

MEETING MINUTES
ALTA PLANNING COMMISSION MEETING
Tuesday, March 27th, 2024, 3:00 PM
Alta Community Center, 10351 E. Highway 210, Alta, Utah

PRESENT: John Nepstad, Chair
Jeff Niermeyer, Vice-Chair
Rob Voyer
Dave Abraham
Maren Askins
Roger Bourke, Town of Alta Mayor (ex-officio)

STAFF PRESENT: Chris Cawley, Town Manager
Molly Austin, Assistant Town Clerk
Chris Otto, Assistant Town Manager
John Guldner, Cottonwood Lands Advisory
Polly McLean, Town Attorney

OTHERS: Todd Godfrey, HGB Law

1. INTRODUCTION AND WELCOME FROM THE CHAIR

Planning Commission Chair John Nepstad opened the March 27, 2024 meeting at 3:01 PM.

2. APPROVAL OF MINUTES FROM THE February 27, 2024, MEETING

After some initial confusion about the day of the week, the approval of the meeting minutes was discussed. Chris Cawley mentioned that staff were using AI tools for generating planning commission meeting minutes, which prompted a brief discussion on its effectiveness. Despite some concerns about the accuracy of assigning certain comments to specific commission members in the minutes, and about the level of detail contained in the minutes, they were ultimately approved.

Planning Commission Member Rob Voyer introduced a motion to approve the minutes from the February 27, 2024, Alta Planning Commission Meeting. Planning Commission Member David Abraham seconded the motion, and the motion was passed with unanimous consent of the commission.

3. Introduction to Town of Alta Subdivision Ordinance Update Project – Todd Godfrey, HGB Law

For this agenda item Polly McLean provided initial background information on the topic. She discussed how legislative mandates regarding subdivision ordinances have evolved, and that

municipalities in Utah were required to change their subdivision ordinances to streamline the approval process.

John Nepstad introduced Todd Godfrey from HGB Law, who specializes in representing cities and towns. Todd was hired by Alta and tasked with drafting changes to bring the Town's ordinance into compliance with state law. The discussion revolved around the timeline for implementation and the allocation of state funding for municipalities to hire consultants such as Todd. Todd then provided an overview of the legislative background and context regarding subdivision updates mandated by state law. He outlined the two-step subdivision process now required by state law: preliminary plat consideration and final plat approval. Notably, city councils have been removed from the subdivision approval process. Planning Commissions or staff can conduct preliminary plat reviews, and only staff can oversee final plat approvals. Alta's amended ordinance should be finalized by the end of the year.

Discussion ensued regarding the engineering-heavy nature of the town's environment, with concerns about avalanches and utility issues raised by various attendees, including John Guldner and Jeff Niermeyer. Polly McLean inquired about including provisions for plat amendments and the presentation format for proposed changes, prompting further clarification from Todd that there is question as to whether the state funding supporting Todd's work for Alta would cover other code updates. There is an information meeting about the state funding program on April 2nd where Todd will raise this question and determine if that is the case. Todd will provide the proposed changes in Alta's code in a red lined comparison draft, or they may simply recommend drafting an entire new chapter.

Mayor Bourke expressed concerns about potential disadvantages for smaller towns under the new legislation, while Chris Cawley sought additional context on the legislative motivation for the changes, which Todd provided, citing a focus on efficiency and affordable housing production as the motivation for the changes which impact larger municipalities.

Future steps were discussed, including the anticipated presentation of draft revisions at the April Planning Commission meeting and the process for recommending the ordinance changes to the Council. The meeting concluded with a consensus to move forward with the proposed revisions and to work collaboratively with Todd on the process, ensuring compliance with state law while addressing the unique needs of the town.

4. Discussion and possible action to appoint a commission chair and vice-chair for 2024

Planning Commission Member Rob Voyer introduced a motion to reappoint John Nepstad as Chair of the Planning Commission and Jeff Niermeyer as Vice-Chair. Planning Commission Member David Abraham seconded the motion, and the motion was passed with unanimous consent of the commission.

5. Date of Next Meeting

During the town council meeting, Chris Cawley and John Nepstad discussed potential agenda items for the upcoming April meeting. They considered providing training and education for the Planning Commission, as well as clarifying their roles and responsibilities. Rob Voye and Mayor Bourke also expressed support for ongoing education opportunities. Jeff Niermeyer inquired about Open Meetings training, while Polly McLean confirmed that the past training was conducted in November, but they will try to get that scheduled at some point in the summer. The commission agreed on scheduling future meetings to get updates from Mike Maughn regarding capital projects at Alta Ski Lifts which includes an expansion of the Albion Day Lodge and replacing the Sugarloaf Top Ski Patrol Building. The next meeting is scheduled for April 24, 2024 at 3pm.

6. MOTION TO ADJOURN

Planning Commission Vice-Chair Jeff Niermeyer moved to adjourn the meeting. Planning Commission Member Maren Askins seconded the motion, and the motion was carried with unanimous consent of the commission.

Minutes Approved on

Chris Cawley, Town Manager

Alta Planning Commission

Staff Report



To: Alta Planning Commission

From: Chris Cawley, Town Manager

Date: April 17, 2024

Re: Shallow Shaft Restaurant Proposed Base Facilities Zone Ordinance Text Amendment and Redevelopment Vision

Attachments: *The Shallow Shaft Redevelopment Vision presentation powerpoint/.pdf*

Introduction

The owners of the Shallow Shaft restaurant are considering a project to demolish the existing structure and pursue a redevelopment on the property. Both the existing structure and the proposed future structure and land uses exhibit nonconformity and noncompliance issues under Town of Alta zoning regulations. The owners of the Shallow Shaft will join the Alta Planning Commission on April 24th to discuss a proposed amendment to the text of the Town of Alta zoning ordinance and their redevelopment vision.

Existing Property, Applicable Zoning

The existing land use is an 80-seat restaurant, with an apartment in the basement primarily used by employees or facility caretakers. The existing structure is 28 feet tall above the lowest adjacent finished grade, with at least 44 % lot coverage. The Shallow Shaft parcel is .21 acres.

The Shallow Shaft parcel is zoned Base Facilities under [Town of Alta Code 10-6D](#), and further defined as Zone C of the Base Facilities Zone (BFZ). The adjacent "Photohaus" property is the only other property in BFZ Zone C. The following are relevant provisions of the BFZ:

Purpose: *The purpose of the base facilities zone is to allow land to be used for retail and service commercial establishments and uses, together with transient accommodations uses. The base facilities zone is the commercial hub of the town and, as a result, no residential uses, including, but not limited to, condominiums and single-family residences shall be permitted within the base facilities zone.*

Permitted Uses: Hotels, conferences, retail commercial services, storage of materials accessory to permitted uses, parking, parks and open spaces, and designated employee housing

Prohibited Uses: All other uses not permitted in the BFZ (including residential uses as stated in 10-6D-2 Purpose)

Minimum Lot Size: 1 acre

Minimum Lot Width: 100 feet

Maximum Coverage: 65%

Yard Regulations (Setbacks): Individually determined by the land use authority

Maximum Height, Zone C: Individually determined by the land use authority

The BFZ was last updated substantially in 2014, when provisions related to lot coverage, height, and other elements were amended.

