



Public Works  
Planning & Development Services Division  
<http://www.utah.gov/pmn/index.html>

## Emigration Township Planning Commission

Public Meeting Agenda - **REVISED**

**August 16, 2012**

**8:30 A.M.**

THE MEETING WILL BE HELD IN THE COUNTY COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, MAIN FLOOR, ROOM #N1100, 2001 SOUTH STATE STREET.  
ANY QUESTIONS, CALL 468-2000

*REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 468-2120 OR 468-2351: TDD 468-3600.*

The purpose of the Planning Commission Meeting is to allow the Planning Commission to hear staff, applicant, public, and other agency comments and recommendations prior to making decisions and/or recommendations on land use applications and projects on file with Salt Lake County. The Planning Commission may take action on any agenda item which may include: approval, approval with conditions, denial, continuance or a recommendation to other bodies or agencies as applicable. Public comment is not normally on the business portion of the agenda.

### **Business Items – Starting at 8:30 A.M.**

- 1) Adoption of Minutes from the July 12, 2012 Meeting
- 2) Other Business

### **Public Hearing Items (immediately following Business Items)**

**27953** - Planning and Development Services is seeking approval and adoption of an Economic Development Best Practice for inclusion into Salt Lake County General Plans. The Best Practice would be applicable to all unincorporated areas of Salt Lake County.

**27538** – Richard & Susan Anderson (Santa Fe, LLC) are requesting approval of a full-service restaurant, coffee shop and barista bar and wedding reception and events center located at 4170 E. Emigration Canyon Road. The subject property is commonly known as the “old Santa Fe Restaurant”. Zone: C-2/ZC (Commercial with Zoning Restrictions).  
Community Council: Emigration Planner: David J. Gellner, AICP

**Note: This item was Continued from the public meeting held on July 12, 2012.**

### **Meeting Adjournment**

### **Rules of Conduct for the Planning Commission Meeting**

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.

- Speakers will be called to the podium by the Chairman.
- Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
- All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
- After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.



**STAFF REPORT**

Executive Summary					
<b>Hearing Body:</b>	Emigration Canyon Planning Commission				
<b>Meeting Date and Time:</b>	Thursday, August 16, 2012	08:30 AM	<b>File No:</b>	2	7 9 5 3
<b>Applicant Name:</b>	Salt Lake County Planning	<b>Request:</b>	< None >		
<b>Description:</b>	Economic Development Best Practice				
<b>Location:</b>	County Wide				
<b>Zone:</b>		Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<b>Community Council Rec:</b>	Not yet received				
<b>Staff Recommendation:</b>	Approval				
<b>Planner:</b>	Max Johnson, AICP				

**3.0 STAFF RECOMMENDATION**

**3.1 Staff recommends APPROVAL of the proposed < None >.**

**3.2 Reasons for Recommendation**

- 1 ) Adoption of the Best Practice is in the best interests of collaborative and cooperative planning.
- 2 ) The Best Practice is a vital component of the broad and inclusive general plans Salt Lake County is developing.



# Economic Development



## Purpose Statement

Economic development is vital to the well-being of a community because it increases the quality of life for residents through job creation, increased wages, broader access to goods and services, and enhanced tax base. Economic development is dependent on the resources of an area, including natural resources and the education levels and skills of the local workforce. It is promoted and encouraged through the development of quality infrastructure for utilities, transportation, and communications. It can also be encouraged through government policies, tax and fee structures, public financial assistance and incentives, and through the sharing of economic information. Sustainable economic development always takes place within a regional context, and includes diversity of goods and services, employment opportunities, and quality affordable housing elements.

## Best Practices

### Economic Core Concepts:

1. Economic development needs to occur in a region-wide context.
2. Resources and educational training/skills in a region are key factors in identifying future job growth and development opportunities.
3. Communities need to create a sustainable economic development strategic plan with a detailed implementation plan. These plans assess the community's strengths and weaknesses and its competitive niche in the regional area.
4. Job creation should be a primary focus of the region.

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## Related Best Practices:



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5. Communities must establish core infrastructure in transportation, communications, and utilities in order to further economic development activity. Officials need to coordinate economic development strategies with capital improvement plans.
6. Communities should inventory their current economic base in terms of tax revenues and revenues from other sources and assess the sustainability and balance of current revenue streams.
7. Each community should conduct a retail market analysis (i.e. sales gap, leakage, and capture) and make this information available to the public.
8. An understanding of target markets, including demographic projections and household characteristics, is essential in projecting future buying power, market niches and development opportunities.
9. Key economic development sites throughout the County should be identified and promoted in order to ensure the highest and best use of each site.
10. Identify business clusters that currently exist, as well as clusters that could be developed based on existing strengths, that would benefit from locating in close proximity.
11. Communities should promote educational attainment and vocational skills training in alignment with the current business base of the area or the businesses they intend to attract to the area.
12. Quality-of-life factors such as housing choices, amenities, recreation and other factors are important elements in economic development.
13. Communities need to evaluate the underlying data, the explicit and implicit assumptions, and the methodology used when analyzing individual economic development projects.
14. Policies regarding public assistance with financing and incentives should be consistent with and targeted to attracting key development types that are most beneficial to the community and that would likely not occur without public assistance.
15. Economic information needs to be widely shared in order to maximize development opportunities.

#### **Data Resources Core Concepts:**

1. Promote and develop a centralized data library. The data library will serve as the primary location for future datasets relating to economic development and planning.

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2. Maintain the data created as part of the Cooperative County Plan and through economic development initiatives by identifying personnel, timeframes for updating data, and individual department's responsibilities in maintaining data.
3. Economic resources and data should be collected and developed in conjunction with other regional planning initiatives and models. Promote cooperation from municipalities through continued dialogue as part of the Cooperative County Plan.
4. The County should facilitate the dissemination of information to the public.

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## Key Questions:

What defines an economically sustainable community?

How does this community or project fit within the regional economic context?

What economic opportunities exist in this community?

What infrastructure does this community need in order to attract the type of economic development that is desired by the community? How can this needed infrastructure be realized?

How do you conduct a market analysis?

Where are prime retail, office, or industrial locations?

How much retail and other commercial development is supportable in the area?

Where should employment centers be located?

How can development within a community best support transit?

What are the key factors that developers are looking for in site selection?

Where do development opportunities exist (urban renewal area [URA], economic development area [EDA]), and community development area [CDA] in our community?

When should public assistance or incentives be provided for economic development? What factors should be considered?

What financing tools can be used to further economic development in our community?

What are the fiscal impacts of this project on our community?

How can economic development opportunities be marketed to recruit new businesses?

How can economic development information be shared through forums and professional trade shows?

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## Discussion

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### Planning for Economic Sustainability

**What does it mean for a community to become economically sustainable? How can a community plan for sustainability? How can it encourage good development? Why is this so important?**



Developing a plan for sustainable economic development is an important process for communities. Sustainable communities are better prepared to survive the “ups” and “downs” of markets, recessions, inflationary periods, etc., because they have a solid and balanced tax base that is not overly reliant on one or two industries or revenue sources. Best practices include striving for a good balance of quality jobs, a variety of development types and industries, a strong property and sales tax base, up-to-date economic infrastructure (including transportation, communication and utilities), good education and skills training, and public amenities that create a vibrant community and quality of life for residents.

An economic development strategic plan will help the community become more sustainable. However, once developed, economic development strategic plans will not become a reality unless they are accompanied by implementation plans. Implementation plans include goals, objectives, action items, and assigned responsibilities with timeframes for completion. They provide information and assistance to the development community in order to encourage preferred development types. They also include a finance plan that describes how capital facilities will be financed, as well as policies for public participation for high-priority projects.

This “Best Practices” document first describes the planning process for economic development including an explanation of economic tools, followed by a discussion of financing and implementation strategies.

#### 1. Planning and Visioning

**What is our community vision? How do we want to describe ourselves in twenty years?** Visioning is the first step in the planning process. The noted author Carl Sandburg is quoted as saying, “Nothing happens unless first a dream.” Not until a vision is established can communities work to achieve their goals and objectives. Local officials, residents, business owners, service providers and developers need to join together to create a vision of what their community can become. Next, they must assess this vision against what can actually be achieved in the marketplace given the unique factors of the community – size, rate of growth, resources, access, etc.



*All stakeholder groups need to join together to create a vision of what their community can become.*



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There are many different and successful approaches to visioning. One method that has worked well is to assemble a broad cross-section of the community to participate in workshops designed to identify their desired future.

Within these workshops, participants can take part in several community activities for visioning that help identify perceptions regarding future growth and direction. A few of these community activities are described below:

- SWOT Analysis
- Mapping Exercises
- Stakeholder Perspectives Analysis
- Surveys

**SWOT Analysis.** One common approach is for participants to assess the current strengths, weaknesses, obstacles and threats (“SWOT”) to their community. This is generally done with one person leading a discussion, another serving as the recorder to write down the ideas suggested, and the remaining group members suggesting thoughts that fall into each of the four categories.

**Mapping Exercises.** Workshops may also provide activities with maps where attendees draw where they would like to see future roads, parks, commercial development locations, etc. This exercise is most successful when participants join around large tables that seat between six and eight persons and are given markers and pens to draw directly on maps. One map can be used to capture all comments; however, different maps for roads, for parks and recreation, for economic development, etc. can also be used.

**Stakeholder Perspectives Analysis.** Another popular visioning activity is to ask participants to describe how their community will look in the future – through the eyes of different stakeholders – business owners, chambers of commerce, the elderly, young families, etc. This approach is helpful in identifying the needs of different demographic groups, broadens viewpoints of what needs to take place, and helps to avoid placing too much emphasis on single items – or participants with an agenda.

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Sample SWOT Matrix

STRENGTHS	OPPORTUNITIES
<p><i>Good population growth.</i></p> <p><i>High incomes.</i></p> <p><i>Large amount of vacant land.</i></p>	<p><i>Recapture large amount of lost sales tax leakage.</i></p> <p><i>Major corridor to be developed through the area – capitalize on commercial development in this area.</i></p>
WEAKNESSES	THREATS
<p><i>Lack of infrastructure to large areas of vacant land.</i></p> <p><i>No existing arterials with high traffic counts.</i></p> <p><i>Limited access and visibility.</i></p>	<p><i>Annexation of adjacent property could preclude development at key sites along new highway corridor.</i></p> <p><i>Lack of political support for public assistance and tax increment financing.</i></p>

Stakeholder Perspectives

Retired population	<i>Cultural arts, education, public transit and ease of mobility, retirement communities</i>
Young families	<i>Affordable housing, recreation programs and facilities</i>
Business owners	<i>Maintenance of commercial areas</i>

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**Surveys.** Surveys provide a means of reaching a broad audience regarding preferences on a wide variety of subjects, including economic development. Many communities post surveys on their website. However, in order to reach a wide group and achieve a better response rate, many have also included surveys with their water bills (or as separate mailers),

### Sample Goal, Strategy and Action Plan

**GOAL: DEVELOP A VIBRANT AND ACTIVE “DOWNTOWN” FOR THE COMMUNITY.**

**STRATEGY: DEVELOP A PLAN FOR AN IMPROVED APPEARANCE OF THE “DOWNTOWN” AREA THAT INCLUDES BETTER MAINTENANCE OF PAVED SURFACES.**

**ACTION STEPS**

**TIMELINE**

Assign a project chairperson	<i>Immediate</i>
Identify maintenance needs and rank in order of priority: <ul style="list-style-type: none"> <li>▪ Those that pose an immediate risk to health and safety</li> <li>▪ Those that can be accomplished in conjunction with other high priority downtown projects</li> <li>▪ Those that would have a significant beneficial impact on the appearance of key sites in the downtown</li> <li>▪ Those that would have only a modest beneficial impact on the area</li> </ul>	<i>Short-term</i>
Identify funding sources for individual projects	<i>Ongoing</i>
Fund and implement the maintenance plan in order of priority	<i>Ongoing</i>
Identify funding sources for increased maintenance staff to keep pace with all highest priority maintenance of projects	<i>Ongoing</i>

### Typical survey questions regarding economic development include:

- What is the single greatest economic priority for our community? (can provide a list with options such as jobs, retail shopping, better transit, housing choices, etc.)
- Where do you do most of your shopping for groceries, building supplies, clothing, furniture, etc.? List of competitive locations.
- What goods and services would you most like to have available in the community but that are not presently available?
- What is the single greatest improvement that could be made to the “downtown” or “Main Street” area?
- What improvements need to be made in the downtown?
- How would you best describe downtown, Main Street?
- Where is your workplace?
- How do you presently commute to your workplace?
- What is your preferred means of traveling to your workplace?
- On a scale of 1 to 5, please tell us how important it is to provide the following goods and services locally; then on a scale of 1 to 5 please tell us how well we are currently doing in providing those same goods and services (provide list with items such as variety of job types, different retail goods and services, etc.)
- Demographic questions regarding age group, geographic location in the City, length of time residing in the area, etc.

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provided for return postage prepaid (e.g., return postage is paid by the community, but only on returned surveys albeit at a higher rate on the returned mail), and compiled results.

Generally, mail surveys in communities across Utah have had a response rate of 15 percent to 20 percent. Best practices include asking for age and geographic location information from the respondent so that results can be sorted by these factors. For example, the question was asked in one community, “Do you want more shopping opportunities in your neighborhood?” The results are far more helpful when they can be viewed by neighborhood, rather than an assessment of the community overall.

**Visioning Summary – Goals, Strategies and Action Plans.** As themes emerge from the various workshops, surveys, or other activities, then goals, strategies and action plans (with timeline and responsible parties) can be created. Please refer to the chart on the opposite page for a sample of such a plan.

Goals and strategies must also be assessed in the marketplace. Market analysis tools are provided in the following sections.

## 2. Assessment of Current Economic Conditions



**How do you describe the economic baseline in our community today? How rapidly are we growing? How do you describe our community in comparison to other areas? Will developers see us as a good place to develop?**

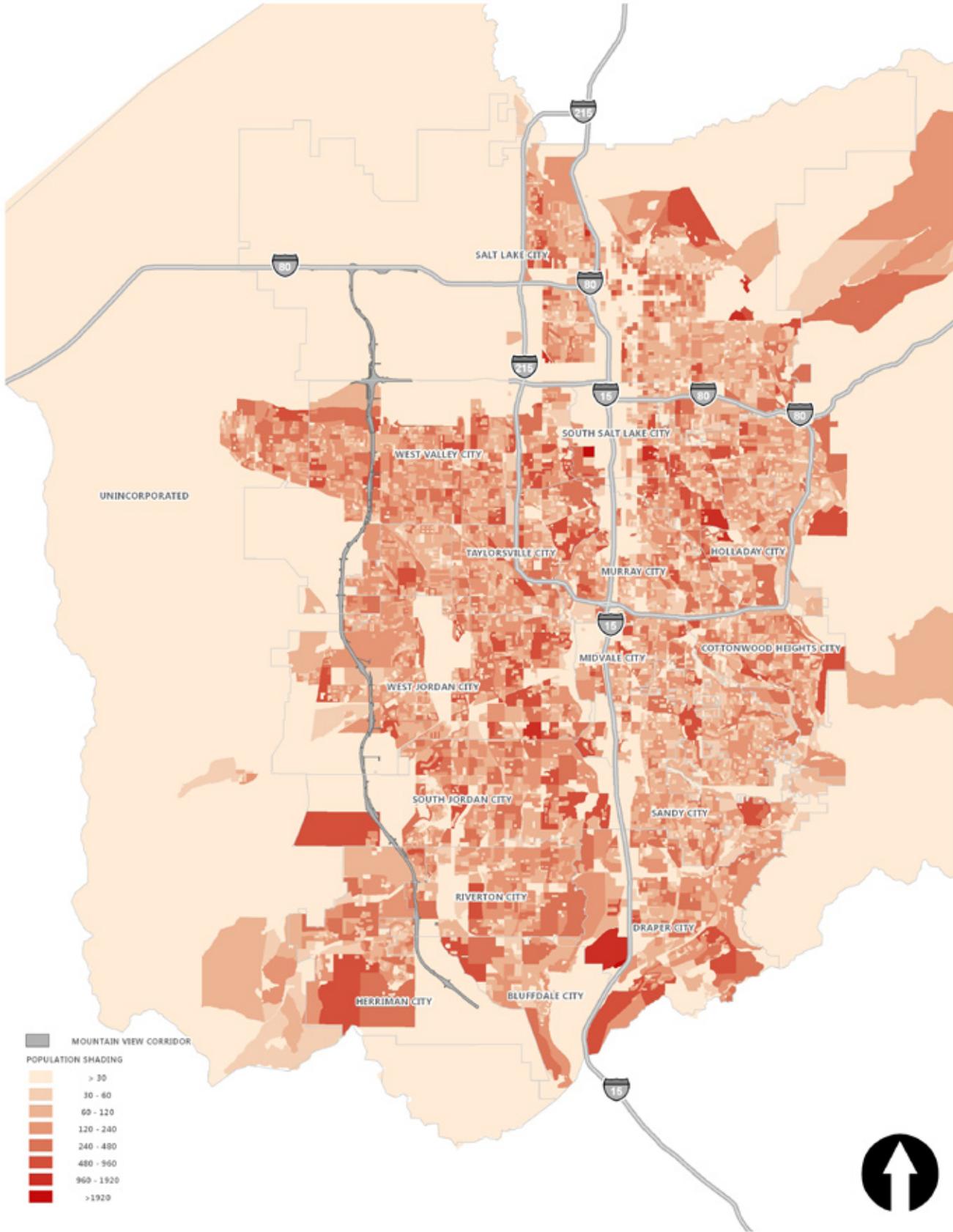
Any assessment of economic sustainability must begin with a solid understanding of current conditions. Detailed demographic information about the households that live in a community can be obtained from the recently released 2010 Census (see [Resources](#)). The census gives population information at the following levels: county, city, census designated place (CDP), tract, block group and block. Information can be gathered for an area such as: total population and households; average household size (i.e., number of persons per household), median age, average incomes, educational levels, race data, etc.

The cost of business is an important consideration in this assessment. How does the process of development approval encourage growth? The permitting process should be consistent and predictable to encourage development.

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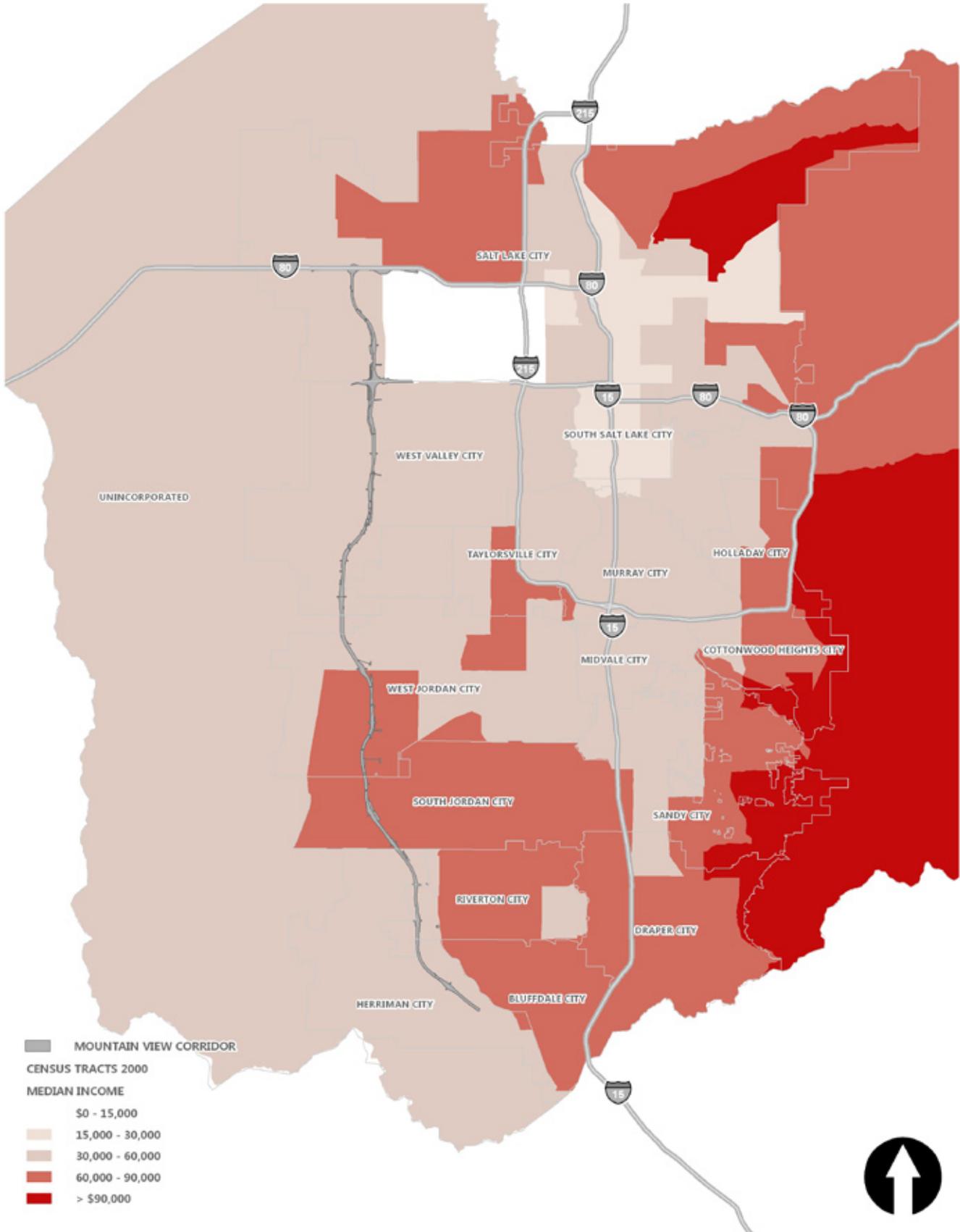
## Salt Lake County 2011 Census Data: Population





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## Salt Lake County 2011 Census Data: Median Income





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Population growth rates should be compared within the overall region, as well as with neighboring communities. The reasons for differing growth rates between communities should be considered. Are these reasons due to a lack of suitable land for development, higher taxes and fees in one community than another, housing product type available in the area, transportation systems or lack thereof, utility constraints, local regulations and policies, etc.?

