



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Amy Thompson, 801-535-7281, amy.thompson@slcgov.com
Date: June 8, 2016
Re: PLNPCM2016-00154/00155 Master Plan and Zoning Amendments at 35-59 South 900 East

Master Plan and Zoning Amendments

PROPERTY ADDRESS: 35-59 South 900 East

PARCEL ID: 16-05-127-005; 16-05-127-007; 16-05-127-008; 16-05-127-009

MASTER PLAN: Central Community

ZONING DISTRICT: 35 S 900 E & 41 S 900 E: RMF-35, Moderate Density Multi-Family Residential

57 S 900 E & 59 S 900 E: RMF-30, Low Density Multi-Family Residential

35 S 900 E is subject to the H Historic Preservation Overlay

REQUEST: Dustin Holt, representing the property owner, is requesting to amend the Central Community Master Plan and zoning map for four properties located at 35-59 S 900 East. The purpose of the amendments is to facilitate construction of a new multi-family residential building on the property. Two of the properties are currently zoned RMF-30, Low Density Multi-Family Residential, and the other two properties are zoned RMF-35, Moderate Density Multi-Family Residential. Although the applicant has requested that the properties be rezoned from RMF-30 & RMF-35 to RMF-75, High Density Multi Family Residential, consideration may be given to rezoning the properties to another zoning district with similar characteristics. The property located at 35 S 900 East is within the South Temple Local Historic District and subject to the H Historic Preservation Overlay district regulations.

RECOMMENDATION: Based on the information in this staff report, Planning Staff recommends that the Planning Commission forward a negative recommendation to the City Council for the proposed zoning map and master plan amendment.

The following motion is provided in support of the recommendation:

Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission forward a negative recommendation to the City Council for the proposed zoning and master plan amendment.

ATTACHMENTS:

- A. [Vicinity Maps](#)
- B. [Property Photographs](#)

- C. [Application Information](#)
- D. [Existing Conditions](#)
- E. [Analysis of Standards](#)
- F. [Public Process and Comments](#)
- G. [Department Review Comments](#)
- H. [Motions](#)

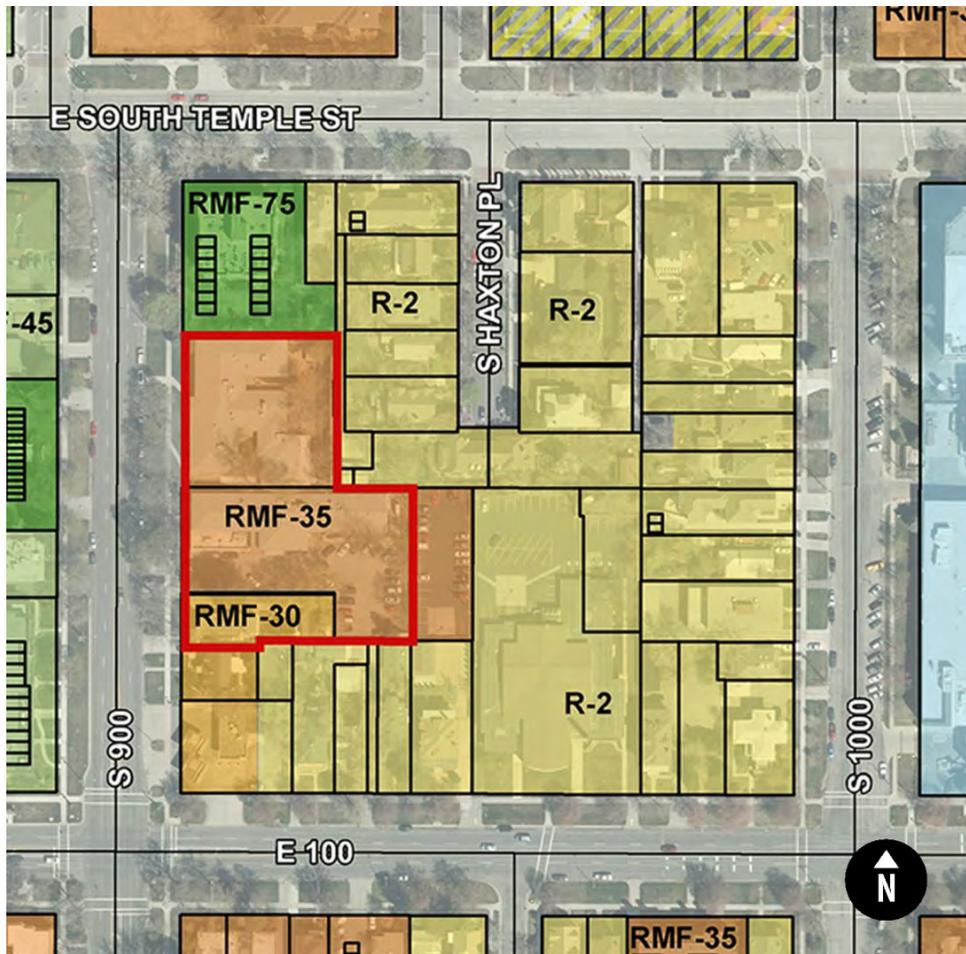
PROJECT DESCRIPTION:

The property owner is requesting a zoning change and an amendment of the Central Community Master Plan for 4 parcels that total 1.56 acres in order to construct a multi-family residential building with a greater height and density than the existing zoning districts would permit. Although the applicant is requesting a rezone to RMF-75 which allows for a building height up to 75 feet, and a maximum of 135 units based on the combined lot area of the properties, the applicant is requesting self imposed restrictions that would limit the height to a maximum of 57 feet, and the maximum units to 104. These self imposed restrictions would be something the City Council would through a development agreement. (See Attachment C Proposed Draft Development Agreement).

The proposal involves two requests: (1) to amend the Central Community Master Plan from “Low Medium Density Residential” and “Medium Density Residential” to “High Density Residential” and (2) to amend the zoning map designation for the subject parcels from RMF-30 (Low Density Multi-Family Residential) and RMF-35 (Moderate Density Multi-Family Residential) to RMF-75 (High Density Multi Family Residential). The property located at 35 S 900 East is within the boundary of the South Temple Local Historic District and subject to the H Historic Preservation Overlay district regulations.



Vicinity map of the subject properties.



Zoning map of the subject properties.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

1. Existing Master Plan Policies for the Area and Proposed Amendments
2. Height and Zoning History
3. Compatibility of the Proposed Zoning with Surrounding Development

Issue 1 – Existing Master Plan Policies for the Area and the Proposed Zoning

The subject property is located within the Central Community. The Central Community Master Plan contains a future land use map that designates the desired type of land use that should occur on the property. The future land use map designates two of the properties (57 & 59 South 900 East) as “Low-Medium Density Residential,” and the other two properties (35 & 41 South 900 East) as “Medium Density Residential.” These designations are defined by the Master Plan as the following:

Low-Medium Density Residential: *This land use designation allows zero lot line subdivision development, single-family detached residences on small lots (i.e., 2,500-5,000 square feet per individual lots), and townhouses. Low/medium-density residential areas are mainly low-density neighborhoods containing a broad mix of dwelling units ranging*

from single family detached to single family attached dwelling units (three or more units per structure). This type of mix is established in the areas located between South Temple and 800 South from 500 East to 1300 East.

Medium Density Residential: This land use designation allows single-family, duplexes, triplexes, fourplexes, townhouses, and apartments. Medium-density residential structures include attached dwelling units and apartment structures. This mix of residential land use is noticeable in the areas between South Temple and 800 South from 300 East to 900 East and areas between 1300 and 1700 South from 200 West to Main Street.

ADDRESS	CURRENT ZONING	PROPOSED ZONING	MASTER PLAN FUTURE LAND USE MAP DESIGNATION	MASTER PLAN FUTURE LAND USE MAP DESIGNATION
35 S. 900 E.	RMF-35 & Historic Overlay	RMF-75	Medium Density Residential (15-30 dwelling units/acre)	High Density Residential (50 or more dwelling units/acre)
41 S. 900 E.	RMF-35	RMF-75	Medium Density Residential (15-30 dwelling units/acre)	High Density Residential (50 or more dwelling units/acre)
57 S. 900 E.	RMF-30	RMF-75	Low Medium Density Residential (10-20 dwelling units/acre)	High Density Residential (50 or more dwelling units/acre)
59 S. 900 E.	RMF-30	RMF-75	Low Medium Density Residential (10-20 dwelling units/acre)	High Density Residential (50 or more dwelling units/acre)

The plan indicates that the subject properties are in the East Central North neighborhood planning area within the Bryant neighborhood which is located between 700 and 1000 East from South Temple to 400 South.

The Master Plan indicates that this area was designated as Low-Medium Density Residential and Medium Density Residential to reduce excessive density potential, stabilize the neighborhood, and conserve the neighborhoods residential character. Higher density housing is encouraged in East Downtown, Downtown, and Gateway to decrease the pressure to meet those housing needs in this neighborhood.

The following goals, policies and statements are taken directly from the Central Community Master Plan:

Residential Land Use Goals:

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.
- Ensure preservation of low-density residential neighborhoods. Ensure that new development is compatible with existing neighborhoods in terms of scale, character, and density.
- Encourage a variety of housing types for higher-density multi-family housing in appropriate areas such as East Downtown, the Central Business District, the Gateway area, and near downtown light rail stations to satisfy housing demand.
- Discourage any compromise to the livability, charm, and safety of the neighborhoods or to the sense of a healthy community

Residential Land Use Policies:

RLU-1.1 Preserve low-density residential areas and keep them from being replaced by higher density residential and commercial uses.

RLU-1.2 Provide opportunities for medium-density housing in areas between the Central Business District and lower-density neighborhoods and in areas where small multi-family dwellings are compatible.

RLU-1.3 Restrict high-density residential growth to Downtown, East Downtown, Transit Oriented Districts, and Gateway.

RLU-1.4 Preserve the character of the inner-block courts.

RLU-4.1 Encourage the development of high-density residential and mixed use projects in the Central Business District, East Downtown, and Gateway areas.

Higher density housing replacing characteristic lower density structures-The community does not support the demolition of lower-density residences in order to build multi-family structures. Residents prefer to protect the existing residential character and prevent construction of multiple family dwellings in low-density neighborhoods, especially those exceeding 14 dwelling units per acre. (Central Community Master Plan, Page 9)

The proximity to the Central Business District and the University of Utah campus prompted early development of the area and was a major factor in the original zoning of this neighborhood for mixed residential uses and larger scale apartments. Pressure to develop or redevelop into higher densities has become one of the most significant issues confronting this area. (Central Community Master Plan, Page 6)

Non-conforming land use in residential zones-Non-conforming land use is any building or land legally occupied by a use prior to revisions to the zoning ordinance that does not conform to the revised ordinance. For example, many small neighborhood businesses were made non-conforming when the zoning was established in 1927. More recently, several medical clinics became non-conforming as a result of zoning changes. The reduced opportunity for residential use, safety issues related to large continuous blocks of nonconforming use, and the accompanying parking and traffic problems are concerns related to non-conforming land uses. Allowing a non-conforming status to remain is better than rezoning the property to conform the use. Also, if a non-conforming use becomes abandoned or destroyed by natural causes, it should be replaced by a residential land use. (Central Community Master Plan, Page 9)

Although the Central Community Master Plan states that a nonconforming use should be replaced by residential, it should be noted that the use could be replaced by any use that is listed as either a conditional or permitted use in the zoning district. In some instances, the use can even be replaced by a similar nonconforming use. The intent of the nonconforming chapter of the zoning ordinance is to eventually see a nonconforming use replaced by a conforming use when the nonconforming use becomes less viable.

The Bryant neighborhood was listed on the National Register in 2001. The parcel located at 35 South 900 East is also within the boundary of the South Temple Local Historic District and any new development within the Local Historic District Boundary will be subject to review and approval by the Historic Landmark Commission.

East Central North Neighborhood Historic Preservation Goals:

- Protect designated historic resources and National Register properties
- Ensure that transit-oriented development and other development patterns are consistent with historic preservation goals

Historic Preservation Policies:

HP-1.2 Ensure that zoning is conducive to preservation of significant and contributing structures or properties.

HP-1.4 Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks

Ensure building construction is compatible with existing historic structures.

Other Applicable Master Plans: Staff reviewed the proposed Master Plan Amendment in relation to the statements and policies listed in the [Central Community Master Plan](#), [East Central Neighborhood Plan Addendum](#), [Plan Salt Lake](#), [Community Preservation Plan](#), Salt Lake City Community Housing Plan, and all other relevant plans adopted by the City. Based on this review Staff has identified the following applicable statements, goals, and policies:

East Central Neighborhood Plan Addendum

Essentially the main planning issues have revolved around conflicts with residential concern for preservation of neighborhood character and developers’ concern for providing increased commercialization and a higher density of housing. The East Central Neighborhood plan expresses many of these concerns which deserve reiteration here. The specific areas of concern of objectives are as follows:

1. The City prepares for future residential needs and added population
2. Encourage a diversity of housing
3. Preserve the quality of the existing residential character
4. Assure that new development is compatible with existing residential character

Plan Salt Lake

Neighborhoods/Applicable Initiatives:

- Maintain neighborhood stability and character.
- Support policies that provides people a choice to stay in their home and neighborhood as they grow older and household demographics change

Housing/Applicable Initiatives:

- 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.
- Promote high density residential in areas served by transit.

Salt Lake City Community Housing Plan

- 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.
- Maintaining the fabric of the neighborhood
- Ensure better compatibility with existing neighborhoods for new infill development.

Community Preservation Plan

Future Land Use Maps: The master plans each include a future land use map, which is intended to direct changes in use and intensity over time. These maps therefore have a huge influence on the City’s ability to preserve historic structures and sites. These maps are a blueprint to

property owners and development entities as to what development potential to expect for their property in the future. Future land use maps that accurately reflect and convey the presence of historic resources in the land use patterns they establish are critical to the long-term viability of historic resources.

Discussion: A master plan establishes long range goals and policies for areas of the City. In some cases, amending a master plan makes sense in light of changed conditions that make particular goals or policies no longer relevant. However, in this case, there has been no change in conditions to this area that change the relevancy of the existing long term policies in the plan related to residential land uses. As such, staff recommends that the master plan designation be preserved to encourage a long term trend toward a low medium and medium density residential development for the properties. The proposal is not consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents and conflicts with the specific purpose statements of the zoning ordinance.

Issue 2 – Height and Zoning History

The East Central Neighborhood plan was adopted in 1984, and the East Central Neighborhood Plan Addendum was adopted in 1990 and includes the area where this proposal is located. At the beginning of the process, the entire East Central Neighborhood was included in the original study area, however because of the intensity of concern for rezoning the east and southern portion of the area, it was decided the addendum area would not be included in the initial plan to allow for further study. The East Central Neighborhood Plan expansion includes several areas that the neighborhood expressed a desire to see reevaluated for down zoning to maintain neighborhood stability and to establish more appropriate land use patterns for the neighborhood. Proximity to the Central Business District and the University of Utah campus prompted early development of the area and was a major factor in the original zoning of this neighborhood for mixed residential uses and larger scale apartments. Pressure to redevelop into higher densities has become one of the most significant issues facing the area.

