

Staff Report

PLANNING DIVISION DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Rylee Hall, Principal Planner

rylee.hall@slcgov.com or 801-535-6308

Date: April 27th, 2022, Published April 21st, 2022

Re: PLNPCM2022-00091 – Detached Accessory Dwelling Unit

Conditional Use

PROPERTY ADDRESS: 617 East Driggs Avenue

PARCEL ID: 16-19-279-043-0000

MASTER PLAN: N/A

ZONING DISTRICT: R-1-7000 Single Family Residential Zone

COUNCIL DISTRICT: District 7, Amy Fowler

REQUEST: Tom Barraco, the property owner, has requested conditional use approval for an accessory dwelling unit (ADU) that will be converted from an existing, detached garage. The structure is approximately 12'-7" in tall and 592 SF in area. The accessory structure is located to the rear of the property behind the principal structure, in the north-east corner.

RECOMMENDATION: 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.

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

PLNPCM2021-00930 January 26, 2022

PROJECT DESCRIPTION:

This is a petition for Conditional Use approval convert an existing garage building into an accessory dwelling unit (ADU). The existing structure is approximately 12'-7" in height and 592 SF in area. The height and dimensions of the structure will not change when its use is converted. The property currently has the existing garage building and an existing single-family dwelling. The structure is located in the rear of the subject property, behind the principal structure, in the northeast corner. Frontage for the property is provided by Driggs Avenue. There is an existing alley bordering the eastern property line. The front door of the ADU will face and be accessed from this alley.



Aerial Photo of Subject Property

Size, Coverage, and Height

The proposed accessory building has a footprint of 592 square feet all existing on a single level. The ADU will exist in its own detached structure and have its main entrance towards the eastern property line, facing the alley. The ADU will also have a secondary access onto a patio area, facing the western property line (see Site Plan on Page 5). The proposed unit will have 1 bedroom. The structure currently has a pitched roof with a total peak height of 12'-7". The property is approximately .1 acres or 4417 SF. The accessory structure will occupy about 13% of the total lot area. All structures on the property will cover about 41% of the total lot area. The current permitted lot coverage requirement in the R-1-7000 (Single Family Residential District) Zone is 41%, however – since both the primary dwelling and accessory structure were built legally, the lot coverage is considered a legal noncomplying condition. Since the conversion of the existing accessory structure from a garage to an ADU does not create a greater noncompliance, the existing lot coverage of the property is permitted.

Building Entrance and Access

The ADU's primary entrance will face the alley that borders the eastern property line. This entrance will be visible from the alley, but hardly visible from the street. A secondary entrance will be provided on the western side of the structure, facing the western property line.

Windows

The applicant has proposed windows on all four façades of the accessory building. Obscured glazing for any of these windows is not required. The windows facing the primary dwelling and

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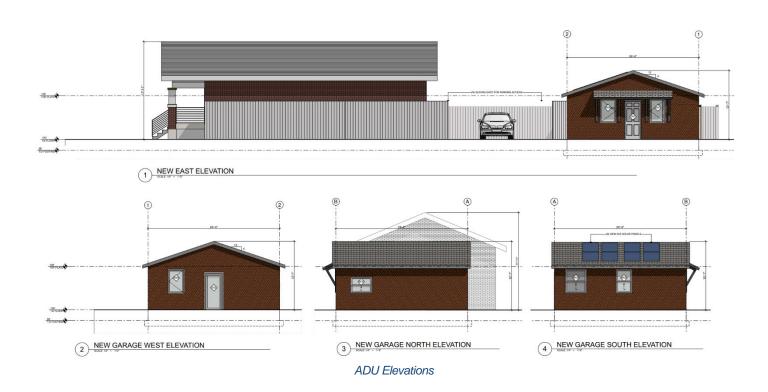
DRIGGS AVE S

2 NEW SITE PLAN

the northern property line are currently existing, and the window facing the western property line is at least 10 ft. from the property line. The window facing the eastern property line is exempt as it's adjacent to an alley.

Parking

Parking for the proposed ADU will be located on the street in front of the primary dwelling where legal onstreet parking is permitted. The required off-street parking for the residents of the primary dwelling will be provided in the rear of the primary dwelling, between the home and the ADU, on a concrete pad. This parking area will also be accessed from the alley and will be shielded from view by a metal, sliding gate. There is an existing metal fence along the eastern property line.



