

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111
Wednesday, October 12, 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 Maurine Bachman, Vice-Chair Mike Christensen, and Commissioners, Amy Barry, Aimee Burrows, Andres Paredes, Rich Tuttle, Andra Ghent, Jon Lee, and Levi de Oliveira. Commissioner Brenda Scheer was excused from the meeting.

Staff members present at the meeting were: Deputy Director Michaela Oktay, Planning Manager Wayne Mills, Principal Planner Diana Martinez, Principal Planner Aaron Barlow, Transportation Planner Joe Taylor, Senior City Attorney Paul Nielson, and Administrative Assistant David Schupick.

APPROVAL OF THE MINUTES

Commissioner Amy Barry moved to approve the minutes for September 28, 2022. Commissioner Jon Lee seconded the motion.

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

Commissioners Andres Paredes abstained because of his absence from the meeting of September 28, 2022.

The motion passed, eight “yes” votes, and one abstention.

REPORT OF THE CHAIR AND VICE CHAIR

Chair Bachman stated that she had nothing to report.

Vice-chairperson Christensen said that he had nothing to report.

REPORT OF THE DIRECTOR

Planning Manager Wayne Mills stated that he had nothing to report.

PLANNING COMMISSION DISCUSSION

No discussion was raised by the commissioners.

PUBLIC HEARINGS

Zoning Map Amendment at approximately 704 E 900 S - The property owner, Ale Gicqueau, is requesting to amend the zoning map for the property located at approximately 704 East 900 South. The proposal would rezone the property from R-2 (Single and Two-Family Residential) to SNB (Small Neighborhood Business). The subject property is approximately .24 acres or 10,454 square feet. The proposed amendment to the zoning map is intended to allow the property owner to accommodate four

dwelling units in the structure. Currently, the recognized use of the property is a single-family dwelling. The property is located within Council District 5 represented by Darin Mano. (Staff contact: Diana Martinez at 801-535-7215 or diana.martinez@slcgov.com). **Case number PLNPCM2022-00251**

Principal Planner Diana Martinez addressed the Commission. She reminded the Commission that, while the current stated intent for rezoning is to allow the property owner to create future multifamily use, the requested new zone would allow for other uses. Diana Martinez informed the Commission that the applicant has been subject to code enforcement as a result of using the property for nightly rentals. The existing structure is a fourplex created by a previous owner that needs to meet code.

Diana Martinez stated that the requested zoning change is consistent with the relevant masterplan and added that, because the property is on a corner, it is a good location for flexible zoning with a low impact on residential properties. She cited two nearby properties that had been granted zoning changes—one to SNB and one to CB (Commercial Business). Diana Martinez stated that the staff recommendation is approval conditional upon a development agreement specifying construction of at least one dwelling to replace housing loss (as is required in code for housing loss mitigation) and a written statement on the part of the applicant acknowledging that the property may not be used for short-term rentals.

Commissioner Aimee Burrows asked for clarification of how the development agreement might affect the current zoning enforcement. Diana Martinez stated that if the City Council approves the rezone and the development agreement, the Planning Division position is that enforcement action should cease. She added that the property owner has committed to this understanding and agrees to “long-term rentals only.”

Commissioner Amy Barry stated that she understood that the staff report, and presentation, evaluated the SNB zone as appropriate to the neighborhood, but asked whether there is another zone that would more directly reflect the stated intentions of the property owner. Diana Martinez responded that the SNB zoning is the least “intensive” choice for the applicant to come into compliance and added that the applicant had initially requested the CB zone, which staff had found inappropriate for surrounding residences.

In response to a question from Commissioner Andra Ghent, Senior City Attorney Paul Nielson explained that a develop agreement would be recorded “against the property” thus creating a restriction on property use.

Commissioner Ghent also asked about the use of the property as a Bed and Breakfast, given that the property is not a landmark site, noting that only landmark sites can be used as bed and breakfast businesses. Deputy Planner Division Director Michaela Oktay added that a landmark site designation is a zoning map amendment based upon an “intensive level survey” of the property and the property history that must be reviewed by the Historic Landmarks Commission, the Planning Commission, and City Council.

Principal Planner Diana Martinez then clarified that the current R2 zone allows for two-family legal dwellings, but the development agreement calls for the replacement of only one unit because only one legal unit exists currently, even though four are used. Michaela Oktay explained that there is no requirement to provide replacement units up to the maximum unit numbers allowed in a zone. Commissioner Ghent commented that the SNB zone would allow for a mixture of business and one studio apartment on the property.

