside, and it has had significant runoffs because it was used for snow storage which led to an increase in erosion.

Planner Hawley remarked that the LMC allows for a variance to be granted based on finding that the property has special circumstances that do not exist elsewhere in the neighborhood. The Staff finds that regarding this application, the circumstances connected to the lot are not necessarily unique to the neighborhood or to the zone, and that the same circumstances could be found elsewhere. The Staff finds that the slope does not cause unreasonable hardship that differs from the other lots. The Staff also finds that granting the height variance could create impacts on adjacent lots below, and set a low precedence for others to take advantage of.

Planner Hawley stated that since the applicant has the burden of providing proof that all the conditions to justify a variance have been met, Jacob and John Shirley, the project architects, had prepared a presentation on behalf of the applicant.

John Shirley with Think Architecture assumed the Board members were familiar with the lot. He presented an exhibit showing the surrounding homes. Mr. Shirley appreciated Planner Hawley's thoroughness in working with them throughout this process. Mr. Shirley stated that they spent considerable time going through the design guidelines for the Historic District, and they understood the importance of creating something architecturally that fits into the fabric of the neighborhood and benefits his client as well as the neighborhood as a whole.

Mr. Shirley noted that he has done numerous projects in Park City and a lot of hillside development. He was not suggesting that other homes have not been built on steep lots with the Design Guidelines, but this lot is nuanced. He stated

that the street slope and the street frontage on Woodside, slopes over 4' from the south to the north end of the lot. Looking at the slope going down the hill, it is a compound slope, which means it slopes from corner to corner rather than side to side. Mr. Shirley stated that as an architect, the first thing to do is solve the car situation and determine where to put the garage. He remarked that in working with the height restrictions, the garage is placed on the low side of the lot. He presented a site plan showing how the home fits within the setbacks.

Planner Hawley explained that at first the Staff thought they needed to address a setback issue because the lot has a width of 50.13'. However, there was a discrepancy when the LMC was put on line, and the table showing setbacks showed an incorrect number for the setback requirements. For that reason, Planner Hawley initially thought the applicant needed to request a variance for the setback as well. Planner Whetstone found the mistake when she reviewed the report. The internet version was corrected and the discrepancies were changed, and this lot was found to be in compliance on the setback issue.

Mr. Shirley presented an exhibit and explained how they determine the base elevation for the start of the home. He understood that the Code would allow up to a 14% slope, but he believed 12% was excessive, particularly in a good snow year. Once they take the slope and go to the setback past the snow storage setback, they are at 7102.6'. The garage exceeds the 27' height limit regardless of whether it has a flat roof or the proposed 7/12 pitch, which is the minimum slope allowed by the Design Guidelines. Mr. Shirley pointed out that this was the first problem they encountered with the 27' height limit.

Mr. Shirley stated that as they put the building down and try to reach grade, they also have the requirement to fit within the 35' internal height limit, which is from the basement floor to the top plate of the structure. He presented an illustration showing that from the garage down the structure, in order to meet grade down below at 27', would also have 3 to 4 feet of fill underneath it before it reaches the grade below. Mr. Shirley stated that taking the structure down to the existing grade and leaving the garage where it has to be because it is limited by the slope of the driveway, there is a gap between the 35' internal height limit and the 27' from existing grade external limit. The issue they were dealing with is the internal versus the external.

Mr. Shirley presented a section of the actual building they were proposing. He noted that they tried to create a happy medium where they take the building down to existing grade below, the garage is fixed because of the driveway, and the 35' internal height bust occurs just under the garage. The main house fits within the 35' height limit. In order to get to the garage and the driveway, there is a 4' crawl space underneath the garage.

Mr. Shirley commented on the experience at the street level. He noted that the applicant, Tomilee Gill, owns the home to the south, and the surveyor shot the

ridge heights the existing height was 7127. The home to the north has a tower element that is at 2118.6. Drawing a line, the average height between the two, the very north end of the garage barely extends through that.

Mr. Shirley stated that because the applicant has two lots that were combined, they are showing a two car garage side by side. He understood that it was discouraged in the Design Guidelines in favor of a height exception that is allowed for a tandem garage. He believed the wording in the Guidelines was misleading because it says if you have a one car garage in a tandem configuration, you are allowed an exception of 35' from existing grade rather than from the basement. Mr. Shirley pointed out that a one-car garage in a tandem configuration is actually a two-car garage in a tandem configuration. He showed how going to a tandem garage actually creates a bigger bust in the height and effects the appearance of the house more than a side by side.

Mr. Shirley stated that another circumstance of importance is the need in this home for ADA requirements. There is an elevator in the home and they need the ability to have somebody come into the garage in the winter time and have handicap accessibility. Going to a wider single car garage, which would be 15' wide instead of 20' wide, would technically accommodate a wheelchair. With the two car garage, one stall would have to be vacant to so the wheelchair could go out and then into the entryway to access the elevator. Mr. Shirley stated that the portion of the home with the elevator does not exceed the height limit because it has the exception for an elevator. The only issue is the garage itself. Mr. Shirley reiterated that it was important to have the side by side configuration versus the tandem. He reviewed two configurations. He believed that anybody looking at the difference between the two configurations would realize that what they were proposing has less impact than the tandem garage configuration with the exception allowed in the Guidelines.

Mr. Shirley presented a fog study and stated that the fact that the lot is sloping from corner to corner is important. On the first image the roofline fit within the 27' height limit. However, because it slopes in two directions, the roof starts to exceed the height limit on the north side. Mr. Shirley remarked that the perceived bust in the height was on the north side rather than the entire roof.

Mr. Shirley believed the proposed design fits in the neighborhood and makes sense in terms of matching the fabric of the neighborhood, versus something more contemporary with a flat roof that would look out of place. He pointed out that even with a flat roof they would still have to seek a height variance. Mr. Shirley presented renderings showing views from both side of the front of the house, how the two-car garage was broken up to look like two single car garages, and the entrance way. The rest of the house terraces down the hill. Mr. Shirley stated that by pushing the house to the north side results in more usable yard space on the south side of the home. It allows for permanent stairs

that will terrace down to the usable exterior spaces of a lower patio and a side patio off the dining area.

Chair Gezelius asked if the elevator extends to the lower level. Mr. Shirley replied that the elevator extends to all levels. He stated that it is difficult on a steep slope to meet the heights and to provide accessibility, and at the same time create a scenario where there is no need for on-street parking. He believed the proposed scenario meets the parking need because there would be a guest parking stall and the two required stalls. He thought the appearance of the house from the street looks smaller than most of the adjoining homes on the street in an effort to keep that character.

Chair Gezelius asked if they were proposing to heat the driveway. Mr. Shirley answered yes. It would be necessary because of the 12% grade. Chair Gezelius commented on the dual slope on this lot and the drainage from Treasure Mountain, and asked how they would handle the sump pump or drainage issues on this steep site. Mr. Shirley was not familiar with Treasure Mountain issue per se, but to address the issue specific to this lot, there is no grading design on the sides of the homes in the neighborhood. By getting the sidewalks, they will be able to control the water going down, and utilize it into a sump pump at the bottom to control where it goes. On-site water is not required to be pumped back to the storm sewer. Mr. Shirley pointed out that they had not yet had this specific discussion with the City. However, the applicant had spoken with the neighbors in the back and asked if they had any water issues.

The applicant, Tomilee Gill stated that both neighbors said they had not had any issues with water, which she found surprising.

Mr. Shirley stated that the amount of snow that is currently stored on the site has to go somewhere when it melts. He assumed it would go into the back of the neighbors, but no one has complained.

Chair Gezelius wanted to make sure that the applicant intended to address the drainage issue on that site.

Board Member Wintzer asked if the design of the house and the location of the master bedroom was the reason for having the garage on the north side. Mr. Shirley stated that putting the garage on the north side was driven by the slope. It is the lowest side and he was trying to make the driveway as flat as possible. On the north side he was able to get the garage as low as possible on the site. Going to the south side would actually raise the garage higher, which would exacerbate the problem because it would be farther to reach the house level. Mr. Shirley explained why putting the garage on the south side reduces the opportunity to get daylight between the homes and utilize exterior space for outside living purposes.

Board Member Wintzer believed that if the house were smaller it would solve many of the problems. She thought they were trying to put too much on to this lot given the topography. In her opinion, they were trying to put a Thaynes Canyon house on an Old Town double lot. Mr. Shirley stated that the table in the Design Guidelines which allows for the setbacks also gives the maximum building pad size. He pointed out that they complied with the allowable building area on the lot given the standards for this neighborhood.

Chair Gezelius pointed out that they may have complied with the size, but they needed an exception on the height in order to achieve that size. Mr. Shirley agreed.

Board Member Fuegi understood that Mr. Shirley was claiming that the erosion affected the steepness of the site. He asked if Mr. Shirley thought the erosion affected the land or whether enough topsoil was washed away and that created the steepness. Mr. Shirley believed erosion was a separate issue and it did not pertain to the height and the design of the house. There has been a lot of erosion on the site because it was not built on, and because it was the last vacant lot to store snow, it gets more than its fair share of snow storage. Mr. Shirley clarified that he did not believe the erosion created the steepness.

Board Member Fuegi referred to Mr. Shirley's comments about a flat roof versus the proposed roof design, and that a flat roof would not fit in the neighborhood. He asked if a flat roof was permitted in the zone. Planner Hawley replied that flat roofs are allowed based on certain Design Guidelines and LMC regulations. If the majority of the roof is flat, it is required to be a green roof.

Director Erickson understood that the variance request related to the amount of out-of-compliance portion of the roof. The ADA criteria affects the height of the roof, but only in a certain proportion, and the ADA criteria is not specific only to this lot. A secondary concern as they go through a Steep Slope CUP in the future, is that if this applicant sells the lot, the house is entitled to extra height not requiring the ADA access. Director Erickson clarified that the discussion for the variance was about the amount of the roof necessary to meet the ADA guidelines, and whether ADA compliance constitutes a variance in this location.

Board Member Fuegi noted that the Staff report states that if the variance is not granted, the applicant would be required to obtain the Planning Director's approval for elevator access. He asked if that was tied to the ADA compliance. Planner Hawley explained that Planning Director approval is required for the height exceptions allowed for the interior and exterior height for a garage on a downhill lot, which includes circulation and an elevator. The garage on the downhill lot exception grants the tandem car configuration garage, circulation, and the front entry way. The applicant would be able to apply for both exceptions. Mr. Fuegi stated that if the variance was granted based on ADA compliance, could the owner of the lot sell it with the same variance. Director Erickson

answered yes, because the variance runs with the land. Mr. Fuegi understood that regardless of whether the BOA or the Planning Director grants the variance, it would not affect selling the lot.

Mr. Shirley pointed out that the home to the north went through a steep slope CUP analysis in 2000, and it was also granted a height exception for the tower element. He noted that the guidelines have become more restrictive since that exception was granted.

Board Member Robinson noted that Conclusion of Law #7 in the Staff report stated that the variance for additional height would not substantially affect the General Plan, but will be contrary to the public interest. Planner Hawley explained that the Staff did not find that the General Plan would be substantially affected by the design and the addition of height. However, the Staff found that the lower neighbors or neighbors nearby could possibly be impacted by the requested height variance. In addition, if the height variance is allowed, they could potentially be setting a precedence for other neighbors to claim they have a similar situation and request a height variance. It is a matter of setting precedence, as well as impacting the neighbors who expect a certain height based on the LMC.

Board Member Robinson asked Mr. Shirley to show the configurations of the downhill house and the uphill house and the heights. In looking at the configuration, he believed only a tip of the garage would be above 27'. Mr. Shirley replied that he was incorrect. If they average the height between the two existing buildings, it was approximately 1-1/2 to 2 feet. He noted that the requirement for the 7/12 pitch was also driving the height. In terms of setting a precedence, Mr. Shirley remarked that there were two vacant lots left on the street and he did not believe that would be an issue. He pointed out that many of the homes in the neighborhood were built prior to the 27' height limit. Mr. Shirley clarified that this applicant was requesting a variance because they believe their design works with the intent of the Design Guidelines. He did not believe a flat roof would work as well in the neighborhood, and they would still need a variance for one portion of the roof. Mr. Shirley thought the proposed design made more sense for the neighborhood.

Chair Gezelius opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, believed that neither of the two requested variances were necessary to accomplish the beautiful home they want. Ms. Meintsma addressed Criteria 2 regarding special circumstances. She noted that the applicant believes they have a unique case with this lot due to the snow storage and the erosion steepening the lot. Ms. Meintsma provided photos showing how the lot is heavily vegetated in the summer. The vegetation holds the dirt. Another photo showed a City easement where vehicles park temporarily for delivery or construction. That same parking area has been there for the last

30 years and has never moved. Ms. Meintsma commented on the discussion about no water problems with the residents below. She did not believe erosion was an issue unique to this lot. She referred to the applicants comments about the compound slope of this lot. She did not believe there was a steep slope in Park City that was not compound, especially on Woodside, and that is evidenced by the downhill slope of Woodside and the downhill slope of the Third and Fourth Street stairs. Ms. Meintsma pointed out that the whole area was a compound slope. In her opinion, those two circumstances did not make this lot unique to build on.

Ms. Meintsma presented an illustration which addressed the applicant's argument that meeting the height requirements would not allow for the construction of a garage. She remarked that the requirements that would not allow the construction of the garage was the 35' measured from the lowest finished floor to the highest plane. In addition, the applicant claims that the height restriction would not allow the ADA accessibility. Ms. Meintsma stated that she is a strong proponent of ADA accessibility. People with ADA issues can ski all day on the mountain but find it difficult to live in Old Town. She believed as many houses as possible should try to allow for ADA. Ms. Meintsma reviewed her illustration. Using Mr. Shirley's design, she did what the City wants people to do when building, which is compact the same design into a lot that works within the neighborhood. Ms. Meintsma explained her illustration and showed how she made the same design work on the lot without any exceptions. She understood that people like higher ceilings because it has a more luxurious feel, but high ceilings are not required to make a house livable. Eight feet is a standard height, and she made all three floors eight feet high. Ms. Meintsma stated that a second compromise was to lose the 35 square feet kickout on the master bedroom level. Another loss is that due to the slope, the front roof of the master bedroom would drop down to 7' on the downhill side. Ms. Meintsma referred to the garage, and stated that in order for the structure to comply with the 27' height from grade envelope, but also the 35' from lower floor to top plate, would make the roof of the garage have to meet the top plate at 7'. That would not allow for a garage door that is 8' high, but she believed that could be addressed through the HDDR. She had created a design that she thought improved the ADA accessibility with a single garage that is ADA wide. The design would allow for a gable that would allow for an 8' or 9' garage.