The subject properties were downzoned to their existing RMF-30 and RMF-35 designations in 1995. Based on research of past Salt Lake City Zoning Maps, the subject property has been zoned R-6 Multiple Family Dwellings (1958), and Residential B Apartments and Hotels (1927). The R-6 zoning district allowed maximum heights of 75 feet and a density of approximately 80 units per acre. One of the purposes of the East Central Community Plan Addendum is to preserve and protect the existing residential character and to encourage development that is compatible with the neighborhood. The plan recommended downzoning the area to a modified R-5 zone that would allow for approximately 48 units per acre and a maximum height of 45 feet.

The building to the north of the subject properties has a height of approximately 85 feet and is zoned RMF-75. The High Tower Apartments across the street to the west is a 14 story building with a height of approximately 140 feet and is also zoned RMF-75. The structures on these properties were built prior to the East Central Neighborhood Plan and are standing examples of what initially spurred concerns over incompatible scaled development in this area.

Discussion: The downzoning of the subject properties to their existing RMF-30 and RMF-35 designations was recommended by the East Central Neighborhood Plan to encourage development that preserves the character of the area, stabilizes the neighborhood and prevents development that is not compatible with the existing development pattern. The request to amend the existing RMF-30 and RMF-35 zoning to RMF-75, which is similar to the prior R-6 zoning, is not consistent with the adopted Master Plan policies and goals. A height of 75 feet or 57 feet as proposed in the draft development agreement would not be compatible with adjacent residential development.

Issue 3 – Development Potential of the Site under RMF-75 compared to RMF-30 & 35

The applicant is requesting to change the zoning of the property from RMF-30 and RMF-35 to RMF-75. A summary of each zone and its development standards is located in the chart on the following

ZONING COMPARISON BETWEEN EXISTING ZONING & PROPOSED ZONING

TYPE	RMF-30 ZONING (EXISTING)	RMF-35 ZONING (EXISTING)	RMF-75 ZONING (PROPOSED)	DIFFERENCE
Front Yard Setback	20 feet	20 feet	25 feet	Greater than by 5 feet
Rear Yard Setback	25% of the lot depth, but not less than 20 feet and need not exceed twenty 25 feet	25% of the lot depth, but not less than 20 feet and need not exceed twenty 25 feet	25% of the lot depth, but not less than 20 feet and need not exceed twenty 30 feet	Greater than by 5 feet
Side Yard Setback	10 feet on each side for a multi-family dwelling	10 feet on each side for a multi-family dwelling	15 feet	Greater than by 5 feet
Building Height	30 feet	35 feet	75 feet	Greater than RMF-30 by 45 feet Greater than RMF-35 by 40 feet *Proposed development agreement for a maximum height of 57 feet
Lot Width	80 feet	80 feet	100 feet	Greater than by 20 feet
Lot Area	9,000 square feet minimum for 3 dwelling units plus 3,000 square feet for each additional dwelling unit	For developments greater than 1 acre, 1,500 square feet for each dwelling unit is required.	For development greater than 1 acre, 500 square feet for each dwelling unit is required	Greater than: RMF-30 zoned parcels: Total sq of 8,756 -(max of 2 units) RMF-35 zoned parcels: Total sq of 59,242-(max of 39 units) Total units permitted for combined parcels with existing zoning: (max of 41 units) RMF-75-(maximum of 135 units) Total square footage for the combined parcels is 67,998 *Proposed development agreement for a maximum of 104 units
Building Coverage	All principal and accessory buildings shall not exceed forty percent (40%) of the lot area.	All principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.	All principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.	Greater than RMF-30 by 20% no difference from RMF-35
Landscape Buffer	10 foot wide landscape buffer when adjacent to single or two family residential zoning	10 foot wide landscape buffer when adjacent to single or two family residential zoning	10 foot wide landscape buffer when adjacent to single or two family residential zoning	No difference from existing zoning regulations

page.

In general, the required setbacks for the proposed RMF-75 zone are not much greater than the existing required setbacks of the RMF-30 and RMF-35 zoning districts, with a difference of 5 feet. The properties are adjacent to single and two family residential zoning and there is no change to the required landscape buffer with the change from low medium and medium density residential to high

density residential as proposed. The biggest differences among the existing and proposed zoning is building height, dwelling units per acre, and building coverage.

The maximum building height for RMF-30 is 30 feet and RMF-35 is 35 feet. The proposed RMF-75 zoning district has a maximum height of 75 feet—which is a 53%-60% increase from the maximum height allowed under the existing zoning. If the self imposed height restriction of 57 feet were adopted by the City Council through a development agreement, the increase would 39%-47% increase from the current zoning height regulations. This increase is not consistent with the master plan policies which seek to preserve the lower scale nature of development. The RMF-30 and RMF-35 zones are more in line with the master plan than the RMF-75 zoning district is.

Based on the lot area, the maximum units permitted under the existing zoning is approximately 41 units. Under the proposed RMF-75 zoning, an additional 94 units would be permitted on the site for a maximum of 135 units. If the draft development agreement proposes a maximum of 104 units which is still a 60% increase from the maximum units permitted under the current zoning.

The building coverage for the RMF-35 zoning district and the proposed RMF-75 are both a maximum of 60%; however there is a 20% difference between maximum building coverage for RMF-30 and RMF-75.

The permitted and conditional uses allowed under the existing zoning are similar to the uses permitted under the proposed zoning with the exception of daycares, large assisted living facilities and nursing care facilities which are not permitted uses under the existing RMF-30 and RMF-35 zoning district but are permitted uses in RMF-75.

DISCUSSION:

The proposed zone change would facilitate the development of a multi-family residential building on the properties. The master plan's general policies and objectives for this area do not support high density residential development in the East Central Neighborhood and rather call for low to moderate density development that preserves the existing neighborhood character. The proposed zoning would increase height potential for the site by a maximum of 45 feet and increase dwelling units by an additional 94 units, but only require yard setbacks that are 5 feet greater than existing regulations. The subject properties are adjacent to low scale residential development and the proposed RMF-75 zoning district would result in a development that is not compatible in terms of the height, mass and scale of the adjacent properties. As such, staff does not recommend changing the zoning or the master plan's associated future land use map.

NEXT STEPS:

With a recommendation of approval or denial for the zoning amendment, the amendment proposal will be sent to the City Council for a final decision by that body.

If the zoning amendment is approved, the properties could be developed for any use allowed in the RMF-75 zone on the property. A list of uses allowed by the zone is located in Attachment D. Any development would need to obtain a building permit and would need to comply with the necessary zoning standards.

If the zoning amendment is denied, the properties at 35 & 41 South 900 East will remain zoned RMF-35, and the properties at 57 & 59 S 900 East will remain RMF-30. With this zoning, the property could be developed for any use allowed in those zoning districts. A list of uses allowed by the zone is located in Attachment D.

**ATTACHMENT A: ZONING AND FUTURE LAND USE
MAPS**

Zoning Map: 35-59 South 900 East



Future Land Use Map: 35-59 South 900 East

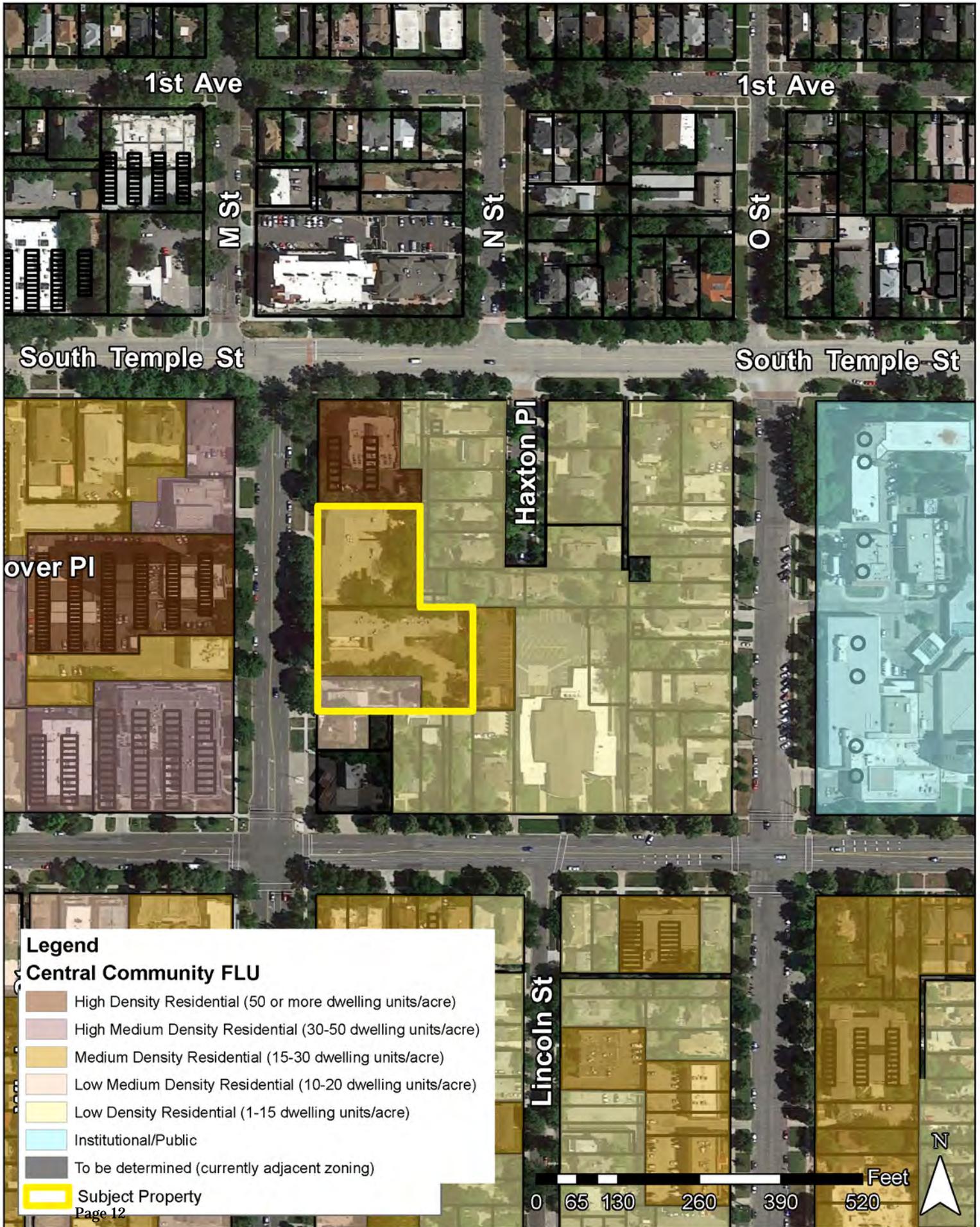




Image Landsat

Google earth

40°46'07.28" N 111°51'48.74" W elev 4545 ft eye alt 5478 ft

1993

ATTACHMENT B: PROPERTY PHOTOGRAPHS



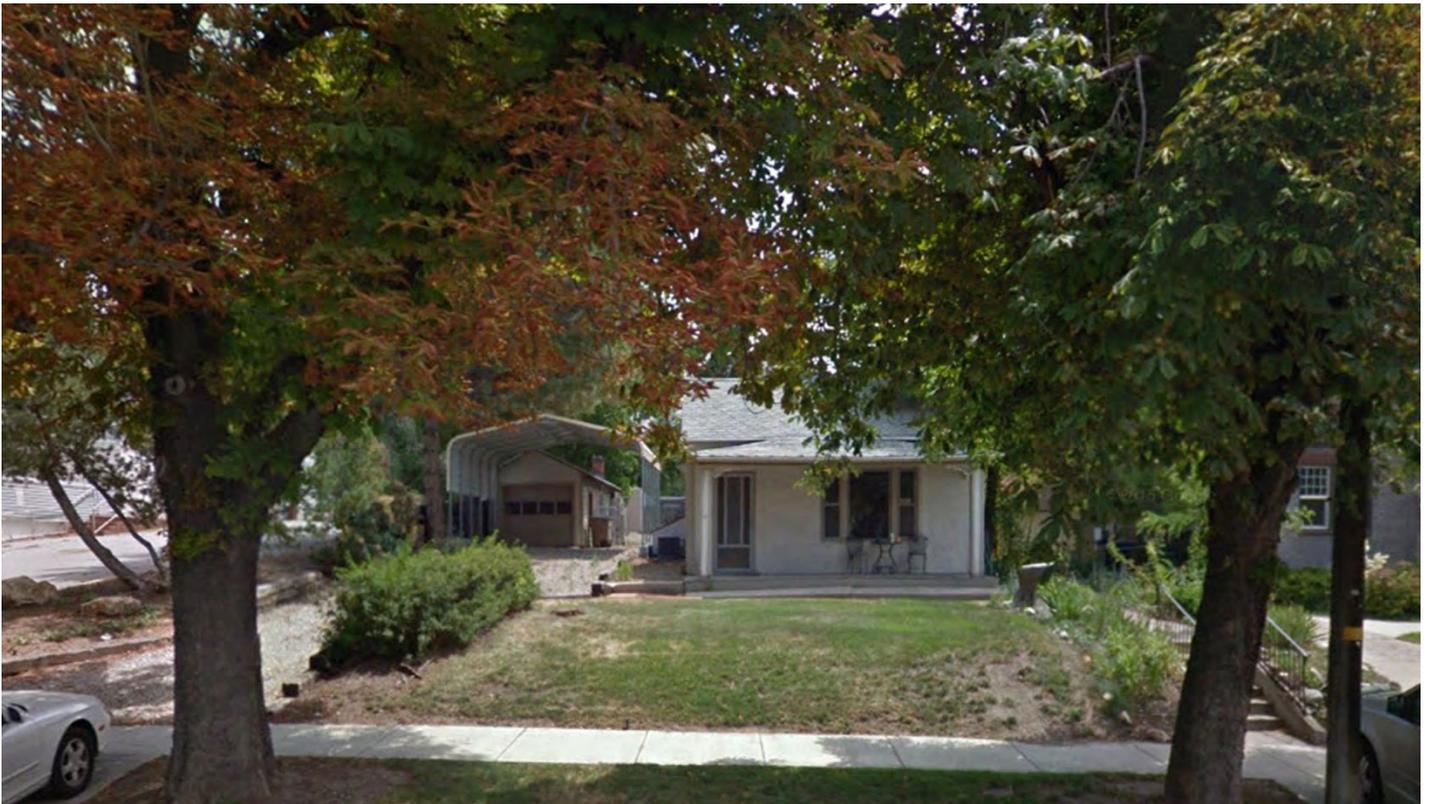
Street view of the subject properties (35-59 South 900 East) facing east



View of the property located at 35 S 900 East. This property is within the South Temple Local Historic District



East view of the property located at 41 S 900 East.



East view of the properties located at 57 and 59 S 900 East. The parcel at 57 S 900 East is a very narrow strip (0.01 acres) of land adjacent to the single family dwelling. There are two single-family dwellings that occupy the parcel at 59 S 900 East. The other dwelling is located behind the house shown above (see photo on the next page).



Second single family dwelling 59 S 900 East (rear)



Building located at 57 S 900 East. The slope of the lot increases toward the east (rear of the lot).



Existing development to the south of the subject properties. View from 900 East facing east.



View of condominium unit to the north of the subject properties.



