

WHEN RECORDED PLEASE RETURN TO:

SOUTH SALT LAKE CITY  
220 E. MORRIS AVE SUITE 200  
SOUTH SALT LAKE CITY, UT 84115

14062287 B: 11395 P: 8705 Total Pages: 6  
01/13/2023 12:15 PM By: aallen Fees: \$0.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: SOUTH SALT LAKE CITY  
220 E MORRIS AVESOUTH SALT LAKE , UT 84115



**CONDITIONAL USE PERMIT**

Location: 123 West Utopia Avenue  
Use: Multi-Family Dwelling  
Zone: Downtown District – Station Subdistrict  
APN: 152-24-229-009-0000  
Fee Title Owner: BRC ADG QOZB 1 JV, LLC  
File Number: C-22-001  
Date: June 16, 2022

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**Permit Issued to:** Utopia Apartments  
123 West Utopia Avenue  
South Salt Lake City, UT 84115

**Findings of Fact:**

1. On February 9, 2022, Mark Isaac submitted a Subdivision application and a Conditional Use Permit application on behalf of BRC ADG QOZB 1 JV, LLC to build and operate a Multi-Family building located at 125 W Utopia Ave
2. The subject properties are located at 124 W and 133 W Wentworth Avenue; 123 W, 125 W, and 145 W Utopia Avenue; 2176 S and 2182 S West Temple; and the previously vacation portion of Wentworth Avenue.
3. The subject properties consist of nine separate lots.
4. All subject properties are located in the Downtown – Station subdistrict.
5. The proposed subdivision will consolidate the nine existing lot located at the above subject properties.
6. The proposed subdivision will create one lot that will be 1.58 acres in size.
7. The property owner is applying to a subdivision application to construct a 187-unit Multi-Family Dwelling development.
8. The Multi-Family Dwelling use is a conditional land use in the Downtown District.
9. The property owner is applying for a condition use permit to construct a 187-unit Multi-Family Dwelling development.
10. There are no specific conditional use standards for Multi-Family Dwellings in Section 17.05.040 of the South Salt Lake Municipal Code.
11. The subject properties currently have vacant buildings that will be demolished before construction begins.
12. The proposed lot will be served by existing and new vehicular and pedestrian access points on West Temple and Utopia Avenue.

13. Staff has reviewed this conditional use permit application for compliance with SSL Municipal Code Sections 17.05.010, 17.05.020, 17.05.050, 17.05.060, and 17.05.100, and found that this conditional use permit application is compliant with this section, as outlined above.
14. Staff has reviewed this subdivision for compliance with SSL Municipal Code Section "17.10.140 Subdivision Development Lot Standards" and found that this subdivision is compliant with this section, as outlined above.
15. Staff has reviewed this subdivision for compliance with SSL Municipal Code Section "17.10.150 Subdivision and Condominium Plat Layout Requirements" and found that this subdivision is compliant with this section, as outlined above.
16. Staff has reviewed this subdivision for compliance with SSL Municipal Code Sections 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.200, and 17.10.300, and found that this subdivision is compliant with those sections, as outlined above.
17. Staff has reviewed this subdivision for compliance with the SSL Downtown Code Sections 5, 6, 7, 8, and found that this subdivision is compliant with those sections, as outlined above.
18. Staff has reviewed this Conditional Use Permit for compliance with SSL Municipal Code Section 17.05 and found that this Conditional Use Permit is compliant with those sections, as outlined above.

**Conclusions of Law:**

1. The subdivision and use, as specifically conditioned below, is consistent with the South Salt Lake City General Plan.
2. The subdivision and use, as specifically conditioned below is compatible in use, scale, and design with the allowed uses in Downtown District.
3. The subdivision and use, as specifically conditioned below, does not compromise the health, safety, or welfare of: Persons employed within or using the proposed development; Those residing or working in the vicinity of the proposed use or development; or Property or improvements in the vicinity of the proposed use or development.
4. The subdivision and use, as specifically conditioned below does not impose disproportionate burdens on the citizens of the city.

**Conditions of Approval:**

1. The proposed Multi-Family development shall meet all requirements of the South Salt Lake municipal code;
2. The applicant shall comply with all applicable International Building Codes and International Fire Codes and must obtain and complete a South Salt Lake building permit;
3. The applicant shall obtain a South Salt Lake City sign permit prior to any sign installation;
4. The applicant shall obtain approval from South Salt Lake City prior to any murals being painted;
5. The applicant shall apply for and complete a South Salt Lake Rental Business License application;
6. The development shall be limited to a maximum of 187 residential units;

