



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

October 24, 2017

The Council of Park City, Summit County, Utah, met in open meeting on October 24, 2017, at 2:30 p.m. in the City Council Chambers.

WORK SESSION

Public Art Advisory Board (PAAB) Interview:

Mayor Thomas, the Council, and Jenny Diersen, Staff Liaison for PAAB, interviewed Lee Parker for a vacancy on the board. Parker was told a decision would be made in a few days.

Council Member Henney moved to close the meeting to discuss property, personnel and litigation at 2:55 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

CLOSED SESSION

Council Member Beerman moved to adjourn from Closed Meeting at 4:15 p.m. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

WORK SESSION

Council Questions and Comments:

Council Member Gerber attended a Youth City Council meeting where the students learned about the roles of the City and County. She attended a Special Events Advisory Committee (SEAC) meeting and indicated they discussed upcoming events. She also attended the Commercial Chain Business stakeholder meeting.

Council Member Beerman attended the Library Field Hoedown event, the Utah League of Cities and Towns (ULCT) Board meeting, and the Citizens Open Space Advisory Committee (COSAC) meeting. He indicated there was a good chance Utah would move forward with an Olympic bid. He was asked to serve on the exploratory committee, overseeing how the games could be more environmentally friendly, and he asked

Council if that would be acceptable. If so, he wanted a community discussion on the level of enthusiasm for the Olympics to return to Park City. Mayor Thomas asked that this be put on the next Council agenda for discussion. Council Member Beerman thought the public meeting should be held at the Santy Auditorium so good public feedback could be given.

Council Member Worel attended the taxi stakeholder group as well as the Women in Leadership book club. She also attended the Joint Transportation Advisory Board (JTAB) meeting where the members received updates on the new buses and the e-bike program.

Council Member Henney attended the JTAB meeting as well and indicated the signal prioritization system installation would be pushed back to the first week of December. He also attended the Historic Park City Alliance (HPCA) meeting and noted Kenzie Coulson from Parking gave the group an update on the parking program. Chain stores were discussed as well.

Council Member Matsumoto attended the Sewer Board meeting, where they reviewed the proposed budget, and indicated an increase in fees and impact fees were included. She also announced she had a new grandson.

Mayor Thomas met with the Aspen Villas stakeholder group, and attended the Arts and Culture visioning meeting, the Utah Green Business Awards luncheon, and the Quality Growth Commission meeting. He and the Council set a date to go on a field trip to evaluate the noise levels on Main Street on November 10th.

Open Public Meetings Act Training:

Polly Samuels McLean, Assistant City Attorney, highlighted the materials presented in the Council packet on open public meetings. She indicated the Open Public Meetings Act was enacted to ensure that issues were deliberated in front of the public. She reminded Council to be careful about emailing between Council members because it could constitute a meeting if three or more members were corresponding via email. Also, texting during the Council meetings between Council members was prohibited. Samuels McLean noted that meeting agendas could only be changed prior to 24 hours of the meeting time.

Park City Kimball Arts Festival Debrief:

Jenny Diersen, Special Events Manager, and Dave March, Marketing and Events Director for the Kimball Arts Center, presented this item. Diersen stated the success of the event was dependent on the entire community. One change for this year's event was to shift the festival times back an hour in order to be open later in the evening. This had a great impact on the area restaurants. The parking garage was 80%-90% full during peak event times and the School District park-and-ride was well utilized.

March displayed the economic impact rundown of this event on the City and noted the revenue increased 5% over 2016, attendance was up 8% over 2016, volunteers donated 2,164 total hours to the success of the event, and there were 233 artists represented, which was the most to date.

Council Member Worel asked if the volunteers came back year after year and were they from all over the country. March stated they came back, but unlike Sundance, they were locals or lived in the region. Council Member Worel referred to the report under sustainability and asked why idling was being limited and not prohibited. March stated he didn't know why that was in there and indicated the code prohibiting idling was sent to all applicants.

Council Member Gerber asked about the baseline attendance numbers. March stated they tightened up the tracking so he estimated the average attendance being 53,000-56,000. Council Member Gerber indicated she liked the moderate growth of this event.

Council Member Beerman expressed that he was pleased with residential and traffic mitigation for this event. He suggested having a plastic bag and styrofoam ban. March indicated they were working on that in their communications with the artists.

Main Street Plaza Uses:

Jonathan Weidenhamer, Economic Development Manager, and Jenny Diersen, Special Events Manager, presented this item. Weidenhamer stated the goals for the plaza were to create a public space that was for residents and visitors, which would be adaptable for occasional events. He indicated this meeting was to get solid direction regarding programming.

Matt Cassel, City Engineer, gave an update on the access and circulation study. He stated the scope was expanded to include Hillside and the drop-off areas. The study was complete except for the analysis on the drop-off shuttles. He estimated the draft would be available in two weeks and the final report in a month. Council Member Henney asked if the surrounding residential areas were being looked at as well, without taking the plaza into consideration, since the neighbors had indicated that traffic was a problem. Cassel stated the study would look at the other traffic issues on Hillside. At the corner of Swede and Main was a bulb out to encourage people to go back down Swede Alley. All these things were being looked at, and he acknowledged a lot of the Hillside study was not connected to the plaza.

Diersen reviewed the event calendar for the plaza and indicated there were 76 events that needed to be permitted each year, and of those, there were 57 events held on Main Street. She said the level of event did not necessarily correlate to the noise level of the event. She indicated special events were held to balance residential impacts, community vitality, and economic goals. The special events process had the teeth to keep out undesirable events. Her team worked very hard to mitigate impacts.

Weidenhamer stated the administrative use policy for events would include the total number allowed, total days allowed, and limits on hours and noise levels. Currently, Council deferred the approval of Level One and Level Two events to staff. One option could be to have Council approve all events held at this location. He also asked if Council wanted to allow family reunions, small weddings or other gatherings at this plaza.

Council Member Henney stated he thought an additional layer of regulation was necessary in the beginning, and then adjustments could be made as time went on. Council Member Matsumoto thought the administrative use policy might be too cumbersome and she didn't know how it would affect Main Street. She favored Council approving all events held in the plaza for the first year and then having Council reevaluate the process.

Council Member Worel thought the special events process had tightened up over the past year, but this was a unique space. She thought the administrative use policy might be a good tool to use to consider the proposed events and the impacts it would have on the neighbors.

Council Member Henney was confused by the noise conversation and the traffic. He felt the policy needed to be simplified and uniform for all applicants. Diersen stated if there was a complaint, the event would be notified immediately and she thought they would adjust the levels because they would want to come back.

Mayor Thomas said the City has come to the point where the pressure to have events and the tolerance of the community were butting heads. He hoped to make the process work for all involved.

Mayor Thomas opened the meeting for public input.

Peter Marth indicated this was a big project that would have an impact on this location. He was not comfortable with this location being an events plaza because the pressure would keep coming to increase the number of events. He suggested a location for an events plaza should be under the Marsac building.

Carole Fontana didn't think this plaza should be compared to City Park and therefore wanted to see private corporate events and family reunions removed from the plan.

Clive Bush thought the event classifications were insufficient to define noise and traffic. He felt intermittent noise of event breakdowns could be more disturbing than the actual events. Also, the time of year would make a difference in noise levels. He thought the events were driven for monetary reasons. He also indicated the neighbors had put up with commercial traffic on Hillside and the City was destroying that part of town. He felt the character of the plaza would be gone if there were too many events, noting this part

of old town was family driven and it was now diminishing as families were leaving. He hoped Council could restore the livability of the neighborhood and not destroy it.

David Constable was not in favor of the events center on the plaza, but he appreciated Council Member Henney's suggestion to start slow and take a look at it after a year.

Sandra Morrison, Chair of Historic Park City Alliance (HPCA), stated the merchants weren't looking for new events on the street, but they were trying to deal with the events already in place.

Michael Barille, HPCA Executive Director, asserted the primary motive of his membership was to have a motive for people to visit the merchants on Upper Main Street. HPCA would be supportive of giving staff additional criteria, but if Council approved each event, they would be mired down with all the public comment.

Doug Stephens mentioned as construction documents were reviewed, he hoped all the construction and commercial vehicles in the area could have a soft turn at the top of Swede Alley. He hoped traffic congestion could be removed from that area.

Ed Godycki asked if Council had considered the affect the plaza, with its associated noise levels, would have on property values.

Patricia Constable suggested that no Level Three Events be allowed at the plaza and that only acoustic instruments be allowed there.

Michael Barille offered a solution related to breakdown noises, suggesting a tent could be there seasonally that could be taken down at the end of the season, which would eliminate repeated set ups and take downs.

Mike Sweeney supported staff in their recommendations. With all the events that were managed by staff, they were capable of managing a small plaza. Also, the neighbors had to understand the topography limitations with regard to noise levels.

Mayor Thomas closed the public input portion of the meeting.

Council Member Matsumoto stated Council already agreed traffic on Hillside was a problem, and it didn't have anything to do with the plaza. Cassel stated direction was given to keep traffic at a minimum on Hillside, but since it was a public right-of-way it was hard to ban certain vehicles. Council Member Matsumoto suggested making the street one way. Foster reviewed the Council had given direction on this problem, the Neighborhood Transportation Management Program (NTMP) distributed a report, and the Parametrix study was expanded as well, in the hope of finding a solution. Cassel acknowledged there was a lot of traffic on Hillside and staff was working to mitigate it. Council Member Matsumoto didn't like the administrative use policy, saying it was too

complicated, but having Council review every event didn't seem feasible either. She favored Council reviewing all Level Two and Three events for the first year so Council, businesses, and residents could get the feel for the impacts to the neighborhood.

Foster asked if Cassel should analyze banning commercial traffic on Hillside. Council was in favor of the analysis.

Council Member Henney favored having more restrictions on the plaza initially. He suggested banning tents which would eliminate the load in/out noises, and also thought the traffic and noise policies being looked at would resolve the concerns of most of the residents. He indicated he could support the administrative use policy or having Council review each event application.

Mayor Thomas stated the plaza didn't have a lot of room for other elements in there. He didn't favor private events being programmed at the plaza. He favored Council looking at every event the first year.

Council Member Worel stated she had a hard time spending \$8.5 million on the construction of the plaza, and now she discovered it would not be a passive space. She favored regulations and Council review.

Council Member Gerber supported an administrative use policy to limit Level Three events to their current use. She wanted to let residents to know the events would be predictable so they could enjoy the time when there weren't planned events. She favored a sign at the base of the trolley area to turn vehicles around so they wouldn't go up Hillside. She felt the special events permitting plan was great and should be used alongside the restrictions and the administrative use policy for this plaza. She stressed the residents were important to the community and they needed predictability.

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	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present

Michelle Kellogg	City Recorder	Present
------------------	---------------	---------

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Liaison Assignment Request: National Ability Center:

Mayor Thomas felt having a Council member as a liaison to the National Ability Center (NAC) would be a great benefit for the community. Council Member Gerber offered to be the sole liaison for the Bright Futures group, to which Council agreed. Council Member Worel offered to be the NAC liaison until the next Council retreat when the liaison positions could be reevaluated. Council Member Beerman volunteered to be the alternate liaison for the NAC. The Council was in favor of these assignments.

Staff Communications Reports:

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

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

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

IV. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from October 5, 2017:

Council Member Worel commented she should have been marked "Excused" for the Redevelopment Agency meeting and the Water Service District meeting held October 5, 2017.

Council Member Beerman moved to approve the City Council Meeting minutes from October 5, 2017 as amended. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

V. CONSENT AGENDA

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

Council Member Worel moved to approve the Consent Agenda. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

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:

Jonathan Weidenhamer, Economic Development Manager, Rebecca Gillis, Finance Manager, and Hannah Tyler, Planner II, presented this item. It was indicated staff met with stakeholders to determine the application pipeline requirements. They felt the timeline should be reduced from 180 days to 120 days. Council Member Worel asked if this could mean that a space could be vacant for two years. Weidenhamer stated it could be vacant that long but most spaces had quicker turnovers. Council Member Beerman favored the Letter of Intent (LOI) recommendation for the process. Council Member Gerber was impressed with the discussion between the stakeholders, and indicated the group felt an LOI was a lease for all practical purposes.

With regard to the section on the grace period, it was proposed to protect the landlord as well as the tenant. The language would give six months or the end of the license period to replace the Conventional Chain Business (CCB) in that location.

Gillis also addressed the Type 1 and Type 2 Convention Sales Licenses (CSL), stating most CSL Type 2 licenses were issued for Sundance. If a CCB wanted to go into a storefront they must meet the LMC requirements. The stakeholders thought the Type 2 should be exempted because Sundance was unique and these licenses wouldn't detract from the overall historic character and vibrancy of Main Street.

Council Member Beerman expressed concern that chain businesses could come in at other times of the year and manipulate their business model to meet code. Harrington stated this could happen, and then the code would need to be adjusted.

Gillis reviewed the determination for CSL applicants who requested to engage in business. She displayed a picture of a storefront and indicated a chain, such as a coffee shop chain, could operate in a building, but had to be back 30 feet from the street, and they could not have signs in the windows to advertise their presence.

Council Member Henney stated initially the grace period was given for the benefit of the landlord, but then it expanded to include the tenant. He favored having the grace period for the landlord only since that was the original intent.

Mayor Thomas opened the public hearing.

Rick Margolis, Columbus Pacific Properties, didn't want restrictions on CCB, but indicated the outreach was incredible and the process was very productive. He supported the LOI and noted the financial commitment was immediate in order to meet the 120 day proposed time limit. He asserted some proposed language was excluded in the final draft regarding the affirmation of commitment from the parent organization, and he hoped it would be inserted upon approval from the Council. He also stated the term "engaging in business" would encompass all companies, and hoped that definition would be clarified further.

Michael Barille, HPCA, agreed that staff did a great job getting a variety of people to the table to discuss these amendments. He thought there was still some conflicting language and he wondered how it would be interpreted. This ordinance was important to the HPCA because it would protect the authenticity of Main Street. He felt the authenticity didn't exist during Sundance, so these details were important in order to protect those that had storefront businesses.

Ed Godycki stated Sundance should come and talk more about the sponsors and non-sponsors because there was some confusion in the past.

Jamie Gill, Vice President of Real Estate for LL Bean, stated the tenant had a large investment in the building and should have the right to lease or sublease their building. He thought tenants would want to stay in business on Main Street and they employed people in town. If a lease terminated and the employer didn't renew the lease, this would restrict chain tenants but not chain landlords.

Michael Kaplan gave a scenario that if a lease came to an end and no other licenses were available, then that would give the landlord an advantage. A provision should be made to give the tenant an option to go somewhere else.

Mayor Thomas closed the public hearing.

Council Member Henney indicated he favored the LOI amendment. He was concerned with the temporary imbalance of the grace period and favored an assignment as was suggested but favored the landlord. He also stated he would like to work on getting the CSLs a little tighter. Gillis noted that an assignment of lease was the location and not necessarily the landlord. As far as the CSL amendment, staff wanted to nail it down for the applicants this year. Harrington stated the concern was with the definition. There would be a gray area, but it only applied to one out of 112 applications. Council didn't

want to create a market for an ambush company. He felt it would be wise to adopt the language tonight and then tweak the definition at a future meeting. Council Member Henney thanked Harrington and stated he would support the CSL, but worried that HPCA expressed concern with ambiguity in the language.

Council Member Gerber stated she was clear on differentiating between a national brand and a CCB, and she supported it, as well as the LOI, and only wanted the grace period to be applied to the location and not to the tenant. She felt the Chain Store Ordinance would work in partnership with vertical zoning.

Council Member Beerman asked if every Type 2 CSL application was looked at to ensure compliance with the vertical zoning policy. Tyler stated every business had to comply with the LMC, which included the vertical zoning policy. Council Member Beerman was not comfortable with the CSL amendments, but was willing to try it for a year. He supported the LOI and grace period for the landlord.

Council Member Worel asked if Sundance was at the table when the CSL language was drafted, to which Gillis responded in the affirmative. Council Member Worel asked if Sundance was supportive of this language. Ralph Rivera, Director of Operations for Sundance, stated he agreed with the CSL language. The sponsors were under a Master Festival License (MFL) so they were monitored that way. Council Member Worel supported the CSL language, the grace period for the location only, and the LOI.

Weidenhamer explained the retracted code language referred to in the public hearing was removed because the City couldn't capture all the scenarios out there.

Council Member Matsumoto favored the LOI, the grace period for the location only, and the CSL language. She agreed the edited language should be removed from the CSL.

Council Members Henney and Gerber supported the language being removed. Council Member Beerman favored having the language remain in the amendments. Foster noted there would be tweaks needed in the future.

Council Member Matsumoto moved 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, amended to allow the grace period for the location only. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

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:

Hannah Tyler, Planner II, and Stephen Elrich, owner, presented this item and explained there was a request to move the public access easement. Tyler indicated there was a public comment in the form of an email that requested conditions of approval from the original plat remain on the property, including:

1. The original Conditions of Approval for this public easement remain in place: 'Handicapped Access Only', 'No Main Street Deliveries Allowed'. A locked gate and signage between the two future homes required.

2. To prevent use of the properties as a parking lot prior to house construction, a metal fence with green canvas should be installed across the Park Ave boundary. Until house construction begins, the lots cannot be used as a 'Staging Area' for other construction projects.

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

Council Member Worel moved 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 with the additional conditions of approval. Council Member Beerman seconded the motion.

RESULT: APPROVED

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

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:

Brooke Moss, Human Resources Director, asked if there were any questions with regard to the proposed Personnel Policy amendments that were outlined in the packet.

Mayor Thomas opened the meeting for public input. No comments were given. Mayor Thomas closed the public input portion of the meeting.

Council Member Beerman moved to approve Resolution 30-2017, a resolution adopting the revised Personnel Policies and Procedures Manual, dated October 24, 2017, for Park City Municipal Corporation. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

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:

Mayor Thomas reviewed that this item was an appeal and a decision had to be evidence based. New evidence also needed to be presented.

Tippe Morlan, Planner II, presented this item and indicated this was a third party appeal for a steep slope CUP. The owner had proposed a new building on a vacant lot. Last year the owner applied for a variance to the lot and it was denied. The original design of the house had changed since that time. A plat amendment was approved in July.

Council Member Henney said the purpose tonight was to look at the process the Planning Commission went through and to see if the appellant could make additional comments that could meet the standard. Harrington suggested asking the Mayor to limit comments to those that addressed the five criteria, but otherwise, the appellant had the right to address the Council with her argument.

Ruth Meinstma, appellant, displayed a chart explaining what was compatible with the guidelines of Historic Park City. She explained the history of the neighborhood. She indicated she would not argue the exception for a garage on the steep slope lots, but she had concern about allowing a two car deep garage. She could not find an example in Old Town, yet the applicant was required to build one. She showed renderings of the mass of neighboring structures. She gave an example of a home on Ontario that received an exception by the Board of Adjustment and noted the Board required that the mass be minimized.

Meinstma explained that the applicant redesigned the home and that had taken some time. Although the applicant requested a two car garage, the applicant desired more interior space over the additional garage space. She noted comparisons that were made on uphill lots when the lot in question was a downhill lot. The other structure that had received an exception was used as a comparison and had a single garage, but the applicant's exception had a two car garage. She also stated this was a very visible neighborhood and the neighbors were concerned about a flat roof, although she was sure they would be happy with the finished product.

Council Member Matsumoto asked about the height exemptions of the comparable structures, to which Morlan noted that the numbers given were for exterior heights because the interior building heights were not available. Because of this, there was no way to compare the structures.

Council Member Worel asked if 368 Woodside was built before the change in the code. Morlan stated the code changed in 2009 and the existing structures were built before that time.

Council Member Beerman commented that if the garage was allowed, then hypothetically, other homes could possibly be granted the same exception, but they would be required to go through the CUP process. Harrington explained the code and said the bigger issues of the appellant were that another car could be accommodated outside the garage, the entry way could be smaller, the double garage was not compatible with streetscape and design, and the intent of the code was for a single depth garage. Harrington noted the code allowed for multiples garage spaces, and said this would be a case-by-case determination, but since this was the first one, it should be given careful consideration. If Council didn't want a double garage, they should just eliminate the "s" in space(s), in the code.

Council Member Worel asked if the garage counted for square footage. Morlan said the square footage didn't count, but the height counted.

Council Member Henney felt the Planning Commission applied the code appropriately. This appeal went to the Board of Adjustment (BOA), to the Historic District, and to the Planning Commission and he didn't see anything amiss.

Joe Tesch, Applicant's Counsel, indicated on Page 287 of the staff report, it showed that the land use regulation favored a land use application.

Mayor Thomas opened the public hearing.

Angela Moschetta thought this was a cogent argument brought to the Council. Things that stood out while she listened to this issue being discussed in the Planning Commission meeting were that Commissioner Campbell wanted to hurry up the process, and the commissioners stated an exception should only be made if no other option was available. But as was shown tonight, there were options for this parcel. The applicant knew what he was getting when the lot was purchased and he should comply with the code.

Ed Parigian stated this was not in compliance with the Historic District. He also preferred the first design over the second design. He said the code changed for a reason.

Carol Carter lived across the street from the lot in question. She felt there were some problems such as the view of the mass of the extension which would look out of place for that street. The parking allowed for four to five vehicles which also was not conducive to Old Town. She felt the applicant should comply with the height.

Steve Joyce said he was here representing the Planning Commission in case there were any questions.

Mayor Thomas closed the public hearing.

John Shirley, representing Design Architecture, stated in the design review, comments were always given that the design met the requirements.

Jacob Shirley, Design Architects, explained the process for designing the home, which was in compliance with the code. He showed some errors the appellant made in her presentation regarding the foundation, which would only be four feet above ground level and covered with stone, and the mass of the proposed building. It was noted the applicant was within the exception to the code limit of 35 feet for the entry and garage, but the rest of the house had less than the height maximum of 27 feet. The Planning Commission required the garage length be reduced from 40 feet to 36 feet, and the applicant met the requirement.

Meinstma asked the City Attorney about the simple language which allowed mitigation. Harrington stated it was not black and white so a decision would need to be made by Council. A tie would be in favor of the applicant.

Council Member Worel asked if the interior would meet code if a portion of the bottom level that was under the garage was not counted as living space, to which Shirley responded that it would not be allowed. He also said the image shown tonight was the shortened garage length. Council Member Gerber referred to the condition by the Planning Commission that reduced the garage by four feet and suggested having the four feet off the back of the garage instead of reducing two feet from the front and two feet from the back.

Council Member Beerman stated the appellant's concern was over two car garages and that was a discussion for another time. Council Member Matsumoto thought mass and scale were important for infill homes fitting into the neighborhood. The areas should be preserved and she was sympathetic. If this home stayed within the 35 feet allowed in the LMC, she thought it would be acceptable.

Mayor Thomas stated he was on the Planning Commission when the code changed in 2009 to deal with steep slope lots. This issue was not whether or not it was pleasing, but whether it met the design criteria, and he felt this design fit the criteria.

Council Member Worel liked the way the cut was minimized, and the step effect. In looking at the code, she thought the applicant met the requirements. Council Member Beerman agreed that the Planning Commission did their job and the tandem garage helped hide the cars. He stated Meinstma brought up a good point that the two car garage could cascade to other areas which could be a problem.

Council Member Gerber hoped to continue the garage discussion at a future date.

Council Member Council Henney moved to deny the 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 with the recommended findings of facts and conclusions of law written in the staff report. Council Member Matsumoto seconded the motion.

RESULT: DENIAL OF APPEAL WAS APPROVED

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

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:

Bruce Erickson, Anya Grahn, and Hannah Tyler, Planning Department, presented this item. Grahn asked for continued approval for this pilot program.

Mayor Thomas opened the public hearing.

Mike Sweeney supported this project and thought it helped Main Street.

Mayor Thomas closed the public hearing.

Council Member Matsumoto moved to approve the continued 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. Council Member Gerber seconded the motion.

