



PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** Treasure  
**Project #:** PL-08-00370  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Date:** 10 August 2016  
**Type of Item:** Administrative – Conditional Use Permit

### Summary Recommendations

Staff recommends that the Planning Commission review Conditional Use Permit (CUP) criteria no. 1 *Size and Scale of the Location of the Site* as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction to Staff and the Applicant. Staff recommends that the Planning Commission conduct a public hearing and continue it to the September 14, 2016 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 District –Master Planned Development  
**Adjacent Land Use:** Ski resort area and residential  
**Topic of Discussion:** CUP Criterion no. 1 Size and scale of the location of the Site  
CUP Criterion no. 9 Usable open Space  
**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

The Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. The City Council called up the project for review. On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights in Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The SPMP approval involves a number of individual development parcels. Combined, a total of 277 unit equivalents (UE) were approved, including 258 residential UEs and 19 UEs worth of support commercial space. The Sweeney Properties were located throughout the western edge of the historic district of Park City. The SPMP included the Coalition properties by the town lift plaza (1.73 acres), the HR-1 properties (0.45 acres), the Hillside Properties (123 acres), and three (3) single-family lots within Old Town.

The SPMP was amended in October 14, 1987 to provide for the Woodside (ski) Trail. It was then amended December 30, 1992 with respect to the Town Lift Base. It was

amended once again on November 7, 1996 to provide for the Town Bridge. The Woodside Trail (now commonly referred to as the Town Run), the Town Lift Base, and Town Bridge have subsequently been built.

The Hillside Properties consists of the Town Lift Mid-Station (Mid-station) and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. The following is the maximum density allowed for each of the sites:

- Creole Gulch, 7.75 acres
  - 161.5 residential UEs
  - 15.5 support commercial UEs
- Mid-station, 3.75 acres
  - 35.5 residential UEs
  - 3.5 support commercial UEs

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 to April 26, 2006. A complete set of revised plans was received by staff on October 1, 2008. Additional materials were received by staff on December 18, 2008. The CUP was reviewed by the Planning Commission from January 7, 2009 to February 10, 2010.

In response to their submitted application, some sheets were revised in January 2009 and others were updated in March 2009. The City Council decided to proactively engage the applicant to explore additional alternatives and negotiate as a buyer in 2010. The negotiations, which included several public updates, surveys, and an open house, concluded in 2014 without a solution. Since then, the applicant has been meeting with the Planning staff to review and work on its application. On April 8, 2016, the Applicant submitted a letter requesting that their CUP application be placed back on the agenda for the Planning Commission's consideration. The Planning Commission held an introduction of the project and held a public hearing during the June 8, 2016 Planning Commission meeting. The Planning Commission started reviewing criterion no. 1 on July 13, 2016 and requested that staff continue its discussion to this meeting.

### **Proposal**

The applicant's [written & pictorial explanation](#) indicates the following regarding their proposal:

“The plan is to build a dense, compact, pedestrian oriented, extension of the historic district. The design is contemporary within a traditional framework. It leaves the vast majority of Treasure Hill as open space. The buildings are nested in the open space at the base of the Creole Gulch. The units are moderately sized and will provide a steady customer base for historic Main Street. The design incorporates a variety of building styles including single family, row houses, flats, apartments, hotel, and industrial.”

According to the applicant’s calculations found on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#), the current proposal consists of the following:

Summary of Building Area by Use									Basement Spaces				Grand Total
Bldg. No.	Residential (net)	Common Space & Circulation (gross)	Allotted Commercial (MPD UE's) (gross)	Support Commercial (gross)	Meeting space (gross)	Accessory Space (gross)	Parking (gross)	Subtotal	Parking (gross)	Common Space & circulation	Accessory Space	Subtotal	
Prkng							3,661	3,661	218,535	6,753	33,175	258,463	262,124
R&R									22,867			22,867	22,867
1A	12,230	1,353						13,583					13,583
1B	30,803	12,028				1,220		44,051		5,365	4,382	9,747	53,798
1C	23,478	2,002						25,480		739	5,681	6,420	31,900
2	6,369	654	1,397			750		9,170				9,170	9,170
EH						6,669		6,669				6,669	6,669
3A			3,746					3,746				3,746	3,746
3B	23,781	9,093	8,273			3,936		45,083				45,083	45,083
3C	8,191	1,176	4,054					13,421				13,421	13,421
Plaza		450				972		1,422				1,422	1,422
4A	17,231	18,077		21,100	16,127	26,709		99,244					99,244
4B	152,608	57,678		5,626		24,517		240,429		5,148	6,634	11,782	252,211
5A	36,926	15,473				1,692		54,091		5,944	237	6,181	60,272
5B	9,445	1,070						10,515			4,426	4,426	14,941
5C	42,939	1,9079	1,393	6,686		2,833		72,930		3,182	5,012	8,194	81,124
5D	29,910	7,522				1,074		38,506		424	6,382		45,312
<b>Total</b>	<b>393,911</b>	<b>145,655</b>	<b>18,863</b>	<b>33,412</b>	<b>16,127</b>	<b>70,372</b>	<b>3,661</b>	<b>682,001</b>	<b>241,402</b>	<b>27,555</b>	<b>65,929</b>	<b>334,889</b>	<b>1,016,887</b>

Prkng – Parking, R&R – Ramp & Roadway, EH – Employee Housing, Plaza – Plaza Buildings.

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

Building area by Use	Square feet
Residential (net):	393,911
Commons space & circulation (gross)	145,655
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Accessory Space (gross)	70,372
Parking (gross)	3,661
<b>Subtotal</b>	<b>682,001</b>
<i>Basement areas:</i>	
Parking (gross)	241,402
Common Space & Circulation (gross)	27,555

Accessory Space (gross)	65,929
<b>Subtotal</b>	<b>334,886</b>
<b>Grand Total</b>	<b>1,016,887</b>

The applicant divided the building area by use into two (2) categories as the 2004 definition of Gross Floor Area below does not include basement spaces:

15-15-1.91. **Floor Area.**

(A) **Floor Area, Gross.** *The Area of a Building, including all enclosed Areas designed for human occupation. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Floor Area. Garages, up to a maximum Area of 600 square feet, are not considered Floor Area. Basement Areas below Final Grade are not considered Floor Area.*

(B) **Floor Area, Net Leasable.** *Gross Floor Area excluding common hallways, mechanical and storage Areas, and restrooms.*

The proposal consists of 46 residences, 202 hotel rooms, and 67 club units. The proposal consists of the following residential units:

Type	Units < 650 s.f.	Units 650-1,000 s.f.	Units 1,000-1,500 s.f.	Units 1,500-2,000 s.f.	Units > 2,000 s.f.	Total by Type
<b>Residences</b>				4	42	46
<b>Hotel</b>	161	4	35	1	1	202
<b>Club</b>			13	11	33	67
<b>Total by size</b>	<b>161</b>	<b>4</b>	<b>48</b>	<b>16</b>	<b>76</b>	<b>305</b>

The proposal consists of a combined total of 305 units in the form of residences, hotel rooms, and club units. Staffs choose to utilize the same categories on the table above to be consistent with the parking standard which will be analyzed with the Planning Commission in a future meeting. For the exact calculation of each unit please review [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#). The proposal consists of 424 parking spaces to be discussed in a future Planning Commission meeting. The following table below shows a square footage breakdown by residential size:

Unit Size	Quantity	Overall area in Square feet
Units < 650 s.f.	161	76,330
Units 650-1,000 s.f.	4	3,936
Units 1,000-1,500 s.f.	48	43,702
Units 1,500-2,000 s.f.	16	29,159
Units > 2,000 s.f.	76	230,781
<b>Total</b>	<b>305</b>	<b>393,911</b>

The proposed residential net area is 393,911 square feet. The proposed gross common and circulation space is 145,655 square feet. The proposed gross allotted commercial is 18,863 square feet. The proposed gross support commercial is 33,412 square feet. The proposed gross meeting space is 16,127 square feet. The proposed gross accessory space is 70,372 square feet. The proposed gross parking is 3,661 square feet. The proposed subtotal of all of these spaces consists of 682,001 square feet. All of these spaces above are above grade as they are not considered basement areas below final grade per the 2004 adopted definition.

The proposed gross parking (basement space as indicated by the applicant) is 241,402 square feet. The proposed gross common and circulation space (basement) is 27,555 square feet. The proposed gross accessory space (basement) is 65,929 square feet. The proposed gross basement subtotal is 334,886 square feet.

The proposed project grand total is 1,016,887 square feet. The combined areas are summarized below:

<b>Overall Building area by Use</b>	<b>Square feet</b>
Residential (net):	393,911
Commons space & circulation (gross)	173,210
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Accessory Space (gross)	136,301
Parking (gross)	245,063
<b>Grand Total</b>	<b>1,016,887</b>

On [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) the Applicant takes the proposed net residential square footage of 393,911 and divides by 2,000 (UE residential factor) which equates to 196.96 unit equivalents. The Applicant also takes the proposed gross allotted commercial square footage of 18,863 and divides by 1,000 (UE commercial factor) which equates to 18.86 unit equivalents.

Furthermore, the applicant, also on Sheet P.16, takes the proposed gross support commercial of 33,412 square feet and divides by the proposed subtotal of all spaces consisting of 682,001 square feet (except basement space) which equates to 4.9%. Also, the applicant, takes the proposed gross meeting space of 16,127 square feet and divides by the same proposed subtotal of all spaces consisting of 682,001 square feet (except basement space) which equates to 2.36%. The Applicant shows these two (2) percentages which are both under 5% of the gross area as they believe that the project can be assigned an additional 5% of support commercial space and an additional 5% of meeting space.

### Building by Building Breakdown

In order to understand the applicant's proposal, staff requests that the Planning Commission understand each building proposed, including its corresponding uses. The following breakdown below was taken from Sheet P.16 revised March 20, 2009. The applicant has indicated that the mine exhibits and its corresponding gift shop would be removed.

#### **Building 1A (13,583 sf.)**

- Residences (12,230 sf.)
  - 6 (three story townhouse) residential units (1,776 – 2,206 sf.)
- Circulation & Common Space (1,353 sf.)
  - Unit perimeter walls of townhouses

#### **Building 1B (53,798 sf.)**

- Residences (30,803 sf.)
  - 9 (one level) residential units (2,746 – 3,690 sf.) on 5 levels
- Accessory Space (5,602 sf.)
  - Housekeeping, service elevator (244 sf. each) on 5 levels
  - Receiving/Maintenance (4,382 sf.)
- Circulation & Common Space (17,393 sf.)
  - Hallways 6 levels

#### **Building 1C (31,900 sf.)**

- Residences (23,478 sf.)
  - 7 (three story townhouse) residential units (1,776 – 2,206 sf.)
- Accessory Space (5,681 sf.)
  - Storage
- Circulation & Common Space (2,741 sf.)
  - Unit perimeter walls of townhouses

#### **Building 2 (9,170 sf.)**

- Residences (6,369 sf.)
  - 3 (three story townhouse) residential units (1,855 - 2,313 sf.)
  - 5 (three story townhouse) residential units (1889 sf. each)
- Allotted Commercial (1,397 sf.)
  - Convenience store
- Accessory Space (750 sf.)
  - Lift ticket sales office
- Circulation & Common Space (654 sf.)
  - Unit perimeter walls of townhouses

#### **Building 3A/Employee Housing (10,415 sf.)**

- Allotted Commercial (3,746 sf.)
  - Restaurant
- Accessory Space (6,669 sf.)
  - Employee housing

**Building 3B (45,083 sf.)**

- Residences (23,781sf.)
  - 7 (one level) residential units (2,871 - 3,541 sf.) on 7 levels
- Allotted Commercial (8,273 sf.)
  - Bar (5,278 sf.)
  - Clothing store (2,215 sf.)
  - Coffee shop (780 sf.)
- Accessory Space (3,936 sf.)
  - Housekeeping, service elevator (160 sf. each) on 7 levels
  - Service corridor on backside of retail spaces (2,816 sf.)
- Circulation & Common Space (9,093 sf.)
  - Hallways 8 levels

**Building 3C (13,421 sf.)**

- Residences (8,191 sf.)
  - 2 (one level) residential units (4,002 – 4,189 sf.) on 2 levels
- Allotted Commercial (4,054 sf.)
  - Sporting goods retail
- Circulation & Common Space (1,176 sf.)

**Plaza Buildings (1,422 sf.)**

- Accessory Space (972 sf.)
  - Pool building (792 sf.)
  - Stair building (180 sf.)
- Circulation & Common Space (450 sf.)

**Building 4A (99,244 sf.)**

- Residences (17,231 sf.)
  - 4 (one level) residential units (1991-5941) on 2 levels
- Support Commercial (21,100 sf.)
  - Spa (10,994 sf.)
  - Restaurant/bar (9,082 sf.)
  - Deli (1,024 sf.)
- Meeting space (16,127 sf.)
  - Ballroom + meeting rooms (10,815 sf.)
  - Jr. Ballroom (16,127 sf.)
- Accessory Space (26,709 sf.)
  - Banquet kitchen/storage (6874 sf.) level 2
  - Public Restrooms (435 sf.)level 2
  - Employee lockers (2,604 sf.) level 3
  - Service area (2,059 sf.) level 3
  - Service area (734 sf.) level 4
  - Ski storage (1168 sf.) level 4
  - Offices (2774 sf.) level 4
  - Service elevator (654 sf. each) level 5 & 6

- Circulation & Common Space (18,077 sf.)
  - Hallways on 6 levels

**Building 4B (252,211 sf.)**

- Hotel rooms (122,225 sf.)
  - 161 standard hotel rooms (470-636 sf.)
  - 37 executive hotel rooms (984-1182 sf.),
  - 3 deluxe hotel rooms (1498-1515 sf.),
  - 1 grand suite (hotel) room (2537 sf.)
  - 8 Levels of hotel rooms
- Residences (30,383 sf.)
  - 8 (one level) residential units (3,075 – 4,812 sf.) on 2 levels
- Support Commercial (5,626 sf.)
  - Bar (2,733 sf.)
  - Lounge (2,258 sf.)
  - Gift Shop (635 sf.)
- Accessory Space (31,151 sf.)
  - Housekeeping, service elevator (507 sf. each) level 11 & 12
  - Housekeeping, service elevator (1,209 sf. each) level 4 – 10
  - Public lounge for hotel guests (2,674 sf.) level 7
  - Laundry facility (9,528 sf.) level 4
  - Maintenance area (1,598 sf.) level 3
  - Housekeeping, service elevator (620 sf. each) level 2 & 3
  - Storage/maintenance (4,996 sf.) level 1
  - Service corridor (1,638 sf.) basement
- Circulation & Common Space (62,826 sf.)
  - Hallways (59,728 sf.) over 11 levels
  - Hotel lobby (3,098 sf.)

**Building 5A (60,272 sf.)**

- Club Use (36,926 sf.)
  - 14 (one level) residential units (2578-2787 sf.) on 9 levels
- Accessory Space (1,929 sf.)
  - Housekeeping, service elevator (214 sf. each) level 3-6, & 8-10
  - Housekeeping, service elevator (237 sf.) basement
- Circulation & Common Space (21,417 sf.)
  - Club lobby (3,119 sf.)
  - Hallways (18,298 sf.) on 11 levels

**Building 5B (14,941 sf.)**

- Club Use (9,445 sf.)
  - 5 (three story townhouse) residential units (1,889 sf. each)
- Accessory Space (4,426 sf.)
  - Storage/Maintenance
- Circulation & Common Space (1,070 sf.)
  - Hallway

**Building 5C (73,045 sf.)**

- Club Use (42,939 sf.)
  - 26 (one level) residential units (1,215 – 2,088 sf.) on 10 levels
- ~~Allotted Commercial (1,393 sf.)~~
  - ~~Retail/gift shop~~
- ~~Support Commercial (6,686 sf.)~~
  - ~~Creole Gulch Mine Exhibit~~
- Accessory Space (7,845 sf.)
  - Housekeeping, service elevator (304 sf. each) level 1-5, 7, 9-11 , basement
  - Storage (4,163 sf.)
- Circulation & Common Space (22,261 sf.)
  - Hallways 12 levels

**Building 5D (45,312 sf.)**

- Club Use (29,910 sf.)
  - 19 (one level) residential club units (6@1,811 sf. & 13@3,174 sf.) on 6 levels
- Accessory space (7,456 sf.)
  - Housekeeping, service elevator (179 sf. each) level 1-6
  - Storage/Maintenance (6,382 sf.)
- Circulation & Common Space (7,946 sf.)
  - Hallways over 7 levels

**Parking Garage (262,124 sf.)**

- Parking area (222,196 sf.)
  - Underground (218,535 sf.)
  - Above-grade (3661 sf.)
- Accessory Space (33,175 sf.)
  - Receiving/storage (13,819 sf.)
  - FCC (912 sf.)
  - Central Mechanical (9,193 sf.)
  - Receiving (1,570 sf.)
- Circulation & Common Space (6,753 sf.)

**Ramp & Roadway (22,867 sf.)****Analysis**

Finding of Fact no. 4 of the Master Plan indicates the following:

*The commercial uses proposed will be oriented and provide convenient service to those residing within the project.*

Development parameter/condition no. 3 of the Master Plan indicates the following:

*The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon. Parking shall be provided on-site in enclosed structures and reviewed in accordance with either the table on the approved Restrictions and Requirements Exhibit or the adopted ordinances at the time of project approval. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.*

Section V. Narrative indicates:

*The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space. Based upon the zoning in effect at this time, in excess of 450 units could be requested. While this may be somewhat misleading due to certain physical and technical constraints (i.e: access, slope, utilities), it does reveal that a significant reduction in total density proposed has been incorporated into the project. Each area proposed for development has been evaluated on its own merits. During the course of review, numerous concepts were considered with densities shifted around.*

*The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit. For additional clarity a brief narrative description of each development area follows:*

[...]

#### *Hillside Properties*

*By far the largest area included within the proposed Master Plan, the Hillside Properties involve over 123 acres currently zoned HR-1 (approximately 15 acres) and Estate (108 acres). The development concept proposed would cluster the bulk of the density derived into two locations; the Town Lift Mid-Station site and the Creole Gulch area. A total of 197 residential and an additional 19 commercial unit equivalents are proposed between the two developments with over 90% of the hillside (locally referred to as Treasure Mountain) preserved as open space. As part of the Master Plan, the land not included within the development area boundary will be rezoned to Recreation Open Space (ROS).*

*The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street. The majority of the developable area is situated southeast of the mid-station loading area. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well. The concept plan shows a number of low profile buildings located on the downhill side of the access road containing 9 unit equivalents. Two larger buildings are shown above the road with 9.5 and 17 units envisioned. The average building height for the Town Lift site is less than 25' with over 85% of the building volume fitting within a 35' height envelope. Parking will be provided within enclosed*

structures, accessed via a private road originating from the Empire-Lowell switchback. The closest neighboring residence is currently located in excess of 200 feet away.

The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street. The majority of the property is currently zoned Estate (E). A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan. Average building heights are proposed to be less than 45' with a maximum of 95' for the highest point. As conceptually proposed, in excess of 80% of the building volume is within a 75' height envelope measured from existing grade. It is expected that the Creole Gulch site will be subdivided into specific development parcels at some future date. Parking is accessed directly from the Empire-Lowell switchback and will be provided within multi-level enclosed structures. Depending upon the character of development and unit configuration/mix proposed at conditional use approval, the actual numbers of parking spaces necessary could vary substantially. Buildings have been set back from the adjacent road approximately 100' and a comparable distance to the nearest adjoining residence.

Section VI. Major Issues indicates the following under the Land Uses subsection:

*Land Uses - The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access. A number of smaller projects in the area are similarly oriented to the transient lodger. Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature. The inclusion of attached townhomes serving to buffer between the existing residences and the denser areas of development will also help provide a transition of sorts. The amount of commercial space included within the Master Plan will be of the size and type to provide convenient service to those residing within the project, rather than possibly be in competition with the city's existing commercial areas.*

As indicated on development parameter/condition no. 3 of the Master Plan: *The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon.* The copied table below is the SPMP Density Exhibit:

SWEENEY PROPERTIES MASTER PLAN DENSITY EXHIBIT

Parcel	Acreage	Residential Unit Equivalents	Commercial Unit Equivalents	Maximum Building Height <sup>2</sup>	Minimum Open Space (%)
<b>Coalition Properties</b>					
East	0.986	40	Maximum Commercial space not to exceed FAR of 1:1	55'	39.8 <sup>1</sup>
West	0.543	13	---	35'	54.9
<b>Hillside Properties</b>					
Creole Quich	7.75	161.5	15.5	<del>98'</del> * 75	70
Town Lift Mid-Station	3.75	35.5	3.5	<del>55'</del> * 45	70
Three 1/4-acre Single Family Lots	1.5	3	---	25'	83.9
<b>Develop IIR-1 Properties</b>					
Carr-Sheen	0.288	3	---	28'	60
HPE	0.161	<u>2</u> 258 U.E.	<u>19</u> 19 U.E.		

<sup>1</sup> Does not include Town Lift base facility  
<sup>2</sup> Maximum roof height, excludes elevator shaft

\* Subject to revised conditions as stated in the Motion by City Council (10/16/18)

As the City reviews the CUP criterion no. 1 Size and Scale of the Location of the Site, staff requests to keep these following statements in mind gathered directly from applicable Finding, Development Parameter/Condition, Narrative, and Major Issue section found the approved Master Plan:

1. The commercial uses proposed will be oriented and provide convenient service to those residing within the project.
2. The approved densities are those attached as an Exhibit, and shall be limited to the maximums identified thereon.
3. All support commercial uses shall be oriented and provide convenient service to those residing within the project and not designed to serve off-site or attract customers from other areas.
4. The Sweeney Properties Master Plan involves a number of individual development parcels. Combined, a total of 277 unit equivalents are proposed; including, 258 residential and 19 unit equivalents worth of support commercial space.
5. The various parcels of land included within the Sweeney Properties Master Plan are scattered about the Historic District and are detailed on the attached Exhibit.

6. For additional clarity a brief narrative description of each development area follows:
  - a. The development concept proposed would cluster the bulk of the density derived into two locations; the Town Lift Mid-Station site and the Creole Gulch area.
  - b. A total of 197 residential and an additional 19 commercial unit equivalents are proposed between the two developments with over 90% of the hillside (locally referred to as Treasure Mountain) preserved as open space.
  - c. The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6th Street. The majority of the developable area is situated southeast of the mid-station loading area.
  - d. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well.
  - e. The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8th Street.
  - f. A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan.
  - g. It is expected that the Creole Gulch site will be subdivided into specific development parcels at some future date.
7. Depending upon the character of development and unit configuration/mix proposed at conditional use approval, the actual numbers of parking spaces necessary could vary substantially.
8. The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. The building forms and massing as well as location lend themselves to hotel-type development.
9. Although future developers of projects within the Master Plan have the flexibility to build a variety of unit types in different combinations or configurations, the likelihood is that these projects will likely be geared toward the visitor looking for more of a destination-type of accommodation.
10. The property involved in the Master Plan is directly connected to the Park City Ski Area and as such can provide ski-to and ski-from access. A number of smaller projects in the area are similarly oriented to the transient lodger.
11. Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature.
12. The amount of commercial space included within the Master Plan will be of the size and type to provide convenient service to those residing within the project, rather than possibly be in competition with the city's existing commercial areas.

