



Staff Report

PLANNING DIVISION
DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Ashley Scarff, (801) 535-7660 or ashley.scarff@slcgov.com
Date: July 11, 2018
Re: PLNPCM2017-00663 Additional Building Height at 810 E. Edgehill Road

Special Exception—Additional Building Height

PROPERTY ADDRESS: 810 E. Edgehill Road
PARCEL ID: 09-29-327-011
MASTER PLAN: The Avenues Community Master Plan
ZONING DISTRICT: FR-3/12,000 Foothills Residential District

REQUEST: Pam and Wynn Johnson, property owners, are requesting Special Exception approval to construct a new single family structure that exceeds the maximum permitted building height in the FR-3/12,000 Foothills Residential District. The subject property at 810 E. Edgehill Road is currently vacant, with an average overall slope of 39-42 percent (%). The proposed structure would measure approximately 49 feet above established grade at its tallest point. In the FR-3/12,000 District, the maximum permitted building height is 28 feet measured from established grade. In addition, the structure would have a rear vertical building wall that measures approximately 40-49 feet above established grade. The zoning ordinance permits front and rear vertical building walls up to 25 feet in height. The Planning Commission has final decision making authority for Special Exceptions.

RECOMMENDATION: Based on the information in this staff report, it is the Planning Staff's opinion that the requested special exception for additional building height in the FR-3/12,000 zoning district does not meet the standards of approval, and should be denied by the Planning Commission.

ATTACHMENTS:

- A. [Application Materials](#)
- B. [Site Photographs](#)
- C. [Analysis of Special Exception Standards](#)
- D. [Analysis of Standards for Additional Height](#)
- E. [Public Process and Comments](#)
- F. [Department Review Comments](#)

PROJECT DESCRIPTION:



Approximate Grade (Slope) of Lot

The subject property is the last vacant parcel in the 5-lot Northcrest Subdivision.

The lot meets the minimum area and width requirements of the FR-3/12,000 Foothills Residential District, but is very steep with an approximate overall slope of 39-42 percent (%). The front of the lot near the street has a triangular area that is relatively flat before the slope steeply drops downward (see picture below). The average depth of this flat area is 25 feet. Chapter 21A.24.040.G of the Zoning Ordinance states, *“For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope.”* The City approved the Northcrest Subdivision as designed in 1967, meaning that the property owner maintains the right to build on the subject property. If this subdivision was proposed today, the majority of the lots would be considered unbuildable areas due to the steep slopes.

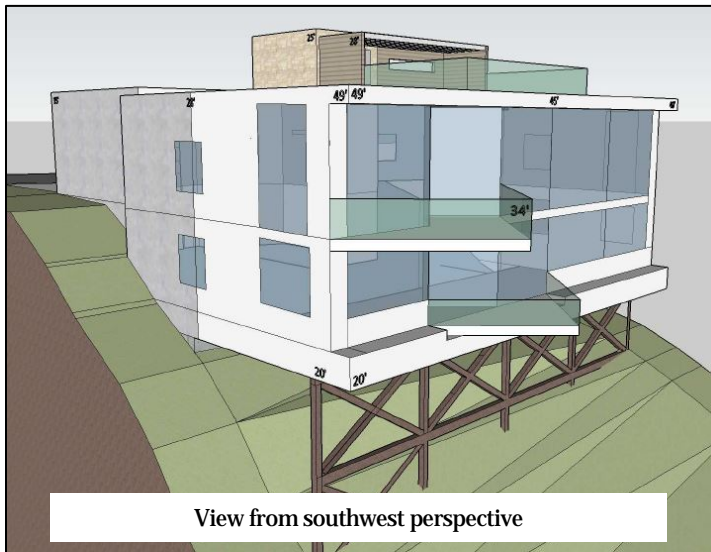


Proposed Design of Structure

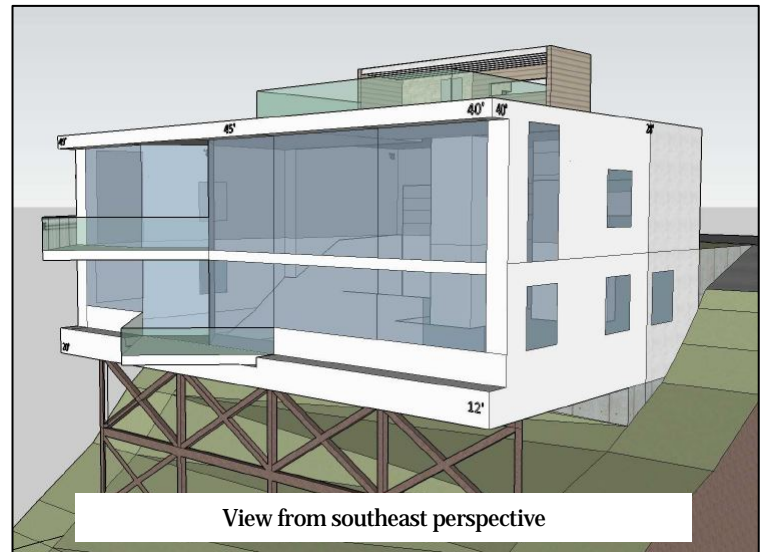
The applicant has submitted initial concept plans for a single family home with a flat roof and modern design. At the street level, the structure is approximately 15 feet tall, and appears to have the massing of a single story home. However, side and rear view elevations show that it actually has the massing of a flat two-story structure that has been inserted into the hillside, with the rear of the home cantilevering over the ground below. Because the home's form is not 'stepped' or 'terraced' down the slope, what would typically be the lowest story has been replaced with helical piers that will function as part of the foundation. The structure is tallest at the rear (south) of the home, where the measurement from established grade to the top of the structure ranges from approximately 40 feet on the east end to approximately 49 feet on the west end.



View from Edgehill Road



View from southwest perspective



View from southeast perspective

Variance

On December 14th, 2017, the property owners were granted a Variance for a reduced front yard setback to benefit the construction of the same single family residence. The front yard was approved to measure 11 feet rather than 17.5 feet, which is the estimated average of front yards of existing buildings within the same block face. The final decision was largely based on the fact that the property is legally developable, and other nearby property owners had been granted similar variances to allow them to take advantage of building upon the relatively flat slopes located closer to the street.

Additional Lot & Bulk Regulations:

In addition to the reduced front yard setback of 11 feet (11'), a new single family home on the lot in question would also be subject to the following requirements of the FR-3/12,000 zoning district:

	Zoning Requirement	Existing/Proposed
Minimum Lot Area	12,000 sf	15,312 sf
Minimum Lot Width	80 feet	85.57 feet
Maximum Building Height	28 feet measured from established grade	Applicants have requested 49 feet
Front/Rear Vertical Building Wall Height	25 feet measured from finished grade	Applicants have requested 40-49 feet
Minimum Yard Requirements	Front Yard: Shall be equal to the average of front yards of existing structures along the same block face (approximately 17.5 feet)	Variance granted for reduced front yard that measures 11 feet
	Interior Side Yard: 10 feet	10 feet
	Rear Yard: 35 feet	105 feet
Maximum Building Coverage	The surface coverage of all principal and accessory buildings shall not exceed thirty five percent (35%) of the lot area	(15,312 sf total lot area) x 35% = 5,359 sf maximum permitted building coverage

KEY CONSIDERATIONS:

The key consideration listed below has been identified through the analysis of the project.

1. Compliance with the Avenues Community Master Plan

The most recent Avenues Community Master Plan was adopted in 1987, thus is very dated, but it places an emphasis on regulating foothill development and protection. Zoning districts within the Avenues were different at the time, but residents were already contemplating how best to limit density within “sloping foothill areas” with “geologic and other physical problems” (p. 4). A prohibition on the development of steep slopes was not yet being considered, but the Plan stresses the need for larger lot size requirements to mitigate challenges of developing on steep topography. At the time, planners felt that larger lot size requirements would also address concerns expressed by residents related to the following:

- Problems imposed on neighboring properties such as loss of views; and
- Visual appearance of the foothills from areas below.

The Plan also includes the following Land Use Recommendation/Strategy:

Reduce Building Height Potential – *Many of the incompatibility problems created by new construction in residential areas are associated with excessive building height; new dwellings that tower over adjacent homes...A recently adopted ordinance will reduce height potential in areas encompassed by the ‘F-1’ Foothill Development Overlay Zone. This ‘view protection’ clause will limit building heights to a 25 foot maximum for a flat-roofed structure and 30 feet to the peak of a structure with a pitched roof” (p. 2).* At the time, Edgehill Road was not included in this described overlay area.

Staff finds that the proposal generally complies with the Avenues Master Plan as written, but there was obvious concern for potential impacts that new construction could have on views of the foothills from surrounding areas, as well as impacts on views from neighboring properties.

DISCUSSION:

This request for additional building height in the FR-3 zoning district is subject to two sets of standards of approval: the general standards applied to all types of special exception requests (21A.52.060), as well as an additional set of standards that are specific to requests for additional building height in the Foothills Residential zones (21A.24.P.2). Based on this analysis, Staff is recommending that the request is denied, as the current proposal does not meet the following standards of approval (full analysis included in Attachments C & D):

21A.52.060.G: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter—**DOES NOT COMPLY**

21A.24.010.P.2: To grant a height special exception the Planning Commission must find the proposed plan:

a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and—**DOES NOT COMPLY**

b. Satisfies the following criteria:

(2) The structure has been designed for the topographic conditions existing on the particular lot.—**DOES NOT COMPLY**

e. The Planning Commission may deny an application for a height special exception if:

(1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;--**MEETS THIS QUALIFIER**

(2) The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot.—**MEETS THIS QUALIFIER**

Staff finds that the proposal meets all of the general standards for special exceptions, with the exception of 21A.52.060.G, which states that *additional foothills building height, including wall height, shall comply with the standards in chapter 21A.24 of this title*. Staff does not find that the proposal meets all of the standards for additional height found in 21A.24.

In the applicants' narrative, they claim that strict compliance with the zoning ordinance would require a design that is significantly stepped or terraced—"a house that has four, or even five levels, each with [approximately] 600 feet of useable space rolling down the hillside." They state that this type of home would be unsightly and could not be reasonably used, and would also require more disturbance of the hillside to construct. While the proposed use of a helical pier system may be more environmentally sensitive to the site, Staff finds that the same foundation system could be used for a house that complies with the height requirement, or at least requires less of an exception to be made.