Existing development on the west side of 900 East.



Existing development on the west side of 900 East.



Parking lot to the east of the subject parcel at 41 S 900 East.



Existing development to the south of the subject parcels. These are rear yards of single family dwellings with frontage on 100 South.

ATTACHMENT C: APPLICATION INFORMATION

SALT LAKE CITY – ZONING AMENDMENT APPLICATION **REQUIREMENTS – 35, 41, 57 & 59 South 900 East**

Statement Declaring the purpose of the Amendment –

The purpose of the proposed Zoning Amendment is to amend the Zoning Map specifically for 1.56 acres of property, consisting of 4 separate parcels, from Residential Multi-Family 30 and 35 to Residential Multi-Family 75 (with self-imposed height conditions).

The properties are located at 35, 41, 57 & 59 South 900 East and were originally excluded from the East Central Neighborhood Plan adopted in 1984, however, were included as part of the East Central Neighborhood Plan Amendment adopted in 1990. At the time of the amendment these particular properties were zoned R-6, which allowed for 80 units per acre and a maximum height of 75 feet. As a result of the inclusion of the subject properties within the amendment boundary, they are currently zoned RMF-30 and RMF-35 with a maximum height of 30 and 35 feet respectively, allowing 3-story buildings and structures.

The subject properties are located directly south of a 7 story condominium building (actual height is more equivalent to 9 stories) and across the street from Sunset Tower, a high density residential tower consisting of 16 stories, both of which consist of 50 or more dwelling units / acre and both of which are in excess of RMF-75 maximum height of 75 feet. The requested re-zone would afford the subject properties similar densities as the adjacent residential projects, however, the applicant would be willing to limit the maximum height of the building, to a highest point being 57' above existing grade and an average of 54' (4 stories over one level of subterranean parking and one level of partially subterranean podium parking) so as not to adversely affect adjacent properties.

Description of the proposed use of the property being rezoned –

The successful re-zoning of the subject properties, will allow for the re-development of the dilapidated and vacant former Deseret Rehabilitation Center in such a manner that will speak to the juxtaposed 16 story and 7 story buildings on two sides of the property, and the 2 and 3 story single family residents on the other two sides. Additionally, the requested re-zone to RMF-75 (with height conditions as outlined) will provide for greater set-backs around the new development, allowing for wider buffers to adjacent properties and additional landscape treatment between the subject properties and adjacent properties.

The applicant does not intend nor need to maximize the building height as would be permitted under the proposed RMF-75 zone, as such, the applicant would be willing to condition the building height as outlined above, through a development agreement or a deed restriction appurtenant to the property. The density afforded under the RMF-75 is however critical to the viability of a project of this quality and caliber. This re-zone will provide the applicant with an ability to deliver a product for what is often referred to as the “missing middle”, designed to meet the specific needs of shifting demographics and market demands adding a necessary key component for a diverse neighborhood.

List the reasons why the present zoning may not be appropriate for the area –

The present RMF-30 & RMF-35 zonings and current use of the property are not appropriate for the area for several reasons. The applicant believes a re-zone of the property, as defined further below, is more compatible and congruent with the goals and objectives outlined in the Central Community Master Plan (CCMP) by; “providing opportunities for smarter and more creative development practices”, preventing “inappropriate growth in specific parts of the community”, “encourage specific types of growth in designated parts of the community” and by promoting “livable, walkable developments, communities and neighborhoods”. The CCMP vision for livable communities is described as “a variety of residential land use” which helps support all types of housing and the affordability of various housing stock. It is also defined as an “appropriate transition of multi-family housing” between single family housing.

The second reason the present zoning is not appropriate for the area, which has already been mentioned above, is the existence of the 16 story and 7+ story buildings immediately adjacent to the subject properties. These two adjacent buildings loom over surrounding properties creating anomalies in the sky-line, while respectfully providing two varying housing products. Juxtaposed to these buildings is the 2 and 3 story homes located in the historic enclave, Haxton Place. The proposed residential community will provide a needed housing stock that is currently not provided in this immediate area, filling the void between million dollar historic mansions, high-end owner occupied condo units and small refurbished rental units. Additionally, a multi-family community with self-imposed height limitations will provide for a far “softer” and more appropriate “transition” of multi-family housing between the adjacent single family community as compared to the 16 story and 7+ story buildings that would otherwise be the “transition”. Specifically stated within the East Central North neighborhood portion of the CCMP, objectives for residential development are to: “reduce excessive density potential” which the applicant is willing to help accomplish by conditioning the height of the proposed development; “stabilize and conserve the neighborhood’s residential character” by “converting non-conforming land uses to residential land uses” which

the applicant will help accomplish by converting a dilapidated medical institution building into a high quality, well designed residential community, instead of keeping the existing facility and operating it as a rehabilitation or medical facility; and lastly “ensure new multi-family development is carefully sited, well designed, and compatible to scale” which the requested re-zone will allow the applicant to do in a far superior manner compared to the existing zoning. Examples of how the building is sited and compatibility to scale are outlined herein. The Bryant Neighborhood, located within the East Central North area, is an area with many architectural styles, classical porticos and porches and merits a well-designed development that speaks to those early historic elements located nearby.

Third reason the present zoning is not appropriate for the area, is it seems to ignore the topographical benefits and challenges the subject properties have with adjacent properties. The residential neighborhood to the east (Haxton Place) benefits greatly from an excessive east/west grade change, in excess of 20’ from street grade at 900 East to the eastern property boundary of the subject properties. A natural east/west grade change of 8’ to 10’ occurs across the property; in addition, a 10’ to 12’ retaining wall is located along the majority of the eastern property boundary. With the addition of the 6’ privacy fences located along the single family homes along the western property lines of Haxton Place, line-of-sight for an individual of average height, from a 2nd story window in those homes is nearly 45’ above the grade of 900 East. This grade change says nothing of the trees that currently exist along 900 East and along the joint Haxton Place property boundaries, many of which are in excess of 60’ themselves. By permitting the re-zone, the applicant believes many, if not all, of the mature existing trees currently in place along the eastern property boundary will remain in place. With the self-imposed height restrictions the applicant is willing to make a condition of re-zoning, the proposed building should have negligible impacts to line of sight from Haxton Place properties.

Fourth reason the current zoning may not be appropriate for the site is the permitted setbacks under the RMF-30 & RMF-35 zones. A major concern the applicant has heard and personally witnessed at Historic Landmark Commission, Planning Commission and City Council meetings specifically regarding projects in areas that are regarded as historic or sites located on prominent streetscapes, as this one is being located within the South Temple Local Historic District, visible from South Temple and on 900 East, are the setbacks both from the vehicular thoroughfare as well as surrounding adjacent properties. With the approval of the RMF-75 zone, along with the height conditions the applicant is willing to impose, the new community would be in keeping with historic site proportions as it will allow for wider landscaped areas and setbacks between adjacent properties. These wider landscaped areas, front yards, courtyards, plazas and setbacks are in keeping with the objectives of the CCMP as they will provide “other” sources of open space for residences and the “visually shared spaces” between property lines of adjacent property owners.

Lastly, in considering this site from a density perspective, while adjacent property densities exceed amounts permitted by RMF-75, the applicant is focused on the ease of access to mass transit, recreation opportunities, employment centers, medical and daily service needs, all located within walking distance of the subject property. The applicant is confident opposition to the re-zone will express concerns regarding traffic and parking, however, the applicant would be willing to commission a third party parking study and believes the study will show that because of proximity to the above listed items, less vehicular trips per day would be generated through a well-designed pedestrian oriented Class-A residential community integrated with bike lockers and other amenities in this location, than a less dense, vehicle centered product more accustomed to the RMF-30 and RMF-35 zones.

We strongly believe the additional height (self-imposed to be lower than 57') and the increased density afforded under the RMF-75 will allow the applicant to far exceed expectations from a construction material & design quality perspective, amenity offering and community enhancement and value creation than will otherwise be achievable under the existing RMF-30 and RMF-35 zones.

Parcels affected by the requested Master Plan Amendment: **16-05-127-005, 16-05-127-007, 16-05-127-008 & 16-05-127-009**

ADDITIONAL DESIGN INTENT OF THE APPLICANT - **SUBJECT TO FURTHER REVIEW & LEGISLATIVE COMMENTS, APPROVALS – FOR CONCEPTUAL CONTEXT ONLY**

In preliminary design the applicant believes the highest point at any building corner is less than 57', with several 53-55' and a couple at or below 50'. The applicant is of the opinion that even with a commitment to condition the height of the building, approval of the RMF-75 zone will provide a greater degree of varied building heights along 900 East, creating a more interesting and dynamic sky-line, instead of the stark contrast that would exist today should the applicant move forward with a 3-story structure adjacent to 16 and 9 story buildings.

Furthermore, the proposed re-zone will allow for the creation of a Class-A residential community consisting of safe and secure structured parking, manicured landscaping, along with high quality building materials clad on a building façade consisting of undulation and fenestration changes. The proposed residential community is anticipated to consist of one level of subterranean, one level of podium / pedestal parking and 4 stories of stick frame construction of approximately 110 residential units. The design intent is to incorporate a grand staircase and porch area along the western portion of the building allowing the building to

interact on the pedestrian and vehicular level similarly to the pedestrian scale of historic buildings.

The new community would be tiered in varying heights around the entirety of the site, creating a more dynamic, visually appealing and pleasing streetscape and sky-line. It is anticipated that a majority of the eastern building elevation will only be 4 stories above existing grade, with the northern most portion of the building along 900 East being 5 stories above grade and the southwestern most corner 5 and 6 stories above grade with stepped, or tiered units. Building materials will complement the historic nature of several buildings in the surrounding block while 20th century comforts and luxuries will be provided within.

While the RMF-75 zone undoubtedly allows for more height, it also requires the building to be centrally located on the parcel of property providing wider buffers and landscaped areas for public and private use. Under the RMF-30 and RMF-35 zones, buildings located on the subject properties can be constructed significantly closer to adjacent properties, especially the Haxton Place properties, which may have an unintended adverse affect on adjacent properties.

SALT LAKE CITY – MASTER PLAN AMENDMENT APPLICATION **REQUIREMENTS – 35, 41, 57 & 59 South 900 East**

Describe the proposed Master Plan Amendment –

The proposed Master Plan Amendment is regarding a specific to a 1.56 acre site consisting of 4 separate parcels with a requested Master Plan change to High Density Residential (50 or more dwelling units / acre).

The properties are located at 35, 41, 57 & 59 South 900 East and were originally excluded from the East Central Neighborhood Plan adopted in 1984, however, were included as part of the East Central Neighborhood Plan Amendment adopted in 1990. At the time of the Amendment these particular properties were zoned R-6, which allowed for 80 units per acre and a maximum height of 75 feet. As stated in the Amendment, one of the primary intents of the Amendment to the East Central Neighborhood Plan was to encourage the development of well-designed residential developments. As a result of the inclusion of the subject properties within the ECNP Amendment boundary, they are currently master planned for Medium Density Residential 15-30 dwelling units / acre with a maximum height of 35 feet, allowing 3-story buildings and structures.

The subject properties are located directly south of 7 story condominium building (actual height is more equivalent to 9 stories) and directly east of a high density residential tower consisting of 16 stories, both of which received master plan designations of High Density 50 or more dwelling units / acre and maximum heights in excess of 75 feet. In addition to the extreme height of adjacent buildings, the residential neighborhood to the east (Haxton Place) benefits topographically from the subject properties with an east/west grade change in excess of 20' from street grade at 900 East to the eastern property boundary of the subject properties. The requested Master Plan change would afford the subject properties similar densities as the adjacent residential projects, however, the applicant would be willing to limit the maximum height of the building, to a highest point being 57' above existing grade and an average of 54' (4 stories over one level of subterranean parking and one level of partially subterranean podium parking) so as not to adversely affect adjacent properties. The applicant is of the opinion that such a commitment will allow for a greater degree of varied building heights along 900 East creating a more interesting and dynamic sky line, instead of the stark contrast that would exist today should the applicant move forward with a 3-story structure adjacent to 9 and 16 story buildings.

Statement Declaring the purpose of the Amendment –

The purpose of the proposed Master Plan Amendment is to amend the Master Plan Land Use Map specifically for 1.56 acres of property from Medium Density Residential to High Density Residential.

Declare why the present master plan requires amending –

The present Master Plan requires amending to allow for the re-development of the former Deseret Rehabilitation Center in such a manner that will speak to the juxtaposed 16 story and 9 story buildings on two sides of the property, and the 2 and 3 story single family residents on the other two sides. The applicant believes such an amendment is more compatible and congruent with the goals and objectives outlined in the Central Community Master Plan (CCMP) by; “providing opportunities for smarter and more creative development practices”, preventing “inappropriate growth in specific parts of the community”, “encourage specific types of growth in designated parts of the community” and by promoting “livable, walk-able developments, communities and neighborhoods”. The CCMP vision for livable communities is described as “a variety of residential land use” which helps support all types of housing and the affordability of various housing stock. It is also defined as an “appropriate transition of multi-family housing” between single family housing. A multi-family community with self-imposed height limitations will provide for a far “softer” and more appropriate “transition” of multi-family housing between the adjacent single family community as compared to the 16 story and 7+ story buildings that would otherwise be the “transition”

The applicant does not intent nor need to maximize the building height as would be permitted under the proposed High Density Residential Master Plan change (and concurrent Re-Zone request), as such, the applicant would be willing to condition the building height as outlined above through a development agreement or a deed restriction appurtenant to the property. The Master Plan amendment will allow the applicant to provide a needed housing stock that is currently not provided in this immediate area, filling the void between million dollar historic mansions, high-end owner occupied condo units and small refurbished rental units. This community will provide for a section of what is often referred to as the “missing middle”, designed to meet the specific needs of shifting demographics and market demands adding a necessary key component for a diverse neighborhood.

Specifically stated within the East Central North neighborhood portion of the CCMP, objectives for residential development are to: “reduce excessive density potential” which the applicant is willing to help accomplish by conditioning the height of the proposed development; “stabilize and conserve the neighborhood’s residential character” by “converting non-conforming land uses to residential land uses” which the applicant will help accomplish by

converting a dilapidated medical institution building into a high quality, well designed residential community, instead of keeping the existing facility and operating it as a rehabilitation or medical facility; and lastly “ensure new multi-family development is carefully sited, well designed, and compatible to scale” which the requested amendment will allow the applicant to do in a far superior manner compared to the existing zoning and master plan designation.

The Master Plan amendment will allow the applicant to site the building in such a manner that will provide for wider landscaped areas and setbacks. These wider landscaped areas, front yards, courtyards, plazas and setbacks are in keeping with the objectives of the CCMP as they will provide “other” sources of open space for residences and the “visually shared spaces” between property lines of adjacent property owners.

It is worth noting that another way in which the proposed Master Plan amendment and redevelopment of this property will allow for better keeping with the objectives outlined in the CCMP, is that it will allow for the upsizing and upgrading of the culinary water, and potentially the storm water and sanitary sewer public utilities within this block. Objectives within the CCMP are to increase water pressure which adversely affects fire fighting capabilities and the redevelopment of this property will require the installation of upsizing of the existing 4” culinary water line to a 12” line helping to provide dependable infrastructure and adequate services for the future.