Census data also allows for comparisons of household characteristics (median age, household size, income, etc.) between various areas of the County. What is the unique nature of each community? These community profiles are important to businesses and developers because they make a difference in the types of retail demand. For example, communities with large student populations can experience an inordinate amount of retail spending on fast food and restaurants, as well as for used cars, assuming that these goods and services are available locally. Communities with young families and entry-level incomes may be more value or price conscious, while areas with higher incomes may seek more upscale retail, restaurant and entertainment options.

Major employers should be identified as part of the baseline analysis. This information is available through the Utah Department of Workforce Services (see [Resources](#)). Major employers will attract residents to work and live in a community, provide a stable tax base and add to the community's perceived image.

Educational resources are also key to development. Colleges, universities, and applied technology campuses should be seen as key to attracting growth.

Sales tax information is also an important part of baseline conditions and is described under the section "Retail Market Analysis." This data can be analyzed to identify trends and future retail development opportunities. Sales tax data can be obtained from the State Tax Commission (see [Resources](#)).

The availability of vacant land is critical to future economic development, as well as an understanding of the key locations for commercial development (and redevelopment) relative to vacant land, ownership and size of key parcels (i.e., vacant land located at or near prime commercial sites).

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### 3. Infrastructure



**What do we mean by infrastructure? What type of infrastructure is needed in a community? For sustainability? For various types of development?**

Economic infrastructure includes transportation (airports, roads, mass transit, rail, etc.), communications (broadband access), and utilities (water, sewer, natural gas, and electric).

#### 3a. Transportation

**Where are our prime development sites in terms of transit? What transportation improvements are most important to businesses?** Key transportation infrastructure includes major highways and arterials, airports, railroads, light rail, commuter rail and bus rapid transit. Traffic counts along key roadways are an important indicator of the types of development that could be supported in an area. Some types of development, especially national-chain retail stores, require a certain level of average daily

trips (ADT) before they will even consider locating at a site. Traffic count data can be [obtained online](#) from the Utah Department of Transportation (UDOT) (see [Resources](#)).

Access is also an important factor in economic development. For example, while traffic counts along Bangerter Highway are high, access is limited to the areas around the intersections that are spaced approximately ten blocks apart. Therefore, commercial development is only viable at or near these intersections, even though traffic counts are high all along the highway. Commercial development along major corridors is sometimes increased through the use of frontage or access roads.

Some development types, such as factory outlet stores, rely on a combination of traffic counts, visitor counts, and distance from major metropolitan centers (see chart in sidebar). Visibility from major transportation routes is another factor.

#### Examples of Traffic Count Requirements

1. IHOP: >28,000 ADTs  
<http://www.ihop.com/index.php>
2. Papa Gino's Pizza: 20,000 ATDs  
[http://www.papaginos.com/franchise/real\\_estate.html](http://www.papaginos.com/franchise/real_estate.html)
3. Golden Corral: >25,000 ADTs for independent "smaller" cities/towns  
<http://www.goldencorral.com/franchise/development.asp>
4. Jiffy Lube: 20,000 ADTs  
<http://www.franchisebrief.com/franchises/jiffy-lube-franchise.php>

#### RECOMMENDATIONS FOR FACTORY OUTLET STORE DEVELOPMENT

Population	1M - 2.5 million in 100-mile radius
Traffic Counts	30,000 – 75,00+ ADTs
Distance from Shopping Center	20 miles
Tourism	3 - 4 million annually
Income	Varies

Source: Various Factory Outlet Developments

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### 3b. Communications



**How competitive and up-to-date is this community in technology?** In today’s technology-oriented society, it is critical for communities to be competitive in providing high-speed broadband technology – not only in commercial areas, but also to attract an educated workforce to live within city boundaries. Internet connection speeds have an impact on economic growth and innovation, particularly in the emerging areas of social media and online commerce.

### 3c. Utilities



**Do we have sufficient water rights for future economic development? What types of development may be limited by the availability of water? How do our utility costs compare?** Sufficient water rights, as well as water and sewer infrastructure, must be available at a site in order for development to take place. The lack of these facilities will limit the density of development and prohibit many retail types from developing. Where water and sewer are not readily available, and economic development would otherwise occur, communities need to consider how they can work with the private sector to assist in putting in the needed infrastructure. Electric power, as well as the cost of power as compared to neighboring communities, is a key factor for many types of industries. See [Financing, Public Finance Assistance and Government Options](#).



*Funding of infrastructure for key sites should be a community priority.*

### 3d. Available Land



**How do we identify prime land for commercial development and encourage the highest and best use of priority sites?** Communities need to have an available supply of shovel-ready land – land that can be built on within the next six months. This means that the land is appropriately zoned and that utilities are present at the site. Utilities include water, sewer, energy and broadband telecommunications.



Access, visibility, and roads are also key components of the economic infrastructure.



*Investments in transportation can focus development in key areas.*

Key locations for future development should be analyzed. This is done by first reviewing the County’s map of vacant properties (From the annually updated Assessor’s Parcel Database). Parcel numbers can then be pulled and acreages researched for each available parcel.

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This County map should also be reviewed in conjunction with traffic counts at key intersections, transit routes and stops, planning maps showing future transit development and zoning. These maps are all available through Salt Lake County.

Funding of infrastructure for key sites (as well as for targeted industries and business types) should be a community priority. This can be accomplished through a variety of means including tax increment funds, special assessment areas, and prioritizing public works projects. (Funding mechanisms are discussed in [Financing, Public Assistance Options and Government Options.](#))

Also necessary is infrastructure gap analysis, the process of defining infrastructure deficiencies, prioritizing locations for development, and determining costs and issues related to constructing, financing, and implementing key infrastructure projects.

To the extent possible, private or public investment should be maximized, with public assistance allocated to projects that would not proceed or for which the community could not compete without public funding.

#### 4. Job Creation and Labor Force

**How can we create jobs in our community? What type of jobs do we want in our community?** Educational levels, skills and prevailing wages in a community are a critical factor in business expansion and recruitment. Specialized vocational or industry specific training is critical to target recruitment for economic development. Communities should assess current employer needs and match these needs with the skills and training that is available in the local community. This is done by contacting vocational schools in the regional area to identify classes and training currently being offered (e.g. Salt Lake Community College’s Custom Fit program--see [Section 11k.](#) ). This list should be matched with a survey of needed skills that could be obtained from workforce services, as well as key employers in the area.

2010 WORKFORCE PROFILE					
	PERIOD	AVERAGE NON-FARM JOBS	ESTABLISHMENTS	AVERAGE MONTHLY WAGE	PAYROLL
Salt Lake County	3rd Quarter	571,475	35,934	\$3,528	\$6,047,907
Statewide	3rd Quarter	1,180,931	81,953	\$3,169	\$11,228,617
Davis County	3rd Quarter	101,841	6,492	\$3,034	\$926,824
Utah County	3rd Quarter	173,613	12,221	\$2,854	\$1,486,464
Tooele County	3rd Quarter	15,936	984	\$3,370	\$161,083
Summit County	3rd Quarter	19,104	2,327	\$2,872	\$164,557

Source: Utah Department of Workforce Services (<http://jobs.utah.gov/jsp/wi/utalmis/gotoCounties.do>)

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Labor costs play a key role for businesses as they evaluate where to locate. Average wages in Salt Lake County are somewhat higher than in surrounding areas, especially in comparison to Utah County.

**5. Housing Choices and Other Quality-of-Life Factors**

**What are housing choices? How do I determine if we have adequate housing choices? What amenities will attract people to live in my community?**



Housing choices are an important factor in economic development. Housing costs must be compatible with wages paid in the area. Generally speaking, housing costs, including utilities, should not exceed more than 30 percent of household income.

Comparative housing costs can be obtained through several means. The most recent Census data (2010) will provide a good comparison until market conditions begin to change. Updated housing costs can be obtained through the American Community Survey as well as other sources listed in the Resources section.

If housing costs in a community appear to be rising rapidly, the community may need to consider policies for smaller lot sizes, or encouraging more attached units that lower costs with shared walls and common outdoor spaces. See Housing Best Practices.

The quality of schools is a key component in attracting businesses to an area. Employees want to live where there are good schools. Local school districts have information regarding school test scores that, when favorable, can be used as a marketing tool by a community.

Safety ranks as one of the top concerns that people have about living in a particular area. Low crime levels are also important in attracting business.

Recreation, shopping and entertainment options also play a role in economic development. Other quality of life factors that impact economic development are listed in the chart in the sidebar.

ALPHABETICAL LIST OF QUALITY-OF-LIFE ATTRACTION FACTORS	
<i>Affordable car insurance</i>	<i>Low property taxes</i>
<i>Affordable medical care</i>	<i>Low risk of natural disasters</i>
<i>Clean air</i>	<i>Low risk of tax increase</i>
<i>Clean water</i>	<i>Low sales tax</i>
<i>Close to big airport</i>	<i>Low unemployment</i>
<i>Close to colleges/universities</i>	<i>Many hospitals</i>
<i>Close to relatives</i>	<i>Museums nearby</i>
<i>Close to skiing area</i>	<i>Near a big city</i>
<i>Diversity of local firms</i>	<i>Near amusement parks</i>
<i>Far from nuclear reactors</i>	<i>Near lakes or ocean</i>
<i>Good public transportation</i>	<i>Near national forests and parks</i>
<i>Good schools</i>	<i>Near places of worship</i>
<i>High civic involvement</i>	<i>New business potential</i>
<i>High marks from ecologists</i>	<i>Plentiful doctors</i>
<i>Housing appreciation</i>	<i>Proximity to major league sports</i>
<i>Inexpensive living</i>	<i>Proximity to minor league sports</i>
<i>Lack of hazardous wastes</i>	<i>Recent job growth</i>
<i>Local symphony orchestra</i>	<i>Short commutes</i>
<i>Low crime rate</i>	<i>Strong state government</i>
<i>Low housing prices</i>	<i>Sunny weather</i>
<i>Low income taxes</i>	<i>Zoos or aquariums</i>

Source: Thinking and Acting Regionally in the Greater Wasatch Area: Implications for Local Economic Development Practice.



*Generally speaking, housing costs should not exceed more than 30 percent of household income.*

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## 6. Retail Development

### 6a. Retail Market Analysis - Sales Gap, Leakage, & Capture

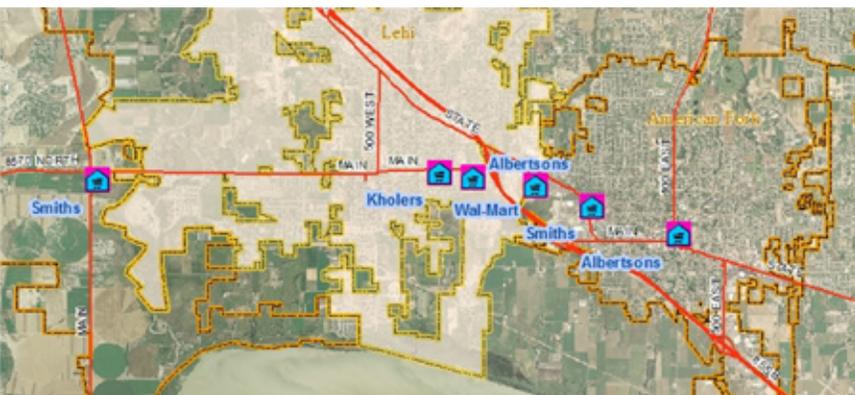
**How can we attract more retail businesses to locate in our community?** Sales gap or leakage data is the estimated amount of purchases made by residents outside of their community. Leakage demonstrates areas of opportunity – where communities can recapture some of their lost sales where residents are leaving the local area to make

purchases. Sales leakage data is estimated by taking the actual purchases in a community and dividing by the number of households or population to determine the average spending per household and per capita. This represents purchases made within a community. This data is then compared with average per capita (or per household) purchases statewide. The difference is the leakage.

The results of a sales leakage analysis must always be compared with development and sales

SALES LEAKAGE EXAMPLE - ESTIMATED CAPTURE RATES					
NAICS Major	2009	2008	2007	2006	2005
Motor Vehicle and Parts Dealers	5%	4%	NA	3%	NA
Furniture and Home Furnishings Stores	112%	112%	NA	28%	NA
Electronics and Appliance Stores	83%	86%	90%	73%	66%
Building Material and Supplies Dealers	123%	119%	145%	134%	112%
Food and Beverage Stores	107%	101%	208%	128%	14%
Health and Personal Care Stores	21%	22%	18%	18%	22%
Gasoline Stations	69%	62%	59%	41%	46%
Clothing and Clothing Accessories Stores	53%	46%	39%	17%	16%
Sporting Goods, Hobby, Book, and Music Stores	24%	23%	7%	7%	7%
General Merchandise Stores	61%	61%	53%	42%	42%
Miscellaneous Store Retailers	16%	13%	19%	13%	17%
Non-Store Retailers	27%	22%	25%	34%	29%
Accommodation Services	105%	91%	81%	58%	21%
Total	75%	71%	59%	52%	38%

*\*NAICS is the North American Industry Classification System and is the standard used by Federal statistical agencies in classifying business establishments.*



Use of GIS Mapping to determine market area support.

data in surrounding communities. If comparing grocery store leakage, where are other grocery stores located? Are they located near the borders where they draw sales from one community to another? For example, if one community has a net loss (leakage) of \$700 per person, but a neighboring community has a net gain of \$700 per person (over and above the expected

sales), then it is likely that residents are crossing municipal boundaries to do their grocery shopping.



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However, if you encourage another grocery store because it is determined that there is leakage, the development may not actually capture the leakage, but rather dilute the other grocers market share in the area. This is referred to as “cannibalizing” the market. Key site locating is important to prevent cannibalizing of existing development.

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**6b. Capture Analysis**

**If sales leakage exists in a community, what percentage of these sales can be recaptured?** In order to estimate capture rates, it is helpful to map all of the grocery stores in the existing community, as well as in the surrounding areas, in order to assess the true potential for recapturing lost sales or for additional development. Then, locating a potential new grocery store on the map, the developer should visually draw the market area for the new store. In most cases, distance and the location of neighboring stores are the key factors in determining market areas. However, in some areas, where physical barriers exist (i.e., freeway crossing, rivers, railroad tracks, etc.), travel time is the true determinant of market area.

**SALES LEAKAGE EXAMPLE**

*If a community of 10,000 persons had grocery store sales of \$5,000,000 in a given year, the average spending per capita would be \$500 (\$5,000,000 divided by 10,000). In comparison, grocery store purchases in Utah average approximately \$1,200 per person statewide. This suggests that the community is losing \$700 per person, or about \$7 million annually. The community is capturing roughly 42 percent (\$500/\$1,200) of all purchases made by its residents, suggesting there is opportunity for further grocery store development in the local area as shoppers generally desire to purchase food products close to home.*

Will the selected market area support another grocery store? Sophisticated developers use mapping software called Geographic Information System (GIS) that can show the population in a designated area. Without the use of GIS, a general estimate can be made, however, by identifying the traffic analysis zones (TAZ) (see [Resources](#)) within the market area and looking up the population and employment, current and projected, within those zones. This information can then be used to assess buying power and determine if there is sufficient buying power to support another retail store (of a specific type, such as a grocery store) within the given area.

MARKET SHARE ANALYSIS		
Building Materials and Supplies Dealers	2003	2009
City 1	1.30%	0.70%
City 2	3.5%	8.20%
City 3	0.00%	16.00%
City 4	31.60%	30.40%
City 5	63.60%	44.70%

**6c. Market Share Analysis**

**What share of the market are we now capturing? What share can we capture in the future?** A market share analysis can be conducted for individual store types or for retail centers. It shows the percentage of total sales in the larger market area that are being captured by a particular location or store. For example, if a community is only capturing ten percent of sales in a particular retail category, yet it represents 30 percent of the regional population, it may be able to capture additional sales.

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Category	Median Sales Per Square Foot
Supermarket	\$391.90
Restaurant with Liquor	\$232.83
Furniture	\$259.43
Electronics	\$294.15
Cards and Gifts	\$125.48
Jewelry	\$322.36

*Source: Urban Land Institute, Dollars & Cents of Shopping Centers*

The first step is to identify the primary market area – the area from which the store or shopping center draws most of its customers. The current and projected population, as well as employment base in the market area is then calculated. General requirements for retail centers, including size and required population, are shown in the table below as provided by the Urban Land Institute.

Some retail stores generate more sales tax revenues for cities than do other types of stores. Retail sales will vary based on the type of store, as well as the size of the store. For example, average sales per square foot for a variety of store types are found in the chart to the right. Many communities compete against each other to attract stores with the highest sales per square foot. Examples of this would be Costco and other big-box stores that generally have sales of well over \$400 per square foot. While this practice occurs, it is not a best practice, and does not make for good planning, nor does it create additional revenue streams. It simply transfers revenues from one area to another. Transference can also happen within the local government boundary as well.



Shoppers are attracted to locations where there is a large selection of goods and services.

When tax increment funds or other public assistance is used to support retail development, it simply diverts tax dollars from one area to another area and does not result in increased revenues in the regional area.

EXAMPLE OF GENERAL REQUIREMENTS FOR RETAIL CENTERS						
TYPE OF CENTER	LEADING TENTANT	TYPICAL GLA SQ FT	GENERAL RANGE IN GLA	USUAL MIN. SIZE (ACRES)	APPROX. MINIMUM POPULATION SUPPORT REQUIRED	
Neighborhood	Supermarket	60,000	30,000-100,000	3-10	3,000-40,000	
Community	Supermarket, drugstore/pharmacy, discount department store, mixed apparel	180,000	100,000-400,000	10-30	40,000-150,000	
Regional	One or two full-line department stores	600,000	300,000-900,000	10-60	150,000 or more	
Super Regional	Three or more full-line department stores	1,000,000	600,000-2,000,000	15-100 or more	300,000 or more	

*Source: Urban Land Institute, Retail Development 4th ed.*

**6d. Business Clusters**



**What is a business cluster? How can they benefit retail development?** Shoppers are

attracted to locations where there is a large selection of goods and services. For example, clothing stores generally thrive when located near other clothing stores. Car dealerships

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locate in clusters because customers are attracted to areas with a wide variety of automobiles.

Clusters also include similar types of businesses such as wedding clusters (jewelry stores, tux rentals, bakeries, florists, etc.) or fitness clusters (sporting goods, running shoes, health foods, exercise equipment, etc.).

These businesses benefit from being in close proximity to each other by catching the spillover traffic from a nearby shop.

Communities or developers may want to map existing stores to see what type of clusters currently exist, which ones could be strengthened and built upon, as well as identify opportunities to develop new clusters that would work well with the demographic profile of the community.

Business clusters are also important in evaluating the role that different locations within a community play. For example, the type of development in a downtown area may focus more on specialty stores, restaurants, personal services such as haircuts, and smaller-scale development, while development near a freeway interchange may include lodging, car dealerships, big box stores, fast food, restaurants and larger-scale development.

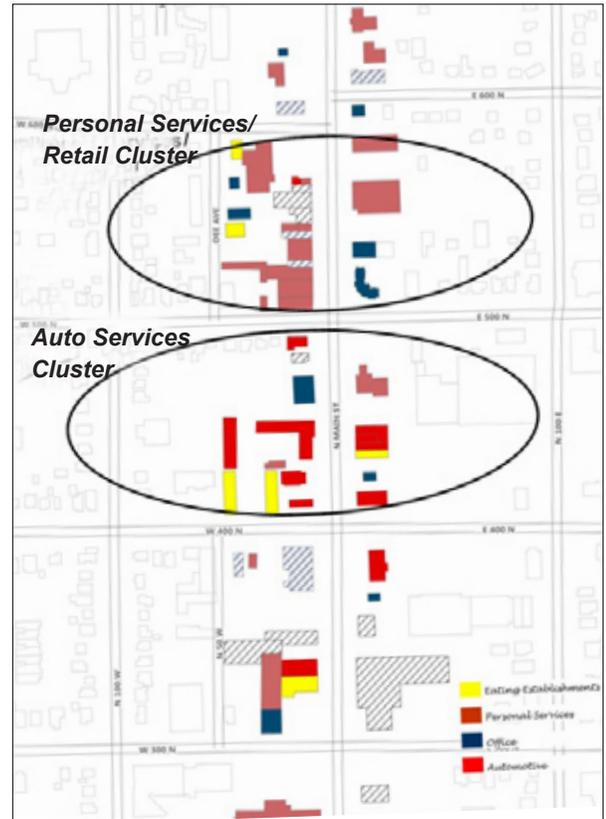
**7. Office and Industrial Market Analysis**

**How do you evaluate the potential for office and industrial development in a community?**

In order to understand the potential for office market development, it is helpful to know information such as: current rental rates in different parts of the County, vacancy rates and the number of new square feet of office or industrial space that was occupied during the past year (commonly called absorption). This data is available online from sources such as Commerce Real Estate Solutions, Coldwell Banker and NAI Utah (see [Resources](#)).

