

Treasure Comments

From: Nicole Deforge <ndeforge@fabianvancott.com>
Sent: Wednesday, May 31, 2017 3:29 PM
To: Treasure Comments
Subject: Treasure Hill public comments
Attachments: THINC 3-8-17 public comments.pdf; THINC 2017.04.26 public comments.pdf

Please include the attached letters with the public comments for the Treasure Hill CUP application.

Thanks.

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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 – March 8,
2017 Planning Commission Meeting**

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 March 8, 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.

Criteria #5 - Off-Street Parking

With respect to the off-site parking criteria, it is clear that the Applicant's plans do not comply with the Master Plan for Treasure Hill or with the underlying Land Management Code ("LMC").

As noted by the Planning Staff, Paragraph 3 of the Master Plan requires two things: First, the Master Plan mandates that "parking shall be provided on-site in enclosed structures." In other words, no off-site parking was to be permitted. Second, it requires 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." The relevant LMC likewise expressly states that support commercial use must be "for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site." The Applicant's proposed development simply does not, and cannot, satisfy these mandatory requirements of the Master Plan and the LMC.

The Treasure Hill project will undeniably draw and attract off-site commercial visitors to the site and to the historic Empire-Lowell neighborhood, as demonstrated by the Applicant's own statements and documents:

- In its January 6, 2017 letter to the Planning Commission, the Applicant itself conceded that the project will indeed draw and serve off-site visitors. The best they could say in that letter was that "a large portion of visitors" to the support commercial areas would be patrons, residents, and employees. This statement is a clear admission by the Applicant that the commercial areas of the project will in fact bring off-site visitors and customers to the site and therefore to the historic Lowell-Empire neighborhood.

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- In its 2008 plans, the Applicant tellingly allocated 56 parking spaces for “staff/visitor” parking. The Planning Staff has properly sought clarification on this issue from the Applicant because assigning 56 spaces of visitor parking at the site is a direct admission that the Applicant expected a considerable number of off-site visitors to be drawn to the site. Note that this allocation does not reflect an expectation of only 56 off-site vehicles per day—which would itself be substantial and contrary to the MP—but actually reflects a need for parking for 56 off-site vehicles at any one time during the day. So the actual number of off-site vehicles expected at the site each day would be far more than 56 vehicles.
- In the Treasure Hill Traffic Study Addendum #7, Applicant’s traffic engineer directly states that 17,470 sq-ft of commercial “is not integrated with the hotel building” and “is anticipated to spur trips to the Treasure Hill development.” In fact, the report predicted 56 a.m. peak hour trips and 109 p.m. peak hour trips per day. Even after making questionable reductions, the traffic engineer predicts 31 a.m. peak hour trips and 61 p.m. peak hour trips per day.

Despite admitting that there will be considerable off-site traffic to and from the development, Applicant provides for “no parking for the general public” at Treasure Hill. Even if this claim could be taken at face value, the lack of public parking for the acknowledged off-site visitors would merely foist the burden of providing visitor parking on the surrounding historic neighborhoods. Doing so would directly contravene the second requirement in paragraph 2 of the MP that all parking must be provided on-site. This requirement exists for good reason. The surrounding neighborhoods and streets cannot remotely begin to handle additional off-site parking at any level. The Applicant’s 2008 third addendum to its traffic studies 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. Yet, 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. In fact, Lowell will be narrowed by three feet next summer as part of the sewer upgrade.

The reality is that Treasure Hill as currently proposed by Applicant will attract substantial off-site visitors to the commercial uses, in direct contravention of the Master Plan. Regardless of whether the Applicant will or can provide on-site parking for those visitors, public parking will be needed. Based on the Applicant’s current plans, the only place for those off-site visitors to park will be on the street. No amount of mitigation could change that. Consequently, the Applicant cannot meet the requirements of the CUP without violating the Master Plan and the LMC. Its application must therefore be denied on that basis alone.

Thank you again for your consideration of THINC’s concerns.

Sincerely,



Nicole M. Deforge

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 – April 12,
2017 Planning Commission Meeting**

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 April 12, 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.

Criteria 7 – Fencing, Screening, and Landscaping to Separate the Use from Adjoining Uses

CUP Criteria 7 requires the Applicant to demonstrate how it will separate its proposed use from adjoining uses through fencing, screening and landscaping. During the April 12 Planning Commission meeting, the Applicant expressly declared that they would “separate our project from our neighbors through setbacks.” However, the setbacks now proposed by Applicant do not remotely conform with the setback requirements in the Master Plan.

Applicant has submitted Exhibit V-12, which purports to show the “separation” between its massive commercial development and the adjacent residential properties. On that exhibit, there is a black dotted line purporting to reflect this so-called “separation.” This line is described in the map legend as an “approximate 100’ setback from existing structures at the time of the 1986 Sweeney Master Plan Approval.” However, the relevant provisions of the Master Plan called for a 100’ setback from the road, not from the residences on the other side of that road.

