

January 26, 2017

VIA E-MAIL (treasure.comments@parkcity.org)

Park City Planning Commission
P.O. Box 1480
Park City UT 84060

Re: Treasure Hill Conditional Use Permit Application

Dear Members of the Park City Planning Commission:

I am writing on behalf of THINC, Inc., a non-profit organization comprised of hundreds of Park City residents, business owners, and home owners. This letter is intended to supplement my public comments at the January 11, 2017 meeting of the Planning Commission with respect to Project Number PL-08-00370, Treasure Hill Conditional Use Permit Application, Creole Gulch and Town Lift Mid-station Sites.

Response to Applicant's January 6 Letter

Before addressing THINC'S concerns with traffic issues, I would like to briefly address two issues raised by the Applicant in its January 6 letter that was attached as Exhibit E to the recent staff report regarding limits of disturbance vs. building area boundary and excavation/grading. The Applicant very strongly attacks the Planning Staff's conclusions on both of these points and unfairly so. Frankly, these attacks are based on mischaracterizations of what the Planning Staff actually concluded.

1. Limits of Disturbance/Building Area Boundary

The Planning Staff was absolutely correct in concluding that the proposed cliffscapes and retaining walls in the latest development plans would be located outside of the "building area boundary." The "building area boundary" defines the area in which all permanent structures for the development must be confined.

There is no question that the cliffscapes and retaining walls are permanent structures, which the Applicant does not dispute. There is also no question that these permanent structures would be located outside of the building area boundary on property now zoned as recreation open space, which the Applicant also does not dispute. Instead, the Applicant pulls a little bait and switch—attacking the Staff's conclusions by casting the argument as one concerning the limits of disturbance rather than building area boundary. It is not. The term "limits of disturbance" defines the area in which temporary construction activity may take place whereas, again, the "building area boundary," defines the area in which all permanent structures must be confined. These are two very different issues. The Staff's concern with the cliffscapes and retaining walls had little to do with whether they would be located within

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the temporary limits of disturbance but instead with the fact that they would be permanent structures located outside of the building area boundary.

The Applicant's arguments about whether Sheet 22 actually marks the limits of disturbance are irrelevant because that was never the issue. Rather, the Staff correctly noted that the line identified on Sheet 22 accurately reflects the boundary between the developable land and the land now zoned as recreation open space. Therefore, any structures permanently located outside of the line on Sheet 22, which was expressly incorporated into the Master Plan approval, are improperly located on recreation open space and therefore outside of the building area boundary.

The Applicant also argues that Sheet 22 was only intended to define the area subject to specific height limitations. Even if that were true, which it is not, those height limitations are expressly tied to the visibility requirements on page 11 of the original Master Plan. These permanent cliffscapes and retaining walls outside of that boundary would create tremendous visibility problems and are therefore contrary to the Master Plan approval in that respect as well. Regardless of what the line was intended to define in Sheet 22, the fact remains that that line actually demarcates the boundary between the developable land and the recreation open space land. Any permanent structures located outside the line are outside of the building area boundary and contrary to the Master Plan. The Planning Staff got it absolutely right.

2. Excavation/Grading

The Applicant also mischaracterizes the Planning Staff's comments concerning excavation and grading in the December Staff Report. The Planning Staff surely did not suggest that the Master Plan contemplated no grading or excavation for the project. Rather, as the Staff correctly noted, the Master Plan did not contemplate the massive excavation and re-grading of the entire site that would be required by the current plans.

The Applicant directly admits on page 216 of the January Staff Report that "the current design requires more excavation" and not just a little more—960,000 cubic yards of excavation to be relocated from the site with 625,000 cubic yards unaccounted for in the plans. The Applicant also does not dispute the Staff's conclusion that the entire site would need to be re-graded or the fact that it has submitted no grading plan. This massive excavation and grading would permanently alter the natural slope and destroy the topography of the site—in direct violation of CUP criteria 15. Again, the material point is that this current plan is a completely different plan than the Master Plan that was approved 30 years ago and does not even comply with applicable CUP criteria.

Traffic Impact of Project

Turning to traffic, as noted by the Planning Staff, the Applicant has not submitted any updated traffic studies since 2009. The Applicant has not addressed or mitigated any of the issues raised with the older traffic studies. Additionally, every study suffers from the same fatal flaws with respect to the current CUP application—they are based on what was approved

for Treasure Hill in the Master Plan back in 1985—not the much larger proposal the Applicant is currently seeking for Treasure Hill.

First, all of the traffic reports relied upon by the Applicant (including the City's 2015 study) are based on only 19 units of commercial. The current plan is for 194 commercial units with considerably more "accessory space" added. So, the traffic studies we do have undercount the commercial space by a factor of nearly 20. The 2015 study is based on 19,000 square feet of commercial, yet the current plans call for 194,000 square feet of commercial space. The 2015 study is based on total developable square feet of 413,000, while the current plans are for 771,824 even excluding the parking areas. Therefore, none of these studies reflects the true traffic impact of what the Applicant is currently asking for—even the most recent one. Incidentally, the fact that the Applicant directed its own traffic engineers to base their reports off of 19 units commercial clearly indicates that the Applicant has known all along that they only were entitled to 19 commercial units under the Master Plan. Surely, if they believed they were entitled to 194 commercial units rather than 19, they would have commissioned traffic studies based on those numbers. Their claims to entitlement of 175 more units is simply not credible or consistent with what they have represented and done in the past.

