Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

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

Special Exception – Building Height

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

REQUEST:

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

RECOMMENDATION:

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

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

**PROJECT DESCRIPTION:**

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

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

The subject property (see image at the right) is located in an established detached single-family neighborhood. It is located on an interior lot with access from Federal Way and from the alley at the rear of the property. The subject property slopes to the south (toward the alley) and is similar in size to other interior lots in the neighborhood. Over half of the homes in the neighborhood have access onto an alley in the rear and many have constructed garages or carports to allow for parking accessed via the alley. In addition to the demolition of the primary home, the applicant will also be constructing a new garage accessed off of the public alley at the rear of the property. The applicant’s plans indicate this garage will have a footprint of 720 square feet.
The proposed home would face towards Federal Way like its neighbors but would not include ground-floor windows. The exterior materials include stucco and rainscreen wood siding. The upper story cantilevers over the entry stoop which provides a small covered entryway into the home. Surrounding buildings on the same block face have large covered porches and windows at the ground floor facing out onto Federal Way. The neighborhood is also characterized by large mature trees; 10 of which are on the subject property. All 10 trees over 10 inches in diameter at breast height are shown to be preserved in the applicant’s plans.

**KEY ISSUES:**

**Compatibility with surrounding development pattern:**

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

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

**Preservation of mature trees:**

There are 10 large mature trees on the subject property. Neighbors have expressed concerns over whether the proposed construction will result in the removal or harm of these trees since the streetscape of Federal Way is lined with dozens of mature trees of varying species. The applicant’s plans set indicates all of the mature trees on the subject property are in good condition and will be preserved throughout the construction process.
NEXT STEPS:
If the special exception for the present design is approved the applicant could proceed with applying for a building permit to demolish the existing structures and to construct the proposed two-story flat-roofed home and detached garage.

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

ATTACHMENTS:
A. Vicinity Map
B. Property Photographs
C. Project Plans and Materials
D. Zoning Standards
E. Public Comment
F. Department Review Comments
ATTACHMENT A: VICINITY MAP
ATTACHMENT B: PROPERTY PHOTOGRAPHS

Figure 3: View of subject property from Federal Way

Figure 4: View of neighboring property to the east
Figure 5: View of neighboring property to the west

Figure 6: View of neighboring property to the north
Figure 7: View of neighboring property to the northeast

Figure 8: View of rear of subject property from alley
Figure 9: View of rear of subject property from alley

Figure 10: View looking west along alley
Figure 11: View looking east along alley
June 15, 2020

Dear Planning Commission,

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

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

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

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

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

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

Thank you,

Geoffrey Tice
A. EXCAVATION, BACKFILL AND GRADING

1. All excavation shall be performed in accordance with AD 360.1.2.10, AD 360.1.2.11.
   - 360.1.2.10 - All excavation shall be performed in accordance with AD 360.1.2.12.
   - 360.1.2.11 - All excavation shall be performed in accordance with AD 360.1.2.13.

