Staff Report

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Salt Lake City Appeals Hearing Officer

From: Aaron Barlow, Principal Planner
aaron.barlow@slcgov.com 801-535-6182

Date: March 21, 2024

Re: PLNAPP2024-00140 – Appeal of Planning Commission's Decision regarding Capitol Park Cottages Planned Development (PLNPCM2021-00656) and Preliminary Plat (PLNSUB2021-01175)

Appeal of Planning Commission Decision

PROPERTY ADDRESS: 675 North F Street
PARCEL ID: 109-30-455-021-0000
GENERAL PLAN: Avenues
ZONING DISTRICT: SR-1 Special Development Pattern Residential

APPELLANT: J. Craig Smith of Smith Hartvigsen, PLLC, representing Preserve Our Avenues Zoning (a recognized community organization)

APPEAL REQUEST:

Attached is the documentation submitted for an appeal (PLNAPP2024-00140) regarding the Planning Commission's decision to approve the Planned Development and Preliminary Plat requests associated with a residential development known as Capitol Park Cottages located at approximately 675 North F Street (PLNPCM2021-00656 & PLNSUB 2021-01175).

BACKGROUND AND PROJECT DESCRIPTION:

Peter Gamvroulas, representing Ivory Development, submitted Planned Development and Preliminary Plat applications for a residential development known as Capitol Park Cottages for the property located at approximately 675 North F Street. The property is roughly 3.2 acres (139,740 square feet) in size and sits within the SR-1 Special Development Pattern Residential District. The proposed project would consist of 21 residential lots accessed by a private street. Houses on the site would consist of both single-family and twin-home dwellings.

Several key features of the proposal required relief from zoning regulations and, therefore, Planned Development approval from the Planning Commission as required by section 21A.55 of the Salt Lake City Zoning Ordinance. The application included requests to modify standards related to lots without frontage on (or direct access to) a public street, minimum lot area, building coverage (on a single lot), setbacks, and driveway width. All requested modifications are listed in the staff report found in Attachment 2.

Planning staff determined that the proposal met the applicable standards and objectives for Planned Development and Preliminary Plat approval. Those findings are listed in the staff report included in Attachment 2. Staff concluded that the Capitol Park Cottages proposal "result[ed] in a more enhanced product than would be achievable through strict application of land use regulations" and that it was "compatible with adjacent and nearby land development;" they, therefore, recommended that the Planning Commission approve the request.

PLANNING COMMISSION DECISION:

The Planning Commission heard the request at their January 24, 2024, meeting. A video recording can be viewed online. The public hearing begins at 15:40 and ends at 2:11:50. The meeting minutes are included in Attachment 3.

The Planning Commission approved both the Planned Development petition and Preliminary Plat related to the Capitol Park Cottages proposal. Their decision was based on the findings listed in the Planning staff's report, the information presented at the meeting, and input received during the public hearing. They concurred with Planning staff's determination that the proposal met the applicable standards, objectives, and intended purpose of Planned Development and Preliminary Plat requests.

BASIS FOR APPEAL:

Attachment 5 includes the appellant's application and brief, and Attachment 7 includes the City Attorney's brief responding to the appeal. Ivory Development also responded to the appeal. Their document is included in Attachment 6.

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

ATTACHMENTS:

1. Vicinity Map
2. Staff Report, Motion Sheets, and other Materials Provided to the Planning Commission
3. Minutes from the Planning Commission Meeting on January 24, 2024
4. Record of Decision Letter
5. Appeal Application and Documentation from Appellant
6. Ivory Development's Response to Appeal
7. City Attorney's Brief

ATTACHMENT 1: Vicinity Map

ATTACHMENT 2: Staff Report, Motion Sheet, and Other Materials

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Staff Report

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Aaron Barlow, Principal Planner, aaron.barlow@slcgov.com, 801-535-6182
Date: January 24, 2024
Re: **PLNPCM2021-00656**– Capitol Park Cottages Planned Development
PLNSUB2021-01175 – Preliminary Subdivision Plat for Capitol Park Cottages

Planned Development & Subdivision

PROPERTY ADDRESS: 675 North F Street
PARCEL ID: 09-30-455-021-0000
MASTER PLAN: Avenues
ZONING DISTRICT: SR-1 Special Development Pattern Residential

REQUEST:

Peter Gamvroulas, representing Ivory Development, LLC, is requesting approval from the City to develop a 21-unit development consisting of a mix of single-family and twin home dwellings served by a proposed private street at the above-listed address. Currently, the subject property consists of undeveloped open space.

A. **Planned Development (PLNPCM2021-00656):** Through the Planned Development process, the applicant is seeking relief from required zoning regulations, including public street frontage for lots, lot size, lot width, setbacks, lot coverage, and driveway width.
B. **Preliminary Subdivision Plat (PLNSUB2021-01175):** Preliminary Plat approval is also required prior to establishing the Capitol Park Cottages Subdivision and its associated lots as proposed by the Planned Development application.

RECOMMENDATION:

Based on the information and findings listed in the staff report, Planning Staff finds, with the recommended conditions, that the proposal generally meets the Planned Development and Preliminary Subdivision Standards. Therefore, staff recommends that the Planning Commission approve the request with the following conditions:

1. Signage must be placed on the site indicating that the open space area is accessible to the public.
2. The proposed external ADU on lot 21 cannot be optional and must be established as an ADU according to relevant zoning requirements.

ATTACHMENTS:

A. Vicinity Map
B. Submitted Materials
C. Property and Vicinity Photos
D. Zoning Standards Review
E. Subdivision Standards Review
F. Planned Development Standards
G. Supplementary Material
H. Public Process & Comments
I. Department Review Comments

PROJECT DESCRIPTION

This is a proposal to subdivide and develop the ~3.2-acre (~139,740-square-foot) property located at approximately 675 North F Street into 21 residential lots and a private street. Dwellings proposed on the site would consist of both single-family and twin home dwellings. Several key features of the proposal require relief from zoning regulations and, therefore, Planned Development approval from the Planning Commission, including lots without frontage on (or direct access to) a public street, lot dimensions, setbacks, and driveway dimensions. A complete list of all requested modifications to zoning regulations can be found in this report's Approval Process and Commission Authority section. Most of the proposed dwellings (20 of the 21) would include space within the building available for use as an accessory dwelling unit (ADU). The remaining property would include an exterior ADU separate from the main building (see the submitted plans in Attachment B for additional details). In addition to the proposed houses, the development would include two associated parcels intended for open space accessible to the public, stormwater management facilities, visitor parking, and storage for snow.

Quick Facts

Number of Units: 21 dwelling units

Building Types: 7 detached (stand-alone) single-family dwellings, & 14 twin home (duplex-style) dwellings

Number of ADUs: 1 external unit, & potentially up to 20 internal units

Parking: 82 spaces. 4 visitor spaces, 42 for primary dwellings, 36 for ADUs

Max Building Height: 28 feet

Review Process & Standards: Planned Development review, Preliminary Subdivision standards, SR-1 zoning Standards, general zoning standards

Current Conditions

The project site has remained vacant for many years. Historically, it functioned as open space for the Veterans Affairs Hospital (and later, the Primary Children's Hospital Annex) Campus. For a time, the site was intended to be the site of a BYU Education Center. The maintenance building for the hospital campus was located on the project site until its demolition in 1999. Around that time, plans for the construction of a Ward building for the Church of Jesus Christ of Latter-day Saints on the site were approved but never carried out.

Maintenance building on subject site. ca. 1995

Vegetation on the site consists primarily of brush, grass, and weeds, with approximately 35 mature trees varying in size, species, and condition. Complaints about overgrown weeds and poorly maintained trees on the site have regularly been submitted to the City since at least 2002. The property's east frontage along F Street is unimproved, lacking curbs, gutters, and sidewalks.

1977 Aerial view of project site and vicinity

Subject site from Capitol Park Avenue

Neighborhood Context

Character

Residential in nature, the surrounding neighborhood is a mélange of architectural styles, building types, and densities. The Northpointe Estates Condominiums, to the north, contain 49 townhouse-style units approved as a Planned Unit Development in 1978. The Meridian at Capitol Park, to the south, was completed in 2008 as an adaptive reuse of the historic Veterans Affairs Hospital and contains 27 condominium units. One- and two-story single-family houses approved as Planned Development in 1995 occupy the space to the west. Across F Street, to the east, are three single-family houses and a duplex.

The Meridian at Capitol Park

Duplex building across F Street from subject property

Streets and Transit

Streets adjacent to the property are also a mixed bag. F Street, to the east, is a public street and terminates at Northpoint Estates' only entrance and exit. While 13th Avenue is a public right of way, Capitol Park Avenue, west of F Street, is a private street. Prior agreements recorded with the property grant one point of vehicle access to Capitol Park Avenue from the project site.

Two transit routes are within a half mile of the site. Stops for the F11 bus (running weekdays toward the University of Utah) are located on 11th Avenue. The 209 bus (a Frequent Transit Network route running every 15 minutes during most days of the week) runs along 9th Avenue and will take passengers to points south along 900 East.

View of F Street from intersection with 13th Avenue

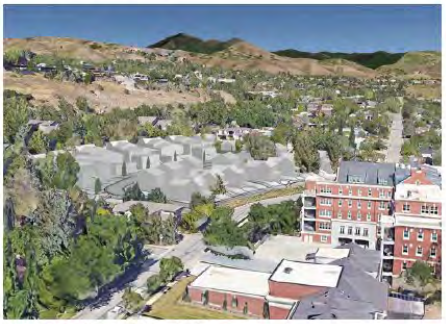
Project Details

The Capitol Park Cottages development proposal includes a mix of 21 single-family and twin home dwellings. Most of the project's perimeter would be dedicated as open space with a pedestrian path. A private street providing vehicular access to the units would cut through the development from F Street to Capitol Park Avenue.

Lot Layout

The site would be divided into 21 long, narrow lots oriented north to south. Because Capitol Park Avenue is a private street, only two (lots 1 and 21) would front a public street. The remainder would be located within the interior of the lot, accessed by the private street or the pedestrian pathway. The project, taken as a whole, meets the density limits, but the proposed lots generally do not meet the requirements of the SR-1 Special Development Patter Zoning District. They are smaller and narrower than allowed, requiring Planned Development approval.

View of F Street, looking north



View of Capitol Park Ave, looking west

URBAN DESIGN ASSOCIATES

ILLUSTRATIVE PLAN

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 60' 30 0 30 60 120 Feet

House Type

uhe proposal includes seven detached single-family and 14 twin home dwellings. Except for the two units facing F Street, the houses face outward from the private street. Space for optional internal ADUs is proposed for every unit except unit 21, which would feature a separate ADU/garage structure. Because most of the proposed lots are smaller than permitted within the SR-1 district, the area taken up by a building (lot coverage) within each is more than allowed. Modifying this standard requires Planned Development approval. However, it is important to note that when the proposal is taken as a whole, the total building coverage is within the limits of the district.

View of proposed units from Capitol Park Avenue

Street Access and Parking

The private street cutting through the planned development would provide access to each unit's driveway and garage. The sole connection to a public street would be located on the east end of the proposed development onto F Street. The project's other entry point would be located near its southwest corner, onto Capitol Park Avenue, a private street. A prior agreement, recorded with the property, between the Church of Jesus Christ of Latter-day Saints (the previous owner of the property) and the previous owners of the Meridian (who now own this portion of Capitol Park Avenue) grants one point of entry from the subject site onto the private right of way.

Plan view of proposed parking areas and private drive. Spaces marked with an "x" do not qualify for required parking.

Illustration of proposed private drive and parking areas

Parking for each unit (including any proposed ADUs) would be located within each unit's garage and driveway. Four additional visitor parking spaces (to be used as a plowed snow storage area during the winter) are located near the site's southwest corner. Overall, excluding the four visitor spaces, 78 parking spaces are proposed for the 21 units (and 21 ADUs). That is a ratio of 2 spaces per principal unit and 1.7 spaces per ADU.

Materials and Design

According to the materials submitted for this request, the design and form of the proposed dwellings are heavily influenced by houses typically found in the Avenues and other similar historic neighborhoods. The proposed dwellings will feature New Traditional architectural details reflecting Tudor, Craftsman, and Colonial Revival (among others) styles. Building materials will reflect typical exteriors of those styles, including brick, lap siding, half-timbering, and stucco. Porches will feature prominently on all street- and path-facing façades. Details and drawings of the proposed architectural features can be found in Attachment B with the applicant's submittal.

Open Space and Landscaping

The project includes roughly 25,600 square feet of open space that will be open to the public (as required by the conditions related to the rezone to the SR-1 district).

A walking path (called a "mews walk" in the submittal materials) would circle the project site—most of it through the proposed open space. The proposed open space and walking path would be heavily landscaped with shade trees, shrubs, and grass (both native and ornamental).

The proposed landscaping within the project site has been designed with privacy in mind. The perimeter would feature large trees (at maturity), dense grass, and shrubs. Instead of lawns, the proposal shows shrubs and trees within the spaces between units. The landscaping plans for the proposal can be found with the applicant's submittal materials in Attachment B.

Project History and Community Input

Initial Zoning/Master Plan Amendment Proposal – May 2020

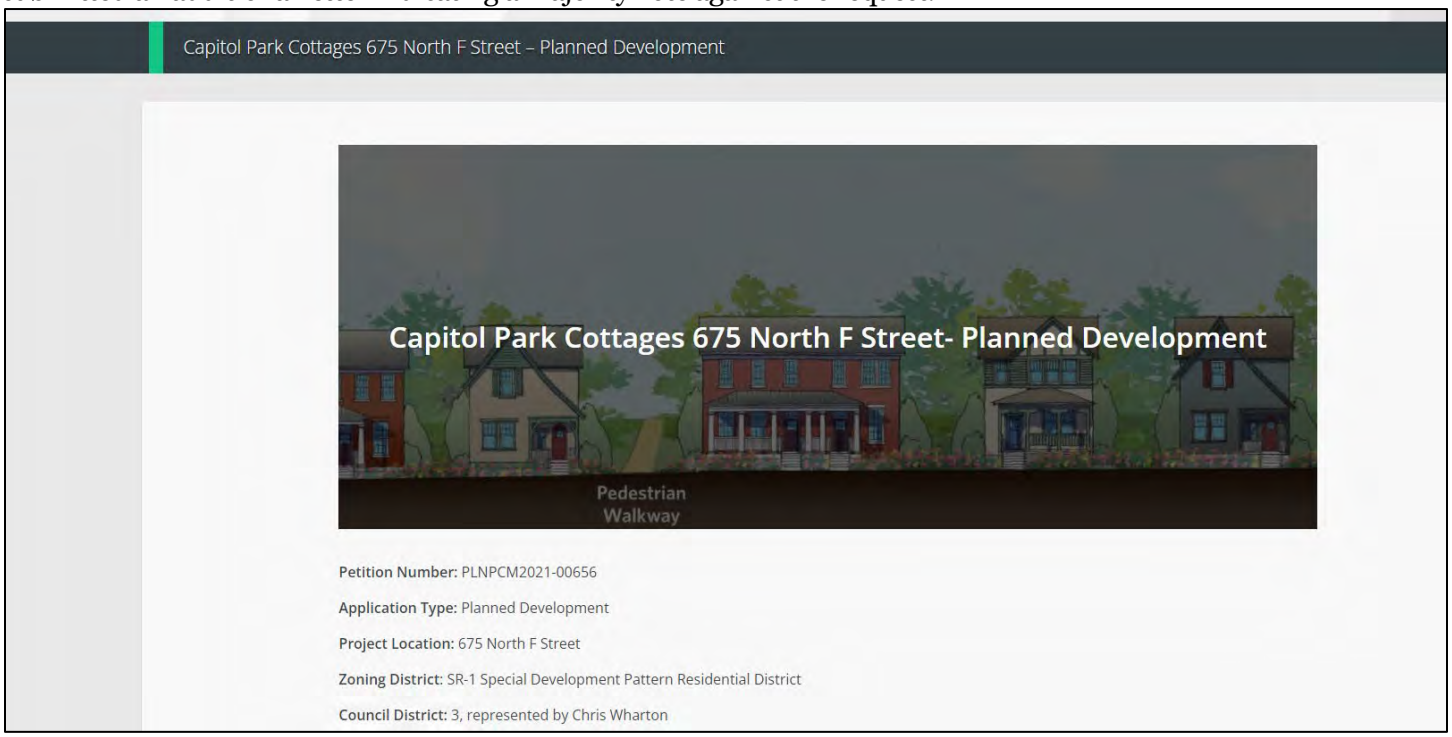
In 2020, the applicant submitted a request to rezone the subject property from the FR-3/12,000 Foothills Residential District. Initially, the applicant requested the FB-UN1 Form Based Urban Neighborhood 1 district. They also submitted a request to amend the Avenues Community Master Plan's Future Land Use Map (1987) designation of the property from *Very Low Density* to *Low Density*. Their submittal included a concept plan proposing 25 single-family homes with accessory dwelling units. Planning Staff sent the public engagement notice for that proposal in May 2020 to owners and occupants of properties within 300 feet and the Greater Avenues Community Council (GACC). A landing page for the project was also posted on the City Online Open House website. During the initial notice period and up to the end of 2020, Planning staff received roughly 175 letters/emails and a petition with over 2,000 signatures opposing the rezone. They also received nine letters supporting it.

Updated Zoning/Master Plan Amendment Proposal – February 2021

In January 2021, the applicant submitted an update with additional supporting documentation. They also reduced the number of units in their concept plan from 25 to 20 lots. Planning Staff shared this update with those who provided email addresses and with the community council, and a new 45-day period was given for additional input. About 190 letters in opposition and four in favor of the rezone were received in response to the update.

Third Revision – March 2021

In March 2021, the applicant further updated their proposal, changing the zoning request to the less-intensive SR-1 Special Development Pattern Residential District. An updated concept plan with revisions to setbacks and heights was shared online and via email with those who provided input, including the community council. In April, the GACC submitted an additional letter indicating a majority vote against the request.



Screenshot of Online Open House webpage

Initial Planned Development Submittal – November 2021

The applicant initially submitted this Planned Development application in November 2021 with the intention of concurrent review with their other applications. However, due to the level of input and concern from the community, they placed the request on hold until a decision could be made regarding their rezone and master plan amendment requests. However, before the request was placed on hold, Planning staff did begin the 45-day notification period and distributed information to neighbors, community councils, and other parties that had requested updates. Staff received approximately 276 comments (272 opposed, 4 in support) on that proposal. All comments received before 2023 can be found in Attachment K of the rezone staff report.

City Council Decision and Conditions – December 2022

In December 2022, the Salt Lake City Council approved the rezone to SR-1 Special Development Pattern Residential and the associated change to a *Low Density* land use designation in the Avenues Community Master Plan (1987). With that approval, the Council also made the following conditions (which are further discussed in Key Consideration 2):

1. Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.
2. Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30′ from the corresponding rear or side property line.
3. Specify that the ADUs may not be used as short-term rentals, using restrictive covenants or another method deemed efficient and appropriate.
4. The open space area shown on draft drawings will generally be accessible to the community at large, with rules/management to be established by the HOA or other entity based upon the applicant's preference.
5. The City building approval and permitting process will be followed to build retaining walls on the property.

Current Planned Development Proposal – July 2023 to Present

In order to comply with the above-listed conditions, the applicant revised their development plan. They submitted updated plans in mid-2023, which were deemed complete in July. Because the new plans were so different from their 2021 submittal, Planning staff determined that another 45-day notification period would be necessary. The new proposal was distributed to the public via the following methods:

1. A project page on the City's Online Open House website,
2. Notification letters to all owners and occupants of property within 300 feet of the project site,
3. Official notices to the Greater Avenues Community Council and the Preserve Our Avenues Coalition, and
4. Emails to all persons who had previously provided input on or expressed interest in the project.

Initially, the Greater Avenues Community Council (GACC) invited the applicant and the Preserve our Avenues Coalition to present at their August 8, 2023, meeting. However, due to a miscommunication between the chair of the GACC, Planning staff, and Ivory Development, the applicant was unable to attend. To ensure that the community had a chance to review the plans in person, Ivory Development hosted an informational open house at the Corinne & Jack Sweets Library on August 23, 2023. Planning staff also attended to gather community comments and provide general information about Planned Development applications.

Planning staff received approximately 104 comments during the 45-day comment period (which can be found in Attachment H). Once it had ended (on August 28, 2023), Planning staff reviewed the proposal against the zoning regulations, subdivision requirements, Planned Development standards, and comments from the public. That review was forwarded to the applicant in late September 2023. Since then, Planning staff has met with the applicant several times to clarify comments and address concerns. Planning Staff also met with Preserve Our Avenues Coalition representatives to discuss the project and better understand their concerns. Planning staff received updated plans from the applicant in December 2023. Those plans were posted to the Online Open House webpage and also distributed to the community councils and interested individuals.

APPROVAL PROCESS AND COMMISSION AUTHORITY

Review Process: Planned Development and Preliminary Subdivision Plat

The applicant has requested Planned Development approval from the Planning Commission for modifications of the following requirements:

1. **Lot Frontage on Public Streets:** 21A.36.010.C, which requires all lots to have frontage on (or touch) a public street.
2. **Minimum Lot Area:** 21A.24.080.C, which requires 5,000 square feet per single-family lot and 4,000 square feet per twin home lot (half of a building with two units sharing a wall).
3. **Lot Width:** 21A.24.080.C, which requires 50 feet for a single-family lot and 25 feet per twin home lot (half of a building with two units sharing a wall).
4. **Front Yard Setbacks:** 21A.24.080.E.1.a, which requires the front of new buildings to project no farther than either the average depths of the block face or 20 feet from the front lot line (if no other buildings are present).
5. **Interior Side Yard Setbacks:** 21A.24.080.E.3. which, for single-family dwellings, requires buildings to be no closer than 4 feet from a side lot line on one side and 10 feet from a side lot line on the other.
6. **Rear Yard Setbacks:** 21A.24.080.E.4, which requires 25% of a lot's depth (not less than 15 feet and no more than 30 feet).
7. **Maximum Building Coverage:** 21A.24.080.F, which limits the surface coverage of all buildings to 40% of a lot.
8. **Driveway Width:** 21A.44.060.A.6.c.(3), which limits the width of driveways in the SR-1 district to 22 feet.

The proposed project will need to meet the Planned Development standards found in section 21A.55.050 of the zoning ordinance (An analysis of these standards can be found in Attachment F) in addition to all other relevant zoning requirements that would not be modified by approval of this request.

Preliminary Subdivision approval is also required for this request. The proposal has been reviewed against the standards for Preliminary Subdivision standards found in section 20.16.100, as well as the design standards found in 20.12 (see Attachment E).

KEY CONSIDERATIONS

Planning Staff identified the following Key Considerations through analysis of the proposal and from public comment:

1. Master Plan Compatibility
2. Compliance with Conditions from Rezone Approval
3. Requested Modifications & Planned Development Objectives
4. Wall Height in the SR-1 Zoning District
5. Public Comments and Concerns

Consideration 1 – Master Plan Compatibility

The proposed development is generally consistent with the adopted policies within the following plans:

- Housing SLC (Citywide Housing Plan, 2023)
- Thriving in Place – Salt Lake City's Anit-Displacement Strategy (2023)
- Plan Salt Lake (2015)
- Avenues Community Master Plan (2005)

A discussion of the relevant plans and policies can be found below:

***Housing SLC* (2023)**

Goal 1: Make progress toward closing the housing gap of 5,500 units of deeply affordable housing and **increase the supply of housing at all levels of affordability.** *(emphasis added)*

- Entitle 10,000 new housing units **throughout the city**. *(emphasis added)*

Discussion:

The Planned Development process is a zoning tool that provides flexibility for projects that would typically not be permitted through strict application of the zoning code. The proposed development is utilizing this process to allow more efficient use of the subject property in a way that would otherwise be prohibited. The requested modifications to the zoning regulations will allow for more dwelling units on an otherwise underutilized lot, assisting with the need for additional housing within the city. Additionally, with the addition of pre-constructed space for accessory dwelling units

(ADUs), the proposed development would introduce a mix of household sizes and incomes to a part of the city that has lagged in new housing opportunities over the past decade.

***Thriving in Place – Salt Lake City's Anti-Displacement Strategy* (2023)**

Guiding Principle 3 – Increase Housing Everywhere: Create more housing overall, and more affordable housing specifically, while minimizing displacement and countering historic patterns of segregation.

Goal 3: Produce more housing, especially affordable housing.

- **Strategy 3B –** Make ADUs easier and less expensive to build.
- **Strategy 3C –** Facilitate creation of more diverse housing choices.

Discussion:

As already discussed, the applicant has requested flexibility through the Planned Development process to facilitate efficient development of the property. Because Capitol Park Avenue is a private street, the only part of the project site that abuts a public street is along the east property line at F Street. Without this process, the applicant would either have to dedicate a new public street through the site or limit the number of units. While the proposed development would be market-rate housing, it is still increasing supply, and Planned Development approval would enable the applicant to create new housing in a part of the city where new ownership opportunities are limited (due to affordability and site constraints).

The proposed ADUs that are a part of this proposal are an innovative attempt to fulfill strategy 3B. While more affordable than some other housing options, they can still be cost-prohibitive for some. By integrating a flexible space at construction, the applicant can help reduce the overhead that comes with new (internal or external) ADUs. Future residents will be able to supplement their income *and* provide a housing option (one bedroom/studio) not typically found in the Upper Avenues. While a future resident would still be allowed to install an ADU without the space proposed by the applicant, it would require a significant additional investment on their part.

Finally, the ADU element of the proposed development enables a mix of different housing options within a single neighborhood. It places one-bedroom/studio units right next to three-bedroom units, encouraging a mix of incomes and household sizes and supporting Strategy 3C.

***Plan Salt Lake* (2015) Applicable initiatives from the plan are below:**

2. Growth:

- Locate new development in areas with existing infrastructure and amenities, such as transit and transportation corridors.
- Promote infill and redevelopment of underutilized land.
- Accommodate and promote an increase in the City's population.
- Provide access to opportunities for a healthy lifestyle (including parks, trails, recreation, and healthy food).

Discussion:

The proposed development takes advantage of an underutilized property and would rely on existing infrastructure (after some relatively minor improvements) without requiring significant investment from the City. The project is located near outdoor recreational amenities within nearby City Creek Canyon and the foothills above the Avenues. A stop for the F11 bus (taking riders to the University of Utah) is a five-minute walk from the site, and a stop for the 209 bus (a Frequent Transit Network to points south) is roughly five minutes more.

Many comments from the public have noted that the "mews walk" path does not qualify as a trail. While staff agrees that the proposed walk does not have the same characteristics as a trail found in the foothills north of the project site, it does provide a recreation opportunity for those of the public who may have limited mobility or ability. The path will be paved with concrete and easily accessible from both F Street and Capitol Park Avenue. To ensure that it is clear that the path is open to the public, staff recommends that signage indicating such should be placed on the property.

3. Housing:

- Ensure access to affordable housing citywide.
- Increase the number of medium-density housing types and options
- Encourage housing options that accommodate aging in place
- Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented
- Enable moderate density increases within existing neighborhoods where appropriate

Discussion:
As mentioned earlier in this report, the subject property is located within a well-established neighborhood with an eclectic mix of housing types. The proposed development would bring (slightly) moderate density infill within a neighborhood that has the infrastructure and amenities to accommodate some growth. The flexible ADU spaces would provide units (studio and one-bedroom) not typically found within the vicinity of the site. If used as ADUs, the spaces would also provide smaller-scale units for families and individuals wishing to age in place.

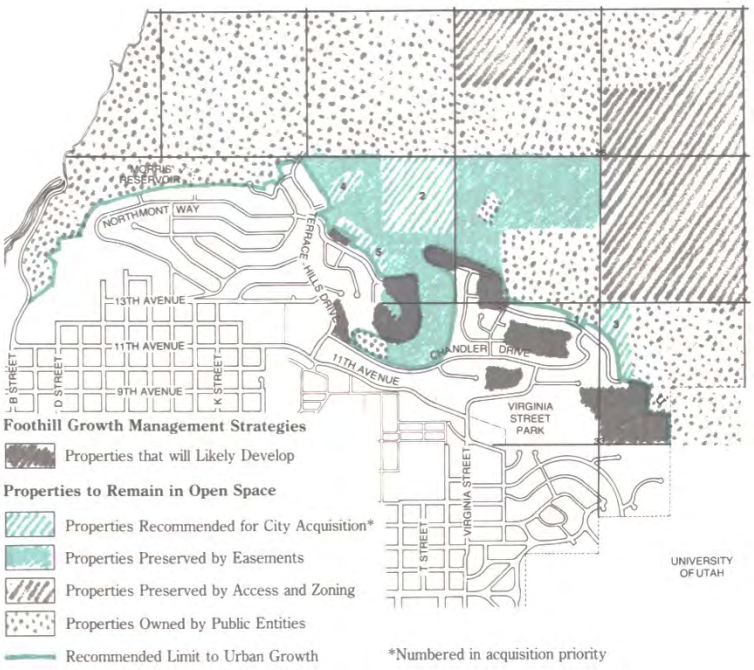
***Avenues Community Master Plan* (1987)**
Due to its age, some policies within the Avenues Community Master Plan do not fully align with related policies in the more recent plans discussed above (Plan Salt Lake, Housing SLC, Thriving in Place). Discrepancies between these plans illustrate how the City's priorities have changed over nearly 40 years in response to the shifting needs of the community.

Relevant Recommendations & Strategies:
Land Use – Planning Goal: *"Preserve the residential character and existing land use patterns in the Avenues Community. Special emphasis should be placed on regulating foothill development and preserving the historically significant sites and districts"* (pg. 2).

Land Use – Reduce Building Height Potential: *"...limit building heights to a 25-foot maximum for flat-roofed structures and 30 feet to the peak of a structure with a pitched roof" (pg. 2.)*

Land Use – Increase Lot Area Requirement: *"The city should consider increasing lot area requirements for duplexes in the "R-2" Zone to 7,000 or 8,000 square feet, with a minimum usable open space requirement of at least 600 square feet per unit in the rear yard" (pg.3).*

Discussion:
The proposed development would be residential in character, at a scale that fits the above recommendations. The proposed development would provide new housing options to the neighborhood and would not encroach into the foothill area delineated by the Avenues Community Master Plan. Proposed buildings facing existing public and private streets would reflect the character of an Avenues block in scale, spacing, and building design. The proposed development is consistent with the plan's relevant land use-related strategies.



Foothills Management Plan from Avenues Community Master Plan

Foothill Development and Protection – Planning Goal: *Preserve the city's natural mountainous backdrop and recreation opportunities the mountains provide. Devise a growth management program that includes strategies to help protect the foothills from continued urban encroachment" (pg. 4).*

Discussion:
The Avenues Community Master Plan established a recommended growth boundary line to ensure the preservation of the nearby foothills. That line sits along the north edge of the adjacent Northpoint Estates Condominiums property. The project site would not encroach into any area expected to be preserved by the plan.

Health Services – BYU Education Center: "*From the planning standpoint, land use at the Primary Children's Hospital and BYU Education Center properties should be low-density residential. These properties are on the fringe of a low-density residential community. Access to these sites is through narrow residential streets traversing relatively steep topography, and there are no retail services or other facilities to support uses other than residential" (pg. 9).*

Discussion:
***Note**: The subject site was previously known as the BYU Education Center site.*
When the City Council rezoned the subject property to the SR-1 district, its future land use designation was also changed to *Low Density Residential*. The SR-1 district and its density, lot size, and building height regulations are appropriate for the land use designation. When the proposed ADUs are also accounted for, the potential density of the site is no different than any other block in the Avenues within the SR-1A district (which, in many ways, is nearly identical to the SR-1 district).

Consideration 2 – Compliance with Conditions from Rezone Approval

When the rezone request was approved in December 2022, the City Council established five conditions with their approval. These conditions have been recorded with the property in a development agreement between the applicant and the City. The Planning Commission must ensure that each is met as part of their review. The development agreement and the ordinance adopting the rezone are included in this report, along with other supplementary material in Attachment G.

1. *Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.*

   Staff Analysis:
   Only one accessory structure is proposed with this request, and it would be located near the *east* property line.

2. *Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30′ from the corresponding rear or side property line.*

   Staff Analysis:
   The two proposed houses nearest to the west property line would have two stories and set back 30 feet.

3. *Specify that the ADUs may not be used as short-term rentals, using restrictive covenants or another method deemed efficient and appropriate.*

   Staff Analysis:
   The development agreement recorded on the subject property prohibits short-term rentals and enables the City to pursue legal action against any violating party.

4. *The open space area shown on draft drawings will generally be accessible to the community at large, with rules/management to be established by the HOA or other entity based upon the applicant's preference.*

   Staff Analysis:
   The applicant has indicated that the proposed open space at the southeast corner of the development and the area around the walking trail would be open to the public. To ensure this is clear to other residents and visitors, staff recommends that the applicant install signage indicating such.

5. *The City building approval and permitting process will be followed to build retaining walls on the property.*

   Staff Analysis:
   Plans submitted for this proposal show several retaining walls, most notably along the north property line. If the Planning Commission approves this proposal, the applicant will be required to comply with all relevant building codes and permitting requirements for the retaining walls proposed on the site.

Consideration 3 – Requested Modifications & Planned Development Objectives

The zoning regulation modifications requested by the applicant are listed in this report's Approval Process and Commission Authority section. The applicant is requesting several modifications to the zoning regulations as part of their development. Those are listed in the Approval Process and Commission Authority section earlier in this report. Generally, all of the modifications are related to meeting two Planned Development objectives involving open space and accessory dwelling units. Specifically, these include:

- "Clustering of development to preserve open space" and "recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar types of facilities."
- "Providing types of housing that help achieve the City's housing goals, including housing types not commonly found in the neighborhood but of a scale that is typical to the neighborhood."

The zoning modifications allow for better clustering of the homes to accommodate the open space on the perimeter of the site and to better accommodate houses that would support both families with children and the accessory dwelling

units. The Planned Development ordinance is focused on compatibility, particularly regarding the perimeter of the site and other highly visible aspects of the development. Several zoning requirements requested for modification will not be particularly visible and only affect units internal to the site, such as front yards along the private street and side/rear setbacks between proposed units. These modifications typically apply to internal facing setbacks. The setback modifications reduce the normal required yard areas for the homes but also allow for consolidating those yard areas into the external open space. As the modification relates to one of the objectives to cluster development and preserve larger open spaces, Staff recommends approval of the modifications.

The only exception is the requested reduction to the front yard setback of Lot 10. The proposed unit would be within 13 feet of Capitol Park Avenue--a point of concern brought up by some members of the community. The concern is that the two-story structure is too close to the street and out of character. Staff analyzed the character of the area and found that the south wall of the house to the west (the only other building on the block face and also two stories tall) is set back 17 feet from the street. While the front porch of unit 10 does sit closer to the street than the house to the west, the second story is set back 21 feet from the front property line (at its closest point). As illustrated by Figure 1, the two-story living space of unit 10 will sit farther back from Capitol Park Avenue than the house to the west.

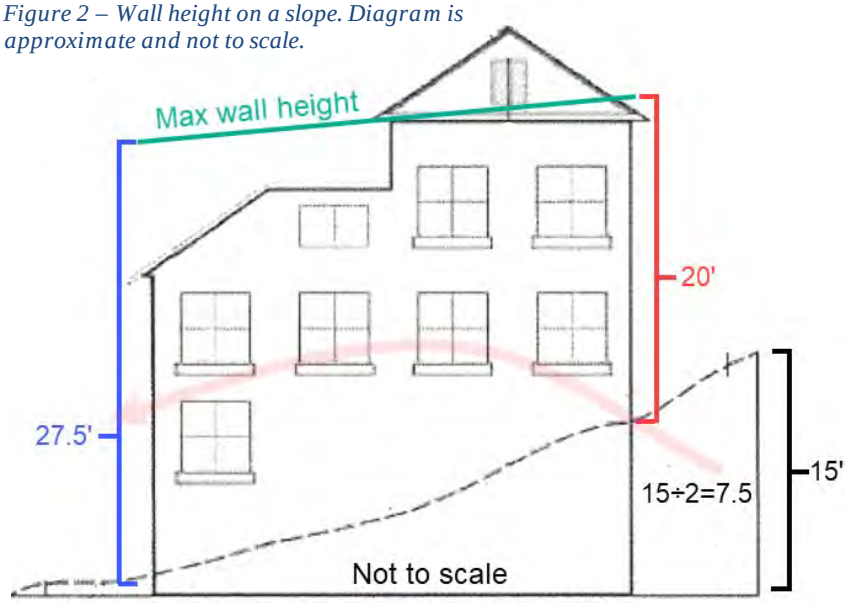
Figure 1 – Setback of unit 10 compared to 674 Caring Cove. Comparison is approximate and may not be to scale.

Consideration 4 – Interior Side Yard Wall Height in the SR-1 Zoning District

Walls adjacent to interior side yards on new buildings within the SR-1 district must comply with the wall height limit of 20 feet from the finished grade (see 21A.24.080.D.3.a in the Salt Lake City Zoning Ordinance). When a side yard setback is increased or reduced, the maximum wall height limitation is raised or lowered accordingly. For example, if a required setback is 10 feet but a project shows a 12-foot setback, then the maximum wall height may be increased to 22 feet. However, if a project provided an 8-foot setback, the maximum permitted wall height would be reduced to 18 feet.

The wall height requirements have an allowance for buildings on a slope (see 21A.24.080.D.3.a.(1)). If a property is on a slope, the wall height regulations permit the downhill portions of a wall to be taller than the maximum wall height to facilitate level floors and rooflines. The ordinance allows the downhill portion of the wall an increase in height of 0.5 feet for every foot of elevation drop. Figure 2 illustrates this method. In the diagram, a difference in height of 15 feet between the highest and lowest points of the elevation provides 7.5 of additional height to the downhill wall's 20-foot maximum (in blue). The max height for the uphill wall remains 20 feet (in red). The maximum height for the wall is established by drawing a line (in green) between the two height limits, and the proposed wall cannot exceed that line.

Figure 2 – Wall height on a slope. Diagram is approximate and not to scale.



The applicant has provided plans showing how the proposed development meets this height limit, which can be found in Attachment B.

Consideration 5 – Public Comments and Concerns

Staff received numerous emails from the public with comments and concerns about the proposed development. After reviewing the comments, staff identified various key recurring concerns, listed below. Some issues brought up by the community may be discussed in other sections of this report.

Affordable Housing

Input has been received about the proposed development not including affordable housing and, therefore, not helping the City's housing issues revolving around affordability. The developer has indeed not proposed to include income-restricted or subsidized "affordable housing" units in the project, and the homes themselves will likely not be affordable to income levels typically targeted for affordable housing. However, any additional housing supply helps address the City's housing issues. Although not the only driver of price increases, one of the most significant factors impacting housing prices is supply, and the lack of supply is driving all housing prices higher (Wood, Esick, 2018), especially for owner-occupied units (Molloy, Nathanson, & Paciorek, 2022). Any buyer of a new home here is one fewer bidder or buyer of an existing home in the City, reducing pressure on existing lower-priced housing stock to increase in price and gentrify. Research by the Kem C. Gardener Policy Institute at the University of Utah has shown that the affordability of housing in a community is significantly impacted by local land use decisions, especially those that restrict or expand density throughout a City (Wood, Eskic, Benway, & Macdonald-Poelman, 2020).

Also important to consider is that ADUs, while not necessarily providing "affordable housing" for targeted lower incomes, would still be rented for a lesser amount than a full single-family home in this area of the City. The research by the Kem C. Gardner Policy Institute, mentioned above, recommends ADUs as one of several best-practices that Cities can use to address housing prices (Wood, et al., 2020).

Accessory Dwelling Unit Experiment

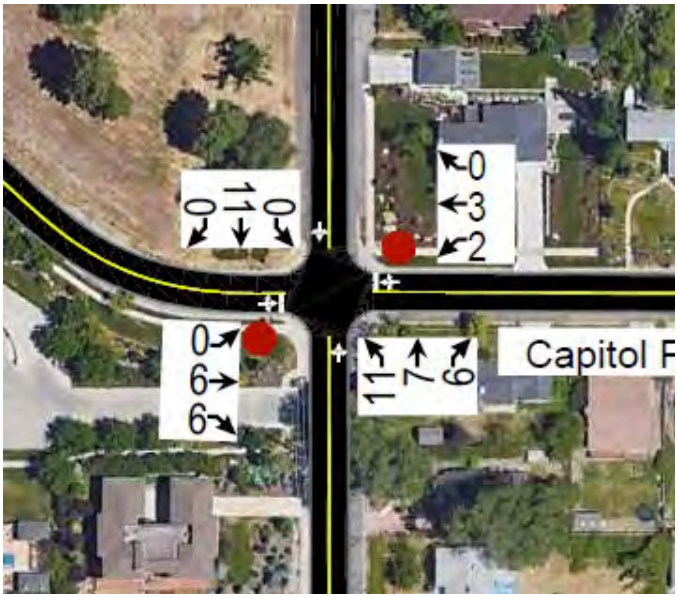
Many comments from the community raised concerns about including ADU spaces within the units. Specifically, concerns have been brought up that allowing the ADUs essentially doubles the density of the site. Their letter (included with Attachment H) argues that the additional ADUs, at the scale proposed, should require approval by the City Council. Staff's review of the ADU regulations found that they "[do] not count towards the density allowed in the underlying zoning district." Meaning they are exempt from the density requirements of the SR-1 zoning district. As noted earlier in this report, the proposed ADU will be beneficial to the community and the development (see Key Consideration 3). They also enable the proposal to support goals and objectives established within adopted plans (see Key Considerations 1).

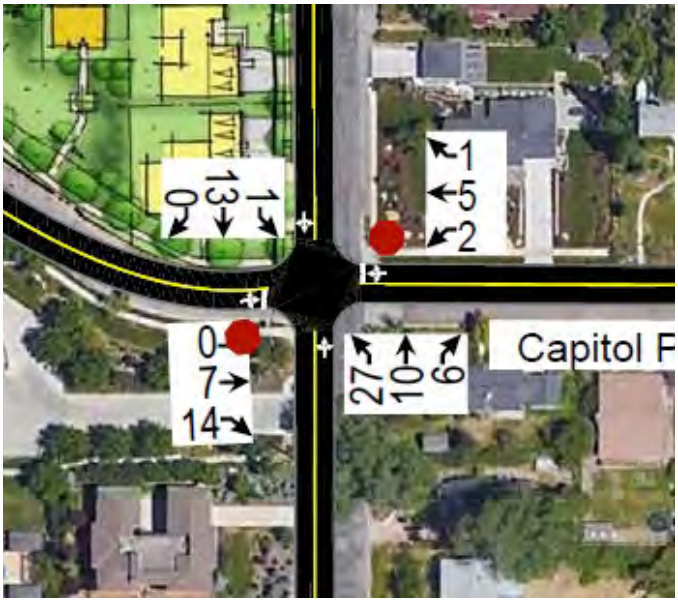
Utility Capacity

The capacity of local water and sewer utilities was brought up in many comments opposed to the project. Planning Staff discussed this issue with officials from Salt Lake City's Department of Public Utilities and were told that applicants are responsible for the cost of improvements to the City's utilities that a new development would require. If there are capacity issues, Ivory Development would work with Public Utilities to address them during building permit review (see comments from Salt Lake City Public Utilities in Attachment I).

Traffic & Parking

Impacts on traffic were brought up by residents during review of the rezone request. In response, the developer provided a traffic study to determine the traffic impacts of the development. The study showed that the nearby controlled (stop signed) intersections function at an "a" and "b" "level of service," meaning "free flow/insignificant delay" of <10 seconds and "Stable Operations/Minimum Delays" of up to 10 to 15 seconds, respectively. The study determined there would not be a change to the level of service of each controlled roadway intersection, with less than a second of delay added to intersection wait times at peak hours, and the project providing "negligible impact on traffic operations of the surrounding area." See page 11 of the traffic study in Attachment G. Staff has included extracts from the report below for comparison purposes.





The above images from the traffic study show the F Street and Capitol Park (13th Ave) intersection at "Evening Peak Hour" (4:45 to 5:45 PM), showing the number of cars doing each turning movement at the intersection. On the left are the existing traffic numbers for the intersection (adjusted for COVID-related declines), showing 52 cars over the course of peak hour. On the right are the projected traffic numbers for the intersection with the project built, showing 86 cars over the course of peak hour, an increase of 34 vehicles.

These graphics show traffic during evening peak hours at the 11th Avenue and F St intersection, with the existing traffic on the left and projected traffic on the right. The analysis shows 29 additional cars at this intersection over the course of evening peak hour. This is less than 5% of all traffic during this time. The study notes that there would be a negligible impact on the level of service, with no effect on the level of service for this intersection, with less than half a second added to the existing 11-second average delay at the intersection at evening peak hour.

Another concern brought up by residents was possible parking on Capitol Park Avenue—where it is not allowed. Like all other new development projects, this proposal must comply with applicable parking requirements. Submitted plans show 82 proposed parking spaces with at least three per unit (more than what is required by code since the project is within a half-mile of the bike lane on 11th Avenue). Because Capitol Park Avenue is a private street owned by the Meridian, they have the authority to tow vehicles that do not follow the posted no parking signs. Like traffic, the anticipated parking impact on surrounding properties is minimal.

Fire Department Access and Fire Codes/F Street Width

Public input was received regarding whether fire access will be adequate for the development, including concerns regarding evacuations and wildfires. Planning Staff requested comments from the City's Fire Prevention Bureau of the Fire Department regarding these concerns. The Fire Department noted that they do not have any official comments or concerns about the proposal because any development will be required to meet adopted International Fire Codes. Fire Code includes minimum requirements for fire vehicle and firefighter access to properties, including such things as minimum street/drive widths for fire vehicles, maximum building distances from streets, and minimum number of vehicle entry points for a development. The Planning Commission does not have the authority to waive any Fire requirements that universally apply to development in the City.

F Street is required to be improved with this subdivision request. This will include new curb, gutter, and park strip. The dimensions of the proposed improvements would bring this section of F Street to the City's standard for local residential streets of 36 feet. This will provide sufficient area for parking on both sides of the street and at least 20 feet of clear width to accommodate fire vehicles. This meets Fire Code fire vehicle access requirements for the low-scale structures in this neighborhood.

Nesting Bird Habitat

Concerns were provided regarding the potential removal of bird nesting sites for any development, including for a red-tailed hawk. Nesting sites are protected by federal regulations that prohibit the removal of active nests. The nest and associated tree may only be removed when the nest is not being actively used.

STAFF RECOMMENDATION

Overall, the proposed *Capitol Park Cottages* development meets the intent of the underlying SR-1 zoning district (as discussed in Attachment D), the general zoning requirements, and generally meets the standards required for Planned Development approval (as discussed in Attachment F). The applicant has made efforts to provide new housing on an underutilized lot in a way that fulfills city plans and policies and provides a benefit to the community.

NEXT STEPS

Planned Development Approval

If the Planned Development application is approved, the applicant will need to comply with the conditions of approval, including any of the conditions required by City departments and the Planning Commission. The applicant will be able to submit building permits for the development, and the plans will need to meet any conditions of approval.

The applicant must also submit a Final Plat to be reviewed by all relevant City Departments and recorded on the property. Final certificates of occupancy for the buildings will only be issued once all conditions of approval are met and the Final Plat has been recorded.

Planned Development Tabled/Continued

If the Planning Commission tables the Planned Development application, the applicant will have the opportunity to make changes to the design and/or further articulate details in order to return to the Planning Commission for further review and a decision on the application.

Planned Development Denial

If the Planning Commission denies the Planned Development application, the applicant will be able to submit a new proposal that meets all of the standards required by the Zoning Ordinance. The proposal will be subject to any relevant zoning standard or planning processes.

Works Cited

Wood, J. & Eskic, D. (2018). Housing Prices and the Threat of Affordability. Kem C. Gardener Institute, University of Utah. https://d36oiwf74r1rap.cloudfront.net/wp-content/uploads/HousingBrief.pdf

Molloy, R., Nathanson, C. G., Paciorek, A. (2022) Housing supply and affordability: Evidence from rents, housing consumption and household location. Journal of Urban Economics. https://doi.org/10.1016/j.jue.2022.103427

Wood, J, Eskic, D., Benway, D. J., Macdonald-Poelman, K. (2020) Housing Affordability: What Are Best Practices and Why Are They Important? Kem C. Gardener Institute, University of Utah. https://d36oiwf74r1rap.cloudfront.net/wp-content/uploads/Best-Practices-Dec2020.pdf

ATTACHMENT A: Vicinity Map

ATTACHMENT B: Submitted Materials

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Capitol Park Cottages

Planned Development Application

December 15th, 2023

Background

Capitol Park Cottages is a 3.21-acre vacant property located in the Salt Lake City Avenues neighborhood. The property is the size of an average Avenues city block and is therefore incredibly unique in that it presents an opportunity for a planned development of scale that does not require the removal of historic buildings or encroachment into the hillsides. Ivory Development is approaching this residential development in a way that recognizes this scarce opportunity.

The vacant land was recently zoned SR-1 and could theoretically support twenty-seven single family detached lots or thirty-four twin homes. Unfortunately, the site is confined on three sides by private property and only has vehicular access from its east and south boundaries. This physical constraint requires an internal roadway design and limits the plausible lots that could be developed on-site.

Developing this property as efficiently as possible, while retaining the project's quality and livability, is an important consideration for our application. In fact, as we pursued our previous re-zone and master plan amendment applications, we heard from Planning Commission and City Council members that this site needs more units. Considering this shared vision between ourselves and the city we obtained the re-zone and are now pursuing a Planned Development and Site Plan application.

This updated application differs significantly from the site and architectural plans that we originally proposed more than three years ago. During our initial application process, we received an extensive amount of feedback from city officials, city staff, and the public at large regarding our plans. In an effort to recenter the focus on the re-zone and master plan application, we tabled our PD application 18 months ago. Since receiving a zone change, we brought in a different land planning consultant and asked them to reimagine our development patterns to increase density, reduce or remove retaining walls, and bring more "Avenues" architectural styles.

At the same time, we were still contemplating precedents already set by the historic Avenues, namely:

- Housing-type variety
- Owner/Renter mix and cohesion
- Family-structure diversity
- Eclectic Architecture

The site plan included with this application has a total of twenty-one lots, some of which will be detached single family, and some will be attached twin homes. The homes will honor a diversity of Avenues architectural precedents and create diverse and attractive streetscapes. The site plan

includes an entire acre of community open space with a ¼ mile recreational trail system. Most importantly, each of the homes has been designed to provide for the ability to incorporate an ADU if desired.

ADUs are a market-oriented tool recognized by the Growing Salt Lake: Five Year Plan that brings progressive easing to the city's housing shortage. The ADUs will attract a mix of multigenerational households and renters living cohesively in the same neighborhood.

Planned Development Purpose and Objective

Capitol Park Cottages meets two critical objectives specifically outlined in the Planned Development ordinance:

1. ***Housing: Providing type of housing that helps achieve the City's housing goals and policies; (21A.55.010.C.2)***

The Capitol Park Cottages Site Plan was designed to facilitate ADUs in new home construction as a distinctive feature.

Growing SLC: A Five Year Housing Plan **1.1.3** specifically notes that a goal of the city is to "Revise the Accessory Dwelling Unit ordinance to ***expand its application*** and develop measures to ***promote its use***."

Salt Lake City Planning has published a Guide to Accessory Dwelling Units. In the Overview the Planning Division states, "Accessory dwelling units are part of a range of housing types that can help increase the housing supply with minimal impacts to the scale of an existing neighborhood. This makes ADUs a good option to help provide more housing in parts of the city where other types of housing may be too tall, too wide, or too bulky with the surrounding structures." (pg. 4)

Salt Lake City Zoning Code 21A.40.200 requires the Planning Division to submit a yearly report detailing the ADU statistics for the year and giving recommendations for potential improvements to the ordinance.

The 2022 ADUs Annual Report details that since 2018 there had been a total of 170 ADU applications approved under the ordinance. Of the 170 applications only 44 have been built and completed. District 3 has only recorded 7 applications since 2018 and had no applications in 2022. Despite the city making enormous efforts to promote ADUs, very few have been built. As the 2020 report stated "*…the ADU ordinance is creating more housing choice. It is just doing it at a very slow rate and at a rate that is not making a noticeable impact…*" (pg.11).

Prospective buyers of the homes will be able to show the expected income from rental of the ADUs; qualifying them for more than they would otherwise be allotted. Owners would be able to use the income from the rental to offset their mortgage cost and significantly decrease their percentage of income dedicated to housing.

Prospective tenants of the ADUs will have an attractive opportunity to find attainable units in an area of the upper avenues where rental supply is considerably low. The average monthly rent of a 1-bedroom unit in the Avenues is $1,366. Even if the units were to let at the 95th percentile of

their bedroom type, rents would be expected not to exceed $2,000 (See Exhibit A). ADUs are unique in the rental pool in that they frequently attract family or friends of those occupying the primary unit. In these scenarios it is often found that rents are offered below market pricing.

While the social and individual benefits of ADUs are wide ranging their implementation has been narrow and limited. ADUs have customarily been retrofitted to existing homes and lots. Retrofitting involves challenges with regard to design, construction, infrastructure, parking and financing; all of which stymie greater adoption of ADUs.

ADUs as part of a newly built neighborhood allow us to plan for those challenges and make this community blend into the surrounding neighborhood. Capitol Park Cottages can set a precedent for future builders and developers to consider adding in ADUs when constructing a new home.

Furthermore, financing and costs continue to be a constraint to adding more ADUs to existing neighborhoods. It is noted that the cost of additional utilities can be prohibitive, but in our case it simply is not. We are already going to be installing new sewer, water, power, and gas, so the incremental increase to infrastructure is minimal at best.

2. ***Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)***

The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate nearly an acre of open space that will be programed for resident and public recreational use.

A quarter mile of paved walking trail will loop and intersect the community. Each home in the community will have direct front door access to this trail and the public can access the trail loop directly from F Street or Capitol Park Avenue.

Consistency with Avenues Master Plan

The Master Plan was amended for this property along with a zone change in the summer of 2022. The property is zoned as SR-1 and as Low Density in the city's Master Plan. The application is consistent with all density requirements per its Master Plan designation.

Consistency with City Wide Master Plans

Housing SLC 2023-2027 includes in its 5th key finding that "There is a mismatch between the types of housing the market is producing and the needs of the community…Additionally, residents want more "missing middle" housing and more family-sized housing.".

Family-Sized housing is defined by **Housing SLC** as including housing units with 3+ bedrooms. Each of the 21 proposed units in the project are definitionally "family-sized".

Compatibility with the surrounding neighborhood

Today the historic hospital property has been rezoned RMF-35 and was converted into the Meridian Condominiums, a five-story condominium building. Directly across the street to the east is the historical avenues block pattern, to our north is Northpoint, a 49-unit townhome community and finally to our west, Capitol Park Estates, Planned Unit Development.

In other words, there is no single land use in the surrounding neighborhood(s), so compatibility is a difficult metric for this property.

(Exhibit "B" surrounding development)

Inclusion of appropriate landscaping

Capitol Park Cottages will include full yard landscaping around each of the twenty-one homes that will be installed by Ivory and maintained by an HOA. Lot landscaping will be varied and include water-wise techniques.

Our water-wise techniques were developed in partnership with the Jordan Valley Water Conservancy District's "Localscape" program. The intent of Localscapes is to provide for efficient, functional, and beautiful landscape designs that recognize the unique climate of Utah. Our design will reserve irrigation-intensive sod for those areas that use it most and install water efficient landscape arrangements everywhere else.

Street trees will be planted along F Street, Capitol Park Avenue, and the private road in the interior of the project. The trees will provide an even canopy through and around the project.

The open space trail loop will be dedicated to the HOA and built to provide recreation and community gathering opportunities for the residents and the public.

Mobility

All twenty-one lots will have vehicular access through the private alley. The alley will make a connection from F Street to Capitol Park Avenue

With garages and driveways, and visitor parking there will be a total of 90 parking spaces. All parking will be accessed internally within the project and from the rear of each unit.

The front door of each home will have a direct connection to the open space and trail system.

Preservation of natural and built features that significantly contribute to the surrounding character.

The property is vacant and includes no built features. The native vegetation includes several wild trees. Existing trees will be removed as part of the construction of the development. All trees will be replaced on site or otherwise as permitted by the Salt Lake City Private Tree Ordinance.

During the rezone and master plan amendment process the city listed the natural grade of site as a valuable natural feature. In our redesign we have used architectural changes to preserve the natural slope and eliminate most retaining walls.

No detrimental effect on city utilities

There will be no detrimental effect on the city utilities. Salt Lake Public Utilities had reviewed an early conceptual plan and determined that there is adequate sewer, storm drain, culinary water and transportation capacity in the system.

Road and sidewalk infrastructure have never been completed along F Street. The development of Capitol Park Cottages will complete this public infrastructure project.

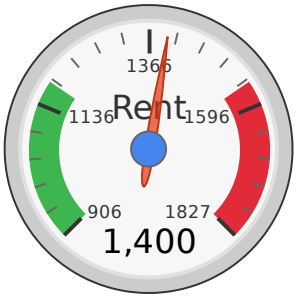
Capitol Park Avenue is a private street, as will be the interior of Capitol Park Cottages. No additional street maintenance requirements will be necessary from Salt Lake City. The original developer of The Meridian and Capitol Park granted an easement to connect utilities and have vehicular access through Capitol Park Avenue with a cost sharing agreement with the Meridien which meets all requirements of both the building and fire codes.

Exhibit A

11/01/2023 Avenues Rental Report

Hero Property Management
(801) 845-4390
info@rentinghero.com

Your rent is reasonable for your area.



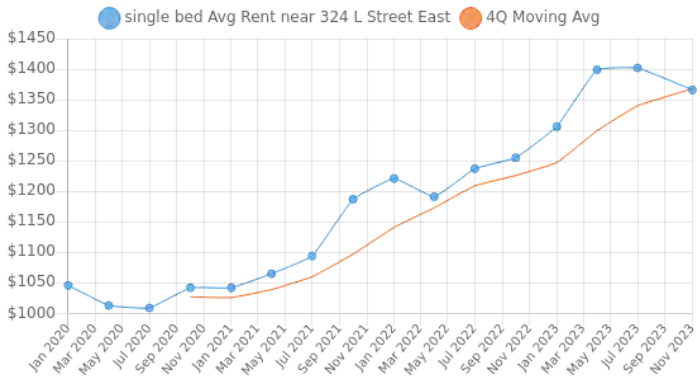
324 L Street East Salt Lake City, UT

Results based on 25, single bedroom rentals seen within 12 months in a 1.00 mile radius.

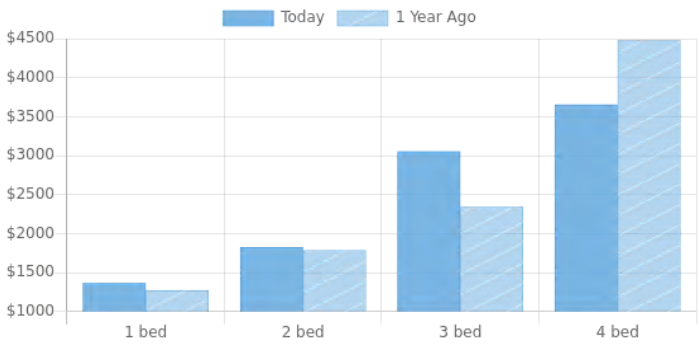
AVERAGE	MEDIAN	25TH PERCENTILE	75TH PERCENTILE
$1,366 ±4%	$1,350	$1,177	$1,555

Report generated: 01 Nov 2023

Historical Trend Line



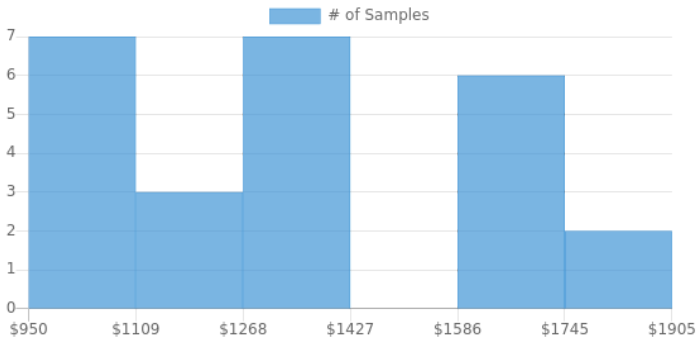
Average Rent by Bedroom Type



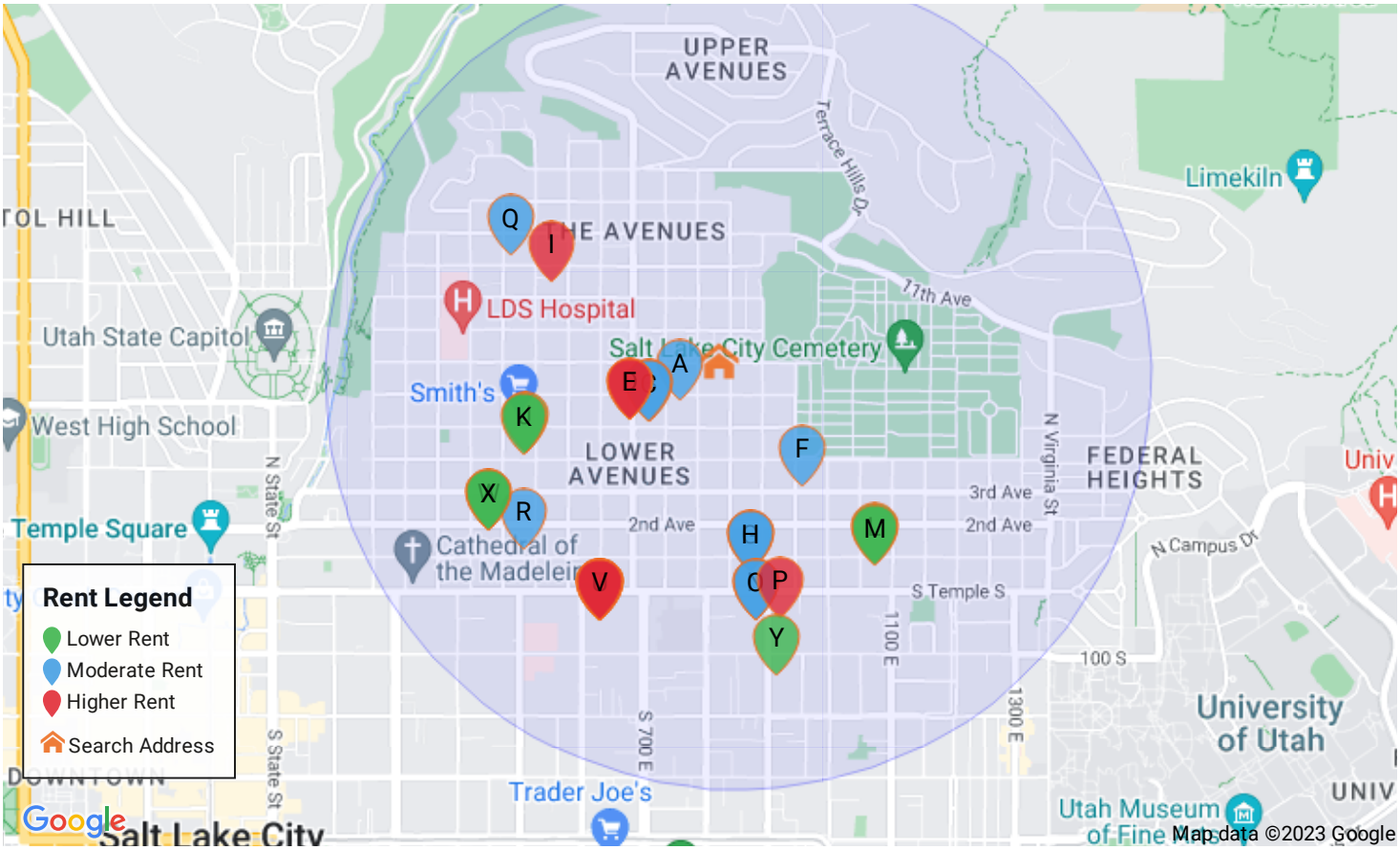
Summary Statistics

Sample Size	25
Sample Min	$950
Sample Max	$1,900
Sample Median	$1,350
Sample Mean	$1,366
Sample Standard Deviation	$280
25th – 75th Percentile	$1,177 – 1,555
10th – 90th Percentile	$1,008 – 1,725
5th – 95th Percentile	$906 – 1,826

Rent Distribution



Sample of Listings Used



	Address	Distance	Rent	Size	$/ft²	Beds	Baths	Bldg Type	Last Seen
A	668 E 6th Ave, Salt Lake City, UT 84103	0.2 mi	$1,250	900 ft²	$1.39/ft²	1 bed	1ba	House	Sep 2023
B	619 E 5th Ave, Salt Lake City, UT 84103	0.31 mi	$1,350	800 ft²	$1.69/ft²	1 bed	1ba	Condo	Mar 2023
C	619 E 5th Ave, Salt Lake City, UT 84103	0.32 mi	$1,295	778 ft²	$1.66/ft²	1 bed	1ba	Condo	Sep 2023
D	64 I St, Salt Lake City, UT 84103	0.37 mi	$1,650	525 ft²	$3.14/ft²	1 bed	1ba	Condo	Dec 2022
E	64 I St, Salt Lake City, UT 84103	0.37 mi	$1,595	500 ft²	$3.19/ft²	1 bed	1ba	Condo	Dec 2022
F	851 E 3rd Ave #4, Salt Lake City, UT 84103	0.4 mi	$1,350	550 ft²	$2.45/ft²	1 bed	1ba	Condo	Dec 2022
G	31 M St E, Salt Lake City, UT 84103	0.62 mi	$1,295	650 ft²	$1.99/ft²	1 bed	1ba	Condo	Sep 2023
H	31 M St E, Salt Lake City, UT 84103	0.62 mi	$1,400	675 ft²	$2.07/ft²	1 bed	1ba	Condo	Jul 2023
I	456 Victoria Pl N, Salt Lake City, UT 84103	0.67 mi	$1,795	1,000 ft²	$1.80/ft²	1 bed	1ba	House	Jan 2023
J	425 E 4th Ave, Salt Lake City, UT 84103	0.72 mi	$995	566 ft²	$1.76/ft²	1 bed	1ba	Condo	Sep 2023
K	425 E 4th Ave #2, Salt Lake City, UT 84103	0.72 mi	$950	453 ft²	$2.10/ft²	1 bed	1ba	Condo	Nov 2022
L	970 E 1st Ave #3, Salt Lake City, UT 84103	0.74 mi	$1,100	550 ft²	$2.00/ft²	1 bed	1ba	House	Sep 2023
M	970 E 1st Ave, Salt Lake City, UT 84103	0.74 mi	$1,100	550 ft²	$2.00/ft²	1 bed	1ba	House	Sep 2023

	Address	Distance	Rent	Size	$/ft²	Beds	Baths	Bldg Type	Last Seen
N	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,425	600 ft²	$2.38/ft²	1 bed	1ba	Apartment	Oct 2023
O	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,425	656 ft²	$2.17/ft²	1 bed	1ba	Apartment	Oct 2023
P	41 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,625	624 ft²	$2.60/ft²	1 bed	1ba	Apartment	Oct 2023
Q	514 E St E, Salt Lake City, UT 84103	0.82 mi	$1,250	642 ft²	$1.95/ft²	1 bed	1ba	Apartment	Sep 2023
R	427 E 1st Ave, Salt Lake City, UT 84103	0.87 mi	$1,180	728 ft²	$1.62/ft²	1 bed	1ba	House	Aug 2023
S	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,716	744 ft²	$2.31/ft²	1 bed	1ba	Apartment	Sep 2023
T	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,900	616 ft²	$3.08/ft²	1 bed	1ba	Apartment	Sep 2023
U	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,666	688 ft²	$2.42/ft²	1 bed	1ba	Apartment	Sep 2023
V	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,725	730 ft²	$2.36/ft²	1 bed	1ba	Apartment	Oct 2023
W	376 2nd Ave #3, Salt Lake City, UT 84103	0.94 mi	$1,095	566 ft²	$1.93/ft²	1 bed	1ba	Condo	Nov 2022
X	376 2nd Ave, Salt Lake City, UT 84103	0.94 mi	$1,025	616 ft²	$1.66/ft²	1 bed	1ba	Condo	Mar 2023
Y	125 S 900 E, Salt Lake City, UT 84102	0.96 mi	$985			1 bed	1ba	Apartment	Sep 2023

Public Record Data

This information is compiled from various public sources and has not been verified by Rentometer. We do not have the ability to change this information.

Vitals	
Bedrooms	6
Baths	2
Year Built	1918
Property Use Group	Residential

Property Size	
Building Area	2,403 ft²
Lot Area	0.1600 acres
Lot Dimensions	0.0×0.0

Tax Information	
Year Assessed	2023
Assessed Value	$378,455
Tax Fiscal Year	2022
Tax Rate Area	13
Tax Billed Amount	$4,154.69

Deed Information	
Mortgage Amount	$599,541
Mortgage Date	2019-09-18
Lender Name	CITY CREEK MORTGAGE CORP

Sale Information	
Assessor Last Sale Date	
Assessor Last Sale Amount	$0
Deed Last Sale Date	2019-09-18
Deed Last Sale Amount	$0

Other Information	
Roof Material	Asphalt
HVAC Cooling Detail	Unknown
HVAC Heating Detail	Central
HVAC Heating Fuel	Unknown

The research and data included in this report is aggregated from a variety of sources and many are third parties that are not affiliated with Rentometer, Inc. The information is believed to be accurate, but Rentometer, Inc. does not provide a warranty of any kind, either expressed or implied.

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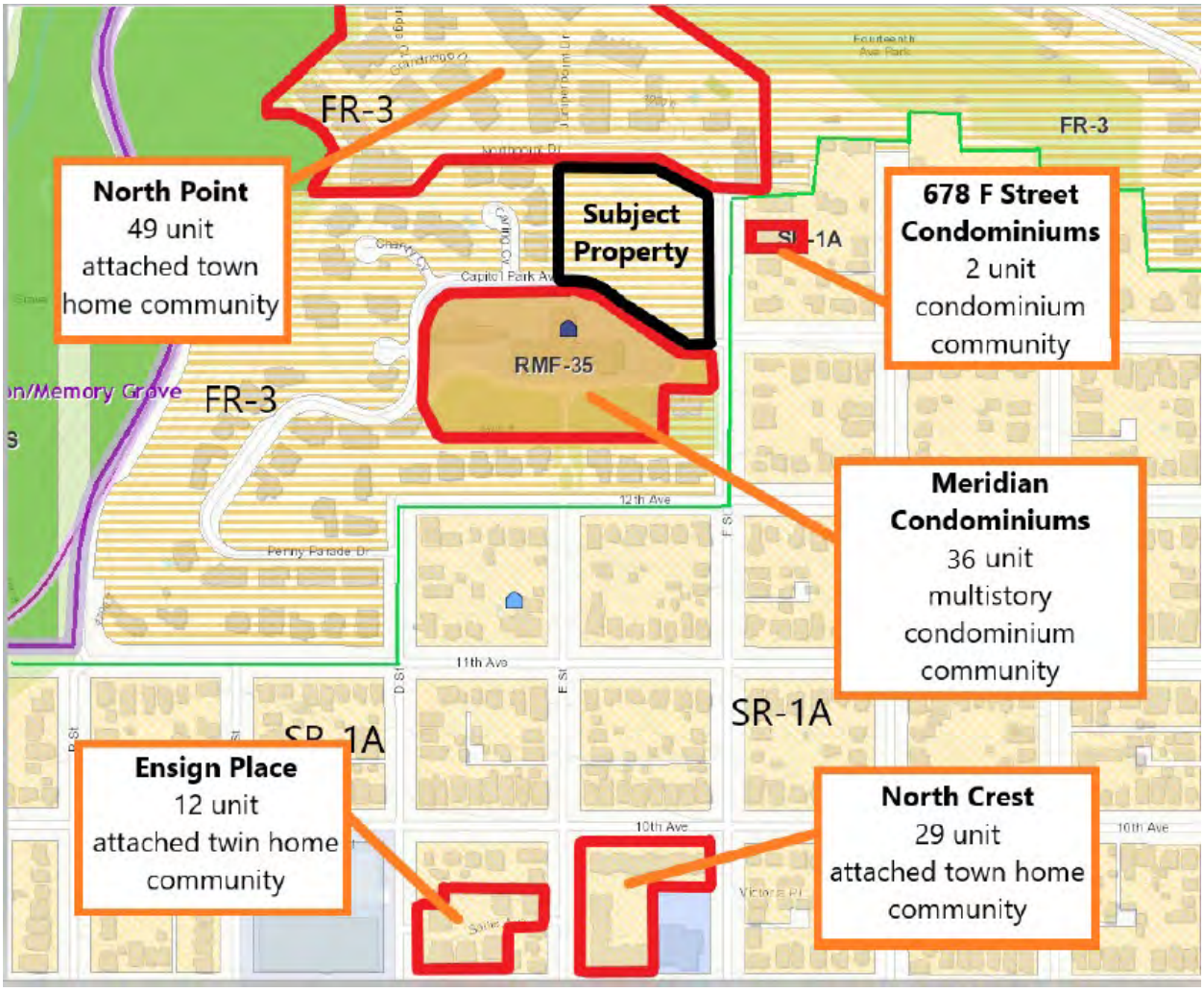
Exhibit B

Surrounding Development



December 2023

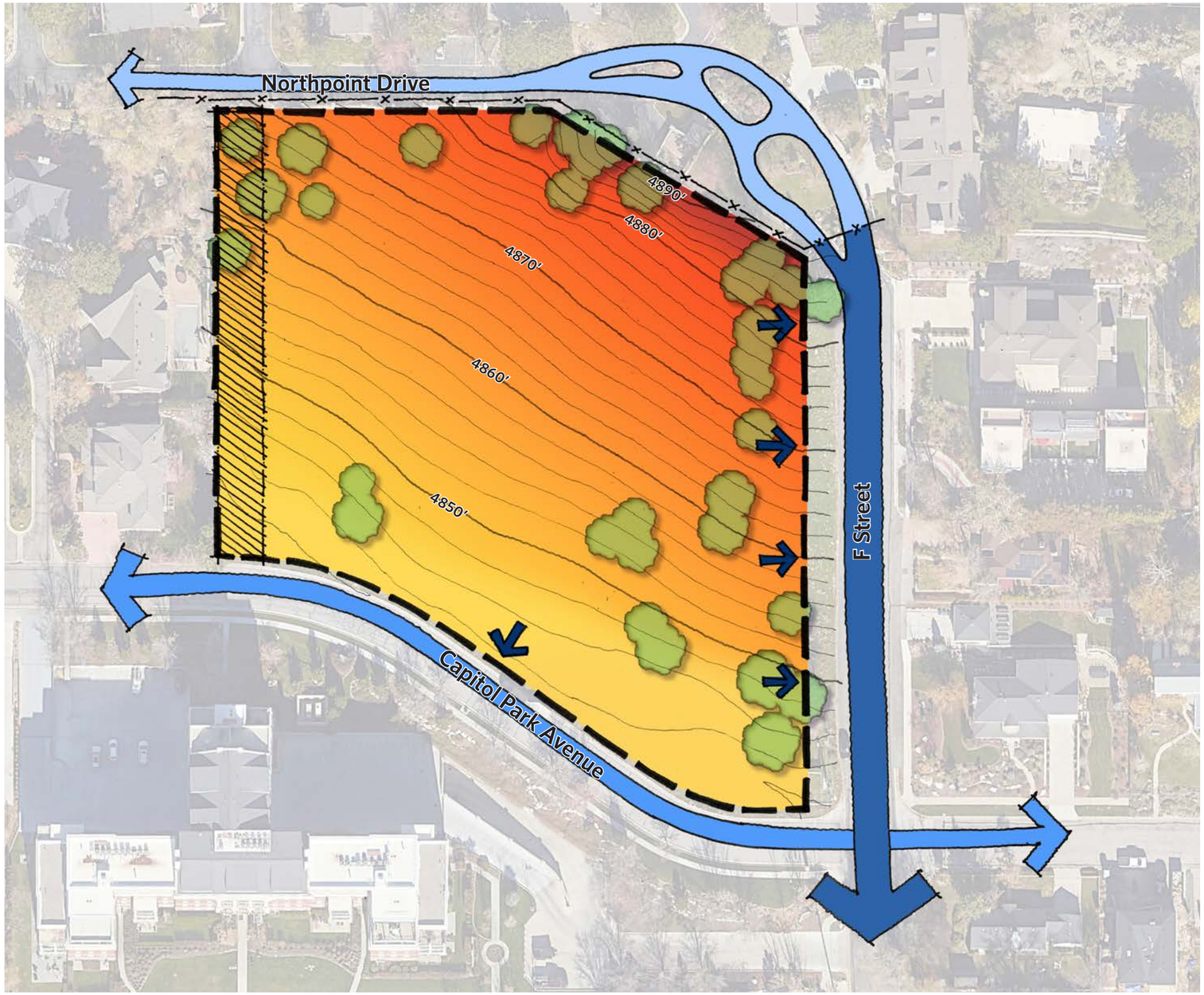
CAPITOL PARK COTTAGES

Salt Lake City, Utah

DESIGN PRINCIPLES

- Develop a sensitive site plan with a variety of architecture to complement the surrounding neighborhood
- Create a public amenity, walking path through the new neighborhood
- Address affordability by providing ADUs and building additional housing
- Minimize Retaining Walls
- Provide ample parking for homes and visitors

DESIGN PRINCIPLES



FENCE
2' CONTOURS
10' CONTOURS
30' BUFFER
ALLOWABLE CURB CUTS*
* Only 1 curb cut is allowed on South Capitol Park Avenue, whereas multiple curb cuts are allowed on F Street
PUBLIC ROAD
PRIVATE ROAD
PRIVATE ROAD, INACCESSIBLE TO THE SITE
SITE BOUNDARY

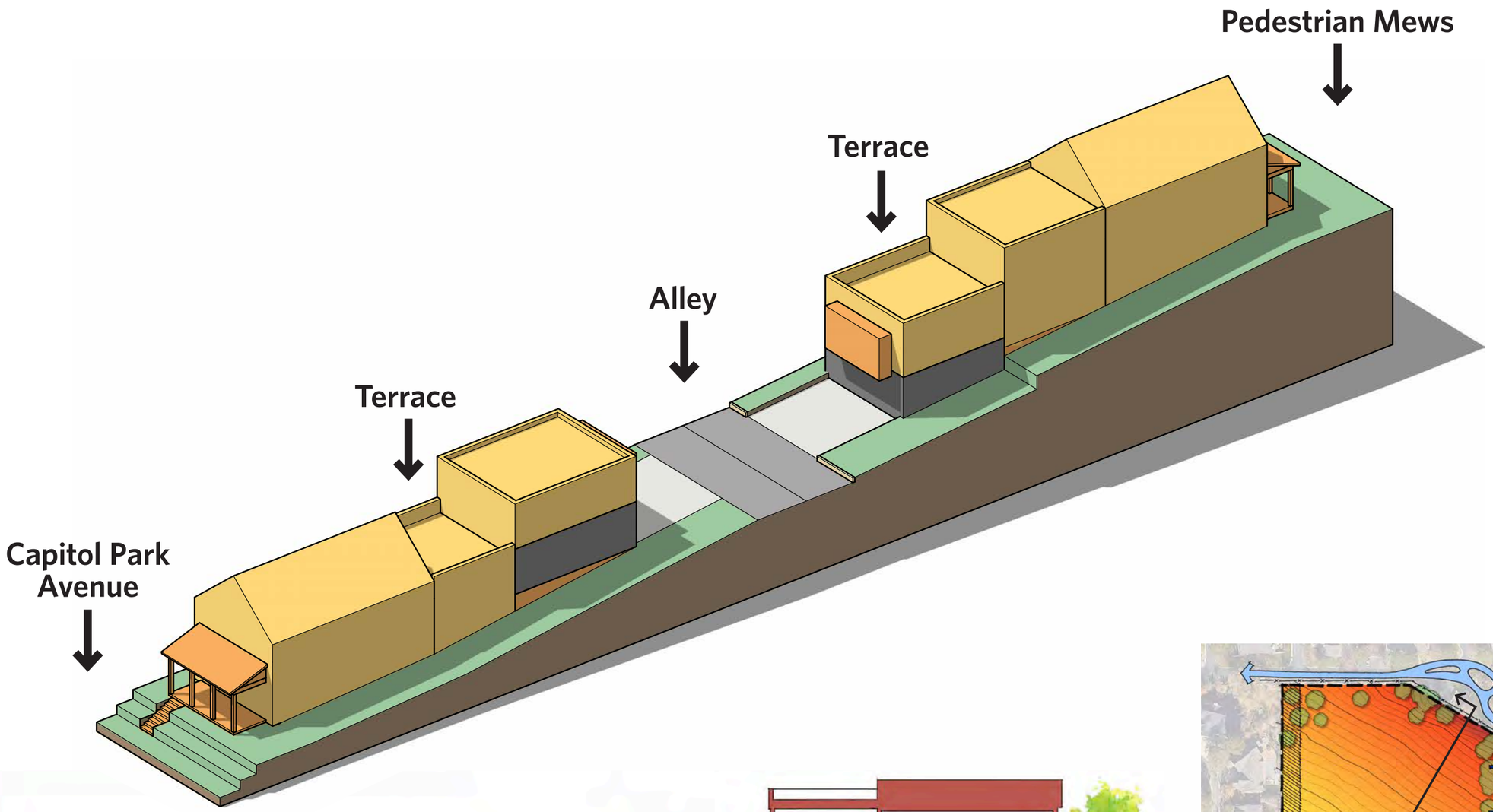
1" = 80'

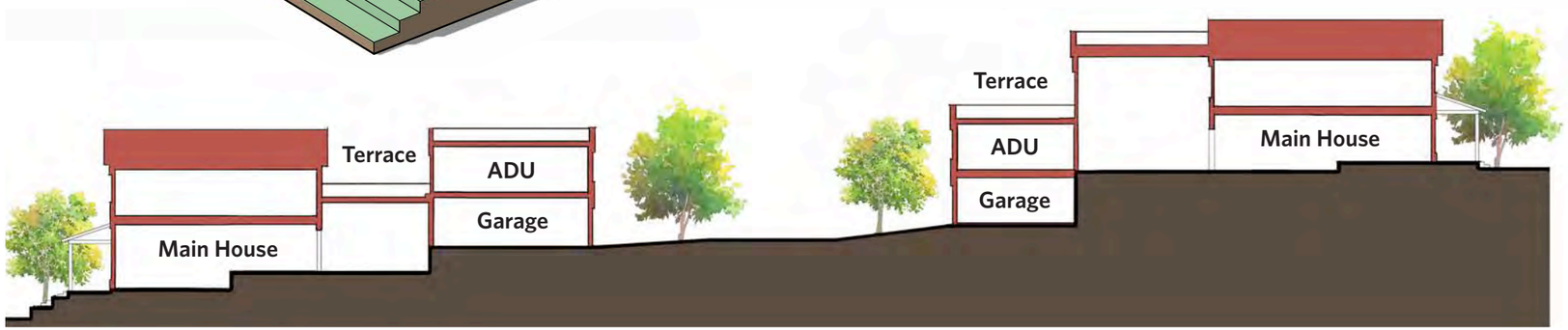
40 0 40 80 160 Feet

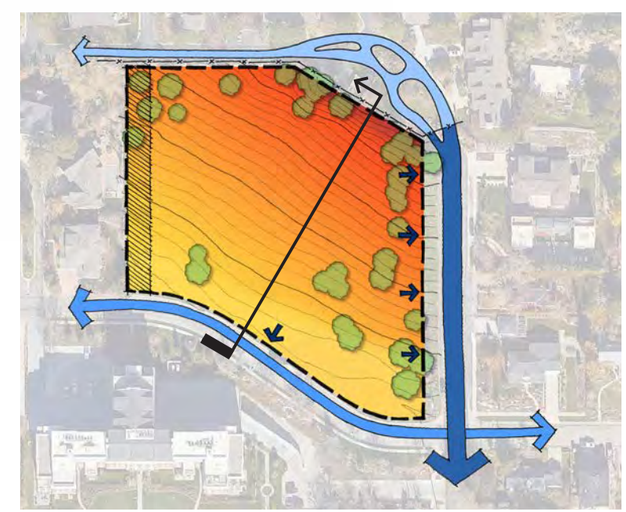
CONSTRAINTS | Plan

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES







1" =20'

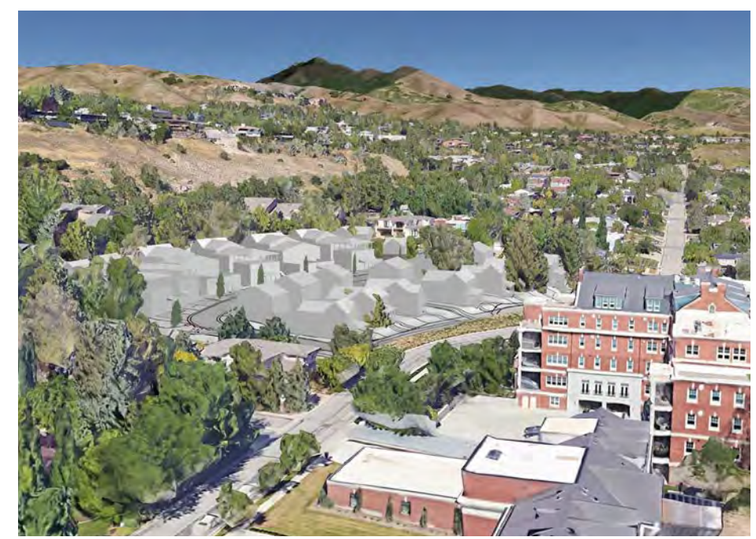
10 0 10 20 40 Feet

CONSTRAINTS | Section

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES

View of F Street, looking north



View of Capitol Park Ave, looking west

ILLUSTRATIVE PLAN

1" = 60'

30 0 30 60 120 Feet

URBAN DESIGN ASSOCIATES

COMMUNITY AMENITY

- Appx. 1.0 Acre of Community open space amenity
- 1/4 mile Recreational trail loop
- Benches for seating located on trail loop

LANDSCAPE PRINCIPLES

- Native vegetation
- Utilize water-wise principles
- Street trees to provide shaded walkways
- Preserve existing trees when possible

LANDSCAPE & AMENITY PLAN

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 60'

30 0 30 60 120 Feet

URBAN DESIGN ASSOCIATES

1" = 80'

40 0 40 80 160 Feet

UNIT COUNT

Unit Type	Main	Optional ADU
24' Single Family Units	7	7
24' Twin Home Units	5	5
18' Twin Home Units	9	9
Total	**21**	**21**

PARKING COUNT

Type	Quantity
Garage	44
On-Lot Surface	41
Visitor	4
Total	**89**

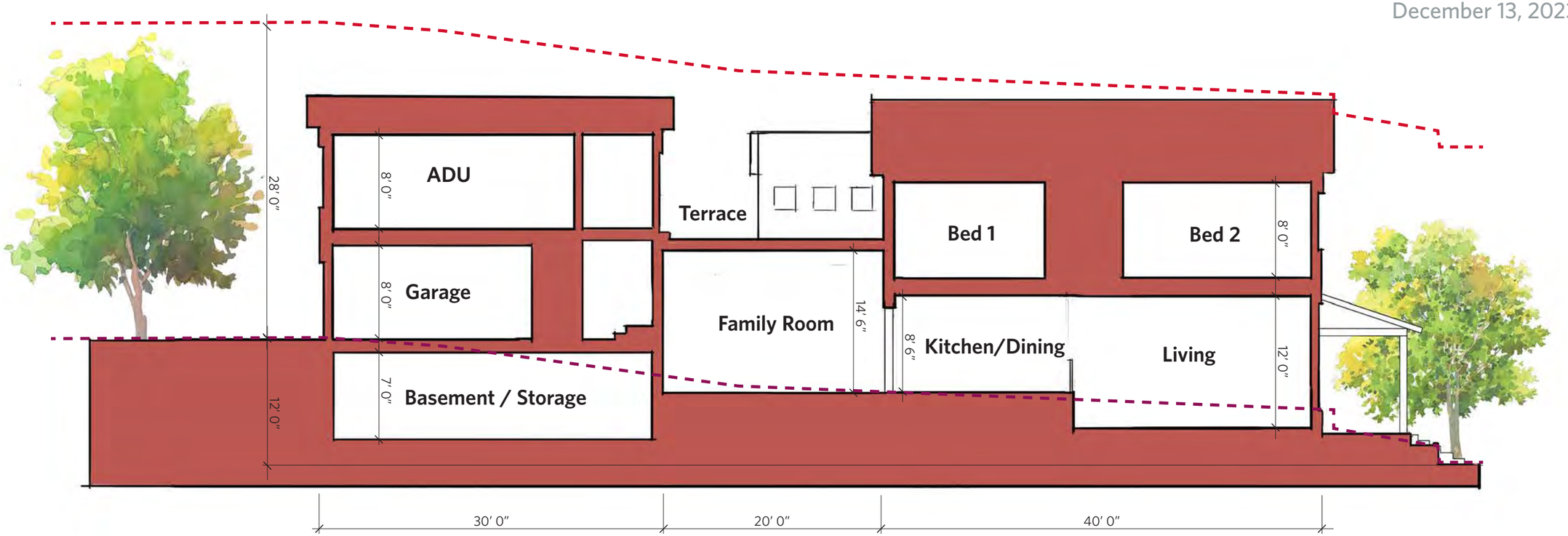
TOTAL BUILDABLE GSF*

Type	Qty.	Area/Unit
24' Wide Uphill	4	4,550sf
24' Wide Downhill Detached	4	3,810 sf
24' Wide Downhill Attached	2	3,570 sf
18' Wide Uphill	6	4,010 sf
18' Wide Downhill	3	3,180 sf
F Street Uphill	1	2,900 sf
F Street Downhill	1	2,775 sf
Total	21	79,855 sf

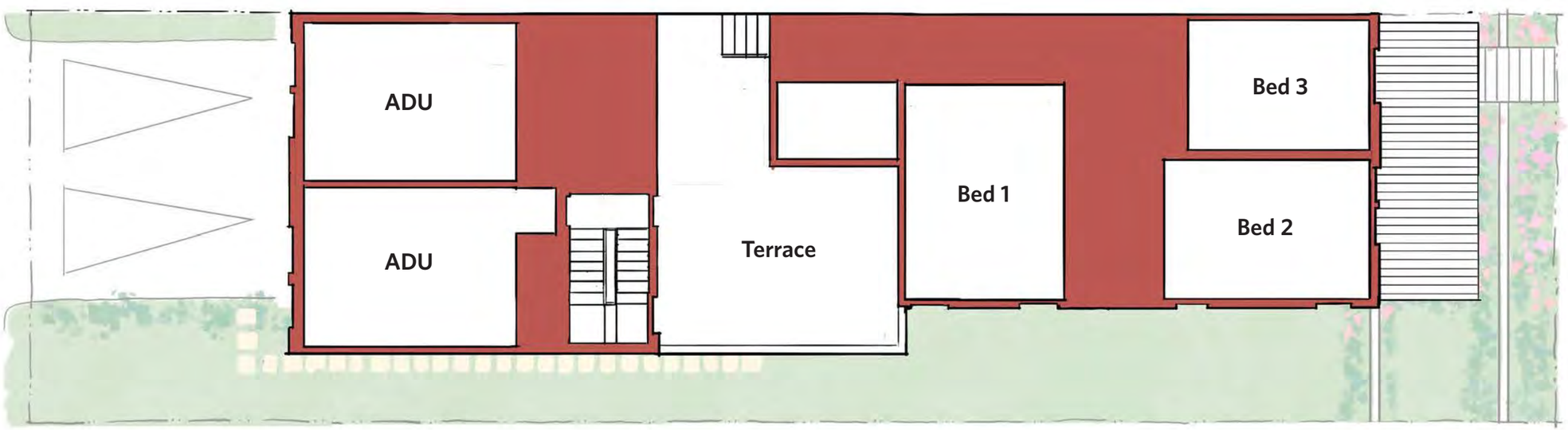
* Includes basement/storage area.

URBAN DESIGN ASSOCIATES

SITE PLAN & PROGRAM



LOT SECTION



LOT PLAN

DOWNHILL LOT | 24′ Wide Unit

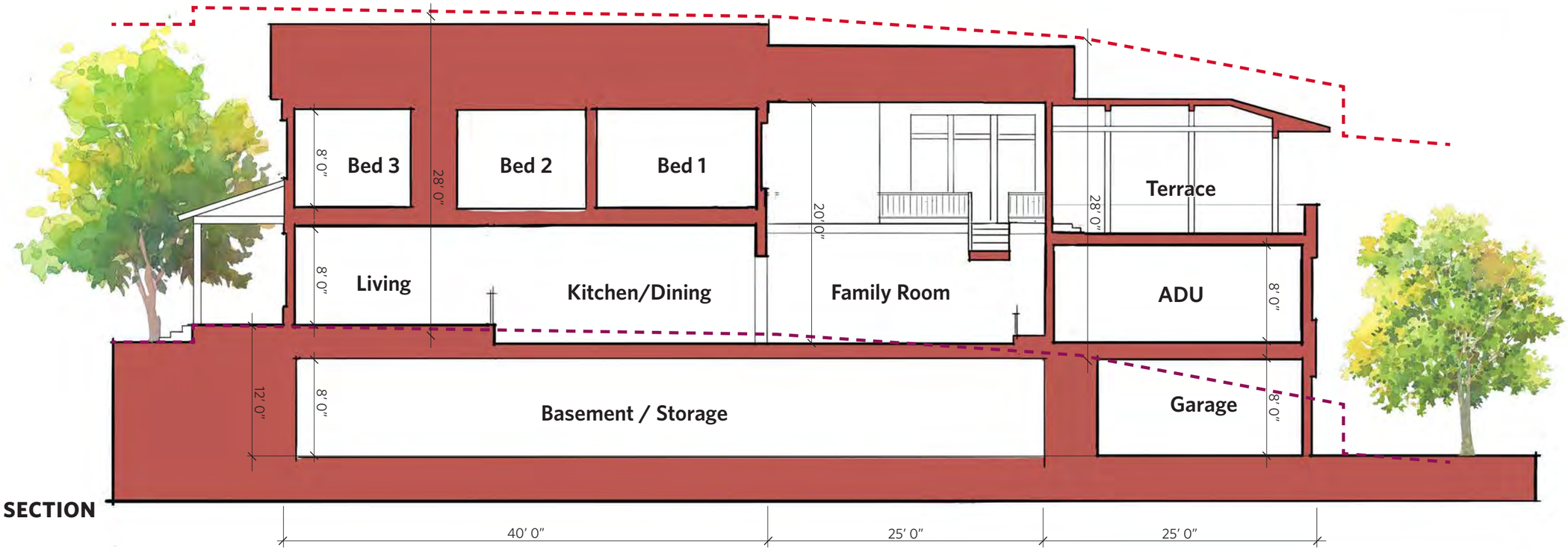
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 10'

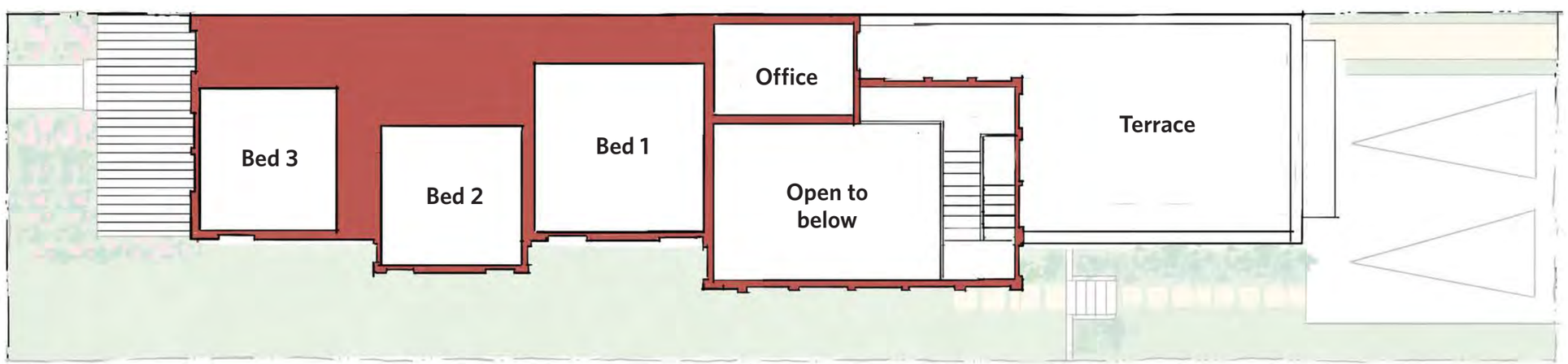
5 0 5 10 20 Feet

GRADE LINE — 28′ ABOVE GRADE

URBAN DESIGN ASSOCIATES



LOT SECTION



LOT PLAN

UPHILL LOT | 18' Wide Unit

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

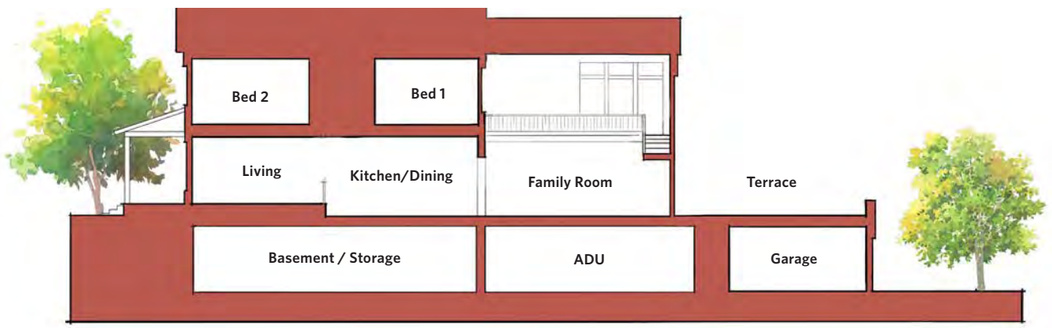
1" = 10'

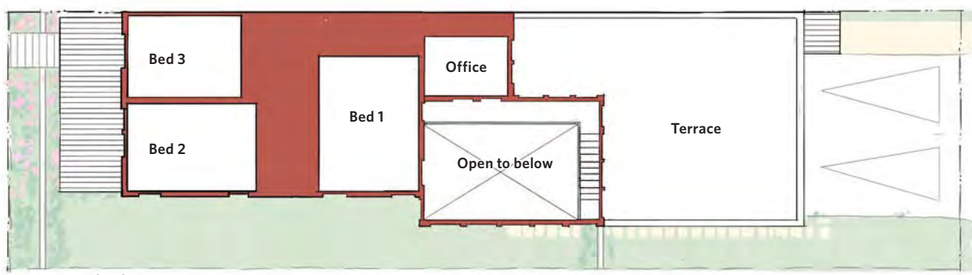
5 0 5 10 20 Feet

GRADE LINE — 28' ABOVE GRADE

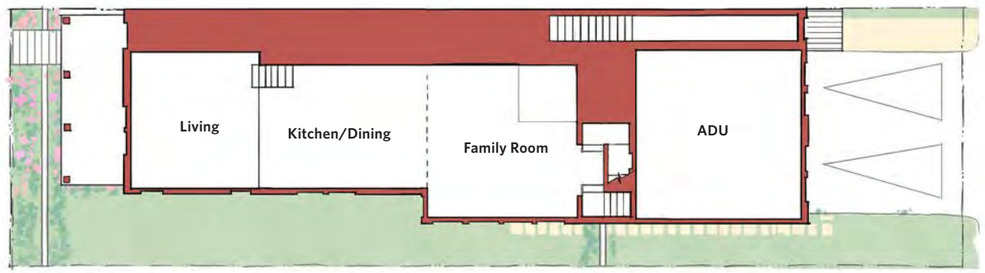
URBAN DESIGN ASSOCIATES

UPHILL LOT 24′ WIDE

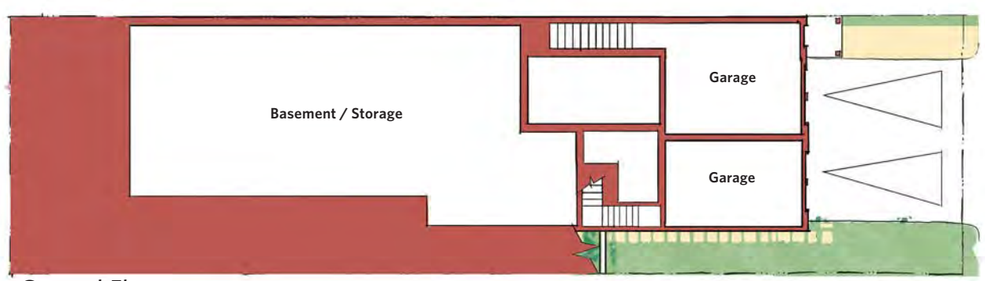




Second Floor

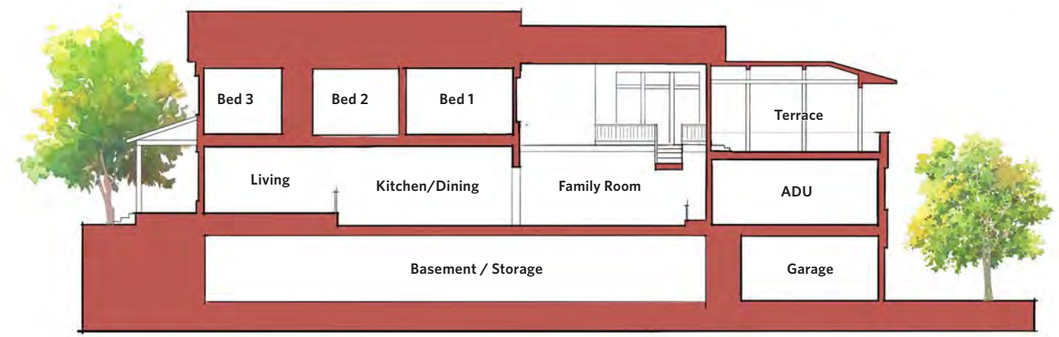


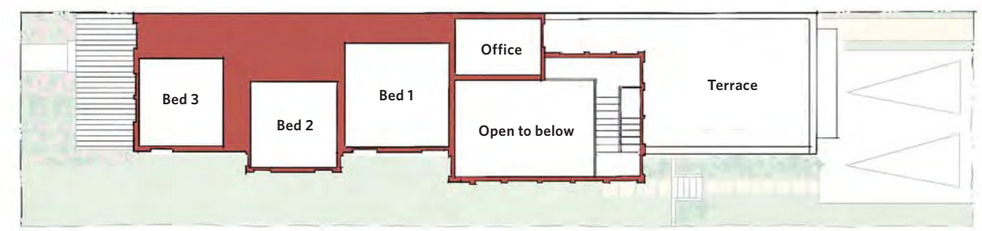
Main Floor



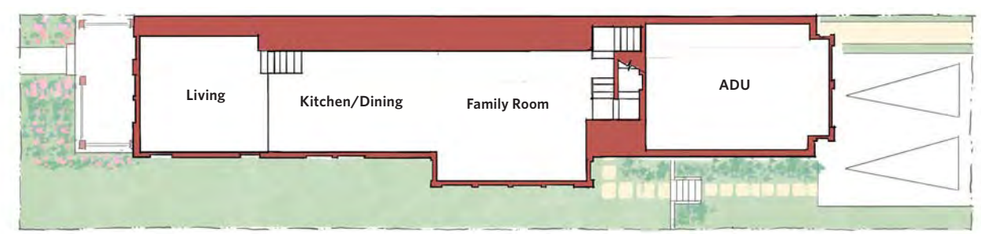
Ground Floor

UPHILL LOT 18′ WIDE





Second Floor



Main Floor

Ground Floor

UPHILL UNIT | PLANS & SECTIONS

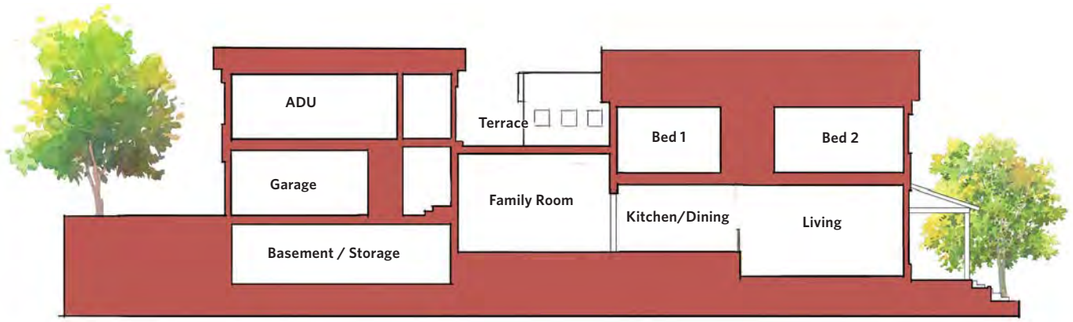
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

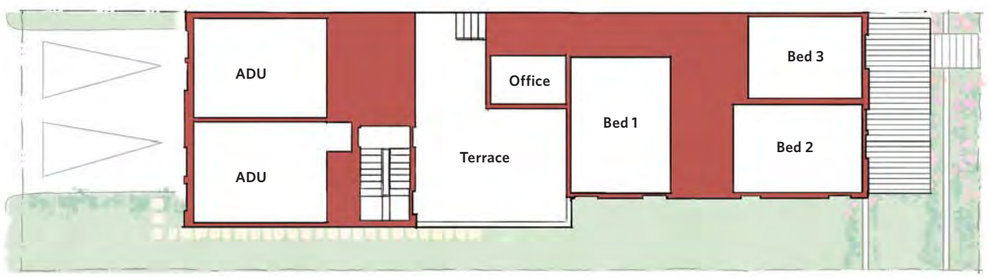
1" = 20'

10 0 10 20 40 Feet

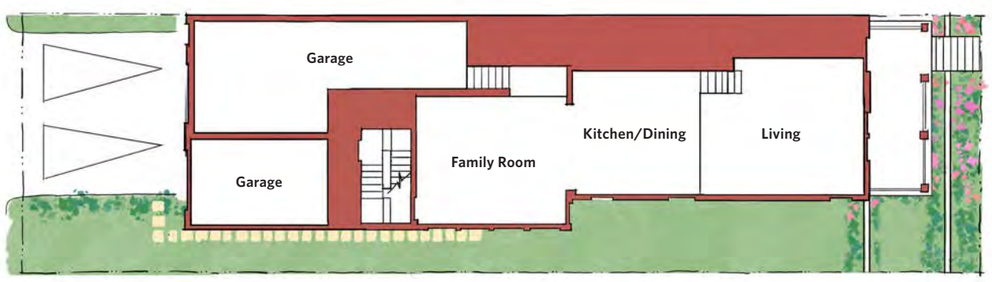
URBAN DESIGN ASSOCIATES

DOWNHILL LOT 24′ WIDE



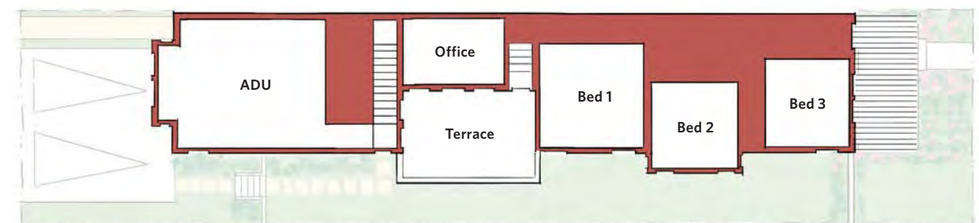


Second Floor



Main Floor

DOWNHILL LOT 18′ WIDE



Second Floor

Main Floor

URBAN DESIGN ASSOCIATES

DOWNHILL UNIT | PLANS & SECTIONS

1" = 20'

10 0 10 20 40 Feet

Arts & Crafts

European Romantic

Colonial Revival

PRECEDENTS | Surrounding Salt Lake City Neighborhoods

URBAN DESIGN ASSOCIATES

VIEW | Capitol Park Avenue

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

Facade Type A

Facade Type B

Facade Type C

ELEVATIONS | 24′ Wide Units

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Facade Type A - A

Facade Type A - A′

ELEVATIONS | Twin Home Options

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Facade Type B - B

Facade Type C - C

ELEVATIONS | Twin Home Options

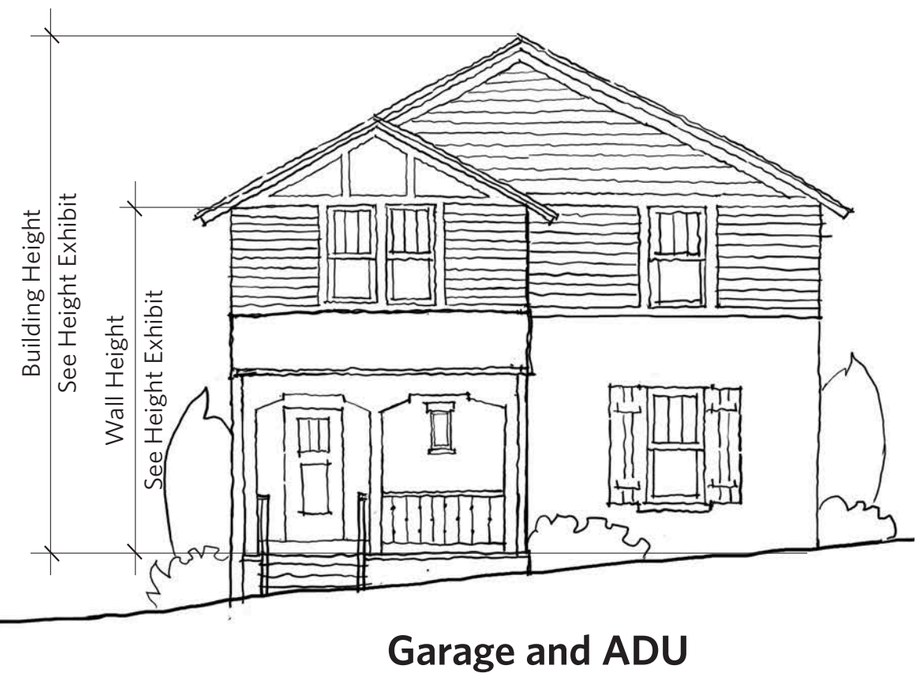
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Twin Home



Garage and ADU

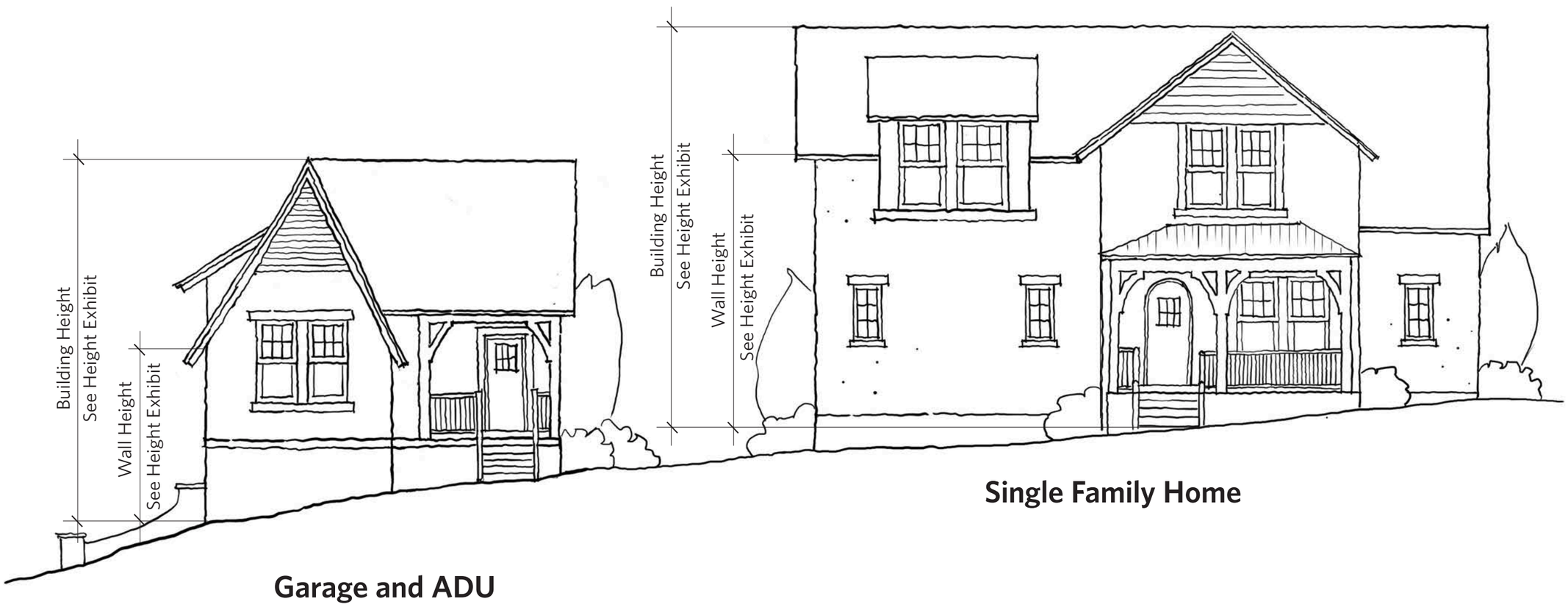
ELEVATIONS | Side Facades

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES



ELEVATIONS | Side Facades

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

CAPITOL PARK AVENUE

F STREET

STREET FACADES

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES

VIEW | New Internal Street, Looking East

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

UDA

Creating a sense of place through collaboration, context, and community.

VICINITY MAP
1" = 100'

CAPITOL PARK COTTAGES

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-3	SITE PLAN
O-4	UTILITY PLAN
O-5	GRADING AND DRAINAGE PLAN
O-6	LOT DIMENSION PLAN
0-7	PARKING PLAN
0-8	TREE REMOVAL PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 360831
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages
Title Sheet

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-1

G:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\1 - Title Sheet.dwg

CAPITOL PARK COTTAGES SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

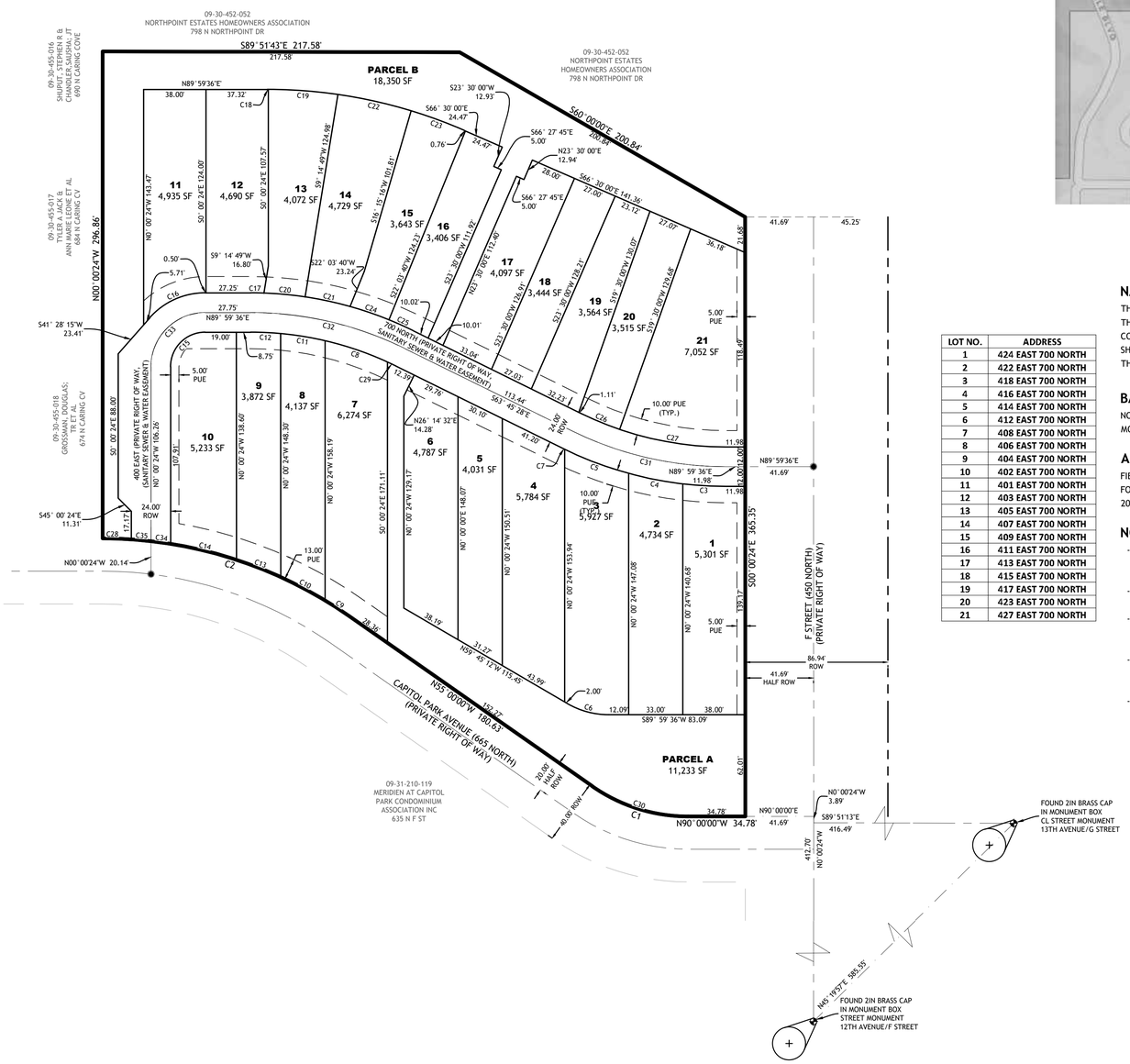
NORTH

SCALE: 1"=40'

0 20 40 80 120

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
- MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
- NEW ROAD MONUMENT



CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	26.08	224.00	S86°40'16"E	26.07
C4	33.65	224.00	S79°01'56"E	33.61
C5	41.73	224.00	S69°23'33"E	41.67
C6	26.40	50.00	N74°52'48"W	26.10
C7	1.17	224.00	S63°54'24"E	1.17
C8	40.22	200.00	S71°10'13"E	40.15
C9	17.63	262.00	N56°55'41"W	17.63
C10	30.54	262.00	N62°11'45"W	30.53
C11	27.37	200.00	S80°51'06"E	27.35
C12	18.27	200.00	S87°23'22"E	18.27
C13	28.99	262.00	N68°42'22"W	28.98
C14	41.20	262.00	N76°22'53"W	41.16
C15	32.99	21.00	N44°59'36"E	29.70
C16	38.11	45.00	S65°43'55"W	36.98
C17	8.05	224.00	N88°58'37"W	8.05
C18	0.68	301.00	S89°56'32"E	0.68
C19	42.55	301.00	S85°49'42"E	42.52
C20	25.13	224.00	N84°44'02"W	25.11
C21	28.05	224.00	N77°56'01"W	28.03
C22	45.69	301.00	S77°25'48"E	45.65
C23	34.57	301.00	S69°47'26"E	34.56
C24	25.05	224.00	N71°08'35"W	25.04
C25	16.35	224.00	N65°50'54"W	16.34
C26	25.95	200.00	N67°28'32"W	25.94
C27	65.67	200.00	N80°36'00"W	65.38
C28	17.51	262.00	N88°05'06"W	17.51
C29	5.77	200.00	S64°35'01"E	5.77
C30	62.31	102.00	N72°30'00"W	61.34
C31	97.12	212.00	S76°52'56"E	96.28
C32	97.12	212.00	S76°52'56"E	96.28
C33	51.84	33.00	N44°59'36"E	46.67
C34	12.11	262.00	N82°12'39"W	12.11
C35	12.05	262.00	N84°51'10"W	12.05

VICINITY MAP
NOT TO SCALE

LOT NO.	ADDRESS
1	424 EAST 700 NORTH
2	422 EAST 700 NORTH
3	418 EAST 700 NORTH
4	416 EAST 700 NORTH
5	414 EAST 700 NORTH
6	412 EAST 700 NORTH
7	408 EAST 700 NORTH
8	406 EAST 700 NORTH
9	404 EAST 700 NORTH
10	402 EAST 700 NORTH
11	401 EAST 700 NORTH
12	403 EAST 700 NORTH
13	405 EAST 700 NORTH
14	407 EAST 700 NORTH
15	409 EAST 700 NORTH
16	411 EAST 700 NORTH
17	413 EAST 700 NORTH
18	415 EAST 700 NORTH
19	417 EAST 700 NORTH
20	423 EAST 700 NORTH
21	427 EAST 700 NORTH

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- PARCELS A & B ARE COMMON AREA PARCELS AND ARE HEREBY DEDICATED TO THE CAPITOL PARK COTTAGES HOMEOWNER'S ASSOCIATION.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS AND COMMON PARCELS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT AND SERVE AS EASEMENTS FOR SHARED PRIVATE UTILITIES INCLUDING WATER, SEWER, AND STORM DRAIN.
- NOTICE TO PURCHASERS - THE INFRASTRUCTURE WITHIN THIS PROJECT IS PRIVATELY OWNED AND THE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT IS THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. SALT LAKE CITY WILL NOT ASSUME THESE RESPONSIBILITIES.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK COTTAGES SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

12/12/23
FOR REVIEW ONLY
DO NOT RECORD

PROFESSIONAL LAND SURVEYOR
4938730
TYLER E. JENKINS
STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL
SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK COTTAGES SUBDIVISION

AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY AND COMMON AREAS TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK COTTAGES SUBDIVISION
PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____
ACCOUNT _____
SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.
PLANNING DIRECTOR | DATE

SALT LAKE COUNTY HEALTH DEPT.
APPROVED THIS _____ DAY OF _____, 20__.
SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER_____DATE_____
CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.
SALT LAKE CITY ATTORNEY

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY AND IS HEREBY APPROVED.
SALT LAKE CITY MAYOR | SALT LAKE CITY RECORDER

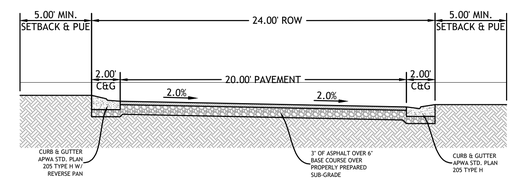
EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____
DATE:_____ TIME:_____ BOOK:_____ PAGE:_____
FEE | SALT LAKE COUNTY DEPUTY RECORDER

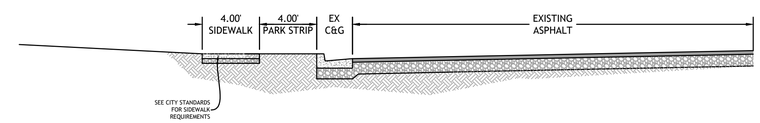
C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\2 - Subdivision Plat.dwg

ZONING MODIFICATIONS		
	SR-1 ZONE	DESIGN
MIN. WIDTH	50'	26' *
MIN. AREA	5,000 SF	3,498 SF *
MIN. FRONT SETBACK	20'	2.95'
MIN. SIDE CORNER SETBACK	10'	5' *
MIN. SIDE SETBACK	4 / 10	5' *
MIN. REAR SETBACK	15'	2.3'
MAX COVERAGE	40%	34%
* ZONING REQUIREMENTS TO BE MODIFIED		

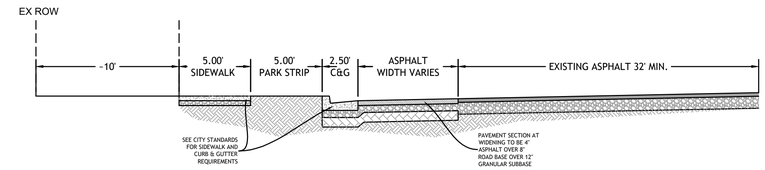
NOTES:
1. EACH LOT CONTAINS ONE PRIMARY UNIT AND ONE POTENTIAL ADU.
2. PRIVATE PARKING NOT IN DRIVEWAY.



PRIVATE ROAD SECTION
NOT TO SCALE



CAPITOL PARK AVENUE SECTION
NOT TO SCALE



F STREET SECTION
NOT TO SCALE

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'
0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:
1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

PROJECT STATISTICS	
TOTAL AREA =	3.21 AC
LOTS =	21
DENSITY =	6.54 DU/AC
OPEN SPACE AREA=	0.68 AC (21.2%)
OFF-STREET PARKING=	0.01 AC (1.49%)

LICENSED PROFESSIONAL ENGINEER
No. 366631
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

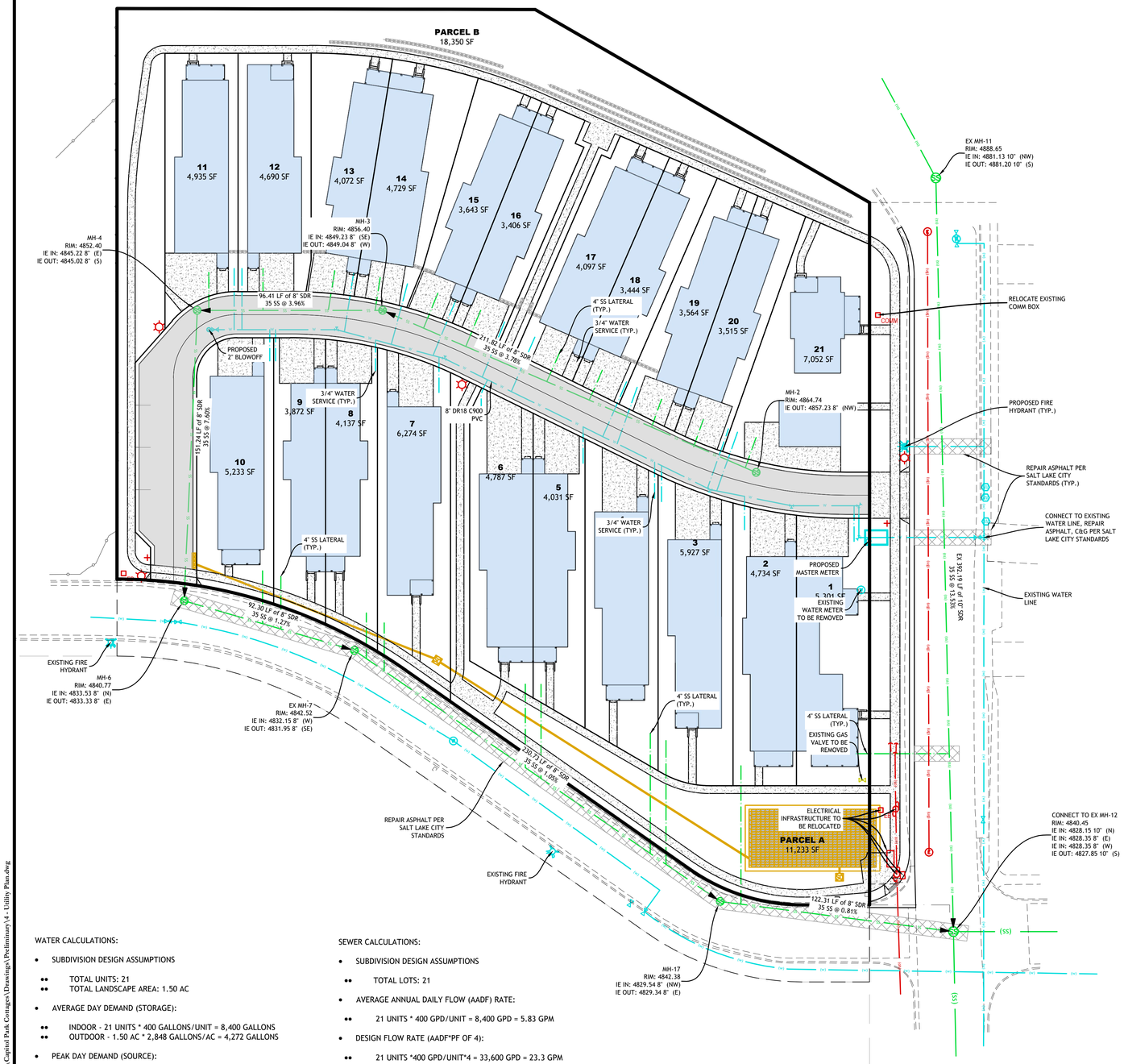
Site Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:
No. DATE REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-3

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\3 - Site Plan.dwg



WATER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL UNITS: 21
  - TOTAL LANDSCAPE AREA: 1.50 AC
- AVERAGE DAY DEMAND (STORAGE):
  - INDOOR - 21 UNITS * 400 GALLONS/UNIT = 8,400 GALLONS
  - OUTDOOR - 1.50 AC * 2,848 GALLONS/AC = 4,272 GALLONS
- PEAK DAY DEMAND (SOURCE):
  - INDOOR - 21 UNITS * 0.56 GPM/UNIT = 11.76 GPM
  - OUTDOOR - 1.50 AC * 3.96 GPM/AC = 5.94 GPM
  - TOTAL = 17.7 GPM (25,488 GPD)
- PEAK INSTANTANEOUS DEMAND
  - INDOOR - $10.8*(21)^{0.64}$ = 75.8 GPM
  - OUTDOOR - 1.50 AC * 7.92 GPM/AC = 11.88 GPM
  - TOTAL = 87.7 GPM (126,259 GPD)
- FIRE FLOW:
  - 2,000 GPM FOR 2 HOURS

SEWER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL LOTS: 21
- AVERAGE ANNUAL DAILY FLOW (AADF) RATE:
  - 21 UNITS * 400 GPD/UNIT = 8,400 GPD = 5.83 GPM
- DESIGN FLOW RATE (AADF*PF OF 4):
  - 21 UNITS *400 GPD/UNIT*4 = 33,600 GPD = 23.3 GPM

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EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. No new above-ground electrical equipment in public ROW.
7. Water system is private and will be maintained by HOA.
8. All utilities must meet separation requirements, including laterals.

LICENSED PROFESSIONAL ENGINEER
No. 360931
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

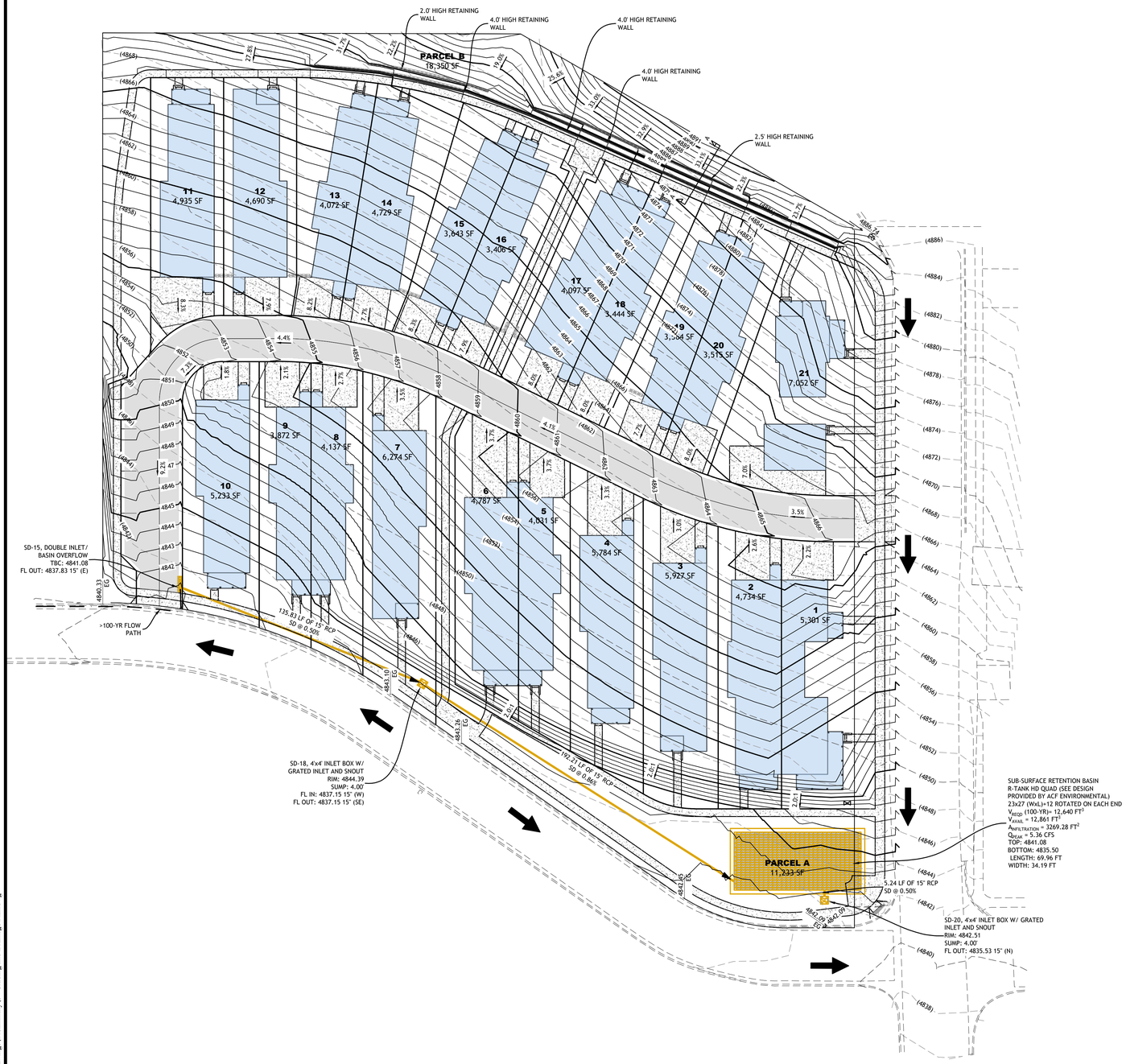
Utility Plan

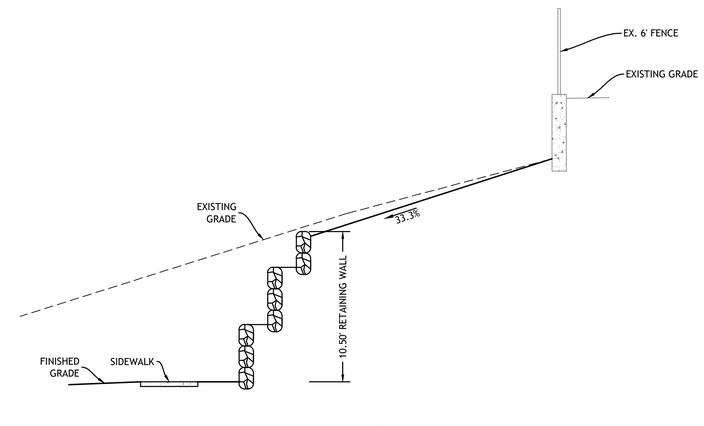
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

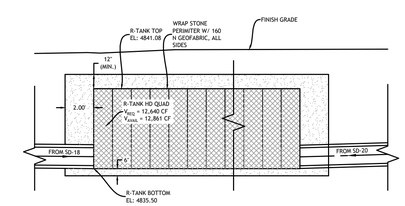
DATE: December 12, 2023

SHEET NUMBER: O-4





SECTION A
NOT TO SCALE



R-TANK INFILTRATION / RETENTION BASIN DETAIL
NOT TO SCALE

**REFER TO MANUFACTURER'S INSTALLATION REQUIREMENTS AND RECOMMENDATIONS FOR MORE INFORMATION.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Grading & Drainage Plan

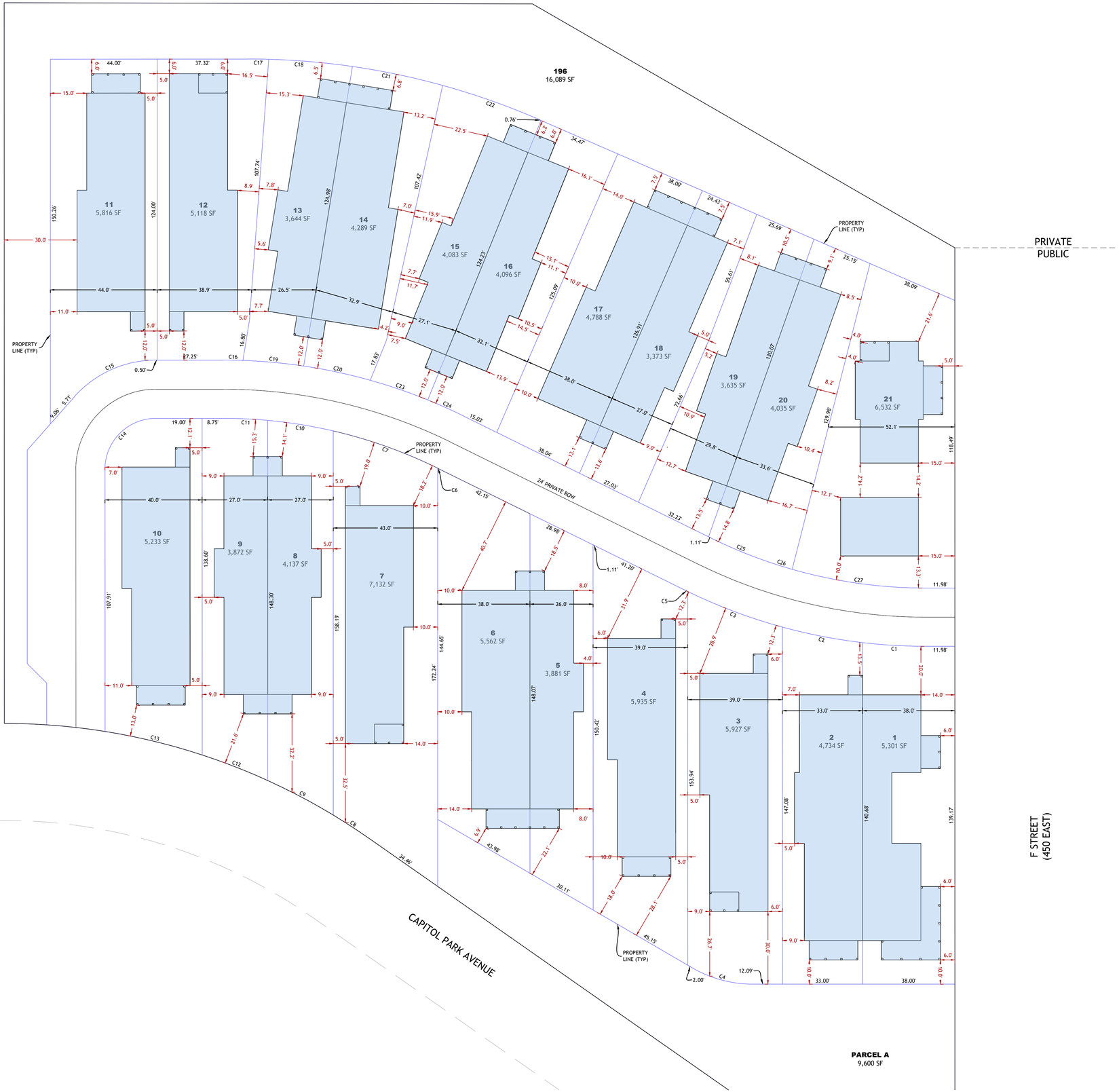
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-5

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\5 - Grading and Drainage Plan.dwg



LOT DIMENSIONS AND STATISTICS							
	MINIMUM SETBACKS						
LOT #	FRONT (FT)	SIDE (FT)	REAR (GARAGE) (FT)	LOT AREA (SF)	LOT WIDTH (FT)	BLDG FOOTPRINT AREA (SF)	BLDG COVERAGE (%)
1	5	5	10	5,301	38	2,552	48%
2	5	5	10	4,734	33	2,814	59%
3	5	5	10	5,927	39	2,597	44%
4	5	5	10	5,935	39	2,564	43%
5	5	5	10	3,881	26	1,842	47%
6	5	5	10	5,562	38	2,550	46%
7	5	5	10	7,132	43	2,597	36%
8	5	5	10	4,137	27	1,826	44%
9	5	5	10	3,872	27	1,826	47%
10	5	5	10	5,233	40	2,564	49%
11	5	5	10	5,816	44	2,564	44%
12	5	5	10	5,118	38.9*	2,598	51%
13	5	5	10	3,644	26.5*	1,862	51%
14	5	5	10	4,289	32.9*	2,550	59%
15	5	5	10	4,083	27.1*	1,854	45%
16	5	5	10	4,096	32.1*	1,838	45%
17	5	5	10	4,788	38	2,550	53%
18	5	5	10	3,373	27	1,862	55%
19	5	5	10	3,635	29.8*	1,854	51%
20	5	5	10	4,035	33.6*	1,838	46%
21	5	5	10	6,535	52.1*	2,220	34%
TOTAL SITE				139752		47322	34%

* LOT WIDTH VARIES.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 20'

0 10 20 40 60

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
01/16/24
STATE OF UTAH

Capitol Park Cottages

Lot Dimension Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: January 16, 2024

SHEET NUMBER: O-6

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PARKING LEGEND

18.0' × 9.0'	TYPICAL GARAGE PARKING	41 STALLS
18.0' × 9.0'	TYPICAL DRIVEWAY PARKING	45 STALLS
22.0' × 9.0'	TYPICAL GUEST PARKING	4 STALLS

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 20'

0 10 20 40 60

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

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NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
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4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 366671
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Parking Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

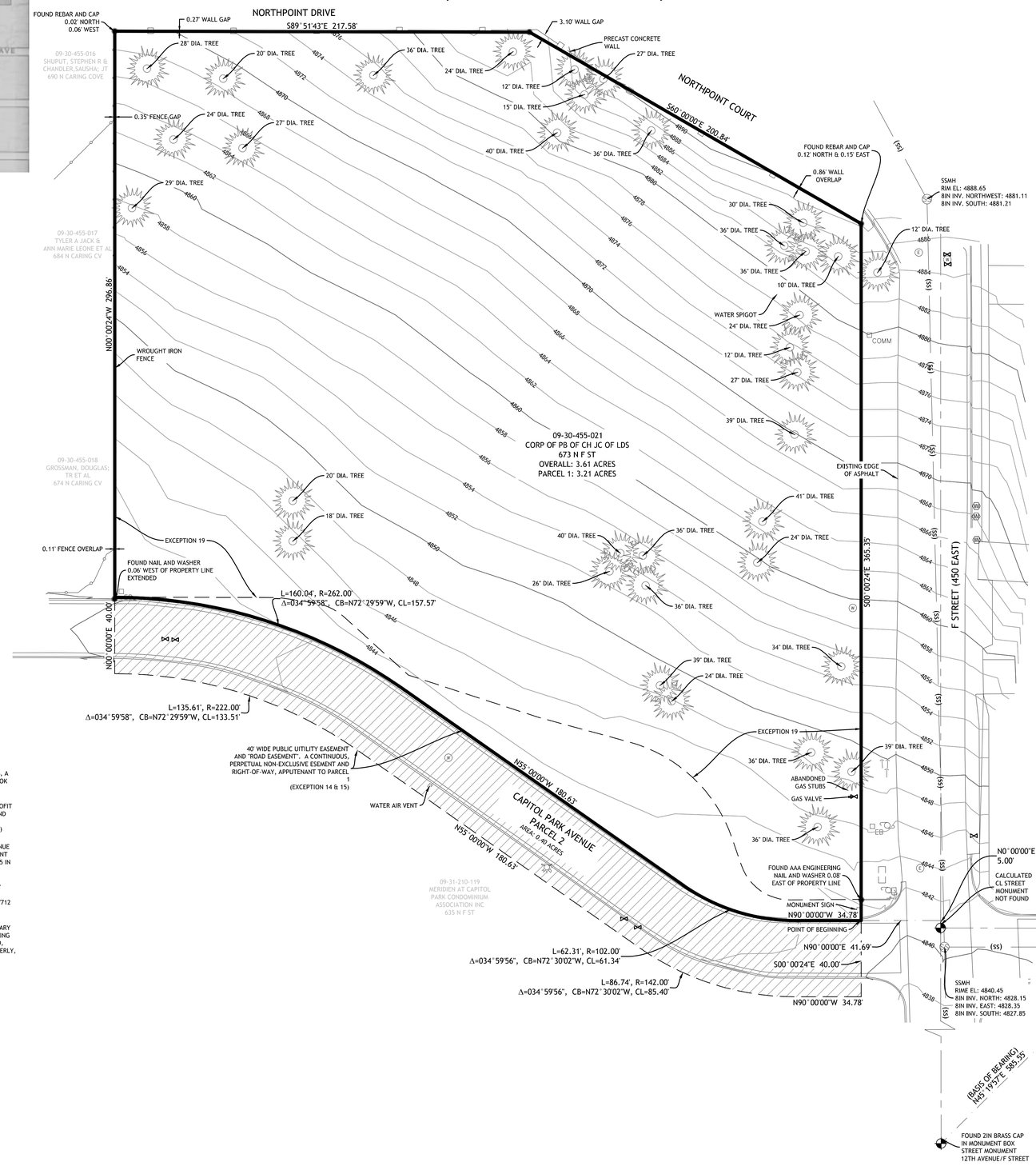
SHEET NUMBER: O-7

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\7 - Parking Plan.dwg

ALTA/NSPS LAND TITLE SURVEY

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF
SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

VICINITY MAP
NOT TO SCALE



TO:
IVORY DEVELOPMENT LLC, A UTAH LIMITED LIABILITY COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 7A, 8, 9, 11, 13, AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON DECEMBER 27, 2019 & JANUARY 9, 2020
DATE OF MAP: JANUARY 24, 2020

GENERAL NOTES
1. THIS SURVEY IS BASED UPON ONE TITLE REPORT: COMMITMENT FOR TITLE INSURANCE ISSUED BY OLD REPUBLIC TITLE, DATED DECEMBER 26,2019 - OLD REPUBLIC TITLE FILE: 121577-JCP
2. NOTES PERTAINING TO EXCEPTIONS TO COVERAGE, SCHEDULE B OF REFERENCED TITLE REPORTS:
TITLE REPORT 1 - EXCEPTION 1 THROUGH 13, 16, 20 AND 21 ARE NOT ADDRESSED BY THIS SURVEY
3. DOCUMENTS FURNISHED AND UTILIZED IN THE PERFORMANCE OF THIS SURVEY ARE AS FOLLOWS:
R1) OLD REPUBLIC TITLE, DATED DECEMBER 26, 2019 - OLD REPUBLIC TITLE FILE: 121577-JCP
R3) FEMA MAP PANEL - 49035C0142G - EFFECTIVE ON 9/25/2009
4. UTILITIES AS SHOWN HEREON WERE LOCATED BASED UPON VISIBLE IMPROVEMENTS AT THE TIME OF THE SURVEY.
NOT ALL UTILITIES MAY BE SHOWN HEREON
5. SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" OF SAID PANEL.
6. TREE DIAMETERS ARE APPROXIMATE AND SHOWN TO GIVE RELATIVE SIZE.

BASIS OF BEARING
NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

RECORD LEGAL DESCRIPTIONS
PARCEL 1:
LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 2003P OF PLATS AT PAGE 391 OF THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDER, STATE OF UTAH.

PARCEL 2:
A CONTINUOUS, PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY, APPURTENANT TO PARCEL 1 DESCRIBED HEREIN, FOR THE PLACEMENT, INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL OF UTILITIES AND FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS, AS MORE PARTICULARLY DEFINED AND DESCRIBED IN THAT CERTAIN EASEMENT AGREEMENT RECORDED DECEMBER 12, 2003 AS ENTRY NO. 8923197 IN BOOK 8923 AT PAGE 1596 OF OFFICIAL RECORDS.

BOUNDARY DESCRIPTION
BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENTION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES

EXCEPTION 14 EASEMENT AGREEMENT BY AND BETWEEN AVENUE HEIGHTS CONDOMINIUMS, L.L.C., A UTAH LIMITED LIABILITY COMPANY AND CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, DATED OCTOBER 12, 2001 AND RECORDED DECEMBER 12, 2003, AS ENTRY NO. 8923197, IN BOOK 8923, AT PAGE 1596.

EXCEPTION 15 GRANT OF EASEMENT IN FAVOR OF CAPITOL PARK HOMEOWNER'S ASSOCIATION, INC., A UTAH NON-PROFIT CORPORATION FOR THE REPLACEMENT, INSTALLATION, MAINTENANCE, AND REPAIR OF UTILITIES AND FOR PEDESTRIAN AND VEHICULAR INGRESS TO AND EGRESS FROM THE ROAD KNOWN AS CAPITOL PARK AVENUE AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 12, 2003, AS ENTRY NO. 8923199, IN BOOK 8923, AT PAGE 1615. (AFFECTS PARCEL 1A)

EXCEPTION 17 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST ON THE PROPERTY AT 401 TWELFTH AVENUE TO CONSTRUCT ADDITIONAL PARKING FACILITIES IN A RESIDENTIAL "R-6" DISTRICT WHICH REQUIRES BOARD OF ADJUSTMENT APPROVAL WAS PROVISIONALLY GRANTED, DATED MARCH 19, 1973 AND RECORDED MARCH 26, 1973 AS ENTRY NO.2527325 IN BOOK 3286 AT PAGE 69. (COVERS THIS AND OTHER LAND)

EXCEPTION 18 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST FOR ON THE PROPERTY AT 675 NORTH "F" STREET A EXCEPTION TO ALLOW A CHURCH BUILDING HEIGHT AND FACE WALL TO EXCEED THE HEIGHT LIMIT IN AN FR-3 RESIDENTIAL ZONE WAS GRANTED, DATED JULY 15, 1997 AND RECORDED JULY 16, 1997 AS ENTRY NO. 6692084 IN BOOK 7712 AT PAGE 1142. (BLANKET IN NATURE AND NOT PLOTTED)

EXCEPTION 19 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST FOR A CONDITIONAL USE AND A PRELIMINARY SUBDIVISION PLAT APPROVAL TO AMEND THE LOCATION OF THE SOUTH PROPERTY LINE FOR A NEW WARD/BRANCH BUILDING LOCATED AT APPROXIMATELY 675 NORTH "F" STREET IN A FOOTHILLS RESIDENTIAL "FR-3" ZONING DISTRICT WAS GRANTED, DATED MARCH 23, 1999 AND RECORDED APRIL 15, 1999 AS ENTRY NO. 7323554 IN BOOK 8268 AT PAGE 5411. (THE NORTHERLY, EASTERLY, AND WEST PROPERTY LINES ARE THE LIMITS OF THIS EXCEPTION. THE SOUTHERLY BOUNDARY IS SHOWN GRAPHICALLY ON DRAWING.)

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- EXISTING CONCRETE & ASPHALT
- EXISTING BUILDING
- FENCE LINE
- SECTION CORNER (FOUND)
- SECTION CORNER (NOT FOUND)
- ROAD MONUMENT
- PROPERTY MARKER (SET OR FOUND AS NOTED)
- (4252) EXISTING GROUND CONTOUR
- (ss) SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- (w) CULINARY WATER LINE
- FIRE HYDRANT
- CULINARY WATER METER
- CULINARY WATER FIXTURES
- (sw) SECONDARY WATER LINE
- SECONDARY WATER FIXTURES
- STORM DRAIN LINE
- SD COMBOBOX, INLET & CLEANOUT
- UTILITY POLE
- LIGHT POLE
- (oh) OVERHEAD UTILITY
- (ug) UNDERGROUND UTILITY
- EB ELECTRICAL BOX / MANHOLE
- XFMR ELECTRICAL TRANSFORMER
- (com) COMMUNICATIONS LINE
- COMM COMMUNICATIONS BOX / MANHOLE
- (gas) GAS LINE
- GAS MANHOLE
- GUY WIRE
- CONIFEROUS TREE
- DECIDUOUS TREE
- SIGN
- IR IRRIGATION CONTROL VALVE

EDM Partners
3980 S 700 E, Suite 22 Salt Lake City, UT 84107
(801) 305-4670 www.edmllc.net

NORTH
SCALE: 1" = 30'
0 15 30 60 90

DEVELOPER:

NOTES:

ALTA/NSPS LAND TITLE SURVEY
SALT LAKE CITY, UTAH

PROFESSIONAL LAND SURVEYOR
08/19/2020
4938730
TYLER E. JENKINS
STATE OF UTAH

673 N F STREET

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPO

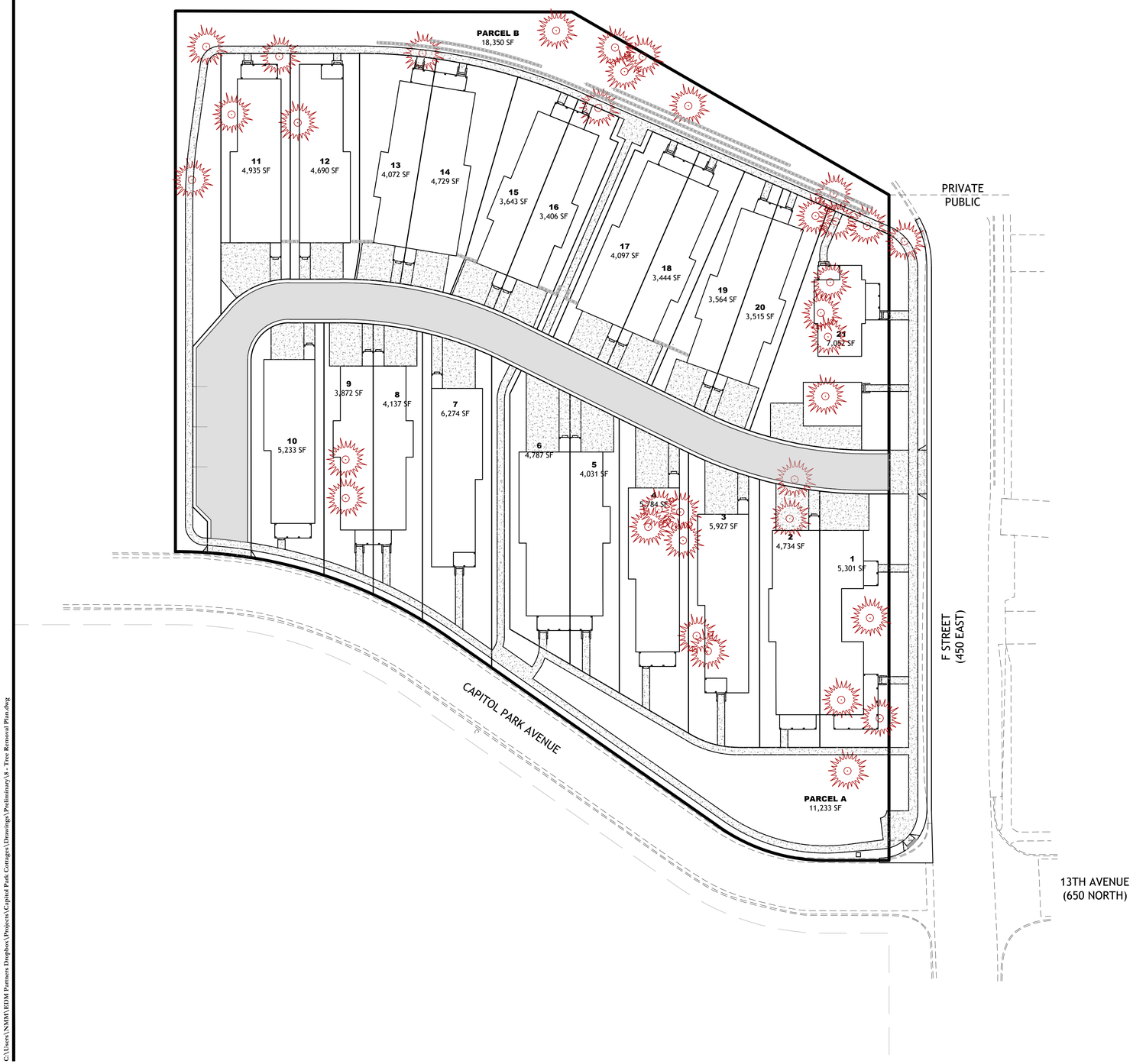
PROJECT:
DRAWN BY: JRB
REVIEWED BY: TEJ
REVISIONS:

No.	DATE	REMARKS

DATE: AUGUST 2020

SHEET NUMBER:
1 OF 1

C:\Users\nick\Dropbox\EDM\Projects\Capitol Park\Survey\ALTA - Capitol Park.dwg



TREE LEGEND

TREE TO BE REMOVED

TREE TO REMAIN

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Tree Removal Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-8

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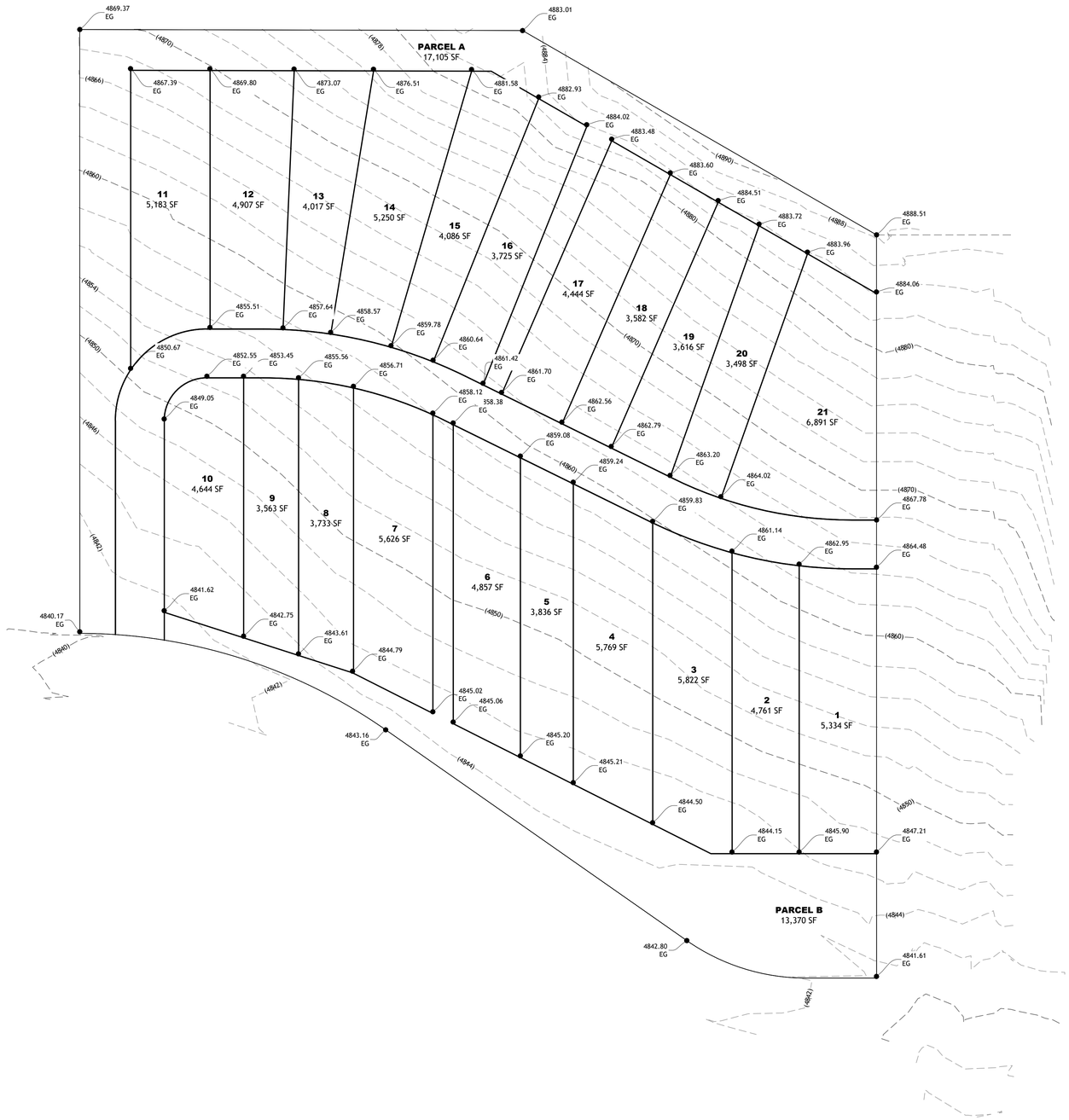


EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 368611
NICHOLAS M. MINGO
11/09/23
STATE OF UTAH

Capitol Park

Lot Cross Slope Exhibit

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: November 9, 2023

SHEET NUMBER:
E-1

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\E-1 Lot Cross Slope Exhibit.dwg

Legend

Common Name	Qty
Flower, Grass	
Grass, Muhly, Regal Mist	213
Grass, 'Karl Foerster'	93
Flower, Perennial	
Daylily, Stella	149
Johnsons Blue Cranesbill	189
Shrub, Deciduous	
Common Snowberry	8
Dogwood Ivory Halo	118
Dogwood, Baileys Red Twig	49
Lilac, Dwarf Korean	29
Smoke Bush	48
Viburnum, Snowball	25
Western Sand Cherry	29
Shrub, Evergreen Broadleaf	
Grape Holly, Oregon	7
Red-Tip Photinia	22
Tree, Deciduous	
Chokecherry, Canada Red, Clump	22
Maple, Autumn Blaze	8
Oak, English, Columnar	19
Pear, Redspire	23
Tree, Evergreen	
Spruce, Weeping White	18

Native Grass

Turf Areas

Brown Bark Mulch

1" = 30'

24x36

LMS, INC.
Landscape Management Services

Design Build
Landscape Design
Irrigation Design
Lighting Design
Digital Image Design

P.O. Box 1798
West Jordan, Utah, 84084
Office: 801-282-6303
Fax: 801-282-3076
Web:www.lmsinc.blogspot.com

The pages contained in these drawings including all Landscape Sheets, Irrigation Sheets, Lighting Sheets, and Digital Design Sheets, are the property of LMS, Inc.and can not be copied or duplicated without the written peremission of LMS, Inc.

Capitol Park
Salt Lake City, UT

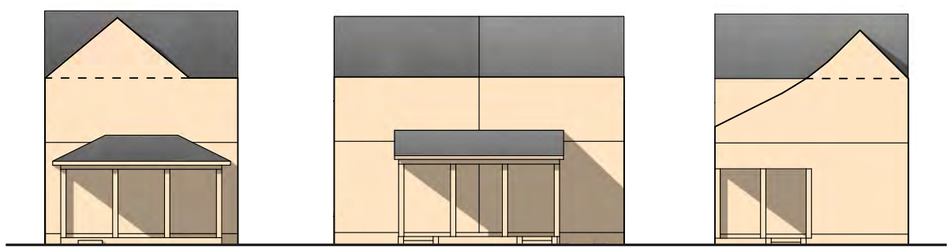
JOB NAME:

ORIENTATION: NORTH

DATE: 12/15/2023

SHEET TITLE: LANDSCAPE PLAN

SHEET NUMBER: L-100



January 2023

BUILDING WALL HEIGHT EXHIBIT

CAPITOL PARK COTTAGES

Salt Lake City, Utah

EAST ELEVATION - NOT APPLICABLE FOR CORNER LOT SIDE YARD

Base max wall height	N/A
Adjustment due to setback*	N/A
Increase due to grade**	N/A
Updated max wall height	N/A

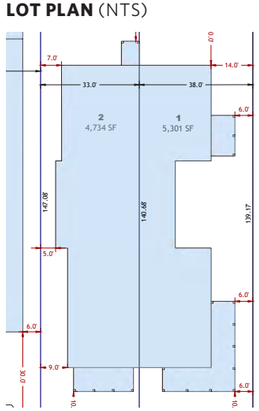
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

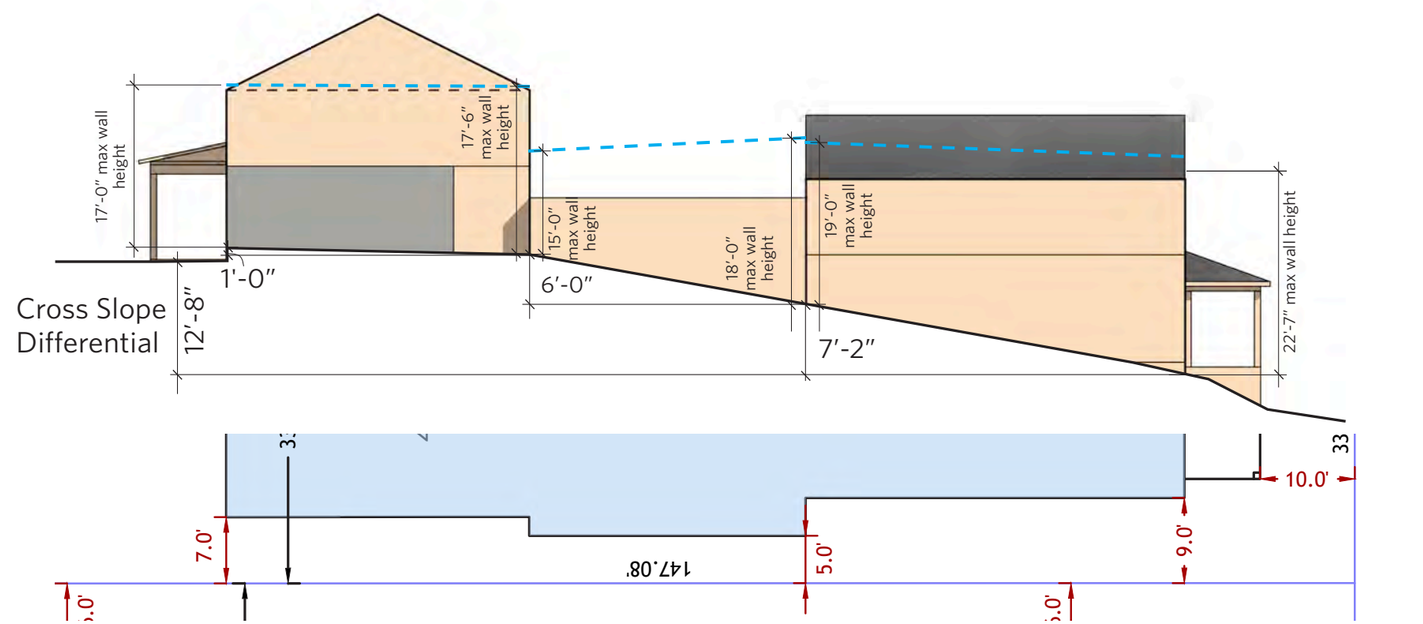
WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-3′	-5′	-1′
Increase due to grade**	6"	3'-0"	3'-7"
Updated max wall height	17′-6″	18′-0″	22'-7"

LOT PLAN (NTS)



KEY PLAN (NTS)



1/16" = 1'-0"

8 0 8 16 32 Feet

MAX WALL HEIGHT

LOTS 1 & 2 - BUILDING WALL HEIGHT EXHIBIT

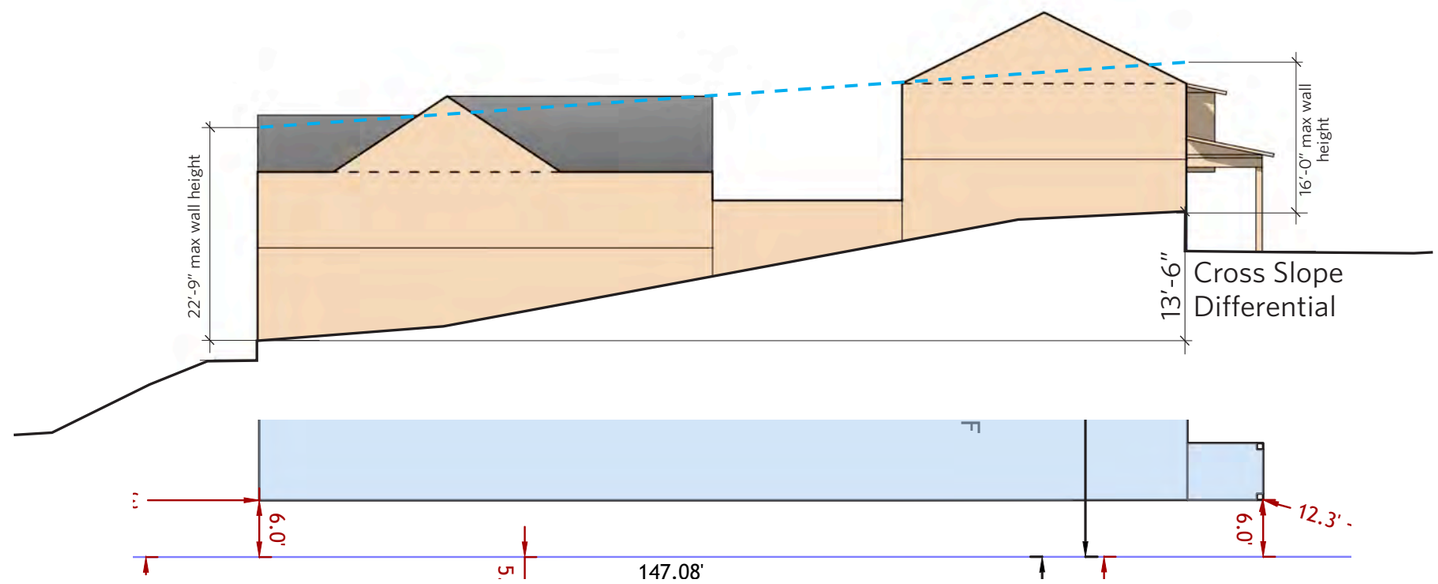
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′
Adjustment due to setback*	-4′
Increase due to grade**	6′-9″
Updated max wall height	22′-9″

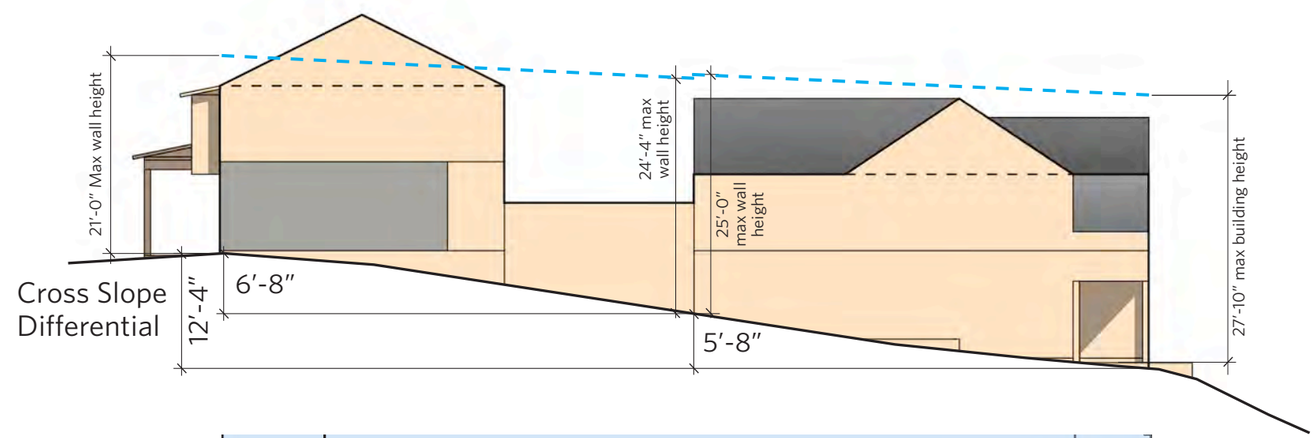
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

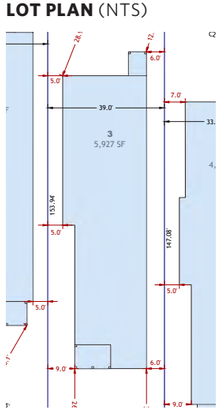


WEST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	+1′	+5′
Increase due to grade**	3′-4″	2′-10″
Updated max wall height	24′-4″	27′-10″



LOT PLAN (NTS)



KEY PLAN (NTS)

LOT 3 - BUILDING WALL HEIGHT EXHIBIT

1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

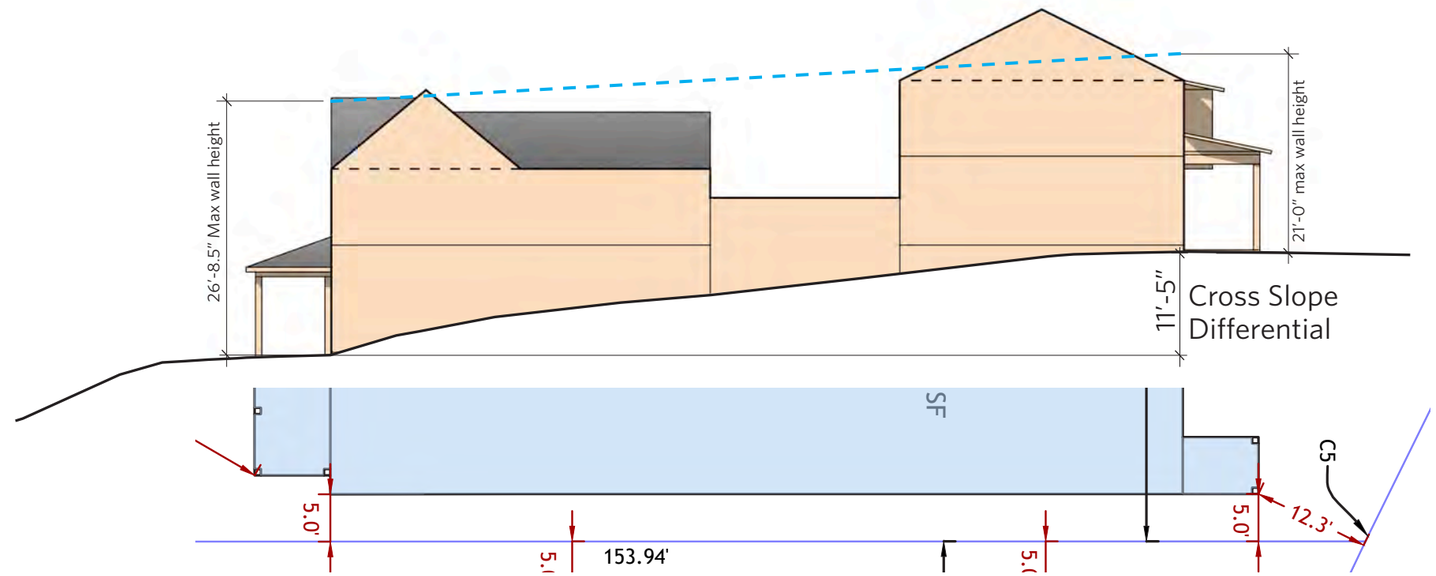
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-8.5″
Updated max wall height	26′-8.5″

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

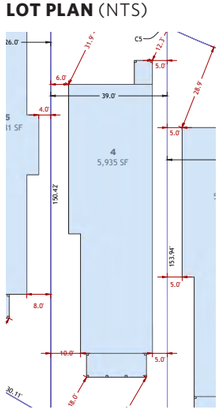
** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



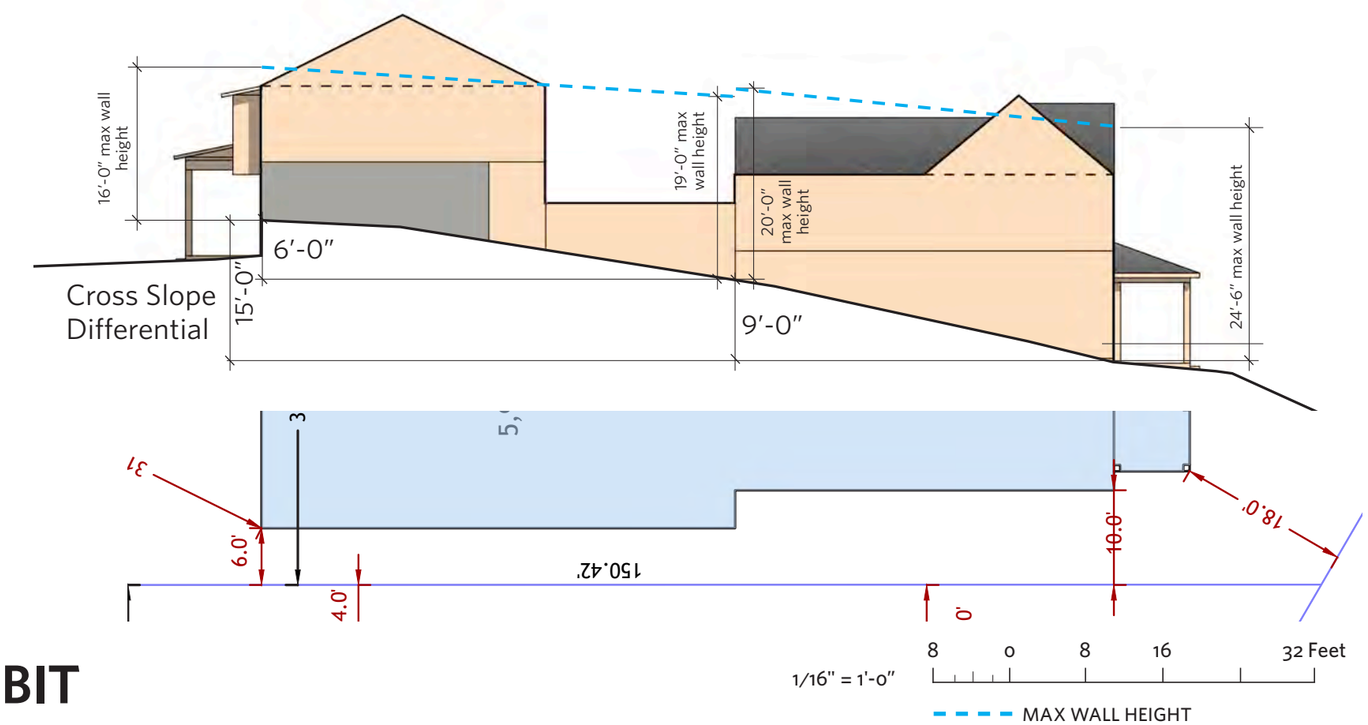
WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	-4′	0′
Increase due to grade**	3′	4′-6″
Updated max wall height	19′	24′-6″

LOT PLAN (NTS)



KEY PLAN (NTS)



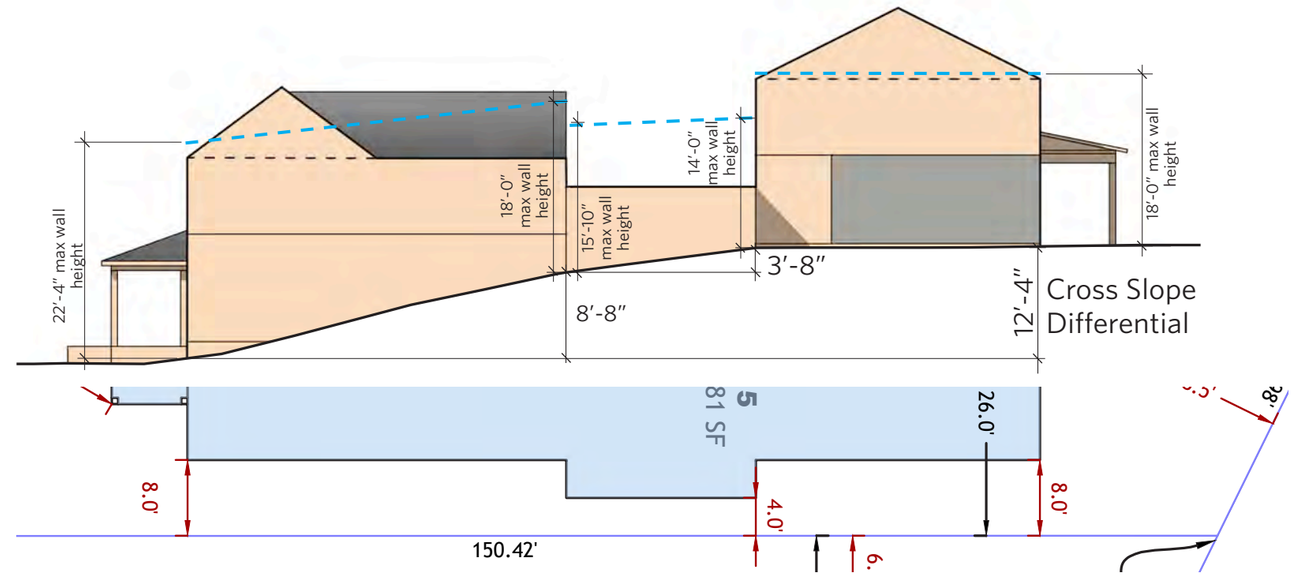
LOT 4 - BUILDING WALL HEIGHT EXHIBIT

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-2′	-6′	-2′
Increase due to grade**	4′-4″	1′-10″	0′
Updated max wall height	22′-4″	15′-10″	18′

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

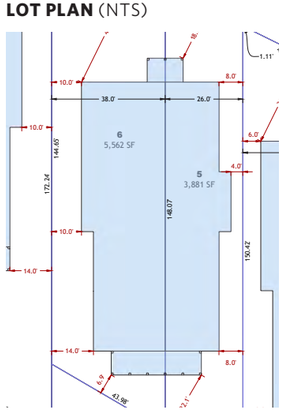


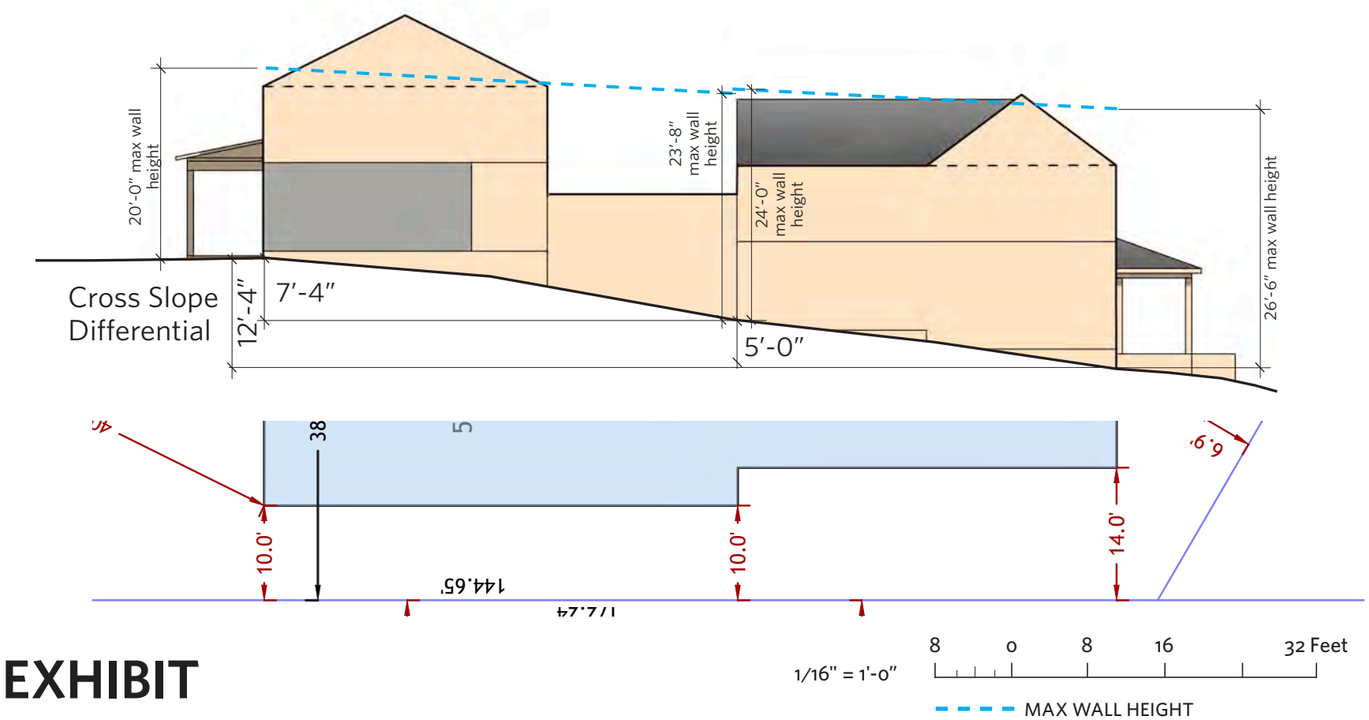
WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	0′	+4′
Increase due to grade**	3′-8″	2′-6″
Updated max wall height	23′-8″	26′-6″

KEY PLAN (NTS)

LOT PLAN (NTS)





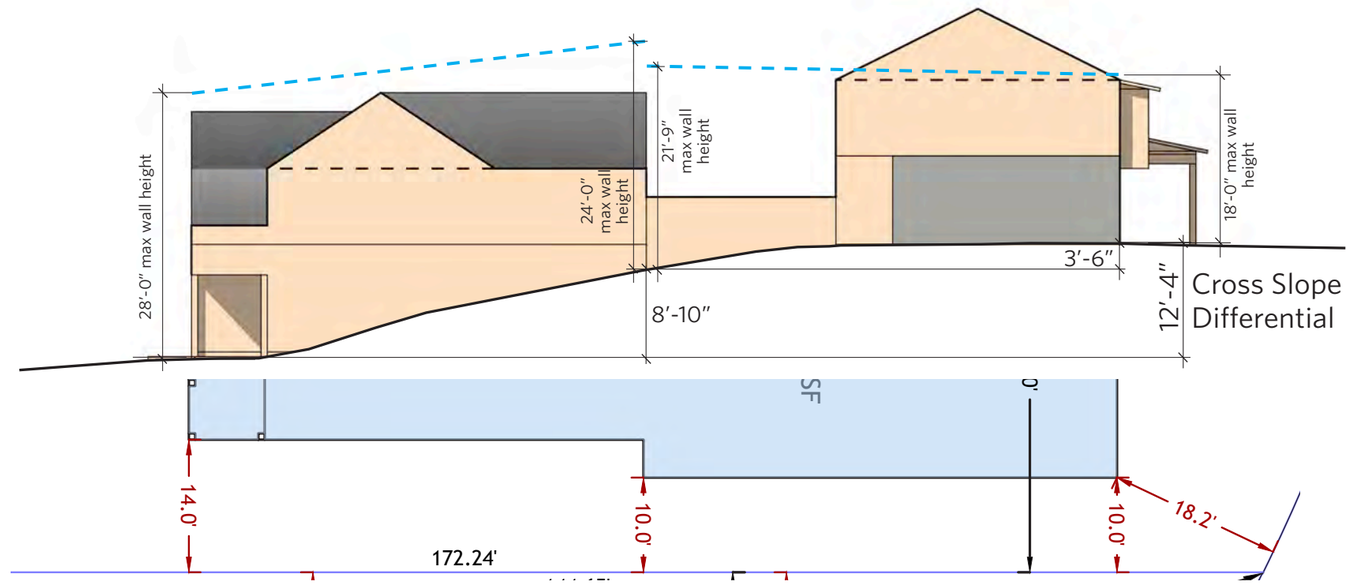
LOTS 5 & 6 - BUILDING WALL HEIGHT EXHIBIT

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	+4′	0′
Increase due to grade**	8′-5″	1′9″
Updated max wall height	32′-5″	21′-9″

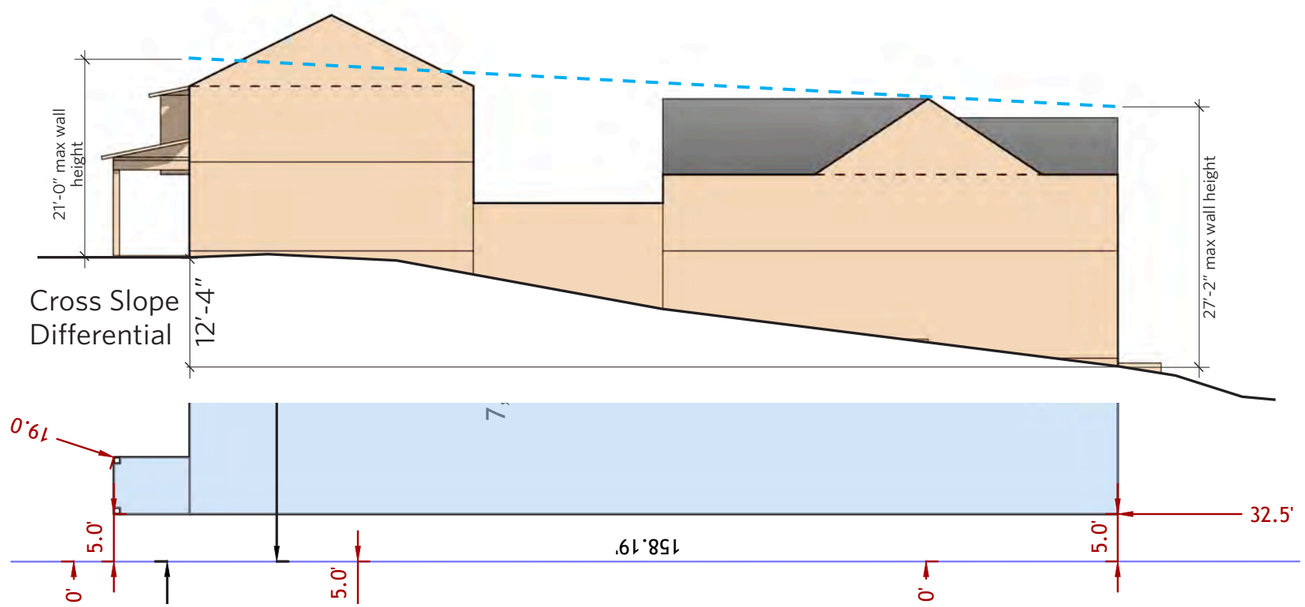
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

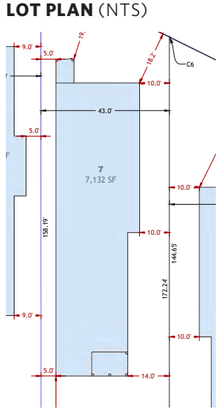


WEST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	6′-2″
Updated max wall height	27′-2″



LOT PLAN (NTS)



KEY PLAN (NTS)

LOT 7 - BUILDING WALL HEIGHT EXHIBIT

1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

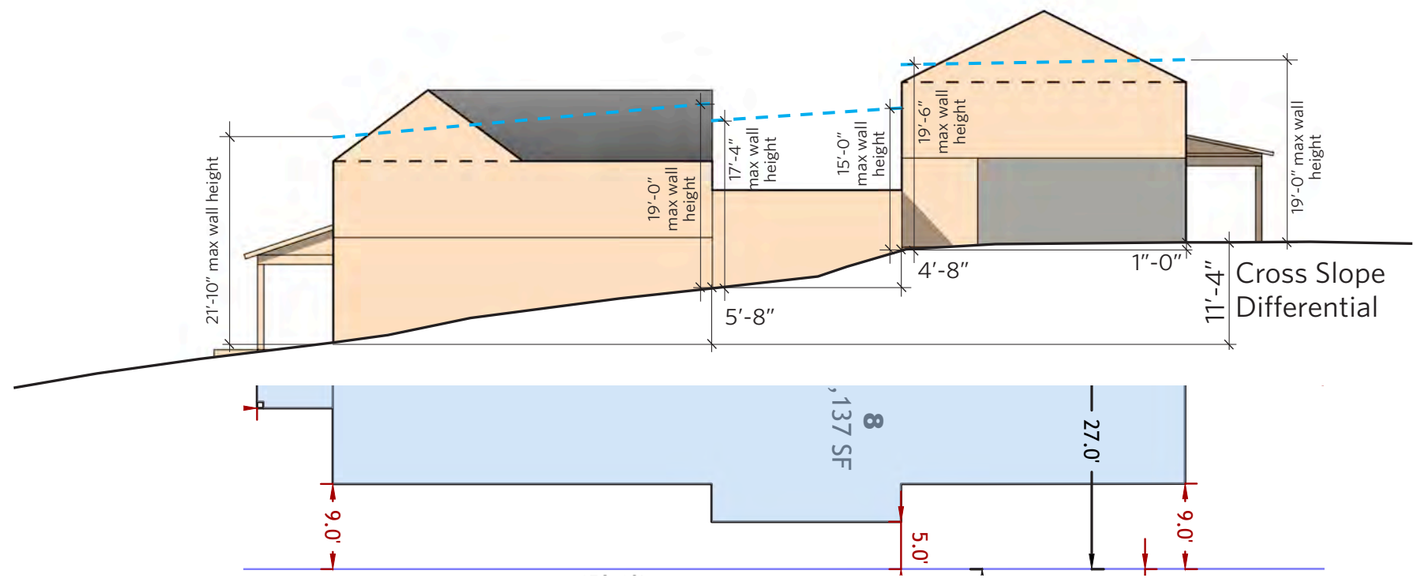
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-1′	-5′	-1′
Increase due to grade**	2′-10″	2′-4″	6″
Updated max wall height	21′-10″	17′-4″	19′6″

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

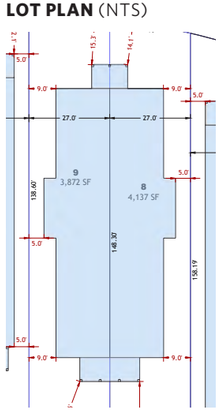
** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



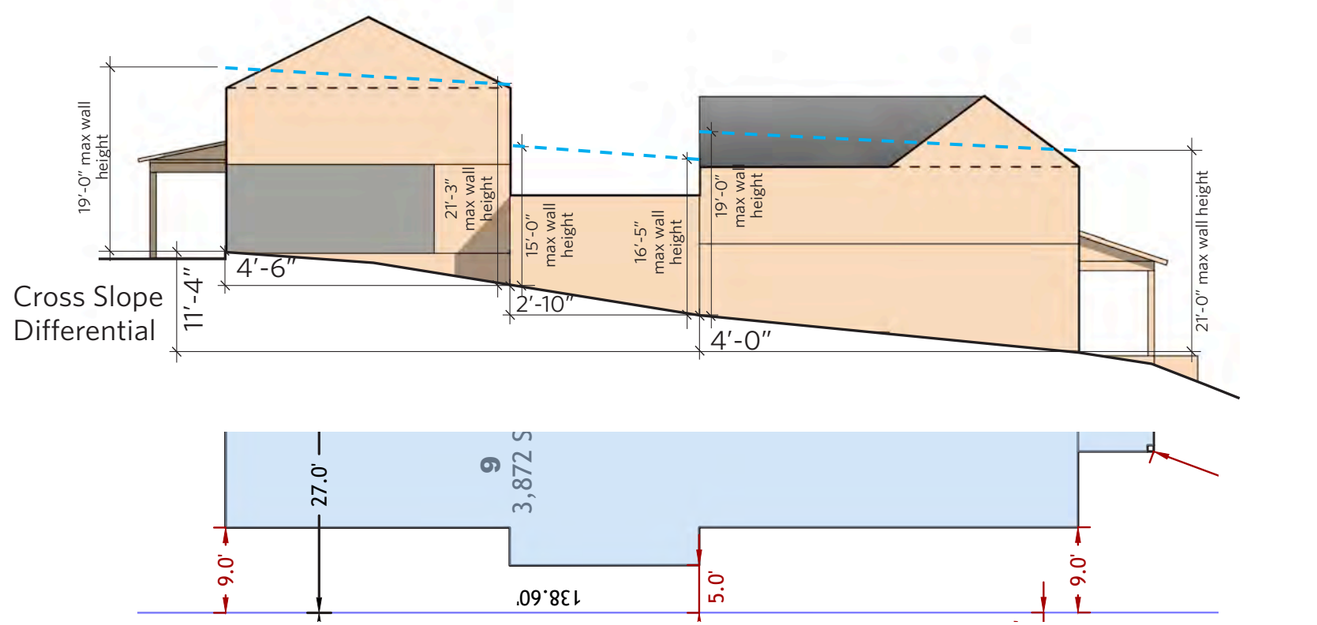
WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-1′	-5′	-1′
Increase due to grade**	2′-3″	1′-5″	2′-0″
Updated max wall height	21′-3″	16′-5″	21′-0″

LOT PLAN (NTS)



KEY PLAN (NTS)



LOTS 8 & 9 - BUILDING WALL HEIGHT EXHIBIT

1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

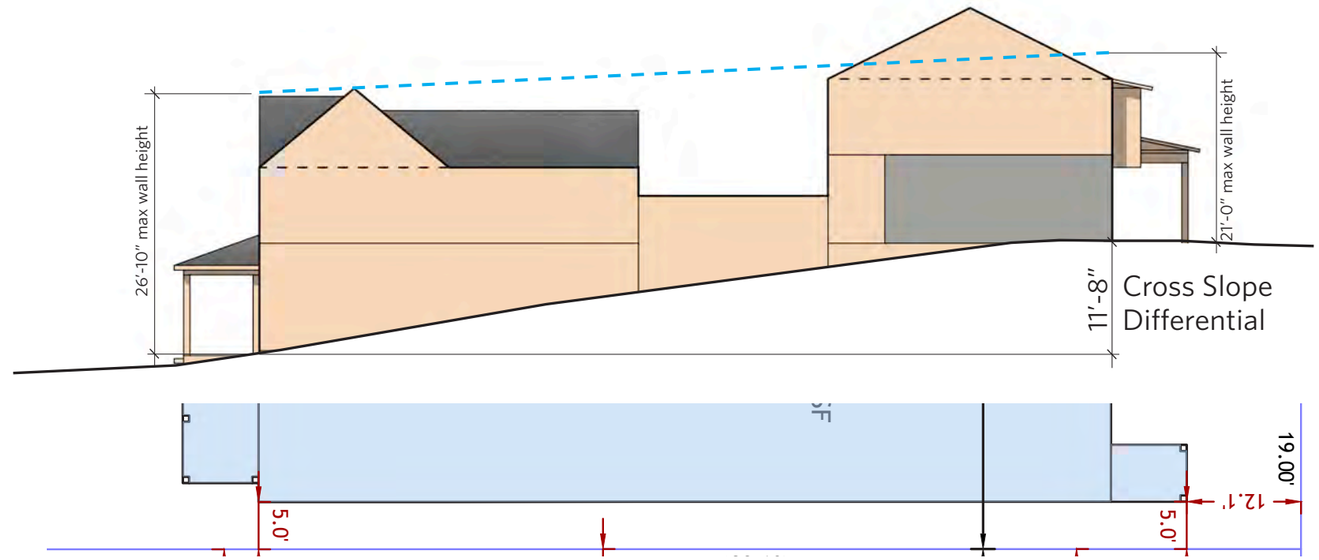
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-10″
Updated max wall height	26′-10″

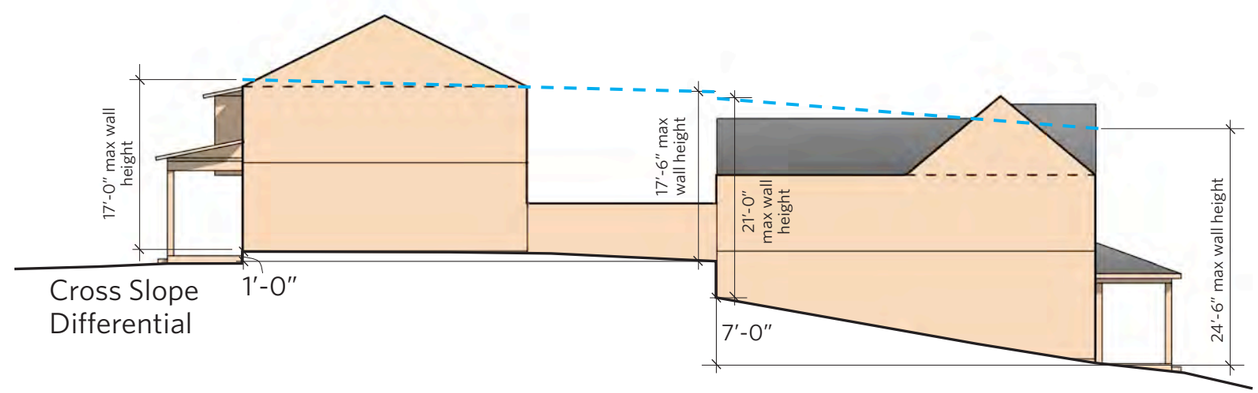
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

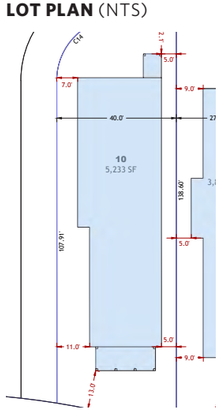


WEST ELEVATION - REQUIRED 10′ SETBACK

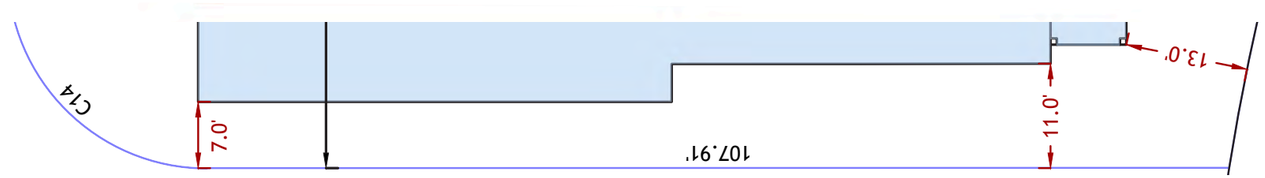
Base max wall height	20′	20′
Adjustment due to setback*	-3′	+1′
Increase due to grade**	0′-6″	3′-6″
Updated max wall height	17′-6″	24′-6″



LOT PLAN (NTS)



KEY PLAN (NTS)



1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX WALL HEIGHT

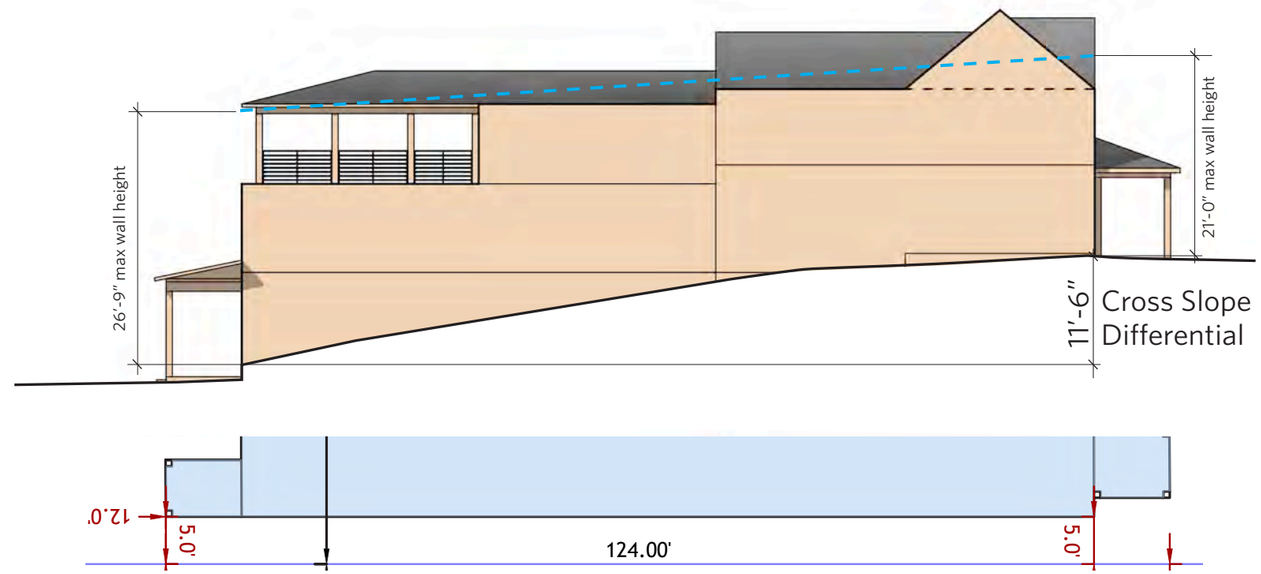
LOT 10 - BUILDING WALL HEIGHT EXHIBIT

EAST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-9″
Updated max wall height	26′-9″

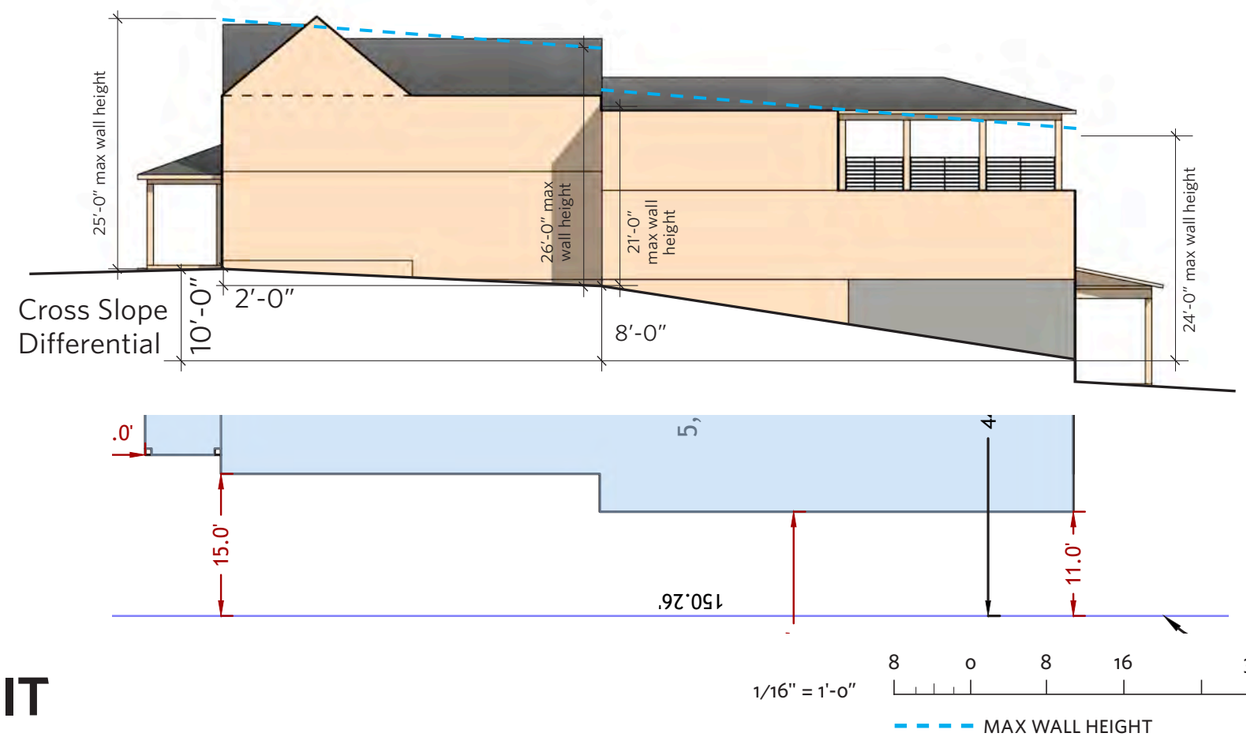
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

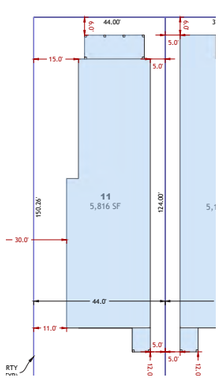


WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	+5′	+1
Increase due to grade**	1′-0″	4′-0″
Updated max wall height	26′-0″	25′-0″



LOT PLAN (NTS)



KEY PLAN (NTS)

LOT 11 - BUILDING WALL HEIGHT EXHIBIT

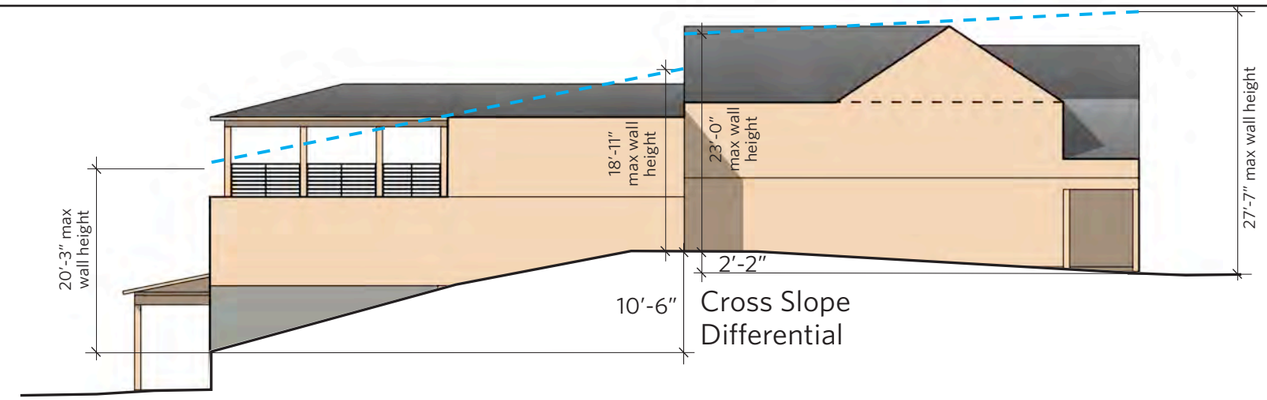
URBAN DESIGN ASSOCIATES

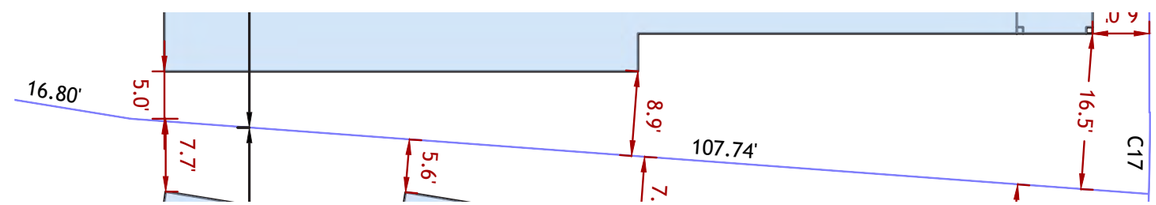
EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	-5′ to -1'-1"	-3′-0" to +6'-6"
Increase due to grade**	5′-3″	1′-1"
Updated max wall height	20'-3" to 18'-11"	23'-0" to 27'-7"

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

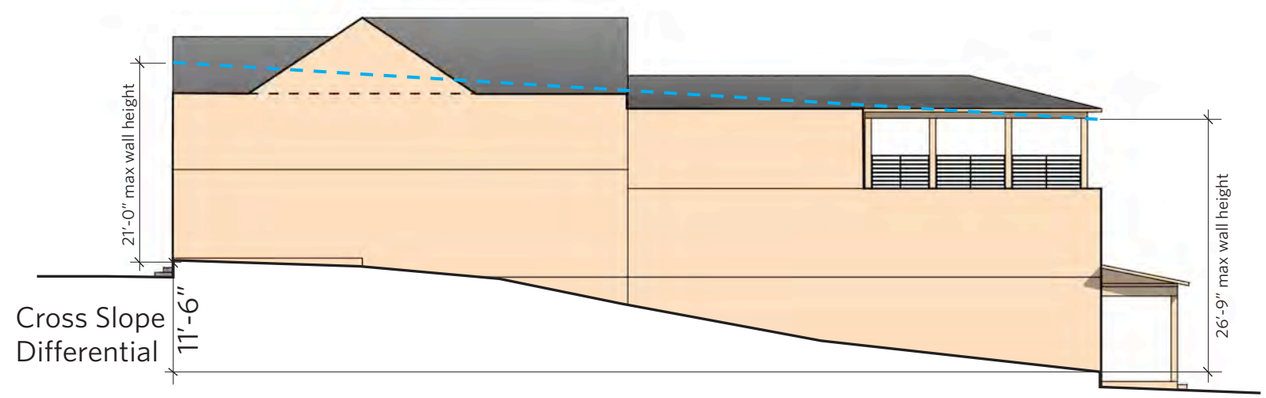
** Downhill wall height increase of 0.5′ for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



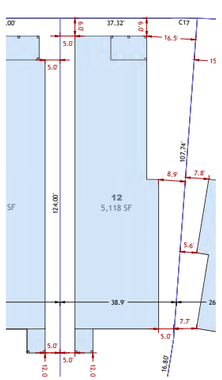


WEST ELEVATION - REQUIRED 4′ SETBACK

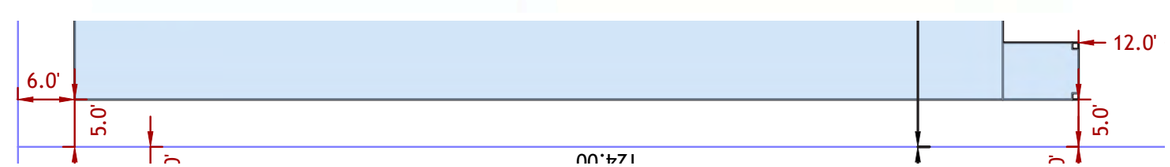
Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-9″
Updated max wall height	26′-9″



LOT PLAN (NTS)



KEY PLAN (NTS)



LOT 12 - BUILDING WALL HEIGHT EXHIBIT

1/16" = 1'-0"

8 0 8 16 32 Feet

MAX WALL HEIGHT

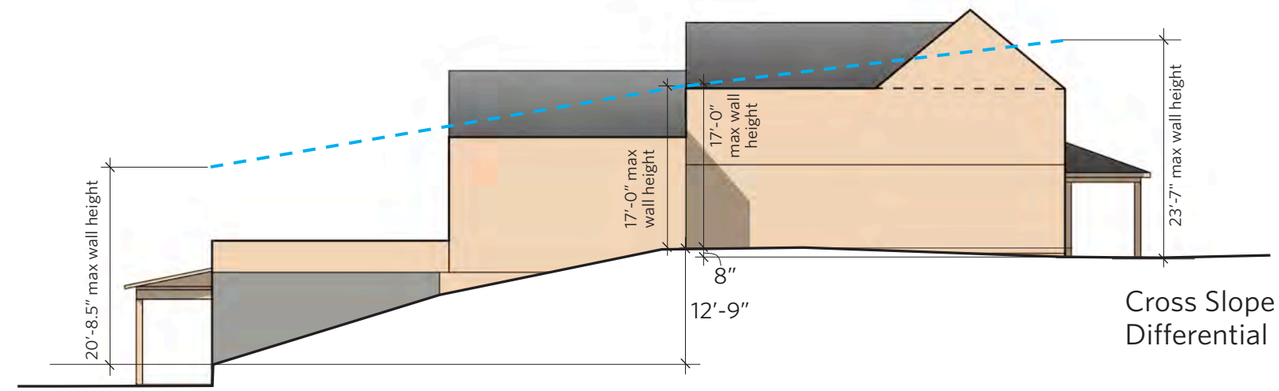
URBAN DESIGN ASSOCIATES

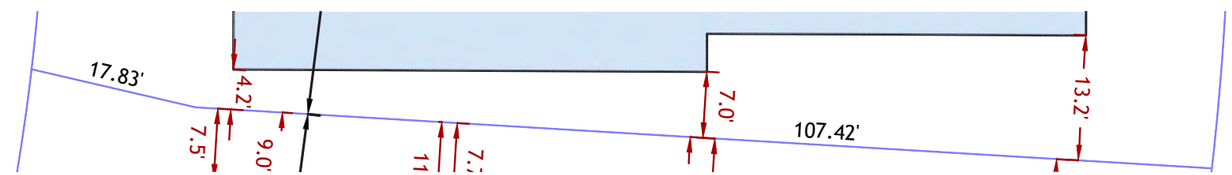
EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	-5′-8″ to -3′	-3′ to +3′-3″
Increase due to grade**	6'-4.5"	0′-4″
Updated max wall height	20′-8.5″ to 17'-0"	17′-0″ to 23'-7"

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

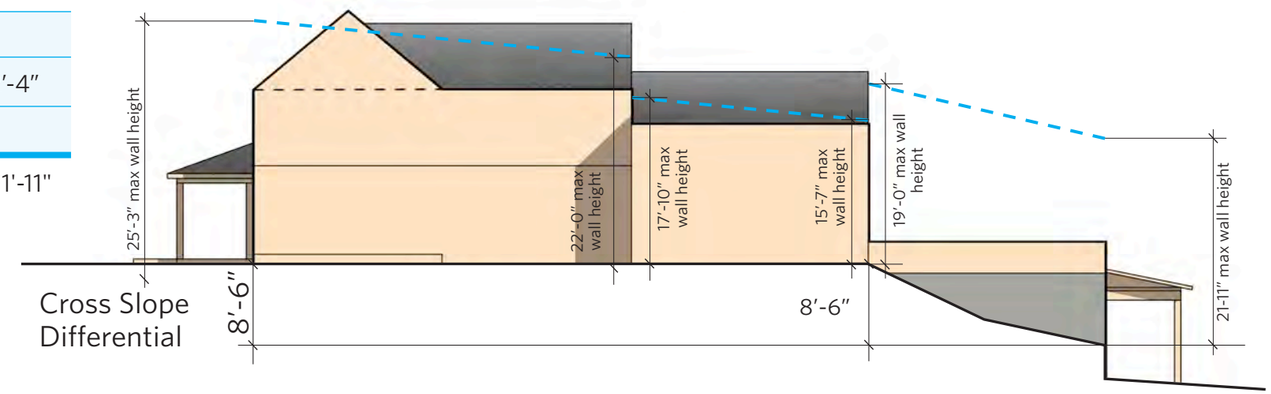
** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



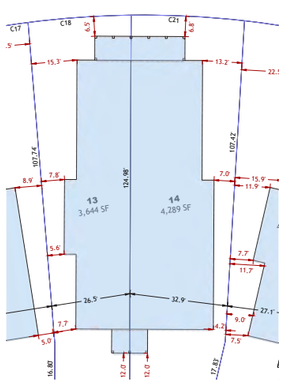


WEST ELEVATION - REQUIRED 10′ SETBACK

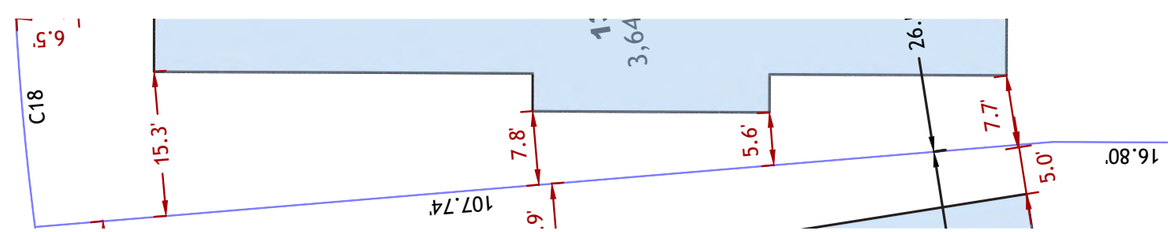
Base max wall height	20′	20′	20′
Adjustment due to setback*	+5′-3″ to +2′-0″	-2′-2″ to -4′-5″	-1′-0″ to -2′-4″
Increase due to grade**	0'	0'	4′-3″
Updated max wall height	25'-3" to 22′-0″	17'10" to 15′-7"	19'-0" to 21'-11"



LOT PLAN (NTS)



KEY PLAN (NTS)



LOTS 13 & 14 - BUILDING WALL HEIGHT EXHIBIT

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX WALL HEIGHT

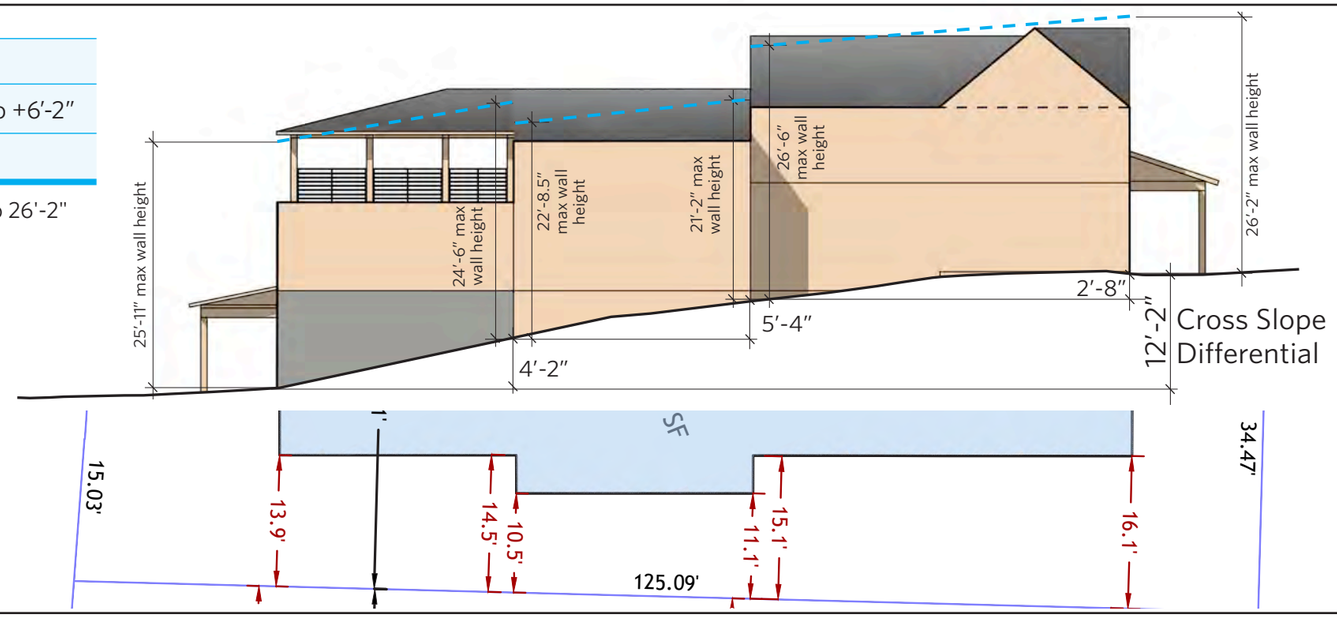
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	+3′-10″ to +4′-6″	+0.5″ to +1′-2″	+5′-2″ to +6′-2″
Increase due to grade**	2′-1″	2′-8″	1′-4″
Updated max wall height	25'-11" to 24'-6"	22'-8.5" to 21'-2"	26'-6" to 26'-2"

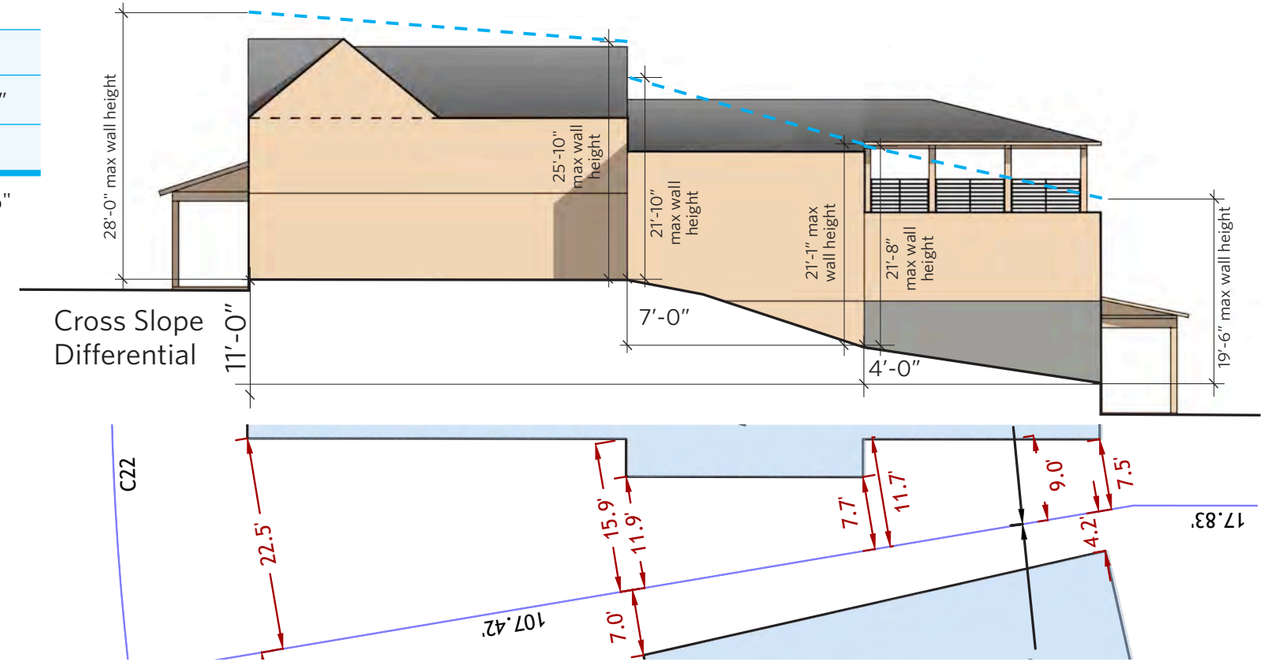
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

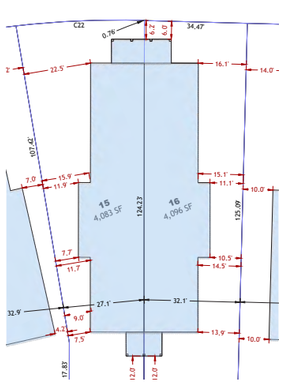


WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	+12′-6″ to +5′-10″	+1′-10″ to -2′-5″	+1′-8″ to -2′-6″
Increase due to grade**	0′	3′-6″	2′-0″
Updated max wall height	28' to 25'-10"	21'-10" to 21'-1"	21'-8" to 19'-6"



LOT PLAN (NTS)



KEY PLAN (NTS)

LOTS 15 & 16 - BUILDING WALL HEIGHT EXHIBIT

1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

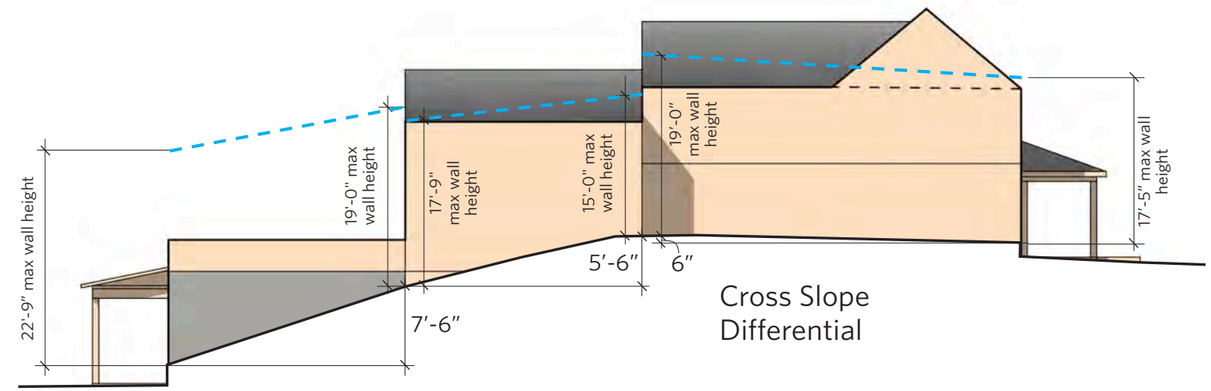
URBAN DESIGN ASSOCIATES

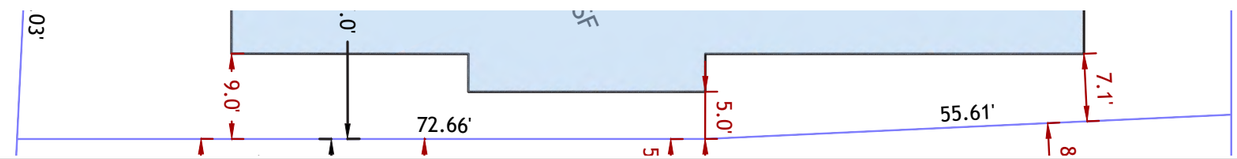
EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20'	20'
Adjustment due to setback*	-1'	-5'	-1' to -2'-10"
Increase due to grade**	3'-9"	2'-9"	3"
Updated max wall height	22'-9"	17'-9"	19'-0" to 17'-5"

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

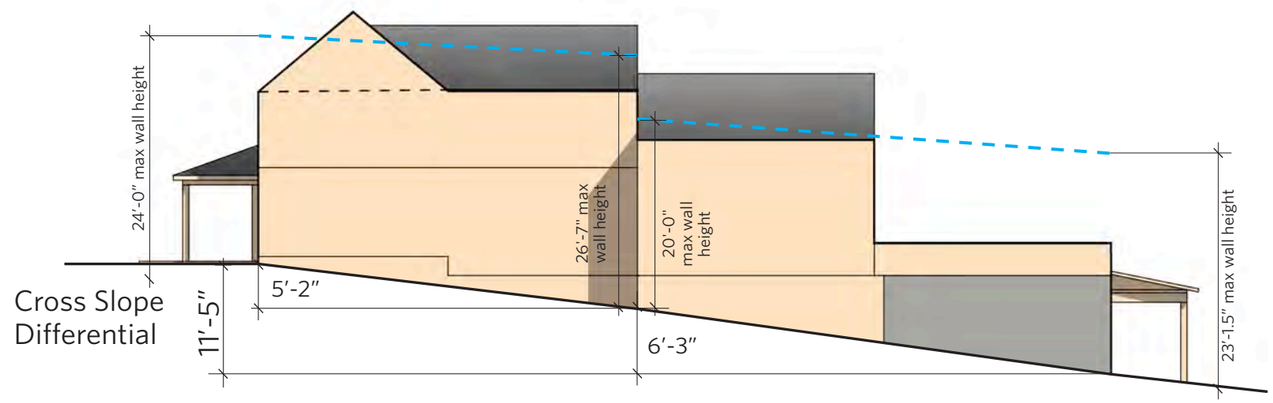
** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



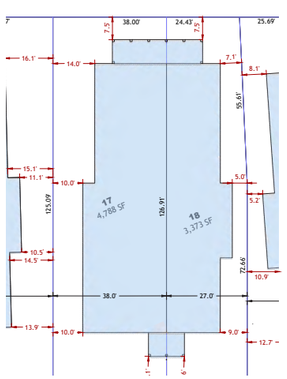


WEST ELEVATION - REQUIRED 10′ SETBACK

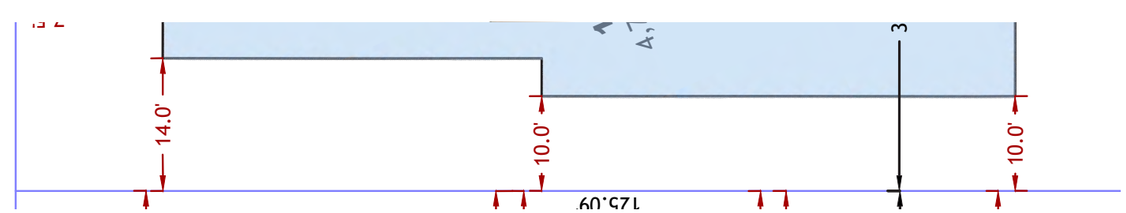
Base max wall height	20′	20'
Adjustment due to setback*	+4'	0'
Increase due to grade**	2'-7"	3'-1.5"
Updated max wall height	26'-7"	23'-1.5"



LOT PLAN (NTS)



KEY PLAN (NTS)



LOTS 17 & 18 - BUILDING WALL HEIGHT EXHIBIT

1/16" = 1'-0"

8 0 8 16 32 Feet

MAX WALL HEIGHT

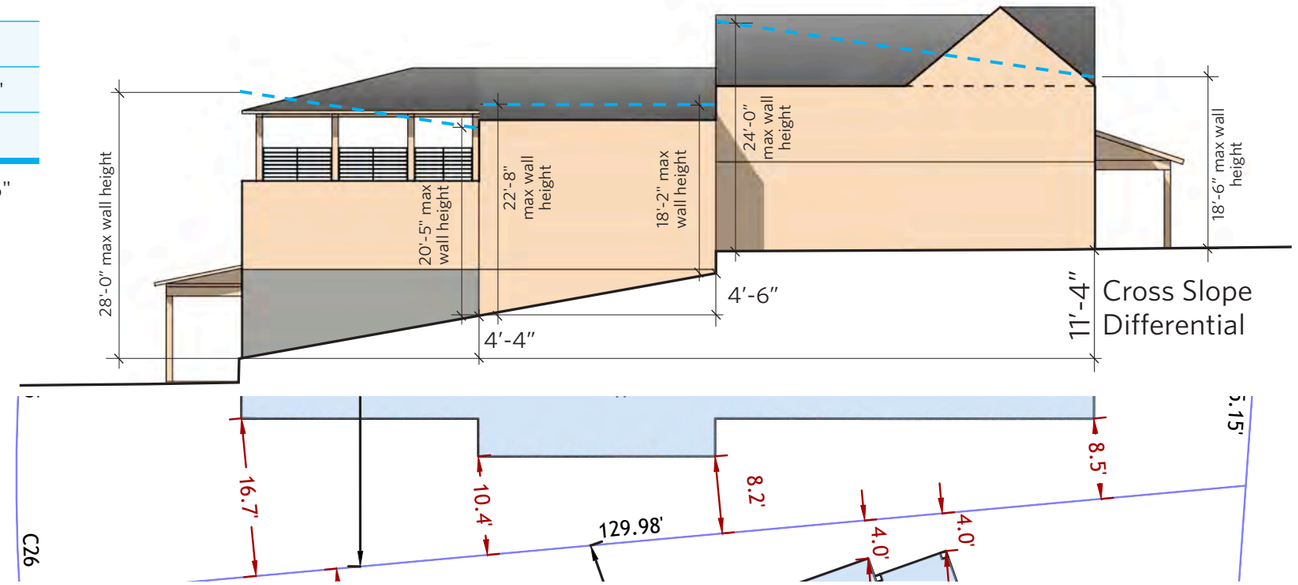
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20'	20'
Adjustment due to setback*	+6'-8" to + 5"	+5" to -1'-10"	+4'-0" to -1'-6"
Increase due to grade**	2'-2"	2'-3"	0
Updated max wall height	28' to 20'-5"	22'-8" to 18-2"	24'-0" to 18'-6"

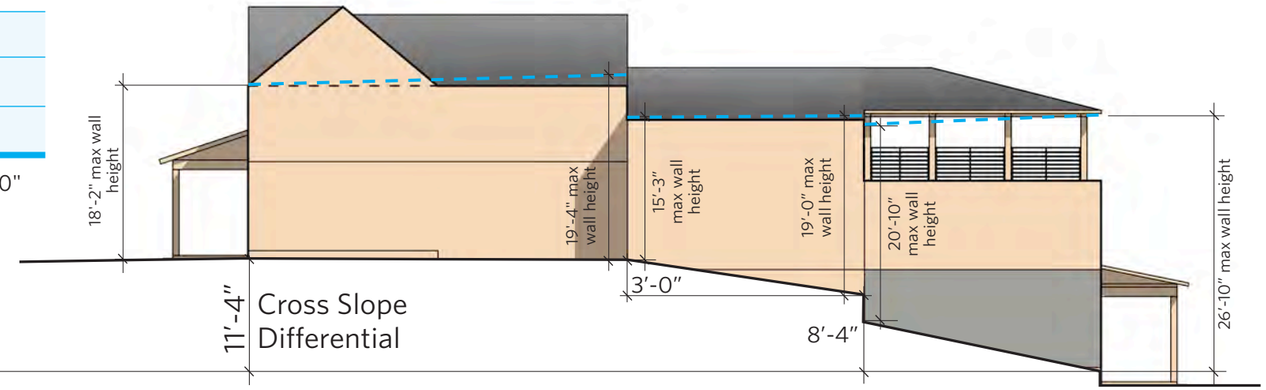
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

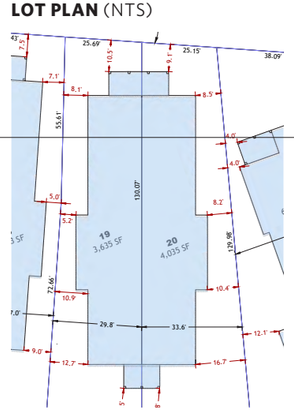


WEST ELEVATION - REQUIRED 10′ SETBACK

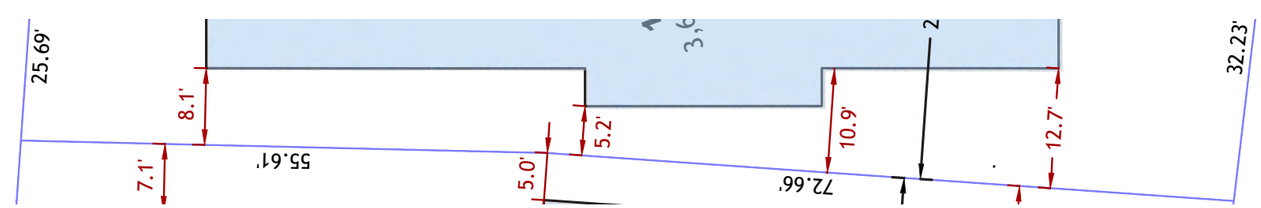
Base max wall height	20′	20′	20′
Adjustment due to setback*	-1'-10" to -8"	-4'-9" to -2'-6"	+10" to +2'-8"
Increase due to grade**	0'	1'-6"	4'-2"
Updated max wall height	18'-2" to 19'-4"	15'-3" to 19'-0"	20'-10" to 26'-10"



LOT PLAN (NTS)



KEY PLAN (NTS)



LOTS 19 & 20 - BUILDING WALL HEIGHT EXHIBIT

1/16" = 1'-0"

8 0 8 16 32 Feet

MAX WALL HEIGHT

URBAN DESIGN ASSOCIATES

EAST ELEVATION - NOT APPLICABLE FOR CORNER LOT SIDE YARD

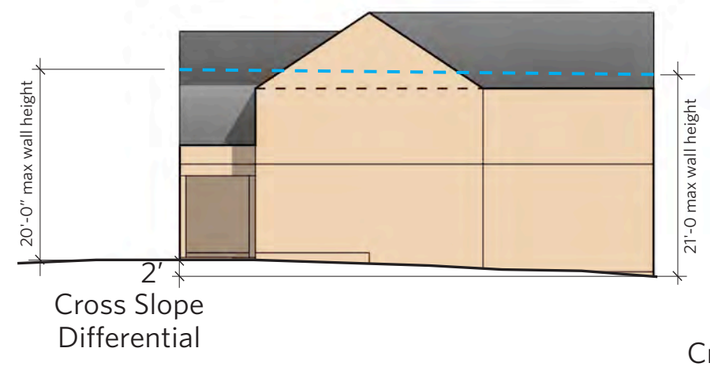
Base max wall height	N/A
Adjustment due to setback*	N/A
Increase due to grade**	N/A
Updated max wall height	N/A

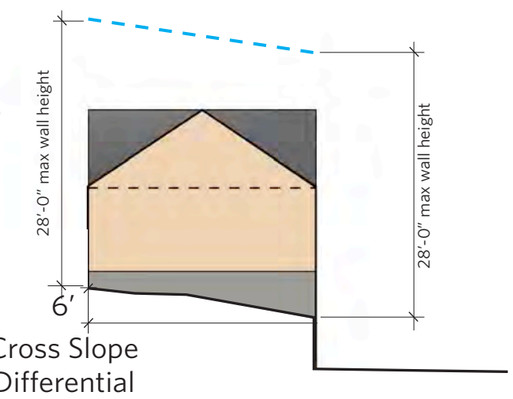
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

WEST ELEVATION - REQUIRED 10′ SETBACK

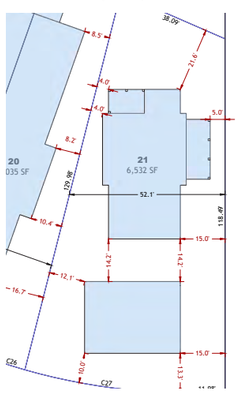
Base max wall height	20′	20′
Adjustment due to setback*	0′	+8′
Increase due to grade**	1′	3′
Updated max wall height	21′	28′

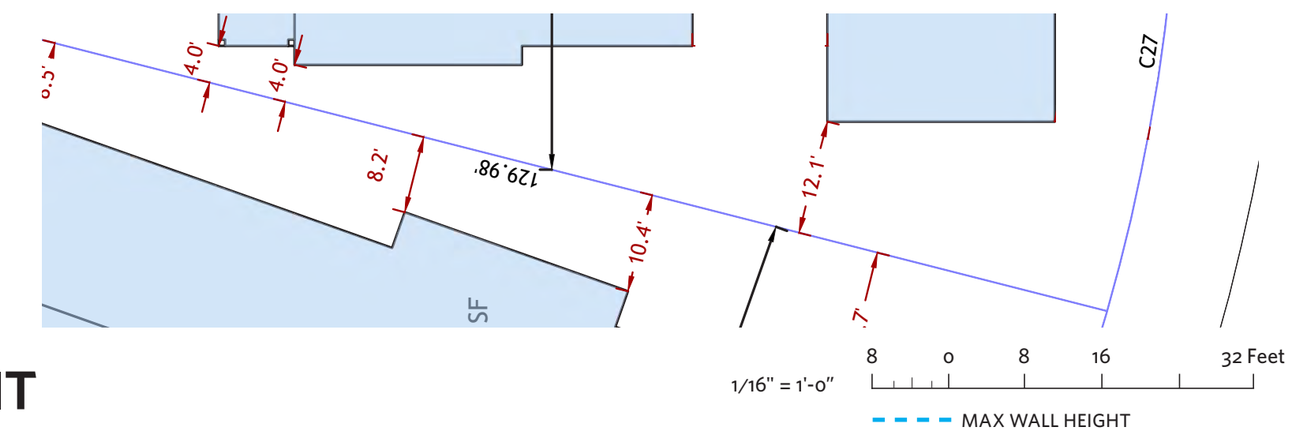




KEY PLAN (NTS)

LOT PLAN (NTS)





LOT 21 - BUILDING WALL HEIGHT EXHIBIT

URBAN DESIGN ASSOCIATES

Description	0	10	20	30	40	50	60	
				Estimate				
	Frequency	10-Yr Period	20-Year Period	30-Yr Period	40-Yr Period	50-Yr Period	60-Yr Period	Total
Operations								
Snow Removal	Annually	$ 93,851	$ 132,386	$ 186,744	$ 263,421	$ 371,581	$ 524,152	$ 1,572,135
Landscaping	Annually	$ 351,942	$ 496,449	$ 700,290	$ 987,828	$ 1,393,429	$ 1,965,569	$ 5,895,506
Underground Storm Drain Clean-Out	Annually	$ 29,328	$ 41,371	$ 58,357	$ 82,319	$ 116,119	$ 163,797	$ 491,292
							Operations Total:	**$ 7,958,934**
Maintenance/Upkeep								
Private Alley- Slurry Seal	10 Years	$ 10,222	$ 14,419	$ 20,339	$ 28,690	$ 40,470	$ 57,088	$ 171,228
Private Alley- Rotomill & Resurface	20 Years		$ 2,980		$ 5,929		$ 11,798	$ 20,707
Private Alley- Full Depth Repave	40 Years				$ 98,140			$ 98,140
Sewer Lateral- Rotoruter	20 Years		$ 2,403		$ 4,782		$ 9,515	$ 16,699
Sewer Lateral- Full Replacement	40 Years				$ 113,097			$ 113,097
Water Lateral- Slipline	20 Years		$ 10,297		$ 20,489		$ 40,768	$ 71,554
Water Lateral- Full Replacement	40 Years				$ 40,989			$ 40,989
Irrigation- Minor Repairs	Every 5 Years	$ 6,904	$ 9,738	$ 13,737	$ 19,377	$ 27,333	$ 38,556	$ 115,646
Irrigation- Major Part Replacements	Every 10 Years	$ 4,770	$ 6,729	$ 9,492	$ 13,389	$ 18,886	$ 26,641	$ 79,906
Landscaping- Plant Replacement (10%)	Every 3 Years	$ 18,773	$ 25,585	$ 49,107	$ 52,691	$ 71,812	$ 137,834	$ 355,801
Landscaping- Professional Tree Trimming	Every 10 Years	$ 15,673	$ 22,109	$ 31,187	$ 43,992	$ 62,055	$ 87,534	$ 262,550
							Maintenance/Upkeep Total:	**$ 1,346,317**

NOTES

1) Annual inflation rate of 3.5% taken from the 30 yr long term average outlook from Engineering News-Record (ENR)

Grand Total:	**$ 9,305,251**

ATTACHMENT C: Property and Vicinity Photos

Above: Southeast corner of subject property
Below: Subject property from Capitol Park Avenue

Above: Subject property from northeast corner

Bottom left: North property line of property. Brick wall separates Northpointe Estates, facing west

Bottom right: North property line of property near midpoint

Top left: Northwest corner of property

Top right: North property line from northwest corner, to east

Below: West property line from northwest corner, facing south

Above: Subject property from the west property line

Bottom left: West property line and adjacent property

Bottom right: West property line from midpoint, facing south

Above: 674 West Caring Cove, from rear

Below: South side of 674 West Caring Cove, from Caring Cove/Capitol Park Avenue

Above: Capitol Park Avenue, facing west near southwest corner of subject property

Below: Caring Cove from Capitol Park Avenue

Above: 674 Caring Cove

Below: 684 Caring Cove

Above: 690 Caring Cove

Below: Wright Building (building west of Meridian) from Capitol Park Avenue

Above: The Meridian at Capitol Park from Northwest

Below: The Meridian at Capitol Park from North

Above: The Meridian at Capitol Park from Northeast

Below: Capitol Park Avenue from F Street

Above: F Street, facing north/uphill

Below: F Street, facing south/downhill

Above: 461 East 13th Avenue

Below: 668 North F Steet

Above: Duplex at approximately 678 North F Street

Below: 688 North F Street

ATTACHMENT D: Zoning Standards Review

The tables below illustrate how the proposed lots will comply with relevant zoning standards. Because the development plan submitted with this request is missing some details, some standards will not be reviewed until the Building Permit review stage of the development process.

21A.24.080: SR-1 Special Development Pattern Residential District

The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

Standard	Proposed	Finding
21A.24.010 – General Provisions for Residential Districts		
21A.24.010.I – Front Façade Controls 10% of the front façade of each building must have an entry, windows, balconies, porches, or something similar (garage does not count)	The proposed elevations for each unit type includes more than 10% coverage from the features listed in this standard.	**Complies**
21A.24.010.N – Landscaping within Front/Corner Side Yard Front and Corner side yards must be maintained as landscape yards (see Landscaping section for requirements)	The established yards of each lot are proposed to be landscaped.	**Complies**
21A.24.010.V – Entrance Landing Each exit door must have at least 36" x 36" concrete pad (uniform building code)	Landings are present at each entry.	**Complies**
21A.24.080 – Provisions for SR-1 Special Development Pattern Residential District		
21A.24.080.C – Minimum Lot Area: *Single-family:* 5,000 sq. ft. *Twin Home:* 4,000 sq. ft. per unit	Number of single-family units: 7 Number of twin home units: 14 Area required based on units: 91,000 sq. ft. Area of entire development: 139,392 sq. ft. *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.C – Minimum Lot Width: *Single-family:* 50 feet. *Twin Home:* 25 feet per unit	Narrowest single-family lot: 38 feet wide Narrowest twin home lot: 22 feet wide *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.D – Maximum Building Height: Pitched roofs: 28 feet (slope of 2:12 or steeper) Flat roofs: 20 feet *Measured from established grade*	Elevation plans show all proposed buildings within maximum height.	**Complies**
21A.24.080.D.3 – Exterior Wall Height: 20 feet	Elevation plans show all walls adjacent to interior side yards to be within the limit. See Key Consideration 5 for additional discussion regarding this standard.	**Complies**
21A.24.080.E.1 – Front Yard Setback: 1. 20 feet or 2. Average setback of block, or 3. Established by subdivision plat	Smallest front yard setback:5 feet *To encourage clustering of the development and to allow additional space for the internal ADUs, the*	**Complies with PD approval**

	applicant has requested Planned Development approval to modify this standard.	
21A.24.080.E.2 – Corner Side Yard Setback: 10 feet or established setback line	Because F Street is the only public street abutting the subject property, no corner side yards are present.	**n/a**
21A.24.080.E.3 – Interior Side Setback: *Single-family:* 4 ft one side, 10 ft other side *Twin Home:* 10 feet on the non-party-wall side	Smallest single-family setback:4 feet on a 10-foot side Smallest twin home setback: 4 feet *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.E.4 – Rear Yard Setback: • 25% of lot depth • Not less than 15 feet • Not greater than 30 feet	Smallest rear yard setback: 4 feet *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.F – Maximum Building Coverage: 40% (includes primary and accessory buildings)	Total Bldg. Coverage: 47,110 Total Lot Area: 135, 036 Total Coverage: 35% Individual lot coverage ranges from 42% to 57%. *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.G – Maximum Lot Size No more than 150% greater than minimum lot size	Parcels A & B will be used as public open space with water retention, so there is no minimum or maximum lot size.	**Complies**
21A.24.080.H – Attached Garage Standards: • Garage width cannot exceed 50% of building • Behind or in line with front of building	This standard only applies to units facing F Street. No garages are proposed to face F Street.	**Complies**
21A.36 – General Provisions		
21A.36.010.B – One Principal Building No more than one principal building may be located on a single lot in SR-1 district	One building proposed per lot	**Complies**
21A.36.010.C. – Frontage on Public Street All lots shall face a public street	Not all lots face public streets. *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**

21A.44 – Off Street Parking, Mobility, and Loading		
21A.44.040.A – Required Parking 2 spaces per principal dwelling unit 1 space per ADU	21 units, 2 spaces per unit: 42 required 21 ADUs, 1 space per unit: 21 required 63 total space required **82 spaces provided**	**Complies**
21A.44.040.E – Bicycle Parking Single-family and twin homes are exempt from bicycle parking regulations	-	**n/a**
21A.44.060 A.3 – Parking Location and Setback Per Table 21A.44.060.A, parking space setbacks on a legal driveway are exempt from setback requirements and may be located in front of the house	-	**Complies**
21A.44.060.A.6.c – Driveways • At least 20 ft from street corner property line • At least 5' from utility infrastructure • At least 8 ft wide • No more than 22 feet wide • Shared driveway entry allowed if approved by transportation division	The private street accessing F Street and driveways within the development are proposed to be wider than the 22-foot maximum. The applicant is requesting Planned Development approval for a modification to this standard.	**Complies with PD approval**
21A.44.060.16 – Tandem Parking Required parking for residential uses may be tandem in groups of no more than 2. Each group serves only one unit (Manual also states that tandem parking is permitted for single-family and twin homes)	Many of the proposed spaces will be tandem, which is acceptable.	**Complies**
21A.48.135 Private Lands Tree Preservation		
21A.48.060.E – Standards • Trees need to be preserved to maximum extent practicable. • If they cannot be preserved, the following criteria must be considered: o Whether alternative configurations are feasible without negatively impacting neighbors o Whether preservation of trees would render development infeasible o If development of the property will provide significant community benefit • Replacement trees must be provided at a rate of two caliper inches per one inch of diameter at breast height of all removed trees Cash payment into the City's tree fund equal to the cost of replacement trees (According to the 2:1 standard mentioned above)	Removal of the existing trees on the site will require replacement trees or cash payment according to the standards listed to the left.	**To be calculated prior to issuance of building permit**

Accessory Dwelling Unit Review

Standard	Proposed	Finding
21A.40.200 – Accessory Dwelling Units		
21A.40.200.D – Number of Allowed ADUs	There would only be up to one ADU per proposed lot.	**Complies**
21A.40.200.E.1 – Location on property Internal ADUs shall be located within the buildable area of a lot	Planned development approval of the proposed buildable area on each lot will take care of this standard.	**Complies**
21A.40.200.E.2 – Location on property Front yard: not permitted Interior side yard: 3 feet and behind rear façade of principal building Rear yard: 3 feet **ADUs are permitted within the buildable area of a lot**	The external ADU proposed on lot 21 would be located within the buildable area of the lot if the modifications to the front yard setback are approved. Accessory building on lot 21 must be established as an ADU, cannot be optional. Staff recommends this as a condition of approval.	**Complies with PD approval**
21A.40.200.F – External ADU Height New detached ADUs cannot exceed 17 feet, unless: • It is set farther back from a rear or side lot line, • It is part of a conversion of an existing accessory building, • It is located fully within the buildable area of a lot (then may use dimensions of zoning district). o Pitched roofs: 28 feet (slope of 2:12 or steeper) o Flat roofs: 20 feet	The external ADU proposed on lot 21 would be located within the buildable area of the lot if the modifications to the front yard setback are approved. *Max proposed height:* 23 feet Accessory building on lot 21 must be established as an ADU, cannot be optional. Staff recommends this as a condition of approval.	**Complies with Conditions**
21A.40.200.G – ADU Parking One space per ADU unless the property is: • Within a district with no parking requirement. • already parked beyond what is required. • Within ¼ mile of a transit stop • Within ½ mile of a bike lane	The subject site is located within ½ mile of a bike lane (even from the farthest corner), so ADU parking is not required. *See parking standard in general zoning review*	**Complies**
21A.40.200.J – Gross Floor Area There is no maximum gross floor area for internal ADUs, but they cannot exceed 50% of a structure's gross floor area	None of the proposed potential interior ADU spaces are larger than the structure in which they are located	**Complies**
21A.40.200.L – Building Coverage ADUs are subject to the maximum building coverage requirements	Maximum building coverage will be modified by this Planned Development application. *See building coverage standard in general zoning review*	**Complies with PD approval**
21A.40.200.N – Admin Regulations No minimum lot size for ADUs ADUs do not count toward lot density	The proposal complies with this standard.	**Complies**

ATTACHMENT E: Subdivision Standards Review

20.16.100: Preliminary Subdivision Standards:

Standards of Review – Subdivision
A. The subdivision complies with the general design standards and requirements for subdivisions as established in chapter 20.12 of this title;
Discussion: The proposal generally meets relevant design standards found in chapter 20.12 of the subdivision regulations. An analysis can be found in the table following this review. Standards that are not met are part of the modifications requested through the Planned Development application.
Condition(s): Planned Development approval of the proposal
Finding: ☐ Complies ☒ Complies with conditions ☐ Does not comply ☒Not Applicable
B. All buildable lots comply with all applicable zoning standards;
Discussion: As discussed earlier in this report, the applicant has requested modifications to the following standards: 1. **Lot Frontage on Public Streets:** 21A.36.010.C, which requires all lots to have frontage on(or touch) a public street. 2. **Minimum Lot Area:** 21A.24.080.C, which requires 5,000 square feet per single-family lot and 4,000 square feet per lot half of a twin home building. 3. **Lot Width:** 21A.24.080.C, which requires 50 feet for a single-family lot and 25 feet per lot half of a twin home building. 4. **Front Yard Setbacks:** 21A.24.080.E.1.a, which requires the front of new buildings to project no farther than either the average depths of the block face or 20 feet from the front lot line (if no other buildings are present). 5. **Interior Side Yard Setbacks:** 21A.24.080.E.3. which, for single-family dwellings, requires buildings to be no closer than 4 feet from a side lot line on one side and 10 feet from a side lot line on the other. 6. **Rear Yard Setbacks:** 21A.24.080.E.4, which requires 25% of a lot's depth (not less than 15 feet and no more than 30 feet). 7. **Maximum Building Coverage:** 21A.24.080.F, which limits the surface coverage of all buildings to 40% of a lot. Planned Development approval is required for these modifications. This standard will be met if the Commission approves the Planned Development.
Condition(s): Planned Development approval of the proposal
Finding: ☐ Complies ☒ Complies with conditions ☐ Does not comply ☐Not Applicable
C. All necessary and required dedications are made;
Discussion: No dedications of property are required for this development.
Condition(s): None
Finding: ☐ Complies ☐ Complies with conditions ☐ Does not comply ☒Not Applicable

D. Water supply and sewage disposal shall be satisfactory to the public utilities department director;
Discussion: Public Utilities has provided preliminary approval. All other requirements are typical for a new development this size.
Condition(s): None
Finding: ☒ Complies ☐ Complies with conditions ☐ Does not comply ☐Not Applicable
E. Provisions for the construction of any required public improvements, per section 20.40.010 of this title, are included;
Discussion: The subdivision includes proposed improvements to the section of F Steet abutting the subject property. The Engineering Division will review and approve the proposed improvements with the Final Plat.
Condition(s): none.
Finding: ☒ Complies ☐ Complies with conditions ☐ Does not comply ☐Not Applicable
F. The subdivision otherwise complies with all applicable laws and regulations;
Discussion: Except for the standards the applicant has requested to be modified through the Planned Development process, this proposal complies with all other applicable laws and regulations.
Condition(s): Planned Development approval of the proposal.
Finding: ☐ Complies ☒ Complies with conditions ☐ Does not comply (requesting modifications) ☐Not Applicable
G. If the proposal is an amendment to an existing subdivision and involves vacating a street, right of way, or easement, the amendment does not materially injure the public or any person who owns land within the subdivision or immediately adjacent to it and there is good cause for the amendment.
Discussion: This proposal is not an amendment to an existing subdivision.
Condition(s): none
Finding: ☒ Complies ☐ Complies with conditions ☐ Does not comply ☒Not Applicable

20.12 Subdivision Design Standards Checklist

Standard	Staff Review	Compliance
20.12.010 General Regulations and Standards: Except where modified by the planning commission or its designee, all subdivision of land within Salt Lake City shall comply and conform with the design standards and requirements as set forth and as referred to in this section, as follows:		
A. Supervision: All subdivision development work performed under this section will be allowed only when said work is performed under the supervision of the city engineer, transportation director and/or public utilities director in accordance with the approved subdivision plan, and said work is secured by a performance guarantee bond or other security device acceptable to the city attorney and mayor.	The proposed preliminary plat has been completed and stamped by a licensed engineer.	**Finding: Complies**
B. Preservation Of Natural Features: Trees, native ground cover, natural watercourses, and topography shall be preserved when possible, and the subdivision shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with this title.	The applicant intends to remove multiple trees from the site. However, the applicant will be required to comply with the Private Lands Tree Preservation requirements in section 21A.48.135. The plans include 163 replacement trees.	**Finding: Complies with conditions**
C. Hazardous Areas To Be Fenced: All areas of the subdivision or features adjacent to the subdivision, which present a potential threat to the public safety shall be fenced with a six foot (6') non-climbable fence or acceptable alternative, as required by the planning commission or its designee. Such hazardous areas may include, but are not limited to, rivers and streams, canals, cliffs, ravines, railroad rights of way, and steep slopes. Required fencing shall be constructed and included as part of the subdivision improvements and shall be bonded.	No hazardous areas have been identified on the site.	**Finding: Not Applicable**
D. Buildable Lots: All subdivisions shall result in the creation of lots which are developable and capable of being built upon, unless a different purpose for the lot is clearly intended and approved by the planning commission or its designee. No subdivision shall create lots, and no building permit shall be issued for any lots which would make improvements and services impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.	All proposed lots appear to be developable.	**Finding: Complies**
E. Access To Public Streets:		
1. All lots or parcels created by the subdivision of land shall have access to a public street improved to standards required by this title, unless a private street or modified standards are approved by the planning commission as part of a planned development. Private streets shall not be permitted unless the planning commission finds that the most logical development of land requires that lots be created which are served by a private street or other means of access.	The applicant has requested, through Planned Development, to create lots without street frontage that would be accessed by a private street. Because the adjacent Capitol Park Avenue is a private street, the requested modification is necessary for efficient use of the property.	**Finding: Complies with PD Approval**

2. As part of the application for any subdivision proposing private streets, the subdivider shall provide for review by the city engineer the following:	Development reviewers from the Engineering Division have not objected to the proposed private street. The applicant will be required to comply with all of their requirements.	**Finding: Complies**
a. A street development plan showing the alignment, width, grades, design, and material specifications; the topography and means of access to each lot; drainage; and, utility easements for servicing the lots served by such private street.	Plans include required material specifications.	**Finding: Complies**
b. A plan providing for future ownership and maintenance of said street together with payment of taxes and other liability thereon.	The proposed private street is proposed to be maintained by the proposed Homeowners Association	**Finding: Complies**
3. After review and favorable recommendation by the city engineer, the planning commission may include such approved street plans as part of its recommendations to the mayor. Construction of the private street or access shall be completed prior to occupancy of any building on lots served by a private street. However, if finished grading has been completed and stabilized to the city engineer's satisfaction, the subdivider may post a cash bond equal to the cost of completing the street, as determined by the city engineer, in a form approved by the city attorney to assure the earliest possible completion of said street. The bond may be posted if, and only if, the street is stabilized and made passable until such time as the completion of the street can be accomplished.	Completion of the private street shall be required prior to issuance of final occupancy.	**Finding: Complies**
F. Landscaping		
1. A landscaped area shall be required in all residential subdivisions and may be required in nonresidential subdivisions. Said landscaping shall be located either within the nonpaved portion of the street right of way, or within a dedicated landscaping easement, not less than five feet (5') wide, adjacent to the street. The location of the landscaping shall be specified by the planning commission or its designee. The type of landscaping and street trees shall be selected, installed, and maintained in accordance with standard specifications prepared by Salt Lake City.	Street trees and other landscaping features are proposed according to the City's landscaping requirements along F Street and Capitol Park Avenue.	**Finding: Complies**
2. Whenever, in the opinion of the planning commission or its designee, the cuts and fills created by the subdivision are of sufficient size or visibility to demand special treatment, the subdivider shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.	Extensive landscaping is proposed within areas to be cut or filled during development.	**Finding: Complies**
G. Utilities and Easements:		
1. All utilities shall be provided through underground services.	All utilities are proposed to be underground.	**Finding: Complies**

2. Easements for utility and drainage purposes shall be provided within the subdivision as required by the planning commission or its designee. However, in no event shall such easement be less than five feet (5') in width when proposed along the front lot line.	None of the proposed easements are narrower than 13 feet	**Finding: Complies**
H. Watercourses: The subdivider shall dedicate a right of way for storm drainage conforming substantially with the lines of any natural watercourse or channel, stream, creek, or floodplain that enters or traverses the subdivision.	All existing stormwater drainage easements within the subdivision amendment will remain.	**Finding: Complies**
J. Block Design:		
1. Blocks shall normally have sufficient width for an ultimate layout of two (2) tiers of lots of the size required by the provisions of the zoning and subdivision ordinances of Salt Lake City.	Despite lacking public frontage in some areas, the proposed development reflects a typical block layout found in the city that has two tiers and an alley cutting through the center.	**Finding: Complies**
2. Blocks shall not exceed the following perimeter measurements: Two thousand four hundred (2,400) linear feet for zoning districts with minimum lot sizes that range from no minimum up to and including ten thousand (10,000) square feet, and; three thousand (3,000) linear feet for zoning districts with a minimum lot size greater than ten thousand (10,000) square feet.	The perimeter of the subject property is just over 1,500 linear feet.	**Finding: Complies**
J. Reservation Of Land For Park And Recreation Purposes: Pursuant to the recreation or parks elements, plans or standards set forth in the master plan, as a condition of final subdivision approval the subdivider shall be required to reserve land for park and recreation purposes according to the following standards:		
1. For subdivisions of twenty five (25) lots or more, including contiguous land owned or controlled by subdivider or landowner, the subdivider shall reserve land for two (2) years for public purchase at a minimum ratio of one-fourth ($^{1}/_{4}$) acre of land per twenty five (25) lots in the subdivision or five percent (5%) of the total area in the subdivision, whichever is greater.	This proposal includes fewer than 25 lots.	**Finding: Not Applicable**
2. All land to be reserved for park or recreational purposes shall be found to be suitable by the planning commission or its designee and the public services department as to location, parcel size, and topography for the park and recreation purpose for which it is indicated in the master plan, or as determined by the planning commission or its designee. Such purpose may include active recreation facilities such as playgrounds, play fields, pedestrian or bicycle paths, or open space areas of particular natural beauty, including canyons, hilltops, and wooded areas to be developed or left in their natural state.	No land is required to be reserved as park space.	**Finding: Not Applicable**
3. At the time of approval of the final subdivision plat, the city may specify when development of a park or recreation facility is scheduled to begin.	Not applicable	**Finding: Not Applicable**

K. Connectivity:		
1. Public Accessways:		
a. The city shall require within the development site the improvement of accessways for pedestrian and bicyclist use to connect the development site to adjacent cul-de-sacs or to an adjacent site that is undeveloped, publicly owned, or developed with an accessway that connects to the subject site.	No public accessway will be required as part of this proposal. There is no adjacent site where connectivity is available.	**Finding: Not Applicable**
2. Street Connectivity Standards:		
a. The proposed subdivision shall include street connections to any streets that abut, are adjacent to, or terminate at the subdivision site. The proposed development shall also include street connections in the direction of all existing or planned streets adjacent to the development site as determined by the planning director.	No new public streets are proposed as part of this request.	**Finding: Complies**
b. The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition. The streets shall be in locations that will enable adjoining properties to connect to the proposed development's street system.	The subject property is not adjacent to undeveloped land.	**Finding: Not Applicable**
3. Cul-De-Sacs:		
a. Except for streets that are less than one hundred fifty feet (150') long all streets that terminate shall be designed as a cul-de-sac bulb or other design acceptable to the transportation director in order to provide an emergency vehicle turnaround.	This proposal does not create any new cul-de-sacs.	**Finding: Not Applicable**
b. Public accessways to provide safe circulation for pedestrians, bicyclists and emergency vehicles shall be required from a cul-de-sac or emergency vehicle turnaround, unless the subdivider adequately demonstrates that a connection cannot be made because of the existence of one or more of the following conditions: **(1)** Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the national wetland inventory or under protection by state or federal law. **(2)** Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment.	This proposal does not create any new cul-de-sacs.	**Finding: Not Applicable**

20.12.020 Lot Design Standards: The size, shape and orientation of lots in a subdivision shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed		
A. Minimum Area; Size: The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinances of Salt Lake City for the zoning district in which the subdivision is located.	The applicant is requesting, through Planned Development, a reduction to the minimum area of some lots in the subdivision.	**Finding: Complies with PD Approval**
B. Side Lot Lines: The side lines of all lots, so far as possible, shall be designed to be at right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be designed to be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.	All proposed lot lines are designed at right angles or radial to the curve of the proposed private street.	**Finding: Complies**
C. Width: The minimum lot width shall conform to the requirements of the zoning district in which the proposed subdivision is located.	The applicant is requesting, through Planned Development, a reduction to the minimum width of some lots in the subdivision.	**Finding: Complies with PD Approval**
D. Corner Lots: Corner lots have more than one side which must maintain required front yard setbacks, and therefore shall be platted wider than interior lots in order to permit conformance with the required street setback requirements of the zoning ordinance.	While there are technically no corner lots in this proposal since Capitol Park Avenue is a private street, lots 21 and 10 are wider than other lots with similar characteristics. Additionally, the application has requested a reduction in required setbacks through the Planned Development process.	**Finding: Complies with PD Approval**
E. Remnants: No remnants of property shall be left in the subdivision which do not conform to the lot requirements or are not required or more suitable for designation as common open space, private utility, or other purpose.	All space not dedicated to a residential lot is proposed to be used a public open space.	**Finding: Complies**
F. Double Frontage Lots: Lots other than corner lots, having double frontage shall not be approved except where necessitated by topographic or other unusual conditions.	None of the proposed lots would abut two non-adjacent public rights of way.	**Finding: Complies**

ATTACHMENT F: Planned Development Standards

21A.55.050: Standards for Planned Developments: The planning commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards.

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report.

A. Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section 21A.55.010 of this chapter) and will achieve at least one of the objectives stated in said section. To determine if a planned development objective has been achieved, the applicant shall demonstrate that at least one of the strategies associated with the objective are included in the proposed planned development. The applicant shall also demonstrate why modifications to the zoning regulations are necessary to meet the purpose statement for a planned development. The Planning Commission should consider the relationship between the proposed modifications to the zoning regulations and the purpose of a planned development, and determine if the project will result in a more enhanced product than would be achievable through strict application of the land use regulations.

Planned Development Purpose Statement: A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments.

Discussion:

The proposed development efficiently uses the site in a way that would otherwise be difficult without Planned Development approval. The requested modifications to the zoning standards enable the clustered development to preserve open space. They also provide additional flexibility for spaces within each unit that can be used as an ADU. The relationship between the requested modifications and the Planned Development objectives is further discussed under Key Consideration 3.

Since the subject property only abuts a public street on one side, strict application of zoning requirements would require redundant and expensive public improvements, including new streets. Development of the site without those public improvements or planned development would be limited by the width of its line abutting F Street. The modifications requested through this process allow for development that fulfills adopted city plans and policies in a way that would not be possible otherwise (this is further discussed under Key Consideration 1).

Finding: ☒ Meets Planned Development Purpose Statement
☐ Does Not Meet Planned Development Purpose Statement

SR-1 Purpose Statement: The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

Discussion:
The proposed development would bring new housing into an established neighborhood while providing open space and recreational opportunities. The proposed units reflect the Avenues' eclectic character at an intensity compatible with surrounding development. The requested modifications to zoning regulations enable the proposed development to set aside open space available to the public that would otherwise be located within individual lots. The modifications also allow additional space for the ADU-ready space within each unit, providing a type of housing (studio/one-bedroom rentals) not typically found in the neighborhood.

Finding: ☒ Meets SR-1 Purpose Statement ☐ Does Not Meet SR-1 Purpose Statement

A. Open Space And Natural Lands: Preserving, protecting or creating open space and natural lands:

1. **Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar types of facilities.**
2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
3. Development of connected greenways and/or wildlife corridors.
4. Daylighting of creeks/water bodies.
5. Inclusion of local food production areas, such as community gardens.
6. **Clustering of development to preserve open spaces.**

Discussion:
The proposal has been designed in a manner that clusters development by reducing lot dimension, building coverage, and setbacks. Concentrating the buildable area allows for the establishment of public open space that would otherwise be located within the private property of houses on the site. The proposed "mews walk" within the open space will be able to function as an accessible recreational trail. While the proposed open space area is not significant by some measures, it is an improvement from what could be developed by right.

Finding: ☒ Objective Satisfied ☐ Objective Not Satisfied

B. Historic Preservation:

1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the City either architecturally and/or historically, and that contribute to the general welfare of the residents of the City.
2. Preservation of, or enhancement to, historically significant landscapes that contribute to the character of the City and contribute to the general welfare of the City's residents.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

C. Housing: Providing affordable housing or types of housing that helps achieve the City's housing goals and policies:

1. At least twenty percent (20%) of the housing must be for those with incomes that are at or below eighty percent (80%) of the area median income.
2. **The proposal includes housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.**

Discussion:
By providing space that can be used as an ADU within the proposed units, the applicant helps future residents avoid the significant initial investment that often comes with converting part of a house. The proposed ADU spaces have the potential to provide additional financing to future homeowners while also providing a mix of housing types in a part of the city that has not experienced the level of growth seen in other neighborhoods. The reduced setbacks and increased lot coverage requested by the applicant are necessary to allow the ADU spaces without sacrificing square footage in the family-oriented units.

Finding: ☒ Objective Satisfied ☐ Objective Not Satisfied

D. Mobility: Enhances accessibility and mobility:

1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.
2. Improvements that encourage transportation options other than just the automobile.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

E. Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems:

1. Energy Use And Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource.
2. Reuse Of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, State, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

F. Master Plan Implementation: A project that helps implement portions of an adopted Master Plan in instances where the Master Plan provides specific guidance on the character of the immediate vicinity of the proposal:

1. A project that is consistent with the guidance of the Master Plan related to building scale, building orientation, site layout, or other similar character-defining features.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

B. Master Plan Compatibility: The proposed planned development is generally consistent with adopted policies set forth in the Citywide, community, and/or small area Master Plan that is applicable to the site where the planned development will be located.

Finding: Complies

Discussion:
Master Plan Compatibility was discussed in Key Consideration 1 of the staff report. The proposed development is appropriate for the SR-1 zoning district and does not run contrary to the applicable master plans for this neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

C. Design And Compatibility: The proposed planned development is compatible with the area the planned development will be located and is designed to achieve a more enhanced product than would be achievable through strict application of land use regulations. In determining design and compatibility, the Planning Commission should consider:

1. Whether the scale, mass, and intensity of the proposed planned development is compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable Master Plan related to building and site design;

Finding: Complies

Discussion:
A variety of house types and sizes populate the neighborhood around this site. Except for the large multi-family buildings (which includes the Meridian at Capitol Park) to the south, most structures in the neighborhood are approximately one to two stories in height. The proposed homes are two stories in height. The façade character of the proposed buildings are directly inspired by architecture in the Avenues neighborhood, ensuring compatibility in design.

The footprint of the homes in the neighborhood also varies, with some smaller homes on the blocks to the east and south-east (1 to 2 stories) ranging from ~1,500 to ~4000 sq ft in footprint, homes in the two cul-de-sacs to the west (2 stories) ranging from ~2,500 to ~8,500 sq ft, and the townhomes (2 to 3 stories) on the north ranging from

~7,500 to 14,000 sq ft. The proposed units would have footprints ranging from roughly 1,800 to 2,600 square feet, well within range of existing development.

The "intensity" of residential development can be assessed in terms of its density or number of residential units. Assuming an ADU is established within every unit, the proposed development would have an overall density of roughly 13.125 units per acre (The density including only the one external ADU would be 6.875 units per acre). The surrounding existing density varies and is often lower than the proposal. The ordinance defines "compatibility" as the "capability of existing together in harmony." While the density has the potential to be higher than surrounding blocks, staff finds that the density can exist in harmony with the adjacent single-family developments. Potential negative impacts from "density" might be the impact on public services or public facilities, such as streets and utilities.

The proposal would result in some additional traffic, but not to an extent that would impact the level of service of the adjacent roadway. (See comments from the Transportation Division in Attachment I and the Traffic study included with supplementary material in Attachment G). Adjacent streets would continue to operate as typical low-density residential streets. The proposal includes at least three parking stalls per home, with additional parking allowed on the driveways and private street. Planning staff does not anticipate substantive impacts to surrounding on-street parking given the level of parking available on-site.

Public utilities serving the property are legally required to be upgraded if necessary to serve the property so the development does not negatively impact adjacent utility services. The site also must provide on-site drainage retention so as not to negatively impact the public stormwater system and must comply with several other City Public Utilities and other water quality regulations involving drainage. Given these requirements, Planning staff does not anticipate any negative drainage impacts to adjacent streets or private properties. Any snow from the site would be placed near the visitor parking stalls. Overall, staff believes the proposal will be compatible with the surrounding neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

2. Whether the building orientation and building materials in the proposed planned development are compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable Master Plan related to building and site design;

Finding: Complies

Discussion:
Buildings within the proposed development adjacent to F Street and Capitol Park Avenue will be oriented as a traditional residential neighborhood and face the street. Houses within the interior of the lot will be oriented toward the pedestrian pathway. Except for the Meridian and Northpointe Estates, development within the vicinity of the site is typically oriented in this manner. The building orientation of the proposed development would be compatible with the neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

3. Whether building setbacks along the perimeter of the development:
   a. Maintain the visual character of the neighborhood or the character described in the applicable Master Plan.
   b. Provide sufficient space for private amenities.
   c. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
   d. Provide adequate sight lines to streets, driveways and sidewalks.
   e. Provide sufficient space for maintenance.

Finding: Complies

Discussion:
a. The proposed setbacks along the lot's perimeter reflect the character of nearby development. Clustering the proposed units allows additional space along the north and west property lines. One concern brought up by some community members was the proposed setback of unit 10 from Capitol Park Avenue. They argue that

the two-story structure is too close to the street and out of character. However, the south wall of the house to the west (the only other building on the block face and also two stories tall) already sits 17 feet from the street. While the front porch of unit 10 does sit closer to the street than the house to the west, the second story sits 21 feet back (at its closest point). This will be farther back than the house to the west. See Key Consideration 3 for additional discussion regarding the block face.

b. The proposed plans show a private terrace for each unit. This is in addition to the open space around the site's perimeter.
c. Clustering the proposed units has allowed additional open space along the site's perimeter. The proposed setbacks from abutting property to the north and west are greater than what is required by the SR-1 district. This additional setback area is proposed to be dotted with a significant number of landscaping, including large trees, ornamental grass, and dense shrubs. The large setbacks and additional landscaping will help maintain privacy and limit any possible noise impacts.
d. All proposed access points onto existing streets would be sufficiently clear enough for driver and pedestrian visibility. The proposed development does not appear to crowd any existing/proposed streets, driveways or sidewalks.

Condition(s): Staff does not recommend any conditions related to this standard.

4. Whether building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction;

Finding: Complies

Discussion:
All proposed units adjacent to F Street and Capitol Park Avenue are proposed to be oriented toward the street. The front façade of every unit will feature architectural details commonly found within the Avenues (and other similar neighborhoods). The proposed transparency (the number of windows) is at a scale typically found for residential development at this scale and will reflect the character of houses within the vicinity. Porches are proposed on every front façade and will be accessible to pedestrians via a traditional front sidewalk.

Condition(s): Staff does not recommend any conditions related to this standard.

5. Whether lighting is designed for safety and visual interest while minimizing impacts on surrounding property;

Finding: Complies

Discussion:
This is a low-scale residential development where significant lighting is not expected. Two streetlights are proposed along the internal private street, but each home also includes exterior lighting at garages and doorways that will provide additional pedestrian scale lighting.

Condition(s): Staff does not recommend any conditions related to this standard.

6. Whether dumpsters, loading docks and/or service areas are appropriately screened;

Finding: Complies

Discussion:
All proposed uses are single-family and twin home dwellings, and each unit will have private garbage cans. No dumpsters, loading docks, or services areas are proposed with this development.

Condition(s): Staff does not recommend any conditions related to this standard.

7. Whether parking areas are appropriately buffered from adjacent uses.

Finding: Complies

Discussion:

Parking on the site will be similar in character to surrounding properties (within garages and on driveways) and negative impacts are expected to be minimal.

Condition(s): Staff does not recommend any conditions related to this standard.

D. Landscaping: The proposed planned development preserves, maintains or provides native landscaping where appropriate. In determining the landscaping for the proposed planned development, the Planning Commission should consider:

1. Whether mature native trees located along the periphery of the property and along the street are preserved and maintained;

Finding: Complies

Discussion:
There are 38 mature trees on site, with at least 5 being native trees. Many of these trees are located in areas of the site that would make preservation difficult, including the middle of the lot where homes would be located or in an area that requires a grade change to make the proposed development feasible. Many of these same trees have been the subject of property maintenance complaints because of their condition. Most are in fair to poor health.

The Zoning Ordinance provides a process to remove what are termed "specimen trees" in the section titled "Private Lands Tree Preservation in section 21.48.135. These are defined as generally healthy trees with a trunk diameter of over ten inches and "whose absence would significantly alter the site's appearance, environmental benefit, character, or history." This regulation applies to the property and the specimen trees on the site. The ordinance allows for their removal if they are replaced at a rate of two caliper inches (diameter of tree) per caliper inch removed. For removal of 24" of trees, 48" of replacement would be required—essentially doubling what is removed. An applicant could provide 24 new trees with 2" caliper (minimum) for a total of 48" of replacement. If not replaced, the owner must pay the full cost to purchase and plant the required number of replacement trees into the City's tree fund. The developer is proposing 163 new trees with calipers of at least 2 inches. Based on the number of replacement trees they are providing, the developer will likely still need to pay into the city's tree fund to account for the remaining existing tree diameter.

Due to the number of new trees they are proposing (163), the substantial anticipated tree fund payment, and the difficulty in preserving trees on the site while also providing the same number of units, Staff believes that flexibility regarding the tree preservation consideration is warranted.

Condition(s): Because the proposal must comply with the Private Lands Tree Preservation requirements in21.48.135, Staff believes that no conditions are necessary for this requirement.

2. Whether existing landscaping that provides additional buffering to the abutting properties is maintained and preserved;

Finding: Complies

Discussion:
Currently, no existing landscaping buffers the site from adjacent properties to the north and west. The landscape plans propose a significant amount of screening along those property lines.

Condition(s): Staff does not recommend any conditions related to this standard.

3. Whether proposed landscaping is designed to lessen potential impacts created by the proposed planned development;

Finding: Complies

Discussion:
Because of their proximity to the site, properties adjacent to the site's west property line will likely be the most impacted by the proposal. Along that property line, the proposal includes a large number of trees and tall, ornamental grasses that will soften the proposed development's impacts on those houses. Houses within the

Northpointe Estates Condominiums are buffered from the project site by their main access road. Even with that buffer, the proposed landscape plans include a large number of trees along the north property line that will screen the proposed development to an even greater extent.

Condition(s): Staff does not recommend any conditions related to this standard.

4. Whether proposed landscaping is appropriate for the scale of the development.

Finding: Complies

Discussion:
The proposed landscaping includes a significant number of trees, large shrubs, ornamental grasses, and perennials. The scale and variety of the proposed plant material will match the low-density residential scale of the development.

Condition(s): Staff does not recommend any conditions related to this standard.

E. Mobility: The proposed planned development supports Citywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood. In determining mobility, the Planning Commission should consider:

1. Whether drive access to local streets will negatively impact the safety, purpose and character of the street;

Finding: Complies

Discussion:
Only two access points are proposed with this development, one on F Street and one on Capitol Park Avenue. With their rezone request, the applicant submitted a parking study measuring the potential impacts of the proposed density on adjacent roadways. Both that study and development reviewers from the Transportation Division agree that the capacity of the roadway network in the Avenues will be able to accommodate the traffic generated by this site. The traffic study can be found with other supplementary material in Attachment G.

Condition(s): Staff does not recommend any conditions related to this standard.

2. Whether the site design considers safe circulation for a range of transportation options including:
   a. Safe and accommodating pedestrian environment and pedestrian oriented design;
   b. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
   c. Minimizing conflicts between different transportation modes;

Finding: Complies

Discussion:
   a. Pedestrian facilities are provided along the perimeter and through the center of the development and are separated from the private street. All points of interaction between vehicular and pedestrian facilities on the site would be free of any structure or landscape material that would limit visibility.
   b. Because of the low anticipated traffic within the vicinity of the site, Planning staff anticipates that cyclists coming from the proposed development will be able to use the private street, cutting through the development without issue.
   c. The proposal is a low-scale, low-density development on streets with relatively low traffic. Vehicular access points have been limited to one per existing street. As noted above, all points of interaction between vehicles and pedestrians are proposed to be free from any structure or landscaping that might obstruct view.

Condition(s): Staff does not recommend any conditions related to this standard.

3. Whether the site design of the proposed development promotes or enables access to adjacent uses and amenities;

Finding: Complies

Discussion:

All proposed units will have access to adjacent uses and amenities via the private street's connections to F Street and Capitol Park Avenue. The proposed walkway circling the development will be an adequate addition to the neighborhood's existing sidewalk network.

Condition(s): Staff does not recommend any conditions related to this standard.

4. Whether the proposed design provides adequate emergency vehicle access; and

Finding: Complies

Discussion:
The proposal must comply with all relevant fire code regulations, including emergency vehicle access. Fire code reviewers have not brought up any significant issues with fire truck access to the proposed development, so Planning staff considers this standard met.

Condition(s): Staff does not recommend any conditions related to this standard.

5. Whether loading access and service areas are adequate for the site and minimize impacts to the surrounding area and public rights-of-way.

Finding: Complies

Discussion:
The proposed development consists of single-family and twin home dwellings where dedicated "loading or "service" areas are not typically necessary. The proposal does, however, funnel all vehicular traffic (including any loading, delivery, emergency, or service vehicles) to the central private street, keeping it off of F Street and Capitol Park Avenue.

Condition(s): Staff does not recommend any conditions related to this standard.

F. Existing Site Features: The proposed planned development preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.

Finding: Complies

Discussion:
This standard is partially intended to preserve features officially recognized as contributing to a historic district or place. There are no built features on the site, including any historic landmark designated structures, that contribute to the character of the neighborhood or environment.

This property functioned as open space associated with the original Veterans Administration Hospital and Primary Children's Annex, the buildings of which have since been developed into the condominiums across Capitol Park Avenue. The hospital building itself was placed on the National Historic Register in 1996. However, the surrounding landscape areas were not included in that designation. Some of the original landscape area was ultimately developed into the adjacent Capitol Park subdivision.

Regarding natural features that contribute to the character of the neighborhood or environment, there are 37 mature trees located within the property in various conditions of health. Staff received several comments with concerns about tree removal. Preservation of mature, native trees is discussed under standard D above. Trees in general do contribute to the character of the neighborhood and these trees do contribute to the character of this neighborhood.

Since the ordinance provides a specific regulation that allows the removal of the trees and the developer will be following these regulations, Staff believes that the standard has been met regarding any "significant" or "specimen" trees on the site, and no additional conditions are necessary. While the trees on the site are proposed to be removed, they are proposed to be replaced with 163 new trees that will, in the long term, also contribute to the tree-rich character of the neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

G. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.
Finding: Complies
Discussion: Public Utilities has not identified any significant off-site improvements necessary to preserve the level of service for surrounding properties. However, Public Utilities has the legal authority to require upgrades if any detrimental impacts on utility service are identified through more detailed construction plan review.
Condition(s): Staff does not recommend any conditions related to this standard.

ATTACHMENT G: Supplementary Materials

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Capitol Park Traffic Impact Study

Purpose

The purpose of the Traffic report is to provide valuable insight into the potential impacts of the proposed project on background traffic conditions.

Traffic Volumes

Hales Engineering added the anticipated vehicular trips produced by the proposed Capitol Park Cottages project to the existing (2020) background traffic volumes to predict turning movement volumes for the existing traffic plus project conditions.

Level of Service Analysis

Hales Engineering determined that all intersections are anticipated to operate at acceptable levels of service during the evening peak hour with project traffic added.

Queuing Analysis

Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queuing is anticipated during the evening peak hours.

Mitigation Measures

No mitigation measures are recommended. The proposed project will have negligible impact on the traffic operations in the surrounding area.

HALES ENGINEERING
innovative transportation solutions

Capitol Park

Traffic Impact Study

Salt Lake City, Utah

September 15, 2020

UT20-1670

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EXECUTIVE SUMMARY

This study addresses the traffic impacts associated with the proposed Capitol Park development located in Salt Lake City, Utah. The Capitol Park project is located northwest of the Capitol Park Avenue / F Street intersection.

The purpose of this traffic impact study is to analyze traffic operations at key intersections for existing (2020) conditions with and without the proposed project and to recommend mitigation measures as needed. The evening peak hour level of service (LOS) results are shown in Table ES-1.

Table ES-1: Evening Peak Hour Level of Service Results

	Intersection	Level of Service	
		Existing (2020)	
		Background	Plus Project
1	Capitol Park Avenue / F Street	a	a
2	F Street / 11th Avenue	b	b
3	Project Access 1 / Capitol Park Avenue	-	a

1. Intersection LOS values represent the overall intersection average for roundabout, signalized, and all-way stop-controlled (AWSC) intersections (uppercase letter) and the worst movement for all other unsignalized intersections (lowercase letter)

Source: Hales Engineering, September 2020

SUMMARY OF KEY FINDINGS & RECOMMENDATIONS

Project Conditions

- The development will consist of 20 single-family units and 15 accessory dwelling units (ADUs)
- The project is anticipated to generate approximately 312 weekday daily trips, including 28 trips in the morning peak hour, and 34 trips in the evening peak hour

2020	Background	Plus Project
Findings	• Acceptable LOS	• Acceptable LOS • The proposed project will have no impact on the traffic operations (LOS) in the surrounding area
Mitigations	• None	• None

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I. INTRODUCTION

A. Purpose

This study addresses the traffic impacts associated with the proposed Capitol Park development located in Salt Lake City, Utah. The proposed project is located northwest of the Capitol Park Avenue / F Street intersection. Figure 1 shows a vicinity map of the proposed development.

The purpose of this traffic impact study is to analyze traffic operations at key intersections for existing (2020) conditions with and without the proposed project and to recommend mitigation measures as needed.

Figure 1: Vicinity map showing the project location in Salt Lake City, Utah

B. Scope

The study area was defined based on conversations with the development team. This study was scoped to evaluate the traffic operational performance impacts of the project on the following intersections:

- Capitol Park Avenue / F Street
- F Street / 11th Avenue
- Project Access 1 / Capitol Park Avenue

C. Analysis Methodology

Level of service (LOS) is a term that describes the operating performance of an intersection or roadway. LOS is measured quantitatively and reported on a scale from A to F, with A representing the best performance and F the worst. Table 1 provides a brief description of each LOS letter designation and an accompanying average delay per vehicle for both signalized and unsignalized intersections.

The *Highway Capacity Manual* (HCM), 6th Edition, 2016 methodology was used in this study to remain consistent with "state-of-the-practice" professional standards. This methodology has different quantitative evaluations for signalized and unsignalized intersections. For signalized, roundabout, and all-way stop-controlled (AWSC) intersections, the LOS is provided for the overall intersection (weighted average of all approach delays). For all other unsignalized intersections, LOS is reported based on the worst movement.

Using Synchro/SimTraffic software, which follow the HCM methodology, the peak hour LOS was computed for each study intersection. Multiple runs of SimTraffic were used to provide a statistical evaluation of the interaction between the intersections. The detailed LOS reports are provided in Appendix B. Hales Engineering also calculated the 95th percentile queue lengths for the study intersections using SimTraffic. The detailed queue length reports are provided in Appendix D.

D. Level of Service Standards

For the purposes of this study, a minimum acceptable intersection performance for each of the study intersections was set at LOS D. If levels of service E or F conditions exist, an explanation and/or mitigation measures will be presented. A LOS D threshold is consistent with "state-of-the-practice" traffic engineering principles for urbanized areas.

Table 1: Level of Service Description

LOS		Description of Traffic Conditions	Average Delay (seconds/vehicle)	
			Signalized Intersections	Unsignalized Intersections
A		Free Flow / Insignificant Delay	≤ 10	≤ 10
B		Stable Operations / Minimum Delays	> 10 to 20	> 10 to 15
C		Stable Operations / Acceptable Delays	> 20 to 35	> 15 to 25
D		Approaching Unstable Flows / Tolerable Delays	> 35 to 55	> 25 to 35
E		Unstable Operations / Significant Delays	> 55 to 80	> 35 to 50
F		Forced Flows / Unpredictable Flows / Excessive Delays	> 80	> 50

Source: Hales Engineering Descriptions, based on the *Highway Capacity Manual* (HCM), 6th Edition, 2016 Methodology (Transportation Research Board)

II. EXISTING (2020) BACKGROUND CONDITIONS

A. Purpose

The purpose of the background analysis is to study the intersections and roadways during the peak travel periods of the day with background traffic and geometric conditions. Through this analysis, background traffic operational deficiencies can be identified, and potential mitigation measures recommended. This analysis provides a baseline condition that may be compared to the build conditions to identify the impacts of the development.

B. Roadway System

The primary roadways that will provide access to the project site are described below:

Capitol Park Avenue – is a privately owned and maintained roadway by the Meridian HOA. The roadway has one travel lane in each direction. The posted speed limit is 25 mph.

F Street – is a city-maintained roadway which is classified by the Salt Lake City Transportation Master Plan Major Street Plan (November 2018) as a "local street." The roadway has one travel lane in each direction. The posted speed limit is 25 mph.

11th Avenue – is a city-maintained roadway which is classified by the Salt Lake City Transportation Master Plan Major Street Plan (November 2018) as a "collector." The roadway has one travel lane in each direction. The posted speed limit is 25 mph.

C. Traffic Volumes

Weekday morning (7:00 to 9:00 a.m.) and evening (4:00 to 6:00 p.m.) peak period traffic counts were performed at the following intersections:

- Capitol Park Avenue / F Street
- F Street / 11th Avenue

The counts were performed on Tuesday, August 18, 2020. The morning peak hour was determined to be between 7:30 and 8:30 a.m., and the evening peak hour was determined to be between 4:45 and 5:45 p.m. The evening peak hour volumes were approximately 29% higher than the morning peak hour volumes. Therefore, the evening peak hour volumes were used in the analysis to represent the worst-case conditions. Detailed count data are included in Appendix A.

The traffic counts were collected during the COVID-19 pandemic when traffic volumes were slightly reduced due to social distancing measures. According to the UDOT Automatic Traffic Signal Performance Measures (ATSPM) website, the traffic volumes at the westbound approach of the State Street / North Temple Intersection on March 3 (pre-social distancing) were approximately 46% higher than those on August 18. The westbound approach was chosen

because it leads to a residential area near the project site. Therefore, the collected data were increased by 46% to represent normal conditions.

Figure 2 shows the existing evening peak hour volumes as well as intersection geometry at the study intersections.

D. Level of Service Analysis

Hales Engineering determined that all study intersections are currently operating at acceptable levels of service during the evening peak hour, as shown in Table 2. These results serve as a baseline condition for the impact analysis of the proposed development during existing (2020) conditions.

Table 2: Existing (2020) Background Evening Peak Hour LOS

Intersection		Level of Service		
Description	Control	Movement[1]	Aver. Delay (Sec. / Veh.)	LOS[2]
Capitol Park Avenue / F Street	EB/WB Stop	WBT	4.6	a
F Street / 11th Avenue	NB/SB Stop	NBL	11.0	b

1. Movement indicated for unsignalized intersections where delay and LOS represents worst movement. SBL = Southbound left movement, etc.
2. Uppercase LOS used for signalized, roundabout, and AWSC intersections. Lowercase LOS used for all other unsignalized intersections.

Source: Hales Engineering, September 2020

E. Queuing Analysis

Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queueing was observed during the evening peak hour.

F. Mitigation Measures

No mitigation measures are recommended.

Salt Lake City - Capitol Park TIS
Existing (2020) Background

Evening Peak Hour
Figure 2

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III. PROJECT CONDITIONS

A. Purpose

The project conditions discussion explains the type and intensity of development. This provides the basis for trip generation, distribution, and assignment of project trips to the surrounding study intersections defined in Chapter I.

B. Project Description

The proposed Capitol Park development is located northwest of the Capitol Park Avenue / F Street intersection. The project is a residential development that includes cottage homes, and five custom lots that were assumed to be for single-family homes. The second unit on 15 of the lots will be accessory dwelling units (ADUs). A concept plan for the proposed development is provided in Appendix C. The proposed land use for the development has been identified in Table 3.

Table 3: Project Land Uses

Land Use	Intensity
Cottage Homes	15 units
Custom Homes	5 units

C. Trip Generation

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE), *Trip Generation*, 10th Edition, 2017. Trip generation for the proposed project is included in Table 4.

The total trip generation for the development is as follows:

- Daily Trips: 312
- Morning Peak Hour Trips: 28
- Evening Peak Hour Trips: 34

Table 4: Trip Generation

Trip Generation Salt Lake City - Capitol Park TIS								
Weekday Daily Land Use[1]	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	**Total Daily Trips**
Single-Family Detached Housing (210)	20	Dwelling Units	238	50%	50%	119	119	**238**
Accessory Dwelling Units (220)	15	Dwelling Units	74	50%	50%	37	37	**74**
Total			**312**			**156**	**156**	**312**
Morning Peak Hour Land Use[1]	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	**Total AM Trips**
Single-Family Detached Housing (210)	20	Dwelling Units	20	25%	75%	5	15	**20**
Accessory Dwelling Units (220)	15	Dwelling Units	8	23%	77%	2	6	**8**
Total			**28**			**7**	**21**	**28**
Evening Peak Hour Land Use[1]	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	**Total PM Trips**
Single-Family Detached Housing (210)	20	Dwelling Units	22	63%	37%	14	8	**22**
Accessory Dwelling Units (220)	15	Dwelling Units	12	63%	37%	8	4	**12**
Total			**34**			**22**	**12**	**34**

1. Land Use Code from the Institute of Transportation Engineers (ITE) *Trip Generation* ,10th Edition,2017.

SOURCE: Hales Engineering, September 2020

D. Trip Distribution and Assignment

Project traffic is assigned to the roadway network based on the type of trip and the proximity of project access points to major streets, high population densities, and regional trip attractions. Existing travel patterns observed during data collection also provide helpful guidance to establishing these distribution percentages, especially near the site. The resulting distribution of project generated trips during the evening peak hour is shown in Table 5.

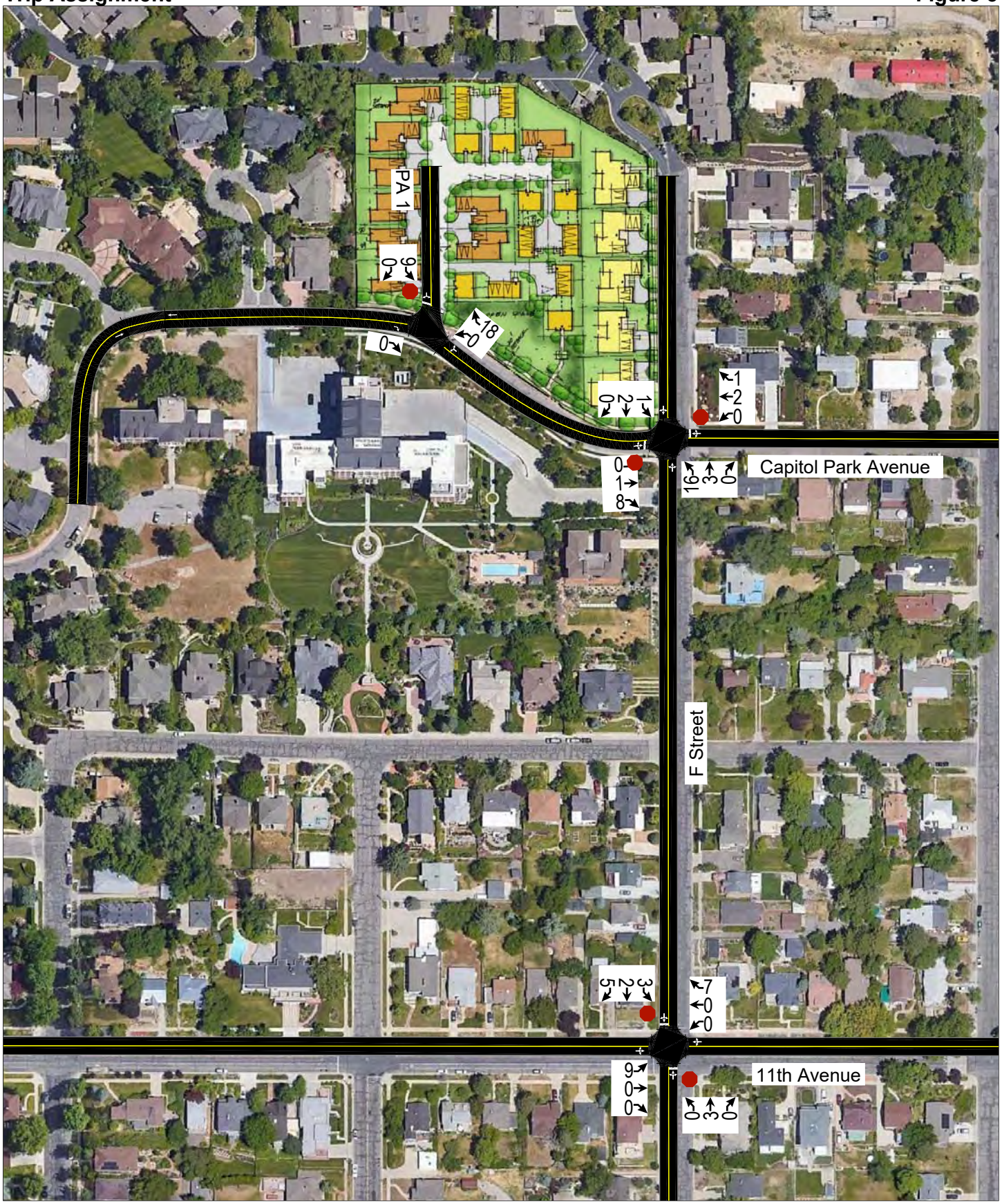
Table 5: Trip Distribution

Direction	% To/From Project
South via F Street	15%
East via Capitol Park Avenue	15%
East via 11th Avenue	30%
West via 11th Avenue	40%

These trip distribution assumptions were used to assign the evening peak hour generated traffic at the study intersections to create trip assignment for the proposed development. Trip assignment for the development is shown in Figure 3.

Salt Lake City - Capitol Park TIS
Trip Assignment

Evening Peak Hour
Figure 3



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E. Access

The proposed access for the site will be gained at the following location (see also concept plan in Appendix C):

Capitol Park Avenue:

- Project Access 1 will be located approximately 350 feet northwest of the Capitol Park Avenue / F Street intersection. It will access the project on the north side of Capitol Park Avenue. It is anticipated that the access will be stop-controlled.

IV. EXISTING (2020) PLUS PROJECT CONDITIONS

A. Purpose

The purpose of the existing (2020) plus project analysis is to study the intersections and roadways during the peak travel periods of the day for existing background traffic and geometric conditions plus the net trips generated by the proposed development. This scenario provides valuable insight into the potential impacts of the proposed project on background traffic conditions.

