Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: **Treasure**
Project #: **PL-08-00370**
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Date: **13 September 2017**
Type of Item: **Administrative – Conditional Use Permit**
Transportation Update / Refinement 17.2 Update / Planning Commission Outstanding Items

Summary Recommendations

Staff recommends that the Planning Commission review the Treasure Conditional Use Permit (CUP) as outlined in this staff report. Staff recommends that the Planning Commission conduct a public hearing and continue the item to the October 11, 2017 Planning Commission meeting.

Description

Property Owner:	Sweeney Land Company and Park City II, LLC represented by Patrick Sweeney
Location:	Creole Gulch and Mid-station Sites Sweeney Properties Master Plan
Zoning:	Estate (E) District – Master Planned Development
Adjacent Land Use:	Ski resort area and residential
Topic of Discussion:	Transportation Update / Refinement 17.2 Update / Planning Commission Outstanding Items
Reason for Review:	Conditional Use Permits are required for development per the Sweeney Properties Master Plan. Conditional Use Permits are reviewed by the Park City Planning Commission

Background

Traffic and transportation are still massive areas of importance to the review of this project. The applicant originally proposed a goal of completing the Transportation/Traffic Study addendum in February 2017; however, the applicant was not able to conclude their update until early May 2017. The applicant introduced this update on May 10, 2017. During the June 14, 2017 Planning Commission meeting staff provided to the Commission preliminary comments in response to the submitted Transportation/Traffic Study introduced in May 2017. The Treasure Hill Traffic Study Addendum #7 dated July 26, 2017, submitted to the City in draft/incomplete form on July 21, 2017, and in final form on July 27, 2017. This staff report provides an update of the final transportation study provided to the City.

Refinement 17.2 plans have been fully submitted to the City for review with its accompanying documents: Comparison plans submitted on August 14, 2017, updated Written & Pictorial Explanation document submitted on August 18, 2017, photographs/simulations identified as Signature Still (SS), View Points (VP), and an update of the animation/model submitted to on September 1, 2017. All of these updates are to reflect Refinement 17.2 and are available online on the City's website, see the following hyperlinks:

Link W – Refinement 17.2 Plans received 2017.08.10
Link X – Refinement 17.2 Plans compared to 2009 Plans received 2017.08.14
Link Y – Written & Pictorial Explanation (Updated) received 2017.08.14
Link Z – Refinement 17.2 Signature Stills Renderings received 2017.09.01
Link AA – Refinement 17.2 View Points Renderings received 2017.09.01
Link BB – Refinement 17.2 Animation Model received 2017.09.01

Transportation Update Analysis

The Planning Department continues to work closely with the City Engineer's office and the City Transportation Planning Department in preparing this section of the staff report. As indicated in the past, the Planning Commission is responsible of reviewing the applicant's submittal to identify the impacts of the proposal. Once the impacts are identified, the Planning Commission analyzes the effects of the proposed/justified mitigation which includes an evaluation of the projected outcome of the applicant's studies, and adds qualitative discussions regarding impacts to Park City. The last step includes providing ongoing mitigation monitoring and reporting program that evaluates the adequacy and effectiveness of proposed mitigations strategies.

Staff recommends that the Planning Commission review the following outline in regards to the City's review of the Treasure Hill transportation studies:

1. City needs to provide a position on the assumptions in the traffic study.

   City staff has reviewed all of the assumptions made by Triton in their Treasure Hill Traffic Study and find their assumptions to be reasonably acceptable based on industry standards (i.e. Institute of Transportation Engineers Trip Generation Rates and Professional Engineering judgment).

2. City to provide a clear explanation about the transportation master plan.

   Based on the findings in the Treasure Hill Transportation Studies, staff has confidence that the local street cross section and associated classification (Old Town Street), as provided in the City 2011 Traffic and Transportation Master Plan (2011 T&TMP), will adequately function for the level of future annual average daily traffic (AADT) projected on Lowell and Empire Avenues. Staff does propose to provide a temporary wider cross section for Lowell Avenue during construction that will be reconfigured to the original cross section once construction is complete.

During the adoption of the 2011 T&TMP, the issue with the location of pedestrians, parking and bicycles in the ROW was heavily debated. The key issues were the following:

- We had installed sidewalks on previous projects but for the most part, they were not being used for walking, rather they are being used for parking. In one case, residents along Norfolk came to City Council with the request that they did not want sidewalks because it interferes with their parking. They now park on the sidewalk.

- In the winter months, the adjacent land owner is required to remove snow from the sidewalks. Because of our snow amounts, the sidewalks are used for snow storage. This is the reason we have people walking in the road in the winter months.

- To further this point, in a recent Treasure meeting, THINC showed a photograph of skiers walking down the middle of Lowell Avenue in front of the Marriott MountainSide. This section of road does have sidewalks on both side of the streets but the sidewalks were not cleared.

- Staff's goal on our local streets, is create side friction to help slow traffic. Friction includes parking, bikes, pedestrians, etc. In chapter 4, page 6 of the 2011 T&TMP, Figure 4-2 provides a graphic pertaining to the functional classification of our streets. The graphic shows the local street being purely about access (a street) as opposed to traffic throughput. These streets are to be an extension and part of the neighborhood. Their purpose is access from the neighborhoods to a higher and more mobile road or arterial. As the classification increases, the speeds and ability for the motorist to move quicker around the City increase (a road/arterial). Staff finds that the proposed one-way concept is inappropriate for the neighborhood because of the higher speeds that would be induced and accommodated due to the reduction of "friction".

- Parking on Empire Avenue – It should be noted that, on a daily basis, contractors, residents, residential guest, etc., are not always parking correctly on Empire Avenue. Empire Avenue was constructed to support parking on the west side of the road only. Numerous signs were installed so residents and others would park accordingly. From the photographs provided by THINC and others, one of the issues that need to be corrected on Empire Avenue and future Lowell Avenue is maintaining the City's no parking signs, parking enforcement, and correcting improper parking habits. These actions will help Empire Avenue be more functional as a street.

In regards to Lowell Avenue reconstruction, while Planning Commission does have the ability to recommend a different road section to the City Council, the Commission needs to be aware of the following:

- If sidewalks were installed on the east side of Lowell Avenue, this would drastically impact the drive grades. Because the sidewalk would need to be relatively flat, many of the drives would need to be replaced at a much steeper grade. The Land Management Code (LMC) allows maximum driveway grade of 14% and staff predicts that many of the drives would exceed this grade. It should also be noted that if grades are increased, there is also the potential to create a hinge point that would negatively impact access for many standard clearance vehicles.

- If sidewalks were installed on the east side, it would be located immediately behind the curb and gutter. In reference to the above section, staff would expect this sidewalk to be used for snow storage and parking and would not function for pedestrians during the winter months.

- If sidewalks were installed on the west side, the snow on the road would be piled on the sidewalk and thus render it useless during the critical winter months.

- Wider roads are not the solution for a local street. The only element a wider road provides is higher speeds not increased throughput, which then becomes an enforcement issue, snow storage on paved surface, and higher operational and maintenance costs.

- Temporary access – To facilitate construction:
    - All construction traffic should be confined to Lowell Avenue.
    - The narrowed road section currently being built along Lowell Avenue will remain as final. To facilitate construction, staff will allow the 3 to 4 feet of space immediately west of the west side curb and gutter to be temporarily paved for typical vehicle construction access. Once construction is complete, the temporary asphalt is to be removed, and any damaged curb and gutter must be replaced and the soil stabilized and re-vegetated.

3. Evaluate that the AADT calculations are within the range of accuracy/good engineering practice and the difference between the AADT, ADT, and peak hour:

    - AADT – Average Annual Daily Traffic; this count is usually the basis for design for a street. Since this traffic number is averaged over a full year, including our shoulder seasons, it will be a lower number than ADT.

    - ADT – Average Daily Traffic; this count is averaged over a 24 hour period. Staff takes this count number into consideration because, and depending on

the season, is higher than AADT. Using ADT allows, staff to take into consideration an average traffic count for the peak periods such as winter ski months or the summer event periods without shoulder seasons variability that lower the counts. Given the nature of Park City's economy and high level of second homeownership, it is important that seasonal variability be taken into consideration.

- Peak Hour – The Treasure Hill intersection counts were closer to peak hour traffic conditions. Roads are never designed for peak hour traffic. These peak hour counts need to be represented as ADT, so they can be evaluated to determine their daily impacts to the local streets and the minor and commercial collectors.

4. Explain the measurement location of ADT at the intersections and the intersection reflects the total traffic on the street:

   The intersection counts taken for the Treasure Hill Traffic Study were closer to peak conditions since they were taking during a peak time which was President's Day Weekend. The consultant needs to take these counts along with their non-peak time period counts and provide the City with ADT for the President's Day Weekend. The ADT can then be compared to the number of trips allowed per each respective street/road. This analysis allows staff to evaluate the total traffic on the street to verify that the street capacity limits will not be reached or exceeded.

5. Provide opinion as to traffic split on Lowell and Empire Avenue at construction, delivery and daily traffic:

   - Construction traffic should be conditioned to access the site only from Lowell Avenue.
   - Delivery traffic should be conditioned to access the site only from Lowell Avenue.
   - Daily traffic generated by Treasure Hill may use both streets for access with adequate mitigation as proposed.
   - Applicant submit and construction access and traffic control plan developed and stamped by a Professional Engineer licensed by the State of Utah for review and approval by the City Engineer.

6. Need to address the cumulative effect of Treasure Hill on SR 224 and SR 248:

   - In review of the appendices for the Park City Traffic and Transportation Master Plan, it should be noted that the traffic generated by the Treasure Hill development and other entitled development projects were included in the forecasting of traffic on both Utah state routes 224 and 248.
   - It should be noted that the short range (3 – 5 year) plan element in the Park City 2011 T&TMP included operational improvements to the Silver King and

Empire intersection, solely on the basis that the intersection was and continues to fail due to Park City Mountain current traffic impacts.

7. Are the Traffic Mitigation measures proposed by Treasure Hill appropriate?

- Clustered mixed-use development reduces miles of roadways that would need to be maintained by the City.
  Based on the site layout, if Treasure Hill developed all of its developable land space, the roads for access would have been internal to the development and would not have created a new road network that would need to be maintained by the City. This is not mitigation, this how the Master Plan was approved.

  Additionally, categorizing the Treasure Hill development as a "mixed use development" is a stretch at best. While the project does incorporate other land uses in addition to the primary land uses of hotel accommodations and partial ownership units, the other proposed uses (housing and support commercial) are intended to support those working or staying on site for short terms stays. The proposed project more closely resembles an all-inclusive resort as opposed to "mixed used development" which supports a "live, work, play" environment for a broader community and demographic. It should be noted that staff does support these other onsite land uses to reduce employment and discretionary (i.e. recreation, dining, etc.) trips to and from the site. Staff does not anticipate that typical health, social, economic, and environmental benefits associated with "mixed-use" development will be realized as part of this project therefore this should not be over "sold" to the community by either the City or the applicant.

- Provide a cabriolet system.
  The cabriolet system appears to be an effective mitigation measure when evaluated against existing systems operating in similar resort communities; however, the operating parameters of the cabriolet (i.e. hours, seasons, weather, etc.) will be critical to the effectiveness of this mitigation measure and shall be explicitly defined the applicant for review and approval by the City's Planning Director.

- Construct beginner and intermediate ski runs.
  This can be an effective mitigation measure to reduce winter ski trips as long as the neighborhood residents and visitors immediate to the facilities can access Park City Mountain through Treasure Hill.

- Treasure Hill will have dedicated employee housing on site.
  This is a Master Plan requirement, not a mitigation measure.

- Employees not living on site and when occupancy winter season and when occupancy exceeds 70%, Treasure will encourage employees to use public transportation.

This can be an effective mitigation but needs to be conditioned that no on-site parking for employees shall be allowed 365 days out of a year regardless of occupancy or time of year if the intent is to reduce DAILY trips.

- Treasure will utilize work shifts that start and stop outside of the peak hours.
  This can be an effective downstream mitigation measure that would address not only direct impacts on the adjacent road network but also cumulative impacts on the regional road networks such as SR 224 and SR 248. Additional effectiveness will be dependent on the applicant specifying what those hours are and by ensuring they fall outside the AM and PM peak hour(s) as documented in the most recent traffic analysis.

- Treasure will implement a shuttle system during peak hours to pick up visitors from the airport.
  This can be an effective mitigation measure if the shuttle service is provided year round, operates on reasonable headways (i.e. hourly) throughout the day and evening, and picks up visitors AND delivers visitors to the airport at the conclusion of their stay.

- Treasure Hill will require all parking related to Treasure to be on site.
  Not sure what is being accomplished with this item as it does not reduce and/or mitigate trips. Parking and Shuttle plan shall be developed for review and approval by Planning Director. No on-street parking shall be allowed and employees allowed to park onsite shall have a visible permit and permits shall not exceed 10 permits.

- During construction, employees will be shuttled to the site or use the cabriolet.
  This can be an effective mitigation measure if the employees are also shuttled to the cabriolet and the cabriolet is constructed as part of Phase 1 of the construction sequencing.

- Treasure Hill will pay its fair share of intersection improvements.
  This is an appropriate mitigation measure.

- Consideration of a one-way street loop.
  Lowell and Empire Avenue are local streets and not roads. They are not about throughput. Additionally, one way streets have the propensity to actually increase Vehicle Miles Traveled (VMT) as they may increases distances between point A and point B by not providing the most direct route; therefore, this is not an adequate or appropriate mitigation measure in terms of trip or VMT reductions.

8. Are the TDM Measures proposed adequate and how the effectiveness be measured?

- Donate land to complete Empire/Lowell Avenue loop.
  Not a measureable TDM nor does this reduce trips or VMT.

- Creation of the town lift system.
  Not a measureable TDM

- Provided funds for upgrades to Lowell Avenue.
  Not a measureable TDM.

- Applying a mixed-use development instead of single family homes.
  Not a measureable TDM.

- Construction of the cabriolet.
  Can be an effective TDM but need to determine measureable criteria.

- Construction of beginner and intermediate ski runs.
  Can be an effective TDM but need to determine measureable criteria.

- Employee housing on site.
  Not a measureable TDM.

- Addition of on-site commercial elements.
  Not a measureable TDM.

- Employees not living on site and when occupancy winter season and when occupancy exceeds 70%, Treasure will encourage employees to use public transportation.
  This could be an effective TDM but needs to be conditioned that no on-site parking for employees 365 days out of a year and needs a measureable criteria.

- Treasure will implement a shuttle system during peak hours to pick up visitors from the airport.
  This can be an effective TDM if the shuttle service is provide year round and needs a measureable criteria.

- During construction, employees will be shuttled to the site or use the cabriolet.
  Not a measureable TDM.

Construction/Temporary Impacts (updated):

- **Impact Temporary (T)- 1 – Construction Worker Access**
  Description: Trips generated/induced to the site from construction related activities from construction workers.

Goal: Reduce construction related trips to a less than significant level (< or = to no more than 10% of the ADT) during all construction activities.

Qualifying Standard (QS) T-1a: During construction any and all activities for all phases project proponent and/or their prime and subcontractors shall legally procure an offsite parking location outside the Park City limits that is adequate for all construction employees and provide direct shuttle access from said lot to the project site for the entire duration of the construction phase of the project.

