

EXHIBIT B

From: matthew shier <mshier@shierkatz.com>
Sent: Sunday, April 12, 2020 8:45 AM
To: Elizabeth Jackson
Cc: Gordon Strachan; kay wessner (kharing2@aol.com);
Dave Thacker; Jonathan Weidenhamer; Diane
Bernhardt
Subject: RE: 628 Park Avenue Administrative Conditional Use
Permit for Outdoor Dining PL-20-04497

Hi, Liz –

I am, and have been for better part of the last 10 years, an owner of 627 Park Ave, located across the street from the subject property, and one of the members of the Board for the Motherlode Condominium Association, in which our unit is located. By copy of this email, I am soliciting, as well, comments from our board President, Kay Haring Wessner.

I have reviewed and fully support the comments of my neighbor Gordon Strachan (excerpted below) concerning the subject application.

As to the trash issue articulated by Mr. Strachan, we had similar issues at Motherlode several years ago, which were resolved by the construction of an attractive and locked wooden enclosure which has worked effortlessly with Republic's regular trash pickup. The lock is key-coded and Republic's drivers are able to use the code to obtain access to the enclosure. I have included some of the pictures of the trash mess on the Applicant's property, previously sent to you by Mr. Strachan.

For all of the reasons articulated Mr. Strachan, we oppose granting the subject application, except upon terms and conditions which fairly address our concerns. Thank you in advance for your courtesy and cooperation.

Please feel free to call me if you have any questions.



Matthew J. Shier
930 Montgomery Street 6th Floor
San Francisco, CA 94133
415.691.7027 Direct
415.606.7865 Mobile
415.520.5879 Fax
mshier@shierkatz.com
www.shierkatz.com

From: Gordon Strachan <gordon@strachanlaw.com>
Subject: 628 Park Avenue Administrative Conditional Use Permit for Outdoor
Dining PL-20-04497
Date: April 1, 2020 at 3:54:59 PM MDT
To: liz.jackson@parkcity.org

Cc: dave.thacker@parkcity.org, Jonathan Weidenhamer <jweidenhamer@parkcity.org>, Kay Haring <kharing2@aol.com>

We have lived at 621 Park Avenue (within the Motherlode Condo Assn.) for 30 years. For 23 of those years the various owners of the 628 Park Avenue property were extremely good neighbors and protected their unique portion of historic Old Town. Sadly, this ended in about 2013. Since then, the trash and general garbage area has become a health hazard (rats and other vermin) and a more than embarrassing eye-sore. Frequently during this time, I and other neighbors have politely asked the operators and others using the trash area to do something about the problem — only to be told in no uncertain terms to “expletive deleted.”

I have a file of photographs of the problem and emails with various City staff detailing the long-running problem and the need for code enforcement. I can provide this documentation if you need it. I attach 2 pictures as an example of what this neighborhood problem has been like for 7 years. There should be a file in City records concerning this absentee owner or his LLC and his record of disregarding warnings and other code enforcement attempts. At least, I have been informed by City staff that attempts have been made to ameliorate the problem — to no avail.

Therefore, we vigorously oppose the Application. This history confirms that there will be no good faith compliance with any Planning Department terms and conditions; that there will be scofflaw payment, if any, of minimal fines; or that there will be continued disregard of any warnings. What this owner will assuredly do is continue his blatant disregard of the community standards that protect and preserve the character and integrity of our historic area of Park City.

I offer the following suggestions for you to consider as you decide on this Application. First, other nearby businesses such as Marriott Summit Watch, the former Kimball Art Center, and the former Utah Coal & Lumber stand as examples of proper trash collection, storage and removal. I don't know what terms and conditions were required of these businesses, but perhaps they could serve as models of what is expected in the heart of Old Town.

Second, the applicant should be required to retain competent property management: a full-time local business, with 24-7 responsibility to police the garbage area. Motherlode Condos HOA retained Rina Slade, a long-term Park City local and PCHS graduate, who's company Cabin Keepers has a small staff and charges very fairly. Cabin Keepers competently supervises clean-up and trash removal for the 15 Motherlode units. We have at least as much trash and garbage from 15 owners and innumerable renters as there is from the 628 Park Ave property. So it can be done. It is just a matter of accepting responsibility, rather than passing off the consequences to surrounding homeowners and tourism visitors.