Ms. Meintsma outlined the advantage to the compact design. One is that the garage floor is raised five inches which reduces the driveway slope. Another advantage is that the 4' of dead space under the garage on the master level becomes 400 square feet additional living space. Ms. Meintsma pointed out that the more compact design creates more square footage in the home. She believed the Codes really work if someone is creative with their design. Ms. Meintsma stated that this home could be built with all the same number of rooms proposed and achieve 400 additional square feet, minus the 35 square foot

kickout, in a more compact design that fits within almost all of the height envelopes and criteria.

Ms. Meintsma noted that the applicant was asking for a variance and a 35' from grade exception, but she did not believe it was necessary. However, there was a second 35' criteria that was completely different from the first 35' criteria. She indicated the red line at the top which indicated the 35' exception for a tandem garage. Ms. Meintsma referred to the parking configuration on page 82 of the Staff report and noted that the ADA access in that location does not allow autonomy to the ADA needs person. When the person in the vehicle who needs ADA access pulls into the garage, the other side of the garage either has to be empty, or a second driver must be available to move the car out of the way so the person needing ADA accessibility can get into the house. Ms. Meintsma had created a design that she would wait to introduce during the HDDR process because the type of garage was not an issue for the requested variances. Ms. Meintsma stated that the applicant was asking for the 35' from grade exception for a side by side garage. However, per the Code, that variance is only granted for a single car garage.

Ms. Meintsma remarked that neither of the two variances requested are necessary to create not only the same structure, but also to create additional square footage. She stated that the variance that was not applied for was in 15-2.2-5D, which is the building height exception with the garage on the downhill lot, and it applies to a single-wide garage with tandem parking. That would be a variance, not an exception. She believed that the exception in 15-2.5 and 15-2.25A were not necessary to create a good project on this lot. Ms. Meintsma pointed out that 15-2.25D had not been applied for. She also thought the double car issue of compliance in Old Town might have to be considered before the City could consider the variance.

Chair Gezelius closed the public hearing.

Chair Gezelius had difficulty with the issue of the height. She was not a proponent when the height limit was changed to 27', but it is the rule. Many properties in Old Town benefited from the higher height limit; but for the past seven or eight years people have had to comply with the new rule. Chair Gezelius believed it would be precedent setting if they allowed this request. The rule should be enforced with minimal exceptions, or the rule should be changed. Chair Gezelius commented on the number of people in Old Town who wanted a two-car garage. She understood the desire to have a two-car garage, but at the same time, granting this request would be unfair to the people who were told they could not have a two-car garage because of the garage barrage. Chair Gezelius agreed that making a home ADA accessible for safety would require a garage for safety because of the streets being so icy in Old Town. She agreed with the point Ms. Meintsma had made about the height of the interior rooms. Chair Gezelius remarked that everything does not fit in Old Town. There are other

suitable areas in town for building larger homes or homes that are easier to access that do not require exceptions. Chair Gezelius clarified that her comments were not a criticism of the design, but she could not justify giving this house a height exception in order to get a larger home or more parking places when they have been so restrictive to other property owners wishing to develop on vacant lots in Old Town.

Board Member Robinson appreciated the ideas for additional design, he thought it was beyond the purview of the Board of Adjustment to discuss or suggest alternative designs. The Board needed to look at the five criteria they were given, and if all five are not met, the BOA should not grant a variance. Mr. Robinson believed that in a number of cases the criteria were not met. He did not believe that adhering to the height restriction would create unreasonable hardship, because there are other design alternatives. Mr. Robinson did not think there were special circumstances to the property in comparison to the rest of the properties in the area. He was not in favor of granting the variance for the height exceptions.

Board Member Wintzer agreed with the comments made by Mr. Robinson and Ms. Gezelius. It does not meet the five criteria, and it falls out of line with other decisions the Board has made. It is important for the Board to be consistent and fair to all applicants.

Board Member Fuegi concurred that the five criteria had not been met, and that was the basis for the Board to make their decision. He was also concerned about setting a precedent. Mr. Fuegi agreed that the Board has turned down similar requests in the past and they need to be consistent. He liked the design but he did not believe the Code would allow it.

MOTION: Commissioner Wintzer moved to Deny the request for the two variances for height for 352 Woodside Avenue, according to the Finding of Fact, Conclusions of Law and the Order. Board Member Fuegi seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 352 Woodside Avenue

1. On December 6, 2016, the Planning Department received an application for a variance request to the HR-1 height requirements and side yard setbacks.
2. The application was deemed complete on December 21, 2016.
3. The property is located at 352 Woodside Avenue.
4. Woodside Avenue has an uphill slope heading from north to south. The lots on the west side of the street having a steep uphill slope and the lots on the east side of the property have a steep downhill slope.
5. Staff found the requested design to be out of compliance on several issues

including the following:, the house design exceeds the exterior height of 27 feet from existing grade as well as exceeding the interior height of 35 feet from the lowest floor plane to highest wall top plate.

6. In addition to the Variance the applicant will need to submit and gain approval of 3 different applications with the Planning Department. The additional applications would include: a historic district design review, a steep slope conditional use permit and a Planning Commission approval for the Garages on Downhill lots height exception. The Planning Commission will review the steep slope conditional use permit and the height exception, the HDDR will be reviewed internally by Staff.

7. Per 15-2.2-5 (D) 4 the LMC allows height exceptions for garages on downhill lots if approved by the Planning Commission.

8. 50.13' x 75 undeveloped lot equaling a square footage of 3759.75 square feet.

9. Based on the size of the lot, the applicant is permitted to construct a maximum footprint of 1521.86 square feet.

10. The applicant is proposing to construct a single family dwelling with access to Woodside Avenue.

11. The applicant reports that due to lack of development on the lot and the continuous erosion due to snow storage taking place there, the lot is unique in its steepness.

12. The applicant expresses concerns about the necessity for height exceptions to meet applicant's desire for ADA accessibility in the home.

13. Because of the significant 53% grade change from Woodside Avenue moving east down the lot the applicant is requesting an exception to LMC 15-2.2-5 and 15--2.2-5 (A) which states that a structure shall have a maximum height of 27 feet measured from existing grade and a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plat the supports the ceiling joists or roof rafters.

14. As currently designed, the applicant's proposal requires approximately 33.2 feet above existing grade; this is approx. 6' above the 27 foot maximum.

15. The applicant's interior proposal requires approximately 37.5 feet that requires 2.5 feet above the 35 foot maximum.

16. The applicant's vertical articulation for a 10' minimum horizontal step in the downhill façade does not comply.

17. The applicant bears the burden of proving that all of the conditions justifying a variance have been met ().

18. The slope of the lot is not a unique circumstance and is a condition that is general to the neighborhood on Woodside as well as the HR-1 zone. The steepness of the slope does not cause unreasonable hardship and is not unusual from other lots in the neighborhood. In order to support this request, the Code requires the applicant to show how their lot and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

19. The essential property right possessed by others in the same zone can be accommodated with a different design proposal that reduces the overall height of the structure. The hardship cited by the applicant could generally apply to many

other properties in the same zone in regards to the height request and therefore special circumstances do not exist.

20. A different design may be proposed that does not request 55% of the building to be above the height restriction and that complies with the exceptions in the LMC for garages on downhill lots.

21. The variance for height will not substantially affect the General Plan but could be contrary to public interest in that granting the height variance would set a precedent for others to take advantage of in order to not adhere to the height regulations of the zone. Granting this height variance could create sizable impacts on the adjacent lot below.

22. The request for a height exception goes beyond observation of the Land Management Code. The LMC provides height exceptions for interior and exterior height in order to create additional opportunities for ADA necessities and steep slopes with garages on downhill lots. This lot does not provide any unique circumstances that lot owners on Woodside did not also experience in similar situations.

23. LMC Section 15-2.2-5 D (3) provides height exceptions for ADA access including interior and exterior height exceptions for elevator, circulation and access. In order for this to be achieved the elevator and floor plans must comply with ADA standards; the proposed plans do not comply with ADA standards.

24. LMC Section 15-2.2-5 D (3) provides height exceptions of garages on downhill lots, but this only accommodates a single car wide garage in a tandem parking configuration. This exception also includes a height exception for circulation and stairs/or an ADA elevator, in addition to a reasonably sized front entry area. The applicant is not proposing two parking spaces in a tandem configuration, but, rather two side-by-side parking spaces.

25. In regards to the height request, a double car garage, office, master bed and master bath do not require a height variance in order for ADA accessibility to be an option.

Conclusion of Law – 352 Woodside Avenue

1. Literal enforcement of the HR-1 District Land Management Code requirements for side yard setbacks for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. Literal enforcement of the HR-1 District Land Management Code requirements for height for this property would not cause an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
3. There are special circumstances attached to the property that do not generally apply to other properties in the same district in terms of lot width.
4. There are no special circumstances attached to the property that do not generally apply to other properties in the same district in terms of the steepness of the slope.
5. Granting the variance for a side yard setback reduction is essential to the enjoyment of substantial property right possessed by other property owners in the same district.

6. Granting the variance for additional height is not essential to the enjoyment of substantial property right possessed by other property owners in the same district.
7. The variance for additional height will not substantially affect the General Plan but will be contrary to the public interest.
8. The spirit of the zoning ordinance is not observed by this application for additional height.

Order

1. A variance to LMC Section 15-2.2-5, to the required maximum height of 27' from existing grade to allow a maximum height of 33' above existing grade, is hereby denied.
2. A variance to LMC Section 15-2.2-5 (A), to the required maximum height of 35' to allow a maximum height of 37.5' measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters, is hereby denied.

Director Erickson reported that two variances were coming to the Board of Adjustment in March. The Board discussed potential meeting dates and tentatively scheduled March 21st.

Chair Gezelius adjourned the meeting at 7:23 p.m.

Approved by _____
Ruth Gezelius, Chair
Board of Adjustment

Exhibit R - Letter from the Owner's Attorney

Tippe Morlan

From: Joe Tesch <joet@teschlaw.com>
Sent: Wednesday, October 11, 2017 9:19 AM
To: Polly Samuels McLean
Cc: Tomilee Tilley Gill; Graham Gill (graham@grgmanagementservices.com); Mark Harrington; Tippe Morlan
Subject: Ruth Meinstma - Appeal from Planning Commission to City Council

Polly,

As you may already know I represent Tomilee Gill in this appeal which is scheduled to be heard on October 24th. I have a couple of questions:

1. Since the appeal is of a decision made by the Planning Commission, I assume that your office will represent the Planning Commission and defend its decision. If that is incorrect, please let me know. Of course, there are legal issues that have already come up in the appeal that has been filed. I assume, at the very least, you will be addressing those issues and assisting Tippe Morlan in preparing her Staff Report. Again, if I am wrong, please let me know immediately. I don't think non-lawyers are qualified to adequately address these issues.
2. I note that City Ordinance Section 15-1-18 addresses, in part, the standards to be followed in this appeal. In particular subsection G sets forth these standards.

- a. The City Council shall "interpret and apply a land use regulation to favor a land use application unless land use regulation plainly restricts the land use application."

In this case all decisions made were based upon clear ordinances and all discretionary decisions made by the Planning Commission were authorized by this ordinance. No ordinance plainly restricts this land use application or the decision of the Planning Commission.

- b. "The appellant has the burden of proving that the land use authority erred."
- c. City Council review of the petition of appeal "shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal..." See also 15-1-18 subsection J.3. restating this requirement.

My client is concerned about a hearing by ambush and takes the position that basic fairness and minimal due process would require the appellant to petition the City Council sufficiently before the hearing for such City Council approval so that applicant may have time to prepare to respond. A request to enlarge the scope of the appeal made too late for applicant to prepare or at the hearing shall be denied.

3. One legal misrepresentation has already occurred in the Planning Commission hearing when appellant argued that certain discretionary decisions could only apply if they were necessary. We take the position that this is not the correct reading of those sections for the following reasons:

On September 5, 2017, Ruth Meinstma sent a letter to the Planning Department which in the last three lines of her second paragraph she states: "where Exception should be granted only when a structure cannot be effectively constructed within Land Management Code without Exception, save when Exception is necessary to fulfill minimum requirements for off-street parking."

This is an erroneous statement. Under a Utah Law when interpreting an ordinance, you first look to its plain language. LMC 15-2.2-5D simply and clearly states that "The following height exceptions apply." No ordinance language suggests that the height exception should be granted only when the structure cannot be effectively constructed without the exception. Whether or not that was part of a pre-enactment discussion, it did not make it into the ordinance. Therefore, it would be legal error for the Planning Commission to apply that standard.

Also, Subsection 4 states only that the "Planning Commission may allow additional Building Height ... to accommodate a single car wide garage in a Tandem Parking configuration" etc. Again, this plain language does not state or suggest that this exception is only to be granted when it is necessary to fulfill the requirements of off street parking and, again, it would be legal error for the Planning Commission to apply such a standard.

4. When is appellant required to file her submittal? In fairness we should be responding after appellant's submittal, but certainly she should be required to make her submittal with ample time for us to respond.

Of course, the Legal Department is charged with the duty of advising the City Council on these legal points.

Thank you for your considerations to these matters.

Joe

TESCH LAW OFFICES, P.C.

314 Main Street, Suite 200
PO Box 3390
Park City, Utah 84060
Telephone: (435) 649-0077
Facsimile: (435) 649-2561

"Straight Talk. Sound Advice. Proven Results."

To learn more about Tesch Law Offices, PC [<http://www.teschlaw.com/>](http://www.teschlaw.com/)

-WARNING DISCLAIMER- LEGAL CONFIDENTIALITY NOTICE-

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (435) 649-0077, and delete this original message and any backup copies from your system. Thank you.

Unless specifically indicated otherwise, any discussion of tax issues contained in this e-mail, including any attachments, is not, and is not intended to be, "written advice" as defined in Section 10.37 of Treasury Department Circular 230.

A portion of our practice involves the collection of debt and any information you provide will be used for that purpose if we are attempting to collect a debt from you.



DATE: October 24, 2017

TO HONORABLE MAYOR AND COUNCIL

In 2015, City Council launched a three (3)-year pilot program for a Winter Balcony Enclosure Program. The program seeks to permit those restaurants attached to balconies in non-historic buildings to enclose their balconies from November 15th through April 30th. Riverhorse has been the only restaurant to express interest in this program thus far. Staff is requesting that City Council affirm its continued support of the Winter Balcony Program and approve the Balcony Enclosure Agreement for the Riverhorse.