Second, even just 19 units of commercial would generate traffic *going to and from the site* in violation of the Master Plan. Paragraph 3 of the Master Plan mandates that "all support commercial uses shall be oriented and provide convenient service to those residing *within the project and not designed to serve off-site or attract customers from other areas.*" Yet the traffic studies we do have project traffic coming from off site to the on-site commercial uses. If 19 units would attract off-site visitors and customers, imagine what 194 units would do. Even the Applicant conceded in its January 6 letter that the project will indeed draw and serve off-site customers from other areas. The best they can say is only that "a *large portion* of visitors" to the support commercial areas will be patrons, residents, and employees. Even this is not compliant with the Master Plan. And, in fact, their traffic study shows real off-site traffic to the project. This will hurt historic Main Street. No amount of mitigation can justify the project if it does not comply with the Master Plan

Third, the Applicant has not provided the information required by the Master Plan to assess construction traffic and the studies don't address it. Paragraph 9 of the Master Plan requires that "at the time of conditional use review/approval, individual projects or phases shall provide detailed landscaping, vegetation protection, and construction staging plans." This was required to ensure that construction traffic impacts would be minimized. Because the Applicant has not provided any of the detailed information, the Planning Staff cannot possibly evaluate the construction traffic impacts. Nor can the Applicant claim to have complied with that requirement of the Master Plan.

Similarly, the section on Traffic in the Master Plan states that in order to evaluate traffic impacts, including both construction and future automobile demand, many related issues also come into play, such as efforts to minimize site grading and waste export. Yet, with respect to site grading, excavation, and waste export, the current plan bears no resemblance to the Master Plan that was approved, as already addressed. And without

detailed plans in that regard, traffic impacts simply cannot be adequately evaluated under the CUP criteria.

Fourth, the so-called traffic solutions actually create Historic Design problems. In the Applicant's 2008 third addendum to their traffic studies, it states as follows: "It would appear based upon comments presented at the planning commission that the City *has a need for roadway widening with pedestrian and parking/snow storage enhancements*. However, local residents and the desire for a specific 'old town' ambiance conflict with such improvements." REPEAT: "old town ambiance conflict[s] with such improvements." The Master Plan requires that "all buildings shall be reviewed for conformance with the Historic District Design Guidelines and related architectural requirements." Off-site mitigation of historic streets and neighborhoods to accommodate new traffic flows is not true mitigation. It simply creates a greater, noncompliant impact, as their traffic engineers concede. Solutions to the traffic problems created by this project cannot come at the expense of Park City's "old town" ambiance.

Finally, as for the pedestrian/off-street parking/snow storage enhancements to Lowell, there is no solution proposed. Anyone who has driven down this street knows that it cannot accommodate the necessary construction and vehicular traffic particularly in the middle of winter. In 2009, the Applicant proposed to mitigate traffic on Lowell by adding a 4-5-ft sidewalk to address pedestrian safety issues. The 2011 Traffic Master Plan shows Lowell Avenue as a Local Road-Old Town classification with either no sidewalk at all or essentially a single travel lane that is not wide enough for two vehicles to pass even in the summer. For snow removal, although the Applicant proposed previously that it be removed from parking areas on scheduled snow emergencies days when residents must move cars, that simply does not adequately mitigate the parking/traffic/pedestrian safety issues that will be present year-round, much less adequately deal with snow issues. There is simply no workable solution at this point.

Until the Applicant provides a current traffic study, based on their current plans, and provide all of the additional details and information required by the Master Plan, the Planning Commission simply cannot accurately assess the true impact of this new proposal on traffic and related issues. What we do know now is that the Applicant's current plans do not comply with the Master Plan criteria in regard to traffic-related issues and do not successfully mitigate the traffic-related criteria for a conditional use permit.

Thank you again for your consideration of THINC's concerns. We appreciate the opportunity to be heard.

Sincerely,



Nicole M. Deforge, Esq.

Treasure Comments

From: Nicole Deforge <ndeforge@fabianvancott.com>
Sent: Thursday, January 26, 2017 10:06 AM
To: Treasure Comments
Cc: Francisco Astorga; Polly Samuels McLean; Brian Van Hecke; Charles Stormont
Subject: Treasure Hill Conditional Use Application
Attachments: [Untitled].pdf

Attached please find additional comments that THINC requests be included with the public comments relating to PL-08-00370, Treasure Hill Conditional Use Application, Creole Gulch and Town Lift Mid-station Sites. Please let me know if you have any difficulty opening the attached file.

Thank you.

Nikki

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