

## Treasure Comments

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**From:** Nicole Deforge <ndeforge@fabianvancott.com>  
**Sent:** Friday, October 06, 2017 3:51 PM  
**To:** Francisco Astorga; Treasure Comments  
**Subject:** Treasure Hill comments  
**Attachments:** THINC September planning commission letter.pdf

Dear Francisco,

Please include the attached letter with the public comments for the Treasure Hill conditional use permit application.

Thank you.

Nikki

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October 6, 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 –  
September 13, 2017 Planning Commission Meeting**

Dear Members of the Park City Planning Commission:

I am writing on behalf of THINC, a non-profit organization comprised of hundreds of Park City residents, business owners, and home owners. This letter is intended to supplement the public comments made on behalf of THINC at the September 13, 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.

Road Capacity

Regarding the issue of capacity on the historic roads surrounding the proposed Treasure Hill development, Commissioner Joyce posed a question at the public hearing in August that remains unanswered: How can the modeling possibly predict that the roads impacted by the Treasure Hill development will function well in the future, when the evidence shows that the roads are not functioning *now*? Stated another way, how can the Commission possibly rely on modeling and traffic reports predicting no future capacity issues with the Treasure Hill project if the *actual* evidence demonstrates serious problems even now?

We have all seen the videos and the photographs showing the *actual* road conditions on Lowell and Empire and heard the testimony by local residents about what it is like to live and drive along these roads. Having seen and heard that actual evidence of the real-world traffic conditions, the Commission cannot possibly conclude that these roads adequately function now, much less that they will adequately function in the future with the sharp increase in traffic projected from the Treasure Hill development. It cannot focus blindly on speculative data prognostications while ignoring the actual evidence in the record of the real-world capacity issues on these roads.

Even in its most recent submission, the Applicant makes no attempt to answer Commissioner Joyce's question. It does not bother to pretend that current road conditions along Lowell and Empire are acceptable, given that we all can see with our own eyes that it is not. Instead, the Applicant makes two arguments:

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First, it essentially says—pay no attention to what the roads are currently like—the studies say it will all be fine when we add lots more traffic on the roads. But all of the past modeling and studies suffer from the same flaws as Applicant’s current study—they are based on idealized road conditions that do not actually exist on these roads. The studies assume that the Old Town roads around Treasure Hill actually function year-round as they appear on paper, i.e., having pristine road conditions, with a handful of cars, and a few pedestrians walking on clear sidewalks, past nicely spaced driveways, on flat terrain. But that is not remotely how these roads actually function, particularly not during winter time.

Therefore, as noted by LSC Transportation in its traffic report review, “[t]he traffic analysis needs to include an evaluation of roadway congestion along Lowell Avenue and Empire Avenue between the site and Manor Way, reflecting real-world winter traffic conditions.” “Snow (both on the roadway and piled), grades, and the high density of residential driveways all combine to reduce the capacity of these roadways.” The Avenue Consultants report likewise cautions that “during winter conditions when the roadway width is reduced to one lane and vehicles must regularly yield to oncoming traffic or even back up to make way for another vehicle, the roadway capacity may reasonably be assumed to drop to as little as one-tenth of the ideal values, which would be only 60-120 vehicles per hour.” None of this addressed in any of the Applicant’s studies or even in the earlier studies commissioned by the City.

LSC further notes that if such winter conditions result in one-way operation on the roads, which the evidence in the record shows that it does, “this impact on capacity [is] not reflected in the HCM methodology” used in the Applicant’s 2017 report. Although LSC notes that capacity under such restricted conditions “can be modeled using a simulation software package,” the Applicant has made no attempt to model that data. In fact, as noted by LSC, the Applicant has made no attempt to address capacity in its report at all under wintertime conditions or otherwise. And for obvious reasons. Instead, the Applicant persists in relying on inherently flawed traffic studies that make projections based on inaccurate, idealized conditions not applicable here.

Second, the Applicant attempts to wash its hands of any responsibility for exceeding road capacity by shifting all blame to the City for lack of road capacity due to its narrowing of Lowell by three feet this summer. Of course, this argument overlooks the fact that the capacity constraints evidenced in the videos and photographs were from last winter and therefore existed well before the road was narrowed. And although the narrower width of the road will certainly have an impact on pedestrian safety and parking, the fact remains that there is simply no way that under winter conditions two cars can pass each other on these roads regardless of whether they are 25 feet wide or 22 feet wide. That is particularly true with respect to the hundreds of heavy construction trucks per day that would need to somehow pass each other along Lowell in order to construct Treasure Hill.

And as the Planning Staff, LSC Transportation, and Avenue Consultants all point out in their reports, capacity is less a function of width than of quality of life, traffic noise, and safety concerns. According to LSC, the latter is “typically the definition used by jurisdictions to define the appropriate roadway capacity”—not the number of vehicles you can conceivably cram down a road. Although the Applicant now complains that this definition of capacity is

too subjective, the City has imposed objective criteria for measuring this in its 2011 Traffic Master Plan. Based on its knowledge of the true conditions of these roads—and not some idealized assumption—the City has established a threshold of 2,500 daily vehicle trips on Old Town roads such as Empire and Lowell in order to maintain quality of life for residents and ensure adequate functionality.

That is why the Planning Staff is absolutely correct in requiring Applicant to provide the actual average daily volumes along these roads in order to determine whether the 2,500 threshold will be exceeded. And the City should further require that volumes be measured both at the upper and lower portions of Lowell and Empire to ensure accuracy. The problem is that the Applicant did not measure the actual average daily traffic volumes in its President's Day study—it only measured peak traffic volumes. But even based on the peak data provided by the Applicant, both LSC and Avenue Consultants have projected that that the average daily volumes are either already exceeded on Lowell and Empire or would be significantly exceeded with the Treasure Hill project.