In addition, the standards indicate that the Planning Commission may choose to deny a request for additional building height if the proposal meets at least one identified qualifier. It is Staff's opinion that two (2) of the qualifiers apply: 21A.24.010.P.2.e(1) and (2). The first qualifier describes a design scenario that is very similar to what the applicants are proposing to build, and Staff does find that the

applicants could at least reduce the building height request through modifications to the structure's massing or placement on the lot.

NEXT STEPS:

If the requested Special Exception is denied (Staff recommendation), the applicants would need to design a single-family structure that complies with all zoning and building regulations.

If the Special Exception is granted, the applicants could proceed with applying for a building permit to construct a new single family dwelling that measures up to 49 feet (49') in height, measured from established grade, with a rear vertical building wall that measures up to 49 feet in height, measured from finished grade.

ATTACHMENT A: APPLICATION MATERIALS



Cole S. Cannon | R. Lane Jenson | Joseph M. Cottle | Kyle F. Reeder | *Of Counsel:* Pace Johnson, Janet Conway
States Serving: AZ, CA, D.C., FL, KY, MD, MN, UT, WY

Planning Commission of Salt Lake City
Attention: Ashley Scarff
451 South State Street
Salt Lake City Utah 84111

SENT BY ELECTRONIC MAIL: Ashley.Scarff@slcgov.com

RE: Height Special Exception Johnson Residence 801 Edgehill Road, Salt Lake City Utah.

Wynn and Pamela Johnson (the “**Johnsons**”), owners of a vacant lot located at 810 Edgehill Road, Salt Lake City (“the **Lot**”) to the Salt Lake City Planning Commission (the “Commission”) seeking a special exception to the height restrictions for the construction of a primary residence to a maximum height of 49’ from natural grade. As will be shown below, this request is precisely of the ilk Salt Lake Code 21A.24.010 (P)(2) contemplates. The Johnsons have owned the Lot for almost 30 years and are excited to bring this project to life.

Background.

The Lot was subdivided and created by a plat recorded in October 1967. Needless to say, the building standards that exist today did not exist when the Lot was created. For safety reasons, a chain-link fence was installed and the lot remains essentially a vacant weed patch. The construction of the house as contemplated by the Johnsons is, like so many other projects in the Avenues, not without its architectural challenges. The Johnsons have created a plan that will complete the neighborhood, remove the weed patch, and put the Lot to beneficial use in a manner compatible with the existing houses on the street.

The Johnsons have worked with engineers and architects to design a house that is optimally compatible with the neighborhood and the City’s land use ordinances. The planning staff of Salt Lake City has been very helpful in shaping the Johnson’s visions and advising on the standards of the City. The planning staff has seen several different versions of their plans, each version compromising in some fashion in order that the Commission can review the optimal plan for the use of the Lot. The plans submitted herein were not the Johnson’s first choice but were created after a number of meetings with the planning staff, ongoing consultations with professional advisors, and plan draws and redraws by architects. The final product strikes a balance between the Johnson’s need to build a functional house with the other factors of compatibility, environmental impact, and the City’s ordinances.

The Johnsons, and their professional advisors have concluded that no functional house could be built on the Lot without a height restriction variance and hopes the Commission will support

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this application. The Johnsons have long been committed to this neighborhood generally, having lived in this area of the Avenues for 42 years. The Johnsons expect this new house will be their last.

Compatibility with the Code.

The Johnson's house plans, with front, side, and rear elevations attached as Exhibit A meet the standards outlined for a Height Special Exception standards enumerated in SLC Code § 21A.24.010 (P)(2).

2(a): Is a design better suited to the site than can be achieved by strict compliance with these regulations?

Yes, according to AIA licensed architect John Hammond, *"A strictly conforming design would necessitate a significant stepped or terraced design. Because so little of the house can be built on the street level before the 28' limit requires a step, only an entrance, a garage, and small ancillary space can be located there. This results in a street presentation of a garage and a small annex to the side, which negates form based principles for maintaining consistency along the street."*

Strict conformance to the statute would make the construction of a useable house untenable because the 28' height restriction would so quickly be used that each floor would have to "roll down the hill" creating both an unsightly building and one that could not be reasonably used. Indeed, strict compliance to the statute would not only result in an unusable house, but also would result in a large portion of the hillside and natural vegetation being torn up and built on. The Johnsons invite the Commission members to imagine a house that has four, or even five levels, each with ~600 feet of useable space rolling down the hillside. Such a house is neither functional or conforming to the neighborhood generally.

2(b)(1): The topography of the lot presents difficulties for construction when foothill height limitations are applied.

According to John Hammond, *"A terraced design would require substantially more excavation, more extensive foundation system, and resulting disruption of the land. Construction would be costlier due to the extensive excavations. The work would stretch much farther down the steep hill requiring additional transport of personnel and materials on this steep slope."* All of the above problems would add additional months and months to the construction period.

The end result would be a house that is functionally very difficult. In contrast, the Johnson's concept to build a neighborhood conforming full story on the street and one matching level below will mitigate most of these difficulties for construction and livability.

2(b)(2) The structure has been designed for the topographic conditions existing on the particular lot.

The concept presented by the Johnsons was designed with the precise topographical characteristics of the Lot. After carefully considering the realities of the slope and the neighboring homes, the Johnsons designed the most economical, least-impactful house possible given the unique topography of the hillside. The house is situated on a steep hillside,



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not much different than each of the neighboring properties, and thus, like the neighboring properties requires accommodations for height from *natural grade* to the house's highest point. For the avoidance of doubt, the *street level* of the house is well below the height restriction. The Johnson concept will match the countless homes built in the FR-1, 2, & 3 zones throughout Salt Lake. A copy of the topographic layout is attached as Exhibit B.

2(b)(3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.

The Johnson concept as shown on Exhibit A is only one story above street level. This is equal to, or lower than, all neighboring properties. The house directly to the north is on an uphill lot (809 E. Edgehill Rd) and the house thereon sits over 60 feet above the Lot, thus the Johnson residence will have no impact on this house's view. The house directly below the Lot at 805 E. 18th Avenue will not be impacted either as it is a South-facing house that sits 100 feet *below* the Johnson residence. Additionally, it should be noted that the homes on both sides of the Johnson Lot (800 Edgehill and 820 Edgehill) were constructed with their garages adjacent to the Johnson Lot which also mitigates any view issues.

The Johnsons have reasonably mitigated the impact on neighboring properties. The Johnsons have repeatedly modified their plans from their original goals. Some of the changes include:

- a. Decreased the north to south measurement of the house by 7 feet.
- b. Decreased the footprint of the house by more than 400 square feet/floor.
- c. Downsized from a 3 car to a 2 car garage
- d. Decreased the rear above ground height of the home from east to west to an average of 44'6" (southwest corner is 49').
- e. To better understand the actual height of the neighboring homes, Johnsons hired Bush & Gudgell Engineering to measure the height of 3 Edgehill Road homes.

A copy of the surveys of the three neighboring properties is attached as Exhibit C. Notably the house to the immediate east (820 Edgehill) has a height of 56' 10, which is almost 8' higher than the Johnson's highest point.

To further address the issue of compatibility and to mitigate any concern from neighbors living on Edgehill Road, the Johnsons have shared their design process, plans and sketches as their building project has moved forward. Currently, they have submitted written statements of support from two neighbors and additional letters will be forthcoming.

The Reasons Outlined in SLC Code 21A.24.010 (P)(2)(e) for Denial by the Planning Commission Do Not Exist.

Below is a response to the four elements by which the Planning Commission *may* deny an application for the height special exception and why they are not relevant to the Johnson residence:

2(e)(1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;

Architect John Hammond reported, *"This house has been custom designed as a street side single story house on the north yielding to a two story on the south. Though the topography of this lot is extreme, the model is conforming with countless houses in the High Avenues and other foothill areas of the city, which results in a requirement that substantial "support foundations" are used to support a two story house. A good case in point is the house immediately to the east of the [Johnson's] lot."* The house to the immediate east as shown on Exhibit C measures 56'10" which is almost 8 feet higher than the Johnson's proposed house at its highest point.

2(e)(2) Height can be reduced by terracing or stepping design

The Johnsons have formulated numerous designs but none of them, besides Exhibit A, result in a livable house that complements the neighborhood. The terrace options would tear up a much larger area of the hillside and would make no sense from a function standpoint (see response to 2(c)(a) above).

The construction process for a height conforming terraced design will be costlier, disrupting of the land, more disturbance to the neighbors, and longer to construct. Granting this height exception will mitigate all of these problems. Not to mention, the end product would be economically and ergonomically infeasible.

(2(e)(3) Additional height will impair views from adjacent lots

Exhibit C illustrates the Johnson house is no larger than adjacent properties. This is generally true when compared with all other houses on Edgehill Road. This single-story street level house impairs no one's view in any way. The house across the street to the North is elevated over 60' above the Johnson house so there would be no impairment of views whatsoever.

2(e)(4) Proposal is not in keeping with the character of the neighborhood

The special exception is necessary in order for this house to conform to the character of the neighborhood. The south side of the house is conforming in mass and due to the steepness of the site is actually more "compact" than the neighboring properties (meaning the Johnson house is a simple two-story house that does not "sprawl" down the hill).