B. Traffic Volumes

Hales Engineering added the project trips to the existing (2020) background traffic volumes to predict turning movement volumes for existing (2020) plus project conditions. Existing (2020) plus project evening peak hour turning movement volumes are shown in Figure 4.

C. Level of Service Analysis

Hales Engineering determined that all intersections are anticipated to operate at acceptable levels of service during the evening peak hour with project traffic added, as shown in Table 6.

Table 6: Existing (2020) Plus Project Evening Peak Hour LOS

Intersection		Level of Service		
Description	Control	Movement[1]	Aver. Delay (Sec. / Veh.)	LOS[2]
Capitol Park Avenue / F Street	EB/WB Stop	EBT	5.0	a
F Street / 11th Avenue	NB/SB Stop	NBL	11.3	b
Project Access 1 / Capitol Park Avenue	SB Stop	SBL	3.8	a

1. Movement indicated for unsignalized intersections where delay and LOS represents worst movement. SBL = Southbound left movement, etc.
2. Uppercase LOS used for signalized, roundabout, and AWSC intersections. Lowercase LOS used for all other unsignalized intersections.

Source: Hales Engineering, September 2020

D. Queuing Analysis

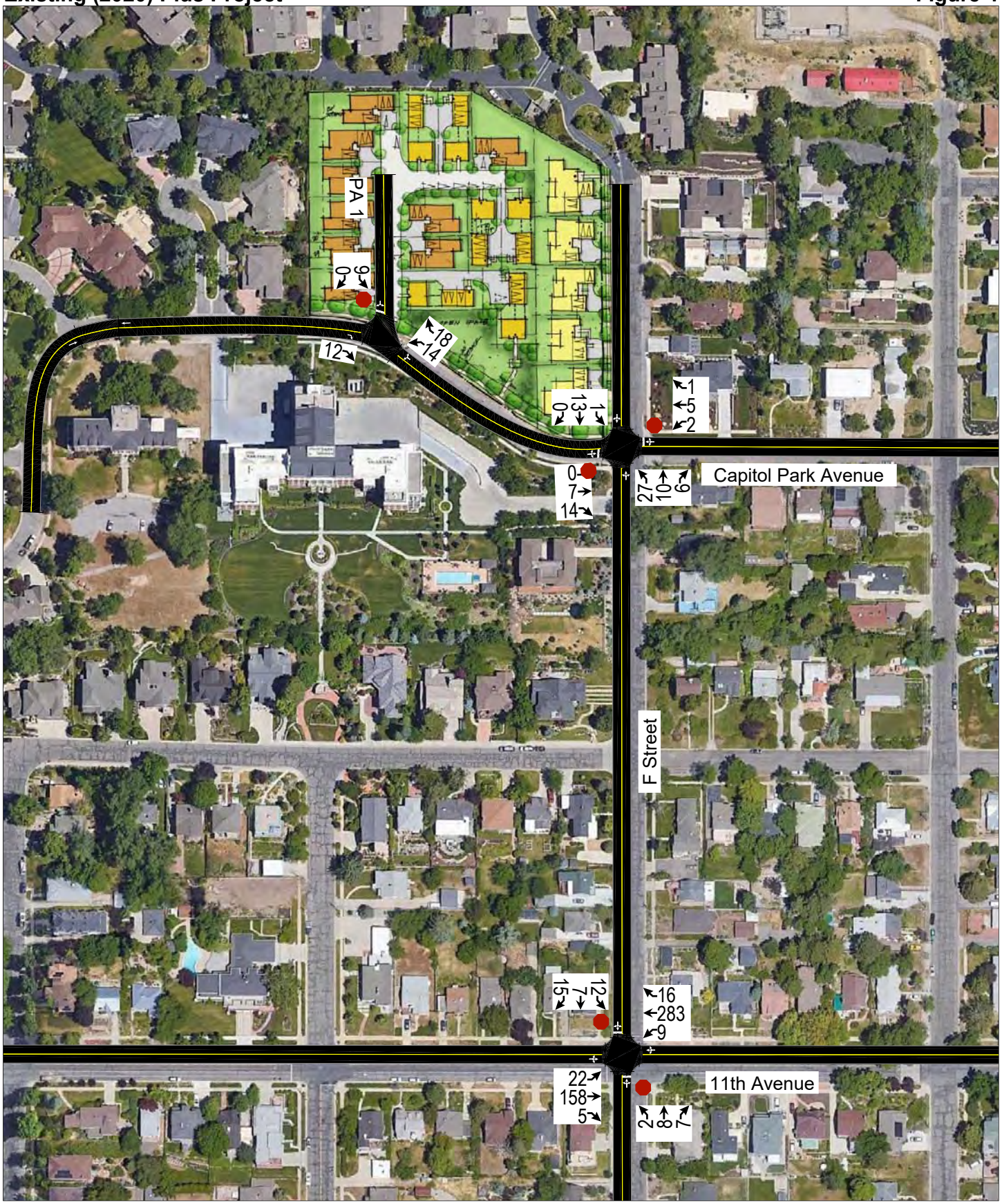
Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queuing is anticipated during the evening peak hour.

E. Mitigation Measures

No mitigation measures are recommended. The proposed project will have negligible impact on the traffic operations in surrounding area.

Salt Lake City - Capitol Park TIS
Existing (2020) Plus Project

Evening Peak Hour
Figure 4



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09/15/2020

APPENDIX A

Turning Movement Counts

TrafficCounts

2364 North 1450 East
Lehi, UT 84043
801.636.0891

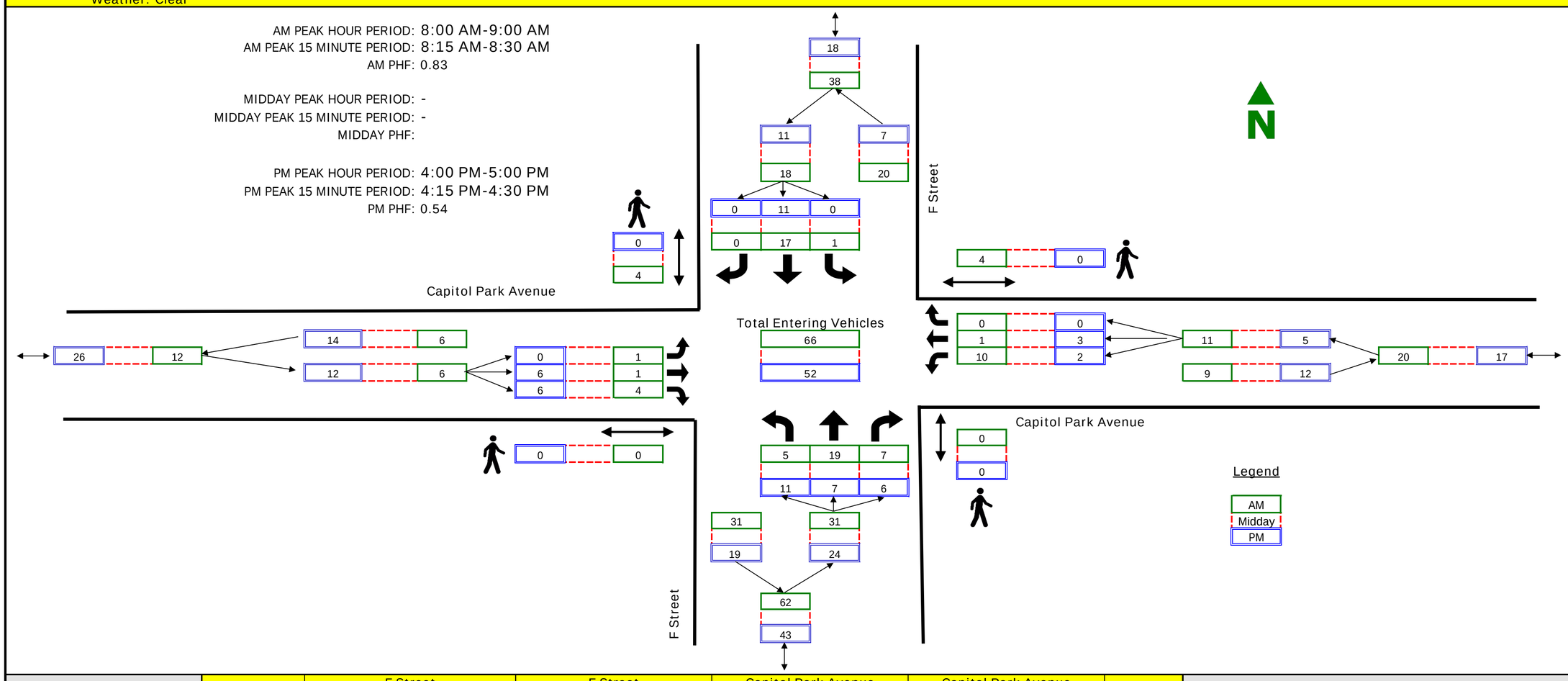
Intersection Turning Movement Summary

Intersection:	F Street / Capitol Park Avenue	Date:	8-18-20, Tue
North/South:	F Street	COVID-19 Adjustment:	68.5%
East/West:	Capitol Park Avenue	Month of Year Adjustment:	100.0%
Jurisdiction:	Salt Lake City, UT	Adjustment Station #:	0
Project Title:	Capitol Park TGS	Growth Rate:	0.0%
Project No:	UT20-1670	Number of Years:	0
Weather:	Clear		

AM PEAK HOUR PERIOD: 8:00 AM-9:00 AM
AM PEAK 15 MINUTE PERIOD: 8:15 AM-8:30 AM
AM PHF: 0.83

MIDDAY PEAK HOUR PERIOD: -
MIDDAY PEAK 15 MINUTE PERIOD: -
MIDDAY PHF:

PM PEAK HOUR PERIOD: 4:00 PM-5:00 PM
PM PEAK 15 MINUTE PERIOD: 4:15 PM-4:30 PM
PM PHF: 0.54



RAW COUNT SUMMARIES	F Street Northbound				F Street Southbound				Capitol Park Avenue Eastbound				Capitol Park Avenue Westbound				TOTAL
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00 - 7:15	1	6	0	0	0	1	0	0	0	0	3	7	4	0	0	0	15
7:15 - 7:30	0	1	1	0	0	3	0	0	0	1	0	3	0	3	0	1	9
7:30 - 7:45	6	0	3	1	0	1	0	0	0	0	0	0	1	0	0	3	11
7:45 - 8:00	1	1	0	0	0	4	0	0	0	0	1	0	3	1	0	1	11
8:00 - 8:15	4	3	1	0	0	0	0	0	0	0	3	0	3	0	0	0	14
8:15 - 8:30	1	3	1	0	1	6	0	1	1	0	1	0	6	0	0	0	20
8:30 - 8:45	0	6	4	0	0	7	0	3	0	0	0	0	0	1	0	4	18
8:45 - 9:00	0	7	1	0	0	4	0	0	0	1	0	0	1	0	0	0	14
MIDDAY PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
9:00 - 9:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 - 9:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 - 9:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 - 10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 - 10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 - 10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 - 10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 - 11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 - 11:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 - 11:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 - 11:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 - 12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 - 12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 - 12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 - 12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 - 13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00 - 13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15 - 13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30 - 13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45 - 14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00 - 14:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:15 - 14:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:30 - 14:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:45 - 15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00 - 15:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:15 - 15:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:30 - 15:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:45 - 16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00 - 16:15	1	1	0	0	0	3	0	0	0	0	3	0	1	3	0	0	12
16:15 - 16:30	6	6	4	0	0	4	0	0	0	3	1	0	0	0	0	0	24
16:30 - 16:45	1	0	1	0	0	4	0	0	0	0	1	0	0	0	0	0	7
16:45 - 17:00	3	0	1	0	0	0	0	0	0	3	1	0	1	0	0	0	9
17:00 - 17:15	0	6	0	0	0	3	0	0	0	0	0	0	0	0	1	0	10
17:15 - 17:30	0	3	1	0	1	3	0	0	0	0	3	0	1	4	1	0	17
17:30 - 17:45	0	4	0	0	0	1	0	0	0	1	0	0	0	1	1	0	8
17:45 - 18:00	0	4	1	0	1	1	1	0	0	0	0	0	4	3	1	0	16

TrafficCounts

2364 North 1450 East
Lehi, UT 84043
801.636.0891

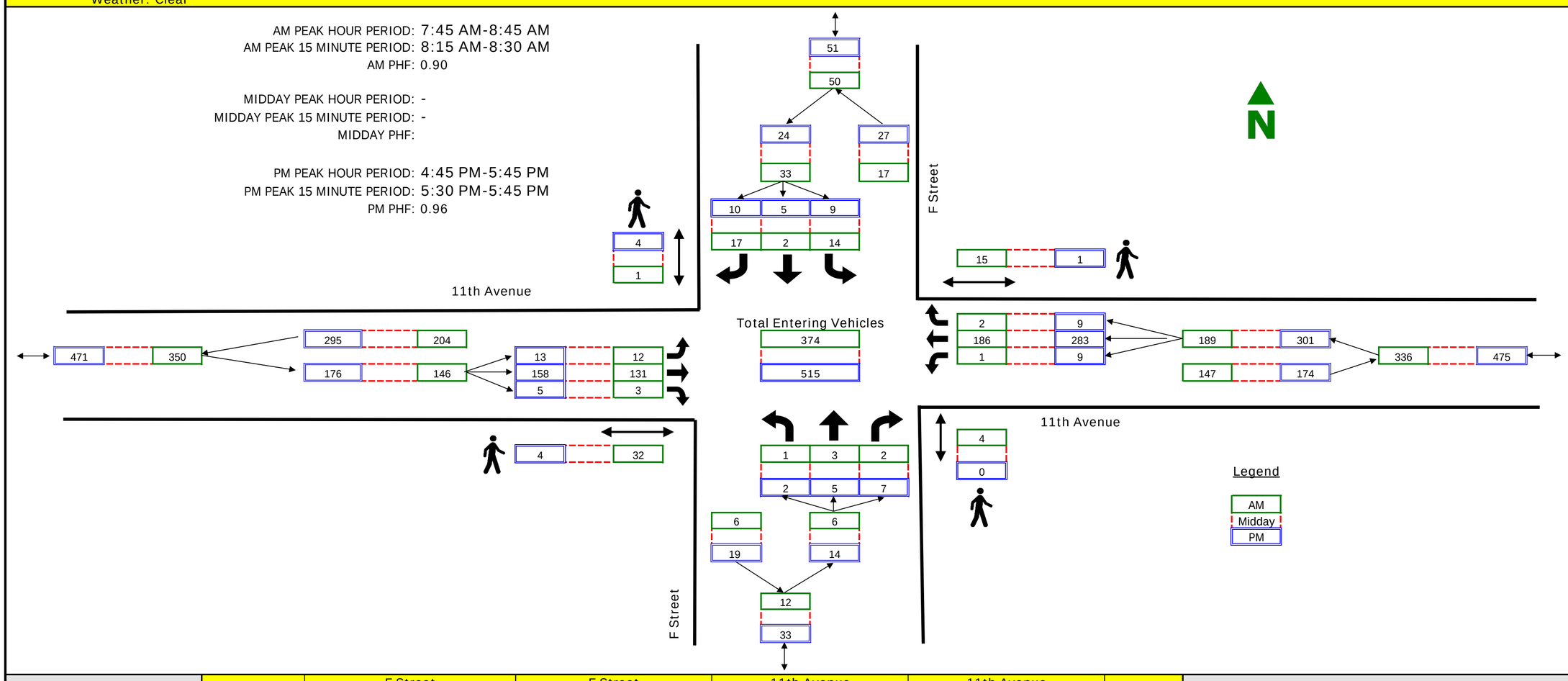
Intersection Turning Movement Summary

Intersection:	F Street / 11th Avenue	Date:	8-18-20, Tue
North/South:	F Street	COVID-19 Adjustment:	68.5%
East/West:	11th Avenue	Month of Year Adjustment:	100.0%
Jurisdiction:	Salt Lake City, UT	Adjustment Station #:	0
Project Title:	Capitol Park TGS	Growth Rate:	0.0%
Project No:	UT20-1670	Number of Years:	0
Weather:	Clear		

AM PEAK HOUR PERIOD: 7:45 AM-8:45 AM
AM PEAK 15 MINUTE PERIOD: 8:15 AM-8:30 AM
AM PHF: 0.90

MIDDAY PEAK HOUR PERIOD: -
MIDDAY PEAK 15 MINUTE PERIOD: -
MIDDAY PHF:

PM PEAK HOUR PERIOD: 4:45 PM-5:45 PM
PM PEAK 15 MINUTE PERIOD: 5:30 PM-5:45 PM
PM PHF: 0.96



RAW COUNT SUMMARIES	F Street Northbound				F Street Southbound				11th Avenue Eastbound				11th Avenue Westbound				TOTAL
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00 - 7:15	0	3	0	3	1	1	4	1	4	13	0	3	0	26	0	3	52
7:15 - 7:30	0	0	1	1	0	0	7	0	4	10	0	3	0	47	0	4	69
7:30 - 7:45	0	0	0	1	1	1	1	0	1	38	0	1	0	47	1	12	90
7:45 - 8:00	0	1	1	0	4	0	4	1	6	31	0	1	0	51	0	3	98
8:00 - 8:15	1	1	0	0	4	0	4	0	0	34	3	4	0	34	0	7	81
8:15 - 8:30	0	1	1	1	0	1	3	0	3	34	0	26	0	60	1	4	104
8:30 - 8:45	0	0	0	3	6	1	6	0	3	32	0	1	1	41	1	1	91
8:45 - 9:00	0	1	1	0	3	0	1	0	4	23	0	7	1	41	3	1	78
MIDDAY PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
9:00 - 9:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 - 9:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 - 9:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 - 10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 - 10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 - 10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 - 10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 - 11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 - 11:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 - 11:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 - 11:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 - 12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 - 12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 - 12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 - 12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 - 13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00 - 13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15 - 13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30 - 13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45 - 14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00 - 14:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:15 - 14:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:30 - 14:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:45 - 15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00 - 15:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:15 - 15:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:30 - 15:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:45 - 16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00 - 16:15	1	1	4	0	3	1	6	0	4	41	0	4	3	50	1	0	115
16:15 - 16:30	0	0	0	0	3	3	4	0	7	32	0	0	0	53	1	0	103
16:30 - 16:45	1	0	0	0	1	0	10	0	3	23	0	1	6	85	1	0	130
16:45 - 17:00	0	1	3	0	0	1	3	0	3	35	0	0	1	80	1	0	128
17:00 - 17:15	1	0	0	0	1	3	3	0	3	47	3	0	0	69	1	1	131
17:15 - 17:30	0	1	3	0	4	0	3	1	6	32	1	4	7	61	4	0	122
17:30 - 17:45	1	3	1	0	4	1	1	3	1	44	1	0	1	73	3	0	134
17:45 - 18:00	1	0	3	0	3	0	1	0	1	41	0	1	3	54	1	6	108

APPENDIX B

LOS Results

HALES ENGINEERING
innovative transportation solutions

SimTraffic LOS Report

Project: Salt Lake City - Capitol Park TIS
Analysis Period: *Existing (2020) Background*
Time Period: *Evening Peak Hour* **Project #:** *UT20-1670*

Intersection: F Street & Capitol Park Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	L	11	10	89	1.9	*A*
	T	10	12	117	0.6	*A*
	R	6	6	96	0.7	*A*
	Subtotal	27	28	104	1.1	*A*
SB	T	11	10	89	0.0	*A*
	Subtotal	11	10	91	0.0	*A*
EB	***T***	***6***	***6***	***96***	***4.6***	***A***
	R	6	6	96	2.7	*A*
	Subtotal	12	12	100	3.7	*A*
WB	L	2	1	50	4.6	*A*
	T	3	4	133	4.1	*A*
	Subtotal	5	5	100	4.2	*A*
Total		56	55	97	1.7	*A*

Intersection: F Street & 11th Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	***L***	***2***	***1***	***50***	***11.0***	***B***
	T	5	5	95	7.2	*A*
	R	7	8	110	3.5	*A*
	Subtotal	14	14	100	5.4	*A*
SB	L	9	7	76	6.3	*A*
	T	5	5	95	8.5	*A*
	R	10	11	107	3.5	*A*
	Subtotal	24	23	96	5.4	*A*
EB	L	13	13	98	3.3	*A*
	T	158	162	103	0.5	*A*
	R	5	6	114	0.3	*A*
	Subtotal	176	181	103	0.7	*A*
WB	L	9	9	97	2.4	*A*
	T	283	283	100	0.8	*A*
	R	9	10	108	0.5	*A*
	Subtotal	301	302	100	0.8	*A*
Total		518	520	100	1.1	*A*

1: F Street & Capitol Park Avenue Performance by movement

Movement	EBT	EBR	WBL	WBT	NBL	NBT	NBR	SBT	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.1	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	4.6	2.7	4.6	4.1	1.9	0.6	0.7	0.0	1.7
Vehicles Entered	6	6	1	4	10	12	6	10	55
Vehicles Exited	6	6	1	4	10	12	6	10	55
Hourly Exit Rate	6	6	1	4	10	12	6	10	55
Input Volume	6	6	2	3	11	10	6	11	56
% of Volume	96	96	50	133	89	117	96	89	97

2: F Street & 11th Avenue Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.2	0.2	0.2	0.3	0.3	0.2	0.2	0.1	0.1	0.0	0.0	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	3.3	0.5	0.3	2.4	0.8	0.5	11.0	7.2	3.5	6.3	8.5	3.5
Vehicles Entered	13	162	6	10	283	10	1	5	8	7	5	11
Vehicles Exited	13	162	6	9	283	10	1	5	8	7	5	11
Hourly Exit Rate	13	162	6	9	283	10	1	5	8	7	5	11
Input Volume	13	158	5	9	283	9	2	5	7	9	5	10
% of Volume	98	103	114	97	100	108	50	95	110	76	95	107

2: F Street & 11th Avenue Performance by movement

Movement	All
Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.2
Total Del/Veh (s)	1.1
Vehicles Entered	521
Vehicles Exited	520
Hourly Exit Rate	520
Input Volume	518
% of Volume	100

Total Zone Performance

Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.3
Total Del/Veh (s)	2.2
Vehicles Entered	531
Vehicles Exited	529
Hourly Exit Rate	529
Input Volume	1124
% of Volume	47

Intersection: 1: F Street & Capitol Park Avenue

Movement	EB	WB	NB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	31	31	6
Average Queue (ft)	11	5	0
95th Queue (ft)	34	24	4
Link Distance (ft)	658	1211	756
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 2: F Street & 11th Avenue

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	37	24	35	36
Average Queue (ft)	4	2	12	17
95th Queue (ft)	22	14	37	43
Link Distance (ft)	1062	1162	678	756
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Zone Summary

Zone wide Queuing Penalty: 0

HALES ENGINEERING
innovative transportation solutions

SimTraffic LOS Report

Project: Salt Lake City - Capitol Park TIS
Analysis Period: *Existing (2020) Plus Project*
Time Period: *Evening Peak Hour* **Project #:** *UT20-1670*

Intersection: F Street & Capitol Park Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	L	27	27	100	2.0	*A*
	T	14	16	119	0.6	*A*
	R	6	7	112	0.6	*A*
	Subtotal	47	50	106	1.4	*A*
SB	L	1	1	100	1.0	*A*
	T	13	15	113	0.0	*A*
	Subtotal	14	16	114	0.1	*A*
EB	***T***	***8***	***7***	***88***	***5.0***	***A***
	R	14	14	102	3.1	*A*
	Subtotal	22	21	95	3.7	*A*
WB	L	2	2	100	3.0	*A*
	T	5	5	95	4.5	*A*
	R	1	2	200	2.3	*A*
	Subtotal	8	9	113	3.7	*A*
Total		91	96	105	1.9	*A*

Intersection: F Street & 11th Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	**L**	**2**	**2**	**100**	**11.3**	***B***
	T	*8*	*10*	*121*	*7.1*	*A*
	R	7	9	124	3.2	*A*
	Subtotal	17	21	124	5.8	*A*
SB	L	12	13	106	6.5	*A*
	T	7	7	97	6.9	*A*
	R	15	17	115	3.9	*A*
	Subtotal	34	37	109	5.4	*A*
EB	L	22	20	92	2.9	*A*
	T	158	156	99	0.6	*A*
	R	5	6	114	0.3	*A*
	Subtotal	185	182	98	0.8	*A*
WB	L	9	11	119	2.7	*A*
	T	283	282	100	1.0	*A*
	R	16	18	114	0.8	*A*
	Subtotal	308	311	101	1.0	*A*
Total		545	551	101	1.4	*A*

HALES ENGINEERING
innovative transportation solutions

SimTraffic LOS Report

Project: **Salt Lake City - Capitol Park TIS**
Analysis Period: ***Existing (2020) Plus Project***
Time Period: ***Evening Peak Hour*** **Project #:** ***UT20-1670***

Intersection: **Capitol Park Avenue & PA 1**
Type: **Unsignalized**

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
SB	***L***	***9***	***10***	***108***	***3.8***	***A***
	Subtotal	9	10	111	3.8	*A*
EB	R	12	11	90	0.0	*A*
	Subtotal	12	11	92	0.0	*A*
NW	L	14	12	87	0.3	*A*
	T	1	1	100	0.1	*A*
	R	18	18	101	0.4	*A*
	Subtotal	33	31	94	0.4	*A*
Total		54	52	96	0.9	*A*

1: F Street & Capitol Park Avenue Performance by movement

Movement	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.1	0.0	0.0	0.0	0.1	0.1	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	5.0	3.1	3.0	4.5	2.3	2.0	0.6	0.6	1.0	0.0	1.9
Vehicles Entered	7	14	2	5	2	27	16	7	1	15	96
Vehicles Exited	7	14	2	5	2	27	16	7	1	15	96
Hourly Exit Rate	7	14	2	5	2	27	16	7	1	15	96
Input Volume	8	14	2	5	1	27	14	6	1	13	91
% of Volume	88	102	100	95	200	100	119	112	100	113	105

2: F Street & 11th Avenue Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.2	0.2	0.2	0.2	0.3	0.3	0.1	0.1	0.1	0.0	0.0	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	2.9	0.6	0.3	2.7	1.0	0.8	6.4	7.1	3.2	6.5	6.9	3.9
Vehicles Entered	20	156	6	11	281	18	2	10	9	13	7	16
Vehicles Exited	20	156	6	11	282	18	2	10	9	13	7	17
Hourly Exit Rate	20	156	6	11	282	18	2	10	9	13	7	17
Input Volume	22	158	5	9	283	16	2	8	7	12	7	15
% of Volume	92	99	114	119	100	114	100	121	124	106	97	115

2: F Street & 11th Avenue Performance by movement

Movement	All
Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.2
Total Del/Veh (s)	1.4
Vehicles Entered	549
Vehicles Exited	551
Hourly Exit Rate	551
Input Volume	545
% of Volume	101

3: Capitol Park Avenue & PA 1 Performance by movement

Movement	EBR	SBL	NWL	NWT	NWR	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.0	0.1	0.0	0.0	0.0	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	0.0	3.8	0.3	0.1	0.4	0.9
Vehicles Entered	11	10	12	1	18	52
Vehicles Exited	11	10	12	1	18	52
Hourly Exit Rate	11	10	12	1	18	52
Input Volume	12	9	14	1	18	54
% of Volume	90	108	87	100	101	96

Total Zone Performance

Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.4
Total Del/Veh (s)	2.6
Vehicles Entered	567
Vehicles Exited	563
Hourly Exit Rate	563
Input Volume	1272
% of Volume	44

Intersection: 1: F Street & Capitol Park Avenue

Movement	EB	WB	NB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	30	31	6
Average Queue (ft)	15	7	0
95th Queue (ft)	39	29	4
Link Distance (ft)	299	1211	754
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 2: F Street & 11th Avenue

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	48	50	40	53
Average Queue (ft)	6	3	16	23
95th Queue (ft)	30	23	42	49
Link Distance (ft)	1062	1162	678	754
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 3: Capitol Park Avenue & PA 1

Movement	SB
Directions Served	LR
Maximum Queue (ft)	32
Average Queue (ft)	9
95th Queue (ft)	30
Link Distance (ft)	183
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Zone Summary

Zone wide Queuing Penalty: 0

APPENDIX C

Site Plan

SINGLE FAMILY HOMES

COTTAGES	15 UNITS
CUSTOMS	5 UNITS
TOTAL	20 UNITS

PARKING *(COTTAGES ONLY)*

GARAGE	45
DRIVEWAY	5
STREET	12
TOTAL	62
SPACES PER UNIT	*4.1*

OPEN SPACE *(COTTAGES ONLY)*

PARK	0.39 AC
PRIVATE YARDS	0.61 AC
TOTAL	1.00 AC
COTTAGES SITE AREA	2.42 AC
OPEN SPACE %	41.3 %

DENSITY

COTTAGES SITE AREA	2.42 AC
COTTAGES DENSITY	6.2 DU/AC
TOTAL SITE AREA	3.21 AC
TOTAL DENSITY	6.23 DU/AC

08.20.20

SITE STUDY | 20 TOTAL LOTS

CAPITOL PARK | IVORY HOMES

SALT LAKE CITY, UTAH

woodley architectural group,inc
colorado // 731 southpark dr. suite B
littleton, co 80120 / 303 683.7231
california // 2943 pullman st. suite A
santa ana ca 92705 / 949 553.8919

APPENDIX D

95th Percentile Queue Length Reports

SimTraffic Queueing Report

Project: Salt Lake City - Capitol Park TIS

Analysis: Existing (2020) Background

Time Period: Evening Peak Hour

95th Percentile Queue Length (feet)

HALES ENGINEERING
innovative transportation solutions

Project #: UT20-1670

Intersection	NB	SB	EB	WB
	LTR	LTR	LTR	LTR
01: F Street & Capitol Park Avenue	4	--	34	24
02: F Street & 11th Avenue	37	43	22	14

SimTraffic Queueing Report

Project: Salt Lake City - Capitol Park TIS

Analysis: Existing (2020) Plus Project

Time Period: Evening Peak Hour

95th Percentile Queue Length (feet)

HALES ENGINEERING
innovative transportation solutions

Project #: UT20-1670

Intersection	NB	SB		EB	WB
	LTR	LR	LTR	LTR	LTR
01: F Street & Capitol Park Avenue	4	--	--	39	29
02: F Street & 11th Avenue	42	--	49	30	23
03: Capitol Park Avenue & PA 1	--	30	--	--	--

SALT LAKE CITY ORDINANCE
No. 81 of 2022

(Amending the zoning of property located at 675 North F Street
from FR-3/12,000 Foothills Residential District to
SR-1 Special Development Pattern Residential District, and amending
the Avenues Community Master Plan Future Land Use Map)

An ordinance amending the zoning map pertaining to property located at 675 North F Street from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District pursuant to Petition No. PLNPCM2020-00335 and amending the Avenues Community Master Plan Future Land Use Map pursuant to Petition No. PLNPCM2020-00334.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on June 22, 2022 on an application submitted by Peter Gamvroulas ("Applicant") to rezone property located at 675 North F Street (Tax ID No. 09-30-455-021-0000) (the "Property") from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District pursuant to Petition No. PLNPCM2020-00335, and to amend the Avenues Community Master Plan Future Land Use Map with respect to the Property from Very Low Density to Low Density pursuant to Petition No. PLNPCM2020-00334; and

WHEREAS, at its June 22, 2022 meeting, the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said applications, subject to conditions to prohibit accessory buildings in rear yards along the west most property line and require a minimum 30' setback for second levels of homes along the west most property line; and

WHEREAS, after a public hearing on this matter the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Zoning Map. The Salt Lake City zoning map, as adopted by the *Salt Lake City Code*, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended to reflect that the Property identified on Exhibit "A" attached hereto shall be and hereby is rezoned from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District, subject to the condition identified in Section 3 herein.

SECTION 2. Amending the Avenues Community Master Plan. The Future Land Use Map of the Avenues Community Master Plan shall be and hereby is amended to change the future land use designation of the Property identified in Exhibit "A" from Very Low Density to Low Density, subject to the conditions identified in Section 3 herein.

SECTION 3. Conditions. The zoning map amendment and master plan amendment that are the subject of Petition Nos. PLNPCM2020-00335 and PLNPCM2020-00334 described herein are conditioned upon Applicant entering into a development and use agreement with the city to be recorded as against the property, which agreement shall include the following requirements for development and use of the Property:

1. Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.
2. Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30' from the corresponding rear or side property line.
3. Accessory dwelling units within the Property may not be used for short term rentals (rentals of periods less than 30 days).
4. The open space area shown on draft development plans submitted to the Planning Commission and City Council shall generally be accessible to the community, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

5. The city's building approval and permitting process will be followed for construction of retaining walls on the Property.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The city recorder is instructed not to publish or record this ordinance until the condition identified above has been met as acknowledged by the director of the Salt Lake City Planning Division.

SECTION 5. Time. If the condition identified above has not been met within one year after adoption, this ordinance shall become null and void. The city council may, for good cause shown, by resolution, extend the time period for satisfying the condition identified above.

Passed by the City Council of Salt Lake City, Utah, this 13th day of December, 2022.

Daniel Dugan (Dec 21, 2022 14:02 MST)

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on Dec 21, 2022.

Mayor's Action: ☑ Approved. ☐ Vetoed.

Erin Mendenhall (Dec 22, 2022 15:48 MST)

MAYOR

CITY RECORDER
(SEAL)

Bill No. 81 of 2022.
Published: August 17, 2023.
Ordinance amending zoning and MP 675 N F Street (12.19.22)

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: Dec 21, 2022
By: Paul Nielson (Dec 21, 2022 13:11 MST)
Paul C. Nielson, *Senior City Attorney*

EXHIBIT “A”

Legal Description of Property to be Rezoned
and Subject to Avenues Master Plan Future Land Use Map Amendment:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

Ordinance 81 of 2022 Zoning Map Amendment and Master Plan Amendment 675 N F Street

Final Audit Report 2022-12-27

Created:	2022-12-21
By:	Thais Stewart (thais.stewart@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvplsm5B_w1wOtZA0unlj5ICZGARO9p5O

"Ordinance 81 of 2022 Zoning Map Amendment and Master Pla n Amendment 675 N F Street" History

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Document e-signed by Cindy Trishman (cindy.trishman@slcgov.com)

Signature Date: 2022-12-27 - 10:03:40 PM GMT - Time Source: server

Agreement completed.

2022-12-27 - 10:03:40 PM GMT

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MEMORANDUM

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Cindy Lou Trishman, City Recorder

From: Nick Norris, Planning Director

Date: August 17, 2023

Re: Ordinance 81 of 2022 – Conditions Certification

Notice is hereby given that the conditions identified in Ordinance 81 of 2022, pertaining to property at 675 N F Street, have now been satisfied and the City Recorder is instructed to publish and record the ordinance.

Sincerely,

Nick Norris
Planning Director

SALT LAKE CITY CORPORATION
451 SOUTH STATE STREET, ROOM 406
PO BOX 145480 SALT LAKE CITY, UT 84114-5480

WWW.SLC.GOV
TEL 801-535-7757

14141665 B: 11438 P: 9170 Total Pages: 8
08/16/2023 03:07 PM By: Mwestergard Fees: $0.00
Rashelle Hobbs,Recorder, Salt Lake County, Utah
Return To: SL CITY PLANNING
PO BOX 145480 SALT LAKE CITY, UT 84114

WHEN RECORDED, RETURN TO:

ATTN Planning Director
Salt Lake City Corporation
PO BOX 145480
Salt Lake City, Utah 84114-5480

DEVELOPMENT AND USE AGREEMENT

THIS DEVELOPMENT AND USE AGREEMENT (this "**Agreement**") is made and entered into by and between **SALT LAKE CITY CORPORATION**, a political subdivision of the State of Utah ("**City**") and **Ivory Development, LLC** ("**Developer**"). City and Developer may be referred to herein collectively as "**Parties**."

RECITALS

A. Developer is the owner of approximately 3.22 acres of land located at 675 North F Street in Salt Lake City (the "Property"), which land is more particularly described on the attached Exhibit "A" and incorporated herein by this reference.

B. Developer submitted an application to amend the zoning map regarding the Property to rezone the Property from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District (Petition No. PLNPCM2020-00335) and to amend the Avenues Community Master Plan Future Land Use Map with respect to the Property from Very Low Density to Low Density (Petition No. PLNPCM2020-00334).

C. Developer intends to develop the Property with single-family dwellings, some of which may include an internal accessory dwelling unit (as that term is defined and applied in Utah Code Chapter 10-9a).

D. The Salt Lake City Planning Commission heard this matter on June 22, 2022 at which the commission voted in favor of forwarding a positive recommendation on the petition to the Salt Lake City Council.

E. The Salt Lake City Council held a public hearing on this petition on November 10, 2022 and at its December 13, 2022 meeting voted to approve Ordinance 81 of 2022, which approved Developer's petition to rezone the Property and amend the Avenues Community Master Plan, subject to Developer entering into a development and use agreement with the City to ensure development and use of the Property occurs in a manner consistent with City goals and policies and that respects unique circumstances regarding the Property. This Agreement satisfies that the condition of that ordinance.

F. City, acting pursuant to its authority under the Municipal Land Use, Development, and Management Act, Utah Code Chapter 10-9a as amended, and in furtherance

of its land use policies, goals, objectives, ordinances, and regulations of Salt Lake City, in the exercise of its legislative discretion, has elected to approve and enter into this Agreement.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in reliance on the foregoing recitals, City and Developer agree as follows:

1. **Incorporations of Recitals**. The Parties hereby incorporate the foregoing recitals into this Agreement.

2. **Obligations of the Parties.**

a. **Developer's Obligations.** Development and use of the Property shall comply with the following requirements:

i. Accessory buildings shall not be allowed in rear yards along the westernmost property line of the Property.

ii. Where the westernmost property line of a lot is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30 feet from the corresponding rear or side property line.

iii. Accessory dwelling units on the Property shall not be used as short-term rentals.

iv. Any open space areas located along Capitol Park Avenue or F Street shall generally be accessible to the community at large, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

v. The city's building approval and permitting process will be followed for construction of retaining walls on the Property

b. **City's Obligations:** Following recording of this Agreement against the Property, the City shall cause Ordinance 81 of 2022 to be published within 14 days of Developer providing proof to the City that the Agreement has been recorded. The City is further obligated to issue all necessary permits and certificates of occupancy for development of the Property that meet all requirements of law and satisfy Developer's obligations under this Agreement.

3. **Severability.** If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

4. **Other Necessary Acts.** Each Party shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.

5. **Construction/Interpretation.** Developer has been informed that it is customary to consult legal counsel in the preparation and negotiation of the terms of development agreements. Developer has either done so or chosen not to. Should litigation arise from any breach of this Agreement, the Parties agree that no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

6. **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

7. **Runs with the Land.** This Agreement and the covenants and restrictions herein are binding and run will the land during the Term, such that any subsequent owners of fee title or other third parties holding an interest in and to all or some portion of the Property shall be deemed to have acquired such interest with notice and knowledge of this Agreement such that the Property shall remain subject to the terms, conditions, restrictions and provisions set forth herein. In keeping with the foregoing, the term "Developer", as used herein, shall be construed to mean and include any successors in interest to fee ownership of all or any portion of the Property and any other holders of interests in and to any portion of the Property. City shall be deemed a beneficiary of such Agreement, covenants, and restrictions, and in the event of any uncured default, shall have the right to exercise all the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such default to which beneficiaries of such covenants may be entitled.

8. **Term and Termination.** This Agreement includes covenants, conditions, and restrictions regarding the development and use of Developer's Property, which shall run with the land in perpetuity. The covenants, conditions, and restrictions may only be modified or terminated with the express authorization of the Salt Lake City Council following the same processes required to amend the zoning map and applicable master plan.

9. **Waiver.** No action taken by any Party shall be deemed to constitute a waiver of compliance by such Party with respect to any representation, warranty, or condition contained in this Agreement.

10. **Remedies.** Either Party may, in addition to any other rights or remedies, institute an equitable action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any remedies consistent with the foregoing and the purpose of this Agreement.

11. **Utah Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

12. **Covenant of Good Faith and Fair Dealing.** Each Party shall use its best efforts and take and employ all necessary actions in good faith consistent with this Agreement to ensure that the rights secured by the other Party through this Agreement can be enjoyed.

13. **No Third-Party Beneficiaries**. This Agreement is between the City and Developer. No other party shall be deemed a third-party beneficiary or have any rights under this Agreement.

14. **Force Majeure**. No liability or breach of this Agreement shall result from delay in performance or nonperformance caused, directly or indirectly, by circumstances beyond the reasonable control of the Party affected ("Force Majeure"), including, but not limited to, fire, extreme weather, terrorism, explosion, flood, war, power interruptions, the act of other governmental bodies, accident, labor trouble or the shortage or inability to obtain material, service, personnel, equipment or transportation, failure of performance by a common carrier, failure of performance by a public utility, or vandalism.

15. **Entire Agreement, Counterparts and Exhibit.** Unless otherwise noted herein, this Agreement is the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer.

16. **REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES.** Developer represents that it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

17. **GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**. City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code Annotated or its successor ("GRAMA"). All materials submitted by Developer pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure shall rest solely with Developer. Any materials for which Developer claims a privilege from disclosure shall be submitted marked as "Business Confidential" and accompanied by a concise statement of reasons supporting Developer's claim of business confidentiality. City will make reasonable efforts to notify Developer of any requests made for disclosure of documents submitted under a claim of business confidentiality. Developer may, at Developer's sole expense, take any appropriate actions to prevent disclosure of such material. Developer

specifically waives any claims against City related to disclosure of any materials required by GRAMA.

[Signature Page to Follow]

EFFECTIVE as of the 3 day of August, 202_.

CITY:

SALT LAKE CITY CORPORATION, a Utah municipal corporation

Erin Mendenhall, Mayor

APPROVED AS TO FORM:
Salt Lake City Attorney's Office

Paul Nielson, Senior City Attorney

ATTEST:
Salt Lake City Recorder's Office

City Recorder

Minutes & Records Clerk

RECORDED
AUG 10 2023
CITY RECORDER

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

This instrument was acknowledged before me this 3 August, 2023, by Erin Mendenhall, Mayor of Salt Lake City Corporation, a Utah municipal corporation.

WITNESS my hand and official seal.

Notary Public

APRIL PATTERSON
Notary Public - State of Utah
Comm. No. 729148
My Commission Expires on
Feb 1, 2027

DEVELOPER:

By: _____

Its: PRESIDENT

STATE OF UTAH §
§
COUNTY OF SALT LAKE §

This instrument was acknowledged before me on the 21ST day of JULY, 2023, by CHRISTOPHER P. GAMVROULAS, an individual.

WITNESS my hand and official seal.

_____
Notary Public

PETER STEVEN GAMVROULAS
NOTARY PUBLIC- STATE OF UTAH
COMMISSION# 722444
COMM. EXP. 01-14-2026

EXHIBIT "A"

Legal description of Developer's Property located at 675 North F Street:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

14141665 B: 11438 P: 9170 Total Pages: 8
08/16/2023 03:07 PM By: Mwestergard Fees: $0.00
Rashelle Hobbs,Recorder, Salt Lake County, Utah
Return To: SL CITY PLANNING
PO BOX 145480 SALT LAKE CITY, UT 84114

WHEN RECORDED, RETURN TO:

ATTN Planning Director
Salt Lake City Corporation
PO BOX 145480
Salt Lake City, Utah 84114-5480

DEVELOPMENT AND USE AGREEMENT

THIS DEVELOPMENT AND USE AGREEMENT (this "**Agreement**") is made and entered into by and between **SALT LAKE CITY CORPORATION**, a political subdivision of the State of Utah ("**City**") and **Ivory Development, LLC** ("**Developer**"). City and Developer may be referred to herein collectively as "**Parties**."

RECITALS

A. Developer is the owner of approximately 3.22 acres of land located at 675 North F Street in Salt Lake City (the "Property"), which land is more particularly described on the attached Exhibit "A" and incorporated herein by this reference.

B. Developer submitted an application to amend the zoning map regarding the Property to rezone the Property from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District (Petition No. PLNPCM2020-00335) and to amend the Avenues Community Master Plan Future Land Use Map with respect to the Property from Very Low Density to Low Density (Petition No. PLNPCM2020-00334).

C. Developer intends to develop the Property with single-family dwellings, some of which may include an internal accessory dwelling unit (as that term is defined and applied in Utah Code Chapter 10-9a).

D. The Salt Lake City Planning Commission heard this matter on June 22, 2022 at which the commission voted in favor of forwarding a positive recommendation on the petition to the Salt Lake City Council.

E. The Salt Lake City Council held a public hearing on this petition on November 10, 2022 and at its December 13, 2022 meeting voted to approve Ordinance 81 of 2022, which approved Developer's petition to rezone the Property and amend the Avenues Community Master Plan, subject to Developer entering into a development and use agreement with the City to ensure development and use of the Property occurs in a manner consistent with City goals and policies and that respects unique circumstances regarding the Property. This Agreement satisfies that the condition of that ordinance.

F. City, acting pursuant to its authority under the Municipal Land Use, Development, and Management Act, Utah Code Chapter 10-9a as amended, and in furtherance

of its land use policies, goals, objectives, ordinances, and regulations of Salt Lake City, in the exercise of its legislative discretion, has elected to approve and enter into this Agreement.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in reliance on the foregoing recitals, City and Developer agree as follows:

1. **Incorporations of Recitals**. The Parties hereby incorporate the foregoing recitals into this Agreement.

2. **Obligations of the Parties.**

a. **Developer's Obligations.** Development and use of the Property shall comply with the following requirements:

i. Accessory buildings shall not be allowed in rear yards along the westernmost property line of the Property.

ii. Where the westernmost property line of a lot is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30 feet from the corresponding rear or side property line.

iii. Accessory dwelling units on the Property shall not be used as short-term rentals.

iv. Any open space areas located along Capitol Park Avenue or F Street shall generally be accessible to the community at large, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

v. The city's building approval and permitting process will be followed for construction of retaining walls on the Property

b. **City's Obligations:** Following recording of this Agreement against the Property, the City shall cause Ordinance 81 of 2022 to be published within 14 days of Developer providing proof to the City that the Agreement has been recorded. The City is further obligated to issue all necessary permits and certificates of occupancy for development of the Property that meet all requirements of law and satisfy Developer's obligations under this Agreement.

3. **Severability.** If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

4. **Other Necessary Acts.** Each Party shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.

5. **Construction/Interpretation.** Developer has been informed that it is customary to consult legal counsel in the preparation and negotiation of the terms of development agreements. Developer has either done so or chosen not to. Should litigation arise from any breach of this Agreement, the Parties agree that no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

6. **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

7. **Runs with the Land.** This Agreement and the covenants and restrictions herein are binding and run will the land during the Term, such that any subsequent owners of fee title or other third parties holding an interest in and to all or some portion of the Property shall be deemed to have acquired such interest with notice and knowledge of this Agreement such that the Property shall remain subject to the terms, conditions, restrictions and provisions set forth herein. In keeping with the foregoing, the term "Developer", as used herein, shall be construed to mean and include any successors in interest to fee ownership of all or any portion of the Property and any other holders of interests in and to any portion of the Property. City shall be deemed a beneficiary of such Agreement, covenants, and restrictions, and in the event of any uncured default, shall have the right to exercise all the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such default to which beneficiaries of such covenants may be entitled.

8. **Term and Termination.** This Agreement includes covenants, conditions, and restrictions regarding the development and use of Developer's Property, which shall run with the land in perpetuity. The covenants, conditions, and restrictions may only be modified or terminated with the express authorization of the Salt Lake City Council following the same processes required to amend the zoning map and applicable master plan.

9. **Waiver.** No action taken by any Party shall be deemed to constitute a waiver of compliance by such Party with respect to any representation, warranty, or condition contained in this Agreement.

10. **Remedies.** Either Party may, in addition to any other rights or remedies, institute an equitable action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any remedies consistent with the foregoing and the purpose of this Agreement.

11. **Utah Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

12. **Covenant of Good Faith and Fair Dealing.** Each Party shall use its best efforts and take and employ all necessary actions in good faith consistent with this Agreement to ensure that the rights secured by the other Party through this Agreement can be enjoyed.

13. **No Third-Party Beneficiaries**. This Agreement is between the City and Developer. No other party shall be deemed a third-party beneficiary or have any rights under this Agreement.

14. **Force Majeure**. No liability or breach of this Agreement shall result from delay in performance or nonperformance caused, directly or indirectly, by circumstances beyond the reasonable control of the Party affected ("Force Majeure"), including, but not limited to, fire, extreme weather, terrorism, explosion, flood, war, power interruptions, the act of other governmental bodies, accident, labor trouble or the shortage or inability to obtain material, service, personnel, equipment or transportation, failure of performance by a common carrier, failure of performance by a public utility, or vandalism.

15. **Entire Agreement, Counterparts and Exhibit.** Unless otherwise noted herein, this Agreement is the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer.

16. **REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES.** Developer represents that it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

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specifically waives any claims against City related to disclosure of any materials required by GRAMA.

[Signature Page to Follow]

EFFECTIVE as of the 3 day of August, 202_.

CITY:

SALT LAKE CITY CORPORATION, a Utah municipal corporation

Erin Mendenhall, Mayor

APPROVED AS TO FORM:
Salt Lake City Attorney's Office

Paul Nielson, Senior City Attorney

ATTEST:
Salt Lake City Recorder's Office

City Recorder

Minutes & Records Clerk

RECORDED
AUG 10 2023
CITY RECORDER

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

This instrument was acknowledged before me this 3 August, 2023, by Erin Mendenhall, Mayor of Salt Lake City Corporation, a Utah municipal corporation.

WITNESS my hand and official seal.

Notary Public

APRIL PATTERSON
Notary Public - State of Utah
Comm. No. 729148
My Commission Expires on
Feb 1, 2027

DEVELOPER:

By: _____

Its: PRESIDENT

STATE OF UTAH §
§
COUNTY OF SALT LAKE §

This instrument was acknowledged before me on the 21ST day of JULY, 2023, by CHRISTOPHER P. GAMVROULAS, an individual.

WITNESS my hand and official seal.

_____
Notary Public

PETER STEVEN GAMVROULAS
NOTARY PUBLIC- STATE OF UTAH
COMMISSION# 722444
COMM. EXP. 01-14-2026

EXHIBIT "A"

Legal description of Developer's Property located at 675 North F Street:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

8923197

8923197
12/12/2003 03:50 PM 30.00
Book - 8923 Pg - 1596-1605
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
AMERICA WEST TITLE
BY: BRM, DEPUTY - WI 10 P.

Recording requested by
and when recorded return to:

KIRTON & McCONKIE
Attn: Steven L. Whitehead, Esq
1800 Eagle Gate Plaza
60 East South Temple
Salt Lake City, Utah 84111

Property No. 533-3822

(Space Above This Line For Recorder's Use)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("**Agreement**") is made and entered into as of this 12th day of October, 2001, by and between AVENUE HEIGHTS CONDOMINIUMS, L.L.C., a Utah limited liability company ("**AHC**") and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("**CPB**"); individually, a "**Party**", and collectively, the "**Parties**".

RECITALS:

A. AHC is the fee owner of that certain real property located in the City of Salt Lake City, County of Salt Lake, State of Utah, which property is more particularly described on Exhibit "A" attached hereto and depicted by diagonal lines on the Plat Map attached hereto as Exhibit "B" ("**Easement Property**"). The Easement Property is improved with a private drive, curbs, gutters, sidewalks, and related improvements, which private drive connects Capitol Park Avenue to the intersection of "F" Street and 13th Avenue.

B. CPB owns certain real property located in the City of Salt Lake City, Salt Lake County, State of Utah, which is legally described in Exhibit "C" attached hereto and incorporated herein by this reference ("**Existing Property**").

C. CPB is purchasing from AHC, or has purchased from AHC, fee ownership of that certain real property located between the Easement Property and the Existing Property in the City of Salt Lake City, County of Salt Lake, State of Utah, which is legally described in Exhibit "D" attached hereto (the "**Adjacent Property**"). The Existing Property and the Adjacent Property shall hereinafter collectively be referred to as the "**CPB Property**."

D. In connection with the purchase of the Adjacent Property by the CPB, AHC and CPB have entered into that certain Agreement for Purchase and Sale and Joint Escrow

Instructions (the "**Purchase Agreement**"). Pursuant to the terms and conditions of the Purchase Agreement, AHC desires to grant to CPB, for the benefit of CPB Property, a non-exclusive easement burdening the Easement Property and benefitting the CPB Property.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Grant of Easement**. AHC hereby grants, conveys and warrants to CPB for the benefit of CPB and any entity controlling, controlled by, or under common control with CPB, and their respective employees, agents, servants, members, beneficiaries, contractors, consultants, guests, invitees, successors and assigns (collectively, "**CPB Affiliates**"), upon each and every term and condition contained herein, a continuous, perpetual non-exclusive easement and right of way on the Easement Property appurtenant to the CPB Property for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress to and egress from the CPB Property ("**Easement**"). Subject to any municipal or governmental approvals, CPB shall have the right to place at least one (1) curb cut approximately thirty (30) feet wide in the curb located on the Easement Property at a location to be determined by CPB in its sole and absolute discretion to permit ingress to and egress from the CPB Property onto the Easement Property.

2. **Covenants Run with Land**. The Easement, together with each of the restrictions, covenants and agreements contained herein shall be appurtenant to and for the benefit of the CPB Property and shall be a burden upon the Easement Property, and shall run with the land. The Easement, this Agreement and the restrictions, covenants, benefits and obligations created hereby shall be binding upon and shall inure to the benefit of all present and future holders of interests in the CPB Property and shall be deemed a covenant running with the land.

3. **Maintenance**. The maintenance of the Easement Property will be addressed in a Joint Maintenance Agreement to be mutually agreed upon by the parties. Until the Joint Maintenance Agreement is negotiated and executed, the parties agree as follows: (i) AHC shall maintain the Easement Property in a good and clean condition; (ii) if AHC fails to maintain the Easement Property, CPB shall have the right, but not the obligation, to do so; (iii) the costs to maintain the Easement Property, along with a portion of a portion of a road extending westerly from the Easement Property to the point at the southwest corner of certain real property owned by Karen S. Wright commonly known as 364 East Capitol Park Avenue if such road is maintained by AHC, shall be allocated 16.67% to CPB and 83.33% to AHC; and (iv) each party will reimburse the other party that performed maintenance on the Easement Property and the adjacent road within thirty (30) days after receipt of a statement of the maintenance costs.

4. **Successors and Assigns**. This Agreement shall inure to the benefit of, and will be binding upon, the Parties hereto and their respective successors and assigns.

5. **Special Warranty.** AHC hereby fully warrants the title to the Easement Property and will defend the same against the lawful claims of all persons claiming by through or under AHC and against acts of AHC, subject to any easements and rights-of-way of record as of the date hereof.

6. **Not a Public Dedication.** Nothing contained in this Agreement will be deemed to be a gift or a dedication of any portion of the Easement Property to the general public or for the general public or for any public purpose whatsoever, it being the intent of the Parties that this Agreement be strictly limited to and for the purposes expressed herein.

7. **Authority**. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, authority to do so and to bind the entities for which they are executing this Agreement.

8. **Exhibits**. The following exhibits are a part of this agreement to the same extent as if set forth in the body of this Agreement:

Exhibit A -	Legal Description of Easement Property
Exhibit B-	Plat Map Depicting Easement Property
Exhibit C-	Legal Description of Existing Property
Exhibit D-	Legal Description of Adjacent Property

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

AHC: **AVENUE HEIGHTS CONDOMINIUMS, L.L.C.**, a Utah limited liability company

By: _____
Its: Member

By: _____
Its: Member

By: GREENWICH EAST, L.L.C., a
Texas limited liability company
Its Member

By: _____
Kenneth W. Griswold
Its Managing Member

CPB: **CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,**
a Utah corporation sole,

By: _____ 11/20/01
Its: Authorized Agent

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 2nd day of November, 2001, personally appeared before me WALLACE A. WRIGHT, JR., who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS ~~CORPORATION~~,* L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

Notary Public
ANITA L. MORSE
2748 East Commonwealth Avenue
Salt Lake City, Utah 84109
My Commission Expires
March 8, 2002
State of Utah

Anita L. Morse
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 12th day of October, 2001, personally appeared before me DAVID R. SABEY, who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS * ~~CORPORATION~~, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On the 12th day of October, 2001, personally appeared before me KENNETH W. GRISWOLD, who being duly sworn, did say, for himself that he is the managing member of GREENWICH EAST, L.L.C., a member of AVENUE HEIGHTS ~~CORPORATION~~ *, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that such limited liability company executed the same. * CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 20th day of November, 2001, personally appeared before me John Ashby, who being duly sworn, did say, for himself that he is the authorized agent of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its board of directors, and duly acknowledged to me that such corporation executed the same.

My Commission Expires

January 23, 2002

Marilee E. Davis
Notary Public

MARILEE E. DAVIS
Notary Public
STATE OF UTAH
My Comm. Expires Jan. 23, 2002
7026 S. Commerce Park Dr. Midvale, UT 84047

C:\MyFiles\Client-Matters\WRIGHT.WA\AVEHEIGH\CPB.sale\easement.agt10-10-01.wpd

August 9, 2001

EXHIBIT "A"
OF EASEMENT AGREEMENT

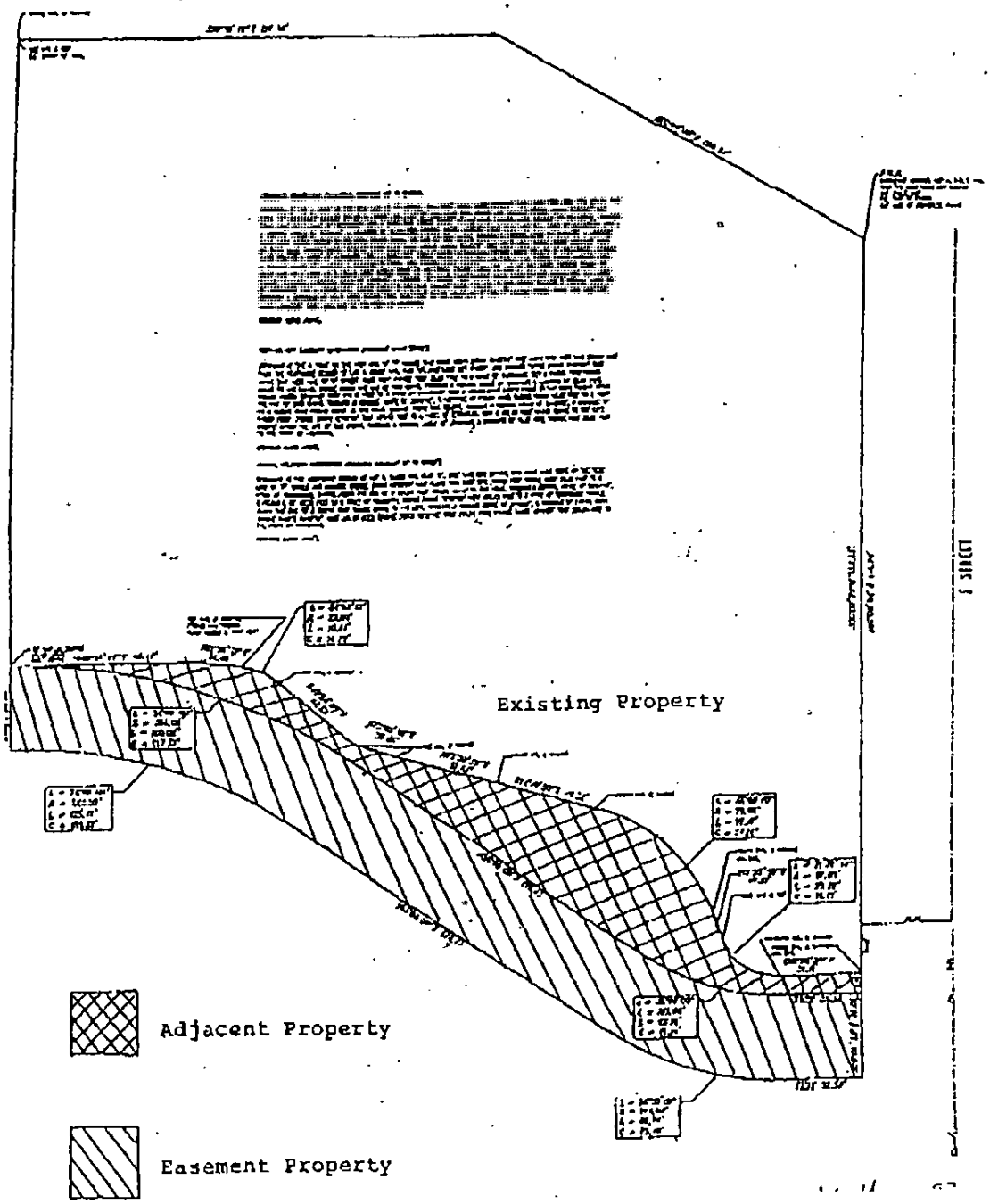
(Legal Description of Easement Property)

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE, A PRIVATE STREET, SOUTH 00°00'24" EAST 365.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF "F" STREET AND RUNNING THENCE SOUTH 00°00'24" EAST ALONG SAID WEST LINE 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE, SAID POINT BEING NORTH 00°00'24" WEST 337.24 FEET (DEED = 337.15 FEET) FROM THE SOUTHEAST CORNER OF LOT 1, BLOCK 177, PLAT "D", SALT LAKE CITY SURVEY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE THE FOLLOWING FOUR (4) COURSES; WEST 34.78 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 86.74 FEET TO A POINT OF TANGENCY; NORTH 55°00'00" WEST 180.63 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 135.61 FEET; THENCE NORTH 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT PHASE 4, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: SOUTHEASTERLY ALONG THE ARC OF A 262.00 FOOT RADIUS CURVE TO THE RIGHT, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00". A DISTANCE OF 160.05 FEET TO A POINT OF TANGENCY; SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE; SOUTHEASTERLY ALONG THE ARC OF A 102.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00" A DISTANCE OF 62.31 FEET TO A POINT OF TANGENCY AND EAST 34.78 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.402 ACRES

09-36-455-008

Exhibit "B"



FILMED AS RECEIVED
CO. RECORDER

BK 8923 PG 1603

EXHIBIT "C"

(Legal Description of Existing Property)

BEGINNING at the Northeast corner of Lot 4, Block 188, Plat "D", Salt Lake City Survey, and running thence South 00°00'24" East 354.35 feet to the back of an existing curbwall; thence South 89°29'22" West 37.11 feet to a point of curvature; thence along the arc of a 27.00 foot radius curve to the right 33.77 feet to a point of tangency; thence North 18°50'50" West 14.61 feet to a point of curvature; thence along the arc of a 79.00 foot radius curve to the left 77.17 feet to a point of tangency; thence North 74°49'00" West 49.32 feet; thence North 72°00'28" West 51.64 feet; thence North 72°00'28" West 20.05 feet; thence North 47°53'00" West 44.93 feet to a point of curvature; thence along the arc of a 32.00 foot radius curve to the left 19.01 feet to a point of tangency, and North 81°55'21" West 18.46 feet; thence North 89°51'43" West 85.47 feet; thence North 00°00'24" West 296.86 feet; thence South 89°51'43" East 217.58 feet; thence South 60°00'00" East 200.84 feet to the point of BEGINNING.

09-30-455-008

EXHIBIT "D"
OF EASEMENT AGREEMENT

(Legal Description of Adjacent Property)

BEGINNING AT A POINT ON THE WEST LINE OF "F" STREET, SAID POINT BEING SOUTH 00°00'24" EAST ALONG SAID WEST LINE 354.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 89°29'22" WEST 37.11 FEET TO A POINT OF CURVATURE WITH A 27.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 71°39'44", A DISTANCE OF 33.77 FEET; THENCE NORTH 18°50'50" WEST 14.61 FEET TO A POINT OF CURVATURE WITH A 79.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 55°58'07", A DISTANCE OF 77.17 FEET; THENCE NORTH 74°49'00" WEST 49.32 FEET; THENCE NORTH 72°00'28" WEST 71.69 FEET; THENCE NORTH 47°53'00" WEST 44.93 FEET TO A POINT OF CURVATURE WITH A 32.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°02'14", A DISTANCE OF 19.01 FEET; THENCE NORTH 81°55'21" WEST 18.46 FEET, THENCE NORTH 89°51'43" WEST 85.47 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT, PHASE 4, BEING AT A POINT ON A 262.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 160.05 FEET; THENCE SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE WITH A 102.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 62.31 FEET, THENCE EAST 34.78 FEET TO THE WEST LINE OF SAID "F" STREET; THENCE ALONG SAID WEST LINE NORTH 00°00'24" WEST 11.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.208 ACRES

09-30-455-008

When recorded please mail to:

Ivory Development, LLC
978 E. Woodoak Lane
Salt Lake City, UT 84417

13433342
10/20/2020 4:35:00 PM $40.00
Book - 11043 Pg - 311-312
RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 2 P.

121577-JCP

Property #:533-3822

SPECIAL WARRANTY DEED

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, formerly known as CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, GRANTOR, of Salt Lake City, County of Salt Lake, State of Utah, hereby conveys and warrants against all claiming by, through or under it, and against acts of itself, to Ivory Development, LLC, GRANTEE, of 978 E. Woodoak Lane, Salt Lake City, County of Salt Lake, State of Utah, for the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, the following parcel of land, situated in the County of Salt Lake, State of Utah, and more particularly described as follows:

PARCEL 1:

Lot 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION, according to the official plat thereof, filed in Book 2003P of Plats at Page 391 of the official records of the Salt Lake County Recorder, State of Utah.

(Tax parcel number: 09-30-455-021

PARCEL 1A:

A continuous, perpetual non-exclusive easement and right-of-way, appurtenant to Parcel 1 described herein, for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress and egress, as more particularly defined and described in that certain Easement Agreement recorded December 12, 2003 as Entry No. 8923197 in Book 8923 at Page 1596 of Official Records.

Subject to: (i) any state of facts that an accurate and complete ALTA/ACSM Land Title Survey (with all Table A items) and/or physical inspection of the property might disclose, (ii) all zoning, regulations, restrictions, rules, and ordinances, land use regulations, building restrictions, and other laws and regulations now in effect or hereafter adopted by any governmental authority having jurisdiction, and (iii) reservations, easements, rights-of-way, declarations, covenants, conditions, restrictions, encroachments, liens, and encumbrances and all other matters of record or enforceable at law or in equity.

The Grantor specifically reserves, excepts, and retains Mineral Rights. For purposes of this instrument, "Mineral Rights" include, whether on, in or under the premises, all of the following--minerals, whether common or precious; coal; carbons; hydrocarbons; oil; gas; petroleum; chemical elements and substances whether in solid, liquid, or gaseous form; and steam and all sources of geothermal energy. In the event all or part of the Mineral Rights have been reserved or severed previously from the surface estate, grantor hereby reserves, excepts and retains all of the Mineral Rights not previously reserved and reserves, excepts and retains its after-acquired title to all of the Mineral Rights to the extent that prior reservations thereof are released or abandoned after the date of this conveyance.

IN WITNESS WHEREOF, the said Grantor has hereto subscribed its name by its authorized agent, this 2 day of October, 2020.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, fka CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

By: Terry F. Rudd
Authorized Agent

STATE OF UTAH)
:ss
COUNTY OF ~~SALT LAKE~~ Davis)

On this 2 day of October, 2020, personally appeared before me Terry F. Rudd, personally known to me to be the Authorized Agent of THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, fka CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; and that said instrument is the free and voluntary act of said Corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said Corporation and that said Corporation executed the same.

WITNESS my hand and official seal.

NOTARY PUBLIC
HEATHER H THOMPSON
Commission #707238
Expires August 11, 2023
State of Utah

Notary Public for the
State of Utah

BK 11043 PG 312

ATTACHMENT H: Public Process & Comments

Public Notice, Meetings, Comments

The following is a list of all public meetings and other public input opportunities, related to the proposed project since the current version of the proposed development was submitted to the City. All comments received before 2023 can be found in Attachment K of the rezone staff report.

- July 10, 2023 – Planning staff sent the 45-day required notice for recognized community organizations to the chairs of the Greater Avenues Community Council (GACC) and the Preserve Our Avenues Coalition (POAC).
- July 10, 2023 – Property owners and residents within 300 feet of the development were provided early notification of the proposal.
- August 2, 2023 – GACC held an information meeting with representatives from POAC.
- August 23, 2023 – Ivory Development hosted an informational open house at the Corinne & Jack Sweets Library on August 23, 2023.
- September 6, 2023 – GACC held a vote on the proposed development.

Notice of the public hearing for the proposal included:

- January 12, 2023
  - Public hearing notice sign posted on the property
- January 11, 2023
  - Public hearing notice mailed
  - Public notice posted on City and State websites and Planning Division list serve

Public Input:

Planning staff received approximately 104 comments regarding this request. They are included with this attachment. Issues brought up by the community are discussed under Key Consideration 5.

Barlow, Aaron

From: Merrilee Morgan [redacted]
Sent: Tuesday, September 12, 2023 3:51 PM
To: Echeverria, Daniel; Barlow, Aaron; Norris, Nick
Subject: (EXTERNAL) Ivory Development at 675 North F Street, SLC 84103

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron and Daniel Echeverria,

Will you please reply to this email as confirmation you have received this letter? I want to be able to report back to my Community on the work I have done on their behalf, to ensure our vote is included in the Planning Commission's comments. Is there anyone else that should be cc'd on this email that may have overlooked?

The proposed Planned Development at 675 North F Street, Ref. PLNPCM2023-00656, was scheduled to be presented at the Greater Avenues Community Council (GACC) meeting on August 2, 2023 with the City, Ivory Homes, and the Preserve Our Avenues Zoning Coalition as the presenting parties. I was notified as GACC Chair late on Monday, July 31, that the landowner and developer, Ivory Homes' representative, Chris Gramvoulous, would not be participating in the August 2nd Community meeting. As a result, the City planner assigned to this project, Aaron Barlow and his counterpart, Daniel Echeverria, informed me that due to an internal Planning Department policy, they too would be unable to attend the meeting.

The GACC published articles from all three parties mentioned above in its August newsletter, which can be seen here https://www.slc-avenues.org/news-events/the-agenda-newsletter/2023-1/371-2023-08-august-community-newsletter-the-agenda-1/file.

On August 9th, 2023, a few community members brought their concern about the proposed development at 675 N F Street to the Greater Avenues Community Council Board meeting. These constituents asked the Board to present a vote to the community, asking if we, as a community, are in favor of the proposed Planned Development. The Board discussed the request and decided it met all GACC guidelines and was in accordance with our bylaws.

The request was approved and the announcement of the vote was published in the GACC's September newsletter as going to occur on September 6th, which can be seen here https://www.slc-avenues.org/news-events/the-agenda-newsletter/2023-1/373-2023-09-september-community-newsletter-the-agenda-1/file.

At the GACC's September 6th Community meeting, the vote was held with the voting ballot: "Do you approve of the Ivory Homes request for a planned development at 675 North F Street as presented in the application to the City dated June 23, 2023. Reference # PLNPCM2023-00656. Yes or No". The vote was taken on Zoom and in person, with the following results:

- Total Votes: 220
- Yes: 7
- No: 213

As the 2023 Chair of the Greater Avenues Community Council, I present the Planning Commission and Planning Department the results of this vote, and ask that you consider the perspective of the voters who participated as you make recommendations or vote yourselves on the above referenced Planned Development application.

Respectfully,
Merrilee Morgan
2023 GACC Chair

Peter Wright
400, E Capitol Park Avenue,
Apt. 306,
Salt Lake City,
UT 84103

August 4th 2023

Here's the gentle density coming to the upper Avenues. Capitol Park Cottages ready for final planning review.
Published in Building Salt Lake August 2nd 2023.

Dear Dr. Garrott,
As a nearby neighbor to this property, I would like to take exception to a number of the conclusions you draw in the above article. When you subject this proposal to increased scrutiny and peel back the onion skins, you will find that this is not such gentle density and that the proposed development will have a significant detrimental impact on the neighborhood.
Let's look at just one issue as an example - Parking.
You state that; *"Off Street parking is copious. Designers have included 45 spaces in garages and 37 surface spots. 82 stalls for 42 units is essentially a 2:1 ratio."*
Conversely, residents that live here see the level of parking provided as grossly inadequate and problematic, where it will likely lead to around 40 cars from Ivory's development being parked on neighboring streets - many illegally! Let's go through the analysis.
Not a Walkable Section of the City
This section of the city is not walkable, there are few to no amenities nearby, the terrain is extremely steep and the bus service insufficient for most people's needs, making travel by private automobile the normal method of transportation.
Number of Cars
Assuming two automobiles per dwelling and 42 dwellings, residents vehicles will total 84. There is also a need to cater for guest parking, service vehicles etc and for snow storage. Neighboring developments have found a need for guest parking spaces of around 0.7 spaces per residence, which would give a requirement for an additional 29 places for a total requirement of 113 spaces. Ivory's design shows only 4 guest parking places, this is totally inadequate and will not even be sufficient to store snow in winter.
How Many Parking Places has Ivory Really Provided
1) Garages. Ivory has provided 45 garage parking spaces. Do we believe all 45 will be used for parking? It is allmost un-American to park two cars in a two-car garage. A number of these places will be lost to general goods storage, boats, snow mobiles and other toys. Let's conservatively assume only 15 percent of these spaces are lost; this decreases garage parking to 38 units.
2) On-Lot Surface Parking. Ivory claims 34 surface lot parking places.
Ivory is therefore realistically providing 72 parking places against a requirement of 113 leaving a surplus of around 40 vehicles that will flow to the neighboring streets.

Where Will These Excess Vehicles Park and What Problems Will They Cause?

Ivory's property only borders two streets, F Street to the East and Capitol Park Avenue to the South.

1) F Street. As the nearest point to Ivory's internal road, F Street between Northpoint and Capitol Park Avenue will be permanently parked on both sides of the street. Both Ivory's development and Northpoint sit in a Wildland Urban Interface (WUI) zone, with Northpoint having experience of evacuations from fast moving wildfires emanating from City Creek Canyon. F Street is Northpoint's only ingress and egress for 50 homes. Northpoint residents have grave concerns that this section of F Street will become a choke point when both Northpoint and Ivory residents are leaving at the same time as emergency vehicles are entering in the event of a fire. The deaths of 85 people in the Paradise, California fire were attributed to delays from such a traffic choke point.

2) Capitol Park Avenue is a private street posted as No Parking. Despite notifications and signage it is very likely that Ivory residents and guests will park illegally on Capitol Park Avenue, causing friction and disputes among neighbors. All the more so as Ivory has chosen to front 9 of their 21 homes facing Capitol Park Avenue. The development should be redesigned so these residences front Ivory's internal road, not Capitol Park Avenue, to avoid this problem.

I hope the above analysis illustrates that there is far more involved than a superficial 2:1 ratio in considering the adequacy of parking. Equally your statement that, *"Anything under 20 units per acre is generally considered low density"*, is overly simplistic. Appropriate density has to be considered in the context of the location. A change from 11 units under the prior FR-3 zoning to 42 units, including a first of its kind subdivision of ADUs, is twice the norm for the SR-1 zone and is anything but gentle infill density for this foothills location.

Thank you.

Dr. Peter Wright

THANK YOU FOR MEETING WITH US TODAY

PARTICIPANTS FROM THE AVENUES ARE :

PETER WRIGHT	MERIDIEN
TOM KEEN	CAPITOL PARK
LON JENKINS	NORTHPOINT
DON WARMBIER	NORTHPOINT

Exterior Walls: Maximum Exterior Wall Height Adjacent to Interior Side Yards. 21A.24.080.D.3.c.

Ivory Homes Proposal for a Planned Development. PLNPCM2021-00656

- Ivory's proposal is not in compliance with 21A.24.080.D.3.c.
- The Planning Commission cannot waive 21A.24.080.D.3.c. as part of a planned development application.
- 21A.24.080.D.3.c. states that one may have reduced interior side yard setbacks or maximum height, but not both.
- 20 of 21 of Ivory's units all have reduced interior side yard setbacks and all of these units have maximum exterior wall height and maximum building heights.
- Ivory must redesign to be in compliance with 21A.24.080.D.3.c. They can do so by either reducing exterior wall heights or increasing interior side yard setbacks to the required minimums.
- The Planning Commission cannot approve this plan as presented.

<u>The Authority of the Planning Commission in Regard to a Planned Development is Limited.</u>

- 21A .55.020 Authority. Grants the planning commission the ability to,*"..change, alter, modify or waive .."* , this does not eliminate all provisions contained in the district zoning ordinance.

- 21A.55.020 Authority

  Para 1 *The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the planned development is located.* 21A.24.080.D.3.c would fall within the description of *other regulations in which the planned development is located.*

  The Planning Commission cannot waive requirements where it is prohibited from doing so by specific provisions in either the district zoning ordinance 21A.24.080, or the Planned Development ordinance 21A.55.

Exterior Walls: Maximum Exterior Wall Height Adjacent to Interior Side Yards. 21A.24.080.D.3.c

….If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

The use of the term, "*or other process" ,* is legally highly significant and compelling. This clearly indicates that this clause is intended to survive the creation of a Planned Development and remains applicable.

Ivory Homes Application for a Planned Development at 675 North F Street. PLNPCM2021-00656
The Preserve Our Avenues Coalition
Recognized Community Organization Report

1). Residents See No Public Benefit From This Planned Development

To gather community opinion, we conducted a series of open group meetings with members of the Avenues community who live closest to Ivory's property. This included residents from F Street, 13th Avenue, 12th Avenue, Meridien, Capitol Park and Northpoint, as well as a few residents from other nearby Avenues streets. Meetings were advertised by flier or by email where contact details were known. Meetings were conducted both in-person and via Zoom; attendance lists were maintained, and notes of residents' comments recorded. Although no formal votes were taken, straw polls were conducted on key issues. In total 163 Avenues residents attended these meetings, representing the opinions of those that live closest to and are most impacted by this development. During these meetings we reviewed Ivory's proposals and asked participants questions that focused on Ivory's planned development application claims. We also asked residents if, in their opinion, Ivory's development represented an *"Enhanced Product"* as required by the planned development ordinance.

Overall, residents are strongly opposed to Ivory's request for a planned development, which is perceived as simply a ruse to allow reductions in setbacks and increase building lot coverage, which would generate more sales dollars than would be possible building in compliance with the rules of the SR-1 zone. Ivory's claimed justifications for the planned development were considered invalid and not a single resident saw a public benefit resulting from the planned development.

Ivory's proposal with very tightly packed, large, two story, ninety (90) feet long, narrow buildings, flat roofs and no yards was not considered an "Enhanced Product" by any residents. Nor was it considered compatible with the neighborhood in terms of scale, mass and intensity. Residents would much prefer to see a development that more closely mirrors established construction in the Avenues SR zone with normal setbacks and yard space.

Residents raised a long list of diverse concerns, principal among these were parking where Ivory has not provided sufficient spaces for residents and guests, space for snow storage, retaining walls not built to code, soil removal, egress from Northpoint in the event of a fire and poor aesthetics particularly regarding severely reduced setbacks and the preponderance of flat roofs. A list of these concerns is detailed in Appendix 1 and Ivory's site plan is included as Appendix 2.

While Avenues residents understand the need for more housing, it was felt that the combined impact of a rezone, a planned development and a subdivision of ADUs is unreasonable and problematic for this foothills location in a non-walkable section of the city, with steep terrain, bordering only one public street and in an area at high risk of wildfire. Throughout these resident meetings there was a very strong sentiment that enough is enough. Ivory has already benefited from a rezone; they should not now be granted further concessions that again benefit Ivory, with no tangible benefit to the City or the Avenues.

2). Ivory's Planned Development Claims Are Invalid

Claim 1. *Housing. Providing type of housing that helps achieve the City's housing goals and policies;(21A.55.010.C.2).* The provision of ADUs in new home construction.

This claim was considered invalid. A planned development is not required to add living space above the garages in the SR-1 zone. Such *"potential ADUs", as* Ivory refers to these units, can be constructed in an identical manner without a planned development and these therefore cannot validly be considered a benefit of, or justification for, a planned development. Also, as a developer, Ivory cannot create a single ADU. Since ADUs can only be created by an owner occupant, the number of ADUs that will be created is unknowable.

Claim 2. *Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)*

Ivory claims to be conserving nearly an acre of open space and creating trails that will benefit the public. This claim was considered laughable by residents.

Open Space. The open space Ivory claims to preserve consists of four sections as shown in Appendix 3. Sections 1 and 2 were mandated as open space by the City Council as a condition of the rezone. The largest of these, Section 2, is also a drainage basin that could not anyway be built upon. The third of these open spaces, Section 3, is not Ivory land at all, but City-owned land in the right-of-way along F Street. The fourth, Section 4, is a thin strip of unbuildable land with a 33-degree slope, bordering Northpoint's boundary wall.

Ivory does not *cluster* buildings to preserve open land. For the reasons stated above, they cannot build on any of this land. It is obvious to residents that this *clustering* is designed to reduce setbacks so that Ivory can pack in larger, more expensive homes than would otherwise be attainable. The extensive level of concessions requested by Ivory to bring about this *clustering* is detailed in Appendix 4.

Trails. Sidewalks that are required for access to homes do not constitute *"trails",* nor do they provide any genuine *"public recreational opportunities"*. Not a single resident considered that these *"trails"* would provide any public benefit whatsoever, nor would they ever use them. The northern section, where the so called *"trail",* is sandwiched in a ten-feet-wide gap between an 8.5-feet-high retaining wall and 28-feet-high houses, was considered unpleasant and claustrophobic to walk. Several meeting participants also felt that this northern section of the *"trail"* is so close to Ivory's houses that one would feel they would be invading the privacy of Ivory residents by walking there. It is noted that an easement is utilized to position these *"trails"* 5 feet from the front of homes. The western portion of these "*trails"* is also cramped and unpleasant to walk, situated two feet from the high boundary fence with Caring Cove homes.

The eastern section of these "*trails"*, a sidewalk, sits on City-owned land, not Ivory land, and with a 12% grade is one of the steepest sections of the Avenues and very hard to walk. When walking recreationally in the Avenues most people prefer to walk laterally around the hillside rather than up and down the hill or around blocks; the grade is too severe on the uphill sections to make walking enjoyable. The consensus was that there are far nicer walks everywhere else in the Avenues and that these sidewalks, mischaracterized as *"trails",* would never be used by anyone other than Ivory residents, providing no public benefit.

In total, Ivory's planned development claims were considered bogus by most residents, and many considered that approval would make a mockery of the planned development process. Considering the above facts, we hope and expect that the Planning Division will issue a negative recommendation to the Planning Commission for this application.

Thank you for the opportunity to comment and participate in this process.

Peter Wright	Chair
Alan Hayes	Secretary
Jan McKinnon	Treasurer

APPENDIX 1

THE PROBLEMS OUTWEIGH ANY POTENTIAL BENEFITS

Residents foresee many problems resulting from this highly congested development.

Incomplete and Inaccurate Application. Ivory's application was considered by residents to be incomplete, inaccurate, and contradictory, such that many found it confusing. For example, some drawings show garages as detached while others show them conjoined with the houses. The application also contains misleading artist renderings not drawn to scale.

The Same Number of Primary Dwellings. Several residents asked if the planned development led to an increased number of dwellings. The Planning Division has earlier estimated that the practical build density on this lot is 18 single family homes. Ivory presents a plan with 21 primary dwellings, two-thirds of which (14) are twin homes. Since twin homes utilize less land, a development, featuring the same mix of single family and twin homes, built in compliance with SR-1 rules, would yield substantially the same number of primary dwellings.

Accessory Dwelling Units (ADUs). Residents are not opposed to ADUs created in the normal manner, which is "one at a time" by individual owner occupants. In such cases the increase in density is small and can be absorbed over a large area with little impact. Ivory's proposal to create a subdivision of ADUs, where every unit has an ADU, is quite different and has far greater impact.

Ivory advocates for such a subdivision of ADUs, believing construction costs would be reduced and this is not unreasonable. Ivory also refers to this concept as *"an experiment - the first of its kind in Utah"*. While there may be a role for such a development in walkable sections of the City, close to the city center or the University, it is hard to think of a less suitable location for this *"experiment"* than this site in a non-walkable section of the city, with few amenities nearby and minimal public transport, bordering only one public street, and in an area designated as at high risk of wildfire.

Short Term Rentals. There was concern among residents that these ADUs would be used as short-term rentals with all the well-known problems, particularly an increased demand for parking.

Parking. Parking is seen by neighbors as a very significant problem where Ivory has provided insufficient parking places for primary and ADU residents and guests, or to store plowed snow.

This is not a walkable section of the city, there are few to no amenities nearby, the terrain is steep and public transport is inadequate for most people's needs, making travel by private automobile the principal method of transportation. The addition of a subdivision of ADUs adds considerably to the number of residents and vehicles. Assuming two vehicles per residence there will be 84 vehicles. Ivory claims to have provided 82 parking places (we count 79), with nearly all (75) of these being garages and driveways. Ivory provides only four street parking places for guests. This is grossly inadequate.

In addition, it is overly optimistic to assume all the garages will be utilized for parking. A number of these places will be lost to general storage, storage of boats, ATVs, jet-skis, etc. Sharing driveways between multiple families will be highly problematic and will involve a great deal of highly polluting shuttling. One can well envisage that many homeowners will tell the renters of the ADU's to park on the streets, not in the driveways, to avoid this shuttling problem, again reducing the number of available parking places. Large vehicles such as pick-up trucks will also reduce the claimed driveway parking capacity on these very short driveways.

We have conducted an analysis concluding that around 30 vehicles will routinely be parked on neighboring streets, particularly F Street and 13th Avenue, competing with current residents for parking places outside their homes. This analysis is included in Appendix 5.

Parking on F Street. As the nearest location to Ivory's development, the top section of F Street will inevitably become heavily parked on both sides of the road. Ivory's property and Northpoint sit in a Wildland Urban Interface (WUI) zone at high risk of wildfire. Northpoint has experience of having to evacuate to escape fast moving wildfire emanating from City Creek Canyon. Northpoint's only egress is via F Street and there is great concern from residents that this will become a choke point in the event of a fire, where Northpoint and Ivory residents are all trying to exit as emergency vehicles are trying to enter. Northpoint residents noted that the deaths of 85 people in the Paradise, California, fire were attributed to such a traffic choke point.

Fire Trap. Many meeting participants considered Ivory's very closely packed, large units, with egress via a narrow alley, would constitute a fire trap for Ivory residents. This design was thought to concentrate too much fuel and too many people in this vulnerable location in a WUI zone. This property was not considered an appropriate location for Ivory's *"experiment"* in adding a subdivision of ADUs, doubling the density above the norm for the SR-1 zone. Participants hoped that city planners will learn from the recent tragedy in Lahaina, Hawaii, and practice proactive land use planning in WUI areas, as recommended by the US Forestry Service and US Bureau of Fire Prevention.

Parking on Capitol Park Avenue. Ivory has chosen to design nine of their homes with front entries facing Capitol Park Avenue, a private street posted as No Parking. Despite notifications and signage, Ivory residents and guests will likely park there anyway, creating conflict and disputes among neighbors. Will the Meridien HOA be forced to boot Ivory residents and guests on a frequent basis to prevent illegal parking? This is of great concern to the Meridien HOA, the owner of this section of road. The Meridien has requested that the City insist Ivory redesign such that the front entries of their homes all face their private road, not the Meridien's road, to alleviate this problem. Northpoint residents do not have this same concern regarding parking on Northpoint Drive and would prefer front facades on the uphill homes facing Northpoint.

Soil Removal. 675 North F Street is a highly sloped foothills lot, sloping almost fifty feet up from the southwest to the northeast. Ivory does not build in harmony with the topography but instead chooses to construct large, 90 feet long houses against the grain of the hillside. To comply with heights measured above established grade requirements, this will lead to very large volumes of soil being trucked out of the site. We have asked the Planning Division to quantify how many thousands of truckloads of soil will be transported through our steep and narrow Avenues streets so that Ivory can build oversize houses against the natural terrain.

Retaining Walls. The design also features tall retaining walls as high as 10.5 feet not constructed to code. These retaining walls present a danger of falling for wildlife and children. These tall walls should be constructed in a stepped manner as required by City code.

Flat Roofs. The high volume of homes, many of which are duplexes, all with large expanses of flat roofs, set only ten feet apart, is considered visually unpleasing and industrial in appearance, creating a visual nuisance. The topography is such that residents of F Street, Northpoint and the Meridien will all overlook this closely packed array of unsightly flat roofs. Ivory, as recently as April of this year, had promised residents that there would be no flat roofs. Flat roofs are only present on a tiny percentage of

Avenues homes. There is also concern as to the use and appearance of rooftop terraces, which to the best of our knowledge, do not exist elsewhere in the SR section of the Avenues.

Setbacks Reduced Below a Reasonable Level. The extensive concessions to SR-1 rules requested by Ivory are detailed in Appendix 4. In general, all setbacks are reduced by at least half, while building lot coverage is increased by around a half, leading to a highly congested development with excessive scale and bulk.

Unit 10 The front setback on unit 10 is 2.3 feet. Residents consider it completely unacceptable that a 28 feet high building will sit 2.3 feet from the property line and sidewalk, looming over pedestrians and the street. The required front setback in the SR-1 zone is 20 feet. Homes in the adjacent block faces all exceed the 20 feet setback requirement. All units on the periphery of the development should have a 20 feet front setback.

Maximum Height of External Walls Adjacent to Interior Side Yards. Residents with a legal background that have reviewed the relevant ordinances have determined that Ivory's plan is not in conformance with the requirements of 21A.24.080.D.3.c. Furthermore, this is not a requirement that can be superseded by the establishment of a planned development.

Interior Side Yard Setbacks. Although Ivory shows illustrations with copious green space and trees, there is concern from residents that nothing will grow in the long, narrow, ten feet wide gaps between the tall, two-story buildings. A larger interior side yard setback is considered necessary to facilitate some green space and avoid the tunnel-like appearance of these spaces. There should be no relaxation of SR-1 required side yard setbacks.

Overcrowding of Capitol Park Avenue. Ivory's property is approximately the same size as an Avenues block. Avenues block faces typically have no more than five houses, most of which are single story homes. By aggressively reducing both lot width and side yard setbacks, Ivory proposes to build ten homes on Capitol Park Avenue, all of which are two-story buildings. This overbuilds Capitol Park Avenue with a building density and bulk not typical of, and not compatible with the Avenues. Ivory's illustrations of Capitol Park Avenue are not drawn to scale and are misleading. Please see Appendix 6.

Not Affordable. Avenues residents recognize the need for more affordable housing. There is nothing affordable about Ivory's proposed development with oversize houses. Smaller homes, more typical of the SR section of the Avenues, would be far more affordable and would still provide the opportunity for ADUs above the garages, while providing more adequate parking on longer driveways as well as yard space.

Water and Sewer. Ivory's estimate of water and sewer usage completely ignores the demand from the ADUs, only considering the 21 primary dwellings and gives an inaccurate and low projection of demand. One resident, a licensed structural engineer, familiar with infrastructure in this section of the Avenues, noted that the sewers are upwards of 70 years old and fragile. It is requested that city engineers carefully consider water and sewer needs.

Specimen Tree Preservation. Ivory's property was at one time a part of the gardens for the old Veterans Administration hospital and contains several beautiful, mature trees. When Capitol Park, which was a part of the same grounds, was created as a planned development, the City required that

200 mature trees be maintained and incorporated into the site plan. These trees add greatly to the beauty and charm of the neighborhood.

Nearby neighbors ask that at least one of the trees on this site be preserved. This is a twin trunk, mature Ponderosa Pine in the SE section of the lot which has been the home to generations of Red-tailed Hawks. The City has the power to preserve such trees under 21A.48.135, Private Lands Tree Preservation.

Risk of Flooding. A consequence of reducing setbacks and increasing building lot coverage as Ivory asks is an extremely high level of hardscape. Examination of Ivory's site plan shows an excessive level of hardscape for such a highly sloped lot. Although Ivory adds surface drains and a catchment basin, there is concern from Meridien residents that this will not be adequate for extreme rain events and that this will lead to flooding of the Meridien's underground garage, which sits directly below the low point of Ivory's property. Residents believe that Ivory should not be granted such a high level of exceptions to SR-1 zoning, creating excessive hardscape and potential flooding risk.

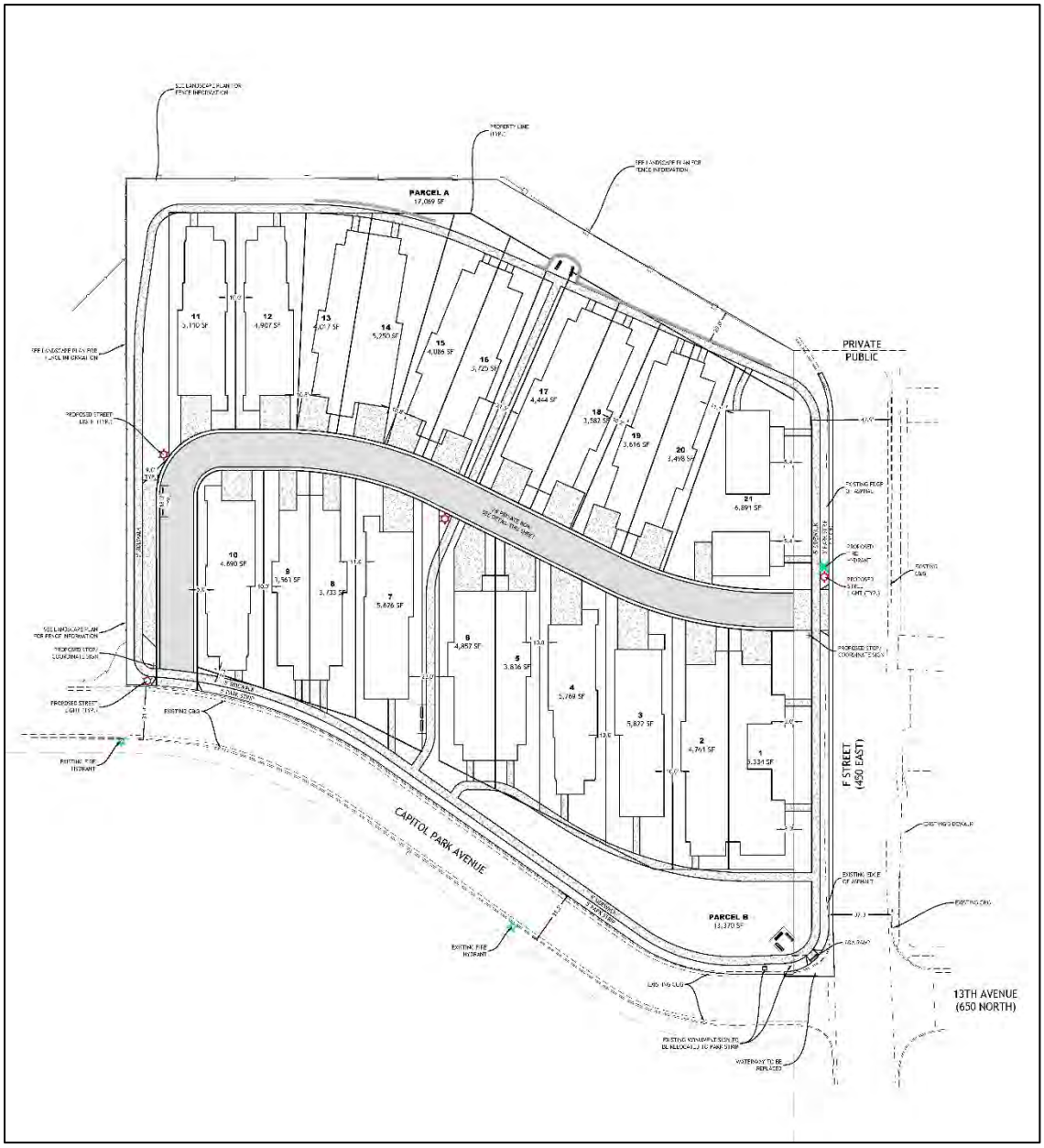
Traffic on Capitol Park Avenue and Penny Parade. Capitol Park residents expressed concern that this increased density development will bring significant additional traffic to Capitol Park Avenue and Penny Parade, streets that currently have a very low volume of traffic. Child safety was raised as a concern on these steep, narrow, private streets with sharp bends, which are not built to City code.

No Yards. The high bulk, densely packed nature of Ivory's buildings with no yards was deeply disturbing to many residents. Residents also felt that these homes with no yards would be less likely to attract families with young children and support enrollment in the Ensign Elementary school.

Residents clearly have many diverse concerns about this development, many of them resulting from the building density on the plot. While all these issues may not be of equal merit, it is readily apparent that the large number of very real issues identified significantly outweighs any potential public benefits from this proposed planned development.

APPENDIX 2

IVORY SITE PLAN



21 large, two-story, 90 feet long houses, 10 feet apart, no yards, an ADU on every unit.

Various residents described this plan as like "*sardines in a can*", others felt the houses looked like "*army huts*".

Everyone agreed that this overcrowded development looks nothing like the Avenues and that it is not "an enhanced product".

APPENDIX 3

OPEN SPACE

Ivory does not "cluster" buildings to preserve open land; this is land they cannot build upon.

APPENDIX 4

MAGNITUDE OF EXCEPTIONS REQUESTED BY IVORY

The magnitude of exceptions required by Ivory is staggering. At the 6/22/2022 Planning Commission hearing to review Ivory's application for a rezone, the Planning Commission admonished Ivory to, "*return with a plan with not too many exceptions*".
This is how Ivory has responded to this guidance.

- **Not a single lot conforms with SR-1**

- **Minimum lot size 15 of 21 do not comply.**
  Lot sizes reduced from 5000 sf to as low as 3498 sf.

- **Minimum lot width 20 of 21 do not comply.**
  Lot widths reduced from min.50 feet to as low as 26 feet.

- **Building Coverage 20 of 21 do not comply.**
  Lot coverage max.40%, increased to as high as 56%.

- **Rear Yard Setbacks 20 of 21 do not comply.**
  Rear Yard Setback min.30 feet, reduced to as low as 5 feet.

- **Front Yard Setbacks 21 of 21 do not comply**
  Front Yard Setback min.20 feet, reduced to as low as 2.3 feet.

- **Interior Side Yard setbacks 20 of 21 do not comply**
  Interior Side Yard Setback (Twin Homes) Min.10 feet reduced to 5 feet.
  (14 of 21 houses are Twin Homes.)

The combined impact of all these deviations leads to a congested development with an extremely high level of building density, mass and bulk, not at all similar to, or compatible with SR-1 development.

APPENDIX 5

INSUFFICIENT PARKING

What Parking Is Needed?

Resident Parking

Primary residences	21
ADUs	21
Total Residences	42

At two vehicles per residence this equals a need for 84 resident parking places.

Guest Parking

Neighboring developments, Northpoint and the Meridien have a ratio of 0.7 guest parking places per residence, excluding garages and driveways, and this is heavily utilized. Guest parking places are also used to store plowed snow in winter. Even if we estimate a need for half this ratio, Ivory will need 15 guest parking places. Ivory provides only four street parking places for guests. This is grossly inadequate and will not even be sufficient to store snow in winter. Ivory residents cannot legally push snow onto either F Street or Capitol Park Avenue.

Parking Needs. Resident 84, Guest 15. Total Parking Places Needed 99.

Parking Places Provided.

Ivory claims that they provide 82 parking places. We count 79 “potential” parking places as follows:

Garages	42
Driveways	33
Street Parking Places	4
Total “Potential” Places	79

Assume 10% of garage spaces will not be used for parking but for storage - A loss of 4 places.
Assume 25% of primary residents do not want renters parking on driveways - A loss of 8 places.
Conservatively, at least 12 of Ivory’s “potential” parking places will be lost to other uses. This gives a more realistic number of parking places provided at around 67.

Realistic Estimate of Parking Places Provided 67.

Ivory’s Development is Short of At Least 30 Parking Places
These Vehicles Will Be Parked on Neighboring Streets.

APPENDIX 6

VIEW OF CAPITOL PARK AVENUE: AN EXAMPLE OF MISLEADING ILLUSTRATIONS NOT DRAWN TO SCALE

How Wide is the Park Strip Here? 15 feet? 20 feet? No! It is 5 feet, the same width as the sidewalk.

Ivory seeks to give an impression of spaciousness, whereas according to the plans, everything is tightly packed with reduced setbacks and little greenspace.

Wall Height is an Indivisible Component of Building Height

- 21A.55.020.C *Building Height. Up to five feet (5') of additional building height, except in the FR,R-1,SR or R2 Zoning Districts where additional building height cannot be approved through the planned development process.*

  Wall height is a component of building height. Grant of additional exterior wall height above that permitted in 21A.24.080.D.3.c would result in the grant of additional building height, which is prohibited by this provision. This is especially so for flat roofs, where no compensation can be made by altering the pitch of the roof structure.

- This intimate relationship between wall height and building height is clearly demonstrated in 21A.24.080.D Maximum Building Height, where Exterior Wall Height 21A.24.080.D.3 is listed as a subset of Building Height.

- 21A.24.080.D sections 1,2 & 3 collectively define the maximum building height.

Summary

- Ivory's proposal is not in compliance with 21A.24.080.D.3.c.
- This is not a provision the Planning Commission can waive.

Precedent

- We can find no record of a Judicial or Administrative Decision relating to this matter.
- Can you share with us what legal precedent, if any, exists for a different interpretation?

Next Steps ?
Appeals ?

Determination of the Required Interior Side Yard Setbacks to Allow Full Height

21A.24.080.E.3. Interior Side Yard.

a. Twin Home Dwellings: No side yard is required along one side lot line while a ten foot (10') yard is required on the other.

b. Other Uses:

(1) Corner lots: Four feet (4').

(2) Interior lots:

(A) SR-1: Four feet (4') on one side and ten feet (10') on the other.

(B) SR-1A: Four feet (4') on one side and ten feet (10') on the other.

(i) Where the width of a lot is forty seven feet (47') or narrower, the total minimum side yard setbacks shall be equal to thirty percent (30%) of the lot width with one side being four feet (4') and the other side being thirty percent (30%) of the lot width minus four feet (4') rounded to the nearest whole number.

(ii) Where a lot is twenty seven feet (27') or narrower, required side yard setbacks shall be a minimum of four feet (4') and four feet (4').

(iii) Where required side yard setbacks are less than four feet (4') and ten feet (10') an addition, remodel or new construction shall be no closer than ten feet (10') to a primary structure on an adjacent property. The ten foot (10') separation standard applies only to the interior side yard that has been reduced from the base standard of ten feet (10').

Section (a) pertains to Twin Homes and section (b) Other Uses, pertains to Single Family homes.

- Twin Homes, Zero on one side and 10 feet on the other side.
- Single Family Homes, calculated by formula based on lot width.

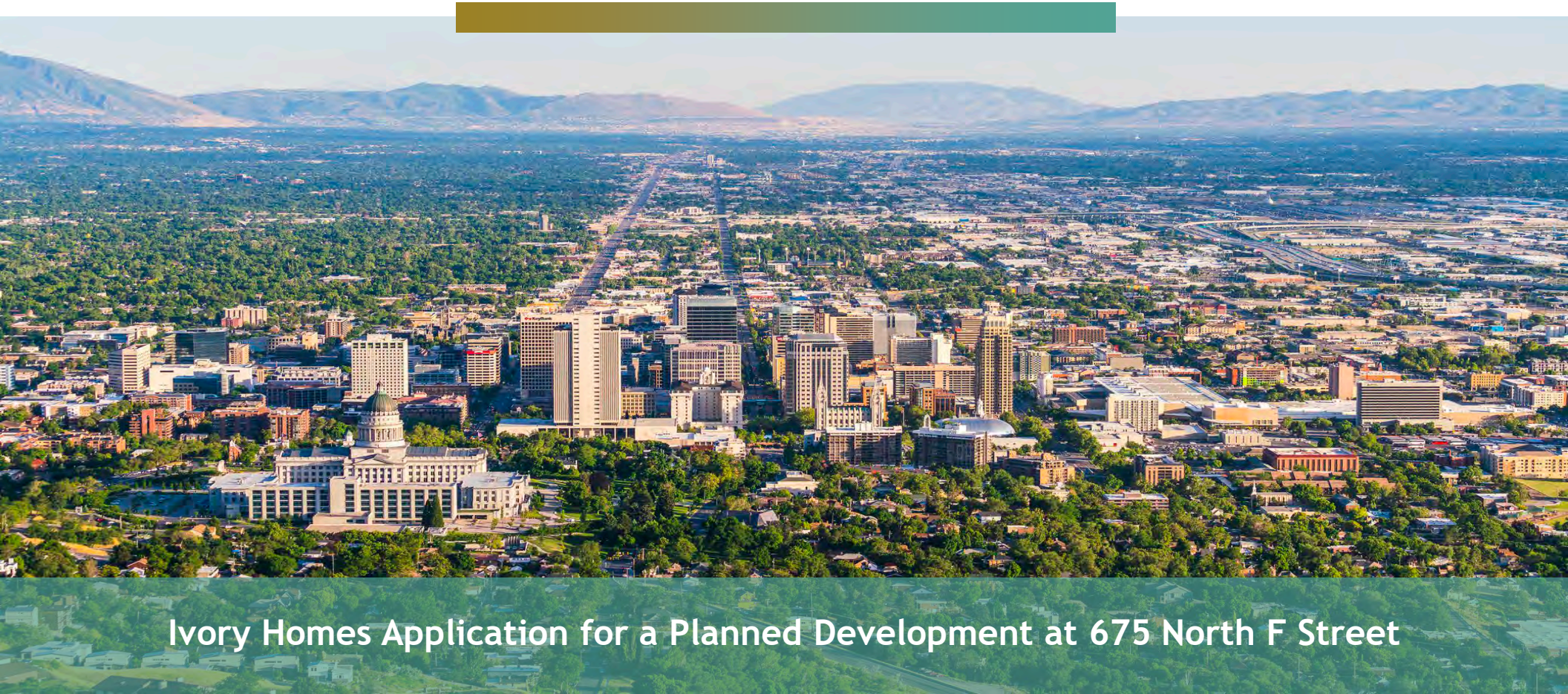
THE PRESERVE OUR AVENUES ZONING COALITION

A Recognized Community Organization

Peter Wright

Greater Avenues Community Council Presentation

August 2, 2023



Ivory Homes Application for a Planned Development at 675 North F Street

VICINITY MAP
1" = 100'

CAPITOL PARK

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-2	SITE PLAN
O-3	UTILITY PLAN
O-4	GRADING AND DRAINAGE PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER NICHOLAS M. MINGO 5719/2023 STATE OF UTAH

Capitol Park

Title Sheet

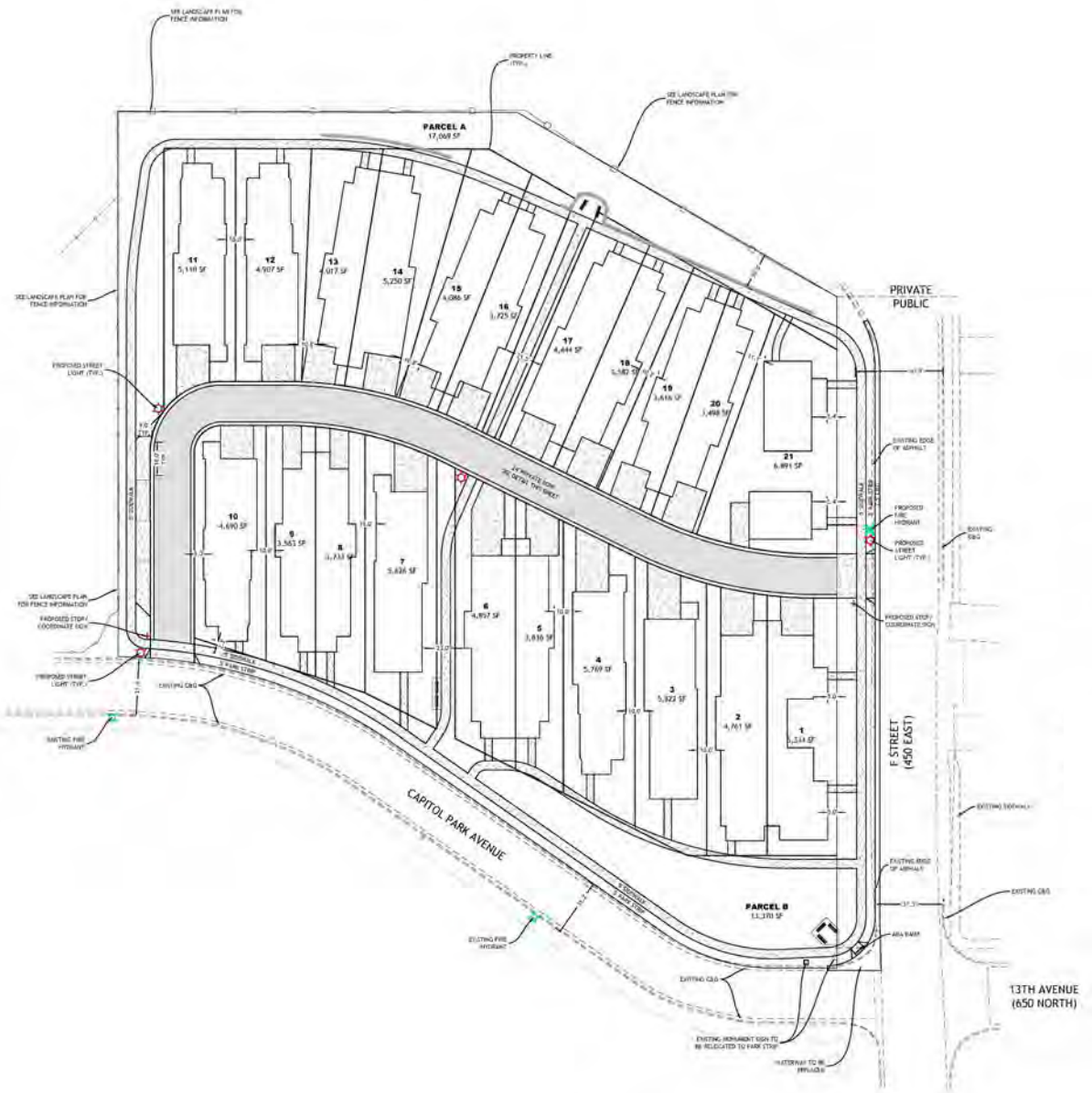
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER: **O-1**

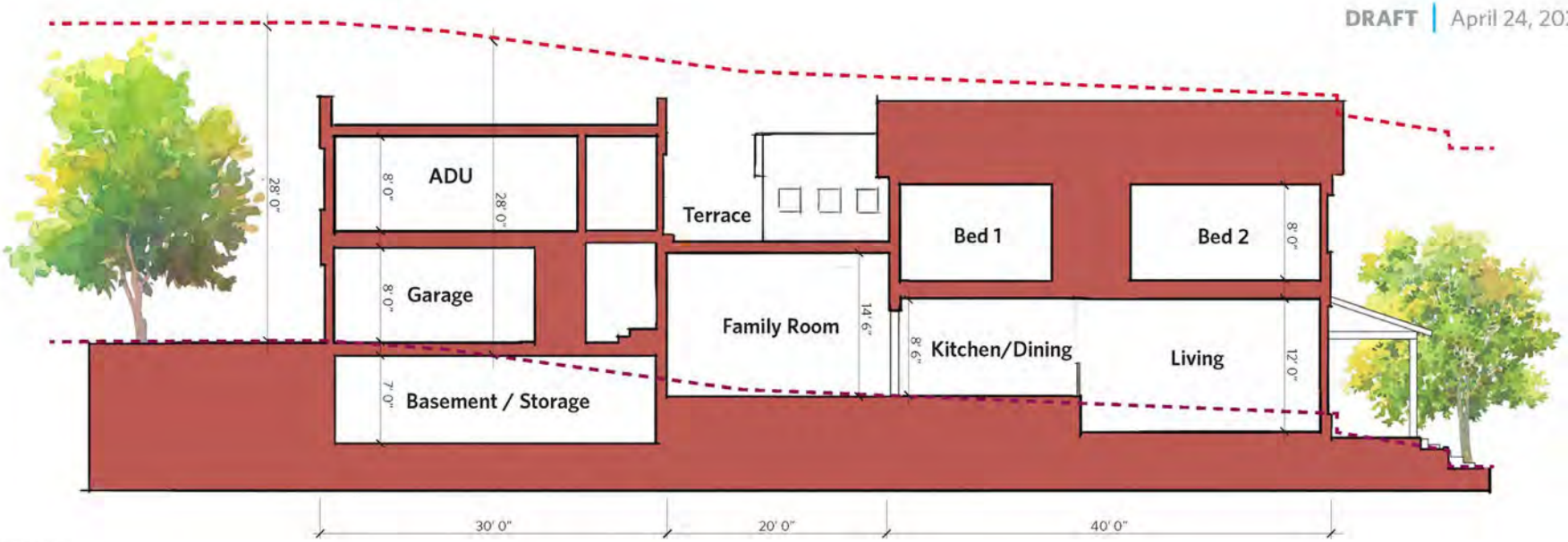
SITE PLAN


PARCEL A
PRIVATE
PUBLIC
F STREET
(450 EAST)
CAPITOL PARK AVENUE
PARCEL B
13TH AVENUE
(650 NORTH)

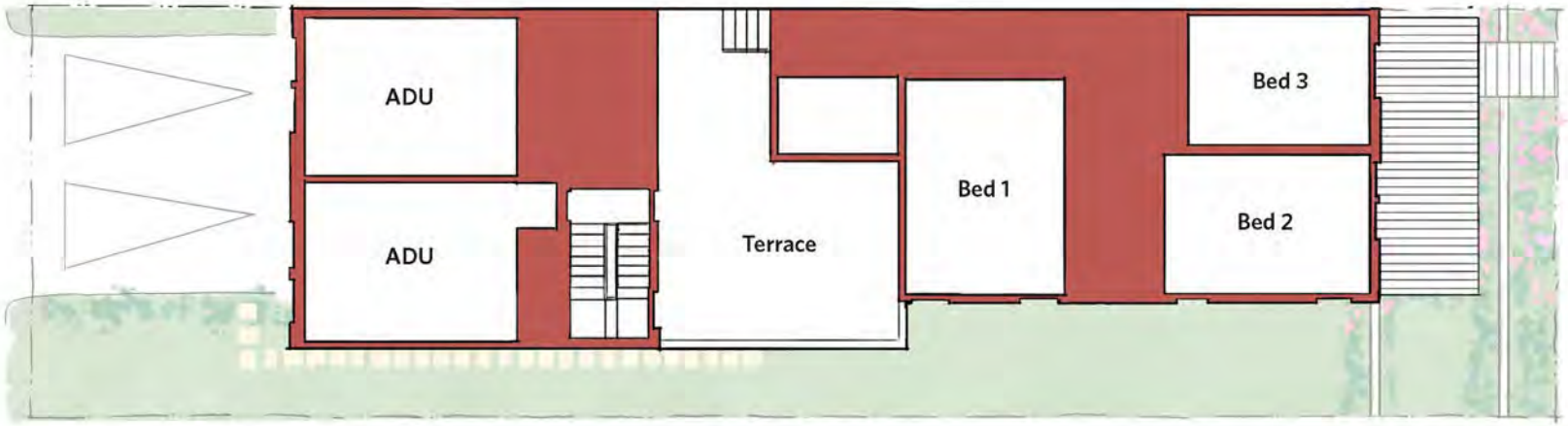
CONCESSIONS REQUESTED VIA A PLANNED DEVELOPMENT

Not a single lot complies with SR-1 requirements

• Minimum Lot Size	15 of 21 do not comply
• Minimum Lot Width	20 of 21 do not comply
• Building Coverage	20 of 21 do not comply
• Rear Yard Setbacks	21 of 21 do not comply
• Front Yard Setbacks	21 of 21 do not comply
• Interior Side Yard Setbacks	20 of 21 do not comply



LOT SECTION



LOT PLAN

DOWNHILL LOT | 24′ Wide Unit

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / APRIL 2023

1" = 10'

5 0 5 10 20 Feet

GRADE LINE — 28' ABOVE GRADE

URBAN DESIGN ASSOCIATES

CLAIMED PUBLIC BENEFITS

Provision of ADUs

- Unknown quantity.
- No planned development is needed.

Clustering to Preserve Open space and Creation of Trails

- Where is the open space? It’s unbuildable land or a drainage pond.
- Sidewalks around the periphery are now considered "trails“.

PROBLEMS

- Parking - a huge problem.
- Egress from Northpoint in the event of a wildfire.
- Ten homes fronting Capitol Park Avenue - a private road posted as no parking.
- 24 feet wide road.
- Nowhere to park snow.
- Overly congested - nothing like the SR/ block section of the Avenues.
- No yards - no kids.
- Two ugly flat roofs on each unit.
- Soil removal. Potentially thousands of truckloads.
- Retaining walls not to code.

PLEASE JOIN US IN OPPOSING THIS APPLICATION FOR A PLANNED DEVELOPMENT

- Write to the planning division at **Aaron.barlow@slcgov.com**
- Vote in the GACC ballot on this subject!!!
- Attend the planning commission hearing when it is scheduled in the Fall.
- Attend the Preserve Our Avenues Coalition briefings to be held via Zoom and in person at the **Corrine & Jack Sweet Library 6:00PM - August 7th, 14th and 17th.**
- For more details see https://www.slc.gov/planning/2023/07/10/openhouse-00656/
- Contact us at **POAZCoalition@gmail.com**

[redacted]

August 4th 2023

Here's the gentle density coming to the upper Avenues. Capitol Park Cottages ready for final planning review.
Published in Building Salt Lake August 2nd 2023.

Dear Dr. Garrott,
As a nearby neighbor to this property, I would like to take exception to a number of the conclusions you draw in the above article. When you subject this proposal to increased scrutiny and peel back the onion skins, you will find that this is not such gentle density and that the proposed development will have a significant detrimental impact on the neighborhood.
Let's look at just one issue as an example - Parking.
You state that; *"Off Street parking is copious. Designers have included 45 spaces in garages and 37 surface spots. 82 stalls for 42 units is essentially a 2:1 ratio."*
Conversely, residents that live here see the level of parking provided as grossly inadequate and problematic, where it will likely lead to around 40 cars from Ivory's development being parked on neighboring streets - many illegally! Let's go through the analysis.
Not a Walkable Section of the City
This section of the city is not walkable, there are few to no amenities nearby, the terrain is extremely steep and the bus service insufficient for most people's needs, making travel by private automobile the normal method of transportation.
Number of Cars
Assuming two automobiles per dwelling and 42 dwellings, residents vehicles will total 84. There is also a need to cater for guest parking, service vehicles etc and for snow storage. Neighboring developments have found a need for guest parking spaces of around 0.7 spaces per residence, which would give a requirement for an additional 29 places for a total requirement of 113 spaces. Ivory's design shows only 4 guest parking places, this is totally inadequate and will not even be sufficient to store snow in winter.
How Many Parking Places has Ivory Really Provided
1) Garages. Ivory has provided 45 garage parking spaces. Do we believe all 45 will be used for parking? It is allmost un-American to park two cars in a two-car garage. A number of these places will be lost to general goods storage, boats, snow mobiles and other toys. Let's conservatively assume only 15 percent of these spaces are lost; this decreases garage parking to 38 units.
2) On-Lot Surface Parking. Ivory claims 34 surface lot parking places.
Ivory is therefore realistically providing 72 parking places against a requirement of 113 leaving a surplus of around 40 vehicles that will flow to the neighboring streets.

Where Will These Excess Vehicles Park and What Problems Will They Cause?

Ivory's property only borders two streets, F Street to the East and Capitol Park Avenue to the South.

1) F Street. As the nearest point to Ivory's internal road, F Street between Northpoint and Capitol Park Avenue will be permanently parked on both sides of the street. Both Ivory's development and Northpoint sit in a Wildland Urban Interface (WUI) zone, with Northpoint having experience of evacuations from fast moving wildfires emanating from City Creek Canyon. F Street is Northpoint's only ingress and egress for 50 homes. Northpoint residents have grave concerns that this section of F Street will become a choke point when both Northpoint and Ivory residents are leaving at the same time as emergency vehicles are entering in the event of a fire. The deaths of 85 people in the Paradise, California fire were attributed to delays from such a traffic choke point.

2) Capitol Park Avenue is a private street posted as No Parking. Despite notifications and signage it is very likely that Ivory residents and guests will park illegally on Capitol Park Avenue, causing friction and disputes among neighbors. All the more so as Ivory has chosen to front 9 of their 21 homes facing Capitol Park Avenue. The development should be redesigned so these residences front Ivory's internal road, not Capitol Park Avenue, to avoid this problem.

I hope the above analysis illustrates that there is far more involved than a superficial 2:1 ratio in considering the adequacy of parking. Equally your statement that, *"Anything under 20 units per acre is generally considered low density"*, is overly simplistic. Appropriate density has to be considered in the context of the location. A change from 11 units under the prior FR-3 zoning to 42 units, including a first of its kind subdivision of ADUs, is twice the norm for the SR-1 zone and is anything but gentle infill density for this foothills location.

Thank you.

Dr. Peter Wright

Barlow, Aaron

From: Taylor Anderson <taylor@buildingsaltlake.com>
Sent: Friday, August 4, 2023 1:25 PM
To: Peter Wright
Subject: (EXTERNAL) Re: Ivory Development at 675 North F Street.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Thanks for writing, Peter. How long until we consider this matter closed? Even under your theoretical scenario, F Street is 45 feet wide. Average cars in the U.S. are less than 7 feet wide. Even if the public street was lined with parked cars on both sides (an unlikely but also untroubling scenario) there would still be room for four average cars lined up side by side to drive down F Street to safety.

The issue I saw in Paradise is that everyone fled at once in a car. That's an extremely inefficient way to transport many people at the same time. Regardless, if you saw anything suggesting that cars parked on the street caused the deaths of 85 people, please do share it.

On Fri, Aug 4, 2023 at 12:44 PM Peter Wright <pwwjaw@gmail.com> wrote:

> Please find attached a response to your article titled, *Here's the gentle density coming to the upper Avenues. Capitol park Cottages ready for final planning review.* Published on August 2nd 2023.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Monday, July 3, 2023 5:11 PM
To: Barlow, Aaron
Cc: Thomas Keen; Preserve Our Avenues Zoning Coalition; Alan Hayes; Lon Jenkins
Subject: (EXTERNAL) Ivory Homes Latest Plans for 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,
Best wishes for a great 4th of July holiday. In reviewing Ivory's latest proposal and the relevant city ordinances it appears to us that Ivory's proposal is non-compliant with regard to interior side yard setbacks and maximum allowed exterior wall heights as required by the SR-1 ordinance. Furthermore this non-compliance is not something that the planning commission can override via the planned development process.
While the planning commission has the discretion to allow reduced setbacks, clause 21A.24.080.D 3 (c), states that where interior side yard setbacks are reduced then the maximum external wall height must be reduced proportionally.

21A.24.080.D 3 : Exterior Walls: Maximum exterior wall height adjacent to interior side yards:
c. *In both the SR-1 and SR-1A districts, the exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.* (Highlight added)

1) 21A.24.080.D 3 (a) defines the maximum wall height as: *Twenty (20') feet for exterior walls placed at the building setback established by the minimum required yard.*
2) Ivory's elevation drawings show exterior wall heights of either 19 or 20 feet depending on model.
3) Ivory's site plan shows interior side yard setbacks of 5 feet in most cases.

Required interior side yard setbacks are detailed in 21A.24.080. E 3.
21A.24.080.E 3. Interior Side Yard:
a. Twin Home Dwellings: No side yard is required along one side lot line while a ten foot (10') yard is required on the other.
b. Other Uses:
(1) Corner lots: Four feet (4').
(2) Interior lots:
(A) SR-1: Four feet (4') on one side and ten feet (10') on the other.
(B) SR-1A: Four feet (4') on one side and ten feet (10') on the other.
(i) Where the width of a lot is forty seven feet (47') or narrower, the total minimum side yard setbacks shall be equal to thirty percent (30%) of the lot width with one side being four feet (4') and the other side being thirty percent (30%) of the lot width minus four feet (4') rounded to the nearest whole number.
(ii) Where a lot is twenty seven feet (27') or narrower, required side yard setbacks shall be a minimum of four feet (4') and four feet (4').

(iii) Where required side yard setbacks are less than four feet (4') and ten feet (10') an addition, remodel or new construction shall be no closer than ten feet (10') to a primary structure on an adjacent property. The ten foot (10') separation standard applies only to the interior side yard that has been reduced from the base standard of ten feet (10').

In many instances the required interior side yard setback determined by 21A.24.080.E 3 exceeds five feet, thus Ivory must either increase the interior side yard setbacks to those specified in 21A.24.080.E 3 or reduced the exterior wall height in line with 21A.24.080. D 3 (c). Ivory can have the maximum allowable wall height or reduced setbacks, it cannot have both.

I would appreciate your comments with regard to this apparent non-compliance.

There are many other problems with Ivory's proposed design, however, this particular issue will require a significant redesign to bring into compliance, such that the other issues may well be mute and can be dealt with when this redesign is completed.

I look forward to hearing from you.

Best Regards,

Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, July 6, 2023 10:59 AM
To: Barlow, Aaron; Thomas Keen; Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins
Subject: (EXTERNAL)

Follow Up Flag: Follow up
Flag Status: Completed

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Hi Aaron,

Thank you for your note of 7/5/2023. I suspect that Ivory will wish to maintain a building height of close to 20 feet in order to allow for two story houses, the issue thus becomes determining the required interior side yard setbacks. The largest discrepancy in Ivory's proposed interior side yard setbacks are those for the twin home dwellings. For twin home dwellings the required interior side yard setback is ten feet on one side and zero feet on the other as described in 21A.24.080.E.3.(a). Importantly this required setback is not reduced by the lot width exception described in 21A.24.080.E.3.(b) 2 (i), this exception applies only to the category of Other Uses as described in 21A.24.080.E.3.(b). Ivory therefore needs to increase the interior side yard setback on each side of the twin homes from 5 feet to 10 feet.

We will work on a more detailed listing of other concerns and let you have this in the next few weeks. We did, however, want to bring the issue of interior side yard setbacks and maximum exterior wall heights to your attention at the earliest time so as to avoid distributing a plan for public comment that was non-compliant and having to repeat the process.

We would greatly appreciate you sharing your analysis on this matter following consultation with your colleagues.

Best Regards,

Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Tuesday, July 11, 2023 5:50 PM
To: Barlow, Aaron; Thomas Keen; Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins
Subject: (EXTERNAL) 675 North F Street. Ivory Homes plans. Compliance with 21A.24.080.D 3

Follow Up Flag: Follow up
Flag Status: Completed

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Aaron,
I would greatly appreciate a response to my letters of 7/3/23 and 7/6/23 with regard to the maximum wall height adjacent to interior side yards defined in 21A.24.080 D 3, plus we would like to see an analysis of what interior side yard setbacks are required for each lot for Ivory to maintain the building heights shown in their plans. As stated in my earlier notes Ivory can have the maximum allowed height or reduced setbacks - it cannot have both which is what is shown in their plans.
Again it appears to us that Ivory's design is seriously non-compliant with regard to either interior side yard setbacks or building height, to the extent that a serious redesign is required to bring the proposed development into compliance.
I look forward to hearing from you at your earliest convenience.
Thanks,
Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, July 13, 2023 8:42 AM
To: Barlow, Aaron
Cc: Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen
Subject: (EXTERNAL) 675 North F Street : Compliance with 21A.24.080.D 3 (c)

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Aaron,
Thank you for your response of 7/11/2023. While I fully understand the need for you to review this matter with your management I am advised by the very experienced lawyers in our group that there is very little scope for interpretation in this matter.

21A.24.080.D.3 (c) Exterior Walls : Maximum exterior wall height adjacent to interior side yards:
The intention of this clause is very clear. If setbacks are increased additional height is permitted on a proportional basis, likewise where setbacks are reduced then the maximum permitted exterior wall height is reduced, again in the same proportional manner. Moreover the language in this clause is both clear and all encompassing, *" If an exterior wall is approved with a reduced setback through **a special exception, variance or other process,** the maximum allowable exterior wall height decreases....."*. The term ***"other process"*** would unquestionably include any approval of reduced setbacks as a part of a planned development process.
While the language in 21A.24.080.D 3 (c) is self sufficient it should also be noted that *21A.55.020 Authority*, also restricts the ability of the planning commission to grant additional height through the planned development process in the SR zoning district.

21A.24.080.E.3 Interior side yard
Again the intent and language in this section is clear.
<u>(a) Twin Home Dwellings</u>
Many of Ivory's proposed units are twin home dwellings. Interior side yard setbacks for these units are prescribed in *21A.24.080 E 3 (a) Twin Home Dwellings; No side yard is required along one side while a ten foot (10') yard is required on the other side.*
Standard clause drafting convention dictates that section *(a) Twin Home Dwellings* is separate and independent from the following section *(b) Other Uses.*
<u>(b) Other Uses</u>
This section is applicable to the single family units where it prescribes the required setbacks as, *SR-1: Four feet (4') on one side and ten feet (10') on the other side.*
Clauses *21A.24.080.E.3.(b).(i) & (ii)* allow for reduced setbacks on narrower lots with *one side being four feet (4') and the other side 30% of lot width minus four feet (4') rounded to the nearest whole number.* Since the required setbacks for twin home dwellings are zero on one side and ten feet (10') on the other side it is very clear that these clauses related to lot width, with one side being four feet (4') and the other 30% minus four feet (4'), apply only to single family dwellings and cannot apply to twin home dwellings.

I hope these comments are helpful and look forward to hearing from you.
Best regards,
Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, July 19, 2023 11:10 AM
To: Barlow, Aaron
Cc: Alan Hayes; Preserve Our Avenues Zoning Coalition; Thomas Keen; Lon Jenkins
Subject: (EXTERNAL) Initial Comments with Regard to Ivory's Proposals for 675 North F Street.

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Aaron,

Below are a few initial comments on Ivory's proposal. I have restricted these comments to missing data, questions and a listing of inaccuracies and inconsistencies. We will comment on the merits or otherwise of the proposed development in subsequent letters once we have conducted a series of community meetings.

1) Missing Data

Ivory's proposal is incomplete in many regards. We would like to see the following data:

A) Fully dimensioned drawings of each of the proposed dwellings.

B) Site plans that fully detail setbacks.

C) Ivory claims 84 parking places, can they please detail these.

D) Ivory claims that almost one acre of open space is provided, visual inspection of the plans would indicate that the open space is far less than one acre. Can they detail this please. Are sidewalks being counted as open space? Is the sidewalk on F Street on city owned land being counted as open space?

E) Ivory's plan works against the natural topography of the site with long (90 feet) buildings running into the slope of the hillside. Although they step the buildings, these steps are nowhere near equal to the grade change as evidenced by the tall retaining walls to the north of the property. Large wedges of soil will have to be removed from underneath each building and the side yards. Since there is little to no space to spread this soil and meet height above established grade requirements, this soil will presumably be removed from the site. We would ask to see an analysis of how many tons and cubic feet of soil will be removed. How many thousands of truckloads of soil will traverse our steep, narrow Avenues streets so that Ivory can build oversize homes against the topography of the land?

F) Can Ivory please show where snow will be stored and where the mailbox stack will be located?

G) The amount of hardscape with buildings, driveways, roads and sidewalks appears excessive. Can Ivory or the planning division detail the amount of hardscape please?

2) Questions

A) Ivory shows the width of their internal road at 24 feet. Is this considered adequate for parking and ingress and egress of large vehicles such as delivery trucks and is this in compliance with fire code? Please note that both Northpoint and Ivory's property sits in an Wildland Urban Interface (WUI) zone considered at high risk of wildfire.

B) Can Ivory please define what is meant by the term "potential ADU". Is it Ivory's intent to build these potential ADUs ahead of purchase? What happens if a purchaser does not want an ADU? How many ADUs will be obtained?

C) Ivory claims the potential ADUs as the principal benefit from the planned development but these potential ADUs can be built without a planned development. How can these potential ADUs be considered as justification for a planned development?

D) Ivory claims a quarter mile of paved walking trail will loop the community. How is this significantly different from sidewalks that would ordinarily be placed around the periphery of a block? Would every block in the city with sidewalks qualify for a planned development on this basis? I note that the eastern portion of this trail - the sidewalk along F Street - sits on city land so they are not fully providing this trail.

E) Ivory has ten units with front elevations facing Capitol Park Avenue, a private street owned by the Meridien HOA and posted as no parking. The easement Ivory has from the Meridien grants only ingress and egress, one curb cut and rights to access underground utilities, it grants no rights to park on Capitol Park Avenue. Despite notifications and signage, Ivory residents, visitors, tradespeople and others will inevitably park illegally on Capitol Park Avenue, this will cause

friction and disputes among neighbors. How can this problem be alleviated? Why cannot all of Ivory's units face their own private street rather than Capitol Park Avenue?
F) Ivory shows a 2.3 feet front setback for unit 10 whereas the SR-1 zone requirement is 20 feet. This large two story building will loom over the street, the sidewalk and pedestrians. How can this drastic reduction in setback, completely out of character with the neighborhood, be justified?
G) Ivory's plans show a large section of single step retaining walls with a height of 8.5 feet and a smaller section with a height of 10.5 feet. These walls present a very real danger of falling for both children and wildlife. These walls sit on a well known and heavily used deer trail from City Creek Canyon through a planned gap in Northpoints boundary fence. Why cannot these walls be constructed in a stepped fashion as required by city code?
3) Inconsistencies and Inaccuracies
There are a large number of inconsistencies and inaccuracies in Ivory's submission that you may wish to have them fix.
A) Architect Narrative, page 13 sketch of the development of Capitol Park Avenue. This sketch is highly inaccurate and misleading. The park strip appears to be 15 to 20 feet in width giving a false impression of spaciousness, whereas in actuality the park strip is 5 feet in width. We would ask that this be redrawn or omitted from the submission to the planning commission.
B) Architect Narrative, pages 17 & 18, show homes with detached garages and ADUs, whereas all the other drawings show these to be integral with the primary dwelling other than unit 21.
C) Architect Narrative, page 19 top row, this shows Elevations on Capitol Park Avenue. This sketch is not drawn to scale and is misleading, the spacing between the buildings is far less than shown. We would request that this is redrawn to scale or omitted from the submission to the planning commission.
D) Architect Narrative, page 19 bottom row, Elevations on F Street. This does not match the other drawings and shows two detached units on the southside (unit1) whereas the other plans show this as a single unit.
E) Preliminary Plans, page 3. Site Plan.
(a) The cross section drawing shows a 10 feet spacing between the sidewalk and property line, this is incorrect and inconsistent with the main drawing that shows zero spacing between the property line and the sidewalk for units 9 and 10 and less than 10 feet for units 7 and 8.
(b) The rear setback requirement in SR-1 is 25% of lot depth with a minimum of 15 feet and a maximum of 30 feet. Since all of the lot depths, with the exception of unit 21, exceed 120 feet the required setback is 30 feet for these units, not the15 feet shown in Ivory's table.
F) Prelimiary Plans, page 4, Utility Plans. We believe that Ivory has grossly underestimated the water and sewer requirements. They only consider the 21 primary dwellings and ingnore any demand from the 21 potential ADUs. Also thier per unit numbers are lower than we would normally be used. The Jordan Valley Water Authority estimates an average daily per person consumption of 238 gallons. We would expect occupancy of the primary unit to be four people and the ADU two people, giving a per unit consumption of 1428 gallons per day, or 29,988 gallons per day for the development compared to Ivory's estimate of 8400 gallons per day.

I hope these comments are useful. Prehaps we can talk through them when you have time.

Best Regards,
Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Friday, July 21, 2023 11:01 AM
To: Barlow, Aaron
Cc: Thomas Keen; Lon Jenkins; Alan Hayes; Preserve Our Avenues Zoning Coalition; John Kennedy; Don Warmbier
Subject: (EXTERNAL) Re: Ivory Development Wall Height Determination from Planning Staff

Follow Up Flag: Follow up
Flag Status: Completed

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Aaron,
Thank you for your email of 7/17/2023. I have reviewed this with my colleagues and we strongly disagree with your conclusions.
1) A planned development is not the establishment of new zoning for a site. Zoning regulations are established in the individual district ordinances, in this case 21A.24.080. There is nothing in the planned development ordinance 21A.55 that grants the planning commission any authority to establish completely new zoning regulations for a site, eliminating all the provisions of the base district zoning ordinance. On the contrary, both 21A.55.010 *Purpose Statement, "..a planned development implements the purpose statement of the zoning district in which the project is located…", and* 21A.55.020.A. "*…the Planning Commission cannot approve a use that is not allowed in the zoning district in which the planned development is located…",* explicitly recognize that a zoning district in which a planned development is located continues to exist after a planned development is approved, and the base zoning regulations for that district continue to apply to that district and that site.
21A.55.020 *Authority* only grants the planning commission the ability to, *"change, alter, modify or waive"* provisions in the base district zoning ordinance that are consistent with the purpose statement for that district.

2) 21A.55.020.C states that in the SR zoning district ,*"..additional building height cannot be approved through the planned development process".* While building height and exterior wall height are defined differently they are inextricably linked, exterior wall height is an integral component of building height. This relationship is recognized in 21A.24.080.D *Maximum Building Height,* where exterior wall height limitations are defined as a subset of building height. Thus both clauses 21A.55.020.C and 21A.24.080.D.3.c together define the maximum allowable building height for a given side yard setback. This is particularly so in the case of flat roofs which are prevalent in Ivory's proposal. That clause 21A.24.080.D.3.c is intended to survive the creation of a planned development and is applicable is further reinforced by its extremely broad language,*"..special exception, variance or other process.."* , where the term *"other process"* would unquestionably include a planned development.
In conclusion, while 21A.55.020 gives the planning commission the ability to *,"change, alter, or modify "* interior side yard setbacks, if it does so this would constitute a variance and the exterior wall height must be reduced as required by 21A.24.080.D.3.c.
If you have an administrative or judicial decision that has decided otherwise we would greatly appreciate you sharing that with us.

3) You have suggested that this matter might be resolved via an Application for an Administrative Interpretation and have provided a link to this process. On examination we find that this mechanism is only available to landowners or their agents and that this is not a route we can follow. We would therefore ask that you kindly grant us a meeting with the Zoning Administrator so we can resolve this matter. It would be better for all parties

that this issue is resolved now rather than becoming the subject of an Appeal of an Administrative Decision (21A.16) after a planning commission hearing and decision.

I look forward to hearing from you on this matter.

On Mon, Jul 17, 2023 at 2:23 PM Barlow, Aaron <Aaron.Barlow@slcgov.com> wrote:

Hi Peter,

I apologize for the delay in getting this to you, but here is the determination on the wall height issue your group brought up:

1. 21A.55.020 states that the Planning Commission may "change, alter, modify, or waive" certain provisions in the title. A Planned Development is an establishment of zoning regulations for a site and are not a reduction/modification as described in 21A.24.080.D.3.c. This has been the interpretation for development in the past.

[redacted]

As I mentioned in our phone call, you can request an administrative interpretation of the standard if you would like an official document. The application can be found here (on our applications page).

Let me know if you have any follow-up questions or concerns.

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)

Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182

Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Monday, August 7, 2023 8:41 AM
To: Barlow, Aaron
Subject: (EXTERNAL) 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Hi Aaron,
I hope you had a great vacation. Just a couple of things.
1) Ivory's drawings are very skimpy with regard to detailed dimensions. For example most of the setbacks are not dimensioned and driveway lengths, essential to understanding parking are not dimensioned. I noticed reviewing the ordinances that applicants are required to submit large size, scaled, hard copy drawings to the city. Would it be possible to get such a paper copy of their four site plans please? If you need me to pay for these, that is fine. I am just reluctant to attempt to scale electronic drawings due to the inherent inaccuracies of doing so.
2) You were going to establish a meeting with the Zoning Administrator so we can review the relevance and intent of 21A 24.080.D.3.c., I look forward to hearing from you on this.
Many Thanks,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Tuesday, August 29, 2023 11:32 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory's Drawings

Follow Up Flag: Follow up
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Hi Aaron,
I look forward to seeing you this afternoon at 3:00PM.
If you have time there are a couple of things you could perhaps help me with.
Ivory's Road/Alley. I had previously thought that the minimum width for a road to meet fire code was 26 feet. Ivory has a 24 feet wide road. Where do I find the regulations pertaining to road width etc ? Also, I note Ivory's driveways are extremely close together, are there regulations regarding parking on narrow roads with closely spaced driveways? I note that Ivory does not show any parking places on their road other than the four on the western side, so I assume parking on this road is prohibited for some reason.
Parking.You can see from our report that there is a very high level of concern on parking. What regulations apply with regard to parking, how many places are required? How do ADUs, or "potential ADUs" figure into this? Do any regulations cover guest parking?
RoofTop Terraces. Ivory shows buildings with rooftop terraces. I can find no reference to these in the city ordinances. Are there regulations regarding such rooftop uses? Are guard rails or safety walls required and do these count in the determination of height? Ivory's drawings show an undefined and undimensioned structure on these terraces. How are such structures regulated? Will they need to be within the maximum wall and roof height limitations for a flat roof? Several people asked me about these rooftop terraces in our meetings and I had to answer that I did not have a clue.
Soil Removal and Heights Above Established Grade. Have you started to look at this yet? I asked Ivory's engineer about this and he stated they had not looked at it in any detail yet.
Thanks,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Friday, September 8, 2023 8:36 AM
To: Barlow, Aaron; Norris, Nick; Wharton, Chris; Thomas Keen; Lon Jenkins; Don Warmbier; Preserve Our Avenues Zoning Coalition; Alan Hayes
Subject: (EXTERNAL) Compliance with 21A.24.080.D.3.c.
Attachments: Meeting with The Zoning Administrator (3).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Aaron,
Thank you for your phone call yesterday requesting to cancel our meeting on this subject scheduled for Monday 9/11. We first notified the Planning Division of this issue on July 3rd, over two months ago, and this is now the second time that a scheduled meeting has been canceled at short notice.
You mentioned in our phone call yesterday that your legal advisor from the City Attorney's office is currently unsure if the Planning Commission can waive 21A.24.080.D.3.c. Please find attached the handout we had prepared for discussion at the 9/11 meeting which lays out very clearly why it cannot. We would appreciate you sharing this with your legal advisor.
As discussed previously, we brought this matter to your attention as soon as we could, believing it better to resolve this ahead of a Planning Commission hearing rather than having it be the subject of a later appeal.
We remain willing to meet with you to discuss this matter further and would appreciate written confirmation from you that our interpretation of these ordinances is correct once you have completed your deliberations.
Separately, while you are meeting with your legal advisers you might wish to review with them if Ivory's plan meets the requirements for a Planned Development in the SR-1 zone, we believe that it does not.
Best regards,
Peter wright
Chair POAC

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, September 27, 2023 7:23 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Application for 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Hi Aaron,
I wanted to raise with you the front yard setback for unit 10 in Ivory's plans. This is of concern to many residents and we raised this in our community organization report but have not separately discussed this.
In various sections of Ivory's application they refer to this setback as 2.3 feet or 2.95 feet. This proposed setback is grossly insufficient, such that the two-story, 28 feet high building will tower over the sidewalk and pedestrians. It is also not sufficient to ensure privacy for Ivory's residents, nor is it compatible with existing homes in the neighborhood. The required front yard setback in the SR-1 zone is 20 feet. All of the homes in adjacent and neighboring blocks in the SR-1 zone meet or exceed this 20 feet front setback requirement.
The planned development ordinance 21A.55.050.C3 requires that the Planning Commission consider if setbacks on the perimeter of the development are adequate and if they maintain the visual character of the neighborhood. This unit as proposed most certainly does not meet these criteria. I would like to ask that you recommend a 20 feet front setback for unit 10 in your staff report.
You had earlier mentioned that the Fire Department has concerns on the radius of the private road as it turns to the south adjacent to unit 10. Possibly Ivory could address both of these concerns by shortening the length of unit 10.
Best regards,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, October 4, 2023 7:47 AM
To: Norris, Nick; Barlow, Aaron; Wharton, Chris; Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen
Subject: (EXTERNAL) 675 North F Street - Recognized Community Organization report

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Dear Nick & Aaron,

Re: Ivory Homes Application for a Planned Development at 675 North F Street

On July 10th 2023 you wrote to us, as a Recognized Community Organization, asking for input on Ivory's application and provided excellent guidance as to how community organizations should proceed in considering an application for a Planned Development. We took this advice to heart and conducted a series of meetings with 163 of the residents that live closest to this proposed development. At these meetings Ivory's proposal was reviewed in detail and straw polls were held on all key aspects of Ivory's application. This process entailed considerable effort by Avenues residents and a detailed report summarizing nearby residents' views and concerns was submitted to you on the requested due date of August 28th 2023. Since that time we have received close to zero feedback on our report from the Planning Division. Accordingly, we would like to ask that you grant us the courtesy of a one hour, face to face meeting so that we can review the findings of our report with you.

Also, on July 3rd 2023 we advised the Planning Division that Ivory's proposal is not in conformance with clause 21A.24.080.D.3.c. relating to maximum wall heights and reduced setbacks and that furthermore this is not a condition that can be waived by the Planning Commission via a Planned Development. We have provided detailed analysis supporting this position. Twice we have established meeting times with you to review this matter and twice these meetings have been cancelled by the Planning Division at short notice. After three months we have yet to gain any meaningful feedback on this issue, so hopefully we can also cover this topic at the meeting.

District 3 Council Member Wharton has a strong interest in this matter and would like to join us for this meeting. Council Member Wharton has indicated that he has time available on the morning of Tuesday October 10th or Friday October 13th, so perhaps you could find time available to meet on one of those dates. If not then please provide us with dates that are convenient to you. I look forward to hearing from you.

Thanks and Best Regards,
Peter Wright
Chair POAC.

Barlow, Aaron

From: Jan McKinnon [redacted]
Sent: Saturday, October 28, 2023 7:03 PM
To: Norris, Nick; Mills, Wayne; Barlow, Aaron; Pasker, Katherine
Cc: Peter Wright; Joel Deaton; THOMAS KEEN; Alan Hayes; Lon Jenkins; Larry Perkins; John Kennedy; Don Warmbier; Scott Young; Wharton, Chris; Lewis, Katherine; Mayor
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 N F Street
Attachments: Ivory Easement Letter 7 (7).docx; Ivory Easement Letter 7 (7).docx

Categories: Ivory comments

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To: Nick, Aaron, Wayne, and Katherine:

Following our meeting of 10/13/2023, I wanted to write to you in my capacity as President of the Meridien HOA, the owners of Capitol Park Avenue. Please see the attached letter.

During our meeting we briefly discussed the issue of the City facilitating Ivory in overburdening the easement allowing access to Capitol Park Avenue. The attached letter details how the City cannot reasonably approve a planned development that overburdens the private property of the Meridien. The position taken at the meeting that this is a matter between Meridien and Ivory is both incorrect and unreasonable. Ivory does not grant itself a planned development; the City does and the City has a responsibility to do proper due diligence in ensuring that the rights of neighboring property owners are not infringed upon.
I would greatly appreciate a detailed reply from you on this matter at your earliest convenience.

Thank you,
Jan McKinnon
President, Meridien HOA.

Re: Ivory Homes Application for a Planned Development at 675 North F Street

Capitol Park Avenue is a private road owned in sections by the Meridien and Capitol Park HOAs, the Meridien owns the portion of Capitol Park Avenue adjacent to Ivory's property. Ivory has an easement allowing ingress and egress to Capitol Park Avenue, originally granted to the Church of Jesus Christ of Latter-Day Saints (CPB) in order to build a chapel. A copy of this easement has been forwarded to you.

Members of the Meridien HOA and POAC, which includes four highly experienced lawyers, have examined Ivory's application for a planned development on 675 N F Street. We find that the proposed planned development would significantly exceed the scope of the easement, and that the City's approval of the planned development, with its significant increase in the number of dwellings and associated vehicles, would place an increased burden on the Meridien and the surrounding community, in violation of law; and would unconstitutionally take the private property of the Meridien for Ivory's private use.

An easement does not give its holder an unlimited right to use that easement to burden the easement's servient estate. Ref. Utah Supreme Court SRB Inv. v. Spencer Co. Ltd 2020 UT 23. While SRB considers a prescriptive easement, the same principles apply equally to an express written easement.

In the SRB decision (Item 22) the supreme court stated that;" *Even though courts will almost always consider the physical dimensions of the land used, as well as the frequency and intensity of that use, the "ultimate criterion" in determining the scope of a prescriptive easement is that of avoiding increased burden on the servient estate. So, courts should consider any and all factors that may contribute to that burden."*

Unlike the prescriptive easement at issue in SRB, where the scope of the allowable burden was determined by the same historical usage that created the easement; the scope of the allowable burden of an express easement, such as the easement between Meridian and Ivory, is determined by the written language in the easement. Where this language is non-specific as to scope and burden, then the intent of the parties at the time of creation must be considered in determining the allowable burden.

CPB, the owner of the dominant property, was granted the easement to enable it to build a chapel. The easement was never intended to serve the needs of a highly intensive, congested, residential development in daily 24/7 use, which materially increases the frequency and intensity of use and the burden on the servient estate.

Background. In order to build a chapel in an FR-3 zone, CPB applied for a special exception to exceed the building height limit in that FR-3 zone. This exception was granted, subject to CPB's meeting all requirements of various City departments. (You are in possession of this1997 LDS Church Conditional Use Staff Report and Record of Decision (SR)).

The City Engineering Department required that CPB, *"must have an access agreement to use Capitol Park Avenue (a private street)"* (SR p. 47). And the Division of Transportation also found that *"the traffic impact generation with Church Development should be of no consequence."* (SR p. 45).

Creation of the easement was therefore an integral part of CPB's meeting City Department requirements for obtaining the zoning exception needed to build the chapel. At the time the easement was entered into, the anticipated use of the CPB Property, was clearly its use as a chapel, which would have entailed vehicular traffic during limited hours, principally on Sundays, with the scope of the easement being that of an easement only generating a traffic impact on Capitol Park Avenue that would be *"of no consequence."*

Supporting construing the language of the easement as intending that the easement would only burden Capitol Park Avenue with the limited traffic generated by a chapel is the fact that the easement calls for CPB to cover only 16.67% of the costs of Maintaining Capitol Park Avenue, while AHC, the owner of the servient estate, which was later developed into the Meridien, would cover the remaining 83.33%, even though the frontage of the CPB property and the AHC property on Capitol Park Avenue is roughly the same. This suggests the parties anticipated the traffic to be generated by the chapel would only be 16.67% of the total traffic generated by the chapel and what would become the Meridien. The Meridien, which was in the preliminary planning stage when the easement was created, was approved for 27 units compared with the proposed 42 units in Ivory's development. Today the Meridien has only 21 units.

Even if the property is now used for something other than a chapel, the scope and burden of the easement's allowable use remains limited to that intended when the easement was created, and to it carrying a frequency and intensity of traffic generating the same *"no consequence"* impact on Capitol Park Avenue that would have been generated on that easement by a chapel.

Ivory's proposed planned development would materially exceed the scope of the easement in a number of ways:

1. Excess Traffic. The proposed planned development would generate traffic with a

frequency and intensity well beyond that reasonably anticipated when the easement was granted. This would materially increase the burden imposed by the easement on the property owned by the Meridien HOA and unreasonably interfere with our rights as owners of the easement's servient estate. This excess traffic will also burden Capitol Park residents, where Ivory does not even have an easement that grants access to their section of Capitol Park Avenue.

After Ivory purchased the 675 N F Street property and its accompanying easement, knowing that the easement was created for use as a chapel, Ivory petitioned for and received an up-zone of the property from FR-3 to SR-1 that doubles the number of allowable lots on the property. Ivory now also asks for a planned development to add even more additional lots, and incorporates a radical, new, highly questionable, experimental concept where every unit has an ADU. This again further doubles the number of dwellings and vehicles creating a development with a density of dwellings and vehicles completely out of character with the neighborhood and far greater than would have been allowed or anticipated when the easement was granted.

The burden on Capitol Park Avenue would increase from the vehicle traffic during limited hours on only certain days generated by a chapel to, with two vehicles per dwelling for 42 dwellings, the burden imposed by at approximately 84 vehicles in daily 24/7 use, plus visitor and service vehicles.

The combination of a rezone, a planned development and a subdivision of ADUs, by greatly increasing the frequency and intensity of the vehicles using the easement, expands the scope of the easement far beyond any intended or even reasonably anticipated use at the time the easement was created, overburdening Capital Park Avenue with its traffic, and negatively affecting the Meridien property.

2. Parking. Unlike the design for the chapel, which included extensive parking provisions, Ivory's overly congested development provides insufficient parking, with multiple residences sharing parking on short, narrow driveways, requiring extensive and inconvenient shuttling. They also provide only 4 street guest parking spaces. These totally inadequate and inconvenient parking facilities will force parking to the neighboring streets, including Capitol Park Avenue.

The easement grants Ivory one curb cut to Capital Park Avenue, access to underground utilities, plus vehicular and pedestrian ingress and egress. It grants no rights whatsoever to parking. The section of Capitol Park Avenue adjacent to Ivory's parcel is posted as No Parking on either side of the road.

Despite notification and signage, it is inevitable that Ivory residents, guests and service

providers will park illegally on Capitol Park Avenue. The overly dense, congested nature of Ivory's proposed development with 84 plus vehicles will increase the quantity and frequency of this illegal parking problem, putting an increased burden on the Meridien. To further compound this problem, Ivory asks for approval of a design with 9 of their 21 homes fronting Capitol Park Avenue, with Capitol Park Avenue addresses. Guests and service providers using GPS navigation will be guided to Capitol Park Avenue encouraging parking there.

3. Snow Removal. Private developments must provide sufficient space for basic needs such as storage of plowed snow in winter. Guest parking spaces are often used for this purpose, but Ivory's proposal provides only 4 guest spaces, which is totally insufficient for guest parking or for storage of snow. When quizzed on this at an Ivory Open House on August 23, 2023, Ivory's Mr. C. Gamvroulas stated that snow would be pushed onto Capitol Park Avenue, across a raised curb and landscaped park strip and sidewalk onto Parcel A, their drainage pond/park. This would also exceed the scope of the easement, which does not provide for snow to be pushed from Ivory's development onto Capitol Park Avenue.

The City Refused to Accept Responsibility for Capitol Park Avenue. Capitol Park Avenue was designed to accommodate the limited needs of a low-density residential community. In 2014 the Meridian and Capitol Park HOAs petitioned the City to adopt Capital Park Avenue and other streets in the Capitol Park subdivision. The City refused, stating that Capitol Park Avenue is too narrow and does not comply with City regulations in many regards. The City also did not want to pay for the upkeep of these roads. How can the City in good faith now grant repeated and highly consequential concessions to Ivory that overburden a private street that the City has refused to take responsibility for?

Unconstitutional Taking. Finally, by approving the proposed Ivory Planned Development, the City would be taking the private property of the Meridien for Ivory's private use, without just compensation, in violation of the U.S. Constitution, Amendment V, and the Utah Constitution, Article 1 Section 22.

City Responsibility. As a part of the review of a planned development application, the Planning Division and the City Attorney's office has a responsibility to conduct a full due diligence review of the impact on neighboring landowners resulting from a decision by the City. It is not acceptable for the City to state that the existence of an easement is sufficient, as attorney Pasker did at our 10/13/2023 meeting, the City needs to ensure that its actions do not materially exceed the intent and scope of the easement. This burden should not fall on the Meridien. Ivory cannot proceed without the permission of the City, it is the City's action that is facilitating the overburdening of the easement. Review of the legal infrastructure and its adequacy is no different to review of physical

infrastructure such as sewer or electrical capacity, which is a responsibility of the City.

We therefore ask that the Planning Division and the City Attorney's Office undertake a full legal due diligence review, bearing in mind the contents of this letter. The conclusions of such a due diligence investigation should lead to a negative recommendation from the Planning Division to the Planning Commission, denying Ivory's application as required by law.

Litigation and Appeals. It is Meridien's sincere wish to avoid costly and time-consuming appeals and litigation of this issue, however, if this matter is not resolved ahead of an adverse Planning Commission decision, the City will give us no choice but to follow the appeals procedure with the Appeals Hearing Officer and District Court, where we are confident that such an appeal would lead to a reversal.

Jan McKinnon

President of the Meridien HOA. October 28th, 2023.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, October 18, 2023 9:23 AM
To: Norris, Nick; Mills, Wayne; Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Thomas Keen; Joel Deaton; Lon Jenkins; Alan Hayes; Pasker, Katherine
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 North F Street.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Katherine, Nick, Wayne & Aaron,

I wanted to write to you all to say thank you for meeting with us last Friday. The opportunity to sit face to face and review our various aspects of concern is much appreciated. We are also pleased that the interpretation of 21A.24.080.D.3.c is finally resolved.

We have now had the opportunity to review a digest of the meeting with our broader group and wanted to come back to you on two matters we did not have time to fully discuss at the meeting.

We raised with you concerns on a number of practicalities, such as Ivory not providing sufficient space for guest parking and snow storage. We were told that such facilities are not required in the single family district ordinances and feature more in the ordinances for multi-family zones. If this development is to be a success without overburdening neighbors, then such practicalities need to be addressed.

The grant of a planned development is highly discretionary, requiring the applicant to create a better development that could otherwise be obtained. Unless these practicalities are addressed this most basic requirement of a planned development cannot be satisfied.

We would also note that Ivory is proposing a completely new concept to the city - a subdivision of ADUs that doubles the number of residences and cars. The city has no specific regulation to address this new animal and common sense and discretionary judgment must come into play.

With the decision regarding 21A.24.080.D.3.c now resolved Ivory will have to conduct a redesign. We ask that as a part of this redesign the planning division requires Ivory add at least ten guest parking places. This number of guest parking places is the minimum needed to cope with 42 residences, recognizing that around half will be lost to snow storage in winter. Provision of adequate parking for guests and service vehicles internal to Ivory's development is particularly important since the property borders only one public street.

It would also seem that this redesign is an opportunity to address the orientation of the lower row of homes fronting Capitol Park Avenue. 21A.55.050.C.2.Standards for Planned Developments: requires that the Planning Commission consider: *"Whether the **building orientation** and building materials in the proposed planned development are **compatible with the neighborhood** where the planned development will be located…."* Capitol Park Avenue is a private road, owned by the Meridien and posted as No Parking on either side of the street. Fronting 9 of 21 homes onto Capitol Park Avenue, with Capitol Park Avenue addresses, as proposed by Ivory, is unacceptable to the Meridien and **is not compatible with the neighborhood** as required by 21A.55.050.C.2. Fronting homes onto Capitol Park Avenue will encourage illegal parking on Capitol Park

Avenue causing disputes and confrontation between neighbors. GPS navigation systems will direct visitors to Capitol Park Avenue, further adding to this problem. Ivory must front their homes onto their private road, not the Meridien's private road. We ask that the planning division require Ivory to reorient the lower row of homes such that they front their private road.

We hope you will give these two suggestions serious consideration and look forward to hearing from you on this.

Thanks again for meeting with us.

Best regards,

Peter Wright
Chair POAC

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, October 19, 2023 6:29 AM
To: Barlow, Aaron; Mills, Wayne; Norris, Nick; Pasker, Katherine; Alan Hayes; Joel Deaton; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 North F Street. Unit 21.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Aaron,

In order to avoid further design iterations and the wasting of everyone's time, we thought we should inform you that Unit 21 in Ivory's application is non-compliant with regard to building height on the detached garage unit. Ivory's drawings show the height to the top of the pitched roof on this building as 24 feet. This unit is correctly classified as an Accessory Building with a maximum height of 17 feet, with some exceptions for increased setbacks to a maximum of 21 feet. Also, as you are aware, the planning commission does not have the authority to grant additional height in the SR-1 zone via a planned development.

1. Planned Developments 21A.55.020.C. Authority. Building Height.
   "Up to five feet (5') of additional building height, except in the FR, R-1,SR or R-2 Zoning Districts where additional building height cannot be approved by the planned development process."

2. Building Heights for Accessory Buildings in the SR-1 zone are defined in 21A.24.080. SR-1 and SR-1A Special Development Pattern Residential District: and in 21A.40.050.General Yard, Bulk and Height Limitations.
   21A.40.050.C.2.b. Maximum Height of Accessory Buildings/Structures.
   The height of accessory structures with pitched roofs shall not exceed seventeen feet (17') at any given point of building coverage. In the SR-1A zoning district the height of accessory structures with pitched roofs shall not exceed fourteen feet (14'). The height of pitched roof accessory structures may be increased up to seventy five percent (75%) of the height of the principal structure, not to exceed an additional four feet (4') except in the SR-1A zoning district where up to an additional three feet (3') may be permitted provided the setbacks are increased one foot for every one foot of building height.

3. Ivory refers to the units above the garages as Accessory Dwelling Units (ADUs), or Potential Accessory Dwelling Units.The latter is a more accurate description. For units 1 to 20 with internal ADUs, or potential ADUs, the distinction is not significant as Ivory can build these units within the box defined for the primary building, however, when considering a detached structure which is an Accessory Building, with different regulations, the distinction is important. The detached garage for unit 21 is an Accessory Building and subject to the height regulations for Accessory Buildings not those for primary buildings or for ADUs.

4. 21A.040.200.C. Accessory Dwelling Units, grants the right to create and maintain an ADU to an *"owner occupant", ..."that shall reside on the property."* 21A.40.200.C.1, further defines an *"owner occupant"* as *"An individual who is listed on a recorded deed as an owner of the property."* As a corporation Ivory is not an "owner occupant" that will reside on the property, nor is it an individual listed on a recorded deed

as an owner of the property. Corporations cannot usurp the rights granted to an individual owner occupant. The ADU ordinance was never intended to facilitate the construction of subdivisions of ADUs by developers, but to allow individual owner occupants to create ADUs one- at-a-time. Although Ivory refers to these units as ADUs they cannot guarantee that subsequent purchasers of the units will register and use these units as ADUs. These units could very well be used as home offices, guest suites, storage units or for other purposes. The intention of future purchasers of the houses is unknowable. Also as a corporation and not an individual owner occupant, it would be impossible for Ivory to comply with clauses such as 21A.40.200.O. Zoning Certificate and Good Landlord Program. These units are not ADUs, ADUs cannot be created by corporations, only by individual owner occupants. Any additional height permitted under ADU regulations such as 21A.40.200.F, therefore, does not apply.

I would appreciate hearing from you on this matter.

Thank you,

Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Saturday, December 30, 2023 8:42 AM
To: Barlow, Aaron
Cc: Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins
Subject: (EXTERNAL) Unit 10. A Problem Not Addressed.
Attachments: Unit 10. December Revison. (3).docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Aaron,
Please find attached a letter regarding the front setback of unit 10, an issue we raised in our community report and asked that you address with Ivory. This issue has not been addressed in any meaningful way.

Dear Mr. Barlow,

Re: Ivory December 2023 Proposal - Unit 10 Front Setback.

As a part of our community report, based on Ivory's June 2023 submission, we raised with you concerns regarding the front setback for Unit 10, where a 28 feet high, two-story building is situated 3 feet from the front property line and sidewalk, looming over pedestrians and the street.

The required front setback in the SR-1 zone is 20 feet and the average front setback in the nearest ten blocks in the SR-1 zone is 21 feet. You undertook to review this item and raise this concern with Ivory.

In the December revision of Ivory's plan, we see that this issue has not been addressed, instead Ivory have played games and moved the lot line all the way to the street, such that the sidewalk and park strip, each 5 feet in width, are now a part of the lot. Via this sleight of hand Ivory now claims a 13 feet front setback. This does not in any way solve this problem and I am amazed that you could find this acceptable. Nothing has changed, this large, two-story building remains 3 feet from the sidewalk.

As you well know throughout the SR-1 zone, lot lines do not border the road, there is a sizable section of city owned land between the lot line and the street that contains the sidewalk and park strip. For the nearest ten blocks in the SR-1 zone, the average width of this land is 22.5 feet. Thus in making a comparison between the existing neighborhood and Ivory's proposal we need to compare Ivory's 13 feet setback from the street with an average 21 feet front setback plus 22.5 feet for the sidewalk and parkstrip - a total of 43.5 feet.

It would have been no hardship for Ivory to have shortened this one building to give a reasonable front setback from the road, instead they chose to play games in moving the lot line in a way that is completely out of character with the neighborhood.

We are extremely disappointed that this issue has not been addressed in any meaningful way and ask that you address this issue in your staff report with a recommendation that a 20 feet front setback from the sidewalk be included.

Thank you,

Peter Wright
Chair POAC.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Tuesday, January 2, 2024 9:23 PM
To: Barlow, Aaron
Cc: Thomas Keen; Alan Hayes; Lon Jenkins; Joel Deaton; Preserve Our Avenues Zoning Coalition
Subject: Re: (EXTERNAL) Ivory December 2023 Plans. Maximunm Height of Exterior Walls Adjacent to Interior Side Yards

Follow Up Flag: Follow up
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Hi Aaron,
Happy New Year. Thanks for getting back to me on this. Let's plan talking at 11-00 AM tomorrow. Can you call me on 570 793 0446 please.
We have just started to review Ivory's December submission and do have quite a few questions:
1) Are we still looking at a 1/24/2024 Planning Commission Hearing?
2) When will we see the Staff Report?
3) Can you share with us if the Planning Division will recommend for or against this application, or if you will suggest conditions?
4) We find it hard to see how the Planning Division can recommend for this development if it is not in conformance with 21A.24.080.D.3.c. Please help us understand what is happening here, we had thought this was a settled issue.
5) Let's discuss the front setback on Unit 10 which is not similar to, or compatible with neighboring development.
6) The Accessory Building on Unit 21 remains non-conforming in height. We have written to you earlier on this.
7) We note that the water and sewage estimates by Ivory do not take into account the ADUs. Has this been properly reviewed?
8) You were discussing wildfire fire risk in a Wildland Urban Interface (WUI) area with the Fire Marshall and the suitability of Ivory's congested design for such a location. Can you share with us the results of this discussion please? Has the Fire Marshall been asked to submit a written opinion?
9) A condition of the rezone was that Parcel A be made available to the public as a "park" and this was documented as a condition of approval. Ivory made a big deal of this "public benefit" and the City Council bought into this. The size of Parcel A at the time the rezone was approved was 17,432 square feet. In the June 2023 plans this was reduced to 13,370 square feet. The December plans show yet another reduction to 11,233 square feet. In total we see a 35% reduction in the size of this parcel and would regard this as another non-compliance.
10) We have been reviewing the forms you sent to us for an appeal to the Appeals Hearing Officer and note that as well as the filing fee we are responsible for the costs of notification. Sometime ahead of the Planning Commission hearing can you please provide me with a ballpark estimate of these costs.
11) As comparables Daniel used the NorthCrest townhouses, between 9th &10th Avenues by the library and the block between D & E Streets and 9th &10th Avenue that contains E Sallie Ave. Would you anticipate using these again as comparables? We are conducting an analysis of development intensity, comparing Ivory's proposal to the established neighborhood and would like this to be as comprehensive as possible and include comparables. We hope to submit this to you in the next couple of weeks.
12) Many residents have expressed concern about the amount of flat roofs shown in Ivory's Architectural file where all but one of the garages have flat roofs. The new Building Heights Exhibits file shows all the garages with peaked roofs. Do you know Ivory's Intent in this regard, the drawings are contradictory?
I think that is probably enough for one session.
Thanks,
Peter

On Tue, Jan 2, 2024 at 8:32 PM Barlow, Aaron <Aaron.Barlow@slcgov.com> wrote:

Hi Peter,

I am happy to discuss this issue (and lot 10) with you tomorrow. I have meetings in the morning, but I am working on reports for the rest of the day, so any time after 11 am works for me. Did you have any other concerns or comments regarding the updated plans (so I can be prepared for our conversation)?

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)

Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182

Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Peter Wright [redacted]
Sent: Saturday, December 30, 2023 9:04 AM
To: Barlow, Aaron <Aaron.Barlow@slcgov.com>; Preserve Our Avenues Zoning Coalition <jwmckinnon@gmail.com>; Thomas Keen <twklak2@aol.com>; Alan Hayes <abh_slcut@yahoo.com>; Lon Jenkins <lonjenkins54@gmail.com>; Joel Deaton <jald2@msn.com>
Subject: (EXTERNAL) Ivory December 2023 Plans. Maximunm Height of Exterior Walls Adjacent to Interior Side Yards

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Dear Aaron,

During the July to October 2023 period we had extensive dialogue regarding 21A.24.080.D.3.c, where Ivory's June 2023 plans were not in compliance with this clause and where this requirement cannot be waived by the planning commission as a part of the planned development application. On October 13th we met with you, Wayne Mills, Nick Norris and Attorney Katherine Pasker where it was agreed that our interpretation of 21A.24.080.D.3.c was correct. We had anticipated that the planning division would require Ivory redesign to be in compliance with this clause.

In the latest December 2023 plans we see no change in this regard, Ivory's design continues to feature full wall heights and significantly reduced interior side yard setbacks in contravention of 21A.24.080.D.3.c. We would be most grateful if you would explain to us how this can be? We would like to understand how the planning division can support an application that you and the city attorney's office have agreed is non-conforming?

Thank you,

Peter Wright

Chair POAC.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, January 4, 2024 1:00 PM
To: Barlow, Aaron
Cc: Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins; Joel Deaton; John Kennedy; Don Warmbier
Subject: (EXTERNAL) Building Heights Exhibit

Follow Up Flag: Follow up
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Aaron,
Thank you for taking the time yesterday to talk me through the analysis of wall heights prepared by Ivory. With the Christmas break we had not yet reviewed this exhibit. We have now done so and find that Ivory's analysis here is fundamentally flawed and incorrect, they have failed to read the language of the ordinance.
The Cross Slopes clause applies **only** to the **downhill exterior wall.** In their analysis Ivory has applied this allowance to all of the exterior walls which is incorrect and inconsistent with the language of the ordinance.
"(1) Cross Slopes: For lots with cross slopes where the topography slopes, ***the downhill exterior wall height may be increased*** *by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building."*
As an example let's look at Ivory's analysis of Units 1 & 2. The same logic applies to all of the units.
1) We agree that the Base Max Wall Height is 20 feet.
2) We agree that the Reduction Due to Setback is 5 feet.
3) We have not checked the Cross Slope Differential but it looks reasonable and for now can accept that the Increase Due To Grade is 6 feet 4 inches.
4) We agree that by calculation this would give an Updated Maximum Wall Height of 21 feet 4 inches, for the **downhill exterior wall.**
The Cross Slopes adjustment for the downhill exterior wall would not however apply to the **uphill exterior wall.** This wall is subject to the Reduction Due to Setback of 5 feet which applies to all walls, but cannot be offset by the Cross Slopes allowance which applies only to the downhill exterior wall, thus the maximum permitted height of this wall is 15 feet. Ivory shows an uphill exterior wall height of 17 feet 4 inches which is in excess of the maximum.
I would be happy to talk this through with you and see how you wish to proceed.
Best regards,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Friday, January 12, 2024 3:45 AM
To: Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Alan Hayes; Lon Jenkins; Thomas Keen; John Kennedy
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 North F Street. Parcel A
Attachments: Parcel A.docx

Follow Up Flag: Follow up
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Aaron,

Please find attached the city council conditions for approval of the rezone for 675 North F Street. I have highlighted the section referring to the commitment by Ivory to make available to the public the open area shown on the draft drawings. The open area referred to here is Parcel A in the southwest corner of the development, this is a drainage basin that can also function as a park.

The December 2022 site plan that was reviewed by the city council showed this open space to be 17,432 square feet. In each further iteration of ivory's plans this area has shrunk. The June 2023 plans showed this area to be 13,370 square feet and the latest December 2023 plans now show this to be 11,233 square feet. In total this area has shrunk by 6,199 square feet or 35.6%. This is a significant reduction in size such that Ivory's design fails to meet the requirements enacted by the city council as a condition for the rezone.

I think you would agree, that if I commited to pay you $100 and instead paid you $65, you would consider this difference significant.

Thank You,

Peter Wright
Chair POAC.

Council Discussion & Council Action

December 13, 2022

The Council voted to approve the Ivory Development proposal to rezone 675 N. F Street following their final briefing on the request.

The Council's discussion and approval centered on retaining wall height, density, and specifications that any built Accessory Dwelling Units (ADUs) not be used as short-term rentals, , among other topics.

The following specific requirements will be included in a development agreement:

- *Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.*
- *Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30' from the corresponding rear or side property line.*
- *Specify that the ADUs may not be used as short-term rentals, using restrictive covenants or another method deemed efficient and appropriate.*
- *The open space area shown on draft drawings will generally be accessible to the community at large, with rules/management to be established by the HOA or other entity based upon the applicant's preference.*
- *Confirming that the City building approval and permitting process will be followed to build retaining walls on the property.*

Learn more by reading MOTION 3 in the Council Motion Sheet.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, January 17, 2024 1:16 AM
To: Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins; John Kennedy
Subject: (EXTERNAL) Ivory Homes Application to Create A First-of-its-Kind Subdivision of ADUs at 675 North F Street.

Follow Up Flag: Follow up
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Dear Aaron,
Please give consideration to the information below and include this letter in the pack to be reviewed by the planning commission.
Thank you,
Peter Wright
Chair POAC

A Lack of Due Process - Creation of a First-of-its-Kind Subdivision of ADUs

The concept of the ADU is that these will be added one-at-a-time, here and there throughout our community, by individual owner occupants, such that the increase in density is small and can be easily absorbed over a wide area. To-date the city and the planning commission has only reviewed applications for individual ADUs.
Ivory is proposing something very different here - a subdivision of ADUs where every home in this development will have an ADU. This Ivory themselves, have described as *"an experiment"* and *"the first of its kind in Utah* ". Mass production of ADUs by a developer is not the same as creation of an individual ADU by an owner occupant. Approval of a subdivision of 21 ADUs is not the same as approval of a single ADU.

Concentrating ADUs in this manner effectively doubles the number of dwellings in a small area and brings into play numerous considerations that do not exist to the same degree for approval of a single ADU. Avenues residents have raised many of these considerations with you, these would include traffic generation, adequacy of parking etc.

When the city seeks to make a change in land use, to the extent that it doubles the number of allowable dwellings, it is required by ordinance 21A.50 to follow a procedure of public notification, public comment, review by the planning commission with a recommendation to the city council; and a subsequent review by the city council, where the change is embodied in the ordinances. Approval of such a new use is a legislative decision not an administrative decision and such decisions are reserved for the city council not the planning commission. No such review of the concept of a subdivision of ADUs has taken place and no rules exist. There has been a lack of due process as required by ordinance.

Ivory first floated this concept of pre-building ADUs in mass to the planning division in 2020, the planning division had ample time to include consideration of this matter in the 2023 revision of the ADU ordinance but failed to do so. With the removal of the Conditional Use requirement, if Ivory were not applying for a planned development, there would not even be a mechanism for review of such a subdivision of ADUs. A completely new and novel concept, which has never been considered by the public or planning commission, with no review mechanism?

The concept of creating a subdivision of ADUs is complex and nuanced. A developer cannot create an ADU, only an owner occupant can create an ADU. Therefore Ivory describes the units it produces as *"potential ADUs".* The ADU ordinance grants rights and special exceptions to individual owner occupants to create an ADU. For example owner occupants can have additional height on detached ADUs. Can a developer constructing a *"potential ADU",* that may never in fact become an ADU, avail themselves of these same special exceptions granted to individual owner occupants ? Ivory seeks to do exactly this on unit 21 where there is a detached potential ADU. Is this permitted? Is this structure subject to the rules for an Accessory Building or an ADU?

There are a lot more questions than answers. The concept of a subdivision of ADUs is complex, raising many questions and needs to be subject to the normal, required review process.

Ivory is seeking to shortcut the process. Shortcuts rarely work well and often create more problems than they solve. Due process should be followed.

Thank you.

Barlow, Aaron

From: Peter Wright <pwwjaw@gmail.com>
Sent: Thursday, January 18, 2024 3:34 AM
To: Barlow, Aaron
Cc: Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen; John Kennedy; Don Warmbier; Joel Deaton; Scott Young
Subject: (EXTERNAL) Ivory Application for a Planned Development at 675 North F Street. The Planned Development Claims are Invalid
Attachments: Ivory PD Justifications Invalid.docx

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,
I would be most grateful if you would review the attached information and ensure this is included in the pack to be reviewed by the planning commission.
Thank you.

Ivory's Planned Planned Development Justifications are Invalid

The attached note clearly demonstrates that Ivory's planned development justifications are invalid. We do hope members of the planning commission will take the time to read this note.
Thank you.

Ivory's Justifications for a Planned Development are Invalid

Criteria for Grant of a Planned Development

Section 21A.55.010 of the planned development ordinance requires the applicant to demonstrate that the proposal "*incorporates special development characteristics that ...provide a benefit to the community as determined by the planned development objectives."* and states that, *"A planned development will result in a more enhanced product that would be achievable through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments."*

The ordinance lists six objectives to determine if a planned development objective has been accomplished, A to F, and requires that the applicant satisfy at least one of these. In their planned development narrative Ivory lists two such objectives. Both are invalid for the reasons outlined below:

Ivory's First Claim.

1. Housing: Providing type of housing that helps achieve the City's housing goals and policies; (21A.55.010.C.2).

The Capitol Park Cottages Site Plan was designed to facilitate ADUs in new home construction as a distinctive feature.

Ivory's first justification for the grant of a Planned Development is that they provide ADUs or *"potential ADUs"* as they now call them, built as new construction. This claim is invalid.

The inclusion of living space above the garages is permitted in the SR-1 zone without a Planned Development. Such *"potential ADUs"*, can be constructed in an identical manner without a Planned Development and these "*potential ADUs"* cannot therefore be considered a benefit of, or a justification for, the grant of a Planned Development.

As cited above, the applicant must demonstrate that they "*incorporate special development characteristics..."* that would not be "... *achievable through strict application of land use regulations...".*

The SR-1 ordinance defines a box. Ivory's internal "*potential ADUs"* fit into that box. Ivory is therefore permitted to build them in an identical manner without a planned development. Again, they don't need a planned development to build these "*potential ADUs"* and these cannot be considered a benefit of, or justification for the grant of a planned development.

Whether the ADU ordinance was intended to be used for mass creation of ADUs is a different consideration. Also, whether these *"potential ADUs"* will actually become ADUs is again a different consideration; there is no obligation on the purchaser to create an ADU. Purchasers may prefer to use this extra space as a home office, home gym or a guest suite etc. Therefore the number of ADUs that will be created is unknowable as is any potential benefit.

So why does Ivory want a Planned Development? The reason is obvious from their second planned development claim CLUSTERING. Ivory wants a planned development so they can reduce setbacks and expand building lot coverage, to overpack this site with large expensive homes to maximize profitability. The provision of "*potential ADUs",* which can be provided without a planned development, is simply a "hook" to gain a vast array of concessions in the form of reduced setbacks and excessive building lot coverage.

Ivory's Second Claim.

2. Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)

The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate nearly an acre of open space that will be programmed for resident and public recreational use. A quarter mile of paved walking trail will loop and intersect the community. Each home in the community will have direct front door access to this trail and the public can access the trail loop directly from F Street or Capitol Park Avenue.

Clustering. Ivory claims that they preserve nearly an acre of open land by clustering. This claim is false. None of the land Ivory claims to be preserving can be built on for various reasons.

The land Ivory claims to preserve consists of four parts as shown in the illustration. Section 1 and Section 2 were **mandated** as open space by the city as a condition of the rezone and cannot be built on. Section 3 is not even Ivory land but city owned land in the right-of-way for F Street. Section 4 is a thin strip of unbuildable land with a 33 degree slope bordering Northpoint's boundary wall. None of the land Ivory claims to be preserving can be built on and the justification for clustering is invalid. Also please view Ivory's site plan, it is hard to find any open land at all.

Trails

Ivory claims that they produce a "*network of trails"* that provide *"Recreational Opportunities"* and therefore a public benefit. This claim was discussed with 163 residents that live closest to this development.

Not a single person indicated that they would ever use these so-called trails and none felt they provided any public benefit. Most, in fact, thought this claim was laughable. Much of the northern section, a footpath required to access Ivory's houses, is sandwiched in a 10 feet wide gap between an 8.5 feet high retaining wall and 28 feet high houses. This was considered to be claustrophobic and not a pleasant place to walk. Other parts of the northern section pass 5 feet from the front of Ivory's houses and people felt they would be invading the privacy of Ivory residents by walking there.

The western portion situated two feet from a tall fence with Caring Cove was also considered cramped and unpleasant to walk.

The section on F Street, a sidewalk, is not even on Ivory land but city land. This section with a 12% grade is one of the steepest streets in the Avenues and extremely hard to walk.

In summary, residents felt that there are far nicer walks, pretty much everywhere in the Avenues; and considered that these sidewalks, mischaracterized as trails, would only ever be used by Ivory residents to access their homes. They provide no public benefit and this claimed justification for a planned development is invalid.

Conclusions. Ivory provides no valid justification for grant of a planned development and the application should be denied.

OPEN SPACE

IVORY DOES NOT "CLUSTER" BUILDINGS TO PRESERVE OPEN LAND, THIS IS LAND THEY CANNOT BUILD ON.

Ivory Homes Application for a Planned Development

Barlow, Aaron

From: Don Warmbier [redacted]
Sent: Tuesday, January 16, 2024 10:33 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Proposed Planned Development at 675 N F Street
Attachments: Liability of SLC & PC for Wildfires 2.pdf

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow

I am a resident of Northpoint. On August 23, 2023, I sent you an e-mail pointing out the increased wildfire risks to Northpoint that would be generated by approval of the proposed Planned Development at 675 N F Street.

This e-mail constitutes notice that such approval would be inexcusable gross negligence.

A modified version of the memorandum previously attached to my August 23, 2023 e-mail is also attached to this e-mail.

This modified memorandum makes even more explicit to the Planning Division than the August 23 memorandum that the gross negligence constituted by approval of the proposed Planned Development would expose Salt Lake City and its employees to civil and even criminal liability for wildfire damage to which this zoning change contributes.

Because such zoning change makes F Street more defective. unsafe, or dangerous as a wildfire access and evacuation route, Salt Lake City's and its officials' typical defense of governmental immunity from liability for injury caused by their gross negligence would be waived.

Regards

Donald Warmbier

Salt Lake City, and Its Employees, Would Be Civilly and Criminally Liable for Making a Zoning Change Contributing to Wildfire Damage

Summary

This memo outlines reasons why, if Salt Lake City, the Salt Lake City Planning Division and the Salt Lake City Planning Commission, approve a zoning change allowing a proposed Planned Development by Ivory Homes at 675 N F Street, doing so would be gross negligence. If this zoning change contributes to subsequent wildfire damage, Salt Lake City, and its employees in the Planning Division and on the Planning Commission, would be civilly and criminally liable.

This proposed zoning change is distinguished from most the other changes the Planning Division and Planning Commission are typically asked to approve by three wildfire safety concerns. Since the Planning Division and Planning Commission know, or should know, of these wildfire safety concerns, ignoring them and nevertheless approving the proposed change in spite of them, would constitute gross negligence.

First, this property, its F Street border and neighboring Northpoint are in a Wildland-Urban interface, that area of Salt Lake City designated by the US Forestry Service as at highest wildfire risk.

Second, in the event of a wildfire, F Street, from Northpoint's entrance to its intersection with Capital Park Avenue, is the only way the Fire Department could reach Northpoint's 100 plus residents, and they could get out.

Since Ivory has provided insufficient parking within its proposed Planned Development for all the vehicles of the households therein and those of their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Such added on-street parking on F Street from this proposed zoning change would much more often narrow F Street by two lanes, making it harder for and delaying the Fire Department's getting into Northpoint, and Northpoint's residents getting out.

Ivory's planned development also calls for a second intersection on Northpoint's F Street fire access chokepoint, very near to Northpoint's entrance, creating additional traffic congestion on that

chokepoint, and risks that accidents at that intersection would block that chokepoint in the event of a hasty wildfire evacuation.

A narrowed and constricted F Street chokepoint from more cars parked on it, and increased traffic congestion and possible accidents on F Street due to an additional intersection with it, will slow wildfire evacuation and Fire Department access, increasing the risk of damage from future wildfires.

The third factor making approving this proposed zoning change gross negligence is that a written Salt Lake Fire Department Guide calls on the Planning Division and Planning Commission to instead use zoning to decrease “the risk of damage from future wildfires” in high wildfire risk areas such as this.

Just as a landlord commits gross negligence if it deliberately disregards and fails to act on facts which it knows or should know would jeopardize the fire safety of its tenants, the Planning Division and Planning Commission would commit gross negligence if they deliberately disregard facts which they know or should know would jeopardize the future wildfire safety of Northpoint residents.

If the Planning Division and Planning Commission approve a zoning change in similar disregard of facts showing that doing so would jeopardize the future wildfire safety of Northpoint residents, they would similarly be guilty of gross negligence with respect to future wildfire damages to which such zoning change contributes, making Salt Lake City, and members of the Planning Division and Planning Commission individually, liable for contributing to such damages.

1) Wildfire Risk

675 N F Street, unlike most other developments in Salt Lake City, is in a Wildland Urban Interface, that area of Salt Lake City the US Forest Service has designated as being at highest risk of wildfires.

Further, the Planning Division and Planning Commission, and if need be the Courts, must take notice of the fact that, because of climate change, wildfires have become much more frequent and much more severe.

If the Planning Division and Planning Commission disregard wildfire risk with respect to property in a high wildfire risk area, at a time when wildfires have

become more frequent and severe, they would go so much beyond normal administrative discretion as to constitute gross negligence.

2) Access and Evacuation Concerns

The zoning change would create special wildfire safety concerns because, in the event of a wildfire, the portion of F Street bordering on 675 N F Street is a chokepoint that is the only way the Fire Department could reach Northpoint, a community of 100 plus residents, and that Northpoint's residents could use to get out.

Since Ivory has provided insufficient parking within its proposed planned development for all the vehicles of its households and their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Additional on-street parking by cars parked along the curbs on both sides of F Street, from the households and their guests of the proposed planned development, will much more frequently narrow F Street by two lanes and much more

frequently create a more severe chokepoint that, in the event of a wildfire, will slow access to Northpoint by Fire Department vehicles and slow evacuation by Northpoint residents.

Since evacuating Northpoint residents will be trying to get out at the same time firefighters will be going in the opposite direction trying to get in, the egress and access of both will be particularly impeded.

Ivory's planned development also creates a second intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, increasing the risks of traffic accidents at that intersection blocking that chokepoint, particularly in the event of a hasty wildfire evacuation.

The Planning Division and the Planning Commission must consider the fact that this property is on a fire access and evacuation chokepoint. They also have to take notice of the fact Wildfires can travel fast, and that minutes added to firefighter access time or resident evacuation time by a more severely constricted and/or more frequently blocked chokepoint can make a life or death difference. As the Los Angles Times noted on September 7, 2022: "California fires (are) killing people before they can escape their homes, making seconds count."

For Northpoiont, this is not just a theoretical risk. Northpoint residents had to fight a wildfire that recently reached Northpoint's boundary with City Creek Canyon with garden hoses until the Fire Department arrived.

The Planning Division in its Report cannot blithely say that the planned development allowed by the zoning change raises no wildfire safety concerns because "any development will be required to meet...(the same) minimum requirements for fire vehicle and firefighter access...that universally apply to all developments in the City."

Unlike a development in, say, the Sugarhouse or the Ballpark districts, this development lies in a Wildland Urban Interface athwart the only fire vehicle and firefighter access route to, and resident evacuation route from, Northpoint, which the zoning change narrows and makes more constricted and congested, potentially delaying such access and evacuation.

Applying the same criteria to this zoning change request as it would apply to a zoning change request in another part of the City not in a Wildland Urban Interface, and not athwart the only fire access and egress route, would willfully and

deliberately ignore the very facts that distinguish this zoning request from other such requests, and would constitute abuse of its administrative discretion on the part of the Planning Division and Planning Commission.

Such abuse of discretion would amount to gross negligence, and open Salt Lake City, and members of the Planning Division and Planning Commission individually, to civil and criminal liability for damages if, because a more constricted and congested Northpoint fire access chokepoint impeded fire department access and resident evacuation, the zoning change contributed to or increased damage from a future wildfire,.

3) Fire Department Guide

The Salt Lake City Fire Department has published an explicit written Guide on the considerations to be taken into account when making zoning changes with respect to property within a Wildland Urban Interface. In its "Guide to Fire Adapted Communities," posted on the Salt Lake Fire Department's website, the Salt Lake Fire Department states that:

“Proactive land use planning is one of the best ways to address woodland fire concerns and to decrease the number of residents at risk of damage from future wildfires.” (Salt Lake Fire Department website, Guide to Fire Adapted Communities, pages 20-21)

The Fire Department’s Guide includes “zoning restrictions” as “a mechanism for enacting the land use and development policies” of its “proactive land use planning...to decrease the number of residents at risk of damage from future wildfires.” The Fire Department’s Guide clearly intends that zoning restrictions be used in a Wildland Urban Interface to decrease the risk of damage from future wildfires.

This Guide is clearly directed to the Planning Division and Planning Commission, whose job it is to carry out land use planning.

Note that the Fire Department Guide does not merely say that zoning decisions should balance wildfire risk against other considerations, but rather that zoning decisions should be used proactively to actually decrease wildfire risk.

It is not enough to approve this zoning change for property in a Wildland Urban Interface merely

because the Planning Division says it meets the same:

“minimum requirements for fire vehicle and firefighter access to properties...that universally apply to all developments in the City.”

The requested zoning change should not be allowed merely because it meets the same Fire Code requirements that it would have to meet if it dealt with a development on property not in a Wildland Urban Interface and not on a fire access and evacuation chokepoint, i. e, where wildfire risk is not a concern.

When a zoning change request affects property in a Wildland Urban Interface, the Fire Department Guide has imposed upon the Planning Division and the Planning Commission an additional standard: that the zoning change actually decreases the risk of damage from future wildfires.

By recommending a zoning change that would instead delay the time it would take Fire Department vehicles to reach Northpoint to fight future wildfires, and the time it would take Northpoint residents to evacuate, the Planning Division and Planning Commission would act contrary to the Fire

Department's Guide, and instead actually engage in land use planning that increases wildfire risk.

For Salt Lake City Planning Division and Planning Commission to so blatantly disregard and act contrary to the explicit written Guide of the Salt Lake City Fire Department, and treat that Guide, and the wildfire risk it was issued to protect against, as if they did not exist, rather than abiding by the standard that that Guide directs the Planning Division and Planning Commission to follow, would constitute inexcusable gross negligence.

Similarities To Triangle Shirtwaist Fire

The circumstances that would be created if this zoning change request is granted are similar to those that made the owners of the Triangle Shirtwaist Factory liable for contributing to the damages from the infamous 1911 fire in the Triangle Shirtwaist Factory. The pertinent facts about the Triangle Shirtwaist fire are summarized in the following excerpts from Wikipedia:

"The Triangle Shirtwaist Factory fire in the Greenwich Village neighborhood of Manhattan, New York City on Saturday, March 25, 1911, was the

deadliest industrial disaster in the history of the city, and one of the deadliest in U. S. History. The fire caused the deaths of 196 garment workers-123 women and girls and 23 men-who died from the fire, smoke inhalation, or falling or jumping to their deaths... Because the doors to the stairwells and exits were locked-a common practice at the time to prevent workers from taking unauthorized breaks and to reduce theft-many of the workers could not escape from the burning building and jumped from the high windows...

The Triangle Waist Company factory occupied the 8th, 9th and 10th floors of the 10-story Asch Building on the northwest corner of Greene Street and Washington Place, just east of Washington Square Park, in the Greenwich Village neighborhood of New York City. Under the ownership of Max Blanck and Isaac Harris, the factory produced women's blouses, known as "shirtwaists"...

flames prevented workers from descending the Greene Street stairway and the door to the Washington Place stairway was locked... Dozens of employees escaped the fire by going up the Green Street stairway to the roof. Other survivors were able to jam themselves into the elevators while they continued to operate. Within three minutes, the

Green Street stairway became unusable in both directions.

Terrified employees crowed into the single exterior fire escape-which city officials had allowed Asch to erect instead of the required third

staircase-a flimsy and poorly anchored iron structure that may have been broken before the fire. It soon twisted and collapsed from the heat and overload, spilling about 20 victims nearly 100 feet (30 m.) to their deaths on the concrete pavement below. The remainder waited until smoke and fire overcame. The fire department arrived quickly but was unable to stop the flames, as their ladders were only long enough to reach as high as the 7th floor...

The company's owners, Max Blanck and Issac Harris-both Jewish immigrants-who survived the fire by fleeing to the building's roof when it began, were indicted on charges of first- and second-degree Manslaughter in mid-April...The prosecution charged that the owners knew the exit doors were locked at the time in question...but the defense stressed that the prosecution failed to prove the owners knew that. The jury acquitted the two men of first- and second- degree manslaughter, but they were found liable of wrongful death during a

subsequent civil suit in 1913 in which plaintiffs were awarded compensation...” (Wikipedia, Triangle Shirtwaist Factory Fire)

Salt Lake City, as the owner of the portion of F Street needed by Northpoint residents as their only escape route in the event of a wildfire, and members of the Salt Lake Planning Division and Salt Lake Planning Commission, as employees, agents and officials of Salt Lake City and managers of that portion of F Street on behalf of Salt Lake City, determine and are responsible for how easy or how difficult such escape will be, just as the owners of the Triangle Waist Company, as controlling tenants of the Asch Building, determined and were responsible for how easy or difficult it was for workers in their factory to escape from the Triangle Shirtwaist fire.

If the Planning Division and Planning Commission make Fire Department access to and resident evacuation from Northpoint more difficult, by allowing a zoning change based on their refusal to follow the Salt Lake Fire Department’s Guide asking them to use zoning to decrease the risk of damage from future wildfires, they will be inexcusably grossly negligent in doing so.

Note that the owners of the Triangle Waist Company were found guilty of civil liability for wrongful death, and were acquitted of criminal manslaughter only because the prosecution failed to prove the owners knew the exit doors were locked.

No such excuse is available to members of the Salt Lake Planning Division and Salt Lake Planning Commission, because they have been told over and over again that the proposed Planned Development increases wildfire risk, thereby subjecting them to criminal as well as civil liability.

Note also liability did not require the Triangle Waist Company to block all possible factory exits. The factory owners only locked the doors to one of the factory's stairwells, so some employees were still able to escape the burning factory using another stairwell, the elevators or the exterior fire escape. The factory owners were nevertheless found responsible at least for civil damages, because their actions made escape more difficult, even though not impossible.

Similarlly, even if the Planning Division and Planning Commission only make escape from, and Fire Department access to, Northpoint more difficult in the event of a wildfire, they would still be grossly

negligent for doing so with full knowledge of, but in deliberate and intentional disregard of, a Guide published by the Salt Lake City Fire Department.

Just as the owners of the Triangle Waist Company were not allowed to impose additional fire safety risk on their workers by locking some doors of their factory, simply to increase those owners' profits, Salt Lake City, as the owner of F Street, and the Planning Division and Planning Commission as City employees managing F Street, should not be allowed to impose additional wildfire risk on residents of Northpoint, by narrowing, constricting and congesting their only wildfire access and egress route, simply to increase developer profits.

Governmental Immunity Will Not Protect Salt Lake City and Its Employees

It might be thought that a zoning change resulting from Salt Lake City's gross negligence, even though it contributes to subsequent wildfire damage, while morally obnoxious, would not subject Salt Lake City, and its employees in the Salt Lake Planning Division and on the Salt Lake Planning Commission, to any liability for such damage, because Salt Lake City,

unlike the Triangle Waist Company, is protected by Governmental Immunity.

However, in this case, such governmental Immunity is waived.

The Governmental Immunity Act of Utah states that:

“(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from

suit for any injury that results from the exercise of a governmental function.” (63G-7-201(1))

However:

“Immunity from suit of each governmental entity is waived

Except as provided in Subsection 63G-7-201(3), as to any injury caused by:

A defective, unsafe, or dangerous condition of any highway, road, street, alley crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them;” (63G-7-301(2)(h)(i))

Subsection 63G-7-201(3)(a)(i) provides:
“A government entity, its officers, and its employees are immune from suit, and immunity is not waived,

for any injury if the injury arises out of or in connection with, or results from:

a latent dangerous or latent defective condition of Any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct" (63G-7-201(3)(a)(i)

Under the Governmental Act, therefore, Salt Lake City's immunity from suit for injuries caused by the defective, unsafe, or dangerous condition of a street is waived, unless, in the case of a dangerous or defective condition of the street, the defective or dangerous condition of the street is latent, i.e., is hidden or concealed.

If the Salt Lake City, the Planning Division and Planning Commission make a zoning change making the condition of F Street as a wildfire access and evacuation route more "dangerous," or "defective," Salt Lake City's and its employees' governmental immunity would nevertheless still be waived, because the more dangerous or defective condition of that street as a wildfire access and evacuation route created by the zoning change would not be latent. Such a dangerous or defective condition, since it has been repeatedly pointed out to the Planning Division and the Planning

Commission, would instead be blatant, open and notorious.

Further, while 63G-7-201(3)(a)(i) says that while governmental immunity is not waived by 63G-7-301(2)(h)(i) for a street that is in "a latent dangerous or latent defective condition," this exception to the immunity waiver in 63G-7-301(2)(h)(i) applies only to a "latent dangerous or latent defective condition." Immunity is still waived for liability for damage caused by an F Street that is shown to have been made merely "unsafe" as a fire access and evacuation route by a zoning change, rather than as "dangerous" or "defective."

Salt Lake City, and members of the Planning Division and Planning Commission individually, would, therefore, not have governmental immunity from liability for wildfire damage to which a zoning change made by them contributes, if such zoning change makes F Street more dangerous, defective or unsafe with respect to its use as a wildfire access and evacuation route.

Conclusion

Salt Lake City, and its employees in the Salt Lake City Planning Division and on the Salt Lake Planning

Commission cannot arbitrarily make a zoning change that ignores or intentionally disregards wildfire risks to property in a Wildland Urban Interface, ignores or intentionally disregards the increased wildfire risks from narrowing, congesting and constricting the only access and evacuation route from property in a Wildland Urban Interface, and ignores or intentionally disregards the wildfire protections called for in the Guide published by the Salt Lake City Fire Department. Approving such a zoning change, by making F Street more dangerous, defective, or unsafe with respect to its use as a wildfire access and evacuation route, would constitute gross negligence.

If Salt Lake City, and its employees in the Planning Division and on Planning Commission, make such a zoning change, it and they would be civilly and criminally liable for damages from injury from such gross negligence. Because such injury would be caused by a defective, unsafe or dangerous condition of a street, Salt Lake City and its officials' typical defense of governmental immunity from tort and criminal liability would not be available.

Barlow, Aaron

From: P Kent [redacted]
Sent: Wednesday, January 10, 2024 2:56 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Project on "F" Street

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

January 10, 2024

Aaron Barlow AICP

Principal City Planner Salt Lake City

Aaron.Barlow@slcgov.com

Re: Ivory Homes Project on "F" Street

Greetings

I am a registered Architect having practiced in five Western states and in Pennsylvania over the past 45 years. I have been a resident of the avenues area of SLC for 25 years.

I note with interest Ivory Homes proposed project on "F" street. I'm concerned that Ivory is trying to take advantage of the city by misusing the code that allows extra height for exterior walls. (21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D,3,c,1) The reference is very specific that the increased height applies to the downhill exterior walls only.

I hope you can point this out to Ivory Homes so that they can modify their designs accordingly.

Thank you for your help in this matter and thank you for your service to Salt Lake City.

P. Kent Fairbanks AIA

[redacted]

Barlow, Aaron

From: Scott Young [redacted]
Sent: Sunday, October 29, 2023 9:26 AM
To: Preserve Our Avenues Zoning Coalition; Norris, Nick; Mills, Wayne; Barlow, Aaron; Pasker, Katherine
Cc: Peter Wright; Joel Deaton; THOMAS KEEN; Alan Hayes; Lon Jenkins; Larry Perkins; John Kennedy; Don Warmbier; Wharton, Chris; Lewis, Katherine; Mayor; Scott Young
Subject: (EXTERNAL) RE: Ivory Homes Application for a Planned Development at 675 N F Street

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Jan,

The letter is awesome. The one concept you might want to address is that the Meridien also built a driveway out to F Street. I don't remember the reasons, but if the City required it then what was the rationale. Why require one development to exit onto F street but not another.

Thanks for all that you and the team have done.

Scott F. Young
Chief Operating Officer
Sentry Financial
[redacted]

From: Jan McKinnon [redacted]
Sent: Saturday, October 28, 2023 7:03 PM
To: Norris, Nick <nick.norris@slcgov.com>; Mills, Wayne <wayne.mills@slcgov.com>; Barlow, Aaron <aaron.barlow@slcgov.com>; katherine.pasker@slcgov.com
Cc: Peter Wright <pwwjaw@gmail.com>; Joel Deaton <jald2@msn.com>; THOMAS KEEN <twklak2@aol.com>; Alan Hayes <abh_slcut@yahoo.com>; Lon Jenkins <lonjenkins54@gmail.com>; Larry Perkins <advancemortgageq@gmail.com>; John Kennedy <John@kennedys.org>; Don Warmbier <dfwarmbier@gmail.com>; Scott Young <syoung@sentry.financial>; Chris Wharton <chris.wharton@slcgov.com>; Katherine.lewis@slcgov.com; mayor@slcgov.com
Subject: Ivory Homes Application for a Planned Development at 675 N F Street

To: Nick, Aaron, Wayne, and Katherine:

Following our meeting of 10/13/2023, I wanted to write to you in my capacity as President of the Meridien HOA, the owners of Capitol Park Avenue. Please see the attached letter.

During our meeting we briefly discussed the issue of the City facilitating Ivory in overburdening the easement allowing access to Capitol Park Avenue. The attached letter details how the City cannot reasonably approve a planned

development that overburdens the private property of the Meridien. The position taken at the meeting that this is a matter between Meridien and Ivory is both incorrect and unreasonable. Ivory does not grant itself a planned development; the City does and the City has a responsibility to do proper due diligence in ensuring that the rights of neighboring property owners are not infringed upon.
I would greatly appreciate a detailed reply from you on this matter at your earliest convenience.

Thank you,
Jan McKinnon
President, Meridien HOA.

Barlow, Aaron

From: Dustin Lipson [redacted]
Sent: Wednesday, July 26, 2023 5:30 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Avenues Feedback

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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We are homeowners on 11th Ave and F St. We do not support this development. The design architecture and site plan are completely inconsistent with the surrounding neighborhood. This will stand out as a blight of poorly developed property where ROI is the predominant consideration taking priority over quality residential development. We do not oppose development. We oppose poorly conceived and designed development. Please stop conceding to Ivory.

Kind Regards,
Dustin Lipson

Barlow, Aaron

From: Bill Petrick [redacted]
Sent: Sunday, July 30, 2023 11:01 AM
To: Barlow, Aaron
Subject: (EXTERNAL) No Ivory Capital Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Hi Aaron,

The Avenues is already one of the most densely populated neighborhoods in Utah. We don't need another source of traffic and congestion that Ivory's Capital Park Cottages would be.

As a long time resident of the Avenues I have seen many changes. All of them associated with increased development have been detrimental to the quality of life in the Avenues. Examples are the permitting of the Monster House at 675 8th Avenue and the recent over zealous foothill bike path construction. I am an avid trail rider and I don't like the overcrowded riding and parking encouraged by the maze of trails. The 8th Ave Monster House is zoned SR-1 but has turned into a three story apartment building.

Thanks for considering my view on the subject.

Bill Petrick

[redacted]

Barlow, Aaron

From: Catherine Burton [redacted]
Sent: Sunday, July 30, 2023 1:56 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory proposal on F St

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello
Thank you for allowing me to voice my opinion on this project. I'm glad that this is being reopened and reconsidered again.
I've lived in the upper avenues for over 20 years. My parents have lived at Northpoint for about 15 years. My grandparents bought their house on C St and 11th Ave in 1954 and raised their family (including my Dad who walked to West High every day). This house is still in the family.
We know the avenues well and, in my opinion, any more than 10 ish homes is far too many for that area of the avenues. The traffic and pollution with Ivory's plans will make 11th Avenue difficult and dangerous to navigate especially for runners, bikers, walkers who use that street from sunup to sundown.
Ivory says it will make it a walkable community, but have you ever walked up E or F street?... it's completely unwalkable for most people. 80% of Americans would be unable to walk from F street and 12th Ave to Smiths and back.
Ivory says they will make sure every home has an option for ADUs....but the reality is those homes will be at least over a million each and those who can afford those prices will likely not have ADUs.

I beg and plead that you reverse Ivory's permit to build so many homes in this area of the avenues. In fact, I would like to see SLC put a park in that area.

The housing situation is SLC proper is not great and we need solutions, but Ivory's F street project is not the solution and Ivory's intentions are not to improve housing options for SLC proper.

Thanks for your time
Catherine Burton
[redacted]

[redacted]

Barlow, Aaron

From: Charlie Ward [redacted]
Sent: Wednesday, August 2, 2023 8:51 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Petition Number: PLNPCM2023-00656

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Comment regarding Petition Number: PLNPCM2023-00656

Comment: the most recently submitted plan and proposed architecture of this plan is more than satisfactory to this avenues homeowner. Compared to its neighboring multi family properties (North Point, Meridian, and F street condominiums), it will add a better architectural connection and avenues community as a whole while it increases a gentle density.
Pleased with the use of architectural precedents from the neighborhood to inform the style of the buildings.
Pleased with a mix of ADUS to address affordability.
I was satisfied with the 82 off street parking from the alleyways.
Satisfied with the community access to a 1/4” mile circulation trail around the perimeter.
Overall very pleased. I don’t see any valid reason to stop any further progress on what will be a welcome addition to the city.
Kind regards,
Charles Ward
16th Avenue
--
[redacted]

Barlow, Aaron

From: G Alex Taft [redacted]
Sent: Wednesday, August 2, 2023 10:56 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Capital Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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I am in favor of the plan. Increased density and ADUs will contribute to lower house prices and make the neighborhood more active. My experience as an urban planner and former Missoula city councilor tell me this plan is workable.

Alex Taft
[redacted]

Barlow, Aaron

From: Dave Alderman [redacted]
Sent: Thursday, August 3, 2023 8:25 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Aaron - sorry that Planning decided not to attend the Avenues Community Council meeting last night. I have some questions that I hope you'll be able to answer.

What is a Planned Development?
Why is Ivory proposing a Planned Development?
How is this different from Zoning exceptions?
What are they asking to do that they can't do with the current (new) Zoning?

These differences may be in the material, but I didn't find it when I scanned through.

Dave Alderman

Barlow, Aaron

From: Ira Hinckley [redacted]
Sent: Thursday, August 3, 2023 4:05 PM
To: Barlow, Aaron
Subject: (EXTERNAL) No to Ivory zoning changes at Capitol Park

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hi,

I am opposed to allowing Ivory homes special privileges with zoning allowances at Capitol Park in the Avenues.

Because they are a large organization with political connections they believe they can bully their way into exemptions with zoning. They should be subjected to the rule of law just as everyone else.

Their cramped and crowded houses at capitol park should not be allowed, nor should their ADU's!

regards,
Ira Hinckley
resident

Barlow, Aaron

From: Larry Perkins [redacted]
Sent: Thursday, August 3, 2023 2:48 PM
To: Barlow, Aaron
Cc: Wharton, Chris
Subject: (EXTERNAL) PLNPCM2023-00656 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron:
As the Treasurer of the Capitol Park HOA and as a person who has lived in close proximity to 675 North F Street for nearly 20 years, I beg of you to Please, Please, Please honor and exercise the "Planner" portion of your own Job Title as well as of the Department of our City Government that you are part of! Because a central purpose of "Planning" is (1) to ensure that infrastructure is scaled to a certain level of use and anticipated use and then (2) to permit only the intensity of use that is compatible with what has been planned -- And Built.

Ivory's proposed project on the above mentioned parcel has not dropped out of the sky into a vacuum. Rather, one of the two "frontages" of their parcel/project is located on Capitol Park Avenue. And Capitol Park Avenue is a privately owned and privately maintained street that was purposely built for Foothill Zoning and not for high density zoning. Capitol Park Avenue (which is 30 feet wide from curb to curb) is MUCH narrower than typical Salt Lake City Streets. It was built to accommodate either a church building and its (not daily used) associated parking lot or else up to 11 residences (that was before ADU's became a prominent part of our City's evolving housing policy .... but even considering that change, the street would need to handle no more than 22 households at the maximum). Ivory's Project asks for MULTIPLE variances targeted to place the vehicles of over 40 households onto that narrow, private street.

However, vehicles are only one aspect of the problems Ivory seems to want to create .... and then walk away from. Ivory has allowed Nearly no space for guest parking associated with their 40+ households. And their 24 foot wide "double driveway" that is the sole vehicular access for all of their residential structures save one certainly provides no place to receive or store the piles of snow that will be generated by plowing that L-shaped access drive in the wintertime. IT IS AN EXTREMELY SAFE BET to say that whoever plows Ivory's private roadway will want to place their snow onto Capitol Park Drive.

I know that Salt Lake City has a housing shortage and it is fair for all City residents and neighborhoods to cooperate in addressing that issue. The Re-zoning that the City Council approved a few months ago is a Major change for our neighborhood -- and for our infrastructure. Please do not go overboard on that burden by allowing Ivory's proposed design with its Obvious Problems referenced above (wwaaay more vehicles than anticipated; guest parking forced to attempt to use our private roadway; and piles of plowed snow to be argued about or sued over). Ivory's requested variances create actual on-the-ground problems for us neighbors ON TOP OF those we must accept as a result of the Newly Approved Zoning.

Thank you,
Larry Perkins
[redacted]

Barlow, Aaron

From: Jan McKinnon [redacted]
Sent: Saturday, August 5, 2023 12:20 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Proposed project at 675 N F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Aaron.

As a resident of the Meridien which is across the street from Ivory's proposed development, I am writing to let you know that I oppose this ill conceived concept plan. I am hopeful the emails you receive from our neighborhood residents will be read and carefully considered.

We have never objected to the lot being developed; we just ask for responsible development. Ivory's proposed plan fails on many fronts. It is too dense for this fragile, foothills lot. Having to remove thousands of loads of dirt to accommodate their plan should be the first clue that the design isn't right for this steeply sloped lot.

I am concerned about the lack of adequate resident parking, not to mention the lack of adequate guest parking. In an area of the city that offers few amenities in terms of public transportation, walkable grocery stores, and walkable employment opportunities, every residence will need at least one car and I suspect there will be at least two cars per residence.

The design of the houses does not fit the historic nature of this neighborhood. Ninety foot deep homes, densely packed into extra small lots, isn't the way our neighborhood looks. The number of stairs required to get into the house will be a concern for any person using a walker or in a wheelchair. It doesn't look like there is accommodation for someone with these kinds of needs.

Ivory claims nearly an acre of open space. Where is it? Are the "walking paths" really just necessary sidewalks? Where is the park the city required for the rezone. That small strip of land they are also using as a drainage pond certainly does not qualify as a park, especially given that it was required for the rezone.

Ivory likes to call this development an "experiment." Why experiment on one of the last buildable lots in the Avenue? Ivory has proposed ADU's but only the owner of the residence can apply for an ADU? Will the city regulate these to make certain they don't become short term rental properties? Let me answer that for you. The city has already claimed they don't have the manpower to regulate the ADU's and are expecting the HOA to manage that. Do you realize the damage that does to a neighborhood when you have neighbors tattling on each other? It doesn't make for a very friendly HOA. Many of the owners would be first time landlords and that is a challenge.

Asking for a Planned Development to shrink lot sizes and setbacks so they can over build this lot seems like a lot to ask especially given the concerns of over 2000 of the Avenue's residents. The Planning Division should consider these objections and make sure Ivory develops this lot according to the SR-1 Zone.

We look forward to sharing some of our concerns in person.

Thank you.

Jan McKinnon
HOA President/ Meridien

Barlow, Aaron

From: j B [redacted]
Sent: Wednesday, August 9, 2023 10:47 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Capitol Park Cottages 675 North F Street- Planned Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,

The information regarding this project on the SLC Planners website is full of ideal messaging, lies, and propaganda. Ivory Homes said, “In fact, as we pursued our previous re-zone and master plan amendment applications, we heard from the Planning Commission and City Council members that this site needs more units.” This is laughably a mischaracterization of what was actually said at by the city council. Otherwise, they wouldn’t have needed to amend their proposed site plan multiple times, and then after angering nearly the entire Avenues residents, realized they just needed to change the zoning status of the parcel. The sketch on page 1 and 2 of the design principles indicates that there will be copious amounts of room for an afternoon promenade. Maybe after 17 laps on the “1/4 mile” walk on Mews Walk might do the trick! One sketch shows a wide sidewalk and a road that is able to have two lanes of traffic with a car parked on the side, while the last sketch shows no sidewalk and not room for 2 cars and the project calls it an “alley." Is the 1 acre community park amenity the total amount of leftover slivers of the parcels combined? I don’t see how the math works. If it’s 3.2 acre lot now, how can 1 acre be available for a community park amenity? Is 1/3 of the development going to be a community park? None of this makes sense. They can’t even fit a firetruck through there, what will they do with the snow removal? On one hand they say, they will provide a “variety of architecture to blend into the surrounding neighborhood” and on the other they advertise an “eclectic architecture.” Ivory Homes has been working to pull the wool over the eyes of the citizen’s of the Avenues. They are clearly trying to capitalize on cutting corners, gaslighting the public, and paying off the city officials. Please do your job and enforce the same community standards on this project as you would anybody else who doesn’t have the deep Church-lined pockets of advocating for them.

Jason

Barlow, Aaron

From: Tay Haines [redacted]
Sent: Saturday, August 12, 2023 2:40 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Aaron Barlow, Principal Planner Salt Lake City Planning

I want to express my unhappiness with ivory Homes plan for upper F Street, where grand old trees have lived for maybe 100 years.
It's really discouraging that the City Council has approved this plan in spite of overwhelming disapproval by the community.
The homes are packed in, with shared walls and intimate proximity to each other.
The so-called green space is a narrow belt around solid structures. It is not a "park" and doesn't deserve the name. And trees?
There's very little set-back.
The homes are needlessly large. The ADU concept is being exploited.
There's the additional traffic where cars are the go-to transportation.

It's hard to see how any part of this plan conforms with best practice in city planning.

Sincerely,
Tay Haines

--
Tay Haines
[redacted]

Barlow, Aaron

From: Terrell Smith [redacted]
Sent: Sunday, August 13, 2023 2:21 PM
To: chris.warton@slcgov.com; Barlow, Aaron; Council Comments; Mayor
Subject: (EXTERNAL) 675 North F Street - Zone Change

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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We have lived in the Historic Avenues for over 55 years and we are strongly opposed to the proposed zone change for 675 North F Street. We have expressed this many times in the past since the proposed changes were first made. Peter Wright, Chairman of the Preserve Our Avenues Coalition outlined many of our neighborhood's concerns in his August Agenda Article. In addition, we would like to add that Ivory Homes builds cheap, ticky-tacky, unattractive, high density units that would compromise and denigrate the integrity of the historical homes in the Avenues, In addition, building the proposed number of additional units in the Avenues would adversely affect the property values of all real estate in the Avenues. The recent vote by the Avenue residents overwhelmingly rejected the proposed zone change for Ivory's plans but Ivory Homes continues to push their development and totally disregards our concerns. Please review the number of complaints against Ivory Homes and Fox 13's Investigation of newly constructed Ivory homes that a quick Google search reveals. There are many.

On August 2, 2023, we attended the meeting at the Sweet Library along with many fellow Avenues residents. The residents were there for the town meeting looking for the opportunity to listen to and hear Ivory Home's presentation on their proposed development. The town meeting was scheduled to discuss this project and proposed change in the zoning requirements but no one from Ivory Homes bothered to attend the meeting to discuss their own project.

Their failure to attend the meeting that was scheduled to address their requested zoning changes is telling. Not only was their failure to appear rude and demeaning to the Avenue residents who did attend; by default, Ivory Home's failure to attend their own town meeting should give the planning commission comfort in denying their request.

Sincerely,

Terrell and Tammie Smith
[redacted]

Barlow, Aaron

From: Ann Marie Leone [redacted]
Sent: Monday, August 14, 2023 7:31 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes F street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

I am writing this email to express my concerns on the proposed ivory homes plan. Let's not pretend that Ivory is trying to fill a demand for housing. The units are going to sell for over a million dollar mark with rent for the ADU equally high. There is zero green space, the side, back and front yards are non existent and it's an extreme fire hazard to the neighborhood with no easy access to get out if there were a fire. When I drive around downtown there are hundreds if not thousands of units being built everywhere you look. Please don't let their greediness ruin our neighborhood. Their intent is for profit only and the avenues is not the place for their proposed development. They need to do this further south where there is a growing populaı on and more land.

Sent from my iPhone

Barlow, Aaron

From: John Kennedy [redacted]
Sent: Monday, August 14, 2023 9:03 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory development at 675 N F Street, SLC

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow and the Salt Lake City Planning Division and Commission:

As a neighbor living adjacent to the subject property, I am writing to object to the planned development proposal of Ivory Homes for the above address.

From my perspective, Ivory's proposal has no redeeming qualities which would justify deviation from the current SR1 zoning restrictions. I cannot see any public benefit in the Ivory proposal. It certainly does not create "an enhanced product," required by existing standards for approval of a planned development. I list here only a few of my concerns: Ivory has suggested that its plan creates "trails" and also "preserves open spaces." Sidewalks around a packed development cannot be viewed as "trails." They are just that: sidewalks. In addition, the Ivory plan for "green space" includes property which belongs to the City now along F Street and other property which the City has required as a storm-water impound area. Ivory's plan will require the removal of virtually all of the existing mature trees on the site (including hawk nesting locations). I am unaware of any other non-apartment residential parcel in the Avenues which contains a lower percentage of green space compared with that of Ivory's plan. Moreover, Ivory's claim that its planned development proposal should be approved to allow for ADUs is without any factual basis. The existing SR1 zoning would permit a homeowner to create an ADU without the proposed planned development. These very expensive "cottages" are about 90 feet long and 18-20 feet wide, with non-conforming lot sizes and set-backs, with no yards or recreation areas. Parking for guests and residents is totally inadequate, not to mention the lack of areas for capturing snow removal. This plan simply does not fit in this Avenues neighborhood.

Approval of such a plan by the Division and/or the Commission would be arbitrary, capricious, and contrary to existing law. It should be rejected.

--
John Kennedy
[redacted]

Barlow, Aaron

From: Mame Fitzpatrick [redacted]
Sent: Monday, August 14, 2023 5:56 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello Aaron,
I feel as thought this is a waste of time, but I am extremely OPPOSED to Ivory homes bulldozing their way into the avenues. Don't you see how crowded we are up here all ready, and now you are shoving HOW MANY, all with ADU's. No one wants this, yet you act like we have a voice!! 😬😬

Next you will turn 11th into a foothill drive to access Bountiful.

A silent vote NOOOOOOOOOOOOO

Barlow, Aaron

From: MARILYN NEILSON [redacted]
Sent: Monday, August 14, 2023 9:11 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow, We petition you to hear our pleas. Do not permit this dense and ugly development to destroy our neighborhood.
People have worked a lifetime to move into a refined neighborhood. To inject people who live in ADU's and to crowd out our open space plus endanger the Northpoint residents from fleeing the eventual fire in the canyons, is just wrong.
Please stop this horrid construcı on that will spoil so many lives.
Marilyn Neilson

Barlow, Aaron

From: Mary Mahler [redacted]
Sent: Monday, August 14, 2023 12:34 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) No to Ivory Homes proposed development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron Barlow and Planning Commission

I oppose the proposed development by Ivory Homes at 675 North F Street because of the negative impact that I expect it will have on me and my neighborhood. I live on F Street, some blocks south of the proposed development. Because this development will have many dwelling units and only two traffic outlets, one of which is on F Street, I expect much more traffic up and down this street. F street is not a through street and has many stop signs to which many drivers already respond by just giving a quick tap on the brakes, then speeding through. This results in accidents and near misses in the intersections and difficulty backing out of driveways. I will attend the meeting tonight at Sweet Library and might write again regarding neighborhood impacts based on what I learn there.

Sincerely,

Mary E Mahler
[redacted]

Sent from my iPad

Barlow, Aaron

From: Sally Brunken [redacted]
Sent: Monday, August 14, 2023 8:00 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Sir:

This note is to register my vote against Ivory home jamming homes into the avenue making it dangerous to have so many on inadequate streets and I believe causing many accidents. It does not really fit into the area and will ause "North Point" residents a major problem. I vote NO on this project.

Johanna Brunken
[redacted]

April 15, 2023

Mr. Aaron Barlow
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, Utah 84114-5480

Sent by e-mail: aaron.barlow@slcgov.com
e-mail copies sent to: mayor@slcgov.com; poazcoalition@gmail.com; chris.wharton@slcgov.com

RE: Ivory Homes Proposed Development at 675 North F Street

Dear Mr. Barlow,

I am a resident of the Avenues section of Salt Lake City. By this e-mail, I am voicing my opposition to the Ivory Homes Proposed Planned Development. I am opposed to their proposal for myriad reasons; however I will elaborate only a few of the most import reasons explaining why I am in opposition.

The Ivory proposal is not compatible with the established development in the Avenues The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together.

Ivory's plan includes insufficient parking. They have provided only four guest parking spaces for 42 residences. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. Their plans do not adequately address snow in the winter. This is a strongly sloped foothills lot.

A planned development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit. Furthermore Ivory's proposal does not meet the criteria for a planned development: A planned development is required to produce an "enhanced product". Ivory's proposal radically reduces setbacks and increases building coverage to allow for oversized homes.

Sincerely,

Jack Dolcourt
[redacted]

Barlow, Aaron

From: Jack Dolcourt [redacted]
Sent: Tuesday, August 15, 2023 2:11 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street
Attachments: Ivory Re-zone.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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April 15, 2023

Mr. Aaron Barlow
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, Utah 84114-5480

Sent by e-mail: aaron.barlow@slcgov.com
e-mail copies sent to: mayor@slcgov.com; poazcoali. on@gmail.com; chris.wharton@slcgov.com

RE: Ivory Homes Proposed Development at 675 North F Street

Dear Mr. Barlow,

I am a resident of the Avenues section of Salt Lake City. By this e-mail, I am voicing my opposition to the Ivory Homes Proposed Planned Development. I am opposed to their proposal for myriad reasons; however I will elaborate only a few of the most import reasons explaining why I am in opposition.

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Sincerely,

[redacted]

Barlow, Aaron

From: JAMES W OGILVIE [redacted]
Sent: Tuesday, August 15, 2023 9:44 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes development

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Mr. Barlow,

Home availability in Utah is at a critical junction. Environmentally damaging urban sprawl requiring more road and auto travel has been our only solution. Please allow more homes to be built in close proximity to employment, shopping and entertainment centers in SLC. Do not let the NIMBY mentality to prevail. Permitting higher density housing is crucial to addressing the living-space problems Utah is facing.

Will Ogilvie, a City Creek resident
Sent from Mail for Windows

Barlow, Aaron

From: Joseph Cook [redacted]
Sent: Tuesday, August 15, 2023 9:16 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Opposition to Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

To: Aaron Barlow Salt lake City Planning Devision
From: Jospeh V. Cook, MD a long-time resident of Northpoint Estates
Subject: Ivory Homes proposed development at 675 North F Street
Date: August 15,2023

Dear Aaron Barlow,

I am a long-time resident of Northpoint Estates in Salt Lake City. I have previously a. ended multiple meetings concerning Ivory Homes and their proposed development. I have also expressed concern at several public meetings regarding this development.

It is amazing to me that the city continues to ignore the will of the people who live on the Salt Lake City avenues despite their overwhelming opposition to this project. It also feels to me like Ivory Homes has engaged in a "bait-and-switch" operation with this latest proposal.

My main concern has consistently been about safety. F street near the Northpoint gate is a steep grade and can be particularly difficult in the winter. It is the only egress from Northpoint. The new proposal by Ivory includes approximately 84 cars with 21 units and 21 ADU's. Capital Park is a private road and parking will not be allowed along the side street. Clearly there will be congestion with excessive parking along F street below the Northpoint gate. The road that bisects the new development and enters F street is only a short distance below the Northpoint gate. If the proposal becomes a reality F street will become very narrow and there will be poor visibility. In addition to the car traffic there are frequent service calls with larger vehicles. During the winter months this will be particularly hazardous. If there is ever an emergency that requires quick evacuation there will be a problem as multiple cars will be trying to exit the Northpoint gate and the Ivory project at the same time. I think for safety reasons the project is ill advised.

It is hard to see how the new Ivory proposal provides any public benefit. What they characterize as trails are simply sidewalks and would not constitute a pleasant walk because of being so close to imposing structures.

There are numerous other issues including the fact that Ivory's proposal does not meet the criteria for a planned development and the proposed development will be far from affordable.

My wife and I have loved living on the avenues and Northpoint has been all that we hoped it would be. There are some disadvantages such as the fact that our community is charged exorbitant water rates by the city much more than what we would be charged if we had individual metered homes. We do not have garbage services but are required to provide

our own. We are required to repair our own roads using community funds. On the other hand, we are fully taxed for our property as if we enjoyed these expensive services.

It feels to me like the residents of the avenues area are about to be the victims of an experiment on the part of Ivory Homes and Salt Lake City which will be advantageous to Ivory Homes from a financial standpoint, but a detriment to the residents of the city.

Thank you for considering my concerns.

Barlow, Aaron

From: Julie and Rich Sanders [redacted]
Sent: Tuesday, August 15, 2023 3:29 PM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Cc: Julie Sanders
Subject: (EXTERNAL) Ivory Homes proposed Development at 675 N. F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

To Whom it May Concern.

I live in SLC on Tomahawk Drive. I have lived in my home for over 15 years and have seen many changes in SLC during this period of time. Some changes are good and some are not so good. I strongly feel that the addition of the Ivory Homes Development falls into the not so good change for the following reasons.

1. The area is not large enough to accommodate the number of proposed homes especially with ADUs. They will be crammed together. What about parking? snow removal? can fire trucks get in the proposed streets?
2. The proposed walking trails are a joke.
3. Our current roads can barely handle the car, bike, walking and scooter traffic now. What will happen with an influx of people? I can't speak about water and sewer...
4. These will be expensive homes. That is NOT what is needed in SLC. We need moderately priced homes for families. Families are needed to support the public schools.
5. There is no benefit to the community from this project except for the income that taxes will provide.
6. Living on Tomahawk, I am well aware of fire danger. This proposed development would add to that fear.

SLC is known for the Avenues. The houses are different. They have character. This proposed development does not fit in. By allowing this you are slowly ruining one of the best areas of this city.

Thank you for your time and consideration,

Julie Sanders

Barlow, Aaron

From: Kevin Murphy [redacted]
Sent: Tuesday, August 15, 2023 6:30 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes proposed development in the Upper Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

I was recently at a neighborhood meeting to review the new planned development, and was disappointed with the "planned development". The long narrow houses, little or no setbacks, and absolutely no public benefit. The "trails" are just sidewalks in the development. Parking will be a major issue, and why do you need a whole subdivision of ADU's? Where will these ADU residents park?

Why don't they build a nice townhouse community that could be compatible with the established development already in the Avenues. This plan does not make sense to me.

Kevin Murphy
[redacted]

Barlow, Aaron

From: Pamela King [redacted]
Sent: Tuesday, August 15, 2023 10:59 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Please listen and reconsider

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello Mr Barlow:

I originally moved to Salt Lake City just over two years ago, in order to avoid the trauma of politics.

My husband and I were living in Washington DC before we moved to Utah in June 2021. Our boarded up condo was situated between the White House and the Capitol during the insurrection of January 6. We fled!

As a homeowner and senior citizen of the avenues, this Ivory Home plan is literally the only thing that directly affects my life enough to force me out of political mothballs.

I attended the Ivory meeting at Sweet Library which was not attended by either Ivory or the city council. After having written four letters in vain to the City Council and the planning commission, I think the media needs to get involved in this. The city claims they want public involvement but it seems to be a ruse.

I've walked past the small innocent site on F many times, past the lovely hundred year old trees, wondering about the greed that would place dense condos there and necessitate traffic lights on our quiet streets.

Last year, voted to approve a billion dollar park bond, part of which might have been used to protect that green land as a neighborhood park in perpetuity.

Make no mistake—These Ivory builders are not doing gooders and philanthropists. These condos will help no one except greedy developers.

I live on 11th and H. No one I know in the avenues is in favor of it, yet Ivory goes forward approved by city planners. Perhaps there is some behind-the-scenes shenanigans afoot like in the old movie Chinatown? I took note that one of the Council members (the female who had to resign in disgrace due to her DUI) was in favor of this travesty. I try not to know more because I don't want to poison my life.

Eventually bad deeds are found out and become notorious scandals.

Incredibly, despite neighborhood protest, the project is not only commencing, but increasing in scale! How can this be?

I have lived in high density areas, both Seoul, South Korea, and Washington, DC. I was a cultural geography major in college and understand high density areas and the need for compromise!

Salt Lake City is not a high density area.

In fact, a quick drive down State Street will show a serious downtown blight zone in need of renewal

Developers ought to change their focus from tiny plots of land in the avenues to urban renewal in areas where it could actually benefit our dilapidated city.

Care is needed going forward in this small city! Graffiti is beginning to pop up on our traffic signs. Take head! Take it from me, I have seen homelessness transform to tents to cloth lines attached to trees go up unheeded popping up everywhere in the name of political correctness. If we aren't mindful, tents and graffiti and drugs and homelessness will take over Salt Lake City too. A quick walk down almost any street will confirm problems are already noticeable and running rampant. Encourage development in these areas!

This morning, I reviewed an article from 2022 in " Deseret news. Ivory lobbied Romney in Washington DC, claiming density housing is some sort of an angelic panacea, a heroic gesture for the downtrodden, his intent upon equal opportunity.

Please don't kid yourself. These condos, if they are actually built, will be out of the range financially for any but the wealthy.

The avenues are unique and wonderful neighborhood — historic— and should be protected. Homeowner's opinion should be respected. The city council should be ashamed.

I wish everyone could have the quality of life that we can have here in the avenues. Unfortunately, that's not possible, but it is possible to build better housing in already boarded up and neglected areas.

Think of our future.
Think again!

Pamela King

Barlow, Aaron

From: Tyler Jack [redacted]
Sent: Monday, August 14, 2023 10:47 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com.
Subject: (EXTERNAL) Against the Ivory development in the Aves!

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Not Compatible with Established Development in the Avenues The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90 foot long buildings.

No Public Benefit: A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit.

Ivory's Proposal Does Not Meet the Criteria for a Planned Development: A Planned Development is required to produce an "enhanced product". Ivory's proposal is not an enhanced product.

- Ivory claims that a Planned Development is required to add ADUs. This is not correct. The City law allows ADUs for any qualifying home.

- Ivory also claims they are "preserving open spaces" and "creating trails". These claims are also both untrue. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone.

Ivory should build something closer to the SR-1 zone granted by the City Council. Approval of this Planned Development would make a mockery of the Planned Development process.

Not Affordable: There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates.

Unreasonable: Neighbors who live adjacent to this proposed development purchased their homes

with the understanding new buildings would comply with FR-3. Times change. We recognize more housing is needed. Neighbors understand that the City has rezoned this to SR-1, but the Planned Development takes this way beyond what neighbors feel is reasonable.

Accessory Dwelling Units (ADUs). These are permitted by the City, but have to date only been created one at a time by individual owner occupants. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This will add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

An Experiment: Ivory describes the creation of a subdivision of ADUs as an "experiment -- the first of its kind in Utah". Is this really the right location for such an experiment? A site that only borders one public road. Maybe it makes sense in a walkable part of the city, but not here.

Soil Removal: This is a highly sloped foothills lot. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. How many thousands of truckloads of soil will be trucked out through our steep and narrow Avenues streets so Ivory can overbuild this lot?

Setbacks and Building Coverage: Ivory's proposal radically reduces setbacks and increases building coverage to allow oversized homes on shrunken lots. It is the Planned Development that would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 feet!

No Yards: Houses with no yards are less likely to attract families with young children and will not support enrollment in the Ensign school.

Parking: Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue.

Parking on Capitol Park Avenue: Ivory fronts 9 homes onto Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors.

Fire: Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

Tyler Jack
Manager - NMLS 132155
[redacted]
FRONTLI
FINANCI

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recipient of this email or believe that you have received this correspondence in error, please delete this e

Barlow, Aaron

From: Cindy van Klaveren [redacted]
Sent: Wednesday, August 16, 2023 5:56 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Alan Hayes
Subject: (EXTERNAL) Re Ivory Project on 675 N F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

To Whom It May Concern,

Last evening, Ensign Elementary received a special award to recognize the largest educational growth in SLC School District for 2022-2023, among non-Title 1 schools. This honor underscores the excellent quality of education in our neighborhood school. Isn't it a shame that Ivory's current plan will not attract families with children as the design has no open space nor back or side yards? This development could have drawn a dozen or so such families who might have benefited from the excellent neighborhood school. Ensign would have welcomed those children with open arms. This is indeed an opportunity lost.

Cindy van Klaveren, Retired Teacher, Salt Lake City School District

Cynthia van Klaveren, M.Ed.
Adjunct Instructor, ESL
Salt Lake Community College
[redacted]

Barlow, Aaron

From: Julie Campbell [redacted]
Sent: Wednesday, August 16, 2023 10:19 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory home development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

My name is Julie Campbell
[redacted]
I very much oppose the development on F St.

No more traffic to n our area !

School zone in area ,
Among so many other negative scenarios involved .
Signed
Julie Campbell
[redacted]

Sent from my iPhone

Barlow, Aaron

From: Allison Fernley [redacted]
Sent: Thursday, August 17, 2023 1:12 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

To Whom it may concern:

With respect to: **Ivory Homes Proposed Development at 675 North F Street**

Please see below my concerns about the Ivory Home proposal development:

Not Compatible with Established Development in the Avenues The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90 foot long buildings.

No Public Benefit: A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit.

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- Ivory claims that a Planned Development is required to add ADUs. This is not correct. The City law allows ADUs for any qualifying home.

- Ivory also claims they are "preserving open spaces" and "creating trails". These claims are also both untrue. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone.

Ivory should build something closer to the SR-1 zone granted by the City Council. Approval of this Planned Development would make a mockery of the Planned Development process.

Not Affordable: There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates.

Unreasonable: Neighbors who live adjacent to this proposed development purchased their homes with the understanding new buildings would comply with FR-3. Times change. We recognize more housing is needed. Neighbors understand that the City has rezoned this to SR-1, but the Planned Development takes this way beyond what neighbors feel is reasonable.

Accessory Dwelling Units (ADUs). These are permitted by the City, but have to date only been created one at a time by individual owner occupants. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This will add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

An Experiment: Ivory describes the creation of a subdivision of ADUs as an "experiment -- the first of its kind in Utah". Is this really the right location for such an experiment? A site that only borders one public road. Maybe it makes sense in a walkable part of the city, but not here.

Soil Removal: This is a highly sloped foothills lot. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. How many thousands of truckloads of soil will be trucked out through our steep and narrow Avenues streets so Ivory can overbuild this lot?

Setbacks and Building Coverage: Ivory's proposal radically reduces setbacks and increases building coverage to allow oversized homes on shrunken lots. It is the Planned Development that would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 fee

No Yards: Houses with no yards are less likely to attract families with young children and will not support enrollment in the Ensign school.

Parking: Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue.

Parking on Capitol Park Avenue: Ivory fronts 9 homes onto Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors.

Fire: Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

Thank you for your consideration,

Allison Fernley

Barlow, Aaron

From: Jan McKinnon [redacted]
Sent: Thursday, August 17, 2023 11:03 AM
To: Barlow, Aaron; Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory's Planned Development/Parking!

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron

This is my second email to you regarding the Planned Development by Ivory Homes. I have grave concerns about the design and especially with what looks like nine homes facing Capitol Park Avenue. As you may not know, Capitol Park Avenue is a private road owned by the HOA's of the Meridian and Capitol Park Avenue. We pay to have the road maintained but also have always prohibited parking on the road. With the front door of these nine residences facing Capitol Park Avenue, I suspect the owners are going to try and park on a road posted as "No Parking" and they will be ticketed or towed.

There are a number of reasons why cars are not allowed to park on Capitol Park Avenue. The main reason being is that it isn't as wide as a normal city street and cars parked on the road inhibit travel of cars driving through the neighborhood and would also create difficulty for emergency vehicles responding to an emergency. Parked cars on the road during the winter would make it impossible for our snow plows to clear the snow from the streets.

Capitol Park Avenue HOA members were required to provide at least three enclosed parking spaces when the house was built. In addition, they have double wide driveways that are deep enough to accommodate several guest cars if needed. The Meridien has underground resident parking and two large guest parking lots above ground.

The lack of parking in the Ivory Homes Development in general is a concern. The overflow parking will flow to F Street and 13th Street. In the winter F Street is treacherous and if cars are parked on both sides of the road, it is inevitable that there will be many cars that slide into the parked cars. It's happened before with a few cars parked on the street but you add 5-10 more cars and it would be much worse.

This is an easy problem to solve. Require Ivory Homes to build a development using the SR-1 Zone they were awarded by the City Council. Ivory Homes still makes money, homes with yards provide housing for families keeping our Ensign elementary school populated, the development under these standards would fit in with the surrounding neighborhood, and a beautiful foothills lot would be creatively developed. Right now it looks like Ivory is trying to retrofit an existing plan onto this steeply, sloped lot. It just won't work.

Everyone wins if Ivory is held to the SR-1 Zone.

Thank you. Jan McKinnon

Barlow, Aaron

From: Judy Rose [redacted]
Sent: Thursday, August 17, 2023 10:03 AM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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To Whom it may concern:

With respect to: **Ivory Homes Proposed Development at 675 North F Street**

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Ivory should build something closer to the SR-1 zone granted by the City Council. Approval of this Planned Development would make a mockery of the Planned Development process.

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Fire: Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

Thank you for your consideration,

Judy Rose

Barlow, Aaron

From: Tom King [redacted]
Sent: Thursday, August 17, 2023 9:58 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Avenues Project

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Mr. Barlow,

I am once again communicating my opposition to the proposed Ivory Homes project in the Avenues. The idea of a government of the people, by the people, and for the people seems naive given the overwhelming opposition to the project by citizens and the continued support by city officials. I can only speculate why that is. It certainly undermines my trust of these officials.

There is absolutely no good reason to approve this project, and many good reasons not to, such as parking issues, fire safety issues, traffic issues past an elementary school, and historic preservation issues.

I would certainly hope your Commission would reconsider its approval and do the sensible thing and cancel it.

Tom King

Barlow, Aaron

From: Frasiercore Frasiercore [redacted]
Sent: Friday, August 18, 2023 11:27 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Support of Ivory Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Good Morning Aaron,

I am writing in support of the project proposed by Ivory in the upper avenues. My personal feeling is that this project doesn't go far enough to add density to this part of the city. Homeownership continues to be unobtainable for many people and owners who bought their house for Pennie's are now trying to prevent "others" from living in their part of the city. Ivory has the right to develop a certain number of houses on the lot. Their proposal is the best possible option given the circumstances.

Sent from my iPhone

Barlow, Aaron

From: Teresa Musci [redacted]
Sent: Friday, August 18, 2023 1:18 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Aaron Barlow,

I am writing about my concerns of the Ivory Home development in the Avenues at F street and 13 Avenue. The Development petition from Ivory Homes, is requesting approval for a development that would require modifications to the regulations for a new development within the SR-1 zoning district. I do not believe these modifications should be approved.

As a resident of the Avenues for 30years, I have seen many changes in the Avenues. However, all these changes overall have not changed the look or feel of the historic Avenues neighborhood. The request to cram in 21 oversize houses and possibly 42 residents with ADUs onto shrunken lots, so Ivory Homes could make more money, is absurd. There are many problems with the **SPECIAL MODIFICATIONS** that Ivory homes is asking for in this small plot of land and are as follows.

1) Houses will be built 2X the normal for the SR zone. Nowhere in the avenues are there more than 15 houses being built in this area size. The normal number of houses is 9 to 12 lots for such a similar area.

2) Setbacks from the front and back of the lots will be as small as 2 feet to the street and sidewalks. There are side yards so small that do not comply with the SR zoning. Houses will be on top of each other.

3) There is no space for green space, i.e. a yard.

4) The area will be overly crowded with not enough parking spots. This is further exasperated by a no parking zone in front of 10 houses on the private Capital Park Avenue.

5) If there are ADUs, and that is a big IF, where will they park?

6) A 24-foot-wide road is a nightmare for the residents, deliveries, and waste collection/snow removal.

7) There is no place to put the snow during the winter and the upper Avenues gets a lot of snow.

8) Retaining walls are ridiculously high from 7 to 17 feet tall, due to the terrain of this area and for privacy. The amount of retaining walls to build these houses is ridiculous. These are totally unsafe for the residents, especially during earthquakes, or fires.

9) With the upsurge of potential wildfires in the upper Avenues as per the Salt Lake Fire Department, this proposal of a high density of houses and limited escape routes due to high retaining walls and narrow streets is a safety nightmare for the residents and public service employees such as firemen, paramedics, and police.

This is not an altruistic move by Ivory Homes to provide more housing, it is for IVORY Homes to make more money. Higher density of buildings then the normal Avenues character is a terrible idea. Once again, I do not support a change within the SR-1 zoning district at F street and 13 Avenue. I request that the Ivory Homes petition for special modifications be denied.

Teresa Musci

Barlow, Aaron

From: Tracy [redacted]
Sent: Friday, August 18, 2023 1:42 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Re: Ivory Homes Open House for Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Thank you. I am going to attend. I oppose this rezone and this development.

Sent from my iPhone

On Aug 18, 2023, at 12:15 PM, Barlow, Aaron <Aaron.Barlow@slcgov.com> wrote:

Good Afternoon,

You are receiving this email because you had previously expressed interest in receiving updates regarding Ivory Homes' Capitol Park Cottages development in Salt Lake City. I am forwarding you information regarding an upcoming open house that Ivory Homes will be hosting an informational open house about the project at the Corrine & Jack Sweet Library (455 F St, Salt Lake City, UT 84103) on Wednesday, August 23, 2023, from 6:30 pm to 7:30 pm. This event is not hosted by the city, but Planning staff will be available to answer questions.

Planning staff is reviewing the proposal to ensure that it complies with all relevant zoning regulations and Planned Development Standards. At this time, a public hearing with the Planning Commission has not yet been scheduled. I will send you an email with meeting information once a date has been set.

Sincerely,

<image001.png>

AARON BARLOW, AICP | (*He/Him/His*)
Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182
Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

Barlow, Aaron

From: Gary Crittenden [redacted]
Sent: Saturday, August 19, 2023 11:00 AM
To: Barlow, Aaron
Cc: Mayor; chris.warton@slcgov.com; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,

Sadly, what we were concerned with Ivory's proposal to re-zone the 675 North F Street has happened. As predicted, they are now asking that the re-zoning be taken a step further to enhance the profitability of the development to the further detriment of our neighborhood.

The two most important things that concern me about their over-reaching proposal are:

1. There is simply not enough parking. Houses that front on Capitol Park Avenue will undoubtedly park in front of their homes on a private street that is a no parking zone. This will cause substantial friction between those homeowners and the existing neighbors. There are more "household" units here than spaces.

2. Building long, skinny homes in a north south direction against the grain of the hillside will open channels for rain overflow from the properties above directly onto Capitol Park Avenue and the parking lots/underground parking below at the Meridien. The dramatic difference in height between the Ivory development and Northpointe still remains from their last proposal. The rainstorms of this Spring and Summer have demonstrated how significant the overflow can be. Who will cover the cost of the flooding at the properties below?

What puzzles me the most is what possible benefit is derived from a planned unit development on this property — that is required for approval of a PUD. This is not low income housing. The imposition and cost it will impose on the neighborhood is clear. What possible rationale is there to approve this PUD other than increasing the profit for Ivory Homes on the development?

Gary Crittenden
[redacted]

Sent from my iPad

Barlow, Aaron

From: David Garcia [redacted]
Sent: Sunday, August 20, 2023 12:10 PM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) 675 N F-Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

A Proposal: Increase Downtown Housing Density: Turn the City-County Building grounds into a sanctioned camping site for the homeless. BAD IDEA.

Regarding **the 675 N F-Street Development** proposed by Ivory Homes: A project that more than doubles the density of prevailing regulations allowables. BAD IDEA.

Bad ideas often share the capacity to overlook the obvious.

The various 20th century Zoning regulations for the Avenues (including F-Street) contributed toward the sense of community in the Avenues. That community is **fostered by space,** houses and plots not too small, not too big. Although perhaps discovered by happenstance, it's a formula that works.

A project that more than doubles the density of prevailing regulations allowables? BAD IDEA.

There was a summer 2020 poll taken by the GACC* with regard to the Ivory Homes proposal and much more importantly, the seismic changes in zoning regulations covering the Avenues. The vote was over 1,200 against the proposal, and 25 in favor.

Comment: We, the community inhabitants, **we the 97%,** do not want to allow the regulations and variances to be changed, at least not to the extent that Ivory Homes is requesting. It is a tribute to the skill and strongly financed efforts by Ivory Homes to steamroller the will of the community.

For amplification, this site is on a steep hillside, generating specific access problems. A BAD IDEA made even worse. I am against approval of the 675 N F-Street project. While a consideration, density should be balanced against the sense of space so intrinsic to the Avenues

David Garcia

*GACC =Greater Avenues Community Council, meeting monthly, a group which provides non-opinionated information to the community about issues relating to the Avenues.

Barlow, Aaron

From: Frances [redacted]
Sent: Monday, August 21, 2023 5:13 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Reference Ivory Homes Proposed Development at 675 North F street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Rezoning 675 N F Street

Dear Aaron Barlow,

I hope you are all well.

My name is Frances Copinga, I have lived in Capitol Park for 13 years, I have lived in the avenues my en. re life.

I am writing to express my deep concerns regarding the proposed rezoning of 675 F street by Ivory Homes.

I believe both the planning committed and the city council are intentionally overlooking crucial issues surrounding the rezoning of this lot in order to make Ivory Homes more money.

Initially, numerous developers consider purchasing this property, but each developer deemed the development finically unviable under the existing zoning. However, Ivory Homes' proceed to acquire the land with the apparent intention of seeking a rezoning solely for the purpose of generating profits for their company.

It seems the city council and planning committee are closely aligned with Ivory's primary interested of making profits.

However, many of the issues below have been brushed aside by the city council and planning commission.

1) Incompatibility with Established Development: Ivory's proposed houses are significantly larger than he existing houses in the SR-1 zone of the Avenues. The close proximity of these large buildings with just 10 feet of separation is concerning for increased traffic, aesthetic, parking and fire.
2) Lack of public benefit: A planned Development typically involves concessions on zoning regulations in exchange for a specific public benefit, however, Ivory's proposal fails to provide any meaningful public benefit.
3) Failure to meet planned development criteria: Ivory's proposal does not align with the concept of the "enhanced product" as required for a planned development.
4) Affordability: The proposed development does not offer affordable housing, with homes likely to sell in the millions and the ADU's rented at high avenues rental rates.
5) Concerns about ADUs: The obvious lack of parking with only be exasperated by the ADUs.
6) Locations Suitability: The proposed "experiments of ADU's" as named by Ivory Homes of an ADU Subdivision raises concerns about the increase vehicle traffic and potential disruptions from short term rentals. In addition, this development will only boarder one public road.
7) Environmental impact: The proposal substantial soil removal and building against the natural slope of the land raise questions about the environmental impacts.
8) Set Backs and Building coverage: The proposed reduction in setbacks and increased building coverage compromise the integrity of the SR-1 zone regulations.

In light of these concerns, I would like you all to carefully consider the impact of this proposed development on the community and the surrounding environment.

Thank you for your consideration,

Frances Copinga

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the sender immediately by reply email and destroy the original and all copies of the email, including any attachment(s).

Barlow, Aaron

From: jeanninegregoire [redacted]
Sent: Monday, August 21, 2023 8:40 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Vote AGAINST Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
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Categories: Ivory comments

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Mr. Barlow,

I am emailing you to vote AGAINST the Proposed Ivory Homes Development at 675 North F Street...for many reasons.

Stuffing 42 units into an area that might accommodate 12 is egregiously irresponsible and unacceptable. Where will the 80+ cars that go with them...park?

The Ivory proposal is filled with serious inaccuracies. That fact alone should stop further consideration.

To name a few:

1. Ivory's Proposal does not meet the criteria for a planned development.

2. It is not compatible with established development in the Avenue.

3. Ivory's proposed development provides no public benefit.

4. These are not "affordable" units.

5. There is concern that F Street could become a "choke point" in the case of a fire.

These are just a few serious concerns. There are many more that you will hear about.

Sincerely,

Jeannine Gregoire
[redacted]
Avenues Resident

Sent from my Verizon, Samsung Galaxy smartphone

Barlow, Aaron

From: Joan Harris [redacted]
Sent: Monday, August 21, 2023 12:43 PM
To: Barlow, Aaron
Cc: Wharton, Chris; Mayor; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes proposed development at 675 North F St

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello Aaron,

I'm not in favor of this proposed development for the following reasons:

1. The intense density of these homes is totally incompatible with the development in the Avenues.

2. These homes will be affordable for very few people. These very large homes will be priced in the millions.

3. This proposed project has been unreasonably rezoned. Nearby neighbors purchased their homes with the understanding that new buildings would comply with FR3. Of course, times change, and the City has rezoned this to SR1, but neighbors feel that the Planned Development goes far beyond what is reasonable.

4. There is not enough room for the parking!

Thank you!

Joan Harris

Barlow, Aaron

From: JUDY DENCKER [redacted]
Sent: Monday, August 21, 2023 10:31 AM
To: Barlow, Aaron
Cc: Preserve Our Avenues Zoning Coalition; Peter Wright; Janie Mathis; Lynn Keenan
Subject: (EXTERNAL) FW: A brief compilation of reasons why Ivory should not be permitted to do the planned development they desire at 13th Ave and "F" Streets or 675 "F" Street, if you prefer.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Mr. Barlow -

Over 2000 of Avenues taxpayers, residents and neighbors agreed to fight this matter from the get-go around 3 years ago. The basic reason to fight this nonsense is plain to see and that is, this type of dense growth does not fit in any area of the Avenues. An argument that the vote and subsequent letters and writing campaigns to our city, are no longer valid is nuts. The issue of over-the top density is still valid and plainly visible by Ivory's most recent architectural drawings and plans. Just because the developer won the zoning change issue, does not separate that valid vote from the rest of the matter.

Because Ivory succeeded in getting what they wanted, the zoning change, that does not diminish the fact that the issue remains. Ivory now with their cherished zoning change, wants to go ahead and make special changes to the new zoning in their planned development to fit their criteria, is nuts. Where is the "we want" from Ivory going to end? When is the city going to say "enough"?

Ivory knew when they bought the property what the zoning was but no, that wasn't good enough. So, they finally get what they want, and now they want to change it again and get "special treatment" that will accommodate their "experimental" vision. One way or the other, it's all about Ivory.

You cannot ignore the taxpayers and property owners in huge numbers that have expressed their feelings and expectations as to the protection of the neighborhood from such unnecessary and irresponsible over the top growth.

The disappearance of setbacks to the new zoning, and the one acre of "open space" or "green space", is ridiculous. How can Ivory consider a "trail" from 14th Ave and "F" (the northeastern most boundary of their property), running to the west to the west boundary and south to Capitol Park Ave and then back east to the city mandated drainage basin as "open/green space"? The northern most portion of the "trail" will be sandwiched in between the homes with their 5' setback from the front door of the structures, across the "trail" to the Ivory retaining wall. Doesn't sound like either "open" or "green" space to me. And others agree. Ivory also claims that the parking strip along "F" Street from Capitol Park north to the top of "F" Street, as part of their "green" or "open" space. Does this mean that the city is going to allow Ivory to convert City easement property to part of their overly dense housing to claim it as "green/open" space?

This plan just does not fit the Avenues in any manner or fashion.

There is no way that Ivory can guarantee any amount of ADU's as that decision is the purview of the homeowner, not Ivory, or any other developer to "guarantee".

The city's actions in this matter show that there is extreme prejudice in favor of Ivory getting what they want or, total ignorance of the matter. I don't think anyone in the Avenues who is closely affected by the Ivory project to believe for one second that the city will not give Ivory what it wants in their variance from their new code as to set-backs and such. The city has shown which side of the bread the butter is on by basically siding with Ivory when they at the last minute pulled out from coming to the GACC meeting on Aug. 2 when Ivory pulled out, so did any representative from the city. The only portion of this equation were the POAC(Z) folks who are still strongly vested in this matter and showed at the GACC meeting. Nice showing SLC. Way to support the taxpayers by sticking your metaphorical thumb in our eye and nuzzling up to Ivory even closer.

We see that the city has already agreed to show up at Ivory's "open house" at the Sweet Library where they will be available to talk up their wonderful plan on August 23. Isn't this just showing more favoritism on the part of the city? Sure seems like it when a few days earlier you couldn't even show for the GACC. Not good optics here, Salt Lake City.

It's about time that the city - the Planning Division, the Planning Commission and the City Council stand up for the taxpayers who pay their salaries and other compensation for their "volunteer" time serving on the Planning Commission. The people who live in the Avenues and the immediate area are owed that.

That's just the Avenues. The way the city is being run these days only invites more controversy and hard feelings. Is "fairness" too far a bridge for the city to cross on behalf of the taxpayers and neighbors who have a right to live in a peaceful and harmonious neighborhood? Ivory's plan does not come close to a peaceful neighborhood or harmonious neighborhood addition. The Avenues is not an "experiment" for Ivory or any other "developer". That is a fact!

Judy Dencker

[redacted]

[redacted]

Barlow, Aaron

From: pamellagl [redacted]
Sent: Monday, August 21, 2023 9:36 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Opposed to Ivory Home Proposed Planned Development

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Categories: Ivory comments

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To Whom It May Concern:

I have been a resident of the Avenues for over 50 years. The houses proposed for this development are NOT compatible with the Established Developments in the Avenues.

Ivory claims that this proposed development is "required" to add ADU's but the City law only "allows" them for qualifying homes, it is not a requirement. With the argument that each of the dwellings would have an ADU, the number of vehicles would be staggering and parking a nightmare.
Unfortunately, neighborhoods are becoming painfully aware that ADU's are becoming short term rentals and disruptive to neighborhoods.

Parking for the entire proposal is insufficient and nearby neighborhoods would bear the brunt of all the extra vehicles.

Please do NOT allow this proposed development to proceed. It is entirely incompatible with my neighborhood!! Thank you.

Pam Littig

COMMENTS REGARDING THE APPLICATION OF IVORY DEVELOPMENT, LLC FOR PLANNED DEVELOPMENT TREATMENT FOR A PROJECT LOCATED AT 675 F STREET

RE: PETITION NUMBER: PLNPCM2023-00650
DATE: AUGUST 21, 2023

ATTENTION: AARON BARLOW, PRINCIPAL PLANNER

Since 2001 we have owned and occupied the home at [redacted] one block south of the development site. As long-term residents of the area we have had a first-hand opportunity to follow and participate in the development of the area. We have backgrounds in law, property development and property management. Our professional training and the experiences, the skills developed in course of our careers, as well as and our careful monitoring of the evolving Ivory plans for development of 675 F Street site, have informed the opinions expressed herein. We oppose granting Planned Development approval for the proposed Ivory development.

Ivory has already obtained rezoning for the site which will permit it to achieve what it claims is a "shared vision" with the Planning Commission and City Council for "more units" on the site. Having succeeded in realizing that shared vision, Ivory now seeks Planned Development treatment for the development which would create even more units than are permitted by its recently achieved zoning status.

Ivory has described its development plan as an "experiment" and a "first of its kind in Utah plan". At the core of this experiment is a conjoining of principal residences and what Ivory falsely claims are "ADUs". Its development plan contemplates 21 principal residences, each with an ADU. However, even under the provisions of the recently amended ADU ordinance, Ivory can't create even one ADU and in its marketing efforts it has stressed alternate uses for spaces shown as ADUs on its drawings as possible home offices, guest suites, extra bedrooms and other uses. The experiment is really whether Ivory can successfully lure the Planning Division and the Planning Commission into granting Planned Development status for a project that is built on the fiction that Ivory is creating 21 ADUs. It is simply proposing to build large homes on small lots on the site and what happens next will depend on others.

Since the adoption of the City's ADU ordinance, ADUs have been a housing type that gives the exclusive right to individual homeowners to create an additional housing unit on the property they own and occupy. It's a special property right for owners, not developers or investors. Homeowners and neighborhoods have understandably been concerned since the origin of the

ADU concept that it was capable of misuse and could have an adverse impact on their neighborhoods. They have been consistently assured by public officials that "it's one at a time…it's not a subdivision". But Ivory's Planned Development proposal essentially seeks to create such a subdivision. It calls for what will be the most important decision with respect to ADUs in the history of its existence as a housing concept in Salt Lake City. It will be precedent setting and will guide future decisions by the City in all residential zones and development proposals by all residential developers.

Ironically, without Planned Development treatment Ivory can build houses that could make it easier for any future owner-occupant to create an internal rental ADU. The Planned Development treatment it is seeking simply permits it to more intensely develop the site and to escape the limitations of the SR-1 zoning regulations which govern its SR-1 neighbors.

The City needs to analyze Ivory's plan based on what it represents, a residential development that is clearly inferior to one built in strict compliance with SR-1 zoning regulations, not one which would be enhanced by Planned Development treatment. Ivory proposes larger houses on smaller lots that are normally found in SR-1 districts. Ivory's Planned Development Application attempts to defend this lack of compatibility with neighboring properties, but the disharmony is entirely the result of design, economic and marketing decisions it has chosen to make. Street facing facades that purport to mimic facades of older Avenues homes are only superficial props for the large, characterless nonconforming structures to which they are attached. The dense and functionally interdependent design Ivory proposes will create a long-term management nightmare for owners, occupants, and the City if its vision of 21 independent landlords attempting to manage 21 independent tenants develops. The design and site conditions of the development will not appeal to families with young children or occupants with physical limitations. The design also lacks adequate parking and ease of access. The open space and public inclusion claims made by Ivory to justify Planned Development status are simply fatuous. In short, the success of this experiment will be jeopardized by the many excesses and omissions of the design itself. If the City desires to facilitate this type of development, a failed experiment on this site will stand in the way of future development elsewhere and public acceptance of the concept.

We watched as Nick Norris delivered the 2021 ADU Annual Report. Among other things, his report dealt with the burden of required reviews by the Planning Commission of individual ADU approval requests. He addressed the value of public input on ADU approval by City officials and expressed the view that public input didn't add anything to the process because "we know what they think." To us it sounded as if he was saying "we don't care what they think". The Ivory ADU subdivision experiment is of a different magnitude, but the attitude of public officials toward public input is a concern to everyone impacted by this proposed development.

Public opinion is intended by our system of laws to benefit public policy development and administration. It shouldn't be treated as a mere ritualistic hurdle to be cleared on the way to an inevitable project approval for a large, politically powerful developer. Please give serious

consideration to our views as well as those who, like us, have followed the evolution of Ivory's development proposal for several years and have taken the time to study and comment on it.

Lynn A. Keen

Thomas W. Keen

Barlow, Aaron

From: Charles Cannon [redacted]
Sent: Tuesday, August 22, 2023 8:48 AM
To: Barlow, Aaron; Mayor; Wharton, Chris; poacoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
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Categories: Ivory comments

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Dear Mr. Barlow,
I am a homeowner on 13th Avenue near the proposed development. My wife and I strongly oppose the current Ivory proposal. The scale of proposed houses on reduced lot sizes, together with the failure to comply with normal setback and coverage requirements under SR1, go far beyond a reasonable accommodation with neighborhood norms,
The failure of Ivory representatives to appear at our neighborhood association meeting earlier this month is a perfect reflection of Ivory's unwillingness to listen to the concerns of neighboring homeowners and residents. The Planning Department has an opportunity to listen respectfully to those who make this neighborhood a vital and desirable place to live.
Repeated communications, surveys and petitions by hundreds of citizens have been met with limited response from the government that claims to serve us.
Please review the proposed development plan with our concerns in mind. We appreciate the pressure brought to bear on you and your staff, but urge you to require full compliance with the letter and spirit of zoning and planning requirements.
Thank you for your service,
Charles A. Cannon
[redacted]

Barlow, Aaron

From: Cheri Daily [redacted]
Sent: Tuesday, August 22, 2023 6:22 PM
To: Barlow, Aaron
Cc: poazcoalition@gmail.com; Preserve Our Avenues Zoning Coalition; Wharton, Chris; Mayor
Subject: (EXTERNAL) Ivory Home Proposed Development at 675 N F Street

Follow Up Flag: Follow up
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Categories: Ivory comments

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Cheri Daily [redacted]

To: Salt Lake City Planning Commission
Attn: Aaron Barlow
Re: Ivory Home Proposed Development at 675 N F Street

I am writing to express my **strong opposition** to Ivory's planned development at this site. The plans they have put forth are completely out of character with the rest of the homes in the area and twice the size of most houses in the SR-1 zone of the Avenues. The houses described are huge, packed together with no yards, tiny setbacks, and a laughable "green space" trail that appears to go between two large retaining walls at the back of the lot.

Critically, as a resident on F street, there is not remotely enough parking, with only 4 designated extra street spaces for up to 21 ADUs. F Street is narrow and very steep at this end of the street, and as it is, garbage and other service trucks have to back down the street. Adding lines of cars parked on the street because of Ivory's poor planning creates a potentially dangerous situation for emergency services.

There is no "enhanced product" in this plan to meet the criteria for a planned development. These are huge, expensive homes stuffed onto SR-1 lots with steep grades and no yards.

I ask you to please vote against Ivory's Planned Development at this site.

Cheri Daily
[redacted]

Barlow, Aaron

From: Julie Mackie [redacted]
Sent: Tuesday, August 22, 2023 3:41 PM
To: Barlow, Aaron
Cc: [redacted] Preserve Our Avenues Zoning Coalition
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Steet

Follow Up Flag: Follow up
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Categories: Ivory comments

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Mr. Barlow,
This is not my first email to the city regarding the Ivory Homes Proposed Development Plan at 675 North F Street. My opinion has not changed nor has anyone else's in my neighborhood. This is a very flawed proposal being presented. It is not compatible with the neighborhood I live in, with single family homes, proper setbacks, sidewalks, park strip and parking! Not to mention the basic safety in a high risk area of wildfire.
How does the city make sense of this, except to satisfy the profit of Ivory Homes?
Please ask Ivory Homes to redesign their plans to produce an "enhanced product".
Thank you
Julie Mackie
[redacted]

Barlow, Aaron

From: THOMAS KEEN [redacted]
Sent: Tuesday, August 22, 2023 9:39 AM
To: Barlow, Aaron
Cc: Chris Wharton; Maria Mastakas; Peter Wright
Subject: (EXTERNAL) CAPITOL PARK COTTAGES PLANNED DEVELOPMENT APPLICATION
Attachments: aaron barlow correspondence 1.0.docx

Follow Up Flag: Flag for follow up
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Categories: Ivory comments

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Enclosed is our statement of opposition to granting the the Ivory Development, LLC's 6/12/2023 application for Planned Development treatment of its development at 675 F Street. We, and many others, have provided written input on prior design iterations for this project. While the rezoning granted by City Council mooted the zoning portion of those inputs, there is much that remains pertinent to the plan review you are conducting. Because the decision reached by the Building Division as a result of your review will be precedent setting for future proposals of the sort being advanced by Ivory, your review is extremely important for all of Salt Lake City, not just our neighborhood. We urge you to review those earlier written submissions. The attached statement of opposition merely summarizes our objections, which are more fully explained in many of our prior written submissions. Thank you for the opportunity to assist in the review of this proposal.

Tom and Lynn Keen

Barlow, Aaron

From: Margo Stevens [redacted]
Sent: Tuesday, August 22, 2023 10:27 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Proposed Development

Follow Up Flag: Follow up
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Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron,

I am writing to express my opposition to the Proposed Ivory Home Development at 675 North F Street. I live in the Avenues and have followed this development for some time. I was disappointed that the City decided to rezone this area to SR-1 but also recognize that there are needs for more high density housing in the City and strive to not be a "not in my backyard" reactionary. It is discouraging, to say the least, that this isn't far enough for Ivory Homes, who now want to take it even further with this Planned Development. This appears driven by sheer greed rather than an attempt at compromise by abiding to the changed zoning they were already able to secure. I have written other letters outlining my concerns. My concerns are the same but now have the added element that Ivory Homes is pushing for even MORE high density in an area of our City where the impact would be severe.

Thank you for your time and concern,

Margo Stevens
[redacted]

Barlow, Aaron

From: Patrick Park [redacted]
Sent: Tuesday, August 22, 2023 10:57 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Objection to Ivory Homes proposal for development

Follow Up Flag: Follow up
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Categories: Ivory comments

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Through the Avenues Coalition presentation and education, I have become aware of a new and excessive request by Ivory Homes to alter the zoning requirements for homes in the upper avenues. The presentation included a drawing of the proposed change and the back door naming of a "Planned Development" for this F street site.
The proposal makes a mockery of community planning and the wise development of our beloved avenues. Ivory Homes instead of being appreciative of the recent change in zoning, now wants to wedge large million dollar homes into narrow lots with attached ADUs. There is no provision for parking for an occupied ADU and guests would have to park on an already over taxed F Street. Emergency vehicles services would be severely compromised.
This proposal has many more faults which I'm sure have been addressed in others responses.
Certainly the addition of this planned development would not enhance the community or our neighborhood.
Thank you for using reason and integrity in your decision.

Patrick Park
[redacted]

Barlow, Aaron

From: Todd Jensen [redacted]
Sent: Tuesday, August 22, 2023 11:04 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory's Planned Development Capitol Park

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Categories: Ivory comments

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I am against Ivory's Planned Development for several reasons. I list a couple.
Ivory's proposal does not meet the criterial for a Planned Community. This development does not produce an enhanced product.

* Ivory claims a Planned Development is required to add ADUs, not correct. The City law allows ADUs for any qualifying home.

* Ivory claims they are creating trails and preserving open spaces. Sidewalks which are needed do not constitute a trail. SR-1 zone granted by the City Council is the appropriate zone. Approval of this "Planned Development" makes a mockery of the Planned Development process.

* Fire, Ivory's Development would cause great concern as Capitol Park and Northpoint sit in an area designated as a high wildfire risk. This could cause F Street to become a choke point in the event of a fire.

Todd Jensen
[redacted]

Barlow, Aaron

From: William Littig [redacted]
Sent: Tuesday, August 22, 2023 10:00 AM
To: Barlow, Aaron
Subject: (EXTERNAL) I am writing about the poor planned development suggested by Ivory Homes. Cookie cutter cheap andout of character would be a compliment but I mean to suggest any neighborhood can do better. These valuable lots in a prime secluded location, i...

Follow Up Flag: Follow up
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Categories: Ivory comments

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Barlow, Aaron

From: Bruce Johnson [redacted]
Sent: Wednesday, August 23, 2023 9:25 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Opposition to Ivory Homes Proposed PUD development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow,

I am strenuously opposed to Ivory Homes PUD development planned for 675 North F Street. The development adds nothing to the community that cannot be achieved by the newly granted SR-1 zoning. But it will significantly impact the surrounding neighbors. These very expensive homes will have inadequate guest parking (only four in total), no yard space and no place to store snow in the winter. These burdens will be foisted upon neighbors. Of great concern is that this area is a dangerous fire zone. NorthPoint and parts of Capital Park housing area abut city creek canyon. Excessive street parking, coupled with a large increase in cars could well create a choke point at the top of F Street. Recent history has shown that inadequate escape routes can lead to tragic outcomes.

I believe that the SR-1 zoning, with no modifications, gives both the City and Ivory Homes a good outcome.

Sincerely

Bruce Johnson
[redacted]

A Zoning Change Increasing Wildfire Risk Would be Gross Negligence

Summary

This memo outlines reasons why, if the Planning Commission approves a change to existing zoning, and allows a proposed planned development at 675 N F Street, doing so would be gross negligence, making Salt Lake City liable if the zoning change contributes to subsequent wildfire damage.

Three wildfire safety concerns distinguish this proposed zoning change from most the other changes the Planning Division and Planning Commission are typically asked to approve. Since the Planning Division and Planning Commission know, or should know, of these wildfire safety concerns, ignoring them and nevertheless approving the proposed change in spite of them, would constitute gross negligence.

First, this property, its F Street border and neighboring Northpoint are in a Wildland-Urban interface, that area of Salt Lake City designated by the US Forestry Service as at highest wildfire risk.

Second, in the event of a wildfire, F Street, from Northpoint's entrance to its intersection with Capital Park Avenue, is the only way the Fire Department could reach Northpoint's 100 plus residents, and they could get out.

Since Ivory has provided insufficient parking within its proposed planned development for all the vehicles of the households therein and those of their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Such added on-street parking on F Street from this proposed zoning change would much more often narrow F Street to only two lanes,

making it harder for and delaying the Fire Department's getting into Northpoint, and Northpoint's residents getting out.

Even more dangerously, Ivory's planned development also calls for a second intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, with the added risks of accidents blocking that chokepoint that an additional intersection with it necessarily creates, particularly in the event of a hasty wildfire evacuation.

A more constricted fire access chokepoint from more cars parked on it, and increased risks of accidents blocking it from an additional intersection with it, will slow wildfire evacuation of Northpoint residents and access by Fire Department vehicles, increasing the risk of damage from future wildfires.

The third factor making approving this proposed zoning change gross negligence is that a written Salt Lake Fire Department Guide calls on the Planning Division and Planning Commission to instead use zoning to decrease "the risk of damage from future wildfires" in high wildfire risk areas such as this.

Just as a landlord commits gross negligence if it deliberately disregards and fails to act on facts which it knows or should know would jeopardize the fire safety of its tenants, the Planning Division and Planning Commission would commit gross negligence if they deliberately disregard facts which they know or should know would jeopardize the future wildfire safety of Northpoint residents.

If the Planning Division and Planning Commission approve a zoning change in similar disregard of facts showing that doing so would jeopardize the future wildfire safety of Northpoint residents, they would similarly be guilty of gross negligence with respect to future wildfire damages to which such zoning change contributes, making Salt Lake City liable for contributing to such damages.

1) Wildfire Risk

675 N F Street, unlike most other developments in Salt Lake City, is in a Wildland Urban Interface, that area of Salt Lake City the US Forest Service has designated as being at highest risk of wildfires.

Further, the Planning Division and Planning Commission, and if need be the Courts, must take notice of the fact that, because of climate change, wildfires have become much more frequent and much more severe.

If the Planning Division and Planning Commission disregard wildfire risk with respect to property in a high wildfire risk area, at a time when wildfires have become more frequent and severe, they would go so much beyond normal administrative discretion as to constitute gross negligence.

2) Access and Evacuation Concerns

The zoning change would create special wildfire safety concerns because, in the event of a wildfire, the portion of F Street bordering on 675 N F Street is a chokepoint that is the only way the Fire Department could reach Northpoint, a community of 100 plus residents, and that Northpoint's residents could use to get out.

Since Ivory has provided insufficient parking within its proposed planned development for all the vehicles of its households and their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Additional on-street parking by cars parked along the curbs on both sides of F Street, from the households and their guests of the proposed planned development, will much more frequently narrow F Street by two lanes and much more frequently create a more severe chokepoint that, in the event of a wildfire, will slow access to Northpoint by Fire Department vehicles and slow evacuation by Northpoint residents.

Since evacuating Northpoint residents will be trying to get out at the same time firefighters will be going in the opposite direction trying to get in, the egress and access of both will be particularly impeded.

Ivory's planned development also creates a second intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, creating risks of accidents at that intersection blocking that chokepoint, particularly in the event of a hasty wildfire evacuation.

The Planning Division and the Planning Commission must consider the fact that this property is on a fire access and evacuation chokepoint. It should also have to take notice of the fact Wildfires can travel fast, and that minutes added to firefighter access time or resident evacuation time by a more severely constricted or blocked chokepoint can make a life or death difference. As the Los Angles Times noted on September 7, 2022: "California fires (are) killing people before they can escape their homes, making seconds count."

For Northpoiont, this is not just a theoretical risk. Northpoint residents had to fight a wildfire that recently reached Northpoint's boundary with City Creek Canyon with garden hoses until the Fire Department arrived.

The Planning Division in its Report cannot blithely say that the planned development allowed by the zoning change raises no wildfire safety concerns because "any development will be required to meet…(the same) minimum requirements for fire vehicle and firefighter access…that universally apply to all developments in the City."

Unlike a development in, say, the Sugarhouse or the Ballpark districts, this development lies in a Wildland Urban Interface athwart the only fire vehicle and firefighter access route to, and resident evacuation route from, Northpoint, which the zoning change narrows and makes more constricted, potentially delaying such access and evacuation.

Applying the same criteria to this zoning change request as it would apply to a zoning change request in another part of the City not in a Wildland Urban Interface, and not athwart the only fire access and egress route, would willfully and deliberately ignore the very facts that distinguish this zoning request from other such requests, and would constitute abuse of its administrative discretion on the part of the Planning Division and Planning Commission.

Such abuse of discretion would amount to gross negligence, and open Salt Lake City to liability for damages, if the zoning change contributed to or increased damage from a future wildfire, because a more constricted Northpoint fire access chokepoint impeded fire department access and resident evacuation.

3) Fire Department Guide

The Salt Lake City Fire Department has published an explicit written Guide on the considerations to be taken into account when making zoning changes with respect to property within a Wildland Urban Interface. In its "Guide to Fire Adapted Communities," posted on the Salt Lake Fire Department's website, the Salt Lake Fire Department states that:

"Proactive land use planning is one of the best ways to address woodland fire concerns and to decrease the number of residents at risk of damage from future wildfires." (Salt Lake Fire Department website, Guide to Fire Adapted Communities, pages 20-21)

The Fire Department's Guide includes "zoning restrictions" as "a mechanism for enacting the land use and development policies" of its "proactive land use planning…to decrease the number of residents at risk of damage from future wildfires." The Fire Department's Guide clearly intends that zoning restrictions be used in a Wildland Urban Interface to decrease the risk of damage from future wildfires.

This Guide is also clearly directed to the Planning Division and Planning Commission, whose job it is to carry out land use planning.

Note that the Fire Department Guide does not say merely that zoning decisions should balance wildfire risk against other considerations, but rather that zoning decisions should be used proactively to actually decrease wildfire risk.

It is not enough to approve this zoning change for property in a Wildland Urban Interface merely because the Planning Division says it meets the same:

“minimum requirements for fire vehicle and firefighter access to properties…that universally apply to all developments in the City.”

The requested zoning change should not be allowed merely because it meets the same Fire Code requirements that it would have to meet if it dealt with a development on property not in a Wildland Urban Interface and not on a fire access and evacuation chokepoint, i.e, where wildfire risk is not a concern.

When a zoning change request affects property in a Wildland Urban Interface, the Fire Department Guide has imposed upon the Planning Division and the Planning Commission an additional standard: that the zoning change actually decreases the risk of damage from future wildfires.

By recommending a zoning change that would instead delay the time it would take Fire Department vehicles to reach Northpoint to fight future wildfires, and the time it would take Northpoint residents to evacuate, the Planning Division and Planning Commission would act contrary to the Fire Department’s Guide, and instead actually engage in land use planning that increases wildfire risk.

For Salt Lake City Planning Division and Planning Commission to so blatantly disregard and act contrary to the explicit written Guide of the Salt Lake City Fire Department, and treat that Guide, and the wildfire risk it was issued to protect against, as if they did not exist, rather than abiding by the standard that that Guide directs the Planning Division and Planning Commission to follow, would constitute inexcusable gross negligence.

Similarities To Triangle Shirtwaist Fire

The circumstances that would be created if this zoning change request is granted are similar to those that made the owners of the Triangle Shirtwaist Factory liable for contributing to the damages from the infamous 1911 fire in the Triangle Shirtwaist Factory. The pertinent facts about the Triangle Shirtwaist fire are summarized in the following excerpts from Wikipedia:

"The Triangle Shirtwaist Factory fire in the Greenwich Village neighborhood of Manhattan, New York City on Saturday, March 25, 1911, was the deadliest industrial disaster in the history of the city, and one of the deadliest in U. S. History. The fire caused the deaths of 196 garment workers-123 women and girls and 23 men-who died from the fire, smoke inhalation, or falling or jumping to their deaths… Because the doors to the stairwells and exits were locked-a common practice at the time to prevent workers from taking unauthorized breaks and to reduce theft-many of the workers could not escape from the burning building and jumped from the high windows…

The Triangle Waist Company factory occupied the 8th, 9th and 10th floors of the 10-story Asch Building on the northwest corner of Greene Street and Washington Place, just east of Washington Square Park, in the Greenwich Village neighborhood of New York City. Under the ownership of Max Blanck and Isaac Harris, the factory produced women's blouses, known as "shirtwaists"…

flames prevented workers from descending the Greene Street stairway and the door to the Washington Place stairway was locked… Dozens of employees escaped the fire by going up the Green Street stairway to the roof. Other survivors were able to jam themselves into the elevators while they continued to operate. Within three minutes, the Green Street stairway became unusable in both directions.

Terrified employees crowed into the single exterior fire escape-which city officials had allowed Asch to erect instead of the required third

staircase-a flimsy and poorly anchored iron structure that may have been broken before the fire. It soon twisted and collapsed from the heat and overload, spilling about 20 victims nearly 100 feet (30 m.) to their deaths on the concrete pavement below. The remainder waited until smoke and fire overcame. The fire department arrived quickly but was unable to stop the flames, as their ladders were only long enough to reach as high as the 7th floor…

The company's owners, Max Blanck and Issac Harris-both Jewish immigrants-who survived the fire by fleeing to the building's roof when it began, were indicted on charges of first- and second-degree Manslaughter in mid-April…The prosecution charged that the owners knew the exit doors were locked at the time in question…but the defense stressed that the prosecution failed to prove the owners knew that. The jury acquitted the two men of first- and second-degree manslaughter, but they were found liable of wrongful death during a subsequent civil suit in 1913 in which plaintiffs were awarded compensation…" (Wikipedia, Triangle Shirtwaist Factory Fire)

Salt Lake City, as the owner of the portion of F Street needed by Northpoint residents as their only escape route in the event of a wildfire, determines and is responsible for how easy or difficult such escape will be, just as the owners of the Triangle Waist Company, as controlling tenants of the Asch Building, determined and were responsible for how easy or difficult it was for workers in their factory to escape from the Triangle Shirtwaist fire.

If the Planning Division and Planning Commission make Fire Department access to and resident evacuation from Northpoint more difficult, by allowing a zoning change based on their refusal to follow the Salt Lake Fire Department's Guide asking them to use zoning to decrease the risk of damage from future wildfires, they will be inexcusably grossly negligent in doing so.

Note that while the owners of the Triangle Waist Company were acquitted of criminal manslaughter, because the prosecution failed to prove the owners knew the exit doors were locked, they were found guilty of civil liability for wrongful death.

Note also that this liability did not require the owners to block all possible factory exits. The factory owners only locked the doors to one of the factory's stairwells, so some employees were still able to escape the burning factory using another stairwell, the elevators or the exterior fire escape. The factory owners were nevertheless found responsible for civil damages because their actions made escape more difficult.

Similarlly, if the Planning Division and Planning Commission only make escape from, and Fire Department access to, Northpoint more difficult in the event of a wildfire, they would still be grossly negligent for doing so with full knowledge of, but in deliberate and intentional disregard of, a Guide published by the Salt Lake City Fire Department.

Just as the owners of the Triangle Waist Company were not allowed to impose additional fire safety risk on their workers by locking some doors of their factory, simply to increase those owners' profits, Salt Lake City, as the owner of F Street, should not be allowed to impose additional wildfire risk on residents of Northpoint, by narrowing and constricting their only wildfire access and egress route, simply to increase developer profits.

Governmental Immunity Will Not Protect Salt Lake City

It might be thought that a zoning change resulting from Salt Lake City's gross negligence, that contributes to subsequent wildfire damage, while morally obnoxious, would not subject Salt Lake City to any liability for such damage, because Salt Lake City, unlike the Triangle Waist Company, is protected by Governmental Immunity.

However, this is not the case.

The Governmental Immunity Act of Utah states that:

"(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from

suit for any injury that results from the exercise of a governmental function." (63G-7-201(1))

However:

"Immunity from suit of each governmental entity is waived
Except as provided in Subsection 63G-7-201(3), as to any injury caused by:
A defective, unsafe, or dangerous condition of any highway, road, street, alley crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them;" (63G-7-301(2)(h)(i))

Subsection 63G-7-201(3)(a)(i) provides:
"A government entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury if the injury arises out of or in connection with, or results from:
a latent dangerous or latent defective condition of
Any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct" (63G-7-201(3)(a)(i)

Under the Governmental Act, therefore, Salt Lake City's immunity from suit for injuries caused by the defective, unsafe, or dangerous condition of a street is waived, unless, in the case of a dangerous or defective condition of the street, the defective or dangerous condition of the street is latent, i.e., is hidden or concealed.

If Salt Lake City's making the recommended zoning change makes the condition of F Street as a wildfire access and evacuation route more "dangerous," or "defective," Salt Lake City's governmental immunity would nevertheless still be waived, because the more dangerous or defective condition of that street as a wildfire access and evacuation route created by the zoning change would not be latent. Such a dangerous or defective condition, since it has been pointed out to the Planning Division and the Planning Commission, would instead be blatant, open and notorious.

Further, while 63G-7-201(3)(a)(i) says that while governmental immunity is not waived by 63G-7-301(2)(h)(i) for a street that is in "a latent dangerous or latent defective condition," this exception to the immunity waiver in 63G-7-301(2)(h)(i) applies only to a "latent dangerous or latent defective condition." Immunity is still waived for liability for damage caused by an F Street that is shown to have been made merely "unsafe" as a fire access and evacuation route by a zoning change, rather than as "dangerous" or "defective."

Salt Lake City, therefore, would not have governmental immunity from liability for wildfire damage to which a zoning change contributes, if such zoning change makes F Street dangerous, defective or unsafe with respect to its use as a wildfire access and evacuation route.

Conclusion

Salt Lake City Planning Division and Planning Commission cannot arbitrarily make a zoning change that ignores or intentionally disregards wildfire risks to property in a Wildland Urban Interface, ignores or intentionally disregards the increased wildfire risks from narrowing and constricting the only access and evacuation route from property in a Wildland Urban Interface, and ignores or intentionally disregards the wildfire protections called for in the Guide published by the Salt Lake City Fire Department.

If the Planning Division and Planning Commission make such a zoning change, it would constitute inexcusable gross negligence, and if the zoning change contributes to future wildfire damage, Salt Lake City would not be protected from liability for such damage by governmental immunity.

Donald Warmbier

[redacted]

Barlow, Aaron

From: Don Warmbier [redacted]
Sent: Wednesday, August 23, 2023 4:16 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; SLCAttorney; Sheryl@voterocky.com; Otto, Rachel; Norris, Nick; tsemerad@sltrib.com; George Pyle
Subject: (EXTERNAL) Proposed Planned Development at 675 N F Street
Attachments: A Zoning Change Increasing Wildfire Risk Would be Gross Negligence.pdf

Follow Up Flag: Follow up
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Categories: Ivory comments

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I am a resident of Northpoint, a community of 50 homes in a Wildland Urban interface, an area of Salt Lake City the U.S. Forest Service has designated as at highest risk from wildfires. Northpoint has only one egress in the event of a fire which is via F Street.

Ivory Homes has already benefited from a rezone that more than doubles the number of homes. Now they are asking the Planning Division and Planning Commission to approve a planned development to include a subdivision of ADUs, where every home will have an ADU. This increase to 42 homes will bring at least 84 vehicles to this development - 4X the number of cars that would have occurred under the old zoning.

In the event of a wildfire the section of F Street from Northpoint's entrance to F Street's intersection with Capital Park Avenue is the only way for Northpoint residents to get out, and Fire Department vehicles to get in.

Ivory has provided insufficient parking for all their vehicles and many of these additional cars will park on F Street, more frequently constricting Northpoint's only egress. This will slow wildfire evacuation of Northpoint residents and access by Fire Department vehicles.

Even more dangerously, Ivory's planned development also calls for an intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, increasing the chance of accidents that an intersection necessarily creates.

Delays in the time it takes emergency vehicles to reach Northpoint, and Northpoint residents to evacuate, from both the increased likelihood of an accident blocking its only egress on F Street, and by the more frequent constriction of that chokepoint from additional parked cars, will increase the chances Northpoint residents will die in the event of a wildfire.

(As an aside, it should be noted that, even when there is no wildfire, such additional delays will similarly impede fire and emergency vehicles trying to reach Northpoint to fight ordinary household fires and for medical emergencies.)

With respect to zoning in a Wildland Urban Interface, the Salt Lake City Fire Department has given the Planning Division and the Planning Commission a very clear specific written directive that they should use *"proactive land use planning,"* to decrease the *"risk of damage from future wildfires."*

In this case, involving property in a Wildland Urban interface adjacent to a community's only wildfire fire access and exit route, it is beyond dispute that as between retaining existing SR-1 zoning restrictions and approving a planned development that sets aside these restrictions, the former is what would constitute "proactive land use planning" to decrease the "risk of damage from future wildfires."

If they are to follow the Fire Department's directive, thereby decreasing the "risk of damage from future wildfires,"the Planning Division and Planning Commission must exercise "proactive land use planning" by retaining existing SR-1 limitations, and reject the requested planned development,

If the Planning Division nevertheless decides to recommend approval of the planned development to the Planning Commission, it must not, as it has done previously, simply ignore the Fire Department's directive. Rather, the Planning Division should have the courage to state explicitly in its report that it is not following the Fire Department's directive because the Planning Division believes other objectives justify imposing a greater risk of wildfire deaths on Northpoint residents, and state what those other objectives are.

Contrary to any such belief, I believe the Salt Lake Planning Division's and the Salt Lake Planning Commission's most important duty, which overrides all other objectives, is the same as the most important duty of all branches of Salt Lake City's government: protecting the lives of Salt Lake City residents.

Approving a planned development that puts the lives of Northpoint residents at greater risk of dying from a future wildfire would be a dereliction of that duty, and would make the Planning Division and (if it also does so) the Planning Commission complicit in any deaths that result.

This letter also constitutes notice that, as explained in the attached memorandum, the proposed zoning change creates an unreasonable risk that it constitutes inexcusable gross negligence, for which Salt Lake City would be liable.

[redacted]

Barlow, Aaron

From: Ed [redacted]
Sent: Wednesday, August 23, 2023 12:36 PM
To: Barlow, Aaron
Cc: Cindy Havas
Subject: (EXTERNAL) Ivory Homes F Street development proposal

Follow Up Flag: Follow up
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Categories: Ivory comments

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Dear Mr. Barlow,

We write again to voice concern about, and opposition to, Ivory Homes' continued efforts to develop high density housing in the vicinity of F Street and 13th Ave.

While we support affordable housing efforts and the best utilization of space and resources, we are concerned that the density proposed for that area by Ivory Homes will cause more problems than it solves. Increased traffic on small streets, parking needs in limited space, the potential to block emergency vehicle access, and a host of other concerns we won't list here but we know have been expressed by others lead us to the firm conviction that this is ill-advised and should be revisited and revised to a scale more in keeping with the neighborhood and the space involved.

Please relay our opposition to the City Council, planning and zoning division, or whomever else is considering this proposal. Thank you for considering our comments.

Ed and Cindy Havas
[redacted]

Barlow, Aaron

From: Jane Durcan [redacted]
Sent: Wednesday, August 23, 2023 5:03 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; POAZCoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Development Avenues

Follow Up Flag: Follow up
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Categories: Ivory comments

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Dear Mr Barlow,
I have written several letters over the last several years regarding the Ivory Homes development at F Street and 13th Avenue. I am really feeling that I am wasting my time writing yet another letter that I am sure will make absolutely no difference as the city planning and zoning and the mayor all seem intent on allowing this development to go through despite the numerous reasonable and well thought out and expressed objections of the vast majority of the people who live area. I am going to repeat all the very valid reasons that have been brought up over and over again that I am sure you will just ignore again as apparently what developers want to do in this state they are allowed to do no matter the zoning or the communities wishes. I would like to add one very personal note before I reiterate previous talking points that are well known to you. Every day I watch children walk to school along 13th avenue out my kitchen window. I live just a block from the proposed development. There are no sidewalks here and the children walk along the street. You are agreeing to add so many additional homes in this small area with ADUs and minimal space for parking adding untold numbers of cars into this quiet neighborhood where the children have to walk along the street to school. Please think about that!!!!
There are so many other issues besides increased traffic
Parking
Fire
Property Values
Soil erosion on a steep hill
Fairness to people who bought property in the area thinking it was zoned for 11 houses
lack of public transport in the area
This will not be affordable housing but high end
I could on and on but I am pretty sure none of these arguments will make any difference so will stop now.
Thanks for taking the time to listen.
Jane Durcan

SLDA
SALT LAKE DERMATOLOGY & AESTHETICS

Leo and Cynthia Sotiriou
[redacted]

August 23, 2023

Aaron Barlow
Planning Division
P. O. Box 145480
Salt Lake City, Utah 84114-5480

Dear Mr. Barlow,

Cynthia and I are quite concerned over the proposed development at 675 North F Street.

The homes proposed by Ivory are two times the size of most houses in the SR-1 zone of the avenues. The proposed number of homes and added accessory swelling units (ADU's) is a danger to the area. There is not adequate parking to support all the homes and ADU's to be built.

A major concern is that Capitol Park Avenue and Northpoint sit in an area designated as at high risk of wildfires. I am concerned that a fire would not only devastate the area, it would be difficult for fire equipment to access the area and residents ability to flee the fire with the proposed increase of homes and added ADU's.

I know there are other concerns that have been brought to your attention and I hope the planning commission considers these and other problems associated with this development.

Sincerely,

Leo Sotiriou, M.D.

LON A. JENKINS

[redacted]

August 23, 2023

Re: *Ivory Homes Application for Planned Development at 675 F Street*

Mr. Aaron Barlow
Salt Lake City Planning Division
P.O. Box 145480
Salt Lake City, UT 84114-5480
(aaron.barlow@slcgov.com)

Dear Mr. Barlow:

I am a resident of Northpoint Estates and wish to add my voice to the chorus of opposition to the planned development of 675 F Street currently proposed by Ivory Homes. Just to be clear at the outset, I am not opposed to a reasonable development of the site nor am I opposed to the creation of ADUs in the manner originally envisioned by Salt Lake City (i.e., one owner occupant at a time). However, the planned development proposed by Ivory Homes in my view is not a reasonable development of the site consistent with the surrounding Avenues neighborhood and, importantly, fails to satisfy any of the criteria established by Salt Lake City ordinance 21A.55.010 necessary for the approval of a planned development. The planned development as proposed will be over-crowded by tall 28 ft., 90 ft. long side-by-side residences, with minimal front, side and rear setbacks, and virtually no meaningful green space. It will lack any sort of community feel or character (there will be virtually no yards) and, indeed, it will feel more like crammed together townhomes or apartments which are evident in several areas of Salt Lake City. Notwithstanding the recognized need for more *affordable* housing in Salt Lake City, this is neither the type of development nor the intense density of development which is appropriate in or compatible with this Avenues neighborhood.

As you know, a planned development will only be approved if it creates an enhanced product which could not otherwise be accomplished by strict compliance with zoning requirements in the area. The objectives evaluated to measure whether a proposed planned development complies with the ordinance requirements include (i) preserving open space and natural lands, (ii) promoting historic preservation, (iii) creating affordable housing, (iv) creating accessibility and mobility, (v) achieving sustainability and (vi) assisting implementation of the vicinity's Master Plan.

Evaluating (ii) – (iv) above, it seems clear that the proposed planned development fails to satisfy those objectives. There is no suggestion that the planned development promotes *historic preservation* or attempts to preserve an historic site. Given the upper Avenues area and the large homes Ivory intends to build, the "cottages" are not *affordable housing* as the than concept is intended by the City. *Accessibility and mobility* are not created by the planned development - - the planned development is located in one of the steepest, non-walkable areas in the Avenues and lacks meaningful public transportation. Ivory has not suggested that the planned development advances the goals of *sustainability*. And finally, the planned development does not assist with implementation of the Avenues *Master Plan*. Indeed, quite the opposite – it is incompatible with the Avenues Master Plan.

It seems clear that Ivory's proposed planned development meets none of the objectives in (ii) – (vi) above, so Ivory must be relying on objective (i) – *preserving open space and natural lands* – to win approval of its proposed planned development. But Ivory's proposal fails to satisfy that objective as well. As you have heard from other commentators, Ivory's planned development proposal is not designed to preserve open space and natural

lands. Its claim that the development preserves one acre of open space is specious if one looks at the design diagram – there is little open space, no yards to speak of and an abundance of hard surface. Of the areas Ivory touts as "open space" it is preserving, that land is either unbuildable because of the steep terrain, owned by the City, or mandated as open space when the City when Ivory's rezone was approved (i.e., a "park"). The only land Ivory could even argue it preserves as open space is a narrow strip on the west edge of the site, but hardly the type of open land contemplated by the ordinance. The minimal "open space" created by the development is a function of the design choices by Ivory and in no way justifies the "clustering" of homes in the planned development as proposed by Ivory.

Similarly, the development does not create "trails" that "connect to existing or planned trail systems" which interface with the nearby natural lands area. In fact, the trails created by the proposed development are nothing more than sidewalks encircling the perimeter of the development – two of which are sidewalks on a public street and a private road and two of which are virtually unusable (and certainly uninviting) by anyone except residents of the development to access their homes. These are not trails as contemplated by ordinance 21A.55.010 for public use and enjoyment, but instead are sidewalks which are characteristic of any new development. In short, Ivory's proposed planned development fails to satisfy any of the objectives outlined by the City necessary to obtain approval of a planned development.

Based on the foregoing, I urge you to deny Ivory's application for a planned development. While residents of the surrounding area understand that 675 F Street will and should be developed, that development should be consistent with the requirements of the rezone which Ivory was granted in December 2022.

Thank you for considering my views.

Sincerely,

Lon A. Jenkins

cc: Chris Wharton (chris.wharton@slcgov.com)
POAZC (POAZCoalition@gmail.com)
Mayor Erin Mendenhall (mayor@slcgov.com)

Lynn M. Keenan MD FACP FCCP
[redacted]

Aaron Barlow
Aaron.barlow@slcgov.com
Planning Division
PO Box 145480 Salt Lake City, Utah 84114-5480
mayor@slcgov.com, chris.wharton@slcgov.com

Regarding: Ivory Homes Proposed Development at 675 North F Street, Salt Lake City, Utah 84203

Dear Mr. Barlow,

I am extremely concerned regarding the Ivory Homes Proposed Development of 675 N. F Street. I have writ en several emails and at ended meetings with no response and nothing but disrespect from the **elected** City Council members and Planning commission. I am appalled, dismayed, and flummoxed at the complete disregard and dismissal of the residents of the Avenues and complete gratis granted to Ivory Homes despite zoning laws.

I am shocked that the **elected** City Council members and planning commission continue to ignore the Avenues residents and our safety. I have completely lost any faith and confidence in Salt Lake City Government. I served my country in the US Army for 12 years. I doubt any one of the City Council or Planning commission ever wore a uniform and understands the true meaning of sacrifice and service to **all,** rather than Ivory!

1-Not Compatible with Established Development in the Avenue**s.** The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90-foot-long buildings.

2-No Public Benefit: I would challenge you or any of the planning commission members, or the City Council members to describe what public benefit that the neighborhood would receive from this catastrophic development. A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit.

3-Ivory's Proposal Does Not Meet the Criteria for a Planned Development: A Planned Development is

required to produce an “enhanced product”. Ivory’s proposal is not an enhanced product. See #2 above.

4- Ivory claims that a Planned Development is required to add ADUs. This is not correct. The city law allows ADUs for any qualifying home. City law requires any ADU to be built by the buyer NOT the developer.

5- Ivory also claims they are “preserving open spaces” and “creating trails”. These claims are also both an outright lie. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone. A narrow “trail” along the northern boundary sandwiched between a retaining wall and a homeowner’s front door are not my idea of open space or a green space.

6-Ivory was aware of the zoning at the time of purchase. However, since Ivory has the city wrapped around its coffers, the city **elected** council and planning commission allow Ivory to change and break all the rules, regulations, and safety. Approval of this Planned Development makes mockery of the Planned Development process. I had to follow rules and regulations when building my home. Why am I held to the rules and Ivory gets to break the rules. I cannot afford to contribute to Ivory’s ever-

increasing reputation as a premiere developer as do not have the influence or those financial assets.
7-There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates.

8- As a neighbor who lives adjacent to this proposed development, we purchased our home with the understanding all new buildings would comply with FR-3 zoning. Times change. We recognize more housing is needed. Neighbors understand that the city has rezoned this too. As Judge Kennedy pointed out, this is the wrong location for this type of experimental development.

9- Accessory Dwelling Units (ADUs). These are permit ed by the city but have to date only been created one at a time by individual owner occupants. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. As previously stated ADU's are the purview of the homeowner, not the developer. This will add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

10- An Experiment: Ivory describes the creation of a subdivision as an "experiment -- the first of its kind in Utah". This is not the right location for this experiment. A

site that only bordered by one public road is fraught with peril. Maybe it makes sense in a walkable part of the city, but not here.

11- This is a highly sloped foothills lot. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. How many thousands of truckloads of soil will be trucked out through our steep and narrow Avenues streets so Ivory can overbuild this lot and destroy our roads in the process. Is Ivory going to pay for the damage?

12- Snow removal- where are you going to place 3 feet of snow for every snowstorm?

13- Setbacks and Building Coverage: Ivory's proposal radically reduces setbacks and increases building coverage to allow oversized homes on shrunken lots. It is the Planned Development that would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 feet!

14- No Yards: Houses with no yards are less likely to at ract families with young children and will not support enrollment in the Ensign school.

15- Parking**:** Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue.

16- Parking on Capitol Park Avenue**:** Ivory fronts 9 homes onto Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors.

17- Fire**:** Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

How can you possibly allow this disaster to proceed? This is pure avarice on the part of Ivory without any regard for the neighbors and the residents of Salt Lake City.

I respectfully request a response different than the copy and paste email you have been sending everyone.

Sincerely,

Lynn M. Keenan MD FACP FCCP

Barlow, Aaron

From: Margaret Miller [redacted]
Sent: Wednesday, August 23, 2023 4:11 PM
To: Barlow, Aaron
Cc: chriswharton@slcgov.com
Subject: (EXTERNAL) Ivory Homes Development in the Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Please DO NOT approve this development.
I have been an Avenues resident for 20 years. The houses are small and very close together, much moreso than other neighborhoods where I have lived.
Salt Lake needs more affordable housing. These houses will not be affordable. I have lived near Ivory Developments before and they have been normal sized houses and blended in with the neighborhood. I have heard this is an "experiment" for Ivory. The proposed houses with ADU's will be jammed into a small area with no open areas, no parking, no play areas and nowhere for the resident's pets. Why impose this kind of development on an already overcrowded area? F Street is very steep and slippery in the winter and will not accomodate all the street parking that this development will add.

Please DO NOT approve this development.
[redacted]

Barlow, Aaron

From: Mary Mahler [redacted]
Sent: Wednesday, August 23, 2023 9:16 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: Re: (EXTERNAL) No to Ivory Homes proposed development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

To all par. es, concerning the proposed development at 675 Nort FStreet,

I live downhill from the proposed development and attended the meeting on August 14 where I learned that both the drainage and the sewage from the development will be coming down F Street, with old sewage pipes.

Knowing how business can profit by making a mess and leaving others to clean it up, I suggest that a condition of approval be that Ivory Homes update these sewage and drainage systems on F Street with the ability to handle the increased load.