Respectfully:

Anya Grahn, Planner II



City Council Staff Report

Subject: Winter Balcony Enclosures on Main
Author: Anya Grahn, Historic Preservation Planner
Department: Planning Department
Date: October 24, 2017
Type of Item: Regular Agenda

Summary Recommendation

Staff recommends City Council review staff's analysis of the proposed balcony enclosures over the Main Street right-of-way during the winter months (November 15th through April 30th). City Council should consider affirming their continued support of the three (3)-year pilot program for Winter Balcony Enclosures.

This is the last year of the pilot program. Next year, City Council will have the opportunity to continue the program on a trial basis; continue it permanently; or disband the program. So far, the Riverhorse is the only restaurant on Main Street to participate in the program.

Executive Summary

In 2015, City Council launched a three (3)-year pilot program for a Winter Balcony Enclosure Program. The program seeks to permit those restaurants attached to balconies in non-historic buildings to enclose their balconies from November 15th through April 30th. Riverhorse has been the only restaurant to express interest in this program thus far. Staff is requesting that City Council affirm its continued support of the Winter Balcony Program and approve the Balcony Enclosure Agreement for the Riverhorse.

Acronyms

City Council	CC
Historic Preservation Board	HPB
International Building Code	IBC
Land Management Code	LMC
Planning Commission	PC

The Opportunity

In 2015, City Council directed staff to develop a three (3)-year pilot Winter Balcony Enclosure Program that would allow restaurants on upper levels of Main Street to temporarily enclose their balconies on non-historic buildings during the winter months. The program permits Main Street restaurateurs to maintain the high quality of customer service and support for increased seasonal occupant loads of Main Street restaurants by expanding their useable space on to their balconies. Additionally, City Council found that the balcony enclosure was an aesthetic improvement to temporary white tents being constructed on balconies during the winter.

Background

There was significant discussion on permitting balcony enclosures prior to Council's final determination to allow them in January 2016. Staff was directed to amend the Land Management Code (LMC) in order to permit balconies over the Main Street right-of-way to be enclosed temporarily during the winter months. The following Historic Preservation Board (HPB), Planning Commission, and City Council meetings addressed the development of the Winter Balcony Enclosure program:

<u>Date:</u>	<u>Item:</u>
January 7, 2016	CC meeting to amend the LMC. CC Report (starting page 83), Minutes (starting page 5), and audio
January 7, 2016	CC meeting discussing the pilot program. CC Report (starting page 104), Minutes (starting page 7), and audio
December 9, 2015	Planning Commission meeting to amend the LMC. PC Report (starting page 187) and Minutes (starting page 32).
January 7, 2015	HPB meeting to discuss balcony enclosures. HPB Report (starting page 195) and Minutes (starting page 40)
March 4, 2015	HPB meeting to discuss balcony enclosures. HPB Report (starting page 276) and Minutes (starting page 37)
June 25, 2015	CC Work Session on Winter Balcony Enclosures. CC Report (starting page 22) and Minutes (starting page 3).
November 13, 2014	CC Work Session on Winter Balcony Enclosures. CC Report (starting page 47) and Minutes (starting page 2).

Please note that many of the most recent reports include past reports as exhibits.

Analysis

This is the third year that Riverhorse has participated in the Winter Balcony Enclosure program. Due to the timing of LMC amendments in 2015, the Riverhorse's enclosure was first installed from January 12 through April 30, 2016; the balcony enclosure was taken down on May 2, 2016, as April 30th fell on a Sunday and the enclosure was used during the weekend. This past 2016-2017 winter, the enclosure was installed from December 8, 2016 to May 1, 2017.

As part of the January 2016 approval of the balcony enclosure lease with Riverhorse, City Council stressed their desire to see that the enclosure met the state energy code by the following year. Last year, staff informed City Council that it would be difficult for the enclosure to comply as temporary structures are not required to meet the State Energy Code, per the International Building Code (IBC). The Building Department found that it is impossible for the glass enclosure to meet the State Energy Code due to the type of permanent construction that would be necessary in order for the structure to meet the Code. Council encouraged the building owner to consider installing solar panels on the roof of the enclosure to offset the energy consumption.

Last year, staff updated the 2016-2017 winter lease to provide additional time for construction and deconstruction of the balcony enclosure and ensure that the use of the enclosure is more consistent with the initial timeframe for the program (November 15-

April 30) as discussed last year. The balcony enclosure can be constructed and deconstructed between Monday, November 7th and Friday, May 5th; however, the balcony enclosure could only be used for business Monday, November 14th through Friday, April 28th. The balcony enclosure was taken down on May 1, 2017.

This year, staff has specified in the contract that the enclosure be permitted to be used for business between Wednesday, November 15th and Sunday, April 30th; the enclosure can be installed or deconstructed no more than a week prior or a week after (7 days). In the past, the Building Department has issued building permits for construction of the enclosure; however, in order to ensure the correct permits are sought, staff has incorporated an additional Condition of Approval this year stating, "The tenant is responsible for obtaining the necessary building permits to construct and demolish the balcony enclosure. The tenant shall work with the Building Department to schedule necessary inspections. A demolition permit will be required for the removal of the balcony enclosure no later than May 7th." Failure to obtain the correct inspections may result in an unfavorable recommendation for future installs.

Staff has only received a request from Riverhorse for the Winter Balcony Enclosure program.

No complaints have been received for the balcony enclosure during the 2016 or 2016-2017 winter seasons. Per Riverhorse owner Seth Adams in 2016, the enclosure has been well-received by Riverhorse patrons, increased the profitability of the restaurant, and served as a space for regular dining, special events, and a lounge area (see Exhibit C).

Department Review

This report has been reviewed by the Building and Legal Departments.

Attachments

Exhibit A – Design Guidelines for Balcony Enclosures

Exhibit B – Proposed Balcony Agreement with Riverhorse

Exhibit C— Letter from Seth Adams, 9.29.16

Exhibit D— 2017-2018 Balcony Enclosure Design

Exhibit A—Design Guidelines for Balcony Enclosures

1. There may be times when it is not appropriate to construct a Temporary Winter Balcony Enclosure on a non-historic building due to unique conditions, including but not limited to health and safety concerns, as found by the Planning Director or Chief Building Official.
2. The Temporary Winter Balcony Enclosures and the balcony should respect the architectural style of the building.
3. The Temporary Winter Balcony Enclosures should retain existing balcony railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
4. The existing exterior wall of the building may not be removed seasonally in order to accommodate the balcony enclosure.
5. The Temporary Winter Balcony Enclosures must not block existing door and window openings on neighboring buildings.
6. Temporary Winter Balcony Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
7. Screens are permitted and should only be used in times of extreme sun, but should not be obtrusive.
8. The balcony must be situated so as not to interfere with pedestrian movement on the sidewalk.
9. The Temporary Winter Balcony Enclosures must have direct access to the restaurant's dining area.
10. Temporary Winter Balcony Enclosures designs must address snow shedding.
11. Any changes to the exterior façade of the building, proposed changes to the existing balcony, or construction of a new balcony shall be reviewed by staff as part of the Historic District Design Review. New balconies extending over the City right-of-way will require approval of the City Council.
12. The construction of any temporary tents should be approved through an Administrative Conditional Use Permit for up to fourteen (14) days. Free-standing tents will not be considered the same as balcony enclosures.
13. No signage is allowed on any Temporary Winter Balcony Enclosures.
14. Any new Temporary Winter Balcony Enclosures will require a building permit.
15. Temporary Winter Balcony Enclosures will only be permitted for business use between November 15th through April 30th.

AGREEMENT TO ALLOW AN ENCLOSED BALCONY OVER A PUBLIC PEDESTRIAN RIGHT-OF-WAY

This AGREEMENT is made and executed this ____ day of _____, 2017, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the State of Utah, ("Park City") and the Riverhorse on Main, located at 530 Main Street, also known as 540 and 544 Main Street, Park City, Utah ("Tenant").

RECITALS

WHEREAS, pursuant to Land Management Code section 15-2.6-3(D) no balcony may be erected, enlarged or altered over a public pedestrian right of way without the advanced approval of City Council; and

WHEREAS, the owner of the Riverhorse on Main, located at 530-544 Main Street, Park City, Utah, wishes to enclose the balcony for wintertime use which will alter the balcony; and

WHEREAS, the City Council wishes to try a pilot program to allow enclosures of balconies facing Main Street in non-historic buildings for restaurants; and

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

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

WHEREAS, the City recognizes the desire of many visitors and residents to dine above historic Main Street during the winter months; and

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

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

TERMS & CONDITIONS OF AGREEMENT

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

1. **PROPERTY.** The property affected by this Agreement is generally described as the balcony appurtenant to 530-544 Main Street, Park City, Utah, which is over a public pedestrian right of way (hereinafter referred to as the "Premises").

2. TERM.

- a. The term of this Agreement shall commence on November 15, 2017, and shall terminate on April 30, 2018, unless terminated earlier as provided herein. This Agreement may be terminated by Park City upon a finding of non-compliance of this Agreement.
- b. The balcony enclosure must be constructed and deconstructed on or between Wednesday, November 8, 2017 and Monday, May 7, 2018.

B. USE OF PREMISES.

- a. Tenant may enclose the Premises only for dining services.
- b. Park City makes no representations regarding the Premises and Tenant accepts the Premises "as is."
- c. The enclosure must meet all requirements of a Historic District Design Review.
- d. The Enclosure design and material should respect the architectural style of the building and shall retain existing balcony railings in order to achieve a design consistent with open balconies and maintain the character of the original building.
- e. The existing exterior wall of the building may not be removed seasonally in order to accommodate the enclosure.
- f. The enclosure shall not block existing door and window openings on neighboring buildings.
- g. The enclosed area must have direct access to the dining area of the restaurant in the building.
- h. Enclosures should consist of clear glazing set in window frames that generally match the mass, scale, and materials of those used for the glazing frames of the building.
- i. Screens are permitted and should only be used in times of extreme sun, but should not be obtrusive.
- j. The enclosure design must address snow shedding which must be approved by the Building Department.
- k. The maximum height for the enclosure shall not exceed one (1) story in height, and shall be subordinate in mass, scale, and height to the existing structure. The height of the enclosure shall not exceed the height of the building's second story or cornice, whichever is shorter in height.
- l. No additional exterior electric lighting is permitted on the outside of the enclosure.
- m. The use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
- n. The use of outdoor speakers and music is prohibited.

C. ENCLOSURE OF THE PREMISES.

- a. The enclosure shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement.

- b. Tenant is responsible for obtaining building permits to erect the enclosure and remove it.
- c. Tenant is also responsible for adhering to all other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control.
- d. The tenant is responsible for obtaining the necessary building permits to construct and demolish the balcony enclosure. The tenant shall work with the Building Department to schedule necessary inspections. A demolition permit will be required for the removal of the balcony enclosure no later than May 7th.

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

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

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

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

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

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

I. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of Utah.

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

Executed the day and year first above written.

Tenant:

By:

Its:

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2017 _____, personally appeared before me _____, who being duly sworn, did say that he is the _____ of _____, and acknowledged to me that the preceding Agreement was signed on behalf of _____, and he acknowledged that he executed same on behalf of the company for its stated purpose.

Notary Public

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office



P.O. Box 1914
540 Main Street
Park City, UT 84060
P: 435-649-3536
F: 435-649-2409

September 29, 2016

To Honorable Mayor and Council,

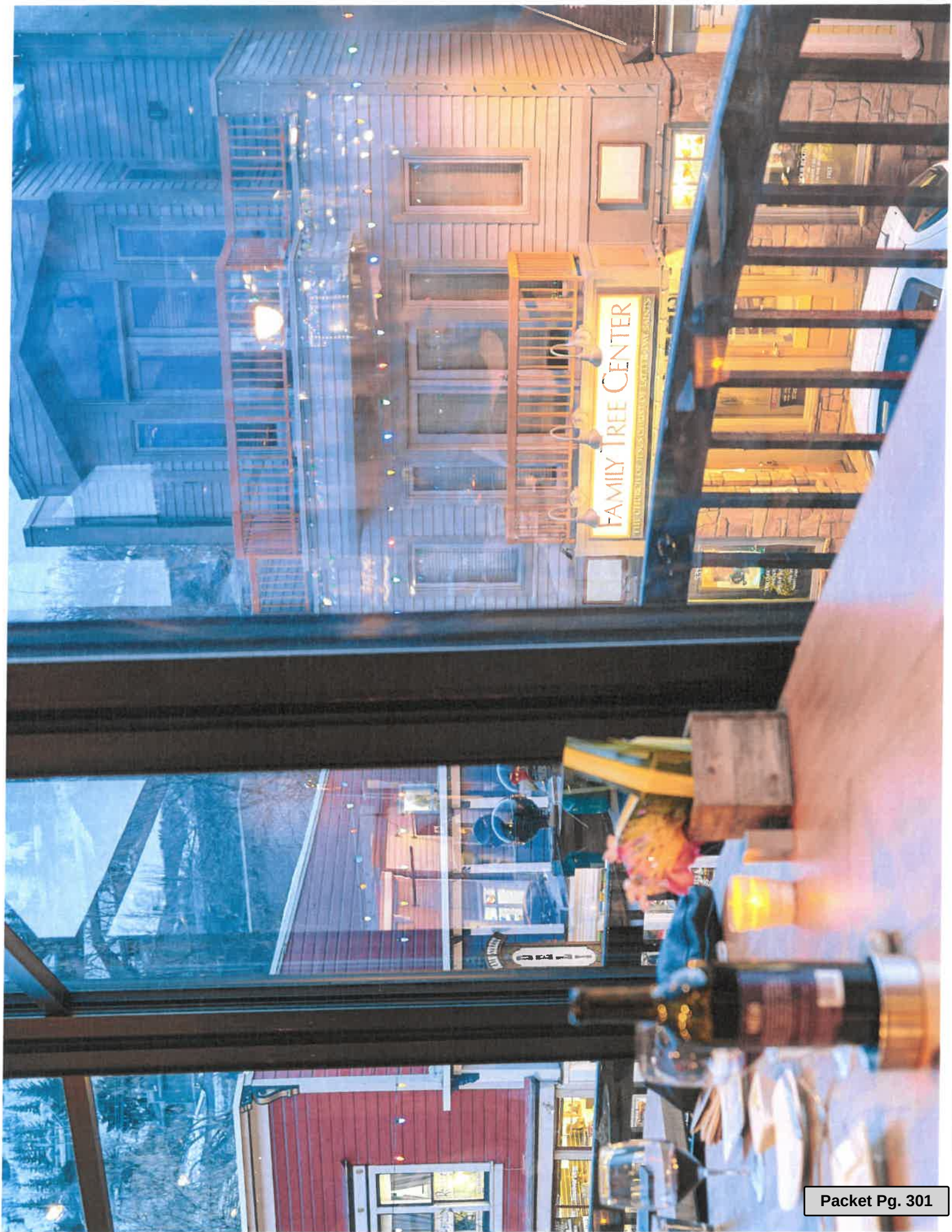
With the start of our 3rd lease for our deck enclosure, we have continued to hear positive feedback from our guests, both locals and visitors. With the energy efficient radiant heat and the insulation we have already installed, the enclosure is energy efficient and a great addition to business. Additionally, it provides our diners with views and the experience of Main Street that is unlike any other.

