



May 3, 2021

ATTN Kelsey Lindquist, Sr Planner  
Salt Lake City Planning Division  
kelsey.lindquist@slcgov.com

RE: Proposed Planned Development at 860 S. Donner Way PLNPCM2021-00037

The purpose of this letter is to report on the steps taken by the East Bench Community Council (EBCC) to consider the above-referenced proposal, and to summarize the results of those efforts. In short, the primary community concern about this project is whether the proposed new residential structures can be built on the existing steep hillside without impairing the safety and structural integrity of the existing multi-story residences that are adjacent to the proposed development.

Process:

The agenda for the regular, monthly EBCC meeting on March 17, 2021, included a community discussion about the proposed development known as "Emigration Overlook." Notice of the meeting and of this agenda item were published to community members in the customary fashion. Links to relevant information about the project were included with the notice. Kelsey Lindquist and Paul Nielson attended this meeting and were professional and helpful as usual. Due to some technical problems, the virtual meeting did not begin on time and required use of a different Zoom address than the one published. Nevertheless, approximately 46 community residents participated. Because of the very high number of comments and questions from neighbors and the technical problems with conducting the meeting, I scheduled and noticed a virtual Special Meeting for April 13, 2021, to discuss this proposed development. It was the only agenda item. Again, with the notice of this special meeting links were provided to relevant information. Approximately 53 neighbors participated in this virtual meeting. Ms. Lindquist, Mr. Nielson, and the applicant also attended.

## Community Concerns and Comments:

The big question for residents surrounds the safety and legality of building the proposed structures on such a steep hillside, which has an average slope of approximately 50%. Residents understand that current building codes do not permit residential construction on slopes greater than 30%. Yet, this project has reportedly been granted some special, historical privileges or rights that allow the developer to disregard the current building code and, instead, rely on older, outdated building standards. Mr. Nielson answered questions about this at both meetings, but the residents were not satisfied with his answers. So, the **legal question** hangs over this project, undergirded by the **safety due to the steepness**. Additionally, concerns were voiced by residents about the need for a **sewer holding tank and pumping system**, which adds weight to the concerns about **seismic stability**. Residents fear possible catastrophic personal injury and property damage to the uphill neighbors from this project if there is an earthquake, landslide or other geologic disturbance.

We've been told that the applicant has been asked to supply a recent **geotechnical survey** prior to their planning commission hearing. The members of EBCC are very much in favor of seeing this report as well.

This particular neighborhood has the ugly remnants of a retaining wall and road on an **abandoned building site** from a similar residential project that just became too expensive to complete. There is a lot of concern among residents that the proposed new development will experience a similar fate, thus creating a second, ugly scar on the hillside after considerable disturbance to the existing landscape from geotechnical work and preliminary grading.

Other residents expressed concerns are that the development will add 12 units to a dead-end culdesac that already services three multifamily buildings. The residents estimate that there are 200 units already on the culdesac, so this addition is about a 6% increase. We have been told that the fire officials have reviewed the application and find that the new construction doesn't increase fire danger to this community, or that the risk can be mitigated.

The residents are satisfied with the explanation of how the building will interact with the **open space** and trails around there. The drawings that we've seen don't show the landscaping very well, so we'll leave it up to the Planning Commission to determine if this project makes an improvement to the surroundings as the Planned Development rule requires.

On a positive note, there were very few, if any, concerns expressed about the developer's request for a change to the frontage requirements or to any impairment to views for the existing residents.

The Executive Board chose not to poll its members about this project, so no vote was taken at either meeting.

Conclusion:

There was support for this innovative building style that looks interesting and preserves neighbors' views, but there were more concerns about legality and safety of this planned development as explained above.

Sincerely,

A handwritten signature in black ink that reads "Aimee Burrows". The signature is written in a cursive, flowing style.

Aimee Burrows, Chair  
East Bench Community Council  
ebcc.chair@gmail.com  
[www.eastbenchslc.org](http://www.eastbenchslc.org)