

# PLANNING COMMISSION STAFF REPORT

## Preliminary Condo Conversion Park Vu 174 North Canyon Road Petition 480-08-13 July 30, 2008



Planning and Zoning Division  
Department of Community  
Development

### **Applicant:**

David C. Lee

### **Staff:**

Katia Pace, 535-6354

[Katia.pace@slcgov.com](mailto:Katia.pace@slcgov.com)

### **Tax ID:**

09-31-337-003

### **Current Zone:**

RMF-35 Moderate Density  
Multifamily Residential District

### **Master Plan Designation:**

The Avenues Community Future  
Land Use Map identifies this  
parcel as Medium-Density

### **Council District:**

Council District #3,  
Councilmember Eric Jergensen

### **Acreage:**

.22 acres

### **Current Use:**

Apartments

### **Applicable Land Use Regulations:**

- Utah Condominium Act of 1975
- Section 21A.56.060
- Section 20.20.020
- Section 21A.24.130 RMF-35

### **Attachments:**

- A. Department Comments
- B. Preliminary Plat
- C. Minutes of the  
Administrative Hearing
- D. Appeal and Public Comments

### **Request**

This is a request by David C. Lee for a preliminary approval to convert an existing 11 unit apartment to a condominium. The subject property is located at approximately 174 N. Canyon Road and is located in the RMF-35 (Moderate Density Multifamily Residential) zoning district.

This request was presented at the Administrative Hearing held on June 23, 2008. Due to neighborhood opposition at the meeting the Hearing Officer forwarded this request to the Planning Commission for their formal review (see Attachment D for formal appeal request).

### **Public Notice**

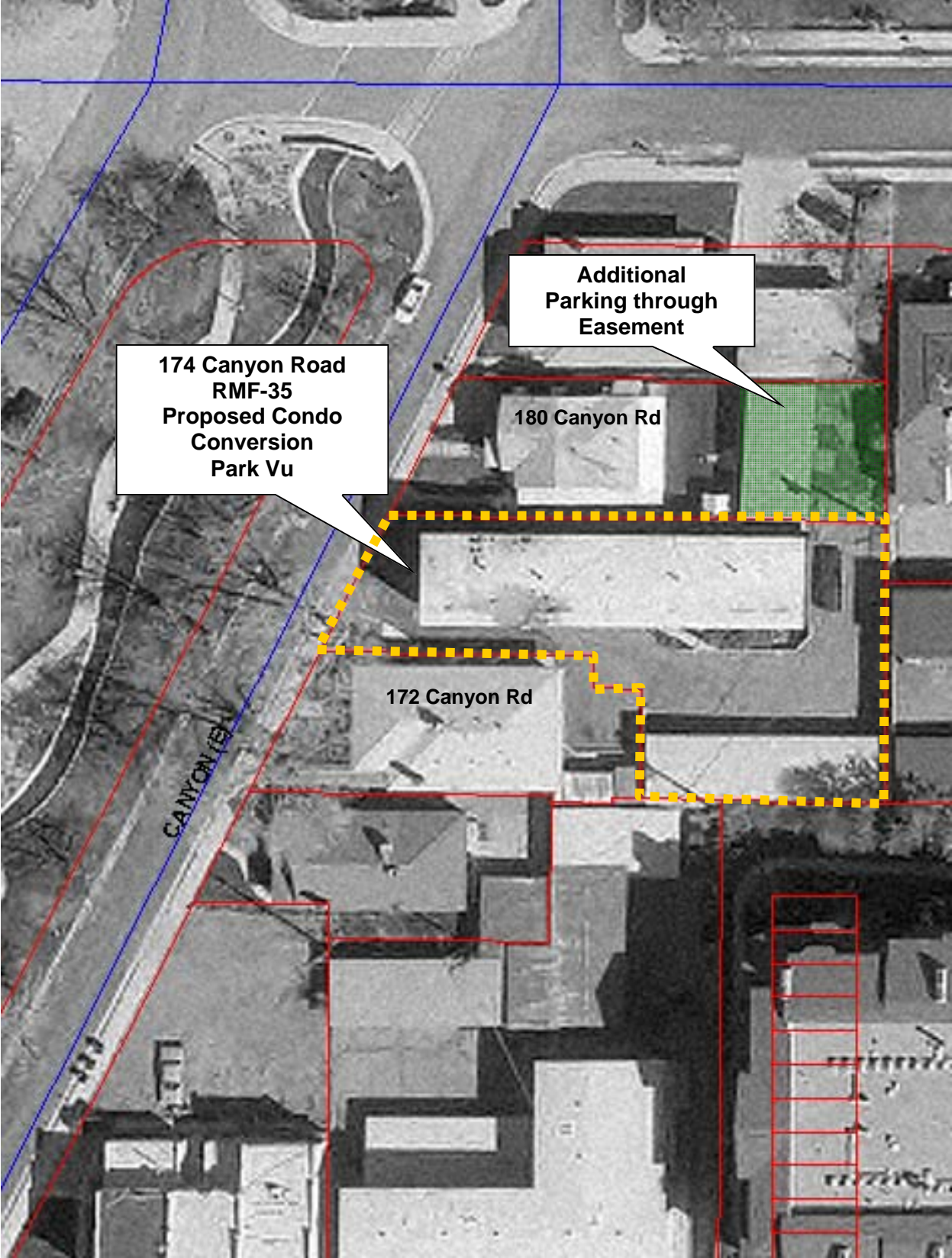
Notice was mailed to all property owners within four hundred and fifty feet (450') radius of the subject property on July 15, 2008, fourteen (14) days prior to the public hearing. The subject property was also posted on July 16, 2008, fourteen (14) days in advance of the public hearing. An announcement was also sent to all those on the City's Listserve and was posted on the City's website.

