



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Caitlyn Miller – Principal Planner
(385)-315-8115 or caitlyn.miller@slcgov.com

Date: January 14, 2020

Re: PLNAPP2020-00910 – Appeal of a Planning Commission decision to approve a Special Exception request for additional building height for Petition PLNPCM2020-00465, New Tice Residence

APPEAL OF A DECISION BY THE PLANNING COMMISSION

Property Address: 1400 East Federal Way
Parcel ID: 16-04-104-008-0000
Zoning District: R-1-5,000 Residential
Master Plan: Avenues Master Plan – Low Density Residential
Commission Hearing Date: October 28, 2020
Appellant: Scott Jaffa represented by Nathan Westover

BACKGROUND AND PROJECT DESCRIPTION:

In June 2020, Geoffrey Tice, the property owner, submitted an application for a special exception to allow additional building height for the rear portion of a proposed house located at 1400 East Federal Way. The proposal was to demolish the existing home down to the foundation and construct a new home with a flat roof. The subject property slopes to the south and the front of the home would be 20' in height and the rear would be 27' 6" in height. The maximum height for flat roof buildings in the R-1-5,000 Zoning District is 20' thus necessitating the homeowner's special exception request. This request was approved by the Planning Commission on October 28, 2020.

On November 9, 2020, Scott Jaffa, represented by Nathan Westover, filed an application to appeal the decision by the Planning Commission to approve a special exception for additional building height at Mr. Tice's property.

BASIS FOR APPEAL: See Attachment B

This is an appeal of a Planning Commission decision and therefore, the Appeal Hearing Officer's decision must be made based on record. This is not a public hearing; no public testimony shall be taken.

NEXT STEPS:

If the decision is upheld, the decision of the Planning Commission stands and can be appealed to the Third District Court within 30 days. If decision of the Planning Commission is not upheld, the matter

would be remanded back to the Planning Commission.

ATTACHMENTS:

A – Vicinity Map

B – Appeal Application and Documentation

C – City Attorney's Brief

D – Record of Decision

E – Planning Commission Minutes (10/28/2020)

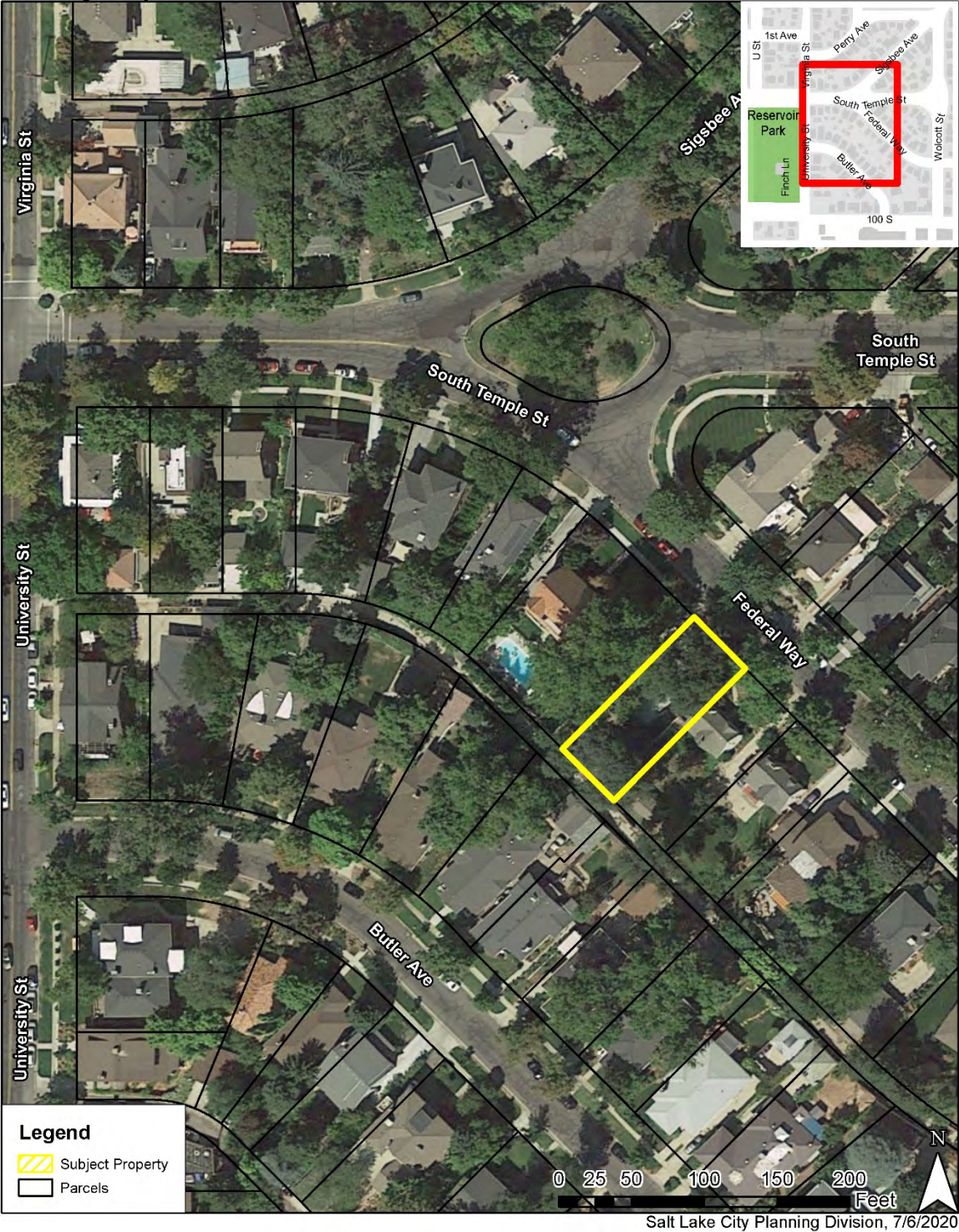
F – Planning Commission Staff Report dated 10/28/2020

G – Agenda, Notice, and Mailing List of the Planning Commission Hearing 10/28/20

H – Early Notification Letter and Mailing List 7/15/2020

ATTACHMENT A: VICINITY MAP

Vicinity Map



ATTACHMENT B: APPEAL APPLICATION & DOCUMENTATION



SALT LAKE CITY PLANNING

Appeal of a Decision

OFFICE USE ONLY

Project # Being Appealed:	Received By:	Date Received:
Appealed decision made by:		
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Administrative Decision	<input type="checkbox"/> Historic Landmark Commission
Appeal will be forwarded to:		
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Appeal Hearing Officer	<input type="checkbox"/> Historic Landmark Commission
Project Name:		
Tice Special Exception Dated 10/28/2020		

PLEASE PROVIDE THE FOLLOWING INFORMATION

Decision Appealed:	
Tice Special Exception Dated 10/28/2020	
Address of Subject Property:	
1400 E Federal Way	
Name of Appellant:	Phone:
Scott Jaffa c/o Ryan Robison of SEB Legal	801-449-9749
Address of Appellant:	
5200 S. Highland Drive, Holladay Utah 84117	
E-mail of Appellant:	Cell/Fax:
ryanr@seblegal.com	
Name of Property Owner (if different from appellant):	
Geoffrey Tice	
E-mail of Property Owner:	Phone:
geofftice@gmail.com	801-971-1311
Appellant's Interest in Subject Property:	
Neighbor to Property Owner	

AVAILABLE CONSULTATION

Please call (801) 535-7700 if you have any questions regarding the requirements of this application.

APPEAL PERIODS

- An appeal shall be submitted within ten (10) days of the decision.
- Applicant of an HLC decision being appealed can submit within thirty (30) days of a decision.

REQUIRED FEE

- Filing fees must be submitted within the required appeal period.
- Filing fee of \$265, plus additional fees for required public notices and multiple hearings.

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:	Date:
	11-6-20

SUBMITTAL REQUIREMENT



A written description of the alleged error and the reason for this appeal.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter
PO Box 145471
Salt Lake City, UT 84114

In Person: Planning Counter
451 South State Street, Room 215
Telephone: (801) 535-7700

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

RR

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Additional Guidelines for Those Appealing a Planning Commission or Landmarks Commission Decision

A person who challenges a decision by the Planning Commission or the Landmarks Commission bears the burden of showing that the decision made by the commission was in error.

The hearing officer, according to state statute, must assume that the decision is correct and only reverse it if it is illegal or not supported by substantial evidence in the record.

"Substantial evidence" means information that is relevant to the decision and credible. Substantial evidence does not include public clamor and emotion. It involves facts and not mere speculation. A witness with particular expertise can provide substantial evidence, but conjecture and public opinion alone are not substantial evidence.

The "record" includes information, including the application by the person seeking approval, the staff report, the minutes of the meeting, and any information submitted to the commission by members of the public, the applicant or others, before the decision was made. It does not include facts or opinion, even expert opinion, expressed after the decision is made or which was not available to the commission at the time the decision was made.

A decision is "illegal" if it is contrary to local ordinance, state statute or case law, or federal law. An applicant is entitled to approval if the application complies with the law, so a person challenging a denial should show that the application complied with the law; a person challenging an approval should show that the application did not conform to the relevant law. Issues of legality are not restricted to the record of the decision, but the facts supporting or opposing the decision are limited to those in the record.

With regard to the factual information and evidence that supports a decision, the person bringing the appeal, according to a long line of decisions handed down by the Utah State Supreme Court and the Court of Appeals, has a burden to "marshal the evidence" and then to demonstrate that the evidence which has been marshaled is not sufficient to support the decision.

The appellant is therefore to:

1. Identify the alleged facts which are the basis for the decision, and any information available to the commission when the decision is made that supports the decision. Spell it out. For example, your statement might begin with: "The following information and evidence may have been relied upon by the Commission to support their decision . . ."
2. Show why that basis, including facts and opinion expressed to the commission is either irrelevant or not credible. Your next statement might begin with: "The information and evidence which may have been relied upon cannot sustain the decision because . . ."

If the evidence supporting the decision is not marshaled and responded to, the hearing officer cannot grant your appeal. It may be wise to seek the advice of an attorney experienced in local land use regulation to assist you.

November 6, 2020

Appeal of Planning Commission's Granting of Special Exception

Scott Jaffa ("Mr. Jaffa") hereby requests, through the undersigned counsel and pursuant to Section 21A.52.120(B) of the Salt Lake City Code, that the Appeals Hearing Officer review and reverse the decision made by the Salt Lake City Planning Commission ("Planning") on October 28, 2020. During the Planning Commission Meeting on October 28, 2020 (the "Planning Meeting"), Planning reviewed a special exception requested by Mr. Jeffrey Tice ("Mr. Tice") to construct a new residence at 1400 E. Federal Way that exceeds the maximum building height for buildings zoned in R-1-5,000 by approximately 7.5 feet at the back end of the residence. The special exception was granted by a vote of 4-3 in favor of the special exception. Mr. Jaffa is an "aggrieved party" under the aforementioned section of code because Mr. Jaffa resides near the property at issue and requested, prior to the Planning Meeting, that Planning consider imposing additional requirements on Mr. Tice in order for his residence to conform more fully with the neighborhood. Mr. Jaffa contends that Planning's decision was based upon a misunderstanding of the relevant code sections and should be overturned based on legal error.

I. Standard of Review.

Under Section 21A.16.030(E)(2) of the Salt Lake City Code, the appeals hearing officer may overturn the decision of Planning if the decision either 1) was not supported by substantial evidence in the record or 2) violates a law, statute, or ordinance in effect when the decision was made. The evidence shown to Planning clearly supported Mr. Jaffa's assertion that additional conditions were required to make the residence compatible with the neighborhood, but a misapplication of the relevant codes prevented Planning from imposing such requirements. The appellant has the burden of proving the decision is incorrect, and Mr. Jaffa is confident that he can meet this burden, as explained below.

II. The Planning Commission May Impose Additional Conditions on Mr. Tice.

During the Planning Meeting, there were significant discussions from the members of the public and among the members of Planning regarding whether or not the building designs of Mr. Tice's residence conformed with the overall appearance of the neighborhood. After much discussion, the members of Planning were divided over whether or not Planning had the authority to require Mr. Tice to alter his building design. The video from the Planning Meeting (the "Video") can be found at the following link, beginning at approximately the 59-minute mark:

<https://www.youtube.com/watch?v=pc1QDnvnEQ4&t=6997s>.



Several of the members of Planning believed that the scope of their review was limited solely to whether or not the additional height of Mr. Tice's residence would be an acceptable special exception. On the other hand, the members of the public and several other members of Planning asserted that Planning had the authority to impose additional conditions on Mr. Tice's plans in order to ensure that the residence conformed more fully with the surrounding homes in the neighborhood. Ultimately, the Planning members that voted to approve the special exception did so because they believed that the height of the residence was the only issue before it. This belief was an erroneous interpretation of the Salt Lake City Code and constitutes a reversible error.

Under Section 21A.52.070, Planning is granted authority to impose conditions on special exceptions. The code states, "Conditions and limitations necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services may be imposed on each application. These conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the approval record of the special exception."

There were several times during the Planning Meeting where Planning members erroneously asserted that they could not impose additional conditions or consider how Mr. Tice's plans would impact the surrounding areas. At approximately 1:00:50 into the Video, Planning asserts that they are looking at "purely the additional height" related to the ground. Before allowing public comment, Planning member Adrienne Bell emphasizes (1:07:40 in the Video) that the only issue before them is the height of the proposed residence. At 1:34:55 in the Video, Planning member Matt Lyon asks whether 21A.52.060(D) of the code required that the entire property be compatible with the surrounding development – he was informed that this only referred to the height of the building. Around 1:38:00, Planning argues that the special exception must be approved if the request meets the requirements of the code, asserting that no weight be given to the appearance of the property compared with the community.

Planning member Brenda Scheer asserts, around 1:39:00, that, because the height of the residence is a product of new building plans, the entirety of the house is up for review by Planning. Ms. Scheer argued that the plans would have to be compatible with the community in order to receive approval. However, Ms. Adrienne Bell then disagreed, stating again that the review was limited to the height of the residence.

A large amount of evidence was presented to Planning during the Meeting that Mr. Tice's proposed building plans were not compatible with the surrounding development. Several of Mr. Tice's neighbors joined the Meeting to state their concerns about approving the special exception without imposing additional conditions, and their views are also attached to the Staff Report composed prior to the Meeting (attached herewith as Enclosure A). Planning appeared to

acknowledge the fact that the proposed design deviated widely from the neighborhood aesthetic, both in the Meeting and in the Staff Report.¹ However, despite this concern, Planning did not impose conditions upon Mr. Tice to ensure that his residence would be compatible with the surrounding development.

Importantly, the prevailing view taken by Planning that their review was limited solely to the height of the proposed residence conflicts with the language of Section 21A.52.070 of the code. This code section was not brought up by Planning members and Planning did not discuss potential conditions that could be imposed on Mr. Tice to ensure that the new residence's construction and character comported with the appearance of the neighborhood. This section is further supported by Section 21A.52.060(D)'s language requiring that the residence be compatible with the surrounding development. Had Planning addressed these sections of the code properly, the special exception would very likely not have been passed or the Planning members would have imposed additional conditions. Accordingly, the decision of Planning should be overruled on appeal with instructions to apply the relevant code.

Sincerely,

Ryan Robison

SEB LEGAL

Attorney for Scott Jaffa

The following documents have been attached to this appeal:

Enclosure A – Staff Report dated October 28, 2020

Enclosure B – October 28, 2020 Meeting Agenda.

Enclosure C – October 28, 2020 Record of Decision

Enclosure D – Motion Sheet for Tice Special Exception

Enclosure E – Special Exception Letter from Geoffrey Tice

Enclosure F – Notice of Application

<https://www.youtube.com/watch?v=pc1QDnvnEQ4&t=6997s>.

¹ Page 3 of the Staff Report states, "Other homes in the neighborhood have deep porches or other covered entryways (vestibules, awnings, etc.) with street-facing windows at the ground floor. The proposed home does not include windows on the ground floor of the street facing plane of the home." Planning further points out in the Video that the modern architectural style of the proposed plans did not match the older aesthetic of the neighborhood.

Enclosure A



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Caitlyn Miller, Principal Planner
Date: October 28, 2020
Re: PLNPCM2020-00465

Special Exception – Building Height

PROPERTY ADDRESS: 1400 East Federal Way
PARCEL ID: 16-04-104-008-0000
MASTER PLAN: East Bench
ZONING DISTRICT: R-1-5,000

REQUEST:

Mr. Geoffrey Tice (property owner and applicant) is requesting a special exception to allow additional height for a primary dwelling located at approximately 1400 East Federal Way. The subject property is located in the R-1-5,000 Zoning District where this type of a special exception request must be reviewed by the Planning Commission. The R-1-5,000 allows buildings with flat roofs to be built to twenty feet (20') in height; Mr. Tice is proposing a flat-roofed structure that will be 20' in the front yard and 27'6" in the rear yard.

RECOMMENDATION:

Based on the information and findings in this staff report, it is Planning Staff recommends that the Planning Commission approve the special exception request for additional building height with the following conditions of approval:

- 1) The construction of the home shall be done according to the approved plans, as submitted to the City on June 17, 2020.
- 2) This exception does not exempt the property owner from meeting any other standards found in any City ordinances other than those mentioned above.
- 3) The applicant must consult with Salt Lake City Building Services to determine building permit requirements.
- 4) Any aggrieved party may appeal this administrative decision within ten (10) days to the Appeals Hearing Officer pursuant to Section 21A.52.120(B).

- 5) The special exception will expire if required permits have not been obtained or an extension granted within 12 months from the date of this order.

PROJECT DESCRIPTION:

The subject property is currently a one-story detached single-family residential property. The applicant has proposed the demolition of the existing home and the construction of a new home with the addition of a second floor. His drawings indicate the home will be demolished down to the foundation and a new home will be built in its place. The maximum height allowable for a building with a flat roof as listed in the R-1-5,000 Zoning District is twenty feet (20'). The renovations the applicant wishes to make to his property would not put the height of the primary building over the 20' maximum in the front yard, however, the applicant's property has a walk-out basement and with the additional grade change the addition of the second floor would surpass the maximum height allowed by the Zoning District at around 27 feet 6 inches. The applicant's narrative indicates eight homes on the block face have second stories and are between 32-41 feet in height at their rear.

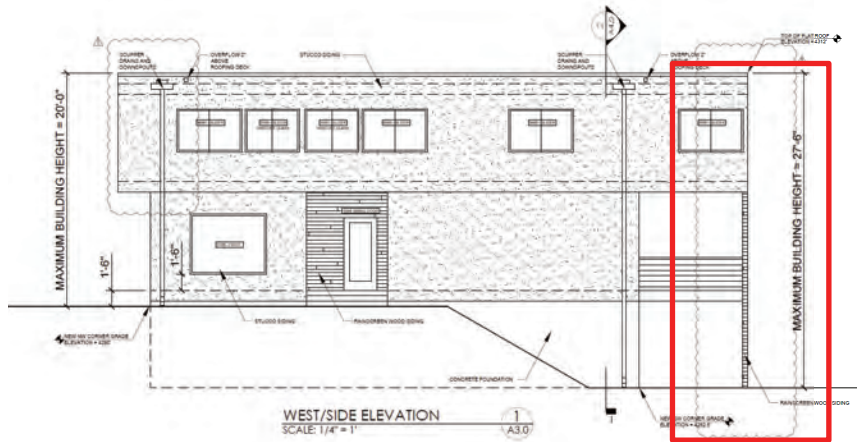
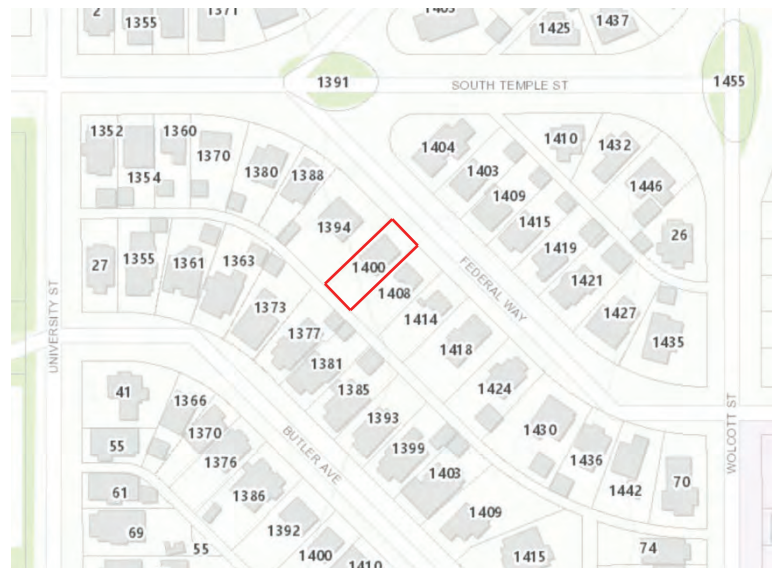


Figure 1: Side view of proposed house with additional height request shown in red (rear of house)

Section 21A.24.070(D)(6) allows properties not located within the Historic Preservation Overlay District to petition the Planning Commission to grant a special exception to allow additional building height in accordance with the adopted standards as listed in Chapter 21A.52. The subject property is not located within the Historic Preservation Overlay District.

The subject property (see image at the right) is located in an established detached single-family neighborhood. It is located on an interior lot with access from Federal Way and from the alley at the rear of the property. The subject property slopes to the south (toward the alley) and is similar in size to other interior lots in the neighborhood. Over half of the homes in the neighborhood have access onto an alley in the rear and many have constructed garages or carports to allow for parking accessed via the alley. In addition to the demolition of the primary home, the applicant will also be constructing a new garage accessed off of the public alley at the rear of the property. The applicant's plans indicate this garage will have a footprint of 720 square feet.



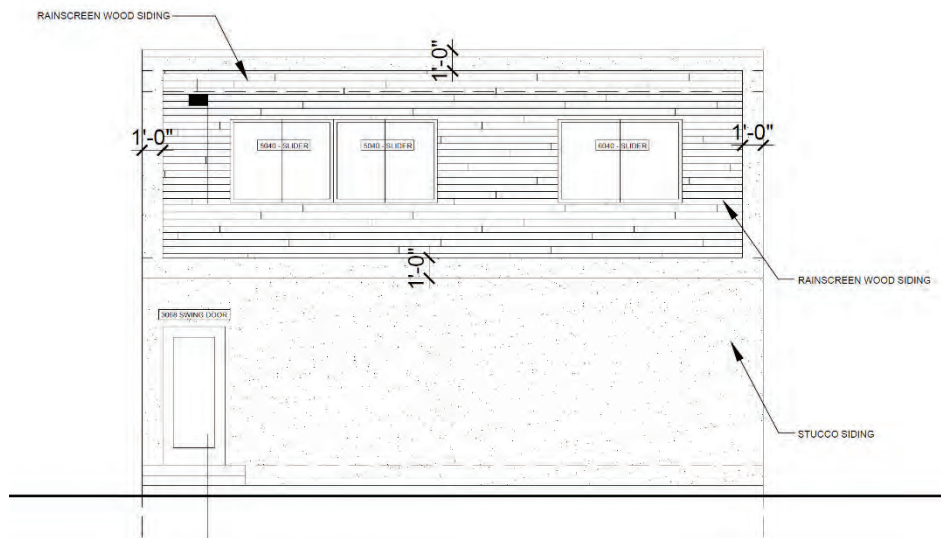


Figure 2: Front of proposed house

The proposed home would face towards Federal Way like its neighbors but would not include ground-floor windows. The exterior materials include stucco and rainscreen wood siding. The upper story cantilevers over the entry stoop which provides a small covered entryway into the home. Surrounding buildings on the same block face have large covered porches and windows at the ground floor facing out onto Federal Way. The neighborhood is also

characterized by large mature trees; 10 of which are on the subject property. All 10 trees over 10 inches in diameter at breast height are shown to be preserved in the applicant's plans.

KEY ISSUES:

Compatibility with surrounding development pattern:

The existing home on the subject property is a small post-war cottage with a walk-out basement in the rear. The applicant has proposed the razing of this home and the construction of a two-story modern design with a flat roof in its place. The homes surrounding the subject property are all substantially larger than the existing home and have varying designs (including vernacular, craftsman, chateau, and post-war) with pitched roofs. The proposed design includes an entry stoop with a small amount of cover provided by the second story projecting over the entryway. Other homes in the neighborhood have deep porches or other covered entryways (vestibules, awnings, etc.) with street-facing windows at the ground floor. The proposed home does not include windows on the ground floor of the street facing plane of the home.

Multiple neighbors have reached out to Staff expressing concerns over how the proposed design fits in with the existing development pattern. They have voiced their concerns over the lack of windows on the street-facing ground floor similar to those found in other homes on the same block face. Many neighbors have also suggested the applicant consider a pitched roof instead of a flat roof so the design would be more consistent with the other homes on the block face. The neighbors assert the design of the home as proposed is not compatible with the development pattern of the existing neighborhood. The subject property and its surrounding neighbors are not located in a local historic district and the underlying zoning district (R-1-5,000) does not set forth any architectural design standards.

Preservation of mature trees:

There are 10 large mature trees on the subject property. Neighbors have expressed concerns over whether the proposed construction will result in the removal or harm of these trees since the streetscape of Federal Way is lined with dozens of mature trees of varying species. The applicant's plans set indicates all of the mature trees on the subject property are in good condition and will be preserved throughout the construction process.

NEXT STEPS:

If the special exception for the present design is approved the applicant could proceed with applying for a building permit to demolish the existing structures and to construct the proposed two-story flat-roofed home and detached garage.

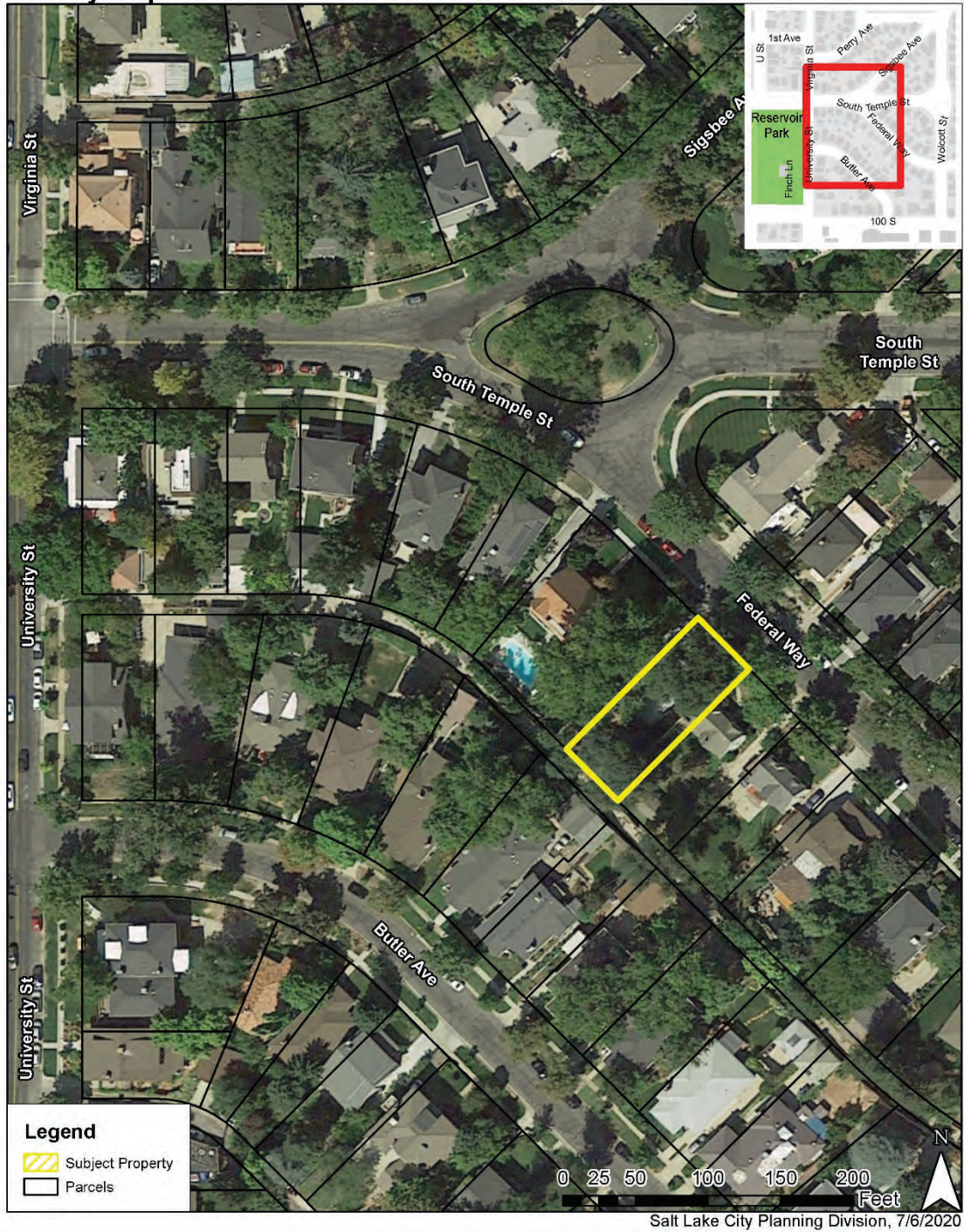
If denied the applicant would have to seek other options or designs which would comply with the 20' maximum height as allowed in the R-1-5,000 Zone and apply for a building permit to demolish the existing structures and construct the proposed home.

ATTACHMENTS:

- A.** Vicinity Map
- B.** Property Photographs
- C.** Project Plans and Materials
- D.** Zoning Standards
- E.** Public Comment
- F.** Department Review Comments

ATTACHMENT A: VICINITY MAP

Vicinity Map



ATTACHMENT B: PROPERTY PHOTOGRAPHS



Figure 3: View of subject property from Federal Way



Figure 4: View of neighboring property to the east



Figure 5: View of neighboring property to the west



Figure 6: View of neighboring property to the north



Figure 7: View of neighboring property to the northeast



Figure 8: View of rear of subject property from alley



Figure 9: View of rear of subject property from alley



Figure 10: View looking west along alley



Figure 11: View looking east along alley

ATTACHMENT C: PROJECT PLANS & MATERIALS

Geoffrey Tice

1400 E Federal Way
Salt Lake City, UT 84102



June 15, 2020

Dear Planning Commision,

I am applying for a special exception for the height of our house located at 1400 E Federal Way, SLC UT 84102 (BLD2020-04071).

The current house is a single-level house with a walkout basement, built in 1955. We are adding a second story to the house and remodeling the interior. The new design will have a flat roof. The front elevation of the house doesn't exceed the 20' height limit, but since the existing house is built on a hill and there is a walkout basement, the rear of the house is 27'-6" high.

There are nine total homes on our street face (including ours). Currently, our home is the only single-story home on our street face. The eight other homes all have second stories, as well as walkout/daylight basements on the rear elevation of their homes. These eight homes (1388 E, 1394 E, 1408 E, 1418 E, 1424 E, 1430 E, 1436 E, 1442 E) all have rear elevation heights between 32' - 41' high. Even with our second story addition, our house will still be the shortest house on our street face. Also, there is an alley that runs along the back of our property creating even further separation between our homes and the homes to the rear of us. This should satisfy the requirements for a special exception to the building height under Zoning Ordinance Chapter 21A.24.070, D.6.a:

"6. a. For properties outside of the H Historic Preservation Overlay District, additional building height may be granted as a special exception by the Planning Commission subject to the special exception standards in [chapter 21A.52](#) of this title and if the proposed building height is in keeping with the development pattern on the block face. The Planning Commission will approve, approve with conditions, or deny the request pursuant to [chapter 21A.52](#) of this title."

Please see the attached architectural drawings for the proposed house that have been submitted to the SLC Building Dept for approval (BLD2020-04071). Included are the site plan, floor plan and elevation drawings.

Please let me know if you have any questions and if there's anything else I can do for this special exception approval.

Thank you,

Geoffrey Tice

IMPORTANT NOTE!
Modifications may be made on these plans according to the city and lot requirements where the plan is built.

THESE PLANS ARE THE PROPERTY OF TIGER DESIGN WORKS, ALL RIGHTS RESERVED.
The use of these plans is expressly limited to TIGER DESIGN WORKS. A limited use letter is required when submitting these plans for building.
Rearranging, reproduction, or publication by any method, in whole or in part, is prohibited and punishable by law.

GENERAL NOTES

A. EXCAVATION, BACK FILL, AND GRADING

- All excavations for footings shall be placed on natural, undisturbed soil.
- All footings shall be placed on undisturbed soil and below foot depth (30" min) or per local municipalities building code. Top of foundation shall be placed a minimum of 6" above finished grade.
- Finish grading shall be done so as to provide positive drainage away from all building foundations.
- Grades shall slope away 2" minimum for the first 10' of building. No negative slope driveways.
- Excavation depths & measurements to be coordinated with the site specific professionally licensed & stamped surveyor's plan. Elevation contradictions arise in the depths and measurements, it is the excavator's responsibility to notify the owner in writing before excavation occurs. Excavation contractor to have sufficient depth of the plans prior to excavation and to address any and all wet back, depth or scalars that are in conflict between plans & actual site.
- Allow 14" of gravel for concrete to cure prior to backfill. All backfill to be hand machine tampered (No bucket tampering).
- Prior to backfill a 6" perforated french drain with fabric wrap shall be installed around foundation footing and increased w/ 18" of gravel, french drain to properly drain water away from structure.

B. WEATHER PROTECTION, INSULATION & SIDING

- WEATHER PROTECTION**
 - Install (1) layer of grade 70 (30 b) felt under asphalt roof shingles.
 - Install (1) layer of grade 70 (15 b) felt under aluminum/vinyl siding.
 - Install (1) layer of grade 70 (15 b) felt under brick/rock veneer.
 - Install (1) layer of DuPont Tyvek HomeWrap or equal on all exterior sheathing.
- ISOLATION** At all 2nd exterior walls to be 8-19, all rim joist to receive R-19, all basement walls to be R-13, all attic blown in to be R-38 and all attic duct work (flex or rigid) to receive R-8 insulation wrap.
- SIDING** 8d nails w/ a 3/16" head diameter & long enough to penetrate 1 1/4" into structural wood studs and sheathing materials. In all cases for exterior siding use nails with corrosion resistance equivalent to hot dipped galvanized nails.
- Insulation to comply with prescriptive requirements of 2015 IRC Chapter 11, Table N1102.1.2.

C. REINFORCEMENT, FOUNDATION, FLOOR, AND ROOF

- All reinforcing shall be detailed and placed in accordance with ACI detailing manual 315-77 and ACI standard 318-43. Reinforcement shall be free from mud and oil and other nonmetallic coatings that hamper bonding capacity.
- Install foundation and footing reinforcement as follows (per state amendments if applicable):
 - Vertical #4 bars (grade 60) at 16" O.C. - for R foundation wall and per local municipalities building code.
 - (2) #4 bars (grade 60) cont. in footing or per local municipalities building code.
 - Horizontal #4 bars (grade 60) at 16" O.C. w/ 2 bars top and bottom or per local municipalities building code.
 - All splices in reinforcement shall tie up a minimum of 36" bar diameter. Unless otherwise noted all construction joints shall be lapped with a key 1/2" deep and a width of 1/2" minimum. Place foundation rebar within 2 1/2" from interior wall surface, allow 14 days for concrete to cure prior to backfill.
 - Use 1/2" x 10" anchor bolts 32" O.C. max with 2" x 2 x 3/16" use Simpson tie down straps as noted on drawings.
- CONCRETE DESIGN MIX** (Within 28 days of pour to achieve psi strength)
 - Foundation 4000+/- 1/2" aggregate 4"
 - Construction 4000+/- 1/2" aggregate 4"
 - Driveway 4000+/- 1/2" aggregate 4"
 - Garage Slab 4000+/- 1/2" aggregate 4"
 - Foundation 4000+/- 1/2" aggregate 4"
 - Slab on Grade 3000+/- 1" (inches) 4"
 - Grade Beams (PS) (inches) (inches)

*The water / cement ratio for the design mix shall be no greater than 50
*2500 design strength. No testing required.

FOOTINGS & FOUNDATION WALLS

- All footings are based on allowable soil bearing pressure of 1500 pcf. Footings shall be placed on undisturbed soil or engineered granular fill compacted to 95% of maximum density. No footing shall be placed in water or frozen ground. All footing min. 30" below grade or per local municipality building code, continuous and monolithic pour. Interior footings can be poured monolithically with basement full wall.
- Footings (including interior) to have 2 #4 (60 grade) bar continuous.
- Changes in elevation shall be stepped with step height not higher than 1/2 the step length and not greater than 4 ft. Min. 6" thickness on vert. step. Notify engineer if grade drops over 8 ft. in 24 ft. (3:1 to 1 to 3:1) so that appropriate design changes may be made to foundation and footings. The engineering assumes that the site is dry and stable and does not provide any warranty of any kind against site stability or performance. Sub-contractor shall ensure that the requirements listed in figure 6403.1.7.1 2000 IRC are met, or notify engineer so appropriate solution can be developed prior to start.
- All exposed concrete foundation walls (utility room, cold storage room, exterior concrete stairs, etc.) to have new panel forms for a smooth finish. All foundation panel forms to be new or relatively new.

PLAY WORK

- Comply with 95% of all concrete footing areas.
- Trowel concrete joints to occur no more than 8 ft. in 36 ft. in garage floor. Prior to pour coordinate all joints w/ owner.
- All control joints in driveway to occur no more than 10' between joints. Prior to pour coordinate all joints w/ owner.
- Concrete design mix for all garages & driveways flat work areas to be 4000 psi w/ 4" slump & 1/2" - 1" aggregate.

D. WINDOWS

- All windows shall be 1/32" or better, aluminum or vinyl, thermal break type.
- All window tops shall be at door header height, i.e. 6' 8" (unless otherwise noted - see elevations).
- All glass within 24" height of doors & within 60" vert. of stairs or stair landing to be tempered.
- Half-late rooms require 10% light (window space), and 5% ventilation (operable window).
- All windows in sleeping rooms shall have 6" or less than 44" above floor with an operable opening not less than 5.7 sq. ft. The window height shall not be less than 24", with a net clear width of no less than 20".