For example, Avenue Consultants projects that Treasure Hill would add about 2,600 new daily vehicle trips to the neighboring roads. If all of that additional traffic were funneled exclusively onto one street, like Empire, which is where GPS systems currently direct the traffic, the increased traffic alone as a result of the project would exceed the total threshold of 2,500 daily trips allowed for Empire. Even if those 2,600 new trips were equally split between Lowell and Empire, as assumed by the Applicant, both roads would exceed the threshold established in the 2011 Traffic Plan. If projected traffic with this project will exceed road thresholds by 35-55%, then the City cannot possibly conclude that the road will have adequate capacity under its 2011 Traffic Plan.

So even if the City's decision to narrow Lowell Avenue was ill-advised or was based on incorrect modeling assumptions, the City must still evaluate the CUP criteria for this project based on the actual current road conditions today and the future impact from Treasure Hill in the future—and not based on what conditions might have been had the City done something differently. Just because conditions now are bad does not mean that the Applicant can make them far worse with impunity. The Applicant still must demonstrate that it can mitigate the impact of its development on the traffic and road capacity in light of current conditions on the ground without sacrificing public safety and quality of life for residents. It has not done so and cannot do so.

The reality is that winter road conditions exist for most of the year in these neighborhoods. They are not exceptional events or outliers that the Applicant need not mitigate. But the mitigation proposed by Applicant and recommended by the City staff will not mitigate the impact.

For example, the City staff proposes to mitigate traffic impacts by funneling all construction traffic onto Lowell. Yet, the Applicant's entire traffic study is premised on projected traffic numbers being equally split between Lowell and Empire. If instead all of that traffic is funneled onto a single street, then the projected numbers from Applicant's study must be doubled when evaluating construction traffic capacity on Lowell.

Similarly, adding three more feet of asphalt on the east side of Lowell during construction will not solve the problems that will arise from an estimated 300 heavy construction trucks attempting to pass each other along Lowell every day each way. That's 600 trips. Adding asphalt would only get Lowell back to what it was last winter when the videos and photographs were taken showing gridlock on the roads. Even then, you could not get two-way construction traffic, neighborhood traffic, garbage trucks, emergency vehicles, snow plows, and pedestrians safely on the roads at the same time. These roads were not designed or built for construction traffic like this and there is nothing that can be done to mitigate that without drastically harming the quality of life for the residents in violation of CUP requirements.

Again, regardless of what the engineering numbers purport show, the real issue as Commissioner Joyce pointed out in the last meeting is how the roads actually function in real life and the impact or quality of life of the residents. Because the engineering numbers are based on idealized road conditions never present on these roads, the data is simply inaccurate and unreliable.

#### External trips

The Applicant's Master Plan Development approval mandated that the development not be designed to attract commercial traffic from offsite. The Applicant does not even bother to argue that it satisfies this condition of the MPD. And it does not. As set forth in detail in last month's comments by THINC, the parking requirements, traffic projections, and commercial square footage all aptly demonstrate that the project is specifically designed to draw, and will in fact draw, significant external commercial traffic. That violates the MPD.

Instead of arguing that project is not designed to draw external traffic, the Applicant now suggests that it need not satisfy this MPD requirement at all so long as the resulting traffic impact is minimal or can be mitigated. That is simply not correct. The Applicant is improperly conflating the MPD approval requirements with the CUP requirements. There is no connection. As a threshold matter, the development must comply with the MPD conditions before we ever get to the issue of the CUP criteria. Because the proposed project does not comply with the MPD approval, it does not matter what impacts the Applicant thinks it can mitigate or how minimal it thinks they might be. That is a CUP issue that has no bearing on MPD compliance.

In reality, the prohibition on external trips in the MPD is not simply a traffic issue at all. In the MPD, the City explained that the external commercial traffic limitation was imposed in large measure out of concern for existing businesses in Old Town. The City did not want Treasure Hill to pull all of the commercial traffic away from Old Town and create a ghost town there. Because the prohibition on offsite commercial is not simply a traffic issue, it cannot be mitigated through traffic controls alone—even if it were not a threshold MPD requirement, which it is.

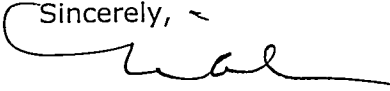
Because the no-external-trips issue is an MPD requirement and not a CUP issue, the Applicant cannot resolve the issue even by agreeing to the proposed mitigation measures suggested in the recent staff report. Assuming that the Applicant could demonstrate that the

project was not designed from the outset to draw offsite traffic to the site, which it cannot, these measures would be imposed so that the Applicant does not later attempt to drive traffic to the site after CUP approval. These mitigations proposals do not relieve the Applicant from demonstrating in the first place that its project meets the MPD conditions with respect to external trips.

Parking

Finally, the Applicant argues that its parking plans for the project comply with the MPD requirements, but they do not. According to Table 14 of the Triton study, the Applicant's parking plans include 178 weekday parking spaces and 184 weekend parking spaces for offsite commercial traffic. This represents 36-37% of the total parking needed for the project. Because the MPD mandated no offsite commercial traffic, as discussed above, the Applicant's parking plans requiring substantial parking for precisely such traffic do not comply with the MPD.

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

Sincerely, ~  
  
Nicole M. Deforge