On average, the Salt Lake Valley has absorbed 650,000 square feet of office space per year for the past seven years. However, absorption fluctuates greatly from year to year based on varying market conditions (refer to chart in sidebar).

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Example of business clusters.

ABSORPTION SQUARE FOOTAGE				
YEAR	CBD	PERIPHERY	SUBURBAN	TOTAL
2010	21,570	-23,964	-102,823	-105,217
2009	-165,198	-51,271	304,522	88,050
2008	76,468	26,008	204,884	307,360
2007	-55,864	270,266	938,900	1,153,302
2006	127,044	130,036	617,955	875,035
2005	297,460	211,838	949,735	1,459,033
2004	43,572	92,286	635,134	770,992

Source: Commerce Real Estate Solutions

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The question becomes, “What percentage of this development can realistically occur in our community?” Or, in economic terms, “What percentage of the market can we capture?”

Rents and vacancy rates are another important factor in assessing development potential. Office rents are generally based on either Triple Net (NNN) or Full Service (FS). A NNN lease is a type of lease in which the tenant pays all or part of the taxes, insurance and maintenance associated with use of the property. These fees are paid in addition to the tenant’s regular monthly rent. These types of leases favor the landlord and should be carefully negotiated in order to limit how much the landlord can increase the NNN fees each year.

A Full Service (FS) lease includes in the rent payments the cost of certain types of services – janitorial, utilities, property taxes, etc. Therefore, rents quoted as “full service” are higher in comparison to NNN rents in the same area.

Due to the natural turnover in the market, there are always some vacancies. Generally, a five percent vacancy rate is considered full occupancy.

Capitalization (CAP) rates are often used to assess the true value of a property. A CAP rate equals the annual net operating income divided by the cost or the current value of the property.

$$CAP\ Rate = \frac{Annual\ Net\ Operating\ Income\ (NOI)}{Cost\ (Value)}$$

CAP rates are provided by all of the major brokers for a variety of commercial development types in their annual reports. A potential buyer of a commercial building might want to first obtain the current CAP rates, as well as the annual net operating income for the building he is purchasing. The buyer can then compute the “value” of the building in today’s market and compare that with the asking price of the property.

CAP rates are also used to assess the highest and best use of vacant land. By applying appropriate but varied CAP rates for a variety of development types – apartment, retail, office, industrial, etc. – and using current market rent and vacancy rates to estimate net operating income, a property owner can assess the resulting land value under each of the development scenarios.

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## 8. Sustainable Commercial Development

**Is the amount of commercial development in our community equal to what the community can support?**



Many communities zone large amounts of acreage for commercial (retail, office and industrial) development. How much acreage is truly sustainable? Based on the number of commercial square feet in Salt Lake, Weber, Davis and Utah counties, the sustainable square footage is approximately 22 SF of office space per capita, 96 SF of industrial space, and 29 SF of retail space. As the population grows, sustainable commercial development can occur in approximately similar ratios.

Clearly, communities need to assess their individual needs and preferences for commercial development, their role in the regional market, and provide for sufficient commercial space to allow for flexibility in commercial development. However, zoning for too much commercial space will not necessarily attract additional commercial development but is more likely to lead to poor planning and spotty development patterns.

	SALT LAKE Co.	WEBER Co.	DAVIS Co.	UTAH Co.	AVERAGE	WEIGHTED AVERAGE
Population 2010	1,029,655	231,236	306,479	516,564		
Office SF*	31,282,745	2,551,063	2,553,930	9,294,059		
Industrial SF*	111,840,216	32,211,920	26,106,135	30,071,498		
Retail SF*	37,352,228	5,904,675	7,449,808	10,391,821		
Office SF per capita	30	11	8	18	17	22
Industrial SF per capita	109	139	85	58	98	96
Retail SF per capita	36	26	24	20	27	29
Total commercial SF per capita	175	176	118	96	141	147
<i>*Source: Commerce Real Estate Solutions, Year-end 2010 Market Review</i>						

In order to “translate” building square footage requirements into the number of acres that a community would need to designate for a particular development type, a floor area ratio (FAR) is used. This ratio compares the total building square footage to the total square footage of a piece of property. For example, a building with 5,000 square feet situated on a one-acre piece of property (43,560 sf) would have an FAR of 0.11 (5,000 ÷ 43,560). By considering the density and massing of existing development in the area or of desired development, a community can use the FAR, along with its estimate of supportable building square footage, to project the desired acreage for each development type.

$$\text{Acres needed} = \frac{\text{Building SF}}{(43,560 \times \text{FAR})}$$

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For example, on average, a community with a population of 20,000 persons could support roughly 86 acres of retail, 37 acres of office and 247 acres of industrial development. However, each community must also assess its role in the overall region. A regional center can support more acreage, while a bedroom community will support less commercial acreage. Also, industrial development varies widely from community, based on proximity to major transportation corridors, airport and rail

SUPPORTABLE COMMERCIAL ACREAGE: 20,000 POPULATION				
YEAR	SUPPORTABLE BLDG SF PER CAPITA	FAR *	SUPPORTABLE BLDG SF	ACRES
Retail	28	0.15	560,000	86
Office	20	0.25	400,000	37
Industrial	97	0.18	1,940,000	247

\*FAR is the floor area ratio and represents the total building square footage of a project, compared to the total land area. As the FAR increases, the number of supportable acres decreases; as the FAR decreases, the number of supportable acres increases.

services.

Higher FARs mean more density and massing in a development to make the project economically feasible. This entails additional infrastructure costs, such as larger parking structures, which can add to infrastructure gaps unless addressed properly.

### 9. The “Main Street” Approach and Downtowns



Downtown areas can thrive with targeted, appropriate investment.



**How can our downtown be a vibrant destination and the heart of our community?** Main Streets – the heart of many communities – often struggle due to a lack of reinvestment in the “downtown” area. Often, investment dollars are being spent on the outskirts of town or near freeway interchanges. As a result, downtown gradually takes on a rundown appearance, vacancies and boarded-up storefronts appear, and rents decrease. There are tools available for communities to change this cycle of disinvestment.

The National Main Street Organization has developed a four-point approach to economic development that includes: 1) Organization; 2) Marketing; 3) Streetscape and Design; and 4) Economics. This approach recognizes that strong downtowns are based on all of these elements working together. At one point, a downtown may need to focus on its streetscape and design, while at another time it may be more important to pull businesses together in a joint marketing campaign.

An organization for downtown can be formed that will identify and work to solve issues in the area. This organization can focus on cleanup activities; improving infrastructure such as street lighting, sidewalks and pavers; safety issues; a marketing and awareness campaign for downtown; façade renovations, etc. Every downtown has unique issues and opportunities which must be identified so that limited resources are directed to the most noteworthy and important areas.

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For example, Richfield, located in central Utah along I-70, is a regional retail center. However, the market area is still not large, and many residents frequently leave the area to do their shopping elsewhere -- particularly in Utah County. Recognizing that it does not have the buying power to offer as wide a selection of goods as Utah County, Richfield conducted a survey in order to gain a better understanding of community needs and preferences. From these initial efforts, a downtown committee developed the slogan, "Just the Right Stuff – Downtown Richfield" to portray that they were responding to the community's preferences.

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### 10. Marketing and Recruitment

**What type of information will attract developers to the area?** Many communities choose to prepare a marketing flyer for distribution by the City to potential developers, as well as posting information on the community's website. Generally, marketing material includes some demographics that are appealing about the community -- such as a graph or map displaying growth rates, household sizes, incomes and educational levels.

The marketing material often includes sales leakage information, the city's general policies or willingness to provide incentives to new development, key sites for future development, summary of successful development taking place in the city and statements from developers about the favorable business climate in the city.

Accessibility to certain locations available for immediate development is also key to recruitment. Links to real estate listing, concept plans, etc, can help to attract new business.

### 11. Financing, Public Assistance Options and Government Policies

**What financing tools are available to encourage our development priorities? What funding tools should developers be aware of to assist them with development?** Local governments in Utah have a number of tools available for encouraging economic development and for financing needed capital facilities related to economic development on a tax-exempt basis. Competition for key businesses can be intense and communities need to carefully consider policies of when public assistance should be provided to encourage economic development. Policies may differ between communities but should always be developed to promote: 1) the maximum investment by the private sector; 2) redevelopment of underutilized and key properties; 3) job creation with above-average wages; and 4) coordination with the State of Utah in using Economic



*The Richfield community developed a new slogan for their downtown to portray that they were responding to the community's preferences.*

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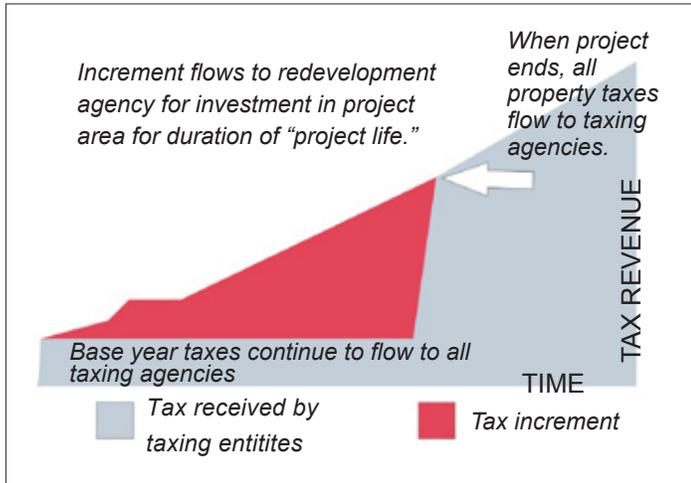
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Development Tax Increment Financing (EDTIF) funds to attract key businesses to the State.

Best practices include a financing strategy that includes: 1) economic development incentives; and 2) financing mechanisms for capital improvements necessary for economic development to occur.

Specific tools are listed below, with more information provided in the [Appendix](#).

*Example of Tax Increment Financing*



**11a. Utah Community Development & Renewal Agencies Act (CDRA)**

Tax increment financing can be an attractive option to developers because it provides public assistance and funding for improvements, infrastructure, land write-downs, etc., in partnership with private investment in an area. The purpose is to encourage development to take place in areas that are deteriorating, to create jobs, or to assist with important community projects.

The main steps in establishing a tax increment area include:

- Formation of a Community Development Redevelopment Agency (must only be created once by a community, not for each project)
- Creation of a project area plan and budget
- Approval of taxing entities

TAX INCREMENT EXAMPLE	
Total taxable value	\$10,000,000
Baseline taxable value	\$2,000,000
Incremental taxable value	\$8,000,000
Tax rate	0.000326
Incremental revenues	\$2,608

The first step of redevelopment is the creation of a Redevelopment Agency by a local governmental entity. After the Agency is created, there are three types of redevelopment areas that can be formed by the local entity: Urban Renewal Area (URA); Economic Development Area (EDA); and Community Development Area (CDA).

A **URA** is formed in an area that has deteriorating properties, high criminal activity, excessive vacancies or abandoned buildings, potential environmental or health issues, etc. To be eligible, 50 percent of the parcels must have improvements (i.e., buildings) and these parcels must cover at least 66 percent of the land area in the URA. The purpose of a URA is to eliminate or reduce blight – a term used in the Utah Code to describe conditions in these areas. The power of eminent domain is

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allowed in these areas, meaning that in order to achieve the purposes of the redevelopment the governmental authority may require a landowner to sell property at market prices (after fair appraisals). However, Utah law greatly restricts the ability of government to use eminent domain for residential and commercial development.

An **EDA** is formed in an area for the purpose of attracting new jobs to the area and a **CDA** is formed to encourage a wide range of community development projects. No power of eminent domain is given to EDA or CDA areas.

Project area plans and budgets should be created for each project area in accordance with the requirements of Utah Code Title 17C – the Community Development and Renewal Agencies Act.

Public funding for projects in the redevelopment areas comes from tax increment. What is tax increment? Some people mistakenly assume that this means higher taxes. But it doesn't. Rather, it is the additional tax monies that are generated in a redevelopment area as a result of increased value from development in that particular area. Increment value is determined by calculating the difference between a baseline property value, set when the project area is established, and the additional property value from development. Tax increment from a project area is available for a specific number of years as agreed upon by the taxing entities. Therefore, timing becomes especially important in the creation of project areas in order to maximize the amount of increment generated and returned to development within the project area boundaries.

Tax increment funds (TIF) can be monetized (i.e., you can borrow against the future tax increment revenue streams in order to provide up-front funds to build infrastructure), because TIF revenues are more risky and unpredictable compared to other revenue sources and therefore generally carry a higher interest rate than GO or revenue bonds. Also, lenders prefer multiple years of revenue history and generally allow only \$0.33 - \$0.50 on the dollar of the increment generated to be monetized (or borrowed against).

For example, if a TIF area generates \$100,000 in tax increment revenues per year, only \$33,000 to \$50,000 of those funds can be used for annual debt repayment because the lenders require more excess funds, known as the debt service coverage ratio, for tax increment bonds than for other types of bonds that investors consider to be relatively less risky.

However, a community can choose to use other revenue sources as a

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security pledge to acquire the bond, and then use tax increment funds as a repayment source. If TIF funds fall short of repayment amounts, other pledged revenue sources must be used to make up the difference.

The amount of public assistance provided in TIF areas is generally based on a percentage of the property tax increment generated by a specific development within the project area. Tax increment dollars are often returned to the developer in the form of infrastructure development, land cost write-down, or other appropriate means.

One method that has been used to overcome the market challenges posed by direct tax increment financing is to use a Special Assessment Area (SAA) in conjunction with the use of tax increment. Special Assessment Areas are discussed in a following section. This provides a means to leverage the potential tax increment at an earlier stage in the development process. Under this structure, a CDRA is created and the developer/landowner enters into an Agreement to Develop Land (ADL) with the local government wherein the developer negotiates receipt of a portion of the tax increment to be generated. Then, SAA bonds are issued and assessments on the benefited property of the developer/landowner provide security to the bonds noting that the property then serves as the ultimate security for the debt, not projected increment receipts. If the developers proceed with

development and building in a timely fashion, they can utilize the increment received to make the assessment payments, although they are not pledging this stream of revenues.

Public concerns about redevelopment projects are centered on three main issues. Education is needed to resolve these concerns. When property owners understand the true nature of redevelopment areas, they are generally enthusiastic about the opportunities RDA's offer.

**1. Blight.** The Utah Code uses the term "blight" to refer to properties with various characteristics, such as physical dilapidation, lack of code enforcement, etc. Property owners need to be assured that while blight factors are used to establish a project area, no individual properties are recorded as blighted on any official county records. An evaluation of properties, in terms of blight, is used solely to determine if the area, as a whole, qualifies as a redevelopment area.

**2. Tax Increment.** There is a common misunderstanding that tax increment means that property owners will pay more taxes.

**Figure: Utah Code on Eminent Domain**

*UCA 17C-2-601. Use of eminent domain in an urban renewal project area -- Conditions -- Acquiring single family owner occupied residential property or commercial property -- Acquiring property already devoted to a public use -- Relocation assistance requirement.*

*Utah law greatly restricts the ability of government to use eminent domain for residential and commercial development.*

*Single Family Residential*

- Owner consents; or
- Petition of owners of >80% of parcels and >70% of value of owner-occupied property.

*Commercial*

- Owner consents; or
- Petition of owners of >75% of parcels and 60% of value of property

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This is simply not the case. Tax rates do not change because of the creation of a redevelopment area. Rather, more taxes are generated in the area because of the increased development that occurs. It is the taxes that flow from additional development and therefore increased taxable value that constitute tax increment.

**3. Eminent Domain.** Property owners are often concerned that they will be forced to sell their property if they are in a redevelopment area. Utah law has set very restrictive requirements regarding when the power of eminent domain can and cannot be used (see sidebar figure).

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**11b. Revolving Loan Funds**

A revolving loan fund (RLF) is a source of money from which loans are made for small business development projects. A loan is made to a business and as repayments are made, funds become available for new loans to other businesses. The major purpose is to provide a source of financing, which may not otherwise be available within the community, for local, expanding, or start-up businesses. Often they are used to fill a financing gap in a business development project. A gap occurs when the business lacks the funds to meet the equity requirements of bank financing or needs a lower interest rate.

The source of capitalization (the funds used to create the RLF) may have regulations governing program design. For example, RLF's which are capitalized with Community Development Block Grant (CDBG) funds must follow the rules and regulations established by the U.S. Department of Housing and Urban Development (HUD) and must show some benefit to low- and moderate-income households.

Revolving loan funds have been used successfully in many communities to encourage façade and building renovations in commercial areas (see images in sidebar). Capitalization could potentially be obtained through CDBG funds.

Salt Lake County's Economic Development Revolving Loan Fund (EDRLF) has successfully funded a number of traditional and technology-based companies. These companies

*Examples of a successful façade renovation program:*



*Before*

*After*



*Before*

*After*

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have expanded their operations, created new jobs, and made capital investments in the county. Without this non-traditional type of funding, these companies could not have reached their potential. The loan amounts range from \$50,000 to \$250,000 and are usually paid off within a five-year period. The average cost per job from companies who utilize the loan fund is \$2,500. This is considerably lower than the traditional economic development tools.

Since 2005, the County's EDRLF has created over 500 jobs and has had zero loan losses. Companies that have taken advantage of the loan fund now create over \$17 million in annual revenues.

Another financing avenue is the Microenterprise Loan Fund which handles smaller loans up to \$35,000. The county has contributed over \$600,000 to the fund to help small businesses who cannot get traditional loans. This fund has an average loan size of \$16,843, and creates about five jobs per loan.

**11c. Qualified Redevelopment Bonds:**

Qualified Redevelopment Bonds ("QRBs") are authorized under Section 144 (c) of federal tax code that allows Community Development and Renewal Agencies ("CDRA") to issue bonds that are tax-exempt. The purpose of the QRBs is to promote redevelopment purposes within blighted areas. In order to qualify, the CDRA must meet the following requirements:

- At least 95% of the bond proceeds must be used for redevelopment in designated blighted areas (redevelopment is defined as land acquisition and preparation of land for redevelopment purposes);
- The CDRA must have the option of eminent domain;
- The CDRA must first adopt a project area plan and budget authorizing tax increment;
- The payment of principal and interest on the bonds must be secured by:

Taxes of general applicability within the local government  
or

Tax increment under the project area plan and budget

- The transfer of any real property, for which bond proceeds were used, must be transferred at fair market value to a person other than a governmental unit; and

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- The CDRA must receive private activity volume cap from the Private Activity Bond Authority, pursuant to 9-4-501, Utah Code.

QRBs can greatly enhance the ability of local government to promote and coordinate redevelopment activity. Since blight and eminent domain are requirements of QRBs, only Urban Renewal Project Areas have the ability to use this financing vehicle. Often this vehicle will save 2.00-3.00% difference in interest rates.

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#### **11d. New Market Tax Credits**

New Market Tax Credits (NMTCs) are additional financing tools that can be used to promote redevelopment, community and economic development. Projects within certain census tracts can qualify for allocation of new market tax credits, which are used by equity and debt investors to reduce tax liability. The reduction in tax liability is then used to off-set low interest loans or grants to community and economic development oriented projects. NMTC allocations require the following steps:

- Determine if the project qualifies under the US Treasury's Community Development Financial Institutions Fund (CDFI);
- Identify a Community Development Entity (CDE) who has received NMTC allocations;
- Apply for the allocation; and
- Find equity and debt participants

The primary benefit of NMTCs is the ability to attract investors at below market rates of interest and in many cases promotes infusion of equity into projects.

NMTCs are a relatively new financing tool for economic development but have proved to be valuable resources for economic development activity. More information can be found at [www.cdfifund.gov](http://www.cdfifund.gov).

#### **11e. Industrial Loan Companies (ILCs) or Industrial Banks**

Industrial Loan Companies or Industrial Banks are financial institutions in the United States that lend money and in many cases are owned by non-financial institutions. Many of the largest ILCs are domiciled in the State of Utah. ILCs like other commercial banks have community reinvestment requirements (CRA credits) that encourage lending within the market areas they operate in. Since, the State of Utah has approximately 55% of the ILCs in the nation and the requirement for CRA credits is specific to

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magnitude of assets, ILCs become great partners in promoting and funding economic development oriented projects. The concepts of Qualified Redevelopment Bonds and New Market Tax Credits discussed above can be used in concert with ILCs. In fact, in many cases the projects often align themselves based on criteria and scope that ILCs can be participants in lending the credit to accomplish these projects.

In the course of reviewing project finance options, communities should consider how ILCs can be used to assist in funding large-scale development projects.

### ***11f. Special Assessment Area***

Special assessment areas (SAA) are a legal mechanism to raise funds to enhance the maintenance and management of a particular section of a city or town. They are guided by the philosophy that the value of property is not driven solely by the investment made in an individual property, but rather that a major portion of property value is derived from how investors, businesses and visitors view the entire area as a business, retail and cultural center.

The purpose of an SAA is to create a sustainable funding system that makes possible the creation of multiyear plans and budgets. In an SAA, property owners and businesses cooperate to share the costs of solving common problems or realizing economic opportunities. Common activities funded through an SAA include: removal of litter and graffiti, clean sidewalks, shovel snow, cut grass, trim trees, plant flowers, increase security presence (uniformed), hospitality personnel, festivals and events, coordinate sales promotions, signage, market research, marketing to investors, planning and advocacy for parking, management organization, development of urban design guidelines, lighting guidelines, façade and storefront improvement programs, homeless assistance, street lighting, street furniture and public space improvements.