E. WINDOW WELLS

- Window wells serving required egress windows shall have dimensions in keeping with the minimums required for the window:
 - a. Window wells shall have a net clear opening of 9 sq. ft. min.
 - b. Guards or grates protecting window wells shall be easily removable or be designed not to hinder egress.
 - c. 44" max. depth or provide steps or ladder rungs.
 - d. 36" horizontal clearance from foundation to front of window well.
 - e. 36" vertical clearance required from any projection in horizontal clearance stated above (i.e. bay window and cantilevers).

F. DOORS ROUGH OPENING SCHEDULE

Door Call Out	Height Opening in ft.
7'0" x 8'0"	26' x 12' 3/4"
7'0" x 8'6"	26' x 13' 3/4"
7'6" x 8'0"	26' x 13' 3/4"
7'6" x 8'6"	26' x 14' 3/4"
7'0" x 9'0"	26' x 14' 3/4"
7'6" x 9'0"	26' x 15' 3/4"

G. VENTILATION

- Ventilation shall be provided in all crawl spaces by means of screened vents placed to provide cross ventilation.
- Attics shall have one square foot of ventilation for every 250 sq. ft. of living space.
- Enclosed attics and spaces between rafters shall have clear ventilation to outside.
- There shall be no gaps or openings allowed in any rooms used for sleeping or in any corridors leading to or through any sleeping room.

H. FIRE PROTECTION & WARNING

- Replace chimneys shall extend 24" min. above any roof within 10' radius.
- Smoke detectors are required to meet local codes. Wire all smoke detection in series with battery backup.
- Provide 5/8" type X gyp. based on all walls and ceilings of the garage common to living areas, walls supporting upper floors, and exposed beams and posts.
- Provide 5/8" type X gyp. based on walls and underside of all stairs. Fireblock walls at all stair stringers.

I. STAIRWAYS

- Max. rise - 7 3/4" and min. tread - 10".
- Min. headroom - 6' 8" and min. width - 36".
- Every stairway landing shall be as long as is wide (unless otherwise noted).
- Any door opening at the top of any interior flight of stairs must swing away from the stairs.
- Handrails are required on any stairs with two or more risers.

J. BALUNES

- Handrails are required at all stairways that have more than 3 risers.
- Handrails shall be placed between 34" and 38" above stair treads.
- Handrails deeper than 2 1/4" shall have finger grooves 3/4" x 1/4" deep, the full length of one side of the rail.
- Balusters for handrails and guardrails shall be spaced so that a 4" sphere cannot pass through.

K. PLUMBING

- All work performed shall comply with current national and local building codes.
- Toilets shall be 1.6 gallon flush type. Shower heads shall be 2.5 GPM type.
- Provide trap and vent lines for all plumbing fixtures for exposed bare pipe. Pack annulus at one-hour fire wall.
- Provide pressure regulator and shut-off valve.
- Interior waste and vent lines shall be A-B-S.
- All water supply lines shall be placed on exterior walls or attic due to freezing potential. Individually insulate plumbing, water, drain lines, and gas lines.
- Provide 2 seismic straps for water heater, 1 @ top 1/2 & 1 @ bot. 1/2.
- Provide anti-siphon device on all floor drains, showers and tub/shower combination.
- No slip joints plumbing connections allowed in concealed construction areas. (Bath tubs)
- Freezeless back flow prevention hose bibs required.
- Provide floor drain @ water heater.
- Flag piping of plumbing vents is prohibited except where roof is occupied.
- Provide vent caps on water heater.
- All water lines shall be protected from weather / weather proof seal fastened to roof.
- All waste lines shall be protected from weather / weather proof seal to not be seen from the front of the house.
- Owner to approve all locations of all waste line locations at roof.

L. MECHANICAL / HVAC

- Provide combustion air supply to furnace from outside.
- Furnaces in closets to have a min. 2" clear working space on sides, back & top, 30" in front.
- Flex ducting to be approved by owner prior to installation (All attic flex duct to be R-8).
- Fuel burning appliances in garage must have sources of ignition installed at least 18" above floor.
- Vents shall terminate 4' below, or 4' hor. and at least 12" above, door, operable window or a gravity air inlet into bldg.
- Flue vents and exhaust fan vents shall be at least 3' above an outside air inlet located 10' and at least 4' from a property line.
- Vent clothes dryer to outside. ducts to be metal w/ smooth interior surfaces, equipped with back-draft dampers, terminate at the exterior of the building, no screws allowed.
- Provide 30" clearance required above range top to combustibles.
- In all framed walls and floor and roof ceiling areas comprising elements of the building thermal envelope a vapor retarder shall be installed on the warm-in winter side of the insulation.
- All duct seams to be sealed with foil tape or appropriate seaming tape / glue.
- Install ductwork to combustion air supply to water heater.

M. FRAMING

- All dimensions on floor plans are to rough framing. Walls calculated to be 3 1/2" wide or 5 1/2" wide when noted 2x6 wall.
- Solid blocking to be in place at 1/2" O.C. and full depth of joist at ends and at each support of joist. Provide solid blocking at bearing points of trusses.
- All joists together shall be APA rated and shall not exceed maximum span rating. Floor sheathing shall be tongue and groove. H-clips shall be installed on 5/8" roof sheathing. Gap all weather board sheathing.
- Splice blocking shall be 2x4 laminated built up beams using at least 12d nails or no less than 12" O.C. staggered.
- Trusses are to be engineered, designed and constructed by manufacturer to meet all local loads and codes.
- All exterior walls and cross wall partitions are to be braced at each end of building and at least every 25' of length.
- True anchors shall be provided at end of all trusses. (Install as per local code requirements).
- 8 ft. pass doors shall be framed one inch smaller in width than the door. Example: a 5' 0" door shall have a 5' 0" rough opening. Also, 8 ft. fold doors shall be framed one inch wider than door and 82" in height. 8 ft. pass doors shall be 82" in height.
- Cross bracing shall be required in spans exceeding 8' 0".
- Gable-ended trusses shall be provided where required.
- Interior framing that is nonbearing shall be 16" O.C. unless otherwise noted.
- Framing will include all fur, doors, ceiling joists, and plant shelves as per architectural drawings.
- Bearing walls shall be blocked at mid height.
- Tipic studs shall be installed at all corners.
- All hangers (joist, rafter, and beam) shall be installed as per manufacturers specs.
- Multiple plates and ledgers shall be nailed with 12d nails at 8" O.C.
- Block at horizontal edges of plywood wall sheathing with 2" nominal blocking. Edges of plywood on floors and roof shall be blocked as directed on drawings.
- All ledger bolts shall have plate washers with a minimum diameter equal to three times the bolt diameter unless otherwise in detail.
- Minimum nailing shall be as per IRC (8" O.C.).
- Fasteners such as staples can only be substituted for nails at a rate equal to load values provided by I.C.B.O. (8" O.C.) approval. But, all floor sheathing shall be fastened with continuous glue bead and deformed shank nails.
- Where wall locations shall be indicated on the floor plan.
- Install solid blocking between joists that are over all bearing points.
- Walk in closet shelves shall be 16" in depth. All other closets shall be 12" deep. Space saver closets shall have an upper shelf at 84" A.F. and a lower shelf at 42" A.F. Locate shelves in single shelf closets at 72" A.F.
- Wood beams made of two or more pieces shall have the pieces securely bolted or nailed together to prevent separation and to insure mutual load sharing. Each interconnected piece shall be continuous between supports, and supports shall have the same strength as the composite beam.
- Extend 7' 1/2" sheathing over rim joist. Nail to rim and upper and lower wall plates using 8d nail at 6" O.C.
- All framing studs shall be 16" O.C. max. All floor sheathing shall be 5/8" IAPA rated 20/20 CDX sheathing nailed with 8d nails at all panel edges, supported edges, and all blocking. Use 8d nails 10" O.C. in field. Nails shall be min. 1/2" from edge of panel. V-shedding with face grain at right angles to framing and glue with glue conforming to APA specs. Roof joists shall be blocked at all bearing points. Block all horizontal edges of wall sheathing with 2 x 4 blocking. Use 8d nails 8" O.C. edges - 10" O.C. field.
- All roof sheathing shall be 5/8" (Type I) rated OSB sheathing nailed with 8d nails at 6" O.C. at panel edges, supported edges, and all blocking with 8d nails, 12" O.C. along intermediate framing members. Use 7" clips on all 5/8" OSB.
- All wood that is connected to concrete, steel, and wood to wood (except stud to plate) shall be connected with Simpson (or equivalent) connectors. Solid 2" nominal blocking shall be provided at ends or points of support of all wood joists and trusses.

- Framing contractor is responsible for framing all fur down to conceal all HVAC ducting and exhaust piping (be it to the ceiling to down or vertical for up).
- Minimum nailing shall be as per IRC. Staples can be substituted for nails at a rate equal to load values provided by I.C.B.O. standard or engineer approval.
- All exterior wall and vertical surfaces at steps in roof shall be sheathed with 15/32" APA rated 24/0 or better structural wood panel or grades covered in the I.C.B.O. block all horizontal edges with 2" nominal or wider, 3" or wider framing at adjoining sheathing shall be placed not less than 1/2" from edge of panel and driven flush but shall not fracture the surface of the sheathing.
- Framing contractor to coordinate with HVAC / Mechanical plans for all ceiling drops to conceal duct work. All framing drops to be span of framing contractors bid.
- These shall be the member grades used on this structure:

WOOD TYPE	TYPE	WOOD QUALITY
Truss beam	(simple span)	24" x 12" DF
Truss beam	(cantilevered)	24" x 12" DF
Joists		DF #2 (for better)
Headers		DF #2 (for better)
Roofs		DF #1 (for better)
Studs		DF stud grade (or better)
Plat plates or concrete		DF #2 (for better)
Pre-Fab houses or bays		DF #2 (for better)
		As per manual specs

- Fireblocking shall be provided to cut off all concealed draft openings (both vertical and horizontal) and to form an effective fire barrier between stories, and between 1st story and the roof space. Fireblocking shall be provided in wood frame construction in the following locations:
 - a) In concealed spaces of stud walls and partitions, including furred spaces, at the ceiling and floor/ceiling and at 10' foot intervals both vertical and horizontal. Both or elements of or glass floor or other concealed non-rigid materials shall be allowed as fireblocking in walls constructed using parallel studs or staggered studs.
 - b) At all intersections between concealed vertical and horizontal spaces such as occur at soffits, drop ceilings and ceiling joists.
 - c) In concealed spaces between stud stringers at the top and bottom of the run. Enclosed spaces shall comply with Section R314.8.
 - d) At openings around vents, pipes, and ducts at ceiling and floor level, with an approved material to resist the free passage of flame and products of combustion.
 - e) At the fireblocking of chimneys and fireplaces.

N. ELECTRICAL

- Contractor shall apply electrical requirements with owner prior to layout and install.
- Electrician to be licensed and comply with all local municipality codes and state codes. Owner will not be held responsible for costs associated with electrical contractor installing device, wiring, etc. out of code regardless what electrical plans indicates. It is the electrician's responsibility to point out code on plans prior to installation so code issues can be addressed prior to start. Electrical plans merely serve as a layout guide line and not a code requirements.
- Electrician and owner to mark all locations of light fixtures, appliance & switches before rough-in. If electrician rough-in without coordinating with owner then electrician takes the risk of misplacing boxes and wiring at owners discretion without charging the owner for such relocation.
- Single and multiple station smoke alarms shall be installed in the following locations:
 - In each sleeping room.
 - Outside of each separate sleeping room or in the immediate vicinity of the bedrooms.
 - On each additional story of the dwelling, including basements and cellars, but not great spaces and unhabitable attics.
 - Also they shall be connected together in series.
 - A GFCI protection of outlet required in bathroom, garages - (Up min 18" off of floor), outdoors, including decks and balconies, crawl spaces with outlets, and unfinished basements. (At least one), with 6' or more.
 - Hallways 10' or more in length shall have a receptacle outlet.
 - Spacing for electrical outlets at kitchen counter bar / island at 6" O.C. max.
 - Provide individual branch circuits for furnace & refrigerator.
 - Lights in closets that conform to clearance specified in NEC 410.8.
 - Provide lighting in attic and crawl spaces with switch at access.
 - All temporary wiring shall conform to NEC article 305.
 - Provide #14 AWG or larger bare copper conductor or steel reinforcing bar or rod not less than 1/2" dia. grounding electrode 20' minimum length.
 - Ac. fault protected circuit interrupter at all sleeping bedrooms at breaker panel.
 - Owner to provide panel, smoke / carbon detection, breakers, all boxes, outlets, switches and fixture. Electrical contractor to install all owner provided items. Electrical contractor to provide all wiring, wiring housing (see M.C. calling), all proper wiring to make fixtures, panel, etc. work properly.

ATTENTION!

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LC IS CURRENTLY USING THE 2015 IRC WITH STATE AMENDMENTS. THE 2015 ECC ENERGY CODE, THE 2015 EBC, THE 2014 NEC, THE 2015 ACCESSIBILITY CODE, ANSI A117.1, AND THE COUNCILS TITLE 21 ZONING ORDINANCE.

THE GREATEST EFFORT HAS BEEN MADE TO DRAW THESE PLANS WITHOUT ERROR. (HOWEVER) THERE IS NO GUARANTEE THAT THESE PLANS ARE WITHOUT ERROR. THE DESIGNER & DRAFTSMAN ARE TO BE HELD HARMLESS OF ANY FINANCIAL LIABILITY RESULTING FROM ERRORS IN THESE PLANS. ANY ONE USING THESE PLANS FOR CONSTRUCTION OF BUILDINGS, ACCEPTS FULL RESPONSIBILITY. (CHECK PLANS CAREFULLY BEFORE CONSTRUCTION.)

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Date: April 24, 2020

Drawn:

Issued For:

Issue: DATE

REVISIONS 6/18/20

Address:

1100 FEDERAL HWY

PLC, UT 84102

Plan Number:

Plan Name:

1100 FEDERAL HWY

PLC, UT 84102

Sheet Title:

GENERAL

NOTES

Sheet Number:

1100

- O. JOB SITE RULES
1. NO WORK TO BEGIN BEFORE 7 AM AND WORK TO END AT 7 PM. IF WEEKEND WORK NEEDS TO OCCUR BY SUBCONTRACTOR, SUBCONTRACTOR TO NOTIFY OWNER / GENERAL CONTRACTOR
 2. NO DOGS OR PETS ARE ALLOWED AT ANYTIME AT THE PROJECT SITE
 3. KEEP ALL NOISE TO A MINIMUM (RADIOS, YELLING, ETC.)
 4. ALL CONSTRUCTION MATERIALS AND TRASH TO BE LOCATED ON PROJECT SITE AND SHALL AT NO TIME BE ON ADJACENT PROPERTY
 5. AT NO TIME SHALL SUBCONTRACTORS VEHICLES PARK ON THE SOIL OF THE PROJECT LOT DUE TO MUD / DIRT GETTING ON THE STREET. ALL VEHICLES SHALL BE PARKED ON PAVEMENT
 6. ALL TRADES TO CLEAN THEIR DEBRIS DAILY AND TO SWEEP ANY DEBRIS IN ROADWAY
 7. ALL TRADES TO HAVE A WEEKLY SAFETY MEETINGS TO DISCUSS BEST SAFETY PRACTICES
 8. ALL TRADES TO KEEP AND MAINTAIN WORKERS COMP INSURANCE INCLUDING PROPER VEHICLE INSURANCE

- P. OWNER / BUILDER CONTACT INFO
1. PRIMARY NUMBER: CELL 801-971-1311
 2. EMAIL: geoff@ticedesignworks.com
 3. FAX: 1-866-233-3870

- Q. HOUSE BTU LOADS
- ANNUAL ENERGY CONSUMPTION:
ANNUAL HEATING 1.5 MBTU/YEAR
ANNUAL COOLING 1.3 MBTU/YEAR
- HVAC SIZING:
HEATER SIZING 16.1 KBTU/HR
AC SIZE 12.8 KBTU/HR

SEE 1400 FEDERAL WAY ENERGY REPORT AND HVAC DESIGN PACKETS FOR DETAILS

- R. HOUSE SQUARE FOOTAGE

SQUARE FOOTAGE TOTALS	
MAIN FLOOR (NEW)	1350 SQ FT
BASEMENT (NEW)	1350 SQ FT
2ND FLOOR (NEW)	1740 SQ FT
GARAGE BELOW (NEW)	720 SQ FT
GARAGE ABOVE (NEW)	480 SQ FT

- S. PLAN SHEETS*

A0.0 - GENERAL NOTES
A0.1 - GENERAL NOTES
A1.0 - SITE PLAN
A2.0 - FLOOR PLAN
A3.0 - ELEVATIONS
A3.1 - ELEVATIONS
A4.0 - DETAILS
A4.1 - DETAILS
A5.0 - ELECTRICAL PLAN
A6.0 - GARAGE PLANS

*STRUCTURAL PLANS PER LICENSED ENGINEER

*IT IS THE SUBCONTRACTORS RESPONSIBILITY TO HAVE STUDIED ALL THE ABOVE PLANS AND TO BID ACCORDINGLY. CONTRACT WILL BE BASED ON ALL THE ABOVE PLANS AND SUBCONTRACTOR WILL BE HELD TO SUCH. IF PLANS ARE MISSING PRIOR TO PLACING A BID, PLEASE CONTACT OWNER SO COMPLETE PLAN SET CAN BE OBTAINED

- T. 2015 IECC ENERGY REQUIREMENTS

Ceiling R-value .38
Wood Frame Wall R-value 20 or 13+5h
Mass Wall R-value 1 13/17
Floor R-value .30g
Basement Wall R-value c 10/13
Slab R-value d, Depth 10, 2 ft
Crawlspace Wall R-value c 10/13
Fenestration U-Factor b 0.35
Skiylight U-Factor b0.60
Glazed Fenestration SHGC b, e NR

- U. DESCRIPTION OF WORK

ALTERATIONS AND ADDITION OF SECOND STORY TO EXISTING SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE.

- V. NOTE:

SALT LAKE CITY PUBLIC UTILITIES GENERAL NOTES ARE INCORPORATED AS PART OF THIS PLAN SET. THE GENERAL NOTES CAN BE FOUND UNDER THE CITY REQUIRED COMMENTS

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SLC IS CURRENTLY USING THE 2015 IRC WITH STATE AMENDMENTS, THE 2015 IECC ENERGY CODE, THE 2015 IEBC, THE 2014 NEC, THE 2015 ACCESSIBILITY CODE AND A117.1A, AND THE COUNTY'S TITLE 21 ZONING ORDINANCE.

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TICE Design Works, Inc.

1400 FEDERAL WAY
SALT LAKE CITY, UT 84102

Date: April 24, 2020

Drawn:

Issued For:

Issue: DATE:

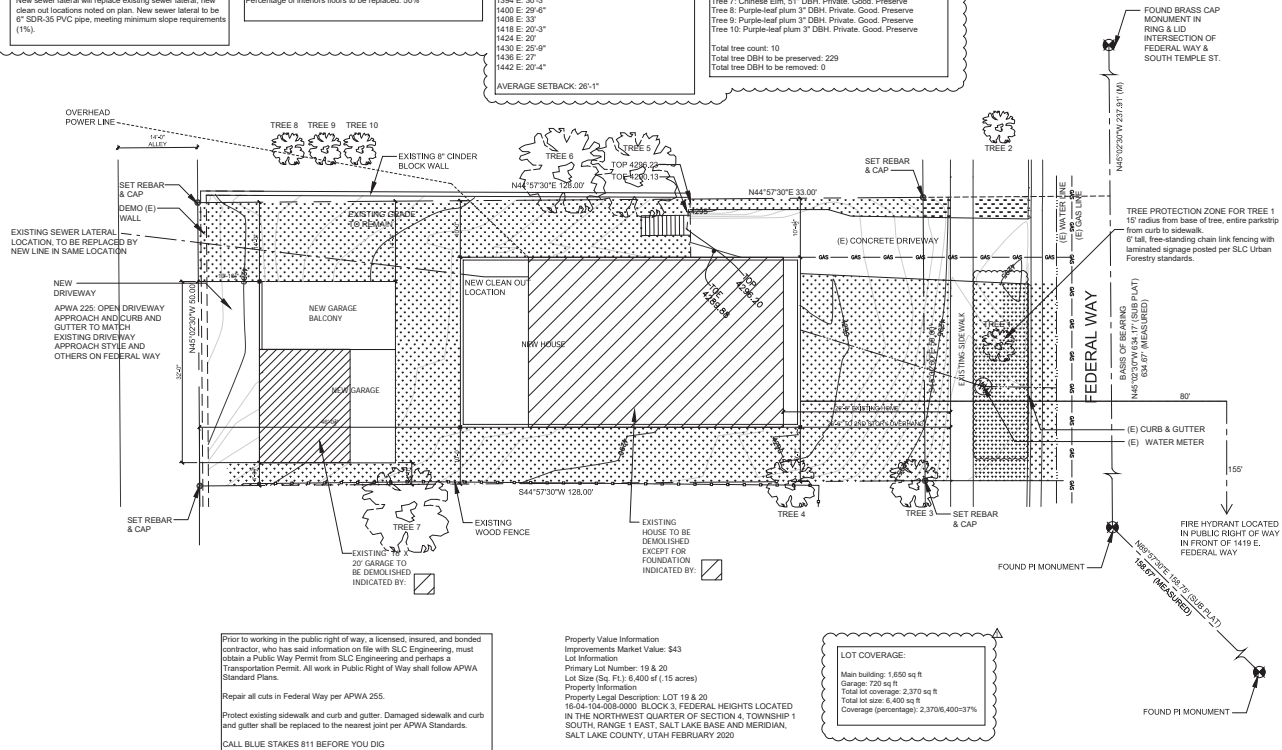
Activity Revisions: 6/10/20

NOTE:
All utility trenching must be per SLCPU Standard Practice No. 1.
Unused existing sewer lateral must be capped and plugged at the main per SLCPU standards.
New sewer lateral will replace existing sewer lateral, new clean out locations noted on plan. New sewer lateral to be 8" SDR-35 PVC pipe, meeting minimum slope requirements (1%).

Demolition calculation:
Total sq ft of existing exterior walls: 2,625 sq ft
Total sq ft of existing exterior walls to be removed: 1,605 sq ft
Percentage of existing walls to be removed: 61%
Total sq ft of existing interior floors: 2,700 sq ft
Total sq ft of interior floors to be replaced: 1,350 sq ft
Percentage of interiors floors to be replaced: 50%

FRONT YARD SETBACK TABLE:
MEASURED FROM BACK OF SIDEWALK TO FRONT FACADE, POSTS SUPPORTING ROOF, OR STEEP LANDING 4-17' ABOVE OF BELOW GRADE AS PER SLC ZONING REQUIREMENTS:
1388 E: 25'-4"
1394 E: 30'-3"
1400 E: 28'-4"
1408 E: 33'
1418 E: 20'-3"
1424 E: 20'
1430 E: 25'-9"
1438 E: 27'
1442 E: 20'-4"
AVERAGE SETBACK: 28'-1"

TREE SCHEDULE:
Tree 1: Autumn Blaze Maple, 15" DBH, Public, Good, Preserve
Tree 2: London Plane Tree, 4" DBH, Public, Good, Preserve
Tree 3: Chinese Elm, 32" DBH, Private, Good, Preserve
Tree 4: Chinese Elm, 30" DBH, Private, Good, Preserve
Tree 5: London Plane Tree, 38" DBH, Private, Good, Preserve
Tree 6: London Plane Tree, 49" DBH, Private, Good, Preserve
Tree 7: Chinese Elm, 51" DBH, Private, Good, Preserve
Tree 8: Purple-leaf plum 3" DBH, Private, Good, Preserve
Tree 9: Purple-leaf plum 3" DBH, Private, Good, Preserve
Tree 10: Purple-leaf plum 3" DBH, Private, Good, Preserve
Total tree count: 10
Total tree DBH to be preserved: 229
Total tree DBH to be removed: 0



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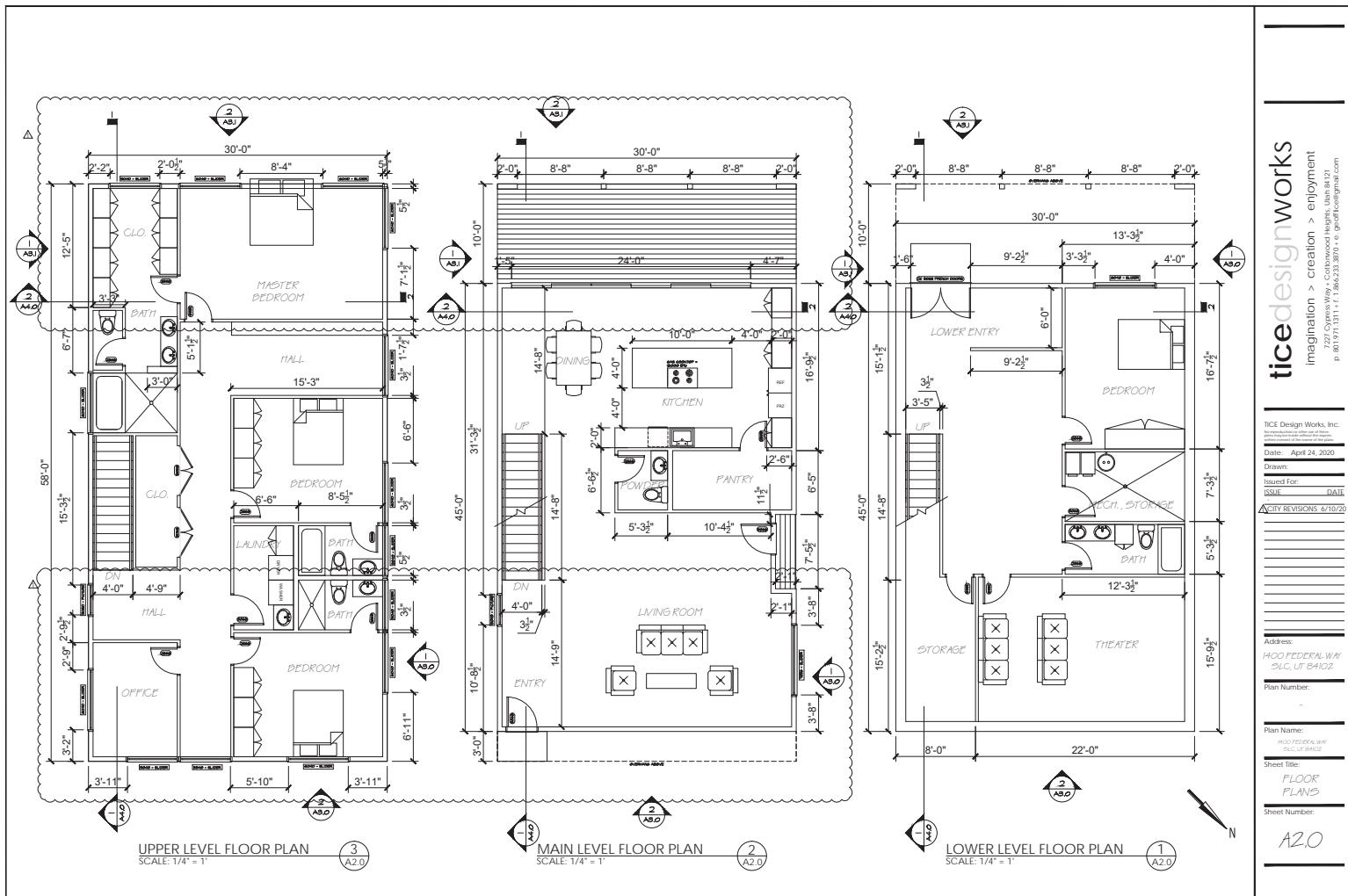
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1400 FEDERAL WAY
SLC, UT 84102

Plan Number:

Plan Name:
1400 FEDERAL WAY
SLC, UT 84102

Sheet Title:
SITE PLAN

Sheet Number:
A1.0



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Architectural, Engineering, and Construction Services
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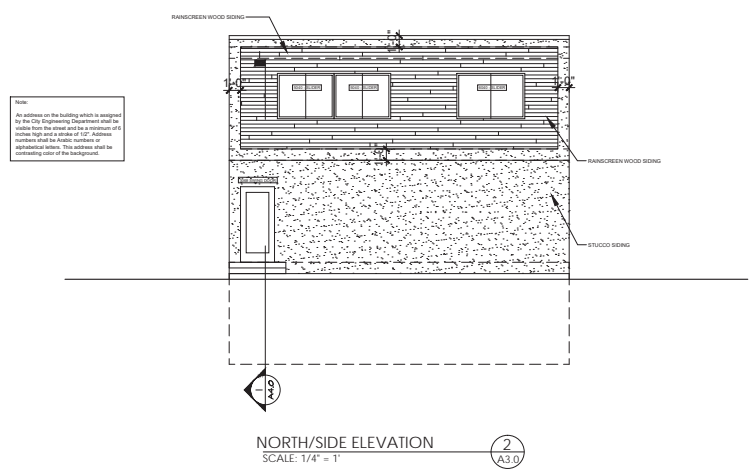
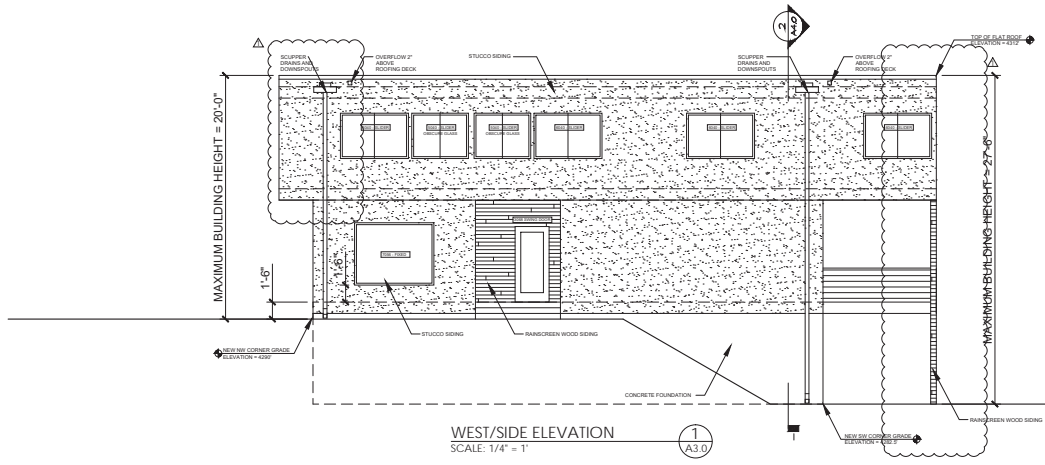
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1400 FEDERAL WAY
DULUTH GA 30102

Plan Number:

Plan Name:
1400 FEDERAL WAY
DULUTH GA 30102

Sheet Title:
FLOOR PLANS

Sheet Number:
A2.0



Note:
An address on the building which is assigned by the City Engineering Department shall be visible from the street and be a minimum of 12" high and a width of 12". Address numbers shall be made visible on application before. This address shall be continuing care of the background.

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TICE Design Works, Inc.
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Date: April 24, 2020
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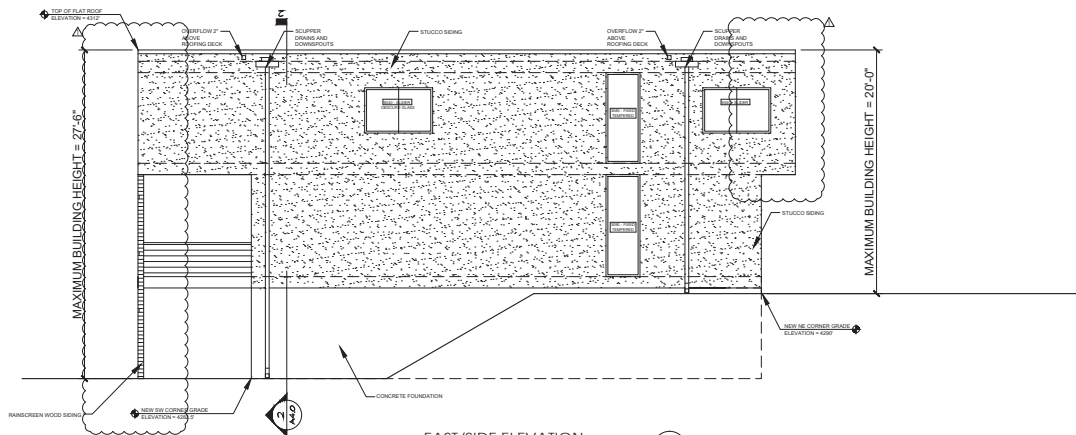
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1400 FEDERAL WAY
DALLAS, TX 75102

Plan Number:
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Plan Name:
1400 FEDERAL WAY
DALLAS, TX

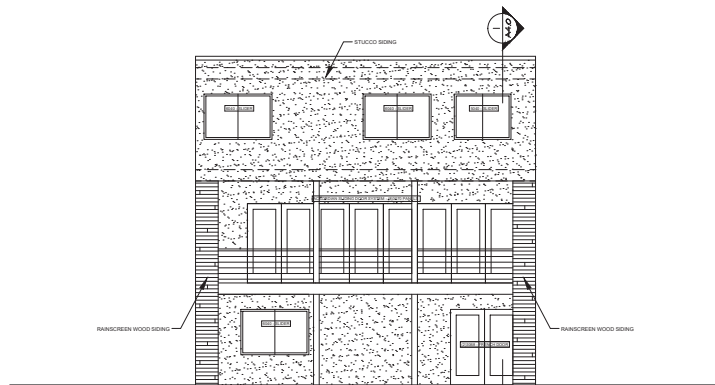
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ELEVATIONS

Sheet Number:
A3.0



EAST/SIDE ELEVATION
SCALE: 1/4" = 1'

1
A3.1



SOUTH/SIDE ELEVATION
SCALE: 1/4" = 1'

2
A3.1

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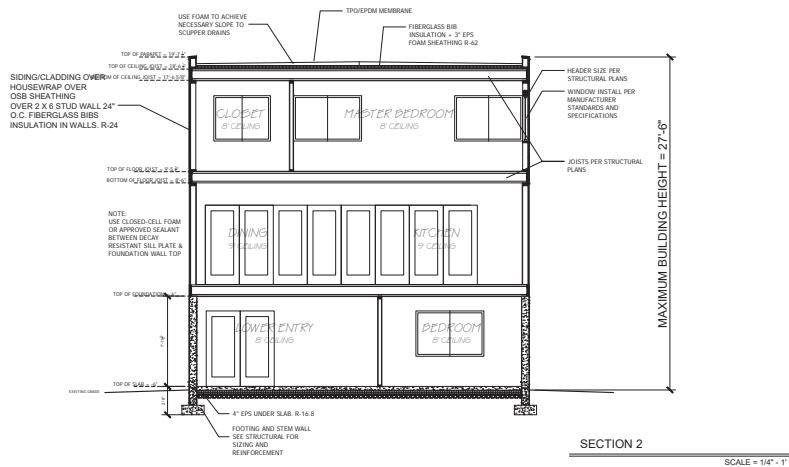
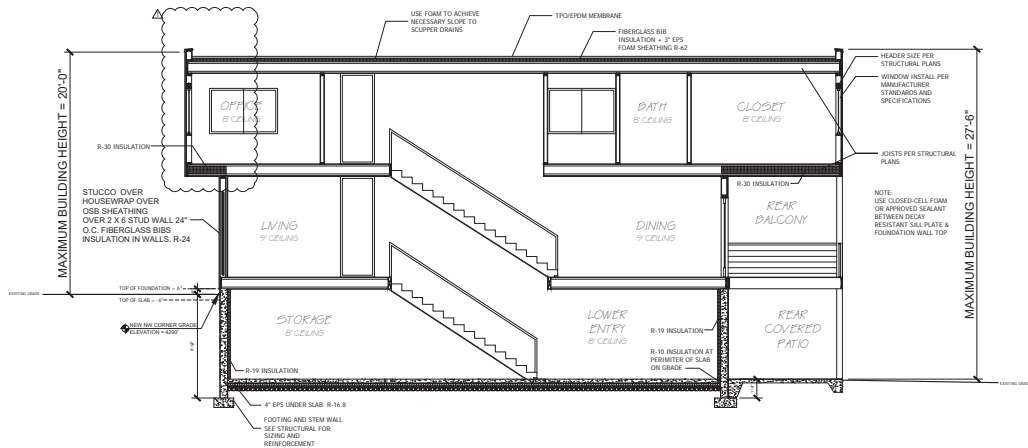
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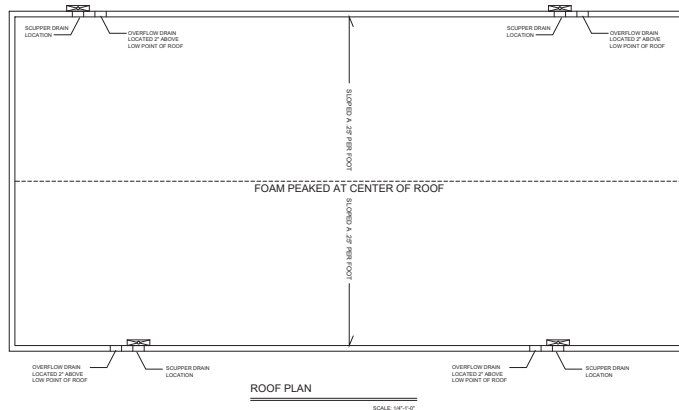
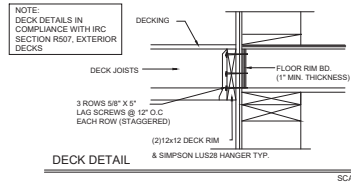
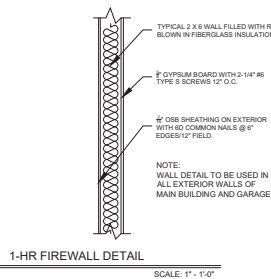
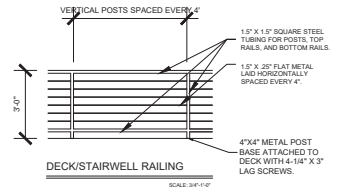
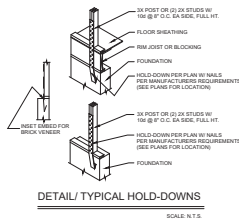
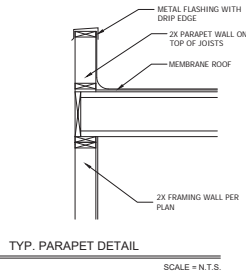
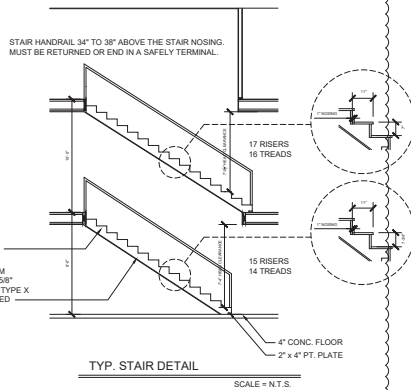
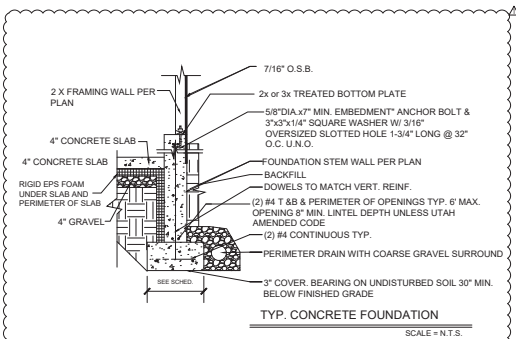
Plan Name:
1400 FEDERAL WAY
DUG, UT 84102