### **Staff Recommendation**

Planning Staff recommends that the Planning Commission approve the preliminary plat for the Park Vu Condominium Conversion located at 174 North Canyon Road subject to the following conditions:

1. A final condominium plat application shall be filed with the Planning Division and the final plat shall be recorded with the Salt Lake County Recorder prior to issuance of Certificate of Occupancy.
2. Compliance with the departmental comments as outlined in this staff report and in the attached comments.
3. Full compliance with the Utah Condominium Act of 1975 and the Condominium Approval Procedure regulations in the Salt Lake City Zoning Ordinance (Section 21A.56).
4. The execution and recording of the Declaration of Covenants. The Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with State of Utah and Salt Lake City Code requirements.
5. No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake County Recorder

Vicinity Map



## **Background**

The building at 174 N. Canyon Road was issued a building permit on November 14, 1969. The permit shows eleven units with eight parking stalls on the subject lot and 4 stalls on the back of the abutting property to the north at 180 N. Canyon Road. This arrangement was legal pursuant to the previous zoning requirements, which allowed parking to be up to 500 feet from the property. Recently the City's Building Services Division required the property owners of 180 N. and 174 N. Canyon Road to formalize this arrangement by recording an easement for the four parking stalls. Properties 180 N., 174 N., and 172 N. Canyon Road were once owned by a single property owner and shared parking between properties. The triplex on 172 N. Canyon Road shares a right-of-way with the subject property to access a two car carport.

The subject property is noncomplying as per current parking requirements, noncomplying as per current required lot dimensions, and is a noncomplying structure as per current required setbacks. However, since the building was approved legally, both use and maintenance is allowed to continue as long as any expansion is less than 50% of the current size, that an expansion does not create the need for additional parking spaces, or create a new non-conformance as stated in the Salt Lake City Zoning Ordinance.