Third, a newly designed and constructed trash area should be built against the eastern most part of the 628 Park Ave parking area, near the recently upgraded electrical enclosure. This new garbage enclosure could have a punch key lock; that is what we did at Motherlode and Republic trash people have had no trouble using this arrangement. This might require some additional snow removal, but that could be spelled out in a proper property management agreement.

Lastly, I don't know if outdoor dining includes outdoor music, but if the Applicant could possibly construe the permit as permitting that, then noise issues should be considered — again to preserve the residential character of the adjoining neighborhood.

I apologize for the length of this comment, but your review should have some of the background and consider possible alleviations of this past 7 years assault on the appearance, health and safety of our neighborhood here in historic Old Town.

I am available by phone at 435-602-9102





From: matthew shier <mshier@shierkatz.com>
Sent: Wednesday, April 22, 2020 12:20 PM
To: Gordon Strachan; Elizabeth Jackson
Cc: Jessica Nelson; Bruce Erickson; ADAM; Kay Haring; Lisa Gustman
Subject: RE: 628 Park Ave Administrative Conditional Use Permit for Outdoor Dining PL-20-04497

Hi, Liz -

My wife and I concur completely with Mr Strachan's comments. In particular, the "trash issue" must be resolved before the applicants receives any benefits from the City!

Matthew J. Shier
930 Montgomery Street 6th Floor
San Francisco, CA 94133
415.691.7027 Direct
415.606.7865 Mobile
415.520.5879 Fax
mshier@shierkatz.com
www.shierkatz.com

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

From: Gordon Strachan <gordon@strachanlaw.com>
Sent: Wednesday, April 22, 2020 12:07 PM
To: liz.jackson@parkcity.org
Cc: Jessica Nelson <jessica.nelson@parkcity.org>; Bruce Erickson <bruce.erickson@parkcity.org>; ADAM <astrachan@strachanlaw.com>; Kay Haring <kharing2@aol.com>; Lisa Gustman <gust900@me.com>; matthew shier <mshier@shierkatz.com>
Subject: 628 Park Ave Administrative Conditional Use Permit for Outdoor Dining PL-20-04497

Liz- thank you for your quick supplementation to Jessica Nelson's response to my GRAMA Request.

1. I looked at the updated architectural plans. Am I correct that the two pages only make the outdoor fireplace slightly smaller and add two trees to maybe reduce sound? The updated plans do NOT address the "trash issue". Applicant was specifically directed by Planning Director Bruce Erickson at the April 3, 2020 Hearing to resolve the "trash issue" including a recycling plan. Instead, he Applicant simply admits that the 'trash issue' has been a problem ever since 2013 (April 3 email from Applicant) and only refers to one meeting by Seth Hill with a Republic representative in 2018, which did nothing except move the blue bin out onto the sidewalk during Sundance 2020. That one meeting two years ago did NOT "improve the trash collection immensely" as Applicant claims. You have received some photographs from other Motherlode HOA neighbors, including Lisa Gustman's explanation of how her husband has to go pick up the trash at 628 Park Ave. and close the broken doors during every visit to their Motherlode Condominium over the last three years. I have sent you by separate email the 36 photographs of the "trash issue" I have taken over the last 7 years.

2. Applicant says he is the property manager of 628 Park Ave. and lives in Park City, yet he has NOT been a “good neighbor” and NOT resolved the “trash issue” during all the years he has owned the property. Therefore, the requested Certificate of Occupancy for 628 Park Ave. should be conditioned on the construction of an architecturally designed, lockable enclosed trash area at the Eastern side of 628 Park Ave.

3. The KAC Management Plan and the KAC and Noise Management as well as Exhibits C through I should impose similar requirements on the Applicant and any subsequent user of 628 Park Ave; all of these ongoing obligations should be subject to compliance by the “Business License Holder” with active participation by the Special Events Coordinator and other PCMC officials to insure the protection of the integrity and character of Park City’s Old Town neighborhood.