Sheet Title:
ELEVATIONS &
SECTION

Sheet Number:

A3.1





ticedesignworks
imagination > creation > enjoyment
7307 Corporate Way, Colton, CA 95310
p. 801.971.1311 f. 1.866.233.3870 e. gordon@ticedesign.com

TICE Design Works, Inc.
Date: April 24, 2020
Drawn:
Issued For:
Issue: DATE
Activity Revisions: 6/18/20

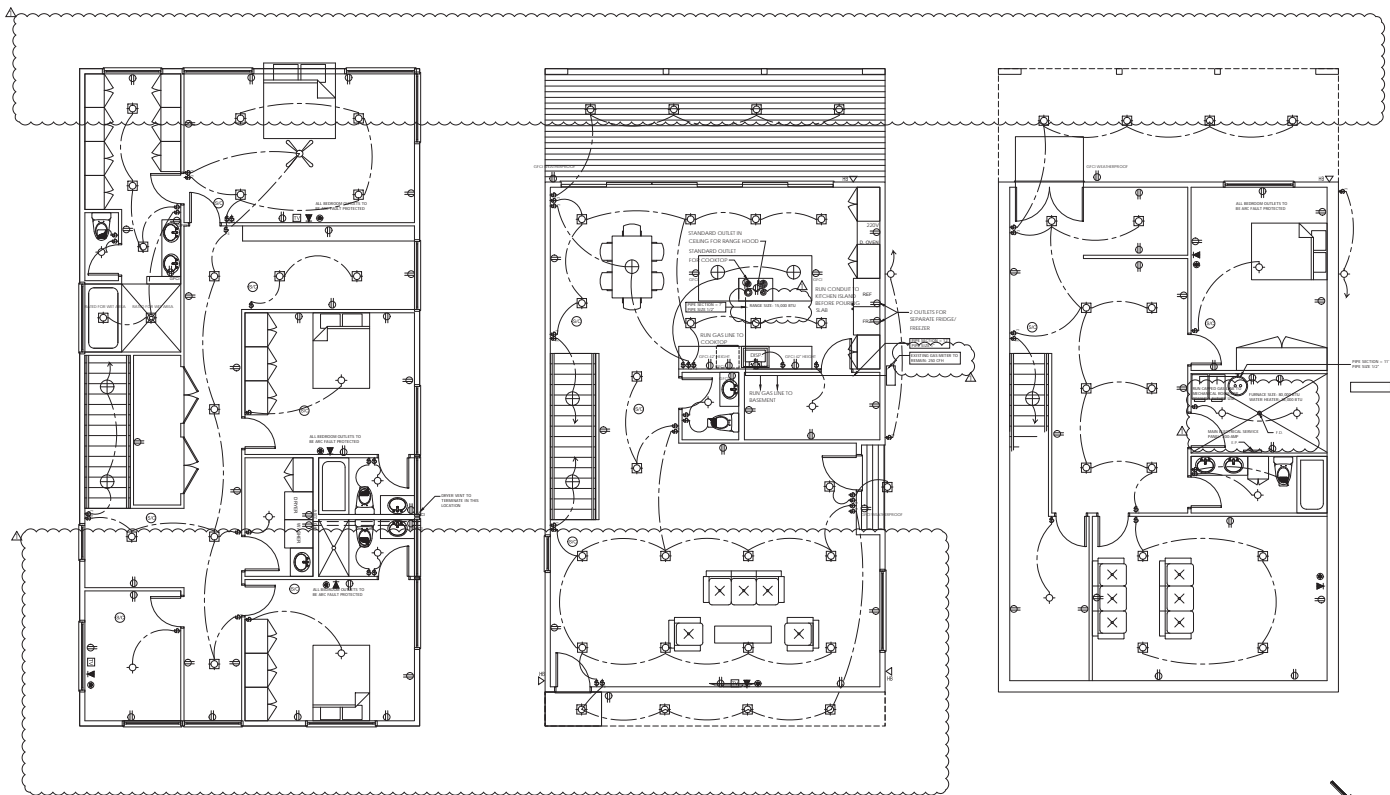
Address:
1100 FEDERAL WAY
DLC, UT 84102

Plan Number:

Plan Name:
1100 FEDERAL WAY
DLC, UT 84102

Sheet Title:
DETAILS

Sheet Number:
A4.1



UPPER LEVEL ELEC. PLAN 3
A2.0

MAIN LEVEL ELEC. PLAN 2
SCALE: 1/4" = 1'
A2.0

LOWER LEVEL ELEC. PLAN 1
SCALE: 1/4" = 1'
A2.0

ticedesignworks
imagination > creation > enjoyment
7370 Canyon Way, Colorado Springs, CO 80931
p. 801.571.1311 f. 1.800.233.8070 e. info@ticedesign.com

TICE Design Works, Inc.
Date: April 24, 2020
Drawn:
Issued For:
Issue Date:
Activity Revisions: 6/10/20

Address:
1400 FEDERAL WAY
DALLAS, TX 75202

Plan Number:

Plan Name:
1400 FEDERAL WAY
DALLAS, TX

Sheet Title:
UTILITY PLAN

Sheet Number:
150

ATTACHMENT D: ZONING STANDARDS

21A.52.030: Special Exceptions Authorized;

- (A) 6. Additional Residential building height, including wall height, in the R-1 districts, R-2 districts and SR districts shall comply with the standards in Chapter 12A.24 of this title.

Mr. Tice's project is consistent with the guideline listed above and, thus, is eligible for consideration of a special exception.

21A.52.060: General Standards and Considerations for Special Exceptions

Guideline or Standard	Finding	Reasoning
A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.	Complies with Approval of Special Exception request	<p>The purpose of the R-1-5,000 Zone is "to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size." The ordinance says further, "Uses are intended to be compatible with the existing scale and identity of the neighborhood. The standards for the district are intended to provide safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood."</p> <p>The existing use of the property as a detached single-family dwelling will continue following the proposed modifications. The use of the property as a single-family dwelling is consistent with the use of the surrounding properties in the neighborhood and the existing development patterns.</p> <p>The proposed modifications comply with the lot standards (e.g. setbacks) with the exception of the building height at the rear of the home. If the requested special exception is granted the proposed design will meet all zoning standards.</p>
B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the	Complies	The subject property is located in the Federal Heights neighborhood and is a single-family home surrounded by other single-family homes. Following the proposed reconstruction the home will

property within the neighborhood in which it is located.		continue to be a detached single-family residence.
C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or of the public health, safety and general welfare.	Complies	The addition of a two-story home within a neighborhood of two-story dwellings will not have an adverse effect on the public health, safety and general welfare. While the flat-roofed modern design of the home is uncommon in the neighborhood it does not detract from the character of the surrounding homes.
D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.	Complies	The proposed use of the property is a detached single-family dwelling which is compatible with the surrounding detached single-family dwellings in this neighborhood. While the flat-roofed modern design of the home is uncommon in the neighborhood it does not detract from the character of the surrounding homes.
E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.	Complies	1400 E Federal way is not located within a local or national historic district and is not listed as a historic site.
F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	Complies	The proposed use is a single-family dwelling and will be located within a neighborhood of single-family dwellings. There is no expectation of material air, water, soil or noise pollution or other type of pollution stemming from the proposed land use.
G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	Complies	Applicant has provided evidence supporting his compliance with all adopted standards herein.

ATTACHMENT E: PUBLIC COMMENT

The following is a list of public input opportunities related to the proposed project since the application was submitted:

- July 15, 2020 – Notice of the special exception request was sent to property owners and occupants within 300 FT of the project.
- July 31, 2020 – Early notification period expired; received about a half dozen responses from neighbors, no comments from the East Central/University Gardens Community Council or the Federal Heights/Greater Avenues Community Council.

Notice of the public hearing for the proposal included:

Public hearing notice mailed October 15, 2020.

Public notice posted on City and State websites and Planning Division list serve on October 15, 2020.

Public hearing notice posted on October 16, 2020

Public Input:

Staff has received about a dozen comments from neighboring property owners and occupants. These comments have been included in the following pages. The comments stem from the neighbors' concerns regarding the overall design of the proposed home and how it fits in with the character of the surrounding neighborhood.

Marie D. Jackson
1410 E. South Temple
Salt Lake City, Utah, 84102-1812

30 July 2020

Salt Lake City Planning Department
451 South State St., Room 406
Salt Lake City, UT 84114-5480
zoning@slcgov.com

Response to the NOTICE OF APPLICATION 1400 East Federal Way (Geoff Tice, owner)
(Petition # PLNPCM2020-00465)

Dear Salt Lake City Planning Department Personnel:

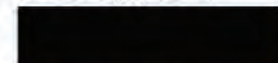
This is a response to the Notice of Application to build a new home, located about 300 feet from my home, with a possible 6 ft. 6 in. height variance, at 1400 E. Federal Way (Petition # PLNPCM2020-00465).

I am a new member of this beautiful, shady neighborhood and its quality homes that incorporate refined architectural details and diverse stone and masonry construction materials. These features, often uniquely and creatively expressed, and the sense of care and harmony that they engender in its residents, attracted to me to this neighborhood, along with its mature shade trees and appealing landscaping. These qualities should be encouraged in the construction of new homes, both to preserve the unique nature of our neighborhood and also to maintain or increase property values.

There are several aspects of the new modern-style house that appear at odds with the existing character of the surrounding streetscape. The flat-roofed boxy style with a stuccoed, windowless first floor is not in keeping with the architectural styles of the neighborhood. The proposed special exception for the 6' 6" height variance is not compatible with surrounding homes and may threaten the health of adjacent shade trees. Other residents mention possible issues with impairment of property values and material pollution of environment.

Would it be possible to request that Geoff Tice provide further details of the new house so that we can have a better sense of the colors and materials of the construction and external details (lighting, garbage, exterior AC, landscaping, protection of shade trees). Perhaps he would consider adjusting some of the plans so that they would be more compatible with the unique character of our neighborhood.

Sincerely yours,



Marie D. Jackson

Dear Caitlyn,

Thank you for taking the time to talk with me the other day and walking me through all the applicable planning codes. I wanted to follow up with a letter explaining how I understand the relevant sections of the city code. You mentioned to me that Section 21A.52.060 only requires Mr. Tice to maintain the property as a single-family dwelling to meet the requirements of special exception ordinance.

City ordinances are supposed to be interpreted in the same way that a court interprets a state statute by following established rules of statutory construction. *See Foutz v. City of South Jordan*, 2004 UT 75, ¶ 8, 100 P.3d 1171. “[U]nder [the] rules of statutory construction,” a Utah court will “look first to the statute’s plain language to determine its meaning.” *Nielsen v. Ret. Bd.*, 2019 UT App 89, ¶ 12 (citation omitted). Utah courts “will not interpret unambiguous language in a statute to contradict its plain meaning.” *OSI Industries, Inc. v. Utah State Tax Com’n, Auditing Div.*, 860 P.2d 381 (Utah App. 1993) (citation omitted). Additionally, the court will apply a “presumption of independent meaning (and/ or its converse, the presumption against surplusage),” where the court assumes that each word in an ordinance has a meaning that is independent from the meaning of the other words in the ordinance and, therefore, each word creates an additional requirement under the ordinance. *Hi-Country Prop. Rights Grp. v. Emmer*, 2013 UT 33, ¶ 24.

When we spoke, you said the city is taking three different requirements (Sections 21A.52.060 A, C, and D) and saying that they all have the same basic meaning, which just doesn’t make sense to me. If all three of the sections have basically the same meaning there would be no reason to state it three times.

When reviewing an application for a special exception, the city does not look only at whether the property is going to be used as a single-family residence like the other homes in the area. The city is required to conduct “a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing [a special exception] on any given site.” *See Salt Lake City Code* § 21A.52.020.

Section 21A.52.060(D) says that “[t]he proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.” All of the neighboring properties are single-family dwellings. That means that Mr. Tice’s proposed use is compatible with the neighboring properties. But that does not mean that it is compatible with the development of the neighboring property. The ordinance requires the special exception to be compatible with both the use and development of the neighboring property. Development is defined in the city ordinances and includes a lot of different things, including the “change in the . . . appearance of any structure” and the “construction of any principle building,”¹ which, according to Section 21A.52.060(D), must “be compatible with . . . [the] neighboring property.” The ordinances require the

¹ *See Salt Lake City Code* Section 21A.62.040.

appearance and construction of the roof to be compatible with the appearance and construction of the other buildings in the area.

Section 21A.52.060(D) itself says that “[t]he proposed special exception will be constructed, arranged, and operated so as to be compatible with the use and development of neighboring property.” If Mr. Tice wants to build his roof higher than twenty feet, the roof must be “constructed” and “arranged” in a manner that is compatible with the neighboring properties. Because none of the neighboring properties have flat roofs, it would be difficult, according to this section, to build a flat roof that is “constructed” and “arranged” in a manner that is compatible with the neighboring properties.

In addition, Section 21A.52.060(C) says that “[t]he proposed use and development will not have a material adverse effect upon the character of the area” When we spoke you mentioned that the proposed use and development fits the character of the neighborhood if the home is a single-family residence. Again, that would violate the rule against surplusage and the rule of independent meaning when interpreting an ordinance. The city should treat “proposed use” and “development” as imposing two separate and distinct requirements on Mr. Tice. The use of the property as a single-family residence fits the character of the neighborhood. But the city should also ask whether the “appearance” and “construction” of Mr. Tice’s home will have a “material adverse effect upon the character of the area.” As drawn, the plans will have an adverse effect.

Also, the basic requirement in Subsection C is different from Subsection D. Subsection D says that the “special exception” must be compatible with the neighborhood, meaning the roof itself must be compatible with the neighboring properties. Subsection C says that the “proposed use and development” must not have a negative “effect upon the character of the area.” This is not just limited to the roof. Once Mr. Tice requested a special exception, the planning commission must look at more than just the roof. It can look at the entire project and put conditions on any aspect of the project.

Salt Lake City Code Section 21A.52.070 allows the planning commission to put just about any restrictions on the project that it determines is necessary to minimize the effect on the neighbors. It says the following:

Conditions and limitations necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services may be imposed on each application. These conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the approval record of the special exception.

The planning commission doesn’t only look to ensure that the home is used and constructed as a single-family residence. They can place conditions on the use, construction, landscaping, location, and just about anything else that they determine is necessary to minimize the adverse effects of the project on the neighbors. This means that the planning commission should look at

the location, construction, character, screening, landscaping, and other factors when determining whether the project will have a negative effect on the neighboring properties.

I have attached pictures of the homes that surround 1400 Federal Way. As you can see, none of the homes have flat roofs, meaning that allowing the flat roof would violate Section 21A.52.060(D). Also, the homes all have conservative color patterns and thick vegetation. The neighborhood has a very distinct character and construction pattern. Based on the limited plans that were provided, the roof and the overall construction do not match the character and development of the neighborhood. However, it is difficult to fully envision the project without more detailed plans.

Section 21A.52.060 and Section 21A.52.040 authorize the planning commission and the planning director to request additional “information or documentation as the planning director may deem necessary or appropriate for a full and proper consideration and disposition of the particular application.” Several additional items would be helpful in understanding the impact of Mr. Tice’s home. Where are the trash receptacles going to be stored?² Where are the landscaping plans? A streetscape photograph would be useful to understand how the proposed design at 1400 Federal Way fits into the existing neighborhood. 3-D renderings showing shade and shadows and colors will also help us understand the aesthetic of the home. Also, was any consideration given to the placement of windows on 1400 and how they will impact the adjacent homes? What color and material is the proposed roof?

The Salt Lake City Code, Section 21A.52.070, states that the planning commission doesn’t only look to ensure that the home is used and constructed as a single-family residence. The planning commission can place conditions on the use, construction, landscaping, location, and just about anything else that they determine is necessary to minimize the adverse effects of the project on the neighbors.

I believe most of the neighbors including myself, would like the opportunity to sit down with Mr. Tice, to go over our concerns. The neighborhood concerns focus on the overall character and details of the home whether the design be modern or traditional, we just would like to make sure the home is designed and constructed to take into the existing fabric of the neighborhood and to be respectful of the neighboring houses, both on Federal Way and the homes that abut Mr. Tice’s property on Butler Ave. The neighborhood would welcome a new home on Mr. Tice’s property, but would ask that more time and attention be given to the massing and detailing of the house, to fit into the existing fabric of this beautiful and well established neighborhood.

Thank you,

Scott Jaffa

² This is actually required by Salt Lake City Code Section 21A.52.040(A)(1)(g)(7) that states that an application must include a plan or drawing that shows the “[l]ocation of trash receptacles.”

From: [marjean mckenna](#)
To: [Miller, Caitlyn](#)
Cc: [scott jaffa](#); [andi olsen](#); [terese walton](#); [kevin watt](#)
Subject: (EXTERNAL) 1400 E. Federal Way Petition #PLNPCM2020-00465
Date: Sunday, July 26, 2020 12:01:12 PM

RE: Petition #PLNPCM2020-00465

Dear Ms. Miller and the Salt Lake City Planning Division,

I object.

Thank you for the opportunity to comment on the proposed rebuild next door to me. I say “rebuild,” not “remodel,” as the petition cites, because, except for the foundation, the house is to be demolished.

This looks to me like a big box, devoid of character, looming over the sidewalk. The plans show no attempt to have any interesting or inviting features on the facade—nothing that would make it even slightly “compatible with the surrounding development” of the charming and historic Federal Heights subdivision. None of the new houses built in this subdivision in the last twenty years is this ugly—if all the new and rebuilds looked like this, the subdivision would have lost its historic charm. 4400 square feet on this small lot? Totally out of proportion. (points C and D of 21A.52.060: *general standards and considerations*)

This owner (landlord) has consistently demonstrated his lack of consideration for the well-being of his neighbors on Federal Way. We have no reason to believe that this construction project would show any respect toward us or the properties we have invested in. Please come back with a revised rendering that might suit the neighborhood and lot size.

Marjean McKenna
1408 E. Federal Way


Andrea & Lance Olsen
1409 E. Federal Way
Salt Lake City, UT 84102

30 July 2020

Salt Lake City Planning Department
451 South State St., Room 406
Salt Lake City, UT 84114-5480
zoning@slcgov.com

**Olsen Response to the NOTICE OF APPLICATION 1400 East Federal Way (Geoff Tice, owner)
(Petition # PLNPCM2020-00465)**

Dear Salt Lake City Planning Department,

Thank you for the opportunity to respond to the Notice of Application to build a new home, possibly with a 6 ft. 6 in. height variance, at 1400 E. Federal Way (Petition # PLNPCM2020-00465).

My husband's and my understanding is that the new, modern-style house, with its variance, must be in compliance with the list of items A – G from Chapter **21A.52.060: General Standards and Considerations for Special Exceptions** of the Zoning Ordinance in order to be approved. The plans submitted by owner Geoff Tice do not appear to fulfill some of these requirements.

Comment 1:

C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

Indeed, there are modern homes in the neighborhood that have incorporated quality materials; aesthetic design elements; and a level of architectural detail, structural articulation and landscaping, all of which add character and harmonize with the diverse architectural conversations that occur within our beautiful and distinct neighborhood. It is therefore important that the new build at 1400 E. Federal Way blend into the existing character of the streetscape and neighborhood in these ways as well. However, it doesn't.

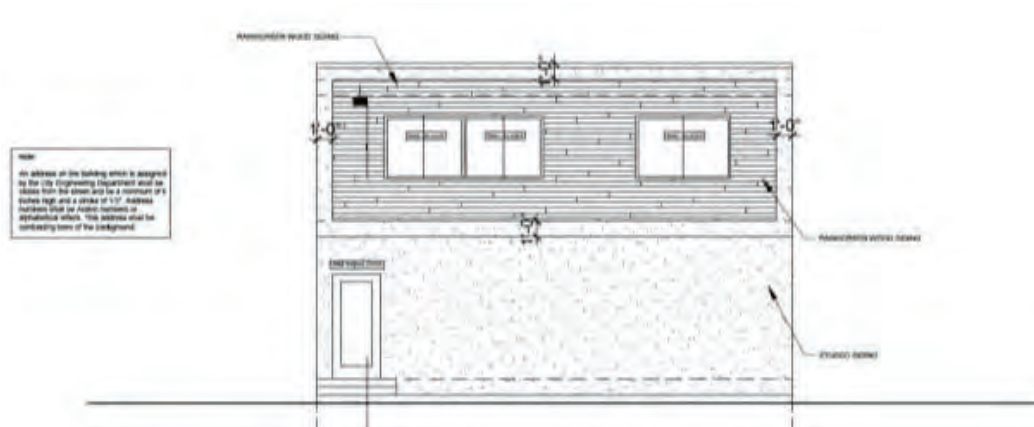
For instance, if one compares Image #1—the exterior front of a modern home a couple blocks away—with Image #2—the plan of the exterior front of 1400 E. Federal Way—one sees that the former exemplifies what I've described above, whereas the latter shows a tall, two-story (in front; three-story in back) flat-roofed box with a stucco, windowless first floor, and a (manufactured?) wood-slatted & stucco second floor with three small apartment-style windows, all of which together look more like a non-descript back side of a house, particularly if the garbage and recycling cans remain in their current position on the driveway. This plan does not

engage in an architectural conversation with the other homes on the street, nor in the neighborhood, but rather seems better suited for one of the new housing developments popping up in other areas of, and adjacent to, Salt Lake City.

Image #1: Front of modern home in neighborhood:



Image #2: Front plan for new house at 1400 Federal Way:



(For neighborhood context, please see Google Map images of other homes on E. Federal Way attached at the end of this letter.)

Most architectural plans my husband and I have viewed with respect to other projects, have included visual renderings of what the final structure will look like from various angles. Would it be possible to request that Geoff Tice provide these so that we can have a better sense of the colors, materials and location of details (for instance, there appears to be no exterior lighting; where will the garbage and exterior AC unit be located; what will the landscaping look like surrounding the house [if tree branches are trimmed, which ones]; where is the drainage for surface run-off?)?

As well, it would be helpful to see different-angled renderings that place the new house within the context of the surrounding houses (on Federal Way and in the alley), to see how Geoff Tice envisions his project.

Comment 2:

D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

Since the current plan isn't compatible with the surrounding development of neighboring properties, construction of the proposed special exception for the 6' 6" variance in height is also not compatible.

Comment 3: *B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.*

While it would be difficult at this point to assess any diminishing impact this new house might have on the property value of neighboring homes, recent home sales on Federal Way and around the corner on E. South Temple range from approximately \$750,000 to \$1million, to the best of my husband's and my knowledge.

The plan submitted for 1400 E. Federal Way does not appear to incorporate the kinds of quality materials and attention to detail that would warrant an equivalent price (based on lot size & square footage). If that's the case, then it *could* affect the property value of surrounding homes.

Comment 4:

E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

One of the most treasured and recognizable features of our neighborhood is the large number of older mature trees. These bring shade, beauty and historic character into the area. Because of their significance in defining our neighborhood, the health of these trees is a top priority.

It's encouraging to see that no existing trees would be removed to build the new house at 1400 E. Federal Way. However, if the height variance were to be approved, it looks to us as though several large branches of existing mature trees (including on neighboring properties) might need to be cut off to accommodate the extra height of the house. Therefore, the construction of the new home could impact the health and even the survival of these trees.

Would it be possible to require an assessment (perhaps from two sources...a city arborist and a private arborist?) of the impact that removing such large limbs from these trees might have?

In addition, what measures will Geoff Tice take to assure the protection of existing trees and fences?

Images #3 & #4 below show current house located at 1400 Federal Way, and the proximity of mature branches & trees to this house.

Image #3:



Image #4:



Comment #5:

F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

Hazardous materials: Is there a plan to test the existing home at 1400 E. Federal Way for asbestos before any demolition starts, since the airborne dust is hazardous and causes cancer?

Also, given when the current home was built, might it be prudent to test for lead-based paint before demolition?

Light pollution: Would it be possible to find out more information from Geoff Tice about what color and kind of material he'd be using on the flat roof? Perhaps provide a sample? The reflective quality of the flat roof could potentially create light pollution, which could impact the character of the neighborhood and people's appreciation of the charming lamp-post lit street, not to mention affecting the two neighboring homes by bringing unwanted light into those homes.

Noise pollution: Please confirm that the flat roof would be a roof and not a deck. If it were a deck, nuisance and noise pollution could result from the sound of people on top of the house broadcasting in all directions, particularly if music is playing.

Other questions:

In addition to responding to items A-G in the Zoning Ordinance, my husband and I have the following concerns about the logistics of the new build. Our hope is that, as a courtesy to his neighbors, Geoff Tice might be able to present this information so that we have an understanding of what to anticipate. It would be greatly appreciated.

- 1) What are the start and completion dates for the project?
- 2) Approximately how many months will the exterior noise last (demolition, construction) until the construction moves inside the structure? My husband and I both have home offices that face 1400 E. Federal Way, so we will plan to move our offices into a small basement room for the duration of this phase. Therefore, it would help us to know what to expect.
- 3) While noise and nuisance are inevitable and understandable during any building project, would it be possible to compromise and change the timing of the workday from 7 a.m. - 7 p.m. to 8 a.m.- 8 p.m. during the exterior demolition & construction part of the project? This is a quiet residential neighborhood, and, given the length of building a home, 7 a.m. is very early to start work.
- 4) Would it be possible to notify neighbors if/when construction will happen on weekends?
- 5) Geoff Tice has been the absentee landlord of 1400 E. Federal Way (he lives in Hawaii), which has at times resulted in putting the neighbors in the position of becoming *de facto* landlords. Over the past several years, we've needed to contact Civil Enforcement, the Landlord/Tenant Licensing Supervisor, Police Department, Parking Enforcement, Transportation, and Detective Gibic to report violations and grievances.

Will there be responsible oversight and accountability so that neighbors are not burdened with the clean-up or any other part of the building project?

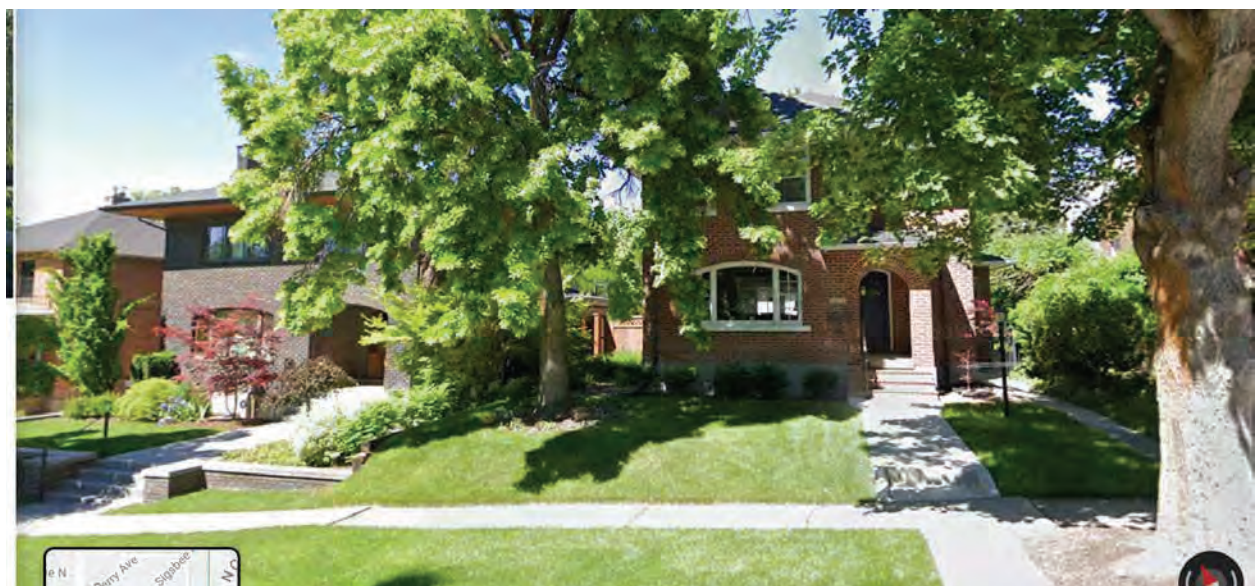
Thank you for your consideration of these matters, and for your time.

Best regards,

Andrea & Lance Olsen
1409 E. Federal Way

Google maps: Neighboring homes on E. Federal Way:







Terese and Mike Walton
1403 Federal Way
Salt Lake City, UT 84102

July 30, 2020

RE: Walton Response to the NOTICE OF APPLICATION 1400 East Federal Way (Geoff Tice, owner)
(Petition # PLNPCM2020-00465)

To Salt Lake City Planning Department:

Please note this letter is in response to the Notice of Application to build a new home, possibly with a 6 ft. 6 in. height variance, at 1400 E. Federal Way (Petition # PLNPCM2020-00465).

The subject property is located directly across the street from our home at 1403 Federal Way. We are extremely troubled about Mr. Tice's pending plans. And we are concerned that the home absolutely does not fit into the "development" of the neighborhood - including aesthetic design elements, architectural detail, structural articulation and landscaping, all of which add character to our neighborhood.

We would like to cite Sections A - D of Salt Lake City code: **21A.52.060: General Standards and Considerations For Special Exceptions**. After review of the property owner's submittal, it appears clear to us that the plans do not appear to comply with this code. From what we can analyze, the building materials, lack of windows, and the streetscape do not fit in with the other homes on Federal Way and the surrounding area. We would like Mr. Tice to consider the surrounding development.

Note it would be great to sit down with Mr. Tice to discuss the situation. We recognize there are many neighbors who share the same concerns.

Thank you for your consideration to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Terese Mike", written in a cursive style.

Terese and Mike Walton



Melissa Watt
1415 E. Federal Way
Salt Lake City, UT 84102

Salt Lake City Planning Department
451 South State St., Room 406
Salt Lake City, UT 84114
zoning@slcgov.com

Re: 1400 East Federal Way (Petition # PLNPCM2020-00465)

Dear Salt Lake City Planning Department,

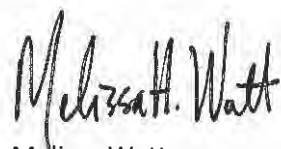
I am writing with concerns about Mr. Geoff Tice's petition for a height variance in the remodel of his home at 1400 E. Federal Way. My family and I are new residents in Salt Lake City, having moved from North Carolina in September. We decided to purchase a home on E. Federal Way due to its proximity to the university, the character of the older home, and beautiful treescape that graces the street. We are concerned that Mr. Tice's petition is not in character with the neighborhood and that it may potentially damage trees on the street.

When we were notified that 1400 E. Federal Way would be remodeled, we were initially very pleased. The house has been vacant for several months, and is clearly in disrepair. It is our understanding that Mr. Tice lives in Hawaii and that he has not been particularly engaged as a landlord. However, once we saw the plans proposed for the home we were very taken aback. This neighborhood is full of homes of great character, with intriguing architectural details and aesthetic design elements. One thing we particularly like about the homes on this street is that they are "neighborly", often with front porches or big street-facing windows that invite neighbors to get to know one another. Mr. Tice's rendering, however, is absolutely devoid of architectural details. It is essentially a large box, and does not even have windows on the first floor. We also note that his application for a height variance could likely require him to remove branches on trees that go into his property, potentially damaging those trees beyond repair.

Prior to approving this project, we would invite a conversation with Mr. Tice to get additional details about the project, and how the proposed design will integrate with the existing homes. Federal Way is a "gateway road" between downtown and the university, and special care should be given to retaining its charm and character. The street is a wonderful example of the beautiful homes that were built in this city in the early 1900s. It is our hope that a home will be built on the lot at 1400 E. Federal Way that conforms with the history and beauty of this street.

Thank you for your time in considering this.

Sincerely,

A handwritten signature in black ink that reads "Melissa H. Watt". The signature is written in a cursive, flowing style.

Melissa Watt

From: [Kathryn Fitzgerald](#)
To: [Miller, Caitlyn](#)
Subject: (EXTERNAL) Case # PLMPCM2020-00465
Date: Tuesday, October 20, 2020 12:28:44 PM

Dear Councilman Wharton,

I am adamantly opposed to making a special exception for additional building height to the home located at 1400 E. Federal Way. This increase in height would create a behemoth looming over the houses across the rear alley, which are already situated at a somewhat lower elevation. Our yards would become fishbowls under the gaze of the 1400 E. Federal Way property owners, destroying our privacy on our own property. If this case reaches the City Council, please do not allow this exception.

Kathryn Fitzgerald
1385 Butler Ave, Salt Lake City, UT 84102

ATTACHMENT F: DEPARTMENT REVIEWS

Zoning:

The project narrative appears to indicate the owner is eligible for the additional height, based on the ordinance and the other houses on the block face. The actual heights of the other houses should be documented. — Alan Hardman

Building:

The design package needs to be more clear and consistent regarding the scope of work. Sheet AO.1 states "Alterations to the second story and detached garage...Sheet A1.0 states that the house is to be demo'd except for the foundation - same for the garage.

The rest of the plans appear to be all proposed construction.

I see proposed electrical but no mechanical or plumbing. These are required to be part of the design package for review.

Also need a REScheck (energy compliance).

A complete structural package that coincides with the "to be clarified" scope of work.

At a minimum, the above items will be needed to be accepted at Prescreen. — Timothy Burke

Fire:

Site plans show existing garage to be demolished and new to be constructed, but no plans are shown for garage.

As long as there are no more than 2 R-3 or U occupancies on the parcel fire department access is acceptable.

Fire hydrants shall be located within 600-feet of all first story exterior portions of the structures on the property as measured by the drive route, using straight lines and right angles. — Douglas Bateman

Enclosure B

**JOINT MEETING
SALT LAKE CITY PLANNING COMMISSION & APPEALS (VARIANCE) HEARING
MEETING AGENDA**

**This meeting will be an electronic meeting pursuant to the
Salt Lake City Emergency Proclamation
October 28, 2020, at 5:30 p.m.**

(The order of the items may change at the Commission's discretion)

JOINT APPEALS HEARING AND PLANNING COMMISSION PUBLIC HEARING: As provided by City Code, a conditional use that includes a requested variance, may be heard simultaneously. Items 1 and 1A on the agenda will be heard during the same public hearing. After the public hearing is closed by the Planning Commission and concurred to by the Appeals Hearing Officer, the Commission will make a decision on the conditional use first, followed by the Appeals Hearing Officer.

This Meeting will **not** have an anchor location at the City and County Building. Commission Members will connect remotely. We want to make sure everyone interested in the meeting can still access the meeting how they feel most comfortable. If you are interested in watching the joint meeting, they are available on the following platforms:

- YouTube: www.youtube.com/slclivemeetings
- SLCtv Channel 17 Live: www.slctv.com/livestream/SLCtv-Live/2

If you are interested in participating during the Public Hearing portion of the meeting or in providing general comments, email; planning.comments@slcgov.com or connect with us on Webex at:

- <http://tiny.cc/slc-pc-appeals-10282020>

Instructions for using Webex will be provided on our website at SLC.GOV/Planning

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM
APPROVAL OF MINUTES FOR SEPTEMBER 30, 2020 AND OCTOBER 14, 2020
REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

Extensions of Previous Approvals: the commission will discuss granting a one-year extension to all land use applications that are set to expire during the current public health emergency. Due to City building being closed and city staff working remotely, increased construction costs due to disruptions with the supply chain, and the impact of the current pandemic, submitting required plans and documents necessary to avoid a land use approval from expiring is requiring a longer period of time. The Planning Commission may consider granting an extension for all land use approvals that require an approved extension from the commission.

PLANNING COMMISSION HEARING

- 1. Conditional Use for an ADU at approximately 1977 South Scenic Drive** - Tim and Cathy Chambless, owners, request approval of a conditional use to establish a 1,313 square foot

Accessory Dwelling Unit attached to the rear of their home at approximately 1977 South Scenic Drive. The subject property is located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00620**

The Planning Commission will open the public hearing, which will serve as the public hearing for both the Planning Commission and the Appeals Hearing Officer.

VARIANCE HEARING

1A. Variance for an ADU at approximately 1977 South Scenic Drive – Tim and Cathy Chambless, owners, request the granting of a variance to allow a proposed Accessory Dwelling Unit to encroach between 13 and 15 feet into the required 35-foot rear yard at approximately 1977 South Scenic Drive. The subject property is located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNZAD2020-00490**

Note: The Appeals Hearing Officer will not make a decision on this matter during the meeting and will issue a decision at a later date.