2. The excavation shall be performed in 1' levels, with a minimum of 1' protection on all sides.

3. All excavations shall be protected with shoring or other approved methods.

4. All excavations shall be backfilled in accordance with AD 360.1.2.15.

5. All backfill materials shall be free of debris and containing a maximum moisture content of 15%.

B. WEATHER PROOFING

1. All roofs shall be weatherproofed in accordance with AD 360.1.2.20.

2. All roof surfaces shall be free of debris and moisture.

C. FOUNDATION AND FOOTINGS

1. All foundation work shall be performed in accordance with AD 360.1.2.22.

2. All foundation work shall be performed in accordance with AD 360.1.2.23.

3. All foundation work shall be performed in accordance with AD 360.1.2.24.

D. CONCRETE DESIGN

1. All concrete design shall be performed in accordance with AD 360.1.2.25.

2. All concrete design shall be performed in accordance with AD 360.1.2.26.

3. All concrete design shall be performed in accordance with AD 360.1.2.27.

E. WINDOW WELLS

1. All window wells shall be constructed in accordance with AD 360.1.2.28.

2. All window wells shall be constructed in accordance with AD 360.1.2.29.

3. All window wells shall be constructed in accordance with AD 360.1.2.30.

F. DOORS AND ENTRYWAY

1. All doors shall be constructed in accordance with AD 360.1.2.31.

2. All doors shall be constructed in accordance with AD 360.1.2.32.

3. All doors shall be constructed in accordance with AD 360.1.2.33.

G. ELECTRICAL

1. All electrical work shall be performed in accordance with AD 360.1.2.34.

2. All electrical work shall be performed in accordance with AD 360.1.2.35.

3. All electrical work shall be performed in accordance with AD 360.1.2.36.

H. HUMIDIFICATION AND VENTILATION

1. All humidification and ventilation systems shall be performed in accordance with AD 360.1.2.37.

2. All humidification and ventilation systems shall be performed in accordance with AD 360.1.2.38.

3. All humidification and ventilation systems shall be performed in accordance with AD 360.1.2.39.

I. WATER SYSTEMS

1. All water systems shall be performed in accordance with AD 360.1.2.40.

2. All water systems shall be performed in accordance with AD 360.1.2.41.

3. All water systems shall be performed in accordance with AD 360.1.2.42.

J. PLUMBING

1. All plumbing systems shall be performed in accordance with AD 360.1.2.43.

2. All plumbing systems shall be performed in accordance with AD 360.1.2.44.

3. All plumbing systems shall be performed in accordance with AD 360.1.2.45.

K. MECHANICAL

1. All mechanical systems shall be performed in accordance with AD 360.1.2.46.

2. All mechanical systems shall be performed in accordance with AD 360.1.2.47.

3. All mechanical systems shall be performed in accordance with AD 360.1.2.48.

L. NAILING

1. All nailing shall be performed in accordance with AD 360.1.2.49.

2. All nailing shall be performed in accordance with AD 360.1.2.50.

3. All nailing shall be performed in accordance with AD 360.1.2.51.

M. HANDYMAN

1. All handyman work shall be performed in accordance with AD 360.1.2.52.

2. All handyman work shall be performed in accordance with AD 360.1.2.53.

3. All handyman work shall be performed in accordance with AD 360.1.2.54.

N. ELECTRICAL

1. All electrical work shall be performed in accordance with AD 360.1.2.55.

2. All electrical work shall be performed in accordance with AD 360.1.2.56.

3. All electrical work shall be performed in accordance with AD 360.1.2.57.

O. PLUMBING

1. All plumbing work shall be performed in accordance with AD 360.1.2.58.

2. All plumbing work shall be performed in accordance with AD 360.1.2.59.

3. All plumbing work shall be performed in accordance with AD 360.1.2.60.

P. MECHANICAL

1. All mechanical work shall be performed in accordance with AD 360.1.2.61.

2. All mechanical work shall be performed in accordance with AD 360.1.2.62.

3. All mechanical work shall be performed in accordance with AD 360.1.2.63.

Q. HANDYMAN

1. All handyman work shall be performed in accordance with AD 360.1.2.64.