### ***11g. Grants for Economic Development and Façade Renovation***

For years the Utah Main Street program was involved with providing matching grant funds to individual business owners for façade renovation that restored buildings to their historical integrity. Many of these business owners reported markedly increased sales from improvements to their building facades. They also reported that they were willing to pay off the improvements within a relatively short period of time. While these funds are no longer available in Utah, other national resources for community



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and economic development projects are as follows:

- Funding Sources for Community and Economic Development 2005/2006: A Guide to Current Sources for Local Programs and Projects. Westport, CT: Oryx Press (an imprint of Greenwood Publishing), 2005.
- National Guide to Funding for Community Development. New York: The Foundation Center, 1998. UPDATE

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### **11h. Community Development Block Grants (CDBG)**

CDBG funds are available to all portions of the County that fall within the CDBG Entitlement Area, which includes eleven cities/towns and the unincorporated County. Not included in the County's allocation of funding are the five entitlement cities within the County that receive their own allocation of CDBG funding directly: Salt Lake City, Sandy, Taylorsville, West Jordan and West Valley City.

As established by HUD, the purpose of the CDBG program is "To assist in developing viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income (LMI)."

The range of eligible activities for CDBG is very broad, but all projects must meet one of three national criteria:

1. Benefit low and moderate income residents
2. Elimination or prevention of slum and blight
3. Urgent health/welfare needs

CDBG funds could be a good source for establishing a revolving loan fund for neighborhood improvements in lower-income or blighted areas, assistance with job creation in low-income areas, and the development of infrastructure that benefits low-income households.

### **11i. Economic Development Tax Increment Financing (EDTIF)/HB 11**

Approved in 2005, EDTIF is a relatively new state incentive program created through the Governor's Office of Economic Development (GOED) that allows local governments to create economic development zones (EDZ) in order to encourage job creation and capital investment. New or existing employers creating new jobs or significant capital investment within these zones may apply for a partial rebate of taxes paid to the state. Qualifying companies must create new jobs paying at least the county

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median wage. The typical incentive range is a 15 percent tax rebate over five years. GOED requires that local communities also participate, generally through tax increment funds, in order for EDTIF funds to be used for a project in their area.

#### ***11j. Industrial Assistance Fund (IAF)***

Companies expanding or relocating in Utah may receive incentive grants from the IAF. Criteria for urban areas includes jobs that pay at least 125 percent of the county median wage; creation of at least 50 new jobs; or a focus on biomedical, finance, technology, aerospace or corporate headquarters.

#### ***11k. Custom Fit***

Custom Fit provides specialized training for companies to train their employees. This incentive subsidizes up to \$500 per trainee, with a maximum subsidy of \$100,000 per company.

#### ***11l. Utah Historic Preservation Tax Credit***

The Utah Historic Preservation Tax Credit is a 20 percent nonrefundable tax credit for the rehabilitation of historic buildings which are used as owner-occupied residences or residential rentals. Twenty percent of all qualified rehabilitation costs may be deducted from taxes owed on your Utah income or corporate franchise tax.

Eligible buildings are those buildings listed in the National Register of Historic Places, which, after rehabilitation, are used as a residence(s). The credit is not available for any property used for commercial purposes including hotels or bed-and-breakfasts. (If the historic B&B is also owner-occupied, this portion of the rehabilitation may qualify.) The building does not need to be listed in the National Register at the beginning of the project, but a complete National Register nomination must be submitted when the project is finished. The property must be listed in the National Register within three years of the approval of the completed project. Staff of the Historic Preservation Office can evaluate the eligibility of your building and provide instructions on nomination requirements. (See [Resources.](#))



## Resources

1. American Fact Finder : Population data and household characteristics  
<http://factfinder2.census.gov/main.html>
2. The Bureau of Economic Analysis, U.S. Department of Commerce  
 Economic information, GDP, consumer price index, incomes  
[www.bea.gov](http://www.bea.gov)
3. The Bureau of Labor Statistics, U.S. Department of Labor  
 Labor and employment information  
[www.stats.bls.gov](http://www.stats.bls.gov)
4. Coldwell Banker Commercial  
 Retail, office and industrial market information  
[www.coldwellutah.com](http://www.coldwellutah.com)
5. Commerce Real Estate Solutions/ Cushman & Wakefield Affiliate  
 Retail, office and industrial market information  
[www.comre.com/research.cfm](http://www.comre.com/research.cfm)
6. Economic Development Corporation of Utah  
 Demographic information and site selection assistance  
<http://www.edcutah.org/>
7. Envision Utah, Thinking and Acting Regionally in the Greater Wasatch Area: Implications for Local Economic Development Practice, May 2005.
8. Home Prices Along the Wasatch Front, The Salt Lake Tribune  
<http://extras.sltrib.com/homeprices/Index.asp?County=Davis>
9. Moore, Terry; Meck, Stuart; and Ebenhoh, James. An Economic Development Toolbox Strategies and Methods. American Planning Association. 2006.
10. NAI Utah: Retail, office and industrial market information  
[www.naiutah.com](http://www.naiutah.com)
11. National Register of Historic Preservation  
<http://www.cr.nps.gov/nr/about.htm>
12. Salt Lake County UPGRADE – Business at the Next Level  
 Assistance with starting or expanding a business in Salt Lake County

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<http://www.upgrade.slco.org/up/startUp.html>

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13. Urban Land Institute. Retail Market Analysis. 4th ed.

14. The U.S. Census Bureau

Population data and household characteristics

[www.census.gov](http://www.census.gov)

15. Utah Department of Workforce Services

Local employment information

<http://jobs.utah.gov/>

16. Utah Governor's Office of Economic Development

Population projections, demographic information

<http://goed.utah.gov/contracting/PTAC/>

17. Utah State Tax Commission

Sales and property tax data, tax districts and tax rates

<http://tax.utah.gov/esu/sales/index.html>

18. Wasatch Front Regional Council (WFRC)

Traffic Area Zones (TAZ) – population projections

[www.wfrc.org](http://www.wfrc.org)

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## ECONOMIC BEST PRACTICES APPENDIX

### Capital Infrastructure Financing

Financing alternatives that are available to local governments in Utah are summarized as follows:

**General Obligation Bond:** General Obligation (GO) bonds are subject to simple majority voter approval by the constituents of the issuing entity. General obligation elections can be held two times each year, in November and June, following certain notification procedures that must be adhered to in accordance with State Statutes in order to call the election (pursuant to Utah State Code Section 11-14-2 through Section 12). Following a successful election, it is not necessary to issue bonds immediately, but all bonds authorized must be issued within ten years. Once authorized to proceed with the issuance of the bonds, it takes approximately sixty days to complete the bond issuance.

General obligation bonds can be issued for any governmental purpose as detailed in Section 11-14-1. The amount of general obligation debt is subject to the following statutory limitations:

- Counties are limited to two percent (2%) of the total taxable value of the County
- School Districts are limited to four percent (4%) of the total taxable value in the District
- Cities of the 1st and 2nd class are limited to a total of eight percent (8%) of the total taxable value; four (4%) for general purposes and four (4%) for water, sewer and lights
- Cities of other classes or towns are limited to a total of twelve percent (12%) of total taxable value; four percent (4%) for general purposes, and eight percent (8%) for water, sewer and lights

Notwithstanding the limits noted above, most local governments in Utah have significantly less debt than the statutory limitations. Pursuant to state law, general obligation bonds must mature in not more than forty years from their date of issuance. Typically, however, most GO bonds mature in twenty-five to thirty years.

Since general obligation bonds are secured by the taxing power and are a full faith and credit pledge of the issuing government, they offer the lowest credit risk to the bondholders and the lowest overall cost. The downside to GO bonds is that they require an election, and election outcomes are

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uncertain and can be costly (win or lose). GO bonds are generally issued when the benefits are viewed as accruing to the community as a whole, not just a specific area of town.

**Excise Tax Revenue Bond:** Revenue bonds payable from excise tax revenues are governed pursuant to Utah State Code Section 11-14-307. Without the need for a vote, cities and counties may issue bonds payable solely from excise taxes levied by the city, county or those levied by the State of Utah and rebated to the city or county such as gasoline taxes or sales taxes.

**Class B&C Road Bond:** Gasoline taxes are collected and distributed pursuant to cities and counties in a formula that is based upon population and the weighted (weighting depends on whether the roads are dirt, gravel or paved) city or county road miles within the local government. These funds can be utilized by cities and counties to construct, repair and maintain city and county roads and can be utilized as a sole pledge for repayment of debt issued for those purposes.

State law limits the amount of bonds that can be issued through this mechanism by limiting the pledge to a maximum of 80 percent of the preceding fiscal year's receipt of Class B & C road funds for a period not-to-exceed ten years. This state law matches well with the general requirements of the market relative to revenue bonds as it automatically serves to create a 1.25X debt service coverage ratio.

Practical consideration for the issuance of this type of debt for most cities and counties lies with the fact that most local governments spend these funds and more on the maintenance of their roads. Therefore, generally, while B & C road funds are the means used for securing the debt, other general funds may actually be utilized by the issuer to make the annual payments or to pay for maintenance while the excise tax bonds are being retired with Class B&C road fund revenues.

Depending on the ownership of the road(s) being financed, the city or possibly the County could issue the excise tax revenue bonds. The issuer would need to adopt a Notice of Intent to Issue Bonds and allow for a thirty-day contestability period prior to closing on the bonds. Once the Notice of Intent has been adopted it would take approximately sixty days to complete an issuance of these bonds.

There exists in State law a non-impairment clause (11-14-307 (a)) that restricts the State's ability to change the distribution formula in such a way that would harm bondholders while local governments have debt

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outstanding. Coupled with the fact that historical gasoline tax revenues have been strong and the increasing trend, excise tax revenue bonds are well received by the market.

**Sales Tax Revenue Bond:** Sales taxes are also collected and distributed by the State of Utah. With a change in the state's constitution in November of 2000, and with a clarification from the Attorney General's office regarding a technical matter, the first non-voted sales tax revenue bond was issued in July 2001. Sales tax revenues can also be utilized as a sole pledge for repayment of debt without a vote of the constituents and funds can be utilized for the acquisition and construction of any capital facility owned by the issuing local government. They are frequently used for parks and recreation facilities or other city buildings such as City Hall or Public Safety buildings.

Just as with Class B&C road bonds, state law limits the amount of bonds that can be issued through this mechanism by limiting the pledge to a maximum of 80 percent of the preceding fiscal year's receipt of sales tax revenues. However, sales taxes are not limited to a pledge for a ten-year period but can legally be issued for up to forty years. While this state law provides a 1.25X debt service coverage ratio, due to the elasticity of sales tax revenues and local governments' typical heavy reliance on the revenues for general government operations, the market will demand a significantly higher debt service coverage ratio of at least two or three times revenues to debt. Also, most sales tax revenue bonds are structured to mature in twenty-five years or less.

Depending on the ownership of the capital facilities to be financed, a city could issue sales tax revenue bonds. The issuer would need to adopt a Notice of Intent to Issue Bonds and allow for a thirty-day contestability period prior to closing on the bonds and must also hold a public hearing. Once the Notice of Intent has been adopted, it would take approximately sixty to seventy-five days to complete an issuance of these bonds.

**Local Building Authority Lease Revenue Bond:** Pursuant to the Utah Local Building Authority Act (17D-2-103) cities, counties and school districts<sup>1</sup> are allowed to create a non-profit organization solely for the purpose of accomplishing the public purpose of acquiring, constructing, improving and financing the cost of a project on behalf of the public body that created it.

The security for a lease revenue bond is a first trust deed on the real property, any buildings or improvements and any security interest in any

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furniture, fixtures and equipment financed pursuant to a particular MBA transaction. The only pledge by the City is that it will remit any lease payments received from the MBA to the trustee. Bonds structured in this fashion are not considered long-term debt as the lease payments are subject to an annual appropriation by the City.

Due to the security structure, the best types of capital facilities to finance under this mechanism are those that are deemed as an essential purpose by the bond market. Municipal buildings such as city halls, public safety buildings and public works buildings are considered essential public purposes. That stated, many other capital improvements and facilities have been funded using lease revenue bonds including parks and recreation facilities. To strengthen the credits of facilities that are not deemed as essential purpose, it is common to cross-collateralize facilities (collateral for one loan is also used as collateral for another loan). However, under Utah law once a facility has been completely paid for and is owned outright by the local government, it cannot be utilized to collateralize debt on another facility.

The legal limitation for maturity on bonds issued pursuant to the Building Authority Act is forty years. From a market perspective however, final term on this type of debt will be governed by the maximum useful life of the facility. Most lease revenue bond transactions are structured to mature in thirty years or less.

Due to the real property nature of the transaction, it may take some additional time to process and close a lease revenue bond due to the need to obtain a title report and clear any liens or encumbrances that may appear on the title so that clear title policies can be provided to the owner and lenders.

**Special Assessment Area (SAA) Bond:** A county, city, town or special service district can create a Special Assessment Area and issue Special Assessment Bonds.

There are currently no specific legal limitations under state law as to the amount of improvements or debt that can be issued and secured by special assessments, but local governments can, by policy, determine when they will consider the creation and utilization of assessment districts. Additionally, through the creation process, all property owners that are to be assessed are given the opportunity to protest the creation of an SAA. If more than fifty percent (50%) protest, measured by proposed method of assessment (i.e., acreage, frontage, taxable value, etc.), then the local

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government cannot create the SAA. Practically speaking, if a significant number of protests are received, even if the 50 percent benchmark is not exceeded, the elected officials may choose not to create the SAA.

SAA bonds are secured by an assessment lien against all property benefited by the SAA improvements. The lien is on parity with a tax lien and can be foreclosed on for non-payment in the manner provided for actions to foreclose mortgage or trust deed liens, which in Utah takes approximately 120 days.

**Industrial Revenue Bond:** IRB's are now restricted to manufacturing facilities and are capped at \$10 million of tax exempt proceeds. Total capital investment is limited to \$20 million including the tax exempt capped portion. Strict regulations require that Bond Counsel be involved.

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**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Emigration Canyon Township Planning Commission								
<b>Meeting Date and Time:</b>	Thursday, August 16, 2012	08:30 AM	<b>File No:</b>	2	7	5	3	8	
<b>Applicant Name:</b>	Susan Anderson, Santa Fe LLC	<b>Request:</b>	Conditional Use						
<b>Description:</b>	Restaurant, Lounge (tapas/coffee bar) and wedding/special events center								
<b>Location:</b>	4170 E. Emigration Canyon Road								
<b>Zone:</b>	C-2 Community Commercial	<b>Any Zoning Conditions?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>					
<b>Zoning Condition:</b>	All uses are subject to the Conditional Use criteria and review process								
<b>Planning Commission Rec:</b>	Not Yet Received								
<b>Staff Recommendation:</b>	Approval with variations								
<b>Planner:</b>	David J. Gellner, AICP								

**1.0 BACKGROUND**

**1.1 Summary**

The applicant has applied to open a restaurant, lounge (tapas/coffee bar) and wedding/special events center in the existing building located on the subject the property. The existing building encompasses approximately 3,452 square feet on the main level and 3,205 square feet on the upper level according to drawings submitted to the County. The mix of proposed uses received by staff include the following items:

- 1) Restaurant (Upper dining area) - full service restaurant for 40 guests
- 2) Special events room upstairs (Banquet room dining) - 54 guests
- 3) Lounge - main level - tapas bar and barista (coffee) (Lower bistro dining) - 32 guests
- 4) Ceremony deck seating. A submitted drawing for this outdoor deck area shows 62 seats. The area of the deck is approximately 550 square feet.

**1.2 Hearing Body Action**

This item is on the Emigration Township Planning Commission Agenda for review and action. The Planning Commission has the authority to approve, deny, continue or approve with conditions conditional use applications.

The Emigration Township Planning Commission previously reviewed this application at public hearings held on:

- 1) June 14, 2012. At the PC Meeting, the applicant also provided staff with a revised proposal and floor plans of their intended uses in the existing building. The PC recommended to Continue this application to the July 12, 2012.
- 2) July 12, 2012. The PC recommended to Continue this application to the meeting of August 16, 2012.

Staff met with the applicant on June 27, 2012 to discuss their application. On July 3, 2012, the applicant

amended their request and provided additional information to staff. The current request is for the approval of a bistro, lounge, restaurant and wedding/special events center. A copy of the information received by staff has been included with this report. At the meeting of June 27, 2012, the applicant agreed to complete a comprehensive analysis and plan of the existing parking area in order to determine the total number of parking spaces available and how the lot may be re-configured to add additional space. As of the date of this report, staff has not received such a plan or analysis.

Staff met with the applicant on July 19, 2012 to discuss the application. Staff confirmed the requested uses and discussed the issues of parking and the configuration of interior space with the applicant. **At the meeting of July 19, 2012, the applicant agreed to submit a comprehensive analysis of the existing parking area and to provide revised floor plans of the building that show all interior spaces, the size of those spaces, and proposed uses. As of the date of this report, staff has not received those items.**

The applicant has since revised their plans to include a bridge over Emigration Creek in order to provide egress from the upper level ceremony deck on the north side of the existing building. This item and the associated requirements are outlined in Section 2.3 of this report.

Staff conducted a field visit to the site for the purposes of counting the existing number of parking spaces in the absence of a comprehensive parking assessment and plan being provided to staff. Staff counted between 90 and 100 parking spaces in the existing parking lot that is currently shared by Ruth's and the Santa Fe. Previous applications (File # 24239 - chef's school) calculated this parking at 94 spaces. For the sake of analysis, staff will assume that there are approximately 95 existing parking spaces at the site.

### **1.3 Neighborhood Response**

Notice of this request was mailed out to property owners within 300 feet of the subject property. In this case, property owners within 300 feet of the subject property are limited. They include Susan and Richard Anderson (current owners of the subject property/Santa Fe LLC who also reside on a neighboring property), Erik and Tracy Nelson (owners of Ruth's Diner), the Kostopulos Dream Foundation (Camp K), Salt Lake City Corporation and a limited number of others.

The owners of Ruth's Diner (Erik and Tracey Nelson) have previously expressed concern about this use and the potential impacts on the shared parking that Ruth's and this property have.

### **1.4 Community Council Response**

At this time, there is no formal recommendation from the Community Council. A proposal for evaluation by the ECCC has been forwarded to them for a recommendation at their meeting of August 14, 2012.

## **2.0 ANALYSIS**

### **2.1 Applicable Ordinances**

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A'</u> : <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		Discussion: There is not adequate parking but staff believes that this requirement can be met through the imposition of conditions and hours of operation to mitigate this. *Please see Planning Commission note below.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B'</u> : <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		Discussion: Staff believes that all laws and ordinances aside from the parking issues have been met or will be met before the approval is finalized by staff.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C'</u> : <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		Discussion: Over-burdening of the existing parking system will lead to an increase in vehicles parked along Emigration Canyon Road, which could impact traffic flow on that critical corridor and create additional traffic safety hazards. Staff cannot comprehensively analyze the parking and associated traffic impacts with the proposed use and other aspects of the proposal given the details provided. Summary: This issue is un-resolved pending resolutions to the parking issues outlined in Standard A. *Please see Planning Commission note below.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D'</u> : <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		Discussion: Staff believes this standard will be met and will not issue final approval until it is. Staff's main concern is the impact on the septic system and the adequacy of that system to support the proposed uses. Staff will receive confirmation on this issue from the Utah Department of Environmental Quality, Division of Water Quality that the septic system is adequate to support the increased use at this site before issuing final approval.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `E'</u> : <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		Discussion: Staff believes that this criteria can be met through the proposed conditions suggested in the staff analysis.  * <b>Planning Commission Note:</b> Staff believes that ALL STANDARDS listed above can be met through mitigation measures proposed by the conditions suggested in the staff analysis and suggested mitigation measures provided in section 2.2 of this report.

## **2.2 Applicable Ordinances and Staff Analysis Continued**

Other applicable chapters of the Salt Lake County Zoning Ordinance include but are not exclusively limited to the following items:

Chapter 19.77 - Landscaping - Additional Landscaping requirements may apply to the proposed use.

Chapter 19.82 - Signs - Any signs for the proposed use would be subject to review and approval by Salt Lake County. Depending on the type of sign, a Conditional Use application and review by the Emigration Township Planning Commission may be required.

Chapter 19.62 - C-2 - Commercial Zone - underlying requirements of the zone apply to this property.

Chapter 19.72 - Foothills & Canyons Overlay Zone - FCOZ requirements apply to this property.

Chapter 19.80 - Off Street Parking Requirements - the Ordinance defines the configuration of required parking for each use. Chapter 19.80.040 lists the specific number of spaces required for a proposed use. The parking requirements of the Zoning Ordinance for a variety of uses are listed below:

\* Restaurants or private nonprofit clubs, one space for each two and one-half seats or three spaces per one hundred square feet of floor area, whichever is greater.

\*Dance halls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium, three spaces for each one hundred square feet of floor area used by assembly or dancing.

\* Shopping centers and other multi-tenant retail buildings, five spaces for each one thousand square feet of gross leasable area

\* Bicycle Parking - All uses requiring parking for twenty or more vehicles shall provide bicycle parking spaces. The minimum number of bicycle parking spaces required shall be equal to five percent of the vehicular parking spaces required for such use, to a maximum requirement of twelve.

### **Analysis of Required Parking for the Proposed Use**

On July 3, 2012, Planning Staff received a letter from Clyde Snow, Attorneys at Law, the firm providing legal counsel to the owners of Santa Fe, LLC. This letter outlines some of the parking issues, and their assertions and understanding on those issues in conflict with the interpretation of staff. The letter also asserts their belief that they would only be required to provide a total of 42 parking spaces with this proposal.