Once the Appeals Hearing is closed the Planning Commission meeting will resume business.

PLANNING COMMISSION PUBLIC HEARING

- 2. Special Exception for Height at approximately 1400 East Federal Way** - Geoffrey Tice, applicant, requests a special exception for additional building height to add a second story to the home located at 1400 East Federal Way. By ordinance the maximum building height is 20' for flat roofs; the applicant is requesting special exception approval to build to 27'6" in height. The property is located within the R-1-5,000 Zone and is within Council District 3, represented by Chris Wharton. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00465**
- 3. Block 67 Changes to Building Design at approximately 131 South 300 West** - A request by Emir Tursic, architect, to modify the approved hotel building of the Block 67 development located at approximately 131 S 300 W. The Planning Commission approved the Conditional Building and Site Design Review and Planned Development on November 8, 2017. The proposed modifications include changes to the design and massing of the building and material changes. These changes are required by ordinance to be reviewed by the Planning Commission. The site is zoned D-4 (Downtown Secondary Central Business District). The subject property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Molly Robinson at (385) 226-8656 or molly.robinson@slcgov.com) **Case numbers PLNPCM2017-00448 & PLNPCM2017-00418**
- 4. Central Station West Apartments Planned Development & Design Review at approximately 577 West 200 South** - Eric Balls representing Gardner Batt LLC, has requested Planned Development and Design Review approval for the Central Station West Apartments project to be located at approximately 577 West 200 South. The proposed project is for a 65-unit apartment building on a 0.46-acre (20,000 square feet) parcel. The proposed building will be six stories in height. The property is located in the G-MU – Gateway-Mixed Use zoning district. The G-MU zoning district requires Planned Development approval for all new principal buildings and uses. In addition, Design Review approval has been requested in order to address some design aspects of the building including material choices,

the length of blank walls and street-level glass requirements on the west façade of the building. The proposal is located within Council District 4, represented by Ana Valdemoros. (Staff contact: David J. Gellner at (801) 535-6107 or david.gellner@slcgov.com) **Case numbers PLNPCM2020-00187 & PLNPCM2020-00647**

5. **Permitting Restaurants in the PL Public Lands Zoning District Text Amendment** - Mayor Erin Mendenhall has initiated a text amendment to the zoning ordinance pertaining to restaurant uses within the PL – Public Lands Zoning District. Under the current ordinance restaurants are allowed to operate as an accessory use only. The amendment would allow restaurants to operate as a principal use. The purpose of the PL district is to provide areas in the city for public uses and regulate the development of those uses. The proposed amendment affects section 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose Districts of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Amanda Roman at (385) 386-2765 or amanda.roman@slcgov.com) **Case number PLNPCM2020-00503**
6. **Billboard Ordinance Amendments** - The City Council is requesting amendments to the zoning ordinance regulations regarding billboards. The proposed amendments would modify city code to align with state law, eliminating the city's use of a "billboard bank" (a method for managing billboard relocations) to align more closely with Utah state law regulating billboards. The amendments would continue to prohibit new billboards. State law would regulate future billboard modification and relocation. The amendments also include specifics on size, height, and spacing of billboards, along with landscaping, when not already specified in the state law. The proposed amendments affect Chapter 21A.46 of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. The changes would apply Citywide. (Staff contact: Casey Stewart at (385) 226-8959 or casey.stewart@slcgov.com) **Case Number PLNPCM2020-00351**

OTHER BUSINESS

Chairperson and Vice Chairperson elections

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at slc.gov/planning/public-meetings. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

Agenda items may not be heard in the order listed. The Appeals Hearing Officer reserves the right to change the order of agenda items as deemed necessary. To request the files for the above items please contact the Staff Planner. Visit the Planning Division website at www.slcgov.com/planning/planning-public-meetings for copies of the Appeals Hearing Officer meeting/hearing agendas, staff reports and decisions. Staff reports will be posted the Friday prior to the meeting

Enclosure C

**Salt Lake City Planning Commission Record of Decision
October 28, 2020 5:30 p.m.**

**This meeting was held electronically pursuant to the
Salt Lake City Emergency Proclamation**

1. **Conditional Use for an ADU at approximately 1977 South Scenic Drive** - Tim and Cathy Chambliss, owners, request approval of a conditional use to establish a 1,313 square foot Accessory Dwelling Unit attached to the rear of their home at approximately 1977 South Scenic Drive. The subject property is located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00620**

Decision: Approved with conditions

2. **Special Exception for Height at approximately 1400 East Federal Way** - Geoffrey Tice, applicant, requests a special exception for additional building height to add a second story to the home located at 1400 East Federal Way. By ordinance the maximum building height is 20' for flat roofs; the applicant is requesting special exception approval to build to 27'6" in height. The property is located within the R-1-5,000 Zone and is within Council District 3, represented by Chris Wharton. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00465**

Decision: Approved with conditions

3. **Block 67 Changes to Building Design at approximately 131 South 300 West** - A request by Emir Tursic, architect, to modify the approved hotel building of the Block 67 development located at approximately 131 S 300 W. The Planning Commission approved the Conditional Building and Site Design Review and Planned Development on November 8, 2017. The proposed modifications include changes to the design and massing of the building and material changes. These changes are required by ordinance to be reviewed by the Planning Commission. The site is zoned D-4 (Downtown Secondary Central Business District). The subject property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Molly Robinson at (385) 226-8656 or molly.robinson@slcgov.com) **Case numbers PLNPCM2017-00448 & PLNPCM2017-00418**

Decision: Approved with conditions

4. **Central Station West Apartments Planned Development & Design Review at approximately 577 West 200 South** - Eric Balls representing Gardner Batt LLC, has requested Planned Development and Design Review approval for the Central Station West Apartments project to be located at approximately 577 West 200 South. The proposed project is for a 65-unit apartment building on a 0.46-acre (20,000 square feet) parcel. The proposed building will be six stories in height. The property is located in the G-MU – Gateway-Mixed Use zoning district. The G-MU zoning district requires Planned Development approval for all new principal buildings and uses. In addition, Design Review approval has been requested in order to address some design aspects of the building including material choices, the length of blank walls and street-level glass requirements on the west façade of the building. The proposal is located within Council District 4, represented by Ana

Valdemoros. (Staff contact: David J. Gellner at (801) 535-6107 or david.gellner@slcgov.com) **Case numbers PLNPCM2020-00187 & PLNPCM2020-00647**

Decision: Approved with conditions

5. **Permitting Restaurants in the PL Public Lands Zoning District Text Amendment** - Mayor Erin Mendenhall has initiated a text amendment to the zoning ordinance pertaining to restaurant uses within the PL – Public Lands Zoning District. Under the current ordinance restaurants are allowed to operate as an accessory use only. The amendment would allow restaurants to operate as a principal use. The purpose of the PL district is to provide areas in the city for public uses and regulate the development of those uses. The proposed amendment affects section 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose Districts of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Amanda Roman at (385) 386-2765 or amanda.roman@slcgov.com) **Case number PLNPCM2020-00503**

Decision: A positive recommendation was forwarded to the City Council

6. **Billboard Ordinance Amendments** - The City Council is requesting amendments to the zoning ordinance regulations regarding billboards. The proposed amendments would modify city code to align with state law, eliminating the city's use of a "billboard bank" (a method for managing billboard relocations) to align more closely with Utah state law regulating billboards. The amendments would continue to prohibit new billboards. State law would regulate future billboard modification and relocation. The amendments also include specifics on size, height, and spacing of billboards, along with landscaping, when not already specified in the state law. The proposed amendments affect Chapter 21A.46 of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. The changes would apply Citywide. (Staff contact: Casey Stewart at (385) 226-8959 or casey.stewart@slcgov.com) **Case Number PLNPCM2020-00351**

Decision: A positive recommendation was forwarded to the City Council

Any final decision made by the Planning Commission can be appealed by filing an "appeal of decision" application within 10 days of the decision. Contact the Planning Division for more information about filing an appeal.

Dated at Salt Lake City, Utah this 29th day of October, 2020.
Marlene Rankins, Administrative Secretary

Enclosure D

Motion Sheet for – *Tice Special Exception*

Petition number PLNPCM2020-00465

Recommended motion consistent with staff report analysis & findings (*Approve Special Exception with Conditions*) -

Based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Planning Commission approve the special exception request to allow additional building height at the rear of the home located at approximately 1400 East Federal Way (PLNPCM2020-00465).

This recommendation is based on the conditions of approval listed below. Final details regarding these conditions of approval are delegated to planning staff.

- 1) The construction of the home shall be done according to the approved plans, as submitted to the City on June 17, 2020.
- 2) This exception does not exempt the property owner from meeting any other standards found in any City ordinances other than those mentioned above.
- 3) The applicant must consult with Salt Lake City Building Services to determine building permit requirements.
- 4) Any aggrieved party may appeal this administrative decision within ten (10) days to the Appeals Hearing Officer pursuant to Section 21A.52.120(B).
- 5) The special exception will expire if required permits have not been obtained or an extension granted within 12 months from the date of this order.

Motion to approve with conditions modified by the Planning Commission -

Based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Planning Commission approve the special exception request to allow additional building height at the rear of the home located at approximately 1400 East Federal Way (PLNPCM2020-00465)

This recommendation is based on the conditions of approval listed in the staff report with the following modifications:

1. (List the conditions of approval that are to be modified, added, or removed. The Commission shall make findings to support this motion based on the standards of approval for any conditions of approval that are modified, added, or removed. Standards are listed in Attachment E of the staff report.)

Motion to deny (*Not Consistent with Staff Recommendation*) -

Based on the information presented, and the input received during the public hearing, I move that the Planning Commission deny the special exception request to allow additional building height at the rear of the home located at approximately 1400 East Federal Way (PLNPCM2020-00465). Evidence has not been presented that demonstrates the proposal complies the following standards:

1. (The commission shall make findings to support this motion related to which standard or standards are not complied with. Standards are listed in Attachment D of the Staff Report.)

Enclosure E

Geoffrey Tice

1400 E Federal Way
Salt Lake City, UT 84102
801-971-1311
geofftice@gmail.com

June 15, 2020

Dear Planning Commision,

I am applying for a special exception for the height of our house located at 1400 E Federal Way, SLC UT 84102 (BLD2020-04071).

The current house is a single-level house with a walkout basement, built in 1955. We are adding a second story to the house and remodeling the interior. The new design will have a flat roof. The front elevation of the house doesn't exceed the 20' height limit, but since the existing house is built on a hill and there is a walkout basement, the rear of the house is 27'-6" high.

There are nine total homes on our street face (including ours). Currently, our home is the only single-story home on our street face. The eight other homes all have second stories, as well as walkout/daylight basements on the rear elevation of their homes. These eight homes (1388 E, 1394 E, 1408 E, 1418 E, 1424 E, 1430 E, 1436 E, 1442 E) all have rear elevation heights between 32' - 41' high. Even with our second story addition, our house will still be the shortest house on our street face. Also, there is an alley that runs along the back of our property creating even further separation between our homes and the homes to the rear of us. This should satisfy the requirements for a special exception to the building height under Zoning Ordinance Chapter 21A.24.070, D.6.a:

"6. a. For properties outside of the H Historic Preservation Overlay District, additional building height may be granted as a special exception by the Planning Commission subject to the special exception standards in [chapter 21A.52](#) of this title and if the proposed building height is in keeping with the development pattern on the block face. The Planning Commission will approve, approve with conditions, or deny the request pursuant to [chapter 21A.52](#) of this title."

Please see the attached architectural drawings for the proposed house that have been submitted to the SLC Building Dept for approval (BLD2020-04071). Included are the site plan, floor plan and elevation drawings.

Please let me know if you have any questions and if there's anything else I can do for this special exception approval.

Thank you,

Geoffrey Tice

Enclosure F

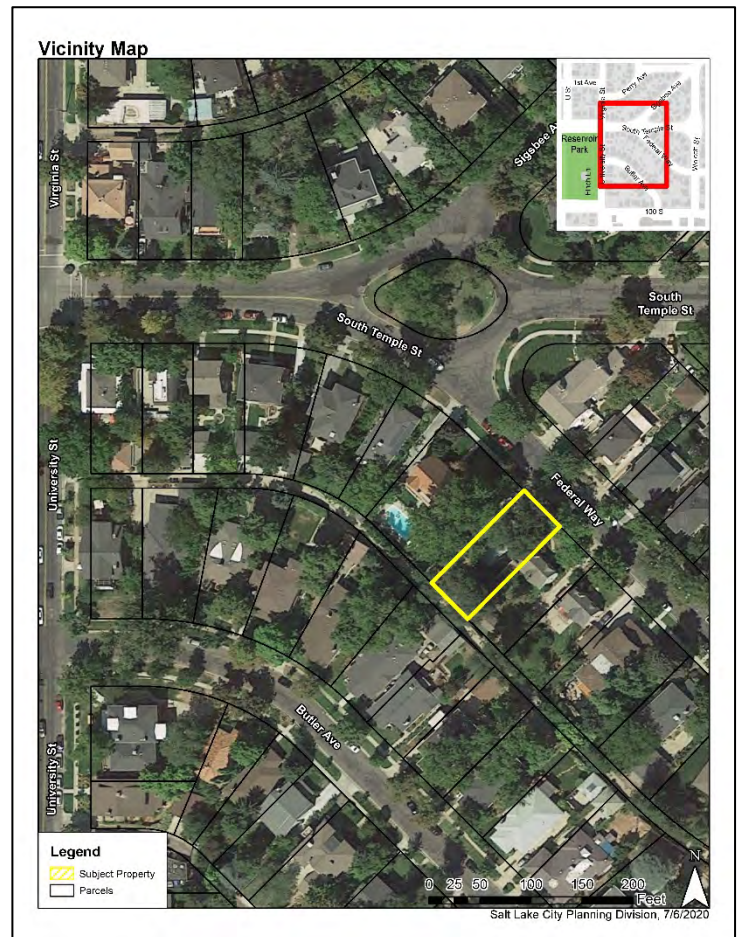


NOTICE OF APPLICATION
1400 East Federal Way - Petition # PLNPCM2020-00465
July 6, 2020

Dear Property Owners and Residents:

Pursuant to Sections 21A.24.070(D) and 21A.52.030(A) of the Salt Lake City Zoning Ordinance, this letter is to provide you notice of an application to request additional building height for a proposed new second story located at approximately 1400 East Federal Way. The property is zoned R-1-5000 Residential where the maximum allowed building height for flat-roofed structures is twenty feet (20'). The existing home is a single story dwelling; the Applicant is looking to remodel the home and add a second story. The front façade of the home will not be greater than twenty feet (20') in height but there is an existing walk-out basement at the rear of the home. With the walk-out basement and the new second story the rear elevation of the house will be approximately twenty six feet and six inches (26' 6"). The Applicant is Geoffrey Tice, who is also one of the property owners.

The application is being reviewed for compliance with the general special exception standards (21A.52.060). The associated standards are located on the back of this sheet. The Planning Director is required to provide a twelve (12) day public notice period prior to taking action on this application.



This application is being reviewed by the Planning Division. A decision concerning this project will be made by the Planning Commission at their public meeting. A notice of the date and time of this meeting will follow.

ADDITIONAL INFORMATION AND CONTACT:

The application details and associated plans can be accessed at <https://citizenportal.slcgov.com/citizen/Default.aspx>, by selecting the Planning tab, and entering the petition number **PLNPCM2020-00465**. If you have any questions, comments or concerns please contact Caitlyn Miller at (385)-202-4689 or caitlyn.miller@slcgov.com.

APPEAL PROCESS:

Any aggrieved party may file an appeal of an administrative decision within 10 days of the decision to the Planning Commission pursuant to Chapter 21A.52.120 of the Zoning Ordinance.

Salt lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hour in advance in order to inspect aforementioned application. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, or additional information, please contact the Planning Office at 535-7757; or relay service 711.

21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS

No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

- A. Compliance With Zoning Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.

ATTACHMENT C: CITY ATTORNEY'S BRIEF

ADMINISTRATIVE HEARING OF A LAND USE APPEAL

(Case No. **PLNAPP2020-00910**)

(Appealing Petition No. PLNPCM2020-00465)

January 14, 2021

Appellant:	Scott Jaffa
Decision-making entity:	Salt Lake City Planning Commission
Address Related to Appeal:	1400 East Federal Way
Request:	Appealing the planning commission's approval of a special exception for additional building height.
Brief Prepared by:	Paul C. Nielson, Senior City Attorney

Land Use Appeals Hearing Officer's Jurisdiction and Authority

The appeals hearing officer, established pursuant to Section 21A.06.040 of the *Salt Lake City Code*, is the city's designated land use appeal authority on appeals of planning commission decisions as provided in Chapter 21A.16 of the *Salt Lake City Code*.

Standard of Review for Appeals to the Appeals Hearing Officer

In accordance with Section 21A.16.030.A of the *Salt Lake City Code*, an appeal made to the appeals hearing officer "shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court." It is the appellant's burden to prove that the decision made by the land use authority was incorrect. (Sec. 21A.16.030.F). Moreover, it is the appellant's responsibility to marshal the evidence in this

appeal. Carlsen v. City of Smithfield, 287 P.3d 440 (2012), State v. Nielsen, 326 P.3d 645 (Utah, 2014), and Hodgson v. Farmington City, 334 P.3d 484 (Utah App., 2014).

“The appeals hearing officer shall review the decision based upon applicable standards and shall determine its correctness.” (Sec. 21A.16.030.E.2.b). “The appeals hearing officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.” (Sec. 21A.16.030.E.2.c).

This case deals with application of Subsection 21A.24.070.D.6 (additional building height in the R-1/5,000 Single-Family Residential District) and Chapter 21A.52 (Special Exceptions) of the *Salt Lake City Code*.

Background

This matter was heard by the planning commission on October 28, 2020 via electronic meeting on a petition by Geoffrey Tice (“Applicant”) for a special exception to allow additional building height to the rear of a single-family dwelling to be constructed at 1400 East Federal Way (the “Property”). Applicant proposes to demolish the existing single-story residential structure on the Property and replace it with a two-story dwelling.

Planning division staff prepared a report for the commission’s October 28, 2020 meeting in which staff determined that the proposal to allow additional height in the rear of the proposed structure met the standards for approving the special exception. (See Planning Division Staff Report Dated October 28, 2020). Video of the commission’s October 28, 2020 public meeting is part of the record of this matter and is found at

<https://www.youtube.com/watch?v=pc1QDnvnEQ4> (48:45 to 1:56:30).

Following a public hearing on this matter, the planning commission voted to approve¹ the special exception “based on the analysis and findings” contained within the planning division staff report. (See Video of October 28, 2020 Planning Commission Meeting at 1:53:50).

Appellant, Scott Jaffa (“Appellant”), submitted an appeal of the planning commission’s² decision on or about November 6, 2020. Appellant’s argument is simply that the planning commission’s decision was erroneous because “a misapplication of the relevant codes” kept the commission from imposing conditions suggested by Appellant.

Discussion

The crux of this appeal is that the new single-family dwelling proposed by Applicant will not meet the aesthetic expectations of the neighborhood and that the special exception should be used as a tool to make the whole proposed structure less unsightly. Appellant contends that it was error for the commission to determine that the review of special exception standards for additional height was limited to the portion of the proposed structure (rear) where the additional height was requested. Specifically, the argument pertains to the compatibility of the structure with surrounding development as that standard is set forth in *Salt Lake City Code* Subsection 21A.52.060.D. Appellant believes that the entire proposed structure must be compatible with the surrounding neighborhood and not just the rear portion of the proposed structure for which additional height is sought.

Contrary to Appellant’s assertion, *Salt Lake City Code* Subsection 21A.52.060.D makes it clear that it is the feature or features of proposed development for which a special exception is requested that would not otherwise meet prescribed requirements that must be compatible with

¹ The motion to approve the special exception was passed by a 4-3 vote.

² Appellant’s appeal document refers to the Salt Lake City Planning Commission as “Planning” throughout his appeal document. The city will consider the reference to “Planning” to mean the planning commission.

surrounding development. Subsection D requires that, “[t]he *proposed special exception* will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.” (Emphasis added). That language does not state that the whole structure, property, or development site be compatible. It simply states that the proposed special exception be compatible. As was discussed at the commission’s October 28, 2020 meeting, Applicant could construct a dwelling on the Property without the additional height that would not be required to be compatible with the construction styles or materials of neighboring property. It is only because of the Applicant’s desire to have additional height in the rear part of the structure that would be similar to other rear structure heights in the neighborhood that the special exception requirement was triggered.

If a property owner desired to build an addition to their home in Appellant’s neighborhood and that existing home happened to have a different window arrangement or a flat roof or a different street orientation, Appellant’s argument would require that the rest of the existing structure come into conformity with Appellant’s notion of compatibility with the rest of the neighborhood. That is clearly not what was intended and it is clearly not what is prescribed in Chapter 21A.52 of the city’s code.

Regardless of Appellant’s faulty argument, the appeal must fail because he has not actually asserted that the planning commission’s decision was arbitrary, capricious, or illegal. Instead, Appellant has asserted that the commission could have imposed conditions that he preferred but they did not and that, somehow, made the commission’s decision erroneous. The hearing officer has no authority to substitute the hearing officer’s, the Appellant’s, or any other person’s judgment for that of the planning commission. Just because Appellant would have preferred additional conditions be placed on the commission’s approval does not mean that the

commission's decision was somehow defective. Appellant has not met his burden of proving the commission's decision was arbitrary, capricious, or illegal.

Utah Code Section 10-9a-707(4)(a) requires a city's land use appeal authority to "determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations." The plain language of Subsection 21A.52.060.D is clear that the compatibility of proposed development for which a special exception is sought pertains only to the feature or features for which the exception is sought.

Conclusion

For all of the reasons stated above, Appellant's arguments must be rejected and the planning commission's decision be upheld.

ATTACHMENT D: RECORD OF DECISION

**CASE #PLNPCM2020-00465
PLANNING COMMISSION
FINDINGS AND ORDER**



This is a request made by Geoffrey Tice, the property owner of the home located at 1400 East Federal Way, for additional building height at the rear of a proposed new home. The proposed home will be 20' in height at the front and 27'6" at the rear. The subject property is located in the R-1-5,000 zoning district. The Zoning Ordinance (21A.52: "Special Exceptions") requires special exception approval to construct a building exceeding the maximum building height.

STANDARDS OF REVIEW

Section 21A.52.060 - General Standards and Considerations for Special Exceptions:

- A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.

21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:

6. Additional residential building height, including wall height, in the R-1 districts, R-2 districts and SR districts shall comply with the standards in chapter 21A.24 of this title.

FINDINGS:

- 1. The Planning Commission finds that the proposed home with additional building height generally meets the standards of review.
- 2. Notice of the application was mailed to all abutting property owners on July 15, 2020.
- 3. The appeal period for the project will expire on November 9, 2020.
- 4. Submitted plans generally meet the standards of the Zoning Ordinance.

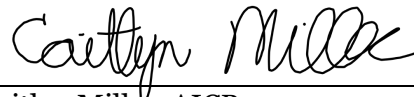
ORDER:

The special exception for the described new home with a height of 20' – 27'6" is granted subject to the following conditions:

1. The construction of the home shall be done according to the approved plans, as submitted to the city on June 17, 2020.
2. This exception does not exempt the property owner from meeting any other standards found in any city ordinances other than those mentioned above.
3. The applicant must consult with Salt Lake City Building Services to determine building permit requirements.
4. Any aggrieved party may appeal this administrative decision within ten (10) days to the Planning Commission pursuant to Section 21A.52.120 of the Salt Lake City Zoning Ordinance.
5. The special exception will expire if required permits have not been obtained or an extension granted within 12 months from the date of this order.

FAILURE OF THE APPLICANT TO ABIDE BY THE CONDITIONS OF THIS ORDER SHALL CAUSE IT TO BECOME NULL AND VOID, WHICH IS IN EFFECT THE SAME AS IT HAVING BEEN DENIED.

Dated in Salt Lake City, UT, this 29th day of October, 2020.



Caitlyn Miller, AICP
Principal Planner

**Salt Lake City Planning Commission Record of Decision
October 28, 2020 5:30 p.m.**

**This meeting was held electronically pursuant to the
Salt Lake City Emergency Proclamation**

1. **Conditional Use for an ADU at approximately 1977 South Scenic Drive** - Tim and Cathy Chambliss, owners, request approval of a conditional use to establish a 1,313 square foot Accessory Dwelling Unit attached to the rear of their home at approximately 1977 South Scenic Drive. The subject property is located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00620**

Decision: Approved with conditions

2. **Special Exception for Height at approximately 1400 East Federal Way** - Geoffrey Tice, applicant, requests a special exception for additional building height to add a second story to the home located at 1400 East Federal Way. By ordinance the maximum building height is 20' for flat roofs; the applicant is requesting special exception approval to build to 27'6" in height. The property is located within the R-1-5,000 Zone and is within Council District 3, represented by Chris Wharton. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00465**

Decision: Approved with conditions

3. **Block 67 Changes to Building Design at approximately 131 South 300 West** - A request by Emir Tursic, architect, to modify the approved hotel building of the Block 67 development located at approximately 131 S 300 W. The Planning Commission approved the Conditional Building and Site Design Review and Planned Development on November 8, 2017. The proposed modifications include changes to the design and massing of the building and material changes. These changes are required by ordinance to be reviewed by the Planning Commission. The site is zoned D-4 (Downtown Secondary Central Business District). The subject property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Molly Robinson at (385) 226-8656 or molly.robinson@slcgov.com) **Case numbers PLNPCM2017-00448 & PLNPCM2017-00418**

Decision: Approved with conditions

4. **Central Station West Apartments Planned Development & Design Review at approximately 577 West 200 South** - Eric Balls representing Gardner Batt LLC, has requested Planned Development and Design Review approval for the Central Station West Apartments project to be located at approximately 577 West 200 South. The proposed project is for a 65-unit apartment building on a 0.46-acre (20,000 square feet) parcel. The proposed building will be six stories in height. The property is located in the G-MU – Gateway-Mixed Use zoning district. The G-MU zoning district requires Planned Development approval for all new principal buildings and uses. In addition, Design Review approval has been requested in order to address some design aspects of the building including material choices, the length of blank walls and street-level glass requirements on the west façade of the building. The proposal is located within Council District 4, represented by Ana

Valdemoros. (Staff contact: David J. Gellner at (801) 535-6107 or david.gellner@slcgov.com) **Case numbers PLNPCM2020-00187 & PLNPCM2020-00647**

Decision: Approved with conditions

5. **Permitting Restaurants in the PL Public Lands Zoning District Text Amendment** - Mayor Erin Mendenhall has initiated a text amendment to the zoning ordinance pertaining to restaurant uses within the PL – Public Lands Zoning District. Under the current ordinance restaurants are allowed to operate as an accessory use only. The amendment would allow restaurants to operate as a principal use. The purpose of the PL district is to provide areas in the city for public uses and regulate the development of those uses. The proposed amendment affects section 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose Districts of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Amanda Roman at (385) 386-2765 or amanda.roman@slcgov.com) **Case number PLNPCM2020-00503**

Decision: A positive recommendation was forwarded to the City Council

6. **Billboard Ordinance Amendments** - The City Council is requesting amendments to the zoning ordinance regulations regarding billboards. The proposed amendments would modify city code to align with state law, eliminating the city's use of a "billboard bank" (a method for managing billboard relocations) to align more closely with Utah state law regulating billboards. The amendments would continue to prohibit new billboards. State law would regulate future billboard modification and relocation. The amendments also include specifics on size, height, and spacing of billboards, along with landscaping, when not already specified in the state law. The proposed amendments affect Chapter 21A.46 of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. The changes would apply Citywide. (Staff contact: Casey Stewart at (385) 226-8959 or casey.stewart@slcgov.com) **Case Number PLNPCM2020-00351**

Decision: A positive recommendation was forwarded to the City Council

Any final decision made by the Planning Commission can be appealed by filing an "appeal of decision" application within 10 days of the decision. Contact the Planning Division for more information about filing an appeal.

Dated at Salt Lake City, Utah this 29th day of October, 2020.
Marlene Rankins, Administrative Secretary

ATTACHMENT E: PLANNING COMMISSION MINUTES (10/28/2020)

**SALT LAKE CITY JOINT PLANNING COMMISSION MEETING
& APPEALS (VARIANCE) HEARING**

**This meeting was held electronically pursuant to the
Salt Lake City Emergency Proclamation
Wednesday, October 28, 2020**

A roll is being kept of all who attended the joint Planning Commission Meeting & Appeals (Variance) Hearing. The meeting was called to order at [5:31:07 PM](#). Audio recordings of the joint Planning Commission meeting & Appeals (Variance) Hearing are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson, Adrienne Bell; Vice Chairperson, Brenda Sheer; Commissioners, Maurine Bachman, Amy Barry, Carolynn Hoskins, Jon Lee, Matt Lyon, and Crystal Young-Otterstrom. Commissioners Andres Paredes, and Sara Urquhart were excused.

Appeals Hearing Officer: Mary J. Woodhead.

Planning Staff members present at the meeting were: Molly Robinson, Planning Manager; John Anderson, Planning Manager; Paul Nielson, Attorney; Caitlyn Miller, Principal Planner; David Gellner, Principal Planner; Amanda Roman, Principal Planner; Casey Stewart, Senior Planner; and Marlene Rankins, Administrative Secretary.

[5:33:14 PM](#)

Chairperson, Adrienne Bell, read the Salt Lake City emergency proclamation.

[5:34:12 PM](#)

Appeals Hearing Officer, Mary J. Woodhead concurs.

APPROVAL OF THE PLANNING COMMISSION SEPTEMBER 30, 2020 AND OCTOBER 14, 2020, MEETING MINUTES. [5:35:37 PM](#)

Commissioner Scheer moved to approve the September 30, 2020 and October 14, 2020 meeting minutes.

Commissioner Young-Otterstrom seconded the motion. Commissioners Barry, Bachman, Lee, Young-Otterstrom, Lyon, and Scheer voted "Aye". Commissioner Hoskins abstained from voting for the October 14, 2020 meeting as she was not present. The motion passed 6-1.

REPORT OF THE CHAIR AND VICE CHAIR [5:37:10 PM](#)

Chairperson Bell stated she had nothing to report.

Vice Chairperson Scheer stated she had nothing to report.

REPORT OF THE DIRECTOR [5:37:21 PM](#)

Molly Robinson, Planning Manager, reminded the commission regarding the added meeting for December 2, 2020.

[5:43:29 PM](#)

Conditional Use for an ADU at approximately 1977 South Scenic Drive - Tim and Cathy Chambless, owners, request approval of a conditional use to establish a 1,313 square foot Accessory Dwelling Unit attached to the rear of their home at approximately 1977 South Scenic Drive. The subject property is

located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00620**

And

Variance for an ADU at approximately 1977 South Scenic Drive – Tim and Cathy Chambless, owners, request the granting of a variance to allow a proposed Accessory Dwelling Unit to encroach between 13 and 15 feet into the required 35-foot rear yard at approximately 1977 South Scenic Drive. The subject property is located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNZAD2020-00490**

Commissioner Lyon recused himself from the item due to possible conflict of interest.

Caitlyn Miller, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file).

Tim and Cathy Chambless, applicants and Kenton Peters, architect, provided further design details.

The Planning Commission opened the public hearing, which served as the public hearing for both the Planning Commission and the Appeals Hearing Officer.

PUBLIC HEARING [6:07:23 PM](#)

Chairperson Bell opened the Public Hearing;

Zachary Dussault – Stated his support of the request.

Allison Harman – Stated her support of the request.

Ray Levey – Stated his support of the request.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

MOTION [6:15:00 PM](#)

Commissioner Bachman, based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Planning Commission approve the conditional use request to establish an attached accessory dwelling unit located at approximately 1977 South Scenic Drive (PLNPCM2020-00620) with the conditions listed in the staff report.

Commissioner Hoskins seconded the motion. Commissioners, Barry, Bachman, Lee, Young-Otterstrom, Scheer, and Hoskins voted “Aye”. The motion passed unanimously.

MOTION [6:16:34 PM](#)

Appeals Hearing Officer, Mary J. Woodhead stated she is going to take this under advisement.

Appeals Hearing adjourned [6:17:13 PM](#)

Commissioner Crystal Young-Otterstrom excused herself from the rest of the meeting. Commissioner Lyon rejoined the meeting.

[6:19:47 PM](#)

Special Exception for Height at approximately 1400 East Federal Way - Geoffrey Tice, applicant, requests a special exception for additional building height to add a second story to the home located at 1400 East Federal Way. By ordinance the maximum building height is 20' for flat roofs; the applicant is requesting special exception approval to build to 27'6" in height. The property is located within the R-1-5,000 Zone and is within Council District 3, represented by Chris Wharton. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00465**

Caitlyn Miller, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission approve the request with the conditions listed in the staff report.

The Commission and Staff discussed the following:

- Clarification on how the trees will be protected during construction
- Clarification on window requirements
- Clarification on variance setback being requested

Geoffrey Tice, applicant, provided further design details.

PUBLIC HEARING [6:39:01 PM](#)

Chairperson Bell opened the Public Hearing;

Scott Jaffa – Stated his opposition of the request.

Terese Walton – Stated her opposition of the request due to incompatibility with the neighborhood.

Andi Olsen – Stated her opposition of the request.

Zachary Dussault – Stated his support of the request.

Marie Jackson – Stated her concerns with the compatibility with the neighborhood.

Melissa Watt – Stated her concerns with maintaining the character of the neighborhood.

Scott Jaffa read an email comment from Marjean McKenna stating her opposition of the request.

Seeing no one wished else to speak; Chairperson Bell closed the Public Hearing.

The applicant addressed the public comments.

The Commission, Staff and Applicant discussed the following:

- Clarification on why the applicant didn't respond to neighbors prior to the meeting
- Clarification on whether the applicant met the requirements
- Clarification on standards for special exceptions
- Whether the property must be in a historic district
- Whether compatibility is considered by staff

The Commission made the following comments:

- I don't feel the application meets all the standards
- I disagree, the issue is for the additional height for the roof
- I don't feel this meets all the standards

MOTION [7:24:47 PM](#)

Commissioner Scheer stated, based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Planning Commission approve the special exception request to allow additional building height at the rear of the home located at approximately 1400 East Federal Way (PLNPCM2020-00465) based on the conditions of approval listed in the staff report.

Commissioner Bachman seconded the motion. Commissioners Bachman, Lyon, and Hoskins voted "Aye". Commissioners Barry, Lee, Scheer voted "Nay". As a tie breaker, Chairperson Adrienne Bell voted "Aye". The motion passed 4-3.

[7:27:33 PM](#)

Block 67 Changes to Building Design at approximately 131 South 300 West - A request by Emir Tursic, architect, to modify the approved hotel building of the Block 67 development located at approximately 131 S 300 W. The Planning Commission approved the Conditional Building and Site Design Review and Planned Development on November 8, 2017. The proposed modifications include changes to the design and massing of the building and material changes. These changes are required by ordinance to be reviewed by the Planning Commission. The site is zoned D-4 (Downtown Secondary Central Business District). The subject property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Molly Robinson at (385) 226-8656 or molly.robinson@slcgov.com) **Case numbers PLNPCM2017-00448 & PLNPCM2017-00418**

Molly Robinson, Planning Manager, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission approve the request with the conditions listed in the staff report.

The Commission and Staff discussed the following:

- Clarification on why staff didn't request additional landscaping
- Clarification on what the changes are for the East corner

Emir Tursic, and Ryan Ritchie, applicants, provided a presentation with further details.

The Commission, Staff and Applicant discussed the following:

PUBLIC HEARING [7:56:39 PM](#)

Chairperson Bell opened the Public Hearing;

Zachary Dussault – Stated his support of the request.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

MOTION [7:58:42 PM](#)

Commissioner Barry stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve the modifications to PLNPLCM2017-00417 Planned Development and PLNPCM2017-

00448 Conditional Building and Site Design Review for the Block 67 hotel, to allow changes to the overall design, waive the previous condition requiring modification to the northeast corner of the building ,and allow the changes to the 300 West street engagement with the following condition:

- 1. That the applicant include at least four additional trees along the north and east facades along the mid-block street to provide sufficient shade.**

Molly Robinson, Planning Manager, made a correction to the petition number PLNSUB2017-00418. The amendment was accepted.

Commissioner Lee seconded the motion. Commissioners Hoskins, Scheer, Lyon, Lee, Bachman, and Barry voted “Aye”. The motion passed unanimously.

8:01:18 PM

Central Station West Apartments Planned Development & Design Review at approximately 577 West 200 South - Eric Balls representing Gardner Batt LLC, has requested Planned Development and Design Review approval for the Central Station West Apartments project to be located at approximately 577 West 200 South. The proposed project is for a 65-unit apartment building on a 0.46-acre (20,000 square feet) parcel. The proposed building will be six stories in height. The property is located in the G-MU – Gateway-Mixed Use zoning district. The G-MU zoning district requires Planned Development approval for all new principal buildings and uses. In addition, Design Review approval has been requested in order to address some design aspects of the building including material choices, the length of blank walls and street-level glass requirements on the west façade of the building. The proposal is located within Council District 4, represented by Ana Valdemoros. (Staff contact: David J. Gellner at (801) 535-6107 or david.gellner@slcgov.com) **Case numbers PLNPCM2020-00187 & PLNPCM2020-00647**

David Gellner, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission approve the request with the conditions listed in the staff report.

Michael Batt, applicant, provided further information and was available for questions.

PUBLIC HEARING 8:12:28 PM

Chairperson Bell opened the Public Hearing;

Zachary Dussault – Stated his support of the request.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

The Commission and Staff discussed the following:

- Durability of materials
- Number of materials and colors being used
- Architectural versus engineering changes in the design
- Clarification on the reason for using multiple colors

MOTION 8:31:48 PM

Commissioner Scheer stated, based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission approve the proposed Planned Development and Design Review applications for the Central Station West Apartments located at approximately 577 West 200 South, files PLNPCM2020-00187 and PLNPCM2020-00647

with the conditions of approval listed in the staff report. With the additional recommended changes:

1. That we limit the number of materials on the building façades to five (5) different materials with each material being of a single color.

