



EAST BENCH COMMUNITY COUNCIL

Special Meeting Minutes
Tuesday, April 13, 2021 7pm
Virtual Meeting by Zoom
54 Participants in all

Link to Recorded Meeting: <https://youtu.be/0508-IKzpTM>

1. Welcome, Introduce Board Members in Attendance: Aimee Burrows, Anthony Wright, Brooke Karrington, Dianne Rivera, Dennis Eyre, Katie Moore
2. Business Items
 - Next meetings are Apr 21, May 19, Jun 16 (all at the same Zoom address)
 - EBCC Executive Board elections will be on April 21, 2021
3. Overview of Planning Process
 - Kelsey Lindquist, Senior Planner 801-535-7930 Kelsey.lindquist@slcgov.com with additional comments and answers from Paul Nielsen, Salt Lake City's attorney
 - a. This project has not been approved. The staff report has not been written yet. No recommendations have been made by the Planning Staff. The hearing has not been scheduled yet. The applicant will need to prove that the building can be built safely for all properties in the area. The Planning Director has requested an updated geotechnical report prior to the Planning Commission hearing. Planned Developments are discretionary.
 - b. Property was subdivided in 1977 – as such, Paul Nielsen stated that there is legal precedence, common law, that allows the property owner to develop on this parcel. Sloping restrictions are not applicable to this project, however, the applicant does need to submit proof that the project is safe. If community members have issues with the legality of developing on the land, their next step would be to consult their own legal representative.
 - c. This project is coming before the planning commission to ask for frontage and height relief
 - d. In an attachment to these minutes, Kelsey offers answers in response to email inquiries. These were not read aloud at the meeting.
4. Overview of Community Council Role
 - * EBCC Chair Letter concerning Special Meeting:
<https://eastbenchslc.files.wordpress.com/2021/04/ebcc-special-meeting-letter.4.2021.pdf>
 - Letter requesting input from Recognized Community Organization
<https://eastbenchslc.files.wordpress.com/2021/04/formal-community-council-letter-.pdf>
 - Kelsey has extended the comment date for EBCC. The online open house will stay online until further notice.
<https://www.slc.gov/planning/2021/03/03/emigration-overlook-planned-development/>
 - EBCC will notify our contact list when the Planning Commission hearing is scheduled.
5. Introduction of Emigration Overlook Project
 - Christopher Clifford, representing Emigration Overlook Partners
 - a. Christopher Clifford gave an introduction to himself and the project and then had a Q&A with community members for over 90 minutes
 - b. Main community concerns are the legality of developing on the land, safety of building on a 30% slope, accessibility of residents and emergency vehicles, seismic safety
 - c. Applicant's responses to community questions and concerns:
<https://eastbenchslc.files.wordpress.com/2021/04/emigration-overlook-partners-community-concerns-response.pdf>
6. Note that public comments may be submitted at any time prior to the public hearing (schedule TBA) at this link:
<https://www.slc.gov/planning/2021/03/03/emigration-overlook-planned-development/>

7. Attachments:

- i. Excerpts from emails from Kelsey Lindquist answering emailed questions.
- ii. Link to Zoom recording and chats from March 17, 2021 EBCC Meeting
- iii. Link to Zoom recording and chats from April 13, 2021 EBCC Special Meeting

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Katie Moore

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Selection of answers from Kelsey Lindquist in response to public comments and questions:

There is not a plan to create an additional access road to Donner Way. The Transportation Division reviewed the proposal and did not indicate a need for additional access points. I am still waiting for a review from the Fire Review within Building Services. The Fire Reviewer will address whether an additional access point or hammerhead is needed. Additionally, I will forward your requests and expressed concerns about speeding and safety to transportation and the police reviewer. Once I hear back regarding the cross walk, speed bumps and request for additional police presence, I will let you know.

In regard to your first question, there is no financial relationship between the developer and any employee of the Planning Division. The application was submitted by the property owner representing the project. The Planning Division is processing the application per the planned development process stipulated within the Salt Lake City Zoning Ordinance. Additionally, if a member of the Salt Lake City Planning Commission has a financial tie to a project, application, or property owner they are required to recuse themselves. This would also apply to any city staff.