Sincerely,
[redacted]

Sent from my iPad

> On Aug 22, 2023, at 12:41 PM, Barlow, Aaron <aaron.barlow@slcgov.com> wrote:
>
> Dear Ms. Mahler,
>
> Thank you for taking the time to comment on the Planned Development application from Ivory Homes for their Capitol Park Cottages. I will make sure to articulate and discuss your concerns about the project in my report to the Planning Commission, who will also receive a copy of your comments. A meeting for this project has yet to be scheduled, but you will be notified when a date is set. Any updates to the proposal will be posted on the open house webpage, located here: https://www.slc.gov/planning/2023/07/10/openhouse-00656/. While the webpage says that the open comment period ends on August 25, 2023, I will gladly accept any comments after that date up to the day of the public meeting.
>
> Please feel free to reach out with any additional questions or concerns.
>
> Sincerely,
>
> AARON BARLOW, AICP | (He/Him/His)
> Principal Planner
>
> PLANNING DIVISION | SALT LAKE CITY CORPORATION
>
> Office: 801-535-6182

> Cell: 801-872-8389
>
> Email: aaron.barlow@slcgov.com
>
> SLC.GOV/PLANNING WWW.SLC.GOV
>
> Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.
>
> -----Original Message-----
> From: Mary Mahler [redacted]
> Sent: Monday, August 14, 2023 12:34 PM
> To: Barlow, Aaron <aaron.barlow@slcgov.com>
> Cc: Mayor <mayor@slcgov.com>; Wharton, Chris <chris.wharton@slcgov.com>
> Subject: (EXTERNAL) No to Ivory Homes proposed development at 675 North F Street
>
> Caution: This is an external email. Please be cautious when clicking links or opening attachments.
>
>
> Dear Aaron Barlow and Planning Commission
>
> I oppose the proposed development by Ivory Homes at 675 North F Street because of the negative impact that I expect it will have on me and my neighborhood. I live on F Street, some blocks south of the proposed development. Because this development will have many dwelling units and only two traffic outlets, one of which is on F Street, I expect much more traffic up and down this street. F street is not a through street and has many stop signs to which many drivers already respond by just giving a quick tap on the brakes, then speeding through. This results in accidents and near misses in the intersections and difficulty backing out of driveways. I will attend the meeting tonight at Sweet Library and might write again regarding neighborhood impacts based on what I learn there.
>
> Sincerely,
>
> Mary E Mahler
[redacted]
>
> Sent from my iPad

Barlow, Aaron

From: Maxine Johnson [redacted]
Sent: Wednesday, August 23, 2023 4:44 PM
To: Barlow, Aaron
Subject: (EXTERNAL) I OPPOSE Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr Barlow,

I **STRONGLY OPPOSE** Ivory Homes' request for approval for its proposed project at 675 North F Street.

I have been a resident of Northpoint Estates for 15 years. I am highly sensitive to the very high (purple) fire danger in this neighborhood. Northpoint has only 1 exit for the approximately 100 people living here. In the case of a fire, the proposed Ivory development would add another 100+ people on F Street trying to evacuate at the same time. This would be a dire situation at best. Very steep property in a very tight location with overbuilding and too many people is a disaster just waiting to happen.

Please oppose Ivory's request.

Maxine Johnson
[redacted]

Barlow, Aaron

From: Natalie Shutt-Banks [redacted]
Sent: Wednesday, August 23, 2023 12:12 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; POAZCoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Re Zone Opposition

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello Aaron,

I am writing to **oppose** the rezone for the Avenues project Ivory Homes is proposing. Here are a few of the many reasons I do not support a rezone:

1. This request to relax zoning requirements does not provide any benefit for the public. Why are we allowing our historic neighborhood to be impacted without any benefit for existing neighborhood members? This is another way that Ivory gets to increase their profit margins on the backs of hardworking home owners whose home values could be negatively impacted.

2. This is not affordable housing. These houses are much larger than the existing neighborhood - plus they are much closer together which is a concern due to recent wildfires and its proximity to the hillside.

3. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This could add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

There are so, so many variances, unknowns and inconveniences that are part of this rezone please consider your current constituents wellbeing over another sweetheart deal for Ivory.

Natalie Shutt Banks
[redacted]

Bob and Jill Kinney
Former Residents of [redacted]

August 23, 2023

TO: Aaron Barlow, SLC Planning Division

CC: Mayor Erin Mendenhall (mayor@slcgov.com)
Chris Wharton (chris.wharton@slcgov.com)
POAZ CoaliJ on (poazcoaliJ on@gmail.com)

My wife and I used to own a home on the corner of 13th Avenue and F Street, directly across from Ivory Homes' proposed development at 675 North F Street. We purchased our home in 2013 and sold it in December of 2021 following Ivory's announcement that they would be seeking approval to have the exisJ ng FR-3 zone changed to the SR-1 zone. At the J me we purchased our home, we knew that the exisJ ng Avenues zoning would allow for as many as 14 new homes to possibly be built on the current property if it should ever be sold to a developer. That was a "risk" that we were willing to accept as it didn't have the potenJ al to dramaJ cally change the nature of the neighborhood where we lived.

Imagine how disappointed we were when Ivory announced their "bold" vision to change the character and nature of OUR neighborhood by peJ J oning the City's Planning Division for a zoning change that would allow for more than 20 new residences, each with an ADU – a proposal that the Planning Division ulJ mately approved despite significant negaJ ve response to the proposal from those in the Avenues who would be most affected by this change.

Although Ivory's acJ ons forced out of our home in the Avenues and we no longer live there, we sJ ll believe that the Avenues are a special part of the fabric of Salt Lake City and believe that Ivory's latest proposal damages this small corner of the Avenues. Specifically, Ivory's latest development introduces homes that are twice the size of most houses in the SR-1 zone and are packed far more closely together. Ivory has repeatedly described this development, with ADUs, as an "experiment, the first of its kind in Utah." Is the Avenues really the place where this type of "experiment" should move forward? There is only one public road servicing this property, it is on a significantly sloped piece of land and it is not a walkable part of the City. To that last point, there appears to be insignificant space for parking given that there are likely to be upwards of 40+ cars assuming only one car per dwelling unit and ADU.

We are happy that we escaped this nightmare early in the process but I am not happy that Ivory ignored our former neighbors and our concerns regarding their aggressive development plans. We are respece ully submif ng this leg er with the hope that the Planning Division will take a hard look at Ivory's latest proposal and conclude that it is much too aggressive for a property in the Avenues.

Bob and Jill Kinney

Barlow, Aaron

From: Amrapali Shah [redacted]
Sent: Thursday, August 24, 2023 12:27 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow:

I hope this letter will give you a clear idea of the concerns I have regarding the Ivory Development located around the corner from our home at 357 East Charity Cove, Salt Lake City, Ut 84103. Our job as a community is to voice our concerns. I have lived on 11th Ave for over 20 hrs, am raising a family, and have worked at the University Hospital and LDS Hospital for this time. I too share concerns about this project.
Here are my major concerns with this project;

1. This project offers no Public Benefit as required with a Planned Development.
2. According to the design proposal from Ivory, this project may not qualify for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal stand-point.
3. The density of this project pushes way beyond reasonable for this area and will prove to be detrimental in a short time.
4. Parking that is regularly scrutinized by the City, for good reason, needs further balance as the visitor parking alone stands at 4 spaces for 42 residences.
5. While Ivory has classified the project as an experiment that could work with a number of adjustments, I really don't think that one of the City's most beautiful areas should be used for this purpose until the concept has been proven.

Overall, the City should not allow any development in any neighborhood that would leave the area with contention and disharmony for the existing community.

Sincerely,

Amrapali Shah, MD
Pulmonary and Critical Care Medicine

Barlow, Aaron

From: Boyd Baugh [redacted]
Sent: Thursday, August 24, 2023 12:57 PM
To: Barlow, Aaron; Wharton, Chris; Mayor; poazcoalition@gmail.com
Subject: (EXTERNAL) Reference: Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Sir,

I live on Capitol Park Avenue and want to voice my strong objection to the proposed Ivery Homes Proposed Development. I am concerned for the safety of the current residents as well as for the new homeowners.
Capitol Park Avenue is a private street and was not intended to have that much traffic. Driving west down to Penney Prade Drive has been described by one resident as one of the most dangerous roads in the city - narrow with a dangerous blind curve. F Street traffic will also become a problem and a safety issue. I strongly oppose the project and hope the city will consider the concerns of residents in the area.

We purchased our property believing that any new buildings would comply with FR-3.

Thank you for recognizing and considering our concerns.

Sincerely,

Boyd Baugh

Barlow, Aaron

From: carol ballou [redacted]
Sent: Thursday, August 24, 2023 4:45 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory F Street development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow

I am writing in strong opposition to the most recent proposal by ivory homes for the development on F Street. Neighbors bought nearby property with the understanding that zoning for this area would be single family houses. The original zoning would have allowed ADUs. Despite a nearly unanimous vote of the community not to allow a zoning change, the planning commission and city council granted a zoning change that allows much denser development that is not compatible with the surrounding area. Ivory, still not satisfied, is pushing for additional special treatment to allow a crazy looking development of long narrow houses without adequate parking, without required setbacks and without green space. Calling a single path or sidewalk that circles the property a hiking trail is laughable.

There is nothing affordable about this housing, which is likely to sell for more that a million dollars per unit. It is confusing to hear ivory claim, and city government to apparently believe, that this development will solve any housing needs.

It is time to set a limit on this development and require the developer to conform to the restrictions of the newly granted zoning. They have been given a gift from the city, over the objections of the community. It is time that someone said no to the increasingly problematic demands. I strongly urge the planning commission deny ivory's request that this be called a "Planned Development."

Carol A Ballou
[redacted]

Barlow, Aaron

From: Jane Kim [redacted]
Sent: Thursday, August 24, 2023 1:09 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Letter in OPPOSITION to the Ivory Homes Proposed Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow,

I am writing to express my opposition to the Ivory Homes Capitol Park Avenues Development Proposal. I am a resident of the Avenues and have been for over 12 years. I am concerned about the following aspects of the proposal:

- The proposed development is not compatible with established development in the Avenues. The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90 foot long buildings. This is a significant departure from the character of the neighborhood and would have a negative impact on the surrounding area.
- The proposed development provides no public benefit. A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit. In fact, it would likely create more problems than it solves.
- Ivory's proposal does not meet the criteria for a Planned Development. A Planned Development is required to produce an "enhanced product." Ivory's proposal is not an enhanced product. It is simply a way for Ivory to build larger and more profitable homes than would otherwise be allowed.
- The proposed development is not affordable. There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates. This will only further gentrify the neighborhood and make it less accessible to people of all incomes.
- The proposed development is unreasonable. Neighbors who live adjacent to this proposed development purchased their homes with the understanding new buildings would comply with FR-3. Times change. We recognize more housing is needed. Neighbors understand

that the City has rezoned this to SR-1, but the Planned Development takes this way beyond what neighbors feel is reasonable.

- The proposed development would add significantly to traffic and parking problems in the area. Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have also provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue. This will create a major traffic and parking headache for the neighborhood.
- The proposed development is located in an area at high risk of wildfire. Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. In the event of a wildfire, F Street would become a choke point, making it difficult for emergency vehicles to access the area.

I urge you to reject the Ivory Homes Capitol Park Avenues Development Proposal. This proposal is not in the best interests of the neighborhood or the city.

Thank you for your time and consideration.

Sincerely,

Jane Kim

--
Jane Kim
Girls on the Run Utah
Board President
www.girlsontherunutah.org
[redacted]

"Here's to strong women. May we know them, may we be them, may we raise them."

"Empowering Girls from Start to Finish"

Barlow, Aaron

From: joan clissold [redacted]
Sent: Thursday, August 24, 2023 9:08 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes project on F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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To: Mr. Barlow
From: joan clissold

I have previously written a letter objecting to this development so I will just add this thought: the Ivory plan for density housing definitely has merit. It does not belong at the top of the Avenues. It is not appropriate for the sloping site. It goes against the approved zoning for the Avenues. Etc.

Thank you for noı ng my strong objecı ons.

joan

Barlow, Aaron

From: Joel LaSalle [redacted]
Sent: Thursday, August 24, 2023 10:34 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory Development- Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow:

I hope this letter will give you a clear idea of the concerns I have regarding the Ivory Development located around the corner from our home at 357 East Charity Cove, Salt Lake City, Ut 84103. As a developer of many properties in Salt Lake City over the years for the LaSalle Restaurant Group and many other retail and multi-family home developments, I understand the challenges all developers face in trying to please everyone in the audience and deliver a successful project. Too many times there seems to be potential projects that do not have balance in such things as density, quality or esthetics. Our job as a community is to voice our concerns to you as a representative of the City so that better balance in all factors of a project can be achieved. Here are my major concerns with this project;

1. This project offers no Public Benefit as required with a Planned Development.
2. According to the design proposal from Ivory, I don't believe that this project even qualifies for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal stand-point.
3. The density of this project pushes way beyond reasonable for this area and will prove to be detrimental in a short time.
4. Parking that is regularly scrutinized by the City, for good reason, needs further balance as the visitor parking alone stands at 4 spaces for 42 residences.
5. While Ivory has classified the project as an experiment that could work with a number of adjustments, I really don't think that one of the City's most beautiful areas should be used for this purpose until the concept has been proven.

I am happy to discuss this further with you, as there are many other issues that could use all of our attention. Overall, the City should not allow any development in any neighborhood that would leave the area with contention and disharmony for the existing community or the new unassuming neighbors that occupy the development in the very near future. Please feel free to contact me for further discussion or points of clarification.

Sincerely,

Joel M. LaSalle
LaSalle Development
LaSalle Restaurant Group

Barlow, Aaron

From: Kevin Havlik [redacted]
Sent: Thursday, August 24, 2023 4:08 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow,

I am writing in strong opposition to the most recent proposal from Ivory Homes for the development of the above referenced property. The most recent proposal from Ivory shows a development that is not at all in keeping with the surrounding neighborhood, and does not solve any real problems. It does serve to line Ivory's coffers. Their plan shows long narrow houses that are packed together, with 90 foot long buildings separated by as little as 10 feet. In one case the front yard setback would be only 2 feet rather than the required 20 feetDespite the close quarters and the unusual shape of the buildings, they are about twice the size of most houses in the neighborhood. There is no development in the city like this, and it is incongruous with the surrounding neighborhood.

What Ivory proposes is not affordable housing. Their houses will likely sell for somewhere in the neighborhood of 1 million dollars or more. If there are ADUs in some of the units these also are not at all likely to be affordable. The development is small enough that it can not and does not solve any housing crisis in the city and certainly doesn't provide affordable housing.. There is insufficient parking in their proposed development, there is insufficient room for emergency vehicles and for snow removal, and there will be an excess of traffic added to a single hillside street. This development is very close to City Creek Canyon, and in the case of a fire F Street, the sole street for egress, will be choked with cars from the existing neighborhood, from Northpoint Condominiums, from the Meridien Condominiums, and now from the Ivory Development.

Ivory is putting lipstick on a pig when they claim that this proposed development includes significant green space and hiking trails. It is taking away open space that currently houses much wildlife including deer, coyotes, hawks, owls, bobcats and cougars

Ivory has changed their proposal a number of times already, they have requested zoning changes, but the problems with their proposal persist and have not really been addressed adequately. They already requested, and were granted, a change in zoning to an SR-1 zone. Now they don't want to comply with the limitations of that zoning, and are asking this to be called a "Planned Development" which would allow them to ignore the limitations of the zoning change they have already been granted.. This isn't necessary for them to add ADUs, which has been one of their arguments for the requested change. They now want permission to reduce setbacks, and to build oversized homes on tiny lots. There will be only tiny yards, so this is not a development likely to attract families with young children, which we need to support the local school.

There are many reasons to reject this latest iteration of Ivory's plans. I can think of no reason ro approve the request for this to be called a Planned Development, and I strongly urge you and the Planning Devision to deny this request. Please listen to the many constituents who live in the neighborhood and are strongly opposed to this development.

Respectfully,

Kevin Havlik
[redacted]

Barlow, Aaron

From: LouJean Flint [redacted]
Sent: Thursday, August 24, 2023 3:54 PM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Dear Planning Committee Member,
I am referencing the IVORY HOMES PROPOSED DEV. at 675 North F Street

I am extremely disappointed that rules are so easily, radically, changed AFTER the property has been purchased. This parcel of land was sold with the zoning rule of 11 homes being built upon it. Now it is being proposed that 21 (almost double) units be built and each unit to have an ADU making it nearly 4 times the amount as originally sold at.
Where is the proposed public park that was going to benefit not only the new residents but the whole neighborhood? That proposal was . . . gone quickly after the purchase was made.
If 21 units are approved and built, I question who will take responsibility when help is needed by anyone in this "first of its kind in Utah" facility needs a fire engine or ambulance, especially at the last house that is on a dead-end road.
If it is built and we have another winter as we have just experienced, and they happen every _____ years, the proposed FLAT roofs will need to have snow/ice removed or the roof will fall in. When removing this snow from the roof, where does it go - onto their neighbors roof for there is practically no room between units.
This is insane!! Not good planning in any way! I implore you to enforce the "purchase" zoning rules and allow ONLY 11 homes to be built on this purchased property or have them resale the property to others who will abide by the original purchase zoning/rules.

Lou Jean Flint
[redacted]

Barlow, Aaron

From: Michael Mangelson [redacted]
Sent: Thursday, August 24, 2023 3:04 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 N. F St.

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow,

As 25 year residents of our home in the Capital Park development, adjacent to Ivory Home's proposed development, We are very concerned about the negative impact that the proposed development will have on our neighborhood and the surrounding Avenue's area. As you know, this is the only large area in the Avenues still to be developed. It was intended to be developed with single family homes that are in harmony with the surrounding neighborhood.

Unfortunately, Ivory Homes is disregarding and disrespecting this historic area of the city by forcing their agenda, which includes:

- Changing the zoning laws to give them the maximum density of homes, and thereby maximizing profits.

- Allowing for little to no green space.

- Offering insufficient parking.

- Trying to implement an "experimental" ADU subdivision.

- Disregarding the need for more than one access road (F St.).

- Overdeveloping in a high risk area for wild fires on a dead end street.

Ivory's insistence that they are offering something positive by their proposed development is in serious question. They are the only one's who will benefit. These homes will not be affordable given the area that they are in, and traffic will be a nightmare on the one and only street leading in and out of this so-called "planned' development. Rather than compromise, Ivory wants it all. I hope that you will please consider the people, including us, who are most affected by this overreaching of Ivory Homes. We do not want their housing experiment in our neighborhood. We will compromise, and we already have, but we don't want to be bullied into something so unreasonable.

Sincerely,

Jane and Michael Mangelson

Barlow, Aaron

From: Donna Poulton [redacted]
Sent: Thursday, August 24, 2023 11:20 AM
To: Barlow, Aaron; Mayor; Wharton, Chris
Cc: poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Home: Letter of Concern

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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23 August 2023

Salt Lake City Planning Division

451 South State Street

Salt Lake City, UT 84114

Dear City Planning Division:

I am writing to urge you, in the strongest terms, to please maintain current FR-3 zoning in the Avenues area of Salt Lake City. Forward thinking people created the FR-3 zoning so that the historic architecture and spacious aesthetic of the Avenues would be maintained, as it has been for the last 140 years. The Avenues area is one of the last vestiges in Salt Lake Valley, along with Temple Grounds and the Capitol, that speaks to our history and sense of place. Every great city has an historic area that makes it unique and desirable, and this has been the Avenues area's contribution to Salt Lake City since its inception.

The proposal by Ivory Homes is ill conceived in myriad ways. The compressed allocation of homes with no sidewalks and no green space is incongruous with the thoughtful charm of this area. Most unsettling is the sheer number of proposed homes.

The developers have demonstrated a total lack of regard for the impact of so many additional cars traversing F Street--a DEAD END street:

*There is no way to exit and cars must come and go both ways on F street.

*There are no sidewalks on either side of the street.

*Pedestrians must walk on the narrow street.

*In the winter, F Street is a very slick, steep road that can be impassable at times.

*Driving up such a steep hill emits more exhaust, makes more noise and creates more danger for young children, people walking, and domestic animals who populate F and E Streets, the primary access roads to the development. *In addition, cars (of both visitors and dwellers in the development) will be forced to park on F Street, which is narrow and can barely accommodate current traffic patterns.

*Additional parking on that street would be unmanageable and untenable.

The Ivory Homes contention that these homes would offer more affordable housing to SLC is disingenuous at the very least. Each of these homes will sell for over $1,000,000.

Just as worrisome is the proposed development's enormous environmental impact.

--The displacement of rabbits, deer, fox, raccoons and the many birds that find homes and food in the ancient trees and grass on these acres will amount to yet another ecological insult to the foothills of the valley.

--Moreover, the new development would eliminate access to substantial acreage where people and children from surrounding neighborhoods have gone, for decades, to experience nature. As I hope you'll agree, such an experience in the heart of a city is invaluable and should be preserved wherever possible.

Lastly, I purchased my home in the Avenues with an understanding that FR-3 would remain enforced. My good faith effort to maintain my home and property and to pay my considerable taxes was supposed to have been met with a similar good faith effort on behalf of the city council. This action would create a dangerous precedent for Avenues property and further development.

I respectfully ask that you carefully weigh the many legitimate reasons for maintaining the Avenues area's current FR-3 zoning. As you know, a separate petition is being signed by many Avenues residents who feel, as do I, that the developer's re-zoning request is misguided and, ultimately, detrimental to our city.

Thank you for your time.

Sincerely, Naoma Tate

Barlow, Aaron

From: rdkim [redacted]
Sent: Thursday, August 24, 2023 11:15 AM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Letter in Opposition to Ivory Development in Capitol Park

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr Barlow:

I hope this letter finds you well. As a 12-year resident/owner in Capitol Park, I am writing to express my opposition to Ivory Homes' Capitol Park Avenues Development Proposal. The following are a few of the reasons which are cause for significant concern:

Not Compatible with Established Development in the Avenues: Ivory's proposed homes are at least twice the size of most houses in the SR-1 zone. They are planned to be packed closely, with just 10 feet between large, 90-foot-long buildings. This is out of character with the existing development[3].

No Public Benefit: The proposal does not offer any public benefit, which should be a requirement for a Planned Development according to city law.

Doesn't Meet Criteria for a Planned Development: Ivory's proposal doesn't produce an "enhanced product", another criterion for Planned Developments.

Misleading Claims: Ivory incorrectly states that a Planned Development is required for ADUs, and falsely claims to preserve open spaces and create trails[5].

Affordability: The proposed houses will sell in the millions, and the ADUs will also rent at high market rates, making them unaffordable for most residents.

Unreasonable Scale: Neighbors expected development to comply with the new SR-1 zoning, but this proposal exceeds reasonable limits.

ADUs and Traffic: Ivory aims to build an entire subdivision with ADUs, increasing traffic and potentially turning these units into disruptive short-term rentals.

Experimental Approach: The proposal is described as an "experiment", which seems inappropriate given the location's limited access to public roads.

Soil Removal: Building against a steep hillside would require removing thousands of truckloads of soil, affecting our narrow streets.

Setbacks and Building Coverage: The proposal seeks to significantly reduce setbacks and increase building coverage, violating SR-1 zoning requirements.

No Yards: Houses without yards won't attract families with young children, affecting local schools like Ensign.

Parking Issues: With only four guest parking spaces for 42 residences, we expect around 40 additional cars to be parked on nearby streets[2].

Fire Risk: The development sits in a high-risk wildfire zone, and there are concerns over potential choke points during evacuations.

I urge you to reconsider approving this development, as it clearly conflicts with the interests and well-being of our community.

Sincerely,
Robin Kim

Barlow, Aaron

From: Benjamin A. Steinberg [redacted]
Sent: Friday, August 25, 2023 6:19 AM
To: Barlow, Aaron
Cc: Wharton, Chris; Mayor; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr Barlow,

I hope this letter will give you a clear idea of the concerns I have regarding the Ivory Development located around the corner from our home at [redacted] As a physician and father of 3 young children, I have significant concerns regarding this project:

1. This project offers no Public Benefit as required with a Planned Development.
2. The development will not provide affordable housing, to ameliorate that problem.
3. The limited parking, snow removal, and fire access will be major safety challenges.
4. According to the design proposal from Ivory, I don't believe that this project even qualifies for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal stand-point.
5. The density of this project pushes way beyond reasonable for this area and will overwhelm the current infrastructure..

I am happy to discuss this further with you, as there are many other issues that could use all of our attention. Overall, the City should not allow any development in any neighborhood that would leave the area with contention and disharmony for the existing community or the new unassuming neighbors that occupy the development in the very near future. Please feel free to contact me for further discussion or points of clarification.

Sincerely,

Benjamin Steinberg
[redacted]

Barlow, Aaron

From: chris kolb [redacted]
Sent: Friday, August 25, 2023 4:32 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Preserve Our Avenues Zoning Coalition
Subject: (EXTERNAL) Against the Ivory Homes Avenues Re-Zone

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello,

I am writing to express my concerns about the Ivory Homes planned development for F Street. Even with the changes that have been made, this proposed development makes no sense for this neighborhood and this location. It is completely unfair to the long-time residents of Avenues to just change the long-standing zoning that has been in place for this neighborhood. It is too dense for the space and access that is available. Public transportation no longer comes as close to the project as it did when it was initially proposed. 4 guest parking spaces is very low for this number of units since no one will be using public transit. The Avenues have always been one of the most desirable neighborhoods in Salt Lake City because of its historic nature and unique and eclectic architecture. Shoe-horning this type of generic "Anywhere-USA" project does nothing to improve the area, and it has been clearly shown through the GAAC meetings that almost none of the residents who actually live in this neighborhood find any value or benefit in this type of development. This project makes one of the great neighborhoods that Salt Lake City has to offer worse.

As a previous resident of Hawai'i, seeing how the recent wildfires in Maui played out has really raised some red flags about this project. The reasons for the severity of the Lahaina fire included being surrounded by area of high wildfire danger, high building density that allowed the fire to move structure to structure rapidly with no defensible space, and limited access or ability to escape due to one road in and one road out. What does this project have in common with all of those problems? Everything. City Creek and the Upper Avenues is at extremely high risk of devastating wildfires as outdoor use in those areas has increased exponentially, summers have trended hotter and drier, and weather extremes have led to more frequent high-wind events (we have had 70+ mph wind events in the avenues twice in recent history - 2011 and 2019). The only thing separating this project from that open space prone to fire is another densely built group of buildings to the north that fire would also potentially be able to spread rapidly through. The density of this project would allow fire to move structure to structure and leave no ability protect property or stop the spread since there is no green space and no defensible space. And, there is only one road in that would be the only escape route for what would become 2 of the most densely populated areas in the Avenues. I've seen the pictures and videos of how that played out. It didn't take look for the public scrutiny and blame to go directly to the local government. If this area was built as zoned with 11 single family homes there would be much greater chance of effectively fighting a fire and a lower chance of people being trapped trying to escape since less people would be trying to get out. If a similar catastrophic event were to happen in this location there would be no one else to blame except the people that approved this project and the poor planning that took place.

The two questions I do have about the current proposal are tree related. In the original proposal there was a wildlife inspection performed that only noted past activity on the site from red tail hawk nests. There is no doubt the hawks have an active nest in the lowest central pine tree that has dual leaders this season. I would hope another wildlife evaluation would be performed to determine that activity before the tree is removed, and would hope that a wildlife biologist would be called in to at a minimum attempt to relocate the nest to a new location. Second, on the current proposal it shows trees in the site plan but does not show those specifications. Since the one row of trees would front F street, I would hope that Salt Lake City Urban Forestry would be involved in the proper selection of tree species for this row of trees. Since these trees are east facing to the development, there would not be a need for excessive height to provide afternoon shade, and these trees could negatively affect the views of existing properties if taller than necessary growing varieties of trees were to be planted. Right tree, right place.

Chris Kolb
[redacted]

Barlow, Aaron

From: Debora Escalante [redacted]
Sent: Friday, August 25, 2023 9:31 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Mr. Barlow
I am concerned that things continue to change and move forward with the proposed development at 675 North F Street.
The proposed development is not compatible with the development in the area, the proposed homes are too large and packed too closely together. The development does not provide public benefits that would justify relaxation of zoning requirements, nor does is meet the enhanced product requirement for a Planned Development. Ivory's desire is to allow for ADUs, and city law allows ADUs for any qualifying home whether a PD or not. Ivory also claims they are “preserving open spaces” and “creating trails”. These claims are also both untrue. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone. Ivory previously agreed to build something closer to the SR-1 zone granted by the City Council. Approval of this current "Planned Development" would make a mockery of the Planned Development process. Additionally, this development does not provide "affordable housing". There is nothing affordable about Ivory’s proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates. One of the biggest concerns is the proposed density of the development and the stress it will put on traffic and parking. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This will add enormously to the number of vehicles. This is a site that only borders one public road. Maybe it makes sense in a walkable part of the city, but not here. The Planned Development would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 feet! The houses will have no yards, are less likely to attract families with young children and will not support enrollment in the Ensign school. The proposed development provides insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue, and Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors. Finally, Ivory’s development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.
Please consider all of the negative impacts that will result from Ivory's current proposal - a proposal designed to benefit only the Ivory company at the expense of current and future residents of the Avenues. They agreed to an acceptable number of homes over a year ago - they need to abide by that agreement.
Thank you for your consideration,
Debora Escalante
Avenues resident

--
Debora L Escalante
[redacted]

Barlow, Aaron

From: Janie Mathis [redacted]
Sent: Thursday, August 24, 2023 6:25 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Hayes Alan; Preserve Our Avenues Zoning Coalition; Janie Mathis
Subject: (EXTERNAL) input re Ivory Homes proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron,
Thank you for coming to the library meeting for Ivory's poster presentation.

I live at 688 F street, right across from the proposed Ivory development. We built our house in 2016. We followed all zoning regulations for our lot (which also allows an ADU (not 21 though).
We were not allowed any exceptions, including a request for 2 feet re height . We were denied. We had to present both our completed landscape plan and completed architectural plan to the city before anything started.

I strongly disagree with the city's decision to let Ivory rezone and I disagree with its request for a "planned development". For whatever reason, the city council and the planning committee seem to allow Ivory free reign to everything.
Us ordinary tax paying citizens that the council is supposed to represent are held to every detail of the original zoning.

It does not meet the requirements for a "planned development"- it will not be an "enhanced product", it has no green spaces, no yards, no true trails, no designated parking for 21 houses, 21 ADUs. I don't think counting the driveway as parking is legitimate. It would not be considered parking for any realtor. Why does Ivory get all the exceptions- exceptions from the city council, the planning committee, the LDS church (the church has preferentially sold at leas 7 SLC lots to them in the past yr alone) and they are giving them a free 99yr lease with the Ivory U of U student housing. No one else gets these perks but Ivory. They make at least 600million a yr, they could easily do a development with the original zoning and preserve the beauty of the avenues.

The sheer density of this project is hubris. The claim that Ivory is trying to provide affordable homes is ludicrous.

Ivory should be held to the same zoning restrictions as the rest of us in the upper avenues. Ivory can afford to build a development that blends in with the upper avenues, provide ample parking, green space, be held to the same height restriction as the upper avenues, same set back (20 feet in the front), sidewalks and be in general good neighbors instead of being the bullies they have been thus far.

The other concern is the fire truck issue. The top of F street is already a choke hold with North point being a gated community at the end of it. The fire trucks already turn around in my drive. Adding 21 units, 21 ADUs with one narrow road is adding fuel to the fire and we all back up to plenty of flammable canyon area brush.

Snow removal is also a huge problem on F street, where is Ivory going to put all the snow?

Pollution is another problem with this dense development with zero greenery.

The ADUs have no regulations. Basically they could turn over every 30 days, increasing crime in our neighborhood. Most ADUs are done one at a time, not mass productions of 21 all at once.

With no yards to speak of and the north houses literally facing toward a retention wall, what kind of buyers are they hoping for?
No families will want to spent 1-2 million to look at retaining walls with no yards.
Ensign school will not be supported with this concrete jungle.

I will send you a separate email with a photo of the fire trucks turning in our driveway.

Please consider all the avenues residents who voted against this development. Please use discretion to hold Ivory accountable to produce a product that exemplifies the beauty of the Avenues.

Sincerely,

Janie Mathis
688 F Street slc

Barlow, Aaron

From: Janie Mathis <janiemathis@me.com>
Sent: Thursday, August 24, 2023 6:29 PM
To: Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Keenan Lynn; JUDY DENCKER
Subject: (EXTERNAL) Ivory 678 project

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Re ivory 678 project
Fire trucks stuck at top of F
Turning around in our drive

Do you think the city will pay to fix our concrete drive?
Thanks
Janie Mathis

Sent from my iPhone

HAZARDOUS MATERIALS RESPONSE TEAM
SALT LAKE CITY FIRE
HM14

SLC recycles 750 tons per month. Let's do more.
26092
CAUTION
NOW HIRING
FULL TIME CDL DRIVERS
801-535-7900
CAUTION
WIDE RIGHT TURNS
DO NOT PASS ON RIGHT
labrie
labrie

Barlow, Aaron

From: Judy_Joel Daly_Deaton [redacted]
Sent: Friday, August 25, 2023 3:54 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com; Judy_Joel Daly_Deaton
Subject: (EXTERNAL) Judy Daly Letter opposing Ivory Homes Planned Development on F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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To: Aaron Barlow, City Planner – Salt Lake City
From: Judy Daly – Northpoint Estates Resident
Date: August 25, 2023
RE: Ivory Homes Proposed Development at 675 North F Street – Salt Lake City, Utah
CC: Mayor Mendenhall Council Person – Chris Wharton; POAZC Coali. on

I, Judy Daly, am writing as a homeowner in Northpoint Estates.

I begin by stating that I **do not support** the present proposed planned development that Ivory Homes has submitted for consideration by the Planning Division. The current proposal for a planned development, if accepted, would allow Ivory homes to develop the property and allow Ivory to disregard the limitations of the SR-1 zoning regulations that govern the surrounding neighbors. The approval of the planned development would permit even more units than are permitted by the recent rezone status change requested by Ivory Homes and granted by the city.

I ask that the City Planning Division closely examine the proposal and compare the proposal to the zoning requirements and city codes that must be used by all builders and developers in Salt Lake City. I further as that the Planning Division consider that the proposal submitted would set a precedent for builders and developers to use the planned development concept to over-ride the current codes and zoning restrictions in place currently.

Many feel the proposed development does is not compatible with the established development in the Avenues. I agree with that perspective – the homes are much larger that than many of the homes in the
SR-1 zone of the avenues and are more closely built together.

One of the concepts being used to support this proposal is that it will provide a “public benefit”. The relaxing of the zoning requirements does not appear to meet that standard.

A Planned Development, to be approved, must provide an “enhanced product”. Ivory is using the concept of “ADUs”, which they plan to include in their homes, as an enhancement. The city currently allows ADUs for any qualifying home and therefore Ivory premise that the ADUs they proposed in their units is an enhancement if a fallacy in their presentation. Additionally, that alleged “enhancement” is not relevant to the Planned Development concept being

provided to City Planning by Ivory Homes. The proposal for ADU development by Ivory Homes would allow a developer to build and sell homes with ADUs, which I understand to be in opposition to how an ADU may currently be created – which is by the individual homeowner. There is an additional concern about the increase in the number of vehicles in the community and how that increase will affect traffic flow in the area – especially in case of natural disasters such as fire, earthquake and the like.

The open space and the creation of trails that Ivory Homes has presented as enhancements being provided by Ivory are not accurate. Renaming sidewalks as trails is quite questionable. Open space that is being touted as one of the Ivory Homes is enhancements are spaced that are mandated by the city for a public-access part as a condition of the rezone. Additionally, the percentage of the "open space and trails" on this parcel does not appear to meet the acreage that is being cited by Ivory. I would ask that City Planning confirm that statistic.

Further relating to the proposal and drawing submitted to the city and to the community. Are these drawings drawn to scale? I and many others seriously question if they are. The street drawings also do not appear to be drawn to scale and would be misleading to all who view them if they are not.

The homes are not affordable, which has also been discussed as part of the reason to approve this planned development. At the recent open house by Ivory Homes, I and others were informed the smallest homes in this development would begin at between $900,000 and $1,000,000 dollars. It is apparent, with that information many will be much higher in cost.

It has been understood by many residents in the area that the zoning would be FR-3 and that has been the expectation. Everyone, however, realizes that change is inevitable. The rezone is part of that inevitable change, but the Planned Development concepts go far beyond what is reasonable.

The setbacks and building coverage on the lots have been dramatically changed. Setbacks are radically reduced and building coverage dramatically increased on greatly shrunken lots. This approval would allow Ivory to ignore the SR-1 zone rules. This would also reduce any "yard" to an unusable space and would result in families with children having little or no interest in these homes.

Parking is another area of concern. The parking provided for guests is three spaces for what may be 42 residences (both Homes and ADUs)

Snow removal is another issue. At the recent Ivory Homes Open house representatives indicated that the four guest parking spaces would be used for snow storage. This further reduces parking possibilities for guests. Also, there would be no street parking within the community proposed due to the narrow width of the street that would be allowed if the current proposal is permitted. Also, with the restrictions relating to parking on Capital Park Avenue guests and possibly homeowners will be forced out onto F Street and 13th Avenue to park their automobiles thus affecting all homeowners in the surrounding area.

Fire Safety is a tremendous issue in the area due to the WUI (Wildland Urban Interface). Northpoint and parts of Capital Park abut to City Creek Canyon which is in the WUI. Northpoint has a particular concern due to only having one entrance and exit onto F-Street and the increase in density is believed to increase safety concerns for Northpoint as well as for the closely packed, large homes being proposed by Ivory in their planned development. Northpoint has experienced fires coming up City Creek Canyon and residents have had to use garden hoses to try to quell the flames until the Fire

Department could arrive. The recent fires in Lahaina, California and Colorado are excellent examples of how wildfire can erupt and destroy lives, homes, and communities in a moment. This should be strongly evaluated and considered.

I want to be clear, the development of the property by Ivory has been expected. Few are opposed to the development of the property. The original plans for development of the property with 9 to 11 homes was viewed by many as a reasonable way to develop the property in keeping with the surrounding community. The current proposal is not viewed as reasonable or appropriate.

With all of this in mind, I wish to indicate that **I do not support** the current proposal and ask that the City Planning offices deny the planned development request.

Regards,

Judy Daly
Northpoint Estates Resident

Barlow, Aaron

From: MARILYN NEILSON [redacted]
Sent: Friday, August 25, 2023 7:51 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow, It seems pointless to try and rid our neighborhood of the shanty town Ivory is planning to build despite the passionate voices of the entire community here.
It's a foregone that these wrong-headed people n charge have an agenda that is afield of Utah's former politics.

Marilyn Neilson

Barlow, Aaron

From: Patricia Davis [redacted]
Sent: Friday, August 25, 2023 5:49 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes project

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear sir or madame,
I live in the Avenues. I value the mixture of homes. I just am so worried about the extent of this project and the lack of parking. I have lived in the Gilmer Park area as well. I have seen the areas of Sugarhouse and 9th and 9th grow without proper ideas for parking. I know it is difficult, but sometimes common sense needs to overrule expansive development. If I thought low income housing were coming to this project, I might adjust my thinking, but not much as the infrastructure for rides is not easily accessible to homes in this project.
There are lovely places in US cities that residents and visitors admire; the Avenues is such a place. I have many more concerns, but others have addressed them better.
Thank you, Patricia

Patricia Davis
misspat4@me.com

400 E Capitol Park Ave
UNIT 403
Salt Lake City, UT
84103

801 870 5465

Barlow, Aaron

From: Richard Schmidt [redacted]
Sent: Friday, August 25, 2023 4:46 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Preserve Our Avenues Zoning Coalition
Subject: (EXTERNAL) RE: Ivory Homes Open House for Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr. Barlow,

I am writing to lend my voice to the large majority of homeowners in the Capitol Park area who are strongly opposed to Ivory Home's plans to over-develop their lot on F street with a massive number of "cottage homes". I wrote previously when they sought their first rezoning of the lot, and I am writing now as they seek further rezoning to increase the number of allowable homes. This is an affront to those of us who actually live in that community and will be adversely impacted by this very bad idea. In addition to the obvious effect of building something that is completely out of character for our community and massively too large for the limited road access to the area, I also reiterate the following points that have been raised by others:

This project offers no Public Benefit as required with a Planned Development.

According to the design proposal from Ivory, I don't believe that this project even qualifies for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal stand-point.

The density of this project pushes way beyond reasonable for this area and will prove to be detrimental in a short time.

Parking that is regularly scrutinized by the City, for good reason, needs further balance as the visitor parking alone stands at 4 spaces for 42 residences.

While Ivory has classified the project as an experiment that could work with a number of adjustments, I really don't think that one of the City's most beautiful areas should be used for this purpose until the concept has been proven.

As a long time resident of that Avenues community I expect our city planning commission, our councilmen and other city officers to protect our neighborhood from ruinous projects being imposed by outside business interests. Please respect the zoning that has been in place and please make Ivory Homes design plans that are in harmony with our community.

Thank you

Richard Schmidt
[redacted]

Sent from Mail for Windows

From: Barlow, Aaron
Sent: Friday, August 18, 2023 12:15 PM
To: Barlow, Aaron
Subject: Ivory Homes Open House for Capitol Park Cottages

Good Afternoon,

You are receiving this email because you had previously expressed interest in receiving updates regarding Ivory Homes' Capitol Park Cottages development in Salt Lake City. I am forwarding you information regarding an upcoming open house that Ivory Homes will be hosting an informational open house about the project at the Corrine & Jack Sweet Library (455 F St, Salt Lake City, UT 84103) on Wednesday, August 23, 2023, from 6:30 pm to 7:30 pm. This event is not hosted by the city, but Planning staff will be available to answer questions.

Planning staff is reviewing the proposal to ensure that it complies with all relevant zoning regulations and Planned Development Standards. At this time, a public hearing with the Planning Commission has not yet been scheduled. I will send you an email with meeting information once a date has been set.

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)
Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182
Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Ivory Homes <marketing@ivoryhomes.com>
Sent: Thursday, August 10, 2023 8:28 AM
To: Barlow, Aaron <aaron.barlow@slcgov.com>
Subject: (EXTERNAL) Save The Date!

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

View this email in your browser

Barlow, Aaron

From: Susan Masotti [redacted]
Sent: Friday, August 25, 2023 9:43 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Avenues Re-zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow,
I am writing to express my concern about the Ivory Homes Proposed Development at 675 North F Street. I don't understand how the city intends to preserve the historic nature of the avenues by continuing to allow these new developments to be built. The avenues area is really special. What's the point of having a historic district if you're going to keep putting in new buildings? In my opinion, the city is being careless with development.
Salt Lake City has so many other areas that are blighted, why not focus on those?
Also, what is being done about water management? Is the Salt Lake Valley going to be able to sustain this overdevelopment from a water-use perspective? If the Great Salt Lake dries up in 5 years as the experts say it will, what are we going to do then?
Thank you,
Susan Masotti

Barlow, Aaron

From: Barlow, Aaron
Sent: Monday, August 28, 2023 4:06 PM
To: Heather McLaughlin-Kolb
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: RE: (EXTERNAL) 675 North F Street: Public Comments

Dear Ms. McLaughlin-Kolb,

Thank you for your comments! I have addressed your questions in red below. Please feel free to reach out with any additional questions or concerns.

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)
Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182
Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Heather McLaughlin-Kolb [redacted]
Sent: Friday, August 25, 2023 6:03 PM
To: Barlow, Aaron <aaron.barlow@slcgov.com>
Cc: Mayor <mayor@slcgov.com>; Wharton, Chris <chris.wharton@slcgov.com>; poazcoalition@gmail.com
Subject: (EXTERNAL) 675 North F Street: Public Comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron et al,

Hello. While I remain in opposition to the planned development petition for 675 F Street, Salt Lake City, UT 84103 (please see email below), I understand some form of multi-unit development will most likely occur on the property. Therefore, I have the following questions and comments that I believe are important to consider.

- You are most likely aware that there currently are and have been nesting red-tailed hawks on the property for numerous years. Red-tailed hawks are protected under the Migratory Bird Treaty Act of 1918 and therefore, their nests cannot be destroyed without consultation with the US Fish and Wildlife Service (USFWS). What are the plans for relocating the nest(s)? Will a USFWS and/or Utah Division of Wildlife Resources biologist perform a pre-construction nesting survey and/or relocate the nest(s)?

I will speak to our Urban Forestry Department and the Division of Wildlife Resources about the hawk nest to see what needs to be done by the property owner. I heard about the nest from another individual at the open house on

Wednesday. Thank you for the heads up! I will add any updates about the nest to the open house page for the project: https://www.slc.gov/planning/2023/07/10/openhouse-00656/

- Various concept trees are shown in the architect's narrative, as well as in the illustrative plan. Will a Salt Lake City urban forester and/or certified arborist be involved in the selection of the tree species? Will the urban forester and/or certified arborist consider drought tolerant tree species, as well as tree species with lower mature heights?

All existing and proposed trees need to be reviewed by the City's Urban Forestry Division. Based on a tree's characteristics, they may place additional limitations on the development that would need to be met before, during, and after development

- According to the Utah Wildfire Risk Explorer, and due to the property's proximity to the foothills, the property is at a moderate to high risk of a wildfire. Will Salt Lake City Fire Department personnel assess the development plans to mitigate the risk, including considering additional access points to avoid a choke point on F Street in the event of a catastrophic wildfire?

All new development projects are assessed by certified Fire Protection Engineer to ensure that all fire codes are met. The City's Engineer and Transportation Divisions will also review the projects potential impact on adjacent existing streets. Any concerns regarding F Street's capacity that they bring up will be addressed. The applicant will need to comply with any requirements that engineers (from the Transportation or Engineering Divisions) might place on the proposal.

Thank you for the opportunity to provide questions and comments. I appreciate your time.

Sincerely,
Heather McLaughlin-Kolb
[redacted]

---------- Forwarded message ---------
From: **Heather McLaughlin-Kolb** [redacted]
Date: Wed, Jan 12, 2022 at 10:26 PM
Subject: NO Ivory Homes Re-Zone
To: Echeverria, Daniel <daniel.echeverria@slcgov.com>
Cc: <chris.wharton@slcgov.com>, <poazcoalition@gmail.com>

Daniel et al,

Please consider this email in opposition to the Ivory Homes rezone application for 675 F Street, Salt Lake City, UT 84103.

I am sure you have received numerous emails regarding this topic and therefore I'll keep my email to the point.

Contrary to Appendix F: Public Transportation Proximity and Frequency, the Utah Transit Authority (UTA) no longer services the upper Avenues neighborhoods.
Currently UTA provides bus routes 6 and Flex 11. The closest designated bus stops are located at 9th Avenue and C Street (both routes) and 6th Avenue and F Street (Flex 11 route only). Bus Route 6 provides 30- and 60-minute headways, while Flex Route 11 provides 60-minute headways on weekdays only. Considering that neither of these bus stops are within one-quarter mile of the property, this greatly decreases the likelihood that future residents will utilize transit.

The proposed Ivory Homes rezone application does not address the affordable housing crisis that we are currently experiencing along the Wasatch Front. Appendix H: Growing SLC: A Five-Year Housing Plan 2018-2022 defines affordable housing, and these homes do not meet the requirements of affordable housing.
"Affordable housing for a single person in Salt Lake City currently earning 60% AMI, or $41,350, would be a rental costing approximately $1,034/month, or a home priced around $175,000 (est. mortgage $824/mo + taxes and insurance). Affordable housing for a Salt Lake City family of four earning 80% AMI, or $59,050, would be a rental costing about $1,476/month or or a home priced around $265,000 (est. mortgage $1,193/month + taxes and insurance)."

Thank you for the opportunity to provide comments. I appreciate your time.

Sincerely,
Heather McLaughlin-Kolb
[redacted]

Barlow, Aaron

From: Mitchell Peterson <mitchelltpeterson@gmail.com>
Sent: Saturday, August 26, 2023 4:46 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory 13th Ave and F Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello Aaron and whom else concerned,

The Ivory Homes Development should not be permitted to go through as proposed. They have changed their proposal dramatically since getting the re-zone approved. They should either be required to build what they proposed when they were granted the re-zone, or they should have to go through the whole process again to get the new plans approved. This new proposed development will be very far from the current feel of the neighborhood, and will dramatically reduce the property values of the homes near this area. The master plan had this area zones as FR3, and the infrastructure was set up to support that. They are requesting to build more homes tighter together than the new re-zone would allow, with no plans for parking or how to manage that amount of resource increase requirement. Furthermore, the lot is in a high fire risk area, and packing in as many homes as possible sets up a potential disaster. The recent fires in Maui should serve as a reminder that disasters can happen in cities. We should be doing what we can to reduce this risk, not increasing it.
This is also very frustrating for me as a homeowner in the FR3 district as Ivory Homes is trying to extract as much profit as possible from the neighborhood while leaving it in a worse condition than they found it. They are relying on the feel of the neighborhood outside of their development to keep prices high, while destroying that same feel within their development. Please do not allow these large corporations to destroy our neighborhoods in the name of profit. Thank you for your time,

Mitchell Peterson
1484 E Tomahawk Drive

Mr. Aaron Barlow
Planning Division

I would like to go on record with the Planning Division and the Planning Commission that I oppose granting Ivory Development a Planned Development on their plot at 675 North F Street.

In December of 2022, the City Council awarded Ivory Homes a rezone from FR-3 to SR-1. Now, Ivory wishes to have the Planning Commission approve their application for a Planned Development (PD).

Although I think that the newest design is bet er in several respects, Ivory is motivated to pack in as many large homes as they can into this location. To do this, they wish to exploit the PD ordinance to make building lots smaller and homes larger than would be allowed under the SR-1 zone rules. But, the PD ordinance states that a developer must deliver an "enhanced product" to qualify for a PD by meeting certain criteria.

Ivory argues that they are providing enhanced housing by building ADUs on all their primary homes. But Ivory does not need a PD to build ADUs; they can already do this by existing city code. They would very likely build potential ADUs on their homes even under FR-3, let alone SR-1. This is a deceptive and false argument that building ADUs qualifies as a community benefit if Ivory can and would do it without a PD.

For their second criteria, Ivory argues that they are creating enhanced public recreational opportunities by constructing a trail around the circumference of the development. The 'trail' is really the sidewalk for the HOA. The sidewalk along the northern boundary is the only common access to the front doors of the uphill homes; they have to have this sidewalk. The same is true for the sidewalk along Capitol Park Avenue, but for the downhill facing units. And the land along the northern boundary above the sidewalk, referred to as the Mews Walk, has a typical gradient of around 32% and is unbuildable and likely unusable for adults for any recreational purpose. The sidewalk along F Street is on public land and is a standard feature for a public street. Ivory was mandated to preserve a 30-foot setback from the second story for all homes along the western boundary, so that land also cannot have structures.

Ivory was granted the rezone on condition that "the open space area shown on draft drawings will generally be accessible to the community at large…", in other words, that they create a public park, which was to have been situated at the SE corner which is already unbuildable because it contains an underground storm water metering tank and I suspect will flood occasionally. I envisioned a real playground accessible to the neighborhood kids. But the current plans do not show that this area has been expanded or will become a public park. Ivory is trying to claim that the sidewalks that surround the property are now half of the public park. The public will not want to walk through someone's private development and the owners won't like it, either.

This alleged open space enhancement is self-serving and not a public service. This open space is largely dictated by constraints within which they must already build. There is almost no additional benefit to either the development or to the public that Ivory would almost surely not provide if they build under SR-1 without a PD.

Barlow, Aaron

From: Hedley, Noah <nhedley178@g.rwu.edu>
Sent: Sunday, August 27, 2023 7:45 PM
To: Barlow, Aaron
Subject: (EXTERNAL) 675 F St and Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello,

I would like to enter a comment opposing the development of the denser lot at 675 F St and the Ivory homes park cottages. I am a long time resident of the avenues.

This development will not have any public benefit and will only harm the current conditions of the avenues. Ivory homes has already tarnished the integrity of the avenues with large high rise apartment buildings to serve only the wealthy members of the community. There is no 'affordable' part of this new housing development and should not be approved by city council.

This development also violates many zoning and building codes and is just simply not needed in this neighborhood.

Let me know if this needs to be sent to anyone else in the planning council.

Thank you

Barlow, Aaron

From: Peter Wright <pwwjaw@gmail.com>
Sent: Monday, August 28, 2023 11:51 AM
To: Barlow, Aaron; Norris, Nick; Mayor; rockyanderson.justice@gmail.com; Otto, Rachel; Wharton, Chris; George Pyle; Tony Semerad; Merrilee Morgan
Cc: Larry Perkins; Tyler Jack; Rhett Davis; Anne Baugh; John Kennedy; Benjamin Farr; Jeff Burton; Jeff Polychronis; nathan Dean; Katherine Kennedy; Cheri Daily; Bruce Johnson; Jim Bach; Judy Dencker; Jill van Langeveld; Preserve Our Avenues Zoning Coalition; David Maher; Scott Young; Joel Deaton; Cynthia Kagan; Pam Brown; Jeannine Gregoire; Naoma Tate; Todd Jensen; Maria Mastakas; Koziatek, Gina; Alan Hayes; Bob Kinney; Jill Kinney; Al Kubota; Janice Nelson; Ken Bronston; Sarah van Voorhis; Lon Jenkins; Janice Ruggles; Susie Polychronis; Don Warmbier; Mary Lou Van Voorhis; Thomas Keen; Evan and Susan; Shane Carlson; Boyd Baugh; cindy vanKlaveren; JV Cook; Mary moody; Leah Bedell; Janie Mathis; Linda Dean; Dave Alderman
Subject: (EXTERNAL) Recognized Community Organization Report
Attachments: RCO Report 11.9.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

RE: Ivory Homes Application for a Planned Development at 675 North F Street.

Dear Aaron,

Please find attached our report and analysis of Ivory's application for a planned development. We believe that this report fairly reflects the opinions of the residents of the upper Avenues who live closest to and are most impacted by this development.

The upper Avenues community is strongly opposed to Ivory's request for further sweeping concessions via a planned development that are considered both excessive and unreasonable, while yielding zero public benefit.

Avenues residents have put a great deal of time and effort into generating this report and analysis, and we ask that you and those copied in the city administration, please take the time to read and understand the many concerns of our community.

We look forward to reviewing this report with you sometime in the near future.

Best Regards,
Peter Wright
Chair POAC

Barlow, Aaron

From: rockyanderson.justice@gmail.com
Sent: Monday, August 28, 2023 12:41 PM
To: 'Peter Wright'; Barlow, Aaron; Norris, Nick; Mayor; Otto, Rachel; Wharton, Chris; 'George Pyle'; 'Tony Semerad'; 'Merrilee Morgan'
Cc: 'Larry Perkins'; 'Tyler Jack'; 'Rhett Davis'; 'Anne Baugh'; 'John Kennedy'; 'Benjamin Farr'; 'Jeff Burton'; 'Jeff Polychronis'; 'nathan Dean'; 'Katherine Kennedy'; 'Cheri Daily'; 'Bruce Johnson'; 'Jim Bach'; 'Judy Dencker'; 'Jill van Langeveld'; Preserve Our Avenues Zoning Coalition; 'David Maher'; 'Scott Young'; 'Joel Deaton'; 'Cynthia Kagan'; 'Pam Brown'; 'Jeannine Gregoire'; 'Naoma Tate'; 'Todd Jensen'; 'Maria Mastakas'; 'Koziatek, Gina'; 'Alan Hayes'; 'Bob Kinney'; 'Jill Kinney'; 'Al Kubota'; 'Janice Nelson'; 'Ken Bronston'; 'Sarah van Voorhis'; 'Lon Jenkins'; 'Janice Ruggles'; 'Susie Polychronis'; 'Don Warmbier'; 'Mary Lou Van Voorhis'; 'Thomas Keen'; 'Evan and Susan'; 'Shane Carlson'; 'Boyd Baugh'; 'cindy vanKlaveren'; 'JV Cook'; 'Mary moody'; 'Leah Bedell'; 'Janie Mathis'; 'Linda Dean'; 'Dave Alderman'
Subject: (EXTERNAL) RE: Recognized Community Organization Report

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello, Peter –

You and others have done a masterful, compelling job demonstrating why the application for a planned development by Ivory in the existing open space in an unwalkable part of the Avenues is contrary to applicable standards *and* to the public interest. It is a proposed development that has only one thing in mind: maximizing profits for the developer, to the detriment of the surrounding community. In fact, the *entire* community at large in SLC would be disserved by the precedent that would be set by approval of this proposed planned development.

To call the sidewalk a “trail” and to pretend that somehow the jamming in of so many crowded, long, flat-roofed homes helps preserve open space makes a mockery of the city’s standards. If this project will pass muster under the city’s clear standards that compel its rejection, one wonders how any developer will ever be told “No” by those in city government who seem to be paving the way for the development.

I find this proposed development especially offensive to our city as a whole after learning recently that Ivory has also acquired the Liberty Wells building and contiguous open space, which it also plans to fill with housing (NOT affordable to most people, as with the F Street proposed planned development).

Instead of adding to and enhancing access to more open space in our city, the current administration, in cahoots with developers, seems bent on destroying significant open space to

benefit developers, while failing to provide truly affordable (or "deeply affordable") housing for those who need it most. I hope there will be a unified community uproar over the loss of these rapidly-diminishing open spaces in our city.

It is this developer-pandering approach by the current administration that has degraded our city's built environment, undermined the character of so many neighborhoods, and left so many people unable to live in our increasingly unaffordable city.

Extensive affordable housing is within our reach, but not by subsidizing private profit-driven developers with millions of dollars and disregarding our city's well-established standards in disregard of the interests of long-time residents and benefiting only developers.

Please read my op-ed on these issues, here:
https://www.sltrib.com/opinion/commentary/2023/05/07/anderson-more-affordable-housing-is/

Best wishes in your fight against irresponsible development that undermines so many community interests (in the face of almost universal opposition by people in the area) and that serves no legitimate public purposes - Rocky

Ross C. "Rocky" Anderson
Rocky for Mayor
Mobile: 385.234.0489
Direct: 801.349.1691
Email: rockyanderson.justice@gmail.com

Rocky III

From: Peter Wright <pwwjaw@gmail.com>
Sent: Monday, August 28, 2023 11:51 AM
To: Barlow, Aaron <Aaron.Barlow@slcgov.com>; Norris, Nick <nick.norris@slcgov.com>; Erin Mendenhall <mayor@slcgov.com>; rockyanderson.justice@gmail.com; Otto, Rachel <Rachel.Otto@slcgov.com>; Chris Wharton <Chris.wharton@slcgov.com>; George Pyle <gpyle@sltrib.com>; Tony Semerad <tsemerad@sltrib.com>; Merrilee Morgan <merrilee01@msn.com>
Cc: Larry Perkins <advancemortgageq@gmail.com>; Tyler Jack <tylerjack@frontlinefinancial.com>; Rhett Davis <meridien.r@gmail.com>; Anne Baugh <annealbaugh@xmission.com>; John Kennedy <John@kennedys.org>; Benjamin Farr <benfarr.dev@gmail.com>; Jeff Burton <jeff@eburton.com>; Jeff Polychronis <jpolychronis@me.com>; nathan Dean <Nathan.Dean@imail.org>; Katherine Kennedy <Katherine@kennedys.org>; Cheri Daily <cheri.daily@gmail.com>; Bruce Johnson <bjohnson849@comcast.net>; Jim Bach <bachassociates@aol.com>; Judy Dencker <2slcops@msn.com>; Jill van Langeveld <jill.van@hotmail.com>; Jan Mckinnon <jwmckinnon@gmail.com>; David Maher <dmaher7232@aol.com>; Scott Young <syoung@sentry.financial>; Joel Deaton <jald2@msn.com>; Cynthia Kagan <terremoto@comcast.net>; Pam Brown <pnbrown32@gmail.com>; Jeannine Gregoire <jeanninegregoire@gmail.com>; Naoma Tate <NaomaTate@aol.com>; Todd Jensen <todd_jensen@comcast.net>; Maria Mastakas <mmastakas@gmail.com>; Koziatek, Gina

<gina.koziatek@utahhomes.com>; Alan Hayes <abh_slcut@yahoo.com>; Bob Kinney <rkinney558@gmail.com>; Jill Kinney <jkinneyrts@gmail.com>; Al Kubota <Kubota.1@gmail.com>; Janice Nelson <janicebn1830@comcast.net>; Ken Bronston <kenbronston@gmail.com>; Sarah van Voorhis <sarah@vsfamlaw.com>; Lon Jenkins <lonjenkins54@gmail.com>; Janice Ruggles <bruggmd@comcast.net>; Susie Polychronis <spolychronis@me.com>; Don Warmbier <dfwarmbier@gmail.com>; Mary Lou Van Voorhis <marylouvanv@gmail.com>; Thomas Keen <twklak2@aol.com>; Evan and Susan <zorbares@gmail.com>; Shane Carlson <ComeBackShane@comcast.net>; Boyd Baugh <boydbaugh@aol.com>; cindy vanKlaveren <cindyvan@comcast.net>; JV Cook <jvcook@aol.com>; Mary moody <mary@marymoody.biz>; Leah Bedell <lbedell@copconstruction.com>; Janie Mathis <janiemathis@me.com>; Linda Dean <lpdean@mac.com>; Dave Alderman <davealderman@hotmail.com>
Subject: Recognized Community Organization Report

RE: Ivory Homes Application for a Planned Development at 675 North F Street.

Dear Aaron,

Please find attached our report and analysis of Ivory's application for a planned development. We believe that this report fairly reflects the opinions of the residents of the upper Avenues who live closest to and are most impacted by this development.

The upper Avenues community is strongly opposed to Ivory's request for further sweeping concessions via a planned development that are considered both excessive and unreasonable, while yielding zero public benefit.

Avenues residents have put a great deal of time and effort into generating this report and analysis, and we ask that you and those copied in the city administration, please take the time to read and understand the many concerns of our community.

We look forward to reviewing this report with you sometime in the near future.

Best Regards,
Peter Wright
Chair POAC

Barlow, Aaron

From: Susan Macnamara <susan.macnamara@yahoo.com>
Sent: Tuesday, August 29, 2023 10:22 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Development of 675 N. F St

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

I want to go on record with the Planning Commission that I oppose granting Ivory Development a Planned Development on their 3.2 acres of land at 675 North F Street.

In December of 2022 the City Council awarded Ivory Homes a rezone from FR-3 to SR-1. Ivory now wants yet another approval of their application for a planned development. This would permit them to build more than that allowed under the granted zone (SR-1). This will, however, increase density and decrease quality of life for those new residents, without any meaningful effect on our housing crisis.

The real impact on this shortage will be from the 15,000 rental units soon to become available, with yet more to come. Ivory's request goes beyond what I think is reasonable for SR-1 and adds only a trivial number of units to housing availability.

I think Ivory is very capable of building quite profitably under SR-1. Their request serves only to increase their return on investment, with minimal benefit to Salt Lake City, yet with real impact on the daily lives of residents indefinitely.

There has been significant resistance in the community to Ivory's development plans. It would be a meaningful gesture on the part of the Commission to grant this compromise to the community.

Respectfully, Susan E. Macnamara

Barlow, Aaron

From: Tess Karen Leiker <tess_lovecpa@yahoo.com>
Sent: Saturday, September 2, 2023 4:58 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Please do not allow ivory homes to be in the avenues. No one want them here. Thank you.

Barlow, Aaron

From: Dave Alderman <davealderman@hotmail.com>
Sent: Tuesday, September 5, 2023 3:19 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Aaron -

I have spoken several times at Planning Commission and City Council in favor of keeping the old FR zoning. I was disappointed to see it changed to SR1. But Ivory has addressed some of the major issues raised, especially getting rid of the giant retaining wall. And I understand the need for a Planned Development due to the private road that is needed. However, I do not think that allowing larger (and therefore more expensive) houses is what the City Council had in mind when they changed the zoning. In keeping with the neighborhood characteristics, the building coverage ratio should be more in line with the SR1 requirements.

Thanks

Dave Alderman

Barlow, Aaron

From: J. Burley Wolfe <chocolatewren@gmail.com>
Sent: Thursday, September 7, 2023 12:07 PM
To: Barlow, Aaron
Subject: (EXTERNAL) NO to Ivory Homes - we are not lab rats

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hi Mr Barlow,

I am writing to be sure you know I deeply oppose the Ivory Homes Proposed Development at 675 North F Street. I opposed it before you supported it; and now, as Ivory Homes continues to peck away at the systems that were set to keep a neighborhood feeling like a neighborhood, I oppose it much more.

I've been playing too much pickleball lately to walk by this piece of land every night as I did for years. It is — was—a great 3 mile walk. The idea that this narrow street will be a mess for 3-5 years of building before being overrun with 60+ cars permanently and awful traffic, sickens me for my own sake. But this isn't about me. It makes my blood curdle thinking about the nearby neighbors.

We can -if we want- decide not to feel for the rich folks at The Meridien. I still do feel for them, though, because when they bought their homes, it was with the understanding that the zoning precedent would remain on this empty hill. My empathy is highest for those living in homes on F street, and those at the bottom corner of F and 11th, who will have unprecedented traffic every day, up and down and up and down their street, as Ivory Homes' pockets are lined with greenbacks. Because why? Because they wore down city employees and councilors who changed the many-decade zoning designation.

As I understand it, the houses proposed by Ivory Homes are at least twice the size of most houses in the SR-1 zone of the Avenues and they are packed far more closely together: 10 feet between large, 90 foot long buildings. It's just wrong and bad for you to pack residents in like sardines on this propriety. Please only allow Ivory Homes to build with the constraints that every other builder has contended with over the last 25+ years. 11 houses. And let homeowners decide - not the builder - if ADUs are what they want. We should not be lab rats as you experiment with Ivory Homes about whether and how zoning should be altered or whether builders should build the ADUs onto the properties — both unprecedented activities for many years.

All this from a resident who would have wanted this to be a Salt Lake City green-space. Eagles were seen on branches on this property not long ago. And a red-tailed hawk pair had a nest in one of those trees on this property this past year. Where are they going to go now? Too bad Audubon can't wine and dine you like Ivory Homes.

Thank you for your time.

Warmest regards,

Jayla Wolfe
685 Aloha Rd
801-652-1774

Barlow, Aaron

From: Jack Dolcourt <Jack.Dolcourt@hsc.utah.edu>
Sent: Friday, September 8, 2023 3:33 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) RE: Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

September 8, 2023

Mr. Aaron Barlow
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, Utah 84114-5480

Sent by e-mail: aaron.barlow@slcgov.com
e-mail copies sent to: mayor@slcgov.com; poazcoali. on@gmail.com; chris.wharton@slcgov.com

RE: Ivory Homes Proposed Development at 675 North F Street

Dear Mr. Barlow,

I am a resident of the Avenues section of Salt Lake City. By this e-mail, I am voicing my continued opposition to the Ivory Homes Proposed Planned Development. I explained the reasons for my opposition in my August 15th e-mail to you, so I will not reiterate them here.

Here are 4 concrete changes to the plan that Ivory Homes should do as a precondition o then resubmit for approval their modified development plan for 675 North F Street:

1. Widen all streets
2. Double the number of off-street guest parking spaces
3. Decrease the density of this development by Increasing the spacing between units by at least 25%.

Sincerely,

Jack Dolcourt
509 Northmont Way
Salt Lake City, Utah 84103

September 10, 2023

Aaron Barlow, AICP
Principal Planner
SLC Planning Division

Re: Opposition to application of Ivory Development for Planned Development Treatment for Project at 675 F Street
Petition Number: PLNPCM2023-00650

Dear Mr. Barlow,

It was nice to meet you at the Open House on August 23rd. My wife and I live at 322 East Penny Parade Drive in the Capital Park HOA. We bought our house almost a decade ago. After we bought our house, we sought to add a master bedroom in what was and still is our attic. Our application to Salt Lake City was declined because our plans did not comply with certain height restrictions (even though we were not exceeding the height of our current roof). Our appeals to Salt Lake City were unsuccessful. We hope and expect that the City will apply the same strict application of the rules to Ivory's project.

As you know, Ivory has pursued and continues to pursue a variety of exceptions and variances to the rules that apply to the entire Avenues' neighborhoods and to the Ivory property on F Street. Ivory has already obtained rezoning for the site which will permit more units on the site. But, that is not enough for Ivory. Ivory now seeks Planned Development treatment for the development which would create even more units than are permitted by its recently achieved zoning status. In addition to the 21 homes, Ivory also seeks to exacerbate matters further by adding ADUs – for a total of 42 homes on this small parcel.

Here is the short list of our concerns:

1. Fire safety: A single narrow road through houses with as little as 10 feet between them – 5 foot side yards! In addition, the street is narrow and there are no real parking spaces. Ivory acknowledges this shortcoming by casting driveways as "parking spots". If the homeowners or guests park in the street, which certainly will happen, it will be impossible for a firetruck to get down the road. Not only is all of this not compatible with established development in the Avenues, it is a real life fire safety hazard.

2. Retaining Walls: Over the last year, we have all seen on the news neighborhoods and homes sliding down the hillside because developers pressured the cities to stretch or violate the rules. If that happens at this development, who will be responsible to pick up the pieces? Who will protect the Northpoint residents? It certainly won't be Ivory! Of course, Ivory has or will provide engineering reports to support their development. But, so did the developers of the other developments and those homeowners' dreams slid down the mountain with their homes! These and the fire safety concerns are life threatening safety issues and Ivory is asking the City to look the other way. Nothing to see here!

3. Criteria for a Planned Development: Ivory must demonstrate that it is providing an "enhanced product". The design and site conditions of the development will not appeal to families with young children or occupants with physical limitations. There are no yards for kids to play! And, Ivory has failed to establish the "enhanced product" requirement. Instead, Ivory hopes that putting lipstick on its pig of a development will make it more attractive to the City. Ivory's claims of preserving open spaces and creating trails is a farce. A retention pond is not open space and mandatory sidewalks are not trails! Ivory is being disingenuous!

4. ADUs: The ADUs create a host of problems. As you know, ADUs are a housing type that gives the exclusive right to individual homeowners to create an additional housing unit on the property

they own and occupy. It's a special property right for owners, not developers or investors. But again, Ivory is seeking special treatment. These ADUs have the additional problem of the homeowner using them for overnight or short term rentals. Ivory's response to this concern is that the City has rules against that behavior. But, our experience at Capitol Park is that the City is not responsive to enforcing those rules. When Capitol Park had these issues, the City was completely non-responsive. We cannot expect anything else with abuses at the Ivory development.

Public opinion is intended by our system of laws to benefit public policy development and administration. It shouldn't be treated as a mere ritualistic hurdle to be cleared on the way to an inevitable project approval for a large, politically powerful developer. Please give serious consideration to our views as well as those who, like us, have followed the evolution of Ivory's development proposal for several years and have taken the time to study and comment on it. We hope that you will apply the same scrutiny and standards to Ivory's plans that you did when we asked to add a master bedroom to our house. The same standards that apply to Salt Lake City residents should apply to Ivory. Ivory is not entitled to special treatment. Ivory has not met the requirements for a Planned Development and its request should be denied! Thank you.

Sincerely,

Scott F. Young

ATTACHMENT I: Department Review Comments

The following departments reviewed this proposal. Any requirement identified by a City Department is required to be complied with.

Engineering (Scott Weiler):

1. The preliminary plat proposes to create 21 lots and two alpha parcels from the Ivory Homes property at approx. 675 N. "F" Street. The plat represents that no additional public way needs to be dedicated in the "F" Street corridor. Capitol Park Avenue is a private street. The proposed streets to be created are also proposed to be private streets.
2. The Subdivider must enter into a Subdivision Improvement Construction Agreement (SICA) for the **public improvements to be installed in "F" Street**. This agreement requires the subdivider to provide a security device, such as Payment & Performance Bonds, to guarantee acceptable completion of the public way improvements, including any public sewer, water, storm drain, curb & gutter, sidewalk, pavement, and street lighting. The agreement also requires insurance from the subdivider and the contractor and the payment of a fee based on the estimated cost of constructing the proposed street improvements (not including sewer, water, storm drain or street light improvements). The fee is calculated as 5% of the first $100,000 of street improvements and 2% of the amount over $100,000. A copy of the agreement can be sent to you via email, if requested.
3. The Improvement plans for the proposed public street construction must comply with the Salt Lake City Engineering (APWA) design standards. Some of the requirements to follow for this development are:
   - Plan & Profile sheets must show the profile view for top back of curb grade and centerline grade of "F" Street, with stationing increasing from left to right.
   - Minimum longitudinal curb & gutter (Type "A") design grade is 0.50%.
   - The minimum size lettering is 1/10" and capital letters shall be used.
   - The text shall be readable from one of two directions on a given sheet.
   - A Cover Sheet, with approval signatures from SLC Planning, SLC Public Utilities, SLC Fire Department, SLC Transportation and SLC Engineering must accompany the improvement plans.
4. SLC Transportation will determine the location for the proposed curb & gutter in "F" Street and the required width of the public sidewalk.
5. The SLC Surveyor has reviewed this preliminary plat. Those redlines as well as a pdf with address information will accompany this memo. New address certificates are required.
6. If new sewer or water mains to serve this development are to public, the subdivider must enter into agreements required by the SLC Public Utility Department and pay the required fees. The SICA can be used for collecting a bond for any public utilities that SLC PU desires to be included.
7. At least one member of the concrete finishing crew must be ACI certified. The name of the ACI certified finisher must be provided at the pre-construction meeting for the subdivision.

(Please see attached redlines of the plat.)

Fire (Douglas Bateman):

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into; and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire Marshal will need to look at these and determine if enough space has been provide for fire department access from building to lot lines.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet for buildings 30-feet and less, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Buildings greater than 30 feet shall have a road width of not less than 26 feet. Fire apparatus access roads with fire hydrants on them shall be 26-feet in width; at a minimum of 20-feet to each side of the hydrant in the direction or road travel.

Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (See Figure D103.6 for example).

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (80,000 pounds) and shall be surfaced to provide all-weather driving capabilities.

The required turning radius of a fire apparatus access road shall be the following: Inside radius is 20 feet, outside is 45-feet.

Buildings or portions of buildings constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Additional fire hydrants may be necessary dependent on total square footage and required fire flows in accordance with IFC appendix B and C

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Maximum grade for fire access roads shall not exceed 10%

Planning Staff Note: *The City Fire Prevention Bureau does not normally weigh in on development projects. However, they were provided information on possible impacts to the Wildland Urban Interface from the development plans. The Bureau noted that they do not have any official comments or concerns with the proposed zoning change, noting that "Any development is subject to code requirements and the SLC Building Department and SLC FPB are committed to ensuring that the adopted codes are followed."*

Transportation (Jena Carver):

A traffic impact study is not typically required for a development of this size. The capacity of the Avenues roadway network will be able to accommodate the traffic generated by the site. If further information on possible increase in delay at intersections or other impacts to the neighborhood is wanted by the Planning Commission they can require a traffic study and I can work with the applicant on a scope.

Public Utilities (Krissy Beitel):

Plat

Please provide a note on the plat indicating that common areas will serve as easements for shared, private utilities, including water, sewer, storm drain, and surface drainage. Please verify that "public" is not included in this note, as the utilities will not be public, but rather shared, private utilities. CC&R's must also address utility service ownership and maintenance responsibility from the public main to each individual unit. Plat should clearly label that the ROW through the site is private ROW.

Planned Development

Comments have been provided to assist in the future development of the property. The following comments are provided for information only and do not provide official project review or approval.

- Public Utility permit, connection, survey, and inspection fees will apply.
- All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.
- All utilities must meet horizontal and vertical clearance requirements.
- Contact SLCPU Street Light Program Manager, Dave Pearson (801-483-6738), for information regarding street lights.
- CC&R's must address utility service ownership and maintenance responsibility from the public main to each individual unit.
- Utilities cannot cross property lines without appropriate easements and agreements between property owners.
- Site utility and grading plans will be required for building permit review. Please refer to APWA, SLCDPU Standard Practices, and the SLC Design Process Guide for utility design requirements. Other plans may also be required, depending on the scope of work. Submit supporting documents and calculations along with the plans.
- Applicant must provide fire flow, culinary water, and sewer demand calculations to SLCDPU for review. The public sewer and water system will be modeled with these demands. If the demand is not adequately delivered or if one or more reaches of the sewer system reach capacity as a result of the development, a water/sewer main

upsizing will be required at the property owner's expense. Required improvements on the public water and sewer system will be determined by the Development Review Engineer and may be downstream of the project.

- One culinary water meter is permitted per parcel and fire services, as required, will be permitted for this property. If the parcel is larger than 0.5 acres, a separate irrigation meter is also permitted. Each service must have a separate tap to the main.
- If a fire service is required, then it will require a separate connection to the public main. Culinary and fire water service cannot be provided from the same connection.
- If a private fire hydrant is required on site, then a detector check valve will be required.
- As shown, the proposed sewer through the site will be a private sewer main. This will require a private main agreement to be signed prior to permit issuance. Additionally, an easement with the neighboring property will be required for any portion of the private sewer main that is on the neighboring property.
- Site stormwater must be collected on site and routed to the public storm drain system. Stormwater cannot discharge across property lines or public sidewalks.
- Stormwater treatment is required prior to discharge to the public storm drain. Utilize stormwater Best Management Practices (BMP's) to remove solids and oils. Green Infrastructure should be used whenever possible. Green Infrastructure and LID treatment of stormwater is a design requirement and required by the Salt Lake City UPDES permit for Municipal Separate Storm Sewer System (MS4). applicant will need to provide options for stormwater treatment and retention for the 80th percentile storm. If additional property is not available, there are other options such as green roof or other BMP's. Lack of room or cost is generally not an exception for this requirement. If green infrastructure is not used, then applicant must provide documentation of what green infrastructure measures were considered and why these were not deemed feasible. Please verify that plans include appropriate treatment measures.
- Stormwater detention is required for this project. The allowable release rate is 0.2 cfs per acre. Detention must be sized using the 100-year 3-hour design storm using the farmer Fletcher rainfall distribution. Provide a complete Technical Drainage Study including all calculations, figures, model output, certification, summary, and discussion.
- A Stormwater Pollution Prevention Plan (SWPPP) is required.

Urban Forestry (Rick Nelson)

I evaluated the trees on this lot back in December of 2021. I have cut and pasted the results of that survey below. I don't know the current condition of the trees on the site. The trees did rise to the level of specimen trees. This survey was done because of the community expressing concern that development would result in the loss of the "beautiful" large trees. We will seek mitigation for any of the trees being proposed for removal in accordance with our policies attached above.

There are currently no trees located on the Public ROW. There are no overhead wires. The proposed future parkstrip will be 5' wide making it good for medium species trees every 30' along street frontage. See Recommended medium tree species for SLC on our Urban Forestry web page). The following trees are located on the interior of the property and fall under the definition of specimen trees because of their size, condition, and contribution to the community.

The total inches of DBH proposed for removal is 896 inches. At $200/inch of DBH there is a potential mitigation fee of $179,200 as per our Tree Removal Mitigation Policy. Please see our Urban Forestry Plan Review Policy in advance of submitting plan documents for building permits.

DWR is the correct place to contact for the hawk. We typically will not remove a tree with actively nesting birds and wait until the nest is abandoned.

I don't have authority to require trees on the private road, But I would highly encourage the planting of trees along Capital Park Ave and throughout the site and would be willing to look at giving a credit for trees planted on the site to help offset the Tree Removal Mitigation fee mentioned above.

DBH	Species	Condition
5	Blue Spruce	Good
10	Blue Spruce	Good
8	Blue Spruce	Good
11	Blue Spruce	Good
10	Blue Spruce	Good
31	Elm	Fair
25	Elm	Fair
27	Elm	Fair
22	Elm	Fair
23	Elm	Fair
39	Elm	Fair
37	Elm	Fair
23	Elm	Fair
29	Hackberry	Fair
32	Elm	Fair
32	Austrian Pine	Good
30	Austrian Pine	Good
8	Juniper	Good
34	Austrian Pine	Good
23	Austrian Pine	Good
22	Elm	Fair
33	Elm	Fair
32	Elm	Fair
28	Elm	Fair
17	Juniper	Good
19	Juniper	Good
26	Honeylocust	Fair
20	Elm	Fair
23	Elm	Fair
15	Pine	Good
24	Elm	Fair
30	Elm	Fair
21	Austrian Pine	Good
14	Austrian Pine	Good
18	Austrian Pine	Good
30	Elm	Fair
27	Elm	Fair
38	Elm	Fair

VICINITY MAP
1" = 100'

CAPITOL PARK

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-2	SITE PLAN
O-3	UTILITY PLAN
O-4	GRADING AND DRAINAGE PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
NO. 5689
NICHOLAS J. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

Title Sheet

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER:
O-1

C:\Users\jprid22\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\1 - Title Sheet.dwg

CAPITOL PARK SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

NORTH

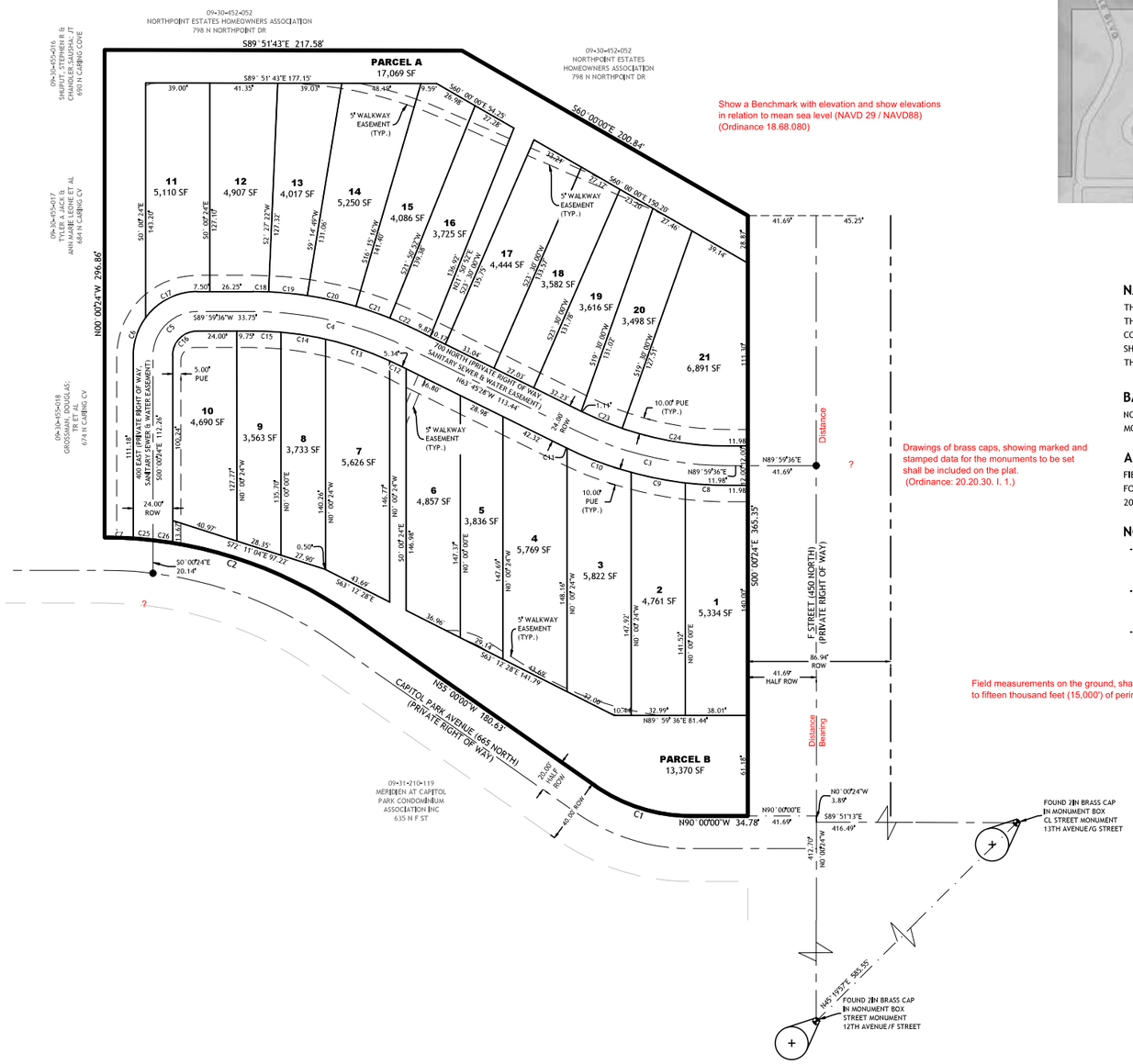
SCALE: 1"=40'

0 20 40 80 120

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
- MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
- NEW ROAD MONUMENT

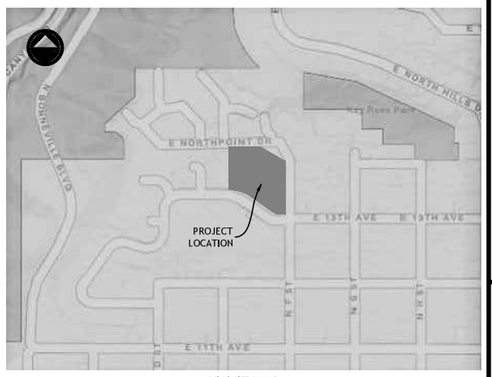
CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	97.12	212.00	N76°52'56"W	96.28
C4	97.12	212.00	N76°52'56"W	96.28
C5	42.41	27.00	S44°59'36"W	38.18
C6	24.60	39.00	S18°03'44"W	24.25
C7	17.51	262.00	N88°05'06"W	4840.68
C8	26.08	224.00	S86°40'18"E	26.08
C9	33.65	224.00	S79°01'59"E	33.64
C10	41.73	224.00	S69°23'33"E	41.69
C11	1.17	224.00	S63°54'24"E	1.17
C12	5.77	200.00	S64°35'01"E	5.77
C13	41.24	200.00	S71°19'02"E	41.18
C14	27.34	200.00	S81°08'29"E	27.33
C15	17.27	200.00	S87°31'56"E	17.27
C16	23.56	15.00	N44°59'36"E	21.59
C17	36.66	39.00	S63°03'44"W	35.41.33
C18	9.63	224.00	N88°46'31"W	9.63
C19	23.55	224.00	N84°31'56"W	23.54
C20	30.40	224.00	N77°37'59"W	30.38
C21	21.87	224.00	N70°56'56"W	21.86
C22	17.18	224.00	N65°57'18"W	17.18
C23	25.95	200.00	N67°28'32"W	25.95
C24	65.67	200.00	N80°36'00"W	65.42
C25	12.05	262.00	S84°51'10"E	12.05
C26	12.11	262.00	S82°12'39"E	12.11



Show a Benchmark with elevation and show elevations in relation to mean sea level (NAVD 29 / NAVD88) (Ordinance 18.68.080)

Drawings of brass caps, showing marked and stamped data for the monuments to be set shall be included on the plat. (Ordinance: 20.20.30. I. 1.)

Field measurements on the ground, shall close within a tolerance of one foot (1') to fifteen thousand feet (15,000') of perimeter. (Ordinance: 20.20.30. C.)



VICINITY MAP
NOT TO SCALE

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

05/19/22
FOR REVIEW ONLY
DO NOT RECORD

PROFESSIONAL LAND SURVEYOR 4938730 TYLER E. JENKINS STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL
SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK SUBDIVISION

AND DO HEREBY DEDICATE FOR PERPETUAL USE AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY, COMMON AREAS, AND PRIVATE ROAD TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK SUBDIVISION
PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____
ACCOUNT _____
SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.
PLANNING DIRECTOR DATE

SALT LAKE COUNTY HEALTH DEPT.
APPROVED THIS _____ DAY OF _____, 20__.
SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER_____DATE_____
CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

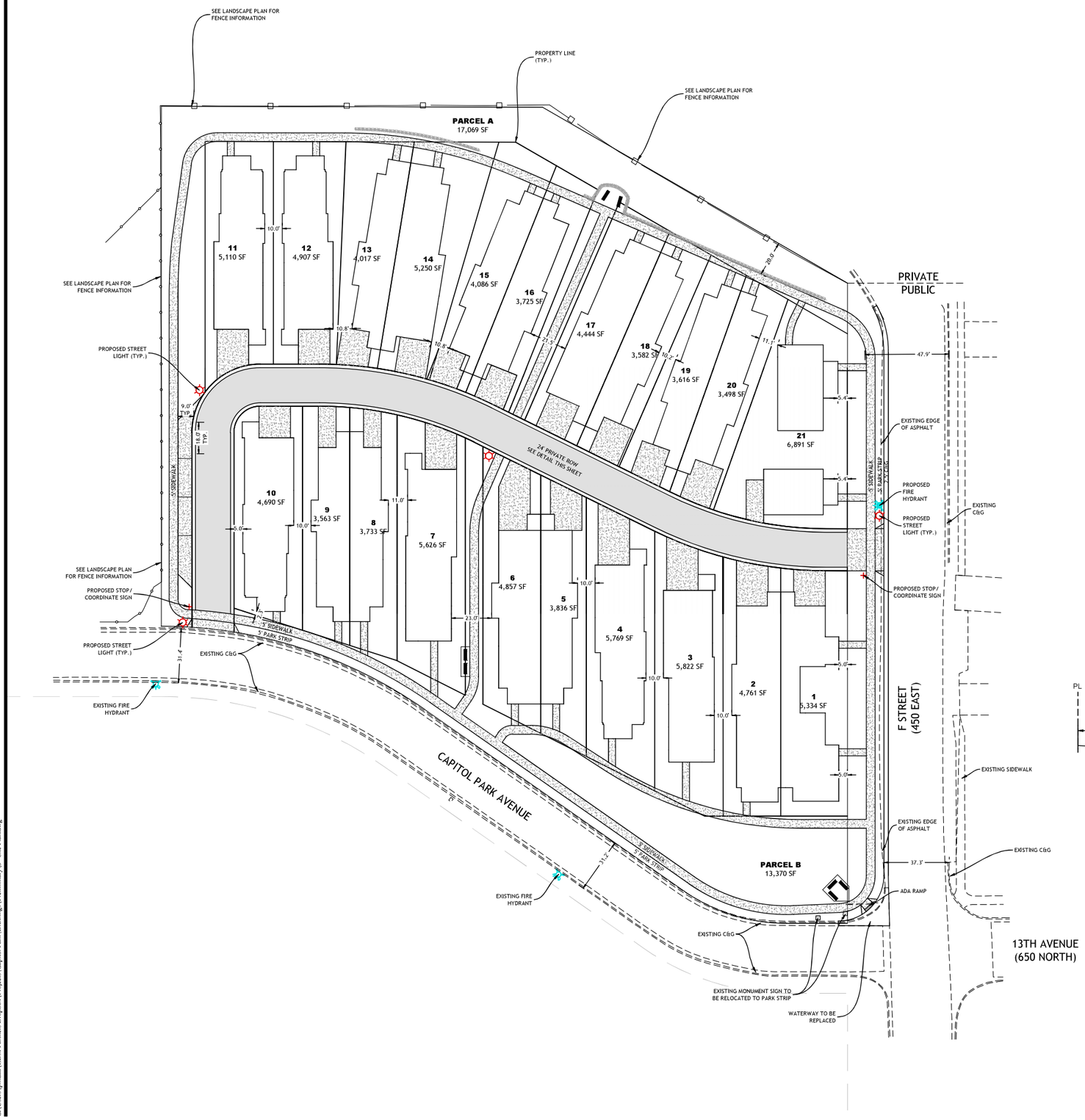
CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.
SALT LAKE CITY ATTORNEY

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY AND IS HEREBY APPROVED.
SALT LAKE CITY MAYOR SALT LAKE CITY RECORDER

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____
DATE:_____ TIME:_____ BOOK:_____ PAGE:_____
FEE SALT LAKE COUNTY DEPUTY RECORDER

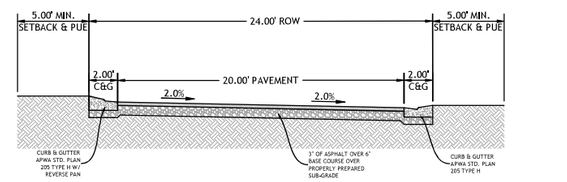
G:\Users\jmud22\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\2 - Subdivision Plat.dwg



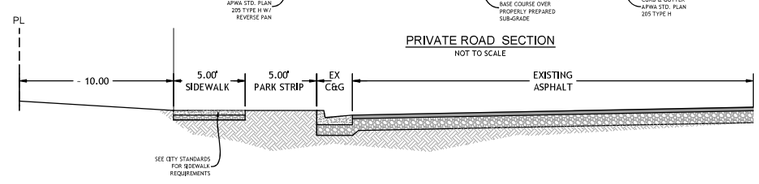
SETBACK AND SITE INFORMATION									
	MINIMUM SETBACKS								
LOT #	FRONT (FT)	SIDE (FT)	REAR (FT)	CORNER (FT)	LOT AREA (SF)	LOT WIDTH (FT)	BLDG AREA (SF)	BLDG COVERAGE (%)	PARKING STALLS
1	20	5	15	5	5334	38	2640	49%	5
2	20	5	15		4761	33	2640	55%	5
3	20	5	15		5822	39	2660	46%	4
4	20	5	15		5769	39	2556	44%	4
5	20	5	15		3836	26	1798	47%	3
6	20	5	15		4857	33	2412	50%	4
7	20	5	15		5626	39	2660	47%	4
8	20	5	15		3733	27	1850	50%	2
9	20	5	15		3563	27	1850	52%	2
10	20	5	15	5	4690	39	2556	54%	4
11	20	5	15		5110	39	2545	50%	4
12	20	5	15		4907	38.6	2545	52%	4
13	20	5	15		4017	31	1838	46%	3
14	20	5	15		5250	39	2532	48%	4
15	20	5	15		4086	28.7	1876	46%	3
16	20	5	15		3725	27	1876	50%	3
17	20	5	15		4444	33	2532	57%	4
18	20	5	15		3582	27	1838	51%	3
19	20	5	15		3616	27.4	1876	52%	3
20	20	5	15		3498	27	1876	54%	3
21	20	5	15	5	6891	55	2154	31%	4
TOTAL SITE					139752		47110	34%	4 [2]

NOTES:
1. EACH LOT CONTAINS ONE PRIMARY UNIT AND ONE POTENTIAL ADU.
2. PRIVATE PARKING NOT IN DRIVEWAY.

ZONING MODIFICATIONS		
	SR-1 ZONE	DESIGN
MIN. WIDTH	50'	26' *
MIN. AREA	5,000 SF	3,498 SF *
MIN. FRONT SETBACK	20'	2.95'
MIN. SIDE CORNER SETBACK	10'	5' *
MIN. SIDE SETBACK	4 / 10	5' *
MIN. REAR SETBACK	15'	2.3'
MAX COVERAGE	40%	34%
* ZONING REQUIREMENTS TO BE MODIFIED		



PRIVATE ROAD SECTION
NOT TO SCALE



CAPITOL PARK AVENUE SECTION
NOT TO SCALE

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SCALE: 1" = 30'
0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:
1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

PROJECT STATISTICS

TOTAL AREA =	3.21 AC
LOTS =	21
DENSITY =	6.54 DU/AC
OPEN SPACE AREA=	0.70 AC (21.8%)
OFF-STREET PARKING=	0.01 AC (1.49%)

LICENSED PROFESSIONAL ENGINEER
No. 3868
NICHOLAS M. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

Site Plan

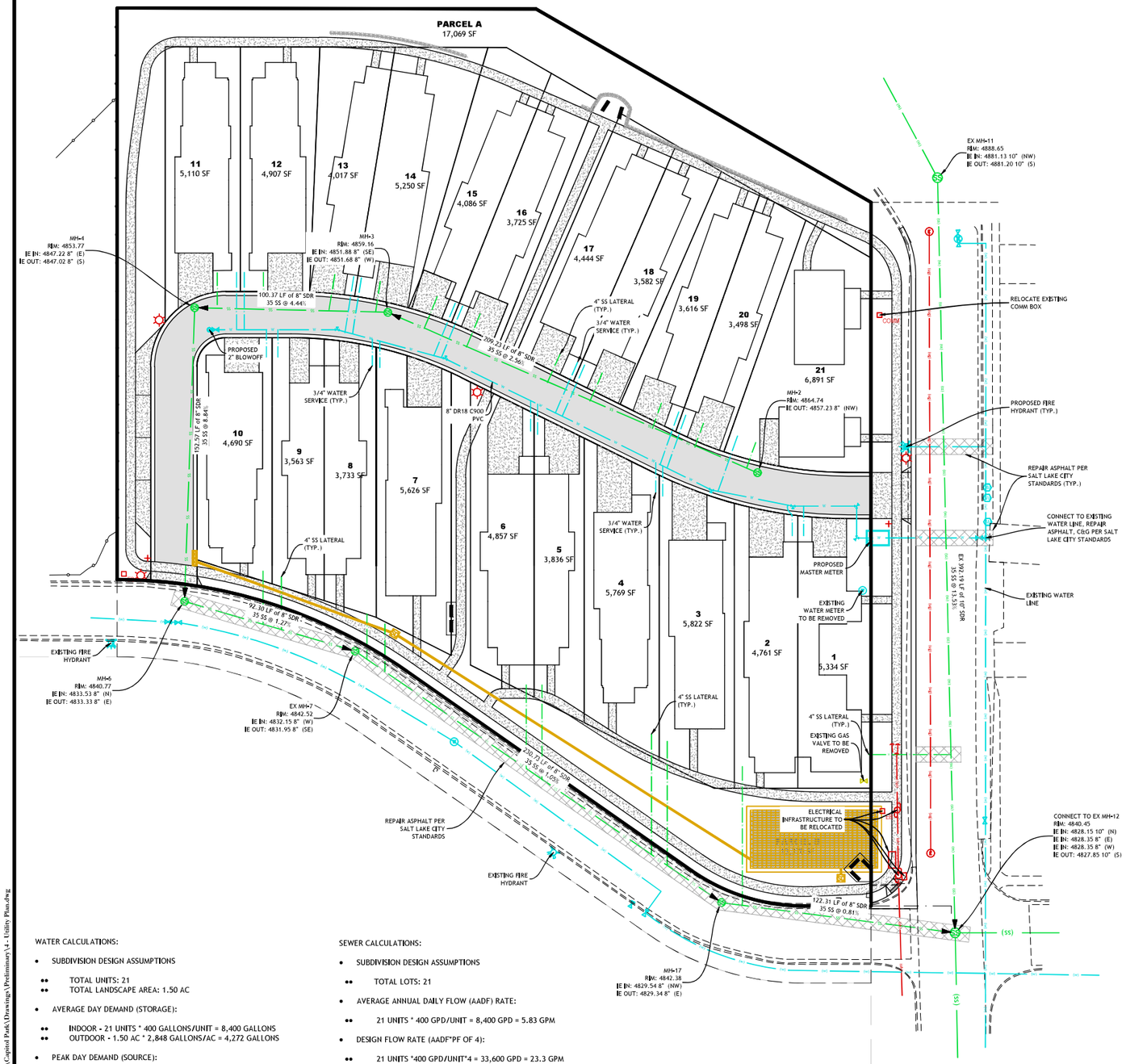
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER: O-2

C:\Users\jprid22\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\3 - Site Plan.dwg



WATER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL UNITS: 21
  - TOTAL LANDSCAPE AREA: 1.50 AC
- AVERAGE DAY DEMAND (STORAGE):
  - INDOOR - 21 UNITS * 400 GALLONS/UNIT = 8,400 GALLONS
  - OUTDOOR - 1.50 AC * 2,848 GALLONS/AC = 4,272 GALLONS
- PEAK DAY DEMAND (SOURCE):
  - INDOOR - 21 UNITS * 0.56 GPM/UNIT = 11.76 GPM
  - OUTDOOR - 1.50 AC * 3.96 GPM/AC = 5.94 GPM
  - TOTAL = 17.7 GPM (25,488 GPD)
- PEAK INSTANTANEOUS DEMAND
  - INDOOR - $10.8*(21)^{0.64}$ = 75.8 GPM
  - OUTDOOR - 1.50 AC * 7.92 GPM/AC = 11.88 GPM
  - TOTAL = 87.7 GPM (126,259 GPD)
- FIRE FLOW:
  - 1,500 GPM FOR 2 HOURS

SEWER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL LOTS: 21
- AVERAGE ANNUAL DAILY FLOW (AADF) RATE:
  - 21 UNITS * 400 GPD/UNIT = 8,400 GPD = 5.83 GPM
- DESIGN FLOW RATE (AADF*PF OF 4):
  - 21 UNITS *400 GPD/UNIT*4 = 33,600 GPD = 23.3 GPM

C:\Users\pmd22\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\4 - Utility Plan.dwg

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE:1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. No new above-ground electrical equipment in public ROW.
7. Water system is private and will be maintained by HOA.
8. All utilities must meet separation requirements, including laterals.

LICENSED PROFESSIONAL ENGINEER
No. 386011
NICHOLAS M. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

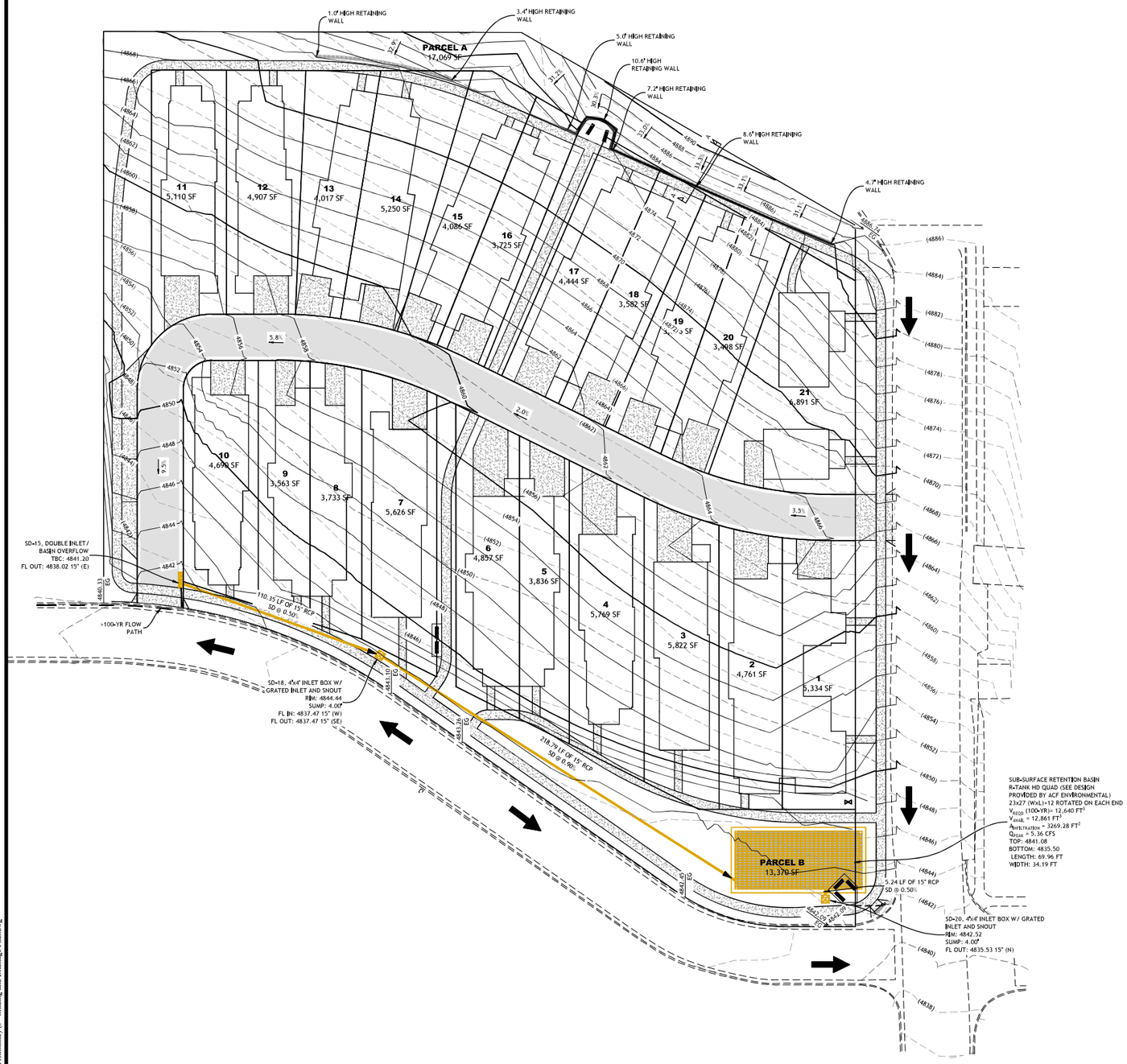
Utility Plan

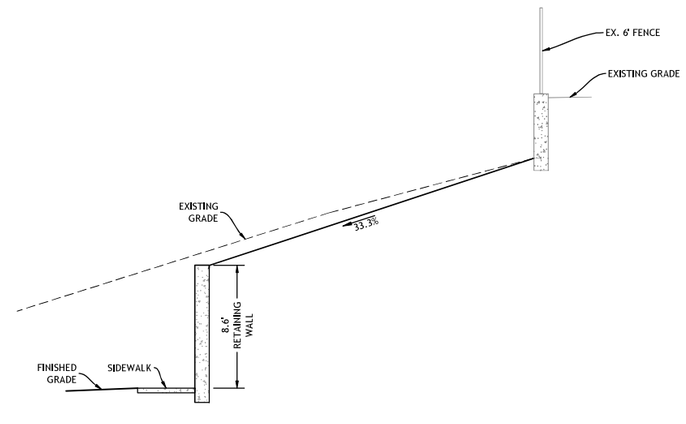
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

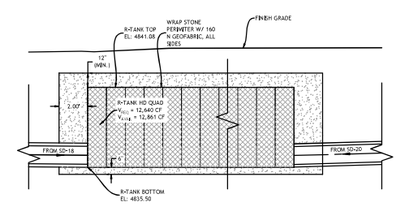
DATE: May 19, 2023

SHEET NUMBER: O-3





SECTION A
NOT TO SCALE



R-TANK INFILTRATION / RETENTION BASIN DETAIL
NOT TO SCALE

**REFER TO MANUFACTURER'S INSTALLATION REQUIREMENTS AND RECOMMENDATIONS FOR MORE INFORMATION.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

Grading & Drainage Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER: O-4

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CAPITOL PARK SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

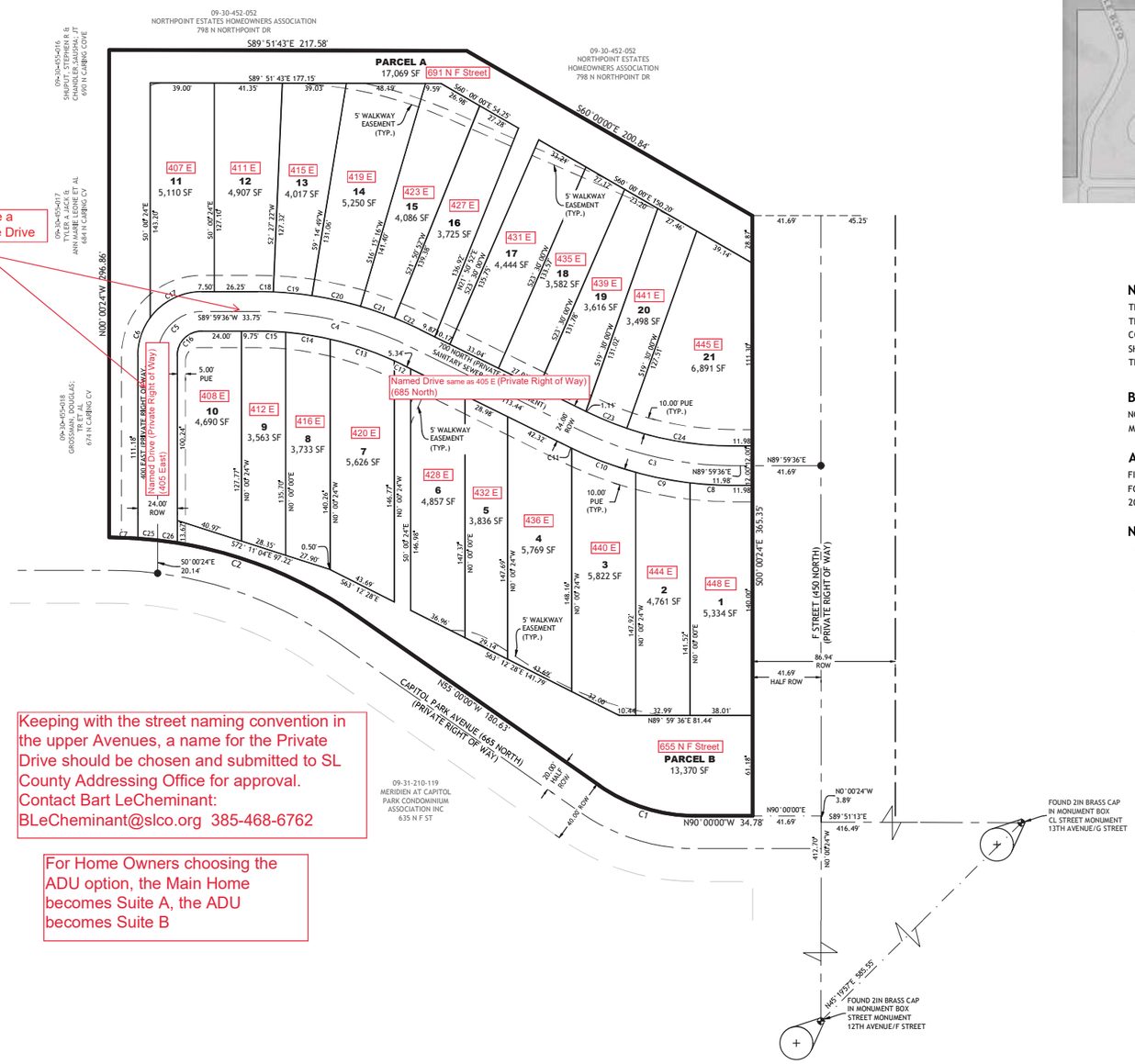
NORTH

SCALE: 1"=40'

0 20 40 80 120

LEGEND

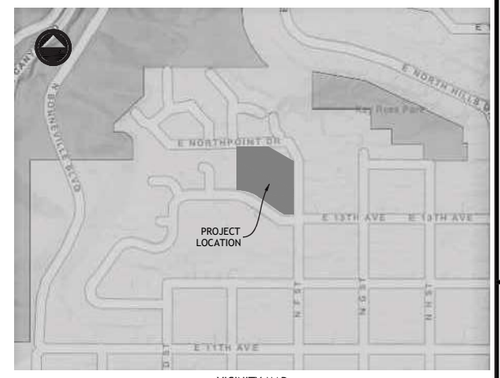
- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
- MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
- NEW ROAD MONUMENT



Keeping with the street naming convention in the upper Avenues, a name for the Private Drive should be chosen and submitted to SL County Addressing Office for approval. Contact Bart LeCheminant: BLeCheminant@slco.org 385-468-6762

For Home Owners choosing the ADU option, the Main Home becomes Suite A, the ADU becomes Suite B

CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	97.12	212.00	N76°52'56"W	96.28
C4	97.12	212.00	N76°52'56"W	96.28
C5	42.41	27.00	S44°59'36"W	38.18
C6	24.60	39.00	S18°03'44"W	24.25
C7	17.51	262.00	N88°05'06"W	4840.68
C8	26.08	224.00	S86°40'18"E	26.08
C9	33.65	224.00	S79°01'59"E	33.64
C10	41.73	224.00	S69°23'33"E	41.69
C11	1.17	224.00	S63°54'24"E	1.17
C12	5.77	200.00	S64°35'01"E	5.77
C13	41.24	200.00	S71°19'02"E	41.18
C14	27.34	200.00	S81°08'29"E	27.33
C15	17.27	200.00	S87°31'56"E	17.27
C16	23.56	15.00	N44°59'36"E	21.59
C17	36.66	39.00	S63°03'44"W	35.41
C18	9.63	224.00	N88°46'31"W	9.63
C19	23.55	224.00	N84°31'56"W	23.54
C20	30.40	224.00	N77°37'59"W	30.38
C21	21.87	224.00	N70°56'56"W	21.86
C22	17.18	224.00	N65°57'18"W	17.18
C23	25.95	200.00	N67°28'32"W	25.95
C24	65.67	200.00	N80°36'00"W	65.42
C25	12.05	262.00	S84°51'10"E	12.05
C26	12.11	262.00	S82°12'39"E	12.11



VICINITY MAP
NOT TO SCALE

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

05/19/22
FOR REVIEW ONLY
DO NOT RECORD

PROFESSIONAL LAND SURVEYOR 4938730 TYLER E. JENKINS STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL
SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK SUBDIVISION

AND DO HEREBY DEDICATE FOR PERPETUAL USE AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY, COMMON AREAS, AND PRIVATE ROAD TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK SUBDIVISION
PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____
ACCOUNT _____
SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.
PLANNING DIRECTOR DATE

SALT LAKE COUNTY HEALTH DEPT.
APPROVED THIS _____ DAY OF _____, 20__.
SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER_____DATE_____
CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.
SALT LAKE CITY ATTORNEY

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY APPROVED.
SALT LAKE CITY MAYOR SALT LAKE CITY RECORDER

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____
DATE:_____ TIME:_____ BOOK:_____ PAGE:_____
FEE
SALT LAKE COUNTY DEPUTY RECORDER

G:\Users\pmd223\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\3 - Subdivision Plat.dwg

Public Lands
Parks | Trails & Natural Lands | Urban Forestry | Golf

Urban Forestry Division
urban.forestry@slcgov.com
801-972-7818

Urban Forestry Plan Review Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

The public trees that make up the City's urban forest are inventoried assets and vital city infrastructure. Additionally, Salt Lake City code requires public trees to be preserved to the maximum extent possible. Existing public trees adjacent to sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of public trees for development will only be allowed in rare cases where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

The Urban Forestry Division requires, at a minimum, a site plan, a landscape plan, and a demolition plan (if demolishing an existing structure) on every building permit submitted for review. The following information is required on all Site, Demolition and Landscape plans:

- ☐ All plans in ProjectDox must be labeled i.e. Demolition, Site, Landscape, etc.
- ☐ Parcel Address: If parcels are being combined, label all properties involved with parcel street address, not parcel I.D.
- ☐ Adjacent Properties: Depict addresses and property lines.
- ☐ Type of Project: Describe the nature of the project, i.e. new home construction, new building construction, interior remodel etc.

☐ Depict and label all streets, sidewalks, curbs, driveways and park strips.

☐ Depict and label public right-of-way property line.

☐ Illustrate and label existing above ground and below ground utilities.

☐ Illustrate and label proposed above ground and below ground utilities.

☐ Depict all trees on both private and public property on the site and within 15 feet of the site. Trees must appear on the site plan, demolition plan, and the grading and drainage plans.

☐ On sites with existing trees that will be preserved, an irrigation schedule and irrigation method must be provided. All public and private property trees must be irrigated throughout demolition and construction at a minimum of 20 gallons twice weekly.

☐ A comprehensive **tree inventory spread sheet** of all public and private property trees shall be provided on the plan indicating

- Tree species
- Tree size (DBH)
- Location (private or public property)
- Condition (Good, Fair, Poor, Very Poor)
- Status (proposed removed or proposed preserved)
- Additional notes (i.e. justification for removal of a tree that is not in the footprint of proposed improvements/changes)
- Total tree count

☐ **Tree Preservation information**: All existing trees on site, and within 15 feet of the site must be easily identified on the drawings and must include the following information:

- Tree Species
- Size expressed in "DBH" (DBH is **D**iameter at **B**reast **H**eight and is measured at 4.5 feet above grade)
- Condition
- Status- "proposed removed" or "proposed preserved"
- If proposing tree removal, indicate *why* and be prepared to adjust plans to accommodate tree preservation if required by Urban Forestry
- Any proposed pruning or root cutting
- Depiction of tree protection fencing (tree protection fencing must be **free standing**, **6 feet tall chain link**) for trees to be preserved- See Tree Protection and Preservation Policy for further details

☐ Depict footprints for all existing and proposed structures and hardscapes. Landscape plan should only show remaining and proposed structure footprint.

- ☐ Label all proposed vegetation in park strip and private property with size, species and quantity on a Landscape Plan. The plan must indicate distances between trees to be planted in the park strip, distances between trees and utilities, distances between trees and driveways and buildings.

- ☐ A requirement of City Code is for a tree to be planted in the public ROW for every 30' of street frontage. The Landscape Plan should clearly depict a tree every 30' accounting for all remaining and proposed trees, as they will be at the end of the project.

  The following guidelines should be used for siting tree planting locations:
  - 5' from water meter and/or utility box
  - 10' from fire hydrant
  - 5-10' from residential driveway
  - 5-10' from property line of adjoining parcel
  - 5-10' from non-traffic conducting signage
  - 5-10' from utility pole and/or light
  - 20' from an unregulated intersection (20' back from intersecting sidewalks)
  - 30' from stop signs
  - 10' from commercial driveway and/or alley
  - 40' from an intersection with traffic lights (40' back from intersecting sidewalks)
  - 20-30' from another existing tree

City code requires a tree work permit to perform any action that may affect a public tree. The Urban Forestry Division, at its discretion, may issue a permit to allow a specific action on a public tree. Tree work permits can be applied for online. See Urban Forestry Tree Work Permit Policy for further details about permits for pruning or removing public trees and for planting new trees in the parkstrip or public right-of-way.

See below for an example site plan that contains the required elements:

LANDSCAPE SUMMARY DATA - SALT LAKE CITY

GENERAL SITE INFORMATION:	REQUIRED	PROVIDED
ZONED AS	–	CB
TOTAL AREA ON-SITE	–	0.16 ACRES (6,970 SF)
PARK STRIP - 800 SOUTH (802 SF)		
LANDSCAPE AREA - 33% MIN COVERED W/ VEGETATION	33% MIN (802 SF X 0.33 = 265 SF)	33.7% COVERED (270 SF VEGETATION)
TREES - 1 TREE PER 30' OF STREET FRONTAGE	63 L.F. / 30' = 2.77	3 TREES (3 EXISTING)
FRONT YARD - 800 SOUTH (648 SF)		
LANDSCAPE AREA - 33% MIN COVERED W/ VEGETATION	33% MIN (648 SF X 0.33 = 214 SF)	35.5% COVERED (230 SF TOTAL VEG)

TREE INVENTORY

TREE SPECIES		TREE SIZE	LOCATION	CONDITION	STATUS	NOTES
FRAXINUS PENNSYLVANICA	GREEN ASH -	2" dbh	PUBLIC	POOR	TREE PROPOSED PRESERVED	NOTE 3
FRAXINUS PENNSYLVANICA	GREEN ASH	1" dbh	PUBLIC	POOR	TREE PROPOSED PRESERVED	NOTE 3
FRAXINUS PENNSYLVANICA	GREEN ASH	2" dbh	PUBLIC	POOR	TREE PROPOSED PRESERVED	NOTE 3
TOTAL TREES ON EXISTING SITE	3 (IN PARK STRIP)					
TOTAL TREES PROPOSED REMOVED	0					
TOTAL TREES PROPOSED PRESERVED	3					
TOTAL NEW TREES PROPOSED	xx					

NOTES:
1. TREE IS WITHIN FOOTPRINT OF PROPOSED STRUCTURE OR HARDSCAPE
2. TREE IS IN POOR CONDITION
3. TREE IS IN PARK STRIP AND WILL BE PROTECTED WITHIN TREE PROTECTION ZONE (TPZ)

ABBR	BOTANICAL NAME	COMMON NAME	SIZE
CABE	Carpinus betulus	Columnar Hornbeam	2" col.
ACPA	Acer palmatum	Japanese Maple	2" cal.
RAGL	Rhus aromatica	Grow Low Sumac	1 gal.
EULA	Euonymus alatus	Burning Bush	1 gal.
PENS	Penstemon Pinifolius	Pineleaf Penstemon	1 gal.
SPOR	Sporobolus Heterolepis	Prairie Dropseed	1 gal.
ASSM	Artemesia schmidliana	Silvermound Artemesia	1 gal.
EUJA	Euonymus japonicus	Green Spire	5 gal.

BOULDERS — INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

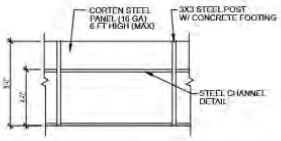
STONE PAVERS — INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

STONE MULCH — 1" - 1½" APACHED GOLD GRAVEL; INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

SHREDDED BARK MULCH — INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC; MULCH COVERAGE MUST BE A MIN. DEPTH OF 3"

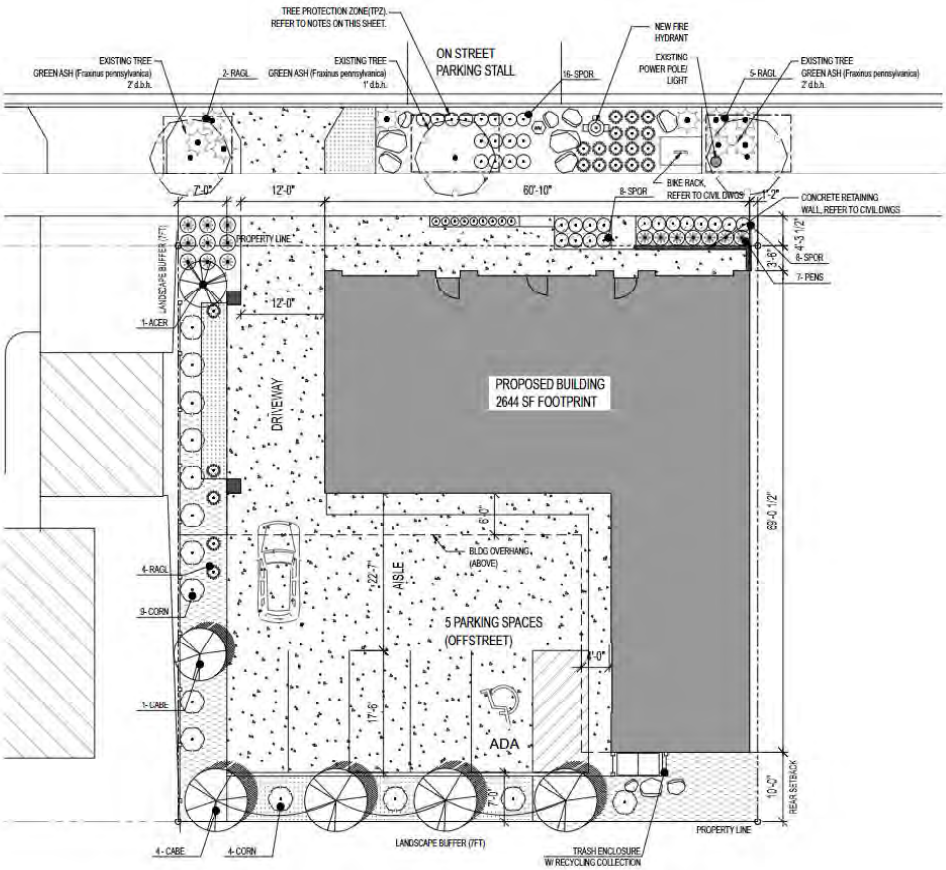
COMPACTED CHAT — APACHE CHAT; INSTALL INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

CONCRETE — SEE CIVIL DWGS



A2 / AS101 FENCE ELEVATION
SCALE: 1/4"=1'-0"

NOTE: THE TPZ WILL BE DEFINED BY 6 FT TALL CHAIN LINK FENCING. FENCING WILL BE ERECTED WITH FREE STANDING POSTS, NOT POSTS DRIVEN INTO THE ROOT SYSTEM. THERE SHALL BE APPROPRIATE SIGNAGE POSTED ON EACH LINEAR SPACE OF THE FENCE. SIGNAGE SHALL BE LAMINATED ON 8 1/2 X 11" PAPER. THE TPZ FENCING AND SIGNAGE WILL REMAIN UNTIL THE PROJECT IS COMPLETE OR CERTIFICATE OF OCCUPANCY HAS BEEN AUTHORIZED.



NOTE: FINISH LANDSCAPING AT EDGE OF PROPERTY TO BE SLIGHTLY RAISED TO ENSURE DRAINAGE WILL REMAIN ON PROPERTY.

A1 / AS100 ARCHITECTURAL SITE AND LANDSCAPE PLAN
SCALE: 1/8"=1'-0"

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801-972-7818

Private Property Specimen Tree Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

Salt Lake City code requires specimen trees on private property to be preserved to the maximum extent possible. A specimen tree, as defined in city code is: a structurally sound and healthy tree or grouping of trees, having an individual or combined DBH measuring greater than ten inches (10"); whose future vitality can be reasonably expected and maintained with proper protection and regularly scheduled care; or whose absence from the landscape would significantly alter the site's appearance, environmental benefit, character or history.

Existing specimen trees located on sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of specimen trees for development will only be allowed where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

Specimen trees will be required to have a tree protection plan in place prior to the start of any excavation, grading, demolition, utility work or construction of a building, structure, or street.

All trees will have a tree protection zone (TPZ) established prior to any work and maintained throughout all phases of development. The TPZ will be 1 foot radius from the base of the tree's trunk for each 1 inch of the tree's diameter measured at 4.5 feet above

grade (referred to as DBH). In accordance with the Urban Forestry Plan Review Policy, all existing trees and the required TPZ shall be shown on all plans. The TPZ shall be clearly marked on the site plan, demolition plan, landscape plan, and grading and drainage plan.

Tree diameter	Tree Protection Zone Diameter
2 inches	4 feet
6 inches	12 feet
24 inches	48 feet
48 inches	96 feet

The TPZ will be defined by 6' tall chain link fencing, which will be erected with free standing posts, NOT posts driven into the root system. Each linear span of fencing shall have the Urban Forestry Tree Protection Zone Sign laminated on 11" x 17" paper. The TPZ fencing and signage will remain until the project is complete or until Urban Forestry has provided written authorization allowing the removal of the fencing. There shall be no entry into the TPZ without written authorization from the Urban Forestry Division.

The TPZ shall not be subjected to paving, filling, excavation, or soil compaction. No materials shall be stored or disposed of in the TPZ and no protected tree shall be used to support any construction materials, debris, or fencing, scaffolding, or signs. Material washout and cleaning shall occur in such a way that it does not enter the TPZ.

The following provisions apply to authorized work in the tree protection zone:

- The TPZ extends 36" below ground. Only tunneling or boring will be allowed in the TPZ and must be at a depth of 36 inches minimum. The access pit must be located outside of the TPZ. If this is not feasible, written authorization must be obtained from Urban Forestry PRIOR to altering the TPZ.
- No equipment shall be allowed inside the tree protection zone. If special provision for excavation is approved by Urban Forestry, it shall be done by hand or a soil vacuum or air spade.
- Use tunneling or boring for irrigation and utilities. In the case of all hardscape and utility work, no roots larger than 3" in diameter will be cut. Smaller roots will be cut cleanly with a saw. Proper action shall be taken to protect and preserve the roots. Roots will not be ripped out with a back hoe.

- In situations where a root has been damaged, a clean cut shall be made on the root at the edge of the trench. Any exposed cut roots will be covered as quickly as possible to prevent them from drying out and the tree should be watered immediately. If tree roots are to remain exposed for more than four to six hours, they must be covered with burlap and kept moist at all times.
- When encountering roots over 3" in diameter the Salt Lake City Urban Forestry Divison will be consulted prior to cutting to find some other course of action. Any cutting of tree roots shall give due consideration to future welfare of the tree.

Please note the following:

- No pruning will be allowed that will compromise the aesthetics or structural integrity of a preserved tree in order to accommodate development.
- If any work is required within the TPZ, a site consultation is required with the Urban Forestry Division. A minimum of 48 hours notice must be given prior to request for onsite meetings.
- Large and extensive projects may necessitate the involvement and oversight of an independent consulting arborist.
- If trees are damaged or destroyed, as determined by the Urban Forestry Division, due to any construction activity, the property owner will be assessed the appraised value of the trees damaged. Utah State Code allows for 3 times the appraised value to be assessed.
- The property owner is required to irrigate all specimen trees. In accordance with the Urban Forestry Plan Review Policy, an irrigation schedule and method must be provided. All public and private property trees must be irrigated throughout demolition and construction at a minimum of 20 gallons twice weekly.

At project completion, contact Urban Forestry (801-972-7818) to schedule an inspection before the tree protection fencing can be removed.

In accordance with Salt Lake City code and the Urban Forestry Tree Work Permit Policy, a condition of permits for tree removal may be to compensate the City for the value of the tree removed. The "tree removal mitigation fee" will be applied at the discretion of the Urban Forestry Division based on the Urban Forestry Tree Appraisal Policy. The mitigation fee will be calculated as either the diameter-inch method, a standard $200 per inch of diameter for the tree removed, or the appraised value of the tree, based on International Society of Arboriculture Appraisal method.

Diameter-inch method ($200 per inch removed)

- Specimen trees, which are permitted to be removed, shall be replaced on a tree per inch basis

    For example, removal of a 10" DBH tree from public property will require ten 2" caliper trees to be planted.

    - Replacement trees must be planted back onto the property or adjacent parkstrip from where the original tree was removed.
    - Replacement trees shall be between 2" and 3" in caliper at time of planting.
    - If there is not adequate space to accommodate any or all of the required replacement trees on the property or adjacent parkstrip, the permittee shall pay to the City the value of the remaining replacement trees.

        The value of outstanding replacement trees shall be determined by multiplying the $400 cost for a 2" replacement tree ($200 per inch x 2" tree) by the total number of outstanding trees.
    - The City's "cost per inch" is determined by referencing the values assigned in the *Species Rating for Landscape Appraisal in Utah* guide.

        Currently, the 'cost per inch of required tree replacement' is $200.00

        Calculation: Wholesale tree cost ($219 avg.) plus Installation cost ($214 avg.) divided by the size of the largest commonly available transplantable tree (2.17 inch avg.)

        For example: the value for removing a 10" DBH tree is $2000 ($200 x 10")

        As the cost to purchase and plant trees fluctuates, so too shall the city's 'cost per inch"
    - The Urban Forestry Division shall reserve the right to lessen the required tree replacement for any tree removed, based on tree condition, species, location, or the tree planting plan.

Appraisal Method

Salt Lake City Urban Forestry may also calculate a tree's value through a formal appraisal, based on International Society of Arboriculture appraisal methods.

- If the Urban Forestry Division permits a specimen tree to be removed and chooses to apply the appraised value, the tree is still required to be replaced on the property or adjacent parkstrip where the tree was removed.
- Replacement trees shall be between 2" and 3" caliper at time of planting.
- Each replacement tree shall subtract $400 ($200 per inch x 2" tree) from the appraised value of the tree removed.
- The permittee shall pay to the city the remaining value of the tree removed, after subtracting the value of the replacement trees that the site space requires.
- Trees larger than 3" can be planted, but due to limited survivability and availability, only 3" count toward mitigation and replacement.

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801-972-7818

Urban Forestry Tree Protection and Preservation Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

The public trees that make up the City's urban forest are inventoried assets and vital city infrastructure. Additionally, Salt Lake City code requires public trees to be preserved to the maximum extent possible.

Existing public trees adjacent to sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of public trees for development will only be allowed in rare cases where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

Public trees will be required to have a tree protection plan in place prior to the start of any excavation, grading, demolition, utility work or construction of a building, structure, or street.

All trees will have a tree protection zone (TPZ) established prior to any work and maintained throughout all phases of development. The TPZ will be 1 foot radius from the base of the tree's trunk for each 1 inch of the tree's diameter measured at 4.5 feet above grade (referred to as DBH). In accordance with the Urban Forestry Plan Review Policy, all existing trees and the required TPZ shall be shown on all plans. The TPZ shall be clearly marked on the site plan, demolition plan, landscape plan, and grading and drainage plan.

Tree diameter	Tree Protection Zone Diameter
2 inches	4 feet
6 inches	12 feet
24 inches	48 feet
48 inches	96 feet

When trees are in a parkstrip, the TPZ will be the entire length of the parkstrip from curb to sidewalk.

The TPZ will be defined by 6' tall chain link fencing, which will be erected with free standing posts, NOT posts driven into the root system. Each linear span of fencing shall have the Urban Forestry Tree Protection Zone Sign laminated on 11" x 17" paper. The TPZ fencing and signage will remain until the project is complete or until Urban Forestry has provided written authorization allowing the removal of the fencing. There shall be no entry into the TPZ without written authorization from the Urban Forestry Division.

The TPZ shall not be subjected to paving, filling, excavation, or soil compaction. No materials shall be stored or disposed of in the TPZ and no protected tree shall be used to support any construction materials, debris, or fencing, scaffolding, or signs. Material washout and cleaning shall occur in such a way that it does not enter the TPZ.

The following provisions apply to authorized work in the tree protection zone:

- The TPZ extends 36" below ground. Only tunneling or boring will be allowed in the TPZ and must be at a depth of 36 inches minimum. The access pit must be located outside of the TPZ. If this is not feasible, written authorization must be obtained from Urban Forestry PRIOR to altering the TPZ.
- No equipment shall be allowed inside the tree protection zone. If special provision for excavation is approved by Urban Forestry, it shall be done by hand or a soil vacuum or air spade.
- Use tunneling or boring for irrigation and utilities. In the case of all hardscape and utility work, no roots larger than 3" in diameter will be cut. Smaller roots will be cut cleanly with a saw. Proper action shall be taken to protect and preserve the roots. Roots will not be ripped out with a back hoe.
- In situations where a root has been damaged, a clean cut shall be made on the root at the edge of the trench. Any exposed cut roots will be covered as quickly as

possible to prevent them from drying out and the tree should be watered immediately. If tree roots are to remain exposed for more than four to six hours, they must be covered with burlap and kept moist at all times.

- When encountering roots over 3" in diameter the Salt Lake City Urban Forestry Divisionwill be consulted prior to cutting to find some other course of action. Any cutting of tree roots shall give due consideration to future welfare of the tree.

Please note the following:

- Any proposed pruning of public trees must be authorized by the Urban Forestry Division, via issuance of a tree work permit, in accordance with the Urban Forestry Tree Work Permit Policy. Tree work permits can be applied for online.
- No pruning will be allowed that will compromise the aesthetics or structural integrity of a preserved tree in order to accommodate development.
- If any work is required within the TPZ, a site consultation is required with the Urban Forestry Division. A minimum of 48 hours notice must be given prior to request for onsite meetings.
- Large and extensive projects may necessitate the involvement and oversight of an independent consulting arborist.
- If trees are damaged or destroyed, as determined by the Urban Forestry Division, due to any construction activity, the property owner will be assessed the appraised value of the trees damaged. Utah State Code allows for 3 times the appraised value to be assessed.
- Salt Lake City Code requires the adjacent property owner to irrigate all public property trees. In accordance with the Urban Forestry Plan Review Policy, an irrigation schedule and method must be provided. All public and private property trees must be irrigated throughout demolition and construction at a minimum of 20 gallons twice weekly.

At project completion, contact Urban Forestry (801-972-7818) to schedule an inspection before the tree protection fencing can be removed.

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Tree Protection Zone

This Tree is owned by the residents of Salt Lake City, maintained by the Urban Forestry Division, and is the responsibility of

_____

Name of the Construction Company

to preserve and protect during construction.

Please contact Salt Lake City Urban Forestry with any concerns about tree damage
801-972-7818
urban.forestry@slcgov.com

DO NOT REMOVE, ADJUST, OR ENCROACH ON THIS FENCING.
TO ACCESS THE TPZ, CALL URBAN FORESTRY.
NO CONSTRUCTION RELATED MATERIALS, SUPPLIES OR EQUIPMENT ARE PERMITTED WITHIN THE FENCED AREA.

#BLD _____
ADDRESS_____

INSTRUCTIONS

Reproduce this sign on an 11x17 sheet of paper enough times that it can be placed on each of the 6' chain link fence panels used to delineate the TREE PROTECTION ZONE.

Fill in the name of the Construction Company responsible to maintain the Tree Protection Zone during all construction activity.

Fill in approved building permit number and construction site address.

Plastic laminate the signs for weather resistance.

Affix the filled in and laminated signs to the tree protection fencing using zip or twist ties.

Place sign at regular intervals on all sides of fencing for maximum visibility.

Place sign on fencing so it is visible to construction personnel and from the street.

Keep the sign in readable condition for the entire duration of the project.

For information on these requirements contact Salt Lake City Urban Forestry at 801-972-7818.

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urban.forestry@slcgov.com
801-972-7818

Urban Forestry Tree Removal Mitigation Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

The public trees that make up the City's urban forest are inventoried assets and vital city infrastructure. Additionally, Salt Lake City code requires public trees to be preserved to the maximum extent possible.

Existing public trees adjacent to sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of public trees for development will only be allowed in rare cases where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

In accordance with Salt Lake City code and the Urban Forestry Tree Work Permit Policy, a condition of permits for tree removal may be to compensate the City for the value of the tree removed. The "tree removal mitigation fee" will be applied at the discretion of the Urban Forestry Division based on the Urban Forestry Tree Appraisal Policy. The mitigation fee will be calculated as either the diameter-inch method, a standard $200 per inch of diameter for the tree removed, or the appraised value of the tree, based on International Society of Arboriculture Appraisal method.

Diameter-inch method ($200 per inch removed)

- Public property trees, which are permitted to be removed, shall be replaced on a tree per inch basis

For example, removal of a 10" DBH tree from public property will require ten 2" caliper trees to be planted.

- Replacement trees must be planted back onto the parkstrip from where the original tree was removed.
- Replacement trees shall be between 2" and 3" in caliper at time of planting.
- If there is not adequate space to accommodate any or all of the required replacement trees on the parkstrip, the permittee shall pay to the City the value of the remaining replacement trees.

  The value of outstanding replacement trees shall be determined by multiplying the $400 cost for a 2" replacement tree ($200 per inch x 2" tree) by the total number of outstanding trees.
- The City's "cost per inch" is determined by referencing the values assigned in the *Species Rating for Landscape Appraisal in Utah* guide.

  Currently, the 'cost per inch of required tree replacement' is $200.00
  Calculation: Wholesale tree cost ($219 avg.) plus Installation cost ($214 avg.) divided by the size of the largest commonly available transplantable tree (2.17 inch avg.)
  For example: the value for removing a 10" DBH tree is $2000 ($200 x 10")
  As the cost to purchase and plant trees fluctuates, so too shall the city's 'cost per inch"
- The Urban Forestry Division shall reserve the right to lessen the required tree replacement for any tree removed, based on tree condition, species, location, or the tree planting plan.
- All tree removals must be approved and permitted by Urban Forestry, in accordance with the Urban Forestry Tree Work Permit Policy.

Appraisal Method

Salt Lake City Urban Forestry may also calculate a tree's value through a formal appraisal, based on International Society of Arboriculture appraisal methods.

- If the Urban Forestry Division permits a public tree to be removed and chooses to apply the appraised value, the tree is still required to be replaced in the parkstrip where the tree was removed.
- Replacement trees shall be between 2" and 3" caliper at time of planting.
- Each replacement tree shall subtract $400 ($200 per inch x 2" tree) from the appraised value of the tree removed.
- The permittee shall pay to the city the remaining value of the tree removed, after subtracting the value of the replacement trees that the site space requires.
- Trees larger than 3" can be planted, but due to limited survivability and availability, only 3" count toward mitigation and replacement.

Public Comments Received after Publication of Staff Report (1/18/2024)

SMITH HARTVIGSEN PLLC
ATTORNEYS AT LAW

J. CRAIG SMITH
[redacted]

ETHAN M. SMITH
[redacted]

January 18, 2024

Salt Lake City Planning Commission
Mike Christensen, *D1 Planning Commissioner*
Richard Tuttle, *D1 Planning Commissioner*
Landon Kraczek, *D2 Planning Commissioner*
Carlos Santa-Rivera, *D3 Planning Commissioner*
Bree Scheer, *D4 Planning Commissioner*
Anaya Gayle, *D4 Planning Commissioner*
Brian Scott, *D5 Planning Commissioner*
Aimee Burrows, *D6 Planning Commissioner*
Amy Barry, *D7 Planning Commissioner*
c/o Aubrey Clark, Administrative Secretary
Gateway Tower West
15 West South Temple
Suite 1200
Salt Lake City, UT 84101-1547

Sent via Email (aubrey.clark@slcgov.com)

Re: Neighborhood Comments Petition: PLNPCM2020-00334/00335 – Capitol Park Cottages' Planned Development & Preliminary Subdivision Plat-675 N F Street-Ivory Homes

Dear Commissioners,

This Firm represents the Preserve Our Avenues Zoning Coalition ("**Coalition**"), a recognized community organization, and respectfully submits these comments to the Salt Lake City Planning Commission ("**Planning Commission**") on the Coalition's behalf regarding the above-referenced land use Petition ("**Petition**"). The Coalition is comprised of citizens and residents of the Avenues, which includes the vast majority of the adjoining neighbors of the "**675 N F Street Lot**",[1] including Meridien at Capitol Park Condominiums ("**Meridien**").[2] The Coalition has many concerns regarding the potential impact of the dense and intense development

[1] The 675 N F Street Lot is more specifically described as Salt Lake County Parcel No. 09-30-455-021-0000.

[2] Meridien is a condominium community located in the restored former VA hospital.

proposed in the Petition on the homes that surround the 675 N F Street Lot, Meriden, and the Avenues at large. Meridien is especially concerned about the Petition's proposed development's potential impact on Capitol Park Avenue ("**Capitol Park Ave**"). Capitol Park Ave is not a street or roadway but is a "private road or driveway" as it has never been accepted by Salt Lake City ("**City**") and is owned by Meridien.[3] As you may know, Meridien is located at 400 East Capitol Park Avenue, directly across from the 675 N F Street Lot's 3.2-acre parcel, which the Petition seeks to develop.

It is the Coalition's understanding that the Planning Commission will consider whether to "allow new lots without street frontage, reduced setbacks, and other necessary modifications to relevant zoning regulations."[4] The Planning Commission will also consider approving the Petition's Preliminary Plat during its upcoming January 24, 2024 meeting ("**Meeting**").[5] This letter will provide the many legal and planning reasons why the Planning Commission should vote to deny both the requested modifications and the Petitions' Preliminary Plat. More importantly, the Preliminary Plat cannot be approved under Utah Code Ann. § 10-9a-604.1(5). A vote to approve the Preliminary Plat would inevitably lead to an appeal to the City's appeal authority,[6] and if necessary, the Third District Court, as a result of the Petition's violations of City Code and Utah Law.

Due to both the close proximity of members of the Coalition to the 675 N F Street Lot and member Meridien's ownership and control of Capitol Park Ave, the Coalition and its members will suffer a different kind of injury separate from the general community due to its ownership of Capitol Park Ave and are therefore Adversely Affected Parties under Utah Code Ann. § 10-9a-103(2). As an Adversely Affected Party, the Coalition has standing to bring an appeal of any decision made by the Planning Commission to the City's appeal authority, and if necessary, to Utah's Third District Court.[7]

The Petition[8] by Ivory Development, LLC, a part of Ivory Homes, Ltd, ("**Ivory**"), one of Utah's largest and most powerful developers, to create a dense development including lots without street frontage, reduced setbacks, a narrow alley for access, only four spaces of street parking, and

---

[3] City Code 12.04.350, states that a private road or driveway means "every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons."

[4] The Planning Commission's Meeting Agenda is attached as **Exhibit A.**

[5] *See* Ex. A.

[6] Pursuant to Utah Code Ann. § 10-9-701; City Code 21.A.06.040.

[7] *See* Utah Code Ann. § 10-9-701; Utah Code Ann. § 10-9a-801; Utah Code Ann. § 10-9a-802.

[8] A copy of the Petition that was submitted to the Planning Commission and made available for the public is attached as **Exhibit B**.

other so called "modifications" of the existing zoning violates Utah law and the City's Municipal Ordinances and, if approved, will lead to future violations of Utah law and City Ordinance.

I. Background

To fully understand the impact of the Petition's proposed development, it is important to understand the history of the 675 N F Street Lot. When Ivory purchased the 675 N F Street Lot it was raw land without any approved development or entitlements in the already-developed upper Avenues and, consistent with much of the surrounding area, was zoned FR-3 for single family homes with a minimum lot size of 12,000 square feet. Almost immediately after purchasing the 675 N F Street Lot in 2020, Ivory began proposing dense and intense developments which are out of character with the surrounding Avenues neighborhood.

While an FR-3 subdivision of up to eleven (11) single family homes would have been quickly approved and accepted by the Coalition, Ivory wants much greater density and building intensity. The Petition demonstrates that even though Ivory successfully upzoned the 675 N F Street Lot, not even the new SR-1 zone's greater density is enough for Ivory. Via a planned development application, Ivory asks for massive concessions on setbacks and building lot coverage to construct large, two-story homes that are twice the size of those common in the existing SR-1 Zone. The Petition asks for twenty-one large homes on shrunken lots with reduced setbacks, and it wishes to add an accessory dwelling unit ("**ADU**") to each lot for a total of forty-two (42) dwellings, versus the original zone maximum of eleven (11) dwellings. Ivory's combination of a rezone, a planned development, and a first of its kind subdivision of ADUs would allow a development with density and intensity completely out of scale with the neighborhood.

A. Capitol Park Ave and the Easement Agreement

Meridien[9], one of the members of the Coalition, owns the section of Capitol Park Ave located between Meridien and the 675 N F Street Lot. In 2014, the City declined to accept Capitol Park Ave as a City street[10] and so responsibility to maintain, repair, and control, the adjacent section of Capitol Park Ave rests with Meridien. Meridien and its predecessors have continually regulated Capitol Park Ave as a Private Road, as defined in City Code. The Preliminary Plat, submitted with the Petition, relies on this substandard private street as a required second access.[11]

The 675 N F Street Lot has only limited rights to use and no right to park on Capitol Park Ave. On October 12, 2001, Meridien's predecessor in ownership, AHC, granted an easement, via a written agreement ("**Easement Agreement**"), to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints ("**Church**"), a prior owner of the 675 N F Street Lot. The Easement Agreement allows only limited use and access to Capitol Park Ave from the 675 N F Street Lot and was granted to the Church for the purposes of a meetinghouse which the Church

[9] Meridien is the successor to Avenue Heights Condominiums, LLC, ("**AHC**").

[10] The City refused to accept Capitol Park Ave principally due to its substandard construction and insufficient width, which did not meet City standards.

[11] *See* Ex. B.

planned to build. This Easement Agreement was recorded as Entry No. 8923197 at Book 8923, Page 1596-1605 in the office of the Salt Lake County Recorder.[12] All successors are bound by the Easement Agreement, must abide by the limits it places on use of Capitol Park Ave, and cannot overburden the "**Easement**."

In 1997, the Church first announced its plan to build a meeting house on the 675 N F Street Lot. Specifically, on May 12, 1997, a meeting was held with the City's Board of Adjustment on Zoning, as the Church wanted the proposed meetinghouse and its fence to exceed the height limit of the 675 N F Street Lot's applicable zoning.[13] The Church provided a conceptual site plan ("**Meetinghouse Site Plan**") to demonstrate the curb cut, parking, and how the meetinghouse would generally be situated on the 675 N F Street Lot.[14]

To facilitate the Church's plan of building a meetinghouse, AHC entered into the Easement Agreement on October 12, 2001. The planned meetinghouse on the 675 N F Street Lot was frequently talked about in Greater Avenues Community Council Meetings up until August 14, 2002. However, the meetinghouse was never constructed and, subsequently in 2020, the Church sold the 675 N F Street Lot to Ivory.

B. Ivory's Prior Development Plans for 675 N F Street Lot

When Ivory submitted its first concept plan for 675 N F Street Lot, on or around April 2020, Meridien noticed immediately that under the proposed plan, the Easement would be overburdened, and the Easement Agreement violated. Meridien immediately contacted Ivory in an attempt to discuss its plans for 675 N F Street Lot. However, Ivory refused to acknowledge any of Meridien's concerns, instead informing Meridien residents that their opinions were of no importance and that Ivory could do anything they wanted to. Meridien then started its grassroots campaign to work with other residents of the Avenues and the Coalition to help preserve the historic Avenues neighborhood and to hopefully ensure that Ivory does not cut corners, sidestep Utah law, and create a development that will create legal issues between all parties, including the City.

Since 2020, Ivory's various plans for 675 N F Street Lot have uniformly proposed an extremely dense and high intensity development cramming as many large multi-story units as possible into the 675 N F Street Lot's small 3.2 acre parcel. While Ivory has met with the Coalition and Meridien at various times since 2020, these meetings have not been collaborative. Instead, they have provided Ivory with opportunities to demonstrate its intent to plow ahead regardless of the impacts on the Coalition, Meridien, Capitol Park Ave, and the Avenues community.

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[12] A copy of the Easement Agreement is attached as **Exhibit C**.

[13] A copy of the Notice of Board of Adjustment on Zoning Meeting attached as **Exhibit D**. The Church also provided elevation plans of how the meetinghouse would sit on the 675 N F Street Lot. Additionally, a copy of the Elevation Plan for the Church's Meetinghouse is attached as **Exhibit E**.

[14] A copy of the Meetinghouse Site Plan attached as **Exhibit F**.

II. Basic Information from the Petition

A. The High Density and High Intensity Forty-Two (42) Units Development

The plans in the Petition seek approval of twenty-one (21) multi-story dwellings with each primary dwelling having an ADU. [15] Because each residence has an ADU, there will be a total of forty-two (42) dwellings crammed into the 675 N F Street Lot. Nearly four times the original eleven (11) dwellings. Even without the ADUs, the proposed density is 6.56 units per acre. With the ADUs, the density is 13.125 units per acre. While Ivory argues that theoretically 675 N F Street Lot could support more lots than the twenty-one (21) lots, when considering the additional persons, cars, and traffic, with the twenty-one (21) ADUs, this development, if approved, will be far denser and much more intense than the surrounding Avenues areas.

The Coalition has prepared the attached Density/Intensity Analysis as **Exhibit G** that examines the ten (10) blocks closest to the 675 N F Street Lot. As shown in Ex. G, the proposed forty-one (41) dwellings is triple the average in this area. Even if you do not count the ADUs, the proposed development is fifty percent (50%) denser than the surrounding area. All of the other metrics in Density/Intensity Analysis, number of multi-story buildings, above grade square footage of buildings, setbacks, etc., show a density and development intensity of up to three-and-a-half times the area. The high development intensity of the 675 N F Street Lot is unlike the established neighborhood in the Avenues and violates City Code.[16]

B. The Planning Commission Cannot Waive All Requirements of the SR-1 Zone

While the Planning Commission may waive some of the conditions of the SR-1 Zone it cannot waive all requirements. Waivers are limited to the limited flexibility granted in City Code 21A.55.020 and where explicitly prohibited in the SR-1 district ordinance. As explained below, the Petition is in violation of height, parking, and density that cannot be waived even in a planned development SR-1 Zone.

C. 675 N F Street Lot Only has Public Access from F Street

The 675 N F Street Lot is surrounded by private property on three of its four sides.[17] To the north of 675 N F Street Lot is the private Northpoint Estates. Northpoint Estates has a private road that is gated at F street ("**Northpoint Road**"). Northpoint Road is gated and controlled by the Northpoint Estates' Homeowners Association and is unavailable to the development. The current plan does not and cannot include road access using Northpoint Road but does have seven (7) homes facing Northpoint Road. This creates a false impression of additional access when none exists.

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[15] *See* Ex. B.

[16] See Ex. G.

[17] A map demonstrating ownership around the 675 N F Street Lot is attached as **Exhibit H**.

The only public access to 675 N F Street Lot is to F street. Through F Street, Ivory proposes one of its two access points to 675 N F Street Lot. To the west of 675 N F Street Lot are backyards of three private lots that provide no access. South of 675 N F Street Lot is Capitol Park Ave, which as described above, is privately owned by Meridien. Out of the twenty-one (21) lots, nine (9) lots face Capitol Park Ave.[18]

Capitol Park Avenue is posted as a no parking zone and any parking or idling in front of the nine (9) lots on Capitol Park Ave is prohibited. There is also no parking allowed on either side of Capitol Park Ave, so Ivory residents, visitors, and others, may not park on it. Pursuant to City Code, Meridien remains in control of its private Capitol Park Ave and has the authority to regulate it. However, the lack of parking within the development will undoubtedly cause illegal parking on Capitol Park Ave, creating a source of continual conflict and tension.

D. <u>The Petition Does Not Provide for Parking or Snow Storage</u>

The only garage access for all of the twenty-one (21) lots and forty-two (42) units is through a narrow alley that is only twenty (20) feet in width that goes through 675 N, entering on F Street and exiting on Capitol Park Ave.[19] This narrow alley, with driveways every few feet, will not provide for any parking and Ivory provides only four (4) guest parking spots, or 0.19 guest parking spaces per unit. If the ADUs are counted, this parking ratio drops to 0.095 guest parking spaces per unit. Also, all four (4) of the guest parking spots are located together in one corner of the development. Clearly, four (4) guest parking spots is insufficient to meet the needs of a forty-two (42) unit development. As this is not a walkable community the result will be constant illegal parking on Capitol Park Ave and congestion on F Street, on which vehicles will be fully parked on both sides of the street. Even worse, the only parking for each unit is the unit's garage and the driveway leading to the garage. This awkward two-deep parking arrangement will require constant shuttling of cars, blocking Ivory's alley and causing unsafe conditions. There is no nearby street parking, except for extremely limited parallel parking on F street.[20] While some developments are near public transit or have shopping and other commonly used services within walking distance, 675 N F Street Lot has neither. Every trip to the nearest grocery store, dry cleaner, coffee shop, or pharmacy will require an automobile.

The only parking provided for the ADU residents is on narrow driveways shared with the primary residence, another recipe for continual parking conflicts. A driveway is not a parking stall, and this highly inconvenient arrangement will lead to extensive, high-polluting shuttling and excessive street parking as well as illegal parking on Capitol Park Ave. Additionally, the narrow 20-foot-wide alley going through 675 N F Street Lot does not provide sufficient space for snow storage, if any space for snow storage at all. This will inevitably lead to large amounts of snow build up in the alley making it nearly, if not completely, impossible to traverse.

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[18] *See* Ex. B, page 24 (Ivory Capitol Park Architecture Exhibit - Site Plan & Program).

[19] City Code 12.04.030 states that an "Alley" means a public way within a block primarily intended for service and access to abutting property by vehicles and not designed for general travel.

[20] *See* Ex. H; Ex. B, page 24 (Ivory Capitol Park Architecture Exhibit - Site Plan & Program).

III. The Petition is in Violation of Utah Law and City Code

The Planning Commission must reject the Petition due to the following issues that have not been adequately addressed: (A) The Petition misapplies City Code 21A.24.080(D)(3)(c)(a); (B) The Petition is not a compatible land use and violates the SR-1 Zone; (C) the Petition overburdens the Easement on Capitol Park Ave in violation of Utah law; (D) the Petition's failure to provide sufficient parking will inevitably violate the Easement Agreement; (E) the Petition does not account for snow storage that will inevitably lead to a violation of City Code; and (F) the instant mass creation of ADUs is a violation of due process.

A. The Petition Misapplies City Code 21A.24.080(D)(3)(c)

The Petition incorrectly applies the "**Cross Slopes**" exception clause in City Code 21A.24.080(D)(3)(c)(1) to all of the exterior walls in the development and must be rejected by the Planning Commission on this basis alone. City Code 21A.24.080(D)(3)(c) allows for additional height for the downhill wall where there are Cross Slopes. In its Building Heights Exhibit, Ivory has misapplied this exception to all of the walls, including the uphill wall.

City Code 21A.24.080(D)(3)(c)(1) states:

> "Cross Slopes: For lots with cross slopes where the topography slopes, the **downhill exterior wall** height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building." (emphasis added.)

Analyzing the Building Height Exhibit in the Petition it is clear that it misapplied City Code 21A.24.080(D)(3)(c)(1). For example, Lots 1 & 2 have the following calculations:

> Base Max Wall Height: 20 Feet
> Reduction due to Setback: 5 Feet
> Increase due to Grade: 6 feet 4 inches.[21]

While this calculation would give an updated maximum wall height of twenty-one (21) feet, four (4) inches, this would be only for the downhill and not for the uphill exterior wall. The Petition applies the Cross Slopes adjustment to the uphill exterior wall in violation of City Code 21A.24.080(D)(3)(c)(1), a condition that the Planning Commission cannot waive.[22]

The base wall height allowed for the SR-1 Zone is twenty (20) feet, but this is reduced by a reduction to the lots' setbacks. The Petition has reduced the side yard by five (5) feet, which allows a maximum height of fifteen (15) feet. The Petition shows an uphill exterior wall height of seventeen (17) feet, four inches, which is in excess of the maximum fifteen (15) feet. Because City

[21] *See* Ex. B, page 4 (Ivory Capitol Park Building Height Exhibit – Lots 1 & 2).

[22] *See* City Code 21A.55.020(C).

Code 21A.24.080(D)(3)(c) only allows the increase in height for downhill exterior walls and not uphill exterior walls, the wall heights in the Petition exceed maximums of City Code.

Also, the language in City Code 21A.24.080(D)(3)(c) is such that the Planning Commission cannot grant additional wall height via a planned development application. This clause includes the following statement:

> "If an exterior wall is approved with a reduced setback through a special exception, variance **or other process,** the maximum allowable wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback." (Emphasis added.)

The inclusion of the term "any other process" includes a planned development and prohibits the Planning Commission from overriding this provision. The Planning Division and the City land use attorney have agreed to this interpretation.

Based on the error in the Petition, not just Lots 1 & 2, but every single lot in the Petition of the twenty-one (21) lots would violate 21A.24.080(D)(3)(c)(1) that the Planning Commission cannot waive.[23] For this reason alone, the Planning Commission must deny the Petition and Preliminary Plat in violation of Utah law.

B. <u>The Petition is not a Compatible Land Use and Violates the SR-1 Zone</u>

The Petition is not a compatible land use for the Avenues given its high development intensity of forty-two (42) units, traffic generation, lack of parking, and other issues. Analyzing City Code 21A.62.040 proves this. Specifically, it states:

> COMPATIBLE LAND USE: **A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements**, access and circulation, site improvements, and public facilities and service demands, is **consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.** (emphasis added.)

Ivory attempts to argue that Meridien and other neighbors are dense developments, but this is an apples-to-oranges comparison. The Meridien's density is half that of Ivory's and, unlike the Petition, Meridien has ample parking for its guests and residents. The Meridien also has generous, heavily landscaped setbacks that exceed requirements and as a listed historical building, is considered an asset to the community. On the other hand, the Petition is an extremely dense, high intensity proposal that will greatly adversely affect all of its neighbors given its lack of essential services for the 675 N F Street Lot and is not a compatible land use.

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[23] *See* City Code 21A.55.020(C); Ex. B, pages 4 to 17 (Ivory Capitol Park Building Height Exhibit Lots 1 to 21.)

The Coalition has analyzed the nearest ten (10) blocks that have an SR-1 Zone in order to demonstrate that the Petition's forty-two (42) units are significantly more intense and denser than other SR-1 Zone areas.[24] Meridien's analysis of the nearest ten (10) blocks demonstrates that the development proposed in the Petition is three (3) times as dense as the nearest ten blocks, has four (4) times more two (2) story buildings, setbacks are much smaller, and building lot coverage is sixty percent (60%) more than the surrounding SR-1 Zone.[25]Ivory's proposed development does not meet the requirement defined in 21A.62.040 for Compatible Land Use that requires new development to be *"consistent with and similar to neighboring uses."*

Moreover, the Petition's forty-two (42) units violates the goals and purposes of the SR-1 Zone due to its high intensity. According to City Code 21A-24.080, "[u]ses are intended to be compatible with the existing scale and intensity of the neighborhood" and "promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood." As explained in above paragraph, the development proposed in the Petition does not match the existing scale of the Avenues. Further, its highly dense and intense units will not preserve the existing character of the Avenues.

C. <u>The Petition Overburdens the Easement on Capitol Park Ave in Violation of Utah law</u>

The Petition overburdens Capitol Park Ave, as it will bring a sharp increase of traffic due to the forty-two (42) proposed units on the 675 N F Street Lot, being entirely different to what was originally anticipated when the easement was granted for a meetinghouse, which would have entailed principally Sunday Only traffic and not 24/7 usage by a dense and congested development. Due to the paucity of mass transit, and distance to shopping and other daily services, this location is mostly dependent on automobiles for transportation. Meridien is rightly concerned about the increase of traffic on Capitol Park Ave due to the increase in volume and character of traffic to and from Ivory's development on the 675 N F Street Lot. The sharp increase in the use of Capitol Park Ave will result in an illegal overburdening of it.

The City has stated that overburdening of the Easement Agreement is a private matter between Meridien and Ivory. This is incorrect. The City has the burden of enquiry and completeness with regard to the application as required by City Code 20.04.080.[26] Additionally, Ivory has the burden of proof to prove that it has proper access over the Capitol Park Ave and will not overburden it. This is not something that the Coalition or Meridien must prove. Further, by approving the Petition, the City would be authorizing Ivory to overburden the Easement

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[24] *See* Ex. G.

[25] *See* Ex. G.

[26] Salt Lake City Municipal Ordinance 20.04.080 states that the Planning Commission shall "[m]ake investigations and reports on proposed subdivisions and in cases of subdivision amendments involving streets per chapter 20.28, article III of this title make recommendations to the city council as to their conformance to the master plan, zoning ordinances of the city, and other pertinent documents."

Agreement and Ivory's private conduct would become state action.[27] The City's action of approving the alley that goes into Capitol Park Ave would be a direct involvement in encouraging Ivory's overburdening. Because of the City's in-depth involvement of the land use process for the 675 N F Street Lot, Ivory's use of the Capitol Park Ave would be a state action that would be considered a taking of Capitol Park Ave, a clear due process violation.[28]

Overburdening an easement occurs when the dominant estate "substantially increases use of the servient estate beyond that contemplated by the parties at the time of the grant."[29] The Easement Agreement anticipated Sunday church meetings and the church being used for occasional activities throughout the week. There was no intent of having constant traffic due to forty-two (42) units with residents, service vehicles, guests, and visitors to and from 675 N F Street Lot. The intent of the Easement Agreement was never for forty-two (42) units on the 675 N F Street Lot. The Petition explains a development that will use Capitol Park Ave that was not contemplated when the Easement Agreement was entered into.[30]

When construing easements, "[it] is elementary that the use of an easement must be as reasonable and as little burdensome to the servient estate as the nature of the easement and its purpose will permit."[31] Further, "language of the grant is the measure and extent of the right created; and that the easement should be so construed as to burden the servient estate only to the degree necessary to satisfy the purpose described in the grant."[32] Utah law also "looks to the language of the grant, the circumstances attending the transaction, the situation of the parties, the state of the thing granted."[33] Additionally, Utah Courts have adopted a general rule that broad interpretations of express easements are rejected when they impermissibly expand the burden on the servient estate that is not necessary to satisfy the purpose described in the granting of the easement.[34]

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[27] *Orem City v. Santos*, 2013 UT App 155, ¶ 8, 304 P.3d 883, 885 "[t]he government must be involved either directly as a participant or indirectly as an encourager of the private citizen's actions before we deem the citizen to be an instrument of the state."

[28] *See Gray v. Dep't of Emp. Sec*., 681 P.2d 807, 816 (Utah 1984); *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

[29] *Lutheran High Sch. Ass'n of the Greater Salt Lake Area v. Woodlands III Holdings, LLC*, 2003 UT App 403, ¶ 15, 81 P.3d 792, 796.

[30] *See id.*

[31] *SRB Inv. Co., Ltd v. Spencer*, 2020 UT 23, ¶ 11, 463 P.3d 654, 657.

[32] *Lutheran High Sch. Ass'n of the Greater Salt Lake Area v. Woodlands III Holdings, LLC*, 2003 UT App 403, ¶ 10, 81 P.3d 792, 795

[33] *See id*. ¶ 15, 796.

[34] *See Wellberg Invs., LLC v. Greener Hills Subdivision*, 2014 UT App 222, ¶¶ 10-11, 336 P.3d 61, 64.

The Utah Supreme Court has explained that holding an easement does not include an unlimited right to use that easement. In *SRB Inv. Co., Ltd v. Spencer*,[35] it explained, "[e]ven though courts will almost always consider the physical dimensions of the land used, as well as the frequency and intensity of that use, the 'ultimate criterion' in determining the scope of a prescriptive easement is that of avoiding increased burdens on the servient estate. So courts should consider any and all factors that may contribute to that burden."[36]

When examining all the factors relating to the past use, the above explained intention of the Easement Agreement, and future use of the Easement Agreement, it is clear that the Petition will overburden the Easement. The historical use of the Easement Agreement has been non-existent as there is no development or current use of the 675 N F Street Lot. The development in the Petition would create excess traffic, parking, use, and other issues for Capitol Park Ave. In fact, this use of Capitol Park Ave would be taking Meridien's private property for Ivory's private use, without just compensation, in violation of the U.S. Constitution, Amendment V, and the Utah Constitution, Article 1 Section 22.

Moreover, Utah Courts have ruled in a similar situation to this that the "division of the entire dominant estate into several lots, with the expectation that each portion would obtain a right of way over the servient tenement, could not be a use contemplated by the parties at the time of the grant and reservation. Hence, there was no error in denying Christensen a direct right of way over plaintiffs' land."[37] Ivory will overburden Capitol Park Ave and the Planning Commission cannot rely on the Easement Agreement to apply to every single owner, guest, renter, etc., of the forty-two (42) units.

D. <u>The Petition's Failure to Provide Sufficient Parking Will Inevitably Violate the Easement Agreement</u>

Residents, service providers, delivery vehicles and visitors to 675 N F Street Lot will not be able to park on Capitol Park Ave as parking is prohibited, and the Easement Agreement does not allow for parking. Ivory does not provide sufficient internal parking to its proposed development to accommodate the traffic generated from fort-two (42) households, and despite signage and notification, as one of the closest streets, illegal parking will inevitably occur on Capitol Park Avenue.

1. The Easement Agreement Does not Authorize Parking on Capitol Park Ave.

A plain reading of the Easement Agreement demonstrates that vehicular ingress to and egress from the 675 N F Street Lot does not include parking on Capitol Park Ave. The Easement Agreement only allows for "*pedestrian and vehicular ingress to and egress from the CPB [Church] property [675 N F Street Lot]*." *See* Ex. A. Black's Law Dictionary defines ingress as "the right or ability to enter; access." *Black's Law Dictionary* 786 (Deluxe 7th ed. 1999), Black's

[35] *SRB Inv. Co., Ltd v. Spencer* 2020 UT 23, ¶ 22, 463 P.3d 654, 660.

[36] *Id.* at ¶ 22, 660.

[37] *Wood v. Ashby*, 122 Utah 580, 587, 253 P.2d 351, 354 (1952).

Law Dictionary defines egress as "the act of going out or leaving; the right or ability to leave; a way of exit." *Black's Law Dictionary* 534 (Deluxe 7th ed. 1999).

Utah courts have explained that ingress and egress does not include parking. In *Judd v. Bowen*, 2017 UT App 56, 397 P.3d 686, the court stated that the parking right sought "resembles occupation and possession" as it allowed the one party "to physically exclude and prevent the Bowens (the other party) from using a portion of their property for the indeterminate time." *Id.* at ¶ 49, 702. The *Judd* Court held that parking was not included in the easement. *See generally id.*

In fact, parking has only been allowed on an easement when there is already a history of parking use. *See e.g., Bridge BLOQ NAC LLC v. Sorf, 2019* UT App 132 ¶ 33, 447 P.3d 1278, 1284. There is no history of parking on 675 N F Street Lot, as it has been vacant for years, There is also no history at all of parking on Capitol Park Ave. *See id.*

2. The Petition will Inevitably Lead to Illegal Parking on Capitol Park Ave

Capitol Park Ave is not capable of facilitating the increased burdens that the Ivory Concept Plan would bring. Specifically, service vehicles, guests, and visitors to the dwellings are likely to overflow the minimal parking within in the 675 N F Street Lot, causing unauthorized parking on Capitol Park Ave and even in Meridien's parking lot. This, in turn, will prevent vehicles from safely driving on Capitol Park Ave by narrowing the traffic lanes and blocking visibility.

As a privately owned road, Meridien will not tolerate any parking for the many service vehicles, guests, and visitors of the planned forty-two (42) units built within the confined 675 N F Street Lot. *See* Ex. E. Any parking on the Easement Agreement will be a violation of Utah law and will cause further problems between Meridien and the eventual owners and renters of the forty-two (42) units.

E. <u>The Petition does not provide adequate Snow Storage that will Inevitably Lead to a Violation of City Code</u>

As was demonstrated during the winter of 2022-2023, a lot of snow can and will fall and accumulate in the City, with even greater snow depths in the foothills and upper Avenues area. The Petition fails to provide any snow storage for the narrow twenty (20)-foot alley that runs through the 675 N F Street Lot. The private snowplows used to remove snow will inevitably push snow onto Capitol Park Ave, which is a use not permitted by the Easement. Also, City Code 14.20.080 (Obstructing Right of Way With Snow Prohibited) states the following, which will prevent snow being pushed onto F Street:

> "It is unlawful to place snow removed from private property in the public way. It is unlawful to place snow removed from sidewalks, drive approaches or other public places in a manner so as to cause a hazard to vehicular or pedestrian traffic."

The Petition, in its current form, will force 675 N F Street Lot to violate this provision of City Code. Snow would, by necessity, be pushed out from the development onto Capitol Park Ave or F Street. The Petition has many wide driveways and a very narrow interior alley. There is

insufficient area to store snow on the lots with minimal space between buildings and minimal green space. This past winter was a harsh reminder of the necessity of snow storage, especially in the Avenues, where inadequacy of snow storage resulted in accidents and other safety hazards for both pedestrians and drivers. As you know, the upper Avenues have more snow than the valley floor, which requires additional storage space. The Petition simply does not provide adequate space for snow storage on the 675 N F Street Lot, which will result in issues for all. More than just an aesthetic concern, this is a legitimate safety concern as the alley that runs through 675 N F Street Lot will cause the alley to be less than twenty (20) feet wide, in violation of International Fire Code at 503.2.1. Snow build up could easily make it difficult for law enforcement, ambulances, fire trucks, and even the residents themselves from accessing the alley.

Further, the Easement Agreement does not allow for storage of snow from the 675 N F Street Lot on Capitol Park Ave. The Meetinghouse Site Plan, with its ample parking provisions, would have easily been able to store the inevitable winter snows.[38]

F. A Subdivision of ADUs is a Violation of Due Process

There is no question that Utah is in the midst of an affordable housing crisis. However, the Preliminary Plat included in the Petition, which is on the Agenda for approval during the January 24, 2024 Planning Commission Meeting, includes mass creation of ADUs for each of the twenty-one (21) lots not contemplated by the City Ordinances or Utah law. Up until this Petition, ADU creation has been one-at-a time and only here-and-there. In fact, there are only four ADUs in the entirety of the Avenues. Ivory is proposing to create a subdivision of ADUs where every unit in the development has an ADU, in what they have described as "an experiment" and "the first of its kind in Utah." A subdivision of ADUs, where every unit has a pre-built ADU, is a totally different animal that is not considered anywhere in City Code. Ivory's application, strangely supported by the Planning Division, is a back door effort to create a precedent for a subdivision of ADUs without due process in violation of law. Code § 21A.50 prescribes the required process for adoption of new land uses which includes a draft proposal, a forty-five (45) day period for public comment, a review and recommendation by the Planning Commission, and a further review and decision by the City Council. This process has not been followed.

If the Planning Commission approves the Petition with the ADUs without having proper authorization to create a mass ADU project, it will be illegally making a legislative, not administrative, decision, in violation of Utah Code Ann. § 10-9a-501(1), which allows only a legislative body to enact ordinances. There is no ordinance in City Code that allows the Planning Commission to approve a preliminary plat with a subdivision of ADUs, and it has no authority to do so. Ivory's subdivision of ADUs has not gone through the proper process, and the Petition being approved without proper regulation will be a violation of due process.

Conclusion

The Petition has serious flaws that violate both Utah law and City Code and therefore must be denied for this reason. Meridien, as the neighbor to 675 N F Street Lot and the owner of Capitol

[38] *See* Ex. D.

Park Ave, is an affected party that will be greatly injured if the Planning Commission allows the Petition to move forward. The Planning Commission must protect Meridien, the Avenues, and City at large, must enforce Utah law and City Code, and not allow Ivory to sidestep applicable law.

Please feel free to contact us if you have any questions, or to schedule a meeting to discuss the issues raised in this letter.

Sincerely yours,
SMITH HARTVIGSEN, PLLC

J. Craig Smith
Ethan M. Smith

Cc: The Coalition
c/o Peter Wright
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EXHIBIT A

Planning Commission Agenda

SALT LAKE CITY PLANNING DIVISION
PLANNING COMMISSION MEETING AGENDA
January 24, 2024, at 5:30 pm
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111

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

This meeting will be held in person at the City & County Building. If you are interested in watching the Planning Commission meeting it will be available on the following platforms:

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

If you are unable to attend in person but would like to submit comments regarding an item on the agenda, please email your comments to the staff contact listed for each item or provide general comments to planning.comments@slcgov.com.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 pm in room 326 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326
APPROVAL OF THE MEETING MINUTES
REPORT OF THE CHAIR AND VICE-CHAIR
REPORT OF THE DIRECTOR

OPEN FORUM - The Commissioners may discuss planning, zoning, and general land use items that are not listed on the agenda. This discussion will be limited to no more than 10 minutes. There is no public discussion associated with this item.

REGULAR AGENDA

1. **Capitol Park Cottages Planned Development and Preliminary Subdivision Plat at Approximately 675 N F Street** - Peter Gamvroulas, representing Ivory Development, LLC, is requesting approval from the City to develop a 21-unit development consisting of a mix of single-family and two-family houses served by a proposed private street at the above listed address. Currently, the subject property consists of undeveloped open space.
   A. **Planned Development:** Planned Development approval is required to allow new lots without street frontage, reduced setbacks, and other necessary modifications to relevant zoning regulations. **Case Number: PLNPCM2021-00656**
   B. **Preliminary Subdivision Plat:** Preliminary Plat approval is also required prior to the establishment of the Capitol Park Cottages Subdivision and its associated lots as proposed by the Planned Development application. **Case Number: PLNSUB2021-01175**

   The subject property is located within Council District 3, represented by Chris Wharton. (Staff Contact: Aaron Barlow at 801-535-6182 or aaron.barlow@slcgov.com)

2. **<u>The Chicago Rooftop Patio Planned Development at Approximately 27-45 N Chicago Street</u>** - Derek Christensen, representing the property owner, is requesting Planned Development approval for five additional feet of building height to add an occupiable roof to the top of a proposed 120-unit, six-story apartment building at the above-listed addresses. Total height will be 65 feet. The subject property is within Council District 2, represented by Alejandro Puy. (Staff contact: Michael McNamee at 801-535-7226 or michael.mcnamee@slcgov.com) **Case Number: PLNPCM2023-00791**

3. **<u>Liberty Corner Design Review at Approximately 1265 S 300 West</u>** - Chris Zarek of Cowboy Partners is requesting Design Review approval for Liberty Corner, a proposed multifamily residential building at the above-listed address. The site consists of six parcels totaling approximately 89,305 sq. ft./2.05 acres. Design Review approval is requested for additional building height up to a maximum of 85 feet and an increase in the maximum front yard setback on 1300 South to a maximum of 16 feet. The subject property is in the CG (General Commercial) zoning district. The proposed building is 7 stories tall and includes 200 two- to four-bedroom units (with average rents at 60% area median income, serving families ranging from 25% to 80% area median income), 269 parking spaces, and a first-floor daycare. The property is located within Council District 5, represented by Darin Mano. (Staff Contact: Sara Javoronok at 801-535-7625 or sara.javoronok@slcgov.com) **Case Number: PLNPCM2023-00952**

4. **<u>Rowland Hall - St. Mark's Design Review at Approximately 1481 E. Sunnyside Avenue</u>** - Doug Speckhard, representing Rowland Hall-St. Mark's School, is requesting approval for a building height increase to 60' under the Design Review process to build a Middle and Upper School building on the northern portion of their property. The northern part of the property is zoned "I" (Institutional) District; this is where the development is proposed. The southern part of the property, along Sunnyside Avenue, is zoned OS (Open Space) and will remain as is. The subject property is within Council District 6, represented by Dan Dugan. (Staff Contact: Diana Martinez at 801-535-7215 or diana.martinez@slcgov.com) **Case Number: PLNPCM2023-00836**

5. **<u>MU-8 Sign Regulations Text Amendment</u>** – Mayor Erin Mendenhall has initiated a petition to amend sections of the Salt Lake City Zoning Ordinance relating to the proposed MU-8 Form Based Mixed Use Subdistrict 8. Specifically, amendments to chapter 21A.46 Signs, which addresses sign regulations in each zoning district. The proposed amendments are intended to establish sign regulations for the proposed MU-8 zoning district. (Staff Contact: Brooke Olson at 801-535-7118 or brooke.olson@slcgov.com) **Case Number: PLNPCM2023-00959**

6. **<u>Building Code Administration and Enforcement Text Amendment</u>** - Salt Lake City Council has requested to amend Title 18, specifically updating regulations related to the administration of building codes. The proposed amendment updates references to state adopted code, modify building code enforcement appeal process, add and increase building enforcement fines and penalties to match zoning enforcement and cost of operations. The proposed changes will affect Chapters 18.24, 18.48 and 18.50 and related provisions of Title 18-Buildings and Construction. (Staff Contact: Craig Weinheimer at 801-535-6682 or craig.weinheimer@slcgov.com) **Case number PLNPCM2023-00868**

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at <u>slc.gov/planning/public-meetings</u>. 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.

EXHIBIT B

Petition

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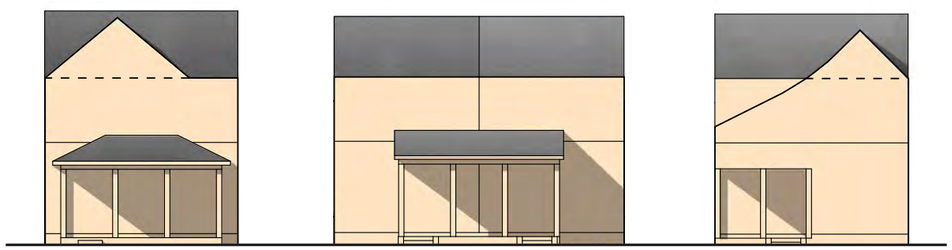


December 2023

BUILDING HEIGHT EXHIBIT

CAPITOL PARK COTTAGES

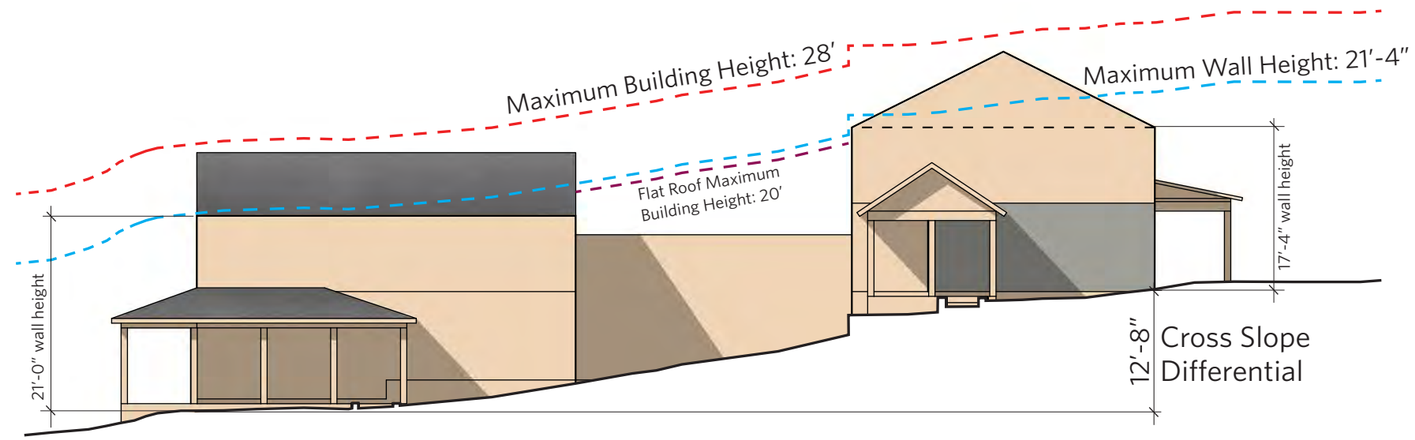
Salt Lake City, Utah

SIDE ELEVATION

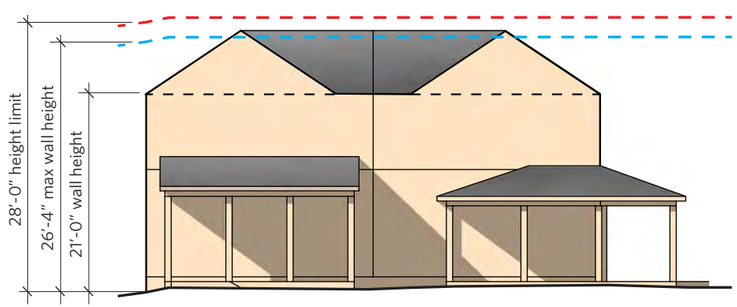
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	6′-4″
Updated max wall height	21′-4″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

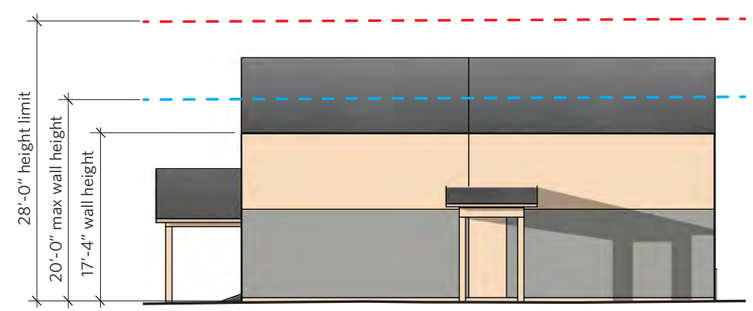


DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	6′-4″
Updated max wall height	26′-4″

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

KEY PLAN (NTS)

LOTS 1 & 2 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/16" = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

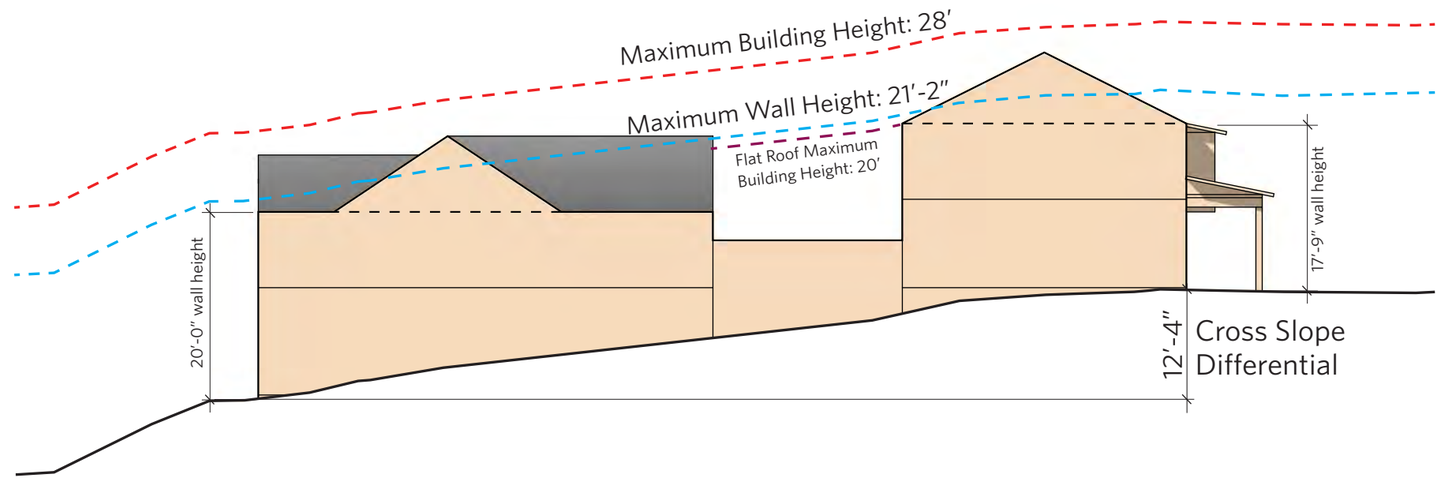
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	6′-2″
Updated max wall height	21′-2″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



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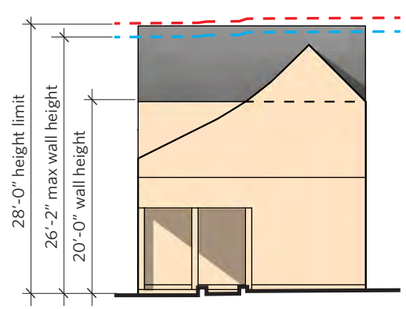
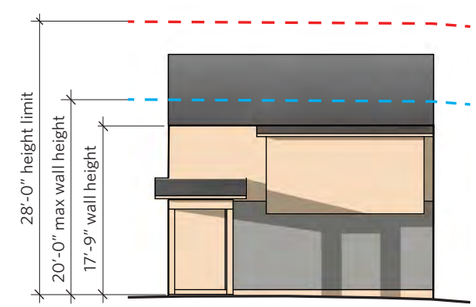


Base max wall height	20′
Increase due to grade	6′-2″
Updated max wall height	26′-2″

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOT 3 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

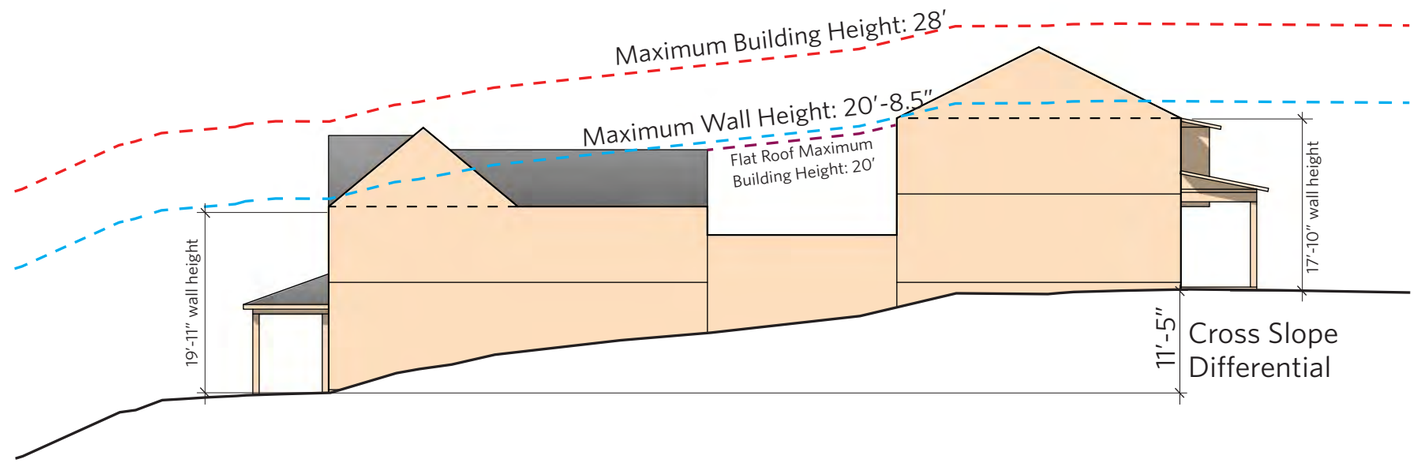
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

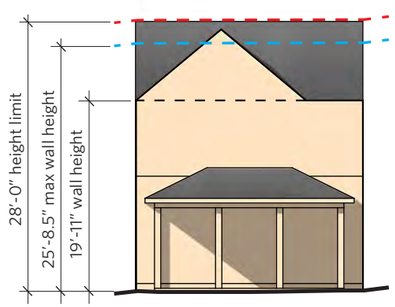
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	5′-8.5″
Updated max wall height	20′-8.5″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

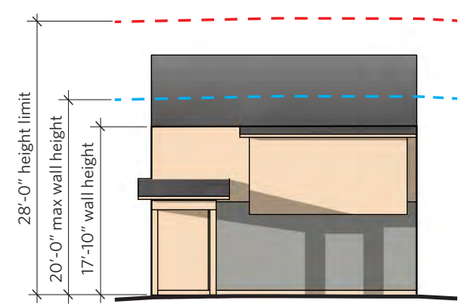


DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	5′-8.5″
Updated max wall height	25′-8.5″

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOT 4 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

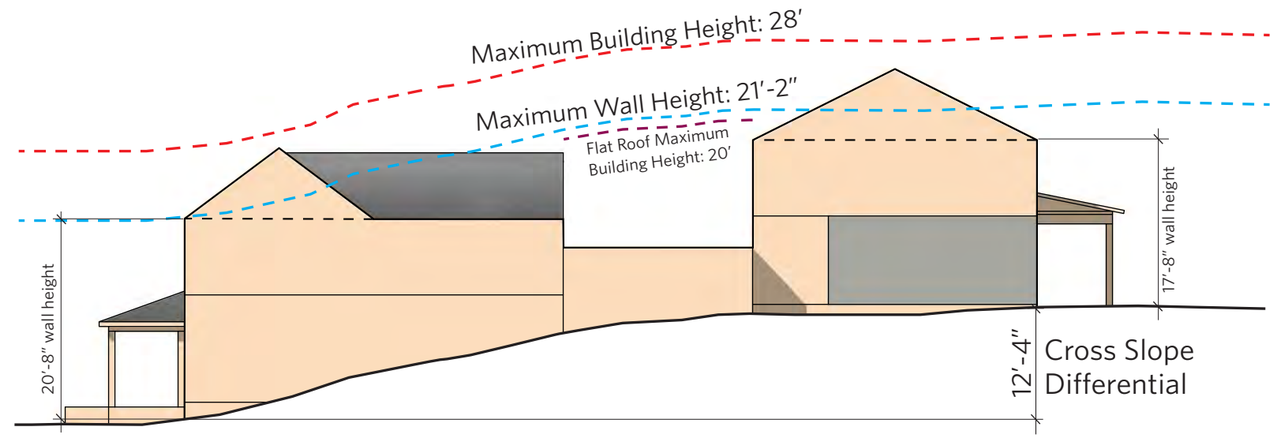
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

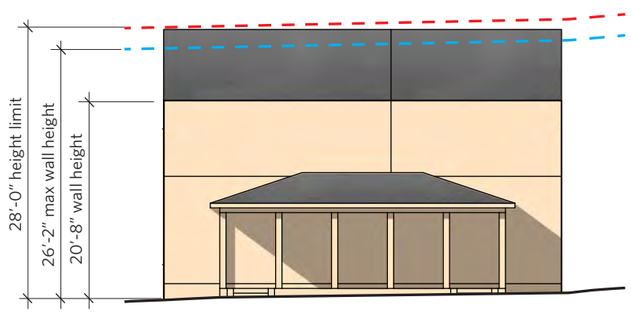
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	6′-2″
Updated max wall height	21′-2″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

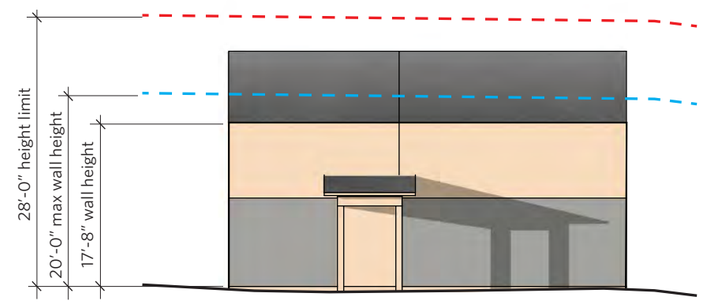


DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	6′-2″
Updated max wall height	26′-2″

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOTS 5 & 6 - BUILDING HEIGHT EXHIBIT

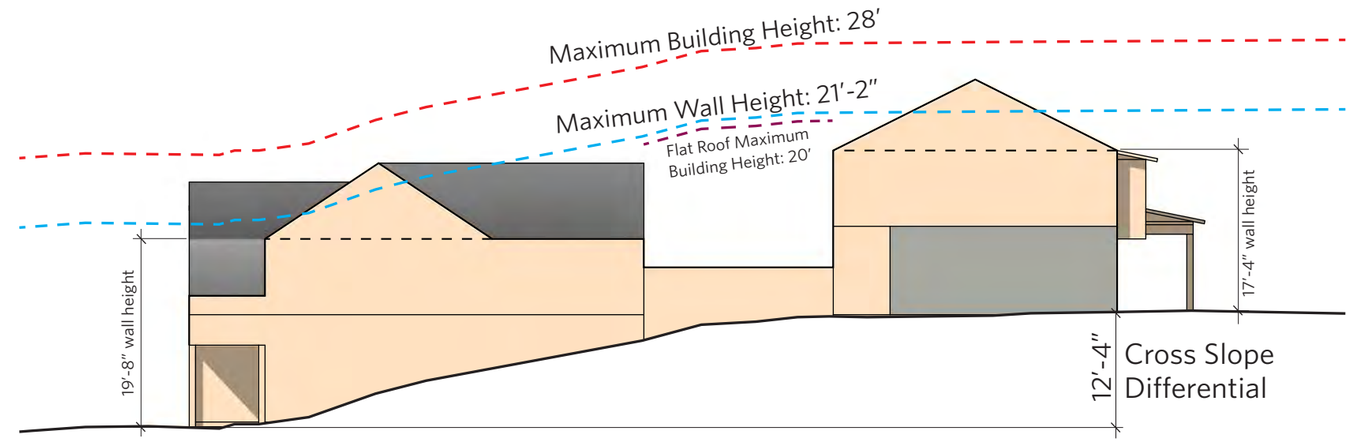
URBAN DESIGN ASS

SIDE ELEVATION

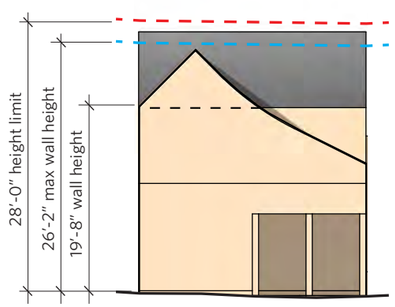
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	6′-2″
Updated max wall height	21′-2″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

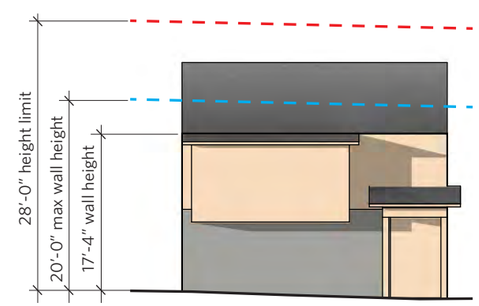


DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	6′-2″
Updated max wall height	26′-2″

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOT 7 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

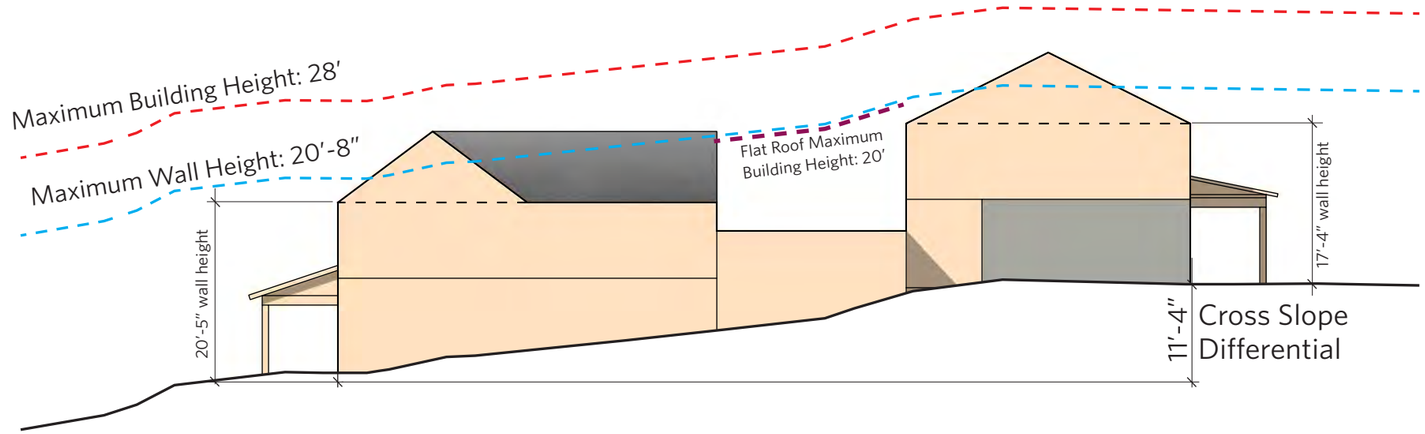
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

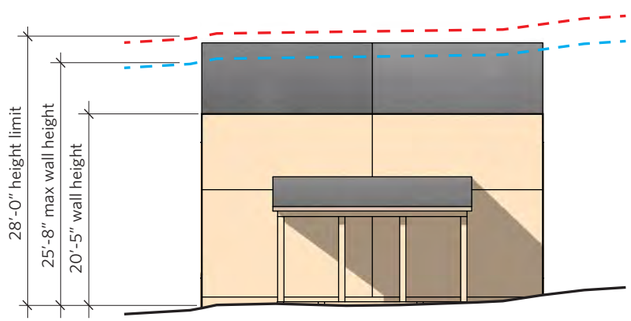
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	5′-8″
Updated max wall height	20′-8″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

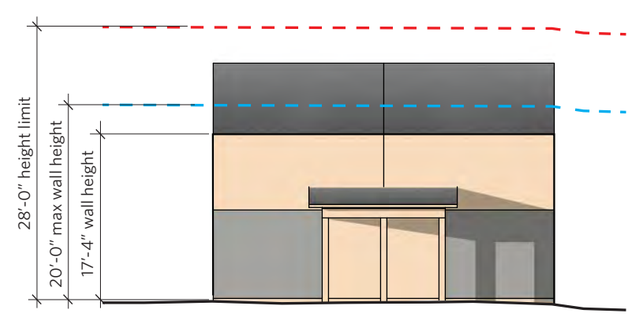


DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	5′-8″
Updated max wall height	25′-8″

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOTS 8 & 9 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

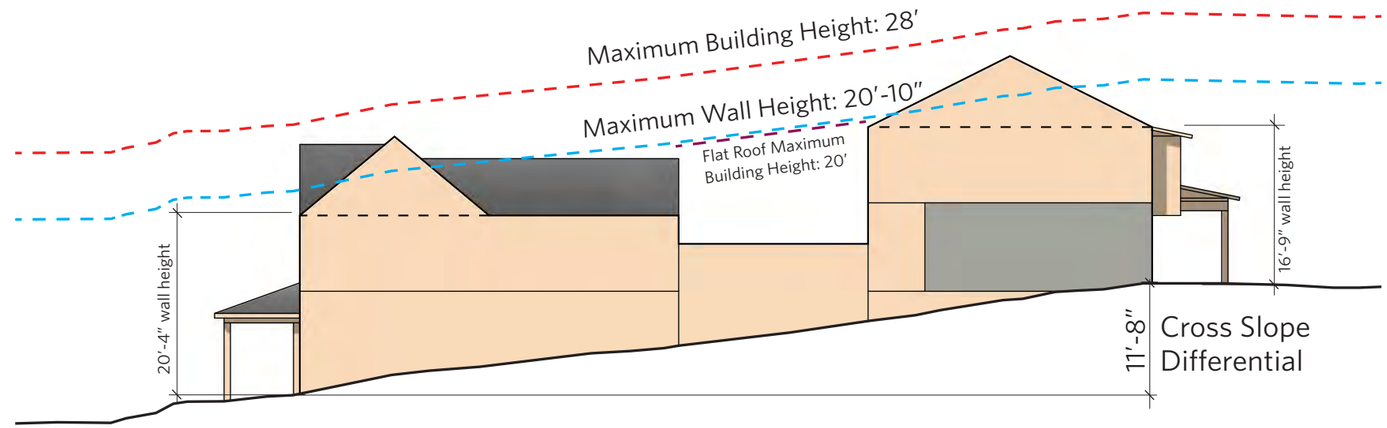
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	5′-10″
Updated max wall height	20′-10″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



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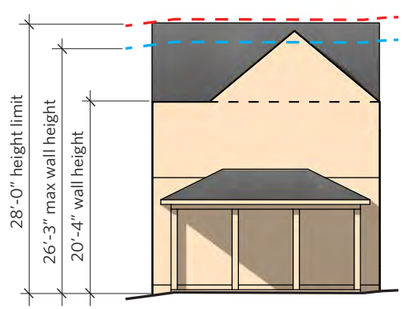
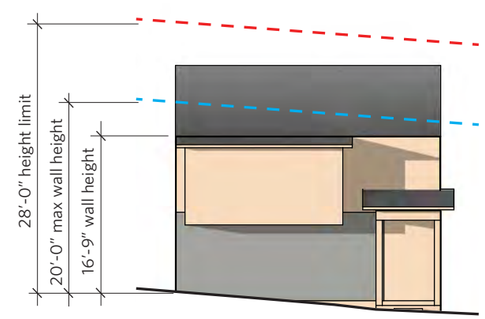


Base max wall height	20′
Increase due to grade	5′-10″
Updated max wall height	25′-10″

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOT 10 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

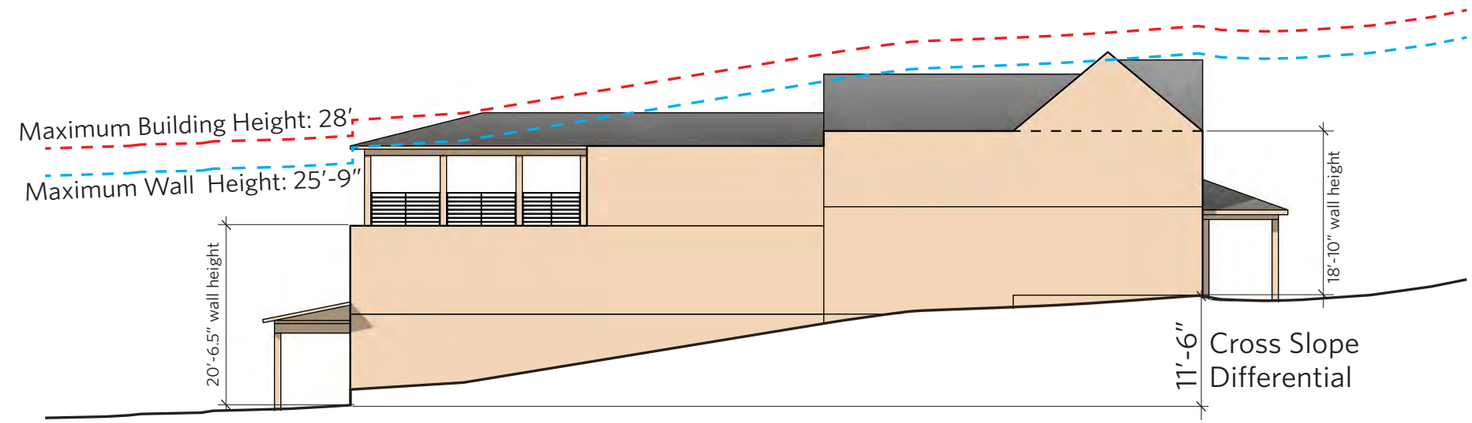
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

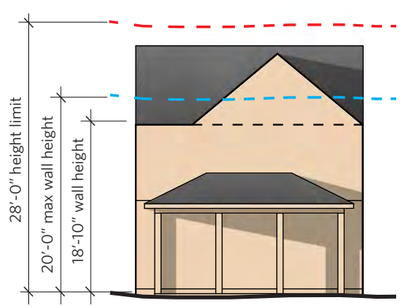
Base max wall height	20′
Reduction due to setback*	0′
Increase due to grade**	5′-9″
Updated max wall height	25′-9″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

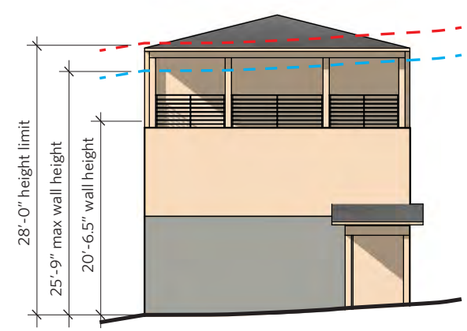


UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	5′-9″
Updated max wall height	25′-9″

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT

MAX WALL HEIGHT

LOT 11 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

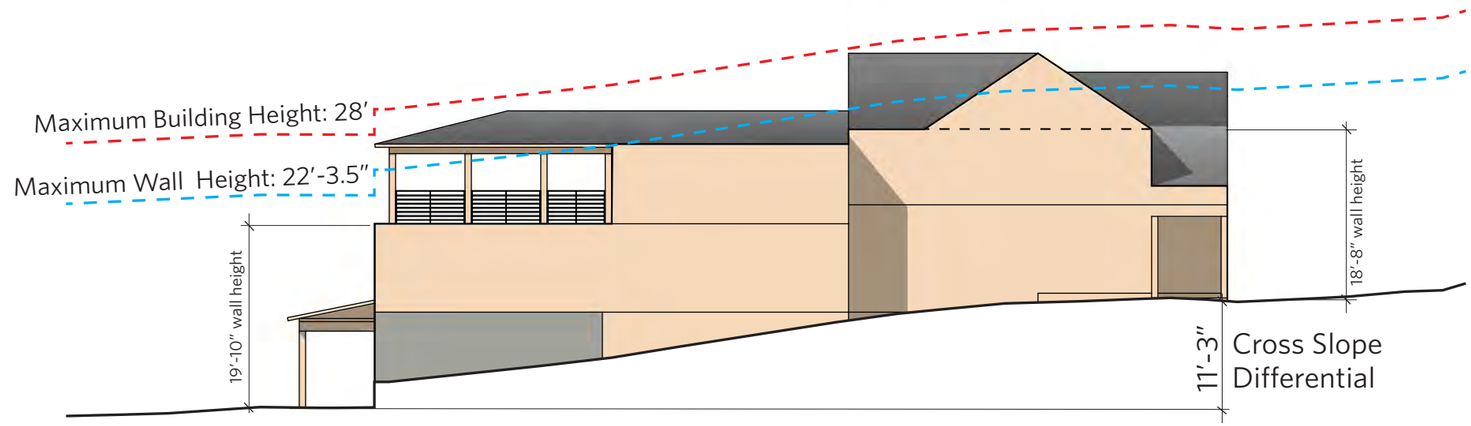
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

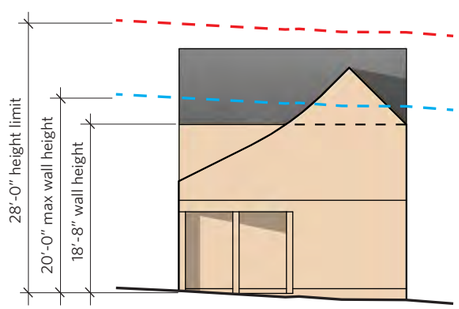
Base max wall height	20′
Reduction due to setback*	3′-4″
Increase due to grade**	5′-7.5″
Updated max wall height	22′-3.5″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

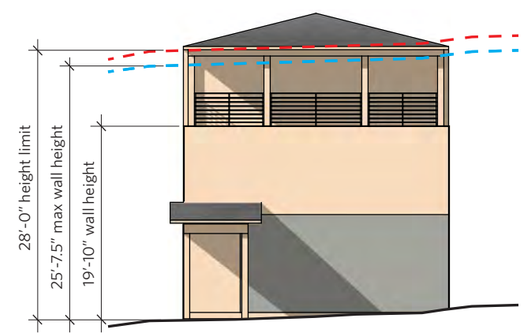


UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	5′-7.5″
Updated max wall height	25′-7.5″

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT

MAX WALL HEIGHT

LOT 12 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

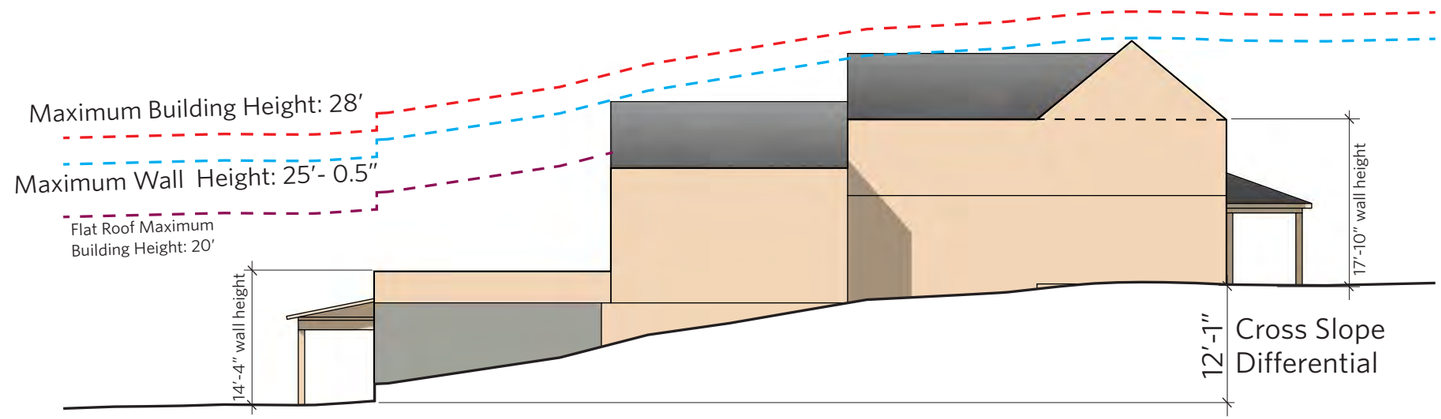
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

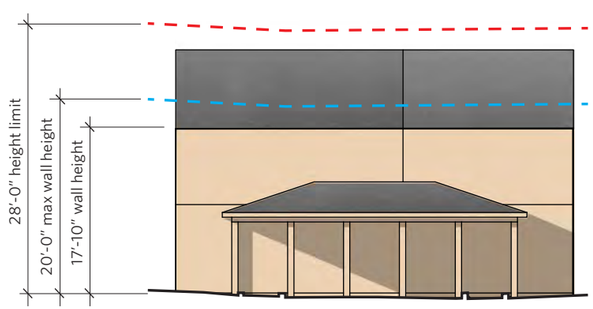
Base max wall height	20′
Reduction due to setback*	1′
Increase due to grade**	6′-0.5″
Updated max wall height	25′-0.5″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

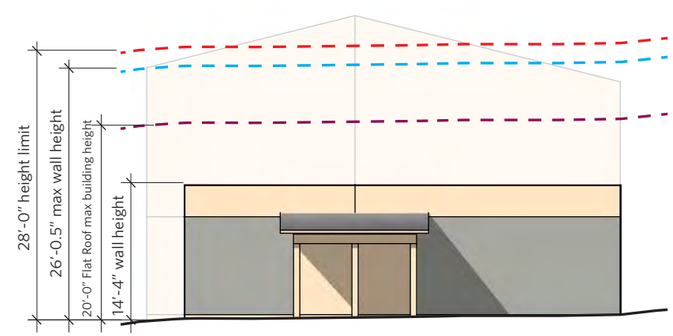


UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	6′-0.5″
Updated max wall height	26′-0.5″

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOTS 13 & 14 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

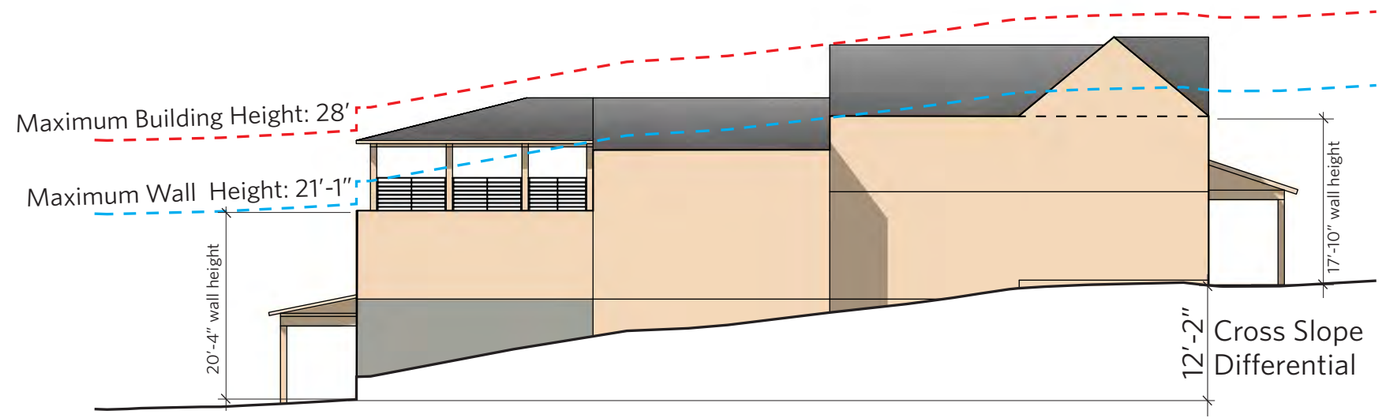
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

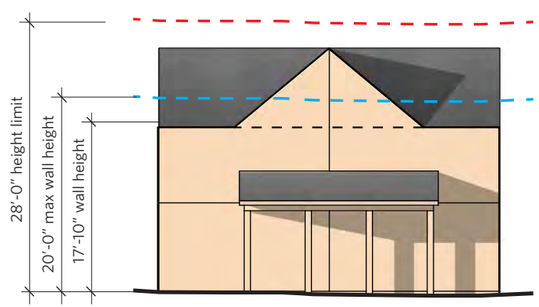
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	6′-1″
Updated max wall height	21′-1″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

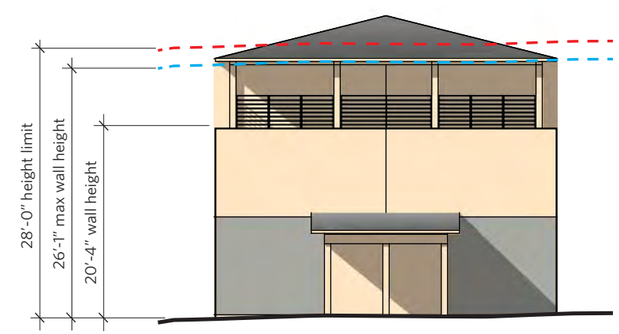


UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	6′-1″
Updated max wall height	26′-1″

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT

MAX WALL HEIGHT

LOTS 15 & 16 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

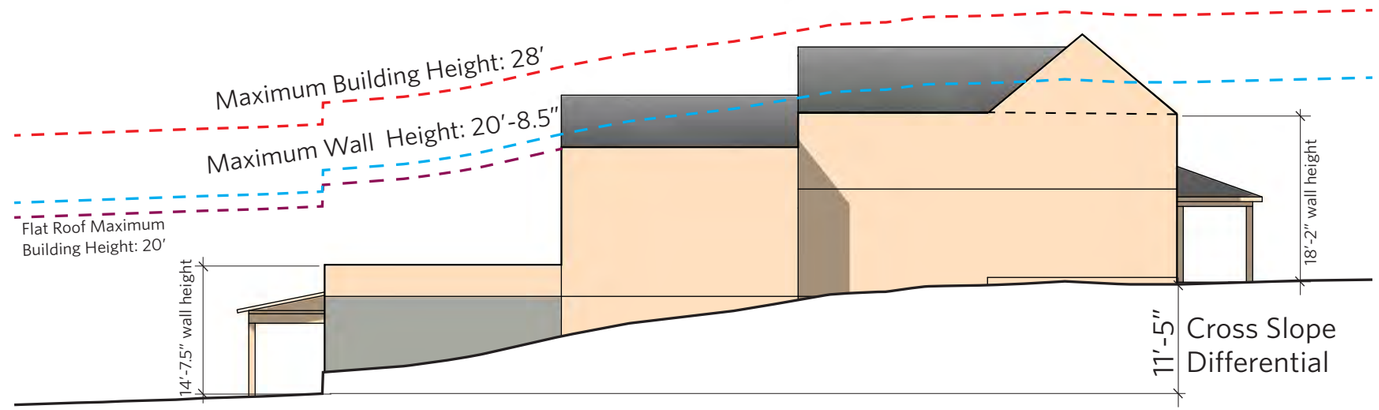
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

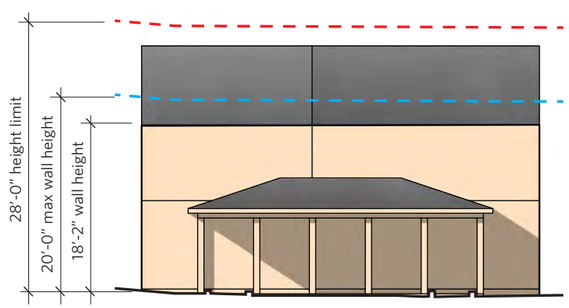
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	5′-8.5″
Updated max wall height	20′-8.5″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

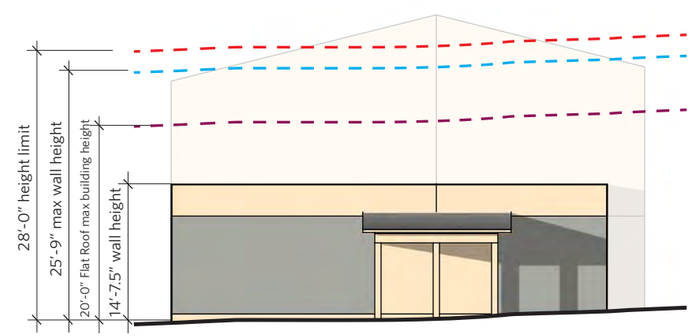


UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	5′-8.5″
Updated max wall height	25′-8.5″

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT
MAX WALL HEIGHT
FLAT ROOF MAX BUILDING HEIGHT

LOTS 17 & 18 - BUILDING HEIGHT EXHIBIT

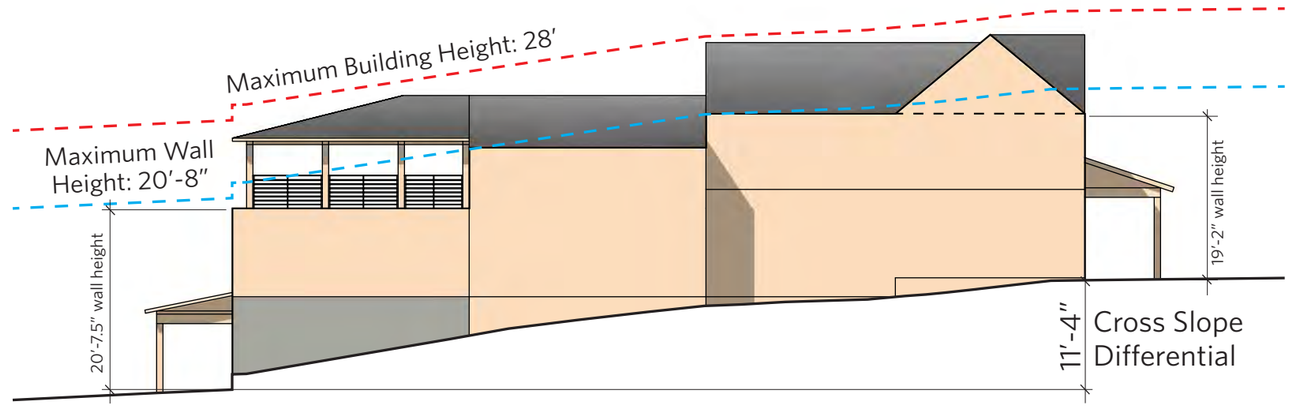
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

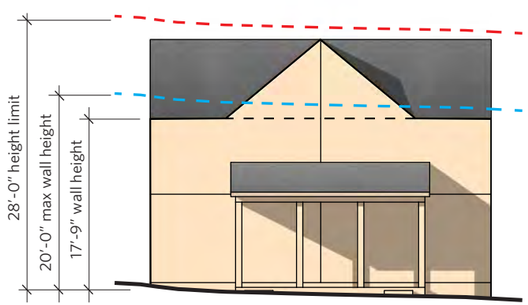
Base max wall height	20′
Reduction due to setback*	5′
Increase due to grade**	5′-8″
Updated max wall height	20′-8″

* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

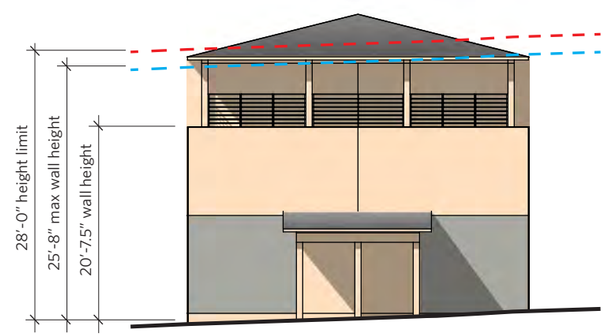


UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	5′-8″
Updated max wall height	25′-8″

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT

MAX WALL HEIGHT

LOTS 19 & 20 - BUILDING HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

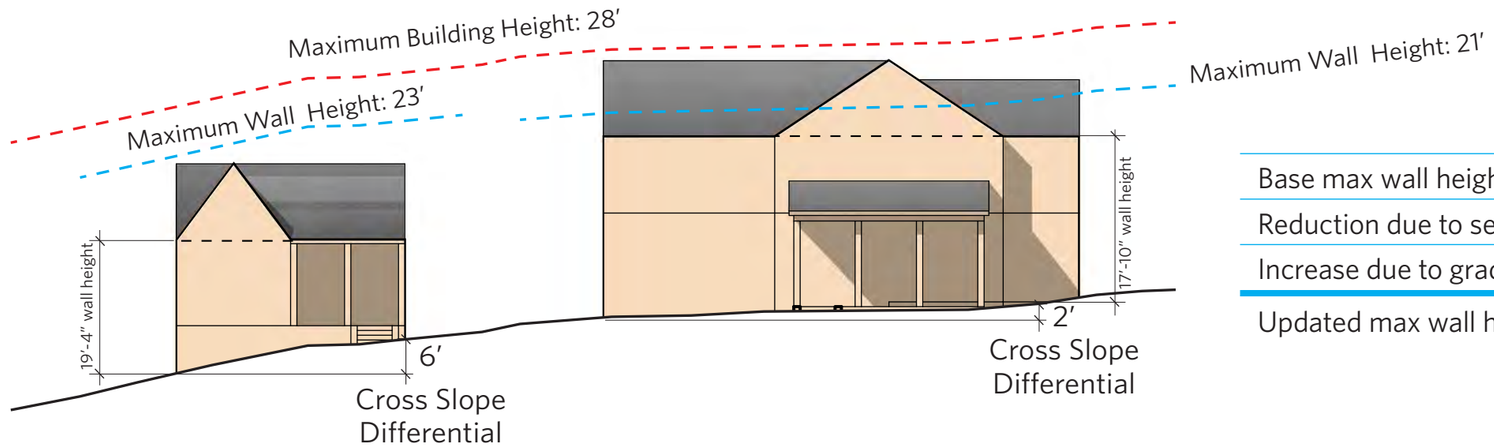
URBAN DESIGN ASSOCIATES

SIDE ELEVATION

Base max wall height	20′
Reduction due to setback*	0′
Increase due to grade**	3′
Updated max wall height	23′

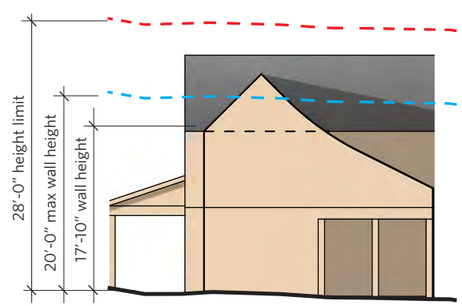
* Wall height reduction of 1′-0″ For every 1′-0″ reduction in the side yard setback. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



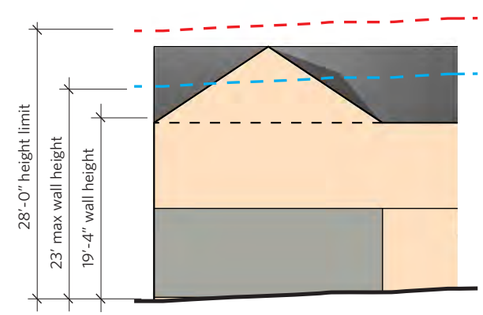
Base max wall height	20′
Reduction due to setback*	0′
Increase due to grade**	1′
Updated max wall height	21′

UPHILL ELEVATION



Base max wall height	20′
Increase due to grade	N/A on uphill elevation
Updated max wall height	20′

DOWNHILL ELEVATION



Base max wall height	20′
Increase due to grade	3′
Updated max wall height	23′

KEY PLAN (NTS)

1/16″ = 1′-0″

8 0 8 16 32 Feet

MAX BUILDING HEIGHT

MAX WALL HEIGHT

LOT 21 - BUILDING HEIGHT EXHIBIT

URBAN DESIGN ASSOCIATES

December 2023

UDA

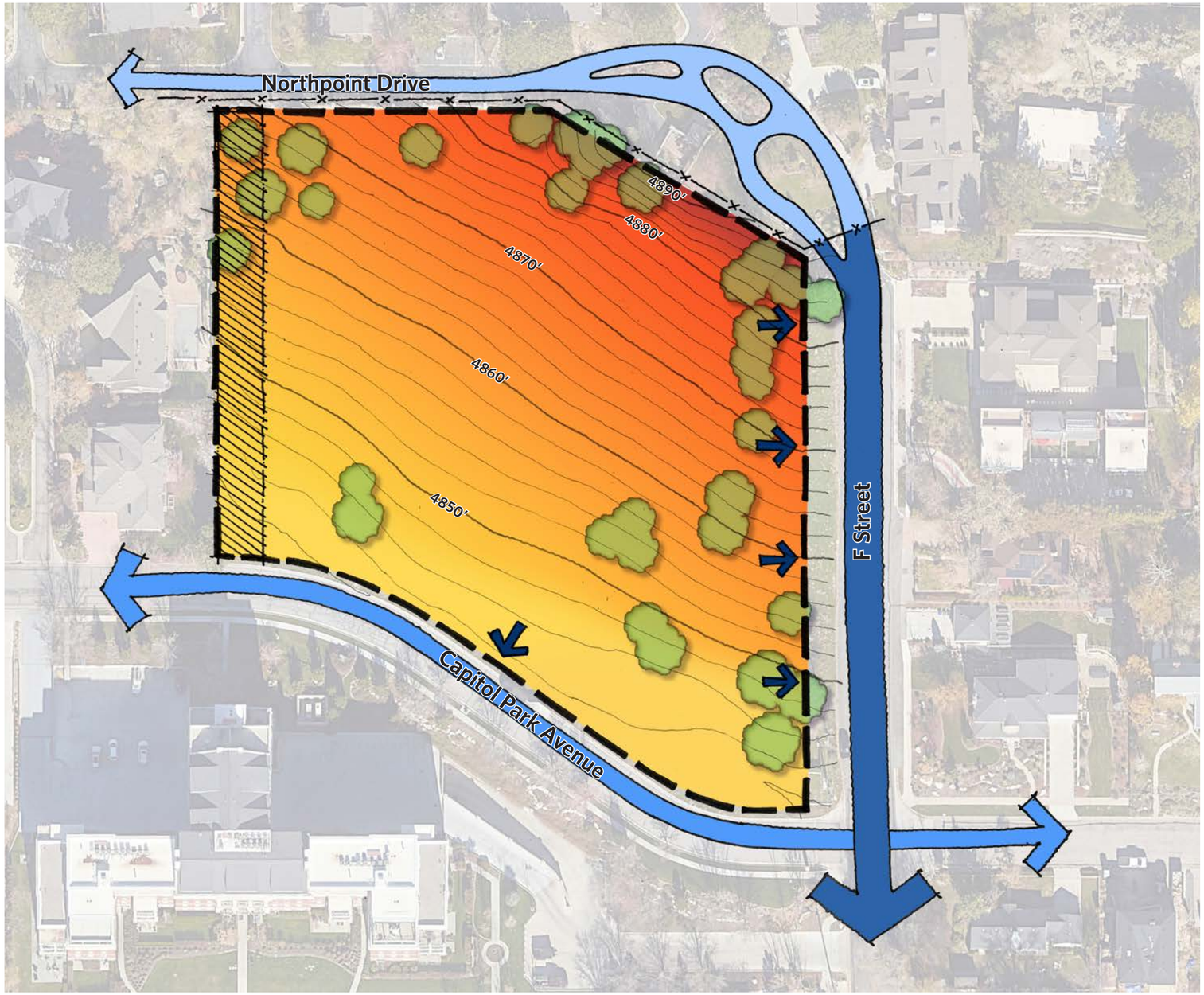
CAPITOL PARK COTTAGES

Salt Lake City, Utah

DESIGN PRINCIPLES

- Develop a sensitive site plan with a variety of architecture to complement the surrounding neighborhood
- Create a public amenity, walking path through the new neighborhood
- Address affordability by providing ADUs and building additional housing
- Minimize Retaining Walls
- Provide ample parking for homes and visitors

DESIGN PRINCIPLES



FENCE
2' CONTOURS
10' CONTOURS
30' BUFFER
ALLOWABLE CURB CUTS*
* Only 1 curb cut is allowed on South Capitol Park Avenue, whereas multiple curb cuts are allowed on F Street
PUBLIC ROAD
PRIVATE ROAD
PRIVATE ROAD, INACCESSIBLE TO THE SITE
SITE BOUNDARY

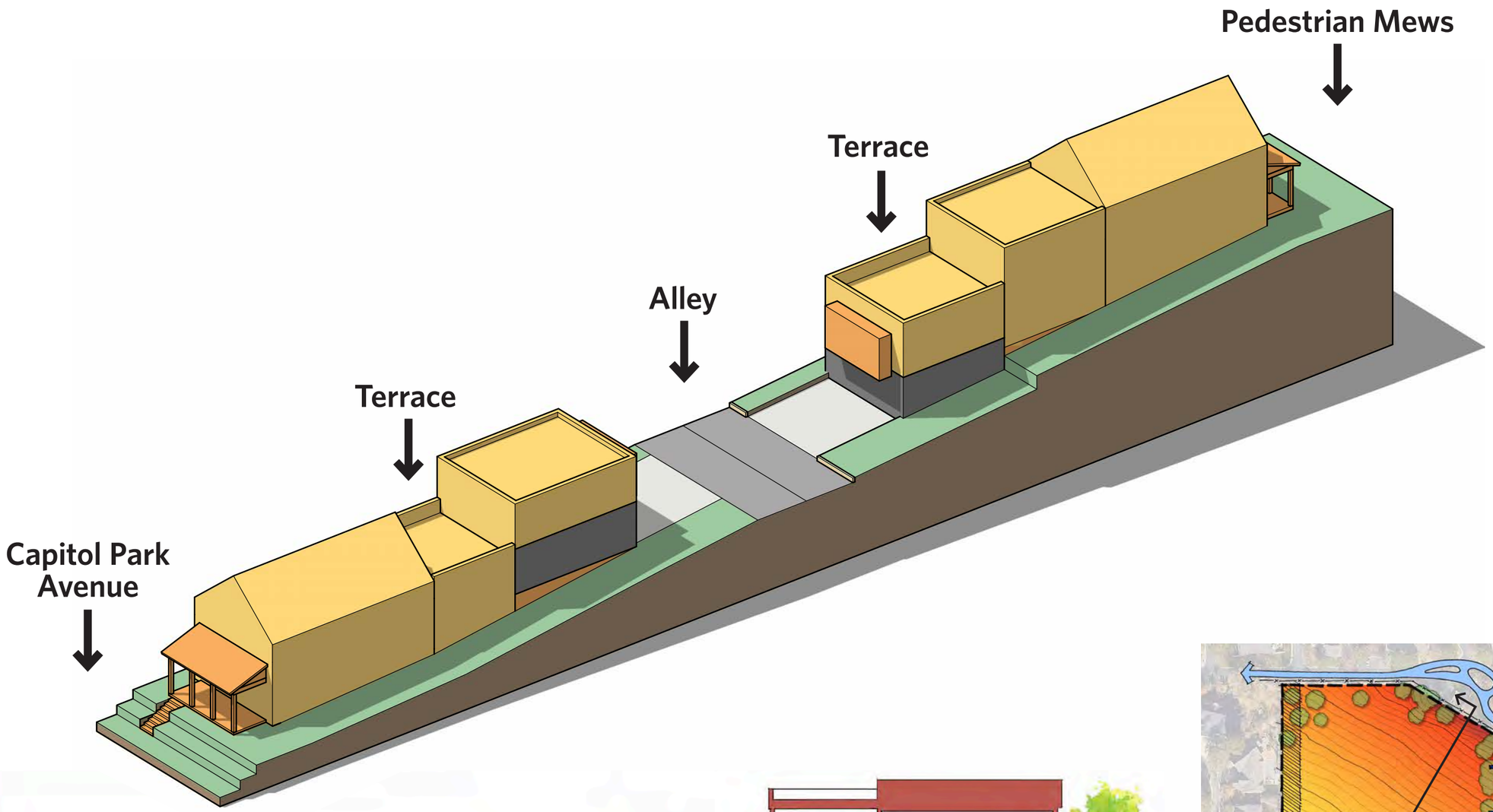
1" = 80'

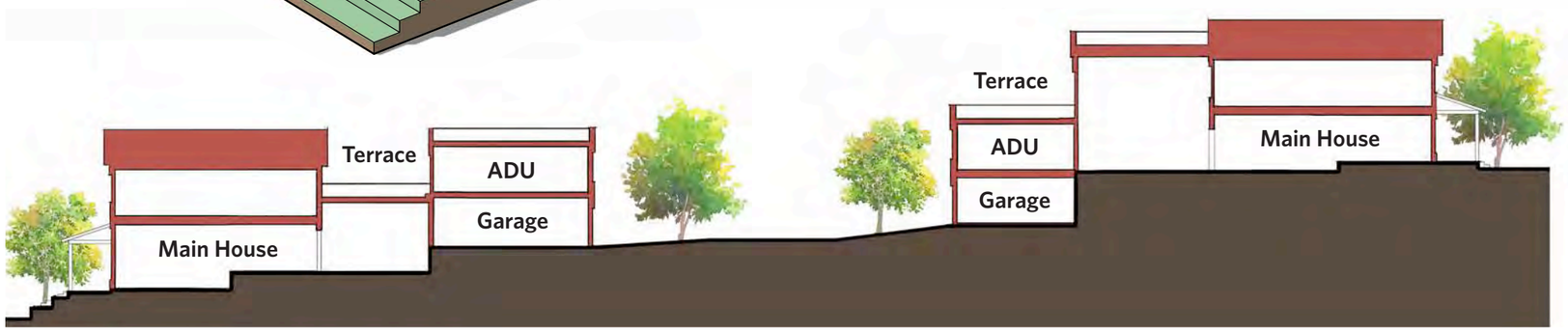
40 0 40 80 160 Feet

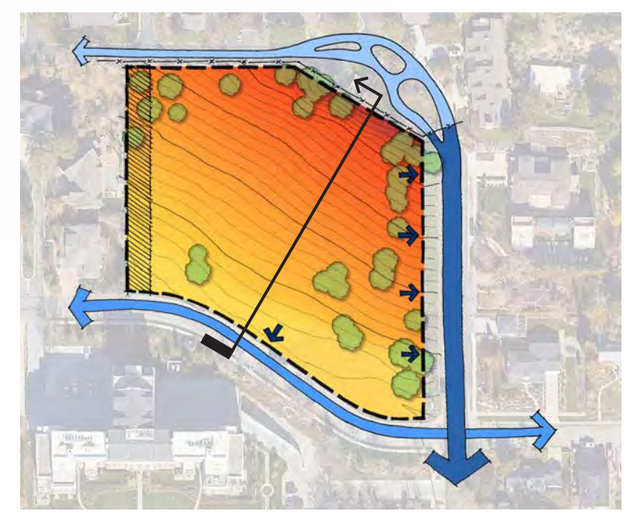
CONSTRAINTS | Plan

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES







1" =20'

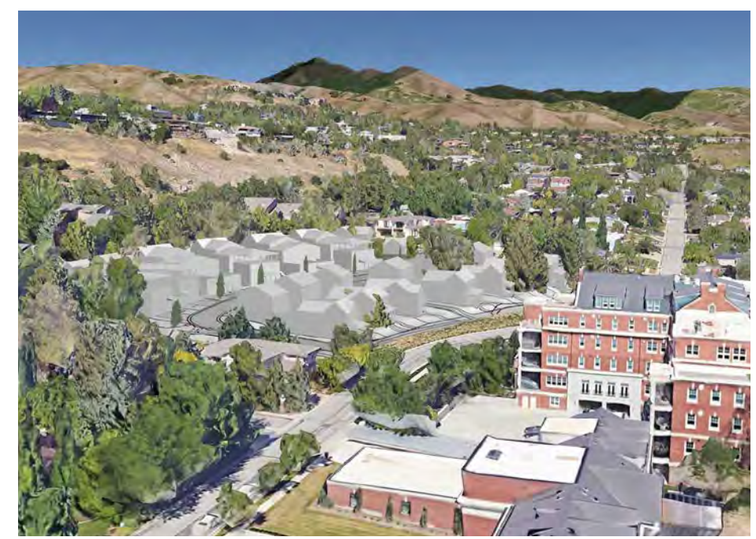
10 0 10 20 40 Feet

CONSTRAINTS | Section

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES

View of F Street, looking north



View of Capitol Park Ave, looking west

ILLUSTRATIVE PLAN

1" = 60'

30 0 30 60 120 Feet

URBAN DESIGN ASSOCIATES

COMMUNITY AMENITY

- Appx. 1.0 Acre of Community open space amenity
- 1/4 mile Recreational trail loop
- Benches for seating located on trail loop

LANDSCAPE PRINCIPLES

- Native vegetation
- Utilize water-wise principles
- Street trees to provide shaded walkways
- Preserve existing trees when possible

LANDSCAPE & AMENITY PLAN

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 60'

30 0 30 60 120 Feet

URBAN DESIGN ASSOCIATES

1" = 80'

40 0 40 80 160 Feet

UNIT COUNT

Unit Type	Main	Optional ADU
24' Single Family Units	7	7
24' Twin Home Units	5	5
18' Twin Home Units	9	9
Total	**21**	**21**

PARKING COUNT

Type	Quantity
Garage	44
On-Lot Surface	41
Visitor	4
Total	**89**

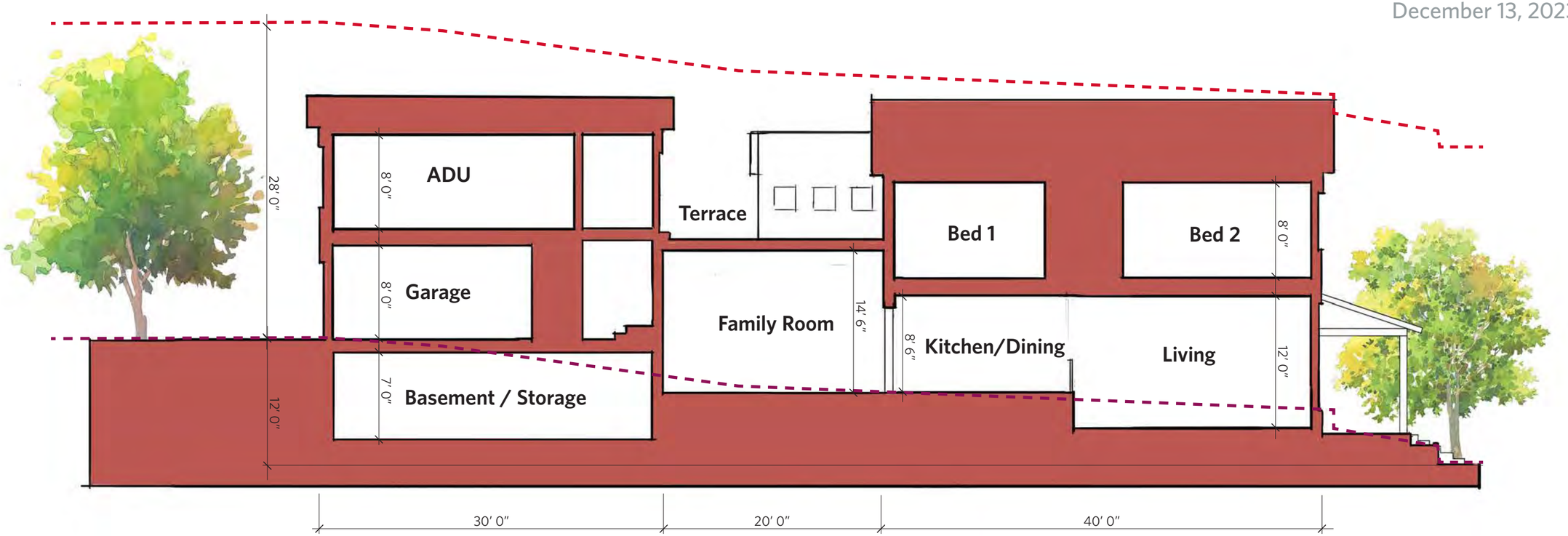
TOTAL BUILDABLE GSF*

Type	Qty.	Area/Unit
24' Wide Uphill	4	4,550sf
24' Wide Downhill Detached	4	3,810 sf
24' Wide Downhill Attached	2	3,570 sf
18' Wide Uphill	6	4,010 sf
18' Wide Downhill	3	3,180 sf
F Street Uphill	1	2,900 sf
F Street Downhill	1	2,775 sf
Total	21	79,855 sf

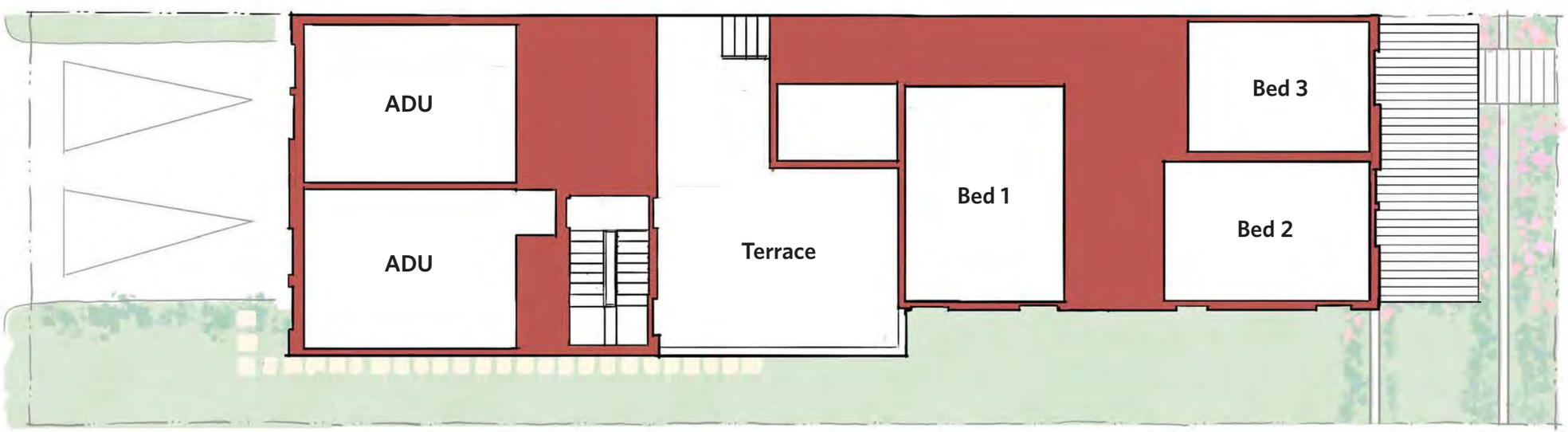
* Includes basement/storage area.

SITE PLAN & PROGRAM

URBAN DESIGN ASSOCIATES



LOT SECTION



LOT PLAN

DOWNHILL LOT | 24′ Wide Unit

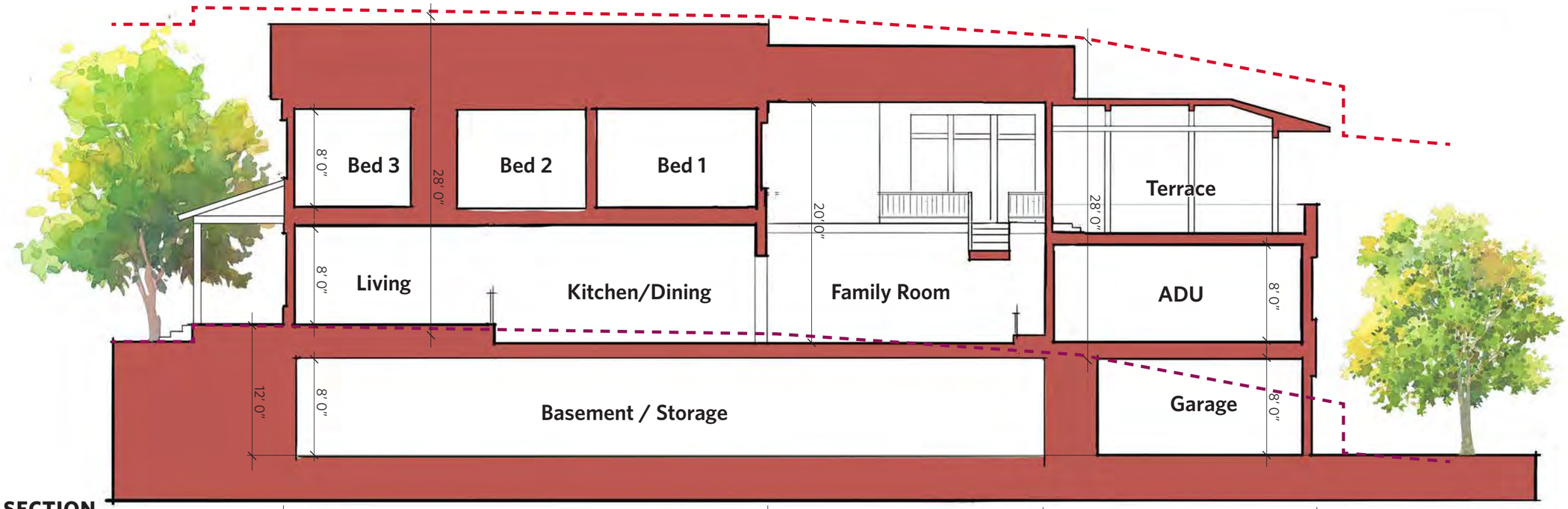
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 10'

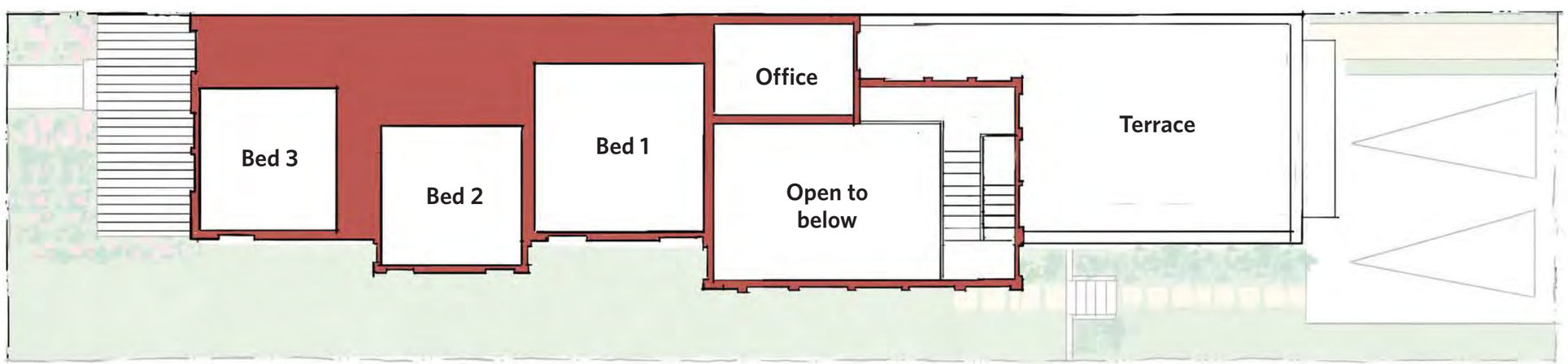
5 0 5 10 20 Feet

GRADE LINE — 28′ ABOVE GRADE

URBAN DESIGN ASSOCIATES



LOT SECTION



LOT PLAN

UPHILL LOT | 18' Wide Unit

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

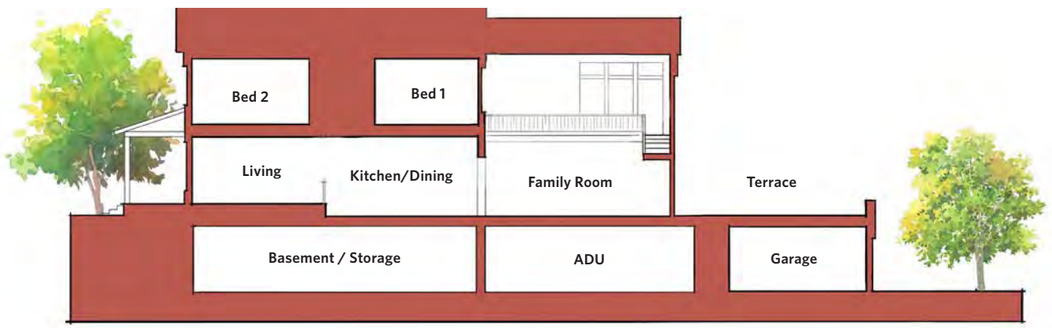
1" = 10'

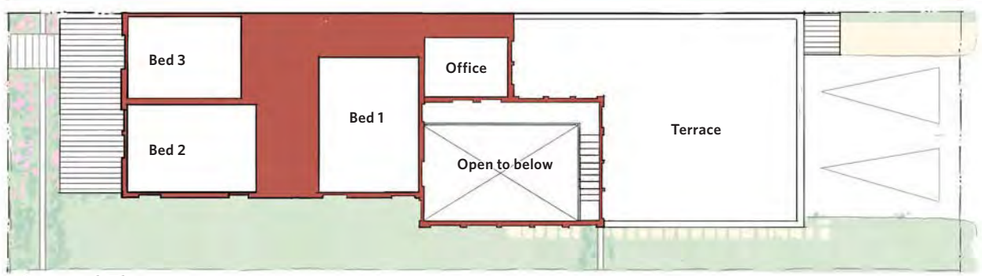
5 0 5 10 20 Feet

GRADE LINE — 28' ABOVE GRADE

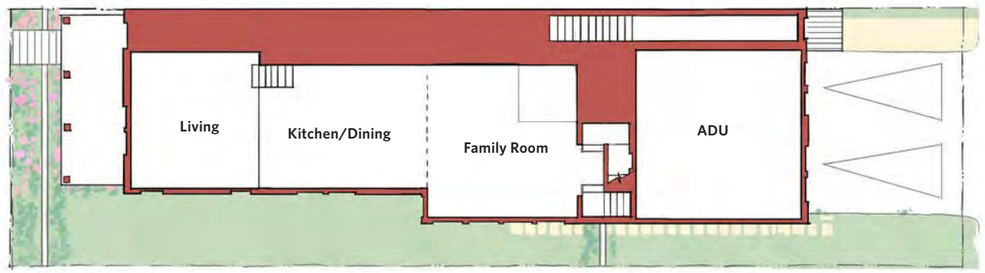
URBAN DESIGN ASSOCIATES

UPHILL LOT 24′ WIDE

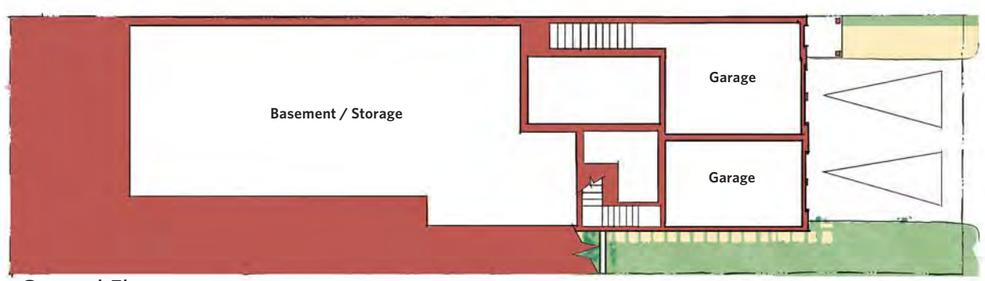




Second Floor

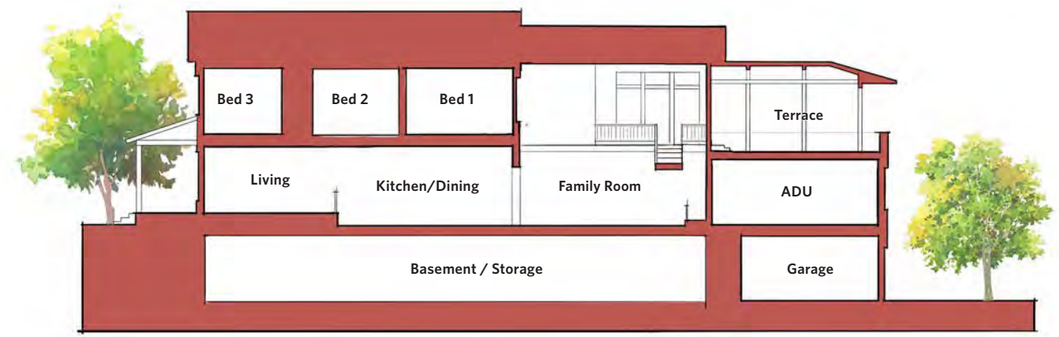


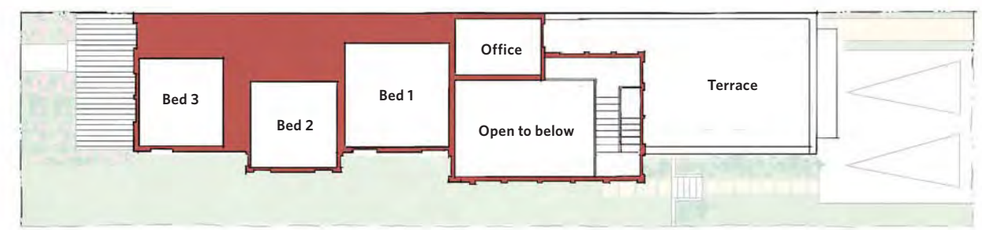
Main Floor



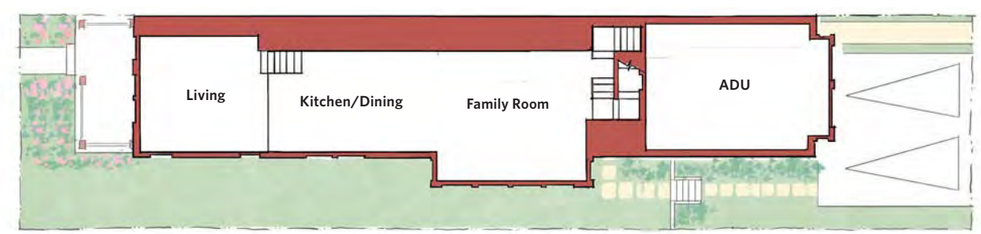
Ground Floor

UPHILL LOT 18′ WIDE

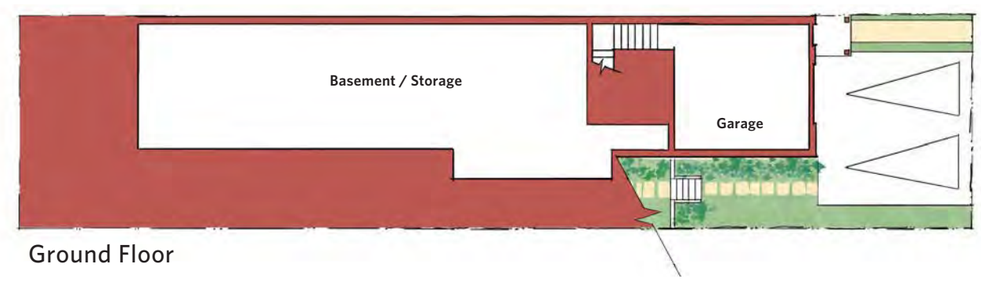




Second Floor



Main Floor



Ground Floor

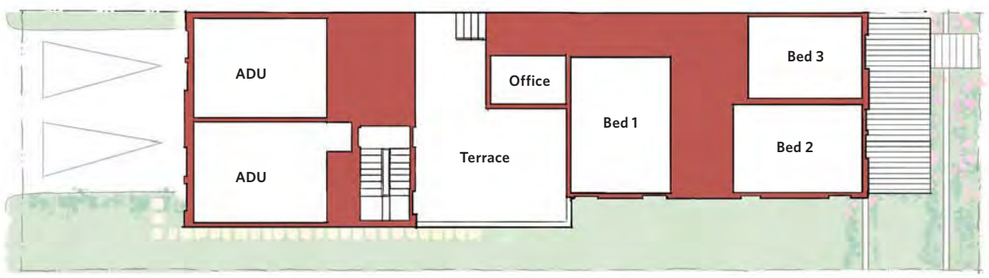
1" = 20'

10 0 10 20 40 Feet

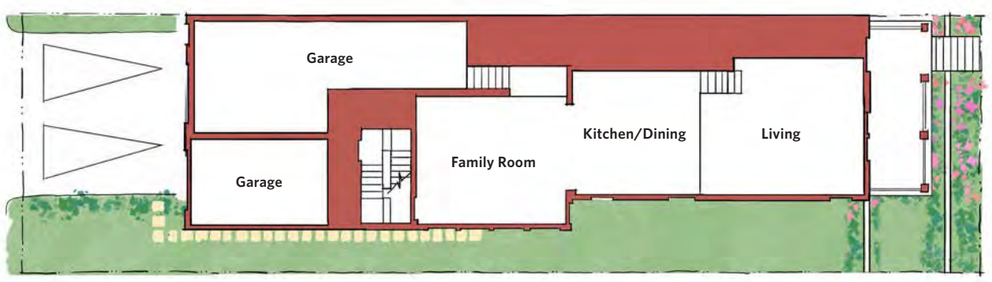
UPHILL UNIT | PLANS & SECTIONS

URBAN DESIGN ASSOCIATES

DOWNHILL LOT 24′ WIDE

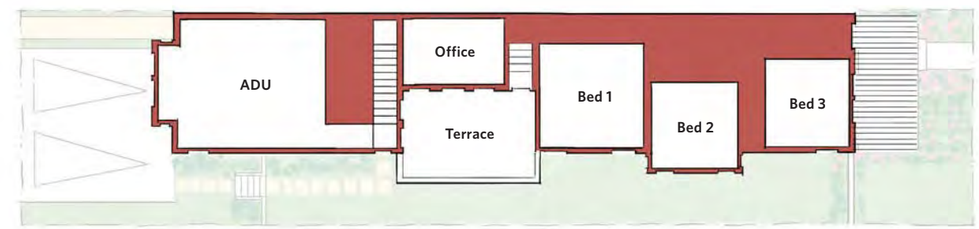


Second Floor



Main Floor

DOWNHILL LOT 18′ WIDE



Second Floor

Main Floor

URBAN DESIGN ASSOCIATES

DOWNHILL UNIT | PLANS & SECTIONS

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 20'

10 0 10 20 40 Feet

Arts & Crafts

European Romantic

Colonial Revival

PRECEDENTS | Surrounding Salt Lake City Neighborhoods

URBAN DESIGN ASSOCIATES

VIEW | Capitol Park Avenue

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

Facade Type A

Facade Type B

Facade Type C

ELEVATIONS | 24′ Wide Units

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Facade Type A - A

Facade Type A - A′

ELEVATIONS | Twin Home Options

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Facade Type B - B

Facade Type C - C

ELEVATIONS | Twin Home Options

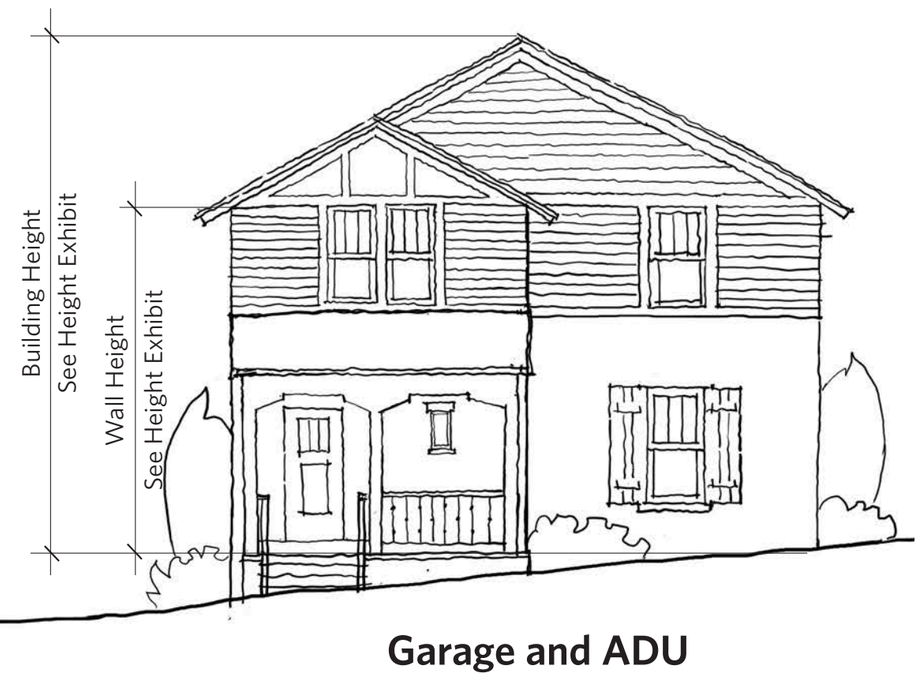
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Twin Home



Garage and ADU

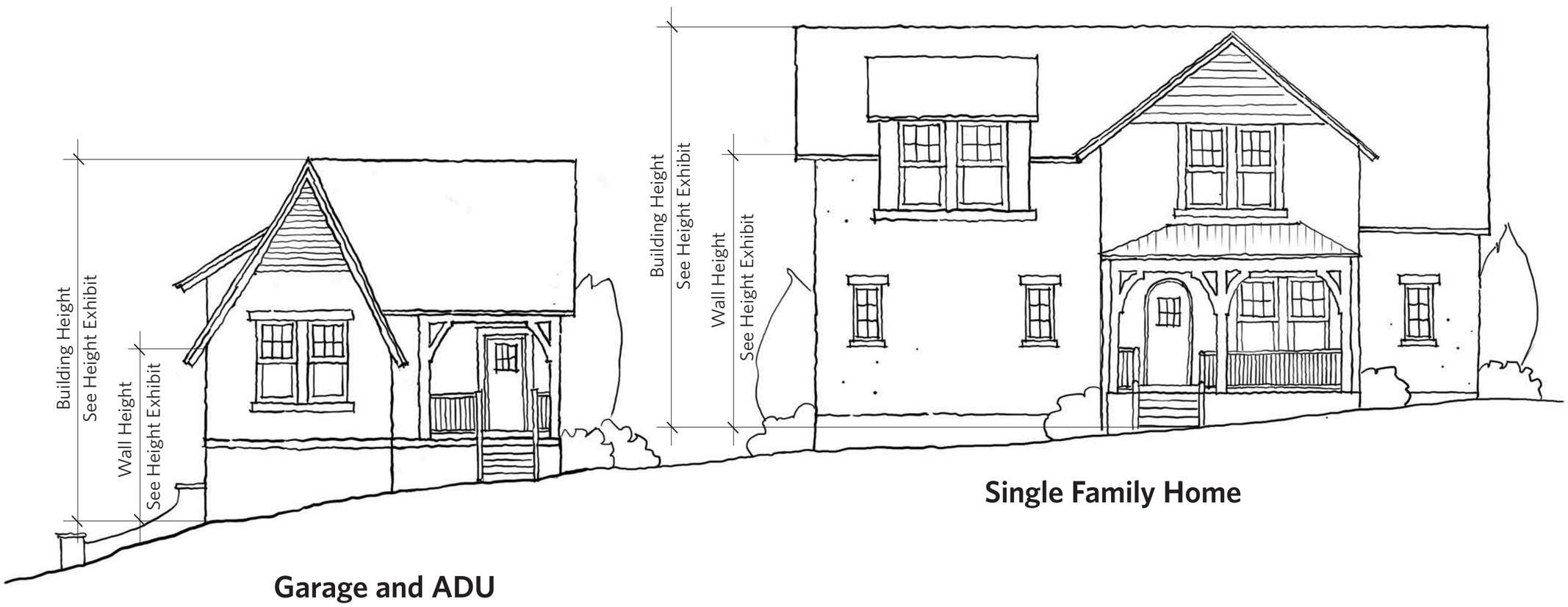
ELEVATIONS | Side Facades

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES



ELEVATIONS | Side Facades

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

CAPITOL PARK AVENUE

F STREET

STREET FACADES

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES

VIEW | New Internal Street, Looking East

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

UDA

Creating a sense of place through collaboration, context, and community.

Description	Frequency	Estimate 10-Yr Period	20-Year Period	30-Yr Period	40-Yr Period	50-Yr Period	60-Yr Period	Total
Operations								
Snow Removal	Annually	$ 133,200.00	$ 133,200.00	$ 133,200.00	$ 133,200.00	$ 133,200.00	$ 133,200.00	$ 799,200.00
Landscaping	Annually	$ 300,000.00	$ 300,000.00	$ 300,000.00	$ 300,000.00	$ 300,000.00	$ 300,000.00	$ 1,800,000.00
Underground Storm Drain Clean-Out	Annually	$ 25,000.00	$ 25,000.00	$ 25,000.00	$ 25,000.00	$ 25,000.00	$ 25,000.00	$ 150,000.00
							Operations Total:	**$ 2,749,200.00**
Maintenance/Upkeep								
Private Alley- Slurry Seal	10 Years	$ 10,953.00		$ 10,953.00		$ 10,953.00		$ 32,859.00
Private Alley- Rotomill & Resurface	20 Years		$ 20,140.00				$ 20,140.00	$ 40,280.00
Private Alley- Full Depth Repave	40 Years					$ 29,995.00		$ 29,995.00
Sewer Lateral- Rotoruter	20 Years		$ 1,250.00				$ 1,250.00	$ 2,500.00
Sewer Lateral- Full Replacement	40 Years				$ 29,565.00			$ 29,565.00
Water Lateral- Slipline	20 Years			$ 5,356.00			$ 5,356.00	$ 10,712.00
Water Lateral- Full Replacement	40 Years				$ 10,715.00			$ 10,715.00
Irrigation- Minor Repairs	Every 5 Years	$ 2,750.00	$ 2,750.00	$ 2,750.00	$ 2,750.00	$ 2,750.00	$ 2,750.00	$ 16,500.00
Irrigation- Major Part Replacements	Every 10 Years	$ 3,500.00	$ 3,500.00	$ 3,500.00	$ 3,500.00	$ 3,500.00	$ 3,500.00	$ 21,000.00
Landscaping- Plant Replacement (10%)	Every 3 Years	$ 5,250.00	$ 5,250.00	$ 5,250.00	$ 5,250.00	$ 5,250.00	$ 5,250.00	$ 31,500.00
Landscaping- Professional Tree Trimming	Every 10 Years	$ 11,500.00	$ 11,500.00	$ 11,500.00	$ 11,500.00	$ 11,500.00	$ 11,500.00	$ 69,000.00
							Maintenance/Upkeep Total:	**$ 294,626.00**
							Grand Total:	**$ 3,043,826.00**

	0.035
2021 Cost	10750
2022 Cost	11126.25
2023 Cost	11515.67

Description	0	10	20	30	40	50	60	
				Estimate				
	Frequency	10-Yr Period	20-Year Period	30-Yr Period	40-Yr Period	50-Yr Period	60-Yr Period	Total
Operations								
Snow Removal	Annually	$ 93,851	$ 132,386	$ 186,744	$ 263,421	$ 371,581	$ 524,152	$ 1,572,135
Landscaping	Annually	$ 351,942	$ 496,449	$ 700,290	$ 987,828	$ 1,393,429	$ 1,965,569	$ 5,895,506
Underground Storm Drain Clean-Out	Annually	$ 29,328	$ 41,371	$ 58,357	$ 82,319	$ 116,119	$ 163,797	$ 491,292
							Operations Total:	**$ 7,958,934**
Maintenance/Upkeep								
Private Alley- Slurry Seal	10 Years	$ 10,222	$ 14,419	$ 20,339	$ 28,690	$ 40,470	$ 57,088	$ 171,228
Private Alley- Rotomill & Resurface	20 Years		$ 2,980		$ 5,929		$ 11,798	$ 20,707
Private Alley- Full Depth Repave	40 Years				$ 98,140			$ 98,140
Sewer Lateral- Rotoruter	20 Years		$ 2,403		$ 4,782		$ 9,515	$ 16,699
Sewer Lateral- Full Replacement	40 Years				$ 113,097			$ 113,097
Water Lateral- Slipline	20 Years		$ 10,297		$ 20,489		$ 40,768	$ 71,554
Water Lateral- Full Replacement	40 Years				$ 40,989			$ 40,989
Irrigation- Minor Repairs	Every 5 Years	$ 6,904	$ 9,738	$ 13,737	$ 19,377	$ 27,333	$ 38,556	$ 115,646
Irrigation- Major Part Replacements	Every 10 Years	$ 4,770	$ 6,729	$ 9,492	$ 13,389	$ 18,886	$ 26,641	$ 79,906
Landscaping- Plant Replacement (10%)	Every 3 Years	$ 18,773	$ 25,585	$ 49,107	$ 52,691	$ 71,812	$ 137,834	$ 355,801
Landscaping- Professional Tree Trimming	Every 10 Years	$ 15,673	$ 22,109	$ 31,187	$ 43,992	$ 62,055	$ 87,534	$ 262,550
							Maintenance/Upkeep Total:	**$ 1,346,317**

NOTES

1) Annual inflation rate of 3.5% taken from the 30 yr long term average outlook from Engineering News-Record (ENR)

Grand Total:	**$ 9,305,251**

Inflation rate 3.5%

	Operations		
	Snow Removal	Landscaping	Underground Storm Drain Clean-Out
Frequency (Years)	1	1	1

Annual Rate Increase			
1 (Current Rate)	$ 8,000	$ 30,000	$ 2,500
2	$ 8,280	$ 31,050	$ 2,588
3	$ 8,570	$ 32,137	$ 2,678
4	$ 8,870	$ 33,262	$ 2,772
5	$ 9,180	$ 34,426	$ 2,869
6	$ 9,501	$ 35,631	$ 2,969
7	$ 9,834	$ 36,878	$ 3,073
8	$ 10,178	$ 38,168	$ 3,181
9	$ 10,534	$ 39,504	$ 3,292
10	$ 10,903	$ 40,887	$ 3,407
11	$ 11,285	$ 42,318	$ 3,526
12	$ 11,680	$ 43,799	$ 3,650
13	$ 12,089	$ 45,332	$ 3,778
14	$ 12,512	$ 46,919	$ 3,910
15	$ 12,950	$ 48,561	$ 4,047
16	$ 13,403	$ 50,260	$ 4,188
17	$ 13,872	$ 52,020	$ 4,335
18	$ 14,357	$ 53,840	$ 4,487
19	$ 14,860	$ 55,725	$ 4,644
20	$ 15,380	$ 57,675	$ 4,806
21	$ 15,918	$ 59,694	$ 4,974
22	$ 16,475	$ 61,783	$ 5,149
23	$ 17,052	$ 63,945	$ 5,329
24	$ 17,649	$ 66,183	$ 5,515
25	$ 18,267	$ 68,500	$ 5,708
26	$ 18,906	$ 70,897	$ 5,908
27	$ 19,568	$ 73,379	$ 6,115
28	$ 20,253	$ 75,947	$ 6,329
29	$ 20,961	$ 78,605	$ 6,550
30	$ 21,695	$ 81,356	$ 6,780
31	$ 22,454	$ 84,204	$ 7,017
32	$ 23,240	$ 87,151	$ 7,263
33	$ 24,054	$ 90,201	$ 7,517
34	$ 24,896	$ 93,358	$ 7,780
35	$ 25,767	$ 96,626	$ 8,052
36	$ 26,669	$ 100,008	$ 8,334
37	$ 27,602	$ 103,508	$ 8,626
38	$ 28,568	$ 107,131	$ 8,928
39	$ 29,568	$ 110,880	$ 9,240
40	$ 30,603	$ 114,761	$ 9,563
41	$ 31,674	$ 118,778	$ 9,898
42	$ 32,783	$ 122,935	$ 10,245
43	$ 33,930	$ 127,238	$ 10,603
44	$ 35,118	$ 131,691	$ 10,974
45	$ 36,347	$ 136,300	$ 11,358
46	$ 37,619	$ 141,071	$ 11,756
47	$ 38,936	$ 146,008	$ 12,167
48	$ 40,298	$ 151,119	$ 12,593
49	$ 41,709	$ 156,408	$ 13,034
50	$ 43,169	$ 161,882	$ 13,490

51	$ 44,679	$ 167,548	$ 13,962
52	$ 46,243	$ 173,412	$ 14,451
53	$ 47,862	$ 179,481	$ 14,957
54	$ 49,537	$ 185,763	$ 15,480
55	$ 51,271	$ 192,265	$ 16,022
56	$ 53,065	$ 198,994	$ 16,583
57	$ 54,922	$ 205,959	$ 17,163
58	$ 56,845	$ 213,168	$ 17,764
59	$ 58,834	$ 220,628	$ 18,386
60	$ 60,893	$ 228,350	$ 19,029

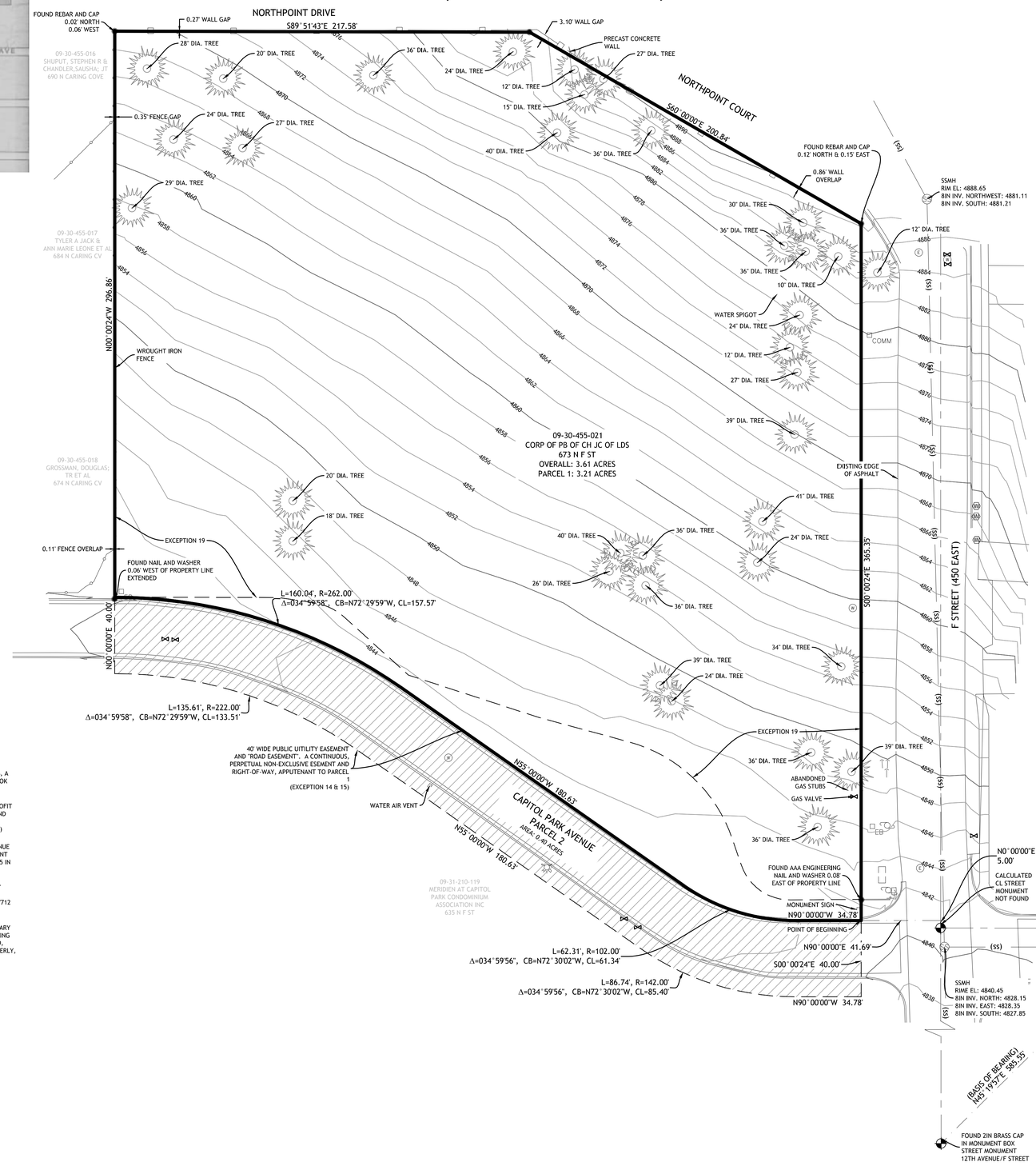
	Maintenance/Upkeep										
	Private Alley-Slurry Seal	Private Alley-Rotomill & Resurface	Private Alley-Full Depth Repave	Sewer Lateral-Rotoruter	Sewer Lateral-Full Replacement	Water Lateral-Slipline	Water Lateral-Full Replacement	Irrigation-Minor Repairs	Irrigation-Major Part Replacements	Landscaping-Plant Replacement (10%)	Landscaping-Professional Tree Trimming
Frequency (Years)	10	20	40	20	40	20	40	5	10	3	10
Annual Rate Increase											
1 (Current Rate)	$ 7,500	$ 1,550	$ 25,655	$ 1,250	$ 29,565	$ 5,356	$ 10,715	$ 2,750	$ 3,500	$ 5,250	$ 11,500
2	$ 7,763	$ 1,604	$ 26,553	$ 1,294	$ 30,600	$ 5,543	$ 11,090	$ 2,846	$ 3,623	$ 5,434	$ 11,903
3	$ 8,034	$ 1,660	$ 27,482	$ 1,339	$ 31,671	$ 5,737	$ 11,478	$ 2,946	$ 3,749	$ 5,624	$ 12,319
4	$ 8,315	$ 1,719	$ 28,444	$ 1,386	$ 32,779	$ 5,938	$ 11,880	$ 3,049	$ 3,881	$ 5,821	$ 12,750
5	$ 8,606	$ 1,779	$ 29,440	$ 1,434	$ 33,927	$ 6,146	$ 12,296	$ 3,156	$ 4,016	$ 6,024	$ 13,197
6	$ 8,908	$ 1,841	$ 30,470	$ 1,485	$ 35,114	$ 6,361	$ 12,726	$ 3,266	$ 4,157	$ 6,235	$ 13,658
7	$ 9,219	$ 1,905	$ 31,537	$ 1,537	$ 36,343	$ 6,584	$ 13,171	$ 3,380	$ 4,302	$ 6,454	$ 14,136
8	$ 9,542	$ 1,972	$ 32,640	$ 1,590	$ 37,615	$ 6,814	$ 13,632	$ 3,499	$ 4,453	$ 6,679	$ 14,631
9	$ 9,876	$ 2,041	$ 33,783	$ 1,646	$ 38,931	$ 7,053	$ 14,110	$ 3,621	$ 4,609	$ 6,913	$ 15,143
10	$ 10,222	$ 2,112	$ 34,965	$ 1,704	$ 40,294	$ 7,300	$ 14,603	$ 3,748	$ 4,770	$ 7,155	$ 15,673
11	$ 10,579	$ 2,186	$ 36,189	$ 1,763	$ 41,704	$ 7,555	$ 15,115	$ 3,879	$ 4,937	$ 7,406	$ 16,222
12	$ 10,950	$ 2,263	$ 37,456	$ 1,825	$ 43,164	$ 7,820	$ 15,644	$ 4,015	$ 5,110	$ 7,665	$ 16,790
13	$ 11,333	$ 2,342	$ 38,766	$ 1,889	$ 44,675	$ 8,093	$ 16,191	$ 4,155	$ 5,289	$ 7,933	$ 17,377
14	$ 11,730	$ 2,424	$ 40,123	$ 1,955	$ 46,238	$ 8,377	$ 16,758	$ 4,301	$ 5,474	$ 8,211	$ 17,985
15	$ 12,140	$ 2,509	$ 41,528	$ 2,023	$ 47,857	$ 8,670	$ 17,344	$ 4,451	$ 5,665	$ 8,498	$ 18,615
16	$ 12,565	$ 2,597	$ 42,981	$ 2,094	$ 49,532	$ 8,973	$ 17,951	$ 4,607	$ 5,864	$ 8,796	$ 19,267
17	$ 13,005	$ 2,688	$ 44,485	$ 2,167	$ 51,265	$ 9,287	$ 18,580	$ 4,768	$ 6,069	$ 9,103	$ 19,941
18	$ 13,460	$ 2,782	$ 46,042	$ 2,243	$ 53,060	$ 9,612	$ 19,230	$ 4,935	$ 6,281	$ 9,422	$ 20,639
19	$ 13,931	$ 2,879	$ 47,654	$ 2,322	$ 54,917	$ 9,949	$ 19,903	$ 5,108	$ 6,501	$ 9,752	$ 21,361
20	$ 14,419	$ 2,980	$ 49,322	$ 2,403	$ 56,839	$ 10,297	$ 20,600	$ 5,287	$ 6,729	$ 10,093	$ 22,109
21	$ 14,923	$ 3,084	$ 51,048	$ 2,487	$ 58,828	$ 10,657	$ 21,321	$ 5,472	$ 6,964	$ 10,446	$ 22,883
22	$ 15,446	$ 3,192	$ 52,835	$ 2,574	$ 60,887	$ 11,030	$ 22,067	$ 5,663	$ 7,208	$ 10,812	$ 23,683
23	$ 15,986	$ 3,304	$ 54,684	$ 2,664	$ 63,018	$ 11,416	$ 22,839	$ 5,862	$ 7,460	$ 11,190	$ 24,512
24	$ 16,546	$ 3,419	$ 56,598	$ 2,758	$ 65,224	$ 11,816	$ 23,639	$ 6,067	$ 7,721	$ 11,582	$ 25,370
25	$ 17,125	$ 3,539	$ 58,579	$ 2,854	$ 67,507	$ 12,230	$ 24,466	$ 6,279	$ 7,992	$ 11,987	$ 26,258
26	$ 17,724	$ 3,663	$ 60,629	$ 2,954	$ 69,869	$ 12,658	$ 25,322	$ 6,499	$ 8,271	$ 12,407	$ 27,177
27	$ 18,345	$ 3,791	$ 62,751	$ 3,057	$ 72,315	$ 13,101	$ 26,208	$ 6,726	$ 8,561	$ 12,841	$ 28,129
28	$ 18,987	$ 3,924	$ 64,947	$ 3,164	$ 74,846	$ 13,559	$ 27,126	$ 6,962	$ 8,860	$ 13,291	$ 29,113
29	$ 19,651	$ 4,061	$ 67,221	$ 3,275	$ 77,465	$ 14,034	$ 28,075	$ 7,205	$ 9,171	$ 13,756	$ 30,132
30	$ 20,339	$ 4,203	$ 69,573	$ 3,390	$ 80,177	$ 14,525	$ 29,058	$ 7,458	$ 9,492	$ 14,237	$ 31,187
31	$ 21,051	$ 4,351	$ 72,008	$ 3,508	$ 82,983	$ 15,033	$ 30,075	$ 7,719	$ 9,824	$ 14,736	$ 32,278
32	$ 21,788	$ 4,503	$ 74,529	$ 3,631	$ 85,887	$ 15,559	$ 31,127	$ 7,989	$ 10,168	$ 15,251	$ 33,408
33	$ 22,550	$ 4,660	$ 77,137	$ 3,758	$ 88,893	$ 16,104	$ 32,217	$ 8,268	$ 10,523	$ 15,785	$ 34,577
34	$ 23,340	$ 4,824	$ 79,837	$ 3,890	$ 92,005	$ 16,668	$ 33,344	$ 8,558	$ 10,892	$ 16,338	$ 35,787
35	$ 24,156	$ 4,992	$ 82,631	$ 4,026	$ 95,225	$ 17,251	$ 34,512	$ 8,857	$ 11,273	$ 16,910	$ 37,040
36	$ 25,002	$ 5,167	$ 85,523	$ 4,167	$ 98,558	$ 17,855	$ 35,719	$ 9,167	$ 11,668	$ 17,501	$ 38,336
37	$ 25,877	$ 5,348	$ 88,517	$ 4,313	$ 102,007	$ 18,480	$ 36,970	$ 9,488	$ 12,076	$ 18,114	$ 39,678
38	$ 26,783	$ 5,535	$ 91,615	$ 4,464	$ 105,577	$ 19,126	$ 38,264	$ 9,820	$ 12,499	$ 18,748	$ 41,067
39	$ 27,720	$ 5,729	$ 94,821	$ 4,620	$ 109,273	$ 19,796	$ 39,603	$ 10,164	$ 12,936	$ 19,404	$ 42,504
40	$ 28,690	$ 5,929	$ 98,140	$ 4,782	$ 113,097	$ 20,489	$ 40,989	$ 10,520	$ 13,389	$ 20,083	$ 43,992
41	$ 29,694	$ 6,137	$ 101,575	$ 4,949	$ 117,056	$ 21,206	$ 42,423	$ 10,888	$ 13,857	$ 20,786	$ 45,531

42	$ 30,734	$ 6,352	$ 105,130	$ 5,122	$ 121,152	$ 21,948	$ 43,908	$ 11,269	$ 14,342	$ 21,514	$ 47,125
43	$ 31,809	$ 6,574	$ 108,809	$ 5,302	$ 125,393	$ 22,716	$ 45,445	$ 11,663	$ 14,844	$ 22,267	$ 48,774
44	$ 32,923	$ 6,804	$ 112,618	$ 5,487	$ 129,782	$ 23,511	$ 47,036	$ 12,072	$ 15,364	$ 23,046	$ 50,482
45	$ 34,075	$ 7,042	$ 116,559	$ 5,679	$ 134,324	$ 24,334	$ 48,682	$ 12,494	$ 15,902	$ 23,853	$ 52,248
46	$ 35,268	$ 7,289	$ 120,639	$ 5,878	$ 139,025	$ 25,186	$ 50,386	$ 12,931	$ 16,458	$ 24,687	$ 54,077
47	$ 36,502	$ 7,544	$ 124,861	$ 6,084	$ 143,891	$ 26,067	$ 52,149	$ 13,384	$ 17,034	$ 25,551	$ 55,970
48	$ 37,780	$ 7,808	$ 129,232	$ 6,297	$ 148,927	$ 26,980	$ 53,974	$ 13,853	$ 17,630	$ 26,446	$ 57,929
49	$ 39,102	$ 8,081	$ 133,755	$ 6,517	$ 154,140	$ 27,924	$ 55,864	$ 14,337	$ 18,248	$ 27,371	$ 59,956
50	$ 40,470	$ 8,364	$ 138,436	$ 6,745	$ 159,535	$ 28,901	$ 57,819	$ 14,839	$ 18,886	$ 28,329	$ 62,055
51	$ 41,887	$ 8,657	$ 143,281	$ 6,981	$ 165,118	$ 29,913	$ 59,842	$ 15,359	$ 19,547	$ 29,321	$ 64,227
52	$ 43,353	$ 8,960	$ 148,296	$ 7,225	$ 170,898	$ 30,960	$ 61,937	$ 15,896	$ 20,231	$ 30,347	$ 66,475
53	$ 44,870	$ 9,273	$ 153,487	$ 7,478	$ 176,879	$ 32,043	$ 64,105	$ 16,452	$ 20,939	$ 31,409	$ 68,801
54	$ 46,441	$ 9,598	$ 158,859	$ 7,740	$ 183,070	$ 33,165	$ 66,348	$ 17,028	$ 21,672	$ 32,509	$ 71,209
55	$ 48,066	$ 9,934	$ 164,419	$ 8,011	$ 189,477	$ 34,326	$ 68,671	$ 17,624	$ 22,431	$ 33,646	$ 73,702
56	$ 49,749	$ 10,281	$ 170,173	$ 8,291	$ 196,109	$ 35,527	$ 71,074	$ 18,241	$ 23,216	$ 34,824	$ 76,281
57	$ 51,490	$ 10,641	$ 176,129	$ 8,582	$ 202,973	$ 36,771	$ 73,562	$ 18,880	$ 24,029	$ 36,043	$ 78,951
58	$ 53,292	$ 11,014	$ 182,294	$ 8,882	$ 210,077	$ 38,058	$ 76,136	$ 19,540	$ 24,870	$ 37,304	$ 81,714
59	$ 55,157	$ 11,399	$ 188,674	$ 9,193	$ 217,429	$ 39,390	$ 78,801	$ 20,224	$ 25,740	$ 38,610	$ 84,574
60	$ 57,088	$ 11,798	$ 195,278	$ 9,515	$ 225,039	$ 40,768	$ 81,559	$ 20,932	$ 26,641	$ 39,961	$ 87,534

ALTA/NSPS LAND TITLE SURVEY

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF
SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

VICINITY MAP
NOT TO SCALE



TO:
IVORY DEVELOPMENT LLC, A UTAH LIMITED LIABILITY COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 7A, 8, 9, 11, 13, AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON DECEMBER 27, 2019 & JANUARY 9, 2020
DATE OF MAP: JANUARY 24, 2020

GENERAL NOTES
1. THIS SURVEY IS BASED UPON ONE TITLE REPORT: COMMITMENT FOR TITLE INSURANCE ISSUED BY OLD REPUBLIC TITLE, DATED DECEMBER 26,2019 - OLD REPUBLIC TITLE FILE: 121577-JCP
2. NOTES PERTAINING TO EXCEPTIONS TO COVERAGE, SCHEDULE B OF REFERENCED TITLE REPORTS:
TITLE REPORT 1 - EXCEPTION 1 THROUGH 13, 16, 20 AND 21 ARE NOT ADDRESSED BY THIS SURVEY
3. DOCUMENTS FURNISHED AND UTILIZED IN THE PERFORMANCE OF THIS SURVEY ARE AS FOLLOWS:
R1) OLD REPUBLIC TITLE, DATED DECEMBER 26, 2019 - OLD REPUBLIC TITLE FILE: 121577-JCP
R3) FEMA MAP PANEL - 49035C0142G - EFFECTIVE ON 9/25/2009
4. UTILITIES AS SHOWN HEREON WERE LOCATED BASED UPON VISIBLE IMPROVEMENTS AT THE TIME OF THE SURVEY.
NOT ALL UTILITIES MAY BE SHOWN HEREON
5. SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" OF SAID PANEL.
6. TREE DIAMETERS ARE APPROXIMATE AND SHOWN TO GIVE RELATIVE SIZE.

BASIS OF BEARING
NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

RECORD LEGAL DESCRIPTIONS
PARCEL 1:
LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 2003P OF PLATS AT PAGE 391 OF THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDER, STATE OF UTAH.

PARCEL 2:
A CONTINUOUS, PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY, APPURTENANT TO PARCEL 1 DESCRIBED HEREIN, FOR THE PLACEMENT, INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL OF UTILITIES AND FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS, AS MORE PARTICULARLY DEFINED AND DESCRIBED IN THAT CERTAIN EASEMENT AGREEMENT RECORDED DECEMBER 12, 2003 AS ENTRY NO. 8923197 IN BOOK 8923 AT PAGE 1596 OF OFFICIAL RECORDS.

BOUNDARY DESCRIPTION
BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENTION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES

EXCEPTION 14 EASEMENT AGREEMENT BY AND BETWEEN AVENUE HEIGHTS CONDOMINIUMS, L.L.C., A UTAH LIMITED LIABILITY COMPANY AND CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, DATED OCTOBER 12, 2001 AND RECORDED DECEMBER 12, 2003, AS ENTRY NO. 8923197, IN BOOK 8923, AT PAGE 1596.

EXCEPTION 15 GRANT OF EASEMENT IN FAVOR OF CAPITOL PARK HOMEOWNER'S ASSOCIATION, INC., A UTAH NON-PROFIT CORPORATION FOR THE REPLACEMENT, INSTALLATION, MAINTENANCE, AND REPAIR OF UTILITIES AND FOR PEDESTRIAN AND VEHICULAR INGRESS TO AND EGRESS FROM THE ROAD KNOWN AS CAPITOL PARK AVENUE AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 12, 2003, AS ENTRY NO. 8923199, IN BOOK 8923, AT PAGE 1615. (AFFECTS PARCEL 1A)

EXCEPTION 17 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST ON THE PROPERTY AT 401 TWELFTH AVENUE TO CONSTRUCT ADDITIONAL PARKING FACILITIES IN A RESIDENTIAL "R-6" DISTRICT WHICH REQUIRES BOARD OF ADJUSTMENT APPROVAL WAS PROVISIONALLY GRANTED, DATED MARCH 19, 1973 AND RECORDED MARCH 26, 1973 AS ENTRY NO.2527325 IN BOOK 3286 AT PAGE 69. (COVERS THIS AND OTHER LAND)

EXCEPTION 18 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST FOR ON THE PROPERTY AT 675 NORTH "F" STREET A EXCEPTION TO ALLOW A CHURCH BUILDING HEIGHT AND FACE WALL TO EXCEED THE HEIGHT LIMIT IN AN FR-3 RESIDENTIAL ZONE WAS GRANTED, DATED JULY 15, 1997 AND RECORDED JULY 16, 1997 AS ENTRY NO. 6692084 IN BOOK 7712 AT PAGE 1142. (BLANKET IN NATURE AND NOT PLOTTED)

EXCEPTION 19 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST FOR A CONDITIONAL USE AND A PRELIMINARY SUBDIVISION PLAT APPROVAL TO AMEND THE LOCATION OF THE SOUTH PROPERTY LINE FOR A NEW WARD/BRANCH BUILDING LOCATED AT APPROXIMATELY 675 NORTH "F" STREET IN A FOOTHILLS RESIDENTIAL "FR-3" ZONING DISTRICT WAS GRANTED, DATED MARCH 23, 1999 AND RECORDED APRIL 15, 1999 AS ENTRY NO. 7323554 IN BOOK 8268 AT PAGE 5411. (THE NORTHERLY, EASTERLY, AND WEST PROPERTY LINES ARE THE LIMITS OF THIS EXCEPTION. THE SOUTHERLY BOUNDARY IS SHOWN GRAPHICALLY ON DRAWING.)

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- EXISTING CONCRETE & ASPHALT
- EXISTING BUILDING
- FENCE LINE
- SECTION CORNER (FOUND)
- SECTION CORNER (NOT FOUND)
- ROAD MONUMENT
- PROPERTY MARKER (SET OR FOUND AS NOTED)
- (4252) EXISTING GROUND CONTOUR
- (ss) SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- (w) CULINARY WATER LINE
- FIRE HYDRANT
- CULINARY WATER METER
- CULINARY WATER FIXTURES
- (sw) SECONDARY WATER LINE
- SECONDARY WATER FIXTURES
- STORM DRAIN LINE
- SD COMBOBOX, INLET & CLEANOUT
- UTILITY POLE
- LIGHT POLE
- (oh) OVERHEAD UTILITY
- (ug) UNDERGROUND UTILITY
- EB ELECTRICAL BOX / MANHOLE
- XFMR ELECTRICAL TRANSFORMER
- (com) COMMUNICATIONS LINE
- COMM COMMUNICATIONS BOX / MANHOLE
- (gas) GAS LINE
- GAS MANHOLE
- GUY WIRE
- CONIFEROUS TREE
- DECIDUOUS TREE
- SIGN
- IR IRRIGATION CONTROL VALVE

EDM Partners
3980 S 700 E, Suite 22 Salt Lake City, UT 84107
(801) 305-4670 www.edmllc.net

NORTH
SCALE: 1" = 30'
0 15 30 60 90

DEVELOPER:

NOTES:

ALTA/NSPS LAND TITLE SURVEY
SALT LAKE CITY, UTAH

PROFESSIONAL LAND SURVEYOR
08/19/2020
4938730
TYLER E. JENKINS
STATE OF UTAH

673 N F STREET

ALTA/NSPS LAND TITLE SURVEY

BOUNDARY AND TOPO

PROJECT:
DRAWN BY: JRB
REVIEWED BY: TEJ
REVISIONS:
No. DATE REMARKS

DATE: AUGUST 2020

SHEET NUMBER:
1 OF 1

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CAPITOL PARK COTTAGES

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

VICINITY MAP
1" = 100'

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-3	SITE PLAN
O-4	UTILITY PLAN
O-5	GRADING AND DRAINAGE PLAN
O-6	LOT DIMENSION PLAN
0-7	PARKING PLAN
0-8	TREE REMOVAL PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 361831
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages
Title Sheet

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-1

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\1 - Title Sheet.dwg

CAPITOL PARK COTTAGES SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

NORTH

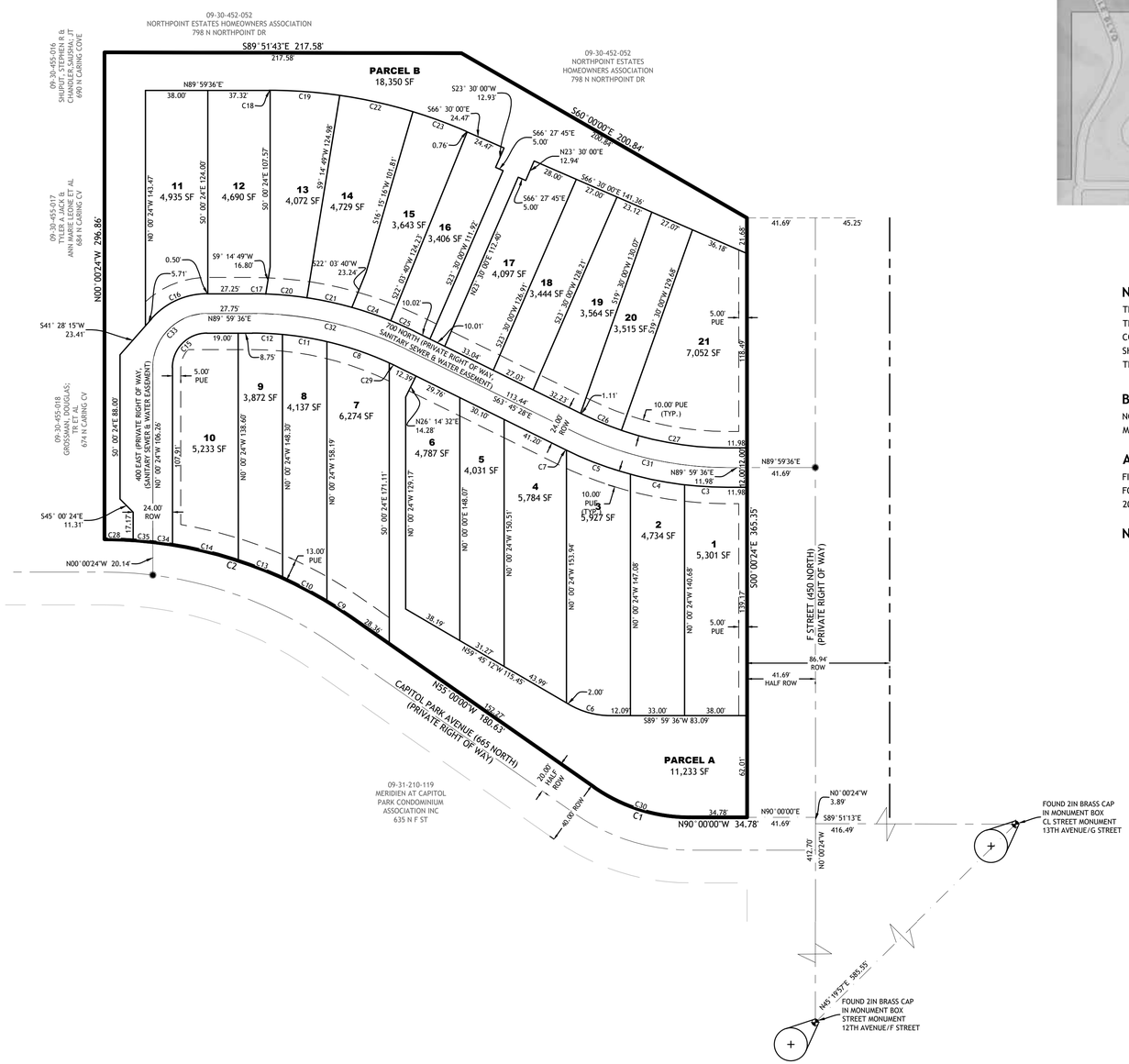
SCALE: 1"=40'

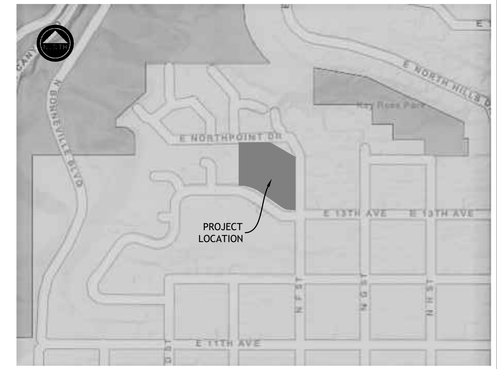
0 20 40 80 120

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
- MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
- NEW ROAD MONUMENT

CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	26.08	224.00	S86°40'16"E	26.07
C4	33.65	224.00	S79°01'56"E	33.61
C5	41.73	224.00	S69°23'33"E	41.67
C6	26.40	50.00	N74°52'48"W	26.10
C7	1.17	224.00	S63°54'24"E	1.17
C8	40.22	200.00	S71°10'13"E	40.15
C9	17.63	262.00	N56°55'41"W	17.63
C10	30.54	262.00	N62°11'45"W	30.53
C11	27.37	200.00	S80°51'06"E	27.35
C12	18.27	200.00	S87°23'22"E	18.27
C13	28.99	262.00	N68°42'22"W	28.98
C14	41.20	262.00	N76°22'53"W	41.16
C15	32.99	21.00	N44°59'36"E	29.70
C16	38.11	45.00	S65°43'55"W	36.98
C17	8.05	224.00	N88°58'37"W	8.05
C18	0.68	301.00	S89°56'32"E	0.68
C19	42.55	301.00	S85°49'42"E	42.52
C20	25.13	224.00	N84°44'02"W	25.11
C21	28.05	224.00	N77°56'01"W	28.03
C22	45.69	301.00	S77°25'48"E	45.65
C23	34.57	301.00	S69°47'26"E	34.56
C24	25.05	224.00	N71°08'35"W	25.04
C25	16.35	224.00	N65°50'54"W	16.34
C26	25.95	200.00	N67°28'32"W	25.94
C27	65.67	200.00	N80°36'00"W	65.38
C28	17.51	262.00	N88°05'06"W	17.51
C29	5.77	200.00	S64°35'01"E	5.77
C30	62.31	102.00	N72°30'00"W	61.34
C31	97.12	212.00	S76°52'56"E	96.28
C32	97.12	212.00	S76°52'56"E	96.28
C33	51.84	33.00	N44°59'36"E	46.67
C34	12.11	262.00	N82°12'39"W	12.11
C35	12.05	262.00	N84°51'10"W	12.05





VICINITY MAP
NOT TO SCALE

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- PARCELS A & B ARE COMMON AREA PARCELS AND ARE HEREBY DEDICATED TO THE CAPITOL PARK COTTAGES HOMEOWNER'S ASSOCIATION.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS AND COMMON PARCELS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT AND SERVE AS EASEMENTS FOR SHARED PRIVATE UTILITIES INCLUDING WATER, SEWER, AND STORM DRAIN.
- NOTICE TO PURCHASERS - THE INFRASTRUCTURE WITHIN THIS PROJECT IS PRIVATELY OWNED AND THE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT IS THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. SALT LAKE CITY WILL NOT ASSUME THESE RESPONSIBILITIES.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK COTTAGES SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

12/12/23
FOR REVIEW ONLY
DO NOT RECORD

PROFESSIONAL LAND SURVEYOR
4938730
TYLER E. JENKINS
STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL
SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK COTTAGES SUBDIVISION

AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY AND COMMON AREAS TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK COTTAGES SUBDIVISION
PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____
ACCOUNT _____
SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.
PLANNING DIRECTOR DATE

SALT LAKE COUNTY HEALTH DEPT.
APPROVED THIS _____ DAY OF _____, 20__.
SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER_____DATE_____
CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.
SALT LAKE CITY ATTORNEY

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY AND IS HEREBY APPROVED.
SALT LAKE CITY MAYOR SALT LAKE CITY RECORDER

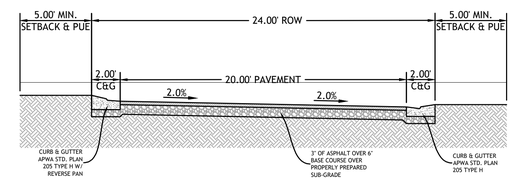
EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____
DATE:_____ TIME:_____ BOOK:_____ PAGE:_____
FEE SALT LAKE COUNTY DEPUTY RECORDER

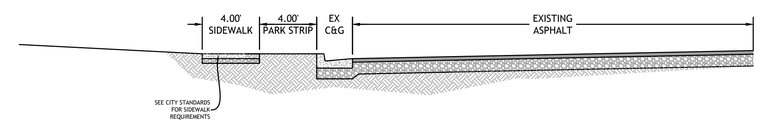
C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\2 - Subdivision Plat.dwg

ZONING MODIFICATIONS		
	SR-1 ZONE	DESIGN
MIN. WIDTH	50'	26' *
MIN. AREA	5,000 SF	3,498 SF *
MIN. FRONT SETBACK	20'	2.95'
MIN. SIDE CORNER SETBACK	10'	5' *
MIN. SIDE SETBACK	4 / 10	5' *
MIN. REAR SETBACK	15'	2.3'
MAX COVERAGE	40%	34%
* ZONING REQUIREMENTS TO BE MODIFIED		

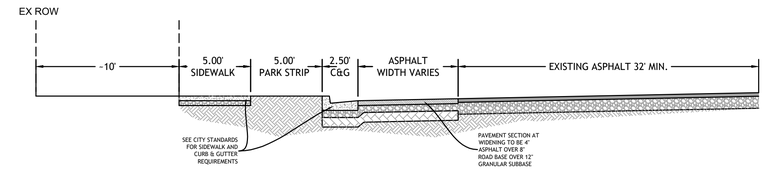
NOTES:
1. EACH LOT CONTAINS ONE PRIMARY UNIT AND ONE POTENTIAL ADU.
2. PRIVATE PARKING NOT IN DRIVEWAY.



