
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 25, 2009

SUBJECT: Petition PLNPCM2008-00409 – Planning Commission request to amend sections of the City Code, Title 18 – Building and Construction and Title 21A – Zoning, relating to residential condominium conversions

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the zoning text amendment will affect Council Districts citywide

STAFF REPORT BY: Janice Jardine
Land Use Policy Analyst

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development Department, Planning Division
Nole Walkingshaw, Senior Planner

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

The Council received a briefing regarding this issue on October 6, 2009 and held a public hearing on November 5, 2009.

Issues discussed at the Council’s briefing related to the current requirements for site improvements and parking. The Council asked that language be added to the proposed zoning text amendments that would limit or not allow an increase in parking that would add to parking impacts into the neighborhoods.

A new ordinance has been prepared for Council consideration. Language has been added that specifies that additional parking or alternative parking solutions may not increase parking impacts on neighboring properties or use existing common areas, open space or green space for additional parking, and requires compliance with existing parking requirements for any remodel that increases the number of bedrooms. Please see pg. 2, paragraph at the top of the page for exact language.)

POTENTIAL MOTIONS:

1. [“I move that the Council”] Refer action to a future Council meeting.
2. [“I move that the Council”] Adopt an ordinance amending sections of the City Code, Title 18 – Building and Construction and Title 21A – Zoning, relating to residential condominium conversions with the changes requested by the City Council.
3. [“I move that the Council”] Adopt an ordinance amending sections of the City Code, Title 18 – Building and Construction and Title 21A – Zoning, relating to residential condominium conversions as recommended by the Planning Commission.
4. [“I move that the Council”] Not adopt an ordinance amending sections of the City Code, Title 18 – Building and Construction and Title 21A – Zoning, relating to residential condominium conversions.

The following information was provided previously for the Council Work Session on October 6, 2009. It is provided again for background purposes.

KEY ELEMENTS:

- A. The Administration's transmittal notes that the proposed amendments to the City Code, Title 18 – Building and Construction and Title 21A – Zoning, are intended to address a request by the Planning Commission to review the appropriateness of amending the City Code as it applies to residential condominium conversions. The City has experienced an increase in requests for approval of conversions of existing residential apartment buildings to condominiums and there have been concerns expressed by staff and the community about this activity. Staff was directed to research and address the following:
1. Clearly define “condominium”;
 2. Determine what issues are currently being viewed as problematic;
 3. Determine what mitigating trends might be occurring; and
 4. Opine as to whether or not the City has a pending problem.
 - a. If there is a problem, identify it/them and recommend a course of action.
 - b. If there is not a problem, explicitly identify upon what the determination is based.
- B. An ordinance has been prepared for Council consideration that would amend the text of the City Code, Title 18 – Building and Construction and Title 21A – Zoning, relating to condominium conversions. Key elements of the proposed amendments are summarized below. (Please refer to the draft ordinance for details.)
1. Expand Planning Director oversight for exterior building and site improvements including landscaping, exterior repairs and improvements to common areas.
 2. Amend the Zoning Ordinance “Change of Use” definition to clarify that the conversion of existing residential units to condominiums is not a change of use.
 3. Require compliance with the City's existing Residential Housing Code standards relating to the exterior and interior of buildings, space and occupancy standards, light and ventilation, fire, safety and egress.
 4. Require installation of smoke detector systems.
 5. Require compliance with the City's existing Fit Premises regulations.
- C. The Administration's paperwork provides a detailed discussion of issues that relate to the proposed condominium conversion text amendment. Key points are summarized below. (Please see the Administration's transmittal and Planning staff memo/report for additional discussion and details.)
1. In developing a response to the Planning Commission, Planning Staff identified several issues that relate to definitions and interpretation of zoning regulations; use of the conversion process to avoid regulations city regulations that deal with apartment licensing and inspections, minimal life/safety and fire code regulations, physical improvements, nuisance issues, and compliance with the City's existing Residential Housing Code regulations.
 2. It has been determined by the City that the condominium conversion process is not a “change of use” or a “change of occupancy.” The conversion process simply reflects a change in ownership and as such is not subject to the requirements of a “change of use” or a “change of occupancy”.
 3. Staff has not identified any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.
 4. Under condominium ownership, the units may continue to be rented and not sold to individuals, or the units sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management.

5. Perhaps not all existing apartment building are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.
6. Condominium approval has traditionally been considered in City policy as a basic property ownership right and is not a separate land use by itself.
7. The City has approved every requested condominium project.
8. The following table documents condominium approvals in Salt Lake City over the past three years.

Preliminary Approvals	# of Projects	# of Units Converted
2006	5	37
2007	18	338
2008	7	78
Total	30	453

- D. The Planning staff report provides the following findings for the requested zoning text amendment. Analysis and findings were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion, analysis and findings are found on pages 5-7 of the Planning staff report.)
1. The proposed text amendments provide additional refinement of the zoning regulations of the City's policies by providing greater detailed zoning regulations. Strengthen the role of the administrative review in order to identify site specific needs and is consistent with the goals and policies of the Salt Lake City Community Housing Plan. Additionally the changes made to incorporate the requirements of the Salt Lake City Residential Housing Code meets the policy goals of meeting housing quality and safety, and permitting inspections of tenant occupied units by City apartment inspectors.
 2. The proposed amendment strengthens the need for a reinvestment in the dwellings. Any additions, modifications or improvements are required to be reviewed and approved for consistency and compliance with current regulations including overlay districts.
 3. The proposed text changes will provide a higher quality conversion which in turn should be a positive affect on adjacent properties. Additionally the clarified duties of the Planning Director should give better direction and control over the development's amenities and common areas allowing for the possibility of mitigating any known adverse affects on adjacent properties.
 4. The proposed text amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
 5. All pertinent City departments will have review authority on proposed conversions to ensure that any determined development impacts which may be associated with the new developments will be mitigated.
- E. The Planning staff memo dated December 10, 2008 and Planning staff report dated January 28, 2009 note the following with regard to the public process and City Departments/Divisions review.
1. **Public Comments**
 - a. On October 16, 2008, a public open house was held to receive public comment. Written comments were specific to the "change of use" issue and a request that modifications to structures including the addition of mechanical equipment meet current building code.
 - b. On November 12, 2008, Planning staff presented the proposal to the Salt Lake City Housing Advisory and Appeals Board. The HAAB supports the modifications, and understands their potential role as an appeal authority.
 - c. Other public comments received were in respect to the potential for requiring automatic fire sprinkler systems in conversions with three or more units. This requirement would require a state code amendment and will not be considered as a part of this proposal.

2. City Department/Division Comments:

- a. During the summer of 2007, the Community Development Department and the Planning Division convened a task force with pertinent City staff to study the issues related to condominium approvals and conversions. The proposed text changes have been through a series of reviews by City Personnel and the Administration. The Planning staff report notes the following specific Department/Division comments.
- **Engineering:** no comments directly affecting the proposed amendment. Condominiums are defined in the City Code (20.08.300) as subdivisions and as such, they are subject to a Subdivision Improvement Construction Agreement if the required infrastructure warrants it. The infrastructure can include utilities, streets, street lighting, sidewalk, driveways on private property that serve a local neighborhood or community need, etc. Scott
 - **Public Utilities:** If the property owner is required to install a fire sprinkler system, then a fire line petition and connection fee must be completed and paid. In addition, if the property owner has never paid sewer connection fees then the property owner must also pay the fee of \$545 per unit.
- b. The adoption of some of the amendments to the Building Code proposals may be required to go to the State of Utah for a Local Amendment to the Building Code.

F. The Planning Commission held an Issues Only hearing on December 10, 2008 and a public hearing on January 28, 2009. The Commission voted unanimously to forward a favorable recommendation to the City Council to adopt the proposed text amendments. There was some discussion about the change of use issues that have been raised throughout this process. The general consensus appears to be that this petition addresses the needs expressed.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

Council Members may wish to discuss in further detail steps that have been taken or are proposed to address issues that have been raised throughout this process. Key points are summarized below. (Please see the Administration's transmittal and Planning staff memo/report for additional discussion and details.)

- A. The Administration's transmittal notes the following benefits to the proposed amendments.
1. The clarification of duties for the Planning Official gives the City greater control over the common area amenities of the property ensuring compliance with the existing code and the ability to require improvements when deemed necessary. (See Section 1 of the proposed ordinance)
 2. The "change of use" argument has absorbed a great deal of staff and community time in debate. This clarification should close that debate. It is important to make reference to the process and requirements of the condominium conversion process should someone want to know more about this issue. (See Section 2 of the proposed ordinance)
 3. Incorporating the elements of the Existing Residential Housing Code into the required building report ensures compliance and demonstrates a specific review of the property conditions. (See Section 3, and Section 4 of the proposed ordinance)
 4. The amendment to the Existing Residential Housing Code, striking the condominium exemption from inspection and enforcement, ensures that Housing and Zoning officers may inspect complaints from tenants should the landlord fail to address them. (See Section 6 of the proposed ordinance)
- B. As previously noted, three areas in addition to the noted issues have been recommended for further study and possible adoption. These include requiring seismic upgrading, ADA compliance, and the installation of a fire suppression system. Each of these topics would require an amendment to the Sate Building Code, and are not a part of this proposed text amendment. This process requires an application, Request for Code Amendment, with the State of Utah to be filed with the Department of

Professional Licensing (DOPL). Staff may pursue State Code amendments on a separate track and incorporate the changes into City Code should the State adopt the request.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal and the Planning staff report note the following relating to adopted master plans and City policy documents that are applicable to the proposed zoning text amendment.
 - 1. The community master plans residential policies generally establish goals which aim to preserve existing residential opportunities, encourage providing a variety of housing types, sizes and prices in the community as a whole, and encourage compliance with existing housing codes.
 - 2. The Salt Lake City Community Housing Plan encourages homeowner options allowing for equity-building alternatives such as condominiums, co-ops, co-housing, mutual housing and other models.
 - 3. The Housing Plan stresses the need for affordable housing stock and the maintenance, restoration and preservation of our existing housing stock.
 - 4. The proposed text amendments provide additional refinement of the regulations of the City's policies by providing greater detailed regulations.
 - 5. Strengthen the role of the administrative review in order to identify site specific needs and are consistent with the goals and policies of the Salt Lake City Community Housing Plan.
 - 6. Additionally the changes made to incorporate the requirements of the Salt Lake City Existing Residential Housing Code meets the policy goals of meeting housing quality and safety, and permitting inspections of tenant occupied units by City apartment inspectors.
- Additional citywide Master Plan and Policy considerations are provided below.
- B. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- C. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 - 1. Is aesthetically pleasing;
 - 2. Contributes to a livable community environment;
 - 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 - 4. Forestalls negative impacts associated with inactivity.
- D. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Policy concepts include:
 - 1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
 - 2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
 - 3. Ensure that building restoration and new construction enhance district character.
 - 4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
 - 5. Treat building height, scale and character as significant features of a district's image.
 - 6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed master plan amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

- May 8, 2007 City staff Condominium Conversions Task Force created
- July 16, 2007 Report of findings submitted to Director of Community and Economic Development from the Condominium Conversions Task Force
- September 26, 2007 Petition initiated at Planning Commission meeting
- September 26, 2007 Petition assigned to Doug Wheelwright, Deputy Director
- February 20, 2008 Memorandum of issues and recommendations sent to Community and Economic Development Director
- June 2, 2008 Petition reassigned to Nole Walkingshaw, Senior Planner
- June 23, 2008 Memorandum of issues and recommendations sent to Community and Economic Development Director
- October 7, 2008 Policy discussion with the Administration
- October 7, 2008 Routed petition to City Departments for comment and recommendation
- October 15, 2008 Email to Community Council Chairs - Memorandum requesting input
- October 16, 2008 Planning Division Open House to receive citizen input. Community Councils, as well as business owners were invited to attend.
- November 17, 2008 P Planning Division briefing to the Housing Advisory and Appeals Board
- November 24, 2008 Publication of Planning Commission public hearing notice
- December 10, 2008 Planning Commission held a issues only public hearing
- January 13, 2009 Publication of Planning Commission public hearing notice
- January 28, 2009 Planning Commission public hearing
- February 11, 2009 Planning Commission ratified minutes for January 28, 2009 meeting
- June 17, 2009 Transmittal received in Council office

cc: David Everitt, Karen Hale, Lisa Harrison-Smith, Lyn Creswell, Ed Rutan, Lynn Pace, Paul Nielson, Jeff Niermeyer, Tom Ward, Rick Graham, Max Peterson, Frank Gray, Mary De Le Mare-Schaefer, Wilf Sommerkorn, Pat Comarell, Orion Goff, Larry Butcher, Craig Spangenberg, Randy Isbell, Nole Walkingshaw, Council Liaisons, Mayors Liaisons

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Condominium Conversion

SALT LAKE CITY CORPORATION

FRANK B. GRAY
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL



A large, stylized handwritten signature in blue ink, written over a horizontal line.

David Everitt, Chief of Staff

Date Received:

Date Sent to City Council:

07/06/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: April 1, 2009

FROM: Frank Gray, Community & Economic
Development Department Director

A large, stylized handwritten signature in blue ink, written over a horizontal line.

RE: Petition PLNPCM2008-00409 Residential Condominium Conversions Text
Amendments to the Zoning Ordinance and Building Code Amendment

STAFF CONTACTS: Nole Walkingshaw, Senior Planner, at 535-7128 or
nole.walkingshaw@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public
Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The Salt Lake City Planning Commission requested the Planning Division to review the appropriateness of amending the Salt Lake City Code as it applies to residential condominium conversions. The City had experienced an increase in requests for approval of conversions of existing residential apartment buildings to condominiums, and there had been concerns expressed by staff and the community about this activity. Staff was directed to research and address the following:

- Clearly define "condominium;"
- Determine what issues are currently being viewed as problematic;
- Determine what mitigating trends might be occurring; and
- Opine as to whether or not the City has a pending problem.

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-6230 FAX: 801-535-6005

WWW.SLCGOV.COM/CEDE



- If there is/are a problem(s), identify it/them and recommend a course of action .
- If there is not a problem, explicitly identify upon what that determination is based.

Analysis: In developing a response to the Planning Commission, the Planning Staff has identified the following issues:

Issues

- Clearly define “condominium”
- Is conversion used to avoid:
 - City regulations that deal with apartment licensing and inspections?
 - Minimal life safety and fire code?
 - Physical improvements?
- Are condominiums sublet, negating community benefit of ownership?
- Is the existing apartment building suitable for condominium ownership conversion?
- City is unable to enforce minor and substandard housing conditions in condominium rental units
- Potential for lower quality rental market
- Public safety issues with existing condo “loophole” on inspection requirements
- “Nuisance issues” Apartments v. Condominiums

Zoning

- Oversight for exterior building and site improvements:
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking:
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a “Change of Use”
- Land use types

Building

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards
- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements

- Safe and sanitary maintenance
- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations
- Fire sprinkler systems in buildings with more than 3 units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit
- Exit Door(s) with panic hardware with occupant load of 50 or more
- Seismic upgrading

Staff has not identified any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under condominium ownership, the units may continue to be rented and not sold to individuals, or the units may be sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment building are suitable for condominium ownership conversion, and it may no longer be in the City's best interest to facilitate all condominium conversions.

“Change of Use”

Some community members have argued that the condominium conversion process qualifies the building to be subject to the current provisions of building and zoning codes as required by a “change of use”.

The Salt Lake City Zoning Ordinance defines a “Change of Use” as;

The replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of

business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type).

The adopted building code requires an existing building to meet current standards base on changes of occupancy which is defined in the International Building Code (IBC) as:

Change of Occupancy: no change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

It has been determined by the City that the condominium conversion process is not a “change of use” or a “change of occupancy.” The conversion process simply reflects a change in ownership and as such is not subject to the requirements of a “change of use” or a “change of occupancy”. The City may require additional repairs, compliance, and improvements as part of the Condominium Conversion process. These additional requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

Proposed Ordinance Amendments

There are many benefits to the proposed amendments which include:

- The clarification of duties for the Planning Official gives the City greater control over the common area amenities of the property ensuring compliance with the existing code and the ability to require improvements when deemed necessary (see Section 1 of the proposed ordinance).
- The “change of use” argument has absorbed a great deal of staff and community time in debate. This clarification should close that debate. It is important to make reference to the process and requirements of the condominium conversion process should someone want to know more about this issue (see Section 2 of the proposed ordinance).
- Incorporating the elements of the Existing Residential Housing Code into the required building report ensures compliance and demonstrates a specific review of the property conditions (see Section 3, and Section 4 of the proposed ordinance).
- The amendment to the Existing Residential Housing Code, striking the condominium exemption from inspection and enforcement, ensures that Housing and Zoning officers may inspect complaints from tenants should the landlord fail to address them (see Section 6 of the proposed ordinance).

Existing Ordinance

The condominium conversion ordinance lacks some specifics which have been identified by staff and communicated to the City by the public, the proposed amendment addresses those concerns.