Existing Zoning Noncompliance and Nonconformity Issues

- The .21 acre, 95.5 foot wide Shallow Shaft parcel does not comply with the BFZ minimum lot size and width requirements under [10-6D-8](#). The adjacent Photohaus parcel is also below the minimum lot size and width requirement in the BFZ.
- Parking occurs on the Shallow Shaft parcel at present, with up to 8 vehicles parking partially on private property, and partially on land within the UDOT right-of-way easement for SR 210. Under the current code, parking “as is” is allowed for existing uses.
- If the property is enlarged or increased in capacity or there is a new use or new construction then parking requirements in the Code apply. [Alta Town Code Chapter 10-12](#) requires 1 parking space per 2.5 seats or 3 spaces per 100 feet of gross floor area; under this requirement, the 80-seat Shallow Shaft restaurant would require at least 30 parking spaces to comply with the ordinance. The ordinance also requires parking to occur on-site, although exceptions can be made in some circumstances. Current parking on site is included in the northside parking permit program or in the Alta Marshals Office “official zone” by permission from the Shallow Shaft. The Town of Alta manages snow removal in the parking area.
- Given these noncompliance issues, the only option under the current code to demolish and rebuild or expand the structure is to use the same footprint, with the option to add an additional 250 gross square feet of floor area, per updates to ordinance [10-8-4 adopted in 2021](#).

Redevelopment Proposal

The property owners propose to develop a two-story building with two short-term rental units on each floor, on top of a basement 7-stall parking garage. The proposed structure would have 56% coverage, stand 36’ above the lowest adjacent finished grade, and have setbacks between 5’ and 30’ from various lot lines. *See page 9 “Coverage/Setback of New Structure” in the attached presentation.* The proposed use is short-term rentals.

Proposed Zoning Ordinance Text Amendment

The property owners propose a text amendment to Town of Alta Code 10-6D-8 to reduce the minimum lot size in Zone C to .13 acres, and to reduce the minimum lot width to 70 feet, in order to mitigate both Zone C properties’ noncompliance with 10-6D-8. *See page 13 “Proposed Code Change” in the attached presentation.* Such a text amendment would allow for a new building to meet the lot size and width requirements and be a larger building, therefore allowing it to be placed in a new footprint and be larger than the old footprint plus 250 square feet.

Problems with the Redevelopment Vision: Short-Term Rentals

Since the BFZ was last updated, Short-Term Rentals (STRs) have become one of the hottest topics in local land use regulation across the United States and especially in resort communities like Alta. The reasons why are numerous, including:

- In communities such as Park City, Moab, and Springdale, as well as in urban communities, considerable portions of local housing stock, especially more affordable

units, have been purchased by investors and converted into STRs. STR rates can generate substantially more income for a property owner than long-term, residential style rentals.

- When commercial properties are converted to STR, what were once spaces open to public commerce and thus had social significance to community members and visitors become inaccessible. STR also do not typically create and sustain as many jobs as businesses like restaurants and retail shops. A classic example of this comes from Springdale, where conversion of a beloved local art gallery to STR lead the Town of Springdale to undertake a significant project to regulate short-term rentals: <https://www.kuer.org/business-economy/2022-02-25/springdale-puts-the-brakes-on-new-short-term-rentals>. This could be seen as an analogous situation to what would occur on the Shallow Shaft property, where the only restaurant in Alta not part of and primarily intended for guests at a hotel or day-skiers at Alta Ski Area would be converted into transient accommodations accessible only to guests

There are also many commonly acknowledged benefits of STRs:

- STRs are very popular for destination visitors and can provide diverse transient lodging options. Many properties in Alta's residential zones are rented as STRs.
- STR's are generally considered a safe or easy business model. They do not require substantial staffing or other overhead costs required for a successful retail or food service business. Depending on property owners' specific financial circumstances, STR could be more stable businesses to operate in Alta's extremely seasonal economic environment.

The BFZ ordinance does not include the terms "short term rental" or "nightly rentals." Nightly rentals are permitted in certain other Town of Alta zoning districts, but not the BFZ. The BFZ is intended to promote pure hotel use, service commercial uses such as restaurants and retail shops, and employee housing. Under [State of Utah Code 10-8-85.4](#). "Short-term rental" means any residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days." Residential uses are expressly prohibited in the BFZ. Thus, short-term rental use is not permitted in the BFZ.

The property owners argue that short term rental use is permitted under the definition of a hotel contained in [Town of Alta Code 10-1-6](#):

Any building containing guestrooms intended or designed to be used, or which are used, rented, or hired out to be occupied on a nightly basis, or which are occupied for sleeping purposes by guests, and which may include accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and other facilities customarily associated with hotels. A "hotel" shall not include any building used for residential purposes, including, but not limited to, condominiums and single-family residences.

Staff believes the planning commission and town council intended to prohibit short-term rental use in the BFZ during the most recent process to update the ordinance, which was in 2013-2015. Short term rentals are based on single family dwellings being used for nightly rentals. Single family dwellings are explicitly prohibited in the zone.

Allowing the Shallow Shaft to convert to STR under this definition would require the town to allow other properties in the BFZ, such as Alta's existing hotels, to convert to STR.

These units are not condominiums. A “condominium project” is defined as “A real estate plan or project whereby two (2) or more units, whether contained in an existing or proposed building or buildings, are separately offered or proposed to be offered for sale. “Condominium project” shall also mean the property when the context so requires,” and the units are not proposed to be independently offered or sold.

For more information on STR as a land-use topic, [click here to read a white paper on STR from the Utah Land Use Institute](#).

Additional Problems with the Redevelopment Vision

- As described above, the Shallow Shaft parcel is below the 1-acre minimum lot size and 100-foot minimum lot width requirements in the BFZ. The proposed redevelopment substantially changes the footprint of the structure and appears to increase the floor area by more than 250 gross square feet. *The purpose of the proposed text amendment is to mitigate this noncompliance.*
- A large culvert exists on the southeast corner of the Shallow Shaft parcel. 10-6D-14-G Stream Regulations provides that *no building, structure, improvement, or appurtenance shall be constructed, raised or established, the nearest point of which is within fifty feet (50') of the high-water line of any Waterway*, and 10-1-6 Definitions defines a culvert as a “Waterway.” The plan and renderings contained in the Shallow Shaft’s proposal appears to show improvements within 50 feet of the culvert. The culvert helps manage heavy runoff from spring melt out and rainstorms that would otherwise flood or undermine SR 210. Addressing this setback would change the layout, location and size of the proposed redevelopment.
- 10-6D-11 provides that “Maximum Coverage” *“for the aggregate of all buildings, structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be 65% of the gross lot area.* If the text amendment was approved, any new building would be permitted so long as it met the 65% of the gross lot area.
- [10-7-22 Avalanche Hazard Review](#) requires building permit applicants to define and analyze a “100-year avalanche” event and design the building to withstand and protect human life from such an event. On properties with significant exposure to avalanches, designing to this requirement can be a primary driver of feasibility and construction costs and the Town encourages property owners to evaluate avalanche hazard early in the design process on any significant project. Various avalanche studies have shown significant avalanches originating on Flagstaff Shoulder and Flagstaff face affecting nearby properties. Renderings in the proposal appear to show uphill-facing windows, which would require extensive engineering and reinforcement if a dedicated study confirms significant exposure.
- The proposed underground parking garage is shown to be accessed from the US Forest Service road that accesses Alta Central and has historically been covered by deep snowpack all winter. Adding vehicle circulation on, and plowing the lowest segment of the road would be technically challenging, and the Shallow Shaft would need permission from US Forest Service and the Utah Department of Transportation.
- Parking will be required to be completely on-site unless the Shallow Shaft is granted an exemption to this under [10-6D-6](#).