RESULT: APPROVED

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

VIII. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

Municipal Code Amendments for CCB License Vesting

October 24, 2017

Background

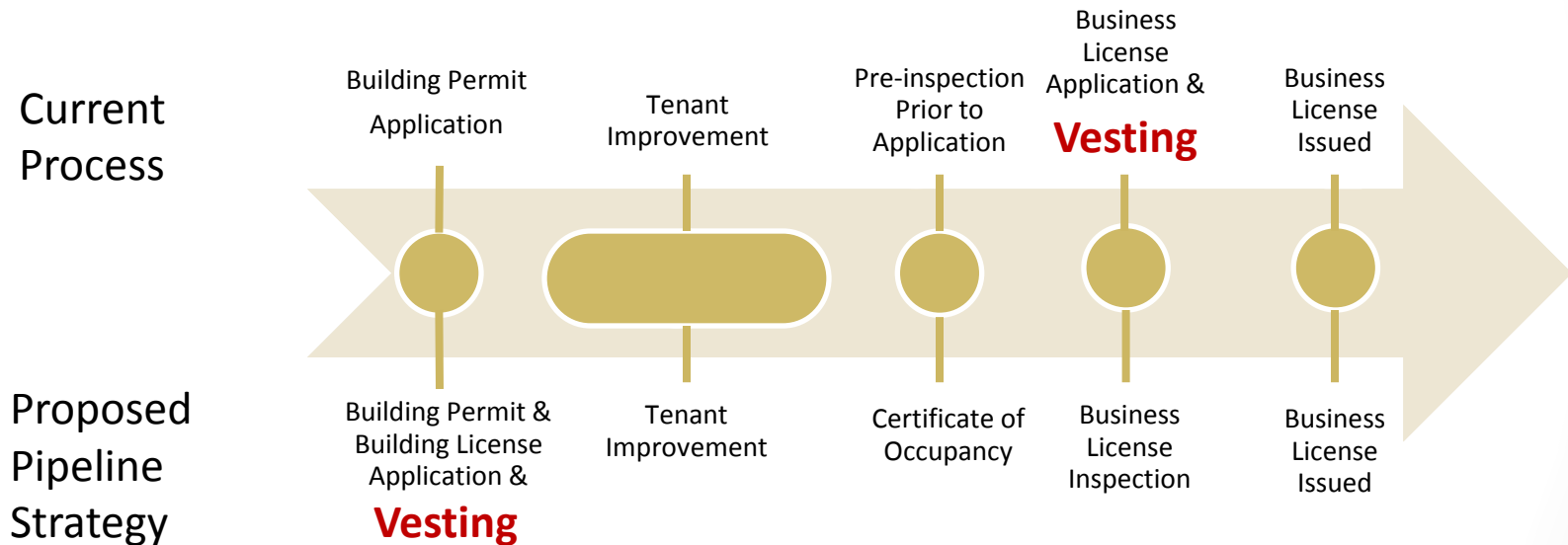
- August 17, 2017:
 - Council adopted Conventional Chain Business Ordinance
 - Council asked staff to return with vesting/tail options
- September 14, 2017:
 - Council directed staff to:
 - create pipeline
 - create “tail” or grace period
 - consider an exception to allow Type 2 CSLs to be CCBs
 - meet with stakeholders
 - October 3, 2017
 - October 23, 2017

Municipal Code Amendments for Consideration:

- A. Business License Pipeline
- B. “Tail” or grace period for CCB Locations and Licensees
- C. Clarifications for Type 1 and 2 Conventions Sales Licenses

A. Business License Pipeline

Allow Business Licenses to vest earlier in the process for properties in the HRC and HCB:



Council's Pipeline Options

Staff met with stakeholders to gather input on pipeline submittal requirements.

Council will need to choose which requirements between tenants and landlords the City shall require for the Business License submittal:

- Lease
- A Letter of Intent (LOI)

Staff Recommended Pipeline Redlines

Pipeline with LOI Requirement:

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: a letter of intent agreement between the landlord and tenant, with monetary or other proprietary terms redacted, if necessary.; and
 - 1. An affirmation of sufficient interest from the parent of the Conventional Chain Business.
- b) Within ~~180~~ 120 days from the day of application a signed lease or memorandum of 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 submitted and paid for a building permit.
- c) The business license application will be denied after ~~200~~ 180 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.

Staff Recommended Pipeline Redlines

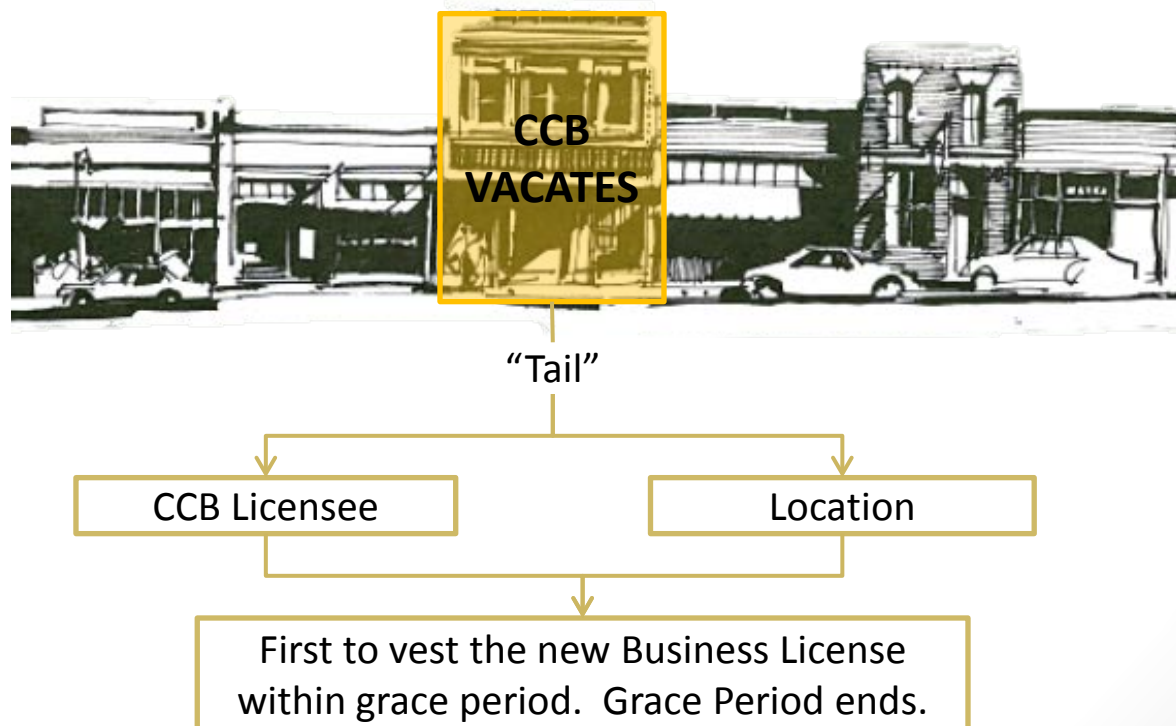
Continued

- A. 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 previous 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.
- B. 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.

B. “Grace Period” for CCB locations and licensees

Two (2) Alternatives for Council to consider:

1. If a CCB vacates a space then the location would have by the expiration of the tenant’s business license or a minimum of 6 months period— whichever is longer, to fill the space with another CCB (Alternative 1)
2. **Allow the grace period to work in favor of both the location and the tenant. Same grace period as above (Alternative 2)**



Grace Period - Alternative 1 Redlines

Current Staff Report Alternative 1 – Create a grace period for the landlord only. This is consistent with previous direction from City Council.

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.

Grace Period - Alternative 2 Redlines

Current Staff Report Recommended Alternative 2 – Create a grace period for the landlord and tenant. Stakeholder Group unanimous position that this disadvantaged landlords.

- 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.
 - a. 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 in the same District their Conventional Chain Business status would remain at the new location. A new business license would be required. The licensee may put the City on formal notice and have until September 30 of that year or up to 180 days to begin the new business license application to relocate the Conventional Chain Business within the same District from the time that notice is received by Park City.
 - a. Formal notice shall be in writing, filed with the City Recorder within ten (10) business days of vacancy.

C. Staff Recommendation for Type 1 and 2 Conventions Sales Licenses

- **ALL Type 1 and 2 Convention Sales License (CSL) must comply with HRC/HCB uses (CCB Cap applied)**
 - No exceptions given during Sundance if the cap is met.
- If CCB cap is reached, additional CCBs may operate in accordance with the Storefront Enhancement Program, Storefront definition.
- Intent is to not allow a complete turnover of a Storefront into a CCB restaurant or retail space if the cap is met.
- CSLs are temporary (up to 14 days), most Type 2 are **national brands** that generally **do not** meet the definition of a CCB.
 - In 2017 there were 112 Type 2 CSL's, **4** of those **potentially** met the definition of a CCB, **only 1** of the 4 was in a Storefront (Apple), **but activity would not meet the definition of a CCB**.
 - However, this is and will be confusing to many owners, tenants, leasing agents, the public, and Type 2 CSL holders alike. An update to the Rules of Road will be necessary.

Type 1 and 2 CSL Clarifying Redlines

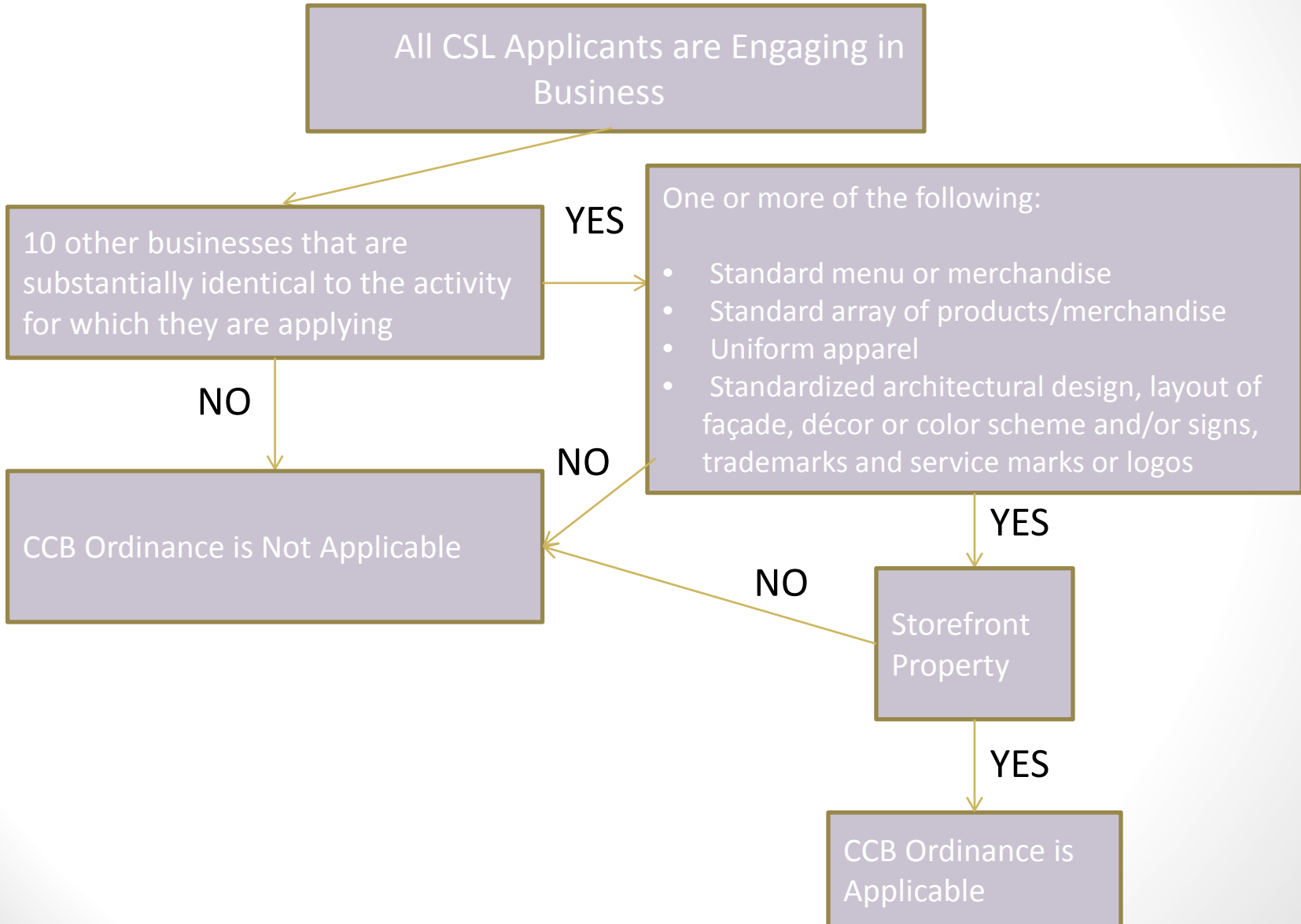
4-7-3 Applications

- 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.

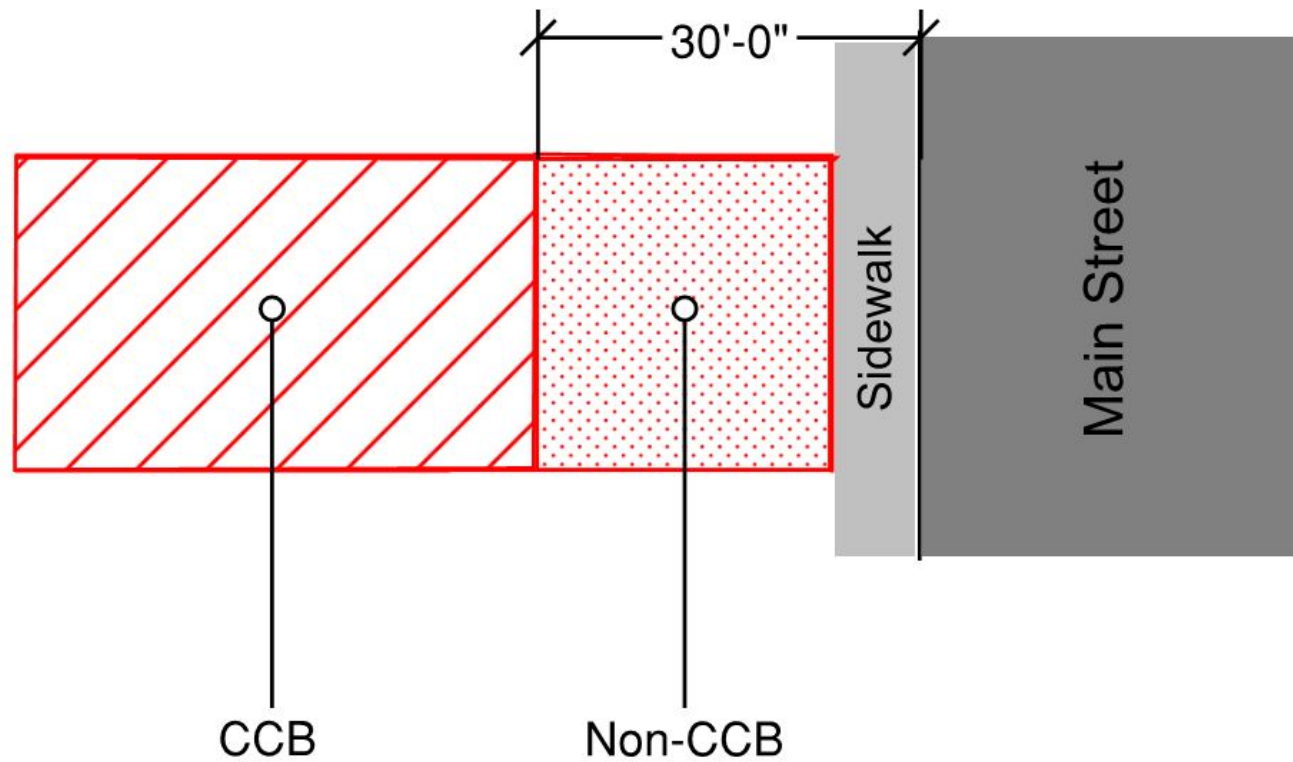
The stakeholder group had a unanimous consensus that the Type 2 CSL should be exempt from the CCB ordinance:

- Even if one year round landlord or tenant is damaged or otherwise precluded from subsidizing their costs then this is a bad idea;
- The Film Festival is a unique and different time. Films and other ancillary activities do not detract from our overall historic character and vibrancy. Therefore all bets are off.

Determination



Property Storefront





Property, Storefront Definition

- **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:
 - 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
 - **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**
 - 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.

Not all CSL Applicants are a CCB

- **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.
 - **First,** Applicant must have 10 other businesses that are **substantially identical to their activity for which they are applying**
 - **Secondly,** Applicant must have 1 of the following:
 - Standardized menu or merchandise
 - Standardized array of products or merchandise
 - Uniform apparel
 - Standardized architectural design, layout of façade, décor or color scheme and/or signs, trademarks and service marks or logos

Looking Back - Examples

- Apple was the only potential CCB in a Storefront during the 2017 Festival
 - The activity did not meet the definition of a CCB :
 - did not have 10 other locations that were substantially identical to the activity for which they were applying.
 - additionally, the location was not open to the public and there was not a sign.
- CNN, Comcast, Amazon, Samsung are all national brands, but not a CCB.
 - Would not be subject to the CCB Ordinance
 - could gift, promote, or sell in any licensed location, including Storefront
- Hard Rock Café, Mellow Mushroom, Acura, Kia, Tesla, JCrew, Porsche, JP Morgan Chase were potential CCBs during the 2017 Festival:
 - The Activity did not occur in a Storefront or meet the definition of a CCB

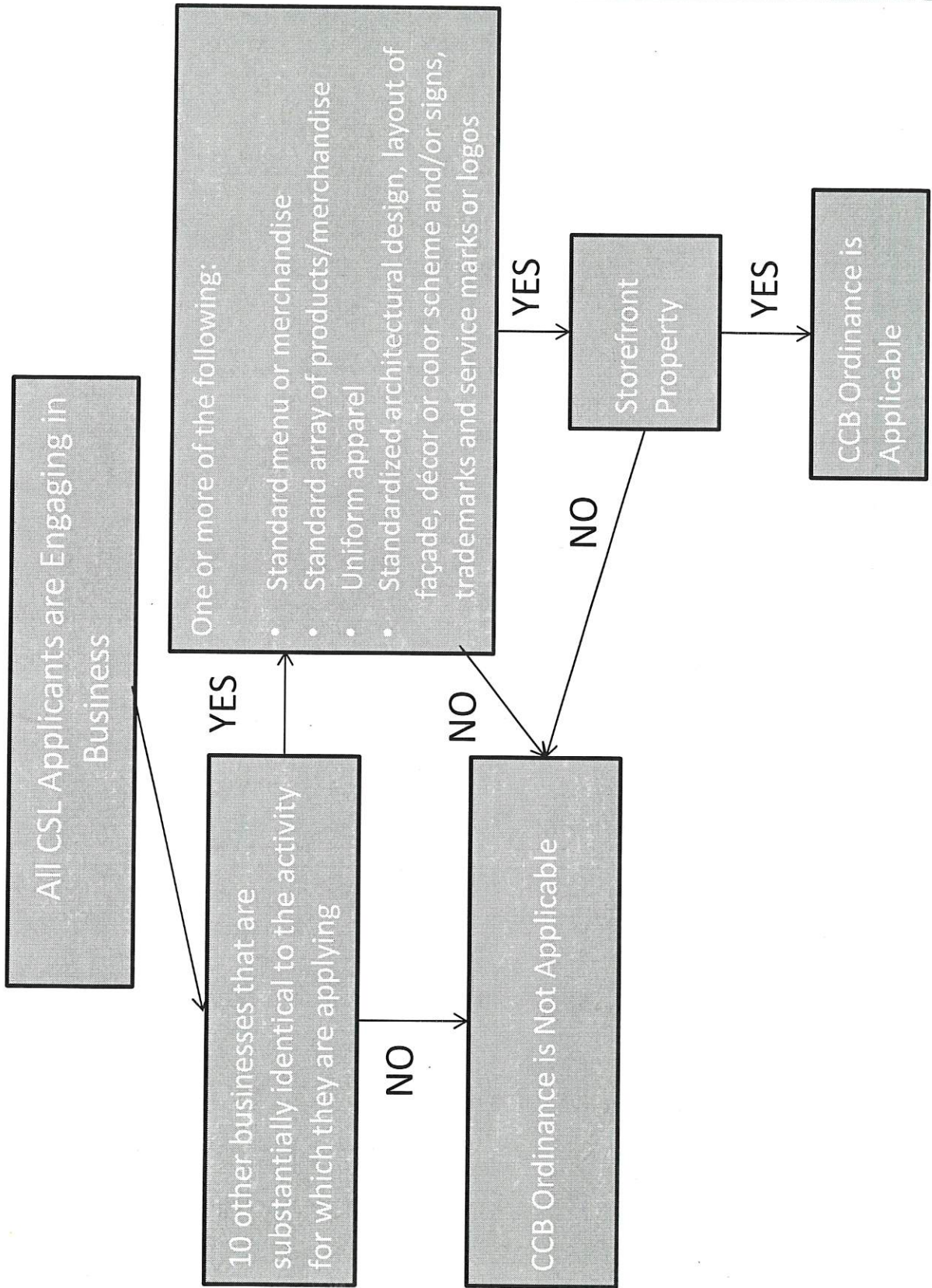
Looking Forward - Examples

- Chain coffee shop applies for a CSL to take over an entire space to operate as a coffee shop during the Festival
 - Meets the definition of a CCB
 - Location would be subject to the CCB Ordinance
- Chain coffee shop applies for a CSL to give away coffee in a lounge in the rear of a space on Main Street using logoed coffee cups
 - Meets the definition of a CCB
 - Does not meet the definition of a Storefront
 - Location would NOT be subject to the CCB Ordinance
- Chain coffee shop applies for a CSL to give away coffee in a lounge in the front of a space on Main Street using logoed coffee cups
 - Meets the definition of a CCB
 - Meets the definition of a Storefront
 - Location likely would be subject to the CCB Ordinance
 - Staff would need to make a determination based on activity

All CSL Applicants are Engaging in Business

- **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.

Determination



352 WOODSIDE

Applicable

PARKING, GARAGES, and HEIGHT

MUNICIPAL CODE

MUNICIPAL CODE

15-3 Off-Street Parking

15-3-1 Purpose

The purpose of this Chapter is to:

B. . . **ensure adequate*** and **not excessive parking** is provided for the Use.

(*adequate - "as much as **necessary** for some requirement, barely sufficient")

15-3-3 General Parking Area And Driveway Standards

F. PARKING SPACE DIMENSIONS.

1. Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long.

I. **TANDEM SPACES.** Parking designs, which necessitate parking one vehicle directly behind another, not perpendicular to each other, are permitted ... for Single Family Dwellings . . . in all zoning districts.

15-3-4 Specific Parking Area And Driveway Standards For Single Family Residences

A. SINGLE FAMILY RESIDENCES

1. **SINGLE GARAGES.** In Single Family Dwellings, single car garages must have a minimum interior dimension of eleven feet (11') wide by twenty feet (20') deep.

15-3-6 Parking Ratio Requirements For Specific Land Use Categories

RESIDENTIAL PARKING RATIO REQUIREMENTS		
USE		PARKING RATIO (NUMBER SPACES)
Single Family Dwelling		2 per Dwelling Unit

15-3-7 Parking In . . . Conditional Use Permits

- A. In . . . review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The **Planning Commission may reduce** this initial **parking requirement to prevent excessive parking** and paving.

15-15 Defined Terms

TANDEM PARKING. A parking design which allows parking one (1) vehicle behind another. Such parking **may not include more than two (2) cars in depth**

15-2.2 Historic Residential (HR-1) District

15-2.2-5 Building Height

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. 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.

- D. **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

4. **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.

15-2.2-7 Parking Regulations

- A. Tandem Parking is allowed in the Historic District.

352 WOODSIDE

Applicable

LAND MANAGEMENT CODE

15-2.2 Historic Residential (HR-1) District

15-2.2-1 Purpose

The purpose of the Historic Residential HR-1 District is to:

- 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
- F. establish Development review criteria for new Development on Steep Slopes which **mitigate impacts** to **mass** and **scale** and **the environment**.

15-2.2-6 Development On Steep Slopes

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, **and consistent with the Design Guidelines** for Park City's Historic Districts and Historic Sites and Chapter 5.

C. Steep Slope Conditional Use permit Applications shall be subject to the following criteria:

1. LOCATION OF DEVELOPMENT. **Development is located and designed to reduce visual and environmental impacts** of the Structure

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

3. **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale.

5. **BUILDING LOCATION.** 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 to provide variation of the Front Yard.

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.

7. **SETBACKS.** 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.

8. **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. 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.

9. **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27') and is restricted as stated above in Section 15-2.2-5. 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.