Department Comments

Public Utilities comments submitted by Jason Brown:

If the property is required to install a fire sprinkler system, then a fire line petition and connection fee must be completed and paid. In addition, if the property has never paid sewer connection fees then they must also pay the fee of \$545 per unit.

Engineering comments submitted by Scott Weiler:

Engineering doesn't have any comments directly affecting the proposed amendment. Please keep in mind though, that condominiums are defined in the City Code (20.08.300) as subdivisions and as such, they are subject to a Subdivision Improvement Construction Agreement if the required infrastructure warrants it. The infrastructure can include utilities, streets, street lighting, sidewalk, driveways on private property that serve a local neighborhood or community need, etc.

There are no known unresolved problems or concerns raised as a part of the public input process.

Master Plan Considerations: The community master plan residential policies generally establish goals which aim to preserve existing residential opportunities, encourage providing a variety of housing types, sizes and prices in the community as a whole, and encourage compliance with existing housing codes. The Salt Lake City Community Housing Plan encourages homeowner options allowing for equity-building alternatives such as condominiums, co-ops, co-housing, mutual housing and other models. The Housing Plan stresses the need for affordable housing stock and the maintenance, restoration and preservation of our existing housing stock. The proposed text amendments provide additional refinement of the regulations of the City's policies by providing greater detailed regulations. Strengthen the role of the administrative review in order to identify site specific needs and are consistent with the goals and policies of the Salt Lake City Community Housing Plan. Additionally the changes made to incorporate the requirements of the Salt Lake City Existing Residential Housing Code meets the policy goals of meeting housing quality and safety, and permitting inspections of tenant occupied units by City apartment inspectors.

PUBLIC PROCESS:

An Open House was held October 16, 2008. There was one attendee for this meeting. No comments were submitted.

The Housing Advisory and Appeals Board (HAAB) was briefed on the issue November 17, 2008. The Board forwarded a motion recommending approval of the petition.

The Planning Commission held an issues only public hearing on December 10, 2008. Issues rose at the public hearing included requiring fire suppression systems on conversions with three or more units, this condition would require an amendment to the State Building Code, and is not included at this time.

The Planning Commission held a public hearing on January 28, 2009. The vote was unanimous in favor of forwarding a positive recommendation to the City Council. There was some discussion about the change of use issues that have been raised throughout this process. The general consensus appears to be that this petition addresses the needs expressed.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report (see Attachment 5b).

TABLE OF CONTENTS

- 1. CHRONOLOGY**
- 2. ORDINANCE**
- 3. NOTICE OF CITY COUNCIL HEARING**
- 4. MAILING LABELS**
- 5. PLANNING COMMISSION**
 - A) Original Agenda/Notice**
 - Hearing December 10, 2008**
 - Hearing January 28, 2009**
 - B) Staff Report**
 - Memorandum December 10, 2008**
 - Staff Report January 28, 2009**
 - C) Minutes and Agendas**
 - Hearing December 10, 2008**
 - Hearing January 28, 2009**
- 6. INTERNAL MEMORANDUMS**
- 7. ORIGINAL PETITION**

1. CHRONOLOGY

PROJECT CHRONOLOGY
Petition # PLNPCM2008-00409

May 8, 2007	Condominium Conversions Task Force created.
July 16, 2007	Report of findings to Director of Community and Economic Development from the Condominium Conversions Task Force.
September 26, 2007	Petition initiated at Planning Commission Hearing during Report from the Director.
September 26, 2007	Petition assigned to Doug Wheelwright, Deputy Director for staff analysis and processing.
February 20, 2008	Memorandum of issues and recommendations sent to Community and Economic Development Director.
June 2, 2008	Petition reassigned to Nole Walkingshaw, Senior Planner for staff analysis and processing.
June 23, 2008	Memorandum of issues and recommendations sent to Community and Economic Development Director.
October 7, 2008	Policy discussion with the Administration.
October 7, 2008	Routed petition to City Departments for comment and recommendation.
October 15, 2008	Email to Community Council Chairs with attached Memorandum requesting input.
October 16, 2008	Planning Division conducted an Open House meeting to present petition for citizen input. Community Councils, as well as business owners were invited to attend.
November 17, 2008	Planning Division conducted a briefing of the proposed amendment to the Housing Advisory and Appeals Board (HAAB), The HAAB was supportive of the proposal.
November 24, 2008	Publication of Planning Commission public hearing notice
December 10, 2008	Planning Commission held a issues only public hearing, accepting Comments from the community and discussion of issues.
January 13, 2009	Publication of Planning Commission public hearing notice.

January 28, 2009 Planning Commission held public hearing and voted All in favor to recommend approval of petition to City Council.

February 11, 2009 Planning Commission ratified minutes for January 28, 2009 meeting.

February 3, 2009 Staff requested draft of proposed ordinance from City Attorney's Office.

February 18, 2009 Staff received draft of proposed ordinance from City Attorney's Office.

2. ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2009

(Amending Titles 18 (Building) and 21A (Zoning) of the
Salt Lake City Code Pertaining to Condominium Conversions)

An ordinance amending certain provisions of Titles 18 (Building) and 21A (Zoning) .

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on January 28, 2009 to consider a request made by the Salt Lake City Council (“Council”) (petition no. PLNPCM2008-00409) to amend the text of Titles 18 (Building) and 21A (Zoning) of the *Salt Lake City Code* to address potential concerns of which the City has become aware through a recent increase in condominium conversion applications; and

WHEREAS, at its January 28, 2009 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections of Titles 18 and 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests,

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending a portion of text of Salt Lake City Code section 21A.56.060B.

That section 21A.56.060B.3 and 21A.56.060B.4 of the *Salt Lake City Code* (Condominium Conversion Process), shall be, and hereby is, amended to read as follows:

B. Planning Official Duties And Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.
4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including but not limited to landscaping, exterior repairs, and improvements to common areas. This review shall

include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls available to the owners of the project shall be disclosed on the condominium plat.

SECTION 2. SECTION 1. Amending a portion of text of Salt Lake City Code section 21A.62.040. That section 21A.62.040 of the *Salt Lake City Code* (Definitions), shall be, and hereby is, amended to revise the definition of "Change of use" to read as follows:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. The conversion of existing residential units to condominiums is not a change of use. (See also definition of Land Use Type (Similar Land Use Type)-).

SECTION 3. Amending a portion of text of Salt Lake City Code section 18.32.050. That section 18.32.050 of the *Salt Lake City Code* (UBC Appendix Chapter 3 Division V), shall be, and hereby is, amended to add the following new paragraph under Section 346 of "Division 5 Occupancies":

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 4. Amending a portion of text of Salt Lake City Code section 18.32.050. That section 18.32.050 of the *Salt Lake City Code* (UBC Appendix Chapter 3 Division V), shall be, and hereby is, amended to amend paragraph (7) of Section 347 of "Division 5 Occupancies" to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station.

SECTION 5. Amending a portion of text of Salt Lake City Code section 18.32.050.

That section 18.32.050 of the *Salt Lake City Code* (UBC Appendix Chapter 3 Division V), shall be, and hereby is, amended to add the following new Section 351 under "Division 5

Occupancies":

Sec. 351. All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

SECTION 6. Amending Section 18.50.020.B of the Salt Lake City Code. That the of section 18.50.020.B of the *Salt Lake City Code* (Existing Residential Housing - Scope) is hereby and amended to effectively repeal the substantive provisions thereof to read:

~~3. Condominiums: Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas. Repealed.~~

SECTION 7. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2009.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2009.

Published: _____.

HB_ATTU-#7295-v1-Ordinance_-_condo_conversion_amendments

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date FEBRUARY 18, 2009
by [Signature] n.w.
PAUL C. NIELSEN, SR. CITY ATTORNEY

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petition PLNPCM2008-00409 **an action initiated by the Salt Lake City Planning Commission**—requesting the preparation of an ordinance that would amend the City Code as it pertains to residential condominium conversions.

As part of its study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

Date:

Time: 7:00 p.m.

Place: Room 315 (City Council Chambers)*
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT

*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petition on file, please call Nole Walkingshaw, Senior Planner, at 535-7128 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at nole.walkingshaw@slcgov.com.

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at (801) 535-7971; TDD 535-6021.

4. MAILING LABELS

LESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DR
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

WAYNE F GREEN
GREATER AVENUES CHAIR
371 E 7TH AVENUE
SALT LAKE CITY UT 84103

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY UT 84101

BILL DAVIS
PEOPLE'S FREEWAY CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

THOMAS MUTTER
CENTRAL CITY CHAIR
EMAIL ONLY/ON LISTSERVE

JOEL BRISCOE
EAST CENTRAL CHAIR
PO BOX 58902
SALT LAKE CITY UT 84158

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

LISETTE GIBSON
YALECREST CHAIR
1764 HUBBARD AVENUE
SALT LAKE CITY UT 84108

GREG MORROW
WASATCH HOLLOW CHAIR
EMAIL ONLY/ON LISTSERVE

DIANE BARLOW
SUNNYSIDE EAST CHAIR
859 SOUTH 2300 EAST
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVE
SALT LAKE CITY UT 84108

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

MARIELLA SIRA/MARGARET
BRADY
EAST LIBERTY PARK CO-CHAIRS
EMAIL ONLY SEE City Council site

ARCADIA HEIGHTS/BENCHMARK
CHAIR
Vacant

MAGGIE SHAW
SUGAR HOUSE CHAIR
1150 WILSON AVE
SALT LAKE CITY UT 84105

OAK HILLS CHAIR
Vacant

KEVIN JONES
EAST BENCH CHAIR
2500 SKYLINE DR
SALT LAKE CITY, UT 84108

SUNSET OAKS CHAIR
Vacant

INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
Vacant

LESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DR
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

WAYNE F GREEN
GREATER AVENUES CHAIR
371 E 7TH AVENUE
SALT LAKE CITY UT 84103

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY UT 84101

BILL DAVIS
PEOPLE'S FREEWAY CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

~~THOMAS MUTTER~~
~~CENTRAL CITY CHAIR~~
~~EMAIL ONLY/ON LISTSERVE~~

JOEL BRISCOE
EAST CENTRAL CHAIR
PO BOX 58902
SALT LAKE CITY UT 84158

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

LISETTE GIBSON
YALECREST CHAIR
1764 HUBBARD AVENUE
SALT LAKE CITY UT 84108

~~GREG MORROW~~
~~WASATCH HOLLOW CHAIR~~
~~EMAIL ONLY/ON LISTSERVE~~

DIANE BARLOW
SUNNYSIDE EAST CHAIR
859 SOUTH 2300 EAST
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVE
SALT LAKE CITY UT 84108

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

~~MARIELLA SIRA/MARGARET~~
~~BRADY~~
~~EAST LIBERTY PARK CO-CHAIRS~~
~~EMAIL ONLY-SEE City Council site~~

ARCADIA HEIGHTS/BENCHMARK
CHAIR
Vacant

MAGGIE SHAW
SUGAR HOUSE CHAIR
1150 WILSON AVE
SALT LAKE CITY UT 84105

OAK HILLS CHAIR
Vacant

KEVIN JONES
EAST-BENCH CHAIR
2500 SKYLINE DR
SALT LAKE CITY, UT 84108

SUNSET OAKS CHAIR
Vacant

INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
Vacant

5. PLANNING COMMISION

5 A. PLANNING COMMISION

**Original Agenda/Notice
Hearing December 10, 2008
Hearing January 28, 2009**

AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building at 451 South State Street

Wednesday, December 10, 2008 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—the Planning Commission may discuss project updates and other minor administrative matters. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, November 19, 2008.

Report of the Chair and Vice Chair

Report of the Director

Clarification of Condition of Previously Approved Planned Development

1. A request to have the Planning Commission clarify a condition of approval given in May, 1995 for Case No. 410-175, relating to a request by 4th South Entertainment Partnership for a commercial planned development at approximately 615 East 400 South in the Commercial Shopping "C-S" zoning district. The clarification relates to the condition to obtain a cross easement over the property at approximately 613 East 400 South.

Public Hearings

2. **Petition 410-08-55, PLNPCM2008-00187, McGillis School**—a request by the McGillis School, represented by Glen W. Anderson, for a Conditional Use to allow for additional height on the proposed addition to the existing building at approximately 668 South 1300 East in the Institutional Zoning District. The height of the proposed building is approximately 38.5 feet (with additional height extensions for decorative features to match surrounding architecture), consistent with the height of the existing school building. The ordinance allows heights over 35 feet, but less than 75 feet, as a conditional use in the Institutional Zoning District. The property is located in City Council District Four, represented by Luke Garrott (Staff contact: Doug Dansie at 535-6182 or doug.dansie@slcgov.com).
3. **PLNPCM2008-00347 Central City Recreation Center Zoning Amendment**—a request by Salt Lake County to amend the City zoning map for the property located at approximately 615 South 300 East so that the entire property is zoned PL (Public Lands). The subject property is the current location of the Central City Recreation Center and currently has a split zoning designation of Multi-Family RMF-35 and PL. The property is located in City Council District Four, represented by Luke Garrott (Staff contact: Casey Stewart at 535-6260 or casey.stewart@slcgov.com)
4. **Petition PLNPCM2008-00744 Autozone Planned Development Amendment**—a request by The Boyer Co., represented by Nate Swain, for a conditional use to amend a recently approved planned development to include a monument sign. The pad site for the proposed Autozone auto parts retail building is not a separate lot and therefore is not eligible, per the sign ordinance, for its own monument sign. The subject site is located at approximately 1199 East 3300 South, at the south entrance to Brickyard Plaza, in a CB zoning district. The property is located in City Council District Seven, represented by Søren Simonsen (Staff contact: Casey Stewart at 535-6260 or casey.stewart@slcgov.com).
5. **Rosewood Senior Housing Project Master Plan Map and Zoning Map Amendments, Street Closure and Declaration of Surplus Property**—a request by the Housing Authority of Salt Lake City, represented by Executive Director Bill Nighswonger, for approval for a 75 unit senior housing development at approximately 158 North 600 West and approximately 171-187 North Phoenix Circle. The property is located in City Council District Three represented by Eric Jergensen (Staff contact: Ray Milliner at 535-7645 or ray.milliner@slcgov.com).
 - a. **Petition PLNPCM2008-00466 Master Plan Amendment**—the applicant is requesting approval to amend the Capitol Hill Community Master Plan's Future Land Use Map for the property from Low Density Residential (1-15 dwelling units/acre) to Medium High Density Residential (30-50 dwelling units/acre).
 - b. **Petition PLNPCM-00470 Zoning Map Amendment**—the applicant is requesting approval to rezone the property from SR-3 and SR-1A Special Development Pattern Residential to RMF-45 Residential Multi-Family.
 - c. **Petition PLNSUB-00615 Street Closure and Declaration of Surplus Property**—the applicant is requesting that the City close platted, but unimproved Phoenix Circle (located at approximately 560 West at 200 North). As part of the closure request, the applicant is requesting that the Planning Commission declare Phoenix Circle as Surplus Property.
6. **Petition No. PLNPCM2008-00409, Salt Lake City Zoning Ordinance text and Building Code text amendments—this is an Issues Only Hearing. Public input is welcome. The Planning Commission will not make a decision on the matter at this meeting.** This is a request by the Salt Lake City Planning Commission to analyze the feasibility of amending the City Code as it pertains to residential condominium conversions. The following issues are being considered:

Zoning Ordinance:

 1. Expand Planning Director oversight for exterior building and site improvements as may be required.
 2. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".

Building Ordinance:

 1. Require exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment—condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.
 2. Require the installation of a smoke detector system conforming to manufacturer's recommendations
 3. Require fire sprinkler systems in buildings with more than 3 units.
 4. Require compliance with chapter 18.96.050 (Fit Premises): Property owner to maintain the premises and each dwelling unit.

(Staff contact: Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. 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.