Commissioner Burrows asked for clarification regarding what building options were open to the property owner under the current code. Diana Martinez confirmed that, assuming building codes were met, the structure could be remodeled, creating up to two legal dwellings within the existing structure, “today.” Also, one single-room rental would be legally allowed for long term rental currently.

Senior City Attorney Paul Nielson confirmed for Commissioner Paredes that a civil enforcement matter has been concluded. Deputy Planning Division Director Michaela Oktay confirmed for Commissioner Burrows that, should the petition not be approved, the applicant would have to wait a full year before bringing another petition.

Applicant Ale Gicqueau gave a formal online presentation. He stated a fondness for Victorian era homes, described the interior condition of the property as “impeccable,” and noted four parking spaces on the lot. He listed the findings of his research on past owners, and uses, of the property stating that there was ample justification for gaining the status of an historical landmark and for non-conforming use (the four living areas were originally created around 2003 by the previous owner). He noted an investment of \$70,000 for solar panels. He expressed frustration in complying with City regulations.

Commissioner Andra Ghent asked the applicant why he chose to rent on a short-term basis, suggesting that, while the four-plex was technically illegal, the neighbors may not have had complaints if he had used the property for long-term rentals. Ale Gicqueau stated that he was unaware of the restrictions but that he found “Airbnb” style rentals to be more profitable.

Seeing no questions for staff, or the applicant from the Commission, Chair Bachman then called for public comment.

PUBLIC COMMENT

- Jen Colby (via internet) representing the East Central Community Council stated disapproval of the application. The Community Council believes that conversion to commercial use contributes to the growing problem of a loss of older residential housing. Jen Colby commended the commissioners for their questions. She suggested that seeking a zoning change to make the current arrangement legal is not necessary—particularly because the property is for sale. She stated that development agreements are often ineffective and also noted many enforcement efforts against this property. She stated that the area is predominantly residential, and the intersection should not be evaluated as though it were part of the 9th&9th district in assessing compatibility with the masterplan.
- Judy Short resident of the East Liberty Park neighborhood stated disapproval of the application. She cautioned that there is weak enforcement of housing loss mitigation agreements. She cited a housing loss mitigation ordinance that was noted as in process in the mayor’s 2021 housing report but cannot be found on the website currently. Also cited other pending ordinance changes that may enable the four units to remain in place.
- Cindy Cromer stated disapproval of the application. Noted that the intersection in question has only two corners in commercial use. Of those, one business predates the zoning code, and the other was a conversion from an allowed medical clinic to a spa. She said, “you have already made recommendations that would affect the options for this property,” and then noted code changes in ADUs and “density determinations” for the RMF zone are pending [City Council approval]. She then suggested an amnesty period would be appropriate. She said that failing to examine the cost

of bringing substandard units to code would cost the city needed housing units. She said that the SNB designation would allow nightly rentals [bed and breakfast] and would also be a loss of long-term housing.

- Mark Laurence 30-year resident of the neighborhood stated disapproval of the application. Cited a precedent for maintaining R2 when non-conforming property was sold after being used as a childcare center. He speculated that the high sales price reflects the profit potential of SNB zoning.
- Keenan Wells (via internet) stated disapproval of the application. Noted that the house was “currently active” on Airbnb. Also stated that the owner has not made an Historic Landmark application. Quoted the listed sales price of the house as \$1.6 million. Stated that short-term rentals reduce available long-term rental properties—thereby increasing the price of long-term rentals.
- Monica Hilding (via internet) stated disapproval of the application. Cited the dominance of residential housing south of 900 South and the important role of older homes in providing affordable housing in the area. She disputed the compatibility of the requested zoning change with the masterplan. Cited short-term rentals as a threat to the housing supply and noted difficulties in enforcing rules against them.
- Rich Wilcox (via internet) stated disapproval of the application. Stated that R2 was “appropriate” for the area because it is predominantly residential, and because older homes are “the largest pool of affordable housing.” Cited “preserving” housing stock as a masterplan goal. Objected to short-term rental use.
- Kristina Rob stated disapproval of the application. Incoming chair of ELPCO. A letter has been submitted. She asked the Commission to note each condition listed within the letter.
- Greg Joy stated disapproval of the application. Neighbor. Concerned about the possibility of a business or a new “cube” multistory housing unit. Asked for clarification of the requirements for “replacement” housing.
- Karen (via email) stated disapproval of the application. Neighbor. Wants to protect the residential character of the neighborhood. Noted noise and extra visitor-parking problems related to the subject property. Concerned that investors are competing with couples, or individuals, for home purchases.
- Deborah Candler (via email) stated disapproval of the application. Neighbor. Concerned about the continuing problems related to parking, and other issues, from the renters of this property. Concerned that student housing is shrinking.
- Rachel Critchell (via internet) stated disapproval of the application. Neighbor. Also sent an email.