QS T-1b: Prior to construction, project proponent shall demonstrate they have legal authority to occupy the parking lot, demonstrate the proposed shuttle service has adequate capacity to transport the workers that are estimated to require access to the site during all construction activities.

QS T-1c: All contractors shall deliver and store appropriate materials and trade tools on the site as to facilitate shuttle access and utilization to the site for and by workers.

QS T-1d: Cabriolet shall be constructed during Phase 1 of construction as to provide construction access to the site during the entire duration of construction.

- **Impact T-2 – Construction Material Delivery**
  Description – T-2: Trips generated/induced by the delivery of construction related materials and exportation of construction related waste.

  Goal: Minimize impacts to neighborhood associated with delivery and off haul of construction related materials, including but not limited to traffic, noise, safety, etc.

  QS T-2a: The project proponent shall quantify maximum number of deliveries per day and develop a delivery plan with routes and set times of day for deliveries that avoid the AM and PM peak periods identified in the Traffic Analysis. These shall be adjusted based on winter and summer seasons. No deliveries shall occur on weekends, Tier 3 events, and/or holidays. All construction access routes shall be reviewed and approved by the City Engineer. No routes shall pass through the Park City Mountain via Lowell Avenue.

  QS T-2b: Contractor shall be required to equip all delivery and onsite construction equipment with “white noise” back-up alarms.

  QS T-2c: Prior to each winter construction access routes shall be evaluated and repaired, if necessary, to the satisfaction of the City Engineering. Following construction, all access routes shall be repaired and/or reconstructed to a “state of good repair” as determined by the City Engineer.

  QS T-2d – QS T-1c: and QS T-1d shall apply to further mitigate this impact.

QS T-2e – Contractor will install a minimum three foot (3') wide asphalt strip immediately west of west curb and gutter along Lowell Avenue for construction purposes. This asphalt strip shall be removed, the area stabilized and re-vegetated, and any damaged curb and gutter on Lowell Avenue shall be replaced at the end of construction.

QS T-2f – Contractor shall modify the Manor/Lowell Avenue and Manor/Empire Avenue intersections, as approved by the City Engineer so all construction vehicles can fit through the intersections. Contractor shall restore these intersections upon complete of the construction.

QS T-2g – Construction access shall only be through Lowell Avenue south of Manor Way.

QS T-2h: Contractor shall be required to log time and quantity of all material delivered to or off hauled from site. All trucks shall be easily identifiable to the public and City inspectors by unique number and signage.

QS T2i: All hiking and biking trails within and immediately adjacent to the project site shall be closed during heavy construction activities.

QS T2j: A staging and delivery plan shall be required for large cement pours, defined as greater than fifty (50) yards, and/or special deliveries, defined as wide or oversized loads.

- **Impact T-3 –Construction Access and Activities**
  Description: Winter access to and around the site is constrained due to skier traffic and winter maintenance operations. Additionally, the site is on steep slopes that can be prone to erosion and instability posing threats to the environment and public safety.

  Goal: Minimize potential adverse impacts to environment, the economy, and public safety.

  QS T-3a: Construction activities related to concrete pumping, major excavation (50 cubic yards), and clearing and grubbing shall be prohibited from Nov 15th – April 15th. Major construction activities shall also be prohibited during summer holidays and Tier 3 summer events.

  QS T-3b: Contractor shall develop and submit a Storm Water Pollution Prevention Plan developed and stamped by Professional Engineer licensed in the State of Utah or a Certified Professional in Erosion and Sediment Control or Certified Professional in Storm-water Quality.

  QS T-3c: Contractor shall pave a minimum of two hundred feet (200') of the

construction ingress and egress and sweep City right-of-way, as necessary, to minimize construction tracking and discharges to the City's storm drain system.

QS T-3d: Contractor shall water soil piles, as necessary, throughout the day and cover all soil piles at the end during non-construction activities to minimize fugitive dust.

QS T-3e: Traffic Control Plan shall identify and fulltime flaggers at the following intersections:

- Manor and Lowell Avenue
- Manor and Empire Avenue
- Construction ingress and egress

QS T-3f: No temporary exterior lighting outside of typical work hours shall be allowed at any time. Cranes are exempt from this qualifying standard.

QS T-3g: An Emergency Access and Evacuation Plan shall be prepared and submitted for review and approval by the City Engineer, Park City Fire District, Park City Police Department, and Park City Emergency Manager.

Permanent Ongoing Project Related Impacts (updated):

- **Impact Permanent (P)-1 – Service and Supply Deliveries**
  Description: Routine deliveries to the site associated with the operation of the development following construction have the potential to adversely impact neighborhood quality of life, traffic operations, and City infrastructure.

  Goal: Minimize impact of deliveries to the project site associated with ongoing operations of the development.

  QS P – 1a: Non ski season deliveries (April 15 – November 15) shall only occur from 7 a.m. to 12 p.m. while ski season (November 16 – April 14) deliveries shall only occur from 10 a.m. to 2 p.m. and shall access the site via Lowell Avenue south of the Manor Way.

  QS P – 1b: All delivery vehicles shall be equipped with "white noise" backup alarms regardless of size.

  QS P – 1c: All delivery vehicles shall only access Treasure Hill via Lowell Avenue.

- **Impact P-2 – Employee Access and Trips**
  Description: Employees required for the day to day operations of the development have potential to generate additional daily vehicle trips to the site. Given the twenty-four (24) hour nature of the operations, additional trips have the potential to occur with shift changes.

Goal: Minimize adverse impacts to air quality, energy consumption, and traffic operations associated with trips generated by day to day operations of the development.

QS P – 2a: The project applicant shall develop a Transportation Demand Management Plan for submittal and approval by the Park City Planning Director. Plan shall include strategies to reduce both visitor and employee trips and shall include the designation of a Transportation Demand Manager. The plan shall also include an annual monitoring and reporting program.

QS P – 2b: The project applicant shall procure an offsite park-and-ride location and to transportation all employees not living on-site or served by public transit via mass transit. Shuttle shall operate to accommodate all shifts and shift changes.

QS P – 2c: The project applicant and/or future operator shall operate the Cabriolet from 7 a.m. to 1 a.m. to reduce trips by employees and visitors

- **Impact P-3 – Residential and Emergency Access**
  Description: Trips generated to and from the site, including deliveries, have the potential to impact both residential and emergency access to and adjacent to the project site.

  Goal: Minimize access impacts to the site and adjacent commercial and residential properties, especially during winter months and snow events.

  QS P-3: Project applicant shall manage snow removal along Lowell Avenue from Manor Way to the Project site to the satisfaction of the Park City Fire District, City Engineer, and Park City Police Department, to comply with applicable codes. These operations can be provided by the project applicant or by the City through a request for an elevated level of service and payment of the associated cost.

- **Impact P-4 – Visitor Access and Trips**
  Description: Trips by visitors arriving, departing, and conducting discretionary activities (ski, shopping, eating/drinking, etc.) have the potential to adversely impact air quality, energy consumption, and traffic operations.

  Goal: Reduce trips to and from the site via mass transit, Cabriolet, and transportation demand strategies and programs.

  QS P-4a: Project applicant and/or future operator shall provide dedicated airport shuttle during peak arrival and departure times associated with both the development and the Salt Lake City International Airport enplanements.

  QS P-4b: Project applicant and/or future operator shall provide onsite alternative transportation options including but not limited to local courtesy shuttles, car share, and bike share for local trips and/or connections to Park City Transit's

fixed route system.

QS P- 4c: Project applicant, in cooperation with Park City Municipal Corporation and Vail Resorts, shall contribute their "fair-share" to the construction of intersection and operational improvements to the Empire/Silver King Avenue intersection when deemed warranted by Park City Municipal Corporation.

QS P-4d: Qualifying Standard P-2a and P-2c shall apply to further mitigate this impact.

QS P-4e: Project applicant shall build an enclosure for the Crescent Tramway and will remove snow and appropriately salt during the winter months so the tramway can be used by pedestrians 365 days out of a year.

QS P-4f: Project Applicant shall participate in the future modifications to the intersections of Empire/Silver King Avenue and Lowell/Silver King Avenue. The project applicant shall pay for 39.9% of the Empire/Silver King Avenue intersection modifications and 63.6% of the Lowell/Silver King Avenue intersection.

- **Impact P-5 – External Trips**
  Description: Accessory uses have the potential to generate external trips by people attempting to access the development for uses such as eating and drinking, spa services, and shopping.

  Goal: Develop and implement programs and strategies to dis-incentivize, manage, and/or restrict external trips generated by proposed accessory uses.

  QS P – 5a: Project applicant and/or future operator shall provide valet parking for guests to manage parking, including the flow of arrivals and departures, as well as to restrict any public parking

  QS P -5b: Project applicant and/or future operator shall implement and manage an internal parking permit program limited to guests, management, and employees living on site.

  QS P -5c: Project applicant and/or future operator shall be prohibited from off-site advertising of any and all accessory uses.

Transportation Studies/Documents
The following list in chronological order (document date - name of document - company that prepared the document) contains the various different traffic studies:

- 2003.12.18 - TH Traffic Opinion Summary - PEC
- 2004.07.01 - TH Traffic Impact Analysis - PEC

- 2004.07.31 - Addendum One - PEC
- 2005.04.06 - Second Addendum to the TH Traffic Impact Analysis, July 2004 - Traffic Count President's Day Weekend - PEC
- 2005 .07.20 - Technical Memorandum TH Traffic Review - Fehr & Peers
- 2005.12.09 - Summary of Findings & Recommendations of the TH Traffic Report – Fehr & Peers
- 2006.02.24 - TH Response to Park City Planning Commission Questions - PEC
- 2008.01.07 - Third Addendum to the TH Traffic Impact Analysis, July 2004 - Lowell Ave. Sidewalk and Improvements - PEC
- 2009.02.24 - Letter to the Applicant – Park City Municipal Corporation
- 2009.03.31 - Walkability Study / Recommended Improvements - PEC
- 2009.04.02 - Sweeney Letter to the City – MPE
- 2009.04.02 - TH CUP Review Lowell Avenue Improvements Opinion Summary - Alta Engineering
- 2009.04.02 - TH Traffic Impact Analysis Addendum Four - PEC
- 2009.04.15 - Parking Count Numbers - Alta Engineering
- 2009.04.19 - Treasure Lowell Avenue Improvements - Alta Engineering
- 2009.06.18 - Fifth Addendum to the TH Traffic Analysis, July 200 - Parking Generation Study - PEC
- 2009.06.18 - Revised Letter TH Walkability Study / Recommended Improvements and Effects on Traffic of Proposed Roadway Section on Empire Ave. - PEC
- 2009.06.25 - Sixth Addendum to the TH Traffic Impact Analysis, July 2004 - Intersection Operations Limiting Development Traffic on Empire Ave. - PEC
- 2009.07.16 - Proposed Parking and Traffic Operations – MPE Incorporated
- 2009.07.22 - Updated Treasure Lowell Avenue Improvements - Alta Engineering
- 2017.01.05 - Treasure Hill Traffic Study Summary - Triton Engineering

- 2017.05.04 - Treasure Hill Traffic Study DRAFT Addendum #7 - Triton Engineering
- 2017.07.19 – Review of Treasure Hill Development TIA – LSC Transportation Consultants
- 2017.07.26 – Treasure Hill Traffic Study Addendum #7 – Triton Engineering

Refinement 17.2 Update

The following table below is a summary of the category specific totals:

Building area by Use	2009 Refinement (Square feet)	17.2 Refinement (Square feet)	Difference (Square feet)
Residential (net):	393,911	393,466	-445
Commons space & circulation (gross)	145,655	137,069	-8,586
Allotted Commercial (MPD UE's, gross)	18,863	18,560	-303
Support Commercial (gross)	33,412	21,339	-12,073
Meeting Space (gross)	16,127	16,214	+87
Accessory Space (gross)	70,372	61,203	-9,169
Parking (gross)	3,661	3,188	-473
Subtotal	**682,001**	**651,039**	**-30,962**
Basement areas:			
Parking (gross)	241,402	241,171	-231
Common Space & Circulation (gross)	27,555	18,431	-9,124
Accessory Space (gross)	65,929	38,089	-27,840
Subtotal	**334,886**	**297,691**	**-37,195**
Grand Total	**1,016,887**	**948,730**	**-68,157**

As shown on this table above, the above grade square footage decreased by 30,962 square feet and the below grade (basement area) square footage decreased by 37,195 square feet. Refinement 17.2 is not a substantial change or deviation of the 2009 plans as the applicant has clearly labeled it as a refinement, not a change or an amendment. In reviewing the plans, specifically the difference in square footage Staff does not find a significant departure to the 2009 plan or that it is in direct response to the Planning Commission items.

Discussion Requested: Does the Planning Commission agree with Staff in that the refinements identified as 17.2 are not in direct response specific to comments made by the Planning Commission?

Planning Commission Outstanding Items:

As had been stated many times by both the Applicant and staff, this CUP is undoubtedly the most unique project review ever undertaken by the City and an applicant. While on its face, the tens of meetings represent a test of endurance by the Applicant, the City and the public. However, the complexity and amount of information reviewed, combined often with long breaks (caused by a variety of reasons including the applicant, city scheduling, mutual agreement, or third party consultant performance), has made traditional exchange of direct feedback and applicant response difficult at best. The mutually agreed upon Planning Commission meeting recess that covered approximately five years while both sides in good faith attempted to negotiate another outcome alone was unprecedented.

During this entire time, the applicant's record keeping and public information site on the internet deserve much credit for enabling the progress of review to be cataloged and revisited as the Planning Commission has started, paused and renewed review. However, as even this past year of intense scheduling and follow up has shown, often areas are reviewed briefly and singularly without response and moved on from. While staff was hopeful that the applicant's recent new submittal would address a myriad of previously raised concerns and mitigation items, it does not.

So, staff has compiled a chronological list of review items that it is in the course of discussing with the applicant's team. The question for Planning Commission is – do you want to review such items in chronological order or broken into specific analysis as they each apply to the CUP criteria or MPD affirmative requirements? Staff recommends the latter so as to flow more closely with potential findings/conclusions to expedite the Planning Commission's final decision on the CUP. Staff will be discussion these matters with the applicant's team between the packet publication and the Planning Commission meeting in an attempt to jointly propose agrees of agreement and a potential final review schedule.

Discussion Requested: Staff requests that the Planning Commission provide direction regarding preference of review of the remaining significant issues/prior Planning Commission analysis.

Notice

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016 for the initial meeting held on June 8, 2106. Legal notice was published in the Park Record according to requirements of the Land Management Code prior to every meeting.

Public Input

Public input has been received by the time of this report. See the following hyperlink: Link A - Public Comments with public input received as of April 2016. All public comments are forwarded to the Planning Commission via the staff report link above and kept on file at the Planning Office. Planning staff will not typically respond directly to the public comments, but may choose to address substantive review issues in subsequent

staff reports. There are four (4) methods for public input to the Planning Commission:

- Attending the Planning Commission meetings and giving comments in the public hearing portion of the meeting
- Preparing comments in an e-mail to treasure.comments@parkcity.org
- Visiting the Planning office and filling out a Treasure CUP project Comment Card
- Preparing a letter and mailing/delivering it to the Planning Office

Summary Recommendations

Staff recommends that the Planning Commission review the Treasure Conditional Use Permit (CUP). Staff recommends that the Planning Commission conduct a public hearing and continue the item to the October 11, 2017 Planning Commission meeting.

