

**DATE:** June 27, 2007  
**TO:** Salt Lake City Planning Commission  
**FROM:** Lex Traughber - Principal Planner  
Telephone: (801) 535-6184  
Email: lex.traughber@slcgov.com  
**RE: STAFF REPORT FOR THE JUNE 27, 2007 MEETING**

---

**CASE NUMBER:** 410-06-29 & 490-07-09

**REQUESTED ACTION:** **A Planned Development/Conditional Use and Subdivision in the Capitol Hill Historic District consisting of seventeen new single-family residential dwelling units. The subject property is zoned SR-1A, Special Development Pattern Residential District.**

**APPLICANT:** Jeremy Jones

**STATUS OF APPLICANT:** Developer

**PROJECT LOCATION:** 690 N. West Capitol Street



<b>PROJECT/PROPERTY SIZE:</b>	The property is approximately 2.81 acres.
<b>COUNCIL DISTRICT:</b>	District 3, Councilmember Eric Jergensen
<b>SURROUNDING ZONING:</b>	<p><b>North</b> – SR-1A (Special Development Pattern Residential District) &amp; FP (Foothills Protection District)</p> <p><b>South</b> – SR-1A (Special Development Pattern Residential District)</p> <p><b>East</b> – OS (Open Space District)</p> <p><b>West</b> – SR-1A (Special Development Pattern Residential District)</p>
<b>SURROUNDING LAND USE:</b>	<p><b>North</b> – Residential</p> <p><b>South</b> – Residential</p> <p><b>East</b> – Victory Road &amp; Open Space</p> <p><b>West</b> – Residential</p>
<b>FUTURE LAND USE:</b>	<p><b>North</b> – Low Density Residential (5-15 du/acre) &amp; Foothill Preservation Residential</p> <p><b>South</b> – Low Density Residential (5-15 du/acre)</p> <p><b>East</b> – Foothill Preservation Residential</p> <p><b>West</b> – Low Density Residential (5-15 du/acre)</p>
<b>PROPOSED USE(S):</b>	Single Family Residential
<b>APPLICABLE LAND USE REGULATIONS:</b>	<p><b>Conditional Use</b> – Salt Lake City Code Section 21A.54.080</p> <p><b>Planned Development</b> – Salt Lake City Code Section 21A.54.150</p> <p><b>Subdivision</b> – Title 20, Subdivision Ordinance</p> <p><b>Historic Preservation Overlay District</b> – Salt Lake City Code Section 21A.34.020</p> <p><b>Groundwater Source Protection Overlay District</b> – Salt Lake City Code Section 21A.34.060</p>

**MASTER PLAN SPECIFICATIONS:** The property is located in the area subject to the Capitol Hill Community Master Plan (2001). In addition, the Salt Lake City Community Housing Plan (2000) and Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998) are applicable.

**SUBJECT PROPERTY HISTORY:** The subject property is vacant.

**ACCESS:** The subject property currently has access off of West Capitol Street. In addition, an extension of Darwin Street is proposed.

**PROJECT DESCRIPTION:**

Cooper Roberts Simonsen Architects, representing the developer, Jeremy Jones, is requesting approval of a Planned Development/Conditional Use and Preliminary Subdivision in the Capitol Hill Historic District consisting of seventeen new single-family residential dwelling units. The subject property is located at approximately 690 N. West Capitol Street and is zoned SR-1A, Special Development Pattern Residential District. The purpose of this district is to, *“maintain the unique character of older predominantly low-density neighborhoods that display a variety of yards, lot sizes and bulk characteristics.”* The proposed development is subject to the Salt Lake City Zoning Ordinance and the Design Guidelines for Residential Historic Districts in Salt Lake City, and requires approval from the Planning Commission as well as the Historic Landmark Commission.

The subject property is comprised of two vacant parcels, approximately 2.81 acres in size, located between Victory Road and West Capitol Street. The proposed seventeen single-family residential units consist of nine different housing designs. The homes would be positioned on either side of an extension to Darwin Street that would connect to West Capitol Street, allowing circular traffic flow. The applicant proposes to slightly widen and improve the east side of West Capitol Street from Clinton Avenue heading north to the northern end of the project. The increased street width will accommodate a curb and gutter, as well as a stepped retaining wall. Please refer to the attached preliminary plat for details regarding the subdivision layout (Exhibit 1).

The proposed retaining wall along West Capitol Street will consist of two stepped walls, each approximately four feet (4') in height (Exhibit 2). The wall will run approximately one hundred and fifty feet (150') along the property line, parallel to the street. The wall will be constructed of concrete and stamped to emulate a stacked stone pattern. The area between the walls will be landscaped and maintained by the home owners association.

In addition, a stairway is proposed from the extension of Darwin Street down to West Capitol Street (Exhibit 3). Stairways of this nature are found in this area. The stairway will provide pedestrian passage between the two streets.

This proposal is subject to review processes by the Planning Commission and the Historic Landmark Commission. In terms of Planning Commission consideration, the applicant has filed an application for a Planned Development/Conditional Use and Preliminary Subdivision. As part of this process, items that will be reviewed by the Planning Commission, include but are not limited to a reduced public road width, reduced yards/setbacks, and preliminary subdivision.

The items that fall under the review of the Historic Landmark Commission include Zoning Ordinance standards for the H-Historic Preservation Overlay District for new construction, as well as compliance with the adopted Design Guidelines for Residential Historic Districts in Salt Lake City. As in the past, the Historic Landmark Commission's review will include, but is not limited to, a study of the materials used for residential construction, the proposed massing, scale, height, and design of the residential units, and subdivision layout. The review of this proposal does differ from proposals that the Historic Landmark Commission has seen in the past because it is located in an area that is subject to *Section 21A.24.080, Salt Lake City Code, Pertaining to SR-1A Special Development Pattern Residential District, and Section 21A.40.050, Salt Lake City Code, Pertaining to General Yard, Bulk and Height Limitations*. This Ordinance was adopted by the City Council on June 9, 2006. Under this Ordinance, the issue of building height in the H-Historic Preservation Overlay District falls under the purview of the Historic Landmark Commission. The applicant is requesting building heights in some instances that exceed the twenty-three foot (23') height limit allowed under the this Ordinance. The Historic Landmark Commission has the authority to determine if the proposed heights are appropriate for the Historic District. While the applicant has done an extensive study of building heights in the neighborhood, Planning Staff does not address "building height" in this staff report, however will analyze this data for the Historic Landmark Commission for their decision making purposes.