2. All handyman work shall be performed in accordance with AD 360.1.2.65.

3. All handyman work shall be performed in accordance with AD 360.1.2.66.

R. WATER SYSTEMS

1. All water systems shall be performed in accordance with AD 360.1.2.67.

2. All water systems shall be performed in accordance with AD 360.1.2.68.

3. All water systems shall be performed in accordance with AD 360.1.2.69.

S. PLUMBING

1. All plumbing work shall be performed in accordance with AD 360.1.2.70.

2. All plumbing work shall be performed in accordance with AD 360.1.2.71.

3. All plumbing work shall be performed in accordance with AD 360.1.2.72.

T. MECHANICAL

1. All mechanical work shall be performed in accordance with AD 360.1.2.73.

2. All mechanical work shall be performed in accordance with AD 360.1.2.74.

3. All mechanical work shall be performed in accordance with AD 360.1.2.75.

U. HANDYMAN

1. All handyman work shall be performed in accordance with AD 360.1.2.76.

2. All handyman work shall be performed in accordance with AD 360.1.2.77.

3. All handyman work shall be performed in accordance with AD 360.1.2.78.
O. JOB SITE RULES
  1. NO WORK TO BEGIN BEFORE 7 AM AND WORK TO END AT 7 PM. IF WEEKEND
     WORK NEEDS TO OCCUR BY SUBCONTRACTOR, SUBCONTRACTOR TO NOTIFY
     OWNER / GENERAL CONTRACTOR
  2. ALL CONSTRUCTION MATERIALS AND TRASH TO BE LOCATED ON PROJECT SITE
     AND SHALL, AT ITS TIME BE ON ADJACENT PROPERTY
  3. AT NO TIME SHALL SUBCONTRACTORS VEHICLES PARK ON THE SOIL OF THE PROJECT
     LOT DUE TO MUD / DIRT GETTING ON THE STREET. ALL VEHICLES SHALL BE PARKED ON
     PAVEMENT
  4. ALL TRADES TO CLEAN THEIR DEBRIS DAILY AND TO SWEEP ANY DEBRIS IN ROADWAY
  5. ALL TRADES TO HAVE A WEEKLY SAFETY MEETING TO DISCUSS BEST SAFETY PRACTICES
  6. ALL TRADES TO KEEP AND MAINTAIN WORKERS CONSTRUCTION WORKERS INSURANCE INCLUDING PROPER
     VEHICLE INSURANCE

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

Q. HOUSE BTU LOADS
R. HOUSE SQUARE FOOTAGE

<table>
<thead>
<tr>
<th>SQUARE FOOTAGE TOTALS</th>
<th>MAIN FLOOR (NEW)</th>
<th>BASEMENT (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>sq. ft</td>
<td>sq. ft</td>
<td>sq. ft</td>
</tr>
<tr>
<td>BASEMENT (NEW)</td>
<td>1330 sq ft</td>
<td>1740 sq ft</td>
</tr>
<tr>
<td>1ST FLOOR (NEW)</td>
<td>1740 sq ft</td>
<td>720 sq ft</td>
</tr>
<tr>
<td>GARAGE BELOW (NEW)</td>
<td>480 sq ft</td>
<td>300 sq ft</td>
</tr>
<tr>
<td>GARAGE ABOVE (NEW)</td>
<td>720 sq ft</td>
<td>300 sq ft</td>
</tr>
</tbody>
</table>

S. PLAN SHEETS

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

T. 2015 IECC ENERGY REQUIREMENTS

U. DESCRIPTION OF WORK

V. NOTE:

SALT LAKE CITY PUBLIC UTILITIES GENERAL NOTES ARE INCORPORATED AS PART OF THIS
PLANT. THE GENERAL NOTES CAN BE FOUND UNDER THE CITY REQUIRED COMMENTS
FOLDER ON PROJECTDOX.
New sewer lateral will replace existing sewer lateral, new unused existing sewer lateral must be capped and plugged.

NOTE: 6" SDR-35 PVC pipe, meeting minimum slope requirements cleaned out locations noted on plan. New sewer lateral to be at the main per SLCDPU standards. All utility trenching must be per SLCPU Standard Practice.

Demolition calculation:
- Total sq ft of interior floors to be replaced: 1,350 sq ft
- Total sq ft of existing interior floors: 2,700 sq ft
- Total sq ft of existing exterior walls to be removed: 1,605 sq ft
- Total sq ft of existing exterior walls: 2,625 sq ft

Full E:

Imagery > creation > enjoyment

TICE design works
Note:

- All dimensions are in feet and inches.
- The building's maximum building height is 20'-0".
- The top of the flat roof elevation is 4312'.
- The new NW corner grade elevation is 4290'.
- The maximum building height on the west side is 27'-6".
- The new SW corner grade elevation is 4282.5'.
- Stormwater scuppers and downspouts are provided.
- Rainscreen wood siding and stucco siding are indicated.
- Obscure glass is shown in some windows.
- Address numbers on the building, assigned by the City Engineering Department, must be visible from the street, at least 6 inches high, and with a stroke of 1/2". They must be in Arabic numbers or alphabetical letters and contrast the background color.