Thank you, Gordon Strachan ps- if you need anything else please email or call my cell 435-602-9102

From: Gordon Strachan <gordon@strachanlaw.com>
Sent: Wednesday, April 1, 2020 3:55 PM
To: Elizabeth Jackson
Cc: Dave Thacker; Jonathan Weidenhamer; Kay Haring
Subject: 628 Park Avenue Administrative Conditional Use Permit for Outdoor Dining PL-20-04497

We have lived at 621 Park Avenue (within the Motherlode Condo Assn.) for 30 years. For 23 of those years the various owners of the 628 Park Avenue property were extremely good neighbors and protected their unique portion of historic Old Town. Sadly, this ended in about 2013. Since then, the trash and general garbage area has become a health hazard (rats and other vermin) and a more than embarrassing eye-sore. Frequently during this time, I and other neighbors have politely asked the operators and others using the trash area to do something about the problem — only to be told in no uncertain terms to “expletive deleted.”

I have a file of photographs of the problem and emails with various City staff detailing the long-running problem and the need for code enforcement. I can provide this documentation if you need it. I attach 2 pictures as an example of what this neighborhood problem has been like for 7 years. There should be a file in City records concerning this absentee owner or his LLC and his record of disregarding warnings and other code enforcement attempts. At least, I have been informed by City staff that attempts have been made to ameliorate the problem — to no avail.

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Third, a newly designed and constructed trash area should be built against the eastern most part of the 628 Park Ave parking area, near the recently upgraded electrical enclosure. This new garbage enclosure could have a punch key lock; that is what we did at Motherlode and Republic trash people have had no trouble using this arrangement. This might require some additional snow removal, but that could be spelled out in a proper property management agreement.

Lastly, I don't know if outdoor dining includes outdoor music, but if the Applicant could possibly construe the permit as permitting that, then noise issues should be considered — again to preserve the residential character of the adjoining neighborhood.

I apologize for the length of this comment, but your review should have some of the background and consider possible alleviations of this past 7 years assault on the appearance, health and safety of our neighborhood here in historic Old Town.

I am available by phone at 435-602-9102



From: Gordon Strachan <gordon@strachanlaw.com>
Sent: Monday, April 6, 2020 12:33 PM
To: Elizabeth Jackson
Cc: Kay Haring; Matthew J. Shier; Lisa Gustman; ADAM
Subject: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Dear Liz Jackson- thank you for helping me listen to the Hearing on Friday, April 3, 2020, conducted by you and Bruce Ericksen. I learned a lot from some of the materials submitted by the Applicant and appreciate the Planning Department's request for additional comments before you prepare your recommendations for Bruce's decision. I tried to review the architect's drawings on my Mac Book Air, but I lack the training to do that well. I was pleased to learn the the Historic District Commission is tasked with doing a review to determine how the new structures in front of the current building, including the new Cafe and walls fronting Heber Ave conform with this historic district guidelines to protect the character Old Town. I will try to obtain their comments. I also could not determine from the Applicant's plans whether one of my suggestions that a new, well designed garbage enclosure, back on the eastern edge of the property near the re-built electrical unit is included in the proposed plans. If that new, relocated garbage enclosure is not included please let me know.

My inability to comment on all aspects of the Proposal is NOT to be taken as my acceptance or acquiescence in the entirety of the Proposal. Rather it reflects my reliance on adequacy of the Codes, Ordinances, General Plan and Community Visioning of our Park City Community over many years and my confidence in the competence and integrity of the PCMC professional Staff to protect our unique community.

My second suggestion, that the Applicant, whether he plans to operate the new restaurant himself as an absentee owner with his LLC or through another tenant or by sale of the property, will hire a local, competent 24/7 property manager to alleviate the utter failure to be a "good neighbor" for the last seven years. Again, please let me know if that requirement has not been included in the proposed Terms and Conditions.

Thank you for citing the sound ordinance Code provisions. I think I learned during the Hearing that the Application anticipates daily music, every day until 10pm with only some bushes to prevent the disturbance to the local residential neighbors and other commercial properties, some of which have so far operated with time, date, frequency and hours for unamplified performance limitations on music. Planning Director Ericksen mentioned his work with the KAC re-model during a year long negotiation and I applaud that work and the result.

Does my current Gramma Request allow you to keep sending me copies of the expanding file on this matter? I want to keep up to date and will review anything in this file properly requested.

I realize that the Applicant's proposal does not anticipate any operation until January 1, 2021, so we all have ample time to become more informed and involved. Thank you again for your invaluable assistance and do not hesitate to ask me for anything else that you may need.

