



Staff Report

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Eric Daems, AICP, Senior Planner, eric.daems@slcgov.com or 801-535-7236
Date: February 26, 2020
Re: Accessory Dwelling Unit – Conditional Use (PLNPCM2019-00992)

Conditional Use

PROPERTY ADDRESS: 1039 W Briarcliff Ave
PARCEL ID: 08-35-130-009-0000
MASTER PLAN: Northwest
ZONING DISTRICT: R-1/7,000 (Single Family Residential)

REQUEST:

Andrea Palmer, representative for Erick Chuy (property owner), is requesting Conditional Use approval to construct a detached Accessory Dwelling Unit (ADU) to the rear of the single-family home at 1039 W Briarcliff Avenue. The property is in the R-1/7,000 single-family residential zoning district which requires conditional use approval from the Planning Commission for the construction of an ADU.

RECOMMENDATION:

Planning Staff finds the project generally meets the applicable standards for an ADU and therefore recommends approval of the Conditional Use.

ATTACHMENTS:

- A. Vicinity Map
- B. Plan Set
- C. Property and Vicinity Photos
- D. ADU Zoning Standards
- E. [Conditional Use Standards](#)
- F. Public Process & Comments
- G. Department Review Comments

PROJECT DESCRIPTION:

This proposal is for the construction of a detached one-bedroom ADU which will be located to the rear of the single-family home at 1039 W Briarcliff Ave. The property is 14,810 square feet (.34 acres) and the main home is 975 square feet. The proposed ADU will be 432 square feet.

The structure is proposed as a simple modern design with a flat roof. The ADU will be a minimum of 10' from the closest side property line and 121' from the rear property line. One parking stall for the ADU can be accommodated in the existing driveway for the main home although the parking requirement may be waived as there is available on-street parking. The building is proposed with a height of 11' 3", where the main home is 16' 6". The primary exterior material will be western red cedar vertical wood siding. The entrance to the ADU faces the rear of the main home. The adjacent neighborhood is primarily comprised of single-family homes.

KEY CONSIDERATIONS:

The key considerations for approval of a proposed ADU is that it is compliant with:

- 1) Zoning standards
- 2) Conditional Use standards

This proposal has been found to meet all applicable standards. Detailed analysis for these standards is found in [Attachment D](#) and [Attachment E](#) of this report.

NEXT STEPS:**Approval of Conditional Use**

If the request is approved, the applicant will need to comply with the conditions of approval, including any of the conditions required by other City departments and any added by the Planning Commission. The applicant will be able to submit plans for building permits and certificates of occupancy for the buildings will only be issued once all the conditions of approval are met including the registration process requirements outlined in 21A.40.200.F of the zoning ordinance.