Seeing that no one else from the public wished to speak, and no more comments submitted by email, Chair Bachman closed the public comment period.

Senior City Attorney Paul Nielson stated, in reference to the question from Greg Joy, that the default maximum replacement amount of housing units would be “whatever the zoning allows,” however a maximum would not be relevant to a development agreement [which would be tied directly to the count of *legal* residences to be replaced].

In response to a question from Commissioner Burrows Diana Martinez explained that designation of the property as an historic landmark site would allow the owner to operate a bed and breakfast business, which is different than the hotel and motel section of City Code. Use as an “Airbnb” would be prohibited

regardless of the zoning. In response to a follow up question, the applicant explained that he continues to face fines of for his non-compliance. He stated that bringing four units to code (which would be allowed in the using the SNB zone) would cost him \$1 million, and, therefore, he needs to sell. Deputy Director Michaela Oktay subsequently reiterated that there had been no petition for a Historic Landmark site designation and so the conditional use options available to a bed and breakfast owner were not currently available to this applicant.

Later Commission discussion determined that applicant's history of noncompliance should not be a consideration in the Commission's decision.

Commissioner Burrows said that she agreed with testimony that the area south of 900 South had a residential character not consistent with the SNB zoning. She said that creating a development agreement that required the applicant to agree with City code was not standard practice.

Commissioner Andres Paredes then asked what options the applicant would have if the petition were denied. Diana Martinez said that the owner could obtain a building permit either to reduce the number of units to two, or to convert the house to a single-family dwelling.

Commissioner Barry stated that while she appreciated the staff analysis, she believed that there were other options available to help the applicant achieve his stated goals, and she was prepared to make a motion. Commissioner Christensen pointed out that the motion language provided did not identify the motion as a recommendation and therefore should be altered.

MOTION

Commissioner Amy Barry stated, "Based on the information presented, and the input received during the public hearing, I move that the Commission forward a negative recommendation for the 704 E. 900 S. rezone application PLNPCM2022-00251, because evidence has not been presented that demonstrates the proposal complies with the following standards:

- 1. Plan Salt Lake is not supported by this application because the housing loss does not support the goals of Plan Salt Lake.**
- 2. The SNB zone will not necessarily decrease congestion on the road.**

The motion was seconded by Vice-Chair Mike Christensen.

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

The motion passed unanimously.

Three Eagles Planned Development at approximately 1375 S 1000 W - Trent Hatch of Trillie Property Solutions LLC, the property owner, is requesting Planned Development approval to subdivide the property at approximately 1375 S 1000 West into three lots in order to construct three single-family houses on the site. A Planned Development review is required because one of the three proposed lots would not abut 1000 West. The R-1/7,000 Zoning District (where the property is located) requires new lots to front a public street. The subject property is located within Council District 2, represented by

Alejandro Puy. (Staff Contact: Aaron Barlow at 801-535-6182 or aaron.barlow@slcgov.com). **Case numbers PLNPCM2022-00674 & PLNSUB2022-00740**

Principal Planner Aaron Barlow addressed the Commission. He explained that Commission approval is required because one of the three proposed lots would not front 1000 West. He stated that two of the lots would share an access easement. The existing home on-site will be renovated, and two homes would be added after the existing property is divided into three lots.) The current property, prior to subdivision, is 24,000 square feet. Staff recommends approval contingent upon parking allocations, tree preservation, and approval of the preliminary, and final, plat.