Based upon the Summary of Uses outlined in Section 1.1 of this report per the amended application submitted on July 3, 2012 the analysis below has been provided in order to assess and calculate the total number of parking spaces that would be required for all proposed uses in the existing subject building. Staff's analysis is also included in chart form and attached to this report.

### **Parking Requirement Calculations - PDS Staff Analysis - Provided to Applicant on 07/19/2012**

This analysis is based upon the letter and application received by Planning Staff on July 3, 2012, Planning Staff from Clyde Snow, Attorneys at Law. The proposal as submitted was for the following items:

1. Full Service Restaurant with seating for 40 patrons

2. Lounge (coffee shop and tapas bar) with seating for 32 patrons

3. Wedding Reception and Special Events Center

Based on these uses, the following parking requirements have been calculated:

**Full Service Restaurant with seating for 40 patrons** - One space for each two and one-half seats or three spaces per one hundred square feet of floor area, whichever is greater (In this case, the floor area ratio would be used) Floor area of approximately 1160 sf (1160 /100 x 3) **34 spaces**

**Lounge with seating for 32 patrons** - This area is classified in the same way as a full service restaurant (see above). The floor area ratio (the higher amount as required by Ordinance) in the seating area has been used. **Using the floor area of approx. 912 sf (912/100 x 3) 27 parking spaces are required.**

**Wedding Reception/Events Center.** This use includes the elements of:

**1) Banquet room dining** - The parking requirement for this room would be the same as for a restaurant since this area appears to have fixed seating. Staff is basing the parking on the floor area ratio of approx. 750 sf, (750 /100 x 3). **Under this scenario, 23 parking spaces would be required for the banquet dining room.**

**2) Ceremony deck seating** this area would come under "...assembly halls without fixed seats, exhibition halls..." which requires three spaces for each one hundred square feet of floor area. Floor area of approx.. 560 sf (560/100 x 3) **17 spaces** required

**Note:** Staff recognizes that not all space in the building has been accounted for. The original plans showed a "coffee area" on the main floor. This area is approximately 700 square feet in size. If this area is to be used as part of the proposal, it must be counted in the parking calculations. This includes all deck areas, interior space and any other space to be used for patrons and the proposed use(s).

**TOTAL PARKING REQUIRED for the PROPOSED USES to Operate Simultaneously**  
**101 parking spaces would be required** for all uses to operate simultaneously.

#### **Restaurant/Coffee Shop Combined Parking**

If the Restaurant and Coffee shop are open at the same time, the total number of parking spaces required to accommodate both uses would be **61 total spaces.**

#### **Wedding Reception and Events - Combined Banquet Dining and Ceremony Deck Seating**

Presumably the wedding reception/events center would function together. The combined uses of these elements would require 40 parking spaces total. There are only 35 spaces available, so staff suggests that events would need to have a limit on the number of guests. Using the calculation for a restaurant (one space for each two and one-half seats, and given the maximum number of parking spaces available to be 35, **any event would have to be limited to a total of 88 guests (35 spaces x 2.5seats/space = 88 guests)** unless additional parking were to be secured elsewhere off-site (with a formal agreement) and provisions were made for a valet or shuttle service to make this off-site parking feasible.

#### **PARKING SHORTAGE based on the PROPOSED USES**

Field analysis and investigation by staff showed there to be approximately 95 parking spaces available on the subject property. The previous Conditional Use approval for the "Canyon House" (File # 24239 - a chef's school) that was approved by the Emigration Township Planning Commission in 2008 included a parking analysis of that use and the existing Ruth's Diner use of parking. That analysis concluded that Ruth's Diner required 60 parking spaces of the total amount available on the site. The proposed chef's school required a total of 34 parking spaces so the approval of the Canyon House in combination with Ruth's Diner provided

there adequate parking for both uses. For the purposes of this analysis, based on the 95 existing spaces, there are approximately 35 parking spaces available for all uses in the Santa Fe Restaurant.

**Under the current proposal, the available parking for the intensity of uses is not adequate to support all functions at the same time.**

If the **Restaurant and Lounge were open at the same time**, there is a **shortage of approximately 26 required parking spaces available for these combined uses**. There have been previous discussions about paving a small unpaved overflow lot at Camp K to support this parking. That area was shown to be able to support approximately 11 parking spaces. **Even with this additional parking, there would not be adequate parking for both the restaurant and lounge to be open simultaneously**. In addition, a formal shared parking agreement would be needed to secure this parking area. A shared parking agreement for approval by the Planning Commission would need to encompass the following elements:

- a. The number of spaces at Camp K. that can be used by the Santa Fe project.
- b. Hours during which the overflow parking at Camp K. can be used.
- c. Limitations on using the Camp K. parking when they have special events.
- d. Related to the above item, how parking for overlapping events will be addressed and mitigated.
- e. Any plans for moving cars from the subject property to an off-site/shared parking area.

At this time, staff has not received the information noted above. The applicant has indicated that they might be able to rent the parking lots of Camp K, but this in itself does not meet the standards of a "shared parking agreement" which is intended to ensure that a proposed use has the required number of spaces available based on the calculated requirements outlined in the Ordinance. Such an agreement assumes a factor of "predictability" that this required parking will be readily available when needed. A rental agreement with Camp K is subject to the parking being available outside of the needs of Camp K, and the applicant taking positive steps to rent this parking, so this predictability is not built in. The applicant also submitted a letter from Camp K dated February 13, 2012 that did not address the issues noted above.

**The Wedding/special events center including the ceremony deck seating requires 40 parking spaces.** This use could be allowed if five (5) additional parking spaces could be accommodated. **At the present time, there is a shortage of five (5) parking spaces.** Staff believes that this is could possibly be accommodated within the existing lot with some minor reconfiguration. However, the size of any reception or event would need to be strictly limited based on the amount of available parking. An analysis of this is included in Section 2.2 above and **staff suggests that any event would have to be limited to a total of 88 guests.**

The available parking would not simultaneously accommodate all uses at the Santa Fe as well as uses at Ruth's Diner. Combined, this would equate to a requirement of 101 parking spaces for the Santa Fe and the 60 spaces required by Ruth's for a total of 161 spaces. This far exceeds the available parking of approximately 95 spaces.

### **Suggested Mitigation Measures**

Staff believes that the proposed uses in the Santa Fe building can be accommodated through the imposition of conditions to mitigate the concerns as allowed by Chapter 19.84.050 of the Salt Lake County Zoning Ordinance. Staff suggests the following conditions be considered and applied by the Planning Commission:

Limits to hours of operation/uses:

- 1) The restaurant and coffee shop cannot be open during the same time and hours since there is a deficit of 12 parking spaces.

- 2) The restaurant/coffee shop must be open at different times to provide adequate parking for both uses.
- 3) During times when there is a scheduled wedding/special event the restaurant and coffee shop uses must cease operations so that there is adequate parking available.

**Note: Additional conditions to mitigate issues are included in the Staff Recommendations section of this report.**

### **2.3 Other Requirements**

With this proposal, the applicant had proposed the expansion of deck area over Emigration Creek. Current regulations (FCOZ) require a 100 foot setback from a perennial stream channel. As a non-conforming building and use, the applicant was eligible to apply for a Special Exception from the Salt Lake County Board of Adjustment (BOA) to allow for an expansion or change to a noncomplying structure. The applicant applied to the BOA for a Special Exception for a deck expansion of 380 square feet located within 100 feet of a perennial stream channel. At their regularly scheduled meeting of May 14, 2012, the BOA approved a Special Exception to allow for an expansion to the deck area on the existing building. This proposed deck area will be cantilevered off the existing building on the south-west side and will not result in structures being placed within the creek.

The proposed bridge over Emigration Creek that staff was made aware of on July 3, 2012 will require additional action by the Salt Lake County Board of Adjustment as also mentioned in Section 1.2 of this report.

**Update:** On July 26, 2012, an application for a Special Exception to add the bridge over Emigration Creek was submitted to Planning and Development Services. This application will be scheduled for a hearing with the Salt Lake County Board of Adjustment at their meeting of September 10, 2012.

### **2.4 Identification of Other Issues**

Outstanding issues associated with this request include the following items:

- 1) Revised building floor plans that show all interior spaces, the size of those spaces, and proposed uses are required.
- 2) Certification from the Utah Department of Environmental Quality, Division of Water Quality that the septic system is adequate to support the increased use at this site. The ability of the system to absorb additional use is based upon the intensity of the uses. Staff has not received information from the DEQ yet in relation to the septic system adequacy. This approval is also contingent upon the specific uses and intensity of uses approved by the Planning Commission.
- 3) A comprehensive parking analysis is required. The amount of available parking limits the uses, intensity and size of those uses in the existing building.
- 4) A formal shared parking agreement and recorded documents will be required for any off-site parking that is being used to mitigate parking deficits for the proposed uses. The Planning Commission will have to approve any shared parking agreement.

### **3.0 STAFF RECOMMENDATION**

#### **3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:**

- 1 )The Restaurant and Lounge cannot be open during the same times and hours. They must maintain separate, non-overlapping hours due to the lack of parking.
- 2 )During times when there is a scheduled wedding or other special event the restaurant and coffee shop uses must cease all operations and remain closed.
- 3 )Any wedding or special event is limited to a total of 88 guests based on the available parking.
- 4 ))Certification from the Utah Department of Environmental Quality, Division of Water Quality that the septic system is adequate to support the increased use at this site must be received before the approval can be finalized.
- 5 )Revised interior floor plans showing the proposed number of seats, floor area and other details reflective of the approval of the Planning Commission are required before the approval can be finalized.
- 6 )A comprehensive parking analysis is required before the approval can be finalized.
- 7 )Any changes to the proposed uses, intensity of those uses will require further review and action by the Emigration Township Planning Commission.

#### **3.2 Reasons for Recommendation**

- 1 ) Staff believes that the proposed uses in the Santa Fe building can be accommodated through the imposition of reasonable conditions suggested above but not strictly limited to these conditions in order to mitigate the concerns as allowed by 19.84.050.
- 2 ) The five Conditional Use Criteria can reasonably be met through the imposition of mitigation measures to address any deficiencies.
- 3 ) If the Criteria and Conditions cannot be met, staff will not finalize the approval .

#### **3.3 Alternate Motion/Staff Recommendation**

ALTERNATE MOTION: Staff recommends that the proposed Conditional Use be DENIED for the reasons cited below.

Reasons for Recommendation:

- 1) The proposal has not meet all five (5) criteria necessary for the Planning Commission to grant approval of the use.
- 2) The use as proposed holds the potential to have detrimental impacts in terms of parking, traffic, traffic safety, environmental health, and impacts on the existing neighboring business (i.e. - quality of life impacts).
- 3) The proposal does not comply with all applicable provisions of the Salt Lake County Zoning Ordinance. Specifically, there is not enough parking available to accommodate the proposed range and intensity of uses proposed.
- 4) The applicant has not provided staff the necessary information to resolve conflicts with the Standards for Approval (19.84.060) as allowed by section 19.84.050 A. 6. The applicant has not taken affirmative steps to resolve the outstanding issues.

## 4.0 PROJECT PHOTOS



Image 1 : Building Entrance



Image 2 : Emigration Creek



Image 3 : Back of Building/Hillside



Image 4 : Upper Deck and Stairs



Image 5 : Existing Parking in Front



Image 6 : Parking and Ruth's Diner

**“Old Santa Fe Restaurant” – Emigration Canyon**  
**Parking Requirement Calculations**  
**PDS Staff Analysis – 07/19/2012**

This analysis is based upon the letter and application received by Planning Staff on July 3, 2012, Planning Staff from Clyde Snow, Attorneys at Law. The proposal as submitted was for the following items:

1. Full Service Restaurant with seating for 40 patrons
2. Coffee Shop and Barista Bar with seating for 32 patrons
3. Wedding Reception and Events Center

Based on these uses, the following parking requirements have been calculated:

Proposed Use	Salt Lake County Zoning Ordinance Requirements	Calculations	Number of Parking Spaces Required
Full Service Restaurant with seating for 40 patrons	one space for each two and one-half seats or three spaces per one hundred square feet of floor area, whichever is greater (In this case, the floor area ratio would be used)	Floor area of approximately 1160 sf  (1160 /100 x 3)	<b>34 spaces</b>
Coffee Shop and Barista Bar with seating for 32 patrons	This area is classified in the same way as a full service restaurant (see above). The number of seats in the seating area has been used in this case although both calculations are provided.	Listed use as 32 guests/32 seats.  (32/2.5 )  Using floor area of approx. 912 sf  (912/100 x 3)	<b>13 spaces</b> required using number of seats  <b>27 spaces</b> required using floor area ratio
Wedding Reception and Events Center	This use includes the elements of 1) Banquet room dining and 2)Ceremony deck seating		
1) Banquet room dining	The parking requirement for this room would be the same as for a	(48 / 2.5)	<b>19 spaces</b> required for the banquet room dining

	restaurant since this area appears to have fixed seating. Since it would presumably not be used continually, staff is basing the parking on the number of seats, a lesser amount than the floor area ration would require. The plans showed 48 seats for this use.	Using the floor area ratio of approx. 750 sf, $(750 / 100 \times 3)$	<b>23 spaces</b> would be required for the banquet dining room using the floor area ratio
2) Ceremony deck seating	this area would come under "...assembly halls without fixed seats, exhibition halls..." which requires three spaces for each one hundred square feet of floor area.	Floor area of approx.. 560 sf $(560/100 \times 3)$	<b>17 spaces</b> required
<b>TOTAL Parking</b>			<b>83 spaces</b> (assuming the lesser amount for the coffee shop use)  <b>101 spaces</b> (using the higher requirement for the coffee shop and banquet dining area)
<p>Note: Staff recognizes that not all space in the building has been accounted for. The original plans showed a "coffee area" on the main floor. This area is approximately 700 square feet in size. If this area is to be used as part of the proposal, it must be counted in the parking calculations. This includes all deck areas, interior space and any other space to be used for patrons and the proposed use(s).</p>			

**Planning And Development**  
Interactive GIS Map

Layer Options | ESRI Streets | ESRI Aerial | ESRI Topo | SLOCO Roads

Enhanced Search  
Features Selected: 1  
Address: 4170 EMIGRATION CANYON RD  
Owner: ANDERSON, RICHARD

Zoom Clear

Latitude: 40.676541 | Longitude: -91.1790931



# kimi's

bistro . lounge . weddings & special events

## bistro space upstairs

full service restaurant for 40 guests

### hours of operation

Monday – Friday 11:30 – 10 pm (lunch & dinner)

Saturday & Sunday 8 am – 2 pm brunch

Saturday 4 – 10 pm dinner

Sunday 4 – 9 pm dinner

## special events room upstairs

54 guests

### hours of operation

will vary according to the needs and requirements of the party reserving the banquet space

## lounge main level

tapas bar & barista for 32 guests

### hours of operation

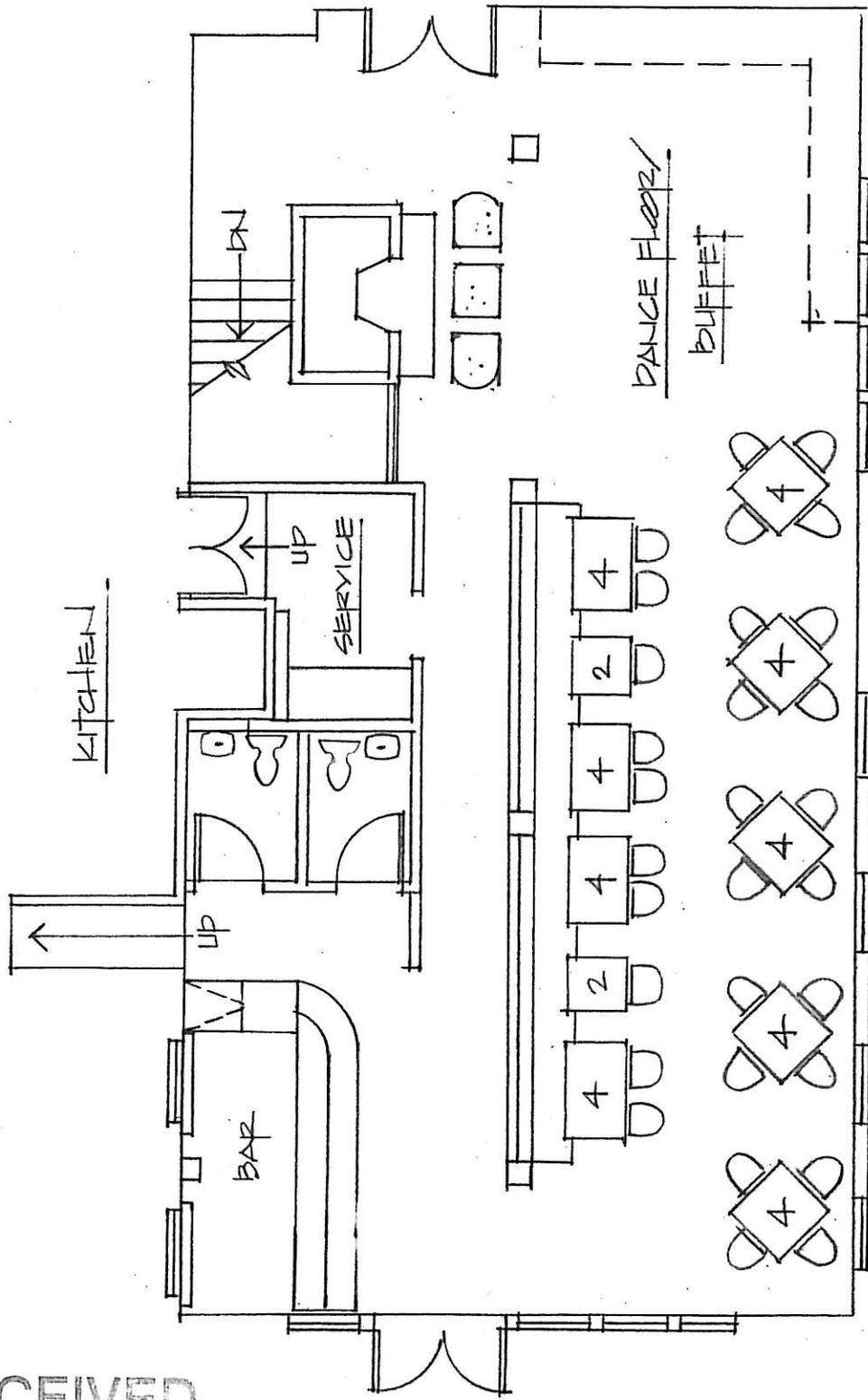
Monday – Sunday 6:00 am – 11:30 am barista