Exhibits (printed)

Exhibit A – Refinement 17.2 Plans compared to 2009 Plans (Link X)
Exhibit B – MPE Position Paper September 8, 2017

Hyperlinks

Link A - Public Comments
Link B - Approved Sweeney Properties Master Plan (Narrative)
Link C - Approved MPD Plans
Link D - Proposed Plans – Visualization Drawings1

Sheet BP-01 The Big Picture
Sheet V-1 Illustrative Plan
Sheet V-2 Illustrative Pool Plaza Plan
Sheet V-3 Upper Area 5 Pathways
Sheet V-4 Plaza and Street Entry Plan
Sheet V-5 Building 4b Cliffscape Area
Sheet V-6 Exterior Circulation Plan
Sheet V-7 Parking and Emergency Vehicular Access
Sheet V-8 Internal Emergency Access Plan
Sheet V-9 Internal Service Circulation
Sheet V-10 Site Amenities Plan
Sheet V-11 Usable Open Space with Development Parcels
Sheet V-12 Separation-Fencing, Screening & Landscaping
Sheet V-13 Noise Mitigation Diagrams
Sheet V-14 Signage & Lighting
Sheet V-15 Contextual Site Sections - Sheet 1
Sheet V-16 Contextual Site Sections - Sheet 2

Link E - Proposed Plans – Visualization Drawings2

Sheet V-17 Cliffscapes
Sheet V-18 Retaining Systems
Sheet V-19 Selected Views of 3D Model - 1
Sheet V-20 Selected Views of 3D Model – 2
Sheet V-21 Viewpoints Index

Sheet V-22 Camera Viewpoints 1 & 2
Sheet V-23 Camera Viewpoints 3 & 4
Sheet V-24 Camera Viewpoints 5 & 6
Sheet V-25 Camera Viewpoints 7 & 8
Sheet V-26 Camera Viewpoints 9 & 10
Sheet V-27 Camera Viewpoint 11
Sheet V-28 Illustrative Plan – Setback

Link F - Proposed Plans – Architectural/Engineering Drawings 1a

Sheet VM-1 Vicinity & Proposed Ski Run Map
Sheet EC.1 Existing Conditions
Sheet SP.1 Site & Circulation Plan Sheet
Sheet GP.1 Grading Plan
Sheet HL.1 Height Limits Plan
Sheet HL.2 Roof Heights Relative to Existing Grade
Sheet FD.1 Fire Department Access Plan

Link G - Proposed Plans – Architectural/Engineering Drawings 1b

Sheet P.1 Level 1 Use Plan
Sheet P.2 Level 2 Use Plan
Sheet P.3 Level 3 Use Plan
Sheet P.4 Level 4 Use Plan
Sheet P.5 Level 5 Use Plan
Sheet P.6 Level 6 Use Plan
Sheet P.7 Level 7 Use Plan
Sheet P.8 Level 8 Use Plan
Sheet P.9 Level 9 Use Plan
Sheet P.10 Level 10 Use Plan
Sheet P.11 Level 11 Use Plan
Sheet P.12 Level 12 Use Plan
Sheet P.13 Level 13 Use Plan
Sheet P.14 Level 14 Use Plan
Sheet P.15 Level 15 Use Plan
Sheet P.16 Area, Unit Equivalent & Parking Calculations

Link H – Proposed Plans – Architectural/Engineering Drawings 2

Sheet E.1AC2.1 Buildings 1A, 1C& 2 Exterior Elevations
Sheet E.1B.1 Building 1B Exterior Elevations
Sheet E.3A.1 Building & Parking Garage Exterior Elevations
Sheet E.3BC.1 Building 3BC Exterior Elevations
Sheet E.3BC.2 Building 3BC Exterior Elevations
Sheet E.3BC.3 Building 3BC Exterior Elevations
Sheet E.4A.1 Building 4A Exterior Elevations
Sheet E.4A.2 Building 4A Exterior Elevations
Sheet E.4B.1 Building 4B Exterior Elevations
Sheet E.4B.2 Building 4B Exterior Elevations
Sheet E.4B.3 Building 4B Exterior Elevations
Sheet E.4B.4 Building 4B Exterior Elevations
Sheet E.5A.1 Building 5A Exterior Elevations

Sheet E.5B.1	Building 5B Exterior Elevations
Sheet E.5C.1	Building 5C Exterior Elevations
Sheet E.5C.2	Building 5C Exterior Elevations
Sheet E.5D.1	Building 5D Exterior Elevations
Sheet S.1	Cross Section
Sheet S.2	Cross Section
Sheet S.3	Cross Section
Sheet S.4	Cross Section
Sheet S.5	Cross Section
Sheet S.6	Cross Section
Sheet S.7	Cross Section
Sheet S.8	Cross Section
Sheet S.9	Cross Section
Sheet UP.1	Concept Utility Plan

Link I – Applicant's Written & Pictorial Explanation
Link J – Fire Protection Plan (Appendix A-2)
Link K – Utility Capacity Letters (Appendix A-4)
Link L – Soils Capacity Letters (Appendix A-5)
Link M – Mine Waste Mitigation Plan (Appendix (A-6)
Link N – Employee Housing Contribution (Appendix A-7)
Link O – Proposed Finish Materials (Appendix A-9)
Link P – Economic Impact Analysis (Appendix A-10)
Link Q – Signage & Lighting (appendix A-13)
Link R – LEED (Appendix A-14)
Link S – Worklist (Appendix A-15)
Link T – Excavation Management Plan (Appendix A-16)
Link U – Project Mitigators (Appendix A-18)
Link V – Outside The Box (Appendix A-20)

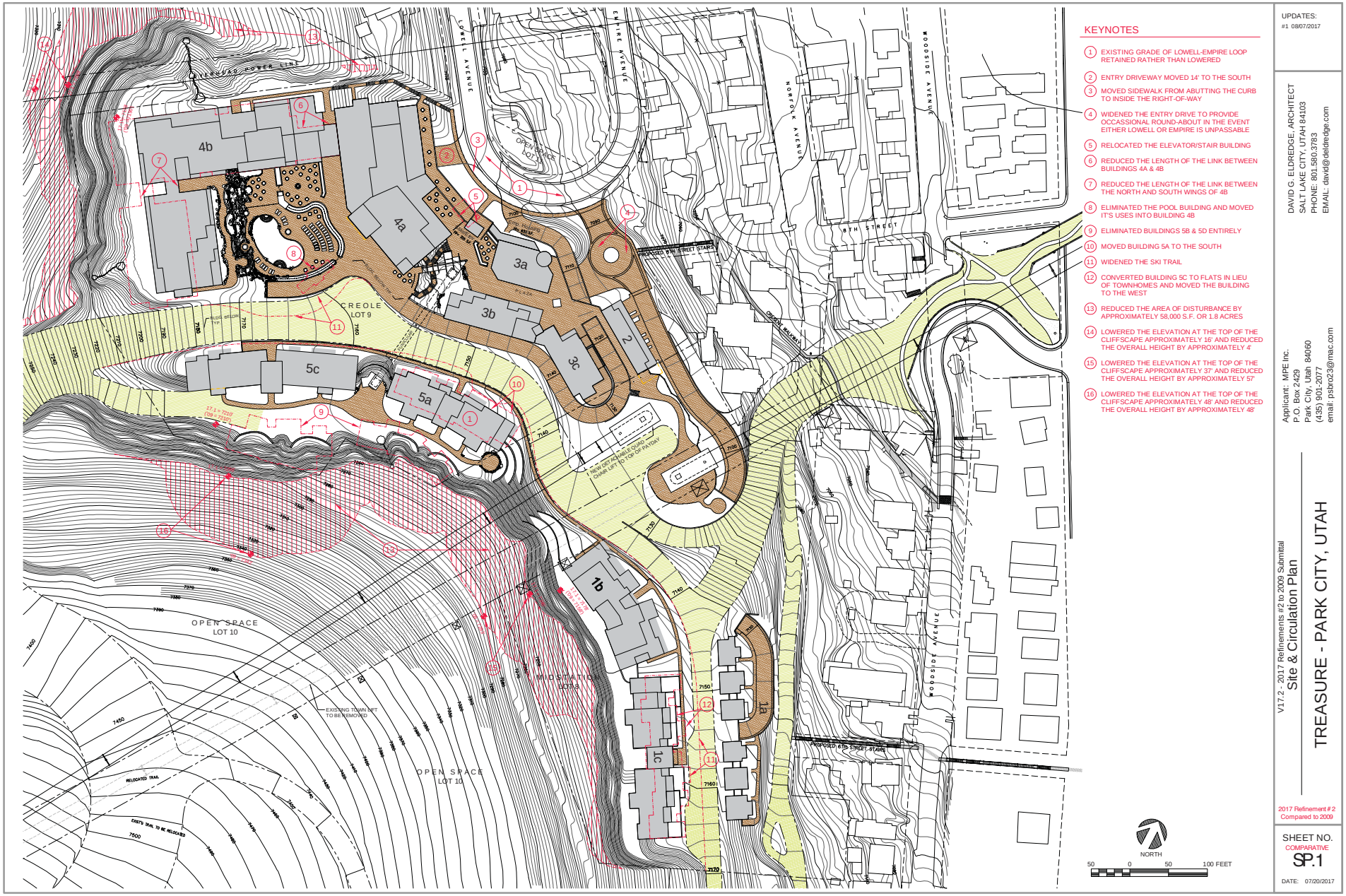
*****Updated Exhibits*** Refinement 17.2**
Link W – Refinement 17.2 Plans received 2017.08.10
Link X – Refinement 17.2 Plans compared to 2009 Plans received 2017.08.14
Link Y – Written & Pictorial Explanation (Updated) received 2017.08.14
Link Z – Refinement 17.2 Signature Stills Renderings received 2017.09.01
Link AA – Refinement 17.2 View Points Renderings received 2017.09.01
Link BB – Refinement 17.2 Animation Model received 2017.09.01

Additional Hyperlinks
2009.04.22 Jody Burnett MPD Vesting Letter
Staff Reports and Minutes 2017
Staff Reports and Minutes 2016
Staff Reports and Minutes 2009-2010
Staff Reports and Minutes 2006
Staff Reports and Minutes 2005
Staff Reports and Minutes 2004
2004 LMC 50th Edition

1997 General Plan
1986.10.16 City Council Minutes
1985.12.18 Planning Commission Minutes
1986 Comprehensive Plan
1985 Minutes
1985 LMC 3rd Edition
1983 Park City Historic District Design Guidelines
Parking, Traffic Reports and Documents
MPD Amendments:

- October 14, 1987 - Woodside (ski) Trail
- December 30, 1992 - Town Lift Base
- November 7, 1996 – Town Bridge

Exhibit A – Refinement 17.2 Plans compared to 2009 Plans



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V17.2 - 2017 Refinements #2 to 2009 Submittal

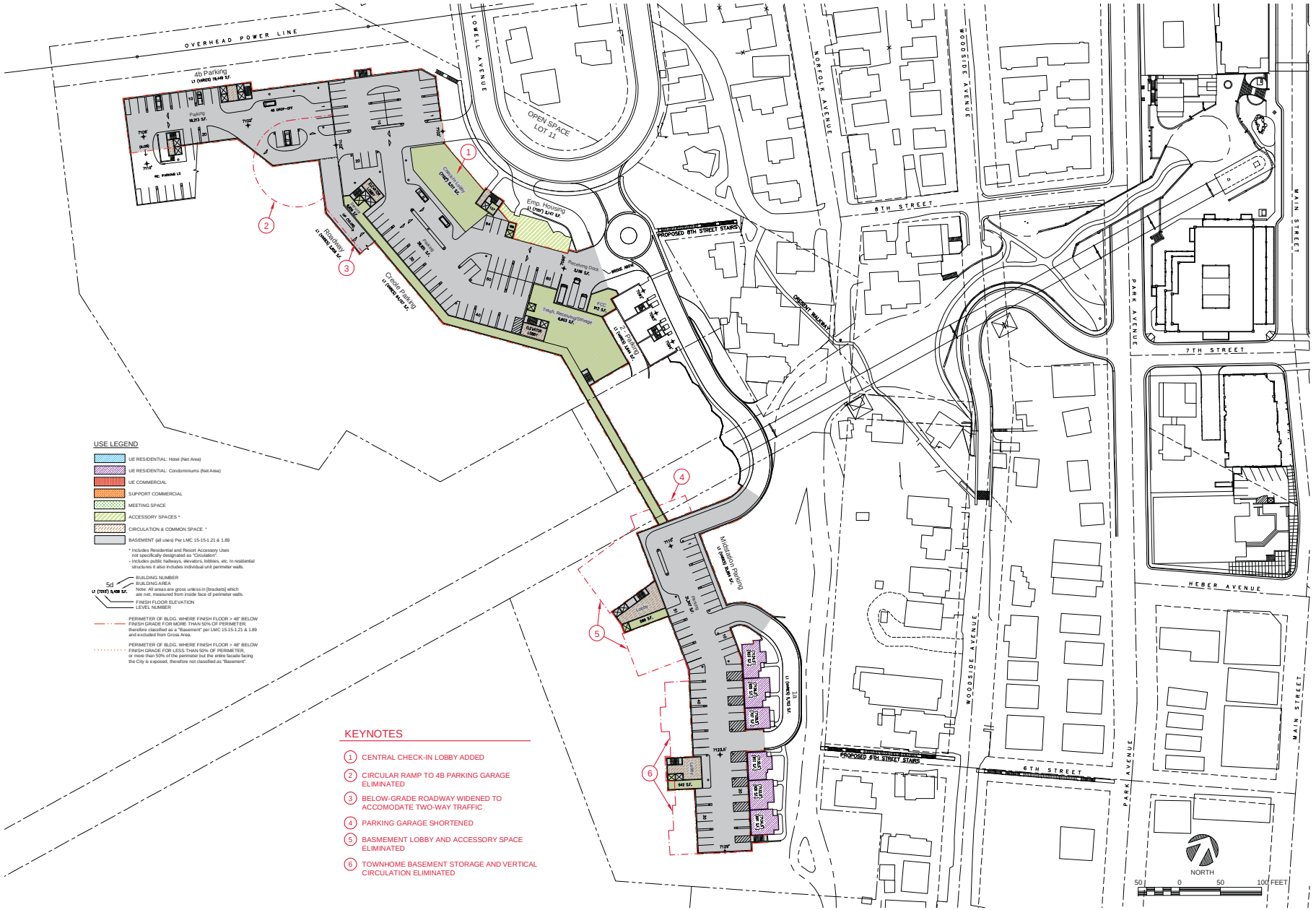
Site & Circulation Plan

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
SP.1

DATE: 07/20/2017



KEYNOTES

1. CENTRAL CHECK-IN LOBBY ADDED
2. CIRCULAR RAMP TO 4B PARKING GARAGE ELIMINATED
3. BELOW-GRADE ROADWAY WIDENED TO ACCOMODATE TWO-WAY TRAFFIC
4. PARKING GARAGE SHORTENED
5. BASEMENT LOBBY AND ACCESSORY SPACE ELIMINATED
6. TOWNHOME BASEMENT STORAGE AND VERTICAL CIRCULATION ELIMINATED

