



PLANNING DEPARTMENT

**Administrative Hearing – Action Letter**

**Subject:** Kimball on Main – Outdoor Terrace  
**Author:** Laura Kuhrmeyer  
**Project Number:** PL-18-04033  
**Property Address:** 638 Park Ave / 675 Main Street  
**Historic Designation:** Landmark and New Construction  
**Date of Previous Hearing:** May 13, 2019  
**Date of Action:** June 17, 2019  
**Type of Item:** Administrative Conditional Use Permit for Outdoor Events and Uses

**Summary Recommendations**

Staff recommends the Planning Director review and hold a public hearing for the Kimball on Main – Rooftop Terrace Administrative Conditional Use Permit (Admin. CUP) and consider approving the Admin. CUP based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found below.

**Proposal:**

The applicant is proposing to use a rooftop terrace on the second story on the west side of the remodeled Landmark Historic building for Outdoor Events and Uses. Per LMC 15-2.5-10, the Heber Avenue Sub-Zone has the same Allowed and Conditional Uses as the Historic Commercial Business (HCB) District. Within the HCB District, the proposed Use is listed as a Conditional Use which requires an Administrative Conditional Use Permit (Admin. CUP).

A Business License was issued for an Indoor Entertainment Facility, a permitted Use, for the interior space of the same floor. All Conditions of approval for this Administrative Conditional Use Permit will be added to the Business License file.

**Findings of Fact for Approval of the Administrative Conditional Use Permit (CUP):**

1. **Site Location**
  - A. The Kimball Rooftop Terrace area is located on the second floor of the property at 638 Park Avenue. The building is located on Lot 1 of the Kimball on Main plat amendment recorded February 3, 2017.
  - B. The site is designated as Landmark on the City's Historic Sites Inventory (HSI).
2. **Site Zoning**
  - A. The property and rooftop terrace area is located in the Historic Recreation Commercial (HRC) District.

- B. Per 15-2.5-10, the property including the rooftop terrace area is located in the Heber Avenue Subzone of the HRC District; the Allowed Uses within the sub-zone are identical to the Allowed Uses within the Historic Commercial Business (HCB) District and the Conditional Uses within the sub-zone are identical to the Conditional Uses within the Historic Commercial Business (HCB) District.
  - C. Outdoor Events and Uses require an Administrative Conditional Use Permit in the HCB Zoning District as well as the Heber Avenue Sub-Zone of the HRC District.
  - D. The Administrative Conditional Use Permit (Admin. CUP) for the Outdoor Events and Uses requires that all developments are subject to the conditions and requirements of the Conditional Use review of LMC chapter 15-1-10.
3. Compliance with CUP Criteria
- A. **The proposed use of the rooftop terrace area *complies* with LMC 15-1-10(D)** in that the CUP complies with all of the requirements of the LMC; that the Use is compatible with surrounding Structures in Use, scale, mass and circulation; and that the effects of any differences in Use or scale have been mitigated through careful planning.
  - B. **The proposed use of the rooftop terrace area *complies* with LMC 15-1-10(E)(1), size and location of the Site:**
    - 1. The rooftop terrace area is approximately 2,179 square feet located on the second level of the east half of the Historic Structure. The total building size is approximately 32,828 square feet.
    - 2. The 2,179 square foot rooftop terrace may accommodate up to 141 occupants. The applicant has placed a self-imposed reduced occupancy of 480 guests for the combined Indoor Entertainment Facility and Outdoor Uses & Events spaces. The rooftop terrace may not be rented separately from the indoor space.
    - 3. Per LMC 15-2.5-6, Historic structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid non-complying structures. The rooftop terrace is on the roof area of the Historic Structure.
  - C. **The proposed use of the rooftop terrace area *complies* with LMC 15-1-10(E)(2), traffic considerations including capacity of the existing Streets in the Area, as conditioned:**
    - 1. Hales Engineering conducted a traffic study (dated September 5, 2018) and found that the amount of parking generated by a 480-person event could be accommodated in China Bridge about 72% of the time, but recognized that parking would be limited at times due to seasonal traffic volumes, special events, and available parking. To combat drivers circling City streets and entering the neighborhood in search of parking, they recommended that Event Center Staff create a plan to clearly instruct guests of the location of

the venue, where to park, and how to use the loading zone. The applicant has committed to doing this.

2. Hales Engineering also recommended extending the red curb along Heber Avenue and Park Avenue to ensure sufficient space for emergency vehicles. The Planning and Engineering Departments have found that the design of Heber Avenue and the intersection of Park Avenue, especially in the northbound direction, has been designed to accommodate two city buses (or snow removal equipment) passing in opposite directions. Heber Avenue has been designed such that two city buses or emergency vehicles of similar size can pass safely with a motor coach or truck parked in the drop off area. The red no parking identifiers on the curb are designed to reduce potential conflicts with turning movements.
  3. Guests and patrons of the Outdoor Events and Uses Space will have to abide by the same parking and access restrictions as other visitors to Main Street. The Applicant has met the minimum requirements for parking and loading/unloading as outlined in the Municipal Code and LMC.
- D. **The proposed use of the rooftop terrace area *complies* with LMC 15-1-10(E)(3), utility capacity, including Storm Water run-off:**
1. A final storm water, utility, and grading plan was approved prior to the issuance of the Building Permit for the renovation and addition. The rooftop terrace area is included in these plans. The proposed use does not increase any utility or stormwater demands.
- E. **The proposed use of the rooftop terrace area *complies* with LMC 15-1-10(E)(4), emergency vehicle Access:**
1. The primary emergency access for the rooftop terrace area is through the new addition to the building from Main Street, Heber Avenue, and Park Avenue. The red curb will be extended along Heber Avenue and Park Avenue to provide additional parking areas for emergency vehicles.
  2. The Engineering Department has found that parking on Heber Avenue and bus traffic will not impede access for emergency vehicles.
- F. **The proposed use of the rooftop terrace area *complies* with LMC 15-1-10(E)(5), location and amount of off-Street parking:**
1. The rooftop terrace is located on the second level of a designated Landmark Historic Structure per LMC Section 15-2.5-6, Historic Structures that do not comply with Off-street parking are valid Non-Complying Structures.
  2. On March 20, 2016, the Planning Director found that the Kimball on Main (formerly known as Kimball Art Center) was current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, for parking requirements up to a Floor Area Ratio (FAR) of 1.5. The proposed FAR of the new addition is 1.45.