PRIVATE ROAD SECTION
NOT TO SCALE



CAPITOL PARK AVENUE SECTION
NOT TO SCALE



F STREET SECTION
NOT TO SCALE

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'
0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:
1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

PROJECT STATISTICS	
TOTAL AREA =	3.21 AC
LOTS =	21
DENSITY =	6.54 DU/AC
OPEN SPACE AREA=	0.68 AC (21.2%)
OFF-STREET PARKING=	0.01 AC (1.49%)

LICENSED PROFESSIONAL ENGINEER
No. 366634
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Site Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:
No. DATE REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-3

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\3 - Site Plan.dwg

WATER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL UNITS: 21
  - TOTAL LANDSCAPE AREA: 1.50 AC
- AVERAGE DAY DEMAND (STORAGE):
  - INDOOR - 21 UNITS * 400 GALLONS/UNIT = 8,400 GALLONS
  - OUTDOOR - 1.50 AC * 2,848 GALLONS/AC = 4,272 GALLONS
- PEAK DAY DEMAND (SOURCE):
  - INDOOR - 21 UNITS * 0.56 GPM/UNIT = 11.76 GPM
  - OUTDOOR - 1.50 AC * 3.96 GPM/AC = 5.94 GPM
  - TOTAL = 17.7 GPM (25,488 GPD)
- PEAK INSTANTANEOUS DEMAND
  - INDOOR - $10.8*(21)^{0.64}$ = 75.8 GPM
  - OUTDOOR - 1.50 AC * 7.92 GPM/AC = 11.88 GPM
  - TOTAL = 87.7 GPM (126,259 GPD)
- FIRE FLOW:
  - 2,000 GPM FOR 2 HOURS

SEWER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL LOTS: 21
- AVERAGE ANNUAL DAILY FLOW (AADF) RATE:
  - 21 UNITS * 400 GPD/UNIT = 8,400 GPD = 5.83 GPM
- DESIGN FLOW RATE (AADF*PF OF 4):
  - 21 UNITS *400 GPD/UNIT*4 = 33,600 GPD = 23.3 GPM

G:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\4 - Utility Plan.dwg

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. No new above-ground electrical equipment in public ROW.
7. Water system is private and will be maintained by HOA.
8. All utilities must meet separation requirements, including laterals.

LICENSED PROFESSIONAL ENGINEER
No. 360931
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

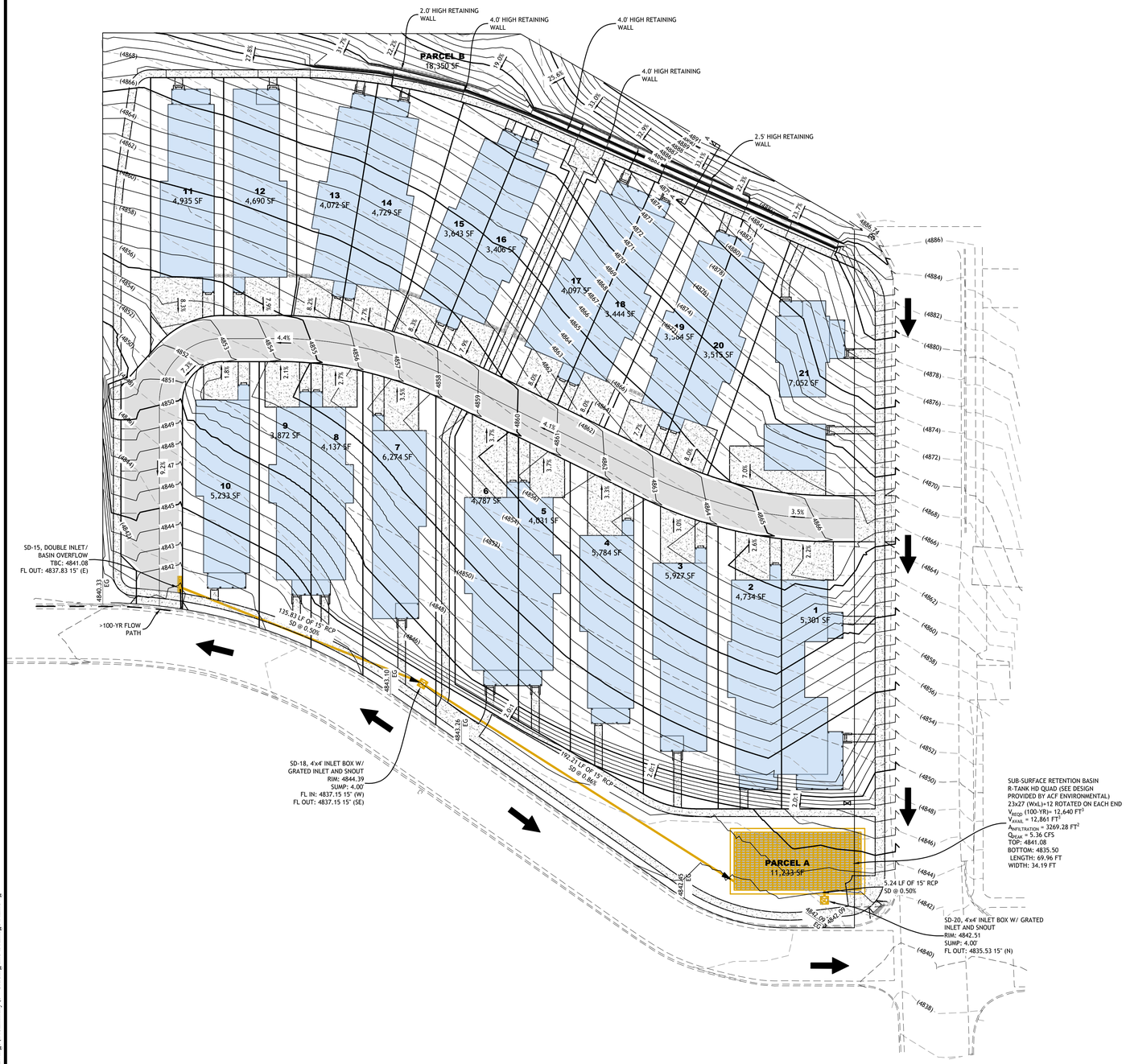
Utility Plan

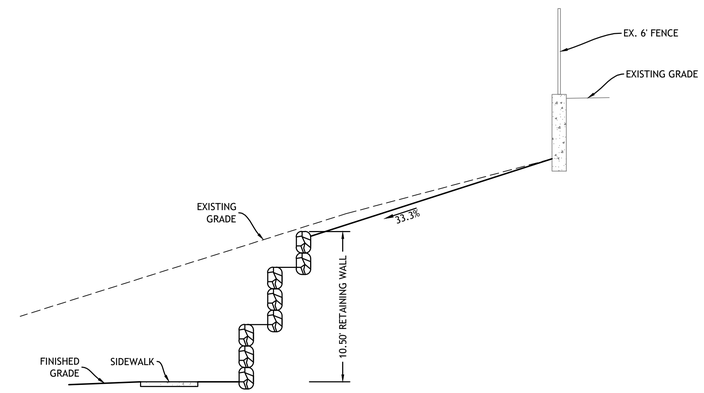
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

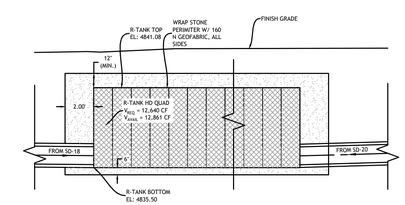
DATE: December 12, 2023

SHEET NUMBER: O-4





SECTION A
NOT TO SCALE



R-TANK INFILTRATION / RETENTION BASIN DETAIL
NOT TO SCALE

**REFER TO MANUFACTURER'S INSTALLATION REQUIREMENTS AND RECOMMENDATIONS FOR MORE INFORMATION.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS K. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Grading & Drainage Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-5

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\5 - Grading and Drainage Plan.dwg

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 20'

0 10 20 40 60

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Lot Dimension Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER: O-6

G:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\6 - Lot Dimension Plan.dwg

PARKING LEGEND

TYPICAL GARAGE PARKING	41 STALLS
TYPICAL DRIVEWAY PARKING	45 STALLS
TYPICAL GUEST PARKING	4 STALLS

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 20'

0 10 20 40 60

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

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2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 366671
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Parking Plan

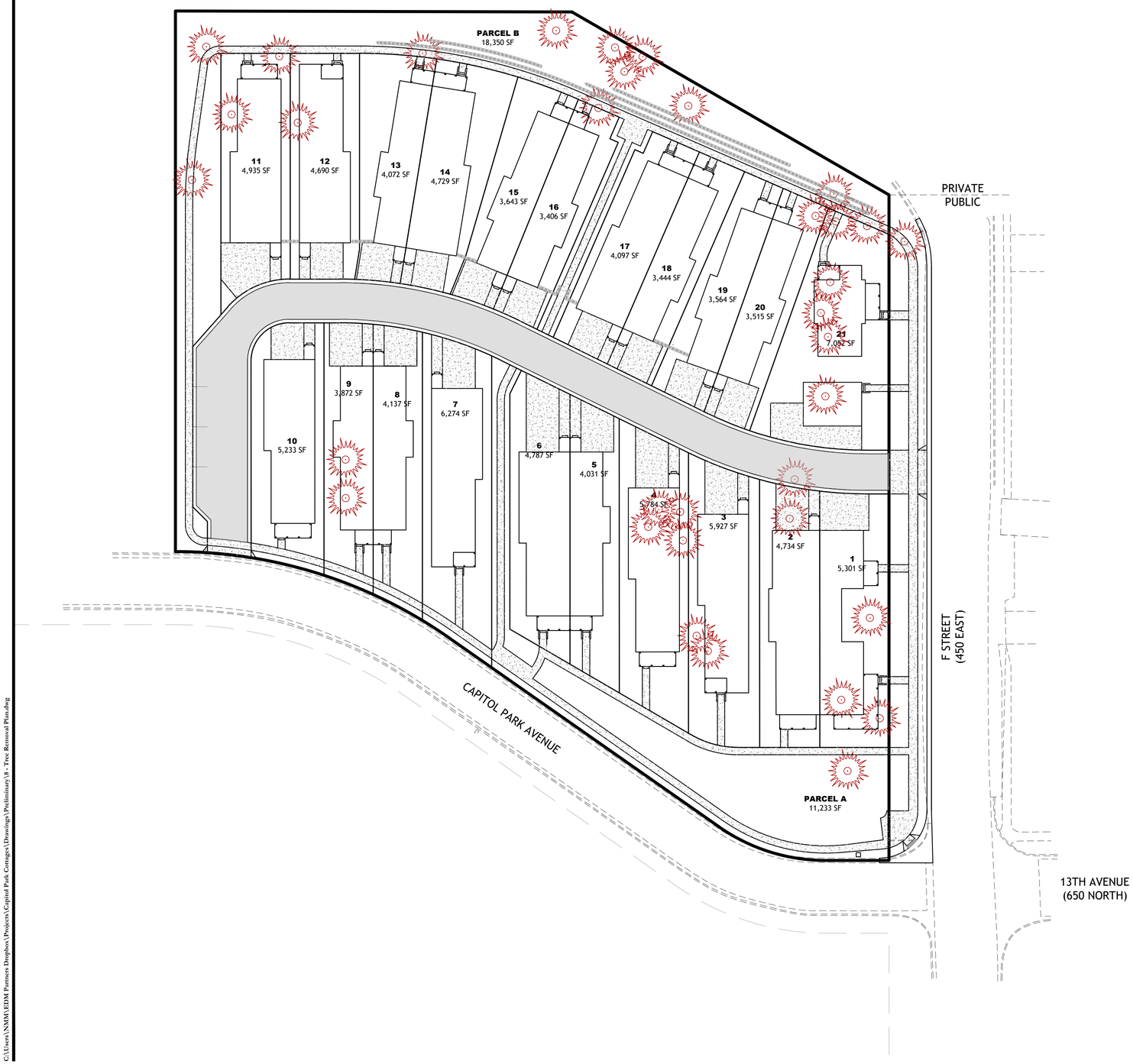
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER: O-7

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\7 - Parking Plan.dwg



TREE LEGEND

TREE TO BE REMOVED

TREE TO REMAIN

EDM Partners

2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Tree Removal Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:

O-8

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\8 - Tree Removal Plan.dwg

Capitol Park Cottages

Planned Development Application

December 15th, 2023

Background

Capitol Park Cottages is a 3.21-acre vacant property located in the Salt Lake City Avenues neighborhood. The property is the size of an average Avenues city block and is therefore incredibly unique in that it presents an opportunity for a planned development of scale that does not require the removal of historic buildings or encroachment into the hillsides. Ivory Development is approaching this residential development in a way that recognizes this scarce opportunity.

The vacant land was recently zoned SR-1 and could theoretically support twenty-seven single family detached lots or thirty-four twin homes. Unfortunately, the site is confined on three sides by private property and only has vehicular access from its east and south boundaries. This physical constraint requires an internal roadway design and limits the plausible lots that could be developed on-site.

Developing this property as efficiently as possible, while retaining the project's quality and livability, is an important consideration for our application. In fact, as we pursued our previous re-zone and master plan amendment applications, we heard from Planning Commission and City Council members that this site needs more units. Considering this shared vision between ourselves and the city we obtained the re-zone and are now pursuing a Planned Development and Site Plan application.

This updated application differs significantly from the site and architectural plans that we originally proposed more than three years ago. During our initial application process, we received an extensive amount of feedback from city officials, city staff, and the public at large regarding our plans. In an effort to recenter the focus on the re-zone and master plan application, we tabled our PD application 18 months ago. Since receiving a zone change, we brought in a different land planning consultant and asked them to reimagine our development patterns to increase density, reduce or remove retaining walls, and bring more "Avenues" architectural styles.

At the same time, we were still contemplating precedents already set by the historic Avenues, namely:

- Housing-type variety
- Owner/Renter mix and cohesion
- Family-structure diversity
- Eclectic Architecture

The site plan included with this application has a total of twenty-one lots, some of which will be detached single family, and some will be attached twin homes. The homes will honor a diversity of Avenues architectural precedents and create diverse and attractive streetscapes. The site plan

includes an entire acre of community open space with a ¼ mile recreational trail system. Most importantly, each of the homes has been designed to provide for the ability to incorporate an ADU if desired.

ADUs are a market-oriented tool recognized by the Growing Salt Lake: Five Year Plan that brings progressive easing to the city's housing shortage. The ADUs will attract a mix of multigenerational households and renters living cohesively in the same neighborhood.

Planned Development Purpose and Objective

Capitol Park Cottages meets two critical objectives specifically outlined in the Planned Development ordinance:

1. ***Housing: Providing type of housing that helps achieve the City's housing goals and policies; (21A.55.010.C.2)***

The Capitol Park Cottages Site Plan was designed to facilitate ADUs in new home construction as a distinctive feature.

Growing SLC: A Five Year Housing Plan **1.1.3** specifically notes that a goal of the city is to "Revise the Accessory Dwelling Unit ordinance to ***expand its application*** and develop measures to ***promote its use***."

Salt Lake City Planning has published a Guide to Accessory Dwelling Units. In the Overview the Planning Division states, "Accessory dwelling units are part of a range of housing types that can help increase the housing supply with minimal impacts to the scale of an existing neighborhood. This makes ADUs a good option to help provide more housing in parts of the city where other types of housing may be too tall, too wide, or too bulky with the surrounding structures." (pg. 4)

Salt Lake City Zoning Code 21A.40.200 requires the Planning Division to submit a yearly report detailing the ADU statistics for the year and giving recommendations for potential improvements to the ordinance.

The 2022 ADUs Annual Report details that since 2018 there had been a total of 170 ADU applications approved under the ordinance. Of the 170 applications only 44 have been built and completed. District 3 has only recorded 7 applications since 2018 and had no applications in 2022. Despite the city making enormous efforts to promote ADUs, very few have been built. As the 2020 report stated "*…the ADU ordinance is creating more housing choice. It is just doing it at a very slow rate and at a rate that is not making a noticeable impact…*" (pg.11).

Prospective buyers of the homes will be able to show the expected income from rental of the ADUs; qualifying them for more than they would otherwise be allotted. Owners would be able to use the income from the rental to offset their mortgage cost and significantly decrease their percentage of income dedicated to housing.

Prospective tenants of the ADUs will have an attractive opportunity to find attainable units in an area of the upper avenues where rental supply is considerably low. The average monthly rent of a 1-bedroom unit in the Avenues is $1,366. Even if the units were to let at the 95th percentile of

their bedroom type, rents would be expected not to exceed $2,000 (See Exhibit A). ADUs are unique in the rental pool in that they frequently attract family or friends of those occupying the primary unit. In these scenarios it is often found that rents are offered below market pricing.

While the social and individual benefits of ADUs are wide ranging their implementation has been narrow and limited. ADUs have customarily been retrofitted to existing homes and lots. Retrofitting involves challenges with regard to design, construction, infrastructure, parking and financing; all of which stymie greater adoption of ADUs.

ADUs as part of a newly built neighborhood allow us to plan for those challenges and make this community blend into the surrounding neighborhood. Capitol Park Cottages can set a precedent for future builders and developers to consider adding in ADUs when constructing a new home.

Furthermore, financing and costs continue to be a constraint to adding more ADUs to existing neighborhoods. It is noted that the cost of additional utilities can be prohibitive, but in our case it simply is not. We are already going to be installing new sewer, water, power, and gas, so the incremental increase to infrastructure is minimal at best.

2. ***Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)***

The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate nearly an acre of open space that will be programed for resident and public recreational use.

A quarter mile of paved walking trail will loop and intersect the community. Each home in the community will have direct front door access to this trail and the public can access the trail loop directly from F Street or Capitol Park Avenue.

Consistency with Avenues Master Plan

The Master Plan was amended for this property along with a zone change in the summer of 2022. The property is zoned as SR-1 and as Low Density in the city's Master Plan. The application is consistent with all density requirements per its Master Plan designation.

Consistency with City Wide Master Plans

Housing SLC 2023-2027 includes in its 5th key finding that "There is a mismatch between the types of housing the market is producing and the needs of the community…Additionally, residents want more "missing middle" housing and more family-sized housing.".

Family-Sized housing is defined by **Housing SLC** as including housing units with 3+ bedrooms. Each of the 21 proposed units in the project are definitionally "family-sized".

Compatibility with the surrounding neighborhood

Today the historic hospital property has been rezoned RMF-35 and was converted into the Meridian Condominiums, a five-story condominium building. Directly across the street to the east is the historical avenues block pattern, to our north is Northpoint, a 49-unit townhome community and finally to our west, Capitol Park Estates, Planned Unit Development.

In other words, there is no single land use in the surrounding neighborhood(s), so compatibility is a difficult metric for this property.

(Exhibit "B" surrounding development)

Inclusion of appropriate landscaping

Capitol Park Cottages will include full yard landscaping around each of the twenty-one homes that will be installed by Ivory and maintained by an HOA. Lot landscaping will be varied and include water-wise techniques.

Our water-wise techniques were developed in partnership with the Jordan Valley Water Conservancy District's "Localscape" program. The intent of Localscapes is to provide for efficient, functional, and beautiful landscape designs that recognize the unique climate of Utah. Our design will reserve irrigation-intensive sod for those areas that use it most and install water efficient landscape arrangements everywhere else.

Street trees will be planted along F Street, Capitol Park Avenue, and the private road in the interior of the project. The trees will provide an even canopy through and around the project.

The open space trail loop will be dedicated to the HOA and built to provide recreation and community gathering opportunities for the residents and the public.

Mobility

All twenty-one lots will have vehicular access through the private alley. The alley will make a connection from F Street to Capitol Park Avenue

With garages and driveways, and visitor parking there will be a total of 90 parking spaces. All parking will be accessed internally within the project and from the rear of each unit.

The front door of each home will have a direct connection to the open space and trail system.

Preservation of natural and built features that significantly contribute to the surrounding character.

The property is vacant and includes no built features. The native vegetation includes several wild trees. Existing trees will be removed as part of the construction of the development. All trees will be replaced on site or otherwise as permitted by the Salt Lake City Private Tree Ordinance.

During the rezone and master plan amendment process the city listed the natural grade of site as a valuable natural feature. In our redesign we have used architectural changes to preserve the natural slope and eliminate most retaining walls.

No detrimental effect on city utilities

There will be no detrimental effect on the city utilities. Salt Lake Public Utilities had reviewed an early conceptual plan and determined that there is adequate sewer, storm drain, culinary water and transportation capacity in the system.

Road and sidewalk infrastructure have never been completed along F Street. The development of Capitol Park Cottages will complete this public infrastructure project.

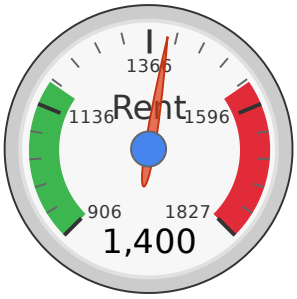
Capitol Park Avenue is a private street, as will be the interior of Capitol Park Cottages. No additional street maintenance requirements will be necessary from Salt Lake City. The original developer of The Meridian and Capitol Park granted an easement to connect utilities and have vehicular access through Capitol Park Avenue with a cost sharing agreement with the Meridien which meets all requirements of both the building and fire codes.

Exhibit A

11/01/2023 Avenues Rental Report

Hero Property Management
(801) 845-4390
info@rentinghero.com

Your rent is reasonable for your area.



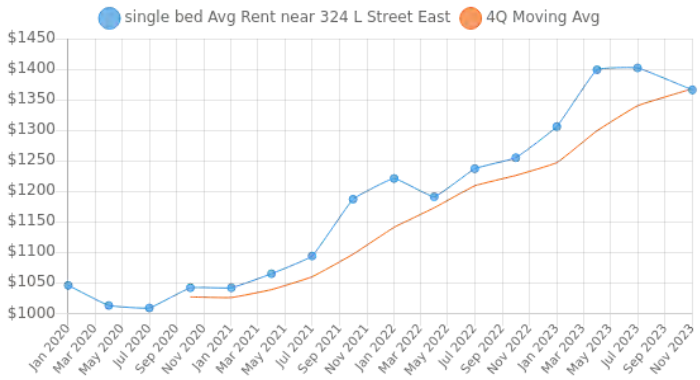
324 L Street East Salt Lake City, UT

Results based on 25, single bedroom rentals seen within 12 months in a 1.00 mile radius.

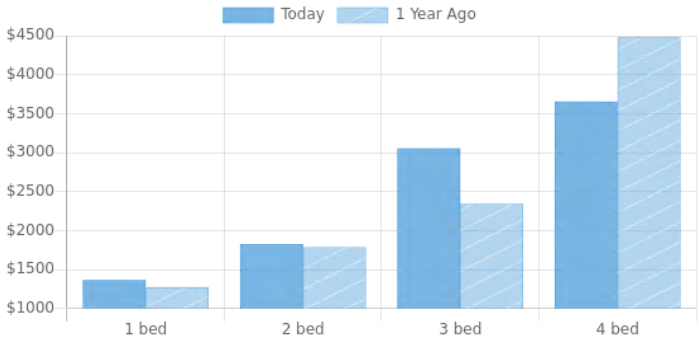
AVERAGE	MEDIAN	25TH PERCENTILE	75TH PERCENTILE
$1,366 ±4%	$1,350	$1,177	$1,555

Report generated: 01 Nov 2023

Historical Trend Line



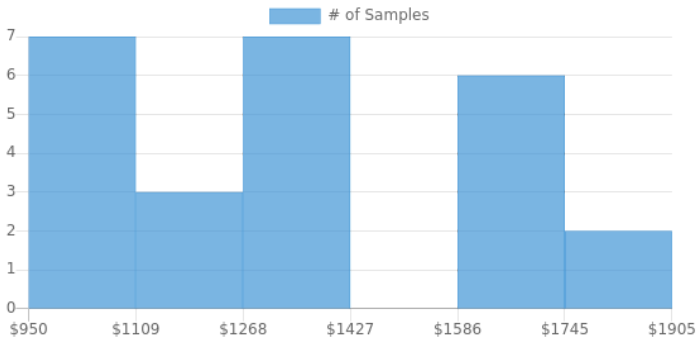
Average Rent by Bedroom Type



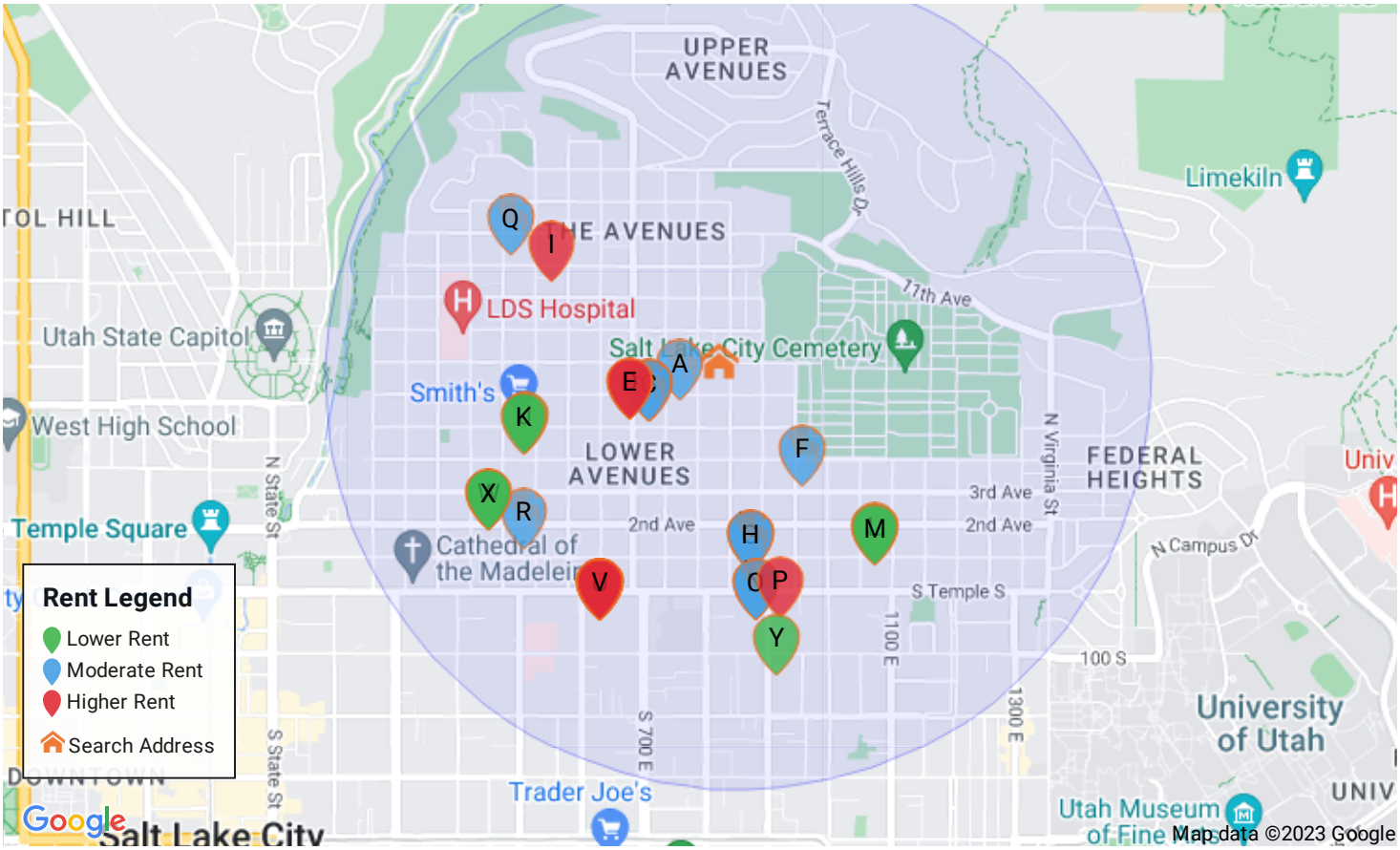
Summary Statistics

Sample Size	25
Sample Min	$950
Sample Max	$1,900
Sample Median	$1,350
Sample Mean	$1,366
Sample Standard Deviation	$280
25th – 75th Percentile	$1,177 – 1,555
10th – 90th Percentile	$1,008 – 1,725
5th – 95th Percentile	$906 – 1,826

Rent Distribution



Sample of Listings Used



	Address	Distance	Rent	Size	$/ft²	Beds	Baths	Bldg Type	Last Seen
A	668 E 6th Ave, Salt Lake City, UT 84103	0.2 mi	$1,250	900 ft²	$1.39/ft²	1 bed	1ba	House	Sep 2023
B	619 E 5th Ave, Salt Lake City, UT 84103	0.31 mi	$1,350	800 ft²	$1.69/ft²	1 bed	1ba	Condo	Mar 2023
C	619 E 5th Ave, Salt Lake City, UT 84103	0.32 mi	$1,295	778 ft²	$1.66/ft²	1 bed	1ba	Condo	Sep 2023
D	64 I St, Salt Lake City, UT 84103	0.37 mi	$1,650	525 ft²	$3.14/ft²	1 bed	1ba	Condo	Dec 2022
E	64 I St, Salt Lake City, UT 84103	0.37 mi	$1,595	500 ft²	$3.19/ft²	1 bed	1ba	Condo	Dec 2022
F	851 E 3rd Ave #4, Salt Lake City, UT 84103	0.4 mi	$1,350	550 ft²	$2.45/ft²	1 bed	1ba	Condo	Dec 2022
G	31 M St E, Salt Lake City, UT 84103	0.62 mi	$1,295	650 ft²	$1.99/ft²	1 bed	1ba	Condo	Sep 2023
H	31 M St E, Salt Lake City, UT 84103	0.62 mi	$1,400	675 ft²	$2.07/ft²	1 bed	1ba	Condo	Jul 2023
I	456 Victoria Pl N, Salt Lake City, UT 84103	0.67 mi	$1,795	1,000 ft²	$1.80/ft²	1 bed	1ba	House	Jan 2023
J	425 E 4th Ave, Salt Lake City, UT 84103	0.72 mi	$995	566 ft²	$1.76/ft²	1 bed	1ba	Condo	Sep 2023
K	425 E 4th Ave #2, Salt Lake City, UT 84103	0.72 mi	$950	453 ft²	$2.10/ft²	1 bed	1ba	Condo	Nov 2022
L	970 E 1st Ave #3, Salt Lake City, UT 84103	0.74 mi	$1,100	550 ft²	$2.00/ft²	1 bed	1ba	House	Sep 2023
M	970 E 1st Ave, Salt Lake City, UT 84103	0.74 mi	$1,100	550 ft²	$2.00/ft²	1 bed	1ba	House	Sep 2023

	Address	Distance	Rent	Size	$/ft²	Beds	Baths	Bldg Type	Last Seen
N	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,425	600 ft²	$2.38/ft²	1 bed	1ba	Apartment	Oct 2023
O	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,425	656 ft²	$2.17/ft²	1 bed	1ba	Apartment	Oct 2023
P	41 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,625	624 ft²	$2.60/ft²	1 bed	1ba	Apartment	Oct 2023
Q	514 E St E, Salt Lake City, UT 84103	0.82 mi	$1,250	642 ft²	$1.95/ft²	1 bed	1ba	Apartment	Sep 2023
R	427 E 1st Ave, Salt Lake City, UT 84103	0.87 mi	$1,180	728 ft²	$1.62/ft²	1 bed	1ba	House	Aug 2023
S	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,716	744 ft²	$2.31/ft²	1 bed	1ba	Apartment	Sep 2023
T	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,900	616 ft²	$3.08/ft²	1 bed	1ba	Apartment	Sep 2023
U	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,666	688 ft²	$2.42/ft²	1 bed	1ba	Apartment	Sep 2023
V	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,725	730 ft²	$2.36/ft²	1 bed	1ba	Apartment	Oct 2023
W	376 2nd Ave #3, Salt Lake City, UT 84103	0.94 mi	$1,095	566 ft²	$1.93/ft²	1 bed	1ba	Condo	Nov 2022
X	376 2nd Ave, Salt Lake City, UT 84103	0.94 mi	$1,025	616 ft²	$1.66/ft²	1 bed	1ba	Condo	Mar 2023
Y	125 S 900 E, Salt Lake City, UT 84102	0.96 mi	$985			1 bed	1ba	Apartment	Sep 2023

Public Record Data

This information is compiled from various public sources and has not been verified by Rentometer. We do not have the ability to change this information.

Vitals	
Bedrooms	6
Baths	2
Year Built	1918
Property Use Group	Residential

Property Size	
Building Area	2,403 ft²
Lot Area	0.1600 acres
Lot Dimensions	0.0×0.0

Tax Information	
Year Assessed	2023
Assessed Value	$378,455
Tax Fiscal Year	2022
Tax Rate Area	13
Tax Billed Amount	$4,154.69

Deed Information	
Mortgage Amount	$599,541
Mortgage Date	2019-09-18
Lender Name	CITY CREEK MORTGAGE CORP

Sale Information	
Assessor Last Sale Date	
Assessor Last Sale Amount	$0
Deed Last Sale Date	2019-09-18
Deed Last Sale Amount	$0

Other Information	
Roof Material	Asphalt
HVAC Cooling Detail	Unknown
HVAC Heating Detail	Central
HVAC Heating Fuel	Unknown

The research and data included in this report is aggregated from a variety of sources and many are third parties that are not affiliated with Rentometer, Inc. The information is believed to be accurate, but Rentometer, Inc. does not provide a warranty of any kind, either expressed or implied.

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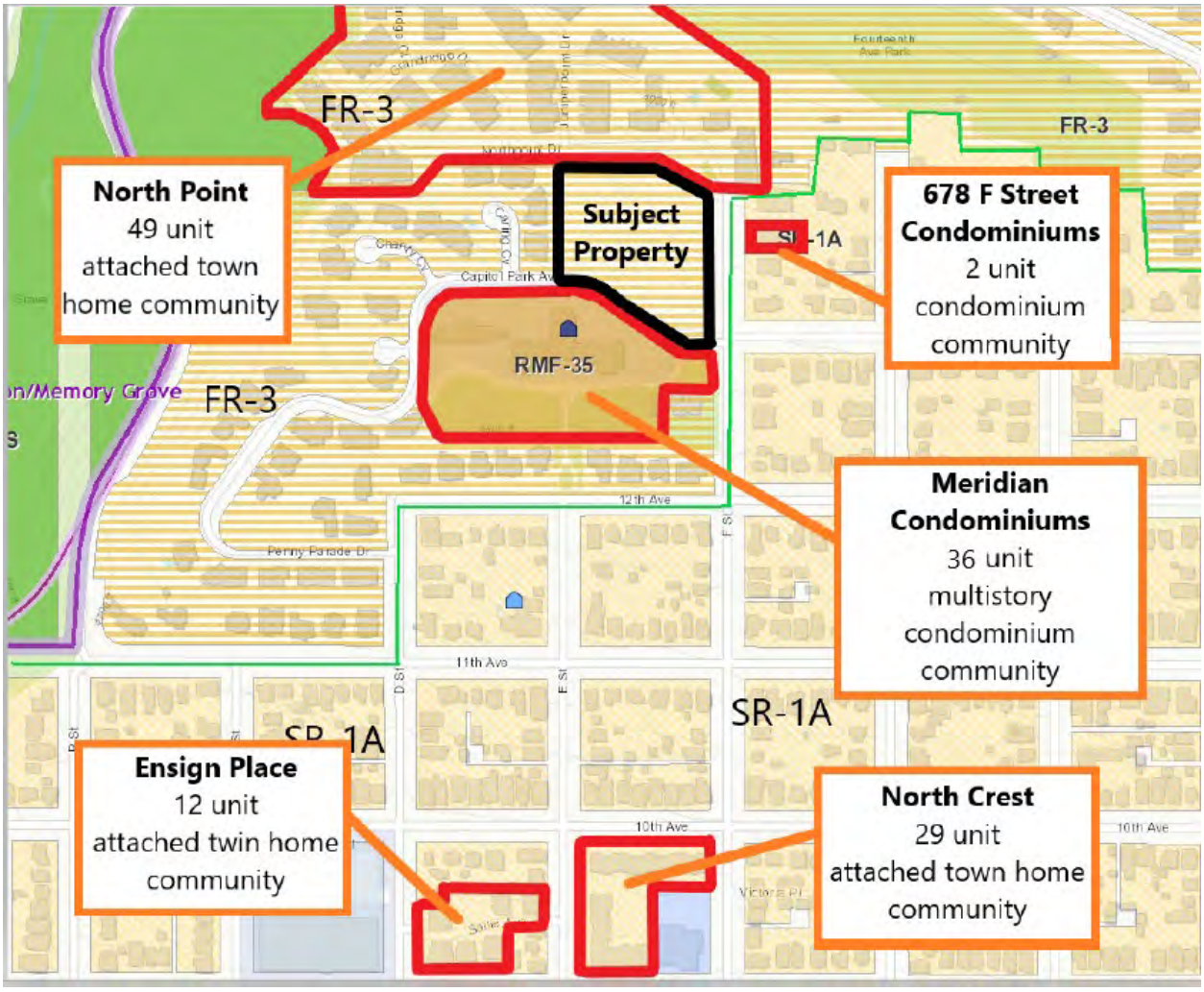
Exhibit B

Surrounding Development



Legend

Common Name	Qty
Flower, Grass	
Grass, Muhly, Regal Mist	213
Grass, 'Karl Foerster'	93
Flower, Perennial	
Daylily, Stella	149
Johnsons Blue Cranesbill	189
Shrub, Deciduous	
Common Snowberry	8
Dogwood Ivory Halo	118
Dogwood, Baileys Red Twig	49
Lilac, Dwarf Korean	29
Smoke Bush	48
Viburnum, Snowball	25
Western Sand Cherry	29
Shrub, Evergreen Broadleaf	
Grape Holly, Oregon	7
Red-Tip Photinia	22
Tree, Deciduous	
Chokecherry, Canada Red, Clump	22
Maple, Autumn Blaze	8
Oak, English, Columnar	19
Pear, Redspire	23
Tree, Evergreen	
Spruce, Weeping White	18

Native Grass

Turf Areas

Brown Bark Mulch

1" = 30'

24x36

LMS, INC.
Landscape Management Services

Design Build
Landscape Design
Irrigation Design
Lighting Design
Digital Image Design

P.O. Box 1798
West Jordan, Utah, 84084
Office: 801-282-6303
Fax: 801-282-3076
Web:www.lmsinc.blogspot.com

The pages contained in these drawings including all Landscape Sheets, Irrigation Sheets, Lighting Sheets, and Digital Design Sheets, are the property of LMS, Inc.and can not be copied or duplicated without the written peremission of LMS, Inc.

Capitol Park
Salt Lake City, UT

JOB NAME:

ORIENTATION: NORTH

DATE: 12/15/2023

SHEET TITLE: LANDSCAPE PLAN

SHEET NUMBER: L-100

EXHIBIT C

Easement Agreement

8923197

8923197
12/12/2003 03:50 PM 30.00
Book - 8923 Pg - 1596-1605
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
AMERICA WEST TITLE
BY: BRM, DEPUTY - WI 10 P.

Recording requested by
and when recorded return to:

KIRTON & McCONKIE
Attn: Steven L. Whitehead, Esq
1800 Eagle Gate Plaza
60 East South Temple
Salt Lake City, Utah 84111

Property No. 533-3822

(Space Above This Line For Recorder's Use)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("**Agreement**") is made and entered into as of this 12th day of October, 2001, by and between AVENUE HEIGHTS CONDOMINIUMS, L.L.C., a Utah limited liability company ("**AHC**") and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("**CPB**"); individually, a "**Party**", and collectively, the "**Parties**".

RECITALS:

A. AHC is the fee owner of that certain real property located in the City of Salt Lake City, County of Salt Lake, State of Utah, which property is more particularly described on Exhibit "A" attached hereto and depicted by diagonal lines on the Plat Map attached hereto as Exhibit "B" ("**Easement Property**"). The Easement Property is improved with a private drive, curbs, gutters, sidewalks, and related improvements, which private drive connects Capitol Park Avenue to the intersection of "F" Street and 13th Avenue.

B. CPB owns certain real property located in the City of Salt Lake City, Salt Lake County, State of Utah, which is legally described in Exhibit "C" attached hereto and incorporated herein by this reference ("**Existing Property**").

C. CPB is purchasing from AHC, or has purchased from AHC, fee ownership of that certain real property located between the Easement Property and the Existing Property in the City of Salt Lake City, County of Salt Lake, State of Utah, which is legally described in Exhibit "D" attached hereto (the "**Adjacent Property**"). The Existing Property and the Adjacent Property shall hereinafter collectively be referred to as the "**CPB Property**."

D. In connection with the purchase of the Adjacent Property by the CPB, AHC and CPB have entered into that certain Agreement for Purchase and Sale and Joint Escrow

Instructions (the "**Purchase Agreement**"). Pursuant to the terms and conditions of the Purchase Agreement, AHC desires to grant to CPB, for the benefit of CPB Property, a non-exclusive easement burdening the Easement Property and benefitting the CPB Property.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Grant of Easement**. AHC hereby grants, conveys and warrants to CPB for the benefit of CPB and any entity controlling, controlled by, or under common control with CPB, and their respective employees, agents, servants, members, beneficiaries, contractors, consultants, guests, invitees, successors and assigns (collectively, "**CPB Affiliates**"), upon each and every term and condition contained herein, a continuous, perpetual non-exclusive easement and right of way on the Easement Property appurtenant to the CPB Property for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress to and egress from the CPB Property ("**Easement**"). Subject to any municipal or governmental approvals, CPB shall have the right to place at least one (1) curb cut approximately thirty (30) feet wide in the curb located on the Easement Property at a location to be determined by CPB in its sole and absolute discretion to permit ingress to and egress from the CPB Property onto the Easement Property.

2. **Covenants Run with Land**. The Easement, together with each of the restrictions, covenants and agreements contained herein shall be appurtenant to and for the benefit of the CPB Property and shall be a burden upon the Easement Property, and shall run with the land. The Easement, this Agreement and the restrictions, covenants, benefits and obligations created hereby shall be binding upon and shall inure to the benefit of all present and future holders of interests in the CPB Property and shall be deemed a covenant running with the land.

3. **Maintenance**. The maintenance of the Easement Property will be addressed in a Joint Maintenance Agreement to be mutually agreed upon by the parties. Until the Joint Maintenance Agreement is negotiated and executed, the parties agree as follows: (i) AHC shall maintain the Easement Property in a good and clean condition; (ii) if AHC fails to maintain the Easement Property, CPB shall have the right, but not the obligation, to do so; (iii) the costs to maintain the Easement Property, along with a portion of a portion of a road extending westerly from the Easement Property to the point at the southwest corner of certain real property owned by Karen S. Wright commonly known as 364 East Capitol Park Avenue if such road is maintained by AHC, shall be allocated 16.67% to CPB and 83.33% to AHC; and (iv) each party will reimburse the other party that performed maintenance on the Easement Property and the adjacent road within thirty (30) days after receipt of a statement of the maintenance costs.

4. **Successors and Assigns**. This Agreement shall inure to the benefit of, and will be binding upon, the Parties hereto and their respective successors and assigns.

5. **Special Warranty.** AHC hereby fully warrants the title to the Easement Property and will defend the same against the lawful claims of all persons claiming by through or under AHC and against acts of AHC, subject to any easements and rights-of-way of record as of the date hereof.

6. **Not a Public Dedication.** Nothing contained in this Agreement will be deemed to be a gift or a dedication of any portion of the Easement Property to the general public or for the general public or for any public purpose whatsoever, it being the intent of the Parties that this Agreement be strictly limited to and for the purposes expressed herein.

7. **Authority**. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, authority to do so and to bind the entities for which they are executing this Agreement.

8. **Exhibits**. The following exhibits are a part of this agreement to the same extent as if set forth in the body of this Agreement:

Exhibit A -	Legal Description of Easement Property
Exhibit B-	Plat Map Depicting Easement Property
Exhibit C-	Legal Description of Existing Property
Exhibit D-	Legal Description of Adjacent Property

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

AHC: **AVENUE HEIGHTS CONDOMINIUMS, L.L.C.**, a Utah limited liability company

By: _____
Its: Member

By: _____
Its: Member

By: GREENWICH EAST, L.L.C., a
Texas limited liability company
Its Member

By: _____
Kenneth W. Griswold
Its Managing Member

CPB: **CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,**
a Utah corporation sole,

By: _____ 11/20/01
Its: Authorized Agent

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 2nd day of November, 2001, personally appeared before me WALLACE A. WRIGHT, JR., who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS ~~CORPORATION~~,* L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

Notary Public
ANITA L. MORSE
2748 East Commonwealth Avenue
Salt Lake City, Utah 84109
My Commission Expires
March 8, 2002
State of Utah

Anita L. Morse
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 12th day of October, 2001, personally appeared before me DAVID R. SABEY, who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS * ~~CORPORATION~~, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On the 12th day of October, 2001, personally appeared before me KENNETH W. GRISWOLD, who being duly sworn, did say, for himself that he is the managing member of GREENWICH EAST, L.L.C., a member of AVENUE HEIGHTS ~~CORPORATION~~ *, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that such limited liability company executed the same. * CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 20th day of November, 2001, personally appeared before me John Ashby, who being duly sworn, did say, for himself that he is the authorized agent of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its board of directors, and duly acknowledged to me that such corporation executed the same.

My Commission Expires

January 23, 2002

Marilee E. Davis
Notary Public

MARILEE E. DAVIS
Notary Public
STATE OF UTAH
My Comm. Expires Jan. 23, 2002
7026 S. Commerce Park Dr. Midvale, UT 84047

C:\MyFiles\Client-Matters\WRIGHT.WA\AVEHEIGH\CPB.sale\easement.agt10-10-01.wpd

August 9, 2001

EXHIBIT "A"
OF EASEMENT AGREEMENT

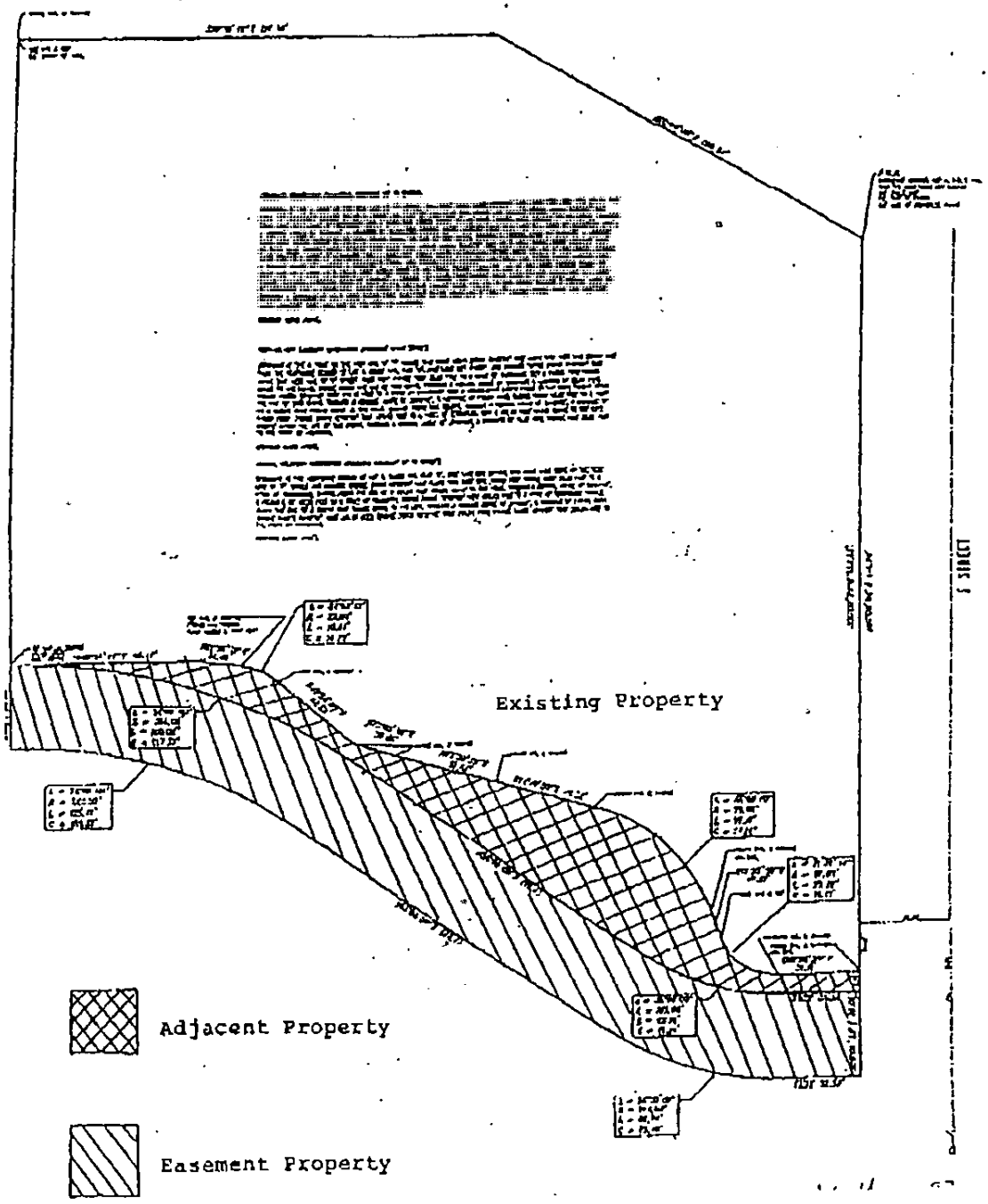
(Legal Description of Easement Property)

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE, A PRIVATE STREET, SOUTH 00°00'24" EAST 365.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF "F" STREET AND RUNNING THENCE SOUTH 00°00'24" EAST ALONG SAID WEST LINE 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE, SAID POINT BEING NORTH 00°00'24" WEST 337.24 FEET (DEED = 337.15 FEET) FROM THE SOUTHEAST CORNER OF LOT 1, BLOCK 177, PLAT "D", SALT LAKE CITY SURVEY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE THE FOLLOWING FOUR (4) COURSES; WEST 34.78 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 86.74 FEET TO A POINT OF TANGENCY; NORTH 55°00'00" WEST 180.63 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 135.61 FEET; THENCE NORTH 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT PHASE 4, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: SOUTHEASTERLY ALONG THE ARC OF A 262.00 FOOT RADIUS CURVE TO THE RIGHT, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00". A DISTANCE OF 160.05 FEET TO A POINT OF TANGENCY; SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE; SOUTHEASTERLY ALONG THE ARC OF A 102.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00" A DISTANCE OF 62.31 FEET TO A POINT OF TANGENCY AND EAST 34.78 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.402 ACRES

09-36-455-008

Exhibit "B"



FILMED AS RECEIVED
CO. RECORDER

EXHIBIT "C"

(Legal Description of Existing Property)

BEGINNING at the Northeast corner of Lot 4, Block 188, Plat "D", Salt Lake City Survey, and running thence South 00°00'24" East 354.35 feet to the back of an existing curbwall; thence South 89°29'22" West 37.11 feet to a point of curvature; thence along the arc of a 27.00 foot radius curve to the right 33.77 feet to a point of tangency; thence North 18°50'50" West 14.61 feet to a point of curvature; thence along the arc of a 79.00 foot radius curve to the left 77.17 feet to a point of tangency; thence North 74°49'00" West 49.32 feet; thence North 72°00'28" West 51.64 feet; thence North 72°00'28" West 20.05 feet; thence North 47°53'00" West 44.93 feet to a point of curvature; thence along the arc of a 32.00 foot radius curve to the left 19.01 feet to a point of tangency, and North 81°55'21" West 18.46 feet; thence North 89°51'43" West 85.47 feet; thence North 00°00'24" West 296.86 feet; thence South 89°51'43" East 217.58 feet; thence South 60°00'00" East 200.84 feet to the point of BEGINNING.

09-30-455-008

EXHIBIT "D"
OF EASEMENT AGREEMENT

(Legal Description of Adjacent Property)

BEGINNING AT A POINT ON THE WEST LINE OF "F" STREET, SAID POINT BEING SOUTH 00°00'24" EAST ALONG SAID WEST LINE 354.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 89°29'22" WEST 37.11 FEET TO A POINT OF CURVATURE WITH A 27.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 71°39'44", A DISTANCE OF 33.77 FEET; THENCE NORTH 18°50'50" WEST 14.61 FEET TO A POINT OF CURVATURE WITH A 79.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 55°58'07", A DISTANCE OF 77.17 FEET; THENCE NORTH 74°49'00" WEST 49.32 FEET; THENCE NORTH 72°00'28" WEST 71.69 FEET; THENCE NORTH 47°53'00" WEST 44.93 FEET TO A POINT OF CURVATURE WITH A 32.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°02'14", A DISTANCE OF 19.01 FEET; THENCE NORTH 81°55'21" WEST 18.46 FEET, THENCE NORTH 89°51'43" WEST 85.47 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT, PHASE 4, BEING AT A POINT ON A 262.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 160.05 FEET; THENCE SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE WITH A 102.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 62.31 FEET, THENCE EAST 34.78 FEET TO THE WEST LINE OF SAID "F" STREET; THENCE ALONG SAID WEST LINE NORTH 00°00'24" WEST 11.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.208 ACRES

09-30-455-008

EXHIBIT D

Notice of Board of Adjustment on Zoning Meeting

NOTICE IS HEREBY GIVEN that the Board of Adjustment on Zoning for Salt Lake City, Utah, will meet on **Monday, May 12, 1997** beginning at **4:00 p.m.** at the City & County Building, 451 South State Street, in Room 126 (alternate room #315), and consider the following appeals with respect to the enforcement of the Zoning Ordinance. IT IS HEREBY REQUIRED that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authorization from the owner. All those in favor of or in opposition to any of the applications will be given an opportunity to be heard at the meeting. The meeting will be electronically recorded and tapes will be retained by the Board for 90 days. The Board will provide sign language interpreters for the hearing impaired. If you need this service, please contact the office of the Board of Adjustment at 535-7741 at least 4 hours prior to the meeting.

Approval of the minutes for the meeting held April 21, 1997.

Case #2355-B by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints at 60 West North Temple (Block 94) for a special exception to allow alternative parking for a proposed assembly building in a UI Urban Institutional Zone. (21A.40.030)

Case #2356-B by the Church of Jesus Christ of Latter-day Saints at 675 North "F" Street for a special exception to allow a church building height and face wall to exceed the height limit in an FR-3 Residential Zone. (21A.24.010)

Case #2357-B by RPE Properties at 576 East South Temple for a special exception to allow a fence to exceed the four-foot height limit for an office in an RO Residential Office Zone. (21A.52.100(A)

Case #2358-B by Century International Corporation at 553, 555 and 557 East 900 South for a special exception to legalize six dwelling units in an RMF-30 Historic Zone. (21A.52.100(E)

Case #2359-B by Debra A. Lewis at 553 East Cleveland Avenue for a variance to allow an accessory building to exceed the height limit in an R-1/5000 Zone. (21A.40.040(E)

Case #2360-B by CN Howard at 1008 and 1010 East Harrison Avenue for a special exception to legalize two dwelling units in an R-1/5000 Zone. (21A.52.100(E)

Case #2361-B by John Papanikolas at 2513 South Scenic Drive for a variance to allow a new single family dwelling without the required front yard setback in an FR-3/12000 Residential Zone. (21A.24.040(E)

Case #2362-B by Joseph Bonacci at 2284 West 500 South for an appeal of an administrative decision contending that he is not unlawfully storing junk, unused, unlicensed or junk vehicles and parts or waste materials and unlawfully parking between the front of the building and the front property line in an M1 Zone. (21A.40.140)

Dated at Salt Lake City, Utah, this 26th day of April, 1997.

Deborah Kraft, Secretary

NOTICE IS HEREBY GIVEN that the Board of Adjustment on Zoning of Salt Lake City, Utah will, at its meeting to be held on Monday, May 12, 1997, beginning at 4:00 p.m. of the City & County Building, 451 South State Street, in Room 126 (alternate room #315), and consider the following appeals with respect to the enforcement of the Zoning Ordinance. IT IS HEREBY REQUIRED that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authorization from the owner. All those in favor of or in opposition to any of the applications will be given an opportunity to be heard at the meeting. The meeting will be electronically recorded and tapes will be retained by the Board for 90 days. The Board will provide sign language interpreters for the hearing impaired. If you need this service, please contact the office of the Board of Adjustment at 535-7741 at least 4 hours prior to the meeting.

Approval of the minutes for the meeting held April 21, 1997.

Case #2355-8 by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints at 60 West North Temple (Block 94) for a special exception to allow alternative parking for a proposed assembly building in a UI Urban Institutional Zone. (21A.40.030)	Granted
Case #2356-8 by the Church of Jesus Christ of Latter-day Saints at 675 North "F" Street for a special exception to allow a church building height and face wall to exceed the height limit in an FR-3 Residential Zone. (21A.24.010)	Held 6/2
Case #2357-8 by RPE Properties at 576 East South Temple for a special exception to allow a fence to exceed the four-foot height limit for an office in an RO Residential Office Zone. (21A.52.100(A)	Denied
Case #2358-8 by Century International Corporation at 553, 555 and 557 East 900 South for a special exception to legalize six dwelling units in an RMF-30 Historic Zone. (21A.52.100(E)	Held
Case #2359-8 by the Debra A. Lewis at 553 East Cleveland Avenue for a variance to allow an accessory building to exceed the height limit in an R-1/5000 Zone. (21A.40.040(E)	Held
Case #2360-8 by CN Howard at 1008 and 1010 East Harrison Avenue for a special exception to legalize two dwelling units in an R-1/5000 Zone. (21A.52.100(E)	Denied
Case #2361-8 by John Papanikolas at 2513 South Scenic Drive for a variance to allow a new single family dwelling without the required front yard setback in an FR-3/12000 Residential Zone. (21A.24.040(E)	Granted
Case #2362-8 by Joseph Bonacci at 2284 West 500 South for an appeal of an administrative decision contending that he is not unlawfully storing junk, unused, unlicensed or junk vehicles and parts or waste materials and unlawfully parking between the front of the building and the front property line in an M1 Zone. (21A.40.140)	Held

Dated at Salt Lake City, Utah, this 26th day of April, 1997.

Deborah Kraft, Secretary
4N820180

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

March 23, 1999

Mr. Ken Millo
Allen Millo Associates
366 South 500 East #201
Salt Lake City, UT 84102

Re: Petition No. 410-262

Dear Mr. Millo:

Enclosed please find your copy of the Findings and Order relative to Case No. 410-262 heard by the Salt Lake City Planning Commission on June 19, 1997. These Findings and Order incorporate the minutes and motion from that meeting.

If you have any questions pertaining to this matter, please feel free to contact me at 535-6171.

Sincerely,

Verene Froisland

Verene Froisland
Administrative Secretary

cc: Case 410-262 file
Enclosure

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

SALT LAKE CITY PLANNING COMMISSION FINDINGS AND ORDER
CASE NO. 410-262

On Thursday, June 19, 1997, the Salt Lake City Planning Commission held a public hearing to receive comments on Case No. 410-262. This is an application by The Church of Jesus Christ of Latter-day Saints requesting approval for a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 North 'F' Street in a Foothills Residential "FR-3" zoning district.

Planning Commission Minutes from June 19, 1997:

PUBLIC HEARING - Petition No. 410-262 by the Church of Jesus Christ of Latter-day Saints requesting a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 N. 'F' Street in a Foothills Residential "FR-3" zoning district.

Mr. Ray McCandless presented the staff report outlining the major issues of the case, the findings of fact and the staff recommendation, a copy of which is filed with the minutes. Mr. McCandless stated that a final landscaping plan had not been received. Therefore, the Planning Commission should grant final approval subject to the Planning Director approving the final landscaping plan.

Ms. Kirk stated that she has a major concern about the trees on this property and that she wants them to be saved.

Mr. Ken Millo, a representative for the applicant, was present for this portion of the meeting and explained the process this project has been through prior to being on the Planning Commission agenda. He then stated that one the biggest concerns of the LDS church was to save as many trees as possible. Mr. Millo stated that Mr. Tony Dietz, Urban Forestry Coordinator from the State of Utah, assessed the trees on the property to determine which trees, if any, would need to be removed. The assessment determined that all of the trees were in good to excellent structural condition (a copy of which is filed with the minutes). Mr. Millo then stated that the only trees that would be removed are the trees that sit in the building footprint or in the parking lot.

Ms. Kirk asked how many stalls are being proposed for the new LDS Ward Building. Mr. Millo stated that there are 167 stalls; zoning requires about 50 stalls. Mr. Millo then stated that there are plans to plant decorative trees in the terraces of the parking lot.

Mr. Smith stated that there is concern in reference to the amount of land relegated to parking and there is a lot of interest in retaining green space and trees. Mr. Wilde stated that the ordinance requires one parking stall for every five seats. Typically, this requirement is not adequate for an LDS Ward Building.

Mr. Young opened the hearing to the public and asked if anyone wished to address the Planning Commission.

Mr. Tom Rogan, Chair of the Greater Avenues Community Council, stated that he would like to express an appreciation to the members of the LDS Church. This is an outstanding example of a major institution cooperating with the community. Mr. Rogan agreed with the staff report presented by Mr. McCandless. Mr. Rogan continued by stating that at the last Greater Avenues Community Council meeting, the site plan presented by the petitioners was approved unanimously including the height issue of the steeple and expressing that the trees be saved.

Mr. Jim Bach, a landscape architect and a board member of the Greater Avenues Community Council, addressed the trees located on the above mentioned property. He stated that the community council would like the Planning Commission to consider the following recommendations:

1. The preservation of all trees not directly on the building or parking footprint.

2. The architect's site plan to provide structural protection (i.e. retaining wall or grading modifications) to protect the root zones of the trees on the edge of the grading required for the parking. That would save valuable trees on the west end of the third parking terrace and on the northeast corner of the upper fourth terrace.

3. Immediate provision for watering and protection of the trees, including a sprinkler system and fences, before construction begins.

Mr. Ken Bronston, a resident that lives directly across the street from the proposed project, presented a slide show. He addressed the importance of the trees and asked the Planning Commission members to save the trees and require that they be protected and watered as soon as possible.

Ms. Mary Moody, Mr. Ken Bronston's wife, stated that she would also like to have the trees protected and watered. She then stated that the residents have been concerned for the trees for several years and that there needs to be some kind of guarantee that they will be cared for.

Mr. Millo stated that he owns some property in the area and that saving the trees is just as important to him as it is to the other residents. As the architect of the project, Mr. Millo can recommend to the applicant that the only trees that should be removed are the ones that are located in the footprint of the building or parking lot. Mr. Millo then stated that the applicant has the discretion to move in the direction they would like to go. However, in this particular case, the LDS Church realizes that the trees are a valuable asset to the property and they are being sensitive to the concerns of the residents.

Mr. Kevin Oaks, a developer of the Capitol Park Planned Development adjacent to this church site, stated that the Capitol Park Development Team ("Team") would like the Planning Commission to consider the following suggestions:

1. The only type of fencing allowed in the Capitol Park Planned Development is a wrought iron type fence. The "Team" would like to see the same fence installed along the west property line of the church site.

2. The "Team" would like to see the same decorative street light poles installed along the LDS Building that have been lined along the Capitol Park Planned Development.

3. That there be more tree planting along the west property line so that it will be more of a buffer than just the wrought iron fence.

Upon receiving no further requests to address the Planning Commission, Mr. Young closed the hearing to the public and opened it for Planning Commission discussion.

The Planning Commissioners discussed possible solutions in relation to saving as many trees as possible.

Motion on Petition No. 410-262:

Ms. Kirk moved, based upon the findings of fact, to approve Petition No. 410-262.

Ms. Funk stated that she feels that the condition for the replacement of the trees that are removed is too restrictive.

Ms. Short seconded the motion. Ms. Kirk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Ms. Funk voted "Nay". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

REPORT OF THE COMMISSION:

WHEREAS, the Planning Commission does find, following a public hearing, that amending the location of the south property line for a new Ward/Branch Building in a Foothills Residential "FR-3" zoning district is in the best interests of the community.

IT IS THEREFORE ORDERED that approval be granted subject to the following conditions:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.

2. Obtaining a special exception for the building height from the Board of Adjustment.

3. That the steeple can be used to accommodate and hide a cellular antenna if necessary.

4. Approval of a detailed landscaping plan by the Zoning Administrator.

5. Meeting all requirements of the various City departments.

6. All trees, not in the footprint of the building or parking lot, be kept. Any tree that is removed within the footprint of the building or in the parking lot, must be justified by the Planning Director and be replaced two to one by a 5"-6" caliper tree.

7. That retaining walls, water sprinkling systems and a water meter be installed within 14 days to protect the existing trees.

8. That additional landscaping be placed on the west side of the property.

9. That landscaping, including trees, be placed in the parking lot terraces.

10. Final landscape plan approval by the Planning Director.

11. The parking that is being provided be reevaluated to make sure that it is within reason (not excessive) based upon the occupant count and LDS church statistics.

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

Action taken by the Planning Commission on Petition No. 410-262 at its June 19, 1997 meeting.

Dated in Salt Lake City, Utah on March 23, 1999.

Kimball Young / VZ
Chairperson

Verene Froisland
Secretary

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SIDWELL NUMBER / OWNER NAME / MAILING ADDRESS / *PROPERTY LOCATION / PROPERTY DESCRIPTION	TAX DISTRICT	PROPERTY TYPE / TAX CLASS / ZONING / LAND DATA	ACRES / DIMENSIONS / STRUCTURAL DATA / EXTRA FEATURES/EFF YEAR BLT	STATISTICAL DATA	DEED BK-PG / MORTGAGE	USE	VALUES / TOTAL-TV / LAND-LV / IMPROVEMENT-IV / TOTAL TAXES/YR
09-30-455-004-0000 CORP OF PB OF CH JC OF LDS C/O REAL ESTATE 50 E NORTHTEMPLE ST SALT LAKE CITY UT 84150-0002	04	594-STGRAGE WHSE 940-WAREHSE STRG NE -NOT EXEMPT ZONING -2200 TOPOGRPY-ROLLING NHBRHOOD-0632 ROAD TYP-TWO WAY ROAD CND-PAVED LOT LOC -INTERIOR RESIDENTIAL PRIMARY-ACRE 2.93AC 127,195SF	TOTAL - 2.93AC TOTAL - 127,630SF GR FLR- 1,932SF BASE - 1,932SF SECTN - 5,864SF PERIMETER- 176 CONSTRCT-WOOD FRAME EXT WALL-BRICK HEAT/AC -STEAM	YR BLT ACT-1935 YR BLT EFF-1950 NBR FLOORS- 2 STORIES - 2 STORY HGT - 12	5988-0091 1031-CORP OF PB OF CH JC	 RES C/I	$380,300-TV $369,200-LV $11,100-IV $2,162.10/95

*675 NORTH F ST
BEG AT NE COR OF LOT 4, BLK 188, PLAT D, SLC SUR; S 0°00'24" E 354.35 FT; N 89°29'22" W 37.11 FT; NW'LY ALG CURVE TO R 33.77 FT; N 18°50'50" W 14.61 FT; NW'LY ALG CURVE TO L 77.17 FT; N 74°49' W 49.32 FT; N 72°00'28" W 71.69 FT; N 47°53' W 44.93 FT; NW'LY ALG CURVE TO L 19.01 FT; N 81°55'21" W 18.46 FT; N 89°51'43" W 85.47 FT; N 0°00'24" W 296.86 FT; S 89°51'43" E 217.58 FT; S 60° E 200.84 FT TO BEG.

09-30-455-007-0000 PARK CITY CONSTRUCTION INC ET AL 1450 N BECK ST SALT LAKE CITY UT 84116-1211	04	922-PUD ZONING -1112 TOPOGRPY-ROLLING NHBRHOOD-0632 ROAD TYP-TWO WAY ROAD CND-PAVED SIDEWALK CURB/GUTTER LOT LOC -INTERIOR RESIDENTIAL PRIMARY-ACRE 5.52AC 240,451SF	TOTAL - 5.52AC TOTAL - 240,451SF HOSPITAL - 1 1922		7331-2326	 RES C/I	$491,600-TV $441,600-LV $50,000-IV

*401 EAST 12TH AVE
BEG N 0°00'24" W 310 FT FR SE COR LOT 1, BLK 177, PLAT D, SLC SUR; W 125 FT; S 188 FT; W 565 FT; N 32° W 107.02 FT; NE'LY ALG CURVE TO L 55.65 FT; N 155 FT; NE'LY ALG CURVE TO R 133.52 FT; E 258 FT; SE'LY ALG CURVE TO R 135.61 S 72°30' E 133.51 FT; S55° E 180.63 FT; SE'LY ALG 142 FT RA DIUS CURVE TO L 86.74 FT; E 34.78 FT; S 0°00'24" E 27.15 FT TO BEG. 7130-1117 7204-2819

09-30-455-008-0000 PARK CITY CONSTRUCTION CO INC ET AL C/O IHC HOSPITALS/H B PETERSON 36 S STATE ST # 100 SALT LAKE CITY UT 84136-0002	04	901-VCNT LND RES ZONING -1112 TOPOGRPY-ROLLING NHBRHOOD-0632 ROAD TYP-TWO WAY ROAD CND-PAVED SIDEWALK CURB/GUTTER LOT LOC -INTERIOR RESIDENTIAL PRIMARY-ACRE .57AC 24,829SF	TOTAL - .57AC TOTAL - 24,829SF		-2819	 RES	$71,800-TV $71,800-LV

*401 EAST 12TH AVE
BEG N 0°00'24" W 388.15 FT FR SE COR LOT 1, BLK 177, PLAT D, SLC SUR; S 0°00'24" E 51 FT; W 34.78 FT; NW'LY ALG CURVE TO R 86.74 FT; N 55° W 180.63 FT; NW'LY ALG CURVE TO L 135.61 FT; N 40 FT; S 89°51'43" E 85.47 FT; S 81° 55'21" E 18.46 FT; SE'LY ALG CURVE TO R 19.01 FT; S 47° 53' E 44.93 FT; S 72°00'28" E 71.69 FT; S 74°49' E 49.32 FT; SE'LY ALG CURVE TO R 77.17 FT; S 18°50'50" E 14.61 FT; SE'LY ALG CURVE TO L 33.77 FT; N 89°29'22" E 37.11 FT TO BEG. 7130-1117

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09-30-455-009-0000 CAPITOL PARK DEVELOPMENT LC	04	111-SNGL FAM RES ZONING -1112	TOTAL - 18.09AC TOTAL - 788,000SF	YR BLT ACT-1940 YR BLT EFF-1956	7081-0001	 RES RES	$2,321,360-TV $2,321,260-LV $100-IV

Allen • Millo Associates

Architects • Planners • Interior Designers

FAX Transmittal

To: Ray McCandless, Principal Planner
SALT LAKE CITY CORPORATION
Community and Economic Development / Planning Division
451 South State Street, Room 406
Salt Lake City, Utah 84111

From: Paul S. Bratton

Date: 18 May 1998

No. of Pages: Three (3)

FAX Number: (801) 535-6174

Re: ENSIGN 1, 3, & 4
675 North "F" Street
Salt Lake City, Utah

Project No: 533-3822-77-3

Hi Ray --

We received your letter from May 14 and will try to get these issues addressed/ resolved as quickly as possible.

In response to item no. 1 from your letter, I have sent a number of FAXes on to Gary Larson and Kevin Shields (the landscape architect) of The Church to address the number and caliper of trees that The Church is to provide for installation at the project job site. I have even forwarded copies of the Minutes from the Planning Commission Meeting of 06/19/97, so I know that they are well aware of the tree replacement requirement -- as well as the requirement to provide "architecturally integrated decorative lighting" exterior fixtures. We have discussed these issues a number of times recently and I know that Gary has given Kevin direction to revise the landscaping plan. We have a couple of meetings scheduled this week to review proposed design revisions, so I will have a better idea of the direction we are to take by the end of the week.

Referencing item no. 2 from your letter, Ken has verified that a water meter has been installed. I understand that The Church is responsible for maintenance of the existing trees. As mentioned previously, however, I have forwarded a copy of your letter to Gary Larson.

I have discussed item no. 3 from your letter with Kevin Shields and can assure you that every effort will be made to save the trees identified as nos. 37, 38, and 39. Substantial grading work is to occur in this area, however, so it not prove to be feasible if the rootball system of each respective tree is compromised to any great extent.

Bruce B. Allen, AIA **Kenneth C. Millo, AIA**
Phone: (801)532-5357 / FAX: (801)532-0930 • 366 South 500 East, Suite No. 201 • Salt Lake City, Utah 84102

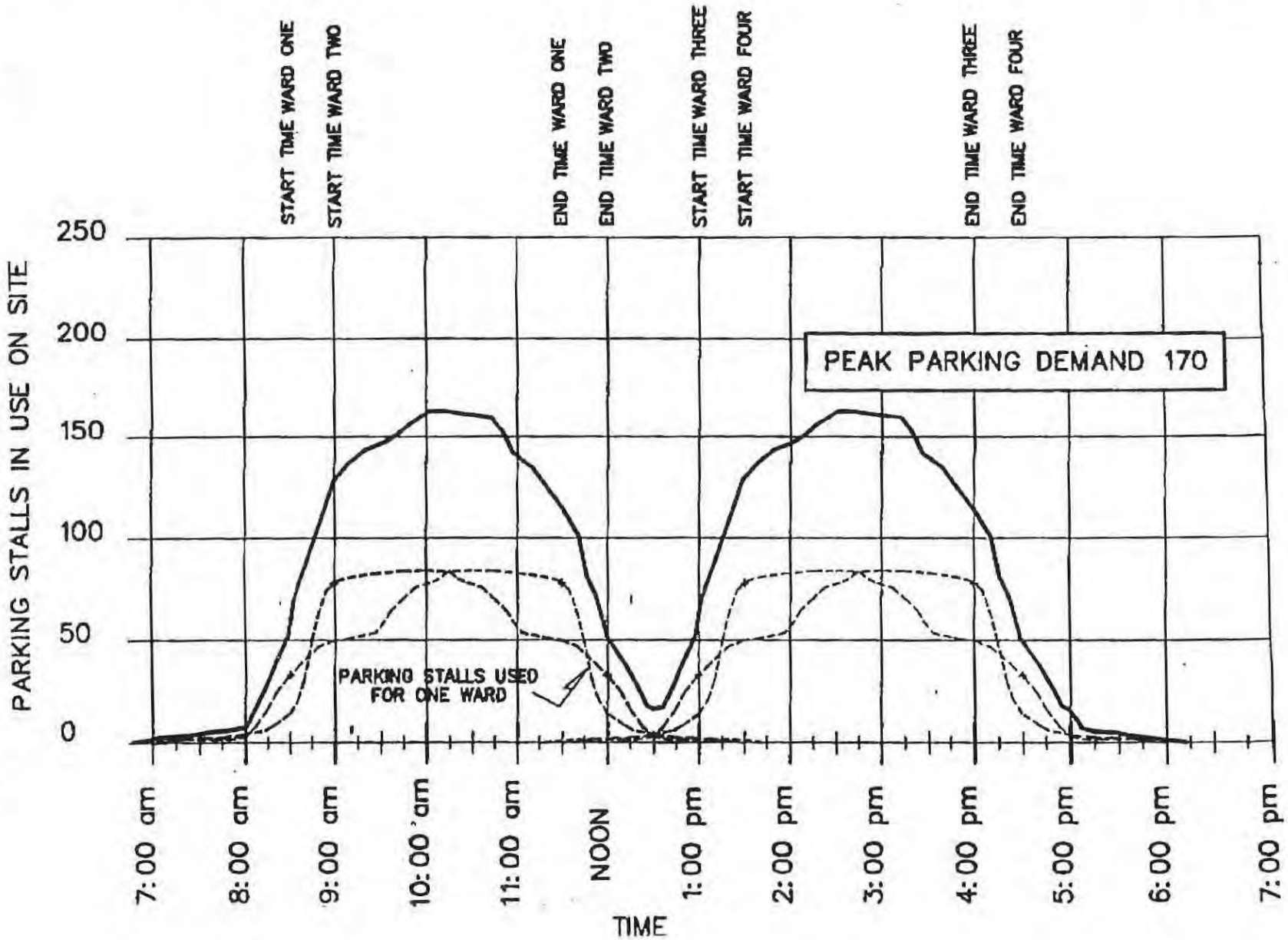
We have attached a copy of the Parking Evaluation from The Church for your reference and review.

I will see to it that you get a copy of the revised landscaping drawings (and SD-1) as soon as we have them. In the meantime, please let me know if you require clarification or additional information. Thanks for your time, Ray.

Paul

pc: file.

SUNDAY PARKI' . REQUIREMENTS
4 WARDS WITH 240 AVERAGE ATTENDANCE EACH
SHORTEST SCHEDULE–8 HOURS MOST PARKING– 170 CARS



Allen • Millo Associates

Architects • Planners • Interior Designers

Letter of Transmittal

RECEIVED
MAR 30 1998
CITY PLANNING DIVISION

27 March 1998

Mr. Ray McCandless, SLCC Planner
SALT LAKE CITY PLANNING
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: ENSIGN 1,3, & 4
675 North "F" Street
Salt Lake City, Utah

Project No: 533-3822-77-3

Attached: Sheets SD-1, L-1, and L-2 from set of Construction Documents -- Plan(s) showing existing trees and trees to be removed.

Comments:

Hi Ray --

As per your request, I have attached prints of Sheets SD-1, L-1, and L-2 for your reference and review. The Landscaping sheets show the location of existing trees to remain -- using a light dashed line -- as well as the locations for new trees to be planted. Sheet SD-1 may be more useful to you, however. It indicates the locations of *all existing trees*. The Tree Table on this sheet indicates which of the 53 existing trees are to be protected and preserved -- a total of 27.

If you have any questions or require additional information or clarification, please do not hesitate to call me. Thank you for your time.

Respectfully,

Paul

Paul S. Bratton

attachment

pc: file.

Bruce B. Allen, AIA **Kenneth C. Millo, AIA**
Phone: (801)532-5357 / FAX: (801)532-0930 • 366 South 500 East, Suite No. 201 • Salt Lake City, Utah 84102

TO Doug w/ TO Review
4/21/98
ORIGINAL MAILED TO
MARCO LARSEN.

April 20, 1998

Millo Associates
Attn. Mr. Paul S. Bratton
366 South 500 East,
Salt Lake City, Utah 84102

Dear Mr. Bratton,

Thank you for providing the landscaping drawings for the Ensign 1,3, & 4 project at 675 North F Street as we requested earlier.

In reviewing drawings SD-1, L-1 and L-2 with the conditions set by the Salt Lake City Planning Commission at its June 19, 1998 planning commission meeting, it appears there are several items that need to be addressed:

1. As you may be aware, there was significant discussion at the Planning Commission hearing regarding the preservation of the existing trees on the site. In reviewing drawings SD-1, L-1 and L-2, twenty-seven trees are proposed to be eliminated by construction of the church and parking area. Based on the Planning Commission's requirement to replace these trees at a 2 to 1 ratio, 54 new trees, each with a caliper of five to six inches must be provided. The plant legend on drawing L-1 shows that all proposed new trees will have a 1.5 to 2.5 inch caliper which does not meet this condition (see item number 6 on the attached planning commission meeting minutes). Please revise the landscaping plans accordingly.

2. Verification that condition number 7 on the accompanying planning commission minutes has been met needs to be provided.

3. It does not appear trees 37, 38 or 39 need to be eliminated as they are located away from the building and are not in a parking area.

4. Condition number 11 requires that a parking evaluation be provided to determine whether the proposed parking for this site is excessive.

As we understand construction of the building is scheduled in the near future, we would appreciate a response to these issues soon so there are no unnecessary delays in issuing building permits. Please call me if you have any questions at 535-7282.

Sincerely,

Ray McCandless
Principal Planner

3. That final approval be delegated to the Planning Director.

Mr. Kirk seconded the motion. Ms. Kirk, Ms. Funk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

PUBLIC HEARING - Petition No. 410-262 by the Church of Jesus Christ of Latter-day Saints requesting a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 N. 'F' Street in a Foothills Residential "FR-3" zoning district.

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2. The architect's site plan to provide structural protection (i.e. retaining wall or grading modifications) to protect the root zones of the trees on the edge of the grading required for the parking. That would save valuable trees on the west end of the third parking terrace and on the northeast corner of the upper fourth terrace.

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3. That there be more tree planting along the west property line so that it will be more of a buffer than just the wrought iron fence.

Upon receiving no further requests to address the Planning Commission, Mr. Young closed the hearing to the public and opened it for Planning Commission discussion.

The Planning Commissioners discussed possible solutions in relation to saving as many trees as possible.

Motion on Petition No. 410-262:

Ms. Kirk moved, based upon the findings of fact, to approve Petition No. 410-262 subject to the following conditions:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.

2. Obtaining a special exception for the building height from the Board of Adjustment.

3. That the steeple can be used to accommodate and hide a cellular antenna if necessary.

4. Approval of a detailed landscaping plan by the Zoning Administrator.

5. Meeting all requirements of the various City departments.

6. All trees, not in the footprint of the building or parking lot, be kept. Any tree that is removed within the footprint of the building or in the parking lot, must be justified by the Planning Director and be replaced two to one by a 5"-6" caliper tree.

7. That retaining walls, water sprinkling systems and a water meter be installed within 14 days to protect the existing trees.

8. That additional landscaping be placed on the west side of the property.

9. That landscaping, including trees, be placed in the parking lot terraces.

10. Final landscape plan approval by the Planning Director.

11. The parking that is being provided be reevaluated to make sure that it is within reason (not excessive) based upon the occupant count and LDS church statistics.

Ms. Funk stated that she feels that the condition for the replacement of the trees that are removed is too restrictive.

Ms. Short seconded the motion. Ms. Kirk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Ms. Funk voted "Nay". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

OTHER BUSINESS

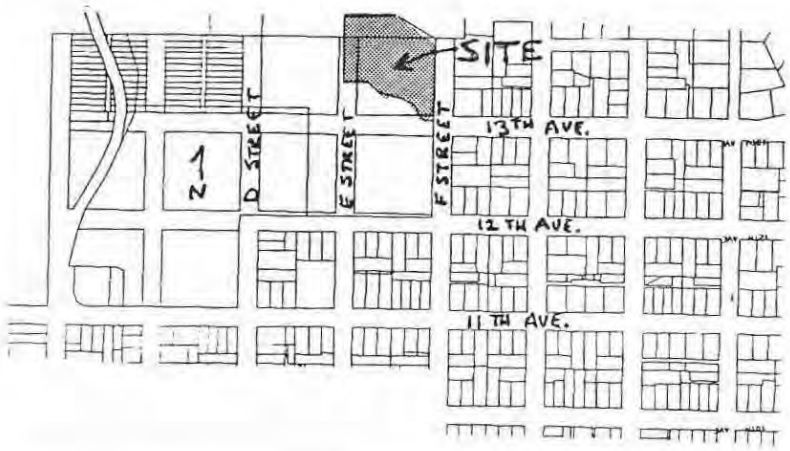
Mr. Wilde stated that due to the fact that the next Planning Commission meeting is scheduled for July 3rd and that there would only be a light agenda, the July 3rd meeting has been canceled.

There being no further business, the meeting adjourned at 7:50 p.m.

Verene Sears

Verene Sears, Secretary

SALT LAKE CITY PLANNING COMMISSION STAFF REPORT CASE 410-262, REQUEST BY THE LDS CHURCH FOR A CONDITIONAL USE TO ALLOW A CHURCH AND SUBDIVISION AT 675 NORTH F STREET.



Overview

The Planning Commission is the approval body for conditional uses. This project also includes preliminary subdivision approval consideration by the Planning Commission.

Introduction

The Church of Jesus Christ of Latter-Day Saints is requesting conditional use approval to construct a church at 675 North and F Street in an FR-3/12,000 Foothills Residential District. The building will be a two-story brick building located near the southeast corner of a 2.9 acre parcel of land.

Adjoining uses are predominantly residential with the Northpoint Condominiums to the north, single family dwellings to the east along F Street, the old Veteran's Administration Hospital (which is being converted to a condominium) to the south and Phase 4 of the Capitol Park Subdivision (undeveloped) to the west. The caretaker's residence for the old Veteran's Administration hospital on the south end of this property is proposed to be demolished to accommodate the new church.

Minor subdivision approval also is being requested. The south lot line is proposed to be realigned to better reflect the parcel as it relates to the private street that is now being built for the Capitol Park Subdivision.

Community / Neighborhood Council Review

The applicants have been working for some time with the Greater Avenues Community Council on this project. The Community Council Chairman was contacted on June 12,

1997 and verbally indicated the Community Council has approved the proposed building and site plan.

The Northpoint Estates Homeowner's Association also has reviewed and approved this proposal as mentioned in the attached letter dated May 9, 1997.

Findings of Fact / Conditional Use Standards

Staff's analysis of the site using the conditional use standards in section 21A.54.080 of the Zoning Ordinance is as follows:

Criteria (a): *The proposed development is one of the Conditional Uses specifically listed in the Zoning Ordinance;*

Discussion: Places of religious worship on lots less than 4 acres in size are listed as a conditional use in section 21A.24.190 of the Zoning Ordinance.

Finding: The proposed development is one of the Conditional Uses specifically listed in the Zoning Ordinance.

Criteria (b): *The proposed development is in harmony with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;*

Discussion: The purpose of the FR-3 / 12,000 foothills residential district is to "promote environmentally sensitive and visually compatible development...suitable for foothills locations".

This is the second building design proposed for this site. The first design would have required significant cuts and fills to accommodate the building and parking area, however, in working with the Community Council, the site and building have been completely redesigned. Consideration has been given to the slope and orientation of the site and the building design is reflective of area's historical character.

The maximum allowable height allowed for a building in the FR-3 Zone is 28 feet above the existing grade. The proposed building is 44 feet above grade at the south end of the building. Although the building is tall, it is not out of scale with other buildings in the area. The V.A. Hospital building is six stories and many of the homes in the area are two story structures. The property slopes away from F Street and the existing vegetation on the property will help to reduce the perceived height of the building making the site visually compatible with the area.

A special exception must be granted by the Board of Adjustment to allow the building to exceed the maximum allowable height of the zoning district. On June 23, 1997, the City's Board of Adjustment will determine whether a special height exception should be granted.Given the slope of the property, elevation of the Northpoint Condominiums above this site, the proposed height of the building (two story design) is a reasonable request.

Because of these efforts made in making the project compatible with the existing site and neighborhood, this proposal is consistent with the goals and objectives of the Zoning Ordinance and Master Plan.

Finding: The proposal is consistent with the intent and objectives of the City's Master Plan and Zoning Ordinance.

Criteria (c): *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;*

Discussion: Access to this site is provided from both F Street and from a private street leading to the Capitol Park Subdivision. The City's Transportation Division has reviewed this request and has indicated that F-Street and the new private street will adequately handle the traffic generated by this use. The site is two blocks up from 11th Avenue which is a Collector Street and a bus route.

Adequate off-street parking will be provided. A total of 167 on-site parking stalls are proposed which meets the number of required stalls which is 1 space for every 5 fixed seats.

Public way improvements will be required along the F-Street frontage and private access agreements will be required to access the private street to the south.

Finding: The project will not materially degrade the service level on adjacent streets.

Criteria (d): *The internal circulation system of the proposed development is properly designed;*

The parking stalls and driveway widths meet the dimensional requirements of the Zoning Ordinance (Section 21A.44.020, Off-Street Parking Dimensions). Driveways on both F Street and the Capitol Park private street provide two separate accesses to the site.

Finding: The internal circulation system of the proposed development is properly designed.

Criteria (e): *Existing or proposed utility services are adequate for the proposed development;*

Finding: Utility service issues are now being coordinated through the City's Public Utilities Department. Existing services will be adequate for the proposed use.

Criteria (f): *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;*

Discussion: F Street Frontage: A 50 foot setback is proposed along the F Street frontage which will help reduce the perceived height and mass of the building. This area will be planted with trees and lawn grass.

Northpoint Condominiums: Along the north property line there is a large retaining wall that is between 5 and 10 feet high. The condominiums are above this retaining wall. Because of the slope of the property, the roof of the church will be nearly level with top of the retaining wall. Because of this, and given the height of the old Veteran's Administration Hospital to the south, views from the Northpoint Condominiums would not be adversely impacted beyond the impact already present by the hospital and the vegetation now on the site.

Capitol Park Phase 4: Phase 4 of the Capitol Park Subdivision which abuts this property on the west has recently been approved but is not developed. The proposed site plan meets the landscape buffer requirements of the zone.

South Property Line: No additional buffering is required along the private street leading into the Capitol Park development. This area will be landscaped and treated as a corner lot front yard.

Although no lighting plan has been provided, all exterior lighting will need to be architecturally integrated decorative lighting which will not impact adjoining properties.

Finding: No significant impacts from light, noise or visual impacts are anticipated.

Criteria (g): *Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;*

Discussion: The proposed building design is somewhat atypical of most LDS church plans in that it is a two story structure. The exterior of the building will be a red-brown Atlas brick. The building design complements architectural features of existing homes in the adjoining neighborhood and the V.A. Hospital.

Finding: The architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Criteria (h): *Landscaping is appropriate for the scale of development;*

Discussion: Many of the existing mature trees on F Street will be kept and will not be disturbed by construction activities. This will help make the site look more established and will reduce the visual impacts of the new building. A detailed preliminary landscaping plan will need to be provided and approved by the Zoning Administrator to determine whether the proposed landscaping meets the requirements of the FR-3 zone. The final landscaping plan should be approved by the Planning Director.

Finding: Landscaping is appropriate for the scale of development provided the final landscaping plan is provided to, and approved by, the Planning Director.

Criteria (i): *The proposed development preserves historical, architectural and environmental features of the property;*

Discussion: As mentioned above, the caretaker's residence for the V.A. hospital is on this property and will be demolished to accommodate the new building.

Neither the building or site is in a Historic District, or on the National Historic Register or City's Register of Historic Places. Because of this, no documentation is required before construction begins on the church. The Caretaker's Residence does not contribute to the old V.A. Hospital architecture or sense of place.

Finding: The proposed development preserves historical, architectural and environmental features of the property.

Criteria (j): *Operating and delivery hours are compatible with adjacent land uses;*

Finding: The hours of operation are compatible with adjacent land uses.

Criteria (k): *The conditional use or, in the case of a planned development, the permitted and Conditional Uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole;*

Finding: The proposed church would not have a material net cumulative adverse impact to the neighborhood or City as a whole as discussed above.

Criteria (l): *The proposed development complies with all other applicable codes and ordinances.*

Discussion: Parking Lot. The parking area on the F Street frontage cannot extend beyond the front building line as it is shown on the site plan. The applicant is aware of this and will modify the site plan accordingly.

Building Height. The maximum height limit of a building in the FR-3 zone is 28 feet above the existing grade unless a special exception is granted by the City's Board of Adjustment. The slope of the property averages between 10 and 15% which is relatively steep. At the south end of the building, the proposed height of the building is 44 feet which exceeds the height limit of the zoning district by 16 feet. The steeple is 61 feet above grade but is exempt from the height requirements of the FR-3 zone.

As mentioned above, given the slope of the property, elevation of the Northpoint Condominiums above this site, the proposed height of the building (two story design) is a reasonable request.

Finding: The proposed development must meet these and all other applicable codes and ordinances prior to issuance of a building permit.

Subdivision

Minor subdivision approval also is being requested. The L.D.S. Church's south property line is being realigned to better reflect the property's relation to the Capitol Park private street. Some of the property that now belongs to the Capitol Park project will be added to the L.D.S. Church's site near the north side of the private street.

In the FR-3 zone, places of worship on lots less than 4 acres in size are listed as a conditional use. Shifting the lot line as proposed increases the lot area to 3.6 acres and does not make the site exceed the four acre maximum. The preliminary subdivison plat is now being prepared by the applicant's surveyor.

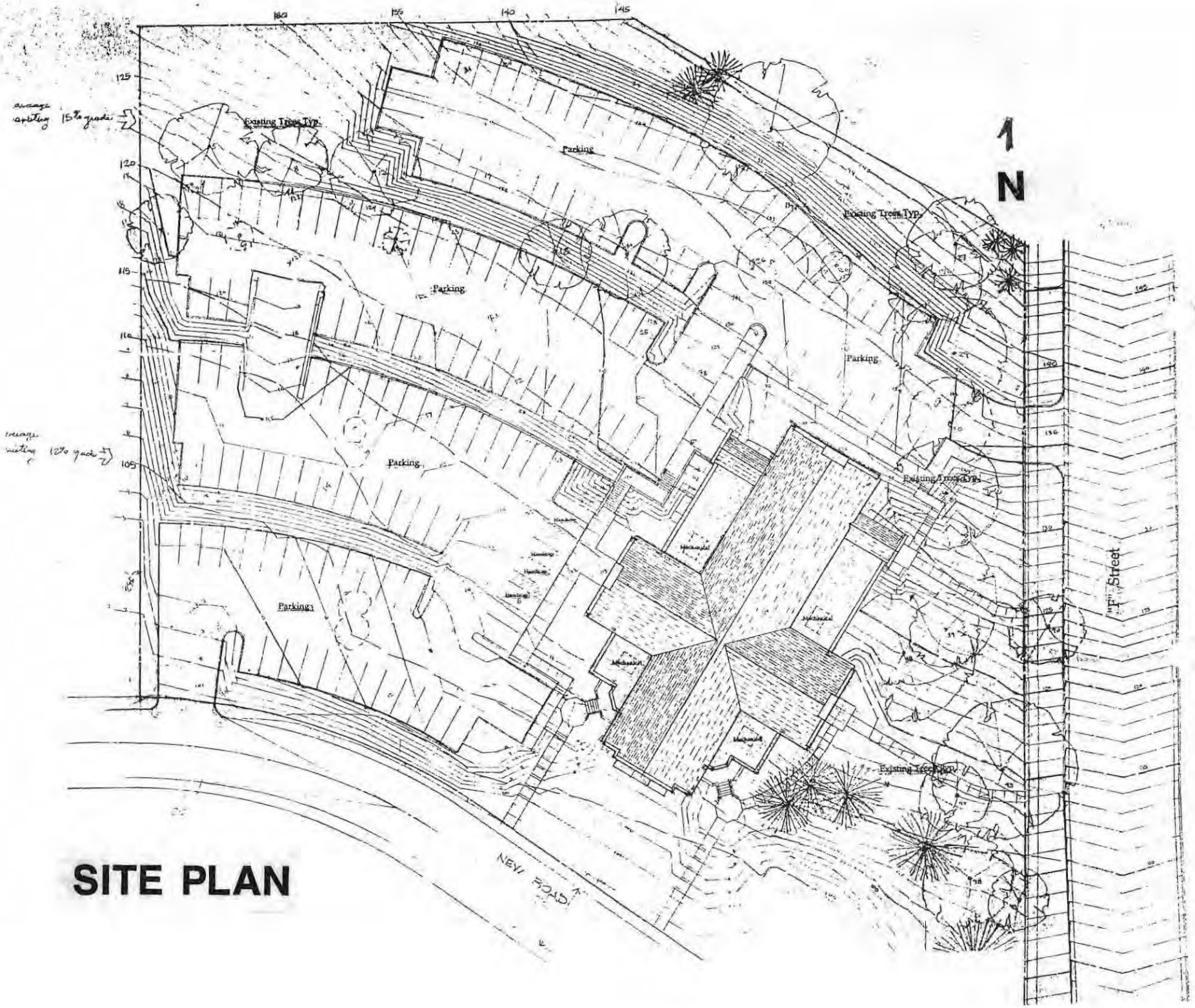
Recommendation

Based upon findings of fact of the conditional use criteria contained in this staff report, the staff recommends conditional use of the proposed building subject to:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.
2. Obtaining a special exception for the building height from the Board of Adjustment.
3. Approval of a detailed landscaping plan by the Zoning Administrator.
4. Meeting all requirements of the various City departments.
5. Final landscape plan approval by the Planning Director.

The Staff further recommends that the Planning Commission grant preliminary subdivision approval.

Ray McCandless
June 12, 1997


Existing Trees TYP.
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"F" Street
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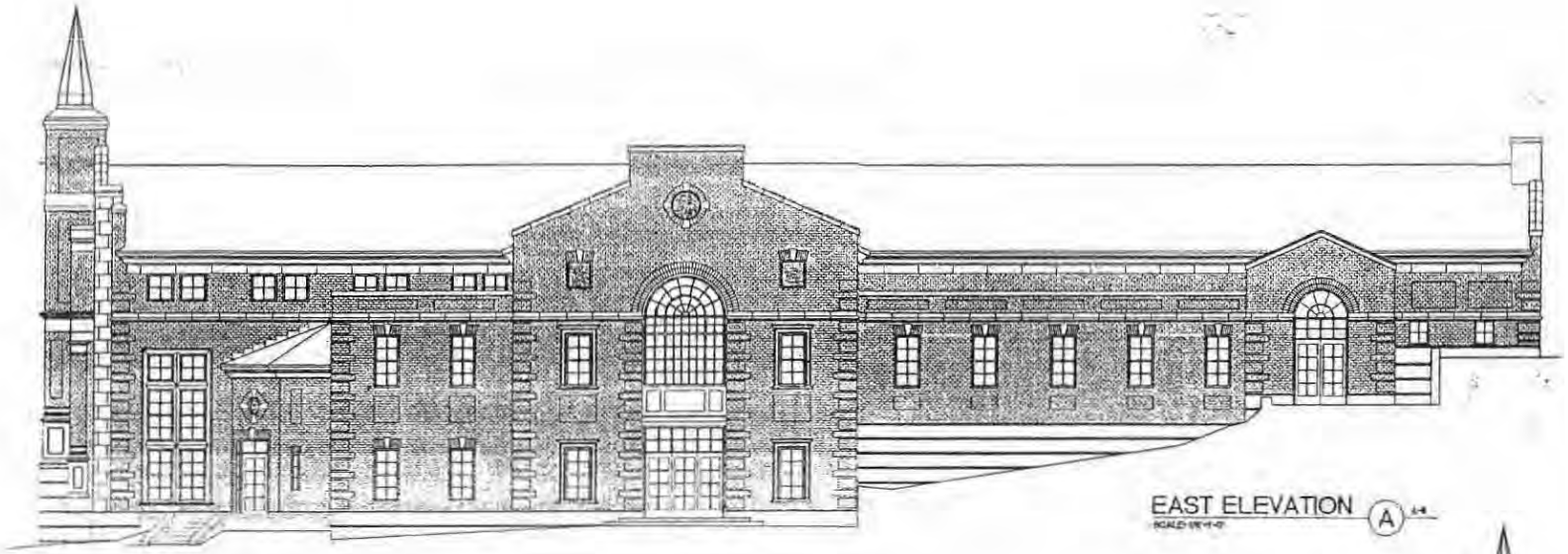
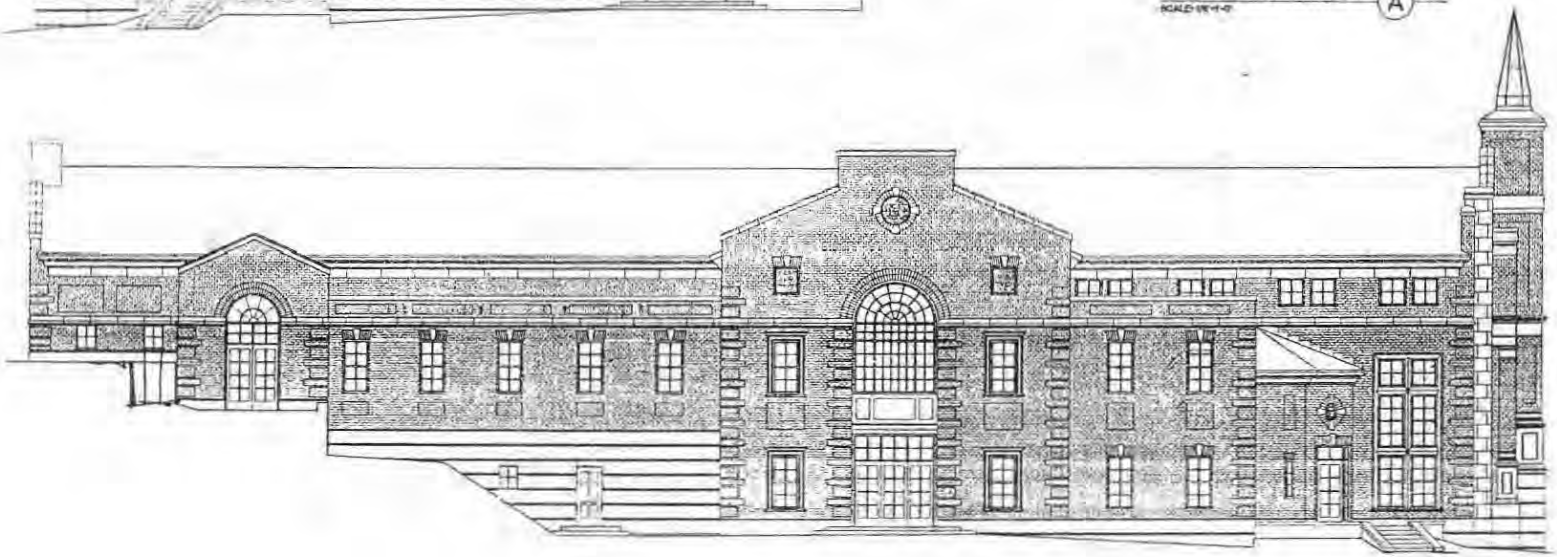
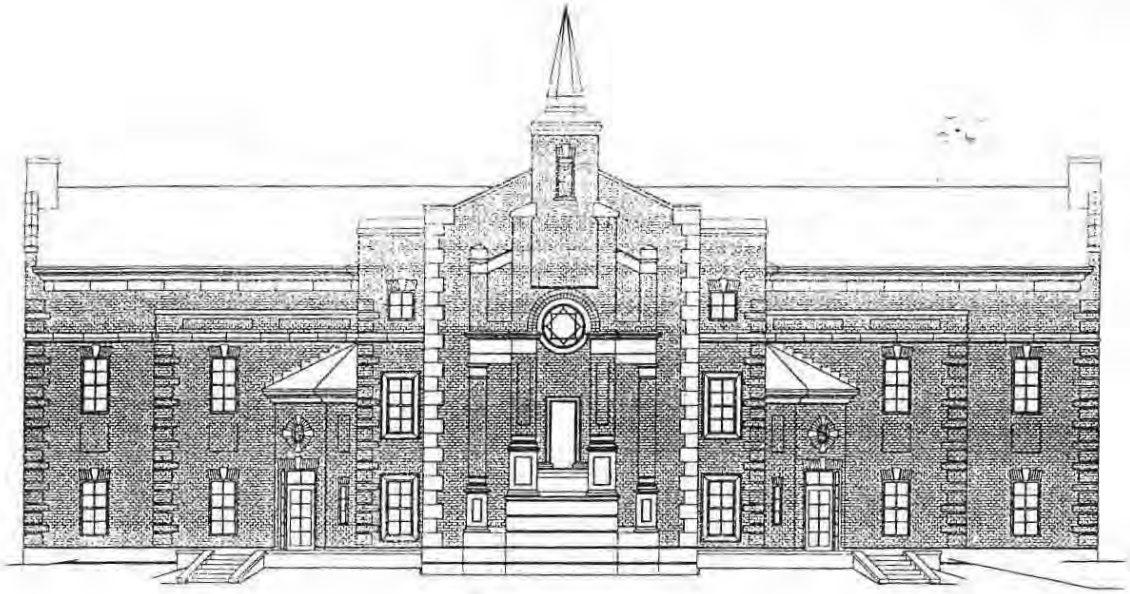
SITE PLAN



EAST ELEVATION (A)

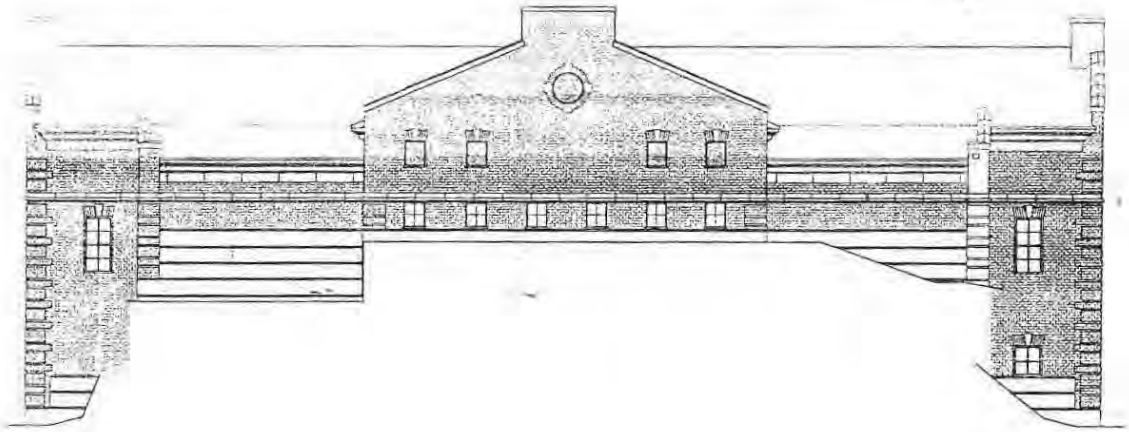


WEST ELEVATION (A)



SOUTH ELEVATION

SCALE 1/8"=1'-0"



NORTH ELEVATION (B)

SCALE 1/8"=1'-0"

Allen • Millo Associates

Architects • Planners

20 March 1997

Mr. Joel Patterson, Principal Planner
Salt Lake City Corporation
Planning Commission
451 South State
Salt Lake City, Utah 84111

RE: CONDITIONAL USE APPLICATION SUPPLEMENT - Ensign 1,3,4

Dear Mr. Patterson,

Submitted along with this letter are the required Conditional Use application and documentation for County Tax Parcel 9-30-455-004. The property is zoned FR-3 and owned by The Church Of Jesus Christ Of Latter Day Saints who proposes to build a two story, three Ward building on this site. The proposed project consists of 20,400 sq.ft. finished building space with 167 parking stalls.

Harmony with Zoning Ordinance and Compatibility with City Master Plan

The proposed LDS Ensign 1st, 3rd and 4th Wards Chapel replaces two old chapel buildings, one at 9th Avenue and D Street the other at 9th Avenue and K Street in Salt Lake City. The building will house three wards on an historic three acre site that is bordered by F Street, Northpoint Condominiums, the old VA Hospital and the new Capital Park Subdivision.

The two story building is designed to be unique to this site. The custom plan will respect the hillside by minimizing grading; avoid disruption of views both uphill and downhill; respect the patterns and massing of adjacent homes and the hospital; preserve mature vegetation; and provide for the building needs of the members of the church and neighborhood.

Parking areas are tempered with generous planting areas and ironwork fences and street lighting are to be installed to match Capital Park Subdivision. In an effort to avoid curbside parking, parking areas well exceed zoning requirements.

Traffic will be increased in the neighborhood, but usually only on Sundays and in the early evenings, generally slow traffic periods. Adjacent streets appear to have plenty of available capacity. Traffic can approach the site from both F Street and 12th Avenue through Capital Park.

The following documents are included as part of this request:

Property Legal Description
Existing Site Survey scale: 1"= 20'
Proposed Site Plan scale: 1"= 20'
Aerial maps
Mailing labels of all property owners landing within 300 feet
(exclusive of intervening streets and alley).
A traffic impact study will be provided if required.

As part of this proposal, a Special Exception Request will be submitted to the Board of Adjustment requesting a building height increase.

Sincerely yours,

Kenneth C. Millo AIA
PRESIDENT

NORTHPOINT ESTATES HOMEOWNER'S ASSOCIATION
835 Grandridge Court, Salt Lake City, Ut. 84103

May 9,1997

Salt Lake City Corporation
Board Of Adjustments
451 South State St.
Salt Lake City, Utah 84111

Re: Case #2356-B

Dear Board Members

Allen-Millo Associates, architects- planners, have met with the Northpoint Estates Homeowners Association and have reviewed the proposed plans for the construction of an LDS chapel on the site immediately adjacent to the south of the Homeowners property. At a meeting of the Homeowners Association all of the owners present at the meeting voted in favor of supporting the proposed plan, including the request for a special exception to allow the building height and face wall to exceed the height limit, and authorized sending this letter to advise you of this action.

Very truly yours,

Leo A. Jardine

Chairman, Management Committee

From: Thomas F. Rogan
Attorney at Law
136 South Main Street, Suite 325
Salt Lake City, UT 84101

(voice) 801-355-0461
(fax) 801-359-7561

To: Ray McCandless
SLC Planning

Fax: 535-6174

To: Ken Millo
Allen - Millo Architects

Fax: 532-0930

To: Ken Bronston

fax: 366-0167

Date: June 19, 1997

Number of pages, including this transmittal sheet: 4

Please contact me at my voice number above if there is a need to re-transmit this document.

Ray:

Attached are two items which I would like you to associate with my letter to you dated June 16. The first item is a handwritten note from Jim Bach, chair of the neighborhood committee working with the petitioner requesting three specific conditions with regard to the granting of the conditional use. The second item is a letter to Jim from the Office of Urban Forestry reporting on an inspection of the trees at the site.

If you have any questions, please call me.

Tom Rogan
Chair, GACC

GREATER AVENUES COMMUNITY COUNCIL
1112 THIRD AVENUE
SALT LAKE CITY, UT 84103

March 21, 1997

RECEIVED
MAR 24 1997
PLANNING DIVISION

Mr. Ray McCandless
Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111

Re: Construction of Church Facility at 13th Avenue and D Street

By FAX and First-Class Mail

Dear Mr. McCandless:

At its general meeting on March 5, 1997, the Greater Avenues Community Council by a unanimous voice vote approved the design concept for the referenced project with the understanding that there would be a need for a variance with regard to the height restriction on the overlay zone.

The applicant and its architect have been working very closely and responsively with a committee established through the GACC, and they are continuing to do so. This collaborative effort represents the community council system functioning at its best; but it would not have been possible had it not been for the willingness on the part of the applicant not just to receive, but more importantly to embrace, the input of the community.

Please place this letter in the file so that it may accompany the applicant's request throughout the City's approval process.

If I may assist you further with regard to this matter, please let me know; and thank you for helping to move this matter forward.

Very best regards,

Tom Rogan
Chair, GACC

cc: Ken Millo, applicant's architect

GREATER AVENUES COMMUNITY COUNCIL
1112 THIRD AVENUE
SALT LAKE CITY, UT 84103

March 21, 1997

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Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111

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Very best regards,

Tom Rogan
Chair, GACC

cc: Ken Millo, applicant's architect

From: Thomas F. Rogan
Attorney at Law
136 South Main Street, Suite 325
Salt Lake City, UT 84101

(voice) 801-355-0461
(fax) 801-359-7561

To: Ray McCandless
Salt Lake City Planning

fax: 535-6174

Ken Millo

fax: 532-00930

Date: March 21, 1997

Number of pages, including this transmittal sheet: 2

Please contact me at my voice number above if there is a need to re-transmit this document.

Attached is letter from GACC regarding construction of Church facility at 13th Avenue and D Street.

Tom Rogan

Allen • Millo Associates

Architects • Planners

Fax Transmission

Date: 06/17/97 Pages: 3

To: Ray McCandless
Company: SLCC Planner
Fax Number: (801) 535-6174

From: Cathy Owen
Allen/Millo Associates
Fax Number: (801) 532-0930

Subject: Ensign 1,3,4 LDS Church Project
F st. and 13th Avenue Salt Lake City, UT.

Ray, I received this report from Tony Deitz via James Bach of the Greater Avenues Community Council 06/16/97. Please include this information in your project file.

Bruce B. Allen, Architect • Kenneth C. Millo, Architect
Salt Lake City Office: 366 South 500 East • Salt Lake City, Utah 84102 • (801) 532-5357
Seattle Office: 1416 Post Alley • Seattle, Washington 98101 • (206) 233-0871

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY, FIRE AND STATE LANDS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Arthur W. DuFault
State Forester/Director

1594 West North Temple, Suite 3520
Box 145703
Salt Lake City, Utah 84114-5703
801-538-5555
801-533-4111 (Fax)

June 12, 1997

James Bach
James Bach and Associates
56 W 400 S, Suite 230
Salt Lake City, UT 84101

Dear Mr. Bach:

I visited the the planned site for the LDS Chapel on the grounds of the old VA Hospital Annex at approximately 13th Avenue and F Street in Salt Lake City on June 11, 1997 for the purpose of assessing the condition of the existing trees.

I found all of the trees to be in good to excellent structural condition, considering that they have not been watered nor maintained for several years. The trees have never been topped which is unusual in Utah. With proper care, they can live for many more years and increase the value of the property. All of the trees are in need of proper pruning, however, to remove broken or dead branches. I have enclosed a listing of ISA Certified Arborists for your use.

I observed Austrian pine, hackberry, Siberian elm, blue spruce, ponderosa pine, pinyon pine, Bolleana poplar, catalpa, and honey locust; around 44 trees in all.

All of the Siberian elms have slime flux (wetwood), a bacterial infection that causes an oozing of sap down the side of the tree. This occurs following a wound such as a broken branch. Normally this condition does not affect the tree's strength, nor does it cause or augment decay in the tree. No treatment exists for this condition. The elms also have European elm leaf beetle damage. The insects eat the chlorophyll out of the leaves. This also does not affect the trees strength, but will affect its vigor over time. These insects may be controlled by sprays.

Although Siberian elm, *Ulmus pumila,* is considered by most people to be a trash species for a variety of reasons, they still provide benefits to the landscape and enhance this property.

There was evidence of some soil excavations around some of the trees. Several large roots had been shredded in the process. This will stress the trees affected. To reduce or eliminate further damage to the trees, I recommend that any trees left in the landscape be protected from construction activities by placing barrier fencing around the trees, at least 10 to 15 feet away from the trunks, but as far away as possible is preferred. This should be discussed with the building contractors emphasizing the need to keep people and equipment away from the trees to reduce impacts.

I also recommend that the final landscaping include mulching around the bases of all trees to a depth of 4 inches. This mulch should be coarse chipper debris (see enclosed article). This is best for the trees. The planting of blue grass under the trees is not recommended. The grass will not perform well in the deep shade, and this will lead to damage from grass trimming equipment such as lawnmowers and weed eaters. Mulched areas should be as wide as possible, with a minimum of ten feet around the base of the trees.

The trees on this site make it beautiful. It would take approximately 50-70 years to grow trees equivalent to these trees. I applaud your efforts to save as many of the trees as possible!

I remain available for further consultation on this matter or other similar situations at 538-5505.

Sincerely,

Tony Dietz
Urban Forestry Coordinator

enclosures

SALT LAKE CITY CORPORATION

PLANNING DIVISION

451 S STATE ST #406
SALT LAKE CITY UT 84111

FAX

Date: June 17, 1997

Number of pages including cover sheet: 121

To: Ken Bronston

Phone:

Fax phone: 366 - 0167

From: Ray McCandless

SLC Planning Division

Phone: (801) 535-7757

Fax phone: (801) 535-6174

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

Staff Report -

Allen • Millo Associates

Architects • Planners

Fax Transmission

Date: 06/05/97 Pages: 1

To: Ray McCandless
Company: SLCC Planner
Fax Number: (801) 535-6174

From: Cathy Owen
Allen/Millo Associates
Fax Number: (801) 532-0930

Subject: Ensign 1,3,4 composite property description.

Bruce B. Allen, Architect • Kenneth C. Millo, Architect
Salt Lake City Office: 366 South 500 East • Salt Lake City, Utah 84102 • (801) 532-5357
Seattle Office: 1416 Post Alley • Seattle, Washington 98101 • (206) 233-0871

OVERALL BOUNDARY DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST LINE OF "F" STREET AND RUNNING THENCE SOUTH 00°00'24" EAST ALONG SAID WEST LINE 404.09 FEET; THENCE WEST 35.58 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35°00'00", 86.74 FEET TO A POINT OF TANGENCY; THENCE NORTH 55°00'00" WEST 178.43 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00", 135.61 FEET; THENCE NORTH 40.00 FEET; THENCE NORTH 00°00'24" WEST 296.86 FEET; THENCE SOUTH 89°51'43" EAST 217.58 FEET; THENCE SOUTH 60°00'00" EAST 200.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.608 ACRES.

GREATER AVENUES COMMUNITY COUNCIL
1112 THIRD AVENUE
SALT LAKE CITY, UT 84103

RECEIVED
JUN 18 1997
CITY PLANNING DIVISION

June 16, 1997

Mr. Ray McCandless
Salt Lake City Planning
451 South State, Room 406
Salt Lake City, UT 84111

Re: Petition No. 410-262, 675 F Street,
Church of Jesus Christ of Latter-day Saints

Dear Ray:

The petitioners in the referenced matter have twice appeared before the Greater Avenues Community Council, and they have met additionally with a committee of Avenues residents to deal with concerns which the community may have.

As of now, there is some question regarding what trees will be on the site when the project is completed. The petitioners are eager to save as many trees as possible, but there is some conflicting information regarding the viability of a number of trees.

Apart from this matter which cannot be addressed officially by the petitioner before the June 19 Planning Commission meeting, the petitioner has been most considerate in addressing the community's concerns, and the GACC unanimously supports the petition.

If it is possible for approval to be conditioned upon the resolution of the tree issue, we'd very much appreciate it. In any event, the GACC looks forward to working with the petitioner as the project moves forward.

Very truly yours,

Thomas F. Rogan, Chair

cc: Ken Millo, architect

Antje / Tom - In our letter and presentation to the Planning Commission regarding the Chapel site, can we ask for the following?

1) Preservation of all trees not directly in the building or parking footprint.

2) Architects site plan provide structural protection (i.e. retaining wall or grading modifications) to protect trees on the edge of the grading required for the parking. That would save two trees on the west and east of the upper terrace.

3) Immediate provision for watering and protection with fences before construction begins.

Jim Bach

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY, FIRE AND STATE LANDS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Arthur W. DuFault
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1594 West North Temple, Suite 3520
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June 12, 1997

James Bach
James Bach and Associates
56 W 400 S, Suite 230
Salt Lake City, UT 84101

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I remain available for further consultation on this matter or other similar situations at 538-5505.

Sincerely,

Tony Dietz
Urban Forestry Coordinator

enclosures

(2)

western garden centers

BLANTZ BROTHERS
TREE MOVERS

May 12, 1997

Mr. Paul B. Nelson
Ensign PM Group
P O B.526424
Salt Lake City,Ut. 84152
{phone:578-6781/fax:578-6661}

re: analysis & recommendations, vis-a-vis, trees @ LDS Church property-- "Old-Vets.' Hosp."

Good Morning:
Pursuant to our conversations of April 28,1997, I have examined the property and the trees at the site,as requested, detailed below is my analysis of those trees in light of the desired use of the site. Enclosed is a outlined map of the trees at the location; each tree is numbered and disposition outlined and indicated as follows, towit:

TREE NO./ TYPE--------/DETERMINATION & REASONS FOR SAME:

#1. Large Pine; Keep: This large tree has many good years ahead of it, if cared for properly. It needs to be cleaned-up, trimmed-up: taking out the dead branching caused by the shade from tree #2. I, also recommend feeding tree with Ross Root-Feeding.

#2. Large Elm; Remove: This Elm shows signs of Borer in the upper scaffolding and scares of "slime-flux". And it is shading #1, which is a far better and more expensive tree, and is longer lived.

#3. & #4. Pines; Keep: Same determination as #1.

#5 thru. #7. Pines; Keep:Though younger than #1,3,4, they are very good trees. Same recommendations as above Pines; plus, #5 has or has had borer. Therefore, I recommend "Ace-capping" the tree. # 7 shows signs of a yellow-bellied sap-sucker's holes. They appear not to be recent. But none-the-less, seems to have with stood the bird's attacks. If said activity continues, Ace-cap it too. And feed as in #1

#8. Maple; Remove: this tree is blocking sun-light from two more expensive trees and needs to come out.

#9. Elm; Remove; Tree though large is blocking sun from tree #4. But, also, has slim-flux and borer in the upper scaffolding making the tree of questionable value and a liability.

#10. Maple; Save. Good tree well placed with no apparent problems, save that it needs to be trimmed-up and dead branching taken out. Feed with Ross Root Feed.

#11. Linden; Save; Very good looking tree with no problems. Feed as indicated in #10.

#12. thru. #19. Elms; Remove: They are severely infected with slim-flux and borer, endangering all the other deciduous trees. The disease is rampant in these trees.

#20. thru. #22. Elms; Remove: They have been recently(last 3 or 4 years) infected with slim-flux disease. To keep these trees--Elms so infected--costs more than these "trash-trees" are worth. Besides, these 3 Elms are pushing and will ultimately ruin the stand of Spruce on your property,viz., #23 thru. #26.

#23. thru. #26. Spruce; Save: Here, again, you have some young trees coming along that will add real beauty to that corner and is in keeping with the neighbor's stand of spruce, just outside fence. These four trees need to be cleaned-up and trimmed a little. They, also, need feeding and spraying for mites. Recommend spraying with Kelthane. and the use of Dyston 2% at the base of each.

#27. Fastigate Poplar; Remove: This tree is very close to dying of disease and borer and can only serve as a source of corruption for the other trees.

western garden centers

#28. Poplar; Save: This tree seems healthy and as not succumb to the problems of it's neighbor #27. It does need to be Ross-Root Fed; Trimmed-up and cleaned-up.
#29.thru.#31. Elm; Remove: These three trees are ill-placed, infected with slime-flux, and #31, seems to have borer beginning in the upper reaches of the tree.
#32. Elm; Remove: This tree appears to have been a volunteer and is infected.
#33. Elm; Remove: This tree is improperly placed and a volunteer that is interfering with your neighbor's linden tree. As to that: your neighbor to the north has, as we discussed placed several trees too close to the retaining-wall and is at some places deteriorating the integrity of same.
#34. Tree is dead: Remove. I ascertained that it died of borer infestation.
#35. Poplar; Save: Good tree; no problems. Trim & clean-up and fertilize.
#36. Poplar; Save: same as #35.
#37. thru. #39. Elms; Remove: These trees are volunteers that are ill-placed and are diseased. They are not worth keeping. Too many problems attend these type trees, and will cost far more that their utility deserves.
#40. Elm; Save: Un-like the others, this tree is in a fairly decent position and seems not to have any disease or insect infestations. It does need to be pruned-up, and cleaned-up, and fed.
#41. Pinion Pine; Save: Tree is in good condition. The trunk at the south-base-side has an old injury, but it seems not to have effected it. Tree needs to be cleaned-up and fed. It would be to your benefit to spray it and other conifers with a good insecticide.
#42. thru. #45. Canaerti Junipers (Juniperus virginianna Canaerti): Save all, but #44 that is between #43 & #45. This #44 is causing #43 and #45 to "brown" on the side abutting #44; this because they are too crowded. Then having removed #44, all the rest are in great shape! Canaerti's are great small trees and beautiful to boot! Rich dark green, heavily tufted foliage, very attractive and extremely hardy and tough. Ultimate height, 25 feet. These trees need to be cleaned-up and trimmed a little, and "Ace-capped" and sprayed with Ultra-fine oil mixed with Diazinon 25%, three times 3-weeks apart. They have spider-mites and scale. These junipers are of great worth in terms of beauty and type.
#46. Cutleaf Maple; Remove: This tree has borer, but still worse, it manifests the symptoms of Verticillium-Wilt disease [V. albo-atrum]. It should be pointed out that maples and elm are highly susceptible to this disease. Please, when removing, be careful not the spread the disease by "sloppy" tree removal procedures and carelessness on the part of the workers. After the take-down, I would recommend using Consan-20 to purify the ground area from under where the tree's canopy was and then out to 4 feet beyond that point.

And with this disease's apparent presence at the site, I would recommend resistant shrubs and trees, like all of the gymnosperms, including conifers such as pine and spruce. Other plants that exhibit resistance to this disease: crabapple, mountain ash, beech, birch, boxwood, dogwood, sweet-gum, hawthorn, holly, honeylocust, oak, pear, London planter and sycamore, rhododendrons, willow, zelkova. The red Maple cultivars: Armstrong, Autumn Flame, Bowhall, October Glory, and Red Sunset, Scarlet and Schlessinger have all been reported as resistant.

Also, note: someone has been "back-hoeing" under and too close to the good trees. Please, this will serve only as a detriment to those trees.
The care and fertilizing of these trees that are to remain is very important. The quicker you get someone out there doing the recommended procedures to the good trees the better.
If I can be of further service in this matter or any other, please, don't hesitate to call me. The invoice is attached to this analysis, along with the outlined map of the trees.

Yours truly,

Garden Consultant–*WESTERN GARDEN CENTERS.*

Office and Salt Lake Store • 550 So. 600 Ea. • Salt Lake City, Utah 84102 • 364-7871
West Valley • Sandy • Holladay • Orem

JOHN D. HISKEY
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
DIVISION OF TRANSPORTATION

DEEDEE CORRADINI
MAYOR

RECEIVED
JUN 16 1997
CITY PLANNING DIVISION

June 13, 1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: L.D.S. Church "F" Street 675 North Petition #410-251 follow up review.

Dear Ray:

The Division of Transportation Traffic review comments and recommendations are as follows:

Past history of this area was the Hospital that has been relocated to Medical Drive and thus has reduced the overall traffic in this area. The subject of traffic impact generation with the Church Development should be of no consequence . 11th Avenue just to the south is a collector class roadway and the peek traffic flow will be on Sunday with no other generators to contend with in this area.

Sincerely,

Barry D. Walsh

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
file

333 SOUTH 200 EAST, SUITE 201, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-6630 PARKING ENFORCEMENT: 801-535-6628 FAX: 801-535-6019

RECYCLED PAPER

cc:Mail for: Ray McCandless

Subject: LDS Church F St
From: Barry Walsh 6/13/97 12:21 PM
To: Ray McCandless at CCMacMail

June 13,1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: L.D.S. Church "F" Street 675 North Petition #410-251 follow up review.

Dear Ray:

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Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
file

JOHN D. HISKEY
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
CITY ENGINEERING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 21
CITY PLANNING DIVISION

TO: RAY McCANDLESS

FROM: SCOTT WEILER SHW

DATE: MAY 21, 1997

SUBJECT: **LDS Church at 675 North "F" Street**

City Engineering review comments are as follows:

1. No curb, gutter or sidewalk exists on the west side of "F" Street along the frontage of the site. New curb, gutter and sidewalk must be installed to align with the existing curb, gutter and sidewalk on the west side of "F" Street south of 13th Avenue.

2. Capital Park Avenue is under construction adjacent to the south property line of the proposed project and will be paved this summer. If connection to the new water line in Capital Park Avenue is desired, it should be done immediately to avoid cutting the new pavement. Sewer must be served from "F" Street since there is no sewer line in Capital Park Avenue.

3. Storm drainage must be reviewed by SLC Public Utilities. On-site detention of storm runoff might be required.

4. The developer must have an access agreement to use Capital Park Avenue (a private street) since this will be controlled and maintained by the homeowners of the Capital Park Subdivision.

5. Prior to installing any improvements in the public way, a permit must be obtained.

cc: Rick Johnston
Joel Harrison
Kevin Young
Jeff Niermeyer
Harry Ewing
Vault

324 SOUTH STATE STREET, SUITE 310, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7961 FAX 801-535-6093

RECYCLED PAPER

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 14 1997
PUBLIC UTILITIES

MEMORANDUM

To: Laurel Bateman - Public Utilities
From: Ray McCandless, Principal Planner
Date: May 13, 1997
Subject: LDS Church at 675 North F Street (13th Avenue)

Laurel,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is **535-7282.**

Thanks

TO: **LAUREL BATEMAN**

DEPARTMENT: **PUBLIC UTILITIES**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

SALT LAKE CITY CORP. - PUBLIC UTILITIES
PRELIMINARY REVIEW AND RECOMMENDATION FORM - DRAFT

EWO: 3396 *Review Type:* Preliminary *Login Date:* 5/14/97 *EWO Date:* 5/14/97 *Date Completed:* 5/19/97

Project Title: LDS CHURCH

Project Location: 675 North F Street

Previously Developed No *Previous Master Plan:* No

Annexation Req'd: No *Number of Lots:* 1 *Number of Units:* 1 *Acreage:* 2.93

P&Z Contact: Ray McCandless *Contacts Phone:* 535-7282 *Subdivision Type:* Residential

Developer: Corp. of P.B. of Church of J.C. of L.D.S *Developer's Phone*

Developer's Address 50 East North Temple Street 84150-0002

Developers Engineer Allen Millo 366 South 500 East #201 84102 *Engineers Phone:* 532-5357

Engineers Contact: Allen Millo

Easement Comments: *Easements Needed:* No

No Problems

Water System Information

Water Main Ext. Req'd: No *Water Project No:* *Public System?:* Ye *Platted On Map #:* A-22

Tap on Extension: Exist 8" Tyt Duc 35-4056

Watermain Ext. Size Req'd: Exst 8" Ty *Min. Service Size:* 1"

Fire Flow Information

Flow Test Date: *Static Pressure:* *Residual Pressure:* *Test Flow:*

Flow @ 20 psi: *Location Flow Test:*

Flow Problems: Do Not Know

Water Comments:

Final Approval subject to results of fire flow test to be conducted and approval from Salt Lake City Fire dept.

Sanitary Sewer System Information

Sewer Main Ext. Req'd. *Sewer Project No.:* *Sewer Plat Book:* *Page No.:* *Model Link:*

Exist. Pipe Size/Type: *Exist. Pipe Flow:* *Exist. Pipe GPM:*

Proposed GPM: *New Liftstation Req'd?:* *Downstream Liftstations?:*

Current Liftstation Cap.: *Total GPM into Exist. LS.:*

Sanitary Sewer Comments

Storm Drain System Information

Storm Drain Ext. Req'd.: *SD Project No.:* *SD Map No.:* *Pipe No.:*

FEMA Flood Zone: *Map* *Effective Date:* *On-Site Detention Req'd.:*

Discharge Allowed: *Discharge Location*

Storm Drain Comments

SALT LAKE CITY CORP. - PUBLIC UTILITIES
PRELIMINARY REVIEW AND RECOMMENDATION FORM - DRAFT

EWO: 3396 *Review Type:* Preliminary *Login Date:* 5/14/97 *EWO Date:* 5/14/97 *Date Completed:* 5/19/97

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Previously Developed No *Previous Master Plan:* No

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Developer's Address 50 East North Temple Street 84150-0002

Developers Engineer Allen Millo 366 South 500 East #201 84102 *Engineers Phone:* 532-5357

Engineers Contact: Allen Millo

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No Problems

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Fire Flow Information

Flow Test Date: *Static Pressure:* *Residual Pressure:* *Test Flow:*

Flow @ 20 psi: *Location Flow Test:*

Flow Problems: Do Not Know

Water Comments:

Final Approval subject to results of fire flow test to be conducted and approval from Salt Lake City Fire dept.

Sanitary Sewer System Information

Sewer Main Ext. Req'd. *Sewer Project No.:* *Sewer Plat Book:* *Page No.:* *Model Link:*

Exist. Pipe Size/Type: *Exist. Pipe Flow:* *Exist. Pipe GPM:*

Proposed GPM: *New Liftstation Req'd?:* *Downstream Liftstations?:*

Current Liftstation Cap.: *Total GPM into Exist. LS.:*

Sanitary Sewer Comments

Storm Drain System Information

Storm Drain Ext. Req'd.: *SD Project No.:* *SD Map No.:* *Pipe No.:*

FEMA Flood Zone: *Map* *Effective Date:* *On-Site Detention Req'd.:*

Discharge Allowed: *Discharge Location*

Storm Drain Comments

Salt Lake City Corporation
Public Utilities

ENGINEERING WORK ORDER

EWO DATE: **5/19/97** PROJECT NO.: **410-251** EWO NO.: **3284** SUP.: **B**

PROJECT TITLE:
LDS CHURCH SITE - ENSIGN WARD

RECEIVED
MAY 21 1997
CITY PLANNING DIVISION

PROJECT LOCATION:
675 NORTH "F" STREET

PROJECT DESCRIPTION
REVIEW NEW INFORMATION WITH THE LAST REVIEW. CALL PLANNING AND ZONING SEE WHAT IS GOING ON WITH THIS SITE.

ACTIVITY REQUESTED: **REVIEW**
AGENCY REQUESTING **SLC P & Z**

REQUESTED BY: **JOEL PATERSON**
PHONE NO.: **535-6141**

PERSON TO CONTACT: Ray McCandalss
PHONE NO.:

WORK ORDER GIVEN TO **N NEFF**
PHONE NO.: **483-6783**
DATE ASSIGNED: **5/19/97**

Approvals -

Technician: Nelson Neff Completed: 5-21-97 Hours: 1

Technician(2): _____ Completed: _____ Hours _____

Vehicle Usage - Vehicle No. _____ Vehicle Mileage: _____

Water Engineer: _____ Date _____

Sanitary Sewer Engineer: _____ Date _____

Storm Drain Engineer: _____ Date _____

Accounting Use Only	
Total	
Total	
Total	
Grand Total	

Water Comments - you need to send us a set of corrected Utilities Drawings, as we previously sent the corrections needed, no Utilities shown.

Sewer Comments - need previous redline corrections

Storm Drain Comments - need drainage calculations, show how water is to get to road C & Gutter etc.

General Comments -

"Completed" stamp goes here

Effective Sept. 1, 19

cc:Mail for: Ray McCandless

Subject: LDS Church Proposal "F" st
From: Barry Walsh 5/15/97 10:50 AM
To: Ray McCandless at CCMacMail

May 15,1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: LDS Church proposal Allen Miffo Arch's at 675 North "F" Street.

Dear Ray:

The Division of Transportation review comments and recommendations are as follows:

We have reviewed the site for petition 410-251 a similar proposal. The new proposal is as follows:

1) Public way improvements are required along the "F" street frontage with curb face to be 20 feet from the monument line and sidewalk at back of curb to match the roadway to the south.
2) Indicate new driveway to city standards, type CD-03-03, and grades for staging area before entering roadway.
3) Private access agreements need to be stated for the driveway on the south property line.
4) Indicate transition grades for the driveway accessing the private roadway.
5) The parking lots are within acceptable grades of 4% cross slope and 6% in line slope. The grades at the ADA parking stalls must be 2% maximum in both directions.
6) Pedestrian access has been provided from the building to the public way.

Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
file

cc:Mail for: Ray McCandless

Subject: LDS Church Proposal "F" st
From: Barry Walsh 5/15/97 10:50 AM
To: Ray McCandless at CCMacMail

May 15,1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: LDS Church proposal Allen Miffo Arch's at 675 North "F" Street.

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Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
file

SALT LAKE CITY CORPORATION

PLANNING DIVISION

451 S STATE ST #406
SALT LAKE CITY UT 84111

FAX

Date: 5/8/97

Number of pages including cover sheet: 1

To:
Ken Miller / Kathy Owen

Phone:

Fax phone: 532-0930

From:
Ray McCandless
SLC Planning Division

Phone: **(801) 535-7757**

Fax phone: **(801) 535-6174**

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

Amended Zoning Review Correction Sheet.
See #9.
Thanks. & Thank You For Providing the Elevation Drawings.

SALT LAKE CITY BUILDING SERVICES & LICENSING

Zoning Review Correction Sheet

Log Number: NL Cond. Use Ray M. Prelim. Date: 5-5-97

Zoning District: FR-3 Reviewer: Larry Butcher Phone #: 7645

Project Name: Ensign Ward.

Project Address: 13th Ave - "F" St.

Flood Plain Checked ✓ Yes ___ No Street Map checked ___ Yes ✓ No

Avigation Easement required ___ Yes ✓ No Subdivision checked ___ Yes ✓ No

Proximity to a Fault ___ Yes ✓ No

Number	Violations and/or Plan Corrections Needed:
1.	Salt Lake City Public Utilities must approve development projects. Obtain information regarding utility hook-ups, fees, and approval criteria by calling (801) 483-6787
2.	Any work conducted in the public way will require a separate permit from the Salt Lake City Engineering Division.
3.	What is Lot Size? Over 4 Acres?
4.	20' Setback Req'd Along New Road
5.	Grade Changes Exceed 4' in yard Areas and 6' in buildable Areas.
6.	Unable to Determine Height of Building.
7.	Landscape Plan Not Provided.
8.	Parking Calc's Not Provided.
9.	Parking Not Allowed Between Front Line of Bldg and Property Line.

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

MEMORANDUM

To: Larry Butcher, Building Permits and Licensing

From: Ray McCandless, Planning RM

Re: Ensign Ward, LDS Church at F Street and 13th Avenue

Date: April 25, 1997

Larry,

The LDS Church is requesting Conditional Use approval for a proposed church on F Street. The accompanying site plan has been provided to us as part of the Conditional Use application. Please conduct a zoning review on this project and let me know what concerns you have. Elevation drawings of the building have not been provided, but as we discussed earlier, a height exception will need to be granted.

Thanks.

Larry - Please return the original - thanks. Ray

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

SALT LAKE CITY CORPORATION

PLANNING DIVISION

451 S STATE ST #406
SALT LAKE CITY UT 84111

FAX

Date: 5-5-97

Number of pages including cover sheet: 1

To:

KATHY OWEN / KEN MILO

Phone:

Fax phone: 532-0930

From:

RAY MCCANDLESS

SLC Planning Division

Phone: **(801) 535-7757**

Fax phone: **(801) 535-6174**

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

PLEASE WORK DIRECTLY WITH LARRY BUTCHER TO ADDRESS THESE CONCERNS.

THANK YOU.

SALT LAKE CITY BUILDING SERVICES & LICENSING

Zoning Review Correction Sheet

Log Number: NL Cond. Use Ray M. Prelim. Date: 5-5-97

Zoning District: FR-3 Reviewer: Larry Butcher Phone #: 7645

Project Name: Ensign Ward

Project Address: 13th Ave - "F" St.

Flood Plain Checked ✓ Yes ___ No Street Map checked ___ Yes ✓ No

Avigation Easement required ___ Yes ✓ No Subdivision checked ___ Yes ✓ No

Proximity to a Fault ___ Yes ✓ No

Number	Violations and/or Plan Corrections Needed:
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2.	Any work conducted in the public way will require a separate permit from the Salt Lake City Engineering Division.
3.	What is Lot Size? Over 4 Acres? 3.42
4.	20' Setback Req'd Along New Road
5.	Grade Changes Exceed 4' in yard Areas and 6' in buildable Areas.
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7.	Landscape Plan Not Provided.
8.	Parking Calc's Not Provided.

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 15 1997
CITY PLANNING DIVISION

MEMORANDUM

To: Blaine Collins - Fire
From: Ray McCandless, Principal Planner
Date: May 13, 1997
Subject: LDS Church at 675 North F Street (13th Avenue)

Blaine,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is **535-7282.**

Thanks

Proposed Installation
Acceptable to
Salt Lake City Fire Dept.
Plans Examiner
Date 5/15/97
By
With the following changes

THE APPARATUS ACCESS ROADS APPEAR TO MEET OUR REQS. REQD. FIRE FLOW, NUMBER, LOCATION, + SPACING OF HYDRANTS SHALL BE DETERMINED WHEN ARCHITECTURAL PLANS ARE SUBMITTED FOR REVIEW

TO: **BLAINE COLLINS**

DEPARTMENT: **FIRE**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

JOHN D. HISKEY
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
DIVISION OF TRANSPORTATION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 15 1997
CITY PLANNING DIVISION

May 15, 1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: LDS Church proposal Allen Miffo Arch's at 675 North "F" Street.

Dear Ray:

The Division of Transportation review comments and recommendations are as follows:

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6) Pedestrian access has been provided from the building to the public way.

Sincerely,

Barry D Walsh

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
file

333 SOUTH 200 EAST, SUITE 201, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-6630 PARKING ENFORCEMENT: 801-535-6628 FAX: 801-535-6019

RECYCLED PAPER

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

MEMORANDUM

To: Kevin Young - Transportation
From: Ray McCandless, Principal Planner
Date: May 13, 1997
Subject: LDS Church at 675 North F Street (13th Avenue)

Kevin,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is **535-7282.**

Thanks

TO: **KEVIN YOUNG**

DEPARTMENT: **TRANSPORTATION**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

ALLEN • MILLO ASSOCIATES
Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

DATE:	JOB NO.
June 5, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

TO: Salt Lake City Corporation

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
1	06/05/97		Letter of support - signed copy from North Pointe Condo Assoc.

THESE ARE SENT: Hand delivered.

REMARKS:

. Please let us know if we can be of further assistance.

Cathy Owen

COPIES TO:

TRANSMITTAL

SIGNED

ALLEN • MILLO ASSOCIATES
Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

DATE:	JOB NO.
May 6, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

TO: Salt Lake City Corporation

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
8	05/06/97		Building Elevations
8	05/06/97		11x17 plans

THESE ARE SENT: Hand delivered.

REMARKS:

. Please let us know if we can be of further assistance.

COPIES TO:

TRANSMITTAL

SIGNED Cathy Owen

ALLEN • MILLO ASSOCIATES
Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

RECEIVED
MAY 28
CITY PLANNING DIVISION

TO: Salt Lake City Corporation

DATE:	JOB NO.
May 28, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
1	05/28/97		Building Elevations

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REMARKS:

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Cathy Owen

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Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

DATE:	JOB NO.
June 10, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

TO: Salt Lake City Corporation

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
1	06/10/97		Site Plan and Western Garden Tree Report

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REMARKS:

. Please let us know if we can be of further assistance.

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SIGNED

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
JUN 12 1997
CITY PLANNING DIVISION

June 4, 1997

NOTICE OF PUBLIC HEARING

The Salt Lake City Planning Commission has received Petition 410-262 from the Church of Jesus Christ of Latter-Day Saints requesting conditional use approval to construct a new church at approximately 675 North F Street. The church will be oriented toward Capitol Park Avenue, a future private street with parking to the west and north sides of the building. Minor subdivision approval also is being requested to realign the south property line to better reflect the proposed alignment of Capital Park Avenue. The caretaker's residence for the former Veterans Administration Hospital will be demolished to accommodate the new church. Zoning on this property is Foothills Residential, FR-3/12,000.

This request also requires a special exception from the Salt Lake City Board of Adjustments to allow the building height to exceed the maximum height allowed by the FR-3 zoning district. The proposed building height is 44 feet above grade near the south end of the building where 28 feet is allowed in the FR-3 zone. The height of the steeple is 62 feet. This meeting is scheduled for June 23, 1997. Please contact Mr. Merrill Nelson at 535-6183 if you are interested in further details.

The Planning Commission will be holding an informal hearing to accept public comment on:

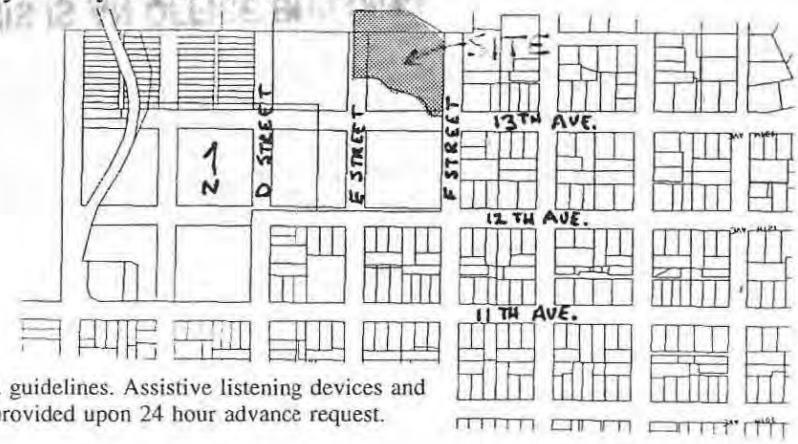
June 19, 1997
Salt Lake City County Building
451 South State Street
Room 126
6:10 P.M.

If you have any questions, comments or wish to view the proposal, you may do so at that time. If you have additional questions, you may contact me at 535-7282.

Respectfully,

Ray McCandless

Ray McCandless
Principal Planner



We comply with all ADA guidelines. Assistive listening devices and interpretive services provided upon 24 hour advance request.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

June 4, 1997

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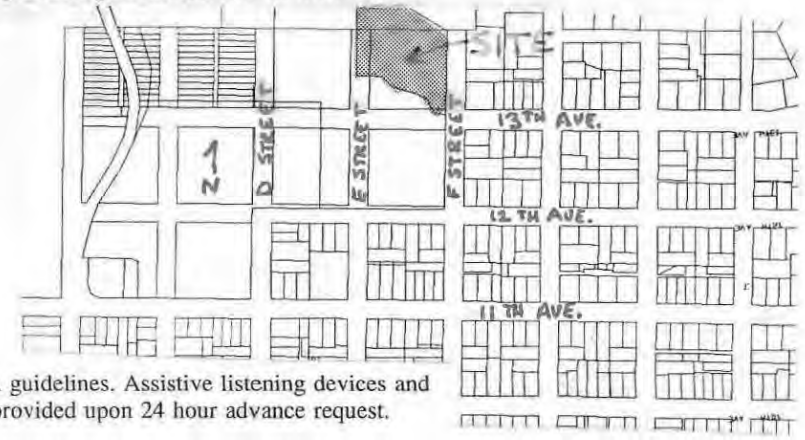
Ray McCandless

Ray McCandless
Principal Planner



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451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

LDS CHURCH 675 N. F STREET

Sheet 1 of 3

675 N. F STREET

Richard Leader
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Kathy Legare
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Salt Lake City, UT 84103

Elizabeth Lindsey
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Salt Lake City, UT 84103

Robert Mackie
685 N "G" Street
Salt Lake City, UT 84103

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Salt Lake City, UT 84103

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801 N Juniperpoint Drive
Salt Lake City, UT 84103

Richard Maneval
829 N Grandridge Drive, #41B
Salt Lake City, UT 84103

Max McCormick
803 N Grandridge Drive
Salt Lake City, UT 84103

Derek Metcalfe
813 N Juniperpoint Drive
Salt Lake City, UT 84103

Kenneth Millo
366 South 500 East, #201
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Elyce Mouskondis
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Salt Lake City, UT 84103

Ruth Newman
849 N Juniperpoint Drive
Salt Lake City, UT 84103

Property Owner
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Salt Lake City, UT 84103

Property Owner
798 N Northpoint Drive
Salt Lake City, UT 84103

Park City Const. Co. Inc. Et Al
36 South State St., #100
Salt Lake City, UT 84136

Park City Const. Inc, Et. Al
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Salt Lake City, UT 84103

Derrill Richards
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Salt Lake City, UT 84103

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Danville, CA 94526

Leo Sant
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Salt Lake City, UT 84101

Clara Sears
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Salt Lake City, UT 84130

Charles Sherman
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Salt Lake City, Ut 84103

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Salt Lake City, UT 84103

Philip Sonntagg
150 East 2100 South
Salt Lake City, UT 84115

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Salt Lake City, UT 84103

Elva Spencer
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Salt Lake City, UT 84103

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LDS CHURCH 675 N. F STREET

Sheet 2 of 3

675 N. I STREET

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Salt Lake City, UT 84103

Nancy Cook
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Corp of PB of CH JC of LDS
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Salt Lake City, UT 84150

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Salt Lake City, UT 84103

John Dencker
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Salt Lake City, UT 84103

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Salt Lake City, UT 84103

Catherine Dixon
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Eagle Capital Group LC
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Salt Lake City, UT 84124

John Fehr
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Salt Lake City, UT 84103

Patricia Gay
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Salt Lake City, UT 84103

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Farmington, UT 84025

Golden Oak Homes Inc.
10880 S Savannah Drive
Sandy, UT 84094

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Salt Lake City, UT 84103

Gerny Hayes
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Salt Lake City, Ut 84103

Eldon Hugie
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Salt Lake City, UT 84103

Judith Jardine
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Salt Lake City, UT 84103

Brian Kammerath
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Salt Lake City, UT 84121

Michael Keams
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Salt Lake City, UT 84103

Wilford Kirton
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Salt Lake City, UT 84103

Albert Kubota
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Salt Lake City, UT 84103

LDS CHP 615 N. F STREET

Sheet 393

675 N. F. STRE

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700 NE Multnomah St., #700
Portland, OR 97232

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Salt Lake City, UT 84103

Lillian Wright
669 N "G" Street
Salt Lake City, UT 84103

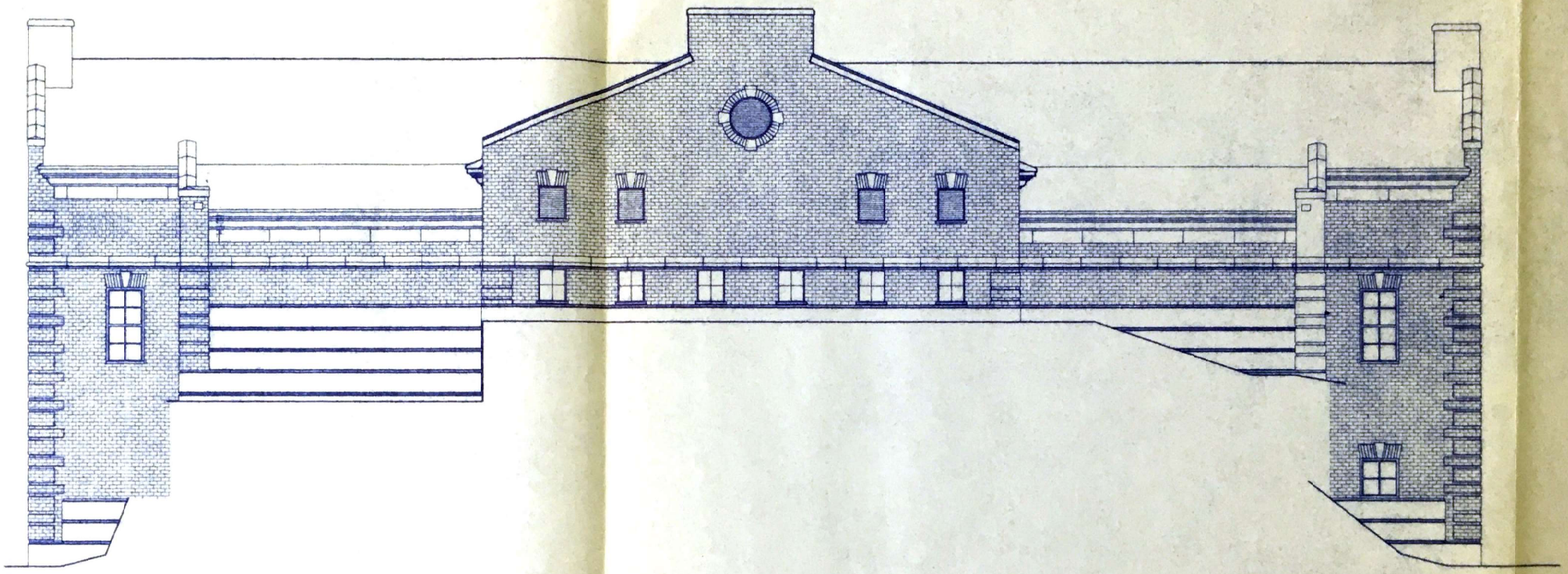
Eugene Zanoli
742 N Richland Drive
Salt Lake City, UT 84103

CHURCH OF JESUS CHRIST OF L.D.S.
50 E. NORTH TEMPLE ST. #
SLC, UT 84150

KEN MILLO
ALLEN . MILLO ASSOCIATES
366 SOUTH 500 EAST
SUITE 201
SLC, UTAH 84102

EXHIBIT E

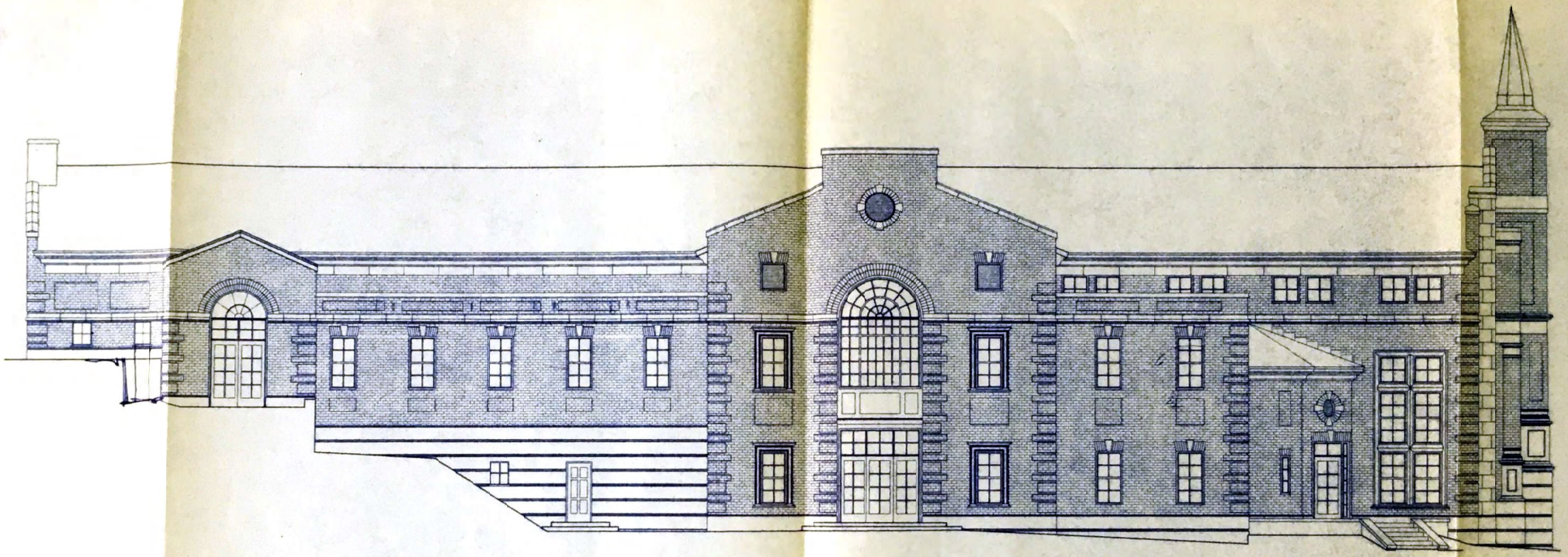
Elevation Plan for the Church's Meetinghouse



NORTH ELEVATION

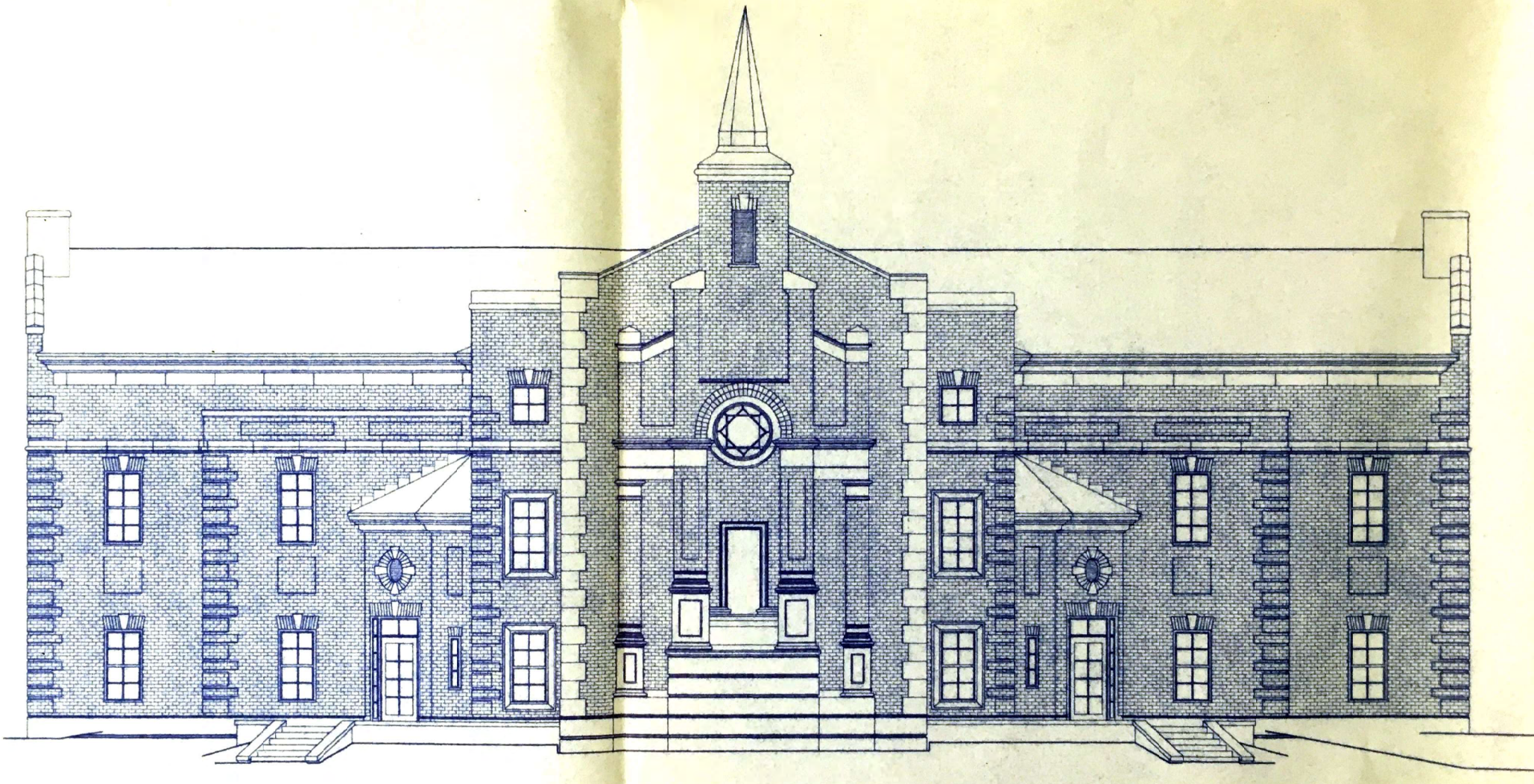
SCALE: 1/8"=1'-0"

B A-7



WEST ELEVATION (A) A-7

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



SOUTH ELEVATION

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

B

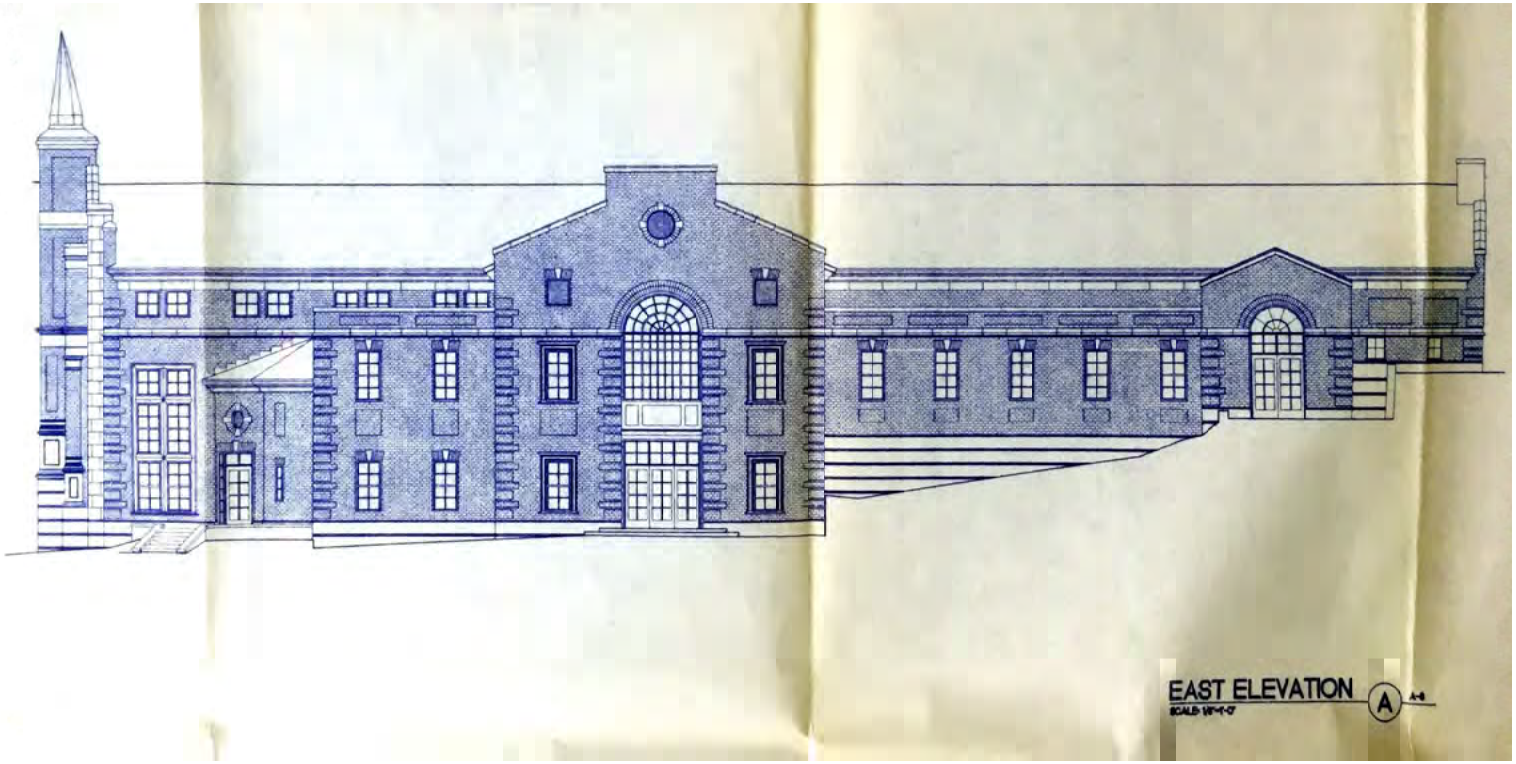
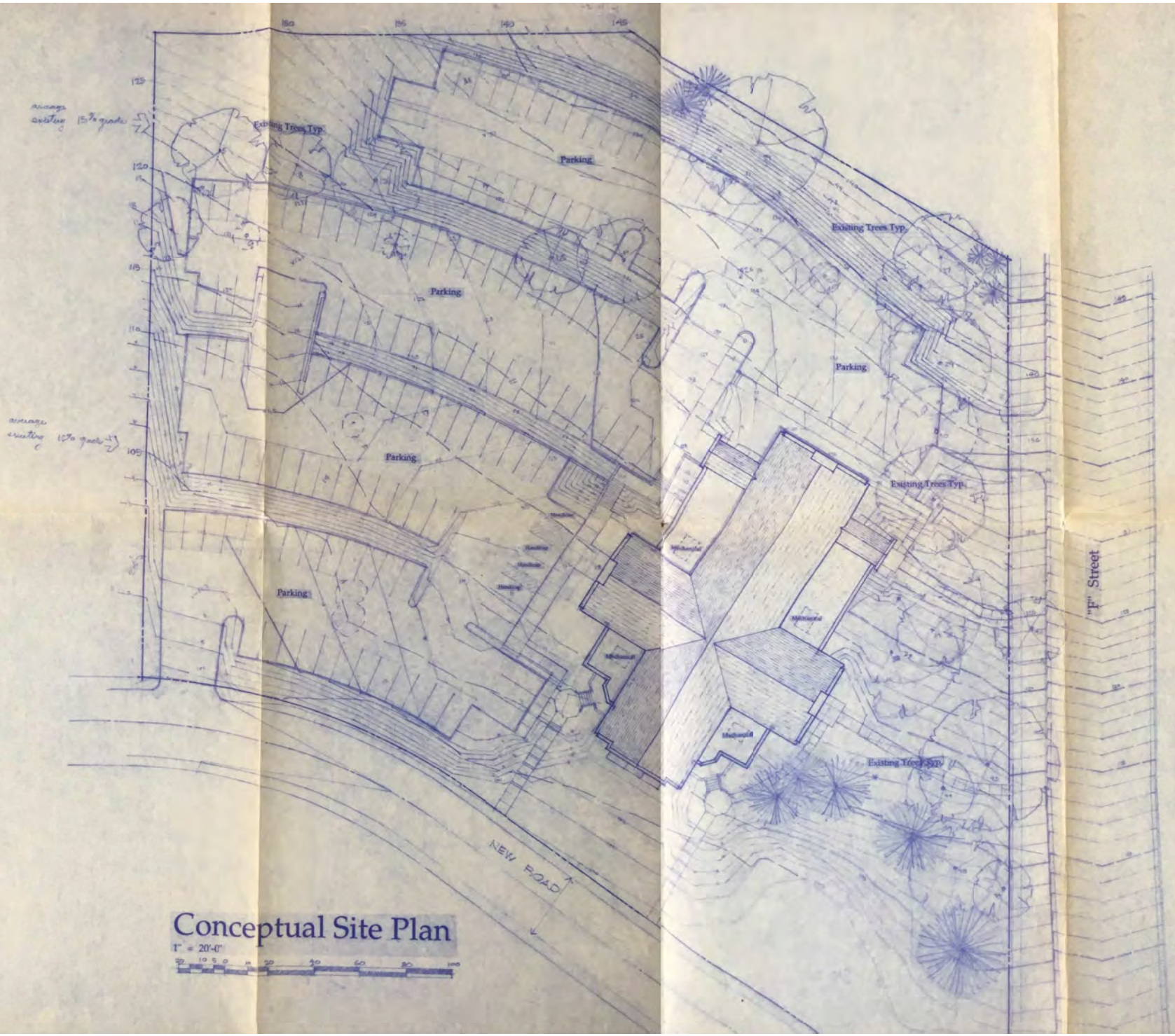

EAST ELEVATION
A

EXHIBIT F

Meetinghouse Site Plan



Conceptual Site Plan

1" = 20'-0"

Allen·Miller
Architecture • Interiors • Planning

EXHIBIT G

Density/Intensity Analysis

Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.

1). Summary

The above referenced ordinances require that development intensity, building coverage, bulk, scale, occupancy, traffic generation and parking requirements be consistent with and similar to neighboring uses. To quantitatively assess if Ivory's proposed development meets these requirements, Avenues residents have conducted a detailed analysis of the ten closest blocks in the SR-1 zone. Each of the key design elements impacting development intensity has been measured for the 140 homes in these ten blocks utilizing the Salt Lake County Assessor database and interactive map, and these were then compared with those for Ivory's proposal. These design elements include (1) Above Grade Size of each home, (2) Number of Stories, (3) Number of Duplexes, (4) Spacing Between Buildings, (5) Front Setback, (6) Rear Setback, (7) Building Lot Coverage, (8) Occupancy and (9) Traffic Generation.

A comparison of these key metrics impacting development intensity, for the established neighborhood and Ivory's proposal, is shown in Fig.1 on the following page. Inspection of this data shows that on every key metric Ivory's proposal grossly exceeds that for the existing neighborhood. If one applies an equal weighting to each of the design elements impacting development intensity, then Ivory's proposed development is a staggering 2.65 times or 265% that for the neighborhood and completely fails to meet the criteria required by ordinance that new development "*be consistent with and and similar to neighboring uses.*"

This detailed quantitative analysis clearly demonstrates that Ivory's proposal does not meet the requirements of 21A.62.040, 21A.24.080 or 21A.55.010, contrary to law. Ivory's highly congested development with large, 90 feet long, two-story buildings, closely crammed together with shrunken setbacks and no yards, is in fact unrecognizable as belonging to the Avenues.

This analysis has been reviewed by Land Use Attorneys Craig Smith and Ethan Smith of Smith Hartvigsen who agree with the conclusion of this analysis. A letter from them to this effect is included on page 3.

FIGURE 1.

ANALYSIS OF IVORY PROPOSAL VERSUS THE ESTABLISHED NEIGHBORHOOD

	NEIGHBORHOOD	IVORY	MULTIPLE
DWELLINGS	14	42	3X
TRAFFIC GENERATION (Number of vehicles)	28	84	3X
ABOVE GRADE SIZE OF HOUSES (sq ft)	1863	3629	2X
NUMBER OF TWO-STORY BUILDINGS %	25%	100%	4X
NUMBER OF DUPLEX'S %	1.5%	67%	45X
DISTANCE BETWEEN BUILDINGS (Feet)	27	10	2.7X
FRONT SETBACK (Feet)	21.1	15	1.4X
REAR SETBACK (Feet)	45.6	13	3.5X
BUILDING LOT COVERAGE (DEVELOPED) %	20.8	48.5	2.3X
BUILDING LOT COVERAGE (GROSS) %	20.8	34	1.6X

DEVELOPMENT INTENSITY NEIGHBORHOOD 1.0
DEVELOPMENT INTENSITY IVORY 2.65

IVORY'S DEVELOPMENT INTENSITY IS 265% THAT OF THE NEIGHBORHOOD

Notes.
1). Equal weighting given to each element. In fact, there is a compounding effect to the visual perception of scale and intensity such that this is an underestimate of the comparative scale and intensity.
2). Gross building lot coverage utilized since this is the planned development criteria. This is favorable to Ivory.
3). The impact of the large number of duplexes has been omitted from the calculation as the difference is so great this would distort the comparison. This again is favorable to Ivory.
4). Number of vehicles estimated at two per dwelling in all cases.
5). Parking intensity has been omitted from the calculation of Development Intensity as no suitable metric could be determined. Nonetheless, parking requirements grossly exceed those for the established development. Insufficient and inconvenient parking will be highly problematic. See later.
5). Detailed spreadsheets showing an analysis of each element for each lot and house, in each block, plus the analysis of Ivory's development is available on request. These have been omitted to reduce the file size to a manageable level.

SMITH HARTVIGSEN PLLC
ATTORNEYS AT LAW

J. CRAIG SMITH
[redacted]

ETHAN M. SMITH
[redacted]

January 18, 2024

PRESERVE OUR AVENUES
ZONING COALITION
c/o Peter Wright [redacted]

Via Email [redacted]

Re: Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.

I have reviewed the above-referenced memorandum ("**Memorandum**") prepared for the Salt Lake City Planning Commission in regard to Petition: PLNPCM2020-00334/00335 ("**Petition**"). It is my legal opinion that the analysis in the Memorandum is correct and demonstrates that Ivory Development, LLC's proposal to the Salt Lake City Planning Commission is not in compliance with Salt Lake City Municipal Ordinance 21A.62.040. The Petition as it is not within the definition of compatible land use, does not meet the requirements of compatibility for the SR-1 Zone as defined in Salt Lake City Municipal Ordinance 21A.24.080, or the compatible use for a planned development as defined in Salt Lake City Municipal Ordinance 21A.55.010.

The Memorandum correctly analyzes the Petition and interprets Utah law and Salt Lake City Municipal Ordinances.

Respectfully submitted,

SMITH HARTVIGSEN, PLLC

J. Craig Smith
Ethan M. Smith

2). Review of Applicable Ordinances

21A.62.040 Definitions.

21A.62.040 defines Compatible Land Use as shown below.

COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

21A.24.080 Purpose Statement.

The Purpose Statement for the SR-1 zone 21A.24.080 reads as follows:

A. Purpose Statement: The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. (Emphasis added).

While the planned development ordinance, 21A.55.020 Authority, gives the Planning Commission the ability to *"change, alter, modify or waive"* provisions of the relevant district ordinance it must also comply with the Purpose Statement for the district ordinance, as required in 21A.55.010, shown below:

21A. 55.010 Purpose Statement

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives. A planned development will result in a more enhanced product than would be achievable

*through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments..(*Emphasis added)

Furthermore, the planning commission has no authority to waive definitions contained in 21A.62.040 which are essential to the reading, understanding and interpretation of all ordinances.

Does not Conform to the Requirements of 21A.62.040, or 21A.24.080, or 21A 55.010. Contrary to Law.

Ivory's application for a planned development makes so many changes to density, building characteristics, setbacks, building lot coverage and building spacing, that it creates a development that is *"not compatible with the existing scale and intensity of the neighborhood* " as required in 21A.24.080, nor with the requirement in 21A.55.010 that," *it be compatible with adjacent and nearby land developments..",* nor is it in compliance with 21A.62.040 which requires *"A use of land and/or buildings that, in terms of development intensity, building coverage, design, bulk and …is consistent with and similar to neighboring uses..".* Indeed, this development is unrecognizable as belonging to the Avenues and fails to *"preserve the existing character of the neighborhood."* as required in 21A.24.080.

Additionally, Ivory's proposal does not conform with the provisions of 21A.62.040 with regards to occupancy, traffic generation and parking requirements, *"...occupancy, traffic generation, parking requirements, …. is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings."*

21A.64.040. Compatible Land Use.

The provisions of 21A.64.040 may be broken down into three sections as highlighted below with different colors. Ivory's application fails to comply with each of these three sections.

COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

Section 1). *"...in terms of development intensity, building coverage, design, bulk…."*. This section of 21A.64.040 is essentially the same as the requirements of 21A.24.080 and 21A.55.010 and is considered in section 3.

Section 2). *"...occupancy, traffic generation, parking requirements.",* is considered in section 4.

Section 3). *"...adversely affect the quality of life of persons in surrounding and nearby buildings…"* is considered in section 5.

Bulk, Scale and Intensity.

21A.62.040, 21A.24.080.A and 21A.55.010 refer to Bulk, Scale and Intensity with the 21A.62.040 requirement that these "*be consistent with and similar to"* that in the existing neighborhood.

The terms Bulk, Scale and Intensity as used in urban planning are similar in nature and overlapping. The Salt Lake City Definitions ordinance 21A.62.040 defines Bulk as shown below:

BULK: The size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) all open spaces allocated to buildings; d) amount of lot area required for each dwelling unit; and e) lot coverage.

Regrettably although the city ordinances use the terms *Scale and Intensity*, these are not defined in 21A.62.040. It would therefore seem logical to lean on the definition of Bulk and review metrics such as density, building size, number of stories, lot sizes, building lot coverage, setbacks and spacing between buildings in determining *Bulk, Scale and Intensity.*

3). A Detailed Analysis of the Nearest Ten Blocks in the SR-1 Zoneand Comparison with Ivory's Proposal.

3.1 Scale, Bulk, and Development Intensity

In order to understand the *"existing scale and intensity of the neighborhood" and the "development intensity"* we have conducted a detailed analysis of the nearest ten blocks in the SR-1 section of the Avenues. The Salt Lake County Assessor Interactive Map, with measurement tools, provides an excellent resource for data collection.

For each of the 140 lots in these ten blocks we analyzed:

- Number of dwellings per block
- Above Grade square feet of each home, including accessory buildings.
- Number of stories.
- Single Family or Duplex.
- Front setback.
- Rear setback.
- Spacing between buildings.
- Building lot coverage.

These are all criteria that determine Bulk, Scale and Intensity.

Avenues blocks generally measure 2.5 acres. Ivory's plot is 3.2 acres; however, typical Avenues blocks have public streets on all four sides with homes fronting each of the public streets. Ivory's block fronts only one public street requiring the addition of a private road through the center and along the southwest side, plus sidewalks and park strips. If one accounts for the area of this private road and sidewalks the land area is almost identical making for valid comparisons between Ivory's proposed development and existing SR-1 Avenues blocks.

A Representative Sample.

21A.62.040 uses the term, *"...surrounding or nearby buildings."*
21A.24.080 uses the term *"...neighborhood."*
21A.55.010 uses the term *"...adjacent and nearby land development."*

Each of these terms indicates that in making comparisons as to *"bulk, scale and development Intensity"* it is the "*surrounding, nearby, adjacent and nearby land development."* that should be used as the basis for comparison. The chosen sample meets all these criteria. In fact, it is a highly generous sample for comparisons to Ivory's development since it considers only comparisons with development in the SR-1 zone. Had we drawn a circle around Ivory's parcel and considered adjacent property that is largely zoned FR-3, the comparisons would have been even more unfavorable to Ivory.

The sample size of ten blocks with 140 dwellings is of sufficient size to be statistically significant. Also, had we taken a larger sample size, of say 20 or 50 blocks the results would not have changed materially, as the character of the housing remains the same: a predominance of small, low bulk, single-story homes, well set-back from the road. Nowhere else in the neighborhood do we see a block comprised entirely of large, two-story, 90 feet long houses closely packed together with no yards.

Comparisons with Ivory Site Plan.

If we compute the same metrics as shown above for Ivory's proposed development, we can compare Ivory's proposal with *"the existing scale and intensity of the neighborhood"* obtaining a detailed, objective, and quantified comparison. These comparisons are summarized in Fig.1 in the Summary section. (Page 2.)

Comparisons

Number of Dwellings Per Block.

On average, each of the ten neighboring blocks contains 14 dwellings with a range of 11 to 16 dwellings. Ivory proposes a development with 21 primary dwellings, a 50% increase in the number of dwellings. If one includes the addition of an ADU to each unit the comparison is 14 to 42, a 300% increase in the number of dwellings, or occupancy.

Above Grade Building Size.

The average above grade building size for the neighboring ten blocks is 1863 square feet including garages and accessory buildings. Ivory proposes a development where the average above grade building size is 3629 square feet. An almost 200% increase in above ground building size. Building size is highly significant in determining Bulk, Scale and Intensity.

Number of Stories.

The number of stories has a dramatic impact on Bulk, Scale and Intensity, with two-story buildings considerably more intense than single-story buildings, particularly when closely grouped. In the ten blocks only one in four homes (25%) are two story buildings, whereas Ivory proposes that all (100%) will be large, two-story buildings. A 400% increase in the number of two-story buildings. Again, this is highly significant to determining Bulk, Scale and Intensity.

The blocks studied are not unusual in this regard. A Greater Avenues Community Council study in 2006 showed that throughout the Avenues 70% of homes are single story.

Duplexes or Twin Homes.

Duplexes again add to scale and intensity since the buildings are twice the size. The increased scale and intensity of duplexes is recognized in the city ordinances where in the R2 district the number of duplexes is restricted such that no more than two duplexes can be positioned adjacent to each other, and no block face may contain greater than three such dwellings. (Ref. 21A.33.020 Table of Permitted and Conditional Uses in Residential Districts. Footnote 2.)

Although allowed by zone there are few duplexes or twin homes in the Avenues, there is only one in the nearest ten blocks, whereas Ivory proposes a development where 14 of 21 units are duplexes. A comparison of 1.5% to 66.66%. Because of the vast difference in this metric, this was exclude from the calculation of Development Intensity in Fig.1. This favors Ivory by essentially ignoring this additional component of bulk, scale and intensity.

Building lot Coverage.

Building lot coverage for the nearest ten blocks averages 20.8%. The building lot coverage for Ivory's 21 lots is 48.5%, more than twice that for the nearest ten blocks. This is an enormous difference.

The planned development ordinance allows averaging across the entire site in determining conformance with Building Lot Coverage and on this basis, Ivory is 34.1%, this is still 64% greater than the neighboring ten blocks and again very significant when one considers much of the land that is not built on is roadways and sidewalks, not green open space or yards.

As anecdotal evidence for the extreme level of building lot coverage for this terrain, Ivory adds a drainage basin to the southwest corner of the lot. We see drainage basins nowhere else in residential development in the Avenues. The lower number for building cover was used in the computation of building lot coverage, again favoring Ivory.

Front Setbacks.

Front setbacks also have a significant impact on Scale and Intensity. Front setbacks for homes in the ten nearest blocks averaged 21.1 feet whereas Ivory is proposing front setbacks averaging 15 feet; 6.1 feet or 29% less.

Rear Setbacks.

The required rear setback is 25% of lot length, which for Ivory's long lots is 30 feet. The average rear setback in the ten neighboring blocks is 45.6 feet. Ivory

is proposing an average rear setback of 13 feet, just over a quarter of that for the neighboring ten blocks.

Most of Ivory's rear setback on their narrow lots is consumed by driveway, such that Ivory's lots have no yards, this is totally out of character with the Avenues and again adds to bulk, scale and intensity.

Space Between Buildings.

The spacing between buildings is a key component of scale and intensity. The average distance between buildings in the nearest ten blocks is 27.0 feet. Ivory is proposing an average distance between buildings of 10 feet, about a third of that for existing buildings in the neighborhood. The spacing between buildings is highly significant and a major determinant of bulk, scale and intensity.

Conclusions. Bulk, Scale and Intensity

This detailed review of Ivory's proposed development versus neighboring SR-1 development allows us to make an objective, quantified comparison regarding Bulk, Scale and Intensity as shown in the summary table in Section 1.

No single factor determines scale, bulk and intensity; it is a combination of all of the factors considered above. The combination of large, two-story buildings, many of which are duplexes, closely spaced, on lots with reduced setbacks, unquestionably creates a development of far higher bulk, scale and intensity than is present in the existing neighborhood.

Ivory's development is not in compliance with the requirements of 21A.62.040, 21A.24.080 or 21A.55.010.

3.2) Compatible Land Use. Occupancy, Traffic and Parking Requirements. 21A.62.040

A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

In this section we address the issue of "*occupancy, traffic generation and parking requirements*," noting that the requirement for "*Compatible Land Use"* is that these be "*consistent with and similar to neighboring uses".*

Occupancy.

As a part of their planned development application Ivory proposes to create a subdivision of ADUs, where each unit will have an ADU. Ivory themselves have described this as an '*experiment'* and "*the first of its kind in Utah";* as such there is no precedent for such a development and no rules exist for regulating such a development. This concept has not been reviewed by the public, the planning commission or the city council as required by 21A.50. A subdivision of ADUs is not the same as adding a single ADU.

Neighboring blocks have an average of 14 single family homes. Ivory's proposal is for 21 primary dwellings plus 21 ADUs for a total of 42 dwellings. This is a 300% increase in the number of dwellings and occupancy compared to that in the existing neighborhood, this is not *consistent with and similar to neighboring uses,* as required by 21A.62.040.

Traffic.

This upper Avenues location is not a walkable section of the city, the topography is extremely steep, there are few amenities and public transport is inadequate for most people's needs; such that private automobiles are the primary method of transportation.

If one assumes two vehicles per dwelling we see a comparison of 28 vehicles for each neighboring block versus 84 vehicles for Ivory's proposed development, a 300% increase in traffic generation compared to the existing neighborhood, this is not *consistent with and similar to neighboring uses,* in violation of 21A.62.040.

Parking Requirements. Insufficient Parking Internal to the Proposed Development

Ivory provides inadequate and inconvenient parking internal to their development such that residents have estimated that at least 30 vehicles will be regularly parked on neighboring streets.

The only parking provided for ADU residents is on the short, narrow driveways to the primary residences. Sharing driveway parking between different households will be highly problematic, it will lead to constant, noisy, highly polluting shuttling of cars or ADU residents will park on the streets.

Ivory provides only four guest parking spots. This is totally inadequate for 42 homes. Neighboring developments such as the Meridien and Northpoint have provided close to ten times this amount of guest parking per residence. Guest parking spots are also used for the storage of plowed snow in winter and Ivory's spots are not even large enough to accommodate this need.

Ivory's internal road with a width of only 20 feet and with closely spaced driveways will not facilitate any parking.

The parking requirements for Ivory's proposed development are not *consistent with and similar to neighboring uses,* as required by 21A.62.040.

<u>3.3) Quality of Life for Persons Living in Surrounding or Nearby Buildings.</u>

Compatible Land Use as defined in 21A.62.040 uses the caveat, *" … and does not adversely affect the quality of life of persons living in surrounding or nearby buildings."*

Ivory's proposed development does adversely affect the quality of life of persons living in surrounding or nearby buildings in the following ways:

<u>Traffic</u>.

Three times that for a normal SR-1 block, creating excess noise and pollution. Significantly increased traffic on F Street. Additional traffic on the entire length of Capitol Park Avenue which runs through the Capitol Park subdivision, a private street that in 2014 the city refused to accept responsibility for; citing that it was too narrow, too steep and had sharper curves than would be permitted for a city street. Overburdens the scope of the easement Ivory has to access Capitol Park Avenue which was originally granted for a chapel and which would have involved limited use primarily on Sundays only.

Adds additional traffic to the Avenues connector streets such as 11th Avenue, E Street, B Street and I Street, the commonly used routes in and out of the upper Avenues. These routes are already highly congested.

<u>Parking.</u>

Insufficient and inconvenient parking provisions internal to Ivory's development will lead to illegal parking on Capitol Park Avenue imposing a burden on Meridien in enforcing parking on their private street. This problem is further exaggerated by Ivory's design which fronts 9 of 21 units onto Capitol Park Avenue. Adds additional parking load to F Street and 13th Avenue

inconveniencing current residents. Increased parking on the top end of F Street increases the risk from wildfire to Northpoint residents, creating a choke point, where this is their only egress.

Air Pollution.

The addition of 84 vehicles to this non-walkable section of the city will add substantially to air pollution. Air pollution is most concentrated at its source and tends to linger for extended periods of time. Extensive shuttling of vehicles from shared driveways will lead to highly damaging start-up or cold-start pollution. Additionally, short trips characteristic of this location are the most polluting. The loss of the many mature trees from this lot will also negatively impact air quality.

Loss of Greenspace and Trees. No Yards.

In large part upper Avenues residents chose to live in this low-density foothill location on the outer edge of the city because of the character of the area. A quiet, low density, residential community with green leafy streets and low intensity housing.

Greenspace and openness are well known to increase an individual's sense of well-being. Ivory's crowded high intensity development with closely packed large houses and no yards, tends to decrease that sense of well-being.

Safety.

The section of F Street between Northpoint and 11th Avenue is extremely steep and a well-known winter driving hazard. The addition of a further 84 vehicles can only worsen this problem. Ivory's property, 120 yards from open land and city creek canyon, sits in a wildlife urban interface area where mule deer are frequent visitors. Ivory's proposal includes an 8.5-foot-high retaining wall running half the width of the property. This tall retaining wall presents a danger to both wildlife and children and constitutes an Attractive Nuisance.

Soil Removal.

Throughout the Avenues housing follows the contour of the land with sufficient space between buildings to deal with grade changes. Ivory adopts a different approach where they seek to substantially flatten the lot. This will involve the removal of thousands of tons of soil with thousands of dump trucks traversing our steep, narrow Avenues streets. These highly polluting trucks will

greatly inconvenience Avenues residents impacting the safety and quality of life for many during the construction phase and damaging Avenues streets.

Impact on Neighboring Property Values.

This congested development with no yards, excess traffic, parking problems, noise and pollution will negatively impact neighboring property values.

Community Opinion.

As evidence of how strongly residents believe this overly congested development, which includes a *"first of its kind"* subdivision of ADUs, will impact their quality of life it should be noted that:

- Over 2000 Avenues residents signed a petition opposing such overdevelopment of this foothills lot in a non-walkable section of the city.
- The GACC has conducted three ballots on various Ivory designs, all of which seek to overdevelop this lot with a high intensity congested development. In each case the result was 97% opposed with hundreds voting.
- In July of 2023, reviewing Ivory's June 2023 submittal, which is very close to the current design, 163 of 163 nearby residents disapproved of this development and considered that it was not *"an enhanced product "as* required by the planned development ordinance.

There can be no question that in all the ways discussed above Ivory's proposed development does "... *adversely affect the quality of life of persons living in surrounding or nearby buildings."* in contravention of law as prescribed in 21A.62.040.

4). Conclusions.

Ivory's proposal is not in compliance with the applicable ordinances and is contrary to law.

EXHIBIT H

Ownership Around 675 N F Street Lot Map

(Private)
(Private)
(Private)
(Private)
(Private)
(Private)
(Private)
(Private)
(Private)
UTAH POWER & LIGHT CO
CHRISTOPHER C KOLB; HEATHER M KOLB (JT)
IDENTIFIED TRUST NOT
TR GAC REV
JACK TYLER A & ANN MARIE LEONE FAMILY TRUST 06/04/2019
LASALLE JOEL M
IVORY DEVELOPMENT LLC
678 F STREET CONDOMINIUMS UNIT OWNERS ASSOCIATION
PETAR GERMANOV; DIANA GERMANOV (JT)
Caring Cove
Capitol Park Ave
MERIDIEN AT CAPITOL PARK CONDOMINIUM ASSOCIATION INC
STEINER ANDREW
JAD TRUST
F St
13th Ave
N
Capitol Park Ave
Powered by Esri

Barlow, Aaron

From: Jim Jenkin [redacted]
Sent: Wednesday, January 24, 2024 3:59 PM
To: Barlow, Aaron
Subject: (EXTERNAL) PLNPCM2021-00656. Ivory Homes Capital Cottages
Attachments: JJ GACC Jan 24 for Planning Commission.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

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Dear Mr. Barlow,

Please find below my written comments for the Planning Commission, as PDF. I intend to be present and present verbally as well.

Jim Jenkin
Land Use Committee Chair
Greater Avenues Community Council
[redacted]

Presentation of Jim Jenkin, GACC Land Use Committee Chair to Planning Commission, 24 Jan 2024 re: PLNPCM2021-00656

Thank you Mr/Ms Chairperson, Members of the Commission. As the Chair of the Land Use Committee of the Greater Avenues Community Council (GACC) it is my duty to brief the Commission on previous action of the GACC regarding the application by Ivory Homes (PLNPCM2021-00656). I would like to stress that Avenues residents have been following the proposed development closely since the initial application for rezoning in 2022. The June 2023 application, revised in December 2023, asks the Planning Commission to approve a planned development (PD).

Ivory's proposal was most recently reviewed at the August 2, 2023 Greater Avenues Community Council meeting. The SLC Planning Division and Ivory Homes were both invited but both declined to attend. Ivory instead chose to hold their own informational meeting at the Sweet Library on 9th Avenue and F Street on August 23, 2023.

Two prior votes had been held by the GACC on this topic, both of which attracted a record number of participants via Zoom and both of which demonstrated that Avenues residents were overwhelmingly opposed to Ivory's proposal.

A third vote to gauge public opinion on this development was held at the September 6th GACC meeting. Voting was restricted to Avenues residents and business owners and was conducted via in-person paper ballet or via Zoom voting. The wording for the ballot was: "Do you approve of Ivory Homes' request for a Planned Development at 675 North F Street as presented in their application to the city dated June 2023."

The results of the ballot were 213 opposed to a planned development and seven in favor. Then GACC Chair Merrilee Morgan communicated these results in an email dated September 12, 2023, and addressed to Aaron Barlow, et al.

Although Ivory has revised their plan since the September vote, the changes are fairly minimal and the rationale for the planned development is essentially the same, so I would argue the vote tally remains valid.

P.S.

[Incidentally, here is a bit of info about the previous votes:]

The Greater Avenues Community Council (GACC) held a second vote to gauge Avenue residents' attitudes toward Ivory Homes' application to Salt Lake City to rezone a 3.2 acre plot near the top of F Street that would allow them to build an overly dense development in this foothills location. The April 7, 2021 vote was 1244 opposed to the rezone; 25 in favor of the rezone. It is obvious that Greater Avenues residents overwhelmingly oppose this rezone.

The first vote was conducted in August 2020 and resulted in a 688 to 4 tally against the rezone. Plus, earlier in 2020, over 2100 Greater Avenues residents signed a petition opposing Ivory's development plan.

Barlow, Aaron

From: Gary Crittenden [redacted]
Sent: Tuesday, January 23, 2024 1:46 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Development in the Avenues

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Aaron,

I have been completing preparations for my short comments for this coming Wednesday. I have written to you before about the Ivory development on F Street. As I reviewed the specifics of their most recent proposal it is clearly in violation of the city ordinance 21A.62.040 that defines compatible land use.

You will see in the materials for Wednesday night that we provide detailed documentation that the Ivory development intensity is 265%% of the 140 homes in the Salt Lake County Assessor data base in the ten blocks which surround the project. This analysis includes the above grade size of each home, the number of stories, the number of duplexes, the spacing between buildings, the front setback, the rear setback, the building lot coverage, the occupancy, and traffic generation. The magnitude of the non-comparability and total disregard for enforcement of the existing city ordinances is astonishing.

I encourage you to enforce the city ordinances designed to protect homeowners.

Thanks,

Gary

Barlow, Aaron

From: PENDRAGON [redacted]
Sent: Wednesday, January 24, 2024 10:26 AM
To: Planning Public Comments
Subject: (EXTERNAL) IVORY HOMES PLANNED DEVELOPMENT ON THE AVENUES

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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WE STRONGLY OBJECT TO THIS "DEVELOPMENT!"

Please, please, DO NOT APPROVE IVORY HOMES' PLAN.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, January 18, 2024 12:32 PM
To: Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins; John Kennedy; Don Warmbier; Joel Deaton; Scott Young
Subject: (EXTERNAL) Ivory Application for a Planned Development at 675 North F Street - Development Intensity .
Attachments: Development Intensity (3).docx

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,
I would appreciate you reviewing the attached document and ensuring this is forwarded to members of the planning commission.
Thank you.
Peter Wright
Chair POAC

The Development Intensity of Ivory's Proposal Exceeds that Allowed by Ordinance

Attached you will find a comprehensive analysis prepared by a group of Avenues residents comparing the Intensity of Ivory's proposed development with the established neighborhood. This quantitative analysis concludes that Ivory's development is at least 2.65 times that for the established SR-1 neighborhood in the Avenues and violates all of the relevant ordinances, 21A.62.040, 21A.24.080, and 21A.55.010.
Members of the planning commission we do hope you will take the time to review this document.
Thank you.

Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.

1). Summary

The above referenced ordinances require that development intensity, building coverage, bulk, scale, occupancy, traffic generation and parking requirements be consistent with and similar to neighboring uses. To quantitatively assess if Ivory's proposed development meets these requirements, Avenues residents have conducted a detailed analysis of the ten closest blocks in the SR-1 zone. Each of the key design elements impacting development intensity has been measured for the 140 homes in these ten blocks utilizing the Salt Lake County Assessor database and interactive map, and these were then compared with those for Ivory's proposal. These design elements include (1) Above Grade Size of each home, (2) Number of Stories, (3) Number of Duplexes, (4) Spacing Between Buildings, (5) Front Setback, (6) Rear Setback, (7) Building Lot Coverage, (8) Occupancy and (9) Traffic Generation.

A comparison of these key metrics impacting development intensity, for the established neighborhood and Ivory's proposal, is shown in Fig.1 on the following page. Inspection of this data shows that on every key metric Ivory's proposal grossly exceeds that for the existing neighborhood. If one applies an equal weighting to each of the design elements impacting development intensity, then Ivory's proposed development is a staggering 2.65 times or 265% that for the neighborhood and completely fails to meet the criteria required by ordinance that new development "*be consistent with and and similar to neighboring uses.*"

This detailed quantitative analysis clearly demonstrates that Ivory's proposal does not meet the requirements of 21A.62.040, 21A.24.080 or 21A.55.010, contrary to law. Ivory's highly congested development with large, 90 feet long, two-story buildings, closely crammed together with shrunken setbacks and no yards, is in fact unrecognizable as belonging to the Avenues.

This analysis has been reviewed by Land Use Attorneys Craig Smith and Ethan Smith of Smith Hartvigsen who agree with the conclusion of this analysis. A letter from them to this effect is included on page 3.

FIGURE 1.

ANALYSIS OF IVORY PROPOSAL VERSUS THE ESTABLISHED NEIGHBORHOOD

	NEIGHBORHOOD	IVORY	MULTIPLE
DWELLINGS	14	42	3X
TRAFFIC GENERATION (Number of vehicles)	28	84	3X
ABOVE GRADE SIZE OF HOUSES (sq ft)	1863	3629	2X
NUMBER OF TWO-STORY BUILDINGS %	25%	100%	4X
NUMBER OF DUPLEX'S %	1.5%	67%	45X
DISTANCE BETWEEN BUILDINGS (Feet)	27	10	2.7X
FRONT SETBACK (Feet)	21.1	15	1.4X
REAR SETBACK (Feet)	45.6	13	3.5X
BUILDING LOT COVERAGE (DEVELOPED) %	20.8	48.5	2.3X
BUILDING LOT COVERAGE (GROSS) %	20.8	34	1.6X

DEVELOPMENT INTENSITY NEIGHBORHOOD 1.0
DEVELOPMENT INTENSITY IVORY 2.65

IVORY'S DEVELOPMENT INTENSITY IS 265% THAT OF THE NEIGHBORHOOD

Notes.
1). Equal weighting given to each element. In fact, there is a compounding effect to the visual perception of scale and intensity such that this is an underestimate of the comparative scale and intensity.
2). Gross building lot coverage utilized since this is the planned development criteria. This is favorable to Ivory.
3). The impact of the large number of duplexes has been omitted from the calculation as the difference is so great this would distort the comparison. This again is favorable to Ivory.
4). Number of vehicles estimated at two per dwelling in all cases.
5). Parking intensity has been omitted from the calculation of Development Intensity as no suitable metric could be determined. Nonetheless, parking requirements grossly exceed those for the established development. Insufficient and inconvenient parking will be highly problematic. See later.
5). Detailed spreadsheets showing an analysis of each element for each lot and house, in each block, plus the analysis of Ivory's development is available on request. These have been omitted to reduce the file size to a manageable level.

SMITH HARTVIGSEN PLLC
ATTORNEYS AT LAW

J. CRAIG SMITH
[redacted]

ETHAN M. SMITH
[redacted]

January 18, 2024

PRESERVE OUR AVENUES
ZONING COALITION
c/o Peter Wright [redacted]

Via Email [redacted]

Re: Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.

I have reviewed the above-referenced memorandum ("**Memorandum**") prepared for the Salt Lake City Planning Commission in regard to Petition: PLNPCM2020-00334/00335 ("**Petition**"). It is my legal opinion that the analysis in the Memorandum is correct and demonstrates that Ivory Development, LLC's proposal to the Salt Lake City Planning Commission is not in compliance with Salt Lake City Municipal Ordinance 21A.62.040. The Petition as it is not within the definition of compatible land use, does not meet the requirements of compatibility for the SR-1 Zone as defined in Salt Lake City Municipal Ordinance 21A.24.080, or the compatible use for a planned development as defined in Salt Lake City Municipal Ordinance 21A.55.010.

The Memorandum correctly analyzes the Petition and interprets Utah law and Salt Lake City Municipal Ordinances.

Respectfully submitted,

SMITH HARTVIGSEN, PLLC

J. Craig Smith
Ethan M. Smith

2). Review of Applicable Ordinances

21A.62.040 Definitions.

21A.62.040 defines Compatible Land Use as shown below.

COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

21A.24.080 Purpose Statement.

The Purpose Statement for the SR-1 zone 21A.24.080 reads as follows:

A. Purpose Statement: The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. (Emphasis added).

While the planned development ordinance, 21A.55.020 Authority, gives the Planning Commission the ability to *"change, alter, modify or waive"* provisions of the relevant district ordinance it must also comply with the Purpose Statement for the district ordinance, as required in 21A.55.010, shown below:

21A. 55.010 Purpose Statement

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives. A planned development will result in a more enhanced product than would be achievable

*through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments..(*Emphasis added)

Furthermore, the planning commission has no authority to waive definitions contained in 21A.62.040 which are essential to the reading, understanding and interpretation of all ordinances.

Does not Conform to the Requirements of 21A.62.040, or 21A.24.080, or 21A 55.010. Contrary to Law.

Ivory's application for a planned development makes so many changes to density, building characteristics, setbacks, building lot coverage and building spacing, that it creates a development that is *"not compatible with the existing scale and intensity of the neighborhood* " as required in 21A.24.080, nor with the requirement in 21A.55.010 that," *it be compatible with adjacent and nearby land developments..",* nor is it in compliance with 21A.62.040 which requires *"A use of land and/or buildings that, in terms of development intensity, building coverage, design, bulk and …is consistent with and similar to neighboring uses..".* Indeed, this development is unrecognizable as belonging to the Avenues and fails to *"preserve the existing character of the neighborhood."* as required in 21A.24.080.

Additionally, Ivory's proposal does not conform with the provisions of 21A.62.040 with regards to occupancy, traffic generation and parking requirements, *"...occupancy, traffic generation, parking requirements, …. is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings."*

21A.64.040. Compatible Land Use.

The provisions of 21A.64.040 may be broken down into three sections as highlighted below with different colors. Ivory's application fails to comply with each of these three sections.

COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

Section 1). *"...in terms of development intensity, building coverage, design, bulk…."*. This section of 21A.64.040 is essentially the same as the requirements of 21A.24.080 and 21A.55.010 and is considered in section 3.

Section 2). *"...occupancy, traffic generation, parking requirements.",* is considered in section 4.

Section 3). *"...adversely affect the quality of life of persons in surrounding and nearby buildings…"* is considered in section 5.

Bulk, Scale and Intensity.

21A.62.040, 21A.24.080.A and 21A.55.010 refer to Bulk, Scale and Intensity with the 21A.62.040 requirement that these "*be consistent with and similar to"* that in the existing neighborhood.

The terms Bulk, Scale and Intensity as used in urban planning are similar in nature and overlapping. The Salt Lake City Definitions ordinance 21A.62.040 defines Bulk as shown below:

BULK: The size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) all open spaces allocated to buildings; d) amount of lot area required for each dwelling unit; and e) lot coverage.

Regrettably although the city ordinances use the terms *Scale and Intensity*, these are not defined in 21A.62.040. It would therefore seem logical to lean on the definition of Bulk and review metrics such as density, building size, number of stories, lot sizes, building lot coverage, setbacks and spacing between buildings in determining *Bulk, Scale and Intensity.*

3). A Detailed Analysis of the Nearest Ten Blocks in the SR-1 Zoneand Comparison with Ivory's Proposal.

3.1 Scale, Bulk, and Development Intensity

In order to understand the *"existing scale and intensity of the neighborhood" and the "development intensity"* we have conducted a detailed analysis of the nearest ten blocks in the SR-1 section of the Avenues. The Salt Lake County Assessor Interactive Map, with measurement tools, provides an excellent resource for data collection.

For each of the 140 lots in these ten blocks we analyzed:

- Number of dwellings per block
- Above Grade square feet of each home, including accessory buildings.
- Number of stories.
- Single Family or Duplex.
- Front setback.
- Rear setback.
- Spacing between buildings.
- Building lot coverage.

These are all criteria that determine Bulk, Scale and Intensity.

Avenues blocks generally measure 2.5 acres. Ivory's plot is 3.2 acres; however, typical Avenues blocks have public streets on all four sides with homes fronting each of the public streets. Ivory's block fronts only one public street requiring the addition of a private road through the center and along the southwest side, plus sidewalks and park strips. If one accounts for the area of this private road and sidewalks the land area is almost identical making for valid comparisons between Ivory's proposed development and existing SR-1 Avenues blocks.

A Representative Sample.

21A.62.040 uses the term, *"...surrounding or nearby buildings."*
21A.24.080 uses the term *"...neighborhood."*
21A.55.010 uses the term *"...adjacent and nearby land development."*

Each of these terms indicates that in making comparisons as to *"bulk, scale and development Intensity"* it is the "*surrounding, nearby, adjacent and nearby land development."* that should be used as the basis for comparison. The chosen sample meets all these criteria. In fact, it is a highly generous sample for comparisons to Ivory's development since it considers only comparisons with development in the SR-1 zone. Had we drawn a circle around Ivory's parcel and considered adjacent property that is largely zoned FR-3, the comparisons would have been even more unfavorable to Ivory.

The sample size of ten blocks with 140 dwellings is of sufficient size to be statistically significant. Also, had we taken a larger sample size, of say 20 or 50 blocks the results would not have changed materially, as the character of the housing remains the same: a predominance of small, low bulk, single-story homes, well set-back from the road. Nowhere else in the neighborhood do we see a block comprised entirely of large, two-story, 90 feet long houses closely packed together with no yards.

Comparisons with Ivory Site Plan.

If we compute the same metrics as shown above for Ivory's proposed development, we can compare Ivory's proposal with *"the existing scale and intensity of the neighborhood"* obtaining a detailed, objective, and quantified comparison. These comparisons are summarized in Fig.1 in the Summary section. (Page 2.)

Comparisons

Number of Dwellings Per Block.

On average, each of the ten neighboring blocks contains 14 dwellings with a range of 11 to 16 dwellings. Ivory proposes a development with 21 primary dwellings, a 50% increase in the number of dwellings. If one includes the addition of an ADU to each unit the comparison is 14 to 42, a 300% increase in the number of dwellings, or occupancy.

Above Grade Building Size.

The average above grade building size for the neighboring ten blocks is 1863 square feet including garages and accessory buildings. Ivory proposes a development where the average above grade building size is 3629 square feet. An almost 200% increase in above ground building size. Building size is highly significant in determining Bulk, Scale and Intensity.

Number of Stories.

The number of stories has a dramatic impact on Bulk, Scale and Intensity, with two-story buildings considerably more intense than single-story buildings, particularly when closely grouped. In the ten blocks only one in four homes (25%) are two story buildings, whereas Ivory proposes that all (100%) will be large, two-story buildings. A 400% increase in the number of two-story buildings. Again, this is highly significant to determining Bulk, Scale and Intensity.

The blocks studied are not unusual in this regard. A Greater Avenues Community Council study in 2006 showed that throughout the Avenues 70% of homes are single story.

Duplexes or Twin Homes.

Duplexes again add to scale and intensity since the buildings are twice the size. The increased scale and intensity of duplexes is recognized in the city ordinances where in the R2 district the number of duplexes is restricted such that no more than two duplexes can be positioned adjacent to each other, and no block face may contain greater than three such dwellings. (Ref. 21A.33.020 Table of Permitted and Conditional Uses in Residential Districts. Footnote 2.)

Although allowed by zone there are few duplexes or twin homes in the Avenues, there is only one in the nearest ten blocks, whereas Ivory proposes a development where 14 of 21 units are duplexes. A comparison of 1.5% to 66.66%. Because of the vast difference in this metric, this was exclude from the calculation of Development Intensity in Fig.1. This favors Ivory by essentially ignoring this additional component of bulk, scale and intensity.

Building lot Coverage.

Building lot coverage for the nearest ten blocks averages 20.8%. The building lot coverage for Ivory's 21 lots is 48.5%, more than twice that for the nearest ten blocks. This is an enormous difference.

The planned development ordinance allows averaging across the entire site in determining conformance with Building Lot Coverage and on this basis, Ivory is 34.1%, this is still 64% greater than the neighboring ten blocks and again very significant when one considers much of the land that is not built on is roadways and sidewalks, not green open space or yards.

As anecdotal evidence for the extreme level of building lot coverage for this terrain, Ivory adds a drainage basin to the southwest corner of the lot. We see drainage basins nowhere else in residential development in the Avenues. The lower number for building cover was used in the computation of building lot coverage, again favoring Ivory.

Front Setbacks.

Front setbacks also have a significant impact on Scale and Intensity. Front setbacks for homes in the ten nearest blocks averaged 21.1 feet whereas Ivory is proposing front setbacks averaging 15 feet; 6.1 feet or 29% less.

Rear Setbacks.

The required rear setback is 25% of lot length, which for Ivory's long lots is 30 feet. The average rear setback in the ten neighboring blocks is 45.6 feet. Ivory

is proposing an average rear setback of 13 feet, just over a quarter of that for the neighboring ten blocks.

Most of Ivory's rear setback on their narrow lots is consumed by driveway, such that Ivory's lots have no yards, this is totally out of character with the Avenues and again adds to bulk, scale and intensity.

Space Between Buildings.

The spacing between buildings is a key component of scale and intensity. The average distance between buildings in the nearest ten blocks is 27.0 feet. Ivory is proposing an average distance between buildings of 10 feet, about a third of that for existing buildings in the neighborhood. The spacing between buildings is highly significant and a major determinant of bulk, scale and intensity.

Conclusions. Bulk, Scale and Intensity

This detailed review of Ivory's proposed development versus neighboring SR-1 development allows us to make an objective, quantified comparison regarding Bulk, Scale and Intensity as shown in the summary table in Section 1.

No single factor determines scale, bulk and intensity; it is a combination of all of the factors considered above. The combination of large, two-story buildings, many of which are duplexes, closely spaced, on lots with reduced setbacks, unquestionably creates a development of far higher bulk, scale and intensity than is present in the existing neighborhood.

Ivory's development is not in compliance with the requirements of 21A.62.040, 21A.24.080 or 21A.55.010.

3.2) Compatible Land Use. Occupancy, Traffic and Parking Requirements. 21A.62.040

A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

In this section we address the issue of "*occupancy, traffic generation and parking requirements*," noting that the requirement for "*Compatible Land Use"* is that these be "*consistent with and similar to neighboring uses".*

Occupancy.

As a part of their planned development application Ivory proposes to create a subdivision of ADUs, where each unit will have an ADU. Ivory themselves have described this as an '*experiment'* and "*the first of its kind in Utah";* as such there is no precedent for such a development and no rules exist for regulating such a development. This concept has not been reviewed by the public, the planning commission or the city council as required by 21A.50. A subdivision of ADUs is not the same as adding a single ADU.

Neighboring blocks have an average of 14 single family homes. Ivory's proposal is for 21 primary dwellings plus 21 ADUs for a total of 42 dwellings. This is a 300% increase in the number of dwellings and occupancy compared to that in the existing neighborhood, this is not *consistent with and similar to neighboring uses,* as required by 21A.62.040.

Traffic.

This upper Avenues location is not a walkable section of the city, the topography is extremely steep, there are few amenities and public transport is inadequate for most people's needs; such that private automobiles are the primary method of transportation.

If one assumes two vehicles per dwelling we see a comparison of 28 vehicles for each neighboring block versus 84 vehicles for Ivory's proposed development, a 300% increase in traffic generation compared to the existing neighborhood, this is not *consistent with and similar to neighboring uses,* in violation of 21A.62.040.

Parking Requirements. Insufficient Parking Internal to the Proposed Development

Ivory provides inadequate and inconvenient parking internal to their development such that residents have estimated that at least 30 vehicles will be regularly parked on neighboring streets.

The only parking provided for ADU residents is on the short, narrow driveways to the primary residences. Sharing driveway parking between different households will be highly problematic, it will lead to constant, noisy, highly polluting shuttling of cars or ADU residents will park on the streets.

Ivory provides only four guest parking spots. This is totally inadequate for 42 homes. Neighboring developments such as the Meridien and Northpoint have provided close to ten times this amount of guest parking per residence. Guest parking spots are also used for the storage of plowed snow in winter and Ivory's spots are not even large enough to accommodate this need.

Ivory's internal road with a width of only 20 feet and with closely spaced driveways will not facilitate any parking.

The parking requirements for Ivory's proposed development are not *consistent with and similar to neighboring uses,* as required by 21A.62.040.

3.3) Quality of Life for Persons Living in Surrounding or Nearby Buildings.

Compatible Land Use as defined in 21A.62.040 uses the caveat, *" … and does not adversely affect the quality of life of persons living in surrounding or nearby buildings."*

Ivory's proposed development does adversely affect the quality of life of persons living in surrounding or nearby buildings in the following ways:

Traffic.

Three times that for a normal SR-1 block, creating excess noise and pollution. Significantly increased traffic on F Street. Additional traffic on the entire length of Capitol Park Avenue which runs through the Capitol Park subdivision, a private street that in 2014 the city refused to accept responsibility for; citing that it was too narrow, too steep and had sharper curves than would be permitted for a city street. Overburdens the scope of the easement Ivory has to access Capitol Park Avenue which was originally granted for a chapel and which would have involved limited use primarily on Sundays only.

Adds additional traffic to the Avenues connector streets such as 11th Avenue, E Street, B Street and I Street, the commonly used routes in and out of the upper Avenues. These routes are already highly congested.

Parking.

Insufficient and inconvenient parking provisions internal to Ivory's development will lead to illegal parking on Capitol Park Avenue imposing a burden on Meridien in enforcing parking on their private street. This problem is further exaggerated by Ivory's design which fronts 9 of 21 units onto Capitol Park Avenue. Adds additional parking load to F Street and 13th Avenue

inconveniencing current residents. Increased parking on the top end of F Street increases the risk from wildfire to Northpoint residents, creating a choke point, where this is their only egress.

Air Pollution.

The addition of 84 vehicles to this non-walkable section of the city will add substantially to air pollution. Air pollution is most concentrated at its source and tends to linger for extended periods of time. Extensive shuttling of vehicles from shared driveways will lead to highly damaging start-up or cold-start pollution. Additionally, short trips characteristic of this location are the most polluting. The loss of the many mature trees from this lot will also negatively impact air quality.

Loss of Greenspace and Trees. No Yards.

In large part upper Avenues residents chose to live in this low-density foothill location on the outer edge of the city because of the character of the area. A quiet, low density, residential community with green leafy streets and low intensity housing.

Greenspace and openness are well known to increase an individual's sense of well-being. Ivory's crowded high intensity development with closely packed large houses and no yards, tends to decrease that sense of well-being.

Safety.

The section of F Street between Northpoint and 11th Avenue is extremely steep and a well-known winter driving hazard. The addition of a further 84 vehicles can only worsen this problem. Ivory's property, 120 yards from open land and city creek canyon, sits in a wildlife urban interface area where mule deer are frequent visitors. Ivory's proposal includes an 8.5-foot-high retaining wall running half the width of the property. This tall retaining wall presents a danger to both wildlife and children and constitutes an Attractive Nuisance.

Soil Removal.

Throughout the Avenues housing follows the contour of the land with sufficient space between buildings to deal with grade changes. Ivory adopts a different approach where they seek to substantially flatten the lot. This will involve the removal of thousands of tons of soil with thousands of dump trucks traversing our steep, narrow Avenues streets. These highly polluting trucks will

greatly inconvenience Avenues residents impacting the safety and quality of life for many during the construction phase and damaging Avenues streets.

Impact on Neighboring Property Values.

This congested development with no yards, excess traffic, parking problems, noise and pollution will negatively impact neighboring property values.

Community Opinion.

As evidence of how strongly residents believe this overly congested development, which includes a *"first of its kind"* subdivision of ADUs, will impact their quality of life it should be noted that:

- Over 2000 Avenues residents signed a petition opposing such overdevelopment of this foothills lot in a non-walkable section of the city.
- The GACC has conducted three ballots on various Ivory designs, all of which seek to overdevelop this lot with a high intensity congested development. In each case the result was 97% opposed with hundreds voting.
- In July of 2023, reviewing Ivory's June 2023 submittal, which is very close to the current design, 163 of 163 nearby residents disapproved of this development and considered that it was not *"an enhanced product "as* required by the planned development ordinance.

There can be no question that in all the ways discussed above Ivory's proposed development does "... *adversely affect the quality of life of persons living in surrounding or nearby buildings."* in contravention of law as prescribed in 21A.62.040.

4). Conclusions.

Ivory's proposal is not in compliance with the applicable ordinances and is contrary to law.

Barlow, Aaron

From: Joan Harris [redacted]
Sent: Wednesday, January 24, 2024 9:56 AM
To: Barlow, Aaron
Cc: Ismael Tupaz
Subject: (EXTERNAL) Planning Commission Meeting tonight

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello Aaron,

We won't be able to attend the meeting tonight, but we wanted to express our concerns regarding the Ivory Homes development.

We're very surprised that the commission would continue to entertain the possibility of allowing such a project to be done! It is so out of character for the neighborhood so as to be completely out of place!

The worst aspect of it is the density. These homes will be CRAMMED into a very small space without adequate parking or green space.

We think that the commission should not allow this project to be built!!

Joan Harris and Ismael Tupaz

Barlow, Aaron

From: [redacted]
Sent: Tuesday, January 23, 2024 9:13 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Opposition to Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron Barlow,

I hope this letter finds you well. I am writing to express my strong opposition to the proposed development project, "Capitol Park Cottages." While I understand the importance of urban development, it is crucial that such projects adhere to zoning regulations to ensure the well-being of our community.

Upon careful examination, it has come to my attention that Capitol Park Cottages fails to comply with the established zoning regulations. This raises significant concerns about the impact the project may have on the neighborhood's character, traffic patterns, and overall quality of life for its residents.

Specifically, my objections are as follows:

Zoning Violations: The Capitol Park Cottages project appears to deviate from the stipulated zoning regulations for the area. It is essential that any development aligns with the existing zoning framework to maintain the integrity of the neighborhood.

Increased Density and Traffic Congestion: The proposed development seems to exceed the permissible density levels for the designated zone. This could result in heightened traffic congestion, placing an undue burden on existing infrastructure and compromising the safety and convenience of local residents.

Aesthetic Discrepancies: The architectural plans for Capitol Park Cottages seem inconsistent with the neighborhood's established aesthetic standards. Preserving the visual harmony of our community is integral to maintaining its unique identity.

I urge you to thoroughly review the Capitol Park Cottages project and take necessary measures to ensure it aligns with the existing zoning regulations. This will safeguard the best interests of our community and prevent any potential adverse effects on the neighborhood.

Thank you for your attention to this matter. I trust that, as stewards of our city's development, you will consider these concerns and make decisions that prioritize the well-being of our community.

Sincerely,

Dayana Arreola

Barlow, Aaron

From: Tom Becnel [redacted]
Sent: Tuesday, January 23, 2024 9:13 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Opposition to Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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I urge you to thoroughly review the Capitol Park Cottages project and take necessary measures to ensure it aligns with the existing zoning regulations. This will safeguard the best interests of our community and prevent any potential adverse effects on the neighborhood.

Thank you for your attention to this matter. I trust that, as stewards of our city's development, you will consider these concerns and make decisions that prioritize the well-being of our community.

Sincerely,

Tom Becnel

Barlow, Aaron

From: Drew McClelland [redacted]
Sent: Tuesday, January 23, 2024 9:02 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Capitol Park Cottages Input

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hey Aaron,

Hope you're having a good day! I just wanted to provide some of my input to the Capitol Park Cottages project located in the avenues.

I am extremely opposed to this project and especially its location. This undeveloped space provides a ton of space for wildlife (especially hawks) and is amazing to have in the neighborhood. I think it's disgusting that developers are taking advantage of the housing crisis to build whatever they want in locations not zoned for housing. In addition, now they're just disregarding the building regulations? It's absurd. The justification has been along the lines of "every neighborhood needs to do its part", but 12 townhomes in the avenues aren't going to have any impact on the housing crisis. This housing is going to be extraordinarily expensive and does nothing for the vast majority of would-be home owners in Salt Lake.

I've lived in Salt Lake for 10 years and in Utah for my whole life. I am saddened by how difficult it will be for me to ever own a home here. Projects like this have no impact on the people who actually need housing. It's just more homes for the influx of wealthy people from out of state.

It's so incredibly obvious that developers are reaping all of the rewards from the huge influx of population without any concern for sustainability, quality housing, affordability, or neighborhood culture.

I know you're not the one to blame for this, but I wanted to express my strong opposition towards this project. I also apologize if none of this feedback is relevant to the current stage of the discussions, but wanted to provide my input in case it could make a difference.

Thanks so much for your time and I wish you the best of luck on this project! Best of luck, and sorry you drew the short straw.

Thanks,
-Drew
[redacted]

Barlow, Aaron

From: CClark [redacted]
Sent: Wednesday, January 24, 2024 1:40 PM
To: Planning Public Comments
Subject: (EXTERNAL) Ivory Homes project in the Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Please do not approve Ivory Homes' latest proposed plan to build 21 homes plus 21 ADU's in the Avenues. This area is zoned as SR-1. This area is not intended for cramming in a lot of homes.

As previously pointed out, this creates a dangerous situation with too many people trying to get away all at once, if there should be an emergency evacuation. It also creates clogged roads for services such as garbage disposal and snow removal.

This proposed project is contrary to the ambiance of the Avenues. We Avenues residents have chosen to live in the Avenues because we want a peaceful quality of life with breathing room to go for a safe walk. We do not want excessive traffic.

This project does NOTHING to create "affordable housing". We all know that the houses will be selling for prices that are much higher than "affordable housing." After all, Ivory Homes wants to make a tidy profit. And realistically, a person who pays so much for their house will not want to rent out their ADU to an indigent person. So there is no affordable housing involved.

Please listen to residents' comments. Do not be swayed by the idea that you will get a lot of tax money from these houses. Maybe you will, but some things are worth more than dollars. The value of a quality lifestyle far exceeds the value of big dollars.

Please preserve the sanity of the Avenues and do not allow Ivory's proposed plan to go through.

Carolyn Clark & Rick Gamble
long-time Avenues residents

Barlow, Aaron

From: joan clissold [redacted]
Sent: Wednesday, January 24, 2024 3:33 PM
To: Planning Public Comments
Subject: (EXTERNAL) Ivory Homes project for the Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

I cannot attend the meeting this evening but I want to repeat my opposition to this project.

I have written letters in the past and wish to reiterate my strong objections again.

Sincerely, joan clissold

Barlow, Aaron

From: M Lar[redacted]
Sent: Wednesday, January 24, 2024 6:39 PM
To: Planning Public Comments
Subject: (EXTERNAL) Fwd: Oppose Ivory Homes Plan of Development

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

The pictures shown by Ivory of homes that are near -- are not near - they are far down the hill from the 13th avenue location of the Ivory lot.

Thank you - I continue to oppose the Ivory plan

M Lisa Larriva
[redacted]

---------- Forwarded message ---------
From: **M Lar**[redacted]
Date: Wed, Jan 24, 2024 at 6:16 PM
Subject: Oppose Ivory Homes Plan of Development
To: <planning.comments@slcgov.com>

I live at 790 Northpoint Drive - diagonally across from the Ivory Homes property.

Ivory has already received a new zoning. SR-1
The Ivory plan exceeds the granted zoning -- they plan more dwellings than allowed in SR-1.
The Ivory plan houses are twice the size of the community and have only a minimal distance between the buildings. The scale is not typical as Ivory indicates.

I oppose this development.

M Lisa Larriva
[redacted]

Barlow, Aaron

From: Turner Bitton [redacted]
Sent: Wednesday, January 24, 2024 5:19 PM
To: Planning Public Comments
Subject: (EXTERNAL) PLNPCM2021-00656 and PLNSUB2021-01175

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello,

I am writing on behalf of SLC Neighbors for More Neighbors to support the planned development and subdivision plat proposals before you. We previously supported the requested rezoning for this petition, and the submitted plans should result in the approval of the proposal.

We believe there are three main benefits of this project for the planning commission to consider:

1) Housing Diversity: The project provides both main single-family units and accessory dwelling units. This will increase housing diversity in a highly desirable area of the city and is completely in line with the neighborhood's existing character.

2) Increased Density: Including ADUs increases the housing density, thus creating more housing than would otherwise be achieved with single-family homes only.

3) Infill Development: As mentioned in the staff report, the proposal accomplishes much-needed infill development in an underutilized space. This will contribute to the city's stated goal of creating 10,000 housing units throughout the city.

Thank you for considering this project. We encourage the planning commission to approve the requests before you.

Thanks,
Turner C. Bitton (he/him)
Executive Director
SLC Neighbors for More Neighbors
[redacted]

Scanned 1/25/2024

675 'F' ST. SCC - NOV, 2023

Scanned 1/25/2024

OPEN SPACE

IVORY DOES NOT "CLUSTER" BUILDINGS TO PRESERVE OPEN LAND, THIS IS LAND THEY CANNOT BUILD ON.

Capitol Park Perspectives

Chris Nelson, Ph.D., FAcSS, FAICP

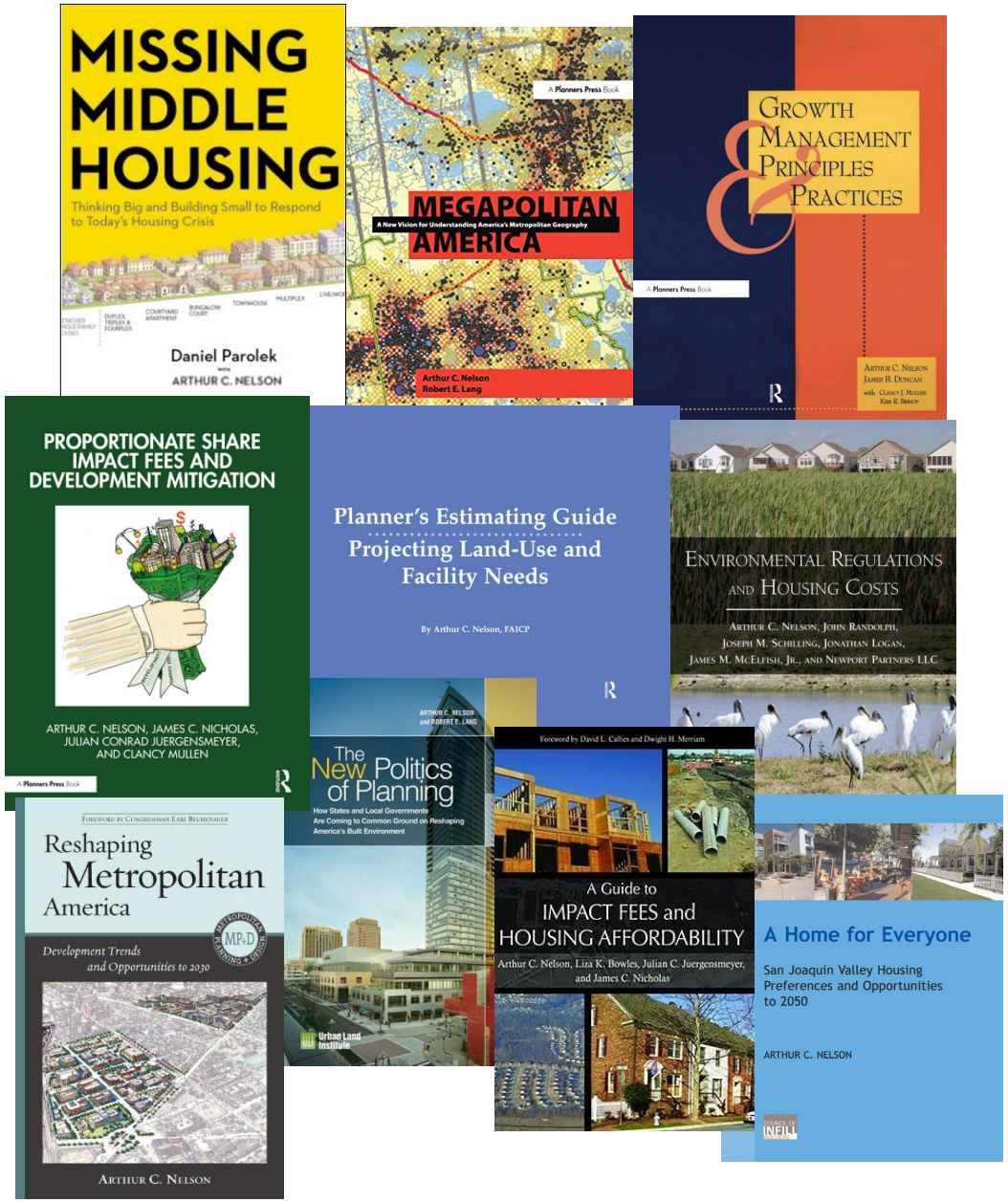
Presidential Professor Emeritus

University of Utah

Professor Emeritus

University of Arizona

January 24, 2024



EXPERTISE

Land Use
Housing
Demography
Economics
Finance

CLIENTS

HUD
USDOT
Commerce
Brookings
APA
ULI
NRDC
MacArthur
LDS Church
Arizona
Georgia
Nevada
Virginia
Utah

Unmet Housing Needs

Salt Lake City

2,500 Households do not have a home of their own.

Capitol Park Census Tracts

1,506 Fewer people in 2021 than in 2000.

600 More than units needed to bring the people back.

Sources: Salt Lake City figures based on proportionate-share interpolation from the award-winning *Homes on the Range: Closing the Southern Tier Household Gap*, https://www.westernplanner.org/2023/2023/1/28/homes-on-the-range-closing-the-southern-tier-household-gap. Capitol Park Census Tracts 1010 and 1148 data from 2000 Salt Lake City Census Atlas 2014 and data from American Community Survey 2021.

City Plan Requires New Housing Everywhere

- Add **10,000** new housing units by 2027.
- More housing than in **any 5-year period** of SLC's history.
- Expand **moderate income** housing such as ADUs @ Capitol Park.
- Create new **housing opportunities** on sites like Capitol Park.
- Maximize the number of **housing units** allowed by zoning.

Source: https://www.slcdocs.com/CAN/2023-Housing-SLC-Plan-Spread-1.pdf.

Efficient Delivery of Facilities at Capitol Park

Facility	Available
Roads	✓
Water	✓
Sewer	✓
Stormwater	✓
Parks	✓
Fire	✓
Police	✓
Schools → ***more*** children for local schools	✓

Capitol Park is in Accordance with the Plan

- Fully served → **No new** or expanded facilities needed.
- Helps keep **local schools** open.
- New taxes and fees **reduce demands** on existing taxpayers.
- Creates new infill **Middle Housing** opportunities.
- Expands **housing choices** where housing is needed.
- In **accordance with** the City's plans.

Motion Sheet for Capitol Park Cottages

Motion 1: Planned Development (PLNPCM2021-00656)

Staff Recommendation:
Motion to approve:
Based on the information presented and the discussion, I move that the Commission approve this Planned Development application as recommended by staff. with the conditions listed in the staff report.

Alternate Motions:
Motion to approve with conditions modified by the Commission:
Based on the information presented and the discussion, I move that the Commission approve this Planned Development application coinciding with staff's recommendations but with the following modifications:

- *The Commission should list the conditions that are to be modified, added, or removed.*

Motion to Deny:
I move that the Commission deny this Planned Development application because evidence has not been presented that demonstrates the proposal complies with the following standards:

- *The commission should make findings related to which standards are not complied with.*

Motion 2: Preliminary Subdivision Plat (PLNSUB2021-01175)

Staff Recommendation:
Motion to approve:
Based on the information presented and the discussion, I move that the Commission approve this Preliminary Subdivision Plat as recommended by staff.

Alternate Motion:
Motion to approve with conditions modified by the Commission:
Based on the information presented and the discussion, I move that the Commission approve this Preliminary Subdivision Plat coinciding with staff's recommendations but with the following modifications:

- *The Commission should list the conditions that are to be modified, added, or removed.*

Motion to Deny:
I move that the Commission deny this Preliminary Subdivision Plat application because evidence has not been presented that demonstrates the proposal complies with the following standards:

- *The commission should make findings related to which standards are not complied with.*

ATTACHMENT 3: Planning Commission Meeting Minutes

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SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111
Wednesday, January 24, 2024

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at approximately 5:30 p.m. Audio recordings of the Planning Commission meetings are retained for a period of time. These minutes are a summary of the meeting and not a verbatim transcript. A video recording of the meeting is available at https://www.youtube.com/c/SLCLiveMeetings.

Present for the Planning Commission meeting were: Chair Mike Christensen, Commissioners Anaya Gayle, Landon Kraczek, Brian Scott, Aimee Burrows, Bree Scheer, Amy Barry, and Rich Tuttle. Vice-Chair Carlos Santos-Rivera was absent from the meeting.

Staff members present at the meeting were: Planning Director Nick Norris, Planning Manager John Anderson, Senior City Attorney Katherine Pasker, Principal Planner Aaron Barlow, Principal Planner Michael McNamee, Senior Planner Sara Javoronok, Senior Planner Diana Martinez, Principal Planner Brooke Olson, Acting Building Official Troy Anderson, Civil Enforcement Manager Antonio Padilla, Inspections Manager Bauen Pond, and Administrative Assistant Aubrey Clark.

Chair Mike Christensen shared the opening statement.

APPROVAL OF THE MEETING MINUTES FOR DECEMBER 13, 2023

Commissioner Anaya Gayle motion to approve the meeting minutes. Commissioner Scheer seconded the motion. Commissioner Kraczek, Scott, Tuttle, Scheer, Gayle, and Chair Christensen voted "yes". Commissioner Burrow and Barry abstained. The motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

The Chair had nothing to report.

REPORT OF THE DIRECTOR

Director Nick Norris reported that there will be a Commission Retreat on the first March Planning Commission meeting that will cover meeting and agenda length and other concerns and issues that the commission has had over the last year.

OPEN FORUM

Chair Christensen called for a motion to move the last two items on the Regular Agenda to the beginning of the agenda. The commission voted and the motion passed.

REGULAR AGENDA

1. **MU-8 Sign Regulations Text Amendment** – Mayor Erin Mendenhall has initiated a petition to amend sections of the Salt Lake City Zoning Ordinance relating to the proposed MU-8 Form Based Mixed Use Subdistrict 8. Specifically, amendments to chapter 21A.46 Signs, which addresses sign regulations in each zoning district. The proposed amendments are intended to establish sign regulations for the proposed MU-8 zoning district. (Staff Contact: Brooke Olson at 801-535-7118 or brooke.olson@slcgov.com) **Case Number: PLNPCM2023-00959**

Principal Planner Brooke Olson reviewed the petition as outlined in the staff report. She stated that staff recommends forwarding a recommendation of approval to City Council.

Commissioner Scheer asked whether the amendment would affect other mixed-use zoning districts. Brooke Olson answered that it would only apply to the MU-8 subdistrict.

PUBLIC HEARING

Chair Christensen opened the public hearing.

Seeing that no one wished to speak, the Chair closed the public hearing.

EXECUTIVE SESSION

The Commission had no further discussion.

MOTION

Commissioner Anaya Gayle stated, "Based on the information presented and discussion, I move that the Commission forward a recommendation to adopt these zoning text amendments to the City Council." Commissioner Kraczek seconded the motion.

Commissioners Kraczek, Burrows, Barry, Gayle, Tuttle, Scott, Scheer, and Chair Christensen voted "yes". The motion passed unanimously.

2. **Building Code Administration and Enforcement Text Amendment** - Salt Lake City Council has requested to amend Title 18, specifically updating regulations related to the administration of building codes. The proposed amendment updates references to state adopted code, modify building code enforcement appeal process, add and increase building enforcement fines and penalties to match zoning enforcement and cost of operations. The proposed changes will affect Chapters 18.24, 18.48 and 18.50 and related provisions of Title 18-Buildings and Construction. (Staff Contact: Craig Weinheimer at 801-535-6682 or craig.weinheimer@slcgov.com) **Case number PLNPCM2023-00868**

The Building Services management team Troy Anderson, Antonio Padilla, Craig Weinheimer, and Beauen Pond, and Senior City Attorney Katherine Pasker reviewed the proposal.

The Commission and Staff discuss the proposal.

PUBLIC HEARING

Chair Christensen opened the public hearing.

Seeing that no one wished to speak, the chair closed the public hearing.

EXECUTIVE SESSION

The Commission had no further discussion.

MOTION

Commissioner Scheer stated, "Based on the information presented and discussed, I move that the Commission recommend that the City Council approve this text amendment proposal." Commissioner Tuttle seconded the motion.

Commissioners Kraczek, Burrows, Barry, Gayle, Tuttle, Scott, Scheer, and Chair Christensen voted "yes". The motion passed unanimously.

3. **<u>Capitol Park Cottages Planned Development and Preliminary Subdivision Plat at Approximately 675 N F Street</u>** - Peter Gamvroulas, representing Ivory Development, LLC, is requesting approval from the City to develop a 21-unit development consisting of a mix of single-family and two-family houses served by a proposed private street at the above listed address. Currently, the subject property consists of undeveloped open space.
   A. **Planned Development:** Planned Development approval is required to allow new lots without street frontage, reduced setbacks, and other necessary modifications to relevant zoning regulations. **Case Number: PLNPCM2021-00656**
   B. **Preliminary Subdivision Plat:** Preliminary Plat approval is also required prior to the establishment of the Capitol Park Cottages Subdivision and its associated lots as proposed by the Planned Development application. **Case Number: PLNSUB2021-01175**

   The subject property is located within Council District 3, represented by Chris Wharton. (Staff Contact: Aaron Barlow at 801-535-6182 or aaron.barlow@slcgov.com)

   Principal Planner Aaron Barlow reviewed the petition as outlined in the staff report. He stated that staff recommends approval with the conditions listed in the staff report.

   The applicants Chris Gamvroulas, Eric Osth, and Peter Gamvroulas reviewed their proposal.

   The Commission, Staff and Applicants discussed the proposal.

   PUBLIC HEARING

   Chair Christensen opened the public hearing.

   Jim Jenkin – Chair of Fairer Avenues Community Council – Shared poll results that show the community is opposed to the proposal.
   Peter Wright – Preserve our Avenues Coalition – Opposed to the petition.
   Craig Smith – Opposed to the petition.
   Alan Hayes – Wants the proposal to be less congested and more livable.
   Scott Young – Opposed to the petition.
   Paul McKinnon – Opposed to the petition.
   Joel Ditton – Opposed to the petition.
   Larry Perkins – Opposed to the petition.
   Gary Krinedon – Opposed to the petition.
   Cindy Van Claverin – Opposed to the petition.
   Jenene Gwagar – Opposed to the petition.
   Don Warmbier – Opposed to the petition.
   Lon Jenkins – Opposed to the petition.
   Jan McKinnon – Opposed to the petition.
   Judy Danker – Opposed to the petition.
   Janie Mathis – Opposed to the petition.
   Brooklyn Lindsay – In favor of the petition.
   Chris Nelson – In favor of greater density in the city.
   Bruce Johnson – Opposed to the petition.
   Kent Fairbanks – Opposed to the petition.
   Gifford Betts – In favor of the petition.
   Email from Turner Bitton – In favor of the petition.
   Email from M Lisa Larriva – Opposed to the petition.

   Seeing that no one else wished the Chair closed the public hearing.

   The commission and staff discussed the types of housing available in the neighborhood.

The applicants provided rebuttal to some of the comments provided by the public.

EXECUTIVE SESSION

The Commission and applicants discussed how the ADU's would be implemented. They also discussed the trails and open space and whether an easement should be put in place. Staff clarified that the development agreement covers that topic.
The commission discussed Planned Development standards and needing varying housing types.

MOTION

Commissioner Scheer stated, "Regarding Planned Development PLNPCM2021-00656 Based on the information presented and the discussion, I move that the commission approve this Planned Development application as recommended by staff, with the conditions listed in the staff report." Commissioner Barry seconded the motion.

Commissioner Burrows offered a substitute motion to table. There was no second to that motion. The motion failed.

Returning to the motion from Commissioner Scheer a vote was taken. Commissioners Kraczek, Burrows, Barry, Gayle, Scott, Scheer, and Chair Christensen voted "yes". Commissioner Tuttle voted no. The motion passed 7 to one.

Commissioner Gayle stated, "Regarding PLNSUB2021-01175 Based on the information presented and the discussion, I move that the commission approve the Preliminary Subdivision Plat coinciding with staff's recommendations but with the following modifications: That the City and Ivory Homes enter into an agreement delineating the scope and purposed of the public use of the walkway and open space, as well as delineating maintenance responsibilities and liability related to the same." Commissioner Scheer seconded the motion.
Commissioner Gayle, Barry, Burrows, Kraczek, Scheer, Scott, and Chair Christensen voted "yes". Commissioner Tuttle voted "no". The motion passed 7 to one.

A ten minute break was called for. The meeting reconvened at 8:18 PM.

4. <u>The Chicago Rooftop Patio Planned Development at Approximately 27-45 N Chicago Street</u> - Derek Christensen, representing the property owner, is requesting Planned Development approval for five additional feet of building height to add an occupiable roof to the top of a proposed 120-unit, six-story apartment building at the above-listed addresses. Total height will be 65 feet. The subject property is within Council District 2, represented by Alejandro Puy. (Staff contact: Michael McNamee at 801-535-7226 or michael.mcnamee@slcgov.com) **Case Number: PLNPCM2023-00791**

Principal Planner Michael McNamee reviewed the petition as outlined in the staff report. He stated that staff recommends approval of the petition.

The applicant Derek Christensen shared a presentation of the project.

PUBLIC HEARING

The Chair opened the public hearing.

Seeing that no one wished to speak, the chair closed the public hearing.

EXECUTIVE SESSION

Commissioner Barry, the applicant, and staff discussed the parapet wall.

MOTION

Commissioner Barry stated, "Based on the information presented and the discussion, I move the Commission approve this Planned Development as recommended by staff." Commissioner Scheer seconded the motion.

Commissioners Tuttle, Scott, Scheer, Gyle, Barry, Burrows, Kraczek, and Chair Christensen voted "yes". The motion passed.

5. **Liberty Corner Design Review at Approximately 1265 S 300 West** - Chris Zarek of Cowboy Partners is requesting Design Review approval for Liberty Corner, a proposed multifamily residential building at the above-listed address. The site consists of six parcels totaling approximately 89,305 sq. ft./2.05 acres. Design Review approval is requested for additional building height up to a maximum of 85 feet and an increase in the maximum front yard setback on 1300 South to a maximum of 16 feet. The subject property is in the CG (General Commercial) zoning district. The proposed building is 7 stories tall and includes 200 two- to four-bedroom units (with average rents at 60% area median income, serving families ranging from 25% to 80% area median income), 269 parking spaces, and a first-floor daycare. The property is located within Council District 5, represented by Darin Mano. (Staff Contact: Sara Javoronok at 801-535-7625 or sara.javoronok@slcgov.com) **Case Number: PLNPCM2023-00952**

Senior Planning Sara Javoronok reviewed the petition as outlined in the staff report. She stated that staff recommends approval of the petition with the conditions listed in the staff report.

The applicant Chris Zarek shared a review of the project.

The commission and the applicant discussed the project including the sidewalk and vegetation space, and the number of elevators and entries.

PUBLIC HEARING

Chair Christensen opened the public hearing.

Seeing that no one wished to speak Chair Christensen closed the public hearing.

EXECUTIVE SESSION

The Commission, staff, and the applicant discussed green space, sidewalks and making the pedestrian experience more welcoming.

MOTION

Commissioner Gayle stated, "Based in the in formation presented and discussion, I move that the commission approve this Design Review application as recommended by staff." Commissioner Scott seconded the motion.

Commissioners Kraczek, Scott, Gayle, Barry, Scheer, Burrows, Tuttle, and Chair Christensen voted "yes". The motion passed.

6. **<u>Rowland Hall - St. Mark's Design Review at Approximately 1481 E. Sunnyside Avenue</u>** - Doug Speckhard, representing Rowland Hall-St. Mark's School, is requesting approval for a building height increase to 60' under the Design Review process to build a Middle and Upper School building on the northern portion of their property. The northern part of the property is zoned "I" (Institutional) District; this is where the development is proposed. The southern part of the property, along Sunnyside Avenue, is zoned OS (Open Space) and will remain as is. The subject property is within Council District 6, represented by Dan Dugan. (Staff Contact: Diana Martinez at 801-535-7215 or diana.martinez@slcgov.com) **Case Number: PLNPCM2023-00836**

Senior Planner Diana Martinez reviewed the petition as outlined in the staff report. She stated that staff recommends approval of the petition.

The applicants Mick Gee and Doug Speckhard reviewed the details of their petition.

PUBLIC HEARING

Chair Christensen opened the public hearing.

Jan Hemming – Yalecrest Community Council – In favor of the petition. They have concerns regarding traffic safety.
Mary O'Connell - In favor of the petition. Has traffic safety concerns.
Email from Brittany Young – Opposed to the request.
Email from Daniel Thomas - Opposed to the request.

Seeing that no one else wished to speak the Chair closed the public hearing.

EXECUTIVE SESSION

The Commission, staff, and the applicant discussed traffic concerns and parking.

MOTION

Commissioner Barry stated, "Based on the information presented and the input received, I move that the commission approve this Design Review as recommended by staff." Commissioner Kraczek seconded the motion.

Commissioners Tuttle, Scott, Scheer, Gayle, Barry, Burrows, Kraczek, and Chair Christensen voted "yes". The motion passed.

The meeting adjourned at approximately 9:48 PM.

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at <u>slc.gov/planning/public-meetings</u>. 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.

ATTACHMENT 4: Record of Decision Letter

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ERIN MENDENHALL
Mayor

DEPARTMENT of **COMMUNITY**
and **NEIGHBORHOODS**
PLANNING DIVISION

January 24, 2024

Peter Gamvroulas
Ivory Development, LLC
978 East Woodoak Lane
Murray, Utah 84117

RE: Record of Decision for Petitions PLNPCM2021-00656 & PLNSUB2021-01175
Capitol Park Cottages Planned Development – 675 North F Street

Dear Mr. Gamvroulas:

On January 24, 2024, the Salt Lake City Planning Commission granted Planned Development and Preliminary Plat approval for the property located at approximately 675 North F Street.

This Record of Decision is provided to you indicating the date action was taken, the decision of the Planning Commission including any approval conditions, the one-year time limit on the approval, the limitations on modifications to the plans, and the 10-day appeal period.

Project Description
The Planning Commission reviewed and approved the following project:

Peter Gamvroulas, representing Ivory Development, LLC, is requesting approval from the City to develop a 21-unit development consisting of a mix of single-family and two-family houses served by a proposed private street at the above-listed address. Currently, the subject property consists of undeveloped open space.

A. ***Planned Development****: Planned Development approval is required to allow new lots without street frontage, reduced setbacks, and other necessary modifications to relevant zoning regulations.* ***Case Number: PLNPCM2021-00656***
B. ***Preliminary Subdivision Plat:*** *Preliminary Plat approval is also required prior to the establishment of the Capitol Park Cottages Subdivision and its associated lots as proposed by the Planned Development application.* ***Case Number: PLNSUB2021-01175***

Conditions of Approval
The following conditions were applied to the approval of the Planned Development:

- Signage must be placed on the site indicating that the open space area is accessible to the public.
- The proposed external ADU on lot 21 cannot be optional and must be established as an ADU according to relevant zoning requirements.

The following condition was applied to the approval of the Preliminary Subdivision Plat:

- The City and Ivory Homes enter into an agreement delineating the scope and the purposes of the public use of the walkway and open space, as well as delineating maintenance responsibilities and liability related to the same. The final form of where that agreement appears and the final form of the agreement is left to staff's discretion.

Review Process Standards and Findings of Fact
The Planning Commission made specific findings related to the standards of review for Planned Developments and Preliminary Plats as stated in Chapter 21A.55 and Chapter 20.16 of the City

Code. The decision was also based on the purpose of the zoning ordinance, the purpose of the zoning district where the project is located, the information contained in the staff report, the project details provided by you, testimony from the public, and the discussion of the Planning Commission. Copies of this information will be made available online here: https://www.slc.gov/planning/planning-commission-agendas-minutes/.

Modifications to the Approved Plans
To obtain a building permit, all plans must be consistent with the plans reviewed and approved by the Planning Commission. The plan approved by the Planning Commission constitutes the site design in relation to building placement and design, landscaping, mobility and circulation elements, and any elements that were approved as zoning modifications through the Planned Development process. Modifications to the plan require an application to the Planning Division, and the Planning Director can only approve narrowly defined minor modifications as listed in 21A.55.100B of the Zoning Ordinance. Any modification not listed as a minor modification requires approval by the Planning Commission.

Time Limit on Approval
No planned development approval shall be valid for a period longer than **one year** from the date of approval unless a building permit is issued or complete building plans and building permit applications have been submitted to the Division of Building Services and Licensing. An extension of one year may be granted by the Planning Commission. Extension requests must be submitted in writing prior to the expiration of the planned development approval.

An application for final plat must be submitted within 18 months of preliminary plat approval and the final plat must be recorded within 24 months of preliminary approval. If either of these conditions are not met, the preliminary plat approval is void.

10-Day Appeal Process
There is a 10-day appeal period in which any affected party can appeal the Planning Commission's decision. This appeal period is required in the City's Zoning Ordinance and allows time for any affected party to protest the decision if they so choose. The appeal would be heard by the Appeals Hearing Officer. Any appeal, including the filing fee, must be submitted by the close of business on Monday, February 5, 2024.

The summary of action for the Planning Commission meeting is located on the Planning Division's website at:
https://www.slc.gov/planning/public-meetings/planning-commission-agendas-minutes/.

If you have any questions, please contact me at 801-535-6182 or aaron.barlow@slcgov.com.

Sincerely,

Aaron Barlow, AICP
Principal Planner

cc: File

ATTACHMENT 5: Appellant Materials

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PLANNING PROCESS //

APPEAL OF A DECISION

ABOUT THE APPLICATION

Thank you for your interest in submitting an Appeal of a Decision application. The following packet will provide general information to get started on your project and guide you through the application process from start to finish. The package is broken down into three sections: Information about the application, a visual diagram of the application process, and the application form.

We highly encourage you to work with our Planning staff prior to submitting an application. For questions regarding any of the information listed in this packet or to set up a pre-submittal meeting please contact us at zoning@slcgov.com or give us a call at 801.535.7757. Pre-submittal meetings are held on Thursdays in 30 minute slots between 1:30 and 3:30 pm.

1. Important Process Information
2. Process Timeline
3. Application Form

PLANNING DIVISION
451 SOUTH STATE STREET ROOM 406
PO BOX 145480
SALT LAKE CITY, UT 84114-5480

SLC.GOV/PLANNING
ZONING@SLCGOV.COM
TEL 801-535-7757

IMPORTANT PROCESS INFORMATION

ORDINANCE

21A.16

APPEAL PERIOD

An appeal must be submitted within ten (10) days of the decision. The applicant of an Historic Landmark Commission decision being appealed can submit within thirty (30) days of the decision.

GUIDELINES FOR APPEALING A DECISION (SECTION 21A.16)

A person who challenges a decision bears the burden of showing that the decision made 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.

In case of a commission decision the record includes information, such as 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.

PROCESS TIMELINE

TIME FRAME

2 - 3 MONTHS

APPLICANT

STAFF

1

APPLICATION RECEIVED

Application submitted and pre-screened to ensure submittal requirements are met and fees are paid.

2

14 days

PLANNER ASSIGNED

Application reviewed by Planner to ensure complete documentation (if incomplete, the applicant will be provided a list of missing info to submit).

3

10 days

CITY LAND USE ATTORNEY REVIEW

Appeal reviewed by Attorney's Office to determine if the appellant has standing to appeal.

4

21 days

RECORD OF APPEAL

Legal brief prepared by Attorney's Office. Staff report created, record of appeal assembled, and appeal hearing scheduled by Planning staff.

5

APPEAL HEARING

Appeal hearing held. Appeals to a Commission's decision do not require a public hearing. Appeals to Administrative Decision will include a public hearing. Hearing officer takes matter under advisement.

6

APPEAL HEARING OFFICER DECISION

Typically rendered 1 - 3 weeks after the appeal hearing is held. Further appeals to the Third District Court must be filed within 30 days of decision.

APPEALS HEARING SCHEDULING

Appeals hearings are typically held the 3rd Thursday of the month. The assigned planner will coordinate the scheduling for the appeal.

DISCLAIMER: APPLICATION TIME FRAMES MAY VARY DEPENDING ON CURRENT WORKLOAD AND COMPLEXITY OF APPLICATIONS. INCOMPLETE OR MISSING INFORMATION ON DRAWINGS AND APPLICATION FORMS WILL DELAY THE PROCESS.

APPEAL OF A DECISION

IMPORTANT INFORMATION

CONSULTATION

Available prior to submitting an application. For questions regarding the requirements, email us at zoning@slcgov.com.

SUBMISSION

Submit your application online through the Citizen Access Portal. Learn how to submit online by following the step-by-step guide.

REQUIRED FEES

- **$303** filing fee submitted within required appeal period. Additional required notice and hearing fees will be assessed after submission.

APPLICANT INFORMATION

ADDRESS OF SUBJECT PROPERTY

675 N F Street (Parcel No. 09-30-455-021-0000) - Appellants own various surrounding properties as described on the Appeal.

DECISION APPEALED

Planning Commission's Approval of PLNPCM2021-00656 and PLNSUB2021-01175

NAME OF APPELLANT

J. Craig Smith & Ethan M. Smith (undersigned counsel)

PHONE

8014131600

MAILING ADDRESS

257 East 200 South Suite 500

EMAIL

jcsmith@shutah.law & esmith@shutah.law

APPELLANT'S INTEREST IN PROPERTY *(*owner's consent required)*

○ Owner ○ Architect* ○ Contractor* ● Other*

IF OTHER, PLEASE LIST

Attorneys for Appellants who are Neighbors to the Property

NAME OF PROPERTY OWNER *(if different from appellant)*

Ivory Development, LLC

PHONE

MAILING ADDRESS

978 E Woodoak Lane, Salt Lake City, Utah 84117

EMAIL

OFFICE USE

CASE NUMBER BEING APPEALED

RECEIVED BY

DATE RECEIVED

APPEALED DECISION MADE BY

○ Administration ○ Historic Landmark Commission ○ Planning Commission

DISCLAIMER: PLEASE NOTE THAT ADDITIONAL INFORMATION MAY BE REQUIRED BY THE PROJECT PLANNER TO ENSURE ADEQUATE INFORMATION IS PROVIDED FOR STAFF ANALYSIS. ALL INFORMATION REQUIRED FOR STAFF ANALYSIS WILL BE COPIED AND MADE PUBLIC, INCLUDING PROFESSIONAL ARCHITECTURAL OR ENGINEERING DRAWINGS, FOR THE PURPOSES OF PUBLIC REVIEW BY ANY INTERESTED PARTY.

ACKNOWLEDGMENT OF RESPONSIBILITY

1. This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below.
2. By signing the application, I am acknowledging that I have read and understood the instructions provided for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public.
3. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application.
4. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

NAME OF APPLICANT	EMAIL	
Ethan M. Smith (undersigned Counsel)	jcsmith@shutah.law & esmith@shutah.law	
MAILING ADDRESS	**PHONE**	
257 East 200 South Suite 500	8014131600	
APPLICATION TYPE	**SIGNATURE**	**DATE**
PLNPCM2021-00656 and PLNSUB2021-01175	Ethan M Smith Digitally signed by Ethan M Smith Date: 2024.02.03 18:48:33 -07'00'	2/3/2024

LEGAL PROPERTY OWNER CONSENT

If the applicant is not the legal owner of the property, a consent from property owner must be provided. Properties with a single fee title owner may show consent by filling out the information below or by providing an affidavit.

Affirmation of sufficient interest: I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

LEGAL DESCRIPTION OF SUBJECT PROPERTY		
Signed on Behalf of Appellants with their Permission. See Also Exhibits 1, 2, 3, & 4 to the Appeal.		
NAME OF OWNER	**EMAIL**	
Ivory Development, LLC		
MAILING ADDRESS	**SIGNATURE**	**DATE**
978 E Woodoak Lane, Salt Lake City, Utah 84117		

1. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
2. If a joint venture or partnership is the fee owner, attach copy of agreement authorizing action on behalf of the joint venture or partnership.
3. If a Home Owner's Association is the applicant then the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

DISCLAIMER: BE ADVISED THAT KNOWINGLY MAKING A FALSE, WRITTEN STATEMENT TO A GOVERNMENT ENTITY IS A CRIME UNDER UTAH CODE CHAPTER 76-8, PART 5. SALT LAKE CITY WILL REFER FOR PROSECUTION ANY KNOWINGLY FALSE REPRESENTATIONS MADE PERTAINING TO THE APPLICANT'S INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION.

SUBMITTAL REQUIREMENTS

Please provide the following information with your application. Confirm that you have included each of the requirements listed below by adding a check mark for each item.

CHECK	STAFF	REQUIREMENTS (21A.16.030.A)
✓	○	**A written description of the alleged error and the reason for this appeal, see page 2.**

INCOMPLETE INFORMATION WILL NOT BE ACCEPTED

INITIALS

Ethan M Smith Digitally signed by Ethan M Smith Date: 2024.02.03 18:54:33 -07'00'

DISCLAIMER: 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.

J. Craig Smith
jcsmith@shutah.law
Ethan M. Smith
esmith@shutah.law
SMITH HARTVIGSEN, PLLC
257 East 200 South, Suite 500
Salt Lake City, Utah 84111
Telephone: (801) 413-1600
Facsimile: (801) 413-1620
Attorneys for Appellants

SALT LAKE CITY LAND USE APPEAL AUTHORITY

IN THE MATTER OF CAPITOL PARK COTTAGES PLANNED DEVELOPMENT AND PRELIMINARY SUBDIVISION PLAT APPROVAL IVORY DEVELOPMENT, LLC APPLICANT	**APPEAL OF SALT LAKE CITY PLANNING COMMISSION APPROVAL OF PLANNED DEVELOPMENT & PRELIMINARY PLAT AT 675 N STREET** Planned Dev. No. PLNPCM2021-00656 Prelim. Sub. Plat No. PLNSUB2021-01175

Pursuant to Salt Lake City Ordinance 20.48.120 the Appellants, listed below, respectfully appeal to the Salt Lake City Land Use Appeal Authority ("**Appeal Authority**") to reverse the Salt Lake City Planning Commission's ("**Planning Commission**") decision ("**Decision**") to approve the Capitol Park Cottages ("**Project**") as a Planned Development ("**Planned Development**") under Salt Lake City Code Title 21A, Chapter 55, and the approval of the Preliminary Subdivision Plat. The City's Case Numbers are listed above.

I. IDENTITY of APPELLANTS

1. Dr. Peter Wright, 400 E Capitol Park Avenue, Apt. 306, Salt Lake City.
2. Preserve Our Avenues Zoning Coalition ("**Coalition**")[1];

[1] The Coalition is a Recognized Community Organization in the Avenues of Salt Lake City. It helps to provide a voice for the Avenues and to preserve one of the City's most beautiful and historic neighborhoods. The Coalition represents Avenues residents in relation to housing and land use matters. Peter Wright is President. Enclosed as **Exhibit 1** is a notarized letter and a notarized resolution on behalf of the Coalition authorizing the submission of this Appeal.

3. Janice McKinnon, 400 E Capitol Park Ave., Apt. 302, Salt Lake City.
4. Meridien at Capitol Park Association, Inc ("**Meridien HOA**").[2]
5. Joel Deaton, 813 N Juniper point Drive, Salt Lake City.
6. Northpoint Homeowners Association Inc. ("**Northpoint HOA**").[3]
7. Maria Chachas, 689 N Caring Cove, Salt Lake City.
8. Capitol Park Homeowners Association, Inc. ("**Capitol Park HOA**").[4]
9. Judy Dencker, 475 E 13th Avenue, Salt Lake City.
10. Janie Mathis, 688 F Street, Salt Lake City.

(collectively, the "**Appellants**").

The Appellants represent the vast majority of the neighborhood surrounding the Project at 675 North F Street. The Appellants submit their appeal ("**Appeal**") through their undersigned legal counsel. The Appeal is the "written description of the alleged error and the reason for this appeal" required by Salt Lake City Ordinance 21A.16.030.A.

II. BURDEN of PROOF, STANDARD of REVIEW & STANDING

Appellants carry the burden of proving the Planning Commission erred.[5] Pursuant to Salt Lake City Code 21A.16.030(I)(2)(b) and Utah Code Ann. § 10-9a-705, the Appeal Authority reviews the Planning Commission's Decision and shall determine its correctness. The Appeal Authority shall uphold the Planning Commission's 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*."[6] The Appellants are "Adversely Affected Parties" under Utah Code Ann. § 10-9a-103(2). Specifically, the Northpoint HOA, Meridien, and Capitol Park HOA are adjoining property owners to the 675 N F Street Lot. Individual Appellants live next to the Lot. Thus, numerous Appellants have standing to submit this Appeal.

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[2] Meridien HOA represents the owner/residents of the Meridien Condominium and borders the Project to the south. Meridien is an adaptive reuse of the historic Veterans Hospital. Enclosed as **Exhibit 2** is a notarized letter and a notarized resolution on behalf of Meridien authorizing the submission of this Appeal.

[3] Northpoint HOA represents the owners in North Point Estates and borders the Project to the north. Enclosed as **Exhibit 3** is a notarized letter and a notarized resolution on behalf of the Northpoint HOA authorizing the submission of this Appeal.

[4] Capitol Park HOA represents the single-family homeowners on the west border of the Project. Enclosed as **Exhibit 4** is a notarized letter and a notarized resolution on behalf of the Capitol Park HOA authorizing the submission of this Appeal.

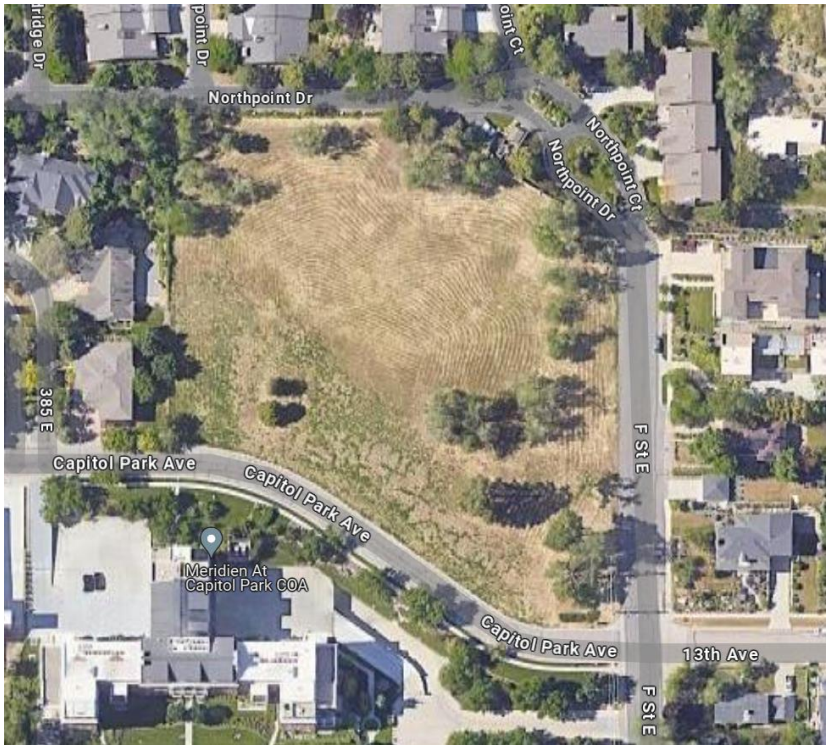
[5] Utah Code Ann. § 10-9a-705.

[6] Salt Lake City Code 21A.16.030(I)(2)(C).

III. REQUEST FOR STAY

Appellants request a stay of the Decision from the Appeal Authority. Salt Lake City Code 21A.16.030.F allows a stay if the requesting party can show that the stay is necessary to prevent substantial harm. In accordance with City Code, the Appellants will incur substantial harm if this Appeal Authority does not grant a stay. As discussed in this Appeal, the Appellants will suffer substantial harm as the Decision constitutes a violation of the Appellants' due process, will substantially affect their legal rights on Capitol Park Ave, and will affect the Appellants' general legal rights.

IV. INTRODUCTION & BACKGROUND



^**Map of Area (675 N F Street Lot)**

The Petition, Planned Development, Preliminary Plat, and Decision all relate to a 3.2-acre parcel of land undeveloped land identified as "**675 N F Street Lot"** or **"Lot**"[7] The Lot is surrounded by private and fully developed property on three of its four sides. The Appellants include all three of the private property owners who abut the 675 F N Lot. The only public access to the Lot is from F Street. When Ivory purchased the Lot in 2020 it had no approvals or entitlements. Consistent with much of the surrounding area, the Lot was zoned FR-3 for single family homes with a minimum lot size of 12,000 square feet.

[7] The 675 N F Street Lot is more specifically described as Salt Lake County Parcel No. 09-30-455-021-0000.

Almost immediately after purchasing the Lot, Ivory began proposing dense and intense developments far in excess of the allowed single-family use. The result of Ivory's efforts is a Project with density and intensity completely out of character with the surrounding Avenues. The density and intensity was granted in the Decision by violating multiple Salt Lake City ("**City**") Code and Ordinance provisions ("**City Code**"). The Staff Report, discussion of the Planning Commission prior to voting, and the Decision, all fail to consider an easement for Capitol Park Avenue and its limitations on access to the Lot. Without the Easement there is only a single access to the Lot and the 42 Units (including Accessory Dwelling Units "**ADU(s)**") within the Lot and its single alley.[8]

The Decision approving the Project as a Planned Development and the Preliminary Plat, is on a "**Petition**" submitted by Ivory Development, LLC, a part of Ivory Homes, Ltd, ("**Ivory**"). The Planning Commission reviewed the Petition and heard information and public comment at its meeting on January 24, 2024, and voted to approve the Project as a Planned Development and approved Preliminary Plat. On January 25, 2024, the Planning Commission published its Summary of Actions (aka the Decision) which is the subject of this Appeal. The Appellants thank the Salt Lake City Land Use Appeal Authority ("**Appeal Authority**") for considering their Appeal.[9]

V. REASONS TO REVERSE THE DECISION

In reviewing the information provided to the Planning Commission by City planning staff ("**Staff**") in particular the Staff Report which recommended approval ("**Staff Report**"),[10] it is easy to understand why and how the Planning Commission erred. The Staff Report is one-sided, fails to include many important facts, fails to incorporate mandatory conditions upon which the Rezone was granted, and misstates City Code. These many errors, which resulted in errors in the Decision are detailed below. To aid the Appeal Authority's review of the Decision and its errors, the Appellants have organized the Appeal to address the following six key errors:

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[8] Appellants acknowledge that under City Code 21A-40-200.N.2. an ADU does not count toward the density allowed in the underlying zoning district. However, despite this legal fiction, ADU's are real, and their construction and occupation creates physical impacts on the surrounding environment.

[9] As of the date of the filing of this Appeal the Record created at the Planning Commission has not been made available to Appellants. Obviously, the lack of access to the full record disadvantages Appellants. Thus, Appellants reserve the right to supplement upon receiving access to the full record. A video of the January 24, 2024, Planning Commission Hearing ("**Hearing**") can be found at the following link:

https://www.youtube.com/watch?time_continue=2390&v=t42wuJImm2E&embeds_referring_euri=https%3A%2F%2Ftactiq.io%2F&embeds_referring_origin=https%3A%2F%2Ftactiq.io&source_ve_path=Mjg2NjY&feature=emb_logo

[10] The Staff Report is attached as **Exhibit 5**.

(1) The Decision Violates the Conditions of the Rezone from FR-3 to SR-1.

(2) The Lack of Adequate Parking or Snow Storage Violates the Compatible Use Requirement in City Code 21A.62.040.

(3) The Project Does Not Qualify as a Planned Development and is Not Entitled to Reduction of Setbacks and Expansion of Building Footprints

(4) The Decision's Approval of High Density and High Intensity Development Violates Multiple Provisions of City Code.

(5) The Planning Commission Violated Due Process by Approving a Subdivision With Built ADUs.

(6) The Planning Commission Decision is Illegal as it Overburdens the Easement and Violates City Code.

1. The Decision Violates the Conditions of the Rezone from FR-3 to SR-1

In December of 2022, the Salt Lake City Council ("**City Council**") rezoned the 675 N F Lot from FR-3 to SR-1. As you would expect, the Rezone was not simply a change of zoning based on a blank slate, Ivory was required to and did provide significant information regarding the development, if the Lot was rezoned to the much denser SR-1 Zone. The most important parts of this submission were extensive draft development plans including a multipage "**Concept Plan**" for the Lot. This detailed Concept Plan, created by Ivory to obtain approval of the Rezone, included detailed drawings of the layout of streets, building lots, a landscape plan, building elevations, a private park, and number of units on the Lot.[11] A private park ("**Park**") is shown as Parcel A on the Rezone's Concept Plan. Ivory's development plans were reviewed by Staff and submitted to the City Council with a report from Staff. ("**Rezone Report**").[12] Ivory's narrative was included in the Rezone Report, which states the following regarding the Park:

> *"The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate* ***a large open green space that will be programmed for the communal use of the residents.****"*[13](Emphasis added.)

Additionally, the Rezone Report explains the following regarding the Park:

[11] The Concept Plan has two fewer lots than the approved Preliminary Plat.

[12] The Rezone Report is attached as **Exhibit 6**, which contains, among other things, the Rezone Report.

[13] *See* Ex. 6 (Rezone Report) at page 31.

> ***"The open space area is .4 acres (17,432 SF) in size****. By reducing minimum private yard spaces in certain lots (by an average of 525 SF****), a large community open space is created that offers recreational and community gathering opportunities*** *that would not be feasible on typical 5,000 SF lots."*[14](Emphasis added.)

The Rezone Report also includes that the open green space will include "*a children's playground facilities*."[15] Based on the draft development plans the Rezone was approved by the by the City Council as "City Ordinance No. 81 of 2022" ("**Rezone Ordinance**").[16] Significantly, the Rezone Ordinance contained five specific conditions or stipulations upon which the Rezone was approved.[17]

Despite the City Council requiring these conditions/stipulations in the Rezone Ordinance, the Decision ignores and violates Condition #4 of the Rezone Ordinance. Condition #4 states:

> "*4.* ***The open area shown on the draft development plan*** *submitted to the planning Commission and the City Council shall generally be accessible to the community, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers." (Emphasis added)*[18]

The "open area" required in Condition #4, is shown on the draft development plans aka Concept Plan, as the17,432 square foot Park, aka Parcel A, in the southeast corner of the Lot.[19] Calling specifically to this Park, as shown on Ivory's plans, the Rezone Ordinance required it be a public park rather than a private park.

The required open area or public Park has now largely vanished in the Preliminary Plat. Instead of the 17,432 square feet only 9,600 square feet is shown on the Preliminary Plat, this 45% reduction of size is confirmed on page 58 of the Staff Report, titled Lot Dimension Plan dated January 16, 2024. In a side-by-side comparison of the Site Plan approved with the Rezone and the Site Plan/Preliminary Plat approved by the Planning Commission in the Decision the public Park has been replaced by sidewalk and park strips and leftover remnants of land around the periphery

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[14] *See* Ex. 6 (Rezone Report) at page 33.

[15] *See* Ex. 6 (Rezone Report) at pages 32-33.

[16] The Rezone Ordinance is attached as **Exhibit 7**.

[17] *See* Ex. 7 (Rezone Ordinance).

[18] *See* Ex. 6 (Rezone Report); Ex. 7 (Rezone Ordinance).

[19] *See* Ex. 6 (Rezone Report) at pages 17-18 & 31-32.

of the Lot which are supposed to form a walking trail. The Rezone Ordinance required the public Park and called specifically to the Park shown on the Concept Plan/draft development plans. By allowing Ivory to execute this "bait and switch" the Decision violates the Rezone Ordinance. While the Rezone Ordinance is not codified it is nonetheless law. If it were to be repealed the Lot would revert back to its original FR-3 Zoning. As stated above if the Decision violates ordinance or law, it must be reversed.

Concept Plan in Rezone Report – Page 18	**Illustrative Plan in Staff Report Page 6**

Analyzing the plans submitted by Ivory to obtain the Rezone and the Staff Report shows a 45% reduction of green space. It is easy to see how the Planning Commission was misled into violating the Rezone Ordinance. The Staff Report at page 6 erroneously and misleadingly informed the Planning Commission that:

> *The project includes roughly 25,600 square feet of open space that will be open to the public (as required by the conditions related to the rezone to the SR -1 district). A walking path (called a "mews walk" in the submittal materials) would circle the project site—most of it through the proposed open space.*[20]

The Condition in the Rezone Ordinance specifically required public access to a public Park a contiguous 17,432 square feet area identified as, *"[t]he open area shown on the draft development plans," in the Rezone Ordinance*, not worthless left-over scraps scattered around the periphery of the Project, plus sidewalks and park strip. There is no equivalency, and the Decision violated Condition #4.

[20] *See* Ex. 5 (Staff Report) at pages 6-7.

The required public Park/open area turned into two more residential lots. The draft development plans had 19 lots the Preliminary Plat has 21 lots. The Park has been cannibalized for two more lots. The fabrication of a so-called walking trail seeks to cover up the loss of the Park/open area. The Staff Report regrettably failed to give honest and accurate information to the Planning Commission about the requirements of the Rezone Ordinance, resulting in a Decision violating the Rezone Ordinance. The Decision must be overturned for this violation alone. With the addition of two more lots, and loss of almost half the area there is no children's playground, there is no open space, and there is no community gathering area, demonstrating the Planning Commission's violation of Condition #4 and disregard for what the City Council Required in the Rezone.

2. The Lack of Adequate Parking or Snow Storage Violates the Compatible Use Requirement in City Code 21A.62.040

The only access for all of the 21 lots and 42 residences (including the ADUs) is a narrow private alley that has a driving area of only 20 feet in width ("**Alley**"); [21] entering the Project on F Street and exiting on private Capitol Park Ave in violation of City Code as it is not a compatible land use.[22]

This narrow Alley, with driveways every few feet, will not and cannot provide any parking. First there is insufficient space between driveways for anything other than smallest of subcompact cars to park without blocking a driveway.[23] Second, the parking of a car on the Alley reduces the drivable width of the Alley to below 20 feet. The International Fire Code, adopted as state law, requires a minimum of 20 feet for fire and emergency vehicles.[24]

The Preliminary Plat provides only four guest parking spots, or 0.1 guest parking spaces per unit. Neighboring developments have a ratio of 0.7 guest parking spaces per residence and these are heavily utilized. Also, all four of the guest parking spaces are located together in one

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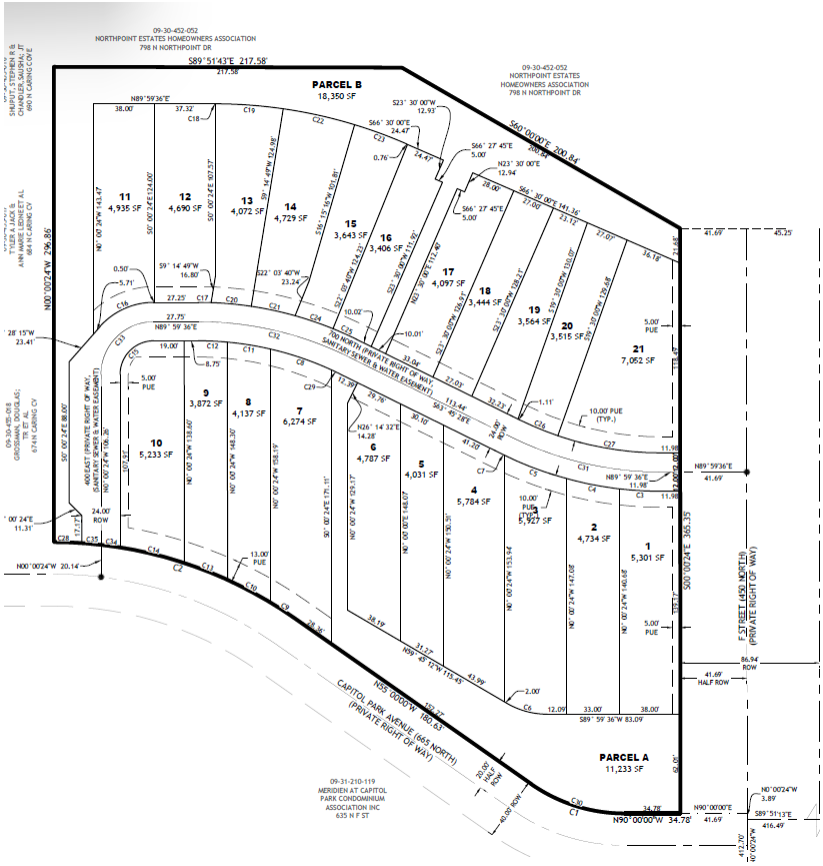
[21] City Code 12.04.030 states that an "Alley" means a public way within a block primarily intended for service and access to abutting property by vehicles and not designed for general travel. No Lot has direct access to a City street. All must use the Alley for access.

[22] COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, **parking requirements**, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings. (Emphasis added.) See City Code 21A.62.040.

[23] The space between driveways ranges from approximately 10 feet to 20 feet. *See* Ex.5 (Staff Report) at pages 52-63.

[24] International Fire Code §16.04.015.2.A.

corner of the Project. Clearly, four guest parking spaces is insufficient to meet the needs of all 21 lots and 42 potential residences. A single birthday party or family gathering will overwhelm all available parking for the entire Project.



^Project Preliminary Plat

This Project is not in a walkable section of the City and most two adult families will find two vehicles to be a necessity. The only parking provided for the ADU residents is on short, shared driveways. This awkward two-deep parking arrangement will require constant shuttling of cars, blocking the alley and causing unsafe conditions. It is also highly likely that the primary residence owner will not want to endure this problematic shuttling and will tell the renters of the ADUs to park on the streets.

The Staff Report shows that lots 5, 8, 9, 13, 15, 16, 18, 19 & 20 (9 out of 21 lots) each have only three parking places, single car garages and driveways leading to the garages. If the primary unit and ADU residents each have two cars, as is typical for a neighborhood, where will the fourth car park? Where will any guests park? This clear lack of parking fails to meet the objective standard of City Code 21A.62.040. Again, following the pattern of covering up any inconvenient facts, the Staff Report on page 16, in the section discussing Traffic and Parking, states with zero facts and zero analysis*, "[l]ike traffic, the anticipated parking impact on surrounding properties*

is minimal." This is in direct contrast to a detailed parking study conducted by residents and included in the Staff Report on page 202, which shows that at least 30 cars will be forced to park on the neighboring streets, surrounding but outside of the Project, on a regular basis.

This lack of adequate parking internal to Ivory's Project will cause extensive parking on nearby streets, particularly F Street and Capitol Park Ave. F Street has limited parallel parking only and will be fully parked on both sides of the street, inconveniencing and limiting guest parking for current residents. Even if F Street was completely empty, it does not have space for the 30 parking spots that the Staff Report states will be necessary on page 202. Despite signage and notifications that parking is prohibited, Project residents and guests will inevitably park illegally on Capitol Park Ave a private street. Additionally, the narrow 20-foot-wide alley going through the Project also fails provide any snow storage area, this will inevitably lead to plowed snow narrowing the alley below the fire code minimum of 20 feet or snow will be illegally pushed onto either F Street or Capitol Park Ave.

City Code 21A.55.050.C.3.b. obliges the Planning Commission to consider if the Project provides sufficient space for private amenities such as resident and guest parking. City Code 21A.55.010 also requires that any planned development be compatible with adjacent and nearby land uses, this would include excessive parking from the Project spilling over to neighboring streets. Both the Staff Report and the Planning Commission failed to properly consider the Project's parking needs. Numerous residents wrote to the Staff and Planning Commission with concerns regarding parking. This item was considered in detail in the POAC Community Report submitted to the Staff, as is seen in the Staff Report on page 196.

In his two-minute public comment to the Planning Commission Avenues resident Bruce Johnson addressed this issue recommending that lot widths be increased to allow a third lane of parking for the ADU residents. This and all other well-considered and thoughtful input from neighbors and residents was ignored in the Staff Report and by the Planning Commission.[25] The Staff could, and should have, asked for a parking study to be performed by a licensed traffic engineer in the Streets Department but in dereliction of duty failed to do so.

During the hearing, Commissioner Amy Barry in a long statement considered the issue of parking and lamented that there is nothing the Planning Commission can do to require additional parking. This is incorrect and plainly misstates City Code. A "Planned Development" is a Conditional Use in the SR-1 Zone. As such, City Code 21A.44.040.A, (Conditional) Use

[25] Appellants respectfully request the Hearing Officer carefully read the transcript of the Public Hearing immediately prior to the votes to approve the Planned Development and Preliminary Plat. The short, two minutes, comments are far more insightful and germane than typical public comment. There is little if any repetition. Each commenter addressed serious deficiencies and reasons why the Planning Commission should reject both the treatment of the Project as a Planned Development and the Preliminary Plat.

authorizes the Planning Commission to require a specific parking requirement for the Planned Development which differs from the standard parking requirements in the City Code:

> "*If a conditional use is approved by the planning commission in accordance with Chapter 21A.54 and the conditional use approval states a different parking requirement than that required by this Chapter 21A.44, and is determined necessary to mitigate a detrimental impact, then the parking requirement in the conditional use approval shall apply.*"

Regrettably, although sitting a few feet away the assigned Staff Planner, the City's Planning Director and the Assistant City Attorney assigned to the Planning Department all said nothing and failed to correct this misstatement by Commissioner Barry. Silently affirming this clear misunderstanding of the authority and ability of the Planning Commission to reject the Project's proposed parking plan which is clearly inadequate for the Project's prospective residents.

3. The Project Does Not Qualify as a Planned Development and is Not Entitled to Reduction of Setbacks and Expansion of Building Footprints

City Code Chapter 55 Planned Developments of Title 21A governs and provides specific standards for the Development to qualify as "Planned Development" "The Purpose Statement for Planned Developments, City Code 21A.55.010, identifies six specific objectives ("**Objectives**"). In order to qualify as a "Planned Development" and receive reduction of setbacks and expansion of building footprints given to Planned Developments. City Code 21A.55.010 requires Ivory to demonstrate the Project:[26]

> "*incorporates special development characteristics that ...provide a benefit to the community as determined by the planned development objectives"* and states that, *"A planned development will result in a more enhanced product that would be achievable through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments."*[27]

To demonstrate the "benefit to the community" and "enhanced product" justifying reduced setbacks and expanded building envelopes not allowed in the SR-1 Zone the Project must satisfy at least one of these six Objectives (Subsections A -F). Each of the six Objectives also lists one or

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[26] The Six Objectives are: A. Open Space And Natural Lands: Preserving Protecting or creating open space and natural lands; B. Historic Preservation; C. Housing: Providing affordable housing or types of housing that helps achieve the City's housing goals and policies; D. Mobility: Enhances accessibility and mobility; E. Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems; F. Planned Development Implementation: City Code 21A.55.010.A.-F.

[27] City Code 21A.55.010.

more "strategies that are intended to be used to determine if an Objective has been accomplished through a specific proposal" ("**Strategy**").[28]

Ivory claims the Project meets two objectives as follows: [29]

1. *A. Open Space and Natural Lands: 21A.55.010.A.1&6*
   (1) Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar type of facility.
   (6) Clustering of development to preserve open spaces.

2. *C. Housing: 21A.55.010.C.2*
   2.The proposal includes housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.

The Decision incorrectly analyzed both Objectives and the Strategies Ivory claimed the Project meets, and as explained more in depth below, the Project meets neither Objective nor any of the three identified Strategies. Failing to meet the Objectives, the Project is disqualified from being a Planned Development and the reduction of setbacks and expansions of building envelopes awarded to Planned Developments.

A. <u>The Project Does Not Meet the Open Space Objective in City Code 21A.55.010.A.1&6</u>

Analyzing the Project demonstrates that it cannot, in any way, meet the Open Space and Natural Land Objective found in City Code 21A.55.010.A.1&6, which state:

> *1. "Inclusion of community gathering spaces or public recreational opportunities, such as new trails that connect to existing or planned trail systems, playgrounds or similar types of facilities. …*
>
> *6. Clustering of development to preserve open space."*

Despite bald assertions in the Staff Report and the Decision that state that there is open space, the Project does not preserve open space by clustering. The Project actually does the opposite. The Project's clustering is used to reduce setbacks and increase building lot coverage, not preserve open space. Thus, open space is decreased, not increased. The Decision finding that

[28] City Code 21A.55.010.

[29] Ivory's Planned Development actually detracts from other Objectives, which is not mentioned in the Staff Report. For example, the extremely limited stacked parking detracts from "D. Mobility."

the Project preserves open space is a perverse misuse of the Planned Development process. Creating the opposite result from the Objective. First, even the most casual glance at the Project's plans shows what is claimed as open land accounts for a fraction of one acre as asserted by the Ivory.[30] The site is only 3.2 acres and the open space shown in green on page 6 of the Staff Report is obviously far less than one third of the total.

Moreover, the City Council imposed several Conditions in exchange for the grant of the rezone to the denser SR-1 Zone, to address open space. These Conditions referenced on page 8 of the Staff Report are shown below:

> *2.Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line* ***shall be setback at least 30'*** *from the corresponding rear or side property line.* (Emphasis added.)
>
> *4. The open area shown on the draft development plan submitted to the planning Commission and the City Council shall generally be accessible to the community, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers."*

The open area imposed as a Condition of the Rezone cannot be doubly used to also justify clustering by preserving open space. This open space was **mandated** as open space by the Rezone Ordinance. Thus, it cannot be used a second time to meet the Open Space Objective. The Condition of the Rezone required this very same open space. The Planning Commission cannot use the required open area to also justify clustering. This would be the equivalent of "having your cake and eating it too." Furthermore, as discussed above the required open area public Park shrank by 45% from the open area required in the Rezone Ordinance and the Preliminary Plat. Thus, rather than meeting the Open Space Objective required for a Planned Development the Decision approves the reduction of open space. It is untenable for to "double dip" in this fashion and for the Staff to condone this.[31]

The Project's reduced open area is shown in the Landscape & Amenity Plan on the Staff Report page 6. As discussed above, the open areas to the south and west were mandated in the Rezone Ordinance. The area to the east is not even Ivory owned land, but City land in the right-of-way for F Street. Lastly, the area to the North has a 33-degree slope and cannot be built on. For the above reasons none of the land Ivory claims to preserve as open space can be built on and

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[30] *See* Ex. 5 (Staff Report) at page 6.

[31] It should also be noted that the area shown in green as open space to the East is not even Ivory land, but city owned land in the right-of-way for F Street.

cannot be used as a justification for clustering. Ivory clusters buildings not to preserve open space but to reduce setbacks and expand building lot coverage so as to be able to sell larger, more expensive homes and enhance their bottom line.

The Staff Report, again grossly misinformed the Planning Commission[32] stating: *"The project includes roughly 25,600 square feet of open space that will be open to the public (as required by the conditions related to the rezone to the SR-1 district."* This statement is false. As discussed above, the City Council specifically conditioned the Rezone on making available to the public a specific area of open space as shown on the Rezone Report, not a hodgepodge of left over bits and pieces around the periphery. Sidewalks and paths that are anyway required for Ivory residents to access their homes, is not "Open Land" as envisaged in the ordinance.

Further the little unbuilt land remnants fail to meet the definition of "open space." City Code 21A.62.040 defines "open space" as:

> *OPEN SPACE: An area of land or water that is improved or unimproved, and serves the purposes of preservation of natural resources, recreation, or public health and safety.* ***Open space is land set aside for conservation or recreation purposes.*** *It may include woodlands, play areas, recreation centers, government facilities, walking and riding trails, nature center, wetlands and lands in the floodplain as well as land use for passive or active recreation.* (Emphasis added.)

For the reasons discussed earlier none of "open space" can be built on and it is therefore not, "*...land* ***set aside*** *for conservation or recreational purposes…".* Ivory does not *"cluster to preserve open space"* as required by City Code 21A.55.010.A.6 and this claim is invalid.

Although the Planning Commission discussed various aspects concerning open land and trails the Staff Report and the Planning Commission failed to recognize that the Project fails to meet Rezone Ordinance's conditions for the public Park, or that none of the open remnants shown as "open space," could be built on anyway. The Planning Commission also failed to adequately question if the claimed "open space" meets the City's definition of Open Land and failed to even obtain a definition of a "trail".

Since City code 21A.62.040 does not have a definition for a trail, Commissioner Anaya Gayle suggested the use of City Code 2.94.030: contained in the Land, Trails and Urban Forestry Board listing of Definitions, however, Staff replied that this not be used, but gave no explanation as to why or provide a different definition. In fact, as it is the only City definition of "Trails" its use is mandatory City Code 2.94.030 defines "Trails" as:

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[32] *See* Ex. 5 (Staff Report) at pages 6-7 (under the heading Open Space and Landscaping and provides an illustration titled Landscape and Amenity Plan taken from the Petition).

> *TRAILS: Marked or signed paths within city owned property or easements, maintained and used primarily for walking, hiking, bicycling, or other non-motorized modes of transportation.*

The primary use of the so- called trails is for foot access to residents' homes. Also, this is not *"...a marked or signed path maintained primarily for walking, hiking, bicycling* "and therefore would not meet this only City Code definition of a trail. Nor would it meet dictionary definitions of a trail or the commonly understood meaning of the word. Sidewalks and paths necessary for access to people's homes do not constitute a trail.

The failure of the Petition to meet the definition of trails in the City Code and the failure to conserve any open land demonstrates that the Decision does not meet the standard of City Code 21A.55.010.A.1 &6. The Decision of the Planning Commission to consider the sidewalks, park strips, and left over periphery pieces of land was illegal as it does not meet the codified Objectives or Strategies.

B. <u>The Project Does Not Meet the Housing Objective in City Code 21A.55.010.C.2</u>

The Decision committed yet another legal error by finding the Housing Objective Strategy in City Code 21A.55.010.C.2, was met. The strategy states *"[t]he proposal includes housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.*" Specifically, Ivory argued its Project "*was designed to facilitate ADUs in new home construction as a distinctive feature*."

The inclusion of ADUs living space above the garages, as Ivory proposes, is permitted in the SR-1 zone without a planned development.[33] The internal *"potential ADUs"*, can be constructed in an identical manner without a planned development and so the inclusion of ADUs is not unique to a planned development.[34] These "*potential ADUs"* cannot therefore be considered a benefit of, or a justification for, the grant of a planned development. City Code 21A.55.010 is clear that a planned development application must demonstrate that it "*incorporate(s) special development characteristics..."* that would not be "*... achievable through strict application of land use regulations...".* The Decision's failure to note that potential ADUs are not unique to a planned development is arbitrary and capricious and demonstrates the failure of the Staff Report to include necessary items.[35]

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[33] *See* City Code 21A.24.080.E.5.

[34] *See* City Code 21A.24.080.E.5.

[35] *See* City Code 21A.24.080.E.5.

Ivory is entitled to build the physical infrastructure of these internal "*potential ADUs"* without a planned development.[36] The SR-1 zone regulations define a box, Ivory's internal "potential ADUs" fit into this box, thus no concessions via a planned development are required to add space above the garages as Ivory proposes. Also, the number of primary residences and *"potential ADUs"* would not be significantly different for a development built in accordance with SR-1's City Code 21A.24.080.E.5. In the Rezone Report the Staff estimated the practical build capacity of the lot under SR-1 rules to be 18 single family homes. Ivory presents a plan with 21 units, however, seven of these are twin homes which take up less land. A similar mix under SR-1 would therefore yield a similar number of lots and dwellings. Housing built to SR-1 rules would also be sufficiently large to accommodate a "potential ADU" over the garage. There is nothing unique to a planned development for the ADUs.[37] It is likely, however, that since building lot coverage would be restricted, these homes would be smaller, and perhaps more affordable.

Whether the ADU ordinance was intended to be used for mass creation of ADUs is a different consideration, as is the issue of due process in reviewing this new and novel use. Also, whether these *"potential ADUs"* will actually become housing is pure speculation. There is no obligation to the purchaser to create an ADU. Purchasers may prefer to use this extra space as a home office, home gym, guest suite, etc. Therefore, the number of ADUs that will be created is unknowable as is any potential benefit cannot be relied upon to be a benefit to the public.

Nowhere in the Staff Report does it analyze or discuss Ivory's ADU claims and how they relate to the objectives in City Code 21A.55.010. This is extremely troubling as there were multiple written comments submitted regarding the validity of Ivory's claims of compliance with City Code 21A.55.010 from members of the public for example:

> Ret. Judge John P. Kennedy. *"Moreover, Ivory's claim that its planned development should be approved to allow ADUs is without any factual basis."*[38]
>
> Judy Rose. *"Ivory claims that a planned development is required to add ADUs. This is not correct. The City allows ADUs for any qualifying home."*[39]

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[36] *See* City Code 21A.24.080.E.5.

[37] *See* City Code 21A.24.080.E.5.

[38] *See* Ex. 5 (Staff Report) at page 297.

[39] *See* Ex. 5 (Staff Report) at page 321.

> RD Kim. *"Misleading Claims: Ivory ironically claims that a planned development is required for ADUs, and falsely claims to preserve open space and create trails."*[40]

Also, during the public comment portion of the Hearing, several Appellants and Avenues residents explained that a planned development was not required to build the physical infrastructure of internal ADUs in the SR-1 zone and that Ivory's planned development claims are invalid, for example:

> Peter Wright stated: *"Ivory's planned development claims are quite frankly laughable. A sidewalk is not a trail and the open space Ivory claims to preserve by clustering, is all unbuildable land. Also, Ivory can build the physical infrastructure of potential ADUs without a planned development."*
>
> Scott Young dedicated his entire two-minute talk to this matter, stating: *"Since SR-1 already allows ADUs, Ivory's potential ADUs cannot be used as a basis to justify a Planned Development."*

The issues surrounding ADUs were raised multiple times during the Hearing. Commissioner Burrows questioned if the ADUs represented a housing type not commonly found in the area. Commissioners asked if these would all be pre-built as ADUs. There was discussion as to what constituted an ADU with respect to build features such as a separate entrance etc. There was clarification that the ADUs will not be subdivided, but that this is a subdivision where each unit will have a pre-built ADU. There was discussion as to city and state regulations regarding owner occupancy and if an ADU is a unit of density. Commissioner Burrows did question if the planned development standards were met and stated concerns that they were not, but there was no examination of this by other commissioners.

At no point did any of the Planning Commission ask or examine if these potential ADUs could be constructed in an identical manner without a planned development. This is an issue that should have been raised and discussed in the Staff Report, it was not. Nonetheless the issue was presented repeatedly, by so many well-informed Avenues residents (including the Appellants), that the Planning Commission should have realized that the planned development standard was not met, making the Decision illegal.

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[40] *See* Ex. 5 (Staff Report) at page 396.

4. The Decision's Approval of High Density and High Intensity Development Violates Multiple Provisions of City Code

The Decision approved 21 multi-story dwellings with each primary dwelling having a "potential ADU". During Hearing, Ivory's expert told the commissioners that in his experience, the cost benefits are such that he believes the majority, if not all of these will become ADUs. Because each residence has an ADU, there will be a total of 42 dwellings, or close to it, crammed into the 675 N F Street development. This would compare with an average of 14 dwellings on the neighboring blocks in the SR-1 Zone. It is not just a question of the number of dwellings, every building parameter is maximized, every house is a large two-story building with building lot coverage far in excess of the SR-1 Zone maximums and the norm for the neighborhood. Front, rear, and side yard setbacks are all severely reduced, such that this development is of high development intensity and fails to meet the Purpose Statement of the SR-1 Zone or the city definition of Compatible Land Use.

A. <u>The Decision Violates City Code 21A.62.040</u>

The Decisions approval of this Project is not a compatible land use and is in violation of City Code 21A.62.040, which states:

> *COMPATIBLE LAND USE:* ***A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements****, access and circulation, site improvements, and public facilities and service demands, is* ***consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings*****.** (Emphasis added.)