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V17.2 - 2017 Refinements #2 to 2009 Submittal

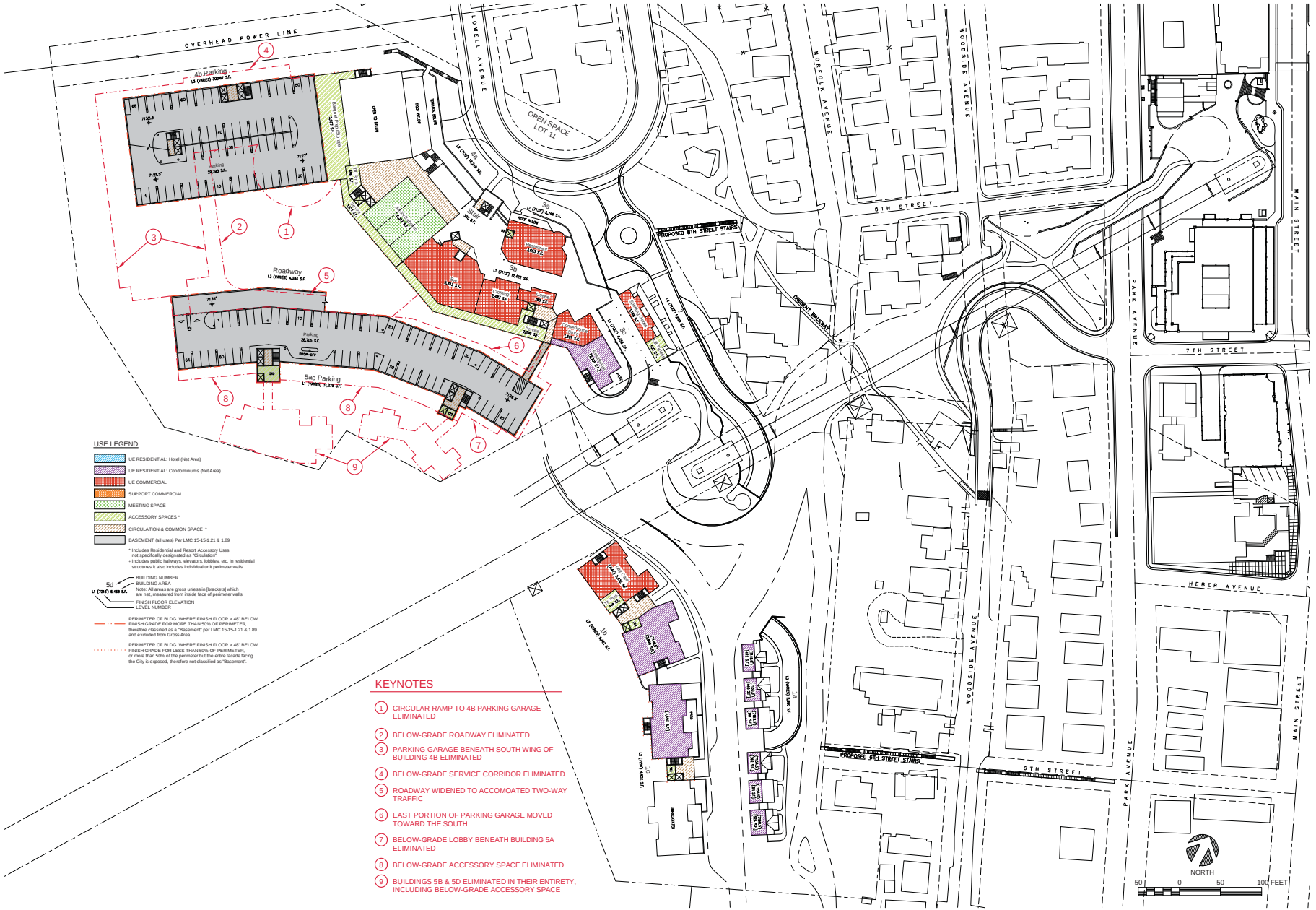
Level 1 Use Plan

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
P.1

DATE: 07/20/2017



KEYNOTES

1. CIRCULAR RAMP TO 4B PARKING GARAGE ELIMINATED
2. BELOW-GRADE ROADWAY ELIMINATED
3. PARKING GARAGE BENEATH SOUTH WING OF BUILDING 4B ELIMINATED
4. BELOW-GRADE SERVICE CORRIDOR ELIMINATED
5. ROADWAY WIDENED TO ACCOMOATED TWO-WAY TRAFFIC
6. EAST PORTION OF PARKING GARAGE MOVED TOWARD THE SOUTH
7. BELOW-GRADE LOBBY BENEATH BUILDING 5A ELIMINATED
8. BELOW-GRADE ACCESSORY SPACE ELIMINATED
9. BUILDINGS 5B & 5D ELIMINATED IN THEIR ENTIRETY, INCLUDING BELOW-GRADE ACCESSORY SPACE

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V17.2 - 2017 Refinements #2 to 2009 Submittal

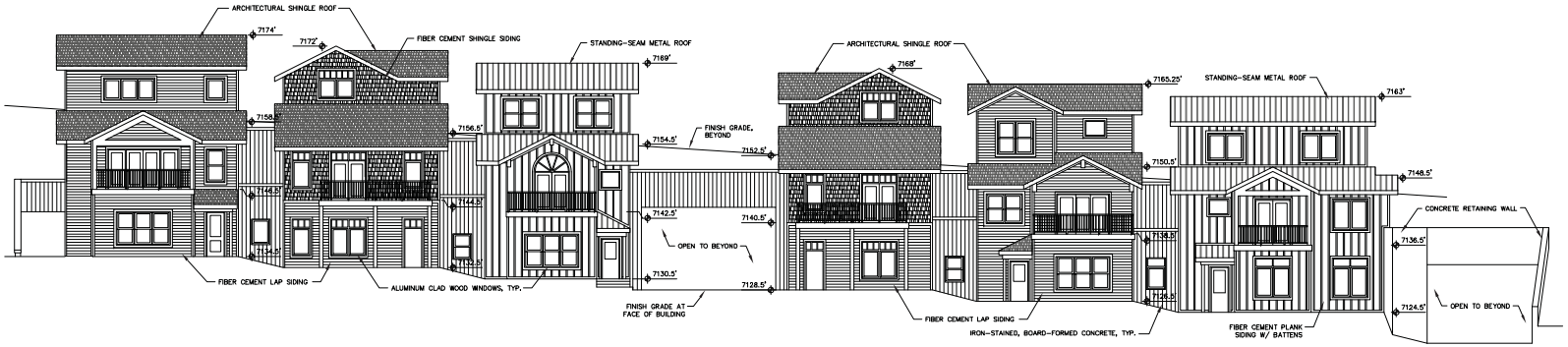
Level 3 Use Plan

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

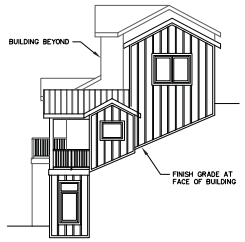
SHEET NO.
COMPARATIVE
P.3

DATE: 07/20/2017

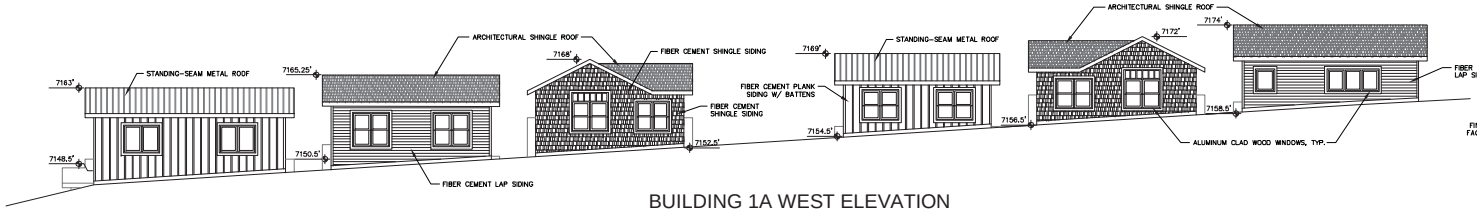


BUILDING 1A EAST ELEVATION

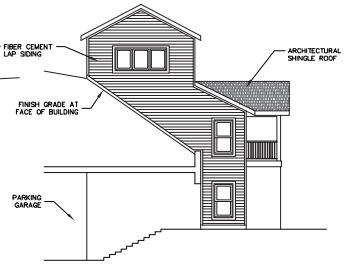
NO CHANGE



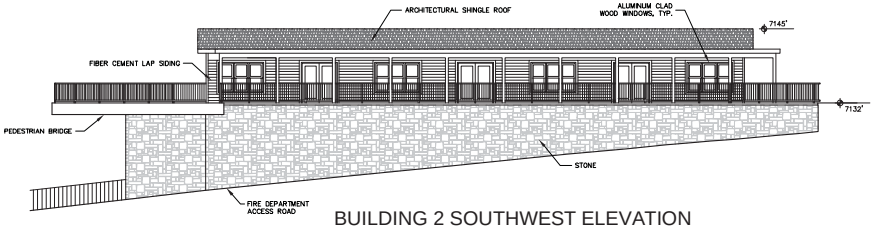
BUILDING 1A
NORTH ELEVATION



BUILDING 1A WEST ELEVATION



BUILDING 1A
SOUTH ELEVATION



BUILDING 2 SOUTHWEST ELEVATION

BUILDING 2
SOUTHEAST ELEVATION

BUILDING 2 NORTHEAST ELEVATION

BUILDING 2
NORTHWEST ELEVATION

10 0 10 20 FEET

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V17.2 - 2017 Refinements #2 to 2009 Submittal

Buildings 1A & 2 Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

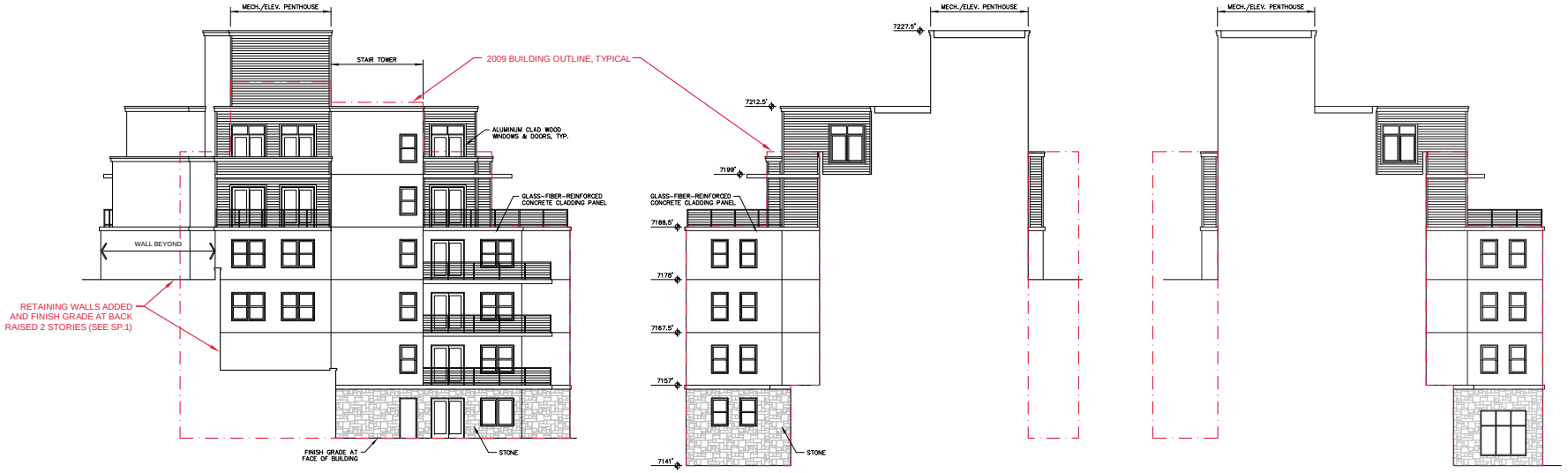
SHEET NO.
COMPARATIVE
E1A2.1

DATE: 07/20/2017

NORTHEAST ELEVATION - SOUTH WING

NORTHEAST ELEVATION - NORTH WING

NORTHWEST ELEVATION



SOUTHEAST ELEVATION

NORTHWEST ELEVATION @ ENTRY

SOUTHEAST ELEVATION @ ENTRY

10 0 10 20 FEET

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V17.2 - 2017 Refinements #2 to 2009 Submittal

Building 1B Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2 Compared to 2009

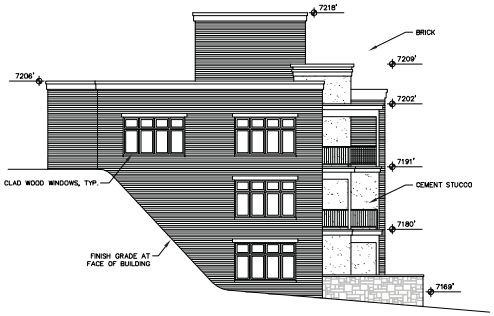
SHEET NO.
COMPARATIVE
E1B.1

DATE: 07/20/2017

BUILDING 1C EAST ELEVATION

BUILDING 1C NORTH ELEVATION

BUILDING 1C WEST ELEVATION



BUILDING 1C SOUTH ELEVATION

10 0 10 20 FEET

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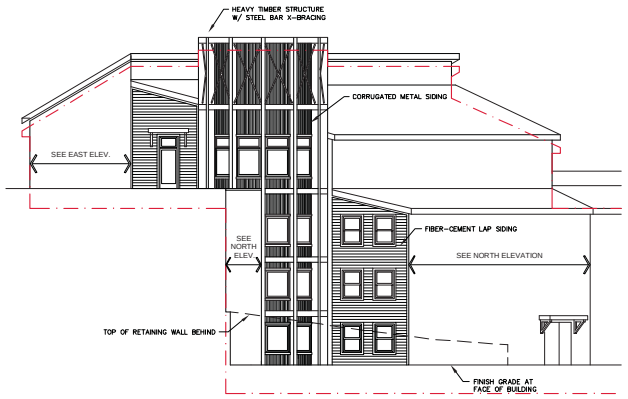
V17.2 - 2017 Refinements #2 to 2009 Submittal
Building 1C Exterior Elevations

TREASURE - PARK CITY, UTAH

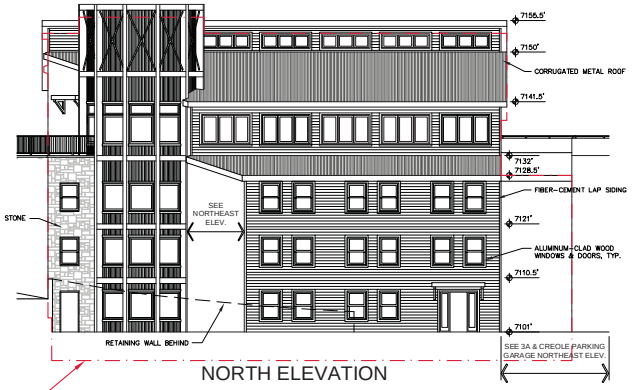
2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E1C.1