Commissioner Lee seconded the motion. Commissioners Barry, Bachman, Lee, Lyon, Scheer, and Hoskins voted “Aye”. The motion passed unanimously.

The Commission took a five-minute break.

[8:35:12 PM](#)

Permitting Restaurants in the PL Public Lands Zoning District Text Amendment - Mayor Erin Mendenhall has initiated a text amendment to the zoning ordinance pertaining to restaurant uses within the PL – Public Lands Zoning District. Under the current ordinance restaurants are allowed to operate as an accessory use only. The amendment would allow restaurants to operate as a principal use. The purpose of the PL district is to provide areas in the city for public uses and regulate the development of those uses. The proposed amendment affects section 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose Districts of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Amanda Roman at (385) 386-2765 or amanda.roman@slcgov.com) **Case number PLNPCM2020-00503**

Amanda Roman, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council.

PUBLIC HEARING [8:45:29 PM](#)

Chairperson Bell opened the Public Hearing;

Cindy Cromer – Stated her concerns on how the City determines the market rate negotiating a lease. There doesn't appear to be standard lease for commercial and non-profit activities in public buildings.

Zachary Dussault – Stated his support of the request.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

The Commission and Staff discussed the following:

- Clarification on permitted uses

MOTION [9:10:55 PM](#)

Commissioner Lyon stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission recommend that the City Council approve the proposed text amendment, PLNPCM2020-00503 Permitting Restaurants in the PL – Public Lands Zone Text Amendment.

Commissioner Hoskins seconded the motion. Commissioners Hoskins, Lyon, Lee, Bachman, and Barry voted “Aye”. Commissioner Scheer voted “Nay”. The motion passed 5-1.

[9:12:16 PM](#)

Billboard Ordinance Amendments - The City Council is requesting amendments to the zoning ordinance regulations regarding billboards. The proposed amendments would modify city code to align with state law, eliminating the city's use of a "billboard bank" (a method for managing billboard relocations) to align more closely with Utah state law regulating billboards. The amendments would continue to prohibit new billboards. State law would regulate future billboard modification and relocation. The amendments also include specifics on size, height, and spacing of billboards, along with landscaping, when not already specified in the state law. The proposed amendments affect Chapter 21A.46 of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. The changes would apply Citywide. (Staff contact: Casey Stewart at (385) 226-8959 or casey.stewart@slcgov.com) **Case Number PLNPCM2020-00351**

Katie Lewis, Salt Lake City Attorney, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council.

PUBLIC HEARING [9:18:12 PM](#)

Chairperson Bell opened the Public Hearing;

Dewey Reagan, representing Reagan Outdoor Advertising – Requested clarification on whether the majority of billboards are conforming or non-conforming. He also asked why this issue is being brought up at this time and what are the concerns.

Braden Saunders, representing YESCO Sign Co. – Stated he is curious as to what the major push behind the push is.

Nate Sechrest, representing Reagan Outdoor Advertising – Stated he has represented Reagan Billboards throughout the State and that most Cities are moving towards billboards banks not away from them. He stated it provides flexibility for the City as they try to relocate signs in an effort not to have to condemn and pay compensation.

Scott Howell, representing Reagan Outdoor Advertising – Stated his concern in this process is that the timing is questionable. He requested the commission postpone the item.

Zachary Dussault – Stated his support of the request.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

Katie Lewis address the public's questions and concerns.

The Commission and Attorney discussed the following:

- Clarification on what areas billboards are prohibited
- Percentage of amount of nonconforming billboards
- Clarification on how this fits in with a master plan other city plans for gateway districts where billboards are non-conforming

MOTION [9:45:26 PM](#)

Commissioner Scheer stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission

recommend that the City Council approve the proposed text amendment, PLNPCM2020-00351 Billboard Ordinance Text Amendment.

Commissioner Bachman seconded the motion. Commissioners Barry, Bachman, Lee, Lyon, Scheer, and Hoskins voted “Aye”. The motion passed unanimously.

OTHER BUSINESS [9:46:40 PM](#)

Chairperson and Vice Chairperson elections.

Commissioner Matt Lyon nominated Brenda Scheer for Chairperson. Commissioner Carolynn Hoskins seconded the motion. All were in favor. The motion passed unanimously.

Commissioner Matt Lyon nominated Amy Barry for Vice Chairperson. All were in favor. The motion passed unanimously.

The meeting adjourned at [9:51:25 PM](#)

**ATTACHMENT F: PLANNING COMMISSION STAFF
REPORT DATED 10/28/2020**



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Caitlyn Miller, Principal Planner
Date: October 28, 2020
Re: PLNPCM2020-00465

Special Exception – Building Height

PROPERTY ADDRESS: 1400 East Federal Way
PARCEL ID: 16-04-104-008-0000
MASTER PLAN: East Bench
ZONING DISTRICT: R-1-5,000

REQUEST:

Mr. Geoffrey Tice (property owner and applicant) is requesting a special exception to allow additional height for a primary dwelling located at approximately 1400 East Federal Way. The subject property is located in the R-1-5,000 Zoning District where this type of a special exception request must be reviewed by the Planning Commission. The R-1-5,000 allows buildings with flat roofs to be built to twenty feet (20') in height; Mr. Tice is proposing a flat-roofed structure that will be 20' in the front yard and 27'6" in the rear yard.

RECOMMENDATION:

Based on the information and findings in this staff report, it is Planning Staff recommends that the Planning Commission approve the special exception request for additional building height with the following conditions of approval:

- 1) The construction of the home shall be done according to the approved plans, as submitted to the City on June 17, 2020.
- 2) This exception does not exempt the property owner from meeting any other standards found in any City ordinances other than those mentioned above.
- 3) The applicant must consult with Salt Lake City Building Services to determine building permit requirements.
- 4) Any aggrieved party may appeal this administrative decision within ten (10) days to the Appeals Hearing Officer pursuant to Section 21A.52.120(B).

- 5) The special exception will expire if required permits have not been obtained or an extension granted within 12 months from the date of this order.

PROJECT DESCRIPTION:

The subject property is currently a one-story detached single-family residential property. The applicant has proposed the demolition of the existing home and the construction of a new home with the addition of a second floor. His drawings indicate the home will be demolished down to the foundation and a new home will be built in its place. The maximum height allowable for a building with a flat roof as listed in the R-1-5,000 Zoning District is twenty feet (20'). The renovations the applicant wishes to make to his property would not put the height of the primary building over the 20' maximum in the front yard, however, the applicant's property has a walk-out basement and with the additional grade change the addition of the second floor would surpass the maximum height allowed by the Zoning District at around 27 feet 6 inches. The applicant's narrative indicates eight homes on the block face have second stories and are between 32-41 feet in height at their rear.

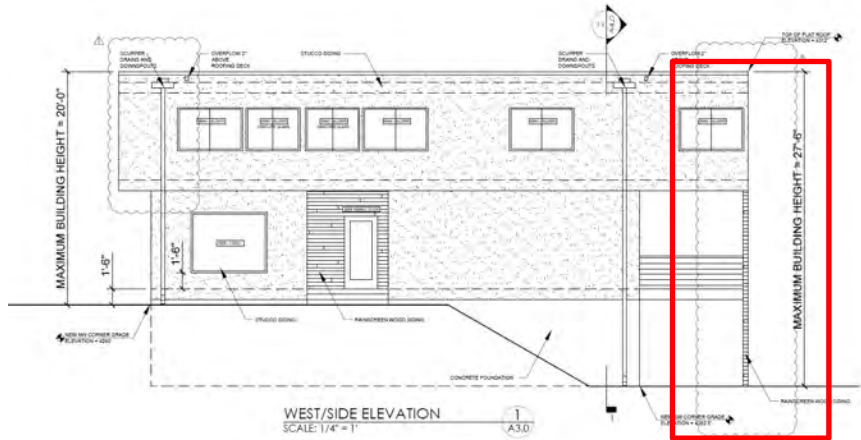


Figure 1: Side view of proposed house with additional height request shown in red (rear of house)

Section 21A.24.070(D)(6) allows properties not located within the Historic Preservation Overlay District to petition the Planning Commission to grant a special exception to allow additional building height in accordance with the adopted standards as listed in Chapter 21A.52. The subject property is not located within the Historic Preservation Overlay District.

The subject property (see image at the right) is located in an established detached single-family neighborhood. It is located on an interior lot with access from Federal Way and from the alley at the rear of the property. The subject property slopes to the south (toward the alley) and is similar in size to other interior lots in the neighborhood. Over half of the homes in the neighborhood have access onto an alley in the rear and many have constructed garages or carports to allow for parking accessed via the alley. In addition to the demolition of the primary home, the applicant will also be constructing a new garage accessed off of the public alley at the rear of the property. The applicant's plans indicate this garage will have a footprint of 720 square feet.



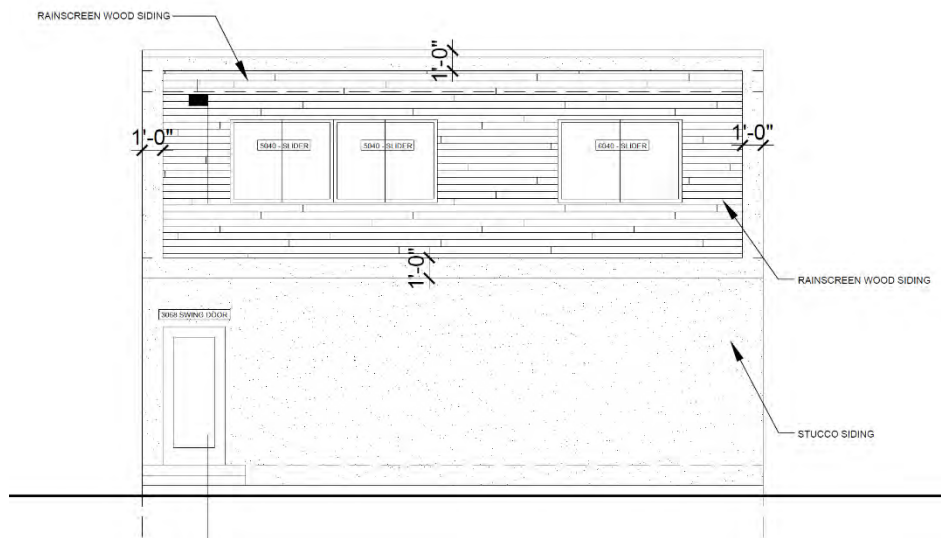


Figure 2: Front of proposed house

The proposed home would face towards Federal Way like its neighbors but would not include ground-floor windows. The exterior materials include stucco and rainscreen wood siding. The upper story cantilevers over the entry stoop which provides a small covered entryway into the home. Surrounding buildings on the same block face have large covered porches and windows at the ground floor facing out onto Federal Way. The neighborhood is also

characterized by large mature trees; 10 of which are on the subject property. All 10 trees over 10 inches in diameter at breast height are shown to be preserved in the applicant's plans.

KEY ISSUES:

Compatibility with surrounding development pattern:

The existing home on the subject property is a small post-war cottage with a walk-out basement in the rear. The applicant has proposed the razing of this home and the construction of a two-story modern design with a flat roof in its place. The homes surrounding the subject property are all substantially larger than the existing home and have varying designs (including vernacular, craftsman, chateau, and post-war) with pitched roofs. The proposed design includes an entry stoop with a small amount of cover provided by the second story projecting over the entryway. Other homes in the neighborhood have deep porches or other covered entryways (vestibules, awnings, etc.) with street-facing windows at the ground floor. The proposed home does not include windows on the ground floor of the street facing plane of the home.

Multiple neighbors have reached out to Staff expressing concerns over how the proposed design fits in with the existing development pattern. They have voiced their concerns over the lack of windows on the street-facing ground floor similar to those found in other homes on the same block face. Many neighbors have also suggested the applicant consider a pitched roof instead of a flat roof so the design would be more consistent with the other homes on the block face. The neighbors assert the design of the home as proposed is not compatible with the development pattern of the existing neighborhood. The subject property and its surrounding neighbors are not located in a local historic district and the underlying zoning district (R-1-5,000) does not set forth any architectural design standards.

Preservation of mature trees:

There are 10 large mature trees on the subject property. Neighbors have expressed concerns over whether the proposed construction will result in the removal or harm of these trees since the streetscape of Federal Way is lined with dozens of mature trees of varying species. The applicant's plans set indicates all of the mature trees on the subject property are in good condition and will be preserved throughout the construction process.

NEXT STEPS:

If the special exception for the present design is approved the applicant could proceed with applying for a building permit to demolish the existing structures and to construct the proposed two-story flat-roofed home and detached garage.

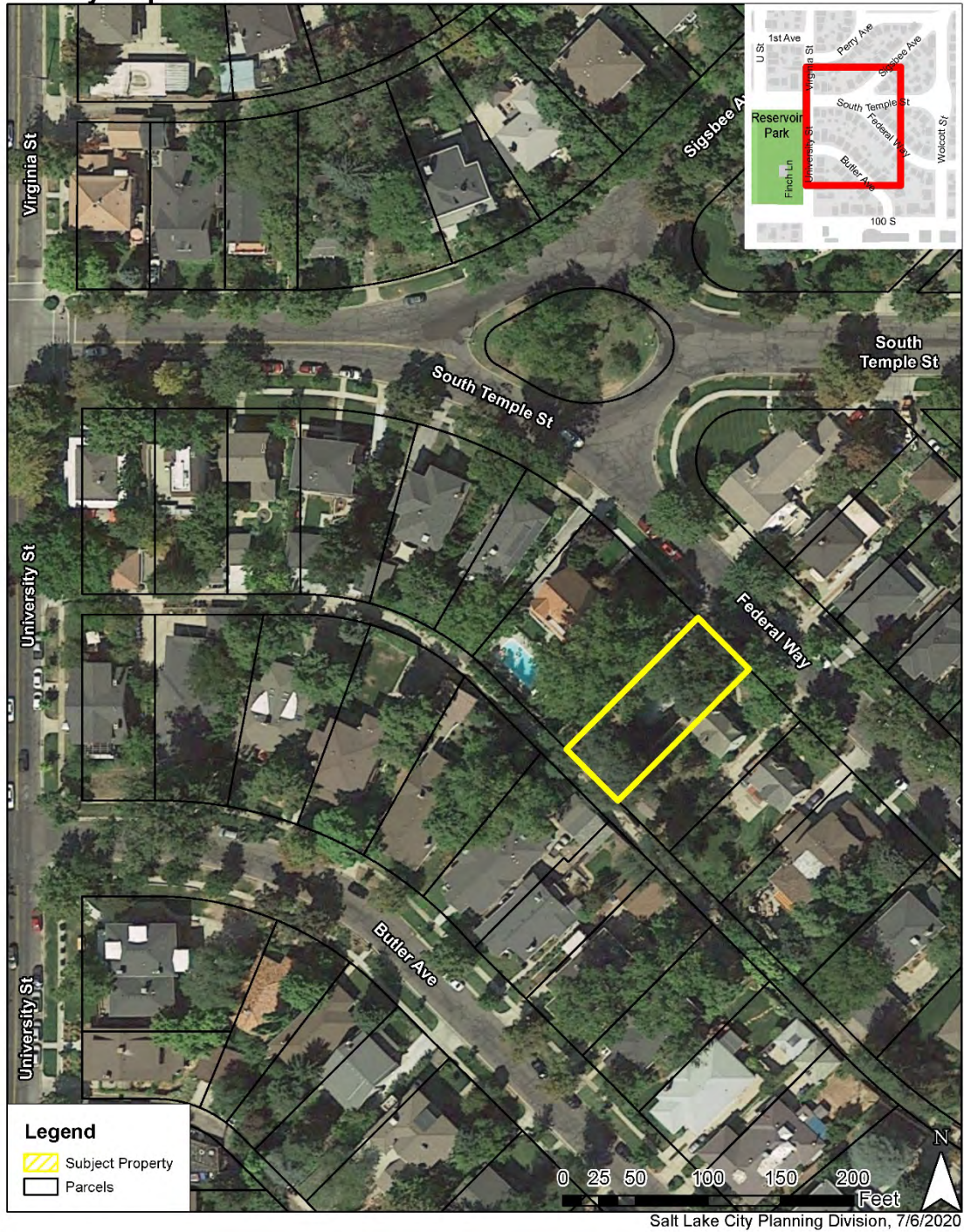
If denied the applicant would have to seek other options or designs which would comply with the 20' maximum height as allowed in the R-1-5,000 Zone and apply for a building permit to demolish the existing structures and construct the proposed home.

ATTACHMENTS:

- A.** Vicinity Map
- B.** Property Photographs
- C.** Project Plans and Materials
- D.** Zoning Standards
- E.** Public Comment
- F.** Department Review Comments

ATTACHMENT A: VICINITY MAP

Vicinity Map



ATTACHMENT B: PROPERTY PHOTOGRAPHS



Figure 3: View of subject property from Federal Way



Figure 4: View of neighboring property to the east



Figure 5: View of neighboring property to the west



Figure 6: View of neighboring property to the north



Figure 7: View of neighboring property to the northeast



Figure 8: View of rear of subject property from alley



Figure 9: View of rear of subject property from alley



Figure 10: View looking west along alley



Figure 11: View looking east along alley

ATTACHMENT C: PROJECT PLANS & MATERIALS

Geoffrey Tice

1400 E Federal Way
Salt Lake City, UT 84102



June 15, 2020

Dear Planning Commision,

I am applying for a special exception for the height of our house located at 1400 E Federal Way, SLC UT 84102 (BLD2020-04071).

The current house is a single-level house with a walkout basement, built in 1955. We are adding a second story to the house and remodeling the interior. The new design will have a flat roof. The front elevation of the house doesn't exceed the 20' height limit, but since the existing house is built on a hill and there is a walkout basement, the rear of the house is 27'-6" high.

There are nine total homes on our street face (including ours). Currently, our home is the only single-story home on our street face. The eight other homes all have second stories, as well as walkout/daylight basements on the rear elevation of their homes. These eight homes (1388 E, 1394 E, 1408 E, 1418 E, 1424 E, 1430 E, 1436 E, 1442 E) all have rear elevation heights between 32' - 41' high. Even with our second story addition, our house will still be the shortest house on our street face. Also, there is an alley that runs along the back of our property creating even further separation between our homes and the homes to the rear of us. This should satisfy the requirements for a special exception to the building height under Zoning Ordinance Chapter 21A.24.070, D.6.a:

"6. a. For properties outside of the H Historic Preservation Overlay District, additional building height may be granted as a special exception by the Planning Commission subject to the special exception standards in [chapter 21A.52](#) of this title and if the proposed building height is in keeping with the development pattern on the block face. The Planning Commission will approve, approve with conditions, or deny the request pursuant to [chapter 21A.52](#) of this title."

Please see the attached architectural drawings for the proposed house that have been submitted to the SLC Building Dept for approval (BLD2020-04071). Included are the site plan, floor plan and elevation drawings.

Please let me know if you have any questions and if there's anything else I can do for this special exception approval.

Thank you,

Geoffrey Tice

- O. JOB SITE RULES
1. NO WORK TO BEGIN BEFORE 7 AM AND WORK TO END AT 7 PM. IF WEEKEND WORK NEEDS TO OCCOR BY SUBCONTRACTOR. SUBCONTRACTOR TO NOTIFY OWNER / GENERAL CONTRACTOR
 2. NO DOGS OR PETS ARE ALLOWED AT ANYTIME AT THE PROJECT SITE
 3. KEEP ALL NOISE TO A MINIMUM (RADIOS, YELLING, ETC.)
 4. ALL CONSTRUCTION MATERIALS AND TRASH TO BE LOCATED ON PROJECT SITE AND SHALL AT NO TIME BE ON ADJACENT PROPERTY
 5. AT NO TIME SHALL SUBCONTRACTORS VEHICLES PARK ON THE SOIL OF THE PROJECT LOT DUE TO MUD / DIRT GETTING ON THE STREET. ALL VEHICLES SHALL BE PARKED ON PAVEMENT
 6. ALL TRADES TO CLEAN THEIR DEBRIS DAILY AND TO SWEEP ANY DEBRIS IN ROADWAY
 7. ALL TRADES TO HAVE A WEEKLY SAFETY MEETING TO DISCUSS BEST SAFETY PRACTISES
 8. ALL TRADES TO KEEP AND MAINTAIN WORKERS COMP INSURANCE INCLUDING PROPER VEHICLE INSURANCE

- P. OWNER / BUILDER CONTACT INFO
1. PRIMARY NUMBER: CELL 801-971-1311
 2. EMAIL: geofftice@gmail.com
 3. FAX: 1-866-233-3870

- Q. HOUSE BTU LOADS
- ANNUAL ENERGY CONSUMPTION:
ANNUAL HEATING 1.5 MBTU/YEAR
ANNUAL COOLING 1.3 MBTU/YEAR

HVAC SIZING:
HEATER SIZING 16.1 KBTU/HR
AC SIZE 12.8 KBTU/HR

SEE 1400 FEDERAL WAY ENERGY REPORT AND HVAC DESIGN PACKETS FOR DETAILS

- R. HOUSE SQUARE FOOTAGE

SQUARE FOOTAGE TOTALS	
MAIN FLOOR (NEW)	1350 SQ FT
BASEMENT (NEW)	1350 SQ FT
2ND FLOOR (NEW)	1740 SQ FT
GARAGE BELOW (NEW)	720 SQ FT
GARAGE ABOVE (NEW)	480 SQ FT

- S. PLAN SHEETS*

A0.0 - GENERAL NOTES
A0.1 - GENERAL NOTES
A1.0 - SITE PLAN
A2.0 - FLOOR PLAN
A3.0 - ELEVATIONS
A3.1 - ELEVATIONS
A4.0 - DETAILS
A4.1 - DETAILS
A5.0 - ELECTRICAL PLAN
A6.0 - GARAGE PLANS

*STRUCTURAL PLANS PER LICENSED ENGINEER

*IT IS THE SUBCONTRACTORS RESPONSIBILITY TO HAVE STUDIED ALL THE ABOVE PLANS AND TO BID ACCORDINGLY. CONTRACT WILL BE BASED ON ALL THE ABOVE PLANS AND SUBCONTRACTOR WILL BE HELD TO SUCH. IF PLANS ARE MISSING PRIOR TO PLACING A BID, PLEASE CONTACT OWNER SO COMPLETE PLAN SET CAN BE OBTAINED

- T. 2015 IECC ENERGY REQUIREMENTS

Ceiling R-value 38
Wood Frame Wall R-value 20 or 13+5h
Mass Wall R-value i 13/17
Floor R-value 30g
Basement Wall R-value c 10/13
Slab R-value d, Depth 10, 2 ft
Crawlspace Wall R-value c 10/13
Fenestration U-Factor b 0.35
Skylight U-Factor b0.60
Glazed fenestration SHGC b, e NR

- U. DESCRIPTION OF WORK

ALTERATIONS AND ADDITION OF SECOND STORY TO EXISTING SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE.

- V. NOTE:

SALT LAKE CITY PUBLIC UTILITIES GENERAL NOTES ARE INCORPORATED AS PART OF THIS PLAN SET. THE GENERAL NOTES CAN BE FOUND UNDER THE CITY REQUIRED COMMENTS FOLDER ON PROJECTDOX.

ATTENTION!

IT IS IMPORTANT FOR ALL SUBCONTRACTORS TO UNDERSTAND THAT IT IS HIS / HER RESPONSIBILITY TO BE SURE THIS PROJECT IS CONSTRUCTED IN FULL COMPLIANCE WITH ALL STATE AND LOCAL CODES AND ORDINANCES AND WILL BE HELD RESPONSIBLE FOR SUCH COMPLIANCE. THE PLANS ARE NOT ALL INCLUSIVE OF ALL MINIMUM CODES AND ORDINANCES. THIS FACT DOES NOT RELIEVE THE SUBCONTRACTOR FROM COMPLIANCE WITH ALL MINIMUM STANDARDS. NO OMISSION FROM THESE PLANS GIVE PERMISSION FOR VIOLATION OF ANY CODE OR ORDINANCE. NO APPROVAL EVER GRANTS PERMISSION TO VIOLATE ANY CODE OR TOWN ORDINANCE.

SLC IS CURRENTLY USING THE 2015 IRC WITH STATE AMENDMENTS, THE 2015 IECC ENERGY CODE, THE 2015 IBC, THE 2014 NEC, THE 2015 ACCESSIBILITY CODE ANSI A117.1A, AND THE COUNTY'S TITLE 21 ZONING ORDINANCE.

THE GREATEST EFFORT HAS BEEN MADE TO DRAW THESE PLANS WITHOUT ERROR, (HOWEVER) THERE IS NO GUARANTEE THAT THESE PLANS ARE WITHOUT ERROR, THE DESIGNER & DRAFTSMAN ARE TO BE HELD HARMLESS OF ANY FINANCIAL LIABILITY RESULTING FROM ERRORS IN THESE PLANS. ANY ONE USING THESE PLANS FOR CONSTRUCTION OF BUILDING, ACCEPTS FULL RESPONSIBILITY. (CHECK PLANS CAREFULLY BEFORE CONSTRUCTION)

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p. 801.971.1311 + f. 1.866.233.3870 + e. geofftice@gmail.com

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SLC, UT 84102

Plan Number:

Plan Name:

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SLC, UT 84102

Sheet Title:

GENERAL
NOTES

Sheet Number:

A0.1

NOTE:

All utility trenching must be per SLCPU Standard Practice No.1.

Unused existing sewer lateral must be capped and plugged at the main per SLCGPU standards.

New sewer lateral will replace existing sewer lateral, new clean out locations noted on plan. New sewer lateral to be 6" SDR-35 PVC pipe, meeting minimum slope requirements (1%).

Demolition calculation:

Total sq ft of existing exterior walls: 2,625 sq ft
Total sq ft of existing exterior walls to be removed: 1,605 sq ft
Percentage of existing walls to be removed: 61%

Total sq ft of existing interior floors: 2,700 sq ft
Total sq ft of interior floors to be replaced: 1,350 sq ft
Percentage of interiors floors to be replaced: 50%

FRONT YARD SETBACK TABLE:

MEASURED FROM BACK OF SIDEWALK TO FRONT FACADE, POSTS SUPPORTING ROOF, OR STEPS/LANDING 4-FT ABOVE OF BELOW GRADE AS PER SLC ZONING REQUIREMENTS:

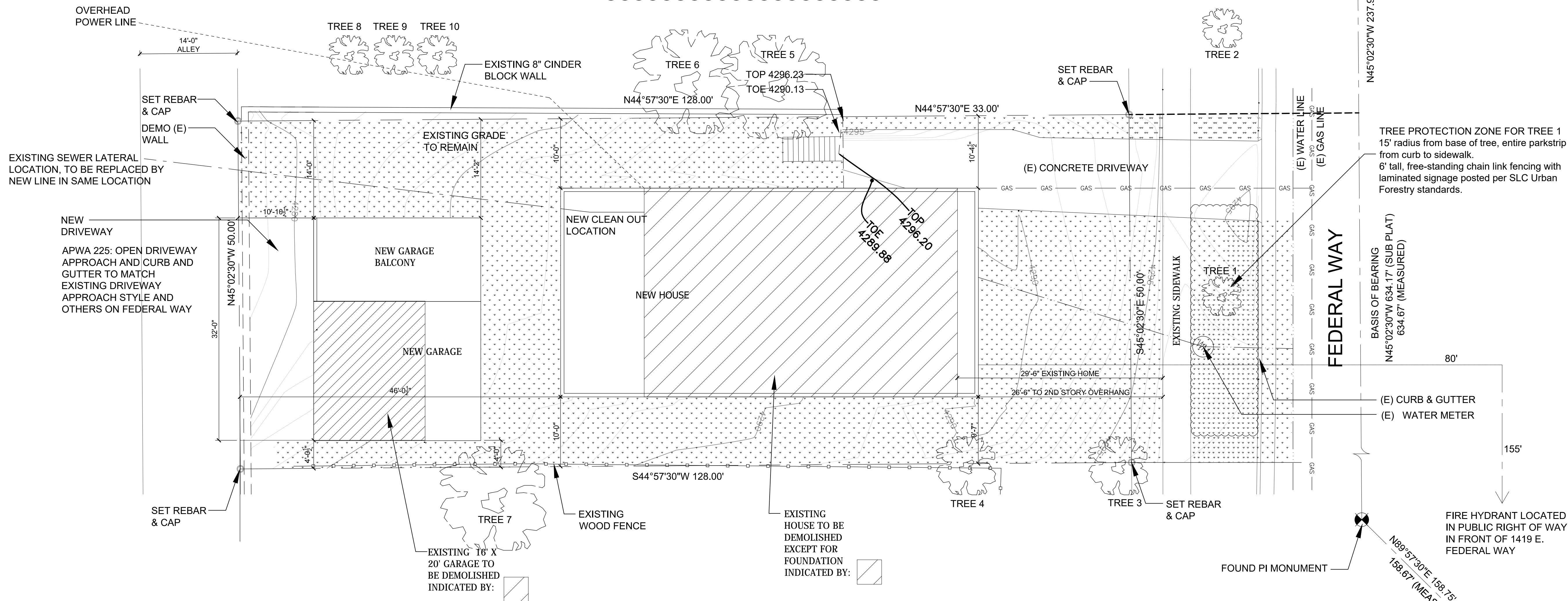
1388 E: 25'-6"
1394 E: 30'-3"
1400 E: 29'-6"
1408 E: 33'
1418 E: 20'-3"
1424 E: 20'
1430 E: 25'-9"
1436 E: 27'
1442 E: 20'-4"

AVERAGE SETBACK: 26'-1"

TREE SCHEDULE:

Tree 1: Autumn Blaze Maple, 15" DBH. Public. Good. Preserve
Tree 2: London Plane Tree, 4" DBH. Public. Good. Preserve
Tree 3: Chinese Elm, 32" DBH. Private. Good. Preserve
Tree 4: Chinese Elm, 30" DBH. Private. Good. Preserve
Tree 5: London Plane Tree, 39" DBH. Private. Good. Preserve
Tree 6: London Plane Tree, 49" DBH. Private. Good. Preserve
Tree 7: Chinese Elm, 51" DBH. Private. Good. Preserve
Tree 8: Purple-leaf plum 3" DBH. Private. Good. Preserve
Tree 9: Purple-leaf plum 3" DBH. Private. Good. Preserve
Tree 10: Purple-leaf plum 3" DBH. Private. Good. Preserve

Total tree count: 10
Total tree DBH to be preserved: 229
Total tree DBH to be removed: 0



Prior to working in the public right of way, a licensed, insured, and bonded contractor, who has said information on file with SLC Engineering, must obtain a Public Way Permit from SLC Engineering and perhaps a Transportation Permit. All work in Public Right of Way shall follow APWA Standard Plans.

Repair all cuts in Federal Way per APWA 255.

Protect existing sidewalk and curb and gutter. Damaged sidewalk and curb and gutter shall be replaced to the nearest joint per APWA Standards.

CALL BLUE STAKES 811 BEFORE YOU DIG

Property Value Information

Improvements Market Value: \$43

Lot Information

Primary Lot Number: 19 & 20

Lot Size (Sq. Ft.): 6,400 sf (.15 acres)

Property Information

Property Legal Description: LOT 19 & 20

16-04-104-008-0000 BLOCK 3, FEDERAL HEIGHTS LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH FEBRUARY 2020

LOT COVERAGE:

Main building: 1,650 sq ft
Garage: 720 sq ft
Total lot coverage: 2,370 sq ft
Total lot size: 6,400 sq ft
Coverage (percentage): 2,370/6,400=37%

SITE PLAN

SCALE: 1/8" = 1'

1
A1.0

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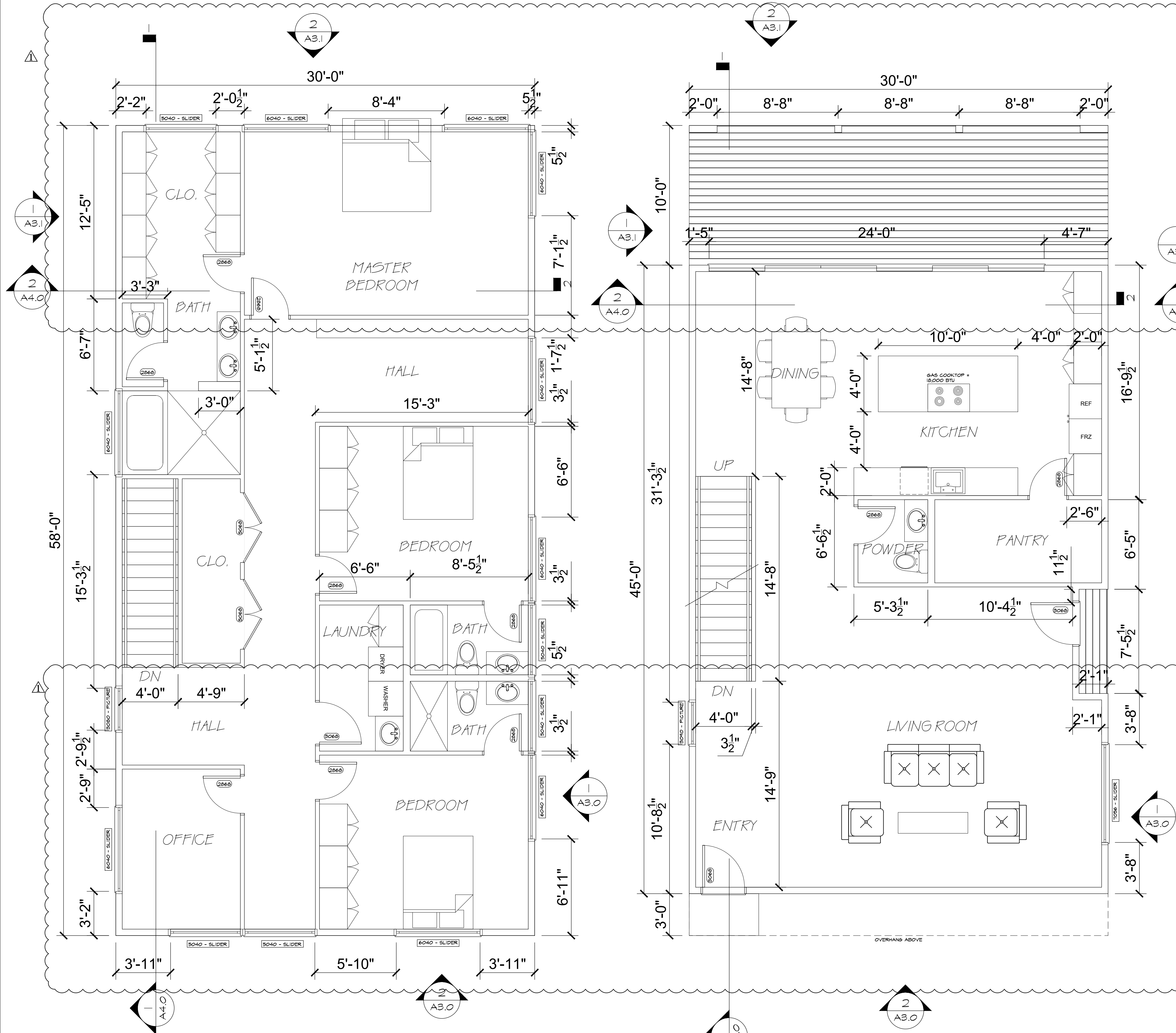
1400 FEDERAL WAY
SLC, UT 84102

Sheet Title:

