



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Linda Mitchell, Principal Planner, 801-535-7751
Date: February 20, 2020
Re: PLNPCM2019-00995 – *Detached Accessory Dwelling Unit*

Conditional Use

PROPERTY ADDRESS: 235 E Hubbard Avenue
PARCEL IDS: 16-07-181-024-0000
MASTER PLAN: Central Community – Low Density Residential
ZONING DISTRICT: R-1/5,000 Single-Family Residential

REQUEST: Andrea Palmer, Modal Living and property owner representative, is requesting Conditional Use approval for a detached accessory dwelling unit (ADU) in the rear yard on a property located at approximately 235 E Hubbard Avenue. The detached ADU would have a building footprint of approximately 432 square feet. The property is zoned R-1/5,000 Single-Family Residential, which requires Conditional Use approval for the construction of an ADU.

RECOMMENDATION: Based on the information in this staff report, Staff recommends that the Planning Commission approve the Conditional Use request as proposed, and subject to complying with the following conditions:

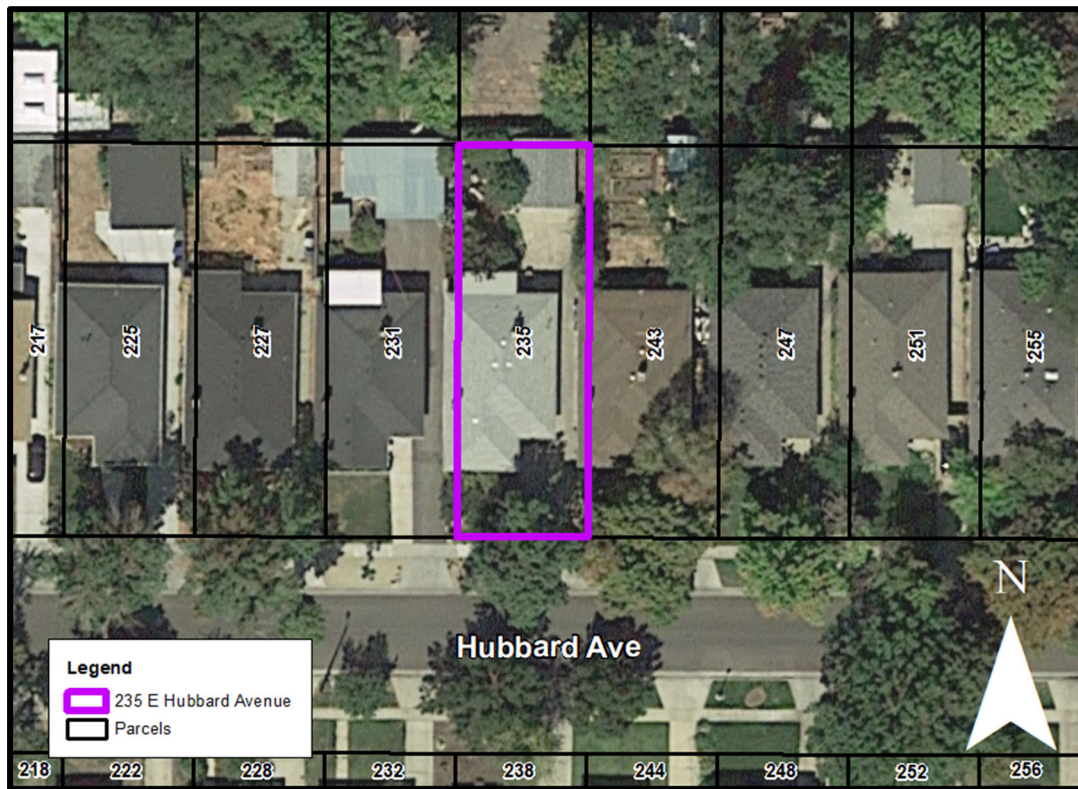
1. Compliance with all Department/Division comments and conditions as noted in [Attachment H](#).
2. The property owner shall comply with the registration process as outlined in section 21A.40.200F of the Salt Lake City Zoning Ordinance.
3. Final approval for the development shall be delegated to Planning staff based on the applicant's compliance with the standards and conditions of approval as noted within this staff report.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Plans](#)
- C. [Additional Applicant Information](#)
- D. [Site Visit Photographs](#)
- E. [Analysis of Standards - Accessory Dwelling Units](#)
- F. [Analysis of Standards – Conditional Use](#)
- G. [Public Process and Comments](#)
- H. [Department Review Comments](#)