## **Administrative Hearing**

At the Administrative Hearing held on June 23, 2008, the Hearing Officer forwarded this request to the Planning Commission for a formal review due to neighborhood opposition. He instructed staff to investigate and address the issues raised in the hearing. A summary of the issues are as follows:

1. Residents would be forced to relocate and would struggle to find comparable affordable housing.
2. The City does not provide alternatives or incentives for relocation.
3. Parking is inadequate.
4. Access for trash service is inadequate.
5. No access to emergency vehicles.
6. The building has one gas meter.
7. Lack of windows and cooling units are mounted on windows.
8. The structure of the building could be compromised since the location of the building has the potential to shift in the case of an earthquake.

Some of these issues are addressed in the Property Report, a requirement for condo conversions which the applicant has submitted. The Building Services Division has requested a revised Property Report from the applicant, to better comply with City Code 18.32.050.

One of the requirements for the property report is to list the condition of the building. However, not all deficiencies found in this report are required by ordinance to be fixed before final approval of the project.

Summary of issues from the Property Report:

1. The upper floors are accessed by exterior stairs and walkway. Deterioration from weathering and de-icing salts has weakened this structure. The railings were also loose and deteriorating.
2. There are five 4x4 steel columns that support the upper level floors and roof at the southwest corner. Some have settled into the ground 3". Slopes in the upper floors result from this settlement.
3. Apartments are individually heated with natural gas furnaces and water heaters. However, there is only one gas meter for the entire building.
4. Approximate 5 of the 11 furnaces are 50 years old, nearing end of life.

5. At least four water heaters are in excess of 15 years old.
6. Only a few apartments have air condition, which is provided by window units.
7. Some upgrades needed to bathroom/kitchen outlets.

Likewise, the City's Fire Department has found that the structures pose a hazard in the existing configuration. The fire department access does not meet code for width, and turn around and exterior fire protection. The structure needs fire sprinklers, or fire detection with a remote interconnection. However, due to the legal nonconforming status of this structure and site, the City can only suggest that these upgrades be made.

### **Public Participation**

Community Council review is not required under the subdivision ordinance. Planning Staff received one phone call from an abutting property owner who is opposed to this project because of concerns about deficient parking, no room for turnaround in the parking structure, and residents of the subject building jumping his fence to get to Third Avenue. Other public comments can be found on Attachment C, Minutes of the Administrative Hearing.

### **Comments**

The comments received from pertinent City Departments/Divisions are attached to this staff report (see Attachment A). The following comments from the Planning Division are not included on Attachment A:

Upon review of this project, Planning Staff has requested the following from the applicant:

1. Parking should be properly shown on the plat.
2. The parking easement at 180 Canyon Road and the right-of-way between the property at 172 Canyon Road should be shown on the plat.
3. Any alteration to the building shall have the approval of the Historic Landmark Commission.

### **Staff Analysis and Findings**

Section 21A.56.060(C) (3) says that the planning official shall (3) consider the public benefits of condominium ownership to the community and balance those benefits against the loss of rental housing.

Section 21A.56.060(C) (4) says that the planning official may, because of project complexity or public concern, determine that a public hearing before the planning commission is required.

#### **Section 20.20.020 Minor Subdivision Standards:**

The Salt Lake City Code Section 20.08.210 defines condominiums as minor subdivision; and Section 20.20.020 list the following standards that a minor subdivision shall meet:

- A. The general character of the surrounding area shall be well defined and the minor subdivision shall conform to this general character.**

*Analysis:* The base zoning of the property is RMF-35 the purpose of which is "to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings."

*Finding:* The subject property conforms to the surrounding land use which is a combination of single and multi-family residential. However, this property does not conform to the historic character of the neighborhood. It is designated as a non-contributory structure in the Capitol Hill Historic District.

**B. Lots created shall conform to the applicable requirements of the zoning ordinances of the City.**

*Analysis:* Condominium conversion is a change in the type of ownership of a parcel, usually from one owner to multiple owners, therefore creating additional parcel numbers.

*Finding:* No new lots will be created.

**C. Utility easements shall be offered for dedication as necessary.**

*Analysis:* The existing utility easements were determined sufficient.