SITE PLAN

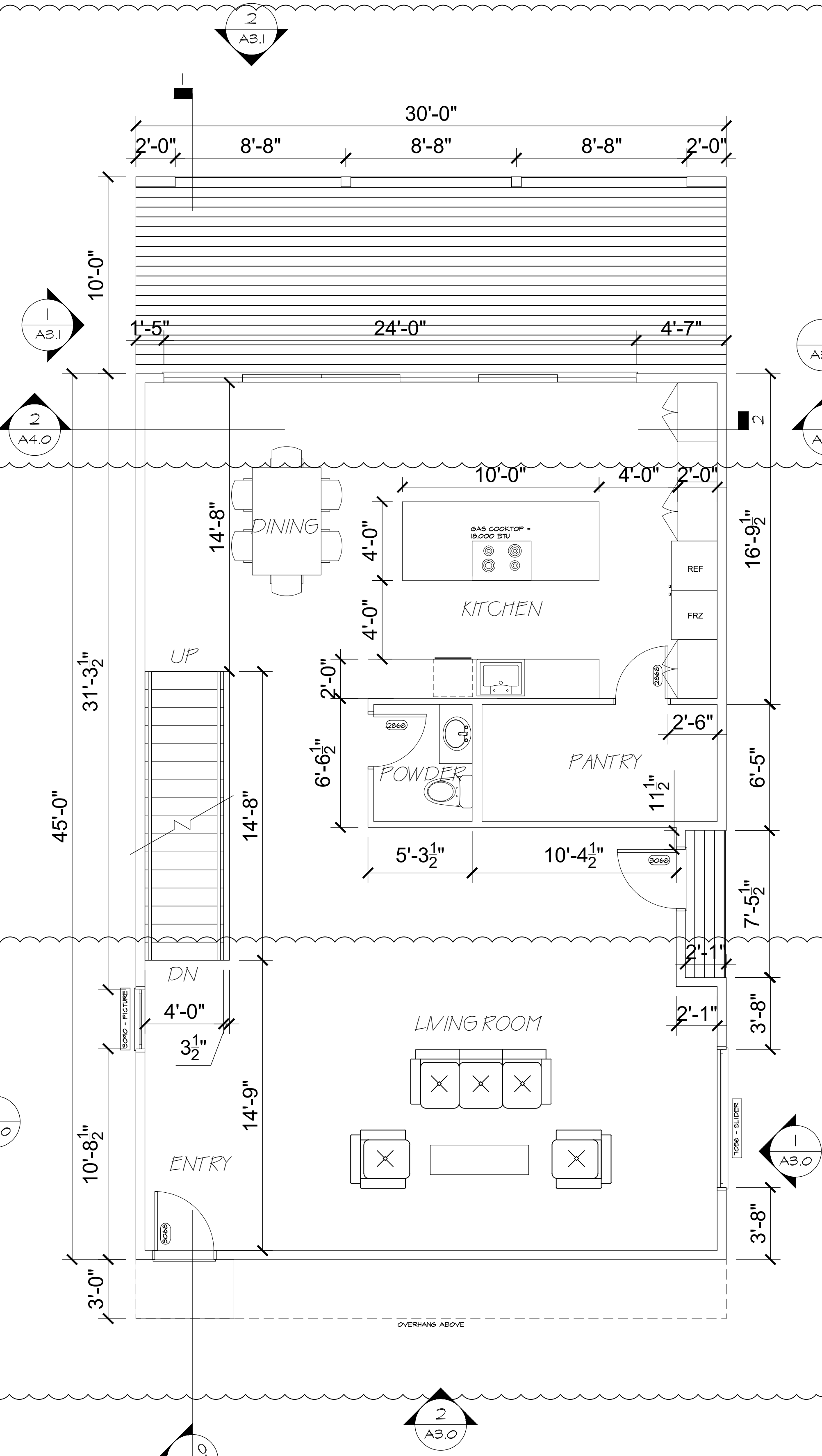
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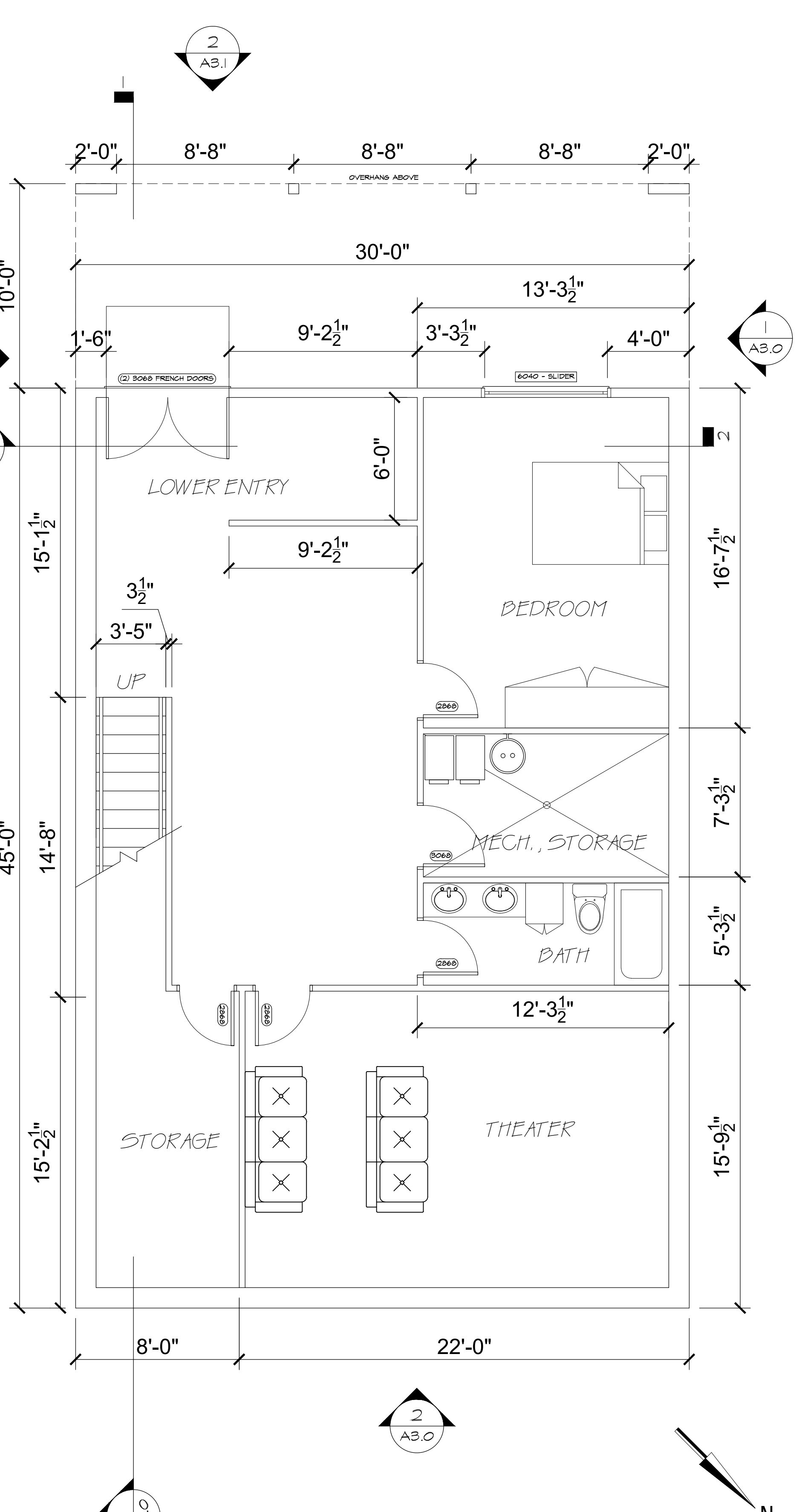
UPPER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'

3
A2.0



MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'

2
A2.0



LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'

1
A2.0

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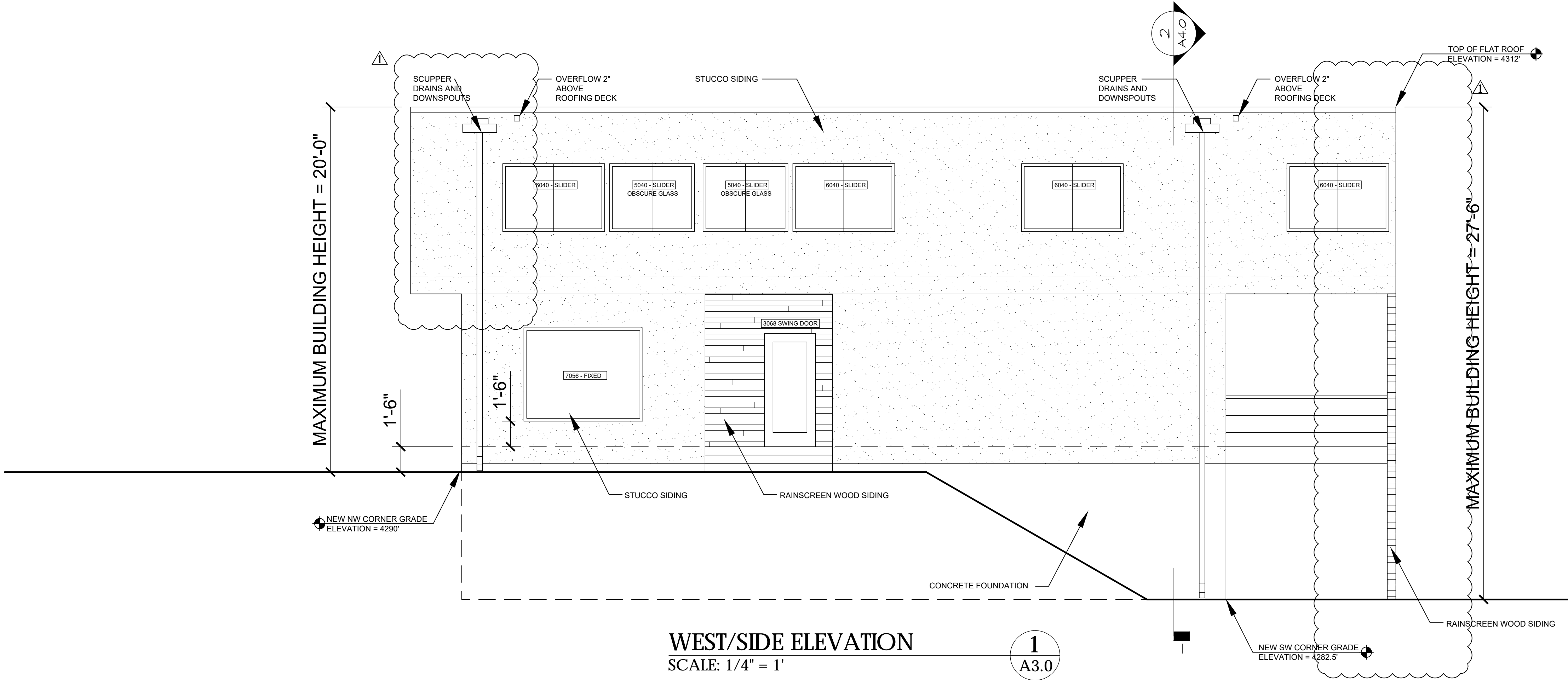
Plan Number:

Plan Name:
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Sheet Title:
FLOOR
PLANS

Sheet Number:

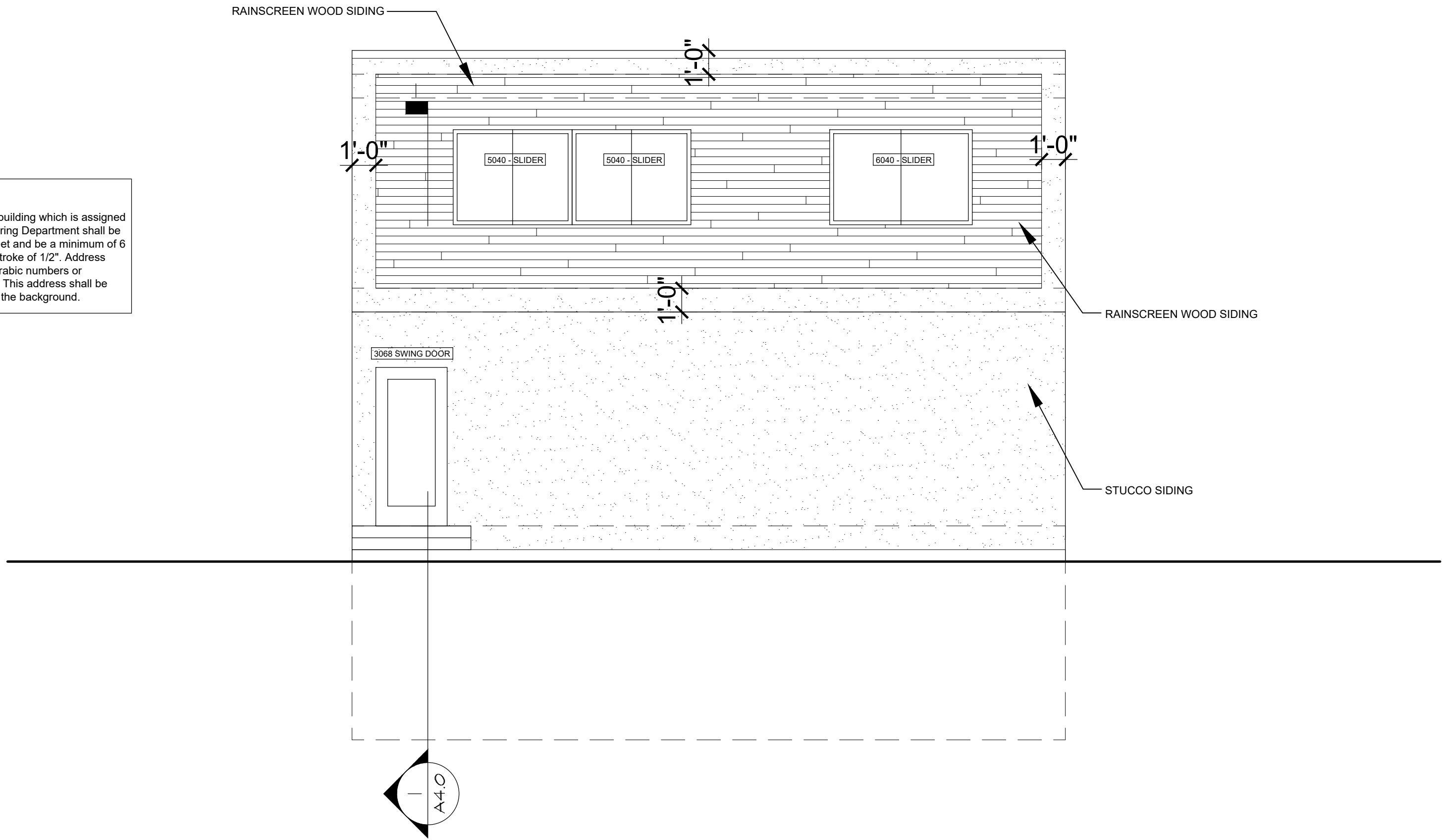
A2.0



WEST/SIDE ELEVATION
SCALE: 1/4" = 1'

1
A3.0

Note:
An address on the building which is assigned by the City Engineering Department shall be visible from the street and be a minimum of 6 inches high and a stroke of 1/2". Address numbers shall be Arabic numbers or alphabetical letters. This address shall be contrasting color of the background.



NORTH/SIDE ELEVATION
SCALE: 1/4" = 1'

2
A3.0

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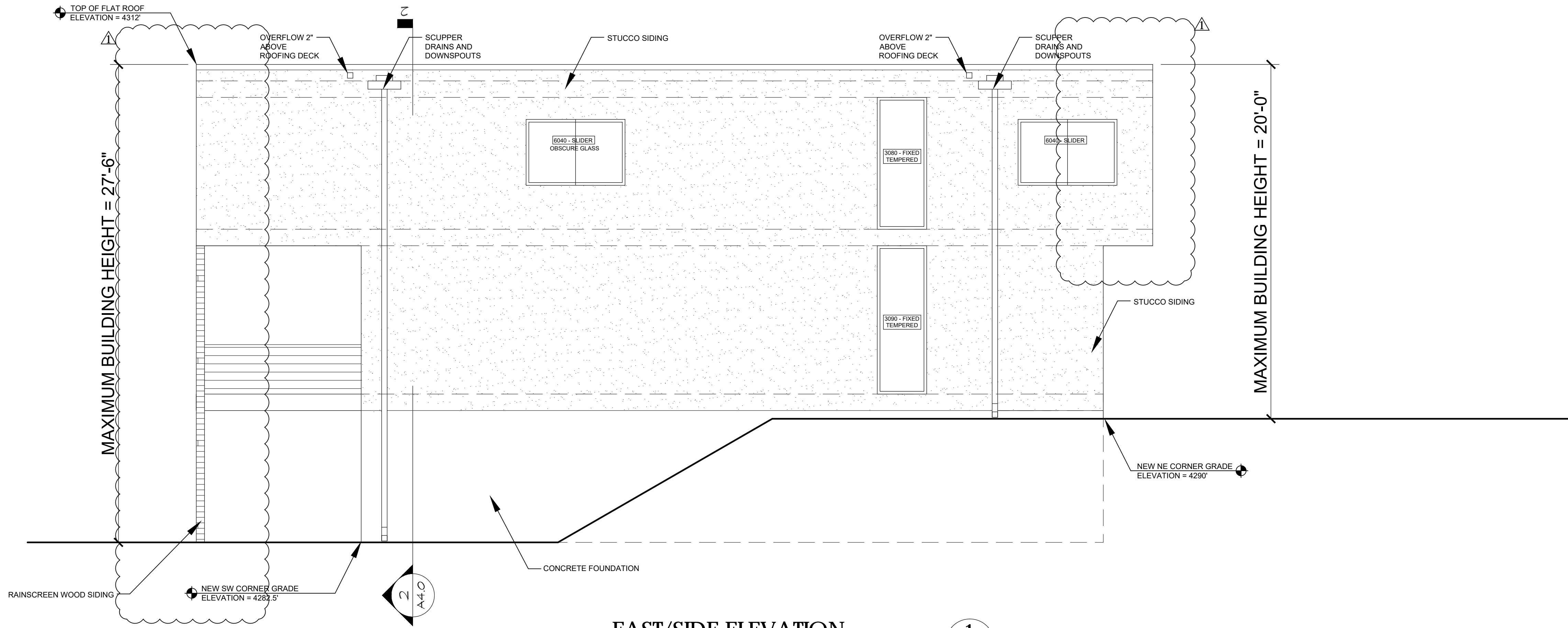
1400 FEDERAL WAY
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Sheet Title:

ELEVATIONS

Sheet Number:

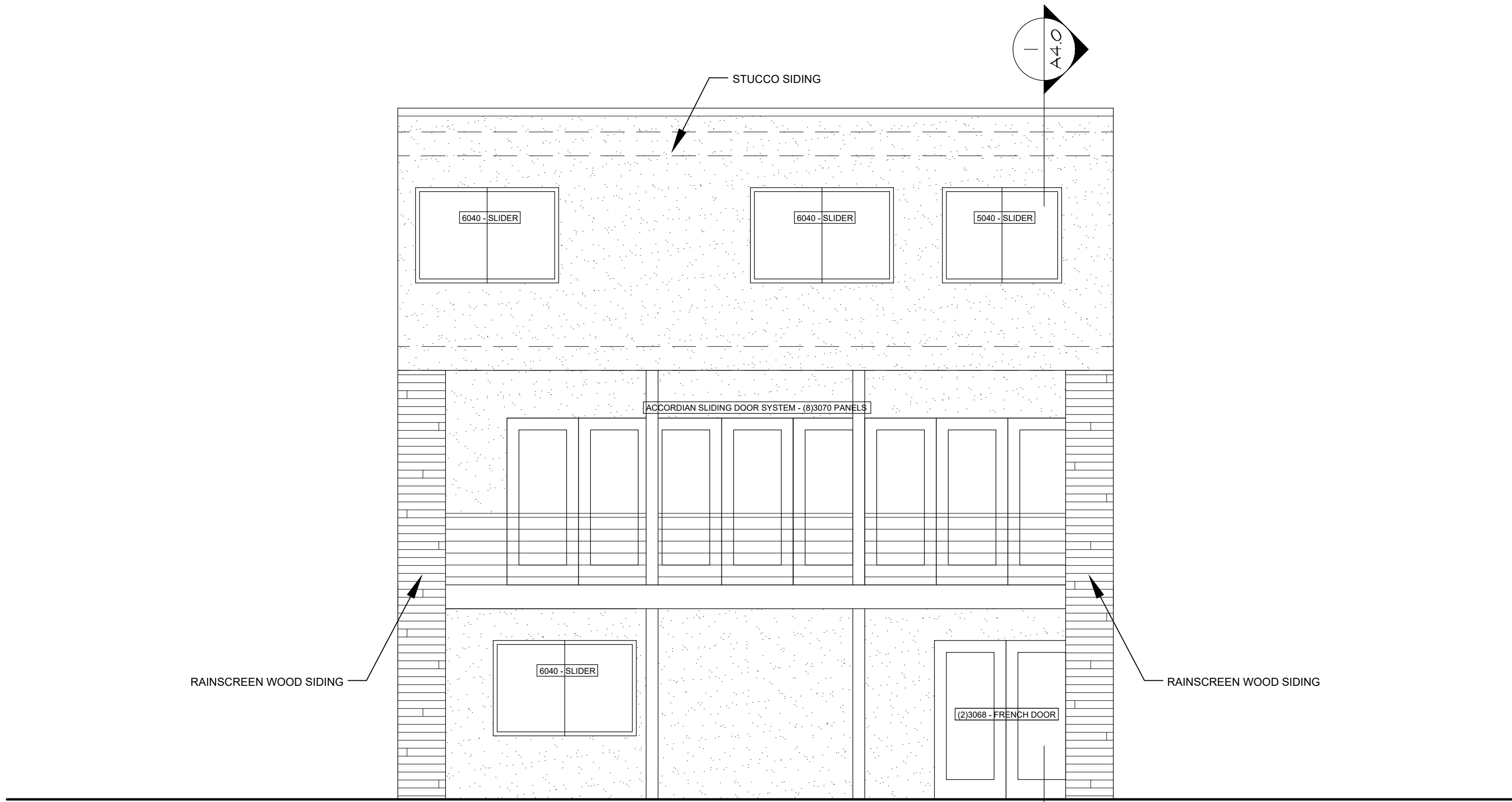
A3.0



EAST/SIDE ELEVATION

SCALE: 1/4" = 1'

1
A3.1



SOUTH/SIDE ELEVATION

SCALE: 1/4" = 1'

2
A3.1

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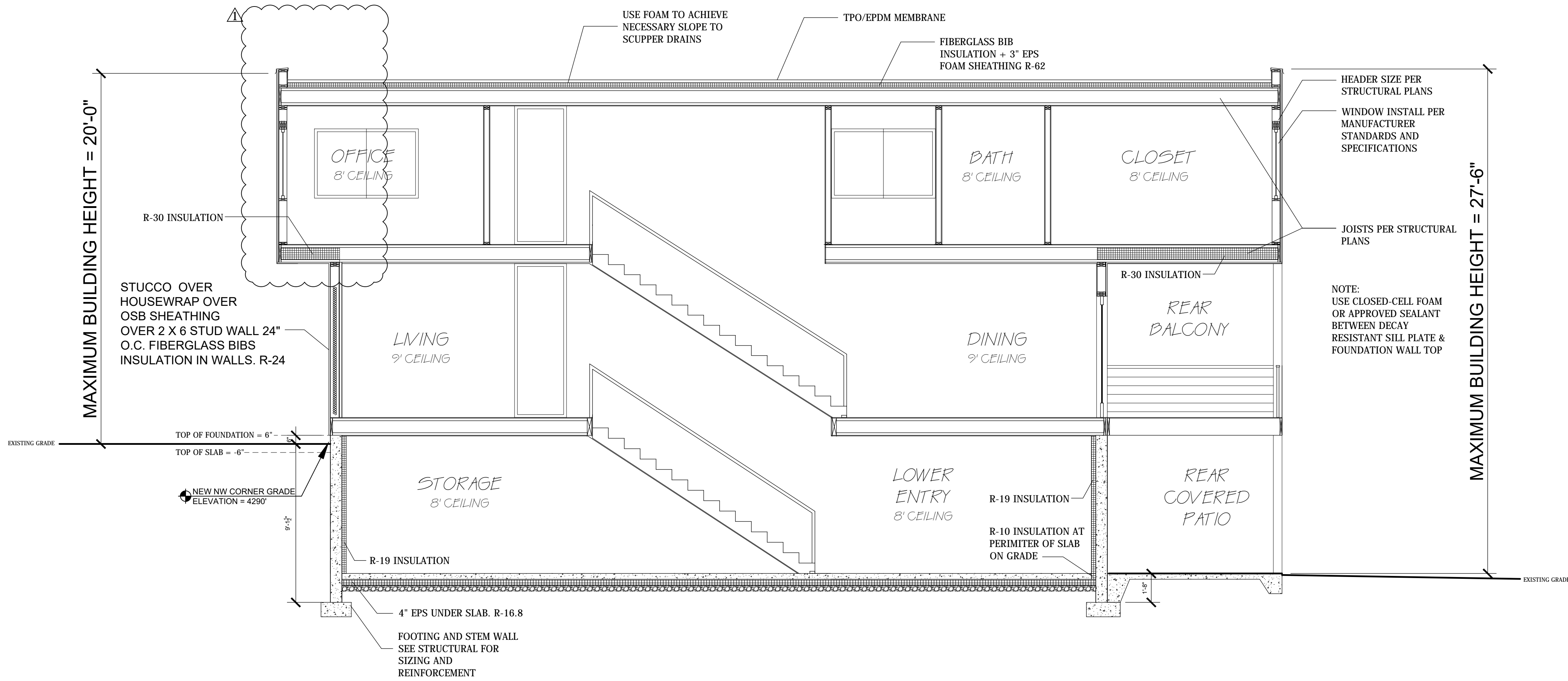
1400 FEDERAL WAY
SLC, UT 84102

Sheet Title:

ELEVATIONS &
SECTION

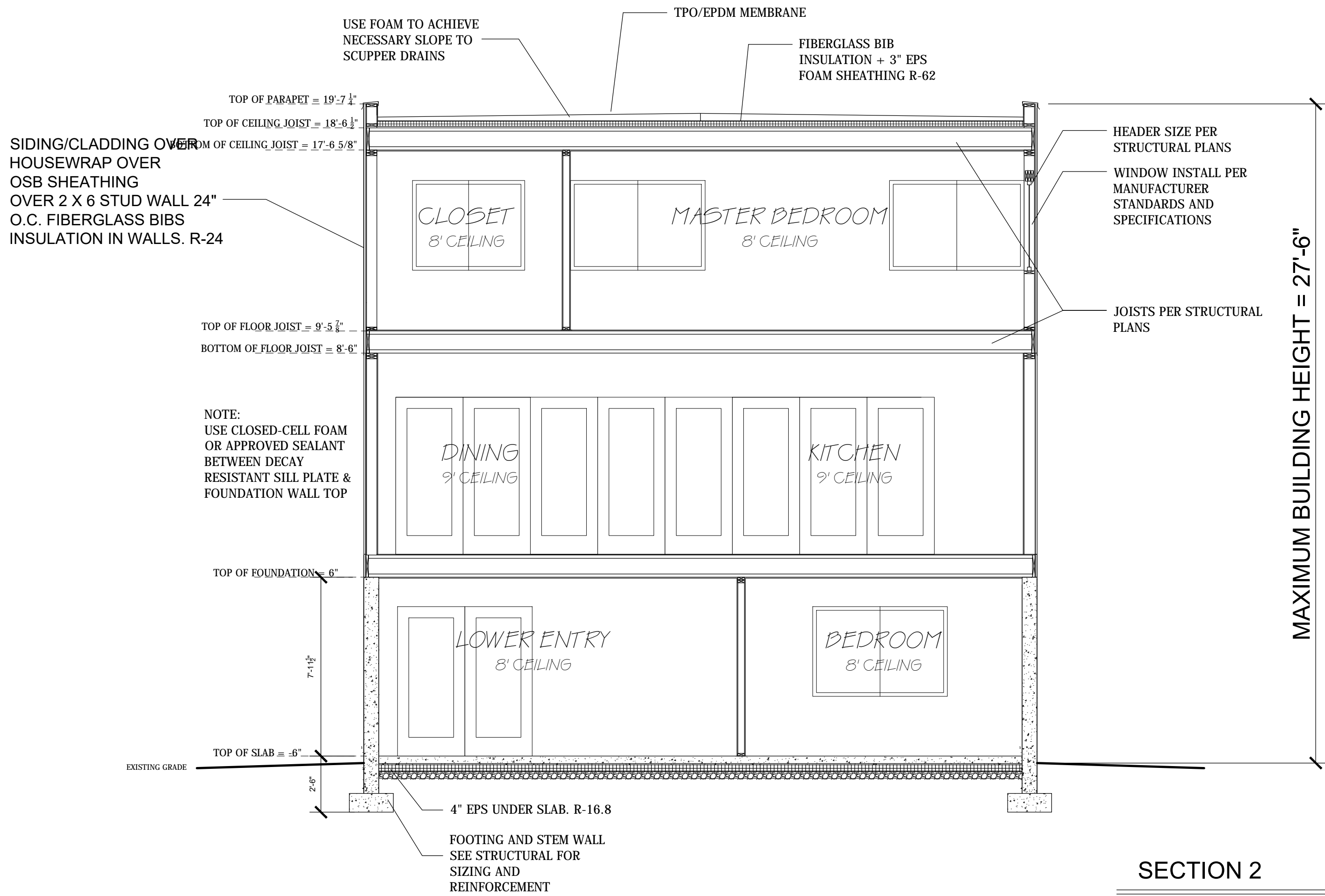
Sheet Number:

A3.1



SECTION 1

SCALE = 1/4" = 1'



SECTION 2

SCALE = 1/4" = 1'

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Plan Name:

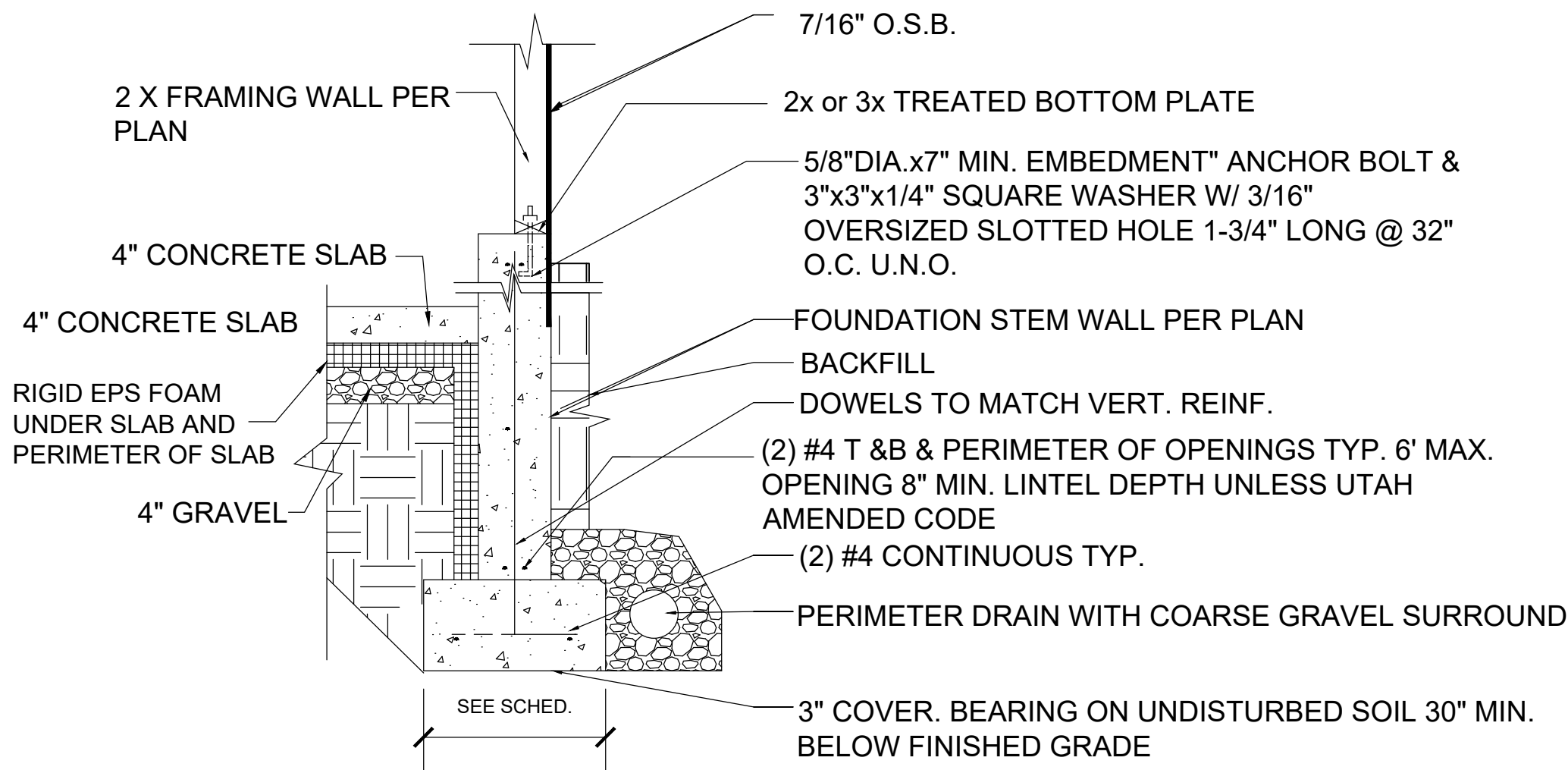
1400 FEDERAL WAY
SLC, UT 84102

Sheet Title:

DETAILS

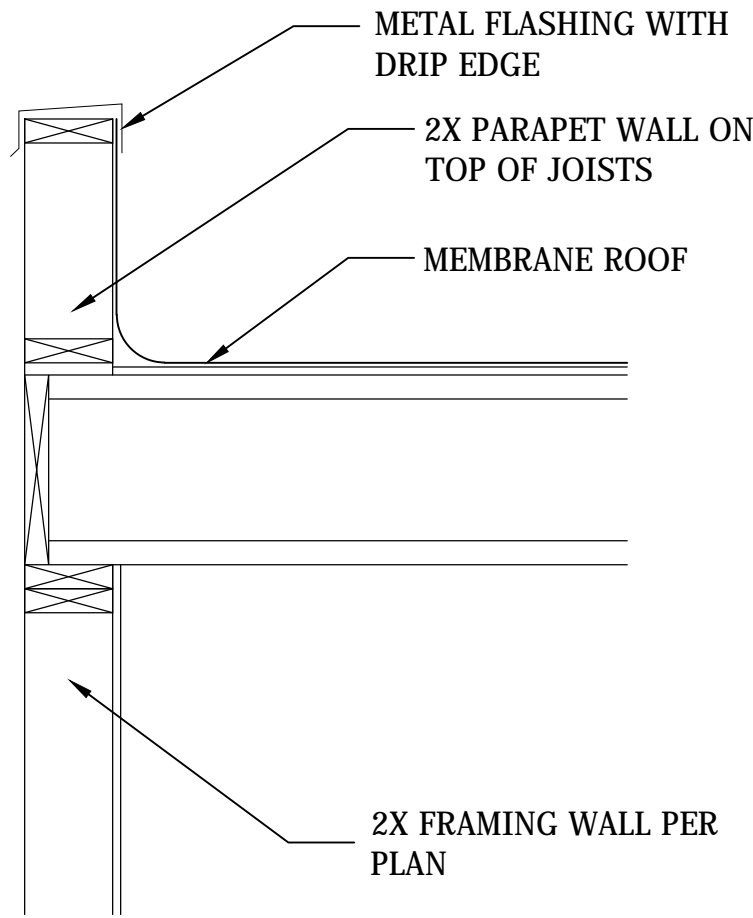
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A4.0



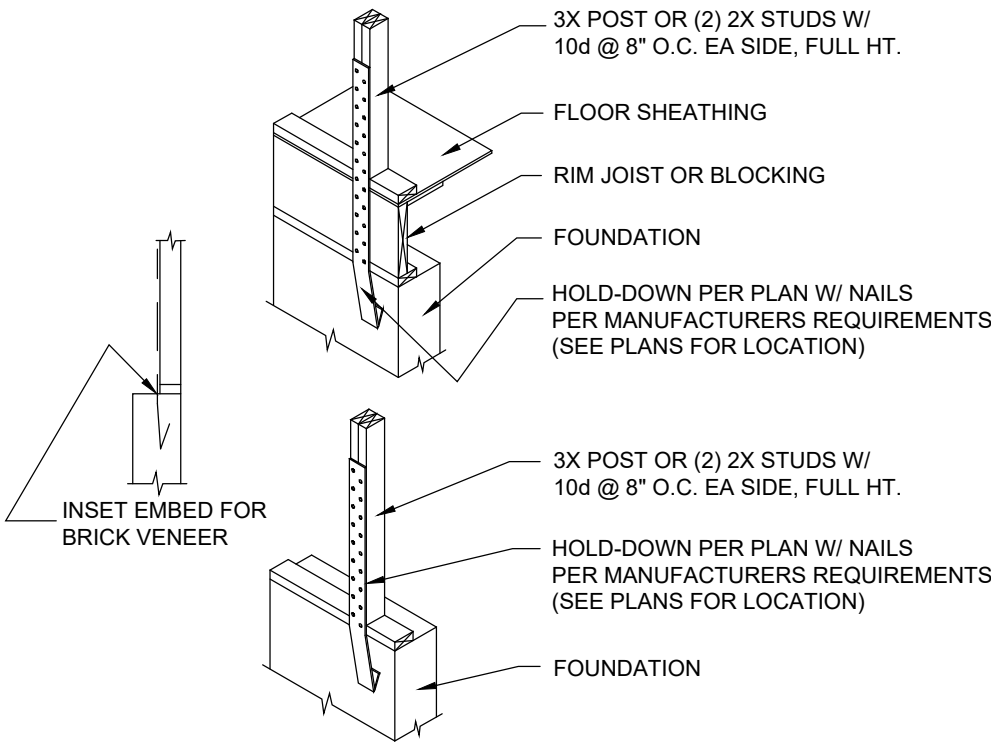
TYP. CONCRETE FOUNDATION

SCALE = N.T.S.



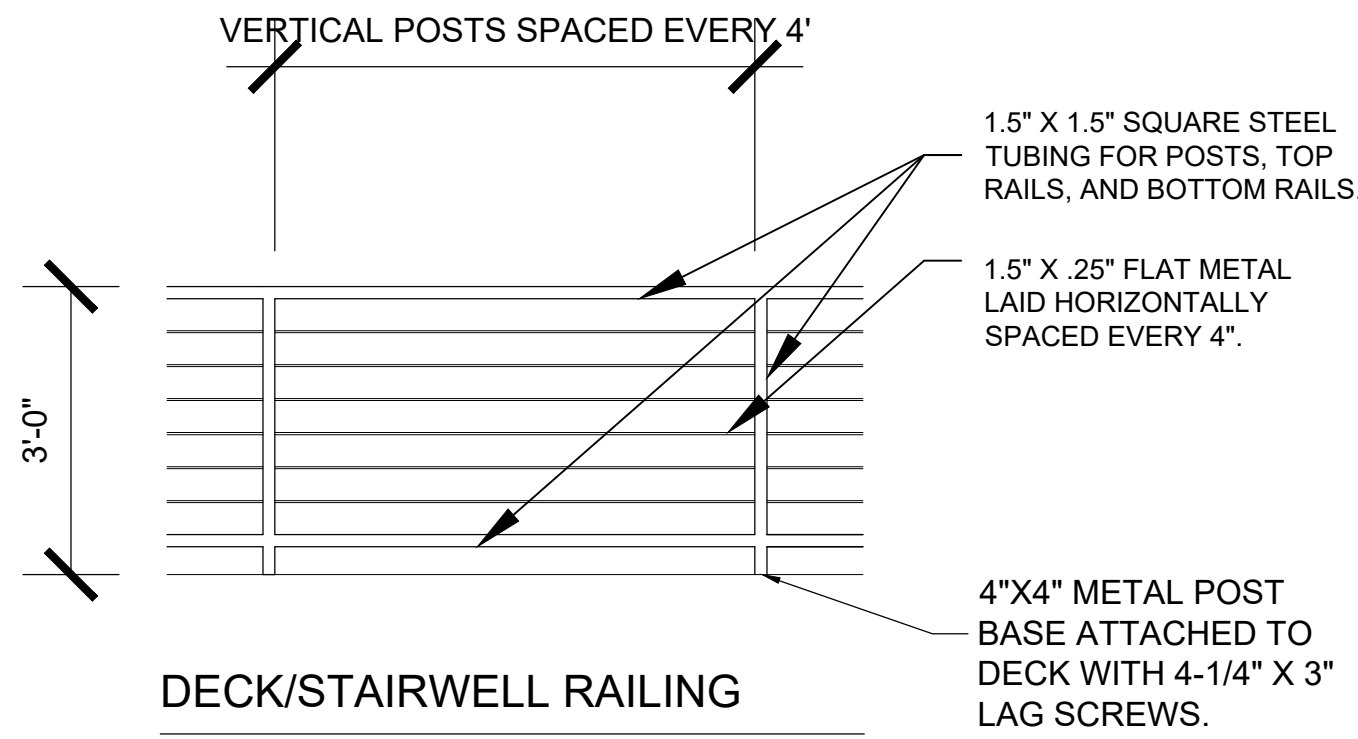
TYP. PARAPET DETAIL

SCALE = N.T.S.