PUBLIC HEARING NOTICE



Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building at 451 South State Street

Wednesday, January 28, 2009 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—the Planning Commission may discuss project updates and other minor administrative matters. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, January 14, 2009

Report of the Chair and Vice Chair

Report of the Director

Public Hearings

1. **Petition PLNPCM2008-00211, Granite Furniture Block/Red Mountain Retail Group—Conditional Building and Site Design Review**—a request for Conditional Building and Site Design Review for a new mixed-use development in the Sugar House Business District (CSHBD1 & CSHBD2 Zones) consisting of commercial and residential uses. The proposal involves the renovation of the Leisure Living building in the interior of the Granite Block, the renovation of the Granite Furniture warehouse building along McClelland Street, as well as the Granite Furniture Showroom Building on the southeast corner of 2100 South and McClelland Street. The proposal also includes the construction of three (3) new buildings on the Granite Block and along the west side of McClelland Street. This project is being reviewed by the Planning Commission because all new construction of principal buildings that exceed fifty feet (50') in height in the CSHBD1 District or thirty feet (30') in the CSHBD2 District or 20,000 square feet in size in either District are subject to the Conditional Building and Site Design Review process. The property is located in City Council District Seven, represented by Søren Simonsen (Staff contact: Lex Traugher at 535-6184 or lex.traugher@slcgov.com).
2. **Petition PLNSUB2008-00758, Planned Development/Condominium Conversion**—a request by Tim Collings for a Conditional Use Permit for a Planned Development located at approximately 162 North I Street. This application proposes combining three existing buildings into one Planned Development and changing the south most two buildings located at approximately 156 North and 162 North, from apartments to condominiums. This property is located in City Council District Three represented by Carlton Christensen (Staff contact: Bill Peperone at 535-7214, or at bill.peperone@slcgov.com).
3. **Petition No. PLNPCM2008-00409, Salt Lake City Zoning Ordinance text and Building Code text amendments**—a request by the Salt Lake City Planning Commission to analyze the feasibility of amending the City Code as it pertains to residential condominium conversions (Staff contact: Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com). The following issues are being considered:
 - Zoning Ordinance:**
 - a. Expand Planning Director oversight for exterior building and site improvements as may be required.
 - b. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".
 - Building Ordinance:**
 - a. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment—condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.
 - b. Require the installation of a smoke detector system conforming to manufacturer's recommendations
 - ~~c. Require fire sprinkler systems in buildings with more than 3 units.~~
 - d. Require compliance with chapter 18.96.050 (Fit Premises): Property owner to maintain the premises and each dwelling unit
4. **Petition 410-08-55, PLNPCM2008-00187, Metro C&D Transfer and Recycling Facility**—a request by Waste Management of Utah, Inc., represented by Susan Hayward, This is a request for conditional use approval for a recycling processing center (outdoor) business to operate on property located at 3550 West 500 South. The subject property and buildings have been used for a recycling processing center (indoor) in the past. A recycling processing center (outdoor) is permitted in the M-1 zoning district with conditional use approval. Planning Commission is the final decision making authority for conditional uses. The property is located in City Council District Two, represented by Van Turner (Staff contact: Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. 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.

NOTE Walking Shaw
451 S. State St. Rm. 406

PUBLIC HEARING NOTICE

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111



1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

//

5 B. PLANNING COMMISION

Memorandum December 10, 2008
Staff Report January 28, 2009



MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community Development

TO: Planning Commission Members
FROM: Nole Walkingshaw, Senior Planner
DATE: December 10, 2008
SUBJECT: Issues Only Public Hearing regarding Residential Condominium Conversions;
Zoning Text and Building Text Amendment Petition No. PLNPCM2008-00409

The following is a petition to amend the Salt Lake City Zoning Ordinance, the Salt Lake City Building Code and the Salt Lake City Existing Residential Housing Code, as they relate to the conversion of existing apartment buildings to condominium units. The Planning Commission is holding an Issues Only Public Hearing on this petition. As such, the Commission may accept public comment but will not take any official action on this petition on December 10, 2008. During a future public hearing, the Planning Commission will be asked to make a recommendation on this petition to the City Council.

Background

Recently, the City began experiencing a substantial boom in residential condominium approval requests. Requests include new construction projects, conversions of existing non-residential buildings and conversions of existing apartment buildings. The demand for condominium conversion or new approvals is cyclical as market demand and financing availability vary. The market for residential condominium conversions typically arises when the price of single family homes increases beyond the reach of first time home buyers.

Condominium ownership of real property is authorized under Utah State Law, Title 57-8. Condominium ownership is a hybrid ownership form where the real property and the physical building structure and site improvements are owned in common in an undivided interest by all owners within the condominium project. Individual ownership is restricted to the air space within the building, as shown on the required Condominium Plat or Map. Salt Lake City has also adopted a zoning ordinance which defines applicability and processes to approve or amend condominium projects within the City limits. Condominium approvals are also considered as subdivisions. Condominiums can be residential, commercial, office, or industrial in land use, and can be considered for both conversions of existing buildings or new construction.

The following table documents condominium approvals in Salt Lake City over the past three year:

Preliminary Approvals	# of Projects	# of Units Converted
2006	5	37
2007	18	338
2008	7	78
Total	30	453

The following is a list of items which have been reviewed and discussed by City Staff:

Issues

- Clearly define “condominium”
- Is conversion used to avoid:
 - city regulations that deal with apartment licensing and inspections
 - minimal life safety and fire code
 - physical improvements
- Are condominiums sublet, negating community benefit of ownership
- Is the existing apartment building suitable for condominium ownership conversion
- City is unable to enforce minor and substandard housing conditions in rental units
- Potential for lower quality rental market
- Public safety issues with existing condo “loophole” regarding inspection requirements
- “Nuisance issues” Apartments v. Condominiums

Zoning

- Oversight for exterior building and site improvements
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a “Change of Use”
- Land use types

Building

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards
- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements
- Safe and sanitary maintenance
- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations.
- Fire sprinkler systems in buildings with more than three (3) units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit

- Exit Door(s) with panic hardware for occupant load of 50 or more.
- Seismic upgrading

Staff has not identified any issues with condominium approvals for new construction or for conversions from a nonresidential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City Policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under condominium ownership, the units may continue to be rented and not sold to individuals, or the units are sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment buildings are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.

“Change of Use”: some community members have argued that the condominium conversion process qualifies the building to be subject to the current provisions of building and zoning codes as required by a “change of use”.

The Salt Lake City Zoning Ordinance defines a “Change of Use” as;

The replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type).

The adopted building code requires an existing building to meet current standards based on changes of occupancy which is defined in the International Building Code (IBC) as:

Change of Occupancy: no change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

It has been determined by the City that the condominium conversion process is not a “change of use” or a “change of occupancy.” The conversion process simply reflects a change in ownership and as such is not subject to the requirements of a “change of use” or a “change of occupancy”. The City may require additional repairs, compliance and improvements as part of the Condominium Conversion process. These additional

requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

Process

During the summer of 2007, the Community Development Department and the Planning Division convened a task force with pertinent City staff to study the issues related to condominium approvals and conversions. The proposed text changes have been through a series of reviews by City Personnel, and the Administration. An Open House was held to provide information to the public, answer questions and take comments. The petition was presented to the Housing Advisory and Appeals Board who supports the modifications, and understands their potential role as an appeal authority.

The adoption of some of the amendments to the Building Code proposals may be required to go to the State of Utah for a Local Amendment to the Building Code.

State Code Amendments

Staff has identified the following three issues for additional study and possible adoption:

- Requiring seismic upgrading;
- ADA compliance; and
- Installation of fire suppression systems.

Each of these topics would require an amendment to the State Building Code. This process requires an application, Request for Code Amendment, with the State of Utah to be filed with the Department of Professional Licensing (DOPL).

Application Requirements

The Request for Code Amendment application requires a financial impact study and documentation of the following specific information:

- Entire section(s) proposed for amendment;
- Purpose of or Reason for the Amendment;
- Cost or savings Impact of Amendment;
- Compliance Costs for Affected Persons (“Person” means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency. The City must break out the impact cost to state budget and local government, and must state aggregate costs to other persons (cost per person times number of persons affected)):

In an effort to complete this study the City will need to hire a Professional Structural Engineer to complete the study of a base group of existing buildings with the potential for condominium conversion. The building Reports shall identify the required modifications to meet seismic standards, ADA and fire suppression. Following this a construction cost estimate will need to be prepared for the identified work. The City may use these numbers to answer the application requirements with the caveat that each conversion is unique.

Recommendations

The following summary of proposed text changes recommends an increased review of life safety matters, encourages investment resulting in better quality housing, and provides options which can be administrated and managed effectively. Staff recommends that State Code Amendments be pursued separately and incorporated into City Code, should the State adopt the recommendations.

Summary of proposed draft Zoning and Building Code text changes

Zoning Ordinance

1. Expand Planning Director oversight for exterior building and site improvements as may be required.
2. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".

Building Ordinance:

1. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment-condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.
2. Require the installation of a smoke detector systems conforming to manufacturer's recommendations.
3. Require fire sprinkler systems in buildings with more than three (3) units.
4. Require compliance with chapter 18.96.050 (Fit Premises) Property Owner To Maintain The Premises And Each Dwelling Unit:

If you require additional information please contact me by phone at 535-7128 or by e-mail at nole.walkingshaw@slcgov.com.

Proposed Text Amendment

DRAFT

Zoning Ordinance

21A.56.060 Condominium Conversion Process:

B. Planning Official Duties and Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.

4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including but not limited to landscaping, exterior repairs, and improvements to common areas. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. The conversion of existing residential apartment buildings to condominiums is not a change of use. (See also definition of Land Use Type (Similar Land Use Type).)

Land Use Type (Similar Land Use Type): "Land use types" shall be considered to be similar land use types if both uses are allowed in the same zoning district or in the same or more restrictive zoning district within the commercial zoning category or in the same or more restrictive district within the manufacturing zoning category and the change from one land use type to another similar land use type does not increase the parking requirement. If the proposed land use type is a conditional use it will be subject to the conditional use process.

Building Ordinance

DRAFT

(Amendment to Section 18.32.050)

SECTION 346. That subsection (5) is, amended to read as follows:

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required

in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 347. That subsection (7) is, amended to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations **shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station.**

SECTION 348. That subsection (c) is a new subsection to read as follows:

(c) **Automatic fire sprinkling system shall be installed in all condominiums which are over 3 units. These systems shall be installed to the current International Fire Code (IFC).**

SECTION 351. That subsection is a new subsection to read as follows:

All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

Salt Lake City Existing Residential Housing Code

18.50.020 Purpose and Scope:

B. Scope:

1. Application to Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.
2. Owner-Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner-occupied dwelling units.
3. ~~Condominiums: Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas.~~ (Discussion needed)

PLANNING COMMISSION STAFF REPORT

“Residential Condominium Conversions” Zoning Text Amendment Petition PLNPCM2008-00409 – City-wide January 28, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Salt Lake City
Council

Staff:
Nole Walkingshaw 535-7128
nole.walkingshaw@slcgov.com

Master Plan Designation:
City-wide

Council District: City-wide

**Applicable Land Use
Regulations:**

Review Standards:

- 21A.50.050 Standards for
General Amendments

Affected Text:

- 21A.56.060.B Planning
Official Duties and
Responsibilities
- 21A.62.040 Definitions
- 18.32.050 UBC Appendix
Chapter 3 Division V Added
Nonconforming Building
Conversion: Sections 346, 347,
351, and 352
- 18.32.020 Salt Lake City
Existing Residential Housing
Code: Purpose and scope

Public Notice:

- Notice Mailed January 15,
2009
- Posted to Planning Dept and
Utah State Public Meeting
websites January 15, 2009.

REQUEST

The Salt Lake City Planning Commission requested the Planning Division review the appropriateness of amending the Salt Lake City Code as it applies to residential condominium conversions.

- Clearly define “condominium”
- Determine what issues are currently being viewed as problematic
- Determine what mitigating trends might be occurring
- Opine as to whether or not the City has a pending problem
 - If there is a problem, identify it/them and recommend a course of action
 - If there is not a problem, explicitly identify upon what your determination is based

STAFF RECOMMENDATION:

Based on the comments, analysis and findings of fact listed in the staff report, Planning Staff recommends the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed text amendment for residential condominium conversions as shown in Exhibit A - Proposed Text Amendments.

<p>Attachments:</p> <ul style="list-style-type: none"> A. Proposed Text Amendments B. Public Comments C. Department Comments D. Residential Condominium Conversion Process 	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Background/ Project Description

Recently, the City began experiencing a substantial boom in residential condominium approval requests. Requests include new construction projects, conversions of existing non-residential buildings and conversions of existing apartment buildings. The demand for condominium conversion or new approvals is cyclical as market demand and financing availability vary. The market for residential condominium conversions typically arises when the price of single family homes increases beyond the reach of first time home buyers.

Condominium ownership of real property is authorized under Utah State Law, Title 57-8. Condominium ownership is a hybrid ownership form where the real property and the physical building structure and site improvements are owned in common in an un-divided interest by all owners within the condominium project. Individual ownership is restricted to the air space within the building, as shown on the required Condominium Plat or Map. Salt Lake City has also adopted a zoning ordinance which defines applicability and processes to approve or amend condominium projects within the City limits. Condominium approvals are also considered as subdivisions. Condominiums can be residential, commercial, office, or industrial in land use, and can be considered for both conversions of existing buildings or new construction.

The following table documents condominium approvals in Salt Lake City over the past three years.

Preliminary Approvals	# of Projects	# of Units Converted
2006	5	37
2007	18	338
2008	7	78
Total	30	453

The following is a list of items which have been reviewed and discussed by City Staff: *Please refer to Attachment A for a review of the proposed text amendments.*

Issues

- Clearly define “condominium”
- Is conversion used to avoid:
 - city regulations that deal with apartment licensing and inspections
 - minimal life safety and fire code
 - physical improvements
- Are condominiums sublet, negating community benefit of ownership?
- Is the existing apartment building suitable for condominium ownership conversion?
- City is unable to enforce minor and substandard housing conditions in rental units
- Potential for lower quality rental market
- Public safety issues with existing condo “loophole” on inspection requirements

- “Nuisance issues” Apartments v. Condominiums

Zoning

- Oversight for exterior building and site improvements:
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking:
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a “Change of Use”
- Land use types

Building

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards
- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements
- Safe and sanitary maintenance
- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations
- Fire sprinkler systems in buildings with more than 3 units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit
- Exit Door(s) with panic hardware with occupant load of 50 or more
- Seismic upgrading

Staff has not identifies any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal

with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under condominium ownership, the units may continue to be rented and not sold to individuals, or the units are sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment building are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.

“Change of Use”: some community members have argued that the condominium conversion process qualifies the building to be subject to the current provisions of building and zoning codes as required by a “change of use”.

The Salt Lake City Zoning Ordinance defines a “Change of Use” as;

The replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type).

The adopted building code requires an existing building to meet current standards base on changes of occupancy which is defined in the International Building Code (IBC) as:

Change of Occupancy: no change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

It has been determined by the City that the condominium conversion process is not a “change of use” or a “change of occupancy.” The conversion process simply reflects a change in ownership and as such is not subject to the requirements of a “change of use” or a “change of occupancy”. The City may require additional repairs, compliance and improvements as part of the Condominium Conversion process. These additional requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

State Code Amendments

Three areas in addition to the noted issues have been recommended for further study and possible adoption; these include requiring seismic upgrading, ADA compliance, and the installation of a fire suppression system. Each of these topics would require an amendment to the Sate Building Code, and are not a part of this proposed text amendment. This process requires an application, Request for Code Amendment, with the

State of Utah to be filed with the Department of Professional Licensing (DOPL). Staff may pursue State Code Amendments on a separate track and incorporate in to City Code should the State adopt the request.

Comments

Public Comments

An Open House was held on October 16, 2008. The Attendance Roll has been attached as part of the Public Comments Exhibit B. Written comments were specific to the “change of use” issue and a request that modifications to structures including the addition of mechanical equipment meet current building code.

Staff presented the proposal to the Salt Lake City Housing Advisory and Appeals Board on November 12, 2008. The HAAB was supportive of the proposal.

Other public comments received were in respect to the potential for requiring automatic fire sprinkler systems in conversions with three or more units. This requirement would require a state code amendment and will not be considered as a part of this proposal.

City Department Comments:

Engineering: doesn't have any comments directly affecting the proposed amendment. Please keep in mind though, that condominiums are defined in the City Code (20.08.300) as subdivisions and as such, they are subject to a Subdivision Improvement Construction Agreement if the required infrastructure warrants it. The infrastructure can include utilities, streets, street lighting, sidewalk, driveways on private property that serve a local neighborhood or community need, etc. Scott

Public Utilities: If the property is required to install a fire sprinkler system, then a fire line petition and connection fee must be completed and paid. In addition, if the property has never paid sewer connection fees then the property owner must also pay the fee of \$545 per unit.

Analysis and Findings

21A.50.050 Standards for general amendments.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;

Analysis: The community master plan residential policies generally establish goals which aim to preserve existing residential opportunities, encourage providing a variety of housing types, sizes and prices in the community as a whole, encourage compliance with existing housing codes. The Salt Lake City Community Housing Plan encourages homeowner options allowing for equity-building alternatives such as condominiums, co-ops, co-housing, mutual housing and other models. The Housing Plan stresses the need for affordable housing stock and the maintenance, restoration and preservation of our existing housing stock.

Finding: The proposed text amendments provide additional refinement of the zoning regulations of the City's policies by providing greater detailed zoning regulations. Strengthen the role of the administrative review in order to identify site specific needs and is consistent with the goals and policies of the Salt Lake City Community Housing Plan. Additionally the changes made to incorporate the requirements of the Salt Lake City Existing Residential Housing Code meets the policy goals of meeting housing quality and safety, and permitting inspections of tenant occupied units by City apartment inspectors.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;

Analysis: The proposed amendment regulates the change of ownership of these dwelling units. Any additions, modifications or improvements are required to be reviewed and approved for consistency and compliance with current regulations including overlay districts.