352 WOODSIDE

Applicable

**CONDITIONAL USE and DEFINED
TERMS**

MUNICIPAL CODE

15-1-10 Conditional Use Review Process

There are **certain Uses** that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or **may be Compatible only if certain conditions are required that mitigate** or eliminate the **detrimental impacts**.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A **Conditional Use shall be approved if reasonable conditions** are proposed, or **can be imposed, to mitigate the** reasonably anticipated **detrimental effects of the proposed Use** in accordance with applicable standards.

If the reasonable anticipated **detrimental effects** of a proposed Conditional Use **cannot be** substantially **mitigated by the** proposal or **imposition of reasonable conditions** to achieve compliance with applicable standards, **the Conditional Use may be denied**.

D. STANDARDS FOR REVIEW. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

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

E. REVIEW. The . . . Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

5. **location and amount of off-Street parking**

8. **Building mass, bulk**, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

11. physical design and **Compatibility with surrounding Structures in mass, scale**, style, design, and architectural detailing

16. reviewed for **consistency with the** goals and objectives of the Park City **General Plan**

15-15 Defined Terms

CONDITIONAL USE. A **land Use that**, because of its unique characteristics or potential impact, **is allowed only if certain measures are taken to mitigate or eliminate** the potential **impacts**.

352 WOODSIDE

Applicable

DESIGN GUIDELINES

DESIGN GUIDELINES for HISTORIC DISTRICTS

Design Guidelines for New Construction in Historic Districts

Universal Guidelines

4. Building and site design . . . should minimize cut, fill
6. **Scale*** and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites. (*Scale - The relative size of something)
7. The **size and mass** of the structure should be compatible with the size of the property so that lot coverage, **building bulk**, and **mass** are compatible with Historic Sites in the neighborhood.

Specific Guidelines

A. SITE DESIGN

A.4. Site Grading & Steep Slope Issues

- A.4.2 The site's natural slope should be respected in a new building design in order to minimize cuts into hillsides, fill and retaining walls; **excavation should generally not exceed one-story in depth.**

B. PRIMARY STRUCTURES

B.1. Mass, Scale & Height

- B.1.4 Taller portions of buildings should be constructed so as to **minimize obstruction of sunlight to adjacent yards**
- B.1.7 Regardless of lot frontage, the primary façade should be compatible with the width of surrounding historic buildings. **The greater width of the structure should be set back significantly from the plane of the primary façade.**

D. OFF-STREET PARKING AREAS, GARAGES, & DRIVEWAYS

D.2. Garages

- D.2.2 If the lot size dictates that **the garage must be located above . . . the primary living space, its visual impact should be minimized.**

352 WOODSIDE

Applicable

GENERAL PLAN

GENERAL PLAN – VOLUME ONE – Goals, Objectives, Strategies

INTRODUCTION

If We Build According to the Plan . . .

- [Park City will be] . . . a community that incentivizes **energy-efficient design in all new construction** . . . (5th bullet, p. 12)

SMALL TOWN - Goals (#1 - #3)

----- Goal 1 -----

Community Planning Strategies

1.5 Revise minimum lot size within primary residential neighborhoods to create opportunities for smaller, more **compact development** . (p. 30)

NATURAL SETTING - Goals (#4 - #6)

----- Goal 5 -----

. . . there must be a community-wide commitment to transform Park City into a more sustainable community (p. 56)

Objectives

5A ... **development practices that decrease per capita carbon output** ... (p. 57)

Community Planning Strategies

5.9 ... adoption of **maximum home sizes** for all neighborhoods. (p. 58)

5.24 ... **reduce ... residential building mass and scale to ... reduce energy usage.** (p. 59)

SENSE OF COMMUNITY - Goals (#7 - #14)

----- Goal 14 -----

Living within Limits: The future of the City includes limits ... to foster innovative **sustainable development.** (p. 98)

-- A healthy system requires **limits** ... (p. 98)

- Adopting policies to **grow within determined limits** is imperative to maintaining ... environmental ... balance ... and strengthen the City's existing neighborhoods. (p. 98)

Objectives

14B Manage growth to protect the quality of life ... Look at policies to **offset** this **growth through efficiencies.** (p. 98)

Community Planning Strategies

14.2 Dominant land-uses . . . should be considered including single-family homes. Implement land use policy that utilizes best practices to minimize negative impacts on natural resources. (p. 100)

HISTORIC CHARACTER - Goals (#15 - #16)

----- Goal 15 -----

Preserve the . . . **mass, scale**, compatibility . . . of the ... locally designated historic . . . districts . . . (p. 106)

the **built environment** of the local historic districts **should stay true** to its architectural roots, **specifically relative to . . . mass, scale . . . of the mining boom era.**

Objectives

15B Maintain . . . scale of local historic districts **with compatible infill development.** (p. 107)

Community Planning Strategies

15.9 . . . update review criteria for development on steep slopes to prevent incompatible mass/scale within the historic districts **based on findings of** periodic reviews of ongoing projects. (p. 108)

15.12 Examine lot sizes in Old Town to determine if a maximum lot size would provide more **compatible mass and scale for new structures** as well as additions to existing structures. (p. 108)

GENERAL PLAN – VOLUME TWO – DETAILED STRATEGIES

----- SMALL TOWN - Detailed Strategies -----

Regional Strategies

Infill which complements the existing cultural resources can be achieved through zoning for compatible **mass** and **scale**. (p. 21)

STRATEGY: Re-Thinking Parking

A **reduction in the number of required off-street parking spaces** . . . will provide flexibility in building design . . . and allow more efficient use of buildable space. (p. 28)

Progressive cities have switched direction from minimum off-street parking requirements to **maximum off-street parking requirement**. (p. 28)

----- NATURAL SETTING - Detailed Strategies -----

STRATEGY: Greenhouse Gas Reduction (p. 44)

Strategies referenced in the Roadmap to Reduction include:

- **Improving energy efficiency** and **encouraging conservation in homes** (including second homeowners) and business (p. 44)

----- HISTORIC CHARACTER - Detailed Strategies -----

STRATEGY: In Influencing Streetscape Through Lot Sizes, Setbacks, and Parking (p. 118)

Incentivizing Development on Single Lots:

As an **incentive for smaller structures** on single lots within the **HR-1** and **HR-2 Districts**, the City should consider offering relief from certain parking requirements. An incentive could be the **reduction in the parking requirement from two (2) spaces to one (1) space** subject to the building footprint being substantially reduced from the Land Management Code allowance. This would **allow** a property owner **to construct** a smaller home with **a one-car garage without having to increase the setback** from ten feet (10') to eighteen feet (18') to provide for a second parking space. (p. 120)

-----Original Message-----

From: John Plunkett [mailto:john@plunkettkuhr.com]

Sent: Monday, October 23, 2017 1:32 PM

To: Hannah Tyler

Cc: Bruce Erickson; stephen@bhhsutah.com; Barbara Kuhr

Subject: Re: Application # PL-16-03405, 578 & 584 Park Ave

Dear Planning Department,

We live at 557 Park Ave and have received notice of this hearing.

While we have ongoing concerns about code enforcement on these lots (see below), we are fully in support of owner Stephen Elrick's plan to build two homes and relocate the Public Easement.

Here are our two code enforcement concerns:

1. The original Plat and public easement was granted to previous owner Gaddis for 'Handicapped Access Only', 'No Main Street Deliveries Allowed'. A locked gate and signage was required and installed. Right now these Conditions of Approval are not being enforced.

2. Previous owner Gaddis built a parking lot on the property contrary to the zone's permitted uses. The City then required that the parking lot be removed, and that a barrier be placed along the Park Ave boundary to prevent vehicles from entering the vacant lots. Right now the large rocks that prevented access have been removed, and the lots are once again being used for parking and Main Street deliveries.

In light of this history, we ask that City Council approve this Record of Survey (Plat Amendment?) with the following two Conditions of Approval. We have spoken with Stephen, and he and we are in agreement on these:

1. The original Conditions of Approval for this public easement remain in place: 'Handicapped Access Only', 'No Main Street Deliveries Allowed'. A locked gate and signage between the two future homes required.
2. To prevent use of the properties as a parking lot prior to house construction, a metal fence with green canvas should be installed across the Park Ave boundary. Until house construction begins, the lots cannot be used as a 'Staging Area' for other construction projects.

Thanks for your consideration,

John Plunkett & Barbara Kuhr
557 Park Avenue
435 901 2980

What is Compatibility in Historic Park City?

It is...	It is not...
In scale with the neighborhood	Obtrusive
Aesthetically unique	Generic
Quaint and charming	Cold or hostile
Respectful of historic building's heights	Too tall
Deferential	Disrespectful
In context with surrounding structures	An outlier in the neighborhood
Approachable	Overwhelming
Sustainable	Energy consumptive
Inter-connected	Out of place
Small-scale	Overbearing
Subordinate	Massive/Large-scale
Colorful	Gaudy
Harmonious	Incongruous
Complementary to existing buildings	Distracting to the existing fabric

This table represents the qualitative side of what compatibility is within the Historic Districts of Park City.

HISTORIC STRUCTURES SURROUNDING 352 WOODSIDE

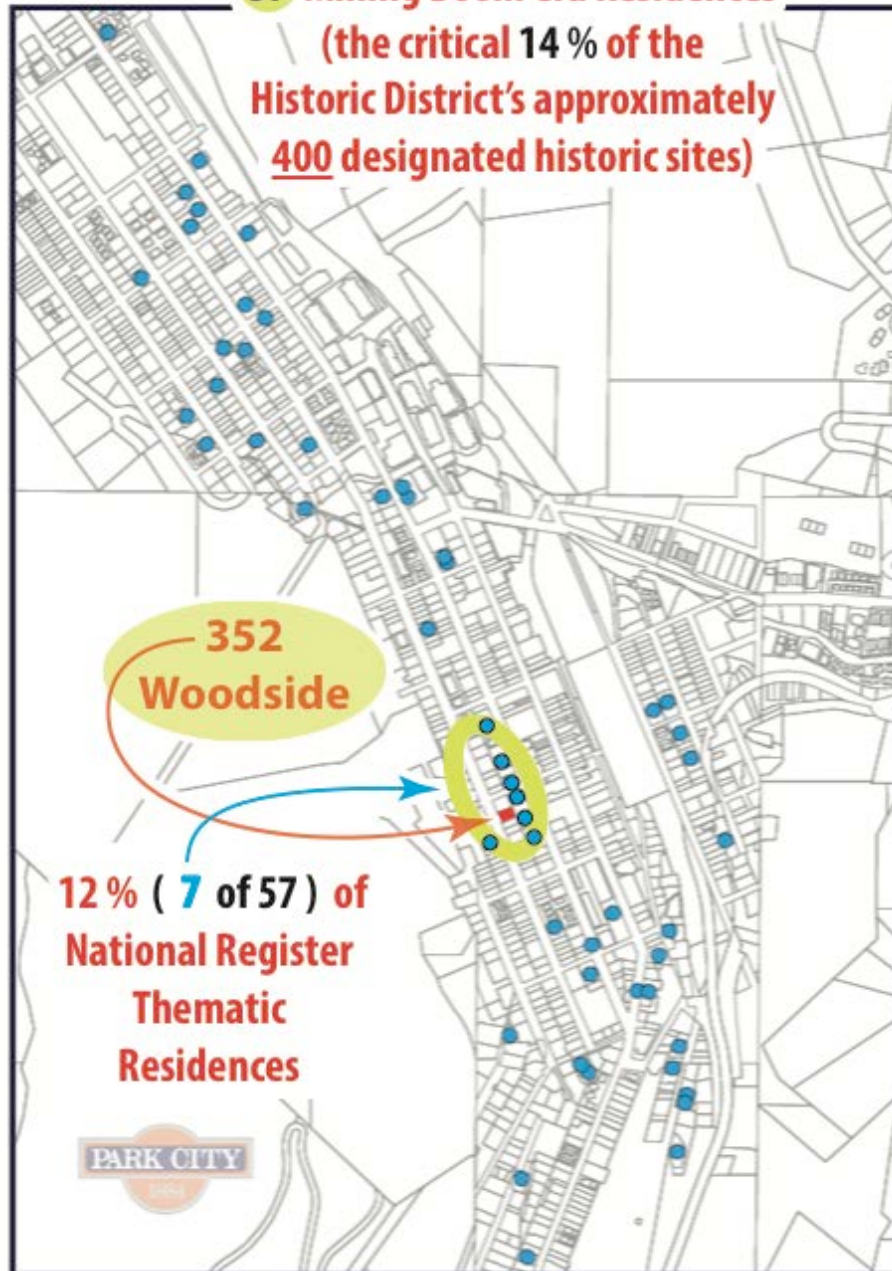


= LANDMARK STRUCTURES

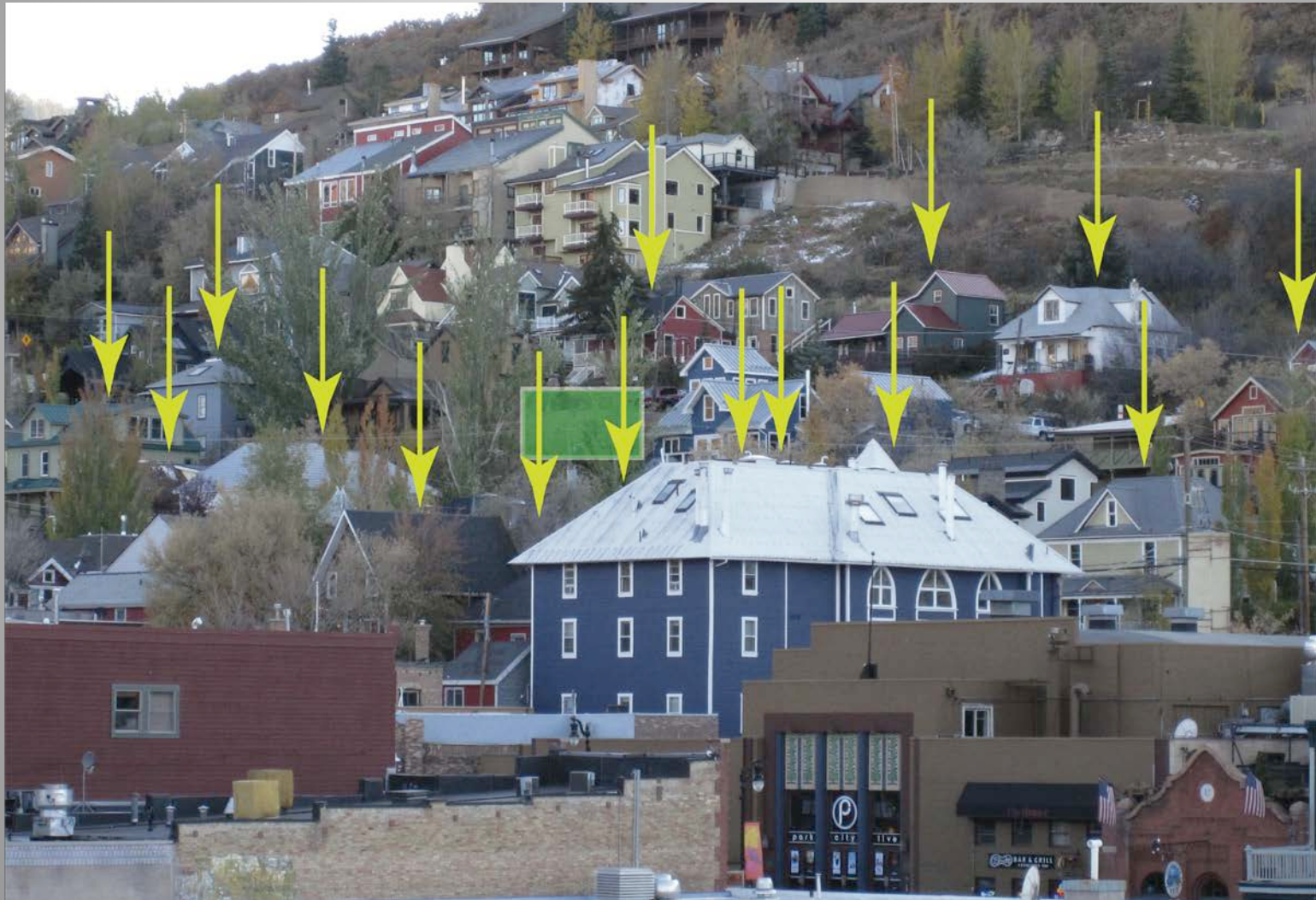
The National Register Thematic Historic District's

57 Mining Boom era Residences

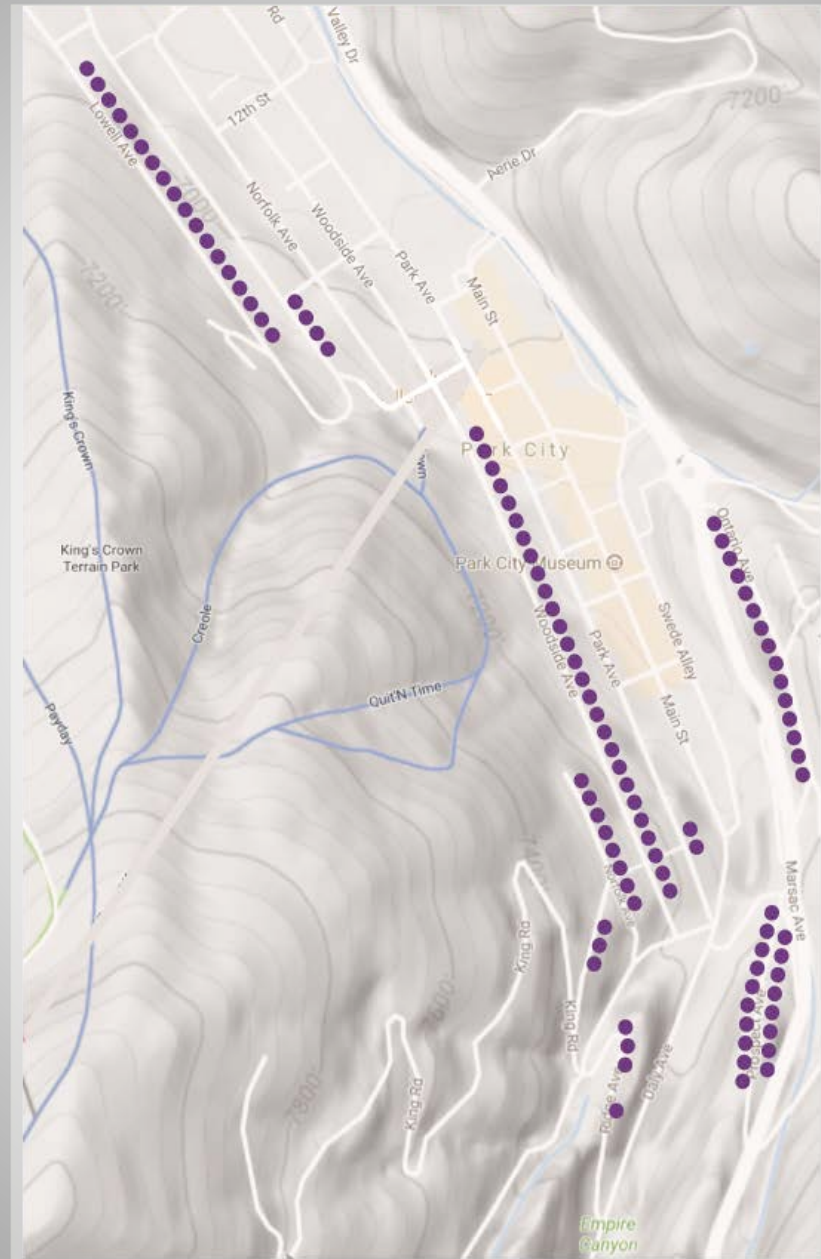
(the critical 14 % of the
Historic District's approximately
400 designated historic sites)



HISTORIC HILLSIDE SURROUNDING 352 LOT



HISTORIC DISTRICT GARAGES ON DOWNHILL STEEP SLOPES



HISTORIC DISTRICT GARAGES ON DOWNHILL STEEP SLOPE LOTS

UPPER WOODSIDE

single-wide 7(A), 6(B), 8(D) = 21 single-deep
0 double-deep

double-wide 1(A), 3(C), 1(D) = 5 single-deep
0 double-deep

UPPER NORFOLK

single-wide 4(B) = 4 single-deep
0 double-deep

double-wide 4(B) = 4 single-deep
0 double-deep

UPPER PARK

single-wide 1(D) = 1 single-deep
0 double-deep

double-wide 1(D) = 1 single-deep
0 double-deep

SAMPSON

single-wide 1(A), 2(B) = 3 single-deep
0 double-deep

RIDGE

single-wide 3(A), 1(B, HDDR*) 3 (*+1) single-deep
0 double-deep

EMPIRE

single-wide 1(A), 1(D) = 2 single-deep
0 double-deep

LOWELL

single-wide 5(A), 8(C), 6(D) = 10 single-deep
0 double-deep

double-wide 3(D) = 3 single-deep
0 double-deep

ONTARIO AVENUE

single-wide 9(A), 2(B), 1(C) = 12 single-deep
0 double-deep

double-wide 8(A) = 8 single-deep
0 double-deep

PROSPECT AVENUE (few garages; multiple potential)

single-wide 3(A) = 3 single-deep
0 double-deep

71 single-deep
0 double-deep

**69 POSSIBLE DOUBLE-DEEP GARAGES
ON STEEP SLOPES WITH HEIGHT EXEMPTIONS
(including 19 STRUCTURES WITH NO GARAGE*)**

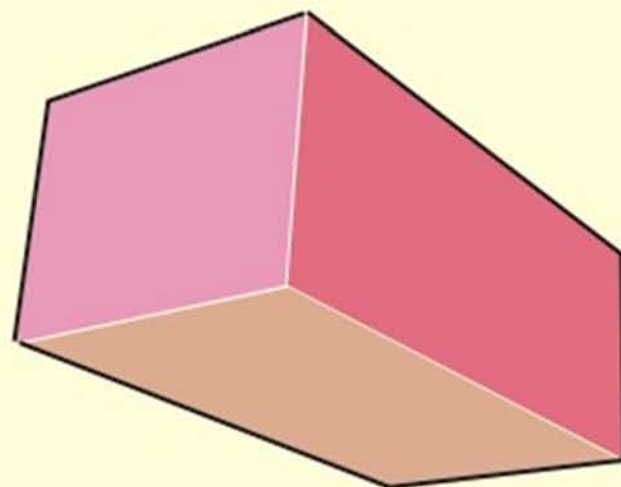
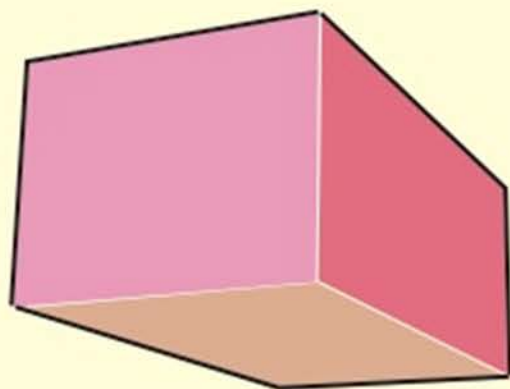
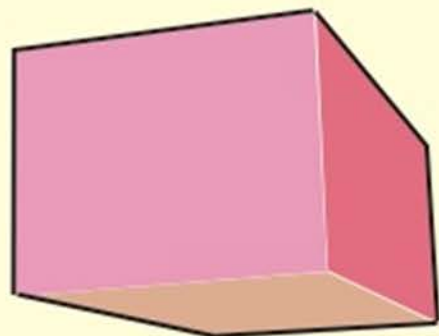
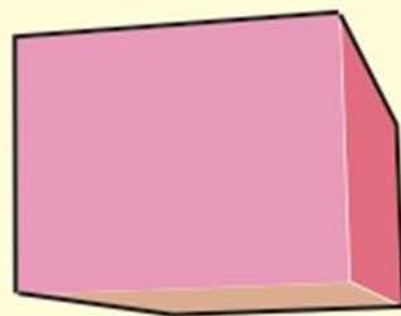
A. SINGLE-DEEP GARAGE with TWO-VEHICLE DEEP possible
= 38