- On page 19 of the Master Plan, it says: “Buildings have been set back from the adjacent road approximately 100’...”
- On page 15, of the Master Plan, it states: “The Hillside properties provide substantial 100’+ setbacks from the road, with buildings sited considerably farther from the closest residence.”

Therefore, what is reflected in Exhibit V-12 is simply not remotely what was described in the Master Plan with respect to “separation” of the Treasure Hill development from existing uses. Rather than the 100’ setbacks from the road, which were approved in the Master Plan,

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the Applicant now measures its 100' setbacks from the residences—hoping that nobody will notice the discrepancy. The Applicant's current plans place this development of massive scale much closer to the road than 100'—and therefore much closer to the adjacent residences than was ever contemplated or approved in the original Master Plan.

This fact is confirmed by Exhibit V-13. Sections D, E, and F of that Exhibit aptly illustrate just how close the development will be to the road. There are certainly no 100' setbacks as called for in the Master Plan. Because the development is much closer to the road than what was approved in the Master Plan, it is also much, much closer to the residences on the other side of that road than was approved in the Master Plan. As with so many other aspects of the Applicant's current development plan, these setbacks bear no resemblance to what was actually approved in the Master Plan.

Additionally, in Section D and E, the Applicant actually ignores the closest adjacent residence when calculating the purported distances from its development. As shown in the map in the lower right-hand corner, there is actually a house situated on Lowell right next to the semi-circle over which the arrows D and E are drawn. That is the home of Niels and Pam Vernegaard—who are members of THINC. Their home is clearly much closer to the development than Applicant has indicated as is frequently omitted from Applicant's exhibits.

The Applicant's bait-and switch on the setback issue bears directly on numerous CUP criteria in addition to Criteria 7, including:

- Criteria 8, which considers building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining lots;
- Criteria 11, which requires compatibility with surrounding structures in mass, scale, style, and design;
- Criteria 12, which requires mitigation of noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site; and
- the overarching CUP requirement that the proposed used be "compatible with surrounding structures in use, scale, mass and circulation."

In light of Applicant's claim that it would separate itself from its neighbors through setbacks, Applicant's failure to comply with the setbacks set forth in the Master Plan is fatal to its CUP application. There is simply no way for the Applicant to mitigate the lack of effective "separation" between Treasure Hill and the existing neighborhood by simply planting a few trees at ground level, particularly given the great height and scale of the development that would dwarf any landscaping. The proposed fencing, which largely consists of ski-safety barriers, also would not remotely mitigate the lack of spacing between the massive development and the surrounding small homes and neighborhoods of Old Town. Regardless, the reality is that Applicant's current plans do not comply with what was approved in the Master Plan, and its CUP application must be denied on that basis alone

Criteria 9 – Usable Open Space

As previously noted by THINC and addressed by the Planning Commission in prior meetings, Applicant improperly intends to install permanent cliffscape structures on what is designated as open space. That does not constitute open space and does not satisfy the open space requirements in the Master Plan.

Criteria 10 – Signs and Lighting

Applicant has provided only minimal information as to signage and lighting. It has not proposed any action to mitigate the light sources from over 200 hotel rooms, over 100 condominiums, dormitory employee housing, exterior lighting, or the parking garage entrance—the latter of which is directly across the street from the Vernegaard’s front windows. Without the needed details on signage and lighting, it is impossible for the Planning Commission or the public to properly evaluate Criteria 10.

Criteria 12 – Noise, Vibration, Odors, Steam, or Other Mechanical Factors that Might Affect People and Property Off-Site

As noted above, Applicant’s failure to observe setback requirements in the Master Plan will directly impact the factors considered under Criteria 12. Applicant has failed to demonstrate how it could mitigate the ongoing issues of noise, vibration, odor and other mechanical factors that will exist if this large development were actually to be built. The development includes an outdoor ballroom, a ski lift, and a cabriolet running until late at night. Applicant made no effort to address what the noise and vibration impact would be from these features, much less explain how it proposed to mitigate the impact.

Critically, Applicant has failed to address the impact of what will surely be a lengthy and enormously disruptive construction process. In fact, Applicant has provided no information about the construction process at all during this CUP process. As has been emphasized in connection with every CUP criteria considered to date, it is impossible to assess whether any criteria can possibly be met without detailed construction information. Applicant’s failure to timely provide needed information in advance of the public comment period and hearing substantially impacts public involvement and vitiates the public process contemplated by Park City ordinances. It makes no sense to go through the motions of holding public hearings on specific CUP criteria while the Applicant fails to provide the crucial information required for meaningful public input. Applicant’s failure to timely provide this information—along with its inability to show that its current plans actually comply with the Master Plan—mandate denial of its application.

Thank you again for your consideration of THINC’s concerns.

Sincerely,



Nicole M. Deforge