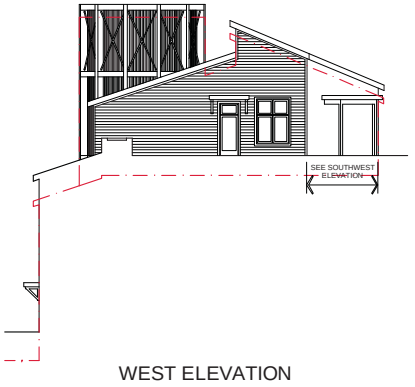
DATE: 07/20/2017



NORTHEAST ELEVATION

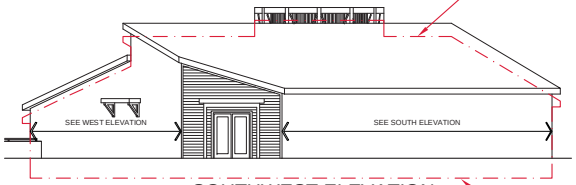


NORTH ELEVATION

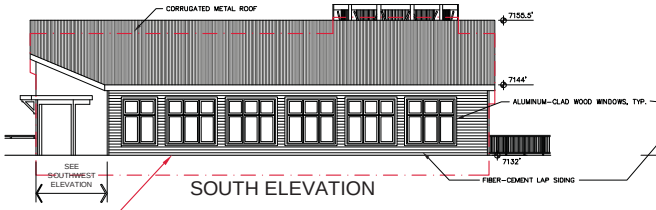


WEST ELEVATION

2009 BUILDING OUTLINE, TYPICAL

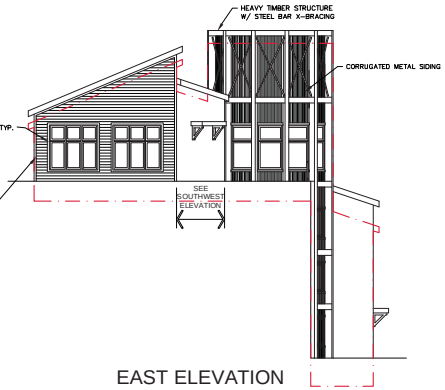


SOUTHWEST ELEVATION



SOUTH ELEVATION

BUILDING ELEVATION RAISED TO ACCOMODATE EXISTING GRADE AT LOWELL-EMPIRE LOOP (SEE SP.1)



EAST ELEVATION

10 0 10 20 FEET

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V17.2 - 2017 Refinements #2 to 2009 Submittal

Building 3A & Creole Parking Garage Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E3A1

DATE: 07/20/2017

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V17.2 - 2017 Refinements #2 to 2009 Submittal

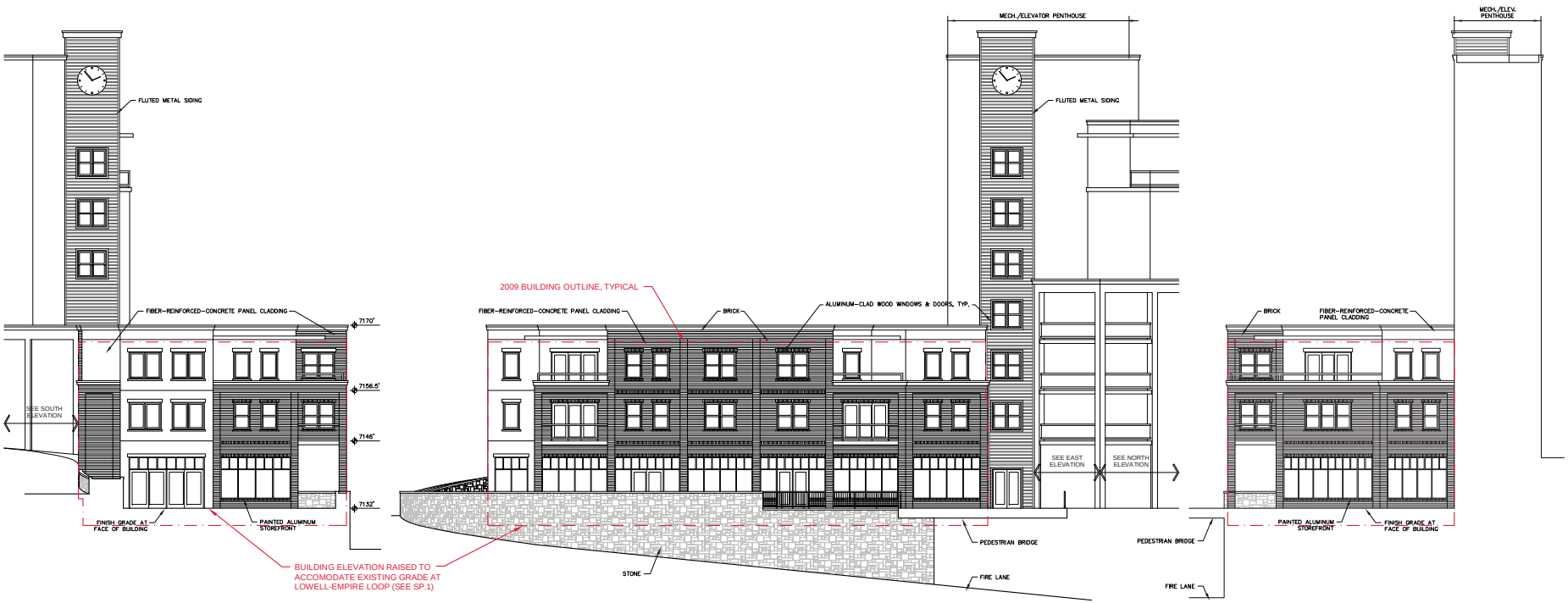
Building 3BC Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E3BC.1

DATE: 07/20/2017



SOUTHEAST ELEVATION

NORTHEAST ELEVATION

NORTHWEST ELEVATION

10 0 10 20 FEET

UPDATES:
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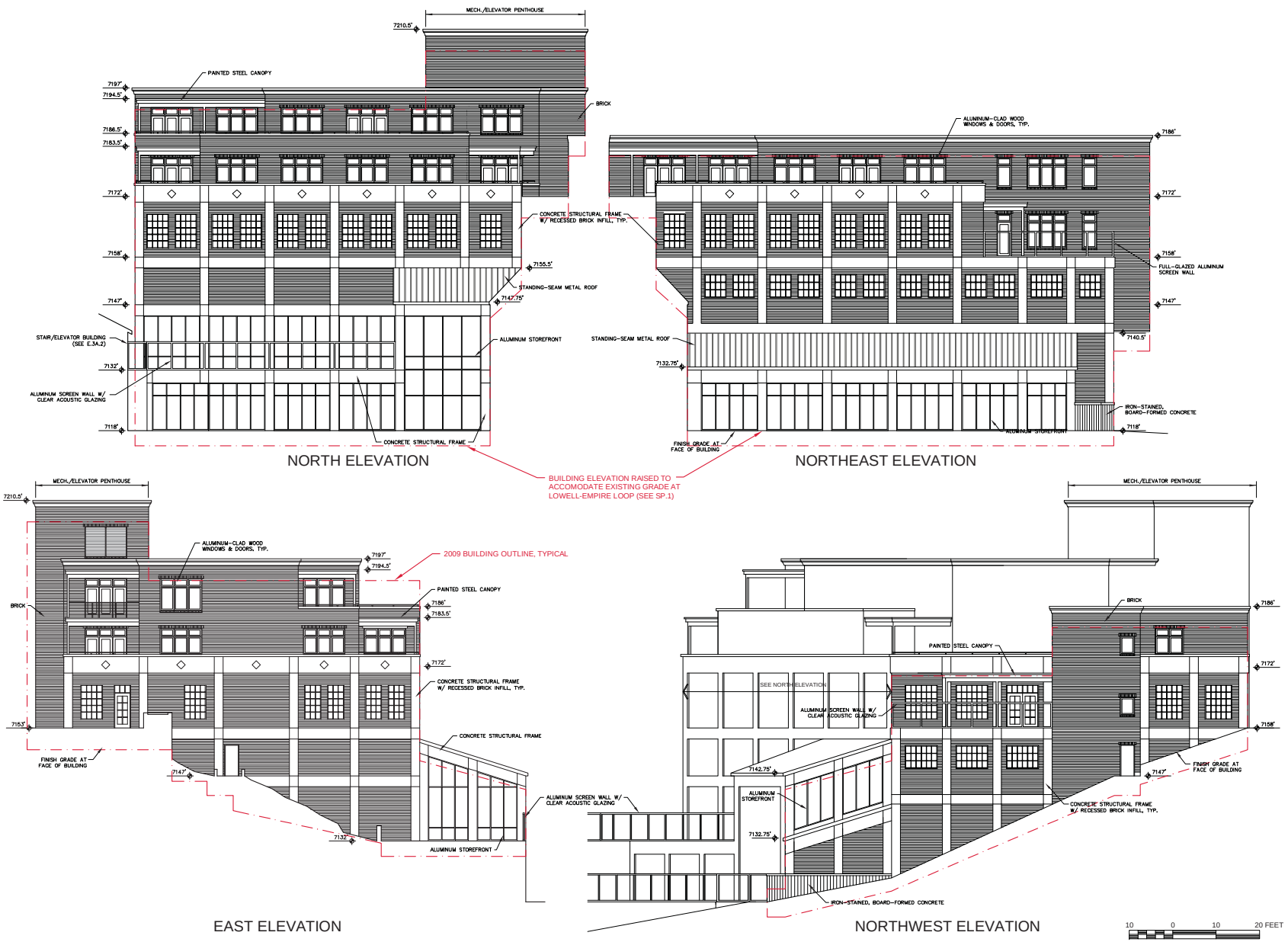
V17.2 - 2017 Refinements #2 to 2009 Submittal
Building 3BC Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E3BC.2

DATE: 07/20/2017



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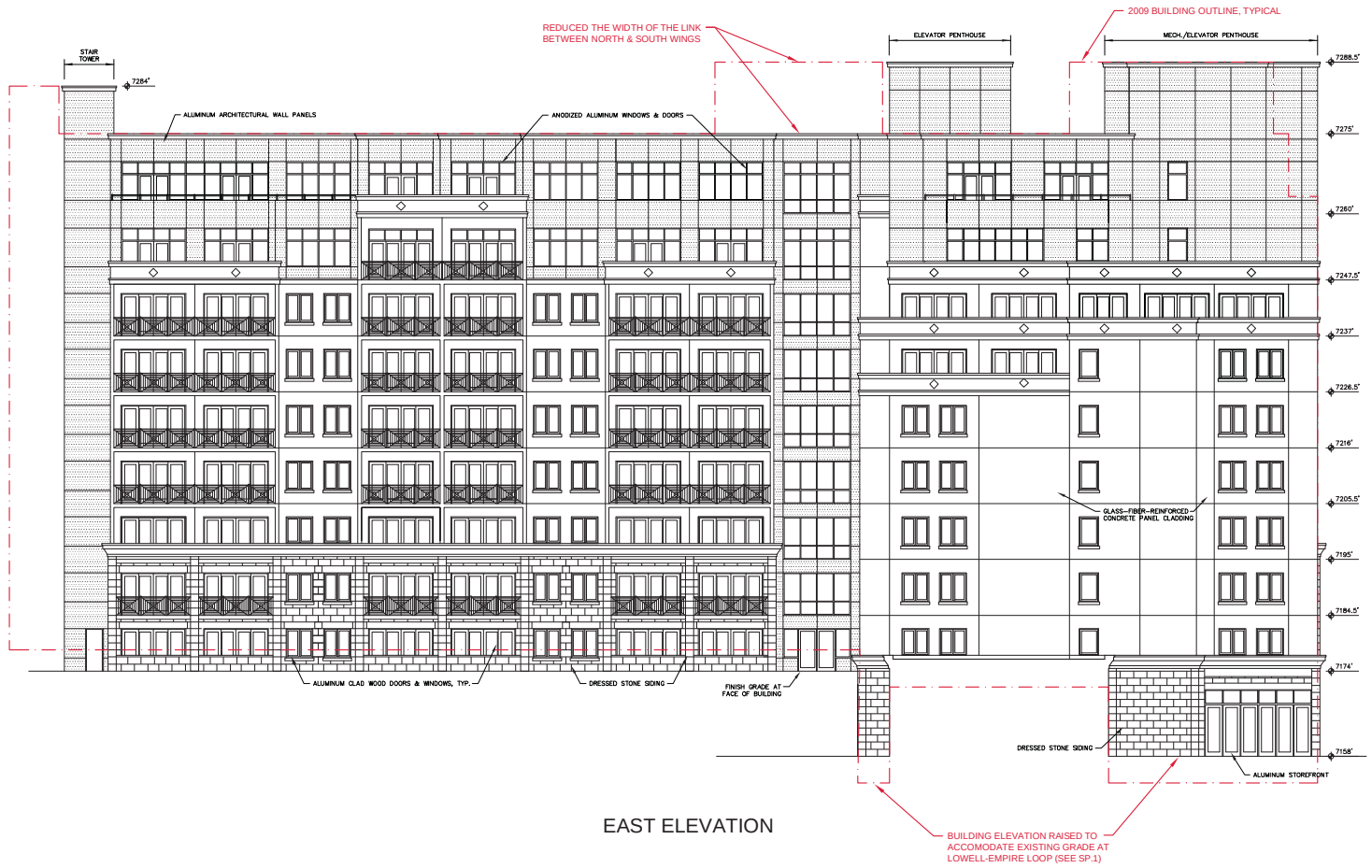
V17.2 - 2017 Refinements #2 to 2009 Submittal
Building 4A Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E4A1