The Decision's approval of the Petition's development intensity, an amalgam of all of the parameters listed in City Code 21A62.040 demonstrates that Ivory's Project is unlike anything in the neighborhood and fails to meet the city definition of a Compatible Land Use. A detailed quantitative analysis conducted by the Appellants and Avenues residents shows the Project is at least 2.65 times the development intensity of the neighborhood[41]

[41] *See* attached Development Intensity Analysis as **Exhibit 8** that examines the ten (10) blocks closest to the 675 N F Street Lot. As shown in Ex. 12, the proposed forty-one (41) dwellings is triple the average in this area. Even if you do not count the ADUs, the proposed development is fifty percent (50%) denser than the surrounding area. All of the other metrics in Development Intensity Analysis, number of multi-story buildings, above grade square footage of buildings, setbacks, etc., show a development intensity of up to three-and-a-half times the area. The high development intensity of the 675 N F Street Lot is unlike the established neighborhood in the Avenues and violates City Code.[41]

ANALYSIS OF IVORY PROPOSAL VERSUS THE ESTABLISHED NEIGHBORHOOD

	NEIGHBORHOOD	IVORY	MULTIPLE
DWELLINGS	14	42	3X
TRAFFIC GENERATION (Number of vehicles)	28	84	3X
ABOVE GRADE SIZE OF HOUSES (sq ft)	1863	3629	2X
NUMBER OF TWO-STORY BUILDINGS %	25%	100%	4X
NUMBER OF DUPLEX'S %	1.5%	67%	45X
DISTANCE BETWEEN BUILDINGS (Feet)	27	10	2.7X
FRONT SETBACK (Feet)	21.1	15	1.4X
REAR SETBACK (Feet)	45.6	13	3.5X
BUILDING LOT COVERAGE (DEVELOPED) %	20.8	48.5	2.3X
BUILDING LOT COVERAGE (GROSS) %	20.8	34	1.6X

DEVELOPMENT INTENSITY NEIGHBORHOOD 1.0
DEVELOPMENT INTENSITY IVORY 2.65

IVORY'S DEVELOPMENT INTENSITY IS 265% THAT OF THE NEIGHBORHOOD

As shown in the analysis above from Ex. 8, the nearest 10 blocks to the Project containing 140 lots that have an SR-1 Zone and compared this to Ivory's Project. This detailed quantitative analysis clearly demonstrates that the Project's development intensity is significantly greater than the surrounding SR-1 Zone.[42] Analysis of the nearest 10 blocks in the SR-1 Zone demonstrates that the Project is three times as dense as the nearest 10 blocks, has four times more two story buildings, setbacks are much smaller, and building lot coverage is 60% more than the surrounding SR-1 Zone.[43] The Project does not meet the requirement defined in City Code 21A.62.040 for Compatible Land Use that requires new development to be *"consistent with and similar to neighboring uses."*

Moreover, the Project's 21 large two story buildings, closely packed together, with reduced setbacks, creates a scale and intensity far greater than and not compatible with the goals and purposes of the SR-1 Zone. According to City Code 21A.24.080, "[*u]ses are intended to be compatible with the existing scale and intensity of the neighborhood*" and "*promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood*."

[42] *See* Ex. 8 (Development Intensity Analysis).

[43] *See* Ex. 5 (Staff Report).

As explained in the above paragraph, the Project is grossly out scale compared to the neighborhood. Further, its highly dense and intense units will not preserve the existing character of the neighborhood or the Avenues.

B. The Decision Violates City Code 21A.55.050

The Decision is also in violation of 21A.55.050.C.1 that requires the Planning Commission must consider:

> *"Whether the scale, mass, and intensity of the proposed planned development is compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable Planned Development related to building and site design;"*

Considerations with regard to bulk and intensity and compatibility with the neighborhood were raised by multiple residents in numerous letters that were available to the Planning Commission, including the quantitative analysis conducted by Avenues residents, but the Planning Commission did not consider City Code 21A.55.050.C or even consider the intensity of the Project. Moreover, the Staff Report failed to address intensity and any mention of intensity is found in a general statement of how housing is needed in Utah without explaining or even identifying the actual controlling provisions of City Code.

Members of the Planning Commission are lay citizens, and many are new to this role, they rely heavily on advice and input from the City's Staff. It is difficult if not impossible for Planning Commissioners to make objective judgements when controlling provisions of City Code are either withheld or mischaracterized. Nonetheless, the Decision of the Planning Commission where it failed to consider the key parameter of development intensity renders the Decision arbitrary, capricious and contrary to law.

5. The Planning Commission Violated Due Process by Approving a Subdivision With Built ADUs

The Planning Commission violated the Appellants' due process rights by making a legislative decision that must follow the process in City Code 21A.50 and Utah Code Ann. § 10-9-501.[44] The Decision approved Ivory's Preliminary Plat that includes a fully constructed and functional ADU on all 21 lots. By approving the ADUs, in all but name only, violates City Ordinances and Utah law and the Decision to approve this mass creation is an illegal legislative action which also violates due process.

[44] Of course, the Planning Commission is an administrative body and has no legislative powers. Only the City Council does in Salt Lake City.

A. City Code 21A.40.200's ADU Approval is One at a Time

City Code 21A.40.200 only allows ADU creation one-at-a time and only here-and-there by individual owner occupants.[45] The Decision completely disregarded City Code 21.A.40.200's this requirement. In fact, there are only four ADUs in the entirety of the Avenues, an area which includes over 7,000 homes. That is because ADUs must be created by individual owners of properties scattered here and there throughout the community. To the best of the Appellants' knowledge, none of these ADUs anywhere in the City are adjacent or in the same block. Certainly, there is nothing that approaches an entire Project where all 21 units have an ADU.

Ivory is proposing to create a subdivision with ADUs where every unit in the Project has an ADU, in what they have described as "an experiment" and "the first of its kind in Utah." A subdivision where every unit has a pre-built ADU, is a totally different animal that is not considered anywhere in City Code. The Petition is a back door effort to create a precedent for a subdivision with ADUs without due process in violation of law. City Code 21A.50 prescribes the required process for adoption of new land uses which includes a draft proposal, a 45-day period for public comment, a review and recommendation by the Planning Commission, and a further review and decision by the City Council. This process has not been followed.

B. City Code 21A.40.200.C Only Allows Owner Occupants to Create ADUs

City Code 21A.40.200.C explains that ADUs can only be created by individual "*owner occupants*" that "*shall reside on the property*" and further defines such an owner occupant as "*[a]n individual who is listed on a recorded deed as an owner of the property*." Ivory cannot meet the definition of an owner occupant as it is a corporation that has no intention of residing at any of its lots. Ivory's plan is to create pre-built ADUs and anticipates that nearly all, if not all, ADUs will be so utilized. This plan to create a subdivision with ADUs is not anticipated from a developer standpoint and it is not allowed under City Code 21A.40.200.

C. A Subdivision with ADUs is a Legislative Decision

The Planning Commission's approval of the Petition without proper authorization to create a mass ADU project, is illegally making a legislative, not administrative, decision, in violation of

[45] In a 9/1/2019 Salt Lake Tribune article by Tony Semerad, Jake Young Planning Manager for Salt Lake County stated: *"It's one at a time ...It's not a subdivision or an apartment complex with 200 units. Individual ADUs will have little impact on actual neighborhoods or streets. They blend in and are unnoticed."*

Utah Code Ann. § 10-9a-501(1), which allows only a legislative body to enact ordinances. Specifically, Utah Code Ann. § 10-9a-501 states:

> *(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.*
>
> *(2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.*

There is no ordinance in City Code that allows the Planning Commission to approve a Preliminary Plat where every lot has an ADU, and it has no authority to do so. Ivory first presented this idea of a subdivision with ADUs in 2020, from this time while other parts of the ADU ordinance were altered, the City Council, the legislative body, never enacted an ordinance allowing for a subdivision with ADUs. Ivory's Preliminary Plat with ADUs has not gone through the proper approval process required by the City Council, and the Petition approved without any legal authority to do so denies the Appellants their right to due process of law.

While one could argue that pre-building the physical elements of an ADU in each unit does not breach a regulation, ignores reality and the impact this concentration of ADUs will have, more than doubling the number of residences and vehicles originally intended in that zone.[46] The allowance of a subdivision with ADUs greatly exceeds the allowable density in that zone. On average, nearby Avenues blocks of the same size have 14 dwellings. Is an ADU a unit of density? The ADU ordinance 21A.40.200 states that it is not, however this is based on the presumption and intent of the ordinance to allow individual ADUs to be created one-at-a-time, here-and-there throughout the community, where the incremental density is small and can be absorbed over a wide area. This statement that an ADU is not a unit of density was never intended to apply to the mass creation of ADUs. Ivory's proposal is essentially a backdoor to increased density without review by the public and the city council. This is a decision that the City Council, as the City's legislative body, must decide and create an ordinance regulating.

Simply enough, the creation of a subdivision with ADUs is a legislative, not an administrative decision. The City Council must create an ordinance that allows a subdivision with ADUs pursuant to City Code 21A.50 and Utah Code Ann. Chapter 9a of LUDMA. To the date of this Appeal, no such ordinance has been crafted.

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[46] As explained above, the illegal classification of the Project as a Planned Development approved more density than the SR-1 Zone allows.

D. The Hearing and Staff Report's Analysis of the Subdivision of ADU's is Arbitrary and Capricious

The Staff report states the following regarding the ADU issue:

Many comments from the community raised concerns about including ADU spaces within the units. Specifically, concerns have been brought up that allowing the ADUs essentially doubles the density of the site. Their letter (included with Attachment H) argues that the additional ADUs, at the scale proposed, should require approval by the City Council. Staff's review of the ADU regulations found that they "[do] not count towards the density allowed in the underlying zoning district." Meaning they are exempt from the density requirements of the SR-1 zoning district. As noted earlier in this report, the proposed ADU will be beneficial to the community and the development (see Key Consideration 3). They also enable the proposal to support goals and objectives established within adopted plans (see Key Considerations 1).[47]

The response from the Staff is arbitrary and capricious. The statement that an ADU is not a unit of density is of course nonsense, these are dwellings, people live there and bring vehicles. Specifically, the Affordable Housing Incentive Plan, approved by the city council on 12/5/2023 recognizes this and states "*[a]n accessory dwelling unit (ADU) is considered one unit and counts toward the number of units permitted*."

The Staff Report's statement regarding ADUs was made for administrative convenience, made arbitrarily, and made capriciously. City Code 21A.40.200 only facilitates ADUs created one-at-a-time, here-and-there throughout the community by owner occupants. City Code 21A.40.200 cannot legally be used to govern a use not contemplated when these regulations were devised. These substantial revisions to allowable land use can only be approved by the City Council (the applicable legislative body). The Planning Commission's decision to approve this subdivision of ADUs is not allowed by ordinance and is contrary to Utah Code Ann. §§ 10-9a-501 and 10-9a-406. The resulting density also violates City Code 21A.55.020.D. and 21A.24.080.

6. The Decision is Illegal as it Overburdens the Capitol Park Ave Easement & Violates City Code

The 675 N F Street Lot also has severe exterior access challenges. It has only one access to a public street, F Street, and has only a limited easement to use the private and substandard Capitol Park Ave for ingress and egress. To the south 675 N F Street Lot is separated from its next-

[47] *See* Ex. 5 (Staff Report) at page 14.

door neighbor the Meridian by Capitol Park Avenue ("**Capitol Park Ave**"). Capitol Park Ave is not a City street or roadway but is a "private road or driveway" owned, controlled, and maintained by Meridian.[48] In 1997, the Church first announced its plan to build a meeting house on the Lot. Specifically, on May 12, 1997, a meeting was held with the City's Board of Adjustment, as the Church wanted the proposed meetinghouse and its fence to exceed the height limit of the Lot's applicable zoning.[49] The Church provided a conceptual site plan ("**Meetinghouse Site Plan**") to demonstrate the curb cut, parking, and how the meetinghouse would generally be situated on the Lot.[50] To facilitate the Church's plan of building a meetinghouse, AHC (Meridian's predecessor) entered into the Easement Agreement on October 12, 2001. The planned meetinghouse on the 675 N F Street Lot was frequently talked about in Greater Avenues Community Council Meetings up until August 14, 2002. However, the meetinghouse was never constructed and, subsequently in 2020, the Church sold the 675 N F Street Lot to Ivory.

On October 12, 2001, Meridien's predecessor in ownership, AHC, granted an easement, via a written agreement ("**Easement Agreement**"), to the then Lot owner, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints ("**Church**"). The Easement Agreement allows only limited use and access to Capitol Park Ave from the Lot and was granted to the Church for the purposes of a meetinghouse which the Church planned to build. This Easement Agreement was recorded as Entry No. 8923197 at Book 8923, Page 1596-1605 in the office of the Salt Lake County Recorder.[51] All successors are bound by the Easement Agreement, must abide by the limits it places on use of Capitol Park Ave, and cannot overburden the "**Easement**."

In 2014, the City declined to accept Capitol Park Ave as a City street and so responsibility to maintain, repair, and control, the adjacent section of Capitol Park Ave rests with Meridien. Meridien and its predecessors have continually regulated Capitol Park Ave as a Private Road, as defined in City Code. No parking is allowed on Capitol Park Ave, due to its substandard width. Unfortunately, due to the lack of parking within the Project, which has no interior street parking and only four guest spaces, illegal parking on Capitol Park Ave will occur on a daily basis if the Project is built.

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[48] Meridien is the successor to Avenue Heights Condominiums, LLC, ("**AHC**").

[49] A copy of the Notice of Board of Adjustment on Zoning Meeting attached as **Exhibit 9**. The Church also provided elevation plans of how the meetinghouse would sit on the 675 N F Street Lot. Additionally, a copy of the Elevation Plan for the Church's Meetinghouse is attached as **Exhibit 10**.

[50] A copy of the Meetinghouse Site Plan attached as **Exhibit 11**.

[51] A copy of the Easement Agreement is attached as **Exhibit 12**.

The Staff Report, discussion of the Planning Commission prior to voting, and the Decision, all fail to consider the Easement and its limitations on access to the Lot. Without the Easement there is only a single access to the Lot and the 42 Units (including ADUs) within the Lot and its single alley.[52]

The Decision overburdens the Easement on Capitol Park Ave, as it will bring a sharp increase of traffic due to the 42 proposed units on the 675 N F Street Lot, being entirely different to what was originally anticipated when the easement was granted for a meetinghouse, which would have entailed principally Sunday Only traffic and not 24/7 usage by a dense and congested development. Due to the paucity of mass transit, and distance to shopping and other daily services, this location is mostly dependent on automobiles for transportation. The sharp increase in the use of Capitol Park Ave will result in an illegal overburdening of it contrary to Utah law.

A. <u>The Decision Mandates Overburdening the Easement</u>

The Planning Commission's approval legally mandates that Ivory may overburden the Easement and constitutes government action. Overburdening an easement occurs when the dominant estate "*substantially increases use of the servient estate beyond that contemplated by the parties at the time of the grant*."[53] The Easement Agreement anticipated Sunday church meetings and the church being used for occasional activities throughout the week. There was no intent of having constant traffic due to 42 units with residents, service vehicles, guests, and visitors to and from 675 N F Street Lot. The intent of the Easement Agreement was never for 42 units on the 675 N F Street Lot. The Petition explains a Project that will use Capitol Park Ave that was not contemplated when the Easement Agreement was entered into.[54]

When construing easements, "[*it] is elementary that the use of an easement must be as reasonable and as little burdensome to the servient estate as the nature of the easement and its purpose will permit*."[55] Further, "*language of the grant is the measure and extent of the right created; and that the easement should be so construed as to burden the servient estate only to the*

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[52] Appellants acknowledge that under City Code 21A-40-200.N.2. an ADU does not count toward the density allowed in the underlying zoning district. However, despite this legal fiction, ADU's are real, and their construction and occupation creates physical impacts on the surrounding environment.

[53] *Lutheran High Sch. Ass'n of the Greater Salt Lake Area v. Woodlands III Holdings, LLC*, 2003 UT App 403, ¶ 15, 81 P.3d 792, 796.

[54] *See id.*

[55] *SRB Inv. Co., Ltd v. Spencer*, 2020 UT 23, ¶ 11, 463 P.3d 654, 657.

degree necessary to satisfy the purpose described in the grant."[56] Utah law also "*looks to the language of the grant, the circumstances attending the transaction, the situation of the parties, the state of the thing granted*."[57] Additionally, Utah Courts have adopted a general rule that broad interpretations of express easements are rejected when they impermissibly expand the burden on the servient estate that is not necessary to satisfy the purpose described in the granting of the easement.[58]

The Utah Supreme Court has explained that holding an easement does not include an unlimited right to use that easement. In *SRB Inv. Co., Ltd v. Spencer*,[59] it explained, "*[e]ven though courts will almost always consider the physical dimensions of the land used, as well as the frequency and intensity of that use, the 'ultimate criterion' in determining the scope of a prescriptive easement is that of avoiding increased burdens on the servient estate. When examining the scope of an easement Utah Courts consider any and all factors that may contribute to that burden*."[60]

When examining all the factors relating to the past use, the above explained intention of the Easement Agreement, and future use of the Easement Agreement, it is clear that the Decision overburdens the Easement. The historical use of the Easement Agreement has been non-existent as there is no development or current use of the 675 N F Street Lot. The Project in the Petition would create excess traffic, parking, use, and other issues for Capitol Park Ave. In fact, this use of Capitol Park Ave would be taking Meridien's private property for Ivory's private use, without just compensation, in violation of the U.S. Constitution, Amendment V, and the Utah Constitution, Article 1 Section 22.

Moreover, Utah Courts have ruled in a similar situation to this that the "*division of the entire dominant estate into several lots, with the expectation that each portion would obtain a right of way over the servient tenement, could not be a use contemplated by the parties at the time of the grant and reservation. Hence, there was no error in denying Christensen a direct right of way over plaintiffs' land*."[61] Ivory will overburden Capitol Park Ave and the Planning Commission cannot

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[56] *Lutheran High Sch. Ass'n of the Greater Salt Lake Area v. Woodlands III Holdings, LLC*, 2003 UT App 403, ¶ 10, 81 P.3d 792, 795

[57] *See id*. ¶ 15, 796.

[58] *See Wellberg Invs., LLC v. Greener Hills Subdivision*, 2014 UT App 222, ¶¶ 10-11, 336 P.3d 61, 64.

[59] *SRB Inv. Co., Ltd v. Spencer* 2020 UT 23, ¶ 22, 463 P.3d 654, 660.

[60] *Id.* at ¶ 22, 660.

[61] *Wood v. Ashby*, 122 Utah 580, 587, 253 P.2d 351, 354 (1952).

rely on the Easement Agreement to apply to every single owner, guest, renter, etc., of the 42 units. The Decision is in direct conflict with Utah law.

B. The Overburdening of the Easement is not a Private Matter

When coming to the Decision, the Planning Commission had the burden of enquiry and completeness with regard to the application as required by City Code 20.04.080.[62] The Planning Commission illegally approved of the Petition, when it did not properly investigate the effect of the Petition on the Easement Agreement and allowed Ivory to overburden the Easement. Following the pattern of failing to mention anything that might cause the Planning Commission concern, the Staff Report fails to mention that the intended use of the easement will exceed the intended use, or even that it is an issue of contention. They do this despite the subject being raised in person with them as well as in writing on multiple occasions. This would include an extensive analysis of law presented to the Staff and the City land use attorney by HOA President Jan McKinnon in October 2023, that cited a highly relevant, recent Utah Supreme Court decision *SRB Inv. Co., Ltd v. Spencer*.[63]

This unreasonable bias extends further than just the Staff, when this issue was raised with the city land use attorney, she defined this as a private matter between Meridien and Ivory, and without having even seen the easement, siding with Ivory stating that Meridien would have to provide a court decision to prove the easement invalid. This is incorrect, the burden lies with Ivory to demonstrate that the easement is sufficient for the intended use. The city land use attorney has the same burden of enquiry and completeness defined in 20.04.080. While it would have been unreasonable to expect the City Attorney's office to rule on this matter, at the very least the city could have sought a legal opinion from the State of Utah Property Rights Ombudsman. They did not and illegally aided Ivory in expediting a planned development that will lead to an overburdening of the easement and depriving the Meridien of its property rights.

Further, the Planning Commission's approval of the Petition is a government action that is authorizing Ivory to overburden the Easement Agreement, making Ivory's private conduct state action.[64] Tellingly enough, the Staff Report is silent regarding the increase of traffic and potential

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[62] City Code 20.04.080 states that the Planning Commission shall *"[m]ake investigations and reports on proposed subdivisions and in cases of subdivision amendments involving streets per chapter 20.28, article III of this title make recommendations to the city council as to their conformance to the Planned Development, zoning ordinances of the city, and other pertinent documents*."

[63] *SRB Inv. Co., Ltd v. Spencer* 2020 UT 23, ¶ 22, 463 P.3d 654, 660.

[64] *Orem City v. Santos*, 2013 UT App 155, ¶ 8, 304 P.3d 883, 885 "[*t]he government must be involved either directly as a participant or indirectly as an encourager of the private citizen's actions before we deem the citizen to be an instrument of the state*."

effect of the Petition on Capitol Park Ave, despite the fact that it was brought up in comments and information regarding this issue was submitted to the Planning Commission. The City's action of approving the alley that goes into Capitol Park Ave would be a direct involvement in encouraging Ivory's overburdening. Because of the City's in-depth involvement of the land use process for the 675 N F Street Lot, Ivory's use of the Capitol Park Ave would be a state action that would be considered a taking of Capitol Park Ave, a clear due process violation that is illegal.[65]

C. The Decision Will Create Further Violations of Utah Law

The Decision will invariably lead to further violations of Utah law. Capitol Park Ave is not capable of facilitating the increased burdens that the Planned Development would bring and does not allow parking. While the Easement allows for ingress and egress it does not allow for parking and parking is not allowed on Capitol Park Ave.[66] Specifically, service vehicles, guests, and visitors to the dwellings are likely to overflow the minimal parking within in the 675 N F Street Lot, causing unauthorized parking on Capitol Park Ave and even in Meridien's parking lot. This, in turn, will prevent vehicles from safely driving on Capitol Park Ave by narrowing the traffic lanes and blocking visibility.

As a privately owned road, Meridien will not tolerate any parking for the many service vehicles, guests, and visitors of the planned 42 units built within the confined 675 N F Street Lot. Any parking on the Easement Agreement will be a violation of Utah law and will cause further problems between Meridien and the eventual owners and renters of the 42 units.

Additionally, it was demonstrated during the winter of 2022-2023, a lot of snow can and will fall and accumulate in the City, with even greater snow depths in the foothills and upper

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[65] *See Gray v. Dep't of Emp. Sec*., 681 P.2d 807, 816 (Utah 1984); *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976).

[66] A plain reading of the Easement Agreement demonstrates that vehicular ingress to and egress from the 675 N F Street Lot does not include parking on Capitol Park Ave. The Easement Agreement only allows for "*pedestrian and vehicular ingress to and egress from the CPB [Church] property [675 N F Street Lot]*." *See* Ex. 5. Black's Law Dictionary defines ingress as "*the right or ability to enter; access*." *Black's Law Dictionary* 786 (Deluxe 7th ed. 1999), Black's Law Dictionary defines egress as "*the act of going out or leaving; the right or ability to leave; a way of exit*." *Black's Law Dictionary* 534 (Deluxe 7th ed. 1999). Utah courts have explained that ingress and egress does not include parking. In *Judd v. Bowen*, 2017 UT App 56, 397 P.3d 686, the court stated that the parking right sought "*resembles occupation and possession*" as it allowed the one party "*to physically exclude and prevent the Bowens (the other party) from using a portion of their property for the indeterminate time*." *Id.* at ¶ 49, 702. The *Judd* Court held that parking was not included in the easement. *See generally id.* In fact, parking has only been allowed on an easement when there is already a history of parking use. *See e.g., Bridge BLOQ NAC LLC v. Sorf, 2019* UT App 132 ¶ 33, 447 P.3d 1278, 1284. There is no history of parking on 675 N F Street Lot, as it has been vacant for years, There is also no history at all of parking on Capitol Park Ave. *See id.*

Avenues area. The Petition fails to provide any snow storage for the narrow 20-foot alley that runs through the 675 N F Street Lot. The private snowplows used to remove snow will inevitably push snow onto Capitol Park Ave, in violation of the Easement. Also, City Code 14.20.080 (Obstructing Right of Way With Snow Prohibited) states the following:

> "*It is unlawful to place snow removed from private property in the public way. It is unlawful to place snow removed from sidewalks, drive approaches or other public places in a manner so as to cause a hazard to vehicular or pedestrian traffic*."

The Decision forces 675 N F Street Lot to violate this provision of City Code. Snow would, by necessity, be pushed out from the Project onto Capitol Park Ave or F Street. The Petition has many wide driveways and a very narrow interior alley.

There is insufficient area to store snow on the lots with minimal space between buildings and minimal green space. This past winter was a harsh reminder of the necessity of snow storage, especially in the Avenues, where inadequacy of snow storage resulted in accidents and other safety hazards for both pedestrians and drivers. As you know, the upper Avenues have more snow than the valley floor, which requires additional storage space. The Petition simply does not provide adequate space for snow storage on the 675 N F Street Lot, which will result in issues for all. More than just an aesthetic concern, this is a legitimate safety concern as the alley that runs through 675 N F Street Lot will cause the alley to be less than 20 feet wide, in violation of International Fire Code at 503.2.1. Snow build up could easily make it difficult for law enforcement, ambulances, fire trucks, and even the residents themselves from accessing the alley.

CONCLUSION

Any one of the multiple violations of City Code and Ordinance identified above requires the reversal of the Decision. Neither the approval of the Planned Development nor the Preliminary Plat were approved within the confines of applicable law. The series of reversable errors began with the failure of the Planning Commission to follow the mandated conditions required by the City Council when the Rezone was approved. A required open area Park was consumed by adding two additional lots to the Site Plan tied to the Open Space Condition. Next the Lack of Adequate Parking or Snow Storage Violates the Compatible Use Requirement in City Code 21A.62.040. Although City Code City Code 21A.44.040.A provides a ready remedy for the scant parking, when a Planning Commissioner incorrectly stated nothing could be done, no one corrected him even though the Staff, Planning Director, and City Planning Attorney were all present.

These errors were compounded by misclassifying the Project as a Planned Development although none of the required Objectives or Strategies required to qualify the Project as a Planned Development are met. Planned Developments are supposed to result in an enhanced product which

provide an overall benefit to the community. No one, other than Ivory, Staff, and the Planning Commission, was able to identify either an enhanced product or any benefit to the Avenues community.

At tremendous effort, the Appellants analyzed the ten blocks closest to the Project. The Project is 265% more intense than the surrounding 10 blocks. Nothing about this Project resonates with the purposes and reasons for land use regulation. Many years ago, the Utah Supreme Court observed:

> "*zoning is authorized only as an exercise of the police power of the state. It must therefore have for its purposes and objectives matters which come within the province of the police power....: It must be comprehensive; it must be designed to protect the health, safety, and morals of the inhabitants; to promote the general transportation and other public service; and meet the ordinary or common requirements of happy[,] convenient and comfortable living by the inhabitants of the districts, and the city as a whole.*"
>
> *Marshall v. Salt Lake City*, 141 P.2d 704 (Utah 1943)

The Decision violates nearly all of these principles and goals by trying to shoehorn an extremely dense and intense development into the Lot, packed like a can of sardines, where access is by a narrow alley, with only a single outlet to a City street, without sufficient parking and creating negative impacts on the surrounding neighborhood. The Decision must be reversed.

DATED this 3rd day of February 2024.

SMITH HARTVIGSEN, PLLC

/s/ J. Craig Smith
J. Craig Smith
Ethan M. Smith

CC: Appellants

EXHIBIT 1

Coalition Letter & Resolution

PRESERVE OUR AVENUES ZONING COALITION

793 Northpoint Court
Salt Lake City, Utah 84103

January 29, 2024

Re: *Appeal of SLC Planning Commission Decision re Ivory Development's Application for Planned Development at 675 F Street, SLC, Utah*

To Whom It May Concern:

I am the President of the Board of Directors of Preserve Our Avenues Zoning Coalition ("Coalition") which was formed "to monitor and evaluate proposed zoning and other land use regulations and property development which may affect land situated within the area known as the Greater Avenues District of Salt Lake City, Utah and to advocate for the preservation and advancement of the interests of the residents of that area." I present this letter in connection with the Coalition's appeal of the Salt Lake City Planning Division's approval of Ivory Development's proposed development located at 675 F Street, SLC, Utah and pursuant to the instructions provided to us for an Appeal of a Decision. The Planning Commission's decision was issued on January 25, 2024.

Consistent with the instructions and to the extent required, the Board of Directors on which I serve as President has notified residents of the area of the appeal application. The Board of Directors, which as noted is charged evaluating and monitoring zoning and other issues related to land use within the area, voted on participation in the appeal on January 29, 2024 and its three (3) members voted to participate in the appeal. The vote meets the requirements of the Coalition's Bylaws. A copy of the Board of Director's formal resolution is attached hereto.

Please let me know if you need anything further from me. Thank you.

Sincerely,

Peter Wright

State of Utah)

ss.

County of Salt Lake)

On this 30th day of January, in the year 2024, before me,

Jennifer Lundgreen

a notary public, personally appeared Peter Wright, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.

Jennifer Lundgreen

Notary Public

JENNIFER LUNDGREEN
Notary Public - State of Utah
Commission Number: 718511
My Commission Expires on
May 26, 2025

PRESERVE OUR AVENUES ZONING COALITION, a Utah nonprofit corporation

RESOLUTION RELATING TO APPEAL OF SALT LAKE CITY PLANNING COMMISSION'S APPROVAL OF IVORY DEVELOPMENT'S PROPOSED DEVELOPMENT OF PROPERTY LOCATED AT 675 N. "F" STREET

WHEREAS, Preserve Our Avenues Zoning Coalition ("Coalition"), a Utah nonprofit corporation, is a Recognized Community Organization ("RCO");

WHEREAS, the Coalition is governed by Bylaws adopted as of January 22, 2022;

WHEREAS, the Coalition was formed "to monitor and evaluate proposed zoning and other land use regulations and property development which may affect land situated within the area known as the Greater Avenues District of Salt Lake City, Utah and to advocate for the preservation and advancement of the interests of the residents of that area;"

WHEREAS, membership in the Coalition is open to any resident or owner, 18 years of age or older, of property situated with the Greater Avenues District ("Members");

WHEREAS, Article 4.2 of the Coalition's Bylaws vests in its Board of Directors all rights, powers and duties to administer the affairs of the Coalition to advance and preserve the interests of Members;

WHEREAS, for several years, Ivory Development has proposed various iterations for the development of a parcel located at 675 N. "F" Street in Salt Lake City, UT (the "Property"), various aspects of which development have been opposed by the Coalition and/or numerous Members;

WHEREAS, Ivory Development's most recent proposal for development of the Property submitted to Salt Lake City's Planning Division on or about December 15, 2023 embodies many of the features, aspects and details which previously have been opposed by the Coalition and/or Members;

WHEREAS, Ivory Development's most recent proposal for development of the Property is scheduled for public hearing and comment before the Salt Lake City Planning Commission on January 24, 2024;

WHEREAS, the Coalition, its Members and other opponents to the proposed development of the Property anticipate that following the January 24, 2024 public hearing the Planning Commission will approve Ivory Development's proposed development with only slight modifications or no modifications;

WHEREAS, opponents of the proposed development must lodge with a hearing officer an appeal of any adverse decision by the Planning Commission within ten (10) days following issuance of the decision;

WHEREAS, given the short appeal period, the Board of Directors has taken a vote of its members on January 29, 2024 who have unanimously approved the Coalition's joining and/or

submitting an appeal of the Planning Commission's decision, identifying on appeal any issue or issues which the Board of Directors determines, in its discretion, to be adverse to the interests of the Coalition and its Members;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Coalition to join and/or submit an appeal of the Planning Commission's decision on Ivory Development's proposed development of the Property located at 675 N. "F" Street, Salt Lake City, UT, relating to any issue or issues which the Coalition, in its discretion, determines is adverse to the interests of the Coalition and its Members.

Dated this 30th day of January, 2024.

Preserve Our Avenues Zoning Coalition,
a Utah nonprofit corporation

By: Peter Wright
Its: President

State of Utah)
ss.
County of Salt Lake)

On this 30th day of January, in the year 2024, before me, Jennifer Lundgreen a notary public, personally appeared Peter Wright, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.

Notary Public

JENNIFER LUNDGREEN
Notary Public - State of Utah
Commission Number: 718511
My Commission Expires on
May 26, 2025

EXHIBIT 2

Meridien HOA Letter & Resolution

THE MERIDIEN

The Meridien at Capitol Park Condominium Association, Inc.

January 29, 2024

Re: *Appeal of SLC Planning Commission Decision re Ivory Development's Application for Planned Development at 675 F Street, SLC, Utah*

To Whom It May Concern:

I am the President of the Board of Trustees of Meridien Capitol Park Association, Inc. ("Association") which manages and administers the affairs of the Association for the benefit of Unit Owners. I present this letter in connection with the Association's appeal of the Salt Lake City Planning Division's approval of Ivory Development's proposed development located at 675 F Street, SLC, Utah and pursuant to the instructions provided to us for an Appeal of a Decision. The Planning Commission's decision was issued on January 25, 2024.

Consistent with the instructions, the Board of Trustees on which I serve as President has notified Unit Owners within the Association of the appeal application. The Board of Trustees, which as noted is charged with managing and administering the affairs of the Association, voted on participation in the appeal on January 9, 2024 and its five (5) members unanimously voted to participate in the appeal. The vote was conducted in accordance with and meets the requirements of the Association's Bylaws and CC&Rs. A copy of the Board of Trustees' formal resolution is attached hereto.

Please let me know if you need anything further from me. Thank you.

Sincerely,

Janice W. McKinnon

State of Utah)

ss.
County of Salt Lake)

On this 30th day of January, in the year 2024, before me,

Jennifer Lundgreen

a notary public, personally appeared Janice W. McKinnon, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged she executed the same.

Witness my hand and official seal.

Jennifer Lundgreen
Notary Public

JENNIFER LUNDGREEN
Notary Public - State of Utah
Commission Number: 718511
My Commission Expires on
May 26, 2025

MERIDIEN CAPITOL PARK ASSOCIATION, INC.

RESOLUTION RELATING TO APPEAL OF SALT LAKE CITY PLANNING COMMISSION'S APPROVAL OF IVORY DEVELOPMENT'S PROPOSED DEVELOPMENT OF PROPERTY LOCATED AT 675 N. "F" STREET

WHEREAS, Section 12.07 of the CC&Rs of the Meridien Capitol Park Association, Inc. ("Association") assigns to the Board of Trustees all authority, power and responsibility to manage, operate and maintain the affairs of the Association on behalf of Unit Owners;

WHEREAS, for several years, Ivory Development has proposed various iterations for the development of a nearby parcel located at 675 N. "F" Street in Salt Lake City, UT (the "Property"), various aspects of which development have been opposed by the Association and/or numerous Unit Owners;

WHEREAS, Ivory Development's most recent proposal for development of the Property submitted to Salt Lake City's Planning Division on or about December 15, 2023 embodies many of the features, aspects and details which previously have been opposed by the Association and/or Unit Owners;

WHEREAS, Ivory Development's most recent proposal for development of the Property is scheduled for public hearing and comment before the Salt Lake City Planning Commission on January 24, 2024;

WHEREAS, the Association, Unit Owners and other opponents to the proposed development of the Property anticipate that following the January 24, 2024 public hearing the Planning Commission will approve Ivory Development's proposed development with only slight modifications or no modifications;

WHEREAS, opponents of the proposed development must lodge with a hearing officer an appeal of any adverse decision by the Planning Commission within ten (10) days following issuance of the decision;

WHEREAS, given the short appeal period, the Board of Trustees has taken a vote of its five (5) members on January 9, 2024 who have unanimously approved the Association's joining and/or submitting an appeal of the Planning Commission's decision, identifying on appeal any issue or issues which the Board of Trustees determines, in its discretion, to be adverse to the interests of the Association.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes the Association to join and/or submit an appeal of the Planning Commission's decision on Ivory Development's proposed development of the Property located at 675 N. "F" Street, Salt Lake City, UT, relating to any issue or issues which the Board of Trustees, in its discretion, determines is adverse to the interests of the Association.

Dated this 30 day of January, 2024.

Meridien Capitol Park Association, Inc.

By: Janice W. McKinnon

Its: President

State of Utah)
ss.
County of Salt Lake)

On this 30th day of January, in the year 2024, before me, Jennifer Lundgreen a notary public, personally appeared Janice W. McKinnon, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.

Notary Public

JENNIFER LUNDGREEN
Notary Public - State of Utah
Commission Number: 718511
My Commission Expires on
May 26, 2025

EXHIBIT 3

Northpoint HOA Letter & Resolution

NORTHPOINT HOMEOWNERS ASSOCIATION
798 Northpoint Drive
Salt Lake City, Utah 84103

January 29, 2024

Re: *Appeal of SLC Planning Commission Decision re Ivory Development's Application for Planned Development at 675 F Street, SLC, Utah*

To Whom It May Concern:

I am the President of the Management Committee of Northpoint Estates Association ("Association") which manages and administers the affairs of the Association for the benefit of its Unit Owners. I present this letter in connection with the Association's appeal of the Salt Lake City Planning Division's approval of Ivory Development's proposed development located at 675 F Street, SLC, Utah and pursuant to the instructions provided to us for an Appeal of a Decision. The Planning Commission's decision was issued on January 25, 2024.

Consistent with the instructions, the Management Committee, of which I serve as President, has notified Unit Owners of the appeal application. The Board of Trustees, which as noted is charged with managing and administering the affairs of the Association, voted on participation in the appeal on January 4, 2024 and its five (5) members unanimously voted to participate in the appeal. The vote was conducted in accordance with and meets the requirements of the Association's Bylaws and CC&Rs. A copy of the Management Committee's formal resolution is attached hereto.

Please let me know if you need anything further from me. Thank you.

Sincerely,

Joel Deaton

State of Utah)

ss.

County of Salt Lake)

On this 29 day of January, in the year 2024, before me,

Wendy Andrade

a notary public, personally appeared Joel Deaton, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged she executed the same.

Witness my hand and official seal.

NOTARY PUBLIC
Wendy Andrade
714697
My Commission Expires
October 15, 2024
STATE OF UTAH

Notary Public

Signatures
Re: Appeal of SLC Planning Commission Decision
re Ivory Development's Application for a Planned
Development at 675 F. Street, SLC, UTAH

Joel L Deaton

NORTHPOINT ESTATES CONDOMINUMS

RESOLUTION RELATING TO APPEAL OF SALT LAKE CITY PLANNING COMMISSION'S APPROVAL OF IVORY DEVELOPMENT'S PROPOSED DEVELOPMENT OF PROPERTY LOCATED AT 675 N. "F" STREET

WHEREAS, Section 11 of the Bylaws of the Northpoint Estates Association ("Association") assigns to the Management Committee all powers, duties and responsibilities to manage and maintain the affairs of the Association for the benefit of Unit Owners;

WHEREAS, for several years, Ivory Development has proposed various iterations for the development of an adjacent parcel located at 675 N. "F" Street in Salt Lake City, UT (the "Property"), various aspects of which development have been opposed by the Association and/or numerous Unit Owners;

WHEREAS, Ivory Development's most recent proposal for development of the Property submitted to Salt Lake City's Planning Division on or about December 15, 2023 embodies many of the features, aspects and details which previously have been opposed by the Association and/or Unit Owners;

WHEREAS, Ivory Development's most recent proposal for development of the Property is scheduled for public hearing and comment before the Salt Lake City Planning Commission on January 24, 2024;

WHEREAS, the Association, Unit Owners and other opponents to the proposed development of the Property anticipate that following the January 24, 2024 public hearing the Planning Commission will approve Ivory Development's proposed development with only slight modifications or no modifications;

WHEREAS, opponents of the proposed development must lodge with a hearing officer an appeal of any adverse decision by the Planning Commission within ten (10) days following issuance of the decision;

WHEREAS, given the short appeal period, the Management Committee has taken a vote of its five (5) members on January 4, 2024 who have unanimously approved the Association's joining and/or submitting an appeal of the Planning Commission's decision, identifying on appeal any issue or issues which the Management Committee determines, in its discretion, to be adverse to the interests of the Association.

NOW, THEREFORE, BE IT RESOLVED, that the Management Committee hereby authorizes the Association to join and/or submit an appeal of the Planning Commission's decision on Ivory Development's proposed development of the Property located at 675 N. "F" Street, Salt Lake City, UT, relating to any issue or issues which the Management Committee, in its discretion, determines is adverse to the interests of the Association.

Dated this 12 day of January, 2024.

Joel Deaton

Northpoint Estates Condominiums Management Committee

By: Joel _. Deaton
Its: President

State of Utah)

ss.

County of Salt Lake)

On this 12th day of JANUARY, in the year 2024, before me, LANETTE L. PHILLIPS a notary public, personally appeared JOEL DEATON, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.

NOTARY PUBLIC
LaNette L Phillips
732793
My Commission Expires
08/21/2027
STATE OF UTAH

Notary Public

EXHIBIT 4

Capitol Park HOA Letter & Resolution

Capitol Park Homeowners Association, Inc.

January 26, 2024

Re: *Appeal of SLC Planning Commission Decision re Ivory Development's Application for Planned Development at 675 F Street, SLC, Utah*

To Whom It May Concern:

I am the President of the Board of Trustees of Capitol Park Homeowners Association, Inc. ("Association") which manages and administers the affairs of the Association for the benefit of its Members. I present this letter in connection with the Association's appeal of the Salt Lake City Planning Division's approval of Ivory Development's proposed development located at 675 F Street, SLC, Utah and pursuant to the instructions provided to us for an Appeal of a Decision. The Planning Commission's decision was issued on January 24, 2024.

Consistent with the instructions, the Board of Trustees of which I serve as President has notified Members within the Association of the appeal application. The Board of Trustees, which as noted is charged with managing and administering the affairs of the Association, voted on participation in the appeal on January 26, 2024 and its seven (7) members unanimously voted to participate in the appeal. The vote was conducted in accordance with and meets the requirements of the Association's Bylaws and CC&Rs. A copy of the Board of Trustees' formal resolution is attached hereto.

Please let me know if you need anything further from me. Thank you.

Sincerely,

Maria Chachas

State of Utah)

ss.

County of Salt Lake)

On this 26 day of January, in the year 2024, before me,

Anthon: Bustamante

a notary public, personally appeared Maria Chachas, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged she executed the same.

Witness my hand and official seal.

Anthoni

Notary Public

ANTHONI BUSTAMANTE
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 716554
COMM. EXP. 02/02/2025

CAPITOL PARK HOMEOWNERS ASSOCIATION, INC. ("CPHOA")

RESOLUTION RELATING TO APPEAL OF SALT LAKE CITY PLANNING COMMISSION'S APPROVAL OF IVORY DEVELOPMENT'S PROPOSED DEVELOPMENT OF PROPERTY LOCATED AT 675 N. "F" STREET

WHEREAS, the By-Laws of CPHOA ("Association") assigns to the Board of Trustees authority, power and responsibility to manage, operate and maintain the affairs of the Association on behalf of its homeowners ("Members");

WHEREAS, for several years, Ivory Development has proposed various iterations for the development of a nearby parcel located at 675 N. "F" Street in Salt Lake City, UT (the "Property"), various aspects of which development have been opposed by the Association and/or numerous Members;

WHEREAS, Ivory Development's most recent proposal for development of the Property submitted to Salt Lake City's Planning Division on or about December 15, 2023, embodies many of the features, aspects and details which previously have been opposed by the Association and/or its Members;

WHEREAS, Ivory Development's most recent proposal for development of the Property is scheduled for public hearing and comment before the Salt Lake City Planning Commission on January 24, 2024;

WHEREAS, the Association, its Members and other opponents to the proposed development of the Property anticipate that following the January 24, 2024, public hearing the Planning Commission unfortunately will approve Ivory Development's proposed development with only slight modifications or no modifications;

WHEREAS, opponents of the proposed development must lodge with a hearing officer an appeal of any adverse decision by the Planning Commission within ten (10) days following issuance of the decision;

WHEREAS, given the short appeal period, the Board of Trustees has voted in favor of CPHOA joining and/or submitting an appeal of the Planning Commission's decision, identifying on appeal any issue or issues which the Board of Trustees determines, in its discretion, to be adverse to the interests of CPHOA.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes CPHOA to join and/or submit an appeal of the Planning Commission's decision on Ivory Development's proposed development of the Property located at 675 N. "F" Street, Salt Lake City, UT, relating to any issue or issues which the Board of Trustees, in its discretion, determines is adverse to the interests of CPHOA.

Dated as of January 26th, 2024.

Capitol Park Homeowners' Association, Inc.

By: _____
Maria Chachas, President

State of Utah)
ss.
County of Salt Lake)

On this 26 day of January, in the year 2024, before me, Anthoni Bustamante a notary public, personally appeared Maria Chachas, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged she executed the same.

Witness my hand and official seal.

_____
Notary Public

ANTHONI BUSTAMANTE
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 716554
COMM. EXP. 02/02/2025

EXHIBIT 5

Staff Report

Staff Report

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Aaron Barlow, Principal Planner, aaron.barlow@slcgov.com, 801-535-6182
Date: January 24, 2024
Re: **PLNPCM2021-00656**– Capitol Park Cottages Planned Development
PLNSUB2021-01175 – Preliminary Subdivision Plat for Capitol Park Cottages

Planned Development & Subdivision

PROPERTY ADDRESS: 675 North F Street
PARCEL ID: 09-30-455-021-0000
MASTER PLAN: Avenues
ZONING DISTRICT: SR-1 Special Development Pattern Residential

REQUEST:

Peter Gamvroulas, representing Ivory Development, LLC, is requesting approval from the City to develop a 21-unit development consisting of a mix of single-family and twin home dwellings served by a proposed private street at the above-listed address. Currently, the subject property consists of undeveloped open space.

A. Planned Development (PLNPCM2021-00656): Through the Planned Development process, the applicant is seeking relief from required zoning regulations, including public street frontage for lots, lot size, lot width, setbacks, lot coverage, and driveway width.

B. Preliminary Subdivision Plat (PLNSUB2021-01175): Preliminary Plat approval is also required prior to establishing the Capitol Park Cottages Subdivision and its associated lots as proposed by the Planned Development application.

RECOMMENDATION:

Based on the information and findings listed in the staff report, Planning Staff finds, with the recommended conditions, that the proposal generally meets the Planned Development and Preliminary Subdivision Standards. Therefore, staff recommends that the Planning Commission approve the request with the following conditions:

1. Signage must be placed on the site indicating that the open space area is accessible to the public.
2. The proposed external ADU on lot 21 cannot be optional and must be established as an ADU according to relevant zoning requirements.

ATTACHMENTS:

A. Vicinity Map
B. Submitted Materials
C. Property and Vicinity Photos
D. Zoning Standards Review
E. Subdivision Standards Review
F. Planned Development Standards
G. Supplementary Material
H. Public Process & Comments
I. Department Review Comments

PROJECT DESCRIPTION

This is a proposal to subdivide and develop the ~3.2-acre (~139,740-square-foot) property located at approximately 675 North F Street into 21 residential lots and a private street. Dwellings proposed on the site would consist of both single-family and twin home dwellings. Several key features of the proposal require relief from zoning regulations and, therefore, Planned Development approval from the Planning Commission, including lots without frontage on (or direct access to) a public street, lot dimensions, setbacks, and driveway dimensions. A complete list of all requested modifications to zoning regulations can be found in this report's Approval Process and Commission Authority section. Most of the proposed dwellings (20 of the 21) would include space within the building available for use as an accessory dwelling unit (ADU). The remaining property would include an exterior ADU separate from the main building (see the submitted plans in Attachment B for additional details). In addition to the proposed houses, the development would include two associated parcels intended for open space accessible to the public, stormwater management facilities, visitor parking, and storage for snow.

Quick Facts

Number of Units: 21 dwelling units

Building Types: 7 detached (stand-alone) single-family dwellings, & 14 twin home (duplex-style) dwellings

Number of ADUs: 1 external unit, & potentially up to 20 internal units

Parking: 82 spaces. 4 visitor spaces, 42 for primary dwellings, 36 for ADUs

Max Building Height: 28 feet

Review Process & Standards: Planned Development review, Preliminary Subdivision standards, SR-1 zoning Standards, general zoning standards

Current Conditions

The project site has remained vacant for many years. Historically, it functioned as open space for the Veterans Affairs Hospital (and later, the Primary Children's Hospital Annex) Campus. For a time, the site was intended to be the site of a BYU Education Center. The maintenance building for the hospital campus was located on the project site until its demolition in 1999. Around that time, plans for the construction of a Ward building for the Church of Jesus Christ of Latter-day Saints on the site were approved but never carried out.

Vegetation on the site consists primarily of brush, grass, and weeds, with approximately 35 mature trees varying in size, species, and condition. Complaints about overgrown weeds and poorly maintained trees on the site have regularly been submitted to the City since at least 2002. The property's east frontage along F Street is unimproved, lacking curbs, gutters, and sidewalks.

Maintenance building on subject site. ca. 1995

1977 Aerial view of project site and vicinity

Subject site from Capitol Park Avenue

Neighborhood Context

Character

Residential in nature, the surrounding neighborhood is a mélange of architectural styles, building types, and densities. The Northpointe Estates Condominiums, to the north, contain 49 townhouse-style units approved as a Planned Unit Development in 1978. The Meridian at Capitol Park, to the south, was completed in 2008 as an adaptive reuse of the historic Veterans Affairs Hospital and contains 27 condominium units. One- and two-story single-family houses approved as Planned Development in 1995 occupy the space to the west. Across F Street, to the east, are three single-family houses and a duplex.

The Meridian at Capitol Park

Duplex building across F Street from subject property

Streets and Transit

Streets adjacent to the property are also a mixed bag. F Street, to the east, is a public street and terminates at Northpoint Estates' only entrance and exit. While 13th Avenue is a public right of way, Capitol Park Avenue, west of F Street, is a private street. Prior agreements recorded with the property grant one point of vehicle access to Capitol Park Avenue from the project site.

Two transit routes are within a half mile of the site. Stops for the F11 bus (running weekdays toward the University of Utah) are located on 11th Avenue. The 209 bus (a Frequent Transit Network route running every 15 minutes during most days of the week) runs along 9th Avenue and will take passengers to points south along 900 East.

View of F Street from intersection with 13th Avenue

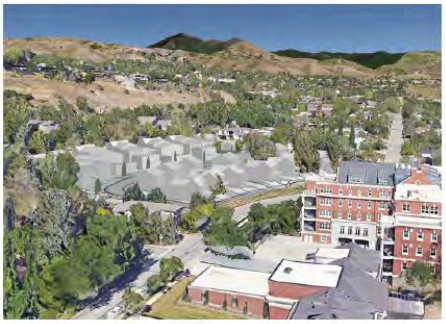
Project Details

The Capitol Park Cottages development proposal includes a mix of 21 single-family and twin home dwellings. Most of the project's perimeter would be dedicated as open space with a pedestrian path. A private street providing vehicular access to the units would cut through the development from F Street to Capitol Park Avenue.

Lot Layout

The site would be divided into 21 long, narrow lots oriented north to south. Because Capitol Park Avenue is a private street, only two (lots 1 and 21) would front a public street. The remainder would be located within the interior of the lot, accessed by the private street or the pedestrian pathway. The project, taken as a whole, meets the density limits, but the proposed lots generally do not meet the requirements of the SR-1 Special Development Patter Zoning District. They are smaller and narrower than allowed, requiring Planned Development approval.

View of F Street, looking north



View of Capitol Park Ave, looking west

URBAN DESIGN ASSOCIATES

ILLUSTRATIVE PLAN

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 60' 30 0 30 60 120 Feet

House Type

uhe proposal includes seven detached single-family and 14 twin home dwellings. Except for the two units facing F Street, the houses face outward from the private street. Space for optional internal ADUs is proposed for every unit except unit 21, which would feature a separate ADU/garage structure. Because most of the proposed lots are smaller than permitted within the SR-1 district, the area taken up by a building (lot coverage) within each is more than allowed. Modifying this standard requires Planned Development approval. However, it is important to note that when the proposal is taken as a whole, the total building coverage is within the limits of the district.

View of proposed units from Capitol Park Avenue

Street Access and Parking

The private street cutting through the planned development would provide access to each unit's driveway and garage. The sole connection to a public street would be located on the east end of the proposed development onto F Street. The project's other entry point would be located near its southwest corner, onto Capitol Park Avenue, a private street. A prior agreement, recorded with the property, between the Church of Jesus Christ of Latter-day Saints (the previous owner of the property) and the previous owners of the Meridian (who now own this portion of Capitol Park Avenue) grants one point of entry from the subject site onto the private right of way.

Plan view of proposed parking areas and private drive. Spaces marked with an "x" do not qualify for required parking.

Illustration of proposed private drive and parking areas

Parking for each unit (including any proposed ADUs) would be located within each unit's garage and driveway. Four additional visitor parking spaces (to be used as a plowed snow storage area during the winter) are located near the site's southwest corner. Overall, excluding the four visitor spaces, 78 parking spaces are proposed for the 21 units (and 21 ADUs). That is a ratio of 2 spaces per principal unit and 1.7 spaces per ADU.

Materials and Design

According to the materials submitted for this request, the design and form of the proposed dwellings are heavily influenced by houses typically found in the Avenues and other similar historic neighborhoods. The proposed dwellings will feature New Traditional architectural details reflecting Tudor, Craftsman, and Colonial Revival (among others) styles. Building materials will reflect typical exteriors of those styles, including brick, lap siding, half-timbering, and stucco. Porches will feature prominently on all street- and path-facing façades. Details and drawings of the proposed architectural features can be found in Attachment B with the applicant's submittal.

Open Space and Landscaping

The project includes roughly 25,600 square feet of open space that will be open to the public (as required by the conditions related to the rezone to the SR-1 district).

A walking path (called a "mews walk" in the submittal materials) would circle the project site—most of it through the proposed open space. The proposed open space and walking path would be heavily landscaped with shade trees, shrubs, and grass (both native and ornamental).

The proposed landscaping within the project site has been designed with privacy in mind. The perimeter would feature large trees (at maturity), dense grass, and shrubs. Instead of lawns, the proposal shows shrubs and trees within the spaces between units. The landscaping plans for the proposal can be found with the applicant's submittal materials in Attachment B.

Project History and Community Input

Initial Zoning/Master Plan Amendment Proposal – May 2020

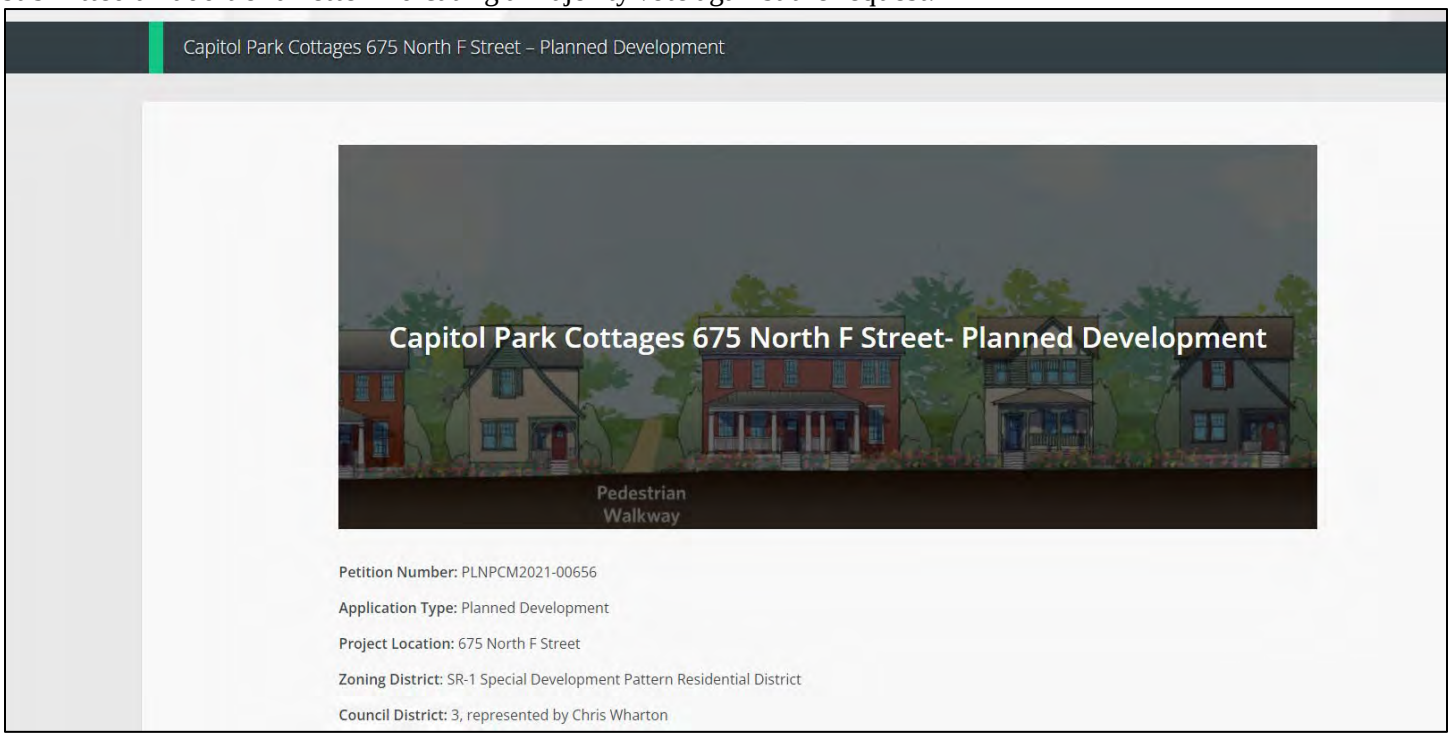
In 2020, the applicant submitted a request to rezone the subject property from the FR-3/12,000 Foothills Residential District. Initially, the applicant requested the FB-UN1 Form Based Urban Neighborhood 1 district. They also submitted a request to amend the Avenues Community Master Plan's Future Land Use Map (1987) designation of the property from *Very Low Density* to *Low Density*. Their submittal included a concept plan proposing 25 single-family homes with accessory dwelling units. Planning Staff sent the public engagement notice for that proposal in May 2020 to owners and occupants of properties within 300 feet and the Greater Avenues Community Council (GACC). A landing page for the project was also posted on the City Online Open House website. During the initial notice period and up to the end of 2020, Planning staff received roughly 175 letters/emails and a petition with over 2,000 signatures opposing the rezone. They also received nine letters supporting it.

Updated Zoning/Master Plan Amendment Proposal – February 2021

In January 2021, the applicant submitted an update with additional supporting documentation. They also reduced the number of units in their concept plan from 25 to 20 lots. Planning Staff shared this update with those who provided email addresses and with the community council, and a new 45-day period was given for additional input. About 190 letters in opposition and four in favor of the rezone were received in response to the update.

Third Revision – March 2021

In March 2021, the applicant further updated their proposal, changing the zoning request to the less-intensive SR-1 Special Development Pattern Residential District. An updated concept plan with revisions to setbacks and heights was shared online and via email with those who provided input, including the community council. In April, the GACC submitted an additional letter indicating a majority vote against the request.



Screenshot of Online Open House webpage

Initial Planned Development Submittal – November 2021

The applicant initially submitted this Planned Development application in November 2021 with the intention of concurrent review with their other applications. However, due to the level of input and concern from the community, they placed the request on hold until a decision could be made regarding their rezone and master plan amendment requests. However, before the request was placed on hold, Planning staff did begin the 45-day notification period and distributed information to neighbors, community councils, and other parties that had requested updates. Staff received approximately 276 comments (272 opposed, 4 in support) on that proposal. All comments received before 2023 can be found in Attachment K of the rezone staff report.

City Council Decision and Conditions – December 2022

In December 2022, the Salt Lake City Council approved the rezone to SR-1 Special Development Pattern Residential and the associated change to a *Low Density* land use designation in the Avenues Community Master Plan (1987). With that approval, the Council also made the following conditions (which are further discussed in Key Consideration 2):

1. Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.
2. Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30′ from the corresponding rear or side property line.
3. Specify that the ADUs may not be used as short-term rentals, using restrictive covenants or another method deemed efficient and appropriate.
4. The open space area shown on draft drawings will generally be accessible to the community at large, with rules/management to be established by the HOA or other entity based upon the applicant's preference.
5. The City building approval and permitting process will be followed to build retaining walls on the property.

Current Planned Development Proposal – July 2023 to Present

In order to comply with the above-listed conditions, the applicant revised their development plan. They submitted updated plans in mid-2023, which were deemed complete in July. Because the new plans were so different from their 2021 submittal, Planning staff determined that another 45-day notification period would be necessary. The new proposal was distributed to the public via the following methods:

1. A project page on the City's Online Open House website,
2. Notification letters to all owners and occupants of property within 300 feet of the project site,
3. Official notices to the Greater Avenues Community Council and the Preserve Our Avenues Coalition, and
4. Emails to all persons who had previously provided input on or expressed interest in the project.

Initially, the Greater Avenues Community Council (GACC) invited the applicant and the Preserve our Avenues Coalition to present at their August 8, 2023, meeting. However, due to a miscommunication between the chair of the GACC, Planning staff, and Ivory Development, the applicant was unable to attend. To ensure that the community had a chance to review the plans in person, Ivory Development hosted an informational open house at the Corinne & Jack Sweets Library on August 23, 2023. Planning staff also attended to gather community comments and provide general information about Planned Development applications.

Planning staff received approximately 104 comments during the 45-day comment period (which can be found in Attachment H). Once it had ended (on August 28, 2023), Planning staff reviewed the proposal against the zoning regulations, subdivision requirements, Planned Development standards, and comments from the public. That review was forwarded to the applicant in late September 2023. Since then, Planning staff has met with the applicant several times to clarify comments and address concerns. Planning Staff also met with Preserve Our Avenues Coalition representatives to discuss the project and better understand their concerns. Planning staff received updated plans from the applicant in December 2023. Those plans were posted to the Online Open House webpage and also distributed to the community councils and interested individuals.

APPROVAL PROCESS AND COMMISSION AUTHORITY

Review Process: Planned Development and Preliminary Subdivision Plat

The applicant has requested Planned Development approval from the Planning Commission for modifications of the following requirements:

1. **Lot Frontage on Public Streets:** 21A.36.010.C, which requires all lots to have frontage on (or touch) a public street.
2. **Minimum Lot Area:** 21A.24.080.C, which requires 5,000 square feet per single-family lot and 4,000 square feet per twin home lot (half of a building with two units sharing a wall).
3. **Lot Width:** 21A.24.080.C, which requires 50 feet for a single-family lot and 25 feet per twin home lot (half of a building with two units sharing a wall).
4. **Front Yard Setbacks:** 21A.24.080.E.1.a, which requires the front of new buildings to project no farther than either the average depths of the block face or 20 feet from the front lot line (if no other buildings are present).
5. **Interior Side Yard Setbacks:** 21A.24.080.E.3. which, for single-family dwellings, requires buildings to be no closer than 4 feet from a side lot line on one side and 10 feet from a side lot line on the other.
6. **Rear Yard Setbacks:** 21A.24.080.E.4, which requires 25% of a lot's depth (not less than 15 feet and no more than 30 feet).
7. **Maximum Building Coverage:** 21A.24.080.F, which limits the surface coverage of all buildings to 40% of a lot.
8. **Driveway Width:** 21A.44.060.A.6.c.(3), which limits the width of driveways in the SR-1 district to 22 feet.

The proposed project will need to meet the Planned Development standards found in section 21A.55.050 of the zoning ordinance (An analysis of these standards can be found in Attachment F) in addition to all other relevant zoning requirements that would not be modified by approval of this request.

Preliminary Subdivision approval is also required for this request. The proposal has been reviewed against the standards for Preliminary Subdivision standards found in section 20.16.100, as well as the design standards found in 20.12 (see Attachment E).

KEY CONSIDERATIONS

Planning Staff identified the following Key Considerations through analysis of the proposal and from public comment:

1. Master Plan Compatibility
2. Compliance with Conditions from Rezone Approval
3. Requested Modifications & Planned Development Objectives
4. Wall Height in the SR-1 Zoning District
5. Public Comments and Concerns

Consideration 1 – Master Plan Compatibility

The proposed development is generally consistent with the adopted policies within the following plans:

- Housing SLC (Citywide Housing Plan, 2023)
- Thriving in Place – Salt Lake City's Anit-Displacement Strategy (2023)
- Plan Salt Lake (2015)
- Avenues Community Master Plan (2005)

A discussion of the relevant plans and policies can be found below:

***Housing SLC* (2023)**

Goal 1: Make progress toward closing the housing gap of 5,500 units of deeply affordable housing and **increase the supply of housing at all levels of affordability.** *(emphasis added)*

- Entitle 10,000 new housing units **throughout the city**. *(emphasis added)*

Discussion:

The Planned Development process is a zoning tool that provides flexibility for projects that would typically not be permitted through strict application of the zoning code. The proposed development is utilizing this process to allow more efficient use of the subject property in a way that would otherwise be prohibited. The requested modifications to the zoning regulations will allow for more dwelling units on an otherwise underutilized lot, assisting with the need for additional housing within the city. Additionally, with the addition of pre-constructed space for accessory dwelling units

(ADUs), the proposed development would introduce a mix of household sizes and incomes to a part of the city that has lagged in new housing opportunities over the past decade.

***Thriving in Place – Salt Lake City's Anti-Displacement Strategy* (2023)**

Guiding Principle 3 – Increase Housing Everywhere: Create more housing overall, and more affordable housing specifically, while minimizing displacement and countering historic patterns of segregation.

Goal 3: Produce more housing, especially affordable housing.

- **Strategy 3B –** Make ADUs easier and less expensive to build.
- **Strategy 3C –** Facilitate creation of more diverse housing choices.

Discussion:

As already discussed, the applicant has requested flexibility through the Planned Development process to facilitate efficient development of the property. Because Capitol Park Avenue is a private street, the only part of the project site that abuts a public street is along the east property line at F Street. Without this process, the applicant would either have to dedicate a new public street through the site or limit the number of units. While the proposed development would be market-rate housing, it is still increasing supply, and Planned Development approval would enable the applicant to create new housing in a part of the city where new ownership opportunities are limited (due to affordability and site constraints).

The proposed ADUs that are a part of this proposal are an innovative attempt to fulfill strategy 3B. While more affordable than some other housing options, they can still be cost-prohibitive for some. By integrating a flexible space at construction, the applicant can help reduce the overhead that comes with new (internal or external) ADUs. Future residents will be able to supplement their income *and* provide a housing option (one bedroom/studio) not typically found in the Upper Avenues. While a future resident would still be allowed to install an ADU without the space proposed by the applicant, it would require a significant additional investment on their part.

Finally, the ADU element of the proposed development enables a mix of different housing options within a single neighborhood. It places one-bedroom/studio units right next to three-bedroom units, encouraging a mix of incomes and household sizes and supporting Strategy 3C.

***Plan Salt Lake* (2015) Applicable initiatives from the plan are below:**

2. Growth:

- Locate new development in areas with existing infrastructure and amenities, such as transit and transportation corridors.
- Promote infill and redevelopment of underutilized land.
- Accommodate and promote an increase in the City's population.
- Provide access to opportunities for a healthy lifestyle (including parks, trails, recreation, and healthy food).

Discussion:

The proposed development takes advantage of an underutilized property and would rely on existing infrastructure (after some relatively minor improvements) without requiring significant investment from the City. The project is located near outdoor recreational amenities within nearby City Creek Canyon and the foothills above the Avenues. A stop for the F11 bus (taking riders to the University of Utah) is a five-minute walk from the site, and a stop for the 209 bus (a Frequent Transit Network to points south) is roughly five minutes more.

Many comments from the public have noted that the "mews walk" path does not qualify as a trail. While staff agrees that the proposed walk does not have the same characteristics as a trail found in the foothills north of the project site, it does provide a recreation opportunity for those of the public who may have limited mobility or ability. The path will be paved with concrete and easily accessible from both F Street and Capitol Park Avenue. To ensure that it is clear that the path is open to the public, staff recommends that signage indicating such should be placed on the property.

3. Housing:

- Ensure access to affordable housing citywide.
- Increase the number of medium-density housing types and options
- Encourage housing options that accommodate aging in place
- Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented
- Enable moderate density increases within existing neighborhoods where appropriate

Discussion:
As mentioned earlier in this report, the subject property is located within a well-established neighborhood with an eclectic mix of housing types. The proposed development would bring (slightly) moderate density infill within a neighborhood that has the infrastructure and amenities to accommodate some growth. The flexible ADU spaces would provide units (studio and one-bedroom) not typically found within the vicinity of the site. If used as ADUs, the spaces would also provide smaller-scale units for families and individuals wishing to age in place.

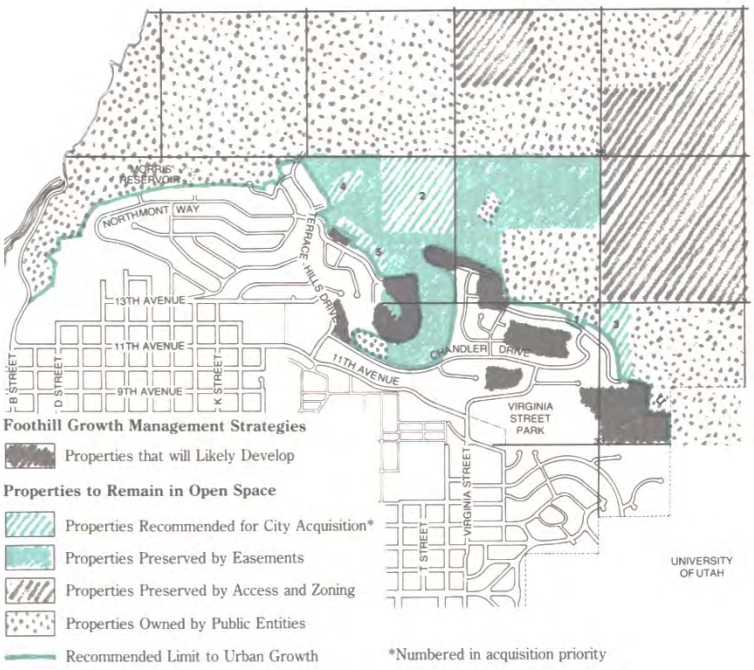
***Avenues Community Master Plan* (1987)**
Due to its age, some policies within the Avenues Community Master Plan do not fully align with related policies in the more recent plans discussed above (Plan Salt Lake, Housing SLC, Thriving in Place). Discrepancies between these plans illustrate how the City's priorities have changed over nearly 40 years in response to the shifting needs of the community.

Relevant Recommendations & Strategies:
Land Use – Planning Goal: *"Preserve the residential character and existing land use patterns in the Avenues Community. Special emphasis should be placed on regulating foothill development and preserving the historically significant sites and districts"* (pg. 2).

Land Use – Reduce Building Height Potential: *"...limit building heights to a 25-foot maximum for flat-roofed structures and 30 feet to the peak of a structure with a pitched roof" (pg. 2.)*

Land Use – Increase Lot Area Requirement: *"The city should consider increasing lot area requirements for duplexes in the "R-2" Zone to 7,000 or 8,000 square feet, with a minimum usable open space requirement of at least 600 square feet per unit in the rear yard" (pg.3).*

Discussion:
The proposed development would be residential in character, at a scale that fits the above recommendations. The proposed development would provide new housing options to the neighborhood and would not encroach into the foothill area delineated by the Avenues Community Master Plan. Proposed buildings facing existing public and private streets would reflect the character of an Avenues block in scale, spacing, and building design. The proposed development is consistent with the plan's relevant land use-related strategies.



Foothills Management Plan from Avenues Community Master Plan

Foothill Development and Protection – Planning Goal: *Preserve the city's natural mountainous backdrop and recreation opportunities the mountains provide. Devise a growth management program that includes strategies to help protect the foothills from continued urban encroachment" (pg. 4).*

Discussion:
The Avenues Community Master Plan established a recommended growth boundary line to ensure the preservation of the nearby foothills. That line sits along the north edge of the adjacent Northpoint Estates Condominiums property. The project site would not encroach into any area expected to be preserved by the plan.

Health Services – BYU Education Center: "*From the planning standpoint, land use at the Primary Children's Hospital and BYU Education Center properties should be low-density residential. These properties are on the fringe of a low-density residential community. Access to these sites is through narrow residential streets traversing relatively steep topography, and there are no retail services or other facilities to support uses other than residential" (pg. 9).*

Discussion:
***Note**: The subject site was previously known as the BYU Education Center site.*
When the City Council rezoned the subject property to the SR-1 district, its future land use designation was also changed to *Low Density Residential*. The SR-1 district and its density, lot size, and building height regulations are appropriate for the land use designation. When the proposed ADUs are also accounted for, the potential density of the site is no different than any other block in the Avenues within the SR-1A district (which, in many ways, is nearly identical to the SR-1 district).

Consideration 2 – Compliance with Conditions from Rezone Approval

When the rezone request was approved in December 2022, the City Council established five conditions with their approval. These conditions have been recorded with the property in a development agreement between the applicant and the City. The Planning Commission must ensure that each is met as part of their review. The development agreement and the ordinance adopting the rezone are included in this report, along with other supplementary material in Attachment G.

1. *Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.*

   Staff Analysis:
   Only one accessory structure is proposed with this request, and it would be located near the *east* property line.

2. *Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30′ from the corresponding rear or side property line.*

   Staff Analysis:
   The two proposed houses nearest to the west property line would have two stories and set back 30 feet.

3. *Specify that the ADUs may not be used as short-term rentals, using restrictive covenants or another method deemed efficient and appropriate.*

   Staff Analysis:
   The development agreement recorded on the subject property prohibits short-term rentals and enables the City to pursue legal action against any violating party.

4. *The open space area shown on draft drawings will generally be accessible to the community at large, with rules/management to be established by the HOA or other entity based upon the applicant's preference.*

   Staff Analysis:
   The applicant has indicated that the proposed open space at the southeast corner of the development and the area around the walking trail would be open to the public. To ensure this is clear to other residents and visitors, staff recommends that the applicant install signage indicating such.

5. *The City building approval and permitting process will be followed to build retaining walls on the property.*

   Staff Analysis:
   Plans submitted for this proposal show several retaining walls, most notably along the north property line. If the Planning Commission approves this proposal, the applicant will be required to comply with all relevant building codes and permitting requirements for the retaining walls proposed on the site.

Consideration 3 – Requested Modifications & Planned Development Objectives

The zoning regulation modifications requested by the applicant are listed in this report's Approval Process and Commission Authority section. The applicant is requesting several modifications to the zoning regulations as part of their development. Those are listed in the Approval Process and Commission Authority section earlier in this report. Generally, all of the modifications are related to meeting two Planned Development objectives involving open space and accessory dwelling units. Specifically, these include:

- "Clustering of development to preserve open space" and "recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar types of facilities."
- "Providing types of housing that help achieve the City's housing goals, including housing types not commonly found in the neighborhood but of a scale that is typical to the neighborhood."

The zoning modifications allow for better clustering of the homes to accommodate the open space on the perimeter of the site and to better accommodate houses that would support both families with children and the accessory dwelling

units. The Planned Development ordinance is focused on compatibility, particularly regarding the perimeter of the site and other highly visible aspects of the development. Several zoning requirements requested for modification will not be particularly visible and only affect units internal to the site, such as front yards along the private street and side/rear setbacks between proposed units. These modifications typically apply to internal facing setbacks. The setback modifications reduce the normal required yard areas for the homes but also allow for consolidating those yard areas into the external open space. As the modification relates to one of the objectives to cluster development and preserve larger open spaces, Staff recommends approval of the modifications.

The only exception is the requested reduction to the front yard setback of Lot 10. The proposed unit would be within 13 feet of Capitol Park Avenue--a point of concern brought up by some members of the community. The concern is that the two-story structure is too close to the street and out of character. Staff analyzed the character of the area and found that the south wall of the house to the west (the only other building on the block face and also two stories tall) is set back 17 feet from the street. While the front porch of unit 10 does sit closer to the street than the house to the west, the second story is set back 21 feet from the front property line (at its closest point). As illustrated by Figure 1, the two-story living space of unit 10 will sit farther back from Capitol Park Avenue than the house to the west.

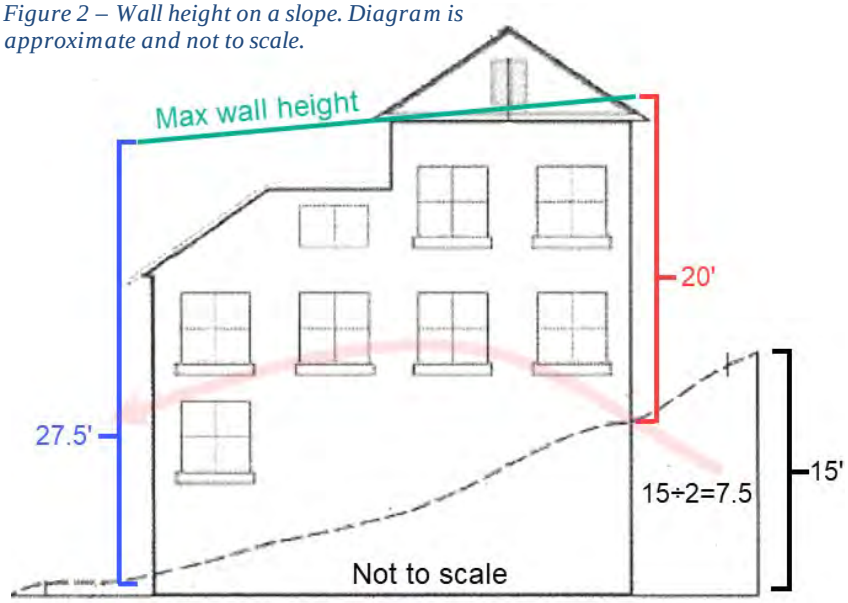
Figure 1 – Setback of unit 10 compared to 674 Caring Cove. Comparison is approximate and may not be to scale.

Consideration 4 – Interior Side Yard Wall Height in the SR-1 Zoning District

Walls adjacent to interior side yards on new buildings within the SR-1 district must comply with the wall height limit of 20 feet from the finished grade (see 21A.24.080.D.3.a in the Salt Lake City Zoning Ordinance). When a side yard setback is increased or reduced, the maximum wall height limitation is raised or lowered accordingly. For example, if a required setback is 10 feet but a project shows a 12-foot setback, then the maximum wall height may be increased to 22 feet. However, if a project provided an 8-foot setback, the maximum permitted wall height would be reduced to 18 feet.

The wall height requirements have an allowance for buildings on a slope (see 21A.24.080.D.3.a.(1)). If a property is on a slope, the wall height regulations permit the downhill portions of a wall to be taller than the maximum wall height to facilitate level floors and rooflines. The ordinance allows the downhill portion of the wall an increase in height of 0.5 feet for every foot of elevation drop. Figure 2 illustrates this method. In the diagram, a difference in height of 15 feet between the highest and lowest points of the elevation provides 7.5 of additional height to the downhill wall's 20-foot maximum (in blue). The max height for the uphill wall remains 20 feet (in red). The maximum height for the wall is established by drawing a line (in green) between the two height limits, and the proposed wall cannot exceed that line.

Figure 2 – Wall height on a slope. Diagram is approximate and not to scale.



The applicant has provided plans showing how the proposed development meets this height limit, which can be found in Attachment B.

Consideration 5 – Public Comments and Concerns

Staff received numerous emails from the public with comments and concerns about the proposed development. After reviewing the comments, staff identified various key recurring concerns, listed below. Some issues brought up by the community may be discussed in other sections of this report.

Affordable Housing

Input has been received about the proposed development not including affordable housing and, therefore, not helping the City's housing issues revolving around affordability. The developer has indeed not proposed to include income-restricted or subsidized "affordable housing" units in the project, and the homes themselves will likely not be affordable to income levels typically targeted for affordable housing. However, any additional housing supply helps address the City's housing issues. Although not the only driver of price increases, one of the most significant factors impacting housing prices is supply, and the lack of supply is driving all housing prices higher (Wood, Esick, 2018), especially for owner-occupied units (Molloy, Nathanson, & Paciorek, 2022). Any buyer of a new home here is one fewer bidder or buyer of an existing home in the City, reducing pressure on existing lower-priced housing stock to increase in price and gentrify. Research by the Kem C. Gardener Policy Institute at the University of Utah has shown that the affordability of housing in a community is significantly impacted by local land use decisions, especially those that restrict or expand density throughout a City (Wood, Eskic, Benway, & Macdonald-Poelman, 2020).

Also important to consider is that ADUs, while not necessarily providing "affordable housing" for targeted lower incomes, would still be rented for a lesser amount than a full single-family home in this area of the City. The research by the Kem C. Gardner Policy Institute, mentioned above, recommends ADUs as one of several best-practices that Cities can use to address housing prices (Wood, et al., 2020).

Accessory Dwelling Unit Experiment

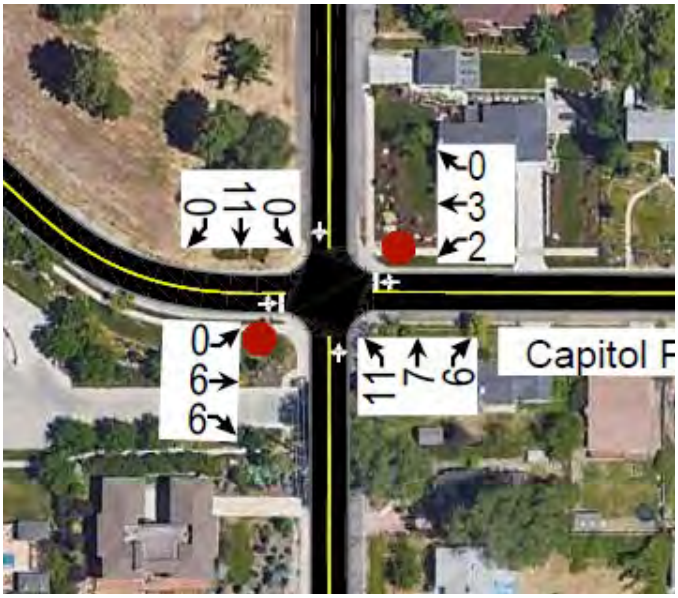
Many comments from the community raised concerns about including ADU spaces within the units. Specifically, concerns have been brought up that allowing the ADUs essentially doubles the density of the site. Their letter (included with Attachment H) argues that the additional ADUs, at the scale proposed, should require approval by the City Council. Staff's review of the ADU regulations found that they "[do] not count towards the density allowed in the underlying zoning district." Meaning they are exempt from the density requirements of the SR-1 zoning district. As noted earlier in this report, the proposed ADU will be beneficial to the community and the development (see Key Consideration 3). They also enable the proposal to support goals and objectives established within adopted plans (see Key Considerations 1).

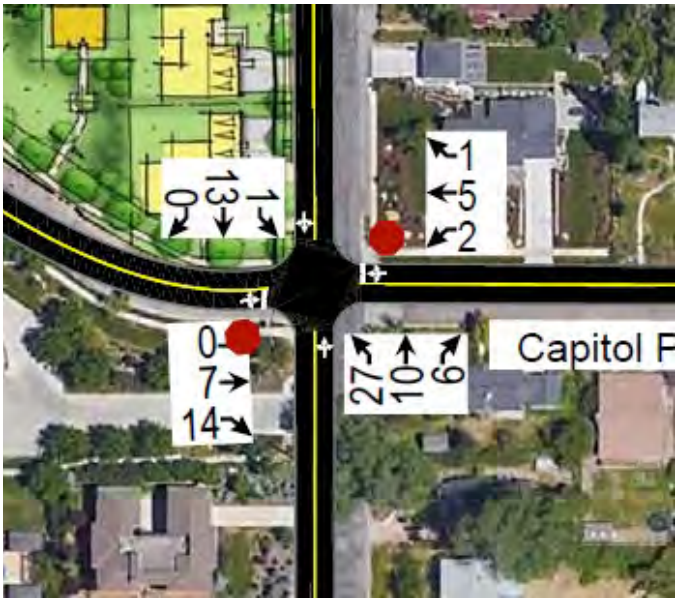
Utility Capacity

The capacity of local water and sewer utilities was brought up in many comments opposed to the project. Planning Staff discussed this issue with officials from Salt Lake City's Department of Public Utilities and were told that applicants are responsible for the cost of improvements to the City's utilities that a new development would require. If there are capacity issues, Ivory Development would work with Public Utilities to address them during building permit review (see comments from Salt Lake City Public Utilities in Attachment I).

Traffic & Parking

Impacts on traffic were brought up by residents during review of the rezone request. In response, the developer provided a traffic study to determine the traffic impacts of the development. The study showed that the nearby controlled (stop signed) intersections function at an "a" and "b" "level of service," meaning "free flow/insignificant delay" of <10 seconds and "Stable Operations/Minimum Delays" of up to 10 to 15 seconds, respectively. The study determined there would not be a change to the level of service of each controlled roadway intersection, with less than a second of delay added to intersection wait times at peak hours, and the project providing "negligible impact on traffic operations of the surrounding area." See page 11 of the traffic study in Attachment G. Staff has included extracts from the report below for comparison purposes.





The above images from the traffic study show the F Street and Capitol Park (13th Ave) intersection at "Evening Peak Hour" (4:45 to 5:45 PM), showing the number of cars doing each turning movement at the intersection. On the left are the existing traffic numbers for the intersection (adjusted for COVID-related declines), showing 52 cars over the course of peak hour. On the right are the projected traffic numbers for the intersection with the project built, showing 86 cars over the course of peak hour, an increase of 34 vehicles.

These graphics show traffic during evening peak hours at the 11th Avenue and F St intersection, with the existing traffic on the left and projected traffic on the right. The analysis shows 29 additional cars at this intersection over the course of evening peak hour. This is less than 5% of all traffic during this time. The study notes that there would be a negligible impact on the level of service, with no effect on the level of service for this intersection, with less than half a second added to the existing 11-second average delay at the intersection at evening peak hour.

Another concern brought up by residents was possible parking on Capitol Park Avenue—where it is not allowed. Like all other new development projects, this proposal must comply with applicable parking requirements. Submitted plans show 82 proposed parking spaces with at least three per unit (more than what is required by code since the project is within a half-mile of the bike lane on 11th Avenue). Because Capitol Park Avenue is a private street owned by the Meridian, they have the authority to tow vehicles that do not follow the posted no parking signs. Like traffic, the anticipated parking impact on surrounding properties is minimal.

Fire Department Access and Fire Codes/F Street Width

Public input was received regarding whether fire access will be adequate for the development, including concerns regarding evacuations and wildfires. Planning Staff requested comments from the City's Fire Prevention Bureau of the Fire Department regarding these concerns. The Fire Department noted that they do not have any official comments or concerns about the proposal because any development will be required to meet adopted International Fire Codes. Fire Code includes minimum requirements for fire vehicle and firefighter access to properties, including such things as minimum street/drive widths for fire vehicles, maximum building distances from streets, and minimum number of vehicle entry points for a development. The Planning Commission does not have the authority to waive any Fire requirements that universally apply to development in the City.

F Street is required to be improved with this subdivision request. This will include new curb, gutter, and park strip. The dimensions of the proposed improvements would bring this section of F Street to the City's standard for local residential streets of 36 feet. This will provide sufficient area for parking on both sides of the street and at least 20 feet of clear width to accommodate fire vehicles. This meets Fire Code fire vehicle access requirements for the low-scale structures in this neighborhood.

Nesting Bird Habitat

Concerns were provided regarding the potential removal of bird nesting sites for any development, including for a red-tailed hawk. Nesting sites are protected by federal regulations that prohibit the removal of active nests. The nest and associated tree may only be removed when the nest is not being actively used.

STAFF RECOMMENDATION

Overall, the proposed *Capitol Park Cottages* development meets the intent of the underlying SR-1 zoning district (as discussed in Attachment D), the general zoning requirements, and generally meets the standards required for Planned Development approval (as discussed in Attachment F). The applicant has made efforts to provide new housing on an underutilized lot in a way that fulfills city plans and policies and provides a benefit to the community.

NEXT STEPS

Planned Development Approval

If the Planned Development application is approved, the applicant will need to comply with the conditions of approval, including any of the conditions required by City departments and the Planning Commission. The applicant will be able to submit building permits for the development, and the plans will need to meet any conditions of approval.

The applicant must also submit a Final Plat to be reviewed by all relevant City Departments and recorded on the property. Final certificates of occupancy for the buildings will only be issued once all conditions of approval are met and the Final Plat has been recorded.

Planned Development Tabled/Continued

If the Planning Commission tables the Planned Development application, the applicant will have the opportunity to make changes to the design and/or further articulate details in order to return to the Planning Commission for further review and a decision on the application.

Planned Development Denial

If the Planning Commission denies the Planned Development application, the applicant will be able to submit a new proposal that meets all of the standards required by the Zoning Ordinance. The proposal will be subject to any relevant zoning standard or planning processes.

Works Cited

Wood, J. & Eskic, D. (2018). Housing Prices and the Threat of Affordability. Kem C. Gardener Institute, University of Utah. https://d36oiwf74r1rap.cloudfront.net/wp-content/uploads/HousingBrief.pdf

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Wood, J, Eskic, D., Benway, D. J., Macdonald-Poelman, K. (2020) Housing Affordability: What Are Best Practices and Why Are They Important? Kem C. Gardener Institute, University of Utah. https://d36oiwf74r1rap.cloudfront.net/wp-content/uploads/Best-Practices-Dec2020.pdf

ATTACHMENT A: Vicinity Map

ATTACHMENT B: Submitted Materials

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Capitol Park Cottages

Planned Development Application

December 15th, 2023

Background

Capitol Park Cottages is a 3.21-acre vacant property located in the Salt Lake City Avenues neighborhood. The property is the size of an average Avenues city block and is therefore incredibly unique in that it presents an opportunity for a planned development of scale that does not require the removal of historic buildings or encroachment into the hillsides. Ivory Development is approaching this residential development in a way that recognizes this scarce opportunity.

The vacant land was recently zoned SR-1 and could theoretically support twenty-seven single family detached lots or thirty-four twin homes. Unfortunately, the site is confined on three sides by private property and only has vehicular access from its east and south boundaries. This physical constraint requires an internal roadway design and limits the plausible lots that could be developed on-site.

Developing this property as efficiently as possible, while retaining the project's quality and livability, is an important consideration for our application. In fact, as we pursued our previous re-zone and master plan amendment applications, we heard from Planning Commission and City Council members that this site needs more units. Considering this shared vision between ourselves and the city we obtained the re-zone and are now pursuing a Planned Development and Site Plan application.

This updated application differs significantly from the site and architectural plans that we originally proposed more than three years ago. During our initial application process, we received an extensive amount of feedback from city officials, city staff, and the public at large regarding our plans. In an effort to recenter the focus on the re-zone and master plan application, we tabled our PD application 18 months ago. Since receiving a zone change, we brought in a different land planning consultant and asked them to reimagine our development patterns to increase density, reduce or remove retaining walls, and bring more "Avenues" architectural styles.

At the same time, we were still contemplating precedents already set by the historic Avenues, namely:

- Housing-type variety
- Owner/Renter mix and cohesion
- Family-structure diversity
- Eclectic Architecture

The site plan included with this application has a total of twenty-one lots, some of which will be detached single family, and some will be attached twin homes. The homes will honor a diversity of Avenues architectural precedents and create diverse and attractive streetscapes. The site plan

includes an entire acre of community open space with a ¼ mile recreational trail system. Most importantly, each of the homes has been designed to provide for the ability to incorporate an ADU if desired.

ADUs are a market-oriented tool recognized by the Growing Salt Lake: Five Year Plan that brings progressive easing to the city's housing shortage. The ADUs will attract a mix of multigenerational households and renters living cohesively in the same neighborhood.

Planned Development Purpose and Objective

Capitol Park Cottages meets two critical objectives specifically outlined in the Planned Development ordinance:

1. ***Housing: Providing type of housing that helps achieve the City's housing goals and policies; (21A.55.010.C.2)***

The Capitol Park Cottages Site Plan was designed to facilitate ADUs in new home construction as a distinctive feature.

Growing SLC: A Five Year Housing Plan **1.1.3** specifically notes that a goal of the city is to "Revise the Accessory Dwelling Unit ordinance to ***expand its application*** and develop measures to ***promote its use***."

Salt Lake City Planning has published a Guide to Accessory Dwelling Units. In the Overview the Planning Division states, "Accessory dwelling units are part of a range of housing types that can help increase the housing supply with minimal impacts to the scale of an existing neighborhood. This makes ADUs a good option to help provide more housing in parts of the city where other types of housing may be too tall, too wide, or too bulky with the surrounding structures." (pg. 4)

Salt Lake City Zoning Code 21A.40.200 requires the Planning Division to submit a yearly report detailing the ADU statistics for the year and giving recommendations for potential improvements to the ordinance.

The 2022 ADUs Annual Report details that since 2018 there had been a total of 170 ADU applications approved under the ordinance. Of the 170 applications only 44 have been built and completed. District 3 has only recorded 7 applications since 2018 and had no applications in 2022. Despite the city making enormous efforts to promote ADUs, very few have been built. As the 2020 report stated "*…the ADU ordinance is creating more housing choice. It is just doing it at a very slow rate and at a rate that is not making a noticeable impact…*" (pg.11).

Prospective buyers of the homes will be able to show the expected income from rental of the ADUs; qualifying them for more than they would otherwise be allotted. Owners would be able to use the income from the rental to offset their mortgage cost and significantly decrease their percentage of income dedicated to housing.

Prospective tenants of the ADUs will have an attractive opportunity to find attainable units in an area of the upper avenues where rental supply is considerably low. The average monthly rent of a 1-bedroom unit in the Avenues is $1,366. Even if the units were to let at the 95th percentile of

their bedroom type, rents would be expected not to exceed $2,000 (See Exhibit A). ADUs are unique in the rental pool in that they frequently attract family or friends of those occupying the primary unit. In these scenarios it is often found that rents are offered below market pricing.

While the social and individual benefits of ADUs are wide ranging their implementation has been narrow and limited. ADUs have customarily been retrofitted to existing homes and lots. Retrofitting involves challenges with regard to design, construction, infrastructure, parking and financing; all of which stymie greater adoption of ADUs.

ADUs as part of a newly built neighborhood allow us to plan for those challenges and make this community blend into the surrounding neighborhood. Capitol Park Cottages can set a precedent for future builders and developers to consider adding in ADUs when constructing a new home.

Furthermore, financing and costs continue to be a constraint to adding more ADUs to existing neighborhoods. It is noted that the cost of additional utilities can be prohibitive, but in our case it simply is not. We are already going to be installing new sewer, water, power, and gas, so the incremental increase to infrastructure is minimal at best.

2. ***Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)***

The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate nearly an acre of open space that will be programed for resident and public recreational use.

A quarter mile of paved walking trail will loop and intersect the community. Each home in the community will have direct front door access to this trail and the public can access the trail loop directly from F Street or Capitol Park Avenue.

Consistency with Avenues Master Plan

The Master Plan was amended for this property along with a zone change in the summer of 2022. The property is zoned as SR-1 and as Low Density in the city's Master Plan. The application is consistent with all density requirements per its Master Plan designation.

Consistency with City Wide Master Plans

Housing SLC 2023-2027 includes in its 5th key finding that "There is a mismatch between the types of housing the market is producing and the needs of the community…Additionally, residents want more "missing middle" housing and more family-sized housing.".

Family-Sized housing is defined by **Housing SLC** as including housing units with 3+ bedrooms. Each of the 21 proposed units in the project are definitionally "family-sized".

Compatibility with the surrounding neighborhood

Today the historic hospital property has been rezoned RMF-35 and was converted into the Meridian Condominiums, a five-story condominium building. Directly across the street to the east is the historical avenues block pattern, to our north is Northpoint, a 49-unit townhome community and finally to our west, Capitol Park Estates, Planned Unit Development.

In other words, there is no single land use in the surrounding neighborhood(s), so compatibility is a difficult metric for this property.

(Exhibit "B" surrounding development)

Inclusion of appropriate landscaping

Capitol Park Cottages will include full yard landscaping around each of the twenty-one homes that will be installed by Ivory and maintained by an HOA. Lot landscaping will be varied and include water-wise techniques.

Our water-wise techniques were developed in partnership with the Jordan Valley Water Conservancy District's "Localscape" program. The intent of Localscapes is to provide for efficient, functional, and beautiful landscape designs that recognize the unique climate of Utah. Our design will reserve irrigation-intensive sod for those areas that use it most and install water efficient landscape arrangements everywhere else.

Street trees will be planted along F Street, Capitol Park Avenue, and the private road in the interior of the project. The trees will provide an even canopy through and around the project.

The open space trail loop will be dedicated to the HOA and built to provide recreation and community gathering opportunities for the residents and the public.

Mobility

All twenty-one lots will have vehicular access through the private alley. The alley will make a connection from F Street to Capitol Park Avenue

With garages and driveways, and visitor parking there will be a total of 90 parking spaces. All parking will be accessed internally within the project and from the rear of each unit.

The front door of each home will have a direct connection to the open space and trail system.

Preservation of natural and built features that significantly contribute to the surrounding character.

The property is vacant and includes no built features. The native vegetation includes several wild trees. Existing trees will be removed as part of the construction of the development. All trees will be replaced on site or otherwise as permitted by the Salt Lake City Private Tree Ordinance.

During the rezone and master plan amendment process the city listed the natural grade of site as a valuable natural feature. In our redesign we have used architectural changes to preserve the natural slope and eliminate most retaining walls.

No detrimental effect on city utilities

There will be no detrimental effect on the city utilities. Salt Lake Public Utilities had reviewed an early conceptual plan and determined that there is adequate sewer, storm drain, culinary water and transportation capacity in the system.

Road and sidewalk infrastructure have never been completed along F Street. The development of Capitol Park Cottages will complete this public infrastructure project.

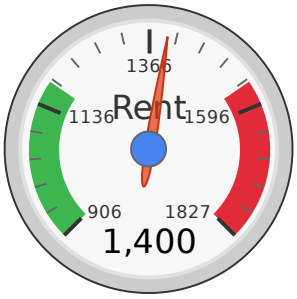
Capitol Park Avenue is a private street, as will be the interior of Capitol Park Cottages. No additional street maintenance requirements will be necessary from Salt Lake City. The original developer of The Meridian and Capitol Park granted an easement to connect utilities and have vehicular access through Capitol Park Avenue with a cost sharing agreement with the Meridien which meets all requirements of both the building and fire codes.

Exhibit A

11/01/2023 Avenues Rental Report

Hero Property Management
(801) 845-4390
info@rentinghero.com

Your rent is reasonable for your area.



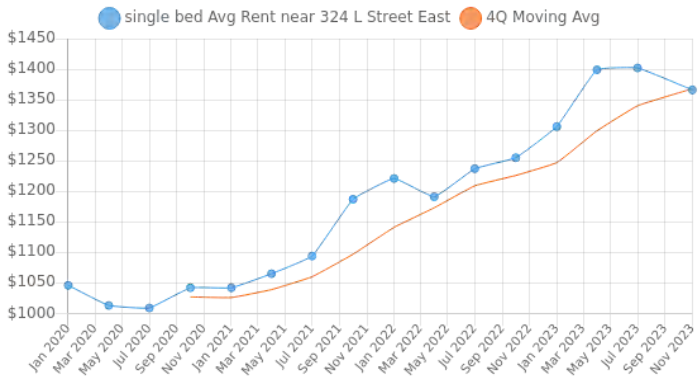
324 L Street East Salt Lake City, UT

Results based on 25, single bedroom rentals seen within 12 months in a 1.00 mile radius.

AVERAGE	MEDIAN	25TH PERCENTILE	75TH PERCENTILE
$1,366 ±4%	$1,350	$1,177	$1,555

Report generated: 01 Nov 2023

Historical Trend Line

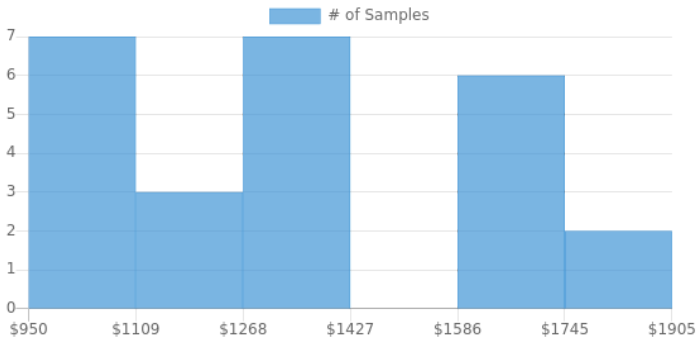


Average Rent by Bedroom Type

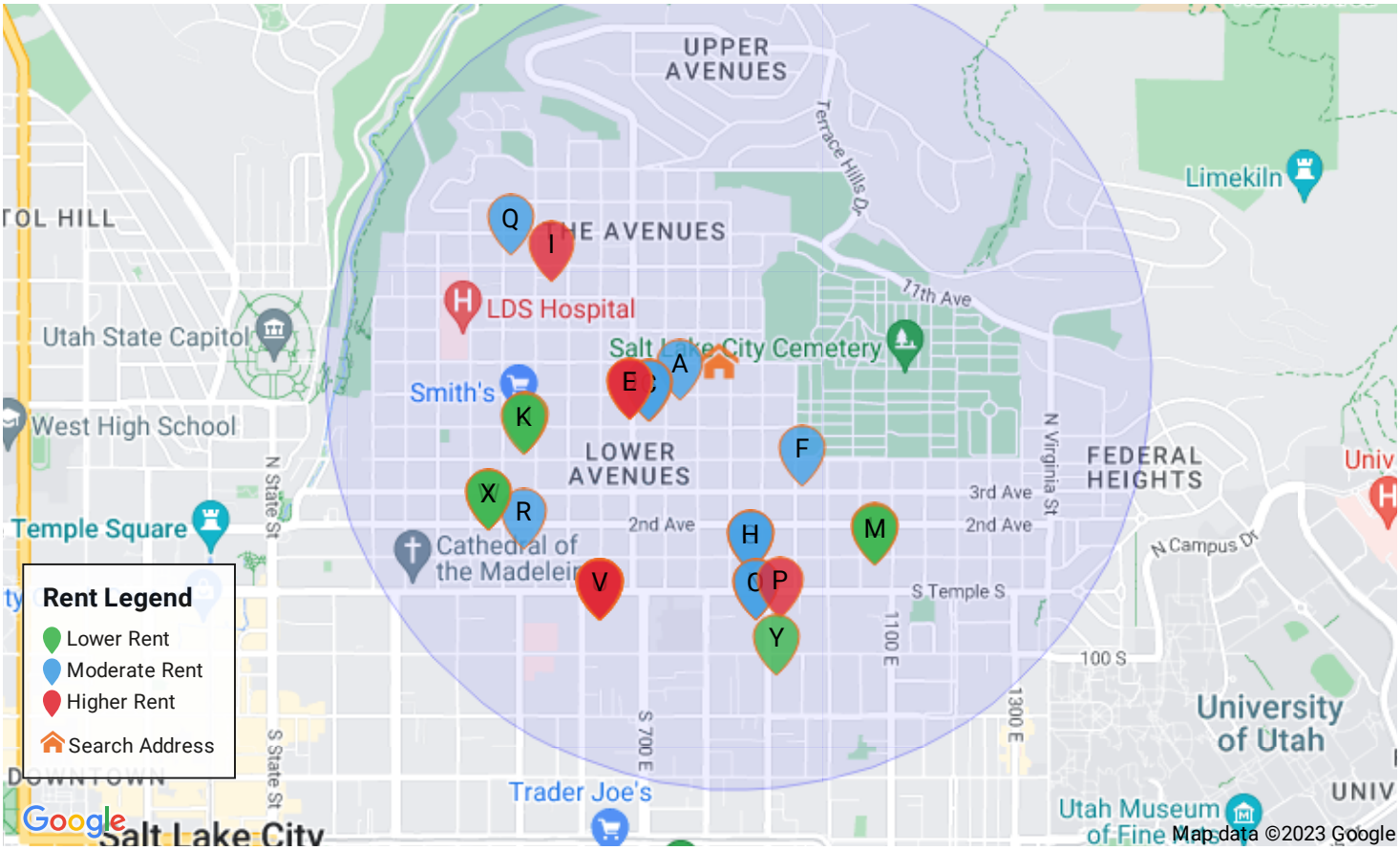
Summary Statistics

Sample Size	25
Sample Min	$950
Sample Max	$1,900
Sample Median	$1,350
Sample Mean	$1,366
Sample Standard Deviation	$280
25th – 75th Percentile	$1,177 – 1,555
10th – 90th Percentile	$1,008 – 1,725
5th – 95th Percentile	$906 – 1,826

Rent Distribution



Sample of Listings Used



	Address	Distance	Rent	Size	$/ft²	Beds	Baths	Bldg Type	Last Seen
A	668 E 6th Ave, Salt Lake City, UT 84103	0.2 mi	$1,250	900 ft²	$1.39/ft²	1 bed	1ba	House	Sep 2023
B	619 E 5th Ave, Salt Lake City, UT 84103	0.31 mi	$1,350	800 ft²	$1.69/ft²	1 bed	1ba	Condo	Mar 2023
C	619 E 5th Ave, Salt Lake City, UT 84103	0.32 mi	$1,295	778 ft²	$1.66/ft²	1 bed	1ba	Condo	Sep 2023
D	64 I St, Salt Lake City, UT 84103	0.37 mi	$1,650	525 ft²	$3.14/ft²	1 bed	1ba	Condo	Dec 2022
E	64 I St, Salt Lake City, UT 84103	0.37 mi	$1,595	500 ft²	$3.19/ft²	1 bed	1ba	Condo	Dec 2022
F	851 E 3rd Ave #4, Salt Lake City, UT 84103	0.4 mi	$1,350	550 ft²	$2.45/ft²	1 bed	1ba	Condo	Dec 2022
G	31 M St E, Salt Lake City, UT 84103	0.62 mi	$1,295	650 ft²	$1.99/ft²	1 bed	1ba	Condo	Sep 2023
H	31 M St E, Salt Lake City, UT 84103	0.62 mi	$1,400	675 ft²	$2.07/ft²	1 bed	1ba	Condo	Jul 2023
I	456 Victoria Pl N, Salt Lake City, UT 84103	0.67 mi	$1,795	1,000 ft²	$1.80/ft²	1 bed	1ba	House	Jan 2023
J	425 E 4th Ave, Salt Lake City, UT 84103	0.72 mi	$995	566 ft²	$1.76/ft²	1 bed	1ba	Condo	Sep 2023
K	425 E 4th Ave #2, Salt Lake City, UT 84103	0.72 mi	$950	453 ft²	$2.10/ft²	1 bed	1ba	Condo	Nov 2022
L	970 E 1st Ave #3, Salt Lake City, UT 84103	0.74 mi	$1,100	550 ft²	$2.00/ft²	1 bed	1ba	House	Sep 2023
M	970 E 1st Ave, Salt Lake City, UT 84103	0.74 mi	$1,100	550 ft²	$2.00/ft²	1 bed	1ba	House	Sep 2023

	Address	Distance	Rent	Size	$/ft²	Beds	Baths	Bldg Type	Last Seen
N	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,425	600 ft²	$2.38/ft²	1 bed	1ba	Apartment	Oct 2023
O	40 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,425	656 ft²	$2.17/ft²	1 bed	1ba	Apartment	Oct 2023
P	41 S 900 E, Salt Lake City, UT 84102	0.78 mi	$1,625	624 ft²	$2.60/ft²	1 bed	1ba	Apartment	Oct 2023
Q	514 E St E, Salt Lake City, UT 84103	0.82 mi	$1,250	642 ft²	$1.95/ft²	1 bed	1ba	Apartment	Sep 2023
R	427 E 1st Ave, Salt Lake City, UT 84103	0.87 mi	$1,180	728 ft²	$1.62/ft²	1 bed	1ba	House	Aug 2023
S	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,716	744 ft²	$2.31/ft²	1 bed	1ba	Apartment	Sep 2023
T	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,900	616 ft²	$3.08/ft²	1 bed	1ba	Apartment	Sep 2023
U	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,666	688 ft²	$2.42/ft²	1 bed	1ba	Apartment	Sep 2023
V	33 S 600 E, Salt Lake City, UT 84102	0.89 mi	$1,725	730 ft²	$2.36/ft²	1 bed	1ba	Apartment	Oct 2023
W	376 2nd Ave #3, Salt Lake City, UT 84103	0.94 mi	$1,095	566 ft²	$1.93/ft²	1 bed	1ba	Condo	Nov 2022
X	376 2nd Ave, Salt Lake City, UT 84103	0.94 mi	$1,025	616 ft²	$1.66/ft²	1 bed	1ba	Condo	Mar 2023
Y	125 S 900 E, Salt Lake City, UT 84102	0.96 mi	$985			1 bed	1ba	Apartment	Sep 2023

Public Record Data

This information is compiled from various public sources and has not been verified by Rentometer. We do not have the ability to change this information.

Vitals	
Bedrooms	6
Baths	2
Year Built	1918
Property Use Group	Residential

Property Size	
Building Area	2,403 ft²
Lot Area	0.1600 acres
Lot Dimensions	0.0×0.0

Tax Information	
Year Assessed	2023
Assessed Value	$378,455
Tax Fiscal Year	2022
Tax Rate Area	13
Tax Billed Amount	$4,154.69

Deed Information	
Mortgage Amount	$599,541
Mortgage Date	2019-09-18
Lender Name	CITY CREEK MORTGAGE CORP

Sale Information	
Assessor Last Sale Date	
Assessor Last Sale Amount	$0
Deed Last Sale Date	2019-09-18
Deed Last Sale Amount	$0

Other Information	
Roof Material	Asphalt
HVAC Cooling Detail	Unknown
HVAC Heating Detail	Central
HVAC Heating Fuel	Unknown

The research and data included in this report is aggregated from a variety of sources and many are third parties that are not affiliated with Rentometer, Inc. The information is believed to be accurate, but Rentometer, Inc. does not provide a warranty of any kind, either expressed or implied.

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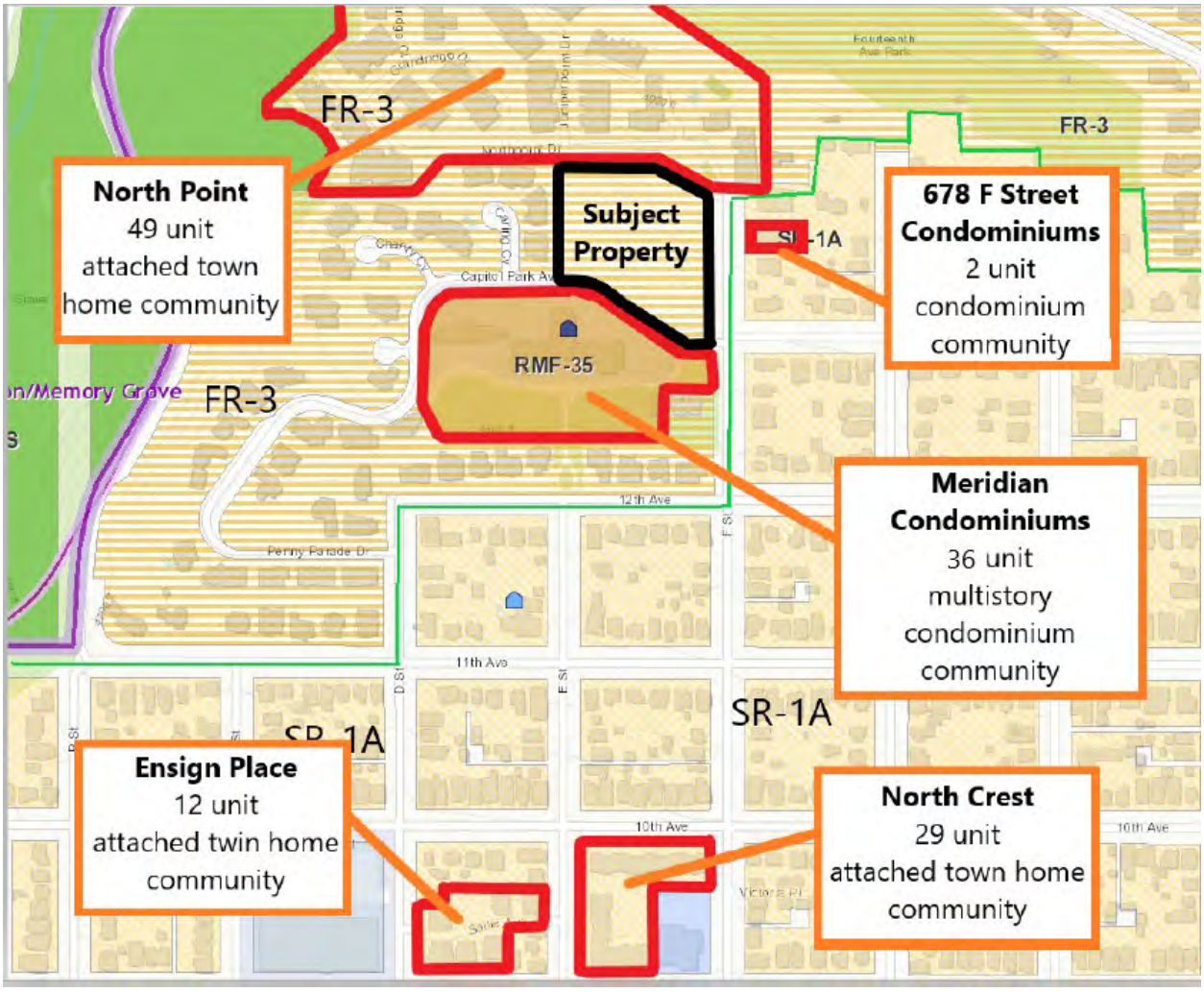
Exhibit B

Surrounding Development



December 2023

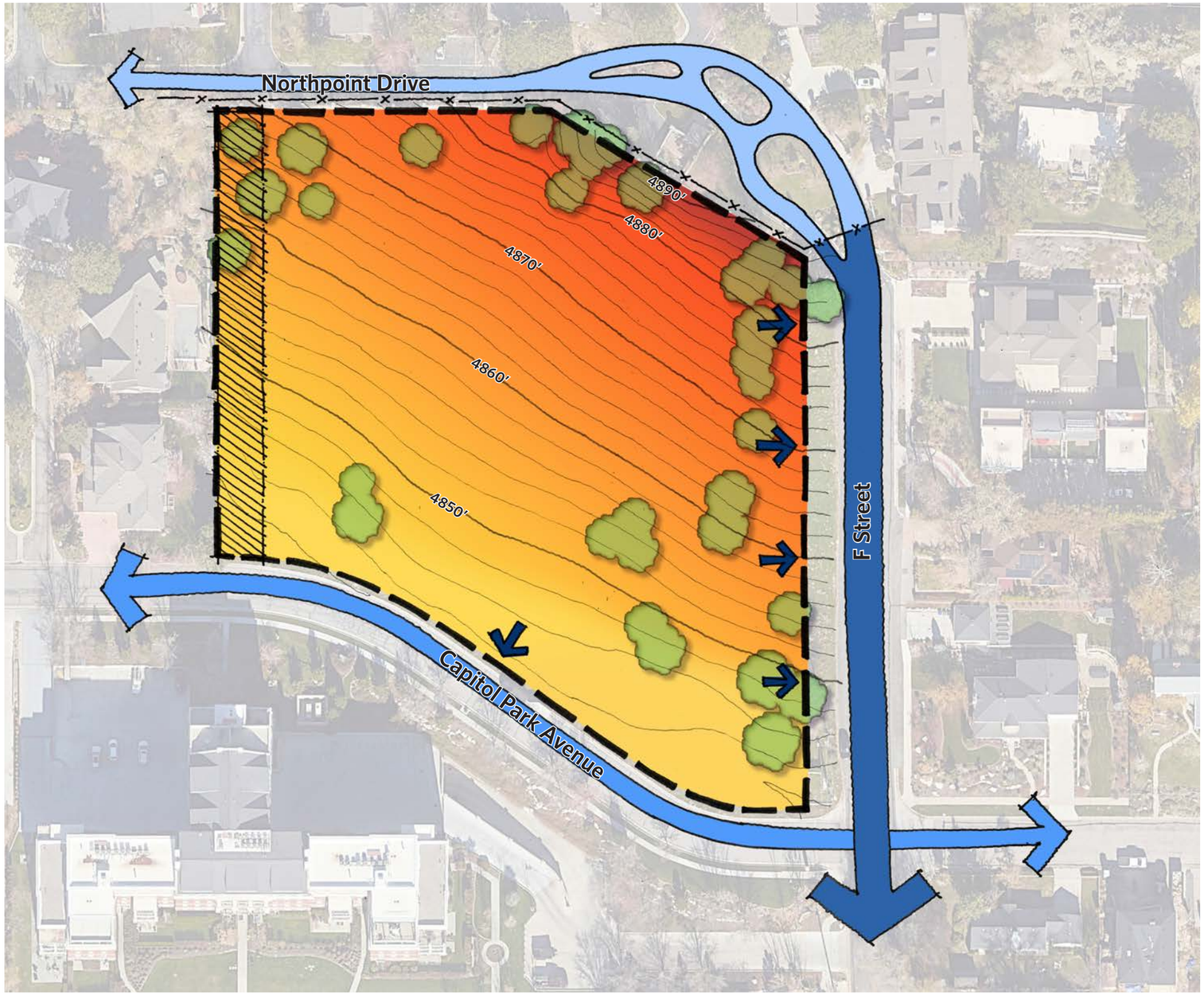
CAPITOL PARK COTTAGES

Salt Lake City, Utah

DESIGN PRINCIPLES

- Develop a sensitive site plan with a variety of architecture to complement the surrounding neighborhood
- Create a public amenity, walking path through the new neighborhood
- Address affordability by providing ADUs and building additional housing
- Minimize Retaining Walls
- Provide ample parking for homes and visitors

DESIGN PRINCIPLES



FENCE
2' CONTOURS
10' CONTOURS
30' BUFFER
ALLOWABLE CURB CUTS*
* Only 1 curb cut is allowed on South Capitol Park Avenue, whereas multiple curb cuts are allowed on F Street
PUBLIC ROAD
PRIVATE ROAD
PRIVATE ROAD, INACCESSIBLE TO THE SITE
SITE BOUNDARY

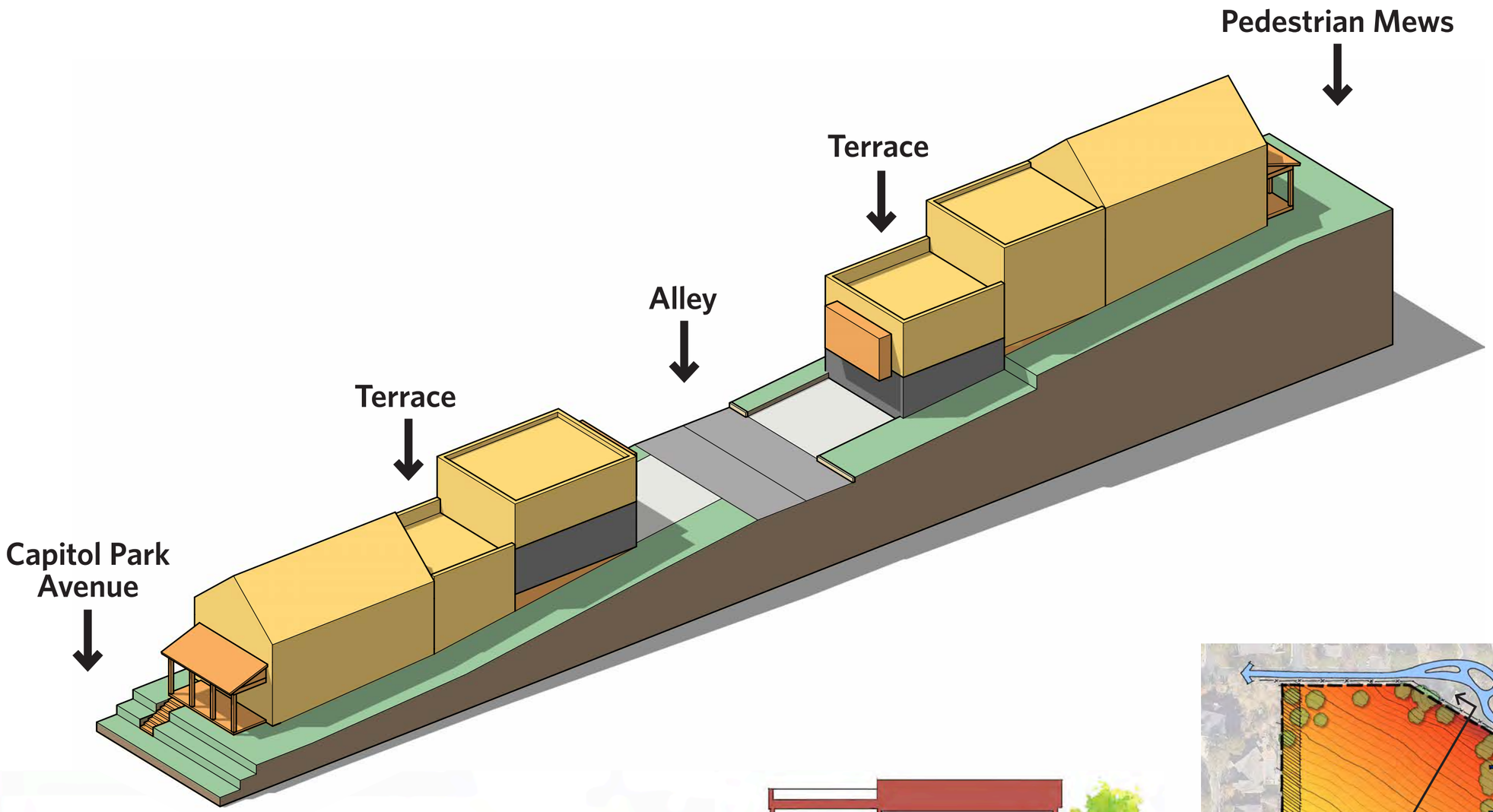
1" = 80'

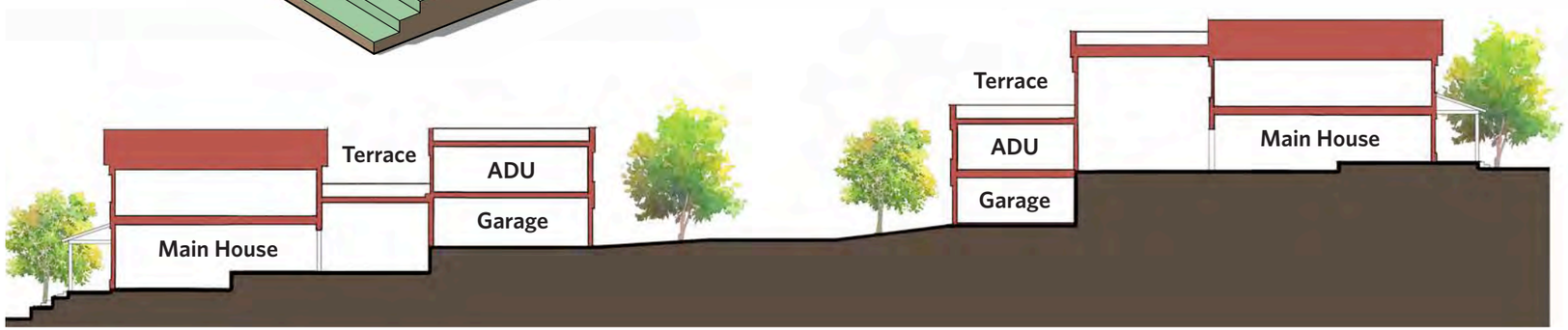
40 0 40 80 160 Feet

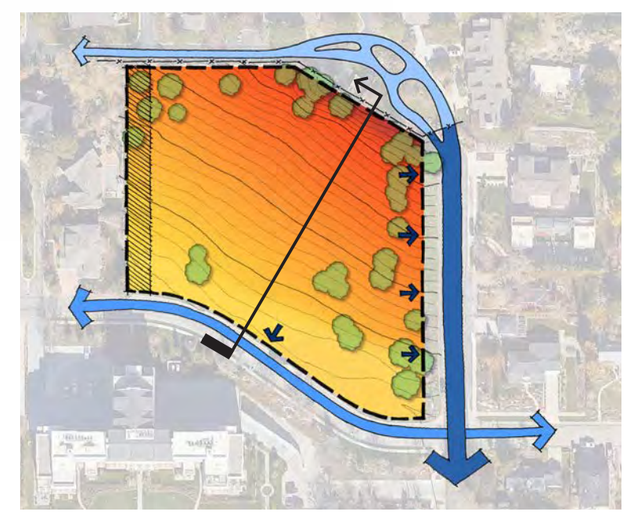
CONSTRAINTS | Plan

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES







1" =20'

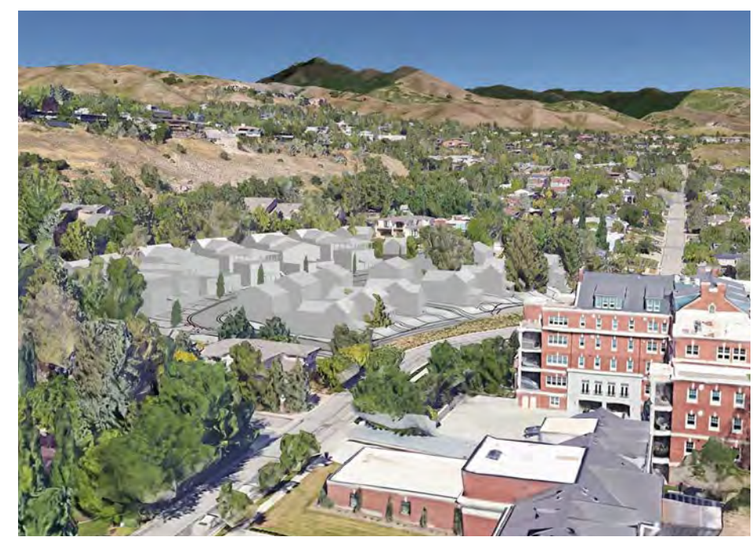
10 0 10 20 40 Feet

CONSTRAINTS | Section

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES

View of F Street, looking north



View of Capitol Park Ave, looking west

ILLUSTRATIVE PLAN

1" = 60'

30 0 30 60 120 Feet

URBAN DESIGN ASSOCIATES

COMMUNITY AMENITY

- Appx. 1.0 Acre of Community open space amenity
- 1/4 mile Recreational trail loop
- Benches for seating located on trail loop

LANDSCAPE PRINCIPLES

- Native vegetation
- Utilize water-wise principles
- Street trees to provide shaded walkways
- Preserve existing trees when possible

LANDSCAPE & AMENITY PLAN

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 60'

30 0 30 60 120 Feet

URBAN DESIGN ASSOCIATES

1" = 80'

40 0 40 80 160 Feet

UNIT COUNT

Unit Type	Main	Optional ADU
24' Single Family Units	7	7
24' Twin Home Units	5	5
18' Twin Home Units	9	9
Total	**21**	**21**

PARKING COUNT

Type	Quantity
Garage	44
On-Lot Surface	41
Visitor	4
Total	**89**

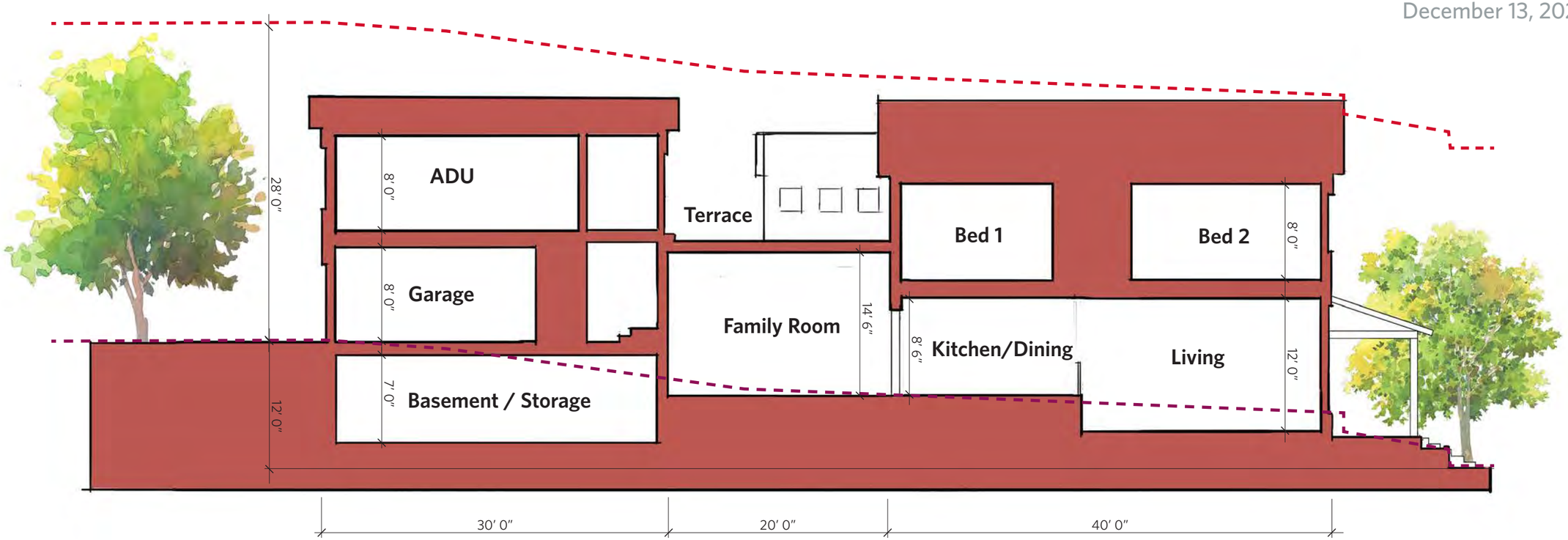
TOTAL BUILDABLE GSF*

Type	Qty.	Area/Unit
24' Wide Uphill	4	4,550sf
24' Wide Downhill Detached	4	3,810 sf
24' Wide Downhill Attached	2	3,570 sf
18' Wide Uphill	6	4,010 sf
18' Wide Downhill	3	3,180 sf
F Street Uphill	1	2,900 sf
F Street Downhill	1	2,775 sf
Total	21	79,855 sf

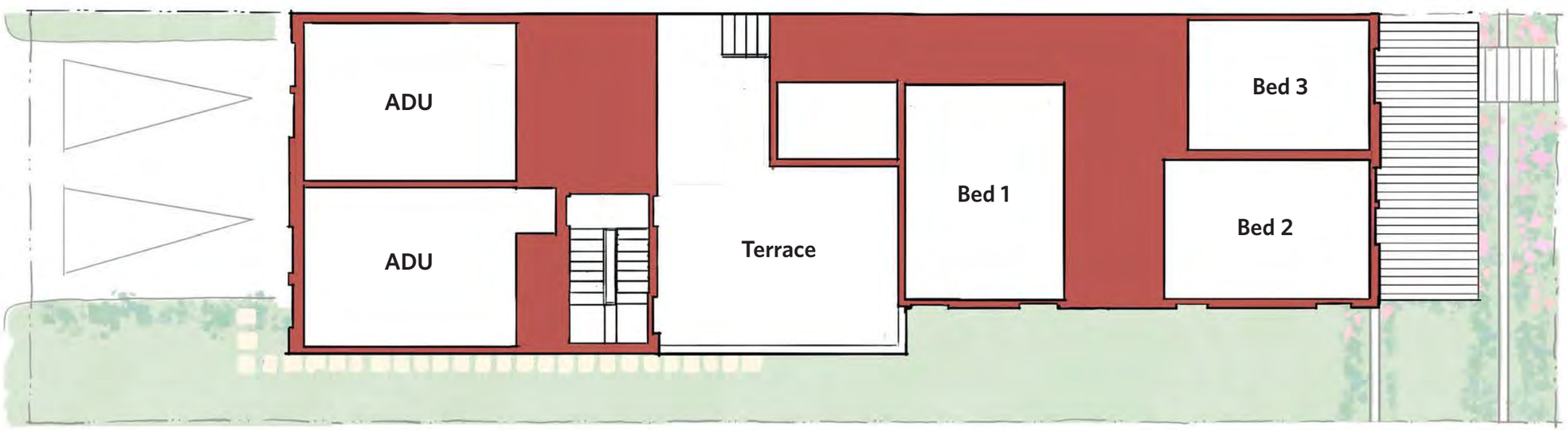
* Includes basement/storage area.

URBAN DESIGN ASSOCIATES

SITE PLAN & PROGRAM



LOT SECTION



LOT PLAN

DOWNHILL LOT | 24′ Wide Unit

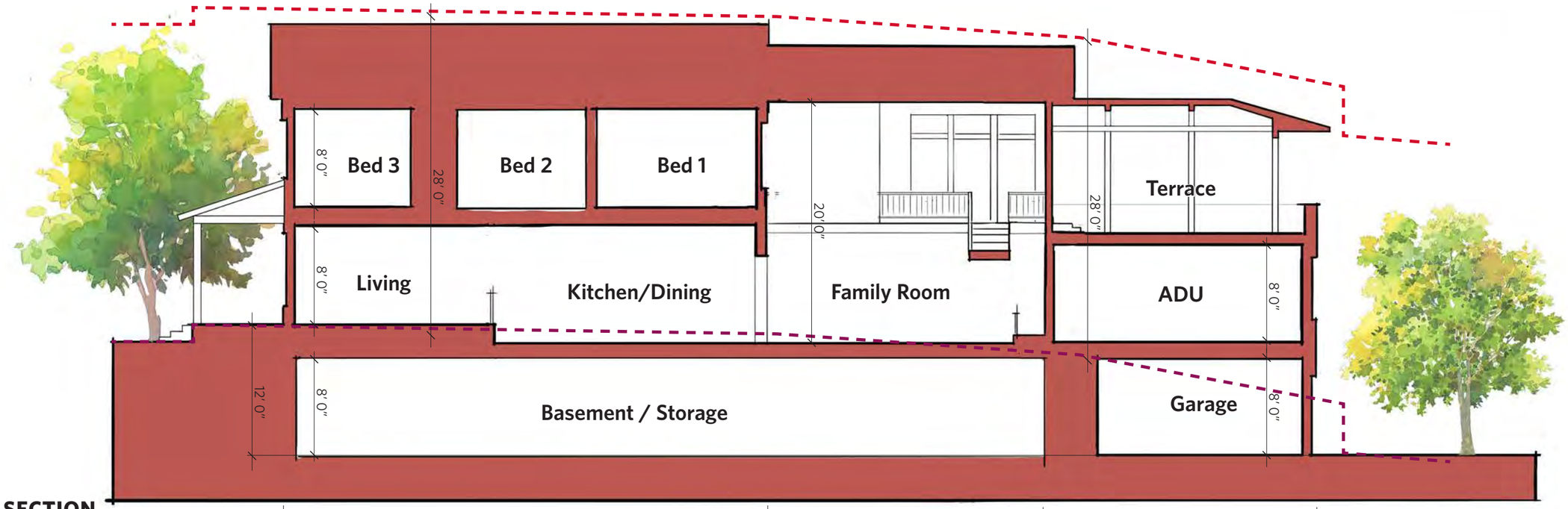
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1" = 10'

5 0 5 10 20 Feet

GRADE LINE — 28′ ABOVE GRADE

URBAN DESIGN ASSOCIATES



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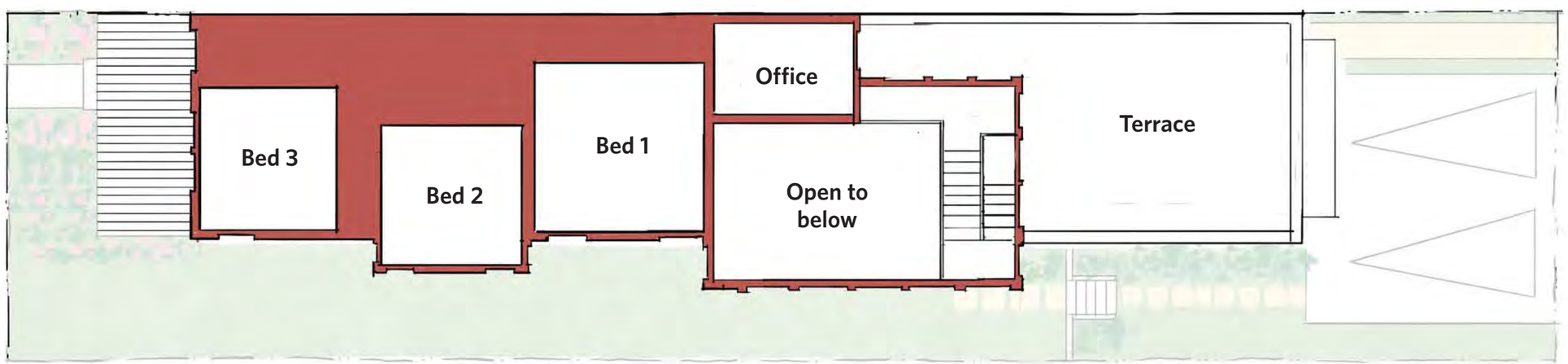


LOT PLAN

UPHILL LOT | 18' Wide Unit

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

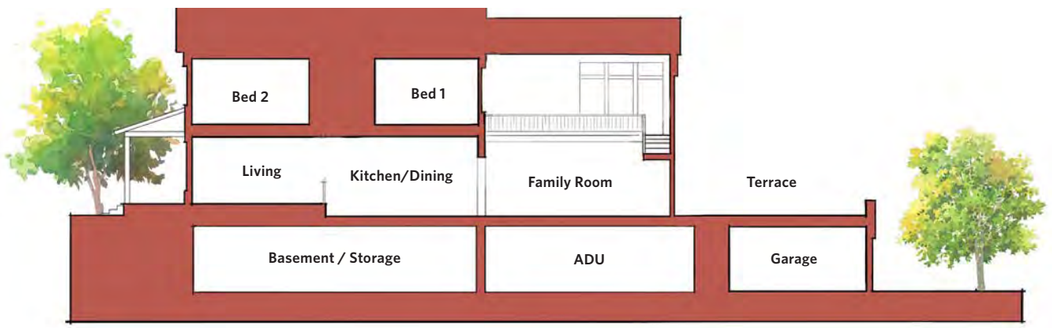
1" = 10'

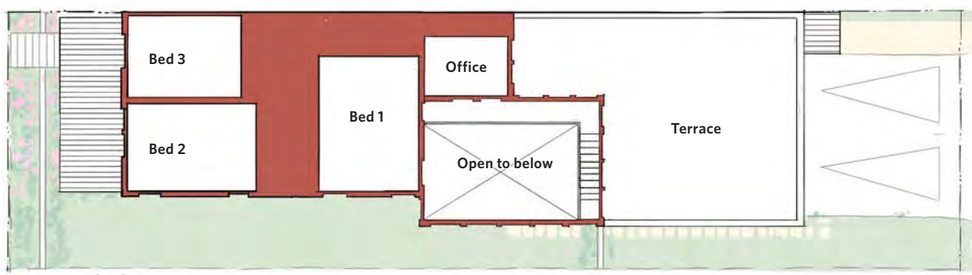
5 0 5 10 20 Feet

GRADE LINE — 28' ABOVE GRADE

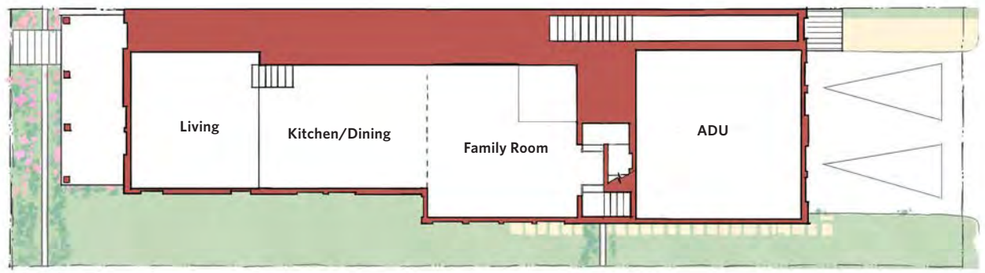
URBAN DESIGN ASSOCIATES

UPHILL LOT 24′ WIDE

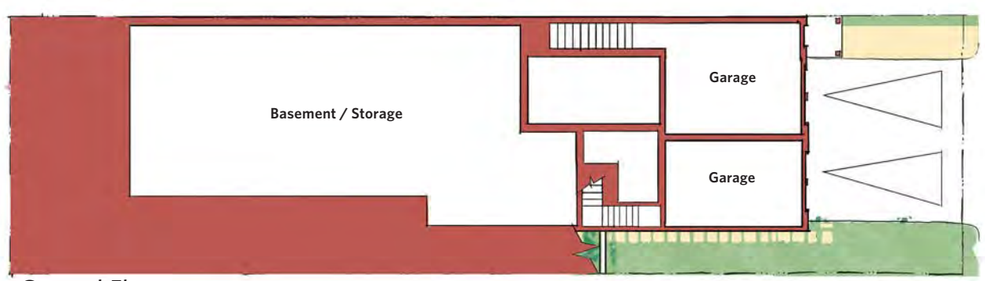




Second Floor

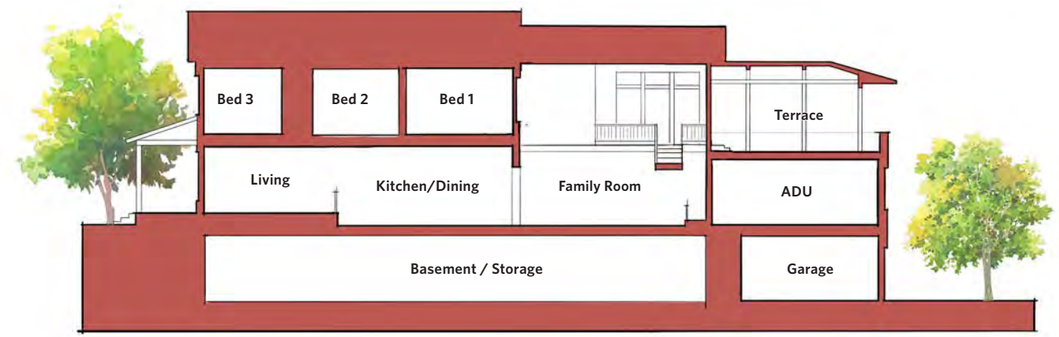


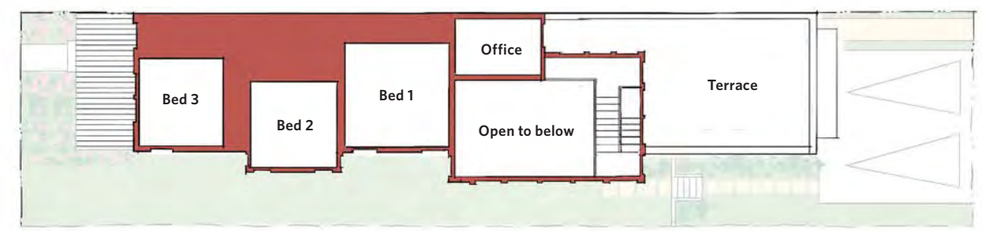
Main Floor



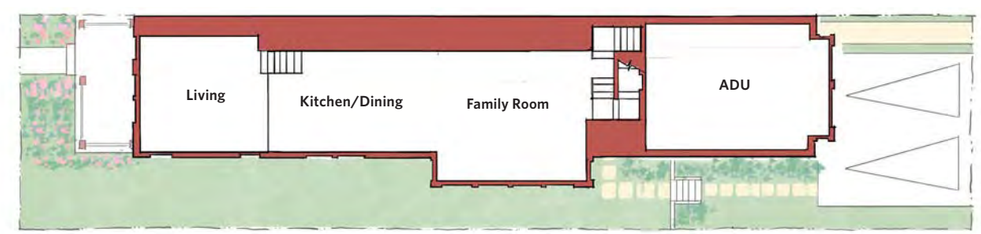
Ground Floor

UPHILL LOT 18′ WIDE





Second Floor



Main Floor

Ground Floor

UPHILL UNIT | PLANS & SECTIONS

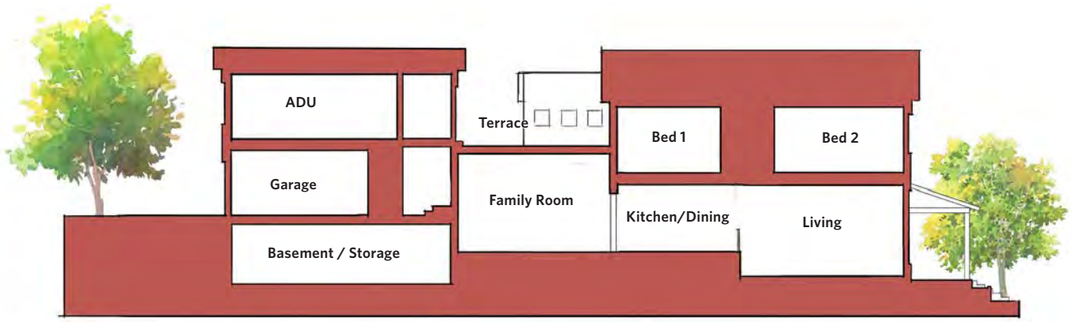
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

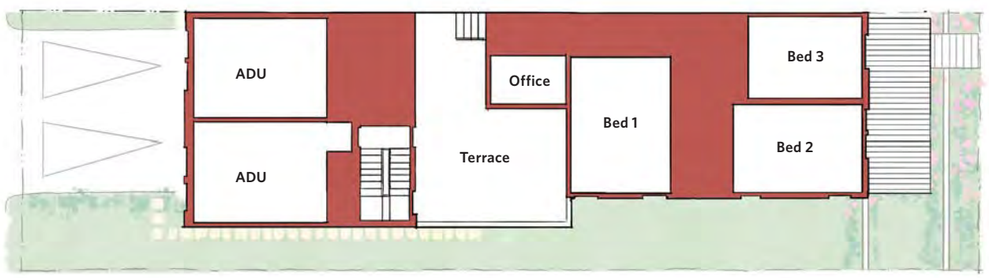
1" = 20'

10 0 10 20 40 Feet

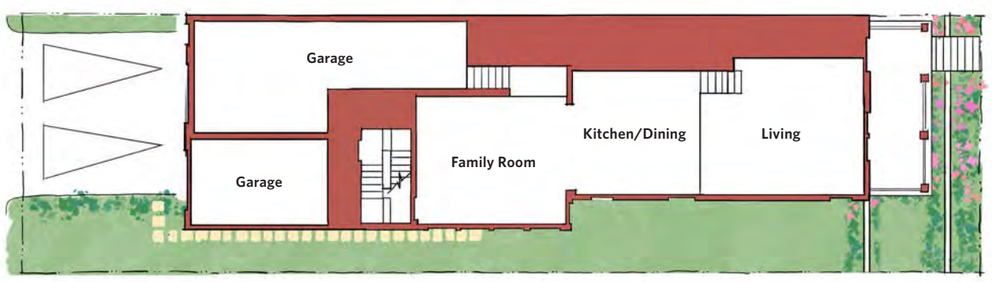
URBAN DESIGN ASSOCIATES

DOWNHILL LOT 24′ WIDE



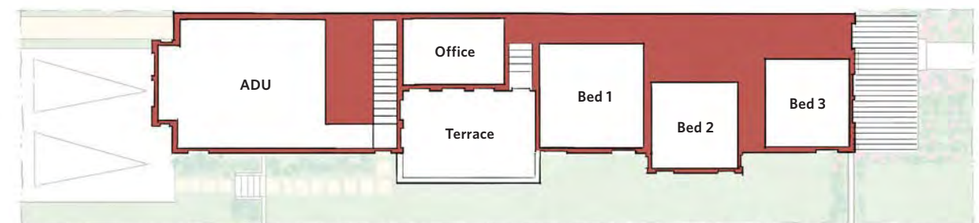


Second Floor



Main Floor

DOWNHILL LOT 18′ WIDE



Second Floor

Main Floor

URBAN DESIGN ASSOCIATES

DOWNHILL UNIT | PLANS & SECTIONS

1" = 20'

10 0 10 20 40 Feet

Arts & Crafts

European Romantic

Colonial Revival

PRECEDENTS | Surrounding Salt Lake City Neighborhoods

URBAN DESIGN ASSOCIATES

VIEW | Capitol Park Avenue

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

Facade Type A

Facade Type B

Facade Type C

ELEVATIONS | 24′ Wide Units

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Facade Type A - A

Facade Type A - A′

ELEVATIONS | Twin Home Options

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Facade Type B - B

Facade Type C - C

ELEVATIONS | Twin Home Options

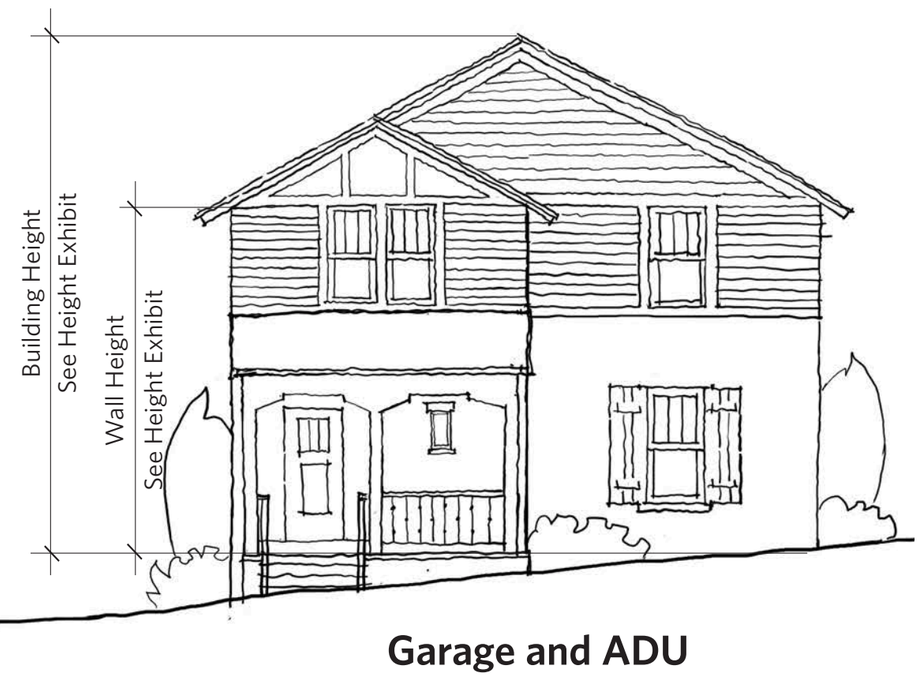
IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

Twin Home



Garage and ADU

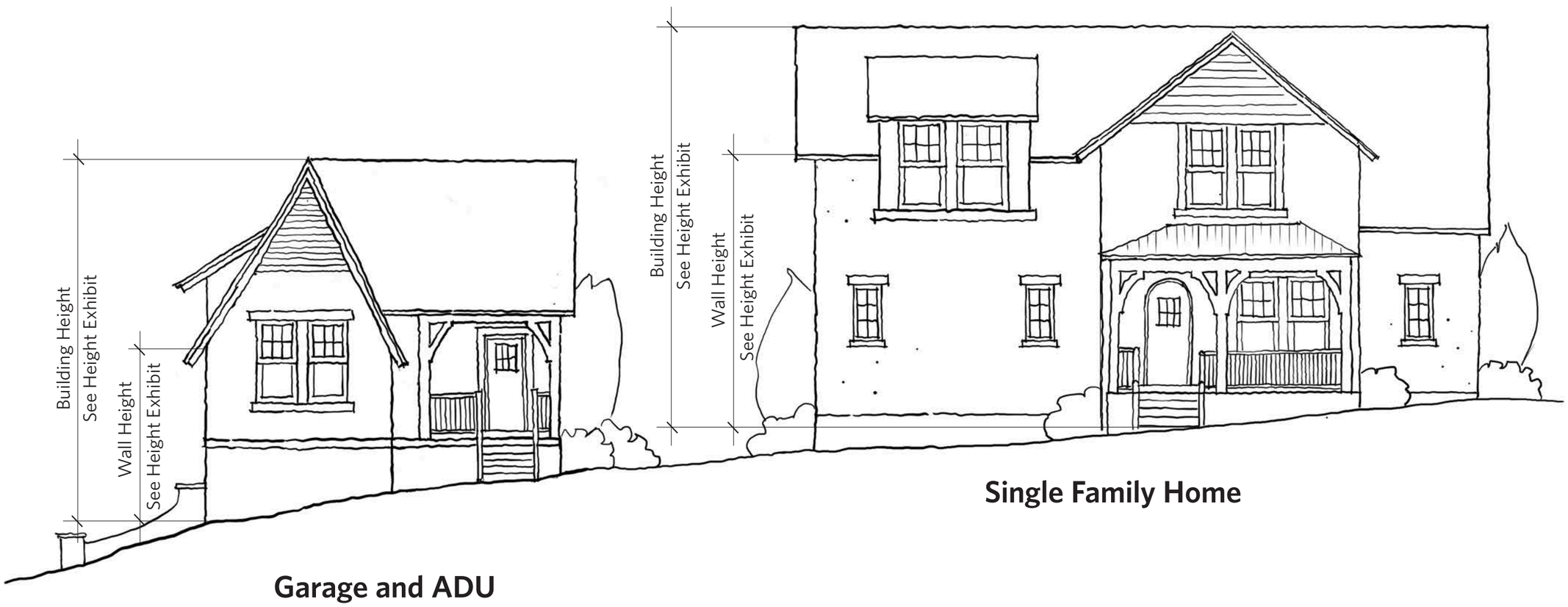
ELEVATIONS | Side Facades

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES



ELEVATIONS | Side Facades

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

1/8" = 1'

4 0 4 8 16 Feet

URBAN DESIGN ASSOCIATES

CAPITOL PARK AVENUE

F STREET

STREET FACADES

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

URBAN DESIGN ASSOCIATES

VIEW | New Internal Street, Looking East

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / DECEMBER 2023

UDA

Creating a sense of place through collaboration, context, and community.

VICINITY MAP
1" = 100'

CAPITOL PARK COTTAGES

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-3	SITE PLAN
O-4	UTILITY PLAN
O-5	GRADING AND DRAINAGE PLAN
O-6	LOT DIMENSION PLAN
0-7	PARKING PLAN
0-8	TREE REMOVAL PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 360831
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages
Title Sheet

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-1

G:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\1 - Title Sheet.dwg

CAPITOL PARK COTTAGES SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

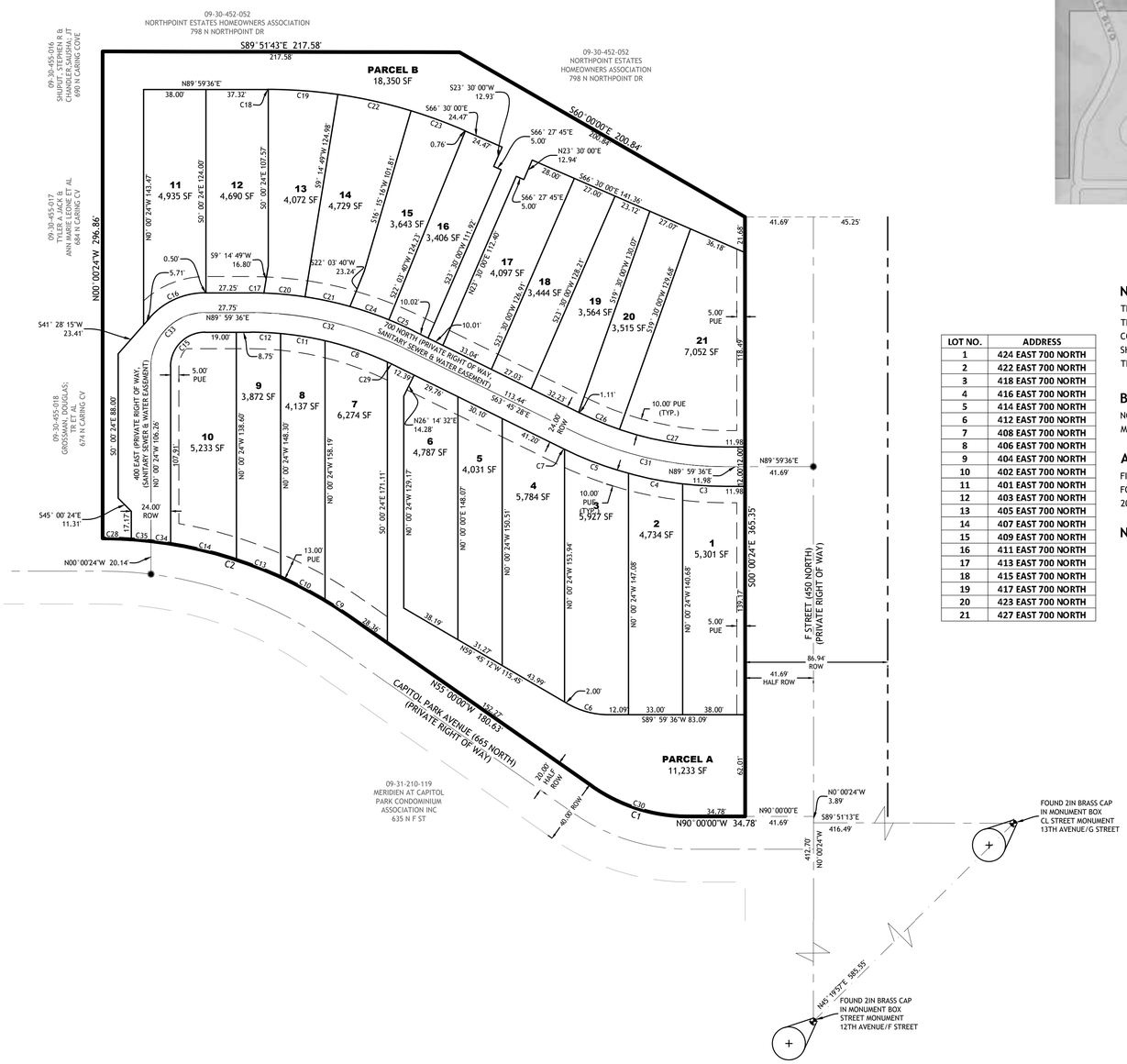
NORTH

SCALE: 1"=40'

0 20 40 80 120

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
- MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
- NEW ROAD MONUMENT



CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	26.08	224.00	S86°40'16"E	26.07
C4	33.65	224.00	S79°01'56"E	33.61
C5	41.73	224.00	S69°23'33"E	41.67
C6	26.40	50.00	N74°52'48"W	26.10
C7	1.17	224.00	S63°54'24"E	1.17
C8	40.22	200.00	S71°10'13"E	40.15
C9	17.63	262.00	N56°55'41"W	17.63
C10	30.54	262.00	N62°11'45"W	30.53
C11	27.37	200.00	S80°51'06"E	27.35
C12	18.27	200.00	S87°23'22"E	18.27
C13	28.99	262.00	N68°42'22"W	28.98
C14	41.20	262.00	N76°22'53"W	41.16
C15	32.99	21.00	N44°59'36"E	29.70
C16	38.11	45.00	S65°43'55"W	36.98
C17	8.05	224.00	N88°58'37"W	8.05
C18	0.68	301.00	S89°56'32"E	0.68
C19	42.55	301.00	S85°49'42"E	42.52
C20	25.13	224.00	N84°44'02"W	25.11
C21	28.05	224.00	N77°56'01"W	28.03
C22	45.69	301.00	S77°25'48"E	45.65
C23	34.57	301.00	S69°47'26"E	34.56
C24	25.05	224.00	N71°08'35"W	25.04
C25	16.35	224.00	N65°50'54"W	16.34
C26	25.95	200.00	N67°28'32"W	25.94
C27	65.67	200.00	N80°36'00"W	65.38
C28	17.51	262.00	N88°05'06"W	17.51
C29	5.77	200.00	S64°35'01"E	5.77
C30	62.31	102.00	N72°30'00"W	61.34
C31	97.12	212.00	S76°52'56"E	96.28
C32	97.12	212.00	S76°52'56"E	96.28
C33	51.84	33.00	N44°59'36"E	46.67
C34	12.11	262.00	N82°12'39"W	12.11
C35	12.05	262.00	N84°51'10"W	12.05

VICINITY MAP
NOT TO SCALE

LOT NO.	ADDRESS
1	424 EAST 700 NORTH
2	422 EAST 700 NORTH
3	418 EAST 700 NORTH
4	416 EAST 700 NORTH
5	414 EAST 700 NORTH
6	412 EAST 700 NORTH
7	408 EAST 700 NORTH
8	406 EAST 700 NORTH
9	404 EAST 700 NORTH
10	402 EAST 700 NORTH
11	401 EAST 700 NORTH
12	403 EAST 700 NORTH
13	405 EAST 700 NORTH
14	407 EAST 700 NORTH
15	409 EAST 700 NORTH
16	411 EAST 700 NORTH
17	413 EAST 700 NORTH
18	415 EAST 700 NORTH
19	417 EAST 700 NORTH
20	423 EAST 700 NORTH
21	427 EAST 700 NORTH

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- PARCELS A & B ARE COMMON AREA PARCELS AND ARE HEREBY DEDICATED TO THE CAPITOL PARK COTTAGES HOMEOWNER'S ASSOCIATION.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS AND COMMON PARCELS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT AND SERVE AS EASEMENTS FOR SHARED PRIVATE UTILITIES INCLUDING WATER, SEWER, AND STORM DRAIN.
- NOTICE TO PURCHASERS - THE INFRASTRUCTURE WITHIN THIS PROJECT IS PRIVATELY OWNED AND THE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT IS THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. SALT LAKE CITY WILL NOT ASSUME THESE RESPONSIBILITIES.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK COTTAGES SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

12/12/23
FOR REVIEW ONLY
DO NOT RECORD

PROFESSIONAL LAND SURVEYOR
4938730
TYLER E. JENKINS
STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL
SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK COTTAGES SUBDIVISION

AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY AND COMMON AREAS TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK COTTAGES SUBDIVISION
PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____
ACCOUNT _____
SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.
PLANNING DIRECTOR | DATE

SALT LAKE COUNTY HEALTH DEPT.
APPROVED THIS _____ DAY OF _____, 20__.
SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER_____DATE_____
CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.
SALT LAKE CITY ATTORNEY

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY AND IS HEREBY APPROVED.
SALT LAKE CITY MAYOR | SALT LAKE CITY RECORDER

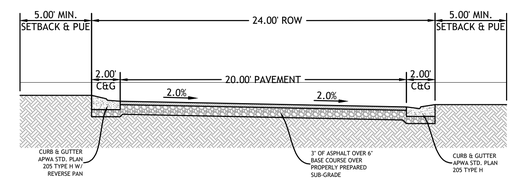
EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____
DATE:_____ TIME:_____ BOOK:_____ PAGE:_____
FEE | SALT LAKE COUNTY DEPUTY RECORDER

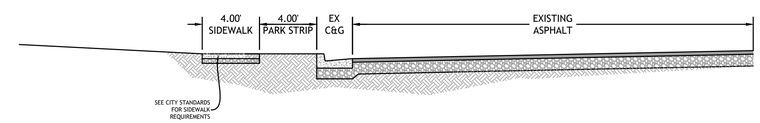
C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\2 - Subdivision Plat.dwg

ZONING MODIFICATIONS		
	SR-1 ZONE	DESIGN
MIN. WIDTH	50'	26' *
MIN. AREA	5,000 SF	3,498 SF *
MIN. FRONT SETBACK	20'	2.95'
MIN. SIDE CORNER SETBACK	10'	5' *
MIN. SIDE SETBACK	4 / 10	5' *
MIN. REAR SETBACK	15'	2.3'
MAX COVERAGE	40%	34%
* ZONING REQUIREMENTS TO BE MODIFIED		

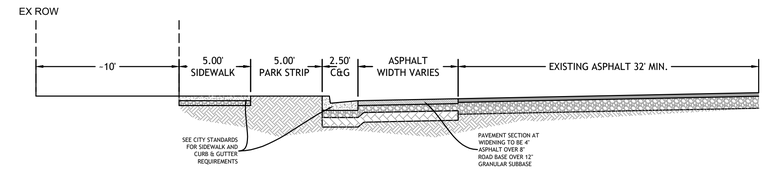
NOTES:
1. EACH LOT CONTAINS ONE PRIMARY UNIT AND ONE POTENTIAL ADU.
2. PRIVATE PARKING NOT IN DRIVEWAY.



PRIVATE ROAD SECTION
NOT TO SCALE



CAPITOL PARK AVENUE SECTION
NOT TO SCALE



F STREET SECTION
NOT TO SCALE

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(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'
0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:
1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

PROJECT STATISTICS	
TOTAL AREA =	3.21 AC
LOTS =	21
DENSITY =	6.54 DU/AC
OPEN SPACE AREA=	0.68 AC (21.2%)
OFF-STREET PARKING=	0.01 AC (1.49%)

LICENSED PROFESSIONAL ENGINEER
No. 366631
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Site Plan

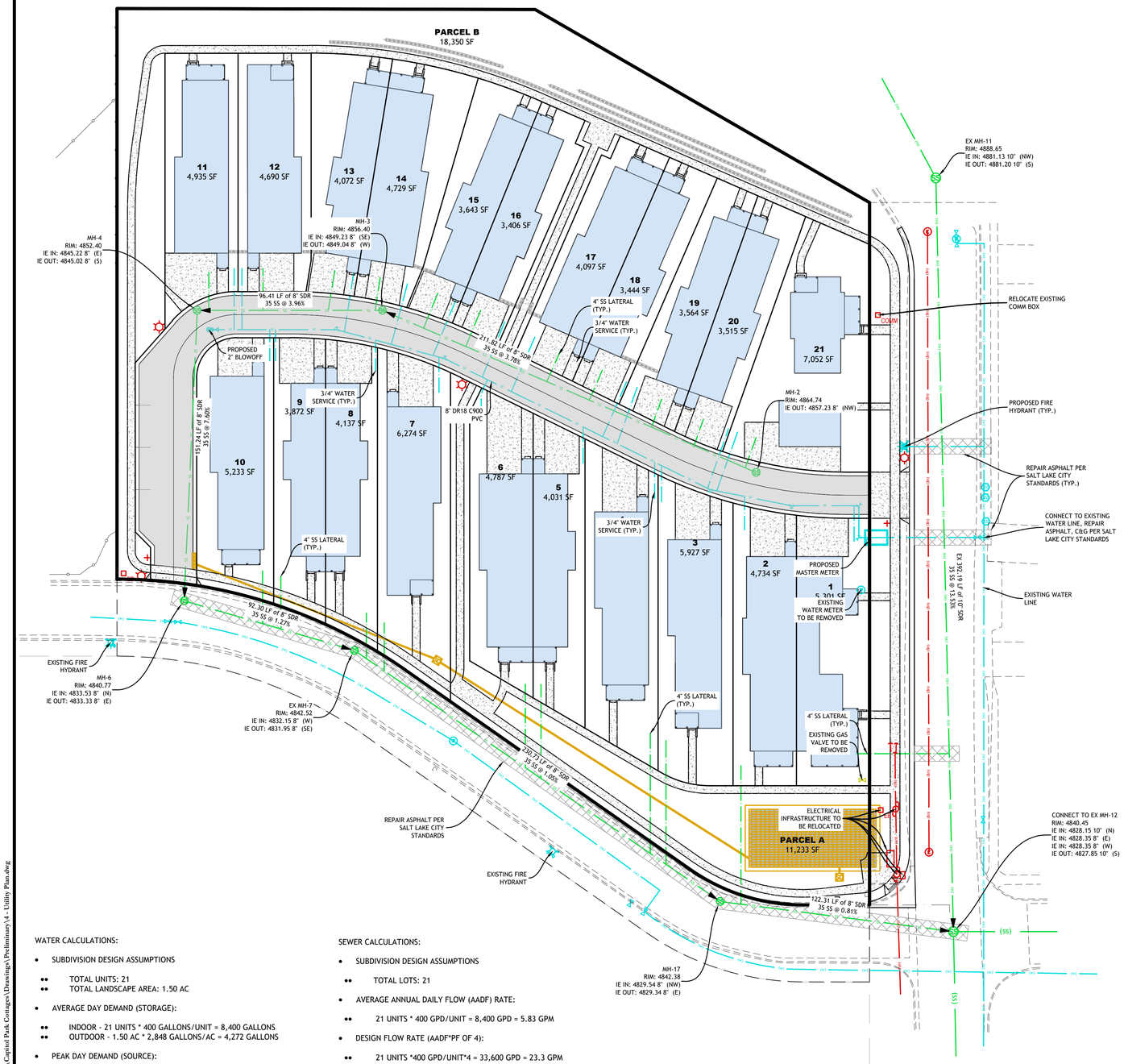
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-3

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\3 - Site Plan.dwg



WATER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL UNITS: 21
  - TOTAL LANDSCAPE AREA: 1.50 AC
- AVERAGE DAY DEMAND (STORAGE):
  - INDOOR - 21 UNITS * 400 GALLONS/UNIT = 8,400 GALLONS
  - OUTDOOR - 1.50 AC * 2,848 GALLONS/AC = 4,272 GALLONS
- PEAK DAY DEMAND (SOURCE):
  - INDOOR - 21 UNITS * 0.56 GPM/UNIT = 11.76 GPM
  - OUTDOOR - 1.50 AC * 3.96 GPM/AC = 5.94 GPM
  - TOTAL = 17.7 GPM (25,488 GPD)
- PEAK INSTANTANEOUS DEMAND
  - INDOOR - $10.8*(21)^{0.64}$ = 75.8 GPM
  - OUTDOOR - 1.50 AC * 7.92 GPM/AC = 11.88 GPM
  - TOTAL = 87.7 GPM (126,259 GPD)
- FIRE FLOW:
  - 2,000 GPM FOR 2 HOURS

SEWER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL LOTS: 21
- AVERAGE ANNUAL DAILY FLOW (AADF) RATE:
  - 21 UNITS * 400 GPD/UNIT = 8,400 GPD = 5.83 GPM
- DESIGN FLOW RATE (AADF*PF OF 4):
  - 21 UNITS *400 GPD/UNIT*4 = 33,600 GPD = 23.3 GPM

G:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\4 - Utility Plan.dwg

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. No new above-ground electrical equipment in public ROW.
7. Water system is private and will be maintained by HOA.
8. All utilities must meet separation requirements, including laterals.

LICENSED PROFESSIONAL ENGINEER
No. 360931
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

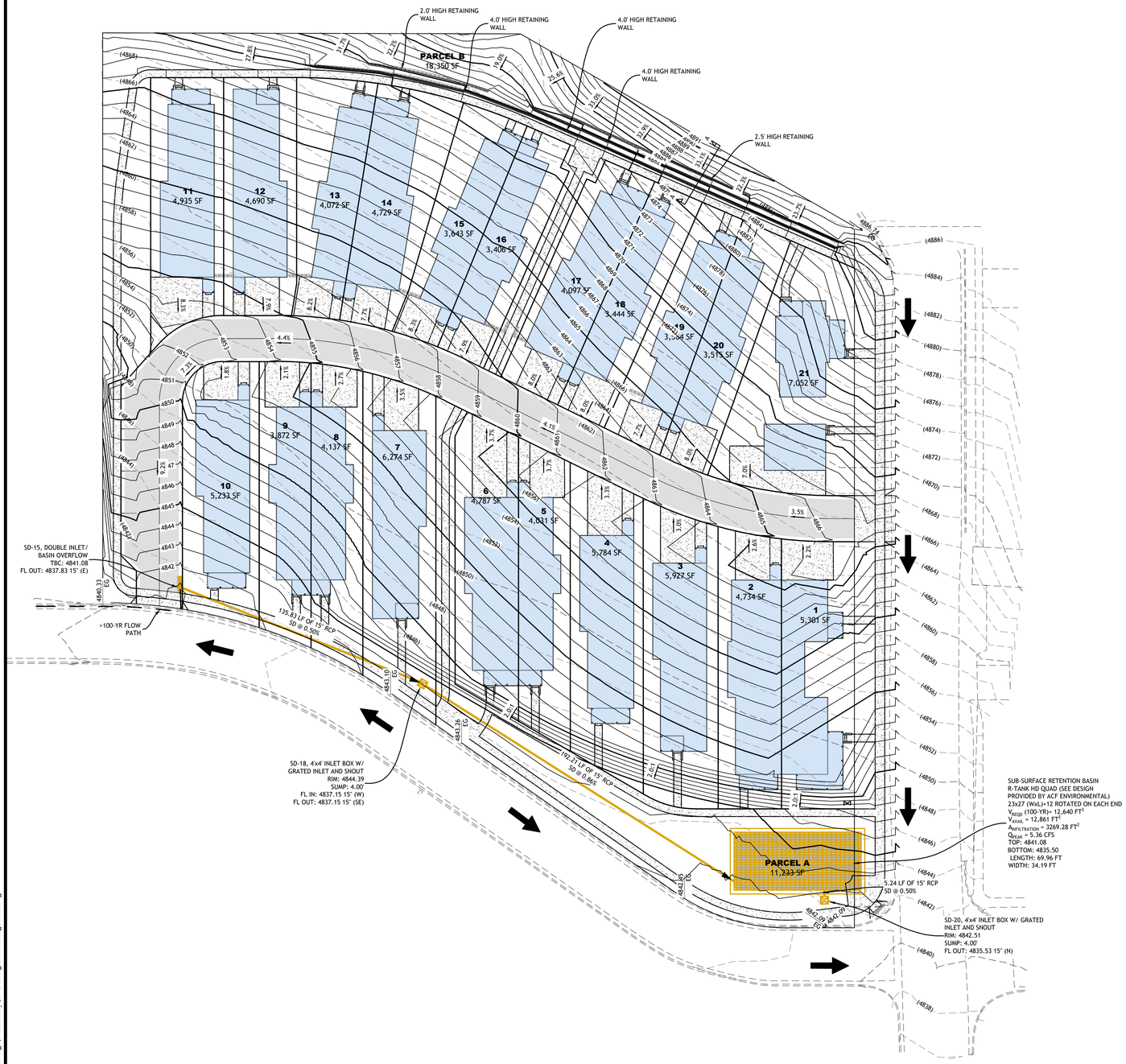
Utility Plan

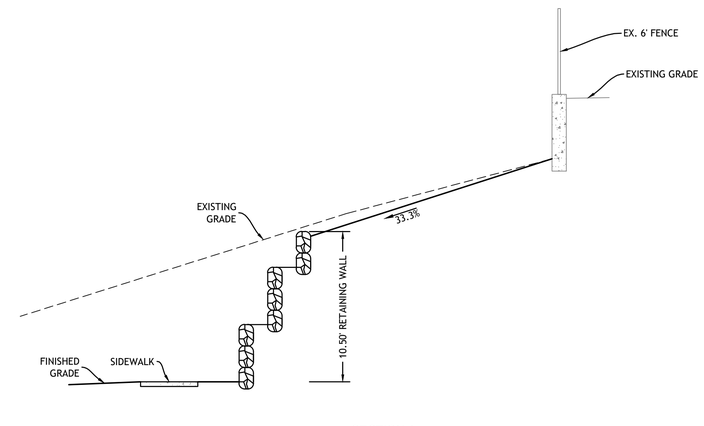
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

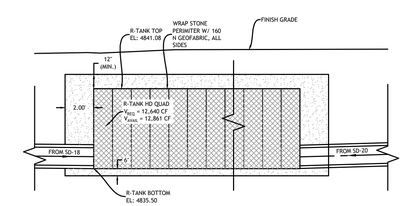
DATE: December 12, 2023

SHEET NUMBER: O-4





SECTION A
NOT TO SCALE



R-TANK INFILTRATION / RETENTION BASIN DETAIL
NOT TO SCALE

**REFER TO MANUFACTURER'S INSTALLATION REQUIREMENTS AND RECOMMENDATIONS FOR MORE INFORMATION.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'
0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Grading & Drainage Plan

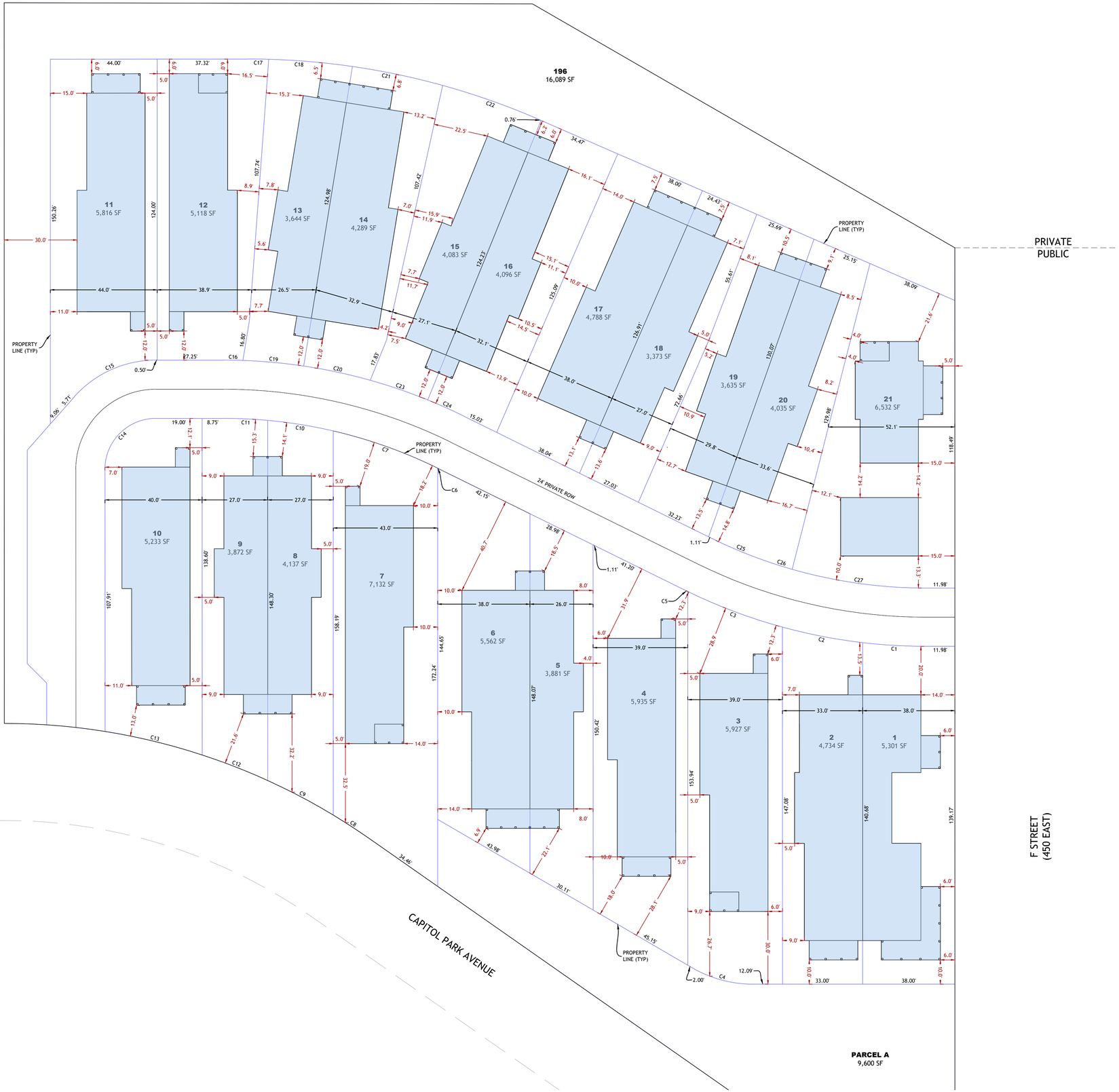
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-5

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\5 - Grading and Drainage Plan.dwg



LOT DIMENSIONS AND STATISTICS							
	MINIMUM SETBACKS						
LOT #	FRONT (FT)	SIDE (FT)	REAR (GARAGE) (FT)	LOT AREA (SF)	LOT WIDTH (FT)	BLDG FOOTPRINT AREA (SF)	BLDG COVERAGE (%)
1	5	5	10	5,301	38	2,552	48%
2	5	5	10	4,734	33	2,814	59%
3	5	5	10	5,927	39	2,597	44%
4	5	5	10	5,935	39	2,564	43%
5	5	5	10	3,881	26	1,842	47%
6	5	5	10	5,562	38	2,550	46%
7	5	5	10	7,132	43	2,597	36%
8	5	5	10	4,137	27	1,826	44%
9	5	5	10	3,872	27	1,826	47%
10	5	5	10	5,233	40	2,564	49%
11	5	5	10	5,816	44	2,564	44%
12	5	5	10	5,118	38.9*	2,598	51%
13	5	5	10	3,644	26.5*	1,862	51%
14	5	5	10	4,289	32.9*	2,550	59%
15	5	5	10	4,083	27.1*	1,854	45%
16	5	5	10	4,096	32.1*	1,838	45%
17	5	5	10	4,788	38	2,550	53%
18	5	5	10	3,373	27	1,862	55%
19	5	5	10	3,635	29.8*	1,854	51%
20	5	5	10	4,035	33.6*	1,838	46%
21	5	5	10	6,535	52.1*	2,220	34%
TOTAL SITE				139752		47322	34%

* LOT WIDTH VARIES.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 20'

0 10 20 40 60

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
01/16/24
STATE OF UTAH

Capitol Park Cottages

Lot Dimension Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: January 16, 2024

SHEET NUMBER: O-6

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\6 - Lot Dimension Plan.dwg

PARKING LEGEND

TYPICAL GARAGE PARKING	41 STALLS
TYPICAL DRIVEWAY PARKING	45 STALLS
TYPICAL GUEST PARKING	4 STALLS

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 20'

0 10 20 40 60

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 366671
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

Parking Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

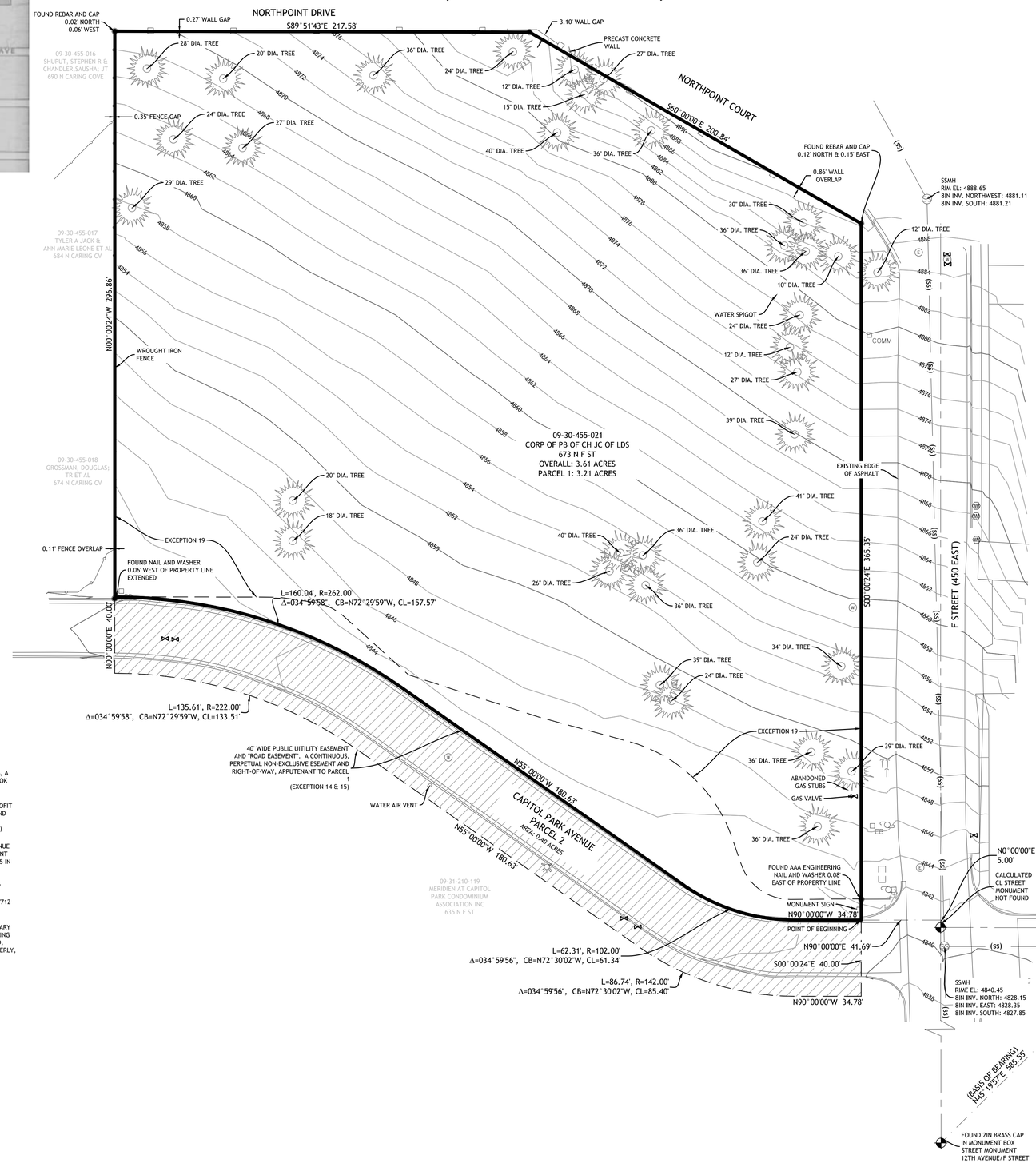
SHEET NUMBER: O-7

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\7 - Parking Plan.dwg

ALTA/NSPS LAND TITLE SURVEY

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF
SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

VICINITY MAP
NOT TO SCALE



TO:
IVORY DEVELOPMENT LLC, A UTAH LIMITED LIABILITY COMPANY, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 7A, 8, 9, 11, 13, AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON DECEMBER 27, 2019 & JANUARY 9, 2020
DATE OF MAP: JANUARY 24, 2020

GENERAL NOTES
1. THIS SURVEY IS BASED UPON ONE TITLE REPORT: COMMITMENT FOR TITLE INSURANCE ISSUED BY OLD REPUBLIC TITLE, DATED DECEMBER 26,2019 - OLD REPUBLIC TITLE FILE: 121577-JCP
2. NOTES PERTAINING TO EXCEPTIONS TO COVERAGE, SCHEDULE B OF REFERENCED TITLE REPORTS:
TITLE REPORT 1 - EXCEPTION 1 THROUGH 13, 16, 20 AND 21 ARE NOT ADDRESSED BY THIS SURVEY
3. DOCUMENTS FURNISHED AND UTILIZED IN THE PERFORMANCE OF THIS SURVEY ARE AS FOLLOWS:
R1) OLD REPUBLIC TITLE, DATED DECEMBER 26, 2019 - OLD REPUBLIC TITLE FILE: 121577-JCP
R3) FEMA MAP PANEL - 49035C0142G - EFFECTIVE ON 9/25/2009
4. UTILITIES AS SHOWN HEREON WERE LOCATED BASED UPON VISIBLE IMPROVEMENTS AT THE TIME OF THE SURVEY.
NOT ALL UTILITIES MAY BE SHOWN HEREON
5. SUBJECT PROPERTY IS LOCATED WITHIN "ZONE X" OF SAID PANEL.
6. TREE DIAMETERS ARE APPROXIMATE AND SHOWN TO GIVE RELATIVE SIZE.

BASIS OF BEARING
NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

RECORD LEGAL DESCRIPTIONS
PARCEL 1:
LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 2003P OF PLATS AT PAGE 391 OF THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDER, STATE OF UTAH.

PARCEL 2:
A CONTINUOUS, PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY, APPURTENANT TO PARCEL 1 DESCRIBED HEREIN, FOR THE PLACEMENT, INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL OF UTILITIES AND FOR PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS, AS MORE PARTICULARLY DEFINED AND DESCRIBED IN THAT CERTAIN EASEMENT AGREEMENT RECORDED DECEMBER 12, 2003 AS ENTRY NO. 8923197 IN BOOK 8923 AT PAGE 1596 OF OFFICIAL RECORDS.

BOUNDARY DESCRIPTION
BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENTION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES

EXCEPTION 14 EASEMENT AGREEMENT BY AND BETWEEN AVENUE HEIGHTS CONDOMINIUMS, L.L.C., A UTAH LIMITED LIABILITY COMPANY AND CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, DATED OCTOBER 12, 2001 AND RECORDED DECEMBER 12, 2003, AS ENTRY NO. 8923197, IN BOOK 8923, AT PAGE 1596.

EXCEPTION 15 GRANT OF EASEMENT IN FAVOR OF CAPITOL PARK HOMEOWNER'S ASSOCIATION, INC., A UTAH NON-PROFIT CORPORATION FOR THE REPLACEMENT, INSTALLATION, MAINTENANCE, AND REPAIR OF UTILITIES AND FOR PEDESTRIAN AND VEHICULAR INGRESS TO AND EGRESS FROM THE ROAD KNOWN AS CAPITOL PARK AVENUE AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 12, 2003, AS ENTRY NO. 8923199, IN BOOK 8923, AT PAGE 1615. (AFFECTS PARCEL 1A)

EXCEPTION 17 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST ON THE PROPERTY AT 401 TWELFTH AVENUE TO CONSTRUCT ADDITIONAL PARKING FACILITIES IN A RESIDENTIAL "R-6" DISTRICT WHICH REQUIRES BOARD OF ADJUSTMENT APPROVAL WAS PROVISIONALLY GRANTED, DATED MARCH 19, 1973 AND RECORDED MARCH 26, 1973 AS ENTRY NO.2527325 IN BOOK 3286 AT PAGE 69. (COVERS THIS AND OTHER LAND)

EXCEPTION 18 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST FOR ON THE PROPERTY AT 675 NORTH "F" STREET A EXCEPTION TO ALLOW A CHURCH BUILDING HEIGHT AND FACE WALL TO EXCEED THE HEIGHT LIMIT IN AN FR-3 RESIDENTIAL ZONE WAS GRANTED, DATED JULY 15, 1997 AND RECORDED JULY 16, 1997 AS ENTRY NO. 6692084 IN BOOK 7712 AT PAGE 1142. (BLANKET IN NATURE AND NOT PLOTTED)

EXCEPTION 19 ABSTRACT OF FINDINGS AND ORDER WHEREIN THE REQUEST FOR A CONDITIONAL USE AND A PRELIMINARY SUBDIVISION PLAT APPROVAL TO AMEND THE LOCATION OF THE SOUTH PROPERTY LINE FOR A NEW WARD/BRANCH BUILDING LOCATED AT APPROXIMATELY 675 NORTH "F" STREET IN A FOOTHILLS RESIDENTIAL "FR-3" ZONING DISTRICT WAS GRANTED, DATED MARCH 23, 1999 AND RECORDED APRIL 15, 1999 AS ENTRY NO. 7323554 IN BOOK 8268 AT PAGE 5411. (THE NORTHERLY, EASTERLY, AND WEST PROPERTY LINES ARE THE LIMITS OF THIS EXCEPTION. THE SOUTHERLY BOUNDARY IS SHOWN GRAPHICALLY ON DRAWING.)

LEGEND
- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- EXISTING CONCRETE & ASPHALT
- EXISTING BUILDING
- FENCE LINE
- SECTION CORNER (FOUND)
- SECTION CORNER (NOT FOUND)
- ROAD MONUMENT
- PROPERTY MARKER (SET OR FOUND AS NOTED)
- (4252) EXISTING GROUND CONTOUR
- (ss) SANITARY SEWER LINE
- SANITARY SEWER MANHOLE
- (w) CULINARY WATER LINE
- FIRE HYDRANT
- CULINARY WATER METER
- CULINARY WATER FIXTURES
- (sw) SECONDARY WATER LINE
- SECONDARY WATER FIXTURES
- STORM DRAIN LINE
- SD COMBOBOX, INLET & CLEANOUT
- UTILITY POLE
- LIGHT POLE
- (oh) OVERHEAD UTILITY
- (ug) UNDERGROUND UTILITY
- EB ELECTRICAL BOX / MANHOLE
- XFMR ELECTRICAL TRANSFORMER
- (com) COMMUNICATIONS LINE
- COMM COMMUNICATIONS BOX / MANHOLE
- (gas) GAS LINE
- GAS MANHOLE
- GUY WIRE
- CONIFEROUS TREE
- DECIDUOUS TREE
- SIGN
- IR IRRIGATION CONTROL VALVE

EDM Partners
3980 S 700 E, Suite 22 Salt Lake City, UT 84107
(801) 305-4670 www.edmllc.net

NORTH
SCALE: 1" = 30'
0 15 30 60 90

DEVELOPER:

NOTES:

ALTA/NSPS LAND TITLE SURVEY
SALT LAKE CITY, UTAH

PROFESSIONAL LAND SURVEYOR
08/19/2020
4938730
TYLER E. JENKINS
STATE OF UTAH

673 N F STREET

ALTA/NSPS LAND TITLE SURVEY

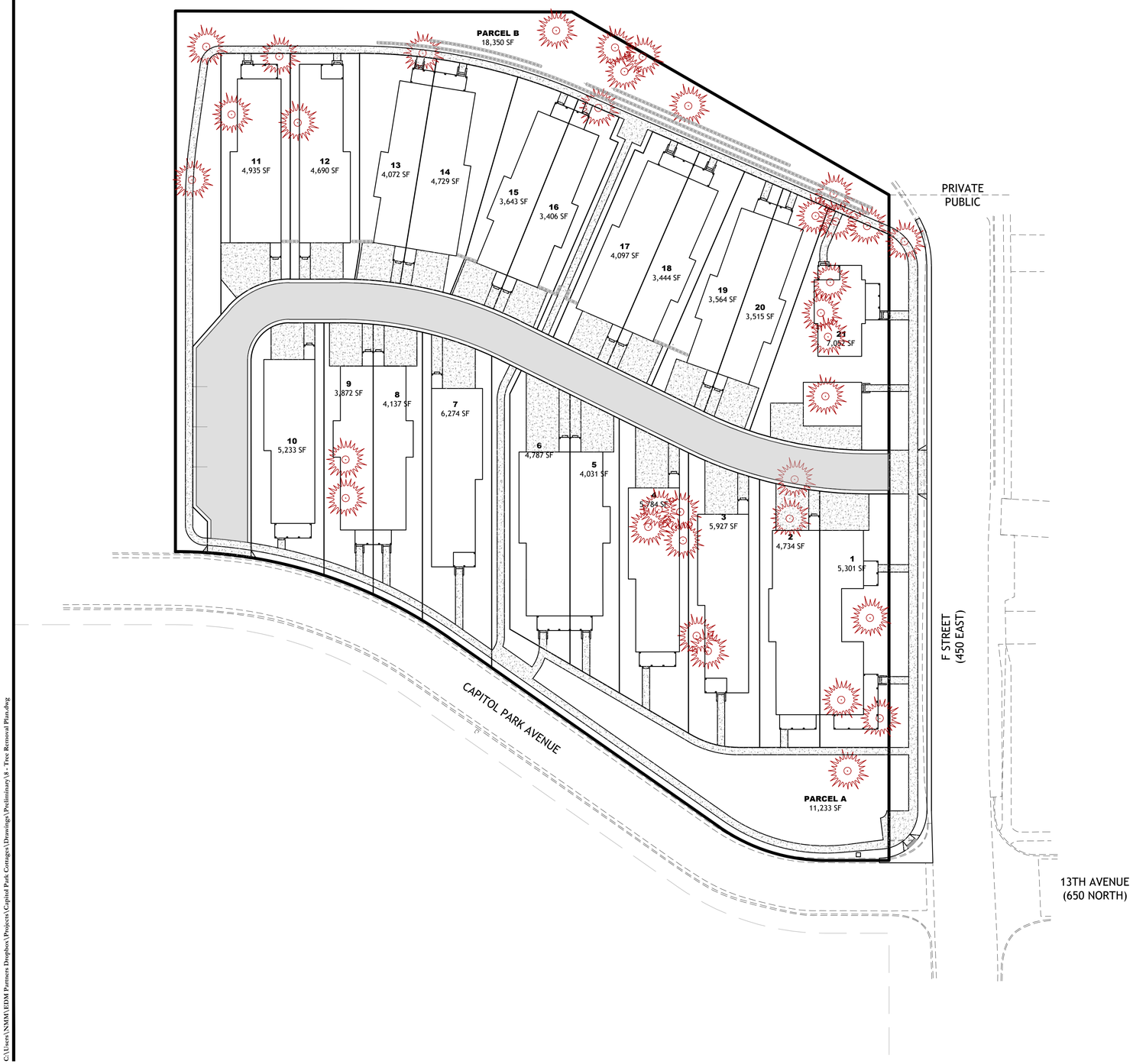
BOUNDARY AND TOPO

PROJECT:
DRAWN BY: JRB
REVIEWED BY: TEJ
REVISIONS:
No. DATE REMARKS

DATE: AUGUST 2020

SHEET NUMBER:
1 OF 1

C:\Users\nick\Dropbox\EDM\Projects\Capitol Park\Survey\ALTA - Capitol Park.dwg



TREE LEGEND

TREE TO BE REMOVED

TREE TO REMAIN

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park Cottages\Drawings\Preliminary\8 - Tree Removal Plan.dwg

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
12/12/23
STATE OF UTAH

Capitol Park Cottages

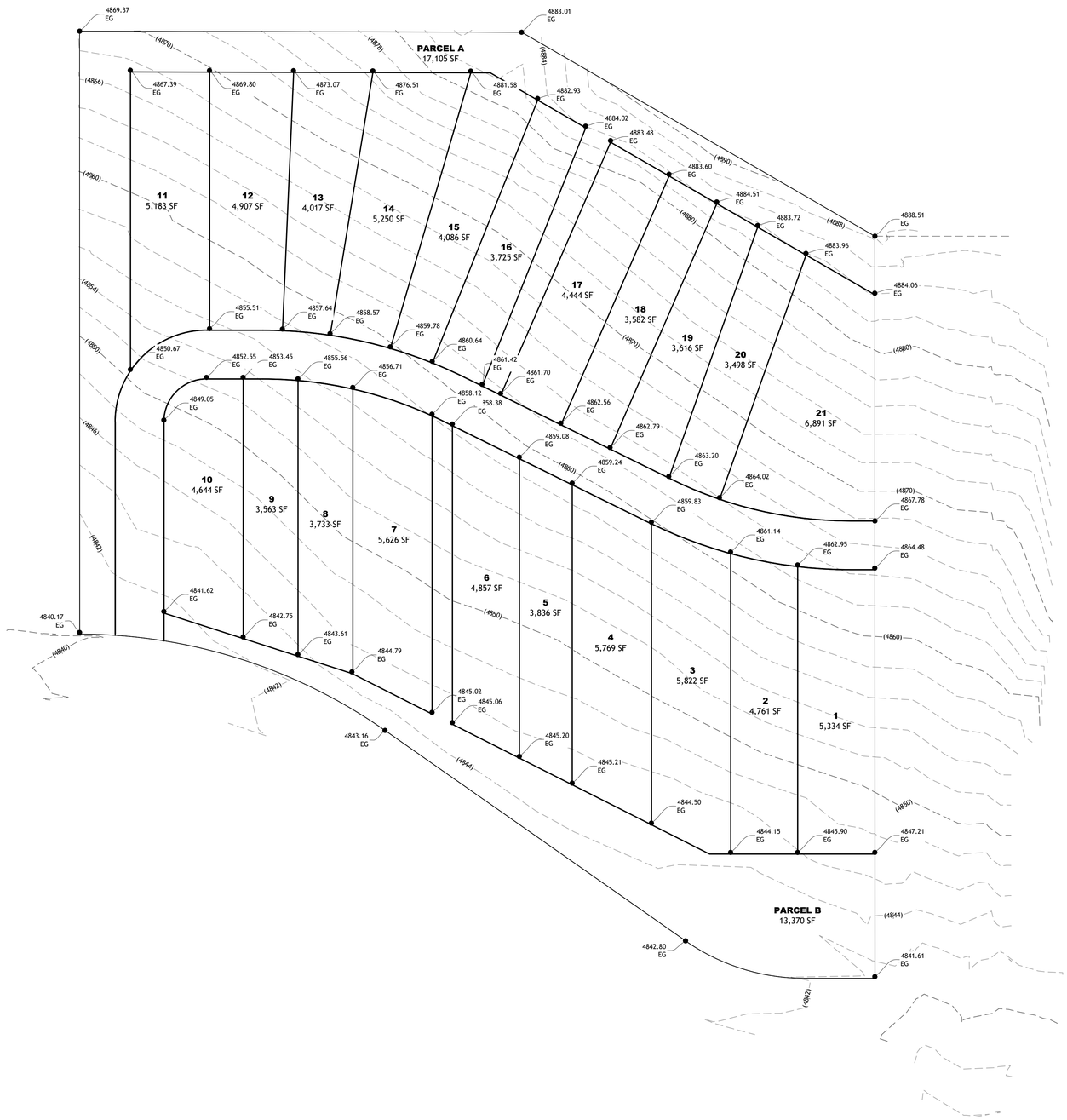
Tree Removal Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: December 12, 2023

SHEET NUMBER:
O-8



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(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 368611
NICHOLAS M. MINGO
11/09/23
STATE OF UTAH

Capitol Park

Lot Cross Slope Exhibit

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: November 9, 2023

SHEET NUMBER:
E-1

C:\Users\NMM\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\E - 1 Lot Cross Slope Exhibit.dwg

Legend

	Common Name	Qty
Flower, Grass		
	Grass, Muhly, Regal Mist	213
	Grass, 'Karl Foerster'	93
Flower, Perennial		
	Daylily, Stella	149
	Johnsons Blue Cranesbill	189
Shrub, Deciduous		
	Common Snowberry	8
	Dogwood Ivory Halo	118
	Dogwood, Baileys Red Twig	49
	Lilac, Dwarf Korean	29
	Smoke Bush	48
	Viburnum, Snowball	25
	Western Sand Cherry	29
Shrub, Evergreen Broadleaf		
	Grape Holly, Oregon	7
	Red-Tip Photinia	22
Tree, Deciduous		
	Chokecherry, Canada Red, Clump	22
	Maple, Autumn Blaze	8
	Oak, English, Columnar	19
	Pear, Redspire	23
Tree, Evergreen		
	Spruce, Weeping White	18

Native Grass

Turf Areas

Brown Bark Mulch

1" = 30'

24x36

LMS, INC.
Landscape Management Services

Design Build
Landscape Design
Irrigation Design
Lighting Design
Digital Image Design

P.O. Box 1798
West Jordan, Utah, 84084
Office: 801-282-6303
Fax: 801-282-3076
Web:www.lmsinc.blogspot.com

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Capitol Park
Salt Lake City, UT

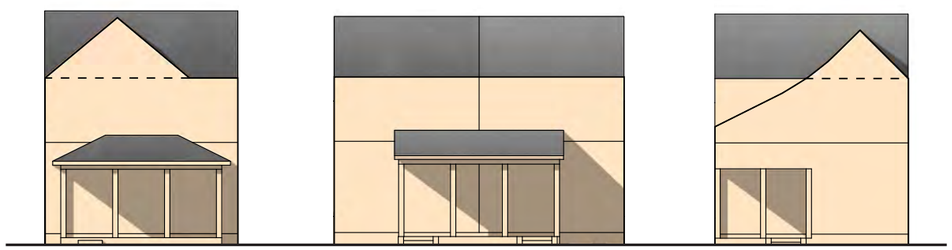
JOB NAME:

ORIENTATION: NORTH

DATE: 12/15/2023

SHEET TITLE: LANDSCAPE PLAN

SHEET NUMBER: L-100



January 2023

BUILDING WALL HEIGHT EXHIBIT

CAPITOL PARK COTTAGES

Salt Lake City, Utah

EAST ELEVATION - NOT APPLICABLE FOR CORNER LOT SIDE YARD

Base max wall height	N/A
Adjustment due to setback*	N/A
Increase due to grade**	N/A
Updated max wall height	N/A

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

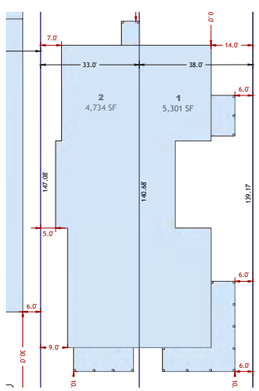
** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

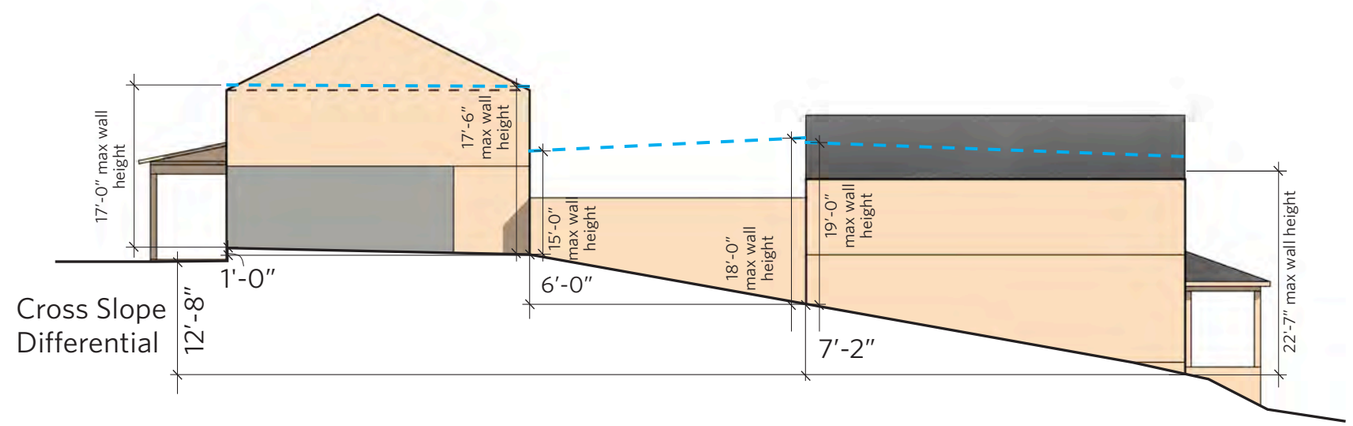
WEST ELEVATION - REQUIRED 10′ SETBACK

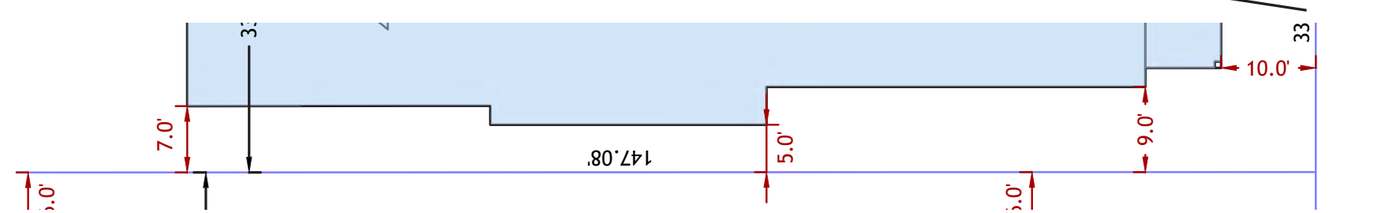
Base max wall height	20′	20′	20′
Adjustment due to setback*	-3′	-5′	-1′
Increase due to grade**	6"	3'-0"	3'-7"
Updated max wall height	17′-6″	18′-0″	22'-7"

KEY PLAN (NTS)

LOT PLAN (NTS)







1/16" = 1'-0"

8 0 8 16 32 Feet

MAX WALL HEIGHT

LOTS 1 & 2 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

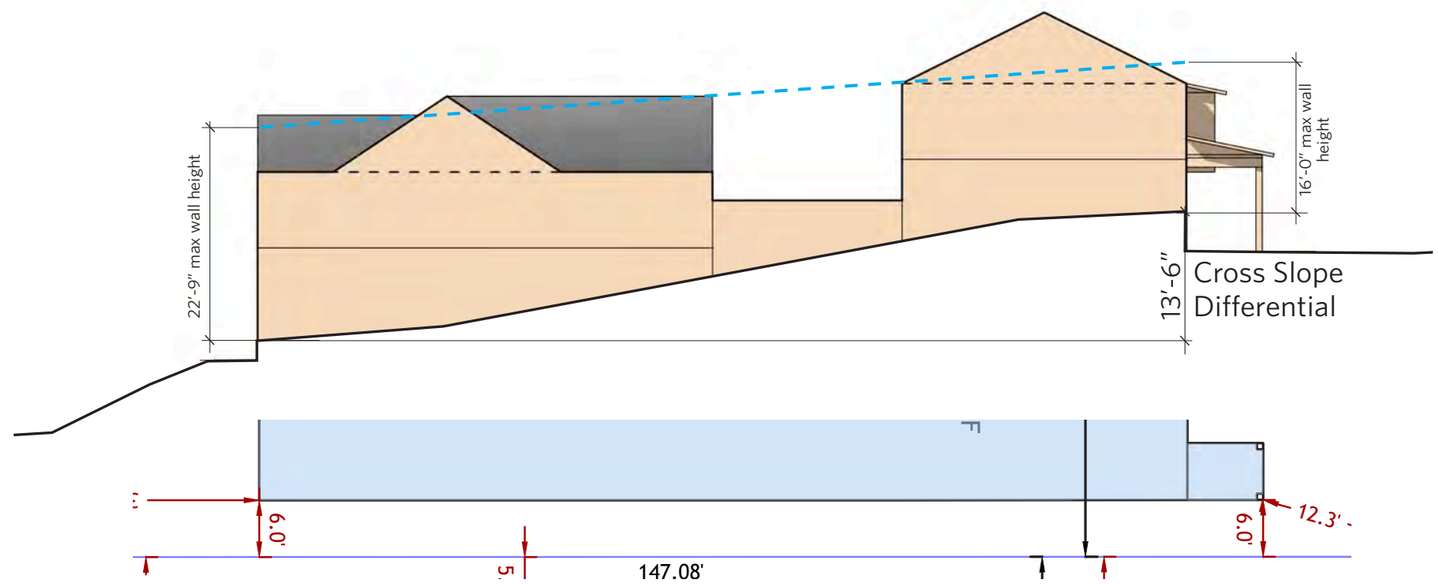
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′
Adjustment due to setback*	-4′
Increase due to grade**	6′-9″
Updated max wall height	22′-9″

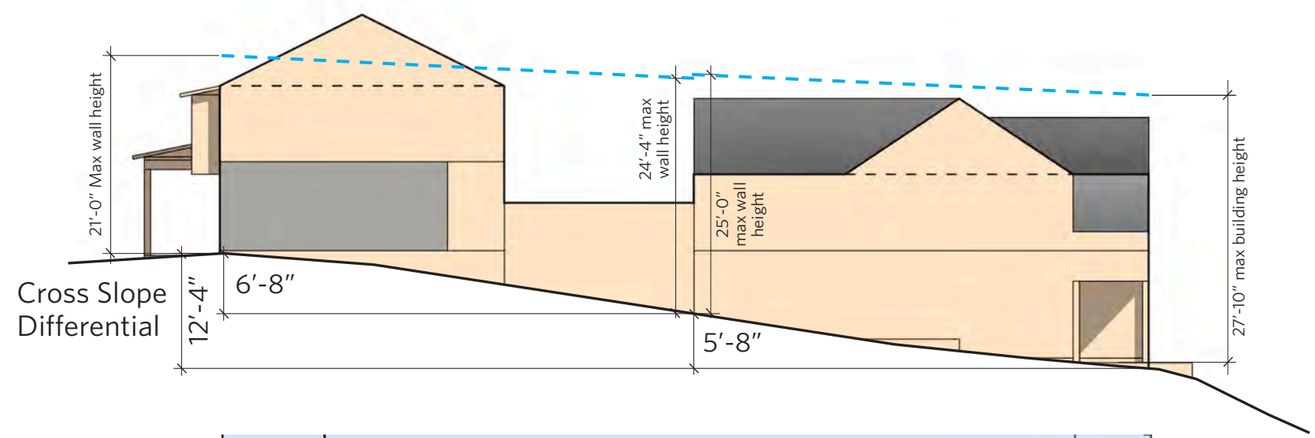
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

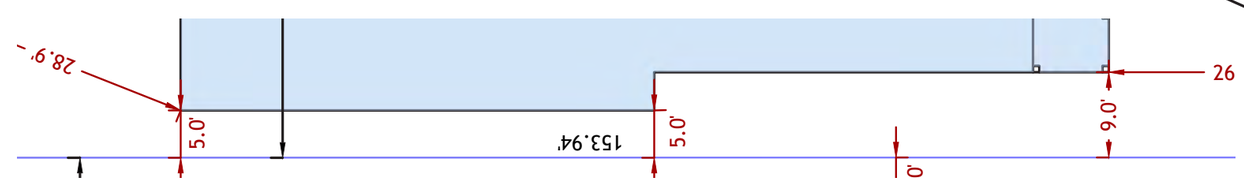
** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



WEST ELEVATION - REQUIRED 4′ SETBACK

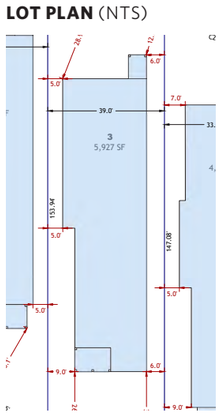
Base max wall height	20′	20′
Adjustment due to setback*	+1′	+5′
Increase due to grade**	3′-4″	2′-10″
Updated max wall height	24′-4″	27′-10″





KEY PLAN (NTS)

LOT PLAN (NTS)



1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

LOT 3 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

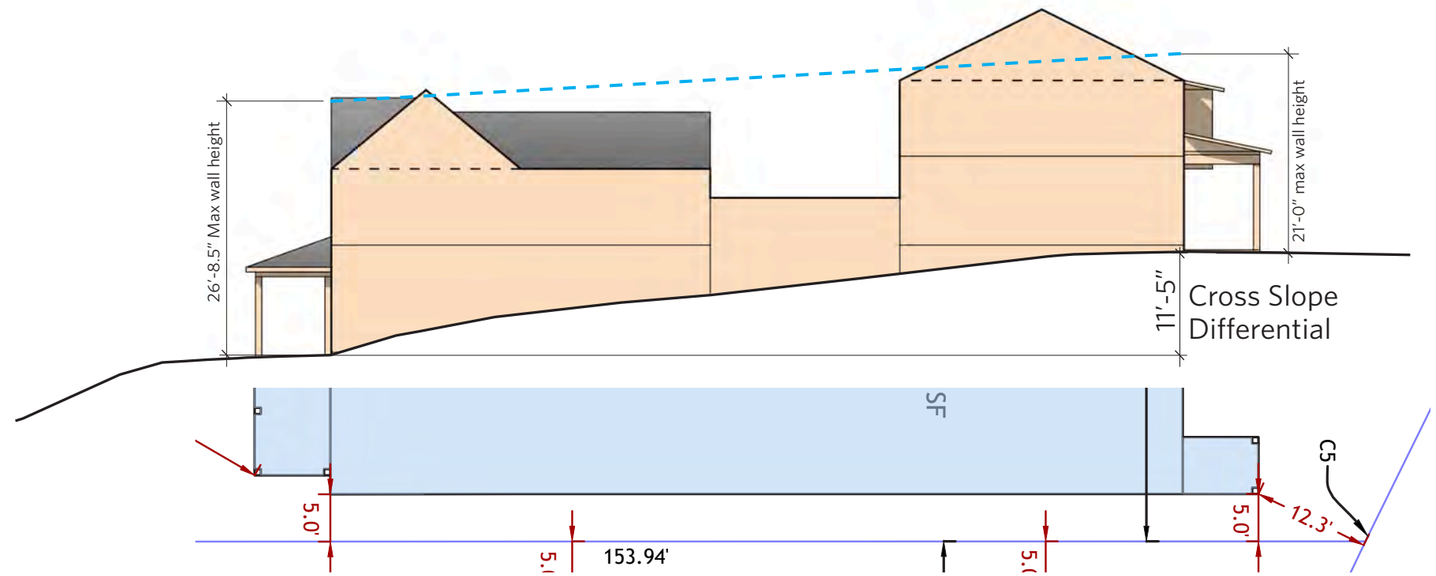
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-8.5″
Updated max wall height	26′-8.5″

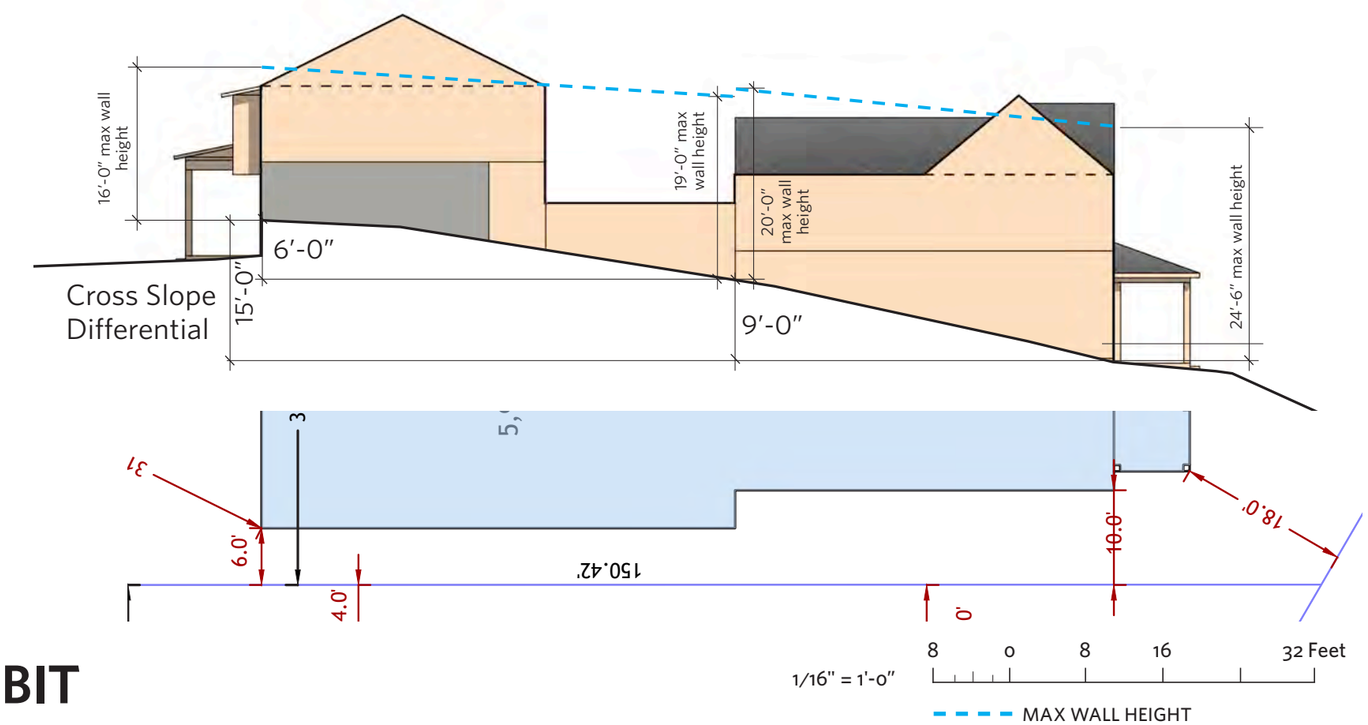
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

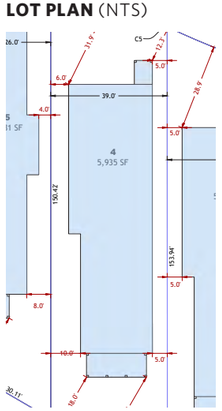


WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	-4′	0′
Increase due to grade**	3′	4′-6″
Updated max wall height	19′	24′-6″



LOT PLAN (NTS)



KEY PLAN (NTS)

LOT 4 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

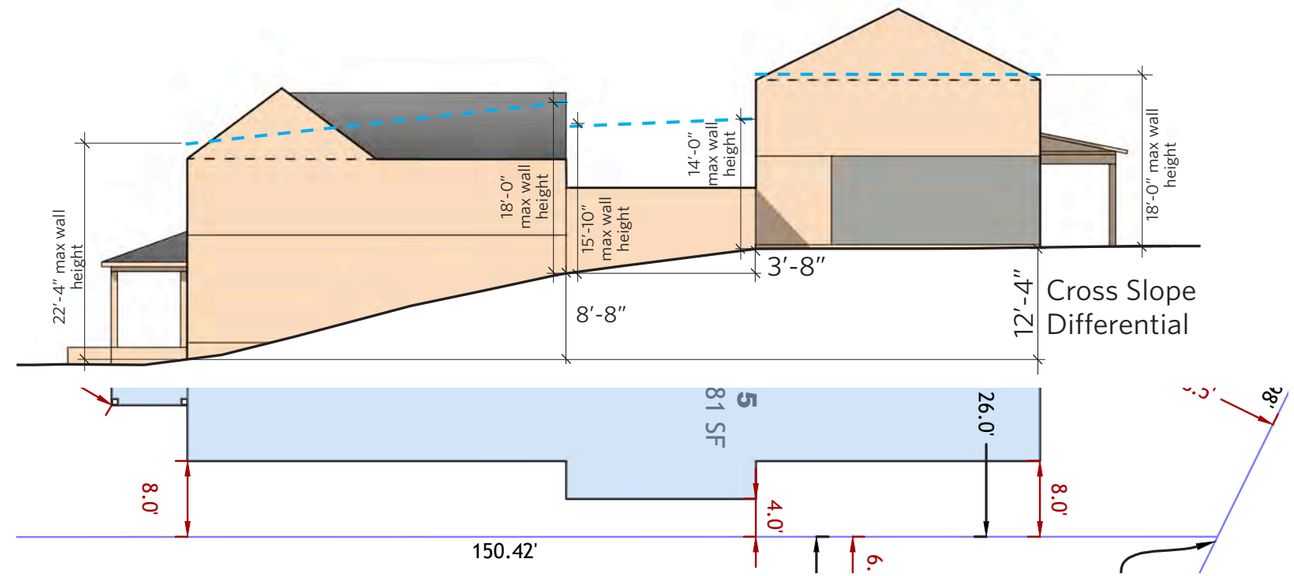
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-2′	-6′	-2′
Increase due to grade**	4′-4″	1′-10″	0′
Updated max wall height	22′-4″	15′-10″	18′

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

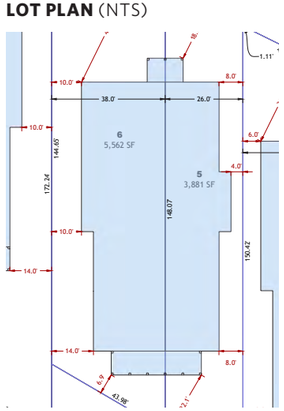


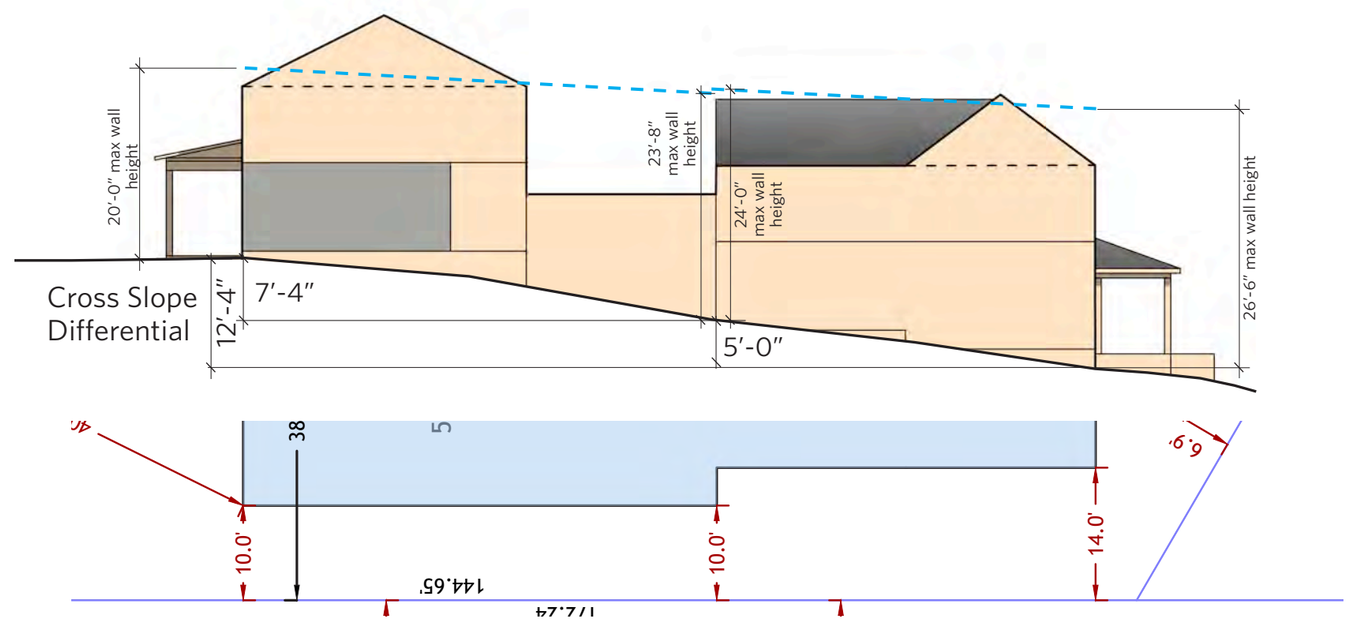
WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	0′	+4′
Increase due to grade**	3′-8″	2′-6″
Updated max wall height	23′-8″	26′-6″

KEY PLAN (NTS)

LOT PLAN (NTS)





1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

LOTS 5 & 6 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

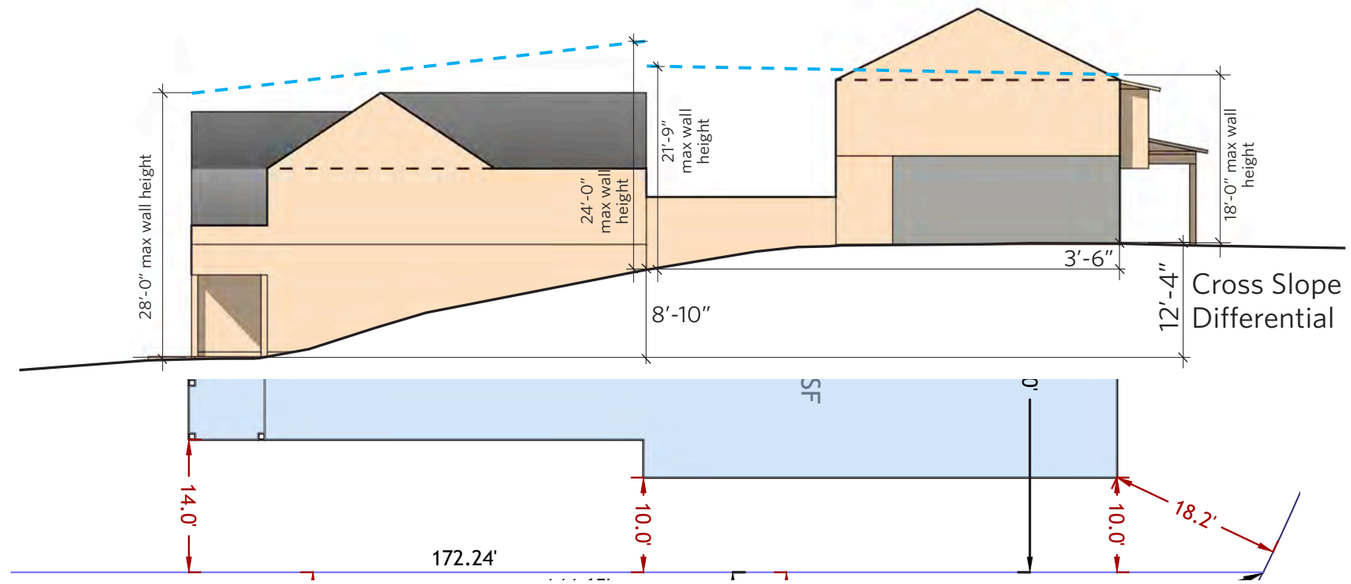
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	+4′	0′
Increase due to grade**	8′-5″	1′9″
Updated max wall height	32′-5″	21′-9″

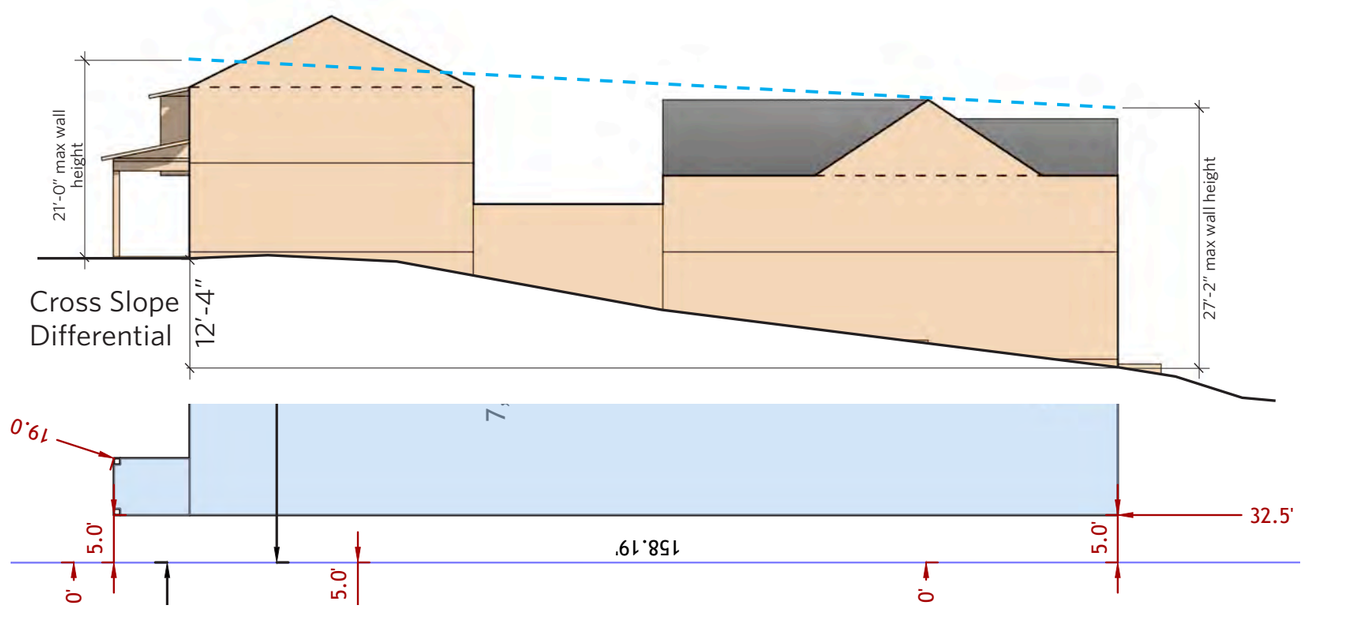
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

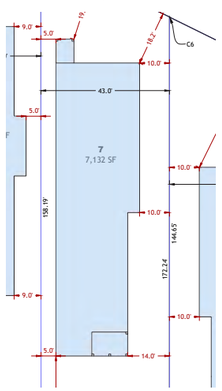


WEST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	6′-2″
Updated max wall height	27′-2″



LOT PLAN (NTS)



KEY PLAN (NTS)

1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

LOT 7 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

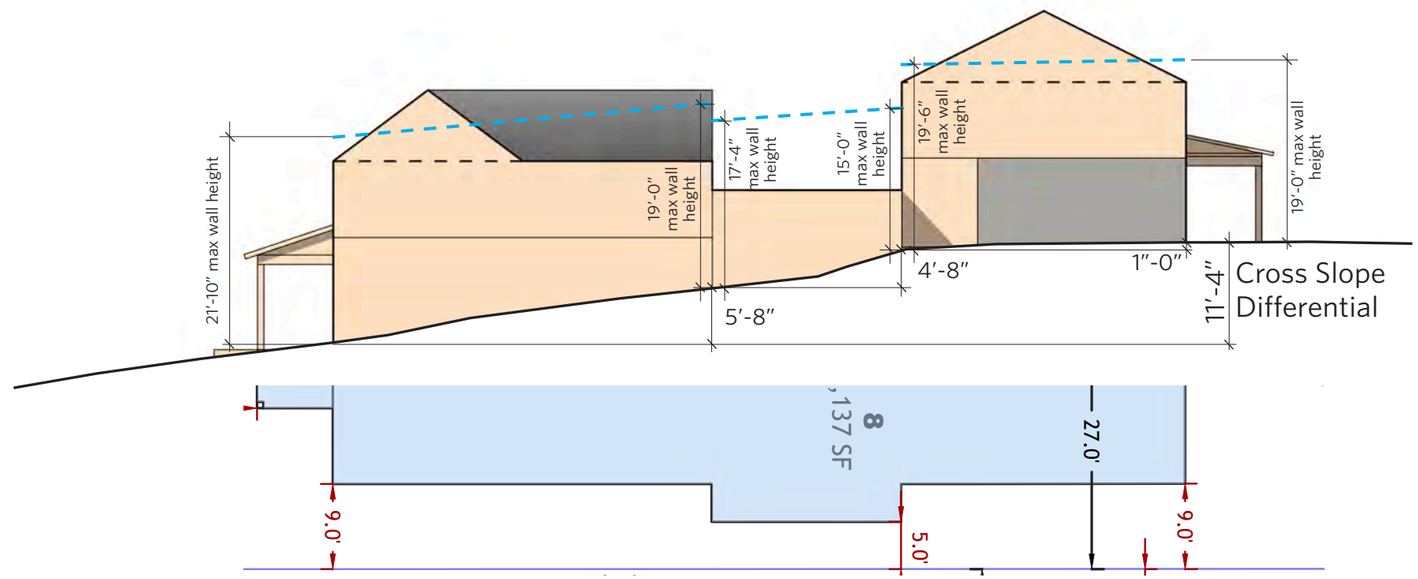
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-1′	-5′	-1′
Increase due to grade**	2′-10″	2′-4″	6″
Updated max wall height	21′-10″	17′-4″	19′6″

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

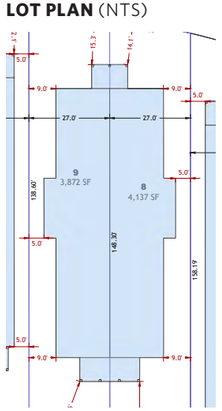
** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



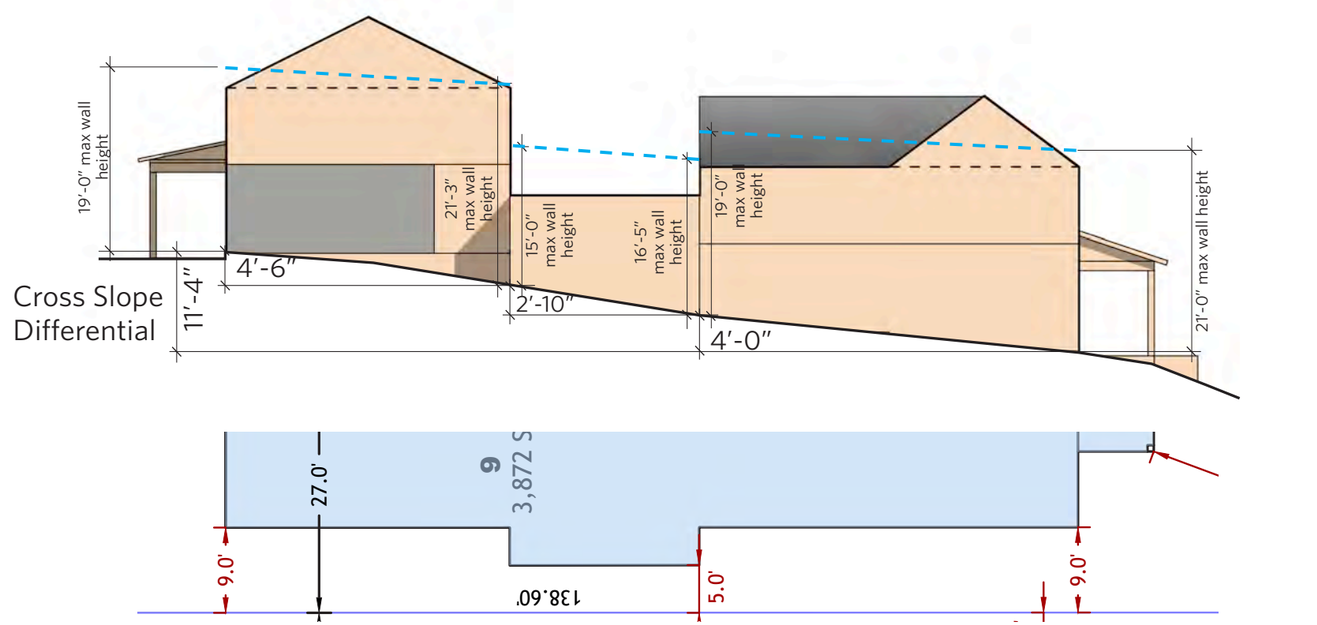
WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-1′	-5′	-1′
Increase due to grade**	2′-3″	1′-5″	2′-0″
Updated max wall height	21′-3″	16′-5″	21′-0″

LOT PLAN (NTS)



KEY PLAN (NTS)



1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

LOTS 8 & 9 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

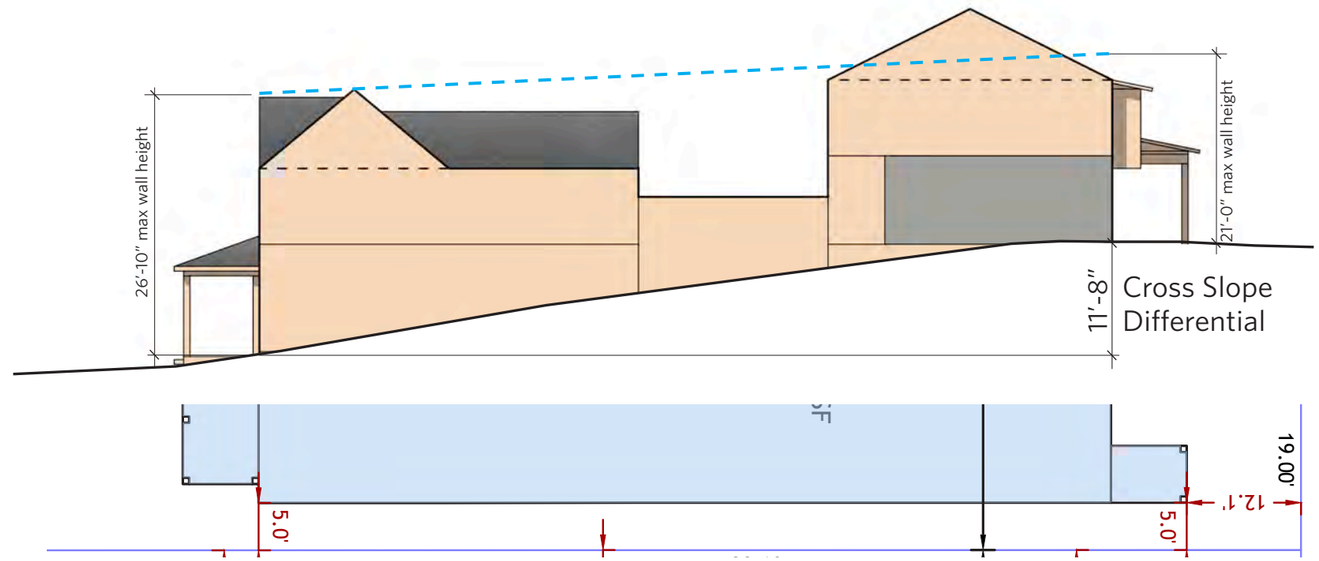
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-10″
Updated max wall height	26′-10″

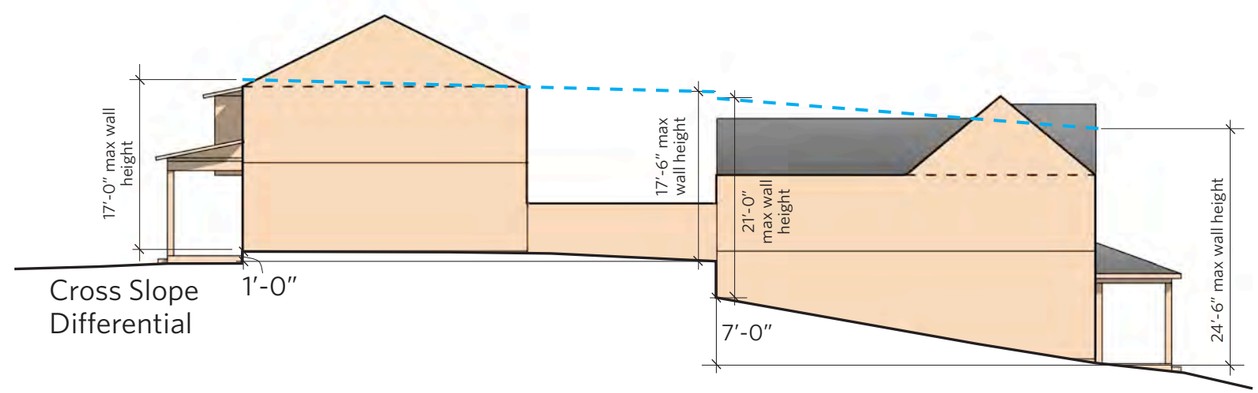
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

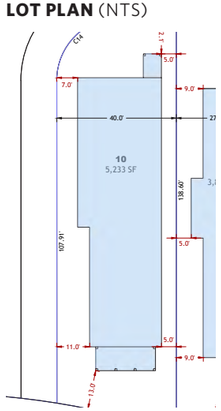


WEST ELEVATION - REQUIRED 10′ SETBACK

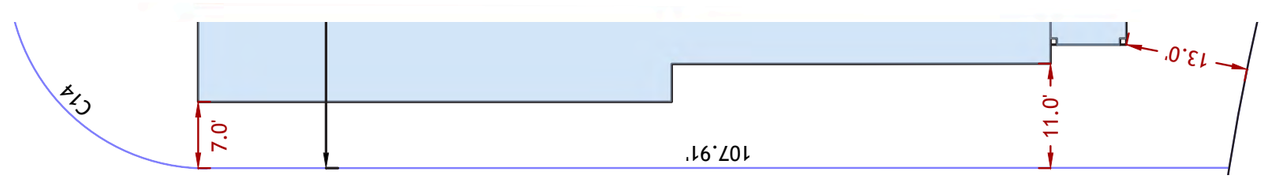
Base max wall height	20′	20′
Adjustment due to setback*	-3′	+1′
Increase due to grade**	0′-6″	3′-6″
Updated max wall height	17′-6″	24′-6″



LOT PLAN (NTS)



KEY PLAN (NTS)



1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

LOT 10 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

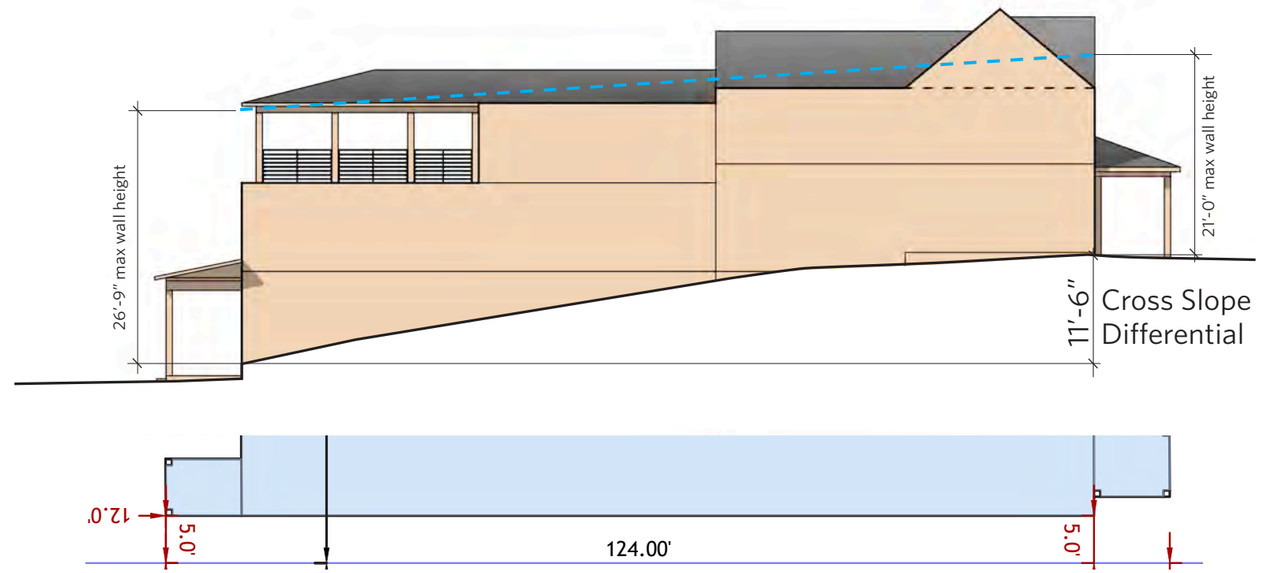
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 4′ SETBACK

Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-9″
Updated max wall height	26′-9″

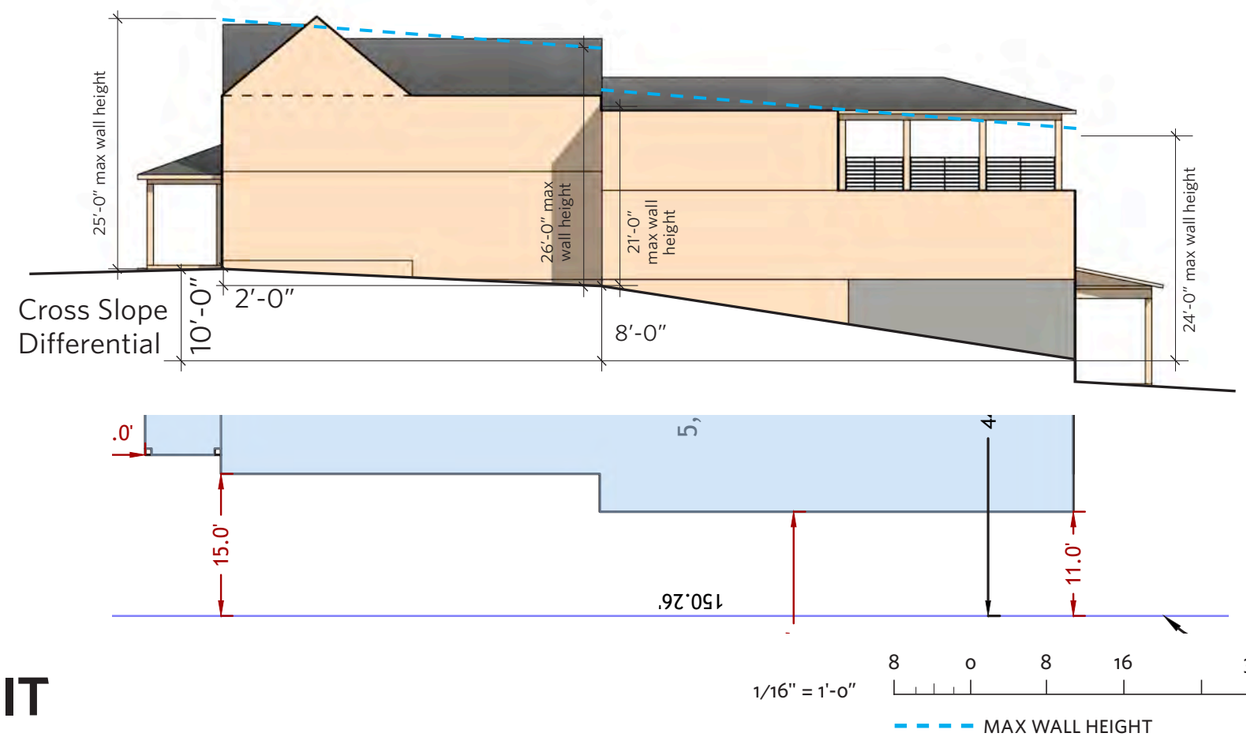
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

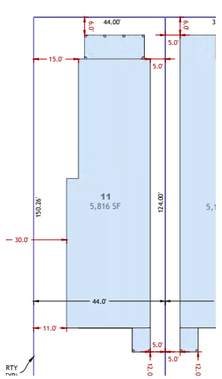


WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	+5′	+1
Increase due to grade**	1′-0″	4′-0″
Updated max wall height	26′-0″	25′-0″



LOT PLAN (NTS)



KEY PLAN (NTS)

LOT 11 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

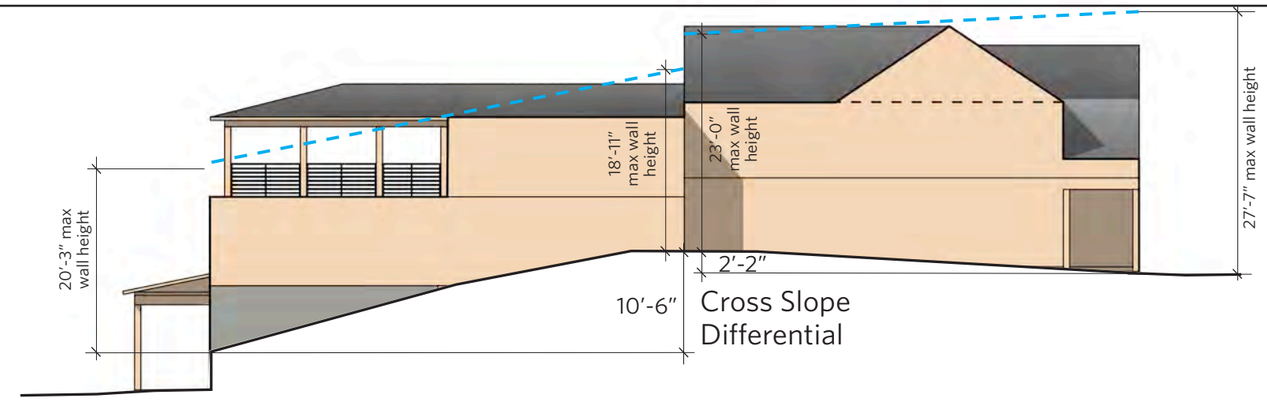
URBAN DESIGN ASSOCIATES

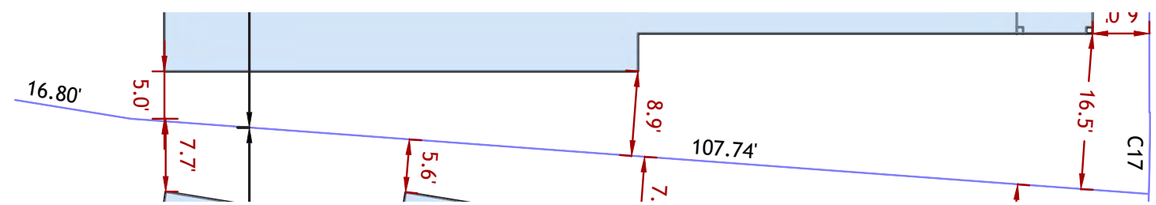
EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	-5′ to -1'-1"	-3′-0" to +6'-6"
Increase due to grade**	5′-3″	1′-1"
Updated max wall height	20'-3" to 18'-11"	23'-0" to 27'-7"

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

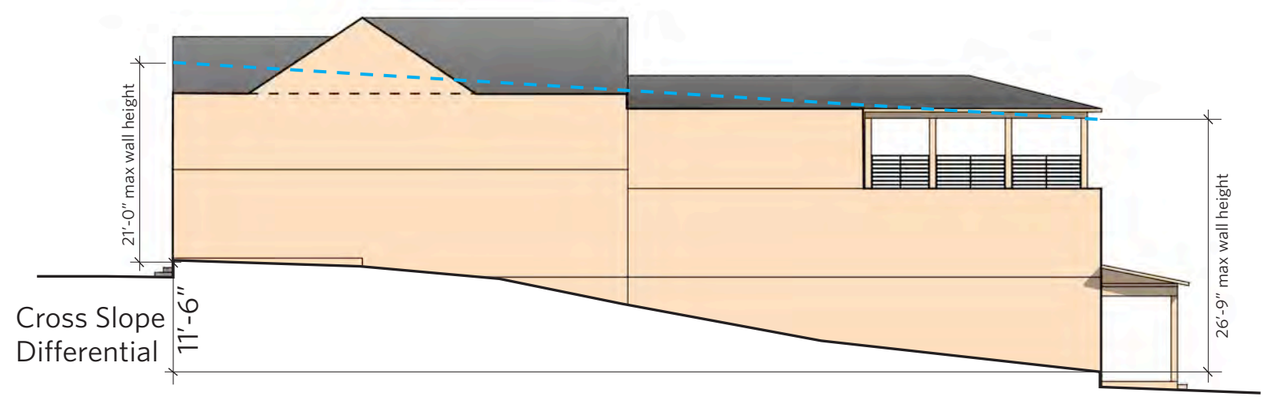
** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



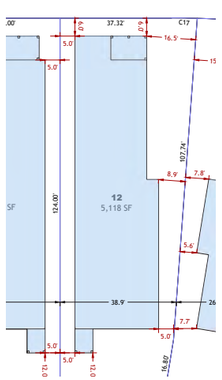


WEST ELEVATION - REQUIRED 4′ SETBACK

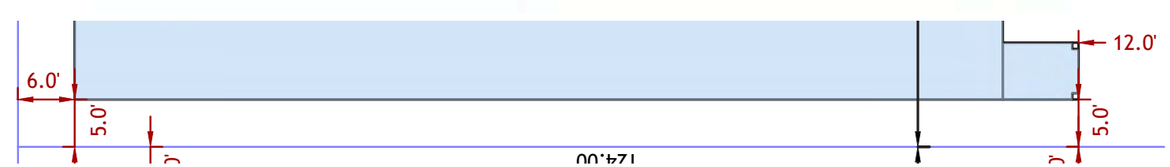
Base max wall height	20′
Adjustment due to setback*	+1′
Increase due to grade**	5′-9″
Updated max wall height	26′-9″



LOT PLAN (NTS)



KEY PLAN (NTS)



1/16" = 1'-0"

8 0 8 16 32 Feet

MAX WALL HEIGHT

LOT 12 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

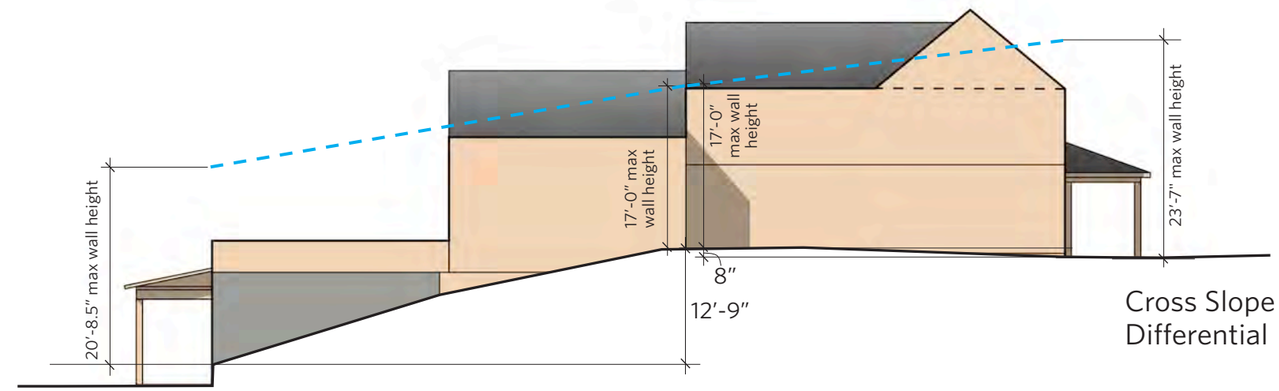
URBAN DESIGN ASSOCIATES

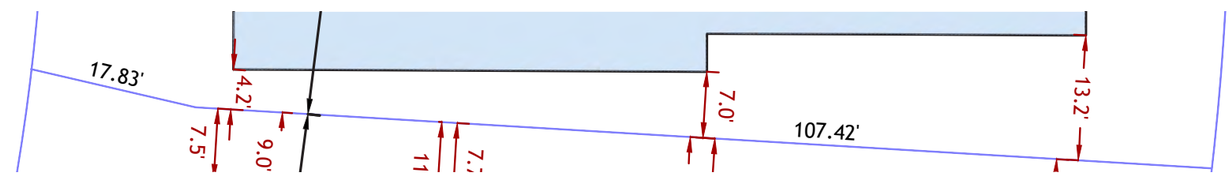
EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′
Adjustment due to setback*	-5′-8″ to -3′	-3′ to +3′-3″
Increase due to grade**	6'-4.5"	0′-4″
Updated max wall height	20′-8.5″ to 17'-0"	17′-0″ to 23'-7"

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

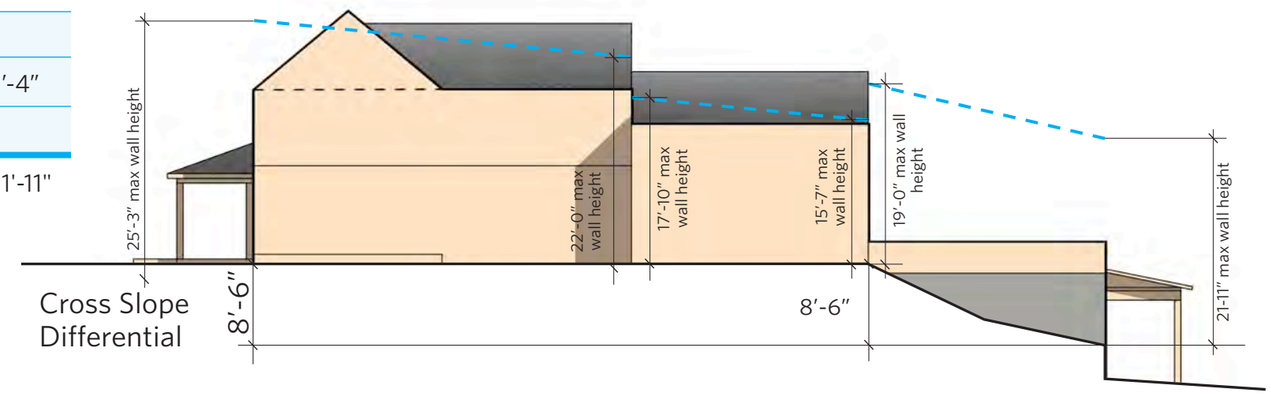
** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



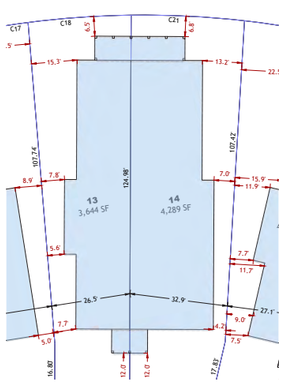


WEST ELEVATION - REQUIRED 10′ SETBACK

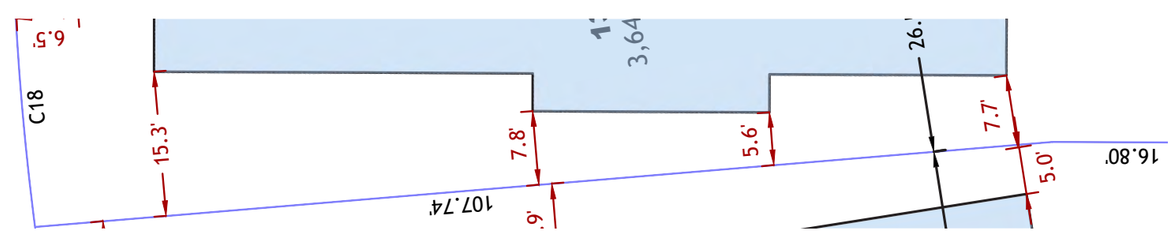
Base max wall height	20′	20′	20′
Adjustment due to setback*	+5′-3″ to +2′-0″	-2′-2″ to -4′-5″	-1′-0″ to -2′-4″
Increase due to grade**	0'	0'	4′-3″
Updated max wall height	25'-3" to 22′-0″	17'10" to 15′-7"	19'-0" to 21'-11"



LOT PLAN (NTS)



KEY PLAN (NTS)



1/16″ = 1′-0″ 8 0 8 16 32 Feet

MAX WALL HEIGHT

LOTS 13 & 14 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

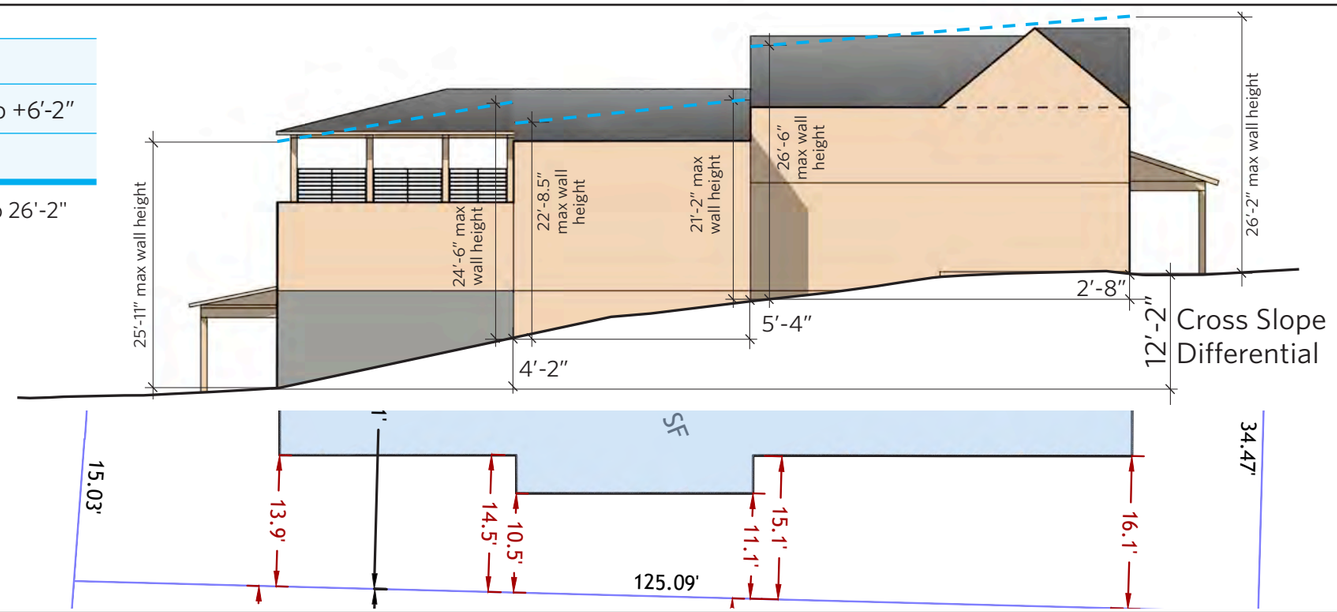
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	+3′-10″ to +4′-6″	+0.5″ to +1′-2″	+5′-2″ to +6′-2″
Increase due to grade**	2′-1″	2′-8″	1′-4″
Updated max wall height	25'-11" to 24'-6"	22'-8.5" to 21'-2"	26'-6" to 26'-2"

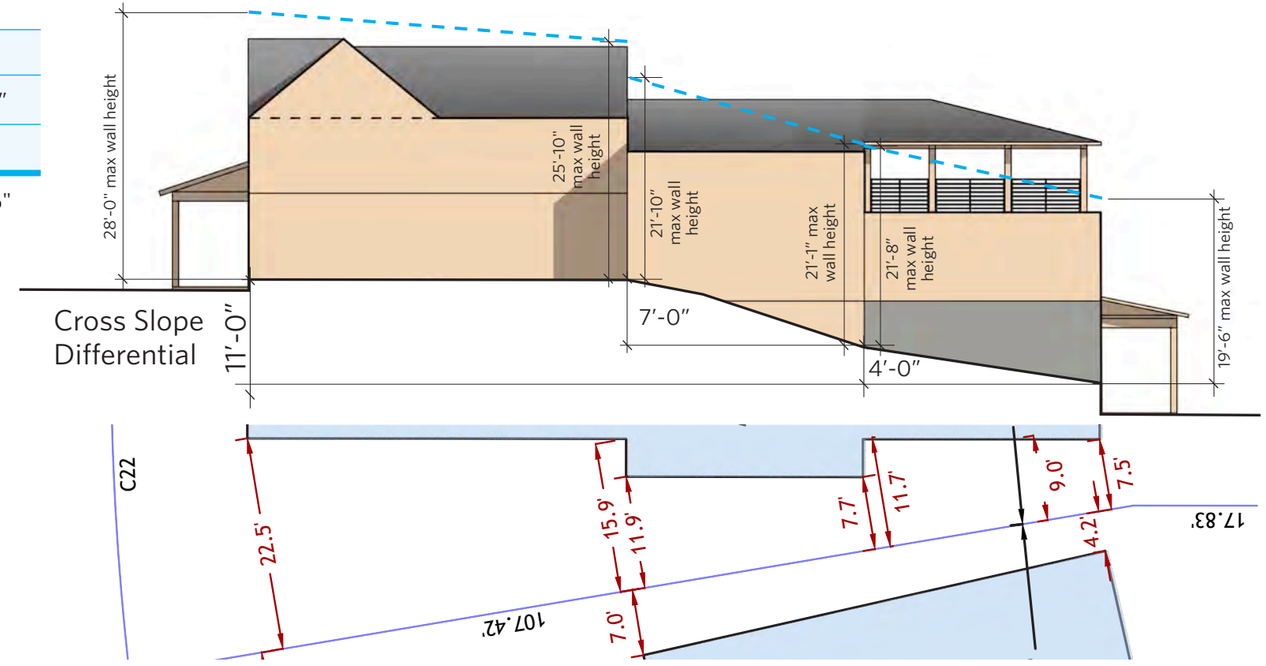
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1′-0″ reduction in the side yard setback the wall height will decrease 1′-0″. For every 1′-0″ increase the max wall height will increase 1′-0″. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5′ for every 1′-0″ Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

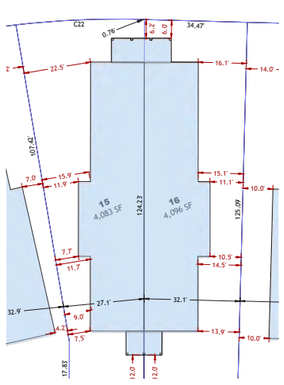


WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	+12′-6″ to +5'-10"	+1′-10″ to -2′-5″	+1′-8″ to -2′-6″
Increase due to grade**	0'	3′-6″	2′-0″
Updated max wall height	28' to 25'-10"	21'-10" to 21'-1"	21'-8" to 19'-6"



LOT PLAN (NTS)



KEY PLAN (NTS)

LOTS 15 & 16 - BUILDING WALL HEIGHT EXHIBIT

1/16″ = 1′-0″ — 8 0 8 16 32 Feet

MAX WALL HEIGHT

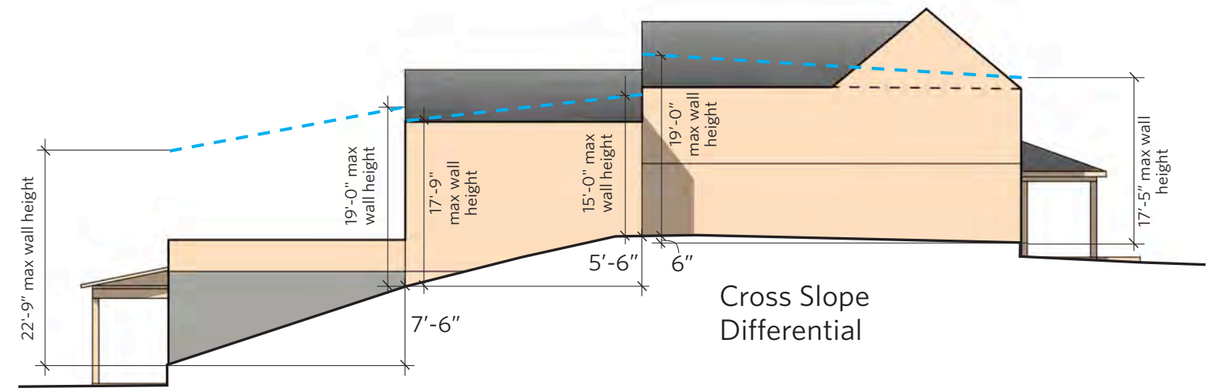
URBAN DESIGN ASSOCIATES

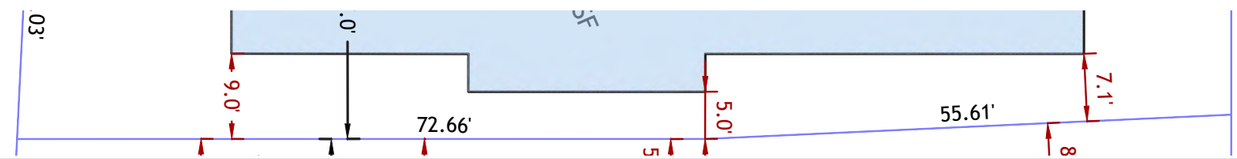
EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20'	20'
Adjustment due to setback*	-1'	-5'	-1' to -2'-10"
Increase due to grade**	3'-9"	2'-9"	3"
Updated max wall height	22'-9"	17'-9"	19'-0" to 17'-5"

* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

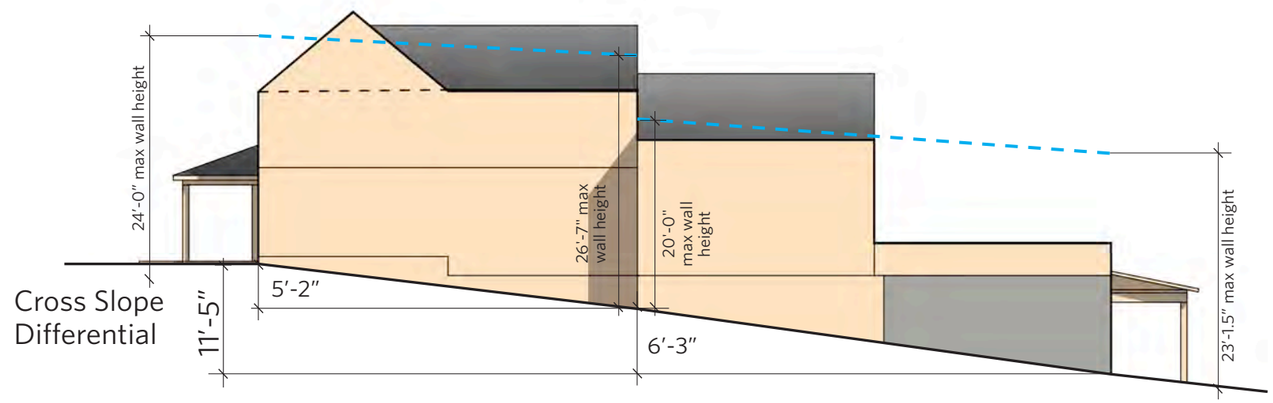
** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).



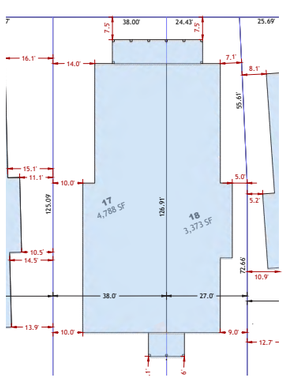


WEST ELEVATION - REQUIRED 10′ SETBACK

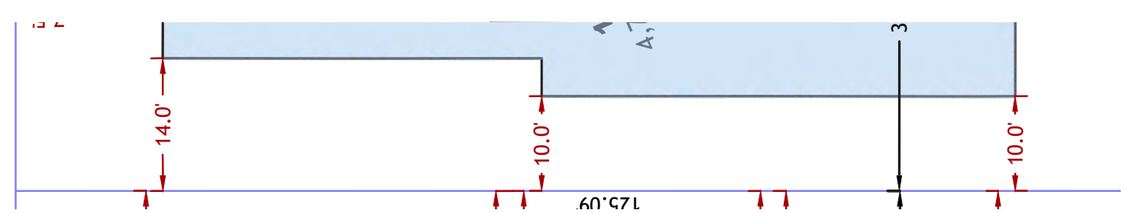
Base max wall height	20′	20'
Adjustment due to setback*	+4'	0'
Increase due to grade**	2'-7"	3'-1.5"
Updated max wall height	26'-7"	23'-1.5"



LOT PLAN (NTS)



KEY PLAN (NTS)



1/16" = 1'-0"

8 0 8 16 32 Feet

MAX WALL HEIGHT

LOTS 17 & 18 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

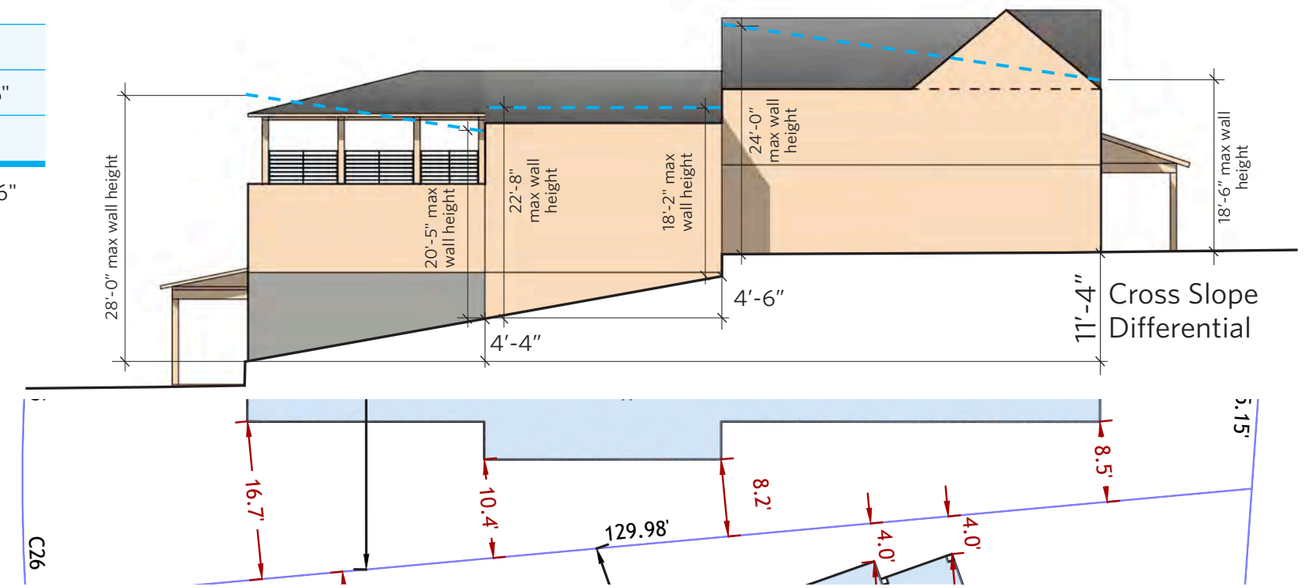
URBAN DESIGN ASSOCIATES

EAST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20'	20'
Adjustment due to setback*	+6'-8" to + 5"	+5" to -1'-10"	+4'-0" to -1'-6"
Increase due to grade**	2'-2"	2'-3"	0
Updated max wall height	28' to 20'-5"	22'-8" to 18-2"	24'-0" to 18'-6"

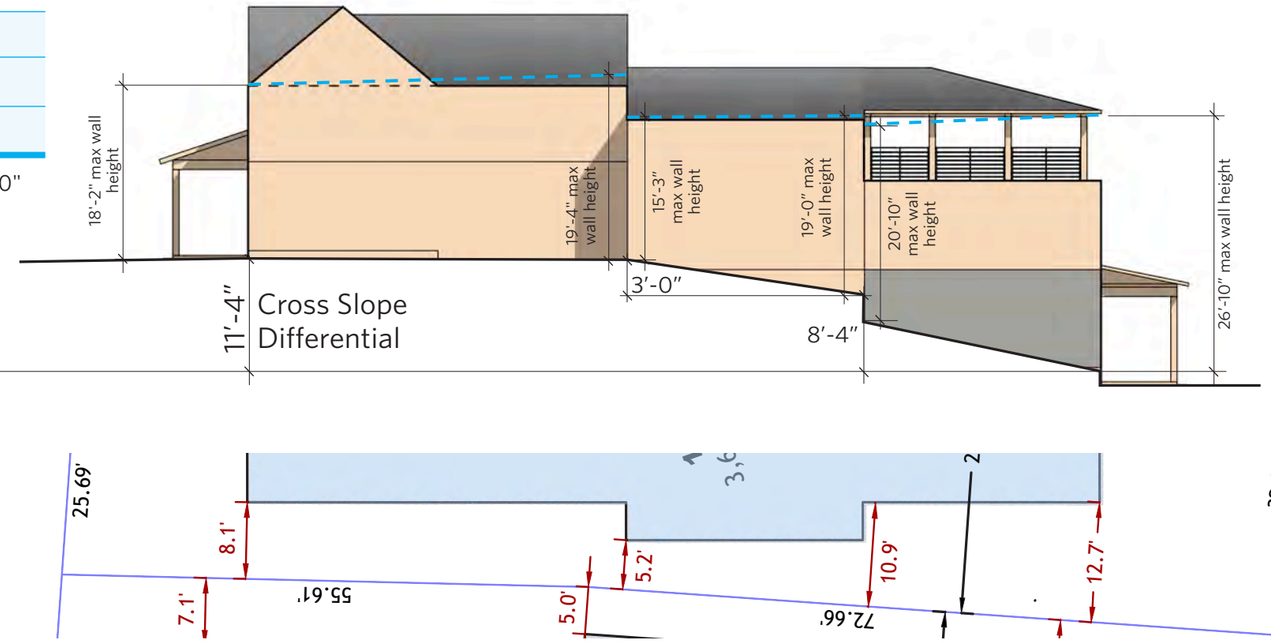
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

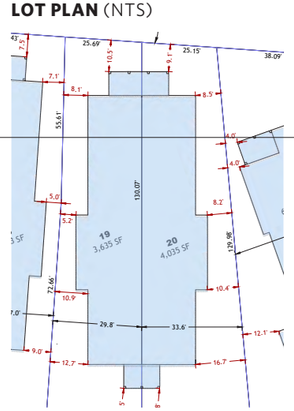


WEST ELEVATION - REQUIRED 10′ SETBACK

Base max wall height	20′	20′	20′
Adjustment due to setback*	-1'-10" to -8"	-4'-9" to -2'-6"	+10" to +2'-8"
Increase due to grade**	0'	1'-6"	4'-2"
Updated max wall height	18'-2" to 19'-4"	15'-3" to 19'-0"	20'-10" to 26'-10"



LOT PLAN (NTS)



KEY PLAN (NTS)

LOTS 19 & 20 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

URBAN DESIGN ASSOCIATES

EAST ELEVATION - NOT APPLICABLE FOR CORNER LOT SIDE YARD

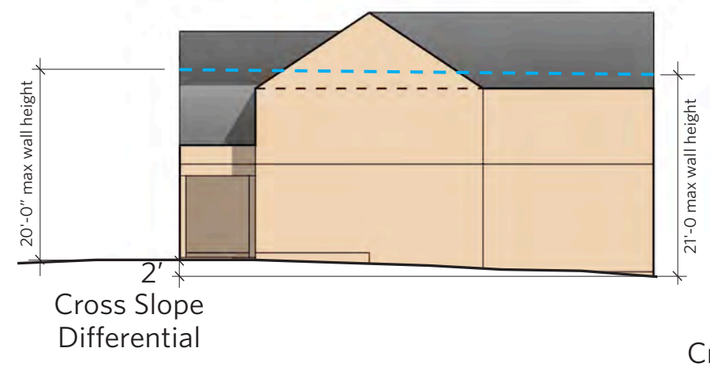
Base max wall height	N/A
Adjustment due to setback*	N/A
Increase due to grade**	N/A
Updated max wall height	N/A

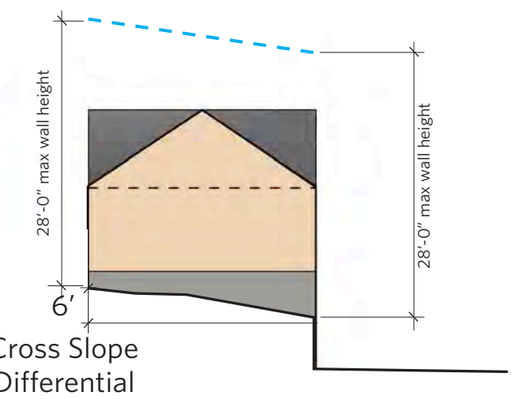
* Wall height adjustment applies to both uphill and downhill max wall height. For every 1'-0" reduction in the side yard setback the wall height will decrease 1'-0". For every 1'-0" increase the max wall height will increase 1'-0". See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c.

** Downhill wall height increase of 0.5' for every 1'-0" Cross Slope Differential. See 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D3c(1).

WEST ELEVATION - REQUIRED 10′ SETBACK

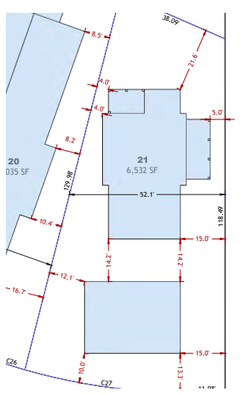
Base max wall height	20′	20′
Adjustment due to setback*	0′	+8′
Increase due to grade**	1′	3′
Updated max wall height	21′	28′

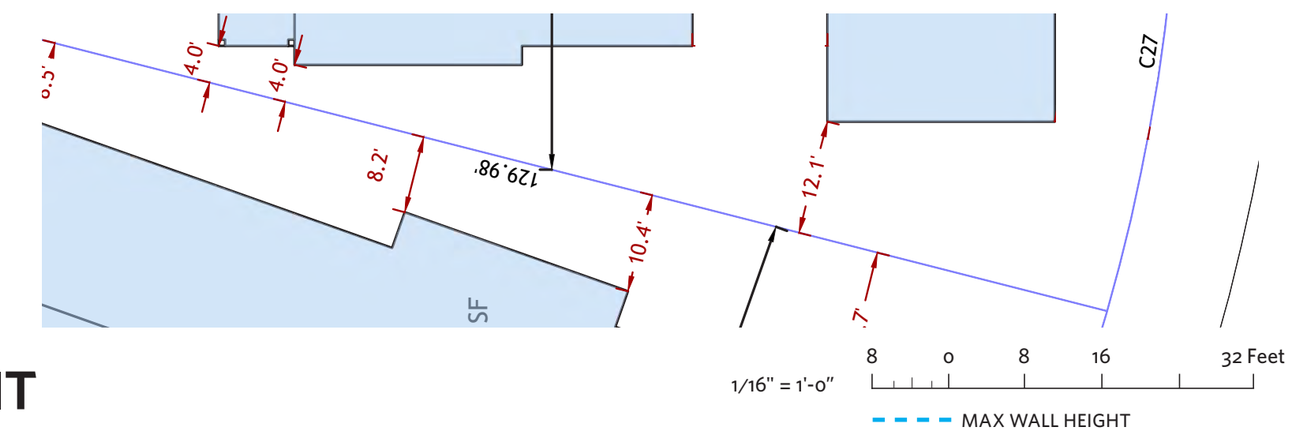




KEY PLAN (NTS)

LOT PLAN (NTS)





LOT 21 - BUILDING WALL HEIGHT EXHIBIT

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / JANURARY 2023

URBAN DESIGN ASSOCIATES

Description	0	10	20	30	40	50	60	
				Estimate				
	Frequency	10-Yr Period	20-Year Period	30-Yr Period	40-Yr Period	50-Yr Period	60-Yr Period	Total
Operations								
Snow Removal	Annually	$ 93,851	$ 132,386	$ 186,744	$ 263,421	$ 371,581	$ 524,152	$ 1,572,135
Landscaping	Annually	$ 351,942	$ 496,449	$ 700,290	$ 987,828	$ 1,393,429	$ 1,965,569	$ 5,895,506
Underground Storm Drain Clean-Out	Annually	$ 29,328	$ 41,371	$ 58,357	$ 82,319	$ 116,119	$ 163,797	$ 491,292
							Operations Total:	**$ 7,958,934**
Maintenance/Upkeep								
Private Alley- Slurry Seal	10 Years	$ 10,222	$ 14,419	$ 20,339	$ 28,690	$ 40,470	$ 57,088	$ 171,228
Private Alley- Rotomill & Resurface	20 Years		$ 2,980		$ 5,929		$ 11,798	$ 20,707
Private Alley- Full Depth Repave	40 Years				$ 98,140			$ 98,140
Sewer Lateral- Rotoruter	20 Years		$ 2,403		$ 4,782		$ 9,515	$ 16,699
Sewer Lateral- Full Replacement	40 Years				$ 113,097			$ 113,097
Water Lateral- Slipline	20 Years		$ 10,297		$ 20,489		$ 40,768	$ 71,554
Water Lateral- Full Replacement	40 Years				$ 40,989			$ 40,989
Irrigation- Minor Repairs	Every 5 Years	$ 6,904	$ 9,738	$ 13,737	$ 19,377	$ 27,333	$ 38,556	$ 115,646
Irrigation- Major Part Replacements	Every 10 Years	$ 4,770	$ 6,729	$ 9,492	$ 13,389	$ 18,886	$ 26,641	$ 79,906
Landscaping- Plant Replacement (10%)	Every 3 Years	$ 18,773	$ 25,585	$ 49,107	$ 52,691	$ 71,812	$ 137,834	$ 355,801
Landscaping- Professional Tree Trimming	Every 10 Years	$ 15,673	$ 22,109	$ 31,187	$ 43,992	$ 62,055	$ 87,534	$ 262,550
							Maintenance/Upkeep Total:	**$ 1,346,317**

NOTES

1) Annual inflation rate of 3.5% taken from the 30 yr long term average outlook from Engineering News-Record (ENR)

Grand Total:	**$ 9,305,251**

ATTACHMENT C: Property and Vicinity Photos

Above: Southeast corner of subject property
Below: Subject property from Capitol Park Avenue

Above: Subject property from northeast corner

Bottom left: North property line of property. Brick wall separates Northpointe Estates, facing west

Bottom right: North property line of property near midpoint

Top left: Northwest corner of property

Top right: North property line from northwest corner, to east

Below: West property line from northwest corner, facing south

Above: Subject property from the west property line

Bottom left: West property line and adjacent property

Bottom right: West property line from midpoint, facing south

Above: 674 West Caring Cove, from rear

Below: South side of 674 West Caring Cove, from Caring Cove/Capitol Park Avenue

Above: Capitol Park Avenue, facing west near southwest corner of subject property

Below: Caring Cove from Capitol Park Avenue

Above: 674 Caring Cove

Below: 684 Caring Cove

Above: 690 Caring Cove

Below: Wright Building (building west of Meridian) from Capitol Park Avenue

Above: The Meridian at Capitol Park from Northwest

Below: The Meridian at Capitol Park from North

Above: The Meridian at Capitol Park from Northeast

Below: Capitol Park Avenue from F Street

Above: F Street, facing north/uphill

Below: F Street, facing south/downhill

Above: 461 East 13th Avenue

Below: 668 North F Steet

Above: Duplex at approximately 678 North F Street

Below: 688 North F Street

ATTACHMENT D: Zoning Standards Review

The tables below illustrate how the proposed lots will comply with relevant zoning standards. Because the development plan submitted with this request is missing some details, some standards will not be reviewed until the Building Permit review stage of the development process.

21A.24.080: SR-1 Special Development Pattern Residential District

The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

Standard	Proposed	Finding
21A.24.010 – General Provisions for Residential Districts		
21A.24.010.I – Front Façade Controls 10% of the front façade of each building must have an entry, windows, balconies, porches, or something similar (garage does not count)	The proposed elevations for each unit type includes more than 10% coverage from the features listed in this standard.	**Complies**
21A.24.010.N – Landscaping within Front/Corner Side Yard Front and Corner side yards must be maintained as landscape yards (see Landscaping section for requirements)	The established yards of each lot are proposed to be landscaped.	**Complies**
21A.24.010.V – Entrance Landing Each exit door must have at least 36" x 36" concrete pad (uniform building code)	Landings are present at each entry.	**Complies**
21A.24.080 – Provisions for SR-1 Special Development Pattern Residential District		
21A.24.080.C – Minimum Lot Area: *Single-family:* 5,000 sq. ft. *Twin Home:* 4,000 sq. ft. per unit	Number of single-family units: 7 Number of twin home units: 14 Area required based on units: 91,000 sq. ft. Area of entire development: 139,392 sq. ft. *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.C – Minimum Lot Width: *Single-family:* 50 feet. *Twin Home:* 25 feet per unit	Narrowest single-family lot: 38 feet wide Narrowest twin home lot: 22 feet wide *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.D – Maximum Building Height: Pitched roofs: 28 feet (slope of 2:12 or steeper) Flat roofs: 20 feet *Measured from established grade*	Elevation plans show all proposed buildings within maximum height.	**Complies**
21A.24.080.D.3 – Exterior Wall Height: 20 feet	Elevation plans show all walls adjacent to interior side yards to be within the limit. See Key Consideration 5 for additional discussion regarding this standard.	**Complies**
21A.24.080.E.1 – Front Yard Setback: 1. 20 feet or 2. Average setback of block, or 3. Established by subdivision plat	Smallest front yard setback:5 feet *To encourage clustering of the development and to allow additional space for the internal ADUs, the*	**Complies with PD approval**

	applicant has requested Planned Development approval to modify this standard.	
21A.24.080.E.2 – Corner Side Yard Setback: 10 feet or established setback line	Because F Street is the only public street abutting the subject property, no corner side yards are present.	**n/a**
21A.24.080.E.3 – Interior Side Setback: *Single-family:* 4 ft one side, 10 ft other side *Twin Home:* 10 feet on the non-party-wall side	Smallest single-family setback:4 feet on a 10-foot side Smallest twin home setback: 4 feet *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.E.4 – Rear Yard Setback: • 25% of lot depth • Not less than 15 feet • Not greater than 30 feet	Smallest rear yard setback: 4 feet *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.F – Maximum Building Coverage: 40% (includes primary and accessory buildings)	Total Bldg. Coverage: 47,110 Total Lot Area: 135, 036 Total Coverage: 35% Individual lot coverage ranges from 42% to 57%. *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**
21A.24.080.G – Maximum Lot Size No more than 150% greater than minimum lot size	Parcels A & B will be used as public open space with water retention, so there is no minimum or maximum lot size.	**Complies**
21A.24.080.H – Attached Garage Standards: • Garage width cannot exceed 50% of building • Behind or in line with front of building	This standard only applies to units facing F Street. No garages are proposed to face F Street.	**Complies**
21A.36 – General Provisions		
21A.36.010.B – One Principal Building No more than one principal building may be located on a single lot in SR-1 district	One building proposed per lot	**Complies**
21A.36.010.C. – Frontage on Public Street All lots shall face a public street	Not all lots face public streets. *To encourage clustering of the development and to allow additional space for the internal ADUs, the applicant has requested Planned Development approval to modify this standard.*	**Complies with PD approval**

21A.44 – Off Street Parking, Mobility, and Loading		
21A.44.040.A – Required Parking 2 spaces per principal dwelling unit 1 space per ADU	21 units, 2 spaces per unit: 42 required 21 ADUs, 1 space per unit: 21 required 63 total space required **82 spaces provided**	**Complies**
21A.44.040.E – Bicycle Parking Single-family and twin homes are exempt from bicycle parking regulations	-	**n/a**
21A.44.060 A.3 – Parking Location and Setback Per Table 21A.44.060.A, parking space setbacks on a legal driveway are exempt from setback requirements and may be located in front of the house	-	**Complies**
21A.44.060.A.6.c – Driveways • At least 20 ft from street corner property line • At least 5' from utility infrastructure • At least 8 ft wide • No more than 22 feet wide • Shared driveway entry allowed if approved by transportation division	The private street accessing F Street and driveways within the development are proposed to be wider than the 22-foot maximum. The applicant is requesting Planned Development approval for a modification to this standard.	**Complies with PD approval**
21A.44.060.16 – Tandem Parking Required parking for residential uses may be tandem in groups of no more than 2. Each group serves only one unit (Manual also states that tandem parking is permitted for single-family and twin homes)	Many of the proposed spaces will be tandem, which is acceptable.	**Complies**
21A.48.135 Private Lands Tree Preservation		
21A.48.060.E – Standards • Trees need to be preserved to maximum extent practicable. • If they cannot be preserved, the following criteria must be considered: o Whether alternative configurations are feasible without negatively impacting neighbors o Whether preservation of trees would render development infeasible o If development of the property will provide significant community benefit • Replacement trees must be provided at a rate of two caliper inches per one inch of diameter at breast height of all removed trees Cash payment into the City's tree fund equal to the cost of replacement trees (According to the 2:1 standard mentioned above)	Removal of the existing trees on the site will require replacement trees or cash payment according to the standards listed to the left.	**To be calculated prior to issuance of building permit**

Accessory Dwelling Unit Review

Standard	Proposed	Finding
21A.40.200 – Accessory Dwelling Units		
21A.40.200.D – Number of Allowed ADUs	There would only be up to one ADU per proposed lot.	**Complies**
21A.40.200.E.1 – Location on property Internal ADUs shall be located within the buildable area of a lot	Planned development approval of the proposed buildable area on each lot will take care of this standard.	**Complies**
21A.40.200.E.2 – Location on property Front yard: not permitted Interior side yard: 3 feet and behind rear façade of principal building Rear yard: 3 feet **ADUs are permitted within the buildable area of a lot**	The external ADU proposed on lot 21 would be located within the buildable area of the lot if the modifications to the front yard setback are approved. Accessory building on lot 21 must be established as an ADU, cannot be optional. Staff recommends this as a condition of approval.	**Complies with PD approval**
21A.40.200.F – External ADU Height New detached ADUs cannot exceed 17 feet, unless: • It is set farther back from a rear or side lot line, • It is part of a conversion of an existing accessory building, • It is located fully within the buildable area of a lot (then may use dimensions of zoning district). o Pitched roofs: 28 feet (slope of 2:12 or steeper) o Flat roofs: 20 feet	The external ADU proposed on lot 21 would be located within the buildable area of the lot if the modifications to the front yard setback are approved. *Max proposed height:* 23 feet Accessory building on lot 21 must be established as an ADU, cannot be optional. Staff recommends this as a condition of approval.	**Complies with Conditions**
21A.40.200.G – ADU Parking One space per ADU unless the property is: • Within a district with no parking requirement. • already parked beyond what is required. • Within ¼ mile of a transit stop • Within ½ mile of a bike lane	The subject site is located within ½ mile of a bike lane (even from the farthest corner), so ADU parking is not required. *See parking standard in general zoning review*	**Complies**
21A.40.200.J – Gross Floor Area There is no maximum gross floor area for internal ADUs, but they cannot exceed 50% of a structure's gross floor area	None of the proposed potential interior ADU spaces are larger than the structure in which they are located	**Complies**
21A.40.200.L – Building Coverage ADUs are subject to the maximum building coverage requirements	Maximum building coverage will be modified by this Planned Development application. *See building coverage standard in general zoning review*	**Complies with PD approval**
21A.40.200.N – Admin Regulations No minimum lot size for ADUs ADUs do not count toward lot density	The proposal complies with this standard.	**Complies**

ATTACHMENT E: Subdivision Standards Review

20.16.100: Preliminary Subdivision Standards:

Standards of Review – Subdivision
A. The subdivision complies with the general design standards and requirements for subdivisions as established in chapter 20.12 of this title;
Discussion: The proposal generally meets relevant design standards found in chapter 20.12 of the subdivision regulations. An analysis can be found in the table following this review. Standards that are not met are part of the modifications requested through the Planned Development application.
Condition(s): Planned Development approval of the proposal
Finding: ☐ Complies ☒ Complies with conditions ☐ Does not comply ☒Not Applicable
B. All buildable lots comply with all applicable zoning standards;
Discussion: As discussed earlier in this report, the applicant has requested modifications to the following standards: 1. **Lot Frontage on Public Streets:** 21A.36.010.C, which requires all lots to have frontage on(or touch) a public street. 2. **Minimum Lot Area:** 21A.24.080.C, which requires 5,000 square feet per single-family lot and 4,000 square feet per lot half of a twin home building. 3. **Lot Width:** 21A.24.080.C, which requires 50 feet for a single-family lot and 25 feet per lot half of a twin home building. 4. **Front Yard Setbacks:** 21A.24.080.E.1.a, which requires the front of new buildings to project no farther than either the average depths of the block face or 20 feet from the front lot line (if no other buildings are present). 5. **Interior Side Yard Setbacks:** 21A.24.080.E.3. which, for single-family dwellings, requires buildings to be no closer than 4 feet from a side lot line on one side and 10 feet from a side lot line on the other. 6. **Rear Yard Setbacks:** 21A.24.080.E.4, which requires 25% of a lot's depth (not less than 15 feet and no more than 30 feet). 7. **Maximum Building Coverage:** 21A.24.080.F, which limits the surface coverage of all buildings to 40% of a lot. Planned Development approval is required for these modifications. This standard will be met if the Commission approves the Planned Development.
Condition(s): Planned Development approval of the proposal
Finding: ☐ Complies ☒ Complies with conditions ☐ Does not comply ☐Not Applicable
C. All necessary and required dedications are made;
Discussion: No dedications of property are required for this development.
Condition(s): None
Finding: ☐ Complies ☐ Complies with conditions ☐ Does not comply ☒Not Applicable

D. Water supply and sewage disposal shall be satisfactory to the public utilities department director;
Discussion: Public Utilities has provided preliminary approval. All other requirements are typical for a new development this size.
Condition(s): None
Finding: ☒ Complies ☐ Complies with conditions ☐ Does not comply ☐Not Applicable
E. Provisions for the construction of any required public improvements, per section 20.40.010 of this title, are included;
Discussion: The subdivision includes proposed improvements to the section of F Steet abutting the subject property. The Engineering Division will review and approve the proposed improvements with the Final Plat.
Condition(s): none.
Finding: ☒ Complies ☐ Complies with conditions ☐ Does not comply ☐Not Applicable
F. The subdivision otherwise complies with all applicable laws and regulations;
Discussion: Except for the standards the applicant has requested to be modified through the Planned Development process, this proposal complies with all other applicable laws and regulations.
Condition(s): Planned Development approval of the proposal.
Finding: ☐ Complies ☒ Complies with conditions ☐ Does not comply (requesting modifications) ☐Not Applicable
G. If the proposal is an amendment to an existing subdivision and involves vacating a street, right of way, or easement, the amendment does not materially injure the public or any person who owns land within the subdivision or immediately adjacent to it and there is good cause for the amendment.
Discussion: This proposal is not an amendment to an existing subdivision.
Condition(s): none
Finding: ☒ Complies ☐ Complies with conditions ☐ Does not comply ☒Not Applicable

20.12 Subdivision Design Standards Checklist

Standard	Staff Review	Compliance
20.12.010 General Regulations and Standards: Except where modified by the planning commission or its designee, all subdivision of land within Salt Lake City shall comply and conform with the design standards and requirements as set forth and as referred to in this section, as follows:		
A. Supervision: All subdivision development work performed under this section will be allowed only when said work is performed under the supervision of the city engineer, transportation director and/or public utilities director in accordance with the approved subdivision plan, and said work is secured by a performance guarantee bond or other security device acceptable to the city attorney and mayor.	The proposed preliminary plat has been completed and stamped by a licensed engineer.	**Finding: Complies**
B. Preservation Of Natural Features: Trees, native ground cover, natural watercourses, and topography shall be preserved when possible, and the subdivision shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with this title.	The applicant intends to remove multiple trees from the site. However, the applicant will be required to comply with the Private Lands Tree Preservation requirements in section 21A.48.135. The plans include 163 replacement trees.	**Finding: Complies with conditions**
C. Hazardous Areas To Be Fenced: All areas of the subdivision or features adjacent to the subdivision, which present a potential threat to the public safety shall be fenced with a six foot (6') non-climbable fence or acceptable alternative, as required by the planning commission or its designee. Such hazardous areas may include, but are not limited to, rivers and streams, canals, cliffs, ravines, railroad rights of way, and steep slopes. Required fencing shall be constructed and included as part of the subdivision improvements and shall be bonded.	No hazardous areas have been identified on the site.	**Finding: Not Applicable**
D. Buildable Lots: All subdivisions shall result in the creation of lots which are developable and capable of being built upon, unless a different purpose for the lot is clearly intended and approved by the planning commission or its designee. No subdivision shall create lots, and no building permit shall be issued for any lots which would make improvements and services impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.	All proposed lots appear to be developable.	**Finding: Complies**
E. Access To Public Streets:		
1. All lots or parcels created by the subdivision of land shall have access to a public street improved to standards required by this title, unless a private street or modified standards are approved by the planning commission as part of a planned development. Private streets shall not be permitted unless the planning commission finds that the most logical development of land requires that lots be created which are served by a private street or other means of access.	The applicant has requested, through Planned Development, to create lots without street frontage that would be accessed by a private street. Because the adjacent Capitol Park Avenue is a private street, the requested modification is necessary for efficient use of the property.	**Finding: Complies with PD Approval**

2. As part of the application for any subdivision proposing private streets, the subdivider shall provide for review by the city engineer the following:	Development reviewers from the Engineering Division have not objected to the proposed private street. The applicant will be required to comply with all of their requirements.	**Finding: Complies**
a. A street development plan showing the alignment, width, grades, design, and material specifications; the topography and means of access to each lot; drainage; and, utility easements for servicing the lots served by such private street.	Plans include required material specifications.	**Finding: Complies**
b. A plan providing for future ownership and maintenance of said street together with payment of taxes and other liability thereon.	The proposed private street is proposed to be maintained by the proposed Homeowners Association	**Finding: Complies**
3. After review and favorable recommendation by the city engineer, the planning commission may include such approved street plans as part of its recommendations to the mayor. Construction of the private street or access shall be completed prior to occupancy of any building on lots served by a private street. However, if finished grading has been completed and stabilized to the city engineer's satisfaction, the subdivider may post a cash bond equal to the cost of completing the street, as determined by the city engineer, in a form approved by the city attorney to assure the earliest possible completion of said street. The bond may be posted if, and only if, the street is stabilized and made passable until such time as the completion of the street can be accomplished.	Completion of the private street shall be required prior to issuance of final occupancy.	**Finding: Complies**
F. Landscaping		
1. A landscaped area shall be required in all residential subdivisions and may be required in nonresidential subdivisions. Said landscaping shall be located either within the nonpaved portion of the street right of way, or within a dedicated landscaping easement, not less than five feet (5') wide, adjacent to the street. The location of the landscaping shall be specified by the planning commission or its designee. The type of landscaping and street trees shall be selected, installed, and maintained in accordance with standard specifications prepared by Salt Lake City.	Street trees and other landscaping features are proposed according to the City's landscaping requirements along F Street and Capitol Park Avenue.	**Finding: Complies**
2. Whenever, in the opinion of the planning commission or its designee, the cuts and fills created by the subdivision are of sufficient size or visibility to demand special treatment, the subdivider shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.	Extensive landscaping is proposed within areas to be cut or filled during development.	**Finding: Complies**
G. Utilities and Easements:		
1. All utilities shall be provided through underground services.	All utilities are proposed to be underground.	**Finding: Complies**

2. Easements for utility and drainage purposes shall be provided within the subdivision as required by the planning commission or its designee. However, in no event shall such easement be less than five feet (5') in width when proposed along the front lot line.	None of the proposed easements are narrower than 13 feet	**Finding: Complies**
H. Watercourses: The subdivider shall dedicate a right of way for storm drainage conforming substantially with the lines of any natural watercourse or channel, stream, creek, or floodplain that enters or traverses the subdivision.	All existing stormwater drainage easements within the subdivision amendment will remain.	**Finding: Complies**
J. Block Design:		
1. Blocks shall normally have sufficient width for an ultimate layout of two (2) tiers of lots of the size required by the provisions of the zoning and subdivision ordinances of Salt Lake City.	Despite lacking public frontage in some areas, the proposed development reflects a typical block layout found in the city that has two tiers and an alley cutting through the center.	**Finding: Complies**
2. Blocks shall not exceed the following perimeter measurements: Two thousand four hundred (2,400) linear feet for zoning districts with minimum lot sizes that range from no minimum up to and including ten thousand (10,000) square feet, and; three thousand (3,000) linear feet for zoning districts with a minimum lot size greater than ten thousand (10,000) square feet.	The perimeter of the subject property is just over 1,500 linear feet.	**Finding: Complies**
J. Reservation Of Land For Park And Recreation Purposes: Pursuant to the recreation or parks elements, plans or standards set forth in the master plan, as a condition of final subdivision approval the subdivider shall be required to reserve land for park and recreation purposes according to the following standards:		
1. For subdivisions of twenty five (25) lots or more, including contiguous land owned or controlled by subdivider or landowner, the subdivider shall reserve land for two (2) years for public purchase at a minimum ratio of one-fourth ($^{1}/_{4}$) acre of land per twenty five (25) lots in the subdivision or five percent (5%) of the total area in the subdivision, whichever is greater.	This proposal includes fewer than 25 lots.	**Finding: Not Applicable**
2. All land to be reserved for park or recreational purposes shall be found to be suitable by the planning commission or its designee and the public services department as to location, parcel size, and topography for the park and recreation purpose for which it is indicated in the master plan, or as determined by the planning commission or its designee. Such purpose may include active recreation facilities such as playgrounds, play fields, pedestrian or bicycle paths, or open space areas of particular natural beauty, including canyons, hilltops, and wooded areas to be developed or left in their natural state.	No land is required to be reserved as park space.	**Finding: Not Applicable**
3. At the time of approval of the final subdivision plat, the city may specify when development of a park or recreation facility is scheduled to begin.	Not applicable	**Finding: Not Applicable**

K. Connectivity:		
1. Public Accessways:		
a. The city shall require within the development site the improvement of accessways for pedestrian and bicyclist use to connect the development site to adjacent cul-de-sacs or to an adjacent site that is undeveloped, publicly owned, or developed with an accessway that connects to the subject site.	No public accessway will be required as part of this proposal. There is no adjacent site where connectivity is available.	**Finding: Not Applicable**
2. Street Connectivity Standards:		
a. The proposed subdivision shall include street connections to any streets that abut, are adjacent to, or terminate at the subdivision site. The proposed development shall also include street connections in the direction of all existing or planned streets adjacent to the development site as determined by the planning director.	No new public streets are proposed as part of this request.	**Finding: Complies**
b. The proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition. The streets shall be in locations that will enable adjoining properties to connect to the proposed development's street system.	The subject property is not adjacent to undeveloped land.	**Finding: Not Applicable**
3. Cul-De-Sacs:		
a. Except for streets that are less than one hundred fifty feet (150') long all streets that terminate shall be designed as a cul-de-sac bulb or other design acceptable to the transportation director in order to provide an emergency vehicle turnaround.	This proposal does not create any new cul-de-sacs.	**Finding: Not Applicable**
b. Public accessways to provide safe circulation for pedestrians, bicyclists and emergency vehicles shall be required from a cul-de-sac or emergency vehicle turnaround, unless the subdivider adequately demonstrates that a connection cannot be made because of the existence of one or more of the following conditions: **(1)** Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes or upland wildlife habitat area, or a resource on the national wetland inventory or under protection by state or federal law. **(2)** Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment.	This proposal does not create any new cul-de-sacs.	**Finding: Not Applicable**

20.12.020 Lot Design Standards: The size, shape and orientation of lots in a subdivision shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following principles and standards shall be observed		
A. Minimum Area; Size: The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinances of Salt Lake City for the zoning district in which the subdivision is located.	The applicant is requesting, through Planned Development, a reduction to the minimum area of some lots in the subdivision.	**Finding: Complies with PD Approval**
B. Side Lot Lines: The side lines of all lots, so far as possible, shall be designed to be at right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be designed to be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.	All proposed lot lines are designed at right angles or radial to the curve of the proposed private street.	**Finding: Complies**
C. Width: The minimum lot width shall conform to the requirements of the zoning district in which the proposed subdivision is located.	The applicant is requesting, through Planned Development, a reduction to the minimum width of some lots in the subdivision.	**Finding: Complies with PD Approval**
D. Corner Lots: Corner lots have more than one side which must maintain required front yard setbacks, and therefore shall be platted wider than interior lots in order to permit conformance with the required street setback requirements of the zoning ordinance.	While there are technically no corner lots in this proposal since Capitol Park Avenue is a private street, lots 21 and 10 are wider than other lots with similar characteristics. Additionally, the application has requested a reduction in required setbacks through the Planned Development process.	**Finding: Complies with PD Approval**
E. Remnants: No remnants of property shall be left in the subdivision which do not conform to the lot requirements or are not required or more suitable for designation as common open space, private utility, or other purpose.	All space not dedicated to a residential lot is proposed to be used a public open space.	**Finding: Complies**
F. Double Frontage Lots: Lots other than corner lots, having double frontage shall not be approved except where necessitated by topographic or other unusual conditions.	None of the proposed lots would abut two non-adjacent public rights of way.	**Finding: Complies**

ATTACHMENT F: Planned Development Standards

21A.55.050: Standards for Planned Developments: The planning commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards.