Minimum Lot Size and Width Requirements in General and in Alta

Lot size and width requirements are common regulations in municipal zoning ordinances. They are a primary mechanism to regulate density, the look and feel of neighborhoods and communities, and the social intensity of a given land use, which can affect demand for municipal services and parking, vehicular and pedestrian traffic and circulation, environmental impacts, and other factors.

The smallest minimum lot size allowed in any Town of Alta Zoning District is ½ acre, in the Peruvian Estates Zone. The minimum lot size in Alta's commercial zone has always been 1 contiguous acre, which the Town of Alta inherited from Salt Lake County upon incorporation in 1970.

Changing the minimum lot size in BFZ Zone C could be considered "spot zoning," which is when special zoning ordinances are narrowly tailored to a single property or other small number of properties.

If this text amendment were granted it would apply to both properties in the "C" zone of the BFZ. Therefore, the adjacent Photohaus property, which is a parcel less than 2. acres, would also be permitted to redevelop under this amendment and could expand to 65% of the lot coverage.

Additional Note on the Photohaus

The Photohaus was originally built as a mixed residential and commercial property on a US Forest Service special use permit, prior to the Town of Alta's incorporation. Both the Shallow Shaft and the Photohaus either purchased their land from the US Forest Service or participated in a land exchange with the agency. The owners of the Photohaus rent the residential dwellings in the building as short-term rentals. The Photohaus is zoned Base Facilities Zone C, like the Shallow Shaft. The Town considers the residential uses in the Photohaus grandfathered nonconforming uses. The Photohaus was substantially remodeled in the past decade, but prior to the recent amendment to the Town of Alta nonconforming use and noncomplying structure ordinance allowing limited tear-down and rebuild, and neither dimensions, coverage, or uses of the building changed.

Proposed Town of Alta and Planning Commission Process and other Next Steps

Staff recommends the Town of Alta and the planning commission undertake a process to study impacts of the proposed text amendment and affirm Staff's finding that Single Family Dwellings and thus STR are not allowed in the BFZ. The process should involve the following elements:

- Seek from the applicant three-dimensional massing renderings to study the impacts on neighborhood look and feel, viewsheds from adjacent properties, etc. that could result from adopting the proposed text amendment
- Consider whether reducing the minimum lot size requirement in BFZ Zone C would set a precedent for proposals to change minimum lot size requirements in other zoning districts

If the Planning Commission is interested in considering STRs in the Base Facilities Zone, they could direct staff to do the following:

- Develop a definition of STR and determine whether, or under what conditions, to allow STR

- Study the economic benefit of STR to the Town of Alta compared to other potential commercial uses such as restaurants or retail shops, especially in light of the potential for UDOT's proposed enhanced bus service or gondola to impact pedestrian traffic and demand for services in central Alta
- Evaluate any other potential impacts that permitting STR in the BFZ could create. Would STRs enhance, complement, or degrade Alta's character and community?

If the planning commission eventually decides to support the proposed text amendment, or to develop ordinance language regulating STR in the BFZ, it can vote to recommend any such changes to the town council. The council has final authority to approve all zoning amendments or rezoning requests.

The Shallow Shaft Redevelopment Vision

Background/Context

The Shallow Shaft was built in 1956

- Ski Shop
- Restaurant
- Apartment

Purchased in 1986 by Walter Krebsbach

- 37 years of contribution to community of Alta



Agenda

Goal: Share our vision for Shallow Shaft property

Overview:

- Demolish and rebuild in a new orientation.
- Ensure full code compliance
- Focus on health, safety and sustainability
- Repurpose restaurant and apartment into short-term rentals (permitted use: hotel)

Visuals: Site maps, display exterior views, and designs.

Code change recommendation

Next Steps: Discuss the path forward.

Land Use:

- Feedback from Town of Alta indicated moving the building away from the forest road would be desirable

- ## Land Use:
- Feedback from Town of Alta indicated moving the building away from the forest road would be desirable



Site View of New Structure

Improved Location:

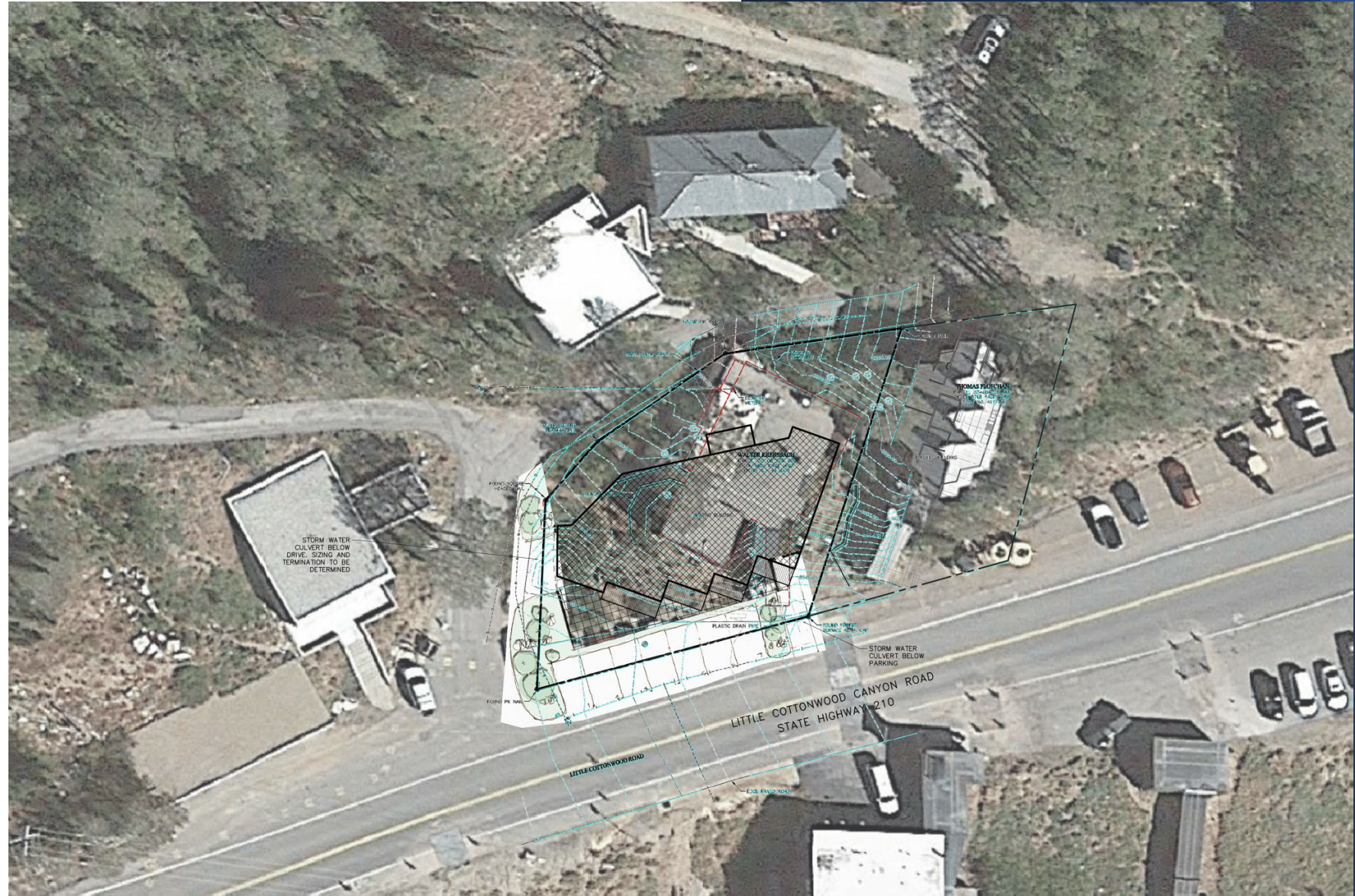
- Relocated away from the forest road for safety
- Opens green space between buildings - less crowding