Finding: The proposed amendment strengthens the need for a reinvestment in the dwellings, any additions, modifications or improvements are required to be reviewed and approved for consistency and compliance with current regulations including overlay districts.

C. The extent to which the proposed amendment will adversely affect adjacent properties;

Analysis: The purpose of the amendment is to strengthen and establish standards in the City Code as it relates to residential condominium conversions, such that the quality of the building is consistent with requirements of the Code and in compliance with the Salt Lake City Residential Housing Code. Additionally the clarified duties of the Planning Director should give better direction and control over the development and common areas.

Finding: The proposed text changes will provide a higher quality conversion which in turn should be a positive affect on adjacent properties. Additionally the clarified duties of the Planning Director should give better direction, and control over the developments amenities and common areas, allowing for the possibility of mitigating any known adverse affects on adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and

Analysis: The development or modifications of any structures would be subject to the provisions of any applicable overlay zoning district. The occupation of and/or tenant finishing of existing building would also be subject to the provisions of any overlay zoning district. The proposed text amendment would not affect any existing overlay district standards.

Finding: The proposed text amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.**

Analysis: The proposed ordinance should not place any additional burdens on public facilities and/or services. The City departments that provide public facilities and services have reviewed the proposed text changes and offered comments based upon their area of expertise. In some instances there may be additional requirement or fees due in order for the proposed conversion to comply with City regulations.

Finding: All pertinent City departments will have review authority on the any proposed conversions to ensure that any determined development impacts which may be associated with the new developments will be mitigated.

Exhibit A
Proposed Zoning and Building Ordinance Text
Residential Condominium Conversions

Proposed Text Amendment

Zoning Ordinance

21A.56.060 Condominium Conversion Process:

B. Planning Official Duties And Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.

4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including but not limited to landscaping, exterior repairs, and improvements to common areas. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. The conversion of existing residential units to condominiums is not a change of use. (See also definition of Land Use Type (Similar Land Use Type).)

Building Ordinance

(Amendment to Section 18.32.050)

SECTION 346. That subsection (5) is, amended to read as follows:

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 347. That subsection (7) is, amended to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station.

SECTION 351. That subsection is a new subsection to read as follows:

All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

Salt Lake City Existing Residential Housing Code

18.50.020 Purpose And Scope:

B. Scope:

1. Application To Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.
2. Owner-Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner-occupied dwelling units.
- ~~3. Condominiums: Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas.~~

Exhibit B
Public Comments

Wayne,

Thank you for the input; I will include your concerns with the public comments. The change of use issue is a very difficult issue to work around, simply stating it as a change of use in the zoning ordinance does not address the more controlling factors within the Building Codes and State Code, our thought is that the inclusion of conformance with the Existing Residential Housing Code and strengthening the role and authority of the planning director in these matters we will be able to better accomplish the over all objective.

Respectfully,
Nole Walkingshaw

From: Wayne Green [mailto:wayne.green@cores.utah.edu]
Sent: Thursday, October 16, 2008 2:36 PM
To: Walkingshaw, Nole
Subject: RE: Residential Condominium Conversions Ordinance Review Petition# PLNPCM2008-00409

Nole:

Being unable to attend today's Tier 3 Open House, I wanted to forward the opinions of the Greater Avenues Community Council (GACC) for consideration. As you are well aware the GACC has had, and still has, serious reservations about condo conversions; especially the conversions of older, non-conforming apartments. The central issue deals with whether or not the conversion is a "change of use" which would require meeting current zoning standards as part of the conversion. Many of these older, non-conforming buildings are being converted to condos, exempted from current standards, which leaves many structural, maintenance, design and parking problems the ultimate responsibility of unsuspecting buyers. This process does nothing to improve the quality of our housing stock or our neighborhoods. Specifically, our issues are as follows:

1. City's use of the definition. Change of Use is defined in three areas of the city code dealing with Planning, Building Services and Public Utilities. Two of these areas, Building Services and Public Utilities, consider a condo conversion a change of use and furthermore, Public Utilities imposes a \$545 per unit charge for that change of use. For Planning to hide within the confines of section 21 and say that a condo conversion is not a change of use is to ignore the majority position of other areas of city government and possibly put the city at financial risk. A builder, who was charged by Public Utilities for a Change of Use, when realizing that Planning does not consider the conversion a Change of Use, might well challenge the charge levied by Public Utilities seeking a refund. If this discrepancy became common knowledge within the building community, widespread appeals could lead to a serious financial loss to the city.
2. Interpretation of the definition. We feel that Planning is taking an extremely basic interpretation of the formal definition by basically saying 'it was multi-family residential before and it is multi-family residential after conversion'. The only thing simpler would be to say that 'it was a building before and it is a building afterwards'. This position ignores a crucial portion of the definition which states **"...or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements."** As pointed out by Planning's sister division (Building Services) in the original Board of Adjustment Staff Report on the GACC appeal of a condo conversion (Case #420-08-187), there is a significant change in the nature of use through a condo conversion. The facility changes from a licensed, single owner business, which is inspected under

unique standards and subject to city enforcement, to a mixed ownership status exempt from most of the previous standards. The condo is mixed ownership in that portions of the facility are individually owned while other "common" areas are jointly owned. So although there may still be 'multiple families' living in the building, they are most certainly living there under different circumstances. These references are provided in the attached document.

The GACC strongly urges a reconsideration of the Change of Use interpretation to define a condo conversion as a Change of Use. We have no objection to condo conversions per se, but we do object to older non-conforming facilities being allowed to slip through the process without bringing them up to current zoning standards. Under this situation builders are allowed to make only minimal cosmetic improvements before selling off the condos (at an increased price) to unsuspecting buyers. These new owners are then left with the matter of ultimately making and funding necessary modifications through their owners association. Furthermore, adopting this interpretation would put Planning in agreement with the other city departments in managing condo conversions.

Sincerely,

Wayne F. Green
2008 GACC Chair

From: Walkingshaw, Nole [mailto:Nole.Walkingshaw@slcgov.com]

Sent: Wednesday, October 15, 2008 10:43 AM

To: drleslie99@aol.com; r.jarrett@comcast.net; angie.vorher@gmail.com; vickyorme@gmail.com; Harman@xmission.com; jaylil@sisna.com; polly@sisna.com; Wayne Green; christian.harrison@gmail.com; christian.harrison@gmail.com; gbrovers@aol.com; ccnc@rock.com; joelkb@mindspring.com; Margaret.brady@utah.edu; libertywells@msn.com; dmgib@xmission.com; gregg.morrow@schoolimprovement.com; hjbdcb@comcast.net; ellen@impactfactoryutah.com; Michael@newportutah.com; gkevinjones@hotmail.com; Isellre111@aol.com

Cc: Hunter, Esther; Comarell, Pat; Sommerkorn, Wilford; De La Mare-Schaefer, Mary

Subject: Residential Condominium Conversions Ordinance Review Petition# PLNPCM2008-00409

Dear Community Council Chairs,

For some time now Salt Lake City Planning and Building Services have been reviewing the issue of converting existing apartment buildings to condominiums. We are holding an open house on this issue October 16, 2008 from 5:30 to 7:00 in room 126 of the City and County Building. Hopefully the previous notice was received, just as an additional FYI I have attached the open house memo outlining the issues and proposed amendments, and we welcome your comments through the open house process or simply responding to this email.

Please feel free to forward this information on to anyone you feel may be interested in this important issue.

If you have any questions or concerns I can be reached at 535-7128 or by email at nole.walkingshaw@slcgov.com.

Thank you,

Nole Walkingshaw

Nole Walkingshaw

Salt Lake City Planning and Zoning

Senior Planner

801-535-7128

Scott,

Thank you for the input I will be sure to include it in the public comments and research our installation guidelines.

Nole

-----Original Message-----

From: Scott Kisling [mailto:scott.kisling@comcast.net]
Sent: Friday, October 10, 2008 2:48 PM
To: Walkingshaw, Nole
Subject: Residential Condo Conversion - Comment for PC

Nole,

Please consider requirements of water pipe freeze protection if this can be applied to the amendments under review.

Condo conversions often always include modification from central water heaters to individual water heaters. In many condo conversions a section of a balcony or patio are closed in to contain the new water heater. Without heat to that "water heater closet" pipes can freeze well before those in other parts of the building; the heat from the water heater itself is insufficient to prevent pipes around it from freezing, in part because the area must be vented for gas combustion. Many years ago Denver had a period of conversions, followed the next year by law suits due to water damage from freezing.

Thanks,

Scott Kisling
2409 Lynwood Drive
Salt Lake City, UT 84109

PLANNING DIVISION OPEN HOUSE

October 16, 2008

- Item 1. Halfway Homes
- Item 2. Zoning Ordinance Fine Tuning
- Item 3. Residential Condo Conversion

ATTENDANCE ROLL

PRINT NAME <u>Shawn McMillen</u>	PRINT NAME <u>Jerry Oldroyd</u>
ADDRESS <u>1855 So. 2600 E.</u>	ADDRESS <u>201 S Main #800</u>
ZIP CODE <u>84108</u>	ZIP CODE <u>84011</u>
PRINT NAME <u>David Worthington</u>	PRINT NAME <u>Michael Hughes</u>
ADDRESS <u>14777 14777 Minuteman Dr Draper, Utah</u>	ADDRESS <u>704 5th Avenue</u>
ZIP CODE <u>84020</u>	ZIP CODE <u>84103</u>
PRINT NAME <u>BRENT BUTCHER</u>	PRINT NAME _____
ADDRESS <u>14777 MINUTEMAN DR</u>	ADDRESS _____
ZIP CODE <u>DRAPER UT 84020</u>	ZIP CODE _____
PRINT NAME <u>CRISTINA CORONADO</u>	PRINT NAME <u>Nole Walkingshaw</u>
ADDRESS <u>201 S. MAIN ST # 800</u>	ADDRESS <u>451 So State ST Room 406</u>
ZIP CODE <u>84011</u>	ZIP CODE <u>PO Box 145480 SLC UT 84114</u>
PRINT NAME <u>TIM ANKER</u>	PRINT NAME _____
ADDRESS <u>175 E. 400 S. #700</u>	ADDRESS _____
ZIP CODE <u>SLC UT 84111</u>	ZIP CODE _____
PRINT NAME <u>Dave Copeland</u>	PRINT NAME _____
ADDRESS <u>605600E</u>	ADDRESS _____
ZIP CODE <u>SLC UT 84102</u>	ZIP CODE _____

LESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DR
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

WAYNE F GREEN
GREATER AVENUES CHAIR
371 E 7TH AVENUE
SALT LAKE CITY UT 84103

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY UT 84101

BILL DAVIS
PEOPLE'S FREEWAY CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

THOMAS MUTTER
CENTRAL CITY CHAIR
EMAIL ONLY/ ON LISTSERVE

JOEL BRISCOE
EAST CENTRAL CHAIR
PO BOX 58902
SALT LAKE CITY UT 84158

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

LISETTE GIBSON
YALECREST CHAIR
1764 HUBBARD AVENUE
SALT LAKE CITY UT 84108

GREG MORROW
WASATCH HOLLOW CHAIR
EMAIL ONLY/ON LISTSERVE

DIANE BARLOW
SUNNYSIDE EAST CHAIR
859 SOUTH 2300 EAST
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVE
SALT LAKE CITY UT 84108

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

MARIELLA SIRAA/MARGARET
BRADY
EAST LIBERTY PARK CO-CHAIRS
EMAIL ONLY, SEE City Council site

ARCADIA HEIGHTS/BENCHMARK
CHAIR
Vacant

MAGGIE SHAW
SUGAR HOUSE CHAIR
1150 WILSON AVE
SALT LAKE CITY UT 84105

OAK HILLS CHAIR
Vacant

KEVIN JONES
EAST BENCH CHAIR
2500 SKYLINE DR
SALT LAKE CITY, UT 84108

SUNSET OAKS CHAIR
Vacant

INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
Vacant

Exhibit C
Department Comments

Department Comments

Public Utilities comments submitted by Jason Brown

If the property is required to install a fire sprinkler system, then a fire line petition and connection fee must be completed and paid. In addition, if they property has never paid sewer connection fees then they must also pay the fee of \$545 per unit.

Engineering comments submitted by Scott Weiler

Engineering doesn't have any comments directly affecting the proposed amendment. Please keep in mind though, that condominiums are defined in the City Code (20.08.300) as subdivisions and as such, they are subject to a Subdivision Improvement Construction Agreement if the required infrastructure warrants it. The infrastructure can include utilities, streets, street lighting, sidewalk, driveways on private property that serve a local neighborhood or community need, etc.

Exhibit D
Residential Condominium Conversion Process

Residential Condominium Conversion Process Summary

The purpose of the following discussion is to outline the existing residential condominium conversion process. The process begins with a detailed application, Preliminary Condominium and following the processing of that application a Final Plat Application is required. The Preliminary Condominium Application requires specific details including; a building report identifying the cited requirements as per the ordinance, plat maps showing the properties common areas, units, parking, and other amenities, HOA documents and current title reports. Once the application has been submitted there is a routing of the information to various city departments for review and inspections. The Building Official and the Planners involved with the application will make site visits and note violations and necessary repairs or improvements to the property. These issues are noted in the Building Officials report and Planning staff report.

The Planning Staff report includes the comments and recommendations from the department review and prepares a list of required actions needing to be taken prior to the final plat recording. A public hearing before an Administrative Hearing Officer is required in order to finalize the preliminary application, this public hearing maybe appealed to the Planning Commission by an affected party, or the Applicant. The Administrative Hearing Officer, may forward the request to the Planning Commission, approve the application, or deny the application; a Findings and Order of the Administrative Hearing Officer shall be prepared.

The Final Plat Application, at this stage all required work, improvements or other requirements should be completed. This includes inspections on active permits and noted corrections on the plat. The application and a copy of the final plat are routed to the various city department for their review and confirmation that the noted corrections have been made, once all issues have been satisfied and work on the property completed the Applicant is asked to prepare a final mylar copy for routing signatures from division heads, the Mayor and final recordation is done with Salt Lake County Recorder.

This description of the process is a broad overview for more detailed information I am including links to the appropriate applications so that you may view the specifics if desired. These applications will be modified following the adoption of this proposal, should it be adopted.

Preliminary Condominium Application:

<http://www.slcgov.com/ced/planning/documents/applications/SUB/PreliminaryCondo.pdf>

Final Plat Application:

<http://www.slcgov.com/ced/planning/documents/applications/SUB/FinalPlatApplication.pdf>

5 C. PLANNING COMMISION

Minutes

Hearing December 10, 2008

Hearing January 28, 2009

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, January 28, 2009

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh. Commissioners Babs De Lay, Tim Chambless, Frank Algarin, Kathy Scott, Prescott Muir, Michael Fife, and Matthew Wirthlin.

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Michael Fife, Susie McHugh, Kathy Scott, Matthew Wirthlin, and Mary Woodhead. Staff members present were: Joel Paterson, Bill Peperone, and Lex Traugher.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:47 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Present from the Planning Division: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Nole Walkingshaw, Senior Planner; Orion Goff, Building Official; Lex Traugher, Principal Planner; Bill Peperone, Senior Planner; and Tami Hansen, Planning Commission Secretary.

5:48:48 PM Approval of Minutes from Wednesday, January 14, 2009. Commissioner De Lay made a motion to approve the minutes with noted changes. Commissioner Wirthlin seconded the motion. All in favor voted, "Aye," the motion passed unanimously. Commissioners Algarin and Fife abstained.

5:49:42 PM *Report of the Chair and Vice Chair*

Chair Woodhead noted that she and Vice Chair McHugh would be meeting with the Chair and Vice Chair of the City Council on February 17, 2009.

5:50:02 PM *Report of the Director*

Mr. Sommerkorn welcomed Michael Fife as a new Planning Commissioner, and noted that the City Council had interviewed another potential Commission member, and one more had been nominated, leaving only one more seat to fill for a full Commission.

Mr. Sommerkorn noted that on the February 11, 2009 meeting, Doug Hattery would be coming to give a briefing of the Foothill Drive Corridor plan. Also, at the Commissioners request, Vicki Bennett the Sustainability Director for the city, would be coming to give an update on what was happening throughout the city, and how it related to the Planning and Zoning Department.

Public Hearings

5:51:12 PM **Petition PLNPCM2008-00211, Granite Furniture Block/Red Mountain Retail Group—Conditional Building and Site Design Review**—a request for Conditional Building and Site Design Review for a new mixed-use development in the Sugar House Business District (CSHBD1 & CSHBD2 Zones) consisting of commercial and residential uses. The proposal involves the renovation of the Leisure Living building in the interior of the Granite Block, the renovation of the Granite Furniture warehouse building along McClelland Street, as well as the Granite Furniture Showroom Building on the southeast corner of 2100 South and McClelland Street. The proposal also includes the construction of three (3) new buildings on the Granite Block and along the west side of McClelland Street. This project is being reviewed by the Planning Commission because all new construction of principal buildings that exceed fifty feet (50') in height in the CSHBD1 District or thirty feet (30') in the CSHBD2 District or 20,000 square feet in size in either District are subject to the Conditional Building and Site Design Review process. The property is located in City Council District Seven, represented by Søren Simonsen. View: Memorandum, Staff Report, Red Mountain Handout, Craig Mecham Letter, Additional public comment

Chair Woodhead recognized Lex Traugher as staff representative.

