

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**City & County Building**  
**451 South State Street, Room 326**  
**Salt Lake City, Utah 84111**  
**Wednesday, September 14, 2022**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at approximately 5:30 p.m. Audio recordings of the Planning Commission meetings are retained for a period of time. These minutes are a summary of the meeting. For complete commentary and presentation of the meeting, please visit <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Planning Commission meeting were Chairperson Amy Barry, Vice-Chair Maurine Bachman, and Commissioners, Aimee Burrows, Rich Tuttle, Andra Ghent, Jon Lee, Levi de Oliveira, and Mike Christensen.

Commissioner Levi de Oliveira was present to hear the first agenda item but was not present for the vote on the minutes of previous meetings.

Commissioners Adrienne Bell, Brenda Scheer, and Andres Paredes were absent.

Staff members present at the meeting were: Planning Manager John Anderson, Planning Manager Amy Thompson, Principal Planner Michael McNamee, Principal Planner Liz Hart, Principal Planner Katilynn Harris, Principal Planner Katia Pace, Principal Planner Meagan Booth, and Administrative Assistant David Schupick.

Senior City Attorney Paul Neilson was also present.

**APPROVAL OF THE MINUTES**

**Chairperson Barry noted that a P was missing from the reference to ELPCO in the minutes of August 10<sup>th</sup>.**

**Commissioner Aimee Burrows moved to approve the minutes of August 10<sup>th</sup> as corrected. Commissioner Maurine Bachman seconded the motion.**

**Vice-Chair Maurine Bachman, and Commissioners, Aimee Burrows, Mike Christensen, Jon Lee, and Rich Tuttle voted “yes.” Commissioner Levi de Oliveira was not present.**

**Chair Amy Barry and Commissioner Andra Ghent abstained because of their absences from meeting.**

**The motion passed, five “yes” votes, two abstentions, and one not present.**

**Commissioner Mike Christensen moved to approve the minutes of August 24<sup>th</sup>. Commissioner Maurine Bachman seconded the motion.**

Chair Barry, Vice-Chair Maurine Bachman, and Commissioners, Aimee Burrows, Mike Christensen, Andra Ghent, Jon Lee, and Rich Tuttle voted “yes.” Commissioner Levi de Oliveira was not present.

The motion passed, seven “yes” votes, and one not present.

### **REPORT OF THE CHAIR AND VICE CHAIR**

Chair Amy Barry said that Commissioner Scheer had recently published a paper entitled “The Plat of Zion” in the *Utah Historical Quarterly* that she would be presenting September 26<sup>th</sup> at 6:30 PM at the Memorial House in Memory Grove as part of an event sponsored by the University of Utah College of Architecture and Planning to honor her career.

Vice Chair Maurine Bachman stated that she had nothing to report.

### **REPORT OF THE DIRECTOR**

Planning Manager John Anderson gave a reminder to speak clearly into the microphone.

Ballpark Community Council has briefed the City Council on the proposed area masterplan and a vote is expected soon. He made also gave follow up to Chair Barry’s inquiries regarding SB110, passed last year, which mandates that all Utah cities have a water masterplan. A review of the current masterplan is in progress. It is hoped that the new legislation will create minimal additional requirements.

Planning Manager Amy Thompson reported that preliminary discussions with the Council are underway regarding landscaping regulations. A formal petition is not yet ready.

**PLANNING COMMISSION DISCUSSION** - The Commissioners may discuss planning, zoning, and general land use items that are not listed on the agenda. This discussion will be limited to no more than 10 minutes. There is no public discussion associated with this item.

Chairperson Amy Barry asked those Commissioners who attended the recent American Planning Association conference, held in Salt Lake City, to share what they gained from the experience.

Commissioner Aimee burrows stated that she was pleased to learn that ADU enforcement included action against a property owner who lists an ADU as a short-term rental (or Air B & B) online. She also stated that one seminar emphasized that “conditional use” status is a use that must be allowed when listed requirements are met, and that Utah Supreme Court findings have upheld that position.

Commissioner Mike Christensen stated that he was particularly interested in a discussion of the distinction between administrative decisions and legislative decisions. An attorney on the panel had warned against requests for items not in code.

Chairperson Amy Barry said that she had enjoyed a discussion on water demand and consumption. She asked Planning Manager John Anderson whether the speaker from the Jordan Water Conservancy District could be asked to brief the Commission on the separation of internal and external water use, including the use of recycled water. She also stated that she had learned that HB303 precludes a city from enforcing its own affordable housing ordinances regarding developers. Therefore, she had concluded that incentivizing ADUs is a way to balance the limitations created by HB303.