Planning Commission Review

The property is located in the R-1-7000 (Single Family Residential District) Zone, which is a single-family zoning district. A Conditional Use process is required for any detached ADU located in a single-family zone. For complete analysis and findings in relation to zoning standards for an ADU and the Conditional Use standards, please refer to Attachment D and Attac

NEXT STEPS:

Approval of Conditional Use

If the request is approved, the applicant will be able to submit plans for building permits and certificates of occupancy. These will only be issued once all the ADU requirements 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 petitions is denied, the applicant would not be able to convert the existing garage into an ADU. The existing accessory structure could continue to exist as a garage, or other permitted use, however it could not be used as an accessory dwelling.

ATTACHMENT A – VICINITY MAP



ATTACHMENT B – PL	.ANS
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ATTACHMENT C – PROPERTY AND VICINITY PHOTOS







ATTACHMENT D – ZONING STANDARDS FOR ADU'S

21A.40.200 - Accessory Dwelling Units

21A.40.200 – Accessory Dwel ADU STANDARDS	PROPOSED	COMPLIES Y/N
SIZE A [detached] 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).	The existing home is approximately 1,222 SF. The proposed ADU can be up to 50% of the footprint of the primary dwelling, up to 611 SF. The proposed ADU, and footprint of the existing garage, is 592 SF.	Complies
MAXIMUM COVERAGE The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot. [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.	The existing lot size is approximately 4,416 SF or .1 acres. All buildings on the lot may not exceed 1,766 SF. Primary House – 1,222 SF Proposed ADU - 592 SF Total coverage – 1,814 SF (41% of the lot) The surface coverage of all structures on the property, including the primary dwelling the existing accessory structure, is 41%. These conditions are existing and considered legal noncomplying.	Complies
HEIGHT Exception: If the single family dwelling on the property is over seventeen feet (17') in height, an accessory building containing an accessory dwelling unit may be equal to the height of the single family dwelling up to a maximum building height of twenty four feet (24') for an accessory building with a pitched roof or twenty feet (20') for an accessory building with a flat roof provided the accessory building is set back a minimum of ten feet (10') from a side or rear property line. The setback for additional height may be reduced to four feet (4') if the side or rear lot line is adjacent to an alley.	The principal dwelling is approximately 18 FT in height. The existing garage and proposed ADU is approximately 12'-7" in height and meets requirements for height.	Complies

SETD A SWS		
Any addition to the existing garage must comply with front, side, and year yard setbacks for the R-1-7000 Zoning District.	The present conditions regarding setbacks for the accessory structure are existing and considered legal noncomplying. No changes are required.	Complies
SEPARATION 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.	The proposed ADU and existing garage are approximately 26 FT from the primary dwelling on the property, and at least 20 FT from any other structure on an adjacent property.	Complies
Facing an alley, public street or facing the rear facade of the single family dwelling on the same property. 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.	The ADU's primary entrance will face the alley that borders the eastern property line. A secondary entrance will face the western (side) property line and will be at least 10 ft. from the side property line.	Complies
REQUIREMENTS FOR WINDOWS Windows on an accessory building containing an ADU shall comply with the following standards: (1) Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required. (2) 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	Windows are either existing or will be provided on all four facades of the accessory building. Obscured glazing for any of these windows is not required. The windows facing the primary dwelling and the norther property line are currently existing, and the window facing the wester property line is at least 10 FT. from the property line. The window facing the eastern property line is exempt as it's adjacent to an alley. Compliance with the minimum building requirement for egress will be verified at time of building permit issuance. Windows are similar in dimension and design as the windows on the principal structure.	Complies

rear property line is adjacent to an alley. (3) 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.		
PARKING An accessory dwelling unit shall require a minimum of one on-site parking space. If the property has an existing driveway, the driveway area located between the property line with an adjacent street and a legally located off-street parking area can satisfy the parking requirement if the parking requirement for the principal sue is complied with and the driveway area has a space that is at least twenty feet (20') deep by eight feet (8') wide. The parking may be waived if: (1) Legally located on street parking is available along the street frontage of the subject property; (2) The subject property is located within one-quarter (1/4) mile of transit stop.	The on-site parking requirement may be waived as legal on-street parking is permitted in front of the primary dwelling, on Driggs Avenue. The property is also located within ¼ mile of transit. Additional parking will be provided on-site for the residents of the primary dwelling.	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:

The use complies with applicable provisions of this title;

Analysis: The proposed ADU use is located in the R-1-7000 Single Family Residential Zone 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 <u>Attachment D</u>, 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-1-7000 Single Family Residential Zone 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 in the Sugarhouse Community Council area and is not within a Master Plan designated area.