PROJECT DESCRIPTION:

This petition for a Conditional Use is for a detached ADU to be placed in the rear yard of the existing single-family dwelling located at approximately 235 E Hubbard Avenue. The subject parcel is located on the north side of Hubbard Avenue in the middle of the block, between 200 East and 300 East.



The proposed detached ADU would be located in the northeast corner of the rear yard. The building footprint is approximately 432 square feet. It would be a one-story structure containing one (1) bedroom and one (1) bathroom with a flat roof measured approximately 11 feet 3 inches (11'3") in height. The primary exterior building material would be concrete with some exterior finishes on the west elevation consisting of six-inch (6") tongue and groove painted and sealed red cedar wood siding. The entrance to the proposed detached ADU faces the west interior lot line. There is a clerestory window on the south elevation located seven feet (7') above the ground level that faces the rear façade of the single-family dwelling.

The parking for the existing house is accommodated by two (2) off-street parking spaces along the east side yard on the existing driveway and behind the front façade of the building. The parking space for the proposed detached ADU would be legally located on-street along Hubbard Avenue. The subject property is also located within one-quarter (1/4) mile of a transit stop, with the nearest bus stop located at approximately 900 South and 200 East.

PLANNING COMMISSION REVIEW:

The property is zoned R-1/5,000 Single-Family Residential. A Conditional Use approval is required for any ADUs that are located in a single-family zoning district. For complete analysis and findings for compliance with zoning standards for Accessory Dwelling Units and Conditional Use standards, please refer to [Attachment E](#) and [Attachment F](#).

NEXT STEPS:***Approval of Conditional Use***

If approved, the applicant may proceed with the project, subject to all conditions imposed by City departments and/or the Planning Commission and will be required to obtain all necessary permits. Building permits and certificate of occupancy for the building would only be issued contingent upon all conditions of approval are met, including the registration process requirements outlined in 21A.40.200F of the zoning ordinance.