Monday – Sunday 11:30 am – 11:00 pm tapas bar & barista

RECEIVED

JUN 27 2012

SALT LAKE COUNTY  
DEVELOPMENT SERVICE



UPPER DINING AREA: SEAT 40  
 SCALE: 1/8" = 1'-0" 6.25.12

RECEIVED

JUN 27 2012

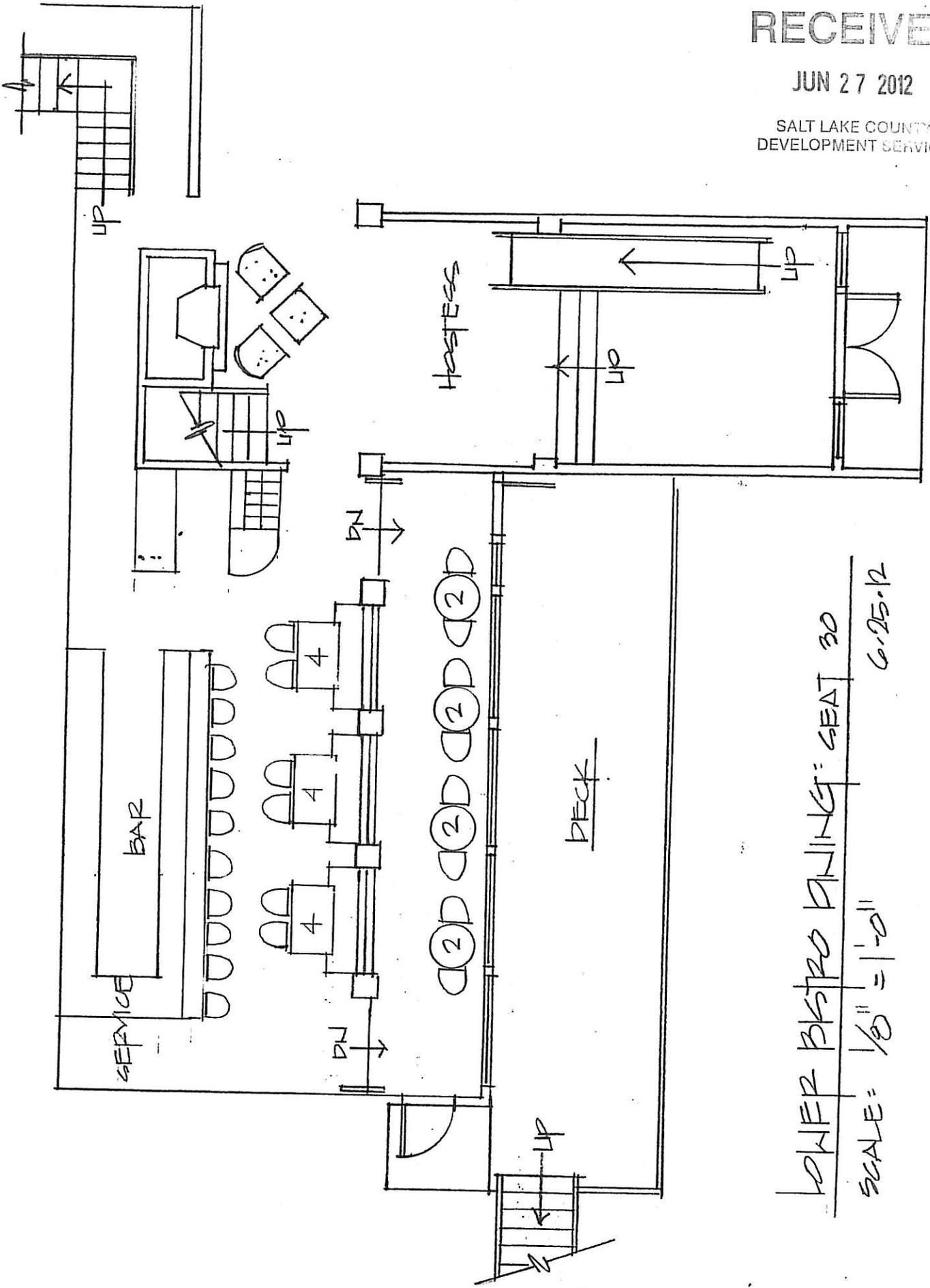
SALT LAKE COUNTY  
 DEVELOPMENT SERVICE

\*

RECEIVED

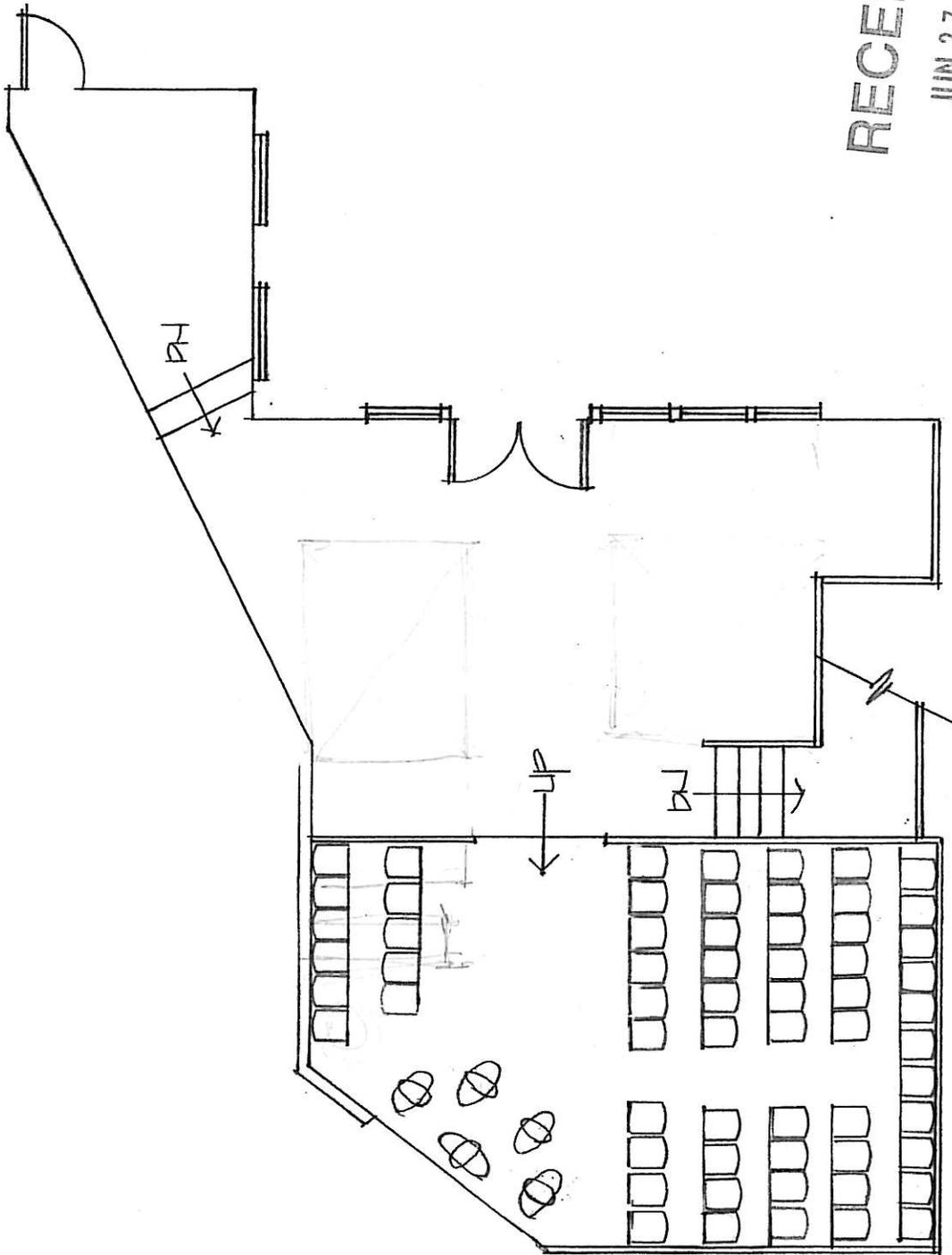
JUN 27 2012

SALT LAKE COUNTY  
DEVELOPMENT SERVICE



LOWER BISTRO DINING: SEAT 30  
SCALE: 1/8" = 1'-0" G.25.12

\*



RECEIVED

JUN 27 2012

SALT LAKE COUNTY  
DEVELOPMENT SERVICE

RECEIVED

JUN 14 2012

SALT LAKE COUNTY  
DEVELOPMENT SERVICE

CEREMONY DECK SEATING

SCALE: 1/8" = 1'-0"

ES-21-12

\*

RECEIVED

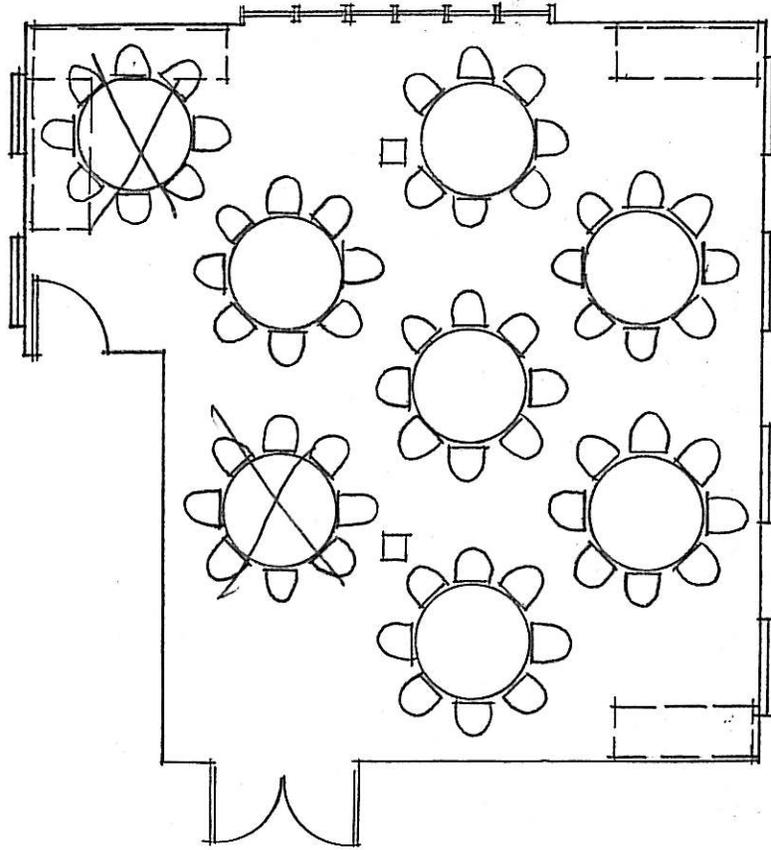
JUN 14 2012

SALT LAKE COUNTY  
DEVELOPMENT SERVICE

RECEIVED

JUN 27 2012

SALT LAKE COUNTY  
DEVELOPMENT SERVICE



BANQUET ROOM DINING

SCALE : 1/8" = 1'-0"

E-18-12

\*

# ClydeSnow

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KEVIN A. TURNEY  
(801.322.2516  
kat@clydesnow.com

July 3, 2012

Via US Mail and electronic mail

dgellner@slco.org

David Gellner  
2001 S. State, Suite N-3600  
Salt Lake City, Utah 84190

*Re: Santa Fe Property, LLC Conditional Use Permit and Ruth's Diner Parking*

Dear Mr. Gellner:

This firm acts as counsel for the owners of Santa Fe, LLC, namely Richard L. Anderson and Susan Anderson. This letter is being sent to you in connection with the above entitled matter and the various parking issues that are currently pending which the County desires some resolution on prior to moving forward with Conditional Use permit to be issued in favor of Santa Fe, LLC.

You have requested information pertaining to the feasibility and parking requirements that should be addressed and any agreement that the parties can present which would remedy the County's alleged parking issue. Contrary to the County's assertion, there is no parking issue that needs to come into agreement between the parties as there is adequate and sufficient parking.

A brief narrative of the parking issues, the ownership rights of the two properties, access to parking, and prior conditional use permits granted to Ruth's Diner should be addressed and will give insight as to why it is the contention of Santa Fe that there is adequate parking for both parties to operate their respective businesses.

Currently, Santa Fe is in the process of applying for and obtaining its conditional use permit to begin construction and remodeling of the building previously known as the Santa Fe restaurant. The Amended Application detailing the proposed business use of the property is also being submitted to the County for its consideration in connection with the application. At a meeting held on June, 27, 2012 with both parties and counsel for both parties present, the County addressed if there was adequate parking to meet the needs of both parties operating their

respective businesses. In an effort to aid the County and to answer the County's concerns, Santa Fe hereby represents as follows:

I. Prior Conditional Use Applications – Ruth's Diner Permit # 23847.

On February 5, 2009, Salt Lake County issued a conditional use permit for the benefit of Ruth's Diner, Conditional Use # 23847 (the "23847 Approval"). Corresponding to the 23847 Approval, the Staff Report was issued on September 22, 2008 ("S.R. 23847"). In reviewing the S.R. 23847 and the 23847 Approval, there was no discussion or evaluation of parking density and requirements; with the exception under Standard "C" of the Staff Report, the Emigration Canyon Community Counsel had raised concerns regarding parking issues. The Salt Lake County Counsel however, found that there were no issues with the proposal submitted by Ruth's Diner, and with "no additional seats being proposed for this use the parking regulations would not require a change for this use." (See Standard "C"). In as much, in the 23847 Approval, it clearly states that the build out of the Ruth's Diner was conditioned that "[n]o additional customer seating is approved as part of this Permit." (See ¶ 4 of 23847 Approval). In reviewing these documents, it is unclear what if any parking issues were addressed for the build out of the Ruth's Diner or what available parking Ruth's demonstrated it was entitled to or what parking the County enabled Ruth's to use under the Permit.

Some light on this can be seen from the Staff Report issued in connection with the Santa Fe conditional use application issued of even date therewith. (See Staff Report # 24239 (hereinafter "S.R. 23249)). S.R. 23249 related to the initial conditional use application submitted by Santa Fe.

In S.R. 23249, there is discussion of "Site Circulation & Parking" which the City Council analyzed. Further, a discussion of the parking issue was raised at a July meeting on whether or not parking on the site is adequate. It should be noted that in the Ruth's Diner S.R. 23847 no such analysis or discussion of adequate parking was addressed or even a concern. In as much, the County Council found that there was adequate parking, providing the following analysis: (i) Ruth's Diner required **60 spaces** based on 2,000 sq. ft. and using the standard of 3 spaces per 100 sq. ft. and (ii) Santa Fe required 34 spaces based on the proposed use at the time of application.

In light of this fact, there are issues that Santa Fe raises in connection with the parking allocation, specifically, the parking allocation provided to Ruth's Diner. As more fully discussed in Section II below, the City Council needs to address what parking was awarded to and allocated to Ruth's Diner, and if Ruth's was awarded full use of the 54 spots under the easement, Santa Fe is entitled to those same spots and the same 54 stalls as Ruth's Diner. Additionally, in the build out of Ruth's Diner, six (6) stalls that had been used by Ruth's Diner were removed when the diner was expanded.

## II. Parking Stalls.

As a brief background, there are currently One Hundred and seven (107) stalls that are available for parking, such stalls being located: (i) Sixty-two (62) stalls located on and fee title owned by Santa Fe and adjacent to the Ruth's Diner parcel (the "Santa Fe Stalls"); (ii) twenty-five (25) owned by the City which each party has a 50% leasehold interest to use (the "City Stalls"); and (iii) Seventeen (17) owned by KK which each of the parties may lease (the "KK Stalls").

In connection with the Santa Fe Stalls, Santa Fe is the fee title owner of the land upon which these stalls are located. In May of 2007, Santa Fe executed a Parking Easement (the "Parking Easement") in favor of Ruth's Diner. The relevant provisions of the Parking Easement state in pertinent part that Santa Fe grants to Ruth's Diner a "permanent, non-exclusive and unrestricted easement for use of, and access to, 54 individual parking spaces located on the Santa Fe Parcel." A strict reading of the Parking Easement shows that Ruth's has a non-exclusive right to use up to 54 of the parking stalls located on the Santa Fe Parcel. However, as fee owner of the land, Santa Fe also has the right to use the same 54 parking stalls. This is not a 50-50 share or a division of the stalls, but rather each of the parties has the right to use all or none of the 54 stalls located on the Santa Fe Parcel.

As noted in Section I above, the County stated that Ruth's had adequate parking when the County declared it required 60 spaces for its intended use. Taking both the Parking Easement and S.R. 24239 in conjunction, it is inferred that the County granted and used the 54 stalls covered in the Parking Easement as benefitted and used by Ruth's Diner for its parking analysis. Accordingly, since Santa Fe is entitled to the same 54 stalls, these 54 stalls are required to be, and the County is required to use the 54 stalls in its calculation of parking density for Santa Fe. The County may not limit the rights of Santa Fe to use their own land for access to these parking stalls. Further, the County may not discriminate against Santa Fe and declare that Ruth's has exclusive access to these 54 stalls and declare that Santa Fe is required to find additional parking. If the 54 stalls were included in the Ruth's Diner analysis, the same 54 stalls must be included in the availability of parking for Santa Fe's analysis as well, and the County may not use the 54 stalls in favor of Ruth's Diner under the Parking Easement to the detriment of Santa Fe.

## III. Conditional Use Permit for Santa Fe.

Enclosed with this letter is the updated Conditional Use application submitted by Santa Fe. In connection therewith, a brief insight as to Santa Fe's proposed plan is being addressed herein for convenience of the County.

First, the owners of Santa Fe have retained the services of H. Scott Clark, President of Clark Asset Management to aid in the build out, feasibility studies and related matters as Santa Fe moves forward with their intended use. Additionally, Santa Fe has entered into a lease with

Kimi Eklund, owner and operator of Kimi's, to move forward with the intended use of the property. As part of the Conditional Use application, Santa Fe will move forward with the following business plan on the Santa Fe Parcel:

a. Bistro – Full Service Restaurant.

The upstairs portion of the Santa Fe building will be used as a full service restaurant, with seating for up to Forty (40) guests. For purposes of the County' analysis on parking, based upon current county code, there is a need for sixteen (16) parking stalls to be used in connection with the operation of the full service restaurant.

b. Lounge Area – Bar and Barista.

The lounge area will be located on the main floor of the Santa Fe building. This lounge area will serve coffee and limited food services which patrons will order from the bar area and self serve. This space will provide seating for Thirty-two (32) guests and will not be classified as a full service restaurant. In connection therewith, patrons will not have access to or be served from the upper level full service restaurant.

c. Special Events.

A dedicated area will be allocated and used for special events, such as but not limited to, wedding receptions and other special events. As set forth in paragraph b. above, this use will not occupy or have access to the full service restaurant.

Based upon the foregoing, the following parking allocations should be applied: (i) 16 stalls for the Full Service Restaurant; (ii) 12 stalls for the Bistro; and (iii) 14 stalls for the Reception Area – for a total of 42 stalls. It is noted that these numbers are based upon the number of seats and not square footage.

IV. Parking Conclusion.

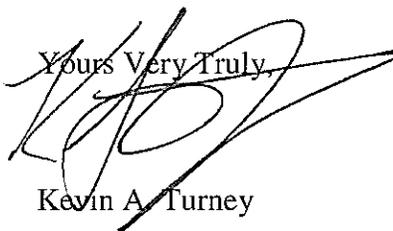
At the meeting held on June 27, 2012, the owners of Ruth's Diner stated that they had seating for sixty-six (66) patrons inside and one hundred eighty (180) outside, for a total of 246 seats. Under the current code, based on number of seats, Ruth's has a requirement of **ninety-eight (98)** parking stalls to comply with County requirements. As set forth above, from reading the various Staff Reports and Conditional Use permits issued in favor of Ruth's Diner, it is evident that the County, based on a 2,000 square foot analysis, declared that Ruth's needed and had access to 60 parking stalls. However, it is unclear on whether this 2,000 square foot analysis took into consideration outside seating or merely the inside seating capacity of Ruth's Diner. In any event, based upon the declaration of the owner's of Ruth's Diner, there is a miscalculation of

parking stall requirements for Ruth's to comply with County Code. As stated supra, to comply with County Code, based upon the number of seats, Ruth's should have 98 stalls accessible to them. This is a parking issue of *Ruth's Diner and the County*, not a parking issue for Santa Fe.

As set forth above, Santa Fe has access to and the County must allocate sixty-two (62) parking stalls in the County's analysis to Santa Fe – these 62 stalls are located upon Santa Fe's property and they have unfettered access to them; and the County cannot limit Santa Fe's use to them in its analysis for the benefit of Ruth's. As discussed in Section III above, the parcels located upon the Santa Fe Parcel have sufficient capacity to meet the density requirement of Santa Fe's parking requirement under its Conditional Use Permit application. For the County to require an agreement between Ruth's and Santa Fe for parking issues is misguided; Santa Fe does not have a parking issue. As clearly established, additional information on the parking allocated for Ruth's density analysis is required to establish the needs of Ruth's Diner to comply with County Code. That is an issue that is outside the scope of the Conditional Use application of Santa Fe.

If you have any questions on this matter, please do not hesitate to give me a call. Thank you for your attention to this matter.

Yours Very Truly,



Kevin A. Turney

cc: RLA (without enclosures)



Salt Lake County Public Works Department  
**Planning and Development Services Division**  
 2001 S. State Street #N-3600, Salt Lake City, UT 84190-4050  
 Phone: 801-468-2000 FAX: 801-468-2169  
 Visit our web site: <http://www.pwpds.slco.org>

File #  
27538

## Land Use & Development Application

- FCOZ   
  RCOZ   
  DWSP   
  Watershed   
  Over Pressure   
  Magna Main  
 Natural Hazards   
 Other \_\_\_\_\_

Zone: C-2      Community Council: Emigration Canyon      Planner: David Gellner  
 Parent File # \_\_\_\_\_      Date: 07-02-2012

Property Address: 4170 E. Emigration Canyon Rd.      Parcel #: \_\_\_\_\_

Name of Project: Property      Acreage: \_\_\_\_\_  
Santa Fe Property

**Please describe your request:**

- 1) Full Service Restaurant with seating for 40 patrons
- 2) Coffee Shop and Barista Bar with seating for 32 patrons
- 3) Wedding Reception and Events Center

New Development:

- Use and / or Site Plan Approval  
 Subdivision # lots: \_\_\_\_\_  
 PUD #lots: \_\_\_\_\_

Modify an Existing Development:

- Change Conditions of Approval**  
 Change the Site Plan  
 Change the Use  
 Condo Conversion  
 Lot Consolidation  
 Lot Line Adjustment  
 Mobile Store  
 Signs

Other:

- Board of Adjustment Review  
 Exception Request  
 Non-Conforming  
 RCOZ Appeal (Option C)  
 Research Request  
 Re-zone  
 Vacate a Street

Is a key or gate code required to access the property?  Yes     No    If yes, code: \_\_\_\_\_ (or provide key)

**Driving Directions to Property:**

Emigration Canyon: Visitors and patrons can access the property east and west bound on Emigration Canyon Road.

\*note: all correspondence will be sent to the applicant's address:

**Applicant(s):** Richard L. Anderson and Susan Anderson  
**Address:** 4170 Emigration Canyon Rd.  
**City, State, Zip:** Salt Lake City, Utah 84108  
**Phone Number(s):** 801-865-7945; 801-403-3125 **e-mail:** kat@clydesnow.com - Authorized Represental

**Property Owner(s):** Santa Fe, LLC  
**Address:** 4150 Emigration Canyon  
**City, State, Zip:** Salt Lake City, Utah 84108  
**Phone Number(s):** 801-865-7945; 801-403-3125 **e-mail:** see above

**Professional(s):**  Engineer  Architect  Other

**Company:** Clark Asset Management Corporation  
**Contact:** Scott Clark  
**Address:** 534 South 500 West, Salt Lake City, Utah 84101  
**Phone Number(s):** 801-244-7056 **e-mail:** ext101@msn.com

To facilitate Salt Lake County's land use notice and review process, the undersigned hereby authorize the County to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

*Amended*

Applicants Signature

Date

Office Use Only

Dead Box # \_\_\_\_\_

Fees Due:

- Application Fee..... \$ \_\_\_\_\_
- Fire Department..... \$ 75.00
- Geology Initial Site Assessment..... \$ 75.00
- Health Department .....\$ 50.00
- Initial Engineering Checking Fee.....\$150.00 or  
 \$90.00 per lot (\$180 min) for subdivisions

Cashier: \_\_\_\_\_



KOSTOPULOS  
DREAM  
FOUNDATION

*Opening a World  
of Opportunities  
for People with  
Disabilities*

*Home of  
Camp Kostopulos*

February 13, 2012

Emigration Galleries  
4170 Emigration Canyon Road  
Salt Lake City, UT 84108

Attention: Mr. Mike Beals

Mike: We are excited to have you as our new neighbor and look forward to opportunities to get to know each other. Camp Kostopulos has had a very long history collaborating with whom ever has been the owner and managers of both the Old Santa Fe and Ruth's Diner. There has always been a good relationship and we are confident that we will enjoy the same relationship with you.