6:32:22 PM **Public Hearing:**

The following people spoke or submitted a hearing card in *support* for the proposed petition: **Judi Short** (Sugar House City Council Chair) stated that this project over time was looking better, and she in support, but some changes still needed to be made. She stated that the area to the south of Building 1 should have a city sidewalk because it has Parley's Trail, and the trolley, and all of this space should be part of Red Mountain's plan. She also noted that the Sugar House Master Plan mentions Sugarmont Drive and the connection should be maintained throughout the project. She noted that she would like to see the housing on Elm preserved. **Laurie Bray** (1064 East 2100 South) stated she owns a business in this area, she would like to see this project completed sooner rather than later. She stated that one-way traffic on Elm would be a great idea. **Benny Keele** (943 East Forest View Avenue) stated he was excited about the project, but he would like to see the north side of the building more enlivened. He would like to see the parking spaces converted to retail spaces. **Derek Payne** (1034 East Hollywood Avenue) stated that generally he was in favor of the project; however, several issues need to be resolved. First the commercial traffic needs to be discouraged from heading west onto Elm from the development, and the density of the project has increased by 40% since the traffic study was done. **Michael Jeppesen** (2007 McClelland) stated that this project will be fabulous for Sugar House, he noted that as far as LEED certification the project should be able to obtain higher than silver.

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Rawlins Young** stated that regarding Building 3 and Sugarmont Drive, and where the Jordan Canal runs through the business district there seems to be a problem with the property lines. **Russ Callister** (2146 Highland Drive), employed by Mecham Management. He stated that the site plan submitted by Red Mountain on the east side of Building 3 includes property that they do not own, and he would like the site plan to be revised to reflect accurately the property ownership. Chair Woodhead stated that as she understood it that was a legal dispute between the two property owners and whatever decision the Commission makes, would not involve adjusting property lines. **Scott Kisling** (2409 Lynwood Drive) stated that the project needs to be economically viable, and there needs to be an over attention to pedestrian amenities and connections.

6:57:59 PM Chair Woodhead closed the public hearing.

7:11:55 PM **Motion:**

Commissioner Wirthlin made a motion regarding Petition PLNPCM2008-00211, based on the findings listed in the staff report, the discussion of the Commission, the public hearing, and discussion with the applicant, the Planning Commission approves the proposal subject to the following conditions:

- 1. Compliance with the departmental comments as attached to the staff report (Exhibit A).**
- 2. A revised preliminary plat must be filed and application fees paid.**
- 3. Any substantive changes in the proposed building plans due to issues with the Jordan and Salt Lake City Canal will require review by the Planning Commission.**
- 4. Any substantive changes in the proposed building plans due to issues with the realignment and connection of Sugarmont Drive and Wilmington Avenue will require review by the Planning Commission.**
- 5. The Planning Commission delegates final approval of signage and lighting design to Planning Staff to ensure compliance with the “Business District Design Guideline Handbook” located in the Sugar House Community Master Plan.**

Vice Chair McHugh seconded the motion.

Commissioner De Lay, Algarin, Scott, Chambless, Fife, Wirthlin, and McHugh voted, “Aye”. Commissioner Muir voted, “No”. The motion passed.

Chair Woodhead announced a short break at 7:12 p.m.

Chair Woodhead reconvened the meeting at 7:19 p.m.

7:19:26 PM **Petition PLNSUB2008-00758, Planned Development/Condominium Conversion**—a request by Tim Collings for a Conditional Use Permit for a Planned Development located at approximately 162 North I Street. This application proposes combing three existing buildings into one Planned Development and changing the south most two buildings located at approximately 156 North and 162 North, from apartments to condominiums. This property is located in City Council District Three represented by Eric Jergensen. View: [Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

7:25:54 PM **Public Hearing:**

Chair Woodhead opened the public hearing portion of the petition. There were no members of the public present to speak. Chair Woodhead closed the public hearing.

7:26:22 PM **Motion:**

Commissioner De Lay made a motion regarding Petition PLNSUB2008-00758, that the Planning Commission grants Conditional Use approval, preliminary Planned Development approval, and Condominium Conversion approval, subject to the following conditions:

- 1. Approval is conditioned upon compliance with all departmental comments outlined in this staff report. If, during the building permit review process, additional requirements are stipulated, by the Building Department, the applicant shall satisfy said requirements prior to the recording of any approved final condominium plat.**
- 2. Upon preliminary approval the applicant shall submit for final plat approval to the Salt Lake City Planning Division, which is necessary to prepare a recordable final plat with the Salt Lake County Recorder's Office. The final condominium plat shall conform to the requirements of Chapter 21A.56 of the Zoning Ordinance (Condominium Approval Procedure).**
- 3. The execution and recordation of a Declaration of Covenants, Conditions, and Restrictions. The Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with Utah State and the Salt Lake City Code requirements.**
- 4. No condominium shall have final approval, nor shall said units be sold, until the final plat mylar has been recorded with the Salt Lake County Recorder.**

Commissioner Scott seconded the motion.

Commissioners De Lay, Scott, Algarin, Chambless, Muir, Fife, Wirthlin, and McHugh voted, "Aye". The motion passed unanimously.

7:27:39 PM **Petition No. PLNPCM2008-00409, Salt Lake City Zoning Ordinance text and Building Code text amendments**—a request by the Salt Lake City Planning Commission to analyze the feasibility of amending the City Code as it pertains to residential condominium conversions. The following issues are being considered: View: [Staff Report](#)

Zoning Ordinance:

- a. Expand Planning Director oversight for exterior building and site improvements as may be required.**
- b. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".**

Building Ordinance:

- a. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment—condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.**

- b. Require the installation of a smoke detector system conforming to manufacturer's recommendations
- c. Require fire sprinkler systems in buildings with more than 3 units.
- d. Require compliance with chapter 18.96.050 (Fit Premises): Property owner to maintain the premises and each dwelling unit.

Chair Woodhead recognized Nole Walkingshaw and Orion Goff as staff representatives.

7:46:28 PM **Public Hearing:**

Chair Woodhead opened the public hearing portion of the petition. There were no members of the public present to speak. Chair Woodhead closed the public hearing.

7:51:40 PM **Motion:**

Commissioner Wirthlin made a motion regarding Petition PLNPCM2008-00409, based on the comments, analysis and findings of fact listed in the staff report, the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed text amendment for a residential condominium conversion as shown in Exhibit A—Proposed Text Amendments.

Commissioner Algarin seconded the motion.

Discussion of the motion:

Commissioner De Lay noted she did not see a requirement for HOA fees. The CC&Rs could be thirty to forty years old and she was not sure that the city was requiring the HOAs to comply with the CC&Rs.

Mr. Walkingshaw stated that the city requires an HOA be set up, as part of the application for new condominiums. For existing HOAs the only change would be that if an existing condominium, which was tenant occupied, had a tenant complaint, the city could enter the condo to inspect it regarding the complaint. He noted he was not sure how this would affect the HOA.

Commissioner De Lay stated that some type of city-wide notice would be helpful, for the existing condominiums within Salt Lake City, which indicates the new rule. She stated that the city should expect that now with new buildings that were originally built as condominiums, but due to the economy are being converted to apartment buildings, this is something that the HOA will need to know, but the existing buildings may not be aware of this change.

Commissioner De Lay, Algarin, Scott, Chambless, Muir, Fife, Wirthlin, and McHugh voted, "Aye". The motion passed unanimously.

7:54:25 PM **Petition 410-08-55, PLNPCM2008-00582, Metro C&D Transfer and Recycling Facility**—a request by Waste Management of Utah, Inc., represented by Susan Hayward, This is a request for conditional use approval for a recycling processing center (outdoor) business to operate on property located at 3550 West 500 South. The subject property and buildings have been used for a recycling processing center (indoor) in the past. A recycling processing center (outdoor) is permitted in the M-1 zoning district with conditional use approval. Planning Commission is the final decision making authority for conditional uses. The property is located in City Council District Two, represented by Van Turner. View: Staff Report

Chair Woodhead recognized Nole Walkingshaw as staff representative.

8:05:01 PM **Public Hearing:**

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Jay Ingleby** (Glendale Community Council) stated they are the community council next to Poplar Grove and they are affected by the pollution of this project. He stated that he felt that Salt Lake City had the worst air in the U.S. because of businesses like this. He stated that the trucks that come into this project were not covered and if the wind was blowing it went straight into the air. He stated that taking something into an enclosed building and recycling would be okay, but the subject business was not enclosed, and this would increase the truck traffic along California Avenue.

Chair Woodhead inquired if some of these problems would be solved by asking the facility managers to access this location via Bangerter Highway.

Mr. Ingleby noted that he felt that they would not comply with that, there were also two schools in the area so semi-trucks are dangerous in the area. He noted that he had contacted the company in the past and told them to tell the trucks to detour on 2100 South instead of coming into the location on Redwood Road and they did not listen.

Randy Sorensen (1184 South Redwood Drive) stated that the air pollution is horrible in the area. He stated that there are a lot of people in the area with emphysema and asthma because of this.

Commissioner Algarin inquired if Mr. Sorensen had spoken with the new owners of the facility. He stated that the community and the Commission are in favor of clean air and safe roads, and he suggested that Mr. Sorensen speak with the new owners about his concerns.

Chair Woodhead closed the public hearing portion of the petition.

8:35:00 PM **Motion:**

Commissioner Algarin made a motion regarding the Metro C&D Transfer and Recycling Facility Conditional Use, Petition PLNPCM2008-00582, that the Planning Commission approves the petition based on the following conditions:

- 1. A site proof fence or wall shall be constructed around the area of activity, “work area”, built to a minimum height of seven (7) feet, but not to exceed ten (10) feet in height. The design shall be acceptable to both the City Planning and Building Services Division, fences and walls seven (7) feet or greater are required to be reviewed for building code compliance, and a building permit for the construction is required.**
- 2. The construction of the fence/wall enclosing the “work area” may encroach on the existing parking area; a site plan demonstrating parking improvements including calculations for required parking is required. This plan shall include the location of the fence/wall and demonstrate that the required ingress and egress standards for vehicles are met. This parking area shall not be enclosed within the “work area” of the site.**
- 3. Building repairs outlined in the engineering report provided by the applicant require Building Services review and permitting, all additional modification proposed to the building are subject to the same review.**
- 4. Due to the fact that there is an active zoning enforcement case, staff requests that a reasonable deadline for submission of plans is established, and that the work is completed within 180 days of obtaining permits. Failure to accomplish this condition shall result in fines retroactive to the date cited in the Notice and Order.**
- 5. Compliance with all other City department requirements outline in the staff report for this project.**
- 6. Route map directing traffic to use the 700 South exit/entrance to Bangerter Highway, and the map is to be posted onsite, and as a recommended route on the website.**
- 7. Activities, such as unloading of material shall be done inside the building.**

Commissioner Wirthlin seconded the motion.

Discussion of the motion:

Commissioner Scott inquired if Commissioner Alгарin wanted to add to the conditions that the owners would make available directions to and from the facility be Bangerter Highway.

Commissioner Alгарin accepted the addition as condition number 6.

Commissioner Alгарin stated that he would also like to add as condition 7, that all activities remain in door.

Commissioner De Lay inquired about the process of “tarping” and “untarping” what comes in.

Commissioner Alгарin stated that was already covered by State Law, and he was referring to other activities being moved outdoors.

Commissioner De Lay stated that she was concerned that there was not enough information from the cities environmental experts.

Commissioner Wirthlin seconded the amended motion.

Commissioners Algarin, Muir, Fife, Wirthlin, and McHugh voted, “Aye”. Commissioners Scott, Chambless, and De Lay voted, “No”. The motion passed.

The meeting adjourned at 8:37 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on January 28, 2009.

Go to FTR Gold at <ftp://ftrftp.slcgov.com/FTRPlayerPlusV21.exe> to download the digital recording.

Tami Hansen

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, December 10, 2008

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh. Commissioners: Tim Chambless, Babs De Lay, and Peggy McDonough. Commissioners Frank Algarin, Prescott Muir, Matthew Wirthlin, and Kathy Scott were excused from the meeting.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present from the Planning Division: Wilf Sommerkorn, Planning Director; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Orion Goff, Building Official; Nole Walkingshaw, Senior Planner; and Tami Hansen, Planning Commission Secretary.

5:46:01 PM Chair Woodhead noted that a quorum was not present, therefore the minutes from November 19, 2008 would not be approved, and items two (2) through four (4) would be postponed until the January 14, 2009 meeting.

Report of the Chair and Vice Chair 5:46:33 PM

Chair Woodhead noted that she and Vice Chair McHugh would be meeting with the Chair and Vice Chair of the City Council on December 16, 2008. She noted that they would raise the issue of the need to appoint more members to the Planning Commission.

Chair Woodhead recognized that it was Commissioner Peggy McDonough's last Planning Commission meeting, and thanked her for her service.

Report of the Director 5:48:40 PM

Mr. Sommerkorn noted that at the City Council meeting on December 9, 2008, the Payday Loan Ordinance Text Amendment was considered. He noted that the City Council had a lot of questions and comments and they decided to look further into this over the holidays and would be prepared to act on it at the January 6, 2009 City Council meeting.

Mr. Sommerkorn noted that the City Council also enacted a temporary zoning regulation, which gave temporary approval to the St. Vincent Center for emergency overnight sheltering. He noted that some surrounding business and property owners in the area had complained that the St. Vincent Center had been operating an overnight shelter for more than ten (10) years. He noted that staff researched this issue and found that the conditional use permit that was in effect for the St. Vincent Center was for the charity kitchen and daytime operations, but not for

6. INTERNAL MEMORANDUMS

June 16, 2007 Report of findings

February 20, 2008 Memo to CED Director

**June 22, 2008 Memo from Office of the Mayor
recommending ADA compliance**

June 23, 2008 Memo to CED Director

October 7, 2008 Staff Routing Memo

Walkingshaw, Nole

From: Walkingshaw, Nole
Sent: Monday, July 16, 2007 4:13 PM
To: Shaw, George; Goff, Orion; Butcher, Larry; Wheelwright, Doug; LoPiccolo, Kevin; Gore, Bob; Nalder, Kevin; Weiler, Scott; Itchon, Edward
Cc: Zunguze, Louis; Shoop, Chris; Boskoff, Nancy; Clark, Luann; Goff, Orion; Harpst, Tim
Subject: RE: Condo Conversions Task Force
Categories: Program/Policy

Hello,

The following is a summary of our Condominium Task Force meeting July 16, 2007.

- "Condominium" "Condominium" 21.56.020 Def. means property or portions thereof conforming to the definition set forth in title 57-8-3, Utah Code Annotated, 1975, as amended or its successor. 57-8-3(7) "Condominium" means the ownership of a single unit in a multiunit project together with an undivided interest in common in the common areas and facilities of the property.
- Issues viewed as problematic: No problems have been noted with new construction or commercial conversions. The area of concern is specifically existing apartment conversions.
 1. Technical requirements of the current code may not meet the necessary life safety needs
 2. Conversions may not be providing "new ownership"; buildings, or multiple units are being held under a single ownership, thereby, by-passing business licensing and inspection requirements.
 3. City is unable to enforce minor and substandard housing conditions, in rental units.
- Pending problems:
 1. Potential for lower quality rental market.
 2. Used to avoid apartment licensing regulations.
 3. Public safety issues with existing Condo "loophole" on inspection requirements.

Action Items and possible legislative initiatives:

1. Update technical requirements listed in Section 18.32 of the City code to include updated fire suppression requirements.
2. Require a discussion of the light, ventilation and egress requirements for habitable spaces to be a part of the building report.
3. Housing inspection prior to preliminary approval to identify issues or violations of the Salt Lake City Existing Residential Housing Code Chapter 18.50.
4. Review parking requirements to require minimum parking provisions, beyond existing requirements.
5. Amend business licensing requirements to include: Ownership of three or more units within a condominium complex requires a business license and said units are subject to the requirements of the Salt Lake City Existing Residential Housing Code Chapter 18.50.; or condo association required to obtain annual business license, and rental units are subject to inspection and standards of the Salt Lake City Existing Residential Housing Code Chapter 18.50
6. Prepare flow chart of process to be included with application and review new requirements with staff.
7. Members were asked to prepare draft language for potential text changes and forward to Nole within 1 week for editing into draft
8. Compile text amendments, and proposed policy changes for administrative review.

I will begin trying to schedule a second meeting to follow-up on action items, if there is an item I forgot to include or if you would like to add to the list please let me know so that it may be included for future reference.