### **PUBLIC HEARINGS**

**ADU Amendments** - The Planning Commission voted on February 9, 2022 to initiate a petition to amend the City's ADU Ordinance. The proposed code revisions would eliminate the conditional use requirement for detached ADUs in single-family residential zones. They would also aim to lower zoning barriers to construction of ADUs in general. The proposed changes would seek to strike a better balance between encouraging construction of ADUs and mitigating impacts to neighboring properties. (Staff contact: Michael McNamee at michael.mcnamee@slcgov.com) **Case number PLNPCM2022-00475**

Principal Planner Michael McNamee reviewed the petition as outlined in the staff report, which includes a positive recommendation. Chair Barry complimented the written report. Michael McNamee outlined the 2022 history of changes to the proposed code amendments including previous direction from the Commission and City Council. The current proposal is that all ADUs in the City would be regulated in the same way and ADUs would be allowed in any zone that allows residential living, even if the primary structure is nonresidential, or is multifamily. An ADU on a property occupied by a single-family home must be owner-occupied with exceptions for extraordinary circumstances, such as military deployment.

Clarity and flexibility have been added to regulations and definitions concerning size, bulk, windows, doors, outdoor spaces including setbacks, parking and alley activation. Staff also proposed a new exemption to setback requirements for height on elevations abutting an alley, or non-residential zones.

Michael McNamee reported that overall public comment received could be characterized as neutral because of recently received submissions opposing the proposal. At the time that the staff report was submitted most comments were favorable. He noted that the two responding community councils, Sugar House and Yalecrest, expressed concerns related to changes in size, setbacks, and removing the conditional use process. They strongly supported retaining owner-occupancy requirements and favored careful consideration of regulations pertaining to alleyways. The AARP sent a letter in support of ADUs.

As a response to a question raised in the previous Commission work session Michael McNamee said that an ADU could be attached to an “unrelated accessory use.”

Commissioner Ghent commented that the report was excellent. She recommended a size limit of 1,000 square feet, rather than 720 square feet, because the greatest housing need appears to be for single parent households, and, therefore, room for a second bedroom would be needed. Commissioner Ghent also suggested that allowing for larger unit sizes could “reduce” the problem with short-term rental “abuses” of ADUs. The commissioners and staff discussed the definition of a short-term rental, and the fact that it was not a prohibited use for ADUs created a solid basis for court action.

Chair Barry opened the public comment period.

## **PUBLIC COMMENT**

Judi Short—Land Use Chair of the Sugar House Community Council she said current operations of her neighborhood’s ADUs were generally good, but the units could not be characterized as “affordable.” She recommended that the City should investigate a way to offer low-interest loans for home owners interested in affordable ADUs. Judy Short said that the SHCC wanted to see ADUs made in the style and

materials of the primary dwelling. Removal of conditional use requirements was seen as a threat to the privacy of neighbors, and there were concerns about lighting disturbing the neighbors, as well. More could be done to create parking access from an alleyway. Owner-occupancy is strongly supported. Penalties for short-term rentals should be enhanced. Mandating alley lighting was seen as “a positive step,” and window requirements “are acceptable.”

Lynn Schwartz—Vice Chair of SHCC Land Use and Zoning Committee commented on the impacts to neighbors; removal of conditional use requirements while also allowing increases in square footage, height and decreasing setbacks could create inconvenience to neighbors because no public comment would be allowed. She cited the removal of the on-street parking requirement as a particular problem. She also said that because most ADUs are market rate, and so do not contribute to affordability.

Cindy Cromer—Reviewed the history of ADUs in the City. She said that ADUs will not solve the housing “crisis” but praised the Commission’s efforts to address the problems of short-term rental use, and was supportive of restrictive covenants and owner-occupancy. She suggested that the City should consider funding to help homeowners to build ADUs.

Seeing that no one else wished to speak, Chair Barry closed the public hearing.

Commissioner Aimee Burrows asked for confirmation that Cindy Cromer’s references to title restrictions and owner-occupancy were in the current law. Michael McNamee said that they were. She then stated that she felt the concerns related to parking are addressed in the proposal. In response to her subsequent question Michael McNamee stated that design standards related to materials and style were not included in the proposal.

Commissioner Andra Ghent said that very innovative companies, particularly in California, are using shipping containers, and other products, to lower construction costs. She would therefore not recommend limiting ADU design, or materials. She also referred to a public comment received electronically suggesting that the sale of property could lead to the eviction of an ADU tenant and then also suggested that owner-occupancy could be a “barrier to financing.” Commissioner Burrows pointed to many exceptions to the owner-occupancy rule that should provide protections.

## **MOTION**

**Commissioner Andra Ghent stated, “Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission forward a positive recommendation to the City Council for PLNPCM2022-00475, the proposed Accessory Dwelling Unit Ordinance Amendments, with the ability to amend the adopted ordinance language as necessary to eliminate potential conflicts with other pending ordinances and ensure consistency with other code sections and references in the zoning ordinance. Planning Commission recommends the following modifications that the maximum square footage for an ADU be changed to 1,000 square feet.”**

**Commissioner Mike Christensen seconded the motion.**

In response to the Commissioner Bachman's question, Commissioner Ghent explained that 1,000 square feet appeared to be a reasonable amount for a two-bedroom unit. Chair Barry said that she was not inclined to support the motion. Commissioner Lee pointed out that in some cases 1,000 square feet could exceed allowable lot coverage intended to maintain outdoor space. He then suggested a friendly amendment of size linked to a relative percentage of the house size. Commissioner Ghent consulted Michael McNamee asking whether the standard should be percentage of lot size. Michael McNamee responded that an ADU currently has a maximum of 50 percent lot coverage of the rear yard. Commissioner Lee then suggested making the size tied to the 50 percent limit and eliminating a specific square footage limit.