Sincerely, Gordon Strachan

From: Gordon Strachan <gordon@strachanlaw.com>
Sent: Wednesday, April 15, 2020 1:25 PM
To: Bruce Erickson
Cc: Laura Kuhrmeyer; Elizabeth Jackson; ADAM
Subject: Re: GRAMA request for Klmball Garage

Bruce- thanks for helpful response, and Yes, I don't need anything beyond what would require this Applicant to comply with what has been done by KAC remodel recently or done voluntarily by good neighbors to protect the character and integrity of our Old Town mixed residential and commercial neighborhood. I especially want an architect's well designed enclosed trash area back on the easternmost part of the property and an effective system to keep the area clean. Whether it is near the newer electrical box or in front of or between the glass addition and building East of original cement residence should be an architect's decision.

The copy of your prior Administrative Conditional Use Permit for Outdoor dining on KAC should help me draft my suggestions precisely.

Regards, Gordon

Sent from my iPhone

On Apr 15, 2020, at 10:25 AM, Bruce Erickson <bruce.erickson@parkcity.org> wrote:

Hello Gordon, the files on this are huge and the project changed several times. The project was appealed twice, once for the roof beam removal and once for the Outdoor Event Space. The application for this use was withdrawn by applicant. An Administrative Conditional Use Permit was issued for Outdoor Dining with a number of Conditions. Could the Administrative CUP and Operations plan suffice for your GRAMA request? Thanks Bruce

Bruce M. Erickson, AICP
Planning Director
Park City Municipal Corp.

From: Gordon Strachan <gordon@strachanlaw.com>
Sent: Tuesday, April 21, 2020 1:33 PM
To: Jessica Nelson
Cc: Elizabeth Jackson; ADAM; Kay Haring
Subject: GR- 20-0409 re 628 Park Ave Administrative Conditional Use Permit for Outdoor Dining PL-20-04497

Jessica Nelson-thank you for today's response to my supplementary April 9, 2020 Grama Request to my April original Grama Request of April 3, 2020.

I opened the attachments and Dropbox referral in your April 21, 2020 email.

First, I did not find any "updated Architectural plans, submitted by the Applicant after the April 3, 2020 Hearing." I am particularly interested in any newly designed, lockable trash disposal area near the newer electrical enclosure back against the easternmost building or in front of the glass enclosure between the original historic building and the other building easterly on Heber. Have no new plans been submitted? or are such plans being prepared?

Second, you refer to "Applicant Comments" but I only found the April 8, 2020 email from the Applicant forwarding the April 7, 2020 email from Seth Hill, from "downstairs". describing difficulties with Republic collection in 2018. Are there any other Comments or suggestions made by the Applicant? I so, please forward or, if not, just confirm that this is the only comment addressing the "trash issue" other than neighbors' Complaints, three of which you sent me.

Third, the materials regarding the KAC Administrative Conditional Use Permit, especially the Final Action Letter and Management Plan for the Outdoor Terrace, are solid, helpful and in my view should be a template for whatever documents will govern 628 Park Ave. The rules regarding parking, deliveries, garbage removal, trained responsible on site management personnel, the role of the PCMC Special Event Coordinator and the required monitoring of any outdoor sound are especially apt.

I will submit more detailed comments as soon as I have reviewed all the materials you sent and others you may send in response to the above questions. Thanking you in advance, Gordon Strachan

From: Gordon Strachan <gordon@strachanlaw.com>
Sent: Wednesday, April 22, 2020 12:07 PM
To: Elizabeth Jackson
Cc: Jessica Nelson; Bruce Erickson; ADAM; Kay Haring; Lisa Gustman; Matthew J. Shier
Subject: 628 Park Ave Administrative Conditional Use Permit for Outdoor Dining PL-20-04497

Liz- thank you for your quick supplementation to Jessica Nelson's response to my GRAMA Request.

1. I looked at the updated architectural plans. Am I correct that the two pages only make the outdoor fireplace slightly smaller and add two trees to maybe reduce sound? The updated plans do NOT address the "trash issue". Applicant was specifically directed by Planning Director Bruce Erickson at the April 3, 2020 Hearing to resolve the "trash issue" including a recycling plan. Instead, the Applicant simply admits that the 'trash issue' has been a problem ever since 2013 (April 3 email from Applicant) and only refers to one meeting by Seth Hill with a Republic representative in 2018, which did nothing except move the blue bin out onto the sidewalk during Sundance 2020. That one meeting two years ago did NOT "improve the trash collection immensely" as Applicant claims. You have received some photographs from other Motherlode HOA neighbors, including Lisa Gustman's explanation of how her husband has to go pick up the trash at 628 Park Ave. and close the broken doors during every visit to their Motherlode Condominium over the last three years. I have sent you by separate email the 36 photographs of the "trash Issue" I have taken over the last 7 years.