Sincerely,

A handwritten signature in blue ink, appearing to be "Seth Adams", written over the word "Sincerely,". The signature is stylized with a large, looping initial 'S'.

Seth Adams







Riverhorse on Main

Riverhorse Restaurant

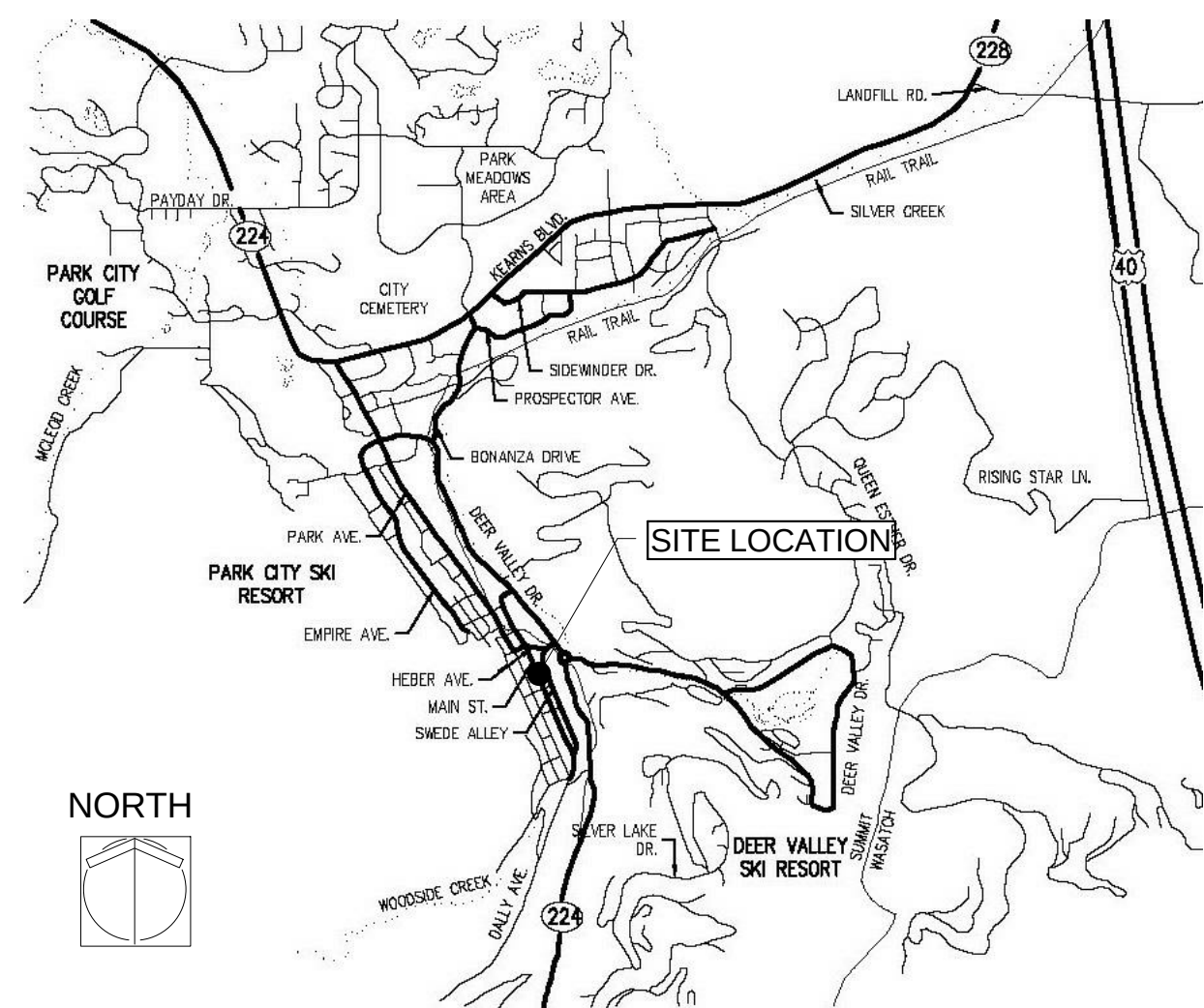
Seasonal Deck Canopy

530 Main Street

CONSTRUCTION DOCUMENTS

12.16.2015

VICINITY MAP



PROJECT CONTACT INFORMATION

OWNER	ARCHITECT	BUILDER
RIVERHORSE ON MAIN PO BOX 1914 530 MAIN STREET PARK CITY UT 84060 CONTACT: SETH ADAMS 435.649.3536	ELLIOTT WORKGROUP 364 MAIN STREET P.O. BOX 3419 PARK CITY, UT 84060 801.415.1839 CONTACT: CRAIG ELLIOTT, AIA	BRASSEY & CO INC 8889 CHEYENNE WAY PARK CITY, UT 84098 435.513.1882 CONTACT: BRIAN BRASSEY
CIVIL ENGINEER	INTERIOR DESIGN	LANDSCAPE ARCHITECTURE
STRUCTURAL ENGINEER	PLUMBING ENGINEER MECHANICAL ENGINEER	ELECTRICAL ENGINEER

DEFERRED SUBMITTALS

FIRE SPRINKLER
MECHANICAL
PLUMBING
ELECTRICAL

SERVICE CONTACTS

Rocky Mountain Power 201 South Main St, Suite 2300 Salt Lake City, UT 84111 (866) 870-3419	Centurylink Salt Lake City, UT (800) 922-7387
Park City School District 2700 Kearns Blvd Park City UT 84060 (435) 645-5600	Park City Fire Department 730 Bitner Rd Park City, UT 84098 (435) 649-6706
Park City Municipal Corp 445 Marsac Ave Park City UT 84060 (435)658-9471	Comcast Cable 1777 Sun Peak Dr. #105 Park City, UT 84098 (435)649-4020
Questar Gas P.O. Box 45360 Salt Lake City, UT 84145 (800)541-2824	Division of Water Quality 288 South 1460 East Salt Lake City, UT 84112 (801)538-6146
Snyderville Post Office 6440 Hwy 224 Park City UT 84098 (800)275-8777	Snyderville Basin Water Reclamation District 2800 Homestead Rd Park City, UT 84098 (435)649-7993



DRAWING INDEX

GENERAL DRAWINGS	
GI-001	COVER SHEET
GI-002	GENERAL NOTES AND CONVENTIONS
AS-101	SURVEY/ PLAT MAP
ARCHITECTURAL DRAWINGS	
AE-102	FLOOR PLANS
AE-201	ELEVATIONS
AE-301	BUILDING SECTIONS
AE-402	ENLARGED PLAN
AE-902	SECOND FLOOR REFLECTED CEILING
STRUCTURAL DRAWINGS	
S0.1	GENERAL STRUCTURAL NOTES
S1.1	DECK AND ROOF FRAMING PLANS
S1.2	FRAMING DETAILS
ROLLACOVER	
RC-01	COVER SHEET
RC-02	NOTES
RC-03	PLAN CLOSED
RC-04	PLAN OPEN
RC-05	FRONT ELEVATION
RC-06	SIDE ELEVATION
RC-07	HEADER DESIGN
RC-08	ROLLING SILL DESIGN
RC-09	GABLE SILL DESIGN
RC-10	RAFTER RELATIONSHIPS
RC-11	PURLIN CONNECTIONS
RC-12	RC-FLASHING

CONSTRUCTION DOCUMENTS

12.16.2015

ELLIOTT WORKGROUP

Elliott Workgroup Architecture, LLC
364 Main Street, P.O. Box 3419
Park City, Utah 84060
(435)649-0092 or (801)415-1839
elliottworkgroup.com

Riverhorse on Main
Riverhorse Restaurant
Seasonal Deck Canopy
530 Main Street

COVER SHEET

GI-001

GENERAL PROJECT NOTES

1. THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
2. THESE SHEETS - LISTED BY DRAWING INDEX -, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
3. ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING. FAILURE TO DO SO WAIVES THE DESIGN INTENT.
4. ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING. ANY DEVIATION FROM THE CONTRACT DOCUMENTS, WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE ARCHITECT/ENGINEER, WAIVES DESIGN INTENT.
5. IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY, BEFORE PROCEEDING WITH WORK NOTIFY ARCHITECT/ENGINEER OF ANY CONFLICT.
6. ANY INSTALLATION OR WORK NECESSARY TO THE FUNCTIONING, SAFETY AND/OR PHYSICAL SECURITY OF DESIGN THAT IS TO BE ENCAPSULATED OR OTHERWISE PERMANENTLY OBSCURED FROM INSPECTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER A MINIMUM OF TWO (2) WORKING DAYS BEFORE ENCLOSURE.
7. ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
8. BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE CURRENT EDITION OF THE IBC AND/OR AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY/PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
9. ANY DAMAGE, DISRUPTION OR COMPROMISE OF AMBIENT RIGHTS-OF-WAY, UTILITIES, OR ENVIRONMENTAL QUALITY SHALL BE IMMEDIATELY RECTIFIED BY THE CONTRACTOR TO THE SATISFACTION OF THE ARCHITECT/ENGINEER AT NO COST TO THE OWNER.
10. ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
11. ALL PENETRATIONS OF FIRE-RESISTIVE FLOORS OR SHAFT WALLS SHALL BE PROTECTED BY MATERIALS AND CONSTRUCTION THAT CONFORMS TO UNDERWRITERS LABORATORIES LISTINGS FOR "THROUGH-PENETRATION FIRE STOP SYSTEMS". THE CONTRACTOR SHALL SUBMIT SHOP DRAWING DETAILS, PROVIDED BY THE SUPPLIER OF THE FIRE STOP MATERIAL, THAT INDICATE COMPLETE CONFORMANCE WITH THE UL LISTING. DRAWINGS SHALL REMAIN AVAILABLE AT THE WORK SITE TO ARCHITECT/ENGINEER, OWNER, AND INSPECTORS. DRAWINGS SHALL BE SPECIFIC FOR EACH PENETRATION, WITH APPROPRIATE UL # AND ALL VARIATIONS CLEARLY DEFINED.
12. THIS DESIGN PURPORTS TO PERMIT FULL ACCOMMODATION ACCESS, AND/OR ADAPTABILITY FOR HANDICAPPED PERSONS AS PROVIDED FOR BY PROVISIONS OF FEDERAL LAW AND LOCAL STIPULATION. ANY DEVIATION OR COMPROMISE SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING WITH WORK.
13. ALL GLASS IN HAZARDOUS LOCATIONS AND ALL GLASS WITHIN 18" OF FLOOR SHALL BE SAFETY GLASS PER SECTION 2406 OF THE IBC.
14. SMOKE DETECTORS SHALL BE PROVIDED AS SPECIFIED IN IBC 907. SEE ELECTRICAL DRAWINGS, FIRE AND EGRESS PLANS AND SPECIFICATIONS FOR LOCATIONS.
15. ALL WALLS SURROUNDING, TOILETS IN PRIVATE OFFICE SHALL BE FULLY BLOCKED FOR FUTURE INSTALLATION OF GRAB BARS AS SHOWN ON UNIT PLANS AND ADA REQUIREMENTS SHEET.
16. FOR TYPICAL ACCESSORY/EQUIPMENT MOUNTING LOCATIONS SEE ADA REQUIREMENTS SHEET -
19. DIMENSIONS (ON ARCHITECTURAL DRAWINGS) ARE TAKEN TO:
- A. COORDINATE GRID LINES
 - B. FACE OF CONCRETE OR CONCRETE MASONRY UNITS (CMU) - F.O.C.
 - C. FACE OR CENTERLINE OF VERTICAL STUD OR COLUMN - F.O.S.
 - D. TOP SURFACE OF FLOOR (WITHOUT FINISH) WALL, TRIM, CAP, RAILING, ETC. ABOVE NEAREST REFERENCE LEVEL - A.F.F.
 - E. UNLESS NOTED OTHERWISE DOOR AND WINDOW LOCATIONS ARE DIMENSIONED TO THE CENTER OF THEIR HORIZONTAL OPENING.

STANDARD/ GENERAL ABBREVIATIONS

N 90 00' 00" E Distance	PROPERTY LINE TAG - SEE SITE PLAN		SECTION MARKER
0	GRID MARKER		REVISION TAG
12 6	SLOPE (RUN) SLOPE (RISE)		CENTERLINE MARKER
	VERTICAL COORDINATE REFERENCE		KEYNOTE. SEE REFERRING SHEET
101	DOOR TAG - REFER TO SCHEDULE FOR DETAILS		SPOT ELEVATION
11	WALL TAG. SEE WALL TYPES		DETAIL MARKER
11	WINDOW TYPE. SEE SCHEDULE		DETAIL SHEET
Room name 101 150 SF	ROOM NAME ROOM # SQUARE FOOTAGE (WHERE SHOWN)		

BUILDING CODE ANALYSIS

APPLICABLE CODES

2012 EDITION OF THE INTERNATIONAL BUILDING CODE
2012 EDITION OF THE INTERNATIONAL PLUMBING CODE
2012 EDITION OF THE INTERNATIONAL MECHANICAL CODE
2011 EDITION OF THE NATIONAL ELECTRICAL CODE
2012 EDITION OF THE INTERNATIONAL FUEL CODE
2012 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE
2012 EDITION OF THE INTERNATIONAL FIRE CODE

OCCUPANCY CLASSIFICATION - IBC CHAPTER THREE

A-2: ASSEMBLY
Assembly uses intended for food and/or drink consumption including, but not limited to:
Restaurants, cafeterias and similar dining facilities (including associated commercial kitchens)

CHAPTER FIVE: GENERAL BUILDING HEIGHTS AND AREAS

Table 503 Allowable Height and Building Areas

OCCUPANCY	CONSTRUCTION	HEIGHT	AREA
A-2	Type 5-B	40 feet	1 Story 6,000 SF

Section 504 Height Modifications

504.2 Where a building is equipped throughout with an Approved Automatic Sprinkler System the Value Specified in Table 503 for Maximum Height is Increased by Twenty Feet & Maximum Number of Stories is Increased by One Story. Therefore for A-2 Occ/ Type 5 - B Construction, Height: 2 Stories/ 60 Feet.