#### Support Commercial Incompliance

The Hillside Properties (Mid-station and Creole Gulch sites) of the SPMP known as the Treasure Hill project is allowed a total of 197 residential and an additional 19 support commercial unit equivalents between the two (2) developments. As described in the Hillside Properties narrative description: *“The Town Lift Mid-Station site contains roughly 3.75 acres and is located west of Woodside Avenue at approximately 6<sup>th</sup> Street.*

*The majority of the developable area is situated southeast of the mid-station loading area. A total of 35.5 residential unit equivalents are proposed with 3.5 equivalents worth of support commercial space as well.” Also, “The Creole Gulch site is comprised of 7.75 acres and situated basically south of the Empire-Lowell switchback at approximately 8<sup>th</sup> Street. The majority of the property is currently zoned Estate (E). A total of 161.5 residential unit equivalents are proposed. In addition, 15.5 unit equivalents of support commercial space is included as part of the Master Plan.”*

The Master Plan was approved under the 1985 LMC Third Edition. These figures listed on the Master Plan are maximum possible allowances as long as any adverse impacts attributed to the density have been mitigated. Any additional support commercial above the 19 UEs is not vested. For past articulation regarding this matter, see published Staff Report dated September 23, 2009 (starting on staff report page 19) and Planning Commission meeting minutes (Planning Commission comments start on page 3) as staff generally agrees with this and the applicant does not. See 1985 LMC Third (3<sup>rd</sup>) Edition Unit Equivalent Section below:

**10.12. UNIT EQUIVALENT.** *Density of development is a factor of both the use and the size of the structures built within a Master Planned Development. In order to maximize the flexibility in the development of property, the following table of unit equivalents is provided:*

<u>Configuration</u>	<u>Unit Equivalent</u>
Hotel room, not exceeding 500 square feet, including bathroom areas, but not corridors outside of room	.25
Hotel suite, not exceeding 650 square feet, including bathroom areas, but not corridors outside of room	.33
One bedroom or studio apartment, not exceeding 1,000 square feet	.50
Apartment of any number of rooms, not exceeding 1,500 square feet	.75
Apartment of any number of rooms, not exceeding 2,000 square feet	1.00
Apartment of any number of rooms, not exceeding 2,500 square feet	1.33
Apartment of any number of rooms, in excess of 2,500 square feet	1.50
Single family house	1.00
Commercial spaces (approved as part of Master Plan Approval), for each 1,000 square feet of gross floor area, exclusive of common corridors, or for each part of a 1,000 square foot interval	1.00

*Hotel uses must be declared at the time of site plan approval, and are subject to review for neighborhood compatibility. The election to use unit equivalents in the form of hotel rooms may not be allowed in all areas because of neighborhood conflicts or more intensive traffic generated. Within a hotel, up to 5% of the total floor area may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.*

*Circulation spaces including lobbies outside of units, including lobby areas, do not count as floor area of the unit, or as commercial unit equivalents.*

*Computation of floor areas and square footage shall be as provided in the Uniform Building Code adopted by Park City.*

*Where the unit configuration fits one of the above designations, but the square footage exceeds the footage stated for the configuration, the square footage shall control, and the unit equivalent for that size unit shall apply.*

Staff utilized Section 10.12 of the 1985 LMC to quantify the maximum possible additional support commercial and meeting space as underlined above. Staff calculated the floor area of the hotel (ONLY) and quantified the possible 5% support commercial of

the total floor area of the hotel. Staff calculated total floor area of the hotel not including the additional proposed commercial area and meeting space.

(Floor area of Hotel)(5%) = possible maximum Support Commercial and Meeting Space combined.

The hotel area is located within Building 4b. The total floor area of the hotel (not including the commercial and meeting space) is 234,803 square feet. Five percent (5%) of 234,803 square feet is 11,740 square feet. The applicant currently proposes 49,539 of support commercial/meeting space proposed above the 19 UEs (19,000 s.f.) allowed within the Master Plan. The proposal is 37,799 square feet above the maximum of 11,749 square feet, possible allowance of 5% Support Commercial of Hotel. Also, this calculation is assuming that the Planning Commission will allow all the commercial units to be located on the Creole Site. Within the approved Master Plan, 15.5 UEs of support commercial were allocated to the Creole Site and 3.5 UEs of support commercial were allocated to the Mid-Station Site.

The applicant proposes 18,863 square feet of *allotted* commercial, 33,412 square feet of support commercial, and 16,127 square feet of meeting space. Staff finds that the proposed commercial exceeds the 1985 LMC maximum allowance. See table below.

	Residential	Support Commercial	5% Support Commercial of Hotel
<b>Master Plan</b>	197 UEs (394,000 s.f.)	19 UEs (19,000 s.f.)	11,740 s.f.
<b>Proposed</b>	196.96 UEs (393,911 s.f.)	18.86 UEs (18,863 s.f.) Allotted Commercial	(33,412 s.f. support com.) (16,127 s.f. meet. space) 49,539 s.f.
<b>Compliance</b>	Complies.	Complies with total, but allocation per site does not comply.	Exceeds allowed amount by 37,799 s.f.

The original MPD entitled 19 unit equivalents of support commercial, divided into Mid-Station at 3.5 UEs and Creole Gulch at 15.5 UEs. Any additional commercial area is not vested under the MPD and staff finds that such additional area will add impacts to the development which cannot be mitigated. Not only does the additional space create larger buildings and massing, but also additional traffic from deliveries and employees. These impacts are contrary to the original MPD approval and not vested density. The applicant must mitigate all impacts of the allowed support commercial and any additional support commercial.

The applicant does not agree with staff's methodology for calculating support commercial. The applicant utilized the 2008/2009 LMC to calculate the support commercial area and meeting space within the development. See [September 23, 2009 Staff Report](#). They have calculated the total gross floor area of all the buildings per the 2008/2009 LMC definition. The Applicant added together the Gross Floor Area of ALL

the buildings within the project. The total Gross Floor Area calculated by the applicant is 682,001 square feet. Five Percent (5%) of 682,001 is 34,100 square feet.

Note: The applicant also added the square footage of the support commercial and meeting space in the Gross Floor Area calculation. These numbers should not have been included in the calculation. These figures are:

Bldg. 4A	21,100 sq. ft. support commercial
Bldg. 4A	16,127 sq. ft. meeting space
Bldg. 4B	5,626 sq. ft. support commercial
Bldg. 5C	6,686 sq. ft. support commercial
Total	49,539 sq. ft.

682,001 – 49,539 = 632,462  
5% of 632,462 = 31,623.1

2008/2009 LMC reference:

*15-6-8 (C) Within a hotel or nightly rental condominium project, up to five percent of the total Gross Floor Area may be dedicated to support commercial uses, which shall not count against any allotted commercial unit equivalents approved as part of the MPD. Any Support Commercial Uses in excess of five percent (5%) of the total gross floor area will be required to use commercial unit equivalents, if approved as a part of the MPD. If no commercial allocation has been granted for an MPD, no more than five percent (5%) of the floor area can be support Commercial Uses and no other commercial uses will be allowed.*

*15-6-8 (D) Within a hotel or condominium project, up to five percent (5%) of the total gross floor area may be dedicated for meeting room space without the use of unit equivalents. Meeting space in excess of five percent (5%) of the total Gross Floor Area will be counted as commercial unit equivalents. Any square footage which is not used in the five percent support commercial allocation can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as commercial unit equivalents. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and uses. These accessory meeting spaces do not require the use of unit equivalents.*

By the applicant's calculation, the project could have up to an additional 31,623 s.f. of support commercial and 31,623 s.f. of meeting space.

The City Council hired Attorney Jody K. Burnett to provide an [independent public advisory](#) regarding vesting of the original MPD. Attorney Burnett reviewed the support

commercial in terms of vesting. The following is from the letter to the Park City Planning Commission from Attorney Jody Burnett dated April 22, 2009:

*Finally, I also want to address a question that has been raised as to what standard should apply, in the vesting context, to the calculation of the amount of any additional support commercial and/or meeting space for the Sweeney MPD. From my vantage point, the evaluation of historical vested rights has to be viewed in the context of the land use regulations which were in place at the time the vesting occurred as a result of the original MPD approval. In this case, that means the provisions of the Land Management Code in effect as of the date of that original approval in 1986 should also be applied to the calculation of any additional meeting space and support commercial areas without requiring the use of unit equivalents of density. As you move forward with the conditional use permit approval process, the provisions of Section 10.12 of the 1985 LMC should be used for that purpose, which I understand provide that up to five percent (5%) of the total floor area within a hotel may be dedicated to meeting rooms, and support commercial areas without requiring the use of a unit equivalent of commercial space.*

Staff finds that any support commercial over five percent (5%) of the total floor area within specific hotels must count towards the Master Plan 19 unit equivalents. Staff's position is that even if the Planning Commission was to agree with the applicant, any support commercial above the 19 unit equivalents is not vested and would be subject to a full blown, new compatibility and Master Plan/CUP review. If the Planning Commission allows the applicant to take advantage of more permissive provisions of the current code, such application would be a substantive amendment to the original Master Plan and would require re-opening the entire Master Plan.

Additional support commercial space causes additional impacts such as impacts to mass and building size, traffic from deliveries and employees, greater water usage, etc. Staff recommends that rather than focusing on the calculation methods, the Planning Commission should focus on impacts of additional support commercial and the levels of mitigation. The applicant has vested rights to 19,000 square feet of support commercial as written on the Master Plan narrative and additional five percent (5%) of the hotel area, equating to an additional 11,740 s.f. as long as impacts are mitigated within the CUP review.

**Discussion Requested: Does the Planning Commission agree with Staff's analysis on support commercial area?**

**Difference in approved Master Plan and Current Application**

The approved Master Plan, included exhibits showing calculations for the units within the project. Two (2) major differences have been identified in the review by staff of the current project versus the original master plan approval. The original Master Plan exhibits did not quantify overall total square footage. The original Master Plan exhibits showed the total unit equivalents utilized within the Creole and Mid-station sites. The

totals represented are 197 UEs of residential and 19 UEs of support commercial. No additional support commercial units were shown on these exhibits. Parking was also shown on the original Master Plan exhibits with 464 total parking spaces and approximately 203,695 square feet of area.

The original CUP application in 2004 for Planning Commission review indicated a total of 849,007 square feet. The following is a breakdown of the project from the 2004 submittal:

<b>Use</b>	<b>Square Footage</b>
Residential	483,359
Ancillary	86,037
Support Commercial	22,653
Parking	256,958
<b>Total</b>	<b>849,007</b>

In 2006, the Planning Commission asked the applicant to provide more details on the current plan. The revisions to the plan (that are now the current application under review) include an additional 167,880 square feet. The following is a breakdown of the current submittal.

<b>Use</b>	<b>Square Footage</b>
Residential (net):	393,911
Common space & circulation, Accessory Space (gross)	309,511
Allotted Commercial (MPD UE's, gross)	18,863
Support Commercial (gross)	33,412
Meeting Space (gross)	16,127
Parking (gross)	245,063
<b>Grand Total</b>	<b>1,016,887</b>

The additional space has been added to the support commercial, meeting space, circulation, common space, and accessory space since the original 2004 submittal. This increase in area accounts for 16.5% of the current total square footage of the project.

The proposed square footage of this project does not comply with the purpose statements of the Land Management Code and the goals and actions listed within the General Plan. Within the Master Plan, the area was assigned a specific number of unit equivalents. The way in which these unit equivalents are designed within the project area must meet the General Plan. According to the LMC CUP Standard of Review, the City shall not issue a CUP unless the Planning Commission concludes that the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. See LMC 50<sup>th</sup> § 15-1-10(D).

Staff has concerns with the requested amount of square footage requested. The amount of circulation area, lobby areas, parking circulation, etc. are not modest in scale and compatible to the surrounding area. Below is the side by side comparison of the 2004 application and the 2008 Update:

Use	2004 Square Footage	2008 Update Square Footage
Residential	483,359	393,911
Ancillary / Common space & circulation, and Accessory Space	86,037 (identified as Ancillary)	309,511 (identified as common space & circulation, and accessory space)
Support Commercial	22,653	(18,863 + 33,412 +16,127) = 68,402
Parking	256,958	245,063
<b>Total</b>	<b>849,007</b>	<b>1,016,887</b>

Ancillary includes common, circulation, accessory space, etc.

In comparison the 2008 updated included: a residential reduction of 89,448 square feet; an ancillary (including common, circulation, accessory space) increase of 223,474 square feet; a support commercial increase of 45,749 square feet, and a parking area reduction of 11,895 square feet. Overall the project increased by 167,880 square feet.

#### Woodruff Diagram Analysis

During the July 13, 2016 Planning Commission meeting the applicant's presentation included some diagrams identified as the Woodruff diagram plans. The Woodruff plans were included in several of the original exhibits of the approved master plan. In context of the Woodruff diagrams, the applicant took both the Site Plan exhibit and the Cross Section Exhibit and put them together to create a massing model to show approximate volume in terms of square feet. The applicant concludes the following below. See Exhibit Y – Applicant's July 13, 2016 Presentation and Exhibit Z – Applicant's Woodruff Drawing Analysis.

Site	Mid-Station		Creole-Gulch		
Building	Bldg. A	Bldg. B	Bldg. C	Bldg. D	Bldg. E
Bldg. SF	65,066	62,431	154,406	194,190	129,852
Site SF	127,497		478,448		
<b>Overall Project Total</b>	<b>605,945</b>				
Parking SF	51,088		218,130		
<b>Overall Parking SF Total</b>	<b>269,218</b>				
<b>Project SF Grand Total</b>	<b>875,163</b>				

The applicant depicts that according to the Woodruff diagrams, which includes two (2) sheet (exhibits) of the originally approved plans, it would show the approximate massing showing approximately 875,163 square feet including 269,218 square feet of parking. Please note, that the Woodruff diagrams did not label any space of any specific use. Staff has had the opportunity to review the preparation of the Woodruff diagrams and finds that the applicant's estimates are accurate.

### Circulation, Accessory Uses, Back-of-House

During the July 13, 2016 Planning Commission meeting staff introduced Exhibit W that was prepared from the information compiled by the former Planning Director in 2011 as he completed an analysis of existing hotels to determine net/gross square footage including a back-of-house calculation. This study was the same information that former Mayor Dana Williams refer to during his public comment on July 13, 2016, regarding the City Council's former negotiations with the applicant. Staff updated the study and added parking numbers as well as two (2) other recently completed projects.

Based on the Department's research done in 2011, there is generally a trend towards wider hallways, more open lobby and check-in space, a desire by guests for socializing space, sitting spaces with views, etc.

### 1985 Minutes

Staff was able to find Planning Commission minutes dated back to 1985. Please follow this link to read them: [1985 Minutes](#).

### Notice

The property was posted and notice was mailed to property owners within 300 feet on May 11, 2016. Legal notice was published in the Park Record on April 27, 2016 and May 11, 2016 according to requirements of the Land Management Code. The Planning Commission continued this item to the July 13, 2016 Planning Commission meeting. The Planning Commission continued this item to the August 10, 2016 Planning Commission meeting.

### Public Input

Public input has been received by the time of this report. See the following [website](#) 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](mailto: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 Conditional Use Permit (CUP) criteria no. 1 *Size and Scale of the Location of the Site* as analyzed in the staff report. Staff recommends that the Planning Commission provide input and direction to Staff

and the Applicant. Staff recommends that the Planning Commission conduct a public hearing and continue it to the September 14, 2016 Planning Commission meeting

### **Exhibits/Links**

[Exhibit A - Public Comments](#)

[Exhibit B - Approved MPD Narrative](#)

[Exhibit C - Approved MPD Plans](#)

[Exhibit 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

[Exhibit E - Proposed Plans – Visualization Drawings2](#)

Sheet V-17 Cliffscales  
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

[Exhibit 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 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

[Exhibit 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

[Exhibit 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

[Exhibit I – Applicant’s Written & Pictorial Explanation](#)

- |                         |                              |
|-------------------------|------------------------------|
| I. Overview             | VII. Lift Improvement        |
| II. Master Plan History | VIII. Construction Phasing   |
| III. Site plans         | IX. Off Site Amenities       |
| IV. Special Features    | X. Material Board            |
| V. Landscape            | XI. Submittal Document Index |
| VI. Management          |                              |

[Exhibit J – Fire Protection Plan \(Appendix A-2\)](#)

[Exhibit K – Utility Capacity Letters \(Appendix A-4\)](#)

[Exhibit L – Soils Capacity Letters \(Appendix A-5\)](#)

[Exhibit M – Mine Waste Mitigation Plan \(Appendix \(A-6\)](#)

[Exhibit N – Employee Housing Contribution \(Appendix A-7\)](#)

[Exhibit O – Proposed Finish Materials \(Appendix A-9\)](#)

[Exhibit P – Economic Impact Analysis \(Appendix A-10\)](#)

[Exhibit Q – Signage & Lighting \(appendix A-13\)](#)

[Exhibit R – LEED \(Appendix A-14\)](#)

[Exhibit S – Worklist \(Appendix A-15\)](#)

[Exhibit T – Excavation Management Plan \(Appendix A-16\)](#)

[Exhibit U – Project Mitigators \(Appendix A-18\)](#)

[Exhibit V – Outside The Box \(Appendix A-20\)](#)

Exhibit W – Updated Space Comparison

Exhibit X – Applicant’s 2016.07.13 Presentation

Exhibit Y – Applicant’s Woodruff Drawing Analysis

Exhibit Z – Updated Position Paper SF Limitations & CUP Criteria Size and Volume

Exhibit AA – Position Paper Executive Summary

Exhibit BB – Applicant’s Tentative 2016.08.10 Presentation

### **Additional Exhibits/Links**

[2009.04.22 Jody Burnett MPD Vesting Letter](#)

[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](#)

MPD Amendments:

[October 14, 1987 - Woodside \(ski\) Trail](#)

[December 30, 1992 - Town Lift Base](#)

[November 7, 1996 – Town Bridge](#)

**Exhibit W**

<u>Proposed Treasure</u>			
197 Res. UEs & 19 Com. UEs = 413k SF			
	SF	%	
Total Residential	393,911	39%	
Total Commercial (5%) + UEs	52,275	5%	
Total Meeting	16,127	2%	
Total Parking	245,063	24%	
Total Internal Circulation	173,210	17%	30%
Total Back of House	136,301	13%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	1,016,887	100%	

<u>Montage</u>			
183 Res. UEs & 63 Com. UEs = 429K SF			
	SF	%	
Total Residential	370,235	39%	
Total Commercial (5%) + UEs	57,569	6%	
Total Meeting	21,187	2%	
Total Parking	210,821	22%	
Total Internal Circulation	93,865	10%	30%
Total Back of House	193,157	20%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	946,834	100%	

<u>St. Regis</u>			
130 Res. UEs & 0 Com. UEs = 260K SF			
	SF	%	
Total Residential	186,937	44%	
Total Commercial	43,023	10%	
Total Meeting	0	0%	
Total Parking	51,486	12%	
Total Internal Circulation	49,583	12%	34%
Total Back of House	95,196	22%	of gross
Deck/Outdoor Space/Attic	(Deck = 25K)	NA	
<b>Total</b>	426,225	100%	

<u>Sky Lodge</u>			
23 Res. UEs & 14 Com. UEs = 37k SF			
	SF	%	
Total Residential	43,419	48%	
Total Commercial	4,953	5%	
Total Meeting	3,493	4%	
Total Parking	17,188	19%	
Total Internal Circulation	9,220	10%	24%
Total Back of House	12,649	14%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	90,922	100%	

<u>Yarrow (approved MPD)</u>			
? Res. UEs & ? Com. UEs			
	SF	%	
Total Residential	143,522	43%	
Total Commercial	33,094	10%	
Total Meeting	0	0%	
Total Parking	84,095	25%	
Total Internal Circulation	52,655	16%	22%
Total Back of House	19,997	6%	of gross
Deck/Outdoor Space/Attic	(Deck = 53K)	NA	
<b>Total</b>	333,363	100%	

<u>Marriott Mountainside</u>			
? Res. UEs & ? Com. UEs			
	SF	%	
Total Residential	206,800	54%	
Total Commercial	0	0%	
Total Meeting	300	0%	
Total Parking	64,926	17%	
Total Internal Circulation	60,713	16%	29%
Total Back of House	36,996	10%	of gross
Deck/Outdoor Space/Attic	13,083	3%	gross
<b>Total</b>	382,818	100%	

<u>205 Main Street</u>			
6 residential units			
	SF	%	
Total Residential	18,152	62%	
Total Commercial	0	0%	
Total Meeting	0	0%	
Total Parking	6,680	23%	
Total Internal Circulation	4,267	15%	15%
Total Back of House	0	0%	of gross
Deck/Outdoor Space/Attic	NA	NA	
<b>Total</b>	29,099	100%	

<u>333 Main Street</u>			
15 res units + 2 com units + 15k of convertible			
	SF	%	
Total Residential	31,747	32%	
Total Commercial	28,349	28%	
Total Meeting	0	0%	
Total Parking	4,374	4%	25 spaces
Total Internal Circulation	8,056	8%	36%
Total Back of House	13,976	14%	of gross
Deck/Outdoor Space/Attic	13,493	13%	gross
<b>Total</b>	99,995	100%	