I have tried to address each question in regards to the planned development process. As Aimee Burrows indicated, there are several concerns that are common within the public comments. The applicant is aware of the concerns and provided a written response to those concerns. The Planning Division has acknowledged the need for an updated geotechnical and has asked that the applicant provide this to Planning, so that we can conduct a thorough analysis of the applicable planned development standards and identified policies within the East Bench Master Plan.

Additionally, Public Utilities has indicated a number of items through their review. However, there was not a stipulation that a water quality assessment be conducted. I am happy to reach out to Public Utilities to discuss any concern they might have with the impact to water quality at Rotary Glen Park.

A fire access review was conducted by the fire reviewers within Building Services. The Fire Reviewers did not indicate that any additional survey is needed. The applicant will be required to satisfy all of the fire code requirements indicated by the fire reviewers' comments on the development.

East Bench Community Council March 17, 2021

https://youtu.be/8GWbTyBW_rl Discussion starting at 46:46

- 20:43:09 From Jonathan Duncan : The owner of this property is a Chicago based investment consortium.
- 20:43:44 From Jamie Stokes : <https://www.slc.gov/em/fix-the-bricks/>
- 20:44:02 From +Vee : The view is not the point. Donner Crest is right next door, and sits on a hill. This construction will dig out the toe of the hill that helps support our building. That and earthquakes are a huge concern for our HOA.
- 20:44:13 From JOAN OGDEN : What is the adequacy of the road structures to handle the additional traffic?
- 20:44:16 From Anthony Wright : how many homes in the east bench community council area are built on lots with over 30% grade? Many of the buildings on donner would not be allowed today under current code.
- 20:47:30 From Joanne's iPad : I am very concerned worried about egress from the building tenants. Look again at the map and view how that will affect the already crowded Donner Way traffic. Earthquake, emergency vehicles and daily traffic on Donner Way.
- 20:47:45 From Jonathan Duncan : What about city liability?
- 20:49:20 From Vivia Baldwin : What about the environmental degradation of old growth Oak trees and the natural wildlife!!!
- 20:50:28 From Brooke Karrington : North Salt Lake is exactly the comparison I wanted to bring up. What a disaster, and what a dangerous situation. It's still in litigation at this time, and everyone is lucky that people didn't get severely injured.
- 20:50:37 From Ed Blake : Who is responsible for the vacated development currently scaring the mountain above Donner (30%+ slope)?
- 20:50:50 From cbslchouses@gmail.com : Beyond the 30% slope issue... what kind of geotechnical studies will you require. The slope is not stable and our property will be damaged if this is approved.
- 20:51:35 From Jonathan Duncan : The test is twenty years old...
- 20:51:38 From Brooke Karrington : A question: just because the lot was approved for building in 1977, does that mean that there are no size limitations? Such a large building seems too extreme.
- 20:51:45 From Sarah George : Will updated geotechnical studies be required before a permit is issued?
- 20:51:56 From Vivia Baldwin : Why not have an environmental study?
- 20:52:10 From Martha and John Wunderli : What do you make of 21A which states the Building Services Division will determine whether to issue a building permit upon review of all applicable regulations. So vesting is subject to all applicable regulations , including Sec 18, which says cannot build up on more than 30% slope.
- 20:53:15 From iPhone : Could this construction impact ability of existing buildings to get/maintain earthquake insurance?
- 20:54:20 From Vivia Baldwin : Why Not?
- 20:55:08 From Ed Blake : The construction uses a building method that has never been used in Utah. Who is vetting that process?
- 20:55:53 From cbslchouses@gmail.com : If this is our only chance for public input, is it not negligent for you to approve variances to build this project without doing you due diligence?
- 20:57:55 From iPhone : Wait...12 parking stalls for 30,000 sq ft?
- 20:58:37 From cbslchouses@gmail.com : Density is not the issue, the hillside stability is the issue.
- 20:58:43 From JOAN OGDEN : It makes no sense to consider only 12 parking stalls where it is likely that you need 24 stalls at a minimum.
- 20:59:13 From +Vee : Donner Crest condominiums has 5 parking places , one of which is a handicapped space. This development would remove 3 of those. So we would have 2 spaces for medical personnel, mail delivery, other delivery, repair people and visitors.
- 20:59:29 From Molly McDonald : Where would the guest parking be for this building? Scattered around the cul de sac of Donner Way?
- 21:00:03 From cbslchouses@gmail.com : Are they still planning to pump their sewer up to the circle.
- 21:00:05 From Martha and John Wunderli : Donner Way is one way. This adds another driveway in a very small cul de sac that has 5 driveways.
- 21:01:04 From +Vee : Another issue is water in the area. The building will sit in the center of a drainage area. The neighborhood is riddled with springs. The bottom of the lot is swampy. The developer wants to use an unproven foundation method that has never been tried in Utah.
- 21:01:54 From Vivia Baldwin : Aimee have you been to Donner Circle?
- 21:02:19 From Aimee Bees : just today I met Jonathan up there and got the tour. It's pretty dense.
- 21:02:34 From iPhone : Just want to know - will this construction destabilize existing buildings to make them unsafe? Yes or no???
- 21:05:26 From Ed Blake : This building requires a sewer pump to raise raw sewer to the upper level of the project.
- 21:06:09 From Ed Blake : The sewer pump issue was indicated in the 2016 approval
- 21:06:53 From Ed Blake : It was indicated by the architect that the sewer pump was part of the design
- 21:07:11 From Anthony Wright : much like a sump pump for a basement?
- 21:11:41 From +Vee : Donner Crest sewer uses gravity.