*Finding:* No utility easements are required for dedication.

**D. Water supply and sewage disposal shall be satisfactory to the City Engineer.**

*Analysis:* The City Engineer reviewed the condition of water supply and sewage disposal for this project.

*Finding:* The City Engineer found that water supply and sewage disposal are adequate and found to be satisfactory.

**E. Public improvements shall be satisfactory to the Planning Director and City Engineer.**

*Analysis:* The preliminary condominium plat was forwarded to the pertinent City Departments/Divisions for comments.

*Finding:* Public improvements will be addressed through the Building Permit process and final plat process prior to recordation of the Final Plat and must comply with all applicable laws and regulations.

**Section 20.20.070 Standards for Administrative Approval:**

In addition, the planning director, or designee, may, at the administrative consideration, approve the proposed minor subdivision if the planning director, or designee, finds that:

**A. The minor subdivision will be in the best interests of the city.**

*Analysis:* Multi-family housing is encouraged through zoning and master plan policies at this site.

*Finding:* Staff finds that multi-family housing at this location is in the best interest of the City. However, the issues discussed at the Administrative Hearing, should be taken into consideration.

**B. All lots comply with all applicable zoning standards.**

*Analysis:* Condominium conversion is a change in the type of ownership of a parcel, usually from one owner to multiple owners, therefore creating additional parcel numbers.

*Finding:* The subject lot is already developed and is legal nonconforming as per current parking requirements, required lot dimensions, and required setbacks.

**C. All necessary and required dedications are made.**

*Analysis:* The existing dedications were determined sufficient.

*Finding:* No dedications are required.

**D. Provisions for the construction of any required public improvements are included.**

*Analysis:* The preliminary condominium plat was forwarded to the pertinent City Departments/Divisions for comments.

*Finding:* Public improvements will be addressed through the Building Permit process and final plat process prior to recordation of the Final Plat.

**E. The subdivision otherwise complies with all applicable laws and regulations.**

*Analysis:* The proposed condominium subdivision has been reviewed by pertinent City Departments/Divisions in terms of applicable laws and regulations.

*Finding:* These Departments/Divisions have given preliminary approval for the subdivision amendment as noted in this report.

# **Attachment A**

## **Department Comments**

## BUILDING SERVICES

**From:** Walkingshaw, Nole  
**Sent:** Friday, May 23, 2008 7:57 AM  
**To:** Pace, Katia  
**Cc:** Butcher, Larry; Goff, Orion  
**Subject:** Canyon Road Preliminary Condo 174 N Canyon Road  
Katia,

Building Services has the following comments:

- The Building report requires review and an inspection by the Building Official, following inspection and review a notice of required work will be prepared, all work identified and required permits are required to be completed prior to final signature.
- The Plat does not show the number of parking stalls, this is to be shown for parking calculation analysis
- The plat shows the parking carport area as private, if the parking is to be private please show the individual stall as parcels or identify area as common.

Thank you,

Nole Walkingshaw

Nole Walkingshaw  
Salt Lake City Planning and Zoning  
Senior Planner  
801-535-7128



# Memo



Building Services & Business Licensing Division  
Department of Community Development

**To:** Katia Pace, Principal Planner  
**From:** Orion Goff, Building Official  
**Cc:** Larry Butcher, Plan Review Supervisor  
Criterium - Bernhisel Engineers  
PO Box 9082 Salt Lake City, Utah 84109  
**Date:** June 2, 2008  
**Re:** 174 N. Canyon Road – Proposed Condo Conversion

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Katia, I have reviewed the property report in reference to this proposed condo conversion from Engineer, Scott M. Bernhisel. While the report meets the general intent of The Code in pointing out specific technical deficiencies, it does not assure that the code related items will be provided before the approval of the report and the on-site conditions. I am attaching a copy of the technical requirements for the conversion that are specifically identified in the Code. We need the report amended to include a statement that the units will comply with Section 346, 347, 348 and 349 of the City Code upon completion. If you would like to make the technical requirements subject to your preliminary approval of the plat, we will issue the permits required to accomplish the work. Before we issue the permits we need the property report corrected and I will make a site visit immediately and give my approval of the report.