- G. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(6), internal vehicular and pedestrian circulation system:
1. The upper level Outdoor Events and Uses Space (rooftop terrace) will be accessed from Heber Avenue. Event attendees will enter a lobby with stairs and an elevator that lead to the upper level event space. (Access, circulation, and lobby areas are permitted within Storefront property.)
  2. There is no vehicular access proposed. Delivery, loading, and unloading zones for the Outdoor Events and Uses Space will be limited to Heber Avenue.
- H. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(7), Fencing, Screening, and landscaping to separate the Use from adjoining Uses:
1. The proposed use of the rooftop terrace is consistent with neighboring structures as it is located in a neighborhood of mixed-use buildings housing commercial and residential development.
  2. The roof terrace is setback from the parapet of the Historic Building by approximately ten feet on the south (Heber Avenue) side and approximately two feet on the north side, in order to minimize its appearance and further separate it from neighboring uses. On the west side, the roof terrace will be separated from the residential neighborhood along Park and Woodside by the barrel-vault roof of the Historic Structure, which measures approximately 50 feet in width.
- I. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(8), Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:
1. The Historic District Design Review, including the rooftop terrace area, was approved in June of 2016.
  2. On October 18, 2016, the Board of Adjustment (BOA) found that the proposed removal of one of the barrel-vaulted roof forms to accommodate the rooftop terrace was appropriate largely because the new addition of the terrace would not be visible from the public right-of-way.
  3. The Board of Adjustment (BOA) recommended that the Planning Department and the Applicant propose rules to regulate the rooftop deck and prevent umbrellas, heaters, tents, and other temporary structures from detracting from the invisibility of the deck.
  4. The Applicant has agreed not to locate or use tents on the rooftop terrace, unless authorized by a Special Event Permit (as defined in Municipal Code 4A-1-1.7). While reviewing the Special Event Permit, the City Council shall determine whether the proposed tent would detract from invisibility of the deck, per the Board of Adjustment (BOA) recommendation. Tents will not be permitted under an Administrative CUP.

- J. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(9), usable Open Space:
1. There are no open space requirements for projects in the Historic Recreation Commercial (HRC) Zoning District.
  2. The Historic building, including the rooftop terrace area, is considered a valid Non-Complying Structure in regards to zone required Setbacks per LMC Section 15-2.5-6.
- K. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(10), signs and lighting:
1. A Master Sign Plan has been approved by the Planning Department and individual tenant signs will be required to comply with the Master Sign Permit. Exterior lighting has been incorporated into the soffits of the new addition where they are downward directed and shielded. The Land Management Code does not regulate interior lighting.
  2. All exterior lighting, including any existing lighting and lighting on the outdoor balcony and rooftop terrace, complies with the Lighting Requirements of LMC 15-5-5(J) and the Design Guidelines for the Historic Districts and Historic Sites. The installed lighting is downward directed and fully shielded. Exterior lighting was approved by the Planning Department prior to installation.
  3. Any additional exterior lighting for signs shall be approved through a Historic District Design Review Pre-Application and a Sign Permit prior to installation.
- L. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(11), physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:
1. The Historic District Design Review (HDDR) for the new development was approved on June 20, 2016.
  2. The Park City Museum and Historical Society submitted an appeal of the HDDR on June 30, 2016. The Board of Adjustment (BOA) met on October 18, 2016, denied the appeal, and upheld staff's determination. The Board of Adjustment (BOA) found that the rooftop terrace addition above the Historic Kimball Garage was appropriate as the Design Guidelines permit construction of rooftop additions and the addition would remove one (1) of two (2) barrel-vaulted roof forms. The rooftop addition was permissible because it was generally not visible from the primary public right-of-way along Heber Avenue.
  3. Based on the Board of Adjustment (BOA) upholding staff's determination, the Applicant rehabilitated the Historic Kimball Garage and constructed a new addition to the east, fronting Main Street.
- M. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(12), noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site, as conditioned:

1. The Applicant has commissioned Henderson Engineers to complete a third party, professional noise study (dated April 19, 2018) of the activities contemplated for the site.
2. Based on the Henderson Engineers' report, the Applicant has incorporated design features that are intended to mitigate noise. These include a sound trap in the soffit of the west elevation to diffuse sound waves; acoustic baffles in the ventilation outlets to minimize noise transfers through the mechanical shafts; automatic closing devices on exterior doors to ensure doors are maintained in a closed position; and insulated glass windows and doors as well as railings to reduce sound reflectivity and reduce noise traveling between the interior and exterior spaces. Landscape buffers on the south and west sides of the rooftop terrace and the barrel vault roof on the west side will further absorb the sound. The Applicant has voluntarily incorporated these design elements even though no code or zoning regulation requires these elements.
3. The City contracted BNA Consulting to conduct an acoustical study that was completed September 6, 2018. The acoustical engineer confirmed the findings of the Henderson Report in that the amount of noise generated by guests and musicians on the rooftop terrace would not exceed the City's Noise Ordinance under anticipated operations.
4. The Planning, Building, and Police Departments also conducted a sound study on Tuesday, September 18<sup>th</sup> at 9pm. The purpose of staff's acoustical analysis was to create conditions reflective of an average event activity (music playing during the evening at cooler temperatures). Staff found that the amount of sound dissipation over distance created a situation within which activities could be hosted and maintained on the terrace and would comply with the noise ordinance. Staff concluded that sound pressure levels on the terrace of 90dBA, which is permitted under [Municipal Code 6-3-11 Relief from Restrictions](#), would likely be inappropriate; 90dBa is typically the exception that is granted for Level 4 Special Events. The compliance with the City Noise Ordinance during Special Events will be regulated by the Municipal Code 4A Special Events.
5. The Applicant has prepared a Noise Management Plan to further mitigate noise impacts. Both the Business License for the Indoor Entertainment Facility and the Administrative Conditional Use Permit shall require compliance with this plan.
6. The outdoor rooftop terrace has a maximum occupant load of 141 occupants. Applicant shall monitor the occupant load at each event for fire code compliance and also to facilitate further mitigation of the risk of a noise ordinance violation.
7. The Applicant anticipates that hours of use will vary depending on the event; however, typical operating hours will be between 8am and Midnight for the interior space. Programmed outdoor events

will be limited to 11am to 10pm and all Uses must comply with the City's Noise Ordinance.