21:14:42 From +Vee : Will a bond be required of the developer in case construction is abandoned or other buildings are damaged?

21:16:18 From Jonathan Duncan : you all can visit our citizen petition www.change.org/emigrationoverlook

21:16:54 From Martha and John Wunderli : Vote against this project

21:17:12 From +Vee : Vote against.

21:17:40 From Molly McDonald : Should we do this again in a month once more info is gathered?

21:17:55 From Jonathan Duncan : Please, please vote against... this doesn't feel right.

21:18:30 From iPad (3) : Please vote against the build

21:18:38 From iPhone : Please vote and vote no!!!!

21:18:53 From cbslchouses@gmail.com : Please vote against this since the Applicant has not given us good information to make a good decision.

21:21:44 From Martha and John Wunderli : My gosh, you represent us

21:22:11 From Sarah George : We have not discussed the frontage issue at any great length, but the frontage variance is not warranted given the narrow access to the site and the extremely limited street parking in the cul de sac (2 spaces for 2 large multi-dwelling structures).

21:25:21 From Martha and John Wunderli : You need to listen to us.

21:25:57 From Molly McDonald : Then where is our voice?

21:26:29 From iPhone : Please make the planning commission think twice about this.

21:26:49 From Molly McDonald : Not sure we should vote when some are gone from the meeting

21:27:25 From Joanne's iPad : We are concerned about so many issues.

21:28:30 From Joanne's iPad : What about environmental impact.

21:28:34 From iPad (3) : It's obvious you are bias on this topic

21:29:32 From iPhone : Well this just seems wrong.

21:29:43 From Martha and John Wunderli : Why does EBCC exist if not to listen to the residents and do something about our concerns?

21:30:17 From +Vee : Can we focus the question?

21:30:20 From Molly McDonald : Lets stop the vote issue.

21:32:01 From Molly McDonald : Please step back and let's do this when people are fresh . This is going to the negative now.

21:32:14 From cbslchouses@gmail.com : You have a list of concerns that you should take to the council on our behalf. Since you are our community council

21:32:33 From Anthony Wright : The community council will relay concerns in writing to planning.

21:32:42 From Joanne's iPad : View is much different than environmental and safety.

21:33:09 From Molly McDonald : Thank you.

21:33:37 From iPhone : Yes! Next month!

21:34:49 From Vivia Baldwin : What about the environmental damage to an environmentally valuable nature space??

21:35:07 From +Vee : Next month would be better.

21:35:14 From Molly McDonald : If enough info is there.

21:35:19 From Vivia Baldwin : TAKE THE VOTE!!!!