DATE: 07/20/2017



EAST ELEVATION

10 0 10 20 FEET

UPDATES:
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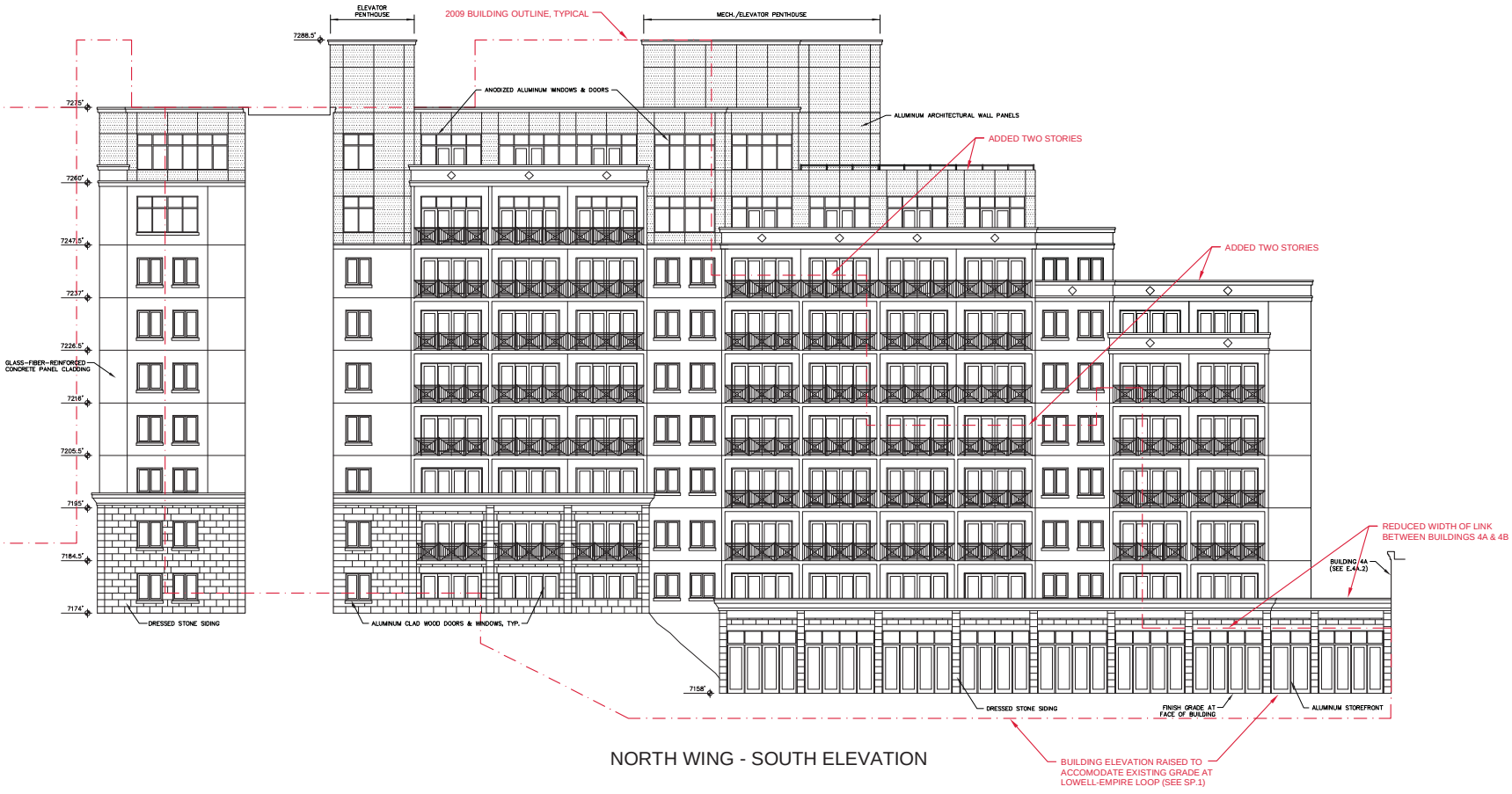
V17.2 - 2017 Refinements #2 to 2009 Submittal
Building 4B Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E4B.1

DATE: 07/20/2017



NORTH WING - SOUTH ELEVATION

10 0 10 20 FEET

UPDATES:
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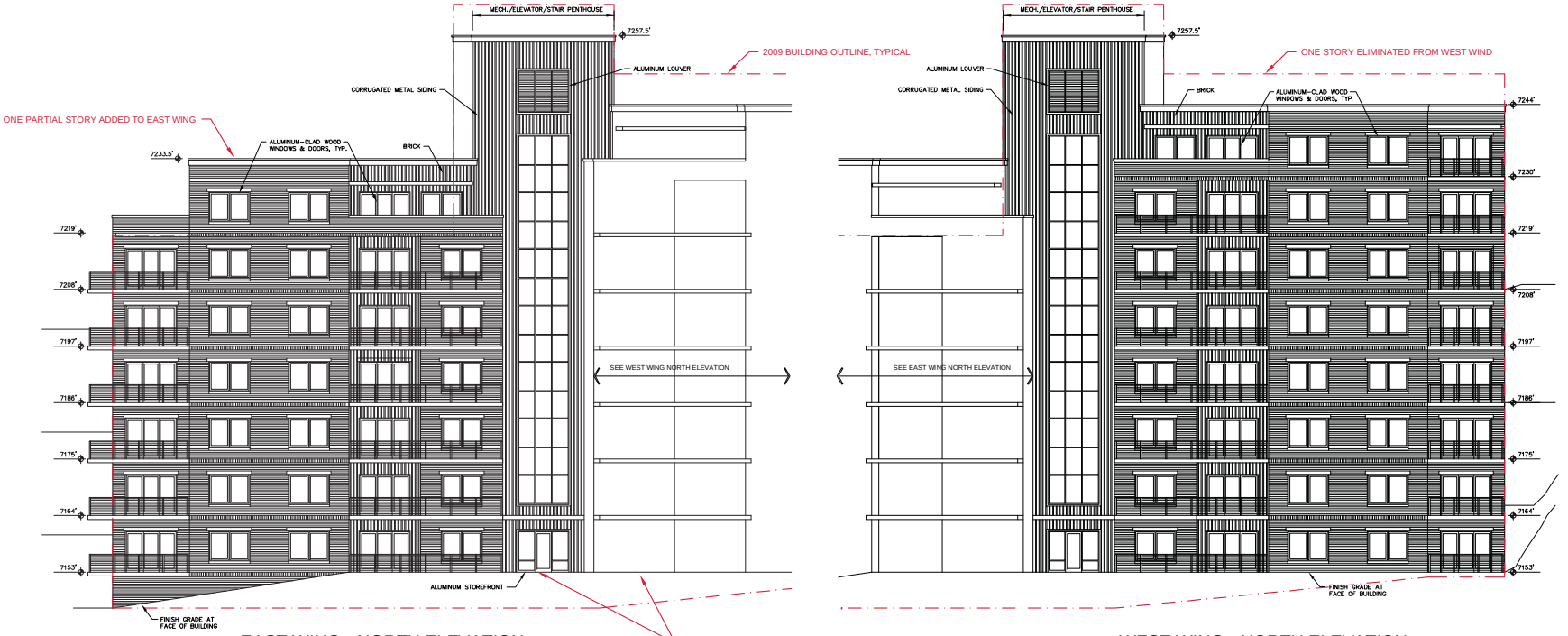
V17.2 - 2017 Refinements #2 to 2009 Submittal
Building 4B Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E4B.2

DATE: 07/20/2017



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V17.2 - 2017 Refinements #2 to 2009 Submittal

Building 5A Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E5A1

DATE: 07/20/2017

EAST WING - NORTH ELEVATION

WEST WING - NORTH ELEVATION

10 0 10 20 FEET

UPDATES:

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V17.1 - 2017 Refinements #1 to 2009 Submittal

Building 5C Exterior Elevations

TREASURE - PARK CITY, UTAH

2017 Refinement # 2
Compared to 2009

SHEET NO.
COMPARATIVE
E5C.1

DATE: 06/28/2008

TREASURE - PARK CITY
BUILDING AREA BY USE COMPARISIONS

August 9, 2017

Version	SITE	SUBMITTAL	UE RES.	ACCESSORY SPACE			CIRC. & COMMON SPACE			PARKING			UE COMM.	SUPPORT COMM.	MEETING SPACE	GRAND TOTAL
				ABOVE GRADE	BELOW GRADE	TOTAL	ABOVE GRADE	BELOW GRADE	TOTAL	ABOVE GRADE	BELOW GRADE	TOTAL				
V17.1 Compared to 2009	MIDSTATION SITE	**'09**	66,511	1,220	10,063	11,283	15,383	6,104	21,487	0	34,792	34,792	0	0	0	134,073
		V17.1	70,986	2,312	10,180	12,492	11,870	5,987	17,857	0	34,792	34,792	3,430	0	0	139,557
		Difference	4,475	1,092	117	1,209	(3,513)	(117)	(3,630)	0	0	0	3,430	0	0	5,484
	CREOLE SITE	**'09**	327,400	69,152	55,866	125,018	130,272	21,451	151,723	3,661	206,610	210,271	18,863	33,412	16,127	882,814
		V17.1	322,040	69,329	55,925	125,254	129,186	21,462	150,648	3,661	206,370	210,031	15,004	26,726	16,127	865,830
		Difference	(5,360)	177	59	236	(1,086)	11	(1,075)	0	(240)	(240)	(3,859)	(6,686)	0	(16,984)
	PROJECT TOTAL	**'09**	393,911	70,372	65,929	136,301	145,655	27,555	173,210	3,661	241,402	245,063	18,863	33,412	16,127	1,016,887
		V17.1	393,026	71,641	66,105	137,746	141,056	27,449	168,505	3,661	241,162	244,823	18,434	26,726	16,127	1,005,387
		Difference	(885)			1,445			(4,705)			(240)	(429)	(6,686)	0	(11,500)
		% Difference	-0.2%			1.1%			-2.7%			-0.1%	-2.3%	-20.0%	0.0%	-1.1%
V17.2 Compared to 2009	MIDSTATION SITE	**'09**	66,511	1,220	10,063	11,283	15,383	6,104	21,487	0	34,792	34,792	0	0	0	134,073
		V17.2	70,498	2,463	4,441	6,904	15,408	3,965	19,373	0	31,347	31,347	3,432	0	0	131,554
		Difference	3,987	1,243	(5,622)	(4,379)	25	(2,139)	(2,114)	0	(3,445)	(3,445)	3,432	0	0	(2,519)
	CREOLE SITE	**'09**	327,400	69,152	55,866	125,018	130,272	21,451	151,723	3,661	206,610	210,271	18,863	33,412	16,127	882,814
		V17.2	322,968	58,740	33,648	92,388	121,661	14,466	136,127	3,188	209,824	213,012	15,128	21,339	16,214	817,176
		Difference	(4,432)	(10,412)	(22,218)	(32,630)	(8,611)	(6,985)	(15,596)	(473)	3,214	2,741	(3,735)	(12,073)	87	(65,638)
	PROJECT TOTAL	**'09**	393,911	70,372	65,929	136,301	145,655	27,555	173,210	3,661	241,402	245,063	18,863	33,412	16,127	1,016,887
		V17.2	393,466	61,203	38,089	99,292	137,069	18,431	155,500	3,188	241,171	244,359	18,560	21,339	16,214	948,730
		Difference	(445)			(37,009)			(17,710)			(704)	(303)	(12,073)	87	(68,157)
		% Difference	-0.1%			-27.2%			-10.2%			-0.3%	-1.6%	-36.1%	0.5%	-6.7%

treasure
PARK CITY, UTAH

DATE: September 8, 2017

SUBJECT: Treasure Hill Properties' Compliance with Traffic and Parking Factors

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1. Background.

The Planning Commission Staff Report dated July 13, 2016, recites the applicable background of the Sweeney Properties Master Plan ("SPMP") and current Conditional Use Permit ("CUP") Application. (*See* p. 1–2.)

This submission addresses several criteria under the Conditional Use Review Process set forth in the applicable 2003 LMC:

2. traffic considerations including capacity of the existing Streets in the Area;

4. emergency vehicle Access;

5. location and amount of off-street parking;

6. internal vehicular and pedestrian circulation system; and

13. control of delivery and service vehicles, loading and unloading zones and screening of trash pickup Areas. (2003 LMC § 15-1-10(E).)

The Applicant has proposed or adopted numerous conditions that will reasonably mitigate any detrimental effects from the project with respect to these criteria. The Applicant has already set forth and described these proposed mitigating conditions in prior submissions to the Planning Commission.

This submission summarizes the most important studies conducted on these issues, highlights a number of these proposed mitigating conditions proposed by the Applicant (but is not an effort to catalog all of them), addresses additional issues that have been raised during the Planning Commission's consideration of these factors and sets forth what the Applicant expects will be its final position related to the above conditions, although the Applicant remains open to considering any reasonable mitigating condition that is not referenced herein.

2. Summary.

Following numerous studies, reports, reviews, and updates regarding traffic-related issues, there is no doubt that while the project will generate traffic—just like every other

residence and enterprise in the City—reasonable mitigation conditions exist to offset any detrimental effects of that traffic.

The City understood when it negotiated the SPMP Approval—and later accepted substantial concessions from the Applicant—that the project would generate traffic. Vehicle trips are not a detrimental effect when the transportation system can absorb the incremental increase. Numerous studies applying generally accepted traffic engineering methods have established again and again that the project's traffic shed can accommodate future traffic in the area, including traffic generated by the project.

Nonetheless, the Applicant has worked in good faith for years, proposing a number of further mitigations, including constructing a sidewalk on the uphill side of Lowell Avenue, giving up the right to park on nearby City streets, providing an emergency turnaround on its property for the public in the event of either Empire Avenue or Lowell Avenue being temporarily blocked, providing a cabriolet/gondola connection to Main Street, improving lift and run access to the Park City Mountain, including the construction of beginner runs, keeping its excess excavation material onsite (or above the site) as opposed to transporting it over City streets, and providing onsite amenities, just to name a few.

While there may be some disagreement about the particular mitigating conditions necessary, the essential and ultimate conclusion—that any effects can be reasonably mitigated—has not been seriously questioned by any traffic professional that has conducted an actual study. Despite objections to certain methodologies and quibbling about particular assumptions, no traffic professional has suggested that the project's traffic-related effects, including during construction, cannot be mitigated through standard, reasonable conditions. Because a conditional use "shall be approved if reasonable conditions" exist to "mitigate the reasonably anticipated detrimental effects," the Application satisfies the CUP criteria identified above and should be approved with reasonable conditions. Utah Code Ann. § 10-9a-507.

Although recently, questions have been raised about "road capacity" and operations, particularly during snowstorms, the City has chosen to narrow Lowell Avenue—the primary route to the project—by three (3) feet during the upcoming planned reconstruction. Although the road width will be less than generally accepted traffic engineering standards, the City decided to narrow Lowell Avenue based on its consultant's conclusion that Lowell Avenue—even three feet narrower—had ample capacity to handle existing and future traffic, including and specifically future traffic from the Treasure project. The City recently accepted $183,000 from the Applicant to satisfy part of the Applicant's obligation to help reconstruct Lowell Avenue to handle future construction traffic. The City's deliberate decision to narrow Lowell Avenue obviously has operational and capacity implications for the City. Any detrimental operational or capacity effects from the City's decision to narrow Lowell Avenue are the City's responsibility. The City and the Applicant will have to work cooperatively to solve any operational and capacity issues that arise from the City's decision to narrow Lowell Avenue and future traffic related to the project, including during snowstorms.

The Application also complies with the SPMP Approval regarding parking and seeks less parking than provided under the applicable 2003 LMC. All parking for the project will be contained in structures onsite as required by the SPMP Approval. Because the Applicant's

proposed parking complies with the applicable standards, there are no detrimental effects to mitigate.

3. Pertinent History.

3.1 1984 Streets Master Plan.

Park City adopted a Streets Master Plan in 1984, just prior to the original SPMP Approval. That report recognized that as a result of the expected "significant residential development" approved in the "area adjacent to the Park City Ski Resort," the "anticipated development will *necessitate considerable improvement to the existing street system*." (1984 Streets Master Plan, p. 2–3.) Thus, even before the SPMP Approval was finalized, the City understood that future development in that area would require a substantial amount of improvement to the existing streets.

Related to street capacity, the 1984 Streets Master Plan's "Inventory of Existing Streets" contained a survey of proposed improvements to existing streets. Pertinent to the issues currently before the Commission, the 1984 Streets Master Plan recommended that Lowell and Empire Avenues be constructed to a 25-foot asphalt width south of Manor Way. (1984 Streets Master Plan, Exhibit A-4.)

3.2 1986 SPMP Approval.