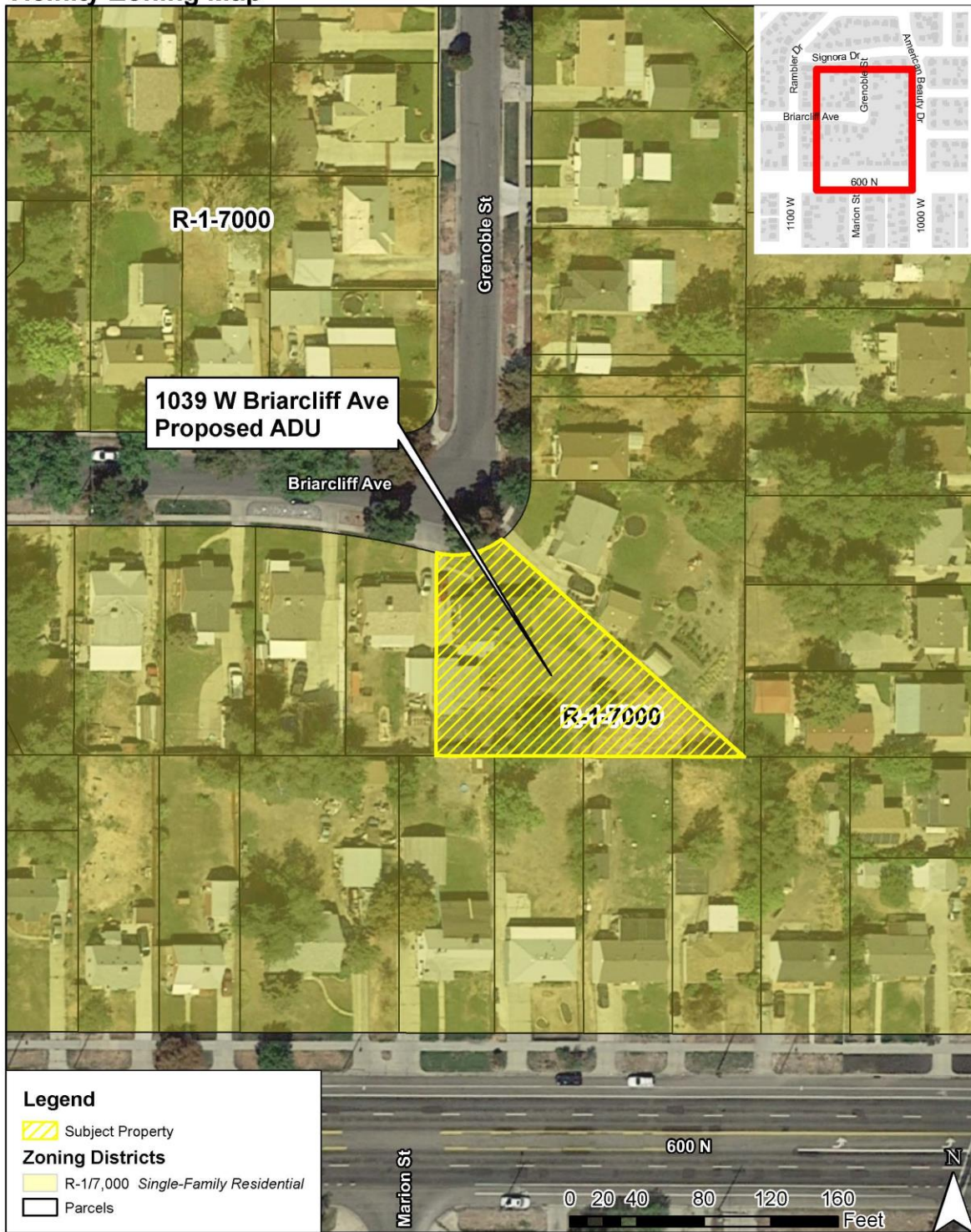
Denial of Conditional Use

State and City code require that a Conditional Use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A conditional use can only be denied if the Planning Commission finds that reasonably anticipated detrimental effects cannot be mitigated with the imposition of reasonable conditions.