Section 506 Area Modifications

506.3 Automatic Sprinkler Increase = 6,000 X 200% = 12,000

Therefore the Allowable Building Area is Increased To 24,000 @ 12,000 Per Story

TYPE OF CONSTRUCTION - IBC CHAPTER SIX

Table 601 - Type V - B Construction Requirements

Structural Frame:	0 Hour
Bearing Walls:	0 Hour
Exterior Separation Walls:	0 Hour
Non-Bearing Walls and Partitions:	0 Hour
Floor Construction:	0 Hour
Roof Construction:	0 Hour

IBC CHAPTER 9 - FIRE PROTECTION SYSTEMS

Section 901.2 Fire Protection Systems

Fire Protection Systems shall be installed, repaired, operated and maintained in accordance with this code and the International Fire Code.

Section [F] 903.3.1.1 NFPA 13 Sprinkler Systems

Automatic Sprinkler systems shall be installed throughout in accordance with NFPA 13.

IBC CHAPTER 10 MEANS OF EGRESS

Section 1004 OCCUPANT LOAD (EXISTING) NET SQ.F.T. (F.A.A.) = TOT. OCC.

Level 2				
Kitchen - Commercial	1227 sq.ft./	200	=	7
Restaurant Dining:	3145 sq.ft./	15	=	210
Balcony	683 sq. ft./	15	=	45
Storage	15 sq. ft. /	300	=	1
Project Total	5,070 sq.ft.			263

Section 1004 OCCUPANT LOAD (PROPOSED) NET SQ.F.T. (F.A.A.) = TOT. OCC.

Level 2				
Kitchen - Commercial	1227 sq.ft./	200	=	6
Restaurant Dining:	3145 sq.ft./	15	=	210
Balcony	575 sq. ft./	15	=	38
Storage	15 sq. ft. /	300	=	1
Project Total	4,962 sq.ft.			255

Egress Widths per Occupant Served (Table 1005.1)

W/ Sprinkler Systems

Stairways (Inches per Occupant)

255" .3 = 76.5 / 2 = 38.25 Inches Min. Clear

Other Egress Components (Inches per Occupant)

255" .2 = 51.0 / 2 = 25.5 Inches Min. Clear

1009.1 Stairway Width.

The Width of Stairways Shall Be Determined as Specified in Section 1005.1 but, Such Width Shall not be Less Than 44 Inches.

Section 1016 Exit Access Travel Distance

Table 1016.1 Exit Access Travel Distance

Occupancy A 250 feet with sprinkler system

Section 1018 Corridors

Section 1018.2 Corridor Width

The minimum corridor width shall be as determined by 1005.1, but not less than 44 inches. Exception 3: Thirty-six inches with a required occupant capacity of less than 50.

Section 1020 Exits

Table 1021.1 Minimum Number of Exits for Occupant Load

Occupant Load 1-500 Minimum Number of Exits per Story = 2

Section 1022 Exit Enclosures

Section 1022.2 Construction

Interior Exit Stairways and interior exit ramps shall be enclosed with fire barriers constructed in accordance with Section 707 or Horizontal Assemblies constructed in accordance with Section 711, or both. Exit enclosures shall have a fire resistance rating of not less than 2 hours where connecting four stories or more and not less than 1 hour where connecting less than four stories.

Section 1022.3 Termination

Interior exit stairways and ramps shall terminate at an exit discharge or a public way.

Section 1022.6 Exit Enclosure exterior walls.

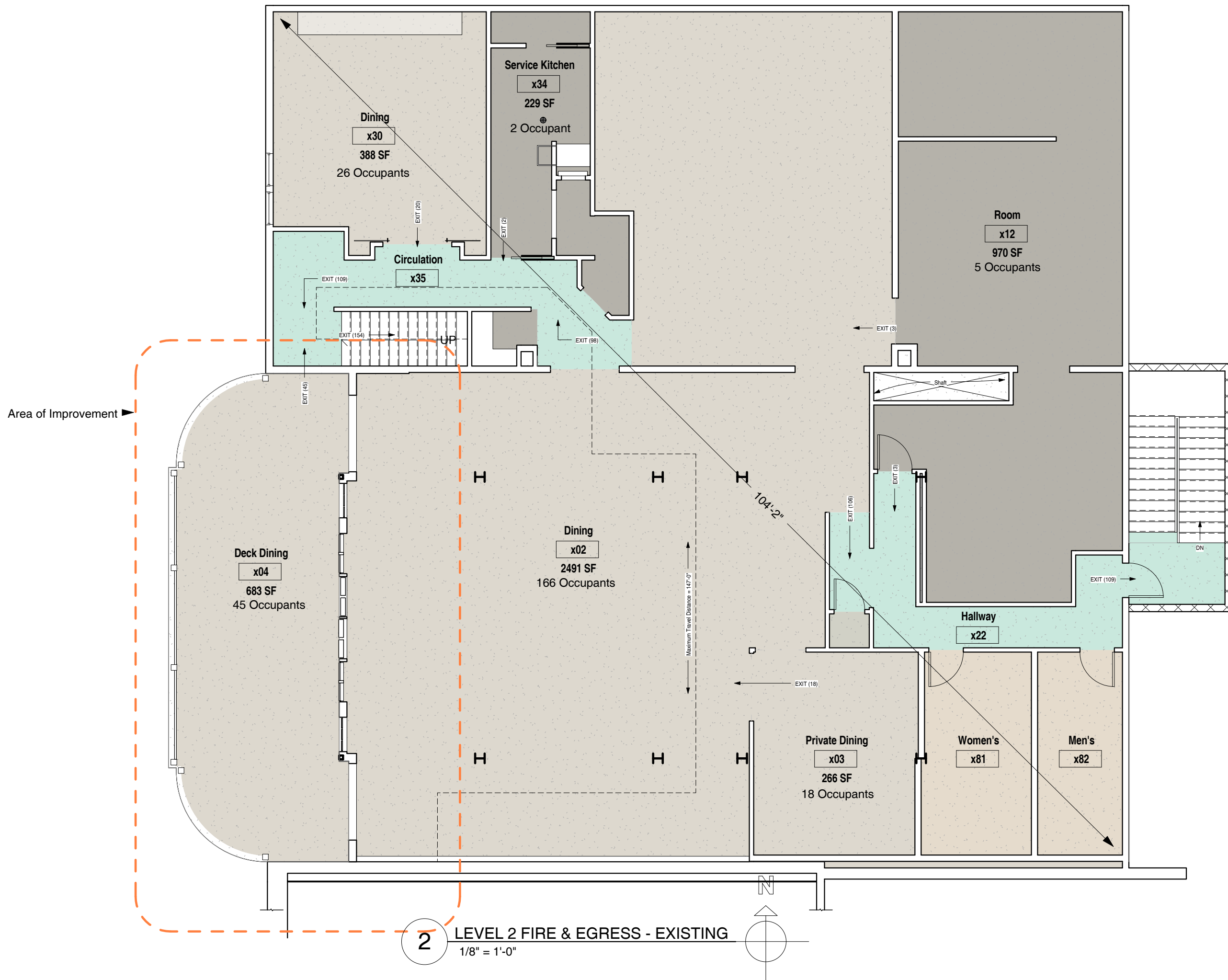
Exterior walls of an exit enclosure shall comply with the requirements of Section 705 for exterior walls.

Section 1022.7 Discharge Identification

A stairway in an exit enclosure shall not continue below its level of exit discharge unless an approved barrier is provided at the level of exit discharge to prevent persons from unintentionally continuing into levels below.

Section 1022.9 Stairway Identification Signs

A sign shall be provided at each floor landing in exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the exit enclosure and the identification of the stair or ramp. The signage shall also state the story of, and the direction to, the exit discharge and the availability of roof access from the enclosure for the fire department.



ELLIOTT WORKGROUP

Elliott Workgroup Architecture, LLC
364 Main Street, P.O. Box 3419
Park City, Utah 84060
(435)649-0092 or (801)415-1839
elliottworkgroup.com

Construction Documents
Riverhorse Restaurant
Service Kitchen Remodel
530 Main Street

Stamp



No.	Date	Description
-----	------	-------------

ISSUE DATE: 12.16.2015

OWNER PROJECT NO:

CONTRACT NO:

DRAWN BY: BVM

CHECKED BY: CE

DESIGNED BY: BVM

EWG PROJECT NO: 2015.28.c

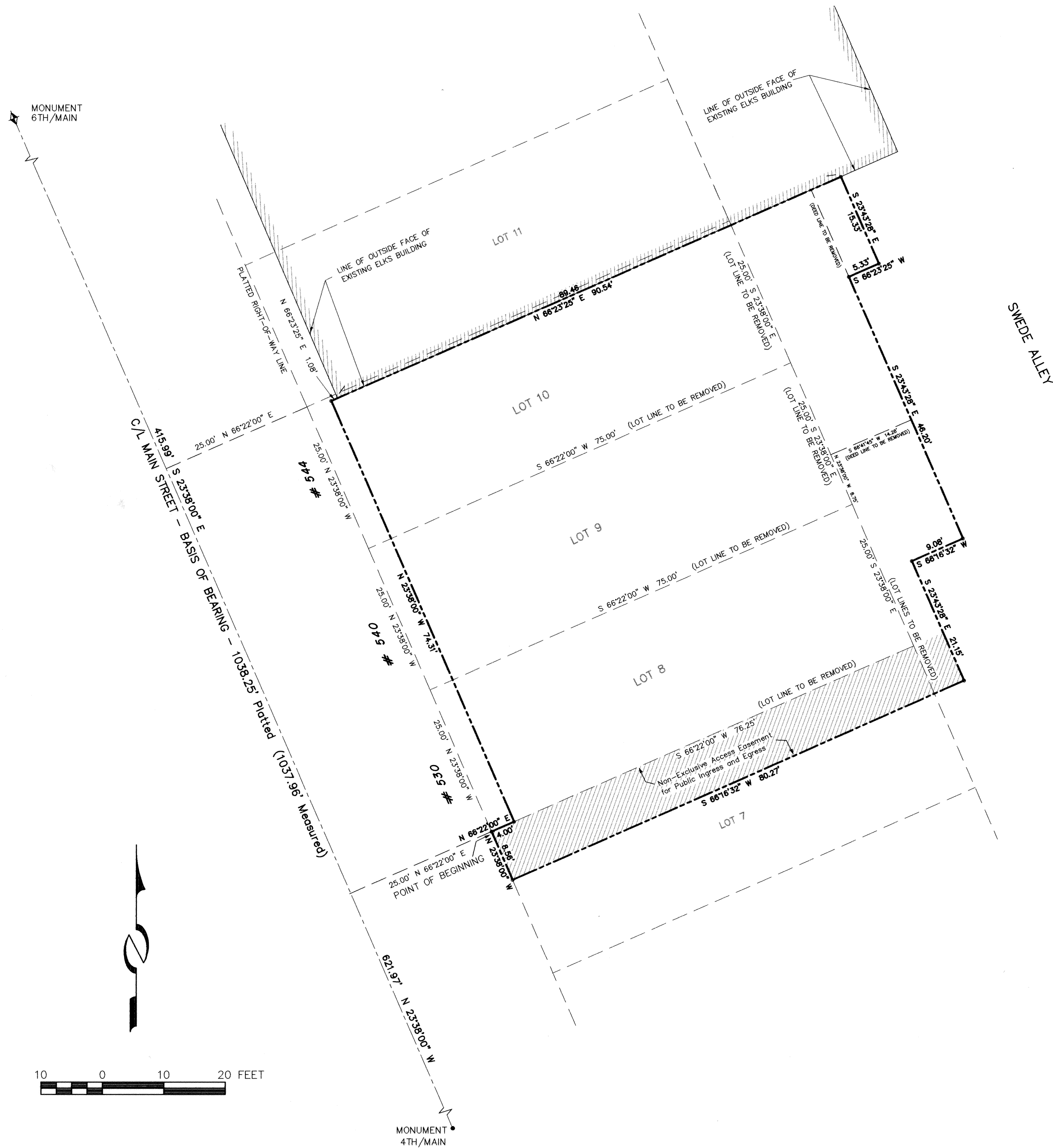
COPYRIGHT: Elliott Workgroup Architecture, LLC

SHEET TITLE

GENERAL NOTES AND
CONVENTIONS

GI-002

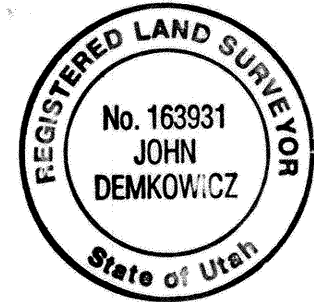
SHEET OF



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation.

John Demkowicz Date 4-15-96



BOUNDARY LEGAL DESCRIPTION

A PORTION OF LOTS 7, 8, 9, and 10, Block 24, Park City Survey according to the official plat thereof on file and of record in the office of the Summit County Recorder, and a portion of the Millsite Reservation, all of which is described as follows:

Beginning at the northwest corner of Lot 7, Block 24, Park City Survey; and running thence North 66° 22' East 4.00 feet along the southerly line of Lot 8; thence North 23° 38' West 74.31 feet to a point on a line projected from the southerly outside face of an existing building (which building is commonly known as the Elk's Building, 550 Main Street, Park City, Utah); thence North 66° 23' 25" East 1.08 feet to the southwest corner of said building; thence along the southerly outside face of said building North 66° 23' 25" East 89.46 feet; thence South 23° 43' 28" East 15.33 feet; thence South 66° 23' 25" West 5.33 feet; thence South 23° 43' 28" East 46.20 feet; thence South 66° 16' 32" West 9.08 feet; thence South 23° 43' 28" East 21.15 feet; thence South 66° 16' 32" West 80.27 (80.26 to close) feet; thence North 23° 38' West 8.56 feet along the west line of lot 7 to the point of beginning. The above description contains 6982 square feet.

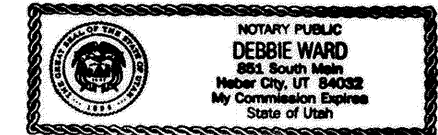
OWNERS DEDICATION

Know all men by these present, that DJK Partnership, a Utah General Partnership, owner of the tract of land in Park City, Summit County, Utah, described on this sheet, do hereby consent to the recording of this Record of Survey Map in the Office of the County Recorder of Summit County Utah, in accordance with Utah Law. ALSO, the owners hereby dedicate to Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County a non-exclusive easement over the utility easement shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement.

Executed this 1 day of April, 1996.