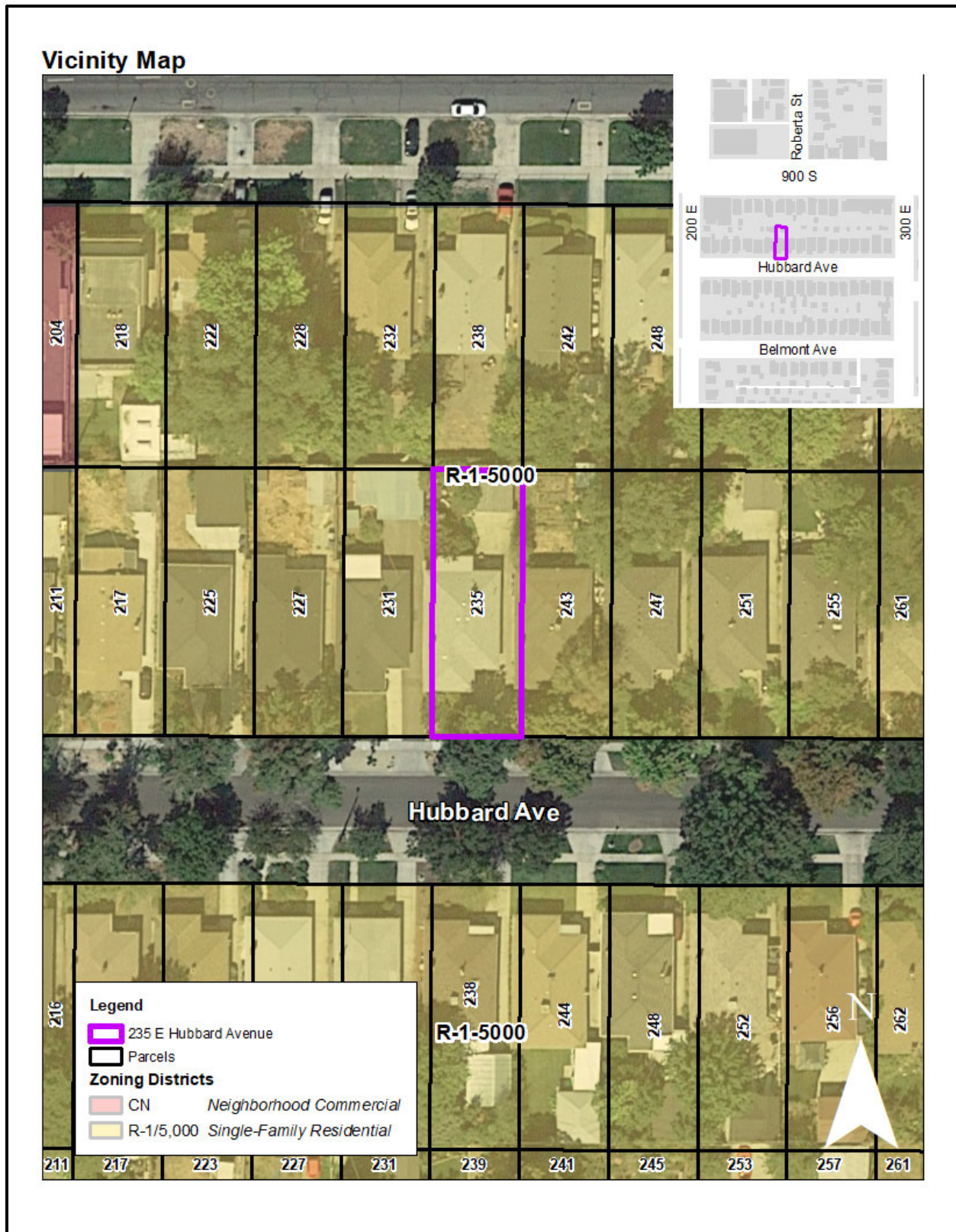
Denial of Conditional Use

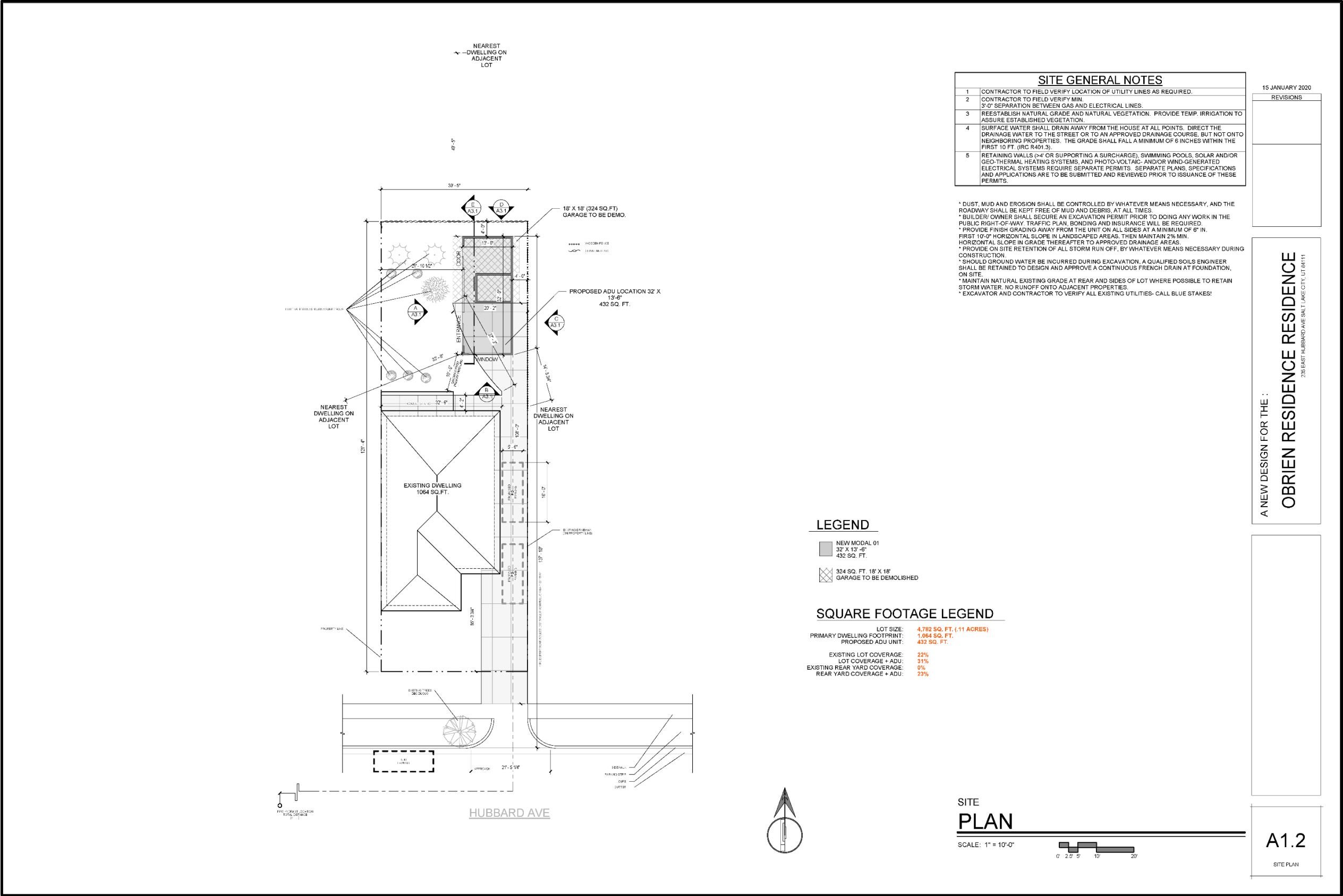
State and City code require that a Conditional Use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A Conditional Use can only be denied if the Planning Commission finds that reasonably anticipated detrimental effects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

