



Staff Report

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Amanda Roman, Principal Planner
Amanda.Roman@slcgov.com or 385-386-2765 (Cell) / 801-535-7660 (Voicemail)

Date: February 24, 2021

Re: PLNPCM2020-00944 - Attached Accessory Dwelling Unit

Conditional Use

PROPERTY ADDRESS: 1395 E Michigan Avenue
PARCEL ID: 16-09-153-032-0000
MASTER PLAN: East Bench
ZONING DISTRICT: R-1/5,000 Single Family Residential

REQUEST: Prescott Muir, property owner, is requesting Conditional Use approval for a 963 square foot accessory dwelling unit (ADU) to be located in the walkout basement of the existing single-family dwelling at 1395 E Michigan Avenue. The ADU will occupy approximately 32% of the gross square footage of the home, which is approximately 3,011 square feet, excluding the attached garage. 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 provided by the applicant, Planning Staff finds the project generally meets the applicable standards of approval and therefore recommends the Planning Commission approve the Conditional Use for the ADU with the conditions of approval below.

1. Compliance with all Department/Division comments and conditions as noted in [Attachment G](#).
2. The property owner shall comply with the ADU registration process as outlined in section 21A.40.200F of the Salt Lake City Zoning Ordinance.
3. No responsible party shall operate or allow the operation of a short-term rental (i.e., less than 30 days) in the single-family dwelling or the accessory dwelling unit as defined in the Salt Lake City Zoning Ordinance.

ATTACHMENTS:

- A. [Vicinity Map](#)
- B. [Accessory Dwelling Unit Plan Set](#)
- C. [Property and Vicinity Photos](#)
- D. [Analysis of Standards – Accessory Dwelling Units](#)
- E. [Analysis of Standards – Conditional Use](#)
- F. [Public Process & Comments](#)
- G. [Department Review Comments](#)

PROJECT DESCRIPTION:

This Conditional Use petition is for an attached accessory dwelling unit (ADU) to be located in the walkout basement of the existing single-family dwelling at 1395 E Michigan Avenue. The subject property is in the R-1/5,000 Single-Family Zoning District and is approximately 10,900 square feet in size.

The proposed ADU is approximately 963 square feet and will contain two bedrooms. The ADU encompasses approximately 32% of the gross square footage of the home, excluding the attached garage. The entrance to the ADU is located on the rear façade of the dwelling and will be accessed by a concrete walkway connecting the entrance to the public sidewalk. No modifications will be made to the exterior of the principal structure.

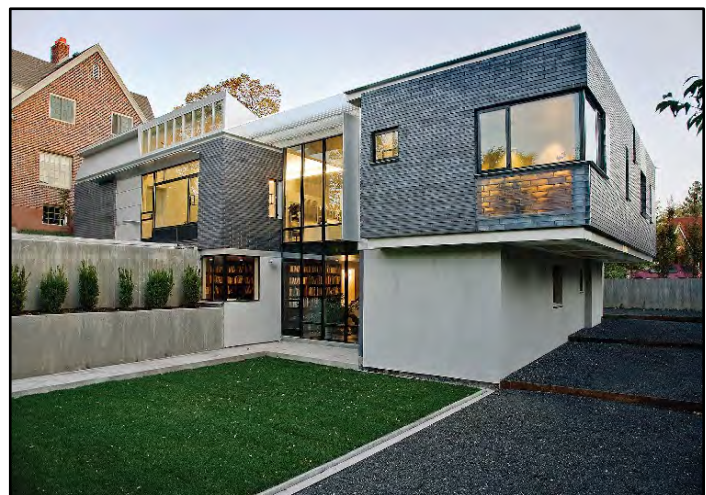
One off-street parking space is provided and there is additional legal on-street parking available on Michigan Avenue. The subject property is also located within ¼ mile of multiple public transit stops.



Front façade [facing north] of the existing single-family dwelling

PLANNING COMMISSION REVIEW:

The property is located in the R-1/5,000 zoning district, which is a single-family zoning district. A Conditional Use process is required for any ADU located in a single-family zone. For complete analysis and findings in relation to the Conditional Use standards please refer to [Attachment E](#).