Thank you,

Nole

3/9/2009

From: Shaw, George
Sent: Tuesday, May 08, 2007 3:45 PM
To: Walkingshaw, Nole
Cc: Wheelwright, Doug; LoPiccolo, Kevin
Subject: FW: Condo Conversions Task Force

Nole, you are the back up if Doug is unavailable for this meeting OR if you'd like to be a full member, please let Andrea know. Thanks, --GS

From: Curtis, Andrea
Sent: Tuesday, May 08, 2007 1:38 PM
To: Goff, Orion; Butcher, Larry; Wheelwright, Doug; LoPiccolo, Kevin; Johnson, Greg; Gore, Bob
Cc: Zunguze, Louis; Shoop, Chris; Boskoff, Nancy; Clark, Luann; Goff, Orion; Harpst, Tim; Shaw, George
Subject: Condo Conversions Task Force

Dear Condo Conversion Task Force Member:

Congratulations on being named by your Division Director as part of the Condominiums Conversion Task Force. As a group, your tasks are as follows:

- Clearly define "condominium"
- Determine what issues are currently being viewed as problematic
- Determine what mitigating trends might be occurring
- Opine as to whether or not the City has a pending problem
 - If there is a problem, identify it/them and recommend a course of action
 - If there is not a problem, explicitly identify upon what your determination is based

A meeting has been scheduled for you on Monday, March 21, from 11:00 a.m. – 12:00 p.m. in the Green Room, Rm. 406. *As an item of business that day, please identify someone to provide regular updates to the Director's Office and to schedule future meetings.*

Thank you,

Andrea Curtis
Management Support Coordinator
Department of Community Development
Salt Lake City Corporation
801-535-7105
801-535-6005 (fax)

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Mary De La Mare-Schaefer

FROM: Nole Walkingshaw, Senior Planner

DATE: February 20, 2008

**SUBJECT: Residential Condominium Conversions; Zoning Text and Building Text
Amendment Petition No. 400-07-32**

Background

Recently, the City began experiencing a substantial boom in residential condominium approval requests. Requests include new construction projects, conversions of existing non-residential buildings and conversions of existing apartment buildings. The demand for condominium conversion or new approvals is cyclical as market demand and financing availability vary. The market for residential condominium conversions typically arises when the price of single family homes increases beyond the reach of first time home buyers.

Condominium ownership of real property is authorized under Utah State Law, Title 57-8. Condominium ownership is a hybrid ownership form where the real property and the physical building structure and site improvements are owned in common in an un-divided interest by all owners within the condominium project. Individual ownership is restricted to the air space within the building, as shown on the required Condominium Plat or Map, the "Unit". Salt Lake City has also adopted a zoning ordinance which defines applicability and processes to approve or amend condominium projects within the City limits. Condominium approvals are also considered as subdivisions. Condominiums can be residential, commercial, office, or industrial in land use, and can be considered for both conversions of existing buildings or new construction.

The following is a list of items which have been reviewed and discussed by City Staff:

ISSUES

- Clearly define "condominium"
- Is conversion used to avoid
 - city regulations that deal with apartment licensing and inspections
 - minimal life safety and fire code
 - physical improvements
- Are condominiums sublet, negating community benefit of ownership
- Is the existing apartment building suitable for condominium ownership conversion
- City is unable to enforce minor and substandard housing conditions in rental units
- Potential for lower quality rental market
- Public safety issues with existing condo "loophole" on inspection requirements
- "Nuisance issues" Apartments v. Condominiums

ZONING

- Oversight for exterior building and site improvements
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a “Change of Use”
- Land use types

BUILDING

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards
- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements
- Safe and sanitary maintenance
- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations
- Fire sprinkler systems in buildings with more than 3 units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit
- Exit Door(s) with panic hardware with occupant load of 50 or more
- Seismic upgrading

Issues

Staff does not see any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City Policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under these ownership strategies, the units may continue to be rented and not sold to individuals, or the units are sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, in having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment building are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.

"Change of Use", there have debates and arguments made from the community stating that the condominium conversion process qualifies the building to be subject to the current provisions of building and zoning codes as required by a "change of use". The Salt Lake City Zoning Ordinance defines a Change of Use as; "Change of use; means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type)." The adopted building code requires an existing building to meet current standards base on changes of occupancy these changes are defined as; "Change of Occupancy IBC Section 3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use." It has been determined by the City that the condominium conversion process is not a "change of use" or a "change of occupancy" the conversion process simply reflects a change in ownership and as such is not subject to the requirements of a "change of use" or a "change of occupancy". The City may require additional repairs, compliance and improvements as part of the Condominium Conversion process. These additional requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

Process

During the summer of 2007, the Community Development Department and the Planning Division convened a task force with pertinent City staff to study the issues related to condominium approvals and conversions. The proposed text changes will be required to go through a series of reviews by City Personnel, the Administration and the City Council. An open house will provide information to the public, answer questions and take comments. The petition will be presented to the Housing Advisory and Appeals Board as well as other interested boards and commissions prior to the public hearing before the Planning Commission. The Adoption of the amendments to the Building Code proposals may be required to go to the State of Utah for a Local Amendment to the Building Code. The City Council will hold a public hearing for final adoption, modification or rejection of the proposed changes.

Status

The staff task force has held initial meetings to discuss the topic. The task force met on September 17, 2007 to compile recommended changes that will potentially be applied to the condominium regulations to close loopholes and require additional life safety and fire code improvements as a requirement of conversion approval. The task force will request that policy discussions occur on the administrative side to evaluate the proposed policy changes and regulations developed by the task force and will then prepare specific appropriate ordinance language to be considered in the public process of ordinance amendment through the Planning

Commission and City Council. On September 26, 2007 the Planning Commission initiated a petition to review the condominium conversion process.

Recommendations

The following summary of proposed text changes reflects an increased review of the property under consideration for conversion for life safety matters, they encourage investment in the building for better quality housing and reflect options which can be administrated and managed effectively.

Summary of proposed draft Zoning and Building Code text changes

Zoning Ordinance

1. Expand Planning Director oversight for exterior building and site improvements as may be required.
2. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".

Building Ordinance:

1. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment-condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.
2. Require the installation a smoke detector system conforming to manufacturer's recommendations
3. Require fire sprinkler systems in buildings with more than 3 units.
4. Require compliance with chapter 18.96.050 (Fit Premises) Property Owner To Maintain The Premises And Each Dwelling Unit:
5. When nonconforming building conversion resulting in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code

If you require additional information please contact me by phone at 535-7128 or by e-mail at nole.walkingshaw@slcgov.com.

Proposed Text Amendment

DRAFT

Zoning Ordinance

21A.56.060 Condominium Conversion Process:

B. Planning Official Duties And Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.
4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including but not limited to landscaping, exterior repairs, and improvements to common areas. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking

stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. **The conversion of existing residential apartment buildings to condominiums is not a change of use.** (See also definition of Land Use Type (Similar Land Use Type).)

Land Use Type (Similar Land Use Type): "Land use types" shall be considered to be similar land use types if both uses are allowed in the same zoning district or in the same or more restrictive zoning district within the commercial zoning category or in the same or more restrictive district within the manufacturing zoning category and the change from one land use type to another similar land use type does not increase the parking requirement. If the proposed land use type is a conditional use it will be subject to the conditional use process.

Building Ordinance

DRAFT

(Amendment to Section 18.32.050)

SECTION 346. That subsection (5) is, amended to read as follows:

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 347. That subsection (7) is, amended to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station.

SECTION 348. That subsection (c) is a new subsection to read as follows:

(c) Automatic fire sprinkling system shall be installed in all condominiums which are over 3 units. These systems shall be installed to the current International Fire Code (IFC),

SECTION 351. That subsection is a new subsection to read as follows:

All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

SECTION 352. That subsection is a new subsection to read as follows:

When a nonconforming building conversion results in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code.

Salt Lake City Existing Residential Housing Code

18.50.020 Purpose And Scope:

B. Scope:

1. Application To Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.
2. Owner-Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner-occupied dwelling units.
3. ~~Condominiums: Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas.~~ (Discussion needed)



Memorandum

Planning Division
Community & Economic Development Department

To: Mary De La Mare-Schaefer, Community & Economic Development
Department Interim Director

From: Nole Walkingshaw, Senior Planner

Date: June 23, 2008

CC: Esther Hunter, Senior Advisor

Joel Paterson, Assistant Planning Director

Everett Joyce, Senior Planner

Paul Nelson, Senior Attorney

Re: Residential Condominium Conversions; Zoning Text and Building Text

Amendment Petition No. 400-07-32

Background

Recently, the City began experiencing a substantial boom in residential condominium approval requests. Requests include new construction projects, conversions of existing non-residential buildings and conversions of existing apartment buildings. The demand for condominium conversion or new approvals is cyclical as market demand and financing availability vary. The market for residential condominium conversions typically arises when the price of single family homes increases beyond the reach of first time home buyers.

Condominium ownership of real property is authorized under Utah State Law, Title 57-8. Condominium ownership is a hybrid ownership form where the real property and the physical building structure and site improvements are owned in common in an un-divided interest by all owners within the condominium project. Individual

ownership is restricted to the air space within the building, as shown on the required Condominium Plat or Map, the "Unit". Salt Lake City has also adopted a zoning ordinance which defines applicability and processes to approve or amend condominium projects within the City limits. Condominium approvals are also considered as subdivisions. Condominiums can be residential, commercial, office, or industrial in land use, and can be considered for both conversions of existing buildings or new construction.

The following is a list of items which have been reviewed and discussed by City Staff:

ISSUES

- Clearly define "condominium"
- Is conversion used to avoid
 - city regulations that deal with apartment licensing and inspections
 - minimal life safety and fire code
 - physical improvements
- Are condominiums sublet, negating community benefit of ownership
- Is the existing apartment building suitable for condominium ownership conversion
- City is unable to enforce minor and substandard housing conditions in rental units
- Potential for lower quality rental market
- Public safety issues with existing condo "loophole" on inspection requirements
- "Nuisance issues" Apartments v. Condominiums

ZONING

- Oversight for exterior building and site improvements
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a "Change of Use"
- Land use types

BUILDING

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards

- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements
- Safe and sanitary maintenance
- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations
- Fire sprinkler systems in buildings with more than 3 units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit
- Exit Door(s) with panic hardware with occupant load of 50 or more
- Seismic upgrading

Issues

Staff does not see any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City Policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under these ownership strategies, the units may continue to be rented and not sold to individuals, or the units are sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, in having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment building are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.

"Change of Use", there have debates and arguments made from the community stating that the condominium conversion process qualifies the building to be

subject to the current provisions of building and zoning codes as required by a "change of use". The Salt Lake City Zoning Ordinance defines a Change of Use as; "Change of use; means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type)." The adopted building code requires an existing building to meet current standards base on changes of occupancy these changes are defined as; "Change of Occupancy" IBC Section 3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use." It has been determined by the City and confirmed by the State of Utah's Land Use Ombudsman, that the condominium conversion process is not a "change of use" or a "change of occupancy" the conversion process simply reflects a change in ownership and as such is not subject to the requirements of a "change of use" or a "change of occupancy". The City may require additional repairs, compliance and improvements as part of the Condominium Conversion process. These additional requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

Process

During the summer of 2007, the Community Development Department and the Planning Division convened a task force with pertinent City staff to study the issues related to condominium approvals and conversions.

The proposed text changes will be required to go through a series of reviews by City Personnel, the Administration and the City Council. An open house will provide information to the public, answer questions and take comments. The petition will be presented to the Housing Advisory and Appeals Board as well as other interested boards and commissions prior to the public hearing before the Planning Commission. The Adoption of the amendments to the Building Code proposals may be required to go to the State of Utah for a Local Amendment to the Building Code. The City Council will hold a public hearing for final adoption, modification or rejection of the proposed changes.

Status

The staff task force has held initial meetings to discuss the topic. The task force met on September 17, 2007 to compile recommended changes that will potentially

be applied to the condominium regulations to close loopholes and require additional life safety and fire code improvements as a requirement of conversion approval. The task force will request that policy discussions occur on the administrative side to evaluate the proposed policy changes and regulations developed by the task force and will then prepare specific appropriate ordinance language to be considered in the public process of ordinance amendment through the Planning Commission and City Council. On September 26, 2007 the Planning Commission initiated a petition to review the condominium conversion process.

Recommendations

The following summary of proposed text changes reflects an increased review of the property under consideration for conversion for life safety matters, they encourage investment in the building for better quality housing and reflect options which can be administrated and managed effectively.

Summary of proposed draft Zoning and Building Code text changes

Zoning Ordinance

1. Expand Planning Director oversight for exterior building and site improvements as may be required.
2. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".

Building Ordinance:

1. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment- condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.
2. Require the installation a smoke detector system conforming to manufacturer's recommendations
3. Require fire sprinkler systems in buildings with more than 3 units.
4. Require compliance with chapter 18.96.050 (Fit Premises) Property Owner To Maintain The Premises And Each Dwelling Unit:
5. When nonconforming building conversion resulting in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code

If you require additional information please contact me by phone at 535-7128 or by e-mail at nole.walkingshaw@slcgov.com.

Proposed Text Amendment

DRAFT

Zoning Ordinance

21A.56.060 Condominium Conversion Process:

B. Planning Official Duties And Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, **and** conditional uses.

4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site **including but not limited to landscaping, exterior repairs, and improvements to common areas.** This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. **The conversion of existing residential apartment buildings to condominiums is not a change of use.** (See also definition of Land Use Type (Similar Land Use Type).)

Land Use Type (Similar Land Use Type): "Land use types" shall be considered to be similar land use types if both uses are allowed in the same zoning district or in the same or more restrictive zoning district within the commercial zoning category or in the same or more restrictive district within the manufacturing zoning category and the change from one land use type to another similar land use type does not increase the parking requirement. If the proposed land use type is a conditional use it will be subject to the conditional use process.

Building Ordinance

DRAFT

(Amendment to Section 18.32.050)

SECTION 346. That subsection (5) is, amended to read as follows:

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 347. That subsection (7) is, amended to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station.

SECTION 348. That subsection (c) is a new subsection to read as follows:

(c) Automatic fire sprinkling system shall be installed in all condominiums which are over 3 units. These systems shall be installed to the current International Fire Code (IFC),

SECTION 351. That subsection is a new subsection to read as follows:

All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

SECTION 352. That subsection is a new subsection to read as follows:

When a nonconforming building conversion results in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code.

Salt Lake City Existing Residential Housing Code

18.50.020 Purpose And Scope:

B. Scope:

1. Application To Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.
2. Owner-Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's

family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner-occupied dwelling units.

~~3. Condominiums: Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas. (Discussion needed)~~

“Condominium Conversion” Ordinance Text Amendment Time Line*:

June 23, 2008, 2008 Ordinance discussion with Land Use Policy Group;

June 30, 2008 Meeting with Land Use Policy Group to discuss direction, options and draft information

July 16, 2008 Prepare and Route Memo for reviews and comments real estate and other professional organizations, Set up meetings to discuss issues and gather input

August 20, 2008 Prepare and Route Memo for reviews and Comments, Internal Departments, (two Week Routing)

September 17, 2008 Open House, presentation of memo to general public, includes notification to existing businesses and known organizations. (Open house requires 14 day notification and one week following for comment submission and assessment by planner).

September 17, 2008 Presentation to Housing Advisory Boards (requires agenda notification) dates require confirmation.

October 9, 2008 “Issues Only Hearing” Planning Commission

October 30, 2008 “Public Hearing” Planning Commission

November 30, 2008 Transmittal of Planning Commission recommendations to CED/Administration

December 30, 2008 Transmittal forwarded on to City Council from the Administration.

City Council review and adoption

**** All dates are tentative and should not be considered to be the actual dates that these events will occur. Dates are based on a June 23, 2008, 2008 action date; deviations from this date would have to be considered***



INTEROFFICE MEMORANDUM

Office of the Mayor

TO: Nole Walkingshaw; Everett Joyce

FROM: Michael Stott, ADA Coordinator, on behalf of The Accessibility Services Advisory Council (ASAC)

SUBJECT: Recommendation to Consider Imposing Accessibility Requirements in Apartment-to-Condo Conversions

DATE: 7/22/2008

CC: Frank Gray; Mary De La Mare-Schaefer; Esther Hunter; David Everitt

RECOMMENDATION

The Accessibility Services Advisory Council (ASAC) is an advisory council to the Mayor on matters relating to disabilities and accessibility in city government. These matters are informed mainly by federal requirements outlined in the Americans with Disabilities Act (the ADA) but many people believe that the City can and should go beyond basic requirements to ensure people of all abilities have equal opportunities to a variety of life activities. One such activity is housing.

Understanding that the Policy Coordination Group, the Department of Community and Economic Development, and policy decision-makers are currently analyzing requirements that might be imposed in apartment-to-condo conversions, **the Accessibility Services Advisory Council recommends that the involved policy analysts and decision-makers consider including requirements for making the would-be condos more accessible to people with mobility disabilities.** An example of such a requirement is to make a certain number of the units wheelchair accessible by installing ramps, widening doorways, and altering floor plans as needed. Certain City employees such as Plans Examiner Larry Lincoln, who is well-versed in current building codes relating to accessibility, may be the appropriate experts to consult on reasonable requirements for making existing dwellings more accessible.