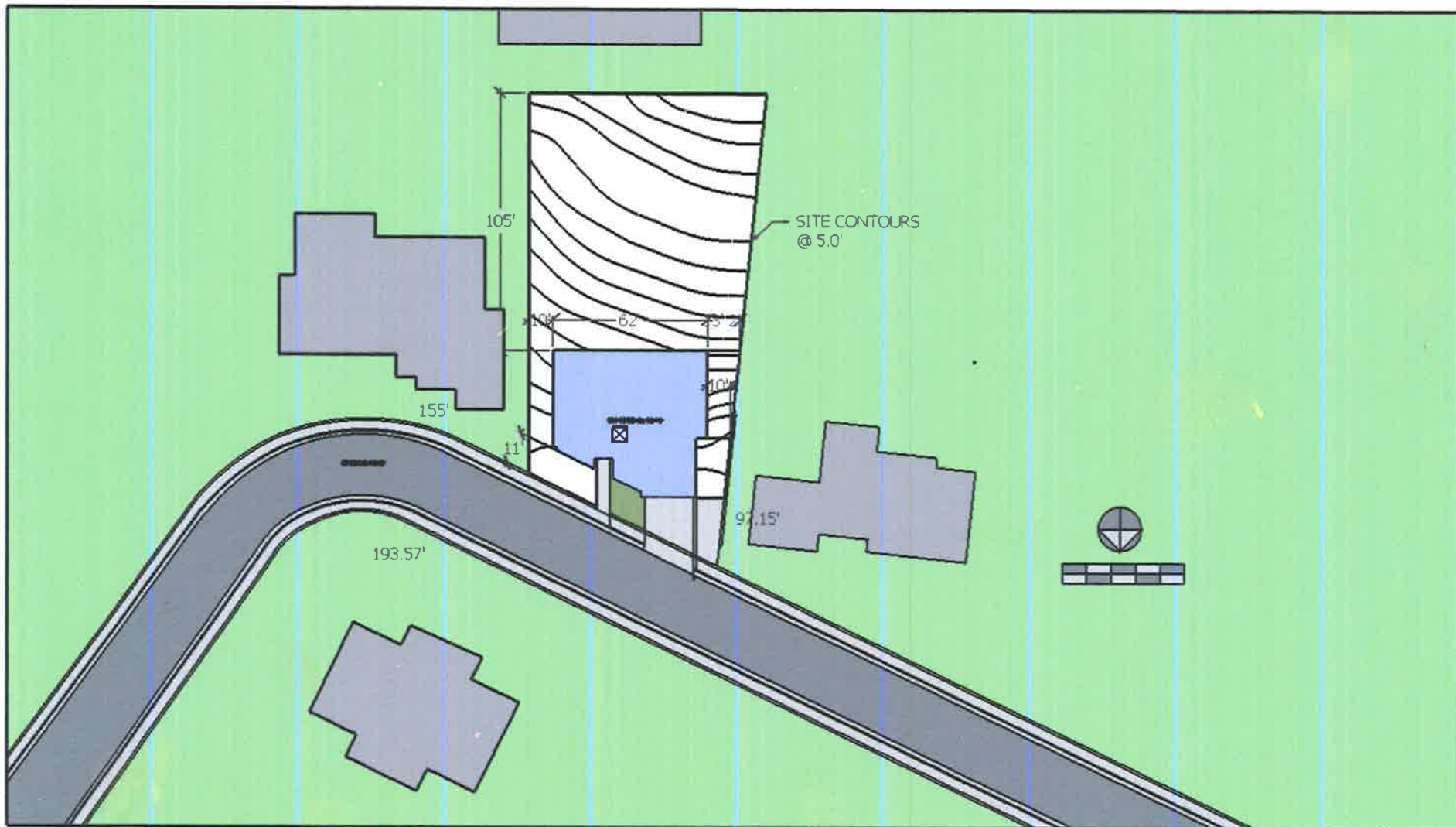
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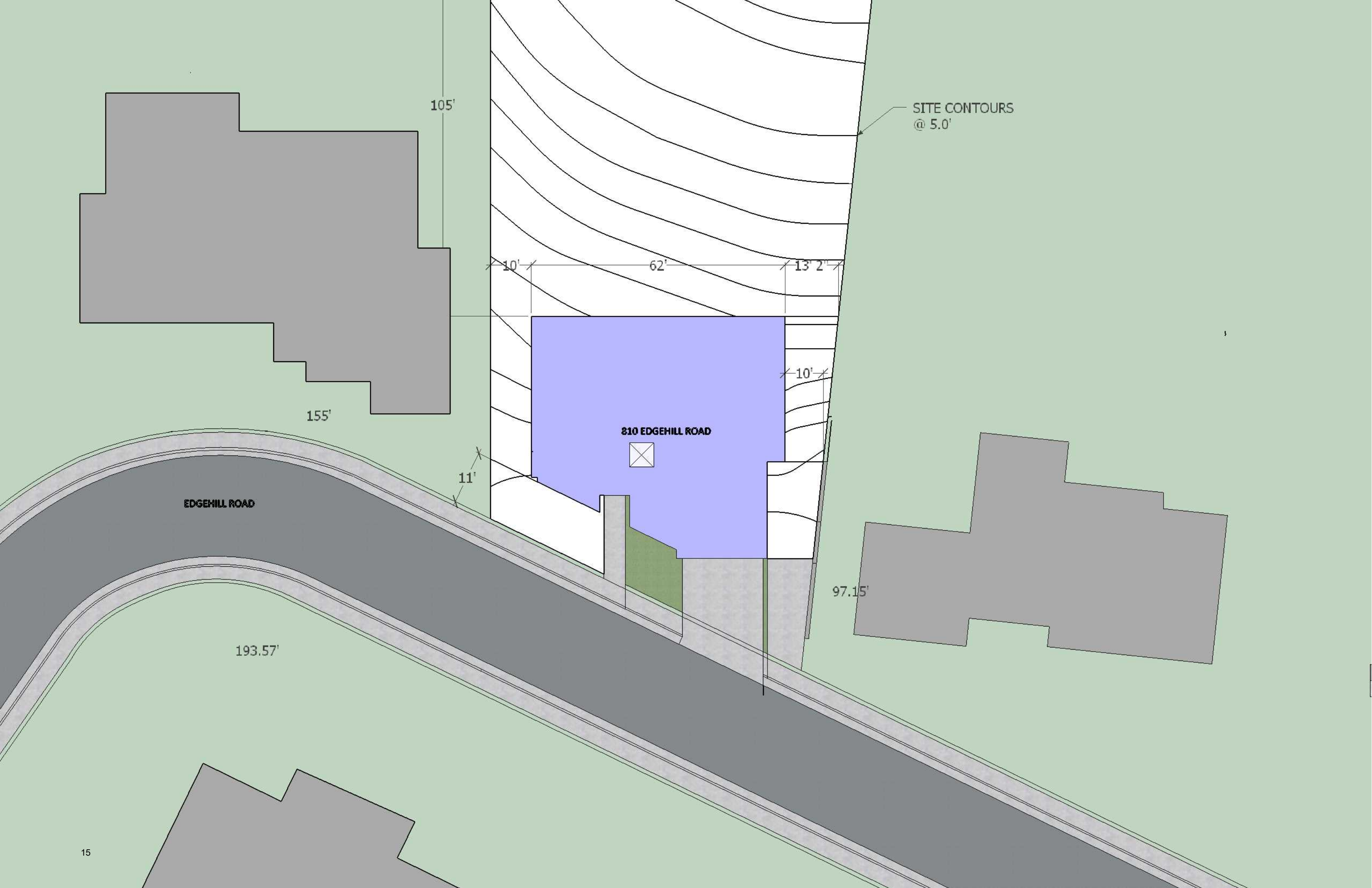
The support system for this house is uniquely designed to mitigate any unnecessary disruption of the natural grade. Houses built on truss or column foundations are common today. Some modern houses are configured this way by intent of the design. Structural column foundations are a solution and an aesthetic born of a natural response to the site conditions. This is a highly uniquely steep site which calls for a highly unique design which is good architecture. Johnsons will work with an experienced landscape architect to add appropriate natural low maintenance plantings/trees to soften the view of the support trusses on the south side of the home.

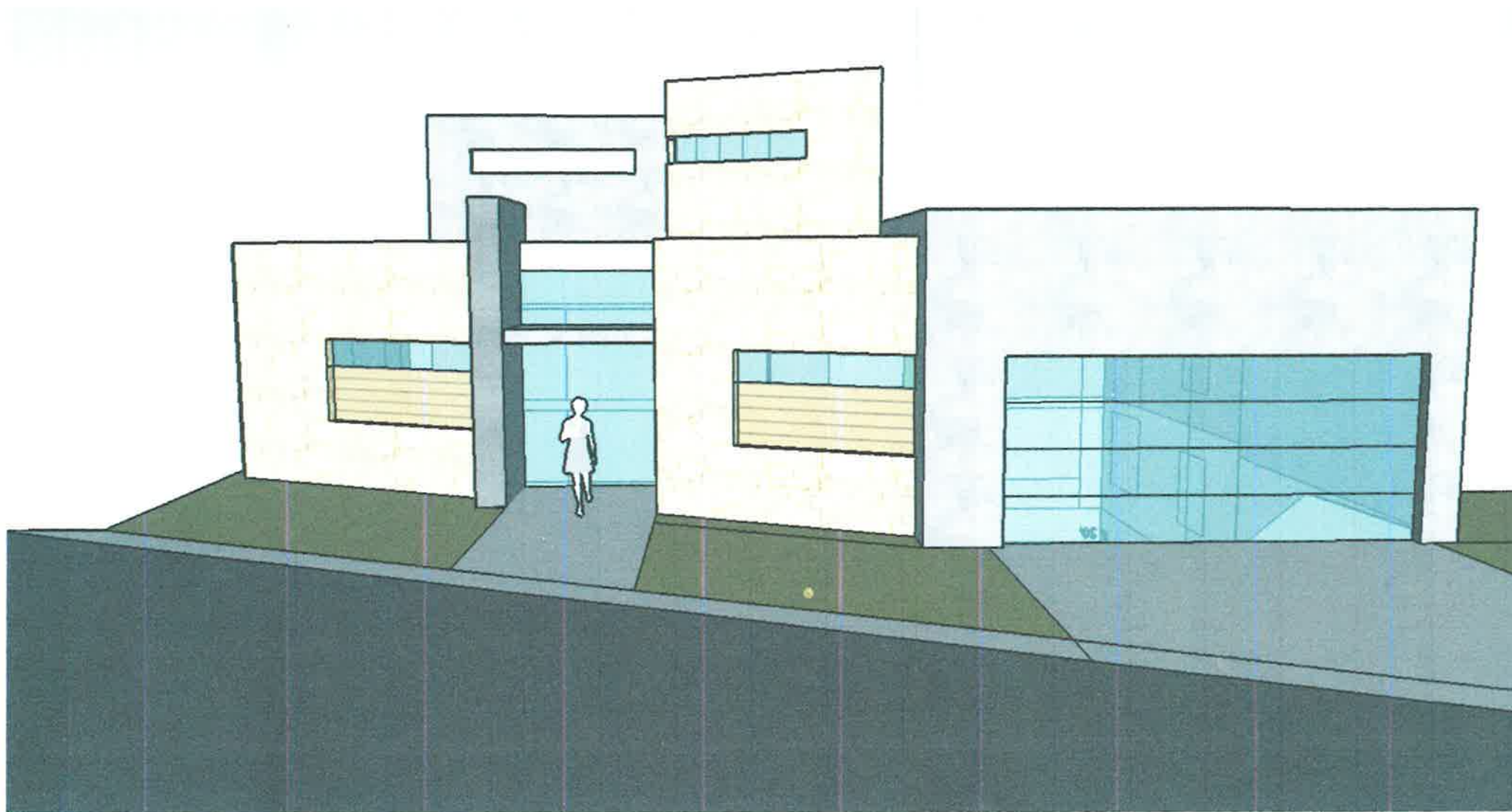
For the aforementioned reasons the Johnsons respectfully submit this request to the Commission and hope the exception is granted as it is expressly contemplated by Salt Lake City's land use ordinance and will further the orderly and planned development of this otherwise valueless lot.