If denied, the applicant would not be permitted to construct an ADU. An accessory building would be permitted on the property subject to compliance with the development standards and requirements of the R-1/5,000 zoning district; however, no portion of the building may be used as a dwelling unit. Accessory structures in the R-1/5,000 zoning district would be permitted, subject to the following general requirements:

1. Shall be located a minimum of one-foot (1') from the side or rear property lines;
2. Shall not exceed fifty percent (50%) of the yard coverage or building coverage;
3. The building height shall not exceed 17 feet to the midpoint for a pitched roof or 12 feet for a flat roof; and
4. No portion of an accessory building may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot when that adjacent lot is in a residential zoning district.

ATTACHMENT A: VICINITY MAP





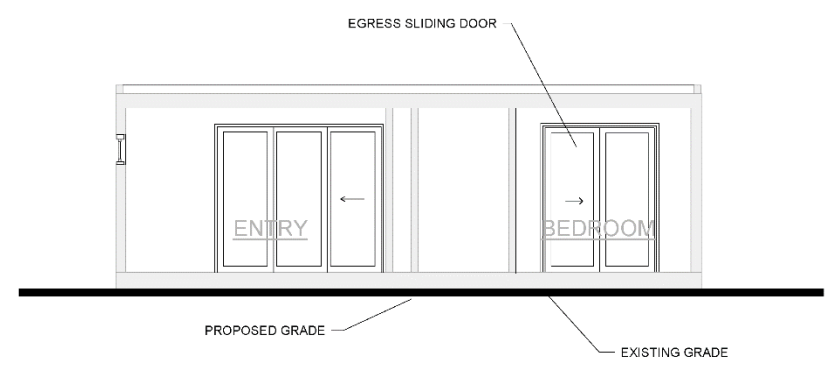
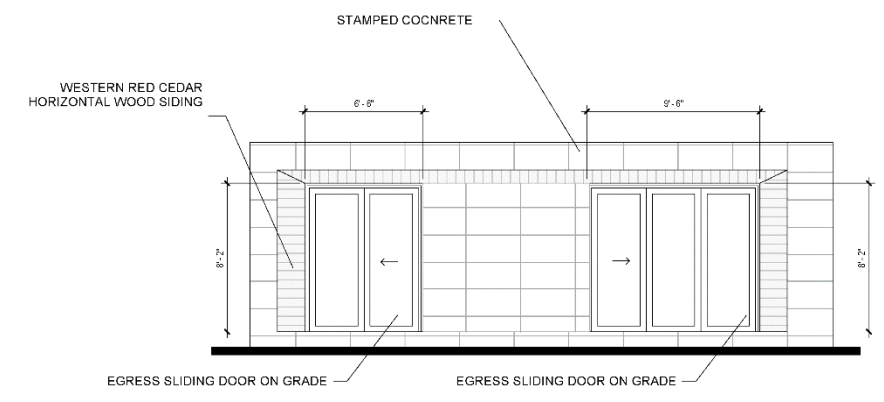
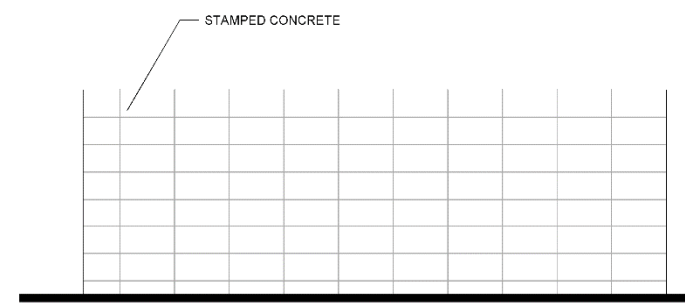
10 NOVEMBER 2019

REVISIONS

A NEW DESIGN FOR THE :
OBRIEN RESIDENCE
238 EAST HUBBARD AVE SALT LAKE CITY, UT 84111

A3.1

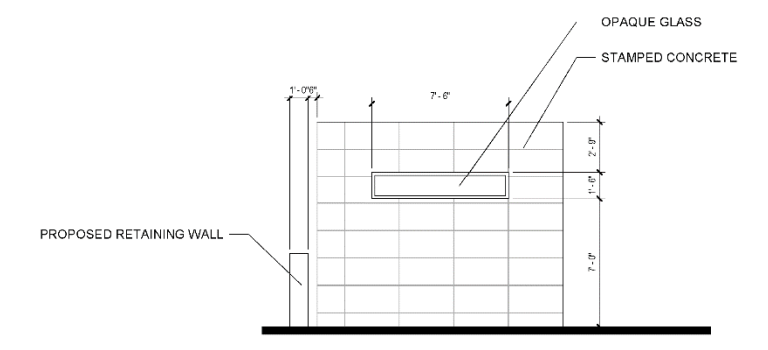
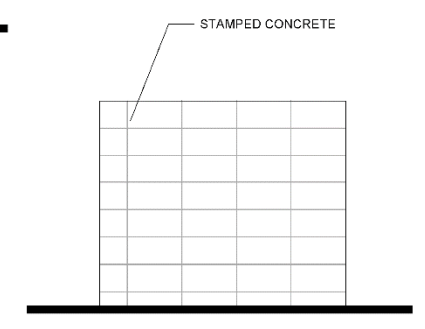
1/4" ELEVATIONS &
SECTION



C EAST ELEVATION
SECTION
SCALE: 1/4" = 1'-0"

A WEST ELEVATION
ELEVATION
SCALE: 1/4" = 1'-0"

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



D NORTH ELEVATION
SECTION
SCALE: 1/4" = 1'-0"

B SOUTH ELEVATION
SECTION
SCALE: 1/4" = 1'-0"

ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION

THE MODAL 01 is a one-bedroom, one-bathroom, 432-square foot footprint Accessory Dwelling Unit (ADU) built in compliance with current residential building codes (IBC/IRC 2018). Ceilings are 9 feet tall. Bed, daybed and cabinetry are built in, kitchen is fully equipped, a full-size bathroom, composite glass front door, two independently-zoned heating/cooling units, and LED lighting. Unit weighs 10 tons/20,000 pounds. Dimensions are 32' long x 13'6" wide, and 11'3" tall with 432 square feet of living space. The foundation will be poured concrete footings and a site built concrete foundation skirting around the perimeter of the unit. The exterior facade is 6-inch tongue-and-groove painted and sealed western red cedar. Construction materials are 2x6 wood frame, double-plated top and bottom framing, TPO roofing system with an internal drain. R50 roofing/flooring insulation values, R22 wall insulation, and double pane composite 4 windows and doors. Baltic Birch cabinetry throughout, Quartz countertops, 3Form custom shower surround and kitchen backsplash, Euro glass shower divide, and engineered marmoleum floors. The unit is built offsite, then shipped to the site in a fully completed state.