#### **PROCESS TO DATE:**

Prior to the applicant's submittal of the proposal to the Planning Division, a joint subcommittee meeting was held with members of the Historic Landmark Commission and the Planning Commission on January 1, 2006. The developer and members of the development team, as well as members of Planning Staff were present for this meeting. The developer provided an overview of the project and comments were noted from various individuals in attendance. In general, the review process was discussed, as well as various design items including building height, building materials, building siting, massing, scale, density, single-family versus multifamily development, and roadway design.

On April 5, 2006, the Historic Landmark Commission held an “Issues Only” hearing to discuss this proposal and take public comment. The primary issues that the Historic Landmark Commission considered during this hearing were as follows:

1. The height of the proposed dwelling units, particularly those that front West Capitol Street
2. The proposed materials and design of the dwelling units
3. The width of the proposed garages

Comments received from the public included but were not limited to:

1. Building height and retaining wall height along West Capitol Street
2. Density
3. Traffic impacts and parking
4. Impacts on City infrastructure; water and particularly sewer
5. Design compatibility
6. Construction impacts
7. Environmental impacts, particularly on wildlife
8. Slope stability

Following this “Issues Only” hearing, the applicant provided revised plans to address the issues and concerns noted. On May 17, 2006, the Historic Landmark Commission held a public hearing and denied the applicant’s request noting that the proposed development was incompatible in terms of mass, scale and height, citing Historic Preservation Design Guidelines 11.4, 11.5, and 11.7 as not met in the proposed design. These guidelines are as follows:

11.4 – To construct a new building to reinforce a sense of human scale

11.5 – To construct a new building to appear similar in scale to the scale that is established in the block

11.7 – To build to meet heights that appear similar to those found historically in the district.

On August 9, 2006, the Planning Commission heard the request in an “Issues Only” hearing. The Planning Commission provided the following specific direction to the applicant in response to the proposal:

1. Quantify data for the density of the area
2. Utilize the compatible infill ordinance as a guide for issues such as lot coverage, lot size, and setbacks
3. Obtain input and attempt to resolve issues raised by the neighbors and the Community Council. Work more effectively with the public.
4. Determine if a traffic study is warranted
5. Propose an alternate design for the retaining wall, and;
6. Consider the placement of the houses on the street

On January 31, 2007, a joint subcommittee meeting was again held with members of the Historic Landmark Commission and the Planning Commission. The applicant presented materials, including quantified data, to address the issues raised by these Commissions. At the conclusion of this meeting, the applicant received instructions from the representatives of the two Commissions to proceed forward with the revised plans to public hearing.

#### **DEPARTMENT/DIVISION AND COMMUNITY COUNCIL COMMENTS:**

The applicant met with the Development Review Team on several separate occasions. The comments received from pertinent City Departments/Divisions are attached to this staff report for review (Exhibit 4). The following is a summary of the comments/requirements received:

**A. Engineering**

City Engineering has reviewed this proposal and provided a list of items that the applicant needs to address. The items required are details that the applicant needs to provide prior to City Engineering's signature on the final plat, however none of the items jeopardize the project.

**B. Public Utilities**

Salt Lake City Public Utilities reviewed the preliminary site and utility plans for the subdivision. They had no comment on the subdivision per se, however they did provide a list of requirements that must be met prior to Public Utility signature on the plat.

Public Utilities made no indication that the existing sewer infrastructure in the area is inadequate to accommodate the proposed new development.

**C. Building Permits and Zoning**

Building Services provided a generic list of items to be addressed by the applicant prior the building permit phase.

**D. Transportation**

The Transportation Division reviewed the proposal for a reduced roadway standard of 24' roadway, sidewalk on one side and 30' ROW. Because of the reduced width and grades there will be no "On -Street Parking" on Darwin Street. The proposed type "D" curb (rolled curb) will be changed to a type "A" curb (standard residential curb), and in some areas a type "B" curb (same as type A, yet taller) to assist ambient vehicles in poor weather conditions and drainage. The Transportation Division made specific recommendations for driveway designs for certain lots.

**E. Fire**

During previous reviews with the City's Deputy Fire Marshal, it was agreed that the roadway slope would not exceed 11.1%. When the grade changed to be

steeper than 11.1%, the developer was to provide a fire apparatus turn around within 150 feet of the grade change at both ends of the differing grades (shown on the plat). Also, it was noted that fire hydrants shall be placed not to exceed the requirements of section 508.5.1. The Fire Department does not foresee any problems with the project as long as the items listed above are satisfied.

**F. Police**

This project should not have any adverse affect on the Department's ability to provide Police services in the area.

**G. Property Management**

Property Management was contacted on two separate occasions, however they provided no comment in regard to the project.

**H. Airport**

The airport had no objections to the proposed development.

**PUBLIC COMMENTS:**

The project site is located in the Capitol Hill Community Council District. The applicant initially presented the project to this Council on May 17, 2006. Planning Staff was present at this meeting. The applicant indicated that he met with the Community Council on other occasions after this initial meeting and has met with the Community Council Trustees on a couple of other occasions. On January 17, 2007, the applicant presented a revised plan to the Capitol Hill Community Council; the plans and other information reviewed for this report. Two members of Planning Staff attended this meeting.