Planning Manager John Anderson then suggested that some extremely large lots (perhaps in the foothills) would be able to build ADUs exceeding 1,000 square feet. Commissioner Ghent stated that she would keep the 1,000 square foot limit in her motion.

Vice-Chair Maurine Bachman, and Commissioners Andra Ghent, Jon Lee, Rich Tuttle, Levi de Oliveira, and Mike Christensen voted "yes." Chairperson Amy Barry and Commissioner Aimee Burrows voted no.

The motion passed six "yes" votes and two "no" votes.

**Planned Development to construct a new mixed-use building located at approximately 906 S 200 W.** - Baron Gajkowski, representing CW Urban, has submitted an application to the city for a Planned Development to construct a new mixed-use building located at the location above. The proposal is for a 5-story building with a building height of 65'. The proposed structure will contain apartment units ranging from studios to 2-bedroom with off-street parking and commercial units at street level. Through the Planned Development process, the applicant is requesting relief from two zoning regulations: (1) the 200' maximum length of a building façade facing a street and (2) the required 25' depth of the ground floor use. The proposed façade along 200 W is 235' while the façade along 900 S complies at 152'. Approximately 88.5' of the proposed 200 W ground floor use is proposed to have a depth of 22.5' while the remainder of the ground floor uses comply at 25' depth. The project is located in the FB-UN2 zoning district (Form Based, Urban Neighborhood) within Council District 5, represented by Darin Mano. (Staff contact: Katilynn Harris at 801-535-6179 or Katilynn.harris@slcgov.com). **Case number PLNCPCM2022-00197**

There was a one-minute interruption of the staff presentation in order to address excessive noise in the hallway.

Principal Planner Katilynn Harris reviewed the petition as outlined in the staff report. She said a planned development proposed by a different developer was approved for this property a few years ago. Staff recommends approval with conditions. Katilynn Harris stated that the setbacks, and the variety of building materials proposed, provide sufficient visual interest to justify an increase in length from 200 to 235 feet. She explained that the setbacks diminished part of the required 25 feet depth, that would otherwise be available, for the alternate uses required on the ground floor. One section of the façade, used for bike

storage, mailroom and lobby, would have approximately a 22-foot depth. She reported that the project meets three planned development objectives through transportation options, building on a remediated brownfield site, and by providing increased housing with commercial space. Conditions are that compliance with planned development standards for street lighting, parking and landscaping be delegated to staff. Katilynn Harris stated that two public comments had been received one questioning the availability of electric vehicle parking, which she said is mandated per current code, and the other praising the building as “bold and beautiful.”

Baron Gajkowski, representing CW Urban, thanked Katilynn Harris for her assistance. He described the project, called the Darlene after the company CEO, as one of 24 CW Urban projects in Salt Lake. He noted that \$1 million dollars will be spent in remediation. He noted easy access to the 9Line Trail, Trax and the walkability of the area, and said that another CW Urban project also on 900 South is in the permitting process. Clayton Kidderman, building designer, described changes to massing, and other elements, including a patio, to justify the exemption to the 200-foot limit on length.

Chair Barry asked whether other elements beyond setbacks, like landscaping, would be included. Clayton Kidderman said that a landscape architect is working on the project and that variation in pavement is also planned. In answer to her question regarding the recessed area Clayton Kidderman explained that it was the main residential entrance. In response to her other questions about 900 South entrances, it was explained that all three are pedestrian entrances. Chair Barry said that she agreed with the staff findings because the recessed area did not reduce retail space.

Seeing no commissioners with questions, Chair Barry opened the public comment period.

## **PUBLIC COMMENT**

Jen Colby—objects to building “just another podium building.” She wants to see more diversity in building style and net zero buildings and more bike-friendly streets.

Parker Lambourne—stated that he would define walkability as “lively” interaction with businesses at street level.

Seeing that no one else wished to speak, Chair Barry closed the public hearing.

John Galbraith designer with CW Urban. He said this project is on a “prominent corner” that the company intends to make “an active corner.” He said that the choice of brick as the dominant building material was made to link the building to the original buildings in the Salt Lake Valley.

Commissioner Rich Tuttle stated concerns about the potential of increase in car traffic along 200 West because the position of the Trax rails. Clayton Kidderman responded that Trax and vehicles share the same lane. Planning Manager John Anderson added that that is standard all along that Trax line as it curves from Main Street downtown and past Gateway to 900 South [along 200 West]. John Anderson said that Trax accidents generally involve intersections.

## **MOTION**

Vice-Chair Maurine Bachman stated, “Based on the analysis and findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Commission approve PLNPCM2022-00197 The Darlene Planned Development request with the following condition of approval:

1. Final approval of the details for street lighting, landscaping, and parking and loading areas to be delegated to Planning Staff to ensure compliance with the standards for Planned Developments.”

Commissioner Andra Ghent seconded the motion.