The final plat will not be signed until the Code required upgrades receive the proper permits inspections and final approvals. At such time that the work has been completed and approved by field inspection staff, I will make a final inspection, and if the final product is in compliance with the property report and the approved plat, sign off on the plat.

If the customer has any questions about the technical issues required by the City Code, they can contact me directly at 535-6681.

#### **City Code 18.32.050**

Sec. 346. Property Report. Each conversion project to obtain approval shall submit two copies of a property report prepared by a licensed engineer or architect which discloses and describes:

(1) The age of the building or buildings,

(2) The general condition, useful life, and capacity of the building(s) structural elements including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements;

(3) All known conditions constituting deficiencies requiring repair to meet existing building codes; and

(4) All known conditions which may require repair or replacement within the next succeeding five year period.

Said report shall certify the structure currently conforms to applicable codes or the owner shall present plans to bring the structures into conformity with applicable building codes prior to issuance of certificates of occupancy.

Sec. 347. Electrical service minimum standards. Each converted dwelling unit shall have an electrical service which provides:

(1) A minimum service of 60 amps.

(2) Receptacle outlets are required to meet standards of the National Electrical Code, Section 210-21(b). Each habitable room shall have no less than two such receptacles.

(3) Where a kitchen is provided, or required by this code, each kitchen shall be installed on a separate circuit.

(4) If, as an option, dishwashers or garbage disposals are to be installed or provided for, each must be located on a separate circuit. If such appliances or optional capacity are not provided, the limitation must be disclosed to buyers and in the property report.

(5) All bathrooms are to be equipped with GFI outlet.

(6) Lights and fixtures in all storage and equipment facilities over 84 sq. ft. in size.

(7) Installation of a smoke detector conforming to manufacturer's recommendations.

(8) Installation of at least one wall switch controlled lighting outlet in every habitable room, bathrooms, hallways, stairways, attached garages, and outdoor entrances.

All electrical work and repair must be completed under permit and comply with applicable codes and ordinances.

Sec. 348. Plumbing and water systems. (a) Plumbing system. A mechanical engineer, licensed plumbing contractor, or a licensed general contractor shall calculate and determine the capacity of the current plumbing system, including the existing and potential load in fixture units (as determined by the Uniform Plumbing Code) as part of the property report required above. All new installations or repairs must be completed under permit and shall conform to applicable plumbing codes. The entire system shall be brought up to applicable standards of this code when required by Section 3403. The impact of new installations upon the existing system shall be calculated and stated in the property report.

(b) Water supply. Water piping shall be so arranged that the water supply can be turned on or off to any individual fixture; provided, however, that supply piping to a single unit and building accessory thereto may be controlled by one valve.

Sec. 349. Mechanical system. The mechanical system for each converted dwelling unit shall:

(1) Equip each unit with its own heating system, except where a central water or steam system is present.

(2) Provide each unit with its own means of controlling temperature when the building utilizes a central heating plant. All mechanical work and repair shall be completed under permit and comply with applicable codes.

## ENGINEERING

TO: KATIA PACE, ASSOCIATE PLANNER, PLANNING DIVISION

FROM: RANDY DRUMMOND, P.E., ENGINEERING

DATE: MAY 20, 2008

SUBJECT: **# 480-07-24**  
**Conversion of existing apartments into Park Vu Condominiums**  
**174 N. Canyon Road (E)**

Engineering review comments are as follows:

1. This submission consists of an existing residential apartment building located at 174 N. Canyon Road (E) which is being converted to 11 condominiums. Canyon Road (E) is fully improved, and has all the required right-of-way.
2. Any required changes to the plat will be made known to the applicant's surveyor.