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report.

A. Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section 21A.55.010 of this chapter) and will achieve at least one of the objectives stated in said section. To determine if a planned development objective has been achieved, the applicant shall demonstrate that at least one of the strategies associated with the objective are included in the proposed planned development. The applicant shall also demonstrate why modifications to the zoning regulations are necessary to meet the purpose statement for a planned development. The Planning Commission should consider the relationship between the proposed modifications to the zoning regulations and the purpose of a planned development, and determine if the project will result in a more enhanced product than would be achievable through strict application of the land use regulations.

Planned Development Purpose Statement: A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments.

Discussion:

The proposed development efficiently uses the site in a way that would otherwise be difficult without Planned Development approval. The requested modifications to the zoning standards enable the clustered development to preserve open space. They also provide additional flexibility for spaces within each unit that can be used as an ADU. The relationship between the requested modifications and the Planned Development objectives is further discussed under Key Consideration 3.

Since the subject property only abuts a public street on one side, strict application of zoning requirements would require redundant and expensive public improvements, including new streets. Development of the site without those public improvements or planned development would be limited by the width of its line abutting F Street. The modifications requested through this process allow for development that fulfills adopted city plans and policies in a way that would not be possible otherwise (this is further discussed under Key Consideration 1).

Finding: ☒ Meets Planned Development Purpose Statement
☐ Does Not Meet Planned Development Purpose Statement

SR-1 Purpose Statement: The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

Discussion:
The proposed development would bring new housing into an established neighborhood while providing open space and recreational opportunities. The proposed units reflect the Avenues' eclectic character at an intensity compatible with surrounding development. The requested modifications to zoning regulations enable the proposed development to set aside open space available to the public that would otherwise be located within individual lots. The modifications also allow additional space for the ADU-ready space within each unit, providing a type of housing (studio/one-bedroom rentals) not typically found in the neighborhood.

Finding: ☒ Meets SR-1 Purpose Statement ☐ Does Not Meet SR-1 Purpose Statement

A. Open Space And Natural Lands: Preserving, protecting or creating open space and natural lands:

1. **Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar types of facilities.**
2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
3. Development of connected greenways and/or wildlife corridors.
4. Daylighting of creeks/water bodies.
5. Inclusion of local food production areas, such as community gardens.
6. **Clustering of development to preserve open spaces.**

Discussion:
The proposal has been designed in a manner that clusters development by reducing lot dimension, building coverage, and setbacks. Concentrating the buildable area allows for the establishment of public open space that would otherwise be located within the private property of houses on the site. The proposed "mews walk" within the open space will be able to function as an accessible recreational trail. While the proposed open space area is not significant by some measures, it is an improvement from what could be developed by right.

Finding: ☒ Objective Satisfied ☐ Objective Not Satisfied

B. Historic Preservation:

1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the City either architecturally and/or historically, and that contribute to the general welfare of the residents of the City.
2. Preservation of, or enhancement to, historically significant landscapes that contribute to the character of the City and contribute to the general welfare of the City's residents.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

C. Housing: Providing affordable housing or types of housing that helps achieve the City's housing goals and policies:

1. At least twenty percent (20%) of the housing must be for those with incomes that are at or below eighty percent (80%) of the area median income.
2. **The proposal includes housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.**

Discussion:
By providing space that can be used as an ADU within the proposed units, the applicant helps future residents avoid the significant initial investment that often comes with converting part of a house. The proposed ADU spaces have the potential to provide additional financing to future homeowners while also providing a mix of housing types in a part of the city that has not experienced the level of growth seen in other neighborhoods. The reduced setbacks and increased lot coverage requested by the applicant are necessary to allow the ADU spaces without sacrificing square footage in the family-oriented units.

Finding: ☒ Objective Satisfied ☐ Objective Not Satisfied

D. Mobility: Enhances accessibility and mobility:

1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.
2. Improvements that encourage transportation options other than just the automobile.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

E. Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems:

1. Energy Use And Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource.
2. Reuse Of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, State, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

F. Master Plan Implementation: A project that helps implement portions of an adopted Master Plan in instances where the Master Plan provides specific guidance on the character of the immediate vicinity of the proposal:

1. A project that is consistent with the guidance of the Master Plan related to building scale, building orientation, site layout, or other similar character-defining features.

Discussion: The applicant is not proposing to meet this objective. Only one objective must be met.

B. Master Plan Compatibility: The proposed planned development is generally consistent with adopted policies set forth in the Citywide, community, and/or small area Master Plan that is applicable to the site where the planned development will be located.

Finding: Complies

Discussion:
Master Plan Compatibility was discussed in Key Consideration 1 of the staff report. The proposed development is appropriate for the SR-1 zoning district and does not run contrary to the applicable master plans for this neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

C. Design And Compatibility: The proposed planned development is compatible with the area the planned development will be located and is designed to achieve a more enhanced product than would be achievable through strict application of land use regulations. In determining design and compatibility, the Planning Commission should consider:

1. Whether the scale, mass, and intensity of the proposed planned development is compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable Master Plan related to building and site design;

Finding: Complies

Discussion:
A variety of house types and sizes populate the neighborhood around this site. Except for the large multi-family buildings (which includes the Meridian at Capitol Park) to the south, most structures in the neighborhood are approximately one to two stories in height. The proposed homes are two stories in height. The façade character of the proposed buildings are directly inspired by architecture in the Avenues neighborhood, ensuring compatibility in design.

The footprint of the homes in the neighborhood also varies, with some smaller homes on the blocks to the east and south-east (1 to 2 stories) ranging from ~1,500 to ~4000 sq ft in footprint, homes in the two cul-de-sacs to the west (2 stories) ranging from ~2,500 to ~8,500 sq ft, and the townhomes (2 to 3 stories) on the north ranging from

~7,500 to 14,000 sq ft. The proposed units would have footprints ranging from roughly 1,800 to 2,600 square feet, well within range of existing development.

The "intensity" of residential development can be assessed in terms of its density or number of residential units. Assuming an ADU is established within every unit, the proposed development would have an overall density of roughly 13.125 units per acre (The density including only the one external ADU would be 6.875 units per acre). The surrounding existing density varies and is often lower than the proposal. The ordinance defines "compatibility" as the "capability of existing together in harmony." While the density has the potential to be higher than surrounding blocks, staff finds that the density can exist in harmony with the adjacent single-family developments. Potential negative impacts from "density" might be the impact on public services or public facilities, such as streets and utilities.

The proposal would result in some additional traffic, but not to an extent that would impact the level of service of the adjacent roadway. (See comments from the Transportation Division in Attachment I and the Traffic study included with supplementary material in Attachment G). Adjacent streets would continue to operate as typical low-density residential streets. The proposal includes at least three parking stalls per home, with additional parking allowed on the driveways and private street. Planning staff does not anticipate substantive impacts to surrounding on-street parking given the level of parking available on-site.

Public utilities serving the property are legally required to be upgraded if necessary to serve the property so the development does not negatively impact adjacent utility services. The site also must provide on-site drainage retention so as not to negatively impact the public stormwater system and must comply with several other City Public Utilities and other water quality regulations involving drainage. Given these requirements, Planning staff does not anticipate any negative drainage impacts to adjacent streets or private properties. Any snow from the site would be placed near the visitor parking stalls. Overall, staff believes the proposal will be compatible with the surrounding neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

2. Whether the building orientation and building materials in the proposed planned development are compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable Master Plan related to building and site design;

Finding: Complies

Discussion:
Buildings within the proposed development adjacent to F Street and Capitol Park Avenue will be oriented as a traditional residential neighborhood and face the street. Houses within the interior of the lot will be oriented toward the pedestrian pathway. Except for the Meridian and Northpointe Estates, development within the vicinity of the site is typically oriented in this manner. The building orientation of the proposed development would be compatible with the neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

3. Whether building setbacks along the perimeter of the development:
   a. Maintain the visual character of the neighborhood or the character described in the applicable Master Plan.
   b. Provide sufficient space for private amenities.
   c. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
   d. Provide adequate sight lines to streets, driveways and sidewalks.
   e. Provide sufficient space for maintenance.

Finding: Complies

Discussion:
a. The proposed setbacks along the lot's perimeter reflect the character of nearby development. Clustering the proposed units allows additional space along the north and west property lines. One concern brought up by some community members was the proposed setback of unit 10 from Capitol Park Avenue. They argue that

the two-story structure is too close to the street and out of character. However, the south wall of the house to the west (the only other building on the block face and also two stories tall) already sits 17 feet from the street. While the front porch of unit 10 does sit closer to the street than the house to the west, the second story sits 21 feet back (at its closest point). This will be farther back than the house to the west. See Key Consideration 3 for additional discussion regarding the block face.

b. The proposed plans show a private terrace for each unit. This is in addition to the open space around the site's perimeter.
c. Clustering the proposed units has allowed additional open space along the site's perimeter. The proposed setbacks from abutting property to the north and west are greater than what is required by the SR-1 district. This additional setback area is proposed to be dotted with a significant number of landscaping, including large trees, ornamental grass, and dense shrubs. The large setbacks and additional landscaping will help maintain privacy and limit any possible noise impacts.
d. All proposed access points onto existing streets would be sufficiently clear enough for driver and pedestrian visibility. The proposed development does not appear to crowd any existing/proposed streets, driveways or sidewalks.

Condition(s): Staff does not recommend any conditions related to this standard.

4. Whether building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction;

Finding: Complies

Discussion:
All proposed units adjacent to F Street and Capitol Park Avenue are proposed to be oriented toward the street. The front façade of every unit will feature architectural details commonly found within the Avenues (and other similar neighborhoods). The proposed transparency (the number of windows) is at a scale typically found for residential development at this scale and will reflect the character of houses within the vicinity. Porches are proposed on every front façade and will be accessible to pedestrians via a traditional front sidewalk.

Condition(s): Staff does not recommend any conditions related to this standard.

5. Whether lighting is designed for safety and visual interest while minimizing impacts on surrounding property;

Finding: Complies

Discussion:
This is a low-scale residential development where significant lighting is not expected. Two streetlights are proposed along the internal private street, but each home also includes exterior lighting at garages and doorways that will provide additional pedestrian scale lighting.

Condition(s): Staff does not recommend any conditions related to this standard.

6. Whether dumpsters, loading docks and/or service areas are appropriately screened;

Finding: Complies

Discussion:
All proposed uses are single-family and twin home dwellings, and each unit will have private garbage cans. No dumpsters, loading docks, or services areas are proposed with this development.

Condition(s): Staff does not recommend any conditions related to this standard.

7. Whether parking areas are appropriately buffered from adjacent uses.

Finding: Complies

Discussion:

Parking on the site will be similar in character to surrounding properties (within garages and on driveways) and negative impacts are expected to be minimal.

Condition(s): Staff does not recommend any conditions related to this standard.

D. Landscaping: The proposed planned development preserves, maintains or provides native landscaping where appropriate. In determining the landscaping for the proposed planned development, the Planning Commission should consider:

1. Whether mature native trees located along the periphery of the property and along the street are preserved and maintained;

Finding: Complies

Discussion:
There are 38 mature trees on site, with at least 5 being native trees. Many of these trees are located in areas of the site that would make preservation difficult, including the middle of the lot where homes would be located or in an area that requires a grade change to make the proposed development feasible. Many of these same trees have been the subject of property maintenance complaints because of their condition. Most are in fair to poor health.

The Zoning Ordinance provides a process to remove what are termed "specimen trees" in the section titled "Private Lands Tree Preservation in section 21.48.135. These are defined as generally healthy trees with a trunk diameter of over ten inches and "whose absence would significantly alter the site's appearance, environmental benefit, character, or history." This regulation applies to the property and the specimen trees on the site. The ordinance allows for their removal if they are replaced at a rate of two caliper inches (diameter of tree) per caliper inch removed. For removal of 24" of trees, 48" of replacement would be required—essentially doubling what is removed. An applicant could provide 24 new trees with 2" caliper (minimum) for a total of 48" of replacement. If not replaced, the owner must pay the full cost to purchase and plant the required number of replacement trees into the City's tree fund. The developer is proposing 163 new trees with calipers of at least 2 inches. Based on the number of replacement trees they are providing, the developer will likely still need to pay into the city's tree fund to account for the remaining existing tree diameter.

Due to the number of new trees they are proposing (163), the substantial anticipated tree fund payment, and the difficulty in preserving trees on the site while also providing the same number of units, Staff believes that flexibility regarding the tree preservation consideration is warranted.

Condition(s): Because the proposal must comply with the Private Lands Tree Preservation requirements in21.48.135, Staff believes that no conditions are necessary for this requirement.

2. Whether existing landscaping that provides additional buffering to the abutting properties is maintained and preserved;

Finding: Complies

Discussion:
Currently, no existing landscaping buffers the site from adjacent properties to the north and west. The landscape plans propose a significant amount of screening along those property lines.

Condition(s): Staff does not recommend any conditions related to this standard.

3. Whether proposed landscaping is designed to lessen potential impacts created by the proposed planned development;

Finding: Complies

Discussion:
Because of their proximity to the site, properties adjacent to the site's west property line will likely be the most impacted by the proposal. Along that property line, the proposal includes a large number of trees and tall, ornamental grasses that will soften the proposed development's impacts on those houses. Houses within the

Northpointe Estates Condominiums are buffered from the project site by their main access road. Even with that buffer, the proposed landscape plans include a large number of trees along the north property line that will screen the proposed development to an even greater extent.

Condition(s): Staff does not recommend any conditions related to this standard.

4. Whether proposed landscaping is appropriate for the scale of the development.

Finding: Complies

Discussion:
The proposed landscaping includes a significant number of trees, large shrubs, ornamental grasses, and perennials. The scale and variety of the proposed plant material will match the low-density residential scale of the development.

Condition(s): Staff does not recommend any conditions related to this standard.

E. Mobility: The proposed planned development supports Citywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood. In determining mobility, the Planning Commission should consider:

1. Whether drive access to local streets will negatively impact the safety, purpose and character of the street;

Finding: Complies

Discussion:
Only two access points are proposed with this development, one on F Street and one on Capitol Park Avenue. With their rezone request, the applicant submitted a parking study measuring the potential impacts of the proposed density on adjacent roadways. Both that study and development reviewers from the Transportation Division agree that the capacity of the roadway network in the Avenues will be able to accommodate the traffic generated by this site. The traffic study can be found with other supplementary material in Attachment G.

Condition(s): Staff does not recommend any conditions related to this standard.

2. Whether the site design considers safe circulation for a range of transportation options including:
   a. Safe and accommodating pedestrian environment and pedestrian oriented design;
   b. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
   c. Minimizing conflicts between different transportation modes;

Finding: Complies

Discussion:
a. Pedestrian facilities are provided along the perimeter and through the center of the development and are separated from the private street. All points of interaction between vehicular and pedestrian facilities on the site would be free of any structure or landscape material that would limit visibility.
b. Because of the low anticipated traffic within the vicinity of the site, Planning staff anticipates that cyclists coming from the proposed development will be able to use the private street, cutting through the development without issue.
c. The proposal is a low-scale, low-density development on streets with relatively low traffic. Vehicular access points have been limited to one per existing street. As noted above, all points of interaction between vehicles and pedestrians are proposed to be free from any structure or landscaping that might obstruct view.

Condition(s): Staff does not recommend any conditions related to this standard.

3. Whether the site design of the proposed development promotes or enables access to adjacent uses and amenities;

Finding: Complies

Discussion:

All proposed units will have access to adjacent uses and amenities via the private street's connections to F Street and Capitol Park Avenue. The proposed walkway circling the development will be an adequate addition to the neighborhood's existing sidewalk network.

Condition(s): Staff does not recommend any conditions related to this standard.

4. Whether the proposed design provides adequate emergency vehicle access; and

Finding: Complies

Discussion:
The proposal must comply with all relevant fire code regulations, including emergency vehicle access. Fire code reviewers have not brought up any significant issues with fire truck access to the proposed development, so Planning staff considers this standard met.

Condition(s): Staff does not recommend any conditions related to this standard.

5. Whether loading access and service areas are adequate for the site and minimize impacts to the surrounding area and public rights-of-way.

Finding: Complies

Discussion:
The proposed development consists of single-family and twin home dwellings where dedicated "loading or "service" areas are not typically necessary. The proposal does, however, funnel all vehicular traffic (including any loading, delivery, emergency, or service vehicles) to the central private street, keeping it off of F Street and Capitol Park Avenue.

Condition(s): Staff does not recommend any conditions related to this standard.

F. Existing Site Features: The proposed planned development preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.

Finding: Complies

Discussion:
This standard is partially intended to preserve features officially recognized as contributing to a historic district or place. There are no built features on the site, including any historic landmark designated structures, that contribute to the character of the neighborhood or environment.

This property functioned as open space associated with the original Veterans Administration Hospital and Primary Children's Annex, the buildings of which have since been developed into the condominiums across Capitol Park Avenue. The hospital building itself was placed on the National Historic Register in 1996. However, the surrounding landscape areas were not included in that designation. Some of the original landscape area was ultimately developed into the adjacent Capitol Park subdivision.

Regarding natural features that contribute to the character of the neighborhood or environment, there are 37 mature trees located within the property in various conditions of health. Staff received several comments with concerns about tree removal. Preservation of mature, native trees is discussed under standard D above. Trees in general do contribute to the character of the neighborhood and these trees do contribute to the character of this neighborhood.

Since the ordinance provides a specific regulation that allows the removal of the trees and the developer will be following these regulations, Staff believes that the standard has been met regarding any "significant" or "specimen" trees on the site, and no additional conditions are necessary. While the trees on the site are proposed to be removed, they are proposed to be replaced with 163 new trees that will, in the long term, also contribute to the tree-rich character of the neighborhood.

Condition(s): Staff does not recommend any conditions related to this standard.

G. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.
Finding: Complies
Discussion: Public Utilities has not identified any significant off-site improvements necessary to preserve the level of service for surrounding properties. However, Public Utilities has the legal authority to require upgrades if any detrimental impacts on utility service are identified through more detailed construction plan review.
Condition(s): Staff does not recommend any conditions related to this standard.

ATTACHMENT G: Supplementary Materials

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Capitol Park Traffic Impact Study

Purpose

The purpose of the Traffic report is to provide valuable insight into the potential impacts of the proposed project on background traffic conditions.

Traffic Volumes

Hales Engineering added the anticipated vehicular trips produced by the proposed Capitol Park Cottages project to the existing (2020) background traffic volumes to predict turning movement volumes for the existing traffic plus project conditions.

Level of Service Analysis

Hales Engineering determined that all intersections are anticipated to operate at acceptable levels of service during the evening peak hour with project traffic added.

Queuing Analysis

Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queuing is anticipated during the evening peak hours.

Mitigation Measures

No mitigation measures are recommended. The proposed project will have negligible impact on the traffic operations in the surrounding area.

HALES ENGINEERING
innovative transportation solutions

Capitol Park

Traffic Impact Study

Salt Lake City, Utah

September 15, 2020

UT20-1670

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EXECUTIVE SUMMARY

This study addresses the traffic impacts associated with the proposed Capitol Park development located in Salt Lake City, Utah. The Capitol Park project is located northwest of the Capitol Park Avenue / F Street intersection.

The purpose of this traffic impact study is to analyze traffic operations at key intersections for existing (2020) conditions with and without the proposed project and to recommend mitigation measures as needed. The evening peak hour level of service (LOS) results are shown in Table ES-1.

Table ES-1: Evening Peak Hour Level of Service Results

	Intersection	Level of Service	
		Existing (2020)	
		Background	Plus Project
1	Capitol Park Avenue / F Street	a	a
2	F Street / 11th Avenue	b	b
3	Project Access 1 / Capitol Park Avenue	-	a

1. Intersection LOS values represent the overall intersection average for roundabout, signalized, and all-way stop-controlled (AWSC) intersections (uppercase letter) and the worst movement for all other unsignalized intersections (lowercase letter)

Source: Hales Engineering, September 2020

SUMMARY OF KEY FINDINGS & RECOMMENDATIONS

Project Conditions

- The development will consist of 20 single-family units and 15 accessory dwelling units (ADUs)
- The project is anticipated to generate approximately 312 weekday daily trips, including 28 trips in the morning peak hour, and 34 trips in the evening peak hour

2020	Background	Plus Project
Findings	• Acceptable LOS	• Acceptable LOS • The proposed project will have no impact on the traffic operations (LOS) in the surrounding area
Mitigations	• None	• None

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I. INTRODUCTION

A. Purpose

This study addresses the traffic impacts associated with the proposed Capitol Park development located in Salt Lake City, Utah. The proposed project is located northwest of the Capitol Park Avenue / F Street intersection. Figure 1 shows a vicinity map of the proposed development.

The purpose of this traffic impact study is to analyze traffic operations at key intersections for existing (2020) conditions with and without the proposed project and to recommend mitigation measures as needed.

Figure 1: Vicinity map showing the project location in Salt Lake City, Utah

B. Scope

The study area was defined based on conversations with the development team. This study was scoped to evaluate the traffic operational performance impacts of the project on the following intersections:

- Capitol Park Avenue / F Street
- F Street / 11th Avenue
- Project Access 1 / Capitol Park Avenue

C. Analysis Methodology

Level of service (LOS) is a term that describes the operating performance of an intersection or roadway. LOS is measured quantitatively and reported on a scale from A to F, with A representing the best performance and F the worst. Table 1 provides a brief description of each LOS letter designation and an accompanying average delay per vehicle for both signalized and unsignalized intersections.

The *Highway Capacity Manual* (HCM), 6th Edition, 2016 methodology was used in this study to remain consistent with "state-of-the-practice" professional standards. This methodology has different quantitative evaluations for signalized and unsignalized intersections. For signalized, roundabout, and all-way stop-controlled (AWSC) intersections, the LOS is provided for the overall intersection (weighted average of all approach delays). For all other unsignalized intersections, LOS is reported based on the worst movement.

Using Synchro/SimTraffic software, which follow the HCM methodology, the peak hour LOS was computed for each study intersection. Multiple runs of SimTraffic were used to provide a statistical evaluation of the interaction between the intersections. The detailed LOS reports are provided in Appendix B. Hales Engineering also calculated the 95th percentile queue lengths for the study intersections using SimTraffic. The detailed queue length reports are provided in Appendix D.

D. Level of Service Standards

For the purposes of this study, a minimum acceptable intersection performance for each of the study intersections was set at LOS D. If levels of service E or F conditions exist, an explanation and/or mitigation measures will be presented. A LOS D threshold is consistent with "state-of-the-practice" traffic engineering principles for urbanized areas.

Table 1: Level of Service Description

LOS		Description of Traffic Conditions	Average Delay (seconds/vehicle)	
			Signalized Intersections	Unsignalized Intersections
A		Free Flow / Insignificant Delay	≤ 10	≤ 10
B		Stable Operations / Minimum Delays	> 10 to 20	> 10 to 15
C		Stable Operations / Acceptable Delays	> 20 to 35	> 15 to 25
D		Approaching Unstable Flows / Tolerable Delays	> 35 to 55	> 25 to 35
E		Unstable Operations / Significant Delays	> 55 to 80	> 35 to 50
F		Forced Flows / Unpredictable Flows / Excessive Delays	> 80	> 50

Source: Hales Engineering Descriptions, based on the *Highway Capacity Manual* (HCM), 6th Edition, 2016 Methodology (Transportation Research Board)

II. EXISTING (2020) BACKGROUND CONDITIONS

A. Purpose

The purpose of the background analysis is to study the intersections and roadways during the peak travel periods of the day with background traffic and geometric conditions. Through this analysis, background traffic operational deficiencies can be identified, and potential mitigation measures recommended. This analysis provides a baseline condition that may be compared to the build conditions to identify the impacts of the development.

B. Roadway System

The primary roadways that will provide access to the project site are described below:

Capitol Park Avenue – is a privately owned and maintained roadway by the Meridian HOA. The roadway has one travel lane in each direction. The posted speed limit is 25 mph.

F Street – is a city-maintained roadway which is classified by the Salt Lake City Transportation Master Plan Major Street Plan (November 2018) as a "local street." The roadway has one travel lane in each direction. The posted speed limit is 25 mph.

11th Avenue – is a city-maintained roadway which is classified by the Salt Lake City Transportation Master Plan Major Street Plan (November 2018) as a "collector." The roadway has one travel lane in each direction. The posted speed limit is 25 mph.

C. Traffic Volumes

Weekday morning (7:00 to 9:00 a.m.) and evening (4:00 to 6:00 p.m.) peak period traffic counts were performed at the following intersections:

- Capitol Park Avenue / F Street
- F Street / 11th Avenue

The counts were performed on Tuesday, August 18, 2020. The morning peak hour was determined to be between 7:30 and 8:30 a.m., and the evening peak hour was determined to be between 4:45 and 5:45 p.m. The evening peak hour volumes were approximately 29% higher than the morning peak hour volumes. Therefore, the evening peak hour volumes were used in the analysis to represent the worst-case conditions. Detailed count data are included in Appendix A.

The traffic counts were collected during the COVID-19 pandemic when traffic volumes were slightly reduced due to social distancing measures. According to the UDOT Automatic Traffic Signal Performance Measures (ATSPM) website, the traffic volumes at the westbound approach of the State Street / North Temple Intersection on March 3 (pre-social distancing) were approximately 46% higher than those on August 18. The westbound approach was chosen

because it leads to a residential area near the project site. Therefore, the collected data were increased by 46% to represent normal conditions.

Figure 2 shows the existing evening peak hour volumes as well as intersection geometry at the study intersections.

D. Level of Service Analysis

Hales Engineering determined that all study intersections are currently operating at acceptable levels of service during the evening peak hour, as shown in Table 2. These results serve as a baseline condition for the impact analysis of the proposed development during existing (2020) conditions.

Table 2: Existing (2020) Background Evening Peak Hour LOS

Intersection		Level of Service		
Description	Control	Movement[1]	Aver. Delay (Sec. / Veh.)	LOS[2]
Capitol Park Avenue / F Street	EB/WB Stop	WBT	4.6	a
F Street / 11th Avenue	NB/SB Stop	NBL	11.0	b

1. Movement indicated for unsignalized intersections where delay and LOS represents worst movement. SBL = Southbound left movement, etc.
2. Uppercase LOS used for signalized, roundabout, and AWSC intersections. Lowercase LOS used for all other unsignalized intersections.

Source: Hales Engineering, September 2020

E. Queuing Analysis

Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queueing was observed during the evening peak hour.

F. Mitigation Measures

No mitigation measures are recommended.

Salt Lake City - Capitol Park TIS
Existing (2020) Background

Evening Peak Hour
Figure 2

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III. PROJECT CONDITIONS

A. Purpose

The project conditions discussion explains the type and intensity of development. This provides the basis for trip generation, distribution, and assignment of project trips to the surrounding study intersections defined in Chapter I.

B. Project Description

The proposed Capitol Park development is located northwest of the Capitol Park Avenue / F Street intersection. The project is a residential development that includes cottage homes, and five custom lots that were assumed to be for single-family homes. The second unit on 15 of the lots will be accessory dwelling units (ADUs). A concept plan for the proposed development is provided in Appendix C. The proposed land use for the development has been identified in Table 3.

Table 3: Project Land Uses

Land Use	Intensity
Cottage Homes	15 units
Custom Homes	5 units

C. Trip Generation

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE), *Trip Generation*, 10th Edition, 2017. Trip generation for the proposed project is included in Table 4.

The total trip generation for the development is as follows:

- Daily Trips: 312
- Morning Peak Hour Trips: 28
- Evening Peak Hour Trips: 34

Table 4: Trip Generation

Trip Generation Salt Lake City - Capitol Park TIS								
Weekday Daily Land Use[1]	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	**Total Daily Trips**
Single-Family Detached Housing (210)	20	Dwelling Units	238	50%	50%	119	119	**238**
Accessory Dwelling Units (220)	15	Dwelling Units	74	50%	50%	37	37	**74**
Total			**312**			**156**	**156**	**312**
Morning Peak Hour Land Use[1]	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	**Total AM Trips**
Single-Family Detached Housing (210)	20	Dwelling Units	20	25%	75%	5	15	**20**
Accessory Dwelling Units (220)	15	Dwelling Units	8	23%	77%	2	6	**8**
Total			**28**			**7**	**21**	**28**
Evening Peak Hour Land Use[1]	# of Units	Unit Type	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	**Total PM Trips**
Single-Family Detached Housing (210)	20	Dwelling Units	22	63%	37%	14	8	**22**
Accessory Dwelling Units (220)	15	Dwelling Units	12	63%	37%	8	4	**12**
Total			**34**			**22**	**12**	**34**

1. Land Use Code from the Institute of Transportation Engineers (ITE) *Trip Generation* ,10th Edition,2017.

SOURCE: Hales Engineering, September 2020

D. Trip Distribution and Assignment

Project traffic is assigned to the roadway network based on the type of trip and the proximity of project access points to major streets, high population densities, and regional trip attractions. Existing travel patterns observed during data collection also provide helpful guidance to establishing these distribution percentages, especially near the site. The resulting distribution of project generated trips during the evening peak hour is shown in Table 5.

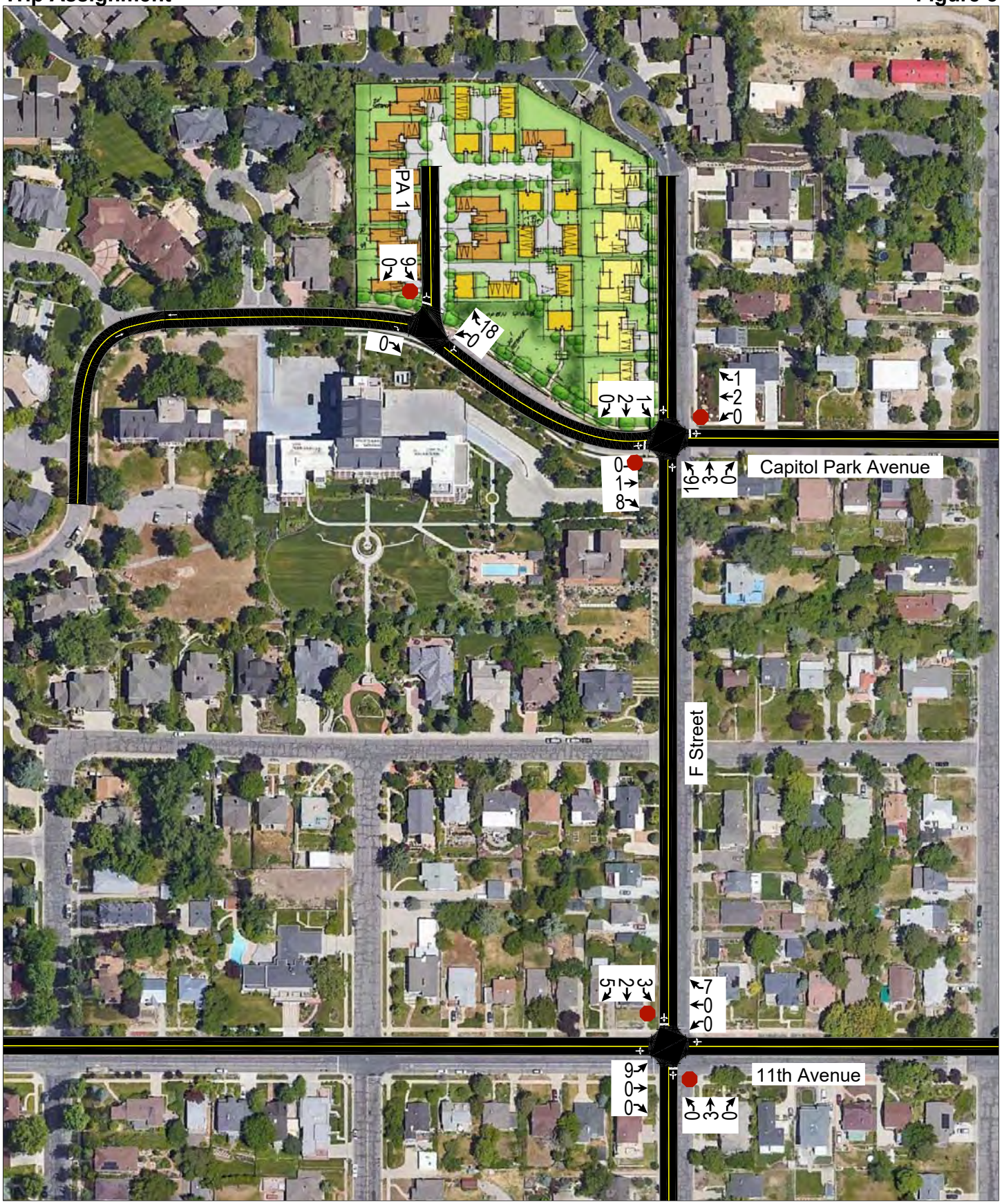
Table 5: Trip Distribution

Direction	% To/From Project
South via F Street	15%
East via Capitol Park Avenue	15%
East via 11th Avenue	30%
West via 11th Avenue	40%

These trip distribution assumptions were used to assign the evening peak hour generated traffic at the study intersections to create trip assignment for the proposed development. Trip assignment for the development is shown in Figure 3.

Salt Lake City - Capitol Park TIS
Trip Assignment

Evening Peak Hour
Figure 3



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E. Access

The proposed access for the site will be gained at the following location (see also concept plan in Appendix C):

Capitol Park Avenue:

- Project Access 1 will be located approximately 350 feet northwest of the Capitol Park Avenue / F Street intersection. It will access the project on the north side of Capitol Park Avenue. It is anticipated that the access will be stop-controlled.

IV. EXISTING (2020) PLUS PROJECT CONDITIONS

A. Purpose

The purpose of the existing (2020) plus project analysis is to study the intersections and roadways during the peak travel periods of the day for existing background traffic and geometric conditions plus the net trips generated by the proposed development. This scenario provides valuable insight into the potential impacts of the proposed project on background traffic conditions.

B. Traffic Volumes

Hales Engineering added the project trips to the existing (2020) background traffic volumes to predict turning movement volumes for existing (2020) plus project conditions. Existing (2020) plus project evening peak hour turning movement volumes are shown in Figure 4.

C. Level of Service Analysis

Hales Engineering determined that all intersections are anticipated to operate at acceptable levels of service during the evening peak hour with project traffic added, as shown in Table 6.

Table 6: Existing (2020) Plus Project Evening Peak Hour LOS

Intersection		Level of Service		
Description	Control	Movement[1]	Aver. Delay (Sec. / Veh.)	LOS[2]
Capitol Park Avenue / F Street	EB/WB Stop	EBT	5.0	a
F Street / 11th Avenue	NB/SB Stop	NBL	11.3	b
Project Access 1 / Capitol Park Avenue	SB Stop	SBL	3.8	a

1. Movement indicated for unsignalized intersections where delay and LOS represents worst movement. SBL = Southbound left movement, etc.
2. Uppercase LOS used for signalized, roundabout, and AWSC intersections. Lowercase LOS used for all other unsignalized intersections.

Source: Hales Engineering, September 2020

D. Queuing Analysis

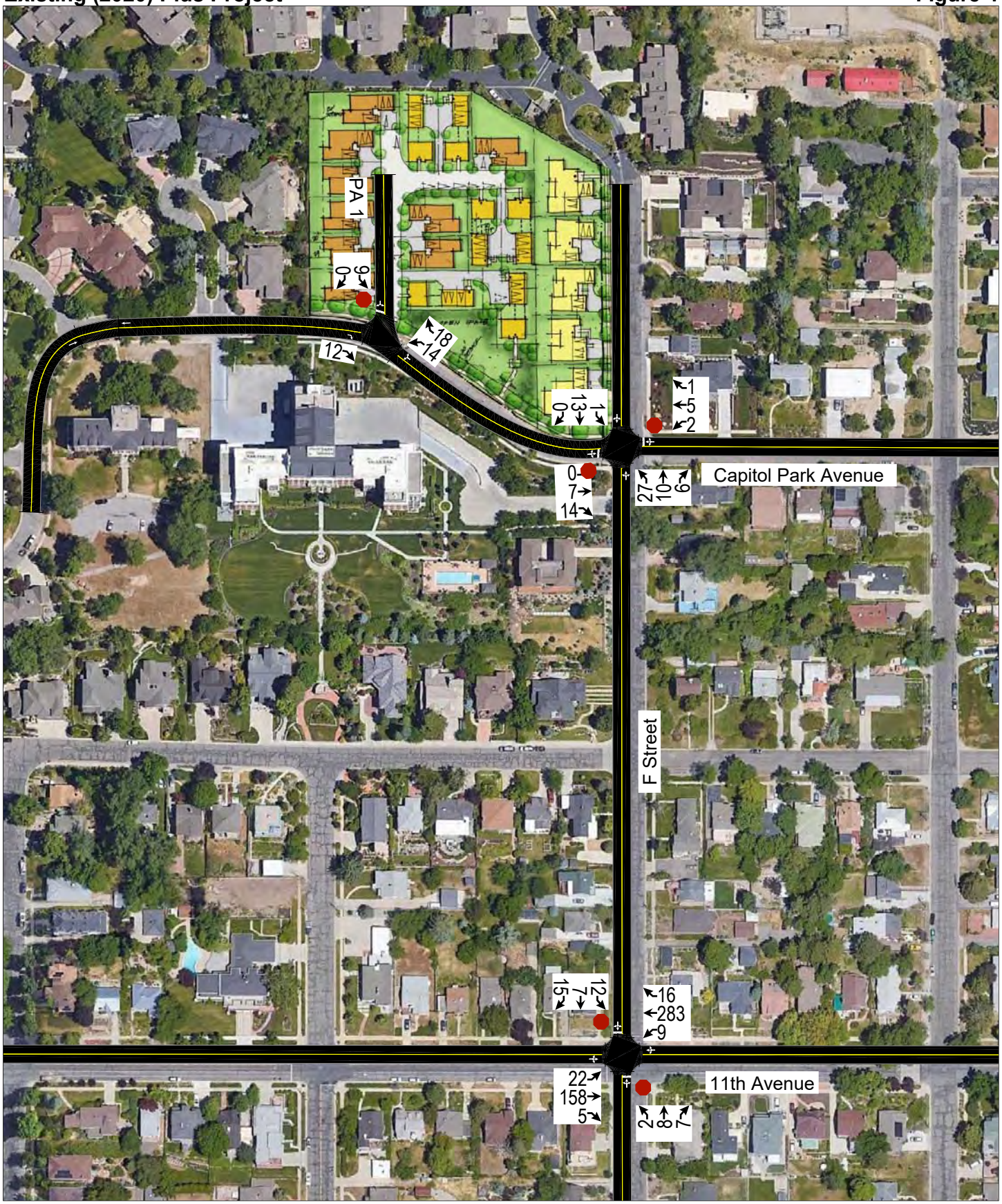
Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queuing is anticipated during the evening peak hour.

E. Mitigation Measures

No mitigation measures are recommended. The proposed project will have negligible impact on the traffic operations in surrounding area.

Salt Lake City - Capitol Park TIS
Existing (2020) Plus Project

Evening Peak Hour
Figure 4



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09/15/2020

APPENDIX A

Turning Movement Counts

TrafficCounts

2364 North 1450 East
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801.636.0891

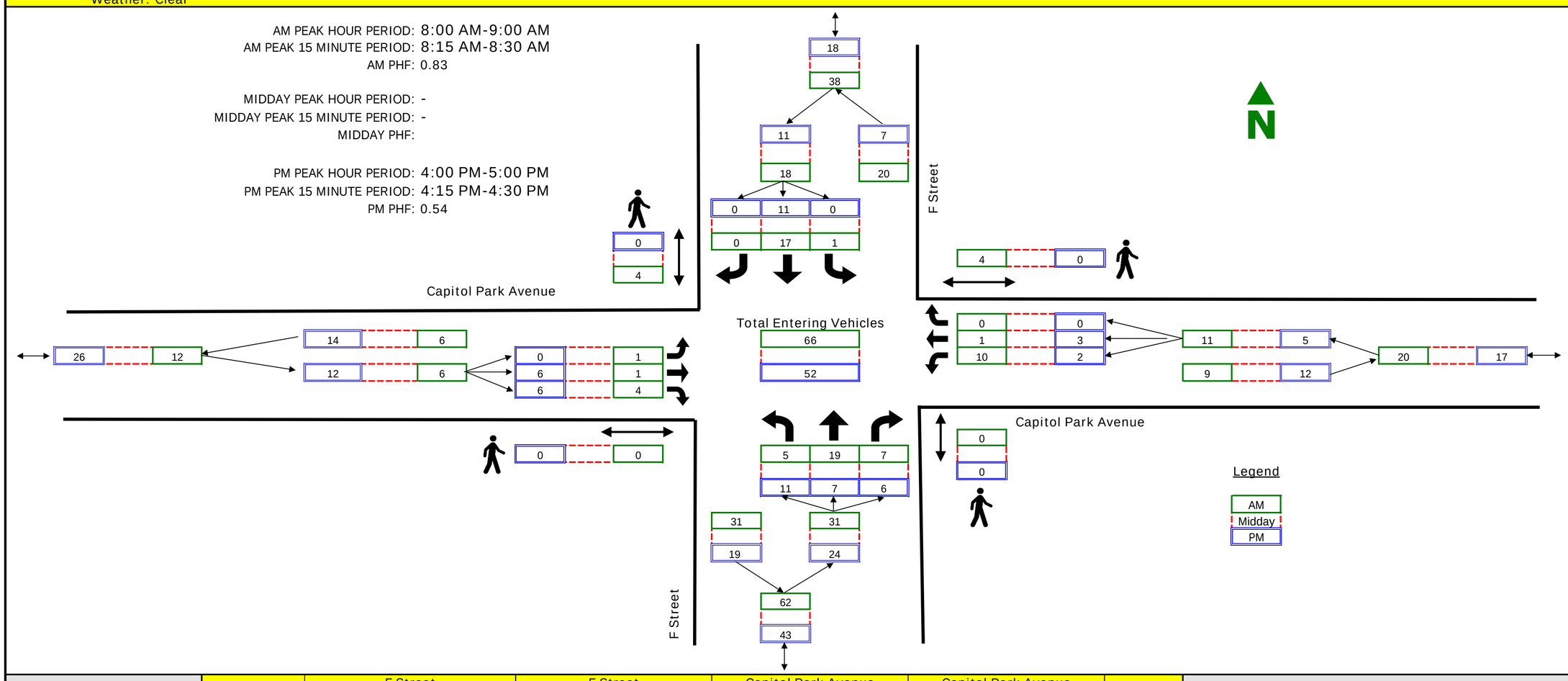
Intersection Turning Movement Summary

Intersection:	F Street / Capitol Park Avenue	Date:	8-18-20, Tue
North/South:	F Street	COVID-19 Adjustment:	68.5%
East/West:	Capitol Park Avenue	Month of Year Adjustment:	100.0%
Jurisdiction:	Salt Lake City, UT	Adjustment Station #:	0
Project Title:	Capitol Park TGS	Growth Rate:	0.0%
Project No:	UT20-1670	Number of Years:	0
Weather:	Clear		

AM PEAK HOUR PERIOD: 8:00 AM-9:00 AM
AM PEAK 15 MINUTE PERIOD: 8:15 AM-8:30 AM
AM PHF: 0.83

MIDDAY PEAK HOUR PERIOD: -
MIDDAY PEAK 15 MINUTE PERIOD: -
MIDDAY PHF:

PM PEAK HOUR PERIOD: 4:00 PM-5:00 PM
PM PEAK 15 MINUTE PERIOD: 4:15 PM-4:30 PM
PM PHF: 0.54



RAW COUNT SUMMARIES	F Street Northbound				F Street Southbound				Capitol Park Avenue Eastbound				Capitol Park Avenue Westbound				TOTAL
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00 - 7:15	1	6	0	0	0	1	0	0	0	0	3	7	4	0	0	0	15
7:15 - 7:30	0	1	1	0	0	3	0	0	0	1	0	3	0	3	0	1	9
7:30 - 7:45	6	0	3	1	0	1	0	0	0	0	0	0	1	0	0	3	11
7:45 - 8:00	1	1	0	0	0	4	0	0	0	0	1	0	3	1	0	1	11
8:00 - 8:15	4	3	1	0	0	0	0	0	0	0	3	0	3	0	0	0	14
8:15 - 8:30	1	3	1	0	1	6	0	1	1	0	1	0	6	0	0	0	20
8:30 - 8:45	0	6	4	0	0	7	0	3	0	0	0	0	0	1	0	4	18
8:45 - 9:00	0	7	1	0	0	4	0	0	0	1	0	0	1	0	0	0	14
MIDDAY PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
9:00 - 9:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 - 9:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 - 9:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 - 10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 - 10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 - 10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 - 10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 - 11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 - 11:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 - 11:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 - 11:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 - 12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 - 12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 - 12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 - 12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 - 13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00 - 13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15 - 13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30 - 13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45 - 14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00 - 14:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:15 - 14:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:30 - 14:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:45 - 15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00 - 15:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:15 - 15:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:30 - 15:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:45 - 16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00 - 16:15	1	1	0	0	0	3	0	0	0	0	3	0	1	3	0	0	12
16:15 - 16:30	6	6	4	0	0	4	0	0	0	3	1	0	0	0	0	0	24
16:30 - 16:45	1	0	1	0	0	4	0	0	0	0	1	0	0	0	0	0	7
16:45 - 17:00	3	0	1	0	0	0	0	0	0	3	1	0	1	0	0	0	9
17:00 - 17:15	0	6	0	0	0	3	0	0	0	0	0	0	0	0	1	0	10
17:15 - 17:30	0	3	1	0	1	3	0	0	0	0	3	0	1	4	1	0	17
17:30 - 17:45	0	4	0	0	0	1	0	0	0	1	0	0	0	1	1	0	8
17:45 - 18:00	0	4	1	0	1	1	1	0	0	0	0	0	4	3	1	0	16

TrafficCounts

2364 North 1450 East
Lehi, UT 84043
801.636.0891

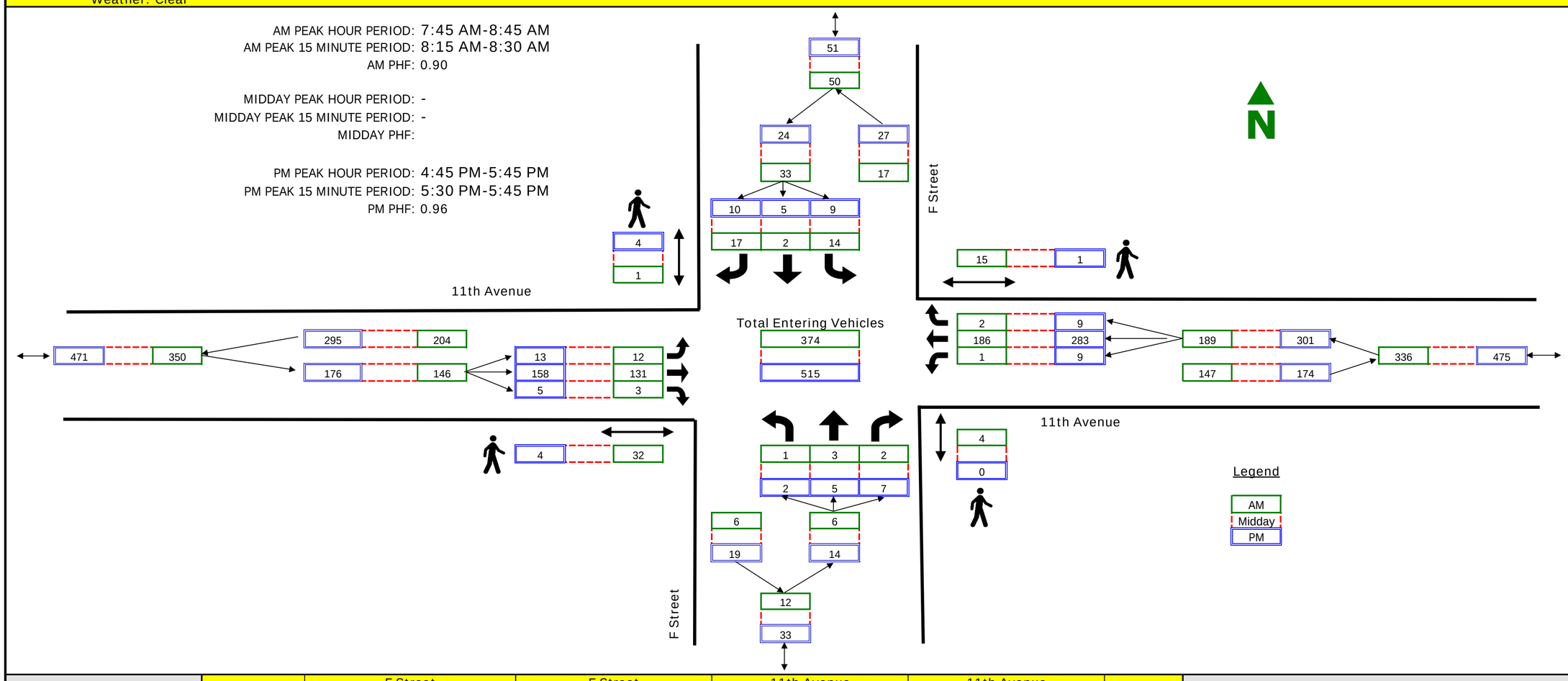
Intersection Turning Movement Summary

Intersection:	F Street / 11th Avenue	Date:	8-18-20, Tue
North/South:	F Street	COVID-19 Adjustment:	68.5%
East/West:	11th Avenue	Month of Year Adjustment:	100.0%
Jurisdiction:	Salt Lake City, UT	Adjustment Station #:	0
Project Title:	Capitol Park TGS	Growth Rate:	0.0%
Project No:	UT20-1670	Number of Years:	0
Weather:	Clear		

AM PEAK HOUR PERIOD: 7:45 AM-8:45 AM
AM PEAK 15 MINUTE PERIOD: 8:15 AM-8:30 AM
AM PHF: 0.90

MIDDAY PEAK HOUR PERIOD: -
MIDDAY PEAK 15 MINUTE PERIOD: -
MIDDAY PHF:

PM PEAK HOUR PERIOD: 4:45 PM-5:45 PM
PM PEAK 15 MINUTE PERIOD: 5:30 PM-5:45 PM
PM PHF: 0.96



RAW COUNT SUMMARIES	F Street Northbound				F Street Southbound				11th Avenue Eastbound				11th Avenue Westbound				TOTAL
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00 - 7:15	0	3	0	3	1	1	4	1	4	13	0	3	0	26	0	3	52
7:15 - 7:30	0	0	1	1	0	0	7	0	4	10	0	3	0	47	0	4	69
7:30 - 7:45	0	0	0	1	1	1	1	0	1	38	0	1	0	47	1	12	90
7:45 - 8:00	0	1	1	0	4	0	4	1	6	31	0	1	0	51	0	3	98
8:00 - 8:15	1	1	0	0	4	0	4	0	0	34	3	4	0	34	0	7	81
8:15 - 8:30	0	1	1	1	0	1	3	0	3	34	0	26	0	60	1	4	104
8:30 - 8:45	0	0	0	3	6	1	6	0	3	32	0	1	1	41	1	1	91
8:45 - 9:00	0	1	1	0	3	0	1	0	4	23	0	7	1	41	3	1	78
MIDDAY PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
9:00 - 9:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 - 9:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 - 9:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 - 10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 - 10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 - 10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 - 10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 - 11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 - 11:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 - 11:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 - 11:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 - 12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 - 12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 - 12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 - 12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 - 13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00 - 13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15 - 13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30 - 13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45 - 14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00 - 14:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:15 - 14:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:30 - 14:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:45 - 15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00 - 15:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:15 - 15:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:30 - 15:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:45 - 16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00 - 16:15	1	1	4	0	3	1	6	0	4	41	0	4	3	50	1	0	115
16:15 - 16:30	0	0	0	0	3	3	4	0	7	32	0	0	0	53	1	0	103
16:30 - 16:45	1	0	0	0	1	0	10	0	3	23	0	1	6	85	1	0	130
16:45 - 17:00	0	1	3	0	0	1	3	0	3	35	0	0	1	80	1	0	128
17:00 - 17:15	1	0	0	0	1	3	3	0	3	47	3	0	0	69	1	1	131
17:15 - 17:30	0	1	3	0	4	0	3	1	6	32	1	4	7	61	4	0	122
17:30 - 17:45	1	3	1	0	4	1	1	3	1	44	1	0	1	73	3	0	134
17:45 - 18:00	1	0	3	0	3	0	1	0	1	41	0	1	3	54	1	6	108

APPENDIX B

LOS Results

SimTraffic LOS Report

Project: Salt Lake City - Capitol Park TIS
Analysis Period: *Existing (2020) Background*
Time Period: *Evening Peak Hour* **Project #:** *UT20-1670*

Intersection: F Street & Capitol Park Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	L	11	10	89	1.9	*A*
	T	10	12	117	0.6	*A*
	R	6	6	96	0.7	*A*
	Subtotal	27	28	104	1.1	*A*
SB	T	11	10	89	0.0	*A*
	Subtotal	11	10	91	0.0	*A*
EB	***T***	***6***	***6***	***96***	***4.6***	***A***
	R	6	6	96	2.7	*A*
	Subtotal	12	12	100	3.7	*A*
WB	L	2	1	50	4.6	*A*
	T	3	4	133	4.1	*A*
	Subtotal	5	5	100	4.2	*A*
Total		56	55	97	1.7	*A*

Intersection: F Street & 11th Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	***L***	***2***	***1***	***50***	***11.0***	***B***
	T	5	5	95	7.2	*A*
	R	7	8	110	3.5	*A*
	Subtotal	14	14	100	5.4	*A*
SB	L	9	7	76	6.3	*A*
	T	5	5	95	8.5	*A*
	R	10	11	107	3.5	*A*
	Subtotal	24	23	96	5.4	*A*
EB	L	13	13	98	3.3	*A*
	T	158	162	103	0.5	*A*
	R	5	6	114	0.3	*A*
	Subtotal	176	181	103	0.7	*A*
WB	L	9	9	97	2.4	*A*
	T	283	283	100	0.8	*A*
	R	9	10	108	0.5	*A*
	Subtotal	301	302	100	0.8	*A*
Total		518	520	100	1.1	*A*

1: F Street & Capitol Park Avenue Performance by movement

Movement	EBT	EBR	WBL	WBT	NBL	NBT	NBR	SBT	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.1	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	4.6	2.7	4.6	4.1	1.9	0.6	0.7	0.0	1.7
Vehicles Entered	6	6	1	4	10	12	6	10	55
Vehicles Exited	6	6	1	4	10	12	6	10	55
Hourly Exit Rate	6	6	1	4	10	12	6	10	55
Input Volume	6	6	2	3	11	10	6	11	56
% of Volume	96	96	50	133	89	117	96	89	97

2: F Street & 11th Avenue Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.2	0.2	0.2	0.3	0.3	0.2	0.2	0.1	0.1	0.0	0.0	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	3.3	0.5	0.3	2.4	0.8	0.5	11.0	7.2	3.5	6.3	8.5	3.5
Vehicles Entered	13	162	6	10	283	10	1	5	8	7	5	11
Vehicles Exited	13	162	6	9	283	10	1	5	8	7	5	11
Hourly Exit Rate	13	162	6	9	283	10	1	5	8	7	5	11
Input Volume	13	158	5	9	283	9	2	5	7	9	5	10
% of Volume	98	103	114	97	100	108	50	95	110	76	95	107

2: F Street & 11th Avenue Performance by movement

Movement	All
Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.2
Total Del/Veh (s)	1.1
Vehicles Entered	521
Vehicles Exited	520
Hourly Exit Rate	520
Input Volume	518
% of Volume	100

Total Zone Performance

Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.3
Total Del/Veh (s)	2.2
Vehicles Entered	531
Vehicles Exited	529
Hourly Exit Rate	529
Input Volume	1124
% of Volume	47

Intersection: 1: F Street & Capitol Park Avenue

Movement	EB	WB	NB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	31	31	6
Average Queue (ft)	11	5	0
95th Queue (ft)	34	24	4
Link Distance (ft)	658	1211	756
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 2: F Street & 11th Avenue

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	37	24	35	36
Average Queue (ft)	4	2	12	17
95th Queue (ft)	22	14	37	43
Link Distance (ft)	1062	1162	678	756
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Zone Summary

Zone wide Queuing Penalty: 0

SimTraffic LOS Report

Project: Salt Lake City - Capitol Park TIS
Analysis Period: *Existing (2020) Plus Project*
Time Period: *Evening Peak Hour* **Project #:** *UT20-1670*

Intersection: F Street & Capitol Park Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	L	27	27	100	2.0	*A*
	T	14	16	119	0.6	*A*
	R	6	7	112	0.6	*A*
	Subtotal	47	50	106	1.4	*A*
SB	L	1	1	100	1.0	*A*
	T	13	15	113	0.0	*A*
	Subtotal	14	16	114	0.1	*A*
EB	***T***	***8***	***7***	***88***	***5.0***	***A***
	R	14	14	102	3.1	*A*
	Subtotal	22	21	95	3.7	*A*
WB	L	2	2	100	3.0	*A*
	T	5	5	95	4.5	*A*
	R	1	2	200	2.3	*A*
	Subtotal	8	9	113	3.7	*A*
Total		91	96	105	1.9	*A*

Intersection: F Street & 11th Avenue
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	**L**	**2**	**2**	**100**	**11.3**	***B***
	T	*8*	*10*	*121*	*7.1*	*A*
	R	7	9	124	3.2	*A*
	Subtotal	17	21	124	5.8	*A*
SB	L	12	13	106	6.5	*A*
	T	7	7	97	6.9	*A*
	R	15	17	115	3.9	*A*
	Subtotal	34	37	109	5.4	*A*
EB	L	22	20	92	2.9	*A*
	T	158	156	99	0.6	*A*
	R	5	6	114	0.3	*A*
	Subtotal	185	182	98	0.8	*A*
WB	L	9	11	119	2.7	*A*
	T	283	282	100	1.0	*A*
	R	16	18	114	0.8	*A*
	Subtotal	308	311	101	1.0	*A*
Total		545	551	101	1.4	*A*

SimTraffic LOS Report

Project: Salt Lake City - Capitol Park TIS
Analysis Period: *Existing (2020) Plus Project*
Time Period: *Evening Peak Hour* **Project #:** *UT20-1670*

Intersection: Capitol Park Avenue & PA 1
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
SB	***L***	***9***	***10***	***108***	***3.8***	***A***
	Subtotal	9	10	111	3.8	*A*
EB	R	12	11	90	0.0	*A*
	Subtotal	12	11	92	0.0	*A*
NW	L	14	12	87	0.3	*A*
	T	1	1	100	0.1	*A*
	R	18	18	101	0.4	*A*
	Subtotal	33	31	94	0.4	*A*
Total		54	52	96	0.9	*A*

1: F Street & Capitol Park Avenue Performance by movement

Movement	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.1	0.0	0.0	0.0	0.1	0.1	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	5.0	3.1	3.0	4.5	2.3	2.0	0.6	0.6	1.0	0.0	1.9
Vehicles Entered	7	14	2	5	2	27	16	7	1	15	96
Vehicles Exited	7	14	2	5	2	27	16	7	1	15	96
Hourly Exit Rate	7	14	2	5	2	27	16	7	1	15	96
Input Volume	8	14	2	5	1	27	14	6	1	13	91
% of Volume	88	102	100	95	200	100	119	112	100	113	105

2: F Street & 11th Avenue Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.2	0.2	0.2	0.2	0.3	0.3	0.1	0.1	0.1	0.0	0.0	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	2.9	0.6	0.3	2.7	1.0	0.8	6.4	7.1	3.2	6.5	6.9	3.9
Vehicles Entered	20	156	6	11	281	18	2	10	9	13	7	16
Vehicles Exited	20	156	6	11	282	18	2	10	9	13	7	17
Hourly Exit Rate	20	156	6	11	282	18	2	10	9	13	7	17
Input Volume	22	158	5	9	283	16	2	8	7	12	7	15
% of Volume	92	99	114	119	100	114	100	121	124	106	97	115

2: F Street & 11th Avenue Performance by movement

Movement	All
Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.2
Total Del/Veh (s)	1.4
Vehicles Entered	549
Vehicles Exited	551
Hourly Exit Rate	551
Input Volume	545
% of Volume	101

3: Capitol Park Avenue & PA 1 Performance by movement

Movement	EBR	SBL	NWL	NWT	NWR	All
Denied Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0
Denied Del/Veh (s)	0.0	0.1	0.0	0.0	0.0	0.0
Total Delay (hr)	0.0	0.0	0.0	0.0	0.0	0.0
Total Del/Veh (s)	0.0	3.8	0.3	0.1	0.4	0.9
Vehicles Entered	11	10	12	1	18	52
Vehicles Exited	11	10	12	1	18	52
Hourly Exit Rate	11	10	12	1	18	52
Input Volume	12	9	14	1	18	54
% of Volume	90	108	87	100	101	96

Total Zone Performance

Denied Delay (hr)	0.0
Denied Del/Veh (s)	0.3
Total Delay (hr)	0.4
Total Del/Veh (s)	2.6
Vehicles Entered	567
Vehicles Exited	563
Hourly Exit Rate	563
Input Volume	1272
% of Volume	44

Intersection: 1: F Street & Capitol Park Avenue

Movement	EB	WB	NB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	30	31	6
Average Queue (ft)	15	7	0
95th Queue (ft)	39	29	4
Link Distance (ft)	299	1211	754
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 2: F Street & 11th Avenue

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	48	50	40	53
Average Queue (ft)	6	3	16	23
95th Queue (ft)	30	23	42	49
Link Distance (ft)	1062	1162	678	754
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 3: Capitol Park Avenue & PA 1

Movement	SB
Directions Served	LR
Maximum Queue (ft)	32
Average Queue (ft)	9
95th Queue (ft)	30
Link Distance (ft)	183
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Zone Summary

Zone wide Queuing Penalty: 0

APPENDIX C

Site Plan

SINGLE FAMILY HOMES

COTTAGES	15 UNITS
CUSTOMS	5 UNITS
TOTAL	20 UNITS

PARKING *(COTTAGES ONLY)*

GARAGE	45
DRIVEWAY	5
STREET	12
TOTAL	62
SPACES PER UNIT	*4.1*

OPEN SPACE *(COTTAGES ONLY)*

PARK	0.39 AC
PRIVATE YARDS	0.61 AC
TOTAL	1.00 AC
COTTAGES SITE AREA	2.42 AC
OPEN SPACE %	41.3 %

DENSITY

COTTAGES SITE AREA	2.42 AC
COTTAGES DENSITY	6.2 DU/AC
TOTAL SITE AREA	3.21 AC
TOTAL DENSITY	6.23 DU/AC

08.20.20

SITE STUDY | 20 TOTAL LOTS

CAPITOL PARK | IVORY HOMES

SALT LAKE CITY, UTAH

woodley architectural group,inc
colorado // 731 southpark dr. suite B
littleton, co 80120 / 303 683.7231
california // 2943 pullman st. suite A
santa ana ca 92705 / 949 553.8919

APPENDIX D

95th Percentile Queue Length Reports

SimTraffic Queueing Report

Project: Salt Lake City - Capitol Park TIS

Analysis: Existing (2020) Background

Time Period: Evening Peak Hour

95th Percentile Queue Length (feet)

HALES ENGINEERING
innovative transportation solutions

Project #: UT20-1670

Intersection	NB	SB	EB	WB
	LTR	LTR	LTR	LTR
01: F Street & Capitol Park Avenue	4	--	34	24
02: F Street & 11th Avenue	37	43	22	14

SimTraffic Queueing Report

Project: Salt Lake City - Capitol Park TIS

Analysis: Existing (2020) Plus Project

Time Period: Evening Peak Hour

95th Percentile Queue Length (feet)

HALES ENGINEERING
innovative transportation solutions

Project #: UT20-1670

Intersection	NB	SB		EB	WB
	LTR	LR	LTR	LTR	LTR
01: F Street & Capitol Park Avenue	4	--	--	39	29
02: F Street & 11th Avenue	42	--	49	30	23
03: Capitol Park Avenue & PA 1	--	30	--	--	--

SALT LAKE CITY ORDINANCE
No. 81 of 2022

(Amending the zoning of property located at 675 North F Street
from FR-3/12,000 Foothills Residential District to
SR-1 Special Development Pattern Residential District, and amending
the Avenues Community Master Plan Future Land Use Map)

An ordinance amending the zoning map pertaining to property located at 675 North F Street from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District pursuant to Petition No. PLNPCM2020-00335 and amending the Avenues Community Master Plan Future Land Use Map pursuant to Petition No. PLNPCM2020-00334.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on June 22, 2022 on an application submitted by Peter Gamvroulas ("Applicant") to rezone property located at 675 North F Street (Tax ID No. 09-30-455-021-0000) (the "Property") from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District pursuant to Petition No. PLNPCM2020-00335, and to amend the Avenues Community Master Plan Future Land Use Map with respect to the Property from Very Low Density to Low Density pursuant to Petition No. PLNPCM2020-00334; and

WHEREAS, at its June 22, 2022 meeting, the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said applications, subject to conditions to prohibit accessory buildings in rear yards along the west most property line and require a minimum 30' setback for second levels of homes along the west most property line; and

WHEREAS, after a public hearing on this matter the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Zoning Map. The Salt Lake City zoning map, as adopted by the *Salt Lake City Code*, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended to reflect that the Property identified on Exhibit "A" attached hereto shall be and hereby is rezoned from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District, subject to the condition identified in Section 3 herein.

SECTION 2. Amending the Avenues Community Master Plan. The Future Land Use Map of the Avenues Community Master Plan shall be and hereby is amended to change the future land use designation of the Property identified in Exhibit "A" from Very Low Density to Low Density, subject to the conditions identified in Section 3 herein.

SECTION 3. Conditions. The zoning map amendment and master plan amendment that are the subject of Petition Nos. PLNPCM2020-00335 and PLNPCM2020-00334 described herein are conditioned upon Applicant entering into a development and use agreement with the city to be recorded as against the property, which agreement shall include the following requirements for development and use of the Property:

1. Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.
2. Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30' from the corresponding rear or side property line.
3. Accessory dwelling units within the Property may not be used for short term rentals (rentals of periods less than 30 days).
4. The open space area shown on draft development plans submitted to the Planning Commission and City Council shall generally be accessible to the community, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

5. The city's building approval and permitting process will be followed for construction of retaining walls on the Property.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The city recorder is instructed not to publish or record this ordinance until the condition identified above has been met as acknowledged by the director of the Salt Lake City Planning Division.

SECTION 5. Time. If the condition identified above has not been met within one year after adoption, this ordinance shall become null and void. The city council may, for good cause shown, by resolution, extend the time period for satisfying the condition identified above.

Passed by the City Council of Salt Lake City, Utah, this 13th day of December, 2022.

Daniel Dugan (Dec 21, 2022 14:02 MST)

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on Dec 21, 2022.

Mayor's Action: ☑ Approved. ☐ Vetoed.

Erin Mendenhall (Dec 22, 2022 15:48 MST)

MAYOR

CITY RECORDER
(SEAL)

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: Dec 21, 2022
By: Paul Nielson (Dec 21, 2022 13:11 MST)
Paul C. Nielson, *Senior City Attorney*

Bill No. 81 of 2022.
Published: August 17, 2023.
Ordinance amending zoning and MP 675 N F Street (12.19.22)

EXHIBIT "A"

Legal Description of Property to be Rezoned
and Subject to Avenues Master Plan Future Land Use Map Amendment:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

Ordinance 81 of 2022 Zoning Map Amendment and Master Plan Amendment 675 N F Street

Final Audit Report 2022-12-27

Created:	2022-12-21
By:	Thais Stewart (thais.stewart@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvplsm5B_w1wOtZA0unlj5ICZGARO9p5O

"Ordinance 81 of 2022 Zoning Map Amendment and Master Pla n Amendment 675 N F Street" History

Document created by Thais Stewart (thais.stewart@slcgov.com)
2022-12-21 - 4:28:22 PM GMT

Document emailed to Paul Nielson (paul.nielson@slcgov.com) for signature
2022-12-21 - 4:30:40 PM GMT

Email viewed by Paul Nielson (paul.nielson@slcgov.com)
2022-12-21 - 8:11:20 PM GMT

Document e-signed by Paul Nielson (paul.nielson@slcgov.com)
Signature Date: 2022-12-21 - 8:11:30 PM GMT - Time Source: server

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Document e-signed by Daniel Dugan (daniel.dugan@slcgov.com)
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Email viewed by Erin Mendenhall (erin.mendenhall@slcgov.com)
2022-12-22 - 10:48:28 PM GMT

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Document e-signed by Erin Mendenhall (erin.mendenhall@slcgov.com)

Signature Date: 2022-12-22 - 10:48:38 PM GMT - Time Source: server

Document emailed to Cindy Trishman (cindy.trishman@slcgov.com) for signature

2022-12-22 - 10:48:40 PM GMT

Document e-signed by Cindy Trishman (cindy.trishman@slcgov.com)

Signature Date: 2022-12-27 - 10:03:40 PM GMT - Time Source: server

Agreement completed.

2022-12-27 - 10:03:40 PM GMT

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Adobe
Acrobat Sign

MEMORANDUM

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Cindy Lou Trishman, City Recorder

From: Nick Norris, Planning Director

Date: August 17, 2023

Re: Ordinance 81 of 2022 – Conditions Certification

Notice is hereby given that the conditions identified in Ordinance 81 of 2022, pertaining to property at 675 N F Street, have now been satisfied and the City Recorder is instructed to publish and record the ordinance.

Sincerely,

Nick Norris
Planning Director

SALT LAKE CITY CORPORATION
451 SOUTH STATE STREET, ROOM 406
PO BOX 145480 SALT LAKE CITY, UT 84114-5480

WWW.SLC.GOV
TEL 801-535-7757

14141665 B: 11438 P: 9170 Total Pages: 8
08/16/2023 03:07 PM By: Mwestergard Fees: $0.00
Rashelle Hobbs,Recorder, Salt Lake County, Utah
Return To: SL CITY PLANNING
PO BOX 145480 SALT LAKE CITY, UT 84114

WHEN RECORDED, RETURN TO:

ATTN Planning Director
Salt Lake City Corporation
PO BOX 145480
Salt Lake City, Utah 84114-5480

DEVELOPMENT AND USE AGREEMENT

THIS DEVELOPMENT AND USE AGREEMENT (this "**Agreement**") is made and entered into by and between **SALT LAKE CITY CORPORATION**, a political subdivision of the State of Utah ("**City**") and **Ivory Development, LLC** ("**Developer**"). City and Developer may be referred to herein collectively as "**Parties**."

RECITALS

A. Developer is the owner of approximately 3.22 acres of land located at 675 North F Street in Salt Lake City (the "Property"), which land is more particularly described on the attached Exhibit "A" and incorporated herein by this reference.

B. Developer submitted an application to amend the zoning map regarding the Property to rezone the Property from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District (Petition No. PLNPCM2020-00335) and to amend the Avenues Community Master Plan Future Land Use Map with respect to the Property from Very Low Density to Low Density (Petition No. PLNPCM2020-00334).

C. Developer intends to develop the Property with single-family dwellings, some of which may include an internal accessory dwelling unit (as that term is defined and applied in Utah Code Chapter 10-9a).

D. The Salt Lake City Planning Commission heard this matter on June 22, 2022 at which the commission voted in favor of forwarding a positive recommendation on the petition to the Salt Lake City Council.

E. The Salt Lake City Council held a public hearing on this petition on November 10, 2022 and at its December 13, 2022 meeting voted to approve Ordinance 81 of 2022, which approved Developer's petition to rezone the Property and amend the Avenues Community Master Plan, subject to Developer entering into a development and use agreement with the City to ensure development and use of the Property occurs in a manner consistent with City goals and policies and that respects unique circumstances regarding the Property. This Agreement satisfies that the condition of that ordinance.

F. City, acting pursuant to its authority under the Municipal Land Use, Development, and Management Act, Utah Code Chapter 10-9a as amended, and in furtherance

of its land use policies, goals, objectives, ordinances, and regulations of Salt Lake City, in the exercise of its legislative discretion, has elected to approve and enter into this Agreement.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in reliance on the foregoing recitals, City and Developer agree as follows:

1. **Incorporations of Recitals**. The Parties hereby incorporate the foregoing recitals into this Agreement.

2. **Obligations of the Parties.**

a. **Developer's Obligations.** Development and use of the Property shall comply with the following requirements:

i. Accessory buildings shall not be allowed in rear yards along the westernmost property line of the Property.

ii. Where the westernmost property line of a lot is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30 feet from the corresponding rear or side property line.

iii. Accessory dwelling units on the Property shall not be used as short-term rentals.

iv. Any open space areas located along Capitol Park Avenue or F Street shall generally be accessible to the community at large, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

v. The city's building approval and permitting process will be followed for construction of retaining walls on the Property

b. **City's Obligations:** Following recording of this Agreement against the Property, the City shall cause Ordinance 81 of 2022 to be published within 14 days of Developer providing proof to the City that the Agreement has been recorded. The City is further obligated to issue all necessary permits and certificates of occupancy for development of the Property that meet all requirements of law and satisfy Developer's obligations under this Agreement.

3. **Severability.** If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

4. **Other Necessary Acts.** Each Party shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.

5. **Construction/Interpretation.** Developer has been informed that it is customary to consult legal counsel in the preparation and negotiation of the terms of development agreements. Developer has either done so or chosen not to. Should litigation arise from any breach of this Agreement, the Parties agree that no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

6. **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

7. **Runs with the Land.** This Agreement and the covenants and restrictions herein are binding and run will the land during the Term, such that any subsequent owners of fee title or other third parties holding an interest in and to all or some portion of the Property shall be deemed to have acquired such interest with notice and knowledge of this Agreement such that the Property shall remain subject to the terms, conditions, restrictions and provisions set forth herein. In keeping with the foregoing, the term "Developer", as used herein, shall be construed to mean and include any successors in interest to fee ownership of all or any portion of the Property and any other holders of interests in and to any portion of the Property. City shall be deemed a beneficiary of such Agreement, covenants, and restrictions, and in the event of any uncured default, shall have the right to exercise all the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such default to which beneficiaries of such covenants may be entitled.

8. **Term and Termination.** This Agreement includes covenants, conditions, and restrictions regarding the development and use of Developer's Property, which shall run with the land in perpetuity. The covenants, conditions, and restrictions may only be modified or terminated with the express authorization of the Salt Lake City Council following the same processes required to amend the zoning map and applicable master plan.

9. **Waiver.** No action taken by any Party shall be deemed to constitute a waiver of compliance by such Party with respect to any representation, warranty, or condition contained in this Agreement.

10. **Remedies.** Either Party may, in addition to any other rights or remedies, institute an equitable action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any remedies consistent with the foregoing and the purpose of this Agreement.

11. **Utah Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

12. **Covenant of Good Faith and Fair Dealing.** Each Party shall use its best efforts and take and employ all necessary actions in good faith consistent with this Agreement to ensure that the rights secured by the other Party through this Agreement can be enjoyed.

13. **No Third-Party Beneficiaries**. This Agreement is between the City and Developer. No other party shall be deemed a third-party beneficiary or have any rights under this Agreement.

14. **Force Majeure**. No liability or breach of this Agreement shall result from delay in performance or nonperformance caused, directly or indirectly, by circumstances beyond the reasonable control of the Party affected ("Force Majeure"), including, but not limited to, fire, extreme weather, terrorism, explosion, flood, war, power interruptions, the act of other governmental bodies, accident, labor trouble or the shortage or inability to obtain material, service, personnel, equipment or transportation, failure of performance by a common carrier, failure of performance by a public utility, or vandalism.

15. **Entire Agreement, Counterparts and Exhibit.** Unless otherwise noted herein, this Agreement is the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer.

16. **REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES.** Developer represents that it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

17. **GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**. City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code Annotated or its successor ("GRAMA"). All materials submitted by Developer pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure shall rest solely with Developer. Any materials for which Developer claims a privilege from disclosure shall be submitted marked as "Business Confidential" and accompanied by a concise statement of reasons supporting Developer's claim of business confidentiality. City will make reasonable efforts to notify Developer of any requests made for disclosure of documents submitted under a claim of business confidentiality. Developer may, at Developer's sole expense, take any appropriate actions to prevent disclosure of such material. Developer

specifically waives any claims against City related to disclosure of any materials required by GRAMA.

[Signature Page to Follow]

EFFECTIVE as of the 3 day of August, 202_.

CITY:

SALT LAKE CITY CORPORATION, a Utah municipal corporation

Erin Mendenhall, Mayor

APPROVED AS TO FORM:
Salt Lake City Attorney's Office

Paul Nielson, Senior City Attorney

ATTEST:
Salt Lake City Recorder's Office

City Recorder

Minutes & Records Clerk

RECORDED
AUG 10 2023
CITY RECORDER

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

This instrument was acknowledged before me this 3 August, 2023, by Erin Mendenhall, Mayor of Salt Lake City Corporation, a Utah municipal corporation.

WITNESS my hand and official seal.

Notary Public

APRIL PATTERSON
Notary Public - State of Utah
Comm. No. 729148
My Commission Expires on
Feb 1, 2027

DEVELOPER:

By: _____

Its: PRESIDENT

STATE OF UTAH §
§
COUNTY OF SALT LAKE §

This instrument was acknowledged before me on the 21ST day of JULY, 2023, by CHRISTOPHER P. GAMVROULAS, an individual.

WITNESS my hand and official seal.

_____
Notary Public

PETER STEVEN GAMVROULAS
NOTARY PUBLIC- STATE OF UTAH
COMMISSION# 722444
COMM. EXP. 01-14-2026

EXHIBIT "A"

Legal description of Developer's Property located at 675 North F Street:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

14141665 B: 11438 P: 9170 Total Pages: 8
08/16/2023 03:07 PM By: Mwestergard Fees: $0.00
Rashelle Hobbs,Recorder, Salt Lake County, Utah
Return To: SL CITY PLANNING
PO BOX 145480 SALT LAKE CITY, UT 84114

WHEN RECORDED, RETURN TO:

ATTN Planning Director
Salt Lake City Corporation
PO BOX 145480
Salt Lake City, Utah 84114-5480

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v. The city's building approval and permitting process will be followed for construction of retaining walls on the Property

b. **City's Obligations:** Following recording of this Agreement against the Property, the City shall cause Ordinance 81 of 2022 to be published within 14 days of Developer providing proof to the City that the Agreement has been recorded. The City is further obligated to issue all necessary permits and certificates of occupancy for development of the Property that meet all requirements of law and satisfy Developer's obligations under this Agreement.

3. **Severability.** If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

4. **Other Necessary Acts.** Each Party shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.

5. **Construction/Interpretation.** Developer has been informed that it is customary to consult legal counsel in the preparation and negotiation of the terms of development agreements. Developer has either done so or chosen not to. Should litigation arise from any breach of this Agreement, the Parties agree that no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

6. **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

7. **Runs with the Land.** This Agreement and the covenants and restrictions herein are binding and run will the land during the Term, such that any subsequent owners of fee title or other third parties holding an interest in and to all or some portion of the Property shall be deemed to have acquired such interest with notice and knowledge of this Agreement such that the Property shall remain subject to the terms, conditions, restrictions and provisions set forth herein. In keeping with the foregoing, the term "Developer", as used herein, shall be construed to mean and include any successors in interest to fee ownership of all or any portion of the Property and any other holders of interests in and to any portion of the Property. City shall be deemed a beneficiary of such Agreement, covenants, and restrictions, and in the event of any uncured default, shall have the right to exercise all the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such default to which beneficiaries of such covenants may be entitled.

8. **Term and Termination.** This Agreement includes covenants, conditions, and restrictions regarding the development and use of Developer's Property, which shall run with the land in perpetuity. The covenants, conditions, and restrictions may only be modified or terminated with the express authorization of the Salt Lake City Council following the same processes required to amend the zoning map and applicable master plan.

9. **Waiver.** No action taken by any Party shall be deemed to constitute a waiver of compliance by such Party with respect to any representation, warranty, or condition contained in this Agreement.

10. **Remedies.** Either Party may, in addition to any other rights or remedies, institute an equitable action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any remedies consistent with the foregoing and the purpose of this Agreement.

11. **Utah Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

12. **Covenant of Good Faith and Fair Dealing.** Each Party shall use its best efforts and take and employ all necessary actions in good faith consistent with this Agreement to ensure that the rights secured by the other Party through this Agreement can be enjoyed.

13. **No Third-Party Beneficiaries**. This Agreement is between the City and Developer. No other party shall be deemed a third-party beneficiary or have any rights under this Agreement.

14. **Force Majeure**. No liability or breach of this Agreement shall result from delay in performance or nonperformance caused, directly or indirectly, by circumstances beyond the reasonable control of the Party affected ("Force Majeure"), including, but not limited to, fire, extreme weather, terrorism, explosion, flood, war, power interruptions, the act of other governmental bodies, accident, labor trouble or the shortage or inability to obtain material, service, personnel, equipment or transportation, failure of performance by a common carrier, failure of performance by a public utility, or vandalism.

15. **Entire Agreement, Counterparts and Exhibit.** Unless otherwise noted herein, this Agreement is the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer.

16. **REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES.** Developer represents that it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

17. **GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**. City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code Annotated or its successor ("GRAMA"). All materials submitted by Developer pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure shall rest solely with Developer. Any materials for which Developer claims a privilege from disclosure shall be submitted marked as "Business Confidential" and accompanied by a concise statement of reasons supporting Developer's claim of business confidentiality. City will make reasonable efforts to notify Developer of any requests made for disclosure of documents submitted under a claim of business confidentiality. Developer may, at Developer's sole expense, take any appropriate actions to prevent disclosure of such material. Developer

specifically waives any claims against City related to disclosure of any materials required by GRAMA.

[Signature Page to Follow]

EFFECTIVE as of the 3 day of August, 202_.

CITY:

SALT LAKE CITY CORPORATION, a Utah municipal corporation

Erin Mendenhall, Mayor

APPROVED AS TO FORM:
Salt Lake City Attorney's Office

Paul Nielson, Senior City Attorney

ATTEST:
Salt Lake City Recorder's Office

City Recorder

Minutes & Records Clerk

RECORDED
AUG 10 2023
CITY RECORDER

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

This instrument was acknowledged before me this 3 August, 2023, by Erin Mendenhall, Mayor of Salt Lake City Corporation, a Utah municipal corporation.

WITNESS my hand and official seal.

Notary Public

APRIL PATTERSON
Notary Public - State of Utah
Comm. No. 729148
My Commission Expires on
Feb 1, 2027

DEVELOPER:

By: _____

Its: PRESIDENT

STATE OF UTAH §
§
COUNTY OF SALT LAKE §

This instrument was acknowledged before me on the 21ST day of JULY, 2023, by CHRISTOPHER P. GAMVROULAS, an individual.

WITNESS my hand and official seal.

_____
Notary Public

PETER STEVEN GAMVROULAS
NOTARY PUBLIC- STATE OF UTAH
COMMISSION# 722444
COMM. EXP. 01-14-2026

EXHIBIT "A"

Legal description of Developer's Property located at 675 North F Street:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

8923197

8923197
12/12/2003 03:50 PM 30.00
Book - 8923 Pg - 1596-1605
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
AMERICA WEST TITLE
BY: BRM, DEPUTY - WI 10 P.

Recording requested by
and when recorded return to:

KIRTON & McCONKIE
Attn: Steven L. Whitehead, Esq
1800 Eagle Gate Plaza
60 East South Temple
Salt Lake City, Utah 84111

Property No. 533-3822

(Space Above This Line For Recorder's Use)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("**Agreement**") is made and entered into as of this 12th day of October, 2001, by and between AVENUE HEIGHTS CONDOMINIUMS, L.L.C., a Utah limited liability company ("**AHC**") and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("**CPB**"); individually, a "**Party**", and collectively, the "**Parties**".

RECITALS:

A. AHC is the fee owner of that certain real property located in the City of Salt Lake City, County of Salt Lake, State of Utah, which property is more particularly described on Exhibit "A" attached hereto and depicted by diagonal lines on the Plat Map attached hereto as Exhibit "B" ("**Easement Property**"). The Easement Property is improved with a private drive, curbs, gutters, sidewalks, and related improvements, which private drive connects Capitol Park Avenue to the intersection of "F" Street and 13th Avenue.

B. CPB owns certain real property located in the City of Salt Lake City, Salt Lake County, State of Utah, which is legally described in Exhibit "C" attached hereto and incorporated herein by this reference ("**Existing Property**").

C. CPB is purchasing from AHC, or has purchased from AHC, fee ownership of that certain real property located between the Easement Property and the Existing Property in the City of Salt Lake City, County of Salt Lake, State of Utah, which is legally described in Exhibit "D" attached hereto (the "**Adjacent Property**"). The Existing Property and the Adjacent Property shall hereinafter collectively be referred to as the "**CPB Property**."

D. In connection with the purchase of the Adjacent Property by the CPB, AHC and CPB have entered into that certain Agreement for Purchase and Sale and Joint Escrow

Instructions (the "**Purchase Agreement**"). Pursuant to the terms and conditions of the Purchase Agreement, AHC desires to grant to CPB, for the benefit of CPB Property, a non-exclusive easement burdening the Easement Property and benefitting the CPB Property.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Grant of Easement**. AHC hereby grants, conveys and warrants to CPB for the benefit of CPB and any entity controlling, controlled by, or under common control with CPB, and their respective employees, agents, servants, members, beneficiaries, contractors, consultants, guests, invitees, successors and assigns (collectively, "**CPB Affiliates**"), upon each and every term and condition contained herein, a continuous, perpetual non-exclusive easement and right of way on the Easement Property appurtenant to the CPB Property for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress to and egress from the CPB Property ("**Easement**"). Subject to any municipal or governmental approvals, CPB shall have the right to place at least one (1) curb cut approximately thirty (30) feet wide in the curb located on the Easement Property at a location to be determined by CPB in its sole and absolute discretion to permit ingress to and egress from the CPB Property onto the Easement Property.

2. **Covenants Run with Land**. The Easement, together with each of the restrictions, covenants and agreements contained herein shall be appurtenant to and for the benefit of the CPB Property and shall be a burden upon the Easement Property, and shall run with the land. The Easement, this Agreement and the restrictions, covenants, benefits and obligations created hereby shall be binding upon and shall inure to the benefit of all present and future holders of interests in the CPB Property and shall be deemed a covenant running with the land.

3. **Maintenance**. The maintenance of the Easement Property will be addressed in a Joint Maintenance Agreement to be mutually agreed upon by the parties. Until the Joint Maintenance Agreement is negotiated and executed, the parties agree as follows: (i) AHC shall maintain the Easement Property in a good and clean condition; (ii) if AHC fails to maintain the Easement Property, CPB shall have the right, but not the obligation, to do so; (iii) the costs to maintain the Easement Property, along with a portion of a portion of a road extending westerly from the Easement Property to the point at the southwest corner of certain real property owned by Karen S. Wright commonly known as 364 East Capitol Park Avenue if such road is maintained by AHC, shall be allocated 16.67% to CPB and 83.33% to AHC; and (iv) each party will reimburse the other party that performed maintenance on the Easement Property and the adjacent road within thirty (30) days after receipt of a statement of the maintenance costs.

4. **Successors and Assigns**. This Agreement shall inure to the benefit of, and will be binding upon, the Parties hereto and their respective successors and assigns.

5. **Special Warranty.** AHC hereby fully warrants the title to the Easement Property and will defend the same against the lawful claims of all persons claiming by through or under AHC and against acts of AHC, subject to any easements and rights-of-way of record as of the date hereof.

6. **Not a Public Dedication.** Nothing contained in this Agreement will be deemed to be a gift or a dedication of any portion of the Easement Property to the general public or for the general public or for any public purpose whatsoever, it being the intent of the Parties that this Agreement be strictly limited to and for the purposes expressed herein.

7. **Authority**. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, authority to do so and to bind the entities for which they are executing this Agreement.

8. **Exhibits**. The following exhibits are a part of this agreement to the same extent as if set forth in the body of this Agreement:

Exhibit A -	Legal Description of Easement Property
Exhibit B-	Plat Map Depicting Easement Property
Exhibit C-	Legal Description of Existing Property
Exhibit D-	Legal Description of Adjacent Property

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

AHC: **AVENUE HEIGHTS CONDOMINIUMS, L.L.C.**, a Utah limited liability company

By: _____
Its: Member

By: _____
Its: Member

C:\MyFiles\Client-Matters\WRIGHT.WA\AVEHEIGH\CPB.sale\easement.agt10-10-01.wpd

August 9, 2001

By: GREENWICH EAST, L.L.C., a
Texas limited liability company
Its Member

By: _____
Kenneth W. Griswold
Its Managing Member

CPB: **CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,**
a Utah corporation sole,

By: _____ 11/20/01
Its: Authorized Agent

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August 9, 2001

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 2nd day of November, 2001, personally appeared before me WALLACE A. WRIGHT, JR., who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS ~~CORPORATION~~*, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

Notary Public
ANITA L. MORSE
2748 East Commonwealth Avenue
Salt Lake City, Utah 84109
My Commission Expires
March 8, 2002
State of Utah

Anita L. Morse
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 12th day of October, 2001, personally appeared before me DAVID R. SABEY, who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS * ~~CORPORATION~~, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

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August 9, 2001

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On the 12th day of October, 2001, personally appeared before me KENNETH W. GRISWOLD, who being duly sworn, did say, for himself that he is the managing member of GREENWICH EAST, L.L.C., a member of AVENUE HEIGHTS ~~CORPORATION~~ *, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that such limited liability company executed the same. * CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 20th day of November, 2001, personally appeared before me John Ashby, who being duly sworn, did say, for himself that he is the authorized agent of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its board of directors, and duly acknowledged to me that such corporation executed the same.

My Commission Expires

January 23, 2002

Marilee E. Davis
Notary Public

MARILEE E. DAVIS
Notary Public
STATE OF UTAH
My Comm. Expires Jan. 23, 2002
7026 S. Commerce Park Dr. Midvale, UT 84047

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August 9, 2001

EXHIBIT "A"
OF EASEMENT AGREEMENT

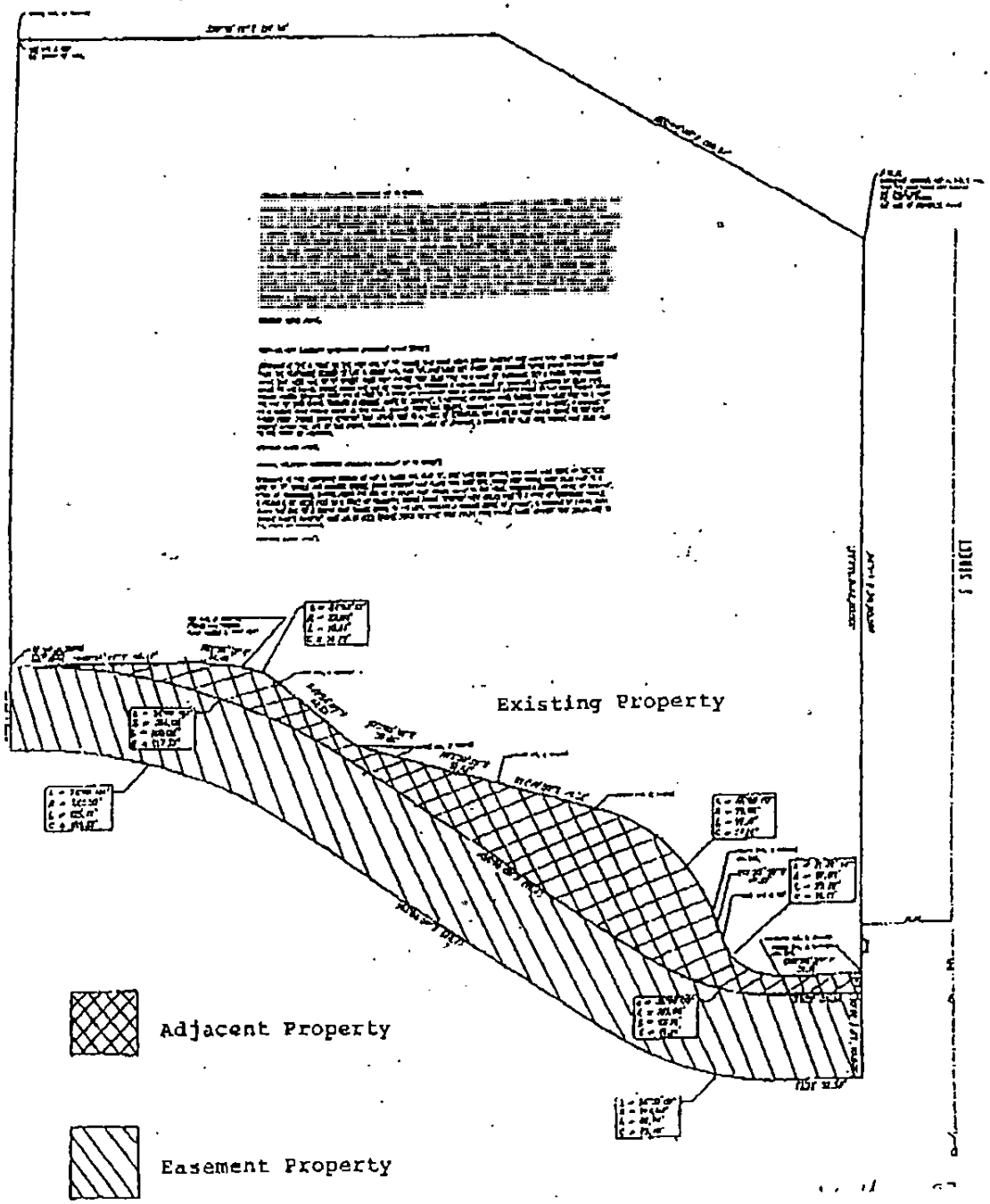
(Legal Description of Easement Property)

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE, A PRIVATE STREET, SOUTH 00°00'24" EAST 365.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF "F" STREET AND RUNNING THENCE SOUTH 00°00'24" EAST ALONG SAID WEST LINE 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE, SAID POINT BEING NORTH 00°00'24" WEST 337.24 FEET (DEED = 337.15 FEET) FROM THE SOUTHEAST CORNER OF LOT 1, BLOCK 177, PLAT "D", SALT LAKE CITY SURVEY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE THE FOLLOWING FOUR (4) COURSES; WEST 34.78 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 86.74 FEET TO A POINT OF TANGENCY; NORTH 55°00'00" WEST 180.63 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 135.61 FEET; THENCE NORTH 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT PHASE 4, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: SOUTHEASTERLY ALONG THE ARC OF A 262.00 FOOT RADIUS CURVE TO THE RIGHT, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00". A DISTANCE OF 160.05 FEET TO A POINT OF TANGENCY; SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE; SOUTHEASTERLY ALONG THE ARC OF A 102.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00" A DISTANCE OF 62.31 FEET TO A POINT OF TANGENCY AND EAST 34.78 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.402 ACRES

09-36-455-008

Exhibit "B"



FILMED AS RECEIVED
CO. RECORDER

EXHIBIT "C"

(Legal Description of Existing Property)

BEGINNING at the Northeast corner of Lot 4, Block 188, Plat "D", Salt Lake City Survey, and running thence South 00°00'24" East 354.35 feet to the back of an existing curbwall; thence South 89°29'22" West 37.11 feet to a point of curvature; thence along the arc of a 27.00 foot radius curve to the right 33.77 feet to a point of tangency; thence North 18°50'50" West 14.61 feet to a point of curvature; thence along the arc of a 79.00 foot radius curve to the left 77.17 feet to a point of tangency; thence North 74°49'00" West 49.32 feet; thence North 72°00'28" West 51.64 feet; thence North 72°00'28" West 20.05 feet; thence North 47°53'00" West 44.93 feet to a point of curvature; thence along the arc of a 32.00 foot radius curve to the left 19.01 feet to a point of tangency, and North 81°55'21" West 18.46 feet; thence North 89°51'43" West 85.47 feet; thence North 00°00'24" West 296.86 feet; thence South 89°51'43" East 217.58 feet; thence South 60°00'00" East 200.84 feet to the point of BEGINNING.

09-30-455-008

EXHIBIT "D"
OF EASEMENT AGREEMENT

(Legal Description of Adjacent Property)

BEGINNING AT A POINT ON THE WEST LINE OF "F" STREET, SAID POINT BEING SOUTH 00°00'24" EAST ALONG SAID WEST LINE 354.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 89°29'22" WEST 37.11 FEET TO A POINT OF CURVATURE WITH A 27.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 71°39'44", A DISTANCE OF 33.77 FEET; THENCE NORTH 18°50'50" WEST 14.61 FEET TO A POINT OF CURVATURE WITH A 79.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 55°58'07", A DISTANCE OF 77.17 FEET; THENCE NORTH 74°49'00" WEST 49.32 FEET; THENCE NORTH 72°00'28" WEST 71.69 FEET; THENCE NORTH 47°53'00" WEST 44.93 FEET TO A POINT OF CURVATURE WITH A 32.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°02'14", A DISTANCE OF 19.01 FEET; THENCE NORTH 81°55'21" WEST 18.46 FEET, THENCE NORTH 89°51'43" WEST 85.47 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT, PHASE 4, BEING AT A POINT ON A 262.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 160.05 FEET; THENCE SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE WITH A 102.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 62.31 FEET, THENCE EAST 34.78 FEET TO THE WEST LINE OF SAID "F" STREET; THENCE ALONG SAID WEST LINE NORTH 00°00'24" WEST 11.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.208 ACRES

09-30-455-008

When recorded please mail to:

Ivory Development, LLC
978 E. Woodoak Lane
Salt Lake City, UT 84417

13433342
10/20/2020 4:35:00 PM $40.00
Book - 11043 Pg - 311-312
RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 2 P.

121577-JCP

Property #:533-3822

SPECIAL WARRANTY DEED

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, formerly known as CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, GRANTOR, of Salt Lake City, County of Salt Lake, State of Utah, hereby conveys and warrants against all claiming by, through or under it, and against acts of itself, to Ivory Development, LLC, GRANTEE, of 978 E. Woodoak Lane, Salt Lake City, _____, County of Salt Lake, State of Utah, for the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, the following parcel of land, situated in the County of Salt Lake, State of Utah, and more particularly described as follows:

PARCEL 1:

Lot 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION, according to the official plat thereof, filed in Book 2003P of Plats at Page 391 of the official records of the Salt Lake County Recorder, State of Utah.

(Tax parcel number: 09-30-455-021

PARCEL 1A:

A continuous, perpetual non-exclusive easement and right-of-way, appurtenant to Parcel 1 described herein, for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress and egress, as more particularly defined and described in that certain Easement Agreement recorded December 12, 2003 as Entry No. 8923197 in Book 8923 at Page 1596 of Official Records.

Subject to: (i) any state of facts that an accurate and complete ALTA/ACSM Land Title Survey (with all Table A items) and/or physical inspection of the property might disclose, (ii) all zoning, regulations, restrictions, rules, and ordinances, land use regulations, building restrictions, and other laws and regulations now in effect or hereafter adopted by any governmental authority having jurisdiction, and (iii) reservations, easements, rights-of-way, declarations, covenants, conditions, restrictions, encroachments, liens, and encumbrances and all other matters of record or enforceable at law or in equity.

The Grantor specifically reserves, excepts, and retains Mineral Rights. For purposes of this instrument, "Mineral Rights" include, whether on, in or under the premises, all of the following--minerals, whether common or precious; coal; carbons; hydrocarbons; oil; gas; petroleum; chemical elements and substances whether in solid, liquid, or gaseous form; and steam and all sources of geothermal energy. In the event all or part of the Mineral Rights have been reserved or severed previously from the surface estate, grantor hereby reserves, excepts and retains all of the Mineral Rights not previously reserved and reserves, excepts and retains its after-acquired title to all of the Mineral Rights to the extent that prior reservations thereof are released or abandoned after the date of this conveyance.

IN WITNESS WHEREOF, the said Grantor has hereto subscribed its name by its authorized agent, this 2 day of October, 2020.

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, fka CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

By: Terry F. Rudd
Authorized Agent

STATE OF UTAH)
:ss
COUNTY OF ~~SALT LAKE~~ Davis)

On this 2 day of October, 2020, personally appeared before me Terry F. Rudd, personally known to me to be the Authorized Agent of THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, fka CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; and that said instrument is the free and voluntary act of said Corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said Corporation and that said Corporation executed the same.

WITNESS my hand and official seal.

NOTARY PUBLIC
HEATHER H THOMPSON
Commission #707238
Expires August 11, 2023
State of Utah

Notary Public for the
State of Utah

ATTACHMENT H: Public Process & Comments

Public Notice, Meetings, Comments

The following is a list of all public meetings and other public input opportunities, related to the proposed project since the current version of the proposed development was submitted to the City. All comments received before 2023 can be found in Attachment K of the rezone staff report.

- July 10, 2023 – Planning staff sent the 45-day required notice for recognized community organizations to the chairs of the Greater Avenues Community Council (GACC) and the Preserve Our Avenues Coalition (POAC).
- July 10, 2023 – Property owners and residents within 300 feet of the development were provided early notification of the proposal.
- August 2, 2023 – GACC held an information meeting with representatives from POAC.
- August 23, 2023 – Ivory Development hosted an informational open house at the Corinne & Jack Sweets Library on August 23, 2023.
- September 6, 2023 – GACC held a vote on the proposed development.

Notice of the public hearing for the proposal included:

- January 12, 2023
  - Public hearing notice sign posted on the property
- January 11, 2023
  - Public hearing notice mailed
  - Public notice posted on City and State websites and Planning Division list serve

Public Input:

Planning staff received approximately 104 comments regarding this request. They are included with this attachment. Issues brought up by the community are discussed under Key Consideration 5.

Barlow, Aaron

From: Merrilee Morgan [redacted]
Sent: Tuesday, September 12, 2023 3:51 PM
To: Echeverria, Daniel; Barlow, Aaron; Norris, Nick
Subject: (EXTERNAL) Ivory Development at 675 North F Street, SLC 84103

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron and Daniel Echeverria,

Will you please reply to this email as confirmation you have received this letter? I want to be able to report back to my Community on the work I have done on their behalf, to ensure our vote is included in the Planning Commission's comments. Is there anyone else that should be cc'd on this email that may have overlooked?

The proposed Planned Development at 675 North F Street, Ref. PLNPCM2023-00656, was scheduled to be presented at the Greater Avenues Community Council (GACC) meeting on August 2, 2023 with the City, Ivory Homes, and the Preserve Our Avenues Zoning Coalition as the presenting parties. I was notified as GACC Chair late on Monday, July 31, that the landowner and developer, Ivory Homes' representative, Chris Gramvoulous, would not be participating in the August 2nd Community meeting. As a result, the City planner assigned to this project, Aaron Barlow and his counterpart, Daniel Echeverria, informed me that due to an internal Planning Department policy, they too would be unable to attend the meeting.

The GACC published articles from all three parties mentioned above in its August newsletter, which can be seen here https://www.slc-avenues.org/news-events/the-agenda-newsletter/2023-1/371-2023-08-august-community-newsletter-the-agenda-1/file.

On August 9th, 2023, a few community members brought their concern about the proposed development at 675 N F Street to the Greater Avenues Community Council Board meeting. These constituents asked the Board to present a vote to the community, asking if we, as a community, are in favor of the proposed Planned Development. The Board discussed the request and decided it met all GACC guidelines and was in accordance with our bylaws.

The request was approved and the announcement of the vote was published in the GACC's September newsletter as going to occur on September 6th, which can be seen here https://www.slc-avenues.org/news-events/the-agenda-newsletter/2023-1/373-2023-09-september-community-newsletter-the-agenda-1/file.

At the GACC's September 6th Community meeting, the vote was held with the voting ballot: "Do you approve of the Ivory Homes request for a planned development at 675 North F Street as presented in the application to the City dated June 23, 2023. Reference # PLNPCM2023-00656. Yes or No". The vote was taken on Zoom and in person, with the following results:

- Total Votes: 220
- Yes: 7
- No: 213

As the 2023 Chair of the Greater Avenues Community Council, I present the Planning Commission and Planning Department the results of this vote, and ask that you consider the perspective of the voters who participated as you make recommendations or vote yourselves on the above referenced Planned Development application.

Respectfully,
Merrilee Morgan
2023 GACC Chair

Peter Wright
400, E Capitol Park Avenue,
Apt. 306,
Salt Lake City,
UT 84103

August 4th 2023

Here's the gentle density coming to the upper Avenues. Capitol Park Cottages ready for final planning review.
Published in Building Salt Lake August 2nd 2023.

Dear Dr. Garrott,
As a nearby neighbor to this property, I would like to take exception to a number of the conclusions you draw in the above article. When you subject this proposal to increased scrutiny and peel back the onion skins, you will find that this is not such gentle density and that the proposed development will have a significant detrimental impact on the neighborhood.
Let's look at just one issue as an example - Parking.
You state that; *"Off Street parking is copious. Designers have included 45 spaces in garages and 37 surface spots. 82 stalls for 42 units is essentially a 2:1 ratio."*
Conversely, residents that live here see the level of parking provided as grossly inadequate and problematic, where it will likely lead to around 40 cars from Ivory's development being parked on neighboring streets - many illegally! Let's go through the analysis.
Not a Walkable Section of the City
This section of the city is not walkable, there are few to no amenities nearby, the terrain is extremely steep and the bus service insufficient for most people's needs, making travel by private automobile the normal method of transportation.
Number of Cars
Assuming two automobiles per dwelling and 42 dwellings, residents vehicles will total 84. There is also a need to cater for guest parking, service vehicles etc and for snow storage. Neighboring developments have found a need for guest parking spaces of around 0.7 spaces per residence, which would give a requirement for an additional 29 places for a total requirement of 113 spaces. Ivory's design shows only 4 guest parking places, this is totally inadequate and will not even be sufficient to store snow in winter.
How Many Parking Places has Ivory Really Provided
1) Garages. Ivory has provided 45 garage parking spaces. Do we believe all 45 will be used for parking? It is allmost un-American to park two cars in a two-car garage. A number of these places will be lost to general goods storage, boats, snow mobiles and other toys. Let's conservatively assume only 15 percent of these spaces are lost; this decreases garage parking to 38 units.
2) On-Lot Surface Parking. Ivory claims 34 surface lot parking places.
Ivory is therefore realistically providing 72 parking places against a requirement of 113 leaving a surplus of around 40 vehicles that will flow to the neighboring streets.

Where Will These Excess Vehicles Park and What Problems Will They Cause?

Ivory's property only borders two streets, F Street to the East and Capitol Park Avenue to the South.

1) F Street. As the nearest point to Ivory's internal road, F Street between Northpoint and Capitol Park Avenue will be permanently parked on both sides of the street. Both Ivory's development and Northpoint sit in a Wildland Urban Interface (WUI) zone, with Northpoint having experience of evacuations from fast moving wildfires emanating from City Creek Canyon. F Street is Northpoint's only ingress and egress for 50 homes. Northpoint residents have grave concerns that this section of F Street will become a choke point when both Northpoint and Ivory residents are leaving at the same time as emergency vehicles are entering in the event of a fire. The deaths of 85 people in the Paradise, California fire were attributed to delays from such a traffic choke point.

2) Capitol Park Avenue is a private street posted as No Parking. Despite notifications and signage it is very likely that Ivory residents and guests will park illegally on Capitol Park Avenue, causing friction and disputes among neighbors. All the more so as Ivory has chosen to front 9 of their 21 homes facing Capitol Park Avenue. The development should be redesigned so these residences front Ivory's internal road, not Capitol Park Avenue, to avoid this problem.

I hope the above analysis illustrates that there is far more involved than a superficial 2:1 ratio in considering the adequacy of parking. Equally your statement that, *"Anything under 20 units per acre is generally considered low density"*, is overly simplistic. Appropriate density has to be considered in the context of the location. A change from 11 units under the prior FR-3 zoning to 42 units, including a first of its kind subdivision of ADUs, is twice the norm for the SR-1 zone and is anything but gentle infill density for this foothills location.

Thank you.

Dr. Peter Wright

THANK YOU FOR MEETING WITH US TODAY

PARTICIPANTS FROM THE AVENUES ARE :

PETER WRIGHT	MERIDIEN
TOM KEEN	CAPITOL PARK
LON JENKINS	NORTHPOINT
DON WARMBIER	NORTHPOINT

Exterior Walls: Maximum Exterior Wall Height Adjacent to Interior Side Yards. 21A.24.080.D.3.c.

Ivory Homes Proposal for a Planned Development. PLNPCM2021-00656

- Ivory's proposal is not in compliance with 21A.24.080.D.3.c.
- The Planning Commission cannot waive 21A.24.080.D.3.c. as part of a planned development application.
- 21A.24.080.D.3.c. states that one may have reduced interior side yard setbacks or maximum height, but not both.
- 20 of 21 of Ivory's units all have reduced interior side yard setbacks and all of these units have maximum exterior wall height and maximum building heights.
- Ivory must redesign to be in compliance with 21A.24.080.D.3.c. They can do so by either reducing exterior wall heights or increasing interior side yard setbacks to the required minimums.
- The Planning Commission cannot approve this plan as presented.

<u>The Authority of the Planning Commission in Regard to a Planned Development is Limited.</u>

- 21A .55.020 Authority. Grants the planning commission the ability to,*"..change, alter, modify or waive .."* , this does not eliminate all provisions contained in the district zoning ordinance.

- 21A.55.020 Authority

  Para 1 *The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the planned development is located.* 21A.24.080.D.3.c would fall within the description of *other regulations in which the planned development is located.*

  The Planning Commission cannot waive requirements where it is prohibited from doing so by specific provisions in either the district zoning ordinance 21A.24.080, or the Planned Development ordinance 21A.55.

Exterior Walls: Maximum Exterior Wall Height Adjacent to Interior Side Yards. 21A.24.080.D.3.c

….If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

The use of the term, "*or other process" ,* is legally highly significant and compelling. This clearly indicates that this clause is intended to survive the creation of a Planned Development and remains applicable.

Ivory Homes Application for a Planned Development at 675 North F Street. PLNPCM2021-00656
The Preserve Our Avenues Coalition
Recognized Community Organization Report

1). Residents See No Public Benefit From This Planned Development

To gather community opinion, we conducted a series of open group meetings with members of the Avenues community who live closest to Ivory's property. This included residents from F Street, 13th Avenue, 12th Avenue, Meridien, Capitol Park and Northpoint, as well as a few residents from other nearby Avenues streets. Meetings were advertised by flier or by email where contact details were known. Meetings were conducted both in-person and via Zoom; attendance lists were maintained, and notes of residents' comments recorded. Although no formal votes were taken, straw polls were conducted on key issues. In total 163 Avenues residents attended these meetings, representing the opinions of those that live closest to and are most impacted by this development. During these meetings we reviewed Ivory's proposals and asked participants questions that focused on Ivory's planned development application claims. We also asked residents if, in their opinion, Ivory's development represented an *"Enhanced Product"* as required by the planned development ordinance.

Overall, residents are strongly opposed to Ivory's request for a planned development, which is perceived as simply a ruse to allow reductions in setbacks and increase building lot coverage, which would generate more sales dollars than would be possible building in compliance with the rules of the SR-1 zone. Ivory's claimed justifications for the planned development were considered invalid and not a single resident saw a public benefit resulting from the planned development.

Ivory's proposal with very tightly packed, large, two story, ninety (90) feet long, narrow buildings, flat roofs and no yards was not considered an "Enhanced Product" by any residents. Nor was it considered compatible with the neighborhood in terms of scale, mass and intensity. Residents would much prefer to see a development that more closely mirrors established construction in the Avenues SR zone with normal setbacks and yard space.

Residents raised a long list of diverse concerns, principal among these were parking where Ivory has not provided sufficient spaces for residents and guests, space for snow storage, retaining walls not built to code, soil removal, egress from Northpoint in the event of a fire and poor aesthetics particularly regarding severely reduced setbacks and the preponderance of flat roofs. A list of these concerns is detailed in Appendix 1 and Ivory's site plan is included as Appendix 2.

While Avenues residents understand the need for more housing, it was felt that the combined impact of a rezone, a planned development and a subdivision of ADUs is unreasonable and problematic for this foothills location in a non-walkable section of the city, with steep terrain, bordering only one public street and in an area at high risk of wildfire. Throughout these resident meetings there was a very strong sentiment that enough is enough. Ivory has already benefited from a rezone; they should not now be granted further concessions that again benefit Ivory, with no tangible benefit to the City or the Avenues.

2). Ivory's Planned Development Claims Are Invalid

Claim 1. *Housing. Providing type of housing that helps achieve the City's housing goals and policies;(21A.55.010.C.2).* The provision of ADUs in new home construction.

This claim was considered invalid. A planned development is not required to add living space above the garages in the SR-1 zone. Such *"potential ADUs", as* Ivory refers to these units, can be constructed in an identical manner without a planned development and these therefore cannot validly be considered a benefit of, or justification for, a planned development. Also, as a developer, Ivory cannot create a single ADU. Since ADUs can only be created by an owner occupant, the number of ADUs that will be created is unknowable.

Claim 2. *Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)*

Ivory claims to be conserving nearly an acre of open space and creating trails that will benefit the public. This claim was considered laughable by residents.

Open Space. The open space Ivory claims to preserve consists of four sections as shown in Appendix 3. Sections 1 and 2 were mandated as open space by the City Council as a condition of the rezone. The largest of these, Section 2, is also a drainage basin that could not anyway be built upon. The third of these open spaces, Section 3, is not Ivory land at all, but City-owned land in the right-of-way along F Street. The fourth, Section 4, is a thin strip of unbuildable land with a 33-degree slope, bordering Northpoint's boundary wall.

Ivory does not *cluster* buildings to preserve open land. For the reasons stated above, they cannot build on any of this land. It is obvious to residents that this *clustering* is designed to reduce setbacks so that Ivory can pack in larger, more expensive homes than would otherwise be attainable. The extensive level of concessions requested by Ivory to bring about this *clustering* is detailed in Appendix 4.

Trails. Sidewalks that are required for access to homes do not constitute *"trails",* nor do they provide any genuine *"public recreational opportunities"*. Not a single resident considered that these *"trails"* would provide any public benefit whatsoever, nor would they ever use them. The northern section, where the so called *"trail",* is sandwiched in a ten-feet-wide gap between an 8.5-feet-high retaining wall and 28-feet-high houses, was considered unpleasant and claustrophobic to walk. Several meeting participants also felt that this northern section of the *"trail"* is so close to Ivory's houses that one would feel they would be invading the privacy of Ivory residents by walking there. It is noted that an easement is utilized to position these *"trails"* 5 feet from the front of homes. The western portion of these "*trails"* is also cramped and unpleasant to walk, situated two feet from the high boundary fence with Caring Cove homes.

The eastern section of these "*trails"*, a sidewalk, sits on City-owned land, not Ivory land, and with a 12% grade is one of the steepest sections of the Avenues and very hard to walk. When walking recreationally in the Avenues most people prefer to walk laterally around the hillside rather than up and down the hill or around blocks; the grade is too severe on the uphill sections to make walking enjoyable. The consensus was that there are far nicer walks everywhere else in the Avenues and that these sidewalks, mischaracterized as *"trails",* would never be used by anyone other than Ivory residents, providing no public benefit.

In total, Ivory's planned development claims were considered bogus by most residents, and many considered that approval would make a mockery of the planned development process. Considering the above facts, we hope and expect that the Planning Division will issue a negative recommendation to the Planning Commission for this application.

Thank you for the opportunity to comment and participate in this process.

Peter Wright	Chair
Alan Hayes	Secretary
Jan McKinnon	Treasurer

APPENDIX 1

THE PROBLEMS OUTWEIGH ANY POTENTIAL BENEFITS

Residents foresee many problems resulting from this highly congested development.

Incomplete and Inaccurate Application. Ivory's application was considered by residents to be incomplete, inaccurate, and contradictory, such that many found it confusing. For example, some drawings show garages as detached while others show them conjoined with the houses. The application also contains misleading artist renderings not drawn to scale.

The Same Number of Primary Dwellings. Several residents asked if the planned development led to an increased number of dwellings. The Planning Division has earlier estimated that the practical build density on this lot is 18 single family homes. Ivory presents a plan with 21 primary dwellings, two-thirds of which (14) are twin homes. Since twin homes utilize less land, a development, featuring the same mix of single family and twin homes, built in compliance with SR-1 rules, would yield substantially the same number of primary dwellings.

Accessory Dwelling Units (ADUs). Residents are not opposed to ADUs created in the normal manner, which is "one at a time" by individual owner occupants. In such cases the increase in density is small and can be absorbed over a large area with little impact. Ivory's proposal to create a subdivision of ADUs, where every unit has an ADU, is quite different and has far greater impact.

Ivory advocates for such a subdivision of ADUs, believing construction costs would be reduced and this is not unreasonable. Ivory also refers to this concept as *"an experiment - the first of its kind in Utah"*. While there may be a role for such a development in walkable sections of the City, close to the city center or the University, it is hard to think of a less suitable location for this *"experiment"* than this site in a non-walkable section of the city, with few amenities nearby and minimal public transport, bordering only one public street, and in an area designated as at high risk of wildfire.

Short Term Rentals. There was concern among residents that these ADUs would be used as short-term rentals with all the well-known problems, particularly an increased demand for parking.

Parking. Parking is seen by neighbors as a very significant problem where Ivory has provided insufficient parking places for primary and ADU residents and guests, or to store plowed snow.

This is not a walkable section of the city, there are few to no amenities nearby, the terrain is steep and public transport is inadequate for most people's needs, making travel by private automobile the principal method of transportation. The addition of a subdivision of ADUs adds considerably to the number of residents and vehicles. Assuming two vehicles per residence there will be 84 vehicles. Ivory claims to have provided 82 parking places (we count 79), with nearly all (75) of these being garages and driveways. Ivory provides only four street parking places for guests. This is grossly inadequate.

In addition, it is overly optimistic to assume all the garages will be utilized for parking. A number of these places will be lost to general storage, storage of boats, ATVs, jet-skis, etc. Sharing driveways between multiple families will be highly problematic and will involve a great deal of highly polluting shuttling. One can well envisage that many homeowners will tell the renters of the ADU's to park on the streets, not in the driveways, to avoid this shuttling problem, again reducing the number of available parking places. Large vehicles such as pick-up trucks will also reduce the claimed driveway parking capacity on these very short driveways.

We have conducted an analysis concluding that around 30 vehicles will routinely be parked on neighboring streets, particularly F Street and 13th Avenue, competing with current residents for parking places outside their homes. This analysis is included in Appendix 5.

Parking on F Street. As the nearest location to Ivory's development, the top section of F Street will inevitably become heavily parked on both sides of the road. Ivory's property and Northpoint sit in a Wildland Urban Interface (WUI) zone at high risk of wildfire. Northpoint has experience of having to evacuate to escape fast moving wildfire emanating from City Creek Canyon. Northpoint's only egress is via F Street and there is great concern from residents that this will become a choke point in the event of a fire, where Northpoint and Ivory residents are all trying to exit as emergency vehicles are trying to enter. Northpoint residents noted that the deaths of 85 people in the Paradise, California, fire were attributed to such a traffic choke point.

Fire Trap. Many meeting participants considered Ivory's very closely packed, large units, with egress via a narrow alley, would constitute a fire trap for Ivory residents. This design was thought to concentrate too much fuel and too many people in this vulnerable location in a WUI zone. This property was not considered an appropriate location for Ivory's *"experiment"* in adding a subdivision of ADUs, doubling the density above the norm for the SR-1 zone. Participants hoped that city planners will learn from the recent tragedy in Lahaina, Hawaii, and practice proactive land use planning in WUI areas, as recommended by the US Forestry Service and US Bureau of Fire Prevention.

Parking on Capitol Park Avenue. Ivory has chosen to design nine of their homes with front entries facing Capitol Park Avenue, a private street posted as No Parking. Despite notifications and signage, Ivory residents and guests will likely park there anyway, creating conflict and disputes among neighbors. Will the Meridien HOA be forced to boot Ivory residents and guests on a frequent basis to prevent illegal parking? This is of great concern to the Meridien HOA, the owner of this section of road. The Meridien has requested that the City insist Ivory redesign such that the front entries of their homes all face their private road, not the Meridien's road, to alleviate this problem. Northpoint residents do not have this same concern regarding parking on Northpoint Drive and would prefer front facades on the uphill homes facing Northpoint.

Soil Removal. 675 North F Street is a highly sloped foothills lot, sloping almost fifty feet up from the southwest to the northeast. Ivory does not build in harmony with the topography but instead chooses to construct large, 90 feet long houses against the grain of the hillside. To comply with heights measured above established grade requirements, this will lead to very large volumes of soil being trucked out of the site. We have asked the Planning Division to quantify how many thousands of truckloads of soil will be transported through our steep and narrow Avenues streets so that Ivory can build oversize houses against the natural terrain.

Retaining Walls. The design also features tall retaining walls as high as 10.5 feet not constructed to code. These retaining walls present a danger of falling for wildlife and children. These tall walls should be constructed in a stepped manner as required by City code.

Flat Roofs. The high volume of homes, many of which are duplexes, all with large expanses of flat roofs, set only ten feet apart, is considered visually unpleasing and industrial in appearance, creating a visual nuisance. The topography is such that residents of F Street, Northpoint and the Meridien will all overlook this closely packed array of unsightly flat roofs. Ivory, as recently as April of this year, had promised residents that there would be no flat roofs. Flat roofs are only present on a tiny percentage of

Avenues homes. There is also concern as to the use and appearance of rooftop terraces, which to the best of our knowledge, do not exist elsewhere in the SR section of the Avenues.

Setbacks Reduced Below a Reasonable Level. The extensive concessions to SR-1 rules requested by Ivory are detailed in Appendix 4. In general, all setbacks are reduced by at least half, while building lot coverage is increased by around a half, leading to a highly congested development with excessive scale and bulk.

Unit 10 The front setback on unit 10 is 2.3 feet. Residents consider it completely unacceptable that a 28 feet high building will sit 2.3 feet from the property line and sidewalk, looming over pedestrians and the street. The required front setback in the SR-1 zone is 20 feet. Homes in the adjacent block faces all exceed the 20 feet setback requirement. All units on the periphery of the development should have a 20 feet front setback.

Maximum Height of External Walls Adjacent to Interior Side Yards. Residents with a legal background that have reviewed the relevant ordinances have determined that Ivory's plan is not in conformance with the requirements of 21A.24.080.D.3.c. Furthermore, this is not a requirement that can be superseded by the establishment of a planned development.

Interior Side Yard Setbacks. Although Ivory shows illustrations with copious green space and trees, there is concern from residents that nothing will grow in the long, narrow, ten feet wide gaps between the tall, two-story buildings. A larger interior side yard setback is considered necessary to facilitate some green space and avoid the tunnel-like appearance of these spaces. There should be no relaxation of SR-1 required side yard setbacks.

Overcrowding of Capitol Park Avenue. Ivory's property is approximately the same size as an Avenues block. Avenues block faces typically have no more than five houses, most of which are single story homes. By aggressively reducing both lot width and side yard setbacks, Ivory proposes to build ten homes on Capitol Park Avenue, all of which are two-story buildings. This overbuilds Capitol Park Avenue with a building density and bulk not typical of, and not compatible with the Avenues. Ivory's illustrations of Capitol Park Avenue are not drawn to scale and are misleading. Please see Appendix 6.

Not Affordable. Avenues residents recognize the need for more affordable housing. There is nothing affordable about Ivory's proposed development with oversize houses. Smaller homes, more typical of the SR section of the Avenues, would be far more affordable and would still provide the opportunity for ADUs above the garages, while providing more adequate parking on longer driveways as well as yard space.

Water and Sewer. Ivory's estimate of water and sewer usage completely ignores the demand from the ADUs, only considering the 21 primary dwellings and gives an inaccurate and low projection of demand. One resident, a licensed structural engineer, familiar with infrastructure in this section of the Avenues, noted that the sewers are upwards of 70 years old and fragile. It is requested that city engineers carefully consider water and sewer needs.

Specimen Tree Preservation. Ivory's property was at one time a part of the gardens for the old Veterans Administration hospital and contains several beautiful, mature trees. When Capitol Park, which was a part of the same grounds, was created as a planned development, the City required that

200 mature trees be maintained and incorporated into the site plan. These trees add greatly to the beauty and charm of the neighborhood.

Nearby neighbors ask that at least one of the trees on this site be preserved. This is a twin trunk, mature Ponderosa Pine in the SE section of the lot which has been the home to generations of Red-tailed Hawks. The City has the power to preserve such trees under 21A.48.135, Private Lands Tree Preservation.

Risk of Flooding. A consequence of reducing setbacks and increasing building lot coverage as Ivory asks is an extremely high level of hardscape. Examination of Ivory's site plan shows an excessive level of hardscape for such a highly sloped lot. Although Ivory adds surface drains and a catchment basin, there is concern from Meridien residents that this will not be adequate for extreme rain events and that this will lead to flooding of the Meridien's underground garage, which sits directly below the low point of Ivory's property. Residents believe that Ivory should not be granted such a high level of exceptions to SR-1 zoning, creating excessive hardscape and potential flooding risk.

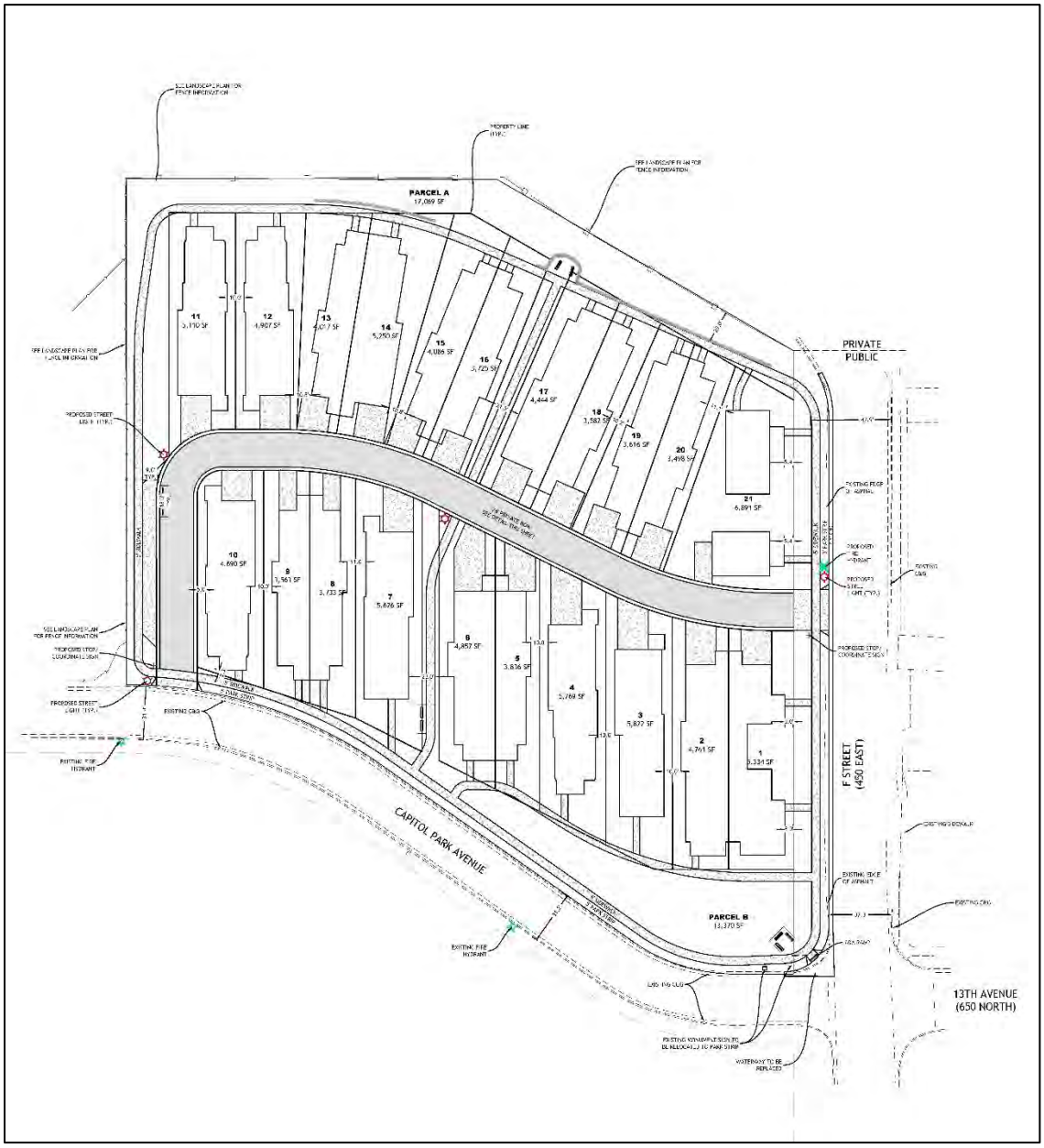
Traffic on Capitol Park Avenue and Penny Parade. Capitol Park residents expressed concern that this increased density development will bring significant additional traffic to Capitol Park Avenue and Penny Parade, streets that currently have a very low volume of traffic. Child safety was raised as a concern on these steep, narrow, private streets with sharp bends, which are not built to City code.

No Yards. The high bulk, densely packed nature of Ivory's buildings with no yards was deeply disturbing to many residents. Residents also felt that these homes with no yards would be less likely to attract families with young children and support enrollment in the Ensign Elementary school.

Residents clearly have many diverse concerns about this development, many of them resulting from the building density on the plot. While all these issues may not be of equal merit, it is readily apparent that the large number of very real issues identified significantly outweighs any potential public benefits from this proposed planned development.

APPENDIX 2

IVORY SITE PLAN



21 large, two-story, 90 feet long houses, 10 feet apart, no yards, an ADU on every unit.

Various residents described this plan as like "*sardines in a can*", others felt the houses looked like "*army huts*".

Everyone agreed that this overcrowded development looks nothing like the Avenues and that it is not "an enhanced product".

APPENDIX 3

OPEN SPACE

Ivory does not "cluster" buildings to preserve open land; this is land they cannot build upon.

APPENDIX 4

MAGNITUDE OF EXCEPTIONS REQUESTED BY IVORY

The magnitude of exceptions required by Ivory is staggering. At the 6/22/2022 Planning Commission hearing to review Ivory's application for a rezone, the Planning Commission admonished Ivory to, "*return with a plan with not too many exceptions*".
This is how Ivory has responded to this guidance.

- **Not a single lot conforms with SR-1**

- **Minimum lot size 15 of 21 do not comply.**
  Lot sizes reduced from 5000 sf to as low as 3498 sf.

- **Minimum lot width 20 of 21 do not comply.**
  Lot widths reduced from min.50 feet to as low as 26 feet.

- **Building Coverage 20 of 21 do not comply.**
  Lot coverage max.40%, increased to as high as 56%.

- **Rear Yard Setbacks 20 of 21 do not comply.**
  Rear Yard Setback min.30 feet, reduced to as low as 5 feet.

- **Front Yard Setbacks 21 of 21 do not comply**
  Front Yard Setback min.20 feet, reduced to as low as 2.3 feet.

- **Interior Side Yard setbacks 20 of 21 do not comply**
  Interior Side Yard Setback (Twin Homes) Min.10 feet reduced to 5 feet.
  (14 of 21 houses are Twin Homes.)

The combined impact of all these deviations leads to a congested development with an extremely high level of building density, mass and bulk, not at all similar to, or compatible with SR-1 development.

APPENDIX 5

INSUFFICIENT PARKING

What Parking Is Needed?

Resident Parking

Primary residences	21
ADUs	21
Total Residences	42

At two vehicles per residence this equals a need for 84 resident parking places.

Guest Parking

Neighboring developments, Northpoint and the Meridien have a ratio of 0.7 guest parking places per residence, excluding garages and driveways, and this is heavily utilized. Guest parking places are also used to store plowed snow in winter. Even if we estimate a need for half this ratio, Ivory will need 15 guest parking places. Ivory provides only four street parking places for guests. This is grossly inadequate and will not even be sufficient to store snow in winter. Ivory residents cannot legally push snow onto either F Street or Capitol Park Avenue.

Parking Needs. Resident 84, Guest 15. Total Parking Places Needed 99.

Parking Places Provided.

Ivory claims that they provide 82 parking places. We count 79 “potential” parking places as follows:

Garages	42
Driveways	33
Street Parking Places	4
Total “Potential” Places	79

Assume 10% of garage spaces will not be used for parking but for storage - A loss of 4 places.
Assume 25% of primary residents do not want renters parking on driveways - A loss of 8 places.
Conservatively, at least 12 of Ivory’s “potential” parking places will be lost to other uses. This gives a more realistic number of parking places provided at around 67.

Realistic Estimate of Parking Places Provided 67.

Ivory’s Development is Short of At Least 30 Parking Places
These Vehicles Will Be Parked on Neighboring Streets.

APPENDIX 6

VIEW OF CAPITOL PARK AVENUE: AN EXAMPLE OF MISLEADING ILLUSTRATIONS NOT DRAWN TO SCALE

How Wide is the Park Strip Here? 15 feet? 20 feet? No! It is 5 feet, the same width as the sidewalk.

Ivory seeks to give an impression of spaciousness, whereas according to the plans, everything is tightly packed with reduced setbacks and little greenspace.

Wall Height is an Indivisible Component of Building Height

- 21A.55.020.C *Building Height. Up to five feet (5') of additional building height, except in the FR,R-1,SR or R2 Zoning Districts where additional building height cannot be approved through the planned development process.*

  Wall height is a component of building height. Grant of additional exterior wall height above that permitted in 21A.24.080.D.3.c would result in the grant of additional building height, which is prohibited by this provision. This is especially so for flat roofs, where no compensation can be made by altering the pitch of the roof structure.

- This intimate relationship between wall height and building height is clearly demonstrated in 21A.24.080.D Maximum Building Height, where Exterior Wall Height 21A.24.080.D.3 is listed as a subset of Building Height.

- 21A.24.080.D sections 1,2 & 3 collectively define the maximum building height.

Summary

- Ivory's proposal is not in compliance with 21A.24.080.D.3.c.
- This is not a provision the Planning Commission can waive.

Precedent

- We can find no record of a Judicial or Administrative Decision relating to this matter.
- Can you share with us what legal precedent, if any, exists for a different interpretation?

Next Steps ?
Appeals ?

Determination of the Required Interior Side Yard Setbacks to Allow Full Height

21A.24.080.E.3. Interior Side Yard.

a. Twin Home Dwellings: No side yard is required along one side lot line while a ten foot (10') yard is required on the other.

b. Other Uses:

(1) Corner lots: Four feet (4').

(2) Interior lots:

(A) SR-1: Four feet (4') on one side and ten feet (10') on the other.

(B) SR-1A: Four feet (4') on one side and ten feet (10') on the other.

(i) Where the width of a lot is forty seven feet (47') or narrower, the total minimum side yard setbacks shall be equal to thirty percent (30%) of the lot width with one side being four feet (4') and the other side being thirty percent (30%) of the lot width minus four feet (4') rounded to the nearest whole number.

(ii) Where a lot is twenty seven feet (27') or narrower, required side yard setbacks shall be a minimum of four feet (4') and four feet (4').

(iii) Where required side yard setbacks are less than four feet (4') and ten feet (10') an addition, remodel or new construction shall be no closer than ten feet (10') to a primary structure on an adjacent property. The ten foot (10') separation standard applies only to the interior side yard that has been reduced from the base standard of ten feet (10').

Section (a) pertains to Twin Homes and section (b) Other Uses, pertains to Single Family homes.

- Twin Homes, Zero on one side and 10 feet on the other side.
- Single Family Homes, calculated by formula based on lot width.

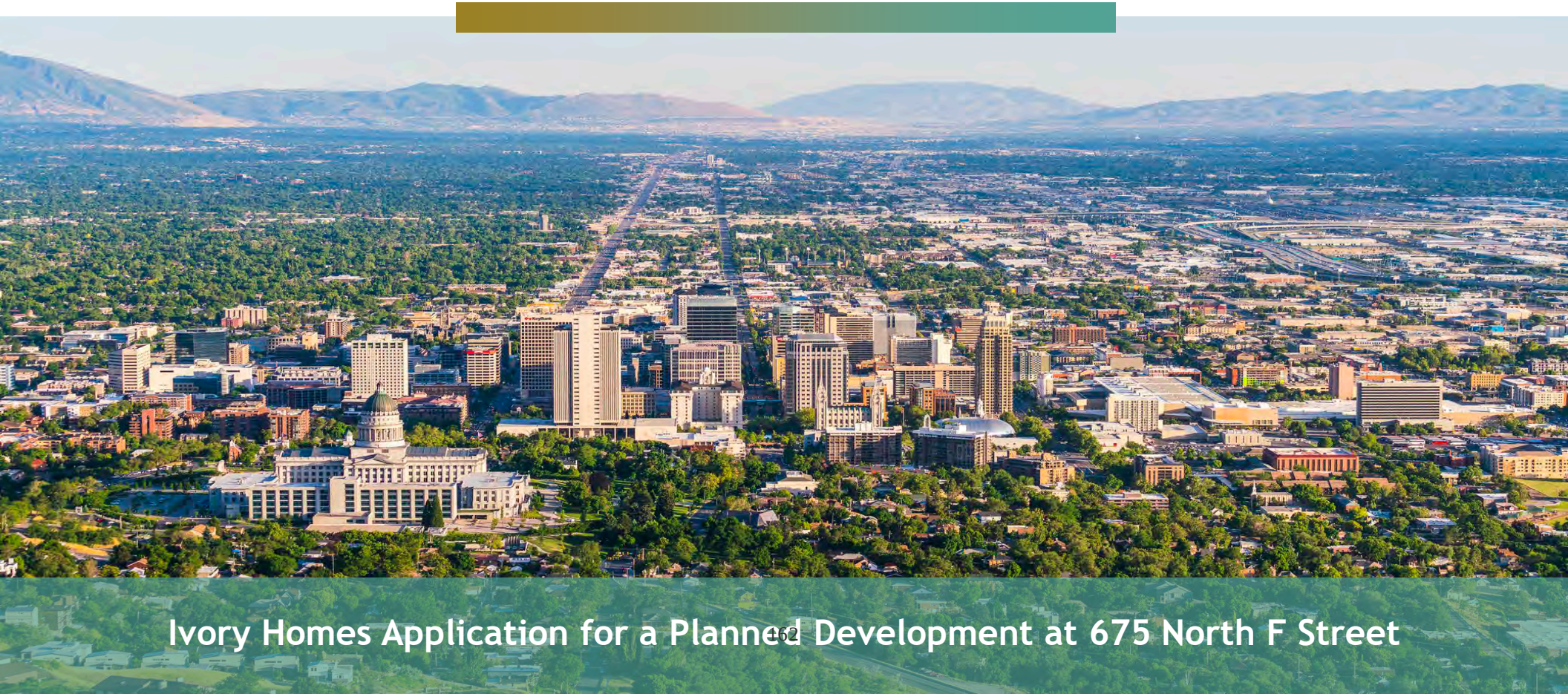
THE PRESERVE OUR AVENUES ZONING COALITION

A Recognized Community Organization

Peter Wright

Greater Avenues Community Council Presentation

August 2, 2023



Ivory Homes Application for a Planned Development at 675 North F Street

VICINITY MAP
1" = 100'

CAPITOL PARK

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-2	SITE PLAN
O-3	UTILITY PLAN
O-4	GRADING AND DRAINAGE PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER NICHOLAS M. MINGO 5719/2023 STATE OF UTAH

Capitol Park

Title Sheet

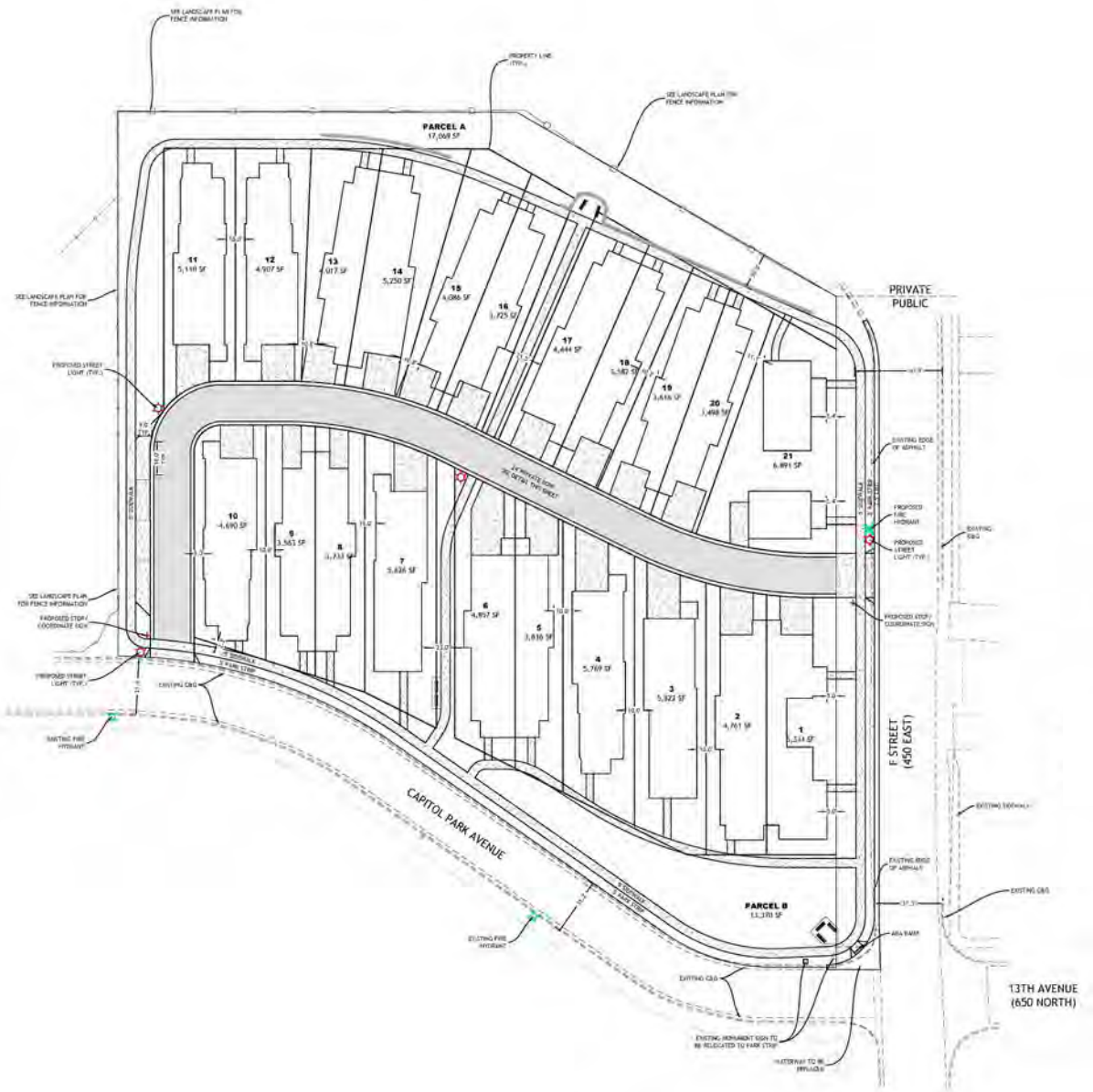
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER: **O-1**

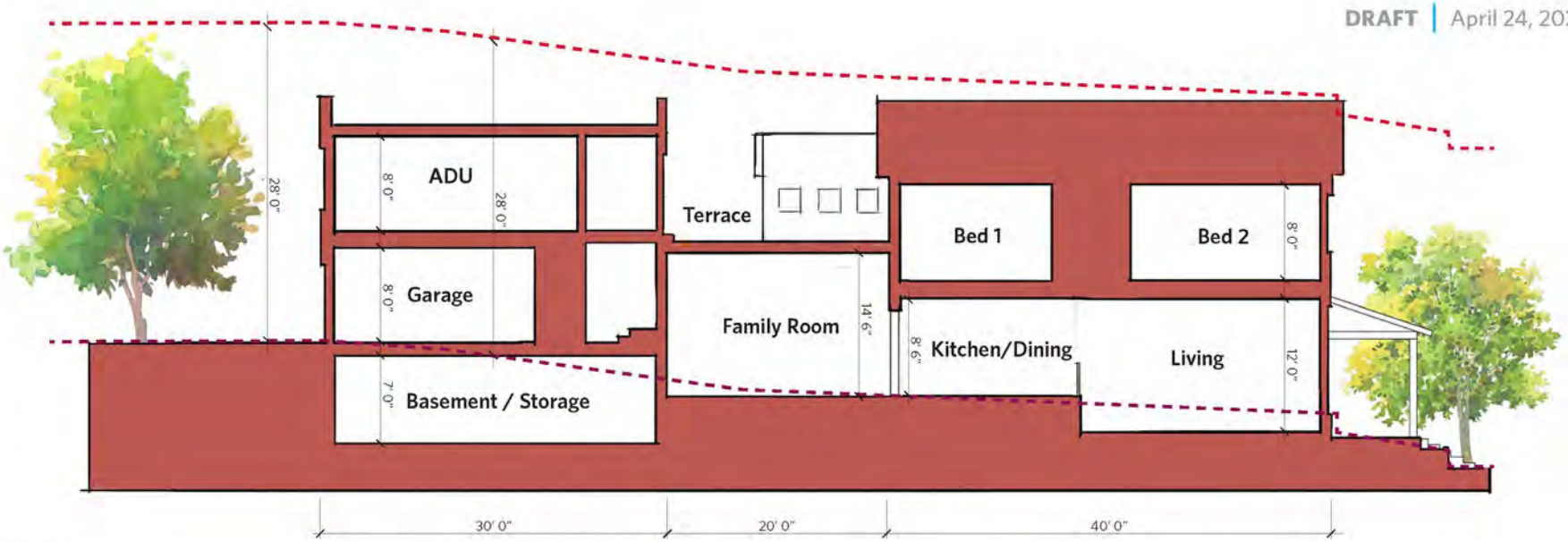
SITE PLAN


PARCEL A
PRIVATE
PUBLIC
F STREET
(450 EAST)
CAPITOL PARK AVENUE
PARCEL B
13TH AVENUE
(650 NORTH)

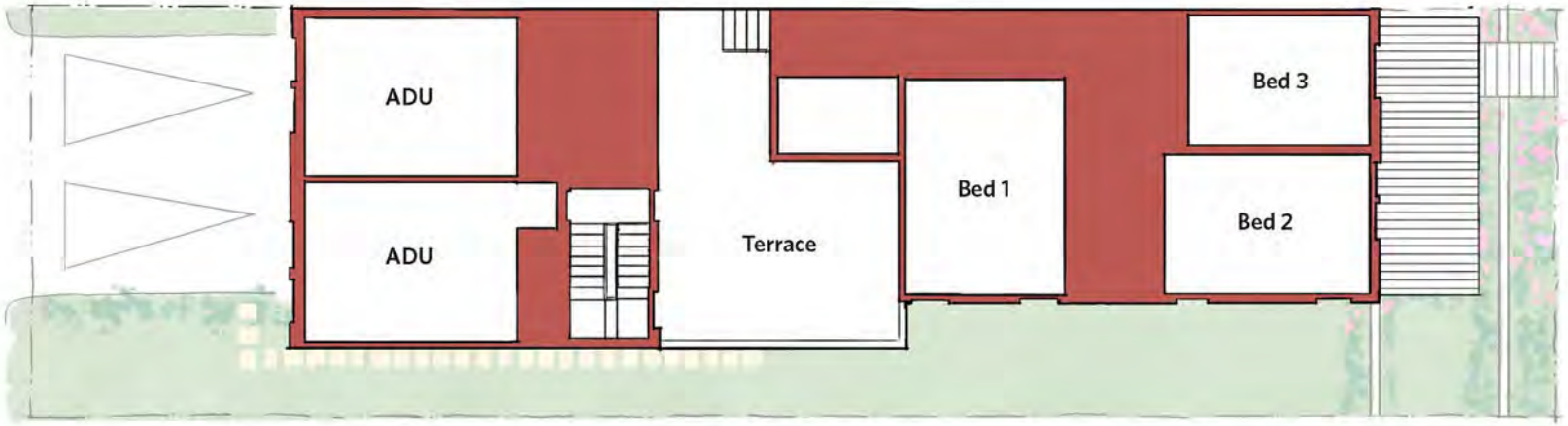
CONCESSIONS REQUESTED VIA A PLANNED DEVELOPMENT

Not a single lot complies with SR-1 requirements

• Minimum Lot Size	15 of 21 do not comply
• Minimum Lot Width	20 of 21 do not comply
• Building Coverage	20 of 21 do not comply
• Rear Yard Setbacks	21 of 21 do not comply
• Front Yard Setbacks	21 of 21 do not comply
• Interior Side Yard Setbacks	20 of 21 do not comply



LOT SECTION



LOT PLAN

DOWNHILL LOT | 24′ Wide Unit

IVORY HOMES — CAPITOL PARK COTTAGES / SALT LAKE CITY, UTAH / APRIL 2023

1" = 10'

5 0 5 10 20 Feet

GRADE LINE — 28' ABOVE GRADE

URBAN DESIGN ASSOCIATES

CLAIMED PUBLIC BENEFITS

Provision of ADUs

- Unknown quantity.
- No planned development is needed.

Clustering to Preserve Open space and Creation of Trails

- Where is the open space? It’s unbuildable land or a drainage pond.
- Sidewalks around the periphery are now considered "trails“.

PROBLEMS

- Parking - a huge problem.
- Egress from Northpoint in the event of a wildfire.
- Ten homes fronting Capitol Park Avenue - a private road posted as no parking.
- 24 feet wide road.
- Nowhere to park snow.
- Overly congested - nothing like the SR/ block section of the Avenues.
- No yards - no kids.
- Two ugly flat roofs on each unit.
- Soil removal. Potentially thousands of truckloads.
- Retaining walls not to code.

PLEASE JOIN US IN OPPOSING THIS APPLICATION FOR A PLANNED DEVELOPMENT

- Write to the planning division at **Aaron.barlow@slcgov.com**
- Vote in the GACC ballot on this subject!!!
- Attend the planning commission hearing when it is scheduled in the Fall.
- Attend the Preserve Our Avenues Coalition briefings to be held via Zoom and in person at the **Corrine & Jack Sweet Library 6:00PM - August 7th, 14th and 17th.**
- For more details see https://www.slc.gov/planning/2023/07/10/openhouse-00656/
- Contact us at **POAZCoalition@gmail.com**

[redacted]

August 4th 2023

Here's the gentle density coming to the upper Avenues. Capitol Park Cottages ready for final planning review.
Published in Building Salt Lake August 2nd 2023.

Dear Dr. Garrott,
As a nearby neighbor to this property, I would like to take exception to a number of the conclusions you draw in the above article. When you subject this proposal to increased scrutiny and peel back the onion skins, you will find that this is not such gentle density and that the proposed development will have a significant detrimental impact on the neighborhood.
Let's look at just one issue as an example - Parking.
You state that; *"Off Street parking is copious. Designers have included 45 spaces in garages and 37 surface spots. 82 stalls for 42 units is essentially a 2:1 ratio."*
Conversely, residents that live here see the level of parking provided as grossly inadequate and problematic, where it will likely lead to around 40 cars from Ivory's development being parked on neighboring streets - many illegally! Let's go through the analysis.
Not a Walkable Section of the City
This section of the city is not walkable, there are few to no amenities nearby, the terrain is extremely steep and the bus service insufficient for most people's needs, making travel by private automobile the normal method of transportation.
Number of Cars
Assuming two automobiles per dwelling and 42 dwellings, residents vehicles will total 84. There is also a need to cater for guest parking, service vehicles etc and for snow storage. Neighboring developments have found a need for guest parking spaces of around 0.7 spaces per residence, which would give a requirement for an additional 29 places for a total requirement of 113 spaces. Ivory's design shows only 4 guest parking places, this is totally inadequate and will not even be sufficient to store snow in winter.
How Many Parking Places has Ivory Really Provided
1) Garages. Ivory has provided 45 garage parking spaces. Do we believe all 45 will be used for parking? It is allmost un-American to park two cars in a two-car garage. A number of these places will be lost to general goods storage, boats, snow mobiles and other toys. Let's conservatively assume only 15 percent of these spaces are lost; this decreases garage parking to 38 units.
2) On-Lot Surface Parking. Ivory claims 34 surface lot parking places.
Ivory is therefore realistically providing 72 parking places against a requirement of 113 leaving a surplus of around 40 vehicles that will flow to the neighboring streets.

Where Will These Excess Vehicles Park and What Problems Will They Cause?

Ivory's property only borders two streets, F Street to the East and Capitol Park Avenue to the South.

1) F Street. As the nearest point to Ivory's internal road, F Street between Northpoint and Capitol Park Avenue will be permanently parked on both sides of the street. Both Ivory's development and Northpoint sit in a Wildland Urban Interface (WUI) zone, with Northpoint having experience of evacuations from fast moving wildfires emanating from City Creek Canyon. F Street is Northpoint's only ingress and egress for 50 homes. Northpoint residents have grave concerns that this section of F Street will become a choke point when both Northpoint and Ivory residents are leaving at the same time as emergency vehicles are entering in the event of a fire. The deaths of 85 people in the Paradise, California fire were attributed to delays from such a traffic choke point.

2) Capitol Park Avenue is a private street posted as No Parking. Despite notifications and signage it is very likely that Ivory residents and guests will park illegally on Capitol Park Avenue, causing friction and disputes among neighbors. All the more so as Ivory has chosen to front 9 of their 21 homes facing Capitol Park Avenue. The development should be redesigned so these residences front Ivory's internal road, not Capitol Park Avenue, to avoid this problem.

I hope the above analysis illustrates that there is far more involved than a superficial 2:1 ratio in considering the adequacy of parking. Equally your statement that, *"Anything under 20 units per acre is generally considered low density"*, is overly simplistic. Appropriate density has to be considered in the context of the location. A change from 11 units under the prior FR-3 zoning to 42 units, including a first of its kind subdivision of ADUs, is twice the norm for the SR-1 zone and is anything but gentle infill density for this foothills location.

Thank you.

Dr. Peter Wright

Barlow, Aaron

From: Taylor Anderson <taylor@buildingsaltlake.com>
Sent: Friday, August 4, 2023 1:25 PM
To: Peter Wright
Subject: (EXTERNAL) Re: Ivory Development at 675 North F Street.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Thanks for writing, Peter. How long until we consider this matter closed? Even under your theoretical scenario, F Street is 45 feet wide. Average cars in the U.S. are less than 7 feet wide. Even if the public street was lined with parked cars on both sides (an unlikely but also untroubling scenario) there would still be room for four average cars lined up side by side to drive down F Street to safety.

The issue I saw in Paradise is that everyone fled at once in a car. That's an extremely inefficient way to transport many people at the same time. Regardless, if you saw anything suggesting that cars parked on the street caused the deaths of 85 people, please do share it.

On Fri, Aug 4, 2023 at 12:44 PM Peter Wright <pwwjaw@gmail.com> wrote:

> Please find attached a response to your article titled, *Here's the gentle density coming to the upper Avenues. Capitol park Cottages ready for final planning review.* Published on August 2nd 2023.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Monday, July 3, 2023 5:11 PM
To: Barlow, Aaron
Cc: Thomas Keen; Preserve Our Avenues Zoning Coalition; Alan Hayes; Lon Jenkins
Subject: (EXTERNAL) Ivory Homes Latest Plans for 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,
Best wishes for a great 4th of July holiday. In reviewing Ivory's latest proposal and the relevant city ordinances it appears to us that Ivory's proposal is non-compliant with regard to interior side yard setbacks and maximum allowed exterior wall heights as required by the SR-1 ordinance. Furthermore this non-compliance is not something that the planning commission can override via the planned development process.
While the planning commission has the discretion to allow reduced setbacks, clause 21A.24.080.D 3 (c), states that where interior side yard setbacks are reduced then the maximum external wall height must be reduced proportionally.

21A.24.080.D 3 : Exterior Walls: Maximum exterior wall height adjacent to interior side yards:
c. *In both the SR-1 and SR-1A districts, the exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.* (Highlight added)

1) 21A.24.080.D 3 (a) defines the maximum wall height as: *Twenty (20') feet for exterior walls placed at the building setback established by the minimum required yard.*
2) Ivory's elevation drawings show exterior wall heights of either 19 or 20 feet depending on model.
3) Ivory's site plan shows interior side yard setbacks of 5 feet in most cases.

Required interior side yard setbacks are detailed in 21A.24.080. E 3.
21A.24.080.E 3. Interior Side Yard:
a. Twin Home Dwellings: No side yard is required along one side lot line while a ten foot (10') yard is required on the other.
b. Other Uses:
(1) Corner lots: Four feet (4').
(2) Interior lots:
(A) SR-1: Four feet (4') on one side and ten feet (10') on the other.
(B) SR-1A: Four feet (4') on one side and ten feet (10') on the other.
(i) Where the width of a lot is forty seven feet (47') or narrower, the total minimum side yard setbacks shall be equal to thirty percent (30%) of the lot width with one side being four feet (4') and the other side being thirty percent (30%) of the lot width minus four feet (4') rounded to the nearest whole number.
(ii) Where a lot is twenty seven feet (27') or narrower, required side yard setbacks shall be a minimum of four feet (4') and four feet (4').

(iii) Where required side yard setbacks are less than four feet (4') and ten feet (10') an addition, remodel or new construction shall be no closer than ten feet (10') to a primary structure on an adjacent property. The ten foot (10') separation standard applies only to the interior side yard that has been reduced from the base standard of ten feet (10').

In many instances the required interior side yard setback determined by 21A.24.080.E 3 exceeds five feet, thus Ivory must either increase the interior side yard setbacks to those specified in 21A.24.080.E 3 or reduced the exterior wall height in line with 21A.24.080. D 3 (c). Ivory can have the maximum allowable wall height or reduced setbacks, it cannot have both.

I would appreciate your comments with regard to this apparent non-compliance.

There are many other problems with Ivory's proposed design, however, this particular issue will require a significant redesign to bring into compliance, such that the other issues may well be mute and can be dealt with when this redesign is completed.

I look forward to hearing from you.

Best Regards,

Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, July 6, 2023 10:59 AM
To: Barlow, Aaron; Thomas Keen; Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins
Subject: (EXTERNAL)

Follow Up Flag: Follow up
Flag Status: Completed

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Hi Aaron,

Thank you for your note of 7/5/2023. I suspect that Ivory will wish to maintain a building height of close to 20 feet in order to allow for two story houses, the issue thus becomes determining the required interior side yard setbacks. The largest discrepancy in Ivory's proposed interior side yard setbacks are those for the twin home dwellings. For twin home dwellings the required interior side yard setback is ten feet on one side and zero feet on the other as described in 21A.24.080.E.3.(a). Importantly this required setback is not reduced by the lot width exception described in 21A.24.080.E.3.(b) 2 (i), this exception applies only to the category of Other Uses as described in 21A.24.080.E.3.(b). Ivory therefore needs to increase the interior side yard setback on each side of the twin homes from 5 feet to 10 feet.

We will work on a more detailed listing of other concerns and let you have this in the next few weeks. We did, however, want to bring the issue of interior side yard setbacks and maximum exterior wall heights to your attention at the earliest time so as to avoid distributing a plan for public comment that was non-compliant and having to repeat the process.

We would greatly appreciate you sharing your analysis on this matter following consultation with your colleagues.

Best Regards,

Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Tuesday, July 11, 2023 5:50 PM
To: Barlow, Aaron; Thomas Keen; Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins
Subject: (EXTERNAL) 675 North F Street. Ivory Homes plans. Compliance with 21A.24.080.D 3

Follow Up Flag: Follow up
Flag Status: Completed

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Aaron,
I would greatly appreciate a response to my letters of 7/3/23 and 7/6/23 with regard to the maximum wall height adjacent to interior side yards defined in 21A.24.080 D 3, plus we would like to see an analysis of what interior side yard setbacks are required for each lot for Ivory to maintain the building heights shown in their plans. As stated in my earlier notes Ivory can have the maximum allowed height or reduced setbacks - it cannot have both which is what is shown in their plans.
Again it appears to us that Ivory's design is seriously non-compliant with regard to either interior side yard setbacks or building height, to the extent that a serious redesign is required to bring the proposed development into compliance.
I look forward to hearing from you at your earliest convenience.
Thanks,
Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, July 13, 2023 8:42 AM
To: Barlow, Aaron
Cc: Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen
Subject: (EXTERNAL) 675 North F Street : Compliance with 21A.24.080.D 3 (c)

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Aaron,
Thank you for your response of 7/11/2023. While I fully understand the need for you to review this matter with your management I am advised by the very experienced lawyers in our group that there is very little scope for interpretation in this matter.

21A.24.080.D.3 (c) Exterior Walls : Maximum exterior wall height adjacent to interior side yards:
The intention of this clause is very clear. If setbacks are increased additional height is permitted on a proportional basis, likewise where setbacks are reduced then the maximum permitted exterior wall height is reduced, again in the same proportional manner. Moreover the language in this clause is both clear and all encompassing, *" If an exterior wall is approved with a reduced setback through **a special exception, variance or other process,** the maximum allowable exterior wall height decreases....."*. The term ***"other process"*** would unquestionably include any approval of reduced setbacks as a part of a planned development process.
While the language in 21A.24.080.D 3 (c) is self sufficient it should also be noted that *21A.55.020 Authority*, also restricts the ability of the planning commission to grant additional height through the planned development process in the SR zoning district.

21A.24.080.E.3 Interior side yard
Again the intent and language in this section is clear.
<u>(a) Twin Home Dwellings</u>
Many of Ivory's proposed units are twin home dwellings. Interior side yard setbacks for these units are prescribed in *21A.24.080 E 3 (a) Twin Home Dwellings; No side yard is required along one side while a ten foot (10') yard is required on the other side.*
Standard clause drafting convention dictates that section *(a) Twin Home Dwellings* is separate and independent from the following section *(b) Other Uses.*
<u>(b) Other Uses</u>
This section is applicable to the single family units where it prescribes the required setbacks as, *SR-1: Four feet (4') on one side and ten feet (10') on the other side.*
Clauses *21A.24.080.E.3.(b).(i) & (ii)* allow for reduced setbacks on narrower lots with *one side being four feet (4') and the other side 30% of lot width minus four feet (4') rounded to the nearest whole number.* Since the required setbacks for twin home dwellings are zero on one side and ten feet (10') on the other side it is very clear that these clauses related to lot width, with one side being four feet (4') and the other 30% minus four feet (4'), apply only to single family dwellings and cannot apply to twin home dwellings.

I hope these comments are helpful and look forward to hearing from you.
Best regards,
Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, July 19, 2023 11:10 AM
To: Barlow, Aaron
Cc: Alan Hayes; Preserve Our Avenues Zoning Coalition; Thomas Keen; Lon Jenkins
Subject: (EXTERNAL) Initial Comments with Regard to Ivory's Proposals for 675 North F Street.

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,

Below are a few initial comments on Ivory's proposal. I have restricted these comments to missing data, questions and a listing of inaccuracies and inconsistencies. We will comment on the merits or otherwise of the proposed development in subsequent letters once we have conducted a series of community meetings.

1) Missing Data

Ivory's proposal is incomplete in many regards. We would like to see the following data:

A) Fully dimensioned drawings of each of the proposed dwellings.

B) Site plans that fully detail setbacks.

C) Ivory claims 84 parking places, can they please detail these.

D) Ivory claims that almost one acre of open space is provided, visual inspection of the plans would indicate that the open space is far less than one acre. Can they detail this please. Are sidewalks being counted as open space? Is the sidewalk on F Street on city owned land being counted as open space?

E) Ivory's plan works against the natural topography of the site with long (90 feet) buildings running into the slope of the hillside. Although they step the buildings, these steps are nowhere near equal to the grade change as evidenced by the tall retaining walls to the north of the property. Large wedges of soil will have to be removed from underneath each building and the side yards. Since there is little to no space to spread this soil and meet height above established grade requirements, this soil will presumably be removed from the site. We would ask to see an analysis of how many tons and cubic feet of soil will be removed. How many thousands of truckloads of soil will traverse our steep, narrow Avenues streets so that Ivory can build oversize homes against the topography of the land?

F) Can Ivory please show where snow will be stored and where the mailbox stack will be located?

G) The amount of hardscape with buildings, driveways, roads and sidewalks appears excessive. Can Ivory or the planning division detail the amount of hardscape please?

2) Questions

A) Ivory shows the width of their internal road at 24 feet. Is this considered adequate for parking and ingress and egress of large vehicles such as delivery trucks and is this in compliance with fire code? Please note that both Northpoint and Ivory's property sits in an Wildland Urban Interface (WUI) zone considered at high risk of wildfire.

B) Can Ivory please define what is meant by the term "potential ADU". Is it Ivory's intent to build these potential ADUs ahead of purchase? What happens if a purchaser does not want an ADU? How many ADUs will be obtained?

C) Ivory claims the potential ADUs as the principal benefit from the planned development but these potential ADUs can be built without a planned development. How can these potential ADUs be considered as justification for a planned development?

D) Ivory claims a quarter mile of paved walking trail will loop the community. How is this significantly different from sidewalks that would ordinarily be placed around the periphery of a block? Would every block in the city with sidewalks qualify for a planned development on this basis? I note that the eastern portion of this trail - the sidewalk along F Street - sits on city land so they are not fully providing this trail.

E) Ivory has ten units with front elevations facing Capitol Park Avenue, a private street owned by the Meridien HOA and posted as no parking. The easement Ivory has from the Meridien grants only ingress and egress, one curb cut and rights to access underground utilities, it grants no rights to park on Capitol Park Avenue. Despite notifications and signage, Ivory residents, visitors, tradespeople and others will inevitably park illegally on Capitol Park Avenue, this will cause

friction and disputes among neighbors. How can this problem be alleviated? Why cannot all of Ivory's units face their own private street rather than Capitol Park Avenue?
F) Ivory shows a 2.3 feet front setback for unit 10 whereas the SR-1 zone requirement is 20 feet. This large two story building will loom over the street, the sidewalk and pedestrians. How can this drastic reduction in setback, completely out of character with the neighborhood, be justified?
G) Ivory's plans show a large section of single step retaining walls with a height of 8.5 feet and a smaller section with a height of 10.5 feet. These walls present a very real danger of falling for both children and wildlife. These walls sit on a well known and heavily used deer trail from City Creek Canyon through a planned gap in Northpoints boundary fence. Why cannot these walls be constructed in a stepped fashion as required by city code?
3) Inconsistencies and Inaccuracies
There are a large number of inconsistencies and inaccuracies in Ivory's submission that you may wish to have them fix.
A) Architect Narrative, page 13 sketch of the development of Capitol Park Avenue. This sketch is highly inaccurate and misleading. The park strip appears to be 15 to 20 feet in width giving a false impression of spaciousness, whereas in actuality the park strip is 5 feet in width. We would ask that this be redrawn or omitted from the submission to the planning commission.
B) Architect Narrative, pages 17 & 18, show homes with detached garages and ADUs, whereas all the other drawings show these to be integral with the primary dwelling other than unit 21.
C) Architect Narrative, page 19 top row, this shows Elevations on Capitol Park Avenue. This sketch is not drawn to scale and is misleading, the spacing between the buildings is far less than shown. We would request that this is redrawn to scale or omitted from the submission to the planning commission.
D) Architect Narrative, page 19 bottom row, Elevations on F Street. This does not match the other drawings and shows two detached units on the southside (unit1) whereas the other plans show this as a single unit.
E) Preliminary Plans, page 3. Site Plan.
(a) The cross section drawing shows a 10 feet spacing between the sidewalk and property line, this is incorrect and inconsistent with the main drawing that shows zero spacing between the property line and the sidewalk for units 9 and 10 and less than 10 feet for units 7 and 8.
(b) The rear setback requirement in SR-1 is 25% of lot depth with a minimum of 15 feet and a maximum of 30 feet. Since all of the lot depths, with the exception of unit 21, exceed 120 feet the required setback is 30 feet for these units, not the15 feet shown in Ivory's table.
F) Prelimiary Plans, page 4, Utility Plans. We believe that Ivory has grossly underestimated the water and sewer requirements. They only consider the 21 primary dwellings and ingnore any demand from the 21 potential ADUs. Also thier per unit numbers are lower than we would normally be used. The Jordan Valley Water Authority estimates an average daily per person consumption of 238 gallons. We would expect occupancy of the primary unit to be four people and the ADU two people, giving a per unit consumption of 1428 gallons per day, or 29,988 gallons per day for the development compared to Ivory's estimate of 8400 gallons per day.

I hope these comments are useful. Prehaps we can talk through them when you have time.

Best Regards,
Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Friday, July 21, 2023 11:01 AM
To: Barlow, Aaron
Cc: Thomas Keen; Lon Jenkins; Alan Hayes; Preserve Our Avenues Zoning Coalition; John Kennedy; Don Warmbier
Subject: (EXTERNAL) Re: Ivory Development Wall Height Determination from Planning Staff

Follow Up Flag: Follow up
Flag Status: Completed

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Aaron,
Thank you for your email of 7/17/2023. I have reviewed this with my colleagues and we strongly disagree with your conclusions.
1) A planned development is not the establishment of new zoning for a site. Zoning regulations are established in the individual district ordinances, in this case 21A.24.080. There is nothing in the planned development ordinance 21A.55 that grants the planning commission any authority to establish completely new zoning regulations for a site, eliminating all the provisions of the base district zoning ordinance. On the contrary, both 21A.55.010 *Purpose Statement, "..a planned development implements the purpose statement of the zoning district in which the project is located…", and* 21A.55.020.A. "…*the Planning Commission cannot approve a use that is not allowed in the zoning district in which the planned development is located…",* explicitly recognize that a zoning district in which a planned development is located continues to exist after a planned development is approved, and the base zoning regulations for that district continue to apply to that district and that site.
21A.55.020 *Authority* only grants the planning commission the ability to, *"change, alter, modify or waive"* provisions in the base district zoning ordinance that are consistent with the purpose statement for that district.

2) 21A.55.020.C states that in the SR zoning district ,*"..additional building height cannot be approved through the planned development process".* While building height and exterior wall height are defined differently they are inextricably linked, exterior wall height is an integral component of building height. This relationship is recognized in 21A.24.080.D *Maximum Building Height,* where exterior wall height limitations are defined as a subset of building height. Thus both clauses 21A.55.020.C and 21A.24.080.D.3.c together define the maximum allowable building height for a given side yard setback. This is particularly so in the case of flat roofs which are prevalent in Ivory's proposal. That clause 21A.24.080.D.3.c is intended to survive the creation of a planned development and is applicable is further reinforced by its extremely broad language,*"..special exception, variance or other process.."* , where the term *"other process"* would unquestionably include a planned development.
In conclusion, while 21A.55.020 gives the planning commission the ability to *,"change, alter, or modify "* interior side yard setbacks, if it does so this would constitute a variance and the exterior wall height must be reduced as required by 21A.24.080.D.3.c.
If you have an administrative or judicial decision that has decided otherwise we would greatly appreciate you sharing that with us.

3) You have suggested that this matter might be resolved via an Application for an Administrative Interpretation and have provided a link to this process. On examination we find that this mechanism is only available to landowners or their agents and that this is not a route we can follow. We would therefore ask that you kindly grant us a meeting with the Zoning Administrator so we can resolve this matter. It would be better for all parties

that this issue is resolved now rather than becoming the subject of an Appeal of an Administrative Decision (21A.16) after a planning commission hearing and decision.

I look forward to hearing from you on this matter.

On Mon, Jul 17, 2023 at 2:23 PM Barlow, Aaron <Aaron.Barlow@slcgov.com> wrote:

Hi Peter,

I apologize for the delay in getting this to you, but here is the determination on the wall height issue your group brought up:

1. 21A.55.020 states that the Planning Commission may "change, alter, modify, or waive" certain provisions in the title. A Planned Development is an establishment of zoning regulations for a site and are not a reduction/modification as described in 21A.24.080.D.3.c. This has been the interpretation for development in the past.

[redacted]

As I mentioned in our phone call, you can request an administrative interpretation of the standard if you would like an official document. The application can be found here (on our applications page).

Let me know if you have any follow-up questions or concerns.

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)

Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182

Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Monday, August 7, 2023 8:41 AM
To: Barlow, Aaron
Subject: (EXTERNAL) 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Hi Aaron,
I hope you had a great vacation. Just a couple of things.
1) Ivory's drawings are very skimpy with regard to detailed dimensions. For example most of the setbacks are not dimensioned and driveway lengths, essential to understanding parking are not dimensioned. I noticed reviewing the ordinances that applicants are required to submit large size, scaled, hard copy drawings to the city. Would it be possible to get such a paper copy of their four site plans please? If you need me to pay for these, that is fine. I am just reluctant to attempt to scale electronic drawings due to the inherent inaccuracies of doing so.
2) You were going to establish a meeting with the Zoning Administrator so we can review the relevance and intent of 21A 24.080.D.3.c., I look forward to hearing from you on this.
Many Thanks,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Tuesday, August 29, 2023 11:32 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory's Drawings

Follow Up Flag: Follow up
Flag Status: Completed

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Hi Aaron,
I look forward to seeing you this afternoon at 3:00PM.
If you have time there are a couple of things you could perhaps help me with.
Ivory's Road/Alley. I had previously thought that the minimum width for a road to meet fire code was 26 feet. Ivory has a 24 feet wide road. Where do I find the regulations pertaining to road width etc ? Also, I note Ivory's driveways are extremely close together, are there regulations regarding parking on narrow roads with closely spaced driveways? I note that Ivory does not show any parking places on their road other than the four on the western side, so I assume parking on this road is prohibited for some reason.
Parking.You can see from our report that there is a very high level of concern on parking. What regulations apply with regard to parking, how many places are required? How do ADUs, or "potential ADUs" figure into this? Do any regulations cover guest parking?
RoofTop Terraces. Ivory shows buildings with rooftop terraces. I can find no reference to these in the city ordinances. Are there regulations regarding such rooftop uses? Are guard rails or safety walls required and do these count in the determination of height? Ivory's drawings show an undefined and undimensioned structure on these terraces. How are such structures regulated? Will they need to be within the maximum wall and roof height limitations for a flat roof? Several people asked me about these rooftop terraces in our meetings and I had to answer that I did not have a clue.
Soil Removal and Heights Above Established Grade. Have you started to look at this yet? I asked Ivory's engineer about this and he stated they had not looked at it in any detail yet.
Thanks,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Friday, September 8, 2023 8:36 AM
To: Barlow, Aaron; Norris, Nick; Wharton, Chris; Thomas Keen; Lon Jenkins; Don Warmbier; Preserve Our Avenues Zoning Coalition; Alan Hayes
Subject: (EXTERNAL) Compliance with 21A.24.080.D.3.c.
Attachments: Meeting with The Zoning Administrator (3).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Aaron,
Thank you for your phone call yesterday requesting to cancel our meeting on this subject scheduled for Monday 9/11. We first notified the Planning Division of this issue on July 3rd, over two months ago, and this is now the second time that a scheduled meeting has been canceled at short notice.
You mentioned in our phone call yesterday that your legal advisor from the City Attorney's office is currently unsure if the Planning Commission can waive 21A.24.080.D.3.c. Please find attached the handout we had prepared for discussion at the 9/11 meeting which lays out very clearly why it cannot. We would appreciate you sharing this with your legal advisor.
As discussed previously, we brought this matter to your attention as soon as we could, believing it better to resolve this ahead of a Planning Commission hearing rather than having it be the subject of a later appeal.
We remain willing to meet with you to discuss this matter further and would appreciate written confirmation from you that our interpretation of these ordinances is correct once you have completed your deliberations.
Separately, while you are meeting with your legal advisers you might wish to review with them if Ivory's plan meets the requirements for a Planned Development in the SR-1 zone, we believe that it does not.
Best regards,
Peter wright
Chair POAC

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, September 27, 2023 7:23 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Application for 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Hi Aaron,
I wanted to raise with you the front yard setback for unit 10 in Ivory's plans. This is of concern to many residents and we raised this in our community organization report but have not separately discussed this.
In various sections of Ivory's application they refer to this setback as 2.3 feet or 2.95 feet. This proposed setback is grossly insufficient, such that the two-story, 28 feet high building will tower over the sidewalk and pedestrians. It is also not sufficient to ensure privacy for Ivory's residents, nor is it compatible with existing homes in the neighborhood. The required front yard setback in the SR-1 zone is 20 feet. All of the homes in adjacent and neighboring blocks in the SR-1 zone meet or exceed this 20 feet front setback requirement.
The planned development ordinance 21A.55.050.C3 requires that the Planning Commission consider if setbacks on the perimeter of the development are adequate and if they maintain the visual character of the neighborhood. This unit as proposed most certainly does not meet these criteria. I would like to ask that you recommend a 20 feet front setback for unit 10 in your staff report.
You had earlier mentioned that the Fire Department has concerns on the radius of the private road as it turns to the south adjacent to unit 10. Possibly Ivory could address both of these concerns by shortening the length of unit 10.
Best regards,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, October 4, 2023 7:47 AM
To: Norris, Nick; Barlow, Aaron; Wharton, Chris; Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen
Subject: (EXTERNAL) 675 North F Street - Recognized Community Organization report

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Dear Nick & Aaron,

Re: Ivory Homes Application for a Planned Development at 675 North F Street

On July 10th 2023 you wrote to us, as a Recognized Community Organization, asking for input on Ivory's application and provided excellent guidance as to how community organizations should proceed in considering an application for a Planned Development. We took this advice to heart and conducted a series of meetings with 163 of the residents that live closest to this proposed development. At these meetings Ivory's proposal was reviewed in detail and straw polls were held on all key aspects of Ivory's application. This process entailed considerable effort by Avenues residents and a detailed report summarizing nearby residents' views and concerns was submitted to you on the requested due date of August 28th 2023. Since that time we have received close to zero feedback on our report from the Planning Division. Accordingly, we would like to ask that you grant us the courtesy of a one hour, face to face meeting so that we can review the findings of our report with you.

Also, on July 3rd 2023 we advised the Planning Division that Ivory's proposal is not in conformance with clause 21A.24.080.D.3.c. relating to maximum wall heights and reduced setbacks and that furthermore this is not a condition that can be waived by the Planning Commission via a Planned Development. We have provided detailed analysis supporting this position. Twice we have established meeting times with you to review this matter and twice these meetings have been cancelled by the Planning Division at short notice. After three months we have yet to gain any meaningful feedback on this issue, so hopefully we can also cover this topic at the meeting.

District 3 Council Member Wharton has a strong interest in this matter and would like to join us for this meeting. Council Member Wharton has indicated that he has time available on the morning of Tuesday October 10th or Friday October 13th, so perhaps you could find time available to meet on one of those dates. If not then please provide us with dates that are convenient to you. I look forward to hearing from you.

Thanks and Best Regards,
Peter Wright
Chair POAC.

Barlow, Aaron

From: Jan McKinnon [redacted]
Sent: Saturday, October 28, 2023 7:03 PM
To: Norris, Nick; Mills, Wayne; Barlow, Aaron; Pasker, Katherine
Cc: Peter Wright; Joel Deaton; THOMAS KEEN; Alan Hayes; Lon Jenkins; Larry Perkins; John Kennedy; Don Warmbier; Scott Young; Wharton, Chris; Lewis, Katherine; Mayor
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 N F Street
Attachments: Ivory Easement Letter 7 (7).docx; Ivory Easement Letter 7 (7).docx

Categories: Ivory comments

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To: Nick, Aaron, Wayne, and Katherine:

Following our meeting of 10/13/2023, I wanted to write to you in my capacity as President of the Meridien HOA, the owners of Capitol Park Avenue. Please see the attached letter.

During our meeting we briefly discussed the issue of the City facilitating Ivory in overburdening the easement allowing access to Capitol Park Avenue. The attached letter details how the City cannot reasonably approve a planned development that overburdens the private property of the Meridien. The position taken at the meeting that this is a matter between Meridien and Ivory is both incorrect and unreasonable. Ivory does not grant itself a planned development; the City does and the City has a responsibility to do proper due diligence in ensuring that the rights of neighboring property owners are not infringed upon.
I would greatly appreciate a detailed reply from you on this matter at your earliest convenience.

Thank you,
Jan McKinnon
President, Meridien HOA.

Re: Ivory Homes Application for a Planned Development at 675 North F Street

Capitol Park Avenue is a private road owned in sections by the Meridien and Capitol Park HOAs, the Meridien owns the portion of Capitol Park Avenue adjacent to Ivory's property. Ivory has an easement allowing ingress and egress to Capitol Park Avenue, originally granted to the Church of Jesus Christ of Latter-Day Saints (CPB) in order to build a chapel. A copy of this easement has been forwarded to you.

Members of the Meridien HOA and POAC, which includes four highly experienced lawyers, have examined Ivory's application for a planned development on 675 N F Street. We find that the proposed planned development would significantly exceed the scope of the easement, and that the City's approval of the planned development, with its significant increase in the number of dwellings and associated vehicles, would place an increased burden on the Meridien and the surrounding community, in violation of law; and would unconstitutionally take the private property of the Meridien for Ivory's private use.

An easement does not give its holder an unlimited right to use that easement to burden the easement's servient estate. Ref. Utah Supreme Court SRB Inv. v. Spencer Co. Ltd 2020 UT 23. While SRB considers a prescriptive easement, the same principles apply equally to an express written easement.

In the SRB decision (Item 22) the supreme court stated that;" *Even though courts will almost always consider the physical dimensions of the land used, as well as the frequency and intensity of that use, the "ultimate criterion" in determining the scope of a prescriptive easement is that of avoiding increased burden on the servient estate. So, courts should consider any and all factors that may contribute to that burden."*

Unlike the prescriptive easement at issue in SRB, where the scope of the allowable burden was determined by the same historical usage that created the easement; the scope of the allowable burden of an express easement, such as the easement between Meridian and Ivory, is determined by the written language in the easement. Where this language is non-specific as to scope and burden, then the intent of the parties at the time of creation must be considered in determining the allowable burden.

CPB, the owner of the dominant property, was granted the easement to enable it to build a chapel. The easement was never intended to serve the needs of a highly intensive, congested, residential development in daily 24/7 use, which materially increases the frequency and intensity of use and the burden on the servient estate.

Background. In order to build a chapel in an FR-3 zone, CPB applied for a special exception to exceed the building height limit in that FR-3 zone. This exception was granted, subject to CPB's meeting all requirements of various City departments. (You are in possession of this1997 LDS Church Conditional Use Staff Report and Record of Decision (SR)).

The City Engineering Department required that CPB, *"must have an access agreement to use Capitol Park Avenue (a private street)"* (SR p. 47). And the Division of Transportation also found that *"the traffic impact generation with Church Development should be of no consequence."* (SR p. 45).

Creation of the easement was therefore an integral part of CPB's meeting City Department requirements for obtaining the zoning exception needed to build the chapel. At the time the easement was entered into, the anticipated use of the CPB Property, was clearly its use as a chapel, which would have entailed vehicular traffic during limited hours, principally on Sundays, with the scope of the easement being that of an easement only generating a traffic impact on Capitol Park Avenue that would be *"of no consequence."*

Supporting construing the language of the easement as intending that the easement would only burden Capitol Park Avenue with the limited traffic generated by a chapel is the fact that the easement calls for CPB to cover only 16.67% of the costs of Maintaining Capitol Park Avenue, while AHC, the owner of the servient estate, which was later developed into the Meridien, would cover the remaining 83.33%, even though the frontage of the CPB property and the AHC property on Capitol Park Avenue is roughly the same. This suggests the parties anticipated the traffic to be generated by the chapel would only be 16.67% of the total traffic generated by the chapel and what would become the Meridien. The Meridien, which was in the preliminary planning stage when the easement was created, was approved for 27 units compared with the proposed 42 units in Ivory's development. Today the Meridien has only 21 units.

Even if the property is now used for something other than a chapel, the scope and burden of the easement's allowable use remains limited to that intended when the easement was created, and to it carrying a frequency and intensity of traffic generating the same *"no consequence"* impact on Capitol Park Avenue that would have been generated on that easement by a chapel.

Ivory's proposed planned development would materially exceed the scope of the easement in a number of ways:

1. Excess Traffic. The proposed planned development would generate traffic with a

frequency and intensity well beyond that reasonably anticipated when the easement was granted. This would materially increase the burden imposed by the easement on the property owned by the Meridien HOA and unreasonably interfere with our rights as owners of the easement's servient estate. This excess traffic will also burden Capitol Park residents, where Ivory does not even have an easement that grants access to their section of Capitol Park Avenue.

After Ivory purchased the 675 N F Street property and its accompanying easement, knowing that the easement was created for use as a chapel, Ivory petitioned for and received an up-zone of the property from FR-3 to SR-1 that doubles the number of allowable lots on the property. Ivory now also asks for a planned development to add even more additional lots, and incorporates a radical, new, highly questionable, experimental concept where every unit has an ADU. This again further doubles the number of dwellings and vehicles creating a development with a density of dwellings and vehicles completely out of character with the neighborhood and far greater than would have been allowed or anticipated when the easement was granted.

The burden on Capitol Park Avenue would increase from the vehicle traffic during limited hours on only certain days generated by a chapel to, with two vehicles per dwelling for 42 dwellings, the burden imposed by at approximately 84 vehicles in daily 24/7 use, plus visitor and service vehicles.

The combination of a rezone, a planned development and a subdivision of ADUs, by greatly increasing the frequency and intensity of the vehicles using the easement, expands the scope of the easement far beyond any intended or even reasonably anticipated use at the time the easement was created, overburdening Capital Park Avenue with its traffic, and negatively affecting the Meridien property.

2. Parking. Unlike the design for the chapel, which included extensive parking provisions, Ivory's overly congested development provides insufficient parking, with multiple residences sharing parking on short, narrow driveways, requiring extensive and inconvenient shuttling. They also provide only 4 street guest parking spaces. These totally inadequate and inconvenient parking facilities will force parking to the neighboring streets, including Capitol Park Avenue.

The easement grants Ivory one curb cut to Capital Park Avenue, access to underground utilities, plus vehicular and pedestrian ingress and egress. It grants no rights whatsoever to parking. The section of Capitol Park Avenue adjacent to Ivory's parcel is posted as No Parking on either side of the road.

Despite notification and signage, it is inevitable that Ivory residents, guests and service

providers will park illegally on Capitol Park Avenue. The overly dense, congested nature of Ivory's proposed development with 84 plus vehicles will increase the quantity and frequency of this illegal parking problem, putting an increased burden on the Meridien. To further compound this problem, Ivory asks for approval of a design with 9 of their 21 homes fronting Capitol Park Avenue, with Capitol Park Avenue addresses. Guests and service providers using GPS navigation will be guided to Capitol Park Avenue encouraging parking there.

3. Snow Removal. Private developments must provide sufficient space for basic needs such as storage of plowed snow in winter. Guest parking spaces are often used for this purpose, but Ivory's proposal provides only 4 guest spaces, which is totally insufficient for guest parking or for storage of snow. When quizzed on this at an Ivory Open House on August 23, 2023, Ivory's Mr. C. Gamvroulas stated that snow would be pushed onto Capitol Park Avenue, across a raised curb and landscaped park strip and sidewalk onto Parcel A, their drainage pond/park. This would also exceed the scope of the easement, which does not provide for snow to be pushed from Ivory's development onto Capitol Park Avenue.

The City Refused to Accept Responsibility for Capitol Park Avenue. Capitol Park Avenue was designed to accommodate the limited needs of a low-density residential community. In 2014 the Meridian and Capitol Park HOAs petitioned the City to adopt Capital Park Avenue and other streets in the Capitol Park subdivision. The City refused, stating that Capitol Park Avenue is too narrow and does not comply with City regulations in many regards. The City also did not want to pay for the upkeep of these roads. How can the City in good faith now grant repeated and highly consequential concessions to Ivory that overburden a private street that the City has refused to take responsibility for?

Unconstitutional Taking. Finally, by approving the proposed Ivory Planned Development, the City would be taking the private property of the Meridien for Ivory's private use, without just compensation, in violation of the U.S. Constitution, Amendment V, and the Utah Constitution, Article 1 Section 22.

City Responsibility. As a part of the review of a planned development application, the Planning Division and the City Attorney's office has a responsibility to conduct a full due diligence review of the impact on neighboring landowners resulting from a decision by the City. It is not acceptable for the City to state that the existence of an easement is sufficient, as attorney Pasker did at our 10/13/2023 meeting, the City needs to ensure that its actions do not materially exceed the intent and scope of the easement. This burden should not fall on the Meridien. Ivory cannot proceed without the permission of the City, it is the City's action that is facilitating the overburdening of the easement. Review of the legal infrastructure and its adequacy is no different to review of physical

infrastructure such as sewer or electrical capacity, which is a responsibility of the City.

We therefore ask that the Planning Division and the City Attorney's Office undertake a full legal due diligence review, bearing in mind the contents of this letter. The conclusions of such a due diligence investigation should lead to a negative recommendation from the Planning Division to the Planning Commission, denying Ivory's application as required by law.

Litigation and Appeals. It is Meridien's sincere wish to avoid costly and time-consuming appeals and litigation of this issue, however, if this matter is not resolved ahead of an adverse Planning Commission decision, the City will give us no choice but to follow the appeals procedure with the Appeals Hearing Officer and District Court, where we are confident that such an appeal would lead to a reversal.

Jan McKinnon

President of the Meridien HOA. October 28th, 2023.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, October 18, 2023 9:23 AM
To: Norris, Nick; Mills, Wayne; Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Thomas Keen; Joel Deaton; Lon Jenkins; Alan Hayes; Pasker, Katherine
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 North F Street.

Follow Up Flag: Follow up
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Categories: Ivory comments

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Dear Katherine, Nick, Wayne & Aaron,

I wanted to write to you all to say thank you for meeting with us last Friday. The opportunity to sit face to face and review our various aspects of concern is much appreciated. We are also pleased that the interpretation of 21A.24.080.D.3.c is finally resolved.

We have now had the opportunity to review a digest of the meeting with our broader group and wanted to come back to you on two matters we did not have time to fully discuss at the meeting.

We raised with you concerns on a number of practicalities, such as Ivory not providing sufficient space for guest parking and snow storage. We were told that such facilities are not required in the single family district ordinances and feature more in the ordinances for multi-family zones. If this development is to be a success without overburdening neighbors, then such practicalities need to be addressed.

The grant of a planned development is highly discretionary, requiring the applicant to create a better development that could otherwise be obtained. Unless these practicalities are addressed this most basic requirement of a planned development cannot be satisfied.

We would also note that Ivory is proposing a completely new concept to the city - a subdivision of ADUs that doubles the number of residences and cars. The city has no specific regulation to address this new animal and common sense and discretionary judgment must come into play.

With the decision regarding 21A.24.080.D.3.c now resolved Ivory will have to conduct a redesign. We ask that as a part of this redesign the planning division requires Ivory add at least ten guest parking places. This number of guest parking places is the minimum needed to cope with 42 residences, recognizing that around half will be lost to snow storage in winter. Provision of adequate parking for guests and service vehicles internal to Ivory's development is particularly important since the property borders only one public street.

It would also seem that this redesign is an opportunity to address the orientation of the lower row of homes fronting Capitol Park Avenue. 21A.55.050.C.2.Standards for Planned Developments: requires that the Planning Commission consider: *"Whether the **building orientation** and building materials in the proposed planned development are **compatible with the neighborhood** where the planned development will be located…."* Capitol Park Avenue is a private road, owned by the Meridien and posted as No Parking on either side of the street. Fronting 9 of 21 homes onto Capitol Park Avenue, with Capitol Park Avenue addresses, as proposed by Ivory, is unacceptable to the Meridien and **is not compatible with the neighborhood** as required by 21A.55.050.C.2. Fronting homes onto Capitol Park Avenue will encourage illegal parking on Capitol Park

Avenue causing disputes and confrontation between neighbors. GPS navigation systems will direct visitors to Capitol Park Avenue, further adding to this problem. Ivory must front their homes onto their private road, not the Meridien's private road. We ask that the planning division require Ivory to reorient the lower row of homes such that they front their private road.

We hope you will give these two suggestions serious consideration and look forward to hearing from you on this.

Thanks again for meeting with us.

Best regards,

Peter Wright
Chair POAC

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, October 19, 2023 6:29 AM
To: Barlow, Aaron; Mills, Wayne; Norris, Nick; Pasker, Katherine; Alan Hayes; Joel Deaton; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 North F Street. Unit 21.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Aaron,

In order to avoid further design iterations and the wasting of everyone's time, we thought we should inform you that Unit 21 in Ivory's application is non-compliant with regard to building height on the detached garage unit. Ivory's drawings show the height to the top of the pitched roof on this building as 24 feet. This unit is correctly classified as an Accessory Building with a maximum height of 17 feet, with some exceptions for increased setbacks to a maximum of 21 feet. Also, as you are aware, the planning commission does not have the authority to grant additional height in the SR-1 zone via a planned development.

1. Planned Developments 21A.55.020.C. Authority. Building Height.
   "Up to five feet (5') of additional building height, except in the FR, R-1,SR or R-2 Zoning Districts where additional building height cannot be approved by the planned development process."

2. Building Heights for Accessory Buildings in the SR-1 zone are defined in 21A.24.080. SR-1 and SR-1A Special Development Pattern Residential District: and in 21A.40.050.General Yard, Bulk and Height Limitations.
   21A.40.050.C.2.b. Maximum Height of Accessory Buildings/Structures.
   The height of accessory structures with pitched roofs shall not exceed seventeen feet (17') at any given point of building coverage. In the SR-1A zoning district the height of accessory structures with pitched roofs shall not exceed fourteen feet (14'). The height of pitched roof accessory structures may be increased up to seventy five percent (75%) of the height of the principal structure, not to exceed an additional four feet (4') except in the SR-1A zoning district where up to an additional three feet (3') may be permitted provided the setbacks are increased one foot for every one foot of building height.

3. Ivory refers to the units above the garages as Accessory Dwelling Units (ADUs), or Potential Accessory Dwelling Units.The latter is a more accurate description. For units 1 to 20 with internal ADUs, or potential ADUs, the distinction is not significant as Ivory can build these units within the box defined for the primary building, however, when considering a detached structure which is an Accessory Building, with different regulations, the distinction is important. The detached garage for unit 21 is an Accessory Building and subject to the height regulations for Accessory Buildings not those for primary buildings or for ADUs.

4. 21A.040.200.C. Accessory Dwelling Units, grants the right to create and maintain an ADU to an *"owner occupant", ..."that shall reside on the property."* 21A.40.200.C.1, further defines an *"owner occupant"* as *"An individual who is listed on a recorded deed as an owner of the property."* As a corporation Ivory is not an "owner occupant" that will reside on the property, nor is it an individual listed on a recorded deed

as an owner of the property. Corporations cannot usurp the rights granted to an individual owner occupant. The ADU ordinance was never intended to facilitate the construction of subdivisions of ADUs by developers, but to allow individual owner occupants to create ADUs one- at-a-time. Although Ivory refers to these units as ADUs they cannot guarantee that subsequent purchasers of the units will register and use these units as ADUs. These units could very well be used as home offices, guest suites, storage units or for other purposes. The intention of future purchasers of the houses is unknowable. Also as a corporation and not an individual owner occupant, it would be impossible for Ivory to comply with clauses such as 21A.40.200.O. Zoning Certificate and Good Landlord Program. These units are not ADUs, ADUs cannot be created by corporations, only by individual owner occupants. Any additional height permitted under ADU regulations such as 21A.40.200.F, therefore, does not apply.

I would appreciate hearing from you on this matter.

Thank you,

Peter Wright

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Saturday, December 30, 2023 8:42 AM
To: Barlow, Aaron
Cc: Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins
Subject: (EXTERNAL) Unit 10. A Problem Not Addressed.
Attachments: Unit 10. December Revison. (3).docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Aaron,
Please find attached a letter regarding the front setback of unit 10, an issue we raised in our community report and asked that you address with Ivory. This issue has not been addressed in any meaningful way.

Dear Mr. Barlow,

Re: Ivory December 2023 Proposal - Unit 10 Front Setback.

As a part of our community report, based on Ivory's June 2023 submission, we raised with you concerns regarding the front setback for Unit 10, where a 28 feet high, two-story building is situated 3 feet from the front property line and sidewalk, looming over pedestrians and the street.

The required front setback in the SR-1 zone is 20 feet and the average front setback in the nearest ten blocks in the SR-1 zone is 21 feet. You undertook to review this item and raise this concern with Ivory.

In the December revision of Ivory's plan, we see that this issue has not been addressed, instead Ivory have played games and moved the lot line all the way to the street, such that the sidewalk and park strip, each 5 feet in width, are now a part of the lot. Via this sleight of hand Ivory now claims a 13 feet front setback. This does not in any way solve this problem and I am amazed that you could find this acceptable. Nothing has changed, this large, two-story building remains 3 feet from the sidewalk.

As you well know throughout the SR-1 zone, lot lines do not border the road, there is a sizable section of city owned land between the lot line and the street that contains the sidewalk and park strip. For the nearest ten blocks in the SR-1 zone, the average width of this land is 22.5 feet. Thus in making a comparison between the existing neighborhood and Ivory's proposal we need to compare Ivory's 13 feet setback from the street with an average 21 feet front setback plus 22.5 feet for the sidewalk and parkstrip - a total of 43.5 feet.

It would have been no hardship for Ivory to have shortened this one building to give a reasonable front setback from the road, instead they chose to play games in moving the lot line in a way that is completely out of character with the neighborhood.

We are extremely disappointed that this issue has not been addressed in any meaningful way and ask that you address this issue in your staff report with a recommendation that a 20 feet front setback from the sidewalk be included.

Thank you,

Peter Wright
Chair POAC.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Tuesday, January 2, 2024 9:23 PM
To: Barlow, Aaron
Cc: Thomas Keen; Alan Hayes; Lon Jenkins; Joel Deaton; Preserve Our Avenues Zoning Coalition
Subject: Re: (EXTERNAL) Ivory December 2023 Plans. Maximunm Height of Exterior Walls Adjacent to Interior Side Yards

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Aaron,
Happy New Year. Thanks for getting back to me on this. Let's plan talking at 11-00 AM tomorrow. Can you call me on 570 793 0446 please.
We have just started to review Ivory's December submission and do have quite a few questions:
1) Are we still looking at a 1/24/2024 Planning Commission Hearing?
2) When will we see the Staff Report?
3) Can you share with us if the Planning Division will recommend for or against this application, or if you will suggest conditions?
4) We find it hard to see how the Planning Division can recommend for this development if it is not in conformance with 21A.24.080.D.3.c. Please help us understand what is happening here, we had thought this was a settled issue.
5) Let's discuss the front setback on Unit 10 which is not similar to, or compatible with neighboring development.
6) The Accessory Building on Unit 21 remains non-conforming in height. We have written to you earlier on this.
7) We note that the water and sewage estimates by Ivory do not take into account the ADUs. Has this been properly reviewed?
8) You were discussing wildfire fire risk in a Wildland Urban Interface (WUI) area with the Fire Marshall and the suitability of Ivory's congested design for such a location. Can you share with us the results of this discussion please? Has the Fire Marshall been asked to submit a written opinion?
9) A condition of the rezone was that Parcel A be made available to the public as a "park" and this was documented as a condition of approval. Ivory made a big deal of this "public benefit" and the City Council bought into this. The size of Parcel A at the time the rezone was approved was 17,432 square feet. In the June 2023 plans this was reduced to 13,370 square feet. The December plans show yet another reduction to 11,233 square feet. In total we see a 35% reduction in the size of this parcel and would regard this as another non-compliance.
10) We have been reviewing the forms you sent to us for an appeal to the Appeals Hearing Officer and note that as well as the filing fee we are responsible for the costs of notification. Sometime ahead of the Planning Commission hearing can you please provide me with a ballpark estimate of these costs.
11) As comparables Daniel used the NorthCrest townhouses, between 9th &10th Avenues by the library and the block between D & E Streets and 9th &10th Avenue that contains E Sallie Ave. Would you anticipate using these again as comparables? We are conducting an analysis of development intensity, comparing Ivory's proposal to the established neighborhood and would like this to be as comprehensive as possible and include comparables. We hope to submit this to you in the next couple of weeks.
12) Many residents have expressed concern about the amount of flat roofs shown in Ivory's Architectural file where all but one of the garages have flat roofs. The new Building Heights Exhibits file shows all the garages with peaked roofs. Do you know Ivory's Intent in this regard, the drawings are contradictory?
I think that is probably enough for one session.
Thanks,
Peter

On Tue, Jan 2, 2024 at 8:32 PM Barlow, Aaron <Aaron.Barlow@slcgov.com> wrote:

Hi Peter,

I am happy to discuss this issue (and lot 10) with you tomorrow. I have meetings in the morning, but I am working on reports for the rest of the day, so any time after 11 am works for me. Did you have any other concerns or comments regarding the updated plans (so I can be prepared for our conversation)?

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)

Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182

Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Peter Wright [redacted]
Sent: Saturday, December 30, 2023 9:04 AM
To: Barlow, Aaron <Aaron.Barlow@slcgov.com>; Preserve Our Avenues Zoning Coalition <jwmckinnon@gmail.com>; Thomas Keen <twklak2@aol.com>; Alan Hayes <abh_slcut@yahoo.com>; Lon Jenkins <lonjenkins54@gmail.com>; Joel Deaton <jald2@msn.com>
Subject: (EXTERNAL) Ivory December 2023 Plans. Maximunm Height of Exterior Walls Adjacent to Interior Side Yards

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron,

During the July to October 2023 period we had extensive dialogue regarding 21A.24.080.D.3.c, where Ivory's June 2023 plans were not in compliance with this clause and where this requirement cannot be waived by the planning commission as a part of the planned development application. On October 13th we met with you, Wayne Mills, Nick Norris and Attorney Katherine Pasker where it was agreed that our interpretation of 21A.24.080.D.3.c was correct. We had anticipated that the planning division would require Ivory redesign to be in compliance with this clause.

In the latest December 2023 plans we see no change in this regard, Ivory's design continues to feature full wall heights and significantly reduced interior side yard setbacks in contravention of 21A.24.080.D.3.c. We would be most grateful if you would explain to us how this can be? We would like to understand how the planning division can support an application that you and the city attorney's office have agreed is non-conforming?

Thank you,

Peter Wright

Chair POAC.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Thursday, January 4, 2024 1:00 PM
To: Barlow, Aaron
Cc: Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins; Joel Deaton; John Kennedy; Don Warmbier
Subject: (EXTERNAL) Building Heights Exhibit

Follow Up Flag: Follow up
Flag Status: Flagged

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Aaron,
Thank you for taking the time yesterday to talk me through the analysis of wall heights prepared by Ivory. With the Christmas break we had not yet reviewed this exhibit. We have now done so and find that Ivory's analysis here is fundamentally flawed and incorrect, they have failed to read the language of the ordinance.
The Cross Slopes clause applies **only** to the **downhill exterior wall.** In their analysis Ivory has applied this allowance to all of the exterior walls which is incorrect and inconsistent with the language of the ordinance.
"(1) Cross Slopes: For lots with cross slopes where the topography slopes, ***the downhill exterior wall height may be increased*** *by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building."*
As an example let's look at Ivory's analysis of Units 1 & 2. The same logic applies to all of the units.
1) We agree that the Base Max Wall Height is 20 feet.
2) We agree that the Reduction Due to Setback is 5 feet.
3) We have not checked the Cross Slope Differential but it looks reasonable and for now can accept that the Increase Due To Grade is 6 feet 4 inches.
4) We agree that by calculation this would give an Updated Maximum Wall Height of 21 feet 4 inches, for the **downhill exterior wall.**
The Cross Slopes adjustment for the downhill exterior wall would not however apply to the **uphill exterior wall.** This wall is subject to the Reduction Due to Setback of 5 feet which applies to all walls, but cannot be offset by the Cross Slopes allowance which applies only to the downhill exterior wall, thus the maximum permitted height of this wall is 15 feet. Ivory shows an uphill exterior wall height of 17 feet 4 inches which is in excess of the maximum.
I would be happy to talk this through with you and see how you wish to proceed.
Best regards,
Peter

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Friday, January 12, 2024 3:45 AM
To: Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Alan Hayes; Lon Jenkins; Thomas Keen; John Kennedy
Subject: (EXTERNAL) Ivory Homes Application for a Planned Development at 675 North F Street. Parcel A
Attachments: Parcel A.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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Aaron,

Please find attached the city council conditions for approval of the rezone for 675 North F Street. I have highlighted the section referring to the commitment by Ivory to make available to the public the open area shown on the draft drawings. The open area referred to here is Parcel A in the southwest corner of the development, this is a drainage basin that can also function as a park.

The December 2022 site plan that was reviewed by the city council showed this open space to be 17,432 square feet. In each further iteration of ivory's plans this area has shrunk. The June 2023 plans showed this area to be 13,370 square feet and the latest December 2023 plans now show this to be 11,233 square feet. In total this area has shrunk by 6,199 square feet or 35.6%. This is a significant reduction in size such that Ivory's design fails to meet the requirements enacted by the city council as a condition for the rezone.

I think you would agree, that if I commited to pay you $100 and instead paid you $65, you would consider this difference significant.

Thank You,

Peter Wright
Chair POAC.

Council Discussion & Council Action

December 13, 2022

The Council voted to approve the Ivory Development proposal to rezone 675 N. F Street following their final briefing on the request.

The Council's discussion and approval centered on retaining wall height, density, and specifications that any built Accessory Dwelling Units (ADUs) not be used as short-term rentals, , among other topics.

The following specific requirements will be included in a development agreement:

- *Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.*
- *Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30' from the corresponding rear or side property line.*
- *Specify that the ADUs may not be used as short-term rentals, using restrictive covenants or another method deemed efficient and appropriate.*
- *The open space area shown on draft drawings will generally be accessible to the community at large, with rules/management to be established by the HOA or other entity based upon the applicant's preference.*
- *Confirming that the City building approval and permitting process will be followed to build retaining walls on the property.*

Learn more by reading MOTION 3 in the Council Motion Sheet.

Barlow, Aaron

From: Peter Wright [redacted]
Sent: Wednesday, January 17, 2024 1:16 AM
To: Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Thomas Keen; Alan Hayes; Lon Jenkins; John Kennedy
Subject: (EXTERNAL) Ivory Homes Application to Create A First-of-its-Kind Subdivision of ADUs at 675 North F Street.

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Aaron,
Please give consideration to the information below and include this letter in the pack to be reviewed by the planning commission.
Thank you,
Peter Wright
Chair POAC

A Lack of Due Process - Creation of a First-of-its-Kind Subdivision of ADUs

The concept of the ADU is that these will be added one-at-a-time, here and there throughout our community, by individual owner occupants, such that the increase in density is small and can be easily absorbed over a wide area. To-date the city and the planning commission has only reviewed applications for individual ADUs.
Ivory is proposing something very different here - a subdivision of ADUs where every home in this development will have an ADU. This Ivory themselves, have described as *"an experiment"* and *"the first of its kind in Utah "*. Mass production of ADUs by a developer is not the same as creation of an individual ADU by an owner occupant. Approval of a subdivision of 21 ADUs is not the same as approval of a single ADU.

Concentrating ADUs in this manner effectively doubles the number of dwellings in a small area and brings into play numerous considerations that do not exist to the same degree for approval of a single ADU. Avenues residents have raised many of these considerations with you, these would include traffic generation, adequacy of parking etc.

When the city seeks to make a change in land use, to the extent that it doubles the number of allowable dwellings, it is required by ordinance 21A.50 to follow a procedure of public notification, public comment, review by the planning commission with a recommendation to the city council; and a subsequent review by the city council, where the change is embodied in the ordinances. Approval of such a new use is a legislative decision not an administrative decision and such decisions are reserved for the city council not the planning commission. No such review of the concept of a subdivision of ADUs has taken place and no rules exist. There has been a lack of due process as required by ordinance.

Ivory first floated this concept of pre-building ADUs in mass to the planning division in 2020, the planning division had ample time to include consideration of this matter in the 2023 revision of the ADU ordinance but failed to do so. With the removal of the Conditional Use requirement, if Ivory were not applying for a planned development, there would not even be a mechanism for review of such a subdivision of ADUs. A completely new and novel concept, which has never been considered by the public or planning commission, with no review mechanism?

The concept of creating a subdivision of ADUs is complex and nuanced. A developer cannot create an ADU, only an owner occupant can create an ADU. Therefore Ivory describes the units it produces as *"potential ADUs".* The ADU ordinance grants rights and special exceptions to individual owner occupants to create an ADU. For example owner occupants can have additional height on detached ADUs. Can a developer constructing a *"potential ADU",* that may never in fact become an ADU, avail themselves of these same special exceptions granted to individual owner occupants ? Ivory seeks to do exactly this on unit 21 where there is a detached potential ADU. Is this permitted? Is this structure subject to the rules for an Accessory Building or an ADU?

There are a lot more questions than answers. The concept of a subdivision of ADUs is complex, raising many questions and needs to be subject to the normal, required review process.

Ivory is seeking to shortcut the process. Shortcuts rarely work well and often create more problems than they solve. Due process should be followed.

Thank you.

Barlow, Aaron

From: Peter Wright <pwwjaw@gmail.com>
Sent: Thursday, January 18, 2024 3:34 AM
To: Barlow, Aaron
Cc: Alan Hayes; Preserve Our Avenues Zoning Coalition; Lon Jenkins; Thomas Keen; John Kennedy; Don Warmbier; Joel Deaton; Scott Young
Subject: (EXTERNAL) Ivory Application for a Planned Development at 675 North F Street. The Planned Development Claims are Invalid
Attachments: Ivory PD Justifications Invalid.docx

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Aaron,
I would be most grateful if you would review the attached information and ensure this is included in the pack to be reviewed by the planning commission.
Thank you.

Ivory's Planned Planned Development Justifications are Invalid

The attached note clearly demonstrates that Ivory's planned development justifications are invalid. We do hope members of the planning commission will take the time to read this note.
Thank you.

Ivory's Justifications for a Planned Development are Invalid

Criteria for Grant of a Planned Development

Section 21A.55.010 of the planned development ordinance requires the applicant to demonstrate that the proposal "*incorporates special development characteristics that ...provide a benefit to the community as determined by the planned development objectives."* and states that, *"A planned development will result in a more enhanced product that would be achievable through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments."*

The ordinance lists six objectives to determine if a planned development objective has been accomplished, A to F, and requires that the applicant satisfy at least one of these. In their planned development narrative Ivory lists two such objectives. Both are invalid for the reasons outlined below:

Ivory's First Claim.

1. Housing: Providing type of housing that helps achieve the City's housing goals and policies; (21A.55.010.C.2).

The Capitol Park Cottages Site Plan was designed to facilitate ADUs in new home construction as a distinctive feature.

Ivory's first justification for the grant of a Planned Development is that they provide ADUs or *"potential ADUs"* as they now call them, built as new construction. This claim is invalid.

The inclusion of living space above the garages is permitted in the SR-1 zone without a Planned Development. Such *"potential ADUs"*, can be constructed in an identical manner without a Planned Development and these "*potential ADUs"* cannot therefore be considered a benefit of, or a justification for, the grant of a Planned Development.

As cited above, the applicant must demonstrate that they "*incorporate special development characteristics..."* that would not be "... *achievable through strict application of land use regulations...".*

The SR-1 ordinance defines a box. Ivory's internal "*potential ADUs"* fit into that box. Ivory is therefore permitted to build them in an identical manner without a planned development. Again, they don't need a planned development to build these "*potential ADUs"* and these cannot be considered a benefit of, or justification for the grant of a planned development.

Whether the ADU ordinance was intended to be used for mass creation of ADUs is a different consideration. Also, whether these *"potential ADUs"* will actually become ADUs is again a different consideration; there is no obligation on the purchaser to create an ADU. Purchasers may prefer to use this extra space as a home office, home gym or a guest suite etc. Therefore the number of ADUs that will be created is unknowable as is any potential benefit.

So why does Ivory want a Planned Development? The reason is obvious from their second planned development claim CLUSTERING. Ivory wants a planned development so they can reduce setbacks and expand building lot coverage, to overpack this site with large expensive homes to maximize profitability. The provision of "*potential ADUs",* which can be provided without a planned development, is simply a "hook" to gain a vast array of concessions in the form of reduced setbacks and excessive building lot coverage.

Ivory's Second Claim.

2. Open Space and Natural Lands: Inclusion of public recreational opportunities, such as new trails…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)

The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate nearly an acre of open space that will be programmed for resident and public recreational use. A quarter mile of paved walking trail will loop and intersect the community. Each home in the community will have direct front door access to this trail and the public can access the trail loop directly from F Street or Capitol Park Avenue.

Clustering. Ivory claims that they preserve nearly an acre of open land by clustering. This claim is false. None of the land Ivory claims to be preserving can be built on for various reasons.

The land Ivory claims to preserve consists of four parts as shown in the illustration. Section 1 and Section 2 were **mandated** as open space by the city as a condition of the rezone and cannot be built on. Section 3 is not even Ivory land but city owned land in the right-of-way for F Street. Section 4 is a thin strip of unbuildable land with a 33 degree slope bordering Northpoint's boundary wall. None of the land Ivory claims to be preserving can be built on and the justification for clustering is invalid. Also please view Ivory's site plan, it is hard to find any open land at all.

Trails

Ivory claims that they produce a "*network of trails"* that provide *"Recreational Opportunities"* and therefore a public benefit. This claim was discussed with 163 residents that live closest to this development.

Not a single person indicated that they would ever use these so-called trails and none felt they provided any public benefit. Most, in fact, thought this claim was laughable. Much of the northern section, a footpath required to access Ivory's houses, is sandwiched in a 10 feet wide gap between an 8.5 feet high retaining wall and 28 feet high houses. This was considered to be claustrophobic and not a pleasant place to walk. Other parts of the northern section pass 5 feet from the front of Ivory's houses and people felt they would be invading the privacy of Ivory residents by walking there.

The western portion situated two feet from a tall fence with Caring Cove was also considered cramped and unpleasant to walk.

The section on F Street, a sidewalk, is not even on Ivory land but city land. This section with a 12% grade is one of the steepest streets in the Avenues and extremely hard to walk.

In summary, residents felt that there are far nicer walks, pretty much everywhere in the Avenues; and considered that these sidewalks, mischaracterized as trails, would only ever be used by Ivory residents to access their homes. They provide no public benefit and this claimed justification for a planned development is invalid.

Conclusions. Ivory provides no valid justification for grant of a planned development and the application should be denied.

OPEN SPACE

IVORY DOES NOT "CLUSTER" BUILDINGS TO PRESERVE OPEN LAND, THIS IS LAND THEY CANNOT BUILD ON.

Ivory Homes Application for a Planned Development

Barlow, Aaron

From: Don Warmbier [redacted]
Sent: Tuesday, January 16, 2024 10:33 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Proposed Planned Development at 675 N F Street
Attachments: Liability of SLC & PC for Wildfires 2.pdf

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow

I am a resident of Northpoint. On August 23, 2023, I sent you an e-mail pointing out the increased wildfire risks to Northpoint that would be generated by approval of the proposed Planned Development at 675 N F Street.

This e-mail constitutes notice that such approval would be inexcusable gross negligence.

A modified version of the memorandum previously attached to my August 23, 2023 e-mail is also attached to this e-mail.

This modified memorandum makes even more explicit to the Planning Division than the August 23 memorandum that the gross negligence constituted by approval of the proposed Planned Development would expose Salt Lake City and its employees to civil and even criminal liability for wildfire damage to which this zoning change contributes.

Because such zoning change makes F Street more defective. unsafe, or dangerous as a wildfire access and evacuation route, Salt Lake City's and its officials' typical defense of governmental immunity from liability for injury caused by their gross negligence would be waived.

Regards

Donald Warmbier

Salt Lake City, and Its Employees, Would Be Civilly and Criminally Liable for Making a Zoning Change Contributing to Wildfire Damage

Summary

This memo outlines reasons why, if Salt Lake City, the Salt Lake City Planning Division and the Salt Lake City Planning Commission, approve a zoning change allowing a proposed Planned Development by Ivory Homes at 675 N F Street, doing so would be gross negligence. If this zoning change contributes to subsequent wildfire damage, Salt Lake City, and its employees in the Planning Division and on the Planning Commission, would be civilly and criminally liable.

This proposed zoning change is distinguished from most the other changes the Planning Division and Planning Commission are typically asked to approve by three wildfire safety concerns. Since the Planning Division and Planning Commission know, or should know, of these wildfire safety concerns, ignoring them and nevertheless approving the proposed change in spite of them, would constitute gross negligence.

First, this property, its F Street border and neighboring Northpoint are in a Wildland-Urban interface, that area of Salt Lake City designated by the US Forestry Service as at highest wildfire risk.

Second, in the event of a wildfire, F Street, from Northpoint's entrance to its intersection with Capital Park Avenue, is the only way the Fire Department could reach Northpoint's 100 plus residents, and they could get out.

Since Ivory has provided insufficient parking within its proposed Planned Development for all the vehicles of the households therein and those of their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Such added on-street parking on F Street from this proposed zoning change would much more often narrow F Street by two lanes, making it harder for and delaying the Fire Department's getting into Northpoint, and Northpoint's residents getting out.

Ivory's planned development also calls for a second intersection on Northpoint's F Street fire access chokepoint, very near to Northpoint's entrance, creating additional traffic congestion on that

chokepoint, and risks that accidents at that intersection would block that chokepoint in the event of a hasty wildfire evacuation.

A narrowed and constricted F Street chokepoint from more cars parked on it, and increased traffic congestion and possible accidents on F Street due to an additional intersection with it, will slow wildfire evacuation and Fire Department access, increasing the risk of damage from future wildfires.

The third factor making approving this proposed zoning change gross negligence is that a written Salt Lake Fire Department Guide calls on the Planning Division and Planning Commission to instead use zoning to decrease “the risk of damage from future wildfires” in high wildfire risk areas such as this.

Just as a landlord commits gross negligence if it deliberately disregards and fails to act on facts which it knows or should know would jeopardize the fire safety of its tenants, the Planning Division and Planning Commission would commit gross negligence if they deliberately disregard facts which they know or should know would jeopardize the future wildfire safety of Northpoint residents.

If the Planning Division and Planning Commission approve a zoning change in similar disregard of facts showing that doing so would jeopardize the future wildfire safety of Northpoint residents, they would similarly be guilty of gross negligence with respect to future wildfire damages to which such zoning change contributes, making Salt Lake City, and members of the Planning Division and Planning Commission individually, liable for contributing to such damages.

1) Wildfire Risk

675 N F Street, unlike most other developments in Salt Lake City, is in a Wildland Urban Interface, that area of Salt Lake City the US Forest Service has designated as being at highest risk of wildfires.

Further, the Planning Division and Planning Commission, and if need be the Courts, must take notice of the fact that, because of climate change, wildfires have become much more frequent and much more severe.

If the Planning Division and Planning Commission disregard wildfire risk with respect to property in a high wildfire risk area, at a time when wildfires have

become more frequent and severe, they would go so much beyond normal administrative discretion as to constitute gross negligence.

2) Access and Evacuation Concerns

The zoning change would create special wildfire safety concerns because, in the event of a wildfire, the portion of F Street bordering on 675 N F Street is a chokepoint that is the only way the Fire Department could reach Northpoint, a community of 100 plus residents, and that Northpoint's residents could use to get out.

Since Ivory has provided insufficient parking within its proposed planned development for all the vehicles of its households and their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Additional on-street parking by cars parked along the curbs on both sides of F Street, from the households and their guests of the proposed planned development, will much more frequently narrow F Street by two lanes and much more

frequently create a more severe chokepoint that, in the event of a wildfire, will slow access to Northpoint by Fire Department vehicles and slow evacuation by Northpoint residents.

Since evacuating Northpoint residents will be trying to get out at the same time firefighters will be going in the opposite direction trying to get in, the egress and access of both will be particularly impeded.

Ivory's planned development also creates a second intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, increasing the risks of traffic accidents at that intersection blocking that chokepoint, particularly in the event of a hasty wildfire evacuation.

The Planning Division and the Planning Commission must consider the fact that this property is on a fire access and evacuation chokepoint. They also have to take notice of the fact Wildfires can travel fast, and that minutes added to firefighter access time or resident evacuation time by a more severely constricted and/or more frequently blocked chokepoint can make a life or death difference. As the Los Angles Times noted on September 7, 2022: "California fires (are) killing people before they can escape their homes, making seconds count."

For Northpoiont, this is not just a theoretical risk. Northpoint residents had to fight a wildfire that recently reached Northpoint's boundary with City Creek Canyon with garden hoses until the Fire Department arrived.

The Planning Division in its Report cannot blithely say that the planned development allowed by the zoning change raises no wildfire safety concerns because "any development will be required to meet...(the same) minimum requirements for fire vehicle and firefighter access...that universally apply to all developments in the City."

Unlike a development in, say, the Sugarhouse or the Ballpark districts, this development lies in a Wildland Urban Interface athwart the only fire vehicle and firefighter access route to, and resident evacuation route from, Northpoint, which the zoning change narrows and makes more constricted and congested, potentially delaying such access and evacuation.

Applying the same criteria to this zoning change request as it would apply to a zoning change request in another part of the City not in a Wildland Urban Interface, and not athwart the only fire access and egress route, would willfully and

deliberately ignore the very facts that distinguish this zoning request from other such requests, and would constitute abuse of its administrative discretion on the part of the Planning Division and Planning Commission.

Such abuse of discretion would amount to gross negligence, and open Salt Lake City, and members of the Planning Division and Planning Commission individually, to civil and criminal liability for damages if, because a more constricted and congested Northpoint fire access chokepoint impeded fire department access and resident evacuation, the zoning change contributed to or increased damage from a future wildfire,.

3) Fire Department Guide

The Salt Lake City Fire Department has published an explicit written Guide on the considerations to be taken into account when making zoning changes with respect to property within a Wildland Urban Interface. In its "Guide to Fire Adapted Communities," posted on the Salt Lake Fire Department's website, the Salt Lake Fire Department states that:

“Proactive land use planning is one of the best ways to address woodland fire concerns and to decrease the number of residents at risk of damage from future wildfires.” (Salt Lake Fire Department website, Guide to Fire Adapted Communities, pages 20-21)

The Fire Department’s Guide includes “zoning restrictions” as “a mechanism for enacting the land use and development policies” of its “proactive land use planning...to decrease the number of residents at risk of damage from future wildfires.” The Fire Department’s Guide clearly intends that zoning restrictions be used in a Wildland Urban Interface to decrease the risk of damage from future wildfires.

This Guide is clearly directed to the Planning Division and Planning Commission, whose job it is to carry out land use planning.

Note that the Fire Department Guide does not merely say that zoning decisions should balance wildfire risk against other considerations, but rather that zoning decisions should be used proactively to actually decrease wildfire risk.

It is not enough to approve this zoning change for property in a Wildland Urban Interface merely

because the Planning Division says it meets the same:

“minimum requirements for fire vehicle and firefighter access to properties...that universally apply to all developments in the City.”

The requested zoning change should not be allowed merely because it meets the same Fire Code requirements that it would have to meet if it dealt with a development on property not in a Wildland Urban Interface and not on a fire access and evacuation chokepoint, i. e, where wildfire risk is not a concern.

When a zoning change request affects property in a Wildland Urban Interface, the Fire Department Guide has imposed upon the Planning Division and the Planning Commission an additional standard: that the zoning change actually decreases the risk of damage from future wildfires.

By recommending a zoning change that would instead delay the time it would take Fire Department vehicles to reach Northpoint to fight future wildfires, and the time it would take Northpoint residents to evacuate, the Planning Division and Planning Commission would act contrary to the Fire

Department's Guide, and instead actually engage in land use planning that increases wildfire risk.

For Salt Lake City Planning Division and Planning Commission to so blatantly disregard and act contrary to the explicit written Guide of the Salt Lake City Fire Department, and treat that Guide, and the wildfire risk it was issued to protect against, as if they did not exist, rather than abiding by the standard that that Guide directs the Planning Division and Planning Commission to follow, would constitute inexcusable gross negligence.

Similarities To Triangle Shirtwaist Fire

The circumstances that would be created if this zoning change request is granted are similar to those that made the owners of the Triangle Shirtwaist Factory liable for contributing to the damages from the infamous 1911 fire in the Triangle Shirtwaist Factory. The pertinent facts about the Triangle Shirtwaist fire are summarized in the following excerpts from Wikipedia:

"The Triangle Shirtwaist Factory fire in the Greenwich Village neighborhood of Manhattan, New York City on Saturday, March 25, 1911, was the

deadliest industrial disaster in the history of the city, and one of the deadliest in U. S. History. The fire caused the deaths of 196 garment workers-123 women and girls and 23 men-who died from the fire, smoke inhalation, or falling or jumping to their deaths... Because the doors to the stairwells and exits were locked-a common practice at the time to prevent workers from taking unauthorized breaks and to reduce theft-many of the workers could not escape from the burning building and jumped from the high windows...

The Triangle Waist Company factory occupied the 8th, 9th and 10th floors of the 10-story Asch Building on the northwest corner of Greene Street and Washington Place, just east of Washington Square Park, in the Greenwich Village neighborhood of New York City. Under the ownership of Max Blanck and Isaac Harris, the factory produced women's blouses, known as "shirtwaists"...

flames prevented workers from descending the Greene Street stairway and the door to the Washington Place stairway was locked... Dozens of employees escaped the fire by going up the Green Street stairway to the roof. Other survivors were able to jam themselves into the elevators while they continued to operate. Within three minutes, the

Green Street stairway became unusable in both directions.

Terrified employees crowed into the single exterior fire escape-which city officials had allowed Asch to erect instead of the required third

staircase-a flimsy and poorly anchored iron structure that may have been broken before the fire. It soon twisted and collapsed from the heat and overload, spilling about 20 victims nearly 100 feet (30 m.) to their deaths on the concrete pavement below. The remainder waited until smoke and fire overcame. The fire department arrived quickly but was unable to stop the flames, as their ladders were only long enough to reach as high as the 7th floor...

The company's owners, Max Blanck and Issac Harris-both Jewish immigrants-who survived the fire by fleeing to the building's roof when it began, were indicted on charges of first- and second-degree Manslaughter in mid-April...The prosecution charged that the owners knew the exit doors were locked at the time in question...but the defense stressed that the prosecution failed to prove the owners knew that. The jury acquitted the two men of first- and second- degree manslaughter, but they were found liable of wrongful death during a

subsequent civil suit in 1913 in which plaintiffs were awarded compensation...” (Wikipedia, Triangle Shirtwaist Factory Fire)

Salt Lake City, as the owner of the portion of F Street needed by Northpoint residents as their only escape route in the event of a wildfire, and members of the Salt Lake Planning Division and Salt Lake Planning Commission, as employees, agents and officials of Salt Lake City and managers of that portion of F Street on behalf of Salt Lake City, determine and are responsible for how easy or how difficult such escape will be, just as the owners of the Triangle Waist Company, as controlling tenants of the Asch Building, determined and were responsible for how easy or difficult it was for workers in their factory to escape from the Triangle Shirtwaist fire.

If the Planning Division and Planning Commission make Fire Department access to and resident evacuation from Northpoint more difficult, by allowing a zoning change based on their refusal to follow the Salt Lake Fire Department’s Guide asking them to use zoning to decrease the risk of damage from future wildfires, they will be inexcusably grossly negligent in doing so.

Note that the owners of the Triangle Waist Company were found guilty of civil liability for wrongful death, and were acquitted of criminal manslaughter only because the prosecution failed to prove the owners knew the exit doors were locked.

No such excuse is available to members of the Salt Lake Planning Division and Salt Lake Planning Commission, because they have been told over and over again that the proposed Planned Development increases wildfire risk, thereby subjecting them to criminal as well as civil liability.

Note also liability did not require the Triangle Waist Company to block all possible factory exits. The factory owners only locked the doors to one of the factory's stairwells, so some employees were still able to escape the burning factory using another stairwell, the elevators or the exterior fire escape. The factory owners were nevertheless found responsible at least for civil damages, because their actions made escape more difficult, even though not impossible.

Similarlly, even if the Planning Division and Planning Commission only make escape from, and Fire Department access to, Northpoint more difficult in the event of a wildfire, they would still be grossly

negligent for doing so with full knowledge of, but in deliberate and intentional disregard of, a Guide published by the Salt Lake City Fire Department.

Just as the owners of the Triangle Waist Company were not allowed to impose additional fire safety risk on their workers by locking some doors of their factory, simply to increase those owners' profits, Salt Lake City, as the owner of F Street, and the Planning Division and Planning Commission as City employees managing F Street, should not be allowed to impose additional wildfire risk on residents of Northpoint, by narrowing, constricting and congesting their only wildfire access and egress route, simply to increase developer profits.

Governmental Immunity Will Not Protect Salt Lake City and Its Employees

It might be thought that a zoning change resulting from Salt Lake City's gross negligence, even though it contributes to subsequent wildfire damage, while morally obnoxious, would not subject Salt Lake City, and its employees in the Salt Lake Planning Division and on the Salt Lake Planning Commission, to any liability for such damage, because Salt Lake City,

unlike the Triangle Waist Company, is protected by Governmental Immunity.

However, in this case, such governmental Immunity is waived.

The Governmental Immunity Act of Utah states that:

“(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from

suit for any injury that results from the exercise of a governmental function.” (63G-7-201(1))

However:

“Immunity from suit of each governmental entity is waived

Except as provided in Subsection 63G-7-201(3), as to any injury caused by:

A defective, unsafe, or dangerous condition of any highway, road, street, alley crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them;” (63G-7-301(2)(h)(i))

Subsection 63G-7-201(3)(a)(i) provides:
“A government entity, its officers, and its employees are immune from suit, and immunity is not waived,

for any injury if the injury arises out of or in connection with, or results from:

a latent dangerous or latent defective condition of Any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct" (63G-7-201(3)(a)(i)

Under the Governmental Act, therefore, Salt Lake City's immunity from suit for injuries caused by the defective, unsafe, or dangerous condition of a street is waived, unless, in the case of a dangerous or defective condition of the street, the defective or dangerous condition of the street is latent, i.e., is hidden or concealed.

If the Salt Lake City, the Planning Division and Planning Commission make a zoning change making the condition of F Street as a wildfire access and evacuation route more "dangerous," or "defective," Salt Lake City's and its employees' governmental immunity would nevertheless still be waived, because the more dangerous or defective condition of that street as a wildfire access and evacuation route created by the zoning change would not be latent. Such a dangerous or defective condition, since it has been repeatedly pointed out to the Planning Division and the Planning

Commission, would instead be blatant, open and notorious.

Further, while 63G-7-201(3)(a)(i) says that while governmental immunity is not waived by 63G-7-301(2)(h)(i) for a street that is in "a latent dangerous or latent defective condition," this exception to the immunity waiver in 63G-7-301(2)(h)(i) applies only to a "latent dangerous or latent defective condition." Immunity is still waived for liability for damage caused by an F Street that is shown to have been made merely "unsafe" as a fire access and evacuation route by a zoning change, rather than as "dangerous" or "defective."

Salt Lake City, and members of the Planning Division and Planning Commission individually, would, therefore, not have governmental immunity from liability for wildfire damage to which a zoning change made by them contributes, if such zoning change makes F Street more dangerous, defective or unsafe with respect to its use as a wildfire access and evacuation route.

Conclusion

Salt Lake City, and its employees in the Salt Lake City Planning Division and on the Salt Lake Planning

Commission cannot arbitrarily make a zoning change that ignores or intentionally disregards wildfire risks to property in a Wildland Urban Interface, ignores or intentionally disregards the increased wildfire risks from narrowing, congesting and constricting the only access and evacuation route from property in a Wildland Urban Interface, and ignores or intentionally disregards the wildfire protections called for in the Guide published by the Salt Lake City Fire Department. Approving such a zoning change, by making F Street more dangerous, defective, or unsafe with respect to its use as a wildfire access and evacuation route, would constitute gross negligence.

If Salt Lake City, and its employees in the Planning Division and on Planning Commission, make such a zoning change, it and they would be civilly and criminally liable for damages from injury from such gross negligence. Because such injury would be caused by a defective, unsafe or dangerous condition of a street, Salt Lake City and its officials' typical defense of governmental immunity from tort and criminal liability would not be available.

Barlow, Aaron

From: P Kent [redacted]
Sent: Wednesday, January 10, 2024 2:56 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Project on "F" Street

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

January 10, 2024

Aaron Barlow AICP

Principal City Planner Salt Lake City

Aaron.Barlow@slcgov.com

Re: Ivory Homes Project on "F" Street

Greetings

I am a registered Architect having practiced in five Western states and in Pennsylvania over the past 45 years. I have been a resident of the avenues area of SLC for 25 years.

I note with interest Ivory Homes proposed project on "F" street. I'm concerned that Ivory is trying to take advantage of the city by misusing the code that allows extra height for exterior walls. (21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT: D,3,c,1) The reference is very specific that the increased height applies to the downhill exterior walls only.

I hope you can point this out to Ivory Homes so that they can modify their designs accordingly.

Thank you for your help in this matter and thank you for your service to Salt Lake City.

P. Kent Fairbanks AIA

[redacted]

Barlow, Aaron

From: Scott Young [redacted]
Sent: Sunday, October 29, 2023 9:26 AM
To: Preserve Our Avenues Zoning Coalition; Norris, Nick; Mills, Wayne; Barlow, Aaron; Pasker, Katherine
Cc: Peter Wright; Joel Deaton; THOMAS KEEN; Alan Hayes; Lon Jenkins; Larry Perkins; John Kennedy; Don Warmbier; Wharton, Chris; Lewis, Katherine; Mayor; Scott Young
Subject: (EXTERNAL) RE: Ivory Homes Application for a Planned Development at 675 N F Street

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Jan,

The letter is awesome. The one concept you might want to address is that the Meridien also built a driveway out to F Street. I don't remember the reasons, but if the City required it then what was the rationale. Why require one development to exit onto F street but not another.

Thanks for all that you and the team have done.

Scott F. Young
Chief Operating Officer
Sentry Financial
[redacted]

From: Jan McKinnon [redacted]
Sent: Saturday, October 28, 2023 7:03 PM
To: Norris, Nick <nick.norris@slcgov.com>; Mills, Wayne <wayne.mills@slcgov.com>; Barlow, Aaron <aaron.barlow@slcgov.com>; katherine.pasker@slcgov.com
Cc: Peter Wright <pwwjaw@gmail.com>; Joel Deaton <jald2@msn.com>; THOMAS KEEN <twklak2@aol.com>; Alan Hayes <abh_slcut@yahoo.com>; Lon Jenkins <lonjenkins54@gmail.com>; Larry Perkins <advancemortgageq@gmail.com>; John Kennedy <John@kennedys.org>; Don Warmbier <dfwarmbier@gmail.com>; Scott Young <syoung@sentry.financial>; Chris Wharton <chris.wharton@slcgov.com>; Katherine.lewis@slcgov.com; mayor@slcgov.com
Subject: Ivory Homes Application for a Planned Development at 675 N F Street

To: Nick, Aaron, Wayne, and Katherine:

Following our meeting of 10/13/2023, I wanted to write to you in my capacity as President of the Meridien HOA, the owners of Capitol Park Avenue. Please see the attached letter.

During our meeting we briefly discussed the issue of the City facilitating Ivory in overburdening the easement allowing access to Capitol Park Avenue. The attached letter details how the City cannot reasonably approve a planned

development that overburdens the private property of the Meridien. The position taken at the meeting that this is a matter between Meridien and Ivory is both incorrect and unreasonable. Ivory does not grant itself a planned development; the City does and the City has a responsibility to do proper due diligence in ensuring that the rights of neighboring property owners are not infringed upon.
I would greatly appreciate a detailed reply from you on this matter at your earliest convenience.

Thank you,
Jan McKinnon
President, Meridien HOA.

Barlow, Aaron

From: Dustin Lipson [redacted]
Sent: Wednesday, July 26, 2023 5:30 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Avenues Feedback

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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We are homeowners on 11th Ave and F St. We do not support this development. The design architecture and site plan are completely inconsistent with the surrounding neighborhood. This will stand out as a blight of poorly developed property where ROI is the predominant consideration taking priority over quality residential development. We do not oppose development. We oppose poorly conceived and designed development. Please stop conceding to Ivory.

Kind Regards,
Dustin Lipson

Barlow, Aaron

From: Bill Petrick [redacted]
Sent: Sunday, July 30, 2023 11:01 AM
To: Barlow, Aaron
Subject: (EXTERNAL) No Ivory Capital Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Hi Aaron,

The Avenues is already one of the most densely populated neighborhoods in Utah. We don't need another source of traffic and congestion that Ivory's Capital Park Cottages would be.

As a long time resident of the Avenues I have seen many changes. All of them associated with increased development have been detrimental to the quality of life in the Avenues. Examples are the permitting of the Monster House at 675 8th Avenue and the recent over zealous foothill bike path construction. I am an avid trail rider and I don't like the overcrowded riding and parking encouraged by the maze of trails. The 8th Ave Monster House is zoned SR-1 but has turned into a three story apartment building.

Thanks for considering my view on the subject.

Bill Petrick

[redacted]

Barlow, Aaron

From: Catherine Burton [redacted]
Sent: Sunday, July 30, 2023 1:56 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory proposal on F St

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello
Thank you for allowing me to voice my opinion on this project. I'm glad that this is being reopened and reconsidered again.
I've lived in the upper avenues for over 20 years. My parents have lived at Northpoint for about 15 years. My grandparents bought their house on C St and 11th Ave in 1954 and raised their family (including my Dad who walked to West High every day). This house is still in the family.
We know the avenues well and, in my opinion, any more than 10 ish homes is far too many for that area of the avenues. The traffic and pollution with Ivory's plans will make 11th Avenue difficult and dangerous to navigate especially for runners, bikers, walkers who use that street from sunup to sundown.
Ivory says it will make it a walkable community, but have you ever walked up E or F street?... it's completely unwalkable for most people. 80% of Americans would be unable to walk from F street and 12th Ave to Smiths and back.
Ivory says they will make sure every home has an option for ADUs....but the reality is those homes will be at least over a million each and those who can afford those prices will likely not have ADUs.

I beg and plead that you reverse Ivory's permit to build so many homes in this area of the avenues. In fact, I would like to see SLC put a park in that area.

The housing situation is SLC proper is not great and we need solutions, but Ivory's F street project is not the solution and Ivory's intentions are not to improve housing options for SLC proper.

Thanks for your time
Catherine Burton
[redacted]

[redacted]

Barlow, Aaron

From: Charlie Ward [redacted]
Sent: Wednesday, August 2, 2023 8:51 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Petition Number: PLNPCM2023-00656

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Comment regarding Petition Number: PLNPCM2023-00656

Comment: the most recently submitted plan and proposed architecture of this plan is more than satisfactory to this avenues homeowner. Compared to its neighboring multi family properties (North Point, Meridian, and F street condominiums), it will add a better architectural connection and avenues community as a whole while it increases a gentle density.
Pleased with the use of architectural precedents from the neighborhood to inform the style of the buildings.
Pleased with a mix of ADUS to address affordability.
I was satisfied with the 82 off street parking from the alleyways.
Satisfied with the community access to a 1/4” mile circulation trail around the perimeter.
Overall very pleased. I don’t see any valid reason to stop any further progress on what will be a welcome addition to the city.
Kind regards,
Charles Ward
16th Avenue
--
[redacted]

Barlow, Aaron

From: G Alex Taft [redacted]
Sent: Wednesday, August 2, 2023 10:56 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Capital Park Cottages

Follow Up Flag: Follow up
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Categories: Ivory comments

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I am in favor of the plan. Increased density and ADUs will contribute to lower house prices and make the neighborhood more active. My experience as an urban planner and former Missoula city councilor tell me this plan is workable.

Alex Taft
[redacted]

Barlow, Aaron

From: Dave Alderman [redacted]
Sent: Thursday, August 3, 2023 8:25 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Aaron - sorry that Planning decided not to attend the Avenues Community Council meeting last night. I have some questions that I hope you'll be able to answer.

What is a Planned Development?
Why is Ivory proposing a Planned Development?
How is this different from Zoning exceptions?
What are they asking to do that they can't do with the current (new) Zoning?

These differences may be in the material, but I didn't find it when I scanned through.

Dave Alderman

Barlow, Aaron

From: Ira Hinckley [redacted]
Sent: Thursday, August 3, 2023 4:05 PM
To: Barlow, Aaron
Subject: (EXTERNAL) No to Ivory zoning changes at Capitol Park

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hi,

I am opposed to allowing Ivory homes special privileges with zoning allowances at Capitol Park in the Avenues.

Because they are a large organization with political connections they believe they can bully their way into exemptions with zoning. They should be subjected to the rule of law just as everyone else.

Their cramped and crowded houses at capitol park should not be allowed, nor should their ADU's!

regards,
Ira Hinckley
resident

Barlow, Aaron

From: Larry Perkins [redacted]
Sent: Thursday, August 3, 2023 2:48 PM
To: Barlow, Aaron
Cc: Wharton, Chris
Subject: (EXTERNAL) PLNPCM2023-00656 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Aaron:
As the Treasurer of the Capitol Park HOA and as a person who has lived in close proximity to 675 North F Street for nearly 20 years, I beg of you to Please, Please, Please honor and exercise the "Planner" portion of your own Job Title as well as of the Department of our City Government that you are part of! Because a central purpose of "Planning" is (1) to ensure that infrastructure is scaled to a certain level of use and anticipated use and then (2) to permit only the intensity of use that is compatible with what has been planned -- And Built.

Ivory's proposed project on the above mentioned parcel has not dropped out of the sky into a vacuum. Rather, one of the two "frontages" of their parcel/project is located on Capitol Park Avenue. And Capitol Park Avenue is a privately owned and privately maintained street that was purposely built for Foothill Zoning and not for high density zoning. Capitol Park Avenue (which is 30 feet wide from curb to curb) is MUCH narrower than typical Salt Lake City Streets. It was built to accommodate either a church building and its (not daily used) associated parking lot or else up to 11 residences (that was before ADU's became a prominent part of our City's evolving housing policy .... but even considering that change, the street would need to handle no more than 22 households at the maximum). Ivory's Project asks for MULTIPLE variances targeted to place the vehicles of over 40 households onto that narrow, private street.

However, vehicles are only one aspect of the problems Ivory seems to want to create .... and then walk away from. Ivory has allowed Nearly no space for guest parking associated with their 40+ households. And their 24 foot wide "double driveway" that is the sole vehicular access for all of their residential structures save one certainly provides no place to receive or store the piles of snow that will be generated by plowing that L-shaped access drive in the wintertime. IT IS AN EXTREMELY SAFE BET to say that whoever plows Ivory's private roadway will want to place their snow onto Capitol Park Drive.

I know that Salt Lake City has a housing shortage and it is fair for all City residents and neighborhoods to cooperate in addressing that issue. The Re-zoning that the City Council approved a few months ago is a Major change for our neighborhood -- and for our infrastructure. Please do not go overboard on that burden by allowing Ivory's proposed design with its Obvious Problems referenced above (wwaaay more vehicles than anticipated; guest parking forced to attempt to use our private roadway; and piles of plowed snow to be argued about or sued over). Ivory's requested variances create actual on-the-ground problems for us neighbors ON TOP OF those we must accept as a result of the Newly Approved Zoning.

Thank you,
Larry Perkins
[redacted]

Barlow, Aaron

From: Jan McKinnon [redacted]
Sent: Saturday, August 5, 2023 12:20 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Proposed project at 675 N F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Aaron.

As a resident of the Meridien which is across the street from Ivory's proposed development, I am writing to let you know that I oppose this ill conceived concept plan. I am hopeful the emails you receive from our neighborhood residents will be read and carefully considered.

We have never objected to the lot being developed; we just ask for responsible development. Ivory's proposed plan fails on many fronts. It is too dense for this fragile, foothills lot. Having to remove thousands of loads of dirt to accommodate their plan should be the first clue that the design isn't right for this steeply sloped lot.

I am concerned about the lack of adequate resident parking, not to mention the lack of adequate guest parking. In an area of the city that offers few amenities in terms of public transportation, walkable grocery stores, and walkable employment opportunities, every residence will need at least one car and I suspect there will be at least two cars per residence.

The design of the houses does not fit the historic nature of this neighborhood. Ninety foot deep homes, densely packed into extra small lots, isn't the way our neighborhood looks. The number of stairs required to get into the house will be a concern for any person using a walker or in a wheelchair. It doesn't look like there is accommodation for someone with these kinds of needs.

Ivory claims nearly an acre of open space. Where is it? Are the "walking paths" really just necessary sidewalks? Where is the park the city required for the rezone. That small strip of land they are also using as a drainage pond certainly does not qualify as a park, especially given that it was required for the rezone.

Ivory likes to call this development an "experiment." Why experiment on one of the last buildable lots in the Avenue? Ivory has proposed ADU's but only the owner of the residence can apply for an ADU? Will the city regulate these to make certain they don't become short term rental properties? Let me answer that for you. The city has already claimed they don't have the manpower to regulate the ADU's and are expecting the HOA to manage that. Do you realize the damage that does to a neighborhood when you have neighbors tattling on each other? It doesn't make for a very friendly HOA. Many of the owners would be first time landlords and that is a challenge.

Asking for a Planned Development to shrink lot sizes and setbacks so they can over build this lot seems like a lot to ask especially given the concerns of over 2000 of the Avenue's residents. The Planning Division should consider these objections and make sure Ivory develops this lot according to the SR-1 Zone.

We look forward to sharing some of our concerns in person.

Thank you.

Jan McKinnon
HOA President/ Meridien

Barlow, Aaron

From: j B [redacted]
Sent: Wednesday, August 9, 2023 10:47 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Capitol Park Cottages 675 North F Street- Planned Development

Follow Up Flag: Follow up
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Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,

The information regarding this project on the SLC Planners website is full of ideal messaging, lies, and propaganda. Ivory Homes said, “In fact, as we pursued our previous re-zone and master plan amendment applications, we heard from the Planning Commission and City Council members that this site needs more units.” This is laughably a mischaracterization of what was actually said at by the city council. Otherwise, they wouldn’t have needed to amend their proposed site plan multiple times, and then after angering nearly the entire Avenues residents, realized they just needed to change the zoning status of the parcel. The sketch on page 1 and 2 of the design principles indicates that there will be copious amounts of room for an afternoon promenade. Maybe after 17 laps on the “1/4 mile” walk on Mews Walk might do the trick! One sketch shows a wide sidewalk and a road that is able to have two lanes of traffic with a car parked on the side, while the last sketch shows no sidewalk and not room for 2 cars and the project calls it an “alley." Is the 1 acre community park amenity the total amount of leftover slivers of the parcels combined? I don’t see how the math works. If it’s 3.2 acre lot now, how can 1 acre be available for a community park amenity? Is 1/3 of the development going to be a community park? None of this makes sense. They can’t even fit a firetruck through there, what will they do with the snow removal? On one hand they say, they will provide a “variety of architecture to blend into the surrounding neighborhood” and on the other they advertise an “eclectic architecture.” Ivory Homes has been working to pull the wool over the eyes of the citizen’s of the Avenues. They are clearly trying to capitalize on cutting corners, gaslighting the public, and paying off the city officials. Please do your job and enforce the same community standards on this project as you would anybody else who doesn’t have the deep Church-lined pockets of advocating for them.

Jason

Barlow, Aaron

From: Tay Haines [redacted]
Sent: Saturday, August 12, 2023 2:40 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Aaron Barlow, Principal Planner Salt Lake City Planning

I want to express my unhappiness with ivory Homes plan for upper F Street, where grand old trees have lived for maybe 100 years.
It's really discouraging that the City Council has approved this plan in spite of overwhelming disapproval by the community.
The homes are packed in, with shared walls and intimate proximity to each other.
The so-called green space is a narrow belt around solid structures. It is not a "park" and doesn't deserve the name. And trees?
There's very little set-back.
The homes are needlessly large. The ADU concept is being exploited.
There's the additional traffic where cars are the go-to transportation.

It's hard to see how any part of this plan conforms with best practice in city planning.

Sincerely,
Tay Haines

--
Tay Haines
[redacted]

Barlow, Aaron

From: Terrell Smith [redacted]
Sent: Sunday, August 13, 2023 2:21 PM
To: chris.warton@slcgov.com; Barlow, Aaron; Council Comments; Mayor
Subject: (EXTERNAL) 675 North F Street - Zone Change

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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We have lived in the Historic Avenues for over 55 years and we are strongly opposed to the proposed zone change for 675 North F Street. We have expressed this many times in the past since the proposed changes were first made. Peter Wright, Chairman of the Preserve Our Avenues Coalition outlined many of our neighborhood's concerns in his August Agenda Article. In addition, we would like to add that Ivory Homes builds cheap, ticky-tacky, unattractive, high density units that would compromise and denigrate the integrity of the historical homes in the Avenues, In addition, building the proposed number of additional units in the Avenues would adversely affect the property values of all real estate in the Avenues. The recent vote by the Avenue residents overwhelmingly rejected the proposed zone change for Ivory's plans but Ivory Homes continues to push their development and totally disregards our concerns. Please review the number of complaints against Ivory Homes and Fox 13's Investigation of newly constructed Ivory homes that a quick Google search reveals. There are many.

On August 2, 2023, we attended the meeting at the Sweet Library along with many fellow Avenues residents. The residents were there for the town meeting looking for the opportunity to listen to and hear Ivory Home's presentation on their proposed development. The town meeting was scheduled to discuss this project and proposed change in the zoning requirements but no one from Ivory Homes bothered to attend the meeting to discuss their own project.

Their failure to attend the meeting that was scheduled to address their requested zoning changes is telling. Not only was their failure to appear rude and demeaning to the Avenue residents who did attend; by default, Ivory Home's failure to attend their own town meeting should give the planning commission comfort in denying their request.

Sincerely,

Terrell and Tammie Smith
[redacted]

Barlow, Aaron

From: Ann Marie Leone [redacted]
Sent: Monday, August 14, 2023 7:31 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes F street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

I am writing this email to express my concerns on the proposed ivory homes plan. Let's not pretend that Ivory is trying to fill a demand for housing. The units are going to sell for over a million dollar mark with rent for the ADU equally high. There is zero green space, the side, back and front yards are non existent and it's an extreme fire hazard to the neighborhood with no easy access to get out if there were a fire. When I drive around downtown there are hundreds if not thousands of units being built everywhere you look. Please don't let their greediness ruin our neighborhood. Their intent is for profit only and the avenues is not the place for their proposed development. They need to do this further south where there is a growing populaı on and more land.

Sent from my iPhone

Barlow, Aaron

From: John Kennedy [redacted]
Sent: Monday, August 14, 2023 9:03 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory development at 675 N F Street, SLC

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow and the Salt Lake City Planning Division and Commission:

As a neighbor living adjacent to the subject property, I am writing to object to the planned development proposal of Ivory Homes for the above address.

From my perspective, Ivory's proposal has no redeeming qualities which would justify deviation from the current SR1 zoning restrictions. I cannot see any public benefit in the Ivory proposal. It certainly does not create "an enhanced product," required by existing standards for approval of a planned development. I list here only a few of my concerns: Ivory has suggested that its plan creates "trails" and also "preserves open spaces." Sidewalks around a packed development cannot be viewed as "trails." They are just that: sidewalks. In addition, the Ivory plan for "green space" includes property which belongs to the City now along F Street and other property which the City has required as a storm-water impound area. Ivory's plan will require the removal of virtually all of the existing mature trees on the site (including hawk nesting locations). I am unaware of any other non-apartment residential parcel in the Avenues which contains a lower percentage of green space compared with that of Ivory's plan. Moreover, Ivory's claim that its planned development proposal should be approved to allow for ADUs is without any factual basis. The existing SR1 zoning would permit a homeowner to create an ADU without the proposed planned development. These very expensive "cottages" are about 90 feet long and 18-20 feet wide, with non-conforming lot sizes and set-backs, with no yards or recreation areas. Parking for guests and residents is totally inadequate, not to mention the lack of areas for capturing snow removal. This plan simply does not fit in this Avenues neighborhood.

Approval of such a plan by the Division and/or the Commission would be arbitrary, capricious, and contrary to existing law. It should be rejected.

--
John Kennedy
[redacted]

Barlow, Aaron

From: Mame Fitzpatrick [redacted]
Sent: Monday, August 14, 2023 5:56 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello Aaron,
I feel as thought this is a waste of time, but I am extremely OPPOSED to Ivory homes bulldozing their way into the avenues. Don't you see how crowded we are up here all ready, and now you are shoving HOW MANY, all with ADU's. No one wants this, yet you act like we have a voice!! 😬😬

Next you will turn 11th into a foothill drive to access Bountiful.

A silent vote NOOOOOOOOOOOOO

Barlow, Aaron

From: MARILYN NEILSON [redacted]
Sent: Monday, August 14, 2023 9:11 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow, We petition you to hear our pleas. Do not permit this dense and ugly development to destroy our neighborhood.
People have worked a lifetime to move into a refined neighborhood. To inject people who live in ADU's and to crowd out our open space plus endanger the Northpoint residents from fleeing the eventual fire in the canyons, is just wrong.
Please stop this horrid construcı on that will spoil so many lives.
Marilyn Neilson

Barlow, Aaron

From: Mary Mahler [redacted]
Sent: Monday, August 14, 2023 12:34 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) No to Ivory Homes proposed development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron Barlow and Planning Commission

I oppose the proposed development by Ivory Homes at 675 North F Street because of the negative impact that I expect it will have on me and my neighborhood. I live on F Street, some blocks south of the proposed development. Because this development will have many dwelling units and only two traffic outlets, one of which is on F Street, I expect much more traffic up and down this street. F street is not a through street and has many stop signs to which many drivers already respond by just giving a quick tap on the brakes, then speeding through. This results in accidents and near misses in the intersections and difficulty backing out of driveways. I will attend the meeting tonight at Sweet Library and might write again regarding neighborhood impacts based on what I learn there.

Sincerely,

Mary E Mahler
[redacted]

Sent from my iPad

Barlow, Aaron

From: Sally Brunken [redacted]
Sent: Monday, August 14, 2023 8:00 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Sir:

This note is to register my vote against Ivory home jamming homes into the avenue making it dangerous to have so many on inadequate streets and I believe causing many accidents. It does not really fit into the area and will ause "North Point" residents a major problem. I vote NO on this project.

Johanna Brunken
[redacted]

April 15, 2023

Mr. Aaron Barlow
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, Utah 84114-5480

Sent by e-mail: aaron.barlow@slcgov.com
e-mail copies sent to: mayor@slcgov.com; poazcoalition@gmail.com; chris.wharton@slcgov.com

RE: Ivory Homes Proposed Development at 675 North F Street

Dear Mr. Barlow,

I am a resident of the Avenues section of Salt Lake City. By this e-mail, I am voicing my opposition to the Ivory Homes Proposed Planned Development. I am opposed to their proposal for myriad reasons; however I will elaborate only a few of the most import reasons explaining why I am in opposition.

The Ivory proposal is not compatible with the established development in the Avenues The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together.

Ivory's plan includes insufficient parking. They have provided only four guest parking spaces for 42 residences. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. Their plans do not adequately address snow in the winter. This is a strongly sloped foothills lot.

A planned development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit. Furthermore Ivory's proposal does not meet the criteria for a planned development: A planned development is required to produce an "enhanced product". Ivory's proposal radically reduces setbacks and increases building coverage to allow for oversized homes.

Sincerely,

Jack Dolcourt
[redacted]

Barlow, Aaron

From: Jack Dolcourt [redacted]
Sent: Tuesday, August 15, 2023 2:11 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street
Attachments: Ivory Re-zone.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

April 15, 2023

Mr. Aaron Barlow
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, Utah 84114-5480

Sent by e-mail: aaron.barlow@slcgov.com
e-mail copies sent to: mayor@slcgov.com; poazcoali. on@gmail.com; chris.wharton@slcgov.com

RE: Ivory Homes Proposed Development at 675 North F Street

Dear Mr. Barlow,

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Ivory's plan includes insufficient parking. They have provided only four guest parking spaces for 42 residences. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. Their plans do not adequately address snow in the winter. This is a strongly sloped foothills lot.

A planned development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit. Furthermore Ivory's proposal does not meet the criteria for a planned development: A planned development is required to produce an "enhanced product". Ivory's proposal radically reduces setbacks and increases building coverage to allow for oversized homes.

Sincerely,

Jack Dolcourt

[redacted]

Barlow, Aaron

From: JAMES W OGILVIE [redacted]
Sent: Tuesday, August 15, 2023 9:44 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes development

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Mr. Barlow,

Home availability in Utah is at a critical junction. Environmentally damaging urban sprawl requiring more road and auto travel has been our only solution. Please allow more homes to be built in close proximity to employment, shopping and entertainment centers in SLC. Do not let the NIMBY mentality to prevail. Permitting higher density housing is crucial to addressing the living-space problems Utah is facing.

Will Ogilvie, a City Creek resident
Sent from Mail for Windows

Barlow, Aaron

From: Joseph Cook [redacted]
Sent: Tuesday, August 15, 2023 9:16 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Opposition to Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

To: Aaron Barlow Salt lake City Planning Devision
From: Jospeh V. Cook, MD a long-time resident of Northpoint Estates
Subject: Ivory Homes proposed development at 675 North F Street
Date: August 15,2023

Dear Aaron Barlow,

I am a long-time resident of Northpoint Estates in Salt Lake City. I have previously a. ended multiple meetings concerning Ivory Homes and their proposed development. I have also expressed concern at several public meetings regarding this development.

It is amazing to me that the city continues to ignore the will of the people who live on the Salt Lake City avenues despite their overwhelming opposition to this project. It also feels to me like Ivory Homes has engaged in a "bait-and-switch" operation with this latest proposal.

My main concern has consistently been about safety. F street near the Northpoint gate is a steep grade and can be particularly difficult in the winter. It is the only egress from Northpoint. The new proposal by Ivory includes approximately 84 cars with 21 units and 21 ADU's. Capital Park is a private road and parking will not be allowed along the side street. Clearly there will be congestion with excessive parking along F street below the Northpoint gate. The road that bisects the new development and enters F street is only a short distance below the Northpoint gate. If the proposal becomes a reality F street will become very narrow and there will be poor visibility. In addition to the car traffic there are frequent service calls with larger vehicles. During the winter months this will be particularly hazardous. If there is ever an emergency that requires quick evacuation there will be a problem as multiple cars will be trying to exit the Northpoint gate and the Ivory project at the same time. I think for safety reasons the project is ill advised.

It is hard to see how the new Ivory proposal provides any public benefit. What they characterize as trails are simply sidewalks and would not constitute a pleasant walk because of being so close to imposing structures.

There are numerous other issues including the fact that Ivory's proposal does not meet the criteria for a planned development and the proposed development will be far from affordable.

My wife and I have loved living on the avenues and Northpoint has been all that we hoped it would be. There are some disadvantages such as the fact that our community is charged exorbitant water rates by the city much more than what we would be charged if we had individual metered homes. We do not have garbage services but are required to provide

our own. We are required to repair our own roads using community funds. On the other hand, we are fully taxed for our property as if we enjoyed these expensive services.

It feels to me like the residents of the avenues area are about to be the victims of an experiment on the part of Ivory Homes and Salt Lake City which will be advantageous to Ivory Homes from a financial standpoint, but a detriment to the residents of the city.

Thank you for considering my concerns.

Barlow, Aaron

From: Julie and Rich Sanders [redacted]
Sent: Tuesday, August 15, 2023 3:29 PM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Cc: Julie Sanders
Subject: (EXTERNAL) Ivory Homes proposed Development at 675 N. F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

To Whom it May Concern.

I live in SLC on Tomahawk Drive. I have lived in my home for over 15 years and have seen many changes in SLC during this period of time. Some changes are good and some are not so good. I strongly feel that the addition of the Ivory Homes Development falls into the not so good change for the following reasons.

1. The area is not large enough to accommodate the number of proposed homes especially with ADUs. They will be crammed together. What about parking? snow removal? can fire trucks get in the proposed streets?
2. The proposed walking trails are a joke.
3. Our current roads can barely handle the car, bike, walking and scooter traffic now. What will happen with an influx of people? I can't speak about water and sewer...
4. These will be expensive homes. That is NOT what is needed in SLC. We need moderately priced homes for families. Families are needed to support the public schools.
5. There is no benefit to the community from this project except for the income that taxes will provide.
6. Living on Tomahawk, I am well aware of fire danger. This proposed development would add to that fear.

SLC is known for the Avenues. The houses are different. They have character. This proposed development does not fit in. By allowing this you are slowly ruining one of the best areas of this city.

Thank you for your time and consideration,

Julie Sanders

Barlow, Aaron

From: Kevin Murphy [redacted]
Sent: Tuesday, August 15, 2023 6:30 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes proposed development in the Upper Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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I was recently at a neighborhood meeting to review the new planned development, and was disappointed with the "planned development". The long narrow houses, little or no setbacks, and absolutely no public benefit. The "trails" are just sidewalks in the development. Parking will be a major issue, and why do you need a whole subdivision of ADU's? Where will these ADU residents park?

Why don't they build a nice townhouse community that could be compatible with the established development already in the Avenues. This plan does not make sense to me.

Kevin Murphy
[redacted]

Barlow, Aaron

From: Pamela King [redacted]
Sent: Tuesday, August 15, 2023 10:59 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Please listen and reconsider

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello Mr Barlow:

I originally moved to Salt Lake City just over two years ago, in order to avoid the trauma of politics.

My husband and I were living in Washington DC before we moved to Utah in June 2021. Our boarded up condo was situated between the White House and the Capitol during the insurrection of January 6. We fled!

As a homeowner and senior citizen of the avenues, this Ivory Home plan is literally the only thing that directly affects my life enough to force me out of political mothballs.

I attended the Ivory meeting at Sweet Library which was not attended by either Ivory or the city council. After having written four letters in vain to the City Council and the planning commission, I think the media needs to get involved in this. The city claims they want public involvement but it seems to be a ruse.

I've walked past the small innocent site on F many times, past the lovely hundred year old trees, wondering about the greed that would place dense condos there and necessitate traffic lights on our quiet streets.

Last year, voted to approve a billion dollar park bond, part of which might have been used to protect that green land as a neighborhood park in perpetuity.

Make no mistake—These Ivory builders are not doing gooders and philanthropists. These condos will help no one except greedy developers.

I live on 11th and H. No one I know in the avenues is in favor of it, yet Ivory goes forward approved by city planners. Perhaps there is some behind-the-scenes shenanigans afoot like in the old movie Chinatown? I took note that one of the Council members (the female who had to resign in disgrace due to her DUI) was in favor of this travesty. I try not to know more because I don't want to poison my life.

Eventually bad deeds are found out and become notorious scandals.

Incredibly, despite neighborhood protest, the project is not only commencing, but increasing in scale! How can this be?

I have lived in high density areas, both Seoul, South Korea, and Washington, DC. I was a cultural geography major in college and understand high density areas and the need for compromise!

Salt Lake City is not a high density area.

In fact, a quick drive down State Street will show a serious downtown blight zone in need of renewal

Developers ought to change their focus from tiny plots of land in the avenues to urban renewal in areas where it could actually benefit our dilapidated city.

Care is needed going forward in this small city! Graffiti is beginning to pop up on our traffic signs. Take head! Take it from me, I have seen homelessness transform to tents to cloth lines attached to trees go up unheeded popping up everywhere in the name of political correctness. If we aren't mindful, tents and graffiti and drugs and homelessness will take over Salt Lake City too. A quick walk down almost any street will confirm problems are already noticeable and running rampant. Encourage development in these areas!

This morning, I reviewed an article from 2022 in " Deseret news. Ivory lobbied Romney in Washington DC, claiming density housing is some sort of an angelic panacea, a heroic gesture for the downtrodden, his intent upon equal opportunity.

Please don't kid yourself. These condos, if they are actually built, will be out of the range financially for any but the wealthy.

The avenues are unique and wonderful neighborhood — historic— and should be protected. Homeowner's opinion should be respected. The city council should be ashamed.

I wish everyone could have the quality of life that we can have here in the avenues. Unfortunately, that's not possible, but it is possible to build better housing in already boarded up and neglected areas.

Think of our future.
Think again!

Pamela King

Barlow, Aaron

From: Tyler Jack [redacted]
Sent: Monday, August 14, 2023 10:47 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com.
Subject: (EXTERNAL) Against the Ivory development in the Aves!

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Not Compatible with Established Development in the Avenues The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90 foot long buildings.

No Public Benefit: A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit.

Ivory's Proposal Does Not Meet the Criteria for a Planned Development: A Planned Development is required to produce an "enhanced product". Ivory's proposal is not an enhanced product.

- Ivory claims that a Planned Development is required to add ADUs. This is not correct. The City law allows ADUs for any qualifying home.

- Ivory also claims they are "preserving open spaces" and "creating trails". These claims are also both untrue. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone.

Ivory should build something closer to the SR-1 zone granted by the City Council. Approval of this Planned Development would make a mockery of the Planned Development process.

Not Affordable: There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates.

Unreasonable: Neighbors who live adjacent to this proposed development purchased their homes

with the understanding new buildings would comply with FR-3. Times change. We recognize more housing is needed. Neighbors understand that the City has rezoned this to SR-1, but the Planned Development takes this way beyond what neighbors feel is reasonable.

Accessory Dwelling Units (ADUs). These are permitted by the City, but have to date only been created one at a time by individual owner occupants. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This will add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

An Experiment: Ivory describes the creation of a subdivision of ADUs as an "experiment -- the first of its kind in Utah". Is this really the right location for such an experiment? A site that only borders one public road. Maybe it makes sense in a walkable part of the city, but not here.

Soil Removal: This is a highly sloped foothills lot. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. How many thousands of truckloads of soil will be trucked out through our steep and narrow Avenues streets so Ivory can overbuild this lot?

Setbacks and Building Coverage: Ivory's proposal radically reduces setbacks and increases building coverage to allow oversized homes on shrunken lots. It is the Planned Development that would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 feet!

No Yards: Houses with no yards are less likely to attract families with young children and will not support enrollment in the Ensign school.

Parking: Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue.

Parking on Capitol Park Avenue: Ivory fronts 9 homes onto Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors.

Fire: Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

Tyler Jack
Manager - NMLS 132155
[redacted]
FRONTLI
FINANCI

[Secure Upload]

This message and any attachments may be privileged, confidential, or proprietary. If you are not the inte
recipient of this email or believe that you have received this correspondence in error, please delete this e

Barlow, Aaron

From: Cindy van Klaveren [redacted]
Sent: Wednesday, August 16, 2023 5:56 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Alan Hayes
Subject: (EXTERNAL) Re Ivory Project on 675 N F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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To Whom It May Concern,

Last evening, Ensign Elementary received a special award to recognize the largest educational growth in SLC School District for 2022-2023, among non-Title 1 schools. This honor underscores the excellent quality of education in our neighborhood school. Isn't it a shame that Ivory's current plan will not attract families with children as the design has no open space nor back or side yards? This development could have drawn a dozen or so such families who might have benefited from the excellent neighborhood school. Ensign would have welcomed those children with open arms. This is indeed an opportunity lost.

Cindy van Klaveren, Retired Teacher, Salt Lake City School District

Cynthia van Klaveren, M.Ed.
Adjunct Instructor, ESL
Salt Lake Community College
[redacted]

Barlow, Aaron

From: Julie Campbell [redacted]
Sent: Wednesday, August 16, 2023 10:19 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory home development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

My name is Julie Campbell
[redacted]
I very much oppose the development on F St.

No more traffic to n our area !

School zone in area ,
Among so many other negative scenarios involved .
Signed
Julie Campbell
[redacted]

Sent from my iPhone

Barlow, Aaron

From: Allison Fernley [redacted]
Sent: Thursday, August 17, 2023 1:12 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

To Whom it may concern:

With respect to: **Ivory Homes Proposed Development at 675 North F Street**

Please see below my concerns about the Ivory Home proposal development:

Not Compatible with Established Development in the Avenues The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90 foot long buildings.

No Public Benefit: A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit.

Ivory's Proposal Does Not Meet the Criteria for a Planned Development: A Planned Development is required to produce an "enhanced product". Ivory's proposal is not an enhanced product.

- Ivory claims that a Planned Development is required to add ADUs. This is not correct. The City law allows ADUs for any qualifying home.

- Ivory also claims they are "preserving open spaces" and "creating trails". These claims are also both untrue. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone.

Ivory should build something closer to the SR-1 zone granted by the City Council. Approval of this Planned Development would make a mockery of the Planned Development process.

Not Affordable: There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates.

Unreasonable: Neighbors who live adjacent to this proposed development purchased their homes with the understanding new buildings would comply with FR-3. Times change. We recognize more housing is needed. Neighbors understand that the City has rezoned this to SR-1, but the Planned Development takes this way beyond what neighbors feel is reasonable.

Accessory Dwelling Units (ADUs). These are permitted by the City, but have to date only been created one at a time by individual owner occupants. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This will add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

An Experiment: Ivory describes the creation of a subdivision of ADUs as an “experiment -- the first of its kind in Utah”. Is this really the right location for such an experiment? A site that only borders one public road. Maybe it makes sense in a walkable part of the city, but not here.

Soil Removal: This is a highly sloped foothills lot. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. How many thousands of truckloads of soil will be trucked out through our steep and narrow Avenues streets so Ivory can overbuild this lot?

Setbacks and Building Coverage: Ivory’s proposal radically reduces setbacks and increases building coverage to allow oversized homes on shrunken lots. It is the Planned Development that would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 fee

No Yards: Houses with no yards are less likely to attract families with young children and will not support enrollment in the Ensign school.

Parking: Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue.

Parking on Capitol Park Avenue: Ivory fronts 9 homes onto Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors.

Fire: Ivory’s development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

Thank you for your consideration,

Allison Fernley

Barlow, Aaron

From: Jan McKinnon [redacted]
Sent: Thursday, August 17, 2023 11:03 AM
To: Barlow, Aaron; Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory's Planned Development/Parking!

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron

This is my second email to you regarding the Planned Development by Ivory Homes. I have grave concerns about the design and especially with what looks like nine homes facing Capitol Park Avenue. As you may not know, Capitol Park Avenue is a private road owned by the HOA's of the Meridian and Capitol Park Avenue. We pay to have the road maintained but also have always prohibited parking on the road. With the front door of these nine residences facing Capitol Park Avenue, I suspect the owners are going to try and park on a road posted as "No Parking" and they will be ticketed or towed.

There are a number of reasons why cars are not allowed to park on Capitol Park Avenue. The main reason being is that it isn't as wide as a normal city street and cars parked on the road inhibit travel of cars driving through the neighborhood and would also create difficulty for emergency vehicles responding to an emergency. Parked cars on the road during the winter would make it impossible for our snow plows to clear the snow from the streets.

Capitol Park Avenue HOA members were required to provide at least three enclosed parking spaces when the house was built. In addition, they have double wide driveways that are deep enough to accommodate several guest cars if needed. The Meridien has underground resident parking and two large guest parking lots above ground.

The lack of parking in the Ivory Homes Development in general is a concern. The overflow parking will flow to F Street and 13th Street. In the winter F Street is treacherous and if cars are parked on both sides of the road, it is inevitable that there will be many cars that slide into the parked cars. It's happened before with a few cars parked on the street but you add 5-10 more cars and it would be much worse.

This is an easy problem to solve. Require Ivory Homes to build a development using the SR-1 Zone they were awarded by the City Council. Ivory Homes still makes money, homes with yards provide housing for families keeping our Ensign elementary school populated, the development under these standards would fit in with the surrounding neighborhood, and a beautiful foothills lot would be creatively developed. Right now it looks like Ivory is trying to retrofit an existing plan onto this steeply, sloped lot. It just won't work.

Everyone wins if Ivory is held to the SR-1 Zone.

Thank you. Jan McKinnon

Barlow, Aaron

From: Judy Rose [redacted]
Sent: Thursday, August 17, 2023 10:03 AM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Ivory should build something closer to the SR-1 zone granted by the City Council. Approval of this Planned Development would make a mockery of the Planned Development process.

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Fire: Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

Thank you for your consideration,

Judy Rose

Barlow, Aaron

From: Tom King [redacted]
Sent: Thursday, August 17, 2023 9:58 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Avenues Project

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Mr. Barlow,

I am once again communicating my opposition to the proposed Ivory Homes project in the Avenues. The idea of a government of the people, by the people, and for the people seems naive given the overwhelming opposition to the project by citizens and the continued support by city officials. I can only speculate why that is. It certainly undermines my trust of these officials.

There is absolutely no good reason to approve this project, and many good reasons not to, such as parking issues, fire safety issues, traffic issues past an elementary school, and historic preservation issues.

I would certainly hope your Commission would reconsider its approval and do the sensible thing and cancel it.

Tom King

Barlow, Aaron

From: Frasiercore Frasiercore [redacted]
Sent: Friday, August 18, 2023 11:27 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Support of Ivory Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Good Morning Aaron,

I am writing in support of the project proposed by Ivory in the upper avenues. My personal feeling is that this project doesn't go far enough to add density to this part of the city. Homeownership continues to be unobtainable for many people and owners who bought their house for Pennie's are now trying to prevent "others" from living in their part of the city. Ivory has the right to develop a certain number of houses on the lot. Their proposal is the best possible option given the circumstances.

Sent from my iPhone

Barlow, Aaron

From: Teresa Musci [redacted]
Sent: Friday, August 18, 2023 1:18 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr. Aaron Barlow,

I am writing about my concerns of the Ivory Home development in the Avenues at F street and 13 Avenue. The Development petition from Ivory Homes, is requesting approval for a development that would require modifications to the regulations for a new development within the SR-1 zoning district. I do not believe these modifications should be approved.

As a resident of the Avenues for 30years, I have seen many changes in the Avenues. However, all these changes overall have not changed the look or feel of the historic Avenues neighborhood. The request to cram in 21 oversize houses and possibly 42 residents with ADUs onto shrunken lots, so Ivory Homes could make more money, is absurd. There are many problems with the **SPECIAL MODIFICATIONS** that Ivory homes is asking for in this small plot of land and are as follows.

1) Houses will be built 2X the normal for the SR zone. Nowhere in the avenues are there more than 15 houses being built in this area size. The normal number of houses is 9 to 12 lots for such a similar area.

2) Setbacks from the front and back of the lots will be as small as 2 feet to the street and sidewalks. There are side yards so small that do not comply with the SR zoning. Houses will be on top of each other.

3) There is no space for green space, i.e. a yard.

4) The area will be overly crowded with not enough parking spots. This is further exasperated by a no parking zone in front of 10 houses on the private Capital Park Avenue.

5) If there are ADUs, and that is a big IF, where will they park?

6) A 24-foot-wide road is a nightmare for the residents, deliveries, and waste collection/snow removal.

7) There is no place to put the snow during the winter and the upper Avenues gets a lot of snow.

8) Retaining walls are ridiculously high from 7 to 17 feet tall, due to the terrain of this area and for privacy. The amount of retaining walls to build these houses is ridiculous. These are totally unsafe for the residents, especially during earthquakes, or fires.

9) With the upsurge of potential wildfires in the upper Avenues as per the Salt Lake Fire Department, this proposal of a high density of houses and limited escape routes due to high retaining walls and narrow streets is a safety nightmare for the residents and public service employees such as firemen, paramedics, and police.

This is not an altruistic move by Ivory Homes to provide more housing, it is for IVORY Homes to **make more money.** Higher density of buildings then the normal Avenues character is a terrible idea. Once again**,** I do **not** support a change within the SR-1 zoning district at F street and 13 Avenue. I request that the Ivory Homes petition for special modifications **be denied**.

Teresa Musci

Barlow, Aaron

From: Tracy [redacted]
Sent: Friday, August 18, 2023 1:42 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Re: Ivory Homes Open House for Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Thank you. I am going to attend. I oppose this rezone and this development.

Sent from my iPhone

On Aug 18, 2023, at 12:15 PM, Barlow, Aaron <Aaron.Barlow@slcgov.com> wrote:

Good Afternoon,

You are receiving this email because you had previously expressed interest in receiving updates regarding Ivory Homes' Capitol Park Cottages development in Salt Lake City. I am forwarding you information regarding an upcoming open house that Ivory Homes will be hosting an informational open house about the project at the Corrine & Jack Sweet Library (455 F St, Salt Lake City, UT 84103) on Wednesday, August 23, 2023, from 6:30 pm to 7:30 pm. This event is not hosted by the city, but Planning staff will be available to answer questions.

Planning staff is reviewing the proposal to ensure that it complies with all relevant zoning regulations and Planned Development Standards. At this time, a public hearing with the Planning Commission has not yet been scheduled. I will send you an email with meeting information once a date has been set.

Sincerely,

<image001.png>

AARON BARLOW, AICP | (*He/Him/His*)
Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182
Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

Barlow, Aaron

From: Gary Crittenden [redacted]
Sent: Saturday, August 19, 2023 11:00 AM
To: Barlow, Aaron
Cc: Mayor; chris.warton@slcgov.com; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Aaron,

Sadly, what we were concerned with Ivory's proposal to re-zone the 675 North F Street has happened. As predicted, they are now asking that the re-zoning be taken a step further to enhance the profitability of the development to the further detriment of our neighborhood.

The two most important things that concern me about their over-reaching proposal are:

1. There is simply not enough parking. Houses that front on Capitol Park Avenue will undoubtedly park in front of their homes on a private street that is a no parking zone. This will cause substantial friction between those homeowners and the existing neighbors. There are more "household" units here than spaces.

2. Building long, skinny homes in a north south direction against the grain of the hillside will open channels for rain overflow from the properties above directly onto Capitol Park Avenue and the parking lots/underground parking below at the Meridien. The dramatic difference in height between the Ivory development and Northpointe still remains from their last proposal. The rainstorms of this Spring and Summer have demonstrated how significant the overflow can be. Who will cover the cost of the flooding at the properties below?

What puzzles me the most is what possible benefit is derived from a planned unit development on this property — that is required for approval of a PUD. This is not low income housing. The imposition and cost it will impose on the neighborhood is clear. What possible rationale is there to approve this PUD other than increasing the profit for Ivory Homes on the development?

Gary Crittenden
[redacted]

Sent from my iPad

Barlow, Aaron

From: David Garcia [redacted]
Sent: Sunday, August 20, 2023 12:10 PM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) 675 N F-Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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A Proposal: Increase Downtown Housing Density: Turn the City-County Building grounds into a sanctioned camping site for the homeless. BAD IDEA.

Regarding **the 675 N F-Street Development** proposed by Ivory Homes: A project that more than doubles the density of prevailing regulations allowables. BAD IDEA.

Bad ideas often share the capacity to overlook the obvious.

The various 20th century Zoning regulations for the Avenues (including F-Street) contributed toward the sense of community in the Avenues. That community is **fostered by space,** houses and plots not too small, not too big. Although perhaps discovered by happenstance, it's a formula that works.

A project that more than doubles the density of prevailing regulations allowables? BAD IDEA.

There was a summer 2020 poll taken by the GACC* with regard to the Ivory Homes proposal and much more importantly, the seismic changes in zoning regulations covering the Avenues. The vote was over 1,200 against the proposal, and 25 in favor.

Comment: We, the community inhabitants, **we the 97%,** do not want to allow the regulations and variances to be changed, at least not to the extent that Ivory Homes is requesting. It is a tribute to the skill and strongly financed efforts by Ivory Homes to steamroller the will of the community.

For amplification, this site is on a steep hillside, generating specific access problems. A BAD IDEA made even worse. I am against approval of the 675 N F-Street project. While a consideration, density should be balanced against the sense of space so intrinsic to the Avenues

David Garcia

*GACC =Greater Avenues Community Council, meeting monthly, a group which provides non-opinionated information to the community about issues relating to the Avenues.

Barlow, Aaron

From: Frances [redacted]
Sent: Monday, August 21, 2023 5:13 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Reference Ivory Homes Proposed Development at 675 North F street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Rezoning 675 N F Street

Dear Aaron Barlow,

I hope you are all well.

My name is Frances Copinga, I have lived in Capitol Park for 13 years, I have lived in the avenues my en. re life.

I am writing to express my deep concerns regarding the proposed rezoning of 675 F street by Ivory Homes.

I believe both the planning committed and the city council are intentionally overlooking crucial issues surrounding the rezoning of this lot in order to make Ivory Homes more money.

Initially, numerous developers consider purchasing this property, but each developer deemed the development finically unviable under the existing zoning. However, Ivory Homes' proceed to acquire the land with the apparent intention of seeking a rezoning solely for the purpose of generating profits for their company.

It seems the city council and planning committee are closely aligned with Ivory's primary interested of making profits.

However, many of the issues below have been brushed aside by the city council and planning commission.

1) Incompatibility with Established Development: Ivory's proposed houses are significantly larger than he existing houses in the SR-1 zone of the Avenues. The close proximity of these large buildings with just 10 feet of separation is concerning for increased traffic, aesthetic, parking and fire.
2) Lack of public benefit: A planned Development typically involves concessions on zoning regulations in exchange for a specific public benefit, however, Ivory's proposal fails to provide any meaningful public benefit.
3) Failure to meet planned development criteria: Ivory's proposal does not align with the concept of the "enhanced product" as required for a planned development.
4) Affordability: The proposed development does not offer affordable housing, with homes likely to sell in the millions and the ADU's rented at high avenues rental rates.
5) Concerns about ADUs: The obvious lack of parking with only be exasperated by the ADUs.
6) Locations Suitability: The proposed "experiments of ADU's" as named by Ivory Homes of an ADU Subdivision raises concerns about the increase vehicle traffic and potential disruptions from short term rentals. In addition, this development will only boarder one public road.
7) Environmental impact: The proposal substantial soil removal and building against the natural slope of the land raise questions about the environmental impacts.
8) Set Backs and Building coverage: The proposed reduction in setbacks and increased building coverage compromise the integrity of the SR-1 zone regulations.

In light of these concerns, I would like you all to carefully consider the impact of this proposed development on the community and the surrounding environment.

Thank you for your consideration,

Frances Copinga

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the sender immediately by reply email and destroy the original and all copies of the email, including any attachment(s).

Barlow, Aaron

From: jeanninegregoire [redacted]
Sent: Monday, August 21, 2023 8:40 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Vote AGAINST Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Mr. Barlow,

I am emailing you to vote AGAINST the Proposed Ivory Homes Development at 675 North F Street...for many reasons.

Stuffing 42 units into an area that might accommodate 12 is egregiously irresponsible and unacceptable. Where will the 80+ cars that go with them...park?

The Ivory proposal is filled with serious inaccuracies. That fact alone should stop further consideration.

To name a few:

1. Ivory's Proposal does not meet the criteria for a planned development.

2. It is not compatible with established development in the Avenue.

3. Ivory's proposed development provides no public benefit.

4. These are not "affordable" units.

5. There is concern that F Street could become a "choke point" in the case of a fire.

These are just a few serious concerns. There are many more that you will hear about.

Sincerely,

Jeannine Gregoire
[redacted]
Avenues Resident

Sent from my Verizon, Samsung Galaxy smartphone

Barlow, Aaron

From: Joan Harris [redacted]
Sent: Monday, August 21, 2023 12:43 PM
To: Barlow, Aaron
Cc: Wharton, Chris; Mayor; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes proposed development at 675 North F St

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello Aaron,

I'm not in favor of this proposed development for the following reasons:

1. The intense density of these homes is totally incompatible with the development in the Avenues.

2. These homes will be affordable for very few people. These very large homes will be priced in the millions.

3. This proposed project has been unreasonably rezoned. Nearby neighbors purchased their homes with the understanding that new buildings would comply with FR3. Of course, times change, and the City has rezoned this to SR1, but neighbors feel that the Planned Development goes far beyond what is reasonable.

4. There is not enough room for the parking!

Thank you!

Joan Harris

Barlow, Aaron

From: JUDY DENCKER [redacted]
Sent: Monday, August 21, 2023 10:31 AM
To: Barlow, Aaron
Cc: Preserve Our Avenues Zoning Coalition; Peter Wright; Janie Mathis; Lynn Keenan
Subject: (EXTERNAL) FW: A brief compilation of reasons why Ivory should not be permitted to do the planned development they desire at 13th Ave and "F" Streets or 675 "F" Street, if you prefer.

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Mr. Barlow -

Over 2000 of Avenues taxpayers, residents and neighbors agreed to fight this matter from the get-go around 3 years ago. The basic reason to fight this nonsense is plain to see and that is, this type of dense growth does not fit in any area of the Avenues. An argument that the vote and subsequent letters and writing campaigns to our city, are no longer valid is nuts. The issue of over-the top density is still valid and plainly visible by Ivory's most recent architectural drawings and plans. Just because the developer won the zoning change issue, does not separate that valid vote from the rest of the matter.

Because Ivory succeeded in getting what they wanted, the zoning change, that does not diminish the fact that the issue remains. Ivory now with their cherished zoning change, wants to go ahead and make special changes to the new zoning in their planned development to fit their criteria, is nuts. Where is the "we want" from Ivory going to end? When is the city going to say "enough"?

Ivory knew when they bought the property what the zoning was but no, that wasn't good enough. So, they finally get what they want, and now they want to change it again and get "special treatment" that will accommodate their "experimental" vision. One way or the other, it's all about Ivory.

You cannot ignore the taxpayers and property owners in huge numbers that have expressed their feelings and expectations as to the protection of the neighborhood from such unnecessary and irresponsible over the top growth.

The disappearance of setbacks to the new zoning, and the one acre of "open space" or "green space", is ridiculous. How can Ivory consider a "trail" from 14th Ave and "F" (the northeastern most boundary of their property), running to the west to the west boundary and south to Capitol Park Ave and then back east to the city mandated drainage basin as "open/green space"? The northern most portion of the "trail" will be sandwiched in between the homes with their 5' setback from the front door of the structures, across the "trail" to the Ivory retaining wall. Doesn't sound like either "open" or "green" space to me. And others agree. Ivory also claims that the parking strip along "F" Street from Capitol Park north to the top of "F" Street, as part of their "green" or "open" space. Does this mean that the city is going to allow Ivory to convert City easement property to part of their overly dense housing to claim it as "green/open" space?

This plan just does not fit the Avenues in any manner or fashion.

There is no way that Ivory can guarantee any amount of ADU's as that decision is the purview of the homeowner, not Ivory, or any other developer to "guarantee".

The city's actions in this matter show that there is extreme prejudice in favor of Ivory getting what they want or, total ignorance of the matter. I don't think anyone in the Avenues who is closely affected by the Ivory project to believe for one second that the city will not give Ivory what it wants in their variance from their new code as to set-backs and such. The city has shown which side of the bread the butter is on by basically siding with Ivory when they at the last minute pulled out from coming to the GACC meeting on Aug. 2 when Ivory pulled out, so did any representative from the city. The only portion of this equation were the POAC(Z) folks who are still strongly vested in this matter and showed at the GACC meeting. Nice showing SLC. Way to support the taxpayers by sticking your metaphorical thumb in our eye and nuzzling up to Ivory even closer.

We see that the city has already agreed to show up at Ivory's "open house" at the Sweet Library where they will be available to talk up their wonderful plan on August 23. Isn't this just showing more favoritism on the part of the city? Sure seems like it when a few days earlier you couldn't even show for the GACC. Not good optics here, Salt Lake City.

It's about time that the city - the Planning Division, the Planning Commission and the City Council stand up for the taxpayers who pay their salaries and other compensation for their "volunteer" time serving on the Planning Commission. The people who live in the Avenues and the immediate area are owed that.

That's just the Avenues. The way the city is being run these days only invites more controversy and hard feelings. Is "fairness" too far a bridge for the city to cross on behalf of the taxpayers and neighbors who have a right to live in a peaceful and harmonious neighborhood? Ivory's plan does not come close to a peaceful neighborhood or harmonious neighborhood addition. The Avenues is not an "experiment" for Ivory or any other "developer". That is a fact!

Judy Dencker

[redacted]

[redacted]

Barlow, Aaron

From: pamellagl [redacted]
Sent: Monday, August 21, 2023 9:36 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Opposed to Ivory Home Proposed Planned Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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To Whom It May Concern:

I have been a resident of the Avenues for over 50 years. The houses proposed for this development are NOT compatible with the Established Developments in the Avenues.

Ivory claims that this proposed development is "required" to add ADU's but the City law only "allows" them for qualifying homes, it is not a requirement. With the argument that each of the dwellings would have an ADU, the number of vehicles would be staggering and parking a nightmare.
Unfortunately, neighborhoods are becoming painfully aware that ADU's are becoming short term rentals and disruptive to neighborhoods.

Parking for the entire proposal is insufficient and nearby neighborhoods would bear the brunt of all the extra vehicles.

Please do NOT allow this proposed development to proceed. It is entirely incompatible with my neighborhood!! Thank you.

Pam Littig

COMMENTS REGARDING THE APPLICATION OF IVORY DEVELOPMENT, LLC FOR PLANNED DEVELOPMENT TREATMENT FOR A PROJECT LOCATED AT 675 F STREET

RE: PETITION NUMBER: PLNPCM2023-00650
DATE: AUGUST 21, 2023

ATTENTION: AARON BARLOW, PRINCIPAL PLANNER

Since 2001 we have owned and occupied the home at [redacted] one block south of the development site. As long-term residents of the area we have had a first-hand opportunity to follow and participate in the development of the area. We have backgrounds in law, property development and property management. Our professional training and the experiences, the skills developed in course of our careers, as well as and our careful monitoring of the evolving Ivory plans for development of 675 F Street site, have informed the opinions expressed herein. We oppose granting Planned Development approval for the proposed Ivory development.

Ivory has already obtained rezoning for the site which will permit it to achieve what it claims is a "shared vision" with the Planning Commission and City Council for "more units" on the site. Having succeeded in realizing that shared vision, Ivory now seeks Planned Development treatment for the development which would create even more units than are permitted by its recently achieved zoning status.

Ivory has described its development plan as an "experiment" and a "first of its kind in Utah plan". At the core of this experiment is a conjoining of principal residences and what Ivory falsely claims are "ADUs". Its development plan contemplates 21 principal residences, each with an ADU. However, even under the provisions of the recently amended ADU ordinance, Ivory can't create even one ADU and in its marketing efforts it has stressed alternate uses for spaces shown as ADUs on its drawings as possible home offices, guest suites, extra bedrooms and other uses. The experiment is really whether Ivory can successfully lure the Planning Division and the Planning Commission into granting Planned Development status for a project that is built on the fiction that Ivory is creating 21 ADUs. It is simply proposing to build large homes on small lots on the site and what happens next will depend on others.

Since the adoption of the City's ADU ordinance, ADUs have been a housing type that gives the exclusive right to individual homeowners to create an additional housing unit on the property they own and occupy. It's a special property right for owners, not developers or investors. Homeowners and neighborhoods have understandably been concerned since the origin of the

ADU concept that it was capable of misuse and could have an adverse impact on their neighborhoods. They have been consistently assured by public officials that "it's one at a time…it's not a subdivision". But Ivory's Planned Development proposal essentially seeks to create such a subdivision. It calls for what will be the most important decision with respect to ADUs in the history of its existence as a housing concept in Salt Lake City. It will be precedent setting and will guide future decisions by the City in all residential zones and development proposals by all residential developers.

Ironically, without Planned Development treatment Ivory can build houses that could make it easier for any future owner-occupant to create an internal rental ADU. The Planned Development treatment it is seeking simply permits it to more intensely develop the site and to escape the limitations of the SR-1 zoning regulations which govern its SR-1 neighbors.

The City needs to analyze Ivory's plan based on what it represents, a residential development that is clearly inferior to one built in strict compliance with SR-1 zoning regulations, not one which would be enhanced by Planned Development treatment. Ivory proposes larger houses on smaller lots that are normally found in SR-1 districts. Ivory's Planned Development Application attempts to defend this lack of compatibility with neighboring properties, but the disharmony is entirely the result of design, economic and marketing decisions it has chosen to make. Street facing facades that purport to mimic facades of older Avenues homes are only superficial props for the large, characterless nonconforming structures to which they are attached. The dense and functionally interdependent design Ivory proposes will create a long-term management nightmare for owners, occupants, and the City if its vision of 21 independent landlords attempting to manage 21 independent tenants develops. The design and site conditions of the development will not appeal to families with young children or occupants with physical limitations. The design also lacks adequate parking and ease of access. The open space and public inclusion claims made by Ivory to justify Planned Development status are simply fatuous. In short, the success of this experiment will be jeopardized by the many excesses and omissions of the design itself. If the City desires to facilitate this type of development, a failed experiment on this site will stand in the way of future development elsewhere and public acceptance of the concept.

We watched as Nick Norris delivered the 2021 ADU Annual Report. Among other things, his report dealt with the burden of required reviews by the Planning Commission of individual ADU approval requests. He addressed the value of public input on ADU approval by City officials and expressed the view that public input didn't add anything to the process because "we know what they think." To us it sounded as if he was saying "we don't care what they think". The Ivory ADU subdivision experiment is of a different magnitude, but the attitude of public officials toward public input is a concern to everyone impacted by this proposed development.

Public opinion is intended by our system of laws to benefit public policy development and administration. It shouldn't be treated as a mere ritualistic hurdle to be cleared on the way to an inevitable project approval for a large, politically powerful developer. Please give serious

consideration to our views as well as those who, like us, have followed the evolution of Ivory's development proposal for several years and have taken the time to study and comment on it.