This Conditional Use application proposes one Accessory Dwelling Unit (ADU) to be placed at 235 E Hubbard Ave, currently a single-family home located in the R-1/5,000 zone. Proposed ADU location is at the north east end of the rear yard with the entrance facing the west side of the property. There is an existing detached garage in the rear yard that will be demolished to place the ADU. Setbacks are as follows: rear-yard: (4'), front-yard: (83'), distance from primary structure: (11'-6"). Entrance is located on the south west side of the ADU with an entrance to the bedroom on the north west side and an additional window on the south side. There will be a 241' distance from the nearest fire hydrant location. Proposed use is as a home for the owner's daughter. The owner intends to comply with all applicable laws and ordinances. Total building coverage will be 31% including the primary dwelling 1,064 SF and the ADU (432 SF). Rear-yard coverage will be 17% with the ADU and the garage demo. Parking for the ADU occupant will be made available tandem style on the existing driveway.

- Operating/Delivery Hours: N/A
- Adjacent Land Uses: Residential
- Employees: N/A
- Seats: N/A
- Nearby property owners: The project has not been discussed with nearby property owners; however, we look forward to their feedback during the community council, open house, and planning commission meetings.

ATTACHMENT D: SITE VISIT PHOTOGRAPHS



Top Left:
Rear yard facing the west property line



Top Right:
Rear yard facing the northwest corner



Bottom Left:
Rear yard facing the northeast corner where the proposed detached ADU would be located



Bottom Right:
Rear façade of principal dwelling



Top:
Rear yard from
existing driveway



Bottom:
Street View of
Subject Property

ATTACHMENT E: ANALYSIS OF STANDARDS - ACCESSORY DWELLING UNITS

21A.40.200: Accessory Dwelling Units

Standard	Proposed	Findings
Size <i>An ADU shall not have a footprint that is greater than fifty percent (50%) of the footprint of the principal dwelling, and shall not exceed six hundred fifty (650) square feet (SF).</i>	Principal dwelling is approximately 1,064 SF. Fifty percent (50%) of principal dwelling equals approximately 532 SF. Proposed ADU is approximately 432 SF .	Complies
Maximum Coverage <i>The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot.</i> <i>[Rear] Yard Coverage: In residential districts, any portion of an accessory building, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall occupy not more than fifty percent (50%) of the total area located between the rear façade of the principal building and the rear lot line.</i>	Lot size is approximately 4,782 SF. Forty percent (40%) of the lot is approximately 1,912 SF. Primary Dwelling: 1,064 SF Proposed ADU: 432 SF Total Coverage: 1,496 SF The surface coverage of all principal and accessory buildings (including the proposed ADU) is approximately 31% of the lot. Rear yard area: 1,895 SF Proposed ADU: 432 SF Yard Coverage: 23%	Complies
Building Height <i>The maximum height of an accessory building containing an ADU shall not exceed the height of the single family dwelling on the property or exceed seventeen feet (17') in height, whichever is less.</i>	Height of proposed ADU is approximately 11'-3" .	Complies
Side or Rear Yard Setbacks <i>New Accessory Buildings [ADU] shall be located a minimum of four feet (4') from any side or rear lot line.</i>	Side [West] Lot Line: 21'-10½" Side [East] Lot Line: 4 feet Rear [North] Lot Line: 4 feet	Complies
Separation <i>All ADUs [located in an accessory building] shall be located a minimum of ten feet (10') from the single family dwelling located on the same parcel and any single family dwelling on an adjacent property.</i>	The proposed ADU is approximately 10' from the principal dwelling on the same parcel. The nearest single-family dwelling on an adjacent property is approximately 14'-5¾" .	Complies