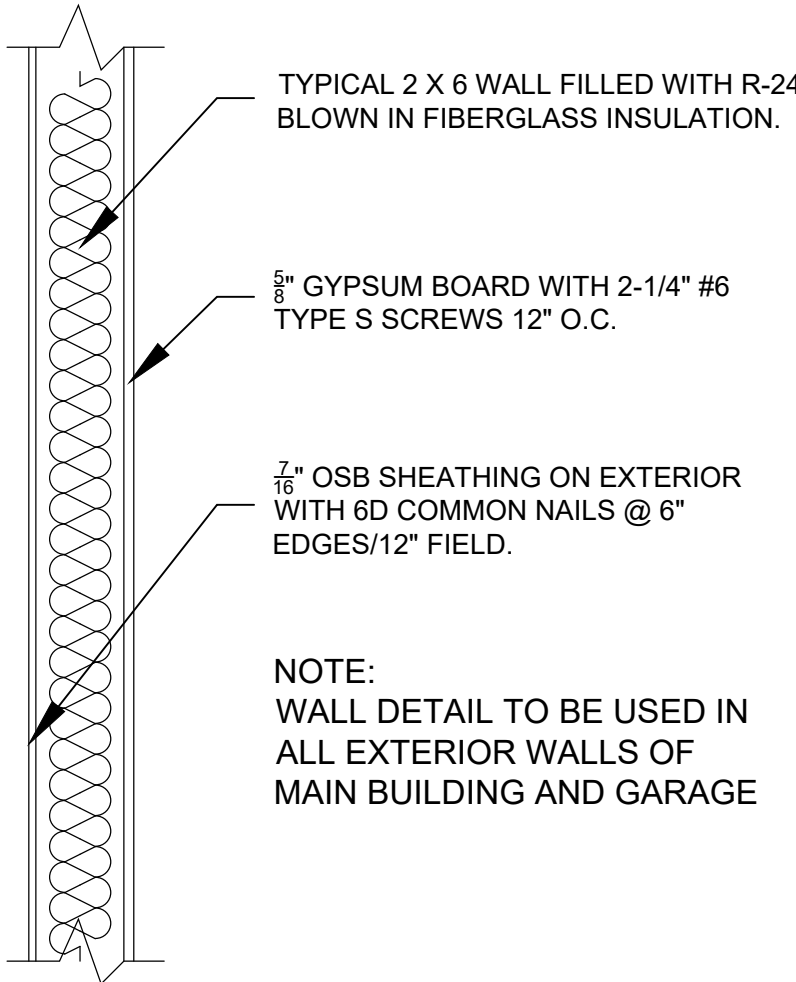
DETAIL/ TYPICAL HOLD-DOWNS

SCALE: N.T.S.



DECK/STAIRWELL RAILING

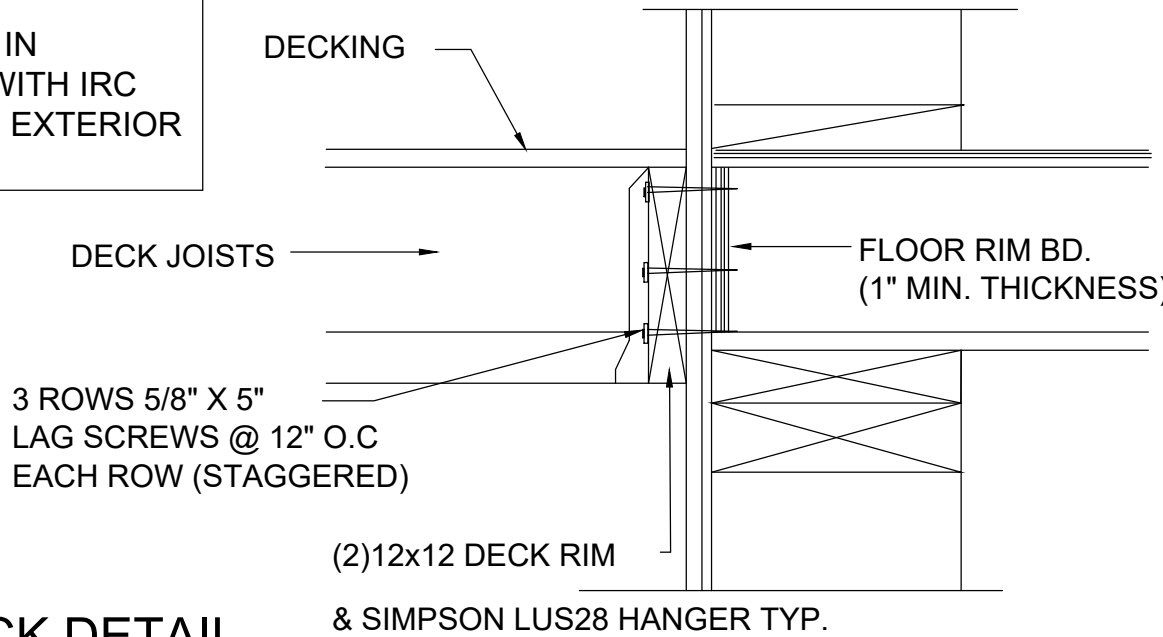
SCALE: 3/4"-1'-0"



1-HR FIREWALL DETAIL

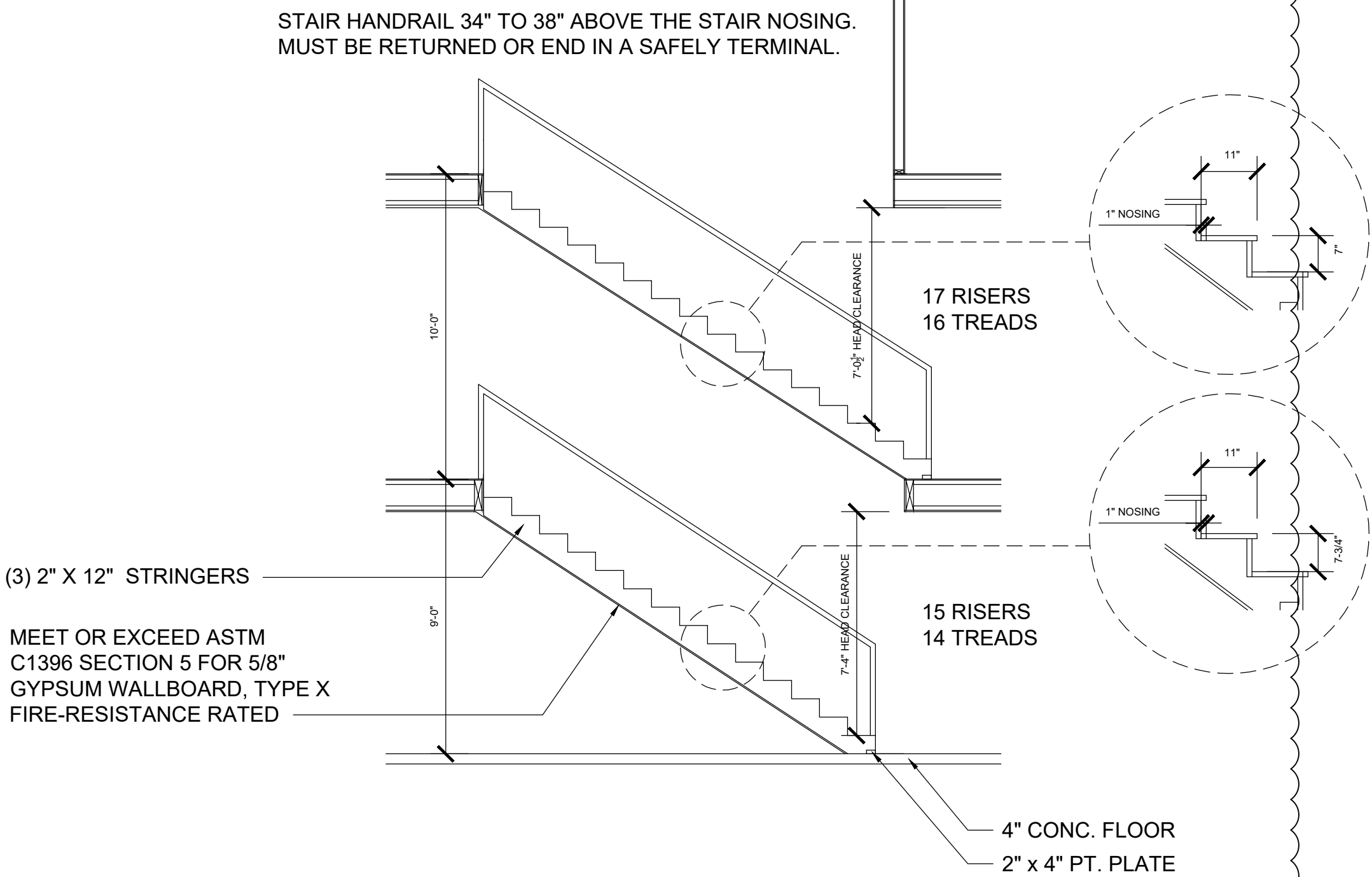
SCALE: 1" - 1'-0"

NOTE: DECK DETAILS IN COMPLIANCE WITH IRC SECTION R507, EXTERIOR DECKS



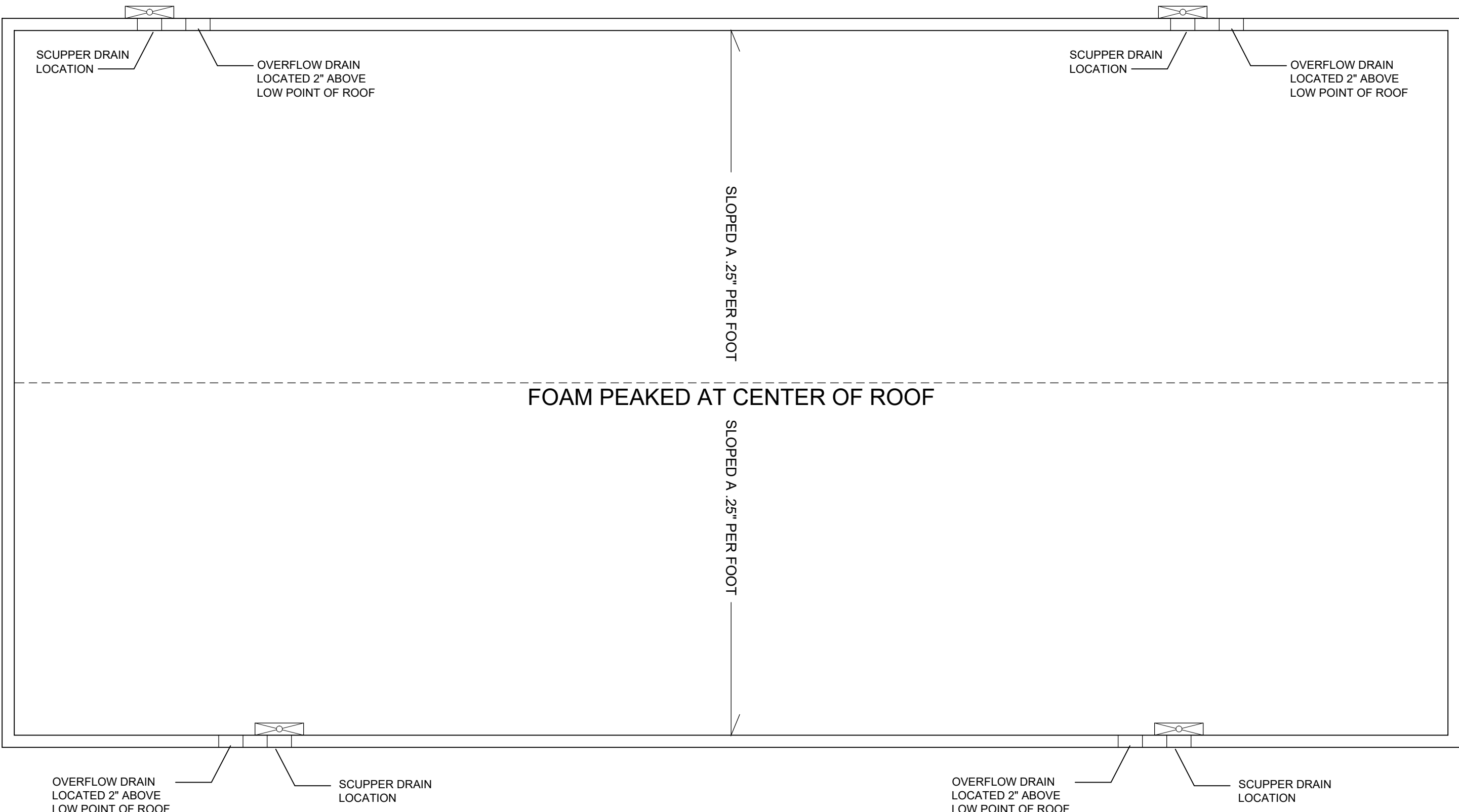
DECK DETAIL

SCALE = N.T.S.



TYP. STAIR DETAIL

SCALE = N.T.S.



ROOF PLAN

SCALE: 1/4"-1'-0"

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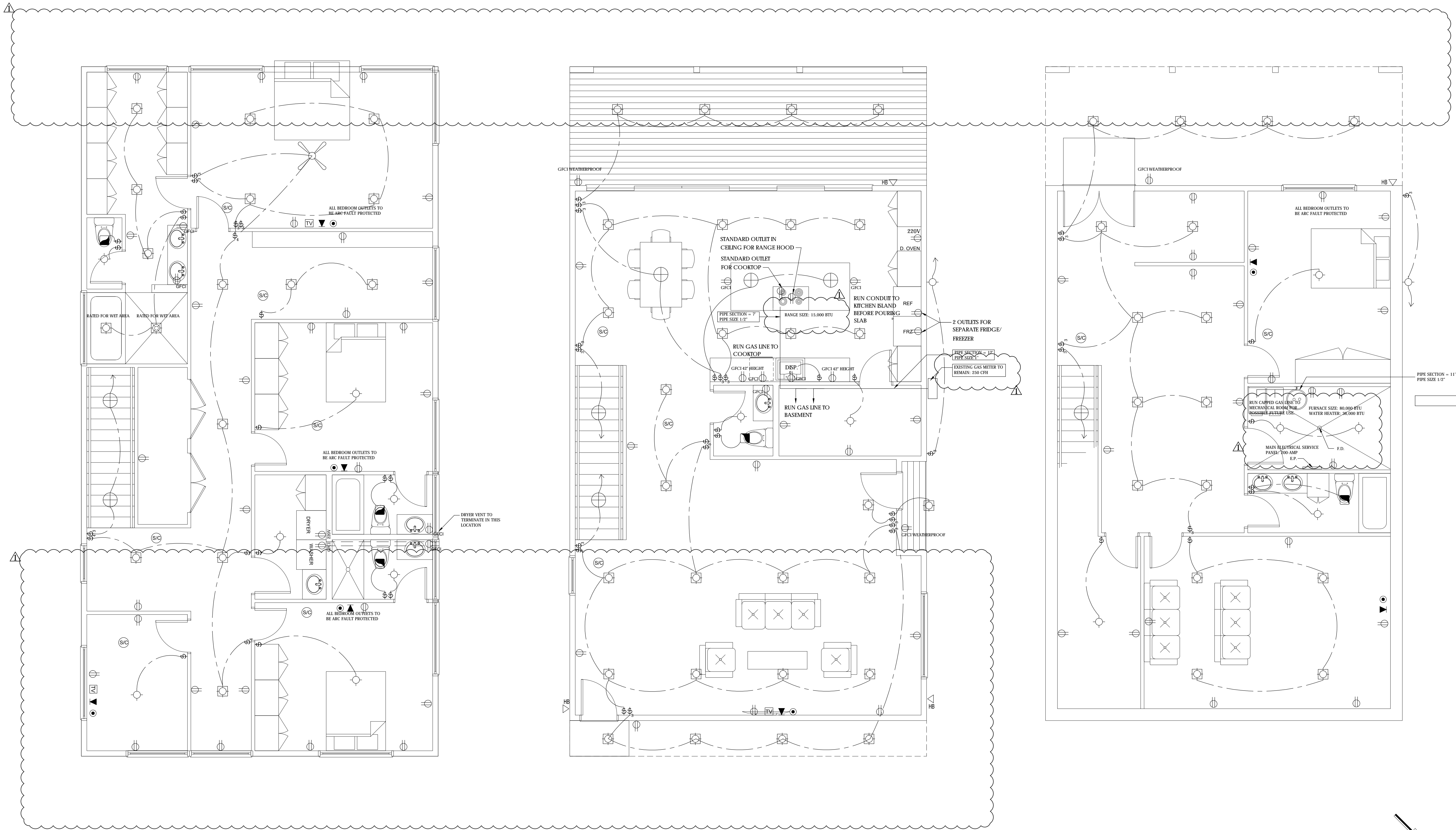
1400 FEDERAL WAY
SLC, UT 84102

Sheet Title:

DETAILS

Sheet Number:

A4.1



UPPER LEVEL ELEC. PLAN

3
A2.0

MAIN LEVEL ELEC. PLAN

SCALE: 1/4" = 1'

2
A2.0

LOWER LEVEL ELEC. PLAN

SCALE: 1/4" = 1'

1
A2.0

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Plan Number:

Plan Name:

1400 FEDERAL WAY
SLC, UT 84102

Sheet Title:

UTILITY PLAN

Sheet Number:

A5.0

ATTACHMENT D: ZONING STANDARDS

21A.52.030: Special Exceptions Authorized;

- (A) 6. Additional Residential building height, including wall height, in the R-1 districts, R-2 districts and SR districts shall comply with the standards in Chapter 12A.24 of this title.

Mr. Tice's project is consistent with the guideline listed above and, thus, is eligible for consideration of a special exception.

21A.52.060: General Standards and Considerations for Special Exceptions

Guideline or Standard	Finding	Reasoning
A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.	Complies with Approval of Special Exception request	<p>The purpose of the R-1-5,000 Zone is <i>"to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size."</i> The ordinance says further, <i>"Uses are intended to be compatible with the existing scale and identity of the neighborhood. The standards for the district are intended to provide safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood."</i></p> <p>The existing use of the property as a detached single-family dwelling will continue following the proposed modifications. The use of the property as a single-family dwelling is consistent with the use of the surrounding properties in the neighborhood and the existing development patterns.</p> <p>The proposed modifications comply with the lot standards (e.g. setbacks) with the exception of the building height at the rear of the home. If the requested special exception is granted the proposed design will meet all zoning standards.</p>
B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the	Complies	The subject property is located in the Federal Heights neighborhood and is a single-family home surrounded by other single-family homes. Following the proposed reconstruction the home will

property within the neighborhood in which it is located.		continue to be a detached single-family residence.
C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or of the public health, safety and general welfare.	Complies	The addition of a two-story home within a neighborhood of two-story dwellings will not have an adverse effect on the public health, safety and general welfare. While the flat-roofed modern design of the home is uncommon in the neighborhood it does not detract from the character of the surrounding homes.
D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.	Complies	The proposed use of the property is a detached single-family dwelling which is compatible with the surrounding detached single-family dwellings in this neighborhood. While the flat-roofed modern design of the home is uncommon in the neighborhood it does not detract from the character of the surrounding homes.
E. No Destruction of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.	Complies	1400 E Federal way is not located within a local or national historic district and is not listed as a historic site.
F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	Complies	The proposed use is a single-family dwelling and will be located within a neighborhood of single-family dwellings. There is no expectation of material air, water, soil or noise pollution or other type of pollution stemming from the proposed land use.
G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	Complies	Applicant has provided evidence supporting his compliance with all adopted standards herein.

ATTACHMENT E: PUBLIC COMMENT

The following is a list of public input opportunities related to the proposed project since the application was submitted:

- July 15, 2020 – Notice of the special exception request was sent to property owners and occupants within 300 FT of the project.
- July 31, 2020 – Early notification period expired; received about a half dozen responses from neighbors, no comments from the East Central/University Gardens Community Council or the Federal Heights/Greater Avenues Community Council.

Notice of the public hearing for the proposal included:

Public hearing notice mailed October 15, 2020.

Public notice posted on City and State websites and Planning Division list serve on October 15, 2020.

Public hearing notice posted on October 16, 2020

Public Input:

Staff has received about a dozen comments from neighboring property owners and occupants. These comments have been included in the following pages. The comments stem from the neighbors' concerns regarding the overall design of the proposed home and how it fits in with the character of the surrounding neighborhood.

Marie D. Jackson
1410 E. South Temple
Salt Lake City, Utah, 84102-1812

30 July 2020

Salt Lake City Planning Department
451 South State St., Room 406
Salt Lake City, UT 84114-5480
zoning@slcgov.com

Response to the NOTICE OF APPLICATION 1400 East Federal Way (Geoff Tice, owner)
(Petition # PLNPCM2020-00465)

Dear Salt Lake City Planning Department Personnel:

This is a response to the Notice of Application to build a new home, located about 300 feet from my home, with a possible 6 ft. 6 in. height variance, at 1400 E. Federal Way (Petition # PLNPCM2020-00465).

I am a new member of this beautiful, shady neighborhood and its quality homes that incorporate refined architectural details and diverse stone and masonry construction materials. These features, often uniquely and creatively expressed, and the sense of care and harmony that they engender in its residents, attracted to me to this neighborhood, along with its mature shade trees and appealing landscaping. These qualities should be encouraged in the construction of new homes, both to preserve the unique nature of our neighborhood and also to maintain or increase property values.

There are several aspects of the new modern-style house that appear at odds with the existing character of the surrounding streetscape. The flat-roofed boxy style with a stuccoed, windowless first floor is not in keeping with the architectural styles of the neighborhood. The proposed special exception for the 6' 6" height variance is not compatible with surrounding homes and may threaten the health of adjacent shade trees. Other residents mention possible issues with impairment of property values and material pollution of environment.

Would it be possible to request that Geoff Tice provide further details of the new house so that we can have a better sense of the colors and materials of the construction and external details (lighting, garbage, exterior AC, landscaping, protection of shade trees). Perhaps he would consider adjusting some of the plans so that they would be more compatible with the unique character of our neighborhood.

Sincerely yours,



Marie D. Jackson

Dear Caitlyn,

Thank you for taking the time to talk with me the other day and walking me through all the applicable planning codes. I wanted to follow up with a letter explaining how I understand the relevant sections of the city code. You mentioned to me that Section 21A.52.060 only requires Mr. Tice to maintain the property as a single-family dwelling to meet the requirements of special exception ordinance.

City ordinances are supposed to be interpreted in the same way that a court interprets a state statute by following established rules of statutory construction. *See Foutz v. City of South Jordan*, 2004 UT 75, ¶ 8, 100 P.3d 1171. “[U]nder [the] rules of statutory construction,” a Utah court will “look first to the statute’s plain language to determine its meaning.” *Nielsen v. Ret. Bd.*, 2019 UT App 89, ¶ 12 (citation omitted). Utah courts “will not interpret unambiguous language in a statute to contradict its plain meaning.” *OSI Industries, Inc. v. Utah State Tax Com’n, Auditing Div.*, 860 P.2d 381 (Utah App. 1993) (citation omitted). Additionally, the court will apply a “presumption of independent meaning (and/ or its converse, the presumption against surplusage),” where the court assumes that each word in an ordinance has a meaning that is independent from the meaning of the other words in the ordinance and, therefore, each word creates an additional requirement under the ordinance. *Hi-Country Prop. Rights Grp. v. Emmer*, 2013 UT 33, ¶ 24.

When we spoke, you said the city is taking three different requirements (Sections 21A.52.060 A, C, and D) and saying that they all have the same basic meaning, which just doesn’t make sense to me. If all three of the sections have basically the same meaning there would be no reason to state it three times.

When reviewing an application for a special exception, the city does not look only at whether the property is going to be used as a single-family residence like the other homes in the area. The city is required to conduct “a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing [a special exception] on any given site.” *See Salt Lake City Code* § 21A.52.020.

Section 21A.52.060(D) says that “[t]he proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.” All of the neighboring properties are single-family dwellings. That means that Mr. Tice’s proposed use is compatible with the neighboring properties. But that does not mean that it is compatible with the development of the neighboring property. The ordinance requires the special exception to be compatible with both the use and development of the neighboring property. Development is defined in the city ordinances and includes a lot of different things, including the “change in the . . . appearance of any structure” and the “construction of any principle building,”¹ which, according to Section 21A.52.060(D), must “be compatible with . . . [the] neighboring property.” The ordinances require the

¹ *See Salt Lake City Code* Section 21A.62.040.

appearance and construction of the roof to be compatible with the appearance and construction of the other buildings in the area.

Section 21A.52.060(D) itself says that “[t]he proposed special exception will be constructed, arranged, and operated so as to be compatible with the use and development of neighboring property.” If Mr. Tice wants to build his roof higher than twenty feet, the roof must be “constructed” and “arranged” in a manner that is compatible with the neighboring properties. Because none of the neighboring properties have flat roofs, it would be difficult, according to this section, to build a flat roof that is “constructed” and “arranged” in a manner that is compatible with the neighboring properties.

In addition, Section 21A.52.060(C) says that “[t]he proposed use and development will not have a material adverse effect upon the character of the area” When we spoke you mentioned that the proposed use and development fits the character of the neighborhood if the home is a single-family residence. Again, that would violate the rule against surplusage and the rule of independent meaning when interpreting an ordinance. The city should treat “proposed use” and “development” as imposing two separate and distinct requirements on Mr. Tice. The use of the property as a single-family residence fits the character of the neighborhood. But the city should also ask whether the “appearance” and “construction” of Mr. Tice’s home will have a “material adverse effect upon the character of the area.” As drawn, the plans will have an adverse effect.

Also, the basic requirement in Subsection C is different from Subsection D. Subsection D says that the “special exception” must be compatible with the neighborhood, meaning the roof itself must be compatible with the neighboring properties. Subsection C says that the “proposed use and development” must not have a negative “effect upon the character of the area.” This is not just limited to the roof. Once Mr. Tice requested a special exception, the planning commission must look at more than just the roof. It can look at the entire project and put conditions on any aspect of the project.

Salt Lake City Code Section 21A.52.070 allows the planning commission to put just about any restrictions on the project that it determines is necessary to minimize the effect on the neighbors. It says the following:

Conditions and limitations necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services may be imposed on each application. These conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the approval record of the special exception.

The planning commission doesn’t only look to ensure that the home is used and constructed as a single-family residence. They can place conditions on the use, construction, landscaping, location, and just about anything else that they determine is necessary to minimize the adverse effects of the project on the neighbors. This means that the planning commission should look at

the location, construction, character, screening, landscaping, and other factors when determining whether the project will have a negative effect on the neighboring properties.

I have attached pictures of the homes that surround 1400 Federal Way. As you can see, none of the homes have flat roofs, meaning that allowing the flat roof would violate Section 21A.52.060(D). Also, the homes all have conservative color patterns and thick vegetation. The neighborhood has a very distinct character and construction pattern. Based on the limited plans that were provided, the roof and the overall construction do not match the character and development of the neighborhood. However, it is difficult to fully envision the project without more detailed plans.

Section 21A.52.060 and Section 21A.52.040 authorize the planning commission and the planning director to request additional “information or documentation as the planning director may deem necessary or appropriate for a full and proper consideration and disposition of the particular application.” Several additional items would be helpful in understanding the impact of Mr. Tice’s home. Where are the trash receptacles going to be stored?² Where are the landscaping plans? A streetscape photograph would be useful to understand how the proposed design at 1400 Federal Way fits into the existing neighborhood. 3-D renderings showing shade and shadows and colors will also help us understand the aesthetic of the home. Also, was any consideration given to the placement of windows on 1400 and how they will impact the adjacent homes? What color and material is the proposed roof?

The Salt Lake City Code, Section 21A.52.070, states that the planning commission doesn’t only look to ensure that the home is used and constructed as a single-family residence. The planning commission can place conditions on the use, construction, landscaping, location, and just about anything else that they determine is necessary to minimize the adverse effects of the project on the neighbors.

I believe most of the neighbors including myself, would like the opportunity to sit down with Mr. Tice, to go over our concerns. The neighborhood concerns focus on the overall character and details of the home whether the design be modern or traditional, we just would like to make sure the home is designed and constructed to take into the existing fabric of the neighborhood and to be respectful of the neighboring houses, both on Federal Way and the homes that abut Mr. Tice’s property on Butler Ave. The neighborhood would welcome a new home on Mr. Tice’s property, but would ask that more time and attention be given to the massing and detailing of the house, to fit into the existing fabric of this beautiful and well established neighborhood.

Thank you,

Scott Jaffa

² This is actually required by Salt Lake City Code Section 21A.52.040(A)(1)(g)(7) that states that an application must include a plan or drawing that shows the “[l]ocation of trash receptacles.”

From: [marjean mckenna](#)
To: [Miller, Caitlyn](#)
Cc: [scott jaffa](#); [andi olsen](#); [terese walton](#); [kevin watt](#)
Subject: (EXTERNAL) 1400 E. Federal Way Petition #PLNPCM2020-00465
Date: Sunday, July 26, 2020 12:01:12 PM

RE: Petition #PLNPCM2020-00465

Dear Ms. Miller and the Salt Lake City Planning Division,

I object.

Thank you for the opportunity to comment on the proposed rebuild next door to me. I say “rebuild,” not “remodel,” as the petition cites, because, except for the foundation, the house is to be demolished.

This looks to me like a big box, devoid of character, looming over the sidewalk. The plans show no attempt to have any interesting or inviting features on the facade—nothing that would make it even slightly “compatible with the surrounding development” of the charming and historic Federal Heights subdivision. None of the new houses built in this subdivision in the last twenty years is this ugly—if all the new and rebuilds looked like this, the subdivision would have lost its historic charm. 4400 square feet on this small lot? Totally out of proportion. (points C and D of 21A.52.060: *general standards and considerations*)

This owner (landlord) has consistently demonstrated his lack of consideration for the well-being of his neighbors on Federal Way. We have no reason to believe that this construction project would show any respect toward us or the properties we have invested in. Please come back with a revised rendering that might suit the neighborhood and lot size.

Marjean McKenna
1408 E. Federal Way


Andrea & Lance Olsen
1409 E. Federal Way
Salt Lake City, UT 84102

30 July 2020

Salt Lake City Planning Department
451 South State St., Room 406
Salt Lake City, UT 84114-5480
zoning@slcgov.com

**Olsen Response to the NOTICE OF APPLICATION 1400 East Federal Way (Geoff Tice, owner)
(Petition # PLNPCM2020-00465)**

Dear Salt Lake City Planning Department,

Thank you for the opportunity to respond to the Notice of Application to build a new home, possibly with a 6 ft. 6 in. height variance, at 1400 E. Federal Way (Petition # PLNPCM2020-00465).

My husband's and my understanding is that the new, modern-style house, with its variance, must be in compliance with the list of items A – G from Chapter **21A.52.060: General Standards and Considerations for Special Exceptions** of the Zoning Ordinance in order to be approved. The plans submitted by owner Geoff Tice do not appear to fulfill some of these requirements.

Comment 1:

C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

Indeed, there are modern homes in the neighborhood that have incorporated quality materials; aesthetic design elements; and a level of architectural detail, structural articulation and landscaping, all of which add character and harmonize with the diverse architectural conversations that occur within our beautiful and distinct neighborhood. It is therefore important that the new build at 1400 E. Federal Way blend into the existing character of the streetscape and neighborhood in these ways as well. However, it doesn't.

For instance, if one compares Image #1—the exterior front of a modern home a couple blocks away—with Image #2—the plan of the exterior front of 1400 E. Federal Way—one sees that the former exemplifies what I've described above, whereas the latter shows a tall, two-story (in front; three-story in back) flat-roofed box with a stucco, windowless first floor, and a (manufactured?) wood-slatted & stucco second floor with three small apartment-style windows, all of which together look more like a non-descript back side of a house, particularly if the garbage and recycling cans remain in their current position on the driveway. This plan does not

engage in an architectural conversation with the other homes on the street, nor in the neighborhood, but rather seems better suited for one of the new housing developments popping up in other areas of, and adjacent to, Salt Lake City.

Image #1: Front of modern home in neighborhood:



Image #2: Front plan for new house at 1400 Federal Way:



(For neighborhood context, please see Google Map images of other homes on E. Federal Way attached at the end of this letter.)

Most architectural plans my husband and I have viewed with respect to other projects, have included visual renderings of what the final structure will look like from various angles. Would it be possible to request that Geoff Tice provide these so that we can have a better sense of the colors, materials and location of details (for instance, there appears to be no exterior lighting; where will the garbage and exterior AC unit be located; what will the landscaping look like surrounding the house [if tree branches are trimmed, which ones]; where is the drainage for surface run-off?)?

As well, it would be helpful to see different-angled renderings that place the new house within the context of the surrounding houses (on Federal Way and in the alley), to see how Geoff Tice envisions his project.

Comment 2:

D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

Since the current plan isn't compatible with the surrounding development of neighboring properties, construction of the proposed special exception for the 6' 6" variance in height is also not compatible.

Comment 3: *B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.*

While it would be difficult at this point to assess any diminishing impact this new house might have on the property value of neighboring homes, recent home sales on Federal Way and around the corner on E. South Temple range from approximately \$750,000 to \$1million, to the best of my husband's and my knowledge.

The plan submitted for 1400 E. Federal Way does not appear to incorporate the kinds of quality materials and attention to detail that would warrant an equivalent price (based on lot size & square footage). If that's the case, then it *could* affect the property value of surrounding homes.

Comment 4:

E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

One of the most treasured and recognizable features of our neighborhood is the large number of older mature trees. These bring shade, beauty and historic character into the area. Because of their significance in defining our neighborhood, the health of these trees is a top priority.

It's encouraging to see that no existing trees would be removed to build the new house at 1400 E. Federal Way. However, if the height variance were to be approved, it looks to us as though several large branches of existing mature trees (including on neighboring properties) might need to be cut off to accommodate the extra height of the house. Therefore, the construction of the new home could impact the health and even the survival of these trees.

Would it be possible to require an assessment (perhaps from two sources...a city arborist and a private arborist?) of the impact that removing such large limbs from these trees might have?

In addition, what measures will Geoff Tice take to assure the protection of existing trees and fences?

Images #3 & #4 below show current house located at 1400 Federal Way, and the proximity of mature branches & trees to this house.

Image #3:



Image #4:



Comment #5:

F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

Hazardous materials: Is there a plan to test the existing home at 1400 E. Federal Way for asbestos before any demolition starts, since the airborne dust is hazardous and causes cancer?

Also, given when the current home was built, might it be prudent to test for lead-based paint before demolition?

Light pollution: Would it be possible to find out more information from Geoff Tice about what color and kind of material he'd be using on the flat roof? Perhaps provide a sample? The reflective quality of the flat roof could potentially create light pollution, which could impact the character of the neighborhood and people's appreciation of the charming lamp-post lit street, not to mention affecting the two neighboring homes by bringing unwanted light into those homes.

Noise pollution: Please confirm that the flat roof would be a roof and not a deck. If it were a deck, nuisance and noise pollution could result from the sound of people on top of the house broadcasting in all directions, particularly if music is playing.

Other questions:

In addition to responding to items A-G in the Zoning Ordinance, my husband and I have the following concerns about the logistics of the new build. Our hope is that, as a courtesy to his neighbors, Geoff Tice might be able to present this information so that we have an understanding of what to anticipate. It would be greatly appreciated.

- 1) What are the start and completion dates for the project?
- 2) Approximately how many months will the exterior noise last (demolition, construction) until the construction moves inside the structure? My husband and I both have home offices that face 1400 E. Federal Way, so we will plan to move our offices into a small basement room for the duration of this phase. Therefore, it would help us to know what to expect.
- 3) While noise and nuisance are inevitable and understandable during any building project, would it be possible to compromise and change the timing of the workday from 7 a.m. - 7 p.m. to 8 a.m.- 8 p.m. during the exterior demolition & construction part of the project? This is a quiet residential neighborhood, and, given the length of building a home, 7 a.m. is very early to start work.
- 4) Would it be possible to notify neighbors if/when construction will happen on weekends?
- 5) Geoff Tice has been the absentee landlord of 1400 E. Federal Way (he lives in Hawaii), which has at times resulted in putting the neighbors in the position of becoming *de facto* landlords. Over the past several years, we've needed to contact Civil Enforcement, the Landlord/Tenant Licensing Supervisor, Police Department, Parking Enforcement, Transportation, and Detective Gibic to report violations and grievances.

Will there be responsible oversight and accountability so that neighbors are not burdened with the clean-up or any other part of the building project?