2. Applicant says he is the property manager of 628 Park Ave. and lives in Park City, yet he has NOT been a "good neighbor" and NOT resolved the "trash issue" during all the years he has owned the property. Therefore, the requested Certificate of Occupancy for 628 Park Ave. should be conditioned on the construction of an architecturally designed, lockable enclosed trash area at the Eastern side of 628 Park Ave.

3. The KAC Management Plan and the KAC and Noise Management as well as Exhibits C through I should impose similar requirements on the Applicant and any subsequent user of 628 Park Ave; all of these ongoing obligations should be subject to compliance by the "Business License Holder" with active participation by the Special Events Coordinator and other PCMC officials to insure the protection of the integrity and character of Park City's Old Town neighborhood.

Thank you, Gordon Strachan ps- if you need anything else please email or call my cell 435-602-9102

From:
Sent:
To:
Subject:

Gordon Strachan <gordon@strachanlaw.com>
Wednesday, April 22, 2020 12:13 PM
Elizabeth Jackson
628 Park Ave Administrative Use Permit for
Outdoor Dining PL-20-04497 Photographs of
'trash issue' 2013-2017





From: Sandra Morrison
<smorrison@parkcityhistory.org>
Sent: Wednesday, April 8, 2020 1:32 PM
To: Elizabeth Jackson
Cc: Bruce Erickson
Subject: RE: Park City, UT: Request for GRAMA Record

Liz

Thank you for the update. Let's start with the plans. Gordon described a "Café Building" proposed to be located on the plaza in front of the historic Concrete House. The plans should include elevations so we can determine the size/scale. Blocking the view of Park City's wonderful historic buildings isn't something the code encourages. (Certainly a huge discussion during the creation of the Dining Decks on Main Street).

Thank you
Sandra

From: Elizabeth Jackson [<mailto:elizabeth.jackson@parkcity.org>]
Sent: Wednesday, April 08, 2020 12:39 PM
To: Sandra Morrison
Subject: RE: Park City, UT: Request for GRAMA Record

Hi Sandra,

I'm working to fill your GRAMA request and do have the architectural drawings/plans for this permit on file. Unfortunately, with the COVID Stay at Home order in place, I am working remotely and don't have the application from the file with me. I can get that to you the next time I am in City Hall, unless there is someone at the office tomorrow – I can ask that they scan that in, or I can just send you the plans. Let me know how you would like to proceed.

Thank you,

Liz Jackson
Planner

Park City Planning Department
435-615-5065
PO Box 1480
Park City, UT 84060

Please note I will be primarily working from home due to COVID-19 protocols and am likely to not be answering or responding to calls except for the days I am in the office. Please email me instead in order to ensure a timely response.



Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

From: Michelle Kellogg
Sent: Tuesday, April 7, 2020 1:50 PM
To: Jessica Nelson
Subject: FW: Park City, UT: Request for GRAMA Record

Michelle Kellogg, MMC
Park City Recorder
445 Marsac Avenue
Park City, UT 84060
(435)615-5007

From: webmaster@parkcity.org [<mailto:webmaster@parkcity.org>]
Sent: Tuesday, April 07, 2020 1:44 PM
To: Michelle Kellogg; Pedro Ferreira
Subject: Park City, UT: Request for GRAMA Record

A new entry to a form/survey has been submitted.

Form Name: Submit a GRAMA Request
Date & Time: 04/07/2020 1:43 PM
Response #: 789
Submitter ID: 46367
IP address: 107.191.0.43
Time to complete: 4 min. , 58 sec.

Survey Details

Page 1

* indicates required field

1. * This online form is NOT to be used for Police Records requests. You can find the Police GRAMA form [here](#).