The Capitol Hill Community Council provided a letter regarding this proposal dated February 26, 2007, which is attached to this staff report for review (Exhibit 5). The Community Council voted fourteen (14) in favor of the development, twenty (20) opposed to the development, and ten (10) people abstaining. In summary, the three main concerns of the Council members were:

1. Increased traffic in the area
2. Increased density in the area
3. Grade and seismic stability of the property

All property owners within four hundred and fifty feet of the subject property, as well as those requesting to be on the project's mailing list, were notified of all public hearings. In addition, all Community Council chairpersons, and all those on the Planning Division's listserve were sent notification of all public hearings. Attached to this staff report are the written comments from the public that have been received regarding the proposal (Exhibit 6). In general, the written correspondence that was received reiterate the issues that were raised during prior public hearings. Again, these issues are as follows:

1. Building height and retaining wall height along West Capitol Street
2. Density
3. Traffic impacts and parking
4. Impacts on City infrastructure; water and particularly sewer
5. Design compatibility
6. Construction impacts
7. Environmental impacts, particularly on wildlife
8. Slope stability

Each of these items, with the exception of “Design Compatibility” and “Building Height” which fall under the purview of the Historic Landmark Commission, are addressed in this staff report.

### **ANALYSIS AND FINDINGS:**

To assist the Planning Commission in its decision making process, Planning Staff has analyzed the proposal, providing discussion and findings with respect to pertinent master plans, ordinances, and other issues related to the Conditional Use/Planned Development and the Preliminary Subdivision.

### **Conditional Use Review**

#### **Chapter 21.54.080 - Standards for Conditional Uses**

**A. The proposed development is one of the conditional uses specifically listed in this Title.**

**Discussion:** Planning Staff notes that single-family residential development is a permitted use in the SR-1A Zone. The Conditional Use criteria are addressed in this instance because the applicant has requested Planned Development consideration. A Planned Development is a type of Conditional Use. The applicant has requested a Planned Development so that the Planning Commission can consider the relaxation of specific development standards. The applicant is seeking a modification by the Planning Commission of the following standards:

1. Reduced road width;
2. Lot size (some lots are less than 5,000 square feet as required in the SR-1A Zone, however the overall lot size average is greater than 5,000 square feet), and;
3. Reduced yards/setbacks.

**Finding:** The Planning Commission has the decision making authority regarding Planned Development proposals. The Planning Commission evaluates these proposals using discretion in the application of specific project design criteria, keeping in mind the objectives established for Planned Developments.



**B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.**

**Discussion:** There are several sources to consider when reviewing this project request in terms of goals, objectives, and policies for this area:

- The Capitol Hill Zoning Map (2006)
- Capitol Hill Community Master Plan (2001)
- Salt Lake City Community Housing Plan (2000)
- Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998)

The Capitol Hill Zoning Map (2006): The subject property is zoned SR-1A (Special Development Pattern Residential District). The minimum lot size stipulated in this Zone for single-family residential development is 5,000 square feet. The applicant is proposing an average lot size that exceeds this minimum lot size standard, however some of the proposed lots are less than 5,000 square feet in size. Through the Planned Development process, the Planning Commission has the authority to modify individual lot sizes as long as the proposed residential development does not exceed the density limitation of the zoning district where the planned development is proposed. In other words, the Planning Commission may approve a residential planned development with a calculated overall average lot size that exceeds the minimum lot size required by zone. The applicant's proposal for seventeen (17) single-family residential units does not exceed the maximum density limitation for the SR-1A Zone, given the amount of property available for development which is 2.25 acres (2.81 acres less the roadway right-of-way). In fact, given this amount of developable acreage and the minimum lot size stipulated by Zone, the applicant could potentially realize nineteen (19) single-family dwelling units on the property. The issue of "density" will be discussed in detail under the section of this staff report entitled "Planned Development Review" below.

The SR-1A Zone also has a maximum lot coverage standard for all principal and accessory structures of forty percent (40%). None of the proposed lots and their respective proposed structures exceed this maximum lot coverage standard. In addition, this Zone also established minimum setbacks. Under the Planned Development process, the applicant is requesting that the Planning Commission relax the requirement for required setbacks as previously noted. These issues are again addressed in detail under the section of this staff report entitled "Planned Development Review" below.

Capitol Hill Community Master Plan (2001): The subject property is designated as "Low Density Residential (5 – 15 Dwelling Units per Acre)" according to the Capitol Hill Community Future Land Use Map. The applicant's proposal of seventeen (17) dwelling units is consistent with this density. The subject property

is approximately 2.81 acres which results in a density range of fourteen (14) to forty-two (42) units. The applicant's proposal of seventeen units (17) is at the low end of the possible density envisioned in the Master Plan.

The Capitol Hill Community Master Plan (2001) specifically addresses residential development in the Capitol Hill Community. The primary planning goal in terms of residential development for this area states, "*Encourage appropriate housing opportunities in the community in appropriate locations through renovation of existing structures and compatible infill development and redevelopment.*" (page 3)

A section of this Master Plan focuses specifically on residential development in the Marmalade Neighborhood in which the subject property is located (pages 5-6). The Plan states:

*Overview*

*The Marmalade Neighborhood is located on the western slope of the hill (200 West to Victory Road/Columbus Street and between 300 North to 800 North.) This is one of the oldest neighborhoods in the State of Utah and is included within the Capitol Hill Historic District. The majority of homes in the Marmalade Neighborhood were constructed prior to 1930 and many were constructed prior to 1900. The neighborhood is characterized by steep narrow streets, irregular shaped lots with a variety of architectural structures which are oriented to the lot rather than the street.*

*Planning Issues*

*The neighborhood is a very compact residential neighborhood made up primarily of single family dwellings and duplexes. However, multi-family dwellings are scattered throughout the neighborhood. Some of the multi-family dwelling units were constructed during the historic era. Those that were constructed after 1960, but prior to the historic designation in 1984, detract from the neighborhood because they are not compatible in scale or design to the historic structures which surround them. Most of the neighborhood is zoned SR-1 allowing single family dwellings and duplexes with some pockets of medium density multi-family residential zoning.*