- N. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(13), **control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;**
1. There is no vehicular access proposed. Delivery, loading, and unloading zones for the Outdoor Events and Uses Space (rooftop terrace) will be limited to Heber Avenue, or as otherwise provided in a special event permit issued by the City in accordance with applicable rules.
  2. In the Applicant's Noise Management Plan, they have committed that the loading of equipment and refuse on Heber Avenue will be completed by 10pm, in order to further mitigate any noise associated with an event. The applicant identified an acceptable screened refuse storage area along the north property line, adjacent to Main Street. Trash will be stored on-site inside the building, similar to other Main Street tenants. Recycled materials will be taken by the property manager to the Park City Recycling Center, or other similar facility, and trash will be transported to a shared trash facility on Swede Alley.
- O. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(14), **expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities, as conditioned;**
1. The Kimball on Main is currently under one ownership.
  2. The Applicant anticipates that the number of employees will vary from 4 to 40 based on the type of event. Programmed activity on the outdoor rooftop terrace will be limited to 11am to 10pm.
  3. At this time, the applicant is not proposing to subdivide the spaces and sell the Outdoor Events and Uses Space to an individual owner.
  4. While the Admin CUP runs with the land, the business license will be held by the operator.
- P. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(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;**
1. The property is located within the Sensitive Lands Ordinance boundary and FEMA flood plain Zone A. The lowest occupied floor is at or above the base flood elevation, as approved by the Building permit.
  2. The Outdoor Events and Uses Space is on the second level of the Historic building when viewed from Heber Avenue.
  3. No Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes,

as Defined in the Land Management Code are present on the site. The Structure has been reviewed and approved under the Historic District Guidelines and Zone requirements.

- Q. The proposed use of the rooftop terrace area **complies** with LMC 15-1-10(E)(16), as it has been reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.
1. The General Plan encourages a diverse tenant mix; providing gathering places for entertainment, fun, and social interaction; and allowing Main Street to serve as a backdrop for events and celebrations in an effort to support a multi-seasonal tourism economy.
  2. The General Plan also encourages Historic preservation, including the adaptive reuse of Historic Structures such as the Kimball Garage. It seeks to maintain the integrity of Historic resources and the Main Street National Register Historic District through the preservation of Historic Buildings and compatible infill development and additions.
  3. Goal 11: "Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience."
    - a. Community Planning Strategy 11.3: "Facilitate the establishment of more year-round visitor attractions within the resort neighborhoods and commercial districts."
  4. Goal 15: "Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations."
    - a. Objective 15E: "Encourage adaptive reuse of historic resources."
    - b. Community Planning Strategy 15.11: "Develop stronger incentives to encourage adaptive reuse of historic resources."
  5. Goal 16: "Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors."
    - a. Objective 16A: "Support 'adaptive re-use' of buildings along Main Street through incentives to property owners and businesses."
4. An approved Conditional Use can be appealed under LMC 15-1-18.
5. The Applicant has agreed to these Findings of Fact and Conditions of Approval.

Conclusions of Law for Approval of the Administrative CUP:

1. The application is consistent with the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The proposed Use, as conditioned, will be compatible with the surrounding structures in Use, scale, mass, and circulation.
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval of the Administrative CUP:

1. Standard Conditions of Approval applying to all Conditional Use Permit Criteria for Review:
  - A. The building owner and holder of the Business License(s) for this Use are responsible for compliance with Conditional Use Permit (Permit) for this Use.
  - B. The Conditions of Approval apply to the building and Outdoor Events and Uses of the outdoor rooftop terrace.
  - C. All Standard Conditions of Approval as shown below apply to the building and all of the Uses identified in the Permit.
    - a. The Building Owner is responsible for compliance with all conditions of approval.
    - b. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions included herein. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
    - c. A building permit shall be secured for any new construction or modifications to structures authorized by this permit.
    - d. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan.
    - e. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, and/or Historic Preservation Board prior to issuance of any building permits.
    - f. Any removal of existing building materials or features on Historic Buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
    - g. The applicant and/or contractor shall field verify all existing conditions on Historic Buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between

approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.

- h. Permits and approvals terminate upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
  - i. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
  - j. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, exterior lights shall be reviewed by the Planning Department.
2. This Administrative Conditional Use Permit and appurtenant Business license shall contain the following conditions regarding a Management Plan. The Management Plan shall be developed by the Building Owner or Business Licensee for each individual event over 100 persons. The Management Plan shall incorporate the specific Conditions of Approval for this Use as applicable herein. The Management Plan shall be submitted ten (10) business days from the Final Approval of this Use. The Management Plan will be reviewed by the Planning Department, Building Department and Police Department. The Planning Director and Chief Building Official may accept or reject any component of the plan that does not comply with the Conditions of Approval for this Use. Acceptance shall not be unreasonably withheld. The owner/operator shall comply with the Management Plan. The owner/operator shall provide an update to the Management Plan at least ten (10) business days prior to any event which may need to deviate from the Management Plan in effect at the time. Any update to the Management Plan will be reviewed by the same Department or Land Use Authority as the original Management Plan.
- A. The owner/operator shall provide on-site management for each aspect of the event.
  - B. Day-of-Event contact information shall be provided to the City for notice of any Violation or complaints.
  - C. The Day-of-Event contact information shall be posted on Site for the public to contact with any concerns.
  - D. Any violation of any City ordinance or pertinent Code may result in criminal and / or a civil action in accordance with Park City Administrative Code Enforcement Program. This process may include revocation of any Business License, Conditional Use Permit, or other City approval after a hearing in accordance with the applicable ordinance, or if a hearing is not provided for, a show cause hearing before the Planning Commission.
  - E. A copy of the Conditions of Approval for this Use shall be posted onsite in an area accessible and visible to the public during operating hours. The

Conditions of Approval of the CUP will be listed on the Business License for the Indoor Entertainment Facility.