<p>Entrance Locations <i>The entrance to an ADU in an accessory building shall be located:</i></p> <p>(1) <i>Facing a side or rear property line provided the entrance is located a minimum of ten feet (10') from the side or rear property line.</i></p>	<p>The entrance for the proposed ADU is oriented towards the side [west] property line. The entrance is approximately 21'-10½" from the side property line.</p>	<p>Complies</p>
<p>Requirement for Windows <i>Windows on an accessory building containing an ADU shall comply with the following standards:</i></p> <p>(1) <i>Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required.</i></p> <p>(2) <i>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.</i></p> <p>(3) <i>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.</i></p>	<p>There is a high clerestory window for natural lighting on the south building elevation facing the rear façade of the principal dwelling. The dimension is approximately 7'-6" wide by 1'-6" high.</p> <p>There are no additional windows proposed.</p>	<p>Complies</p>
<p>Parking <i>An ADU shall require a minimum of one on-site parking space.</i></p> <p><i>The parking requirement may be waived if:</i></p> <p>(1) <i>Legally located on street parking is available along the street frontage of the subject property; or</i></p> <p>(2) <i>The subject property is located within one-quarter (¼) mile of transit stop.</i></p>	<p>The principal dwelling has two (2) off-street parking spaces on the existing driveway along the side [east] property line.</p> <p>The ADU parking requirement may be waived as there is a legally located on-street parking available along Hubbard Avenue and the subject property is located within a ¼ mile of a transit stop.</p>	<p>Complies</p>

ATTACHMENT F: ANALYSIS OF STANDARDS – CONDITIONAL USE

21A.54.080: Standards for Conditional Uses

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-1/5,000 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 E](#), 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 use is a small residential unit that should be readily compatible with surrounding uses, which are all single-family homes. The proposed ADU meets all the requirements in terms of setbacks and separation requirements between adjacent houses and the principal dwelling on the property.

Finding: The proposed use is 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 in the Central City and Liberty Wells neighborhoods within the Liberty neighborhood planning area as established by the Central Community Master Plan. The master plan designates the future land use of this area as low density residential and the existing zoning on the property is R-1/5,000 Single-Family Residential.

The purpose of the R-1/5,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods. 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 proposed ADU is consistent with the following Residential Land Use Goals included in the Central Community Master Plan:

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.
- Ensure preservation of low-density residential neighborhoods.
- Encourage a mix of rental properties for those who cannot afford or do not choose home ownership.
- Support the efforts of the Housing Division and the Redevelopment Agency to provide residential construction in all qualifying neighborhoods within the Central Community.

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 Effects Determination analysis below).

21A.54.080B: Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

Standards	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-1/5,000 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 E .
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 uses are located in an area zoned and designated by the associated master plan for low density residential. This land use designation allows moderate sized lots (i.e., 3,000-10,000 square feet) where single-family detached homes are the dominant land use. Low-density includes single-family attached and detached dwellings as permissible on a single residential lot subject to zoning requirements.
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 subject property are generally single-family residential properties. The residential lots in this area are large enough to provide separation between the proposed ADU and the principal dwelling on the property as well as adjacent primary residences. The proposal complies with the size requirements for an ADU, which can be up to 50% of the footprint of the primary house up to 650 SF 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	As discussed above, the scale of the proposal is compatible with the principal dwelling on the property as well as surrounding structures. The proposal also meets the building footprint and height requirements for an ADU. An ADU may have a maximum of 17 feet; however, the proposed ADU would have a building height of 11'-3". The proposed ADU is located in the rear yard of the site that minimizes impacts to adjacent properties.
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 Hubbard Avenue. The proposed ADU will utilize the legally located on-street parking. No new access points are proposed and the proposal would not impede traffic flows.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;	Complies	The proposed ADU would be accessed from Hubbard Avenue. The proposed ADU is also located within ¼ mile of the transit stops located at the intersection of 900 South and 200 East and has legally located on-street