*Infill: There are a few vacant parcels of land in the Marmalade Neighborhood available for infill development. However, most of the vacant land has limited development potential due to slope, other geologic conditions and irregular shape of parcels.*

*Density: Most of the Marmalade Neighborhood developed prior to the implementation of zoning in Salt Lake City in 1927. Therefore, the development pattern consists of irregular shaped lots with buildings, in many cases, built close to property lines. This situation has created a very densely populated area. In addition, in the 1940s and 1950s, many of the*

*structures, originally built as single family dwellings were converted to apartments. Two major down-zonings, the first in the mid-1980s and the 1995 City-wide Zoning Rewrite Process, have left the neighborhood zoned low-density with most properties zoned SR-1 (allowing single family and duplex dwellings) except for the few existing medium and high density multi-family structures zoned multi-family. The down-zoning of this area has resulted in many non-conforming converted single-family dwellings which house three or more units. Therefore, as homes are converted back to single-family ownership and structures lose their legal non-conforming status, the density of the area should decrease. Most of the vacant parcels of land in the neighborhood are zoned SR-1. Therefore, any increase in density in the Marmalade Neighborhood will be minimal.*

#### *Policies*

- Retain the existing low-density (SR-1) zoning pattern in the Marmalade Neighborhood.*
- Limit medium and high-density residential development to existing developments zoned for such uses.*

#### *Action Items*

- Provide incentives to encourage nonconforming dwellings to be converted back to single family or duplex dwellings.*

Salt Lake City Community Housing Plan (2000): The goal of this Plan is to enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design. This Plan focuses on concepts for creating a wide variety of housing types across the City and encouraging mixed use and mixed income housing. There are several City Council policy statements in this Plan that lend support for the proposed project. These policy statements are as follows:

- The City Council supports a citywide variety of residential housing units, including affordable housing, and supports accommodating different types and intensities of residential development (page 8).*
- The City Council encourages architectural designs compatible with neighborhoods that, make good use of and incorporate open space (even minimal amounts), interface well with public spaces, address parking needs in the least obtrusive manner possible, and are creative, aesthetically pleasing and provide attractive public spaces such as designated common areas, community centers, childcare, resident gathering places, resident gardens, etc. (page 16)*

Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998): In the Executive Summary section of this report it is stated that, “Salt Lake City Neighborhoods are diverse, exciting, safe, well maintained, and supportive of families and young people. Vibrant neighborhoods are fundamental

*to the health and vitality of the City and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.” (page ii)*

**Discussion:** The Capitol Hill Master Plan (2001) specifically addresses residential development in the area, and calls for compatible residential infill development in appropriate locations. Planning Staff finds that the applicant has designed a project that is sensitive to existing residential development, and further is compatible with the immediate surrounding neighborhood. The proposal is therefore consistent with the overall residential policy for residential development outlined in the Capitol Hill Master Plan (2001). Further, the Plan also includes a discussion of the Marmalade Neighborhood in which the subject property is located. The attributes discussed in terms of existing residential development such as steep narrow streets, irregular shaped lots with a variety of architectural structures, building orientation to the lot rather than the street, and structures built close to property lines, resulting in a very densely populated area, are largely characteristic of the proposed development.

The Salt Lake City Housing Plan (2000) provides several City Council policy statements that support the proposed development. These policies relate to creating a variety of housing options to preserve or increase the City’s housing stock, while remaining sensitive to architectural design such that the housing is compatible with the surrounding neighborhood. Because this project is located within a Historic Preservation Overlay District, the Historic Landmark Commission will have final decision making authority regarding the architectural composure of the proposed residences.

The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998), focuses on neighborhoods that are diverse, exciting, safe, and well maintained, realizing that vibrant neighborhoods are fundamental to the health and vitality of the City and its citizens.

**Findings:** The Capitol Hill Master Plan (2001), the Salt Lake City Housing Plan (2000), and the Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together (1998), all include policies that support residential development in the proposed area. In addition, the proposed site layout is consistent with historic development patterns in the area. Therefore, the proposed residential development is in harmony and compatible with the planning goals and objectives of the City; implementing applicable City Master Plans.

- C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.**

**Discussion:** The development is to be located on an extension of Darwin Street; a local street. The project will also front West Capitol Street, however access to the proposed dwelling units will be limited to Darwin Street.

The standard roadway and right-of-way for a single-family development of this nature is thirty-six feet (36') of roadway with a fifty-six foot (56') right-of-way. The Transportation Division reviewed the request for a reduced roadway standard of twenty-four feet (24'), sidewalk on one side, and a thirty foot (30') right-of-way, identifying the need to prohibit on-street parking and a requiring a variation to the curbs proposed by the applicant. With the modifications to the curbs as previously discussed, the Transportation Division did not identify any issues that would indicate that the proposed reduced width public street is not suitable or is inappropriate given the magnitude of the development.

The extension of Darwin Street connecting into West Capitol Street will provide for increased traffic circulation options in this neighborhood. Currently, West Capitol Street dead ends north of Clinton Avenue. South of Clinton Avenue, West Capitol Street is "One Way" only. All those residents living north of Clinton Avenue effectively have only one manner of vehicular ingress/egress to their properties via Clinton Avenue. With the extension of Darwin Street, those residents living north of Clinton Avenue on West Capitol Street will also have the option of using the extension of Darwin Street for ingress and egress. It is conceivable that the proposed extension of Darwin Street could lessen the traffic impact along Clinton Avenue because of the additional "outlet" for those property owners living along the dead end portion of West Capitol Street.