3. Following the first 6 months and 12 months of operation of the Use, Planning Staff will conduct a review of the compliance of the Use with the Conditions of Approval and review the findings with the owner/operator.
4. The Planning Staff will conduct a review of the compliance of the Use with the Conditions of Approval and review the findings with the owner/operator.
5. Violations may be evidenced by a Notice of Determination of Violation, or any citation or order by an appropriate authority, which is not appealed and overturned.
6. The Police Department will notify the Planning Department of any Violations within 24 hours of the report.
7. Within any 12 month period, should the City Planning Director determine the Administrative CUP or Municipal Code was violated three (3) or more times, and the Violations had not been adequately cured, the City Planning Director, or other applicable Appeal Body, may hold a Public Hearing in accordance with the Code to determine whether the Administrative CUP should be revoked or additional conditions of approval or limitations should be added.
8. **Specific Conditions of Approval relating to LMC 15-1-10(E)(1)** size and location of the site:
  - A. An event that may exceed the Uses, and Conditions of Approval in this Permit shall not be approved except on a case by case basis under Chapter 4A of the Municipal Code relating to Special Events permitting.
    - i. All Conditions of Approval for any previous or future Special Event Permit for this Site continue to apply, regardless of this Admin. CUP.
9. **Specific Conditions of Approval relating to LMC 15-1-10(E)(2)**, traffic considerations including capacity of the existing Streets in the area:
  - A. The Management Plan shall be prepared to identify traffic flow, traffic control (if applicable), as well as parking activities and alternatives to parking for all events with occupancy loads of 100 or greater and approved by the Planning, Building, Engineering, and Police Departments. The plan shall address private shuttle service, enforcement of drop-off and loading zones, stewards directing parking patrons to correct locations, and other mitigation strategies. Traffic control shall be provided for events over 100 occupants unless otherwise approved by the City in the Management Plan.
  - B. Based on the September 2018 study by Hales Engineering, the red curb paint shall be extended by the Engineering Department or other appropriate City Department on Heber Avenue and Park Avenue to ensure sufficient space for emergency vehicles. Such paint shall match City specifications for paint type and area curb to be painted.
  - C. Event Center Staff shall create a plan to clearly instruct guests of the location of the venue, where to park, and how to use the loading zone.
10. **Specific Conditions of Approval relating to LMC 15-1-10(E)(3)**, utility capacity, including Storm Water run-off:

- A. No comments have been received from the applicable Park City Departments. Standard Conditions of Approval apply.
- 11. **Specific Conditions of Approval relating to LMC 15-1-10(E)(4)**, emergency vehicle Access:
  - A. The applicant shall develop an Emergency Management Plan to be reviewed by the Fire Marshal and Emergency Manager. Special emphasis should be given to events occurring at the same time as community-wide events along Main Street.
- 12. **Specific Conditions of Approval relating to LMC 15-1-10(E)(5)**, location and amount of off-Street parking:
  - A. Off-street parking requirements for each event will be reviewed as part of the applicant's Management Plan.
- 13. **Specific Conditions of Approval relating to LMC 15-1-10(E)(6)**, internal vehicular and pedestrian circulation system:
  - A. The Management Plan shall specify doors used to enter and exit the Building, locations of ticketing (if any) and any waiting locations to assure sidewalks will not be blocked. See also the Standard Conditions of Approval.
- 14. **Specific Conditions of Approval relating to LMC 15-1-10(E)(7)**, Fencing, Screening, and landscaping to separate the Use from adjoining Uses:
  - A. Standard Conditions of Approval apply.
- 15. **Specific Conditions of Approval relating to LMC 15-1-10(E)(8)**, Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots:
  - A. No tents, including temporary winter balcony enclosures, shall be permitted on the rooftop terrace at any time except through a Special Event Permit.
  - B. The use of umbrellas, portable heaters, tables, and similar improvements may be used during an event; however, they shall not be permanently stored on the rooftop terrace or be visible from the public right-of-way except when in use during the private event. They shall be removed within 24 hours of completion of the event.
- 16. **Specific Conditions of Approval relating to LMC 15-1-10(E)(9)**, usable Open Space:
  - A. No specific Conditions are required.
- 17. **Specific Conditions of Approval relating to LMC 15-1-10(E)(10)**, signs and lighting:
  - A. No changes to exterior lighting shall be made unless approved in writing by the Planning Department prior to installation.
  - B. Signs shall comply with the Park City Sign Code and require an approved Sign Permit prior to installation. All signs shall comply with an Approved Master Sign Plan for this site.
- 18. **Specific Conditions of Approval relating to LMC 15-1-10(E)(11)**, physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:
  - A. Changes to window, doors, exterior materials parapet, roof or other elements regulated by the Land Management Code shall require review and approval in

accordance with appropriate section of the Land Management Code and Design Guidelines for Historic Districts and Historic Sites.

19. **Specific Conditions of Approval relating to LMC 15-1-10(E)(12), noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site:**

- A. The following Conditions apply to the Administrative Conditional Use Permit and appurtenant business license:
- a. The outdoor rooftop terrace shall not be used for activities that may create dust or odor, such as, but not limited to, cooking.
  - b. The owner shall orient the activities so as to minimize sound impacts to the surrounding neighborhoods.
  - c. The owner/operator shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Ordinance (Municipal Code 6-3-9) for the outdoor use.
  - d. In the plan, the Applicant has restricted the patio level for only non-amplified live music and background ambient music. Amplified Event or Music is defined in Municipal Code 4A-1-1.2 as “[a]n event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.”
  - e. At each event, the Applicant shall have on site staff trained to enforce the Noise Management Plan during the event. If there is a noise ordinance complaint associated with the use of the outdoor rooftop terrace, City staff can require a meeting to review compliance with ordinances and to require revisions to the Noise Management Plan if necessary to achieve ordinance compliance. Nothing herein shall limit any enforcement otherwise available under the Municipal Code.
  - f. The owner/operator shall have a Special Event Coordinator on-site during all events and provide the City with the Coordinator’s contact information at all times, as stated in the Management Plan.
  - g. The Special Event Coordinator’s contact information shall also be posted on Site so the public has a contact for any concerns.
  - h. Amplified live entertainment shall only be located within the interior of the Indoor Entertainment Facility subject to the Park City Noise Ordinance. Acoustic, non-amplified Live entertainment may be permitted on the rooftop terrace, subject to the Park City Noise Ordinance.
  - i. All music and non-amplified sound of any kind on the outdoor rooftop terrace is limited from 11 am to 10 pm.
  - j. The owner/operator shall not permit or provide either live or recorded amplified music within the interior of the space without first having closed all exterior doors and windows of the Private Event Facility. Doors may be opened to provide ingress and

gress, but shall not be blocked in the open position to provide ventilation or for any other reason.