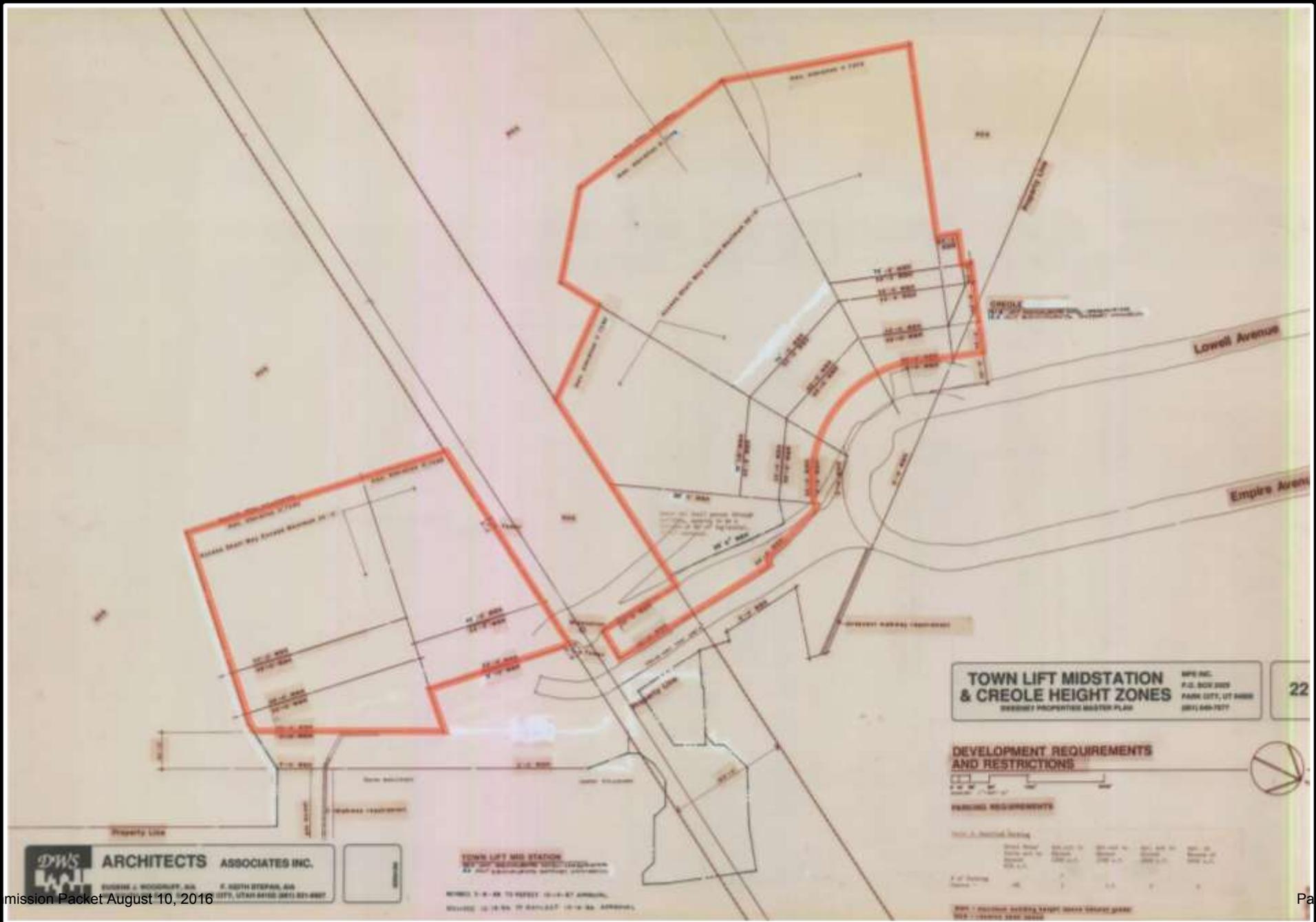
# Treasure Hill Conditional Use Permit Application July 13, 2016

## **Scope of Approval**

**Size and Location of the Site (CUP Condition No. 1)  
Including Unit Equivalent and Square Footage Calculations**

**Usable Open Space (CUP Condition No. 9)**

**Comprehensive Master Plan (CUP Standard No. 3)**



**TOWN LIFT MIDSTATION & CREOLE HEIGHT ZONES**  
 DESERT PROPERTIES MASTER PLAN

MPS INC.  
 P.O. BOX 2009  
 PARK CITY, UT 84002  
 (801) 644-7577

22

**DEVELOPMENT REQUIREMENTS AND RESTRICTIONS**

**PARKING REQUIREMENTS**

Table with 2 columns: Use, and corresponding values for different zones.

**DWS ARCHITECTS ASSOCIATES INC.**  
 DWS ARCHITECTS ASSOCIATES INC.  
 100 SOUTH STEPHAN, SUITE 200  
 PARK CITY, UT 84002 (801) 644-7577

**TOWN LIFT MID STATION**  
 15' 0" HEIGHT ZONE  
 20' 0" HEIGHT ZONE  
 25' 0" HEIGHT ZONE  
 30' 0" HEIGHT ZONE  
 35' 0" HEIGHT ZONE  
 40' 0" HEIGHT ZONE  
 45' 0" HEIGHT ZONE  
 50' 0" HEIGHT ZONE  
 55' 0" HEIGHT ZONE  
 60' 0" HEIGHT ZONE  
 65' 0" HEIGHT ZONE  
 70' 0" HEIGHT ZONE  
 75' 0" HEIGHT ZONE  
 80' 0" HEIGHT ZONE  
 85' 0" HEIGHT ZONE  
 90' 0" HEIGHT ZONE  
 95' 0" HEIGHT ZONE  
 100' 0" HEIGHT ZONE

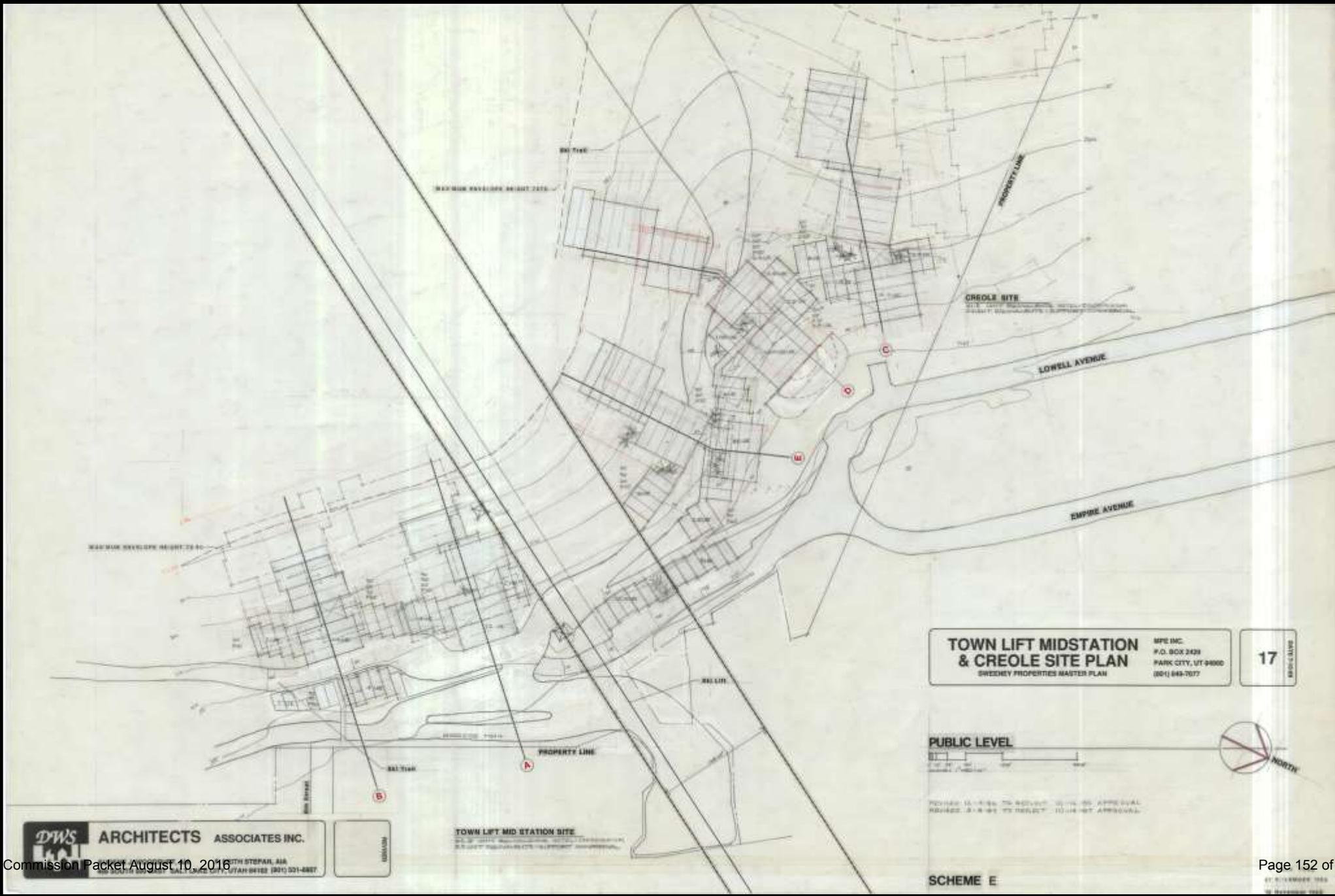


cket August 10, 2016

- Practically, what do the MPD imposed limitations mean in the context of the current development of Treasure Hill?
- What do 197 residential and 19 commercial Unit Equivalents vested under the MPD translate to in terms of the size and scale of Treasure Hill?
- What did the MPD Approval contemplate in terms of size and scale of the development of Treasure Hill?

## Park City Staff Revised Staff Report, December 18, 1985:

“At the time of conditional use . . . review,  
the staff and Planning Commission shall  
review projects for compliance with the adopted codes  
and ordinances in effect at the time [of the CUP Application].”

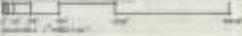


**TOWN LIFT MIDSTATION & CREOLE SITE PLAN**  
 SWEENEY PROPERTIES MASTER PLAN

MPE INC.  
 P.O. BOX 2439  
 PARK CITY, UT 84000  
 (801) 869-7077

17  
 SCALE 1/8" = 1'-0"

PUBLIC LEVEL



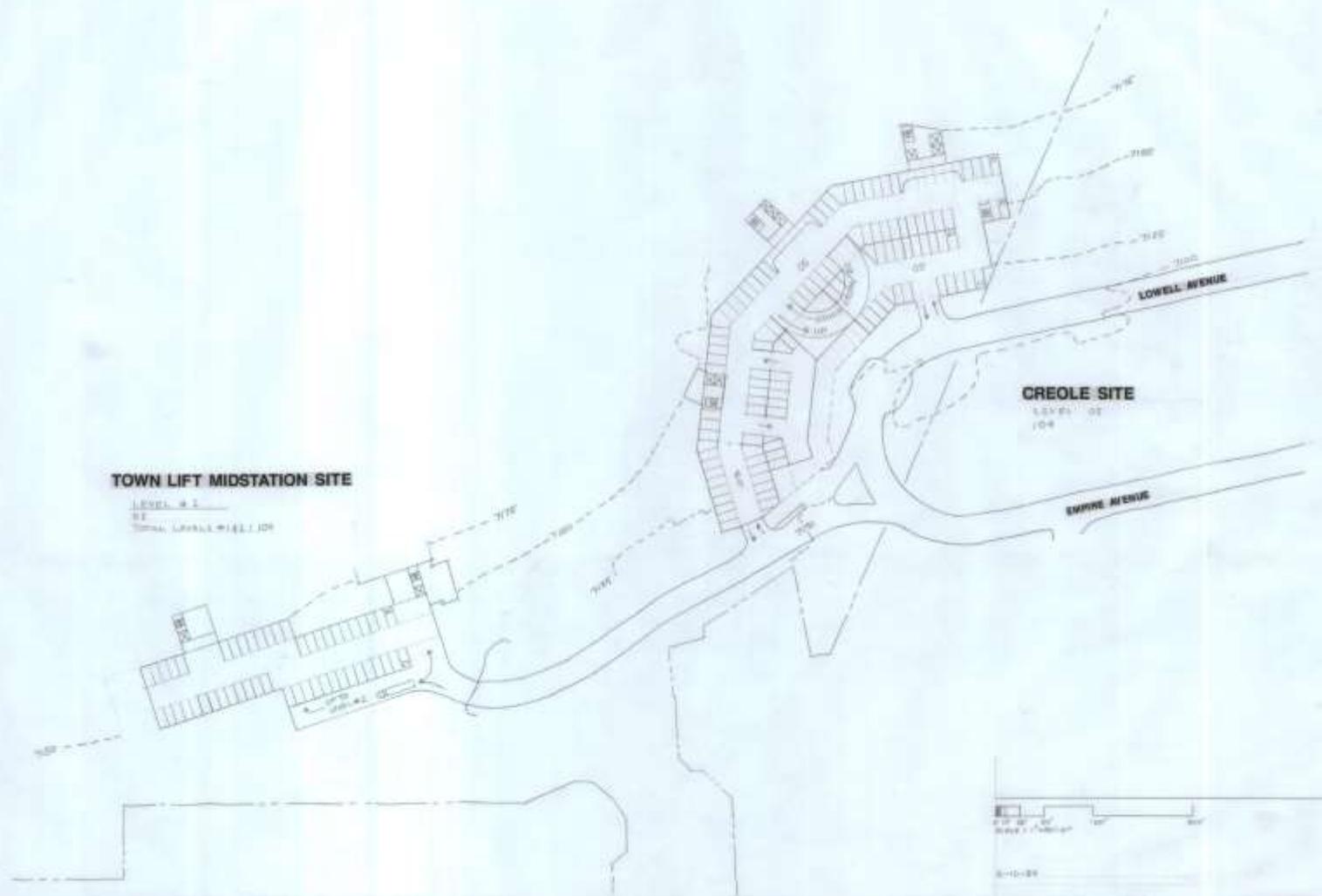
FOOTING IS 1'-0" TO REDUCED TO 10'-0" BY APPROVAL  
 REQUIRED. 2'-0" BY TO REDUCED TO 10'-0" BY APPROVAL

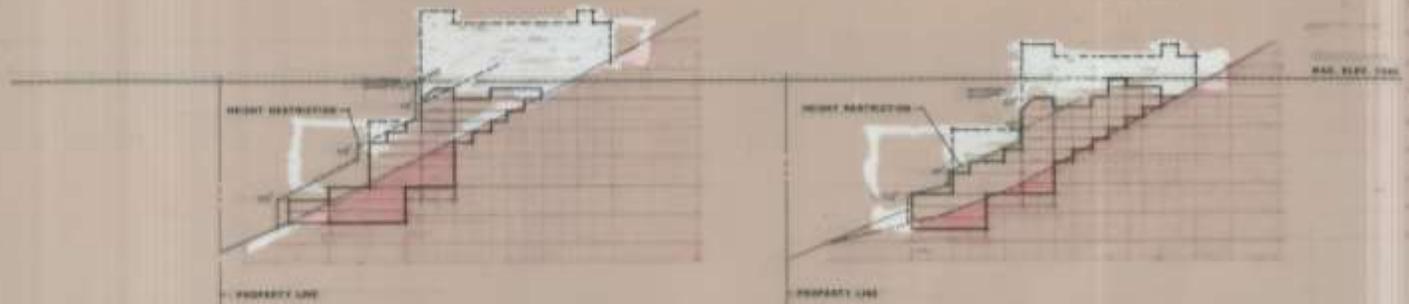
SCHEME E

**DWS ARCHITECTS ASSOCIATES INC.**  
 1000 W. STEPHAN AVE.  
 SUITE 200, PARK CITY, UTAH 84002 (801) 531-8887

**TOWN LIFT MID STATION SITE**  
 25' MAX ENVELOPE HEIGHT 25'-0"  
 20' MAX ENVELOPE HEIGHT 20'-0"

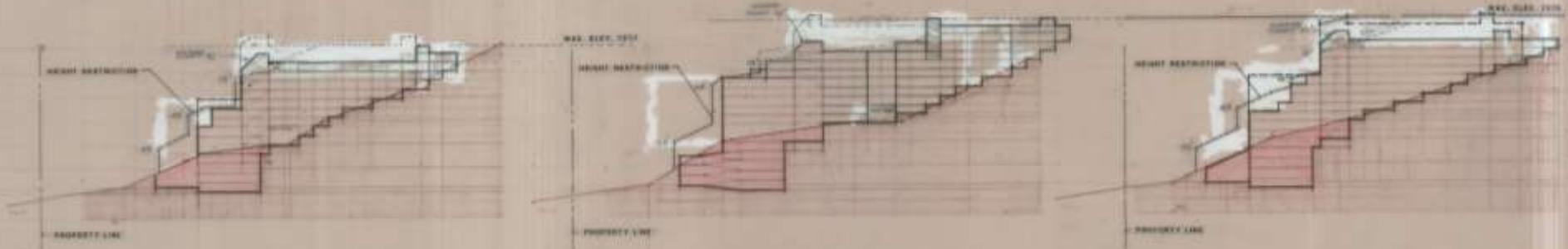






**SOUTH SECTION 3**  
 NORTH SIDE 24  
 SOUTH SIDE 24  
 1/4" = 1'-0" (SEE PLAN FOR GRID LINE)

**NORTH SECTION 4**  
 NORTH SIDE 24  
 SOUTH SIDE 24  
 1/4" = 1'-0" (SEE PLAN FOR GRID LINE)



**SECTION 5**  
 NORTH SIDE 24  
 SOUTH SIDE 24  
 1/4" = 1'-0" (SEE PLAN FOR GRID LINE)

**SECTION 6**  
 NORTH SIDE 24  
 SOUTH SIDE 24  
 1/4" = 1'-0" (SEE PLAN FOR GRID LINE)

**SECTION 7**  
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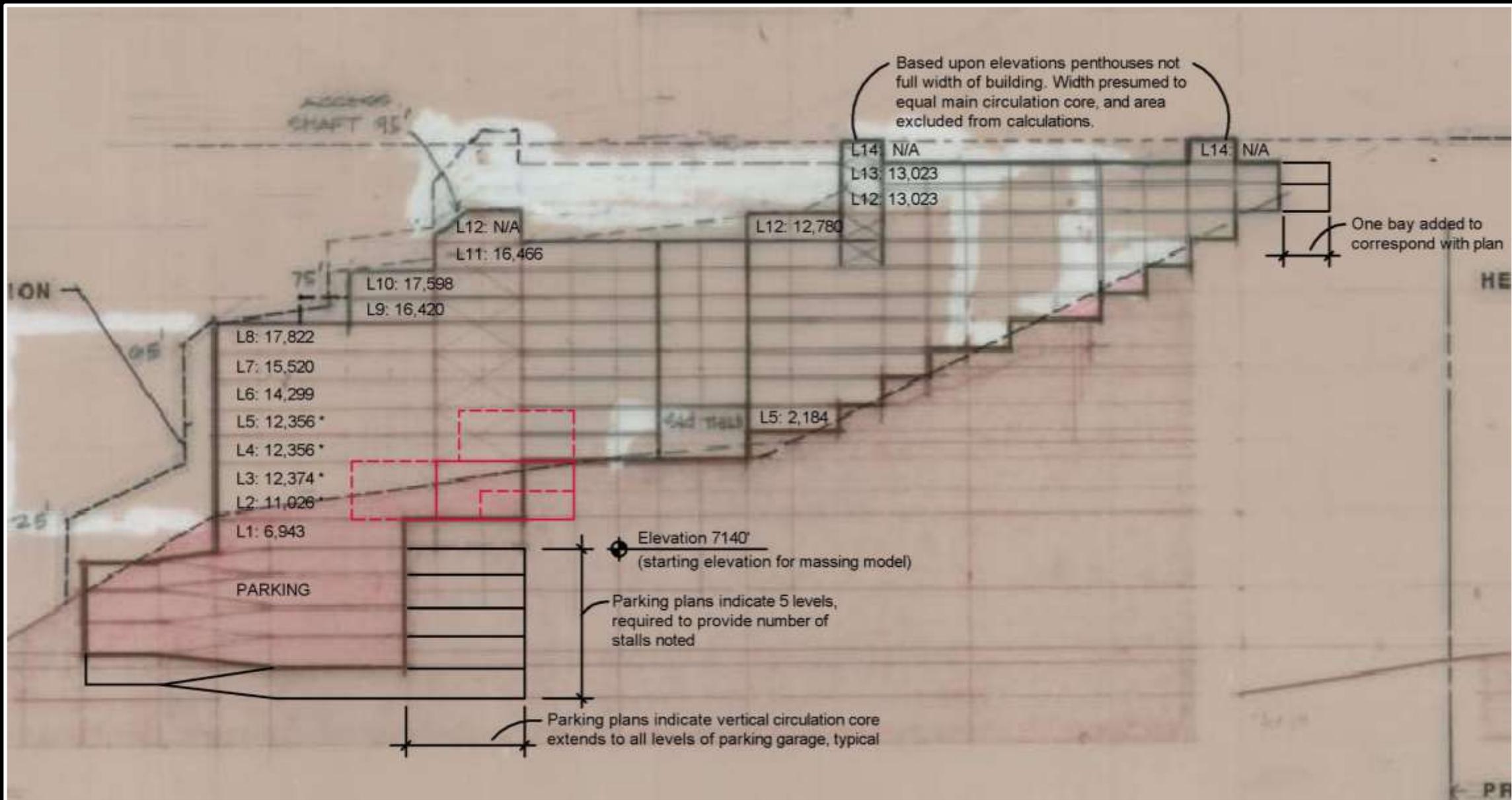


DESIGNED BY: [Faint text]  
 DRAWN BY: [Faint text]

**SCHEME E**

DATE: 11/15/10  
 14 ARBENT 2004  
 20 NOVEMBER 10  
 10 NOVEMBER 2010





# 2003 Land Management Code Section 15-6-8(C) [Support Commercial]:

“Within a Hotel or Nightly Rental Condominium project, up to five percent (5%) of the total floor Area may be dedicated to support Commercial Uses...**without the Use of a Unit Equivalent for commercial space.**”

# 2003 Land Management Code Section 15-6-8(D) [Meeting Room]:

“Within a Hotel or Condominium project, up to five percent (5%) of the total floor Area may be dedicated to meeting room space **without the Use of Unit Equivalents.**”

“Accessory meeting Uses, such as back of house, administrative Uses, and banquet offices, are Uses normally associated and necessary to serve meeting and banquet space. These accessory meeting Uses **do not require the use of Unit Equivalents.**”

# 2003 Land Management Code

## Section 15-6-8(F) [Residential Accessory]:

“Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses **do not require the use of Unit Equivalents.**”

Examples of permitted residential accessory uses include, but are not limited to, ski/equipment lockers, lobbies, concierge, mechanical rooms, laundry facilities, back-of-house uses, elevators and stairs, and employee facilities.

# 2003 Land Management Code

## Section 15-6-8(G) [Resort Accessory]:

Resort Accessory uses “are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort **do not require the use of a Unit Equivalent.**”

Examples of such permitted uses include, without limitation, administration, maintenance and storage, public restrooms, ski school/day care facilities, ticket sales, equipment check, and circulation and hallways.”





