



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Katilynn Harris, principal planner, katilynn.harris@slcgov.com, 801-535-6179
Date: September 28, 2022
Re: PLNPCM2022-00493, Division Lane Accessory Dwelling Unit

Conditional Use

PROPERTY ADDRESS: 535 E Division Lane
PARCEL ID: 16-19-428-008-0000
MASTER PLAN: Sugar House
ZONING DISTRICT: R-1/7,000 Single-Family Residential

REQUEST:

Andrea Palmer of Modal Living, representing the property owner, has requested conditional use approval for a 12-foot tall, 567-square-foot accessory dwelling unit (ADU) that will be situated in the rear, northwest corner of the property located at 535 E Division Lane.

RECOMMENDATION:

Based on the information and findings listed in the staff report, it is the Planning Staff's opinion that the request generally meets the applicable standards of approval and therefore recommends the Planning Commission approve the request.

ATTACHMENTS:

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

PROJECT DESCRIPTION



Rendering of the proposed detached accessory dwelling unit.

Quick Facts

Height: 12'

ADU Size: 567-square-feet

Parking: the required parking space for the ADU is an on-street space directly adjacent to the property

Setbacks: both comply

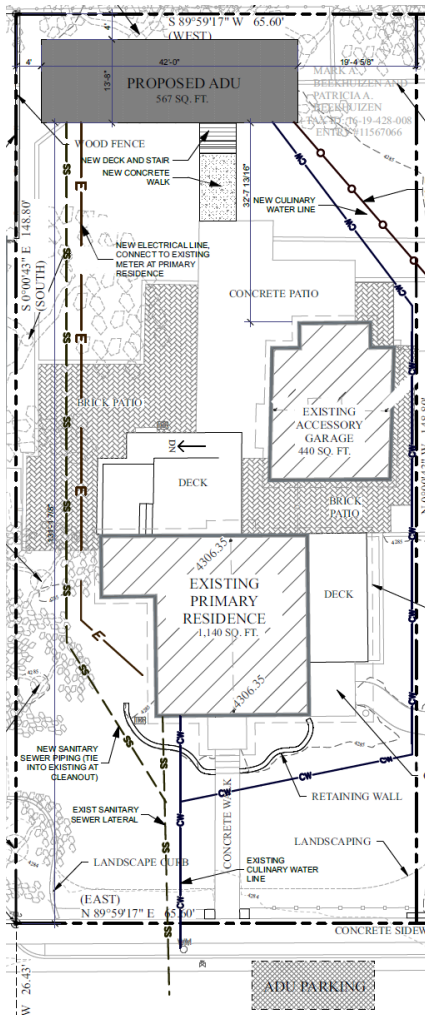
Side: 4'

Rear: 4'

Lot Coverage: complies with 40% max

Existing: 16%

Proposed: 22%



Site plan of 535 E Division Lane.

This is a petition for Conditional Use approval to construct a 12-foot tall, 567-square-foot detached accessory dwelling unit (ADU) in the rear yard of the single-family dwelling located at 535 E Division Lane. The subject parcel is located on the north side of Division Lane between 500 East and 600 East.

Size, Coverage, and Height

The proposed ADU will have a gross floor area of 567 square feet—approximately 49.7% of the principal structure—with a two-bedroom layout. The proposed structure will be flat-roofed and 12 feet tall.

Building Entrance and Access

The ADU entrance will face rear façade of the existing principal structure. Parking will be located on Division Lane in front of the property, and future occupants will be able to access the street via a proposed a proposed walkway from the ADU that connects to existing pedestrian circulation on the site.

Windows

The applicant has only proposed windows on the façade facing the principal structure. No windows will face adjacent properties.



APPROVAL PROCESS AND COMMISSION AUTHORITY

The property is located in the R-1/7,000 zoning district, which is a single-family zoning district. A Conditional Use process is required for any detached ADU located in a single-family zone. Conditional uses are permitted uses which may have conditions applied to them if there are any anticipated negative impacts and are approved or denied by the Planning Commission.

Staff has reviewed this application alongside the Detrimental Effects Determination section of the ordinance (21A.54.080B, see [Attachment E](#)) and does not anticipate any adverse effects of the establishment of this ADU. The most commonly anticipated negative effects of ADUs are already addressed in the City's ordinances, where standards such as parking accommodation, privacy/window locations, and compatible design, mitigate these concerns. For complete analysis and findings in relation to zoning standards for accessory dwelling units and the Conditional Use standards, please refer to [Attachment D](#) and [Attachment E](#).

Per 21A.54.080C, the planning commission may impose on a conditional use any conditions necessary to address the foregoing factors which may include, but are not limited to:

1. Conditions on the scope of the use; its character, location, architecture, construction, landscaping, access, fencing and screening, and setbacks; and
2. Conditions needed to mitigate any natural hazards; assure public safety; address environmental impacts; and mitigate dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, and radiation.