Please contact me at 535-7976 or michael.stott@slcgov.com for questions or for any requests of me in facilitating a follow-up to this recommendation.

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Paul Nielson, Attorney's Office, PO Box 145478
Larry Butcher, Building Services, PO Box 145471
Scott Weiler, Engineering, PO Box 145506
Ted Itchon, Fire, PO Box 145490
Dave Askerlund, Police (CPTED), PO Box 145497
John Spencer, Property Management, PO Box 145460
Peggy Garcia, Public Utilities, PO Box 145528
Barry Walsh, Transportation, PO Box 145502
Craig Spangenberg HAZE, PO Box 145487

FROM: Nole Walkingshaw, Senior Planner

DATE: October 7, 2008

SUBJECT: Residential Condominium Conversions; Zoning Text and Building Text
Amendment Petition No. PLNPCM2008-00409

The following is a petition to amend the Salt Lake City Zoning Ordinance, Salt Lake City Building Code and the Salt Lake City Existing Residential Housing Code, as they relate to the conversion of existing apartment buildings to condominium units.

Please review the attached petition and **respond with comments by Friday, October 31, 2008**. Submission of comments to the Accela Automation program is appreciated, or by email if you do not have access to the system.

If I do not receive a response by this date, I will assume that you have no comments or concerns regarding the proposal. If you have questions or need additional information, please contact me at 535-7128 or at nole.walkingshaw@slcgov.com.

Thank you.

Background

Recently, the City began experiencing a substantial boom in residential condominium approval requests. Requests include new construction projects, conversions of existing non-residential buildings and conversions of existing apartment buildings. The demand for condominium conversion or new approvals is cyclical as market demand and financing availability vary. The market for residential condominium conversions typically arises when the price of single family homes increases beyond the reach of first time home buyers.

Condominium ownership of real property is authorized under Utah State Law, Title 57-8. Condominium ownership is a hybrid ownership form where the real property and the physical building structure and site

improvements are owned in common in an un-divided interest by all owners within the condominium project. Individual ownership is restricted to the air space within the building, as shown on the required Condominium Plat or Map, the “Unit”. Salt Lake City has also adopted a zoning ordinance which defines applicability and processes to approve or amend condominium projects within the City limits. Condominium approvals are also considered as subdivisions. Condominiums can be residential, commercial, office, or industrial in land use, and can be considered for both conversions of existing buildings or new construction.

The following is a list of items which have been reviewed and discussed by City Staff:

ISSUES

- Clearly define “condominium”
- Is conversion used to avoid
 - city regulations that deal with apartment licensing and inspections
 - minimal life safety and fire code
 - physical improvements
- Are condominiums sublet, negating community benefit of ownership
- Is the existing apartment building suitable for condominium ownership conversion
- City is unable to enforce minor and substandard housing conditions in rental units
- Potential for lower quality rental market
- Public safety issues with existing condo “loophole” on inspection requirements
- “Nuisance issues” Apartments v. Condominiums

ZONING

- Oversight for exterior building and site improvements
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a “Change of Use”
- Land use types

BUILDING

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards
- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements
- Safe and sanitary maintenance

- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations
- Fire sprinkler systems in buildings with more than 3 units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit
- Exit Door(s) with panic hardware with occupant load of 50 or more
- Seismic upgrading

Issues

Staff does not see any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City Policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under these ownership strategies, the units may continue to be rented and not sold to individuals, or the units are sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, in having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment building are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.

"Change of Use", there have debates and arguments made from the community stating that the condominium conversion process qualifies the building to be subject to the current provisions of building and zoning codes as required by a "change of use". The Salt Lake City Zoning Ordinance defines a Change of Use as; "Change of use; means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type)." The adopted building code requires an existing building to meet current standards base on changes of occupancy these changes are defined as; "Change of Occupancy IBC Section 3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use." It has been determined by the City that the condominium conversion process is not a "change of use" or a "change of occupancy" the conversion process simply reflects a change in ownership and as such is not subject to the requirements of a "change of use" or a

“change of occupancy”. The City may require additional repairs, compliance and improvements as part of the Condominium Conversion process. These additional requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

Process

During the summer of 2007, the Community Development Department and the Planning Division convened a task force with pertinent City staff to study the issues related to condominium approvals and conversions. The proposed text changes will be required to go through a series of reviews by City Personnel, the Administration and the City Council. An open house will provide information to the public, answer questions and take comments. The petition will be presented to the Housing Advisory and Appeals Board as well as other interested boards and commissions prior to the public hearing before the Planning Commission. The Adoption of the amendments to the Building Code proposals may be required to go to the State of Utah for a Local Amendment to the Building Code. The City Council will hold a public hearing for final adoption, modification or rejection of the proposed changes.

Status

The staff task force has held initial meetings to discuss the topic. The task force met on September 17, 2007 to compile recommended changes that will potentially be applied to the condominium regulations to close loopholes and require additional life safety and fire code improvements as a requirement of conversion approval. The task force will request that policy discussions occur on the administrative side to evaluate the proposed policy changes and regulations developed by the task force and will then prepare specific appropriate ordinance language to be considered in the public process of ordinance amendment through the Planning Commission and City Council. On September 26, 2007 the Planning Commission initiated a petition to review the condominium conversion process.

State Code Amendments

Three areas in addition to the noted issues have been recommended for study and possible adoption; these include requiring seismic upgrading, ADA compliance, and the installation of a fire suppression system. Each of these topics would require an amendment to the Sate Building Code. This process requires an application, Request for Code Amendment, with the State of Utah to be filed with the Department of Professional Licensing (DOPL).

Application Requirements

The Request for Code Amendment application requires specific information as well as a financial impact study:

- Including the entire section(s) you wish to amend:
- Purpose of or Reason for the Amendment:
- Cost or savings Impact of Amendment:
- Compliance Costs for Affected Persons (“Person” means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency. You must break out the impact cost to state budget and local government, and you must state aggregate cost to other persons {cost per person times number of persons affected}):

In an effort to complete this study the City will need to hire a Professional Structural Engineer to complete the study of a base group of existing buildings with the potential for condominium conversion. The building Reports shall identify the required modifications to meet seismic standards, ADA and fire suppression. Following this a construction estimate will need to be prepared identifying the cost for the identified work. We may use these numbers to answer the application requirements with the caveat that each conversion is unique.

Recommendations

The following summary of proposed text changes reflects an increased review of the property under consideration for conversion for life safety matters, they encourage investment in the building for better quality housing and reflect options which can be administrated and managed effectively. Pursue State Code Amendments on a separate track and incorporate in to City Code should the State adopt the recommendations.

Summary of proposed draft Zoning and Building Code text changes

Zoning Ordinance

1. Expand Planning Director oversight for exterior building and site improvements as may be required.
2. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".

Building Ordinance:

1. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment-condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.
2. Require the installation a smoke detector system conforming to manufacturer's recommendations
3. Require fire sprinkler systems in buildings with more than 3 units.
4. Require compliance with chapter 18.96.050 (Fit Premises) Property Owner To Maintain The Premises And Each Dwelling Unit:
5. When nonconforming building conversion resulting in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code

If you require additional information please contact me by phone at 535-7128 or by e-mail at nole.walkingshaw@slcgov.com.

Proposed Text Amendment

DRAFT

Zoning Ordinance

21A.56.060 Condominium Conversion Process:

B. Planning Official Duties And Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.
4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including but not limited to landscaping, exterior repairs, and improvements to common areas. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. **The conversion of existing residential apartment buildings to condominiums is not a change of use.** (See also definition of Land Use Type (Similar Land Use Type).)

Land Use Type (Similar Land Use Type): "Land use types" shall be considered to be similar land use types if both uses are allowed in the same zoning district or in the same or more restrictive zoning district within the commercial zoning category or in the same or more restrictive district within the manufacturing zoning category and the change from one land use type to another similar land use type does not increase the parking requirement. If the proposed land use type is a conditional use it will be subject to the conditional use process.

Building Ordinance

DRAFT

(Amendment to Section 18.32.050)

SECTION 346. That subsection (5) is, amended to read as follows:

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 347. That subsection (7) is, amended to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station.

SECTION 348. That subsection (c) is a new subsection to read as follows:

(c) Automatic fire sprinkling system shall be installed in all condominiums which are over 3 units. These systems shall be installed to the current International Fire Code (IFC).

SECTION 351. That subsection is a new subsection to read as follows:

All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

SECTION 352. That subsection is a new subsection to read as follows:

When a nonconforming building conversion results in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code.

Salt Lake City Existing Residential Housing Code

18.50.020 Purpose And Scope:

B. Scope:

1. Application To Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.
2. Owner-Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner-occupied dwelling units.
3. Condominiums: ~~Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas.—(Discussion needed)~~

Walkingshaw, Nole

From: Walkingshaw, Nole
Sent: Wednesday, October 15, 2008 10:43 AM
To: drleslie99@aol.com; r.jarrett@comcast.net; angie.vorher@gmail.com; vickyorme@gmail.com; Harman@xmission.com; jaylil@sisna.com; polly@sisna.com; wayne.green@cores.utah.edu; christian.harrison@gmail.com; christian.harrison@gmail.com; gbrovers@aol.com; ccnc@rock.com; joelkb@mindspring.com; Margaret.brady@utah.edu; libertywells@msn.com; dmgib@xmission.com; gregg.morrow@schoolimprovement.com; hjbdc@comcast.net; ellen@impactfactoryutah.com; Michael@newportutah.com; gkevinjones@hotmail.com; Isellre111@aol.com
Cc: Hunter, Esther; Comarell, Pat; Sommerkorn, Wilford; De La Mare-Schaefer, Mary
Subject: Residential Condominium Conversions Ordinance Review Petition# PLNPCM2008-00409
Attachments: Condo Conversion issues memo open house 101608.doc

Dear Community Council Chairs,

For some time now Salt Lake City Planning and Building Services have been reviewing the issue of converting existing apartment buildings to condominiums. We are holding an open house on this issue October 16, 2008 from 5:30 to 7:00 in room 126 of the City and County Building. Hopefully the previous notice was received, just as an additional FYI I have attached the open house memo outlining the issues and proposed amendments, and we welcome your comments through the open house process or simply responding to this email.

Please feel free to forward this information on to anyone you feel may be interested in this important issue.

If you have any questions or concerns I can be reached at 535-7128 or by email at nole.walkingshaw@slcgov.com.

Thank you,

Nole Walkingshaw

Nole Walkingshaw
Salt Lake City Planning and Zoning
Senior Planner
801-535-7128



MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community Development

TO: Open House Attendees

FROM: Nole Walkingshaw, Senior Planner

DATE: October 16, 2008

**SUBJECT: Residential Condominium Conversions; Zoning Text and Building Text
Amendment Petition No. PLNPCM2008-00409**

Background

Recently, the City began experiencing a substantial boom in residential condominium approval requests. Requests include new construction projects, conversions of existing non-residential buildings and conversions of existing apartment buildings. The demand for condominium conversion or new approvals is cyclical as market demand and financing availability vary. The market for residential condominium conversions typically arises when the price of single family homes increases beyond the reach of first time home buyers.

Condominium ownership of real property is authorized under Utah State Law, Title 57-8. Condominium ownership is a hybrid ownership form where the real property and the physical building structure and site improvements are owned in common in an un-divided interest by all owners within the condominium project. Individual ownership is restricted to the air space within the building, as shown on the required Condominium Plat or Map, the "Unit". Salt Lake City has also adopted a zoning ordinance which defines applicability and processes to approve or amend condominium projects within the City limits. Condominium approvals are also considered as subdivisions. Condominiums can be residential, commercial, office, or industrial in land use, and can be considered for both conversions of existing buildings or new construction.

The following is a list of items which have been reviewed and discussed by City Staff:

ISSUES

- Clearly define "condominium"
- Is conversion used to avoid
 - city regulations that deal with apartment licensing and inspections
 - minimal life safety and fire code
 - physical improvements
- Are condominiums sublet, negating community benefit of ownership
- Is the existing apartment building suitable for condominium ownership conversion
- City is unable to enforce minor and substandard housing conditions in rental units
- Potential for lower quality rental market
- Public safety issues with existing condo "loophole" on inspection requirements
- "Nuisance issues" Apartments v. Condominiums

ZONING

- Oversight for exterior building and site improvements
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a “Change of Use”
- Land use types

BUILDING

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards
- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements
- Safe and sanitary maintenance
- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations
- Fire sprinkler systems in buildings with more than 3 units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit
- Exit Door(s) with panic hardware with occupant load of 50 or more
- Seismic upgrading

Issues

Staff does not see any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City Policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under these ownership strategies, the units may continue to be rented and not sold to individuals, or the units are sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, in having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment building are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.

"Change of Use", there have debates and arguments made from the community stating that the condominium conversion process qualifies the building to be subject to the current provisions of building and zoning codes as required by a "change of use". The Salt Lake City Zoning Ordinance defines a Change of Use as; "Change of use; means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type)." The adopted building code requires an existing building to meet current standards base on changes of occupancy these changes are defined as; "Change of Occupancy IBC Section 3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use." It has been determined by the City that the condominium conversion process is not a "change of use" or a "change of occupancy" the conversion process simply reflects a change in ownership and as such is not subject to the requirements of a "change of use" or a "change of occupancy". The City may require additional repairs, compliance and improvements as part of the Condominium Conversion process. These additional requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

Process

During the summer of 2007, the Community Development Department and the Planning Division convened a task force with pertinent City staff to study the issues related to condominium approvals and conversions. The proposed text changes will be required to go through a series of reviews by City Personnel, the Administration and the City Council. An open house will provide information to the public, answer questions and take comments. The petition will be presented to the Housing Advisory and Appeals Board as well as other interested boards and commissions prior to the public hearing before the Planning Commission. The Adoption of the amendments to the Building Code proposals may be required to go to the State of Utah for a Local Amendment to the Building Code. The City Council will hold a public hearing for final adoption, modification or rejection of the proposed changes.

Status

The staff task force has held initial meetings to discuss the topic. The task force met on September 17, 2007 to compile recommended changes that will potentially be applied to the condominium regulations to close loopholes and require additional life safety and fire code improvements as a requirement of conversion approval. The task force will request that policy discussions occur on the administrative side to evaluate the proposed policy changes and regulations developed by the task force and will then prepare specific appropriate ordinance language to be considered in the public process of ordinance amendment through the Planning

Commission and City Council. On September 26, 2007 the Planning Commission initiated a petition to review the condominium conversion process.

Recommendations

The following summary of proposed text changes reflects an increased review of the property under consideration for conversion for life safety matters, they encourage investment in the building for better quality housing and reflect options which can be administrated and managed effectively. Pursue State Code Amendments on a separate track and incorporate in to City Code should the State adopt the recommendations.

Summary of proposed draft Zoning and Building Code text changes

Zoning Ordinance

1. Expand Planning Director oversight for exterior building and site improvements as may be required.
2. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a "Change of Use".

Building Ordinance:

1. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment-condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.
2. Require the installation a smoke detector system conforming to manufacturer's recommendations
3. Require fire sprinkler systems in buildings with more than 3 units.
4. Require compliance with chapter 18.96.050 (Fit Premises) Property Owner To Maintain The Premises And Each Dwelling Unit:
5. When nonconforming building conversion resulting in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code

If you require additional information please contact me by phone at 535-7128 or by e-mail at nole.walkingshaw@slcgov.com.

Proposed Text Amendment

DRAFT

Zoning Ordinance

21A.56.060 Condominium Conversion Process:

B. Planning Official Duties And Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.
4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including but not limited to landscaping, exterior repairs, and improvements to common areas. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current

standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. *The conversion of existing residential apartment buildings to condominiums is not a change of use.* (See also definition of Land Use Type (Similar Land Use Type).)

Land Use Type (Similar Land Use Type): "Land use types" shall be considered to be similar land use types if both uses are allowed in the same zoning district or in the same or more restrictive zoning district within the commercial zoning category or in the same or more restrictive district within the manufacturing zoning category and the change from one land use type to another similar land use type does not increase the parking requirement. If the proposed land use type is a conditional use it will be subject to the conditional use process.

Building Ordinance

DRAFT

(Amendment to Section 18.32.050)

SECTION 346. That subsection (5) is, amended to read as follows:

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 347. That subsection (7) is, amended to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station, (reference International Fire Code Chapter 9 section 907.3 Where required—retroactive in existing buildings and structures).

SECTION 351. That subsection is a new subsection to read as follows:

All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

SECTION 352. That subsection is a new subsection to read as follows:

When a nonconforming building conversion results in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code.