21:37:43 From cbslchouses@gmail.com : Yes, and the Applicant should be present and give us meaningful answers to our questions

21:38:32 From Anthony Wright : no one wants a building that is not safe. Lets see if we can learn more about safety of the structure.

21:38:38 From Vivia Baldwin : THAT WAS ABSOLUTELY AN EYE OPENER ABOUT THIS COUNCIL AND THEIR LACK OF SUBSTANCE.

21:38:43 From Joanne's iPad : Jonathan please give us the information again. Martha do you have that information.

21:39:19 From Martha and John Wunderli : I am active at EBCC meetings

21:39:41 From cbslchouses@gmail.com : No we are concerned about the lack of hill side stability that has been well documented for twenty years in the news.

21:39:45 From Brooke Karrington : Vivia I would love to hear from you.

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<https://youtu.be/0508-IKzpTM>

19:08:36 From Brooke Karrington : That works for me. I was able to download and view it

19:09:57 From Anthony Wright : www.eastbenchslc.org

19:10:11 From Anthony Wright : agenda can be found here as well

19:11:43 From The City Library to Aimee Bees(Direct Message) : Hi Amiee, I did a quick check - mute/unmute is *6 and raise hand is *9.

19:13:39 From Aimee Bees to The City Library(Direct Message) : thanks

19:19:48 From Jonathan Duncan : That is NOT your call to make Mr. Nielson.

19:20:33 From Sharon Kern : What is the current slope angle for the building proposal?

19:20:54 From Ken Schmidt : My question exactly.

19:21:00 From Jonathan Duncan : The average slope is 42%, with a maximum slope of 63%.

19:21:09 From Sharon Kern : Thanks

19:22:19 From Vivia Baldwin : Can attendees ask questions not just Aimee? There are two hands up waiting to be called on.

19:22:39 From Jonathan Duncan : No one in the city government can unilaterally invalidate the applicability of city health and safety codes.

19:22:49 From Linda Blake : This slope is too steep to secure a proper Geotech report

19:23:06 From Ken Schmidt : What are the consequences of the public official for making the exception to exceeding the 30% slope?

19:27:41 From Jonathan Duncan : The EBCC can take a stance on this however, as a representative of our community interests. That is a part of the role of community councils.

19:28:38 From Jo Call : Where is the list of approval points

19:29:27 From Cynthia : Can the public make comments before or at the Planning Commission meeting, aside from/in addition to what was submitted by the end of tonight's meeting?

19:29:38 From +Vee : The grandfathering of the old slope regulations is expressly prohibited in the Foothills and Canyons Overlay Zone documents if the slope is over 40 per cent.

19:32:15 From Cynthia : What is the background of the developer and his involvement with this project?

19:32:41 From Ken Schmidt : Including who is funding this project.

19:33:41 From Jonathan Duncan : The owner of this parcel is a Chicago-based investment consortium.

19:34:22 From Jonathan Duncan : The study Mr Clifford is talking about was conducted in 2001 was a preliminary review. This is NOT a complete study.

19:34:37 From +Vee : The old geotec report was only a reconnaissance report. Very preliminary. No drilling on the bottom of the lot, which is crucial.

19:34:48 From JOAN OGDEN : Is the seismic analysis the same now that we have had the "Magna" earthquake?

19:35:16 From Jonathan Duncan : What about a broken water main during an earthquake?

19:35:52 From Anthony Wright : https://codelibrary.amlegal.com/codes/saltlakecityut/latest/saltlakecity_ut/0-0-0-70970#JD_21A.55.050

19:36:05 From MARTHA Wunderli : And was specifically limited to the plan in question. Said not apply otherwise

19:36:24 From Cynthia : How will the stepped foundations cut into the hillside affect the stability of the slope? Is it soil or bedrock?

19:36:45 From JOAN OGDEN : At the last meeting, we saw display of "slope" which was clearly using some strange points. Will that be corrected?

19:38:39 From Cynthia : The Oak Crest Gardens drive is one way OUT, and is not two-lanes wide to accommodate cars driving IN to the project parking area.