By: DJK Partnership
A Utah General Partnership

Utah Law.
By: David Krajewski, General Partner



ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

On this 1 day of April, 1996 personally appeared before me, the undersigned Notary Public in and for said state and county, David Krajewski, General Partner of DJK Partnership, a Utah General Partnership; who being duly sworn by me, acknowledged that he is a general partner of DJK, a Utah General Partnership, and that he signed the above Owner's Consent to Record freely and voluntarily, for the purposes therein mentioned and that said General Partnership executed same.

Denise Ward Notary Public
My Commission Expires May 30 1999
Residing at Heber City, UT

DJK PROPERTIES

A LOT LINE ADJUSTMENT LOCATED IN BLOCK 24 & MILLSITE RESERVATION, PARK CITY SURVEY

PAGE 1 OF 1

ALLIANCE ENGINEERING INC.

P.O. BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
(801) 649-9467

ENGINEERS CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 2ND DAY OF APRIL, 1996 A.D.
BY: [Signature] PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 15TH DAY OF APRIL, 1996 A.D.
BY: [Signature] PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 31ST DAY OF AUGUST, 1995 A.D.
BY: [Signature] PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 31ST DAY OF AUGUST, 1995 A.D.
BY: [Signature] MAYOR

452606

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title DATE 04-19-96 TIME 12:48 PM BOOK PAGE
FEE 35⁰⁰ RECORDER [Signature]



ELLIOTT WORKGROUP

Elliott Workgroup Architecture, LLC
364 Main Street, P.O. Box 3419
Park City, Utah 84060
(435)649-0092 or (801)415-1839
elliottworkgroup.com

Construction Documents

Riverhorse Restaurant

Service Kitchen Remodel

530 Main Street

Stamp



No.	Date	Description
-----	------	-------------

ISSUE DATE: 12.16.2015

OWNER PROJECT NO:

CONTRACT NO:

DRAWN BY: BVM

CHECKED BY: CE

DESIGNED BY: BVM

EWG PROJECT NO: 2015.28.c

COPYRIGHT: Elliott Workgroup Architecture, LLC

SHEET TITLE

FLOOR PLANS

AE-102

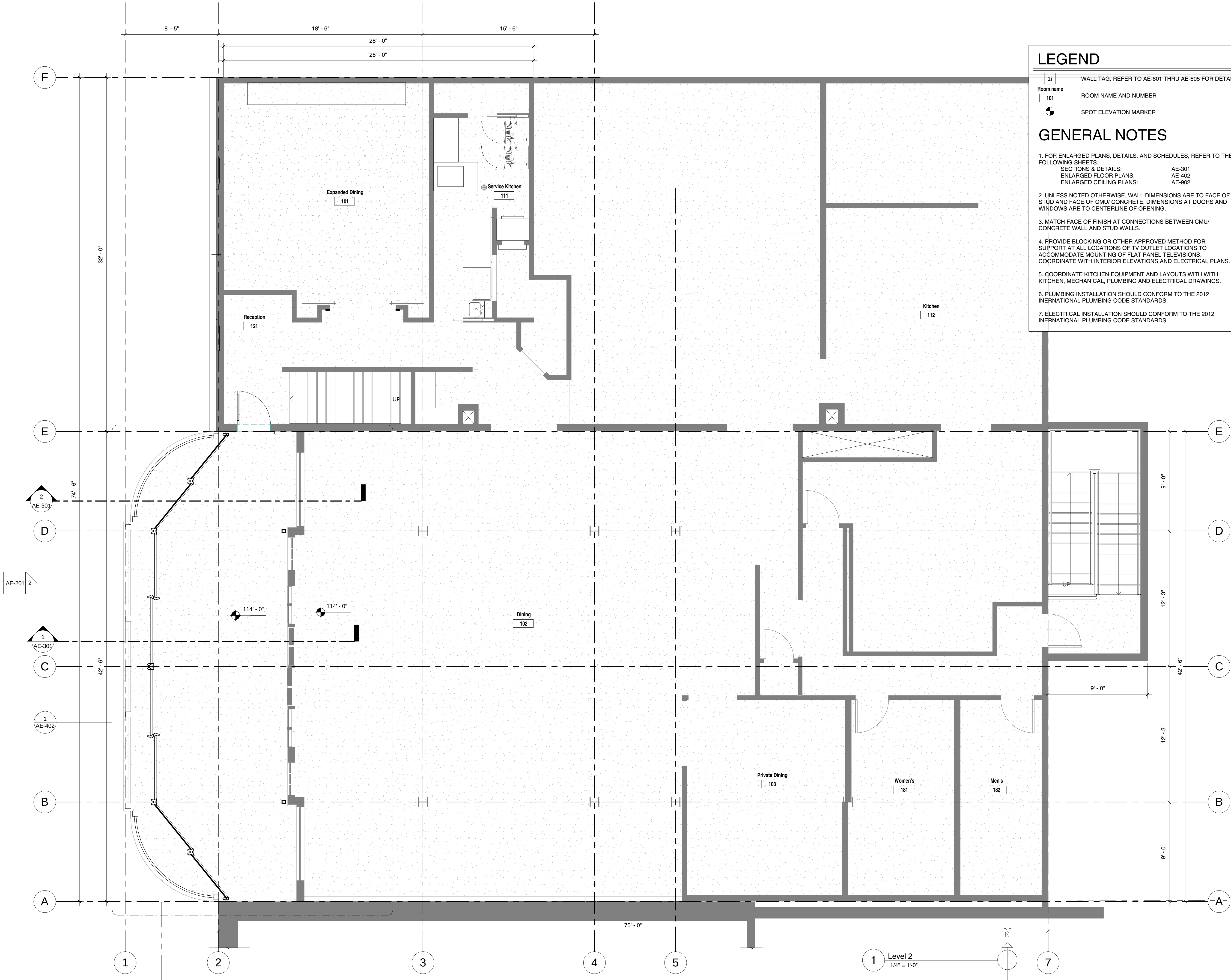
SHEET OF

LEGEND

- 11 WALL TAG. REFER TO AE-601 THRU AE-605 FOR DETAILS
- Room name
101 ROOM NAME AND NUMBER
- Spot elevation marker
SPOT ELEVATION MARKER

GENERAL NOTES

1. FOR ENLARGED PLANS, DETAILS, AND SCHEDULES, REFER TO THE FOLLOWING SHEETS.
SECTIONS & DETAILS: AE-301
ENLARGED FLOOR PLANS: AE-402
ENLARGED CEILING PLANS: AE-902
2. UNLESS NOTED OTHERWISE, WALL DIMENSIONS ARE TO FACE OF STUD AND FACE OF CMU/ CONCRETE. DIMENSIONS AT DOORS AND WINDOWS ARE TO CENTERLINE OF OPENING.
3. MATCH FACE OF FINISH AT CONNECTIONS BETWEEN CMU/ CONCRETE WALL AND STUD WALLS.
4. PROVIDE BLOCKING OR OTHER APPROVED METHOD FOR SUPPORT AT ALL LOCATIONS OF TV OUTLET LOCATIONS TO ACCOMMODATE MOUNTING OF FLAT PANEL TELEVISIONS. COORDINATE WITH INTERIOR ELEVATIONS AND ELECTRICAL PLANS.
5. COORDINATE KITCHEN EQUIPMENT AND LAYOUTS WITH WITH KITCHEN, MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS.
6. PLUMBING INSTALLATION SHOULD CONFORM TO THE 2012 INTERNATIONAL PLUMBING CODE STANDARDS
7. ELECTRICAL INSTALLATION SHOULD CONFORM TO THE 2012 INTERNATIONAL PLUMBING CODE STANDARDS





ELLIOTT WORKGROUP

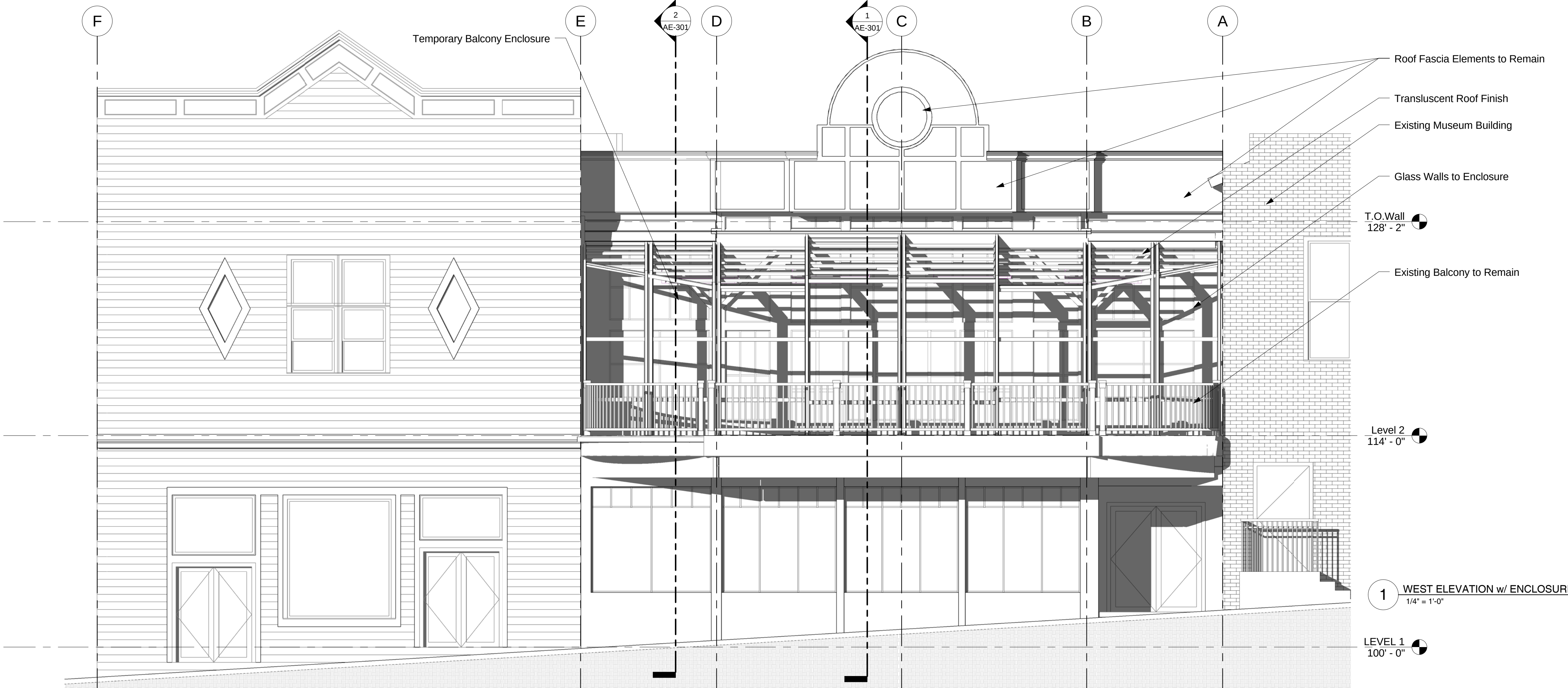
Elliott Workgroup Architecture, LLC
364 Main Street, P.O. Box 3419
Park City, Utah 84060
(435)649-0092 or (801)415-1839
elliottworkgroup.com

Construction Documents

Riverhorse Restaurant

Service Kitchen Remodel

530 Main Street



Stamp		
No.	Date	Description

ISSUE DATE:	12.16.2015
OWNER PROJECT NO:	
CONTRACT NO:	
DRAWN BY:	BVM
CHECKED BY:	CE
DESIGNED BY:	BVM
EWG PROJECT NO:	2015.28.c
COPYRIGHT:	Elliott Workgroup Architecture, LLC

SHEET TITLE	
ELEVATIONS	
AE-201	
SHEET	OF



ELLIOTT WORKGROUP

Elliott Workgroup Architecture, LLC
364 Main Street, P.O. Box 3419
Park City, Utah 84060
(435)649-0092 or (801)415-1839
elliottworkgroup.com

Construction Documents
Riverhorse Restaurant
Service Kitchen Remodel
530 Main Street



No.	Date	Description
-----	------	-------------

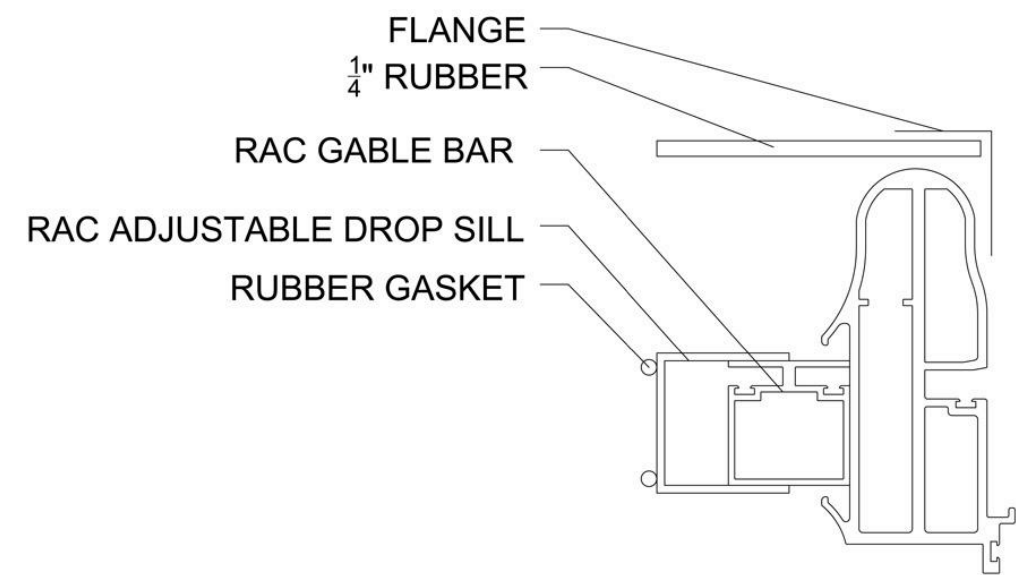
ISSUE DATE:	12.16.2015
OWNER PROJECT NO:	
CONTRACT NO:	
DRAWN BY:	BVM
CHECKED BY:	CE
DESIGNED BY:	BVM
EWG PROJECT NO:	2015.28.c
COPYRIGHT:	Elliott Workgroup Architecture, LLC