Chairperson Amy Barry, and Vice-Chair Maurine Bachman, Commissioners Levi de Oliveira, Jon Lee, Aimee Burrows, Rich Tuttle, Mike Christensen, and Andra Ghent voted “yes.”

The motion passed unanimously.

**Bueno Avenue Apartments - Planned Development, Conditional Use at approximately 129 S 700**

**East** - Kevin Perry, representing the property owner, is requesting approval for a new residential development, the Bueno Avenue Apartments, at the stated location. This item was previously discussed by the Planning Commission on March 9, 2022. The Commission tabled the item to a future date. The revised proposal consists of consolidating 10 parcels and replacing the existing structures with one building to be used as a "Rooming House" with 65 units ranging from 1 bedroom to 4-bedroom units. The total site is approximately 1.55 acres. The proposed project is subject to the following applications:

- A) **Planned Development** – The Planned Development is needed to allow for a reduced lot width of 77.25 feet rather than the required 80 feet. **Case number PLNPCM2021-00045**
- B) **Conditional Use** - Requesting a "Rooming House" land use designation, which is allowed in the RMF-45 zoning district as a conditional use. **Case number PLNPCM2021-00046**

The project is located within the RMF-45 (Moderate/High Density Multi-Family Residential District zoning district) within Council District 4, represented by Analia Valdemoros (Staff contact: Katia Pace at (801) 535-6354 or [katia.pace@slcgov.com](mailto:katia.pace@slcgov.com)).

There were two brief pauses to address someone holding up a sign in the meeting room.

Principal Planner Katia Pace reviewed the petition as outlined in the staff report and stated staff's recommendation is for approval of a conditional use for a rooming house with 65 units comprising a total of 192 rented bedrooms, and for a planned development for a reduced lot width of 77.25 feet rather than the required 80 feet; with the condition to consolidate 10 parcels of land into one, and to provide an access easement for a neighboring property.

Katia Pace stated that each bedroom in the project would have its own bedroom and bathroom, but that cooking and living areas within the units would be shared. She reminded the Commission that this project was first proposed in March, and the current proposal has addressed concerns—related to

setback, massing, orientation, preservation of mature trees, and compatibility to neighboring buildings—expressed by the Commission at that time. She stated that much public comment opposed the project as exceeding the RMF45 density levels but informed the Commission that current code pertaining to a rooming house calculates the allowable number of sleeping rooms based upon lot area, width and building height, unless planned development approval is received. Calculation of parking spaces is also different from that of multifamily homes.

Commissioner Rich Tuttle asked for a specific calculation of the density for the project. Katia Pace said that in RMF45 when a property exceeds one acre one dwelling is allowed for every 1,000 square feet. However, a rooming house is defined differently than a multifamily home. Planning Manager John Anderson stated that because this project is in the category of other permissible uses, a minimal lot size of 10,000 feet, and a lot width of 80 feet, allows the project to move forward. He noted that an exemption to the lot width has been sought.

Craig Elliott, and Stephan Brummer of Elliott Work Group, addressed the Commission explaining that the redesign puts the building mid-block and the “more public uses” on 700 East. He showed several building renderings and described access paths. Commissioner Andra Ghent asked whether multiple renderings of cyclist on the sidewalk were depicting a multiuse path. Craig Elliott responded that the rendering were in error.

Chair Barry opened the public comment period.

## **PUBLIC COMMENT**

Cindy Cromer—opposed to the application. She noted the multiple efforts made to gain approval for the project. She noted traffic problems that will result from the current proposal and suggested that in terms of traffic flow, this project is worse than a previous iteration. She also said that the height of the building would interfere with solar panels on neighboring buildings. She commended the ability to save the trees. Jen Colby—opposed to the application. She cited density. She described other rooming houses in the city as having a median unit count of eight. She described the project as an SRO, not a rooming house. She requested redesign of the PUD and denial of the CU, and told the Commission that a co-living ordinance is needed.

Nathalie Blot—opposed to the application. She said that the profit per square foot exceeds that of other area projects, thus, possibly driving up rental costs. She said that it appeared to be a violation of zoning ordinances.

John Ribbons—opposed to the application. He described the project as an SRO that will not help the current problems with affordable rents. He asked the Commission to listen to the public.

Josh Memmitts—opposed to the application. He said that he has repeatedly opposed the project. He noted that it is in “one of the few areas of the City that still has affordable housing.” He expressed concern that area rents will increase. He said that public comments are not valued by the City.

Tears—opposed to the application. He cited a need to consider the financial burden that the project would put on renters, and the obligations of public officials.

Bren Dayton—opposed to the application. Stated that the project would be high-priced SROs. He Described the project as “undignified housing.”

Gem Lee—opposed to the application. Described the project as a “substandard living situation.” Cited high rent.

Marten Reed—opposed to the application. Agreed with previous speakers. Cited long-term interests of the City related to rent costs.

Coset Robinson—opposed to the application. Cited her low-income job providing health care to disabled clients. She said that her current rent for a two-bedroom apartment is \$750 per month, she referred to the project as an SRO that would drive up rents in the area. She said that affordable housing should not come “at the expense of our dignity.”