		parking. It is not anticipated that the proposed ADU would create any adverse impacts in terms of motorized, nonmotorized and pedestrian traffic.
7. The site is designed to enable access and circulation for pedestrian and bicycles;	Complies	The site is designed for pedestrian and bicycle access. The site plan shows a path from the parking space to the proposed ADU.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;	Complies	There is vehicular access to the site. No unreasonable impacts to the service level of the adjacent streets is anticipated.
9. The location and design of off-street parking complies with applicable standards of this code;	Complies	One (1) parking space would be legally located on street parking along Hubbard Avenue for the proposed ADU. Additionally, parking for the proposed ADU may be waived because of the availability of on-street parking in front of the subject property or ¼ mile proximity to a transit stop.
10. Utility capacity is sufficient to support the use at normal service levels;	Complies	The Public Utilities department provided comments on the project. As proposed, the utility plan would be reviewed for compliance during building permit review.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;	Complies	The proposed ADU may result in increased activity in the rear yard of the subject property. This must be taken into account for potential impacts to the abutting properties that appear to be single family residences. The property currently has a solid wood fence and chain-link fence along the property lines, and this provides screening from the adjacent properties.
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 close to jobs, schools, and services, thereby reducing 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 that are also residential.

14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and	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 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 ADU, Staff finds that with the conditions identified in the analysis, the request complies with the criteria listed above.

ATTACHMENT G: PUBLIC PROCESS AND COMMENTS

Meetings:

- An open house was held on January 16, 2020. Notices were mailed and posted on January 6, 2020. The applicant was present but no attendees on the proposal.

Public Notice:

- Early notice of application mailed on November 15, 2019
- Public hearing notice mailed on February 14, 2020
- Public hearing sign posted on the property on February 13, 2020
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on February 14, 2020

Public Comments:

No comments were provided from the Central City or Liberty Wells Community Councils. As of the publication of this Staff Report, Staff has not received any comments.

Any public comments received up to the public hearing meeting will be forwarded to the Planning Commission and included in the public record.

ATTACHMENT H: DEPARTMENT REVIEW COMMENTS

Fire (Doug Bateman at douglas.bateman@slcgov.com)

Fire apparatus access road shall extend to within 150-feet of all portions of the building(s) and all portions of the exterior walls of the first story of the building(s) 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.

Engineering (Scott Weiler at scott.weiler@slcgov.com or 801-535-6159)

No comments.

Transportation (Michael Barry at michael.barry@slcgov.com or 801-535-7147)

Two (2) off-street parking spaces are required for the residence and one (1) additional parking space is required for the ADU. The parking can be tandem parking or on-street parking along the property frontage if there is legal on-street parking.

Public Utilities (Jason Draper at jason.draper@slcgov.com or 801-483-6751)

The sewer lateral to the home is old and will need to be inspected by video to determine if it can be used for the ADU. A new sewer lateral may be needed for the ADU.

Building (William Warlick at william.warlick@slcgov.com or 801-535-7292)

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:

- Information on the foundation system. A helical pier system would not necessarily be an approved system per IRC AE502.3, or IRC R403.1.
- Frost protection of the foundation per R403.1.4, R403.3 and/or AE502.3
- Structural design of the foundation system per IRC R403.1.2 and/or AE502.4
- Clarification whether this proposed structure is a manufactured home (as defined in the building codes)
- Whether or not you would be submitting for a manufactured home installation permit per Subsection 15A-2-104 of the State of Utah Code
- Clarification whether its installation would follow Appendix E of the 2015 International Residential Code (IRC)
- Information on how the exterior walls within 5' of a lot line will comply with 2015 IRC R302.1.
- Minimum clearance below overhead electrical service lines per E3604.2, and horizontal clearance to utility power lines per approval of Rocky Mountain Power.

Zoning (Scott Browning at scott.browning@slcgov.com or 801-535-7283)

The parking stalls may not be 3 in a row. This will create a conflict with the ADU parking. Parking must be in a legal location.

Planning (Linda Mitchell at linda.mitchell@slcgov.com or 801-535-7751)

1. Label the “covered” patio as “enclosed”.
2. Correct the summary table on the site plan to be consistent with the written project description (see redlines).