We strongly believe by amending the Master Plan to High Density (in conjunction with the self-imposed height restriction) the applicant to be able to exceed expectations from a construction material & design quality perspective, amenity offering and community enhancement and value creation than will otherwise be achievable under the existing Medium Density Residential 15-30 dwelling units / acre.

Parcels affect by the requested Master Plan Amendment: **16-05-127-005, 16-05-127-007, 16-05-127-008 & 16-05-127-009**

ADDITIONAL DESIGN INTENT OF THE APPLICANT - **SUBJECT TO FURTHER REVIEW & LEGISLATIVE COMMENTS, APPROVALS – FOR CONCEPTUAL CONTEXT ONLY**

In preliminary design the applicant believes the highest point at any building corner is less than 57’, with several 53-55’ and a couple at or below 50’. The applicant is of the opinion that even with a commitment to condition the height of the building, approval of the High Density Master

Plan Amendment will provide a greater degree of varied building heights along 900 East, creating a more interesting and dynamic sky-line, instead of the stark contrast that would exist today should the applicant move forward with a 3-story structure adjacent to 16 and 9 story buildings. Additionally the requested amendment to High Density will provide for greater set-backs around the new development, allowing for wider buffers to adjacent properties and additional landscape treatment between the subject properties and adjacent properties.

Furthermore, the proposed Master Plan change will allow for the creation of a Class-A residential community consisting of safe and secure structured parking, manicured landscaping, along with high quality building materials clad on a building façade consisting of undulation and fenestration changes. The proposed residential community is anticipated to consist of one level of subterranean or partial subterranean parking, one level of podium / pedestal parking and 4 stories of approximately 110 residential units. The design intent is to incorporate a grand staircase and porch area along the western portion of the building allowing the building to interact on the pedestrian and vehicular level similarly to the pedestrian scale of historic buildings.

The new community would be tiered in varying heights around the entirety of the site, creating a more dynamic and visually appealing and pleasing streetscape and sky-line. It is anticipated that a majority of the eastern building elevation will only be 4 stories above existing grade, with the northern most portion of the building along 900 East being 5 stories above grade and the southwestern most corner 5 and 6 stories above grade with stepped, or tiered units. Building materials will complement the historic nature of several buildings in the surrounding block while 20th century comforts and luxuries will be provided within.

**Additional Information Provided by Applicant -35 S 900 East
(via email dated April 14, 2016)**

I think you outlined items that reviewed in their entirety objectively make a "carte blanche" re-zone to RMF 75 very difficult, nigh impossible to be obtained. We are in agreement with you there. However, we believe a certain level of subjective review is required in the analysis of our site as we are not requesting "carte blanche" and to the contrary of most developers are willing to limit height and density by approximately 33% of what would otherwise be achievable with RMF-75. We spent some time reviewing the policies and statements you sent to us, particularly the East Central Amendment as that seems to pertain to this property most directly. Couple items we found that are worth noting:

The first being, as I believe Heath already mentioned, but "ensuring new multi-family development is carefully sited, well-designed and compatible to scale". Compatible in scale to the adjacent 90' building or the 2 story (with attic) single family. Or maybe some in between that is compatible with both?

Additionally in the East Central North Neighborhood goals and objectives it says to reduce "excessive" density. We would agree with that. Excessive would be the integration of 140 units at RMF-75. As such we believe our request is not excess. And we believe the introduction of approximately 110 new residential units will help "stabilize" a neighborhood that by its very nature has been "transient" with rehabilitation patrons and employees.

We also believe by constructing the project we are proposing, we are better "preserving" the character and integrity of the inner-block courts v. RMF-35 pushing density to the outer most reaches of the setbacks with surface parking.

In reviewing the Action Plan items on Page 14 & 15 of the ECA it states a couple objectives worth mentioning. Some of these may actually be in conflict with other areas of the same plan or objectives of other master plans, neighborhood plans, etc.

1. Encourage revitalization of commercial services that are not compatible with the character of the neighborhood

1. Maintain a high level of public utility service for the entirety of the block not just our site (we will be drastically improving the 50 and 100 year old water and storm water systems in the area with our project)
2. Expand opportunities for residential growth by minimizing housing displacement. No better way to do so than by removing commercial and integrating housing. We are only displacing 1 residential unit and removing commercial. The statement goes on to read "This can be accomplished...through using infill developments and allowing certain areas to regenerate to higher densities with APPROPRIATE mix and levels". Again we believe appropriate is supported by integrating 4-5 stories between 7+ stories and 2+ stories and across the street from 16 stories.

3. Assure compatibility of design so that the new development is "consistent" with the character of the existing neighborhood. Again is consistent 7+ stories or 2+ stories? We suggest 4.5-5 stories above grade is an appropriate and adequate product to keep with the consistency of the fabric of the neighborhood. Right below this section III(1) on page 15 it lists a dozen "design" items that should be taken into consideration to determine if a project is consistent with the neighborhood. Height, scale, massing, materials, parking, landscape, historic context, etc. This design criteria and review is a SUBJECTIVE review in and of itself so we strongly believe our application and request needs to incorporate a subjective review as well.

**Additional Information Provided by Applicant -35 S 900 East
(via email dated April 18, 2016)**

A couple items worth noting from the goals and objections pages and some other sections of the 2015 Plan Salt Lake Master Plan:

- Density is appropriate near "existing infrastructure, compatible development and transportation corridors" Our site has all three.
- Compatibility - how a new development "generally...integrates into the existing scale and character of a neighborhood". We strongly believe a 4.5 story building with structured parking and additional landscaping is far more "compatible" with the adjacent 7+ story building with structured parking and the 16 story building across the street than a 3 story surface parking product would be.
- Preservation - We're confident in our ability to provide a product that is in far better keeping with preserving the "historic" nature of the adjacent South Temple Historic District corridor and Haxton Place with a product of higher quality, structured parking, expanded setbacks and additional landscaping than with a 3 story garden walk-up apartment project.
- Diversity - Additionally, we believe a new development similar to the one we are proposing will allow for us to provide a diversity of housing products in the area. For the most part we have older apartment units, completely restored historic mansions and high-end condominium units. There is a huge "missing middle" product and we believe this project and product will help fill such a void / gap.

When recorded return to:
Salt Lake City Corporation
Attn: Planning Director
451 S. State Street, Suite 406
Salt Lake City, Utah 84111

DEVELOPMENT AGREEMENT
(35 and 41 South 900 East, Salt Lake City, Utah)

This Development Agreement (“Agreement”) is entered into as of this _____ day of May, 2016 by and between 900 EAST BE, LLC, owner of real property located at street address of 35 and 41 South 900 East, Salt Lake City, Utah (“Developer”), and SALT LAKE CITY CORPORATION, a municipality and political subdivision of the State Utah (the “City”).

RECITALS

A. Developer is the owner of certain real property located at approximately 35 and 41 South 900 East in Salt Lake City, Utah, more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property"), on which it proposes the development of a multi-family residential project, as more fully described on the plans attached hereto as Exhibit B (the "Project").

B. Developer also will own or has the intent to own certain real property located at approximately 57 and 59 South 900 East in Salt Lake City, Utah (the “Additional Property”), that will also be subject to this Agreement at such time as Developer acquires the Additional Property. At such time as Developer acquires the Additional Property, it shall be deemed part of the Property for all purposes herein, as applicable.

C. In order to construct the Project as proposed, Developer has requested that the Property be rezoned from moderate density multi-family residential (RMF-35) to moderate/high density multi-family residential (RMF-75) and that the Additional Property be rezoned from low/moderate density multi-family residential (RMF-30) to moderate/high density multi-family residential (RMF-75).

D. Developer has also offered to modify the design of the Project in order to insure greater compatibility with the local neighborhood, and to further promote the policies, goals and objectives of the City.

E. The City, acting pursuant to its authority under Utah law, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions and regulations has made certain determinations with respect to the proposed Project, and in the exercise of its legislative discretion, has elected to approve this agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, the Developer and the City here by agree as follows:

1. Construction of Project. In consideration of the City's rezoning of the Property to RMF-75 as requested, Developer agrees to construct a multi-family residential building on the Property consistent with the plans attached hereto as Exhibit B.

2. Design Modifications. Developer also agrees to the following restrictions on the development of the Property, as more fully reflected on the revised plans:

a. The density shall be 104 units, reflecting a 23.5% reduction from the 136 units allowed under the RMF-75 zoning.

b. Developer will provide parking sufficient to meet the City parking requirement; which the Developer anticipates will consist of 140 stalls in the buildings underground parking facility, along with 6 surface stalls. In no event shall the Developer provide less than a total of 146 parking stalls which shall be equal to or greater than 0.96 stalls per bedroom or 1.4 stalls per unit. Notwithstanding anything in this paragraph, in the event Developer is required to provide additional handicapped-accessible parking or other concessions under the Americans with Disabilities Act ("ADA") or other applicable law, Developer shall be allowed to reduce the number of parking stalls to facilitate compliance with the provisions thereof.

c. No structure on the Property shall exceed the height of 5 stories above grade plane or 57 feet reflecting a 24% reduction from the 75 feet of height allowed under the RMF-75.

3. Agreement to run with the land. This Agreement shall be recorded against the Property and shall be deemed to run with the land and shall be binding on all successors and assigns of the Developer in the ownership or development of any portion of the Property.

4. Subdivision plat approval and compliance with City design and construction standards. Developer expressly acknowledge and agree that nothing in this Agreement shall be deemed to relieve them from the obligation to comply with all applicable requirements of the City necessary for approval of plans, including the payment of fees and compliance with all other applicable ordinances, resolutions or regulations, policies and procedures of the City.

5. Reserved legislative powers. Nothing in this Agreement shall limit the future exercise of the police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space and related land use plans, policies, ordinances and regulation after the date of this Agreement.

6. Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement.

7. Historic Structure. Except as provided below, the City acknowledges and agrees that the Property has not been identified as having historic significance and or as a historically contributing structure. The parties acknowledge that the existing building on the Property has been classified as NON- CONTRIBUTING but a portion of the building is within the South Temple Local Historic District and Developer acknowledges and agrees that Developer must comply with the Historic Landmark Commission's new residential construction guidelines with respect thereto.

8. No joint venture, partnership or third party rights. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

9. Integration. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions or understanding of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

10. Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

11. Voluntary agreement. This Agreement is entered in to voluntarily by both parties in an effort to facilitate their mutual interests, and no party is acting under coercion or duress of any kind.

12. Specific performance. The parties acknowledge that in the event of a default of this Agreement, other remedies may be insufficient to provide full relief and therefore consent to the imposition of an order of specific performance of the terms of this Agreement, in addition to any other relief that may be available by law or ordered by a court of competent jurisdiction.

13. Effective date. This Agreement shall be binding and effective on the date executed by all parties hereto.

14. Counterparts. This Agreement may be executed in any number of counterparts with each executed counterpart constituting and original, but all of which together shall constitute one and the same instrument.

15. Notice. Any notice required or to be given to any other party under the terms of this Agreement shall be directed to the following addresses:

To the Developer:
900 East BE, LLC
2121 Rosecrans Avenue, Suite 4335
El Segundo, CA 90245

To the City:
Salt Lake City Corporation
Attn: Planning Director
451 South State Street
Salt Lake City, UT 84111

The parties agree to give prompt notice of any change in the foregoing addresses.

16. No waiver. Failure to enforce any provision of this Agreement does not waive the right to enforce that provision, or any other provision.

Executed as of the date first set forth above.

Developer:

900 East BE, LLC

By:

Name: _____

Title: _____

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

The foregoing instrument was acknowledged before this _____ day of _____, 2016, by Heath Gregory, the _____ of 900 East BE, LLC, a Delaware limited liability company.

NOTARY PUBLIC, residing in
Salt Lake County, Utah

My Commission Expires:

1068 South Jefferson Street, Salt Lake City

By:

Name: _____

Title: _____

SALT LAKE CITY CORPORATION

By:
Name: _____
Title: _____

ATTEST:

City Recorder

STATE OF UTAH)
 : ss.
County of Salt Lake)

The foregoing Development Agreement was acknowledged before me this _____ day of _____, 2016, by _____, the Mayor of Salt Lake City and by the City Recorder of SALT LAKE CITY CORPORATION.

NOTARY PUBLIC, residing in
Salt Lake County, Utah

My Commission Expires:

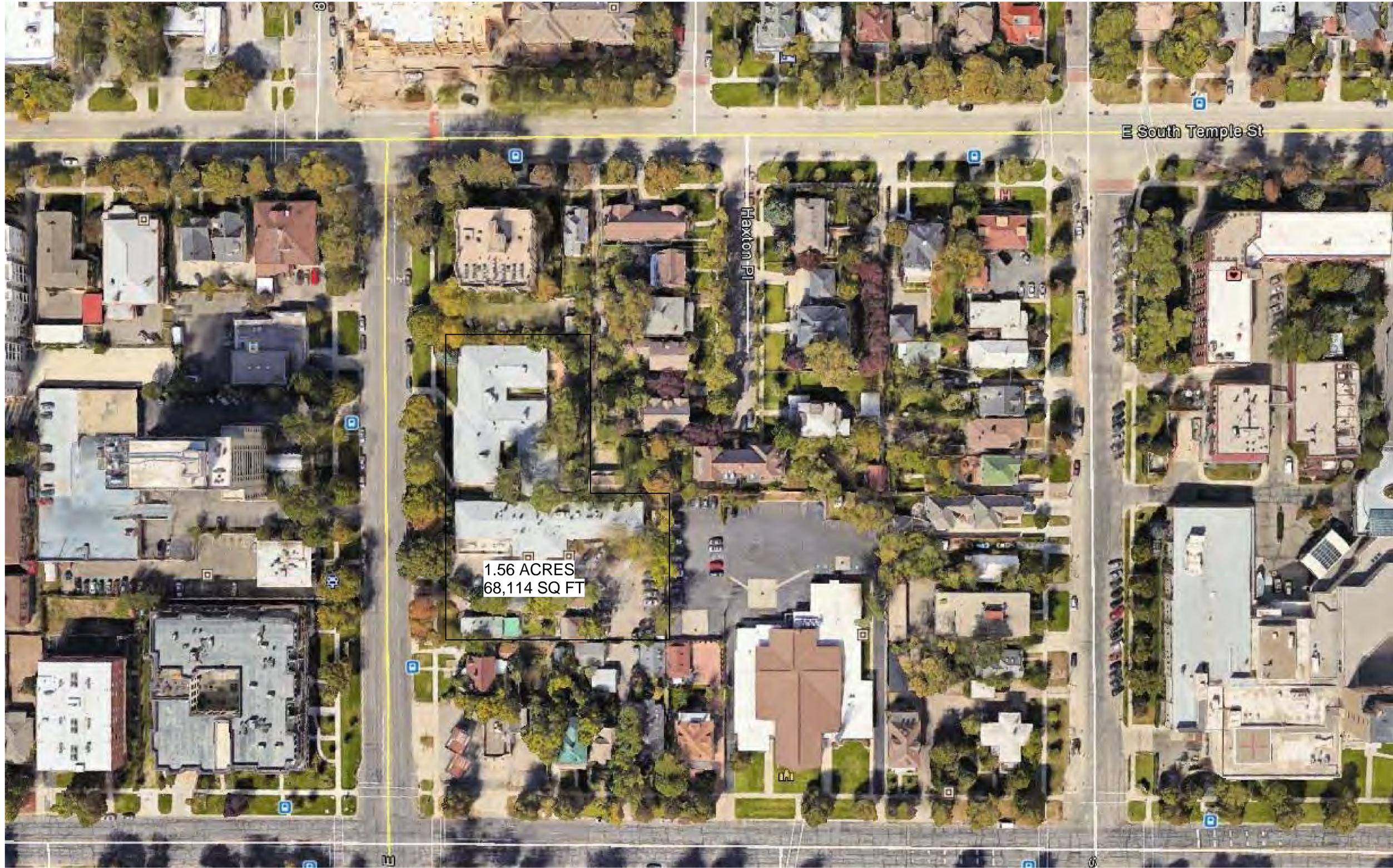
EXHIBIT A
[Legal Description]

[Description of Property]

[Description of Additional Property]

EXHIBIT B
[Concept Plan for Project]

1
2
3
4



A
B
C
D
E

BLACKBOX
design studios

517 S 200 W
Salt Lake City, UT 84111
T 801.879.5089
WWW.BLACKBOXSLC.COM

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THESE DRAWINGS ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY CLIENTS, CONSULTANTS, CONTRACTORS, GOVERNMENT AGENCIES, VENDORS, AND OFFICE PERSONNEL ONLY IN ACCORDANCE WITH THIS NOTICE.