Based on the conversations you and Mircea have had regarding any support we can hope for which is beneficial to us both. I understand that our overflow parking area next to our main paved parking lot has potential use for your business on occasions as overflow for your events. We are in favor of you using the lot as needed, contingent upon there not being a conflict with an event of our own.

We would like to work with you in any way that can be beneficial for us all. Camp Kostopulos has never been able to afford the cost of paving and maintaining this lot for periodic use. This is where you could help. We would appreciate the prepping with required depth road base, and asphalt which is preferable for snow removal, and stripping for stalls. The necessary maintenance would include; snow removal, crack sealing and overlay as the wear determines.

As in the past with previous owners/managers, we appreciate support as sponsors for our events, such as our annual "Send a Kid to Camp " Gala, our golf tournament or another event that we might engage in. It would be our desire to utilize your new facility for prospective future special events.

Thank you for your consideration.

Gary Ethington, M.S., CTRS  
Executive Director

Mircea Divricean  
Director of Business Operations  
And Finance

North Parcel:

*Gravel Lot*

Beginning at a point of the East right of way line of Emigration Canyon Road, and on the West bank of Emigration Creek, said point being North 381.68 feet and West 1041.35 feet from the East Quarter Corner of Section 1, Township 1 South, Range 1 East, Salt Lake Base and Meridian, said point is also on a 786.02 foot radius curve to the right whose radius point bears South 89°06'16" East and running thence, Northeasterly along said East right-of-way line and arc of said curve 227.68 feet and thru a central angle of 16°35'46"; thence South 28°45'14" East 29.99 feet to a point on the West bank of Emigration Creek; thence South 09°02'52" West said bank 67.20 feet; thence South 04°01'27" West along said bank 72.98 feet; thence South 30°52'32" West 68.17 feet to the point of beginning.

Contains 0.117 acres

SEE ENLARGED SHARED PARKING AREA



1 04.18.2012 COUNTY COMMENTS REVISIONS

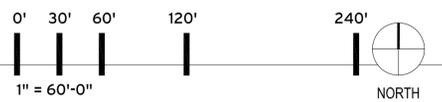
**hoffman architects LLC**

1308 south 1700 east #202  
 salt lake city, utah 84108  
 o 801 583 3400  
 f 866 213 9895  
 hhoffman.com

DATE: APRIL 17, 2012  
 ISSUE: PERMIT  
 PROJECT: 2011-55  
 DESIGNED BY: hh  
 DRAWN BY: STAFF  
 REVIEWED BY: hh

# building renovation

EMIGRATION GALLERIES  
4170 EMIGRATION CANYONS ROAD  
SALT LAKE CITY, UTAH 84108

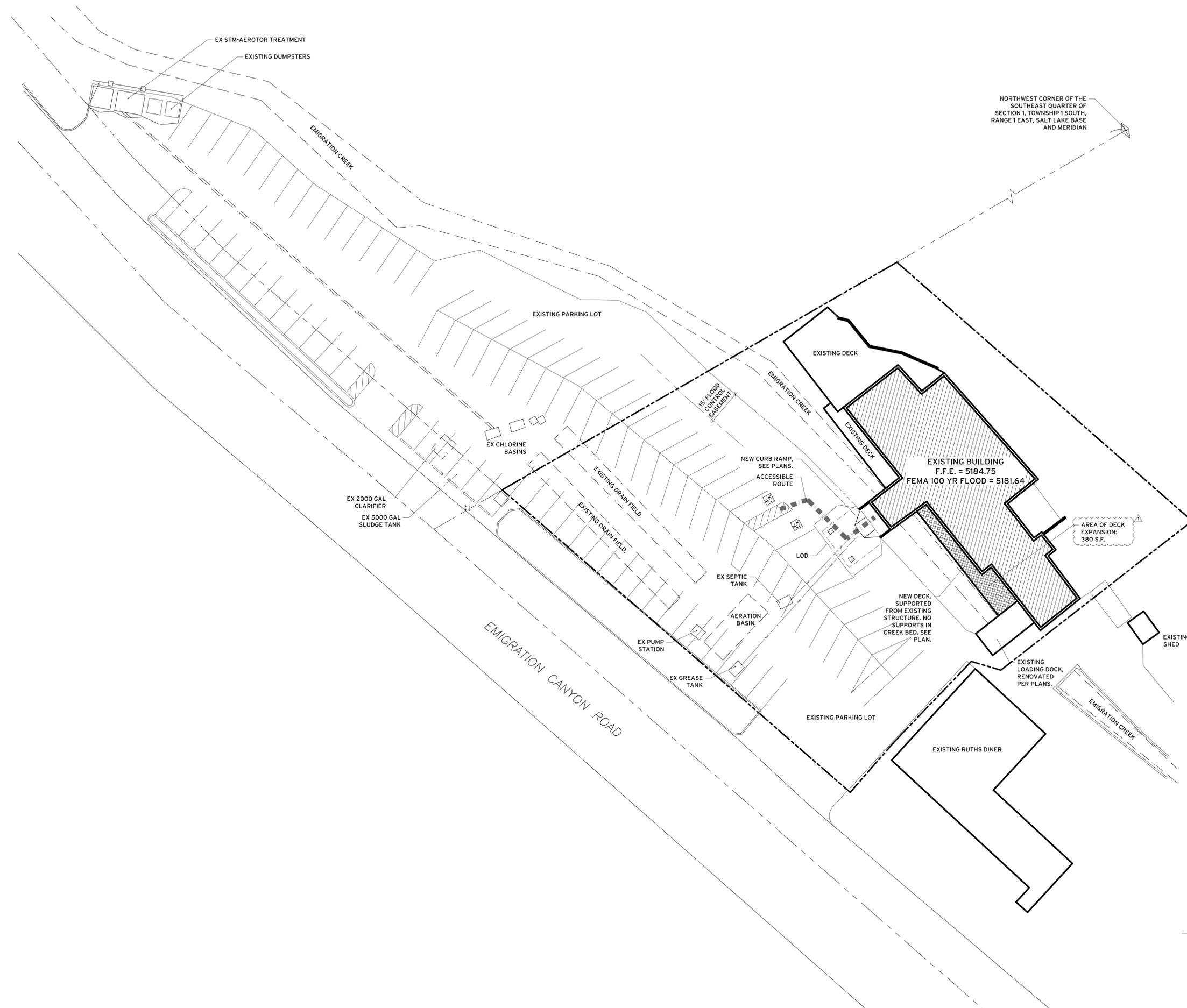


PARKING PLAN **A000**

©2011 hoffman architects llc project 2011 55 Emigration Renovation-drawings\1155 A000.dwg | plot date: April 18 2012

**enlarged shared parking area**  
SCALE: 1/4" = 1'-0"

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of hoffman architects llc and shall not be used on any other work. do not scale drawings. all conditions shall be verified on site. discrepancies shall be brought to the attention of the architect before proceeding.



**DEED DESCRIPTIONS:**

PARCEL 1, ID NO: 16-01-427-001  
 BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EMIGRATION CANYON ROAD, SAID POINT BEING WEST 960.32 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE, SOUTH 18°38'30" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE 202.08 FEET; THENCE NORTH 80°02'00" EAST 31.21 FEET; THENCE NORTH 72°40'09" EAST 47.52 FEET; THENCE SOUTH 52°47'21" EAST 8.30 FEET; THENCE NORTH 81°44'16" EAST 108.26 FEET; THENCE NORTH 18°38'30" WEST 170.33 FEET; THENCE WEST 200.00 FEET TO THE POINT OF BEGINNING. CONTAINS: 0.803 AC.

**site statistics :**

PROPERTY AREA:	34,981 S.F.
EXISTING BUILDING AREA:	6,657 S.F.
BUILDING AREA INCREASE:	0.0 S.F.
EXISTING PARKING:	95 SPACES*
	SEE PARKING PLAN FOR OFFSITE PARKING PLAN.
OVERLAY ZONE:	FCOZ
LIMITS OF DISTURBANCE:	500 S.F.

**general notes:**

- A. SITE PLAN, AND BUILDING ARE EXISTING TO REMAIN. IMPROVEMENTS OUTSIDE OF THE BUILDING FOOTPRINT ARE LIMITED TO A NEW CURB RAMP AT THE MAIN ENTRY, AND A NEW DECK SUPPORTED FROM THE EXISTING STRUCTURE TO CONNECT TO THE EXISTING LOADING DOCK.
- B. SEE ARCHITECTURAL AND STRUCTURAL PLANS FOR RENOVATION DETAILS AND STRUCTURAL DECK DETAILS.
- C. VERIFY ALL CONDITIONS PRIOR TO WORK, NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
- D. SEE OWNER'S PARKING PLAN AND OPERATIONAL PLAN FOR ADDITIONAL INFORMATION.
- E. ALL UTILITIES TO THE BUILDING ARE EXISTING.
- F. SITE DRAINAGE IS EXISTING. MAINTAIN POSITIVE DRAINAGE AWAY FROM BUILDING.
- G. SEPTIC SYSTEM INFORMATION IS EXISTING, PROVIDED BY OWNER.

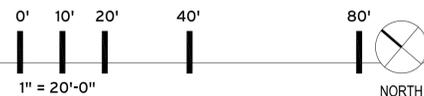
1 04.18.2012 COUNTY COMMENTS REVISIONS

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 1308 south 1700 east #202  
 salt lake city, utah 84108  
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DATE: APRIL 17, 2012  
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**building renovation**

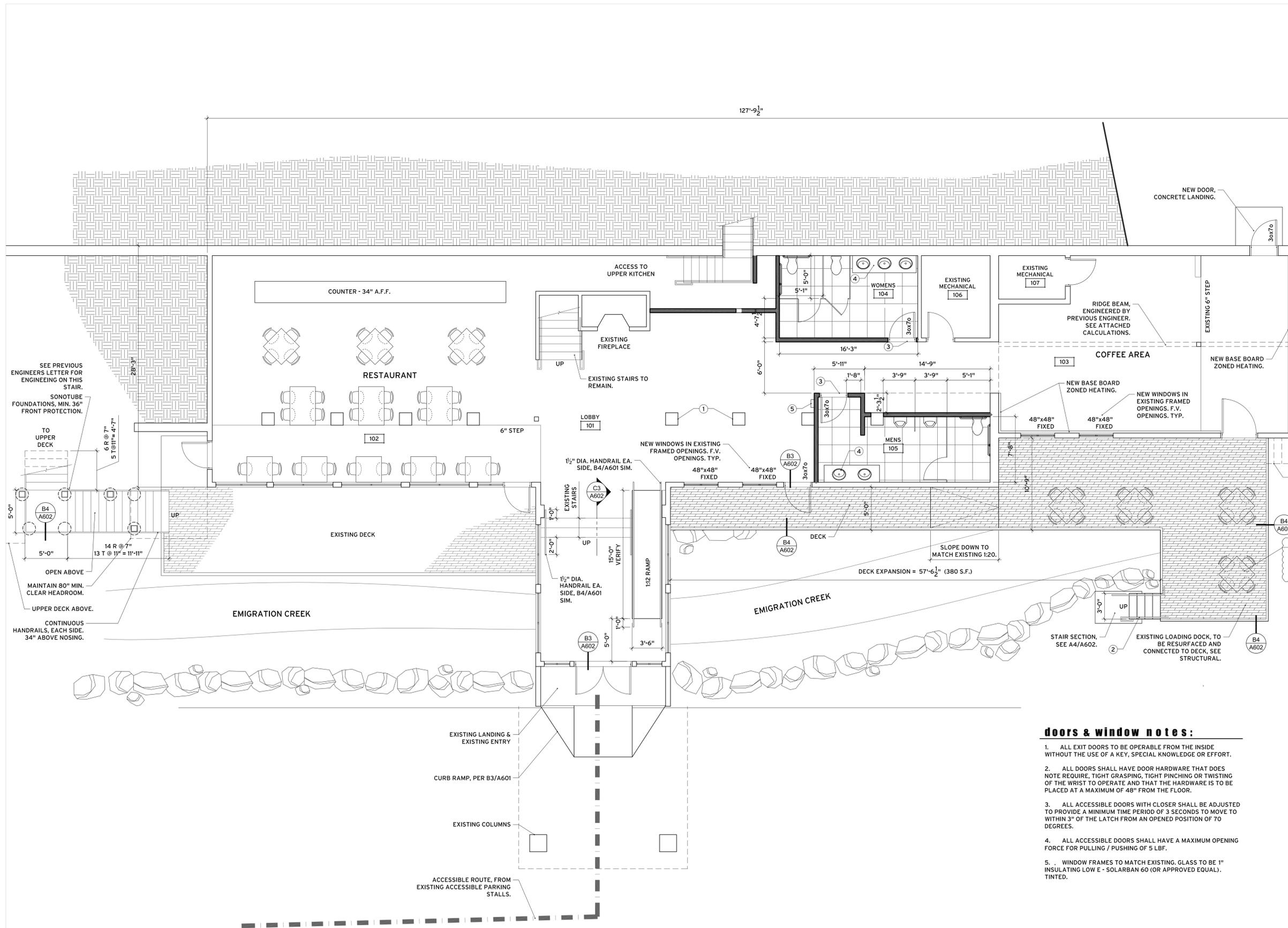
EMIGRATION GALLERIES  
 4170 EMIGRATION CANYONS ROAD  
 SALT LAKE CITY, UTAH 84108



SITE PLAN

**A001**

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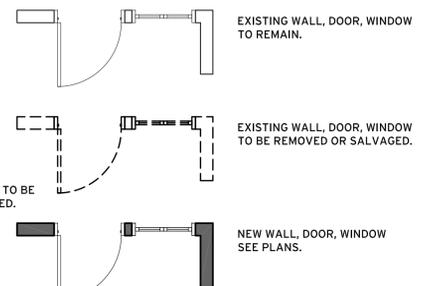
**general notes:**

- A. DIMENSIONS SHALL BE TO EDGE OF CONCRETE, EDGE OF MASONRY, CENTER OF COLUMNS, EDGE OF ROUGH FRAMING, CENTER OF DOORS AND WINDOWS IN STUD WALLS AND EDGE OF MASONRY OPENINGS IN MASONRY WALLS - UNLESS NOTED OTHERWISE.
- B. VERIFY ALL CONDITIONS PRIOR TO WORK, NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
- C. ALL MECHANICAL, PLUMBING AND ELECTRICAL ITEMS TO BE VERIFIED BEFORE CONSTRUCTION.
- D. PROVIDE SIGNAGE PER SHEET A602. POST OCCUPANT LOAD AS INDICATED ON COVER SHEET.
- E. TOILET ROOMS: PROVIDE FIXTURES PER A2/A601.
- F. FINISHES IN TOILET ROOM:  
 FLOOR: CERAMIC TILE, NON-SLIP.  
 BASE: CERAMIC TILE.  
 WALLS: CERAMIC TILE, UP 48". PAINTED GYP. ABOVE.  
 CEILINGS: PAINTED GYP. BD.

**reference notes:**

- 1. EXISTING TO REMAIN.
- 2. HANDRAIL, PER B4/A101.
- 3. THRESHOLD, SEE A3/A602.
- 4. LAVATORY, 34" A.F.F., SEE ALSO A2/A601.
- 5. FIRE EXTINGUISHER, SEE A1/A601.

**Legend:**



DECK SEATING TO NOT ADD ADDITIONAL SEATS TO ORIGINAL RESTAURANT CALCULATIONS, AS TO NOT ADD TO SEPTIC SYSTEM DESIGN CAPACITY.

MAIN LEVEL AREA: 3,452 S.F.

1 04.18.2012 COUNTY COMMENTS REVISIONS

**hoffman architects LLC**  
 1308 south 1700 east #202  
 salt lake city, utah 84108  
 o 801 583 3400  
 f 866 213 9895  
 hhoffman.com

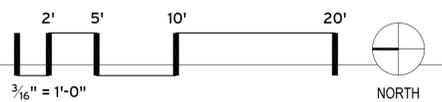
**doors & window notes:**

- 1. ALL EXIT DOORS TO BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF A KEY, SPECIAL KNOWLEDGE OR EFFORT.
- 2. ALL DOORS SHALL HAVE DOOR HARDWARE THAT DOES NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING OR TWISTING OF THE WRIST TO OPERATE AND THAT THE HARDWARE IS TO BE PLACED AT A MAXIMUM OF 48" FROM THE FLOOR.
- 3. ALL ACCESSIBLE DOORS WITH CLOSER SHALL BE ADJUSTED TO PROVIDE A MINIMUM TIME PERIOD OF 3 SECONDS TO MOVE TO WITHIN 3" OF THE LATCH FROM AN OPENED POSITION OF 70 DEGREES.
- 4. ALL ACCESSIBLE DOORS SHALL HAVE A MAXIMUM OPENING FORCE FOR PULLING / PUSHING OF 5 LBF.
- 5. WINDOW FRAMES TO MATCH EXISTING. GLASS TO BE 1" INSULATING LOW E - SOLARBAN 60 (OR APPROVED EQUAL), TINTED.

DATE: APRIL 17, 2012  
 ISSUE: PERMIT  
 PROJECT: 2011-55  
 DESIGNED BY: hh  
 DRAWN BY: STAFF  
 REVIEWED BY: hh

**building renovation**

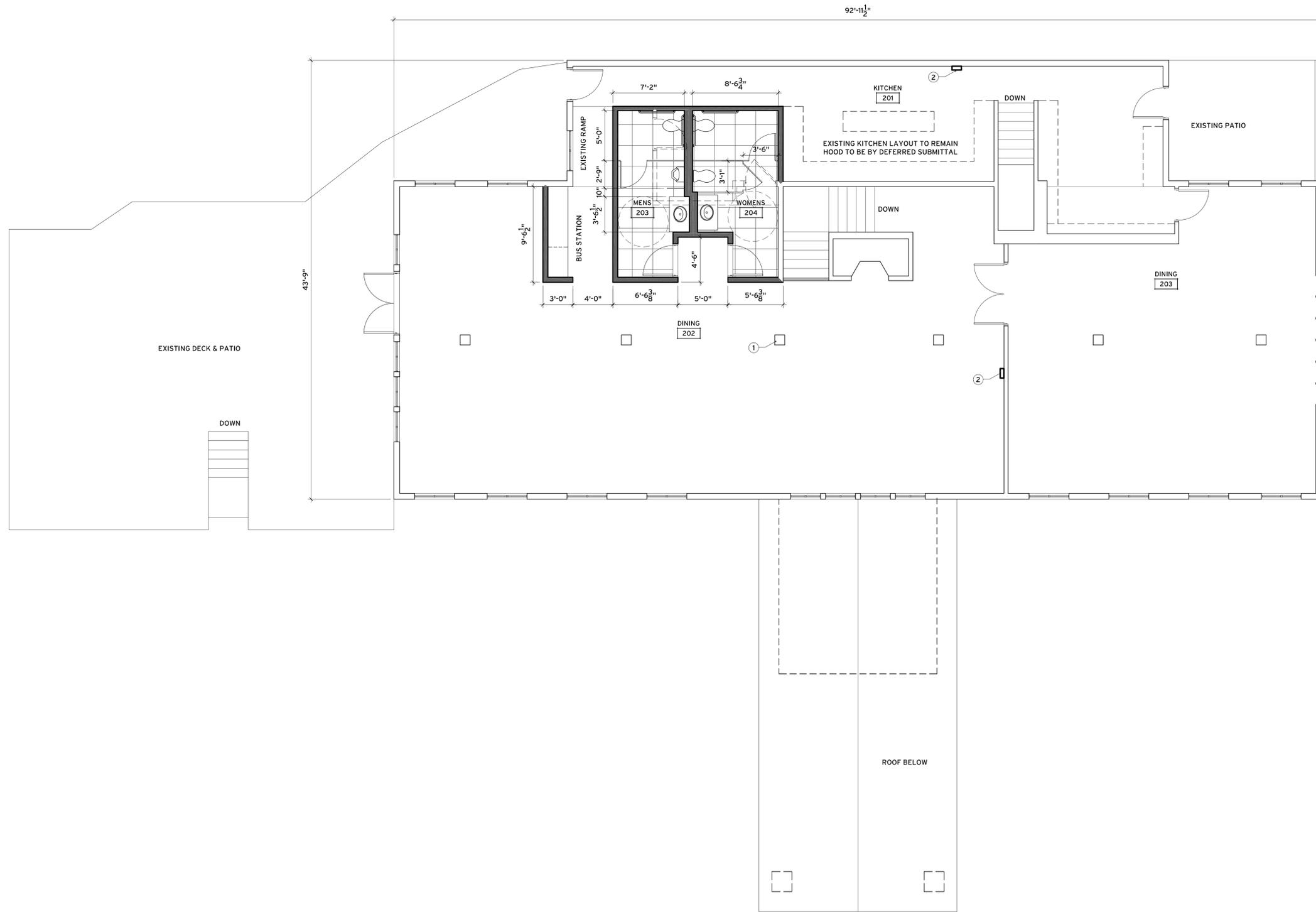
EMIGRATION GALLERIES  
 4170 EMIGRATION CANYONS ROAD  
 SALT LAKE CITY, UTAH 84108



**MAIN LEVEL FLOOR PLAN A101**

**main level floor plan**  
 SCALE: 3 / 16" = 1'-0"

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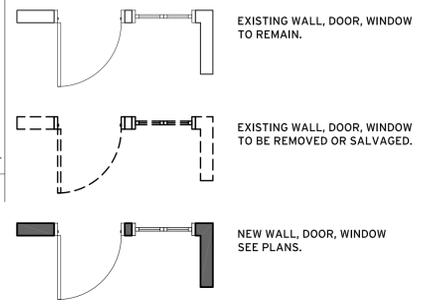
**general notes:**

- A. DIMENSIONS SHALL BE TO EDGE OF CONCRETE, EDGE OF MASONRY, CENTER OF COLUMNS, EDGE OF ROUGH FRAMING, CENTER OF DOORS AND WINDOWS IN STUD WALLS AND EDGE OF MASONRY OPENINGS IN MASONRY WALLS - UNLESS NOTED OTHERWISE.
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- D. PROVIDE SIGNAGE PER SHEET A602. POST OCCUPANCT LOAD AS INDICATED ON COVER SHEET.
- E. TOILET ROOMS: PROVIDE FIXTURES PER A2/A601.
- F. FINISHES IN TOILET ROOM:  
 FLOOR: CERAMIC TILE, NON-SLIP.  
 BASE: CERAMIC TILE.  
 WALLS: CERAMIC TILE, UP 48". PAINTED GYP. ABOVE.  
 CEILINGS: PAINTED GYP. BD.
- G. ALL EXTERIOR DOORS AND WINDOWS ARE EXISTING TO REMAIN.