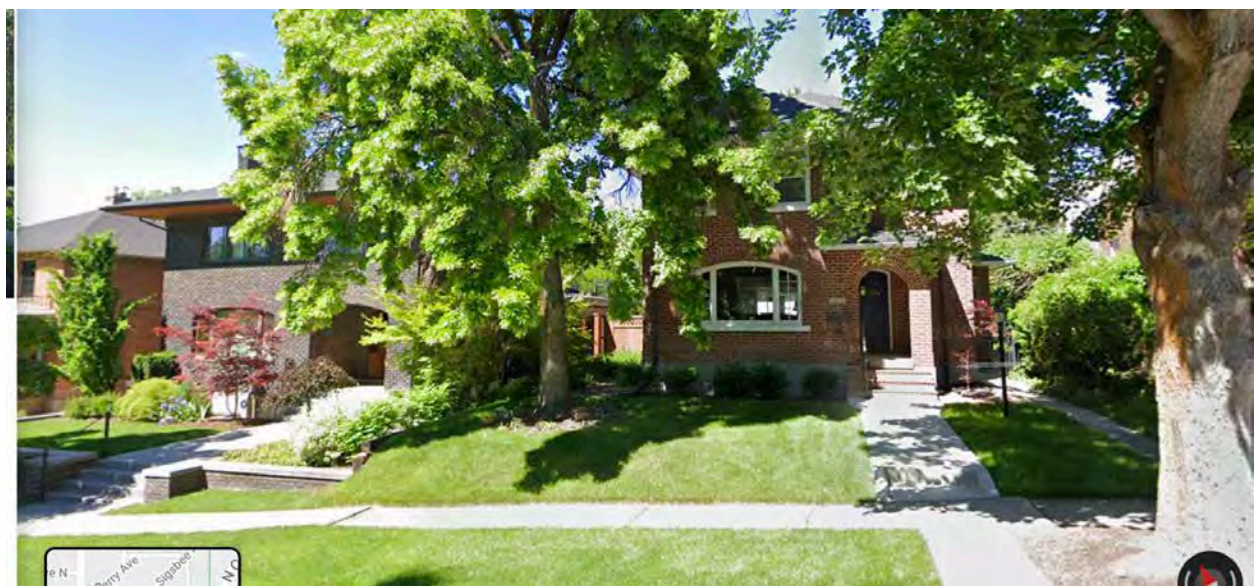
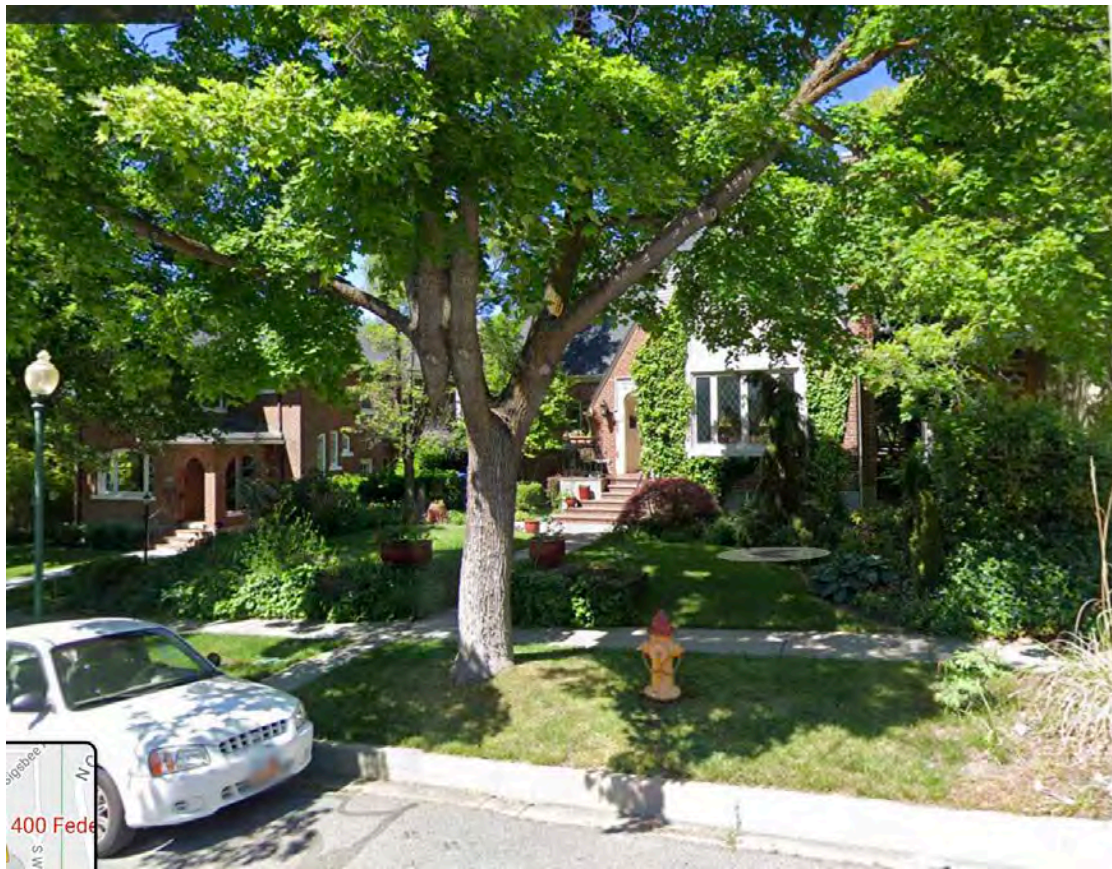
Thank you for your consideration of these matters, and for your time.

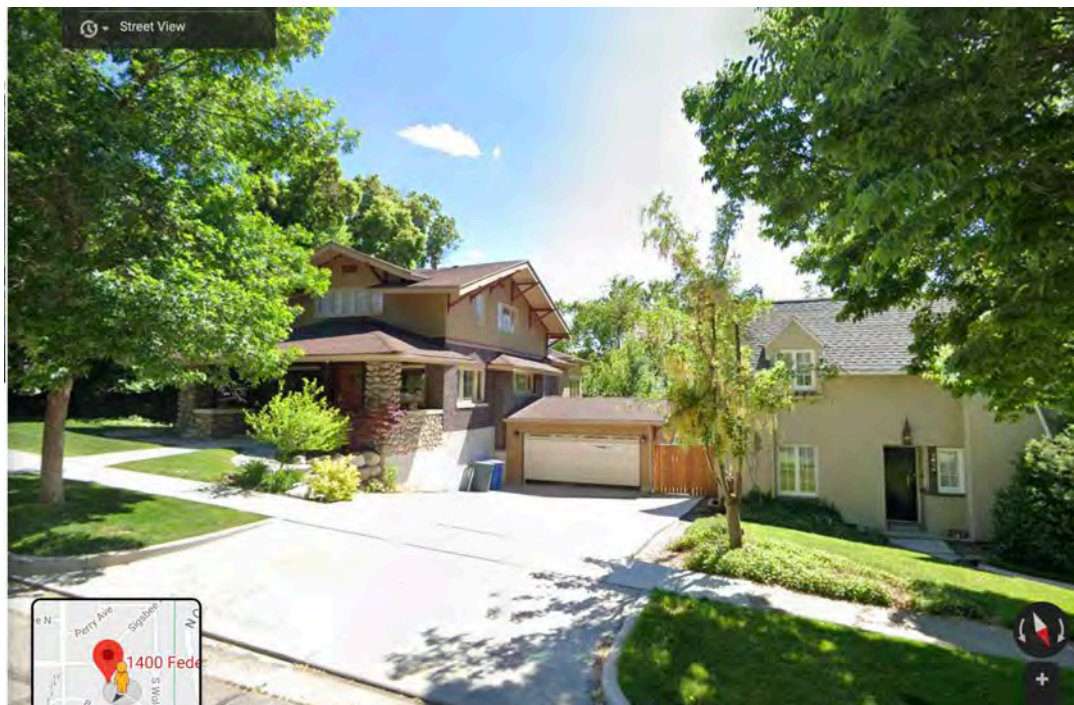
Best regards,

Andrea & Lance Olsen
1409 E. Federal Way

Google maps: Neighboring homes on E. Federal Way:







Terese and Mike Walton
1403 Federal Way
Salt Lake City, UT 84102

July 30, 2020

RE: Walton Response to the NOTICE OF APPLICATION 1400 East Federal Way (Geoff Tice, owner)
(Petition # PLNPCM2020-00465)

To Salt Lake City Planning Department:

Please note this letter is in response to the Notice of Application to build a new home, possibly with a 6 ft. 6 in. height variance, at 1400 E. Federal Way (Petition # PLNPCM2020-00465).

The subject property is located directly across the street from our home at 1403 Federal Way. We are extremely troubled about Mr. Tice's pending plans. And we are concerned that the home absolutely does not fit into the "development" of the neighborhood - including aesthetic design elements, architectural detail, structural articulation and landscaping, all of which add character to our neighborhood.

We would like to cite Sections A - D of Salt Lake City code: **21A.52.060: General Standards and Considerations For Special Exceptions**. After review of the property owner's submittal, it appears clear to us that the plans do not appear to comply with this code. From what we can analyze, the building materials, lack of windows, and the streetscape do not fit in with the other homes on Federal Way and the surrounding area. We would like Mr. Tice to consider the surrounding development.

Note it would be great to sit down with Mr. Tice to discuss the situation. We recognize there are many neighbors who share the same concerns.

Thank you for your consideration to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Terese Mike", written in a cursive, flowing style.

Terese and Mike Walton



Melissa Watt
1415 E. Federal Way
Salt Lake City, UT 84102

Salt Lake City Planning Department
451 South State St., Room 406
Salt Lake City, UT 84114
zoning@slcgov.com

Re: 1400 East Federal Way (Petition # PLNPCM2020-00465)

Dear Salt Lake City Planning Department,

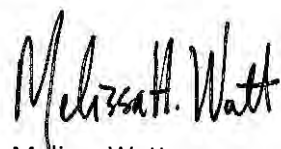
I am writing with concerns about Mr. Geoff Tice's petition for a height variance in the remodel of his home at 1400 E. Federal Way. My family and I are new residents in Salt Lake City, having moved from North Carolina in September. We decided to purchase a home on E. Federal Way due to its proximity to the university, the character of the older home, and beautiful treescape that graces the street. We are concerned that Mr. Tice's petition is not in character with the neighborhood and that it may potentially damage trees on the street.

When we were notified that 1400 E. Federal Way would be remodeled, we were initially very pleased. The house has been vacant for several months, and is clearly in disrepair. It is our understanding that Mr. Tice lives in Hawaii and that he has not been particularly engaged as a landlord. However, once we saw the plans proposed for the home we were very taken aback. This neighborhood is full of homes of great character, with intriguing architectural details and aesthetic design elements. One thing we particularly like about the homes on this street is that they are "neighborly", often with front porches or big street-facing windows that invite neighbors to get to know one another. Mr. Tice's rendering, however, is absolutely devoid of architectural details. It is essentially a large box, and does not even have windows on the first floor. We also note that his application for a height variance could likely require him to remove branches on trees that go into his property, potentially damaging those trees beyond repair.

Prior to approving this project, we would invite a conversation with Mr. Tice to get additional details about the project, and how the proposed design will integrate with the existing homes. Federal Way is a "gateway road" between downtown and the university, and special care should be given to retaining its charm and character. The street is a wonderful example of the beautiful homes that were built in this city in the early 1900s. It is our hope that a home will be built on the lot at 1400 E. Federal Way that conforms with the history and beauty of this street.

Thank you for your time in considering this.

Sincerely,

A handwritten signature in black ink that reads "Melissa H. Watt". The signature is written in a cursive, flowing style.

Melissa Watt

From: [Kathryn Fitzgerald](#)
To: [Miller, Caitlyn](#)
Subject: (EXTERNAL) Case # PLMPCM2020-00465
Date: Tuesday, October 20, 2020 12:28:44 PM

Dear Councilman Wharton,

I am adamantly opposed to making a special exception for additional building height to the home located at 1400 E. Federal Way. This increase in height would create a behemoth looming over the houses across the rear alley, which are already situated at a somewhat lower elevation. Our yards would become fishbowls under the gaze of the 1400 E. Federal Way property owners, destroying our privacy on our own property. If this case reaches the City Council, please do not allow this exception.

Kathryn Fitzgerald
1385 Butler Ave, Salt Lake City, UT 84102

ATTACHMENT F: DEPARTMENT REVIEWS

Zoning:

The project narrative appears to indicate the owner is eligible for the additional height, based on the ordinance and the other houses on the block face. The actual heights of the other houses should be documented. – Alan Hardman

Building:

The design package needs to be more clear and consistent regarding the scope of work. Sheet A0.1 states "Alterations to the second story and detached garage...Sheet A1.0 states that the house is to be demo'd except for the foundation - same for the garage.

The rest of the plans appear to be all proposed construction.

I see proposed electrical but no mechanical or plumbing. These are required to be part of the design package for review.

Also need a REScheck (energy compliance).

A complete structural package that coincides with the "to be clarified" scope of work.

At a minimum, the above items will be needed to be accepted at Prescreen. – Timothy Burke

Fire:

Site plans show existing garage to be demolished and new to be constructed, but no plans are shown for garage.

As long as there are no more than 2 R-3 or U occupancies on the parcel fire department access is acceptable.

Fire hydrants shall be located within 600-feet of all first story exterior portions of the structures on the property as measured by the drive route, using straight lines and right angles. – Douglas Bateman

**ATTACHMENT G: AGENDA, NOTICE, AND MAILING LIST FOR
THE PLANNING COMMISSION HEARING 10/28/20**

**JOINT MEETING
SALT LAKE CITY PLANNING COMMISSION & APPEALS (VARIANCE) HEARING
MEETING AGENDA**

**This meeting will be an electronic meeting pursuant to the
Salt Lake City Emergency Proclamation
October 28, 2020, at 5:30 p.m.**

(The order of the items may change at the Commission's discretion)

JOINT APPEALS HEARING AND PLANNING COMMISSION PUBLIC HEARING: As provided by City Code, a conditional use that includes a requested variance, may be heard simultaneously. Items 1 and 1A on the agenda will be heard during the same public hearing. After the public hearing is closed by the Planning Commission and concurred to by the Appeals Hearing Officer, the Commission will make a decision on the conditional use first, followed by the Appeals Hearing Officer.

This Meeting will **not** have an anchor location at the City and County Building. Commission Members will connect remotely. We want to make sure everyone interested in the meeting can still access the meeting how they feel most comfortable. If you are interested in watching the joint meeting, they are available on the following platforms:

- YouTube: www.youtube.com/slclivemeetings
- SLCtv Channel 17 Live: www.slctv.com/livestream/SLCtv-Live/2

If you are interested in participating during the Public Hearing portion of the meeting or in providing general comments, email; planning.comments@slcgov.com or connect with us on Webex at:

- <http://tiny.cc/slc-pc-appeals-10282020>

Instructions for using Webex will be provided on our website at SLC.GOV/Planning

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM
APPROVAL OF MINUTES FOR SEPTEMBER 30, 2020 AND OCTOBER 14, 2020
REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

Extensions of Previous Approvals: the commission will discuss granting a one-year extension to all land use applications that are set to expire during the current public health emergency. Due to City building being closed and city staff working remotely, increased construction costs due to disruptions with the supply chain, and the impact of the current pandemic, submitting required plans and documents necessary to avoid a land use approval from expiring is requiring a longer period of time. The Planning Commission may consider granting an extension for all land use approvals that require an approved extension from the commission.

PLANNING COMMISSION HEARING

1. **Conditional Use for an ADU at approximately 1977 South Scenic Drive** - Tim and Cathy Chambless, owners, request approval of a conditional use to establish a 1,313 square foot

Accessory Dwelling Unit attached to the rear of their home at approximately 1977 South Scenic Drive. The subject property is located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00620**

The Planning Commission will open the public hearing, which will serve as the public hearing for both the Planning Commission and the Appeals Hearing Officer.

VARIANCE HEARING

1A. Variance for an ADU at approximately 1977 South Scenic Drive – Tim and Cathy Chambless, owners, request the granting of a variance to allow a proposed Accessory Dwelling Unit to encroach between 13 and 15 feet into the required 35-foot rear yard at approximately 1977 South Scenic Drive. The subject property is located in the FR-3/12,000 Zone and is within Council District 6, represented by Dan Dugan. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNZAD2020-00490**

Note: The Appeals Hearing Officer will not make a decision on this matter during the meeting and will issue a decision at a later date.

Once the Appeals Hearing is closed the Planning Commission meeting will resume business.

PLANNING COMMISSION PUBLIC HEARING

- 2. Special Exception for Height at approximately 1400 East Federal Way** - Geoffrey Tice, applicant, requests a special exception for additional building height to add a second story to the home located at 1400 East Federal Way. By ordinance the maximum building height is 20' for flat roofs; the applicant is requesting special exception approval to build to 27'6" in height. The property is located within the R-1-5,000 Zone and is within Council District 3, represented by Chris Wharton. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00465**
- 3. Block 67 Changes to Building Design at approximately 131 South 300 West** - A request by Emir Tursic, architect, to modify the approved hotel building of the Block 67 development located at approximately 131 S 300 W. The Planning Commission approved the Conditional Building and Site Design Review and Planned Development on November 8, 2017. The proposed modifications include changes to the design and massing of the building and material changes. These changes are required by ordinance to be reviewed by the Planning Commission. The site is zoned D-4 (Downtown Secondary Central Business District). The subject property is located within Council District 4, represented by Ana Valdemoros. (Staff contact: Molly Robinson at (385) 226-8656 or molly.robinson@slcgov.com) **Case numbers PLNPCM2017-00448 & PLNPCM2017-00418**
- 4. Central Station West Apartments Planned Development & Design Review at approximately 577 West 200 South** - Eric Balls representing Gardner Batt LLC, has requested Planned Development and Design Review approval for the Central Station West Apartments project to be located at approximately 577 West 200 South. The proposed project is for a 65-unit apartment building on a 0.46-acre (20,000 square feet) parcel. The proposed building will be six stories in height. The property is located in the G-MU – Gateway-Mixed Use zoning district. The G-MU zoning district requires Planned Development approval for all new principal buildings and uses. In addition, Design Review approval has been requested in order to address some design aspects of the building including material choices,

the length of blank walls and street-level glass requirements on the west façade of the building. The proposal is located within Council District 4, represented by Ana Valdemoros. (Staff contact: David J. Gellner at (801) 535-6107 or david.gellner@slcgov.com) **Case numbers PLNPCM2020-00187 & PLNPCM2020-00647**

5. **Permitting Restaurants in the PL Public Lands Zoning District Text Amendment** - Mayor Erin Mendenhall has initiated a text amendment to the zoning ordinance pertaining to restaurant uses within the PL – Public Lands Zoning District. Under the current ordinance restaurants are allowed to operate as an accessory use only. The amendment would allow restaurants to operate as a principal use. The purpose of the PL district is to provide areas in the city for public uses and regulate the development of those uses. The proposed amendment affects section 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose Districts of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Amanda Roman at (385) 386-2765 or amanda.roman@slcgov.com) **Case number PLNPCM2020-00503**
6. **Billboard Ordinance Amendments** - The City Council is requesting amendments to the zoning ordinance regulations regarding billboards. The proposed amendments would modify city code to align with state law, eliminating the city's use of a "billboard bank" (a method for managing billboard relocations) to align more closely with Utah state law regulating billboards. The amendments would continue to prohibit new billboards. State law would regulate future billboard modification and relocation. The amendments also include specifics on size, height, and spacing of billboards, along with landscaping, when not already specified in the state law. The proposed amendments affect Chapter 21A.46 of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. The changes would apply Citywide. (Staff contact: Casey Stewart at (385) 226-8959 or casey.stewart@slcgov.com) **Case Number PLNPCM2020-00351**

OTHER BUSINESS

Chairperson and Vice Chairperson elections

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at slc.gov/planning/public-meetings. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

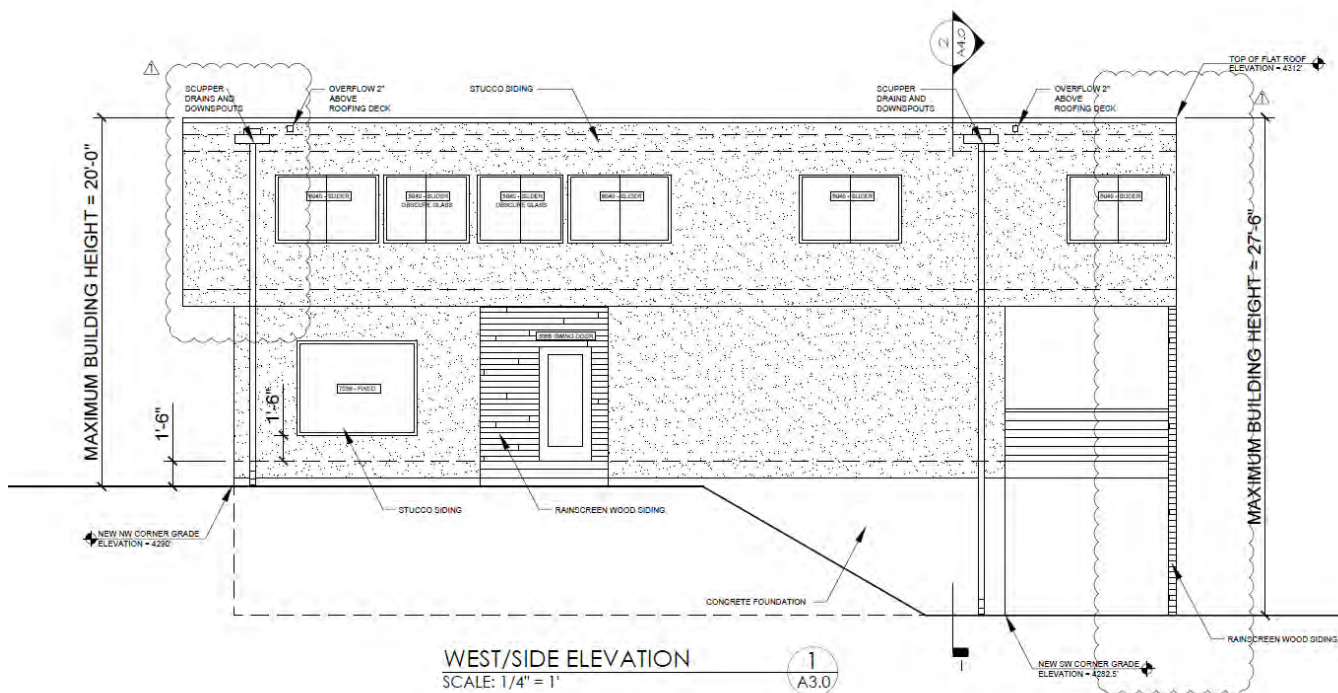
Agenda items may not be heard in the order listed. The Appeals Hearing Officer reserves the right to change the order of agenda items as deemed necessary. To request the files for the above items please contact the Staff Planner. Visit the Planning Division website at www.slcgov.com/planning/planning-public-meetings for copies of the Appeals Hearing Officer meeting/hearing agendas, staff reports and decisions. Staff reports will be posted the Friday prior to the meeting



NOTICE OF PUBLIC HEARING

Application Name: Tice Special Exception

Address: 1400 East Federal Way



Request: Geoffrey Tice, property owner, is requesting special exception approval for additional building height to add a second story to his home located at 1400 East Federal Way. The maximum height for flat roofs is 20' and the applicant is proposing construction to a height of 27' 6" at the rear of the proposed home. The property is zoned R-1-5,000 and is within Council District 3, represented by Chris Wharton.

A **Planning Commission** hearing will be held on **Wednesday October 28th** at 5:30 PM in an electronic meeting. The public is invited to participate and provide input. Information on how to attend the hearing is available at www.slc.gov/planning. You may also contact Caitlyn Miller at **385-315-8115** or caitlyn.miller@slcgov.com if you have any questions, comments, or concerns.

APPLICATION # PLNPCM2020-00465



PLANNING COMMISSION MEETING

October 28, 2020, at 5:30 p.m.

This meeting will be an electronic meeting pursuant to the Salt Lake City Emergency Proclamation

A public hearing will be held on the following matter.

Special Exception for Height at approximately 1400 East Federal Way - Geoffrey Tice, applicant, requests a special exception for additional building height to add a second story to the home located at 1400 East Federal Way. By ordinance the maximum building height is 20' for flat roofs; the applicant is requesting special exception approval to build to 27'6" in height. The property is located within the R-1-5,000 Zone and is within Council District 3, represented by Chris Wharton. (Staff contact: Caitlyn Miller at (385) 315-8115 or caitlyn.miller@slcgov.com) **Case number PLNPCM2020-00465**

This Meeting will not have an anchor location at the City and County Building. Commission Members will connect remotely.

The Planning Commission meeting will be available on the following platforms:

- **YouTube:** www.youtube.com/slclivemeetings
- **SLCtv Channel 17 Live:** www.slctv.com/livestream/SLCtv-Live/2

Providing Comments:

If you are interested in participating during the Public Hearing portion of the meeting or provide general comments, email: planning.comments@slcgov.com or connect with us on WebEx at:

- <http://tiny.cc/slc-pc-appeals-10282020>

For instructions on how to use WebEx visit: www.slc.gov/planning/public-meetings

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at slc.gov/planning/public-meetings. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

ALAN N & KATHLEEN K LINDSAY TRUST 08/05/2019 1371 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	TRUST NOT IDENTIFIED 1383 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	JAELYNN WILLIAMS 1393 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102
TRUST NOT IDENTIFIED 1403 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	PERRY & KATHERINE BANKHEAD LIVING TRUST 10/17/2018 1425 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	SALT LAKE CITY CORPORATION PO BOX 145460 SALT LAKE CITY UT 84114
MARTY BILJANIC 136 E 7720 S MIDVALE UT 84047	TRUST NOT IDENTIFIED PO BOX 581494 SALT LAKE CITY UT 84158	ELIZABETH MASON 1370 E BUTLER AVE SALT LAKE CITY UT 84102
JK2 GOODELL LLC 4057 BRANIGAN CT TIMNATH CO 80547	RULON D BROWN; DAPHNE S BROWN (JT) 1386 E BUTLER AVE SALT LAKE CITY UT 84102	HEIDI D WOODBURY; TODD K WOODBURY (JT) 1392 E BUTLER AVE SALT LAKE CITY UT 84102
HOLLY L AUSBECK 1400 E BUTLER AVE SALT LAKE CITY UT 84102	AMY HART REDFORD 1354 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	PATRICIA H BOWER; GINGER LYNN BOWER 1360 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102
BUFFMIRE LEGACY TRUST 12/16/2019 1370 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	DAVID D SHUPE; MARIANNE M SHUPE (JT) 1380 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	DAVID A MOORE; SHEILA H MOORE (JT) 1388 E FEDERAL WY SALT LAKE CITY UT 84102
SJ LIV TRUST; SH LIV TRUST PO BOX 681868 PARK CITY UT 84068	GEOFFREY JUN TICE; CAROL DYER (JT) 55-085 NAUPAKAST LAIE HI 96762	MARJORY J MCKENNA 1408 E FEDERAL WY SALT LAKE CITY UT 84102
MICHAEL R HIBBARD 1414 E FEDERAL WY SALT LAKE CITY UT 84102	CAROL L OWEN TRUST 02/09/2011 1418 E FEDERAL WY SALT LAKE CITY UT 84102	TRUST NOT IDENTIFIED 1430 E FEDERAL WY SALT LAKE CITY UT 84102
R&AB FAM TRUST 27 S UNIVERSITY ST SALT LAKE CITY UT 84102	O'RIRIE INVESTMENT LLC 1364 S KRISTIE LN SALT LAKE CITY UT 84108	SIEGEL FAMILY REVOCABLE TRUST 02/16/2018 1361 E BUTLER AVE SALT LAKE CITY UT 84102
ELAINE D LARSEN TRUST 04/02/2018; BONITA K LANTZ PO BOX 9094 SALT LAKE CITY UT 84109	TRUST NOT IDENTIFIED 1373 E BUTLER AVE SALT LAKE CITY UT 84102	VENTURA ASSISTED LIVING LP 10 HIDDEN VALLEY RD ROLLING HILLS ESTS CA 90274

BRADLEY M ROSE; KIMBERLLY M ROSE (JT) 8162 TIANNA RD LOS ANGELES CA 90046	TRUST NOT IDENTIFIED 1385 E BUTLER AVE SALT LAKE CITY UT 84102	ERIC P SWENSON; MARY ANN SWENSON (JT) 1393 E BUTLER AVE SALT LAKE CITY UT 84102
POYOLSKY FAMILY TRUST 03/06/1998 1399 E BUTLER AVE SALT LAKE CITY UT 84102	NUTRIRE INVESTMENTS LLC 1403 E BUTLER AVE SALT LAKE CITY UT 84102	THOMAS N ARNETT; KRISTINE E CARSON (JT) 1409 E BUTLER AVE SALT LAKE CITY UT 84102
MARK T RASICH; MICHELLE M RASICH (JT) 1424 E FEDERAL WY SALT LAKE CITY UT 84102	SET FAM TRUST 1410 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	BRAD C BETEBENNER; LISA A YERKOVICH (JT) 1432 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102
TRUST NOT IDENTIFIED 1446 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	WILLIAM J DUBIEL; KALISTA H DUBIEL; VLADIMIR DUBIEL; CHARLOTTE M 26 S WOLCOTT ST SALT LAKE CITY UT 84102	MICHAEL J WALTON; TERESE G WALTON (JT) 1403 E FEDERAL WY SALT LAKE CITY UT 84102
LANCE OLSEN; ANDI OLSEN (JT) 1409 E FEDERAL WY SALT LAKE CITY UT 84102	KEVIN MICHAEL WATT; MELISSA HARPER WATT (JT) 1415 E FEDERAL WY SALT LAKE CITY UT 84102	MICHAEL R MARKUS 1419 E FEDERAL WY SALT LAKE CITY UT 84102
SPENCER DANIEL STEWART; TESSA MICHELLE STEWART (JT) 1421 E FEDERAL WY SALT LAKE CITY UT 84102	TOUCAN DEVELOPMENT LLC 3660 W CHINDEN BLVD GARDEN CITY ID 83714	MB TRUST 1404 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102
RESIDENT 1371 E SOUTHTEMPLE ST SALT LAKE CITY UT 84102	RESIDENT 1383 E SOUTHTEMPLE ST 84102	RESIDENT 1393 E SOUTHTEMPLE ST 84102
RESIDENT 1403 E SOUTHTEMPLE ST 84102	RESIDENT 1425 E SOUTHTEMPLE ST 84102	RESIDENT 1391 E SOUTHTEMPLE ST 84102
RESIDENT 41 S UNIVERSITY ST 84102	RESIDENT 1366 E BUTLER AVE 84102	RESIDENT 1370 E BUTLER AVE 84102
RESIDENT 1376 E BUTLER AVE 84102	RESIDENT 1386 E BUTLER AVE 84102	RESIDENT 1392 E BUTLER AVE 84102

RESIDENT
1400 E BUTLER AVE
84102

RESIDENT
1354 E SOUTHTEMPLE ST
84102

RESIDENT
1360 E SOUTHTEMPLE ST
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RESIDENT
1370 E SOUTHTEMPLE ST
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RESIDENT
1380 E SOUTHTEMPLE ST
84102

RESIDENT
1388 E FEDERAL WY
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RESIDENT
1394 E FEDERAL WY
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RESIDENT
1400 E FEDERAL WY
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RESIDENT
1414 E FEDERAL WY
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1418 E FEDERAL WY
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RESIDENT
1430 E FEDERAL WY
84102

RESIDENT
27 S UNIVERSITY ST
84102

RESIDENT
1355 E BUTLER AVE
84102

RESIDENT
1361 E BUTLER AVE
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RESIDENT
1363 E BUTLER AVE
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RESIDENT
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1399 E BUTLER AVE
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RESIDENT
1403 E BUTLER AVE
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RESIDENT
1409 E BUTLER AVE
84102

RESIDENT
1424 E FEDERAL WY
84102

RESIDENT
1410 E SOUTHTEMPLE ST
84102

RESIDENT
1432 E SOUTHTEMPLE ST
84102

RESIDENT
1446 E SOUTHTEMPLE ST
84102

RESIDENT
26 S WOLCOTT ST
84102

RESIDENT
1403 E FEDERAL WY
84102

RESIDENT
1409 E FEDERAL WY
84102

RESIDENT
1415 E FEDERAL WY
84102

RESIDENT
1419 E FEDERAL WY
84102

RESIDENT
1421 E FEDERAL WY
84102

RESIDENT
1427 E FEDERAL WY
84102

RESIDENT
1404 E SOUTHTEMPLE ST
84102

**ATTACHMENT H: EARLY NOTIFICATION LETTER AND
MAILING LIST 7/15/2020**

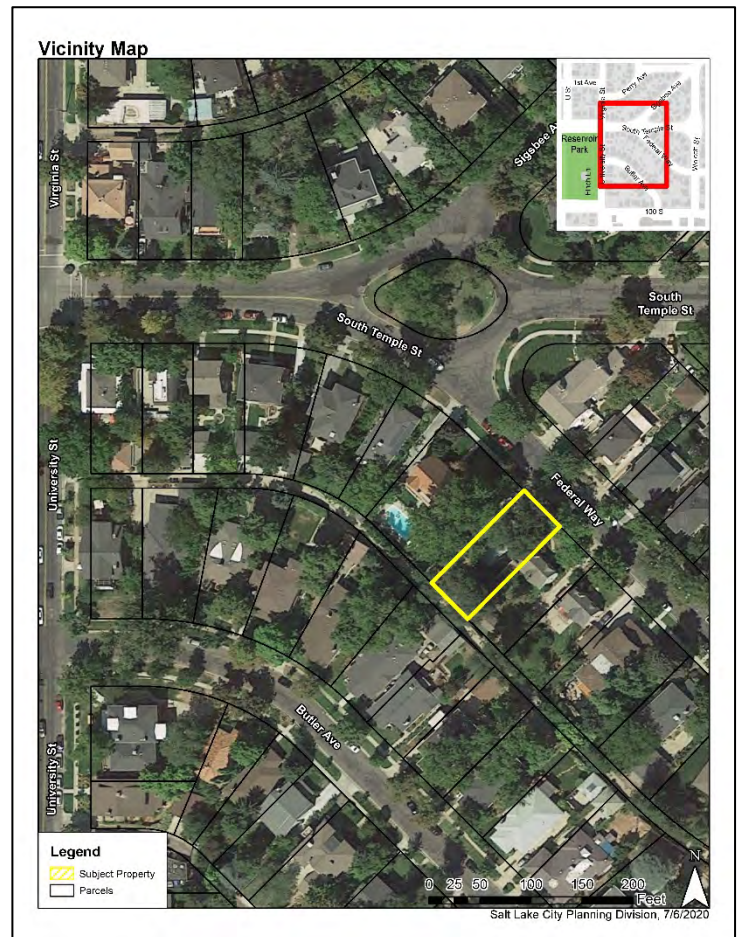


NOTICE OF APPLICATION
1400 East Federal Way - Petition # PLNPCM2020-00465
July 15, 2020

Dear Property Owners and Residents:

Pursuant to Sections 21A.24.070(D) and 21A.52.030(A) of the Salt Lake City Zoning Ordinance, this letter is to provide you notice of an application to request additional building height for a proposed new second story located at approximately 1400 East Federal Way. The property is zoned R-1-5000 Residential where the maximum allowed building height for flat-roofed structures is twenty feet (20'). The existing home is a single story dwelling; the Applicant is looking to remodel the home and add a second story. The front façade of the home will not be greater than twenty feet (20') in height but there is an existing walk-out basement at the rear of the home. With the walk-out basement and the new second story the rear elevation of the house will be approximately twenty six feet and six inches (26' 6"). The Applicant is Geoffrey Tice, who is also one of the property owners.

The application is being reviewed for compliance with the general special exception standards (21A.52.060). The associated standards are located on the back of this sheet. The Planning Director is required to provide a twelve (12) day public notice period prior to taking action on this application.



This application is being reviewed by the Planning Division. A decision concerning this project will be made by the Planning Commission at their public meeting. A notice of the date and time of this meeting will follow.

ADDITIONAL INFORMATION AND CONTACT:

The application details and associated plans can be accessed at <https://citizenportal.slcgov.com/citizen/Default.aspx>, by selecting the Planning tab, and entering the petition number **PLNPCM2020-00465**. If you have any questions, comments or concerns please contact Caitlyn Miller at (385)-202-4689 or caitlyn.miller@slcgov.com.

APPEAL PROCESS:

Any aggrieved party may file an appeal of an administrative decision within 10 days of the decision to the Planning Commission pursuant to Chapter 21A.52.120 of the Zoning Ordinance.

Salt lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hour in advance in order to inspect aforementioned application. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, or additional information, please contact the Planning Office at 535-7757; or relay service 711.

21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS

No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

- A. Compliance With Zoning Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.

SJ LIV TRUST; SH LIV TRUST
PO BOX 681868
PARK CITY UT 84068
CM

TRUST NOT IDENTIFIED
1373 E BUTLER AVE
SALT LAKE CITY UT 84102
CM

MICHAEL J WALTON; TERESE G WALTON (JT)
1403 E FEDERAL WY
SALT LAKE CITY UT 84102
CM

Current Occupant
1394 E FEDERAL WAY
Salt Lake City UT 84102
CM

Current Occupant
1377 E BUTLER AVE
Salt Lake City UT 84102
CM

Current Occupant
1409 E FEDERAL WAY
Salt Lake City UT 84102
CM

GEOFFREY JUN TICE; CAROL DYER (JT)
55 NAUPAKA ST
LALE HI 96762
CM

VENTURA ASSISTED LIVING LP
10 HIDDEN VALLEY RD
ROLLING HILLS ESTS CA 90274
CM

LANCE OLSEN; ANDI OLSEN (JT)
1409 E FEDERAL WY
SALT LAKE CITY UT 84102
CM

Current Occupant
1400 E FEDERAL WAY
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CM

Current Occupant
1381 E BUTLER AVE
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Current Occupant
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MARJORY J MCKENNA
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LOS ANGELES CA 90046
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