- k. No elevated stages or elevated free-standing speakers exceeding the height of the glass railing of the rooftop terrace shall be allowed on the outdoor spaces of the Private Event Facility.
- l. For events on the rooftop terrace ending after 9 pm, loading of off-site equipment and trash, from the rooftop terrace, on Heber and Park Avenue shall occur the next morning, not the night of the event. The loading of off-site equipment shall be completed by noon the following day. Clean-up for the rooftop terrace shall remain subject to the Park City Noise Ordinance, Municipal Code 6-3-9, following the programmed event.
- m. The owner/operator shall post notices on external doors reminding patrons to leave the Outdoor Events and Uses Space (rooftop terrace) in a quiet and orderly fashion to show respect to local neighbors. Further announcements shall be made on a regular basis on any screens located throughout the premises regarding noise.

A. **Specific Conditions of Approval relating to** LMC 15-1-10(E)(13), control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas: Loading of equipment and refuse is prohibited between the hours of 10:00 PM and 7:00 AM. Loading of equipment and refuse may be conducted beginning at 7:00 AM pursuant to MCPC 6-3-8(F) and must be completed by noon pursuant to this condition.”

20. **Specific Conditions of Approval relating to** LMC 15-1-10(E)(14), expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities:

A. The rooftop terrace area may not be separately rented from the Indoor Entertainment Facility space.

21. **Specific Conditions of Approval relating to** LMC 15-1-10(E)(15), within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site:

A. No additional Conditions of Approval are required.

22. Nothing herein restricts the Applicant from otherwise applying for Special Event Permits in accordance with Municipal Code 4A. In which case, if approved in the discretion of the City Council, the terms of such approval shall control.

This constitutes Final Action by the Planning Director in accordance with Land Management Code (LMC) 15-1-11(D).

If you have any questions or concerns regarding this letter, please do not hesitate to contact Project Planner, Laura Kuhrmeyer, by phone (435-615-5063) or email at [laura.kuhrmeyer@parkcity.org](mailto:laura.kuhrmeyer@parkcity.org).

Sincerely,



Bruce Erickson  
Planning Director

CC: Laura Kuhrmeyer, Planner  
Rebecca Ward, Land Use Policy Planner

MANAGEMENT PLAN

Kimball on Main – Outdoor Terrace  
Project Number: PL-18-04033  
June 27, 2019

SUMMARY

This Management Plan is provided in accordance with the Park City Planning Director’s June 17, 2019 “Administrative Hearing – Action Letter” and approved conditions for the Kimball on Main – Outdoor Terrace, and Administrative Conditional Use Permit for Outdoor Events and Uses (the “Admin CUP”).

As provided in the Summary Recommendations, the public hearing requirements have been satisfied based on the Planning Director’s approval of the Admin CUP.

As provided in the Proposal, the “Conditions” of approval for this Admin CUP will be added to the Business License File pertaining to the Outdoor Events and Uses Admin CUP only.

For clarification purposes, the property subject to this Admin CUP is defined as that portion of the building located at 675 Main Street, Park City, UT, Summit County Parcel Number KOM-1, specifically identified as the “Terrace” on the attached **Exhibit A**. The adjacent, associated space is labeled “Indoor Entertainment Facility”.

As provided in the Findings of Fact item 3.M.5, the Noise Management Plan is attached as **Exhibit B**.

The clarifications listed above are confirmed, as provided in Item #5 of the Findings of Fact for Approval.

This Management Plan will govern the Use, is intended to implement the Admin CUP, and will be followed by the Business License holder.

CONDITIONS OF APPROVAL

The Specific Management Plan provisions below relate to individual Conditions of Approval of the Admin CUP, as provided in the June 17, 2019 “Administrative Hearing – Action Letter”.

- [1.A.] The Business License holder for the adjacent, associated Indoor Entertainment Facility is responsible for compliance with this Management Plan.
- [1.B.] The Condition of Approval of the Admin CUP apply to the Uses of the area defined in **Exhibit A**.
- [1.C.] For clarification purposes, the Conditions of Approval of the Admin CUP apply only to the area defined in **Exhibit A**.
- [1.C.a.] The Business License holder for the adjacent, associated Indoor Entertainment Facility is responsible for compliance with this Management Plan.
- [1.C.h.] This Admin CUP is an extension of the allowed Use as Indoor Entertainment Facility, and as such remains in effect so long as the Business License is in good standing and the Admin CUP has not been otherwise withdrawn, terminated or revoked pursuant to applicable law.
- [2.] The provisions of this Management Plan are applicable only to events exceeding 100 persons in the area defined in **Exhibit A**. This Management Plan, as it may be amended from time to time, shall govern all such events, and individual or separate Management Plans are not required on a case-by-case basis, subject to Condition of Approval [22].
- [2.B.] The Business License holder shall provide Day-of-Event notification to the City in the form attached as **Exhibit C**. Notification made by email to the then-current Park City Planning Department staff member assigned to the Admin CUP shall be deemed satisfactory. The assigned staff member as of the date of this Management Plan is Laura Kuhrmeyer, at [laura.kuhrmeyer@parkcity.org](mailto:laura.kuhrmeyer@parkcity.org).
- [2.C.] The Business License holder shall provide Day-of-Event contact information for the public in the form attached as **Exhibit D** and will be posted at the location identified on **Exhibit A**.
- [2.E.] The Conditions of Approval will be posted in the location provided in **Exhibit A**.

