

Date: February 16, 2018

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2017-00692**



REQUEST:

A request by the developer, Giv Communities, for an administrative interpretation regarding whether or not a proposed development (Denver Apartments) at approximately 770 S. Denver Street is considered a multi-family use. The property is located in the RMF-35, moderate density multi-family residential, zoning district.

DECISION:

The Zoning Administrator finds that the proposed use as described by the applicant is considered a multi-family use. Multi-family uses are permitted in the RMF-35 zoning district where the property is located subject to compliance with section 21A.24.130 of the Salt Lake City zoning ordinance, and all other applicable zoning ordinance standards.

FINDINGS:

As described by the applicant, *"The proposed development consists of renovating five existing apartment structures and converting 12 two and three bedroom apartments into 22 units –10 studio apartments and 12 one bedroom apartments within the existing building footprints. Each unit has a kitchen and a bathroom with a shower. A small addition (650 square feet) is proposed to one of the buildings to provide a clubhouse space for tenants."*

In addition to a property manager, Denver Apartments will have a 24-7 staff person on site. As described by the applicant, *"The role of the on-site staff is to provide safety and security oversight, coordinate clubhouse use (TV room, computer lab, etc.), facilitate optional clubhouse activities such as a coffee hour, and respond to resident issues like being locked out of an apartment or operating the common laundry room equipment."*

Information provided by the applicant indicates that access to all residential units will be from within the fenced secure site with access to the site through a secure entry in the proposed community/clubhouse building. Residents may come and go as they please.

The proposal was reviewed at a Development Review Team meeting on 12/13/2017. Zoning notes indicate that an administrative interpretation should be obtained to verify the proposal is not more along the lines of an assisted living facility or a residential support facility.

The Salt Lake City zoning ordinance defines a "Large Assisted Living Facility" as:

"A residential facility, occupied by seventeen (17) to twenty five (25) individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor."

Information submitted by the applicant states the project will not be licensed under the State of Utah under title 26, chapter 21 of Utah code, and hospice or respite care will not be provided.

The Salt Lake City zoning ordinance defines a “Large Residential Support Facility” as:

“A residential facility, occupied by seven (7) or more unrelated individuals, licensed by the State of Utah under title 62A, chapter 2 of the Utah Code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.”

Information submitted by the applicant states the project will not be licensed under the State of Utah under title 62A, chapter 2 of Utah code, and protective services will not be provided.

The Salt Lake City zoning ordinance defines a “Large Group Home” as:

“A residential treatment facility, occupied by seven (7) or more individuals, licensed by the state of Utah under title 62A, chapter 2 of the Utah code or its successor that provides a twenty four (24) hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in title 62A, chapter 2 of the Utah code or its successor, or a residential support dwelling as defined in this chapter.”

The proposed use is not a group living environment. Each unit has a bathroom and a kitchen and is planned to be rented as single occupancy. Information submitted states that outside organizations may come to the site to provide voluntary services to residents that include illness management, employment support, crisis assessment, and skills teaching among others. These services are not tied to the land use because a provider comes to the site and the proposed use is not dependent on these services. The applicant’s narrative states the project does not need to be licensed by the State of Utah under title 62A, chapter 2 of the Utah Code.

The Salt Lake City zoning ordinance defines “Multi-Family Dwelling” as:

A building containing three (3) or more dwellings on a single lot. For purposes of determining whether a lot is in multiple-family dwelling use, the following considerations shall apply:

- A. Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like.*
- B. Any multiple-family dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/motel.*

The proposed use consists of five separate buildings with 22 residential units on a single lot. All units are planned to be rented with minimum leases of 12 months and will be maintained under central management. Multi-Family Dwelling is a permitted use in the RMF-35 zoning district. Staff finds the proposed use as described by the applicant meets the definition above and therefore the use is an allowed use.

Any use interpretation is subject to the below standards:

- A. *Any use defined in chapter 21A.62 of this title, shall be interpreted as defined;*

Finding: Multi-Family Dwelling is defined in chapter 21A.62 and Staff finds the proposed use as described meets this definition.

- B. *Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;*

Finding: Multi-family dwellings are a permitted use in the RMF-35 zoning district

- C. *No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;*

Finding: The applicant has provided evidence that the use will comply with the development standards established for the district in the form of a description of the proposed use. Additionally, the building plans for the associated building will be reviewed for compliance with the zoning standards and approved by the Building Services division.

- D. *No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;*

Finding: As noted above, the use as described is most similar to multi-family dwelling which is a permitted use in the RMF-35 zoning district.

- E. *If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to chapter 21A.54 of this title; and*

Finding: The use is most similar to "multi-family dwelling" which is a permitted use.

- F. *No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.*

Finding: The RMF-35 zoning district has the following purpose statement:

"The purpose of the RMF-35 Moderate Density Multi-Family Residential District is to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and multi-family dwellings with a maximum height of thirty five feet (35'). This district is appropriate in areas where the applicable Master Plan policies recommend a density of less than thirty (30) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood."

The use as described is a multi-family residential project consisting of multi-family and two-family buildings. The proposal is consistent with the existing scale and intensity of the neighborhood.

In summary, the use as described by the applicant is a multi-family residential development which is an allowed use in the RMF-35 zoning district. The proposed apartments consist of 22 individual units with one year leases. With the exception of the clubhouse/community room, there are not any common living areas so this proposed use would not be a group living environment. The apartments will not be providing any healthcare; however, voluntary services for residents may be offered on site that include illness management, employment support, crisis assessment, and skills teaching. The narrative submitted indicates the proposed use does not require a license from the State of Utah under title 62A, chapter 2 or title 26, chapter 21 of Utah code.

If you have any questions regarding this interpretation please contact Amy Thompson at (801) 535-7281 or by email at amy.thompson@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Dated this 16th day of February, 2018.



Amy Thompson
Principal Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Applicable Recognized Organizations
Posted to Web