ADU entrance located on the rear façade [facing south]

NEXT STEPS:

Approval of Conditional Use

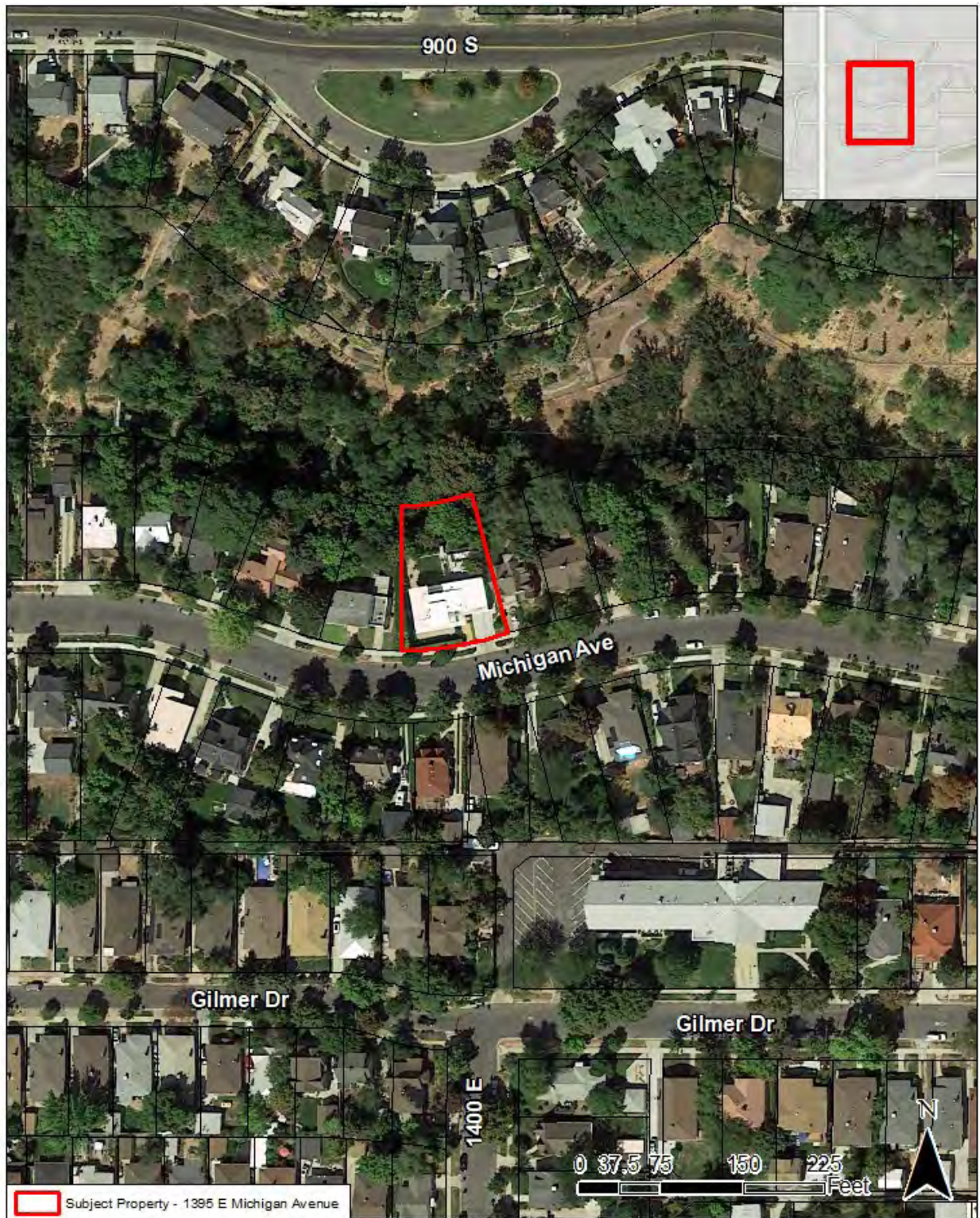
If the Conditional Use request is approved, the applicant will need to need to comply with the conditions of approval, including any of the conditions required by other City departments and any added by the Planning Commission. Building permits and certificates of occupancy will only be issued once all 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 requires 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.