SHEET TITLE

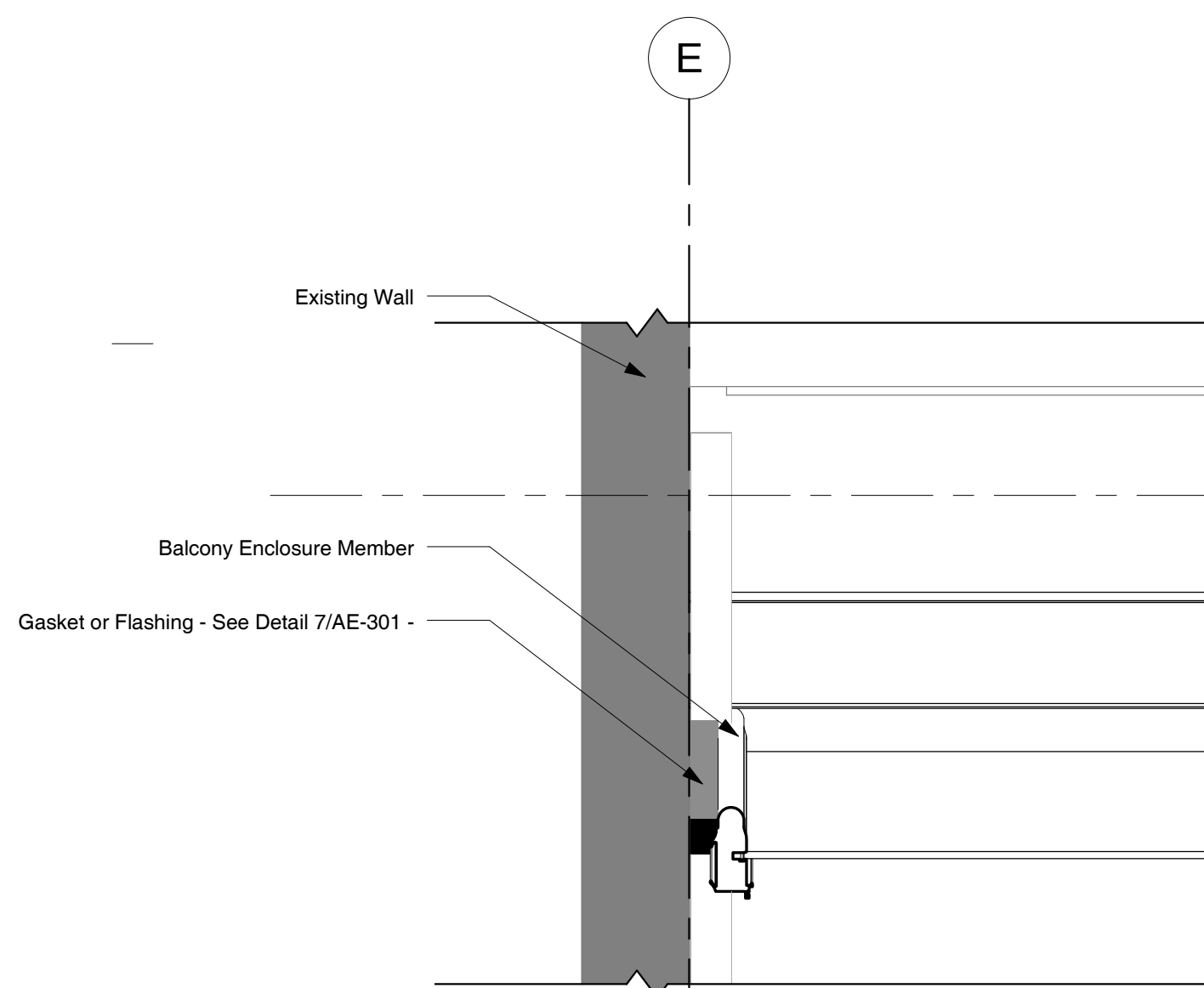
BUILDING SECTIONS

AE-301

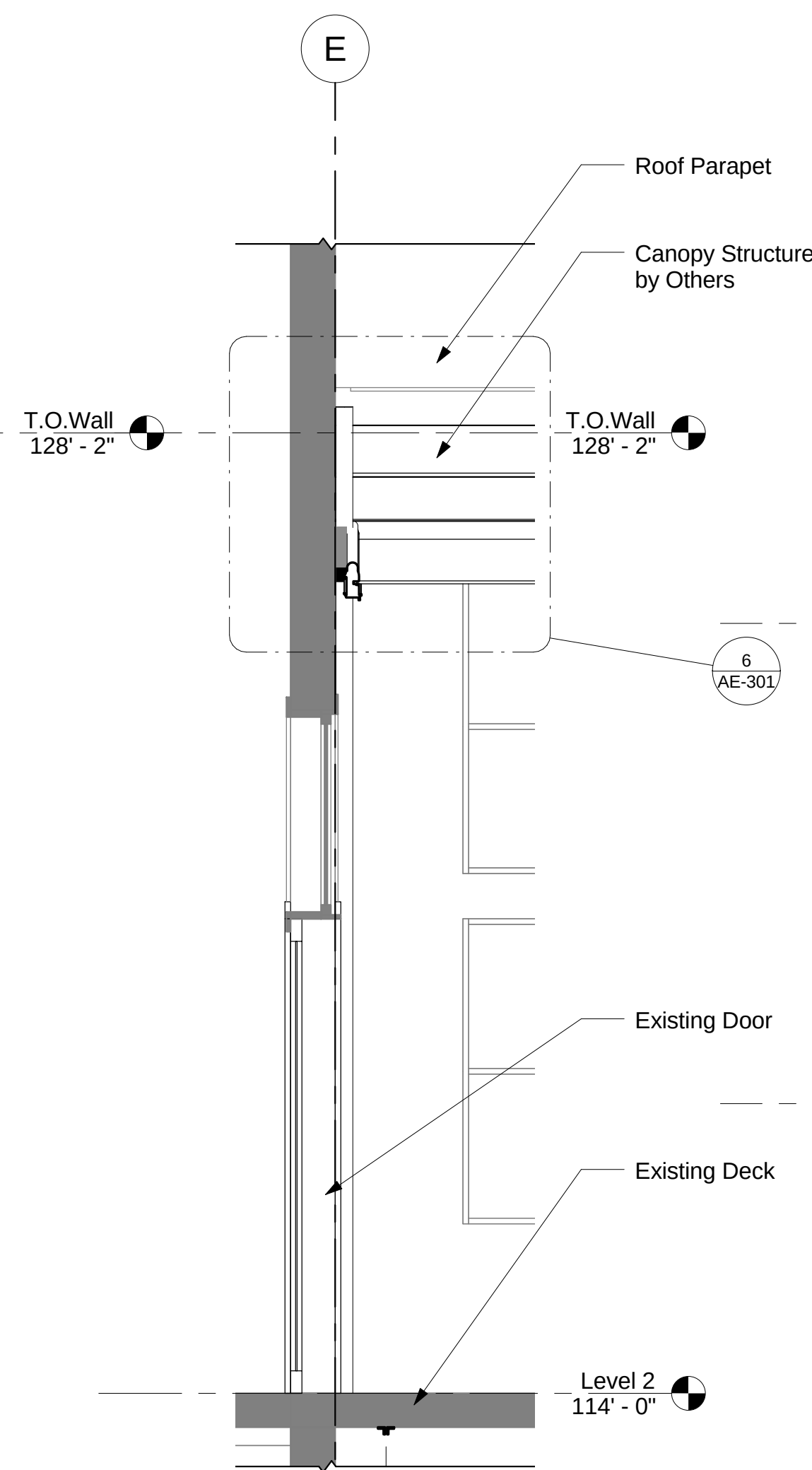
SHEET OF



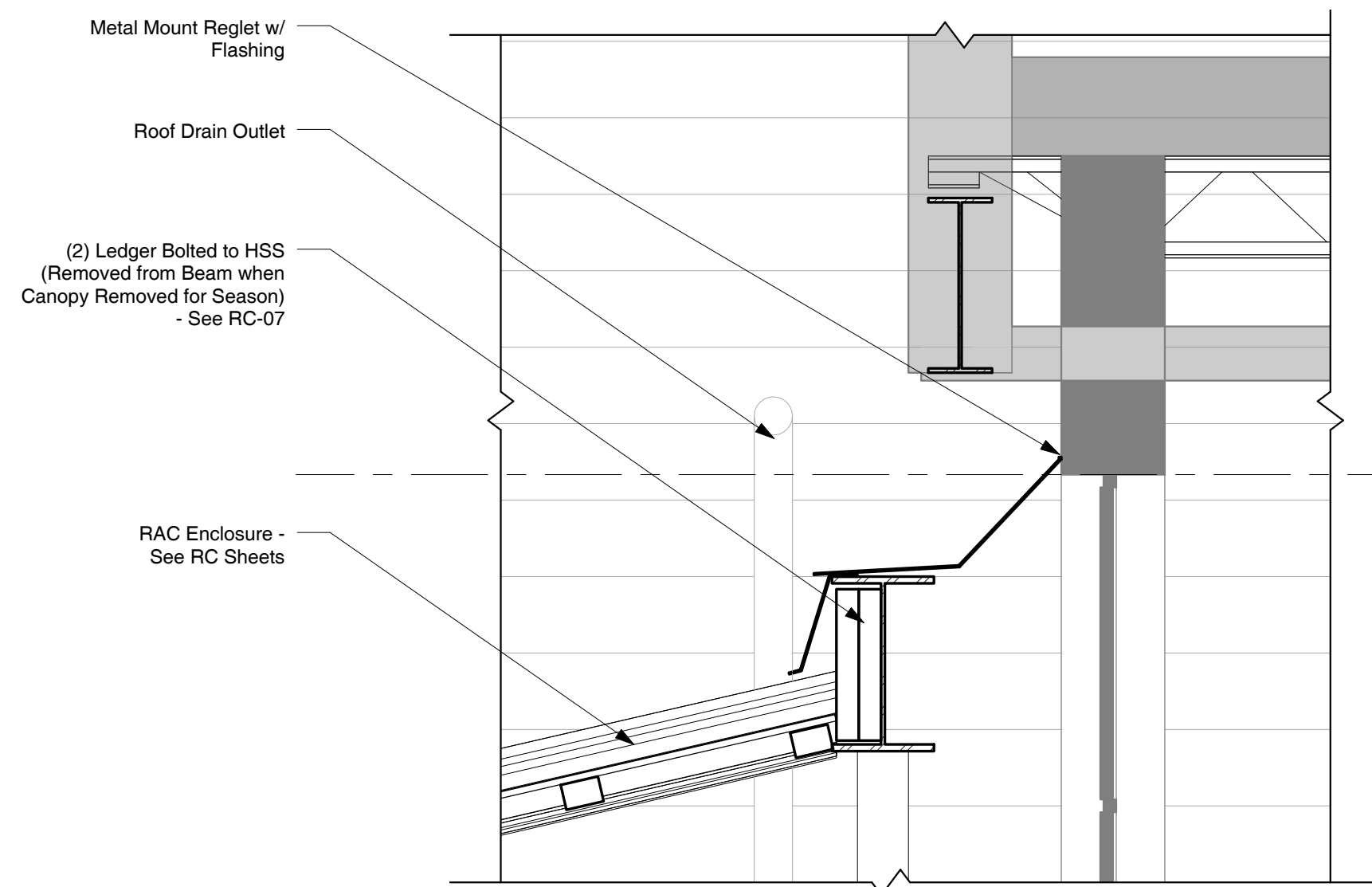
7 - Adjustable Flashing
No Scale



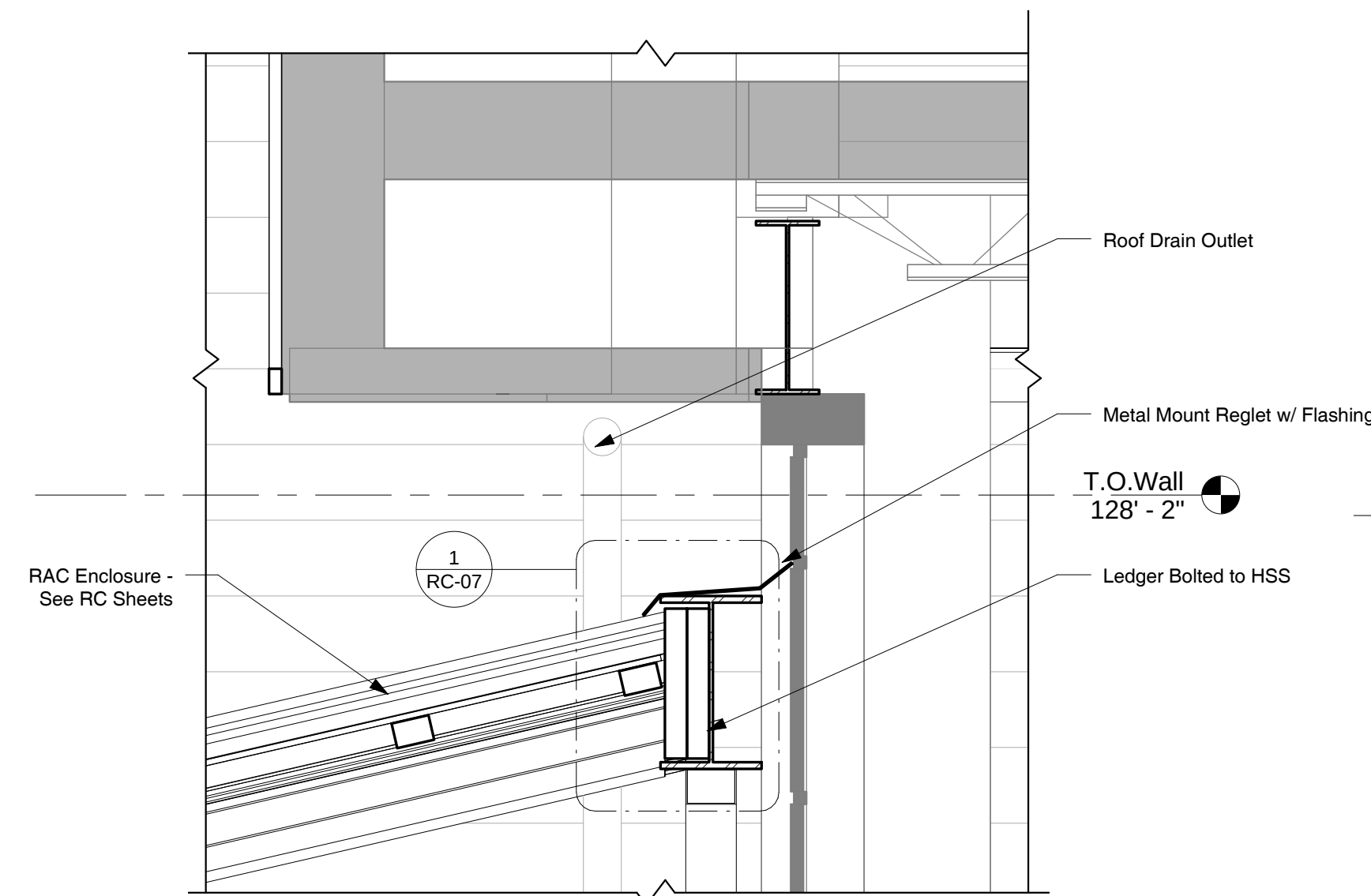
6 Section 3 - Canopy Connection
1" = 1'-0"