I understand that this request is not for Police Records

2. Request for a Record

Utah Government Records Access and Management Act

Attn:

Park City Municipal Corporation
P.O. Box 1480
Park City, UT. 84060

Applicable/Affected Department: Planning

3. Date:

Date: 4/7/2020

4. Applicable / Affected Department (required field):

Planning

5. Person Making Request:

Name Sandra Morrison, Park City Museum
Mailing Address P.O.Box 555, Park City, UT 84040
Full Legal Address 528 Main street
Telephone (435) 901-0403
E-mail smorrison@parkcityhistory.org

6. I desire access to or copies of the following records:

(attach additional sheet(s) if necessary)

Access

Copies

Describe with reasonable specificity

please could you email the application and architectural drawings for PL-19-04207 - 1) Historic District Design Review for a Café Structure (not attached to the Historic building at 628 Park Avenue, but on the parcel that has the existing paved plaza)

Additional sheets attached

Upload document

This request is submitted under the authority of Section [63G-2-101 et seq., Utah Code](#), GRAMA.

7. If applicable, check one of the following and attach necessary documentation:

I am the subject of the record.

I am the person who provided the information.

I am authorized to have access by the subject of the record or by the person who submitted the information.

I believe this request should be handled as an expedited (5 day) request under Section 63G-2-204(3), for the reasons outlined in the attached explanation, expedited response to this request benefits the public rather than the person making the request. (If applicable, attach a summary describing the reasons the public will benefit from early response. Without this provision the request will be handled as soon as

reasonably possible, but can take up to 10 business days.)

Other. Explain:

Not answered

8. I agree to pay a reasonable fee to cover the actual cost of duplicating a record if copies are requested, not to exceed (amount specified below), in conformance with the government entity's policy as determined by ordinance or written formal policy adopted by the governing body. I understand there is no charge for inspecting a record. I further understand that the agency will contact me if estimated costs are greater than the amount I have specified and that the agency will not respond to a request for copies if I have not authorized adequate costs.

Fees will not exceed: 0

Thank you,
Park City, UT

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

From: Sandra Morrison <smorrison@parkcityhistory.org>
Sent: Sunday, April 12, 2020 9:48 AM
To: Elizabeth Jackson
Subject: RE: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Thanks for the update Liz

I'm curious about you statement below that the Café structure is "technically on its own Lot". When I review the site on the County's GIS map it shows the building and courtyard area as PC-113. Is the applicant also submitting a plat amendment to create two lots?

Thank you
Sandra

From: Elizabeth Jackson [<mailto:elizabeth.jackson@parkcity.org>]
Sent: Friday, April 10, 2020 3:25 PM
To: Sandra Morrison
Cc: Bruce Erickson; Caitlyn Barhorst
Subject: RE: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Sandra, I wanted to touch base with you on this. Since the Café Structure is detached and technically on its own Lot, it would be a Park City administrative staff review, as opposed to a Historic Preservation Board review. There wouldn't be material deconstruction to the Historic Building. I believe I had sent answers to your other questions in my 4/8/20 GRAMA response email, but if you need anything else, let us know.

I am awaiting plans updates from the applicant, so if you have comments, feel free to send them by early next week. Both the HDDR and Admin CUP applications are receiving updated plans.

Regards,

Liz Jackson
Planner

Park City Planning Department
435-615-5065
PO Box 1480
Park City, UT 84060

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From: Sandra Morrison [<mailto:smorrison@parkcityhistory.org>]
Sent: Tuesday, April 7, 2020 1:46 PM
To: Elizabeth Jackson
Cc: Bruce Erickson; Caitlyn Barhorst
Subject: RE: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Liz

Thank you for the quick response.

Just to clarify -- Will the (1) Historic District Design Review for a Café Structure (not attached to the Historic building at 628 Park Avenue, but on the parcel that has the existing paved plaza) – Application PL-19-04207 – go to HPB?

Or is the Café Structure considered a new building on a vacant lot?

I've submitted the GRAMA request. Looking at the application will help me understand what Gordon is referring to.

Has the decision been made? Or are you still taking public input?

Thank you
Sandra

From: Elizabeth Jackson [<mailto:elizabeth.jackson@parkcity.org>]
Sent: Tuesday, April 07, 2020 12:18 PM
To: Sandra Morrison
Cc: Bruce Erickson; Caitlyn Barhorst
Subject: RE: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Hi Sandra,

Thank you for reaching out. You are welcome to request the plans through a [GRAMA request](#) (public record request). Please be aware, there are two permits in review, although there plans are the same. See below.

