

Katie Cattan
Planner
Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060

April 2, 2009

Dear Katie,

This letter and the associated materials contain the responses to your letter dated February 24, 2009. A copy of this letter is attached for your convenience.

As you know, it was decided to postpone the March 25 meeting to April 22.

Item 1. More detailed design of street improvements has been completed by Rob McMahon, Alta Engineering. The materials will be provided to you today. They include eight schematic engineering drawings and an opinion letter. They address all the requested items in detail from and including Manor Way south.

With respect to the request on the part of some Planning Commission members that we continue design and improvement work from Manor Way north to the Intersection of Deer Valley Drive and Park Avenue, other than signage specific to our project, this is inconsistent with the Master Plan approval. In addition, we are a very minor contributor to traffic in this area. Accordingly, we do not believe it is appropriate for us to pursue this.

Item 2. The materials in Item 1 also address pedestrian safety, in particular location and specifics with respect to sidewalk and stair improvements. Gary Horton, PEC, will provide today a revised traffic count and a walkability study which complements Alta Engineering's work and makes specific recommendations.

Item 3. We intend to assure that the commercial space in the project is effectively “oriented” towards the project by prohibiting parking for the general public on site. See General Notes 2 and 3 on revised Sheet P.16 and commercial locations detailed on Sheets P.1 thru P.5, a preliminary copy of which will be provided by David Eldredge, architect, today. Possible tenant uses are labeled on these drawings but we can not ensure that they will remain the actual uses over time.

Item 4. Type of ownership is specified on Sheets P.1 thru P.16, a preliminary copy of which will be provided by David Eldredge, architect, today. The “CLUB” units, which are clearly consistent with the intent of the Master Plan finding which refers to “nightly/rental and/or transient use,” as “appropriate and compatible,” may, having interval/fractional ownership, require a zoning change. If for whatever reason this is not possible, these units will be whole ownership along with the “RESIDENCES” shown on the drawings. The project will be legally structured as one master condominium association with sub-condominium associations governing the different types of ownership. The “HOTEL,” although a sub-condominium, is planned nonetheless as a full service hotel owned by a hotelier as opposed to a condominium hotel. The City will deal directly with one designated representative of the master condominium association as it pertains to matters in the development agreement between the City and developer which must be inked at some point in the process.

Item 5. The amount of meeting space was determined by a formula provided by a reputable hotel brand: 80 square feet of meeting space for each key in the hotel. Under this formula, 80 square feet per key times 200 keys equals 16,000 square feet.

Item 6. First, there will be no parking for the project on nearby residential streets. This will be controlled by no parking signs, residential permit only signs, and municipal parking enforcement. Residents in Treasure will not be eligible for on-street residential parking permits. Second, parking onsite will be restricted according to General Note 3 on Sheet P.16, notice provided by literature and signage, and enforcement furnished by the master condominium association according to the development agreement. Otherwise, project employees and visitors will be able to park wherever it is legal and access the project via foot, non-motorized bicycles, skis, the cabriolet, or for that matter as far away as the park and rides at Quinn’s and Kimball Junctions via the City bus system and the cabriolet. To purport that we have any more control than this is simply not realistic.

With respect to reducing onsite parking, we are not willing to do this. The intent of the Master Plan parking requirement was to establish a minimum number of parking spaces not a maximum. It is advantageous for the project and the City to build more parking in order to reduce parking pressure on neighboring streets and employee parking pressure in the vicinity of the Town Lift

Base. Furthermore, since the parking is required to be located below finish grade, it has no effect on mass.

Additional Item A. A construction mitigation plan, to the extent that it can be practically produced at this level of design will be provided today. It is impossible, for example, to specify the contractor at this time. The principles and related details which will eventually lead, when final design is complete, to a comprehensive and well founded construction mitigation plan are covered in the Written & Pictorial, Traffic Studies & Proposed Improvements, Soils Studies & Opinion, Mine Waste Mitigation Plan, Excavation Management Plan, Mitigators, and Lowell-Empire Improvements found in the Submittal Appendices.

Additional Item B. With respect to the opinion that our current application is “over on residential unit equivalents” and that the “support commercial” space has been quantified incorrectly, we disagree. This position on our part is supported by the code in effect at the time of Master Plan application and numerous prior staff reports upon which we have relied.

The General Note 1, on Sheet P.16, submitted today, better explains where we are realistically in design and makes our intent clearer. The previous note on Sheet P.16 was transparent and presented in good faith. It stated: “Preliminary residential unit equivalents exceed the allowable in anticipation of reductions to accommodate utility shafts, housekeeping closets, etc. which have not been located. The intent is not to exceed the allowable unit equivalents but rather to demonstrate at the current level of design that the proposed massing can practicably accommodate the allowed unit equivalents. The final design will ensure that the actual totals don’t exceed the allowable.” To carry our reasoning further, a building envelope that was slightly bigger was necessary to demonstrate that our allowed density will fit within this envelope and, at the same time, not violate the fundamental approval parameters regarding open space and height. Bottom line, we neither want to exceed our allowed usage nor fall short.