STAFF RECOMMENDATION

Planning Staff finds the project generally meets the applicable standards of approval and no detrimental effects are expected, therefore Staff is not recommending any conditions of approval. Staff recommends the Planning Commission approve the Conditional Use for the ADU as presented.

NEXT STEPS

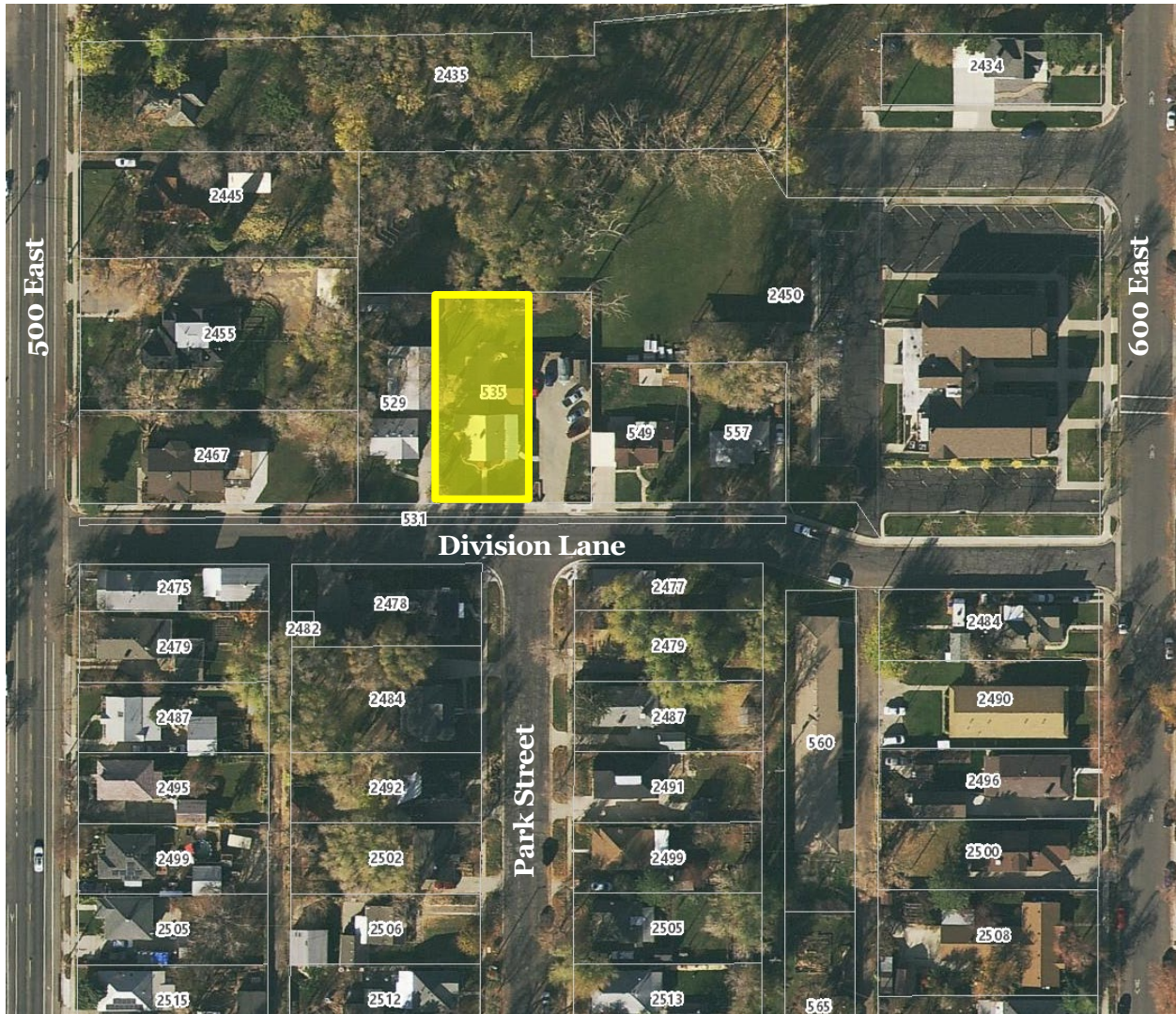
Approval of Conditional Use


If the request is approved, the applicant will need to comply with the conditions of approval, if any, including those required by other City departments and any added by the Planning Commission. The applicant will be able to submit plans for building permit(s), however - a Certificate of Occupancy for the new ADU will only be issued once all conditions of approval, if any are adopted, are met, and the registration process requirements outlined in 21A.40.200.F of the zoning ordinance are complete. All other standards and processes listed by the City's ordinances are still required.

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 petition is denied, the applicant would not be able to establish the new ADU on their property.