Thank you.

cc: Scott Weiler  
Brad Stewart  
Barry Walsh  
Vault

## FIRE

**From:** Itchon, Edward

**Sent:** Tuesday, May 20, 2008 10:24 AM

**To:** Pace, Katia

**Cc:** Montanez, Karleen; Butcher, Larry

**Subject:** 480-07-24 Condominium Conversion 174 North Canyon Rd.

No issues with the project under City Ordinance.

However the structures pose a hazard in the existing configuration. The fire department access does not meet code for width, and turn around and exterior fire protection. If the structure has no fire sprinklers, or fire detection with a remote interconnection.

## PUBLIC UTILITIES

**From:** Brown, Jason  
**Sent:** Thursday, May 29, 2008 11:15 AM  
**To:** Pace, Katia  
**Cc:** Garcia, Peggy  
**Subject:** 480-07-24 Park Vu Condominium conversion located at 174 North Canyon Road

**Categories:** Program/Policy  
Katia,

Public Utilities has reviewed the above mentioned conversion and offers the following comments;

The existing utilities may continue to provide sewer and water service to this conversion. If there is any proposed site work or exterior construction then plans must be delivered to Public Utilities for review and approval.

According to our records, this building has never paid sewer connection fees and will be required to pay a fee of \$545 per unit for a total connection fee of \$5,995 for 11 units.

If you have any questions please do not hesitate to contact me.

Jason Brown, PE

Development Review Engineer  
Salt Lake City Public Utilities  
1530 South West Temple  
Salt Lake City, UT 84115  
(801) 483-6729  
(801) 483-6855 fax  
[jason.brown@slcgov.com](mailto:jason.brown@slcgov.com)

## TRANSPORTATION

**From:** Walsh, Barry  
**Sent:** Wednesday, May 28, 2008 6:35 PM  
**To:** Pace, Katia  
**Cc:** Young, Kevin; Drummond, Randy; Itchon, Edward; Garcia, Peggy; Butcher, Larry  
**Subject:** Pet 480-07-24

**Categories:** Program/Policy  
May 28, 2008

Katia pace, Planning

Re: Petition 480-07-24, Preliminary Condominium Conversion Park Vu at 174 N. Canyon Rd.

The division of transportation review comments and recommendations are as follows:

The Survey sheet 1/1, the Canyon Road Condo Plat sheet 1 of 2, and the Condo units sheet 2 of 2 do not match.

There needs to be a cross easement for vehicular and pedestrian as well as drainage between three parcels for 172 North, 174 North, and access to the rear of 180 North (see BA case at Canyon Rd 172 No. 1990).  
There are no notes as to required parking or parking provisions and designations.

Sincerely,

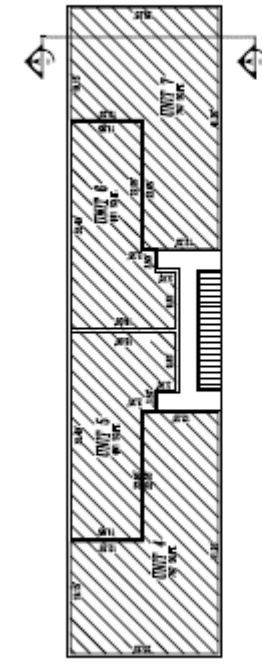
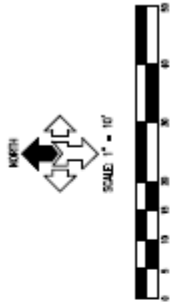
Barry Walsh

Cc Kevin Young, P.E.  
Randy Drummond, P.E.  
Ted Itchon, Fire  
Peggy Garcia, Public Utilities  
Larry Butcher, permits  
File