Efficient Land Use:

- Orients building consistent with lot shape
- Takes advantage of solar exposure for energy efficiency

Alignment:

- Designed to complement the aesthetics of Photohaus



Proposal Concept

Structure Overview:

- Downhill view of the new building

Design:

- Lower level: Covered parking garage.
- Second and third levels: Four rental units.

Health, Safety and Sustainability Focus:

- Up to date code requirements
- Safe egress from living quarters
- Roof design to support snow dump/storage
- Durable building materials support harsh winter environment



Proposal Concept

Structure Perspective:

- Up-canyon view of the new building

Parking Convenience:

- Side entrance to the parking garage - doubles parking availability
- Charging units for electric vehicles
- Potential to allocate parking spaces for Town use

Designed to Reduce Environmental Impact

- Renewable energy sources (solar panels) - aim for zero external energy consumption
- Green roof
- Building envelop to go beyond energy code requirements for insulation and sealing



Proposal Concept

Rear Elevation:

- View of the back of the structure from forest road



Coverage/Setback of New Structure

Existing Building

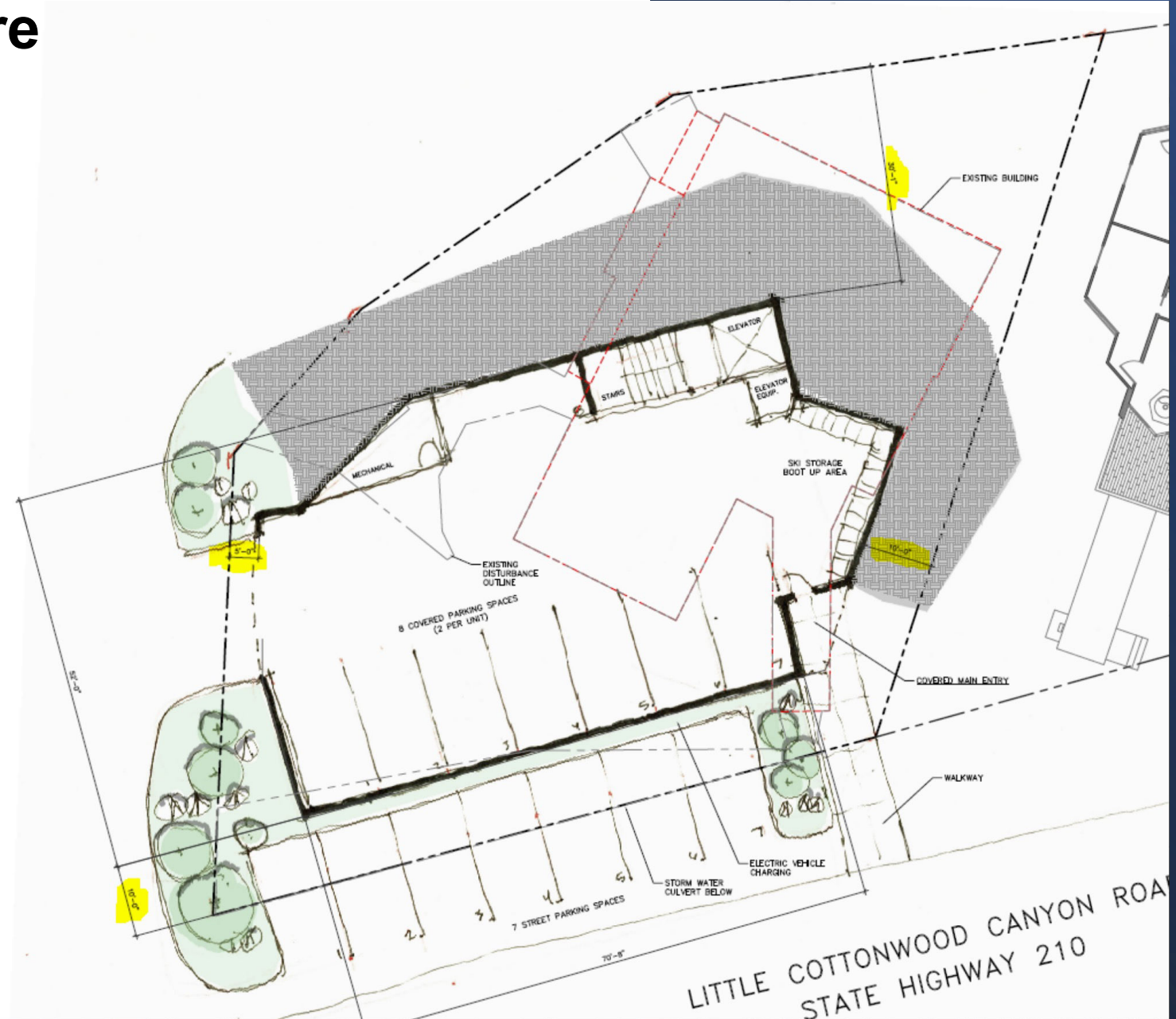
- Slope – 16%
- Coverage – 44%
- Height ~ 28 ft

New Structure

- Slope – 16%
- Coverage - 56%
- Height – 36 ft

New Structure Setbacks (Highlighted in yellow)