ATTACHMENT A: Vicinity Map



 Subject Property

Modal Services, LLC
 132 S STATE ST
 SALT LAKE CITY, UT 84111
 P 801.413.4268
 david@livermodal.com

MANUFACTURER
 Modules, LLC
 2256 S 5700 W
 West Valley City, UT 84128
 ben@modules.lcuid
 385-337-9881
 Ben Sharp

MODAL 02 - ADU
 Modules, LLC
 535 Division Ln
 Salt Lake City, UT 84106

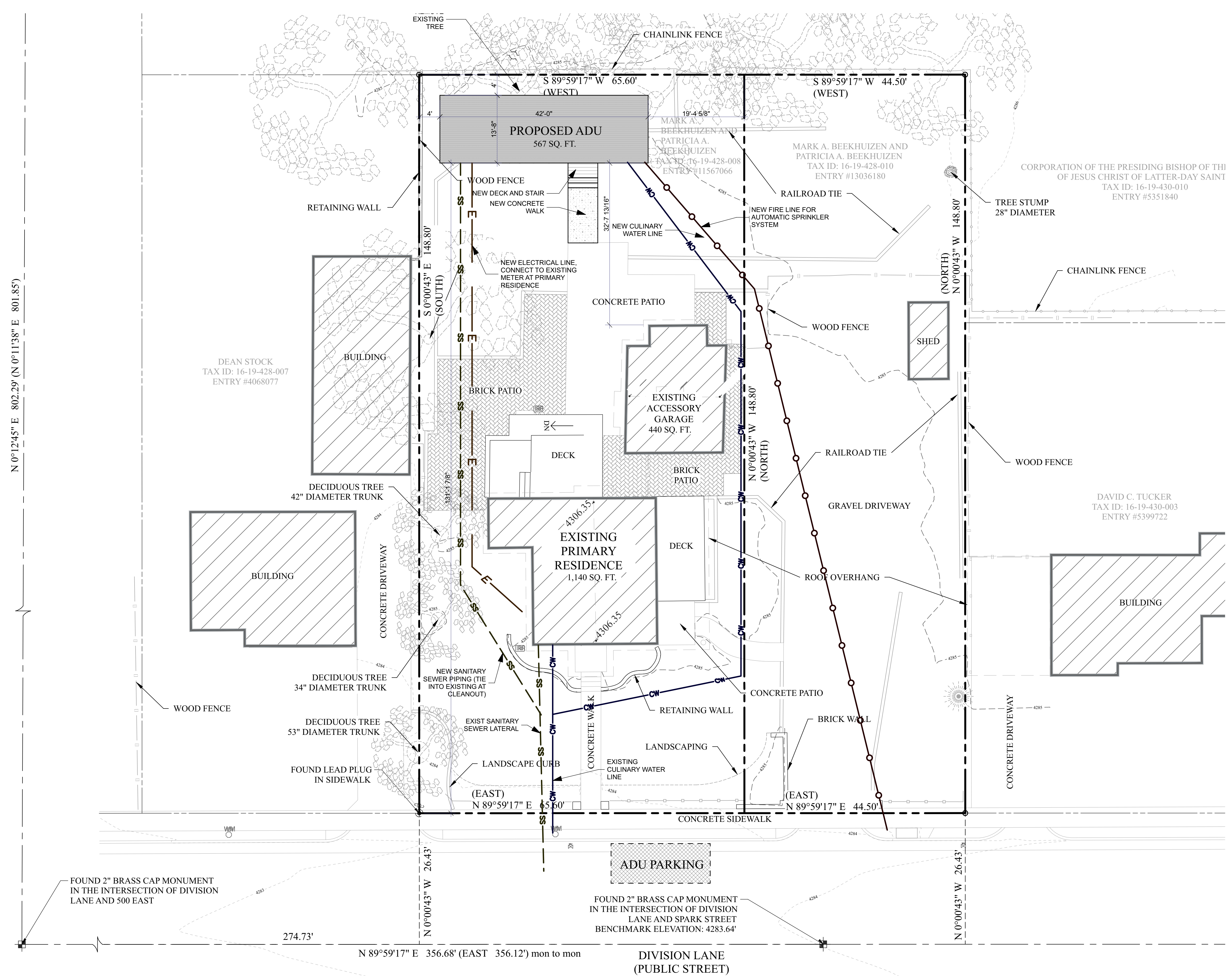
CONDITIONAL USE PERMIT

REVISIONS
 # DESCRIPTION DATE

PROJECT #: M-22-007
 SERIAL #: ML-02-000X
 DRAWN BY: David Clayton AIA
 ISSUE DATE: 05/13/2022

**ARCHITECTURAL
 SITE PLAN**

SD2



A1 WORKSHEET (1)
 SD2 SCALE: 1" = 10'