Much concern has been raised from the public regarding increased traffic impact due to the proposed development. The Transportation Division did not identify the need for a traffic impact analysis, however the applicant did engage Korve Engineering to conduct a study. This study was based on a residential subdivision of nineteen (19) single-family residential units; two (2) more residential units than the applicant proposes. The study concluded that there will be no significant traffic or parking impacts to the local transportation network associated with the proposed subdivision.

The standard trip generation count for a single-family residential development is ten (10) trips per day. Therefore the proposed seventeen single-family homes will generate approximately 170 additional trips per day. The Transportation Division has made the determination that the capacity of the existing streets and intersections in this area are adequate to accommodate the additional traffic resulting from the proposed development.

It is evident that traffic in the area will increase if the proposed development becomes reality, however the amount of additional traffic is not sufficient to warrant a traffic impact analysis, even though the applicant provided a study. Further, the amount of increased traffic does not warrant major street and

intersection improvements in the vicinity, nor is the amount of extra traffic sufficient to eliminate the possibility of the proposal altogether.

**Findings:** Parking on Darwin Street will not be allowed. The applicant is required to alter the proposed type “D” curb (rolled curb) to a type “A” curb (standard residential curb), and in some areas a type “B” curb (same as type A, yet taller) to assist ambient vehicles in poor weather conditions and drainage. The proposed reduced width street is adequate to carry the demand created by the proposal. Streets to the proposed development are suitable and adequate to carry the anticipated traffic and will not materially degrade the service level on adjacent streets.

**D. The internal circulation system of the proposed development is properly designed.**

**Discussion:** The Transportation Division did not identify any issues that would jeopardize the proposal in terms of the design of the internal circulation system.

The minimum off-street parking requirement for a residential development of this nature is two (2) parking spaces per dwelling unit. All the proposed dwelling units include a two car garage. It is noted by the City Transportation Division in the comments above, that there is no possibility for on-street parking on Darwin Street.

The applicant is proposing a sidewalk on the west side of the proposed extension on Darwin Street. A stairway is also proposed from Darwin Street to West Capitol Street. This stairway feature is typical of existing stairways found in the Capitol Hill area, and therefore appropriate in terms of historic relevance. It also facilitates pedestrian circulation.

**Findings:** The internal circulation system is adequate for vehicles, and the minimum number of required off-street parking spaces has been provided. Pedestrian circulation is adequate.

**E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.**

**Discussion:** Salt Lake City Public Utilities indicated that they have no objections to the proposal provided that all design and construction conforms to State, County, City, and Public Utility standards and ordinances. No specific issues were raised by Public Utilities that would indicate difficulties or impossibilities for the developer as far as providing utility services to this development, however a list of specific requirements were provided that the applicant must address prior to Public Utility approval.

**Finding:** The site is located in an existing developed area. The utility services for the proposed development shall conform to the City's construction standards and policies.

**F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.**

**Discussion:** The adjacent land uses are residential. The proposed redevelopment of the site is compatible and consistent with the surrounding residential properties and development. Any lighting must conform to City standards to prevent light trespass.

**Findings:** Light and noise are unlikely to create a negative impact to the adjacent properties as the surrounding land uses are also residential.

**G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.**

**Discussion:** Because this project is located in the Capitol Hill Historic District, the proposal must gain approval from the Historic Landmark Commission in terms of the proposed architecture, building height, and building materials. The Historic Landmark Commission previously considered this proposal on May 17, 2006, as previously noted. The Historic Landmark Commission denied the applicant's request noting that the proposed development is incompatible in terms of mass, scale and height, citing Historic Preservation Design Guidelines 11.4, 11.5 and 11.7 as not met in the proposed design. The denial was not based on historically inappropriate architecture, building materials, or subdivision design.

Since the time of review by the Historic Landmark Commission, the applicant has worked diligently to address the concerns of mass, scale, and height of the proposed buildings. While the variety in the design of the proposed buildings has changed dramatically over the course of this process, the proposed building materials have been altered very little. The fact that the Historic Landmark Commission had the opportunity to review the proposed architecture and building materials previously, and did not make any findings regarding these aspects of the development in their findings for denial, is an indication that the proposed architectural styles and building materials were, and still are, historically appropriate.

The issue of building height is technically a decision to be made by the Historic Landmark Commission. The applicant has provided data concerning building heights in the surrounding neighborhood to demonstrate that the proposed building heights are typical and compatible with those existing. Building heights will be specifically addressed by the Historic Landmark Commission.

**Findings:** Architecture and building materials as indicated on the submitted elevations appear to be compatible with the adjacent neighborhood. Because the project is located in the Capitol Hill Historic District, the Historic Landmark Commission has final decision making authority regarding the architecture and building materials and their consistency and compatibility with the adjacent neighborhood. Building height will be specifically addressed by the Historic Landmark Commission. Planning Staff recommends that the Planning Commission delegate final building design approval to the Planning Director to be consistent with any decision rendered by the Historic Landmark Commission.

**H. Landscaping is appropriate for the scale of the development.**

**Discussion:** Chapter 21A.48 of the Zoning Ordinance addresses landscaping requirements. The applicant has submitted a landscape plan which appears to be appropriate in terms of the scale and nature of the landscaping materials (Exhibit 7). The design standards and guidelines for landscaping noted in Zoning Ordinance Section 21A.48.050 will need to be met at the time that a building permit is issued.

**Findings:** At the time of application for a building permit, the applicant shall be required to meet the landscape standards as noted in Chapter 21A.48 of the Zoning Ordinance. Staff recommends that final approval of the landscape plans be delegated to the Planning Director.

**I. The proposed development preserves historical, architectural, and environmental features of the property.**

**Discussion:** The subject property is currently vacant, therefore there are no historical or architectural features on the property to preserve. There is a City water pipe that traverses the property. The project has been designed in such a manner that the water pipe will not be disturbed. Salt Lake City Public Utilities reviewed the proposal and did not express any specific concerns with the physical design of the project in terms of maintaining and protecting this water pipe.