B. *NO GARAGE with TWO-VEHICLE DEEP possible
= 19

C. SINGLE-DEEP GARAGE with TWO-VEHICLE DEEP possible
with 'stepping' or 'deck elimination' renovation
= 12

D. SINGLE-DEEP GARAGE with NO TWO-VEHICLE DEEP
possible
= 21

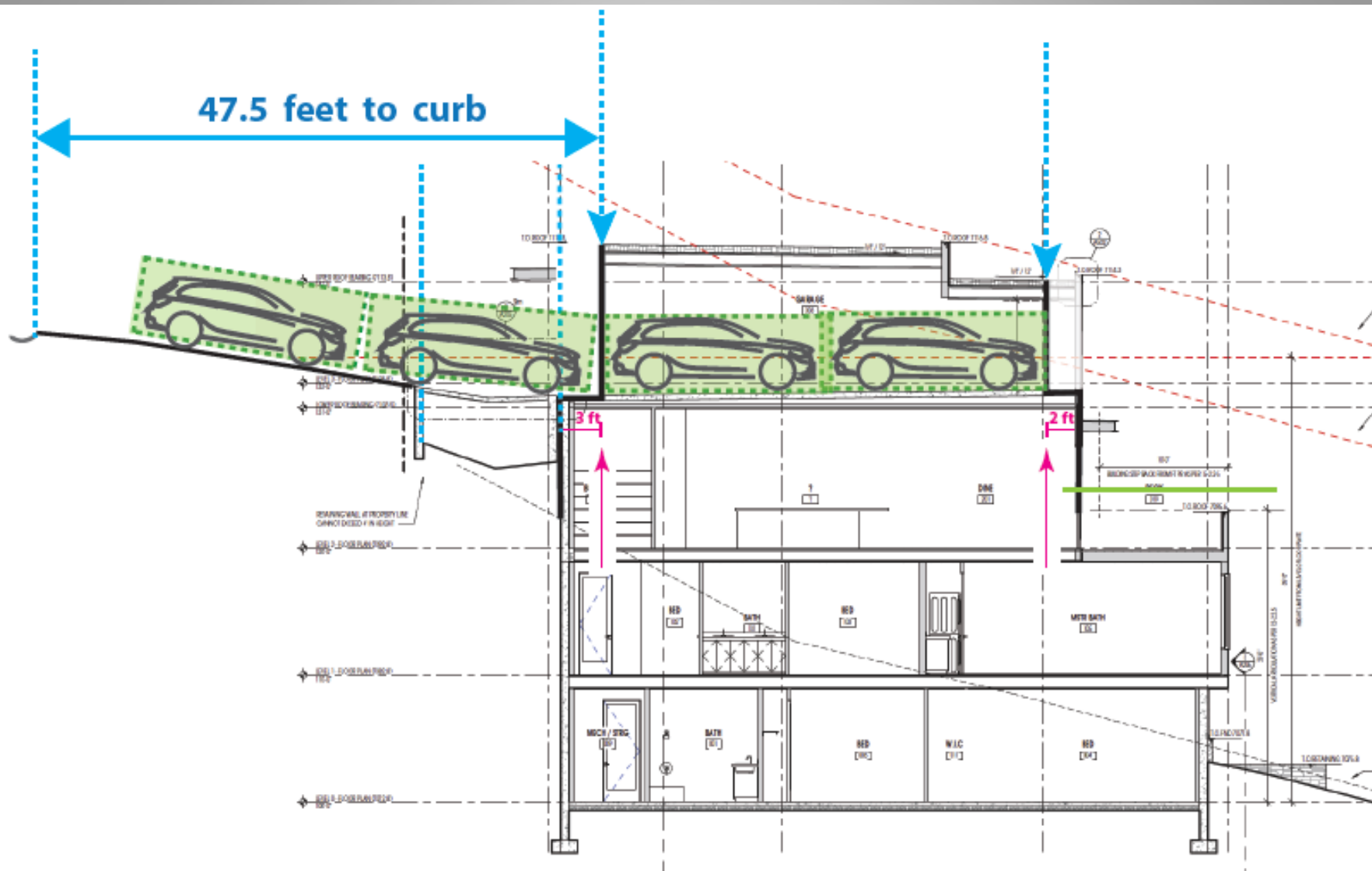


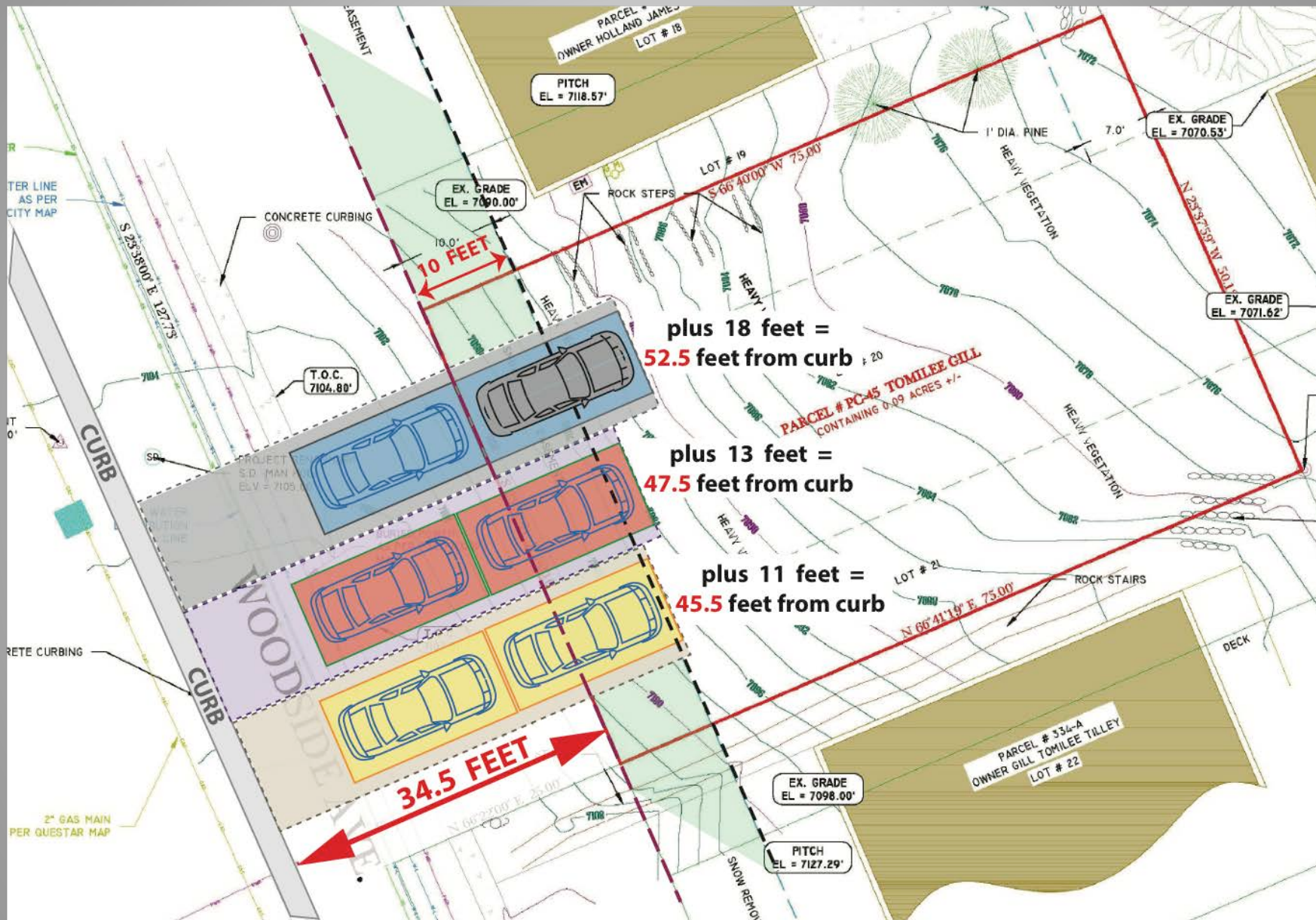






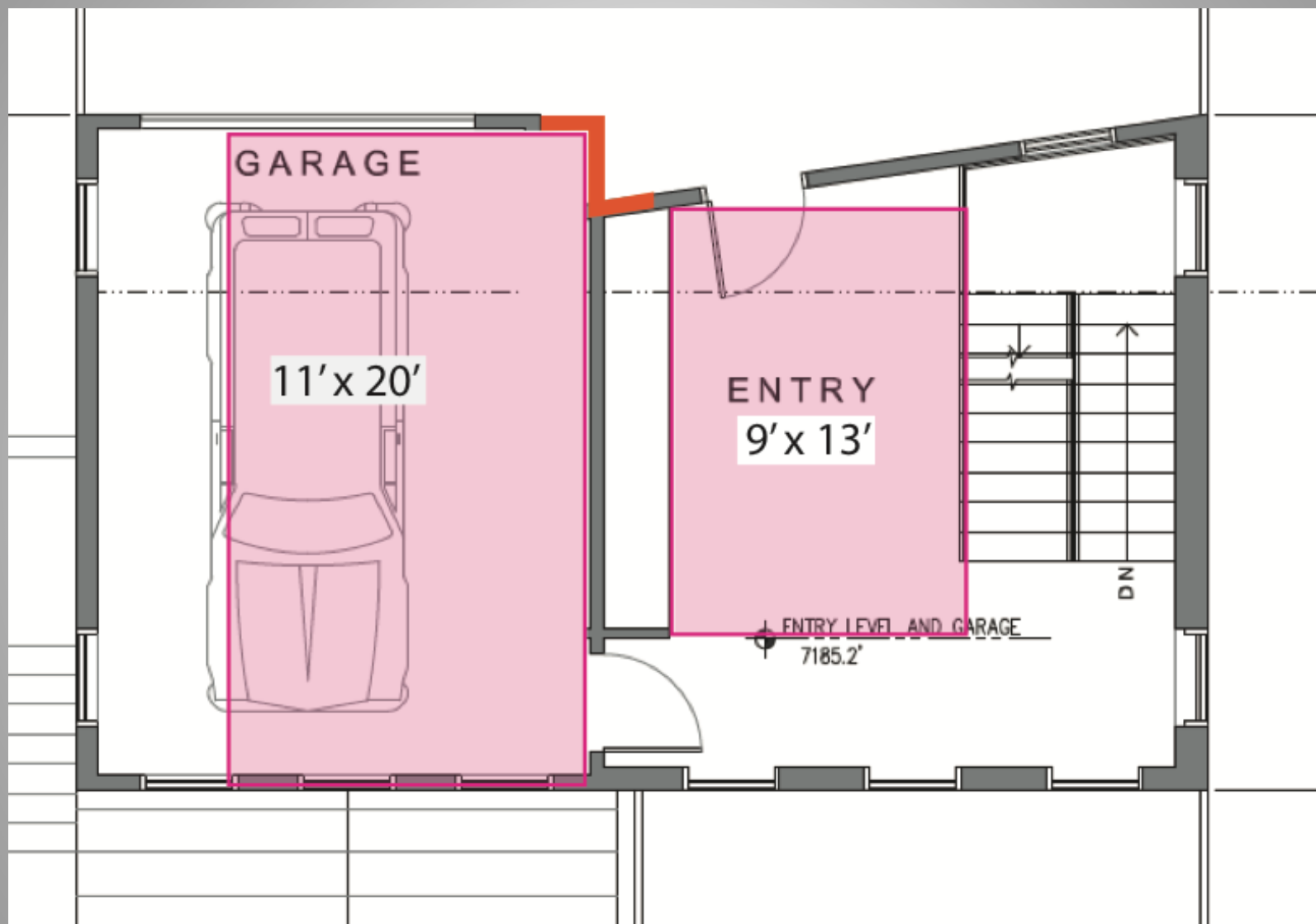








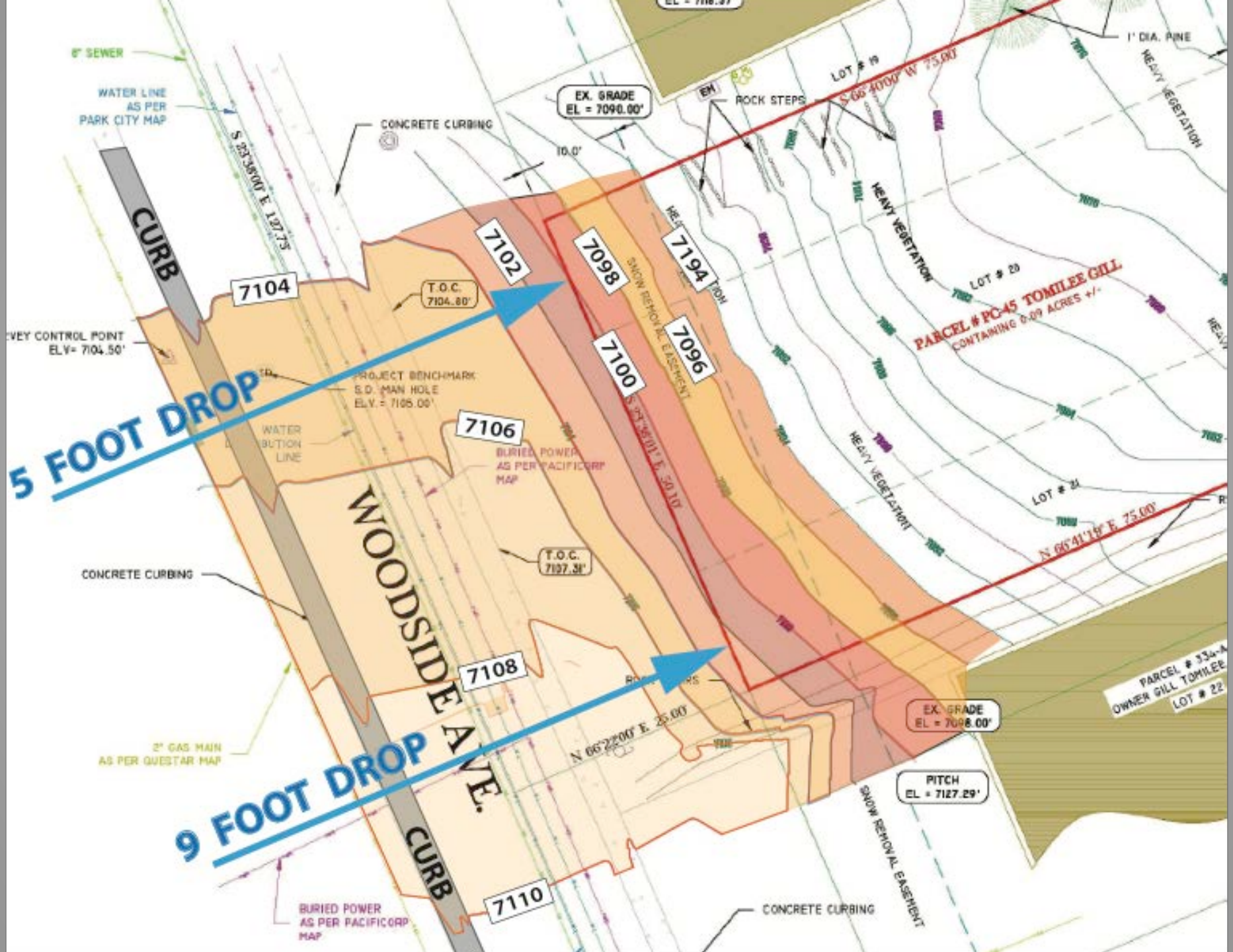




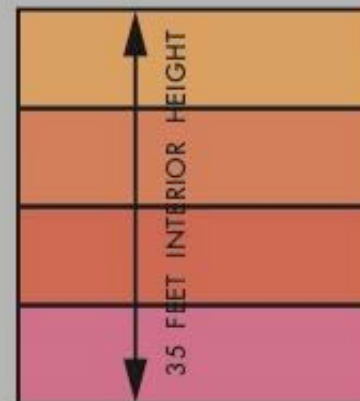
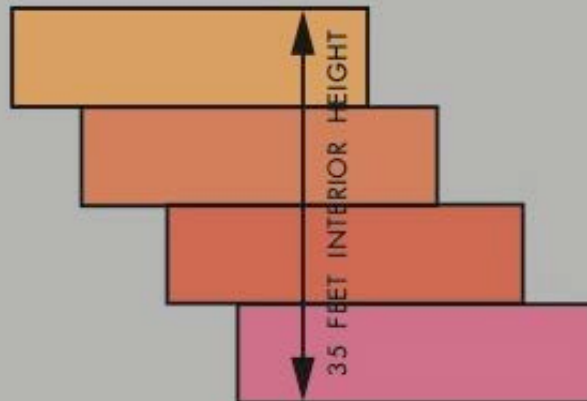
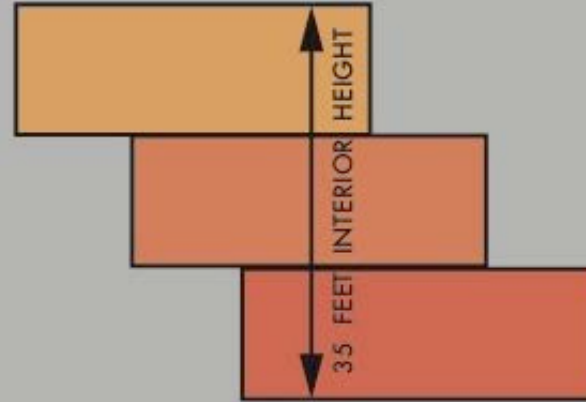
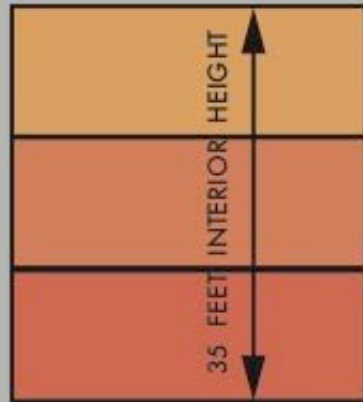
5 FOOT DROP

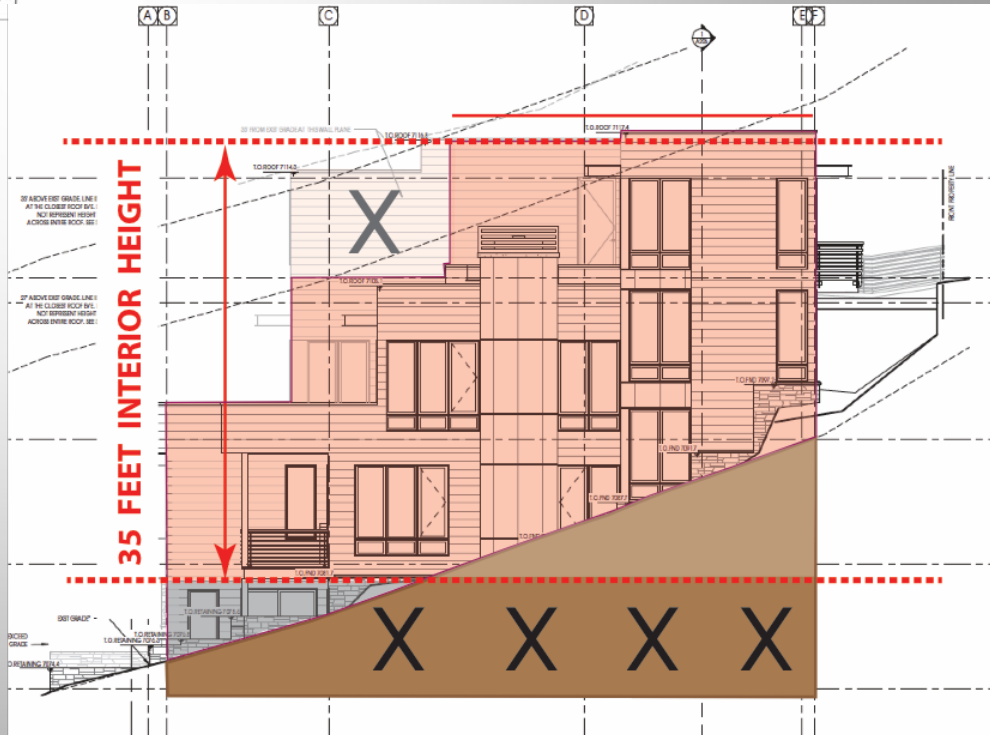
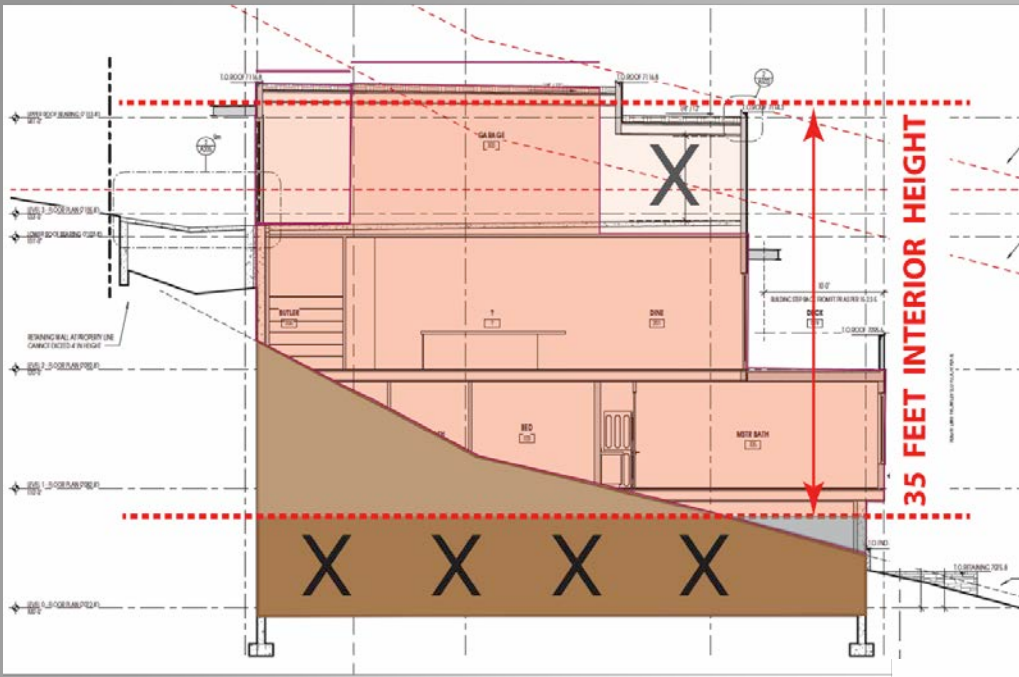
9 FOOT DROP

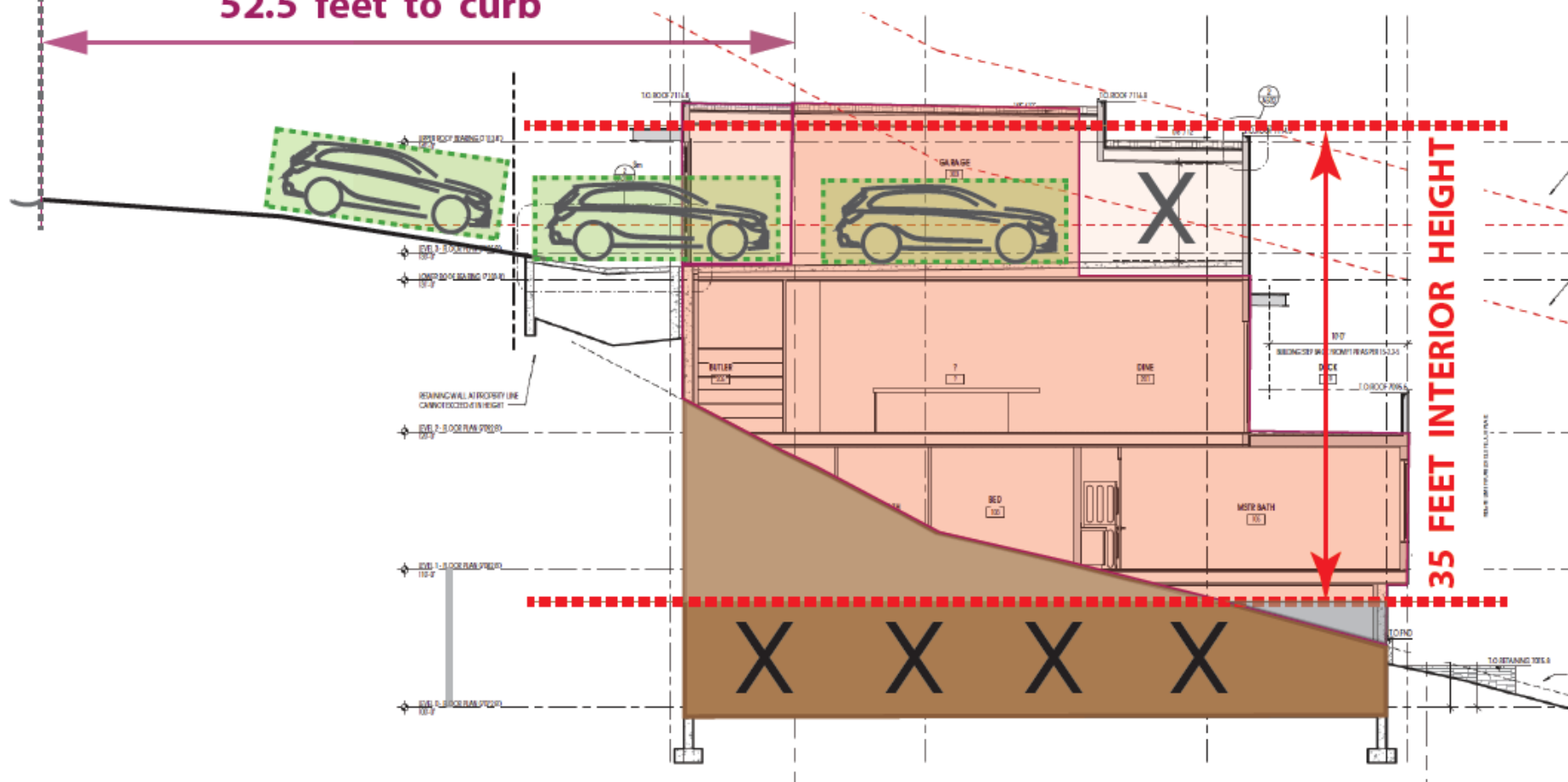
WOODSIDE AVE.