- 1) Historic District Design Review for a Café Structure (not attached to the Historic building at 628 Park Avenue, but on the parcel that has the existing paved plaza) – Application PL-19-04207
- 2) Administrative Conditional Use Permit for Outdoor Dining – Application PL-20-04497

Let me know if you have questions and how I can be of help.

Regards,

Liz Jackson
Planner

Park City Planning Department
435-615-5065
PO Box 1480
Park City, UT 84060

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From: Sandra Morrison [<mailto:smorrison@parkcityhistory.org>]
Sent: Tuesday, April 7, 2020 11:50 AM
To: Elizabeth Jackson
Subject: FW: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Liz
Gordon called me this morning and expressed his concerns.
Any chance you send me link or copy of the proposed plans?
Thank you
Sandra

From: Gordon Strachan [<mailto:gordon@strachanlaw.com>]
Sent: Tuesday, April 07, 2020 11:36 AM
To: Sandra Morrison
Subject: Fwd: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Sandra- thanks again for info on call this morning. Here is what I just received from Liz Jackson.
I'll now respond to that and ask her about Historic Preservation Review Board. Gordon

Sent from my iPhone

Begin forwarded message:

From: Elizabeth Jackson <elizabeth.jackson@parkcity.org>
Date: April 7, 2020 at 11:26:06 AM MDT
To: Gordon Strachan <gordon@strachanlaw.com>
Cc: Kay Haring <kharing2@aol.com>, "Matthew J. Shier" <mshier@shierkatz.com>, Lisa Gustman <gust900@me.com>, ADAM <astrachan@strachanlaw.com>
Subject: RE: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Hi Gordon,

Thank you for your feedback. I have added it to the file and we will consider it in our review. If there are new plans added to the file, please do an updated [GRAMA request](#), as the last one you submitted was already completed. Would you like to check back in with me in the next few days, and I can let you know if new plans have been submitted? Then you can submit the new GRAMA request online.

I will also forward your comments to the applicant, so they are aware and can take them into consideration, as well.

Once there is a final determination made on the project, I will send out an email to those that commented on the project. You are welcome to GRAMA request the final determination at that time, as well. If we can get all of the information we have requested, I'm hoping that we can get that finalized by the end of this week or early next week.

Let me know if you have questions.

Thanks again,

Liz Jackson
Planner

Park City Planning Department
435-615-5065
PO Box 1480
Park City, UT 84060

Please note I will be primarily working from home due to COVID-19 protocols and am likely to not be answering or responding to calls except for the days I am in the office. Please email me instead in order to ensure a timely response.

Disclaimer: The Planning Department strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Department. Those relying on verbal input or preliminary written feedback do so at their own risk. Zoning and Land Management Code sections are subject to change.

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

From: Gordon Strachan [<mailto:gordon@strachanlaw.com>]

Sent: Monday, April 6, 2020 12:33 PM

To: Elizabeth Jackson

Cc: Kay Haring; Matthew J. Shier; Lisa Gustman; ADAM

Subject: 628 Park Avenue Administrative Conditional Use for Outdoor Dining PL-20-004497

Dear Liz Jackson- thank you for helping me listen to the Hearing on Friday, April 3, 2020, conducted by you and Bruce Ericksen. I learned a lot from some of the materials submitted by the Applicant and appreciate the Planning Department's request for additional comments before you prepare your

recommendations for Bruce's decision. I tried to review the architect's drawings on my Mac Book Air, but I lack the training to do that well. I was pleased to learn the the Historic District Commission is tasked with doing a review to determine how the new structures in front of the current building, including the new Cafe and walls fronting Heber Ave conform with this historic district guidelines to protect the character Old Town. I will try to obtain their comments. I also could not determine from the Applicant's plans whether one of my suggestions that a new, well designed garbage enclosure, back on the eastern edge of the property near the re-built electrical unit is included in the proposed plans. If that new, relocated garbage enclosure is not included please let me know.

My inability to comment on all aspects of the Proposal is NOT to be taken as my acceptance or acquiescence in the entirety of the Proposal. Rather it reflects my reliance on adequacy of the Codes, Ordinances, General Plan and Community Visioning of our Park City Community over many years and my confidence in the competence and integrity of the PCMC professional Staff to protect our unique community.

