

Project Description:

Community Business Zone Text Amendment

March 18, 2021

Objective:

In keeping with the goals of Salt Lake City to promote Accessory Dwelling Units (ADUs) within our neighborhoods, Architectural Nexus proposes this Zone Text Amendment. The purpose will be to create a zone text amendment subject to a small portion of the rear of the Architectural Nexus property as defined in the in the attached 'Build Area Diagram.' This zone text amendment will be as defined herein to allow **School: Professional and Vocational (outdoor)** use such that a tiny home (ADU) may be temporarily constructed through our charitable giving program and donated to the benefit of our community.

Background:

Architectural Nexus charitable giving program seeks to better the lives of those in our community through building and donating tiny homes (accessory dwelling units). This program is called Nexus Builds. Each year we design and build a tiny home (ADU) and donate to a deserving organization seeking to better the lives of less fortunate individuals. Our program further seeks to advance a regenerative built environment by constructing buildings that aren't just sustainable but that actively work to regenerate the natural environment. Each tiny home seeks Living Building certification by constructing an accessory dwelling unit that produces more energy than it uses throughout a year, harvests and uses rainwater as allowed by local zoning and building codes, and utilizes regenerative materials. These materials are sought from local and sustainable sources and eliminate the use of harmful materials.

We then donate the tiny home as a tool to help solve the social issues plaguing society such as homelessness and criminal justice reform. In this way, our philanthropy program exemplifies the Salt Lake City's Community Commitment Program:

"As Utah's capital, we understand and embrace the fact that Salt Lake City will always be the nexus of services and opportunities for individuals experiencing homelessness, no matter the reason.

As Utah faces unprecedented population growth and a rising cost of living accompanied by stagnant wages and a low minimum wage, Salt Lake City is also committed to developing and maintaining affordable housing. Over the past four years more than \$64.1 million has been invested in housing and is working to **update its zoning codes to allow for greater housing diversity and density**. Some 2,539 affordable units were under construction or online in recent years, including 448 units constructed during the 2019/2020 fiscal year. **We want Salt Lake City to be home to people across the demographic and socio-economic spectrum."**

(source: <https://www.slc.gov/hand/homeless-services/>)

The Architectural Nexus philanthropy program also provides our staff of architects the opportunity to further their mastery in the field of building design and construction, creating a continuing education platform that nurtures the most important aspect of what we do. The State of Utah requires that architects maintain a current and ongoing education in the art of architecture to maintain an architect's license, promoting the safety and welfare of those who utilize the buildings that we design. In turn our charitable giving program establishes the highest level of educational opportunity to foster the development of a sustainable built environment.

Compliance with Salt Lake City Policy Directives:

The city recognizes the importance of building accessory dwelling units as a key strategy to bettering the lives of our citizens and increasing urban density, regenerating the natural environment, and as a tool for solving our homeless crisis.

City Policy

Our charitable giving program is a working example of a citizen based initiative that supports the City's "[Title 56 Environment](#)" Policy that applies to City Buildings and [Resolution No. 23 of 2019](#). These policies seek to promote net zero energy buildings and work toward a regenerative built environment.

Our program further aligns with [Resolution No. 38 of 2019's](#) lease rate support for Magnolia LLC that "**advances the goals of the City to assist individuals experiencing homelessness within Salt Lake City.**" In the spirit of this resolution, we seek to advance lasting answers to the problems of chronic homelessness by constructing and donating tiny homes to provide permanent housing to homeless individuals.

The Arch Nexus philanthropy program supports and reinforces Salt Lake City policy by providing sustainable, affordable, housing to deserving individuals. By partnering with like-minded organizations, we seek to find stable housing and employment for individuals that have been impacted by any number of issues facing our society. Through this internal program we have worked to help those facing **homelessness**, and re-entering life after completing a debt to society through our **criminal justice system**. Witnessing the stable life these individuals are able to obtain through this program has been deeply rewarding for all of us involved.