SUMMARY OF RESIDENTIAL UNITS BY SIZE (NET AREA)														
UNIT NO.	UNIT TYPE	AREA (SQ FT)	RESIDENTIAL UNITS											
			1-BED	2-BED	3-BED	4-BED	5-BED	6-BED	7-BED	8-BED	9-BED	10-BED	11-BED	
10	1-Bed	1,100	1											
11	2-Bed	1,500		1										
12	3-Bed	2,000			1									
13	4-Bed	2,500				1								
14	5-Bed	3,000					1							
15	6-Bed	3,500						1						
16	7-Bed	4,000							1					
17	8-Bed	4,500								1				
18	9-Bed	5,000									1			
19	10-Bed	5,500										1		
20	11-Bed	6,000											1	
GRAND TOTAL			1	1	1	1	1	1	1	1	1	1	1	1

SUMMARY OF BUILDING AREA BY USE														
UNIT NO.	UNIT TYPE	AREA (SQ FT)	BUILDING AREA											
			RESIDENTIAL	COMMERCIAL	INDUSTRIAL	OFFICE	RETAIL	RESTAURANT	ENTERTAINMENT	OTHER	UNASSIGNED	OPEN SPACE	LANDSCAPE	STREET
10	1-Bed	1,100	1,100											
11	2-Bed	1,500	1,500											
12	3-Bed	2,000	2,000											
13	4-Bed	2,500	2,500											
14	5-Bed	3,000	3,000											
15	6-Bed	3,500	3,500											
16	7-Bed	4,000	4,000											
17	8-Bed	4,500	4,500											
18	9-Bed	5,000	5,000											
19	10-Bed	5,500	5,500											
20	11-Bed	6,000	6,000											
GRAND TOTAL			30,000											

SUMMARY OF BUILDING AREA BY USE														
UNIT NO.	UNIT TYPE	AREA (SQ FT)	BUILDING AREA											
			RESIDENTIAL	COMMERCIAL	INDUSTRIAL	OFFICE	RETAIL	RESTAURANT	ENTERTAINMENT	OTHER	UNASSIGNED	OPEN SPACE	LANDSCAPE	STREET
11	2-Bed	1,500	1,500											
12	3-Bed	2,000	2,000											
13	4-Bed	2,500	2,500											
14	5-Bed	3,000	3,000											
15	6-Bed	3,500	3,500											
16	7-Bed	4,000	4,000											
17	8-Bed	4,500	4,500											
18	9-Bed	5,000	5,000											
19	10-Bed	5,500	5,500											
20	11-Bed	6,000	6,000											
GRAND TOTAL			30,000											

REVISION: 08/22/2016

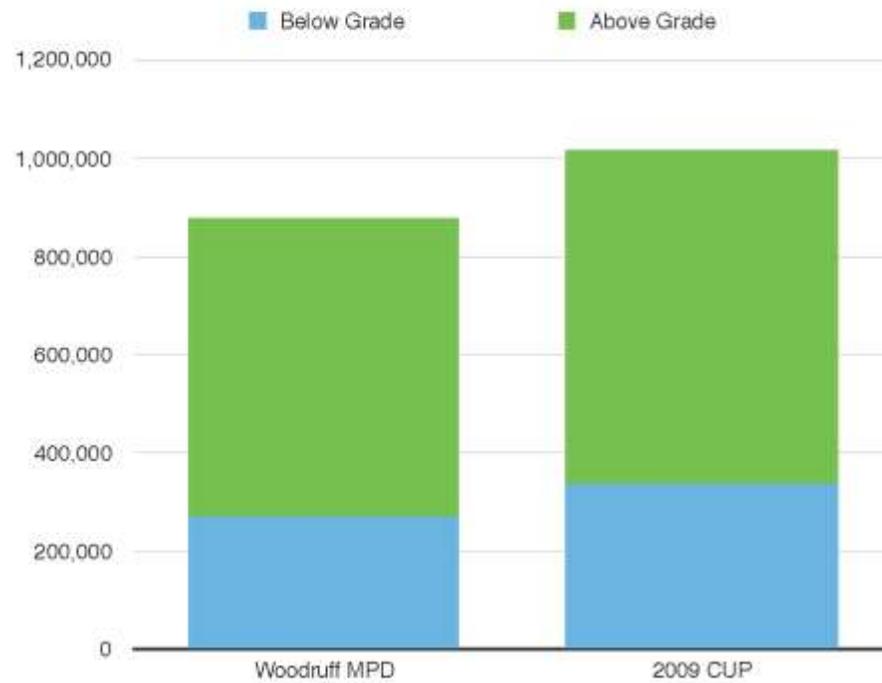
AREA, UNIT EQUIVALENT & PARKING CALCULATIONS

MPE, INC., P.O. Box 2429, Park City, UT 84000

www.infotreasuryparkcity.com

treasure PARK CITY, UT

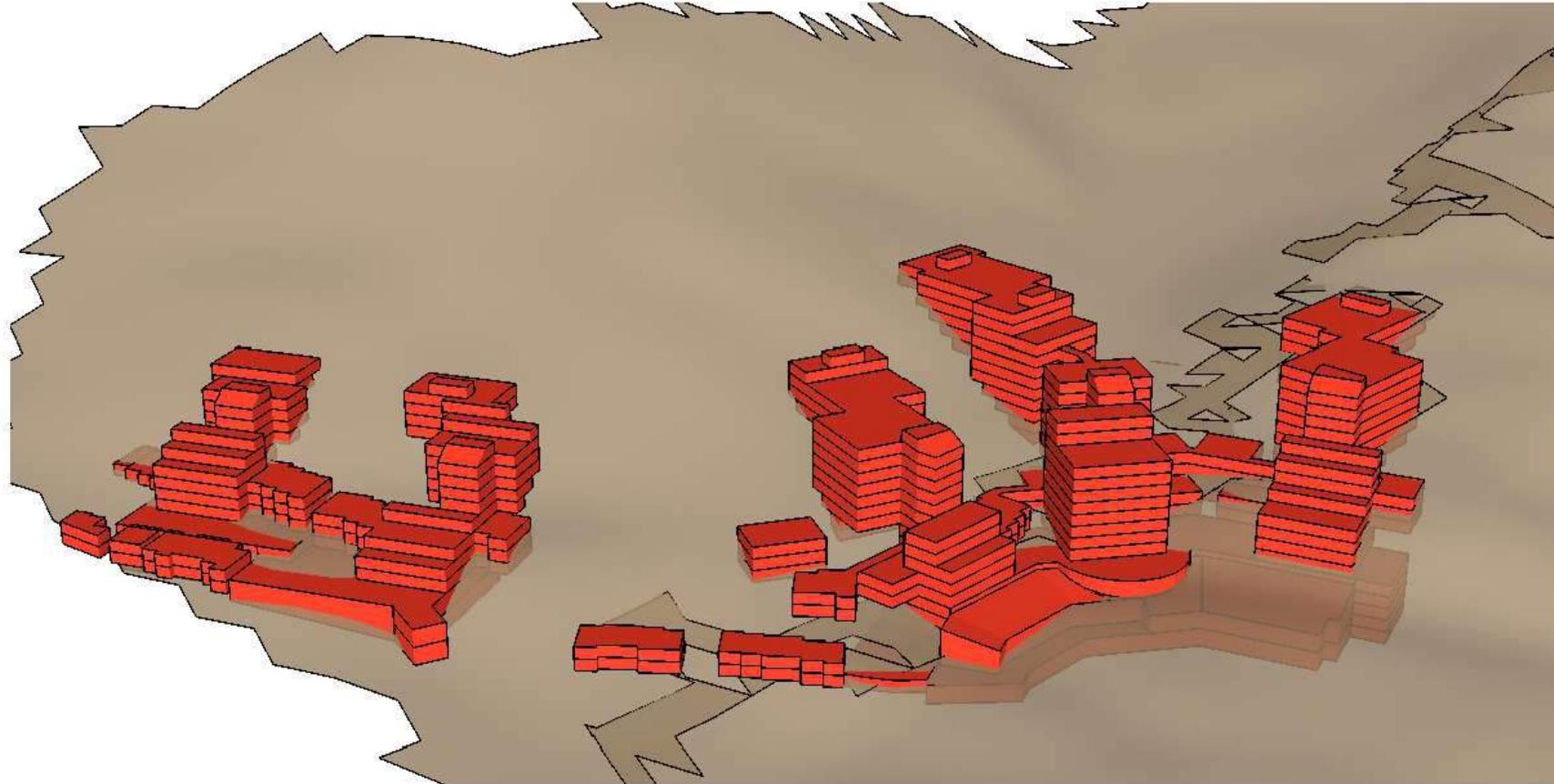
8/11/2016



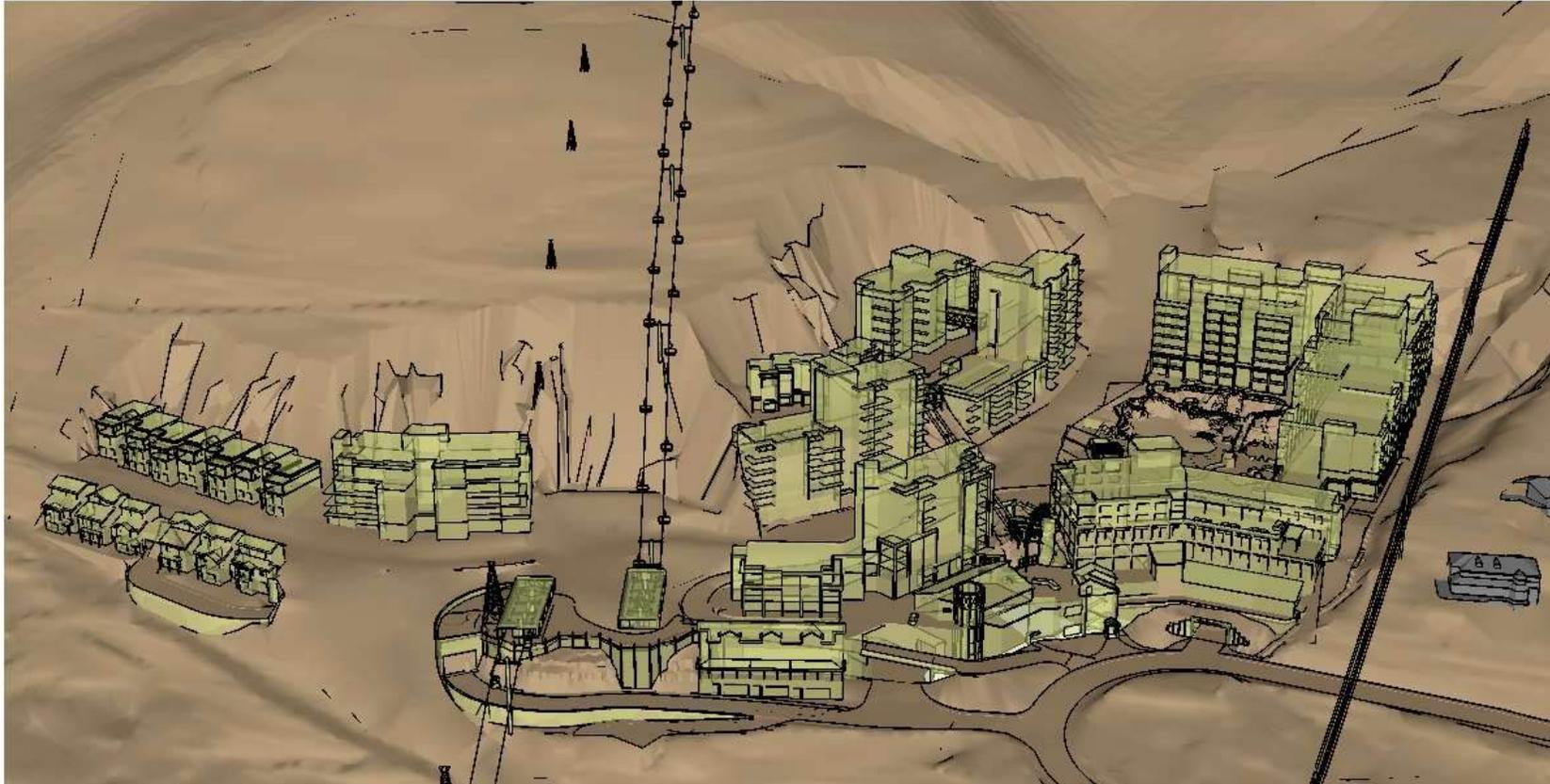
ABOVE & BELOW GRADE COMPARISON

	WOODRUFF MPD	2009 CUP
Above Grade	607,201	682,001
Below Grade	269,218	334,886
Total Gross	876,419	1,016,887
Difference	0.160	140,468

COMPARISON WOODRUFF MPD & 2009 CUP



1986 WOODRUFF CONCEPT



2009 TREASURE CUP



1986 WOODRUFF CONCEPT & 2009 TREASURE CUP

	Below Grade	Above Grade	
Accessory	19,633	32,445	
Support Commercial (5%)		30,360	
Meeting (5%)		30,360	
Employee Housing		6,669	
Resort Accessory		1,918	
SUBTOTAL ADDED	19,633	101,752	
TOTAL ADDED			121,385
TOTAL			997,804

WOODRUFF IF SCHEMATIC DEVELOPMENT UNDER 2003 CODE

Park City Staff Revised Staff Report, December 18, 1985:

“...the City’s [General] Plan identifies the Hillside property as a key scenic area and recommends the development be limited to the lower portion of the mountain...the proposed Sweeney properties MPD is in conformance with the land use designations outlined in the Park City [General] Plan.”



Exhibit Y – Applicant’s Woodruff Drawing Analysis

WOODRUFF DRAWING GROSS AREA - UNITS					
LEVEL	BLDG. A	BLDG. B	BLDG. C	BLDG. D	BLDG. E
L (-3)					2,972 2,602
L (-2)					2,972 2,602
L (-1)		3,138 911 950			
L-1	10,354	3,138 911 950	7,049	6,943	8,948 (628) 2,478
L-2	10,354	7,268	9,320	11,026	11,807 (628) 2,478
L-3	9,123	10,230	12,591	12,374	7,642 2,478 1,120
L-4	3,311	7,268	12,295	12,356	8,310
L-5	3,422	4,576	12,485	12,356 2,184	9,505
L-6	4,926	4,682	9,540	14,299	8,756
L-7	6,250	4,712	12,574	15,520	11,173
L-8	7,428	4,641	12,707	17,822	13,539
L-9	531 5,243	5,757	13,814	16,420	14,680
L-10	4,124	3,299	16,169	17,598	14,680
L-11			17,329	16,466	2,366
L-12			18,533	12,780	
L-13				13,023	
L-14				13,023	
	65,066	62,431	154,406	194,190	129,852
TOTAL BY SITE	MIDSTATION 127,497		CREOLE TOTAL 478,448		
PROJECT TOTAL	605,945				
WOODRUFF DRAWING GROSS AREA - PARKING					
L-1	28,101		55,207		
L-2	22,987		56,096		
L-3			35,609		
L-4			35,609		
L-5			35,609		
TOTAL BY SITE	MIDSTATION 51,088		CREOLE TOTAL 218,130		
PROJECT TOTAL	269,218				
<b>MPD GROSS AREA - GRAND TOTAL</b>					<b>875,163</b>

\* Text in red denotes 7/16/16 revisions



**DATE:** August 5, 2016

**SUBJECT:** Treasure Hill Properties' Compliance with Square Footage Limitations and Conditional Use Criteria Relating to Size and Volume

---

**1. Background.**

As the Planning Commission Staff report dated July 13, 2016, recites,

[t]he Sweeney Properties Master Plan (SPMP) was approved by the Planning Commission on December 18, 1985. . . . On October 16, 1986, the City Council approved the SPMP with amendments to the maximum allowed building heights [for the] Hillside Properties known as the Town Lift Mid-Station and the Creole Gulch sites.

The Hillside Properties consists [sic] of the Town Lift Mid-Station (Mid-station) and the Creole Gulch sites. These Hillside Properties are the last two (2) parcels to be developed within the SPMP. . . .

A combined total of 197 residential UEs and 19 support commercial UEs was approved for the 11.5 acre remaining development sites. Of the 123 acres of Hillside Property, 110 have become zoned recreation open space (ROS) due to the agreement within the SPMP.

Under the SPMP, each development site is required to attain the approval of a Conditional Use Permit (CUP) from the Planning Commission. On January 13, 2004, the applicant submitted a CUP application for the Creole Gulch and Mid-station sites. The CUP was reviewed by the Planning Commission from April 14, 2004 to April 26, 2006. A complete set of revised plans was received by staff on October 1, 2008. Additional materials were received by staff on December 18, 2008. The CUP was reviewed by the Planning Commission from January 7, 2009 to February 10, 2010. (pp.1-2.)

In April 2016, the applicant, MPE, Inc., requested that the Planning Commission place its CUP Application for the development of the Hillside Properties back on the Commission's agenda and to review the application for compliance with the applicable Land Management Code

(“LMC”) and SPMP Approval. The Planning Commission held public hearings on the CUP Application on June 8 and July 13, 2016. During the hearing on July 13, 2016, the Planning Commission requested that Planning Commission Staff and MPE address the following issues at the next scheduled hearing on August 10, 2016: (1) the total gross square footage of the development, (2) the volume of the proposed development, and (3) how the proposed development compares to other similar developments in Park City.

The topics that the Planning Commission has directed Staff and MPE to address at the next hearing touch upon a number of criteria under the Conditional Use Review Process set forth in the applicable 2003 LMC.<sup>1</sup> Specifically, the issues the Planning Commission has directed Staff and MPE to address cover portions of the following CUP criteria:

1. Size and location of the Site;
4. Emergency vehicle Access;
5. Location and amount of off-Street parking;
6. Internal vehicular and pedestrian circulation system;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing; and
15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

The topics also touch upon several of the CUP Standards for Review, including:

2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
3. the Use is consistent with the Park City General Plan, as amended; and
4. the effects of any differences in Use or scale have been mitigated through careful planning.

The topics that the Planning Commission will discuss at the next hearing also address several of the conditions of the SPMP Approval, including the building height and building envelope limits established by the SPMP Approval.

The CUP Application satisfies the CUP Standards for Review, each of the criteria set forth in the 2003 LMC, and the associated conditions of the SPMP Approval, including the criteria, standards, and conditions covered by the issues that the Planning Commission seeks to discuss at the August 10, 2016, hearing on the application.

---

<sup>1</sup> Staff and MPE agree that the Fiftieth Edition of the LMC revised on July 10, 2003 (“2003 LMC”) applies to the CUP Application.

Because “[a] conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use,” and because the CUP Application conforms to the conditions of the SPMP Approval and proposes additional mitigating factors to address the impacts of square footage and volume, the Planning Commission should conclude that the CUP Application meets the criteria, standards, and conditions relating to these issues. Utah Code § 10-9a-507(2)(a).

## **2. The Planning Commission and City Council Contemplated a Development of the Size Proposed in the CUP Application When They Approved the SPMP.**

Planning Commission members and members of the public have asked what the Planning Commission and the City Council understood about the size of the proposed development when they approved the SPMP in 1985 and 1986. The answer is found in the records and approvals from that time period.

### **2.1 The SPMP Approval Shows that the Planning Commission and the City Council Understood that the Size of the Development Would Be Similar to that Proposed.**

First, the SPMP Approval itself establishes what the parties contemplated in terms of the square footage and volume of the eventual development. The SPMP Approval includes the Woodruff Drawings as an appendix, which are conceptual renderings used for the purpose of arriving at development parameters for the SPMP. Because the parties relied on these drawings as part of the SPMP process, the parties understood the scope of development contemplated in 1985 and 1986. Although conceptual in nature, the Woodruff Drawings show specific building footprints, floor elevations, and other details that reveal the general size of the development contemplated by the parties. At the July 13, 2016, hearing, MPE demonstrated that the Woodruff Drawings contemplate a development of about 875,000 square feet. As MPE further explained at the hearing, had the Woodruff Drawings actually been developed under the 2003 LMC, the eventual floor area would have been closer to 1,000,000 square feet once additional accessory uses were added to the base design.

The City Attorney has previously explained that the SPMP Approval is a “contractual arrangement between the City and the applicant.” (Jim Carter Memorandum, November 12, 1992.) The Woodruff Drawings are part of the express terms of that contractual arrangement—the Planning Commission’s Revised Staff Report for the SPMP specifically refers to the Woodruff Drawings as part of the “complete development permit.” (SPMP Revised Staff Report, December 18, 1985.) Thus, the Woodruff Drawings define, in part, the contractual rights of MPE and the contractual obligations of the City, and the Woodruff Drawings set forth the parties’ mutual understanding about the size, scale, and volume of the approved development.

MPE provided the Planning Commission Staff with its complete analyses of the Woodruff Drawings and has answered Staff’s related questions. As far as MPE is aware, Staff does not dispute MPE’s conclusions about the square footage of the Woodruff Drawings.

## 2.2 Apart from the Woodruff Drawings, the Revised Staff Report for the SPMP Demonstrates that the Planning Commission and City Council Understood the Development Would Be Similar in Size to that Proposed in the CUP Application.

The Planning Commission Staff explained in its Revised Staff Report that:

- “Scale - The overall scale and massiveness of the project has been of primary concern. Located within the Historic District, it is important for project designed to be compatible with the scale already established. **The cluster concept for development of the hillside area, while minimizing the impacts in other areas, does result in additional scale considerations.** The focus or thrust of the review process has been to examine different ways of accommodating the development of the property while being mindful of and sensitive to the surrounding neighborhood. The relocation of density from the Town Lift site was partly in response to this issue. **The concentration of density into the Creole Gulch area, which because of its topography and the substantial mountain backdrop which helps alleviate some of the concern, and the requested height variation necessary in order to reduce the mass perceived (higher versus lower and wider), have greatly improved the overall scale of the cluster approach.**” (p. 10 (emphasis added).)
- “Visibility - . . . The cluster approach, **although highly visible from certain areas, does not impose massive structures in the most prominent areas.** Instead, the tallest buildings have been tucked into Creole Gulch where topography combines with the densely vegetated mountainside to effectively reduce the buildings’ visibility.” (p. 11 (emphasis added).)
- “Building Height - In order to minimize site disturbance and coverage, the clustering of density necessitated consideration of building heights in excess of that which is permitted in the underlying zoning (28’ to the mid-point of a pitched roof with a maximum ridge height of 33’). **The various iterations submitted for review demonstrated the trade-offs between height and site coverage.**” (p. 11 (emphasis added).)
- “Land Uses - The predominant land uses envisioned at this time are transient-oriented residential development(s) with some limited support commercial. **The building forms and**

**massing as well as location lend themselves to hotel-type development.** . . . Although certainly a different kind of residential use than that which historically has developed in the old town area, it is still primarily residential in nature. **The inclusion of attached townhomes serving to buffer between the existing residences and the denser areas of development will also help provide a transition of sorts.**” (p. 12 (emphasis added).)