The SPMP Approval addressed a number of issues relating to traffic and parking, particularly issues relating to construction traffic and parking. First, the SPMP Approval recognized that there would be significant construction traffic, specifically, that "during construction these roads will need to carry heavy traffic, probably in the vicinity of up to 300 heavy trucks per day." (SPMP Approval, p. 5.) The SPMP Approval also authorized the Applicant to haul any excess excavation material that could not be placed onsite over City streets. (*Id*. at 6.)

The SPMP Approval also addressed the eventual reconstruction of Lowell Avenue to handle the construction traffic, permitting the Applicant to pay the incremental cost of the additional pavement thickness if the City was reconstructing Lowell Avenue as part of a normal maintenance project. (SPMP Approval, p. 5.)

Notably, the description of the reconstructed Lowell Avenue included a "25-foot asphalt width." (*Id*.) Likewise, the SPMP Approval noted elsewhere that the City expected to improve both Lowell and Empire Avenues "in order to facilitate traffic movement in general." (SPMP Approval, p. 13.)

The SPMP Approval also recognized that it would be necessary for at least some construction employees to drive to the worksite. "To minimize additional construction traffic impacts," the SPMP Approval specifically provided for "on-site material stockpiling/staging and parking. . . during the course of construction." (SPMP Approval, p. 6.)

3.3 Prior phases of Planning Commission review of CUP Application (2004 to 2010).

In the course of Planning Commission hearings since 2004, the Applicant has provided numerous options for the City to consider regarding improvements to Lowell and Empire Avenues to address existing problems like parking, snow removal, pedestrian safety, and emergency and service vehicle access. For the most part, these options were either dismissed, ignored, or rejected, even when the Applicant offered to share in the cost.

As described below, during this period, the City commissioned its own traffic study by Fehr & Peers in July 2005. That study generally corroborated the conclusions of the Applicant's own traffic study. The Fehr & Peers study also placed responsibility for operational conditions on Lowell Avenue, including conditions related to snowstorms, directly at the feet of the City. Indeed, during a Planning Commission meeting on February 28, 2006, the Chair of the Commission, Commissioner Barth, pointedly asked Staff whether the "City could make the commitment suggested in the [Fehr & Peers] traffic study for stepping up snow removal and parking enforcement."

During a hearing before the Planning Commission on December 14, 2005, the Commission discussed the future design of Lowell Avenue with Ryan Hales from Fehr & Peers. Mr. Hales explained the need for a 25-foot road width to accommodate all of the required design elements. The Commission had similar discussions with the Applicant's traffic engineer, Mr. Horton, during a hearing on March 8, 2006.

3.4 2011 Traffic and Transportation Master Plan.

In October 2011, Park City adopted a new Transportation and Traffic Master Plan prepared by InterPlan. The plan included new "Standard Street Cross-Sections," replacing the previous street sections of the 1984 Streets Master Plan. Among the new cross-sections were designs for streets classified "Local Street - Old Town" and "Local Street – non-Old Town." The new designs called for a reduced asphalt width of 22 feet (3 feet narrower than previous residential street standard) and then designated 4.5 feet of the asphalt surface for "flex space/parking," effectively narrowing the travel lanes to a total of only 17.5 feet, which is less than the minimum outlined in AASHTO Standards for residential streets. The expected daily traffic volumes for these new sections were 2,000 cars, with a threshold of 2,500 cars per day.

The 2011 Traffic and Transportation Master Plan also noted the City's continued preference for "clustered" development, the same approach taken in the SPMP Approval. (2011 Traffic and Transportation Master Plan, p 4–1.)

3.5 2014 Park City General Plan.

The City's General Plan adopted in 2014 acknowledges that

> [f]uture development will place demand on Lowell and Empire Avenue. Consistent with the Sweeney/Treasure Hill MPD, additional improvements to manage increased traffic demand will be necessary. Transportation design should direct traffic toward

> Lowell Avenue and lower Empire Avenue (north of Manor Avenue) to access future development of Treasure Hill and the Bamberger Lots. (Park City General Plan, 2014, p. 197.)

3.6 Lowell Avenue Traffic Modeling.

In a report dated April 2, 2015, which is discussed further below, InterPlan provided the City with a traffic modeling analysis to assist the City in redesigning Lowell Avenue for future reconstruction.

The 2015 InterPlan report explained that "forecasted traffic volumes are an important consideration in determining the design cross section of the roadway." (InterPlan Report, April 2, 2015, p. 1.) The report explains that future functional classification is influenced by "traffic volumes anticipated from potential future development and forecasted growth" and that the City "may consider reconstructing Lowell at the next higher functional classification: Minor residential Collector." (*Id*.) Presumably the City could have chosen standards somewhere between the two standards as well.

The 2015 InterPlan report identified both the Treasure Hill Properties project and the Bamberger property as two major potential areas of development. The report considered expected traffic contributions from both projects as part of its analysis.

Three travel demand model runs were considered, with Treasure Hill project traffic as the variable condition: 1) only permitted access via Lowell Avenue, 2) only permitted access via Empire Avenue, 3) permitted access via either road. The calculated PM peak hourly traffic volumes from the demand model results were then converted to Annual Average Traffic volumes using UDOT Traffic Recorder outputs. The conclusion of the City's modeling analysis was that none of the Treasure Hill scenarios produce "average annual daily traffic volumes that exceed the threshold" of "2,500 vehicles per day" on either Lowell Avenue or Empire Avenue." (*Id*. at 4.) Based on that conclusion, InterPlan advised the City that "Lowell Avenue can be reconstructed to Local Road functional class specifications." (*Id*. at 5.) As stated above, under the City's current Transportation Master Plan, roads so classified can be less than 25-feet asphalt width.

3.7 Lowell Avenue Reconstruction Open House.

Notably, nothing in the materials prepared by the City for the Open House on February 16, 2016 for the Lowell Avenue reconstruction drew attention to the fact that the City intended to narrow the existing roadway by 3 feet. The decision to narrow Lowell Avenue is the City's decision, not the Applicant's.

4. Numerous Studies Confirm that Any Detrimental Effects of the Project Can Be Adequately Mitigated with Standard Conditions.

4.1 The Applicant has invested heavily to provide Park City with a number of traffic studies requested by the City.

In support of its CUP Application, the Applicant has submitted numerous traffic and other related studies over the course of thirteen years, including the following:

1. Traffic Impact Analysis, PEC (July 2004)

2. 1st Addendum to Traffic Impact Analysis, PEC (March 2005)

3. 2nd Addendum to Traffic Impact Analysis, PEC (April 6, 2005)

4. 3rd Addendum to Traffic Impact Analysis, PEC (January 7, 2008)

5. Walkability Study/Recommended Improvements, PEC (March 31, 2009)

6. Lowell Ave. Improvements Opinion Summary, Alta Engineering (April 2, 2009)

7. 4th Addendum, PEC (April 2, 2009)

8. Parking Counts, Alta Engineering (April 15, 2009)

9. Revised Letter, Walkability Study/Recommended Improvements and Effects on Traffic of Proposed Roadway Section on Empire, PEC (June 18, 2009)

10. 5th Addendum, PEC (June 18, 2009) (parking generation study)

11. 6th Addendum, PEC (June 25, 2009)

12. Streetscape Sketches, Perkins Associates (June 25, 2009)

13. Proposed Parking and Traffic Operations (July 16, 2009)

14. Treasure Hill Traffic Study Summary, Triton Engineering (January 2017)

15. 7th Addendum, Triton Engineering (July 27, 2017)

4.2 All of the Applicant's studies, as well as numerous studies commissioned by Park City, have concluded that the traffic generated by the proposed project can be adequately addressed through standard mitigation measures.

The foregoing studies all conclude that the proposed project will not adversely tax the capacity of the roads that will be used to access the project and that reasonable conditions exist to mitigate any detrimental effects of traffic generated by the project. These conclusions are corroborated by other studies, including the Fehr & Peers July 2005 Treasure Hill Traffic

Review, commissioned by the City, and the City's Lowell Avenue Traffic Modeling Memorandum prepared by InterPlan (April 2, 2015).

In fact, the City's Fehr & Peers study found the project and its proposed mitigating conditions comply with the City's LMC and address all CUP requirements.

The latest study by Triton Engineering (the 7th Addenda to the original study) concludes, based on generally accepted traffic engineering principles and methods, that "the roadway network can facilitate the traffic needs for existing and future traffic, including the traffic anticipated from the Treasure Hill project" and that simple and ordinary improvements will permit the intersections to "operate at an acceptable level of service in the future." (p. 4.) Although the City's latest consultant has quibbled with certain aspects of the 7th Addenda, it did not dispute the ultimate conclusion of the 7th Addenda or the City's earlier Fehr & Peers report.

It is also worth noting that over the past thirteen years, the Applicant has invested an extraordinary amount of time and money to identify solutions to improve walkability and traffic flow as compared to existing conditions. For example, the Applicant has paid for numerous studies to assess pedestrian issues on Lowell and Empire Avenues. The Applicant's studies have also identified existing and future improvements the City could make to its street system to improve traffic conditions for everyone. All of these studies and recommendations have been provided to the City at no cost. Regrettably, many of those suggestions, particularly those to improve the pedestrian experience on Lowell Avenue, have been ignored. Nevertheless, the Applicant has done its best to provide the City with all of the potential options for addressing traffic and related issues in the vicinity of the project, whether those issues were generated by the project or not.

After careful review of the potential impacts on both traffic and parking in the project area, the Applicant has undertaken and proposed numerous mitigation measures to address the substantive concerns raised by the Planning Commission, Staff, and the public.

4.3 The Applicant's Mitigation.

Because access to the project will be by Lowell and Empire Avenues,[1] the majority of the proposed traffic mitigation measures address these streets in the vicinity of the project. Nonetheless, many of the proposed mitigation measures are also projected to have a positive traffic reduction effect elsewhere, including the downstream traffic corridors. As discussed in greater detail below, the Applicant's mitigation, current and proposed, exceeds the required mitigation requirements by addressing and accommodating concerns outside the scope of the project.

4.3.1 Accomplished Mitigation.

[1] The Applicant and Park City have always anticipated that Lowell Ave. would be a primary access point for the Project, which is why the Applicant's predecessor in interest was required to participate in the special improvement district to pay for improvements on Lowell Avenue in 1974. (SPMP Approval, p. 5 ("Empire Avenue and Lowell Avenue will be the main access routes to the Creole Gulch site.").)

Some traffic and parking mitigation conditions the Applicant has already performed or accomplished through the original Master Planned Development process and subsequent performance under the SPMP Approval in connection with other phases of the development. These include the following:

- Significant reduction in density—a reduction of about 173 unit equivalents out of an original 450—resulting in the project having approximately 1/8th the density per acre compared with adjacent neighbors.

- Clustered development in single location instead of building hundreds single family homes on approximately 4 miles of new City streets connecting to Upper Old Town and possibly beyond, which would generate more vehicle trips.

- The conveyance by Sweeney Land Company at no cost to the City, the land that enabled the "loop" connection for the Lowell and Empire Avenues.

- The provision by MPE of funds for the study, design, and construction of Lowell Avenue to create a roadway that will accommodate the existing and future traffic volumes.

- The creation of 4 miles of bike trails and foot paths providing pedestrian/bike alternatives.

- Conveyed to the City its title to Crescent Walkway.

- Construction of Town Lift System.

- Construction of Town Run.

- Construction of Town Lift Base.

- Construction of Town Bridge.

- Facilitated the partial completion by others of 8th street stairs

4.3.2 Planned Mitigation.

The Applicant has proposed a bevy of additional mitigating conditions related to traffic and parking. These include the following:

- Construction of the cabriolet/gondola, which removes vehicles on the roadway, moving up to 2,500 people per hour. The cabriolet will also facilitate employee travel by public transportation.

- Construction of new ski runs for beginner and intermediate skiers to provide an all-ability-levels connection to the Park City Mountain Resort. These ski runs will provide additional trail connections during the summer months of the year.

- Construction of commercial space and amenities oriented toward project users.

- On-site housing for some employees.

- On-site commercial elements, which recent studies have found significantly reduce trips between various land uses located within the same development (hotel, employee housing, residential, and commercial).

- Designation of an on-site transportation demand coordinator.

- During the winter ski season, other special events like Sundance Film Festival, and at other appropriate times, the Treasure Hill development will direct and incentivize employees to use public transportation.

- During the winter ski season, other special events like Sundance Film Festival, and at other appropriate times, provide for a shuttle from the airport to the project, which can either be exclusive to the project, operated jointly with others, or contracted out with existing operators.

- Signage, social media, and other project information will identify the desired traffic routes to the project and encourage the use of alternative modes of transportation.

- Service traffic will be directed to follow specified routes to and from the project.

- To the extent feasible, employee work shifts that begin and end outside the AM and PM peak hour of travel.

- All project parking will be on-site as opposed to City streets.

- Support the City's policies regarding on-street parking on Lowell and Empire Avenues and assist the City's parking enforcement efforts on the streets.

- Level the berm on the inside of the Lowell and Empire switchback and revegetate with low lying plants to improve driver visibility and safety at that section of roadway.

- Provide an emergency turnaround on its property for the public in the event of either Empire Avenue or Lowell Avenue is temporarily blocked.

- Willingness to construct a sidewalk on the uphill side of Lowell Avenue.

- Remove snow from the south side of the Lowell/Empire connection adjacent to the project.

- Remove snow from the Crescent Walkway (other than where it crosses the Town Run).

4.3.3 Construction Mitigation.

Because construction activities have their own unique traffic impacts, the Applicant has specifically proposed mitigating conditions to address such impacts, including the following:

- Most construction workers will either park offsite and be shuttled to the site or use public transportation.

- Construction-related traffic will be directed to follow specified routes.

- Construction staging will be accommodated on-site.

- The enhanced road section on Lowell Avenue will be used for heavy loads.

- Material deliveries will be coordinated, adhere to a traffic control plan approved by the City, and will be limited to favorable weather conditions on specified delivery routes.

- Excavated waste material will, to the greatest extent possible, be placed onsite and on the adjacent Park City Mountain (with which the Applicant has agreements), resulting in reduced construction haul traffic.

- Traffic control meetings will be held regularly with construction personnel and will address employee parking, safety, noise, and any other traffic-related concerns that arise.

- A project website will be maintained to communicate delivery and construction traffic schedules to neighbors, as well as receive input from neighbors regarding such issues.

- The project's construction superintendent will be available to communicate directly with neighbors regarding any traffic or parking issues.

The foregoing list represents the standard and typical mitigating conditions used on large construction projects. Again, the Applicant remains open to discussing other reasonable mitigating conditions.

5. Although the City's Outside Traffic Engineer Generally Corroborated the Findings of the Applicant's Study, the City's Approach to Traffic Issues Has Failed to Comply with the Applicable Conditional Use Permit Standard.

5.1 Although the City's Review of the 7th Addendum Suggests Certain Improvements to the Analysis, the Report Generally Agrees with the Key Findings of the 7th Addendum and Ultimately Concedes that Any Detrimental Effects Can Be Mitigated.

The City's review of the 7th Addendum, prepared by LSC Transportation Consultants on June 27, 2017, is not an independent traffic study, but merely a critique of the methods employed in the 7th Addendum.