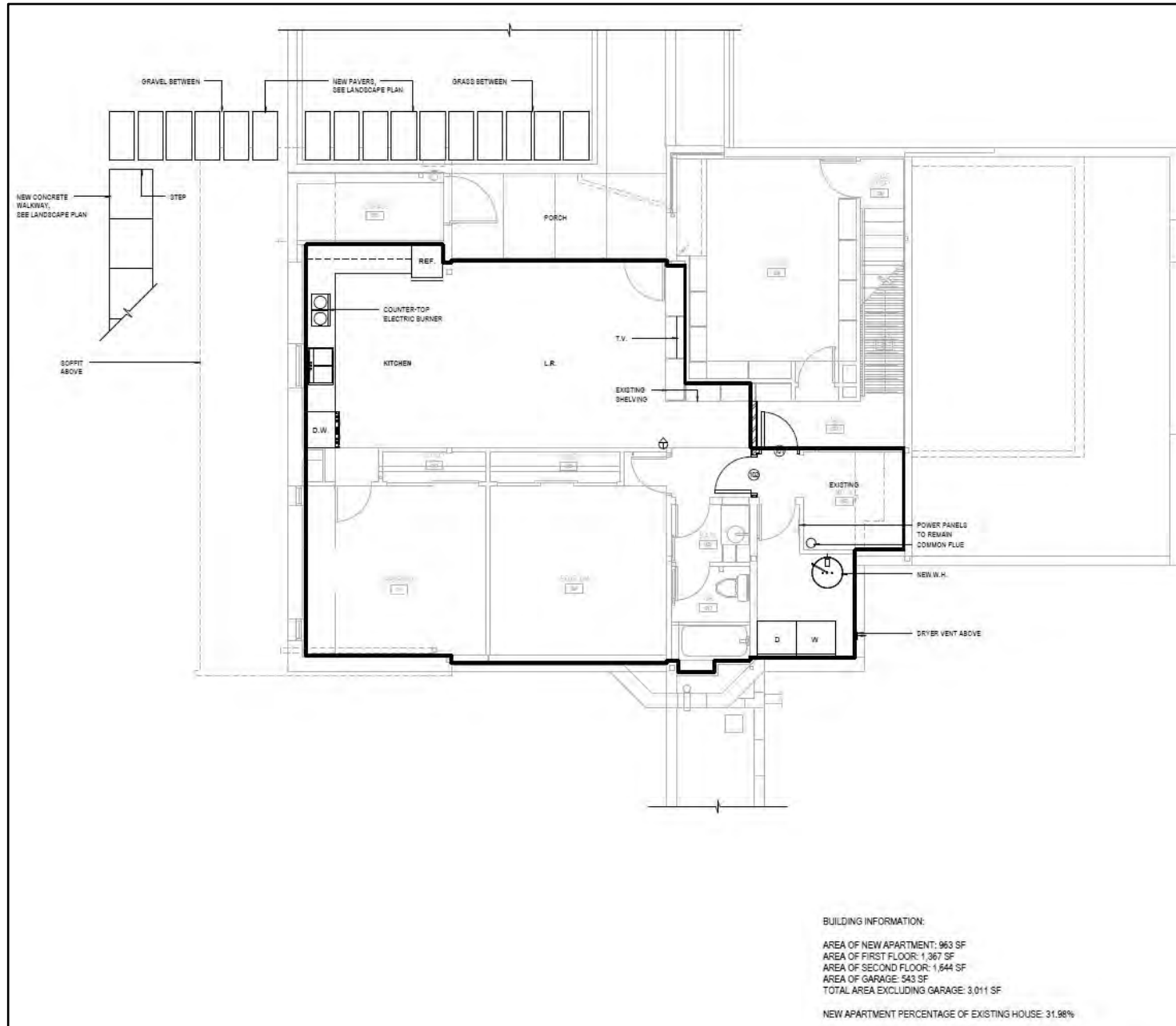
If denied, the applicant could obtain building permits to renovate the basement, but it could not be occupied or rented out as an ADU.