**Finding:** There are no historical or architectural resources on the site as the property is vacant. The proposed project is designed and will be built to ensure environmental protection of the City's underground water pipe.

**J. Operating and delivery hours are compatible with adjacent land uses.**

**Discussion:** The proposed development will be compatible and similar with existing residential development in the vicinity.

**Finding:** The adjacent land uses are residential, therefore the operating and delivery hours will be compatible with adjacent land uses.



**K. The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.**

**Discussion:** The Planning Commission specifically directed the applicant to show that the proposed residential development is compatible with the surrounding residential neighborhood. The Planning Commission was particularly clear in their direction to the applicant to show that the proposed residential infill development is compatible with the existing in terms of overall density, lot size, setbacks, and building height. Attached to this staff report are pertinent portions of a quantitative study of these issues that the applicant prepared to address the Planning Commission's comments. Exhibit 8 shows the data collected by the applicant regarding the existing neighborhood, including the physical boundaries of the study, the data items collected and analyzed (lot size, building footprint, lot coverage, setbacks, building heights, etc), and finally the analysis method utilized. Exhibit 9 is a summary of the proposed development that shows proposed density, lot size, lot coverage, open space, and setbacks. These items will be analyzed by Planning Staff further in this report.

To summarize the data included in this quantitative study, the applicant has shown in general that the proposed development is compatible in terms of density, lot size, lot coverage, and setbacks.

**Finding:** The proposed residential use is compatible with the surrounding residential neighborhood. The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

**L. The proposed development complies with all other applicable codes and ordinances.**

**Discussion:** The subject property is within the Primary Recharge Area of the Groundwater Source Protection Overlay Zone. Any future development must meet the standards of this overlay and will be addressed at the time of issuance of a building permit in conformance with Section 21A.34.060 of the Zoning Ordinance.

The subject property also lies within the eastern edge of the study zone of the area known as the "Warm Springs Fault" according to the "Salt Lake City Surface-Fault-Rupture and Liquefaction Potential Special Study Areas Map". As part of the final plat process, the applicant will be required to perform a site specific geotechnical and natural hazard mitigation report. The purpose of this report is to verify that footings and foundations are not built over a fault line, and that the proposed construction is appropriate for any seismic event that may occur.

**Finding:** The subject property is within the Primary Recharge Area of the Groundwater Source Protection Overlay Zone and also lies within the area known as the “Warm Springs Fault” according to the “Salt Lake City Surface-Fault-Rupture and Liquefaction Potential Special Study Areas Map”. Given the project’s location, the proposed development will be required to comply with all applicable codes and ordinances prior to final subdivision platting, and also prior to the issuance of a building permit.

### **Planned Development Review**

#### **21A.54.150 Planned Development Review Standards**

**The proposal meets the applicable objectives of the Planned Development Purpose Statement which include:**

- 1. Creation of a more desirable environment than would be possible through strict application of other City land use regulations.**
- 2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.**
- 3. Combination and coordination of architectural styles, building forms and building relationships.**
- 4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.**
- 5. Preservation of buildings, which are architecturally or historically significant or contribute to the character of the City.**
- 6. Use of design, landscape or architectural features to create a pleasing environment.**
- 7. Inclusion of special development amenities.**
- 8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.**

**Discussion:** Several of the above referenced Planned Development review objectives are applicable to the proposed development; specifically criteria 1, 2, 3, 4, 6, and 7.

**Finding:** The project meets the purpose and objectives of a planned development by creating a more desirable environment than would be possible through strict application of City land use regulations. The extension of Darwin Street results in a more desirable traffic circulation option by eliminating a dead end street. It also will increase the City’s housing stock in an aesthetically pleasing manner by using a combination of architectural styles and building materials. The project promotes a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities. The multi-tiered

retaining walls will reflect the development pattern in the area, and complement the various types of retaining walls found in the Capitol Hill Historic District. The stairway feature is also reflective of similar historic features in the District, and provides a unique corridor for pedestrian movement. The proposed project respects and maintains the unique character of the surrounding older, predominantly low-density neighborhood by providing a variety of yard sizes, lot sizes, and structural bulk characteristics. The project includes elements that will enhance desirable site characteristics, specifically vegetation and areas of natural open space. Overall, the use of site design, landscaping, and building architectural features create a pleasing residential environment.

**Other Planned Development Standards**

- 1. Minimum area: A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district.**

**Finding:** The minimum planned development size in the SR-1A zone is 9,000 square feet. At 2.81 acres (122,404 square feet), the project area exceeds this minimum requirement.

- 2. Density Limitations: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed.**

**Discussion:** The minimum lot size in the SR-1A zone is 5,000 square feet. The applicant is proposing seventeen lots ranging in size from 3,712 square feet to 6,683 square feet (see attached preliminary plat – Exhibit 1). The following table demonstrates that the applicant has 2.25 acres (98,010 square feet) available for the proposed development. According to the Zoning Ordinance, public street right-of-way area is not permitted to be used in the calculation of overall density. The total area to be used in the density calculation of 98,010 square feet, when divided by the proposed number of lots (17) yields an average lot size of 5,765 square feet or 0.13 acres:

<b>Project Site Parameters</b>	<b>Square Feet</b>	<b>Acreage</b>
Overall Project Land Area	122,403	2.81
Public Street Right-of-Way	24,393	0.56
Total PUD Land Area	98,010	2.25
Number of Lots Proposed	17	
Average Lot Size	5,765 square feet	0.13 acres

Alternately, the following table shows the maximum development potential that could be realized on the subject site:

Total PUD Land Area	98,010 square feet	2.25 acres
Maximum Units Possible	19	
Average Lot Size	5,158 square feet	.12 acres

The applicant is proposing seventeen (17) units with an average lot size of 5,765 square feet (0.13 acres). This average lot size exceeds the minimum 5,000 square foot lot size required in the Zone. Given the amount of developable area (98,010 square feet) the developer could realize nineteen (19) dwelling units and continue to meet the minimum lot size required.