David Newlin—opposed to the application. Described the project as increasing the cost of housing in Salt Lake City. Called for “open vision” for “what Salt Lake City could be.” Expressed objection to the armed security guard standing behind the speakers.

Keenen Wells opposed to the application. Cited parking problems stating that spacing provided are far fewer than those that will be needed.

Monica Hilding opposed to the application. Objects to the designation of rooming house based upon “a reasonable person’s understanding.” She cited a recently generated report of rooming houses in Salt Lake City.

Chair Barry then read comment cards for people who did not wish to speak in person.

Parker Lambourne—opposed to the application. “Just because it may meet applicable standards doesn’t mean that it works for our community...we need to set new standards to enhance the standard of living in our city...SROs are not a viable solution to affordable housing.”

Finn—opposed to the application. “We need to hold developers and landlords accountable.” Expressed a need for legislation to protect tenants.

Ethen—opposed to the application. “...in opposition to SROs in Salt Lake City...worse living conditions.”

Eva Hallet—opposed to the application. “Shared living lowers the equality for people living in Salt Lake City. It is expensive...it is not a choice anyone would want to make if they had other options.”

Dr. Crystal Rudd opposed to the application. “The developer has shown disregard for planning density and community input...should not be a community standard—especially if not rent controlled...The City can do better.”

Quinten Monson opposed to the application. “SROs represent a reduction in the quality of life...vote no.

Most, but not all speakers appeared to be members of Wasatch Tenants United.

Planning Manager Amy Thompson read the comments from the community council. The project was described as “underwhelming” but the request was to deny the conditional use permit. They cited the allowable density in RMF 45. Code sections were cited. Also cited were statistics obtained from the City’s Business Licensing Division regarding existing rooming houses within the City including the average number of eight residents.

Amy Thompson then read comments from Dwight Butler who pointed out an inaccuracy in the renderings relative to his business property, Wasatch Touring.

Seeing that no one else wished to speak, Chair Barry closed the public hearing.

Chair Barry then responded to some public comments and explained the role of the Commission and explained the need for an armed officer in the room. She emphasized the volunteer advisory status of Commissioners and the limitations of Commission actions and interpretation as contrasted to those of the City Council and the Utah State Legislature. She said that affordable housing was not directly in the purview of the Commission and stated that if no “reasonable mitigation” can be found for a detrimental impact approval must be granted.

Chair Barry then invited the applicants to address issues raised in public comment. Craig Elliott said that each bedroom would have a bathroom. He said that there were 65 units and 65 kitchens. Also he said that it would not be a podium-style building. He said that the issue of impacting the neighbor’s solar collectors had been studied and the finding was that there would be no impact because of the open space around the buildings. Kevin Perry, representing the owner, praised the planning staff. He said that he was happy to answer specific questions.

Commissioner Burrows stated that she understood the issues raised regarding the importance of housing affordability and public confidence in the integrity of the commissioners. She stated that previous applications for this project had been rejected for specific reasons tied to zoning, or other identifiable City standards. She said that the current application reflects those requests for changes, but that affordability is not a standard within the Commission’s purview. Commissioner Burrows explained that the current application seeks an exemption for a lot width of 77.25 feet (rather than the zoned requirement of 80 feet) and approval of the conditional use. Commissioner Burrows stated her opinion that there were no grounds to disapprove an exemption for the lot width. She then said that approval for conditional use became mandatory provided requirements set forth in code had been met, and that she believed they had, based upon staff review and her own understanding of the requirements. She also commented that she had initially thought that the proposal exceeded density limits, as had been suggested in public comment, but after further review she discovered that definition in Salt Lake City code for “rooming house” does not have a density requirement.

Commissioner Lee said that, as an architect, he believed that the proposal conflicts with the City’s standards for planned developments headed Design Compatibility, section C1. After quoting part of the language of the standards, he asked the Commission whether the “mass and intensity of the project is fit for the neighborhood.”

Following a request from Chairperson Barry, Principal Planner Katia Pace showed the presentation slide of an aerial view of the neighborhood. Commissioner Lee stated that he was asking for a discussion of the “intensity of the use,” adding “are we happy with the amount of units and then the small living quarters in between the units?”

Chair Barry asked Planning Manager John Anderson and Planning Manager Amy Thompson whether the Commission could evaluate a conditional use request using planned development standards. Commissioner Andra Ghent pointed out that Standard B pertains to “providing housing options and a variety of housing types,” which, she said, is “consistent with the masterplan.” She added that the area is zoned for a rooming house.

Planning Manager John Anderson reviewed the ways in which the proposed building was appropriate for the neighborhood in terms of scale, and he stated that the intensity is “similar to multifamily.” Commissioner Lee said that, as an architect, he would never design a living room the size of a two-bedroom unit for a four-bedroom unit. He said that his understanding of the term “intensity” related to functional living space. He said “... you can do a lot of things by code—doesn’t mean you should.”

Commissioner Barry confirmed, following a comment from Commissioner Burrows, that all planned development standards can be reviewed whenever a planned development request has been made. Commissioner Ghent suggested that diversity of housing should be the focus. Commissioner Lee responded that projects of this type “are important if they are functional.” Commissioner Burrows said that she felt that the project was similar to the two other multifamily buildings on the block and that the placement on 700 East, rather than a neighborhood street, is appropriate. Commissioner Lee repeated his statement that his only objection was the living space.