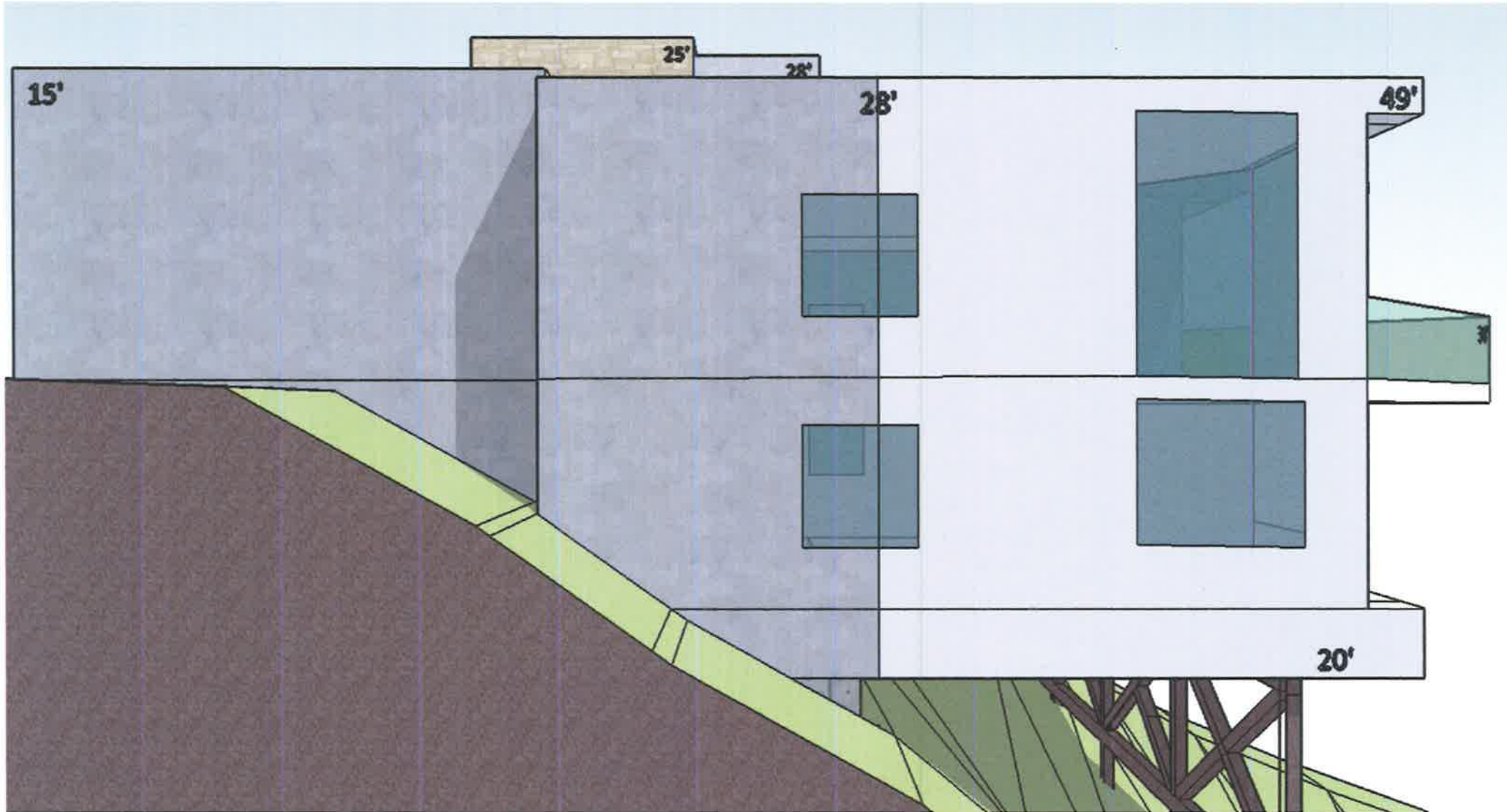
Best regards,

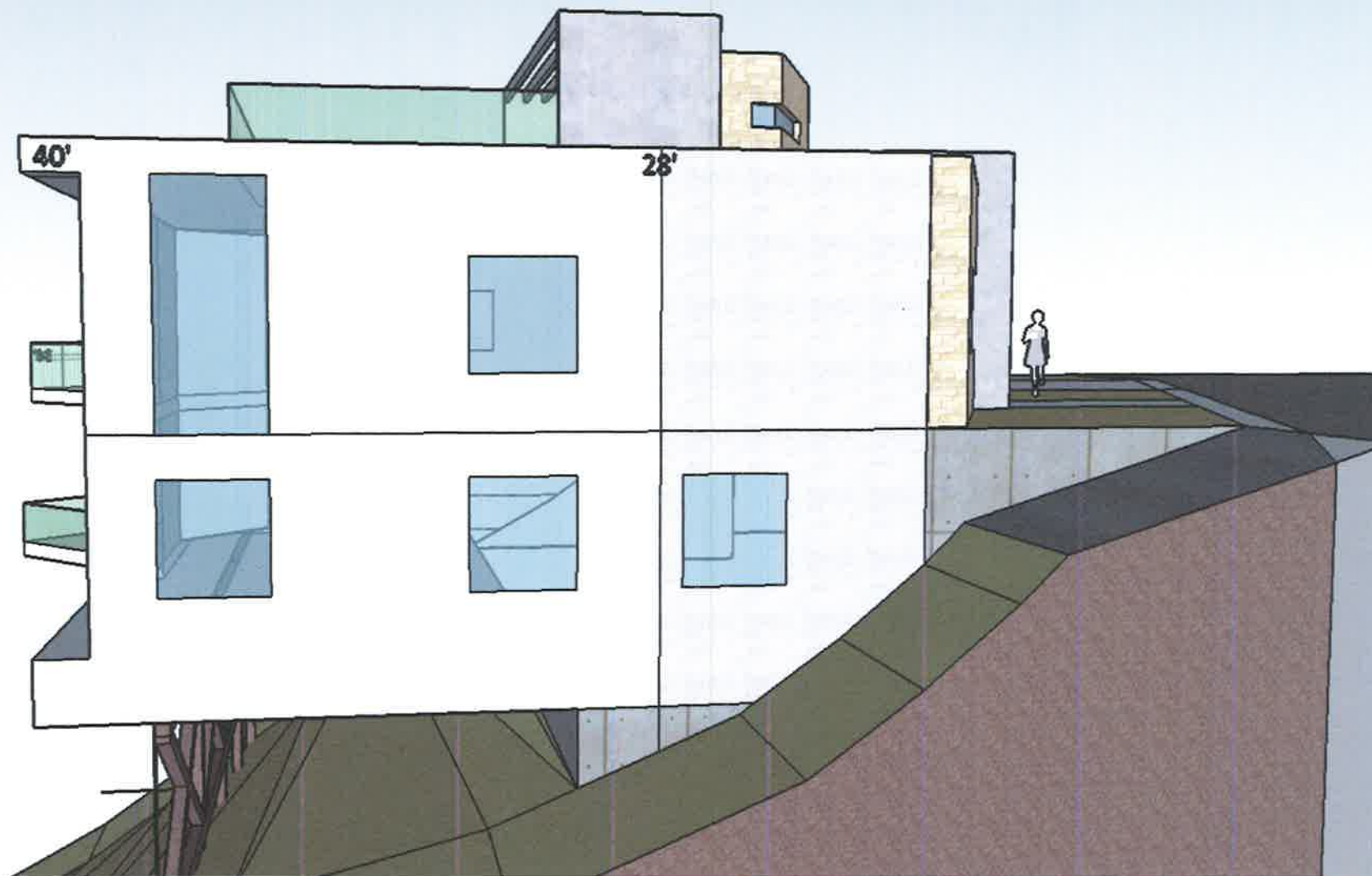
Cole S. Cannon /s/



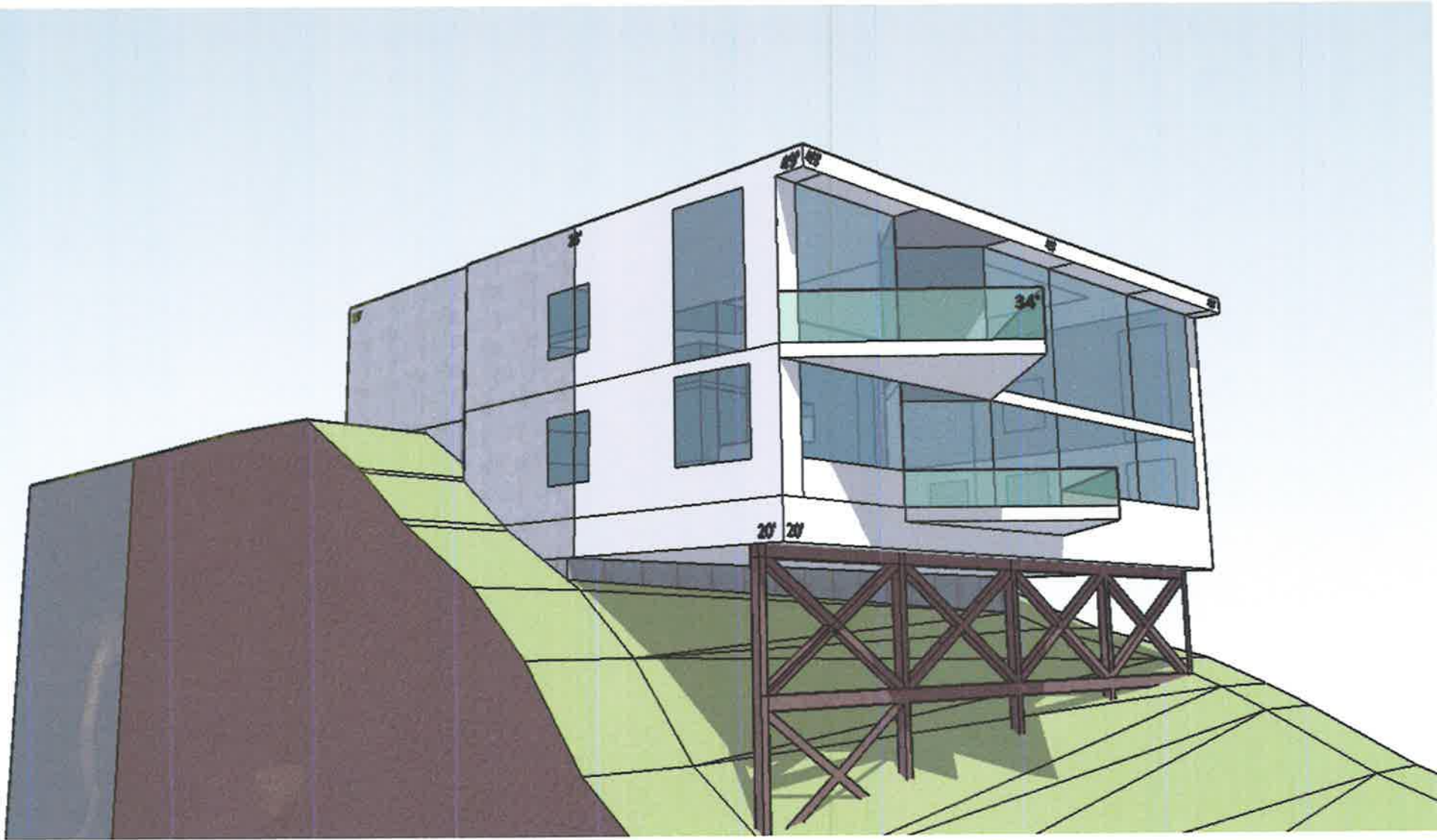


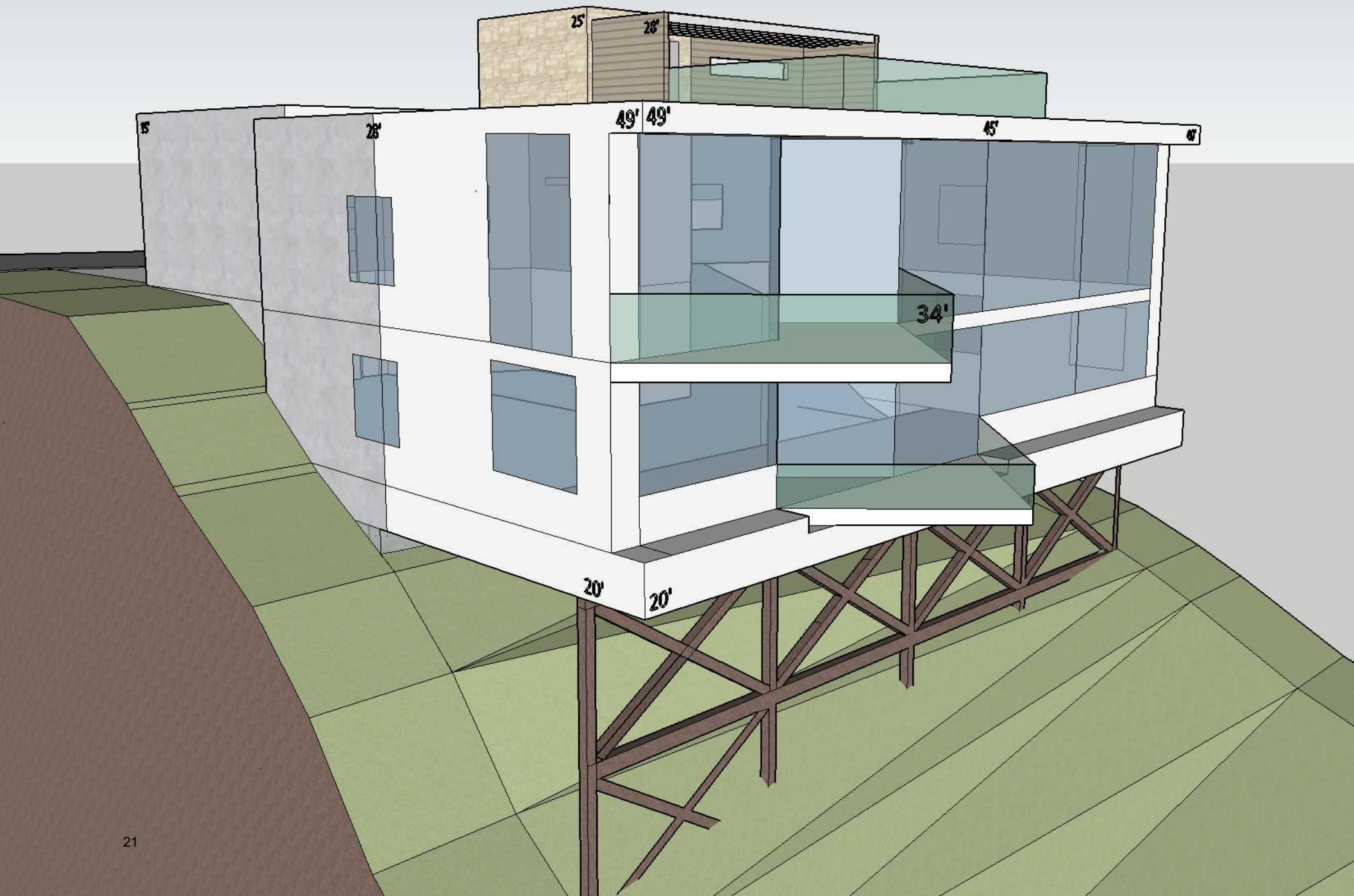


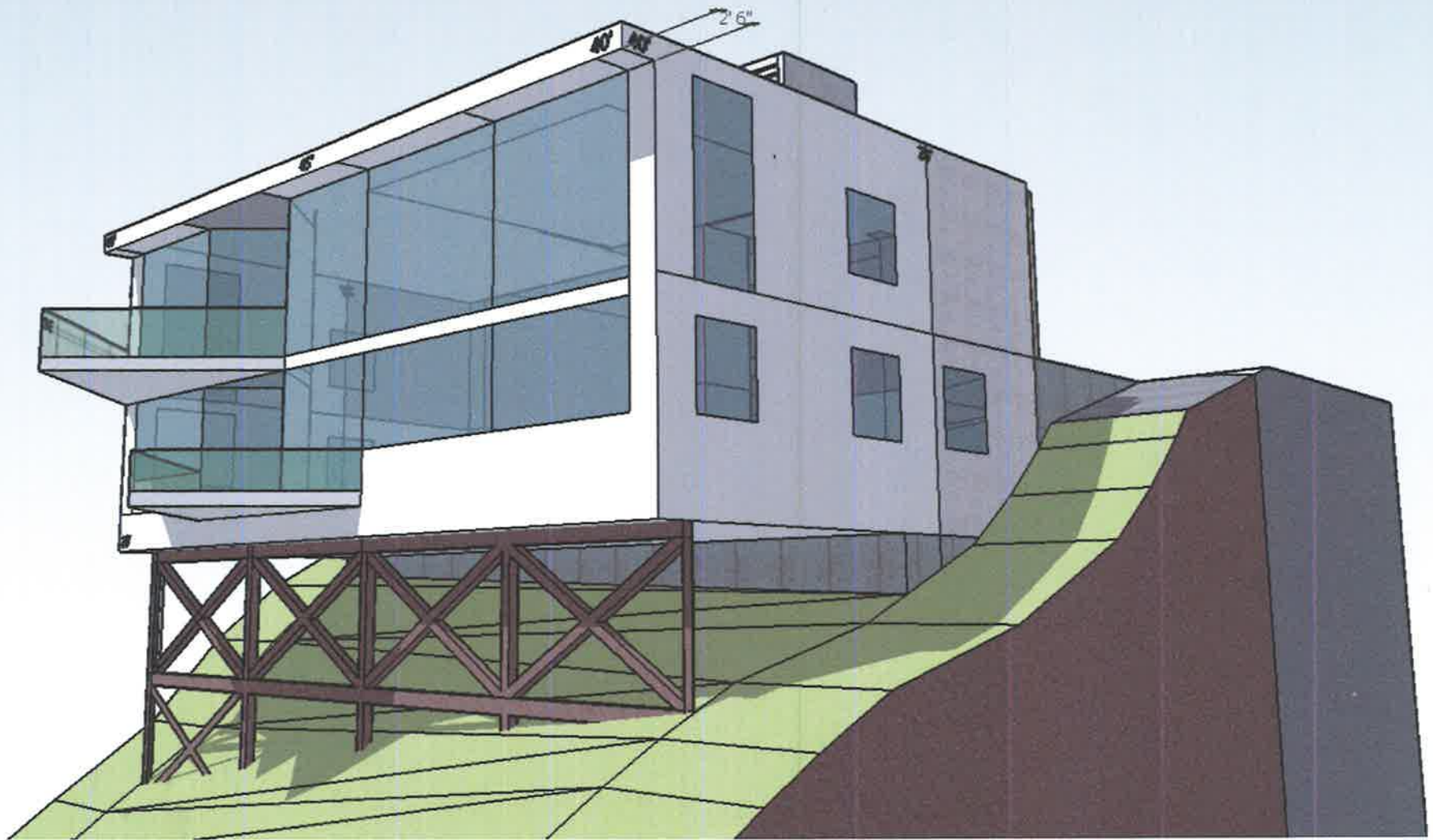


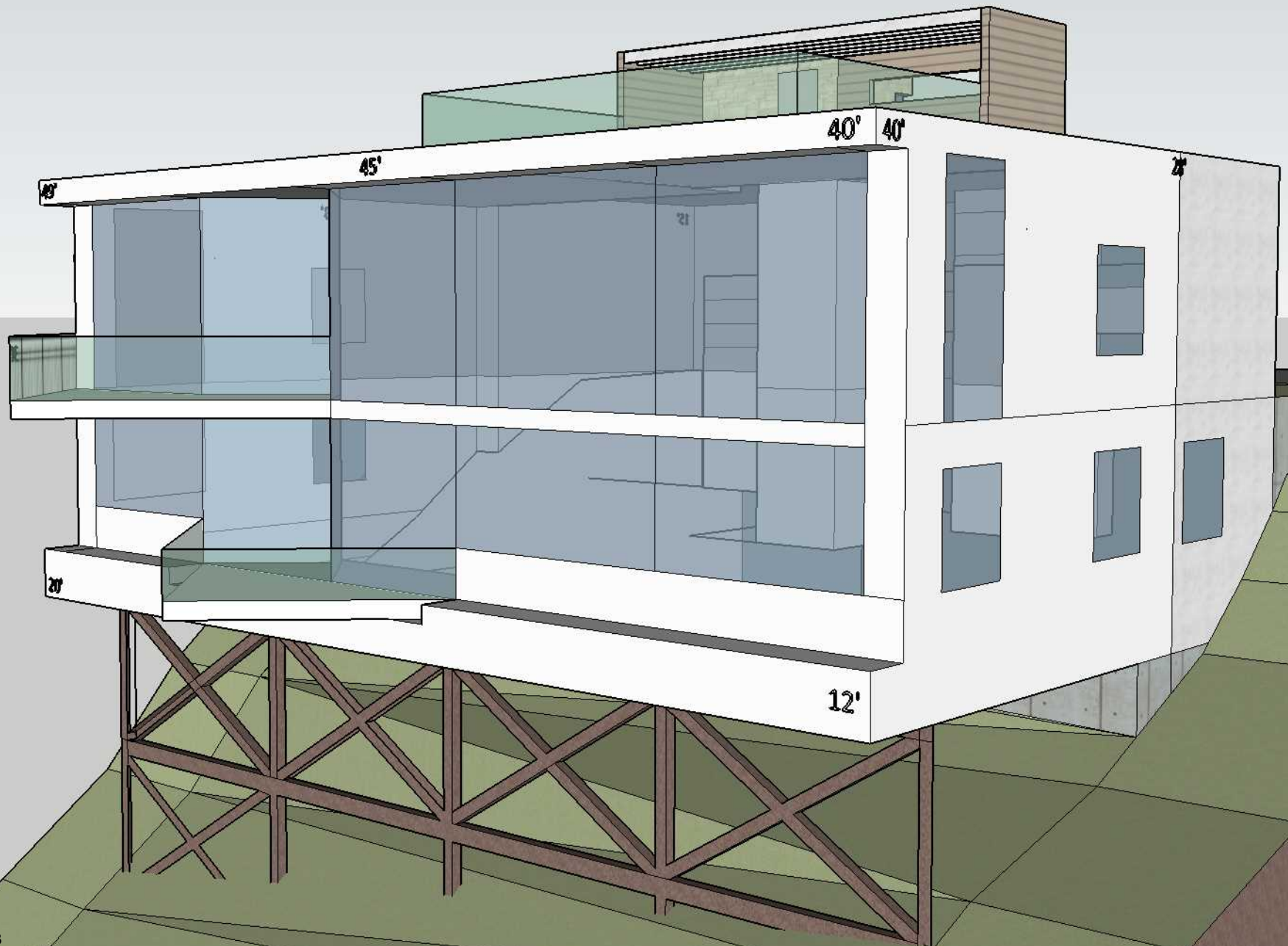














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Salt Lake City - St. George

www.bushandgudgell.com

David Mortensen, PLS
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Suite 100
Salt Lake City, Utah 84107

June 18, 2018

To Whom it May Concern,

A Height Illustrations survey was performed for Pam Johnson to show average Height limit for property located at 810 E Edgehill Road (undeveloped), per Height Illustration standard display provided by Ashley Scarff, Salt Lake City Planning. Existing