Aaron Barlow stated that he had reviewed neighborhood characteristics carefully because the application did not include design plans. He presented photos of a wide variety of housing styles in the neighborhood and stated that additional conditions related to design were not merited because of the variation in housing styles and eras that he had documented. He stated that the project meets the goals of the Westside Masterplan by using infill to enhance density and does so without zoning amendment requests. He noted that one public comment had been received; a neighbor pointed out a history of problems with the property and its owner—primarily tied to vagrants and trash.

Commissioner Burrows asked where the front yard of the lot without street frontage would be located. Aaron Barlow explained to Commissioner Burrows that the “front yard” of a property is defined by the access route. Commissioner Burrows then asked whether the property not facing 1000 West would be considered consistent with the neighborhood. Aaron Barlow stated that the area had many lots of irregular shape, and he defined the development pattern as “make it fit.”

Trent Hatch representing the applicant stated that the project intention was to “add extra homes to the neighborhood,” and to stay in compliance with zoning.

Seeing no questions for staff, or the applicant, from the Commission, Chair Bachman then called for public comment.

PUBLIC COMMENT

- Tuyet Nguyen - neighbor adjacent to the existing home for over 30 years is opposed to the petition. She listed several problems related to the existing home including use by homeless people, trash, drug use, fence damage and car theft. She stated that increasing the number of homes along the easement would harm privacy and create traffic and noise problems. She stated that the trees that she understood were to have been preserved have already been cut down. She said that while restoring the existing home may benefit the neighborhood, creating the shared access will harm the privacy of her rear yard, and the rear yards of two other neighbors. She was of the opinion that the shared access may interfere with emergency services. Also, she noted that the existing home is currently listed for sale.

Seeing that no one else from the public wished to speak, and no comments submitted by email, Chair Bachman then closed the public comment period.

Chair Bachman asked Trent Hatch to address the concern about the trees that had been cut down and to explain the sales listing. Trent Hatch replied that the property is currently off the market, and that he is now committed to moving forward with the project. He said that the property was listed for sale because

many offers had been received from developers. He noted that one speculative project had been “affordable” townhouses. He said that he was well-aware of the troubled history of the property because it had been acquired as a property condemned by the health department. Trent Hatch said that property development would help to alleviate the problems related to dumping. He stated that the access easement would be fenced with a vinyl fence and that the property owners to the north own 12 more feet of land between the existing fence line and his property. He noted that he had kept as many trees “as we possibly could.”

Commissioner Paredes asked how long Mr. Hatch had owned the property. Trent Hatch responded that he had owned it since June.

Commissioner Burrows asked for clarification of the options for driveway placement. Aaron Barlow and Trent Hatch explained that the easement would follow existing curb cuts used by the previous owner. Trent Hatch added that he had put forth considerable efforts disposing of abandoned vehicles and removing trespassers and he had found that most neighbors were pleased with the cleanup efforts and the idea of new development.

Commissioner Burrows asked Aaron Barlow how he would evaluate the fact that some trees had been cut down, and whether tabling the motion until his review was complete would be appropriate. He responded that staff would enforce this standard at the time of building permit review. Commissioners Lee, and de Oliveira shared thoughts on the limited enforcement powers of the City and the merits of giving a developer some discretion over diseased trees.

Commissioner Barry stated that her neighborhood had lots without street frontage, and she believed that they functioned well. She stated that the development would benefit the neighborhood. Commissioner Levi de Oliveira said that he lives close to the project, and he agreed that development of the problematic property would benefit the neighborhood.

MOTION

Commissioner Amy Barry 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- 00664 Three Eagles Planned Development at approximately 1375 South 1000 West with the following conditions of approval:

- 1. That the applicant works with staff to provide a plan for adequate parking behind the house on Lot 1 with their preliminary subdivision application.**
- 2. That a preliminary plat is approved prior to the issuance of a building permit and a final plat is recorded prior to issuance of building occupancy.**
- 3. That any building permit application for the proposed lots includes a plan to save some salvageable trees along the perimeter of the project site.”**

The motion was seconded by Vice-Chair Mike Christensen.

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

The motion passed unanimously.