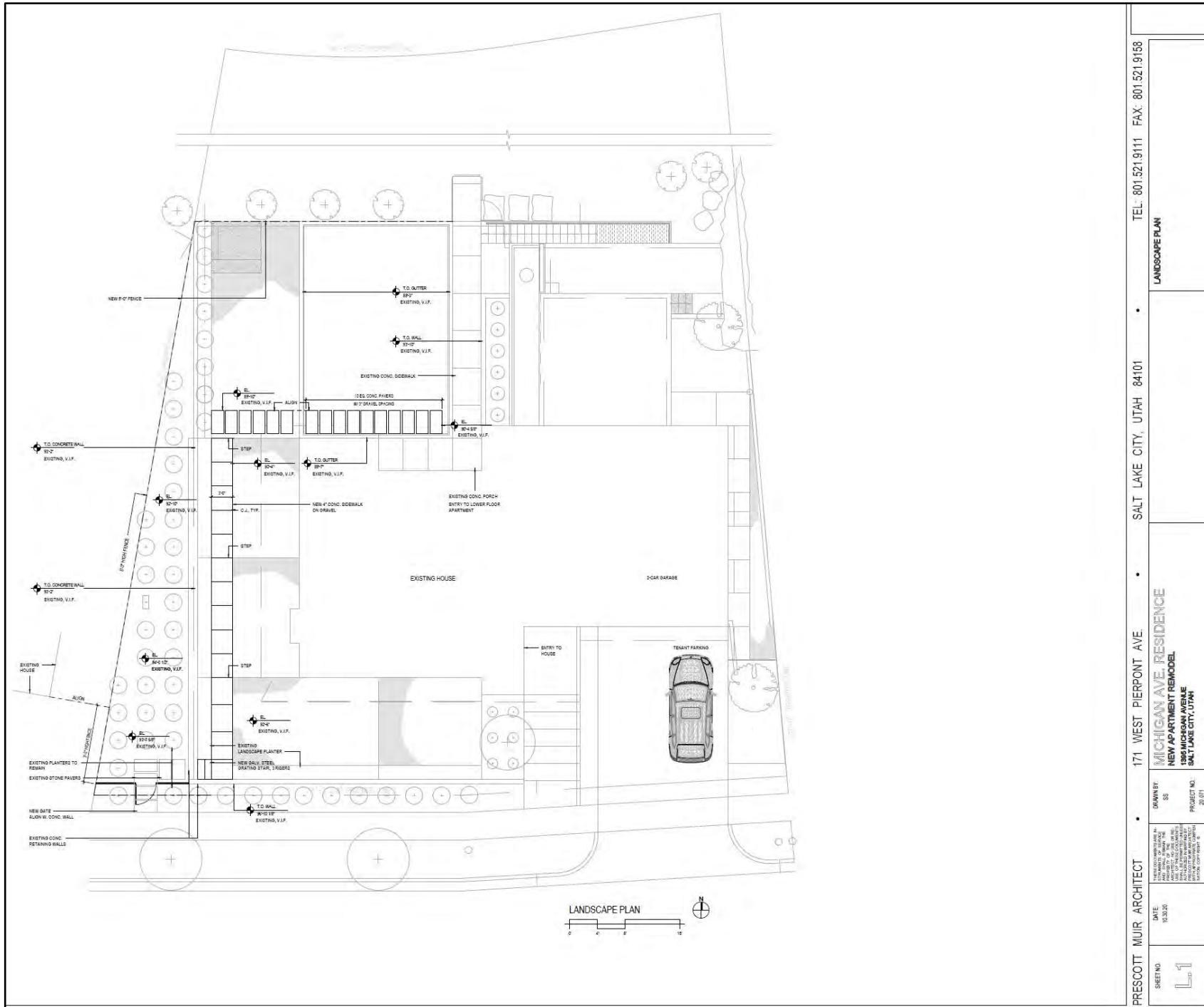
ATTACHMENT A: VICINITY MAP



Salt Lake City Planning Division 1/28/2021

ATTACHMENT B: ADU FLOOR PLAN AND LANDSCAPING PLAN





ATTACHMENT C: PROPERTY AND VICINITY PHOTOS



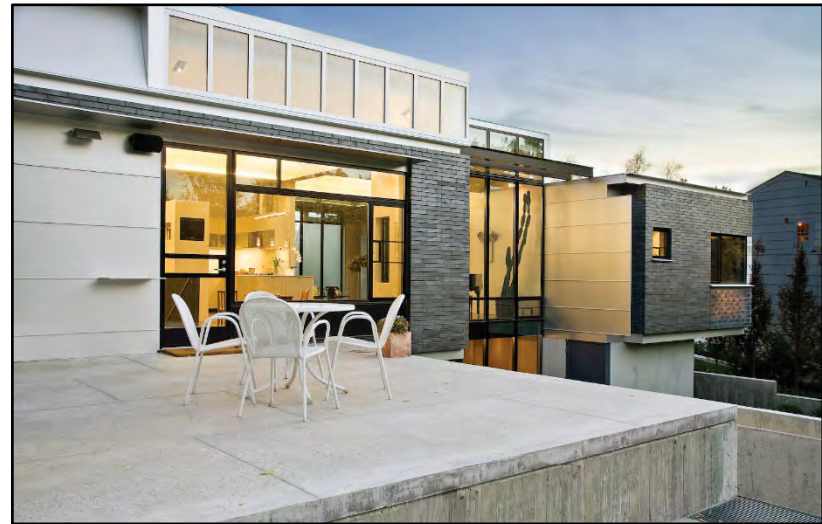
Front [facing northeast] façade of the dwelling – location of proposed walkway



Rear façade - ADU entrance location



Rear yard [facing east]



Rear yard terraced patio [facing southwest]



Legal on-street parking located in front of the subject property
[vicinity photos were taken on two separate weekdays around noon]



Michigan Avenue [facing west]



Proposed walkway location [west side yard]
leading to the ADU entrance



Front façade of the subject property
[facing west towards proposed walkway]



Subject property and the single-family dwelling to the east



Single-family dwelling west of the subject property



Single-family homes across the street [facing south]



ATTACHMENT D: ZONING STANDARDS FOR ADU'S

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 3,011 SF. Proposed ADU is approximately 963 SF or 32% of the footprint of the principal dwelling.	Complies
Maximum Coverage <i>The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot.</i>	Lot size is approximately 10,900 SF. Forty percent (40%) of the lot is approximately 4,360 SF. The existing footprint of the principal building is 1,910 SF. The surface coverage of all principal and accessory buildings approximately 18% of the lot.	Complies