Lynn A. Keen

Thomas W. Keen

Barlow, Aaron

From: Charles Cannon [redacted]
Sent: Tuesday, August 22, 2023 8:48 AM
To: Barlow, Aaron; Mayor; Wharton, Chris; poacoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr. Barlow,
I am a homeowner on 13th Avenue near the proposed development. My wife and I strongly oppose the current Ivory proposal. The scale of proposed houses on reduced lot sizes, together with the failure to comply with normal setback and coverage requirements under SR1, go far beyond a reasonable accommodation with neighborhood norms,
The failure of Ivory representatives to appear at our neighborhood association meeting earlier this month is a perfect reflection of Ivory's unwillingness to listen to the concerns of neighboring homeowners and residents. The Planning Department has an opportunity to listen respectfully to those who make this neighborhood a vital and desirable place to live.
Repeated communications, surveys and petitions by hundreds of citizens have been met with limited response from the government that claims to serve us.
Please review the proposed development plan with our concerns in mind. We appreciate the pressure brought to bear on you and your staff, but urge you to require full compliance with the letter and spirit of zoning and planning requirements.
Thank you for your service,
Charles A. Cannon
[redacted]

Barlow, Aaron

From: Cheri Daily [redacted]
Sent: Tuesday, August 22, 2023 6:22 PM
To: Barlow, Aaron
Cc: poazcoalition@gmail.com; Preserve Our Avenues Zoning Coalition; Wharton, Chris; Mayor
Subject: (EXTERNAL) Ivory Home Proposed Development at 675 N F Street

Follow Up Flag: Follow up
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Categories: Ivory comments

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Cheri Daily [redacted]

To: Salt Lake City Planning Commission
Attn: Aaron Barlow
Re: Ivory Home Proposed Development at 675 N F Street

I am writing to express my **strong opposition** to Ivory's planned development at this site. The plans they have put forth are completely out of character with the rest of the homes in the area and twice the size of most houses in the SR-1 zone of the Avenues. The houses described are huge, packed together with no yards, tiny setbacks, and a laughable "green space" trail that appears to go between two large retaining walls at the back of the lot.

Critically, as a resident on F street, there is not remotely enough parking, with only 4 designated extra street spaces for up to 21 ADUs. F Street is narrow and very steep at this end of the street, and as it is, garbage and other service trucks have to back down the street. Adding lines of cars parked on the street because of Ivory's poor planning creates a potentially dangerous situation for emergency services.

There is no "enhanced product" in this plan to meet the criteria for a planned development. These are huge, expensive homes stuffed onto SR-1 lots with steep grades and no yards.

I ask you to please vote against Ivory's Planned Development at this site.

Cheri Daily
[redacted]

Barlow, Aaron

From: Julie Mackie [redacted]
Sent: Tuesday, August 22, 2023 3:41 PM
To: Barlow, Aaron
Cc: [redacted] Preserve Our Avenues Zoning Coalition
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Steet

Follow Up Flag: Follow up
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Categories: Ivory comments

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Mr. Barlow,
This is not my first email to the city regarding the Ivory Homes Proposed Development Plan at 675 North F Street. My opinion has not changed nor has anyone else's in my neighborhood. This is a very flawed proposal being presented. It is not compatible with the neighborhood I live in, with single family homes, proper setbacks, sidewalks, park strip and parking! Not to mention the basic safety in a high risk area of wildfire.
How does the city make sense of this, except to satisfy the profit of Ivory Homes?
Please ask Ivory Homes to redesign their plans to produce an "enhanced product".
Thank you
Julie Mackie
[redacted]

Barlow, Aaron

From: THOMAS KEEN [redacted]
Sent: Tuesday, August 22, 2023 9:39 AM
To: Barlow, Aaron
Cc: Chris Wharton; Maria Mastakas; Peter Wright
Subject: (EXTERNAL) CAPITOL PARK COTTAGES PLANNED DEVELOPMENT APPLICATION
Attachments: aaron barlow correspondence 1.0.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Categories: Ivory comments

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Enclosed is our statement of opposition to granting the the Ivory Development, LLC's 6/12/2023 application for Planned Development treatment of its development at 675 F Street. We, and many others, have provided written input on prior design iterations for this project. While the rezoning granted by City Council mooted the zoning portion of those inputs, there is much that remains pertinent to the plan review you are conducting. Because the decision reached by the Building Division as a result of your review will be precedent setting for future proposals of the sort being advanced by Ivory, your review is extremely important for all of Salt Lake City, not just our neighborhood. We urge you to review those earlier written submissions. The attached statement of opposition merely summarizes our objections, which are more fully explained in many of our prior written submissions. Thank you for the opportunity to assist in the review of this proposal.

Tom and Lynn Keen

Barlow, Aaron

From: Margo Stevens [redacted]
Sent: Tuesday, August 22, 2023 10:27 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Proposed Development

Follow Up Flag: Follow up
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Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Aaron,

I am writing to express my opposition to the Proposed Ivory Home Development at 675 North F Street. I live in the Avenues and have followed this development for some time. I was disappointed that the City decided to rezone this area to SR-1 but also recognize that there are needs for more high density housing in the City and strive to not be a "not in my backyard" reactionary. It is discouraging, to say the least, that this isn't far enough for Ivory Homes, who now want to take it even further with this Planned Development. This appears driven by sheer greed rather than an attempt at compromise by abiding to the changed zoning they were already able to secure. I have written other letters outlining my concerns. My concerns are the same but now have the added element that Ivory Homes is pushing for even MORE high density in an area of our City where the impact would be severe.

Thank you for your time and concern,

Margo Stevens
[redacted]

Barlow, Aaron

From: Patrick Park [redacted]
Sent: Tuesday, August 22, 2023 10:57 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Objection to Ivory Homes proposal for development

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Categories: Ivory comments

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Through the Avenues Coalition presentation and education, I have become aware of a new and excessive request by Ivory Homes to alter the zoning requirements for homes in the upper avenues. The presentation included a drawing of the proposed change and the back door naming of a "Planned Development" for this F street site.
The proposal makes a mockery of community planning and the wise development of our beloved avenues. Ivory Homes instead of being appreciative of the recent change in zoning, now wants to wedge large million dollar homes into narrow lots with attached ADUs. There is no provision for parking for an occupied ADU and guests would have to park on an already over taxed F Street. Emergency vehicles services would be severely compromised.
This proposal has many more faults which I'm sure have been addressed in others responses.
Certainly the addition of this planned development would not enhance the community or our neighborhood.
Thank you for using reason and integrity in your decision.

Patrick Park
[redacted]

Barlow, Aaron

From: Todd Jensen [redacted]
Sent: Tuesday, August 22, 2023 11:04 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory's Planned Development Capitol Park

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Categories: Ivory comments

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I am against Ivory's Planned Development for several reasons. I list a couple.
Ivory's proposal does not meet the criterial for a Planned Community. This development does not produce an enhanced product.

* Ivory claims a Planned Development is required to add ADUs, not correct. The City law allows ADUs for any qualifying home.

* Ivory claims they are creating trails and preserving open spaces. Sidewalks which are needed do not constitute a trail. SR-1 zone granted by the City Council is the appropriate zone. Approval of this "Planned Development" makes a mockery of the Planned Development process.

* Fire, Ivory's Development would cause great concern as Capitol Park and Northpoint sit in an area designated as a high wildfire risk. This could cause F Street to become a choke point in the event of a fire.

Todd Jensen
[redacted]

Barlow, Aaron

From: William Littig [redacted]
Sent: Tuesday, August 22, 2023 10:00 AM
To: Barlow, Aaron
Subject: (EXTERNAL) I am writing about the poor planned development suggested by Ivory Homes. Cookie cutter cheap andout of character would be a compliment but I mean to suggest any neighborhood can do better. These valuable lots in a prime secluded location, i...

Follow Up Flag: Follow up
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Categories: Ivory comments

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Barlow, Aaron

From: Bruce Johnson [redacted]
Sent: Wednesday, August 23, 2023 9:25 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Opposition to Ivory Homes Proposed PUD development at 675 North F Street

Follow Up Flag: Follow up
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Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow,

I am strenuously opposed to Ivory Homes PUD development planned for 675 North F Street. The development adds nothing to the community that cannot be achieved by the newly granted SR-1 zoning. But it will significantly impact the surrounding neighbors. These very expensive homes will have inadequate guest parking (only four in total), no yard space and no place to store snow in the winter. These burdens will be foisted upon neighbors. Of great concern is that this area is a dangerous fire zone. NorthPoint and parts of Capital Park housing area abut city creek canyon. Excessive street parking, coupled with a large increase in cars could well create a choke point at the top of F Street. Recent history has shown that inadequate escape routes can lead to tragic outcomes.

I believe that the SR-1 zoning, with no modifications, gives both the City and Ivory Homes a good outcome.

Sincerely

Bruce Johnson
[redacted]

A Zoning Change Increasing Wildfire Risk Would be Gross Negligence

Summary

This memo outlines reasons why, if the Planning Commission approves a change to existing zoning, and allows a proposed planned development at 675 N F Street, doing so would be gross negligence, making Salt Lake City liable if the zoning change contributes to subsequent wildfire damage.

Three wildfire safety concerns distinguish this proposed zoning change from most the other changes the Planning Division and Planning Commission are typically asked to approve. Since the Planning Division and Planning Commission know, or should know, of these wildfire safety concerns, ignoring them and nevertheless approving the proposed change in spite of them, would constitute gross negligence.

First, this property, its F Street border and neighboring Northpoint are in a Wildland-Urban interface, that area of Salt Lake City designated by the US Forestry Service as at highest wildfire risk.

Second, in the event of a wildfire, F Street, from Northpoint's entrance to its intersection with Capital Park Avenue, is the only way the Fire Department could reach Northpoint's 100 plus residents, and they could get out.

Since Ivory has provided insufficient parking within its proposed planned development for all the vehicles of the households therein and those of their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Such added on-street parking on F Street from this proposed zoning change would much more often narrow F Street to only two lanes,

making it harder for and delaying the Fire Department's getting into Northpoint, and Northpoint's residents getting out.

Even more dangerously, Ivory's planned development also calls for a second intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, with the added risks of accidents blocking that chokepoint that an additional intersection with it necessarily creates, particularly in the event of a hasty wildfire evacuation.

A more constricted fire access chokepoint from more cars parked on it, and increased risks of accidents blocking it from an additional intersection with it, will slow wildfire evacuation of Northpoint residents and access by Fire Department vehicles, increasing the risk of damage from future wildfires.

The third factor making approving this proposed zoning change gross negligence is that a written Salt Lake Fire Department Guide calls on the Planning Division and Planning Commission to instead use zoning to decrease "the risk of damage from future wildfires" in high wildfire risk areas such as this.

Just as a landlord commits gross negligence if it deliberately disregards and fails to act on facts which it knows or should know would jeopardize the fire safety of its tenants, the Planning Division and Planning Commission would commit gross negligence if they deliberately disregard facts which they know or should know would jeopardize the future wildfire safety of Northpoint residents.

If the Planning Division and Planning Commission approve a zoning change in similar disregard of facts showing that doing so would jeopardize the future wildfire safety of Northpoint residents, they would similarly be guilty of gross negligence with respect to future wildfire damages to which such zoning change contributes, making Salt Lake City liable for contributing to such damages.

1) Wildfire Risk

675 N F Street, unlike most other developments in Salt Lake City, is in a Wildland Urban Interface, that area of Salt Lake City the US Forest Service has designated as being at highest risk of wildfires.

Further, the Planning Division and Planning Commission, and if need be the Courts, must take notice of the fact that, because of climate change, wildfires have become much more frequent and much more severe.

If the Planning Division and Planning Commission disregard wildfire risk with respect to property in a high wildfire risk area, at a time when wildfires have become more frequent and severe, they would go so much beyond normal administrative discretion as to constitute gross negligence.

2) Access and Evacuation Concerns

The zoning change would create special wildfire safety concerns because, in the event of a wildfire, the portion of F Street bordering on 675 N F Street is a chokepoint that is the only way the Fire Department could reach Northpoint, a community of 100 plus residents, and that Northpoint's residents could use to get out.

Since Ivory has provided insufficient parking within its proposed planned development for all the vehicles of its households and their guests, and since Capital Park Avenue is a private street posted as No Parking, most of the additional on-street parking by these vehicles would have to be on F Street.

Additional on-street parking by cars parked along the curbs on both sides of F Street, from the households and their guests of the proposed planned development, will much more frequently narrow F Street by two lanes and much more frequently create a more severe chokepoint that, in the event of a wildfire, will slow access to Northpoint by Fire Department vehicles and slow evacuation by Northpoint residents.

Since evacuating Northpoint residents will be trying to get out at the same time firefighters will be going in the opposite direction trying to get in, the egress and access of both will be particularly impeded.

Ivory's planned development also creates a second intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, creating risks of accidents at that intersection blocking that chokepoint, particularly in the event of a hasty wildfire evacuation.

The Planning Division and the Planning Commission must consider the fact that this property is on a fire access and evacuation chokepoint. It should also have to take notice of the fact Wildfires can travel fast, and that minutes added to firefighter access time or resident evacuation time by a more severely constricted or blocked chokepoint can make a life or death difference. As the Los Angles Times noted on September 7, 2022: "California fires (are) killing people before they can escape their homes, making seconds count."

For Northpoiont, this is not just a theoretical risk. Northpoint residents had to fight a wildfire that recently reached Northpoint's boundary with City Creek Canyon with garden hoses until the Fire Department arrived.

The Planning Division in its Report cannot blithely say that the planned development allowed by the zoning change raises no wildfire safety concerns because "any development will be required to meet…(the same) minimum requirements for fire vehicle and firefighter access…that universally apply to all developments in the City."

Unlike a development in, say, the Sugarhouse or the Ballpark districts, this development lies in a Wildland Urban Interface athwart the only fire vehicle and firefighter access route to, and resident evacuation route from, Northpoint, which the zoning change narrows and makes more constricted, potentially delaying such access and evacuation.

Applying the same criteria to this zoning change request as it would apply to a zoning change request in another part of the City not in a Wildland Urban Interface, and not athwart the only fire access and egress route, would willfully and deliberately ignore the very facts that distinguish this zoning request from other such requests, and would constitute abuse of its administrative discretion on the part of the Planning Division and Planning Commission.

Such abuse of discretion would amount to gross negligence, and open Salt Lake City to liability for damages, if the zoning change contributed to or increased damage from a future wildfire, because a more constricted Northpoint fire access chokepoint impeded fire department access and resident evacuation.

3) Fire Department Guide

The Salt Lake City Fire Department has published an explicit written Guide on the considerations to be taken into account when making zoning changes with respect to property within a Wildland Urban Interface. In its "Guide to Fire Adapted Communities," posted on the Salt Lake Fire Department's website, the Salt Lake Fire Department states that:

"Proactive land use planning is one of the best ways to address woodland fire concerns and to decrease the number of residents at risk of damage from future wildfires." (Salt Lake Fire Department website, Guide to Fire Adapted Communities, pages 20-21)

The Fire Department's Guide includes "zoning restrictions" as "a mechanism for enacting the land use and development policies" of its "proactive land use planning…to decrease the number of residents at risk of damage from future wildfires." The Fire Department's Guide clearly intends that zoning restrictions be used in a Wildland Urban Interface to decrease the risk of damage from future wildfires.

This Guide is also clearly directed to the Planning Division and Planning Commission, whose job it is to carry out land use planning.

Note that the Fire Department Guide does not say merely that zoning decisions should balance wildfire risk against other considerations, but rather that zoning decisions should be used proactively to actually decrease wildfire risk.

It is not enough to approve this zoning change for property in a Wildland Urban Interface merely because the Planning Division says it meets the same:

“minimum requirements for fire vehicle and firefighter access to properties…that universally apply to all developments in the City.”

The requested zoning change should not be allowed merely because it meets the same Fire Code requirements that it would have to meet if it dealt with a development on property not in a Wildland Urban Interface and not on a fire access and evacuation chokepoint, i.e, where wildfire risk is not a concern.

When a zoning change request affects property in a Wildland Urban Interface, the Fire Department Guide has imposed upon the Planning Division and the Planning Commission an additional standard: that the zoning change actually decreases the risk of damage from future wildfires.

By recommending a zoning change that would instead delay the time it would take Fire Department vehicles to reach Northpoint to fight future wildfires, and the time it would take Northpoint residents to evacuate, the Planning Division and Planning Commission would act contrary to the Fire Department’s Guide, and instead actually engage in land use planning that increases wildfire risk.

For Salt Lake City Planning Division and Planning Commission to so blatantly disregard and act contrary to the explicit written Guide of the Salt Lake City Fire Department, and treat that Guide, and the wildfire risk it was issued to protect against, as if they did not exist, rather than abiding by the standard that that Guide directs the Planning Division and Planning Commission to follow, would constitute inexcusable gross negligence.

Similarities To Triangle Shirtwaist Fire

The circumstances that would be created if this zoning change request is granted are similar to those that made the owners of the Triangle Shirtwaist Factory liable for contributing to the damages from the infamous 1911 fire in the Triangle Shirtwaist Factory. The pertinent facts about the Triangle Shirtwaist fire are summarized in the following excerpts from Wikipedia:

"The Triangle Shirtwaist Factory fire in the Greenwich Village neighborhood of Manhattan, New York City on Saturday, March 25, 1911, was the deadliest industrial disaster in the history of the city, and one of the deadliest in U. S. History. The fire caused the deaths of 196 garment workers-123 women and girls and 23 men-who died from the fire, smoke inhalation, or falling or jumping to their deaths… Because the doors to the stairwells and exits were locked-a common practice at the time to prevent workers from taking unauthorized breaks and to reduce theft-many of the workers could not escape from the burning building and jumped from the high windows…

The Triangle Waist Company factory occupied the 8th, 9th and 10th floors of the 10-story Asch Building on the northwest corner of Greene Street and Washington Place, just east of Washington Square Park, in the Greenwich Village neighborhood of New York City. Under the ownership of Max Blanck and Isaac Harris, the factory produced women's blouses, known as "shirtwaists"…

flames prevented workers from descending the Greene Street stairway and the door to the Washington Place stairway was locked… Dozens of employees escaped the fire by going up the Green Street stairway to the roof. Other survivors were able to jam themselves into the elevators while they continued to operate. Within three minutes, the Green Street stairway became unusable in both directions.

Terrified employees crowed into the single exterior fire escape-which city officials had allowed Asch to erect instead of the required third

staircase-a flimsy and poorly anchored iron structure that may have been broken before the fire. It soon twisted and collapsed from the heat and overload, spilling about 20 victims nearly 100 feet (30 m.) to their deaths on the concrete pavement below. The remainder waited until smoke and fire overcame. The fire department arrived quickly but was unable to stop the flames, as their ladders were only long enough to reach as high as the 7th floor…

The company's owners, Max Blanck and Issac Harris-both Jewish immigrants-who survived the fire by fleeing to the building's roof when it began, were indicted on charges of first- and second-degree Manslaughter in mid-April…The prosecution charged that the owners knew the exit doors were locked at the time in question…but the defense stressed that the prosecution failed to prove the owners knew that. The jury acquitted the two men of first- and second-degree manslaughter, but they were found liable of wrongful death during a subsequent civil suit in 1913 in which plaintiffs were awarded compensation…" (Wikipedia, Triangle Shirtwaist Factory Fire)

Salt Lake City, as the owner of the portion of F Street needed by Northpoint residents as their only escape route in the event of a wildfire, determines and is responsible for how easy or difficult such escape will be, just as the owners of the Triangle Waist Company, as controlling tenants of the Asch Building, determined and were responsible for how easy or difficult it was for workers in their factory to escape from the Triangle Shirtwaist fire.

If the Planning Division and Planning Commission make Fire Department access to and resident evacuation from Northpoint more difficult, by allowing a zoning change based on their refusal to follow the Salt Lake Fire Department's Guide asking them to use zoning to decrease the risk of damage from future wildfires, they will be inexcusably grossly negligent in doing so.

Note that while the owners of the Triangle Waist Company were acquitted of criminal manslaughter, because the prosecution failed to prove the owners knew the exit doors were locked, they were found guilty of civil liability for wrongful death.

Note also that this liability did not require the owners to block all possible factory exits. The factory owners only locked the doors to one of the factory's stairwells, so some employees were still able to escape the burning factory using another stairwell, the elevators or the exterior fire escape. The factory owners were nevertheless found responsible for civil damages because their actions made escape more difficult.

Similarlly, if the Planning Division and Planning Commission only make escape from, and Fire Department access to, Northpoint more difficult in the event of a wildfire, they would still be grossly negligent for doing so with full knowledge of, but in deliberate and intentional disregard of, a Guide published by the Salt Lake City Fire Department.

Just as the owners of the Triangle Waist Company were not allowed to impose additional fire safety risk on their workers by locking some doors of their factory, simply to increase those owners' profits, Salt Lake City, as the owner of F Street, should not be allowed to impose additional wildfire risk on residents of Northpoint, by narrowing and constricting their only wildfire access and egress route, simply to increase developer profits.

Governmental Immunity Will Not Protect Salt Lake City

It might be thought that a zoning change resulting from Salt Lake City's gross negligence, that contributes to subsequent wildfire damage, while morally obnoxious, would not subject Salt Lake City to any liability for such damage, because Salt Lake City, unlike the Triangle Waist Company, is protected by Governmental Immunity.

However, this is not the case.

The Governmental Immunity Act of Utah states that:

"(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from

suit for any injury that results from the exercise of a governmental function." (63G-7-201(1))

However:

"Immunity from suit of each governmental entity is waived
Except as provided in Subsection 63G-7-201(3), as to any injury caused by:
A defective, unsafe, or dangerous condition of any highway, road, street, alley crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them;" (63G-7-301(2)(h)(i))

Subsection 63G-7-201(3)(a)(i) provides:
"A government entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury if the injury arises out of or in connection with, or results from:
a latent dangerous or latent defective condition of
Any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct" (63G-7-201(3)(a)(i)

Under the Governmental Act, therefore, Salt Lake City's immunity from suit for injuries caused by the defective, unsafe, or dangerous condition of a street is waived, unless, in the case of a dangerous or defective condition of the street, the defective or dangerous condition of the street is latent, i.e., is hidden or concealed.

If Salt Lake City's making the recommended zoning change makes the condition of F Street as a wildfire access and evacuation route more "dangerous," or "defective," Salt Lake City's governmental immunity would nevertheless still be waived, because the more dangerous or defective condition of that street as a wildfire access and evacuation route created by the zoning change would not be latent. Such a dangerous or defective condition, since it has been pointed out to the Planning Division and the Planning Commission, would instead be blatant, open and notorious.

Further, while 63G-7-201(3)(a)(i) says that while governmental immunity is not waived by 63G-7-301(2)(h)(i) for a street that is in “a latent dangerous or latent defective condition,” this exception to the immunity waiver in 63G-7-301(2)(h)(i) applies only to a “latent dangerous or latent defective condition.” Immunity is still waived for liability for damage caused by an F Street that is shown to have been made merely “unsafe” as a fire access and evacuation route by a zoning change, rather than as “dangerous” or “defective.”

Salt Lake City, therefore, would not have governmental immunity from liability for wildfire damage to which a zoning change contributes, if such zoning change makes F Street dangerous, defective or unsafe with respect to its use as a wildfire access and evacuation route.

Conclusion

Salt Lake City Planning Division and Planning Commission cannot arbitrarily make a zoning change that ignores or intentionally disregards wildfire risks to property in a Wildland Urban Interface, ignores or intentionally disregards the increased wildfire risks from narrowing and constricting the only access and evacuation route from property in a Wildland Urban Interface, and ignores or intentionally disregards the wildfire protections called for in the Guide published by the Salt Lake City Fire Department.

If the Planning Division and Planning Commission make such a zoning change, it would constitute inexcusable gross negligence, and if the zoning change contributes to future wildfire damage, Salt Lake City would not be protected from liability for such damage by governmental immunity.

Donald Warmbier

[redacted]

Barlow, Aaron

From: Don Warmbier [redacted]
Sent: Wednesday, August 23, 2023 4:16 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; SLCAttorney; Sheryl@voterocky.com; Otto, Rachel; Norris, Nick; tsemerad@sltrib.com; George Pyle
Subject: (EXTERNAL) Proposed Planned Development at 675 N F Street
Attachments: A Zoning Change Increasing Wildfire Risk Would be Gross Negligence.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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I am a resident of Northpoint, a community of 50 homes in a Wildland Urban interface, an area of Salt Lake City the U.S. Forest Service has designated as at highest risk from wildfires. Northpoint has only one egress in the event of a fire which is via F Street.

Ivory Homes has already benefited from a rezone that more than doubles the number of homes. Now they are asking the Planning Division and Planning Commission to approve a planned development to include a subdivision of ADUs, where every home will have an ADU. This increase to 42 homes will bring at least 84 vehicles to this development - 4X the number of cars that would have occurred under the old zoning.

In the event of a wildfire the section of F Street from Northpoint's entrance to F Street's intersection with Capital Park Avenue is the only way for Northpoint residents to get out, and Fire Department vehicles to get in.

Ivory has provided insufficient parking for all their vehicles and many of these additional cars will park on F Street, more frequently constricting Northpoint's only egress. This will slow wildfire evacuation of Northpoint residents and access by Fire Department vehicles.

Even more dangerously, Ivory's planned development also calls for an intersection on Northpoint's F Street Fire access chokepoint, very near to Northpoint's entrance, increasing the chance of accidents that an intersection necessarily creates.

Delays in the time it takes emergency vehicles to reach Northpoint, and Northpoint residents to evacuate, from both the increased likelihood of an accident blocking its only egress on F Street, and by the more frequent constriction of that chokepoint from additional parked cars, will increase the chances Northpoint residents will die in the event of a wildfire.

(As an aside, it should be noted that, even when there is no wildfire, such additional delays will similarly impede fire and emergency vehicles trying to reach Northpoint to fight ordinary household fires and for medical emergencies.)

With respect to zoning in a Wildland Urban Interface, the Salt Lake City Fire Department has given the Planning Division and the Planning Commission a very clear specific written directive that they should use *"proactive land use planning,"* to decrease the *"risk of damage from future wildfires."*

In this case, involving property in a Wildland Urban interface adjacent to a community's only wildfire fire access and exit route, it is beyond dispute that as between retaining existing SR-1 zoning restrictions and approving a planned development that sets aside these restrictions, the former is what would constitute "proactive land use planning" to decrease the "risk of damage from future wildfires."

If they are to follow the Fire Department's directive, thereby decreasing the "risk of damage from future wildfires,"the Planning Division and Planning Commission must exercise "proactive land use planning" by retaining existing SR-1 limitations, and reject the requested planned development,

If the Planning Division nevertheless decides to recommend approval of the planned development to the Planning Commission, it must not, as it has done previously, simply ignore the Fire Department's directive. Rather, the Planning Division should have the courage to state explicitly in its report that it is not following the Fire Department's directive because the Planning Division believes other objectives justify imposing a greater risk of wildfire deaths on Northpoint residents, and state what those other objectives are.

Contrary to any such belief, I believe the Salt Lake Planning Division's and the Salt Lake Planning Commission's most important duty, which overrides all other objectives, is the same as the most important duty of all branches of Salt Lake City's government: protecting the lives of Salt Lake City residents.

Approving a planned development that puts the lives of Northpoint residents at greater risk of dying from a future wildfire would be a dereliction of that duty, and would make the Planning Division and (if it also does so) the Planning Commission complicit in any deaths that result.

This letter also constitutes notice that, as explained in the attached memorandum, the proposed zoning change creates an unreasonable risk that it constitutes inexcusable gross negligence, for which Salt Lake City would be liable.

Donald Warmbier

[redacted]

Barlow, Aaron

From: Ed [redacted]
Sent: Wednesday, August 23, 2023 12:36 PM
To: Barlow, Aaron
Cc: Cindy Havas
Subject: (EXTERNAL) Ivory Homes F Street development proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr. Barlow,

We write again to voice concern about, and opposition to, Ivory Homes' continued efforts to develop high density housing in the vicinity of F Street and 13th Ave.

While we support affordable housing efforts and the best utilization of space and resources, we are concerned that the density proposed for that area by Ivory Homes will cause more problems than it solves. Increased traffic on small streets, parking needs in limited space, the potential to block emergency vehicle access, and a host of other concerns we won't list here but we know have been expressed by others lead us to the firm conviction that this is ill-advised and should be revisited and revised to a scale more in keeping with the neighborhood and the space involved.

Please relay our opposition to the City Council, planning and zoning division, or whomever else is considering this proposal. Thank you for considering our comments.

Ed and Cindy Havas
[redacted]

Barlow, Aaron

From: Jane Durcan [redacted]
Sent: Wednesday, August 23, 2023 5:03 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; POAZCoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Development Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr Barlow,
I have written several letters over the last several years regarding the Ivory Homes development at F Street and 13th Avenue. I am really feeling that I am wasting my time writing yet another letter that I am sure will make absolutely no difference as the city planning and zoning and the mayor all seem intent on allowing this development to go through despite the numerous reasonable and well thought out and expressed objections of the vast majority of the people who live area. I am going to repeat all the very valid reasons that have been brought up over and over again that I am sure you will just ignore again as apparently what developers want to do in this state they are allowed to do no matter the zoning or the communities wishes. I would like to add one very personal note before I reiterate previous talking points that are well known to you. Every day I watch children walk to school along 13th avenue out my kitchen window. I live just a block from the proposed development. There are no sidewalks here and the children walk along the street. You are agreeing to add so many additional homes in this small area with ADUs and minimal space for parking adding untold numbers of cars into this quiet neighborhood where the children have to walk along the street to school. Please think about that!!!!
There are so many other issues besides increased traffic
Parking
Fire
Property Values
Soil erosion on a steep hill
Fairness to people who bought property in the area thinking it was zoned for 11 houses
lack of public transport in the area
This will not be affordable housing but high end
I could on and on but I am pretty sure none of these arguments will make any difference so will stop now.
Thanks for taking the time to listen.
Jane Durcan

SLDA
SALT LAKE DERMATOLOGY & AESTHETICS

Leo and Cynthia Sotiriou
[redacted]

August 23, 2023

Aaron Barlow
Planning Division
P. O. Box 145480
Salt Lake City, Utah 84114-5480

Dear Mr. Barlow,

Cynthia and I are quite concerned over the proposed development at 675 North F Street.

The homes proposed by Ivory are two times the size of most houses in the SR-1 zone of the avenues. The proposed number of homes and added accessory swelling units (ADU's) is a danger to the area. There is not adequate parking to support all the homes and ADU's to be built.

A major concern is that Capitol Park Avenue and Northpoint sit in an area designated as at high risk of wildfires. I am concerned that a fire would not only devastate the area, it would be difficult for fire equipment to access the area and residents ability to flee the fire with the proposed increase of homes and added ADU's.

I know there are other concerns that have been brought to your attention and I hope the planning commission considers these and other problems associated with this development.

Sincerely,

Leo Sotiriou, M.D.

LON A. JENKINS

[redacted]

August 23, 2023

Re: *Ivory Homes Application for Planned Development at 675 F Street*

Mr. Aaron Barlow
Salt Lake City Planning Division
P.O. Box 145480
Salt Lake City, UT 84114-5480
(aaron.barlow@slcgov.com)

Dear Mr. Barlow:

I am a resident of Northpoint Estates and wish to add my voice to the chorus of opposition to the planned development of 675 F Street currently proposed by Ivory Homes. Just to be clear at the outset, I am not opposed to a reasonable development of the site nor am I opposed to the creation of ADUs in the manner originally envisioned by Salt Lake City (i.e., one owner occupant at a time). However, the planned development proposed by Ivory Homes in my view is not a reasonable development of the site consistent with the surrounding Avenues neighborhood and, importantly, fails to satisfy any of the criteria established by Salt Lake City ordinance 21A.55.010 necessary for the approval of a planned development. The planned development as proposed will be over-crowded by tall 28 ft., 90 ft. long side-by-side residences, with minimal front, side and rear setbacks, and virtually no meaningful green space. It will lack any sort of community feel or character (there will be virtually no yards) and, indeed, it will feel more like crammed together townhomes or apartments which are evident in several areas of Salt Lake City. Notwithstanding the recognized need for more *affordable* housing in Salt Lake City, this is neither the type of development nor the intense density of development which is appropriate in or compatible with this Avenues neighborhood.

As you know, a planned development will only be approved if it creates an enhanced product which could not otherwise be accomplished by strict compliance with zoning requirements in the area. The objectives evaluated to measure whether a proposed planned development complies with the ordinance requirements include (i) preserving open space and natural lands, (ii) promoting historic preservation, (iii) creating affordable housing, (iv) creating accessibility and mobility, (v) achieving sustainability and (vi) assisting implementation of the vicinity's Master Plan.

Evaluating (ii) – (iv) above, it seems clear that the proposed planned development fails to satisfy those objectives. There is no suggestion that the planned development promotes *historic preservation* or attempts to preserve an historic site. Given the upper Avenues area and the large homes Ivory intends to build, the "cottages" are not *affordable housing* as the than concept is intended by the City. *Accessibility and mobility* are not created by the planned development - - the planned development is located in one of the steepest, non-walkable areas in the Avenues and lacks meaningful public transportation. Ivory has not suggested that the planned development advances the goals of *sustainability*. And finally, the planned development does not assist with implementation of the Avenues *Master Plan*. Indeed, quite the opposite – it is incompatible with the Avenues Master Plan.

It seems clear that Ivory's proposed planned development meets none of the objectives in (ii) – (vi) above, so Ivory must be relying on objective (i) – *preserving open space and natural lands* – to win approval of its proposed planned development. But Ivory's proposal fails to satisfy that objective as well. As you have heard from other commentators, Ivory's planned development proposal is not designed to preserve open space and natural

lands. Its claim that the development preserves one acre of open space is specious if one looks at the design diagram – there is little open space, no yards to speak of and an abundance of hard surface. Of the areas Ivory touts as "open space" it is preserving, that land is either unbuildable because of the steep terrain, owned by the City, or mandated as open space when the City when Ivory's rezone was approved (i.e., a "park"). The only land Ivory could even argue it preserves as open space is a narrow strip on the west edge of the site, but hardly the type of open land contemplated by the ordinance. The minimal "open space" created by the development is a function of the design choices by Ivory and in no way justifies the "clustering" of homes in the planned development as proposed by Ivory.

Similarly, the development does not create "trails" that "connect to existing or planned trail systems" which interface with the nearby natural lands area. In fact, the trails created by the proposed development are nothing more than sidewalks encircling the perimeter of the development – two of which are sidewalks on a public street and a private road and two of which are virtually unusable (and certainly uninviting) by anyone except residents of the development to access their homes. These are not trails as contemplated by ordinance 21A.55.010 for public use and enjoyment, but instead are sidewalks which are characteristic of any new development. In short, Ivory's proposed planned development fails to satisfy any of the objectives outlined by the City necessary to obtain approval of a planned development.

Based on the foregoing, I urge you to deny Ivory's application for a planned development. While residents of the surrounding area understand that 675 F Street will and should be developed, that development should be consistent with the requirements of the rezone which Ivory was granted in December 2022.

Thank you for considering my views.

Sincerely,

Lon A. Jenkins

cc: Chris Wharton (chris.wharton@slcgov.com)
POAZC (POAZCoalition@gmail.com)
Mayor Erin Mendenhall (mayor@slcgov.com)

Lynn M. Keenan MD FACP FCCP
[redacted]

Aaron Barlow
Aaron.barlow@slcgov.com
Planning Division
PO Box 145480 Salt Lake City, Utah 84114-5480
mayor@slcgov.com, chris.wharton@slcgov.com

Regarding: Ivory Homes Proposed Development at 675 North F Street, Salt Lake City, Utah 84203

Dear Mr. Barlow,

I am extremely concerned regarding the Ivory Homes Proposed Development of 675 N. F Street. I have written several emails and attended meetings with no response and nothing but disrespect from the **elected** City Council members and Planning commission. I am appalled, dismayed, and flummoxed at the complete disregard and dismissal of the residents of the Avenues and complete gratis granted to Ivory Homes despite zoning laws.

I am shocked that the **elected** City Council members and planning commission continue to ignore the Avenues residents and our safety. I have completely lost any faith and confidence in Salt Lake City Government. I served my country in the US Army for 12 years. I doubt any one of the City Council or Planning commission ever wore a uniform and understands the true meaning of sacrifice and service to **all,** rather than Ivory!

1-Not Compatible with Established Development in the Avenue**s.** The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90-foot-long buildings.

2-No Public Benefit: I would challenge you or any of the planning commission members, or the City Council members to describe what public benefit that the neighborhood would receive from this catastrophic development. A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit.

3-Ivory's Proposal Does Not Meet the Criteria for a Planned Development: A Planned Development is

required to produce an “enhanced product”. Ivory’s proposal is not an enhanced product. See #2 above.

4- Ivory claims that a Planned Development is required to add ADUs. This is not correct. The city law allows ADUs for any qualifying home. City law requires any ADU to be built by the buyer NOT the developer.

5- Ivory also claims they are “preserving open spaces” and “creating trails”. These claims are also both an outright lie. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone. A narrow “trail” along the northern boundary sandwiched between a retaining wall and a homeowner’s front door are not my idea of open space or a green space.

6-Ivory was aware of the zoning at the time of purchase. However, since Ivory has the city wrapped around its coffers, the city **elected** council and planning commission allow Ivory to change and break all the rules, regulations, and safety. Approval of this Planned Development makes mockery of the Planned Development process. I had to follow rules and regulations when building my home. Why am I held to the rules and Ivory gets to break the rules. I cannot afford to contribute to Ivory’s ever-

increasing reputation as a premiere developer as do not have the influence or those financial assets.
7-There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates.

8- As a neighbor who lives adjacent to this proposed development, we purchased our home with the understanding all new buildings would comply with FR-3 zoning. Times change. We recognize more housing is needed. Neighbors understand that the city has rezoned this too. As Judge Kennedy pointed out, this is the wrong location for this type of experimental development.

9- Accessory Dwelling Units (ADUs). These are permit ed by the city but have to date only been created one at a time by individual owner occupants. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. As previously stated ADU's are the purview of the homeowner, not the developer. This will add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

10- An Experiment: Ivory describes the creation of a subdivision as an "experiment -- the first of its kind in Utah". This is not the right location for this experiment. A

site that only bordered by one public road is fraught with peril. Maybe it makes sense in a walkable part of the city, but not here.

11- This is a highly sloped foothills lot. Ivory proposes to build 21 large, 90 feet long homes against the grain of the hillside. How many thousands of truckloads of soil will be trucked out through our steep and narrow Avenues streets so Ivory can overbuild this lot and destroy our roads in the process. Is Ivory going to pay for the damage?

12- Snow removal- where are you going to place 3 feet of snow for every snowstorm?

13- Setbacks and Building Coverage: Ivory's proposal radically reduces setbacks and increases building coverage to allow oversized homes on shrunken lots. It is the Planned Development that would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 feet!

14- No Yards: Houses with no yards are less likely to at ract families with young children and will not support enrollment in the Ensign school.

15- Parking**:** Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue.

16- Parking on Capitol Park Avenue**:** Ivory fronts 9 homes onto Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors.

17- Fire**:** Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.

How can you possibly allow this disaster to proceed? This is pure avarice on the part of Ivory without any regard for the neighbors and the residents of Salt Lake City.

I respectfully request a response different than the copy and paste email you have been sending everyone.

Sincerely,

Lynn M. Keenan MD FACP FCCP

Barlow, Aaron

From: Margaret Miller [redacted]
Sent: Wednesday, August 23, 2023 4:11 PM
To: Barlow, Aaron
Cc: chriswharton@slcgov.com
Subject: (EXTERNAL) Ivory Homes Development in the Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Please DO NOT approve this development.
I have been an Avenues resident for 20 years. The houses are small and very close together, much moreso than other neighborhoods where I have lived.
Salt Lake needs more affordable housing. These houses will not be affordable. I have lived near Ivory Developments before and they have been normal sized houses and blended in with the neighborhood. I have heard this is an "experiment" for Ivory. The proposed houses with ADU's will be jammed into a small area with no open areas, no parking, no play areas and nowhere for the resident's pets. Why impose this kind of development on an already overcrowded area? F Street is very steep and slippery in the winter and will not accomodate all the street parking that this development will add.

Please DO NOT approve this development.
[redacted]

Barlow, Aaron

From: Mary Mahler [redacted]
Sent: Wednesday, August 23, 2023 9:16 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: Re: (EXTERNAL) No to Ivory Homes proposed development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

To all par. es, concerning the proposed development at 675 Nort FStreet,

I live downhill from the proposed development and attended the meeting on August 14 where I learned that both the drainage and the sewage from the development will be coming down F Street, with old sewage pipes.

Knowing how business can profit by making a mess and leaving others to clean it up, I suggest that a condition of approval be that Ivory Homes update these sewage and drainage systems on F Street with the ability to handle the increased load.

Sincerely,
[redacted]

Sent from my iPad

> On Aug 22, 2023, at 12:41 PM, Barlow, Aaron <aaron.barlow@slcgov.com> wrote:
>
> Dear Ms. Mahler,
>
> Thank you for taking the time to comment on the Planned Development application from Ivory Homes for their Capitol Park Cottages. I will make sure to articulate and discuss your concerns about the project in my report to the Planning Commission, who will also receive a copy of your comments. A meeting for this project has yet to be scheduled, but you will be notified when a date is set. Any updates to the proposal will be posted on the open house webpage, located here: https://www.slc.gov/planning/2023/07/10/openhouse-00656/. While the webpage says that the open comment period ends on August 25, 2023, I will gladly accept any comments after that date up to the day of the public meeting.
>
> Please feel free to reach out with any additional questions or concerns.
>
> Sincerely,
>
> AARON BARLOW, AICP | (He/Him/His)
> Principal Planner
>
> PLANNING DIVISION | SALT LAKE CITY CORPORATION
>
> Office: 801-535-6182

> Cell: 801-872-8389
>
> Email: aaron.barlow@slcgov.com
>
> SLC.GOV/PLANNING WWW.SLC.GOV
>
> Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.
>
> -----Original Message-----
> From: Mary Mahler [redacted]
> Sent: Monday, August 14, 2023 12:34 PM
> To: Barlow, Aaron <aaron.barlow@slcgov.com>
> Cc: Mayor <mayor@slcgov.com>; Wharton, Chris <chris.wharton@slcgov.com>
> Subject: (EXTERNAL) No to Ivory Homes proposed development at 675 North F Street
>
> Caution: This is an external email. Please be cautious when clicking links or opening attachments.
>
>
> Dear Aaron Barlow and Planning Commission
>
> I oppose the proposed development by Ivory Homes at 675 North F Street because of the negative impact that I expect it will have on me and my neighborhood. I live on F Street, some blocks south of the proposed development. Because this development will have many dwelling units and only two traffic outlets, one of which is on F Street, I expect much more traffic up and down this street. F street is not a through street and has many stop signs to which many drivers already respond by just giving a quick tap on the brakes, then speeding through. This results in accidents and near misses in the intersections and difficulty backing out of driveways. I will attend the meeting tonight at Sweet Library and might write again regarding neighborhood impacts based on what I learn there.
>
> Sincerely,
>
> Mary E Mahler
[redacted]
>
> Sent from my iPad

Barlow, Aaron

From: Maxine Johnson [redacted]
Sent: Wednesday, August 23, 2023 4:44 PM
To: Barlow, Aaron
Subject: (EXTERNAL) I OPPOSE Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow,

I **STRONGLY OPPOSE** Ivory Homes' request for approval for its proposed project at 675 North F Street.

I have been a resident of Northpoint Estates for 15 years. I am highly sensitive to the very high (purple) fire danger in this neighborhood. Northpoint has only 1 exit for the approximately 100 people living here. In the case of a fire, the proposed Ivory development would add another 100+ people on F Street trying to evacuate at the same time. This would be a dire situation at best. Very steep property in a very tight location with overbuilding and too many people is a disaster just waiting to happen.

Please oppose Ivory's request.

Maxine Johnson
[redacted]

Barlow, Aaron

From: Natalie Shutt-Banks [redacted]
Sent: Wednesday, August 23, 2023 12:12 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; POAZCoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Re Zone Opposition

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello Aaron,

I am writing to **oppose** the rezone for the Avenues project Ivory Homes is proposing. Here are a few of the many reasons I do not support a rezone:

1. This request to relax zoning requirements does not provide any benefit for the public. Why are we allowing our historic neighborhood to be impacted without any benefit for existing neighborhood members? This is another way that Ivory gets to increase their profit margins on the backs of hardworking home owners whose home values could be negatively impacted.

2. This is not affordable housing. These houses are much larger than the existing neighborhood - plus they are much closer together which is a concern due to recent wildfires and its proximity to the hillside.

3. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This could add enormously to the number of vehicles, plus there is concern these units may become disruptive short-term rentals.

There are so, so many variances, unknowns and inconveniences that are part of this rezone please consider your current constituents wellbeing over another sweetheart deal for Ivory.

Natalie Shutt Banks
[redacted]

Bob and Jill Kinney
Former Residents of [redacted]

August 23, 2023

TO: Aaron Barlow, SLC Planning Division

CC: Mayor Erin Mendenhall (mayor@slcgov.com)
Chris Wharton (chris.wharton@slcgov.com)
POAZ CoaliJ on (poazcoaliJ on@gmail.com)

My wife and I used to own a home on the corner of 13th Avenue and F Street, directly across from Ivory Homes' proposed development at 675 North F Street. We purchased our home in 2013 and sold it in December of 2021 following Ivory's announcement that they would be seeking approval to have the exisJ ng FR-3 zone changed to the SR-1 zone. At the J me we purchased our home, we knew that the exisJ ng Avenues zoning would allow for as many as 14 new homes to possibly be built on the current property if it should ever be sold to a developer. That was a "risk" that we were willing to accept as it didn't have the potenJ al to dramaJ cally change the nature of the neighborhood where we lived.

Imagine how disappointed we were when Ivory announced their "bold" vision to change the character and nature of OUR neighborhood by peJ J oning the City's Planning Division for a zoning change that would allow for more than 20 new residences, each with an ADU – a proposal that the Planning Division ulJ mately approved despite significant negaJ ve response to the proposal from those in the Avenues who would be most affected by this change.

Although Ivory's acJ ons forced out of our home in the Avenues and we no longer live there, we sJ ll believe that the Avenues are a special part of the fabric of Salt Lake City and believe that Ivory's latest proposal damages this small corner of the Avenues. Specifically, Ivory's latest development introduces homes that are twice the size of most houses in the SR-1 zone and are packed far more closely together. Ivory has repeatedly described this development, with ADUs, as an "experiment, the first of its kind in Utah." Is the Avenues really the place where this type of "experiment" should move forward? There is only one public road servicing this property, it is on a significantly sloped piece of land and it is not a walkable part of the City. To that last point, there appears to be insignificant space for parking given that there are likely to be upwards of 40+ cars assuming only one car per dwelling unit and ADU.

We are happy that we escaped this nightmare early in the process but I am not happy that Ivory ignored our former neighbors and our concerns regarding their aggressive development plans. We are respece ully submif ng this leg er with the hope that the Planning Division will take a hard look at Ivory's latest proposal and conclude that it is much too aggressive for a property in the Avenues.

Bob and Jill Kinney

Barlow, Aaron

From: Amrapali Shah [redacted]
Sent: Thursday, August 24, 2023 12:27 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr Barlow:

I hope this letter will give you a clear idea of the concerns I have regarding the Ivory Development located around the corner from our home at 357 East Charity Cove, Salt Lake City, Ut 84103. Our job as a community is to voice our concerns. I have lived on 11th Ave for over 20 hrs, am raising a family, and have worked at the University Hospital and LDS Hospital for this time. I too share concerns about this project.
Here are my major concerns with this project;

1. This project offers no Public Benefit as required with a Planned Development.
2. According to the design proposal from Ivory, this project may not qualify for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal stand-point.
3. The density of this project pushes way beyond reasonable for this area and will prove to be detrimental in a short time.
4. Parking that is regularly scrutinized by the City, for good reason, needs further balance as the visitor parking alone stands at 4 spaces for 42 residences.
5. While Ivory has classified the project as an experiment that could work with a number of adjustments, I really don't think that one of the City's most beautiful areas should be used for this purpose until the concept has been proven.

Overall, the City should not allow any development in any neighborhood that would leave the area with contention and disharmony for the existing community.

Sincerely,

Amrapali Shah, MD
Pulmonary and Critical Care Medicine

Barlow, Aaron

From: Boyd Baugh [redacted]
Sent: Thursday, August 24, 2023 12:57 PM
To: Barlow, Aaron; Wharton, Chris; Mayor; poazcoalition@gmail.com
Subject: (EXTERNAL) Reference: Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Sir,

I live on Capitol Park Avenue and want to voice my strong objection to the proposed Ivery Homes Proposed Development. I am concerned for the safety of the current residents as well as for the new homeowners.
Capitol Park Avenue is a private street and was not intended to have that much traffic. Driving west down to Penney Prade Drive has been described by one resident as one of the most dangerous roads in the city - narrow with a dangerous blind curve. F Street traffic will also become a problem and a safety issue. I strongly oppose the project and hope the city will consider the concerns of residents in the area.

We purchased our property believing that any new buildings would comply with FR-3.

Thank you for recognizing and considering our concerns.

Sincerely,

Boyd Baugh

Barlow, Aaron

From: carol ballou [redacted]
Sent: Thursday, August 24, 2023 4:45 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory F Street development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow

I am writing in strong opposition to the most recent proposal by ivory homes for the development on F Street. Neighbors bought nearby property with the understanding that zoning for this area would be single family houses. The original zoning would have allowed ADUs. Despite a nearly unanimous vote of the community not to allow a zoning change, the planning commission and city council granted a zoning change that allows much denser development that is not compatible with the surrounding area. Ivory, still not satisfied, is pushing for additional special treatment to allow a crazy looking development of long narrow houses without adequate parking, without required setbacks and without green space. Calling a single path or sidewalk that circles the property a hiking trail is laughable.

There is nothing affordable about this housing, which is likely to sell for more that a million dollars per unit. It is confusing to hear ivory claim, and city government to apparently believe, that this development will solve any housing needs.

It is time to set a limit on this development and require the developer to conform to the restrictions of the newly granted zoning. They have been given a gift from the city, over the objections of the community. It is time that someone said no to the increasingly problematic demands. I strongly urge the planning commission deny ivory's request that this be called a "Planned Development."

Carol A Ballou
[redacted]

Barlow, Aaron

From: Jane Kim [redacted]
Sent: Thursday, August 24, 2023 1:09 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Letter in OPPOSITION to the Ivory Homes Proposed Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow,

I am writing to express my opposition to the Ivory Homes Capitol Park Avenues Development Proposal. I am a resident of the Avenues and have been for over 12 years. I am concerned about the following aspects of the proposal:

- The proposed development is not compatible with established development in the Avenues. The houses proposed by Ivory are at least twice the size of most houses in the SR-1 zone of the Avenues and packed far more closely together: 10 feet between large, 90 foot long buildings. This is a significant departure from the character of the neighborhood and would have a negative impact on the surrounding area.
- The proposed development provides no public benefit. A Planned Development allows a relaxation of zone requirements in exchange for one or more of a set of prescribed public benefits. Ivory's proposed development provides no public benefit. In fact, it would likely create more problems than it solves.
- Ivory's proposal does not meet the criteria for a Planned Development. A Planned Development is required to produce an "enhanced product." Ivory's proposal is not an enhanced product. It is simply a way for Ivory to build larger and more profitable homes than would otherwise be allowed.
- The proposed development is not affordable. There is nothing affordable about Ivory's proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates. This will only further gentrify the neighborhood and make it less accessible to people of all incomes.
- The proposed development is unreasonable. Neighbors who live adjacent to this proposed development purchased their homes with the understanding new buildings would comply with FR-3. Times change. We recognize more housing is needed. Neighbors understand

that the City has rezoned this to SR-1, but the Planned Development takes this way beyond what neighbors feel is reasonable.

- The proposed development would add significantly to traffic and parking problems in the area. Ivory has provided insufficient parking. They have provided only four guest parking spaces for 42 residences. They have also provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue. This will create a major traffic and parking headache for the neighborhood.
- The proposed development is located in an area at high risk of wildfire. Ivory's development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. In the event of a wildfire, F Street would become a choke point, making it difficult for emergency vehicles to access the area.

I urge you to reject the Ivory Homes Capitol Park Avenues Development Proposal. This proposal is not in the best interests of the neighborhood or the city.

Thank you for your time and consideration.

Sincerely,

Jane Kim

--
Jane Kim
Girls on the Run Utah
Board President
www.girlsontherunutah.org
[redacted]

"Here's to strong women. May we know them, may we be them, may we raise them."

"Empowering Girls from Start to Finish"

Barlow, Aaron

From: joan clissold [redacted]
Sent: Thursday, August 24, 2023 9:08 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes project on F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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To: Mr. Barlow
From: joan clissold

I have previously written a letter objecting to this development so I will just add this thought: the Ivory plan for density housing definitely has merit. It does not belong at the top of the Avenues. It is not appropriate for the sloping site. It goes against the approved zoning for the Avenues. Etc.

Thank you for noı ng my strong objecı ons.

joan

Barlow, Aaron

From: Joel LaSalle [redacted]
Sent: Thursday, August 24, 2023 10:34 AM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory Development- Avenues

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow:

I hope this letter will give you a clear idea of the concerns I have regarding the Ivory Development located around the corner from our home at 357 East Charity Cove, Salt Lake City, Ut 84103. As a developer of many properties in Salt Lake City over the years for the LaSalle Restaurant Group and many other retail and multi-family home developments, I understand the challenges all developers face in trying to please everyone in the audience and deliver a successful project. Too many times there seems to be potential projects that do not have balance in such things as density, quality or esthetics. Our job as a community is to voice our concerns to you as a representative of the City so that better balance in all factors of a project can be achieved. Here are my major concerns with this project;

1. This project offers no Public Benefit as required with a Planned Development.
2. According to the design proposal from Ivory, I don't believe that this project even qualifies for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal stand-point.
3. The density of this project pushes way beyond reasonable for this area and will prove to be detrimental in a short time.
4. Parking that is regularly scrutinized by the City, for good reason, needs further balance as the visitor parking alone stands at 4 spaces for 42 residences.
5. While Ivory has classified the project as an experiment that could work with a number of adjustments, I really don't think that one of the City's most beautiful areas should be used for this purpose until the concept has been proven.

I am happy to discuss this further with you, as there are many other issues that could use all of our attention. Overall, the City should not allow any development in any neighborhood that would leave the area with contention and disharmony for the existing community or the new unassuming neighbors that occupy the development in the very near future. Please feel free to contact me for further discussion or points of clarification.

Sincerely,

Joel M. LaSalle
LaSalle Development
LaSalle Restaurant Group

Barlow, Aaron

From: Kevin Havlik [redacted]
Sent: Thursday, August 24, 2023 4:08 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow,

I am writing in strong opposition to the most recent proposal from Ivory Homes for the development of the above referenced property. The most recent proposal from Ivory shows a development that is not at all in keeping with the surrounding neighborhood, and does not solve any real problems. It does serve to line Ivory's coffers. Their plan shows long narrow houses that are packed together, with 90 foot long buildings separated by as little as 10 feet. In one case the front yard setback would be only 2 feet rather than the required 20 feetDespite the close quarters and the unusual shape of the buildings, they are about twice the size of most houses in the neighborhood. There is no development in the city like this, and it is incongruous with the surrounding neighborhood.

What Ivory proposes is not affordable housing. Their houses will likely sell for somewhere in the neighborhood of 1 million dollars or more. If there are ADUs in some of the units these also are not at all likely to be affordable. The development is small enough that it can not and does not solve any housing crisis in the city and certainly doesn't provide affordable housing.. There is insufficient parking in their proposed development, there is insufficient room for emergency vehicles and for snow removal, and there will be an excess of traffic added to a single hillside street. This development is very close to City Creek Canyon, and in the case of a fire F Street, the sole street for egress, will be choked with cars from the existing neighborhood, from Northpoint Condominiums, from the Meridien Condominiums, and now from the Ivory Development.

Ivory is putting lipstick on a pig when they claim that this proposed development includes significant green space and hiking trails. It is taking away open space that currently houses much wildlife including deer, coyotes, hawks, owls, bobcats and cougars

Ivory has changed their proposal a number of times already, they have requested zoning changes, but the problems with their proposal persist and have not really been addressed adequately. They already requested, and were granted, a change in zoning to an SR-1 zone. Now they don't want to comply with the limitations of that zoning, and are asking this to be called a "Planned Development" which would allow them to ignore the limitations of the zoning change they have already been granted.. This isn't necessary for them to add ADUs, which has been one of their arguments for the requested change. They now want permission to reduce setbacks, and to build oversized homes on tiny lots. There will be only tiny yards, so this is not a development likely to attract families with young children, which we need to support the local school.

There are many reasons to reject this latest iteration of Ivory's plans. I can think of no reason ro approve the request for this to be called a Planned Development, and I strongly urge you and the Planning Devision to deny this request. Please listen to the many constituents who live in the neighborhood and are strongly opposed to this development.

Respectfully,

Kevin Havlik
[redacted]

Barlow, Aaron

From: LouJean Flint [redacted]
Sent: Thursday, August 24, 2023 3:54 PM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Dear Planning Committee Member,
I am referencing the IVORY HOMES PROPOSED DEV. at 675 North F Street

I am extremely disappointed that rules are so easily, radically, changed AFTER the property has been purchased. This parcel of land was sold with the zoning rule of 11 homes being built upon it. Now it is being proposed that 21 (almost double) units be built and each unit to have an ADU making it nearly 4 times the amount as originally sold at.
Where is the proposed public park that was going to benefit not only the new residents but the whole neighborhood? That proposal was . . . gone quickly after the purchase was made.
If 21 units are approved and built, I question who will take responsibility when help is needed by anyone in this "first of its kind in Utah" facility needs a fire engine or ambulance, especially at the last house that is on a dead-end road.
If it is built and we have another winter as we have just experienced, and they happen every _____ years, the proposed FLAT roofs will need to have snow/ice removed or the roof will fall in. When removing this snow from the roof, where does it go - onto their neighbors roof for there is practically no room between units.
This is insane!! Not good planning in any way! I implore you to enforce the "purchase" zoning rules and allow ONLY 11 homes to be built on this purchased property or have them resale the property to others who will abide by the original purchase zoning/rules.

Lou Jean Flint
[redacted]

Barlow, Aaron

From: Michael Mangelson [redacted]
Sent: Thursday, August 24, 2023 3:04 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 N. F St.

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr. Barlow,

As 25 year residents of our home in the Capital Park development, adjacent to Ivory Home's proposed development, We are very concerned about the negative impact that the proposed development will have on our neighborhood and the surrounding Avenue's area. As you know, this is the only large area in the Avenues still to be developed. It was intended to be developed with single family homes that are in harmony with the surrounding neighborhood.

Unfortunately, Ivory Homes is disregarding and disrespecting this historic area of the city by forcing their agenda, which includes:

- Changing the zoning laws to give them the maximum density of homes, and thereby maximizing profits.

- Allowing for little to no green space.

- Offering insufficient parking.

- Trying to implement an "experimental" ADU subdivision.

- Disregarding the need for more than one access road (F St.).

- Overdeveloping in a high risk area for wild fires on a dead end street.

Ivory's insistence that they are offering something positive by their proposed development is in serious question. They are the only one's who will benefit. These homes will not be affordable given the area that they are in, and traffic will be a nightmare on the one and only street leading in and out of this so-called "planned' development. Rather than compromise, Ivory wants it all. I hope that you will please consider the people, including us, who are most affected by this overreaching of Ivory Homes. We do not want their housing experiment in our neighborhood. We will compromise, and we already have, but we don't want to be bullied into something so unreasonable.

Sincerely,

Jane and Michael Mangelson

Barlow, Aaron

From: Donna Poulton [redacted]
Sent: Thursday, August 24, 2023 11:20 AM
To: Barlow, Aaron; Mayor; Wharton, Chris
Cc: poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Home: Letter of Concern

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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23 August 2023

Salt Lake City Planning Division

451 South State Street

Salt Lake City, UT 84114

Dear City Planning Division:

I am writing to urge you, in the strongest terms, to please maintain current FR-3 zoning in the Avenues area of Salt Lake City. Forward thinking people created the FR-3 zoning so that the historic architecture and spacious aesthetic of the Avenues would be maintained, as it has been for the last 140 years. The Avenues area is one of the last vestiges in Salt Lake Valley, along with Temple Grounds and the Capitol, that speaks to our history and sense of place. Every great city has an historic area that makes it unique and desirable, and this has been the Avenues area's contribution to Salt Lake City since its inception.

The proposal by Ivory Homes is ill conceived in myriad ways. The compressed allocation of homes with no sidewalks and no green space is incongruous with the thoughtful charm of this area. Most unsettling is the sheer number of proposed homes.

The developers have demonstrated a total lack of regard for the impact of so many additional cars traversing F Street--a DEAD END street:

*There is no way to exit and cars must come and go both ways on F street.

*There are no sidewalks on either side of the street.

*Pedestrians must walk on the narrow street.

*In the winter, F Street is a very slick, steep road that can be impassable at times.

*Driving up such a steep hill emits more exhaust, makes more noise and creates more danger for young children, people walking, and domestic animals who populate F and E Streets, the primary access roads to the development. *In addition, cars (of both visitors and dwellers in the development) will be forced to park on F Street, which is narrow and can barely accommodate current traffic patterns.

*Additional parking on that street would be unmanageable and untenable.

The Ivory Homes contention that these homes would offer more affordable housing to SLC is disingenuous at the very least. Each of these homes will sell for over $1,000,000.

Just as worrisome is the proposed development's enormous environmental impact.

--The displacement of rabbits, deer, fox, raccoons and the many birds that find homes and food in the ancient trees and grass on these acres will amount to yet another ecological insult to the foothills of the valley.

--Moreover, the new development would eliminate access to substantial acreage where people and children from surrounding neighborhoods have gone, for decades, to experience nature. As I hope you'll agree, such an experience in the heart of a city is invaluable and should be preserved wherever possible.

Lastly, I purchased my home in the Avenues with an understanding that FR-3 would remain enforced. My good faith effort to maintain my home and property and to pay my considerable taxes was supposed to have been met with a similar good faith effort on behalf of the city council. This action would create a dangerous precedent for Avenues property and further development.

I respectfully ask that you carefully weigh the many legitimate reasons for maintaining the Avenues area's current FR-3 zoning. As you know, a separate petition is being signed by many Avenues residents who feel, as do I, that the developer's re-zoning request is misguided and, ultimately, detrimental to our city.

Thank you for your time.

Sincerely, Naoma Tate

Barlow, Aaron

From: rdkim [redacted]
Sent: Thursday, August 24, 2023 11:15 AM
To: Barlow, Aaron; Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: (EXTERNAL) Letter in Opposition to Ivory Development in Capitol Park

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr Barlow:

I hope this letter finds you well. As a 12-year resident/owner in Capitol Park, I am writing to express my opposition to Ivory Homes' Capitol Park Avenues Development Proposal. The following are a few of the reasons which are cause for significant concern:

Not Compatible with Established Development in the Avenues: Ivory's proposed homes are at least twice the size of most houses in the SR-1 zone. They are planned to be packed closely, with just 10 feet between large, 90-foot-long buildings. This is out of character with the existing development[3].

No Public Benefit: The proposal does not offer any public benefit, which should be a requirement for a Planned Development according to city law.

Doesn't Meet Criteria for a Planned Development: Ivory's proposal doesn't produce an "enhanced product", another criterion for Planned Developments.

Misleading Claims: Ivory incorrectly states that a Planned Development is required for ADUs, and falsely claims to preserve open spaces and create trails[5].

Affordability: The proposed houses will sell in the millions, and the ADUs will also rent at high market rates, making them unaffordable for most residents.

Unreasonable Scale: Neighbors expected development to comply with the new SR-1 zoning, but this proposal exceeds reasonable limits.

ADUs and Traffic: Ivory aims to build an entire subdivision with ADUs, increasing traffic and potentially turning these units into disruptive short-term rentals.

Experimental Approach: The proposal is described as an "experiment", which seems inappropriate given the location's limited access to public roads.

Soil Removal: Building against a steep hillside would require removing thousands of truckloads of soil, affecting our narrow streets.

Setbacks and Building Coverage: The proposal seeks to significantly reduce setbacks and increase building coverage, violating SR-1 zoning requirements.

No Yards: Houses without yards won't attract families with young children, affecting local schools like Ensign.

Parking Issues: With only four guest parking spaces for 42 residences, we expect around 40 additional cars to be parked on nearby streets[2].

Fire Risk: The development sits in a high-risk wildfire zone, and there are concerns over potential choke points during evacuations.

I urge you to reconsider approving this development, as it clearly conflicts with the interests and well-being of our community.

Sincerely,
Robin Kim

Barlow, Aaron

From: Benjamin A. Steinberg [redacted]
Sent: Friday, August 25, 2023 6:19 AM
To: Barlow, Aaron
Cc: Wharton, Chris; Mayor; poazcoalition@gmail.com
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
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Categories: Ivory comments

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Dear Mr Barlow,

I hope this letter will give you a clear idea of the concerns I have regarding the Ivory Development located around the corner from our home at [redacted] As a physician and father of 3 young children, I have significant concerns regarding this project:

1. This project offers no Public Benefit as required with a Planned Development.
2. The development will not provide affordable housing, to ameliorate that problem.
3. The limited parking, snow removal, and fire access will be major safety challenges.
4. According to the design proposal from Ivory, I don't believe that this project even qualifies for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal standpoint.
5. The density of this project pushes way beyond reasonable for this area and will overwhelm the current infrastructure..

I am happy to discuss this further with you, as there are many other issues that could use all of our attention. Overall, the City should not allow any development in any neighborhood that would leave the area with contention and disharmony for the existing community or the new unassuming neighbors that occupy the development in the very near future. Please feel free to contact me for further discussion or points of clarification.

Sincerely,

Benjamin Steinberg
[redacted]

Barlow, Aaron

From: chris kolb [redacted]
Sent: Friday, August 25, 2023 4:32 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Preserve Our Avenues Zoning Coalition
Subject: (EXTERNAL) Against the Ivory Homes Avenues Re-Zone

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello,

I am writing to express my concerns about the Ivory Homes planned development for F Street. Even with the changes that have been made, this proposed development makes no sense for this neighborhood and this location. It is completely unfair to the long-time residents of Avenues to just change the long-standing zoning that has been in place for this neighborhood. It is too dense for the space and access that is available. Public transportation no longer comes as close to the project as it did when it was initially proposed. 4 guest parking spaces is very low for this number of units since no one will be using public transit. The Avenues have always been one of the most desirable neighborhoods in Salt Lake City because of its historic nature and unique and eclectic architecture. Shoe-horning this type of generic "Anywhere-USA" project does nothing to improve the area, and it has been clearly shown through the GAAC meetings that almost none of the residents who actually live in this neighborhood find any value or benefit in this type of development. This project makes one of the great neighborhoods that Salt Lake City has to offer worse.

As a previous resident of Hawai'i, seeing how the recent wildfires in Maui played out has really raised some red flags about this project. The reasons for the severity of the Lahaina fire included being surrounded by area of high wildfire danger, high building density that allowed the fire to move structure to structure rapidly with no defensible space, and limited access or ability to escape due to one road in and one road out. What does this project have in common with all of those problems? Everything. City Creek and the Upper Avenues is at extremely high risk of devastating wildfires as outdoor use in those areas has increased exponentially, summers have trended hotter and drier, and weather extremes have led to more frequent high-wind events (we have had 70+ mph wind events in the avenues twice in recent history - 2011 and 2019). The only thing separating this project from that open space prone to fire is another densely built group of buildings to the north that fire would also potentially be able to spread rapidly through. The density of this project would allow fire to move structure to structure and leave no ability protect property or stop the spread since there is no green space and no defensible space. And, there is only one road in that would be the only escape route for what would become 2 of the most densely populated areas in the Avenues. I've seen the pictures and videos of how that played out. It didn't take look for the public scrutiny and blame to go directly to the local government. If this area was built as zoned with 11 single family homes there would be much greater chance of effectively fighting a fire and a lower chance of people being trapped trying to escape since less people would be trying to get out. If a similar catastrophic event were to happen in this location there would be no one else to blame except the people that approved this project and the poor planning that took place.

The two questions I do have about the current proposal are tree related. In the original proposal there was a wildlife inspection performed that only noted past activity on the site from red tail hawk nests. There is no doubt the hawks have an active nest in the lowest central pine tree that has dual leaders this season. I would hope another wildlife evaluation would be performed to determine that activity before the tree is removed, and would hope that a wildlife biologist would be called in to at a minimum attempt to relocate the nest to a new location. Second, on the current proposal it shows trees in the site plan but does not show those specifications. Since the one row of trees would front F street, I would hope that Salt Lake City Urban Forestry would be involved in the proper selection of tree species for this row of trees. Since these trees are east facing to the development, there would not be a need for excessive height to provide afternoon shade, and these trees could negatively affect the views of existing properties if taller than necessary growing varieties of trees were to be planted. Right tree, right place.

Chris Kolb
[redacted]

Barlow, Aaron

From: Debora Escalante [redacted]
Sent: Friday, August 25, 2023 9:31 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Mr. Barlow
I am concerned that things continue to change and move forward with the proposed development at 675 North F Street.
The proposed development is not compatible with the development in the area, the proposed homes are too large and packed too closely together. The development does not provide public benefits that would justify relaxation of zoning requirements, nor does is meet the enhanced product requirement for a Planned Development. Ivory's desire is to allow for ADUs, and city law allows ADUs for any qualifying home whether a PD or not. Ivory also claims they are “preserving open spaces” and “creating trails”. These claims are also both untrue. Sidewalks, which are needed regardless, do not constitute a trail and most of the open space they claim to be preserving was mandated by the city for a public-access park as a condition of the rezone. Ivory previously agreed to build something closer to the SR-1 zone granted by the City Council. Approval of this current "Planned Development" would make a mockery of the Planned Development process. Additionally, this development does not provide "affordable housing". There is nothing affordable about Ivory’s proposed development. Their large houses will sell in the millions and the ADUs will rent at high Avenues market rates. One of the biggest concerns is the proposed density of the development and the stress it will put on traffic and parking. Ivory is proposing to build an entire subdivision where every unit (21) has an ADU. This will add enormously to the number of vehicles. This is a site that only borders one public road. Maybe it makes sense in a walkable part of the city, but not here. The Planned Development would allow Ivory to ignore the rules of the SR-1 zone. They want to cut one front yard setback (lot 10) from the required 20 feet to approximately 2 feet! The houses will have no yards, are less likely to attract families with young children and will not support enrollment in the Ensign school. The proposed development provides insufficient parking. They have provided only four guest parking spaces for 42 residences. They have provided nowhere to store plowed snow in the winter. We have estimated that around 40 cars from this development will park on neighboring streets, principally F Street and 13th Avenue, and Capitol Park Avenue, a private street posted as No Parking. Ivory residents and guests will nonetheless park there illegally, causing disputes and friction between neighbors. Finally, Ivory’s development, Capitol Park and Northpoint sit in an area designated as at high risk of wildfire. There is concern that F Street would become a choke point in the event of a wildfire.
Please consider all of the negative impacts that will result from Ivory's current proposal - a proposal designed to benefit only the Ivory company at the expense of current and future residents of the Avenues. They agreed to an acceptable number of homes over a year ago - they need to abide by that agreement.
Thank you for your consideration,
Debora Escalante
Avenues resident

--
Debora L Escalante
[redacted]

Barlow, Aaron

From: Janie Mathis [redacted]
Sent: Thursday, August 24, 2023 6:25 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Hayes Alan; Preserve Our Avenues Zoning Coalition; Janie Mathis
Subject: (EXTERNAL) input re Ivory Homes proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Dear Aaron,
Thank you for coming to the library meeting for Ivory's poster presentation.

I live at 688 F street, right across from the proposed Ivory development. We built our house in 2016. We followed all zoning regulations for our lot (which also allows an ADU (not 21 though).
We were not allowed any exceptions, including a request for 2 feet re height . We were denied. We had to present both our completed landscape plan and completed architectural plan to the city before anything started.

I strongly disagree with the city's decision to let Ivory rezone and I disagree with its request for a "planned development". For whatever reason, the city council and the planning committee seem to allow Ivory free reign to everything.
Us ordinary tax paying citizens that the council is supposed to represent are held to every detail of the original zoning.

It does not meet the requirements for a "planned development"- it will not be an "enhanced product", it has no green spaces, no yards, no true trails, no designated parking for 21 houses, 21 ADUs. I don't think counting the driveway as parking is legitimate. It would not be considered parking for any realtor. Why does Ivory get all the exceptions- exceptions from the city council, the planning committee, the LDS church (the church has preferentially sold at leas 7 SLC lots to them in the past yr alone) and they are giving them a free 99yr lease with the Ivory U of U student housing. No one else gets these perks but Ivory. They make at least 600million a yr, they could easily do a development with the original zoning and preserve the beauty of the avenues.

The sheer density of this project is hubris. The claim that Ivory is trying to provide affordable homes is ludicrous.

Ivory should be held to the same zoning restrictions as the rest of us in the upper avenues. Ivory can afford to build a development that blends in with the upper avenues, provide ample parking, green space, be held to the same height restriction as the upper avenues, same set back (20 feet in the front), sidewalks and be in general good neighbors instead of being the bullies they have been thus far.

The other concern is the fire truck issue. The top of F street is already a choke hold with North point being a gated community at the end of it. The fire trucks already turn around in my drive. Adding 21 units, 21 ADUs with one narrow road is adding fuel to the fire and we all back up to plenty of flammable canyon area brush.

Snow removal is also a huge problem on F street, where is Ivory going to put all the snow?

Pollution is another problem with this dense development with zero greenery.

The ADUs have no regulations. Basically they could turn over every 30 days, increasing crime in our neighborhood. Most ADUs are done one at a time, not mass productions of 21 all at once.

With no yards to speak of and the north houses literally facing toward a retention wall, what kind of buyers are they hoping for?
No families will want to spent 1-2 million to look at retaining walls with no yards.
Ensign school will not be supported with this concrete jungle.

I will send you a separate email with a photo of the fire trucks turning in our driveway.

Please consider all the avenues residents who voted against this development. Please use discretion to hold Ivory accountable to produce a product that exemplifies the beauty of the Avenues.

Sincerely,

Janie Mathis
688 F Street slc

Barlow, Aaron

From: Janie Mathis <janiemathis@me.com>
Sent: Thursday, August 24, 2023 6:29 PM
To: Barlow, Aaron; Preserve Our Avenues Zoning Coalition; Keenan Lynn; JUDY DENCKER
Subject: (EXTERNAL) Ivory 678 project

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Ivory comments

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Re ivory 678 project
Fire trucks stuck at top of F
Turning around in our drive

Do you think the city will pay to fix our concrete drive?
Thanks
Janie Mathis

Sent from my iPhone

HAZARDOUS MATERIALS RESPONSE TEAM
SALT LAKE CITY FIRE
HM14

26092
SLC recycles 750 tons per month. Let's do more.
CAUTION
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FULL TIME CDL DRIVERS
801-535-7900
CAUTION
WIDE RIGHT TURNS
DO NOT PASS ON RIGHT
labrie
labrie

Barlow, Aaron

From: Judy_Joel Daly_Deaton [redacted]
Sent: Friday, August 25, 2023 3:54 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com; Judy_Joel Daly_Deaton
Subject: (EXTERNAL) Judy Daly Letter opposing Ivory Homes Planned Development on F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

To: Aaron Barlow, City Planner – Salt Lake City
From: Judy Daly – Northpoint Estates Resident
Date: August 25, 2023
RE: Ivory Homes Proposed Development at 675 North F Street – Salt Lake City, Utah
CC: Mayor Mendenhall Council Person – Chris Wharton; POAZC Coali. on

I, Judy Daly, am writing as a homeowner in Northpoint Estates.

I begin by stating that I **do not support** the present proposed planned development that Ivory Homes has submitted for consideration by the Planning Division. The current proposal for a planned development, if accepted, would allow Ivory homes to develop the property and allow Ivory to disregard the limitations of the SR-1 zoning regulations that govern the surrounding neighbors. The approval of the planned development would permit even more units than are permitted by the recent rezone status change requested by Ivory Homes and granted by the city.

I ask that the City Planning Division closely examine the proposal and compare the proposal to the zoning requirements and city codes that must be used by all builders and developers in Salt Lake City. I further as that the Planning Division consider that the proposal submitted would set a precedent for builders and developers to use the planned development concept to over-ride the current codes and zoning restrictions in place currently.

Many feel the proposed development does is not compatible with the established development in the Avenues. I agree with that perspective – the homes are much larger that than many of the homes in the
SR-1 zone of the avenues and are more closely built together.

One of the concepts being used to support this proposal is that it will provide a “public benefit”. The relaxing of the zoning requirements does not appear to meet that standard.

A Planned Development, to be approved, must provide an “enhanced product”. Ivory is using the concept of “ADUs”, which they plan to include in their homes, as an enhancement. The city currently allows ADUs for any qualifying home and therefore Ivory premise that the ADUs they proposed in their units is an enhancement if a fallacy in their presentation. Additionally, that alleged “enhancement” is not relevant to the Planned Development concept being

provided to City Planning by Ivory Homes. The proposal for ADU development by Ivory Homes would allow a developer to build and sell homes with ADUs, which I understand to be in opposition to how an ADU may currently be created – which is by the individual homeowner. There is an additional concern about the increase in the number of vehicles in the community and how that increase will affect traffic flow in the area – especially in case of natural disasters such as fire, earthquake and the like.

The open space and the creation of trails that Ivory Homes has presented as enhancements being provided by Ivory are not accurate. Renaming sidewalks as trails is quite questionable. Open space that is being touted as one of the Ivory Homes is enhancements are spaced that are mandated by the city for a public-access part as a condition of the rezone. Additionally, the percentage of the "open space and trails" on this parcel does not appear to meet the acreage that is being cited by Ivory. I would ask that City Planning confirm that statistic.

Further relating to the proposal and drawing submitted to the city and to the community. Are these drawings drawn to scale? I and many others seriously question if they are. The street drawings also do not appear to be drawn to scale and would be misleading to all who view them if they are not.

The homes are not affordable, which has also been discussed as part of the reason to approve this planned development. At the recent open house by Ivory Homes, I and others were informed the smallest homes in this development would begin at between $900,000 and $1,000,000 dollars. It is apparent, with that information many will be much higher in cost.

It has been understood by many residents in the area that the zoning would be FR-3 and that has been the expectation. Everyone, however, realizes that change is inevitable. The rezone is part of that inevitable change, but the Planned Development concepts go far beyond what is reasonable.

The setbacks and building coverage on the lots have been dramatically changed. Setbacks are radically reduced and building coverage dramatically increased on greatly shrunken lots. This approval would allow Ivory to ignore the SR-1 zone rules. This would also reduce any "yard" to an unusable space and would result in families with children having little or no interest in these homes.

Parking is another area of concern. The parking provided for guests is three spaces for what may be 42 residences (both Homes and ADUs)

Snow removal is another issue. At the recent Ivory Homes Open house representatives indicated that the four guest parking spaces would be used for snow storage. This further reduces parking possibilities for guests. Also, there would be no street parking within the community proposed due to the narrow width of the street that would be allowed if the current proposal is permitted. Also, with the restrictions relating to parking on Capital Park Avenue guests and possibly homeowners will be forced out onto F Street and 13th Avenue to park their automobiles thus affecting all homeowners in the surrounding area.

Fire Safety is a tremendous issue in the area due to the WUI (Wildland Urban Interface). Northpoint and parts of Capital Park abut to City Creek Canyon which is in the WUI. Northpoint has a particular concern due to only having one entrance and exit onto F-Street and the increase in density is believed to increase safety concerns for Northpoint as well as for the closely packed, large homes being proposed by Ivory in their planned development. Northpoint has experienced fires coming up City Creek Canyon and residents have had to use garden hoses to try to quell the flames until the Fire

Department could arrive. The recent fires in Lahaina, California and Colorado are excellent examples of how wildfire can erupt and destroy lives, homes, and communities in a moment. This should be strongly evaluated and considered.

I want to be clear, the development of the property by Ivory has been expected. Few are opposed to the development of the property. The original plans for development of the property with 9 to 11 homes was viewed by many as a reasonable way to develop the property in keeping with the surrounding community. The current proposal is not viewed as reasonable or appropriate.

With all of this in mind, I wish to indicate that **I do not support** the current proposal and ask that the City Planning offices deny the planned development request.

Regards,

Judy Daly
Northpoint Estates Resident

Barlow, Aaron

From: MARILYN NEILSON [redacted]
Sent: Friday, August 25, 2023 7:51 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow, It seems pointless to try and rid our neighborhood of the shanty town Ivory is planning to build despite the passionate voices of the entire community here.
It's a foregone that these wrong-headed people n charge have an agenda that is afield of Utah's former politics.

Marilyn Neilson

Barlow, Aaron

From: Patricia Davis [redacted]
Sent: Friday, August 25, 2023 5:49 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes project

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Cau. on: This is an external email. Please be cautious when clicking links or opening attachments.

Dear sir or madame,
I live in the Avenues. I value the mixture of homes. I just am so worried about the extent of this project and the lack of parking. I have lived in the Gilmer Park area as well. I have seen the areas of Sugarhouse and 9th and 9th grow without proper ideas for parking. I know it is difficult, but sometimes common sense needs to overrule expansive development. If I thought low income housing were coming to this project, I might adjust my thinking, but not much as the infrastructure for rides is not easily accessible to homes in this project.
There are lovely places in US cities that residents and visitors admire; the Avenues is such a place. I have many more concerns, but others have addressed them better.
Thank you, Patricia

Patricia Davis
misspat4@me.com

400 E Capitol Park Ave
UNIT 403
Salt Lake City, UT
84103

801 870 5465

Barlow, Aaron

From: Richard Schmidt [redacted]
Sent: Friday, August 25, 2023 4:46 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris; Preserve Our Avenues Zoning Coalition
Subject: (EXTERNAL) RE: Ivory Homes Open House for Capitol Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Dear Mr. Barlow,

I am writing to lend my voice to the large majority of homeowners in the Capitol Park area who are strongly opposed to Ivory Home's plans to over-develop their lot on F street with a massive number of "cottage homes". I wrote previously when they sought their first rezoning of the lot, and I am writing now as they seek further rezoning to increase the number of allowable homes. This is an affront to those of us who actually live in that community and will be adversely impacted by this very bad idea. In addition to the obvious effect of building something that is completely out of character for our community and massively too large for the limited road access to the area, I also reiterate the following points that have been raised by others:

This project offers no Public Benefit as required with a Planned Development.

According to the design proposal from Ivory, I don't believe that this project even qualifies for a Planned Development, which is fundamental for their approval and could leave the City vulnerable from a legal stand-point.

The density of this project pushes way beyond reasonable for this area and will prove to be detrimental in a short time.

Parking that is regularly scrutinized by the City, for good reason, needs further balance as the visitor parking alone stands at 4 spaces for 42 residences.

While Ivory has classified the project as an experiment that could work with a number of adjustments, I really don't think that one of the City's most beautiful areas should be used for this purpose until the concept has been proven.

As a long time resident of that Avenues community I expect our city planning commission, our councilmen and other city officers to protect our neighborhood from ruinous projects being imposed by outside business interests. Please respect the zoning that has been in place and please make Ivory Homes design plans that are in harmony with our community.

Thank you

Richard Schmidt
[redacted]

Sent from Mail for Windows

From: Barlow, Aaron
Sent: Friday, August 18, 2023 12:15 PM
To: Barlow, Aaron
Subject: Ivory Homes Open House for Capitol Park Cottages

Good Afternoon,

You are receiving this email because you had previously expressed interest in receiving updates regarding Ivory Homes' Capitol Park Cottages development in Salt Lake City. I am forwarding you information regarding an upcoming open house that Ivory Homes will be hosting an informational open house about the project at the Corrine & Jack Sweet Library (455 F St, Salt Lake City, UT 84103) on Wednesday, August 23, 2023, from 6:30 pm to 7:30 pm. This event is not hosted by the city, but Planning staff will be available to answer questions.

Planning staff is reviewing the proposal to ensure that it complies with all relevant zoning regulations and Planned Development Standards. At this time, a public hearing with the Planning Commission has not yet been scheduled. I will send you an email with meeting information once a date has been set.

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)
Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182
Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Ivory Homes <marketing@ivoryhomes.com>
Sent: Thursday, August 10, 2023 8:28 AM
To: Barlow, Aaron <aaron.barlow@slcgov.com>
Subject: (EXTERNAL) Save The Date!

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

View this email in your browser

Barlow, Aaron

From: Susan Masotti [redacted]
Sent: Friday, August 25, 2023 9:43 AM
To: Barlow, Aaron
Subject: (EXTERNAL) Avenues Re-zoning

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Dear Mr Barlow,
I am writing to express my concern about the Ivory Homes Proposed Development at 675 North F Street. I don't understand how the city intends to preserve the historic nature of the avenues by continuing to allow these new developments to be built. The avenues area is really special. What's the point of having a historic district if you're going to keep putting in new buildings? In my opinion, the city is being careless with development.
Salt Lake City has so many other areas that are blighted, why not focus on those?
Also, what is being done about water management? Is the Salt Lake Valley going to be able to sustain this overdevelopment from a water-use perspective? If the Great Salt Lake dries up in 5 years as the experts say it will, what are we going to do then?
Thank you,
Susan Masotti

Barlow, Aaron

From: Barlow, Aaron
Sent: Monday, August 28, 2023 4:06 PM
To: Heather McLaughlin-Kolb
Cc: Mayor; Wharton, Chris; poazcoalition@gmail.com
Subject: RE: (EXTERNAL) 675 North F Street: Public Comments

Dear Ms. McLaughlin-Kolb,

Thank you for your comments! I have addressed your questions in red below. Please feel free to reach out with any additional questions or concerns.

Sincerely,

AARON BARLOW, AICP | (*He/Him/His*)
Principal Planner
PLANNING DIVISION | SALT LAKE CITY CORPORATION
Office: 801-535-6182
Cell: 801-872-8389
Email: aaron.barlow@slcgov.com
SLC.GOV/PLANNING WWW.SLC.GOV

Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Heather McLaughlin-Kolb [redacted]
Sent: Friday, August 25, 2023 6:03 PM
To: Barlow, Aaron <aaron.barlow@slcgov.com>
Cc: Mayor <mayor@slcgov.com>; Wharton, Chris <chris.wharton@slcgov.com>; poazcoalition@gmail.com
Subject: (EXTERNAL) 675 North F Street: Public Comments

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Aaron et al,

Hello. While I remain in opposition to the planned development petition for 675 F Street, Salt Lake City, UT 84103 (please see email below), I understand some form of multi-unit development will most likely occur on the property. Therefore, I have the following questions and comments that I believe are important to consider.

- You are most likely aware that there currently are and have been nesting red-tailed hawks on the property for numerous years. Red-tailed hawks are protected under the Migratory Bird Treaty Act of 1918 and therefore, their nests cannot be destroyed without consultation with the US Fish and Wildlife Service (USFWS). What are the plans for relocating the nest(s)? Will a USFWS and/or Utah Division of Wildlife Resources biologist perform a pre-construction nesting survey and/or relocate the nest(s)?

I will speak to our Urban Forestry Department and the Division of Wildlife Resources about the hawk nest to see what needs to be done by the property owner. I heard about the nest from another individual at the open house on

Wednesday. Thank you for the heads up! I will add any updates about the nest to the open house page for the project: https://www.slc.gov/planning/2023/07/10/openhouse-00656/

- Various concept trees are shown in the architect's narrative, as well as in the illustrative plan. Will a Salt Lake City urban forester and/or certified arborist be involved in the selection of the tree species? Will the urban forester and/or certified arborist consider drought tolerant tree species, as well as tree species with lower mature heights?

All existing and proposed trees need to be reviewed by the City's Urban Forestry Division. Based on a tree's characteristics, they may place additional limitations on the development that would need to be met before, during, and after development

- According to the Utah Wildfire Risk Explorer, and due to the property's proximity to the foothills, the property is at a moderate to high risk of a wildfire. Will Salt Lake City Fire Department personnel assess the development plans to mitigate the risk, including considering additional access points to avoid a choke point on F Street in the event of a catastrophic wildfire?

All new development projects are assessed by certified Fire Protection Engineer to ensure that all fire codes are met. The City's Engineer and Transportation Divisions will also review the projects potential impact on adjacent existing streets. Any concerns regarding F Street's capacity that they bring up will be addressed. The applicant will need to comply with any requirements that engineers (from the Transportation or Engineering Divisions) might place on the proposal.

Thank you for the opportunity to provide questions and comments. I appreciate your time.

Sincerely,
Heather McLaughlin-Kolb
[redacted]

---------- Forwarded message ---------
From: **Heather McLaughlin-Kolb** [redacted]
Date: Wed, Jan 12, 2022 at 10:26 PM
Subject: NO Ivory Homes Re-Zone
To: Echeverria, Daniel <daniel.echeverria@slcgov.com>
Cc: <chris.wharton@slcgov.com>, <poazcoalition@gmail.com>

Daniel et al,

Please consider this email in opposition to the Ivory Homes rezone application for 675 F Street, Salt Lake City, UT 84103.

I am sure you have received numerous emails regarding this topic and therefore I'll keep my email to the point.

Contrary to Appendix F: Public Transportation Proximity and Frequency, the Utah Transit Authority (UTA) no longer services the upper Avenues neighborhoods.
Currently UTA provides bus routes 6 and Flex 11. The closest designated bus stops are located at 9th Avenue and C Street (both routes) and 6th Avenue and F Street (Flex 11 route only). Bus Route 6 provides 30- and 60-minute headways, while Flex Route 11 provides 60-minute headways on weekdays only. Considering that neither of these bus stops are within one-quarter mile of the property, this greatly decreases the likelihood that future residents will utilize transit.

The proposed Ivory Homes rezone application does not address the affordable housing crisis that we are currently experiencing along the Wasatch Front. Appendix H: Growing SLC: A Five-Year Housing Plan 2018-2022 defines affordable housing, and these homes do not meet the requirements of affordable housing.
"Affordable housing for a single person in Salt Lake City currently earning 60% AMI, or $41,350, would be a rental costing approximately $1,034/month, or a home priced around $175,000 (est. mortgage $824/mo + taxes and insurance). Affordable housing for a Salt Lake City family of four earning 80% AMI, or $59,050, would be a rental costing about $1,476/month or or a home priced around $265,000 (est. mortgage $1,193/month + taxes and insurance)."

Thank you for the opportunity to provide comments. I appreciate your time.

Sincerely,
Heather McLaughlin-Kolb
[redacted]

Barlow, Aaron

From: Mitchell Peterson <mitchelltpeterson@gmail.com>
Sent: Saturday, August 26, 2023 4:46 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory 13th Ave and F Development

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello Aaron and whom else concerned,

The Ivory Homes Development should not be permitted to go through as proposed. They have changed their proposal dramatically since getting the re-zone approved. They should either be required to build what they proposed when they were granted the re-zone, or they should have to go through the whole process again to get the new plans approved. This new proposed development will be very far from the current feel of the neighborhood, and will dramatically reduce the property values of the homes near this area. The master plan had this area zones as FR3, and the infrastructure was set up to support that. They are requesting to build more homes tighter together than the new re-zone would allow, with no plans for parking or how to manage that amount of resource increase requirement. Furthermore, the lot is in a high fire risk area, and packing in as many homes as possible sets up a potential disaster. The recent fires in Maui should serve as a reminder that disasters can happen in cities. We should be doing what we can to reduce this risk, not increasing it.
This is also very frustrating for me as a homeowner in the FR3 district as Ivory Homes is trying to extract as much profit as possible from the neighborhood while leaving it in a worse condition than they found it. They are relying on the feel of the neighborhood outside of their development to keep prices high, while destroying that same feel within their development. Please do not allow these large corporations to destroy our neighborhoods in the name of profit. Thank you for your time,

Mitchell Peterson
1484 E Tomahawk Drive

Mr. Aaron Barlow
Planning Division

I would like to go on record with the Planning Division and the Planning Commission that I oppose granting Ivory Development a Planned Development on their plot at 675 North F Street.

In December of 2022, the City Council awarded Ivory Homes a rezone from FR-3 to SR-1. Now, Ivory wishes to have the Planning Commission approve their application for a Planned Development (PD).

Although I think that the newest design is bet er in several respects, Ivory is motivated to pack in as many large homes as they can into this location. To do this, they wish to exploit the PD ordinance to make building lots smaller and homes larger than would be allowed under the SR-1 zone rules. But, the PD ordinance states that a developer must deliver an "enhanced product" to qualify for a PD by meeting certain criteria.

Ivory argues that they are providing enhanced housing by building ADUs on all their primary homes. But Ivory does not need a PD to build ADUs; they can already do this by existing city code. They would very likely build potential ADUs on their homes even under FR-3, let alone SR-1. This is a deceptive and false argument that building ADUs qualifies as a community benefit if Ivory can and would do it without a PD.

For their second criteria, Ivory argues that they are creating enhanced public recreational opportunities by constructing a trail around the circumference of the development. The 'trail' is really the sidewalk for the HOA. The sidewalk along the northern boundary is the only common access to the front doors of the uphill homes; they have to have this sidewalk. The same is true for the sidewalk along Capitol Park Avenue, but for the downhill facing units. And the land along the northern boundary above the sidewalk, referred to as the Mews Walk, has a typical gradient of around 32% and is unbuildable and likely unusable for adults for any recreational purpose. The sidewalk along F Street is on public land and is a standard feature for a public street. Ivory was mandated to preserve a 30-foot setback from the second story for all homes along the western boundary, so that land also cannot have structures.

Ivory was granted the rezone on condition that "the open space area shown on draft drawings will generally be accessible to the community at large…", in other words, that they create a public park, which was to have been situated at the SE corner which is already unbuildable because it contains an underground storm water metering tank and I suspect will flood occasionally. I envisioned a real playground accessible to the neighborhood kids. But the current plans do not show that this area has been expanded or will become a public park. Ivory is trying to claim that the sidewalks that surround the property are now half of the public park. The public will not want to walk through someone's private development and the owners won't like it, either.

This alleged open space enhancement is self-serving and not a public service. This open space is largely dictated by constraints within which they must already build. There is almost no additional benefit to either the development or to the public that Ivory would almost surely not provide if they build under SR-1 without a PD.

Barlow, Aaron

From: Hedley, Noah <nhedley178@g.rwu.edu>
Sent: Sunday, August 27, 2023 7:45 PM
To: Barlow, Aaron
Subject: (EXTERNAL) 675 F St and Park Cottages

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

Hello,

I would like to enter a comment opposing the development of the denser lot at 675 F St and the Ivory homes park cottages. I am a long time resident of the avenues.

This development will not have any public benefit and will only harm the current conditions of the avenues. Ivory homes has already tarnished the integrity of the avenues with large high rise apartment buildings to serve only the wealthy members of the community. There is no 'affordable' part of this new housing development and should not be approved by city council.

This development also violates many zoning and building codes and is just simply not needed in this neighborhood.

Let me know if this needs to be sent to anyone else in the planning council.

Thank you

Barlow, Aaron

From: Peter Wright <pwwjaw@gmail.com>
Sent: Monday, August 28, 2023 11:51 AM
To: Barlow, Aaron; Norris, Nick; Mayor; rockyanderson.justice@gmail.com; Otto, Rachel; Wharton, Chris; George Pyle; Tony Semerad; Merrilee Morgan
Cc: Larry Perkins; Tyler Jack; Rhett Davis; Anne Baugh; John Kennedy; Benjamin Farr; Jeff Burton; Jeff Polychronis; nathan Dean; Katherine Kennedy; Cheri Daily; Bruce Johnson; Jim Bach; Judy Dencker; Jill van Langeveld; Preserve Our Avenues Zoning Coalition; David Maher; Scott Young; Joel Deaton; Cynthia Kagan; Pam Brown; Jeannine Gregoire; Naoma Tate; Todd Jensen; Maria Mastakas; Koziatek, Gina; Alan Hayes; Bob Kinney; Jill Kinney; Al Kubota; Janice Nelson; Ken Bronston; Sarah van Voorhis; Lon Jenkins; Janice Ruggles; Susie Polychronis; Don Warmbier; Mary Lou Van Voorhis; Thomas Keen; Evan and Susan; Shane Carlson; Boyd Baugh; cindy vanKlaveren; JV Cook; Mary moody; Leah Bedell; Janie Mathis; Linda Dean; Dave Alderman
Subject: (EXTERNAL) Recognized Community Organization Report
Attachments: RCO Report 11.9.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

RE: Ivory Homes Application for a Planned Development at 675 North F Street.

Dear Aaron,

Please find attached our report and analysis of Ivory's application for a planned development. We believe that this report fairly reflects the opinions of the residents of the upper Avenues who live closest to and are most impacted by this development.

The upper Avenues community is strongly opposed to Ivory's request for further sweeping concessions via a planned development that are considered both excessive and unreasonable, while yielding zero public benefit.

Avenues residents have put a great deal of time and effort into generating this report and analysis, and we ask that you and those copied in the city administration, please take the time to read and understand the many concerns of our community.

We look forward to reviewing this report with you sometime in the near future.

Best Regards,
Peter Wright
Chair POAC

Barlow, Aaron

From: rockyanderson.justice@gmail.com
Sent: Monday, August 28, 2023 12:41 PM
To: 'Peter Wright'; Barlow, Aaron; Norris, Nick; Mayor; Otto, Rachel; Wharton, Chris; 'George Pyle'; 'Tony Semerad'; 'Merrilee Morgan'
Cc: 'Larry Perkins'; 'Tyler Jack'; 'Rhett Davis'; 'Anne Baugh'; 'John Kennedy'; 'Benjamin Farr'; 'Jeff Burton'; 'Jeff Polychronis'; 'nathan Dean'; 'Katherine Kennedy'; 'Cheri Daily'; 'Bruce Johnson'; 'Jim Bach'; 'Judy Dencker'; 'Jill van Langeveld'; Preserve Our Avenues Zoning Coalition; 'David Maher'; 'Scott Young'; 'Joel Deaton'; 'Cynthia Kagan'; 'Pam Brown'; 'Jeannine Gregoire'; 'Naoma Tate'; 'Todd Jensen'; 'Maria Mastakas'; 'Koziatek, Gina'; 'Alan Hayes'; 'Bob Kinney'; 'Jill Kinney'; 'Al Kubota'; 'Janice Nelson'; 'Ken Bronston'; 'Sarah van Voorhis'; 'Lon Jenkins'; 'Janice Ruggles'; 'Susie Polychronis'; 'Don Warmbier'; 'Mary Lou Van Voorhis'; 'Thomas Keen'; 'Evan and Susan'; 'Shane Carlson'; 'Boyd Baugh'; 'cindy vanKlaveren'; 'JV Cook'; 'Mary moody'; 'Leah Bedell'; 'Janie Mathis'; 'Linda Dean'; 'Dave Alderman'
Subject: (EXTERNAL) RE: Recognized Community Organization Report

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hello, Peter –

You and others have done a masterful, compelling job demonstrating why the application for a planned development by Ivory in the existing open space in an unwalkable part of the Avenues is contrary to applicable standards *and* to the public interest. It is a proposed development that has only one thing in mind: maximizing profits for the developer, to the detriment of the surrounding community. In fact, the *entire* community at large in SLC would be disserved by the precedent that would be set by approval of this proposed planned development.

To call the sidewalk a “trail” and to pretend that somehow the jamming in of so many crowded, long, flat-roofed homes helps preserve open space makes a mockery of the city’s standards. If this project will pass muster under the city’s clear standards that compel its rejection, one wonders how any developer will ever be told “No” by those in city government who seem to be paving the way for the development.

I find this proposed development especially offensive to our city as a whole after learning recently that Ivory has also acquired the Liberty Wells building and contiguous open space, which it also plans to fill with housing (NOT affordable to most people, as with the F Street proposed planned development).

Instead of adding to and enhancing access to more open space in our city, the current administration, in cahoots with developers, seems bent on destroying significant open space to

benefit developers, while failing to provide truly affordable (or "deeply affordable") housing for those who need it most. I hope there will be a unified community uproar over the loss of these rapidly-diminishing open spaces in our city.

It is this developer-pandering approach by the current administration that has degraded our city's built environment, undermined the character of so many neighborhoods, and left so many people unable to live in our increasingly unaffordable city.

Extensive affordable housing is within our reach, but not by subsidizing private profit-driven developers with millions of dollars and disregarding our city's well-established standards in disregard of the interests of long-time residents and benefiting only developers.

Please read my op-ed on these issues, here:
https://www.sltrib.com/opinion/commentary/2023/05/07/anderson-more-affordable-housing-is/

Best wishes in your fight against irresponsible development that undermines so many community interests (in the face of almost universal opposition by people in the area) and that serves no legitimate public purposes - Rocky

Ross C. "Rocky" Anderson
Rocky for Mayor
Mobile: 385.234.0489
Direct: 801.349.1691
Email: rockyanderson.justice@gmail.com

Rocky III

From: Peter Wright <pwwjaw@gmail.com>
Sent: Monday, August 28, 2023 11:51 AM
To: Barlow, Aaron <Aaron.Barlow@slcgov.com>; Norris, Nick <nick.norris@slcgov.com>; Erin Mendenhall <mayor@slcgov.com>; rockyanderson.justice@gmail.com; Otto, Rachel <Rachel.Otto@slcgov.com>; Chris Wharton <Chris.wharton@slcgov.com>; George Pyle <gpyle@sltrib.com>; Tony Semerad <tsemerad@sltrib.com>; Merrilee Morgan <merrilee01@msn.com>
Cc: Larry Perkins <advancemortgageq@gmail.com>; Tyler Jack <tylerjack@frontlinefinancial.com>; Rhett Davis <meridien.r@gmail.com>; Anne Baugh <annealbaugh@xmission.com>; John Kennedy <John@kennedys.org>; Benjamin Farr <benfarr.dev@gmail.com>; Jeff Burton <jeff@eburton.com>; Jeff Polychronis <jpolychronis@me.com>; nathan Dean <Nathan.Dean@imail.org>; Katherine Kennedy <Katherine@kennedys.org>; Cheri Daily <cheri.daily@gmail.com>; Bruce Johnson <bjohnson849@comcast.net>; Jim Bach <bachassociates@aol.com>; Judy Dencker <2slcops@msn.com>; Jill van Langeveld <jill.van@hotmail.com>; Jan Mckinnon <jwmckinnon@gmail.com>; David Maher <dmaher7232@aol.com>; Scott Young <syoung@sentry.financial>; Joel Deaton <jald2@msn.com>; Cynthia Kagan <terremoto@comcast.net>; Pam Brown <pnbrown32@gmail.com>; Jeannine Gregoire <jeanninegregoire@gmail.com>; Naoma Tate <NaomaTate@aol.com>; Todd Jensen <todd_jensen@comcast.net>; Maria Mastakas <mmastakas@gmail.com>; Koziatek, Gina

<gina.koziatek@utahhomes.com>; Alan Hayes <abh_slcut@yahoo.com>; Bob Kinney <rkinney558@gmail.com>; Jill Kinney <jkinneyrts@gmail.com>; Al Kubota <Kubota.1@gmail.com>; Janice Nelson <janicebn1830@comcast.net>; Ken Bronston <kenbronston@gmail.com>; Sarah van Voorhis <sarah@vsfamlaw.com>; Lon Jenkins <lonjenkins54@gmail.com>; Janice Ruggles <bruggmd@comcast.net>; Susie Polychronis <spolychronis@me.com>; Don Warmbier <dfwarmbier@gmail.com>; Mary Lou Van Voorhis <marylouvanv@gmail.com>; Thomas Keen <twklak2@aol.com>; Evan and Susan <zorbares@gmail.com>; Shane Carlson <ComeBackShane@comcast.net>; Boyd Baugh <boydbaugh@aol.com>; cindy vanKlaveren <cindyvan@comcast.net>; JV Cook <jvcook@aol.com>; Mary moody <mary@marymoody.biz>; Leah Bedell <lbedell@copconstruction.com>; Janie Mathis <janiemathis@me.com>; Linda Dean <lpdean@mac.com>; Dave Alderman <davealderman@hotmail.com>
Subject: Recognized Community Organization Report

RE: Ivory Homes Application for a Planned Development at 675 North F Street.

Dear Aaron,

Please find attached our report and analysis of Ivory's application for a planned development. We believe that this report fairly reflects the opinions of the residents of the upper Avenues who live closest to and are most impacted by this development.

The upper Avenues community is strongly opposed to Ivory's request for further sweeping concessions via a planned development that are considered both excessive and unreasonable, while yielding zero public benefit.

Avenues residents have put a great deal of time and effort into generating this report and analysis, and we ask that you and those copied in the city administration, please take the time to read and understand the many concerns of our community.

We look forward to reviewing this report with you sometime in the near future.

Best Regards,
Peter Wright
Chair POAC

Barlow, Aaron

From: Susan Macnamara <susan.macnamara@yahoo.com>
Sent: Tuesday, August 29, 2023 10:22 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Development of 675 N. F St

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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I want to go on record with the Planning Commission that I oppose granting Ivory Development a Planned Development on their 3.2 acres of land at 675 North F Street.

In December of 2022 the City Council awarded Ivory Homes a rezone from FR-3 to SR-1. Ivory now wants yet another approval of their application for a planned development. This would permit them to build more than that allowed under the granted zone (SR-1). This will, however, increase density and decrease quality of life for those new residents, without any meaningful effect on our housing crisis.

The real impact on this shortage will be from the 15,000 rental units soon to become available, with yet more to come. Ivory's request goes beyond what I think is reasonable for SR-1 and adds only a trivial number of units to housing availability.

I think Ivory is very capable of building quite profitably under SR-1. Their request serves only to increase their return on investment, with minimal benefit to Salt Lake City, yet with real impact on the daily lives of residents indefinitely.

There has been significant resistance in the community to Ivory's development plans. It would be a meaningful gesture on the part of the Commission to grant this compromise to the community.

Respectfully, Susan E. Macnamara

Barlow, Aaron

From: Tess Karen Leiker <tess_lovecpa@yahoo.com>
Sent: Saturday, September 2, 2023 4:58 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Please do not allow ivory homes to be in the avenues. No one want them here. Thank you.

Barlow, Aaron

From: Dave Alderman <davealderman@hotmail.com>
Sent: Tuesday, September 5, 2023 3:19 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Ivory Homes

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Aaron -

I have spoken several times at Planning Commission and City Council in favor of keeping the old FR zoning. I was disappointed to see it changed to SR1. But Ivory has addressed some of the major issues raised, especially getting rid of the giant retaining wall. And I understand the need for a Planned Development due to the private road that is needed. However, I do not think that allowing larger (and therefore more expensive) houses is what the City Council had in mind when they changed the zoning. In keeping with the neighborhood characteristics, the building coverage ratio should be more in line with the SR1 requirements.

Thanks

Dave Alderman

Barlow, Aaron

From: J. Burley Wolfe <chocolatewren@gmail.com>
Sent: Thursday, September 7, 2023 12:07 PM
To: Barlow, Aaron
Subject: (EXTERNAL) NO to Ivory Homes - we are not lab rats

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

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Hi Mr Barlow,

I am writing to be sure you know I deeply oppose the Ivory Homes Proposed Development at 675 North F Street. I opposed it before you supported it; and now, as Ivory Homes continues to peck away at the systems that were set to keep a neighborhood feeling like a neighborhood, I oppose it much more.

I've been playing too much pickleball lately to walk by this piece of land every night as I did for years. It is — was—a great 3 mile walk. The idea that this narrow street will be a mess for 3-5 years of building before being overrun with 60+ cars permanently and awful traffic, sickens me for my own sake. But this isn't about me. It makes my blood curdle thinking about the nearby neighbors.

We can -if we want- decide not to feel for the rich folks at The Meridien. I still do feel for them, though, because when they bought their homes, it was with the understanding that the zoning precedent would remain on this empty hill. My empathy is highest for those living in homes on F street, and those at the bottom corner of F and 11th, who will have unprecedented traffic every day, up and down and up and down their street, as Ivory Homes' pockets are lined with greenbacks. Because why? Because they wore down city employees and councilors who changed the many-decade zoning designation.

As I understand it, the houses proposed by Ivory Homes are at least twice the size of most houses in the SR-1 zone of the Avenues and they are packed far more closely together: 10 feet between large, 90 foot long buildings. It's just wrong and bad for you to pack residents in like sardines on this propriety. Please only allow Ivory Homes to build with the constraints that every other builder has contended with over the last 25+ years. 11 houses. And let homeowners decide - not the builder - if ADUs are what they want. We should not be lab rats as you experiment with Ivory Homes about whether and how zoning should be altered or whether builders should build the ADUs onto the properties — both unprecedented activities for many years.

All this from a resident who would have wanted this to be a Salt Lake City green-space. Eagles were seen on branches on this property not long ago. And a red-tailed hawk pair had a nest in one of those trees on this property this past year. Where are they going to go now? Too bad Audubon can't wine and dine you like Ivory Homes.

Thank you for your time.

Warmest regards,

Jayla Wolfe
685 Aloha Rd
801-652-1774

Barlow, Aaron

From: Jack Dolcourt <Jack.Dolcourt@hsc.utah.edu>
Sent: Friday, September 8, 2023 3:33 PM
To: Barlow, Aaron
Cc: Mayor; Wharton, Chris
Subject: (EXTERNAL) RE: Ivory Homes Proposed Development at 675 North F Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Ivory comments

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

September 8, 2023

Mr. Aaron Barlow
Salt Lake City Planning Division
PO Box 145480
Salt Lake City, Utah 84114-5480

Sent by e-mail: aaron.barlow@slcgov.com
e-mail copies sent to: mayor@slcgov.com; poazcoali. on@gmail.com; chris.wharton@slcgov.com

RE: Ivory Homes Proposed Development at 675 North F Street

Dear Mr. Barlow,

I am a resident of the Avenues section of Salt Lake City. By this e-mail, I am voicing my continued opposition to the Ivory Homes Proposed Planned Development. I explained the reasons for my opposition in my August 15th e-mail to you, so I will not reiterate them here.

Here are 4 concrete changes to the plan that Ivory Homes should do as a precondition o then resubmit for approval their modified development plan for 675 North F Street:

1. Widen all streets
2. Double the number of off-street guest parking spaces
3. Decrease the density of this development by Increasing the spacing between units by at least 25%.

Sincerely,

Jack Dolcourt
509 Northmont Way
Salt Lake City, Utah 84103

September 10, 2023

Aaron Barlow, AICP
Principal Planner
SLC Planning Division

Re: Opposition to application of Ivory Development for Planned Development Treatment for Project at 675 F Street
Petition Number: PLNPCM2023-00650

Dear Mr. Barlow,

It was nice to meet you at the Open House on August 23rd. My wife and I live at 322 East Penny Parade Drive in the Capital Park HOA. We bought our house almost a decade ago. After we bought our house, we sought to add a master bedroom in what was and still is our attic. Our application to Salt Lake City was declined because our plans did not comply with certain height restrictions (even though we were not exceeding the height of our current roof). Our appeals to Salt Lake City were unsuccessful. We hope and expect that the City will apply the same strict application of the rules to Ivory's project.

As you know, Ivory has pursued and continues to pursue a variety of exceptions and variances to the rules that apply to the entire Avenues' neighborhoods and to the Ivory property on F Street. Ivory has already obtained rezoning for the site which will permit more units on the site. But, that is not enough for Ivory. Ivory now seeks Planned Development treatment for the development which would create even more units than are permitted by its recently achieved zoning status. In addition to the 21 homes, Ivory also seeks to exacerbate matters further by adding ADUs – for a total of 42 homes on this small parcel.

Here is the short list of our concerns:

1. Fire safety: A single narrow road through houses with as little as 10 feet between them – 5 foot side yards! In addition, the street is narrow and there are no real parking spaces. Ivory acknowledges this shortcoming by casting driveways as "parking spots". If the homeowners or guests park in the street, which certainly will happen, it will be impossible for a firetruck to get down the road. Not only is all of this not compatible with established development in the Avenues, it is a real life fire safety hazard.

2. Retaining Walls: Over the last year, we have all seen on the news neighborhoods and homes sliding down the hillside because developers pressured the cities to stretch or violate the rules. If that happens at this development, who will be responsible to pick up the pieces? Who will protect the Northpoint residents? It certainly won't be Ivory! Of course, Ivory has or will provide engineering reports to support their development. But, so did the developers of the other developments and those homeowners' dreams slid down the mountain with their homes! These and the fire safety concerns are life threatening safety issues and Ivory is asking the City to look the other way. Nothing to see here!

3. Criteria for a Planned Development: Ivory must demonstrate that it is providing an "enhanced product". The design and site conditions of the development will not appeal to families with young children or occupants with physical limitations. There are no yards for kids to play! And, Ivory has failed to establish the "enhanced product" requirement. Instead, Ivory hopes that putting lipstick on its pig of a development will make it more attractive to the City. Ivory's claims of preserving open spaces and creating trails is a farce. A retention pond is not open space and mandatory sidewalks are not trails! Ivory is being disingenuous!

4. ADUs: The ADUs create a host of problems. As you know, ADUs are a housing type that gives the exclusive right to individual homeowners to create an additional housing unit on the property

they own and occupy. It's a special property right for owners, not developers or investors. But again, Ivory is seeking special treatment. These ADUs have the additional problem of the homeowner using them for overnight or short term rentals. Ivory's response to this concern is that the City has rules against that behavior. But, our experience at Capitol Park is that the City is not responsive to enforcing those rules. When Capitol Park had these issues, the City was completely non-responsive. We cannot expect anything else with abuses at the Ivory development.

Public opinion is intended by our system of laws to benefit public policy development and administration. It shouldn't be treated as a mere ritualistic hurdle to be cleared on the way to an inevitable project approval for a large, politically powerful developer. Please give serious consideration to our views as well as those who, like us, have followed the evolution of Ivory's development proposal for several years and have taken the time to study and comment on it. We hope that you will apply the same scrutiny and standards to Ivory's plans that you did when we asked to add a master bedroom to our house. The same standards that apply to Salt Lake City residents should apply to Ivory. Ivory is not entitled to special treatment. Ivory has not met the requirements for a Planned Development and its request should be denied! Thank you.

Sincerely,

Scott F. Young

ATTACHMENT I: Department Review Comments

The following departments reviewed this proposal. Any requirement identified by a City Department is required to be complied with.

Engineering (Scott Weiler):

1. The preliminary plat proposes to create 21 lots and two alpha parcels from the Ivory Homes property at approx. 675 N. "F" Street. The plat represents that no additional public way needs to be dedicated in the "F" Street corridor. Capitol Park Avenue is a private street. The proposed streets to be created are also proposed to be private streets.
2. The Subdivider must enter into a Subdivision Improvement Construction Agreement (SICA) for the **public improvements to be installed in "F" Street**. This agreement requires the subdivider to provide a security device, such as Payment & Performance Bonds, to guarantee acceptable completion of the public way improvements, including any public sewer, water, storm drain, curb & gutter, sidewalk, pavement, and street lighting. The agreement also requires insurance from the subdivider and the contractor and the payment of a fee based on the estimated cost of constructing the proposed street improvements (not including sewer, water, storm drain or street light improvements). The fee is calculated as 5% of the first $100,000 of street improvements and 2% of the amount over $100,000. A copy of the agreement can be sent to you via email, if requested.
3. The Improvement plans for the proposed public street construction must comply with the Salt Lake City Engineering (APWA) design standards. Some of the requirements to follow for this development are:
   - Plan & Profile sheets must show the profile view for top back of curb grade and centerline grade of "F" Street, with stationing increasing from left to right.
   - Minimum longitudinal curb & gutter (Type "A") design grade is 0.50%.
   - The minimum size lettering is 1/10" and capital letters shall be used.
   - The text shall be readable from one of two directions on a given sheet.
   - A Cover Sheet, with approval signatures from SLC Planning, SLC Public Utilities, SLC Fire Department, SLC Transportation and SLC Engineering must accompany the improvement plans.
4. SLC Transportation will determine the location for the proposed curb & gutter in "F" Street and the required width of the public sidewalk.
5. The SLC Surveyor has reviewed this preliminary plat. Those redlines as well as a pdf with address information will accompany this memo. New address certificates are required.
6. If new sewer or water mains to serve this development are to public, the subdivider must enter into agreements required by the SLC Public Utility Department and pay the required fees. The SICA can be used for collecting a bond for any public utilities that SLC PU desires to be included.
7. At least one member of the concrete finishing crew must be ACI certified. The name of the ACI certified finisher must be provided at the pre-construction meeting for the subdivision.

(Please see attached redlines of the plat.)

Fire (Douglas Bateman):

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into; and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire Marshal will need to look at these and determine if enough space has been provide for fire department access from building to lot lines.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet for buildings 30-feet and less, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Buildings greater than 30 feet shall have a road width of not less than 26 feet. Fire apparatus access roads with fire hydrants on them shall be 26-feet in width; at a minimum of 20-feet to each side of the hydrant in the direction or road travel.

Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (See Figure D103.6 for example).

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (80,000 pounds) and shall be surfaced to provide all-weather driving capabilities.

The required turning radius of a fire apparatus access road shall be the following: Inside radius is 20 feet, outside is 45-feet.

Buildings or portions of buildings constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Additional fire hydrants may be necessary dependent on total square footage and required fire flows in accordance with IFC appendix B and C

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Maximum grade for fire access roads shall not exceed 10%

Planning Staff Note: *The City Fire Prevention Bureau does not normally weigh in on development projects. However, they were provided information on possible impacts to the Wildland Urban Interface from the development plans. The Bureau noted that they do not have any official comments or concerns with the proposed zoning change, noting that "Any development is subject to code requirements and the SLC Building Department and SLC FPB are committed to ensuring that the adopted codes are followed."*

Transportation (Jena Carver):

A traffic impact study is not typically required for a development of this size. The capacity of the Avenues roadway network will be able to accommodate the traffic generated by the site. If further information on possible increase in delay at intersections or other impacts to the neighborhood is wanted by the Planning Commission they can require a traffic study and I can work with the applicant on a scope.

Public Utilities (Krissy Beitel):

Plat

Please provide a note on the plat indicating that common areas will serve as easements for shared, private utilities, including water, sewer, storm drain, and surface drainage. Please verify that "public" is not included in this note, as the utilities will not be public, but rather shared, private utilities. CC&R's must also address utility service ownership and maintenance responsibility from the public main to each individual unit. Plat should clearly label that the ROW through the site is private ROW.

Planned Development

Comments have been provided to assist in the future development of the property. The following comments are provided for information only and do not provide official project review or approval.

- Public Utility permit, connection, survey, and inspection fees will apply.
- All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.
- All utilities must meet horizontal and vertical clearance requirements.
- Contact SLCPU Street Light Program Manager, Dave Pearson (801-483-6738), for information regarding street lights.
- CC&R's must address utility service ownership and maintenance responsibility from the public main to each individual unit.
- Utilities cannot cross property lines without appropriate easements and agreements between property owners.
- Site utility and grading plans will be required for building permit review. Please refer to APWA, SLCDPU Standard Practices, and the SLC Design Process Guide for utility design requirements. Other plans may also be required, depending on the scope of work. Submit supporting documents and calculations along with the plans.
- Applicant must provide fire flow, culinary water, and sewer demand calculations to SLCDPU for review. The public sewer and water system will be modeled with these demands. If the demand is not adequately delivered or if one or more reaches of the sewer system reach capacity as a result of the development, a water/sewer main

upsizing will be required at the property owner's expense. Required improvements on the public water and sewer system will be determined by the Development Review Engineer and may be downstream of the project.

- One culinary water meter is permitted per parcel and fire services, as required, will be permitted for this property. If the parcel is larger than 0.5 acres, a separate irrigation meter is also permitted. Each service must have a separate tap to the main.
- If a fire service is required, then it will require a separate connection to the public main. Culinary and fire water service cannot be provided from the same connection.
- If a private fire hydrant is required on site, then a detector check valve will be required.
- As shown, the proposed sewer through the site will be a private sewer main. This will require a private main agreement to be signed prior to permit issuance. Additionally, an easement with the neighboring property will be required for any portion of the private sewer main that is on the neighboring property.
- Site stormwater must be collected on site and routed to the public storm drain system. Stormwater cannot discharge across property lines or public sidewalks.
- Stormwater treatment is required prior to discharge to the public storm drain. Utilize stormwater Best Management Practices (BMP's) to remove solids and oils. Green Infrastructure should be used whenever possible. Green Infrastructure and LID treatment of stormwater is a design requirement and required by the Salt Lake City UPDES permit for Municipal Separate Storm Sewer System (MS4). applicant will need to provide options for stormwater treatment and retention for the 80th percentile storm. If additional property is not available, there are other options such as green roof or other BMP's. Lack of room or cost is generally not an exception for this requirement. If green infrastructure is not used, then applicant must provide documentation of what green infrastructure measures were considered and why these were not deemed feasible. Please verify that plans include appropriate treatment measures.
- Stormwater detention is required for this project. The allowable release rate is 0.2 cfs per acre. Detention must be sized using the 100-year 3-hour design storm using the farmer Fletcher rainfall distribution. Provide a complete Technical Drainage Study including all calculations, figures, model output, certification, summary, and discussion.
- A Stormwater Pollution Prevention Plan (SWPPP) is required.

Urban Forestry (Rick Nelson)

I evaluated the trees on this lot back in December of 2021. I have cut and pasted the results of that survey below. I don't know the current condition of the trees on the site. The trees did rise to the level of specimen trees. This survey was done because of the community expressing concern that development would result in the loss of the "beautiful" large trees. We will seek mitigation for any of the trees being proposed for removal in accordance with our policies attached above.

There are currently no trees located on the Public ROW. There are no overhead wires. The proposed future parkstrip will be 5' wide making it good for medium species trees every 30' along street frontage. See Recommended medium tree species for SLC on our Urban Forestry web page). The following trees are located on the interior of the property and fall under the definition of specimen trees because of their size, condition, and contribution to the community.

The total inches of DBH proposed for removal is 896 inches. At $200/inch of DBH there is a potential mitigation fee of $179,200 as per our Tree Removal Mitigation Policy. Please see our Urban Forestry Plan Review Policy in advance of submitting plan documents for building permits.

DWR is the correct place to contact for the hawk. We typically will not remove a tree with actively nesting birds and wait until the nest is abandoned.

I don't have authority to require trees on the private road, But I would highly encourage the planting of trees along Capital Park Ave and throughout the site and would be willing to look at giving a credit for trees planted on the site to help offset the Tree Removal Mitigation fee mentioned above.

DBH	Species	Condition
5	Blue Spruce	Good
10	Blue Spruce	Good
8	Blue Spruce	Good
11	Blue Spruce	Good
10	Blue Spruce	Good
31	Elm	Fair
25	Elm	Fair
27	Elm	Fair
22	Elm	Fair
23	Elm	Fair
39	Elm	Fair
37	Elm	Fair
23	Elm	Fair
29	Hackberry	Fair
32	Elm	Fair
32	Austrian Pine	Good
30	Austrian Pine	Good
8	Juniper	Good
34	Austrian Pine	Good
23	Austrian Pine	Good
22	Elm	Fair
33	Elm	Fair
32	Elm	Fair
28	Elm	Fair
17	Juniper	Good
19	Juniper	Good
26	Honeylocust	Fair
20	Elm	Fair
23	Elm	Fair
15	Pine	Good
24	Elm	Fair
30	Elm	Fair
21	Austrian Pine	Good
14	Austrian Pine	Good
18	Austrian Pine	Good
30	Elm	Fair
27	Elm	Fair
38	Elm	Fair

VICINITY MAP
1" = 100'

CAPITOL PARK

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-2	SITE PLAN
O-3	UTILITY PLAN
O-4	GRADING AND DRAINAGE PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
NO. 5689
NICHOLAS J. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

Title Sheet

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER: O-1

C:\Users\jprud22\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\1 - Title Sheet.dwg

CAPITOL PARK SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

NORTH

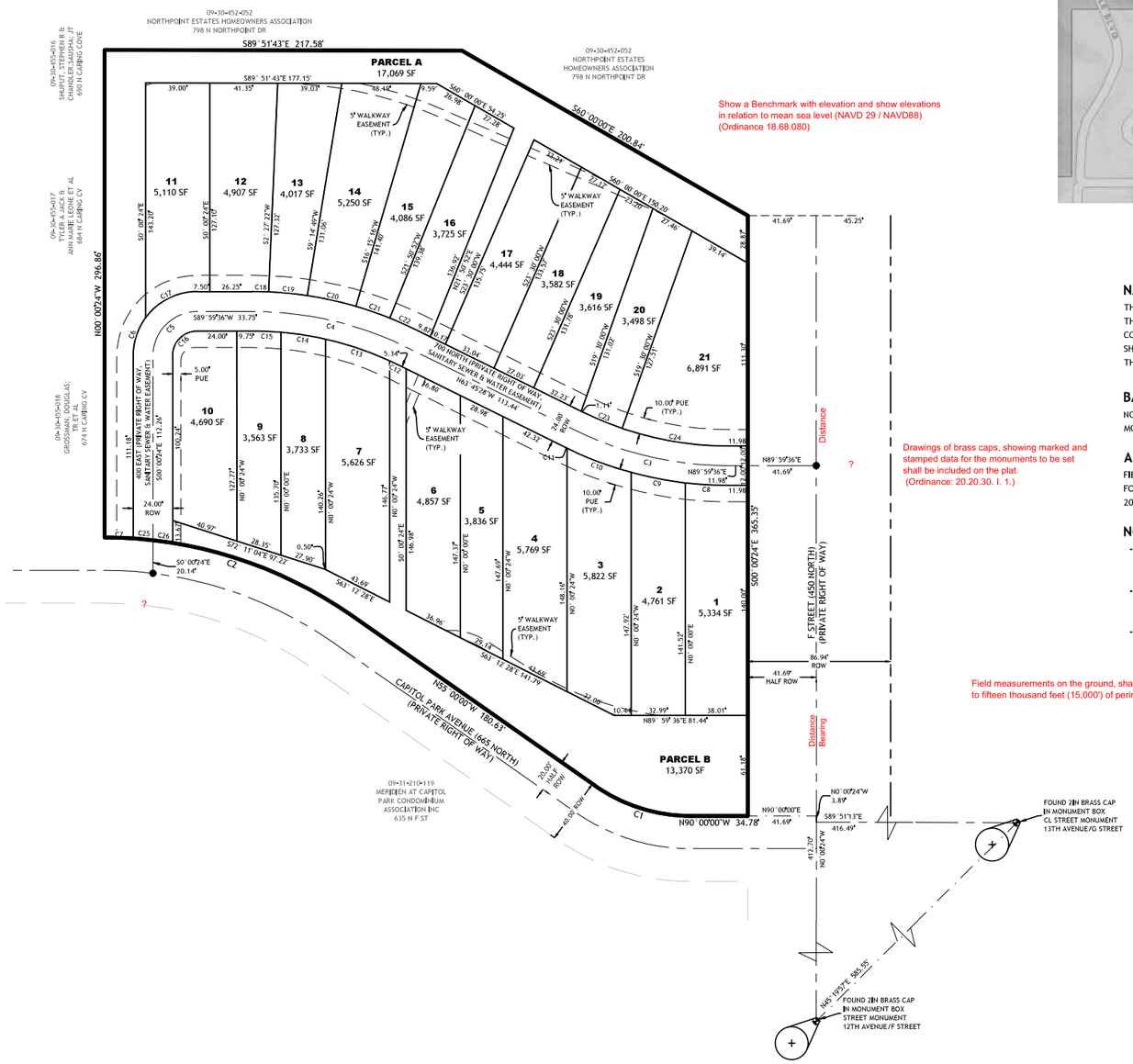
SCALE: 1"=40'

0 20 40 80 120

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
- MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
- NEW ROAD MONUMENT

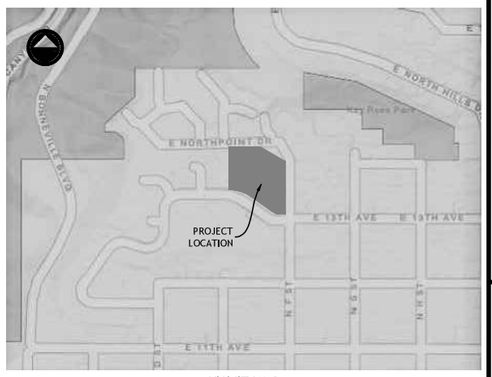
CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	97.12	212.00	N76°52'56"W	96.28
C4	97.12	212.00	N76°52'56"W	96.28
C5	42.41	27.00	S44°59'36"W	38.18
C6	24.60	39.00	S18°03'44"W	24.25
C7	17.51	262.00	N88°05'06"W	4840.68
C8	26.08	224.00	S86°40'18"E	26.08
C9	33.65	224.00	S79°01'59"E	33.64
C10	41.73	224.00	S69°23'33"E	41.69
C11	1.17	224.00	S63°54'24"E	1.17
C12	5.77	200.00	S64°35'01"E	5.77
C13	41.24	200.00	S71°19'02"E	41.18
C14	27.34	200.00	S81°08'29"E	27.33
C15	17.27	200.00	S87°31'56"E	17.27
C16	23.56	15.00	N44°59'36"E	21.59
C17	36.66	39.00	S63°03'44"W	35.41.33
C18	9.63	224.00	N88°46'31"W	9.63
C19	23.55	224.00	N84°31'56"W	23.54
C20	30.40	224.00	N77°37'59"W	30.38
C21	21.87	224.00	N70°56'56"W	21.86
C22	17.18	224.00	N65°57'18"W	17.18
C23	25.95	200.00	N67°28'32"W	25.95
C24	65.67	200.00	N80°36'00"W	65.42
C25	12.05	262.00	S84°51'10"E	12.05
C26	12.11	262.00	S82°12'39"E	12.11



Show a Benchmark with elevation and show elevations in relation to mean sea level (NAVD 29 / NAVD88) (Ordinance 18.68.080)

Drawings of brass caps, showing marked and stamped data for the monuments to be set shall be included on the plat. (Ordinance: 20.20.30. I. 1.)

Field measurements on the ground, shall close within a tolerance of one foot (1') to fifteen thousand feet (15,000') of perimeter. (Ordinance: 20.20.30. C.)



VICINITY MAP
NOT TO SCALE

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

05/19/22
FOR REVIEW ONLY
DO NOT RECORD

PROFESSIONAL LAND SURVEYOR 4938730 TYLER E. JENKINS STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL
SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK SUBDIVISION

AND DO HEREBY DEDICATE FOR PERPETUAL USE AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY, COMMON AREAS, AND PRIVATE ROAD TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK SUBDIVISION
PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____
ACCOUNT _____
SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.
PLANNING DIRECTOR DATE

SALT LAKE COUNTY HEALTH DEPT.
APPROVED THIS _____ DAY OF _____, 20__.
SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER_____DATE_____
CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.
SALT LAKE CITY ATTORNEY

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY AND IS HEREBY APPROVED.
SALT LAKE CITY MAYOR SALT LAKE CITY RECORDER

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____
DATE:_____ TIME:_____ BOOK:_____ PAGE:_____
FEE SALT LAKE COUNTY DEPUTY RECORDER

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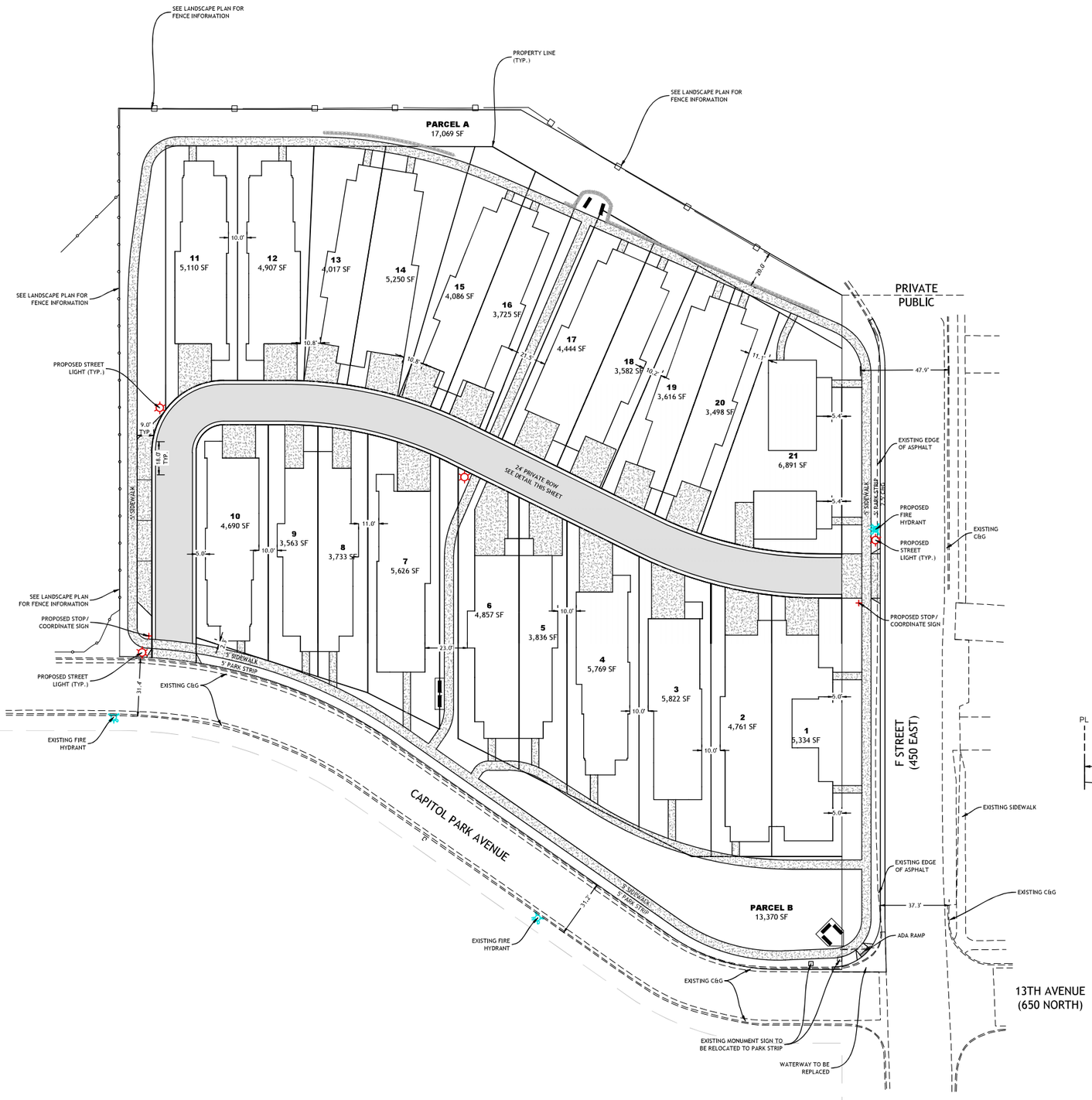
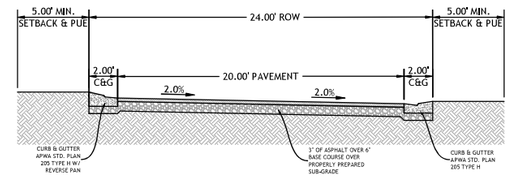


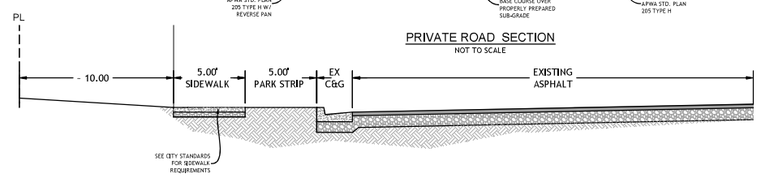
SETBACK AND SITE INFORMATION									
	MINIMUM SETBACKS								
LOT #	FRONT (FT)	SIDE (FT)	REAR (FT)	CORNER (FT)	LOT AREA (SF)	LOT WIDTH (FT)	BLDG AREA (SF)	BLDG COVERAGE (%)	PARKING STALLS
1	20	5	15	5	5334	38	2640	49%	5
2	20	5	15		4761	33	2640	55%	5
3	20	5	15		5822	39	2660	46%	4
4	20	5	15		5769	39	2556	44%	4
5	20	5	15		3836	26	1798	47%	3
6	20	5	15		4857	33	2412	50%	4
7	20	5	15		5626	39	2660	47%	4
8	20	5	15		3733	27	1850	50%	2
9	20	5	15		3563	27	1850	52%	2
10	20	5	15	5	4690	39	2556	54%	4
11	20	5	15		5110	39	2545	50%	4
12	20	5	15		4907	38.6	2545	52%	4
13	20	5	15		4017	31	1838	46%	3
14	20	5	15		5250	39	2532	48%	4
15	20	5	15		4086	28.7	1876	46%	3
16	20	5	15		3725	27	1876	50%	3
17	20	5	15		4444	33	2532	57%	4
18	20	5	15		3582	27	1838	51%	3
19	20	5	15		3616	27.4	1876	52%	3
20	20	5	15		3498	27	1876	54%	3
21	20	5	15	5	6891	55	2154	31%	4
TOTAL SITE					139752		47110	34%	4 [2]

NOTES:
1. EACH LOT CONTAINS ONE PRIMARY UNIT AND ONE POTENTIAL ADU.
2. PRIVATE PARKING NOT IN DRIVEWAY.

ZONING MODIFICATIONS		
	SR-1 ZONE	DESIGN
MIN. WIDTH	50'	26' *
MIN. AREA	5,000 SF	3,498 SF *
MIN. FRONT SETBACK	20'	2.95'
MIN. SIDE CORNER SETBACK	10'	5' *
MIN. SIDE SETBACK	4 / 10	5' *
MIN. REAR SETBACK	15'	2.3'
MAX COVERAGE	40%	34%
* ZONING REQUIREMENTS TO BE MODIFIED		



PRIVATE ROAD SECTION
NOT TO SCALE



CAPITOL PARK AVENUE SECTION
NOT TO SCALE

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:
1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

PROJECT STATISTICS

TOTAL AREA =	3.21 AC
LOTS =	21
DENSITY =	6.54 DU/AC
OPEN SPACE AREA=	0.70 AC (21.8%)
OFF-STREET PARKING=	0.01 AC (1.49%)

LICENSED PROFESSIONAL ENGINEER
No. 3868
NICHOLAS M. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

Site Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER: O-2

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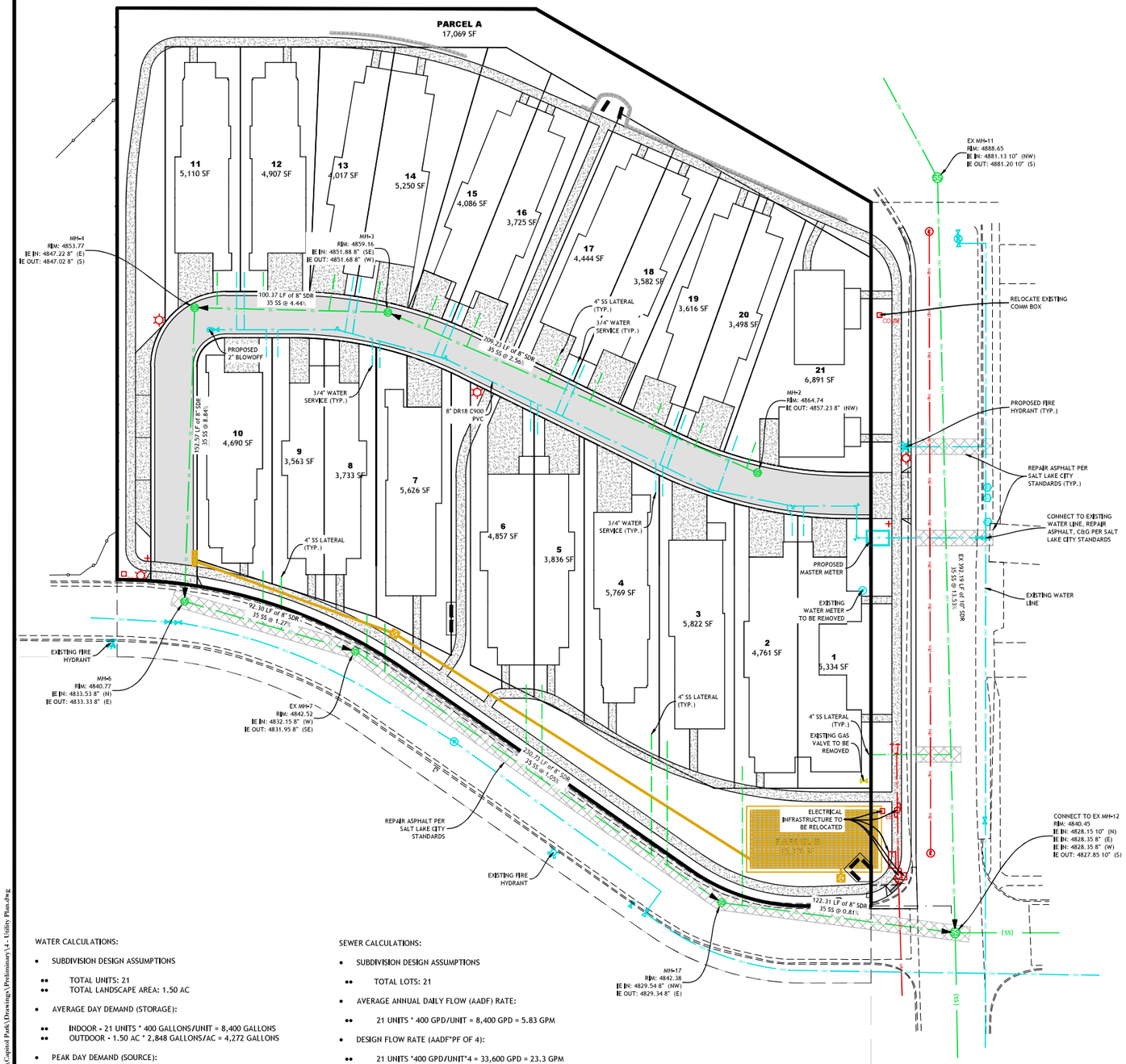

WATER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL UNITS: 21
  - TOTAL LANDSCAPE AREA: 1.50 AC
- AVERAGE DAY DEMAND (STORAGE):
  - INDOOR - 21 UNITS * 400 GALLONS/UNIT = 8,400 GALLONS
  - OUTDOOR - 1.50 AC * 2,848 GALLONS/AC = 4,272 GALLONS
- PEAK DAY DEMAND (SOURCE):
  - INDOOR - 21 UNITS * 0.56 GPM/UNIT = 11.76 GPM
  - OUTDOOR - 1.50 AC * 3.96 GPM/AC = 5.94 GPM
  - TOTAL = 17.7 GPM (25,488 GPD)
- PEAK INSTANTANEOUS DEMAND
  - INDOOR - $10.8*(21)^{0.64}$ = 75.8 GPM
  - OUTDOOR - 1.50 AC * 7.92 GPM/AC = 11.88 GPM
  - TOTAL = 87.7 GPM (126,259 GPD)
- FIRE FLOW:
  - 1,500 GPM FOR 2 HOURS

SEWER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL LOTS: 21
- AVERAGE ANNUAL DAILY FLOW (AADF) RATE:
  - 21 UNITS * 400 GPD/UNIT = 8,400 GPD = 5.83 GPM
- DESIGN FLOW RATE (AADF*PF OF 4):
  - 21 UNITS *400 GPD/UNIT*4 = 33,600 GPD = 23.3 GPM

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EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE:1" = 30'

0 15 30 60 90

OWNER:
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978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

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Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. No new above-ground electrical equipment in public ROW.
7. Water system is private and will be maintained by HOA.
8. All utilities must meet separation requirements, including laterals.

LICENSED PROFESSIONAL ENGINEER
No. 368011
NICHOLAS M. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

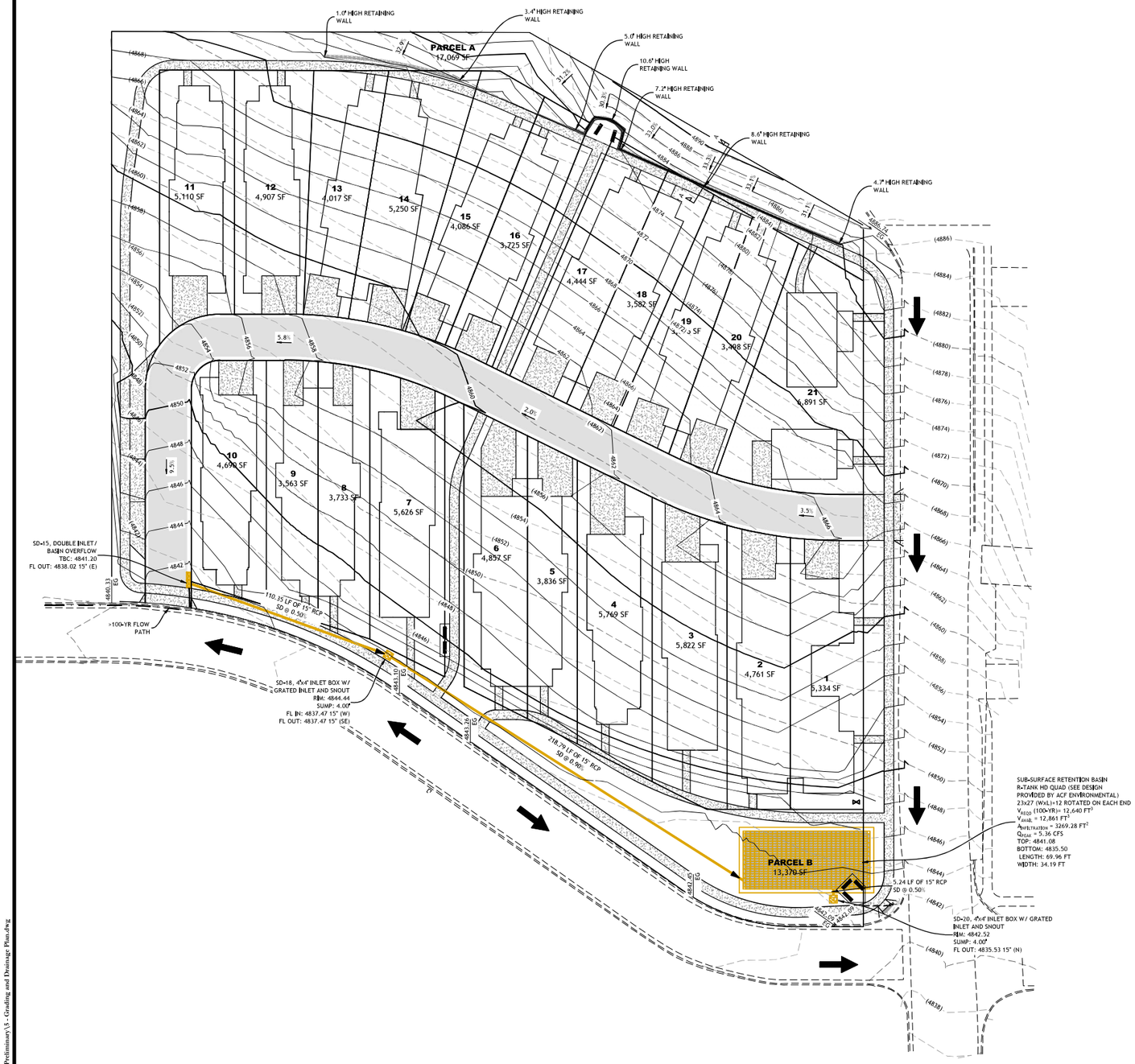
Utility Plan

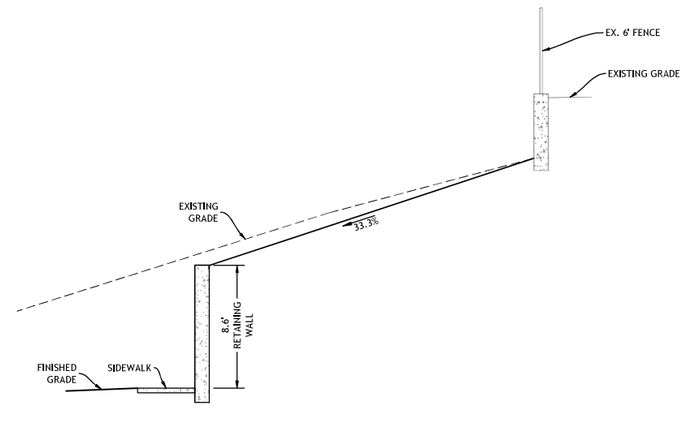
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

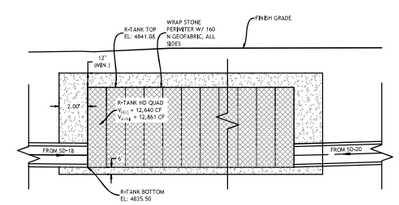
DATE: May 19, 2023

SHEET NUMBER: O-3





SECTION A
NOT TO SCALE



R-TANK INFILTRATION / RETENTION BASIN DETAIL
NOT TO SCALE

**REFER TO MANUFACTURER'S INSTALLATION REQUIREMENTS AND RECOMMENDATIONS FOR MORE INFORMATION.

EDM Partners
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(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
5/19/2023
STATE OF UTAH

Capitol Park

Grading & Drainage Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: May 19, 2023

SHEET NUMBER: O-4

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CAPITOL PARK SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

NORTH

SCALE: 1"=40'

0 20 40 80 120

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
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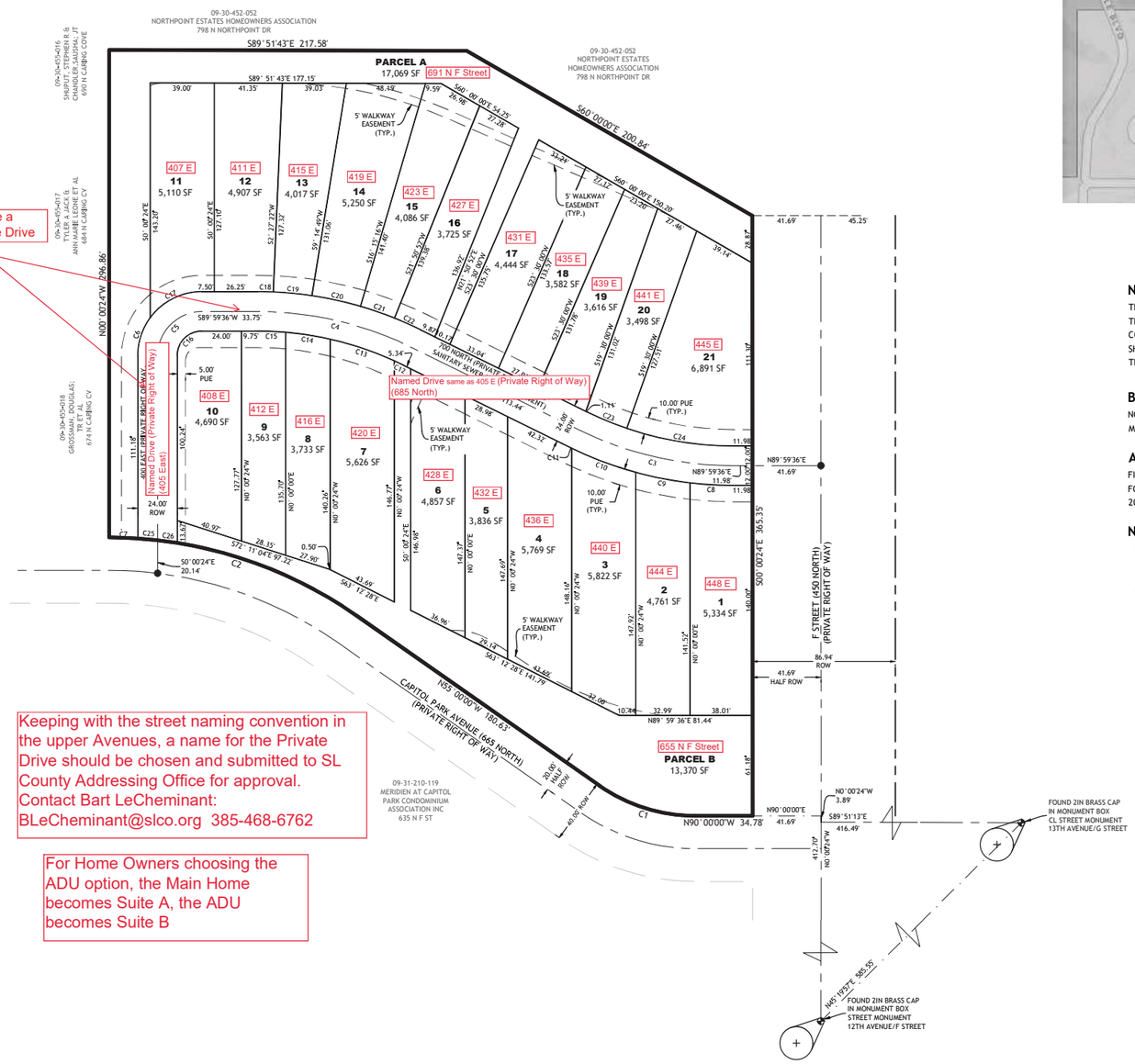
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)
- NEW ROAD MONUMENT



Keeping with the street naming convention in the upper Avenues, a name for the Private Drive should be chosen and submitted to SL County Addressing Office for approval. Contact Bart LeCheminant: BLeCheminant@slco.org 385-468-6762

For Home Owners choosing the ADU option, the Main Home becomes Suite A, the ADU becomes Suite B

CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	62.31	102.00	N72°30'02"W	61.34
C2	160.04	262.00	N72°29'59"W	157.57
C3	97.12	212.00	N76°52'56"W	96.28
C4	97.12	212.00	N76°52'56"W	96.28
C5	42.41	27.00	S44°59'36"W	38.18
C6	24.60	39.00	S18°03'44"W	24.25
C7	17.51	262.00	N88°05'06"W	4840.68
C8	26.08	224.00	S86°40'18"E	26.08
C9	33.65	224.00	S79°01'59"E	33.64
C10	41.73	224.00	S69°23'33"E	41.69
C11	1.17	224.00	S63°54'24"E	1.17
C12	5.77	200.00	S64°35'01"E	5.77
C13	41.24	200.00	S71°19'02"E	41.18
C14	27.34	200.00	S81°08'29"E	27.33
C15	17.27	200.00	S87°31'56"E	17.27
C16	23.56	15.00	N44°59'36"E	21.59
C17	36.66	39.00	S63°03'44"W	35.41
C18	9.63	224.00	N88°46'31"W	9.63
C19	23.55	224.00	N84°31'56"W	23.54
C20	30.40	224.00	N77°37'59"W	30.38
C21	21.87	224.00	N70°56'56"W	21.86
C22	17.18	224.00	N65°57'18"W	17.18
C23	25.95	200.00	N67°28'32"W	25.95
C24	65.67	200.00	N80°36'00"W	65.42
C25	12.05	262.00	S84°51'10"E	12.05
C26	12.11	262.00	S82°12'39"E	12.11

VICINITY MAP
NOT TO SCALE

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AL ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED.
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL BE ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL THE PRIVATE ROADS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

05/19/22
FOR REVIEW ONLY
DO NOT RECORD

PROFESSIONAL LAND SURVEYOR 4938730 TYLER E. JENKINS STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENSION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.
CONTAINING 3.21 ACRES IN AREA, 21 LOTS AND 2 PARCEL
SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK SUBDIVISION

AND DO HEREBY DEDICATE FOR PERPETUAL USE AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY, COMMON AREAS, AND PRIVATE ROAD TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK SUBDIVISION
PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____
ACCOUNT _____
SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR
APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.
PLANNING DIRECTOR DATE

SALT LAKE COUNTY HEALTH DEPT.
APPROVED THIS _____ DAY OF _____, 20__.
SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.
CITY ENGINEER_____DATE_____
CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.
SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY
APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.
SALT LAKE CITY ATTORNEY

CITY APPROVAL
PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY APPROVED.
SALT LAKE CITY MAYOR SALT LAKE CITY RECORDER

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____
DATE:_____ TIME:_____ BOOK:_____ PAGE:_____
FEE SALT LAKE COUNTY DEPUTY RECORDER

G:\Users\pmd223\EDM Partners Dropbox\Projects\Capitol Park\Drawings\Preliminary\3 - Subdivision Plat.dwg

Public Lands
Parks | Trails & Natural Lands | Urban Forestry | Golf

Urban Forestry Division
urban.forestry@slcgov.com
801-972-7818

Urban Forestry Plan Review Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

The public trees that make up the City's urban forest are inventoried assets and vital city infrastructure. Additionally, Salt Lake City code requires public trees to be preserved to the maximum extent possible. Existing public trees adjacent to sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of public trees for development will only be allowed in rare cases where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

The Urban Forestry Division requires, at a minimum, a site plan, a landscape plan, and a demolition plan (if demolishing an existing structure) on every building permit submitted for review. The following information is required on all Site, Demolition and Landscape plans:

- ☐ All plans in ProjectDox must be labeled i.e. Demolition, Site, Landscape, etc.
- ☐ Parcel Address: If parcels are being combined, label all properties involved with parcel street address, not parcel I.D.
- ☐ Adjacent Properties: Depict addresses and property lines.
- ☐ Type of Project: Describe the nature of the project, i.e. new home construction, new building construction, interior remodel etc.

☐ Depict and label all streets, sidewalks, curbs, driveways and park strips.

☐ Depict and label public right-of-way property line.

☐ Illustrate and label existing above ground and below ground utilities.

☐ Illustrate and label proposed above ground and below ground utilities.

☐ Depict all trees on both private and public property on the site and within 15 feet of the site. Trees must appear on the site plan, demolition plan, and the grading and drainage plans.

☐ On sites with existing trees that will be preserved, an irrigation schedule and irrigation method must be provided. All public and private property trees must be irrigated throughout demolition and construction at a minimum of 20 gallons twice weekly.

☐ A comprehensive **tree inventory spread sheet** of all public and private property trees shall be provided on the plan indicating

- Tree species
- Tree size (DBH)
- Location (private or public property)
- Condition (Good, Fair, Poor, Very Poor)
- Status (proposed removed or proposed preserved)
- Additional notes (i.e. justification for removal of a tree that is not in the footprint of proposed improvements/changes)
- Total tree count

☐ **Tree Preservation information**: All existing trees on site, and within 15 feet of the site must be easily identified on the drawings and must include the following information:

- Tree Species
- Size expressed in "DBH" (DBH is **D**iameter at **B**reast **H**eight and is measured at 4.5 feet above grade)
- Condition
- Status- "proposed removed" or "proposed preserved"
- If proposing tree removal, indicate *why* and be prepared to adjust plans to accommodate tree preservation if required by Urban Forestry
- Any proposed pruning or root cutting
- Depiction of tree protection fencing (tree protection fencing must be **free standing**, **6 feet tall chain link**) for trees to be preserved- See Tree Protection and Preservation Policy for further details

☐ Depict footprints for all existing and proposed structures and hardscapes. Landscape plan should only show remaining and proposed structure footprint.

- ☐ Label all proposed vegetation in park strip and private property with size, species and quantity on a Landscape Plan. The plan must indicate distances between trees to be planted in the park strip, distances between trees and utilities, distances between trees and driveways and buildings.

- ☐ A requirement of City Code is for a tree to be planted in the public ROW for every 30' of street frontage. The Landscape Plan should clearly depict a tree every 30' accounting for all remaining and proposed trees, as they will be at the end of the project.

  The following guidelines should be used for siting tree planting locations:
  - 5' from water meter and/or utility box
  - 10' from fire hydrant
  - 5-10' from residential driveway
  - 5-10' from property line of adjoining parcel
  - 5-10' from non-traffic conducting signage
  - 5-10' from utility pole and/or light
  - 20' from an unregulated intersection (20' back from intersecting sidewalks)
  - 30' from stop signs
  - 10' from commercial driveway and/or alley
  - 40' from an intersection with traffic lights (40' back from intersecting sidewalks)
  - 20-30' from another existing tree

City code requires a tree work permit to perform any action that may affect a public tree. The Urban Forestry Division, at its discretion, may issue a permit to allow a specific action on a public tree. Tree work permits can be applied for online. See Urban Forestry Tree Work Permit Policy for further details about permits for pruning or removing public trees and for planting new trees in the parkstrip or public right-of-way.

See below for an example site plan that contains the required elements:

LANDSCAPE SUMMARY DATA - SALT LAKE CITY

GENERAL SITE INFORMATION:	REQUIRED	PROVIDED
ZONED AS	–	CB
TOTAL AREA ON-SITE	–	0.16 ACRES (6,970 SF)
PARK STRIP - 800 SOUTH (802 SF)		
LANDSCAPE AREA - 33% MIN COVERED W/ VEGETATION	33% MIN (802 SF X 0.33 = 265 SF)	33.7% COVERED (270 SF VEGETATION)
TREES - 1 TREE PER 30' OF STREET FRONTAGE	63 L.F. / 30' = 2.77	3 TREES (3 EXISTING)
FRONT YARD - 800 SOUTH (648 SF)		
LANDSCAPE AREA - 33% MIN COVERED W/ VEGETATION	33% MIN (648 SF X 0.33 = 214 SF)	35.5% COVERED (230 SF TOTAL VEG)

TREE INVENTORY

TREE SPECIES		TREE SIZE	LOCATION	CONDITION	STATUS	NOTES
FRAXINUS PENNSYLVANICA	GREEN ASH -	2" dbh	PUBLIC	POOR	TREE PROPOSED PRESERVED	NOTE 3
FRAXINUS PENNSYLVANICA	GREEN ASH	1" dbh	PUBLIC	POOR	TREE PROPOSED PRESERVED	NOTE 3
FRAXINUS PENNSYLVANICA	GREEN ASH	2" dbh	PUBLIC	POOR	TREE PROPOSED PRESERVED	NOTE 3
TOTAL TREES ON EXISTING SITE	3 (IN PARK STRIP)					
TOTAL TREES PROPOSED REMOVED	0					
TOTAL TREES PROPOSED PRESERVED	3					
TOTAL NEW TREES PROPOSED	xx					

NOTES:
1. TREE IS WITHIN FOOTPRINT OF PROPOSED STRUCTURE OR HARDSCAPE
2. TREE IS IN POOR CONDITION
3. TREE IS IN PARK STRIP AND WILL BE PROTECTED WITHIN TREE PROTECTION ZONE (TPZ)

ABBR	BOTANICAL NAME	COMMON NAME	SIZE
CABE	Carpinus betulus	Columnar Hornbeam	2" cal.
ACPA	Acer palmatum	Japanese Maple	2" cal.
RAGL	Rhus aromatica	Grow Low Sumac	1 gal.
EULA	Euonymus alatus	Burning Bush	1 gal.
PENS	Penstemon Pinifolius	Pineleaf Penstemon	1 gal.
SPOR	Sporobolus Heterolepis	Prairie Dropseed	1 gal.
ASSM	Artemesia schmidtiana	Silvermound Artemesia	1 gal.
EUJA	Euonymus japonicus	Green Spire	5 gal.

BOULDERS — INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

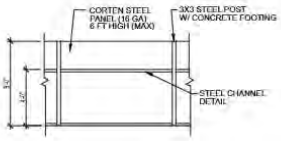
STONE PAVERS — INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

STONE MULCH — 1" - 1½" APACHED GOLD GRAVEL; INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

SHREDDED BARK MULCH — INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC; MULCH COVERAGE MUST BE A MIN. DEPTH OF 3"

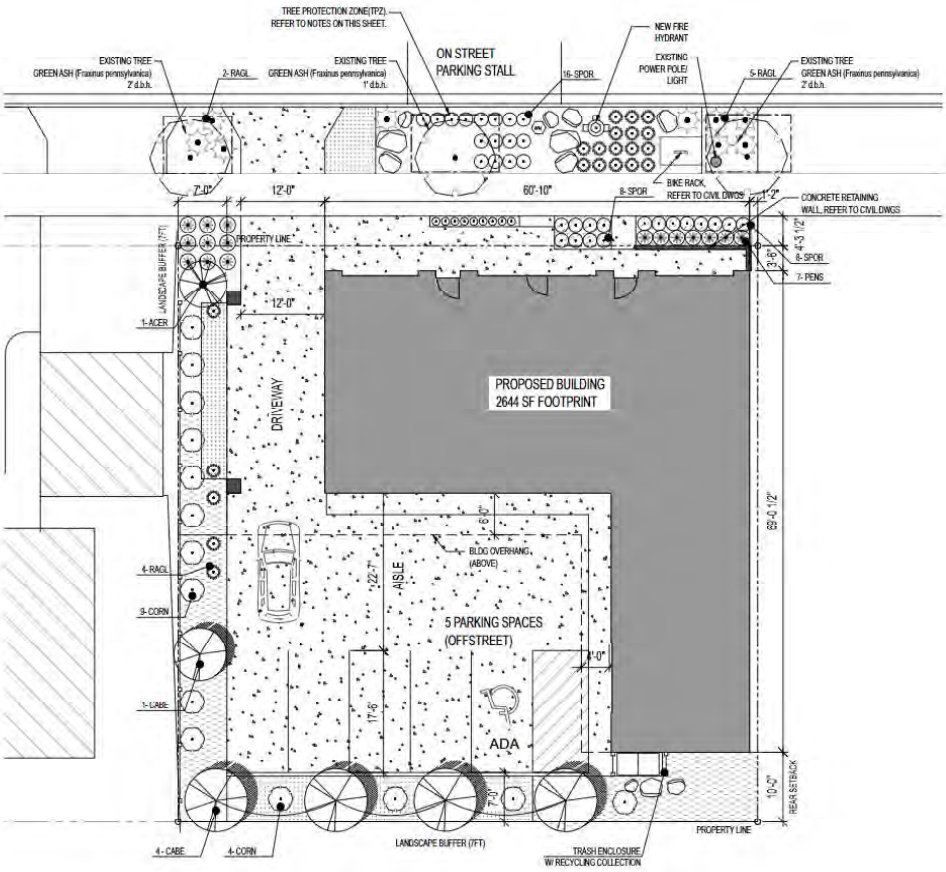
COMPACTED CHAT — APACHE CHAT; INSTALL INSTALL OVER DEWITTS PRO 5 WEED BARRIER FABRIC

CONCRETE — SEE CIVIL DWGS



A2 / AS101 FENCE ELEVATION
SCALE: 1/4"=1'-0"

NOTE: THE TPZ WILL BE DEFINED BY 6 FT TALL CHAIN LINK FENCING. FENCING WILL BE ERECTED WITH FREE STANDING POSTS, NOT POSTS DRIVEN INTO THE ROOT SYSTEM. THERE SHALL BE APPROPRIATE SIGNAGE POSTED ON EACH LINEAR SPACE OF THE FENCE. SIGNAGE SHALL BE LAMINATED ON 8 1/2 X 11" PAPER. THE TPZ FENCING AND SIGNAGE WILL REMAIN UNTIL THE PROJECT IS COMPLETE OR CERTIFICATE OF OCCUPANCY HAS BEEN AUTHORIZED.



NOTE: FINISH LANDSCAPING AT EDGE OF PROPERTY TO BE SLIGHTLY RAISED TO ENSURE DRAINAGE WILL REMAIN ON PROPERTY.

A1 / AS100 ARCHITECTURAL SITE AND LANDSCAPE PLAN
SCALE: 1/8"=1'-0"

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Urban Forestry Division
urban.forestry@slcgov.com
801-972-7818

Private Property Specimen Tree Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

Salt Lake City code requires specimen trees on private property to be preserved to the maximum extent possible. A specimen tree, as defined in city code is: a structurally sound and healthy tree or grouping of trees, having an individual or combined DBH measuring greater than ten inches (10"); whose future vitality can be reasonably expected and maintained with proper protection and regularly scheduled care; or whose absence from the landscape would significantly alter the site's appearance, environmental benefit, character or history.

Existing specimen trees located on sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of specimen trees for development will only be allowed where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

Specimen trees will be required to have a tree protection plan in place prior to the start of any excavation, grading, demolition, utility work or construction of a building, structure, or street.

All trees will have a tree protection zone (TPZ) established prior to any work and maintained throughout all phases of development. The TPZ will be 1 foot radius from the base of the tree's trunk for each 1 inch of the tree's diameter measured at 4.5 feet above

grade (referred to as DBH). In accordance with the Urban Forestry Plan Review Policy, all existing trees and the required TPZ shall be shown on all plans. The TPZ shall be clearly marked on the site plan, demolition plan, landscape plan, and grading and drainage plan.

Tree diameter	Tree Protection Zone Diameter
2 inches	4 feet
6 inches	12 feet
24 inches	48 feet
48 inches	96 feet

The TPZ will be defined by 6' tall chain link fencing, which will be erected with free standing posts, NOT posts driven into the root system. Each linear span of fencing shall have the Urban Forestry Tree Protection Zone Sign laminated on 11" x 17" paper. The TPZ fencing and signage will remain until the project is complete or until Urban Forestry has provided written authorization allowing the removal of the fencing. There shall be no entry into the TPZ without written authorization from the Urban Forestry Division.

The TPZ shall not be subjected to paving, filling, excavation, or soil compaction. No materials shall be stored or disposed of in the TPZ and no protected tree shall be used to support any construction materials, debris, or fencing, scaffolding, or signs. Material washout and cleaning shall occur in such a way that it does not enter the TPZ.

The following provisions apply to authorized work in the tree protection zone:

- The TPZ extends 36" below ground. Only tunneling or boring will be allowed in the TPZ and must be at a depth of 36 inches minimum. The access pit must be located outside of the TPZ. If this is not feasible, written authorization must be obtained from Urban Forestry PRIOR to altering the TPZ.
- No equipment shall be allowed inside the tree protection zone. If special provision for excavation is approved by Urban Forestry, it shall be done by hand or a soil vacuum or air spade.
- Use tunneling or boring for irrigation and utilities. In the case of all hardscape and utility work, no roots larger than 3" in diameter will be cut. Smaller roots will be cut cleanly with a saw. Proper action shall be taken to protect and preserve the roots. Roots will not be ripped out with a back hoe.

- In situations where a root has been damaged, a clean cut shall be made on the root at the edge of the trench. Any exposed cut roots will be covered as quickly as possible to prevent them from drying out and the tree should be watered immediately. If tree roots are to remain exposed for more than four to six hours, they must be covered with burlap and kept moist at all times.
- When encountering roots over 3" in diameter the Salt Lake City Urban Forestry Divison will be consulted prior to cutting to find some other course of action. Any cutting of tree roots shall give due consideration to future welfare of the tree.

Please note the following:

- No pruning will be allowed that will compromise the aesthetics or structural integrity of a preserved tree in order to accommodate development.
- If any work is required within the TPZ, a site consultation is required with the Urban Forestry Division. A minimum of 48 hours notice must be given prior to request for onsite meetings.
- Large and extensive projects may necessitate the involvement and oversight of an independent consulting arborist.
- If trees are damaged or destroyed, as determined by the Urban Forestry Division, due to any construction activity, the property owner will be assessed the appraised value of the trees damaged. Utah State Code allows for 3 times the appraised value to be assessed.
- The property owner is required to irrigate all specimen trees. In accordance with the Urban Forestry Plan Review Policy, an irrigation schedule and method must be provided. All public and private property trees must be irrigated throughout demolition and construction at a minimum of 20 gallons twice weekly.

At project completion, contact Urban Forestry (801-972-7818) to schedule an inspection before the tree protection fencing can be removed.

In accordance with Salt Lake City code and the Urban Forestry Tree Work Permit Policy, a condition of permits for tree removal may be to compensate the City for the value of the tree removed. The "tree removal mitigation fee" will be applied at the discretion of the Urban Forestry Division based on the Urban Forestry Tree Appraisal Policy. The mitigation fee will be calculated as either the diameter-inch method, a standard $200 per inch of diameter for the tree removed, or the appraised value of the tree, based on International Society of Arboriculture Appraisal method.

Diameter-inch method ($200 per inch removed)

- Specimen trees, which are permitted to be removed, shall be replaced on a tree per inch basis

  For example, removal of a 10" DBH tree from public property will require ten 2" caliper trees to be planted.

  - Replacement trees must be planted back onto the property or adjacent parkstrip from where the original tree was removed.
  - Replacement trees shall be between 2" and 3" in caliper at time of planting.
  - If there is not adequate space to accommodate any or all of the required replacement trees on the property or adjacent parkstrip, the permittee shall pay to the City the value of the remaining replacement trees.

    The value of outstanding replacement trees shall be determined by multiplying the $400 cost for a 2" replacement tree ($200 per inch x 2" tree) by the total number of outstanding trees.
  - The City's "cost per inch" is determined by referencing the values assigned in the *Species Rating for Landscape Appraisal in Utah* guide.

    Currently, the 'cost per inch of required tree replacement' is $200.00

    Calculation: Wholesale tree cost ($219 avg.) plus Installation cost ($214 avg.) divided by the size of the largest commonly available transplantable tree (2.17 inch avg.)

    For example: the value for removing a 10" DBH tree is $2000 ($200 x 10")

    As the cost to purchase and plant trees fluctuates, so too shall the city's 'cost per inch"
  - The Urban Forestry Division shall reserve the right to lessen the required tree replacement for any tree removed, based on tree condition, species, location, or the tree planting plan.

Appraisal Method

Salt Lake City Urban Forestry may also calculate a tree's value through a formal appraisal, based on International Society of Arboriculture appraisal methods.

- If the Urban Forestry Division permits a specimen tree to be removed and chooses to apply the appraised value, the tree is still required to be replaced on the property or adjacent parkstrip where the tree was removed.
- Replacement trees shall be between 2" and 3" caliper at time of planting.
- Each replacement tree shall subtract $400 ($200 per inch x 2" tree) from the appraised value of the tree removed.
- The permittee shall pay to the city the remaining value of the tree removed, after subtracting the value of the replacement trees that the site space requires.
- Trees larger than 3" can be planted, but due to limited survivability and availability, only 3" count toward mitigation and replacement.

Public Lands
Parks | Trails & Natural Lands | Urban Forestry | Golf

Urban Forestry Division
urban.forestry@slcgov.com
801-972-7818

Urban Forestry Tree Protection and Preservation Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

The public trees that make up the City's urban forest are inventoried assets and vital city infrastructure. Additionally, Salt Lake City code requires public trees to be preserved to the maximum extent possible.

Existing public trees adjacent to sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of public trees for development will only be allowed in rare cases where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

Public trees will be required to have a tree protection plan in place prior to the start of any excavation, grading, demolition, utility work or construction of a building, structure, or street.

All trees will have a tree protection zone (TPZ) established prior to any work and maintained throughout all phases of development. The TPZ will be 1 foot radius from the base of the tree's trunk for each 1 inch of the tree's diameter measured at 4.5 feet above grade (referred to as DBH). In accordance with the Urban Forestry Plan Review Policy, all existing trees and the required TPZ shall be shown on all plans. The TPZ shall be clearly marked on the site plan, demolition plan, landscape plan, and grading and drainage plan.

Tree diameter	Tree Protection Zone Diameter
2 inches	4 feet
6 inches	12 feet
24 inches	48 feet
48 inches	96 feet

When trees are in a parkstrip, the TPZ will be the entire length of the parkstrip from curb to sidewalk.

The TPZ will be defined by 6' tall chain link fencing, which will be erected with free standing posts, NOT posts driven into the root system. Each linear span of fencing shall have the Urban Forestry Tree Protection Zone Sign laminated on 11" x 17" paper. The TPZ fencing and signage will remain until the project is complete or until Urban Forestry has provided written authorization allowing the removal of the fencing. There shall be no entry into the TPZ without written authorization from the Urban Forestry Division.

The TPZ shall not be subjected to paving, filling, excavation, or soil compaction. No materials shall be stored or disposed of in the TPZ and no protected tree shall be used to support any construction materials, debris, or fencing, scaffolding, or signs. Material washout and cleaning shall occur in such a way that it does not enter the TPZ.

The following provisions apply to authorized work in the tree protection zone:

- The TPZ extends 36" below ground. Only tunneling or boring will be allowed in the TPZ and must be at a depth of 36 inches minimum. The access pit must be located outside of the TPZ. If this is not feasible, written authorization must be obtained from Urban Forestry PRIOR to altering the TPZ.
- No equipment shall be allowed inside the tree protection zone. If special provision for excavation is approved by Urban Forestry, it shall be done by hand or a soil vacuum or air spade.
- Use tunneling or boring for irrigation and utilities. In the case of all hardscape and utility work, no roots larger than 3" in diameter will be cut. Smaller roots will be cut cleanly with a saw. Proper action shall be taken to protect and preserve the roots. Roots will not be ripped out with a back hoe.
- In situations where a root has been damaged, a clean cut shall be made on the root at the edge of the trench. Any exposed cut roots will be covered as quickly as

possible to prevent them from drying out and the tree should be watered immediately. If tree roots are to remain exposed for more than four to six hours, they must be covered with burlap and kept moist at all times.

- When encountering roots over 3" in diameter the Salt Lake City Urban Forestry Divisionwill be consulted prior to cutting to find some other course of action. Any cutting of tree roots shall give due consideration to future welfare of the tree.

Please note the following:

- Any proposed pruning of public trees must be authorized by the Urban Forestry Division, via issuance of a tree work permit, in accordance with the Urban Forestry Tree Work Permit Policy. Tree work permits can be applied for online.
- No pruning will be allowed that will compromise the aesthetics or structural integrity of a preserved tree in order to accommodate development.
- If any work is required within the TPZ, a site consultation is required with the Urban Forestry Division. A minimum of 48 hours notice must be given prior to request for onsite meetings.
- Large and extensive projects may necessitate the involvement and oversight of an independent consulting arborist.
- If trees are damaged or destroyed, as determined by the Urban Forestry Division, due to any construction activity, the property owner will be assessed the appraised value of the trees damaged. Utah State Code allows for 3 times the appraised value to be assessed.
- Salt Lake City Code requires the adjacent property owner to irrigate all public property trees. In accordance with the Urban Forestry Plan Review Policy, an irrigation schedule and method must be provided. All public and private property trees must be irrigated throughout demolition and construction at a minimum of 20 gallons twice weekly.

At project completion, contact Urban Forestry (801-972-7818) to schedule an inspection before the tree protection fencing can be removed.

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Tree Protection Zone

This Tree is owned by the residents of Salt Lake City, maintained by the Urban Forestry Division, and is the responsibility of

_____

Name of the Construction Company

to preserve and protect during construction.

Please contact Salt Lake City Urban Forestry with any concerns about tree damage
801-972-7818
urban.forestry@slcgov.com

DO NOT REMOVE, ADJUST, OR ENCROACH ON THIS FENCING.
TO ACCESS THE TPZ, CALL URBAN FORESTRY.
NO CONSTRUCTION RELATED MATERIALS, SUPPLIES OR EQUIPMENT ARE PERMITTED WITHIN THE FENCED AREA.

#BLD _____
ADDRESS_____

INSTRUCTIONS

Reproduce this sign on an 11x17 sheet of paper enough times that it can be placed on each of the 6' chain link fence panels used to delineate the TREE PROTECTION ZONE.

Fill in the name of the Construction Company responsible to maintain the Tree Protection Zone during all construction activity.

Fill in approved building permit number and construction site address.

Plastic laminate the signs for weather resistance.

Affix the filled in and laminated signs to the tree protection fencing using zip or twist ties.

Place sign at regular intervals on all sides of fencing for maximum visibility.

Place sign on fencing so it is visible to construction personnel and from the street.

Keep the sign in readable condition for the entire duration of the project.

For information on these requirements contact Salt Lake City Urban Forestry at 801-972-7818.

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Urban Forestry Division
urban.forestry@slcgov.com
801-972-7818

Urban Forestry Tree Removal Mitigation Policy

A properly planned, managed, and maintained urban forest provides real and significant ecological, social, physical, and economic benefits including:

A. Improved air quality through removal of carbon dioxide, dust, and other airborne pollutants, and through production of oxygen;
B. Reduced energy consumption and increased livability by mitigating effects of the urban heat island and the built environment due to shade and absorbing heat from the sun;
C. Absorbing storm runoff to reduce the amount of water entering the storm drain system and to protect water quality;
D. Aesthetics;
E. Habitat and food for animals and insects;
F. Benefits to overall soil health;
G. Reduce the impact of noise, light, and other similar impacts from adjacent land uses;
H. Health and psychological benefits of being in a vegetated environment;

The public trees that make up the City's urban forest are inventoried assets and vital city infrastructure. Additionally, Salt Lake City code requires public trees to be preserved to the maximum extent possible.

Existing public trees adjacent to sites undergoing any excavation, grading, demolition, utility work or construction of a building, structure, or street are required by city code to be preserved and protected. Removal of public trees for development will only be allowed in rare cases where the Urban Forestry Division, at its discretion, determines that tree preservation is not possible or is incompatible with the property development.

In accordance with Salt Lake City code and the Urban Forestry Tree Work Permit Policy, a condition of permits for tree removal may be to compensate the City for the value of the tree removed. The "tree removal mitigation fee" will be applied at the discretion of the Urban Forestry Division based on the Urban Forestry Tree Appraisal Policy. The mitigation fee will be calculated as either the diameter-inch method, a standard $200 per inch of diameter for the tree removed, or the appraised value of the tree, based on International Society of Arboriculture Appraisal method.

Diameter-inch method ($200 per inch removed)

- Public property trees, which are permitted to be removed, shall be replaced on a tree per inch basis

For example, removal of a 10" DBH tree from public property will require ten 2" caliper trees to be planted.

- Replacement trees must be planted back onto the parkstrip from where the original tree was removed.
- Replacement trees shall be between 2" and 3" in caliper at time of planting.
- If there is not adequate space to accommodate any or all of the required replacement trees on the parkstrip, the permittee shall pay to the City the value of the remaining replacement trees.

  The value of outstanding replacement trees shall be determined by multiplying the $400 cost for a 2" replacement tree ($200 per inch x 2" tree) by the total number of outstanding trees.
- The City's "cost per inch" is determined by referencing the values assigned in the *Species Rating for Landscape Appraisal in Utah* guide.

  Currently, the 'cost per inch of required tree replacement' is $200.00
  Calculation: Wholesale tree cost ($219 avg.) plus Installation cost ($214 avg.) divided by the size of the largest commonly available transplantable tree (2.17 inch avg.)
  For example: the value for removing a 10" DBH tree is $2000 ($200 x 10")
  As the cost to purchase and plant trees fluctuates, so too shall the city's 'cost per inch"
- The Urban Forestry Division shall reserve the right to lessen the required tree replacement for any tree removed, based on tree condition, species, location, or the tree planting plan.
- All tree removals must be approved and permitted by Urban Forestry, in accordance with the Urban Forestry Tree Work Permit Policy.

Appraisal Method

Salt Lake City Urban Forestry may also calculate a tree's value through a formal appraisal, based on International Society of Arboriculture appraisal methods.

- If the Urban Forestry Division permits a public tree to be removed and chooses to apply the appraised value, the tree is still required to be replaced in the parkstrip where the tree was removed.
- Replacement trees shall be between 2" and 3" caliper at time of planting.
- Each replacement tree shall subtract $400 ($200 per inch x 2" tree) from the appraised value of the tree removed.
- The permittee shall pay to the city the remaining value of the tree removed, after subtracting the value of the replacement trees that the site space requires.
- Trees larger than 3" can be planted, but due to limited survivability and availability, only 3" count toward mitigation and replacement.

EXHIBIT 6

Rezone Report

Staff Report

PLANNING DIVISION

DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Daniel Echeverria, 801-535-7165, daniel.echeverria@slcgov.com

Date: June 17, 2022 (publication)

Re: Capitol Park Cottages Zoning Map/Master Plan Amendment- PLNPCM2020-00335/00334

Zoning Map and Master Plan Amendment

PROPERTY ADDRESS: 675 N F Street (approximate)
PARCEL ID: 09-30-455-021
PROPERTY SIZE: 3.21 acres
MASTER PLAN: Avenues Community Master Plan
FUTURE LAND USE: *Current* – Very Low Density Residential
Proposed – Low Density Residential
ZONING DISTRICT: *Current* – FR-3/12,000 "Foothills Residential District"
Proposed –SR-1 "Special Development Pattern Residential"

REQUEST:

Peter Gamvroulas, representing the property owner Ivory Development, is requesting zoning map and master plan amendments for property located at approximately 675 N F Street. The request includes the following applications:

1. **Zoning Map Amendment (Rezone):** The applicant is requesting to amend the zoning of the property from the FR-3/12,000 "Foothills Residential District" to the SR-1 "Special Development Pattern" zoning district. Although the applicant has requested that the property be rezoned to the SR-1 zone, consideration may be given to rezoning the property to another zoning district with similar characteristics.
2. **Master Plan Amendment:** The applicant is requesting to amend the master plan designation for the property in the Avenues Community Master Plan from "Very Low Density" to "Low Density."

The final decision maker on these requests is the City Council. The requests are intended to accommodate two pending Planned Development and Subdivision requests for a 19-lot single-family dwelling development titled "Capitol Park Cottages."

RECOMMENDATION:

Based on the findings listed in the staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation for the rezone request to the City Council.

1. Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.

2. Where the west-most property line is a rear property line, the second levels of any homes located along that rear property line shall be setback at least 30' from the corresponding rear property line.

ATTACHMENTS:

A. ATTACHMENT A: Zoning and Future Land Use Maps

B. ATTACHMENT B: Applicant's Narrative and Background Materials

C. ATTACHMENT C: Concept Site Plans and Elevations

D. ATTACHMENT D: FR-3 and SR-1 Zoning Summaries

E. ATTACHMENT E: Property & Vicinity Photographs

F. ATTACHMENT F: City Master Plan Policies

G. ATTACHMENT G: Analysis of Standards – Zoning Map Amendment

H. ATTACHMENT H: Public Process and Comments

I. ATTACHMENT I: Department Review Comments

J. ATTACHMENT J: Supplemental Maps

K. ATTACHMENT K: Public Comments

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Petition Description

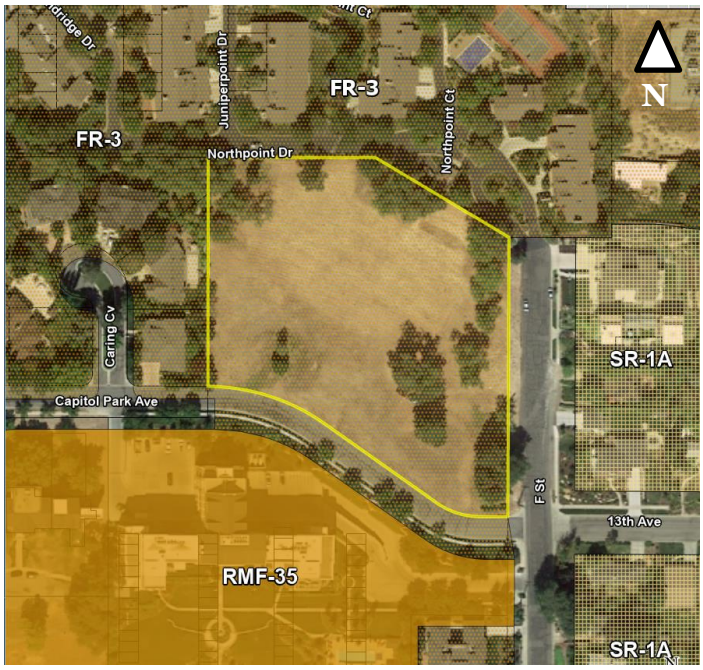
Ivory Development is requesting a Zoning Amendment and a Master Plan Amendment in order to facilitate a proposed 19-lot single-family development. The development has been submitted as a Planned Development and Preliminary Subdivision that may come before the Commission at a later date, but these are not part of the petitions before the Commission at this time.

Zoning/Plan Amendment

- **Current Zone:** FR-3/12,000 (Foothills Residential District)
- **Single-family Min. Lot Size:** 12,000 sq ft
- **Current Maximum Density:** 11 single-family lots with 11 ADUs
- **Proposed Zone:** SR-1 (Special Development Pattern Residential)
- **Single-family Min. Lot Size:** 5,000 sq ft
- **Proposed Maximum Density:** 27 single-family lots, with 27 ADUs (the concept plan proposes 19 lots with 14 ADUs)

Adjacent Zones:

- FR-3 (Foothills Residential)
- RMF-35 (Moderate Density Multi-family Residential)
- SR-1A (Special Development Pattern Residential)



Map showing the zoning of the area. A larger size map is located in Attachment A. The property is located at the corner of F Street and 13th Avenue.

Zoning Map and Master Plan Amendment Requests

The owner is requesting to rezone the property from FR-3/12,000 (Foothills Residential) Zoning District to the SR-1 (Special Development Pattern Residential) Zoning District in order to accommodate the number of homes proposed for the site. The FR-3/12,000 zone would only allow up to 11 single-family homes on the property due to its lot size regulations, so the owner is requesting the SR-1 zone which will allow for their proposed density.

The owner is also requesting to amend the corresponding "Future Land Use Map" designation for the property in the *Avenues Community Master Plan* (1987) from "Very Low Density" to "Low Density" so that the master plan will correspond with their requested low-density zone.

The applicant has provided a detailed narrative about the reasons for their request and how they believe it complies with the City's considerations for a rezone and master plan amendment in Attachment G.

Subject Property Context

Birds-eye view of the subject property and context (Credit: Google Earth 2022)

The property is approximately 139,740 square feet (~3.2 acres) in size and is currently vacant. For size perspective, a typical Avenues block is approximately 108,900 square feet in area (330' x 330'). To the east of the site across F Street are three single-family homes and a duplex. These homes are one to two stories in height.

To the north is a 49-unit condominium/townhome style development that was approved as a Planned Unit Development in 1978. These are two to three stories in height. To the west are three single-family homes in the Capitol Park subdivision that received Planed Development approval in 1995. These are one to two-stories in height. To the south across Capitol Park Avenue is a five to six-story condominium building containing 27-units.

View of the subject property from the corner of F Street and 13th Avenue/Capitol Park Avenue. The Meridian condo building can be seen on the left. Additional context photos are available in Attachment E. *(Credit: Google Street View 2022)*

Density Potentials of the Current and Proposed Zones

The below table provides information for the current development potential of the subject property under the current and proposed zones, and under the developer's concept plan proposal from their Planned Development and Subdivision applications.

	FR-3 (Current)	SR-1 (Proposed Zone)	Applicant's Concept Development Plan (For Context)
Single-family Max. Density for the Property*	• 11 single-family homes, w/ 11 ADUs. • **22** total dwelling units	• 27 single-family homes w/ 27 ADUs. • **54** total dwelling units	• 19 single-family homes w/ 14 ADUs • **33** total dwelling units (38 if all custom homes include ADUs)
Min. Lot Size Required per Single-family Dwelling	12,000 sq ft (3.6 dwelling units per acre, 7.3 du/ac w/ADUs)	5,000 sq ft (8.7 du/ac, 17.4 du/ac w/ ADUs)	~7,359 sq ft (average lot size based on parcel acreage and number of lots)
Effective Density for Subject Property (w/o ADU) based on # of lots on 3.21 acres	~3.4 units per acre	~8.4 units per acre	~5.9 units per acre
Effective Density for Subject Property (w/ ADU) based on # of lots at 3.21 acres	~6.9 units per acre	~16.8 units per acre	~10.3 units per acre (~11.8 units per acre if all homes, including custom homes include ADUs)

*This number can be misleading. The real-world density for a by-right development (without special Planning Commission approvals, such as Planned Development) in either zone is lower due to the amount of land that would be taken up by public streets, the impact of lot width requirements on practical lot configurations, and the limited number of curb cuts (one) allowed onto the private street Capitol Park Avenue. Staff estimates the real-world by-right density may be closer to 9 lots for the FR-3 zone and 18 lots for the SR-1 zone.

The property is currently zoned FR-3/12,000 "Foothills Residential District," which has a minimum lot area requirement of 12,000 square feet per single-family home. Based strictly on the total area of the subject property (3.21 acres or ~139,827 sq ft), the property would be allowed up to 11 single-family home lots. Each home could include an accessory dwelling unit, for a total of 22 total dwelling units on the property. The realistic number of possible lots is likely closer to 9 single-family home lots due to lot dimension and public street requirements, and the limitation on curb cuts (one) on Capitol Park Avenue due to private agreements.

The proposed zone, SR-1 "Special Development Pattern Residential," requires a minimum lot area of 5,000 square feet per single-family home. At a maximum, this zone would technically allow up to 27 single-family home lots. Each could have an accessory dwelling unit for a total of 54 total dwellings. The developer's proposed concept plans call for 33 dwellings units, (19 lots with 14 ADUS) which is 11 more units than currently allowed in the FR-3 zone, but under the 54-unit (27 lots + 27 ADU) maximum development potential of the SR-1 zone. As with the FR-3, the realistic number of possible lots allowed without a special approval process, such as Planned Development, is likely lower and may be closer to 18 single-family home lots rather than 27 lots. Each of the single-family homes could have an ADU for a total of 36 total dwelling

units. This results in a density of 5.6 du/acre counting only single-family homes, with a maximum of 11.2 du/acre if ADUs are included. Similarly, if the property was designed for duplexes, it could have up to 34 dwelling units, with a total allowable density of 10.89 du/acre.

Regulations of the Current and Proposed Zones

For context, the SR-1 zone is very similar to the SR-1A zone, which covers the adjacent properties to the east and most of the residences below what is identified as the Upper Avenues in the Avenues Master Plan (generally the area above 13th Avenue). The only differences between the SR-1 and SR-1A are a height limit (28' for the SR-1 versus 23' for the SR-1A) and accessory structure limits (720 sq ft for SR-1 versus 600 sq ft for SR-1A). Other regulations for the zones are identical.

Graphical summary diagrams of the FR-3 and SR-1 zone, showing bulk and mass regulations, are in Attachment D. A table comparing the main regulations of the FR-3 and SR-1 regulations for single-family home development is below. The most significant differences are highlighted.

Zone Regulation Comparison Table – FR-3 and SR-1

Zoning Standard	FR-3 (Existing)	SR-1 (Proposed)	Difference
Lot Size (min.)	Min. 12,000 sq ft	Min. 5,000 sq ft	**7,000 sq ft less**
Lot Width (min.)	80'	50'	**30' less**
Front Yard (min.)	Average of block face or 20'	Average of block face or 20'	None
Corner Side Yard (min.)	Average of block face or 20'	10'	10' less
Interior Side Yard (min.)	10'/10'	4'/10'	6' less on one side yard
Rear Yard (min.)	35'	25% of lot depth, min. 15', max. 30' (100' deep lot = 25')	FR-3 min. is at least 5' greater than SR-1; will vary based on lot depth.
Building Height (max.)	28' max.	28' max.	None
Wall Height Front/Rear/Side (max.)	Front/rear: 25' Side: No limit	Front/rear: No limit Side: 20' at side setback	SR-1 limits sides only. FR-3 limits front/rear only.
Building Coverage (Footprint) Limit (max.)	35% (i.e., min. 65% open space)	40% (i.e., min. 60% open space)	5% greater building coverage allowed
ADUs	Permitted Use (attached), Conditional Use (detached)	Permitted use (attached and detached)	Conditional v. Permitted for detached; no difference for attached
Rear Yard Buildings	Not Allowed	Allowed	FR-3 more restrictive
Density Limit (Single Family Residential)	3.63 du/ac	8.7 du/ac	**5.07** du/ac
Density Limit w/ADUs	7.26 du/ac	17.4 du/ac	**10.14** du/ac
Grade Change Limits	• Buildable area: Up to 6'; no limit for below grade structures • Side/rear: No limit, 6' retaining wall height limit.	Buildable area: No limit Side/rear: No limit, must be stepped 3' horizontal per 4' vertical	Buildable area more restrictive in FR-3; Setback areas less restrictive in FR-3

As shown above, the zones regulate development similarly, but primarily differ in lot size/ density and setbacks, particularly the rear. Rear setbacks differ with a blanket 35' required for any lot in the FR-3, but a varying requirement in SR-1 that maxes out at 30 feet. For a 100' lot, the SR-1 zone would require a 25' deep rear yard. Front setback requirements are the same at 20' or the average of the block face. Density differs more significantly, with the SR-1 requiring 5,000 square feet (roughly 1/10th acre) per lot for single-family homes and the FR-3 requiring 12,000 square feet (roughly 1/4th acre) for a single-family home.

Other regulations, such as building coverage, are similar between the two zones. Building coverage is similar, with 35% of a lot allowed to be covered by buildings in the FR-3 zone and 40% allowed in the SR-1 zone. Front yard setbacks are the same in each zone. The SR-1 generally has smaller setbacks for side yards, resulting in generally 14' of setback between homes, rather than 20 feet.

Diagrams showing the required lot size, lot width, and required setbacks are below to provide a visual comparison for a typical lot in each zone.

Diagram of Lot Size and Setback Requirements - FR-3 & SR-1

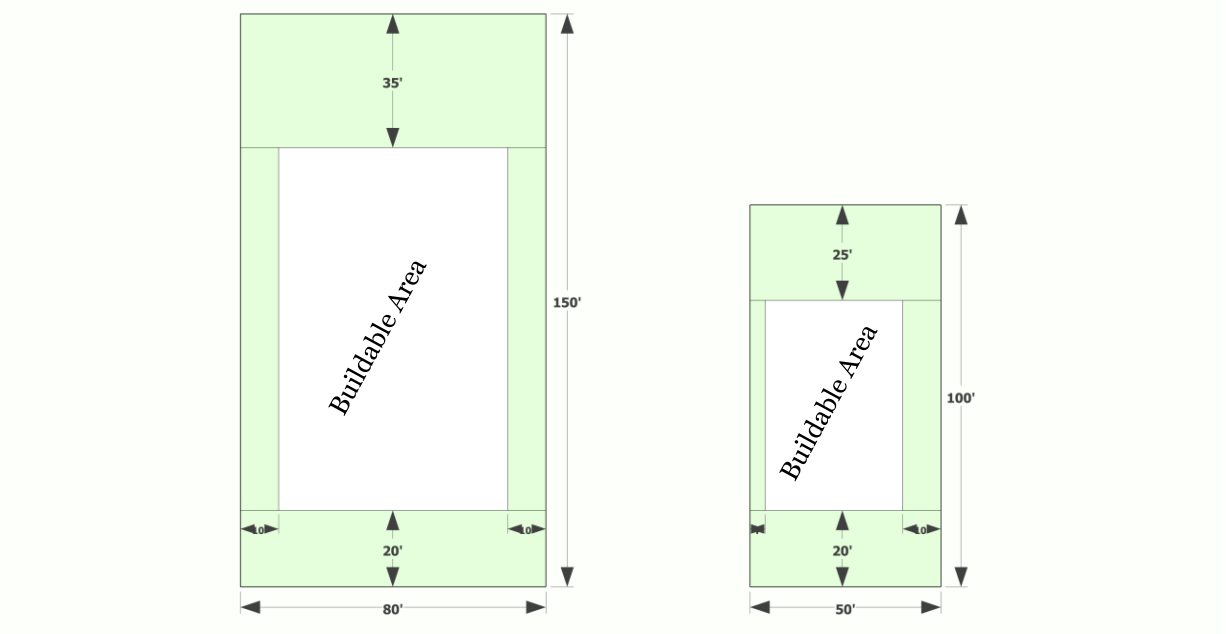


Diagram of minimum lot size and setbacks of the FR-3 (left) versus SR-1 (right) zones

Applicable Review Processes and Standards

Review Processes: Zoning Map Amendment, Master Plan Amendment

Zoning Map Amendment/Master Plan Amendment: Zoning map amendment proposals are reviewed against a set of considerations from the Zoning Code. The considerations are listed in Attachment G. Generally, Planning Staff is required by ordinance to analyze proposed zoning map amendments against existing adopted City policies and other related adopted City regulations, as well as consider how a zoning map amendment will affect adjacent properties.

However, ultimately, a decision to amend the zoning map is up to the discretion of the City Council.

For reference, the standards of review are listed below and are addressed in more detail in Attachment G and the Key Considerations section:

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
3. The extent to which a proposed map amendment will affect adjacent properties;
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

There are no specific standards for a master plan amendment. However, Staff generally considers the same considerations required for a zoning amendment and takes into consideration other related adopted City policies and current best planning practices. A decision to amend a master plan is ultimately up to the discretion of the City Council.

Community Input and Public Process

Initial Zoning/Master Plan Amendment Proposal - May 2020

Initial notification of this proposal was sent out in May 2020. This included notice to the local Greater Avenues Community Council (GACC) and to surrounding properties within 300 feet of the property. The applicant has attended multiple GACC meetings since that time. Information about the rezone request was posted on a City Open House website for public review. The applicant was originally requesting the FB-UN1, Form Based Urban Neighborhood 1, zone and was proposing 25 single-family homes with accessory dwelling units in a concept plan.

In the initial notice period and through the end of 2020, Planning staff received about 175 letters/e-mails opposed to the proposal and received signed petitions from over 2,000 individuals opposed to the proposal. Staff received 9 letters in favor of the rezone. All of this input is available in Attachment K.

Updated Proposal and Secondary Noticing – February 2021

At the end of January 2021, the applicant submitted an update to their request. The update provided supplemental supporting documentation for their request and amended their concept site plan from 25 lots to 20 lots. This material was sent to all persons who had provided staff with their e-mail addresses as well as the community council and 45 days were provided for additional input on the updated materials. Staff received about 190 letters in opposition in response to the updated proposal. Four letters were received in favor of the rezone.

Updated Proposal, Third Revision – March 2021

In March 2021 the applicant provided an update to their proposal, changing their zoning request from the FB-UN1 zone to the SR-1 zone, which is a less intensive residential zone. The applicant also provided an updated concept plan with revisions modifying and clarifying proposed

setbacks and heights. This information was posted online and e-mailed out to all persons who provided e-mailed input on the proposal, including the community council. The GACC provided an additional letter in April, noting an additional vote was held with the majority opposed to the request.

Additional Applications and Fourth Revision – *November 2021*

The developer submitted Planned Development and Subdivision applications in late 2021, which were deemed complete in November. This information was again posted online and also e-mailed out to all persons who had provided e-mailed input on the proposal, including the community council. Staff received about 276 e-mailed comments in response with 272 opposed and 4 in support.

Additional details about the community input and public input process is located in Attachment H. Staff received a very high level of public comments on this proposal. Staff has attempted to capture the key concerns that were brought up in multiple letters. However, please note that not every concern has been captured and addressed here. Please see Attachment K for the full public comments. Two recognized community organizations cover the Avenues – the Greater Avenues Community Council and the Preserve Our Avenues Zoning Coalition. They both have submitted letters and materials in opposition to the rezone and those are located in Attachment K.1.

KEY CONSIDERATIONS:

The below considerations were identified through the analysis of the proposal, community input, and the zoning amendment consideration standards:

1. **Proposed Zone Potential Effects on Adjacent Properties**
2. **Zoning and Density Context**
3. **Avenues Master Plan and Citywide Housing Policies**
4. **Gentrification and Displacement with Rezones**
5. **Proposed Development Plans**
6. **Public Comments and Concerns**

Consideration 1: Proposed Zone Potential Effects on Adjacent Properties

Summary:

- Zoning amendment considerations include how an amendment will affect adjacent properties
- FR-3/SR-1 zones primarily differ in density (min. lot area), lot width, and rear setbacks
- Rear setbacks and rear accessory structure allowances differ
- SR-1 zone may allow development closer to the FR-3 property, staff recommends condition imposing 30' rear upper-level setback and rear accessory building prohibition
- Density brings additional traffic, traffic study shows limited impact

Discussion:

Part of the review for a rezone involves evaluating how a rezone may affect adjacent properties, or in other words its compatibility with adjacent properties. This includes reviewing the impacts setbacks, density, or height may have on adjacent properties in comparison to what would be currently allowed with the current zoning. While many of the regulations are similar between

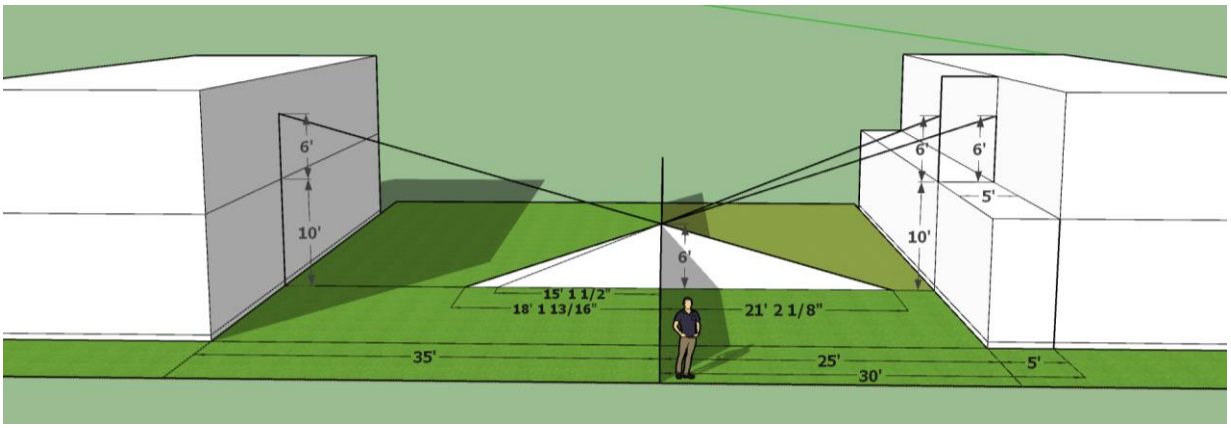
the two zones, the most significant differences are requirements for minimum lot area (density), minimum lot width (impacts practical density), and rear setback regulations.

Rear Setback Difference

The difference in rear setbacks with the SR-1 zone may have an impact on the adjacent properties to the west as the property directly abuts those FR-3 properties. The FR-3 requires a 35' rear setback for any lot regardless of its depth, whereas the SR-1 zone requires a setback of 25% of the lot depth, with a minimum of 15' and maximum of 30'. A 100' deep lot, which would be typical with the zone's dimensional requirements, would require a 25' rear setback in the SR-1 zone. This difference would allow homes to be built closer to rear property lines than would otherwise be allowed by the FR-3 zone.

The area bounded by yellow shows the required 35' deep private rear yards of the adjacent properties on the west. Adjacent to the north property line is a private street for the adjacent townhome community.

A 25' setback can provide a similar level of rear yard privacy and sense of openness as a 35' setback, particularly if there is a solid fence. However, second levels of structures can have more of an impact to privacy and that sense of openness than lower structures. To avoid potential compatibility issues Staff recommends a condition that any second levels located next to a rear yard be setback at least 30' from the western property line. The north property line does not have the same rear yard incompatibility potential, as the adjacent property is occupied by the townhome development's access road rather than private yards that would have a greater expectation of privacy and openness.



The above diagram shows the potential visibility of a rear yard from a second story on a typical 100' deep property with a 6' tall solid fence. The difference in obstructed visibility between a 35' setback and a 30' setback is about 3' of depth (~18' vs 21') measured from approximate eye-level at 16' above the ground (a second story window). This does not account for any trees or grade differences that can also impact visibility.

Another difference between the associated zones is that the FR-3 zone does not allow accessory buildings within the rear 35' setback, whereas as the SR-1 does allow such accessory buildings in the required rear setback. This could be a compatibility concern along the western property boundary where there are private rear yards with no expectation of any immediately adjacent buildings along the property line. To limit compatibility concerns, Staff recommends a condition prohibiting accessory buildings in rear yards located along the western property line. If conditions are adopted by the Council, the Council can choose the best method to ensure those conditions are met. One of those options could be with a development agreement.

Traffic from Additional Housing Units

The proposed zoning would allow more lots and units based on its lower lot area and lot width requirements. Additional density/housing units generally includes more vehicle traffic, which can have impacts on adjacent streets. In response to this consideration and concerns, the developer provided a traffic study to analyze the amount of traffic that would be created by the proposed density and its impact on adjacent streets. That study is in Attachment B and discussed in more detail in Consideration 6. In general, it determined there would be a very limited impact. The traffic study analyzed the impact of 35 total dwelling units, which aligns with the practical maximum number of dwellings that could be built without special Planned Development approval.

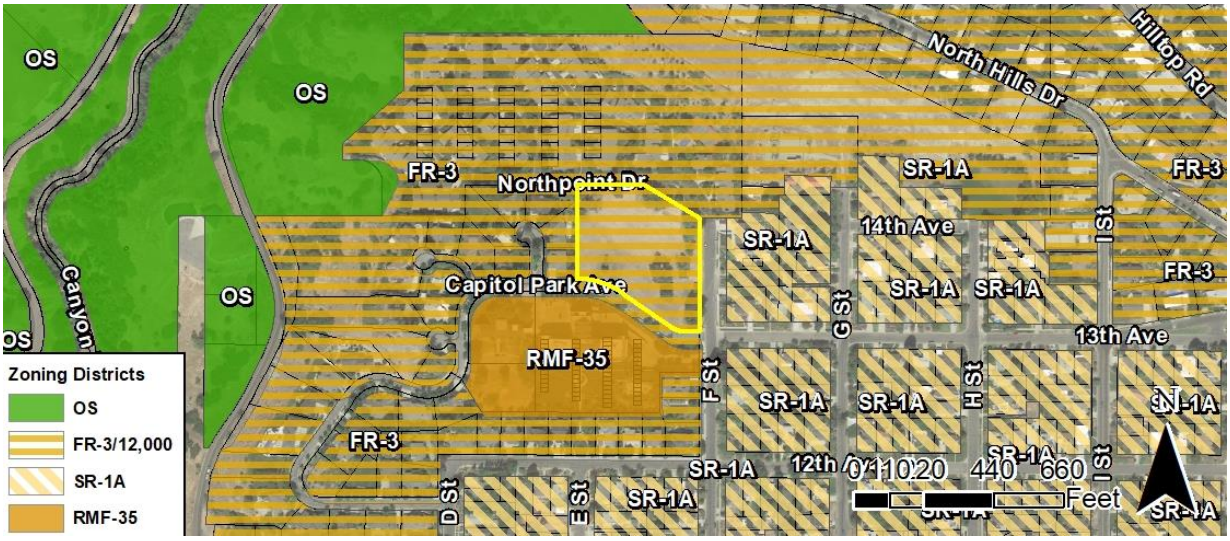
Concerns were also received regarding the potential for additional accidents from additional traffic. Based on the limited amount of additional traffic and the existing accident rate, Staff does not anticipate a substantive impact on traffic accidents or traffic safety. Staff has included an accident map for the area along F Street in Attachment J using recent available years of traffic accident data. This data is also discussed in more detail in Consideration 6.

Consideration 2: Zoning and Density Context

Summary:

- SR-1A zone (sister to SR-1) mapped over most of the "lower" Avenues (below 13th Ave), with identical regulations, excepting height (25' v 28') and accessory structure size
- Nearby SR-1A properties are generally not developed to their maximum allowed density
- Property is proposed for development (in concept) and would likely develop with the rezone at a higher density than existing surrounding properties
- The proposed density is found in the Avenues and in many places compatibly co-exists with lower density properties

Discussion:



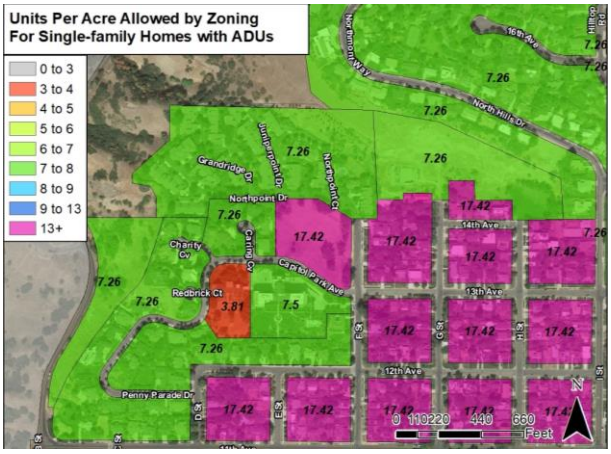
Zoning map, showing zoning context of the area around the property.

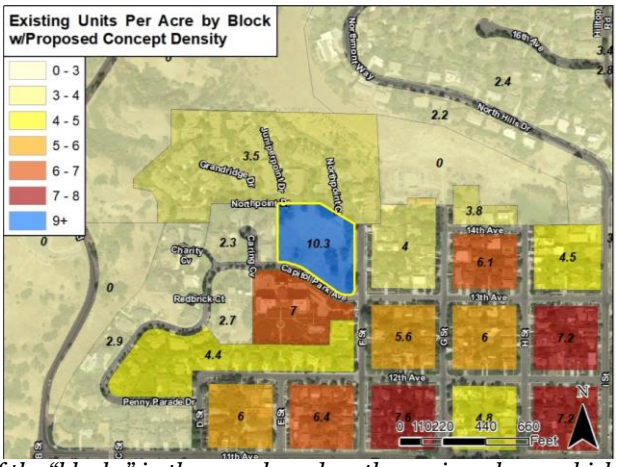
The SR-1 zone's sister zone, SR-1A, is mapped over the blocks to the east and south-east of the site. It generally covers most of the lower Avenues below 13th Avenue. The zone directly interfaces with the FR-3 zone in a few different nearby areas. For example, 12th Avenue includes FR-3 zoning on its north side and SR-1A zoning directly across the street. This also occurs on 11th Ave between B and D Street, as well as along 13th Avenue and on I Street.

The SR-1A zone has the same regulations as the SR-1, save for a slightly lower height limit (25' versus 28') and lower accessory structure size allowances. The subject site and the adjacent properties on the east would essentially have the same zoning save for those differences.

Although the zoning of the block to the east is virtually the same as that proposed for the site, the east properties were not developed to their maximum development potential. The lots are a mix of sizes, ranging from ~4,700 sq ft to ~33,000 sq ft and do not currently include ADUs. Because of that, if the subject property is rezoned, it will likely be developed at a higher density than that block.

For context, maps showing the maximum allowable density per zoning and the existing built densities of the surrounding blocks are below.





The left map shows the maximum theoretical densities of the "blocks" in the area based on the zoning alone, which are not necessarily realistic. Some blocks are broken up where the zones differ or where there are development agreements in place that limit density on a particular parcel (e.g., the Meridian at 7.5 du/ac and the Annex at 3.81 du/ac). The map on the right shows existing built number of units on the blocks. For comparison purposes, the map shows the density of the concept plans (10.3 du/ac) on the subject property. If the custom homes on F Street include ADUs, the density would be 11.8 du/ac. Please note that some of the built density calculations would be up to 1 du/ac higher if private streets areas were excluded from the calculation, which would impact the calculations for the subject site, Meridian, and Northpointe. Larger versions of these maps are in [Attachment J.](#)

The highest current built densities in a two-block radius of the site are the Meridian condominiums at ~7 dwelling units an acre and a nearby SR-1A zoned block built at ~7.6 dwelling units an acre. The developer's concept plan would exceed these levels at ~10.3 dwelling units an acre, which is around the same practical density maximum that could be built without special discretionary approvals from the Planning Commission. There are examples of blocks with density levels similar to this in the general area.

Examples of similar density include three blocks located south of the site on 10th Avenue. These blocks range from ~10 to ~11.6 dwelling units/acre. Two of these blocks were associated with Planned Unit Developments where the normal setbacks were consolidated into larger common spaces similar the applicant's proposed development. This level of density is generally compatible with other low-density development in the Avenues, with a low level of vehicle traffic and low scale buildings.

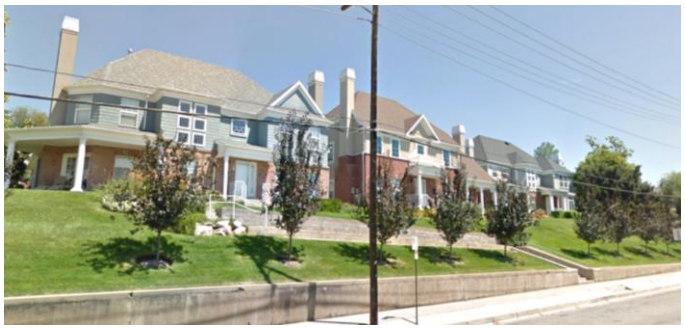
Aerial showing density values of blocks located four blocks south of the site on 10th Avenue. These blocks are zoned SR-1A.

Beyond these blocks, there are several other areas of the Avenues where single-family homes co-exist generally compatibly with much higher density single-, two- or multi-family development. A larger map of the built densities of the Avenues is included in Attachment J showing several blocks that meet or exceed the proposed density adjacent to much lower density development. The density proposed and possible with the rezone is not unprecedented in the Avenues and can be compatible with the surrounding development, despite being more dense, due to the similar scale regulations.

The Zoning Ordinance defines compatibility as the "capability of existing together in harmony." Generally, Staff believes the SR-1 zone can exist together in harmony with the surrounding neighborhood, as it is a "low-density" zone, with similar development regulations as the surrounding low and very low-density zones. And as further precedent, the SR-1A zone with similar regulations is mapped over most of the residential development in the Avenues, and directly interfaces with the FR-3 zone on multiple nearby streets without compatibility issues.

Photo of 10th Avenue just north of F Street showing townhome development on the left with a 11.6 units/acre density and homes on the right with a 7.6 units/acre density. Credit: Google Street View

This predominantly single-family home block at the corner of F Street and 9th Ave has a density of 10 units per acre. Credit: Google Street View.



This block at 10th Ave and D Street has a density of 10 units per acre and includes duplexes designed to look like single-family homes. Credit: Google Street View

Consideration 3: Avenues Master Plan and Citywide Housing Policies

Summary:

- Avenues Master Plan (1987) calls for "very low density" on the Future Land Use map and supports larger lot sizes in "foothill" areas
- Avenues Master Plan text calls for "low density" development on the property
- Growing SLC (2018), the City's current housing plan, includes citywide policies to increase housing options and types of housing throughout the City
    - Support in-fill development and modifying zoning regulations when appropriate and where it can be compatible in scale

- Citywide policies support amendment to Avenues Master Plan and zoning given broader city goals, changed conditions, the low level of density proposed, and its compatibility potential

Discussion:
The applicant is seeking an amendment to the Master Plan, as the current 1987 Avenues Master Plan calls for "very low density" development on the subject property, and the proposed SR-1 zone is a "low density" zone rather than a "very low density" zone.

The proposed zoning change is required by City ordinance to be analyzed against all adopted City policies, which includes not just the 1987 Avenues Master Plan but the City's more recent Citywide housing plan and Citywide general plan. Staff analyzes both the zoning amendment and master plan amendment against these policies. Staff has compiled policies related to the rezone from all adopted City policy documents in Attachment F. These policies are extensive, and so some, but not all, of these policies are discussed below.

In general, the Avenues Plan text supports very low to low density development in the upper areas of the Avenues, particularly those considered to be in the "foothills." Reasons for that include to preserve the appearance of the foothills, preserve undeveloped natural areas, avoid a "congested" appearance, and limit traffic impacts to the lower Avenues. The Future Land Use map in the plan specifies that the property be "very low density" and the text of the plan specifies that the property should be "low density" where it refers to redevelopment of this specific property (as a part of the former BYU Education Center). The proposed zone is a low-density zone, so while not consistent with the "very-low" designation in the future land use map, it is generally consistent with the low-density residential policies for the specific area in the text. However, it isn't generally consistent with the foothill specific policies, which generally support large lots and very low-density development.

The City's citywide housing policies in the Growing SLC plan support additional density throughout the City and are intended to increase the overall amount of housing and ensure that the City maintains low- and moderate-income housing throughout the City. The plan recognizes that by limiting new housing development, this puts price increase pressure on housing across the spectrum as demand increases. The plan includes a number of policies that support finding opportunities for additional housing in ways that can still maintain compatibility with neighborhoods. This includes supporting zoning changes that would support more housing options and additional housing types, such as ADUs and duplexes. The plan itself identifies large minimum lot size requirements, in particular those over 10,000 in size, as a significant barrier to providing additional low scale housing in the City. Related to that, the property is currently zoned with a requirement for minimum lot sizes of 12,000 square feet but is adjacent to zoning that only requires 5,000 square feet for a single-family home.

Plan Salt Lake, the City's citywide general plan, also includes policies that support additional housing and housing types throughout the City. The plan notes that "over the next 25 years, it will be critical for us to encourage and support a diversity of new housing options and types with a range of densities throughout the City to best meet the changing population." It also supports "infill and redevelopment of underutilized land" and notes that the City should "accommodate and promote an increase in the City's population." It does this while also stating that the City should "maintain neighborhood stability and character."

Considering those policies overall, Staff believes the proposed minor to moderate increase in density is warranted, as the proposed zoning change would allow for additional housing while still generally being compatible with the surrounding property due to its lower level of density and scale. Conditions have changed since the Avenues Master Plan was adopted in 1987, with housing demand and availability changing significantly and the City adopting broader housing policies aimed at providing more housing in general to help address changed market conditions. There are likely multiple factors in housing price increases, but demand is a significant one. Not responding to significant demand with corresponding supply increases will likely result in further price increases across the housing market spectrum and this will increasingly price out even middle-income earners from living in the City. Given this, Staff believes adjustments to zoning are necessary in light of changed conditions and changes in public policy. Rezoning the property to the SR-1 zone will help achieve City housing supply goals, while still generally maintaining compatibility with surrounding development, related to heights, open space, and setbacks, and having minimal traffic impacts.

Consideration 4: Gentrification and Displacement

Although not extensively addressed in current City plans, gentrification and displacement have received increased attention in recent years due to increased new development, particularly in lower income areas. The City is working on plans and policies to address those concerns. Rezones are often requested for properties that consist of existing lower-income affordable housing and so the zoning change is associated with the potential to displace people with lower incomes. This property is unique in being a sizeable vacant property that can accommodate in-fill development without displacing any existing residents. It will also not result in the loss of any existing homes that contribute architecturally to the character of the neighborhood, which could happen when properties with existing housing are up zoned. Further it is in an area of the City with generally high opportunities, measured by access to services, such as schools, grocery stores, parks, libraries, and jobs, making it a good location for new residents and families.

Consideration 5: Proposed Development Plans

The applicant has submitted Planned Development and Preliminary Subdivision petitions to the City that may come before the Commission at a later date. The applicant's narrative and full-size plans are located in Attachments B and C. They are provided in the report to provide context regarding the reason for the applicant's requested rezone and context for many of the public comments.

The plans require additional details to ensure they comply with zoning height regulations before they can be reviewed by the Commission. This will likely require changes to some of the home designs to comply with overall building height limits, which cannot be modified through the Planned Development process. As currently depicted, the plans would require relief from regulations on lot dimensions, lot coverage, lot frontage, setbacks, grading, and wall heights.

Development Proposal Facts

- **19** total single-family home lots
- **14** homes on the proposed private street will include ADUs
  - Homes will include 3 covered parking stalls (1 for ADU, 2 for SFD)
  - Min. 20' depth driveways
  - Avg. lot size 6,800 sq ft
- **5** homes on F Street will be "custom homes" – no specific plans. May include ADUs.
- **1** private park lot (17,432 sq ft/0.4 acre)
- **Average Lot Size (Overall):** 7,355 sq ft
- **Density:** 5.9 units per acre (Single-family units only)/10.3 units per acre (single-family + ADUs)

Landscape plan for the development showing the site configuration. A full-size copy is in [Attachment C.](#)

The following modifications to the normal zoning ordinance regulations are currently included as part of their Planned Development request, and are based on the proposed SR-1 zone:

- **Lot Frontage:** 14 lots will only have frontage on a private street, rather than a public street.
- **Lot Size**: 3 internal lots under the minimum size of 5,000 sq ft
- **Lot Width:** 4 internal lots are under 50' width requirement
- **Lot Coverage:** 5 lots exceed coverage limit of 40%. Overall development is at ~30% building coverage or 70% open space.
- **Front Setbacks:** Reduction for internal lots to generally 10'
- **Side Setbacks:** Setback reductions for lots, generally from 14' (10' on one side, 4' on the other) to 10' (5'/5').
- **Rear Setbacks:** ~21' along west property boundary (normally ~25'), ~10' along north boundary (requirement varies, but normally ~23'). Internal facing rear setbacks vary but are below the minimum 25% depth requirement - from 5' (internal lots) to 18'/20' (F Street facing lots).
- **Wall Height:** Additional building wall height (over 20' max) along some side yards where lots slope.
- **Grade Changes/Retaining Wall Height:** Grade changes over 4' in setback areas. The request varies across the site. Changes are normally limited to 4 feet in setback areas in the proposed SR-1 zone and must be stepped every 3' horizontally every 4' of vertical wall height. Associated retaining walls are limited to 4' in height but are proposed to be greater, with varying heights. Grade changes over 4' are allowed in the buildable area without stepping.

Concept Plan Layout and Elevations

The applicant's landscape plan is above showing the proposed site configuration.

The elevations of the proposed homes are above. The design on the left corresponds with the beige-colored homes shown on the landscape plan above and the design on the right corresponds with the olive-colored homes. The homes along F Street (shown in yellow on the landscape plan) are proposed to be custom homes and no elevations are included.

F Street Lots

There are five "custom home" lots proposed on F Street. As custom homes, these may or may not ultimately have an ADU. Front setback modifications are not requested, but side and rear modifications are being requested. The five lots have an average lot size of 6800 square feet and have lot widths ranging from 66' to 99'.

Internal Private Street Facing Lots
Outside of the five custom homes along F Street, there are 14 lots, a private street, and a common open space area or private park on the remainder of the property. Each of the internal lots are proposed to include a single-family home and an internal ADU. The internal lots do not all meet zoning width or area requirements of the proposed SR-1 zone but calculated overall would meet lot area requirements on an average basis, with an average lot size of 6,800 sq ft (including roadway and open space). Internal front, rear, and side setbacks between the homes generally do not meet SR-1 minimums.

Building Coverage
Not every lot individually meets the lot coverage maximum of 40% (i.e. up to 40% of the lot may be covered by buildings), but the development overall complies, with approximately 30% of the property being covered by buildings. This is in part due to the large private park/common open space proposed for the site. Excluding the park, the lots have a building coverage of about 37%.

Private Street
As the applicant is also proposing to develop those lots with access from a private street, rather than a public street, the development is required to go through a Planned Development process. This process is required for all developments with lots on private streets and was also the process by which the lots on Capitol Park Avenue and the adjacent cul-de-sacs (private streets) were approved.

The primary physical difference with private streets versus public streets is the total width of the street. Generally, for single-family home cul-de-sac streets, the City requires a minimum paved width of 30 feet, with 6" vertical curb and gutter, park strip, and sidewalks on one or both sides. The plan proposes a 26-foot-wide internal private street with sidewalk on one side. Sidewalks are also shown on F Street and Capitol Park Avenue.

Public Concerns with Planned Development
As the Planned Development is not under consideration at this time, Staff has not addressed Planned Development specific concerns in this report. However, all of those concerns are included in the public comments section as there is cross-over in the comments and concerns with the zoning amendment request. Concerns with the zoning amendment itself are located in the Key Consideration section below. Some of the most frequently received concerns in the public comments pertaining to the Planned Development request include concerns with the grade changes, retaining walls, setback reductions, loss of trees, amount of open space, emergency vehicle access, on-street parking, snow storage, trash pick-up, and meeting Planned Development objectives.

Consideration 6: Public Comments and Concerns

Staff received hundreds of e-mails with comments and concerns about the proposal. Staff has identified a variety of key recurring concerns below. Concerns more specifically related to a specific standard of review are addressed elsewhere in this report in the analysis of the applicable standard. Concerns specifically related to the Planned Development or Subdivision are not addressed here and will be analyzed when that proposal comes to the Commission.

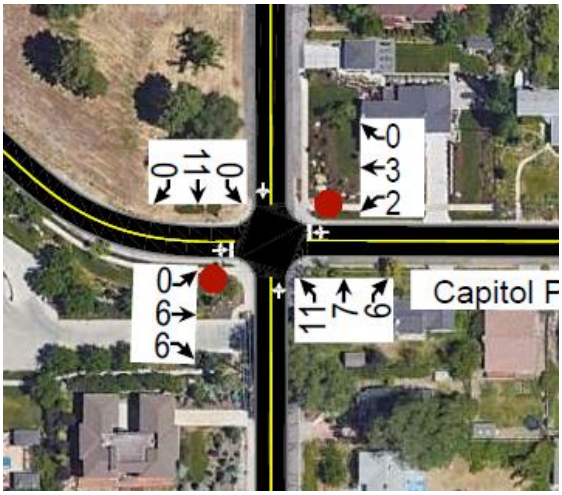
Accessory Dwelling Units and Short-Term Rentals

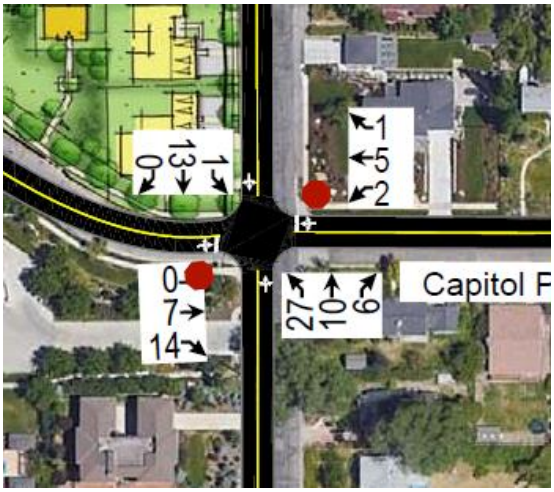
Concerns were provided that the ADUs could be used for short term rentals. Both the current FR-3 and proposed SR-1 zone allow for ADUs. Their occupancy and use is still regulated by City ordinances that require owner occupancy of the primary home and minimum 30 day rental periods. Short term daily or weekly rentals are not allowed. State Code was also updated recently with additional enforcement mechanisms for cities to better ensure that ADUs will not be used for short-term rentals.

Traffic Impacts

Potential impacts on traffic were brought up in many public comments. In response, the developer provided a traffic study to determine the traffic impacts of their potential development, assuming a 20-lot development with 15 ADUs. Though this is lower than the theoretical maximum development potential allowed of the proposed zone, Staff believes the traffic impacts would be similarly limited at maximum development potential given the study's analysis and conclusions. The amount analyzed is similar to the maximum practical density possible for the site (estimated at 18 single-family home lots with) without a special discretionary approval process to modify lot regulations.

The study showed that the nearby controlled (stop signed) intersections currently function at an "a" and "b" "level of service," meaning "free flow/insignificant delay" of <10 seconds, and "Stable Operations/Minimum Delays" of up to 10 to 15 seconds, respectively. The study determined there would not be a change to the level of service of each controlled roadway intersection, with less than a second of delay added to intersection wait times at peak hours, and the project providing "negligible impact on traffic operations of the surrounding area." See page 11 of the traffic study in Attachment B. The Transportation division reviewed the study and did not have any concerns with its analysis or conclusions. Staff has included extracts from the report below for comparison purposes.





The above images from the traffic study show the F Street and Capitol Park/13th Ave intersection at "Evening Peak Hour" (4:45 to 5:45 PM), showing the number of cars doing each turning movement at the intersection. On the left is the existing traffic numbers for the intersection (adjusted for COVID related declines), showing 52 cars over the course of peak hour. On the right is the projected traffic numbers for the intersection with the project built, showing 86 cars over the course of peak hour, an increase of 34 vehicles.

These graphics show traffic during evening peak hour at the 11th Avenue and F St intersection with the existing traffic on the left and projected traffic on the right. The analysis shows 29 additional cars at this intersection over the course of evening peak hour. This is less than 5% of all traffic during this time. The study notes that there would be a negligible impact on the level of service, with no impact to the level of service for this intersection with less than half a second added to the existing 11 second average delay at the intersection at evening peak hour.

Traffic Accidents

Concerns were provided by residents about more traffic, and the potential for more accidents or safety impacts from more residents, particularly on F Street where many vehicles from this development will travel to get to daily activities. There is always a risk of more traffic accidents with more traffic; however, as noted in the traffic study, the amount of additional traffic from additional residences on this site would be small. To help provide perspective on the accident risk, staff pulled available City data on traffic accidents near or on F Street and has attached a map of that data in Attachment J. This map includes "serious injuries" and fatal accidents. From 2008 to 2019, there were two traffic accidents with "serious injuries" on F Street between 13th Avenue to North Temple. Serious injuries generally include injuries more serious than a bump, bruise, or minor cut. One injury involved a pedestrian and a moving vehicle, and one other involved a bicyclist and a parked vehicle. There were no fatal accidents during that time period.

Affordable Housing

Input has been received about the proposed housing that would be developed with a rezoning not including affordable housing and therefore not helping the City's housing issues revolving around affordability. The developer has indeed not proposed to include income-restricted "affordable housing" units in the project and the homes themselves will likely not be affordable to income levels typically targeted for "affordable housing." However, any additional housing supply helps address the City's housing issues. Although not the only driver of price increases, one of the most significant factors impacting housing prices is supply and the lack of supply is driving all housing prices higher. Any buyer of a new home here is one less bidder or buyer of an existing home in the City, reducing pressure on existing lower priced housing stock to increase in price and gentrify.

Also, important to consider is that ADUs, while not necessarily providing "affordable housing" for targeted lower incomes, would still be rented at a lesser amount than a full single-family home in this area of the City. This allows for persons with relatively lower incomes to reside in

a generally high-income area. This is again also one less person competing for other new, high quality rental housing in other, currently more affordable, areas of the City. This similarly applies to the homes overall, with homes developed in the FR-3 zone generally going to be priced higher than homes developed in SR-1, due to amount of land included in each lot and the larger size of homes that would be built.

Air Pollution

Concerns were provided regarding additional pollution that will result from gas fueled vehicles. New residents will generally bring new air pollution as they will likely drive gas fueled vehicles. However, this property is located close to downtown, jobs, and services. Residents with close access to these amenities generally will have lower pollution and carbon impacts than residents in more distant suburban locations. With a growing population, the City can support more residents in already developed areas near jobs and amenities, or new residents will go elsewhere in much more remote undeveloped areas ("sprawl") where they are much more likely to have higher carbon footprints and pollution impacts.

Public Utility Adequacy

Concerns were received regarding the adequacy of public utilities to serve the property. Utilities did not have any concerns with water or sewer capacities to serve this development. Public Utilities notes in their review that the property can be served, but that the developer will have to install improvements to adequately serve their proposal. This is the normal requirement for any development. Any development is required to make all improvements necessary to adequately serve their development and not negatively impact adjacent service levels.

Fire Department Access and Fire Codes/F Street Width

Public input was received regarding whether fire access will be adequate for the development, including concerns regarding evacuations and wildfires. Planning Staff requested comments from the City's Fire Prevention Bureau of the Fire Department regarding these concerns. The Fire Department noted that they do not have any official comments or concerns about the zoning change because any development will be required to meet adopted International Fire Codes. Fire Code includes minimum requirements for fire vehicle and firefighter access to properties, including such things as minimum street/drive widths for fire vehicles, maximum building distances from streets, and minimum number of vehicle entry points for a development. The zone change does not waive any Fire requirements that universally apply to all development in the City.

F Street is required to be improved with any subdivision of the subject property regardless of its zoning. This will include new curb, gutter, and park strip. The City standard for local residential streets includes a 36' wide paved street. This provides sufficient area for parking on both sides of the street and at least 20' of clear width to accommodate fire vehicles. This meets Fire Code fire vehicle access requirements for the low scale structures in this neighborhood.

Property Value Impacts

In general, most research has shown that new residential development of any density or type (market or even income-restricted) generally does not depress surrounding single-family home property values. A recent local study specific to Utah by the Kem C Gardner Policy Institute found that "single-family homes that were located within 1/2 mile of new apartment

construction realized 1.4% more in annual price appreciation than those single-family homes that were located farther away."[1] This study and others have theorized that the appreciation is related to new investment in an area increasing the attractiveness and demand to live in an area.

Nesting Bird Habitat

Concerns were provided regarding potential removal of bird nesting sites for any development, including for a red-tailed hawk. Nesting sites are protected by federal regulations that prohibit removal of active nests. The nest and associated tree may only be removed when the nest is not being actively used.

Tree Protection

Trees may be removed under development scenarios with both the FR-3 and SR-1 zone. The front setback requirements of each zone place many of the trees along F Street in the buildable areas of potential lots, which reduce their likelihood of preservation. However, the City has adopted regulations to support preservation of significantly sized trees, by requiring replacement of any significant trees at double the rate of lost tree trunk, or payment of a fee to support later replacement at the same double replacement rate.

School Enrollment and Family-Supportive Housing

Comments were provided suggesting that the proposed change in zoning wouldn't support housing for families with children and would result in further decreases in school enrollment numbers due to not supporting family housing. Most of the City's single-family residential neighborhoods are zoned for 5,000 square foot lots, including most of the lower Avenues. The proposed zone, with the same 5,000 square foot lot requirement, also supports housing with multiple bedrooms and open space/yards that would accommodate families with children. The conceptual homes proposed by the developer are three- to four-bedroom homes and would support families. The City is generally not seeing a lot of this type of development, instead seeing more apartments and townhomes with fewer bedrooms. The open space requirements of both the existing and proposed zones are similar and would result in similar amounts of open space, with the FR-3 requiring 65% open space (35% allowed to be covered by buildings) and the SR-1 requiring 60% open space (40% allowed to be covered by buildings).

DISCUSSION:

The proposal has been reviewed against the Zoning Amendment consideration criteria in Attachment G, including criteria regarding the proposed zoning's impact on and compatibility with adjacent properties, and compatibility with the associated area master plan and City master plan policies.

The proposal will result in more traffic and generally more activity in the area and that will have an impact on the area. However, the proposed zone is still a low intensity, low density single-family zone that will have similar impacts to the existing "very low" density zoning on the site.

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[1] Eskic, D. (2021). *The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County*. Kem C. Gardner Policy Institute. https://gardner.utah.edu/wp-content/uploads/HighDensity-Feb2021.pdf

The proposed zone is not introducing a new zone or new development potential to the area, as the proposed zoning matches the zoning across the street and other nearby properties.

Additionally, the proposed zoning supports housing goals for the City by increasing housing supply without eliminating any existing affordable housing or displacing any residents. This is a relatively minor zoning change to accommodate additional housing. While it doesn't align with the current Future Land Use map of the Avenues Master Plan, there are general policies in the City's housing plan and citywide general plan that support such changes to zoning. Staff believes an adjustment is warranted for this property, given those housing policies, the zoning context, changed market conditions, and the low level of density requested.

Due to these considerations, staff is recommending that the Commission forward a favorable recommendation on this request to the City Council, with conditions as noted on the first page of this report.

NEXT STEPS:

Zoning/Master Plan Amendments

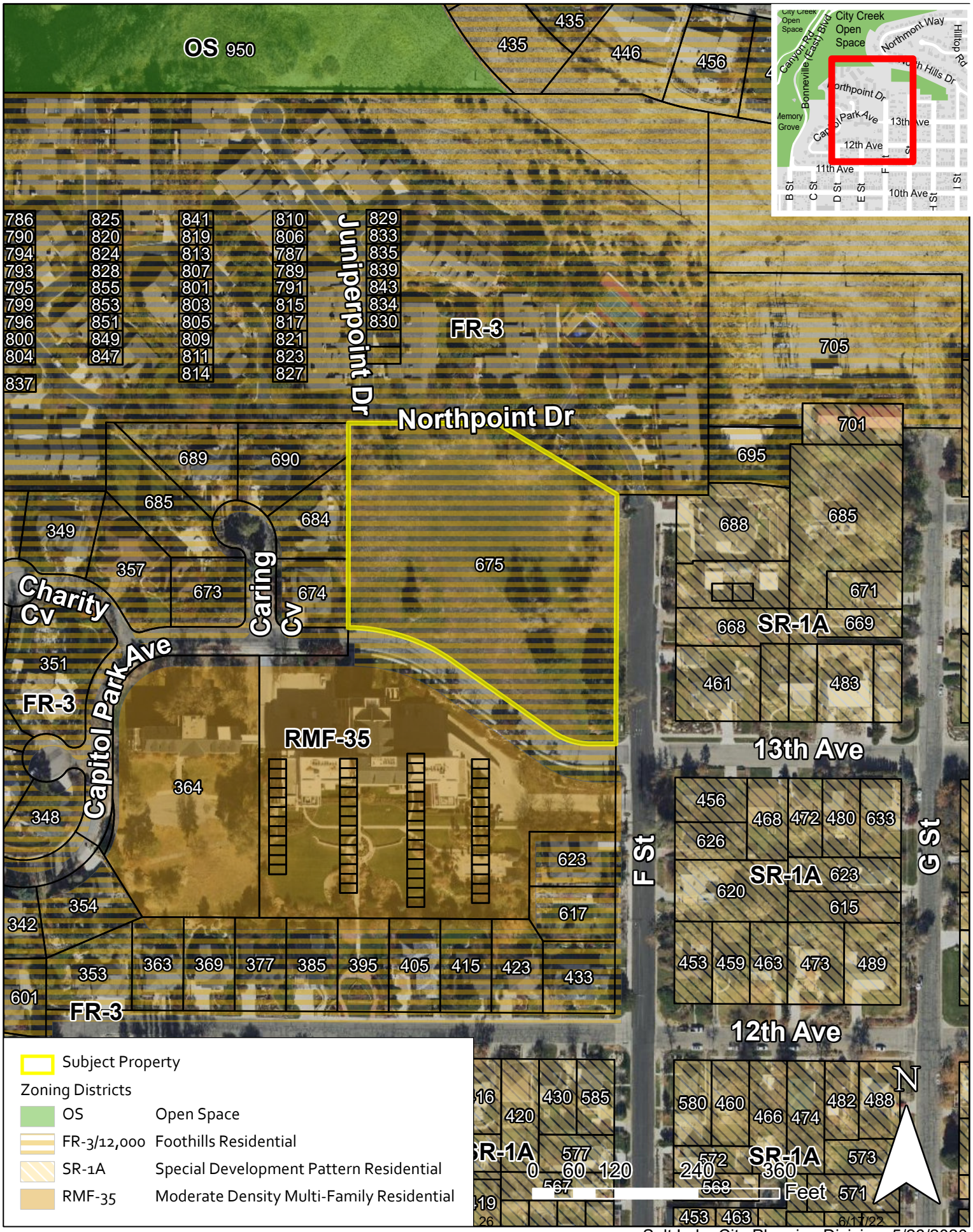
The Planning Commission can provide a positive or negative recommendation for the proposed zoning map and master plan amendment. With either recommendation, the recommendation will be sent to the City Council, who will hold a briefing and an additional public hearing on the proposal. The City Council may make modifications to the proposed requests, including adding conditions, and approve or decline to approve the proposed amendments.

If the zoning map and master plan amendment is approved by the City Council, the property owner could develop the property under the SR-1 zone regulations, which would allow up to 27 lots. The developer could proceed to finish their Planned Development and Subdivision plans for Planning Commission consideration. Alternatively, the property could be subdivided by right with public streets and with no zoning modifications, at likely a lower density than technically allowed by the zone.

If the zoning modification is denied, the property owner could propose development that meets the standards of the FR-3 zone and would be limited to up to 11 lots on the site based on the zone's density limit. Each home could have an internal accessory dwelling unit. The property would likely support less than 11 lots due to public street and lot dimensional requirements.

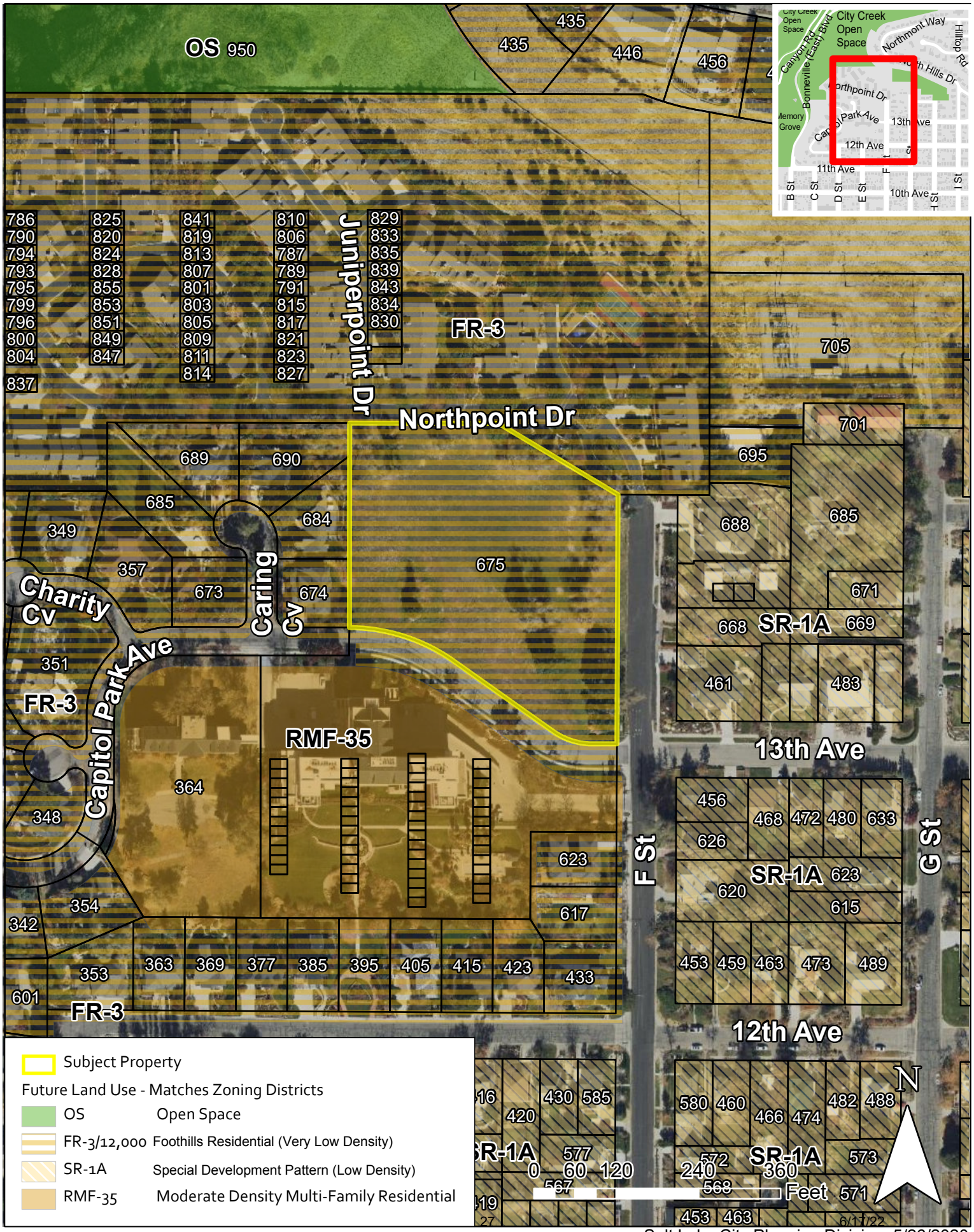
ATTACHMENT A: **Zoning and Future Land Use Maps**

Vicinity Zoning Map



Salt Lake City Planning Division, 5/26/2020

Vicinity Future Land Use Map



Salt Lake City Planning Division, 5/26/2020

ATTACHMENT B: **Applicant's Narrative and Background Materials**

The applicant's materials include a number of attachments and have their own table of contents. Please note that the applicant's narrative includes an older version of their plans. This section is very large and has been attached in a separate PDF. Please see the Attachment B PDF.

ATTACHMENT C: **Concept Site Plans and Elevations**

This attachment includes the applicant's Planned Development narrative, preliminary conceptual elevations, subdivision plat, grading plans, utility plan, and landscape plan. These are not being decided on by the Commission at this time and are included to provide context for the zoning amendment request. As designed, these plans will require Planned Development review as they involve modifications to regulations for grading, setbacks, and lot requirements. See Consideration 5 for details. A version of the plans may come before the Commission at a later date.

Capitol Park Cottages
Planned Development Application

Background

Capitol Park Cottages is a 3.21-acre vacant property located in the Salt Lake City Avenues neighborhood. The property is the size of an average Avenues city block and is therefore incredibly unique in that it presents an opportunity for a planned development of scale that does not require the removal of historic buildings or encroachment into hillsides. Ivory Development is approaching this residential development in a way that recognizes this scarce opportunity.

The vacant land has a zone that limits its development to nine third-acre estate lots. While developing and building this property with multi-million-dollar homes would be easy for us to do, we see this as an opportunity to do a demonstration project of sorts, designing and building ADUs up front and adding more housing at the same time.

Our housing shortage has remained one of the most serious problems facing the State. Even during the pandemic, the average price of homes in Salt Lake County has increased by thirty one percent in the last year. New homebuyers and even middle-income buyers are being squeezed out of the market with higher costs and less availability. The Kem C. Gardner Policy Institute has estimated that Utah is facing a 50,000-unit housing gap. The only way to alleviate the housing gap is to build more homes and ease the strain on the housing market. New housing projects cannot be relegated to greenfield developments or gentrification of disadvantaged neighborhoods.

Ivory Development seeks to develop Capitol Park Cottages as a community that promotes the precedents already set by the historic Avenues, namely:

- Housing-type variety
- Owner/Renter mix and cohesion
- Family-structure diversity
- Eclectic Architecture
- Progressivism and Innovation

The site plan included with this application has a total of nineteen lots. Five lots fronting F Street provide an opportunity for those wishing to build a custom or semi-custom home that will mimic the existing homes across the street. The interior of the community includes a nearly half-acre park and open space, a private drive and fourteen “Cottage Homes”. The Cottage Homes introduce an innovative approach to new construction as we carefully include an Accessory Dwelling Unit (ADU). ADUs are a market-oriented tool recognized by the *Growing Salt Lake: Five Year Plan* that bring progressive easing to the city’s housing shortage. The ADUs will attract a mix of multigenerational households and renters living cohesively in the same neighborhood.

To pursue this innovative development plan, Ivory has made application with Salt Lake City for a re-zone and master plan amendment (MPA) requesting the SR-1 Zone designation. In conjunction with the re-zone and MPA applications Ivory is submitting a site plan and application for a Planned Development.

Planned Development Purpose and Objective

Capitol Park Cottages meets two critical objectives specifically outlined in the Planned Development ordinance:

1. ***Housing: Providing type of housing that helps achieve the City's housing goals and policies; (21A.55.010.C.2)***

The Capitol Park Cottages Site Plan was designed to facilitate ADUs in new home construction as a distinctive feature.

Growing SLC: A Five Year Housing Plan **1.1.3** specifically notes that a goal of the city is to "Revise the Accessory Dwelling Unit ordinance to ***expand its application*** and develop measures to ***promote its use***."

Salt Lake City Planning has published a Guide to Accessory Dwelling Units. In the Overview the Planning Division states, "Accessory dwelling units are part of a range of housing types that can help increase the housing supply with minimal impacts to the scale of an existing neighborhood. This makes ADUs a good option to help provide more housing in parts of the city where other types of housing may be too tall, too wide, or too bulky with the surrounding structures." (pg. 4)

Salt Lake City Zoning Code 21A.40.200 requires the Planning Division to submit a yearly report detailing the ADU statistics for the year and giving recommendations for potential improvements to the ordinance.

The 2021 ADUs Annual Report was reported to the City Council in February of 2022. The report details that since 2019 there had been a total of 94 ADU applications approved under the ordinance (2019: **33 units** 2020: **34 units** 2021**: 27 units**). Of the 94 applications only 7 (2019: **4 units** 2020: **1 unit** 2021**: 2 units**) had been in District 3. Despite the approvals only 30 ADUs had been built throughout Salt Lake under the new ordinance. As the 2020 report stated "*…the ADU ordinance is creating more housing choice. It is just doing it at a very slow rate and at a rate that is not making a noticeable impact…*" (pg.11).

The approval of Capitol Park Cottages would provide for a 15% increase in approved ADUs in Salt Lake City and would increase District 3's approved ADU stock by 200%. When Capitol Park Cottages is constructed, its 14 ADUs will outpace the expected city-wide total of 13 new ADUs/year.

Traditional single-family homes, townhomes and apartments are critical in responding to the City's housing unit deficit; however, they are not the only solution. Neither are ADUs. We are

not suggesting that this project will solve the housing crisis. It won't. But it is the cumulative effect of many small, incremental improvements that will ultimately be the solution.

Capitol Park Cottages is not *affordable housing* in that pricing would be fixed outside of market rates by a calculation of area median income. However, through its unique product design the project is inherently equipped with tools for greater housing attainability.

Prospective buyers of the homes will be able to show expected income from rental of the ADUs; qualifying them for more than they would otherwise be allotted. Owners would be able to use the income from the rental to offset their mortgage cost and significantly decrease their percentage of income dedicated to housing.

The ADUs in the project are all one-bedroom apartments which are naturally one of the lowest priced housing types. One-bedroom apartments have sprung up in high and mid-rise complexes, typically owned by large real-estate investment companies, and clustered among other apartment type units. By incorporating one-bedrooms as ADUs affixed to owner occupied homes, rental income is distributed as individual household investments. Furthermore, the ADUs invite an integrated neighborhood in that owners live side by side with renters, promoting cross-demographic relationships and community.

While the social and individual benefits of ADUs is wide ranging their implementation has been narrow and limited. ADUs have customarily been retrofitted to existing homes and lots. Retrofitting involves challenges with regard to design, construction, infrastructure, parking and financing; all of which stymie greater adoption of ADUs.

ADUs as part of a newly built neighborhood allow us to plan for those challenges and make this community blend into the surrounding neighborhood. Capitol Park Cottages can set a precedent for future builders and developers to consider adding in ADUs when constructing a new home.

Furthermore, financing and costs continue to be a constraint to adding more ADUs to existing neighborhoods. It is noted that the cost of additional utilities can be prohibitive, but in our case it simply is not. We are already going to be installing new sewer, water, power, and gas, so the incremental increase to infrastructure is minimal at best.

2. ***Open Space and Natural Lands: Inclusion of community gathering places and playground facilities…Clustering of development to preserve open spaces. (21A.55.010.A.1&6)***

The project site has been designed in a manner to cluster development through reduction of private lot sizing and typical building setbacks. By concentrating the buildable areas, the project is able to incorporate a large open green space that will be programed for the communal use of the residents.

In designing any development, considerations include balancing indoor vs. outdoor areas, private vs. community areas, and general massing and spacing. Much like diversity in housing types, diversity in community designs can cater to and encourage different lifestyles and modes of social engagement.

Two different community designs are present in the neighboring communities of Capitol Park Estates (western neighbor) and the Meridian Condominiums (southern neighbor). Capitol Park Estates (FR-3 zone) is designed with large estate homes on sizeable private lots. Nearly all outdoor spaces are private, fenced, and residents have built private pools, patios, and outbuildings in their yards. On the opposite end of the design composition is the Meridian Condominiums (RMF-35). As a condominium complex, private outdoor spaces are limited to balconies, while outdoor spaces are common areas and include a large community pool and vast manicured lawns.

Capitol Park Cottages is designed rather as a balance between the poles present in its western and southern neighbors. Each lot in the project has a modest private outdoor space that provides outdoor living and entertainment opportunities. Beyond the private yards, a community open space is available that will include landscaping and a children's playground facility.

The open space area is .4 acres (17,432 SF) in size. By reducing minimum private yard spaces in certain lots (by an average of 525 SF), a large community open space is created that offers recreational and community gathering opportunities that would not be feasible on typical 5,000 SF lots.

Each community design and private/common area balance has a place in the Avenues and is important to providing for a diversity of lifestyles and family needs. At Capitol Park Cottages we plan to provide for a community that will have great living spaces for families of all types, ages, and compositions.

Consistency with Avenues Master Plan

There is a Master Plan Amendment Application running concurrently with the Zone Amendment and this Planned Development application.

The Master Plan Amendment seeks to align the requested zone change with the Avenues Master Plan (AMP) redesignating the Capitol Park Cottages property from FR-3/12000 to SR-1.

The property is adjacent to the historic Veterans Administration Hospital and was designated as a foothill preservation zone and the Future Land Use Map assigned the property as VLD (1-4 Units/Acre). The entire surrounding area was designated as LD (4-8 Units/Acre).

The present features of the property and neighborhood have changed significantly over time. Today the historic hospital property has been rezoned RMF-35 and was converted into the Meridian Condominiums, a five-story condominium building. Directly across the street to the east is the historical avenues block pattern, to our north is Northpoint, a 49-unit townhome community and finally to our west, Capitol Park Estates, a large lot home development.

The Master Plan Amendment would align the property's land-use with its actual current conditions and the original intent of the 1987 Future Land-Use Map. That is, to reserve VLD-FR zoning to the bordering foothills and to maintain LD zoning in the historical avenues block pattern.

(Exhibit "A" 1987 Future Land-Use Map)

Compatibility with the surrounding neighborhood

Today the historic hospital property has been rezoned RMF-35 and was converted into the Meridian Condominiums, a five-story condominium building. Directly across the street to the east is the historical avenues block pattern, to our north is Northpoint, a 49-unit townhome community and finally to our west, Capitol Park Estates, a large lot home development.

In other words, there is no single land use in the surrounding neighborhood(s), so compatibility is a difficult metric for this property.

(Exhibit "B" surrounding development)

Inclusion of appropriate landscaping

Capitol Park Cottages will include full yard landscaping around each of the fourteen cottage lots that will be installed and maintained by an HOA. Lot landscaping will be varied and include water-wise techniques.

Our water-wise techniques were developed in partnership with the Jordan Valley Water Conservancy District's "Localscape" program. The intent of Localscapes is to provide for efficient, functional, and beautiful landscape designs that recognize the unique climate of Utah. Our design will reserve irrigation-intensive sod for those areas that use it most and install water efficient landscape arrangements everywhere else.

Street trees will be planted along F Street, Capitol Park Avenue, and the private road in the interior of the project. The trees will provide an even canopy through and around the project.

A park will be dedicated to the HOA and built to provide recreation and community gathering opportunities for the residents.

Mobility

Five lots will front directly onto F Street for vehicular access. The remaining 14 Cottage lots will be accessed through a private road from Capitol Park Avenue (a private street).

With garages and driveways, no lot will include fewer than four off-street parking stalls. Homes on each lot will include three garage stalls for vehicular parking. A minimum of one off-street stall will be included in each lot on driveways.

On-street parking will be available on one side of the interior private road.

Park strip buffered sidewalks will be constructed along F Street and Capitol Park Avenue the interior private road will also include a sidewalk for pedestrian use.

Preservation of natural and built features that significantly contribute to the surrounding character

The property is vacant and includes no built features. The native vegetation includes several wild trees. Most trees will be removed as part of the construction of the development. All trees will be replaced on site or otherwise as permitted by the Salt Lake City Private Tree Ordinance.

No detrimental effect on city utilities

There will be no detrimental effect on the city utilities. Salt Lake Public Utilities has reviewed the conceptual plan and has determined that there is adequate sewer, storm drain, culinary water and transportation capacity in the system.

Road and sidewalk infrastructure have never been completed along F Street. The development of Capitol Park Cottages will complete this public infrastructure project.

Capitol Park Avenue is a private street, as will be the interior of Capitol Park Cottages. No additional street maintenance requirements will be necessary from Salt Lake City. When we purchased the land, we acquired an easement to connect utilities and have vehicular access "over and across" Capitol Park Avenue with a cost sharing agreement with the Meridien which meets all requirements of both the building and fire codes.

Planned Development Review (1/14/2022) Responses

Façade Engagement:

The Cottage Home plans have been designed with the main objective of incorporating ADUs in a thoughtful and innovative way. While all types of ADUs are critical tools in addressing the City's housing shortage, our intent with Capitol Park Cottages is to demonstrate how integrating them in new-build housing offers an opportunity to mitigate some of their more common neighborhood criticisms. In particular, our home designs solve for critiques of ADUs such as visual inconsistency, setback intrusion, and lack of on-site covered parking.

By incorporating the ADUs internally in the primary home footprint the cottages include cohesive materials and designs, are not set on the extremities of the building-lot, and provide a dedicated garage parking stall for each ADU. Unlike basement ADUs, that are often inaccessible to the aging/disabled and offer less natural light and visual interest to any occupants, all our ADUs are designed at or above grade.

In solving for several critiques of ADUs the designs do come with a challenge: fitting 3 garage stalls on a cottage style home. To solve this issue, we have set back the garages in the rear of the home on the Cottage Duet plans and have angled the garages in a courtyard style for the Multi-Gen units. These design strategies reduce the visual impact of garage doors on the front facade.

Certain cottage homes in our plan will have increased public visibility in particular lots 6, 7, 8, and 19. On these homes we will employ "enhanced" design features such as material changes, wall breaks, and window additions.

Most of the cottage homes will be the Multi-Gen plan. This unit was designed expressly to accommodate multi-generational households. The ADU includes a double locking "hotel door" to the primary unit. This feature allows the primary dwelling owner to establish it as an independent apartment or a segment of the main household. Beyond income generation, this plan presents the opportunity to include an aging parent/grandparent or a disabled adult child within the household while still offering a level of independence. For this reason, the ADU unit is set at main level to minimize steps and maximize accessibility. The plan includes a single car garage that is dedicated to the ADU along with a double garage reserved for the primary residence. Because these garages are set at an angled courtyard the front porch is recessed. While the recessed porch decreases street engagement it does mitigate the garage door impact on the front façade. To balance the reduced porch engagement, additional windows and a Juliet balcony have been integrated to increase street engagement and pedestrian visibility.

Setbacks:

Several setback variances have been requested with the PD application to accommodate the unique housing product types, site configuration, and inclusion of open community areas. While the most intensive setback variances are unique to the internal community, certain perimeter variances are necessary for the project. In all cases where setback variances are employed the design has considered open space buffering and mitigation features where neighboring communities are present.

- **Internal Setback Reductions:** Setbacks have been reduced from the typical zoning regulations to provide building pads sufficient in size to fit the ADU/Home footprints internally and standard SR-1 setback lots along F Street. Additionally, reduction in setbacks provide for the homes to cluster in a way that allows more square footage to be incorporated in a common area open space. All together the reductions in internal setbacks provide for the community to concentrate building massing in the private community and along private roads while maintaining standard setbacks on the public right of way (F Street). We believe it is important to match the historical Avenues streetscape as we complete the F Street improvements and to limit variances where they are internal to the private neighborhood and streets.
- **North Setbacks:** The northern perimeter of the site is buffered by a private road in the Northpoint townhome community. The nearest residential structure exceeds 40' from our northern boundary. Furthermore, our site includes the Northpoint community retaining wall and fence. As part of development the site will be excavated below Northpoint's fence, extending the wall downwards and setting our homes well under Northpoint's road. Building massing will be buffered and diminished by the grade change to an extent where setback reductions will have no detrimental effects on the northern border.
- **West Setbacks**: The west perimeter is the only border of the site that directly abuts other private residential properties. Two homes in Capitol Park Estates include back yards rearing the project site. We have mindfully designed the project to respect spacing and privacy considerations of the two neighboring lots. The homes we have selected to place along the western border are the "Multi-Gen". The Multi-Gen has a second story that

starts nine feet away from the rear of the home footprint. By selecting this plan, we are able to keep the tallest part of our home further setback from the neighboring lots. The Multi-Gen does include a ground level portion of the home (the ADU) at its rear. If we were building a detached ADU, we would be able to place it within 10' of the neighboring home (in this case right along the fence). However, because our ADU is attached to the primary home, it is necessary for us to include a modest rear yard setback variance (21' from 25'). The resulting rear spacing between structures would be 56' (65' from second level). Even with a 50'+ distance from the neighboring homes we are implementing other mitigation features. The western border includes a transparent wrought iron fence. To mitigate any privacy concerns with the western border we will erect a new privacy Trex fence and plant trees and hedges along the length of the western perimeter.

Tree Preservation:

At this time, it is expected that most existing trees will be removed from the site. We will work with the Urban Forester to determine if any trees will be preserved. All trees will be replaced on site or otherwise as permitted by the Salt Lake City Private Tree Ordinance.

Natural Features Standard:

Like the remainder of the Avenues, the project site is located on the sloping hills below the Bonneville Shoreline. To make development of roads and structures plausible, the Avenues have utilized grade modifications and retaining walls throughout. These built features have created the unique character of "stepped ascension" as one moves north up the Avenue streets. In few places is this characteristic more pronounced than in the neighborhoods directly abutting the project site. The four lots across F-Street use varying retaining walls along their property lines creating the illusion of a tiered "wedding cake". Capitol Park Estates uses grade retention all over and as Capitol Park Avenue winds (about 348 E Redbrick Court) a towering wall sets homes well above their adjacent neighbors. In fact, retaining walls exist on our project site currently as its only built feature. The length of the border between our project site and the Northpoint townhome community is run by a flat concrete retaining wall (in some places as high as 5').

- **Grade Changes**: We have further clarified the development grade changes on our Grading & Drainage Plan update. A color-coded elevation table is provided showing the levels of cut and fill needed to make our new road slope and building pads functional. There is no more than 0'-5' of elevation changes along F-Street to match the existing public road infrastructure. In fact, the vast majority of the site will see 0'- 5' elevation change. The exceptional grade changes are present where they will be least visible from outside of the project. Namely, the center of the site will see upwards of 15' of fill whereas areas of the northern border will see upwards of 13' of cut. The resulting balance will leave the development site with a similar slope angle as is present along F-Street.

- **Retaining Walls**: Like the surrounding neighborhoods, the project will employ several retaining walls, of varying heights, to make the park, road, and houses buildable. The wall heights are called out accordingly in our submitted site plan. While most walls will be less than 5' there will be sections of new wall that will be as high as 13'. The tallest walls are created through the downward extension of the existing northern border wall. As elevation is cut from the north boundary the walls are set to catch the grade between our north border. The result is that there will be no higher wall elevation than what is currently present on site. A detailed cross section (Section A) is available on our Site Plan to visually clarify how the tallest wall is established. We understand that there are grade change stepping requirements to limit large retaining walls as visual nuisances. As part of the PD and to preserve our setbacks and open space we will require a variance to this provision. We are comfortable that within our project our most intense walls are highly screened from pedestrian view. To visually clarify how walls will be screened we have provided a cross section (Section A-A) on our Grading & Drainage Plan. The cross-section shows how our tallest wall, along with other walls, are screened by building massing. The only wall flats that will be unscreened to the public are along our private park boundary. These walls will be able to meet the standard stepping requirements and will be further screened by trees, shrubs, and other landscape features.

Pedestrian Circulation:

The Planned Development comments suggested a connection/steps linking the upper driveway to the park. We will implement this connection and believe that this is an excellent method to encourage accessibility, use, and increased pedestrian circulation.

Exhibit A

1978 Future Land-Use Map

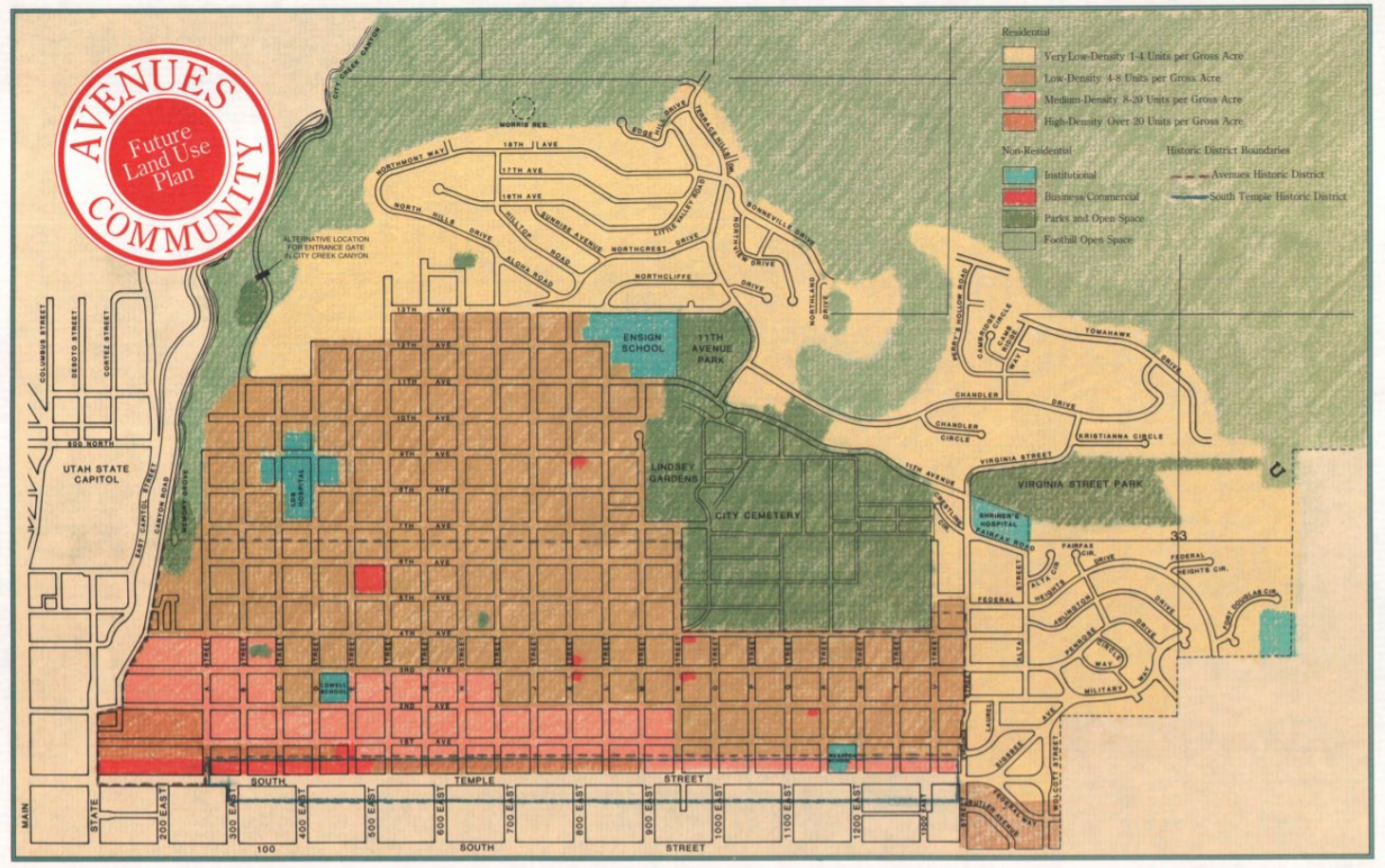
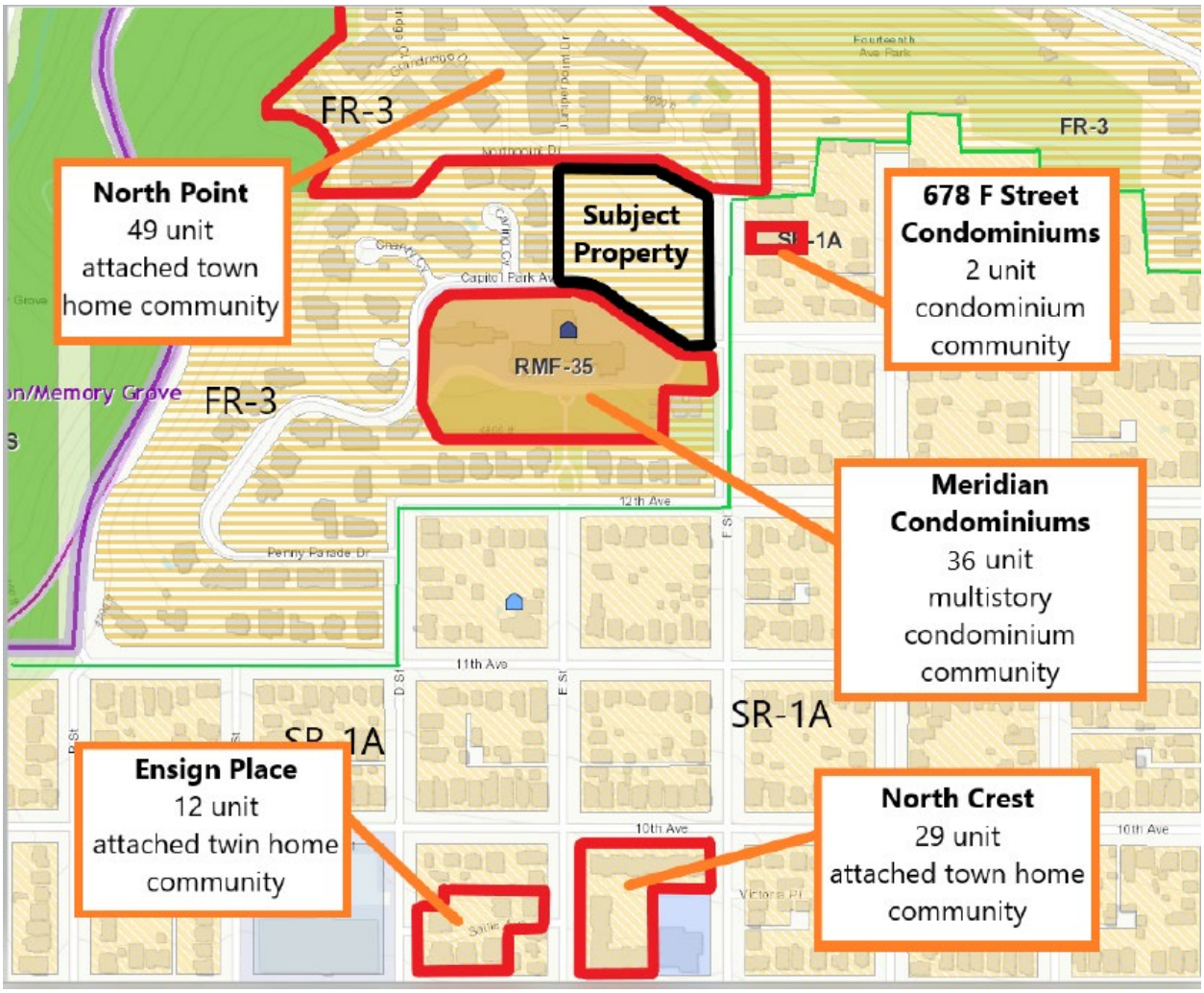


Exhibit "B"

Surrounding Development



VICINITY MAP
1" = 100'

CAPITOL PARK

SALT LAKE CITY, UTAH

PRELIMINARY PLANS

GEOTECHNICAL STUDY

A SITE SPECIFIC GEOTECHNICAL STUDY HAS BEEN PREPARED FOR THIS PROJECT BY IGES. THE REPORT IS DATED MARCH 3, 2020, AND WAS PREPARED BY JUSTIN WHITMER, PE. IT IS IDENTIFIED BY IGES PROJECT NUMBER 02058-118. THE REQUIREMENTS OUTLINED IN THIS STUDY SHALL BE FOLLOWED ON THIS PROJECT.

SHEET INDEX

O-1	TITLE SHEET
-	SUBDIVISION PLAT
O-2	SITE PLAN
O-3	UTILITY PLAN
O-4	GRADING AND DRAINAGE PLAN
O-5	EXISTING GRADE GRADING PLAN
O-6	ESTABLISHED GRADE GRADING PLAN
O-7	FINISH GRADE GRADING PLAN

LEGEND

- SDR 35 SANITARY SEWER
- EXISTING SANITARY SEWER
- SANITARY SEWER MANHOLE
- PVC C-900 WATER LINE
- EXISTING WATER LINE
- WATER VALVE, TEE & BEND
- FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PVC C-900 SEC. WATER LINE
- EXISTING IRRGATION LINE
- SEC. WATER VALVE, TEE & BEND
- PROPOSED STREET LIGHT
- EXISTING OVERHEAD UTILITY
- RCP CL III STORM DRAIN
- EXISTING STORM DRAIN
- SD COMBOBOX, CB & CO
- PROPOSED UNDER DRAIN
- EXISTING UNDER DRAIN
- UNDER DRAIN CLEANOUT
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

BENCHMARK

THE PROJECT BENCHMARK IS A BRASS CAP STREET MONUMENT IN A WELL AT THE INTERSECTION OF "F" STREET AND 13TH AVENUE. THE ELEVATION OF THE BRASS CAP IS 4840.88'.

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

LICENSED PROFESSIONAL ENGINEER
No. 368011
NICHOLAS M. MINGO
04/27/22
STATE OF UTAH

Capitol Park

Title Sheet

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: April 27, 2022

SHEET NUMBER: O-1

C:\Users\pmd223\EDM Partners Dropbox\Projects\Capitol Park\Drawings\1 - Title Sheet.dwg

6/17/22

CAPITOL PARK SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

NORTH

SCALE: 1"=40'

0 20 40 80 120

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- CENTERLINE / MONUMENT LINE
- ADJACENT PROPERTY LINE
- SURVEY TIE LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SECTION CORNER (FOUND)
- CALCULATED STREET MONUMENT (NOT FOUND)
- ROAD MONUMENT
- MONUMENT TO BE SET BY PERMIT FROM THE S.L. COUNTY SURVEYOR
- FOUND PROPERTY CORNER (DESCRIPTION NOTED WHERE APPLICABLE)

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH DIRECTION	CH LENGTH
C1	62.31	102.00	34°59'56"	N72°30'02"W	61.34
C2	160.04	262.00	34°59'58"	N72°29'59"W	157.57
C3	56.58	102.00	31°47'05"	N74°06'27"W	55.86
C4	5.72	102.00	3°12'55"	N56°36'28"W	5.72
C5	41.20	262.00	9°00'39"	N59°30'19"W	41.16
C6	20.71	66.00	17°58'47"	S14°09'19"W	20.63
C7	5.96	66.00	5°10'20"	N2°34'46"E	5.96
C8	40.84	26.00	90°00'00"	N44°59'36"E	36.77
C9	9.19	33.00	15°57'48"	N82°01'30"W	9.16
C10	16.44	59.00	15°57'48"	N82°01'30"W	16.38
C11	40.84	26.00	90°00'00"	S45°00'24"E	36.77
C12	16.16	40.00	23°09'06"	S11°34'09"W	16.05
C13	92.83	262.00	20°18'02"	N79°50'57"W	92.34
C14	21.42	53.00	23°09'06"	N11°34'09"E	21.27
C15	12.82	46.00	15°57'48"	N82°01'30"W	12.77
C16	12.82	46.00	15°57'48"	N82°01'30"W	12.77
C17	13.01	262.00	2°50'39"	N65°25'58"W	13.00
C18	13.01	262.00	2°50'39"	N68°16'37"W	13.00

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.86	N23°08'42"E
L2	10.86	N00°00'24"W
L3	6.45	N89°59'36"E
L4	6.45	N74°02'36"W
L5	6.45	S74°02'36"E
L6	6.45	N89°59'36"E

VICINITY MAP
NOT TO SCALE

NARRATIVE:

THIS SUBDIVISION PLAT WAS PREPARED AT THE REQUEST OF IVORY DEVELOPMENT FOR THE PURPOSE OF SUBDIVIDING THE PARCELS OF LAND KNOWN BY THE SALT LAKE COUNTY ASSESSOR AS PARCEL NUMBER 09-30-455-021 INTO LOTS AND STREETS AS SHOWN HEREON. EXISTING MONUMENTS SHOWN ON THIS PLAT WERE OBSERVED IN THEIR RECORD LOCATIONS.

BASIS OF BEARING:

NORTH 45°19'57" EAST, BEING THE BEARING BETWEEN TWO FOUND CENTER OF STREET MONUMENTS AT 12TH AVENUE/F STREET AND 13TH AVENUE/G STREET.

ACCURACY STATEMENT:

FIELD MEASUREMENTS ON THE GROUND SHALL CLOSE WITHIN A TOLERANCE OF ONE FOOT (1') TO FIFTEEN THOUSAND FEET (15,000') OF PERIMETER PER SLC ORDINANCE 20.20.30.C.

NOTES:

- A 5/8" REBAR WITH PLASTIC CAP MARKED EDM WILL BE SET AT ALL REAR CORNERS AND ALONG BOUNDARY EXCEPT, FRONT LOT LINES WILL BE MARKED WITH A RIVET IN THE CURB AT THE LOT LINE EXTENDED
- STREET ADDRESSES FOR EACH HOME AND ADU SHALL EITHER HAVE THE SUFFIX "UNIT A" OR "UNIT B". MAIN RESIDENCES SHALL ADDRESSED AS "UNIT A" WHILE THE ADU'S ADDRESSED AS "UNIT B".
- ALL PRIVATE ROADS WITHIN THE SUBDIVISION ARE A PUBLIC UTILITY EASEMENT.

SURVEYOR'S CERTIFICATE

I, TYLER E. JENKINS, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.4938730 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF UTAH STATE CODE AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

CAPITOL PARK SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.

PROFESSIONAL LAND SURVEYOR
04/28/22
FOR REVIEW ONLY
4938730
TYLER E. JENKINS
STATE OF UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 CAPITOL PARK AVENUE EXTENTION SUBDIVISION, RECORDED AS ENTRY # 8923328, IN BOOK 2003P, ON PAGE 391 AT THE SALT LAKE COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE; SAID POINT OF BEGINNING ALSO BEING N89°51'13"W 416.49 FEET, N00°00'24"W 3.89 FEET AND N90°00'00"W 41.69 FEET FROM A FOUND STREET MONUMENT AT THE INTERSECTION OF "G" STREET AND 13TH AVENUE ; AND RUNNING THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING 4 CALLS: 1). N90°00'00"W 34.78 FEET; 2). THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 102.00 FEET, A DISTANCE OF 62.31 FEET, A CHORD DIRECTION OF N72°30'02"W AND A CHORD DISTANCE OF 61.34 FEET; 3). THENCE N55°00'00"W 180.63 FEET; 4). THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 262.00 FEET, A DISTANCE OF 160.04 FEET, A CHORD DIRECTION OF N72°29'59"W AND A CHORD DISTANCE OF 157.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF CAPITOL PARK AVENUE, SAID POINT ALSO BEING THE EASTERLY BOUNDARY OF CAPITOL PARK PLANNED DEVELOPMENT PHASE 4 AS RECORDED IN BOOK 1996P, ON PAGE 273 AT THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE N00°00'24"W 296.86 FEET ALONG SAID EAST BOUNDARY, SAID POINT ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF NORTH POINT DRIVE; THENCE S89°51'43"E 217.58 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY; S60°00'00"E 200.84 FEET TO THE WESTERLY RIGHT-OF-WAY OF "F" STREET; THENCE S00°00'24"E 365.35 FEET ALONG THE WESTERLY OF "F" STREET TO THE POINT OF BEGINNING.

CONTAINING 3.21 ACRES IN AREA, 19 LOTS AND 1 PARCEL

SALT LAKE COUNTY TAX ID. NO. 09-30-455-0210

OWNER'S DEDICATION

I/WE, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, STREETS AND COMMON AREAS AS SHOWN HEREON TO BE HEREAFTER KNOWN AS:

CAPITOL PARK SUBDIVISION

AND DO HEREBY DEDICATE FOR PERPETUAL USE AND DO HEREBY GRANT UNTO EACH PRIVATE UTILITY COMPANY AND PUBLIC UTILITY AGENCY PROVIDING UTILITY SERVICES TO THIS PROJECT, A PERPETUAL NON-EXCLUSIVE EASEMENT IN ALL AREAS SHOWN HEREON INCLUDING THE PRIVATE ROADWAY, COMMON AREAS, AND PRIVATE ROAD TO INSTALL, USE, KEEP, MAINTAIN, REPAIR AND REPLACE AS REQUIRED, UNDERGROUND UTILITY LINES, PIPES AND CONDUITS OF ALL TYPES AND APPURTENANCES THERETO SERVING THIS PROJECT.

NAME: CHRISTOPHER P. GAMVROULAS
TITLE: PRESIDENT OF IVORY DEVELOPMENT, LLC

ACKNOWLEDGEMENT

ON THE _____ DAY OF _____ A.D., 20__, CHRISTOPHER P. GAMVROULAS PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN THE STATE OF UTAH, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC | COMMISSION NUMBER | SIGNATURE

A NOTARY PUBLIC COMMISSIONED IN THE STATE OF UTAH. COMMISSION EXPIRES_____

CAPITOL PARK SUBDIVISION

PARCEL NUMBER 109-30-455-021
LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SALT LAKE CITY, SALT LAKE COUNTY, UTAH

DATE	REVISIONS	BY

SHEET 1 OF 1

NUMBER _____

ACCOUNT _____

SHEET _____ OF _____SHEETS

CITY PLANNING DIRECTOR

APPROVED THIS _____ DAY OF _____, 20__ BY THE SALT LAKE CITY PLANNING COMMISSION.

PLANNING DIRECTOR | DATE

SALT LAKE COUNTY HEALTH DEPARTMENT

APPROVED THIS _____ DAY OF _____, 20__.

SALT LAKE COUNTY HEALTH DEPARTMENT

CITY ENGINEERING DIVISION

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE.

CITY ENGINEER_____DATE_____

CITY SURVEYOR_____DATE_____

CITY PUBLIC UTILITIES DEPT.

APPROVED AS TO SANITARY SEWER, DRAINAGE AND WATER DETAILS THIS _____ DAY OF _____, 20__.

SALT LAKE CITY PUBLIC UTILITIES DIRECTOR

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____, 20__.

SALT LAKE CITY ATTORNEY

CITY APPROVAL

PRESENTED TO THE SALT LAKE CITY THIS _____ DAY OF _____, 20__ AND IT IS HEREBY APPROVED.

SALT LAKE CITY MAYOR | SALT LAKE CITY RECORDER

EDM Partners LLC
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:_____

DATE:_____ TIME:_____ BOOK:_____ PAGE:_____

FEE | SALT LAKE COUNTY DEPUTY RECORDER

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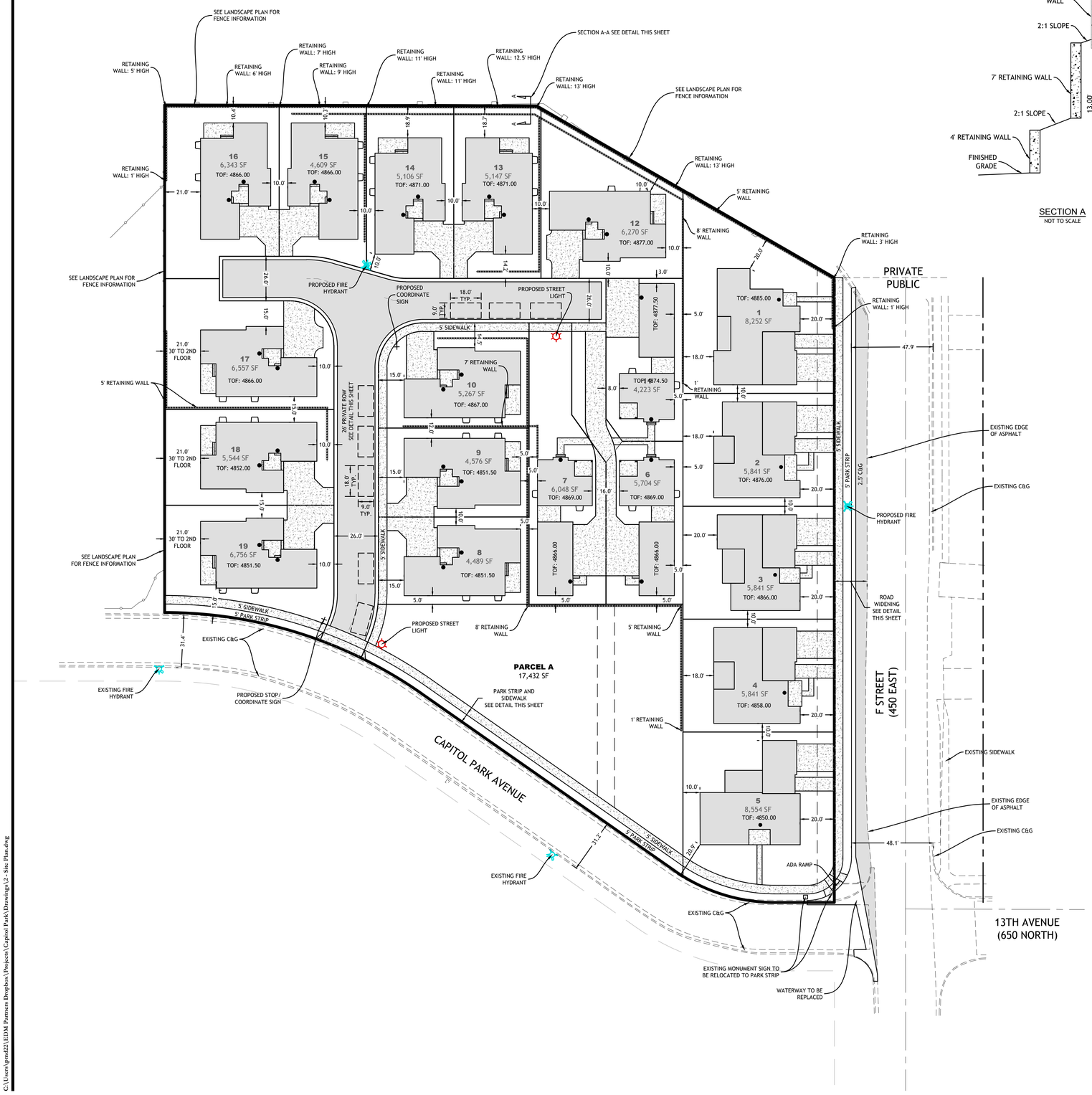
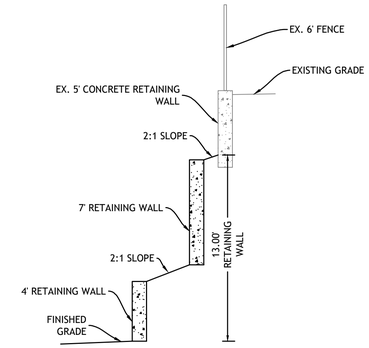


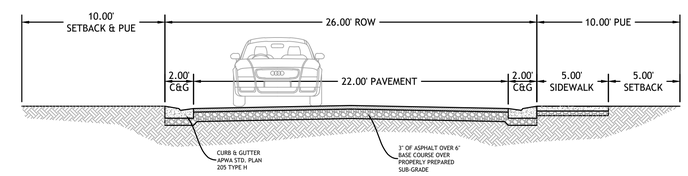


SECTION A
NOT TO SCALE

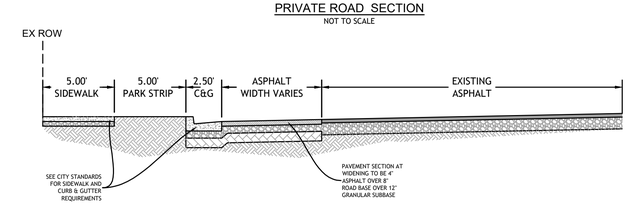
SETBACK AND SITE INFORMATION										
	MINIMUM SETBACKS									
LOT #	FRONT (FT)	SIDE (FT)	REAR (FT)	CORNER (FT)	LOT AREA (SF)	LOT WIDTH (FT)	BLDG AREA (SF)	BLDG COVERAGE (%)	PARKING STALLS	UNITS PER LOT [1]
1	20	5	10		8252	93	2812	34%	6	2
2	20	5	10		5841	66	2519	43%	6	2
3	20	5	10		5841	66	2346	40%	6	2
4	20	5	10		5841	66	2649	45%	6	2
5	20	5	10	20	8554	88.49	2554	30%	6	2
6	8	5	5		4268	92.25	1662	39%	4	2
7	8	5	5		4286	92.25	1662	39%	4	2
8	10	5	5		4489	51	2107	47%	5	2
9	10	5	5		4576	52	2107	46%	5	2
10	10	5	5	10	5267	56.5	2107	40%	5	2
11	8	5	5		4286	95.25	1662	39%	5	2
12	10	5	5		6270	83	2107	34%	5	2
13	10	5	15		5147	51	2107	41%	5	2
14	10	5	15		5106	51	2107	41%	5	2
15	10	5	10		4609	51	2107	46%	5	2
16	10	5	10		6629	67	2107	32%	5	2
17	10	5	21		6843	76.5	2107	31%	5	2
18	10	5	21		5544	56	2107	38%	5	2
19	10	5	21	10	6756	57	2107	31%	5	2
TOTAL SITE					**139752**		**41043**	**29%**	12 [2]	

NOTES:
1. EACH LOT CONTAINS ONE PRIMARY UNIT AND ONE ADU.
2. PRIVATE PARKING NOT IN DRIVEWAY.

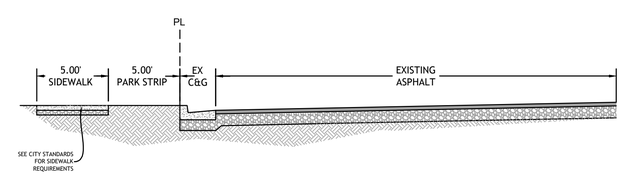
ZONING MODIFICATIONS		
	SR-1 ZONE	DESIGN
MIN. WIDTH	50'	50'
MIN. AREA	5,000 SF	4,000 SF *
MIN. FRONT SETBACK	20'	8' *
MIN. SIDE CORNER SETBACK	10'	10'
MIN. SIDE SETBACK	4 / 10	5' *
MIN. REAR SETBACK	15'	5' *
MAX COVERAGE	40%	50% *
* ZONING REQUIREMENTS TO BE MODIFIED		



PRIVATE ROAD SECTION
NOT TO SCALE



F STREET ROAD WIDENING SECTION
NOT TO SCALE



CAPITOL PARK AVENUE SECTION
NOT TO SCALE

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE: 1" = 30'
0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:
1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City.and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. Trash Plan: Individual house garbage/recycling receptacles will be kept within the garages of each respective house.