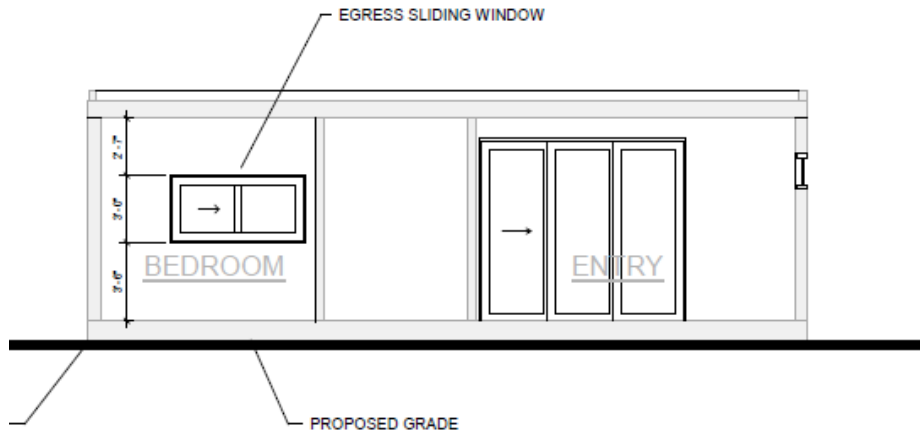
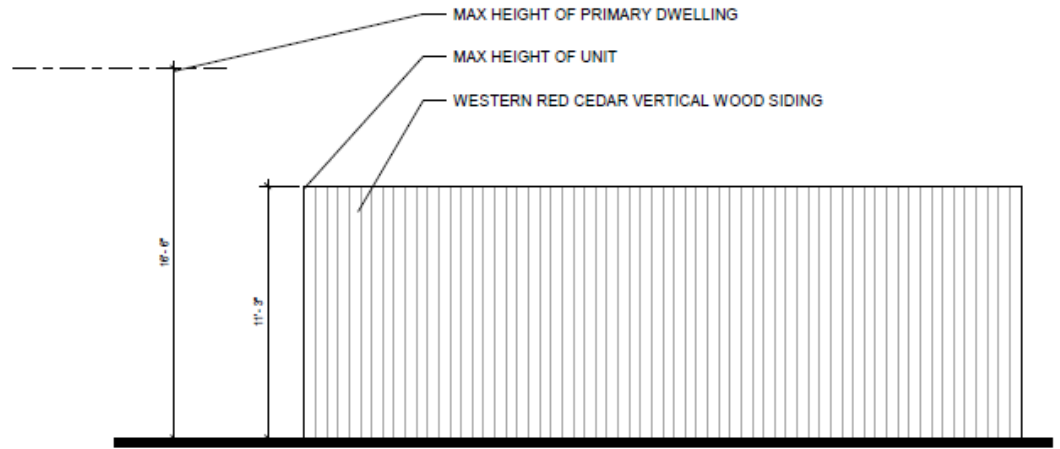
If the Planning requests are denied, the applicant would not be able to construct an ADU. An accessory structure could still be constructed on the property subject to meeting zoning requirements; however, it could not be used as an accessory dwelling.

ATTACHMENT A – VICINITY MAP

Vicinity Zoning Map







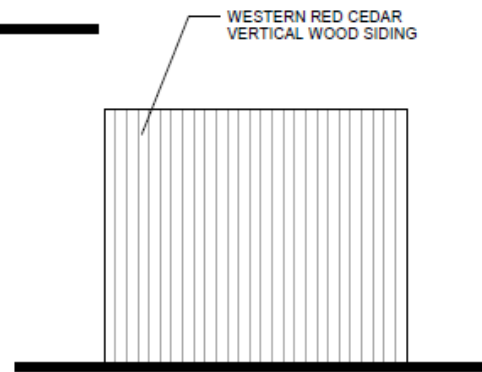
SOUTHWEST ELEVATION

C

ELEVATION

SCALE: 1/4" = 1'-0"

0' 1' 2' 4'



SECTION

E

SECTION

SCALE: 1/4" = 1'-0"

0' 1' 2' 4' 8'

NORTHWEST ELEVATION

D

ELEVATION

SCALE: 1/4" = 1'-0"

0' 1' 2' 4'