19:39:02 From Linda Blake : The current Geotech report had its borings on the flat driveway. The equipment used to conduct borings cannot be conducted on a slope of this scale. Please explain how a well vetted Geotech report can be done.

19:39:03 From Jonathan Duncan to Aimee Bees(Direct Message) : Will you open this up to questions?

19:40:35 From Cynthia : If you cannot do a GeoTech report on the slope, how can you possibly dig foundations into it?

19:42:05 From Cynthia : How will equipment for borings be brought onto the site? From the top or bottom of the slope?

19:46:39 From Cynthia : It doesn't seem the exit drive could be converted to two-way roadway without sacrificing some of the parking spaces on the cul-de-sac.

19:46:46 From Jo Call : That does not address fire and emergency vehicle during earthquake

19:48:51 From Linda Blake : Oak Crest is 51

19:49:08 From Jonathan Duncan : We have 50 units and and 24 next door. Over 100.

19:49:22 From Cynthia : The circle services 575, 560, and 900 Donner Way buildings.

19:49:25 From Vivia Baldwin : cbslchouses you are muted!

19:50:19 From Camille DeLong : donner place is 27 units

19:50:54 From Cynthia : 875 Donne Way is about 113 units.

19:51:54 From Vivia Baldwin : And 875 Donner Way, Canyon Crest.
19:53:21 From MARTHA Wunderli : 51
19:55:07 From Cynthia : There are about 200 units using the cul-de-sac already.
19:58:38 From Jonathan Duncan : I would like a follow up. Other speakers were given a chance.
19:58:39 From Cynthia : The developer said he intends to reside in the project himself, so his vested interest in its being approved is very significant.
19:59:18 From Ken Schmidt : The road to hell is paved with good intentions.
19:59:20 From Jonathan Duncan : That challenge had nothing to do with slope restrictions.
19:59:38 From Ken Schmidt : Agreed.
19:59:46 From Cynthia : The ca. 200 units using the cul-de-sac represent a larger number of people and many units have multiple vehicles.
20:00:12 From iPhone : Disconcerting that your "facts are not accurate".
20:00:49 From The City Library to Aimee Bees(Direct Message) : Hello Aimee, Do you need anything else from me?
20:01:00 From Aimee Bees to The City Library(Direct Message) : no. thank you.
20:01:38 From The City Library to Aimee Bees(Direct Message) : I hope that the remainder of your meeting goes well. Please call if you need anything.
20:03:29 From Cynthia : Will the foundations of the building be cut into bedrock?
20:04:23 From iPhone : Seems premature for this to be the final public comment period when there is a great deal of data still lacking. Can someone explain?
20:05:11 From Sharon Kern : Mr. Clifford please keep it open space and move on to better projects that don't upset or impact a neighborhood,
20:05:30 From Cynthia : The staff report on the previous application shows that inadequate public comment was allowed.
20:06:51 From Jonathan Duncan to Aimee Bees(Direct Message) : Thanks for that opportunity.
20:06:59 From +Vee : Mr. Abraham wants to speak.
20:07:49 From JOAN OGDEN : Is the average slope 30% but incorporating slope aspects which are considerably steeper than 30%
20:09:22 From Jonathan Duncan : Exactly... well said.
20:09:24 From +Vee : I agree with Catherine.
20:09:29 From Ken Schmidt : Bravo!!
20:09:50 From John Pearson : Well said thank you for speaking up
20:10:21 From Molly McDonald : Where is the lawyer? Two people spoke asking him directly to respond. Where is he?
20:10:54 From Jo Call : Don't let this be the last time we are heard Thank you Jonathan Bravo
20:11:28 From Vivia Baldwin : Please have Paul Nielson answer cbslchouses questions!!!
20:13:02 From Jo Call to Aimee Bees(Direct Message) : Can you please be represented and heard
20:13:28 From Cynthia : The point by point replies do not seem to be publicly available. What is the time frame envisioned of the total construction project?
20:13:45 From Ken Schmidt : I have NOT received nor received reference to the "point by point" answers to the questions.
20:13:53 From iPhone : Yes! Please have SOMEONE answer cbslchouses questions!!!
20:14:09 From Jo Call : Promises
20:14:10 From Cynthia : How can you excavate the foundations of the stepped structure into the hillside with a crane at the top of the hillside?
20:15:15 From Vivia Baldwin : Hello! Paul Nielsen needs to address legal questions.
20:15:35 From David Leta to Aimee Bees(Direct Message) : Aimee: I have to leave to attend another meeting. My apologies. Best.
20:17:10 From Linda Blake : If the law is clear..... why add the language that says otherwise in the law?
20:17:43 From Jonathan Duncan : Is anyone satisfied with that response. This is a matter of health and public safety.
20:18:01 From Molly McDonald : No
20:18:17 From Cynthia : Who makes the final legal decision about building on the slope?
20:18:23 From George Chapman : if SLC does not grant easement, then the project can't go forward unless the developer pays all City cost?
20:18:53 From Jonathan Duncan : County vs. City
20:18:53 From +Vee : So public health and safety are not important?
20:19:20 From JOAN OGDEN : average slope vs actual slope variation
20:19:28 From John Pearson : I have a question about the sustainability aspects of the project
20:19:35 From Vivia Baldwin : Jonathan, I don't think anyone is satisfied with the legal answers! Of course it is a matter of health and public safety.
20:20:13 From iPhone : Please make a note to this meeting that once again inadequate public comment is allowed in this process.
20:21:50 From Vivia Baldwin : We do not need Aimee to answer questions that need to be answered by Kelsey and Paul. We want to hear from more concerned residents!