BRIEFING

Transportation Master Plan Briefing - The Salt Lake City Transportation Division will provide a briefing to Planning Commission on the update of the Transportation Master Plan. The plan is a community led effort to create a policy framework to ensure that our values as a city are translated into all of our transportation infrastructure. The plan also seeks to ensure that Salt Lake City is prepared to take the best advantage of changing transportation technology and put safety, air quality and climate change and equity at the forefront of everything we do. (Staff Contact: Joe Taylor at joe.taylor@slcgov.com or 801-535-6679)

Transportation Planner Joe Taylor addressed the Commission. He described the transportation masterplan as “a high-level policy document,” rather than a list of specific projects. The policies were developed by a community advisory council of nine paid members (including Vice-chairperson Christensen) selected from roughly 100 applicants. Community engagement was accomplished by online surveys and direct interviews at COVID vaccine clinics held at local schools. Priority public concerns about transportation systems were found to be sustainability, reliability, safety and health, affordability, and equity in access to opportunities. Later, other community workshops were held at various community locations.

Joe Taylor identified the greatest transportation infrastructure problem as the “east-west divide” in transportation options between residents of the two sides of the city. A wide range of general topics addressed included such things as traffic calming, curb space, emerging technology, and the potential need for new roads in the Northwest Quadrant.

Joe Taylor said that the Commission, and other entities, might be of assistance in providing target levels for identified goals such as collision reduction. He said that a draft plan should be available within a few months, and he anticipated that it would be adopted in spring.

Commissioner Ghent said that she finds UTA’s recent route cuts “unacceptable,” and she asked how the city might be able to subsidize UTA—perhaps by raising sales tax, or some sort of City fee. She noted that current City policies do not mandate off-street parking in some areas with the notion that other modes of transportation are available. The UTA cutbacks make the policy “not really credible.” Joe Taylor said that Salt Lake City is the only city that “pays beyond” the required sales tax increment in its subsidy of UTA. She responded to Joe Taylor’s comment that it has become difficult to hire drivers by stating higher wages would solve the problem. Commissioner Levi de Oliveira commented that smaller buses are justified on some routes, which could be a savings.

Commissioner Amy Barry first suggested a metric of increasing access routes that cross the railroad tracks without having to wait for a train. She also asked for a careful analysis of traffic calming measures and more public education on the subject so that people could make informed choices saying, “People will drive as fast as they feel comfortable regardless of what the sign says.”

Commissioner Ghent commented that signs are needed at all bus stops to inform people that is illegal to park in front of bus stops. Joe Taylor cited multiple efforts, including signage, to improve bus stops for

safety, and esthetic, reasons. Commissioner Ghent later expressed support for measuring shifts in traffic modes following changes related to parking or other measures intended to decrease traffic.

Commissioners Rich Tuttle and Levi de Oliveira said that the transportation complaint that they hear most is the need for an “unobstructed ability to go from west to east.” Commissioner Tuttle said that overpasses, and other options, were needed on 900 West, 1000 West, 500 West and other streets. Joe Taylor said that pedestrian bridges are being actively considered. At Commissioner Lee’s suggestion, Joe Taylor agreed that investigating a “train box” or “train trench” would give a price point for a very helpful solution.

Commissioner Tuttle questioned the meaning of “private investment” referred to in the presentation text. Joe Taylor said that item referred to oversight of roads built for private projects, not private investment in public roads. Commissioner Jon Lee suggested that in some situations public road upgrades could potentially be used as part of development requirements. Commissioner Lee also asked for numbers of increased transit use in areas in which parking requirements have been reduced. Commissioner Ghent agreed, citing some walkability measures, such as ground level retail, that were expensive for developers. Joe Taylor said that some categories were easier to measure than others: UTA tracks all boarding passengers, but bikes and pedestrians are only tracked on the city trails.

Commissioner Burrows suggested that schools would be a good source of information about pedestrian safety because they actively review walking routes through a federally funded program. She noted that the fact that different streets are controlled by different levels of government creates obstacles to problem-solving.

Commissioner Levi de Oliveira noted that his Glendale neighborhood has a problem with drug use near the middle school and a police presence is needed. Joe Taylor said that safety in the transportation masterplan has been defined as safety from collisions and he did not think that he was equipped to address pedestrian safety regarding crime. Commissioner de Oliveira said that he would be “thrilled” if his only neighborhood concern were speeding cars.

Commissioner Ghent suggested that the legislature needed to be involved in some safety issues related to school walking routes—particularly crosswalk lights for busy streets like Foothill Boulevard, or 700 East. Joe Taylor agreed.

Seeing no other comments from Commissioners Chair Bachman adjourned the meeting at 7:54 PM.

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division’s website at slc.gov/planning/public-meetings. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.