Address:
TICE Design Works, Inc.
7227 Cypress Way, Cottonwood Heights, Utah 84121
p. 801.971.1311 + f. 1.866.233.3870 + e. geofftice@gmail.com

imagination > creation > enjoyment

TICE Design Works, Inc.
EAST/SIDE ELEVATION
SCALE: 1/4" = 1'

SOUTH/SIDE ELEVATION
SCALE: 1/4" = 1'
FOOTING AND STEM WALL

SEE STRUCTURAL FOR SIZING AND REINFORCEMENT

4" EPS UNDER SLAB. R-16.8

MAXIMUM BUILDING HEIGHT = 27'-6"
2 X FRAMING WALL PER PLAN

4" CONCRETE SLAB

TYP. CONCRETE FOUNDATION

4" GRAVEL

(2) #4 T & B PERIMETER OF OPENINGS TYP. 6' MAX.
OPENING 8" MIN. LINTEL DEPTH UNLESS UTAH AMENDED CODE

3" COVER, BEARING ON UNDISTURBED SOIL 30" MIN.
BELOW FINISHED GRADE

(2) #4 CONTINUOUS TYP.

SCALE = N.T.S.

SEE SCHED.

FOUNDATION STEM WALL PER PLAN

5/8" DIA. X 7" MIN. EMBEDMENT ANCHOR BOLT & 3" X 3" SQUARE WASHER W/ 3/16" OVERSIZED SLOTTED HOLE 1-3/4" LONG @ 32" O.C. U.N.O.

FOUNDATION STEM WALL PER PLAN BACKFILL DOVESEL TO MATCH VERT. REINF.

(2) #4 T & B PERIMETER OF OPENINGS TYP. 6' MAX.
OPENING 8" MIN. LINTEL DEPTH UNLESS UTAH AMENDED CODE

3" COVER, BEARING ON UNDISTURBED SOIL 30" MIN.
BELOW FINISHED GRADE

(2) #4 CONTINUOUS TYP.

SCALE = N.T.S.

SEE SCHED.

7/16" O.S.B.

2" STRINGERS
MEET OR EXCEED ASTM C1586 SECTION 5 FOR 5/8" RIGID EPS FOAM BOARD, TYPE X FIRE-RESISTANCE RATED

MEET OR EXCEED ASTM C1586 SECTION 5 FOR 5/8" RIGID EPS FOAM BOARD, TYPE X FIRE-RESISTANCE RATED

OASIS ROCK TRACKER

OTW DESIGN WORKS

imagination > creation > enjoyment

NOTE:

DECK DETAILS IN COMPLIANCE WITH IRC SECTION R507, EXTERIOR DECKS

NOTE:

WALL DETAIL TO BE USED IN ALL EXTERIOR WALLS OF MAIN BUILDING AND GARAGE

2X PARAPET WALL ON TOP OF (2)STS

MEMBRANE ROOF

METAL FLASHING WITH DRIP EDGE

NOTE:

DECK DETAILS IN COMPLIANCE WITH IRC SECTION R507, EXTERIOR DECKS

NOTE:

WALL DETAIL TO BE USED IN ALL EXTERIOR WALLS OF MAIN BUILDING AND GARAGE

SCALE = N.T.S.

1-HR FIREWALL DETAIL

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

15 RISERS 14 TREADS

STAIR HANDRAIL 34" TO 38" ABOVE THE STAIR NOSING MUST BE RETURNED OR END IN A SAFELY TERMINAL.

ROOF PLAN

FOAM PEAKED AT CENTER OF ROOF

SLOPED A .25" PER FOOT

SCUPPER DRAIN LOCATION

OVERFLOW DRAIN LOCATED 2" ABOVE LOW POINT OF ROOF

SCUPPER DRAIN LOCATION

OVERFLOW DRAIN LOCATED 2" ABOVE LOW POINT OF ROOF

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

DECK DETAIL

& SIMPSON LUS28 HANGER TYP.

SCALE: N.T.S.
Mr. Tice’s project is consistent with the guideline listed above and, thus, is eligible for consideration of a special exception.