Just a few of the issues our society is facing that we seek to help with as we move forward with our philanthropy program include:

- Continuing to assist with the homelessness crisis
- Seeking criminal justice reform and opportunities for rehabilitation
- Temporary housing due to climate change caused loss of habitation such as wildfires, wind storms, and other natural disasters
- Women and children displaced due to domestic violence

As we move forward we see endless potential for the good that this program can accomplish. We hope that this program spreads, influencing our peers and neighbors to ultimately be emulated and adopted such that it grows throughout our community.

Five Year Housing Plan 2018-2022

The city agrees that sustainable housing is the proper solution for the problems we face with housing affordability and availability.

"On December 12 2017, the Salt Lake City Council voted unanimously to adopt *Growing SLC: A Five-Year Housing Plan 2018-2022*, the first housing plan for the City since 2000.

The plan outlines a thoughtful strategy for ensuring long-term affordability and preservation that continues to enhance neighborhoods while balancing their unique needs. Moreover, it considers that as we grow we must build, but **build thoughtfully, in a way that is sustainable, equitable and durable.**"

(source: <https://www.slcc.gov/hand/housingplan/>)

Our charitable volunteering program exemplifies the ideals of thoughtful building in a sustainable, equitable and durable way. Each project is designed for its ultimate site and context using local and sustainable materials to deliver housing that meets the ultimate aspiration of equitable and affordable housing which will withstand the test of time.

[SLC Sustainability Plan](#)

This Philanthropy program seeks to advance Salt Lake City's leadership in partnering with the utility companies and our communities to develop and promote sustainable, clean energy.

"Salt Lake City is taking steps with our electric utility provider ([Rocky Mountain Power](#)) towards becoming a "net-100%" renewable electricity community. These efforts will catalyze development of clean electricity options **like wind, solar power and geothermal energy for use by Salt Lake City households**, businesses and other organizations, helping achieve our [Climate Positive goals](#).

During the 2019 legislative session the Utah Legislature passed the Community Renewable Energy Act ([HB 411](#)). This law authorizes next steps that will define the rules, rates and expectations for participating communities and customers in **Utah desiring net-100% renewable electricity**. The process required to achieve this goal will take place over a number of years leading into the 2020s...

"Details on Salt Lake City's renewable energy and carbon reduction goals are available in [our Climate Positive 2040 plan](#). **The Mayor and City Council have jointly set ambitions to power the community with net-100% renewable electricity while also reducing energy-related community carbon emissions 80% by 2040.**"

(source: <https://www.slc.gov/sustainability/100-renewable-energy-community-goal/>)

Architectural Nexus will always work to advance our capabilities and position as a thought leader in our market to combat the devastation of climate change. Through our charitable giving program, we are delivering real tangible change in our local communities.

[PLAN SALT LAKE](#)

PLAN SALT LAKE, implemented in 2015 directly supports the goals of our charitable giving program. Specifically, the targeted goals for HOUSING indicate that by 2040 we will:

1. *INCREASE DIVERSITY OF HOUSING TYPES FOR ALL INCOME LEVELS THROUGHOUT THE CITY*
2. *DECREASE PERCENT OF INCOME SPENT ON HOUSING FOR COST-BURDENED HOUSEHOLDS*

The implementation and proliferation of Accessory Dwelling Units will directly contribute to achieving both of these goals. Accessory Dwelling Units provide both increased diversity of housing for adult children, aging adult populations, and transitional housing. ADUs are also a very powerful tool by which homeowners may reduce the burden of income spent on housing by renting out the tiny home to subsidize the cost of home ownership. By instituting this Zone Text Amendment, the city will be setting clear priorities to directly implement its stated policies.

(source: <http://www.slcdocs.com/Planning/Projects/PlanSaltLake/final.pdf>)

[Erin Mendenhall, Mayor](#)

Our charitable giving program advances achievable solutions to the clean air crisis in our valley in line with Mayor Mendenhall's dedication to improving our air quality.