PRELIMINARY - FOR INFORMATIONAL PURPOSE ONLY

PROJECT NAME

**900 EAST
MULTIFAMILY**
900 EAST 41 SOUTH
SALT LAKE CITY, UT 84103

DATE

03.07.2016

REVISIONS

PROJECT NO.

1533

DRAWN BY

Author

CHECKED BY

Checker

TITLE

SITE AERIAL PHOTO

SHEET NO.

A101

Salt Lake City Zoning Overlay



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Salt Lake City, UT 84111
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PRELIMINARY - FOR INFORMATIONAL PURPOSE ONLY

PROJECT NAME

900 EAST MULTIFAMILY
900 EAST 41 SOUTH
SALT LAKE CITY, UT 84103

DATE

03.07.2016

REVISIONS

PROJECT NO.

1533

DRAWN BY

Author

CHECKED BY

Checker

TITLE

ZONING MAP

SHEET NO.

A102

PROJECT NAME

900 EAST MULTIFAMILY
900 EAST 41 SOUTH
SALT LAKE CITY, UT 84103

DATE

03.07.2016

REVISIONS

PROJECT NO.

1533

DRAWN BY

BB

CHECKED BY

BB

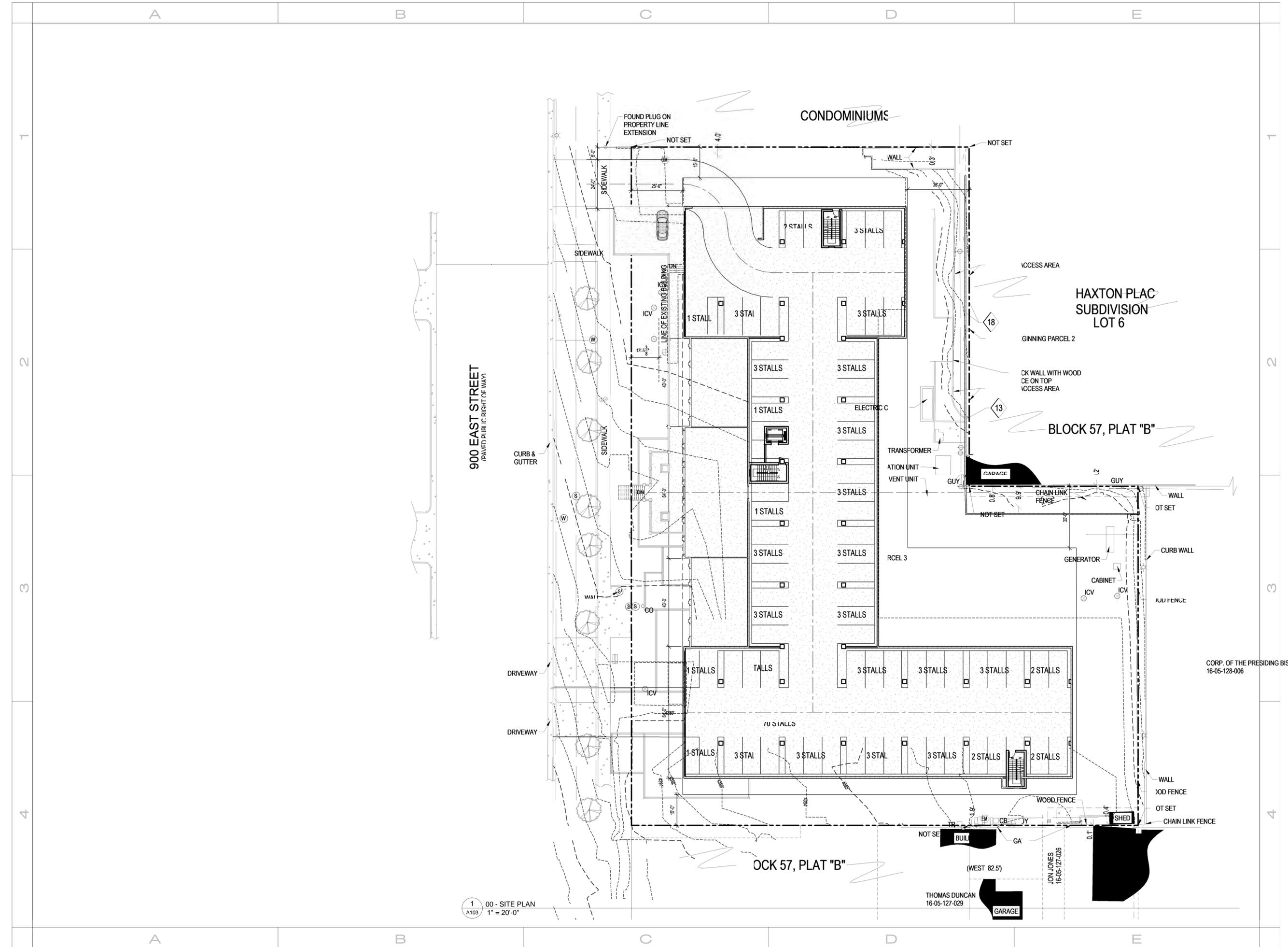
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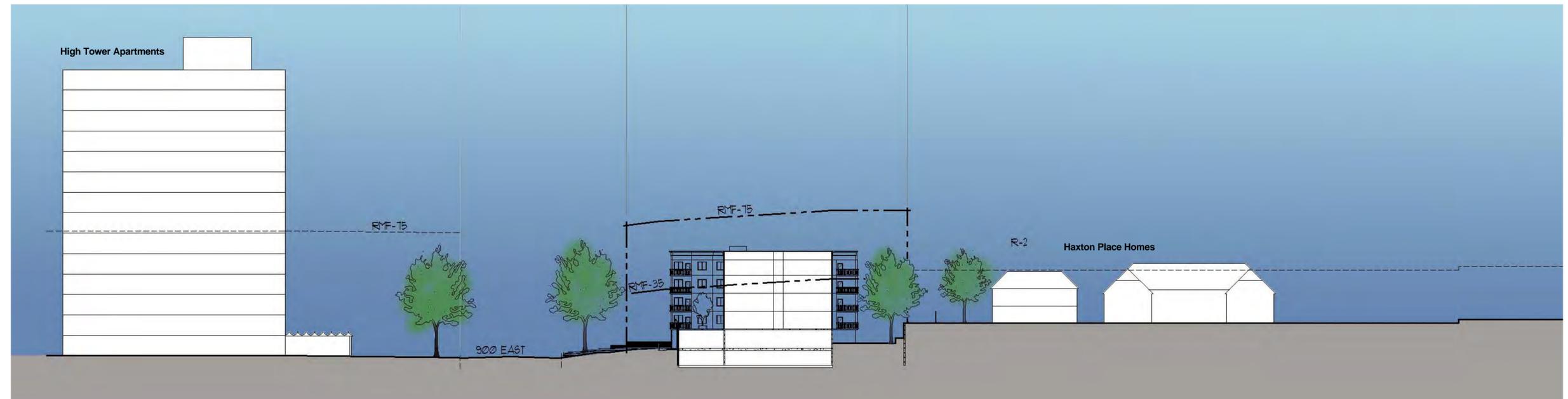
SITE PLAN

SHEET NO.

A103

PRELIMINARY - FOR INFORMATIONAL PURPOSE ONLY





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PRELIMINARY - FOR INFORMATIONAL PURPOSE ONLY

PROJECT NAME

900 EAST MULTIFAMILY
900 EAST 41 SOUTH
SALT LAKE CITY, UT 84103

DATE

03.07.2016

REVISIONS

PROJECT NO.

1533

DRAWN BY

Author

CHECKED BY

Checker

TITLE

SITE SECTION

SHEET NO.

A104

A

B

C

D

E



1 Front Elevation with Trees
A300

1

2

3

4

1

2

3

4

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PROJECT NAME

**900 EAST
MULTIFAMILY**
900 EAST 41 SOUTH
SALT LAKE CITY, UT 84103

DATE

03.07.2016

REVISIONS

PROJECT NO.

1533

DRAWN BY

Author

CHECKED BY

Checker

TITLE

WEST ELEVATION

SHEET NO.

A300

PRELIMINARY - FOR INFORMATIONAL PURPOSE ONLY

A

B

C

D

E

2 Front Elevation
A300

Foliage along the Alley West Fence - Eastern Subject Property Boundary. Most trees 20-25'. Leave Existing Trees and Add New



Direct Westerly View - 32 S Haxton Place - 3rd Level Balcony



South West View - 32 S Haxton Place - 3rd Level Balcony



Foliage Along Haxton Rear Property Lines - Most in excess of 30'



North Westerly View - 32 S Haxton Place - 3rd Level Balcony



Haxton Place - Alley. 10' Wide. 25'+ Foliage on Either Side. 8' Fence



Alley West of Haxton - 10' Wide - 8' Fences along Rear Yards



ATTACHMENT D: EXISTING CONDITIONS & ZONING STANDARDS

Existing Conditions: The properties located at 35 & 41 S 900 East are occupied by the former Deseret Rehab facility. There are two existing single family dwellings on the property located at 59 S 900 East (one of the dwellings is in the rear).

Existing Zoning and Uses in the Immediate Vicinity of the Property

East: R-2 Zoning-Single and two-family dwellings/residential court (Haxton Place) and a parking lot associated with a church.

West: RMF-75 and RMF-45 Zoning-14 story apartment building (High Tower Apartments), Medical Clinic, 2 story office building, 4 story condominium developments (One and Nine).

North: RMF-75 and R-2 Zoning-7 story office and condominium building, single and two family dwellings.

South: RMF-30 and R-2 Zoning-Single family dwelling, and a gas station

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS

Existing RMF-30 & RMF-35 Compared to Proposed RMF-75

Legend:	C =	Conditional	P =	Permitted
---------	-----	-------------	-----	-----------

Use	RMF-30	RMF-35	RMF-75
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P
Adaptive reuse of a landmark site	C ⁸	C ⁸	C ⁸
Alcohol, brewpub (2,500 square feet or less in floor area)			
Alcohol, dining club (2,500 square feet or less in floor area)			
Alcohol, social club (2,500 square feet or less in floor area)			
Alcohol, tavern (2,500 square feet or less in floor area)			
Animal, veterinary office			
Art gallery			
Bed and breakfast inn			
Bed and breakfast manor			
Clinic (medical, dental)			
Community garden	P	P	P
Crematorium			
Daycare center, adult			P
Daycare center, child			P
Dwelling, accessory guest and servant's quarter			
Dwelling, accessory unit	P	P	P
Dwelling, assisted living facility (large)		C	P
Dwelling, assisted living facility (limited capacity)	C	P	P
Dwelling, assisted living facility (small)		P	P
Dwelling; dormitory, fraternity, sorority			
Dwelling, group home (large) ¹⁴	C	C	C
Dwelling, group home (small) ¹⁵	P	P	P
Dwelling, manufactured home	P	P	P
Dwelling, multi-family	P	P	P
Dwelling, residential support (large) ¹⁶			C
Dwelling, residential support (small) ¹⁷		C	P
Dwelling, rooming (boarding) house			P
Dwelling, single-family (attached)	P	P	P
Dwelling, single-family (detached)	P	P	P
Dwelling, twin home and two-family	P	P	

Eleemosynary facility	C	C	P
Financial institution			
Funeral home			
Governmental facility	C	C	C
Laboratory (medical, dental, optical)			
Library			
Mixed use development			
Mobile food business (operation on private property)			
Municipal service use, including city utility use and police and fire station	C	C	C
Museum			
Nursing care facility			P
Office, excluding medical and dental clinic and office			
Open space on lots less than 4 acres in size	P	P	P
Park	P	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)			
Parking, park and ride lot shared with existing use	P	P	P
Place of worship on lots less than 4 acres in size	C	C	C
Reception center			
Recreation (indoor)			
Restaurant			
Restaurant with drive-through facility			
Retail goods establishment			
Retail goods establishment, plant and garden shop with outdoor retail sales area			
Retail service establishment			
School, music conservatory			
School, professional and vocational			
School, seminary and religious institute	C	C	C
Seasonal farm stand			
Studio, art			
Theater, live performance			
Theater, movie			
Urban farm	P	P	P
Utility, building or structure	P ⁵	P ⁵	P ⁵
Utility, transmission wire, line, pipe or pole	P ⁵	P ⁵	P ⁵

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).

3. Reserved.
4. Reserved.
5. See subsection [21A.02.050B](#) of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section [21A.02.050](#) of this title.
8. Subject to conformance with the provisions of subsection [21A.24.010T](#) of this title.
9. Subject to conformance with the provisions in section [21A.36.300](#), "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of subsection [21A.36.150](#) of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.
14. No large group home shall be located within 800 feet of another group home.
15. No small group home shall be located within 800 feet of another group home.
16. No large residential support shall be located within 800 feet of another residential support.
17. No small residential support shall be located within 800 feet of another residential support.
18. Large group homes established in the RB and RO districts shall be located above the ground floor.
19. Small group homes established in the RB and RO districts shall be located above the ground floor.
20. Large residential support established in RO districts shall be located above the ground floor.
21. Small residential support established in RO districts shall be located above the ground floor.