ATTACHMENT C – PROPERTY AND VICINITY PHOTOS



Primary home at 1039 W Briarcliff Ave



Surrounding development to the northeast



Surrounding development to southwest

ATTACHMENT D – ZONING STANDARDS FOR ADU’S

21A.40.200 – Accessory Dwelling Units

ADU STANDARDS	DETAILS	COMPLIES Y/N
SIZE ADU footprint can be 50% of the footprint of the primary house up to a maximum of 650 SF .	The primary house is approximately 975 SF The footprint of the proposed ADU is approximately 432 SF	Complies
MAXIMUM COVERAGE The surface coverage of all principal and accessory buildings shall not exceed 40% of the lot.	Lot size is 14,810 SF. 40% of the lot is 5,924 SF. Primary House - 975 SF Proposed ADU - 432 SF Total coverage with all structures – 1836 SF The surface coverage all principal and accessory buildings (including the proposed ADU) is 12% of the lot.	Complies
HEIGHT 17' or the height of the single-family dwelling on the property, whichever is less.	Height of house: 16' 6" Height of proposed ADU: 11' 3"	Complies
SETBACKS Minimum of 4' from any side or rear lot line.	The minimum yard setback for the ADU is 10' to the nearest side yard and as much as 121' to the rear property line.	Complies
SEPARATION Located 10' from any primary dwelling on the property or adjacent property	The ADU is located approximately 36' from the primary house on the property and the closest house on an adjacent property is approximately 55' .	Complies
ENTRANCE LOCATIONS The entrance to an ADU in an accessory building shall be located: <ul style="list-style-type: none"> Facing an alley, public street, or facing the rear façade of the single-family dwelling on the same property, unless located at 	The entrance to the ADU will face the rear façade of the main home and is located 10' from the closest property line.	Complies

least 10' from property lines		
REQUIREMENTS FOR WINDOWS <ul style="list-style-type: none"> Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required. Skylights, clerestory windows, or obscured glazing shall be used when facing a side or rear property line to comply with minimum Building Code requirements for air and light on building elevations that are within ten feet (10') of a side or rear property line unless the side or rear property line is adjacent to an alley. Except as required in subsection E3g(1) of this section, windows shall maintain a similar dimension and design as the windows found on the principal structure. 	<p>Windows comply with the size and location requirements and are similar in shape and size to those on the principal structure.</p>	Complies
PARKING Minimum of one parking space on site. *This requirement may be waived if there is legal on street parking along the street frontage of the property OR if it's within ¼ mile of a transit stop.	<p>One parking space provided in the existing driveway.</p> <p>*On-site parking could be waived because they have one legal street parking space.</p>	Complies

ATTACHMENT E – CONDITIONAL USE STANDARDS

21A.54.080 Standards for Conditional Use

Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

Analysis: The proposed ADU use is located in the R-1/7,000 zoning district which allows for an ADU to be approved through the conditional use process subject to meeting the specific regulations for an ADU in section 21A.40.200 of the zoning ordinance. As analyzed in [Attachment D](#), the ADU complies with the requirements of 21A.40.200.

Finding: The proposed use will comply with the applicable provisions of the Salt Lake City Zoning Ordinance.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The proposed ADU is anticipated in the R-1/7,000 zoning district and is considered a use that is potentially compatible with adjacent and surrounding residential uses by being listed as a conditional use in the land use table. The ADU meets all the requirements in terms of setbacks and separation requirements between adjacent houses and the primary house on the property.

Finding: The proposed development and use is generally compatible with the surrounding uses.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Analysis: The proposal is located within the Northwest Master Planning Area. The area is largely comprised of single-family dwellings with architectural styles ranging from cottages to bungalows. The master plan designates the future land use of this area to remain as low density residential. The existing zoning on the property is R-1/7,000, single family residential.

The purpose of the R-1/7,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. 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 purpose of accessory dwelling units are to:

- 1) Create new housing units while respecting the appearance and scale of single-family residential development;
- 2) Provide more housing choices in residential districts;

- 3) Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
- 4) Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households;
- 5) Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- 6) Broaden the range of affordable housing throughout the City;
- 7) Support sustainability objectives by increasing housing close to jobs, schools, and services, thereby reducing greenhouse gas emissions and fossil fuel consumption;
- 8) Support transit-oriented development and reduce auto usage by increasing density near transit; and
- 9) Support the economic viability of historic properties and the City's historic preservation goals by allowing accessory dwellings in historic structures.

The proposal is also consistent with the goals and policies outlined in *Growing SLC: A Five-Year Housing Plan* which aims to increase housing options, promote diverse housing stock, and allow for additional units while minimizing neighborhood impacts.

Finding: The uses are consistent with applicable adopted city planning policies, documents, and master plans.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental Impacts Chart below for details).