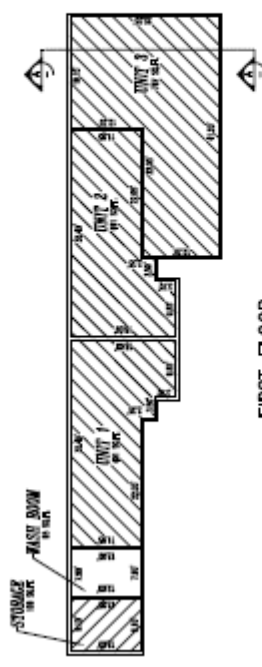
**Attachment B**  
**Preliminary Plat**



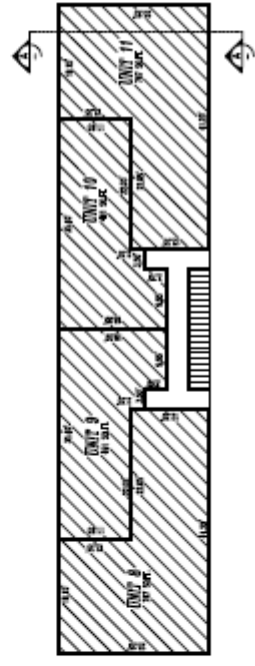




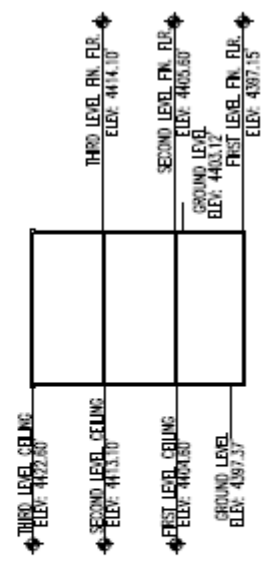
**SECOND FLOOR**  
86'-2 1/8" WIDE



**FIRST FLOOR**  
86'-2 1/8" WIDE



**THIRD FLOOR**  
86'-2 1/8" WIDE



**SECTION A-A**

**Attachment C**  
**Administrative Hearing Minutes**

## ADMINISTRATIVE HEARING MINUTES

June 23, 2008

This administrative hearing for the Salt Lake City Planning Division was held on Monday, June 23, 2008, at 5:00 p.m. in Room 126 of the City and County Building, 451 South State Street. Ray Milliner was present as the Administrative Hearing Officer and called the meeting to order.

**Petition 480-08-13 Park Vu Condominium** - by David C. Lee requesting preliminary approval for an 11 unit residential condominium conversion located at 174 N. Canyon Road in an RMF-35 (Moderate Density Multi Family Residential) Zoning District in Council District Three, represented by Eric Jergensen.

There was some confusion as to whether the applicant was present. The applicant was not present. Mr. Millner asked the planner if it would be necessary to delay the matter until the applicant is able to appear. Ms. Pace indicated that it would not be necessary. Ms. Pace described the proposal and her findings which supported approval of the project. The structure was classified as legal nonconforming as to parking requirements, lot dimensions, and setbacks. She further stated that she had received public input in the form of several phone calls, which stated opposition to the proposed conversion. No written comments were submitted. Krystin Christopherson, tenant, read a letter from Corlyn La Belle, who was also a tenant of the building. The letter stated opposition to the proposal as she would be forced to relocate which would not only present physical challenges due to medical concerns, but she would struggle to find comparable affordable housing in a relatively safe neighborhood. Ms. Christopherson stated that Ms. La Belle also stated that as there was no parking, there would be no emergency vehicle access during the construction phase of the building. Her letter was filed with these minutes.

Cindy Cromer, neighbor, stated opposition to the project because she believed the City failed to provide incentives for property owners to capture nonconforming density in ways other than what she believed to be inappropriate condominium conversions. She further stated that the building has one gas meter and window mounted cooling units, inadequate parking, and trash service access. The City needed to provide incentives for developers to remove structures such as the subject property and to transfer development rights to other sites or relocate them to other structures. The subject building was not built to last for a long time. Even with significant reinvestment, the property continued to have issues such as soil shifting due to a possible seismic event.