"Just weeks after the birth of her first son, Erin learned the air quality in Salt Lake City had become so bad that it could take two years off his life. She decided to stay and fight rather than walk away, becoming an **activist and joining Utah Moms for Clean Air** in 2008

Wanting to advance air-quality policy inside the city government and serve Salt Lake City on a wider range of issues, Erin was elected to represent District 5 on the City Council in 2013. During her six years on the Council, including one year as its chair, Erin worked for **equitable progress across the city**, driving road repairs and infrastructure maintenance, expanding access to transit and **affordable housing, and making the city more equitable for women and girls**. She is the first mayor in Salt Lake City history to have been publicly elected from the city council.

As mayor, Erin is working hard to make Salt Lake City more **environmentally and economically resilient**, and to take advantage of the region's historic period of economic opportunity. She is determined to ensure every Salt Laker – **no matter their neighborhood, economic or housing status**, faith, race, or sexual or gender identity – **can access all the city has to offer**. Erin's love for the extraordinary people of Salt Lake City drives an unrelenting commitment to bringing people from different walks of life together in pursuit of results for the entire city."

(source: <https://www.slcc.gov/blog/2020/01/06/mayor-erin-mendenhall/>)

As a firm, we have long strived to be an active participant in protecting and promoting clean air in our valley. We promote and engage in activities such as the 'Clear the Air Challenge.' Through the promotion and growth of Nexus Builds we are not only providing affordable, sustainable housing that exceeds the old ideal of sustainability, or making bad buildings better, to a regenerative future. This is a future where the built environment is our greatest tool for change to deliver clean air, a fundamental human right. A regenerative future is inclusive. It requires us to pitch in order to bring it into reality – by and for all of humanity.

Response to Neighborhood Master Plans:

City and community plans recognize the need to further densify our neighborhoods and provide an increase in Housing diversity throughout the city.

Sugarhouse Master Plan

The Architectural Nexus office is located directly in the Sugarhouse Community district. The Sugarhouse Master Plan adopted in 2005 recommends the use of Accessory Dwelling Units for the purpose of transitional single family housing. The transitional nature of our philanthropy program will provide affordable low-income housing to diverse populations which don't otherwise have these resources. This will directly contribute to achieving these goals as outlined in our community master plan.

We have worked directly with the Sugarhouse Community Council to present our charitable giving program and seek support of the council and have had a very positive response.

(source: <http://www.slcdocs.com/Planning/MasterPlansMaps/SHMP.pdf>)

East Bench Master Plan

As a close neighboring community to our office, we have also sought setting clear priorities to implement its stated policies. This very new master plan, adopted in 2018 provides a list of priorities for our neighborhoods. Under section N-03, Housing Choices are given as a goal for the community in order to "Provide a diverse mix of housing choices for all stages of life and income ranges." Under this section actions to "Evaluate and implement zoning changes to allow accessory dwelling units in appropriate areas of the East Bench" is listed as a direction action which is directly indicated to be given the highest priority at the community level.

We have worked directly with the East Bench Master Planning group and who have already seen our proposal and given their vote of confidence in this zoning text amendment upholding the values presented in the East Bench Master plan.

(source: <http://www.slcdocs.com/Planning/MasterPlansMaps/EBMP.pdf>)

Parley's Way Corridor Plan

Finally, we recognize that our office is directly located in the main path of the Parleys Way Corridor as defined in the plan adopted in 2017. This plan gives objectives for the growth of this business and neighborhood corridor and such as: Urban Design, Land Use, Streetscape, Transportation, Connectivity, and Gateways. This plan directly seeks to implement the strategies and goals defined in the aforementioned city, neighborhood, and community plans such as PLAN SALT LAKE and the East Bench Master Plan. A specific stated reference to these plans indicated the goal to foster community growth by "Growing responsibly while providing people with choices about where they live, how they live, and how they get around."

This zone text amendment will directly contribute to the growth of our communities as the tiny homes we build and donate will provide greater choice and opportunity to the Parley's Way corridor inhabitants.

(source: <http://www.slcdocs.com/Planning/MasterPlansMaps/PW.pdf>)

Purpose:

Our donated tiny homes are designed utilizing our experience with sustainable and regenerative design and as a tool to advance this education to others in and outside of our firm. We then seek to continue that education as we construct the new tiny home with hours volunteered from our staff in an existing fenced area of the Architectural Nexus site within our Community Business (CB) zone. This proposed zone text amendment will establish an overlay zone allowing the construction of a tiny home within the CB Zone without changing any of the underlying requirements.