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:

- Create new housing units while respecting the appearance and scale of single-family residential development;
- 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;
- 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;
- 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 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
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-1-7000 Single Family Residential 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 use is located in an area zoned and designated for medium density residential. This land use designation allows for lots with a minimum size of 7,000 SF where single-family detached homes are the dominant land use. As discussed under Conditional Use standard 3 above, the proposed ADU is consistent with the purpose of the ADU ordinance, and supports goals

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 4. The mass, scale, style, design, and	Complies	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. Uses surrounding the property are single-family residential uses. 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. As discussed above, the scale of the proposal is
architectural detailing of the surrounding structures as they relate to the proposed have been considered	Compiles	compatible with the main house on the proposaris well as surrounding structures and meets the footprint and height requirements for an ADU. The ADU will be converted from an existing garage, minimizing the impacts of new construction 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 parking for the residential of the main house on the subject property will be provided to the rear of the home, instead of the detached garage. There will be no changes to existing grade on the lot. The proposed access point for both parking for the residents and pedestrian access to the ADU is from an existing alley exiting onto Driggs Avenue. No changes will be made to existing access from Driggs Avenue or the alley. No impact to traffic flows is anticipated.
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 and parking for the residents of the main house will be accessible from the existing alleyway. Two off-street parking stalls are proposed to accommodate the residents of the main house. On-street parking is permitted along Driggs Avenue, to accommodate the residents of the ADU. 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	The site is does not prohibit pedestrian and bicycle access.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	Vehicular access to the proposed parking stalls for the residents of the main house will be provided by an alley way accessed from Driggs Avenue. No 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	As discussed in other areas of this analysis, on-street parking is permitted along Driggs Avenue to service the residents of the ADU.

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 will be in an existing structure, which will minimize impacts on adjacent properties. The ADU meets the distancing requirements to other adjacent primary structures.
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 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 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 with the conditions identified in the analysis, 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:

- <u>February 25th, 2022</u> Notice of the project was provided to the Sugarhouse Community Council. The 45 day early engagement period to receive comments from the Community Council expired April 14th, 2022. As of the publication of the staff report, no comments from the community council have been received.
- March 11th, 2022 Early notification of the project was provided to property owners and residents within 300 FT of the proposed ADU. As of the publication of the staff report, no comments from property owners or residents within 300 FT of the proposal have been received.
- March 21st, 2022 The Sugarhouse Community Council had a meeting at which the ADU proposal was discussed. During the meeting, Staff and the applicant presented the proposal and answered general questions about the ADU location, parking, as well as owner occupancy requirements

Notice of the public hearing for the proposal included:

Public hearing notice mailed on April 15th, 2022 Public hearing notice posted on April 15th, 2022 Public notice posted on City and State websites and Planning Division list serve on April 14th, 2022

Public Input:

As of the publication of the staff report, Staff received public comment from the Sugar House Community Council. No other public comment or inquiries have been received in regard to the proposed ADU.

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



April 15, 2022

TO: Salt Lake City Planning Commission

FROM: Judi Short, Vice Chair and Land Use Chair

Sugar House Community Council

RE: PPLCPCM2022-00091 ADU 617 E Driggs Avenue

We received this petition, and reviewed it at our March 21 Land Use and Zoning Committee.

The applicant, Tom Barraco, is going to remodel the existing garage at the rear of the property into an ADU, where he plans to live for the next six years. To replace the parking from the garage, he will add a parking pad between the existing house and the current garage. This was to be tenants parking, and then there is another parking space for the ADU on the street. The owner says he is about to give up driving. After six years, he will probably move back into the original house.

There were concerns about the 2'5" setback along the driveway, and cars potentially hitting the door when they use the alley. The door will open to the inside of the ADU. Not out into the alley. There was also concern about the 2' setback from the north side of the existing garage to the alley. We were told this is a legal non-conforming setback, because it was a legal setback when the garage was originally built.