- “A variety of development concepts were submitted during the course of reviewing the proposed Master Plan. A total of eight distinct approaches to the development of the Hillside Properties were evaluated. . . . The staff, Planning Commission and general public have all favored the clustering of development as opposed to spreading it out. **Several of the alternatives prepared were in response to specific concerns expressed relative to the scale and mass of buildings necessary to accommodate the density proposed. The latest concept developed represents a refined version of the cluster approach originally submitted.**” (p. 7 (emphasis added).)

These passages demonstrate that the City well understood that the scale, mass, and size of the proposed development was a concern and that the issue was carefully and thoughtfully addressed during the master planned development process. Specifically, the City and applicant agreed to mitigate that impact, in part, by transferring density from other sites to the Creole Gulch site, which could better accommodate more density in the form of taller buildings, and approving a taller, higher development for the Creole Gulch site rather than one that was shorter but more spread out. This solution called for the stacking of the allowed density and square footage in tall buildings but on smaller building footprints. This, of course, also contributed to the City’s goal of maximizing open space on the Hillside Properties. The current CUP Application proposes exactly this configuration of the density and square footage and is therefore consistent with contracting parties’ agreement and expectations.

### **2.3 Similarly, the Minutes of City Council’s Discussion of the SPMP Demonstrate That the Council Was Well Aware of the Size, Scale, and Volume Contemplated by the Proposed Development.**

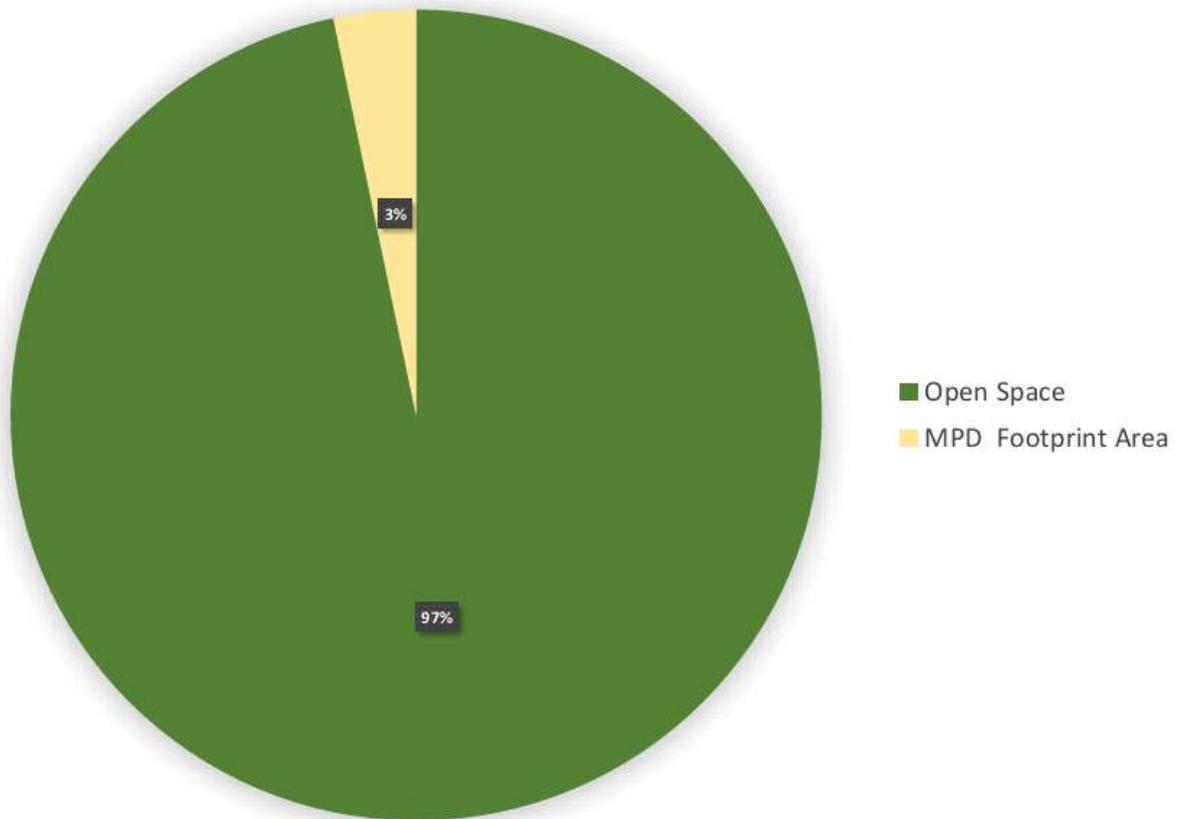
The discussion between the members of the City Council when the SPMP was approved further demonstrates that the City Council was fully apprised of the contemplated size and scope of the proposed development. In fact, the City Council members who eventually voted against the SPMP made those facts abundantly clear to the majority of members who voted for the SPMP. Councilmember Kristen Rogers, who voted against the SPMP, told the Council that “[t]he **project will have the most dramatic effect on the character of Park City in consideration of any project built or approved.** It will set a tone for the development of the community that can’t be reversed and if the rationale behind its approval is to acquire open space, **she emphasized that it may be more costly to acquire open space by allowing these large sky scraper type buildings**

**to be built, than if the City actually bought the land outright.** There are other ways to acquire open space that can have less of an affect [sic] on the long term of Park City.” (October 16, 1986 City Council Minutes, p. 4 (emphasis added).) The City Council nevertheless voted to approve the SPMP during that meeting—Ms. Rogers’ comments were considered by the Council and they approved the SPMP with that understanding.

Again, this passage demonstrates that when the City Council approved the SPMP and entered into the contract with the applicant, the City Council was fully advised of the size, scale, and volume of the proposed development adjacent to Old Town. Although MPE disagrees with the Ms. Rogers’ characterization of the proposed development as “large sky scraper type buildings,” her comments demonstrate that there was no misapprehension on the part of the City Council about the size, scale, and volume of the development contemplated on the Hillside Properties by the SPMP—the City Council understood the impact of development would have a “dramatic effect” on the City and that the development would be located just outside of the historic Park City Old Town.

But the City Council approved the SPMP upon the recommendation of the Planning Commission with full knowledge that the Hillside Properties development would be relatively large because it determined that the benefits of the SPMP outweighed the costs. As Councilmember Ann MacQuoid explained, “the hillside could have been stripped with roadways going up and across the hill” and “the reason for approving this master plan development” is the “trade-out for 110 acres . . . of recreational open space zoning.” (*Id.*) The City made that trade—a lot of open space for a clustered development of appreciable size, scale, and volume.

Treasure Open Space vs. Footprint Area



**3. The 2003 LMC Allows the Square Footage Requested in the CUP Application.**

**3.1 The CUP Application under the 2003 LMC.**

As discussed in numerous prior reports from Staff, the SPMP vests the project with 197 residential UEs and 19 commercial UEs between the two development areas. The 2003 LMC provides the square footage permitted for each UE: each residential UE equates to 2,000 net square feet, and each commercial UE equates to 1,000 square feet. 2003 LMC § 15-6-8(A), (E). As the Planning Commission Staff set forth on Exhibit W, the Project is therefore entitled to a total of 413,000 base square feet—394,000 net square feet in residential space and 19,000 gross square feet in allotted commercial space.

As set forth on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) of MPE’s submittals, MPE’s CUP Application requests less than the allowed amount of base square feet, both for residential and commercial uses, and therefore complies with SPMP Approval. The proposed net residential square footage is 393,911, and divided by 2,000 (the UE residential factor), this equates to 196.96 UEs—less than the 197 allowed under the SPMP. The proposed gross allotted commercial square footage is 18,863, and divided by 1,000 (the UE commercial factor), this equates to 18.86 UEs—again less than the 19 UEs allowed.

Planning Commission Staff and the applicant previously agreed that square footage for the residential and commercial UEs would be computed in this manner.<sup>2</sup> Indeed, this is how Staff has historically computed the square footage for UEs under this very CUP Application. Additionally, it appears this is how the Planning Commission and Staff determined the square footage for UEs for other similar projects, including the Montage.<sup>3</sup>

### **3.2 The Woodruff Drawings Reflect a Development of More than 875,000 Gross Square Feet.**

As set forth above and explained during the July 13, 2016, hearing, the SPMP included a set of conceptual drawings (“the Woodruff Drawings”)<sup>4</sup> that reflected the size, scale, and volume of the development that the parties anticipated on the Hillside Properties. MPE has carefully and thoroughly analyzed the Woodruff Drawings to determine the square footage of the development depicted on those drawings, which MPE has shared with the Planning Commission Staff.

That analysis shows that the development depicted on the Woodruff Drawings was approximately 875,000 total square feet (including below-grade space).

### **3.3 The Submissions with the CUP Application in 2004 Requested Approval for a Development of 849,007 Gross Square Feet.**

As the Planning Commission Staff report dated July 13, 2016, explains:

The original CUP application in 2004 for Planning Commission review indicated a total of 849,007 square feet [(including below-grade space)]. The following is a breakdown of the project from the 2004 submittal:

---

<sup>2</sup> In an email dated December 18, 2006, then Planning Director Patrick Putt confirmed to MPE that residential UEs are “calculated as follows--2000 square feet equals one (1) U.E.”

<sup>3</sup> Recently, Planning Commission Staff informed the applicant that Staff was considering changing how it computes square footage for vested UEs, which would reduce the total number of units allowed, although the residential square footage would remain the same or even increase. For the Staff and the Planning Commission to suddenly change their approach to this issue—and to depart from how they have treated similarly situated projects—raises serious due process and fairness concerns, particularly since Staff had previously told MPE that it would calculate the square footage for UEs in the way that MPE has in its submissions.

<sup>4</sup> Although the Woodruff Drawings were clear about the overall size, scale, and volume of the development that the parties to SPMP contract anticipated, those drawings did not attempt to assign specific uses to the spaces or floor areas—a task that was left to the CUP process to flesh out. As the applicant has explained, the modest amount of additional square footage requested in the CUP Application reflects the process of turning the Woodruff Drawings into a set of specific plans and designs for the project.

Use	Square Footage
Residential	483,359
Ancillary	86,037
Support Commercial	22,653
Parking	256,958
<b>Total</b>	<b>849,007</b>

In 2006, the Planning Commission asked the applicant to provide more details on the current plan. (p. 10.)

**3.4 Based upon the Evolution of Treasure Hill through the CUP Process, the 2009 Refined CUP Submittal Contemplates 1,008,808 Gross Square Feet.**

As set forth on [Sheet P.16 – Area, Unit Equivalent & Parking Calculations](#) of MPE’s submittals, the CUP Application seeks approval for a development of 1,008,808 square feet (including below-grade space). Although Sheet P.16 shows a total of 1,016,887 square feet for the project, MPE has already committed to eliminating the mine exhibit from the project, which reduces the overall square footage of the project by 8,079 square feet and specifically reduces the amount of commercial space sought by that amount.

Although the Staff’s July 13, 2016, report to the Planning Commission (and certain public comments) have made much of the increase in square footage from the preliminary submissions in 2004 to the more detailed and refined submissions currently under review, the modest increase in square footage is a function of the applicant responding to the Planning Commission’s and Staff’s request for more detail.

For example, in the 2004 submissions, MPE estimated the square footage for residential units, circulation, accessory spaces such as lobbies, and other common spaces. In the course of providing more detailed submissions at the City’s request, these preliminary estimates were replaced with more specific calculations for the total floor areas needed for these spaces, which included specific residential unit configurations and associated circulation spaces. These refinements added about 56,000 square feet to the original 2004 estimates for these spaces.

Likewise, the City’s request for more detailed submissions resulted in MPE determining the floor area needed for things like central mechanical rooms, on-site laundry facilities, banquet preparation spaces, storage for all of the buildings, and underground tunnels for service and pedestrian uses between buildings that were not included in the original estimates. These spaces, many of them below grade and therefore excluded from the calculation of Gross Floor Area anyway,<sup>5</sup> are specifically identified as allowable uses under the 2003 LMC that do not require UEs.<sup>6</sup> Additionally, the current submissions provide for on-site employee housing, as the City has

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<sup>5</sup> Under Section 15-15-1.91 of the 2003 LMC, which defines “Gross Floor Area,” “Basement Areas below Final Grade are not considered Floor Area.”

<sup>6</sup> See Exhibit X, MPE Memorandum on Treasure Hill Properties’ Compliance with Square Footage Limitations and Requirements, July 6, 2016; Presentation for July 13, 2016, Hearing.

repeatedly requested and required. These additional spaces account for about 50,000 square feet of space that was not part of the original preliminary estimates in the 2004 submissions.

The 2004 submissions included no square footage for support commercial or meeting space uses, which, as discussed previously,<sup>7</sup> are uses that are allowed as of right under the 2003 LMC. Those spaces account for 26,729 square feet and 17,470 square feet, respectively.

It should also be noted that, where possible, the applicant reduced square footage from the 2004 estimates during the refinements that resulted in the current submissions. For example, the applicant eliminated about 25% of the parking for the Creole Site from the 2004 submissions and used some of that space for the meeting space and other uses necessitated by the refinements.

To reiterate, the current submissions were not the result of the applicant's desire to achieve a certain size of development but were instead driven by the practical needs of a project with a relatively large number of vested residential and commercial UEs and the necessary spaces and uses associated with those vested UEs. The modest increase in the square footage of the project from the preliminary 2004 estimates to the current, more detailed refinements was the result of understanding the practical and logistical needs of the project and the inclusion of additional uses that are vested under the 2003 LMC.

### **3.4.1 The Changes to the Proposed Development since the Original 2004 Proposal Were in Response to Specific Directives from the Planning Commission and Staff.**

From the very beginning of the Planning Commission's review of the project, the Commission and Staff directed the applicant to move density and volume away from the front edge of the project and deeper into the hillside. As early as mid-2004, the applicant revised the proposal to accommodate these directives.

During a work session in September 2004, the applicant "presented proposed revisions to address the concerns expressed by the [commissioners] and explained how they will open up the view corridors" and "will lower the height on the buildings which the Staff believed were too tall." (Work Session Minutes, Sept. 22, 2004.) During a subsequent work session, the applicant presented further modifications to the project, as requested by the Planning Commission, that "included a shift in massing." (Work Session Minutes, Oct. 13, 2004.)

As the subsequent Staff report explained, the proposed revisions included "[l]ower[ing] the entire project into the ground," and "[s]hift[ing] building volumetrics from the northern edge to the center and back of the project." (Staff Report, Oct. 13, 2004, p. 3.)

After presenting the revisions, the applicant "requested input from the Planning Commission on the massing revisions and whether [it was] moving in the right direction." (Work Session Minutes, Sept. 22, 2004.) In response, the Commission told the applicant that the revisions "were going in the right direction and [that it] appreciated the reduction in height of the buildings

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<sup>7</sup> See Exhibit X, MPE Memorandum on Treasure Hill Properties' Compliance with Square Footage Limitations and Requirements, July 6, 2016; Presentation for July 13, 2016, Hearing.

closest to the residential neighborhoods,” which was accomplished, in part, by pushing the buildings deeper into the hillside. (*Id.*)

The Commission encouraged the shift in volume and massing into the hillside, as proposed by the applicant in response to the Commission’s directions, noting that “a great deal of progress had been made in the massing” through the proposed revisions and that “the modification of the massing seems to work better than the previous plan.” (Work Session Minutes, Oct. 13, 2004.)

Indeed, the Commission asked the applicant to do more to push the density into the hillside, with then-Commissioner Bruce Erickson questioning why the “highest, tallest building is away from the mountain and more visible than it should be” and proposing that the “tallest buildings [be pushed] against the hillside,” just as the applicant has done with the current submissions. (*Id.*)

### **3.5 The 2003 LMC Allows for Additional Square Footage, and the Amount Requested in the CUP Application Is Reasonable.**

As previously explained by MPE,<sup>8</sup> the 2003 LMC allows for a reasonable amount of additional square footage for hotels, resorts, and residential developments over and above the square footage associated with the UEs vested in the development. The development proposed in the CUP Application includes additional square footage for uses that are expressly allowed under the 2003 LMC.

Additionally, as set forth in the application materials, the uses associated with this additional square footage are reasonable under the circumstances. *See* [P.1-P.5 – Level Use Plans](#). The additional square footage is for things like lobbies, hallways, administrative offices, equipment rental and storage, lift ticket sales, restaurants and shops for guests of the resort, meeting space, storage, and other mechanical and accessory uses that every hotel and resort needs to operate.

The additional square footage of the proposed development is entirely a function of the circulation, accessory, meeting, and commercial spaces and uses that are necessary to support a development of this size and scope. Under the 2003 LMC, the vested UEs equate to a certain amount of base square footage—2000 square feet for residential UEs and 1000 square feet for commercial. That square footage, however, is only for the particular residential and commercial units—it does not include space for hallways leading to the rooms, for elevator shafts and stairways to access those hallways, for lobby space to check in, meeting rooms, or any other areas commonly associated with hotels and resorts. The 2003 LMC contemplates that residential and resort developments will need this additional square footage in order to successfully function, and the 2003 LMC specifically and expressly allows residential and resort developments to use additional square footage for these purposes.

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<sup>8</sup> *See* Exhibit X, MPE Memorandum on Treasure Hill Properties’ Compliance with Square Footage Limitations and Requirements, July 6, 2016; Presentation for July 13, 2016, Hearing.

**3.5.1 The Additional Square Footage Sought in the Application Is Reasonable Because It Is Necessary for the Hotel and Resort to Function.**

In order to determine the additional circulation, accessory, meeting, and commercial space for the development, MPE consulted with a variety of experts in hotel and resort development and operation. MPE carefully planned and designed the proposed development so that the hotel and resort can be successfully built and operated for the long-term benefit of the community.

The square footage and volume of the proposed development are a result of the needs and requirements of successful hotels and resorts in similar locales, not a desire of the applicant to achieve a certain size of development. Each space has been carefully considered and planned so that only the necessary square footage and volume is allotted for the particular use. MPE's design is as efficient as possible given the basic needs of a hotel and resort with the number of residential units allowed under the SPMP. The size, scale, and volume of the proposed development are in line with other similar modern developments.

**3.5.2 A Comparison with Other Hotels and Resorts that Park City Has Approved Demonstrates that the Additional Requested Square Footage Is Reasonable.**

The Planning Commission Staff's analysis in Exhibit W demonstrates that the square footage of the proposed development aligns with the square footage of other similar developments approved by the City, including the Montage and St. Regis. In fact, because Exhibit W contained a number of apparent errors, it made the proposed development of the Hillside Properties appear virtually the same as the Montage and St. Regis from an efficiency standpoint, when, in fact, the proposed development is significantly more efficient than the St. Regis and better than the Montage as well.

The Montage

The latest Record of Survey for the Montage appears<sup>9</sup> to be the Staff Report to City Council dated June 18, 2009, titled "The Hotel and Residences at Empire Canyon Resort Record of Survey." In addition, two Amendments to the Record of Survey have been made since the City

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<sup>9</sup> The applicant requested information from the City about its analysis in Exhibit W, as well as confirmation from the City that the information it had gathered about the Montage and St. Regis was the most accurate, up-to-date information available. Specifically, the applicant left a voicemail for and sent an email to Francisco Astorga on July 27 and 29, 2016, respectively. The City has not responded to the applicant's request for information reflected on Exhibit W. As a result, the applicant has not had the opportunity to review the information underlying Exhibit W or to clarify the apparent discrepancies between the information reflected on Exhibit W and other information in the City's records.

Note that the Record of Survey information does not contain a detailed breakdown of circulation space as opposed to other accessory uses, as apparently reflected in Exhibit W. However, since these categories are combined in Exhibit W when determining their overall percentage relative to total gross building area, the lack of detail does not affect the conclusions reached.

Council approval on June 18, 2009. The first is Ordinance No. 11-01, dated January 6, 2011, and the second is Ordinance No. 15-04, dated February 12, 2015.

<b>Montage</b>		
	Square Feet	% of total
Gross Floor Area (w/o parking garage)	780,173	100%
Residential (182 UEs)	364,000	46.6
Allotted Commercial (63 UEs)	58,356	7.5
Meeting Space	16,409	2.1
Accessory, Circulation, and Back of House*	341,948	<b>43.8</b>

\* This is derived by subtracting the other floor areas from the total, with the remainder assumed to be dedicated to accessory, circulation, back-of-house, and similar uses.

### St. Regis

The most current St. Regis information appears to be the Staff Report dated September 17, 2009, to the City Council titled “Deer Crest Hotel amended and restated condominium record of survey plat.”

<b>St. Regis</b>		
	Square Feet	% of total
Gross Floor Area (w/o parking)	416,582	100%
Residential (98 UEs)	194,750	46.7
Support Commercial**	19,481	4.7
Meeting Space	6,062	1.5
Accessory, Circulation, and Back of House*	196,227	<b>47.1</b>

\*\* The St. Regis was allotted no Commercial UEs—all of the commercial space in the development is Support Commercial allowed under the LMC.

### 2008–09 Submissions for the Treasure project

<b>Treasure</b>		
	Square Feet	% of total
Gross Floor Area (w/o parking)	775,485	100%
Residential (197 UEs)	393,911	50.8
Allotted Commercial (19 UEs)	18,863	2.4
Support Commercial	33,412	4.3
Meeting Space	16,127	2.1
Accessory, Circulation, and Back of House*	313,172	<b>40.4</b>

Although Exhibit W includes several other developments, including Marriott Mountainside and the Yarrow, those developments are not fair comparisons to the proposed project. Those projects were developed under different development parameters and during a different era in the City's history.

The Montage and St. Regis should be used for comparison purposes for numerous reasons:

1) The Montage and St. Regis are contemporary projects: since they were recently approved and constructed, they reflect the type of hotel and resort development the City has allowed in recent years. The other projects listed on Exhibit W were approved and developed under now-outdated development codes. Moreover, industry requirements and consumer expectations have changed significantly since the other projects listed on Exhibit W were developed. It is fundamentally unfair to compare the proposed development to projects developed decades ago.

2) The Montage and St. Regis were approved under versions of the LMC that are similar to the 2003 LMC that applies to the CUP Application under submission. The applicant has requested confirmation from the City about the exact versions of the LMC that applied to the Montage and St. Regis but has yet to receive the information. However, from available information, it is evident that these two developments were subject to LMC versions similar, if not identical, to the version that applies to the CUP Application. In particular, the versions of the LMC that applied to the Montage and St. Regis apparently allowed those projects the same approximate level of square footage for commercial, meeting, and accessory and circulation spaces.

3) The Montage and St. Regis are much more similar to the proposed development in terms of overall size and scale than the other projects on Exhibit W, which are significantly smaller than the proposed development. Since relatively larger projects have unique demands and needs that relatively smaller projects do not, any comparison must take these differences into account.