Each finalized structure will be constructed for the benefit of our charitable donations program and relocated offsite. As such the activity does not represent the primary mission of the company to provide design related services for paying clients. A previous build took less than 1,700 hours to complete or just 0.6% percent of the annual hours worked by Nexus employees. The fenced and screened build site is 1,518 sf or 1.8% of the overall property. Most build activity and the entire tiny home in production will reside within this area with any and all related on-site activity occurring entirely within the overall area as defined in the attached 'Build Area Diagram.' There are no plans to increase the magnitude of this operation. Likewise, no individual will ever occupy the tiny home structure while on site. This demonstrates the small scale of the proposed activity although the educational opportunity though impact on our local community will be immeasurable.

We therefore seek within our current Community Business (CB) zone to alter the zoning text for a very limited and specific portion of our property to allow the use of the site for **School: Professional and vocational (with outdoor activities)** – an allowed use in other zoning districts within Salt Lake City. This will enable our philanthropy program to be brought forward within our community and operate on our premises.

Specific proposed limitations to this activity which will mitigate impact to our neighbors is as follows:

- On a typical week, build activity only occurs on two weekdays (Thursday and Friday) and a half-day on Saturday.
- For typical build days, noise generated by power tools will cease by 4pm.
- Noise generated from build activity is limited to the hours of 8am to 8pm Mondays through Fridays and 8am to 5pm Saturdays. Build activity will not occur on Sundays.

- This represents a significant reduction to the allowed noise ordinance for construction in this district which would allow moderate noise (not to spike above 100 decibels) to be generated daily between the hours of 7am – 10pm. (source: <https://www.sugarhousecouncil.org/local-resources/>)
- All safety precautions required by OSHA are followed.

Alternative Siting:

We have investigated construction of a tiny home on alternative sites where Professional and vocational (Outdoor) activities are directly allowed. Due to the covid-19 pandemic and the time required to obtain this zone text amendment we experienced this directly as we remotely constructed a tiny home in 2020. Through this experience we have determined that a remote site limits the positive potential of the program to our staff and to our community.

Some of our key findings are as follows:

- Construction adjacent to our office increases engagement and excitement of our staff in our charitable giving program. As the build progresses, each employee is able to appreciate the progress and accomplishments of our peers which increases involvement and opportunities for unstructured education.
- Our staff is burdened by the increase travel resulting in lower participation among some staff members which defeats the educational intent of the program.
- Additional travel time also limits the productive working hours donated by individuals through our program to offer each employee 16 paid working hours for charitable service.
- Our direct community is no longer able to engage with the success of the program. Because the tiny home would be constructed along a direct path into our office, our clients and visitors to our office directly engage with us and achieve a greater understanding of our charitable giving goals and the societal impacts of homeless and post-incarceration populations.
- Reduction in engagement with clients and contractors results in fewer opportunities for unsolicited donations of time and construction materials.

Surrounding Zoning:

Architectural Nexus office is contained within a Community Business (CB) zone”

“The CB community business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods while limiting adverse impacts through appropriate design standards.”

The neighboring zone to the North is Single Family Residential R-1-5000

“The purpose of the R-1/5,000 single-family residential district is to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size.

(source: <https://maps.slcgov.com/mws/zoning-lg.htm>)

Neighborhood Outreach:

In keeping with our goals to support the greater community we have sought out direct community involvement and feedback. We have developed a three-pronged community outreach strategy to share our goals and aspirations with our neighbors as follows:

1. Sugarhouse Community Council:
 - a. We have announced the zone text overlay proposal in the Sugarhouse Community Council newsletter to be issued on December 31st. This announcement includes the intent of the amendment along with the mission of our charitable giving program and commitment to our community.