buildings located at 760 East Edgehill Road, 800 East Edgehill Road, and 820 East Edgehill Road where used for this Height limit study. The existing Heights were determined as follows:

760 E Edgehill Rd – Roof Elevation 5367.56' – Patio Elevation 5332.61' = Height 34.95'

800 E Edgehill Rd – Roof Elevation 5339.59' – Patio Elevation 5310.79' = Height 28.80'

820 E Edgehill Rd – Roof Elevation 5338.25' – Patio Elevation 5282.15' = Height 56.10'

During field location it appeared that the back yard (Patio elevation) for properties 760 E and 800 E had been adjusted and from the natural ground level that is evident by the existing slope on properties located at 810 E and 820 E.

Sincerely,

David T Mortensen



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Height Illustration 760 East Edgehill Rd.

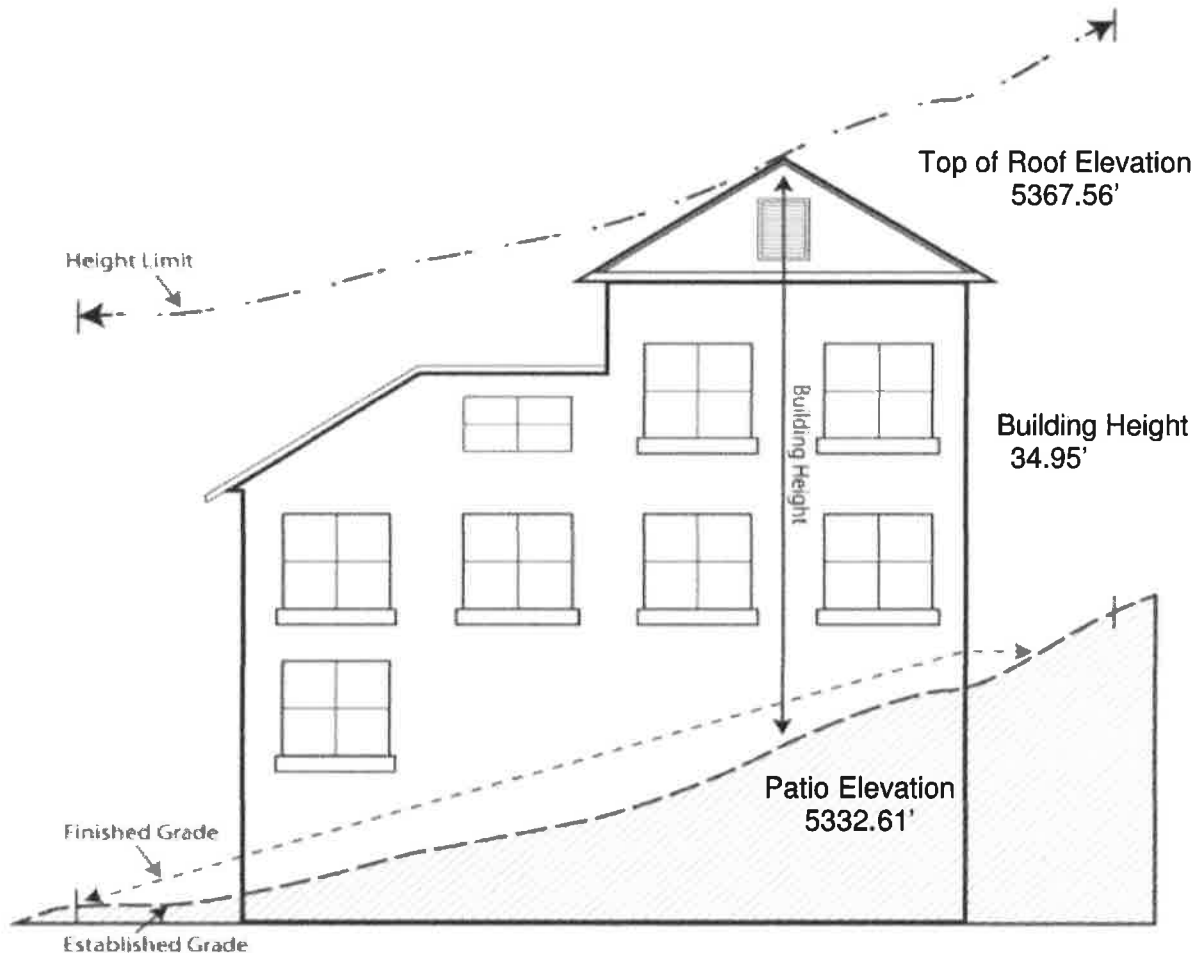
Job No. 182036

Finished Grade:

The final grade of a site after reconfiguring grades according to an approved regarding site plan related to the initial most recent building permit activity on a site.

Established Grade:

The grade of a property prior to the most recent proposed development or construction activity. On developed lots, the Zoning Administrator shall estimate established grade if not readily apparent, by referencing elevations at points where the developed area appears to meet the undeveloped portions of the land. The estimated Grade shall tie into the elevation and slope of adjoining properties without creating a need for new retaining wall, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of run-off water.