4) The Montage and St. Regis both have comparable total UEs as the proposed development and it is believed that those UEs were allowed the same square footage conversion as the proposed development (2000 s.f. net residential and 1000 s.f. commercial). The other projects listed on Exhibit W have significantly fewer UEs, and it is believed that the square-footage conversion factor for those developments was different.

5) The Montage and St. Regis both have hotel and condominium unit types, like the proposed development. The accessory and back-of-house needs of residential condominium units are different from the requirements for hotel units only, and the 2003 LMC recognizes as much. Like the proposed development, the Montage and St. Regis have both types of residential units, whereas the other developments on Exhibit W do not.

#### **4. The Volume of the Proposed Development Is Reasonable and Appropriate.**

Volume is a function of square footage, a building's horizontal and vertical limits, and height. An increase in volume means an increase in construction costs, so developers have no incentive to maximize volume. Site topography and architectural design determine the location of the volume.

#### 4.1 The Planning Commission's Review of the Requested Volume Must Be in the Context of the Conclusions of the SPMP Approval.

In considering the proposed development's volume and size, the Planning Commission is reminded of the conclusions of Park City's special counsel, Jody Burnett, who noted that the City's records for the CUP Application revealed a "common misunderstanding about the nature and degree of discretion afforded to the City under the conditional use process." (Jody Burnett Memorandum, April 22, 2009, p. 3.) As Mr. Burnett explained, although

the Planning Commission must make a finding that the pending application will be compatible with surrounding structures in use, **scale, mass and circulation, that determination must be understood and approached in the context of the findings adopted as part of the original approval of the Sweeney MPD, with particular emphasis on items 1, 2 and 3, which specifically determined that the proposed cluster development concept and associated projects are consistent with the Park City Master Plan, the underlying zoning, is or will be compatible with the character development in the surrounding area, and that the preservation of open space and other site planning attributes resulting from the cluster approach to the development of this hillside area is sufficient justification for the height and other review criteria approved at that time.**

*(Id. (emphasis added).)*

The City Attorney, Mark Harrington, provided the same guidance to the Planning Commission in a memorandum on April 9, 2004, explaining that

[w]hile the Planning Commission must find that any current application "will be Compatible with surrounding Structures in use, scale, mass and circulation," [LMC § 15-1-10(D)(2) and see LMC § 15-15-1.51 (defining Compatible)] **that finding must be in the context of the density that is already approved as specified in the MPD versus particular CUP criteria.**

*(p. 2 (emphasis added).)*

In other words, the Planning Commission is not writing on a blank slate when it comes to issues of size, scale, and volume and must evaluate the CUP Application in light of the findings and conclusions of the SPMP Approval. As explained above, the Planning Commission made those findings and conclusions in 1985 after reviewing and considering the Woodruff Drawings, which show a development of about the same square footage and volume as the proposed project.

The Planning Commission Staff addressed the volume of the proposed development in the SPMP Approval by, among other things, establishing building envelopes. Those envelopes included limiting the footprints of buildings by requiring 70% open space within each building site and placing height restrictions on the buildings. As result, all square footage must fit within the boundaries established in the SPMP Approval. As the SPMP Approval explains,

[t]hroughout the review, considerable effort has been directed at minimizing overall building height and related impacts while still accommodating the proposed density in a cluster type of development.

The staff has developed a number of recommended conditions in response to the concerns expressed over building heights. An exhibit defining building “envelopes” has been developed to define areas where increased building heights can be accommodated with the least amount of impact. (p. 11.)

Notably, the Park City Council reduced the building heights for the Hillside Properties, from those originally recommended, when the Council approved the SPMP on October 16, 1986. The fact that the City Council specifically revised those heights demonstrates that the approved building envelopes—which, in turn, establish the allowed volume of the project—were carefully and thoughtfully considered at the time of SPMP Approval.

The proposed development complies with all of the building height restrictions and open-space requirements of the SPMP Approval. In fact, the proposed development is well below the height thresholds approved by the City Council in the SPMP Approval. For instance, the average height above the existing grade at the Mid-Station site is 12 feet as compared to the 25 feet allowed under the MPD. This represents a reduction of 52%. Similar reductions were made at the Creole Site. The average height above natural grade at the Creole Site is 29 feet, compared to the allowable 45 feet, representing a 36% percent reduction. *See* [HL.2, S.1-S.8](#); Planning Commission Staff Report, September 23, 2009, p. 25 (finding heights comply); Planning Commission Staff Report, July 13, 2016, p.14 (finding open space compliance).

#### **4.2 The Volume Sought in the CUP Applications Is Reasonable.**

About half (49%) of the total square footage of the project has floor-to-floor heights of 10.5 feet or less.<sup>10</sup> Floor-to-floor measurements count the space between one floor and next floor, *not from the floor to the ceiling*. Because the space between the ceiling and the next floor can vary from 1 foot to 2.5 feet, the corresponding floor-to-ceiling measurements are between 8 and 9.5 feet, which are customary and typical.

Another 6% of the square footage includes floor-to-floor heights of less than 12 feet, which translate into reasonable floor-to-ceiling heights of just 9.5 to 11 feet. Thus, 55% of the development includes floor-to-floor heights of less than 12 feet.

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<sup>10</sup> For floor areas that are at the top of a building, the heights are measured floor-to-roof, unless the building has a pitched roof, in which case the volumes are measured floor-to-ceiling. It should be noted that although the submissions are substantially developed, the plans are not final and will undergo further refinements. Although some floor heights will likely change with these additional refinements, the project will remain in compliance with building height, open space, and other required limits.

To better understand the floor heights of the rest of the proposed development, it is useful to divide the spaces between areas below final grade and areas above grade.

**4.2.1 The Few Areas Above Grade That Are Greater Than Standard Floor Height Are Reasonable.**

As explained above, the majority of the floor area of the proposed development includes floor-to-floor heights of less than 12 feet.

**ABOVE GRADE VOLUME HEIGHTS BY PERCENTAGE**

**% GROSS SF ABOVE GRADE**

<b>SLAB TO SLAB</b>	<b>GROSS SF</b>	<b>%</b>
≤ 10.5'	406,455	60.3%
10.5'+ TO < 12'	61,024	9.1%
12' TO < 14'	99,603	14.8%
14' TO < 16'	83,178	12.3%
16' TO < 18'	9,692	1.4%
18' TO < 21'	0	0.0%
21' TO < 24'	0	0.0%
24+'	13,970	2.1%
<b>TOTAL GROSS SF ABOVE GRADE</b>	<b>673,922</b>	

About 15% of the floor areas above grade have floor-to-floor heights between 12 and 14 feet. Of this area, nearly 70% of that space is at roof levels that require additional thickness for structural, insulation, and drainage requirements for the project. In other words, the additional height in these areas is necessary for the development to function.

Of the floor areas that have floor-to-floor heights greater than 14 feet, 76% are below grade, which are addressed below. The remaining 24% of floor areas with floor-to-floor heights in excess of 14 feet that are above grade are for uses that typically require greater floor heights, including things like public lobbies, ballrooms, meeting spaces, stairs and elevators, and certain commercial uses. Because these are larger open areas, they require higher ceilings, deeper structure, and greater space between the ceiling and next floor for HVAC systems.

Because the majority of the proposed development has modest floor-to-floor heights of less than 12 feet and because the floor heights greater than 12 feet are limited to those areas where they are necessary for the specific use, the floor heights and associated volume are reasonable.

#### **4.2.2 Areas Below Grade Require Certain Heights to Accommodate Emergency Vehicles.**

The vast majority of the floor areas with floor-to-floor heights greater than 12 feet are below ground in the parking areas of the development. These floor heights are necessary to accommodate service and emergency vehicle access and to comply with the fire protection requirements imposed on the project, which were requirements of the SPMP Approval. In addition, they must accommodate parking and driveway grade change, structure (including drop downs and transfer beams), lighting, fire sprinkling, ventilation, and other mechanical needs. Because these floor heights are effectively required by Park City, they are necessary and reasonable.

#### **4.3 The Floor Heights in the Proposed Development Are Similar to the Floor Heights that Park City Has Allowed in Similar Developments.**

The floor heights for the project are reasonable when compared to other contemporary developments of a similar nature, including the Montage and St. Regis. For example, from publicly available information, it appears the Montage is typically 11 feet floor-to-floor in the residential areas and 19 to 21 feet in the public spaces. The St. Regis is 10.5 to 11 feet floor-to-floor in the residential areas and 23 feet in the larger public spaces.

BJM:

## Treasure Hill

### Executive Summary of Position Statement and Presentation to the Park City Planning Commission

#### Square Footage Calculations and Volume of Treasure Hill (Addresses Standards for Review Nos. 3 & 4 and CUP Criteria Nos. 1, 4, 5, 7, 8, 11, & 15)

August 10, 2016

I. **Park City Knew It Was Approving a Large Scale Development.** In granting the 1986 MPD Approval, Park City knew Treasure Hill would involve buildings, some of significant scale, typical of a project of this nature. Since service and parking areas were required to be located under the buildings and ski runs, 1,000,000 gross (not net) square feet is not unexpected. (VISUAL: BP.01, VISUAL: V.01)

A. The Revised Staff Report, dated December 18, 1985 (revised to reflect the October 16, 1986 City Council Approval of the MPD), utilizes such terms as: “high-rise concept,” “cluster the bulk,” and “massiveness.” Kristen Rogers, a member of the City Council, in casting a dissenting vote, referred to the Project as: “large sky scraper type buildings.” The clustering concept was the City’s brainchild and the City approved it after considering all the ramifications and analyzing a total of eight mountainside alternatives. The City also knew the Project was next to Old Town.

II. **Progression of Treasure Hill.** The evolution of the Treasure Hill design from 1986 to 2004 and from 2004 to 2009 was driven by ordinance and by direction from Staff and the Planning Commission. These influences resulted in:

- Decreased floor-to-floor height of the residential component (largely due to the anticipated usage of post-tensioned slab construction, which minimizes the thickness of the floor structure);
- Increased meeting and support commercial space using percentages confirmed by Staff;
- The addition of employee housing; and
- Parking, service, and circulation revisions.

These revisions resulted in modest volume changes above ground and, more significantly, increased volume underground. The Project was also dropped a few feet further into the hillside in order to further reduce scale along the Lowell/Empire frontage.

### III. Square Footage Calculations and Exhibit W.

A. The 1986 MPD Approval granted approximately 413,000 “net” square feet depending on unit configuration. Keep in mind that a 15,000 square foot condominium in 1986 only counted as 1.5 UEs (2 UEs under the 2003 code), so volume was not fixed in 1986.

B. As shown in the last hearing, the Woodruff Drawings contemplated approximately 876,000 “gross” square feet and, had the Woodruff concept been further developed similar to the current CUP application, it would have increased in size, as estimated in our previous meeting, to approximately 997,804 square feet.

C. Based upon calculations permitted under the 2003 LMC, the 2004 CUP Submittal contemplated upwards of 849,007 “gross” square feet.

1. 2,000/1,000 square footage calculations were agreed upon by MPE Inc. and Staff. Otherwise square footage and volume would be even greater.
2. 2,000/1,000 square footage calculations were used for Montage and appear to have been used for St. Regis.

D. Based upon the progression of Treasure Hill through the CUP process, the 2009 refined CUP Submittal, including design of meeting space and support commercial, contemplated 1,016,877 gross square feet. This amount has been subsequently reduced to 1,008,808 by eliminating the mine exhibition from the Project.

E. The “Additional” square footage is permitted by the 2003 LMC and is “reasonable”.

1. Reasonable in the context of what is required to make Treasure Hill a functionally developed and profitable operating project.
2. Reasonable in the context of what Park City has permitted for other similar developments.
  - a) Exhibit W Analysis (**VISUAL**: Comparison of Treasure Hill and Montage, **VISUAL**: Exhibit W Information)
3. The 2003 LMC limits meeting space to 5% of the total floor area and support commercial to 5% of the gross floor area **without qualification**, and the 2009 CUP Application complies with the 5% requirement for both, even if **all floor area** related to vested commercial, meeting space, and support commercial is not included in making the calculation.

**IV. Volume.** Volume is a function of square footage (a building’s horizontal and vertical dimensions) and floor to floor heights. An increase in volume means an increase in construction costs, so developers are disincentivized to maximize volume. Notably, there is no

mention of volume restrictions with respect to the Estate (E) Zone in the 1985 Code, the 2003 Code, or the MPD Approval.

A. The volume of Treasure Hill is primarily a function of UEs, vehicular access, topography, and the different types of spatial usages reasonably required for the Project.

1. **Function Drives Height.** Floor to floor heights required for a functional development include:

- a) Parking clearances. 16' floor to floor for service and fire trucks and 14' floor to floor for ambulances and handicapped vans. These floor to floor dimensions allow for drop downs and transfer beams, sprinkling systems, lighting, and ventilation systems and are conservative at this level of design.
- b) Lobby heights.
- c) Commercial Space heights.
- d) Meeting Space heights.
- e) Residential Space floor height, minimum 10.5' floor to floor
- f) For Treasure Hill, all of the above are typical and reasonable, and logically, were inherent in the MPD approval, given the City's awareness of the size of the Project.
- g) David Eldredge, the Project architect, has performed an analysis of Treasure Hill's volume. (**VISUAL:** Volume Analysis)
- h) Based on the plats of record, the Montage has floor to floor heights of 11' for residential areas and 19-21' for public spaces and the St. Regis 10.6-11' for residential areas and 23' for public spaces.

2. **Bulk of Higher Areas Are Below Reestablished Grade.** Most of the higher spaces in Treasure Hill are located below re-established grade. (**VISUAL:** Summary of volume analysis)

V. **Volume Location.** The location of volume on the Treasure Hill site was driven by function and the desire to mitigate height, and was a key consideration early in the design and approval process. Its location, along with the location ski improvements and fire and safety elements, became the foundation of agreements with the City and Park City Resort, including the agreed upon Fire Protection Plan.

A. Placing the Project further “in a gulch,” a term coined by Tom Shellenberger, who cast an assenting Council member vote, on October 16, 1986, respects this key MPD mass and scale mitigator. A topnotch skiing experience into Old Town is very important. Fire and safety is critical. The excavation and the cliffscape concept necessary to accomplish the forgoing logically followed. All of these elements were in play when the Fire Protection Plan was agreed to early in 2004 with the City being represented by its Chief Building Official and Fire Marshall, Ron Ivie. This all occurred before the formal CUP application in 2004, which incorporated all the same elements. The 2004 CUP application, as refined with input from Staff, Planning Commission, and public, was then the basis for a 2006 agreement with Park City Resort regarding lift and run improvements and allocation of responsibilities over mountain usage between the owners of Treasure Hill and the operator of the resort. Excavation and cliffscape construction mitigates height. Contrary to that which was suggested by a member of the public at the last meeting, almost all of the cliffscape will be obscured from the Town’s view because the Project’s buildings will be in front of the cliffscape and because of anticipated landscaping.

B. The SketchUp demonstration shows the effect of the Project’s mass shift as compared with the original Woodruff concept. (**VISUAL:** SketchUp presentation by MPE - smaller scale buildings obscure cliffscapes from nearby residents and larger scale buildings from more distant residents, the 2009 CUP Application provides a topnotch skier experience).



# Treasure Hill Conditional Use Permit Application August 10, 2016

# **Square Footage Calculations and Volume of Treasure Hill**

**Standards for Review Nos. 2, 3, & 4**

**CUP Criteria Nos. 1, 4, 5, 7, 8, 11, & 15**

# Overview of Presentation:

- At the time of the 1986 MPD Approval, Park City knew it was approving a large scale development.
- The evolution of the design of Treasure Hill required by ordinance and with direction from Staff and the Planning Commission, and the resulting impact on the square footage and volume of Treasure Hill.
- How the square footage of Treasure Hill compares to other large scale developments approved by Park City, including the allocation of “back of house” square footage.





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12/9/2008

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PARK CITY, UTAH

SHEET NUMBER  
**V-1**  
6/12/2008



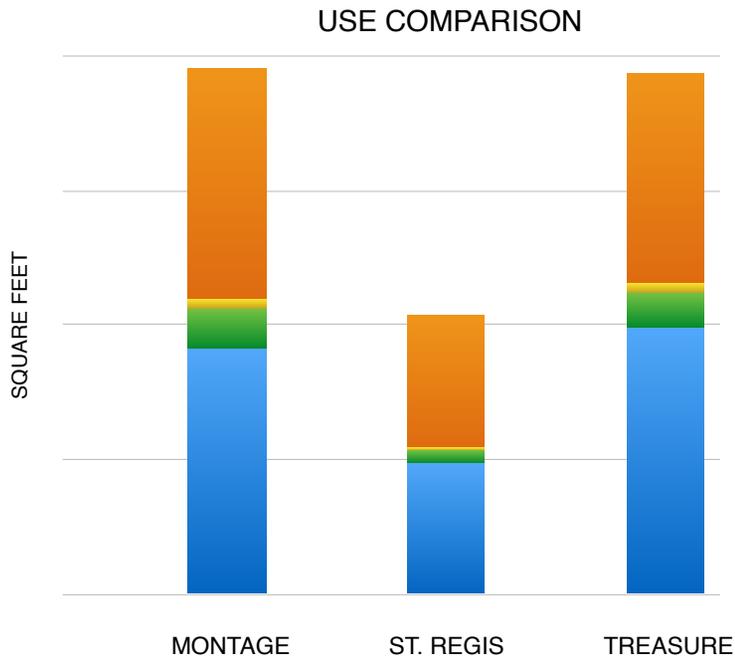
Park City Staff, Revised Staff Report, dated December 18, 1985 (revised to reflect the October 16, 1986 City Council Approval of the MPD):

- High-rise concept
- Cluster the bulk. The cluster approach, although highly visible from certain areas, does not impose massive structures in the most prominent areas. Instead, the tallest buildings have been tucked into Creole Gulch...
- Massiveness
- Large sky scraper type buildings

Park City Staff, Revised Staff Report, dated December 18, 1985 (revised to reflect the October 16, 1986 City Council Approval of the MPD):

- Several of the alternatives prepared were in response to specific concerns expressed relative to the scale and mass of buildings necessary to accommodate the density proposed. The latest concept developed represents a refined version of the cluster approach originally submitted.
- The various iterations submitted for review demonstrated the trade-offs between height and site coverage.

## MONTAGE and ST. REGIS SQUARE FOOTAGE COMPARISON\*\*



USE COMPARISON

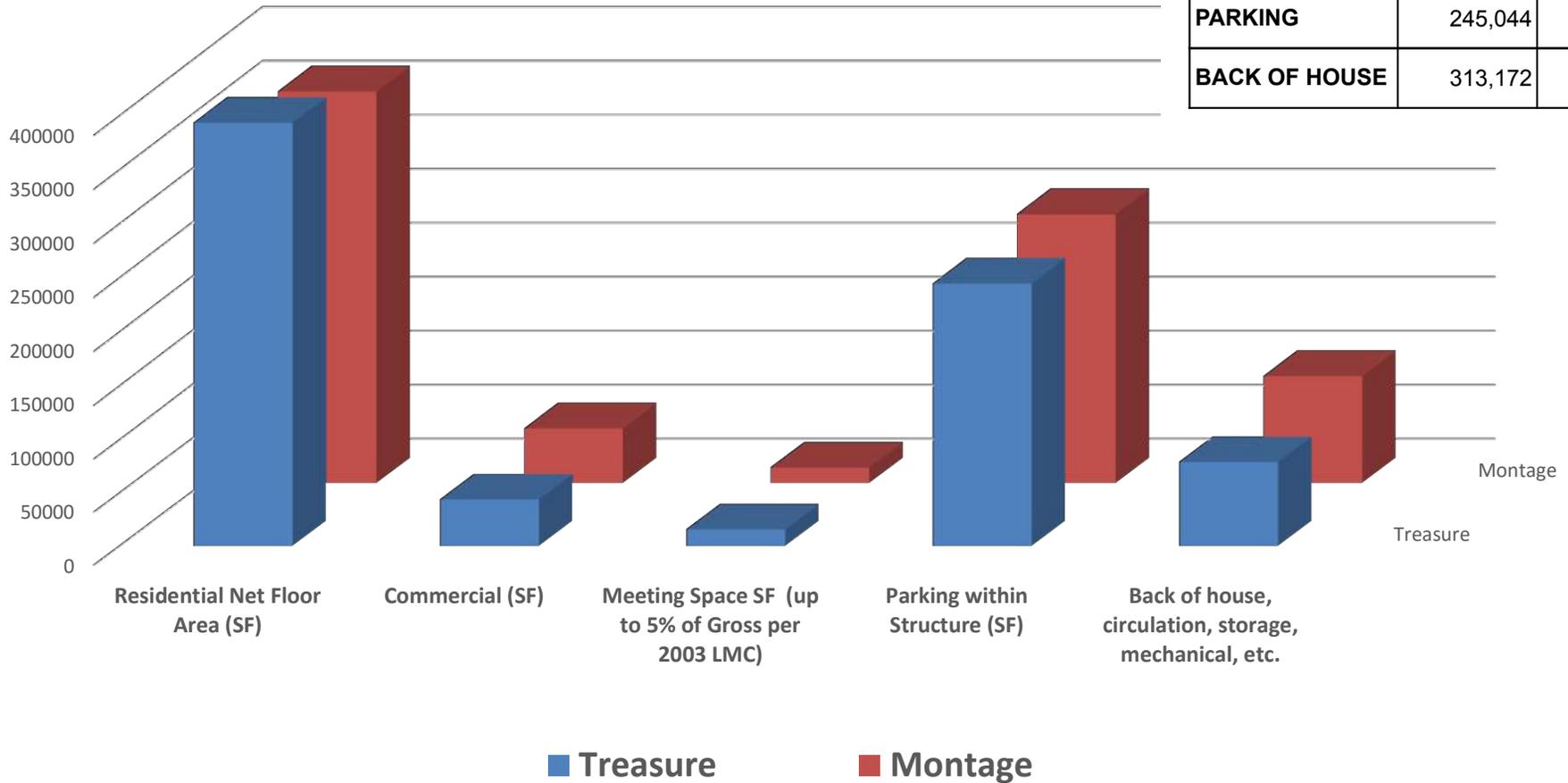
	MONTAGE		ST. REGIS		TREASURE	
GROSS FLOOR AREA*	780,173		416,582		775,485	
BACK OF HOUSE	341,948	<b>43.8%</b>	196,289	<b>47.1%</b>	313,172	<b>40.4%</b>
MEETING SPACE	16,409	2.0%	6,062	1.5%	16,127	2.1%
COMMERCIAL	58,356	7.5%	19,481	4.7%	52,275	6.7%
RESIDENTIAL	364,000	46.7%	194,750	46.7%	393,911	50.8%