She requested that the petition be forwarded to the Planning Commission for their consideration to facilitate a discussion of the type of incentives needed for these types of developments and that a stipulation should be recorded on the title of the subject property which indicates that changes to this building should be reviewed by the Historic Landmark Commission even though it was not classified as non-contributory. It should be made clear to the owner that the property is subject to the Historic Landmark Commission. She stated the parking stipulation made in the Staff findings was appropriate and that the prior owner had attempted to eliminate the parking behind 180 North Parkview Road for the use of the Parkview residents.

Elena Obratzsova, tenant stated that she opposed the proposal as it would eliminate a source of affordable housing in Salt Lake City. Mr. Milliner noted that there were no other persons who expressed the desire to speak to the proposal.

**Mr. Milliner recommended that Petition 480-08-13 be forwarded to Planning Commission for a formal review. He instructed Ms. Pace to investigate and address in the staff report for that meeting, the issues raised in this hearing, specifically fire and emergency service access and the method of gas delivery to the individual units. He further instructed Ms. Pace to address Ms. Cromer's remark regarding future Historic Landmark Commission review in the staff report.**

Mr. Milliner stated that the application would likely be heard in at a Planning Commission meeting in August and promised that the residents would receive notification stating the time, date, and location of the hearing.

**Attachment D**  
**Appeal and Public Comments**

**From:** cindy cromer

**Sent:** Tuesday, June 24, 2008 8:43 AM

**To:** Pace, Katia

**Cc:** Paterson, Joel; Eric Jergensen Forwarder; wayne green; Gust-Jenson, Cindy; Jardine, Janice; Walkingshaw, Nole; Garrott, Luke Forward; Tom Mutter; jodi bangerter; joel briscoe; loggins Merrill

**Subject:** Park Vu condo conversion

Katia-Thank you for the copy of your staff report regarding the proposed conversion of the Park Vu apartments to condominiums. The staff recommendation that the off-site parking stalls be recorded on the title, or titles in the case of condos, is excellent. I urge the staff to require documentation also on the status of the building as a noncontributory structure in a City Historic District and the authority of the City to regulate any modifications to the exterior through a design review process. Because of the proximity of adjacent structures and the off-site parking, I believe that public notice regarding any certificates of appropriateness is essential.

This memo is my formal request that the petition be forwarded to the Planning Commission for a public hearing. My property is at 196 N Canyon Road and my eastern property line abuts the off-site parking stalls. Please forward this message to the applicant. I have already given him my phone number.

Sincerely,

Cindy Cromer

RE: Condo Conversion of Park Vu Apartments

My name is Corlyn La Belle, and I currently reside at the Park Vu Apartments on 174 N. Canyon Rd. in Unit # 7.

I am writing this letter for the City to review the reasons for my concern in the pending change of these apartments into Condominiums. Moving out of my apartment will be a considerable hardship for me. When I moved in 3 years ago I did not plan on leaving. I've planned to make this my permanent home for my retirement.

I am a 62-yea-old single woman, with acute spinal arthritis, living on Public School Instructor pay. Because this is from the Public Education network that pay is low. On my salary that I currently earn now my rent is affordable. As I have been looking around for a new apartment, due to the pending change, I have found that I cannot afford what limited spaces are available on the market, and do not want to live in an unsecure neighborhood. What's more, Park Vu is convenient for me, whereas I can keep my companion animal Chloe, a domestic short-haired cat. This option is not available in most, if not all apartments currently on the market for rent. From this location I also can walk to wherever I want or need to be and with the price of gasoline this is significant to me, as well as to my care for the environment.

I have been faithful in paying my rent and in the past I have lived in very nice homes, which makes me treat my apartment with the same care I have used all throughout my life living in those homes. I truly regard this apartment as my home and I would hope that the City personnel taking my words into consideration will try to view this from my perspective. I do not wish to leave, and furthermore, as I've stated before, it would be more than difficult to do so.

Thank you,



Corlyn La Belle