20:22:58 From Cynthia : Please specify who makes a final legal decision so any attorney knows who to address?

20:24:23 From iPhone : That driveway will be on the grass that belongs to 850 Donner, right?

20:25:31 From Natalie and Rick M : I am in favor of denser housing. I don't like sprawl. The whole Donner Way development is an eyesore, in my opinion. The developer and engineers must make a valid case for safety, and the lawyers need to sort it out. Ultimately, we need to write and adopt better zoning, and regulations for developers, who wield too much power in Open for Business Utah.

20:26:26 From Ken Schmidt : Fire suppression is a red-herring. The development requires fire suppression as a basis and not a mitigation for fire series.

20:26:34 From Ken Schmidt : Services.

20:27:12 From Cynthia : There are a total of 30 spaces for units and visitors in the proposed 12-unit project.

20:27:49 From Cynthia : Most likely the 12 units will have more than one vehicle.

20:27:56 From Molly McDonald : Remember that there are two exit driveways out of the Canyon Crest Building, right at the bottom of the the circle. So our building needs to be included in the traffic issue.

20:32:47 From Vivia Baldwin : can we please hear from Paul???

20:33:56 From Jo Call : Are you not concerned about safety. Good luck doesn't represent.

20:34:09 From Cynthia : The project proposal states there will be significant active and passive solar energy supplied for the building. What is the source of this solar energy? Where will the solar panels be located?

20:36:00 From John Pearson : I would like to ask my question as I am a LEED AP

20:36:12 From Cynthia : What would the geothermal energy source be?

20:36:14 From Jo Call : Great we get to look at solar panels

20:39:23 From JOAN OGDEN to Aimee Bees(Direct Message) : We need to make a point about the slope being straight line top to bottom, but the land dips down, and the slope is not functionally 30%

20:39:42 From Jo Call : Studies need to be done, but this is the last time we have a voice.

20:39:43 From Cynthia : The additional studies ought to be available before public comment is closed. The proposal does NOT state sources for solar and geothermal energy now.

20:40:24 From Jo Call : Public comment can not be closed

20:40:57 From John Pearson : I hope the planning department considers the facts and not the "green" developer team with a profit interest

20:41:34 From +Vee : The drawing that the applicant first presented was an insult to our intelligence. Two PhD geologists have looked at that slope and given us a good sense of the degree of the slope.

20:42:14 From Ken Schmidt : I want to know the financial connections between the developer / underwriter and the SLC Planning Commission and/or any element of SLC governance.

20:42:16 From Cynthia : What does the slope consist of no matter how steep it is? Is the building going to rest on bedrock?

20:43:45 From Cynthia : Everyone can save the chat now.