ATTACHMENT E: ANALYSIS OF STANDARDS

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:

Factor	Finding	Rationale
<p>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;</p>	<p>Not consistent with general goals and policies or specific designation on Future Land Use Map. Master Plan Future Land Use map amendment is not supported by policies in the master plan.</p>	<p>Please see the discussion under Issues 1 on pages 3-5 regarding applicable master plan policies. As discussed, staff finds that the zoning amendment is not consistent with the purposes, goals, objectives, and policies of the <i>Central Community Master Plan</i> or with the associated Future Land Use map. Further, the requested amendment to the Future Land Use map is not supported by the purposes, goals, objectives, or policies of the <i>Central Community Master Plan</i> or the <i>East Central Neighborhood Plan Addendum</i>.</p>
<p>2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.</p>	<p>Purpose statement conflicts with location of proposed zone and the Master Plan's policies are not furthered by the proposed zoning map amendment.</p>	<p>The RMF-75 purpose statement is as follows:</p> <p><i>To provide an environment suitable for high density multi-family dwellings. This district is appropriate in areas where the applicable master plan policies recommend a maximum density less than eighty five (85) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Such uses are designed 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</i></p>

		<p><i>neighborhood.</i></p> <p>The Master Plan policies restrict high density residential growth to Downtown, East Downtown, Transit Oriented Districts and Gateway. The subject properties are not in an area identified in the Central Community Master Plan as appropriate areas for high density multi-family residential development. The future land use map identifies the subject properties as Low-Medium Density Residential (10-20 dwelling units per acre) and Medium Density Residential (15-30 dwelling units per acre).</p> <p>Master Plan policies also speak to preserving low-density residential areas keep them from being replaced by higher density residential uses. The property is adjacent to low-scale residential neighborhoods/R-2 zoned properties to the south and east. RMF-75 is not compatible with the existing scale of the neighborhood and would compromise the existing neighborhood character. Although there are adjacent properties that are zoned RMF-75, those buildings existed prior to the downzoning of the subject properties in 1995 to their current RMF-30 and RMF-35 designation. (see Issue 2 on pages 5-6) The proposed Map Amendment conflicts with the purpose statement of the zone.</p>
<p>3. The extent to which a proposed map amendment will affect adjacent properties;</p>	<p>The proposal would negatively impact adjacent properties as a result of the increase in scale and increased intensity allowed under the RMF-75 zoning compared to the</p>	<p>A map amendment from RMF-30 and RMF-35 to RMF-75 would increase the potential development scale for the site from 30 & 35 feet to 75 feet (or 57 feet if draft development agreement were adopted). This would increase the potential impact of any building massing on adjacent properties. The RMF-75 zone allows a development scale that is similar in height to the adjacent office/condominium property to the north. There is an apartment</p>

	<p>existing RMF-30 and RMF-35 zoning.</p>	<p>building to the west (High Tower Apartments) that is approximately 140 feet tall, and that building would not be impacted negatively by shadows from a smaller 75 or 57 foot building, however the one and two story office and medical clinic to the west would likely be negatively impacted by a taller 5 story building. The properties to the south and east are primarily one and two story single family residential structures and a taller 5 story building would shadow over these properties and have a negative impact.</p> <p>The RMF-75 zone allows for increased height and more dwelling units per acre as compared to the RMF-30 and 35 zoning districts. The increase from low moderate density and moderate density to high density could have negative impacts on the adjacent R-2 zoned properties to the south and west of the subject parcels. Although the height of the property to the north is similar to what would be permitted under the RMF-75 zoning district, that particular building has 14 condominium units compared to the 104 that are proposed with this request or the 135 units that would be permitted under RMF-75 based on the combined lot area of the properties. Based on the existing lot area, approximately 41 units would be permitted under the existing RMF-30 and RMF-35 zoning designation.</p> <p>Further, the RMF-75 zone has the same landscape buffer requirements when adjacent to single or two family dwellings as the existing RMF-30 and RMF-35, however, under RMF-75 zoning, the dwelling units could be increased from the maximum that would currently be permitted (41 units) to 135 units. Therefore, even though RMF-75 would permit a higher density of</p>
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		dwelling units on the site, the required distance to adjacent low density residential would remain the same.
<p>4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards</p>	<p>The proposal is not consistent with the purposes of the H Historic Preservation Overlay zoning district.</p>	<p>One of the subject parcels (35 S 900 East) is within the South Temple Local Historic District and subject to the H Preservation Overlay District. Any future development of the property within South Temple Local Historic District boundary will be subject to all applicable standards of the overlay district including the Design Guidelines for Historic Apartments and Multifamily Buildings in Salt Lake City. The purpose of the H Historic Preservation Overlay is as follows:</p> <ol style="list-style-type: none"> <i>1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;</i> <i>2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;</i> <i>3. Abate the destruction and demolition of historic structures;</i> <i>4. Implement adopted plans of the city related to historic preservation;</i> <i>5. Foster civic pride in the history of Salt Lake City;</i> <i>6. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors;</i> <i>7. Foster economic development consistent with historic preservation; and</i> <i>8. Encourage social, economic and environmental sustainability.</i> <p>The adjacent properties to the east on Haxton Place are historic 2 story residential dwellings. The proposed scale of the development, even with a self imposed height restriction of 57 feet, is not compatible with the existing scale and character of the development of the South Temple</p>

		Local Historic District.
<p>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.</p>	<p>City services can be provided to the site</p>	<p>The subject property is located within a built environment where public facilities and services already exist. An increase in the number of dwelling units permitted under RMF-75 may require upgrading utilities and drainage systems. However, such upgrades would be required for any new larger use on the property through the building permit process.</p> <p>No concerns were received from other City departments regarding the zoning amendment or the potential for additional development intensity/density on these properties.</p>
<p>NOTES:</p>		

ATTACHMENT F: PUBLIC PROCESS & 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:

Notice of Application:

Because the property is within 600 feet of two community council districts, a City public open house was held. A notice of application was emailed to the East Central Community Council and Avenues Council chairperson. The Community Council was given 45 days to respond with any comments or concerns.

The East Central Community Council requested that the applicant attend their general meeting to discuss their development plan, and the Avenues Community Council chair heard the proposal at their board meeting. Staff attended both meetings to answer any planning or zoning related questions. A letter from Avenues Community Council chairperson is on the following page and includes notes and comments from the board meeting.

Avenues Community Council Board Meeting: April 13, 2016

East Central Community Council General Meeting: April 14, 2016

Public Open House: April 21, 2016

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on May 25, 2016
- Public hearing notice posted on City and State websites and Planning Division listserv on May 25, 2016
- Public hearing notice posted on the property May 27, 2016
- Public hearing notice published in the Salt Lake Tribune and Deseret News on May 28, 2016.

Public Input:

Staff has received a total of 35 public comments on this proposal:

- 31 public comments are in opposition to the proposal
- 4 comments are in support of the proposal.

All comments received are included this attachment on the following pages.

**PUBLIC COMMENT FORM
OPEN HOUSE
4/21/2016**



Planning and Zoning Division
Department of Community and
Economic Development

**35-59 S 900 East
Rezone and Master Plan Amendment**

Name: K. Marie Taylor

Address: 176 S 1100 E. #2
SLC Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: If we are going to give them what they want, we should get something. I feel a small ground floor market or coffee shop would be helpful. Keep the tenants from having to drive to get a cup of coffee. Easier for elderly and disabled to be able to function. We need more small retail in our neighborhoods in order to keep people from driving + remain

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

Independent

**PUBLIC COMMENT FORM
OPEN HOUSE
4/21/2016**



Planning and Zoning Division
Department of Community and
Economic Development

**35-59 S 900 East
Rezone and Master Plan Amendment**

Name: Jim Cooper

Address: 908 E. South Temple #5E

Salt Lake City UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: I oppose any amendment to the master plan - specifically density increases; and oppose any amendment to the zoning, specifically increases in height allowance. I do not believe the proposed amendments are or will be in the long term best interest of Salt Lake City and in particular the integrity of the historic neighborhood. Any increase in density or height will adversely impact 900 E and South Temple both visually and acoustically - noise. Please do not

approve any amendment!
Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

Thank you for seriously considering the future of SLC. JIM C.

**PUBLIC COMMENT FORM
OPEN HOUSE
4/21/2016**



Planning and Zoning Division
Department of Community and
Economic Development

**35-59 S 900 East
Rezone and Master Plan Amendment**

Name: Sherrie Prince

Address: 908 E. South Temple, #5E + #5W
SLC, UT Zip Code 84102

Phone: [Redacted] E-mail [Redacted]

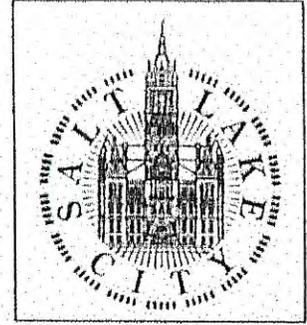
Comments: I oppose the proposed Amendment to the Master Plan and oppose the requested Zoning Amendment. I am very concerned with the height of the buildings to be built as well as the density factor. The negative impact on our neighborhood will be intimidating and severe - not to mention the traffic, noise and potential theft or vandalism both during construction and after. I believe these developers to be professionals and hope they will use their creativity to design

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slc.gov or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

a project within the current zoning regulations which will help preserve the character of our neighborhood and surrounding area

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name:

Mary Ann B. Wright

Address:

7 Haxton Place

Zip Code:

84102

Phone:



E-mail:

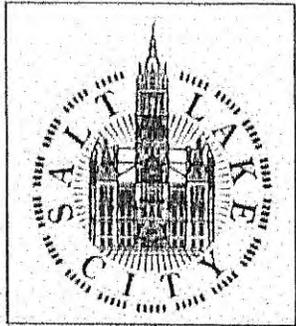
Comments:

I am not in favor of a zoning change, RME35 to RME 75. The tallest allowed now, I believe, is 2-3 levels, and the changes would all up to 57 feet. This would loom over our historical neighborhood and destroy its uniqueness as well as historical charm - We don't need another 'tenement structure' in this area - let alone more traffic on 9th east/south temple (to & from the U) and the hospital. Housing you propose adds nothing to establish a family/long term residential area - Very much opposed!

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slc.gov or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: BETSY KLEBA

Address: 32 HAXTON PLACE

SLC, UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: I STRONGLY OPPOSE THE REQUEST BY THE BUILDERS TO CHANGE ZONING FOR THESE PARCELS AND NO WITH MOTION TO AMEND THE CENTRAL COMMUNITY MASTER PLAN & SALT LAKE CITY'S FUTURE LAND USE MAP. THE PROPOSED PROJECT IS NOT CONSISTENT WITH ABOVE OR THE NEIGHBORHOOD.

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: Brent Hatch

Address: 19 Hayton Place

SLC, UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: My wife and I oppose the rezoning from RME30/35 to RME75. We have owned our home on Hayton Place for almost 36 years. Hayton Pl is part of the historic district. The potential of a 75' structure with high density rental apartment complex is not in keeping with the neighborhood. The project even if kept to the "promised" 57' would dwarf the neighborhood and in particular Hayton Place. We already have parking issues from the current use. The current Desert Health complex has constantly caused parking issues at the Church that abuts the property (ASTE. 100S.). This project even with resident parking will cause parking issues for the Church as well as Hayton Pl and the surrounding streets. The project is too high density for this neighborhood.

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**PUBLIC COMMENT FORM
OPEN HOUSE
4/21/2016**



Planning and Zoning Division
Department of Community and
Economic Development

**35-59 S 900 East
Rezone and Master Plan Amendment**

Name: George Chapman

Address: 1186 S 1100 E

SLC Zip Code 84105

Phone: [REDACTED] E-mail [REDACTED]

Comments: High rises next to medium density is wrong/bad/should not be allowed. Max occupancy limits due to parking & traffic should be considered.

This is a bad project that hurts walkability of area.

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

**PUBLIC COMMENT FORM
OPEN HOUSE
4/21/2016**



Planning and Zoning Division
Department of Community and
Economic Development

**35-59 S 900 East
Rezone and Master Plan Amendment**

Name: Lanny & John Barnard

Address: 908 E. So. Temple 7E
SLC UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: I oppose the proposed zoning amendment to change the current height limits (30 & 35 ft) to 75 feet and I oppose 1" rule 3/5 (Baron Equities) request to amend the central city master plan & SLC future land use map

Thank you
John Barnard
Lanny Barnard

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slc.gov or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

**35-59 S 900 East
Rezone and Master Plan Amendment**

Name: JASON MCADAMS

Address: 16 HAXTON PLACE

SUCC UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: I and my family have major
concerns - 1. Noise 2. Traffic and
3. increased shadowing on our Haxton
home. (4) Seems out of character
for the neighborhood.

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slegov.com or via mail at
the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt
Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: R. LARRY and Alicia Ashton

Address: 908 E. South Temple 6W

Salt Lake City, UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: Please see attached comments in
"opposition" to proposed zoning ammendments
to height restrictions and to the Central
Community Master Plan and Salt Lake City's
future land use map at 900 EAST Block.

"Opposed"
R. L. Ashton Alicia Ashton

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

R. Larry and Alicia Ashton
908 East South Temple, #6W
Salt Lake City, Utah 84102

April 21, 2016

Amy Thompson
Salt Lake City Planning Division
P.O. Box 145480
Salt Lake City, Utah 84114-5480

HAND DELIVERED

Comments for Salt Lake City Planning Division:

My wife and I **oppose** the proposed zoning amendment requested by Baron Equities to change the current height restrictions on 900 East of 30 and 35 feet to 75 feet. We also **oppose** Baron Equities request to amend the Central Community Master Plan and Salt Lake City's Future Land Use map. (Baron Equities is a.k.a. Nine35). We have had an opportunity to review possible plans associated with these amendment requests and DO NOT believe in or support the rationales used for these amendment requests.

The height restrictions in the current zoning are appropriate for the neighborhood. While there are one or two buildings that have been grandfathered in exception to the current zoning, they neither contribute to the value of the neighborhood nor, is the fact that they exist a legitimate reason to build more. The current zoning was intended to ensure historic preservation concerns and the quality of this portion of Salt Lake City and current zoning should be maintained and allowed to continue to do so.

The number of units possible within the changed zoning plans is not appropriate for this neighborhood.

The types of rental units are not appropriate for this neighborhood. Over many years, home owners have invested considerable sums of money in this area knowing that the zoning would be in alignment with their investments.

The type of units proposed would bring transient, lower income renters to this area whose character and value would be impacted. Salt Lake City has numerous areas and high quantities of units that would meet the needs of a lower income, more transient renter. There is no need and no reason to impact this historical and lower density neighborhood.

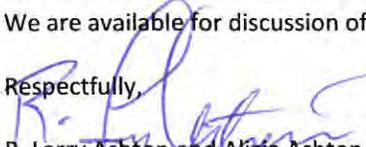
The zoning that is in place was intended to match with and preserve the neighborhood and should remain in place.

We have zoning plans in place for a reason – to ensure that Salt Lake City growth is managed in the best interests of the city and the people in Salt Lake City's neighborhoods. **We ask the Salt Lake Planning Division to acknowledge and respect the zoning that has been put in place to preserve this neighborhood.**

Please know that we will continue to vocally and visibly oppose this zoning change and this type of proposed units.

We are available for discussion of these concerns at any time.

Respectfully,


R. Larry Ashton and Alicia Ashton
908 East South Temple, #6W




PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: Ken Kraus

Address: 908 E South Temple #1W
SLC UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: I oppose the proposed zoning amendment to change the current height limits (30 + 35 ft) to 75 feet and...
I oppose "Nine 35's" (Baron Equities)' request to amend the Central City Master Plan and Salt Lake City's future land use map.
→ See my comments, attached.

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

I oppose Baron Equities' (a.k.a. Nine35) proposed zoning and master plan amendments, in which its parcels on 900 East, currently zoned at RMF 30 & RMF 35, would be upzoned to RMF 75.