2. Neighbors Within Audible Range of the Build Site:
 - a. We have directly reached out to immediate neighbors within audible range of the build site. As the build area defined by this zone text amendment is in the rear of our property and screened by fencing, we find that a visual impact is not directly presented to any of our immediate neighbors.
3. Outreach Presentation and Open Discussion:
 - a. We have invited all that would like to contribute to a discussion of the impact and mission of our philanthropy program and our drive to ending the homelessness crisis and building up our communities through architecture.

Existing CB Zoning Text:

21A.36.010: USE OF LAND AND BUILDINGS:

The following rules shall apply to the use of land and buildings in each zoning district:

- A. Enclosed Business Activity: All business activity, service, storage, merchandise, display, repair, processing, assembly, and manufacturing shall be conducted wholly within an enclosed building except where specifically provided otherwise. Permitted off street parking lots, off street loading facilities, and outdoor sales in zoning districts where such outdoor sales is permitted, need not be enclosed.

21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

Use	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
		P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	
Reverse vending machine	P	P	P	P	P	P	
Sales and display (outdoor)	P	P	P	P	P	P	
School:							
College or university		P	P	P	P	P	
Music conservatory		P	P	P	P	P	
Professional and vocational		P	P	P	P	P	
Seminary and religious institute		P	P	P	P	P	C
Seasonal farm stand	P	P	P	P	P	P	

(Partial table shown for clarity.)

Qualifying provisions:

1. Development in the CS District shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD Zone shall be subject to the design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010S and 21A.26.010K of this title).
4. Subject to Salt Lake Valley Health Department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Greater than 3 ambulances at location require a conditional use.

7. A community correctional facility is considered an institutional use and any such facility located within an Airport Noise Overlay Zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
8. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
9. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
10. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
11. In CN and CB Zoning Districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
12. Prohibited within 1,000 feet of a single- or two-family zoning district.
13. Residential units may be located above or below first floor retail/office.
14. In the SNB Zoning District, bed and breakfast use is only allowed in a landmark site.
15. Medical and dental offices are not allowed in the SNB Zoning District, except for single practitioner medical, dental and health offices.
16. Permitted in the CG Zoning District only when associated with an on site food service establishment.
17. No large group home shall be located within 800 feet of another group home.
18. No small group home shall be located within 800 feet of another group home.
19. No large residential support shall be located within 800 feet of another residential support.
20. No small residential support shall be located within 800 feet of another residential support.
21. Prohibited within 1/2 mile of any residential zoning district boundary and subject to section 21A.36.110 of this title.
22. Subject to section 21A.36.130 of this title.
23. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.030 of this title.
24. Must contain retail component for on-site food sales.
25. Subject to conformance with the provisions of section 21A.36.350 of this title, the City may not prohibit construction of a homeless resource center or homeless shelter if the site is approved by and receives funding through the State Homeless Coordinating Committee, with the concurrence of the Housing and Community Development Division within the Department of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.

(source: https://www.sterlingcodifiers.com/codebook/getBookData.php?chapter_id=84223)

Proposed CB Zoning Text:

21A.36.010: USE OF LAND AND BUILDINGS:

The following rules shall apply to the use of land and buildings in each zoning district:

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 - a. **Exterior, Non-enclosed, Business activity is permitted within the area defined by the accompanying 'Build Area Diagram': Within this area, all business activity, service, storage, merchandise, display, repair, processing, assembly, and manufacturing, shall be permitted.**

21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

Use	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
		P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	
Reverse vending machine	P	P	P	P	P	P	
Sales and display (outdoor)	P	P	P	P	P	P	
School:							
College or university		P	P	P	P	P	
Music conservatory		P	P	P	P	P	
Professional and vocational		P ^{26,27}	P	P	P	P	
Seminary and religious institute		P	P	P	P	P	C
Seasonal farm stand	P	P	P	P	P	P	

(Partial table shown for clarity.)