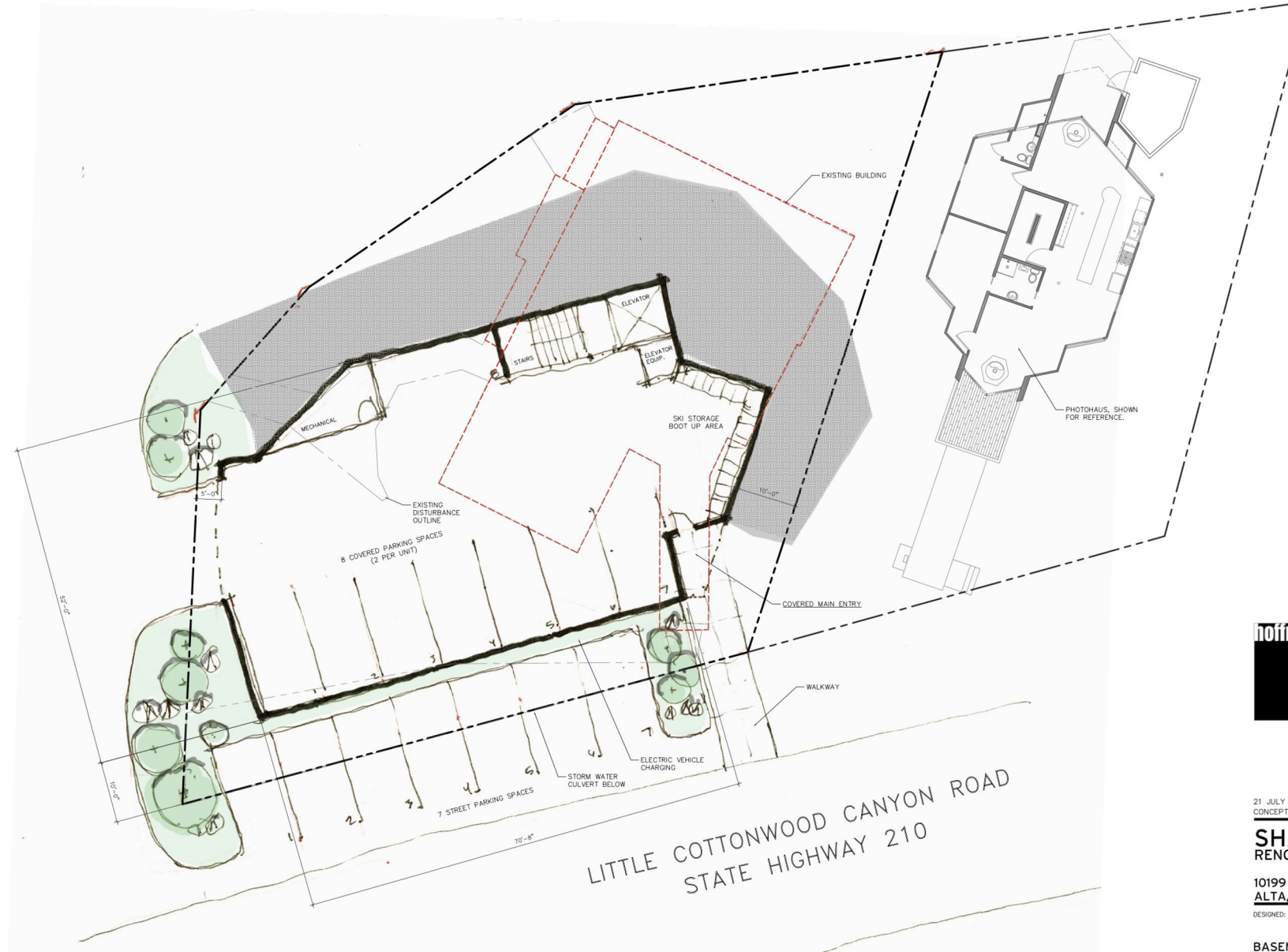
- Back – 30'-1"
- West – 5'
- East – 10'
- Front – 10'



Basement Floor Plan

Features:

- Garage entrance
- 7 Parking Spaces
- Ski Storage Area
- Stairs and Elevator
- Mechanical Room



hoffman architects, LLC

1308 south 1700 east #202
salt lake city, utah 84108
801.583.3400
hahoffman.com



21 JULY 2021
CONCEPTS

**SHALLOW SHAFT
RENOVATION**

10199 E. LITTLE COTTONWOOD CANYON RD
ALTA, UTAH

DESIGNED: DRAWN: GS REVIEWED: HH 2021-32

**BASEMENT
FLOOR PLAN**

A100

Level One Floor Plan

Units:

- 2 Units
- Unit 1: 2 Bedrooms/2 Bathrooms
- Unit 2: 1 Bedroom/1 Bathroom

Flexibility:

- Option for a lock-off efficiency unit
- Accommodates variety of of guest



Level Two Floor Plan

Units:

- 2 Units
- Unit 1: 3 Bedrooms/3 Bathrooms
- Unit 2: 2 Bedrooms/2 Bathrooms

Flexibility:

- Option for lock-off efficiency units.



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DESIGNED: DRAWN: GS REVIEWED: HH 2021-32

LEVEL TWO
FLOOR PLAN

A102

Proposed Code Change

Current Code

10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size; or
- B. The slope exceeds thirty percent (30%); or
- C. The width of the lot shall be less than one hundred feet (100'). (Ord. 2008-O-7, 6-12-2008)

Proposed Code Change

10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size **for Zone A and Zone B; or less than 0.13 net developable acre in size for Zone C**
- B. The slope exceeds thirty percent (30%); or
- C. The width of the lot shall be less than **seventy feet (70')**.

Minor code change impacts Zone C only

Zone C Properties (proposal includes changes to accommodate all properties in zone)

- Shallow Shaft
Acres: 0.21
Lot width: 95.5 ft
- Photohaus
Acres: 0.13
Lot width: 70.65 ft

Benefits of New Structure for Alta

Integration with Environment:

- Design blends with surroundings and enhances Alta's natural beauty

Energy Efficiency:

- Utilizes advanced insulation and solar panels for energy efficiency

Enhanced Snow Management:

- Covered parking reduces cars on the road, facilitating snow removal.

Potential for Internal Parking:

- Doubles parking capacity
- May offer internal parking for the Town of Alta

Skiing Accessibility:

- Short-term rental units accommodate individuals concerned about shared spaces post-COVID
- ADA accessible

Increased Tax Revenue:

- Higher property value and rental income boost property tax revenue for Town of Alta

The Shallow Shaft Redevelopment



Meeting Purpose

Discussion with the Planning Commission

- Proposed the text amendment to align lot size and width requirement with the practical realities of properties within Zone C
- Amendment allows for better utilization of the property without compromising the zone's integrity while continuing to preserve the unique environment of Alta
- Recognize that approval is discretionary; proposing a solution that we believe makes sense
- Planning Commission has solved problems for other Alta property owners in the residential and base facilities zones; seeking similar problem-solving support here
- Obtain feedback from the Planning Commission prior to the public hearing

Background/Context

The Shallow Shaft built in 1956

- Ski shop, restaurant, apartment

Purchased in 1986 by Walter Krebsbach - 37 years contributing to Alta

- Donations: Alta Historical Society, Alta Art Council, Friends of Alta, Alta Gala
- Family ski vacations: the Rustler, Snowpine, and Alta Lodges

Environment changes and Alta/Snowbird growth over 37 years

- Alta does not have a sufficient economic base to support stand-alone dining



Agenda

Goal: Share our new vision for Shallow Shaft property

Overview:

- Demolish old and obsolete structure
- Rebuild in a new orientation
- Ensure full code compliance
- Focus on health, safety and sustainability
- Repurpose restaurant and apartment into transient accommodations consistent with Base Facilities Zone purpose and permitted use of hotel

Visuals: Site maps, display exterior views, and designs

Code change recommendation

Respond to relevant items cited on April 17, 2024, Staff Report to the Alta Planning Commission

Next Steps: Public hearing

Base Facilities Zone

Purpose: 10-6D-2 Alta Town Code

The purpose of the base facilities zone is to allow land to be **used for retail and service commercial establishments and uses, together with transient accommodations uses**. The base facilities zone is the commercial hub of the town and, as a result, no residential uses, including, but not limited to, condominiums and single-family residences shall be permitted within the base facilities zone. (Ord. 2008-O-7, 6-12-2008)

Permitted use Hotel: 10-6D-4 Alta Town Code

Definitions: 10-1-6 Alta Town Code

Hotel: Any building containing guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied on a nightly basis, or which are occupied for sleeping purposes by guests, and which may include accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and other facilities customarily associated with hotels. A “hotel” shall not include any building for residential purposes, including but not limited to, condominiums and single-family residences.