35 feet INTERIOR HEIGHT
15-2.2-5 Building Height A.







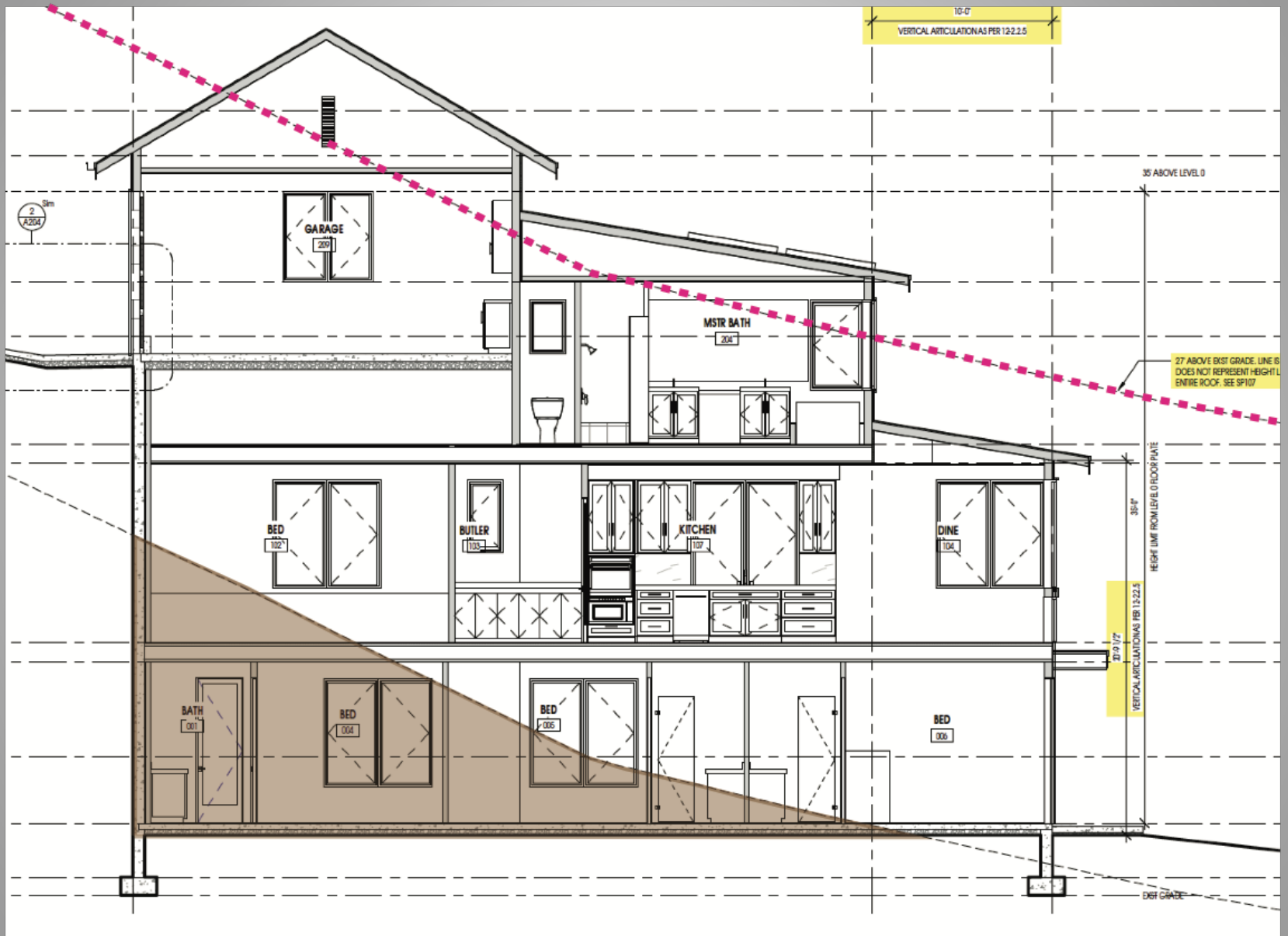










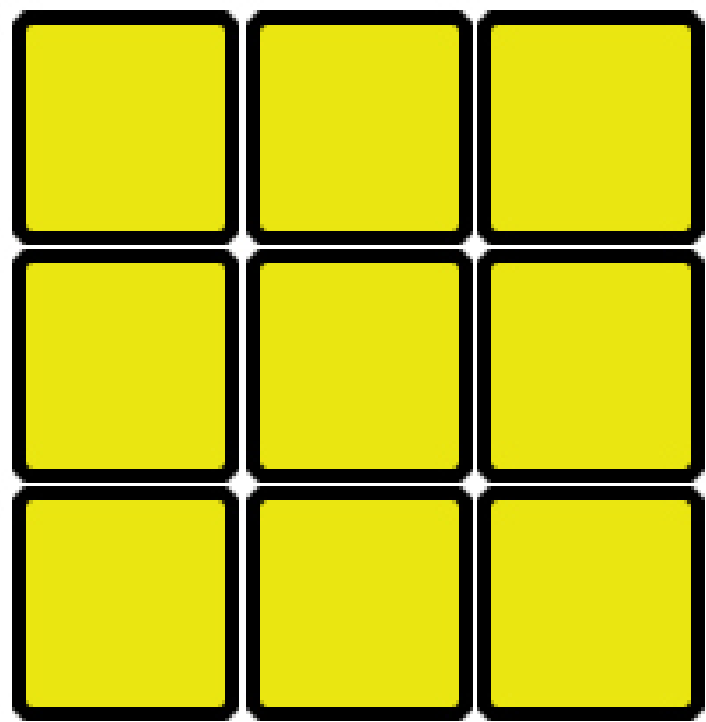


The 352 Woodside lot is limited in physical nature, building codes and neighborhood ordinances.

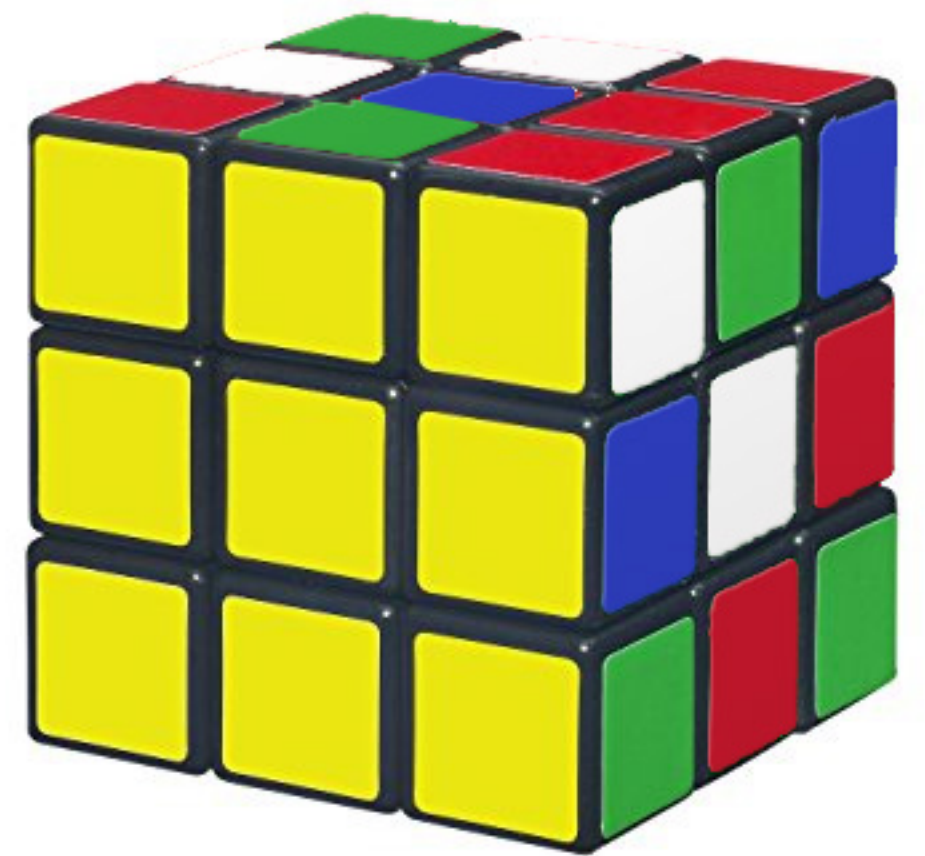
Thankfully we have advanced computer modeling software that allows us to study the site in 3D and to obey all limitations, thus creating a complying approved structure.

In the following slides I will demonstrate our design process and why it was correctly approved by the Park City Planning Department.

If you only preform a 2D analysis you are not solving problems.

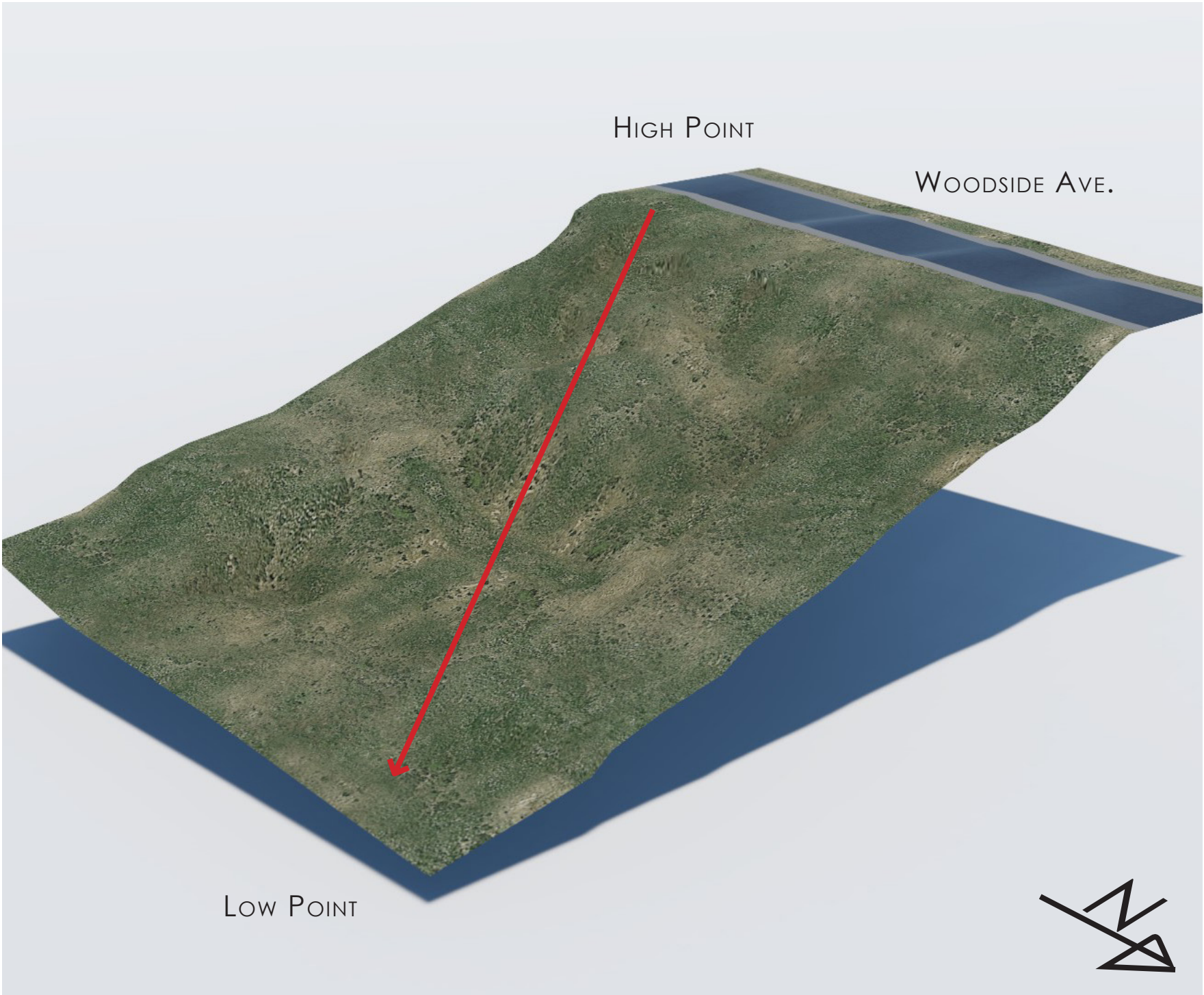


2D ANALYSIS



3D ANALYSIS

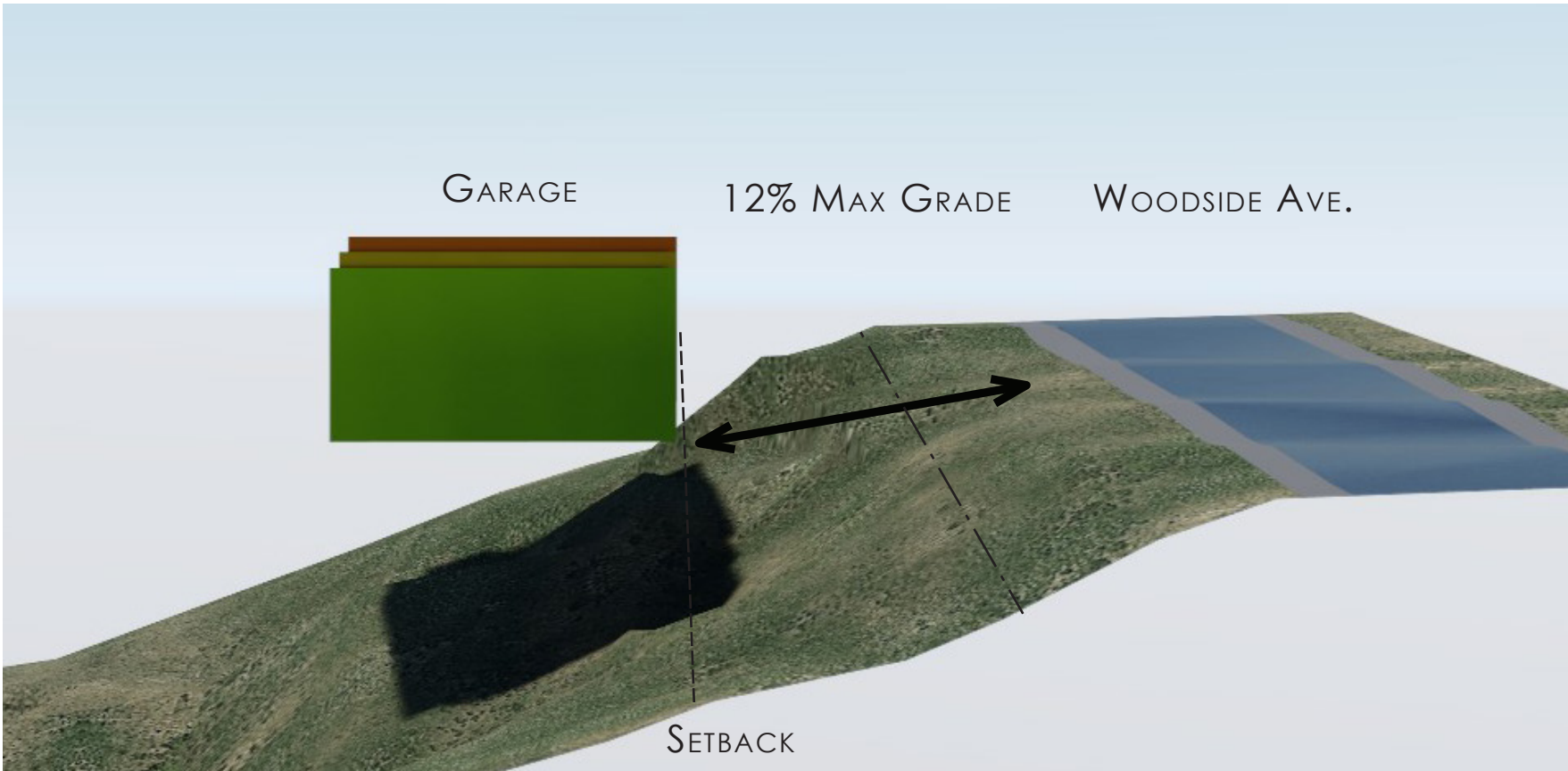
The site is on a compound slope. The grade changes front to back AND side to side.



Determining the street facing elevation

The driveway slope does not exceed 12%. From the street's edge, we drew a 12% grade driveway down to the front setback of the site. This determined the absolute lowest point in which the garage can be placed.

GARAGE CANNOT DROP ANY LOWER IN ELEVATION.

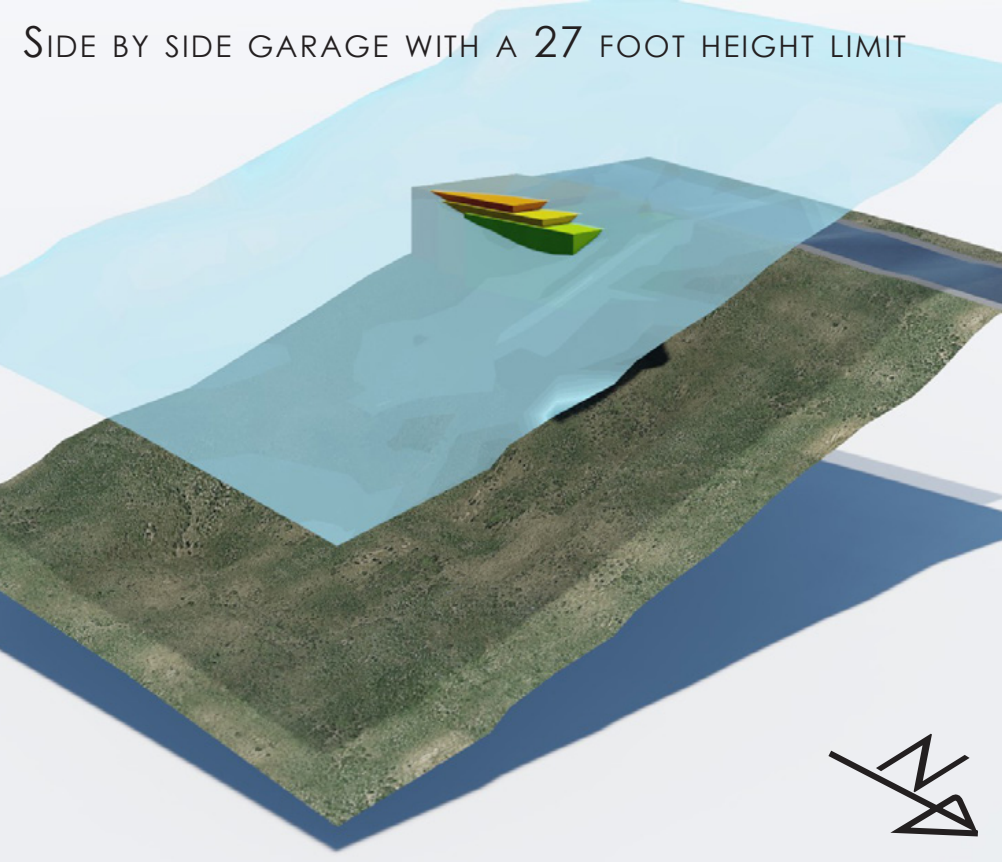
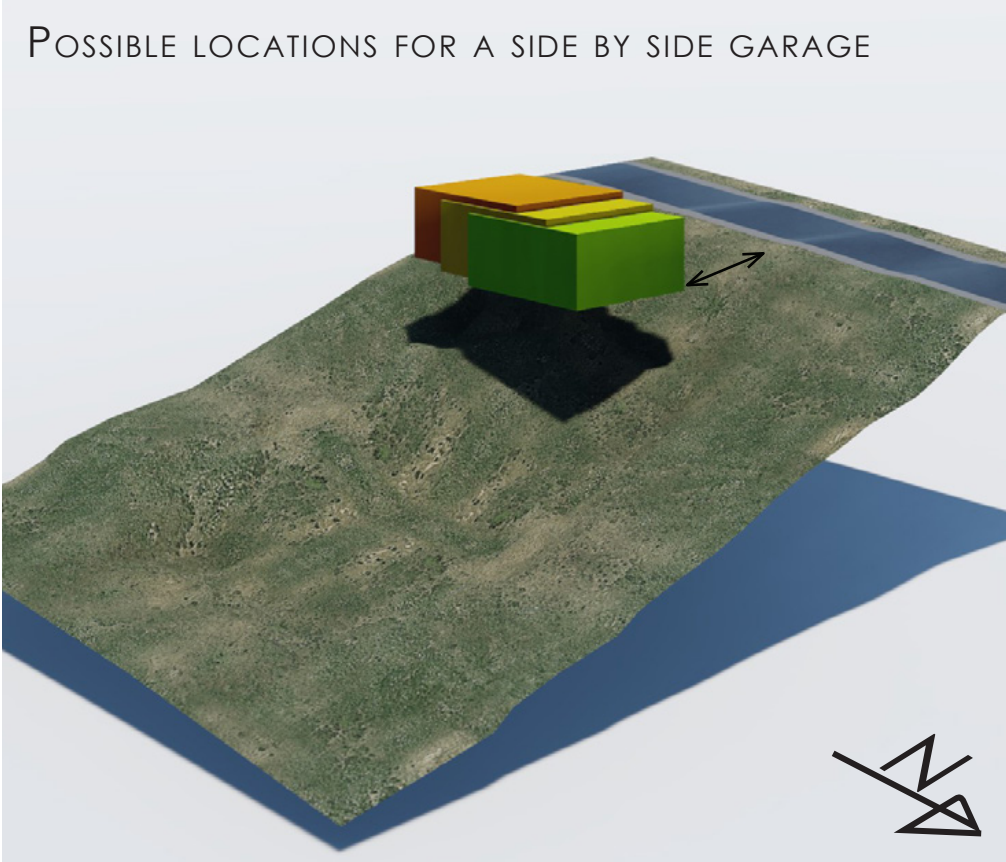


Access - 15-2.2-6 C 3
“Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building Scale.”

Building Height - 15-2.2-6 C 9
“The Zone Height in the HR-1 District is twenty-seven feet (27’)

ALL LOCATIONS OF A SIDE BY SIDE GARAGE BREAK THE 27’ HEIGHT LIMIT.

Because a structure cannot be effectively constructed within the LUMC, we asked for an exception and were denied.