### General Standards and Considerations for Special Exceptions

<table>
<thead>
<tr>
<th>Guideline or Standard</th>
<th>Finding</th>
<th>Reasoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Complies with Approval of Special Exception request</td>
<td>The purpose of the R-1-5,000 Zone is “to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size.” The ordinance says further, “Uses are intended to be compatible with the existing scale and identity of the neighborhood. The standards for the district are intended to provide safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.” The existing use of the property as a detached single-family dwelling will continue following the proposed modifications. The use of the property as a single-family dwelling is consistent with the use of the surrounding properties in the neighborhood and the existing development patterns. The proposed modifications comply with the lot standards (e.g. setbacks) with the exception of the building height at the rear of the home. If the requested special exception is granted the proposed design will meet all zoning standards.</td>
</tr>
<tr>
<td>B. No Substantial Impairment of Property Value: The proposed use and development will not substantially diminish or impair the value of the</td>
<td>Complies</td>
<td>The subject property is located in the Federal Heights neighborhood and is a single-family home surrounded by other single-family homes. Following the proposed reconstruction the home will</td>
</tr>
<tr>
<td>C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or of the public health, safety and general welfare.</td>
<td>Complies</td>
<td>The addition of a two-story home within a neighborhood of two-story dwellings will not have an adverse effect on the public health, safety and general welfare. While the flat-roofed modern design of the home is uncommon in the neighborhood it does not detract from the character of the surrounding homes.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>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.</td>
<td>Complies</td>
<td>The proposed use of the property is a detached single-family dwelling which is compatible with the surrounding detached single-family dwellings in this neighborhood. While the flat-roofed modern design of the home is uncommon in the neighborhood it does not detract from the character of the surrounding homes.</td>
</tr>
<tr>
<td>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.</td>
<td>Complies</td>
<td>1400 E Federal way is not located within a local or national historic district and is not listed as a historic site.</td>
</tr>
<tr>
<td>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.</td>
<td>Complies</td>
<td>The proposed use is a single-family dwelling and will be located within a neighborhood of single-family dwellings. There is no expectation of material air, water, soil or noise pollution or other type of pollution stemming from the proposed land use.</td>
</tr>
<tr>
<td>G. Compliance with Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.</td>
<td>Complies</td>
<td>Applicant has provided evidence supporting his compliance with all adopted standards herein.</td>
</tr>
</tbody>
</table>
The following is a list of public input opportunities related to the proposed project since the application was submitted:

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

**Notice of the public hearing for the proposal included:**
Public notice posted on City and State websites and Planning Division list serve on October 15, 2020.
Public hearing notice posted on October 16, 2020

**Public Input:**
Staff has received about a dozen comments from neighboring property owners and occupants. These comments have been included in the following pages. The comments stem from the neighbors’ concerns regarding the overall design of the proposed home and how it fits in with the character of the surrounding neighborhood.
Marie D. Jackson
1410 E. South Temple
Salt Lake City, Utah, 84102-1812

30 July 2020
Salt Lake City Planning Department
451 South State St., Room 406
Salt Lake City, UT 84114-5480
zoning@slcgov.com

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

Dear Salt Lake City Planning Department Personnel:

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

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

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

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

Sincerely yours,

Marie D. Jackson
Dear Caitlyn,

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

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

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

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

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

---

1 See Salt Lake City Code Section 21A.62.040.
appearance and construction of the roof to be compatible with the appearance and construction of the other buildings in the area.

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

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

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

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

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

The planning commission doesn’t only look to ensure that the home is used and constructed as a single-family residence. They can place conditions on the use, construction, landscaping, location, and just about anything else that they determine is necessary to minimize the adverse effects of the project on the neighbors. This means that the planning commission should look at
the location, construction, character, screening, landscaping, and other factors when determining whether the project will have a negative effect on the neighboring properties.

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

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

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

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

Thank you,

Scott Jaffa

---

2 This is actually required by Salt Lake City Code Section 21A.52.040(A)(1)(g)(7) that states that an application must include a plan or drawing that shows the “[l]ocation of trash receptacles.”
RE: Petition #PLNPCM2020-00465

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

I object.