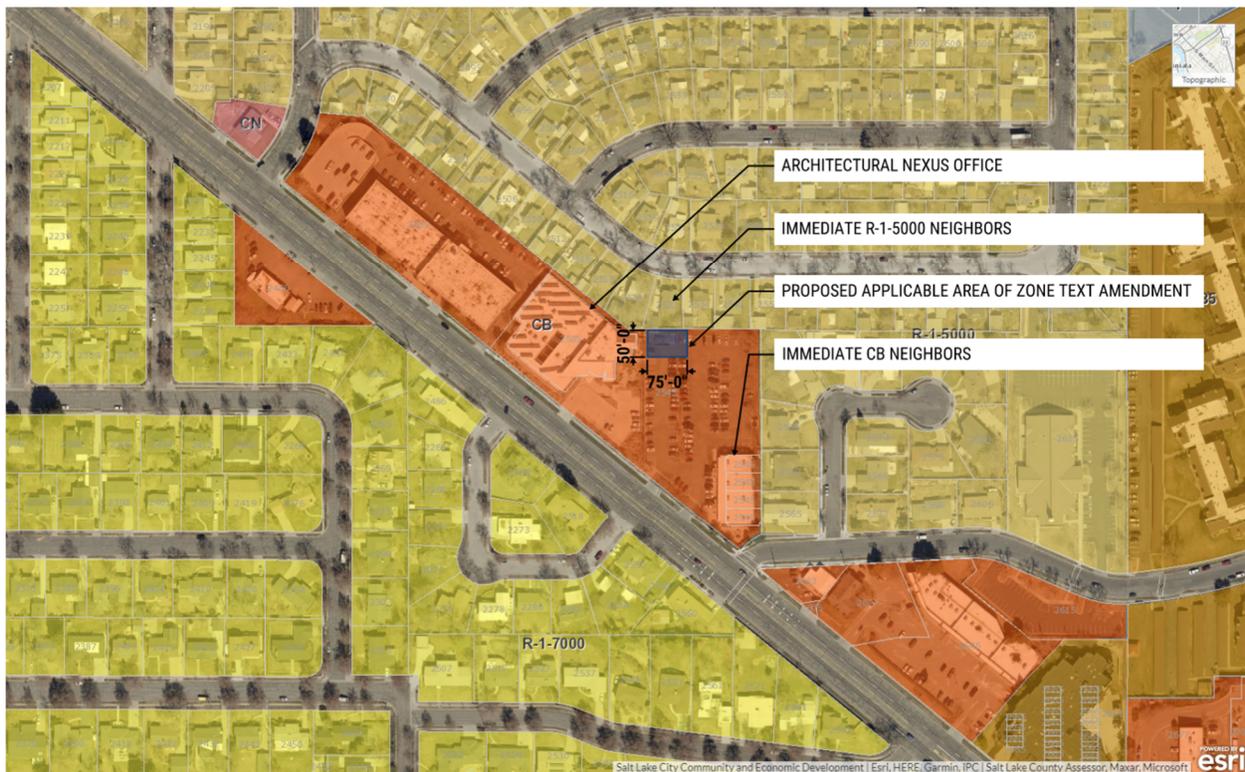
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10. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
11. In CN and CB Zoning Districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
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21. Prohibited within 1/2 mile of any residential zoning district boundary and subject to section 21A.36.110 of this title.
22. Subject to section 21A.36.130 of this title.
23. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.030 of this title.
24. Must contain retail component for on-site food sales.
25. Subject to conformance with the provisions of section 21A.36.350 of this title, the City may not prohibit construction of a homeless resource center or homeless shelter if the site is approved by and receives funding through the State Homeless Coordinating Committee, with the concurrence of the Housing and Community Development Division within the Department of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.
26. **School: Professional and vocational (outdoor) activities are allowed for the intermittent construction of temporary accessory dwelling units within the area defined by the accompanying 'Build Area Diagrams'.**
27. **Noise generated from build activity is limited to the hours of 8am to 8pm Mondays through Fridays and 8am to 5pm Saturdays. Build activity is not to occur on Sundays.**

Build Area Context Diagram:

Applicable Area of Community Business Zone Text Amendment in Community context.



Enlarged Build Area Detail Diagram:

Enlarged Detail of Applicable Area of Community Business Zone Text Amendment with offsets.