Planning Department Recommendation

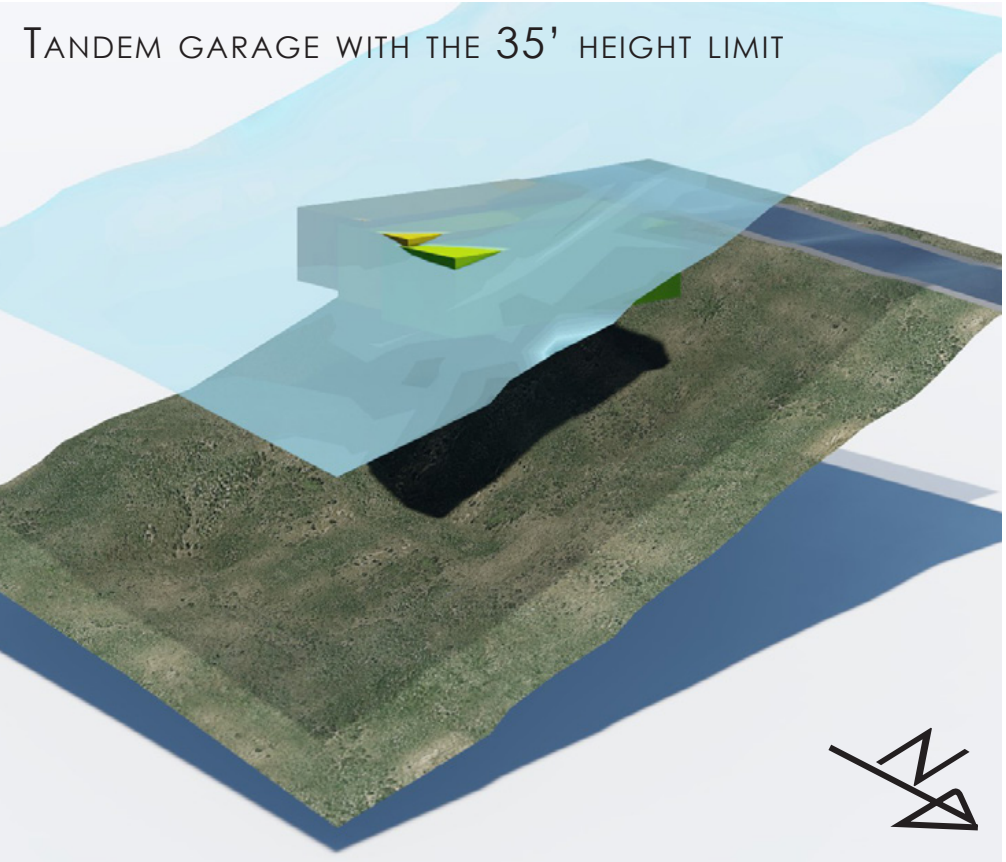
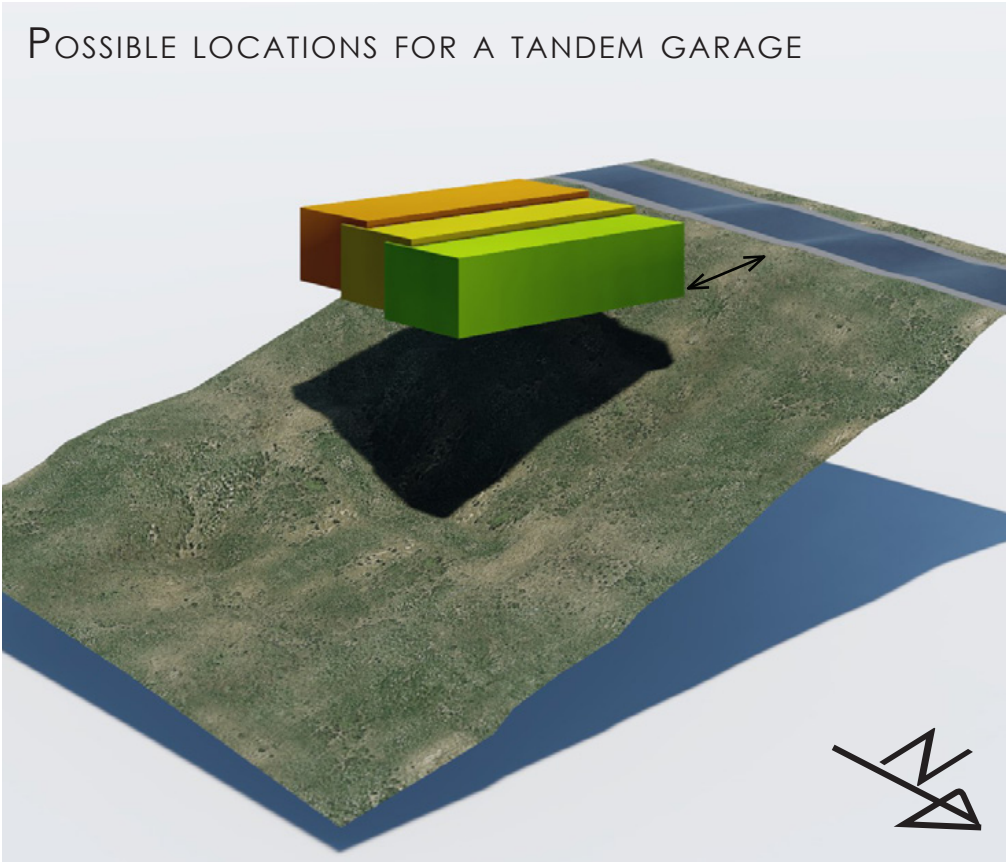
12-2.1-5-D-4: **The Planning Commission may allow additional Building Height [35'] ... on a downhill Lot to accommodate a single car wide garage in a Tandem Parking configuration.**

15-3-3-1: Tandem Spaces Parking designs, which necessitate parking one vehicle directly behind another, not perpendicular to each other.

A garage (shaded orange) on the southern edge of the property fits under the height limit.

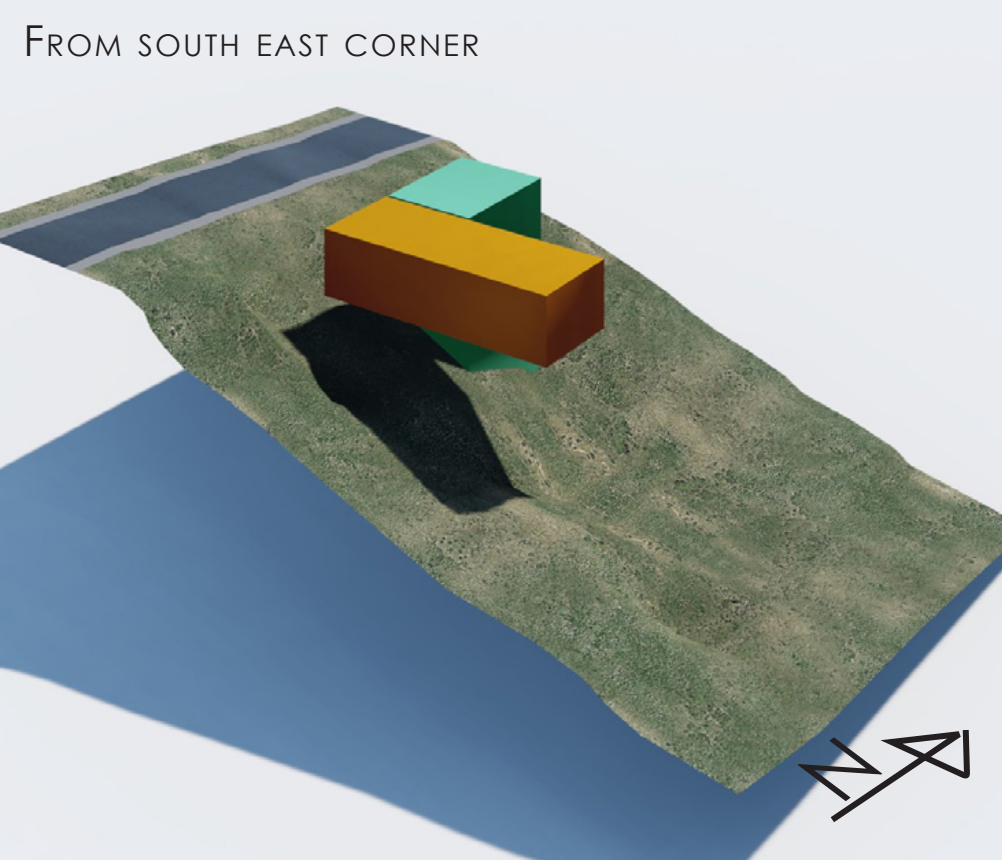
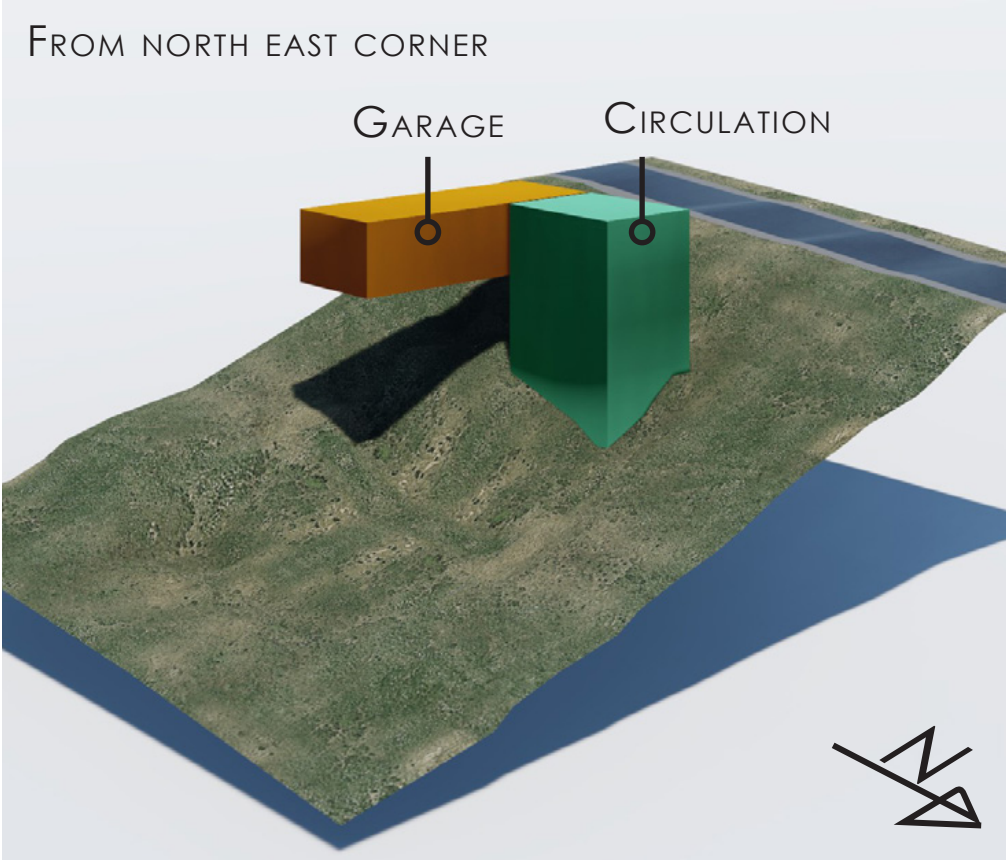
THE STUDY SHOWS A SINGLE LOCATION A GARAGE CAN BE PLACED ON THE SITE.

Garage on downhill lot - 15-2.2-5 D.4
“The Planning Commission may allow additional building height on a downhill lot to accommodate a single car wide garage in a tandem parking configuration..”



Stairs & an ADA elevator needs to be added.

Building Height - 15-2.2-5 D.3
“The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. ”

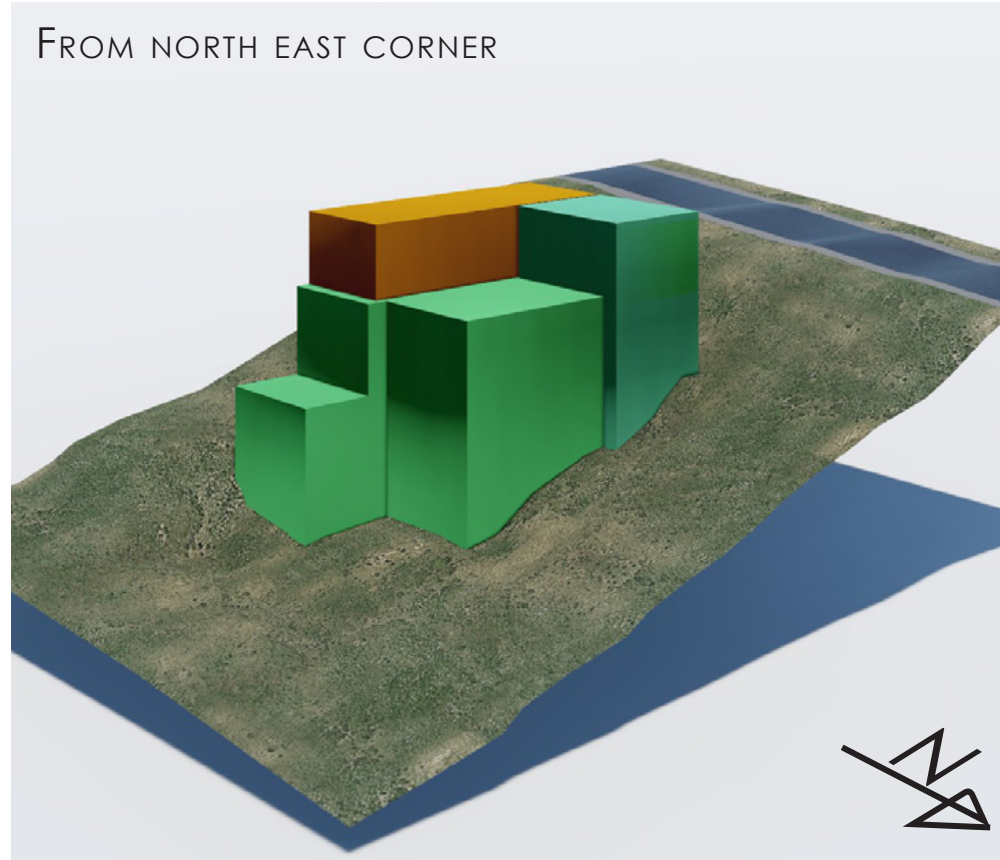


Dwelling Volume - 15-2.2-6 C 8

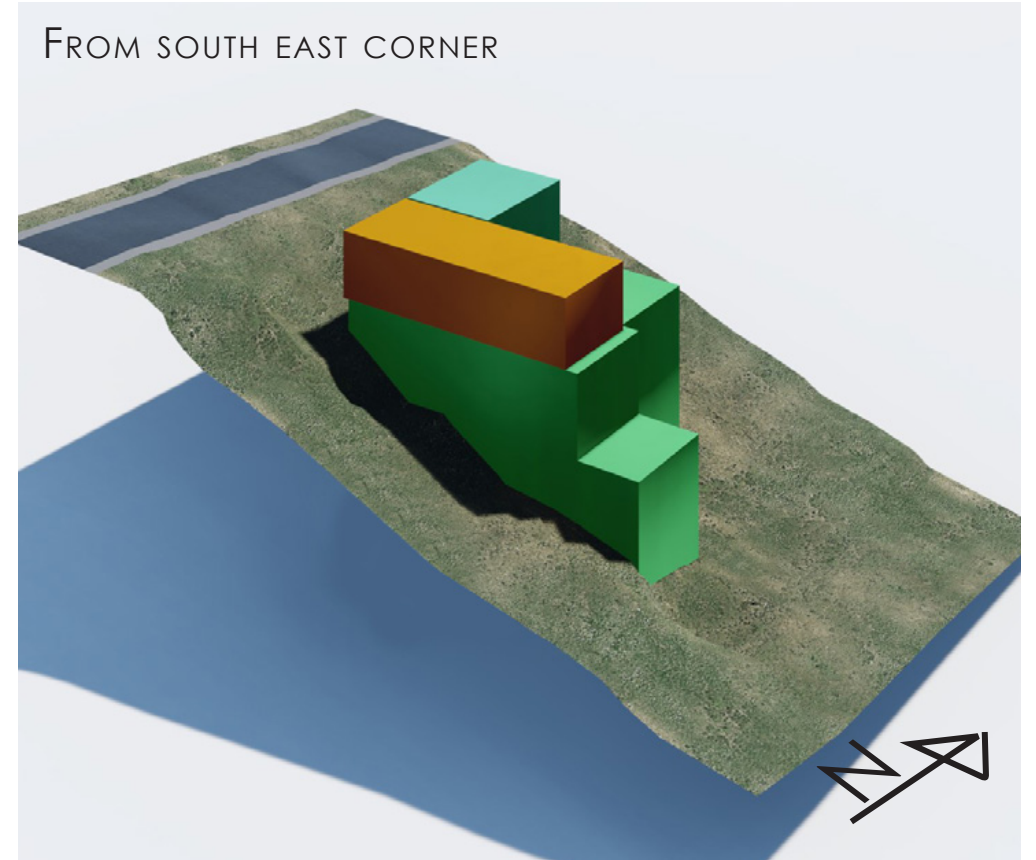
"The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter."

- 20' combined front and rear setback (Table 15-2.2)
- 14' combined side yard setbacks (Table 15-2.2)
- 1,519 sq. ft. footprint limit
- 10' building step back at 23' height in the rear (15-2.2-5b)
- 4' max grade change
- 27' exterior height (15-2.2-5a)
- Exception - 35' exterior height (15-2.2-5d)

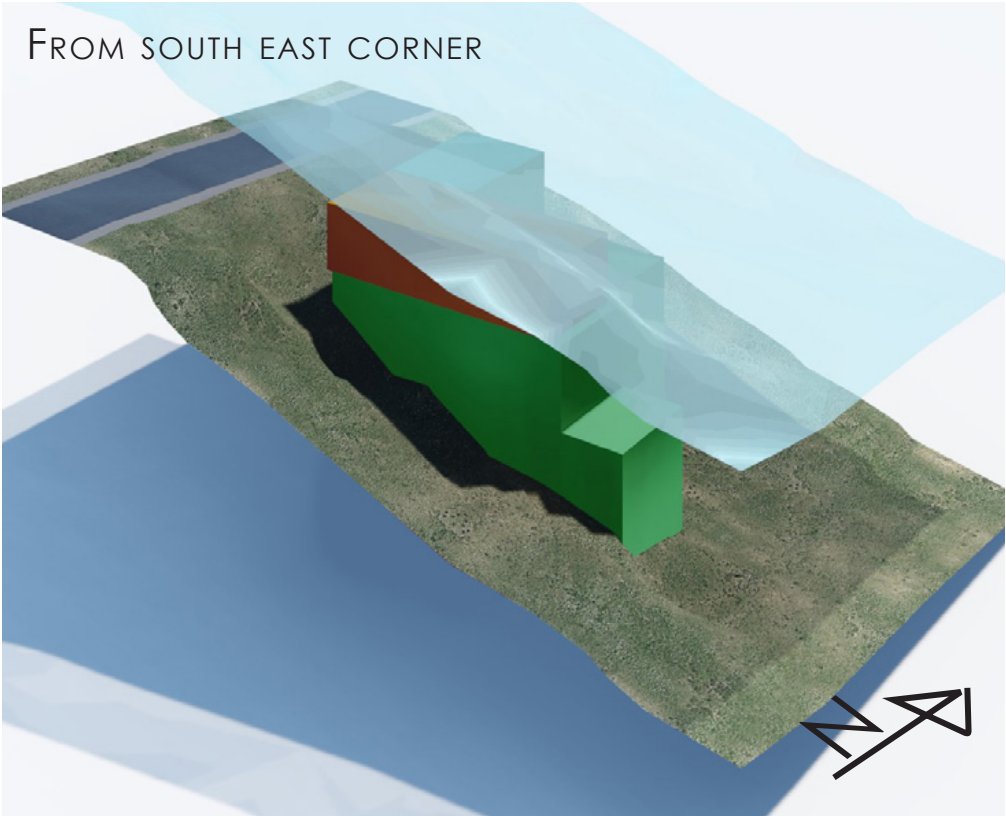
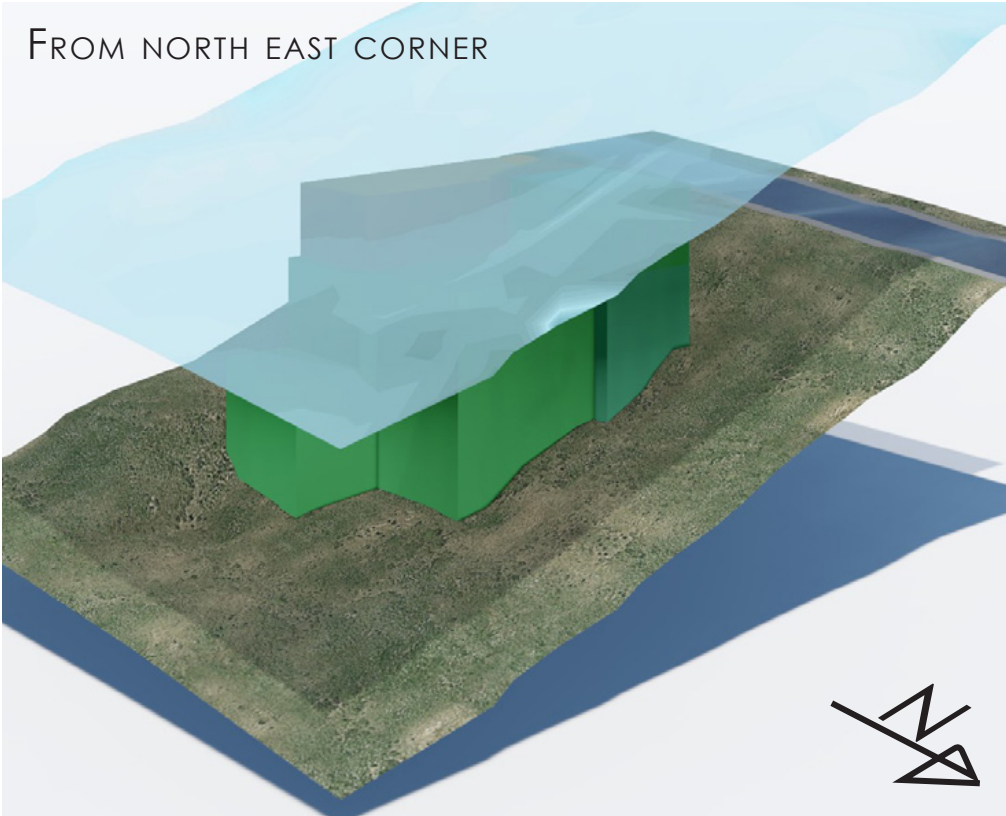
FROM NORTH EAST CORNER