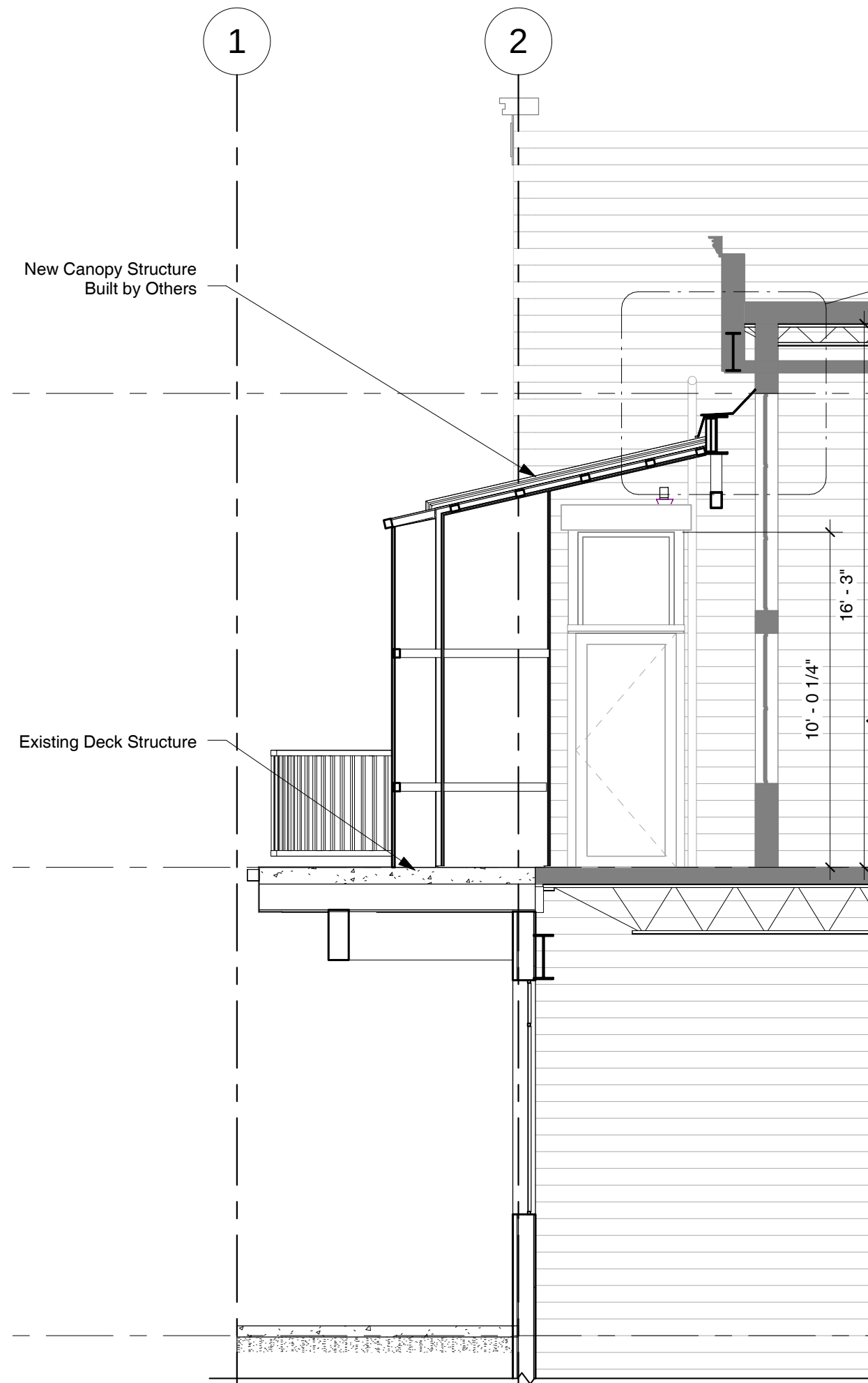
5 Canopy/Entry Connection
1/2" = 1'-0"



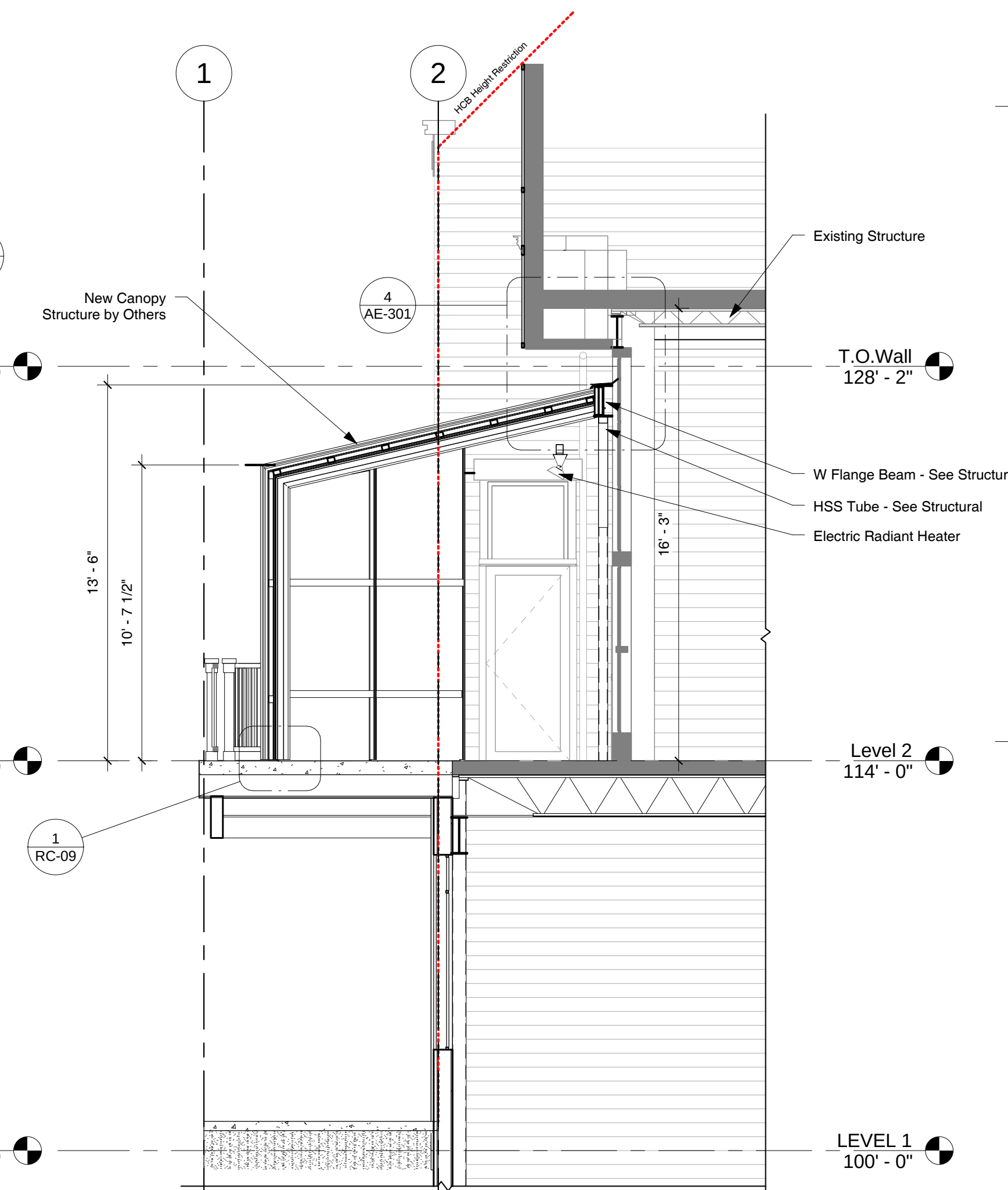
3 Section 2 - Canopy Connection
1" = 1'-0"



4 Section 1 - Canopy Connection
1" = 1'-0"



2 Section 2
1/4" = 1'-0"



1 Section 1
1/4" = 1'-0"



Construction Documents

Riverhorse Restaurant

Service Kitchen Remodel

530 Main Street

Construction Documents

Service Kitchen Remodel

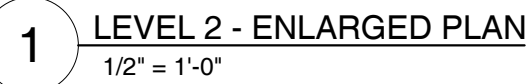
530 Main Street

WALL LEGEND

Demolished Wall

Existing Wall

New Wall



Brick Wall - Assembly - 21" Thick

ISSUE DATE:	12.16.2015
OWNER PROJECT NO:	
CONTRACT NO:	
DRAWN BY:	BM
CHECKED BY:	CE
DESIGNED BY:	BM
EWG PROJECT NO:	2015.28.c
COPYRIGHT:	Elliott Workgroup Architecture, LLC

SHEET TITLE

ENLARGED PLAN

AE-402

SHEET OF



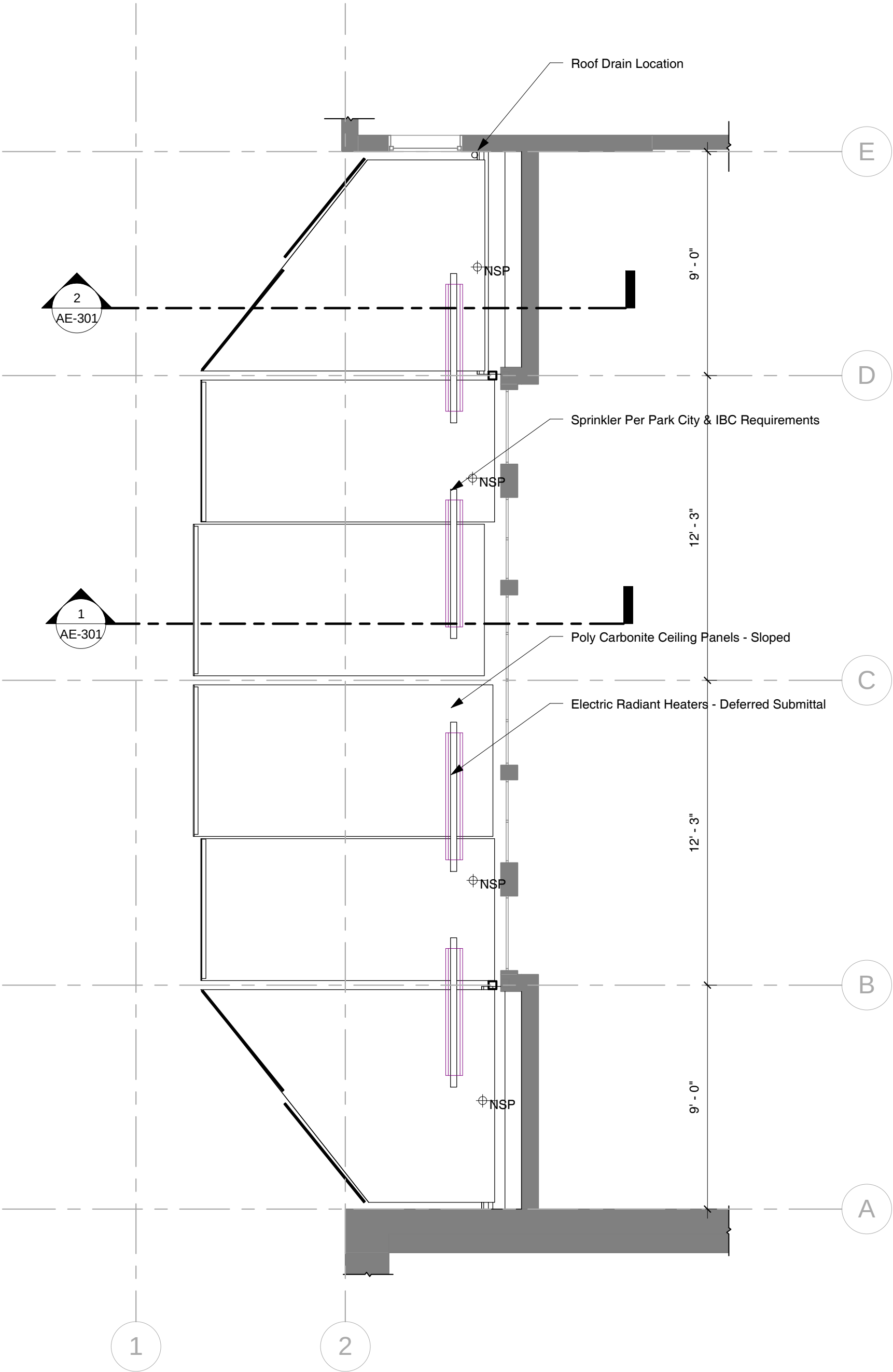
ELLIOTT WORKGROUP

Elliott Workgroup Architecture, LLC
364 Main Street, P.O. Box 3419
Park City, Utah 84060
(435)649-0092 or (801)415-1839
elliottworkgroup.com

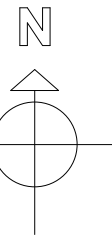
GENERAL NOTES

1. FIRE SPRINKLERS TO BE ASSESSED & LOCATED OR VERIFIED BY A QUALIFIED PROFESSIONAL. ANY NECESSARY CHANGES WILL BE SUBMITTED ON A DEFERERED SUBMITTAL.

- NSP - NEW SPRINKLER HEAD
- ESP - EXISTING SPRINKLER HEAD
- (R) RECESSED FIXTURE
- TROUFFER LENS FLOURESCENT OR LED LIGHT FIXTURE



1 Level 2 - Ceiling Plan
1/4" = 1'-0"



Construction Documents

Riverhorse Restaurant

Service Kitchen Remodel

530 Main Street

Stamp



No.	Date	Description

ISSUE DATE:	12.16.2015
OWNER PROJECT NO:	
CONTRACT NO:	
DRAWN BY:	BVM
CHECKED BY:	CE
DESIGNED BY:	BVM
EWG PROJECT NO:	2015.28.c
COPYRIGHT:	Elliott Workgroup Architecture, LLC

SHEET TITLE

SECOND FLOOR
REFLECTED CEILING

AE-902

SHEET OF