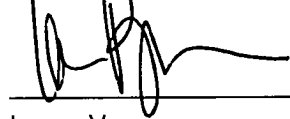
7. The final design of the building shall comply with the Downtown Code Section 5, Building Types for urban style multi-family building;
8. The property owner shall continually meet all amenity requirements as outlined in the Building Types Standards and below;
  - a. Main floor retail space – this includes Retail – Pad A that is 2,479 square feet, Retail – Pad B that is 1,865 square feet, and the business center area that is 4,240 square feet;
  - b. Public art amenity (mural) – this will be located along the west façade of the building;
  - c. Full-time on-site management;
  - d. A lobby accessed from Utopia Avenue that is 4,240 square feet;
  - e. Interior social areas – this includes a clubroom located on the third floor that is 1,627 square feet and a clubroom located on the seventh level that is 4,304 square feet;
  - f. Indoor fitness room that is located on the third level that is 1,556 square feet;
  - g. A 915 square foot swimming pool that is located in the courtyard on the third level;
9. The property owner shall continually maintain 23% common open space on-site;
  - a. The courtyard area located on the third level, is approximately 10,300 square feet, and includes a swimming pool, two outdoor dining / kitchen areas and landscaped planters;
  - b. The rooftop deck area located on the seventh level, is approximately 1,030 square feet, and includes seating, a gas fit pit, and landscaped planters;
  - c. The active streetscape area located on the ground level on both the West Temple and Utopia Avenue frontage. The active streetscape is approximately 4,745 square feet and includes seating, 2 bike racks, 15 trees in tree grates, and landscaped planters;
10. On-site amenities and useable open space will not be removed or repurposed without city approval;
11. The property owner will continuously comply with all applicable eligible rate reductions to justify a 20% reduction in parking, for a total of 190 stalls on-site;
  - a. Bike Storage (5% parking reduction) – The bike storage will be located on the northwest side of the first floor;
  - b. Development Supplied Transit Passes (15% parking reduction) – Transit passes shall be supplied to the tenants;
12. The site shall comply with the Downtown Code Section 7, Landscape Standards;
13. The property owner shall continually maintain on-site management, as proposed;
  - a. On-site management shall monitor daily the site for solid waste, litter, loitering, camping, and other such nuisances;
  - b. On-site management shall monitor daily that the residential amenity components of the building;
14. Valet trash shall be used to ensure that the third-party provider comes on a regular basis and that there is no buildup of trash in the trash room;
15. Deliveries (other than third party food services) shall be limited to 9 AM to 6 PM daily;

16. Residential delivery, service, and loading / unloading shall take place off Utopia Avenue next to the off-street parking access at the northwest corner of the property;
17. Retail delivery shall take place off Wentworth Avenue;
18. The property owner shall require a written lease for every rental unit;
19. The property owner shall require all adult occupants of the unit be listed on the lease;
20. The property owner shall run a criminal background check on every adult tenant listed on each lease;
21. The property owner shall provide the City with a telephone number, email, and postal address for the property owner or property owner's representative to which information regarding inappropriate behavior by tenants, occupants or their guests and other notices, which may be sent to the property owner or property owner's representative. The property owner agrees that this information is sufficient to provide notice, is accurate, and will be kept up to date;
22. The property owner shall practice CPTED (Crime Prevention through Environmental Design) on the premises;
23. The property owner will maintain the rental dwelling in a fit and habitable condition, as required by State code and relevant building, fire, and land use codes;
24. The property owner shall utilize a lease form that allows eviction for criminal acts or maintaining a nuisance by a tenant, occupant, or guest;
25. All items of the staff report.

**Exhibits (available on file with South Salt Lake City Community Development Department):**

- EXHIBIT A: CUP Application
- EXHIBIT B: Property Affidavit
- EXHIBIT C: Site Plan
- EXHIBIT D: Elevations
- EXHIBIT E: Staff Report

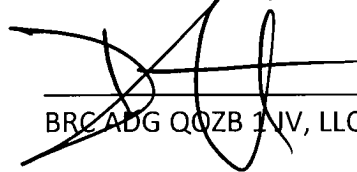
**FOR SOUTH SALT LAKE CITY:**



Laura Vernon,

Planning Commission Chair

**FOR THE OWNER/APPLICANT:**



BRC ADG QOZB INV, LLC

DUSTIN E. HOLT

AUTHORIZED AGENT

APN: 15-24-229-009-0000

Legal Description:

BEG 130 FT W FR NE COR OF LOT 11, BLK 39, TEN ACRE PLAT A, BIG FIELD SUR; W 55 FT; S 125 FT; E 55 FT; N 125 FT TO BEG. 0.157 AC M OR L. 5617-2854 8495-1402 9624-1257 10403-4522 11051-4670

# Acknowledgment

State of Utah )

County of Salt Lake )

On this 13 day of January, in the year 2023, before me, Jody Engar a notary  
date month year notary public name

public, personally appeared Damian Rodriguez, proved on the basis of satisfactory  
name of document signer

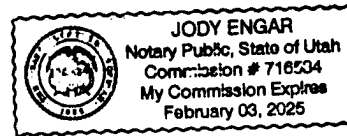
evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged

(he/she/they) executed the same.

Damian Rodriguez

Witness my hand and official seal.

[Signature]  
(notary signature)



(seal)