This is a formal request to the Salt Lake City Planning Commission to deny this upzone application and to leave the current RMF30 and RMF35 designations in place, which are still appropriate today.

While the Nine35 spokesman says Baron Equities must pursue the 75-foot height in order to construct the proposed apartment building, he further states that Baron Equities "promises" not to exceed approximately 57 feet in height.

Property owners within our 908 East South Temple condo building ('908'— my residence), and on Haxton Place find that promise suspect.

What we don't dispute is the need to replace the vacant Deseret Health and Rehab building with a smaller neighborhood-appropriate structure. We are, however, firm in our opposition to the construction of an approximately 110-unit apartment building that includes four residential levels atop two parking levels.

Based in California, Baron already owns two of the largest apartment buildings in the East Central and University areas—the Hightower Apartments directly across 900 East from their proposed Nine35 project, and The Landing (formerly The Charleston) on the northwest corner of 1300 East and 500 South.

Considering the current seemingly uncontrolled proliferation of apartment units downtown, we believe a 110-unit apartment building on our block is dramatically out of character for the neighborhood. There are no other buildings on this block with the massive footprint of the proposed apartment building.

In its present state of design, the largest piece of open space on Baron Equities' property sits at the southeast end of the their property, far from '908' and Haxton Place. We are asking the developer to relocate that largest portion of open space to the property's north end and northeast corners in order to minimize the visual and structural impact on '908' and Haxton Place, and to *relocate the proposed structure as far south as possible*.

It is critical to point out that the development pattern in our immediate neighborhood, as well as in adjacent neighborhoods such as East Downtown and Downtown, is to position taller, more prominent buildings on corners, at intersections. Nine35 does not fit that pattern.

In terms of height, and on our block, only our own '908' building and the Hightower Apartments exceed the norm. If our '908' building were a *proposal* today instead of a 1982 done deal, we feel certain our plan would be denied due to current preservation sentiments.

Finally, the Livable Communities plan, adopted as part of the Central Community Master Plan, makes numerous references to tapering the heights of buildings as one moves away from the transit corridor on 400 South.

It appears that Baron Equities has ignored a more reasonable alternative for this site—specifically, lower-density condo-like apartments or, in simplest terms—a smaller building...smaller footprint...fewer units. That is something we could support.

Knowledgeable realtors would advise Baron that high-quality apartments and, more specifically, higher-end *condominiums* in the downtown and University areas are extremely difficult to find. *Although Baron has apparently decided not to consider condominium construction, even current financial constraints can be overcome if the developer were to research options and meet with potential buyers as well as major local employers in the healthcare, education, professional sports and religion sectors.*

In short, there is a demand!

There is yet another relevant feature on the zoning landscape—the South Temple Historic District “overlay” on the Nine35 project. An historic preservation architect recently consulted with Nine35’s architect to press for a more neighborhood-friendly design.

While some preliminary design modifications have been made to the facade facing 900 East, there has been no apparent movement regarding the overall mass of the building or the intended number of apartment units.

There are simply too many negatives associated with the proposed Nine35 apartment building to permit the RMF75 amendment.

Even the developer’s representative agrees that such a building would change the nature of our neighborhood.

We believe those changes would commence on Day One with...

- a dramatic increase in noise, dust & debris during 18-24 months of demolition & construction
- a notable decrease of available on-street parking for 18-24 months or more
- a structure whose mass is incompatible with the neighborhood
- an unacceptable increase in population density
- a notable increase in traffic
- an increase in noise by renters
- increased nuisance noise from Nine35 HVAC units
- loss of south views for ‘908’ owners
- loss of west views for Haxton Place owners
- increased ‘shadow-cast’ on Haxton Place
- diminished property values for ‘908’ and Haxton Place property owners
- increased potential for theft and vandalism in the neighborhood

Thank you for the opportunity to offer these comments regarding the Nine35 project and the requested Rezone and Master Plan Amendments.



Ken Kraus
908 E South Temple #1W
Salt Lake City, UT 84102



PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: Steven Fuhrman

Address: 32 Haxton Place

Salt Lake City, UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: Please See attached regarding my opposition
to the rezone and master plan Amendment.

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

I am opposed to the 35-39 S 900 East Proposed Rezone and Master Plan Amendment. Firstly, I believe zoning laws and master plans serve a long-term purpose to the community. Businesses, homeowners and condo owners make long term investments in properties based on the zoning details in such plans, and making significant (i.e RMF-35 to RMF 75 or 20-40ft height change) one-off exceptions at the request of developers undermines the concept of master zoning planning and future land use. In this specific case, the proposed changes not only positions and prioritizes a single entity (Baron Equities) over hundreds of homeowners, condo, business owners who rely on the zoning and master plan but the public servants who implemented the zoning and master zoning plan in the first place. In general, I believe we should not govern to a single entity's interest over the interest of many.

Secondly, I believe the South Temple corridor is a treasure of Salt Lake City and demands protection and preservation. Today there are several large buildings built in the 60's, 70's and 80's that are juxtaposed and within historic South Temple corridor. It is this era of unchecked construction that contributed to the reason why South Temple has a designation of a historic district. The proposed 110 unit apartment complex does not fit the historic neighborhood. In fact, the large building has many negatives to permit a change to R-75 including but not limited to building to house incompatibility, noise pollution of 110 HVAC rooftop units, increased traffic density, neighborhood incompatibility, etc.

I do want to express my support for the re-development 35-39 S 900 East property, albeit within the current zoning as defined as RMF-35 and RMF-30. I encourage the developer to look into creating a property much like One & Nine (88 S 900 East). This is a fine example of a property that fits the neighborhood, is modest, but also can be a financially viable project.

Thank you for your time and service,

Respectfully,

Steven Fuhrman

A handwritten signature in black ink, appearing to read 'S Fuhrman', with a long horizontal flourish extending to the right.

From: [REDACTED]
To: [Thompson, Amy](#)
Subject: Open house on proposed 900 E. & S. Temple development
Date: Thursday, April 21, 2016 11:10:45 PM

Hi Amy,

It was nice to meet you at the open house today. I wanted to briefly share with you my thoughts on the proposed development of the property where Deseret Health and Rehab sits on 900 E. I live just East of the site at 22 S. Haxton Place. I believe that I and my immediate neighbors on the West side of Haxton Place would potentially be the most impacted by the proposed construction. Personally, my main concerns are with the request for the change of zoning for building height limits. It is my thought that the current height limit of 35 feet behind my home is meant to protect the community on Haxton Place. I fear that a large structure will adversely impact the residents of Haxton Place by putting us in a shadow every evening. Haxton Place is a special street that rightly belongs in the South Temple Historic District. Evenings are typically very pleasant and as the sun sets, the sunlight filtering through the trees adds a charm to our street to which it would be difficult to place a monetary value. Please help us preserve our historic street and do not allow a change to the current zoning requirements.

Thanks so much for your attention to this matter.

Greg Nance
22 S. Haxton Place
[REDACTED]

From: [REDACTED]
To: [Thompson, Amy](#)
Subject: 35-39 S 900 East Proposed Rezone and Master Plan Amendment: Comments
Date: Sunday, April 24, 2016 1:52:32 PM
Attachments: [4-13-10A4H3.pdf](#)

Dear Ms. Thompson,

We met Thursday, April 22, 2016 at the open house for the 35-39 S 900 East Proposed Rezone and Master Plan Amendment. You mentioned we could submit electronic copies of public comments. Please see my comments and attachments below opposing 35-39 S 900 East Proposed Rezone and Master Plan Amendment.

Regards,

Steven Fuhrman
32 Haxton Place
Salt Lake City, UT 84102

Dear Salt Lake City Planning Commission,

I am opposed to the 35-39 S 900 East Proposed Rezone and Master Plan Amendment. Firstly, I believe zoning laws and master plans serve a long-term purpose to the community. Businesses, homeowners and condo owners make long term investments in properties based on the zoning details in such plans, and making significant (i.e from RMF-35 change to RMF 75) one-off exceptions at the request of developers undermines the concept of master zoning planning and future land use. In this specific case, the proposed changes not only positions and prioritizes a single entity (Baron Equities) over hundreds of homeowners, condo, business owners who rely on the zoning and master plan but the public servants who implemented the zoning and master zoning plan in the first place.

Secondly, I believe the South Temple corridor is a treasure of Salt Lake City and demands protection and preservation. Today there are several large buildings built in the 60's, 70's and 80's that are juxtaposed and within historic South Temple corridor. While some of this modern architecture has its appeal, it is the proliferation of this style of construction on South Temple that contributed to the designation of South Temple as a historic district. The proposed 100 unit apartment complex does not fit the historic neighborhood. In fact, the proposed large building has too many negatives to permit a change to R-75 including (but not limited to) building-to-house disharmony, noise pollution of 100 HVAC rooftop units, increased traffic density, neighborhood incompatibility, etc.

Finally, the annexing of Haxton Place into the Salt Lake City South Temple historic district was done with the intention of protecting historic Haxton Place. On May 8, 2009, the Salt Lake City published a Planning Commission Staff Report supporting the protection of Haxton Place (please see attached 4-13-10A4H3.pdf). In that report, planning staff upheld standards that the "proposed amendments will not alter the existing character of the established districts." Moreover, the planning staff showed appropriate sensitivity to ensuring that zoning amendment(s) would not "adversely affect adjacent properties." I believe that changing the zoning on 35-39 900 East to allow construction of a building in excess of 100 apartment units and 35

feet total height on the backside of Haxton Place undermines the original intent of protecting historic Haxton Place and erodes the standards outlined on May 8, ,2009 by the planning commission.

I do want to express my support for the re-development 35-39 S 900 East property, albeit within the current zoning as defined as RMF-35 and RMF-30. I encourage the developer to look into creating a property much like One & Nine (88 S 900 East) or limiting the number of apartments, and footprint. One & Nine is a fine example of a property that fits the neighborhood and historic district but also demonstrates to be a financially viable project.

Thank you for your time and service.

Respectfully,
Steven Fuhrman
32 Haxton Place
Salt Lake City, UT 84102

From: [REDACTED]
To: [Thompson, Amy](#)
Cc: [REDACTED]
Subject: 35-39 S 900 East Proposed Rezone and Master Plan Amendment
Date: Tuesday, April 26, 2016 2:02:27 PM

Dear Salt Lake City Planning Commission,

We were unable to attend the open house on April 22 for the 35-39 S 900 East Proposed Rezone and Master Plan Amendment. We would however like to submit comments electronically.

We are opposed to the 35-39 S 900 East Proposed Rezone and Master Plan Amendment for many reasons.

First we believe strongly that zoning laws are in place for a reason. Long term investments and plans are made with current zoning laws in mind. To change zoning laws at the request of developers makes no sense and undermines the very purpose of zoning laws.

We are opposed to the density of the proposed development. There are thousands of new midlevel rental apartments in Salt Lake City. What there is a lack of is upper end condominiums and lower density multi family dwellings in the downtown and South Temple areas.

We have been Salt Lake City residents for years, though most recently have been living in Emigration Canyon. We very much wanted to move back into the city, and specifically into the downtown area and close to the University of Utah campus. We are also committed to multi-family residential living. Our choices were severely limited and in fact we found only two acceptable units in a year of searching. We placed offers on both properties and were involved in a bidding war on both properties. This example just serves to illustrate the dearth of upper end condominiums available in the corridor between downtown and the University.

Also this proposed new apartment complex will fall within the Salt Lake City South Temple historic district. The South Temple area is a beautiful and unique environment within the city, and as such should be preserved. A greater than 100 unit apartment complex does not fit in with the character of this historic district.

We, like many others, do support the re-development of this property. We would support a lower density development and one that is more in line with the historic nature of this district. We would ask that this new development fall within the current zoning of RMF-35 and RMF-30

Respectfully,

Les Lang, M.D, Ph.D
M. Susan Berkebile, M.D.
908 East South Temple, #3W
[REDACTED]

From: [REDACTED]
To: [Thompson, Amy](#)
Subject: rezoning
Date: Friday, May 13, 2016 9:11:57 AM

Ms. Thompson-

I am **NOT** in favor of rezoning the parcels from 35-59 S. and 900 E. from RMF-30 and RMF-35 to RMF-75.

I think the current zoning density fits the neighborhood nicely and allowing exceptions would not be advisable.

Thank you for your consideration.

Daniel Franks

Franks & Associates

8 North Wolcott St.

Salt Lake City, UT 84103

[REDACTED]

From: [REDACTED]
To: [Thompson, Amy](#)
Subject: Opposition to proposed project on 900 E between S.Temple and 100 S
Date: Monday, May 23, 2016 10:19:49 AM

Hello Amy,

I am writing today regarding the proposed changes to zoning and master planning, specifically on 900 East between South Temple and 100 South.

My partner and I are the new owners of the historic Ladies Literary Club, located at 850 East South Temple, just around the corner from the proposed 6-story project on 900 East. We are honored to be the new stewards of this incredible historic property, and consider historic preservation to be a critical part of city planning. In the last few years we have watched several huge development projects populate 400 South, and already these projects are creeping onto South Temple (500 East). The proposed over-scaled, contextless project on 900 E has no place as a bookend of the incredibly rich historic district of South Temple. We reject the proposed project and ask for a more place-appropriate solution. This historic neighborhood at the base of the avenues and university needs condominiums a few stories tall, not another high-rise apartment complex. As SLC natives, property owners, and city activists, we are extremely opposed to the proposed project and will participate fully throughout this process with hopes that a compromise that suits the neighborhood may be reached.

Best,



Jude Gilmore
Production Manager
photocollectivestudios.com



[5.23.16; 10:18p]

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: Suzanne Allred

Address: 357 Virginia St

Zip Code 84103

Phone: [REDACTED]

E-mail SUZANNEALLRED@YAHOO.COM

Comments:

~~NO~~ In our opinion (see other sheet of Dorthy Androulakis) there is a demand for large great quality condominiums close to downtown however many people would not be in the heart of downtown. This demand is coming from baby boomers who want to downsize with no yards (but outside patios or decks) and fewer bedrooms. At this time there are an over abundance of smaller apartments! Please, DON'T CHANGE THE CHARACTER OF THE NEIGHBORHOOD!

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slc.gov or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: Dorothy Androulidakis

Address: 1544 East Federal Pointe Dr.

SLC UT Zip Code 84103

Phone: [REDACTED] E-mail [REDACTED]

Comments: In our opinion (see additional sheet of
Suzanne Allred) there is a demand for larger,
nice quality condominiums close to downtown.
The demand is coming from baby boomers
who want to downsize from larger homes.
At this time, there is an overabundance
of smaller apartments and a demand
for larger condominiums.

Please provide your comments by Monday, May 23, 2016.
You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at
the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt
Lake City, UT 84114-5480.

From: [REDACTED]
To: [Thompson, Amy](#)
Subject: Comments on 35-39 S 900 East - Proposed Rezone & Master Plan Amendment
Date: Friday, May 13, 2016 12:41:42 PM

Dear Amy,

I am writing in opposition to the proposed rezoning of the property at 35-59 South 900 East to an RMF-75 zone. Rezoning this property would have a significant impact on the surrounding R-2 land uses, especially the historic homes on Haxton Place and 100 South. I fear that the rezoning of these properties would jeopardize the future of these areas, as it would indicate the City's willingness to rezone to much higher density. This could result in efforts to assemble properties with owners allowing properties to deteriorate (since it makes no sense to invest in properties when the intent is to demolish), and an eventual change in the character of the entire neighborhood.