Entrance Locations <i>Entrances to an accessory dwelling unit that are located within a single family dwelling shall only be permitted in the following locations:</i> <ol style="list-style-type: none"> 1. <i>An existing entrance to the single family dwelling;</i> 2. <i>When located on a building facade that faces a corner side yard, the entrance shall be set back a minimum of twenty feet (20') from the front building facade;</i> 3. <i>Exterior stairs leading to an entrance above the first level of the principal structure shall only be located on the rear elevation of the building;</i> 4. <i>Side entrances to an accessory dwelling unit are not considered a principal entry to the building and are exempt from subsection 21A.24.010H, "Side Entry Buildings", of this title;</i> 5. <i>Located on the rear facade of the dwelling;</i> 6. <i>Located in a side yard provided the side yard is at least eight feet (8') in width. Stairs leading to an ADU in the basement are permitted to encroach into the side yard.</i> 	The entrance for the proposed ADU is located on the rear façade [north] of the existing dwelling.	Complies
Parking <i>An ADU shall require a minimum of one on-site parking space.</i> <i>*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.</i>	The proposal provides one (1) on-site parking space. The ADU parking requirements may be waived as there is legally located on-street parking on Michigan Avenue and the subject property is located within ¼ mile of multiple transit stops.	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-1/5000 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 located in the walkout basement of the existing single-family dwelling. Additional landscaping is proposed but no exterior modifications will be made to the existing dwelling. The proposed ADU will have no visual impact on this property or surrounding properties as it is located within the home and the entrance is located on the rear façade, which abuts a ravine.