We are not seeking any uses not currently permitted in the base facilities zone

Site Maps

Site View of Current Structure

Land Use:

- Feedback from Town of Alta indicated moving the building away from the forest road would be desirable
- Lot includes 4-5 full and 3 partial parking on the Shallow Shaft Property



Site View of New Structure

Improved Location:

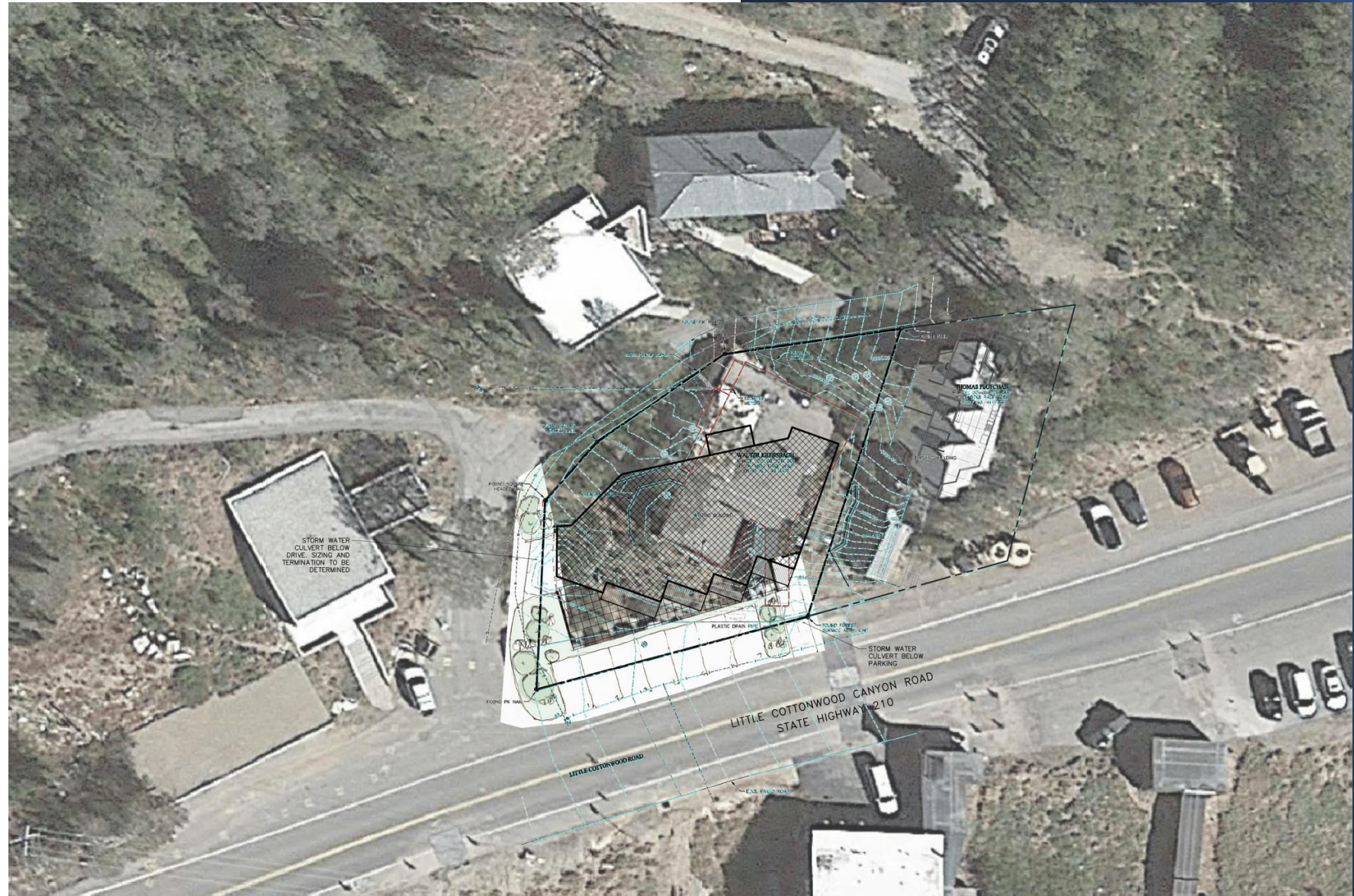
- Relocated away from the forest road for safety
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Efficient Land Use:

- Orients building consistent with lot shape
- Takes advantage of solar exposure for energy efficiency
- Provides covered parking

Alignment:

- Designed to complement the aesthetics of Photohaus
- Blend in with the beauty of Alta



Proposal Concept

**Only seeking to reduce the minimum lot size to 0.13 and
minimum lot width to 70 ft**

Proposal Concept

Structure Overview:

- Down canyon view of the new building

Design:

- Lower level: Covered parking garage
- Second and third levels: Four rental units

Health, Safety and Sustainability Focus:

- Up to date code requirements
- Safe egress from living quarters
- Roof design to support snow dump/storage
- Renewable energy sources (solar panels) - aim for zero external energy consumption



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Structure Perspective:

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- Side entrance to the parking garage - doubles parking availability
- Charging units for electric vehicles
- Potential to allocate parking spaces for Town use

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- Green roof
- Building envelop to go beyond energy code requirements for insulation and sealing
- Durable building materials support harsh winter environment



Proposal Concept

Rear Elevation:

- View of the back of the structure from forest road



Set-Backs/Interior Designs

Coverage/Setback of New Structure

Existing Building

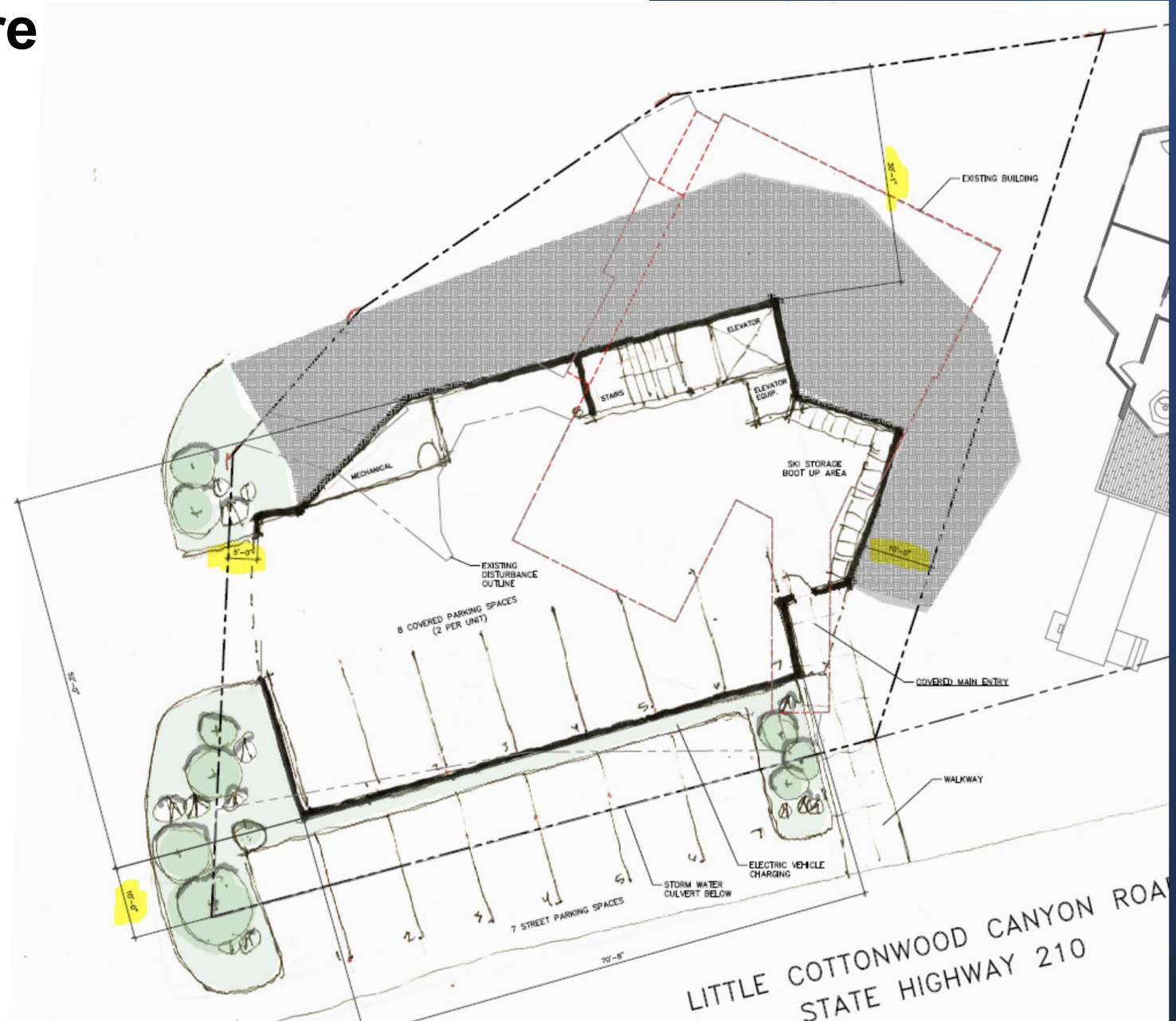
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New Structure Setbacks (Highlighted in yellow)

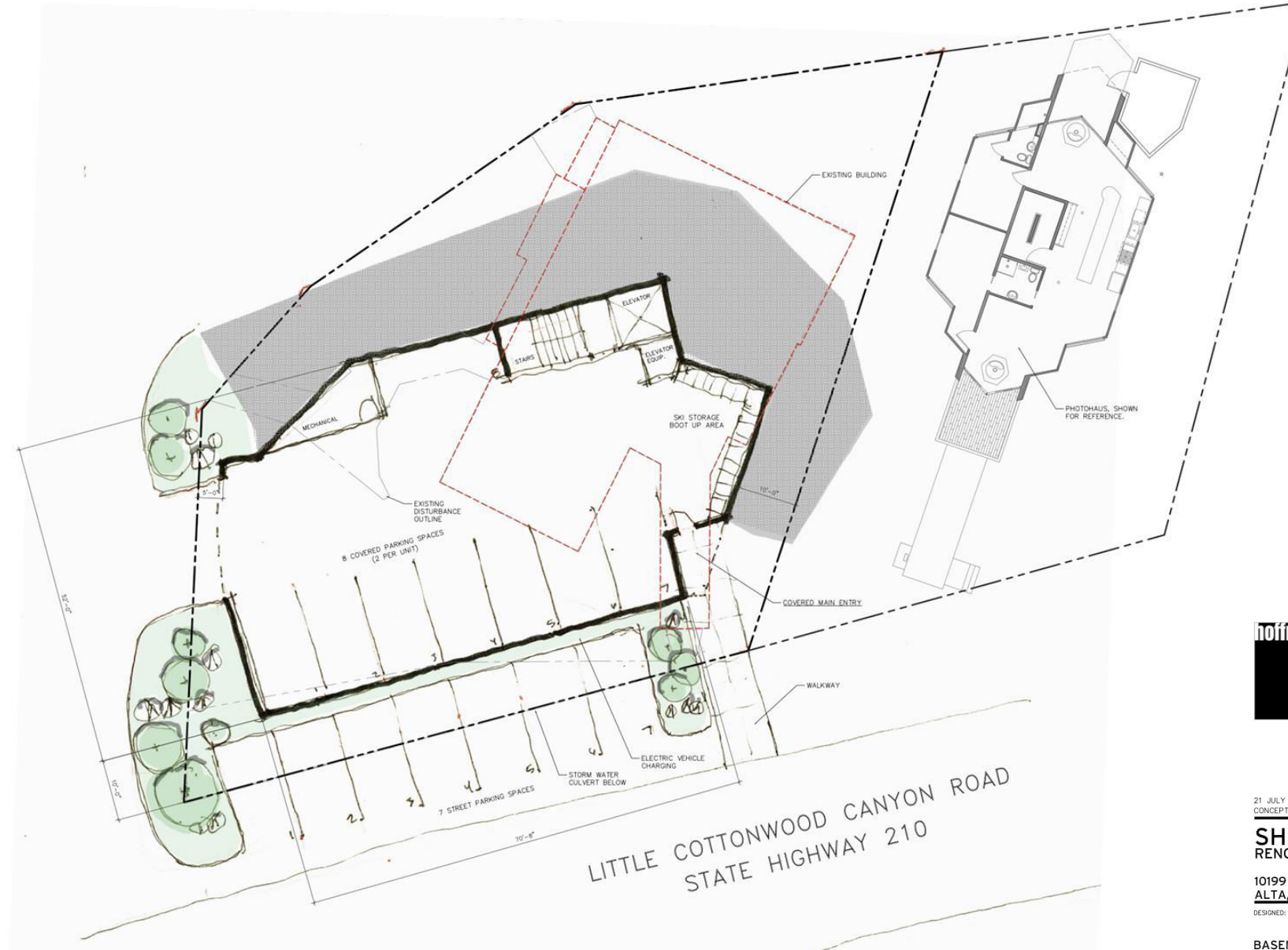
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- East – 10'
- Front – 10'



Basement Floor Plan

Features:

- Garage entrance
- 7 Parking Spaces
- Ski Storage Area
- Stairs
- Elevator allows ADA room access
- Mechanical Room



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Units:

- 2 Units
- Unit 1: 2 Bedrooms/2 Bathrooms
- Unit 2: 1 Bedroom/1 Bathroom

Flexibility:

- Option for a lock-off efficiency unit
- Accommodates variety of of guest



Level Two Floor Plan

Units:

- 2 Units
- Unit 1: 3 Bedrooms/3 Bathrooms
- Unit 2: 2 Bedrooms/2 Bathrooms

Flexibility:

- Option for lock-off efficiency units.