21a.54.080B Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies	The proposed ADU is an accessory residential use and is allowed as a conditional use within the R-1/7,000 zoning district. The proposed ADU complies with all specific regulations for an ADU including size, height, setbacks, distance to other houses, etc. as outlined in Attachment D .
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps	Complies	The property is zoned and designated by the associated master plan for low density residential. As discussed under Conditional Use standard 3 above, the proposed ADU is consistent with the purpose of the ADU ordinance and supports goals outlined in Growing SLC: a Five Year Housing Plan by providing more housing options, and creating a new housing unit that respects the scale of the neighborhood.

3. The use is well-suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area	Complies	Uses surrounding the property are primarily single-family residential. The lots in this area are generally narrow and deep which provides some separation from the proposed ADU from the house on the property as well as adjacent primary residences. The proposal complies with the size requirements for an ADU and is compatible with the scale of surrounding accessory buildings and adjacent uses.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	The ADU will relate to surrounding structures in mass, scale, and general design. The ADU will be located to the rear of the property and will not be visible from the public realm. The ADU will be shorter than the single-family home in front. The scale is similar to that of nearby accessory structures. The main home has a pitched roof, where the ADU will feature a flat roof. The surrounding area includes other accessory structures with flat roofs.
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows	Complies	The main house on the subject property has a driveway located off Briarcliff. The driveway will serve both the existing home and the proposed ADU and will not impede traffic flows.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	The proposed ADU will use the same driveway as the main home and will not create adverse impacts on adjacent properties.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The site is designed for pedestrian and bicycle access in that pedestrians and bicycles will be able to access the ADU by the driveway.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	Vehicular access to the site would be provided by the existing driveway for the main home and would not impact the service level of the street.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	The parking requirement for an ADU can be waived due to the presence of on-street parking. Also, the existing driveway would qualify for legal ADU parking.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	The Public Utilities department provided comments on the project. A utility plan will need to be submitted for review and compliance will be ensured during the building permitting process.

11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts	Complies	The surrounding properties are all residential uses and the proposed use is also residential. The proposed ADU may result in increased activity in the rear yard of the subject property but is located at least 10' from all property lines. The closest primary residence to the ADU is approximately 55'.
12. The use meets City sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke	Complies	The use does not significantly impact sustainability plans. The project supports sustainability objectives by increasing housing in a developed neighborhood with existing infrastructure, thereby reducing sprawl which would create greenhouse gas emissions and fossil fuel consumption.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	The proposed use is an accessory residential structure and is compatible with the surrounding uses, which are also residential.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	Signs are not associated with this proposal. Any lighting on the accessory structure is not expected to have a negative impact on the surrounding uses or otherwise cause a nuisance.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	The property is not located within a Local or National Historic District and the proposal does not involve removal or any historic resources or structures.

Finding: In analyzing the anticipated detrimental effects of the proposed use, Staff finds that the request complies with the criteria listed above.

ATTACHMENT F – PUBLIC PROCESS & COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- November 7, 2019 – Notice of the project was provided to the Rose Park and Fairpark Community Councils as well as property owners and residents within 300 feet of the proposal.

Neither community council requested the item to be discussed during a community council meeting.

Notice of the public hearing for the proposal included:

Public hearing notice mailed on February 13, 2020

Public hearing notice posted on February 13, 2020

Public notice posted on City and State websites and Planning Division list serve on February 13, 2020

Public Input:

Staff has received the following email from a neighbor:

I am writing about the proposed ADU going in at 1039w Briarcliff Ave., we are against this idea. The owners are renting at least three rooms now by the month, leaving cars parked on both sides of the street leaving no room for garbage trucks, or snowplows. There is no designated parking, renters are not allowed to park in the driveway which has a food trailer parked in it for most of the year. We hope the city will consider these issues before moving ahead with this.