\* EXCLUSIVE OF PARKING

\*\* BASED ON PLATS OF RECORD AND THE 2009 TREASURE CUP SUBMITTAL

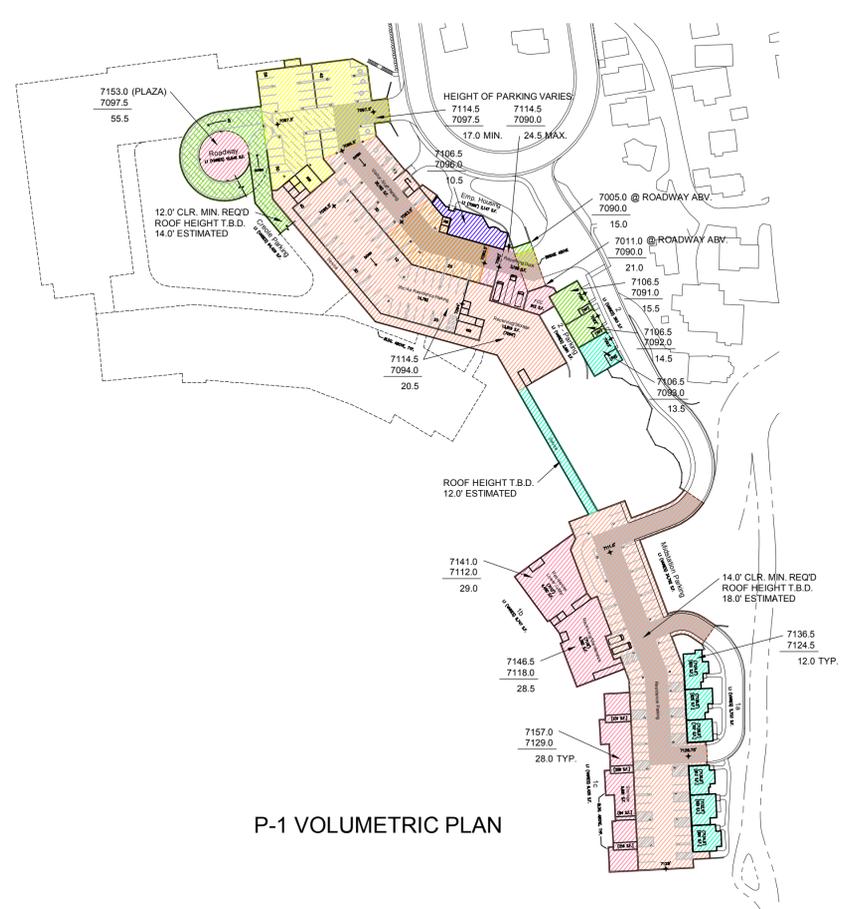
## Project Comparison: Treasure vs. Montage

	TREASURE	MONTAGE
RESIDENTIAL	393,911	364,000
COMMERCIAL	52,275	58,356
MEETING SPACE	16,127	16,409
PARKING	245,044	250,000
BACK OF HOUSE	313,172	341,948

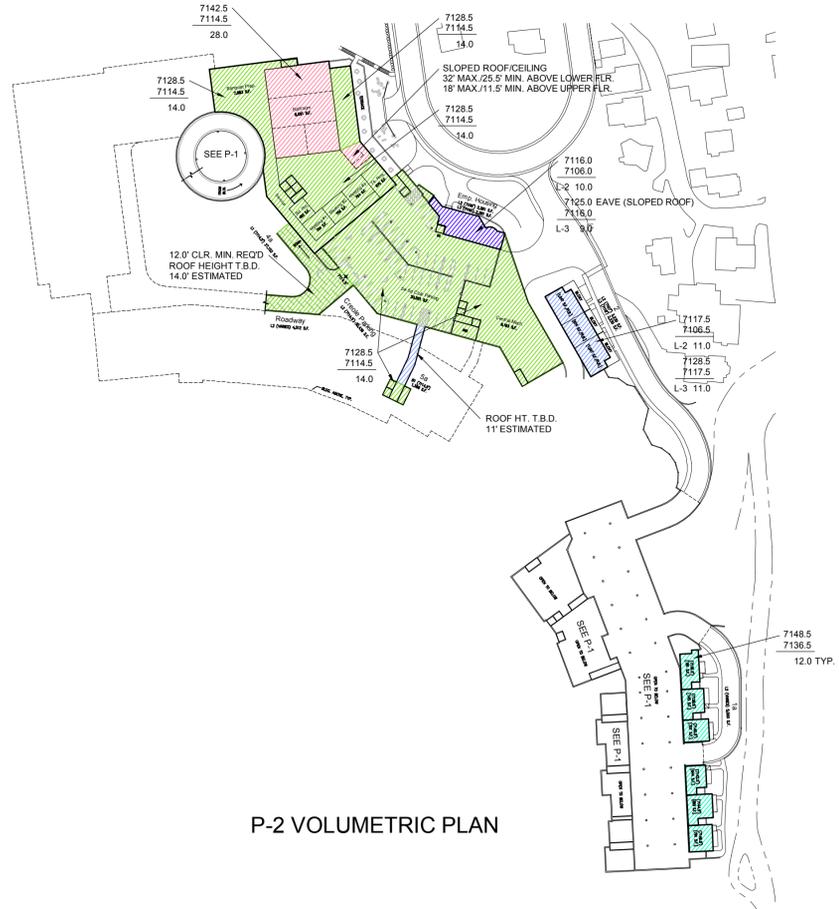


BUILDING			FLOOR TO FLOOR/ROOF HEIGHT																				AREA TOTAL		
BLDG. No.	LEVEL	DWG. No.	≤ 10.5'		10.5'+ to 12.0'		12.0' to 14.0'			14.0' to 16.0'			16.0' to 18.0'			18.0' to 21.0'			21.0' to 24.0'			≥ 24'			
			AREA	HT.	AREA	HT.	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA	HT.	DESCRIPTION	AREA		HT.	DESCRIPTION
PARKING	Creole - L1	P-1					2,008	12.00	tunnel	221	15.0-16.0	parking	17,208	16.0-18.0	parking	35,367	18.0-21.0	parking, receiving	5,930	21.0-24.0	parking	3,695	24.0-24.5	parking, truck dock	64,429
	Creole - L2	P-2								30,436	14.00	parking, mechanical												30,436	
	4B - L1	P-4	13,925							5,196	14.00	parking												20,691	
	4B - L2	P-5	26,228																					26,228	
	4B - L3	P-5	20,791																					20,791	
	4B - L4	P-6	607	10.0-10.5	2,415	10.5-12.0	3,125	12.0-14.0	parking	2,620	14.0-16.0	parking	2,306	16.0-18.0	parking	1,739	18.0-20.0	parking							26,228
	5AD - L1	P-3	450																					19,500	
	5AD - L2	P-4																							15,368
	Midstn - L1	P-1															34,792	18.00	parking						34,792
RAMP & ROADWAY	L1	P-1								7,727	14.00	vehicle ramp										2,818	55.50	light shaft for ramp	10,545
	L2	P-2								4,512	14.00	underground road												4,512	
	73	P-4								7,810	14.00	underground road												7,810	
1A	3-Story Townhouse	P-1					5,703	12.00																5,703	
		P-2					5,000	12.00																5,000	
		P-3	2,880	10.00																				2,880	
1B	L1	P-1																				4,770	28.50	receiving	9,747
																						4,977	29.00	lobby	
	L2	P-3	4,051	10.50								5,411	16.00	lobby										9,462	
	L3	P-4	9,055	10.50																				9,055	
	L4	P-5	9,055	10.50																				9,055	
	L5	P-6	9,055	10.50																				9,055	
1C	L6	P-7					7,424	13.50	roof level															7,424	
	L1	P-1																				6,420	28.00	storage	6,420
	3-Story Townhouse	P-3					8,960	11.00																	8,960
		P-4					8,960	11.00																	8,960
		P-5					7,560	12.50	roof level																7,560
2	L1	P-1					1,492	13.50	parking	1,200	14.50	parking												2,692	
										1,532	15.50	parking												1,532	
	2-Story Townhouse	P-2					3,230	11.00																3,230	
							3,230	11.00																	3,230
L4	P-3	2,147	10.50																				2,147		
EMPLOYEE HOUSING	L1	P-1	2,147	10.50																				2,147	
	L2	P-2	2,261	10.00																				2,261	
	L3	P-2	2,261	9.00																				2,261	
3A	L1	P-3								3,746	14.00	commercial												3,746	
3B	L1	P-3								12,422	14.00	commercial													12,422
	L2	P-4	4,806	10.25																				4,806	
	L3	P-5	4,806	10.25																				4,806	
	L4	P-6	4,806	10.25																				4,806	
	L5	P-7	4,702	10.25																				4,702	
	L6	P-8	4,702	10.25																				4,702	
	L7	P-9	4,702	10.25																				4,702	
	L8	P-10					4,137	12.50	roof level															4,137	
3C	L1	P-3								4,458	14.00	commercial												4,458	
	L2	P-4	4,575	10.25																				4,575	
	L3	P-5					4,388	13.00	roof level															4,388	
PLAZA BLDGS.	STAIR	P-3	630	10.00																				630	
	POOL	P-5					792	11.00																792	
4A	L1	P-2								18,494	14.00	meeting rooms, lobby/prep.										8,061	28.00	grand ballroom	26,555
																						597	25.5-32.0	grand stair	597
	L2	P-3	875	9.50						11,078	14.00	conf. lobby, prep.										5,312	24.50	junior ballroom	17,265
	L3	P-4	16,034	10.50																				16,034	
	L4	P-5								17,282	14.00	commercial												17,282	
	L5	P-6					7,832	10.75	roof level															13,679	
L6	P-7					7,832	12.75	roof level															7,832		