We distributed flyers around the neighborhood, and received a few comments, which are attached. All the questions that were raised have been answered to our satisfaction. If it meets all the criteria for an ADU, it should be approved, with a statement in the letter of approval to remind the applicant that Air BnB's are not allowed in this zone.

Enclosure:

Comments from the public Flyer

COMMENTS ADU 617 DRIGGS AVENUE

From: Dayna McKee

Subject: ADU 617 Drigg Avenue Website Feedback

Message Body:

After speaking with the property owner, I do believe that he will follow ADU zoning ordinances. He has indicated he will reside at the property. I do not see a problem with approving this ADU.

Thank you.

Dayna McKee 2312 S Green St

From: I wish to remain anonymous Subject: ADU 617 Drigg Avenue Website Feedback

Message Body:

This shows the garage currently 2ft6" from the alley. What is the required setback for a building from the alley?

Let's forget the requires code setback for a garage. Does this not seem dangerous, that the standard door is 3ft? Your just going to open your front door into an alleyway where cars already up and down? Not to mention the overhand pictured in the drawing. Will large trucks such as the garbage truck and utility trucks have to veer around this?

From: Anonymous <

Subject:ADU 617 Drigg Avenue Website Feedback

Message Body:

Hello.

I'm writing with a few concerns. My first being the close proximity of the property line with the front door facing the alley way. The front door will open right into the alley way. This also leaves into question how far the overhang above the door will come into the alley.

My second concern is the possible heavy traffic that will come from this. With the possibility of the adu becoming a rental.

Thank you for taking the time to question the neighborhood.

From: Ben Hagenhofer-Daniell Subject:ADU 617 Drigg Avenue Website Feedback

Message Body:

As with every other ADU proposal I've seen, this one is fine and should be approved without delay. It was a mistake to require conditional use review of ADUs, and I wish city council would correct it.

ADU 617 East Driggs Avenue

We have a petition for a Conditional Use to convert an existing, detached garage into an Accessory Dwelling Unit (ADU). The structure is located to the rear of the property and is within ¼ mile of a transit stop. There is existing legal on-street parking along the street frontage of the parcel on Driggs Avenue.

This is in the R-1/7000 single family residential zoning district, and an ADU is a conditional use in that zone. The Conditional Use process looks at compatibility, location, configuration, and potential impacts of the request. You can find the details of the project here. You will find the Approval Criteria for the Conditional Use Request. For comments to be effective and have the most impact, reasons must be given as to why a development would be a detriment to the area. Consider the approval criteria when providing comments.

In addition, there is a form to fill out giving us your comments about the project. Comments will go with the Sugar House Community Council letter to the Planning Commission. Any comments we receive aout thi project will go with our letter to the Planning Commission.

This will be discussed at the SHCC Land Use and Zoning Meeting (by zoom) on Monday March 21 from 6:00 to 6:15 p.m. If we receive a comment from you, we will send you a link to the zoom meeting.



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ATTACHMENT G – DEPARTMENT REVIEW COMMENTS

Public Utilities: (Jason Draper at <u>jason.draper@slcgov.com</u>) No utility issues.

Zoning: (Rylee Hall 801-535-6308 or rylee.hall@slcgov.com)

The proposed ADU appears to meet the applicable standards listed in 21A.40.200. The unit must be registered according to the standards in 21A.40.200. F prior to permit issuance.

Building Code: (Steven Collett 385-261-3615 or steven.collett@slcgov.com)

All construction within the corporate limits of Salt Lake City shall be per the State of Utah adopted construction codes and to include any state or local amendments to those codes. RE: Title 15A State Construction and Fire Codes Act.

Transportation: (Michael Barry at <u>michael.barry@slcgov.com</u> or 801-535-7147)

Two (2) off street parking spaces are required for the single-family residence and one (1) additional parking space is required for the ADU. The requirement for the additional parking space may be waived if there is legal on street parking along the frontage of the property or if the property is located within one quarter mile of a transit station (21A.40.200.E.1.g).

Fire: (Doug Bateman 801-535-6619 or douglas.bateman@slcgov.com)

A fire hydrant shall be located within 600-feet of all ground level exterior walls of all structures on the parcel. Provide the location and distance of the fire hydrant. Measurements are in straight lines and right angels from the hydrant, following the drive route, and then around the structure.

Planning Staff Comment – Compliance with the fire departments requirements will be verified during building permit review.