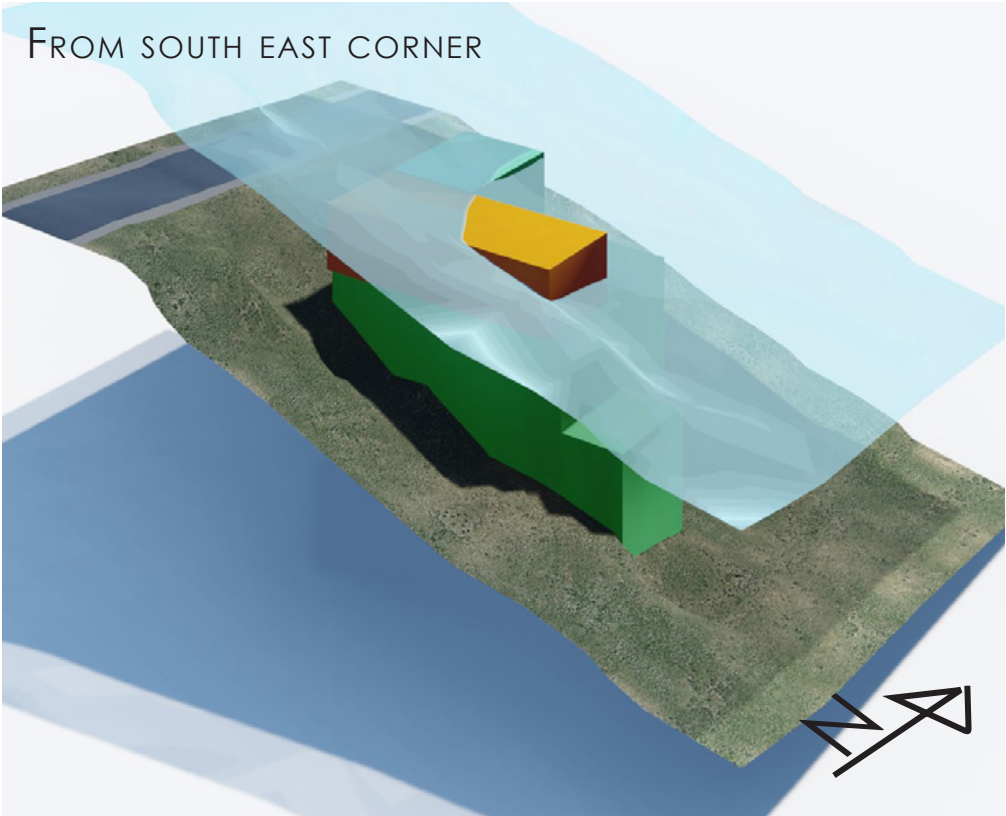
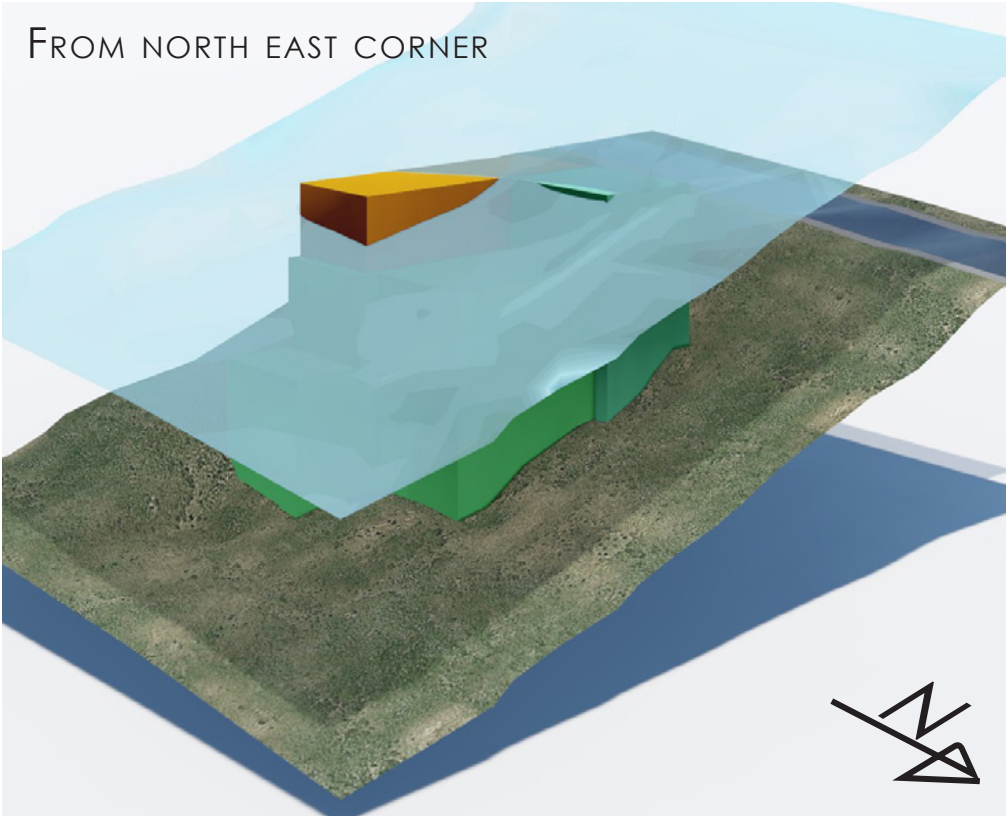
FROM SOUTH EAST CORNER



35' Height Limit



27' Height Limit



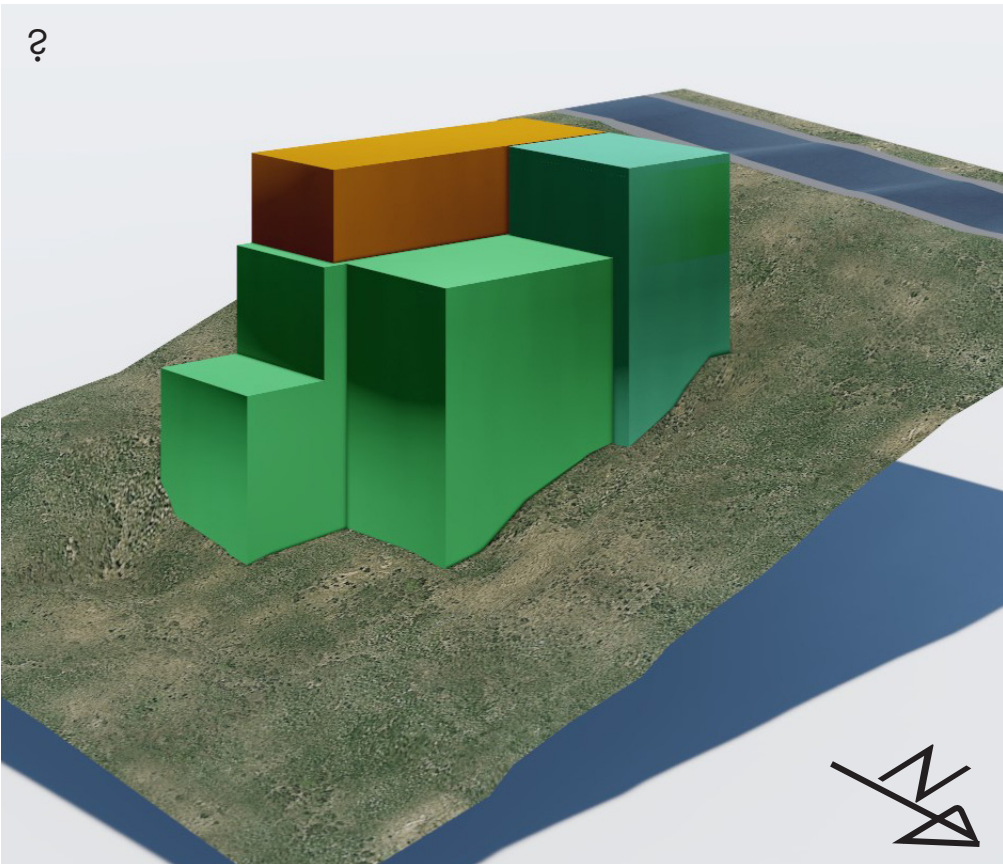
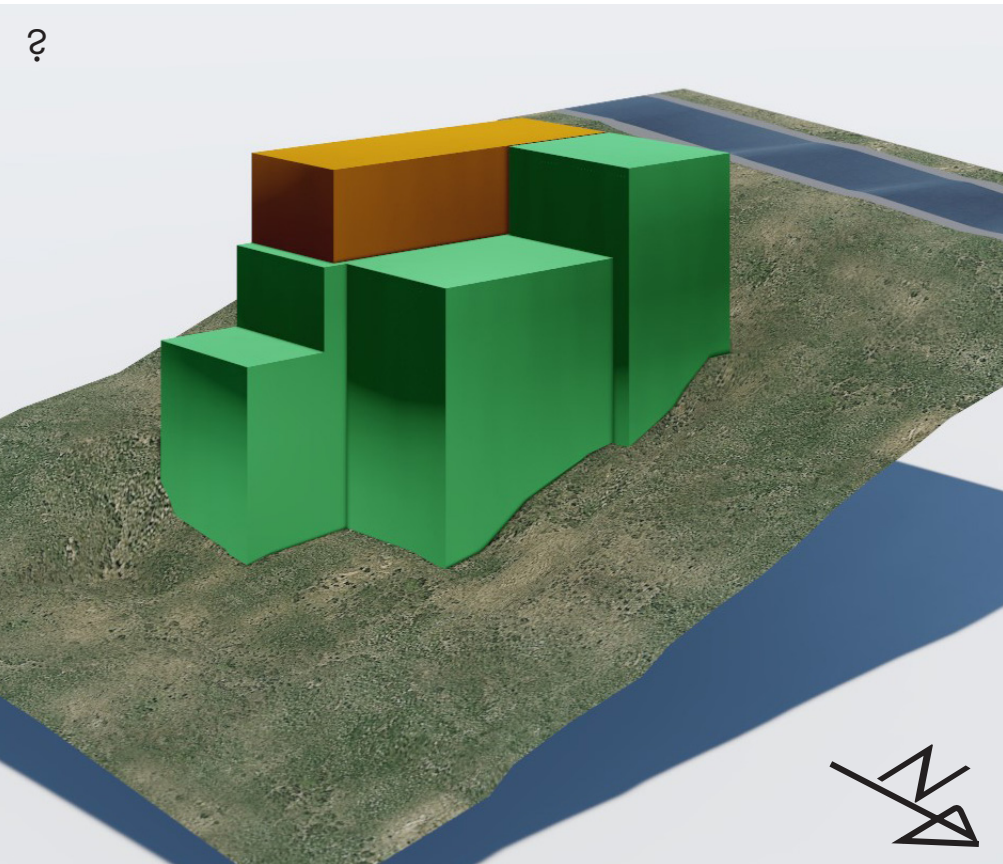
After consulting with Park City Planning Staff, it was determined that an interior height of 43' is acceptable. Based on the severe site conditions, using the garage location and the lowest elevation of the footprint.

Email excerpt | *June 21st 2017*

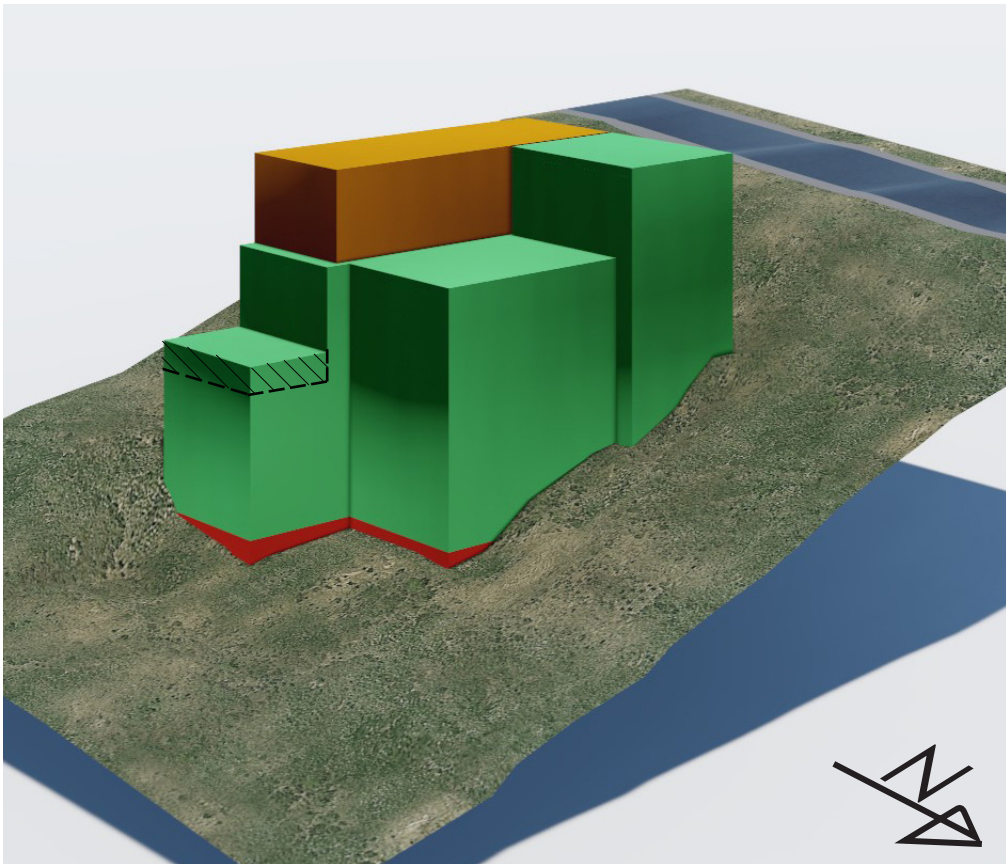
"1. The interior height [in a previous design] exceeded the code. We discussed the site constraints and agreed over the phone to reduce [the interior height] to 43'. I have done the following

- a. reduced the floor to floor heights
- b. reduced the door heights on levels 0 & 1
- c. brought the head height of the windows on Level 0 & 1 down
- d. Levels 0-2 have been raised out of the grade. Level 2's foot print had to be reduced in order to do this and stay under the 27' height limit.
- e. The garage did not have enough headroom to the ceiling in order to house the lift mechanism. An additional step has been added to the garage roof so it can be raised, while remaining under the 35' limit."

Which massing has a 35' Interior Height?
Which massing has a 43' Interior Height?
Which mass “adds unnecessary height and [is] inconsistent with 15-2.2-1 Purpose?”

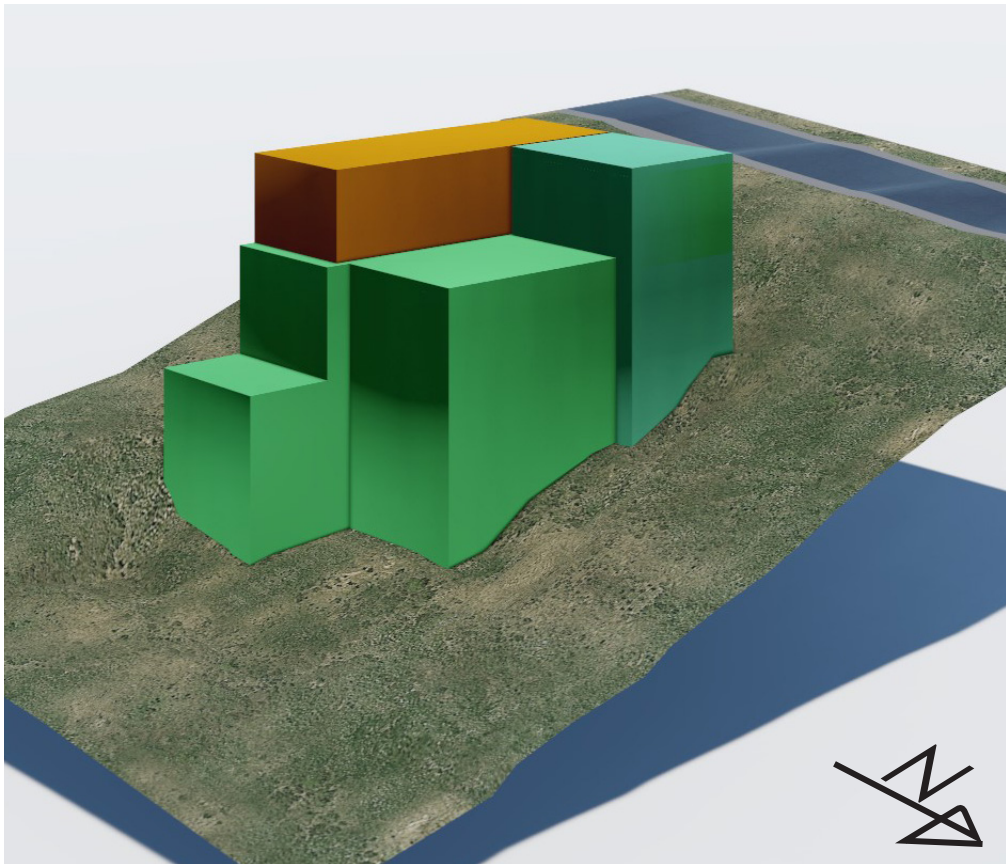


35' Interior Height



INCREASES THE EXTERIOR MASSING AND BRINGS THE FOUNDATION ABOVE THE EXISTING GRADE

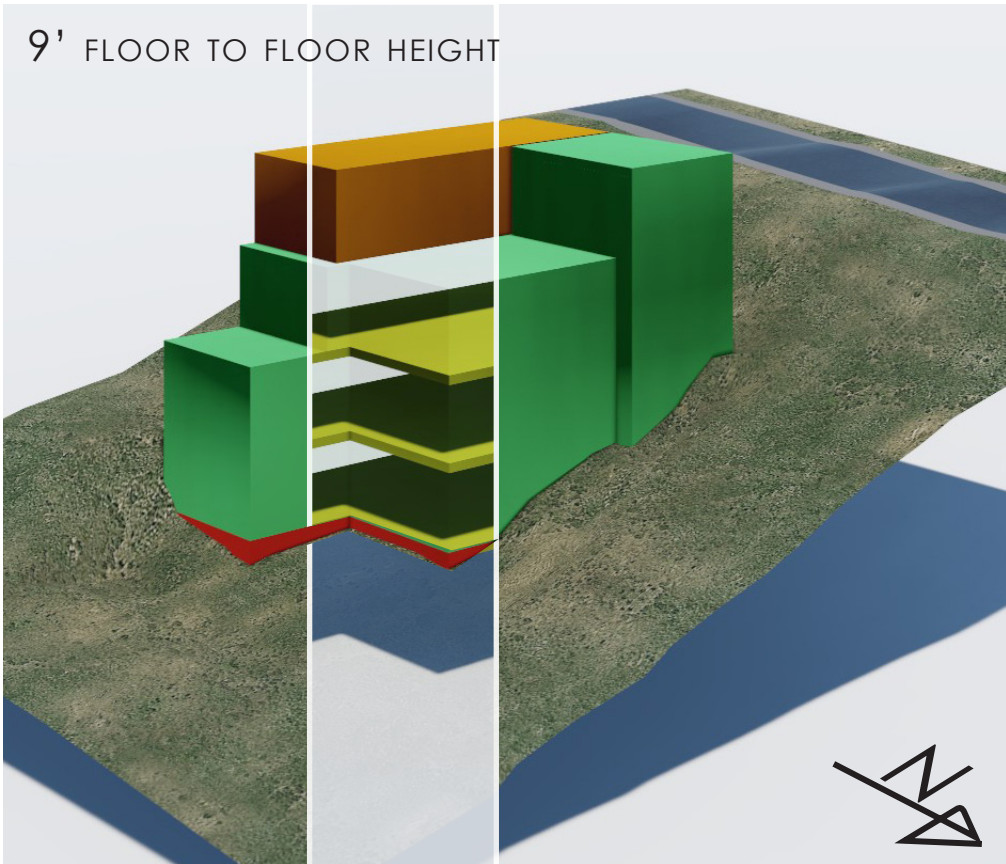
Approved
43' Interior Height



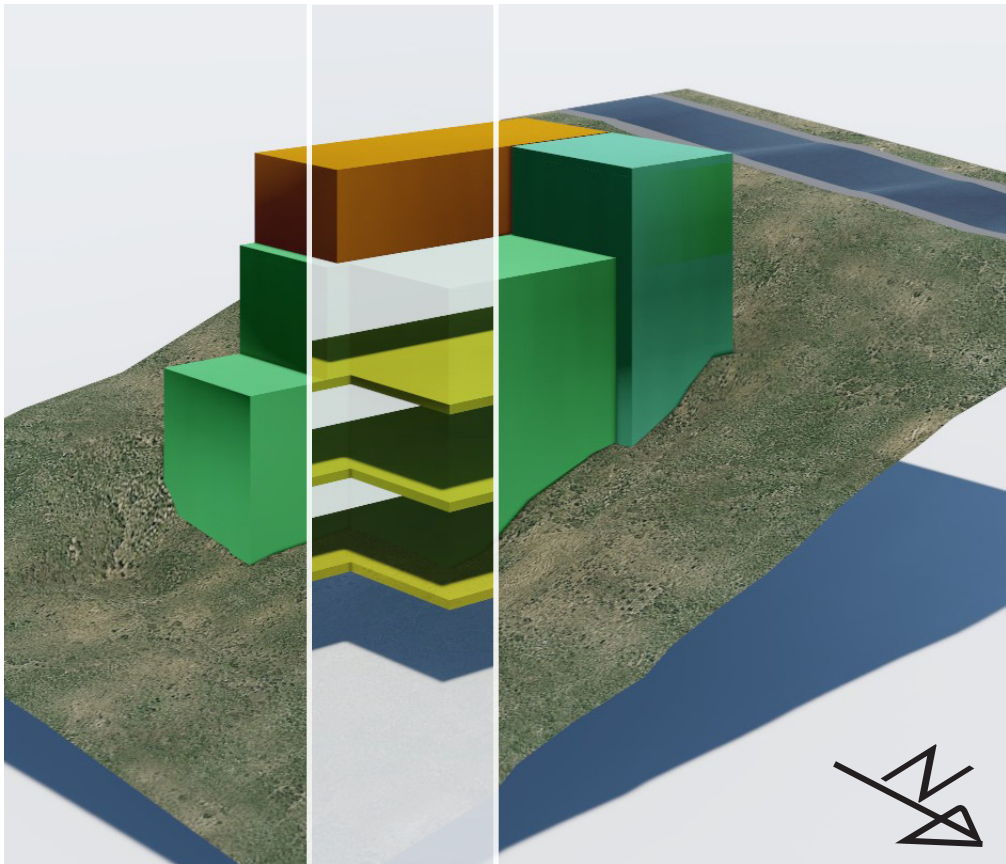
HAS LESS IMPACT TO THE VISUAL MASSING OF THE STRUCTURE

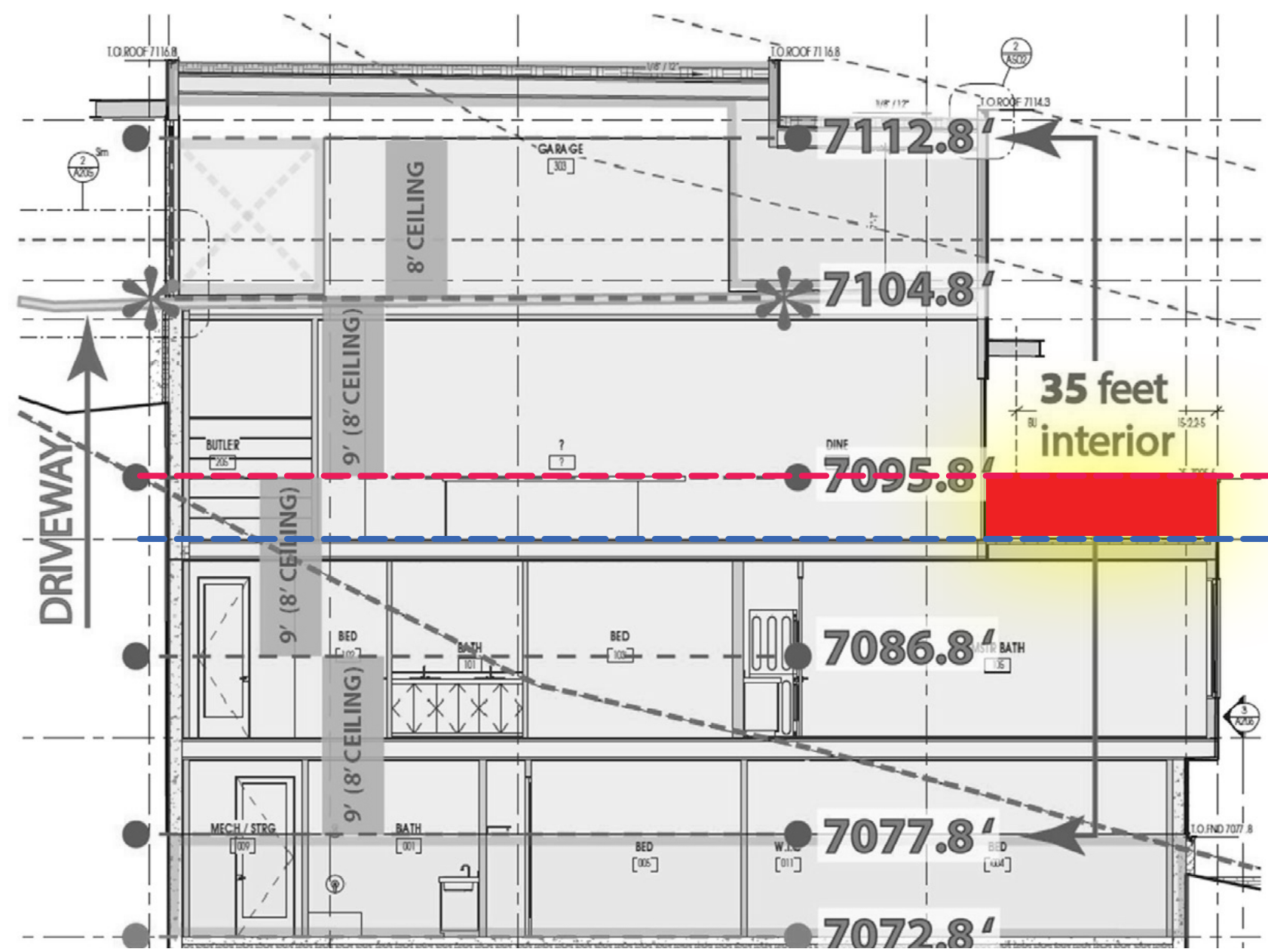
Masses with the exterior walls removed, showing the floors.