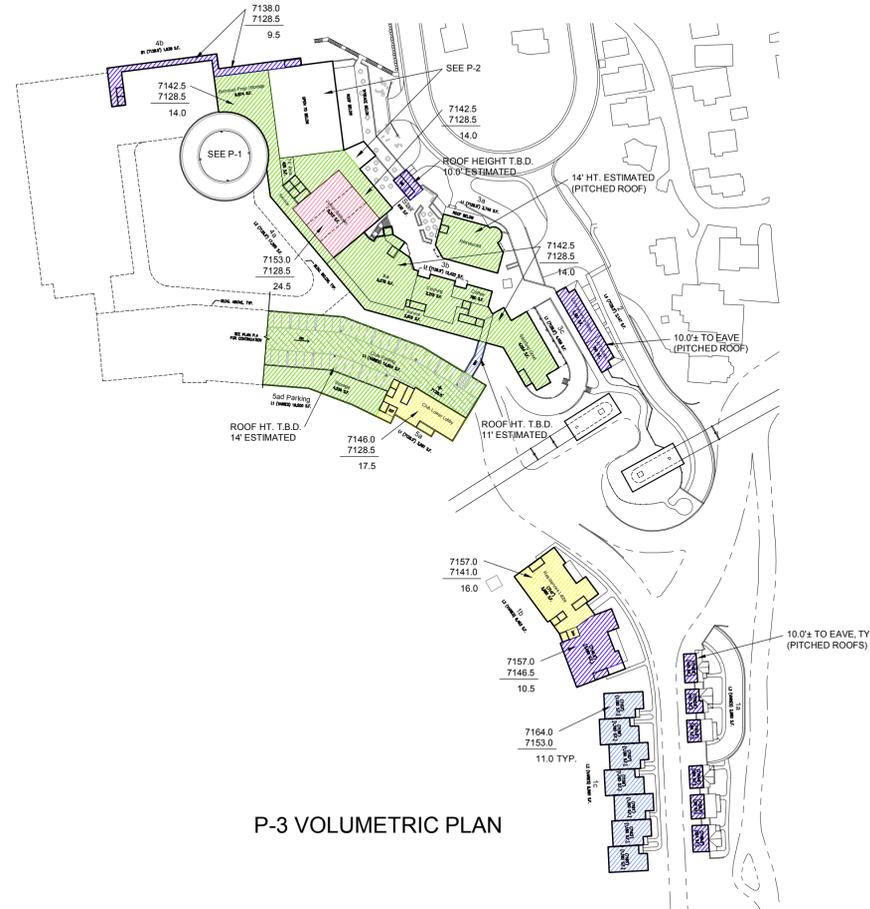




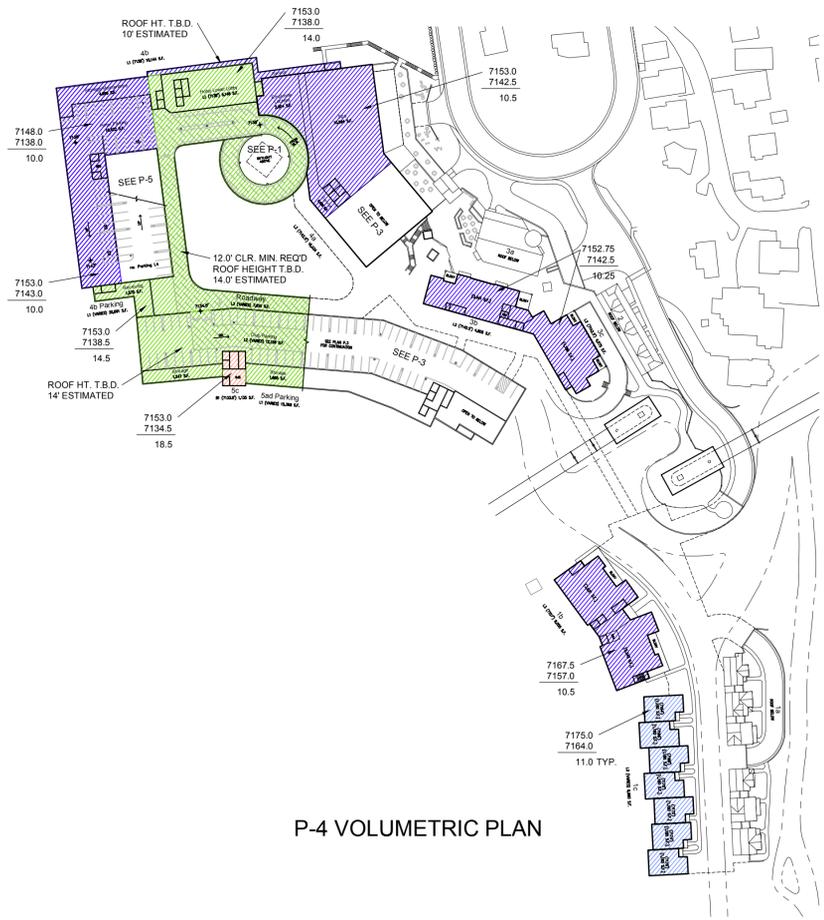
P-1 VOLUMETRIC PLAN



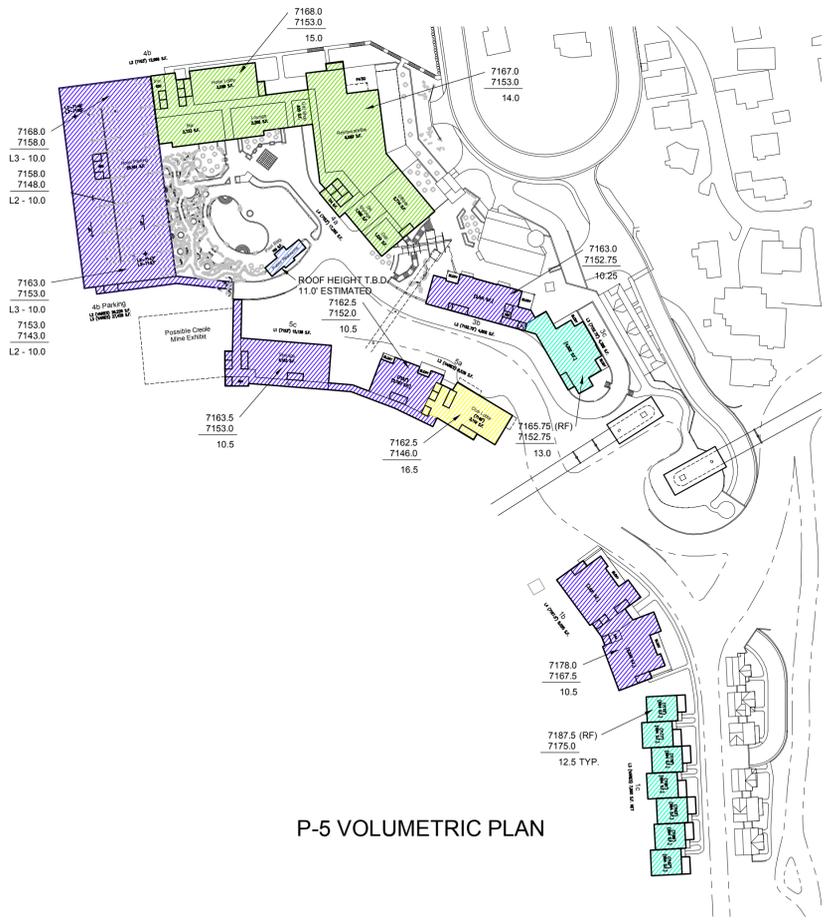
P-2 VOLUMETRIC PLAN



P-3 VOLUMETRIC PLAN



P-4 VOLUMETRIC PLAN

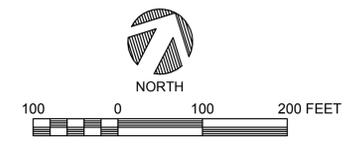


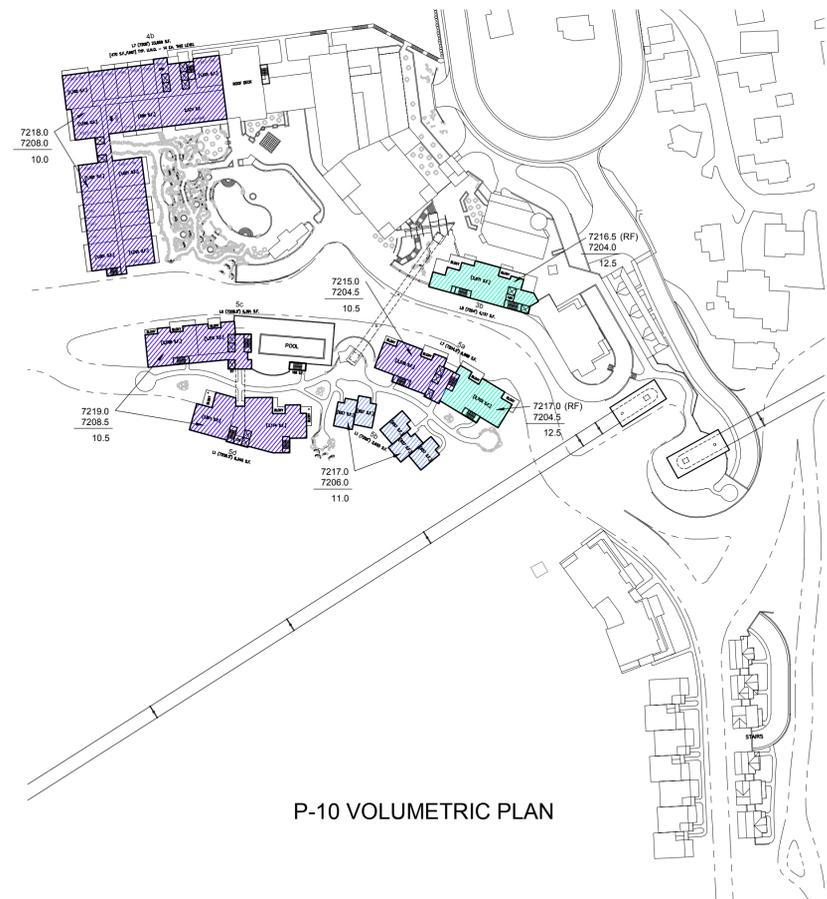
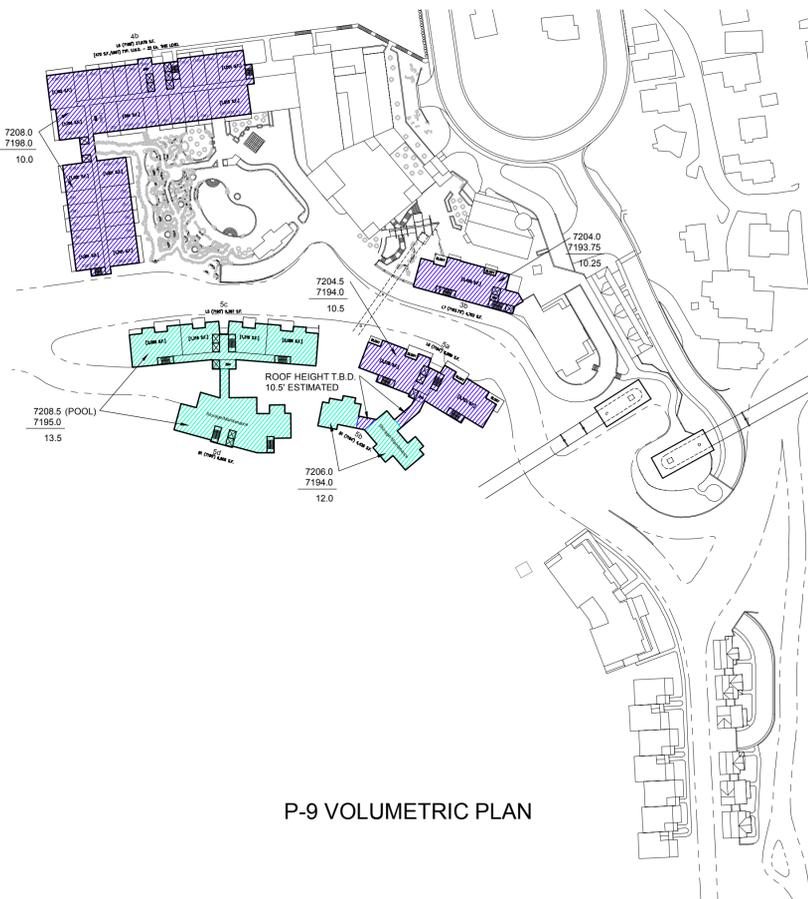
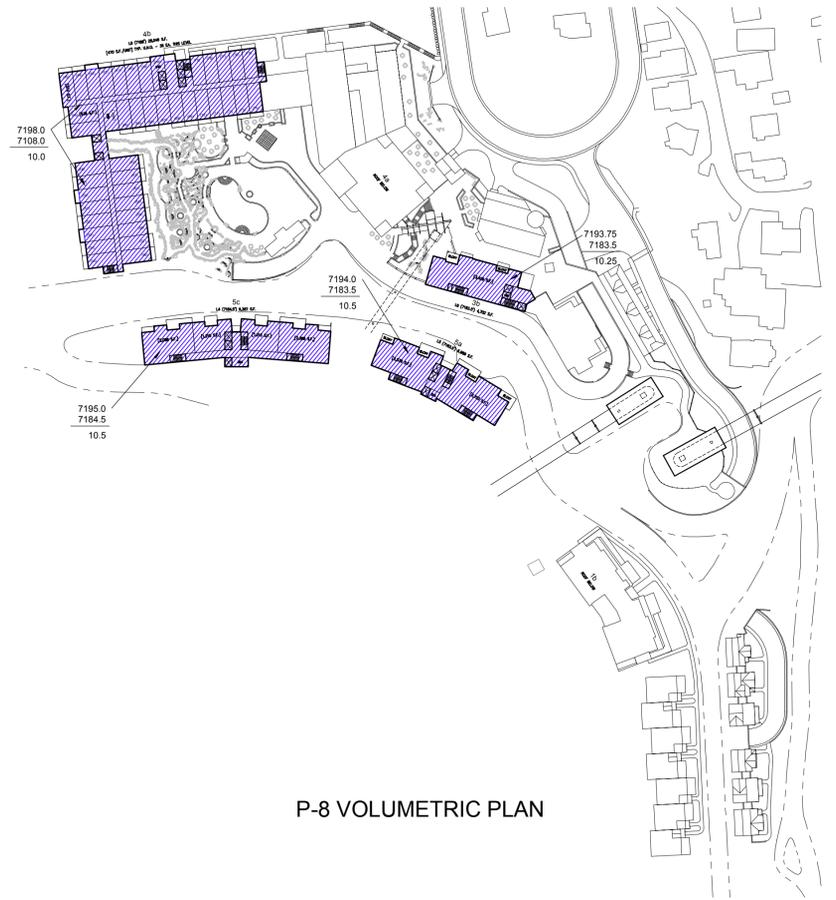
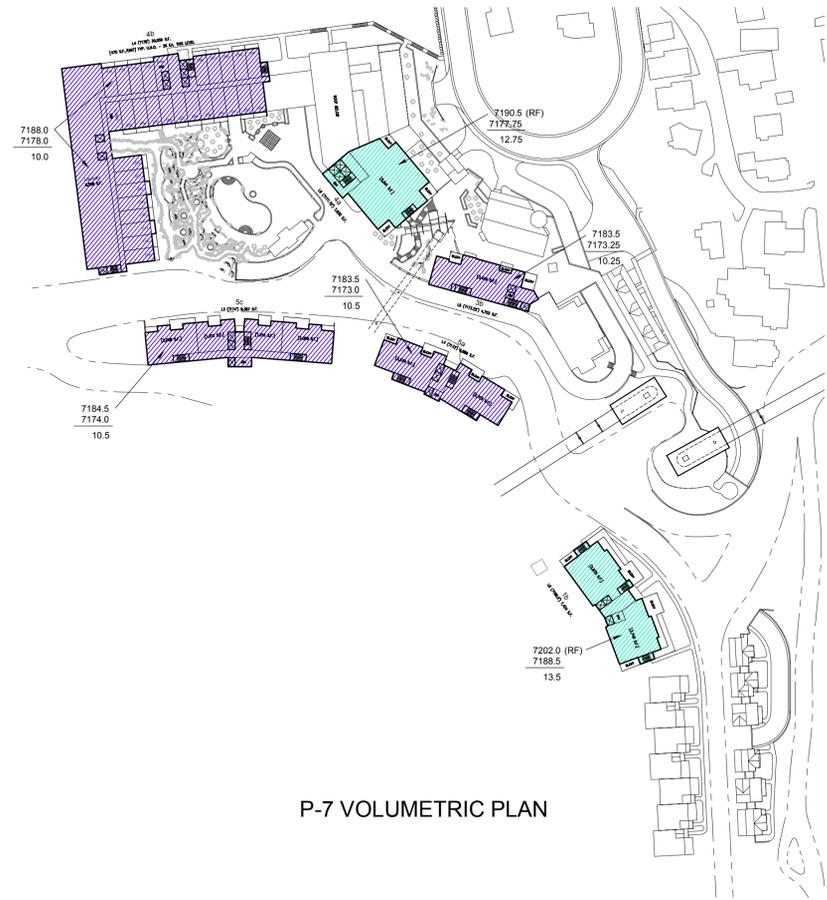
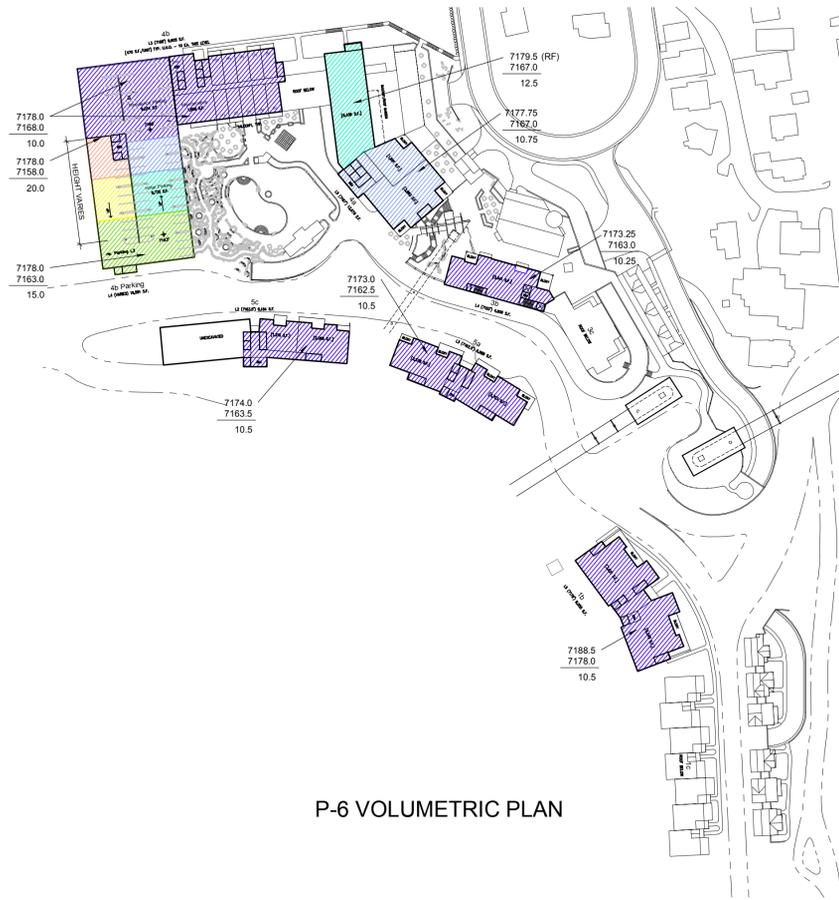
P-5 VOLUMETRIC PLAN

**FLOOR TO FLOOR/ROOF HEIGHT LEGEND**

- 10.5' OR LESS
  - MORE THAN 10.5' BUT LESS THAN 12.0'
  - 12.0' TO LESS THAN 14.0'
  - 14.0' TO LESS THAN 16.0'
  - 16.0' TO LESS THAN 18.0'
  - 18.0' TO LESS THAN 21.0'
  - 21.0' TO LESS THAN 24.0'
  - 24.0' OR GREATER
  - 12' MIN. CLEAR CEILING HEIGHT REQ'D FOR EMERGENCY VEHICLES
  - 14' MIN. CLEAR CEILING HEIGHT REQ'D FOR FIRE DEPT. VEHICLES
- Finish Floor/Roof Elevation Above  
 Finish Floor Elevation  
 Difference = Floor to Floor/Roof Height

ABBREVIATIONS:  
RF = Roof





**FLOOR TO FLOOR/ROOF HEIGHT LEGEND**

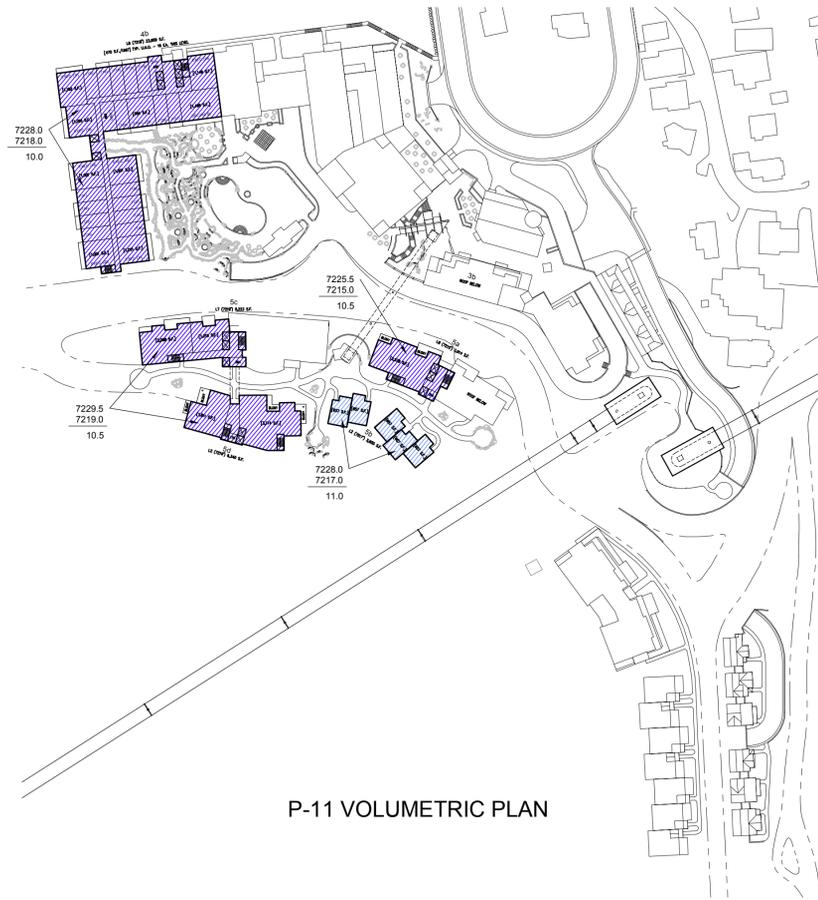
- 10.5' OR LESS
- MORE THAN 10.5' BUT LESS THAN 12.0'
- 12.0' TO LESS THAN 14.0'
- 14.0' TO LESS THAN 16.0'
- 16.0' TO LESS THAN 18.0'
- 18.0' TO LESS THAN 21.0'
- 21.0' TO LESS THAN 24.0'
- 24.0' OR GREATER
- 12' MIN. CLEAR CEILING HEIGHT REQ'D FOR EMERGENCY VEHICLES
- 14' MIN. CLEAR CEILING HEIGHT REQ'D FOR FIRE DEPT. VEHICLES

Finish Floor/Roof Elevation Above  
 Finish Floor Elevation  
 Difference = Floor to Floor/Roof Height

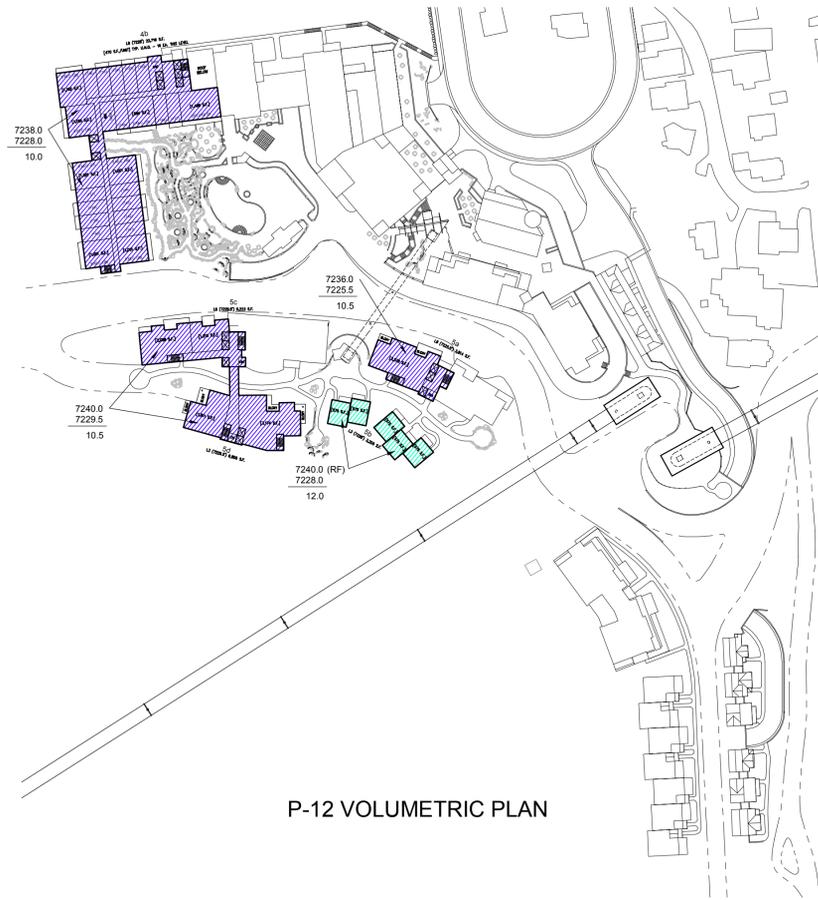
ABBREVIATIONS:  
RF = Roof

NORTH

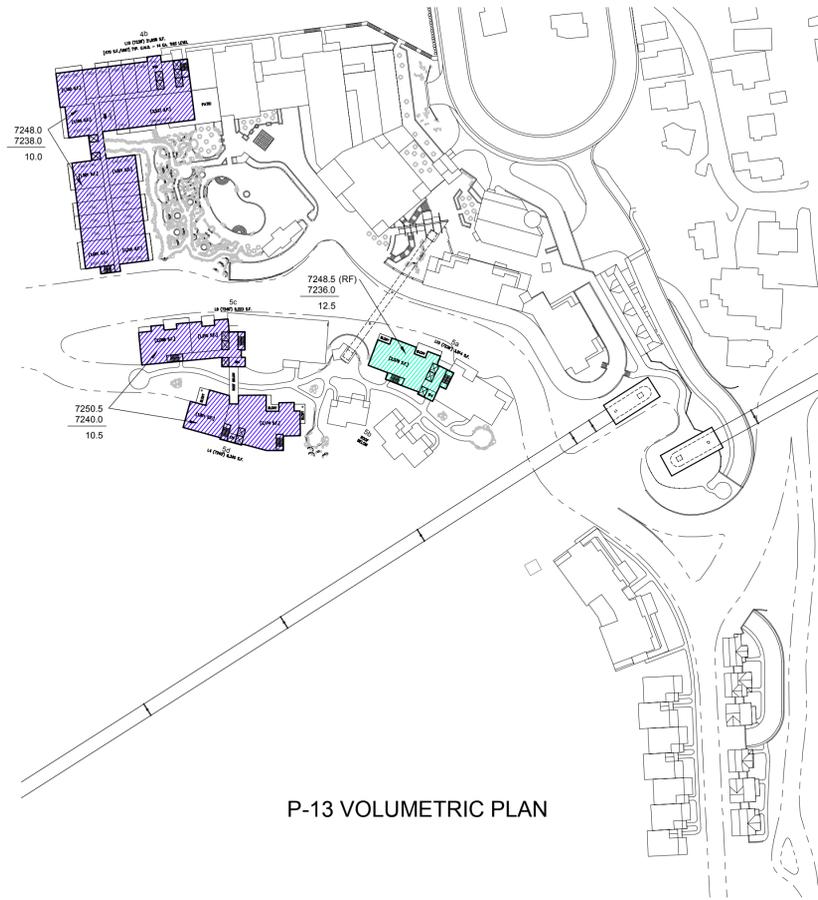
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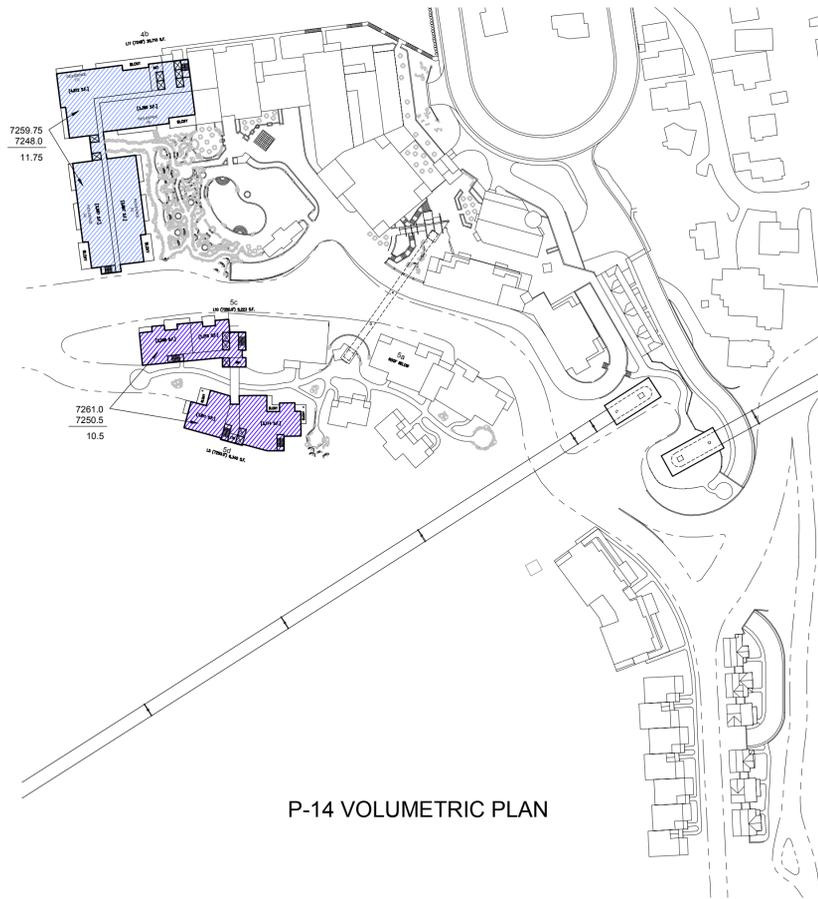
P-11 VOLUMETRIC PLAN



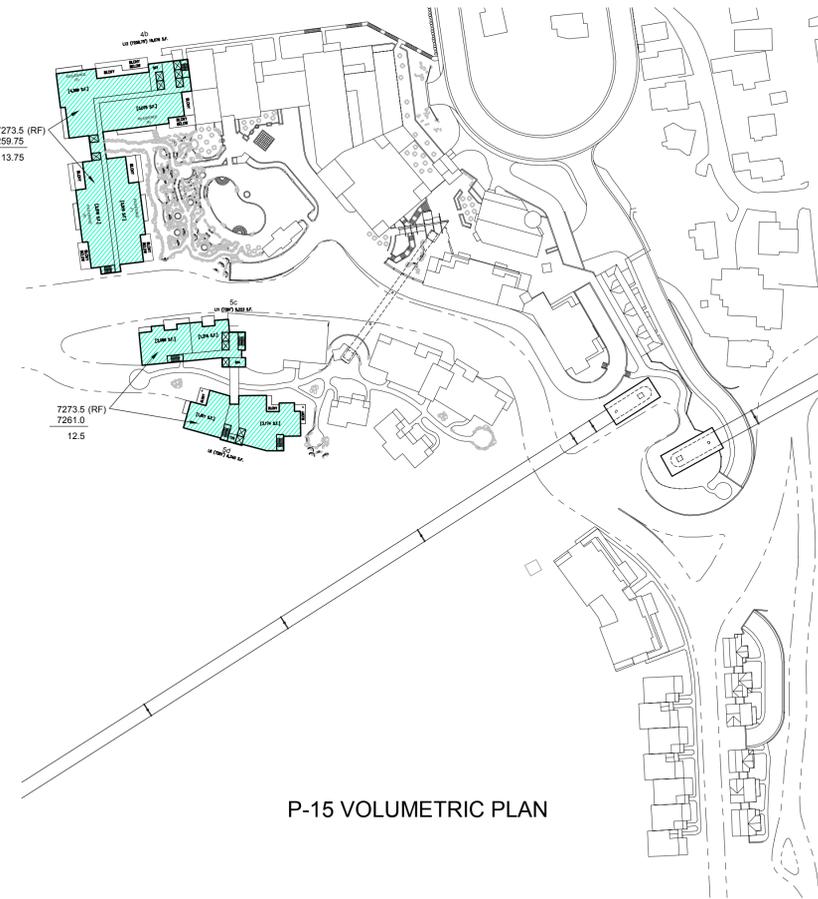
P-12 VOLUMETRIC PLAN



P-13 VOLUMETRIC PLAN



P-14 VOLUMETRIC PLAN



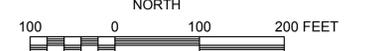
P-15 VOLUMETRIC PLAN

**FLOOR TO FLOOR/ROOF HEIGHT LEGEND**

- 10.5' OR LESS
- MORE THAN 10.5' BUT LESS THAN 12.0'
- 12.0' TO LESS THAN 14.0'
- 14.0' TO LESS THAN 16.0'
- 16.0' TO LESS THAN 18.0'
- 18.0' TO LESS THAN 21.0'
- 21.0' TO LESS THAN 24.0'
- 24.0' OR GREATER
- 12' MIN. CLEAR CEILING HEIGHT REQ'D FOR EMERGENCY VEHICLES
- 14' MIN. CLEAR CEILING HEIGHT REQ'D FOR FIRE DEPT. VEHICLES

Finish Floor/Roof Elevation Above  
 Finish Floor Elevation  
 Difference = Floor to Floor/Roof Height

ABBREVIATIONS:  
 RF = Roof



# ABOVE GRADE VOLUME HEIGHTS BY PERCENTAGE

## % GROSS SF ABOVE GRADE

<b>SLAB TO SLAB</b>	<b>GROSS SF</b>	<b>%</b>
≤ 10.5'	406,455	60.3%
10.5'+ TO < 12'	61,024	9.1%
12' TO < 14'	99,603	14.8%
14' TO < 16'	83,178	12.3%
16' TO < 18'	9,692	1.4%
18' TO < 21'	0	0.0%
21' TO < 24'	0	0.0%
24+'	13,970	2.1%
<b>TOTAL GROSS SF ABOVE GRADE</b>	<b>673,922</b>	

# Volumetric Calculation Summary:

- 55% of the gross area of the entire project has floor-to-floor/roof heights less than 12'-0".
  - 88% of that area (49% of the gross) has floor-to-floor/roof heights 10'-6" or less.
- 60.3% of the above grade gross area of the project has floor-to-floor/roof heights less than 10'-6".
- All of the above-grade spaces with floor-to-floor/roof heights 14' or more are commercial spaces, ballrooms, meeting rooms, or public lobbies.

# Treasure Hill SketchUp