**reference notes:**

- 1. EXISTING TO REMAIN.
- 2. FIRE EXTINGUISHER, SEE A1/A601.

**legend:**



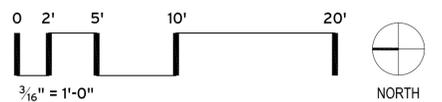
UPPER LEVEL AREA: 3,205 S.F.

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 1308 south 1700 east #202  
 salt lake city, utah 84108  
 o 801 583 3400  
 f 866 213 9895  
 hhoffman.com

DATE: MARCH 23, 2012  
 ISSUE: PERMIT  
 PROJECT: 2011-55  
 DESIGNED BY: hh  
 DRAWN BY: STAFF  
 REVIEWED BY: hh

**building renovation**

EMIGRATION GALLERIES  
 4170 EMIGRATION CANYONS ROAD  
 SALT LAKE CITY, UTAH 84108

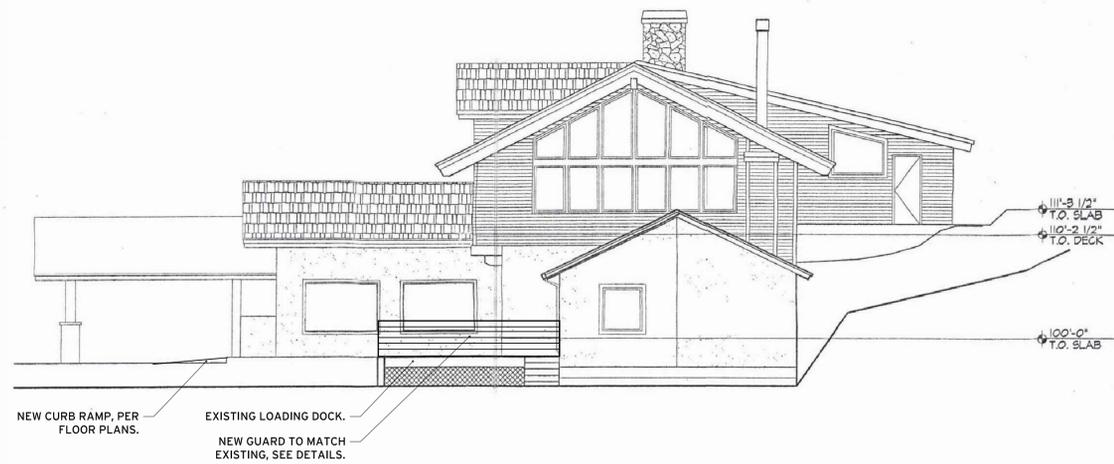
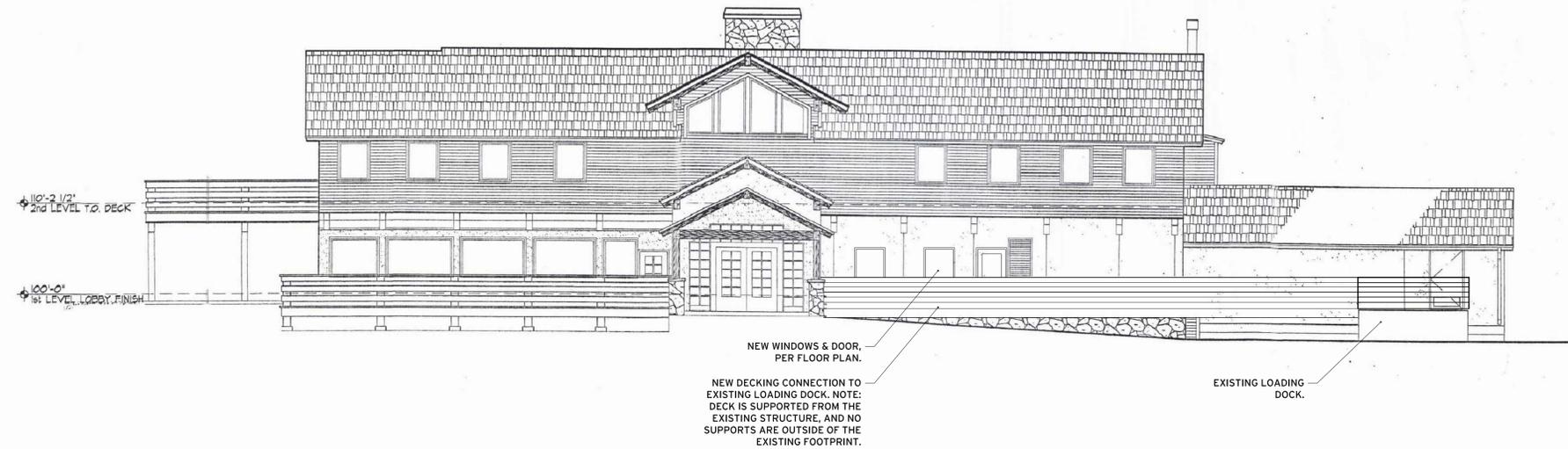


UPPER LEVEL FLOOR PLAN **A102**

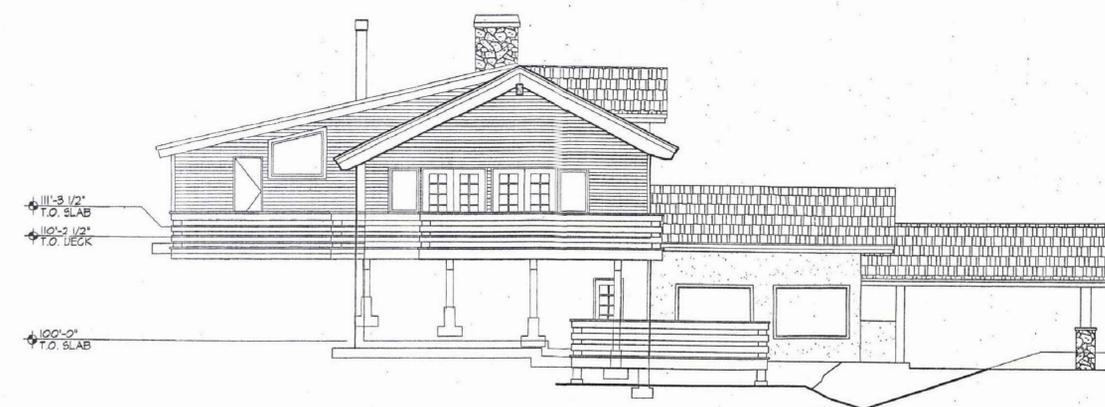
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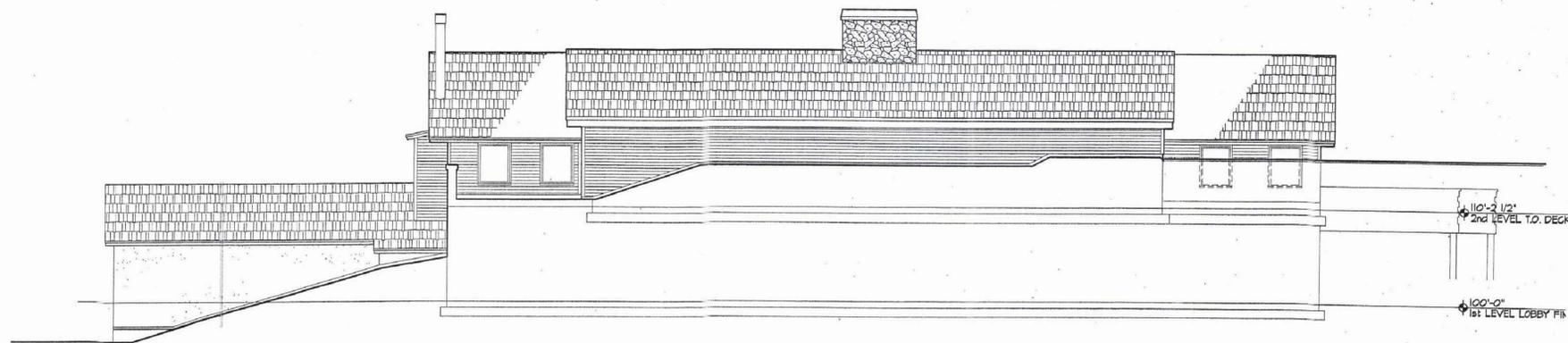
- A. EXISTING ELEVATION DRAWINGS PROVIDED BY BUILDING OWNER.  
EXISTING BUILDING DRAWINGS BY GARY HUNT, ARCHITECT PC.



EXISTING SOUTH ELEVATION



EXISTING NORTH ELEVATION



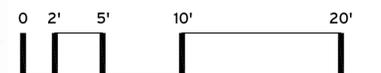
EXISTING EAST ELEVATION

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 hhoffman.com

DATE: MARCH 23, 2012  
 ISSUE: PERMIT  
 PROJECT: 2011-55  
 DESIGNED BY: hh  
 DRAWN BY: STAFF  
 REVIEWED BY: hh

**building renovation**

EMIGRATION GALLERIES  
 4170 EMIGRATION CANYONS ROAD  
 SALT LAKE CITY, UTAH 84108



EXISTING ELEVATIONS **A201**

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New Bridge Proposed over Emigration Creek - Plans received by Salt Lake County  
07-03-2012

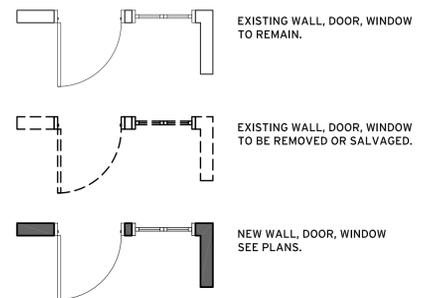
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- 4.
- 5. FIRE EXTINGUISHER, SEE A1/A601.

**Legend:**



MAIN LEVEL AREA: 3,452 S.F.

1 07.03.2012 COUNTY COMMENTS REVISIONS

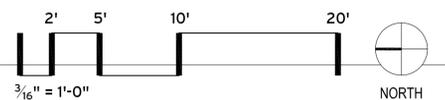
**hoffman architects** LLC

1308 south 1700 east #202  
salt lake city, utah 84108  
o 801 583 3400  
f 866 213 9895  
hoffman.com

DATE: JULY 03, 2012  
ISSUE: PROPOSED SITE  
PROJECT: 2011-55  
DESIGNED BY: hh  
DRAWN BY: STAFF  
REVIEWED BY: hh

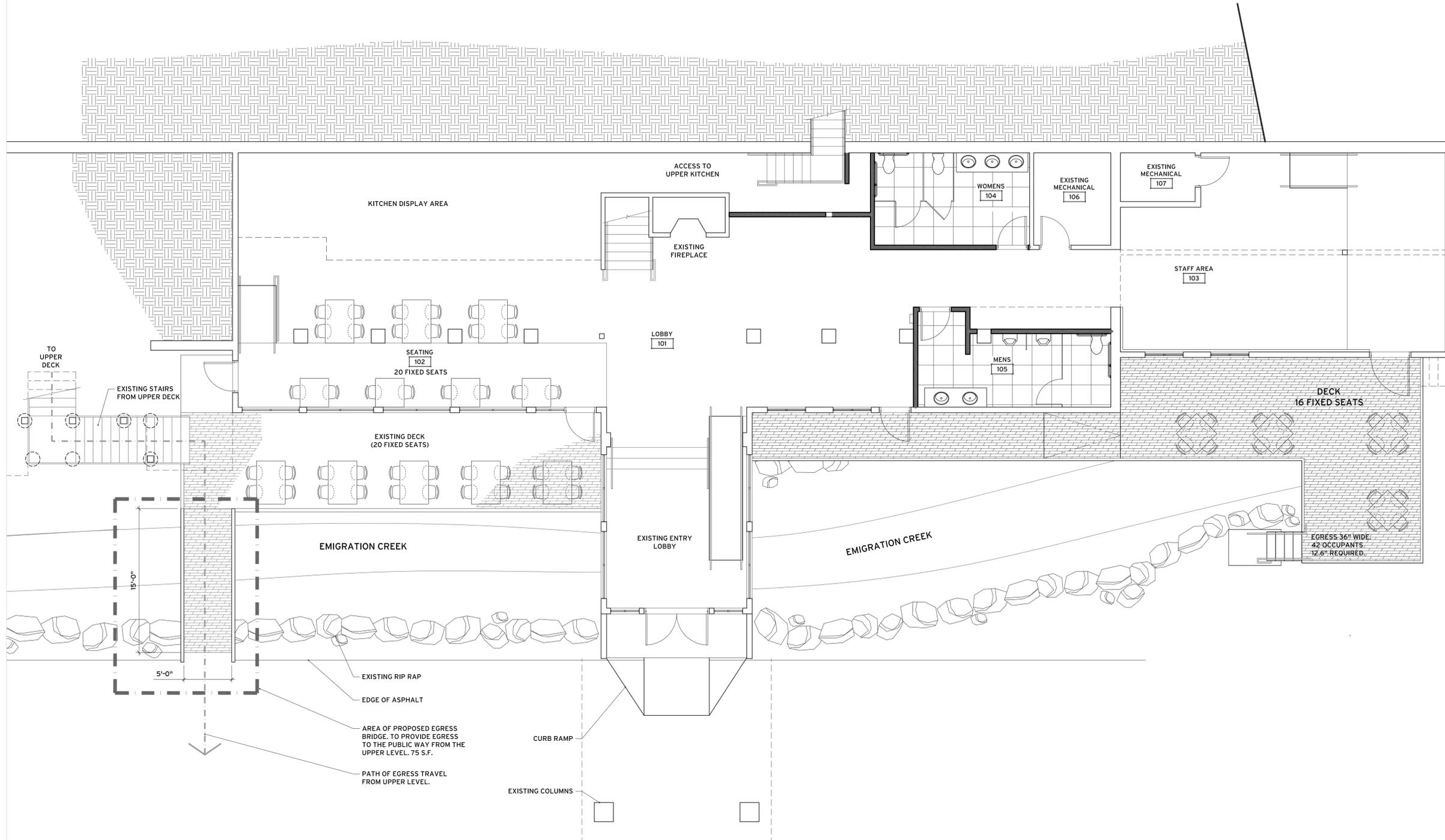
**building renovation**

SANTA FE RESTAURANT BUILDING  
4170 EMIGRATION CANYONS ROAD  
SALT LAKE CITY, UTAH 84108



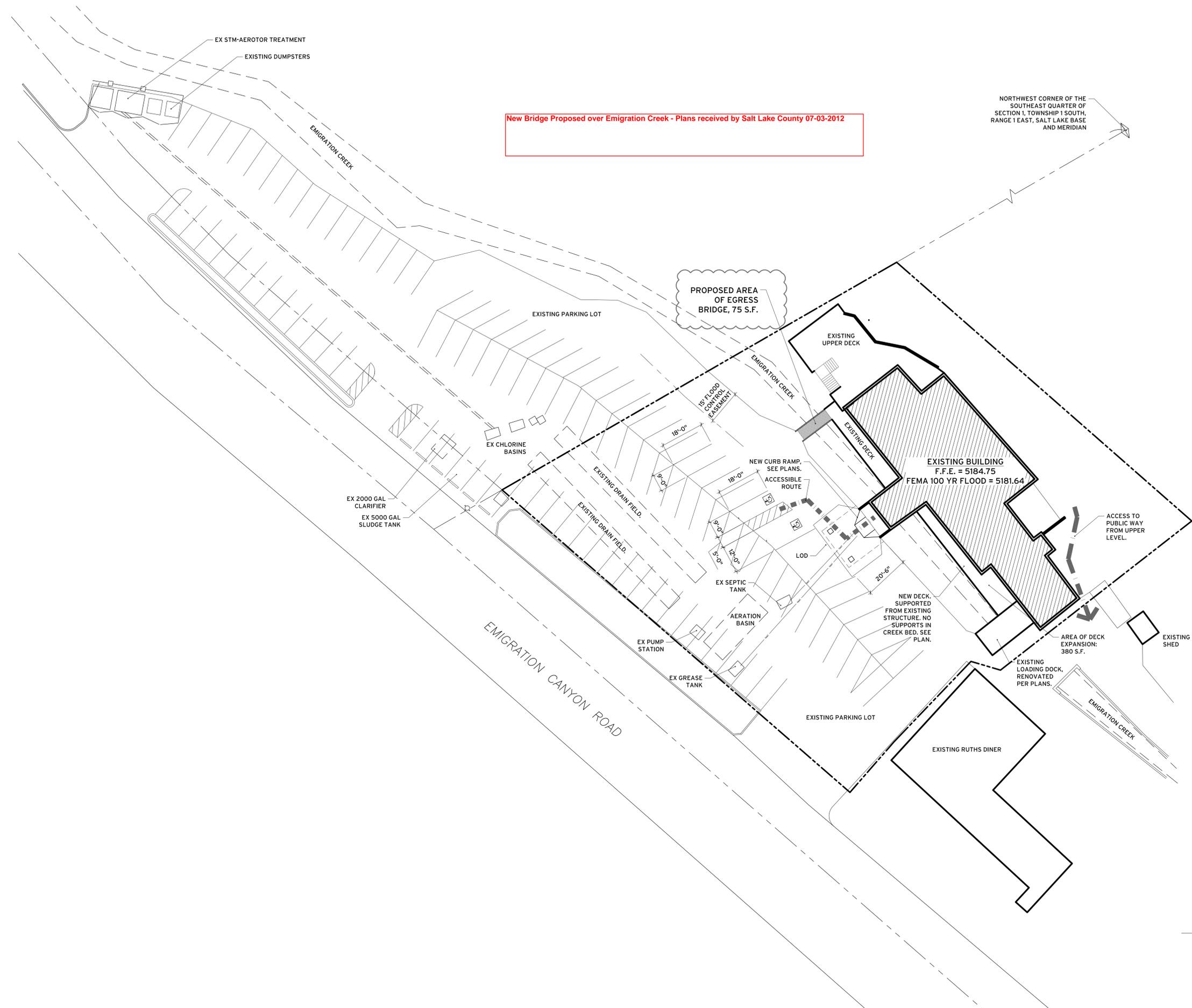
PROPOSED BRIDGE

2



main level floor plan  
SCALE: 3/16" = 1'-0"

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New Bridge Proposed over Emigration Creek - Plans received by Salt Lake County 07-03-2012

**DEED DESCRIPTIONS:**

PARCEL 1, ID NO: 16-01-427-001  
 BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF EMIGRATION CANYON ROAD, SAID POINT BEING WEST 960.32 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE, SOUTH 18°38'30" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE 202.08 FEET; THENCE NORTH 80°02'00" EAST 31.21 FEET; THENCE NORTH 72°40'09" EAST 47.52 FEET; THENCE SOUTH 52°47'21" EAST 8.30 FEET; THENCE NORTH 81°44'16" EAST 108.26 FEET; THENCE NORTH 18°38'30" WEST 170.33 FEET; THENCE WEST 200.00 FEET TO THE POINT OF BEGINNING. CONTAINS: 0.803 AC.

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	SEE PARKING PLAN FOR OFFSITE PARKING PLAN.
OVERLAY ZONE:	FCOZ
LIMITS OF DISTURBANCE:	500 S.F.

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- G. SEPTIC SYSTEM INFORMATION IS EXISTING, PROVIDED BY OWNER.

1 07.03.2012 COUNTY COMMENTS REVISIONS

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 1308 south 1700 east #202  
 salt lake city, utah 84108  
 o 801 583 3400  
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DATE: JULY 03, 2012  
 ISSUE: PROPOSED SITE  
 PROJECT: 2011-55  
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**building renovation**

SANTA FE RESTAURANT BUILDING  
 4170 EMIGRATION CANYONS ROAD  
 SALT LAKE CITY, UTAH 84108



**SITE PLAN** **A001**

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