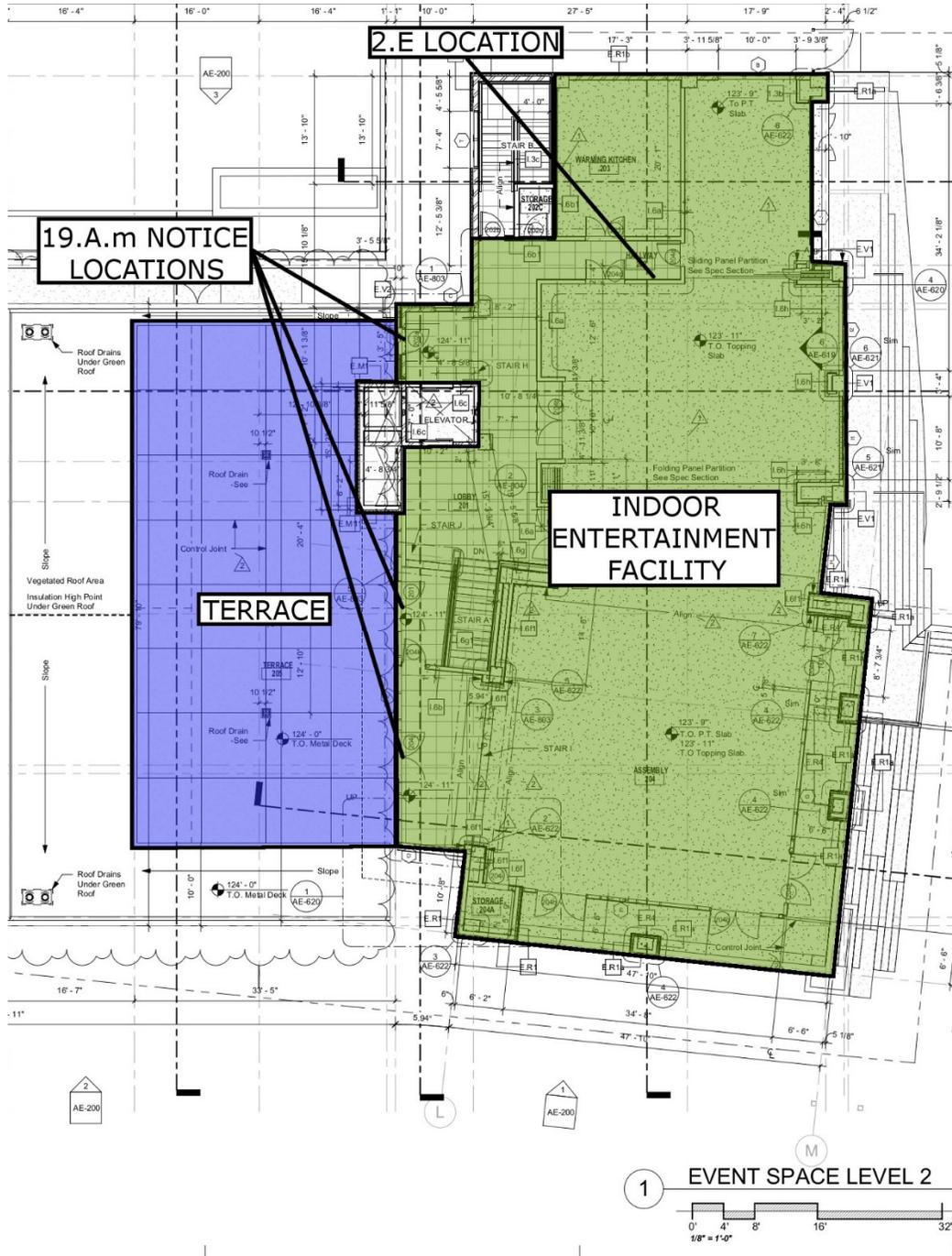
- [6.] Any Violations provided to the Planning Department will be forwarded to the Business License holder in order to adequately cure any complaints not directly received by the Business License holder.
- [7.] Any Violations provided under the terms of this Admin CUP will be addressed on the attached form **Exhibit E** and, provided no additional follow up is required, deemed adequately cured by the Planning Department within two (2) business days following receipt of the Business License holder’s response.
- [9.A.] The attached **Exhibit F** identifies and provides for all requirements of this Condition of Approval.
- [9.C.] The attached **Exhibit G** will be provided to all events subject to the Admin CUP.
- [11.A.] The Emergency Management Plan is attached as **Exhibit H**.
- [12.] Off-street parking locations are provided as part of **Exhibit G**, above. If needed for an individual event subject to the Admin CUP, the Business License holder will provide additional information as shown on **Exhibit F**.
- [13.A.] The attached **Exhibit I** identifies the approved locations for ingress and egress, together with ticketing and waiting locations (if applicable).
- [19.A.] For clarification purposes, the Conditions of Approval of the Admin CUP apply only to the area defined in **Exhibit A**.
- [19.A.a] This Condition of Approval is not intended to limit service of food or drink items on the Terrace or warming of food cooked off-site or in the adjacent Indoor Entertainment Facility.
- [19.A.f.] For clarification purposes, the Special Event Coordinator is identified in **Exhibit C** and **Exhibit D**.
- [19.A.g.] For clarification purposes, this Condition of Approval is addressed under Condition of Approval [2.C.] above.
- [19.A.j.] For clarification purposes, the Private Event Facility referenced in this Condition of Approval is the area defined as “Indoor Entertainment Facility” in **Exhibit A**.

- [19.A.k.] For clarification purposes, the Private Event Facility referenced in this Condition of Approval is the area defined as “Terrace” in **Exhibit A**.
  
- [19.A.l.] For clarification purposes, equipment and trash that remains on the Terrace after 9:00 PM shall not be removed from the Terrace until the following morning, beginning at 7:00 AM. However, trash and clean-up that could cause an odor, nuisance or other detrimental effects can be removed from the Terrace to the adjacent Indoor Entertainment Facility after 9:00 PM and following the programmed event, subject to the Park City Noise Ordinance, Municipal Code 6-3-9.
  
- [19.A.m.] The required notices will be posted in the location provided in **Exhibit A**.
  