St. George: 205 East Tabernacle #4, St. George, UT 84770, Ph. 435-673-2337, Fax 435-673-3161
Salt Lake City: 655 East 4500 South #100, Salt Lake City, UT 84107, Ph. 801-364-1212, Fax 801-364-1225



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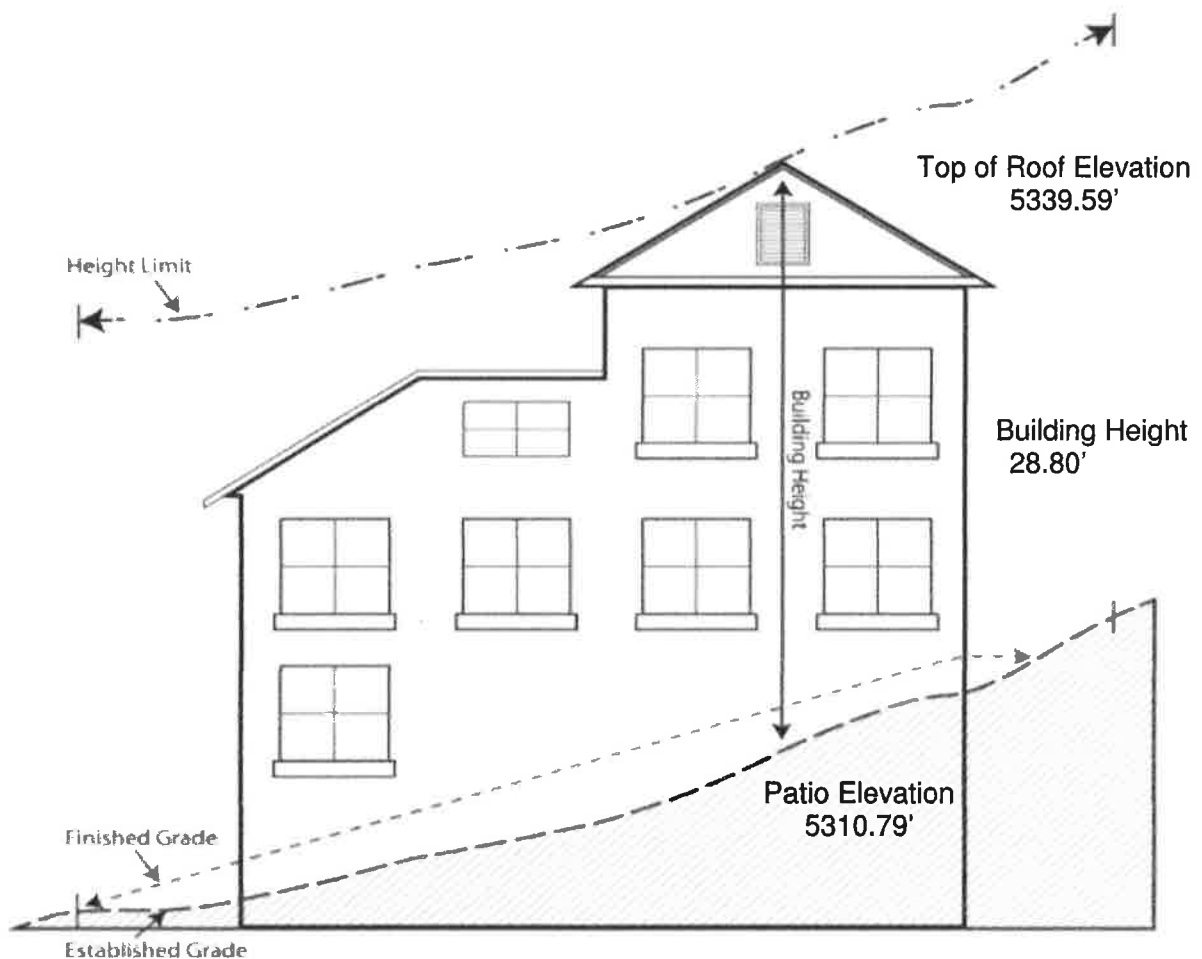
Height Illustration
800 East Edgehill Rd.
Job No. 182036

Finished Grade:

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Established Grade:

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Salt Lake City: 655 East 4500 South #100, Salt Lake City, UT 84107, Ph. 801-364-1212, Fax 801-364-1225



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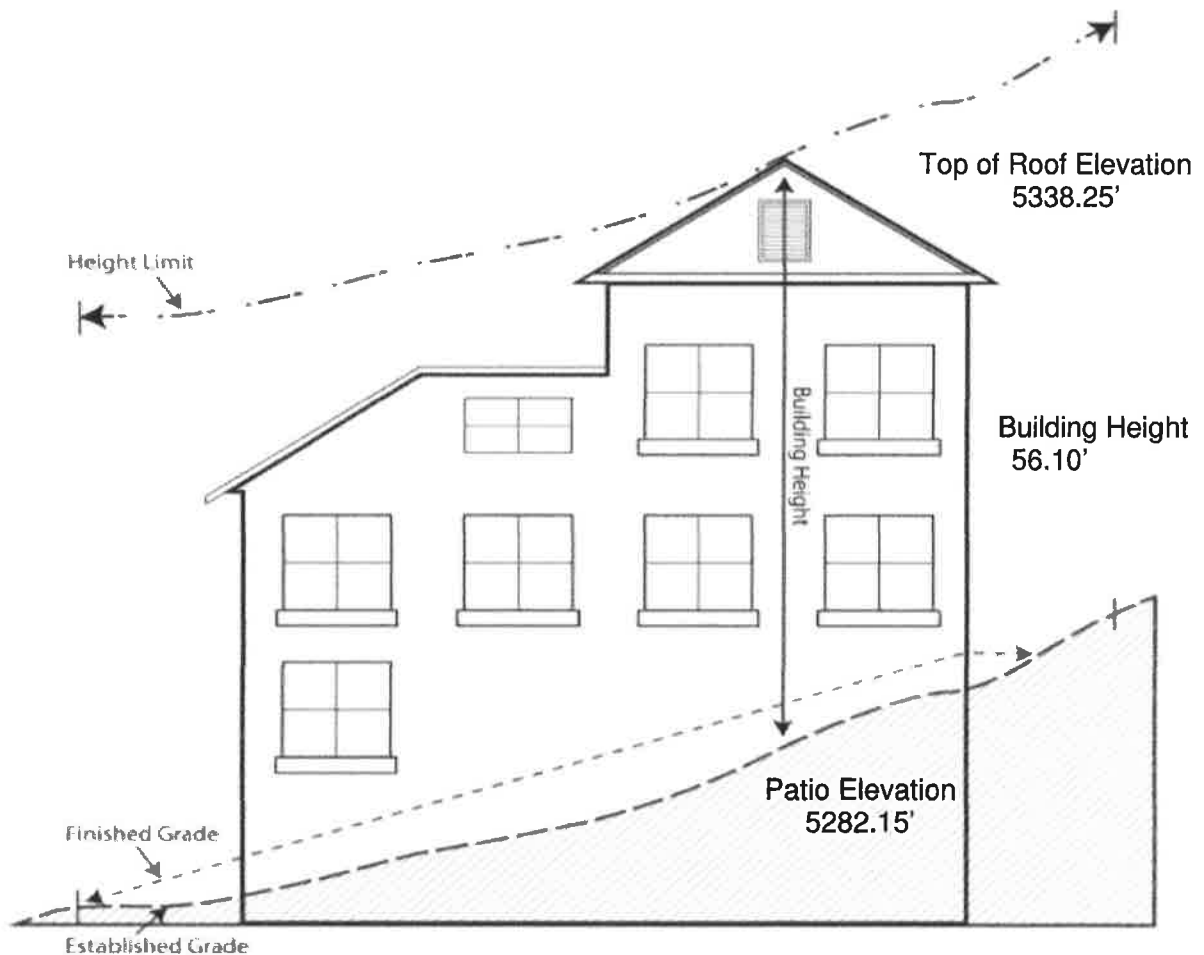
Height Illustration
820 East Edgehill Rd.
Job No. 182036

Finished Grade:

The final grade of a site after reconfiguring grades according to an approved regarding site plan related to the initial most recent building permit activity on a site.

Established Grade:

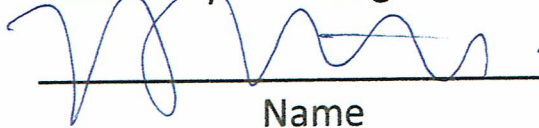
The grade of a property prior to the most recent proposed development or construction activity. On developed lots, the Zoning Administrator shall estimate established grade if not readily apparent, by referencing elevations at points where the developed area appears to meet the undeveloped portions of the land. The estimated Grade shall tie into the elevation and slope of adjoining properties without creating a need for new retaining wall, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of run-off water.



St. George: 205 East Tabernacle #4, St. George, UT 84770, Ph. 435-673-2337, Fax 435-673-3161
Salt Lake City: 655 East 4500 South #100, Salt Lake City, UT 84107, Ph. 801-364-1212, Fax 801-364-1225

We are in support of Pam and Wynn Johnson's home building project
on 810 Edgehill Drive.

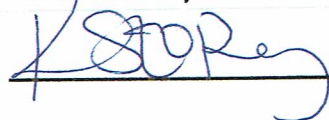
Nate Story 770 Edgehill Road


Name

5/29/10

Date

Katie Story 770 Edgehill Road 801 635 0396 - 801-859-4024


Name

5/29/10

I am in support of Pam and Wynn Johnson's home building project on 810 Edgehill Road.

Nancy McLeskey 800 Edgehill Road 801 865 1915

Nancy McLeskey (Nanci)

6/18/18

Name

Date

I am in support of Pam and Wynn Johnson's home building project on 810 Edgehill Road.

Charles McLeskey 800 Edgehill Road

[Signature]

18 June 2018

Name

Date

We are in support of Pam and Wynn Johnson's home building project on 810 Edgehill Drive.

Piero Ruffinengo 820 Edgehill Road 801 580 3541

Piero Ruffinengo 6/29/18
Name Date

FISCHBACH
Jennifer Ruffinengo 820 Edgehill Road 801 364 8543

Jennifer Ruffinengo 5/29/18
Name Date

828 East Edgehill Road
Salt Lake City, Utah 84103

June 18, 2018

To Whom It May Concern:

Considering the undeveloped lot at 810 East Edgehill Road owned by Pam and Wynn Johnson who reside at 852 Northcliffe Drive:

1. We believe it is good for the neighborhood that this undeveloped lot be developed responsibly.
2. Pam and Wynn Johnson are making a sincere effort to coordinate their plans with the neighbors. Pam Johnson has indicated they have hired well-regarded professionals. Therefore they appear to be proceeding responsibly.
3. We understand the unusually steep topography found along the south side of the west block of Edgehill Road.
4. We understand the purpose of the building codes with regard to size of structures. However, we believe they were designed with flatter terrain in mind.
5. The objective of size limits in construction is to create a community of proportional structures. The Johnson proposal does not comply with the height restrictions in the back, primarily due to the understructure necessary to build on a steep lot. Any non-compliance of the Johnson structure will be minimally visible and therefore will have minimal impact on the community.
6. We believe it is in the best interest of the neighborhood and the surrounding community to allow the Johnsons reasonable latitude with regard to the height restriction as it applies to the rear of the structure.