I will also note that the project proposed is hideous and hardly a calling card for quality development. Permitting density without some sense of quality creates a bad environment for the neighborhood, the schools, and the city as a whole. By quality, I mean attractive architecture, adequate green space with plantings that complement the buildings, and adequate off-street parking.

I do believe that it would make sense to rezone the RMF-30 parcel to RMF-35 so that the properties can be redeveloped as a consistent whole.

Best wishes,

Alice Larkin Steiner
69 S Street
Salt Lake City, UT 84103

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name:

SCOTT ANDERSON

Address:

30 S STREET / 11111 EAST SO TEMPLE
SALT LAKE CITY Zip Code 84103

Phone:

E-mail

Comments:

OPPOSED TO ZONING / MASTER PLAN
CHANGES ALLOWING GREATER HEIGHTS.
CONSIDER HISTORIC MAXTON PLACE.
TRAFFIC IN & OUT OF ABOVE GROUND
PARKING AT NORTH ENTRANCE, TRUCK
TURNS OUT AS MANDATORY
I DO NOT OBJECT TO AN UPSCALE RESIDENT-
IAL PROJECT - ARCHITECTURE SHOULD / COULD
REFLECT "GATEWAY" TO UNIQUE SO TEMPLE.

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

From: [REDACTED]
To: [Thompson, Amy](#)
Subject: 35-59 S 900 East Rezone and Master Plan Amendment
Date: Tuesday, May 10, 2016 12:57:16 PM

Ms Thompson,

I would like to give you my thoughts on the possible changes coming to 900 East. I am a resident of Haxton Place. We have a close knit, safe, beautiful neighborhood. I believe that the proposed building plans will devalue Haxton Place. The height of the building will block the evening sunlight to most of the homes on Haxton. There will be an increase in debris, noise, traffic--all of which will take away from the beauty and safety of Haxton. Frankly, it seems like a building that large on a beautiful historic block, would be an eyesore.

I don't welcome the idea of having many new transients living behind my neighborhood. This brings safety concerns, as well as the thought that because they will be only renting, they won't care for the area and the neighborhood as much as those who permanently reside there.

I formally oppose this proposition.

Thank you,

Camille Tanner

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: GORDON CAMPBELL

Address: 908 E. South Temple, 4W

SLC, Utah Zip Code 84102

Phone: [REDACTED] E-mail: [REDACTED]

Comments: Zoning Variances should be granted sparingly and in unique cases - Nine35's request to radically change - more than double - the height restriction in this neighborhood is not such a unique case. Such a variance will totally, for the worse, change this neighborhood. Please do not grant the requested variances.
Furthermore, Nine35's request to amend the Central Community Master Plan is ill-advised and short-sighted. Nine35's request is at odds with the character & vision for our city.

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: MaryAnn Mantes

Address: 908 East South Temple #4E

Salt Lake City, UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: _____

This area has been rezoned recently and at that time it was determined RMF-30 & RMF-35 was best for the existing neighborhood.

This area is connected to the South Temple Historic District. Let's not lose anymore of our heritage. I am not opposed to the construction of this project but the current proposal is clearly too big for the block.

Please be respectful and retain the RMF-30 & RMF-35 zoning.

Thank you,
Mary Ann Mantes

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: George Miller

Address: 1312 HARVARD AVE

S.L.C

Zip Code 84105

Phone: [REDACTED]

E-mail [REDACTED]

Comments: As an Interior Designer I have worked on two units at 908 E South Temple and also a home on Haydon Place. I think this proposed Apt. Complex will take away from the charm of the South Temple area and would decrease the property values of 908 units and Haydon place, and also the traffic will be terrible.

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: Ginny Bostrom

Address: 908 East South Temple 6W

SALT LAKE CITY Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: I am very concerned and opposed to the plan for Nine 35 to be approved for the following reasons:

1. I am an active Realtor, I find my "Baby Boomer" clients, which I have many, are looking for luxury condominiums or townhomes in the downtown area. None of these qualified clients are interested in apartments
2. I feel the Nine 35 proposal is dramatically out of character for the neighborhood.
3. I feel the current proposal is clearly too big for the block.

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

4. RMF-30 and RMF-35 Zoning is more than adequate. Ginny Bostrom

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: William & Sylvia Jane Owens

Address: 908 East South Temple

Salt Lake City UT Zip Code 84102

Phone: [REDACTED] E-mail [REDACTED]

Comments: _____

Please see attached

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

COMMENTS

Dear Ms. Thompson:

As 40-year residents of Salt Lake City, my wife and I are an elderly couple (75 and 73 years respectively) strongly oppose the proposed zoning amendment requested by Nine35 to change the current height restrictions of 30-35 feet to 75 feet in their proposed densely inhabited residential development.

Similarly, we oppose Nine35's request to amend a Central Community Master Plan in Salt Lake City's future land use map.

My wife is a homebound invalid and the extreme height of the building would obstruct our view with the adjacent noise and commotion extremely disturbing.

I am a practicing physician, and already, the traffic on 900 East in the morning is difficult to manage, as this is a main thoroughfare to the University of Utah campus and hospital systems. Another 100 residents and their automobiles would make 9th East very difficult to navigate in the morning and evening rush hours.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name:

Christine Darby

Address:

908 E. South Temple 2E

Zip Code *84102*

Phone:

[REDACTED]

E-mail

[REDACTED]

Comments:

I oppose the rezoning and masterplan of 35-59 S. 900 East for many, many reasons some of which are: decrease in property values for 908 as well as historic Haxton Place; major increase in traffic; increase in noise due to traffic & AC units; increase in lights from units & building; change in quiet neighborhood; loss of view of skyline & trees south of my windows; loss of privacy; concerns about theft & vandalism; loss of stability of neighbors with renters being in transit; population density unacceptable; demolition process will contribute to my allergies during 2 yrs; concerns about mass increase of apartment buildings going up in ~~the~~ downtown SL city.

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slcgov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

Concerns of lack of thoughtfulness in preserving neighborhoods giving way to apartment bldg. which are architecturally unattractive and inexpensively (cheaply) built.

PUBLIC COMMENT FORM



Planning and Zoning Division
Department of Community and
Economic Development

35-59 S 900 East Rezone and Master Plan Amendment

Name: Bertram & Janet Schaap

Address: 908 East South Temple, # 3E
Salt Lake City, UT Zip Code 84102

Phone: [REDACTED] E-mail _____

Comments: Whether written or unwritten, a common legal understanding is that a homeowner is entitled to the quiet enjoyment of their home.

For years, homeowners were encouraged "when the children left home & the dog died" to move downtown & enjoy the benefits of 5 minutes to the Symphony - 5 minutes to University Hospital, etc, etc.

To insure this enjoyment Planning & Zoning & the South Temple Historic District worked diligently (judging by the recent dissension in trying to arrive at standards

Please provide your comments by Monday, May 23, 2016.

You may also provide your comments via e-mail at amy.thompson@slegov.com or via mail at the following address: Amy Thompson, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

in the Harvard-Yale area) to establish community standards in downtown neighborhood areas. Over time, however, we have seen a lot of erosion in what should have been acceptable boundaries.

Regarding the 35-39 S 900 East property — BE must have purchased the Deseret Re-hab property assuming they would be granted an Amendment because, according to them, unless they could get a 4-story height with 2 garage levels, they wouldn't get a sufficient profit — \$\$\$.

At 908 E Haxton Place a great deal of our good weather enjoyment is Haxton backyards & 908 South terraces, all contiguous to BE's property. The tear-down of Deseret Rehab, excavation, cement work & construction activity would be overwhelming for the 2+ years of constant noise & dust pollution, restricted parking & access & general tumult.

In real estate with economic cycles, the pendulum always has to swing with the tendency to swing too far. Too much stick-frame construction with too high resident density — & now we see AVAILABLE. 1-2-3 bdrm & LEASING signs blossoming around the city.

In our 80s & having made our home on South Temple for 30 years, we strongly feel this is the wrong project on the wrong property at the wrong time & would urge the Planning Commission not to approve Nine 35s rezone request & maintain the current RMF-35 & RMF-30 standard.

From: [REDACTED]
To: [Thompson, Amy](#)
Subject: Nine35 project
Date: Thursday, May 26, 2016 11:29:08 PM

Amy, I am joining with my neighbors to oppose The so-called Nine35 project. 9th east between South Temple and 1st south. This whole area is busy enough the traffic is heavy enough not to mention the loss of property values that will surely follow such a densely populated area full of rentals and students. The commercial city is getting closer and closer to us we must not change the zoning this will bring in much much more of the same type of dwellings proposed. We as a city have given up enough to apartment developers only looking to make a buck. I don't suppose the building so much as I oppose apartments why not have condominiums. 110 units is way too many for that small and area I am already boxed in enough and I don't want to have to look up into a concrete wall from my windows. This development will completely take away from the neighborhood area that we have right now please listen to the people of this area and go for a much smaller plan with less units. If you give in to this pressure this whole neighborhood area is going to change let's keep what is left of the historic area historic and intact. I am not opposed to building I am opposed to such a very large development again I would ask you to listen to the people. Sincerely, John W. Hess. 926 East South Temple...

Sent from my iPhone

May 24th, 2016

To Whom It May Concern-

My name is Thomas Shields. I am a Senior Discovery Consultant for a large multi-national technology developer and provider. For the past two years, I have been residing in a two bedroom unit at Hightower Apartments located at 40 S 900 E Salt Lake City, UT 84102. During my stay at Hightower, I have had the pleasure of living in proximity to other like-minded and respectful young professionals. All of the residents I have created neighborly have either been career-driven twentysomethings or serious students who wish to live near campus, but away from the stereotypical distractions that can come with college life. I believe that these tenants were attracted to the idea of living at Hightower from the word of mouth recommendations regarding the exceptional management, living arrangements, building maintenance, and value. Should I move in the near future, I hope to have the fortune of living in a building maintained and managed by a similar party and containing the same demographic of residents.

I understand that the building ownership and management has plans to renovate and revitalize the abandoned building across the street and create a new housing project. I fully support this endeavor and look forward to the facelift it will bring to the area.

Best,



Thomas Shields | Senior Discovery Consultant
XACT DATA DISCOVERY



30 East Broadway, Suite 300
Salt Lake City, UT 84111

May 22, 2016

To Whom It May Concern:

My wife and I are writing this letter to let you know we are both working professionals that enjoy living at The Hightower apartments.

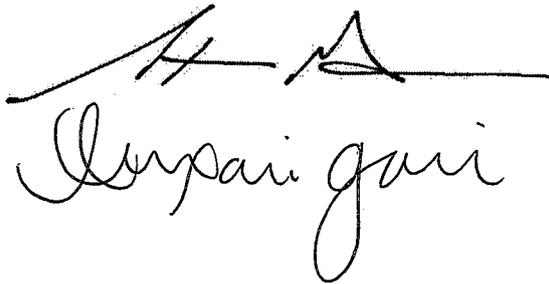
I am an Account Executive at Qualtrics and my wife is a Relationship Officer at Zions Bank. From our year and a half living at The Hightower, we have found that all of our neighbors are great people and we have enjoyed the relationships we have made.

The close proximity to Downtown was, and still is one of our favorite things about living at Hightower. We are able to take part in events as well as help support local restaurants and businesses that we have grown to love.

Overall, we feel like the owners and management of Hightower have created a great living environment. We would support a project across the street from Hightower.

Best,

Steve and Alexandria Garcia

A handwritten signature in black ink, appearing to read "Steve and Alexandria Garcia". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

40 S 900 E Ste 1A
Salt Lake City UT 84102
May 22, 2016

To Whom it May Concern:

I have been a resident of Hightower Apartments since 2005 when I moved to Salt Lake in order to take a position as a Professor at the University of Utah. I have been highly satisfied with the building and management the whole time. The management changed a couple of years ago, but the new owners and staff have maintained the high quality of service and expectations as the previous owners and managers.

The building is quiet, clean, and well maintained. Residents are expected to be quiet and respectful of their neighbors, and I have found this always to be true. "Bad" behavior is quickly dealt with. Problems with individual residents do not persist. There are a number of elderly residents in the building; some have been here since around the time the building was first opened. New residents always treat the older ones with care and respect.

I see no reason to be concerned about the same management operating another property across the street from Hightower. I am sure they will maintain the high standards they have for this building.

If you have any questions for me, you can contact me via e-mail at

Sincerely,



Linda Bergstrom RN, CNM, PhD

May 18, 2016

To Whom It May Concern:

I am writing this as a property owner on 900 East for nearly 20 years. I am in SUPPORT of the proposed re-zone and master plan change at 35 South 900 East. I am in support of the proposal for several reasons, which I have outlined below. As an adjacent property owner I have watched the rehabilitation center become more and more dilapidated. I am encouraged with an opportunity to redevelop the site and by the additional of more residential housing in the area.

With the immediate adjacency of both a 16 story and 9 story buildings to the proposed site, I support the integration of a 5 story building as I believe it helps the sky line and blends better into the existing character of the neighborhood. Additionally I find it supports the master plans intent to "step" or terrace buildings within a block and would help remove current contrast between the two previously mentioned buildings and the 3 story group home south of the property.

I have personally witnessed as Mr. Gregory and Baron Equities has renovated and transformed Sunset Towers into High Tower. I have noticed an increase in the quality of tenant in the area and believe Mr. Gregory will deliver on this word as he strives to strengthen the community fabric along 900 East.

As a condition of my support for the re-zone and master plan change, I would like to see the City hold Mr. Gregory to the conditions he has said he is willing to self-impose on the property through a development agreement. I believe the additional height and density Mr. Gregory is requesting will add to the vibrancy and walk-ability of this area of downtown.

Lastly, based on a track record I have personally witnessed at High Tower and other projects Mr. Gregory has been involved in, I believe he will construct a building of quality and integrity which will speak to the other historic buildings in the area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott E. Allen', written in a cursive style.

Scott E. Allen
50 S. 900 E.

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

Department Review Comments

Engineering – Scott Weiler (scott.weiler@slcgov.com or 801-535-6159)
No objections.

Zoning – Greg Mikolash (greg.mikolash@slcgov.com or 801-535-6181)
Comments for Master Plan and Zoning amendment only. Because the development proposal is in the conceptual stages - Building Services has no issues at this time. Additional comments will be associated with the proposed demolition and construction of the site.

Transportation - Barry Walsh (barry.walsh@slcgov.com or 801-535-7102)
No comments.

Public Utilities – Jason Draper (jason.draper@slcgov.com or 801-483-6751)
No comments.

Fire – Ted Itchon (ted.itchon@slcgov.com or 801-535-6636)
No comments.

ATTACHMENT H: MOTIONS

Potential Motions

Staff Recommendation:

Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission transmit a negative recommendation to the City Council for the proposed zoning and master plan amendment.

Not Consistent with Staff Recommendation:

Based on the testimony, plans presented and the following findings, I move that the Planning Commission transmit a positive recommendation to the City Council for the proposed zoning map and master plan amendment.

(The Planning Commission shall make findings on the Zoning Amendment criteria and specifically state which standard or standards are supported by the amendment. Please see Attachment E for applicable standards.)