- [19.B.] For clarification purposes, the Condition of Approval is labeled “A” rather than “B” (relating to LMC 15-1-10(E)(13)). Additionally, the Conditions of Approval of the Admin CUP apply only to the area defined in **Exhibit A**, as clarified above under Condition of Approval [19.A.l].

LIST OF EXHIBITS

- A – Admin CUP area
- B – Noise Management Plan
- C – Form of Day-of-Event Notification
- D – Day-of-Event Contact Information (Public)
- E – Form of Response to Violations
- F – Traffic Considerations
- G – Off-Site Parking
- H – Emergency Management Plan
- I – Circulation Considerations

**EXHIBIT A**





## EXHIBIT B

### NOISE MANAGEMENT PLAN Kimball on Main – Outdoor Terrace Project Number: PL-18-04033

#### SUMMARY

The purpose of this Noise Management Plan is to detail the procedures in place to ensure compliance with the Admin CUP, specifically Conditions of Approval 19.A.b, 19.A.c, 19.A.d, 19.A.e, 19.A.h, 19.A.i and 19.A.j.

This Noise Management Plan will be provided to all events subject to the Admin CUP.

#### Key Requirements

- The Terrace has a maximum occupancy of 141 persons.
- Hours of operation for the Terrace are 11:00 AM – 10:00 PM. The closing time is strictly enforced.
- Activities shall be oriented to minimize sound impacts to the surrounding neighborhoods.
- The Business License holder shall regularly monitor the sound system to ensure compliance with the Park City Noise Ordinance, Municipal Code 6-3-9.
- Non-amplified live music or amplified background music is allowed on the Terrace. Amplified live music is not allowed on the Terrace without a separate Special Event Permit issued in accordance with Park City Municipal Code 4A.
- Amplified live music is allowed within the adjacent Indoor Entertainment Facility, subject to the Park City Noise Ordinance.
- On-site management staff are trained to monitor compliance with the Park City Noise Ordinance.
- Doors from the adjacent Indoor Entertainment Facility to the Terrace shall not be held open for ventilation or for any other reason. Doors to the Terrace may only be used for regular ingress and egress from the Terrace.

#### Key Elements of the Plan

##### Information and Communication

- The Special Event Coordinator will inform potential patrons of the Key Requirements in the Noise Management Plan and answer any questions related to the operation of the event on the Terrace.
- The Special Event Coordinator will help identify noise sources, like those listed below, and discuss methods with the event patrons to mitigate sound impacts from the Terrace. Noise sources and mitigation strategies include:
  - Amplified Music (background music only). Particular attention should be paid to low frequency bass levels and volumes. The specification,

selection, orientation and operation of amplified music equipment should also be considered. Music should reduce in volume and style to reflect a calm ending to the programmed event on the Terrace.

- Live Music (non-amplified only). Particular attention should be paid to the orientation of the band to mitigate sound impacts from live acoustic bands. Live music should reduce in volume and style to reflect a calm ending to the programmed event on the Terrace.
- Ceremonies or Public Address Systems. Particular attention should be paid to the orientation of the speaker to utilize the sound traps built into the soffit of the building.
- Ambient Crowd Noise. Particular attention should be paid to the type of programmed activity on the Terrace and the location of service stations, tables, chairs and traffic flow to minimize the intensity of crowd noise.
- The Special Event Coordinator will communicate the consequences of excessive noise to the event patrons, listed below under the Compliance provisions.
- Notices will be displayed on the Terrace doors reminding patrons to leave the Terrace in a quiet and orderly fashion to show respect to local neighbors.

#### Event Planning

- The Special Event Coordinator will work with the event patrons to lay out any programmed activities on the Terrace in advance. All events on the Terrace should orient noise sources to mitigate sound impacts to the adjacent neighborhoods to the West of the Terrace.
- Event staff will be available at least one hour prior to the event and one hour following the event on the Terrace to ensure a timely and orderly dispersal and removal of any trash or equipment required following the event.

#### Monitoring

- Event staff will take a pro-active approach to noise management including checking noise levels periodically throughout the event on the Terrace. This includes:
  - Using a professional quality, hand-held sound meter to measure noise levels at the Southwest and Northwest corners.
  - Documenting the noise levels recorded and maintaining the records for review.
  - More frequent noise checks during events that include either live or amplified background music.
  - If necessary, communicating the results to the event patrons and requiring modification of the event to reduce noise levels.
- Event staff will ensure that all third-party entertainment providers are made aware of the Park City Noise Ordinance and measures taken to monitor compliance during the event.

## Compliance

- Event staff will address any noise deemed unacceptable with the event patrons. One warning will be given to event patrons to reduce noise to an acceptable level. If the noise continues to exceed acceptable levels, any measures taken will increase the severity of the required response to immediately reduce noise to an acceptable level. These measures may include:
  - Discontinued use of live or amplified background music.
  - Reduction of the number of patrons allowed on the Terrace.
  - Removal of services, such as food or bar services, to facilitate less programmed activity on the Terrace.
  - Removal of tables and chairs.
  - Removal of identified individuals from the Terrace contributing to, or encouraging excessive noise.
  - Early termination of the event on the Terrace.
- If needed, the Special Event Coordinator may call the local Police to facilitate compliance with the Park City Noise Ordinance.

## Complaint Resolution

- Day-of-Event Contact Information for the public will be posted in the location shown in the Management Plan **Exhibit A** and will be in the form identified in the Management Plan labeled **Exhibit D**.
- Complaints related to noise originating from the Terrace should be reported directly to the Special Event Coordinator. Any complaints received by the Planning Department will be forwarded to the Special Event Coordinator upon receipt.
- The Special Event Coordinator will investigate each complaint and take appropriate action to address the complaint.
- The Special Event Coordinator will document each response in the form provided in the Management plan labeled **Exhibit E**. These responses will be provided to the Park City Planning Department staff member assigned to the Admin CUP.
- If requested and contact information is provided by the complainant, a verbal or written response will be provided to the complainant as quickly as practical. The response will include the measures taken to resolve the complaint.