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 within the **East Bench Master Planning Area**, which designates the future land use of the area as a low-density residential neighborhood. The plan calls for future development that, “fits into the unique architectural styles and development patterns that define individual neighborhoods; provides a diverse mix of house choices for all stages of life and income ranges; and creates friendly, safe and welcoming neighborhoods that encourage interaction through all stages of life”. The subject property is located in the Yalecrest National Historic District and the existing zoning on the property is R-1/5000, 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 is 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 Guiding Principles and Initiative's included in the East Bench Master Plan and the Yalecrest Neighborhood:

- Provide a diverse mix of housing choices for all stages of life and income ranges.
- Provide lower density housing choices such as an ADU in an existing single-family dwelling in neighborhoods supported by public transportation or near major transportation corridors.
- Maintain neighborhood stability and character.

The subject property is located in the ***Yalecrest Compatible Infill (YCI) Overlay Zone***. The zone encourages compatibility between new construction, additions, or alterations and the existing character and scale of the surrounding neighborhood. The proposed ADU is compatible with the overlay designation and does not influence the character or scale of the surrounding neighborhood.

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 use is 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-1/5,000 zoning district. The proposed

		ADU complies with all specific regulations 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	<p>The use is located in an area zoned and designated by the East Bench Master Plan for low-density residential.</p> <p>As discussed under Conditional Use standard 3 above, the proposed ADU is consistent with the purpose of the ADU ordinance, neighborhood and housing policies in the East Bench Master Plan 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 character and scale of the neighborhood.</p>
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	<p>Uses surrounding the property are generally single-family residential. The ADU is not anticipated to create impacts beyond those of a new single-family home.</p> <p>The proposal complies with the size requirements for an ADU which can be up to 50% of the footprint of the principal structure.</p>
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	The proposed ADU is located within the basement of the principal structure. No exterior modifications will be made.
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	No new access points or driveways are being proposed.
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 be accessed from Michigan Avenue via a walkway leading to the rear façade of the building. It's not anticipated that the addition of the accessory unit will create any adverse impacts in terms of motorized, non-motorized and pedestrian traffic.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	There is a pedestrian walkway leading to the rear of the home from Michigan Avenue.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	No unreasonable impacts to the service level of abutting or adjacent streets is anticipated.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	<p>There is one designated off-street parking space and additional legal on-street parking is provided on Michigan Avenue.</p> <p>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.</p>

10. Utility capacity is sufficient to support the use at normal service levels	Will Comply	The Public Utilities Department has no concerns with the proposal.
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 applicant is proposing a new 6-foot-tall fence along the side [west] and a portion of the rear [north] property lines. The northern half of the property abuts a ravine and the entrance of the ADU is not visible from the street.
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 Sustainability Division has reviewed the project and has no concerns. 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. There are no waterways on or adjacent to the property.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies	The proposed use is an accessory residential structure, which is compatible with the surrounding residential uses.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	Signs and additional lighting are not associated with this proposal. Any existing lighting 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 located in the Yalecrest National Historic District. The proposed use will not undermine the preservation of 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

Meetings:

- The Yalecrest Community Council did not ask the applicant or staff to present at a council meeting and did not provide formal input on the proposal.

Public Notice

- December 18, 2020 – Notice of the project was provided to the Yalecrest Community Council.
- December 23, 2020 – Early notice of application and an [Online Open House](#) postcard regarding the ADU proposal was mailed to property owners and residents within 300 feet of the subject property.
- February 11, 2021 – Public hearing signage posted on the property
- February 12, 2021 – Public hearing notice was mailed
- February 12, 2021 – Agenda posted on the Planning Division and Utah Public Meeting Notice websites

Comments

As of the publication of this Staff Report, Staff has received comments from five residents regarding the proposal. The emails are attached for reference and details of the two phone calls are below.

Residents had questions about the allowable square footage of an attached ADU proposal and various comments regarding ADU regulations throughout the City. One neighbor who wished to remain anonymous believes the basement apartment will set a poor precedent and will alter the neighborhood in a negative way. They believe the neighborhood should remain single-family and not allow ADU's.