Generally speaking, the LSC review endorses much of the approach taken in the 7th Addendum:

- "The 10 percent reduction applied to the hotel and residential trip generation that is a result of the direct ski area access is appropriate given the site's location, expected distribution of trips by trip purpose, and the assumption that guests and residents of the market rate units with an interest in skiing at PCMR will tend to choose this development" (p. 3-4);

- "On balance . . . this data indicates that the 30 percent reduction assumed in the Treasure Hill study [for the cabriolet trip reduction] is not unreasonable" (p. 5);

- "Overall, . . . the 30 percent factor assumed for Treasure Hill is in line with the analysis results of" other studies (p. 6); and

- "The proposed cabriolet is a key strategy to reduce trips and parking impacts in the Old Town area" (p. 7).

Although the last section of the LSC review report speculates that capacity on Lowell and Empire Avenues could be reduced by the combination of snow, roadway grades, and numerous residential driveways, the consultant performed no studies of any of these issues. Furthermore, the City's consultant conceded that the "concept of 'capacity' on a local residential street" is a vague and ambiguous principle since the term "can have different meanings to different people." (LSC Transportation Consultants Memorandum, June 27, 2017, p. 6.) Indeed, the City's

consultant explained that concept of "capacity for residents along a local street is more a matter of the *appropriate* maximum level of traffic noise and safety concerns," a completely amorphous and subjective standard that is incapable of objective assessment. (*Id*. at 7 (emphasis added).)

Instead, the City's consultant recognized that from an engineering perspective, "capacity is a measure of vehicles to be accommodated during a specified period," precisely the type of analysis undertaken by the Applicant's study and report. (*Id*. at 7.)

Finally, the review opines that the daily traffic threshold of 2,500 cars per day is *already exceeded* on Lowell Avenue based on its analysis of peak-hour volumes. This opinion directly conflicts with the City's own study prepared by InterPlan in 2015, which, as discussed above, concluded that (1) existing daily traffic volumes on Lowell Avenue did not exceed the threshold, and (2) even with future development, both at Treasure Hill and elsewhere in the vicinity, the daily traffic volume threshold would not be exceeded. The recent review commissioned by the City seems completely ignorant of the fact that the City's own expert, InterPlan, reached opposite conclusions just two years ago. Indeed, the review does not even reference the 2015 InterPlan report, suggesting that the City failed to provide this critical information to its own consultant.

While the LSC review report suggests some additional study and modifications to the existing analysis, the review report suggests a number of mitigating conditions that LSC believes can mitigate the expected traffic-related impacts of the project. Although the Applicant does not necessarily agree with LSC's proposed mitigating conditions, the fact remains that it is LSC's apparent professional opinion that any negative effects can in fact be mitigated.

5.2 While the Applicant Is Willing to Discuss Additional Mitigation Conditions, Some of the City's Proposed Conditions Are Unreasonable and Violate the Conditional Use Permit.

Although the Applicant is willing to consider any reasonable mitigating condition that addresses a demonstrated detrimental effect from the project, including any mitigating conditions related to traffic and parking, proposed mitigating conditions must be reasonable in scope and effect.

Without addressing each one individually, the Applicant notes that the number of supposed mitigating conditions proposed by the City during the pendency of the CUP Application are neither reasonable nor comply with applicable law governing Conditional Use Permits.

For example, the City has suggested that the project must require all employees not living on-site to travel to the site using public transportation, even when there are no traffic concerns whatsoever associated with employee trips. (Aug. 9, 2017 Staff Report, p. 60.) Because the Conditional Use Permit standard only requires mitigation of "reasonably anticipated detrimental effects," Utah Code Ann. § 10-91-507, the City cannot insist upon a mitigating "condition" that does not actually mitigate any harm. The Applicant's proposed mitigating condition is tied directly to the reasonably anticipated detrimental effect—that is, the Applicant will undertake mitigation when there is likely to be an actual traffic problem. When there are no expected

problems from employee trips to the project, such as during low tourist seasons, there is no rationale or legal basis for requiring "mitigation."

Similarly, the City's proposal to use so-called "Potential Qualifying Standards" (or PQSs) for assessing traffic mitigation (and, apparently, other aspects) is not only inconsistent with the way the City has approached other CUP applications but also contradicts the applicable Conditional Use Permit standard. Again, just for example, the City's suggestion that the project must generate "[n]o net increase in trips" from employees does not conform to the Conditional Use Permit standard. (Aug. 9, 2017 Staff Report, p. 60.) First, the applicable standard requires mitigation of anticipated effects, not their elimination. Yet, the standard by which the City proposes to judge the Applicant's mitigation efforts is complete elimination. Simply stated, that is not the correct standard. Second, the City has not identified any detrimental effects from at least some employee trips to the project. Although employee trips obviously contribute to the overall traffic generated by the project, the City has failed to establish that every single trip to the project has a negative effect. Clearly, some employee trips to the project are possible without negatively affecting traffic issues. Even the City's own traffic consultant acknowledges that some employees should be allowed to drive to the project. (LSC Transportation Consultants, June 27, 2017, p. 7.)

The City's August 9, 2017, Staff Report contains a number of other supposed PQSs that violate the Conditional Use Permit standard in various ways. Again, to reiterate, the Applicant remains open to discussing any reasonable mitigating condition that addresses an anticipated detrimental effect. However, many of the City's proposed PQSs either do not address reasonably anticipated detrimental effects of the project or are not reasonable in scope, size, method of implementation, or cost.

Likewise, in the past the City has essentially suggested that the project's commercial amenities be of such poor or low quality that they are unlikely to attract guests, whether those guests are staying at the project or elsewhere. The notion that *any* offsite patronage will significantly contribute to traffic or parking problems is disingenuous. Stated differently, the Applicant should not be expected to only seek out sub-par tenants or tenants not typically associated with a high-end hotel in order to assure that no one from outside the project will ever visit the project's retail tenants. Triton Engineering's studies already take into account the impact upon Empire and Lowell Avenues that arises from the anticipated uses associated with the project, including the commercial uses, and that study clearly shows that project-related traffic and parking has been anticipated and mitigated.

5.3 The City Has Refused to Provide the Applicant with Basic Information about Its Analyses So that the Applicant Can Provide a Response.

Not only does the August 2017 Staff Report contain a number of supposed mitigating "conditions" that are both unreasonable and contrary to the applicable Conditional Use Permit standard, it also contains statements about projected traffic from the project that appear, on their face, to be erroneous.

Specifically, the City's August 9, 2017, Staff Report states that based on the Applicant's traffic study, the City Engineer calculated that the "the Treasure project would be responsible for

approximately 36% of the difference in delay" at the intersection of Empire Avenue and Silver King Drive, and "approximately 52% of the delay" at the intersection of Lowell Avenue and Silver King Drive.

The Applicant's representative from Triton Engineering, Mr. Horton, has expressly requested the information the City used to make the specified calculations, but to date, the City has failed and refused to provide that information. As the fundamental principles of due process require adequate notice and an opportunity to respond, the City's refusal to provide basic information to support the accusations it has leveled against the project raises significant due process concerns.

6. Any Capacity-Related Concerns Due to Operational Issues Must Be Addressed by the City, which Has Chosen to Narrow Lowell Avenue by 3 Feet.

Apparently recognizing that standard and sound traffic engineering principles demonstrate that any traffic-related detrimental effects of the project can be adequately mitigated through standard techniques, the City has vaguely requested that the Applicant address how road capacity may be affected by particular operational issues, such as large snowstorms.

As set forth above, throughout the history of the City's consideration of expected development in the area of the project, the City has recognized that such development, including the development of Treasure Hill, would require the City to substantially improve its roadway system in the vicinity. Moreover, for decades, the City believed and reported that Lowell Avenue should be no less than 25-feet wide.

In 2015, the City hired a third-party traffic engineer (InterPlan) to specifically study the traffic patterns on Lowell Avenue and to recommend design standards for the reconstruction of Lowell Avenue. InterPlan concluded that not only would future daily traffic averages not exceed Lowell Avenue's existing capacity (a conclusion LSC's review report contradicted a few weeks ago), but also that the City could actually narrow the street by 3 feet. The City in fact accepted a substantial amount of money from the Applicant to carry out its reconstruction plans for Lowell Avenue, including narrowing the street.

Yet now, the City suggests it is the Applicant' duty to assess the operational effects of narrowing the street by 3 feet, including how that will potentially affect Street capacity during snowstorms, garbage pickup, lackadaisical parking, and other relatively unique events that may affect traffic on the street. While the Applicant remains committed to considering any reasonable mitigating conditions related to ***the project's*** adverse effects, the project is not responsible for the City's decision to substantially narrow Lowell Avenue, and the City should be asked to explain its decision to Applicant and the public. While the Applicant generally believes that the InterPlan report was accurate in its overall assessment, it is not the Applicant' role to question the wisdom of the City's street design. To the contrary, it is the City's obligation under the SPMP Approval to construct and maintain roadways that are adequate to carry anticipated traffic to the project.

As the Applicant and its representatives have repeatedly discussed with Staff, road capacity issues related to the operation and maintenance of Lowell Avenue is ultimately the City's responsibility. It is the City, after all, that will conduct snow removal activities on Lowell

Avenue, decide what parking restrictions will be implemented, choose how to enforce parking restrictions, and otherwise conduct routine and typical municipal services that affect traffic. While the Applicant reiterates that it remains open to discussing road and operational issues with the City, these issues appear to ultimately be the City's responsibility, especially since the City has decided to narrow Lowell Avenue, which will obviously exacerbate any existing and future road capacity issues.

7. The CUP Application Complies with the MPD's parking requirements and Park City's parking ordinance.

The SPMP approval recognized that "[t]he required parking can readily be provided on-site and in enclosed structures." (SPMP Revised Staff Report, December 18, 1985, p. 2.) In other words, the City determined that there would be no effects from parking because it would all be contained on-site and largely underground.

The SPMP Approval implemented that solution, providing that "[p]arking shall be provided on-site in enclosed structures and reviewed in accordance with either the table on the approved Restrictions and Requirement Exhibits or the adopted ordinances at the time of project approval." (SPMP Revised Staff Report, December 18, 1985, p. 3.)

According to the 2003 LMC, if the project incorporates two uses, the use requiring more parking spaces shall govern. *See* 2003 LMC § 15-3-6(C). Clearly, the intent of this ordinance is to ensure there is sufficient parking for a project.

Following these parameters, the initial parking requirements are calculated to be 631 parking stalls. This number reflects the unit sizes for all condominiums, hotel rooms, employee housing, and only the support commercial space located within the hotel, as provided for in the 2003 LMC parking ratio.

The Applicant, however, believes that 631 parking spaces may be excessive and that a reduction is appropriate for this Project. (*See* 5th Addendum to Traffic Impact Analysis, June 18, 2009; 7th Addendum, July 26, 2017.) Consistent with these studies and the principles explained in those studies, the Project more appropriately requires approximately 433 parking spaces, which is obviously well below what the applicable ordinance permits.

All proposed parking will be in enclosed structures and will be located substantially below existing natural grade, as agreed to in the SPMP Approval. The Applicant agrees that no parking for the project will be allowed on residential streets and that the project will support the City's efforts to enforce such restriction. Likewise, residents of the project will not be eligible for any on-street residential parking permits.

The Applicant has carefully studied the question of how many parking spaces it needs to serve the project, and the Applicant seeks no more parking space than is absolutely necessary. The Applicant's request for approximately 433 parking spaces is therefore reasonable, complies with applicable municipal ordinances, and complies with the SPMP Approval.

8. Additional Traffic and Parking-Related Issues.

8.1 THINC's Posture.

THINC has repeatedly taken the position in recent hearings before the Planning Commission that Lowell and Empire cannot accommodate any more traffic, but wants to have its cake and eat it too. In a March 8, 2006 Planning Commission meeting, Brian Van Hecke, one of the leaders of THINC, in referring to a suggestion of MPE's traffic engineer, Gary Horton, that the street could be widened to 29 feet, noted that "the width is reduced considerably during the winter period in terms of widening the roads." The minutes also reflect Mr. Van Hecke's statement that ". . . he calculated that 30,000 trucks per year go down that road, and he did not want those trucks any closer to his living room than they already are." In other words, THINC, which complains of the alleged narrowness of Lowell and Empire, also does not want Lowell and Empire to be widened. In short, THINC does not want *any* solution because it opposes the project.

Additionally, much of the public comments relating to traffic issues have related to problems with the *current* conditions.

8.2 Responsibility for Improvements.

Also in the March 8, 2006 Planning Commission meeting, the City's Engineer, Eric DeHaan, "clarified that in the development of Treasure Hill, the Sweeney family is obligated to replace the existing roads with a thicker pavement so it is structurally capable of handling heavy traffic. The City is obligated to make the other improvements as necessary. . . ." As noted above, MPE paid the City $183,000 to thicken road pavement. If there are other incremental effects attributable to the project, MPE is prepared to pay for measures meant to mitigate them, so long as such effects are not speculative.

8.3 Purported Lack of Compatibility.

The Applicant notes that at least one commissioner has previously stated that the widening of the roads should be regarded as an additional impact and not as mitigation, leaving the Applicant in a "damned if it does, damned if it doesn't" position. The City has designed Lowell and Empire, not the Applicant, and the City has decided against road widening and in fact, is presently narrowing Lowell. The Applicant, however, is cognizant of an exchange that took place in the April 22, 2009 Planning Commission meeting between one of the planning commissioners and outside counsel to Park City, Jody Burnett, regarding what would happen to vested rights if impacts could not be mitigated: "Burnett stated that in theory, [vested rights] could be denied . . . [but that] Mr. Burnett believed the law suggests that the burden would shift to the Planning Commission to articulate the facts and circumstances of why conditions could not be crafted to mitigate reasonably anticipated detrimental impacts." The minutes continue: "Mr. Burnett was concerned about using that as an attempt to question the wisdom of the original decision made in 1986. He did not think that would stand as a reason."

Regardless of the City's decision with respect to road width, any decision by the City to find lack of compatibility due to traffic concerns, which concerns were clearly recognized by the City at the time of SPMP Approval, would be an extraordinary act of bad faith.

9. Conclusion.

The Applicant has equal rights under the law to use a public right-of-way in the same manner as the general public. Both Empire Avenue, dating back to the Snyder addition town site plat amendment, and Lowell Avenue, upon its creation in the 1970s, abut the project. The law requires the provision of access to adjacent properties. *See Oak Lane Homeowners Ass'n. v. Griffin*, 2009 UT App 248, ¶ 10, 219 P.3d 64; *see also* Utah Real Property Law § 12.02(b)(2)(III). The fact that the Project was required to contribute to the Lowell Avenue Special Improvement District, and later conveyed, without monetary consideration, the right-of-way for its connection to Empire Avenue, fortify this claim.

The numerous traffic studies discussed above demonstrate that the existing streets have ample capacity to handle traffic from the project and other nearby future developments, irrespective of mitigation, provided the City enforces reasonable parking regulations and plows the streets. While inherently there are and will be intermittent traffic issues in the immediate neighborhood and downstream, such as accidents, the Sundance Film Festival, snowstorms, and the end of the day exodus from the ski areas in town, because of the nature of the project and the identified mitigators, the project will not significantly contribute to these traffic issues and may, in fact, have a net positive effect on the overall traffic issues as a result of its role in providing cabriolet/gondola access to Main Street and pedestrian access to support commercial.

In sum, the foregoing analysis demonstrates the Applicant has successfully addressed CUP criteria 2, 4, 5, 6 and 13.