In response to Chair Barry’s question regarding the possibility of increasing the living space Kevin Perry said that the design for a four-tenant unit “works well” across the country. He agreed that the living space would be similar to a conventional “two, or three a bedroom unit.”

Planning Manager John Anderson responded to Commissioner Rich Tuttle’s question regarding rules of tenancy that the City would not recognize the property as a motel, therefore, the property would have to follow standards similar to apartment standards. City Attorney Paul said that he was unable to answer concerns about evictions because it is not something that the City regulates.

## **MOTION**

**Commissioner Andra Ghent stated, “Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve the request for a Planned Development (PLNPCM2021-00045) with the following conditions:**

- 1. That the 10 parcels be consolidated into one parcel.**
- 2. Provide an access easement for the adjacent property at 135 S 700 East.”**

**Commissioner Mike Christensen seconded the motion.**

**Chairperson Amy Barry, and Vice-Chair Maurine Bachman, and Commissioners, Aimee Burrows, Andra Ghent, and Mike Christensen voted “yes.” Commissioners Jon Lee, Levi de Oliveira, and Rich Tuttle all voted “no”.**

**The motion passed, five “yes” and three “no” votes.**

**Commissioner Andra Ghent stated, “Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve the request for a Conditional Use (PLNPCM2021-00046) with the following conditions:**

1. That the 10 parcels be consolidated into one parcel.
2. Provide an access easement for the adjacent property at 135 S 700 East.”

Commissioner Mike Christensen seconded the motion.

Chairperson Amy Barry, and Vice-Chair Maurine Bachman, and Commissioners, Aimee Burrows, Andra Ghent, and Mike Christensen voted “yes.” Commissioners Jon Lee, Levi de Oliveira, and Rich Tuttle all voted “no”.

The motion passed, five “yes and three “no” votes.

**Preliminary Subdivision & Planned Development at approximately 759 S Post St** - The applicant, Randy Miller, representing the property owner, FJM Holdings Inc., is requesting preliminary plat approval to subdivide the property at 759 S Post Street into two lots and is requesting planned development approval to modify the zone's minimum lot width requirement of 50 feet. The project is located in the R-1-5,000 zoning district within Council District 2, represented by Alejandro Puy (Staff contact: Meagan Booth at 801-535-7213 or [meagan.booth@slcgov.com](mailto:meagan.booth@slcgov.com)). **Case numbers PLNSUB2022-00289 & PLNPCM2022-00290**

Principal Planner Meagan Booth reviewed the petition as outlined in the Staff Report. She noted that each proposed lot would meet the minimum lot size of 5,000 square feet. The planned development is needed because each lot is less than 50 feet in width: one is slightly over 45 feet, and one is slightly over 34 feet. She stated that the favorable staff review is based upon consistency with the three relevant masterplans, consistency with the lot sizes and dimensions of neighboring homes, and conditions related to new construction and parking compliance. The conditions are that the new construction must face Post Street, include a sidewalk leading to the front door, rooflines consistent with neighboring houses, and a front porch.

Meagan Booth then confirmed a clarifying comment from Chairperson Barry that all conditions for construction would be incumbent upon a new owner if the lot were sold. She also confirmed that the current property owner has stated an intention to subdivide for the purpose of selling the unoccupied lot. Megan Booth explained that she would have the responsibility of reviewing any future building project, and later clarified that would be ensured by a plat note. In response to a follow up question from Chair Barry she estimated the setback at 28 feet but confirmed that it was based upon a standard calculation.

Seeing no commissioners with additional questions, Chair Barry opened the public hearing.

## **PUBLIC COMMENT**

Randy Miller, representing the property owner, FJM Holdings Inc., explained that the sale of the lot would enable the property owner to repair the home on the current lot, something that is not currently affordable. He stated that the home needs to be made “livable.” Randy Miller also thanked Meagan Booth for her assistance.

Bob Rom—Post Street resident, stated opposition to the application based on concerns about alleyway access, management of the current property, and the loss of at least one tree on the street.

Seeing that no one else who wished to speak, Chair Barry closed the public comment period.

Randy Miller stated that there will be not alleyway parking. Parking will be on the lot, but the alley will be the access way per City requirements. Meagan Booth commented that the willow tree in question will not be removed and is the reason that a Post Street driveway is not suggested. She said that three more trees are proposed.

Commissioner Burrows said that she liked the design conditions for the new construction. Commissioner de Oliveira asked whether all concerns regarding the alleyway, particularly in the wintertime, had been resolved. Chair Barry stated that ploughing alleyways is not a City responsibility, but that her home parking is through an alley and it has worked well for several years.