PROJECT STATISTICS	
TOTAL AREA =	3.21 AC
SINGLE FAMILY LOTS =	19
DENSITY =	5.92 DU/AC
OPEN SPACE AREA=	0.47 AC (15.7%)
OFF-STREET PARKING=	0.24 AC (7.48%)

LICENSED PROFESSIONAL ENGINEER
No. 3688
NICHOLAS M. MINGO
04/27/22
STATE OF UTAH

Capitol Park

Site Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: April 27, 2022

SHEET NUMBER:
O-2

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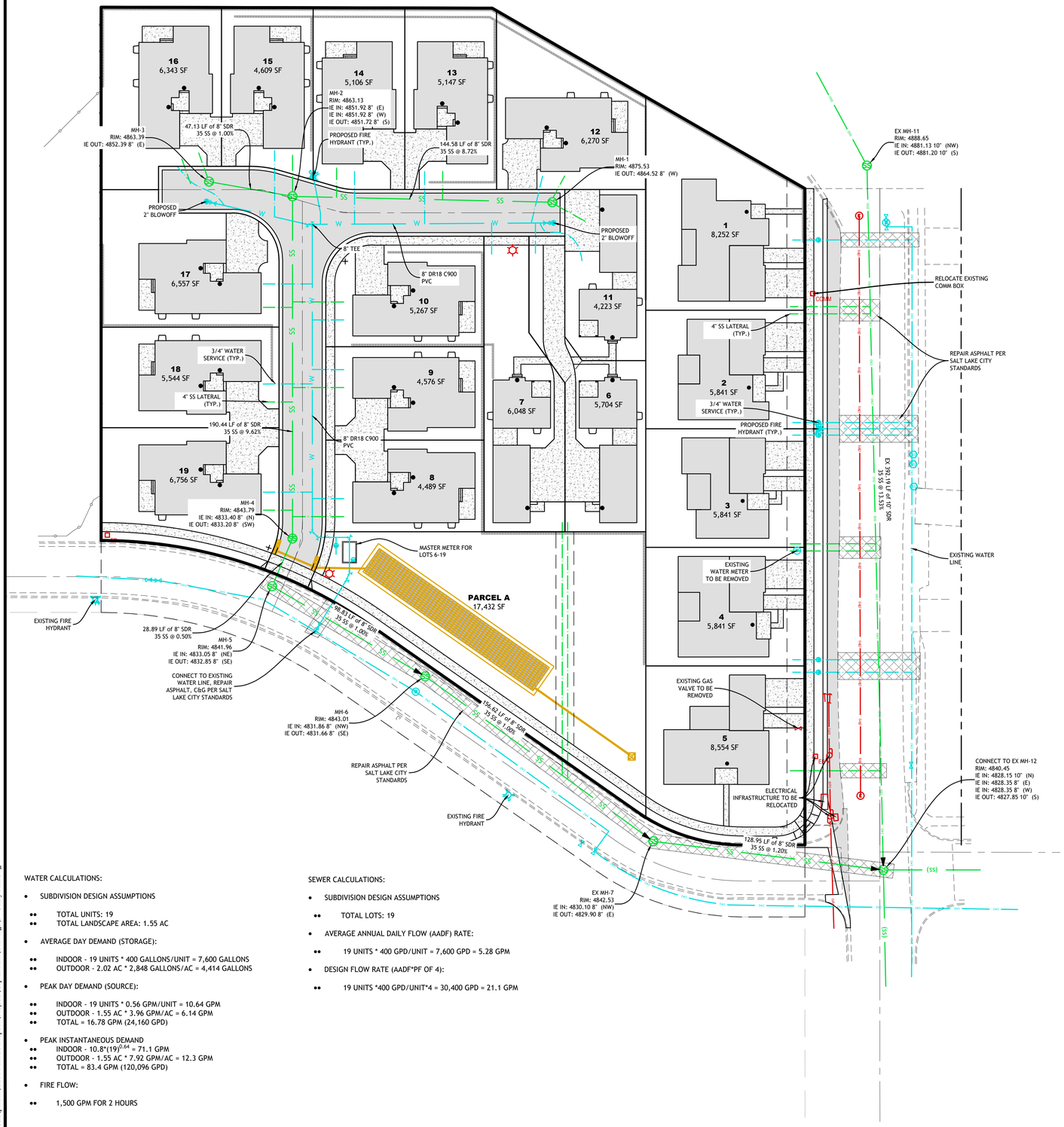
6/17/22

NOTE:

- UNITS 6 & 7 REQUIRE FIRE SPRINKLERS TO MEET SPECIAL EXCEPTION REQUIREMENTS FOR ACCESS DISTANCE



WATER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL UNITS: 19
  - TOTAL LANDSCAPE AREA: 1.55 AC
- AVERAGE DAY DEMAND (STORAGE):
  - INDOOR - 19 UNITS * 400 GALLONS/UNIT = 7,600 GALLONS
  - OUTDOOR - 2.02 AC * 2,848 GALLONS/AC = 4,414 GALLONS
- PEAK DAY DEMAND (SOURCE):
  - INDOOR - 19 UNITS * 0.56 GPM/UNIT = 10.64 GPM
  - OUTDOOR - 1.55 AC * 3.96 GPM/AC = 6.14 GPM
  - TOTAL = 16.78 GPM (24,160 GPD)
- PEAK INSTANTANEOUS DEMAND
  - INDOOR - $10.8*(19)^{0.64}$ = 71.1 GPM
  - OUTDOOR - 1.55 AC * 7.92 GPM/AC = 12.3 GPM
  - TOTAL = 83.4 GPM (120,096 GPD)
- FIRE FLOW:
  - 1,500 GPM FOR 2 HOURS

SEWER CALCULATIONS:

- SUBDIVISION DESIGN ASSUMPTIONS
  - TOTAL LOTS: 19
- AVERAGE ANNUAL DAILY FLOW (AADF) RATE:
  - 19 UNITS * 400 GPD/UNIT = 7,600 GPD = 5.28 GPM
- DESIGN FLOW RATE (AADF*PF OF 4):
  - 19 UNITS *400 GPD/UNIT*4 = 30,400 GPD = 21.1 GPM

EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE:1" = 30'

0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.
6. No new above-ground electrical equipment in public ROW.
7. Water system is private and will be maintained by HOA.
8. All utilities must meet separation requirements, including laterals.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
04/27/22
STATE OF UTAH

Capitol Park

Utility Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: April 27, 2022

SHEET NUMBER:
O-3

6/17/22

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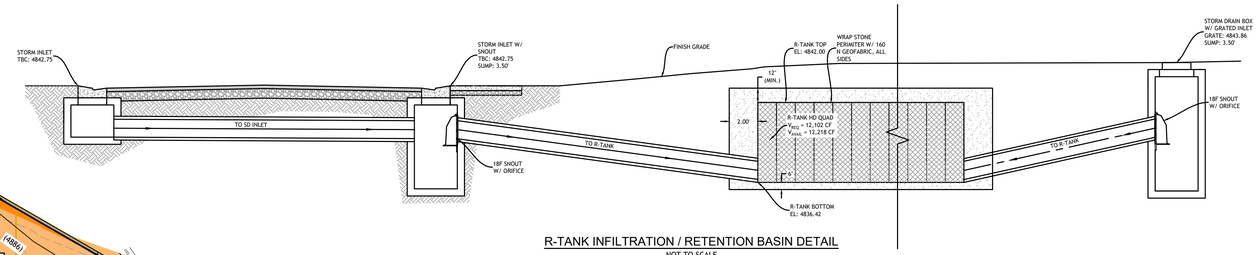
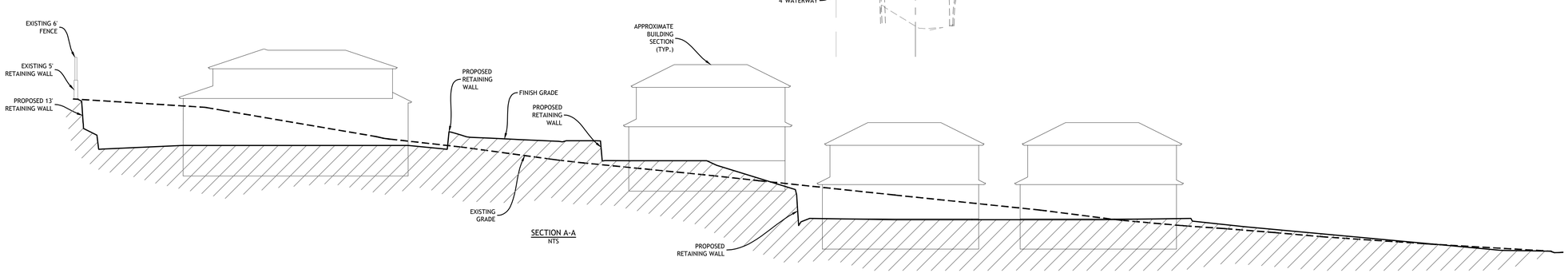
ELEVATIONS TABLE			
NUMBER	MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOR
1	-13.656	-10.000	
2	-10.000	-5.000	
3	-5.000	0.000	
4	0.000	5.000	
5	5.000	10.000	
6	10.000	15.571	



R-TANK INFILTRATION / RETENTION BASIN DETAIL

NOT TO SCALE

**REFER TO MANUFACTURER'S INSTALLATION REQUIREMENTS AND RECOMMENDATIONS FOR MORE INFORMATION.



SECTION A-A

NTS

EDM Partners

2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE:1" = 30'

0 15 30 60 90

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

LICENSED PROFESSIONAL ENGINEER
No. 360631
NICHOLAS M. MINGO
04/27/22
STATE OF UTAH

Capitol Park

Grading & Drainage Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: April 27, 2022

SHEET NUMBER: O-4

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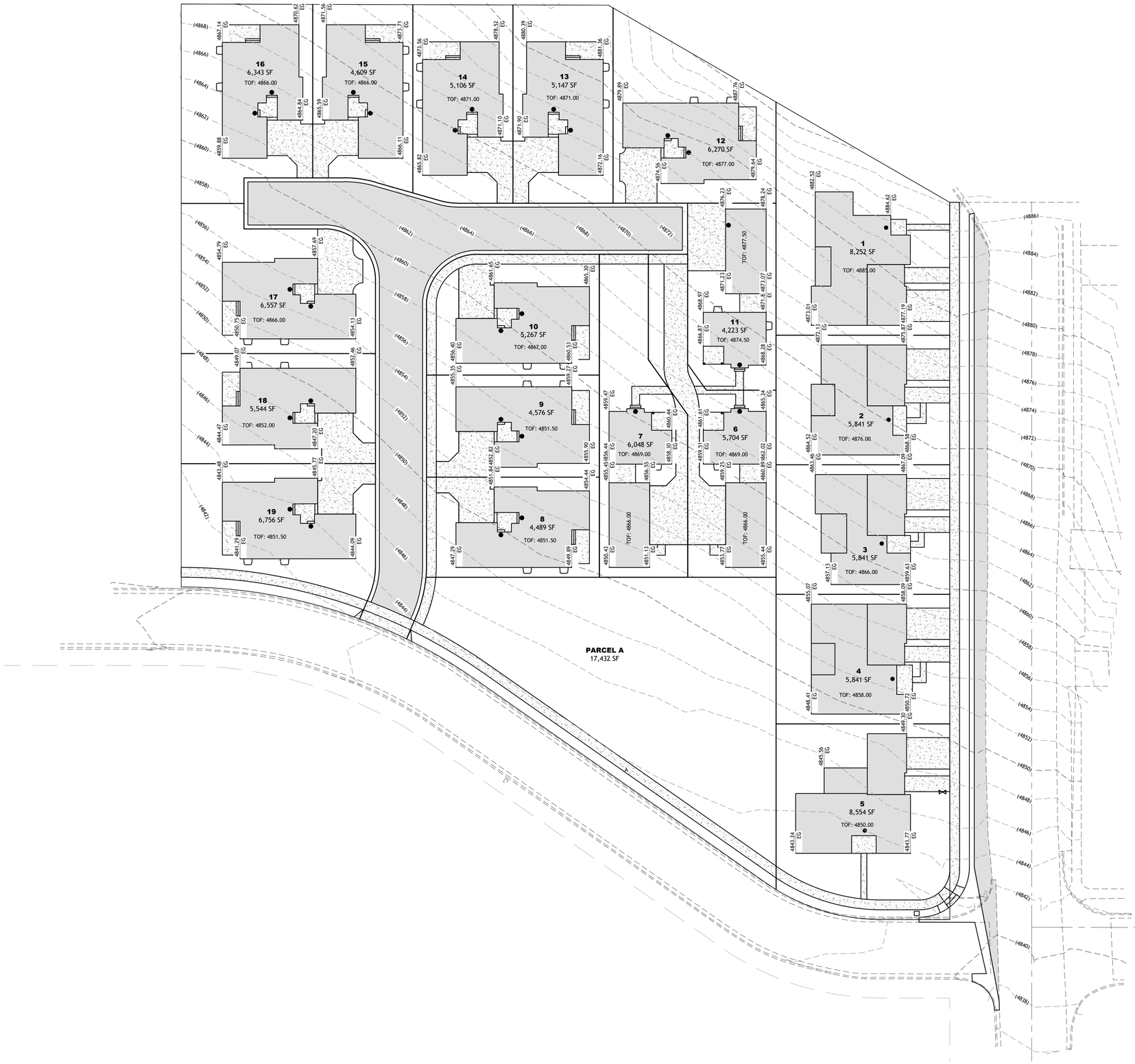
6/17/22



EDM Partners

2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE:1" = 25'

0 12.5 25 50 75

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
04/27/22
STATE OF UTAH

Capitol Park

Existing Ground Grading Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: April 27, 2022

SHEET NUMBER: O-5

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6/17/22

EDM Partners

2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE:1" = 25'

0 12.5 25 50 75

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

LICENSED PROFESSIONAL ENGINEER
No. 360441
NICHOLAS M. MINGO
04/27/22
STATE OF UTAH

Capitol Park

Established Grade Grading Plan

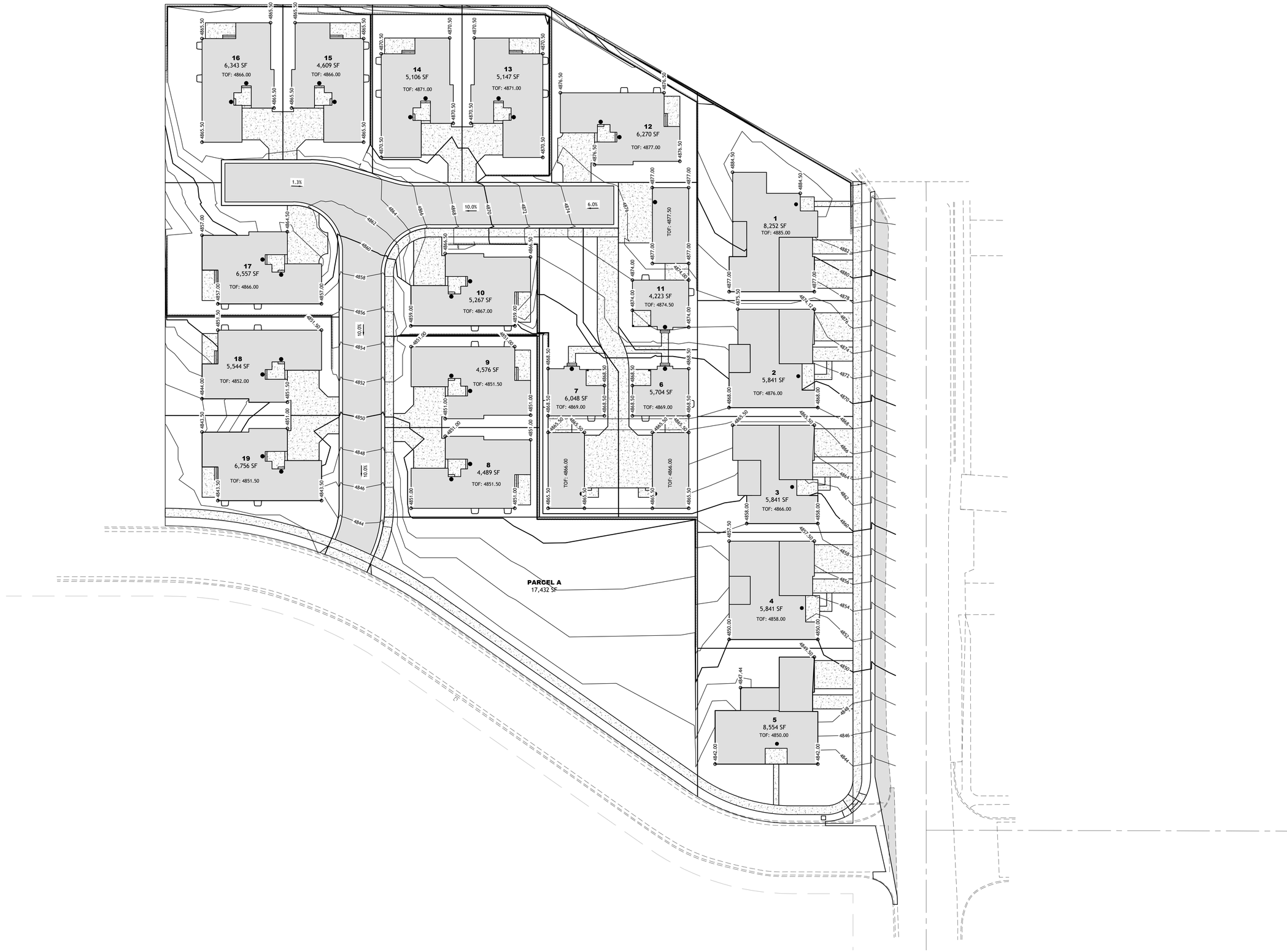
PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

DATE: April 27, 2022

SHEET NUMBER: O-6

C:\Users\pmd22\EDM Partners Dropbox\Projects\Capitol Park\Drawings\6 - Established Grade Grading Plan.dwg



EDM Partners

2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

NORTH

SCALE:1" = 25'

0 12.5 25 50 75

OWNER:

Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORYHOMES
Utah's Number One Homebuilder

NOTES:

1. All sanitary sewer improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
2. All culinary water improvements shall conform with the standards and specifications of Salt Lake City Public Utilities.
3. All improvements in the public right of way shall conform with the standards and specifications of Salt Lake City and APWA.
4. All private improvements shall conform to APWA standards and specifications.
5. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

LICENSED PROFESSIONAL ENGINEER
No. 3686
NICHOLAS M. MINGO
04/27/22
STATE OF UTAH

Capitol Park

Finish Grade Grading Plan

PROJECT:
DRAWN BY: KMW
REVIEWED BY: NMM
REVISIONS:

No.	DATE	REMARKS

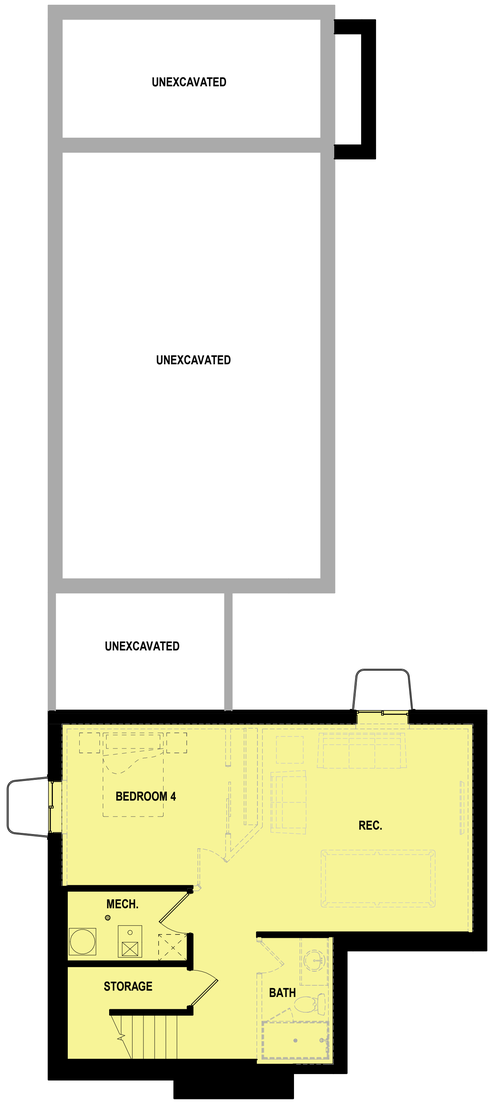
DATE: April 27, 2022

SHEET NUMBER:

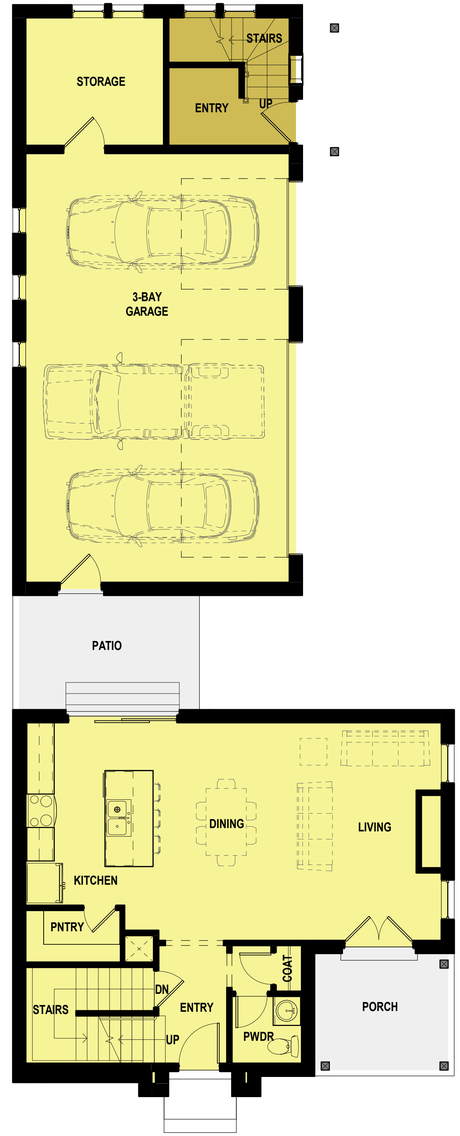
O-7

C:\Users\pmd22\EDM Partners Dropbox\Projects\Capitol Park\Drawings\7 - FG Grading Plan.dwg

6/17/22



BASEMENT



FIRST FLOOR

SECOND FLOOR

BASEMENT	810 SF
FIRST FLOOR	758 SF
GARAGE + STORAGE	787 SF
SECOND FLOOR	1095 SF
MAIN LIVING	3450 SF

ADU FIRST FLOOR	104 SF
ADU SECOND FLOOR	601 SF
ADU TOTAL	705 SF
COMBINED TOTAL	4156 SF

LMnt ARCHITECTURE

CAPITOL PARK | COTTAGE DUET
CONCEPT FLOOR PLANS

SD1

2021.11.01

6/17/22

FRONT

RIGHT

*Enhanced Side Elevation Particular to Lot 11

REAR

*Enhanced Rear Elevation Particular to Lots 6 & 7

LEFT

Elevations are conceptual and subject to change. Certain architectural components (bump outs, material mixes, window placements, color changes, roof lines, etc.) may be modified to promote visual diversity among units. Home elevation sides that have restricted public visibility will employ "reduced-brick" options and include stucco, hardiboard or other exterior materials.

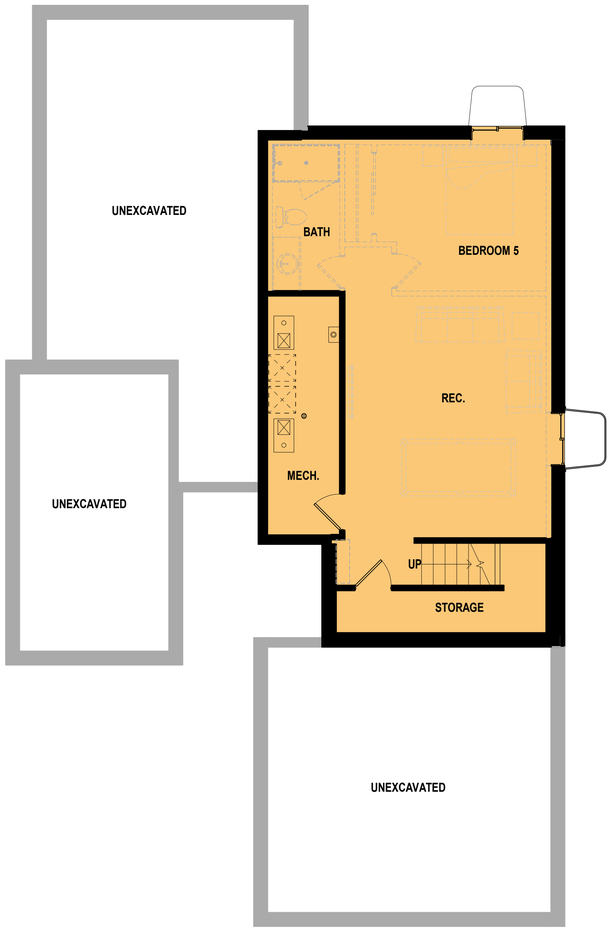
LMnt ARCHITECTURE

CAPITOL PARK | COTTAGE DUET
CONCEPT ELEVATIONS

SD2

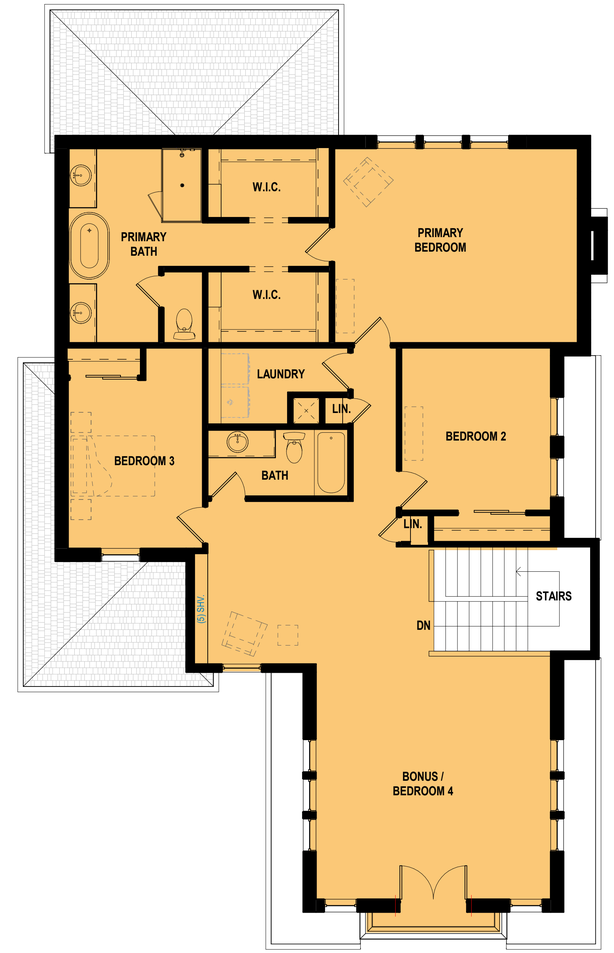
2021.11.01

6/17/22



BASEMENT

FIRST FLOOR



SECOND FLOOR

BASEMENT	849 SF
FIRST FLOOR	819 SF
GARAGE	463 SF
SECOND FLOOR	1685 SF
MAIN LIVING	3817 SF

ADU FIRST FLOOR	540 SF
ADU GARAGE	269 SF
ADU TOTAL	810 SF
COMBINED TOTAL	4626 SF

LMnt ARCHITECTURE

2022.03.02 CAPITOL PARK | MULTIGEN
CONCEPT FLOOR PLANS

SD1

6/17/22

FRONT

*Enhanced Front Facade for all Multi-Gen Lots

RIGHT

*Enhanced Side Elevation Particular to Lots 8 and 19

REAR

LEFT

Elevations are conceptual and subject to change. Certain architectural components (bump outs, material mixes, window placements, color changes, roof lines, etc.) may be modified to promote visual diversity among units. Home elevation sides that have restricted public visibility will employ "reduced-brick" options and include stucco, hardiboard or other exterior materials.

LMnt ARCHITECTURE

2022.03.02 CAPITOL PARK | MULTIGEN
CONCEPT ELEVATIONS

SD2

ATTACHMENT D: **FR-3 and SR-1 Zoning Summaries**

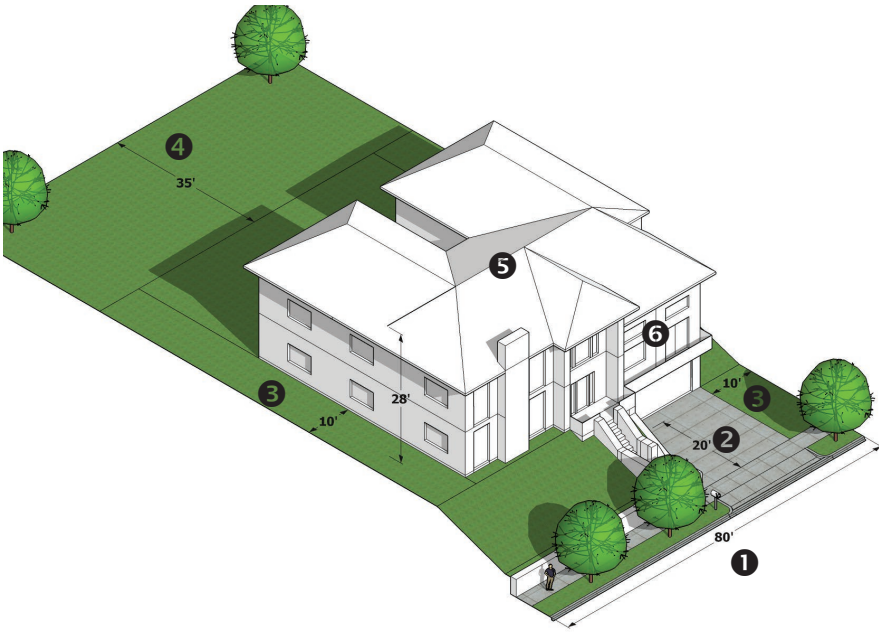
The attached documents are a visual summary of the FR-3 and SR-1 zoning regulations.

FR-3 /12,000

FOOTHILLS RESIDENTIAL DISTRICT
MINIMUM LOT SIZE: 12,000 SQ FT

The purpose of the FR-3/12,000 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds. The FR-3/12,000 Foothills Residential District is intended for application in most areas of foothills development existing as of April 12, 1995.

Development Examples



Zoning Diagram of Single-family Home

FR-3/12,000 Development Standards for Single-Family Detached Dwellings* (21A.24.040)							
LOT WIDTH ❶	LOT AREA	FRONT/CORNER SIDE YARD ❷	INTERIOR SIDE YARDS ❸	REAR YARD ❹	HEIGHT ❺	WALL HEIGHT (FRONT) ❻	BUILDING COVERAGE
Interior: 80' min Corner: 100' min	Min: 12,000 sq ft Max: 18,000 sq ft[1]	Min. is the average of the existing buildings on block face, or as specified on plat. 20' min. when no existing buildings on block face.	10' min., or as specified on plat	35' min.	Max. 28' to ridge of roof or top of flat roof	Max. 25' on front/corner side/rear facades. Corner lots: Gable ends allowed up to 28' on either the corner/front facade (not both).	Max. 35% of lot can be covered by buildings.

1. Lots exceeding this size may be created through the subdivision process subject to additional standards. See 21A.24.040.J.
2.For buildings legally existing on April 12, 1995, the required front yard is the established setback line of the existing building.
*An accessory dwelling unit or accessory guest/servants' quarters is allowed in addition to the primary dwelling. See ordinance for regulations for other uses, such as places of worship and utility buildings.

Additional General Standards			
ATTACHED GARAGE WIDTH AND LOCATION	ACCESSORY BUILDING/ STRUCTURE LOCATIONS	STEEP SLOPE RESTRICTIONS	SPECIAL FOOTHILLS REGULATIONS
May not exceed 50% of the front facade width of the home; cannot project beyond front line of the building. See code for exceptions.	Not allowed in any required yard. Accessory structures allowed where listed in 21A.36.020.	For lots subdivided after Nov. 4, 1994, portions of lots over 30% are not buildable. Buildings/structures must be setback min. 10' and average of 20' from nonbuildable areas.	See additional regulations on development, including driveways, grade changes, landscaping, lighting, retaining walls, and fences in 21A.24.010.P.

The above information is a synopsis of the FR-3/12,000 zoning regulations. The complete zoning regulations are located in 21A.24.040

SR-1 SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT

The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

Development Examples

Zoning Diagram of a Single-Family Home

SR-1 Development Standards (21A.24.080)

BUILDING/ USE TYPE	LOT WIDTH	LOT AREA MINIMUM[1]	FRONT YARD ❶	CORNER SIDE YARD ❷	SIDE YARDS ❸	REAR YARD ❹	HEIGHT ❺	WALL HEIGHT (INTERIOR)	BUILDING COVERAGE
Single-family Detached*	**50'** min.	**5,000** sq ft	Min. is the average of the block face, or as specified on plat. 20' min. when no existing buildings on block face [2]	**10'** min. [2]	**4'/10'** min.; corner lots **4'** min.	**25%** of lot depth, but not less than **15'**, and need not exceed **30'**	Max. **28'** or average height of other principal buildings on block face; Flat roof max. **20'**.[3]	Max. **20'** at min. side setback, increases **1'** for every **1'** add. setback. See code for exceptions.[3]	**Max. 40%** of lot can be covered by buildings.
Twin Home	**25'** min.	**4,000** sq ft per unit			**0'/10'** min.				
Two Family	**50'** min.	**8,000** sq ft			**4'/10'** min.				
Place of Worship	**80'** min.	**12,000** sq ft			**4'/10'** min.				
Utility/Other Uses	**50'** min.	**5,000** sq ft			**4'/10'** min.				

1. Lots exceeding 150% of min. may be created through the subdivision process subject to additional standards. See 21A.24.080.G.
2. For buildings legally existing on April 12, 1995, the required yard is no greater than the setback line of the existing building.
3. See code for exceptions to wall and building height, including for dormer and gable walls.

*An accessory dwelling unit is allowed in addition to the primary dwelling.

Additional Design Standards

ATTACHED GARAGE WIDTH AND LOCATION	May not exceed 50% of the front facade width of the home; cannot project beyond front line of the building. See code for exceptions.
GENERAL RESIDENTIAL REGULATIONS	See additional regulations for development, including lighting, landscaping, and front facade requirements in 21A.24.010.

The above information is a synopsis of the R-1/7,000 zoning regulations. The complete zoning regulations are located in 21A.24.080.

ATTACHMENT E: **Property & Vicinity Photographs**

View of the site, looking north-west from the intersection of F Street and Capitol Park Avenue/13th Ave (Credit: Google Street View)

View looking west down Capitol Park Avenue, showing subject property on the right and the Meridian Condos on the left. (Credit: Google Street View 2022)

View of the site from F Street from the middle of the site, looking west (Credit: Google Street View 2022)

View of the single-family and two-family homes on the east side of F Street, directly across from the site, looking east. (Credit: Google Street View 2022)

View looking north on F Street, toward the entrance to Northpoint Condominiums. The subject property is on the left.

View of the site from Capitol Park Avenue, looking north-east

View of the Meridian Condo building located directly across Capitol Park Avenue from the subject site, looking south. (Credit: Google Street View)

View of the west property line from Capitol Park Avenue, looking north

View of the south side of the property along Capitol Park Avenue from near the middle of the property line, looking west.

Additional view, looking south from near the west end of the property on Capitol Park Avenue.

View of Meridian Condos from the center of the site, looking south.

View of the west side of the property, showing the slope of the property and adjacent FR-3 zoned homes, looking west.

View of the north property line, with townhomes beyond the fence, looking north from the center of the site. This also shows the changing retaining wall height. The wall is lower toward the middle of the north property line but increases near the west end. The tallest portions are on the east end of the property line near the right of the photo.

View of the east side of the property toward F Street, showing trees on site and single and two-family homes in the background across F Street, looking east.

View looking south showing western property line and grade difference between the properties. The grade of the property on the right was lowered to create a flat lot and so the subject property grade is higher.

View of the north-east corner of the site, showing the Northpoint Condominiums entrance.

Additional view of the north end of F Street, with the subject property on the left. One of the Northpoint Condominium buildings is visible on the right. (Credit: Google Street View)

View looking west on F Street near the south-east corner of the site. (Credit: Google Street View)

View looking east from the intersection of F Street and 13th Avenue. (Credit: Google Street View)

ATTACHMENT F: **City Master Plan Policies**

The below are related policies from adopted City Master Plans. Each plan title is followed by a table where Staff has compiled related policies or discussion text from the associated plan. Some policies may not be directly applicable but have been identified in public or other comments and so have been included below.

In general, there are several citywide policies that support zoning changes that support additional housing opportunities, particularly policies to accommodate additional growth and ensure that housing remains affordable for a wide spectrum of income levels. However, there are also policies in the Avenues Master Plan that the proposal does not align with, particularly regarding the use designation on the "future land use map" (very low density versus low density) and general policies supporting larger lot developments in or near the foothills.

Salt Lake City Housing Plan

Issues/Goals/Objectives	Status in Relation to Proposal	Discussion
Issue: Current Zoning: A third impediment to the creation of more affordable housing is City zoning ordinances. Zoning affects land values, and if unit density is not available then land costs are too high to make affordable housing cost effective. One of Salt Lake City's main concerns in zoning is a lack of middle income housing options. The current residential multi-family zones (RMF) do not allow for the density to make townhomes, duplexes, and small multi-family developments affordable and financially feasible. Other unit types, such as Accessory Dwelling Units, are also currently prohibited from most areas of the city, in particular areas of high opportunity. Additionally, large sections of the city are zoned for a low-density residential land use pattern that requires lots of at least 10,000 square feet. Allowing for these lots to be subdivided into two buildable lots, could increase the density and housing options in a neighborhood	Consistent	This section of the plan identifies barriers to affordable and middle-income housing. This section speaks to density limits as impacting the availability of such housing. It also points to lot size requirements of 10,000 square feet or more to being a barrier for such development and notes that smaller lots could be developed with buildings that are still in scale with the neighborhood. The proposal would reduce the lot size requirement, but the allowed scale of buildings would remain the same.

without significantly impacting the scale of the buildings.		
Housing Crisis Section Summary: The city is in an affordable housing crisis and if growth projections are correct, it will not improve unless bold and strategic measures are developed and enacted. Solutions must include using zoning ordinance to provide a mix of housing types in an effort to relieve the pressure put upon existing housing, creating sustainable and significant funding sources, preventing and diverting low income families from entering homelessness, and creating innovative housing for all income types.	Consistent	The zoning change would support additional housing types and smaller housing types, that would help relieve price increase pressures on existing housing.
GOAL 1: Increase housing options: Reform city practices to promote a responsive, affordable, high-opportunity housing market	**Consistent**	Broad goal supports additional housing options to respond to housing needs and demand. Analysis regarding specific objectives/policies within this goal is noted below.
Objective 1: Review and modify land-use and zoning regulations to reflect the affordability needs of a growing, pioneering city	**Consistent**	The proposed zoning change would increase housing units to help increase the supply of housing in the City and reduce the price increase pressure on existing housing.
1.1.1 Develop flexible zoning tools and regulations, with a focus along significant transportation routes.	**Neutral**	Though the policy says that transportation routes should be a focus (or a priority), it does not preclude in-fill ordinances elsewhere in the City, which are discussed in the next policy. This is also generally directed at development of new zoning tools, rather than existing regulations.
1.1.2 Develop in-fill ordinances that promote a diverse housing stock, increase housing options, create redevelopment opportunities, and allow additional units within existing structures, while minimizing neighborhood impacts.	**Consistent/ Neutral**	• This broad language supports in-fill ordinances through the City that increase housing options and a diverse housing stock. The SR-1 zone would support more housing options and housing type diversity (duplexes) than allowed under the FR-3/12,000 zone. • The policy also recognizes that the in-fill should minimize

		neighborhood impacts, in other words by being compatible. • The area is low to very low density. Additional low density housing options should be compatible with the existing development patterns and have a minimal impact on the neighborhood.
Objective 3: Lead in the construction of innovative housing solutions **1.3.1** *Lead in the development of new affordable housing types, as well as construction methods that incorporate innovative solutions to issues of form, function, and maintenance.* *The Planning Division and HAND will analyze and recommend processes that may allow the city to be more responsive to changing housing demands and trends so that proposals that fit into a neighborhood are easier to realize. Small lot developments, cottage courts, and tiny homes are examples of housing trends that do not meet current zoning regulations but may be appropriate in some situations.*	**Consistent**	The additional narrative in this objective (copied on the left) is supportive of additional types of housing developments with smaller lots if "appropriate." The proposal would allow additional housing types at a scale compatible with the surrounding area, supporting its appropriateness.
Goal 3: Equitable and Fair housing: Build a more equitable city **Objective 3**: Implement Life cycle Housing principles in neighborhoods throughout the city **Plan Narrative**: *Salt Lake City should be a place where residents are not stifled in their housing choice, because certain neighborhoods are not conducive to their stage of life.* *The goal with this objective is to enable a diversity of housing types that responds to housing needs, allowing individuals to stay in their*	**Consistent**	The proposed zoning would allow for a mix of housing types (duplex, single-family detached and ADUs) and smaller lot sizes that respond to different housing needs in the neighborhood.

communities as their housing needs evolve. *The Kem C. Gardner Policy Institute's demographic projections show a growing senior population statewide, and while we know from the housing market study that Salt Lake City's percentage of seniors (10% of total population) is relatively low compared to other municipalities in the state, the City will begin anticipating the needs of a growing senior community. However, seniors are not the only population that is demanding a different type of housing. Across the country there are trends for micro housing, community style living, generational housing to accommodate aging parents, and intentional community and living space that co-exist (like a day care in a Senior Center). There is not one way to achieve life cycle housing, but infinite possibilities and it is the goal to engage the community in way that not only fosters the possibility, but creates policy that allows for the building.*		
3.3.1 Support diverse and vibrant neighborhoods by aligning land use policies that promote a housing market capable of accommodating residents throughout all stages of life. *Plan Narrative: In order to truly encourage new types of housing that considers cost, energy efficiency, and accessibility, a strong land use and zoning foundation must be laid that supports new types of building. The City must also understand how the type of housing being produced and home prices align with changing household dynamics. An*	**Consistent**	The smaller lots and dwelling units allowed by the proposed zone would support the residency of people with relatively lower incomes than would be accommodated with the larger lots of the FR-3/12,000 zone, including a more diverse population of people with varying housing needs at different stages of their life.

understanding of housing demand and gaps in the housing market will inform land use decisions and priorities, including the disposition of City owned property. *As resources are aligned a program will be structured that encourages new ways of adaptive re-use or new build through the use of City-owned land and request for proposals. This shift in programming will also closely align with the Housing Innovation Lab as life cycle housing is not just applicable to low-income populations, but for every resident in the City.*		

2016 Salt Lake Housing Policy (Housing Policy Statements Adopted by the City Council)

Policy	Status	Discussion
1. Foster and celebrate the urban residential tradition;	**Neutral**	• The proposal is close to the urban center, but this policy may be focused on more urban building forms nearer or in the urban center.
2. Respect the character and charm of predominantly residential districts, including those with historic character and qualities, while also providing opportunities for the provision of local goods and services easily accessed by neighborhoods;	**Neutral**	• The proposal does not involve commercial uses/local goods and services.
3. Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households;	**Consistent**	The proposal would add additional small to medium sized housing units to the City that would provide additional diversity of income level, age group, and household type than traditional single-family homes in the neighborhood (duplexes, and single-family detached with ADUs).
4. Develop new housing opportunities throughout the City;	**Consistent**	The proposal adds additional housing opportunities in the Upper Avenues versus the current zoning in an area where new development with additional housing opportunities is not common.

5. Ensure that affordable housing is available in all neighborhoods and not concentrated in a few areas of the city;	**Neutral**	The proposal does not involve "income restricted" affordable housing, but the allowed smaller lots would target lower incomes than would otherwise occur with the current zoning.
6. Emphasize the value of transit-oriented development, transit accessibility, and proximity to services;	**Neutral**	Not applicable, proposal is not in an area served by significant transit or services and is not considered "transit-oriented development."
7. Recognize that residents, business owners, and local government all have a role to play in creating and sustaining healthy neighborhoods;	**Neutral**	General statement that is not applicable to proposal.
8. Create an appropriate balance of rental and ownership opportunities in neighborhoods without jeopardizing an adequate supply of affordable housing;	**Consistent**	Additional ADUs and duplexes may provide additional rental opportunities in an area that is predominantly owner occupied.
9. Strongly incentivize or require the use of green building techniques and sustainability practices in public and private housing developments;	**Neutral/NA**	This pertains to creating new City regulations and does not apply. The proposal will have to comply with City ordinances and building codes related to sustainability practices and building techniques.
10. Examine the changing needs of Salt Lake City's population, and develop and maintain reliable demographic information to support housing policy and residential development;	**Neutral/NA**	This is not directly related to this amendment. However, for Avenues population context, Census data from 1980 shows the Avenues having 16,785 people with 8,119 housing units (2.06 persons per housing unit). The 2020 Census shows 16,157 persons in 8,662 housing units (1.8 persons per housing unit). There was population growth in the western lower Avenues below 6th Ave and west of I Street (+270) but decline in all other areas. Between ~6th and 13th Ave, there was a decline of 389 persons. For the area that includes both above 13th and east of Virginia Street, there was a decline of 161 persons, and for the area below 6th between I and Virginia Street, there was a decline of 348 persons. There has been a large decline in the under 18 population. In 1980 this population was 3,419 persons, in 2020 this was 2,373.
11. Consider the needs of multi-generational households and	**Consistent**	The proposed zoning would allow more ADUs than allowed under current zoning. ADUs provide more affordable housing options for

ensure housing products are available to meet those needs.		multi-generational households, including for adult children and older parents.
12.Address the livability of neighborhoods and concentrations of ageing adults, and plan and implement strategies that will allow residents to Age in Place.	**Consistent**	The proposal would allow for additional ADUs and smaller homes sizes than would be allowed or generally result under the current zoning. ADUs provide additional options for older adults with lower incomes to remain in their neighborhood, by either moving into an ADU or renting an ADU for income.

Avenues Master Plan (1987)

Residential Land Use Goals	Status	Discussion
The principal goal for the Avenues Community expressed by city policy-makers and concerned citizens, is to ensure that the Avenues Community remains a desirable place to live. We must direct future growth and development so that the quality of lifestyle and community scale are maintained.	Consistent	• The scale of the proposal is generally in-line and compatible with the low density and low building scale of the surrounding area. Much of the Avenues is zoned a similar designation, SR-1A.
Update Land Use: *Recommended land use patterns are identified on the Master Plan Map (see page 7). Deviations from the 1979 Master Plan Map are the result of either zoning changes since the adoption of the original Avenues Community Plan, or land use policy changes in a few areas of the community.*	Not Consistent	• The original Future Land Use map in the Master Plan calls for "very low density (0-4 units per gross acre)" on the property. • The Future Land Use map was officially replaced by the zoning map in 1995 with the adoption of the City's overhauled zoning map by Ordinance 26 of 1995, which stated the following: *New Title 21A, Zoning Ordinance and the new Zoning Maps amend the land use and zoning policies of all previously adopted master plans of the City. All existing adopted master plans should be construed and interpreted to conform to the new Zoning Ordinance and Zoning Maps.* • In general, all "very low-density" properties in the Avenues Master Plan are zoned and correspond with the FR-3/12,000 zone. The current FR-3/12,000 zoning of the property would allow for 3.63 units per acre or 7.26 units per acre, counting allowed ADUs as dwelling units. • The areas designated as "low density" on the Avenues map are generally zoned SR-1A.

		• The adjacent SR-1A zoning allows for 17.4 dwelling units per acre (counting allowed ADUs as dwelling units, 8.7 du/ac without) and corresponds with the areas designated as "low density" in the Master Plan map. • The proposal is the SR-1 zone, which has the same density allowance as the SR-1A zone.
Reduce Building Height Potential: *Many of the incompatibility problems created by new construction in residential areas are associated with excessive building height; new dwellings that tower over adjacent homes, and second-level or rear additions that overwhelm the original structure. A recently adopted ordinance will reduce height potential in areas encompassed by the "F-1" Foothill Development Overlay Zone. This "view protection" clause will limit building heights to a 25 foot maximum height for a flat-roofed structure and 30 feet to the peak of a structure with a pitched roof.* *As depicted in the accompanying figure, areas encompassed by the "F -1" Overlay are limited to foothill subdivisions along the urban fringe. If these height limitations prove to be successful in accomplishing their intended purposes in the "F -1" areas, similar height restrictions may be considered for other "R-1" and "R-2" areas in the Avenues Community.*	Consistent	• The Foothills Residential FR-3/12,000 zone has height restrictions generally consistent with plan's policies for the Foothills areas (formerly designated within the F-1 overlay pre-1995). The FR-3 zone allows for development up to 28' in height. • The proposed SR-1 zone has a maximum of 28' for a pitched room structure or 20' for a flat roofed structure. This is lower than the thresholds noted by this Master Plan policy.
Increase Lot Area Requirement *The city should consider increasing lot area requirements for duplexes in the "R-2" Zone to 7,000 or 8,000 square feet, with a minimum usable open space requirement of at least 600 square feet per unit in the rear yard.* *The present 6,000 square foot minimum lot-area requirement is not adequate for the typical two-family structure. The structure and required four parking stalls generally consume all but minimum required yard areas. This encourages greater building heights to compensate*	Consistent/ Neutral	• The R-2 zone formerly covered most of the Avenues below 13th Ave. The zoning was changed to SR-1 in 1995 and the zone then required 8,000 square feet for duplexes. • The proposed zoning of SR-1 still requires 8,000 square feet for duplexes.

for less ground level square footage, and often results in a congested appearance, no usable open space in the rear yard, and general incompatibility with neighboring structures. (Usable open space is defined as areas that are completely free and unobstructed from any structures including driveways and parking areas.)		
Additional Zoning for Multiple-Family Dwellings As a general policy, additional zoning changes to accommodate higher density multiple-family dwellings in the Avenues are not desirable. There is ample zoning in the Avenues to accommodate multiple-family dwelling needs for the foreseeable future.	**Consistent**	• The proposed zone doesn't allow for multi-family development.
Foothill Development Section		
Foothill Development and Protection *Planning Goal* Preserve the city's natural mountainous backdrop and recreation opportunities the mountains provide. Devise a growth management program that includes strategies to help protect the foothills from continued urban encroachment.	**Consistent /Not applicable**	The proposal does not result in further urban encroachment into the foothills. The property is surrounded by existing development.
Density of Future Foothill Development Avenues residents participating in the community planning process strongly support increasing lot area requirements for future subdivisions in the foothills above the Avenues. Geologic and other physical problems in sloping foothill areas are among the reasons most commonly given for justifying increased yard area requirements. City personnel involved in the development approval process agree that present ordinances often permit developments with insufficient lot sizes, yard area requirements and so forth. It is very difficult to properly develop a small lot on steep topography. A larger lot is necessary to solve drainage and access	**Varies,** **Not Consistent /** **Consistent /** **Neutral**	• This section is a discussion on input received from the community supporting larger lot sizes in the "foothills above the Avenues." Policy direction is included at the end where it notes the City should consider clarifying the Commission discretion in determining minimum lot sizes. The Commission and City Council have discretion through the Planned Development and Zoning Amendment process to determine the appropriate size of lots. • The policy direction notes that in general future lot sizes should be larger than that developed in the past. However, it is unclear what size this was referring to as the lots in the example case (Federal Heights Circle) are generally close to an acre or over an acre. There are many

problems, and to allow enough yard area for proper grade transition to neighboring properties. Small lots on steep slopes must be developed with the extensive use of retaining walls and other mitigating measures to compensate for inadequacies of the lot. Recent developments in the foothills also show evidence of an increasing demand for more spacious "estate" type lots in the few remaining development areas in the foothills. The foothills above the Avenues have become one of the most desirable and prestigious areas in the Salt Lake Valley for single-family home development. Homes have become increasingly large, and foothill subdivisions increasingly exclusive in the last few years. Homes in the most recent subdivisions, such as those on Federal Heights Circle, are much larger than the lots are designed to accommodate. Large homes on small lots with minimal yard areas tend to create a congested appearance detracting from the area's natural setting. Larger lots should be required where large structures are anticipated. Larger lots in the foothills will also respond positively to the following concerns expressed by Avenues residents: • Traffic congestion in the lower Avenues; • Street design in the lower Avenues that cannot accommodate increasing traffic volumes; • Problems imposed on neighboring properties such as loss of views; and • Visual appearance of the foothills from areas below. The city should consider an ordinance clarifying and increasing the Planning Commission's discretion in determining the minimum size of lots in foothill subdivisions. In some areas where slope and other geologic problems are prevalent, or in exclusive areas where "estate" type developments are anticipated, lot sizes approaching an acre may be appropriate.		areas of the Avenues next to significant slopes that create large areas of property that are undevelopable. This is not one of them, as the lot has a generally consistent gradual slope. • The lot is similarly sloped to other blocks of the Avenues that are zoned SR-1A, low-density residential. • The proposed zoning does allow for smaller lot sizes with lower setbacks than would be allowed under the FR-3 zoning, one of the successors to the F-1 overlay. • The Planning Commission has discretion in approving modifications to individual lot sizes through the Planned Development process, which would be required for the developer's submitted proposal.

In other areas, smaller lots may be more suitable. In general, future lot sizes in these sensitive foothill areas should be larger than those that have developed in the past, and minimum side and rear yards should also be increased in response to the concerns stated above. The city should consider modifying the Site Development Ordinance and the "F - 1" Overlay Zone to reflect the recommended changes. Also, the "F-1" Overlay Zone should be expanded into all areas of concern, to provide for more spacious foothill developments in the future.		
Transportation Section ***Recommendation and Strategies*** ***Major Street Plan Discussion Excerpt*** In the Avenues and many other older residential neighborhoods of Salt Lake City, all of the streets are residential streets, whether they are classified as local, collector, or arterial. This is in marked contrast to more recently planned neighborhoods where streets are not designed to serve both as frontages for residential development and as conduits for automobile traffic. Since we don't have the luxury of designing a circulation system around our older "close-in" neighborhoods in Salt Lake City, we must be very sensitive to problems associated with traffic movement through these areas.	**Neutral**	There is not a direct policy statement in this section except to be cognizant of traffic impacts to the Avenues street network. The proposal is a low-density residential use. Low density residential uses generally have a limited traffic impact on streets.
Health Services Section		
From the planning standpoint, land use at the Primary Children's Hospital and BYU Education Center properties should be low-density residential. These properties are on the fringe of a low-density residential community. Access to these sites is through narrow residential streets traversing relatively steep topography and there are no retail services or other facilities to support uses other than residential.	**Consistent**	• The property was part of the BYU Education Center site as identified on the Avenues Master Plan (historically part of the overall Veterans Administration Hospital site). • The policy supports “low-density” residential for the site. • The proposed SR-1 zoning would allow for low-density residential development. Low density was identified in the plan as ~4-8 units per acre by the original master plan, which would be ~8-16 units

		considering the current Citywide ADU allowance.
(Staff Note: The Avenues Plan notes in this section that "Policies and provisions outlined herein for the Primary Children's property should be generally applicable to the BYU Education Center Site…" As such, the policies for the Primary Children's Hospital are below.) If a low density residential zone is adopted for the Primary Children's Hospital, evaluation of proposed uses should include the following: • Avenues Community Council review and comment; • City Council review and approval; and • Planned Unit Development and/or conditional use approval through the City Planning Commission and Board of Adjustment as appropriate. These steps should be taken whether the proposed use involves redevelopment for low density housing, low density elderly housing with a health care component, or use of existing buildings for a residential health care facility. Intermountain Health Care representatives, Avenues Community residents, and the city should work together, through the approval process outlined above, to seek a mutually acceptable solution to the future use of this property.	**Consistent /Not Consistent**	• The rezone is following the City consideration and adoption process as outlined here. • The Avenues Community Council provided a letter in opposition to the rezone.
Guidelines For Redevelopment For Low Density Housing (For Primary Children's Hospital and BYU Education Center) • Intensity of any new use, whether new occupancy of existing buildings, or redevelopment and new construction, must be less intensive than present use levels with regard to the number of persons occupying the site, parking needs, and estimated traffic generation.	Consistent	• The SR-1 zone is consistent with the low-density called for in this section of the plan. • The design and scale of buildings that could be constructed according to the SR-1 regulations is low-scale and compatible with other low-scale residential development. • The zoning limits structures to two stories in height and is under the original height allowances of the F-1 overlay. • The homes along F Street are required to be oriented to the street by the zoning.

• Any use involving additions or expansion of existing buildings, or construction of a new building(s) will be limited to low density housing. • The design and scale of new construction should have a low-density residential appearance and must be compatible with surrounding low density residential uses. • There should be no variance from building height limits imposed by view protection provisions of the "F-1" Overlay Zone. Structures should be limited to two stories in height. • New structures adjacent to public streets should be oriented to the street with a sense of entry through front facades.		

Plan Salt Lake

Plan Salt Lake City is a City-wide master plan that addresses growth, housing and preservation. This master plan is broad and not property specific.

Plan Salt Lake	Status	Discussion
Neighborhoods/ Neighborhoods that provide a safe environment opportunity for social interaction, and services needed for the wellbeing of the community therein. • Maintain neighborhood stability and character. • Support neighborhoods and districts in carrying out the City's collective Vision. • Support neighborhood identity and diversity. • Support policies that provides people a choice to stay in their home and neighborhood as they grow older and household demographics change.	Consistent	The proposal is a low scale single-family development in a low-scale single-family neighborhood. The use and zoning support neighborhood stability and character. The zoning will provide additional housing options for residents as they grow older or household demographics change.
Growth/ Growing responsibly, while providing people with choices about where they live, how they live, and how they get around. • Locate new development in areas with existing	Consistent	• The proposed development is located in an area with existing infrastructure, such as sidewalks, roads, utilities, and amenities, such as parks and trails. • The zoning will promote infill development of an underutilized, vacant parcel.

infrastructure and amenities, such as transit and transportation corridors. • Promote infill and redevelopment of underutilized land. • Accommodate and promote an increase in the City's population.		• The SR-1 zoning will accommodate and promote an increase in the City's population to a greater extent than the current FR-3 zoning.
Housing/ Access to a wide variety of housing types for all income levels throughout the city, providing the basic human need for safety and responding to changing demographics. *Discussion* Almost half of the total housing units in Salt Lake are single-family detached dwellings. While preserving the existing housing stock will continue to be a priority for Salt Lake City, over the next 25 years, it will be critical for us to encourage and support a diversity of new housing options and types with a range of densities throughout the City to best meet the changing population. *Policies* • Ensure access to affordable housing city wide (including rental and very low income). • Increase the number of medium density housing types and options. • Encourage housing options that accommodate aging in place. • Direct new growth toward areas with existing infrastructure and services that have the potential to be people-oriented. • Enable moderate density increases within existing neighborhoods where appropriate.	Consistent/Neutral	• The proposed SR-1 zone would allow for smaller, denser single-family or two-family development than would be allowed with the current FR-3 zone. • The proposal would increases the number of housing types and options in this neighborhood by providing additional options than would be allowed under the current zone. • Smaller home sizes and accessory dwelling units support aging in place and opportunities to downsize while still living in the same neighborhood. • The development is in an area with existing infrastructure to support a single-family development. • The proposed density is a low-density zone and would be a moderate increase from the very low density zone.
Beautiful City/A beautiful city that is people focused. • Reinforce and preserve neighborhood and district character and a strong sense of place.	Consistent	The proposed zoning would support single-family development in a neighborhood predominantly occupied by single-family development and that would be in in scale with the surrounding neighborhood.

Preservation/Maintaining places that provide a foundation for the City to affirm our past. 1. Preserve and enhance neighborhood and district character. 2. Retain areas and structures of historic and architectural value. 3. Balance preservation with flexibility for change and growth.	Consistent/Not Consistent/Neutral	The site isn't historically designated; however, the zoning will support development in scale and with similar setbacks to nearby properties – those factors being a part of neighborhood character. Some of the mature trees on the site contribute to the character of the neighborhood, however, these may be removed with development.

ATTACHMENT G: **Analysis of Standards – Zoning Map Amendment**

ZONING MAP AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the City Council should consider the following:

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
Finding: The proposal is generally consistent with City plans, excepting the future land use map for the Avenues Master Plan.
Discussion: The proposal is generally consistent with City plans, excepting the future land use map for the Avenues Master Plan. Please see Attachment F for applicable City master plan policies and discussion as well as Consideration 3. The applicant is requesting an amendment to the future land use map in the Avenues master plan.
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.
Finding: The proposal generally furthers the purpose statements of the zoning ordinance.
Discussion: *21A.02.030 General Purpose and Intent of the Zoning Ordinance* *The purpose of the zoning ordinance is to promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and, in addition:* ***A**. Lessen congestion in the streets or roads;* ***B**. Secure safety from fire and other dangers;* ***C**. Provide adequate light and air;* ***D**. Classify land uses and distribute land development and utilization;* ***E**. Protect the tax base;* ***F**. Secure economy in governmental expenditures;* ***G**. Foster the city's industrial, business and residential development; and* ***H**. Protect the environment.* The development generally supports or has no appreciable impact on these purposes. The proposal fosters the City's residential development and broadens the tax base by supporting more residents in the City. There may be additional traffic caused by this development, but staff does not anticipate "congestion" on streets or roads as a result of the development.

The amendment supports residential development in an existing area zoned for residential surrounded by development, rather than extending further into the foothills. The proposed development provides sufficient light and air for residents. The development will meet all necessary Fire Codes to ensure its access by City Fire services and safety from fire.

Zoning District Purpose

> The purpose statement of the proposed SR-1 zone is: *The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.*

The proposed rezone will allow for development of single-family dwellings of a scale and intensity that is compatible with the neighborhood. The property is surrounded by multiple zones, including the FR-3 and RMF zones.

21A.50.010 Purpose Statement

The zoning amendment section of the ordinance notes the following with regard to its purposes:

> *The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.*

The developer is requesting additional development rights through this zoning amendment. The proposal will confer additional rights on the property owner; however, staff believes that adjustments are warranted given changed conditions and changes in public policy.

Regarding these changed conditions, the subject property was zoned FR-3/12,000 in 1995, which was over 25 years ago. The City and region have changed significantly since that time, particularly with regard to housing demand and availability. The City has adopted Citywide policy documents, including with Plan Salt Lake and the City's housing plan, that speak to these changed conditions, particularly regarding providing more housing in general and affordable housing. There is a very high demand for new housing, and this has resulted in substantial price increases across the entire housing spectrum. There are likely multiple factors in housing price increases, but demand is a significant one.

The developer is proposing to build market rate, unsubsidized housing, and would not be considered "affordable housing," which is generally housing that is at most affordable to people with incomes at 80% or below of area median income. However, building more market rate housing will increase the overall supply and help to relieve price pressures on other existing more affordable properties. Not responding to significant demand with

corresponding supply increases will result in price increases and this will increasingly price out even middle-income earners from living in the City. Given the City policies regarding additional housing and the current market conditions, staff believes adjustments are necessary in light of changed conditions and changes in public policy.

3. The extent to which a proposed map amendment will affect adjacent properties;

Finding: The proposed SR-1 zone will impose different regulations on development than the adjacent FR-3 zone on the west. However, the proposed zone will allow for low-scale residential development that will generally be compatible with adjacent low-scale properties due to their similar scale allowances and have minimal negative impacts. Recommended conditions related to rear setbacks/yards where the SR-1 zone will directly interface with FR-3 zoned private yards are noted in Consideration 1. Additional analysis regarding density context is in Consideration 2.

Discussion:
The major differences between the zones are the rear setback requirements and lot size/density limits. The proposed zone increases the development potential of the property from 11 single-family home lots to 27 single-family home lots (from a minimum 12,000 square foot lot size requirement to a 5,000 square foot lot requirement). Additional density will bring additional traffic, but as the provided traffic study notes this will be a low level of traffic with minimal impacts to adjacent streets. The density of the proposal is found in other areas of the Avenues and exists compatibly with lower density housing. Please see Consideration 1 for additional analysis regarding compatibility and recommended conditions regarding rear setback requirements where the zone will interface with FR-3 zoned private yards.

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;

Finding: The map amendment doesn't conflict with any overlays that affect the property.

Discussion:
The property is not located within an overlay that would impose additional standards on the residential uses allowed on the property.

5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Finding: The City's public facilities and services have adequate capacity to serve the additional dwellings that would be allowed with this rezone.

Discussion:
Roadways
The developer provided a traffic study that evaluated the impact of development of this property on the adjacent roads and intersections under the SR-1 zoning scenario. The report

did not identify any significant impacts on the adjacent roadways. The report was reviewed by the Transportation Division, and they did not have any concerns with its conclusions. The roadways and intersections are adequate to serve the development and will continue to operate at a high level of service and the proposal will have minimal impacts.

Parks and Recreation Facilities

The proposal is in an area of the City with a high level of park access that are adequate to serve additional residents:

- Kay Rees Park (<1/4 mile)
- 11th Avenue Park (~3/4 mile)
- Lower City Creek Loop/Bonneville Shoreline Trail (~1/2 mile)

Police and Fire Protection

The development is located within an existing developed area with dedicated police and fire services. The services are adequate to serve additional residents.

Concerns were provided regarding additional on-street parking on F Street that would result from additional residences on this property. The paved roadway is currently approximately 36' and will continue to be a minimum of 36' in width with any development, providing room for parking on both sides of the street, while maintaining a minimum 20' width of clearance for fire and emergency vehicles. This is the City's standard with for local residential streets and is the generally the configuration throughout the Avenues.

Schools

The property is located within 3/4 mile of Ensign Elementary School. Bryant Middle School is located at the bottom of the Avenues on South Temple, about 1.5 miles from the property. Recent Salt Lake City School District data indicates that enrollment has been declining in these school with projections anticipating further declines. [2] The schools have adequate capacity to serve additional students.

Library

The Corinne and Jack Sweet Library Branch is located approximately three blocks from the proposal. The limited number of additional residents served by the library would not create an adequacy issue.

Water/Sewer/Storm Drainage

Public Utilities has reviewed the proposal and did not identify any concerns with adequacy of utilities to serve the property. If any deficiencies are identified in being able to serve the property in more detailed reviews of any subsequent permits, Public Utilities can require the developer to upgrade public facilities that serve the property.

Refuse Collection

Development may be served by the City's Recycling and Waste Services or a private waste service. The small number of potential dwellings served would not have a substantive impact on the City's services level.

[2] For data sets, see https://www.slcschools.org/schools/district-demographics and https://www.sltrib.com/news/2022/01/20/salt-lake-city-booms-its/.

In general, the site is located within a developed area of the City and has zoning with a similar development potential to the zoning being proposed. The change of zoning is not likely to increase the need for roadways, parks, recreation facilities, police, fire protection, or schools. Any future development would be reviewed by the Public Utilities department and if additional water or sewer capacity is required to serve the property, the owner/developer would need to make the necessary public improvements.

ATTACHMENT H: **Public Process and Comments**

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

May 2020: Early notification/online Open House notices first mailed out for petition

- Petition requested the FB-UN1, Form Based Urban Neighborhood 1 zone. Proposed 25 single-family homes with accessory dwelling units in a concept plan.
- Notices were mailed to property owners/residents within ~300 feet of the proposal
- 45-day public input notice provided to community council
    - Applicant met with Greater Avenues Community Council at July 1 meeting
    - Community Council subsequently provided letter opposed to the request
- 175 letters/e-mails received in response to proposal.
    - 170 letters opposed, 9 letters in support.
- Over 2,000 signatures received on petitions opposing the rezone

February 2021: Update to proposal received and posted online

- Concept proposal reduced to 20 lots.
- Update sent to community council and those who had contacted staff during initial outreach.
- Approximately 190 letters received in opposition. 4 letters received in support.

March 2021: Change to requested zone

- Applicant provided update to the requested zone, changing the request to the SR-1 zone
- Update sent to community council and those who had contacted staff during initial outreach
- Applicant met with Greater Avenues Community Council on April 7th
- Community council provided additional letter noting opposition to request

November 2021: Planned Development and Subdivision Applications Received

- Early notice sent to community council, property owners/tenants within 300 feet of the proposal, and those who had previously contacted staff regarding the proposal.
- Applicant and staff met with Greater Avenues Community Council on January 5th
- Community council provided letter in opposition
- Approximately 276 additional letters received in response to noticing. 4 of the letters were in support and the others were in opposition.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on June 9, 2022

- Public hearing notice e-mailed to interested parties June 9, 2022
- Public hearing notice posted on June 9, 2022
- Public notice posted on City and State websites and Planning Division list serv on June 9, 2022

Public Input:

All of the public comments received are included in Attachment K, including those from local recognized community organizations. Staff has identified some of the key frequently repeating concerns in Consideration 6 and also included a more extensive list below:

- Incompatibility of allowed density with surrounding density
- General traffic impacts to streets, including to safety
- Negative impacts to property values
- Negative impacts to school enrollment
- Lack of family-oriented housing
- Lack of yards
- Fairness to neighborhood if long standing zoning is changed
- Impacts to on-street parking
- Incompatibility of grade changes
- Incompatibility of structures
- Incompatibility of setbacks
- Concerns with developer
- Concerns with loss of mature trees
- Concerns with pollution from cars
- Concerns with Fire Department access and fire evacuation access on F Street
- Concerns with loss of open space
- Concern with loss of wildlife habitat, including for a hawk nest and deer grazing

ATTACHMENT I: **Department Review Comments**

Engineering

Prior to performing work in the public way, a Permit to Work in the Public Way must be obtained from SLC Engineering by a licensed contractor who has a bond and insurance on file with SLC Engineering.

Planning Staff Note: Subdivision process will be required for the property and all normal City street improvements will need to be installed for F Street, including sidewalk, park strips, and curb/gutter.

Public Utilities

No objections to proposed zone change.

- The property currently has water service with one 2" meter. There is currently no sewer service to the property.
- There is adequate sewer and water capacity in the system however they will need to install sewer mains to provide service to the majority of the properties.
- Because the property is greater than 2 acres a complete technical drainage study will be required including stormwater detention. Offsite drainage improvements may be required. A complete stormwater pollution prevention plan will also be required.
- Streets should be public streets to allow for public water and sewer mains. If private streets are requested - master metering, fire meters and private sewer mains may be required.
- ADUs must meet all public utility requirements.

Fire

Planning Staff Note: The City Fire Prevention Bureau does not normally weigh in on zoning map changes. However, they were provided information on the zoning change and the development plans and were asked if they had any input on the change to the zoning change. The Bureau noted that they do not have any official comments or concerns with the proposed zoning change, noting that "Any development is subject to code requirements and the SLC Building Department and SLC FPB are committed to ensuring that the adopted codes are followed."

The City's Fire Code review staff normally reviews all plans to ensure they comply with Fire Code. As proposed, the subdivision plans currently appear to comply with the relevant Fire Codes. More detailed code compliance will be ensured if the zoning change is approved, and final building plans are provided to their office.

Transportation

I have reviewed the TIS (Traffic Impact Study) and things look fine. Please let me know if you have any questions.

ATTACHMENT J: **Supplemental Maps**

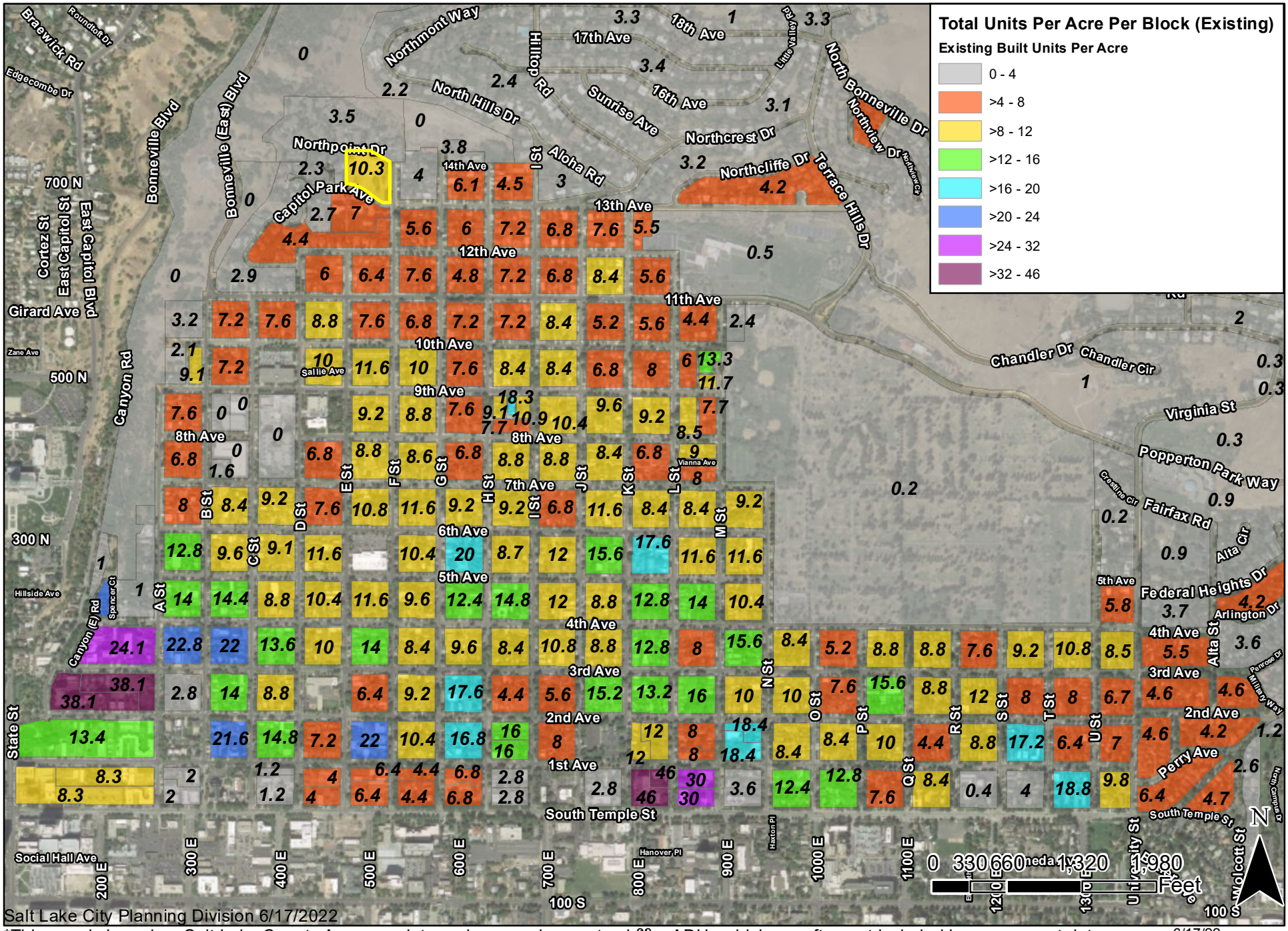
J.1: Existing built densities per block

J.2: Allowed densities per block with ADUs by zoning

J.3: Allowed densities per block without ADUs by zoning

J.4: Traffic accident map

J.1 Existing Built Densities Per Block

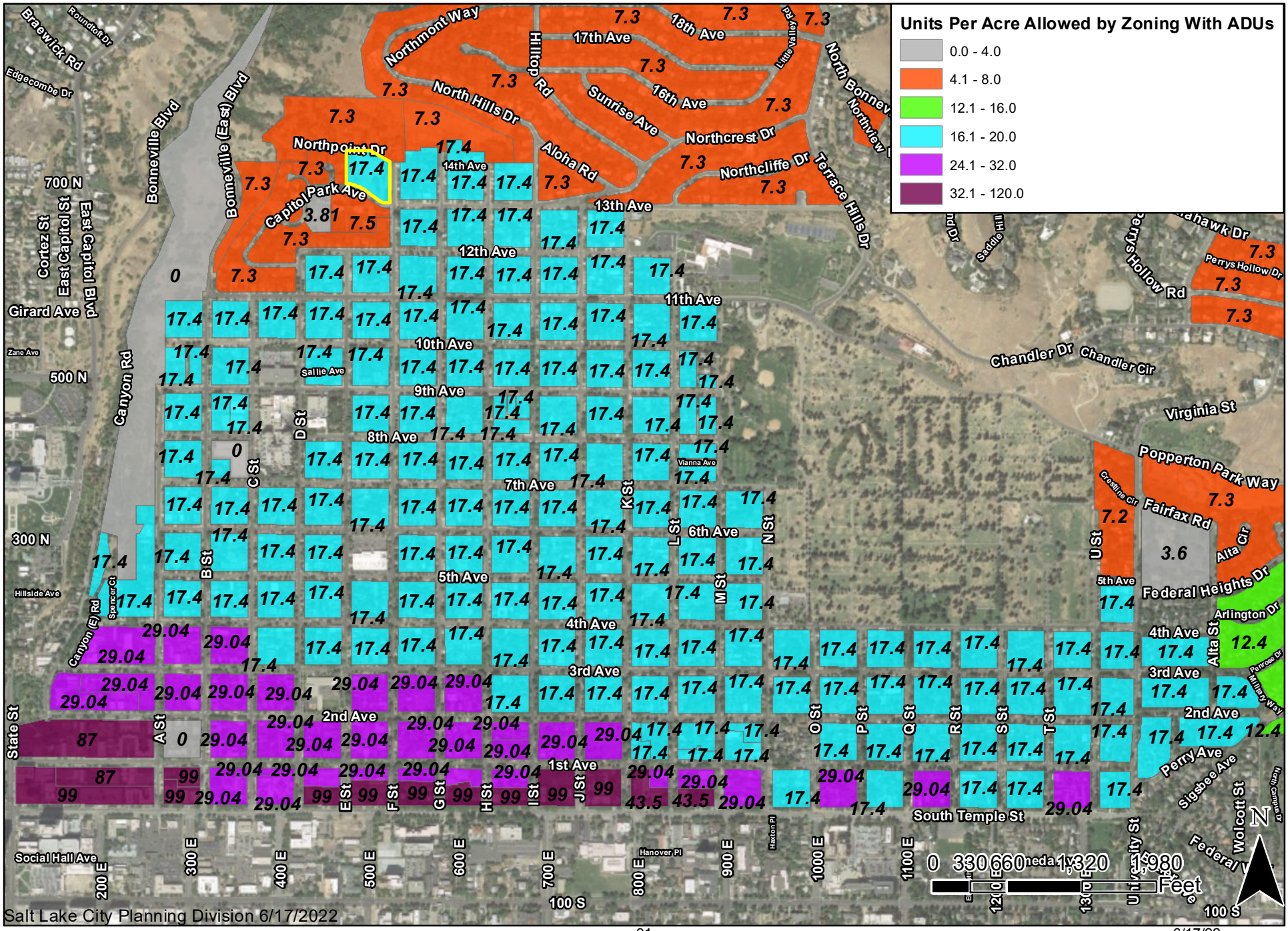


*This map is based on Salt Lake County Assessor data and may undercount existing ADUs which are often not included in assessment data.

*Map shows density of subject site with density from concept plan.

6/17/22

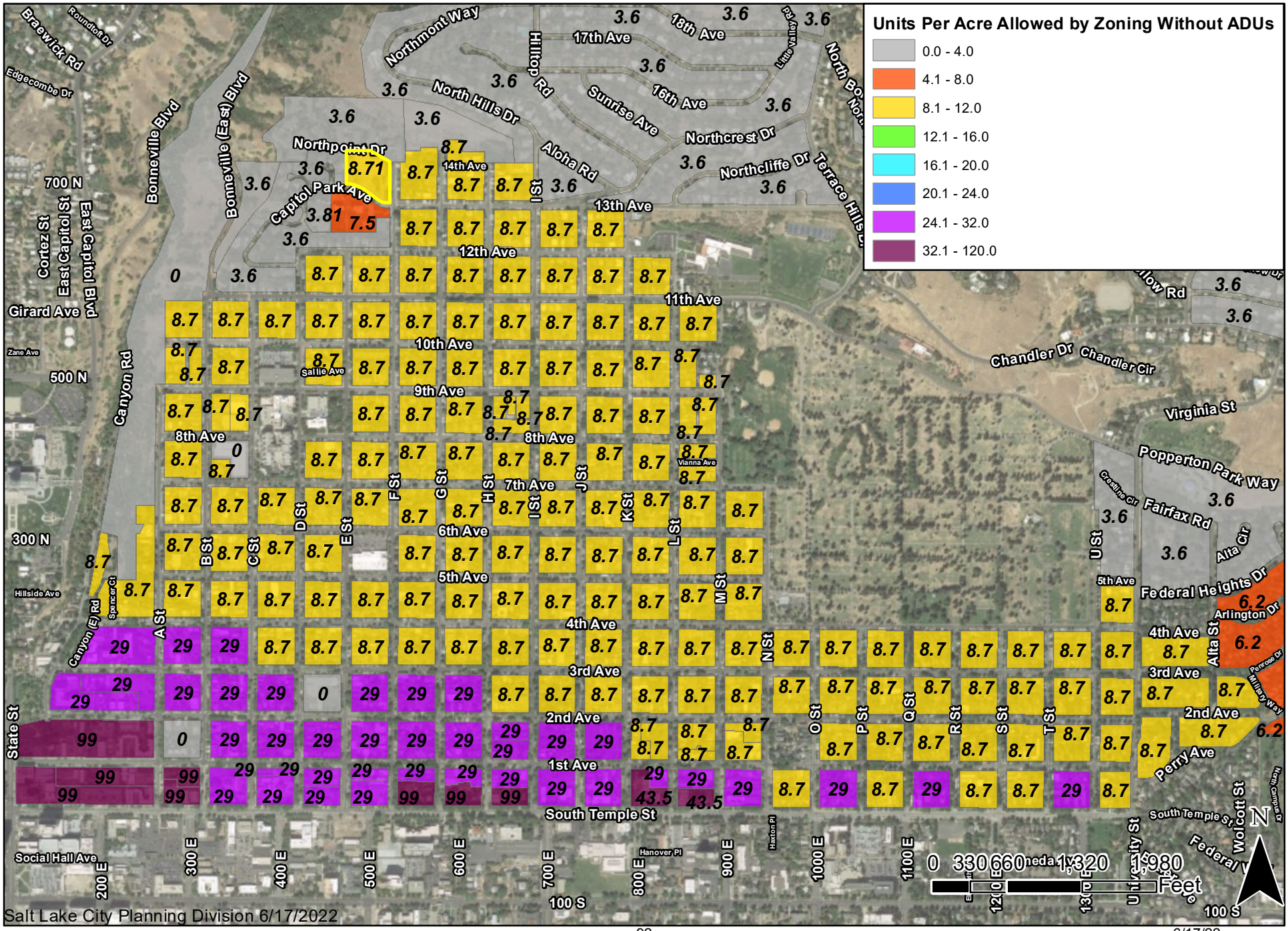
J.2 Densities Per Block Allowed by Zoning With ADUs



*Map shows density of subject property with proposed zoning, not current zoning.

6/17/22

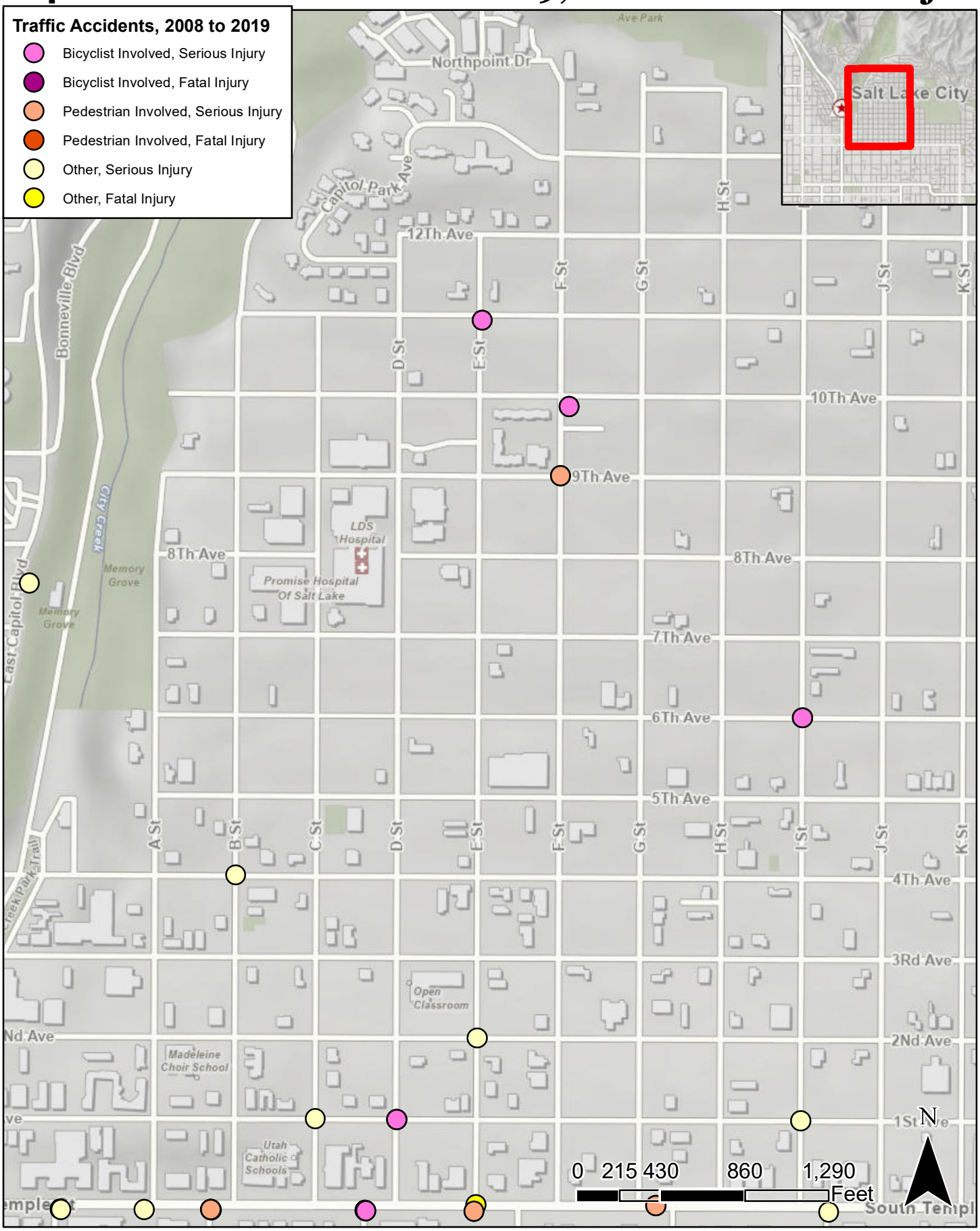
J.3 Densities Per Block Allowed by Zoning Without ADUs



*Map shows density of subject property with proposed zoning, not current zoning.

6/17/22

J.4 Traffic Accidents '08 to '19, Serious or Fatal Injury



Credit: SLC Transportation Division, Accident Data

Salt Lake City Planning Division 6/16/2022

6/17/22

ATTACHMENT K: **Public Comments**

Due to the number of public comments and length of the attachment, this attachment is available in separate PDFs. Please see those PDFs for the content of this attachment.

Comments are generally organized by public input cycle and by date received within that comment period. Please note that many of the comments pertain to development plans and site configuration and those are more relevant to the Planned Development and Subdivision requests that are not before the Commission for consideration at this time. However, much of the feedback pertains to the zoning/master plan amendment as well and so is provided for the Commission's consideration.

K.1: Recognized Community Organization letters (Greater Avenues Community Council and Preserve Our Avenues Zoning Coalition)

K.2: November 2021 Noticing Public Input up to Staff Report Publication (Planned Development/Subdivision input)

a. All letters

b. Support letters

K.3: February & March 2021 Noticing Public Input (Updated SR-1/20 lot request input)

a. All letters

b. Support letters

K.4: May 2020 Noticing Public Input (Initial FB-UN1/25 lot request input)

a. All Letters

b. Support Letters

K.5: May 2020 Opposition Petition Signature Forms Received

EXHIBIT 7

Rezone Ordinance

SALT LAKE CITY ORDINANCE
No. 81 of 2022

(Amending the zoning of property located at 675 North F Street
from FR-3/12,000 Foothills Residential District to
SR-1 Special Development Pattern Residential District, and amending
the Avenues Community Master Plan Future Land Use Map)

An ordinance amending the zoning map pertaining to property located at 675 North F Street from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District pursuant to Petition No. PLNPCM2020-00335 and amending the Avenues Community Master Plan Future Land Use Map pursuant to Petition No. PLNPCM2020-00334.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on June 22, 2022 on an application submitted by Peter Gamvroulas ("Applicant") to rezone property located at 675 North F Street (Tax ID No. 09-30-455-021-0000) (the "Property") from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District pursuant to Petition No. PLNPCM2020-00335, and to amend the Avenues Community Master Plan Future Land Use Map with respect to the Property from Very Low Density to Low Density pursuant to Petition No. PLNPCM2020-00334; and

WHEREAS, at its June 22, 2022 meeting, the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said applications, subject to conditions to prohibit accessory buildings in rear yards along the west most property line and require a minimum 30' setback for second levels of homes along the west most property line; and

WHEREAS, after a public hearing on this matter the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Zoning Map. The Salt Lake City zoning map, as adopted by the *Salt Lake City Code*, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended to reflect that the Property identified on Exhibit "A" attached hereto shall be and hereby is rezoned from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District, subject to the condition identified in Section 3 herein.

SECTION 2. Amending the Avenues Community Master Plan. The Future Land Use Map of the Avenues Community Master Plan shall be and hereby is amended to change the future land use designation of the Property identified in Exhibit "A" from Very Low Density to Low Density, subject to the conditions identified in Section 3 herein.

SECTION 3. Conditions. The zoning map amendment and master plan amendment that are the subject of Petition Nos. PLNPCM2020-00335 and PLNPCM2020-00334 described herein are conditioned upon Applicant entering into a development and use agreement with the city to be recorded as against the property, which agreement shall include the following requirements for development and use of the Property:

1. Accessory buildings shall not be allowed in rear yards located along the west-most property line of the subject property.
2. Where the west-most property line is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30' from the corresponding rear or side property line.
3. Accessory dwelling units within the Property may not be used for short term rentals (rentals of periods less than 30 days).
4. The open space area shown on draft development plans submitted to the Planning Commission and City Council shall generally be accessible to the community, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

5. The city's building approval and permitting process will be followed for construction of retaining walls on the Property.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The city recorder is instructed not to publish or record this ordinance until the condition identified above has been met as acknowledged by the director of the Salt Lake City Planning Division.

SECTION 5. Time. If the condition identified above has not been met within one year after adoption, this ordinance shall become null and void. The city council may, for good cause shown, by resolution, extend the time period for satisfying the condition identified above.

Passed by the City Council of Salt Lake City, Utah, this 13th day of December, 2022.

Daniel Dugan (Dec 21, 2022 14:02 MST)
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on Dec 21, 2022.

Mayor's Action: ☑ Approved. ☐ Vetoed.

Erin Mendenhall (Dec 22, 2022 15:48 MST)
MAYOR

CITY RECORDER
(SEAL)

Bill No. 81 of 2022.
Published: August 17, 2023.
Ordinance amending zoning and MP 675 N F Street (12.19.22)

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: Dec 21, 2022
By: Paul Nielson (Dec 21, 2022 13:11 MST)
Paul C. Nielson, *Senior City Attorney*

EXHIBIT “A”

Legal Description of Property to be Rezoned
and Subject to Avenues Master Plan Future Land Use Map Amendment:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

Ordinance 81 of 2022 Zoning Map Amendment and Master Plan Amendment 675 N F Street

Final Audit Report 2022-12-27

Created:	2022-12-21
By:	Thais Stewart (thais.stewart@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvplsm5B_w1wOtZA0unlj5ICZGARO9p5O

"Ordinance 81 of 2022 Zoning Map Amendment and Master Pla n Amendment 675 N F Street" History

Document created by Thais Stewart (thais.stewart@slcgov.com)
2022-12-21 - 4:28:22 PM GMT

Document emailed to Paul Nielson (paul.nielson@slcgov.com) for signature
2022-12-21 - 4:30:40 PM GMT

Email viewed by Paul Nielson (paul.nielson@slcgov.com)
2022-12-21 - 8:11:20 PM GMT

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Signature Date: 2022-12-21 - 8:11:30 PM GMT - Time Source: server

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Email viewed by Daniel Dugan (daniel.dugan@slcgov.com)
2022-12-21 - 9:02:45 PM GMT

Document e-signed by Daniel Dugan (daniel.dugan@slcgov.com)
Signature Date: 2022-12-21 - 9:02:58 PM GMT - Time Source: server

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Document e-signed by Cindy Trishman (cindy.trishman@slcgov.com)

Signature Date: 2022-12-27 - 10:03:40 PM GMT - Time Source: server

Agreement completed.

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MEMORANDUM

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Cindy Lou Trishman, City Recorder

From: Nick Norris, Planning Director

Date: August 17, 2023

Re: Ordinance 81 of 2022 – Conditions Certification

Notice is hereby given that the conditions identified in Ordinance 81 of 2022, pertaining to property at 675 N F Street, have now been satisfied and the City Recorder is instructed to publish and record the ordinance.

Sincerely,

Nick Norris
Planning Director

SALT LAKE CITY CORPORATION
451 SOUTH STATE STREET, ROOM 406
PO BOX 145480 SALT LAKE CITY, UT 84114-5480

WWW.SLC.GOV
TEL 801-535-7757

14141665 B: 11438 P: 9170 Total Pages: 8
08/16/2023 03:07 PM By: Mwestergard Fees: $0.00
Rashelle Hobbs,Recorder, Salt Lake County, Utah
Return To: SL CITY PLANNING
PO BOX 145480 SALT LAKE CITY, UT 84114

WHEN RECORDED, RETURN TO:

ATTN Planning Director
Salt Lake City Corporation
PO BOX 145480
Salt Lake City, Utah 84114-5480

DEVELOPMENT AND USE AGREEMENT

THIS DEVELOPMENT AND USE AGREEMENT (this "**Agreement**") is made and entered into by and between **SALT LAKE CITY CORPORATION**, a political subdivision of the State of Utah ("**City**") and **Ivory Development, LLC** ("**Developer**"). City and Developer may be referred to herein collectively as "**Parties**."

RECITALS

A. Developer is the owner of approximately 3.22 acres of land located at 675 North F Street in Salt Lake City (the "Property"), which land is more particularly described on the attached Exhibit "A" and incorporated herein by this reference.

B. Developer submitted an application to amend the zoning map regarding the Property to rezone the Property from FR-3/12,000 Foothills Residential District to SR-1 Special Development Pattern Residential District (Petition No. PLNPCM2020-00335) and to amend the Avenues Community Master Plan Future Land Use Map with respect to the Property from Very Low Density to Low Density (Petition No. PLNPCM2020-00334).

C. Developer intends to develop the Property with single-family dwellings, some of which may include an internal accessory dwelling unit (as that term is defined and applied in Utah Code Chapter 10-9a).

D. The Salt Lake City Planning Commission heard this matter on June 22, 2022 at which the commission voted in favor of forwarding a positive recommendation on the petition to the Salt Lake City Council.

E. The Salt Lake City Council held a public hearing on this petition on November 10, 2022 and at its December 13, 2022 meeting voted to approve Ordinance 81 of 2022, which approved Developer's petition to rezone the Property and amend the Avenues Community Master Plan, subject to Developer entering into a development and use agreement with the City to ensure development and use of the Property occurs in a manner consistent with City goals and policies and that respects unique circumstances regarding the Property. This Agreement satisfies that the condition of that ordinance.

F. City, acting pursuant to its authority under the Municipal Land Use, Development, and Management Act, Utah Code Chapter 10-9a as amended, and in furtherance

of its land use policies, goals, objectives, ordinances, and regulations of Salt Lake City, in the exercise of its legislative discretion, has elected to approve and enter into this Agreement.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in reliance on the foregoing recitals, City and Developer agree as follows:

1. **Incorporations of Recitals**. The Parties hereby incorporate the foregoing recitals into this Agreement.

2. **Obligations of the Parties.**

a. **Developer's Obligations.** Development and use of the Property shall comply with the following requirements:

i. Accessory buildings shall not be allowed in rear yards along the westernmost property line of the Property.

ii. Where the westernmost property line of a lot is a rear or side property line, the second levels of any homes located along that rear or side property line shall be setback at least 30 feet from the corresponding rear or side property line.

iii. Accessory dwelling units on the Property shall not be used as short-term rentals.

iv. Any open space areas located along Capitol Park Avenue or F Street shall generally be accessible to the community at large, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

v. The city's building approval and permitting process will be followed for construction of retaining walls on the Property

b. **City's Obligations:** Following recording of this Agreement against the Property, the City shall cause Ordinance 81 of 2022 to be published within 14 days of Developer providing proof to the City that the Agreement has been recorded. The City is further obligated to issue all necessary permits and certificates of occupancy for development of the Property that meet all requirements of law and satisfy Developer's obligations under this Agreement.

3. **Severability.** If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the Parties.

4. **Other Necessary Acts.** Each Party shall execute and deliver to the other any further instruments and documents as may be reasonably necessary to carry out the objectives and intent of this Agreement.

5. **Construction/Interpretation.** Developer has been informed that it is customary to consult legal counsel in the preparation and negotiation of the terms of development agreements. Developer has either done so or chosen not to. Should litigation arise from any breach of this Agreement, the Parties agree that no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

6. **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; "shall" is mandatory; "may" is permissive.

7. **Runs with the Land.** This Agreement and the covenants and restrictions herein are binding and run will the land during the Term, such that any subsequent owners of fee title or other third parties holding an interest in and to all or some portion of the Property shall be deemed to have acquired such interest with notice and knowledge of this Agreement such that the Property shall remain subject to the terms, conditions, restrictions and provisions set forth herein. In keeping with the foregoing, the term "Developer", as used herein, shall be construed to mean and include any successors in interest to fee ownership of all or any portion of the Property and any other holders of interests in and to any portion of the Property. City shall be deemed a beneficiary of such Agreement, covenants, and restrictions, and in the event of any uncured default, shall have the right to exercise all the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such default to which beneficiaries of such covenants may be entitled.

8. **Term and Termination.** This Agreement includes covenants, conditions, and restrictions regarding the development and use of Developer's Property, which shall run with the land in perpetuity. The covenants, conditions, and restrictions may only be modified or terminated with the express authorization of the Salt Lake City Council following the same processes required to amend the zoning map and applicable master plan.

9. **Waiver.** No action taken by any Party shall be deemed to constitute a waiver of compliance by such Party with respect to any representation, warranty, or condition contained in this Agreement.

10. **Remedies.** Either Party may, in addition to any other rights or remedies, institute an equitable action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, enforce by specific performance the obligations and rights of the Parties hereto, or to obtain any remedies consistent with the foregoing and the purpose of this Agreement.

11. **Utah Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Utah.

12. **Covenant of Good Faith and Fair Dealing.** Each Party shall use its best efforts and take and employ all necessary actions in good faith consistent with this Agreement to ensure that the rights secured by the other Party through this Agreement can be enjoyed.

13. **No Third-Party Beneficiaries**. This Agreement is between the City and Developer. No other party shall be deemed a third-party beneficiary or have any rights under this Agreement.

14. **Force Majeure**. No liability or breach of this Agreement shall result from delay in performance or nonperformance caused, directly or indirectly, by circumstances beyond the reasonable control of the Party affected ("Force Majeure"), including, but not limited to, fire, extreme weather, terrorism, explosion, flood, war, power interruptions, the act of other governmental bodies, accident, labor trouble or the shortage or inability to obtain material, service, personnel, equipment or transportation, failure of performance by a common carrier, failure of performance by a public utility, or vandalism.

15. **Entire Agreement, Counterparts and Exhibit.** Unless otherwise noted herein, this Agreement is the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer.

16. **REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES.** Developer represents that it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

17. **GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**. City is subject to the requirements of the Government Records Access and Management Act, Chapter 2, Title 63G, Utah Code Annotated or its successor ("GRAMA"). All materials submitted by Developer pursuant to this Agreement are subject to disclosure unless such materials are exempt from disclosure pursuant to GRAMA. The burden of claiming an exemption from disclosure shall rest solely with Developer. Any materials for which Developer claims a privilege from disclosure shall be submitted marked as "Business Confidential" and accompanied by a concise statement of reasons supporting Developer's claim of business confidentiality. City will make reasonable efforts to notify Developer of any requests made for disclosure of documents submitted under a claim of business confidentiality. Developer may, at Developer's sole expense, take any appropriate actions to prevent disclosure of such material. Developer

specifically waives any claims against City related to disclosure of any materials required by GRAMA.

[Signature Page to Follow]

EFFECTIVE as of the 3 day of August, 202_.

CITY:

SALT LAKE CITY CORPORATION, a Utah municipal corporation

Erin Mendenhall, Mayor

APPROVED AS TO FORM:
Salt Lake City Attorney's Office

Paul Nielson, Senior City Attorney

ATTEST:
Salt Lake City Recorder's Office

City Recorder

Minutes & Records Clerk

RECORDED
AUG 10 2023
CITY RECORDER

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

This instrument was acknowledged before me this 3 August, 2023, by Erin Mendenhall, Mayor of Salt Lake City Corporation, a Utah municipal corporation.

WITNESS my hand and official seal.

Notary Public

APRIL PATTERSON
Notary Public - State of Utah
Comm. No. 729148
My Commission Expires on
Feb 1, 2027

DEVELOPER:

By: _____

Its: PRESIDENT

STATE OF UTAH §
§
COUNTY OF SALT LAKE §

This instrument was acknowledged before me on the 21ST day of JULY, 2023, by CHRISTOPHER P. GAMVROULAS, an individual.

WITNESS my hand and official seal.

_____
Notary Public

PETER STEVEN GAMVROULAS
NOTARY PUBLIC- STATE OF UTAH
COMMISSION# 722444
COMM. EXP. 01-14-2026

EXHIBIT "A"

Legal description of Developer's Property located at 675 North F Street:

675 North F Street
Tax ID No. 09-30-455-021-0000

LOT 1, CAPITOL PARK AVENUE EXTENSION SUBDIVISION.

EXHIBIT 8

Density/Intensity Analysis

Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.

1). Summary

The above referenced ordinances require that development intensity, building coverage, bulk, scale, occupancy, traffic generation and parking requirements be consistent with and similar to neighboring uses. To quantitatively assess if Ivory's proposed development meets these requirements, Avenues residents have conducted a detailed analysis of the ten closest blocks in the SR-1 zone. Each of the key design elements impacting development intensity has been measured for the 140 homes in these ten blocks utilizing the Salt Lake County Assessor database and interactive map, and these were then compared with those for Ivory's proposal. These design elements include (1) Above Grade Size of each home, (2) Number of Stories, (3) Number of Duplexes, (4) Spacing Between Buildings, (5) Front Setback, (6) Rear Setback, (7) Building Lot Coverage, (8) Occupancy and (9) Traffic Generation.

A comparison of these key metrics impacting development intensity, for the established neighborhood and Ivory's proposal, is shown in Fig.1 on the following page. Inspection of this data shows that on every key metric Ivory's proposal grossly exceeds that for the existing neighborhood. If one applies an equal weighting to each of the design elements impacting development intensity, then Ivory's proposed development is a staggering 2.65 times or 265% that for the neighborhood and completely fails to meet the criteria required by ordinance that new development "*be consistent with and and similar to neighboring uses.*"

This detailed quantitative analysis clearly demonstrates that Ivory's proposal does not meet the requirements of 21A.62.040, 21A.24.080 or 21A.55.010, contrary to law. Ivory's highly congested development with large, 90 feet long, two-story buildings, closely crammed together with shrunken setbacks and no yards, is in fact unrecognizable as belonging to the Avenues.

This analysis has been reviewed by Land Use Attorneys Craig Smith and Ethan Smith of Smith Hartvigsen who agree with the conclusion of this analysis. A letter from them to this effect is included on page 3.

FIGURE 1.

ANALYSIS OF IVORY PROPOSAL VERSUS THE ESTABLISHED NEIGHBORHOOD

	NEIGHBORHOOD	IVORY	MULTIPLE
DWELLINGS	14	42	3X
TRAFFIC GENERATION (Number of vehicles)	28	84	3X
ABOVE GRADE SIZE OF HOUSES (sq ft)	1863	3629	2X
NUMBER OF TWO-STORY BUILDINGS %	25%	100%	4X
NUMBER OF DUPLEX'S %	1.5%	67%	45X
DISTANCE BETWEEN BUILDINGS (Feet)	27	10	2.7X
FRONT SETBACK (Feet)	21.1	15	1.4X
REAR SETBACK (Feet)	45.6	13	3.5X
BUILDING LOT COVERAGE (DEVELOPED) %	20.8	48.5	2.3X
BUILDING LOT COVERAGE (GROSS) %	20.8	34	1.6X

DEVELOPMENT INTENSITY NEIGHBORHOOD 1.0
DEVELOPMENT INTENSITY IVORY 2.65

IVORY'S DEVELOPMENT INTENSITY IS 265% THAT OF THE NEIGHBORHOOD

Notes.
1). Equal weighting given to each element. In fact, there is a compounding effect to the visual perception of scale and intensity such that this is an underestimate of the comparative scale and intensity.
2). Gross building lot coverage utilized since this is the planned development criteria. This is favorable to Ivory.
3). The impact of the large number of duplexes has been omitted from the calculation as the difference is so great this would distort the comparison. This again is favorable to Ivory.
4). Number of vehicles estimated at two per dwelling in all cases.
5). Parking intensity has been omitted from the calculation of Development Intensity as no suitable metric could be determined. Nonetheless, parking requirements grossly exceed those for the established development. Insufficient and inconvenient parking will be highly problematic. See later.
5). Detailed spreadsheets showing an analysis of each element for each lot and house, in each block, plus the analysis of Ivory's development is available on request. These have been omitted to reduce the file size to a manageable level.

J. CRAIG SMITH
jcsmith@shutah.law

ETHAN M. SMITH
esmith@shutah.law

January 18, 2024

PRESERVE OUR AVENUES
ZONING COALITION
c/o Peter Wright <pwwjaw@gmail.com>

Via Email (pwwjaw@gmail.com)

Re: Ivory's proposal does not comply with the definition of Compatible Land Use as defined in 21A.62.040, or with the requirements for Compatibility as defined in the Purpose Statement for the SR-1 Zone 21A.24.080 or that defined in the Planned Development Ordinance 21A.55.010.

I have reviewed the above-referenced memorandum ("**Memorandum**") prepared for the Salt Lake City Planning Commission in regard to Petition: PLNPCM2020-00334/00335 ("**Petition**"). It is my legal opinion that the analysis in the Memorandum is correct and demonstrates that Ivory Development, LLC's proposal to the Salt Lake City Planning Commission is not in compliance with Salt Lake City Municipal Ordinance 21A.62.040. The Petition as it is not within the definition of compatible land use, does not meet the requirements of compatibility for the SR-1 Zone as defined in Salt Lake City Municipal Ordinance 21A.24.080, or the compatible use for a planned development as defined in Salt Lake City Municipal Ordinance 21A.55.010.

The Memorandum correctly analyzes the Petition and interprets Utah law and Salt Lake City Municipal Ordinances.

Respectfully submitted,

SMITH HARTVIGSEN, PLLC

J. Craig Smith
Ethan M. Smith

2). Review of Applicable Ordinances

21A.62.040 Definitions.

21A.62.040 defines Compatible Land Use as shown below.

COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

21A.24.080 Purpose Statement.

The Purpose Statement for the SR-1 zone 21A.24.080 reads as follows:

A. Purpose Statement: The purpose of the SR-1 Special Development Pattern Residential District is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. (Emphasis added).

While the planned development ordinance, 21A.55.020 Authority, gives the Planning Commission the ability to *"change, alter, modify or waive"* provisions of the relevant district ordinance it must also comply with the Purpose Statement for the district ordinance, as required in 21A.55.010, shown below:

21A. 55.010 Purpose Statement

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives. A planned development will result in a more enhanced product than would be achievable

*through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments..(*Emphasis added)

Furthermore, the planning commission has no authority to waive definitions contained in 21A.62.040 which are essential to the reading, understanding and interpretation of all ordinances.

Does not Conform to the Requirements of 21A.62.040, or 21A.24.080, or 21A 55.010. Contrary to Law.

Ivory's application for a planned development makes so many changes to density, building characteristics, setbacks, building lot coverage and building spacing, that it creates a development that is *"not compatible with the existing scale and intensity of the neighborhood* " as required in 21A.24.080, nor with the requirement in 21A.55.010 that," *it be compatible with adjacent and nearby land developments..",* nor is it in compliance with 21A.62.040 which requires *"A use of land and/or buildings that, in terms of development intensity, building coverage, design, bulk and …is consistent with and similar to neighboring uses..".* Indeed, this development is unrecognizable as belonging to the Avenues and fails to *"preserve the existing character of the neighborhood."* as required in 21A.24.080.

Additionally, Ivory's proposal does not conform with the provisions of 21A.62.040 with regards to occupancy, traffic generation and parking requirements, *"...occupancy, traffic generation, parking requirements, …. is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings."*

21A.64.040. Compatible Land Use.

The provisions of 21A.64.040 may be broken down into three sections as highlighted below with different colors. Ivory's application fails to comply with each of these three sections.

COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

Section 1). *"...in terms of development intensity, building coverage, design, bulk…."*. This section of 21A.64.040 is essentially the same as the requirements of 21A.24.080 and 21A.55.010 and is considered in section 3.

Section 2). *"...occupancy, traffic generation, parking requirements.",* is considered in section 4.

Section 3). *"...adversely affect the quality of life of persons in surrounding and nearby buildings…"* is considered in section 5.

Bulk, Scale and Intensity.

21A.62.040, 21A.24.080.A and 21A.55.010 refer to Bulk, Scale and Intensity with the 21A.62.040 requirement that these "*be consistent with and similar to"* that in the existing neighborhood.

The terms Bulk, Scale and Intensity as used in urban planning are similar in nature and overlapping. The Salt Lake City Definitions ordinance 21A.62.040 defines Bulk as shown below:

BULK: The size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) all open spaces allocated to buildings; d) amount of lot area required for each dwelling unit; and e) lot coverage.

Regrettably although the city ordinances use the terms *Scale and Intensity*, these are not defined in 21A.62.040. It would therefore seem logical to lean on the definition of Bulk and review metrics such as density, building size, number of stories, lot sizes, building lot coverage, setbacks and spacing between buildings in determining *Bulk, Scale and Intensity.*

3). A Detailed Analysis of the Nearest Ten Blocks in the SR-1 Zoneand Comparison with Ivory's Proposal.

3.1 Scale, Bulk, and Development Intensity

In order to understand the *"existing scale and intensity of the neighborhood" and the "development intensity"* we have conducted a detailed analysis of the nearest ten blocks in the SR-1 section of the Avenues. The Salt Lake County Assessor Interactive Map, with measurement tools, provides an excellent resource for data collection.

For each of the 140 lots in these ten blocks we analyzed:

- Number of dwellings per block
- Above Grade square feet of each home, including accessory buildings.
- Number of stories.
- Single Family or Duplex.
- Front setback.
- Rear setback.
- Spacing between buildings.
- Building lot coverage.

These are all criteria that determine Bulk, Scale and Intensity.

Avenues blocks generally measure 2.5 acres. Ivory's plot is 3.2 acres; however, typical Avenues blocks have public streets on all four sides with homes fronting each of the public streets. Ivory's block fronts only one public street requiring the addition of a private road through the center and along the southwest side, plus sidewalks and park strips. If one accounts for the area of this private road and sidewalks the land area is almost identical making for valid comparisons between Ivory's proposed development and existing SR-1 Avenues blocks.

A Representative Sample.

21A.62.040 uses the term, *"...surrounding or nearby buildings."*
21A.24.080 uses the term *"...neighborhood."*
21A.55.010 uses the term *"...adjacent and nearby land development."*

Each of these terms indicates that in making comparisons as to *"bulk, scale and development Intensity"* it is the "*surrounding, nearby, adjacent and nearby land development."* that should be used as the basis for comparison. The chosen sample meets all these criteria. In fact, it is a highly generous sample for comparisons to Ivory's development since it considers only comparisons with development in the SR-1 zone. Had we drawn a circle around Ivory's parcel and considered adjacent property that is largely zoned FR-3, the comparisons would have been even more unfavorable to Ivory.

The sample size of ten blocks with 140 dwellings is of sufficient size to be statistically significant. Also, had we taken a larger sample size, of say 20 or 50 blocks the results would not have changed materially, as the character of the housing remains the same: a predominance of small, low bulk, single-story homes, well set-back from the road. Nowhere else in the neighborhood do we see a block comprised entirely of large, two-story, 90 feet long houses closely packed together with no yards.

Comparisons with Ivory Site Plan.

If we compute the same metrics as shown above for Ivory's proposed development, we can compare Ivory's proposal with *"the existing scale and intensity of the neighborhood"* obtaining a detailed, objective, and quantified comparison. These comparisons are summarized in Fig.1 in the Summary section. (Page 2.)

Comparisons

Number of Dwellings Per Block.

On average, each of the ten neighboring blocks contains 14 dwellings with a range of 11 to 16 dwellings. Ivory proposes a development with 21 primary dwellings, a 50% increase in the number of dwellings. If one includes the addition of an ADU to each unit the comparison is 14 to 42, a 300% increase in the number of dwellings, or occupancy.

Above Grade Building Size.

The average above grade building size for the neighboring ten blocks is 1863 square feet including garages and accessory buildings. Ivory proposes a development where the average above grade building size is 3629 square feet. An almost 200% increase in above ground building size. Building size is highly significant in determining Bulk, Scale and Intensity.

Number of Stories.

The number of stories has a dramatic impact on Bulk, Scale and Intensity, with two-story buildings considerably more intense than single-story buildings, particularly when closely grouped. In the ten blocks only one in four homes (25%) are two story buildings, whereas Ivory proposes that all (100%) will be large, two-story buildings. A 400% increase in the number of two-story buildings. Again, this is highly significant to determining Bulk, Scale and Intensity.

The blocks studied are not unusual in this regard. A Greater Avenues Community Council study in 2006 showed that throughout the Avenues 70% of homes are single story.

Duplexes or Twin Homes.

Duplexes again add to scale and intensity since the buildings are twice the size. The increased scale and intensity of duplexes is recognized in the city ordinances where in the R2 district the number of duplexes is restricted such that no more than two duplexes can be positioned adjacent to each other, and no block face may contain greater than three such dwellings. (Ref. 21A.33.020 Table of Permitted and Conditional Uses in Residential Districts. Footnote 2.)

Although allowed by zone there are few duplexes or twin homes in the Avenues, there is only one in the nearest ten blocks, whereas Ivory proposes a development where 14 of 21 units are duplexes. A comparison of 1.5% to 66.66%. Because of the vast difference in this metric, this was exclude from the calculation of Development Intensity in Fig.1. This favors Ivory by essentially ignoring this additional component of bulk, scale and intensity.

Building lot Coverage.

Building lot coverage for the nearest ten blocks averages 20.8%. The building lot coverage for Ivory's 21 lots is 48.5%, more than twice that for the nearest ten blocks. This is an enormous difference.

The planned development ordinance allows averaging across the entire site in determining conformance with Building Lot Coverage and on this basis, Ivory is 34.1%, this is still 64% greater than the neighboring ten blocks and again very significant when one considers much of the land that is not built on is roadways and sidewalks, not green open space or yards.

As anecdotal evidence for the extreme level of building lot coverage for this terrain, Ivory adds a drainage basin to the southwest corner of the lot. We see drainage basins nowhere else in residential development in the Avenues. The lower number for building cover was used in the computation of building lot coverage, again favoring Ivory.

Front Setbacks.

Front setbacks also have a significant impact on Scale and Intensity. Front setbacks for homes in the ten nearest blocks averaged 21.1 feet whereas Ivory is proposing front setbacks averaging 15 feet; 6.1 feet or 29% less.

Rear Setbacks.

The required rear setback is 25% of lot length, which for Ivory's long lots is 30 feet. The average rear setback in the ten neighboring blocks is 45.6 feet. Ivory

is proposing an average rear setback of 13 feet, just over a quarter of that for the neighboring ten blocks.

Most of Ivory's rear setback on their narrow lots is consumed by driveway, such that Ivory's lots have no yards, this is totally out of character with the Avenues and again adds to bulk, scale and intensity.

Space Between Buildings.

The spacing between buildings is a key component of scale and intensity. The average distance between buildings in the nearest ten blocks is 27.0 feet. Ivory is proposing an average distance between buildings of 10 feet, about a third of that for existing buildings in the neighborhood. The spacing between buildings is highly significant and a major determinant of bulk, scale and intensity.

Conclusions. Bulk, Scale and Intensity

This detailed review of Ivory's proposed development versus neighboring SR-1 development allows us to make an objective, quantified comparison regarding Bulk, Scale and Intensity as shown in the summary table in Section 1.

No single factor determines scale, bulk and intensity; it is a combination of all of the factors considered above. The combination of large, two-story buildings, many of which are duplexes, closely spaced, on lots with reduced setbacks, unquestionably creates a development of far higher bulk, scale and intensity than is present in the existing neighborhood.

Ivory's development is not in compliance with the requirements of 21A.62.040, 21A.24.080 or 21A.55.010.

3.2) Compatible Land Use. Occupancy, Traffic and Parking Requirements. 21A.62.040

A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

In this section we address the issue of "*occupancy, traffic generation and parking requirements*," noting that the requirement for "*Compatible Land Use"* is that these be "*consistent with and similar to neighboring uses".*

Occupancy.

As a part of their planned development application Ivory proposes to create a subdivision of ADUs, where each unit will have an ADU. Ivory themselves have described this as an '*experiment'* and "*the first of its kind in Utah";* as such there is no precedent for such a development and no rules exist for regulating such a development. This concept has not been reviewed by the public, the planning commission or the city council as required by 21A.50. A subdivision of ADUs is not the same as adding a single ADU.

Neighboring blocks have an average of 14 single family homes. Ivory's proposal is for 21 primary dwellings plus 21 ADUs for a total of 42 dwellings. This is a 300% increase in the number of dwellings and occupancy compared to that in the existing neighborhood, this is not *consistent with and similar to neighboring uses,* as required by 21A.62.040.

Traffic.

This upper Avenues location is not a walkable section of the city, the topography is extremely steep, there are few amenities and public transport is inadequate for most people's needs; such that private automobiles are the primary method of transportation.

If one assumes two vehicles per dwelling we see a comparison of 28 vehicles for each neighboring block versus 84 vehicles for Ivory's proposed development, a 300% increase in traffic generation compared to the existing neighborhood, this is not *consistent with and similar to neighboring uses,* in violation of 21A.62.040.

Parking Requirements. Insufficient Parking Internal to the Proposed Development

Ivory provides inadequate and inconvenient parking internal to their development such that residents have estimated that at least 30 vehicles will be regularly parked on neighboring streets.

The only parking provided for ADU residents is on the short, narrow driveways to the primary residences. Sharing driveway parking between different households will be highly problematic, it will lead to constant, noisy, highly polluting shuttling of cars or ADU residents will park on the streets.

Ivory provides only four guest parking spots. This is totally inadequate for 42 homes. Neighboring developments such as the Meridien and Northpoint have provided close to ten times this amount of guest parking per residence. Guest parking spots are also used for the storage of plowed snow in winter and Ivory's spots are not even large enough to accommodate this need.

Ivory's internal road with a width of only 20 feet and with closely spaced driveways will not facilitate any parking.

The parking requirements for Ivory's proposed development are not *consistent with and similar to neighboring uses,* as required by 21A.62.040.

<u>3.3) Quality of Life for Persons Living in Surrounding or Nearby Buildings.</u>

Compatible Land Use as defined in 21A.62.040 uses the caveat, *" … and does not adversely affect the quality of life of persons living in surrounding or nearby buildings."*

Ivory's proposed development does adversely affect the quality of life of persons living in surrounding or nearby buildings in the following ways:

<u>Traffic</u>.

Three times that for a normal SR-1 block, creating excess noise and pollution. Significantly increased traffic on F Street. Additional traffic on the entire length of Capitol Park Avenue which runs through the Capitol Park subdivision, a private street that in 2014 the city refused to accept responsibility for; citing that it was too narrow, too steep and had sharper curves than would be permitted for a city street. Overburdens the scope of the easement Ivory has to access Capitol Park Avenue which was originally granted for a chapel and which would have involved limited use primarily on Sundays only.

Adds additional traffic to the Avenues connector streets such as 11th Avenue, E Street, B Street and I Street, the commonly used routes in and out of the upper Avenues. These routes are already highly congested.

<u>Parking.</u>

Insufficient and inconvenient parking provisions internal to Ivory's development will lead to illegal parking on Capitol Park Avenue imposing a burden on Meridien in enforcing parking on their private street. This problem is further exaggerated by Ivory's design which fronts 9 of 21 units onto Capitol Park Avenue. Adds additional parking load to F Street and 13th Avenue

inconveniencing current residents. Increased parking on the top end of F Street increases the risk from wildfire to Northpoint residents, creating a choke point, where this is their only egress.

Air Pollution.

The addition of 84 vehicles to this non-walkable section of the city will add substantially to air pollution. Air pollution is most concentrated at its source and tends to linger for extended periods of time. Extensive shuttling of vehicles from shared driveways will lead to highly damaging start-up or cold-start pollution. Additionally, short trips characteristic of this location are the most polluting. The loss of the many mature trees from this lot will also negatively impact air quality.

Loss of Greenspace and Trees. No Yards.

In large part upper Avenues residents chose to live in this low-density foothill location on the outer edge of the city because of the character of the area. A quiet, low density, residential community with green leafy streets and low intensity housing.

Greenspace and openness are well known to increase an individual's sense of well-being. Ivory's crowded high intensity development with closely packed large houses and no yards, tends to decrease that sense of well-being.

Safety.

The section of F Street between Northpoint and 11th Avenue is extremely steep and a well-known winter driving hazard. The addition of a further 84 vehicles can only worsen this problem. Ivory's property, 120 yards from open land and city creek canyon, sits in a wildlife urban interface area where mule deer are frequent visitors. Ivory's proposal includes an 8.5-foot-high retaining wall running half the width of the property. This tall retaining wall presents a danger to both wildlife and children and constitutes an Attractive Nuisance.

Soil Removal.

Throughout the Avenues housing follows the contour of the land with sufficient space between buildings to deal with grade changes. Ivory adopts a different approach where they seek to substantially flatten the lot. This will involve the removal of thousands of tons of soil with thousands of dump trucks traversing our steep, narrow Avenues streets. These highly polluting trucks will

greatly inconvenience Avenues residents impacting the safety and quality of life for many during the construction phase and damaging Avenues streets.

Impact on Neighboring Property Values.

This congested development with no yards, excess traffic, parking problems, noise and pollution will negatively impact neighboring property values.

Community Opinion.

As evidence of how strongly residents believe this overly congested development, which includes a *"first of its kind"* subdivision of ADUs, will impact their quality of life it should be noted that:

- Over 2000 Avenues residents signed a petition opposing such overdevelopment of this foothills lot in a non-walkable section of the city.
- The GACC has conducted three ballots on various Ivory designs, all of which seek to overdevelop this lot with a high intensity congested development. In each case the result was 97% opposed with hundreds voting.
- In July of 2023, reviewing Ivory's June 2023 submittal, which is very close to the current design, 163 of 163 nearby residents disapproved of this development and considered that it was not *"an enhanced product "as* required by the planned development ordinance.

There can be no question that in all the ways discussed above Ivory's proposed development does "... *adversely affect the quality of life of persons living in surrounding or nearby buildings."* in contravention of law as prescribed in 21A.62.040.

4). Conclusions.

Ivory's proposal is not in compliance with the applicable ordinances and is contrary to law.

EXHIBIT 9

Notice & Information from Zoning Meeting

NOTICE IS HEREBY GIVEN that the Board of Adjustment on Zoning for Salt Lake City, Utah, will meet on **Monday, May 12, 1997** beginning at **4:00 p.m.** at the City & County Building, 451 South State Street, in Room 126 (alternate room #315), and consider the following appeals with respect to the enforcement of the Zoning Ordinance. IT IS HEREBY REQUIRED that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authorization from the owner. All those in favor of or in opposition to any of the applications will be given an opportunity to be heard at the meeting. The meeting will be electronically recorded and tapes will be retained by the Board for 90 days. The Board will provide sign language interpreters for the hearing impaired. If you need this service, please contact the office of the Board of Adjustment at 535-7741 at least 4 hours prior to the meeting.

Approval of the minutes for the meeting held April 21, 1997.

Case #2355-B by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints at 60 West North Temple (Block 94) for a special exception to allow alternative parking for a proposed assembly building in a UI Urban Institutional Zone. (21A.40.030)

Case #2356-B by the Church of Jesus Christ of Latter-day Saints at 675 North "F" Street for a special exception to allow a church building height and face wall to exceed the height limit in an FR-3 Residential Zone. (21A.24.010)

Case #2357-B by RPE Properties at 576 East South Temple for a special exception to allow a fence to exceed the four-foot height limit for an office in an RO Residential Office Zone. (21A.52.100(A)

Case #2358-B by Century International Corporation at 553, 555 and 557 East 900 South for a special exception to legalize six dwelling units in an RMF-30 Historic Zone. (21A.52.100(E)

Case #2359-B by Debra A. Lewis at 553 East Cleveland Avenue for a variance to allow an accessory building to exceed the height limit in an R-1/5000 Zone. (21A.40.040(E)

Case #2360-B by CN Howard at 1008 and 1010 East Harrison Avenue for a special exception to legalize two dwelling units in an R-1/5000 Zone. (21A.52.100(E)

Case #2361-B by John Papanikolas at 2513 South Scenic Drive for a variance to allow a new single family dwelling without the required front yard setback in an FR-3/12000 Residential Zone. (21A.24.040(E)

Case #2362-B by Joseph Bonacci at 2284 West 500 South for an appeal of an administrative decision contending that he is not unlawfully storing junk, unused, unlicensed or junk vehicles and parts or waste materials and unlawfully parking between the front of the building and the front property line in an M1 Zone. (21A.40.140)

Dated at Salt Lake City, Utah, this 26th day of April, 1997.

Deborah Kraft, Secretary

NOTICE IS HEREBY GIVEN that the Board of Adjustment on Zoning of Salt Lake City, Utah will, at its meeting to be held on Monday, May 12, 1997, beginning at 4:00 p.m. at the City & County Building, 451 South State Street, in Room 126 (alternate room #315), and consider the following appeals with respect to the enforcement of the Zoning Ordinance. IT IS HEREBY REQUIRED that each case up for hearing will be presented and argued before the Board of Adjustment either by the petitioner or by an authorized agent. If represented by an agent, the agent must have written authorization from the owner. All those in favor of or in opposition to any of the applications will be given an opportunity to be heard at the meeting. The meeting will be electronically recorded and tapes will be retained by the Board for 90 days. The Board will provide sign language interpreters for the hearing impaired. If you need this service, please contact the office of the Board of Adjustment at 535-7741 at least 4 hours prior to the meeting.

Approval of the minutes for the meeting held April 21, 1997.

Case #2355-8 by The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints at 60 West North Temple (Block 94) for a special exception to allow alternative parking for a proposed assembly building in a UI Urban Institutional Zone. (21A.40.030)	Granted
Case #2356-8 by the Church of Jesus Christ of Latter-day Saints at 675 North "F" Street for a special exception to allow a church building height and face wall to exceed the height limit in an FR-3 Residential Zone. (21A.24.010)	Held 6/2
Case #2357-8 by RPE Properties at 576 East South Temple for a special exception to allow a fence to exceed the four-foot height limit for an office in an RO Residential Office Zone. (21A.52.100(A)	Denied
Case #2358-8 by Century International Corporation at 553, 555 and 557 East 900 South for a special exception to legalize six dwelling units in an RMF-30 Historic Zone. (21A.52.100(E)	Held
Case #2359-8 by the Debra A. Lewis at 553 East Cleveland Avenue for a variance to allow an accessory building to exceed the height limit in an R-1/5000 Zone. (21A.40.040(E)	Held
Case #2360-8 by CN Howard at 1008 and 1010 East Harrison Avenue for a special exception to legalize two dwelling units in an R-1/5000 Zone. (21A.52.100(E)	Denied
Case #2361-8 by John Papanikolas at 2513 South Scenic Drive for a variance to allow a new single family dwelling without the required front yard setback in an FR-3/12000 Residential Zone. (21A.24.040(E)	Granted
Case #2362-8 by Joseph Bonacci at 2284 West 500 South for an appeal of an administrative decision contending that he is not unlawfully storing junk, unused, unlicensed or junk vehicles and parts or waste materials and unlawfully parking between the front of the building and the front property line in an M1 Zone. (21A.40.140)	Held

Dated at Salt Lake City, Utah, this 26th day of April, 1997.

Deborah Kraft, Secretary
4N820180

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

March 23, 1999

Mr. Ken Millo
Allen Millo Associates
366 South 500 East #201
Salt Lake City, UT 84102

Re: Petition No. 410-262

Dear Mr. Millo:

Enclosed please find your copy of the Findings and Order relative to Case No. 410-262 heard by the Salt Lake City Planning Commission on June 19, 1997. These Findings and Order incorporate the minutes and motion from that meeting.

If you have any questions pertaining to this matter, please feel free to contact me at 535-6171.

Sincerely,

Verene Froisland

Verene Froisland
Administrative Secretary

cc: Case 410-262 file
Enclosure

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

SALT LAKE CITY PLANNING COMMISSION FINDINGS AND ORDER
CASE NO. 410-262

On Thursday, June 19, 1997, the Salt Lake City Planning Commission held a public hearing to receive comments on Case No. 410-262. This is an application by The Church of Jesus Christ of Latter-day Saints requesting approval for a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 North 'F' Street in a Foothills Residential "FR-3" zoning district.

Planning Commission Minutes from June 19, 1997:

PUBLIC HEARING - Petition No. 410-262 by the Church of Jesus Christ of Latter-day Saints requesting a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 N. 'F' Street in a Foothills Residential "FR-3" zoning district.

Mr. Ray McCandless presented the staff report outlining the major issues of the case, the findings of fact and the staff recommendation, a copy of which is filed with the minutes. Mr. McCandless stated that a final landscaping plan had not been received. Therefore, the Planning Commission should grant final approval subject to the Planning Director approving the final landscaping plan.

Ms. Kirk stated that she has a major concern about the trees on this property and that she wants them to be saved.

Mr. Ken Millo, a representative for the applicant, was present for this portion of the meeting and explained the process this project has been through prior to being on the Planning Commission agenda. He then stated that one the biggest concerns of the LDS church was to save as many trees as possible. Mr. Millo stated that Mr. Tony Dietz, Urban Forestry Coordinator from the State of Utah, assessed the trees on the property to determine which trees, if any, would need to be removed. The assessment determined that all of the trees were in good to excellent structural condition (a copy of which is filed with the minutes). Mr. Millo then stated that the only trees that would be removed are the trees that sit in the building footprint or in the parking lot.

Ms. Kirk asked how many stalls are being proposed for the new LDS Ward Building. Mr. Millo stated that there are 167 stalls; zoning requires about 50 stalls. Mr. Millo then stated that there are plans to plant decorative trees in the terraces of the parking lot.

Mr. Smith stated that there is concern in reference to the amount of land relegated to parking and there is a lot of interest in retaining green space and trees. Mr. Wilde stated that the ordinance requires one parking stall for every five seats. Typically, this requirement is not adequate for an LDS Ward Building.

Mr. Young opened the hearing to the public and asked if anyone wished to address the Planning Commission.

Mr. Tom Rogan, Chair of the Greater Avenues Community Council, stated that he would like to express an appreciation to the members of the LDS Church. This is an outstanding example of a major institution cooperating with the community. Mr. Rogan agreed with the staff report presented by Mr. McCandless. Mr. Rogan continued by stating that at the last Greater Avenues Community Council meeting, the site plan presented by the petitioners was approved unanimously including the height issue of the steeple and expressing that the trees be saved.

Mr. Jim Bach, a landscape architect and a board member of the Greater Avenues Community Council, addressed the trees located on the above mentioned property. He stated that the community council would like the Planning Commission to consider the following recommendations:

1. The preservation of all trees not directly on the building or parking footprint.

2. The architect's site plan to provide structural protection (i.e. retaining wall or grading modifications) to protect the root zones of the trees on the edge of the grading required for the parking. That would save valuable trees on the west end of the third parking terrace and on the northeast corner of the upper fourth terrace.

3. Immediate provision for watering and protection of the trees, including a sprinkler system and fences, before construction begins.

Mr. Ken Bronston, a resident that lives directly across the street from the proposed project, presented a slide show. He addressed the importance of the trees and asked the Planning Commission members to save the trees and require that they be protected and watered as soon as possible.

Ms. Mary Moody, Mr. Ken Bronston's wife, stated that she would also like to have the trees protected and watered. She then stated that the residents have been concerned for the trees for several years and that there needs to be some kind of guarantee that they will be cared for.

Mr. Millo stated that he owns some property in the area and that saving the trees is just as important to him as it is to the other residents. As the architect of the project, Mr. Millo can recommend to the applicant that the only trees that should be removed are the ones that are located in the footprint of the building or parking lot. Mr. Millo then stated that the applicant has the discretion to move in the direction they would like to go. However, in this particular case, the LDS Church realizes that the trees are a valuable asset to the property and they are being sensitive to the concerns of the residents.

Mr. Kevin Oaks, a developer of the Capitol Park Planned Development adjacent to this church site, stated that the Capitol Park Development Team ("Team") would like the Planning Commission to consider the following suggestions:

1. The only type of fencing allowed in the Capitol Park Planned Development is a wrought iron type fence. The "Team" would like to see the same fence installed along the west property line of the church site.

2. The "Team" would like to see the same decorative street light poles installed along the LDS Building that have been lined along the Capitol Park Planned Development.

3. That there be more tree planting along the west property line so that it will be more of a buffer than just the wrought iron fence.

Upon receiving no further requests to address the Planning Commission, Mr. Young closed the hearing to the public and opened it for Planning Commission discussion.

The Planning Commissioners discussed possible solutions in relation to saving as many trees as possible.

Motion on Petition No. 410-262:

Ms. Kirk moved, based upon the findings of fact, to approve Petition No. 410-262.

Ms. Funk stated that she feels that the condition for the replacement of the trees that are removed is too restrictive.

Ms. Short seconded the motion. Ms. Kirk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Ms. Funk voted "Nay". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

REPORT OF THE COMMISSION:

WHEREAS, the Planning Commission does find, following a public hearing, that amending the location of the south property line for a new Ward/Branch Building in a Foothills Residential "FR-3" zoning district is in the best interests of the community.

IT IS THEREFORE ORDERED that approval be granted subject to the following conditions:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.

2. Obtaining a special exception for the building height from the Board of Adjustment.

3. That the steeple can be used to accommodate and hide a cellular antenna if necessary.

4. Approval of a detailed landscaping plan by the Zoning Administrator.

5. Meeting all requirements of the various City departments.

6. All trees, not in the footprint of the building or parking lot, be kept. Any tree that is removed within the footprint of the building or in the parking lot, must be justified by the Planning Director and be replaced two to one by a 5"-6" caliper tree.

7. That retaining walls, water sprinkling systems and a water meter be installed within 14 days to protect the existing trees.

8. That additional landscaping be placed on the west side of the property.

9. That landscaping, including trees, be placed in the parking lot terraces.

10. Final landscape plan approval by the Planning Director.

11. The parking that is being provided be reevaluated to make sure that it is within reason (not excessive) based upon the occupant count and LDS church statistics.

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

Action taken by the Planning Commission on Petition No. 410-262 at its June 19, 1997 meeting.

Dated in Salt Lake City, Utah on March 23, 1999.

Kimball Young / VZ
Chairperson

Verene Froisland
Secretary

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SIDWELL NUMBER / OWNER NAME / MAILING ADDRESS / *PROPERTY LOCATION / PROPERTY DESCRIPTION	TAX DISTRICT	PROPERTY TYPE / TAX CLASS / ZONING / LAND DATA	ACRES / DIMENSIONS / STRUCTURAL DATA / EXTRA FEATURES/EFF YEAR BLT	STATISTICAL DATA	DEED BK-PG / MORTGAGE	USE	VALUES TOTAL-TV / LAND-LV / IMPROVEMENT-IV / TOTAL TAXES/YR
09-30-455-004-0000 CORP OF PB OF CH JC OF LDS C/O REAL ESTATE 50 E NORTHTEMPLE ST SALT LAKE CITY UT 84150-0002	04	594-STGRAGE WHSE 940-WAREHSE STRG NE -NOT EXEMPT ZONING -2200 TOPOGRPY-ROLLING NHBRHOOD-0632 ROAD TYP-TWO WAY ROAD CND-PAVED LOT LOC -INTERIOR RESIDENTIAL PRIMARY-ACRE 2.93AC 127,195SF	TOTAL - 2.93AC TOTAL - 127,630SF GR FLR- 1,932SF BASE - 1,932SF SECTN - 3,864SF PERIMETER- 176 CONSTRCT-WOOD FRAME EXT WALL-BRICK HEAT/AC -STEAM	YR BLT ACT-1935 YR BLT EFF-1950 NBR FLOORS- 2 STORIES - 2 STORY HGT - 12	5988-0091 1031-CORP OF PB OF CH JC	RES C/I	$380,300-TV $369,200-LV $11,100-IV $2,162.10/95
*675 NORTH F ST BEG AT NE COR OF LOT 4, BLK 188, PLAT D, SLC SUR; S 0°00'24" E 354.35 FT; N 89°29'22" W 37.11 FT; NW'LY ALG CURVE TO R 33.77 FT; N 18°50'50" W 14.61 FT; NW'LY ALG CURVE TO L 77.17 FT; N 74°49' W 49.32 FT; N 72°00'28" W 71.69 FT; N 47°53' W 44.93 FT; NW'LY ALG CURVE TO L 19.01 FT; N 81°55'21" W 18.46 FT; N 89°51'43" W 85.47 FT; N 0°00'24" W 296.86 FT; S 89°51'43" E 217.58 FT; S 60° E 200.84 FT TO BEG.							
09-30-455-007-0000 PARK CITY CONSTRUCTION INC ET AL 1450 N BECK ST SALT LAKE CITY UT 84116-1211	04	922-PUD ZONING -1112 TOPOGRPY-ROLLING NHBRHOOD-0632 ROAD TYP-TWO WAY ROAD CND-PAVED SIDEWALK CURB/GUTTER LOT LOC -INTERIOR RESIDENTIAL PRIMARY-ACRE 5.52AC 240,451SF	TOTAL - 5.52AC TOTAL - 240,451SF HOSPITAL - 1 1922		7331-2326	RES C/I	$491,600-TV $441,600-LV $50,000-IV
*401 EAST 12TH AVE BEG N 0°00'24" W 310 FT FR SE COR LOT 1, BLK 177, PLAT D, SLC SUR; W 125 FT; S 188 FT; W 565 FT; N 32° W 107.02 FT; NE'LY ALG CURVE TO L 55.65 FT; N 155 FT; NE'LY ALG CURVE TO R 133.52 FT; E 258 FT; SE'LY ALG CURVE TO R 135.61 S 72°30' E 133.51 FT; S55° E 180.63 FT; SE'LY ALG 142 FT RA DIUS CURVE TO L 86.74 FT; E 34.78 FT; S 0°00'24" E 27.15 FT TO BEG. 7130-1117 7204-2819							
09-30-455-008-0000 PARK CITY CONSTRUCTION CO INC ET AL C/O IHC HOSPITALS/H B PETERSON 36 S STATE ST # 100 SALT LAKE CITY UT 84136-0002	04	901-VCNT LND RES ZONING -1112 TOPOGRPY-ROLLING NHBRHOOD-0632 ROAD TYP-TWO WAY ROAD CND-PAVED SIDEWALK CURB/GUTTER LOT LOC -INTERIOR RESIDENTIAL PRIMARY-ACRE .57AC 24,829SF	TOTAL - .57AC TOTAL - 24,829SF		-2819	RES	$71,800-TV $71,800-LV
*401 EAST 12TH AVE BEG N 0°00'24" W 388.15 FT FR SE COR LOT 1, BLK 177, PLAT D, SLC SUR; S 0°00'24" E 51 FT; W 34.78 FT; NW'LY ALG CURVE TO R 86.74 FT; N 55° W 180.63 FT; NW'LY ALG CURVE TO L 135.61 FT; N 40 FT; S 89°51'43" E 85.47 FT; S 81° 55'21" E 18.46 FT; SE'LY ALG CURVE TO R 19.01 FT; S 47° 53' E 44.93 FT; S 72°00'28" E 71.69 FT; S 74°49' E 49.32 FT; SE'LY ALG CURVE TO R 77.17 FT; S 18°50'50" E 14.61 FT; SE'LY ALG CURVE TO L 33.77 FT; N 89°29'22" E 37.11 FT TO BEG. 7130-1117							

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SIDWELL NUMBER / OWNER NAME / MAILING ADDRESS / *PROPERTY LOCATION / PROPERTY DESCRIPTION	TAX DISTRICT	PROPERTY TYPE / TAX CLASS / ZONING / LAND DATA	ACRES / DIMENSIONS / STRUCTURAL DATA / EXTRA FEATURES/EFF YEAR BLT	STATISTICAL DATA	DEED BK-PG / MORTGAGE	USE	VALUES TOTAL-TV / LAND-LV / IMPROVEMENT-IV / TOTAL TAXES/YR
09-30-455-009-0000 CAPITOL PARK DEVELOPMENT LC	04	111-SNGL FAM RES ZONING -1112	TOTAL - 18.09AC TOTAL - 788,000SF	YR BLT ACT-1940 YR BLT EFF-1956	7081-0001	RES RES	$2,321,360-TV $2,321,260-LV $100-IV

Allen • Millo Associates

Architects • Planners • Interior Designers

FAX Transmittal

To: Ray McCandless, Principal Planner
SALT LAKE CITY CORPORATION
Community and Economic Development / Planning Division
451 South State Street, Room 406
Salt Lake City, Utah 84111

From: Paul S. Bratton

Date: 18 May 1998

No. of Pages: Three (3)

FAX Number: (801) 535-6174

Re: ENSIGN 1, 3, & 4
675 North "F" Street
Salt Lake City, Utah

Project No: 533-3822-77-3

Hi Ray --

We received your letter from May 14 and will try to get these issues addressed/ resolved as quickly as possible.

In response to item no. 1 from your letter, I have sent a number of FAXes on to Gary Larson and Kevin Shields (the landscape architect) of The Church to address the number and caliper of trees that The Church is to provide for installation at the project job site. I have even forwarded copies of the Minutes from the Planning Commission Meeting of 06/19/97, so I know that they are well aware of the tree replacement requirement -- as well as the requirement to provide "architecturally integrated decorative lighting" exterior fixtures. We have discussed these issues a number of times recently and I know that Gary has given Kevin direction to revise the landscaping plan. We have a couple of meetings scheduled this week to review proposed design revisions, so I will have a better idea of the direction we are to take by the end of the week.

Referencing item no. 2 from your letter, Ken has verified that a water meter has been installed. I understand that The Church is responsible for maintenance of the existing trees. As mentioned previously, however, I have forwarded a copy of your letter to Gary Larson.

I have discussed item no. 3 from your letter with Kevin Shields and can assure you that every effort will be made to save the trees identified as nos. 37, 38, and 39. Substantial grading work is to occur in this area, however, so it not prove to be feasible if the rootball system of each respective tree is compromised to any great extent.

Bruce B. Allen, AIA **Kenneth C. Millo, AIA**
Phone: (801)532-5357 / FAX: (801)532-0930 • 366 South 500 East, Suite No. 201 • Salt Lake City, Utah 84102

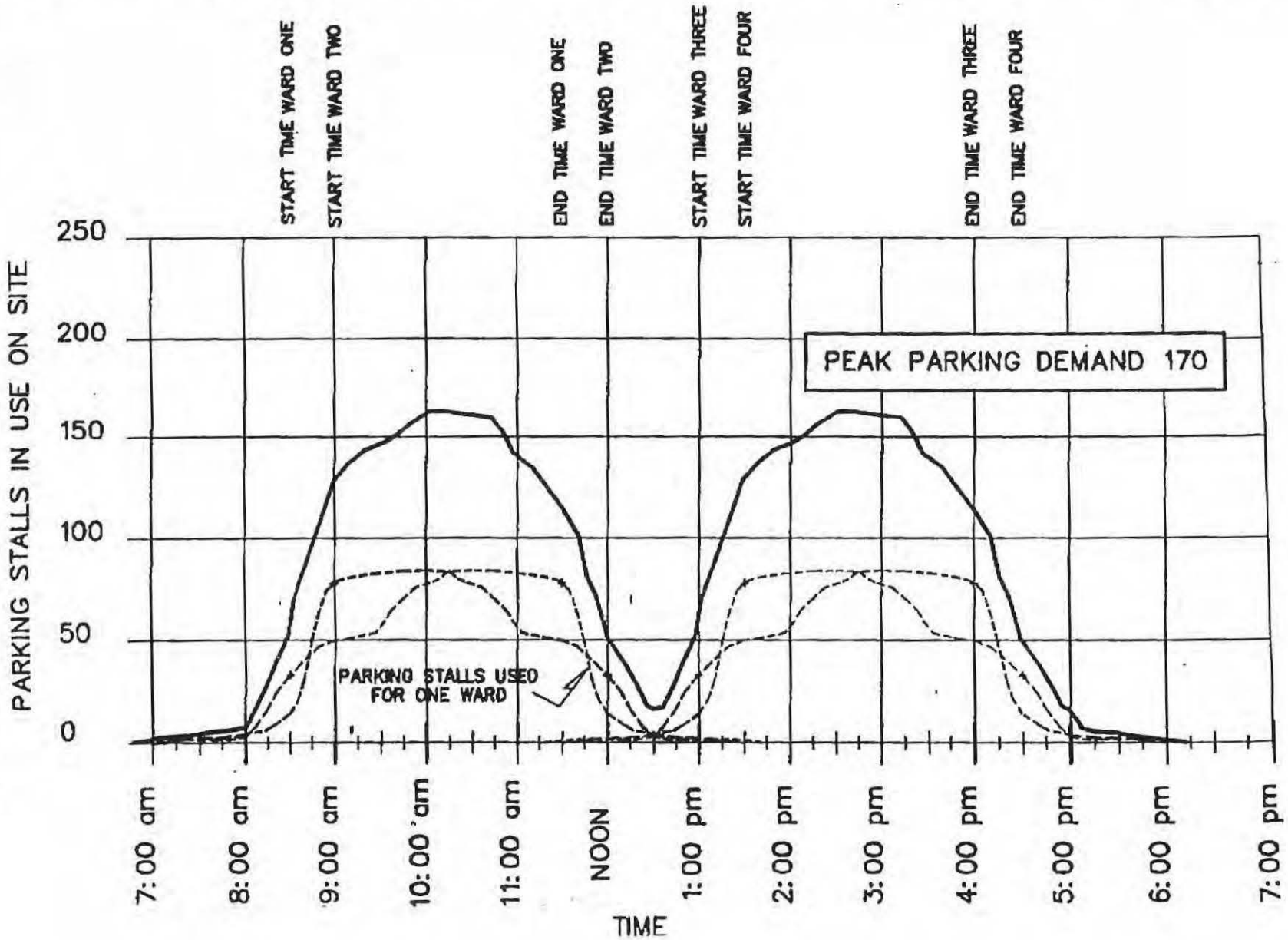
We have attached a copy of the Parking Evaluation from The Church for your reference and review.

I will see to it that you get a copy of the revised landscaping drawings (and SD-1) as soon as we have them. In the meantime, please let me know if you require clarification or additional information. Thanks for your time, Ray.

Paul

pc: file.

SUNDAY PARKI' . REQUIREMENTS
4 WARDS WITH 240 AVERAGE ATTENDANCE EACH
SHORTEST SCHEDULE–8 HOURS MOST PARKING– 170 CARS



Allen • Millo Associates

Architects • Planners • Interior Designers

Letter of Transmittal

RECEIVED
MAR 30 1998
CITY PLANNING DIVISION

27 March 1998

Mr. Ray McCandless, SLCC Planner
SALT LAKE CITY PLANNING
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: ENSIGN 1,3, & 4
675 North "F" Street
Salt Lake City, Utah

Project No: 533-3822-77-3

Attached: Sheets SD-1, L-1, and L-2 from set of Construction Documents -- Plan(s) showing existing trees and trees to be removed.

Comments:

Hi Ray --

As per your request, I have attached prints of Sheets SD-1, L-1, and L-2 for your reference and review. The Landscaping sheets show the location of existing trees to remain -- using a light dashed line -- as well as the locations for new trees to be planted. Sheet SD-1 may be more useful to you, however. It indicates the locations of *all existing trees*. The Tree Table on this sheet indicates which of the 53 existing trees are to be protected and preserved -- a total of 27.

If you have any questions or require additional information or clarification, please do not hesitate to call me. Thank you for your time.

Respectfully,

Paul

Paul S. Bratton

attachment

pc: file.

Bruce B. Allen, AIA **Kenneth C. Millo, AIA**
Phone: (801)532-5357 / FAX: (801)532-0930 • 366 South 500 East, Suite No. 201 • Salt Lake City, Utah 84102

TO Doug W TO Review
4/21/98
ORIGINAL MAILED TO
MILLO ASSOC.

April 20, 1998

Millo Associates
Attn. Mr. Paul S. Bratton
366 South 500 East,
Salt Lake City, Utah 84102

Dear Mr. Bratton,

Thank you for providing the landscaping drawings for the Ensign 1,3, & 4 project at 675 North F Street as we requested earlier.

In reviewing drawings SD-1, L-1 and L-2 with the conditions set by the Salt Lake City Planning Commission at its June 19, 1998 planning commission meeting, it appears there are several items that need to be addressed:

1. As you may be aware, there was significant discussion at the Planning Commission hearing regarding the preservation of the existing trees on the site. In reviewing drawings SD-1, L-1 and L-2, twenty-seven trees are proposed to be eliminated by construction of the church and parking area. Based on the Planning Commission's requirement to replace these trees at a 2 to 1 ratio, 54 new trees, each with a caliper of five to six inches must be provided. The plant legend on drawing L-1 shows that all proposed new trees will have a 1.5 to 2.5 inch caliper which does not meet this condition (see item number 6 on the attached planning commission meeting minutes). Please revise the landscaping plans accordingly.

2. Verification that condition number 7 on the accompanying planning commission minutes has been met needs to be provided.

3. It does not appear trees 37, 38 or 39 need to be eliminated as they are located away from the building and are not in a parking area.

4. Condition number 11 requires that a parking evaluation be provided to determine whether the proposed parking for this site is excessive.

As we understand construction of the building is scheduled in the near future, we would appreciate a response to these issues soon so there are no unnecessary delays in issuing building permits. Please call me if you have any questions at 535-7282.

Sincerely,

Ray McCandless
Principal Planner

3. That final approval be delegated to the Planning Director.

Mr. Kirk seconded the motion. Ms. Kirk, Ms. Funk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

PUBLIC HEARING - Petition No. 410-262 by the Church of Jesus Christ of Latter-day Saints requesting a conditional use and a preliminary subdivision plat approval to amend the location of the south property line for a new Ward/Branch Building located at approximately 675 N. 'F' Street in a Foothills Residential "FR-3" zoning district.

Mr. Ray McCandless presented the staff report outlining the major issues of the case, the findings of fact and the staff recommendation, a copy of which is filed with the minutes. Mr. McCandless stated that a final landscaping plan had not been received. Therefore, the Planning Commission should grant final approval subject to the Planning Director approving the final landscaping plan.

Ms. Kirk stated that she has a major concern about the trees on this property and that she wants them to be saved.

Mr. Ken Millo, a representative for the applicant, was present for this portion of the meeting and explained the process this project has been through prior to being on the Planning Commission agenda. He then stated that one the biggest concerns of the LDS church was to save as many trees as possible. Mr. Millo stated that Mr. Tony Dietz, Urban Forestry Coordinator from the State of Utah, assessed the trees on the property to determine which trees, if any, would need to be removed. The assessment determined that all of the trees were in good to excellent structural condition (a copy of which is filed with the minutes). Mr. Millo then stated that the only trees that would be removed are the trees that sit in the building footprint or in the parking lot.

Ms. Kirk asked how many stalls are being proposed for the new LDS Ward Building. Mr. Millo stated that there are 167 stalls; zoning requires about 50 stalls. Mr. Millo then stated that there are plans to plant decorative trees in the terraces of the parking lot.

Mr. Smith stated that there is concern in reference to the amount of land relegated to parking and there is a lot of interest in retaining green space and trees. Mr. Wilde stated that the ordinance requires one parking stall for every five seats. Typically, this requirement is not adequate for an LDS Ward Building.

Mr. Young opened the hearing to the public and asked if anyone wished to address the Planning Commission.

Mr. Tom Rogan, Chair of the Greater Avenues Community Council, stated that he would like to express an appreciation to the members of the LDS Church. This is an outstanding example of a major institution cooperating with the community. Mr. Rogan agreed with the staff report presented by Mr. McCandless. Mr. Rogan continued by stating that at the last Greater Avenues Community Council meeting, the site plan presented by the petitioners was approved unanimously including the height issue of the steeple and expressing that the trees be saved.

Mr. Jim Bach, a landscape architect and a board member of the Greater Avenues Community Council, addressed the trees located on the above mentioned property. He stated that the community council would like the Planning Commission to consider the following recommendations:

1. The preservation of all trees not directly on the building or parking footprint.

2. The architect's site plan to provide structural protection (i.e. retaining wall or grading modifications) to protect the root zones of the trees on the edge of the grading required for the parking. That would save valuable trees on the west end of the third parking terrace and on the northeast corner of the upper fourth terrace.

3. Immediate provision for watering and protection of the trees, including a sprinkler system and fences, before construction begins.

Mr. Ken Bronston, a resident that lives directly across the street from the proposed project, presented a slide show. He addressed the importance of the trees and asked the Planning Commission members to save the trees and require that they be protected and watered as soon as possible.

Ms. Mary Moody, Mr. Ken Bronston's wife, stated that she would also like to have the trees protected and watered. She then stated that the residents have been concerned for the trees for several years and that there needs to be some kind of guarantee that they will be cared for.

Mr. Millo stated that he owns some property in the area and that saving the trees is just as important to him as it is to the other residents. As the architect of the project, Mr. Millo can recommend to the applicant that the only trees that should be removed are the ones that are located in the footprint of the building or parking lot. Mr. Millo then stated that the applicant has the discretion to move in the direction they would like to go. However, in this particular case, the LDS Church realizes that the trees are a valuable asset to the property and they are being sensitive to the concerns of the residents.

Mr. Kevin Oaks, a developer of the Capitol Park Planned Development adjacent to this church site, stated that the Capitol Park Development Team ("Team") would like the Planning Commission to consider the following suggestions:

1. The only type of fencing allowed in the Capitol Park Planned Development is a wrought iron type fence. The "Team" would like to see the same fence installed along the west property line of the church site.

2. The "Team" would like to see the same decorative street light poles installed along the LDS Building that have been lined along the Capitol Park Planned Development.

3. That there be more tree planting along the west property line so that it will be more of a buffer than just the wrought iron fence.

Upon receiving no further requests to address the Planning Commission, Mr. Young closed the hearing to the public and opened it for Planning Commission discussion.

The Planning Commissioners discussed possible solutions in relation to saving as many trees as possible.

Motion on Petition No. 410-262:

Ms. Kirk moved, based upon the findings of fact, to approve Petition No. 410-262 subject to the following conditions:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.

2. Obtaining a special exception for the building height from the Board of Adjustment.

3. That the steeple can be used to accommodate and hide a cellular antenna if necessary.

4. Approval of a detailed landscaping plan by the Zoning Administrator.

5. Meeting all requirements of the various City departments.

6. All trees, not in the footprint of the building or parking lot, be kept. Any tree that is removed within the footprint of the building or in the parking lot, must be justified by the Planning Director and be replaced two to one by a 5"-6" caliper tree.

7. That retaining walls, water sprinkling systems and a water meter be installed within 14 days to protect the existing trees.

8. That additional landscaping be placed on the west side of the property.

9. That landscaping, including trees, be placed in the parking lot terraces.

10. Final landscape plan approval by the Planning Director.

11. The parking that is being provided be reevaluated to make sure that it is within reason (not excessive) based upon the occupant count and LDS church statistics.

Ms. Funk stated that she feels that the condition for the replacement of the trees that are removed is too restrictive.

Ms. Short seconded the motion. Ms. Kirk, Ms. Short, Ms. Barrows, Mr. McRea, Mr. Smith and Mr. Iker voted "Aye". Ms. Funk voted "Nay". Mr. Christensen and Mr. Fife were not present. Mr. Young, as Chair, did not vote. The motion passed.

OTHER BUSINESS

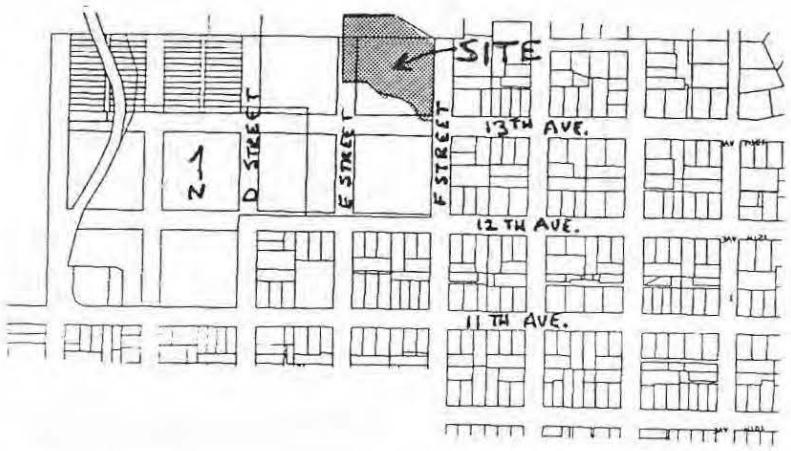
Mr. Wilde stated that due to the fact that the next Planning Commission meeting is scheduled for July 3rd and that there would only be a light agenda, the July 3rd meeting has been canceled.

There being no further business, the meeting adjourned at 7:50 p.m.

Verene Sears

Verene Sears, Secretary

SALT LAKE CITY PLANNING COMMISSION STAFF REPORT CASE 410-262, REQUEST BY THE LDS CHURCH FOR A CONDITIONAL USE TO ALLOW A CHURCH AND SUBDIVISION AT 675 NORTH F STREET.



Overview

The Planning Commission is the approval body for conditional uses. This project also includes preliminary subdivision approval consideration by the Planning Commission.

Introduction

The Church of Jesus Christ of Latter-Day Saints is requesting conditional use approval to construct a church at 675 North and F Street in an FR-3/12,000 Foothills Residential District. The building will be a two-story brick building located near the southeast corner of a 2.9 acre parcel of land.

Adjoining uses are predominantly residential with the Northpoint Condominiums to the north, single family dwellings to the east along F Street, the old Veteran's Administration Hospital (which is being converted to a condominium) to the south and Phase 4 of the Capitol Park Subdivision (undeveloped) to the west. The caretaker's residence for the old Veteran's Administration hospital on the south end of this property is proposed to be demolished to accommodate the new church.

Minor subdivision approval also is being requested. The south lot line is proposed to be realigned to better reflect the parcel as it relates to the private street that is now being built for the Capitol Park Subdivision.

Community / Neighborhood Council Review

The applicants have been working for some time with the Greater Avenues Community Council on this project. The Community Council Chairman was contacted on June 12,

1997 and verbally indicated the Community Council has approved the proposed building and site plan.

The Northpoint Estates Homeowner's Association also has reviewed and approved this proposal as mentioned in the attached letter dated May 9, 1997.

Findings of Fact / Conditional Use Standards

Staff's analysis of the site using the conditional use standards in section 21A.54.080 of the Zoning Ordinance is as follows:

Criteria (a): *The proposed development is one of the Conditional Uses specifically listed in the Zoning Ordinance;*

Discussion: Places of religious worship on lots less than 4 acres in size are listed as a conditional use in section 21A.24.190 of the Zoning Ordinance.

Finding: The proposed development is one of the Conditional Uses specifically listed in the Zoning Ordinance.

Criteria (b): *The proposed development is in harmony with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;*

Discussion: The purpose of the FR-3 / 12,000 foothills residential district is to "promote environmentally sensitive and visually compatible development...suitable for foothills locations".

This is the second building design proposed for this site. The first design would have required significant cuts and fills to accommodate the building and parking area, however, in working with the Community Council, the site and building have been completely redesigned. Consideration has been given to the slope and orientation of the site and the building design is reflective of area's historical character.

The maximum allowable height allowed for a building in the FR-3 Zone is 28 feet above the existing grade. The proposed building is 44 feet above grade at the south end of the building. Although the building is tall, it is not out of scale with other buildings in the area. The V.A. Hospital building is six stories and many of the homes in the area are two story structures. The property slopes away from F Street and the existing vegetation on the property will help to reduce the perceived height of the building making the site visually compatible with the area.

A special exception must be granted by the Board of Adjustment to allow the building to exceed the maximum allowable height of the zoning district. On June 23, 1997, the City's Board of Adjustment will determine whether a special height exception should be granted.Given the slope of the property, elevation of the Northpoint Condominiums above this site, the proposed height of the building (two story design) is a reasonable request.

Because of these efforts made in making the project compatible with the existing site and neighborhood, this proposal is consistent with the goals and objectives of the Zoning Ordinance and Master Plan.

Finding: The proposal is consistent with the intent and objectives of the City's Master Plan and Zoning Ordinance.

Criteria (c): *Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;*

Discussion: Access to this site is provided from both F Street and from a private street leading to the Capitol Park Subdivision. The City's Transportation Division has reviewed this request and has indicated that F-Street and the new private street will adequately handle the traffic generated by this use. The site is two blocks up from 11th Avenue which is a Collector Street and a bus route.

Adequate off-street parking will be provided. A total of 167 on-site parking stalls are proposed which meets the number of required stalls which is 1 space for every 5 fixed seats.

Public way improvements will be required along the F-Street frontage and private access agreements will be required to access the private street to the south.

Finding: The project will not materially degrade the service level on adjacent streets.

Criteria (d): *The internal circulation system of the proposed development is properly designed;*

The parking stalls and driveway widths meet the dimensional requirements of the Zoning Ordinance (Section 21A.44.020, Off-Street Parking Dimensions). Driveways on both F Street and the Capitol Park private street provide two separate accesses to the site.

Finding: The internal circulation system of the proposed development is properly designed.

Criteria (e): *Existing or proposed utility services are adequate for the proposed development;*

Finding: Utility service issues are now being coordinated through the City's Public Utilities Department. Existing services will be adequate for the proposed use.

Criteria (f): *Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;*

Discussion: F Street Frontage: A 50 foot setback is proposed along the F Street frontage which will help reduce the perceived height and mass of the building. This area will be planted with trees and lawn grass.

Northpoint Condominiums: Along the north property line there is a large retaining wall that is between 5 and 10 feet high. The condominiums are above this retaining wall. Because of the slope of the property, the roof of the church will be nearly level with top of the retaining wall. Because of this, and given the height of the old Veteran's Administration Hospital to the south, views from the Northpoint Condominiums would not be adversely impacted beyond the impact already present by the hospital and the vegetation now on the site.

Capitol Park Phase 4: Phase 4 of the Capitol Park Subdivision which abuts this property on the west has recently been approved but is not developed. The proposed site plan meets the landscape buffer requirements of the zone.

South Property Line: No additional buffering is required along the private street leading into the Capitol Park development. This area will be landscaped and treated as a corner lot front yard.

Although no lighting plan has been provided, all exterior lighting will need to be architecturally integrated decorative lighting which will not impact adjoining properties.

Finding: No significant impacts from light, noise or visual impacts are anticipated.

Criteria (g): *Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;*

Discussion: The proposed building design is somewhat atypical of most LDS church plans in that it is a two story structure. The exterior of the building will be a red-brown Atlas brick. The building design complements architectural features of existing homes in the adjoining neighborhood and the V.A. Hospital.

Finding: The architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Criteria (h): *Landscaping is appropriate for the scale of development;*

Discussion: Many of the existing mature trees on F Street will be kept and will not be disturbed by construction activities. This will help make the site look more established and will reduce the visual impacts of the new building. A detailed preliminary landscaping plan will need to be provided and approved by the Zoning Administrator to determine whether the proposed landscaping meets the requirements of the FR-3 zone. The final landscaping plan should be approved by the Planning Director.

Finding: Landscaping is appropriate for the scale of development provided the final landscaping plan is provided to, and approved by, the Planning Director.

Criteria (i): *The proposed development preserves historical, architectural and environmental features of the property;*

Discussion: As mentioned above, the caretaker's residence for the V.A. hospital is on this property and will be demolished to accommodate the new building.

Neither the building or site is in a Historic District, or on the National Historic Register or City's Register of Historic Places. Because of this, no documentation is required before construction begins on the church. The Caretaker's Residence does not contribute to the old V.A. Hospital architecture or sense of place.

Finding: The proposed development preserves historical, architectural and environmental features of the property.

Criteria (j): *Operating and delivery hours are compatible with adjacent land uses;*

Finding: The hours of operation are compatible with adjacent land uses.

Criteria (k): *The conditional use or, in the case of a planned development, the permitted and Conditional Uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole;*

Finding: The proposed church would not have a material net cumulative adverse impact to the neighborhood or City as a whole as discussed above.

Criteria (l): *The proposed development complies with all other applicable codes and ordinances.*

Discussion: Parking Lot. The parking area on the F Street frontage cannot extend beyond the front building line as it is shown on the site plan. The applicant is aware of this and will modify the site plan accordingly.

Building Height. The maximum height limit of a building in the FR-3 zone is 28 feet above the existing grade unless a special exception is granted by the City's Board of Adjustment. The slope of the property averages between 10 and 15% which is relatively steep. At the south end of the building, the proposed height of the building is 44 feet which exceeds the height limit of the zoning district by 16 feet. The steeple is 61 feet above grade but is exempt from the height requirements of the FR-3 zone.

As mentioned above, given the slope of the property, elevation of the Northpoint Condominiums above this site, the proposed height of the building (two story design) is a reasonable request.

Finding: The proposed development must meet these and all other applicable codes and ordinances prior to issuance of a building permit.

Subdivision

Minor subdivision approval also is being requested. The L.D.S. Church's south property line is being realigned to better reflect the property's relation to the Capitol Park private street. Some of the property that now belongs to the Capitol Park project will be added to the L.D.S. Church's site near the north side of the private street.

In the FR-3 zone, places of worship on lots less than 4 acres in size are listed as a conditional use. Shifting the lot line as proposed increases the lot area to 3.6 acres and does not make the site exceed the four acre maximum. The preliminary subdivison plat is now being prepared by the applicant's surveyor.

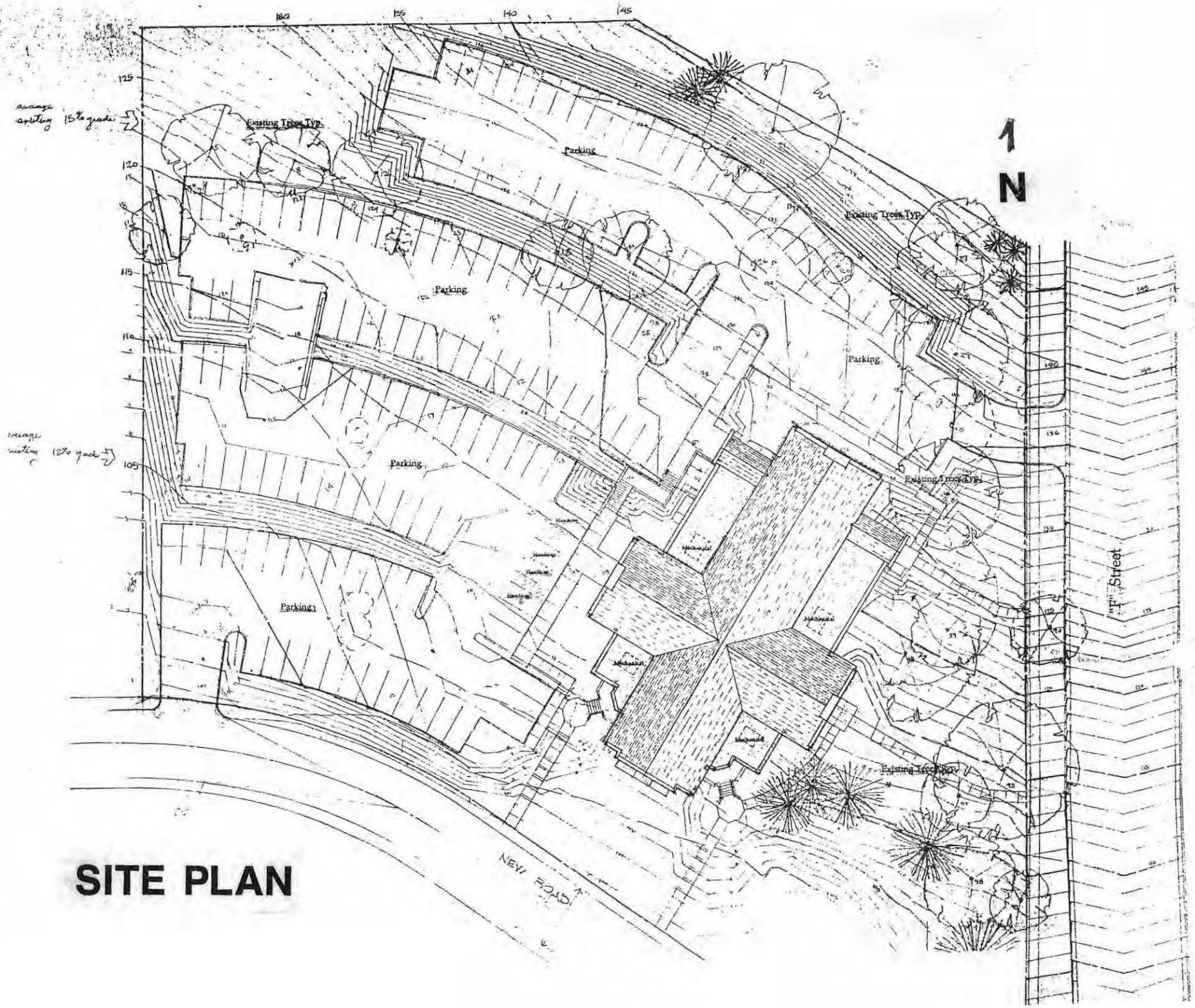
Recommendation

Based upon findings of fact of the conditional use criteria contained in this staff report, the staff recommends conditional use of the proposed building subject to:

1. Providing architecturally integrated decorative lighting which will not impact adjoining properties.
2. Obtaining a special exception for the building height from the Board of Adjustment.
3. Approval of a detailed landscaping plan by the Zoning Administrator.
4. Meeting all requirements of the various City departments.
5. Final landscape plan approval by the Planning Director.

The Staff further recommends that the Planning Commission grant preliminary subdivision approval.

Ray McCandless
June 12, 1997


Existing Trees TYP.
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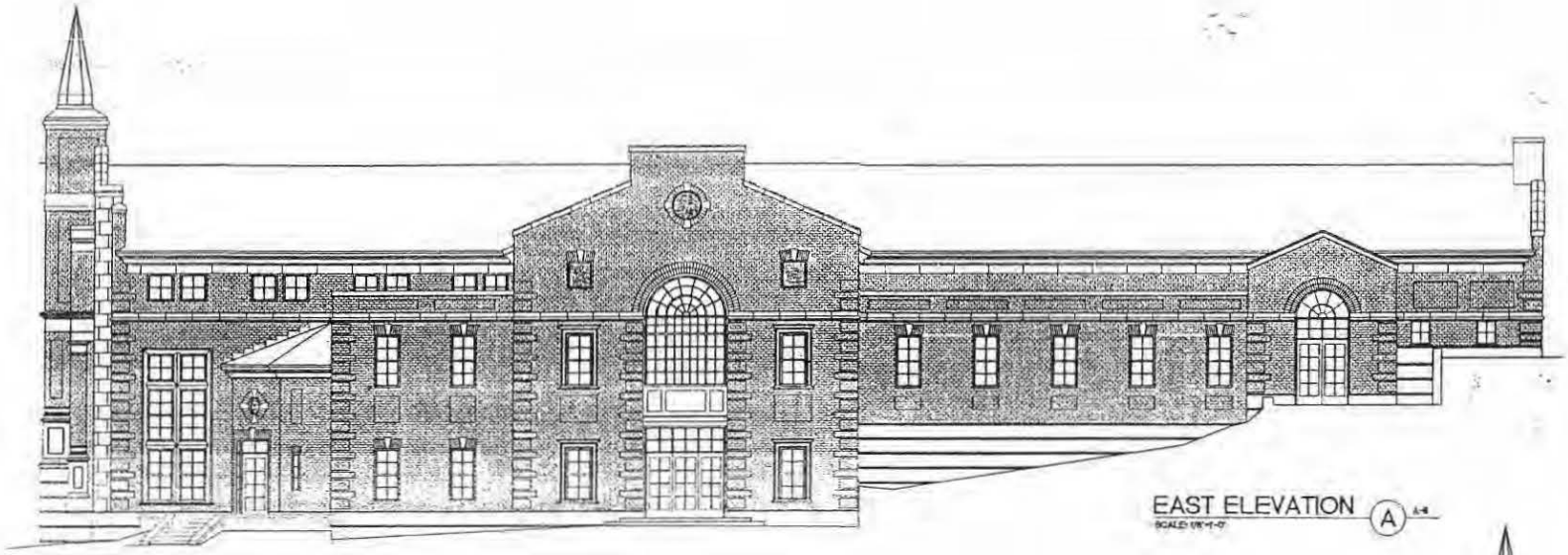
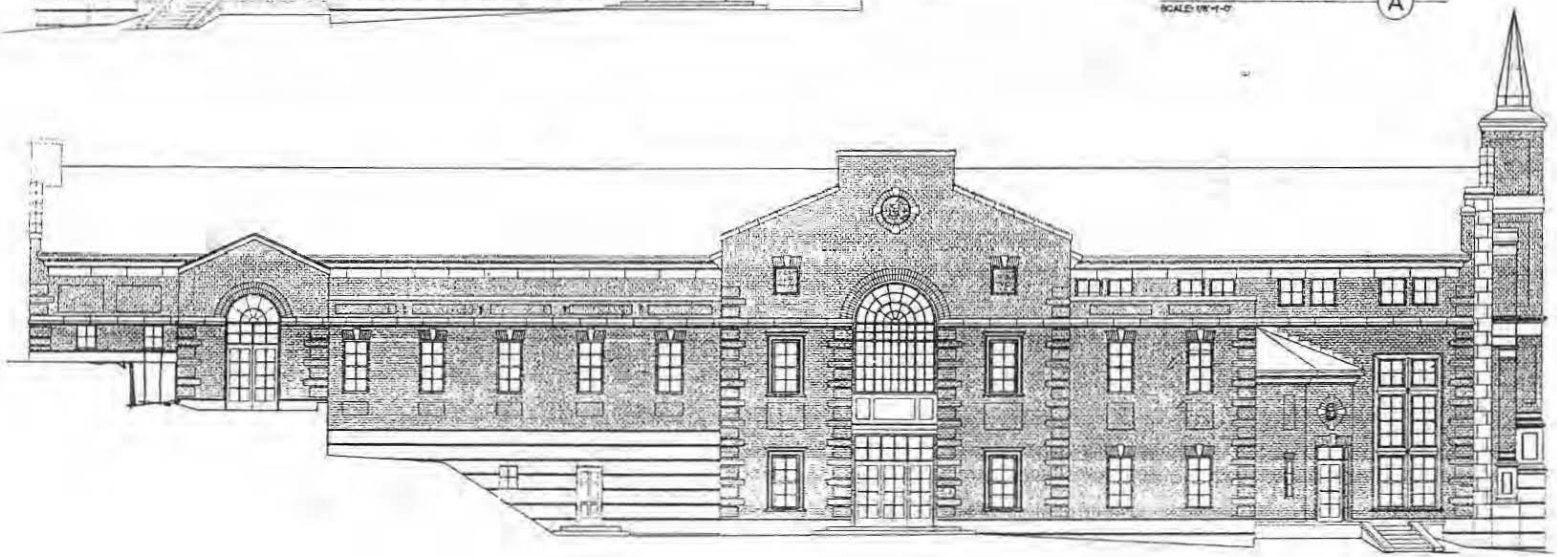
"F" Street
NEW ROAD
N

SITE PLAN



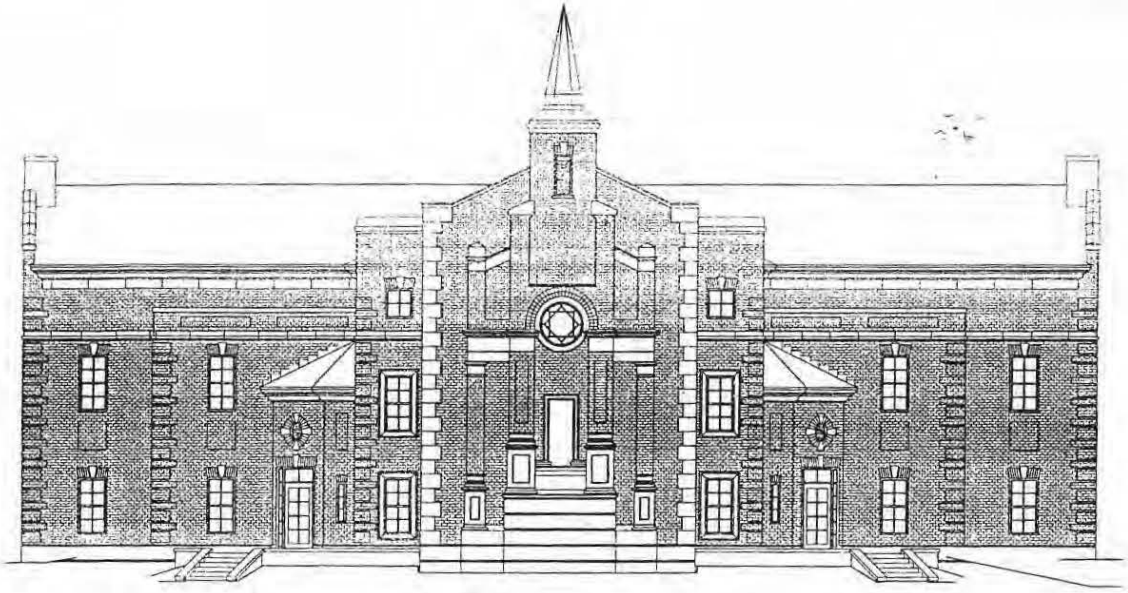
EAST ELEVATION (A) A-6

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

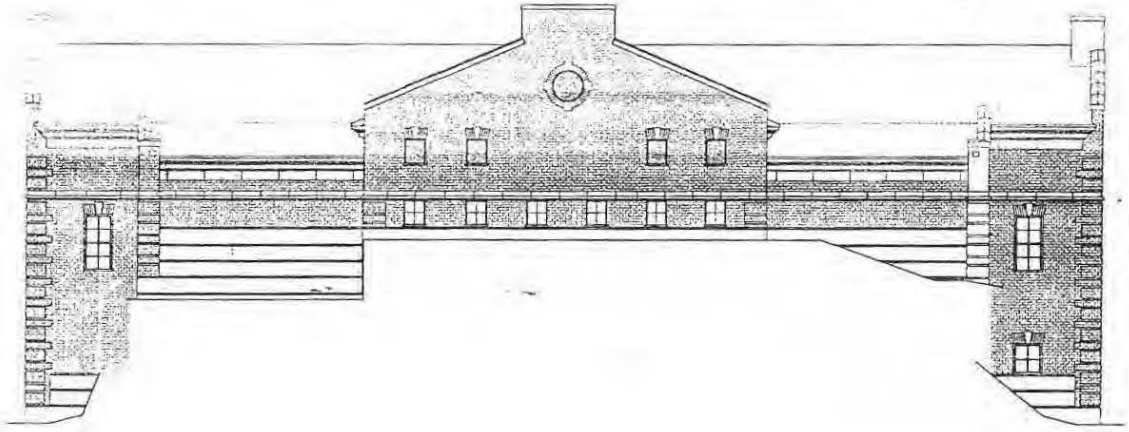


WEST ELEVATION (A) A-7

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



SOUTH ELEVATION
SCALE 1/8"=1'-0"



NORTH ELEVATION (B)
SCALE 1/8"=1'-0"

Allen • Millo Associates

Architects • Planners

20 March 1997

Mr. Joel Patterson, Principal Planner
Salt Lake City Corporation
Planning Commission
451 South State
Salt Lake City, Utah 84111

RE: CONDITIONAL USE APPLICATION SUPPLEMENT - Ensign 1,3,4

Dear Mr. Patterson,

Submitted along with this letter are the required Conditional Use application and documentation for County Tax Parcel 9-30-455-004. The property is zoned FR-3 and owned by The Church Of Jesus Christ Of Latter Day Saints who proposes to build a two story, three Ward building on this site. The proposed project consists of 20,400 sq.ft. finished building space with 167 parking stalls.

Harmony with Zoning Ordinance and Compatibility with City Master Plan

The proposed LDS Ensign 1st, 3rd and 4th Wards Chapel replaces two old chapel buildings, one at 9th Avenue and D Street the other at 9th Avenue and K Street in Salt Lake City. The building will house three wards on an historic three acre site that is bordered by F Street, Northpoint Condominiums, the old VA Hospital and the new Capital Park Subdivision.

The two story building is designed to be unique to this site. The custom plan will respect the hillside by minimizing grading; avoid disruption of views both uphill and downhill; respect the patterns and massing of adjacent homes and the hospital; preserve mature vegetation; and provide for the building needs of the members of the church and neighborhood.

Parking areas are tempered with generous planting areas and ironwork fences and street lighting are to be installed to match Capital Park Subdivision. In an effort to avoid curbside parking, parking areas well exceed zoning requirements.

Traffic will be increased in the neighborhood, but usually only on Sundays and in the early evenings, generally slow traffic periods. Adjacent streets appear to have plenty of available capacity. Traffic can approach the site from both F Street and 12th Avenue through Capital Park.

The following documents are included as part of this request:

Property Legal Description
Existing Site Survey scale: 1"= 20'
Proposed Site Plan scale: 1"= 20'
Aerial maps
Mailing labels of all property owners landing within 300 feet
(exclusive of intervening streets and alley).
A traffic impact study will be provided if required.

As part of this proposal, a Special Exception Request will be submitted to the Board of Adjustment requesting a building height increase.

Sincerely yours,

Kenneth C. Millo AIA
PRESIDENT

NORTHPOINT ESTATES HOMEOWNER'S ASSOCIATION
835 Grandridge Court, Salt Lake City, Ut. 84103

May 9,1997

Salt Lake City Corporation
Board Of Adjustments
451 South State St.
Salt Lake City, Utah 84111

Re: Case #2356-B

Dear Board Members

Allen-Millo Associates, architects- planners, have met with the Northpoint Estates Homeowners Association and have reviewed the proposed plans for the construction of an LDS chapel on the site immediately adjacent to the south of the Homeowners property. At a meeting of the Homeowners Association all of the owners present at the meeting voted in favor of supporting the proposed plan, including the request for a special exception to allow the building height and face wall to exceed the height limit, and authorized sending this letter to advise you of this action.

Very truly yours,

Leo A. Jardine

Chairman, Management Committee

From: Thomas F. Rogan
Attorney at Law
136 South Main Street, Suite 325
Salt Lake City, UT 84101

(voice) 801-355-0461
(fax) 801-359-7561

To: Ray McCandless
SLC Planning

Fax: 535-6174

To: Ken Millo
Allen - Millo Architects

Fax: 532-0930

To: Ken Bronston

fax: 366-0167

Date: June 19, 1997

Number of pages, including this transmittal sheet: 4

Please contact me at my voice number above if there is a need to re-transmit this document.

Ray:

Attached are two items which I would like you to associate with my letter to you dated June 16. The first item is a handwritten note from Jim Bach, chair of the neighborhood committee working with the petitioner requesting three specific conditions with regard to the granting of the conditional use. The second item is a letter to Jim from the Office of Urban Forestry reporting on an inspection of the trees at the site.

If you have any questions, please call me.

Tom Rogan
Chair, GACC

GREATER AVENUES COMMUNITY COUNCIL
1112 THIRD AVENUE
SALT LAKE CITY, UT 84103

March 21, 1997

RECEIVED
MAR 24 1997
PLANNING DIVISION

Mr. Ray McCandless
Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111

Re: Construction of Church Facility at 13th Avenue and D Street

By FAX and First-Class Mail

Dear Mr. McCandless:

At its general meeting on March 5, 1997, the Greater Avenues Community Council by a unanimous voice vote approved the design concept for the referenced project with the understanding that there would be a need for a variance with regard to the height restriction on the overlay zone.

The applicant and its architect have been working very closely and responsively with a committee established through the GACC, and they are continuing to do so. This collaborative effort represents the community council system functioning at its best; but it would not have been possible had it not been for the willingness on the part of the applicant not just to receive, but more importantly to embrace, the input of the community.

Please place this letter in the file so that it may accompany the applicant's request throughout the City's approval process.

If I may assist you further with regard to this matter, please let me know; and thank you for helping to move this matter forward.

Very best regards,

Tom Rogan
Chair, GACC

cc: Ken Millo, applicant's architect

GREATER AVENUES COMMUNITY COUNCIL
1112 THIRD AVENUE
SALT LAKE CITY, UT 84103

March 21, 1997

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Chair, GACC

cc: Ken Millo, applicant's architect

From: Thomas F. Rogan
Attorney at Law
136 South Main Street, Suite 325
Salt Lake City, UT 84101

(voice) 801-355-0461
(fax) 801-359-7561

To: Ray McCandless
Salt Lake City Planning

fax: 535-6174

Ken Millo

fax: 532-00930

Date: March 21, 1997

Number of pages, including this transmittal sheet: 2

Please contact me at my voice number above if there is a need to re-transmit this document.

Attached is letter from GACC regarding construction of Church facility at 13th Avenue and D Street.

Tom Rogan

Allen • Millo Associates
Architects • Planners

Fax Transmission

Date: 06/17/97 Pages: 3

To: Ray McCandless
Company: SLCC Planner
Fax Number: (801) 535-6174

From: Cathy Owen
Allen/Millo Associates
Fax Number: (801) 532-0930

Subject: Ensign 1,3,4 LDS Church Project
F st. and 13th Avenue Salt Lake City, UT.

Ray, I received this report from Tony Deitz via James Bach of the Greater Avenues Community Council 06/16/97. Please include this information in your project file.

Bruce B. Allen, Architect • Kenneth C. Millo, Architect
Salt Lake City Office: 366 South 500 East • Salt Lake City, Utah 84102 • (801) 532-5357
Seattle Office: 1416 Post Alley • Seattle, Washington 98101 • (206) 233-0871

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY, FIRE AND STATE LANDS

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
Arthur W. DuFault
State Forester/Director

1594 West North Temple, Suite 3520
Box 145703
Salt Lake City, Utah 84114-5703
801-538-5555
801-533-4111 (Fax)

June 12, 1997

James Bach
James Bach and Associates
56 W 400 S, Suite 230
Salt Lake City, UT 84101

Dear Mr. Bach:

I visited the the planned site for the LDS Chapel on the grounds of the old VA Hospital Annex at approximately 13th Avenue and F Street in Salt Lake City on June 11, 1997 for the purpose of assessing the condition of the existing trees.

I found all of the trees to be in good to excellent structural condition, considering that they have not been watered nor maintained for several years. The trees have never been topped which is unusual in Utah. With proper care, they can live for many more years and increase the value of the property. All of the trees are in need of proper pruning, however, to remove broken or dead branches. I have enclosed a listing of ISA Certified Arborists for your use.

I observed Austrian pine, hackberry, Siberian elm, blue spruce, ponderosa pine, pinyon pine, Bolleana poplar, catalpa, and honey locust; around 44 trees in all.

All of the Siberian elms have slime flux (wetwood), a bacterial infection that causes an oozing of sap down the side of the tree. This occurs following a wound such as a broken branch. Normally this condition does not affect the tree's strength, nor does it cause or augment decay in the tree. No treatment exists for this condition. The elms also have European elm leaf beetle damage. The insects eat the chlorophyll out of the leaves. This also does not affect the trees strength, but will affect its vigor over time. These insects may be controlled by sprays.

Although Siberian elm, *Ulmus pumila,* is considered by most people to be a trash species for a variety of reasons, they still provide benefits to the landscape and enhance this property.

There was evidence of some soil excavations around some of the trees. Several large roots had been shredded in the process. This will stress the trees affected. To reduce or eliminate further damage to the trees, I recommend that any trees left in the landscape be protected from construction activities by placing barrier fencing around the trees, at least 10 to 15 feet away from the trunks, but as far away as possible is preferred. This should be discussed with the building contractors emphasizing the need to keep people and equipment away from the trees to reduce impacts.

I also recommend that the final landscaping include mulching around the bases of all trees to a depth of 4 inches. This mulch should be coarse chipper debris (see enclosed article). This is best for the trees. The planting of blue grass under the trees is not recommended. The grass will not perform well in the deep shade, and this will lead to damage from grass trimming equipment such as lawnmowers and weed eaters. Mulched areas should be as wide as possible, with a minimum of ten feet around the base of the trees.

The trees on this site make it beautiful. It would take approximately 50-70 years to grow trees equivalent to these trees. I applaud your efforts to save as many of the trees as possible!

I remain available for further consultation on this matter or other similar situations at 538-5505.

Sincerely,

Tony Dietz
Urban Forestry Coordinator

enclosures

SALT LAKE CITY CORPORATION

PLANNING DIVISION

451 S STATE ST #406
SALT LAKE CITY UT 84111

FAX

Date: June 17, 1997

Number of pages including cover sheet: 121

To: Ken Bronston

Phone:

Fax phone: 366 - 0167

From: Ray McCandless

SLC Planning Division

Phone: (801) 535-7757

Fax phone: (801) 535-6174

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

Staff Report -

Allen • Millo Associates

Architects • Planners

Fax Transmission

Date: 06/05/97 Pages: 1

To: Ray McCandless
Company: SLCC Planner
Fax Number: (801) 535-6174

From: Cathy Owen
Allen/Millo Associates
Fax Number: (801) 532-0930

Subject: Ensign 1,3,4 composite property description.

Bruce B. Allen, Architect • Kenneth C. Millo, Architect
Salt Lake City Office: 366 South 500 East • Salt Lake City, Utah 84102 • (801) 532-5357
Seattle Office: 1416 Post Alley • Seattle, Washington 98101 • (206) 233-0871

OVERALL BOUNDARY DESCRIPTION:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST LINE OF "F" STREET AND RUNNING THENCE SOUTH 00°00'24" EAST ALONG SAID WEST LINE 404.09 FEET; THENCE WEST 35.58 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35°00'00", 86.74 FEET TO A POINT OF TANGENCY; THENCE NORTH 55°00'00" WEST 178.43 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00", 135.61 FEET; THENCE NORTH 40.00 FEET; THENCE NORTH 00°00'24" WEST 296.86 FEET; THENCE SOUTH 89°51'43" EAST 217.58 FEET; THENCE SOUTH 60°00'00" EAST 200.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 3.608 ACRES.

GREATER AVENUES COMMUNITY COUNCIL
1112 THIRD AVENUE
SALT LAKE CITY, UT 84103

RECEIVED
JUN 18 1997
CITY PLANNING DIVISION

June 16, 1997

Mr. Ray McCandless
Salt Lake City Planning
451 South State, Room 406
Salt Lake City, UT 84111

Re: Petition No. 410-262, 675 F Street,
Church of Jesus Christ of Latter-day Saints

Dear Ray:

The petitioners in the referenced matter have twice appeared before the Greater Avenues Community Council, and they have met additionally with a committee of Avenues residents to deal with concerns which the community may have.

As of now, there is some question regarding what trees will be on the site when the project is completed. The petitioners are eager to save as many trees as possible, but there is some conflicting information regarding the viability of a number of trees.

Apart from this matter which cannot be addressed officially by the petitioner before the June 19 Planning Commission meeting, the petitioner has been most considerate in addressing the community's concerns, and the GACC unanimously supports the petition.

If it is possible for approval to be conditioned upon the resolution of the tree issue, we'd very much appreciate it. In any event, the GACC looks forward to working with the petitioner as the project moves forward.

Very truly yours,

Thomas F. Rogan, Chair

cc: Ken Millo, architect

Antje/Tom - In our letter and presentation to the Planning Commission regarding the Chapel site, can we ask for the following?

1) Preservation of all trees not directly in the building or parking footprint.

2) Architect's site plan provide structural protection (i.e. retaining wall or grading modifications) to protect trees on the edge of the grading required for the parking. That would save two trees on the west and east of the upper terrace.

3) Immediate provision for watering and protection with fences before construction begins.

Jim Bach

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY, FIRE AND STATE LANDS

Michael O. Leavitt
Governor
Ted Stewart
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801-538-5555
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June 12, 1997

James Bach
James Bach and Associates
56 W 400 S, Suite 230
Salt Lake City, UT 84101

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Although Siberian elm, *Ulmus pumila,* is considered by most people to be a trash species for a variety of reasons, they still provide benefits to the landscape and enhance this property.

There was evidence of some soil excavations around some of the trees. Several large roots had been shredded in the process. This will stress the trees affected. To reduce or eliminate further damage to the trees, I recommend that any trees left in the landscape be protected from construction activities by placing barrier fencing around the trees, at least 10 to 15 feet away from the trunks, but as far away as possible is preferred. This should be discussed with the building contractors emphasizing the need to keep people and equipment away from the trees to reduce impacts.

I also recommend that the final landscaping include mulching around the bases of all trees to a depth of 4 inches. This mulch should be coarse chipper debris (see enclosed article). This is best for the trees. The planting of blue grass under the trees is not recommended. The grass will not perform well in the deep shade, and this will lead to damage from grass trimming equipment such as lawnmowers and weed eaters. Mulched areas should be as wide as possible, with a minimum of ten feet around the base of the trees.

The trees on this site make it beautiful. It would take approximately 50-70 years to grow trees equivalent to these trees. I applaud your efforts to save as many of the trees as possible!

I remain available for further consultation on this matter or other similar situations at 538-5505.

Sincerely,

Tony Dietz
Urban Forestry Coordinator

enclosures

(2)

western garden centers

BLANTZ BROTHERS
TREE MOVERS

May 12, 1997

Mr. Paul B. Nelson
Ensign PM Group
P.O.B.526424
Salt Lake City,Ut. 84152
{phone:578-6781/fax:578-6661}

re: analysis & recommendations, vis-a-vis, trees @ LDS Church property-- "Old-Vets.' Hosp."

Good Morning:
Pursuant to our conversations of April 28,1997, I have examined the property and the trees at the site,as requested, detailed below is my analysis of those trees in light of the desired use of the site. Enclosed is a outlined map of the trees at the location; each tree is numbered and disposition outlined and indicated as follows, towit:

TREE NO./ TYPE--------/DETERMINATION & REASONS FOR SAME:

#1. Large Pine; Keep: This large tree has many good years ahead of it, if cared for properly. It needs to be cleaned-up, trimmed-up: taking out the dead branching caused by the shade from tree #2. I, also recommend feeding tree with Ross Root-Feeding.

#2. Large Elm; Remove: This Elm shows signs of Borer in the upper scaffolding and scares of "slime-flux". And it is shading #1, which is a far better and more expensive tree, and is longer lived.

#3. & #4. Pines; Keep: Same determination as #1.

#5 thru. #7. Pines; Keep:Though younger than #1,3,4, they are very good trees. Same recommendations as above Pines; plus, #5 has or has had borer. Therefore, I recommend "Ace-capping" the tree. # 7 shows signs of a yellow-bellied sap-sucker's holes. They appear not to be recent. But none-the-less, seems to have with stood the bird's attacks. If said activity continues, Ace-cap it too. And feed as in #1

#8. Maple; Remove: this tree is blocking sun-light from two more expensive trees and needs to come out.

#9. Elm; Remove; Tree though large is blocking sun from tree #4. But, also, has slim-flux and borer in the upper scaffolding making the tree of questionable value and a liability.

#10. Maple; Save. Good tree well placed with no apparent problems, save that it needs to be trimmed-up and dead branching taken out. Feed with Ross Root Feed.

#11. Linden; Save; Very good looking tree with no problems. Feed as indicated in #10.

#12. thru. #19. Elms; Remove: They are severely infected with slim-flux and borer, endangering all the other deciduous trees. The disease is rampant in these trees.

#20. thru. #22. Elms; Remove: They have been recently(last 3 or 4 years) infected with slim-flux disease. To keep these trees--Elms so infected--costs more than these "trash-trees" are worth. Besides, these 3 Elms are pushing and will ultimately ruin the stand of Spruce on your property,viz., #23 thru. #26.

#23. thru. #26. Spruce; Save: Here, again, you have some young trees coming along that will add real beauty to that corner and is in keeping with the neighbor's stand of spruce, just outside fence. These four trees need to be cleaned-up and trimmed a little. They, also, need feeding and spraying for mites. Recommend spraying with Kelthane. and the use of Dyston 2% at the base of each.

#27. Fastigate Poplar; Remove: This tree is very close to dying of disease and borer and can only serve as a source of corruption for the other trees.

western garden centers®

#28. Poplar; Save: This tree seems healthy and as not succumb to the problems of it's neighbor #27. It does need to be Ross-Root Fed; Trimmed-up and cleaned-up.
#29.thru.#31. Elm; Remove: These three trees are ill-placed, infected with slime-flux, and #31, seems to have borer beginning in the upper reaches of the tree.
#32. Elm; Remove: This tree appears to have been a volunteer and is infected.
#33. Elm; Remove: This tree is improperly placed and a volunteer that is interfering with your neighbor's linden tree. As to that: your neighbor to the north has, as we discussed placed several trees too close to the retaining-wall and is at some places deteriorating the integrity of same.
#34. Tree is dead: Remove. I ascertained that it died of borer infestation.
#35. Poplar; Save: Good tree; no problems. Trim & clean-up and fertilize.
#36. Poplar; Save: same as #35.
#37. thru. #39. Elms; Remove: These trees are volunteers that are ill-placed and are diseased. They are not worth keeping. Too many problems attend these type trees, and will cost far more that their utility deserves.
#40. Elm; Save: Un-like the others, this tree is in a fairly decent position and seems not to have any disease or insect infestations. It does need to be pruned-up, and cleaned-up, and fed.
#41. Pinion Pine; Save: Tree is in good condition. The trunk at the south-base-side has an old injury, but it seems not to have effected it. Tree needs to be cleaned-up and fed. It would be to your benefit to spray it and other conifers with a good insecticide.
#42. thru. #45. Canaerti Junipers (Juniperus virginianna Canaerti): Save all, but #44 that is between #43 & #45. This #44 is causing #43 and #45 to "brown" on the side abutting #44; this because they are too crowded. Then having removed #44, all the rest are in great shape! Canaerti's are great small trees and beautiful to boot! Rich dark green, heavily tufted foliage, very attractive and extremely hardy and tough. Ultimate height, 25 feet. These trees need to be cleaned-up and trimmed a little, and "Ace-capped" and sprayed with Ultra-fine oil mixed with Diazinon 25%, three times 3-weeks apart. They have spider-mites and scale. These junipers are of great worth in terms of beauty and type.
#46. Cutleaf Maple; Remove: This tree has borer, but still worse, it manifests the symptoms of Verticillium-Wilt disease [V. albo-atrum]. It should be pointed out that maples and elm are highly susceptible to this disease. Please, when removing, be careful not the spread the disease by "sloppy" tree removal procedures and carelessness on the part of the workers. After the take-down, I would recommend using Consan-20 to purify the ground area from under where the tree's canopy was and then out to 4 feet beyond that point.

And with this disease's apparent presence at the site, I would recommend resistant shrubs and trees, like all of the gymnosperms, including conifers such as pine and spruce. Other plants that exhibit resistance to this disease: crabapple, mountain ash, beech, birch, boxwood, dogwood, sweet-gum, hawthorn, holly, honeylocust, oak, pear, London planter and sycamore, rhododendrons, willow, zelkova. The red Maple cultivars: Armstrong, Autumn Flame, Bowhall, October Glory, and Red Sunset, Scarlet and Schlessinger have all been reported as resistant.

Also, note: someone has been "back-hoeing" under and too close to the good trees. Please, this will serve only as a detriment to those trees.
The care and fertilizing of these trees that are to remain is very important. The quicker you get someone out there doing the recommended procedures to the good trees the better.
If I can be of further service in this matter or any other, please, don't hesitate to call me. The invoice is attached to this analysis, along with the outlined map of the trees.

Yours truly,

Garden Consultant–*WESTERN GARDEN CENTERS.*

Office and Salt Lake Store • 550 So. 600 Ea. • Salt Lake City, Utah 84102 • 364-7871
West Valley • Sandy • Holladay • Orem

JOHN D. HISKEY
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
DIVISION OF TRANSPORTATION

DEEDEE CORRADINI
MAYOR

RECEIVED
JUN 16 1997
CITY PLANNING DIVISION

June 13, 1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: L.D.S. Church "F" Street 675 North Petition #410-251 follow up review.

Dear Ray:

The Division of Transportation Traffic review comments and recommendations are as follows:

Past history of this area was the Hospital that has been relocated to Medical Drive and thus has reduced the overall traffic in this area. The subject of traffic impact generation with the Church Development should be of no consequence . 11th Avenue just to the south is a collector class roadway and the peek traffic flow will be on Sunday with no other generators to contend with in this area.

Sincerely,

Barry D Walsh

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
file

333 SOUTH 200 EAST, SUITE 201, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-6630 PARKING ENFORCEMENT: 801-535-6628 FAX: 801-535-6019

RECYCLED PAPER

cc:Mail for: Ray McCandless

Subject: LDS Church F St
From: Barry Walsh 6/13/97 12:21 PM
To: Ray McCandless at CCMacMail

June 13,1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: L.D.S. Church "F" Street 675 North Petition #410-251 follow up review.

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Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
file

JOHN D. HISKEY
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
CITY ENGINEERING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 21
CITY PLANNING DIVISION

TO: RAY McCANDLESS

FROM: SCOTT WEILER SHW

DATE: MAY 21, 1997

SUBJECT: **LDS Church at 675 North "F" Street**

City Engineering review comments are as follows:

1. No curb, gutter or sidewalk exists on the west side of "F" Street along the frontage of the site. New curb, gutter and sidewalk must be installed to align with the existing curb, gutter and sidewalk on the west side of "F" Street south of 13th Avenue.

2. Capital Park Avenue is under construction adjacent to the south property line of the proposed project and will be paved this summer. If connection to the new water line in Capital Park Avenue is desired, it should be done immediately to avoid cutting the new pavement. Sewer must be served from "F" Street since there is no sewer line in Capital Park Avenue.

3. Storm drainage must be reviewed by SLC Public Utilities. On-site detention of storm runoff might be required.

4. The developer must have an access agreement to use Capital Park Avenue (a private street) since this will be controlled and maintained by the homeowners of the Capital Park Subdivision.

5. Prior to installing any improvements in the public way, a permit must be obtained.

cc: Rick Johnston
Joel Harrison
Kevin Young
Jeff Niermeyer
Harry Ewing
Vault

324 SOUTH STATE STREET, SUITE 310, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7961 FAX 801-535-6093

RECYCLED PAPER

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 14 1997
PUBLIC UTILITIES

MEMORANDUM

To: Laurel Bateman - Public Utilities
From: Ray McCandless, Principal Planner
Date: May 13, 1997
Subject: LDS Church at 675 North F Street (13th Avenue)

Laurel,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is **535-7282.**

Thanks

TO: **LAUREL BATEMAN**

DEPARTMENT: **PUBLIC UTILITIES**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

SALT LAKE CITY CORP. - PUBLIC UTILITIES
PRELIMINARY REVIEW AND RECOMMENDATION FORM - DRAFT

EWO: 3396 *Review Type:* Preliminary *Login Date:* 5/14/97 *EWO Date:* 5/14/97 *Date Completed:* 5/19/97

Project Title: LDS CHURCH

Project Location: 675 North F Street

Previously Developed No *Previous Master Plan:* No

Annexation Req'd: No *Number of Lots:* 1 *Number of Units:* 1 *Acreage:* 2.93

P&Z Contact: Ray McCandless *Contacts Phone:* 535-7282 *Subdivision Type:* Residential

Developer: Corp. of P.B. of Church of J.C. of L.D.S *Developer's Phone*

Developer's Address 50 East North Temple Street 84150-0002

Developers Engineer Allen Millo 366 South 500 East #201 84102 *Engineers Phone:* 532-5357

Engineers Contact: Allen Millo

Easement Comments: *Easements Needed:* No

No Problems

Water System Information

Water Main Ext. Req'd: No *Water Project No:* *Public System?:* Ye *Platted On Map #:* A-22

Tap on Extension: Exist 8" Tyt Duc 35-4056

Watermain Ext. Size Req'd: Exst 8" Ty *Min. Service Size:* 1"

Fire Flow Information

Flow Test Date: *Static Pressure:* *Residual Pressure:* *Test Flow:*

Flow @ 20 psi: *Location Flow Test:*

Flow Problems: Do Not Know

Water Comments:

Final Approval subject to results of fire flow test to be conducted and approval from Salt Lake City Fire dept.

Sanitary Sewer System Information

Sewer Main Ext. Req'd. *Sewer Project No.:* *Sewer Plat Book:* *Page No.:* *Model Link:*

Exist. Pipe Size/Type: *Exist. Pipe Flow:* *Exist. Pipe GPM:*

Proposed GPM: *New Liftstation Req'd?:* *Downstream Liftstations?:*

Current Liftstation Cap.: *Total GPM into Exist. LS.:*

Sanitary Sewer Comments

Storm Drain System Information

Storm Drain Ext. Req'd.: *SD Project No.:* *SD Map No.:* *Pipe No.:*

FEMA Flood Zone: *Map* *Effective Date:* *On-Site Detention Req'd.:*

Discharge Allowed: *Discharge Location*

Storm Drain Comments

SALT LAKE CITY CORP. - PUBLIC UTILITIES
PRELIMINARY REVIEW AND RECOMMENDATION FORM - DRAFT

EWO: 3396 *Review Type:* Preliminary *Login Date:* 5/14/97 *EWO Date:* 5/14/97 *Date Completed:* 5/19/97

Project Title: LDS CHURCH

Project Location: 675 North F Street

Previously Developed No *Previous Master Plan:* No

Annexation Req'd: No *Number of Lots:* 1 *Number of Units:* 1 *Acreage:* 2.93

P&Z Contact: Ray McCandless *Contacts Phone:* 535-7282 *Subdivision Type:* Residential

Developer: Corp. of P.B. of Church of J.C. of L.D.S *Developer's Phone*

Developer's Address 50 East North Temple Street 84150-0002

Developers Engineer Allen Millo 366 South 500 East #201 84102 *Engineers Phone:* 532-5357

Engineers Contact: Allen Millo

Easement Comments: *Easements Needed:* No

No Problems

Water System Information

Water Main Ext. Req'd: No *Water Project No:* *Public System?:* Ye *Platted On Map #:* A-22

Tap on Extension: Exist 8" Tyt Duc 35-4056

Watermain Ext. Size Req'd: Exst 8" Ty *Min. Service Size:* 1"

Fire Flow Information

Flow Test Date: *Static Pressure:* *Residual Pressure:* *Test Flow:*

Flow @ 20 psi: *Location Flow Test:*

Flow Problems: Do Not Know

Water Comments:

Final Approval subject to results of fire flow test to be conducted and approval from Salt Lake City Fire dept.

Sanitary Sewer System Information

Sewer Main Ext. Req'd. *Sewer Project No.:* *Sewer Plat Book:* *Page No.:* *Model Link:*

Exist. Pipe Size/Type: *Exist. Pipe Flow:* *Exist. Pipe GPM:*

Proposed GPM: *New Liftstation Req'd?:* *Downstream Liftstations?:*

Current Liftstation Cap.: *Total GPM into Exist. LS.:*

Sanitary Sewer Comments

Storm Drain System Information

Storm Drain Ext. Req'd.: *SD Project No.:* *SD Map No.:* *Pipe No.:*

FEMA Flood Zone: *Map* *Effective Date:* *On-Site Detention Req'd.:*

Discharge Allowed: *Discharge Location*

Storm Drain Comments

Salt Lake City Corporation
Public Utilities

ENGINEERING WORK ORDER

EWO DATE: **5/19/97** PROJECT NO.: **410-251** EWO NO.: **3284** SUP.: **B**

PROJECT TITLE:
LDS CHURCH SITE - ENSIGN WARD

RECEIVED
MAY 21 1997
CITY PLANNING DIVISION

PROJECT LOCATION:
675 NORTH "F" STREET

PROJECT DESCRIPTION
REVIEW NEW INFORMATION WITH THE LAST REVIEW. CALL PLANNING AND ZONING SEE WHAT IS GOING ON WITH THIS SITE.

ACTIVITY REQUESTED: **REVIEW** AGENCY REQUESTING **SLC P & Z**

REQUESTED BY: **JOEL PATERSON** PHONE NO.: **535-6141**

PERSON TO CONTACT: Ray McCandalss PHONE NO.:

WORK ORDER GIVEN TO **N NEFF** PHONE NO.: **483-6783** DATE ASSIGNED: **5/19/97**

Approvals -

Technician: Nelson Neff Completed: 5-21-97 Hours: 1

Technician(2): _____ Completed: _____ Hours _____

Vehicle Usage - Vehicle No. _____ Vehicle Mileage: _____

Water Engineer: _____ Date _____

Sanitary Sewer Engineer: _____ Date _____

Storm Drain Engineer: _____ Date _____

Accounting Use Only	
Total	
Total	
Total	
Grand Total	

Water Comments - you need to send us a set of corrected Utilities Drawings, as we previously sent the corrections needed, no Utilities shown.

Sewer Comments - need previous redline corrections

Storm Drain Comments - Need drainage calculations, show how water is to get to road C & Gutter etc.

General Comments -

"Completed" stamp goes here

Effective Sept. 1, 19

cc:Mail for: Ray McCandless

Subject: LDS Church Proposal "F" st
From: Barry Walsh 5/15/97 10:50 AM
To: Ray McCandless at CCMacMail

May 15,1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: LDS Church proposal Allen Miffo Arch's at 675 North "F" Street.

Dear Ray:

The Division of Transportation review comments and recommendations are as follows:

We have reviewed the site for petition 410-251 a similar proposal. The new proposal is as follows:

1) Public way improvements are required along the "F" street frontage with curb face to be 20 feet from the monument line and sidewalk at back of curb to match the roadway to the south.
2) Indicate new driveway to city standards, type CD-03-03, and grades for staging area before entering roadway.
3) Private access agreements need to be stated for the driveway on the south property line.
4) Indicate transition grades for the driveway accessing the private roadway.
5) The parking lots are within acceptable grades of 4% cross slope and 6% in line slope. The grades at the ADA parking stalls must be 2% maximum in both directions.
6) Pedestrian access has been provided from the building to the public way.

Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
file

cc:Mail for: Ray McCandless

Subject: LDS Church Proposal "F" st
From: Barry Walsh 5/15/97 10:50 AM
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Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

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Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
file

SALT LAKE CITY CORPORATION

PLANNING DIVISION

451 S STATE ST #406
SALT LAKE CITY UT 84111

FAX

Date: 5/8/97

Number of pages including cover sheet: 1

To:
Ken Miller / Kathy Owen

Phone:

Fax phone: 532-0930

From:
Ray McCandless
SLC Planning Division

Phone: **(801) 535-7757**

Fax phone: **(801) 535-6174**

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

Amended Zoning Review Correction Sheet.
See #9.
Thanks. & Thank You For Providing the Elevation Drawings.

SALT LAKE CITY BUILDING SERVICES & LICENSING

Zoning Review Correction Sheet

Log Number: NL Cond. Use Ray M. Prelim. Date: 5-5-97

Zoning District: FR-3 Reviewer: Larry Butcher Phone #: 7645

Project Name: Ensign Ward.

Project Address: 13th Ave - "F" St.

Flood Plain Checked ✓ Yes ___ No

Avigation Easement required ___ Yes ✓ No

Proximity to a Fault ___ Yes ✓ No

Street Map checked ___ Yes ✓ No

Subdivision checked ___ Yes ✓ No

Number	Violations and/or Plan Corrections Needed:
1.	Salt Lake City Public Utilities must approve development projects. Obtain information regarding utility hook-ups, fees, and approval criteria by calling (801) 483-6787
2.	Any work conducted in the public way will require a separate permit from the Salt Lake City Engineering Division.
3.	What is Lot Size? Over 4 Acres?
4.	20' Setback Req'd Along New Road
5.	Grade Changes Exceed 4' in yard Areas and 6' in buildable Areas.
6.	Unable to Determine Height of Building.
7.	Landscape Plan Not Provided.
8.	Parking Calc's Not Provided.
9.	Parking Not Allowed Between Front Line of Bldg and Property Line.

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

MEMORANDUM

To: Larry Butcher, Building Permits and Licensing

From: Ray McCandless, Planning RM

Re: Ensign Ward, LDS Church at F Street and 13th Avenue

Date: April 25, 1997

Larry,

The LDS Church is requesting Conditional Use approval for a proposed church on F Street. The accompanying site plan has been provided to us as part of the Conditional Use application. Please conduct a zoning review on this project and let me know what concerns you have. Elevation drawings of the building have not been provided, but as we discussed earlier, a height exception will need to be granted.

Thanks.

Larry - Please return the original - thanks. Ray

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

SALT LAKE CITY CORPORATION

PLANNING DIVISION

451 S STATE ST #406
SALT LAKE CITY UT 84111

FAX

Date: 5-5-97

Number of pages including cover sheet: 1

To:
KATHY OWEN / KEN MILO

Phone:

Fax phone: 532-0930

From:
RAY MCCANDLESS
SLC Planning Division

Phone: **(801) 535-7757**

Fax phone: **(801) 535-6174**

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

COMMENTS:

PLEASE WORK DIRECTLY WITH LARRY BUTCHER TO ADDRESS THESE CONCERNS.
THANK YOU.

SALT LAKE CITY BUILDING SERVICES & LICENSING

Zoning Review Correction Sheet

Log Number: NL Cond. Use Ray M. Prelim. Date: 5-5-97

Zoning District: FR-3 Reviewer: Larry Butcher Phone #: 7645

Project Name: Ensign Ward

Project Address: 13th Ave - "K" St.

Flood Plain Checked ✓ Yes ___ No Street Map checked ___ Yes ✓ No

Avigation Easement required ___ Yes ✓ No Subdivision checked ___ Yes ✓ No

Proximity to a Fault ___ Yes ✓ No

Number	Violations and/or Plan Corrections Needed:
1.	Salt Lake City Public Utilities must approve development projects. Obtain information regarding utility hook-ups, fees, and approval criteria by calling (801) 483-6787
2.	Any work conducted in the public way will require a separate permit from the Salt Lake City Engineering Division.
3.	What is Lot Size? Over 4 Acres? 3.42
4.	20' Setback Req'd Along New Road
5.	Grade Changes Exceed 4' in yard Areas and 6' in buildable Areas.
6.	Unable to Determine Height of Building.
7.	Landscape Plan Not Provided.
8.	Parking Calc's Not Provided.

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 15 1997
CITY PLANNING DIVISION

MEMORANDUM

To: Blaine Collins - Fire
From: Ray McCandless, Principal Planner
Date: May 13, 1997
Subject: LDS Church at 675 North F Street (13th Avenue)

Blaine,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is **535-7282.**

Thanks

Proposed Installation
Acceptable to
Salt Lake City Fire Dept.
Plans Examiner
Date 5/15/97
By
With the following changes

THE APPARATUS ACCESS ROADS APPEAR TO MEET OUR REQS. REQD. FIRE FLOW, NUMBER, LOCATION, + SPACING OF HYDRANTS SHALL BE DETERMINED WHEN ARCHITECTURAL PLANS ARE SUBMITTED FOR REVIEW

TO: **BLAINE COLLINS**

DEPARTMENT: **FIRE**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

JOHN D. HISKEY
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
DIVISION OF TRANSPORTATION

DEEDEE CORRADINI
MAYOR

RECEIVED
MAY 15 1997
CITY PLANNING DIVISION

May 15, 1997

Ray McCandless
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: LDS Church proposal Allen Miffo Arch's at 675 North "F" Street.

Dear Ray:

The Division of Transportation review comments and recommendations are as follows:

We have reviewed the site for petition 410-251 a similar proposal. The new proposal is as follows:

1) Public way improvements are required along the "F" street frontage with curb face to be 20 feet from the monument line and sidewalk at back of curb to match the roadway to the south.
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6) Pedestrian access has been provided from the building to the public way.

Sincerely,

Barry D Walsh

Barry D. Walsh
Transportation Engineer Assoc.

cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
file

333 SOUTH 200 EAST, SUITE 201, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-6630 PARKING ENFORCEMENT: 801-535-6628 FAX: 801-535-6019

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WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

MEMORANDUM

To: Kevin Young - Transportation
From: Ray McCandless, Principal Planner
Date: May 13, 1997
Subject: LDS Church at 675 North F Street (13th Avenue)

Kevin,

The LDS Church is proposing to construct a new church at the above referenced address. Please let me know if there are any concerns regarding availability of services, access and street capacity as it relates to your department. This proposal requires conditional use approval by the Planning Commission and because a staff report needs to be done on this project next week, I would appreciate a phone call or e-mail from you indicating what your concerns are by Monday or Tuesday of next week if possible. My phone number is **535-7282.**

Thanks

TO: **KEVIN YOUNG**

DEPARTMENT: **TRANSPORTATION**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

ALLEN • MILLO ASSOCIATES
Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

DATE:	JOB NO.
June 5, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

TO: Salt Lake City Corporation

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
1	06/05/97		Letter of support - signed copy from North Pointe Condo Assoc.

THESE ARE SENT: Hand delivered.

REMARKS:

. Please let us know if we can be of further assistance.

Cathy Owen

COPIES TO:

TRANSMITTAL

SIGNED

ALLEN • MILLO ASSOCIATES
Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

DATE:	JOB NO.
May 6, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

TO: Salt Lake City Corporation

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
8	05/06/97		Building Elevations
8	05/06/97		11x17 plans

THESE ARE SENT: Hand delivered.

REMARKS:

. Please let us know if we can be of further assistance.

COPIES TO:

TRANSMITTAL

SIGNED Cathy Owen

ALLEN • MILLO ASSOCIATES
Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

RECEIVED
MAY 28
CITY PLANNING DIVISION

TO: Salt Lake City Corporation

DATE:	JOB NO.
May 28, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
1	05/28/97		Building Elevations

THESE ARE SENT: Hand delivered.

REMARKS:

. Please let us know if we can be of further assistance.

Cathy Owen

COPIES TO:

TRANSMITTAL

SIGNED

ALLEN • MILLO ASSOCIATES
Architects • Planners
366 South 500 East Suite 201
Salt Lake City, Utah 84102

(801) 532-5357
FAX (801) 532-0930

DATE:	JOB NO.
June 10, 1997	

ATTENTION:
Ray McCandless
SLCC Planner

RE:
Ensign 1,3,4
13th Avenue and "F" Street

TO: Salt Lake City Corporation

WE ARE SENDING YOU: (As per your request)

Building Elevations

COPIES	DATE	NO.	DESCRIPTION
1	06/10/97		Site Plan and Western Garden Tree Report

THESE ARE SENT: Hand delivered.

REMARKS:

. Please let us know if we can be of further assistance.

COPIES TO:

TRANSMITTAL

SIGNED

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

RECEIVED
JUN 12 1997
CITY PLANNING DIVISION

June 4, 1997

NOTICE OF PUBLIC HEARING

The Salt Lake City Planning Commission has received Petition 410-262 from the Church of Jesus Christ of Latter-Day Saints requesting conditional use approval to construct a new church at approximately 675 North F Street. The church will be oriented toward Capitol Park Avenue, a future private street with parking to the west and north sides of the building. Minor subdivision approval also is being requested to realign the south property line to better reflect the proposed alignment of Capital Park Avenue. The caretaker's residence for the former Veterans Administration Hospital will be demolished to accommodate the new church. Zoning on this property is Foothills Residential, FR-3/12,000.

This request also requires a special exception from the Salt Lake City Board of Adjustments to allow the building height to exceed the maximum height allowed by the FR-3 zoning district. The proposed building height is 44 feet above grade near the south end of the building where 28 feet is allowed in the FR-3 zone. The height of the steeple is 62 feet. This meeting is scheduled for June 23, 1997. Please contact Mr. Merrill Nelson at 535-6183 if you are interested in further details.

The Planning Commission will be holding an informal hearing to accept public comment on:

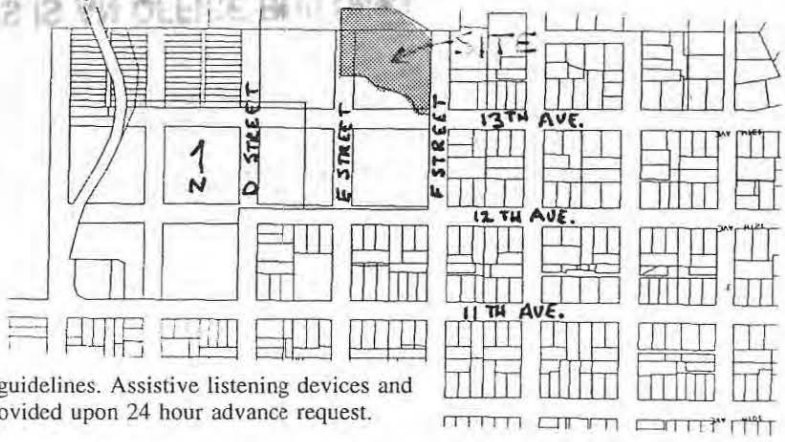
June 19, 1997
Salt Lake City County Building
451 South State Street
Room 126
6:10 P.M.

If you have any questions, comments or wish to view the proposal, you may do so at that time. If you have additional questions, you may contact me at 535-7282.

Respectfully,

Ray McCandless

Ray McCandless
Principal Planner



We comply with all ADA guidelines. Assistive listening devices and interpretive services provided upon 24 hour advance request.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

WILLIAM T. WRIGHT, AICP
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

DEEDEE CORRADINI
MAYOR

June 4, 1997

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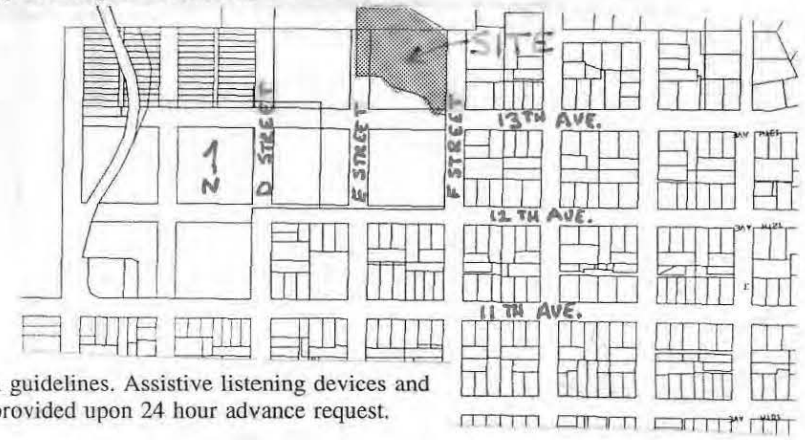
Ray McCandless
Principal Planner



We comply with all ADA guidelines. Assistive listening devices and interpretive services provided upon 24 hour advance request.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7757 FAX 801-535-6174

RECYCLED PAPER

LDS CHURCH 675 N. F STREET

Sheet 1 of 3

675 N. F STREET

Richard Leader
827 N Grandridge Drive
Salt Lake City, UT 84103

Kathy Legare
826 N Grandridge Ct
Salt Lake City, UT 84103

Elizabeth Lindsey
809 N Grandridge Drive
Salt Lake City, UT 84103

Robert Mackie
685 N "G" Street
Salt Lake City, UT 84103

Igor Maksymiw
853 N Juniperpoint Drive, #17
Salt Lake City, UT 84103

Gideon Malherbe
801 N Juniperpoint Drive
Salt Lake City, UT 84103

Richard Maneval
829 N Grandridge Drive, #41B
Salt Lake City, UT 84103

Max McCormick
803 N Grandridge Drive
Salt Lake City, UT 84103

Derek Metcalfe
813 N Juniperpoint Drive
Salt Lake City, UT 84103

Kenneth Millo
366 South 500 East, #201
Salt Lake City, UT 84102

Elyce Mouskondis
830 N Grandridge Ct
Salt Lake City, UT 84103

Ruth Newman
849 N Juniperpoint Drive
Salt Lake City, UT 84103

Property Owner
834 N Grandridge Ct
Salt Lake City, UT 84103

Property Owner
798 N Northpoint Drive
Salt Lake City, UT 84103

Park City Const. Co. Inc. Et Al
36 South State St., #100
Salt Lake City, UT 84136

Park City Const. Inc, Et. Al
401 E Twelfth Avenue
Salt Lake City, UT 84103

Frederick Prince
855 N Juniperpoint Drive
Salt Lake City, UT 84103

Derrill Richards
819 N Juniperpoint Drive
Salt Lake City, UT 84103

Claude Rosenkrantz
112 Sonora Avenue
Danville, CA 94526

Leo Sant
44 West Broadway Street
Salt Lake City, UT 84101

Clara Sears
P.O. Box 30880
Salt Lake City, UT 84130

Charles Sherman
620 N "F" Street
Salt Lake City, Ut 84103

Douglas Sonntag
833 N Grandridge Drive, #42D
Salt Lake City, UT 84103

Philip Sonntagg
150 East 2100 South
Salt Lake City, UT 84115

Grant Southwick
843 N Grandridge Ct
Salt Lake City, UT 84103

Elva Spencer
461 East Thirteent Ave
Salt Lake City, UT 84103

Joyce Topham
847 N Juniperpoint Drive
Salt Lake City, UT 84103

LDS CHURCH 675 N. F STREET

Sheet 2 of 3

675 N. I STREET

Wendell Affleck
472 East Thirteenth Ave
Salt Lake City, UT 84103

Mark Benson
811 N Grandridge Drive, #29E
Salt Lake City, UT 84103

Harden Breinholt
817 N Northpoint Drive
Salt Lake City, UT 84103

Kenneth Bronston
668 N "F" Street
Salt Lake City, UT 84103

George Brown
1439 Cambridge Drive
Idaho Falls, ID 83401

Capitol Park Development LC
2180 South 1300 East, #520
Salt Lake City, UT 84106

C Castle
789 N Northpoint Drive
Salt Lake City, UT 84103

Edmund Cook
701 N "G" Street
Salt Lake City, UT 84103

Nancy Cook
787 N Northpoint Drive
Salt Lake City, UT 84103

Corp of PB of CH JC of LDS
50 E North Temple Street
Salt Lake City, UT 84150

Alan Crawford
456 East Thirteenth Avenue
Salt Lake City, UT 84103

John Dencker
475 East Thirteenth Avenue
Salt Lake City, UT 84103

Allie Derrick
815 N Northpoint Drive
Salt Lake City, UT 84103

Catherine Dixon
688 N "F" Street
Salt Lake City, UT 84103

Eagle Capital Group LC
1454 E Winderbrook Way
Salt Lake City, UT 84124

John Fehr
468 East Thirteenth Avenue
Salt Lake City, UT 84103

Patricia Gay
806 N Northpoint Drive
Salt Lake City, UT 84103

Genesis Investment Corporation
P.O. Box 643
Farmington, UT 84025

Golden Oak Homes Inc.
10880 S Savannah Drive
Sandy, UT 84094

Alberta Harrington
695 N "G" Street
Salt Lake City, UT 84103

Gerny Hayes
453 East Twelfth Avenue
Salt Lake City, Ut 84103

Eldon Hugie
851 North Juniperpoint Dr
Salt Lake City, UT 84103

Judith Jardine
835 N Grandridge Court
Salt Lake City, UT 84103

Brian Kammerath
7986 S Top of World Drive
Salt Lake City, UT 84121

Michael Keams
626 N "F" Street
Salt Lake City, UT 84103

Wilford Kirton
823 N Northpoint Drive
Salt Lake City, UT 84103

Albert Kubota
483 East Thirteenth Avenue
Salt Lake City, UT 84103

LDS CHP 615 N. F STREET

Sheet 3 of 3

675 N. F. STREET

David Townsend
805 N Grandridge Drive
Salt Lake City, UT 84103

Utah Power & Light Company
700 NE Multnomah St., #700
Portland, OR 97232

Calvin Wilcox
807 N Juniperpoint Drive
Salt Lake City, UT 84103

Lillian Wright
669 N "G" Street
Salt Lake City, UT 84103

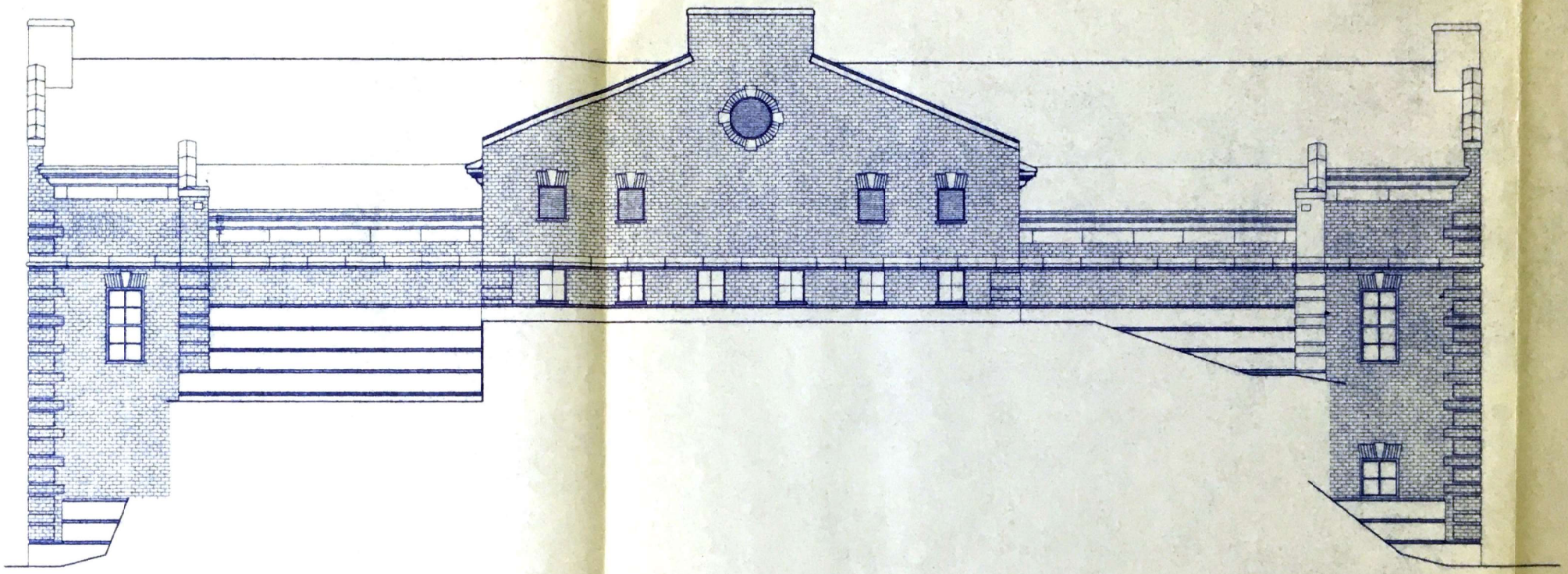
Eugene Zanoli
742 N Richland Drive
Salt Lake City, UT 84103

CHURCH OF JESUS CHRIST OF L.D.S.
50 E. NORTH TEMPLE ST. #
SLC, UT 84150

KEN MILLO
ALLEN. MILLO ASSOCIATES
366 SOUTH 500 EAST
SUITE 201
SLC, UTAH 84102

EXHIBIT 10

Elevation Plans

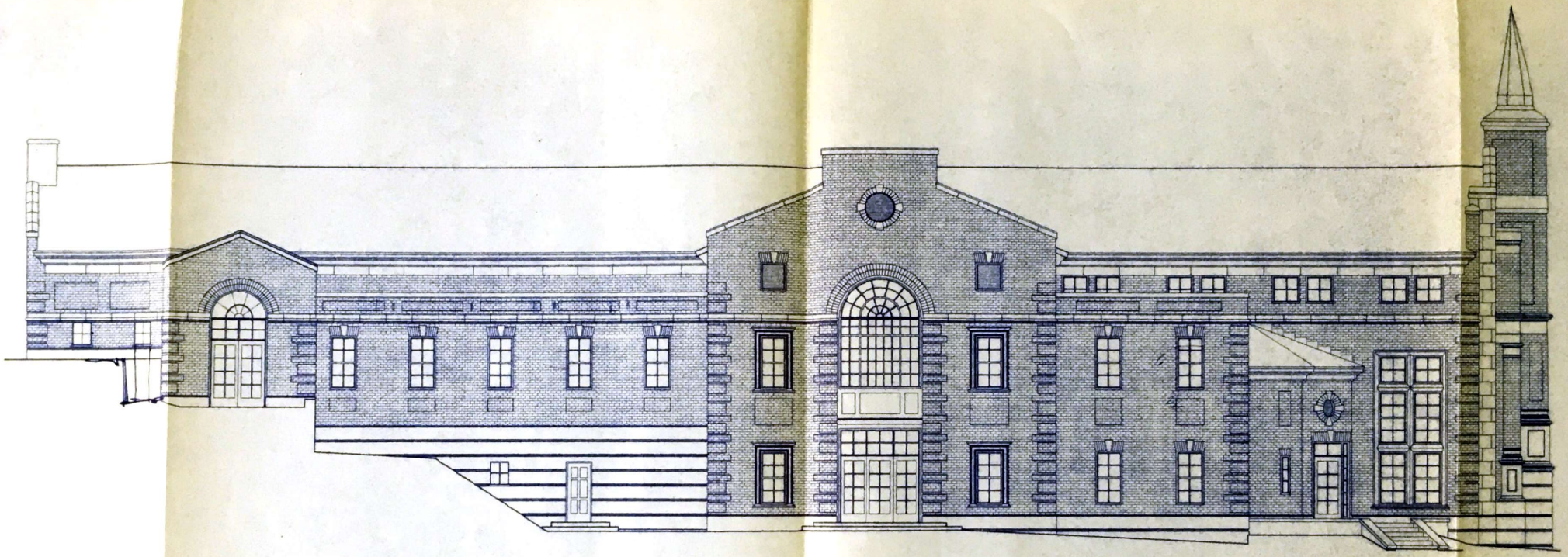


NORTH ELEVATION

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

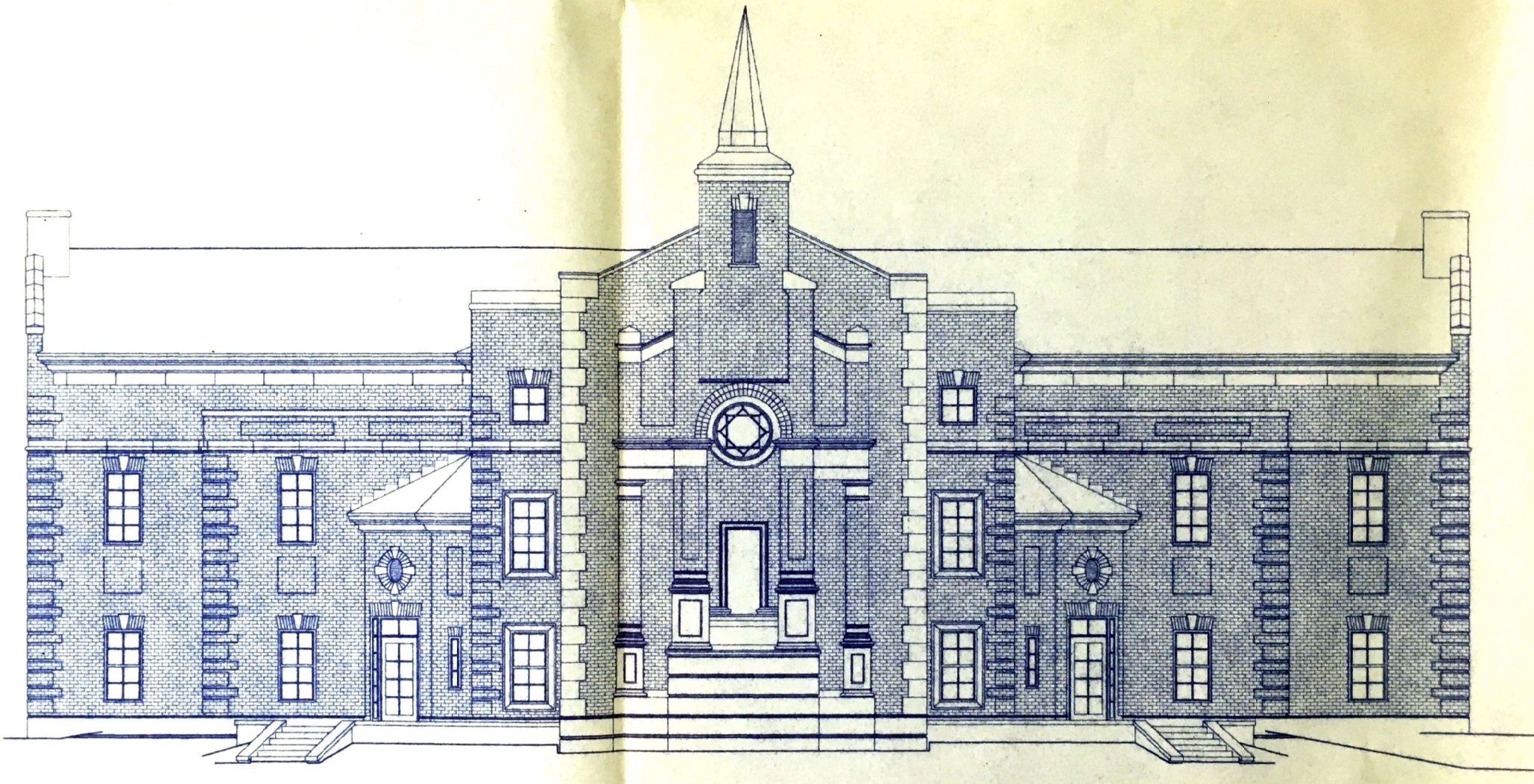
B

A-7



WEST ELEVATION (A) A-7

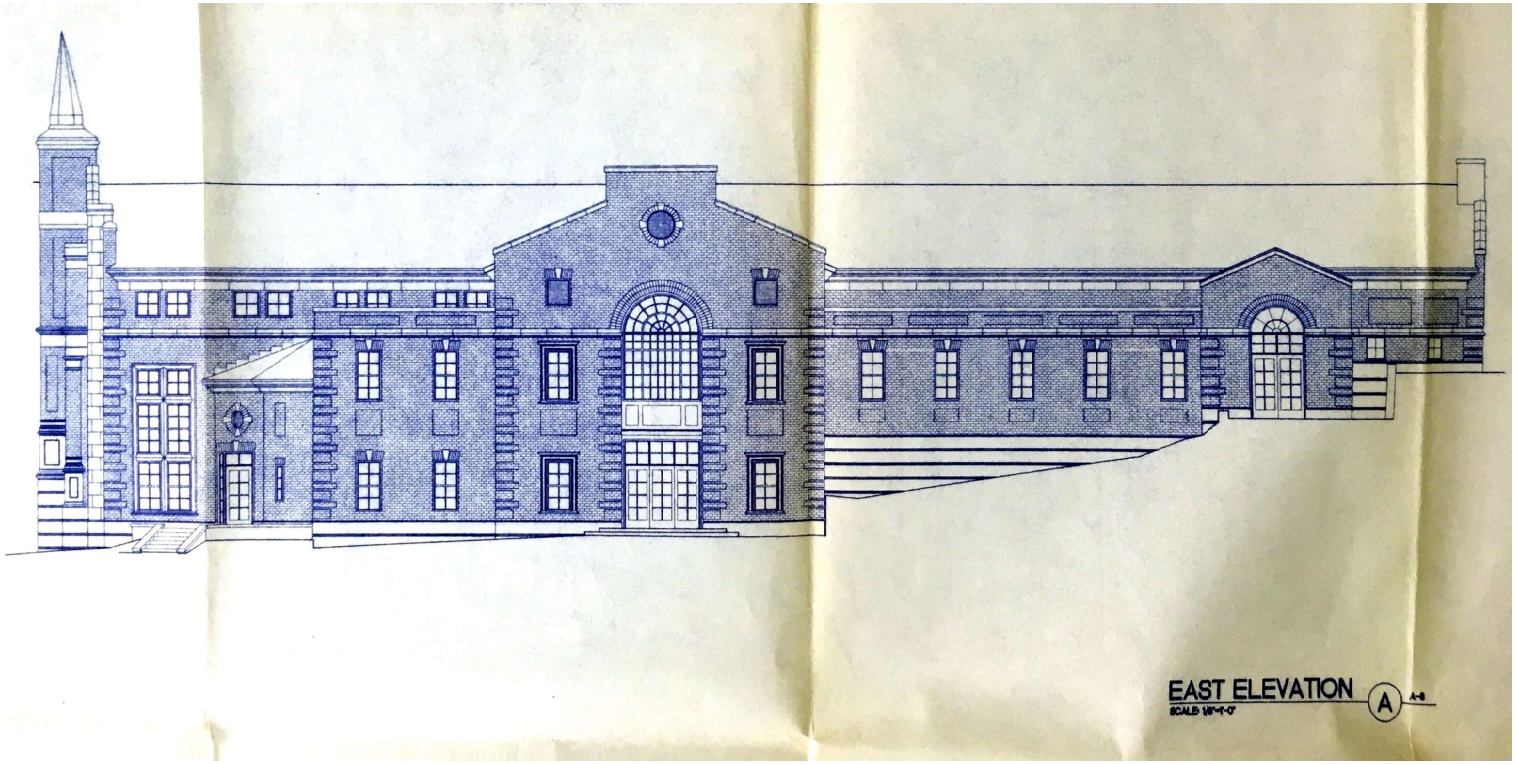
SCALE: 1/8"=1'-0"



SOUTH ELEVATION

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

B

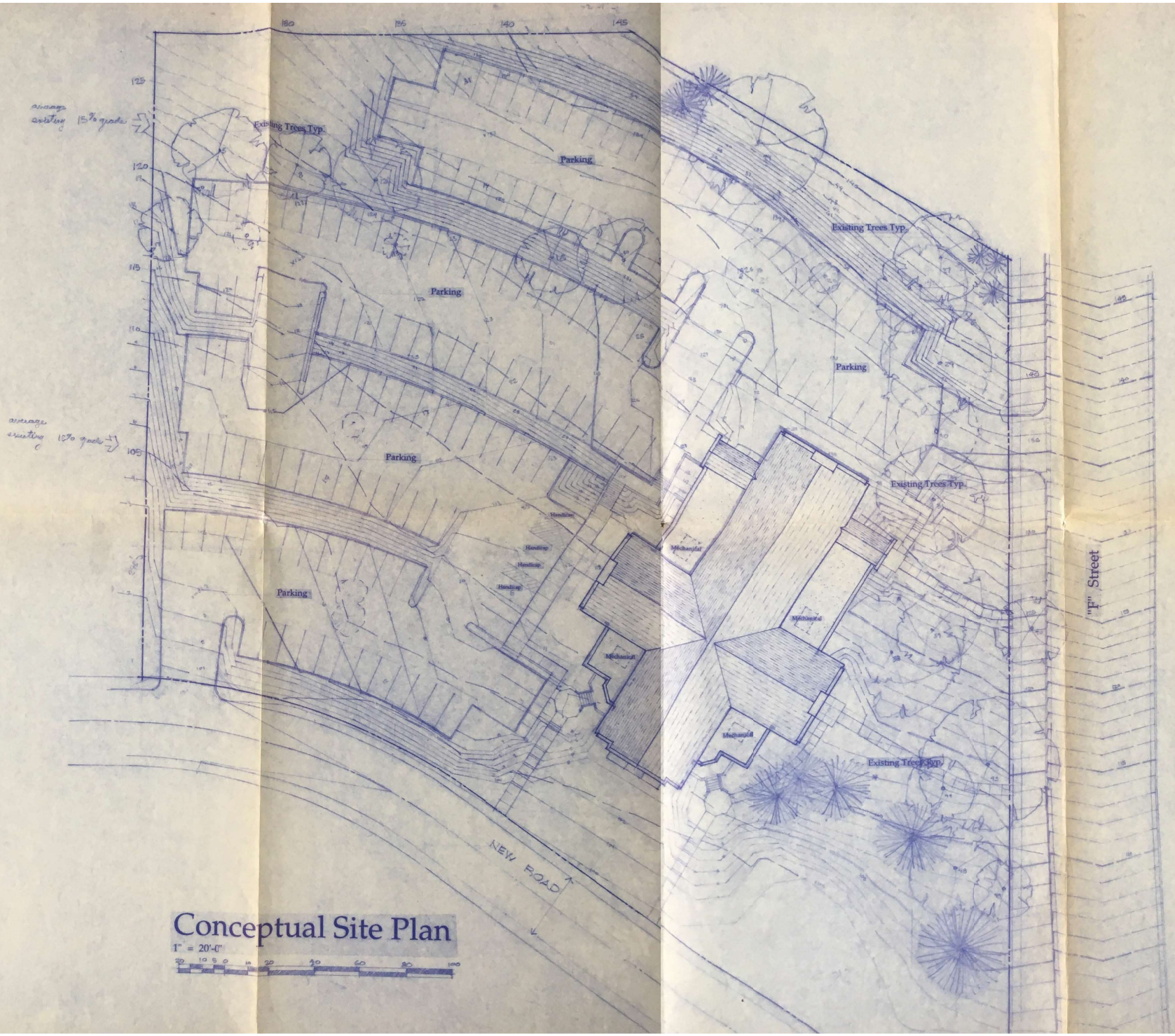


EAST ELEVATION (A) A-8

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

EXHIBIT 11

Meetinghouse Site Plan



Conceptual Site Plan

1" = 20'-0"

Allen·Mills
Architecture • Interiors • Planning

EXHIBIT 12

Easement Agreement

8923197

8923197
12/12/2003 03:50 PM 30.00
Book - 8923 Pg - 1596-1605
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
AMERICA WEST TITLE
BY: BRM, DEPUTY - WI 10 P.

Recording requested by
and when recorded return to:

KIRTON & McCONKIE
Attn: Steven L. Whitehead, Esq
1800 Eagle Gate Plaza
60 East South Temple
Salt Lake City, Utah 84111

Property No. 533-3822

(Space Above This Line For Recorder's Use)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("**Agreement**") is made and entered into as of this 12th day of October, 2001, by and between AVENUE HEIGHTS CONDOMINIUMS, L.L.C., a Utah limited liability company ("**AHC**") and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("**CPB**"); individually, a "**Party**", and collectively, the "**Parties**".

RECITALS:

A. AHC is the fee owner of that certain real property located in the City of Salt Lake City, County of Salt Lake, State of Utah, which property is more particularly described on Exhibit "A" attached hereto and depicted by diagonal lines on the Plat Map attached hereto as Exhibit "B" ("**Easement Property**"). The Easement Property is improved with a private drive, curbs, gutters, sidewalks, and related improvements, which private drive connects Capitol Park Avenue to the intersection of "F" Street and 13th Avenue.

B. CPB owns certain real property located in the City of Salt Lake City, Salt Lake County, State of Utah, which is legally described in Exhibit "C" attached hereto and incorporated herein by this reference ("**Existing Property**").

C. CPB is purchasing from AHC, or has purchased from AHC, fee ownership of that certain real property located between the Easement Property and the Existing Property in the City of Salt Lake City, County of Salt Lake, State of Utah, which is legally described in Exhibit "D" attached hereto (the "**Adjacent Property**"). The Existing Property and the Adjacent Property shall hereinafter collectively be referred to as the "**CPB Property**."

D. In connection with the purchase of the Adjacent Property by the CPB, AHC and CPB have entered into that certain Agreement for Purchase and Sale and Joint Escrow

Instructions (the "**Purchase Agreement**"). Pursuant to the terms and conditions of the Purchase Agreement, AHC desires to grant to CPB, for the benefit of CPB Property, a non-exclusive easement burdening the Easement Property and benefitting the CPB Property.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

1. **Grant of Easement**. AHC hereby grants, conveys and warrants to CPB for the benefit of CPB and any entity controlling, controlled by, or under common control with CPB, and their respective employees, agents, servants, members, beneficiaries, contractors, consultants, guests, invitees, successors and assigns (collectively, "**CPB Affiliates**"), upon each and every term and condition contained herein, a continuous, perpetual non-exclusive easement and right of way on the Easement Property appurtenant to the CPB Property for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress to and egress from the CPB Property ("**Easement**"). Subject to any municipal or governmental approvals, CPB shall have the right to place at least one (1) curb cut approximately thirty (30) feet wide in the curb located on the Easement Property at a location to be determined by CPB in its sole and absolute discretion to permit ingress to and egress from the CPB Property onto the Easement Property.

2. **Covenants Run with Land**. The Easement, together with each of the restrictions, covenants and agreements contained herein shall be appurtenant to and for the benefit of the CPB Property and shall be a burden upon the Easement Property, and shall run with the land. The Easement, this Agreement and the restrictions, covenants, benefits and obligations created hereby shall be binding upon and shall inure to the benefit of all present and future holders of interests in the CPB Property and shall be deemed a covenant running with the land.

3. **Maintenance**. The maintenance of the Easement Property will be addressed in a Joint Maintenance Agreement to be mutually agreed upon by the parties. Until the Joint Maintenance Agreement is negotiated and executed, the parties agree as follows: (i) AHC shall maintain the Easement Property in a good and clean condition; (ii) if AHC fails to maintain the Easement Property, CPB shall have the right, but not the obligation, to do so; (iii) the costs to maintain the Easement Property, along with a portion of a portion of a road extending westerly from the Easement Property to the point at the southwest corner of certain real property owned by Karen S. Wright commonly known as 364 East Capitol Park Avenue if such road is maintained by AHC, shall be allocated 16.67% to CPB and 83.33% to AHC; and (iv) each party will reimburse the other party that performed maintenance on the Easement Property and the adjacent road within thirty (30) days after receipt of a statement of the maintenance costs.

4. **Successors and Assigns**. This Agreement shall inure to the benefit of, and will be binding upon, the Parties hereto and their respective successors and assigns.

5. **Special Warranty.** AHC hereby fully warrants the title to the Easement Property and will defend the same against the lawful claims of all persons claiming by through or under AHC and against acts of AHC, subject to any easements and rights-of-way of record as of the date hereof.

6. **Not a Public Dedication.** Nothing contained in this Agreement will be deemed to be a gift or a dedication of any portion of the Easement Property to the general public or for the general public or for any public purpose whatsoever, it being the intent of the Parties that this Agreement be strictly limited to and for the purposes expressed herein.

7. **Authority**. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, authority to do so and to bind the entities for which they are executing this Agreement.

8. **Exhibits**. The following exhibits are a part of this agreement to the same extent as if set forth in the body of this Agreement:

Exhibit A -	Legal Description of Easement Property
Exhibit B-	Plat Map Depicting Easement Property
Exhibit C-	Legal Description of Existing Property
Exhibit D-	Legal Description of Adjacent Property

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

AHC: **AVENUE HEIGHTS CONDOMINIUMS, L.L.C.**, a Utah limited liability company

By: _____
Its: Member

By: _____
Its: Member

By: GREENWICH EAST, L.L.C., a
Texas limited liability company
Its Member

By: _____
Kenneth W. Griswold
Its Managing Member

CPB: **CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,**
a Utah corporation sole,

By: _____ 11/20/01
Its: Authorized Agent

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 2nd day of November, 2001, personally appeared before me WALLACE A. WRIGHT, JR., who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS ~~CORPORATION~~,* L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

Notary Public
ANITA L. MORSE
2748 East Commonwealth Avenue
Salt Lake City, Utah 84109
My Commission Expires
March 8, 2002
State of Utah

Anita L. Morse
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 12th day of October, 2001, personally appeared before me DAVID R. SABEY, who being duly sworn, did say, for himself that he is a member of AVENUE HEIGHTS * ~~CORPORATION~~, L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company, and duly acknowledged to me that such limited liability company executed the same. *CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

C:\MyFiles\Client-Matters\WRIGHT.WA\AVEHEIGH\CPB.sale\easement.agt10-10-01.wpd

August 9, 2001

STATE OF Utah)
) ss.
COUNTY OF Salt Lake)

On the 12th day of October, 2001, personally appeared before me KENNETH W. GRISWOLD, who being duly sworn, did say, for himself that he is the managing member of GREENWICH EAST, L.L.C., a member of AVENUE HEIGHTS ~~CORPORATION~~ * L.L.C., and that the within and foregoing instrument was signed in behalf of said limited liability company and duly acknowledged to me that such limited liability company executed the same. * CONDOMINIUMS

My Commission Expires

NOTARY PUBLIC
TINA STEWART
170 So. Main #400
Salt Lake City, Utah 84101
My Commission Expires
June 30, 2002
STATE OF UTAH

Tina Stewart
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 20th day of November, 2001, personally appeared before me John Ashby, who being duly sworn, did say, for himself that he is the authorized agent of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, and that the within and foregoing instrument was signed in behalf of said corporation by authority of its board of directors, and duly acknowledged to me that such corporation executed the same.

My Commission Expires

January 23, 2002

Marilee E. Davis
Notary Public

MARILEE E. DAVIS
Notary Public
STATE OF UTAH
My Comm. Expires Jan. 23, 2002
7026 S. Commerce Park Dr. Midvale, UT 84047

C:\MyFiles\Client-Matters\WRIGHT.WA\AVEHEIGH\CPB.sale\easement.agt10-10-01.wpd

August 9, 2001

EXHIBIT "A"
OF EASEMENT AGREEMENT

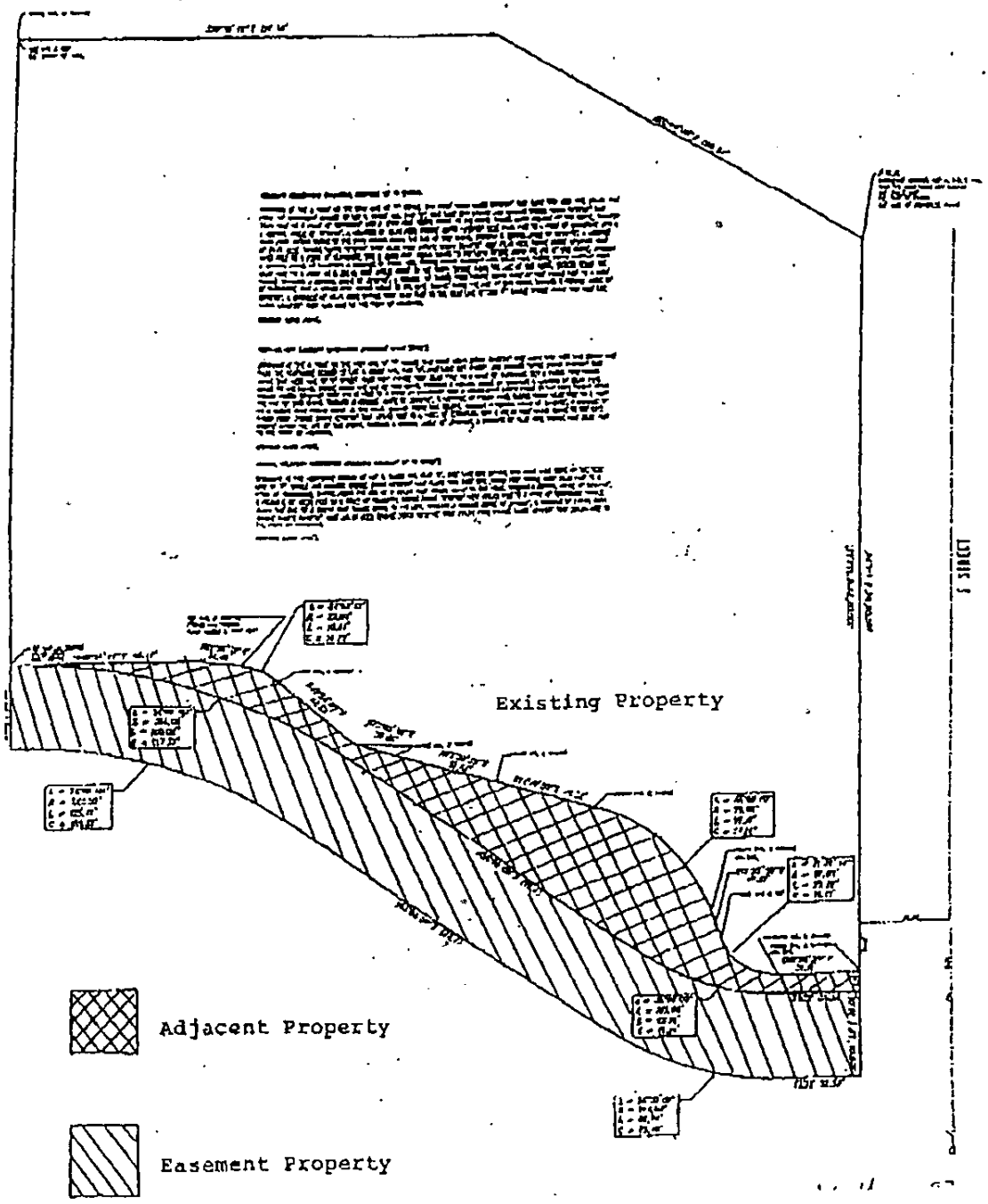
(Legal Description of Easement Property)

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE, A PRIVATE STREET, SOUTH 00°00'24" EAST 365.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF "F" STREET AND RUNNING THENCE SOUTH 00°00'24" EAST ALONG SAID WEST LINE 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE, SAID POINT BEING NORTH 00°00'24" WEST 337.24 FEET (DEED = 337.15 FEET) FROM THE SOUTHEAST CORNER OF LOT 1, BLOCK 177, PLAT "D", SALT LAKE CITY SURVEY; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAPITOL PARK AVENUE THE FOLLOWING FOUR (4) COURSES; WEST 34.78 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 142.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 86.74 FEET TO A POINT OF TANGENCY; NORTH 55°00'00" WEST 180.63 FEET TO A POINT OF CURVATURE; NORTHWESTERLY ALONG THE ARC OF A 222.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 135.61 FEET; THENCE NORTH 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT PHASE 4, AS RECORDED WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CAPITOL PARK AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: SOUTHEASTERLY ALONG THE ARC OF A 262.00 FOOT RADIUS CURVE TO THE RIGHT, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00". A DISTANCE OF 160.05 FEET TO A POINT OF TANGENCY; SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE; SOUTHEASTERLY ALONG THE ARC OF A 102.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°00'00" A DISTANCE OF 62.31 FEET TO A POINT OF TANGENCY AND EAST 34.78 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.402 ACRES

09-30-455-008

Exhibit "B"



FILMED AS RECEIVED
CO. RECORDER

EXHIBIT "C"

(Legal Description of Existing Property)

BEGINNING at the Northeast corner of Lot 4, Block 188, Plat "D", Salt Lake City Survey, and running thence South 00°00'24" East 354.35 feet to the back of an existing curbwall; thence South 89°29'22" West 37.11 feet to a point of curvature; thence along the arc of a 27.00 foot radius curve to the right 33.77 feet to a point of tangency; thence North 18°50'50" West 14.61 feet to a point of curvature; thence along the arc of a 79.00 foot radius curve to the left 77.17 feet to a point of tangency; thence North 74°49'00" West 49.32 feet; thence North 72°00'28" West 51.64 feet; thence North 72°00'28" West 20.05 feet; thence North 47°53'00" West 44.93 feet to a point of curvature; thence along the arc of a 32.00 foot radius curve to the left 19.01 feet to a point of tangency, and North 81°55'21" West 18.46 feet; thence North 89°51'43" West 85.47 feet; thence North 00°00'24" West 296.86 feet; thence South 89°51'43" East 217.58 feet; thence South 60°00'00" East 200.84 feet to the point of BEGINNING.

09-30-455-008

EXHIBIT "D"
OF EASEMENT AGREEMENT

(Legal Description of Adjacent Property)

BEGINNING AT A POINT ON THE WEST LINE OF "F" STREET, SAID POINT BEING SOUTH 00°00'24" EAST ALONG SAID WEST LINE 354.35 FEET FROM THE NORTHEAST CORNER OF LOT 4, BLOCK 188, PLAT "D", SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH 89°29'22" WEST 37.11 FEET TO A POINT OF CURVATURE WITH A 27.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 71°39'44", A DISTANCE OF 33.77 FEET; THENCE NORTH 18°50'50" WEST 14.61 FEET TO A POINT OF CURVATURE WITH A 79.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGEL OF 55°58'07", A DISTANCE OF 77.17 FEET; THENCE NORTH 74°49'00" WEST 49.32 FEET; THENCE NORTH 72°00'28" WEST 71.69 FEET; THENCE NORTH 47°53'00" WEST 44.93 FEET TO A POINT OF CURVATURE WITH A 32.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°02'14", A DISTANCE OF 19.01 FEET; THENCE NORTH 81°55'21" WEST 18.46 FEET, THENCE NORTH 89°51'43" WEST 85.47 FEET TO THE SOUTHEAST CORNER OF LOT 415, CAPITOL PARK PLANNED DEVELOPMENT, PHASE 4, BEING AT A POINT ON A 262.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, (CENTER BEARS DUE SOUTH), THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 160.05 FEET; THENCE SOUTH 55°00'00" EAST 180.63 FEET TO A POINT OF CURVATURE WITH A 102.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°00'00", A DISTANCE OF 62.31 FEET, THENCE EAST 34.78 FEET TO THE WEST LINE OF SAID "F" STREET; THENCE ALONG SAID WEST LINE NORTH 00°00'24" WEST 11.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.208 ACRES

09-30-455-008

ATTACHMENT 6: Response from Ivory Development, LLC

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Analise Quinn Wilson (Utah Bar No. 13845)
978 Woodoak Lane
Murray, UT 84117
Telephone: (801) 747-7000
awilson@ivoryhomes.com

Attorney for Ivory Development, LLC

SALT LAKE COUNTY LAND USE APPEAL AUTHORITY

IN THE MATTER OF CAPITOL PARK COTTAGES PLANNED DEVELOPMENT AND PRELIMINARY SUBDIVISION PLAT APPROVAL **IVORY DEVELOPMENT, LLC, APPLICANT**	**RESPONSE TO APPEAL OF SALT LAKE CITY PLANNING COMMISSION APPROVAL OF PLANNED DEVELOPMENT & PRELIMINARY PLAT AT 675 F STREET** Planned Dev. No PLNPCM2021-00656 Prelim. Sub. Plat No. PLNSUB2021-01175

Applicant, Ivory Development, LLC ("Ivory") submits the following response to the appeal filed by a collection of neighbors displeased with the development of an infill parcel in Salt Lake City's avenues.

Procedural Posture

Ivory purchased the 3.21-acre parcel located at 675 N. F. Street (the "Property") on February 4th, 2020. Since that time, Ivory has been working with the community, Salt Lake City staff, and elected representatives to design a community that will bring much needed housing to the area while respecting the character of this historic neighborhood (the "Project").

On May 1st, 2020, Ivory submitted a petition for Master Plan Future Land Use Map Amendment from Very Low Density to High Density along with a Rezone application from FR-3/12000 to FB-UN1. These applications included concept plan proposing 25 single-family homes with accessory dwelling units (ADUs). Public notice of the applications resulted in a flurry of public comment and a petition opposing the rezone. In an effort to be responsive to the public comments, Ivory updated its applications and reduced the concept plan from 25 to 19 lots.

In March of 2021, Ivory amended its zone request from FB-UN1 to SR-1. However it is important to note that Ivory showed a draft plan for the purposes of discussing the application, but the concept plan was not formally approved by Salt Lake City.

During this period, the Preserve our Avenues Zoning Coalition ("POAZC") incorporated with the sole purpose to oppose Ivory's applications and it ran a widespread and well-funded smear campaign that included mailers, door knocks, and yard signs. POAZC has worked relentlessly to prohibit Ivory, despite Ivory's compliance with state law and city ordinances, to use their property in a manner that the neighbors find "incompatible" with their high-minded view of their neighborhood.

The Salt Lake City Council weighed the broad benefit of the proposed development against the vocal opposition of the POAZC and approved both standing petitions with five conditions to facilitate the resubmission of Planned Development Application in December of 2022. A Development and Use Agreement was recorded to finalize the rezone and memorialize the City Council's conditions. Ivory then a submitted Planned Development Application and applied for Preliminary Plat approval. On January 24th, 2024 the Planning Commission voted 7-1 to approve the Planned Development and Preliminary Plat applications.

Standard of Review

The Appellants face an uphill battle to overturn to Planning Commissions decision ("Decision"). As discussed above, the Planning Commission, city staff, and elected officials have spent an inordinate amount of time over several years to consider and evaluate the proposed development. The law presumes the Planning Commission's decision to be valid and puts a high bar on any person, whether an applicant of affected party, challenging the Planning Commission's decision at this posture. *See* Utah Code Section 10-9s-705.

Specifically, the Planning Commission's decision is valid unless it is arbitrary and capricious or illegal. Utah Code Section 10-9a-801(3)(b). A decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record. Utah Code Section 10-9a-801(3)(c)(i). "Substantial evidence is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion." *Caster v. West Valley City*, 2001 UT App 220, ¶ 4, 29 P.3d 22. A land use decision is illegal if the land use decision is based on an incorrect interpretation of a land use regulation, conflicts with the authority granted by the Land Use Management Act or is contrary to law. Utah Code Section 10-9a-801(3)(c)(ii).

The Appellants have not met this high bar. While they have made it very clear that they disagree with the Planning Commission, they have not shown that that the Planning Commission's decision was arbitrary and capricious or illegal.

Response to Request for Stay

Appellants have not articulated any basis for a stay, let alone any substantial harm that will result from the Planning Commission's decision. Salt Lake City Code 21A.16.030.F does not define substantial harm, but in other contexts it has been defined as a "lifelong handicap,

permanent loss, or considerable pain." At best, Appellants have identified potential future inconvenience. Moreover, as a practical matter, it is unlikely that even a single shovel of dirt will be moved before this appeal is resolved. The Planning Commission decision gave Ivory preliminary plat approval, but Ivory still needs to proceed through the final plat approval process before any construction activities will take place. No harm, or even change in circumstances, will take place during the pendency of this appeal.

The Planning Commission's Decision is Valid

The Appellant's brief lacks substance and disregards the rigorous review process performed by the Planning Commission. The Appellants have been against any change to the Property since the outset. If the Appellants wanted to preserve the Property as open space or to develop it under its original FR3/12,000 designation, they could have purchased it. They did not. Ivory has worked tirelessly to incorporate changes to appease the Appellants. Ivory's proposed Project is consistent with the law and meets the housing objectives of Salt Lake City. It should not be derailed by a handful of well-funded voices.

I. *The Decision is Consistent with Salt Lake City Ordinance No. 81 of 2022.*

Appellants argue that because Ivory has modified the design of the open space, the Project is no longer consistent with conditions for approval in Salt Lake City Ordinance No. 81 of 2022 rezoning the Property from FR-3 to SR-1 ("Ordinance"). With regard to the open space, the Ordinance stated as follows:

> The open space area shown on draft development plans submitted to the Planning Commission and City Council shall generally be accessible to the community, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

Ordinance at Section 3(4).

The plain language of this requirement makes several things apparent. First, that the Council knew that the current development plans were a "*draft*" and would change throughout the entitlement process. Second, the Council was concerned primarily that the open space would be generally accessible to the public and that it would be privately maintained by a homeowners' association. As predicted, the draft plans have changed, but Ivory has upheld its commitment to keep the open space accessible and to maintain it privately through a homeowners' association.

To be clear, the Appellants are not actually concerned with the fact that the open space has been reconfigured. They made nearly identical objections to the original open space plan. For example, POAZC submitted the following comment regarding the prior configuration:

> Ivory claims that Parcel A is a 'Private Park' and that setbacks are reduced throughout the development 'clustering' in order to add shared space, this is totally contrived. Parcel A is a drainage basin. Ivory uses a rezone to

> shrink lot sizes and a PD to reduce setbacks and overbuilds on this [sic] sloped foothills lot causing a drainage problem. Ivory then disingenuously calls this drainage basin a 'Private Park' and seeks to use it to justify the increase in hardscape that caused the drainage problem in the first place.

POAZC Letter Submission to the SLC Planning Commission Opposing Rezone Page 17.

The Appellants failed to persuade either the Planning Commission or City Council against rezoning the Property with this argument, and they should not be allowed to recycle it again as a basis to override the Planning Commission's administrative decision to approve the Project's preliminary plat.

II. *The Project Meets All Salt Lake City Parking Requirements*.

Significantly, while Appellant's brief details at length the "objectives" of various non-parking ordinances and the parade of horribles that could result from a birthday party, they fail to acknowledge that the Project meets the applicable parking standard.

Salt Lake City Code 21.A.44.040.A requires a total of 2 spaces per unit and an additional space per ADU for a total of 63 units. However, 21A.40.200.G allows for zero parking requirements if an ADU is within ¼ mile radius of a public transit stop (which the project is). Therefore, by all applicable City ordinances, the project only requires 42 parking spaces. The Planned Development has been approved with 82 parking spaces.

The Appellant's complaints regarding future snow storage are irrelevant and pre-mature. The City does not have a requirement that property owners provide a certain level of snow storage. In fact, none of the Appellants were required to do so, notwithstanding the fact that many live in housing denser than what is being proposed by Ivory. Appellants' hypothesis that snow storage may be a problem at some point in the future is not a basis to overturn a valid land use decision.

III. The Project Qualifies as a Planned Unit Development.

The Project qualifies as a Planned Unit Development because it meets at least two of the six required objectives: (1) clustering of development to preserve open space and (2) creating housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.

Regarding (1), the Appellant's argument appears to assume that to be classified as open space, the real property making-up the open space must be developable. There is no such requirement in the Salt Lake City Code or Utah law. The objective only requires the clustering of development to preserve open space. The fact that the open space may include additional restrictions is not relevant. It also ignores the fact that Northpoint Estates' (listed as an appellant) open space, which they use to calculate their density, is primarily made up of steep, unbuildable foothills.

Regarding (2), Ivory is proposing to add housing types not commonly found in the existing neighborhood. Appellants argue that because existing homeowners could retro fit their homes to include ADUs, that Ivory's Project is not proposing an uncommon housing type. Appellants are missing the point. There are significant and unique benefits to constructing a new type of community where ADUs are planned for and integrated from the outset. Most obviously, adding an ADU at the time of construction results in better design since the home is built with both occupants in mind. Also, projected rental income from an ADU lowers to bar needed to qualify for a loan, making the home attainable to persons with moderate incomes. This type of new construction is a key solution to allow both renters and homeowners to be able to afford to live in the Avenues.

IV. The Project's Density is Consistent with City Code and the Surrounding Area.

The Avenues is one of the most eclectic neighborhoods in the City with a wide variety of housing types. In fact, the Appellants themselves are made up of a mix of single-family homeowners and multi-family unit owners/renters. The Appellants include many residents of Meridien at Capitol Park, a large condo building adjacent to the Property, and many residents Northpoint, a townhome community with five and six plex units. It is not credible for them to argue that Ivory should not be allowed to build 21 lots on 3.2 acres. Moreover, the re-zone of the Property is complete and the time in which for Applicants to challenge the rezone is long past. The PD is 6 units *fewer* than allowed in the base density of the SR-1 zone (27 units). The proposed site plan under the approved PD is only 3 units denser than the "practical build capacity" if there were no PD designation. The decision to allow an additional 3 units in exchange for a trail, open space, and a new housing type is not arbitrary, capricious, or illegal.

V. The Planning Commission Did Not Act Legislatively.

Next, Appellants argue that the Planning Commission was acting legislatively by approving a preliminary plat on which Ivory intends to build homes with ADUs. Putting aside that it is a legal impossibility for the Planning Commission to act legislatively, it is apparent that the legislative decision recognizing the ADUs happened at the time the Property was rezoned. ADU's have been included in Ivory's plan for the Project since the outset. The Salt Lake City Council weighed the benefits and drawbacks of ADUs at the time of the rezone and determined not to limit the construction of ADUs, but rather to prohibit short term rentals in the ADUs. *See* Ordinance at Section 3(3). Moreover, the legislative decision to allow ADUs under both local and state law was made prior to the Decision. For the City's part, it specifically made ADUs a permissive use in the SR-1 Zone. For the state's part, the Utah legislature in the 2023 general session passed Senate Bill 174 mandating that cities allow internal ADUs in all new construction. Appellant's argument that application for an ADU can only be made one-by-one is reading non-existent requirements into the law and undercutting their argument that ADUs in new construction is not a new housing type.

VI. The Decision Does Not Violate the Easement or City Code.

Finally, Appellants argue that the Decision is illegal because it overburdens the Capitol Park Avenue easement. The relevant easement is memorialized in an Easement

Agreement between Avenue Heights Condominiums, LLC (predecessor of The Meridien at Capitol Park Condominiums) and the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (predecessor of the Applicant). The Easement Agreement allows Applicant to access and use Capitol Park Avenue. Specifically, the Easement Agreement expressly grants the owner of the 3.2 acre parcel located at approximately 675 North ("675 N Lot") and

> their respective employees, agents, servants, members, beneficiaries, contractors, consultants, guests, invitees, successors and assigns. . . a continuous, perpetual non-exclusive easement and right of way on the Easement Property appurtenant to the CPB Property for the placement, installation, maintenance, repair and removal of utilities and for pedestrian and vehicular ingress to and egress from the CPB Property Easement ('Easement"). Subject to any municipal or governmental approvals, CPB shall have the right to place at least one (1) curb cut approximately thirty (30) feet wide in the curb located on the Easement Property at a location to be determined by CPB in its sole and absolute discretion to permit ingress to and egress from the CPB Property onto the Easement Property.

Easement Agreement at Paragraph 1.

To interpret easements, Utah courts apply the same rules of construction used in interpreting contracts. *Canyon Meadows*, 2001 UT App 414, ¶ 7, 40 P.3d 1148. "When interpreting a contract, a court first looks to the contract's four corners to determine the parties' intentions, which are controlling." *Bakowski v. Mountain States Steel, Inc*., 2002 UT 62, ¶ 16, 52 P.3d 1179." "If the contract [or easement] is in writing and the language is not ambiguous, the intention of the parties must be determined from the words of the agreement." *Winegar v. Froerer Corp*., 813 P.2d 104, 108 (Utah 1991).

Here, the plain language of the easement is unambiguous in terms of its scope, *i.e.* vehicular and pedestrian ingress and egress from the 675 N Lot. The easement contains no limitation on the amount on ingress or egress allowed or the developed use of the 675 N Lot. Any such quantification or qualification would be highly irregular in an access easement negotiated and secured for a yet to be developed parcel or real property. Avenue Heights Condominiums, LLC may have anticipated that the use of the 675 N Lot would eventually be a meetinghouse. However, that is not contained in the plain language of the unambiguous documents. As such, it is irrelevant and not admissible to determine intention of the parties.

Conclusion

Appellants' 30 pages of single-spaced legal theories do not disguise that fact that they simply do not want "to inject people who live in ADUs" into their "refined neighborhood." *See* Marilyn Neilson Email 8/25/23 (Page 366 of Staff Report). None of the legal strawmen defeat the presumption of validity given the Decision under Utah law. The Planning Commission is intimately familiar with the Project and the City's requirements. Its Decision was not arbitrary, capricious, or illegal. Ivory respectfully requests that the Decision be upheld.

DATED this 6th day of March 2024.

By: */s/Analise Q. Wilson*
Analise Q. Wilson

Attorney for Applicant Ivory Development, LLC

ATTACHMENT 7: City Attorney's Brief

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PRESERVE OUR AVENUES ZONING COALITION, ET. AL., Appellant, vs. SALT LAKE CITY CORPORATION Respondent.	**APPEAL OF A LAND USE DECISION** Appeal No. PLNAPP2024-00140 Hearing Date: April 18, 2024 Property Address: 675 North F Street

INTRODUCTION AND STANDARD OF REVIEW

This matter comes before the Salt Lake City Appeals Hearing Officer as an appeal of a land use decision pertaining to the approval of Planned Development and Preliminary Subdivision applications under Salt Lake City's ("City") zoning code, which is found in Title 21A of the *Salt Lake City Code* ("Code"). The appeals hearing officer, established pursuant to Section 21A.06.040, is the City's designated land use appeal authority on appeals of land use decisions. In accordance with Section 21A.16.030.A, an appeal made to the appeals hearing officer shall identify "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." It is an appellant's burden to prove that the decision made by the Salt Lake City Planning Commission

("Planning Commission") was incorrect.[1] Moreover, it is an appellant's responsibility to marshal the evidence in this appeal.[2]

The role of the appeals hearing officer is to "review the decision based upon applicable standards and shall determine its correctness."[3] The appeals hearing officer must affirm the Planning Commission "unless [the Planning Commission's decision] is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made."[4] The Planning Commission's decision must be upheld or reversed by the appeals hearing officer solely on the record before the Planning Commission, unless evidence was improperly excluded by the Planning Commission.[5]

A land use decision must be upheld unless it is arbitrary, capricious, or illegal.[6] A decision is not arbitrary and capricious if it is supported by substantial evidence.[7] Substantial evidence is evidence that "is beyond a scintilla" and "a reasonable mind would accept as adequate to support a conclusion."[8] A land use decision is illegal if it is "based on an incorrect interpretation of a land use regulation;…conflicts with the authority granted by [the Municipal Land Use Development, and Management Act]; or… is contrary to law."[9]

BACKGROUND

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[1] *See* Code § 21A.16.030.J.
[2] *See Carlsen v. Bd. of Adjustment of City of Smithfield*, 287 P.3d 440, 2012 UT App 260 (Utah App. 2012).
[3] Code § 21A.16.030.I.2.b.
[4] Code § 21A.16.030.I.2.c.
[5] Code § 21A.16.030.I.2.
[6] Utah Code § 10-9a-801(3)(b).
[7] *Springville Citizens v. City of Springville*, 1999 UT 25, ¶ 24.
[8] Utah Code § 10-9a-103(68).
[9] Utah Code § 10-9a-801(3)(c)(ii).

Ivory Development, LLC ("Owner") is the owner of certain real property located at 675 North F Street in Salt Lake City (the "Property").[10] Since 2020, the Owner has been through several land use approval processes in order to develop the Property into housing.[11] In March 2021, the Owner submitted a request to rezone the Property to SR-1 Special Development Pattern Residential District ("SR1").[12] After a lengthy public engagement process, a public hearing before the Planning Commission on June 22, 2022, and a public hearing before the Salt Lake City Council ("City Council"), the City Council approved the rezoning application on December 13, 2022.[13] The ordinance was not appealed.

On or about December 15, 2023, Ivory Development, LLC ("Owner") submitted Planned Development and Preliminary Subdivision applications (the "Applications").[14] The Property is approximately 3.2 acres, on which the Owner proposed to construct 21 single or twin-home dwellings.[15] In substance, Owner's Planned Development application requested modification of eight standards in the base zoning district.[16] Section 21A.55.020 permits the Planning Commission to "change, alter, modify or waive" zoning or subdivision regulations (with certain limitations as to varying off-site parking, building height, or density limitations), provided that the planned development achieves "at least one of the strategies associated with the [planned development objectives]" which are set forth in Section 21A.55.050. Ultimately, a planned

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[10] Staff Report dated January 24, 2024 at 1. All references to page numbers of this staff report are to the electronic page number of the pdf, as some pages of the document do not denote a page number or are misnumbered.
[11] *Id.* at 7-8.
[12] *Id.* at 7.
[13] *Id.* at 7-8, 149-152.
[14] Attachment B to Staff Report dated January 24, 2024.
[15] Staff Report dated January 24, 2024 at 1.
[16] Staff Report dated January 24, 2024 at 9.

development should be approved "if the project will result in a more enhanced product than would be achievable through strict application of the land use regulations."[17]

On January 24, 2024, a public hearing was held on the Applications before the Planning Commission.[18] At the public hearing the Planning Commission took testimony from the Owner, Appellant's representative, and the public. After discussion, the Planning Commission voted 7-1 in favor of approving the Applications. On or about February 3, 2024, Appellant appealed the Planning Commission's decisions on the Applications. In appealing the decisions, Appellant asserts six primary arguments.[19] Appellant's arguments fail because they (1) misinterpret the conditions of prior approvals, (2) create standards that do not exist in the Code, and (3) assert errors of law that the Applications do not and cannot have the legal effect of creating. Fundamentally, Appellant's arguments largely amount to a policy disagreement regarding the desirability of the project Owner proposed at the Property. Such a disagreement does not meet the threshold to overcome the high degree of deference afforded to land use authorities.[20]

ARGUMENT

I. THE PLANNED DEVELOPMENT DOES NOT VIOLATE ANY REZONE CONDITION.

[17] Code § 21A.55.050.A.
[18] Attachment 3 to Staff Report dated April 18, 2024.
[19] Appellant's Brief at 5.
[20] *See Baker v. Park City Mun. Corp.*, 405 P.3d 962 (Utah App. 2017) ("Since local planning commissions possess a certain degree of specialized knowledge in their fields, municipal land use authorities acting within the boundaries established by applicable statutes and ordinances are entitled to a broad latitude of discretion.") (quotation simplified).

Appellant asserts that the Planned Development violates the ordinance that permitted the rezoning of the Property to SR1.[21] In approving the rezoning ordinance the City Council imposed the following condition, which states in relevant part:

> The zoning map amendment and master plan amendment…described herein are conditioned upon Applicant entering into a development and use agreement with the city to be recorded as against the property, which agreement shall include the following requirements…The open space area shown on draft development plans submitted to the Planning Commission and City Council shall generally be accessible to the community, with the homeowner's association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.[22]

Publication of the ordinance granting the rezoning was withheld until the anticipated agreement was recorded.[23] This condition was satisfied when a Development and Use Agreement ("Development Agreement") was recorded as Entry No. 14141665 in the Office of the Salt Lake County Recorder on August 16, 2023.[24] Consequently, the rezoning ordinance was published on August 17, 2023.[25] As set forth in the Development Agreement:

> Development and use of the Property shall comply with the following requirements: … Any open space areas located along Capitol Park Avenue or F Street shall generally be accessible to the community at large, with the homeowners' association or other entity responsible for managing the common area establishing rules regarding the use and hours of availability as it prefers.

Importantly, the Development Agreement also includes a merger clause.[26] The Development Agreement reflects the City's rezoning conditions, specifically, that open space areas of the Property be accessible to the public, but privately owned, maintained, and controlled. At the time the Applications were considered by the Planning Commission this condition was echoed (with

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[21] Appellant Brief at 5-8.
[22] Staff Report dated January 24, 2024 at 150.
[23] *Id.* at 151.
[24] *Id.* at 156-163.
[25] *Id.* at 151.
[26] *Id.* at 159.

an additional related condition that the Owner install signage indicating that the open space is publicly accessible),[27] discussed by the Planning Commissioners and assented to by the Owner at the January 24, 2024 public hearing.[28] Therefore, the Planned Development recognizes and continues to implement the provisions of the Development Agreement. Consequently, no condition of the rezoning ordinance is in jeopardy due to the approval of the Applications.

Appellant asserts a much narrower interpretation of the rezoning ordinance applies. Specifically, that the Owner was not only required to have open space areas of the Property be accessible to the public that are privately owned, maintained, and controlled, but also that a certain amount and configuration of open space was required by the City Council. Appellant's position is flawed for at least three reasons. First, the merger clause in the Development Agreement requires the City to apply the plain language of that agreement, not the preliminary language of the rezoning ordinance that was always intended to be implemented by the Development Agreement.[29] Second, even if the Development Agreement did not exist and the rezoning ordinance stood on its own, the condition in the rezoning ordinance does not support the narrow interpretation advanced by Appellant. Instead, the condition clearly envisions that the development plans were a "*draft*" and could change throughout the entitlement process.[30] This was clearly the understanding of this portion of the ordinance, being that the City Council was

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[27] *Id.* at 12.
[28] See Planning Commission Public Hearing Recording at 1:42-50 (available at Planning Commission Meeting - 01/24/2024 (youtube.com)).
[29] *Stewart v. Bova*, 256 P.3d 230, 680 Utah Adv. Rep. 18, 2011 UT App 129 (Utah App. 2011)("if a contract is integrated, parol evidence is admissible only to clarify ambiguous terms; it is not admissible to vary or contradict the clear and unambiguous terms of the contract..."). As the terms of the Development Agreement are not ambiguous it is the terms of the Development Agreement, not the rezoning ordinance, that control over the terms of the open space condition.
[30] Staff Report dated January 24, 2024 at 150.

fundamentally concerned with the accessibility of the open space, not its precise quantity or location, as no specific site plan or size was indicated in the ordinance. Third, unlike a planned development, a rezoning process (also known in the Code as a map amendment) is not an approval with respect a particular project. Rather it is a broader determination that applying a particular zoning district to a property is "consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents . . . ."[31] Because the rezoning ordinance was not approving a particular project, but was instead providing broad guidelines regarding how the City wanted open space treated, it cannot reasonably be interpreted as requiring a specific amount or precise location of open space on the Property.

Finally, even if Appellant is correct that the language of the ordinance, not the Development Agreement should apply, Appellant cannot attempt to collaterally attack the terms of the Development Agreement in this proceeding. Rather, it needed to have appealed the administrative decision to certify that the Development Agreement complied with the condition in the rezoning ordinance.[32] That appeal was ripe when Appellant knew or should have known that the Development Agreement had been executed.[33] This time clearly arose when the rezoning ordinance was published on August 17, 2023, as the recording of the Development Agreement triggered the publication.[34] Such appeal right expired on or about August 28, 2023.

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[31] Code § 21A.50.050.B.
[32] Staff Report dated January 24, 2024 at 155; *see also* Code Chapter 21A.16.
[33] *See Fox v. Park City*, 200 P.3d 182, 2008 UT 85 (Utah 2008)("'[A] proper regard for the interests of [affected parties] mandates that the time for appeal begins to run from the date an interested person knew or should have known of the permit's issuance.'...")(*quoting Trenkamp v. Township of Burlington*, 170 N.J.Super. 251, 406 A.2d 218 (Law Div. 1979)).
[34] Staff Report dated January 24, 2024 at 151.

Consequently, Appellant cannot attempt to collaterally attack the terms of the Development Agreement now with respect to the Planned Development.

II. THE APPLICATIONS COMPLY WITH THE CITY'S OFF STREET PARKING STANDARDS.

Appellant asserts that the Planned Development fails a compatibility analysis that is a component of several of the planned development standards. As Appellant notes, a compatible land use, according to Code, includes considering a variety of use features including "development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings."[35] As reflected in the staff report, the Planning Commission considered most if not all of these factors in evaluating the Applications according to the planned development objectives and standards set forth in Sections 21A.55.010 and 21A.55.050.[36] The Planning Commission received substantial evidence regarding these features of the project and how, to a greater or lesser extent on each, compatibility was still achieved.[37] Appellant's assertions to the contrary at minimum represent a policy disagreement, for which the Planning Commissions' decision should receive deference as the basis for such compatibility determination is consistent with what "a reasonable mind would accept as adequate to support a conclusion."[38]

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[35] Code 21A.62.040(definition of "compatible land use").
[36] Staff Report dated January 24, 2024 at 104-112.
[37] Id. at 13, 93-96, 104-112.
[38] Utah Code § 10-9a-103(68).

At heart, Appellant's objections as to the amount of parking available on the Property, under the guise of an incompatibility argument, represent a misguided attempt to circumvent the Code's off-street parking standards in favor of its own subjective preferences regarding how much parking the project should have. Appellant asserts that there is a "clear lack of parking" and that the "Planning Commission failed to properly consider the Project's parking needs."[39] As set forth in the staff report, the Planning Commission thoroughly considered all issues of parking and access and found that the project complies with the Code's off-street parking standards.[40] In fact, the project will provide 25% more parking than is required.[41] Consequently, Appellant's claims of inadequate parking must be disregarded when in fact the project not only meets the Code's parking standards, but exceeds them. Had the Planning Commission done as proposed by Appellant and imposed an arbitrary parking requirement above stated standards under the guise of neighborhood compatibility, such a position could hardly represent a more arbitrary and capricious exercise of discretion. Meeting the Code's own parking standards cannot reasonably be the basis of an incompatibility determination, and therefore, Appellant's argument that the associated planned development standard is not met on this basis must be rejected.

III. THE PLANNING COMMISSION'S FINDINGS REGARDING THE PLANNED DEVELOPMENT OBJECTIVES ARE SUPPORTED BY SUBSTANTIAL EVIDENCE.

Appellant claims that the Planning Commission's decision to approve the Planned Development is arbitrary and capricious because none of the planned development objectives or

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[39] Appellant's Brief at 9-10.
[40] Staff Report dated January 24, 2024 at 2, 5-6, 15-16, 38, and 95.
[41] Id. at 95. Again, because more parking is being provided than required by applicable standards, it is unclear to the City regarding Appellant's assertion of error that Commissioner Barry did not depart from the standard. *See* Appellant Brief at 10.

standards set forth in Chapter 21A.55 have been met.[42] This assessment relies on a myopic approach to the Code's planned development standards, specifically, that if any of the site features that relate to a strategy could be achieved by right without a planned development, then a planned development is not justified.[43] However, this is not what the Code states, much less represents the reasoning of the Planning Commission.

In one portion of the planned development objectives section, the Code describes the goal of a planned development: "A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments."[44] Contrary to Appellant's contentions, this statement is not a litmus test standard intended to be applied feature-by-feature to any project. In no way does the Code require that the "enhanced product" envisioned by one portion of the planned development purpose statement relate solely to the particular objectives or strategies that are determined to support the approval of the planned development. Rather, the plain language of this statement clearly envisions that the Planning Commission is entitled to consider a land use "product" as a whole. The Planning Commission received substantial evidence as to why the product proposed by Owner was enhanced from what applying the base zoning district standards would render:

> The proposed development efficiently uses the site in a way that would otherwise be difficult without Planned Development approval. The requested modifications to the zoning standards enable the clustered development to preserve open space. They also provide additional flexibility for spaces within each unit that can be used as an ADU. … Since the subject property only abuts a public street on one

[42] Appellant Brief 12.
[43] Appellant Brief at 17 ("Since SR-1 already allows ADUs, Ivory's potential ADUs cannot be used as a basis to justify a Planned Development.")
[44] Code § 21A.55.010.

> side, strict application of zoning requirements would require redundant and expensive public improvements, including new streets. Development of the site without those public improvements or planned development would be limited by the width of its [property] line abutting F Street. The modifications requested through this process allow for development that fulfills adopted city plans and policies in a way that would not be possible otherwise.[45]

The Planning Commission also received evidence from the Owner that the Planned Development provided an enhanced product in the form of building footprints that conform to the steep slopes of the Property while reducing the need to install significant retaining walls, which had been a significant concern in a prior design iteration.[46] Because the Code does not require the enhanced product to be limited to any planned development objective or strategy, Appellant's claim of error that the planned development standards have not been met should be rejected.

In approving the Applications the Planning Commission found that two planned development objectives were achieved, specifically, under the Open Space and Natural Lands objective and the Housing objective. Within those objectives, the Planning Commission concluded that three strategies were met. A planned development can be approved based on only one strategy. [47] Specifically, the Planning Commission concluded that the project offered "clustering of development to preserve open spaces", "inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar types of facilities", and "housing types that

[45] Staff Report dated January 24, 2024 at 104.
[46] See Planning Commission Public Hearing Recording at 1:36-40 (available at Planning Commission Meeting - 01/24/2024 (youtube.com)); Staff Report dated January 24, 2024 at 25,35 and 151.
[47] Code 21A.55.050.A

are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood."[48]

Appellant claims that the Planned Development does not achieve the open space objective because the proposed buildings are not clustered, the open space is not buildable or large enough, and conditions of the rezoning related to open space render this area unable to be considered as open space for purposes of the Planned Development. There is simply no support in the record for Appellant's contentions. The illustrative plan for the project clearly shows that the buildings have been situated to the interior of the Property in order to leave most of the project's perimeter as open space.[49] Furthermore, 25,600 square feet of open space will be open to the public.[50] Consistent with the staff report, the Planning Commission concluded that "[t]he setback modifications reduce the normal required yard areas for the homes but also allow for consolidating those yard areas into the external open space. As the modification relates to one of the objectives to cluster development and preserve larger open spaces, Staff recommends approval of the modifications."[51] The Code defines open space as "[a]n area of land or water that is improved or unimproved, and serves the purposes of preservation of natural resources, recreation, or public health and safety. Open space is land set aside for conservation or recreation purposes. It may include woodlands, play areas, recreation centers, government facilities, walking and riding trails, nature center, wetlands and lands in the floodplain as well as land use for passive or active recreation."

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[48] Code § 21A.55.010.A. 1 and 6, C.2
[49] Staff Report dated January 24, 2024 at 4.
[50] Id. at 6-7.
[51] Id. at 13.

Contrary to Appellant's contention, there is no element of the Code's open space definition or planned development standards that prohibit the application of the open space definition or the "Open Space and Natural Land" objective if a structure cannot be built on the same ground. Furthermore, such standards do not impose a size or layout element. It cannot reasonably be disputed that the open space identified in the plans involve preservation of natural resources (i.e retaining the natural landscape supplemented by vegetative landscaping) and passive recreation in the form of walking trails[52] that completely surround and transect the project.[53] Therefore, Appellant's complaints regarding the amount of open space, or that the land being devoted to open space is not buildable, is meritless.

Furthermore, there is simply no basis for Appellant's argument that the open space provided cannot be considered as part of the planned development. There is nothing in the rezoning ordinance or Development Agreement that curtails the Owner's use of the planned development process or how the planned development objectives can be achieved. Arguably, the City Council could not have unilaterally curtailed the planned development standards in such an

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[52] Appellant claims the walking paths cannot be trails because (1) they do not meet the definition of trails in Section 2.94.030 of Code, and (2) they are "necessary for access to people's homes" and therefore "do not constitute a trail." Appellant's Brief at 15. Appellant's argument is defective both legally and practically. First, the definition of trails in Title 2 does not apply. Rather, the definitions in the City's zoning code, Title 21A, apply to the Applications, which definitions are found in Section 21A.62.040. If a term is not defined in this section, then definitions according to Webster's Collegiate Dictionary apply. See 21A.62.010 ("For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in "Webster's Collegiate Dictionary."). Consequently, City staff properly informed the Planning Commission that a definition of trail outside of the Title 21A would not apply to the Applications. Rather, the definition of trail from Webster's Collegiate Dictionary, which includes "a track made by passage esp. through a wilderness" or "a marked or established path or route esp. through a forest or mountainous region" conform to the paths that the Owner is provided.

[53] Staff Report dated January 24, 2024 at 36-37, 50, and 63.

ad hoc way, and there is certainly no indication in the record before the Planning Commission that they intended to do so. For the Planning Commission to do as Appellant suggests and effectively write-out this planned development objective from the Code as to this project only would certainly (absent some indication that the Owner had assented to such treatment) be contrary to law.

As indicated above, Appellant reductively claims that because "ADUs could be constructed in an identical manner without a planned development", a project with ADUs cannot qualify for planned development approval.[54] This is a flawed interpretation of the Code and misstates the reasoning of the Planning Commission in concluding that the diverse housing types strategy was met. It is not the mere fact that the project includes ADUs that supports the Planning Commission's interpretation that the project reflects "special development characteristics" achieving the City's housing goals.[55] Rather, it is the project as a whole: new single-family construction with integrated ADUs that is a new and unique development method. The Planning Commission received substantial evidence on this point from the Owner:

> While the social and individual benefits of ADUs are wide ranging their implementation has been narrow and limited. ADUs have customarily been retrofitted to existing homes and lots. Retrofitting involves challenges with regard to design, construction, infrastructure, parking and financing; all of which stymie greater adoption of ADUs. ADUs as part of a newly built neighborhood allow us to plan for those challenges and make this community blend into the surrounding neighborhood. Capitol Park Cottages can set a precedent for future builders and developers to consider adding in ADUs when constructing a new home. Furthermore, financing and costs continue to be a constraint to adding more ADUs to existing neighborhoods. It is noted that the cost of additional utilities can be prohibitive, but in our case it simply is not. We are already going to be

[54] Appellant's Brief at 15 and 17.
[55] Staff Report dated January 24, 2024 at 9-11.

> installing new sewer, water, power, and gas, so the incremental increase to infrastructure is minimal at best.[56]

Therefore, it is the cost-effective and integrated design of the project that envisions this "housing life cycle" flexibility that the Planning Commission considered a particular enhancement.

Appellant claims, correctly, that even though the homes will be designed for ADUs, a purchaser may instead choose to use the space for a home office, gym, guest suite, etc.[57] This possibility does not contradict the substantial evidence that the Planning Commission received that such ADU use was likely with this type of integrated design.[58] There is no obligation of the purchaser to create an ADU, but the Planning Commission does not need to ignore implications of the physical infrastructure installed by the Owner and the practical realities of the income that such units could bring to the property owner to help them pay for the mortgage on the home. During the public hearing, the Planning Commission heard testimony that the cost benefits of the potential dwelling units are such that the majority, if not all of the proposed ADUs will become ADUs.[59] Therefore, it was reasonable for the Planning Commission to conclude that the design proposed by the Owner would furnish this unique housing type once the homes are sold to third parties.

Overall, the Planning Commission received substantial evidence reflecting that the Owner achieved at least one planned development strategy necessary to support approval of the Planned Development. Appellant's assertions to the contrary represent a policy disagreement, for

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[56] Staff Report dated January 24, 2024 at 23.
[57] Appellant Brief at 16.
[58] *See* Planning Commission Public Hearing Recording at 1:40-42 (available at Planning Commission Meeting - 01/24/2024 (youtube.com).
[59] *Id.* 1:49-52.

which the Planning Commissions' decision should receive deference because it is reasonable based on the record before it.[60]

IV. THE PROJECT COMPLIES WITH THE DENSITY LIMITATIONS OF THE UNDERLYING ZONING DISTRICT, WHICH CANNOT BE MODIFIED BY THE PLANNING COMMISSION.

Appellant makes a number of attacks on the project because of its density.[61] Specifically, it asserts that the Planned Development violates Code 21A.62.040. This Code section refers to a definition, not a standard, of what a compatible land use is. However, the density of the units is a matter determined by the base zoning district and other codified density definitions, not a vague notion of compatibility.[62] Density cannot be altered through a planned development.[63] As set forth in the staff report, the project complies with the density limitations of the underlying zoning district: 91,000 square feet is required for the number of dwellings and the Property is larger than 130,000 square feet.[64] Therefore, any objection as to the density of the project is in direct conflict with the permitted density and is a development standard that could not be increased as Appellant implies. Again, meeting the City's own density standards is incontrovertible evidence that a project is "compatible." Rejecting those standards outright in favor of subjective judgments regarding compatibility would not be appropriate and again would be contrary to law.

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[60] Utah Code § 10-9a-103(68).
[61] Appellant's Brief at 18-20.
[62] *See* Code §§ 21A.24.080.C (minimum lot area requirements result in a minimum of 91,000 square feet required for the number of single-family detached and twin homes proposed) and 21A.40.200.N.2 ("An ADU does not count towards the density allowed in the underlying zoning district."). This regulation regarding ADU density is consistent with other requirements in state law that prevent the City from prohibiting internal ADUs. *See* Utah Code § 10-9a-530. Prohibiting ADUs due to density limitations imposed by ordinance would likely run afoul of that statutory obligation.
[63] Code § 21A.55.020.D ("Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed…").
[64] Staff Report dated January 24, 2024 at 4, 93.

The Planning Commission's decision not to address density was proper at the proposed density complies with the density limitations for the SR1 zoning district.

Furthermore, Appellant's objections as to the density of the project in the context of the Planned Development represent an impermissible collateral attack on the rezoning ordinance that was never appealed.[65] That ordinance, not the Planned Development, dictates the allowable density. A planned development cannot now be rejected on density incompatibility grounds when the project complies with the base zoning district's standards. Such an approach to applying the Code would render the rezoning ordinance a meaningless entitlement if it was later used to reach a conclusion that a project complying with those standards in that new zoning district was not in fact compatible with a jurisdiction's zoning scheme.

V. THE PLANNED DEVELOPMENT DOES NOT ABRIDGE CITY CODE REQUIREMENTS APPLICABLE TO ADUS.

Appellant's claim that the City has violated due process by approving the preliminary plat because it "is a back door effort to create a precedent for a subdivision with ADUs without due process" and that such approval required City Council approval.[66] The City Council and state legislature have already legislatively created the accessory dwelling unit land use.[67] There is no reasonable basis to contend that this land use was improperly created by the Planning Commission. Separate and apart from the location and design standards applicable to the physical infrastructure capable of supporting a separate housekeeping unit, there are additional

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[65] Appellant was obligated to appeal the rezoning ordinance if it wished to challenge that land use regulation within 30 days after enactment. *See* Utah Code § 10-9a-801(5) ("[A] challenge to the enactment of a land use regulation…may not be filed with the district court more than 30 days after the enactment.").
[66] Appellant's Brief at 21.
[67] Utah Code 10-9a-103(1); Code § 21A.40.200.

use standards that apply, which together determine whether in fact such infrastructure can be used as a separate dwelling.[68] Nothing in the Planned Development alters or purports to alter these standards. For example, to the extent the owner occupancy requirement in Section 21A.40.200.C applies, this standard remains in effect. If it is not, then regardless of the layout of the building such space will not be considered an ADU, but instead as part of the single-family or associated portion of the twin home. Another housekeeping unit will not be allowed to occupy that space separately. There is no prohibition in Code or state law that would prohibit the Owner from pre-constructing the physical infrastructure in anticipation of this use. Therefore, it would have been improper for the Planning Commission to deny the Applications on the basis that just because this is not the typical way the infrastructure of additional dwelling units is created, it cannot be done in this way.

Appellant is similarly mistaken about the lack of legislation permitting a subdivision of ADUs. While that may not be the way in which it is characterized in state law, such a result is not prohibited. Where every home in a subdivision complies with the standards for creating internal accessory dwelling units, for example, the City cannot prohibit their creation.[69] Related, by creating a "subdivision of ADUs" Appellant alleges that the Planning Commission approved a project in excess of allowable density. As noted above, Section 21A.40.200.N.2 provides that "[a]n ADU does not count towards the density allowed in the underlying zoning district." The City cannot disregard the plain language of the Code. To do so would be contrary to law. To the extent Appellant's challenge the implementation of the plain language of the Code, they needed

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[68] *Compare* Code § 21A.40.200 subparts D, E, F, G, H, I, J, K, L, M, N with subparts C, O, P, and Q.
[69] Utah Code § 10-9a-530(2).

to have challenged such regulation when it was enacted, not now through this planned development process.

VI. APPELLANT'S CLAIMS REGARDING OVERBURDENING AN EASEMENT BETWEEN APPELLANT AND THE OWNER CANNOT BE ADJUDICATED BY THE CITY IN THE PLANNED DEVELOPMENT PROCESS.

Appellant erroneously asserts that by granting the Applications the City is taking Appellant's property (i.e. Capitol Park Avenue) by allowing the Owner to overburden the easement that Owner has over Capitol Park Avenue. The Planned Development merely recognizes that Owner has a right of ingress and egress over Capitol Park Avenue pursuant to an existing easement. The Planned Development does not grant the Owner any rights beyond such ingress and egress, including any right of successors in interest to park along Capitol Park Avenue. In its review of the Owner's Applications the City confirmed that in fact such access easement exists. Therefore, the Planning Commission had substantial evidence to approve the Planned Development acknowledging such access rights. Information presented by City staff to the Planning Commission was clear that Capitol Park Avenue is a private right of way and not a public street.[70] As Code permits the project to be accessed by private rights of way, there was no basis for the Planning Commission to deny the Applications due to the project's proximity to Capitol Park Avenue.

Contrary to Appellant's claims, functionally, after confirming that the access easement exists, that is where the role of the City as the land use authority ends. It would be improper for the City to adjudicate Appellant's claim of an overburdened easement because (1) it lacks the

[70] Staff Report dated January 24, 2024 at 4-5, 16.

statutory authority to do so, and (2) the City does not have jurisdiction in its role as a land use authority to alter private contract rights.[71] Appellant's claims are more properly brought to the judicial branch for resolution as to the scope of the Owner's easement, and approving the Applications does not impair any right of Appellant to do so or infringe on Appellant's right to enforce its interpretation of Owner's easement rights by towing cars associated with the Property that park along Capitol Park Avenue.[72] Other states have reached the same conclusion.[73] Consequently, the Planning Commission properly declined to make a legal determination

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[71] *See Allied Structural Steel Company v. Spannaus*, 438 U.S. 234, 98 S.Ct. 2716, 57 L.Ed.2d 727 (1978)("If the Contract Clause is to retain any meaning at all, however, it must be understood to impose some limits upon the power of a State to abridge existing contractual relationships, even in the exercise of its otherwise legitimate police power."). In its submissions Appellant provides a great deal of information related to a prior land use application for a conditional use on the Property. *See* Exs. 9-11 to Appellant's Brief. While this information may shed light on the intent of the parties to the easement at that time, again, it would have been improper for the Planning Commission to make any determination outside the plain language of the easement. Moreover, the conditional use process that the Property underwent in the 1990s cannot be a basis for asserting that the City itself has established the scope of the parties' easement rights. A conditional use process does not and cannot adjudicate such private rights.

[72] The City's refusal to adjudicate Appellant's claim is entirely the role urged by the Office of the Property Rights Ombudsman. *See Leick v. Greater Salt Lake Municipal Services Distric*t, Advisory Opinion, December 28, 2023, available at 280-AO-Ryan-Leick-Amended-Advisory-Opinion-12-28-2023.pdf (utah.gov) (The "role as the land use authority is not to make a legal determination of the parties' respective claims to title. Rather, the [authority's] role is limited to simply a factual determination . . . ."). Ironically, Appellant faults the City for not seeking a legal opinion from the Ombudsman. *See* Appellant Brief at 27. However, as reflected in the foregoing advisory opinion, the City's position is entirely consistent with the advice offered in other disputes by the Ombudsman. Notably, Appellant has not obtained such an opinion. While Appellant acknowledges that "it would have been unreasonable to expect the City Attorney's office to rule on this matter" it is unclear why it would acceptable for the City itself to do so. *See* Appellant Brief at 27.

[73] *See, e.g., Borough of Braddock v. Allegheny Cty Planning Dept.*, 687 A.2d 407 (Pa. Cmwlth. 1996) (a zoning board is an inappropriate vehicle to deal with complex issues of title, which the opposing parties should resolve by a quiet title action); *Cybulski v. Planning & Zoning Comm'n*, 43 Conn. App. 105, 110, 682 A.2d 1073, 1076 (1996) (planning commission does not have the authority to determine whether a claimed right-of-way is a public highway, since that conclusion can be made only by a judicial authority in a quiet title action).

regarding the scope of Owner's easement rights beyond confirming that the easement in fact exists.

CONCLUSION

Appellant has failed to meet its burden of proving that the Planning Commission's decisions to approve the Applications was incorrect. The Planning Commission received substantial evidence that the Planned Development would comply with conditions of the Development Agreement, the project proposed on the Property met the underlying zoning district standards as to density and parking, and the project met the standards for planned development approval set forth in the Code. Appellant's other arguments as to illegality related to ADUs and its easement fail as a matter of law with respect to the effect of approval of the Applications. The Planning Commission correctly applied the standards in the Code pertaining to planned developments. Accordingly, the appeals hearing officer should affirm the decision of the Planning Commission in all respects.

DATED this 12th day of April, 2024.

/s/ Katherine D. Pasker
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