Respectfully,



Susan Dawson



John E. Dawson

ATTACHMENT B: SITE PHOTOGRAPHS



Street view of subject property



Single family home across street at 809 E. Edgehill Rd.



Structure next door to east at 820 E. Edgehill Rd.



Structure next door to west at 800 E. Edgehill Rd.



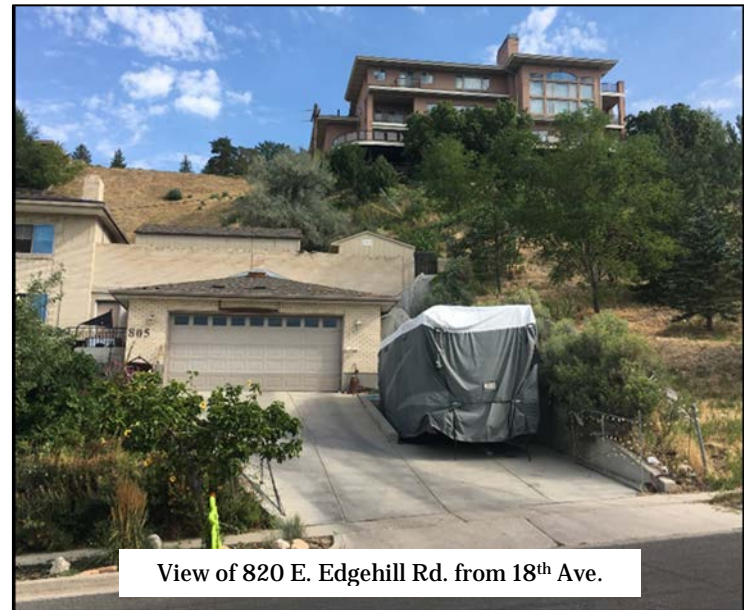
Downhill view of lot



Closer view of home below lot at 805 E. 18th Ave.



View of subject property from 18th Ave.



View of 820 E. Edgehill Rd. from 18th Ave.

ATTACHMENT C: SPECIAL EXCEPTION STANDARDS

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

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

Standard	Finding	Rationale
A. Compliance with Zoning Ordinance and District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.	Complies	<p>The proposed Special Exception is generally in harmony with, and does not hinder, the overall intent of the zoning ordinance found in 21A.02.030.</p> <p><i>“The purpose of the FR-3/12,000 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds. The FR-3/12,000 Foothills Residential District is intended for application in most areas of foothills development existing as of April 12, 1995.”</i></p> <p>Staff finds that the proposal complies with the purpose statement of the FR-3 zoning district. As detailed further in sections below, the proposed use of helical piers would result in a development that is more environmentally sensitive to this steep hillside. As much of the existing lot conditions (slope, vegetation, etc.) would be maintained under this scheme, concerns like flooding and erosion would be mitigated better than if the applicants constructed a home that required more excavation and manipulation of grade. In addition, the proposal is visually compatible with nearby development, as many of those properties were developed under previous versions of the ordinance, and exceed the current height restrictions. Staff finds that this this standard has been met.</p>

<p>B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.</p>	<p>Complies</p>	<p>The subject property has been vacant since the Northcrest Subdivision was platted in 1967, and is the last parcel on the block face to be developed. Developing the lot will likely benefit the value of the properties on Edgehill Road, as the site is currently cordoned off by a chain link fence. The project maintains the single family use typically found in the neighborhood. Staff has found no evidence indicating that the development would diminish or impair the property in the neighborhood.</p>
<p>C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.</p>	<p>Complies</p>	<p>The property owners are requesting to construct a modern single family home on a parcel that is surrounded by other modern single family homes. If the Special Exception is granted, the height of the structure would be significantly taller than what would be permitted by code, but the site is adjacent to a structure that also greatly exceeds the current maximum building height requirement. Staff finds that the proposal would not have a material adverse effect upon the character of the area or the public health, safety and general welfare. This standard is met.</p>
<p>D. Compatible with Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.</p>	<p>Complies</p>	<p>The applicants are requesting a special exception for additional building height. While the proposed height of the rear of the structure is almost double the maximum permitted building height in the FR-3 zone at a proposed 49 feet, it would be built next to an existing single family home that is approximately 56 feet tall at its highest point (per a survey submitted by the applicant). In addition, the subject property has a smaller lot width than the property next door, so the potential mass of the new structure is less than the existing mass of the structure at 820 E. Edgehill Rd. From below, the new structure would be larger than the home to the direct west, but smaller than the home to the east.</p> <p>From a street view perspective, the proposed structure has the appearance of a single story home with a modern design. This is compatible with the street presence of the majority of other homes on Edgehill Road, which are typically 1-1.5 stories tall and have more modern/modular designs with shallow roof pitches. Staff finds that the project complies with this standard.</p>

E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.	Complies	Staff finds that the property does not contain any natural, scenic, or historic features of significant importance.
F. No Material Pollution of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.	Complies	There is no foreseen material pollution of the environment. It should be noted that it is possible that the proposed use of helical piers on the steepest portions of the lot to be developed may result in less disturbance of the hillside soil than with alternatives that require more extensive excavation to pour a foundation. This standard is met.
G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.	Does not comply	The table in the next attachment analyzes the proposal's compliance with the special exception standards for additional building height, which are specific to requests being made for developments within the Foothills Residential zones. Staff finds that the project is not in compliance with all of those standards.

ATTACHMENT D: STANDARDS FOR ADDITIONAL HEIGHT

21A.24.P.2: Height Special Exception: The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:

Standard	Finding	Rationale
<p>a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and</p>	<p>Does not comply</p>	<p>In the submitted narrative, the applicants and their representatives stated that the proposed design is better suited to the site than what can be achieved by strict compliance with the zoning ordinance. They claim that the 28' height restriction necessitates a design that is significantly stepped or terraced down the hillside, creating both an unsightly building and one that could not be reasonably used. In addition, compliance with the ordinance would require more disturbance of the hillside and natural vegetation. The narrative claims that the alternative would be "a house that has four, or even five levels, each with [approximately] 600 feet of useable space rolling down the hillside."</p> <p>As described in following sections, Staff finds that the proposal does not comply with all standards identified in this table. However, it should be acknowledged that while the massing of the structure seems to have been designed for flat land and transposed to a hillside, thus, does not meet the intent of the standards below, the use of helical piers will likely result in less overall disturbance of the hillside and its natural topography.</p> <p>Staff finds that while the proposed design and use of a pier system may be environmentally sensitive to the site, the same system could be utilized for a house that complies with the height restrictions, or at least requires less of an exception to be made.</p>
<p>b. Satisfies the following criteria:</p> <p>(1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied,</p> <p>(2) The structure has been designed for the topographic conditions</p>	<p>(1) Complies</p>	<p>In regard to topographical challenges, the project architect stated, "A terraced design would require substantially more excavation, more extensive foundation system, and resulting disruption of the land. Construction would be costlier due to extensive excavations. The work would stretch much farther down the steep hill requiring additional transport of personnel and materials on this steep slope."</p>

<p>existing on the particular lot, and</p> <p>(3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.</p>	<p>(2) Does not comply</p> <p>(3) Complies</p>	<p>Staff does concur that any construction activity on this lot would be challenging; however, the applicants could have explored alternative designs that would result in a more reasonable request. For example, some of the height noncompliance occurring on the upper level could have been transferred to the lower level, reducing the overall height but maintaining floor area and the pier system. The home may consume more of the lot area, but the zoning ordinance permits a building coverage of up to 35% of the lot.</p> <p>When it comes to impacts of the height increase on neighboring properties, Staff does find that the applicants have identified and made efforts to mitigate them. The submitted narrative states, “The house directly to the north is on an uphill lot (809 E. Edgehill Rd.) and the house thereon sits over 60 feet above the lot, thus the Johnson residence will have no impact on this house’s view. The house directly below the lot at 805 E. 18th Avenue will not be impacted either as it is a South-facing house that sits 100 feet below the Johnson residence.” The narrative also describes modifications that the applicants have made to their original plans, and efforts to engage neighboring residents. Staff generally concurs with the applicants and finds that this criteria has been met.</p>
<p>c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.</p>	<p>Staff finds that the size of the lot is not a factor in this request.</p>	<p>The subject property has a total area of 15,312 sf, a lot width of 85.57 feet, and depths of 193.57 feet on the west side and 155 feet on the east side. Staff finds that the subject property has adequate lot dimensions to accommodate a structure that meets all lot and bulk requirements of the zoning ordinance, or at least could have a more reasonable special exception request related to building height that Staff could support.</p>
<p>d. The burden of proof is upon the applicant to submit sufficient data to persuade the Planning Commission that the criteria have been satisfied.</p>	<p>Staff finds that all criteria have not been satisfied.</p>	<p>To illustrate the compatibility of their proposal with the surrounding neighborhood, the applicants have submitted surveys of the heights of select homes on the same block face. While it is apparent that multiple homes exceed the current building height requirements, they were likely constructed under the regulations of a previous ordinance. The applicant has demonstrated that the proposal is visually compatible with surrounding developments, however, it</p>

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

Public Process:

- Public hearing notice mailed on June 29, 2018
- Public hearing notice posted on the City and State websites on June 29, 2018
- Public hearing sign posted on property on July 3, 2018

Public Comments:

At the time that this report was published, no public comments had been received.

ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

Building Services/Zoning (Anika Stonick):

No comments provided.

Building Services/Fire Protection (Kenney Christensen):

The proposed single family dwelling structure meets the exceptions (both 1.2 and 1.3) in IFC Section 503.1.1, therefore fire would have NO objections to the proposed special exception for building height (PLNPCM2017-00663) at 810 E Edgehill Rd.

- Fire access roads; and means of fire department access for both apparatus; and fire personnel shall be by an “approved” means, in accordance with the State adopted code set, or by an approved Alternative Means and Methods (AM&M), accepted by the State adopted code set as an alternative; and/or by both the building and fire officials approved means. Compliance with the information in this review does not guarantee compliance with the International Fire and Building Codes; and it does not guarantee the issuance of any building permit, or the approval of any AM&M application.

Engineering (Scott Weiler):

No comments provided.

Public Utilities (Jason Draper):

No comments provided.