Proposed Code Change and Rationale

Background for code change request

After learning that the 2015 coding changes did not consider Zone C, we inquired in if a variance was the right procedure to use to allow expansion of the Shallow Shaft.

Our request was reviewed the the Town's legal counsel who stated:

"After reviewing the background sent by John and looking into the Town Code and Utah Code, it appears the only option available to allow for the Shallow Shaft to expand ...is to amend the Town Code (the best option would probably be to change the Base Facilities Zone C only, which only applies to the Shallow Shaft and Photohaus)."

"Furthermore, there are not (to our knowledge) special circumstances attached to the Shallow Shaft property that deprive the property privileges granted to other properties in the same zone. Because of this, a variance does not seem like a viable option for addressing this issue."

Per the legal counsel's suggestion, we are requesting a zone ordinance text amendment for Zone C, affecting only the Shallow Shaft and the Photohaus.

Proposed Code Change

Current Code

10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size; or
- B. The slope exceeds thirty percent (30%); or
- C. The width of the lot shall be less than one hundred feet (100'). (Ord. 2008-O-7, 6-12-2008)

Proposed Code Change

10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size **for Zone A and Zone B; or less than 0.13 net developable acre in size for Zone C**
- B. The slope exceeds thirty percent (30%); or
- C. The width of the lot shall be less than **seventy feet (70')**.

Minor code change impacts Zone C only

Zone C Properties (proposal includes changes to accommodate all properties in zone)

- Shallow Shaft
Acres: 0.21
Lot width: 95.5 ft
- Photohaus
Acres: 0.13
Lot width: 70.65 ft

Summary

Benefits of New Structure for Alta

Integration with Environment:

- Design blends with surroundings and Alta's natural beauty

Energy Efficiency:

- Utilizes advanced insulation and solar panels for energy efficiency

Enhanced Snow Management:

- Covered parking reduces cars on the road, facilitating snow removal

Potential for Internal Parking:

- Doubles parking capacity
- May offer internal parking for the Town of Alta

Skiing Accessibility:

- Transient accommodations brings alternative housing for skiers to Alta
- May appeal to individuals or families concerned about shared spaces post-COVID or who want to eat in rather than go out in the evenings
- ADA accessible

Increased Tax Revenue:

- Higher property value and sales tax will boost revenue for Town of Alta

Response to Staff Report

The staff report is focused on short-term use; the question of whether short-term rentals are permissible under the current base facility zoning is outside the scope of the proposed text amendment.

Response to Existing Zoning Noncompliance and Nonconformity Issues

Lot size and width requirements:

- We advocate for the proposed text amendment to align the lot size and width requirements with the practical realities in Zone C. This amendment allows for better utilization of the property without compromising the zone's integrity or the integrity of the other ones within the Base Facilities Zone

Parking:

Current Status

- We agree that parking for an 80-seat restaurant is untenable
- Current land has 4-5 full and 3 partial parking spaces on Shallow Shaft Property
- The northside permit parking program and the "Alta Marshall's Office" official zone is **not** occurring with the permission from the Shallow owners
- Owners identified in questionnaire/survey that the Shallow Shaft would utilize parking on the property. Owners became aware of permit parking and official zone being utilized in front of the Shallow Shaft in 2023.

Proposed status

- Proposal for covered parking fully on the Shallow Shaft Property in our redevelopment plan directly addresses parking concerns. The improvement will enhance traffic management and safety which is in alignment with community interests.

Redevelopment Proposal

The building envelop needs to be slightly modified, better positioned, to make the best use of the the small lot

Response to problems with redevelopment vision

Concern over loss of free-standing restaurant

A free-standing restaurant lacks the needed economic base in Alta. Shallow Shaft restaurant was primarily supported by Snowbird guests and down canyon guests. No steady Alta clientele; limited use of the restaurant by Alta community members, Alta employees or Alta Lodge Guests.

Restaurant never open in shoulder seasons, rarely open in summer

There are other restaurants available in Alta:

- The Snowpine lodge restaurant is open to the public for all meals
- Goldminers daughter serves pizza to the public
- Rustler lodge is open to the public for lunch and dinners when the lodge is not full

Snowbird – advertises “I want Any Meal, for Any Price, at Any Area”

- 6 restaurants: The Aerie, SeventyOne, Steak Pit, The Tram Club, The Lodge Bistro, The Wildflower
- 10+ other venues: General Gritts, The Atrium, The Summit, The Forklift, Creekside Café and Grill, Tram Car Pizza, Baked and Brewed Café, Birdfeeder, Subie Shack, Gadzooks, Rendezvous

Response to problems with redevelopment vision

Affordable long-term housing purchased by investors and converted to short-term rentals

- We are not outside investors purchasing local affordable housing with the intent to convert it to accommodations that force tenants to move.
- We are not proposing a use of Short-term rentals consistent with the State of Utah Code. See further comments below.

State of Utah Code 10-8-85.4

- Shallow Shaft redevelopment proposal is not considering creating residential units that meet the State of Utah Code for short-term rentals. Nor are we proposing creating single family dwellings. Our proposal aligns with the definition of a hotel in the town code and fits squarely within the base facilities zone purpose to provide transient accommodations.

Staff identifies that short term rentals do not typically create and sustain as many jobs

- Transient accommodations do require management, cleaning, maintenance, repair and in some instances, meal drop off, chef or grocery shopping services, all of which create employment.

Allowing redevelopment vision of Shallow Shaft will require the town to allow other properties, such as existing hotels to convert to short term rentals

- Again, we are not proposing short-term rentals. Allowing the redevelopment of the Shallow Shaft to meet the permitted use of a hotel would not require the town to allow other properties in the base facilities zone, such as Alta's existing hotels, to do the same. The existing lodges already contain "guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied on a nightly basis, or which are occupied for sleeping purposes by guests."

Additional problems with redevelopment vision

Building setback from culvert – We need a building official to share with our architect, Hans Hoffman, what size the culvert is, how deep it is, where it comes from, and where the outlet is. We will then work with the building official to determine the high-water mark, and we will propose a solution.

Maximum coverage – Concern that allowing redevelopment plan for the Shallow Shaft will allow the two buildings in Zone C to expand to 65% coverage. The allowance for 65% coverage currently covers all establishments in the Base Facilities Zone (A, B, and C). So, there is no inconsistency across zones.

Avalanche – new building will be designed with modern building standards that significantly improve the resistance to natural hazards. Alternate design solutions will enhance the buildings safety and durability.

Parking garage –entrance can be moved to the front of the building. Covered parking for the transient accommodations will be completely on-site.

Minimum lot size – Described in the June 1989 Uniform Zoning ordinance of the Town of Alta for the base facilities zone was ½ acre. It was changed to 1-acre in 2008-O-7. Wording for text amendment can be written such that it does not impact other lot size requirement for other zones.

Next Steps: Public Hearing