The applicant asserts that the average lot size proposed of 5,765 square feet (0.13 acres) is typical of and compatible with the surrounding residential neighborhood. Referring to Exhibit 10 concerning “Lot Size”, the applicant has conducted a survey of fifty-three (53) lots in the area adjacent to the subject site. Of the existing lots in the study area, the average lot size is 5,227 square feet (0.12 acres) with the range of lot sizes in the area being a maximum of 0.44 acres (19,166 square feet) to a minimum of 0.05 acres (2,178 square feet). In conclusion, the applicant’s overall lot size of 0.13 acres (5,765 square feet) actually exceeds the existing 0.12 acre (5,227 square feet) average lot size in the surrounding neighborhood, and is therefore compatible.

Finally, Planning Staff notes that the Zoning Ordinance indicates that the maximum surface coverage of all principal and accessory structures in the SR-1A Zone shall not exceed forty percent (40%) of the lot area. Exhibit 11, concerning “Lot Coverage” demonstrates that the lot coverage proposed for the new development ranges from a minimum of twenty-three percent (23%) to a maximum of forty percent (40%), with the average being thirty-two percent (32%). In no case does the maximum building coverage exceed the Zoning Ordinance requirement of forty percent (40%).

Exhibit 11 also shows that the lot coverage for the existing neighborhood averages twenty-two percent (22%), with the maximum lot coverage observed being fifty percent (50%) and the minimum lot coverage being twelve percent (12%). Notice that the applicant’s lot coverage maximum and minimum falls between this existing range. This study shows that the applicant’s average coverage of thirty-two percent (32%) falls within one standard deviation of the existing average.

**Finding:** The average lot size proposed by the applicant is 5,765 square feet (0.13 acres) which exceeds the minimum density limitation in the SR-1A zone of 5,000 square feet. The applicant’s proposed overall lot size of 5,765 square feet (0.13 acres) exceeds the existing average lot size of 0.12 acres (5,227 square feet) in the surrounding neighborhood and is therefore compatible with the development pattern in the area. The proposed lot coverage range of twenty-three percent (23%) to forty percent (40%) falls within the lot coverage range observed

existing in the area which is twelve percent (12%) to fifty percent (50%). The applicant does not exceed the Zoning Ordinance requirement of forty percent (40%) maximum surface coverage of all principal and accessory structures on any of the proposed lots.

**3. Consideration of a Reduced Width Public Street Dedication: A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public.**

**Discussion:** As previously discussed, the Transportation Division reviewed the request for a reduced roadway standard of twenty-four feet (24'), sidewalk on one side, and a thirty foot (30') right-of-way, identifying the need to prohibit on-street parking and requiring a standard residential curb. The Transportation Division did not identify any issues that would indicate that the proposed street is not suitable or adequate to carry anticipated traffic as a result of the development, nor was a traffic impact study required. The applicant has indicated that the street will be dedicated to Salt Lake City for perpetual use by the public.

**Finding:** The Salt Lake City Transportation Division has indicated that the proposed reduced width public street is acceptable if stated conditions/requirements are satisfied.

**4. Perimeter Setback: The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the planning commission.**

**Discussion:** The applicant has provided the specifics of all the setbacks for each individual lot as shown in the "Proposal Summary" in Exhibit 9. These setbacks and the associated designated buildable areas (or in this case the building footprint), would be "fixed" should the Planning Commission deem the setbacks and lot sizes acceptable. Any approval granted by the Planning Commission would have to adhere to the preliminary plat submitted and attached to this report.

The perimeter setback in this case is the area from the proposed units to the perimeter property lines. The subject property is bordered by two streets, Victory Road and West Capitol Street. The subject property also borders several residential parcels. The proposed residence that is closest to any perimeter boundary that borders an existing residential parcel is unit 10B2 (see Exhibit 1 – Preliminary Plat). This residence is proposed to be located approximately seven feet (7') to the property line and approximately seventeen feet (17') to the closest existing residence. All other proposed units that border residential parcels have setbacks to the property lines that meet or exceed the required side yard setbacks by Zone (which is a minimum of four (4) feet), and further are setback significantly from existing residential units on adjacent residential parcels.

While rear yards may not meet the required rear yards by Zone, Victory Road and West Capitol provide a perimeter buffer. It is noted that there are no residential units located across Victory Road from the project site. Additionally, for the proposed homes that front on West Capitol Street, the “Proposal Summary” in Exhibit 9 shows that the yards for these units range in size from 1’ 6” (Lot 3B3) to 40’ 4” (Lot 6D3), as measured from the proposed building foundation to the property line. The average yard for these lots is 11’ 3”. However, when measured to the curb, the range increases to a minimum of 14’ 10” (Lot 3B3) to a maximum of 53’ 4” (Lot 6D3), for an average yard of 24’ 2”. The measurement to the curb provides for a more realistic perimeter setback, as this is the actual physical distance to the rear of these homes as viewed from the east side of the West Capitol Street at the curb.

Exhibit 12 is a summary of the various “Block Face” studies conducted by the applicant. Because this project is somewhat unique in the fact that there really is no existing block face with which to compare the proposed development (the developer is essentially creating a whole new block face), various block face studies were conducted. These studies include the existing block faces on Darwin Street, the east and west sides of West Capitol Street to the south of Clinton Avenue, and the block face on the west side of West Capitol Street to the north of Clinton Avenue. Planning Staff asserts that the block face that will be most impacted by the proposed development is that block face on the west side of West Capitol Street, north of Clinton Avenue, across the street from the proposed development.