Staff Response:

The main home must meet the requirements for owner occupancy as stated in the ordinance. Those requirements have been sent to the applicant and homeowner. Official verification will take part during the building permit process. There is no code issue with vehicles being parked on the street. Any concerns would be a matter for Civil Enforcement and not part of the Conditional Use approval. The submitted plans do show a driveway that could be used for ADU parking in accordance with the ADU provisions. Available on-street parking can also be used to waive the parking requirement for an ADU.

If any additional comments are received after publication of the Staff Report, they will be forwarded to the Commission and included in the public record.

ATTACHMENT G – DEPARTMENT REVIEW COMMENTS

1st REVIEW COMMENTS

PLANNING DIVISION COMMENTS

Comments by: Eric Daems

Email: eric.daems@slcgov.com

Phone: 801-535-7236

Status: Make Corrections

1. Windows shall maintain a similar dimension and design to those on the main home: 21A.40.200.E.3.G.2
Revise to maintain similar window dimension and design.

TRANSPORTATION DIVISION COMMENTS

Comments by: Michael Barry

Email: Michael.barry@slcgov.com

Phone: 801-535-7147

Status: No objections

1. No objections to the lot split

PUBLIC UTILITIES DIVISION COMMENTS

Comments by: Jason Draper

Email: Jason.draper@slcgov.com

Phone: 801-483-6751

Status: Approved according to comments on DRT review which are to be addressed in Building Permit process

ZONING REVIEW COMMENTS

Comments by: Scott Browning

Email: scott.browning@slcgov.com

Phone: 801-535-7283

Status: Make Corrections

1. Need to see elevation of the entire property – to make sure that the ADU does not exceed the height of the home.
2. Need to see the approved location of the additional parking space for the ADU.

BUILDING REVIEW COMMENTS

Comments by: William Warlick

Email: William.warlick@slcgov.com

Phone: 801-535-7292

Status: Make Corrections

For purposes of building code compliance of the building permit application (a separate process), significant additional information will be required. This will include, among other things:

1. Information on the foundation system. A helical pier system would not necessarily be an approved system per IRC AE502.3, or IRC R403.1.

2. Frost protection of the foundation per R403.1.4, R403.3 and/or AE502.3
3. Structural design of the foundation system per IRC R403.1.2 and/or AE502.4
4. Clarification whether this proposed structure is a manufactured home (as defined in the building codes)
5. Whether or not you would be submitting for a manufactured home installation permit per Subsection 15A-2-104 of the State of Utah Code
6. Clarification whether its installation would follow Appendix E of the 2015 International Residential Code (IRC)

ENGINEERING REVIEW COMMENTS

Comments by: Scott Weiler

Email: scott.weiler@slcgov.com

Phone: 801-535-6159

Status: No objections

FIRE REVIEW COMMENTS

Comments by: Doug Bateman

Email: douglas.bateman@slcgov.com

Phone: 801-535-6619

Status: Approved with comments

Fire apparatus access road shall extend to within 150-feet of all portions of the building and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building.

Exception: There are not more than two Group R-3 or Group U occupancies

For Group R-3 and Group U occupancies, fire hydrants shall be within 600-feet of all exterior portions of the buildings as measured by an approved route around the building.

***"Approved" is defined as the height of the structure times 70 % plus 4 feet will be the dimension measured from the exterior wall.

POLICE REVIEW COMMENTS

Comments by: Cooper Landvatter

Email: cooper.landvatter@slcgov.com

Phone: 801-799-4601

Status: Non-binding comments for consideration

1. The unit is being placed in the back yard in a location that has limited surveillance from the existing structures.
2. In looking at elevation D and C there are no windows, that allow the occupants inside to monitor those areas of the property. These sides are also facing away from the other surrounding buildings, creating spaces that cannot be monitored by anyone. These can be hiding spots or ambush points in the event that a crime is committed here.
3. I was not able to see any exterior lighting on the plans or exterior lighting discussed in the project description.
4. With the placement of the structure on the property, the lack of windows and the ability to see into certain areas of the yard, and lack exterior lighting increase create zones that will make certain crimes easier to commit.