As to the matter of 5% support commercial (and 5% meeting space), we do acknowledge that our definition of “gross” as being “gross” as opposed to “less than gross” was technically incorrect. We don’t believe, however, that the “less than gross” definition was what the council had in mind when they actually implemented ordinance changes aimed at encouraging hotel and meeting space. In any case, we have illustrated the part of gross that is not technically gross (basements) on the latest drawings P.1 thru P.15 and recalculated on P.16 excluding basements. It was necessary to modify our drawings in order to come into compliance once we adopted this more strict definition. Among other things, we reclassified the ticket office (which had been included in commercial) as "ACCESSORY," reduced the size of the spa, and used some of the unused "ALLOTTED COMMERCIAL" in the mine exhibit.

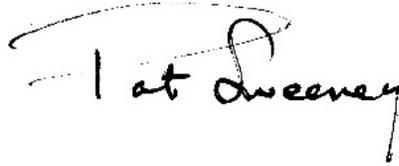
We continue to rely on Section 1.22. VESTING OF ZONING RIGHTS Park City Municipal Corporation Land Management Code, Passed and Adopted December 22, 1983, Effective January 1, 1984, which states among other things, “The project owner may take advantage of changes in zoning that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and subject to the payment of additional planning review fees.” This position on our part is consistent with numerous staff reports dating back to 2004.

Additional Item C. As for the mine exhibit, we do not intend to actively pursue it at present. We will continue to provide for the opportunity in design and possibly pursue it later as a separate conditional use in the Estate Zone.

Additional Item D. We are open to an alternative meeting schedule.

This covers all the items in your letter.

Respectfully,



Patrick Sweeney
President MPE, Inc.



CONSTRUCTION MITIGATION PLAN

PERMIT #: Not available.

ADDRESS: South end of Lowell and Empire Avenues.

CONTRACTOR: Not available.

Name, Address, Contact Person, Phone Numbers

1. **Hours of Operation** are 7:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sundays.

Comments: Subject to special hours as may be approved by the Park City Building Department from time to time.

2. **Parking** will not block reasonable public and safety vehicle access, will remain on same side of street and on pavement only. Within paid and permit only areas, an approved parking plan will be obtained from the Public Works Department.

Comments: No construction parking on City streets. See Appendix A.18, Mitigators, Page 1.

3. **Deliveries** will be during hours of operation only.

Comments: Yes. See Appendix A.18, Mitigators, Page 1.

4. **Stockpiling & Staging** will be on site and within the approved limits of disturbance fence.

Comments: Yes. See Appendix A.18, Mitigators, Page 1.

5. **Construction Phasing** if necessary, may be required and will be authorized by the Building Official.

Comments: See Appendix A.1, Written & Pictorial, Page 35.

6. **Trash Management & Recycling** - Construction site will provide adequate storage and program for trash removal and will keep site clean daily. Recycling is encouraged.

Comments: Yes.

(Continued on Back)

7. **Control of Dust & Mud** will be controlled daily. Gravel will be placed in the egress and ingress areas to prevent mud and dirt from being tracked on streets. Water will be on site to prevent dust.

Comments: Yes. See Appendix A.18, Mitigators, Page 1.

8. **Noise** will not be above 65 decibels which violates the noise ordinance and will not be made outside the hours of operation.

Comments: Yes. See Appendix A.18, Mitigators, Page 1. Subject to special events as may be approved by Building Department from time to time.

9. **Grading & Excavation** will be during hours of operation and trucking routes may be restricted to prevent adverse impacts.

Cubic Yards to be removed: Limited. Destination: County land fill.

Comments: See Appendices A.6 and A.16.

10. **Temporary Lighting** if used, will be approved by the Planning Department.

Comments: Yes.

11. **Construction Sign** will be posted on site and in a location that is readable from the street. The sign will not exceed 12 square feet in size and 6 feet in height. The lettering will not exceed 4 inches in height and will include the following information: Contractor name, address, phone number and emergency contact information.

Comments: Yes.

12. **Other Issues:** Dogs will be prohibited from construction site. Information will be provided to neighboring property owners to help them be aware of project and to keep the lines of communication open.

Comments: Yes. See Appendix A.18, Mitigators, Page 1.

13. **Erosion Control:** Storm Water Management Plan - Attachment A - will be reviewed, signed and attached to this construction mitigation plan. Comments:

Yes Storm Water Pollution Prevention Plan will be prepared in accordance with UPDES requirements when appropriate.

14. **Noxious Weeds:** Must be managed consistent with the Park City Municipal Code, Title 6, Section 6-1-1 and the Summit County Weed Management Plan. Yes when appropriate.

Contractor

Signature: _____ Date: _____

Approved

By: _____ Date: _____