## **MOTION**

**Commissioner Aimee Burrows stated, “Based on the findings listed in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve the Preliminary Plat PLNSUB2022-00289 for the Post Street Subdivision at 759 S Post Street with the following conditions.**

- 1. The existing garage must be demolished prior to recording the final plat.**
- 2. Parking must comply with all Transportation Division requirements and be designed according to the approved Site Plan.”**

**Vice-Chair Maurine Bachman seconded the motion.**

**Chairperson Amy Barry, and Vice-Chair Maurine Bachman, and Commissioners, Andra Ghent, Rich Tuttle, Levi de Oliveira, Mike Christensen, Jon Lee, Aimee Burrows, voted “yes.”**

**The motion passed unanimously.**

**Commissioner Mike Christensen stated, “Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve the Planned Development PLNPCM2022-00290 for the Post Street Subdivision at 759 S Post Street with the following conditions.**

- 1. Parking must comply with all Transportation Division requirements and be designed according to the approved site plan.**
- 2. The home must be compatible with the scale, mass, and intensity of other homes in the neighborhood and include**
  - a. low-pitched, to moderately pitched roof**
  - b. a sidewalk leading to the front door**
  - c. the front of the home should face Post Street**
  - d. a clearly defined covered front porch**

**Commissioner Aimee Burrows seconded the motion.**

**Chairperson Amy Barry, and Vice-Chair Maurine Bachman, and Commissioners, Levi de Oliveira, Aimee Burrows, Jon Lee, Rich Tuttle, Mike Christensen and Andra Ghent voted “yes.”**

**The motion passed unanimously.**

**ADU at approximately 1061 N American Beauty Dr** - Kelly Anderson, representing the property owner, is requesting conditional use approval to establish a 520-square foot accessory dwelling unit (ADU) within a new, detached accessory structure on property located at 1061 N American Beauty Dr. The structure will be approximately 13 feet in height and located to the rear of the property behind the principal structure. The property is zoned R-1-5000 and is within Council District 1, represented by Victoria Petro-Escher. (Staff contact: Liz Hart at 801-535-6681 or Elizabeth.hart@slcgov.com). **Case number PLNPCM2022-00542**

Principal Planner Liz Hart reviewed the petition as outlined in the staff report. She explained that the proposed structure would be about 30 feet from the neighboring home. The areas of all structures on the property would total 25 percent of the lot area, however 40 percent would be allowed. Parking would be on-street, which is allowed, and a bus stop is very close to the residence. The staff recommendation is approval without conditions.

There were no questions from the Commission. Chair Barry opened the public comment period.

## **PUBLIC COMMENT**

Kelly Anderson of Ironwood Custom Builders told the Commission that he would answer questions on behalf of the property owner.

Chairperson Barry called for public comment.

Hally Meacham, property owner stated that the ADU was intended as a home for her disabled adult daughter.

Seeing that no one else who wished to speak, Chair Barry closed the public hearing.

## **MOTION**

**Commissioner Mike Christensen stated, “Based on the analysis and findings in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve the Conditional Use for the ADU, petition PLNPCM2022-00542.”**

**Commissioner Rich Tuttle seconded the motion.**

Chairperson Amy Barry, and Vice-Chair Maurine Bachman, and Commissioners, Aimee Burrows, Mike Christensen, Andra Ghent, Jon Lee, Rich Tuttle, Levi de Oliveira, voted “yes.”

The motion passed unanimously.

### Work Session

**Hardware Village II Design Review at approximately 152 N 500 W.** – Evan Haslam with Dwell Design Studio, representing the property owner, is requesting Design Review approval to develop an 8-story mixed-use building consisting of parking, commercial space, and 343 residential units. Design Review is being requested to allow for design standard modifications for ground floor use, materials and glass, building entrances, street facing façade length and building setbacks. The project is located in the TSA-UC-C (Transit Station Area -Urban Center Station- Core Area) zoning district and is located in Council District 3, represented by Chris Wharton. (Staff Contact: Liz Hart at 801-535-6681 or Elizabeth.hart@slcgov.com). **Case number PLNPCM2022-00586**

Principal Planner Liz Hart itemized the requested modifications and noted that the requests not supported by staff regarded the building façade facing the North Temple overpass/via duct. She stated that, while the viaduct presents particular challenges, the proposed building will be part of “the public realm,” and so the way in which it interacts with the public is a public interest. Liz Hart also noted that the property is with the bounds of the North Temple Boulevard Plan and Viaduct Transfer Station Area Plan.

Liz Hart asked the Commission to assess whether the requested design modifications met the intent of the design standards and, where applicable, the Area Plan, and then for instances in which the intent of the standards had not been met, she asked the Commission to suggest solutions so that the application could be approved in a subsequent meeting.

Liz Hart then reviewed the specific staff findings.

- She said North Temple setback modifications are *supported* by staff because the zoned five-foot setback would create an unusually narrow “uncomfortable space for the pedestrian” given the location of the viaduct. Also supported is the proposal to exceed the five-foot setback along Hardware Avenue because the additional space would be occupied with sidewalk, plaza, and on-street parking.
- The staff position regarding the ground floor use of the North Temple façade is that zero percent alternate use would *not meet* the intent of the design standards to encourage pedestrian interaction with the building. However, because a coffee shop and bicycle shop, among other things, are proposed for the 490 West façade the staff position is that the level of alternate use proposed for the 490 West façade meets the intent of the design standards.
- Staff does not support a reduction of ground floor durable building materials to 58 percent along the North Temple facade. This is largely because the metal screening proposed for the parking area is not considered a durable material and does not facilitate pedestrian interaction. Staff is also of the opinion that the proposed ground-level glass design does not meet the intent of the design standards. Liz Hart reported staff support for a reduction in the percentage of durable building materials along the 490 West façade because of the variety of materials is proposed.