EXHIBIT C

<b>NOTICE OF EVENT SUBJECT TO ADMIN CUP</b>	
Kimball on Main – Outdoor Terrace Project Number: PL-18-04033	
Event Date	
Terrace Event Hours	
Terrace Occupancy Anticipated	
<b>Terrace Programming Anticipated</b>	
	<input type="checkbox"/> Tables <input type="checkbox"/> Chairs <input type="checkbox"/> Food Service <input type="checkbox"/> Bar Service <input type="checkbox"/> Presentation <input type="checkbox"/> Ceremony <input type="checkbox"/> Live Acoustic Music <input type="checkbox"/> Amplified Background Music <input type="checkbox"/> Temporary Heaters <input type="checkbox"/> Temporary Lighting <input type="checkbox"/> Temporary Umbrellas <input type="checkbox"/> Other:
Special Event Coordinator	
Direct Contact Information	

EXHIBIT D

<b>NOTICE OF TERRACE EVENT</b>	
Kimball on Main – Outdoor Terrace Project Number: PL-18-04033	
Event Date	
Terrace Event Hours	
Special Event Coordinator	
Direct Contact Information	

EXHIBIT E

<b>RESPONSE TO VIOLATION FOR ADMIN CUP EVENT</b>	
Kimball on Main – Outdoor Terrace Project Number: PL-18-04033	
Event Date	
Violation Time	
Nature of Violation	
Violation Source	
Actions Taken to Cure	
Complainant Contact Info	
Follow up Conducted?	
Respondent	
Direct Contact Information	

EXHIBIT F

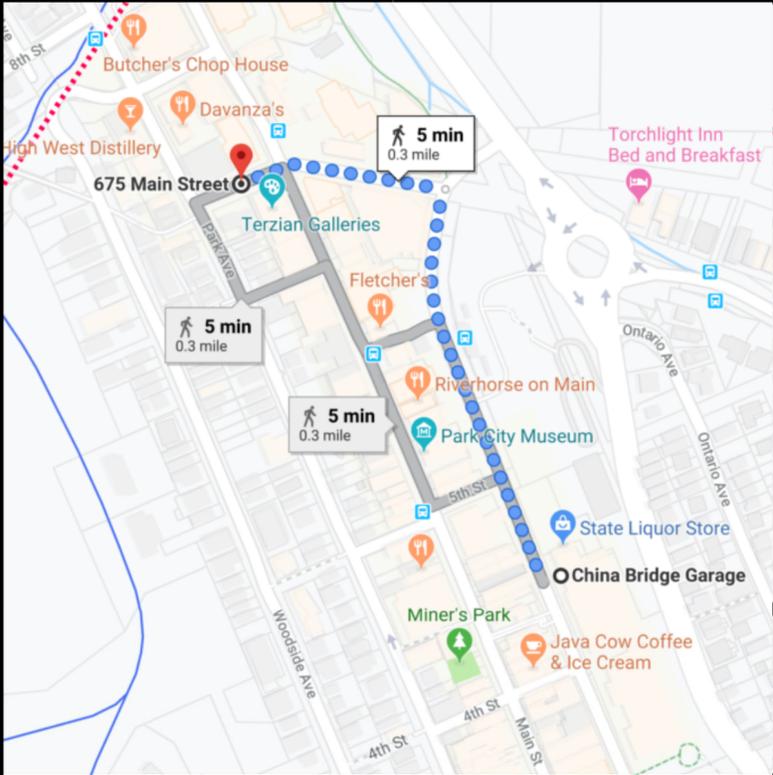


# LOCATION

**PHYSICAL ADDRESS**  
675 Main Street  
Park City, UT 84060

**GUEST ENTRANCE**  
Located on Heber Avenue,  
in between  
Main Street  
and Park Avenue.

**VENDOR LOAD-IN/OUT**  
\*\* same as guest entrance \*\*  
no loading in or out  
after 10:00 pm



Guests of the Kimball Terrace are encouraged to park at the China Bridge Garage, located on Swede Alley.

*Additional parking information attached.*

# PARKING

# LOADING IN

All vendors loading into the Kimball Terrace must adhere to the following:

- If parked on Heber Avenue, the time limit shall be observed.
- If parked on Main Street, south of Heber Avenue, you must utilize the west side of Main Street during the hours from 3:00 a.m. to 12:00 noon - ok to double park\*\*.
- If parked on Main Street, north of Heber Avenue, you must utilize Main Street during the hours from 7:00 a.m. to 12:00 noon - ok to double park\*\*.
- After 12:00 noon, no delivery vehicle shall be parked on Main Street.
- Delivery vehicles may utilize any parking space on the west side of Swede Alley from 3:00 a.m. to 4:00 p.m.
- Delivery vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 noon.
- No delivery vehicle shall park on the east side of Swede Alley.
- No delivery vehicle shall be parked in such a manner to impede the flow of traffic.
- No delivery vehicle shall be parked with its engine left idling.
- No delivery vehicle shall park on Park Avenue, between Heber Avenue and King Road, to make deliveries.

\*\* Delivery vehicles may double park provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.



EXHIBIT H

EMERGENCY MANAGEMENT PLAN  
Kimball on Main – Outdoor Terrace  
Project Number: PL-18-04033

SUMMARY

The purpose of this Emergency Management Plan is to detail the procedures in place to ensure compliance with the Admin CUP, specifically Condition of Approval 11.A.

This Emergency Management Plan will provide the venue and event managers with the necessary information and plan to follow in the event of an emergency. The Special Event Coordinator will have the following information available for coordination with event staff, patrons and local emergency first responders:

- Contact information for emergency personnel for the Terrace area, including police, fire/ambulance and poison control.
- Directions to the nearest hospital or available health care facility.
- At least one staff member will maintain the appropriate first aid certificate and the equipment appropriate to the event programming.
- A phone tree, or similar plan for communications with event staff and patrons.
- Working knowledge of the evacuation plan and signage, as provided in the approved construction plans for the building, and a primary meeting location to ensure all staff and patrons are accounted for in an emergency.
- Documentation and reporting of any incident occurring on site, in order to communicate the same to first responders.
- Location of first aid kits within the building.

NOTE: This Emergency Management Plan shall be supplemented by direction and information from the Park City Fire District, Park City Police Department, and any other relevant first responders.

EXHIBIT I