McKay Edwards, property owner directly north of the subject property, supports the application and doesn't see any negative impacts.

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

From: ixizb@aol.com
To: [Roman, Amanda](#)
Subject: (EXTERNAL) michic=gan adu
Date: Monday, December 28, 2020 4:14:50 PM

i thought adu regulations require 650 ft only
perhaps that reg was for free standing adus

any more thought to increasing size of adus and last i heard there were no special
exceptions to adu regs
is this still true

i have lot only 37 ft wide and the adu most popular in slc wont fit with windows facing
alley

i see a few applns for exceptions on adus but havent paid much attention and i threw away
the original draft for adus

i assume it was modified

thanks

carol wicks

1016 princeton

From: [Sheila O'Driscoll](#)
To: [Roman, Amanda](#)
Subject: (EXTERNAL) ADU
Date: Monday, December 28, 2020 3:42:52 PM

I have a question:

What is the largest square footage allowed by ordinance for an ADU?

I thought it was 650 square foot.

It seems to me the owner of this property wants to add a basement apt. and skirt the specifics to prevent the single family house from becoming in reality a duplex. Therefore NOT, meeting the current zoning.

If this kind of conditional use is going to be permitted, how can this not set a precedent to negatively impact current single family home zoning?

Sheila O'Driscoll

1888 S 1800 E

SLC, UT 84108

Sent from my iPhone

From: [Maves](#)
To: [Roman, Amanda](#)
Subject: (EXTERNAL) 1393 E Michigan Ave basement ADU
Date: Wednesday, February 3, 2021 7:09:46 AM

Amanda -

Regarding the ADU proposed by Prescott Muir at 1395 E Michigan Ave, we as nearby Michigan Ave residents have no objection to the ADU itself, as the appearance of the home will be largely unaffected. However, we are interested in the regulations regarding parking for such arrangements in Single-Family Residential zoning districts.

We understand there is one designated off-street parking space for this ADU. Is there an expectation that the off-street space will be used by the tenant? As the apartment will be 2 bedrooms, what are the rules if the occupants have two, or perhaps more, vehicles? What are the regulations as they relate to parking, or to the number of ADU's permitted on a given street? If taken to the extreme, if the majority of owners on the street added an ADU, the livability of the street with regards to parking would be negatively impacted.

Thanks for your time,
Connie and Scott Maves

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House GOP Punts Decision on Marjorie Taylor Greene

<http://thirdpartyoffers.juno.com/TGL3141/601aae75119d32e745b15st01vuc1>

Newsmax Anchor Walks Off Set During Mike Lindell Interview

<http://thirdpartyoffers.juno.com/TGL3141/601aae753629c2e745b15st01vuc2>

Pro-Trump Lawyer Investigated for Voter Fraud

<http://thirdpartyoffers.juno.com/TGL3141/601aae755a2a42e745b15st01vuc3>

ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

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

No concerns. The only requirement is extra erosion control measures for exterior work because of drainage at the back of the home.

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

No review required from Engineering because there is no impact to the public right of way.

Transportation (Michael Barry at michael.barry@slcgov.com)

There are no issues from Transportation. The parking space for the ADU can be located on-street.

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

Fire hydrants shall be located within 600-feet of all ground level exterior portions of the structure. Measurements are from the hydrant, following the drive route and around the structure made in straight lines and right angles.

Planning Response: There is a fire hydrant located across the street from the subject property on Michigan Avenue.

Zoning (Scott Browning at scott.browning@slcgov.com)

The ADU cannot consume more than 50% of the gross square footage of the house.

Planning Response: The applicant addressed the Zoning review comments and updated the plans to show the total square footage of the home. The ADU encompasses approximately 32% of the gross square footage of the dwelling.

Building (Timothy Burke at timothy.burke@slcgov.com)

Among other requirements, all utilities such as mechanical, electrical and plumbing must be revised to be independently controlled. The designs for this must be included in the design package and cannot be deferred or "design-build". As always, this project must be submitted for formal review.