18.50.020 Purpose And Scope:

B. Scope:

1. Application To Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.
2. Owner-Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner-occupied dwelling units.
- ~~3. Condominiums: Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas.—(Discussion needed)~~

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Housing Advisory and Appeals Board Members

FROM: Nole Walkingshaw, Senior Planner

DATE: November 17, 2008

SUBJECT: Residential Condominium Conversions; Zoning Text and Building Text
Amendment Petition No. PLNPCM2008-00409

The following is a petition to amend the Salt Lake City Zoning Ordinance, Salt Lake City Building Code and the Salt Lake City Existing Residential Housing Code, as they relate to the conversion of existing apartment buildings to condominium units. Your review of these issues is appreciated, while a motion on this matter is not required any comments or recommendations this board may make are appreciated and will be forwarded on to the Planning Commission and City Council.

Background

Recently, the City began experiencing a substantial boom in residential condominium approval requests. Requests include new construction projects, conversions of existing non-residential buildings and conversions of existing apartment buildings. The demand for condominium conversion or new approvals is cyclical as market demand and financing availability vary. The market for residential condominium conversions typically arises when the price of single family homes increases beyond the reach of first time home buyers.

Condominium ownership of real property is authorized under Utah State Law, Title 57-8. Condominium ownership is a hybrid ownership form where the real property and the physical building structure and site improvements are owned in common in an un-divided interest by all owners within the condominium project. Individual ownership is restricted to the air space within the building, as shown on the required Condominium Plat or Map, the "Unit". Salt Lake City has also adopted a zoning ordinance which defines applicability and processes to approve or amend condominium projects within the City limits. Condominium approvals are also considered as subdivisions. Condominiums can be residential, commercial, office, or industrial in land use, and can be considered for both conversions of existing buildings or new construction.

The following is a list of items which have been reviewed and discussed by City Staff:

ISSUES

- Clearly define "condominium"
- Is conversion used to avoid
 - city regulations that deal with apartment licensing and inspections
 - minimal life safety and fire code
 - physical improvements
- Are condominiums sublet, negating community benefit of ownership

- Is the existing apartment building suitable for condominium ownership conversion
- City is unable to enforce minor and substandard housing conditions in rental units
- Potential for lower quality rental market
- Public safety issues with existing condo “loophole” on inspection requirements
- “Nuisance issues” Apartments v. Condominiums

ZONING

- Oversight for exterior building and site improvements
 - Landscaping
 - Exterior repairs
 - Improvements to common areas
- Analysis of parking
 - Surfacing
 - Control curbs
 - Number of existing parking stalls
 - Standard for number of parking stalls
 - Additional parking stalls
 - Alternative parking solutions
- Conversion not a “Change of Use”
- Land use types

BUILDING

- Compliance with the Salt Lake City Existing Residential Housing Code
- Structural integrity
- Exterior building standards/condition
- Interior building standards
- Space and occupancy standards
- Light and ventilation standards
- Heating standards
- Sanitation standards
- Protection from the elements
- Safe and sanitary maintenance
- Fire safety-egress standards
- Installation of smoke detector system
- Common halls equipped with general automatic detection system with capability to send signal to remote stations
- Fire sprinkler systems in buildings with more than 3 units
- Compliance with chapter 18.96.050 (Fit Premises) Property Owner to Maintain the Premises and Each Dwelling Unit
- Exit Door(s) with panic hardware with occupant load of 50 or more
- Seismic upgrading

Issues

Staff does not see any issues with condominium approvals for new construction or for conversions from a non-residential use to a residential use in existing buildings, as these situations require compliance with and are reviewed in accordance with current zoning and buildings codes.

Condominium approval has traditionally been considered in City Policy as a basic property ownership right and is not a separate land use by itself. The City has approved every requested condominium project. However, there is new concern among city regulatory staff that some of the old longstanding apartment buildings are being converted to condominium ownership as a way to avoid certain City regulations that deal with apartment licensing and inspections and/or to avoid minimal life safety and fire code requirements and physical improvements to existing apartment buildings.

Under these ownership strategies, the units may continue to be rented and not sold to individuals, or the units are sold to speculators or investors in blocks of units, who then continue to rent the properties often without coordinated management. When this occurs, not only are the City licensing, inspection, and life/safety regulations skirted, the City and neighborhoods fail to realize one of the potential benefits of condominium ownership, in having owner occupants that are more likely to get involved in community affairs or neighborhood interests, and owners that will take better care of the physical appearance of the properties. Therefore, perhaps not all existing apartment buildings are suitable for condominium ownership conversion and it may no longer be in the City's best interest to facilitate all condominium conversions.

"Change of Use", there have been debates and arguments made from the community stating that the condominium conversion process qualifies the building to be subject to the current provisions of building and zoning codes as required by a "change of use". The Salt Lake City Zoning Ordinance defines a Change of Use as; "Change of use; means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. (See also definition of Land Use Type (Similar Land Use Type)."

The adopted building code requires an existing building to meet current standards based on changes of occupancy these changes are defined as; "Change of Occupancy IBC Section 3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use." It has been determined by the City that the condominium conversion process is not a "change of use" or a "change of occupancy" the conversion process simply reflects a change in ownership and as such is not subject to the requirements of a "change of use" or a "change of occupancy". The City may require additional repairs, compliance and improvements as part of the Condominium Conversion process. These additional requirements are reflected in the current ordinance and identified concerns are addressed in the proposed changes.

Process

During the summer of 2007, the Community Development Department and the Planning Division convened a task force with pertinent City staff to study the issues related to condominium approvals and conversions. The proposed text changes will be required to go through a series of reviews by City Personnel, the Administration and the City Council. An open house will provide information to the public, answer questions and take comments. The petition will be presented to the Housing Advisory and Appeals Board as well as other interested boards and commissions prior to the public hearing before the Planning Commission. The Adoption of the amendments to the Building Code proposals may be required to go to the State of Utah for a Local Amendment to the Building Code. The City Council will hold a public hearing for final adoption, modification or rejection of the proposed changes.

Status

The staff task force has held initial meetings to discuss the topic. The task force met on September 17, 2007 to compile recommended changes that will potentially be applied to the condominium regulations to close loopholes and require additional life safety and fire code improvements as a requirement of conversion approval. The task force will request that policy discussions occur on the administrative side to evaluate the proposed policy changes and regulations developed by the task force and will then prepare specific appropriate ordinance language to be considered in the public process of ordinance amendment through the Planning Commission and City Council. On September 26, 2007 the Planning Commission initiated a petition to review the condominium conversion process.

State Code Amendments

Three areas in addition to the noted issues have been recommended for study and possible adoption; these include requiring seismic upgrading, ADA compliance, and the installation of a fire suppression system. Each of these topics would require an amendment to the State Building Code. This process requires an application, Request for Code Amendment, with the State of Utah to be filed with the Department of Professional Licensing (DOPL).

Application Requirements

The Request for Code Amendment application requires specific information as well as a financial impact study:

- Including the entire section(s) you wish to amend:
- Purpose of or Reason for the Amendment:
- Cost or savings Impact of Amendment:
- Compliance Costs for Affected Persons (“Person” means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency. You must break out the impact cost to state budget and local government, and you must state aggregate cost to other persons {cost per person times number of persons affected}):

In an effort to complete this study the City will need to hire a Professional Structural Engineer to complete the study of a base group of existing buildings with the potential for condominium conversion. The building Reports shall identify the required modifications to meet seismic standards, ADA and fire suppression. Following this a construction estimate will need to be prepared identifying the cost for the identified work. We may use these numbers to answer the application requirements with the caveat that each conversion is unique.

Recommendations

The following summary of proposed text changes reflects an increased review of the property under consideration for conversion for life safety matters, they encourage investment in the building for better quality housing and reflect options which can be administrated and managed effectively. Pursue State Code Amendments on a separate track and incorporate in to City Code should the State adopt the recommendations.

Summary of proposed draft Zoning and Building Code text changes

Zoning Ordinance

1. Expand Planning Director oversight for exterior building and site improvements as may be required.
2. Amend definitions to specifically state that condominium conversions of existing residential apartment buildings to condominium ownership are not a “Change of Use”.

Building Ordinance:

1. Requiring exterior building conditions; interior building standards; space and occupancy standards, light and ventilation standards and fire safety-egress standards to apply to the residential apartment-

condominium conversion process, as required by the Salt Lake City Existing Residential Housing Code.

2. Require the installation a smoke detector system conforming to manufacturer's recommendations
3. Require fire sprinkler systems in buildings with more than 3 units.
4. Require compliance with chapter 18.96.050 (Fit Premises) Property Owner To Maintain The Premises And Each Dwelling Unit:
5. When nonconforming building conversion resulting in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code

If you require additional information please contact me by phone at 535-7128 or by e-mail at nole.walkingshaw@slcgov.com.

Proposed Text Amendment

DRAFT

Zoning Ordinance

21A.56.060 Condominium Conversion Process:

B. Planning Official Duties And Responsibility:

3. **Previous Conditions:** The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.

4. **Site Improvements:** The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including but not limited to landscaping, exterior repairs, and improvements to common areas. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. The total number of parking stalls

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings:

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. The conversion of existing residential apartment buildings to condominiums is not a change of use. (See also definition of Land Use Type (Similar Land Use Type).)

Land Use Type (Similar Land Use Type): "Land use types" shall be considered to be similar land use types if both uses are allowed in the same zoning district or in the same or more restrictive zoning district within the commercial zoning category or in the same or more restrictive district within the manufacturing zoning category and the change from one land use type to another similar land use type does not increase the parking requirement. If the proposed land use type is a conditional use it will be subject to the conditional use process.

Building Ordinance

DRAFT

(Amendment to Section 18.32.050)

SECTION 346. That subsection (5) is, amended to read as follows:

(5) The existing conditions meet the standards of the Salt Lake City Existing Residential Housing Code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space and Occupancy Standards; 18.50.190, Light and Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in City Code Section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the Housing Advisory and Appeals Board.

SECTION 347. That subsection (7) is, amended to read as follows:

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be install with the capability of sending a signal to a remote station.

SECTION 348. That subsection (c) is a new subsection to read as follows:

(c) Automatic fire sprinkling system shall be installed in all condominiums which are over 3 units. These systems shall be installed to the current International Fire Code (IFC),

SECTION 351. That subsection is a new subsection to read as follows:

All condominiums shall meet the requirements as listed in 18.96.050 (Fit Premises) of the City Ordinance.

SECTION 352. That subsection is a new subsection to read as follows:

When a nonconforming building conversion results in an occupant load of 50 or more, the required exit door(s) shall be provided with panic hardware. The occupant load factor shall be determined by the current International Fire Code.

Salt Lake City Existing Residential Housing Code

18.50.020 Purpose And Scope:

B. Scope:

1. Application To Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.
2. Owner-Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner-occupied dwelling units.
3. Condominiums: Residential condominium units shall be subject to only the requirements defined as imminent danger or hazardous condition. Other interior standards shall not apply to residential condominium units, nor to the interior common areas.—(Discussion needed)

7. ORIGINAL PETITION

Remarks:

Petition No: **PLNPCM2008-00409**

By: **Salt Lake City Planning Commission**

Zoning Text Amendment – Residential Condominium
Conversions

Date Filed: 09/26/2007

Address: **Citywide**

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 26, 2007**

Present for the Planning Commission meeting were Acting Chair Mary Woodhead and Commissioners Peggy McDonough, Babs De Lay, Susie McHugh, Prescott Muir, Kathy Scott, Tim Chambless, and Robert Forbis. Chair Matthew Wirthlin and Commissioner Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Nick Norris, Principal Planner; Nick Britton, Principal Planner; Lex Traugher; Principal Planner; Marilyn Lewis, Principal Planner and Tami Hansen, Senior Secretary. Also present were: Kevin Young, Transportation Planning Engineer.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chair Woodhead called the meeting to order at 5:45 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Susie McHugh, Kathy Scott, and Mary Woodhead. Planning Staff present were: Doug Wheelwright, Nick Britton, and Lex Traugher.

APPROVAL OF THE MINUTES from Wednesday, September 12, 2007.

(This item was heard at 5:46 p.m.)

Commissioner McHugh made a motion to approve the minutes with noted changes.

Commissioner Forbis seconded the motion.

Acting Chair Woodhead called for the question, Commissioners McDonough and McHugh abstained from the vote.

Acting Chair Woodhead stated that the motion would then need to be made by a Commissioner that was present at the September 12, 2007 meeting.

Commissioner Forbis made a motion to approve the minutes with noted changes.

Commissioner Chambless seconded the motion. All in favor voted, "Aye", Commissioner McDonough and Commissioner McHugh abstained from the vote. The minutes were approved.

REPORT OF THE DIRECTOR

(This item was heard at 5:49 p.m.)

Mr. George Shaw noted that staff was in the process of rewriting and updating the Downtown Master Plan and would like to present the changes made to the Planning Commission during the October 10, 2007 meeting. He inquired how the Commission would like to give input on that plan and noted that one option would be to have a subcommittee look at the document before the meeting, or staff could give each Commissioner a copy and they could make individual comments.

Commissioners Chambless, De Lay, Woodhead, and Scott stated that they would like to volunteer for a subcommittee.

Mr. Shaw noted that staff would organize a time for the subcommittee to meet. He noted that there were also some text amendments to the zoning ordinance that staff would like to pursue and would like the Commissions support in. He turned the time over to Doug Wheelwright to explain more to the Commission.

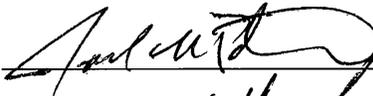
Mr. Wheelwright stated that staff was dealing with a number of issues that rose from the community relative to specific development projects, which have raised ordinance interpretation questions and policy debates within the community. Relative to that staff would like the Commission to initiate four petitions, which would direct staff, and allow them to start working on some of these issues by studying potential ordinance text amendments that would be processed within the next 4-6 months. Mr. Wheelwright noted that these petitions were not detailed yet; however, such detail would be added through staff analysis, and through the approval process. These petitions would include:

- Study of restricting, non-conforming uses and expansions.
 - Redefine side yard requirements relative to side entry buildings, amending the SR-1A zoning text relative to duplexes, and clarify distinctions between accessory uses and structures.
 - Review standards and policies on residential unit legalizations.
 - Review of the condominium conversion ordinance.
- Acting Chair Woodhead and Commissioner McDonough stated the petitions seemed like a great idea and would like them initiated.
- Mr. Wheelwright thanked the Commission.

**COMMUNITY AND ECONOMIC DEVELOPMENT
COUNCIL SUBMITTAL CHECKLIST**

Petition No and Basic Information: PLNPCM2008-00409, Residential Condominium
Conversions Text Amendment

Date: March 9, 2009

Supervisor Approval: 

Division Director Approval: 

Contact Person: Nole Walkingshaw

Phone No. 535-7128

- Initiated by
- City Council Member
 - Property Owner
 - Board / Commission
 - Mayor
 - Other

Contact Person
Planning Commission

Completed Check List attached:

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

Public Process:

- | | |
|---------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Community Council (s) | <input checked="" type="checkbox"/> City Web Site |
| <input checked="" type="checkbox"/> Public Hearings | <input type="checkbox"/> Flyers |
| <input checked="" type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission | <input type="checkbox"/> Newspaper Advertisement |
| <input checked="" type="checkbox"/> HAAB review | <input type="checkbox"/> City Television Station |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> On Location Sign |
| <input type="checkbox"/> City Kiosk | <input checked="" type="checkbox"/> City Newsletter |
| <input checked="" type="checkbox"/> Open House | <input type="checkbox"/> Administrative Hearing |
| <input type="checkbox"/> Other | |

Compatible with ordinance:

Specific Citations: Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by

any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report (see Attachment 5b).

Modifications to Ordinance:

Condominium Conversion Process (21A.56.060B.3 and 21A.56.060B.4), Definitions
21A.62.040 (Change of Use), Division 5 Occupancies 18.32.050, Existing Residential Housing
Code 18.50.020B.3

Approvals / Input from Other Departments / Divisions

<u>Division</u>	<u>Contact Person</u>
<input checked="" type="checkbox"/> Airport:	Allen McCandless
<input checked="" type="checkbox"/> Attorney:	Paul Nielson
<input checked="" type="checkbox"/> Business Licensing:	Robert Lucas
<input checked="" type="checkbox"/> Engineering:	Scott Weiler
<input checked="" type="checkbox"/> Fire:	Ted Itchon
<input checked="" type="checkbox"/> HAND:	Luann Clark
<input type="checkbox"/> Management Services:	
<input checked="" type="checkbox"/> Mayor:	David Everitt
<input type="checkbox"/> Parks:	
<input checked="" type="checkbox"/> Permits / Zoning:	Larry Butcher
<input type="checkbox"/> Police:	
<input type="checkbox"/> Property Management:	
<input checked="" type="checkbox"/> Public Services:	Rick Graham
<input checked="" type="checkbox"/> Public Utilities:	Jason Brown
<input checked="" type="checkbox"/> Transportation:	Barry Walsh
<input checked="" type="checkbox"/> RDA :	DJ Baxter
<input checked="" type="checkbox"/> Zoning Enforcement	Craig Spangenberg