Exhibit 12 shows the front setbacks of the homes on the west side of West Capitol Street. These homes are titled in the table, “Existing lots along WC North of Clinton”. This table shows that the range of front setbacks for these homes to be as little as 8’0” to a maximum of 35.8’, with the average setback being 21.0’. The applicant’s proposal for the new units to be located across this portion of West Capitol Street to be to a minimum of 14’ 10” (Lot 3B3) to a maximum of 53’ 4” (Lot 6D3), for an average yard of 24’ 2” when measured to the proposed new curb. Therefore, the existing and proposed building setbacks along West Capitol Street north of Clinton Avenue are very similar; 21.0’ existing versus 24’2” proposed.

It is noted that the proposed homes on the west side of the extension to Darwin Street are double frontage properties. The “rear yards” for the homes on the west side of Darwin Street are located on West Capitol Street. A note shall be added to the plat stating that access for these proposed homes must be off of Darwin Street, thereby establishing the rear yard for these homes and eliminating the “double frontage” lot configuration.

**Findings:** The Planning Commission has the authority to modify perimeter side and rear yard building setbacks. The perimeter side and rear yard setbacks proposed appear to be adequate. Planning Staff recommends that the Planning

Commission modify the perimeter side and rear yard perimeter setbacks as proposed and shown on the applicant's preliminary plat.

- 5. Topographic Change: The planning commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.**

**Discussion:** The applicant is proposing to re-grade the entire site according to the attached grading plan (Exhibit 13). The applicant is proposing to cut and fill as shown on this plan. The amounts of cut and fill shown are reasonable, with the maximum cut being approximately ten feet (10') in depth and the maximum fill being approximately six feet (6'). As part of the preliminary plat, the Planning Commission has decision making authority concerning overall site grading.

**Finding:** The proposed site grading and associated increases and decreases in the side or rear yard setbacks are warranted and appropriate in order to achieve the most feasible lot configuration and topography possible for the proposed development.

#### **Preliminary Subdivision Review: Petition 490-07-09**

#### **Salt Lake City Code, Title 20 – Subdivision Ordinance**

The project site currently consists of two separate parcels of property. The applicant is requesting to reconfigure these properties and re-subdivide into seventeen single family lots and open space areas that will be owned in common. As stated previously in this report, two (2) modifications are requested by the applicant through the Planned Development process. Preliminary subdivision approval is required. A final subdivision plat will be necessary should the preliminary plat be approved.

Section 20.20.020 of the Salt Lake City Subdivision Ordinance requires that a minor subdivision conform to the standards specified in Section 20.28.010 or its successor, and shall also meet the following standards:

- A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character;**

**Findings:** The general character of the surrounding area in this case is residential. All proposed lots would be used for residential purposes and therefore in conformance with the general character of the area.

- B. Lots created shall conform to the applicable requirements of the zoning ordinances of the City;**

**Discussion:** The Planning Commission can modify zoning standards through the Planned Development process, hence this Planned Development and Subdivision

request. Lot size has been discussed previously. The average proposed lot size of 5,765 square feet (0.13 acres), exceeds the average in the neighborhood of 5,227 square feet (0.12 acres). The proposed average lot size exceed the minimum lot size of 5,000 square feet as required in the SR-1A Zone, however it is noted that some of the proposed lots do not meet this lot size minimum.

**Findings:** All lots meet the applicable requirements of the zoning ordinance, specifically the development standards for the SR-1A Zone (Special Development Pattern Residential District) as modified by the Planning Commission through the Planned Development process.

**C. Utility easements shall be offered for dedication as necessary;**

**Findings:** No additional right-of-way dedications are necessary with the exception of the extension to Darwin Street. Additional right-of-way and utility easements will be dedicated on the plat.

**D. Water supply and sewage disposal shall be satisfactory to the City Engineer;**

**Findings:** Public Utilities and the City Engineer reviewed this proposal and provided comments. It was noted that water and sewer are available to service these proposed properties.

**E. Public improvements shall be satisfactory to the Planning Director and City Engineer (Ord. 71-94 § 1, 1994: prior code § 42-5-5).**

**Finding:** Comments and requirements have been submitted by various City Departments/Divisions in response to this subdivision request. The applicant shall satisfy the comments from the City in terms of public improvements as noted in the documentation attached to this report.

**RECOMMENDATION:**

Planning Staff recommends that the Planning Commission approve the Conditional Use/Planned Development and Preliminary Subdivision based on the comments, analysis, and findings of fact as noted in this staff report subject to the following:

1. The applicant shall satisfy and adhere to all the requirements as noted by the various City Departments/Divisions in this staff report.
2. Prior to the issuance of a building permit, final approval of the landscape plan shall be delegated to the Planning Director.
3. Consistent with the submitted preliminary plat attached to this report, the minimum street width shall be twenty-four feet (24'), sidewalk on one side, and a thirty foot (30') right-of-way.



4. The overall perimeter side and rear yard setbacks are modified as shown on the attached preliminary plat.
5. A final plat is required.
6. A plat note shall be added to the final plat stating that access to each residence will be provided off of Darwin Street. No access shall be granted off of West Capitol Street.
7. A provision for a home owners association shall be implemented prior to recording a final plat to ensure the maintenance of all common areas in the development.
8. A final geotechnical report shall be approved by the Planning Director prior to final plat approval.
9. Final design of the residential structures is delegated to the Planning Director to be consistent with Historic Landmark Commission approval.

**Attachments**

- Exhibit 1 – Preliminary Plat
- Exhibit 2 – Retaining Walls
- Exhibit 3 – Stairs
- Exhibit 4 – Department/Division Comments
- Exhibit 5 – Community Council Letter
- Exhibit 6 – Public Comments
- Exhibit 7 – Landscape Plan
- Exhibit 8 – Neighborhood Data
- Exhibit 9 – Proposal Summary
- Exhibit 10 – Lot Size Analysis
- Exhibit 11 – Lot Coverage Analysis
- Exhibit 12 – Block Face Setback Study
- Exhibit 13 – Grading Plan