35' Interior Height



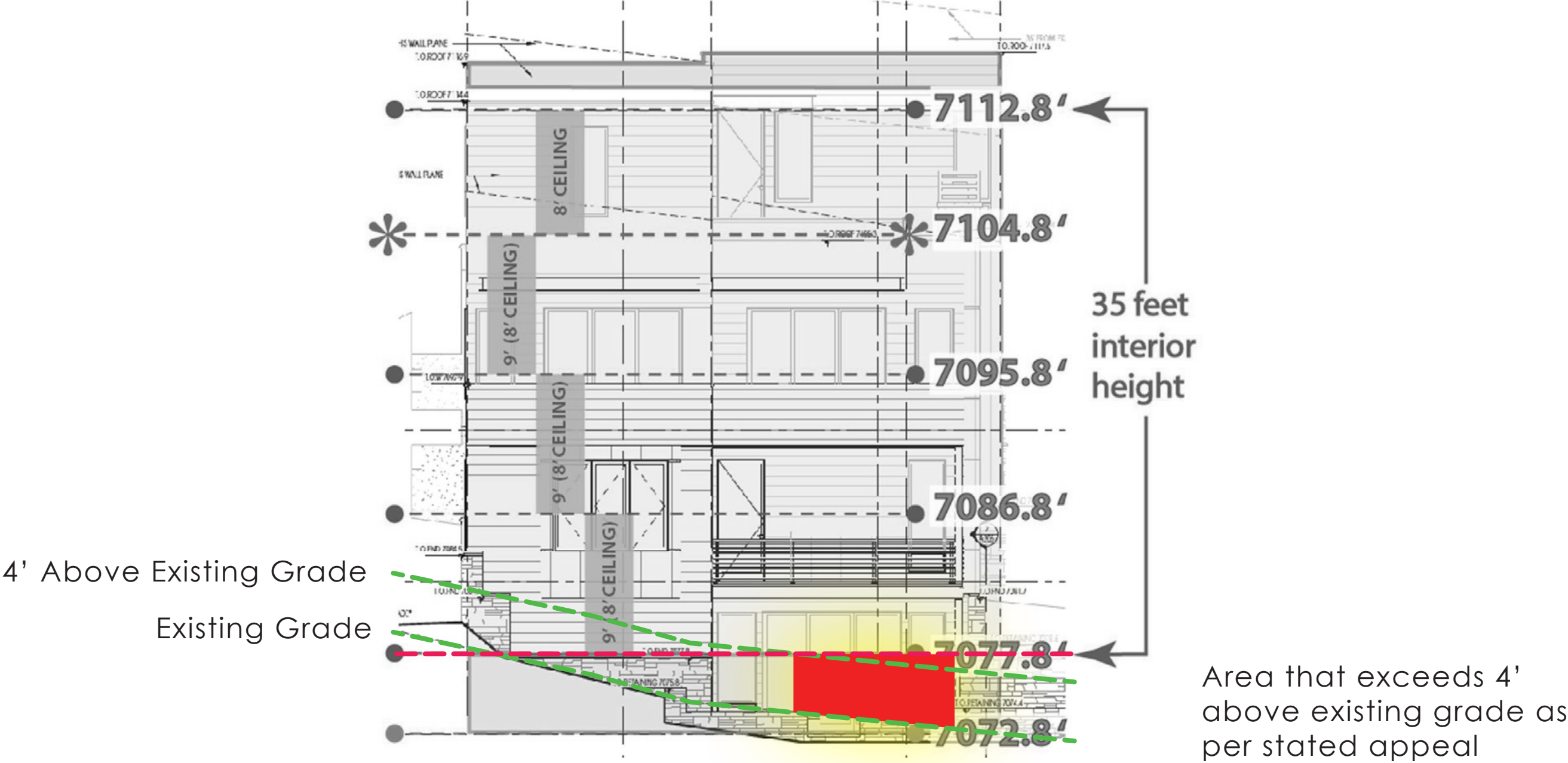
Approved
43' Interior Height





Additional massing as per stated appeal

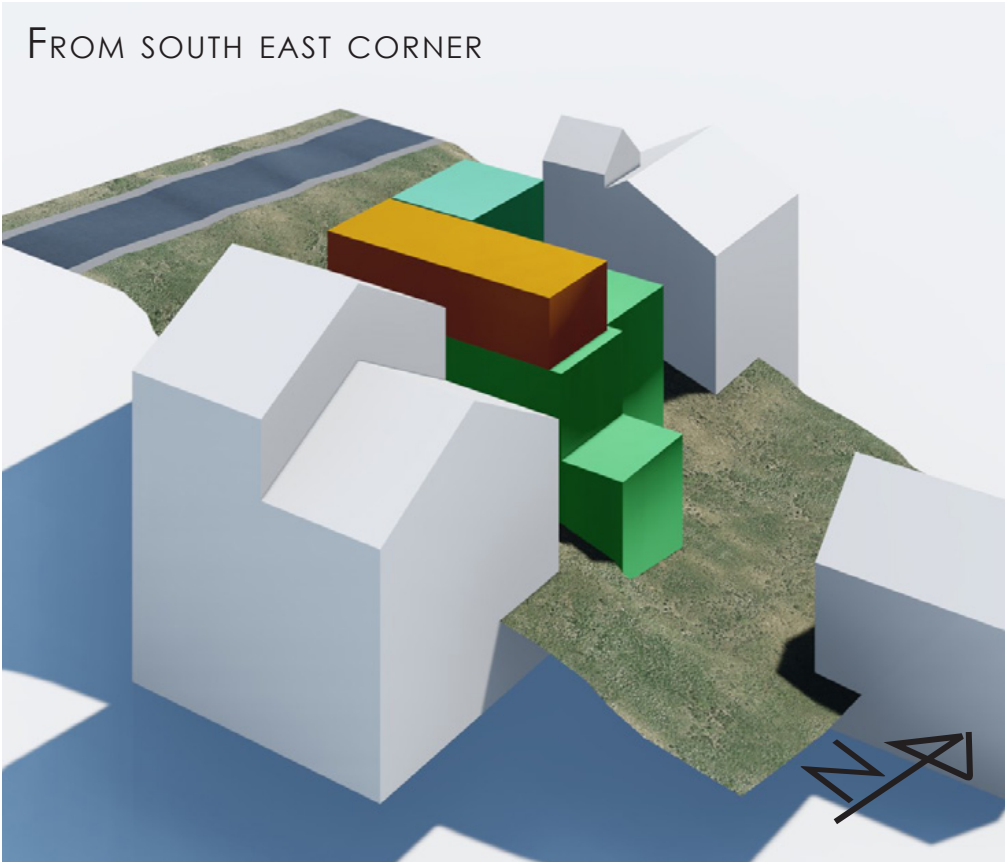
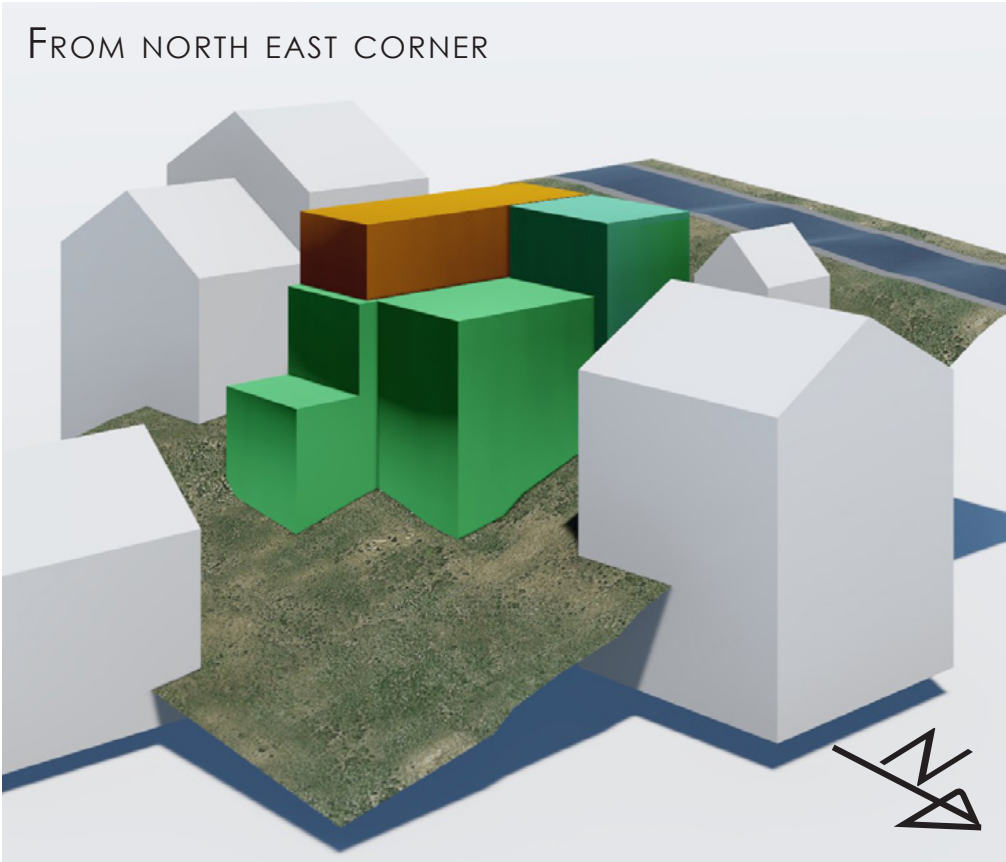
Appellant Graphic



Appellant Graphic

Location of Development - 15-2.2-6 C 1
“Development is located and designed to reduce visual and environmental impacts..”

The massing is designed in a way to reduce visual impacts.



THE HEIGHTS AND FOOTPRINTS OF THE ADJACENT HISTORIC PROPERTIES ARE VERIFIED BY A CIVIL SURVEY.

Visual Analysis - 15-2.2-6 C 2
“..provide the Planning Dept. with a visual analysis of the project from key Vantage Points.”



VIEW OF APPROVED STRUCTURE FROM ACROSS THE CANYON



VIEW FROM PARK AVE LOOKING WEST



VIEW FROM PARK AVE LOOKING WEST



WITH APPROVED STRUCTURE



WITHOUT APPROVED STRUCTURE

Aug. 23 2017

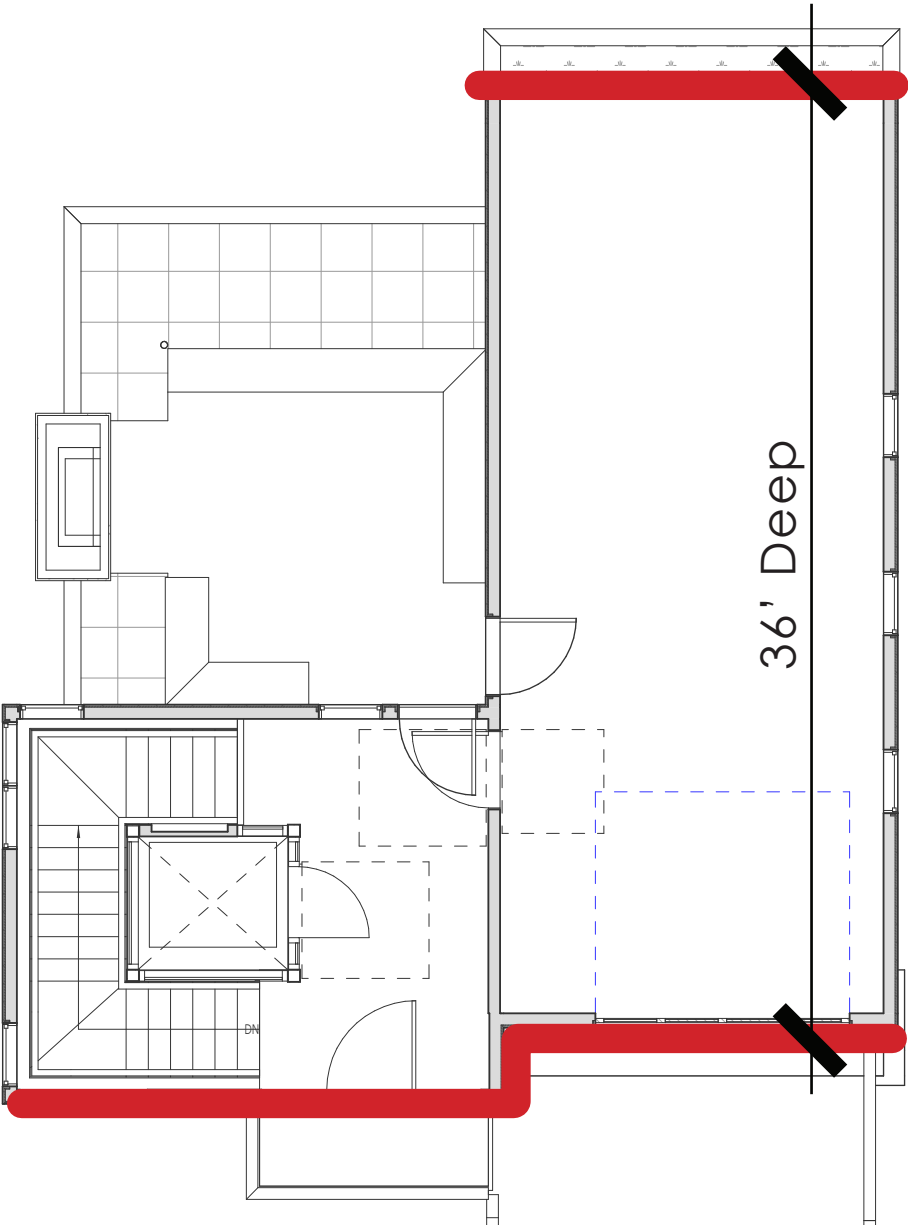
The Park City Planning Commission “approves the Steep Slope Conditional Use Permit and the building Height exception for the garage provided the length of the garage is reduced from 40 feet to 36 feet”.

Notice of Planning Commission Action PL-17-03532

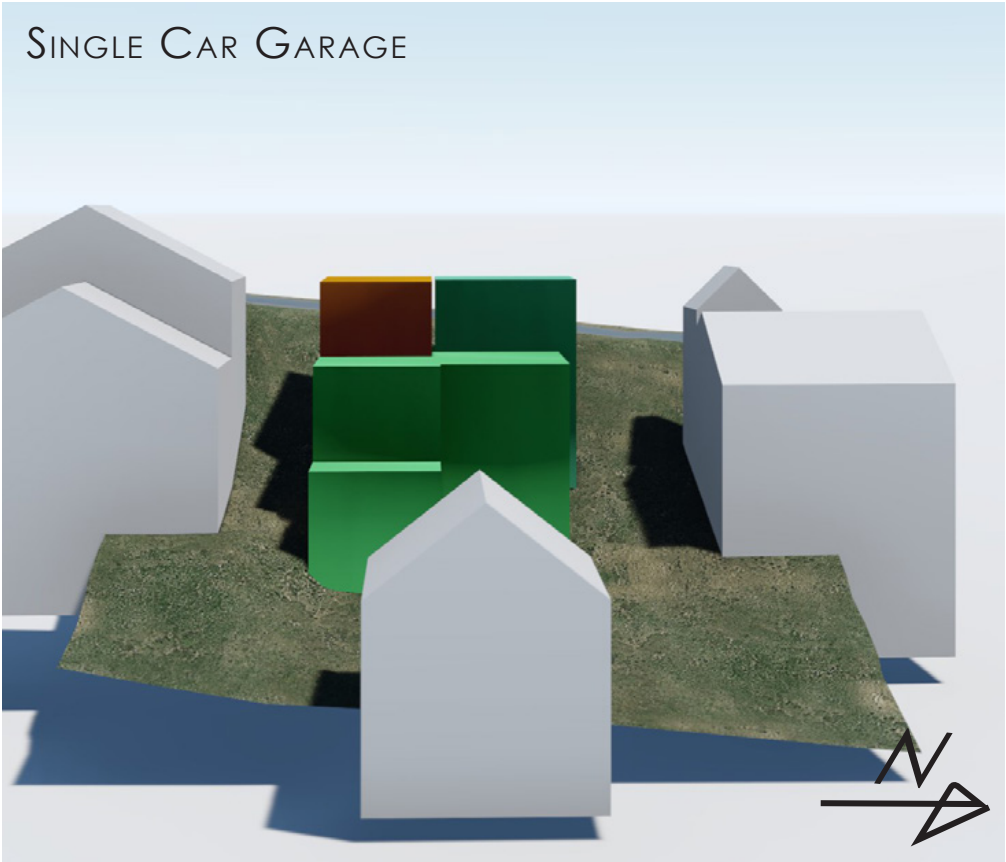
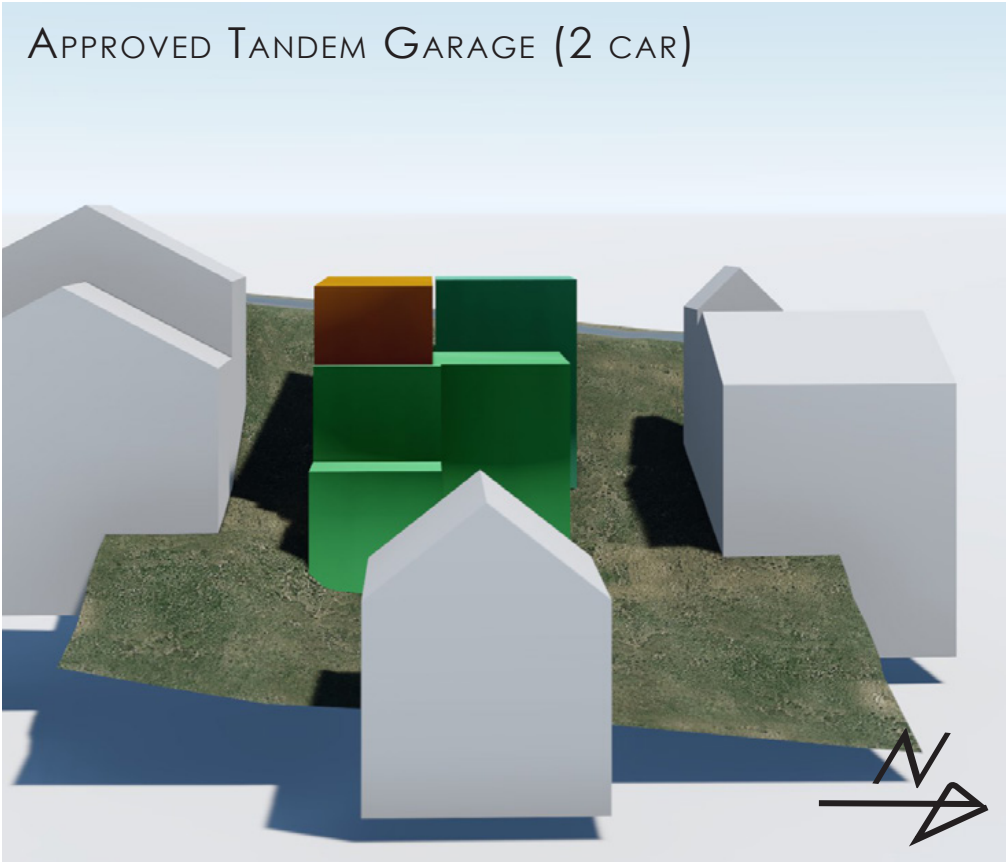
15-2.2-5 D 4: The depth of the garage may not exceed the minimum depth [20']*2 for internal Parking Spaces

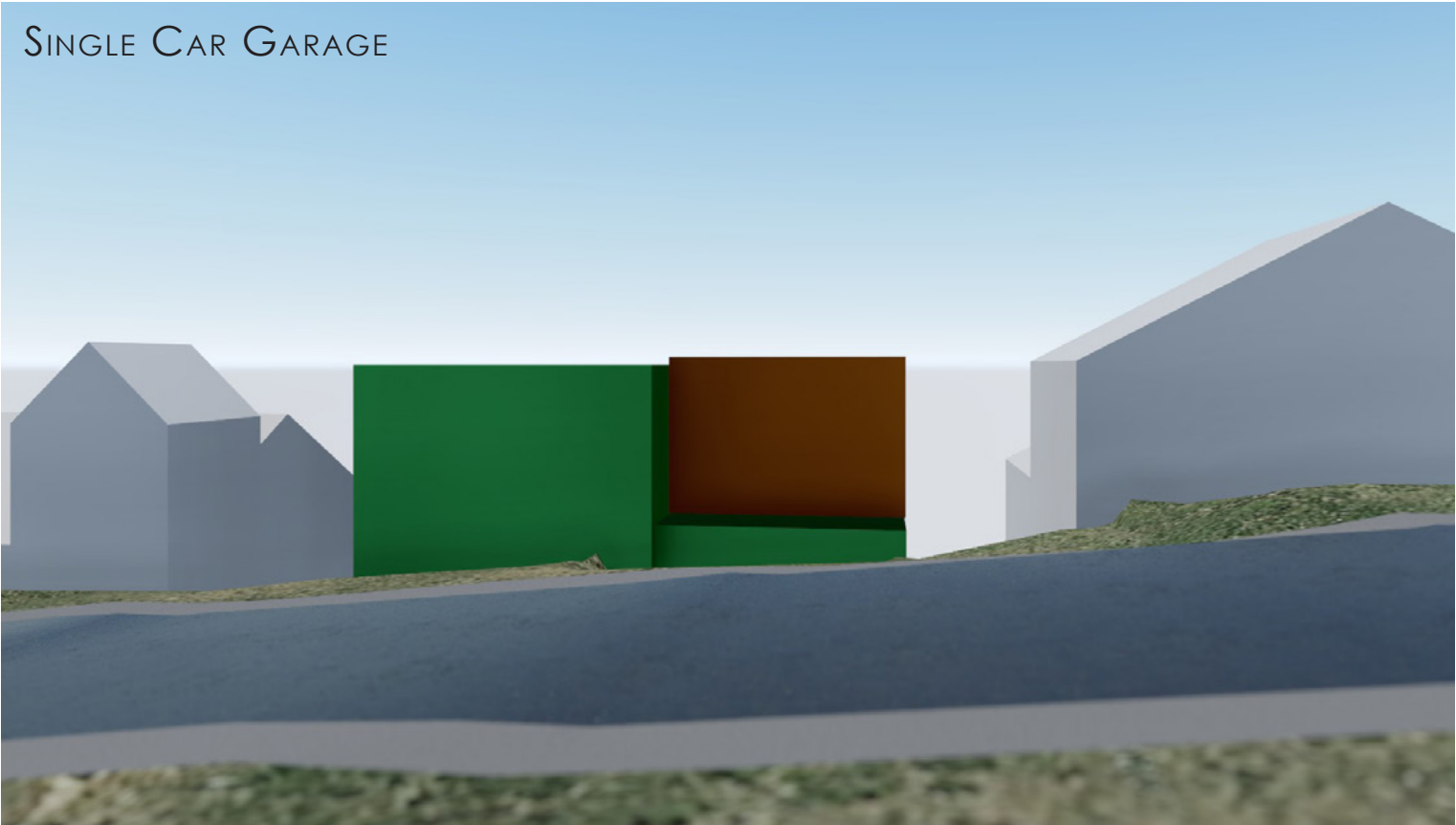
Setbacks - 15-2.2-6 C 7
“The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line.”

Park City Planning Department requested that the garage be stepped back an additional 2’ (from proposed structure) from the front of the building, and 2’ back from rear of garage.



The depth of the garage has NO affect on the cross canyon view and does not impact the historic district.





On street parking is a major issue



Solution: more off street concealed parking

EXISTING PARKING SITUATION





Joseph E. Tesch
joet@teschlaw.com

Stephanie K. Matsumura
stephaniem@teschlaw.com

85 North Main Street
Kamas, Utah 84036

MAILING ADDRESS:
PO Box 3390
Park City, Utah 84060-3390
Tel: (435) 649-0077
Fax: (435) 649-2561

Section 15-1-18 of the Park City Land Management Code, addressing appeals to the City Council reads in part as follows:

G. "...The appeal authority [City Council] shall determine the correctness of the land use authority's [Planning Commission's] interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

As a result, the City Council should affirm the decisions of the Planning Commission unless the land use regulations plainly restricts the land use application, which is not the case here. The City Council is not allowed to substitute its discretion for the discretionary decisions of the Planning Commission.

Therefore, applicant requests that the following be added as an additional Conclusions of Law as set forth on page 185 of the Staff Report:

4. The decisions of the Planning Commission are consistent with the plain meaning of the land use regulations, and no regulation plainly restricts this application or the decisions of the Planning Commission.