- Staff does not support the proposal to omit North Temple pedestrian entrances—the required amount is eight entrances. However, staff supports the request is to reduce the required number of entrances from seven to six along 490 West as meeting the intent of the design standards.
- Staff does not believe that the proposed 324-foot North Temple façade meets design standards. The maximum length of a building façade in the TSA district is 200 feet. The proposed lengths are 324 or 311 depending upon the elevation.

Chairperson Barry for Commission questions for staff, seeing none she asked the applicant's representatives to address the Commission.

Evan Haslam with Dwell Design Studio, Mark Issac, a land use consultant, and Tim Stanley of Cherry Tree Capitol appeared for the project owner, KDS. Mark Issac explained that this project represents the fourth, of five completed, or planned, for the "Hardware Block"—all tied to the original Hardware Building. He described efforts made to create a block that is an asset to the location. An additional company property is the 222 tower in downtown Salt Lake City. All properties are owned by KDS.

Mark Issac explained the project's need to compensate for parking spaces lost by construction, in addition to the standard required tenant parking. He said that the eight-story building will include five residential stories, ground level retail, and considerable parking spaces. He noted the project's proximity to Frontrunner and Trax, and the significance of a bicycle shop and bike charging station as part of the building. Mark Issac stated that pedestrian engagement was an important part of the building design, and said that building a road to enhance bus circulation (and therefore "pedestrian connectivity") was part of the project. He also noted a distinction between ground level and "circulation level" along North Temple because of the elevated walkway connecting with Trax and Frontrunner. He said that each side of the building serves a primary need for the building that is appropriate for its orientation.

Evan Haslam with Dwell Design Studio said, "North Temple's the challenge." He described design efforts made to make enhance the pedestrian experience such as setbacks (including a plaza) landscaping, and the varying heights of the split-level walkways (street level, and above the viaduct) but stated "fronting commercial retail against the side of an overpass doesn't seem to us like a very good solution." Evan Haslam and Tim Stanley said that the percentages of proposed durable materials may have been undercalculated in the information submitted although the emphasis remains on the circulation level of North Temple, rather than ground level.

Commissioner Christensen praised the project because it removes the existing parking lot, provides a connecting road between 400 North and 490 North, and provides for the bike parking. He expressed support for the increased setback along North Temple but stated that, as a frequent user of mass transit, he believed that retail belongs on the southwest corner, rather than the northwest corner of the project because of station access.

Commissioner Lee said that he was aware of prior projects by the same company using retail effectively and he understood that the need for additional parking precluded providing more retail than proposed [on the lower level of the North Temple façade]. He then stated his opinion that some sort of retail on the northwest corner would provide a feeling of safety. His suggestion was locating the bike storage in that area. He design change suggestions were "metal fins," rather than metal screens, on the parking access, and enhanced landscaping. He also suggested some sort of artwork (other than a mural) and seating. He asked for "pedestrian renderings" on the revised application.

Chair Barry praised another KDS project that successfully compensated for the facade length exceeding 200 feet. She said, "I know that you can do it," but added, "I think this needs some work." She said that she supported increasing the setback and suggested more work on "a combination of things" perhaps landscaping, and perhaps changes to metal screening. She gave her opinion that the issues related to glass and doors were not mandatory in this situation and stated that she understood Mark Issac's point that providing doors along the lower level of North Temple would present a safety hazard because of the "unique spot." Chair Barry said that she accepted staff recommendation for approval regarding 490 West.

Commissioner Tuttle said that there is also the potential to open City Creek in that area. He also questioned the nature of foot traffic at ten thirty at night. Commissioner Ghent stated that the reason that the area is not a "24/7 neighborhood" is related to the availability of night-time transit services. Mark Issac agreed that there were problems with the nature of night-time pedestrian traffic but said that the location is currently excellent for day-time commuters.

## **OTHER BUSINESS**

### **Chair and Vice Chair Elections**

**Mike Christensen nominated Maurine Bachman for Chair.  
Aimee Burrows seconded the motion.**

**Chairperson Amy Barry, Vice-Chair Maurine Bachman, and Commissioners, Levi de Oliveira, Rich Tuttle, Jon Lee, Andra Ghent, Mike Christensen Aimee Burrows, voted "yes."**

**The motion passed unanimously.**

**Andra Ghent nominated Mike Christensen for vice-chair.  
Levi de Oliveira seconded the motion.**

**Chairperson Amy Barry, Vice-Chair Maurine Bachman, and Commissioners Aimee Burrows, Mike Christensen, Andra Ghent, Jon Lee, Rich Tuttle, Levi de Oliveira voted "yes."**

**The motion passed unanimously.**

The meeting adjourned at 9:54 PM.

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