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

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

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

Marjean McKenna
1408 E. Federal Way
Andrea & Lance Olsen  
1409 E. Federal Way  
Salt Lake City, UT 84102

30 July 2020

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

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

Dear Salt Lake City Planning Department,

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

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

Comment 1:

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

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

For instance, if one compares Image #1—the exterior front of a modern home a couple blocks away—with Image #2—the plan of the exterior front of 1400 E. Federal Way—one sees that the former exemplifies what I’ve described above, whereas the latter shows a tall, two-story (in front; three-story in back) flat-roofed box with a stucco, windowless first floor, and a (manufactured?) wood-slatted & stucco second floor with three small apartment-style windows, all of which together look more like a non-descript back side of a house, particularly if the garbage and recycling cans remain in their current position on the driveway. This plan does not
engage in an architectural conversation with the other homes on the street, nor in the neighborhood, but rather seems better suited for one of the new housing developments popping up in other areas of, and adjacent to, Salt Lake City.

Image #1: Front of modern home in neighborhood:

![Image of modern home in neighborhood](image1)

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

![Front plan for new house at 1400 Federal Way](image2)

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

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

**Comment 2:**

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

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

**Comment 3:**

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

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

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

**Comment 4:**

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

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

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

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

In addition, what measures will Geoff Tice take to assure the protection of existing trees and fences?
Images #3 & #4 below show current house located at 1400 Federal Way, and the proximity of mature branches & trees to this house.

Image #3:

Image #4:
Comment #5:
F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

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

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

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

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

Other questions:

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

1) What are the start and completion dates for the project?

2) Approximately how many months will the exterior noise last (demolition, construction) until the construction moves inside the structure? My husband and I both have home offices that face 1400 E. Federal Way, so we will plan to move our offices into a small basement room for the duration of this phase. Therefore, it would help us to know what to expect.

3) While noise and nuisance are inevitable and understandable during any building project, would it be possible to compromise and change the timing of the workday from 7 a.m. - 7 p.m. to 8 a.m.- 8 p.m. during the exterior demolition & construction part of the project? This is a quiet residential neighborhood, and, given the length of building a home, 7 a.m. is very early to start work.

4) Would it be possible to notify neighbors if/when construction will happen on weekends?

5) Geoff Tice has been the absentee landlord of 1400 E. Federal Way (he lives in Hawaii), which has at times resulted in putting the neighbors in the position of becoming de facto landlords. Over the past several years, we’ve needed to contact Civil Enforcement, the Landlord/Tenant Licensing Supervisor, Police Department, Parking Enforcement, Transportation, and Detective Gibic to report violations and grievances.
Will there be responsible oversight and accountability so that neighbors are not burdened with the clean-up or any other part of the building project?

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

Best regards,

Andrea & Lance Olsen
1409 E. Federal Way

Google maps: Neighboring homes on E. Federal Way:
July 30, 2020

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

To Salt Lake City Planning Department:

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

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

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

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

Thank you for your consideration to this important matter.

Sincerely,

[Signature]

Terese and Mike Walton
Melissa Watt  
1415 E. Federal Way  
Salt Lake City, UT 84102

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

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

Dear Salt Lake City Planning Department,

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

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

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

Thank you for your time in considering this.

Sincerely,

Melissa Watt
Dear Councilman Wharton,

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

Kathryn Fitzgerald
1385 Butler Ave, Salt Lake City, UT 84102
Zoning:
The project narrative appears to indicate the owner is eligible for the additional height, based on the ordinance and the other houses on the block face. The actual heights of the other houses should be documented. – Alan Hardman

Building:
The design package needs to be more clear and consistent regarding the scope of work. Sheet A0.1 states "Alterations to the second story and detached garage...Sheet A1.0 states that the house is to be demo’d except for the foundation - same for the garage.
The rest of the plans appear to be all proposed construction.
I see proposed electrical but no mechanical or plumbing. These are required to be part of the design package for review.
Also need a REScheck (energy compliance).
A complete structural package that coincides with the "to be clarified" scope of work.
At a minimum, the above items will be needed to be accepted at Prescreen. – Timothy Burke

Fire:
Site plans show existing garage to be demolished and new to be constructed, but no plans are shown for garage.
As long as there are no more than 2 R-3 or U occupancies on the parcel fire department access is acceptable.
Fire hydrants shall be located within 600-feet of all first story exterior portions of the structures on the property as measured by the drive route, using straight lines and right angles. – Douglas Bateman