My second suggestion, that the Applicant, whether he plans to operate the new restaurant himself as an absentee owner with his LLC or through another tenant or by sale of the property, will hire a local, competent 24/7 property manager to alleviate the utter failure to be a "good neighbor" for the last seven years. Again, please let me know if that requirement has not been included in the proposed Terms and Conditions.

Thank you for citing the sound ordinance Code provisions. I think I learned during the Hearing that the Application anticipates daily music, every day until 10pm with only some bushes to prevent the disturbance to the local residential neighbors and other commercial properties, some of which have so far operated with time, date, frequency and hours for unamplified performance limitations on music. Planning Director Ericksen mentioned his work with the KAC re-model during a year long negotiation and I applaud that work and the result.

Does my current Gramma Request allow you to keep sending me copies of the expanding file on this matter? I want to keep up to date and will review anything in this file properly requested.

I realize that the Applicant's proposal does not anticipate any operation until January 1, 2021, so we all have ample time to become more informed and involved. Thank you again for your invaluable assistance and do not hesitate to ask me for anything else that you may need.

Sincerely, Gordon Strachan

From: Kay Haring <kharing2@aol.com>
Sent: Monday, April 13, 2020 1:35 PM
To: Elizabeth Jackson
Cc: Gordon Strachan; Matthew J. Shier; Lisa Gustman; Leron Baum
Subject: 629 Park Ave LLC applications

Liz,

I am the President of Motherlode HOA, the property consisting of 15 units, located directly across the street from 628 Park Ave. I am sending you comments regarding the CUP application and outdoor dining plans for this property. I am copying the Motherlode Board of Directors and the neighbor most closely affected, Gordon Strachan.

You have on file documentation of the trash build-up and general eye-sore that has been an ongoing issue at 628 Park Ave. I am including some of those photos again. The view of this trash area is right off of Park Avenue, and is directly across the street from Motherlode condominiums, clearly visible from more than one owner's front door and windows.

We are asking that the trash area for 628 Park Ave. be required to be enclosed as a condition of approval. This is a busy Old Towne intersection and it behooves all Park City residents and guests to not be subjected to an open dump with a multitude of potential refuse issues.

Regarding the CUP application, we ask your approval only be granted with the condition that all sound ordinances be adhered to, music not to be played at excessive levels and the 10 pm time limit be strictly enforced. One simple suggestion is to require adding tall vegetation to the corner of the property, along the same line as the back of the proposed fireplace, and to that height, about 10', to absorb sounds and provide increased privacy.

Thank you,

Kay

Kay A. Haring
President, Motherlode HOA
kharing2@aol.com
610-413-9484



From: Lisa Gustman <gust900@me.com>
Sent: Tuesday, April 14, 2020 8:08 AM
To: Elizabeth Jackson
Cc: Gordon Strachan; Kay Haring; matthew shier; Leron Baum
Subject: 628 Park Ave. LLC applications

Dear Liz,

Thank you for all the renderings and plans set forth in front of you for the CUP application and outdoor cafe/music plans for 628 Park Ave.

We are the owners of 613 Park Ave, and have a direct view of the trash area that is the major issue to those you have heard from at the Motherlode condominiums across the street from 628 Park Ave. I am also on the board of directors of the Motherlode Condo Association and serve as secretary.

Every time we arrive at our condo, and look outside the pictures that have been sent to you, is what we see. The first thing my husband does when we arrive is to go over, put things in the dumpster and shut the door that seems to always be open, that is if the Strachan's are out of town. It becomes a daily task, so that we may enjoy our balcony, or views out on to Park Ave.

This issue can be resolved with proposed ideas from other Motherlode owners, including Gordon Strahan, Matt Shier and Kay Haring Wessner.

We oppose the application unless it is conditioned on the construction of a permanent, fully enclosed and locked trash containment area. We would expect to be able to review and approve any modified plans and drawings before final approval. This is really a significant, ongoing, health and safety issue. The absentee owner has done a very poor job in the almost 3 years since we have owned 613 Park Ave. Without a permanent, aesthetically designed and locked garbage containment area, we do not believe the project should be approved.

Finally we agree with others that the applicant must agree to adhere to all noise ordinances, and no outdoor music after 10pm must be strictly enforced. We support the redesign of a Park City landmark and the plans are otherwise well done and we think will add to the beauty of Old Town.

Please contact me if you have any other questions, Stay well,

Lisa Gustman
847-209-9012 c
847-251-9012h
Gust900@me.com