FLOOR PLAN GENERAL NOTES

- FIELD VERIFY ALL CONDITIONS BEFORE PROCEEDING WITH WORK.
- FLOOR ELEVATIONS PROVIDED ARE FOR REFERENCE ONLY - VERIFY ELEVATIONS WITH SITE CONDITIONS.
- DIMENSIONS ARE TO FACE OF STUD/STRUCTURE UNLESS NOTED OTHERWISE.
- DO NOT SCALE DRAWINGS. PROVIDED DIMENSIONS TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
- PROVIDE SOUND INSULATION IN STUD CAVITIES OF WALLS THAT SEPARATE MECHANICAL ROOMS AND LAUNDRY FACILITIES FROM LIVING SPACE, TYP.
- DOOR AND WINDOW DIMENSIONS ARE TO ROUGH OPENING SIZES. REFER TO DOOR AND WINDOW SCHEDULES.

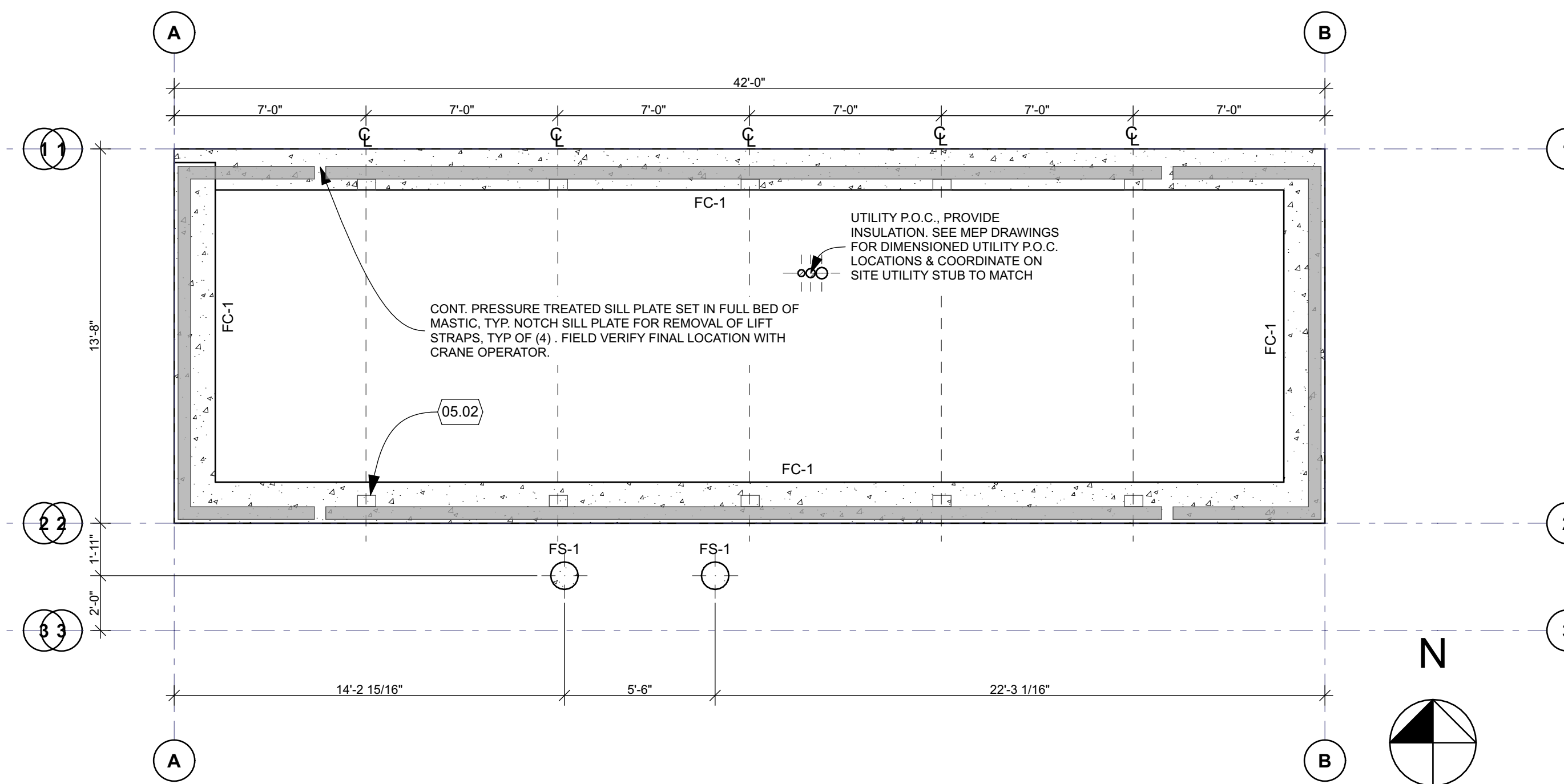
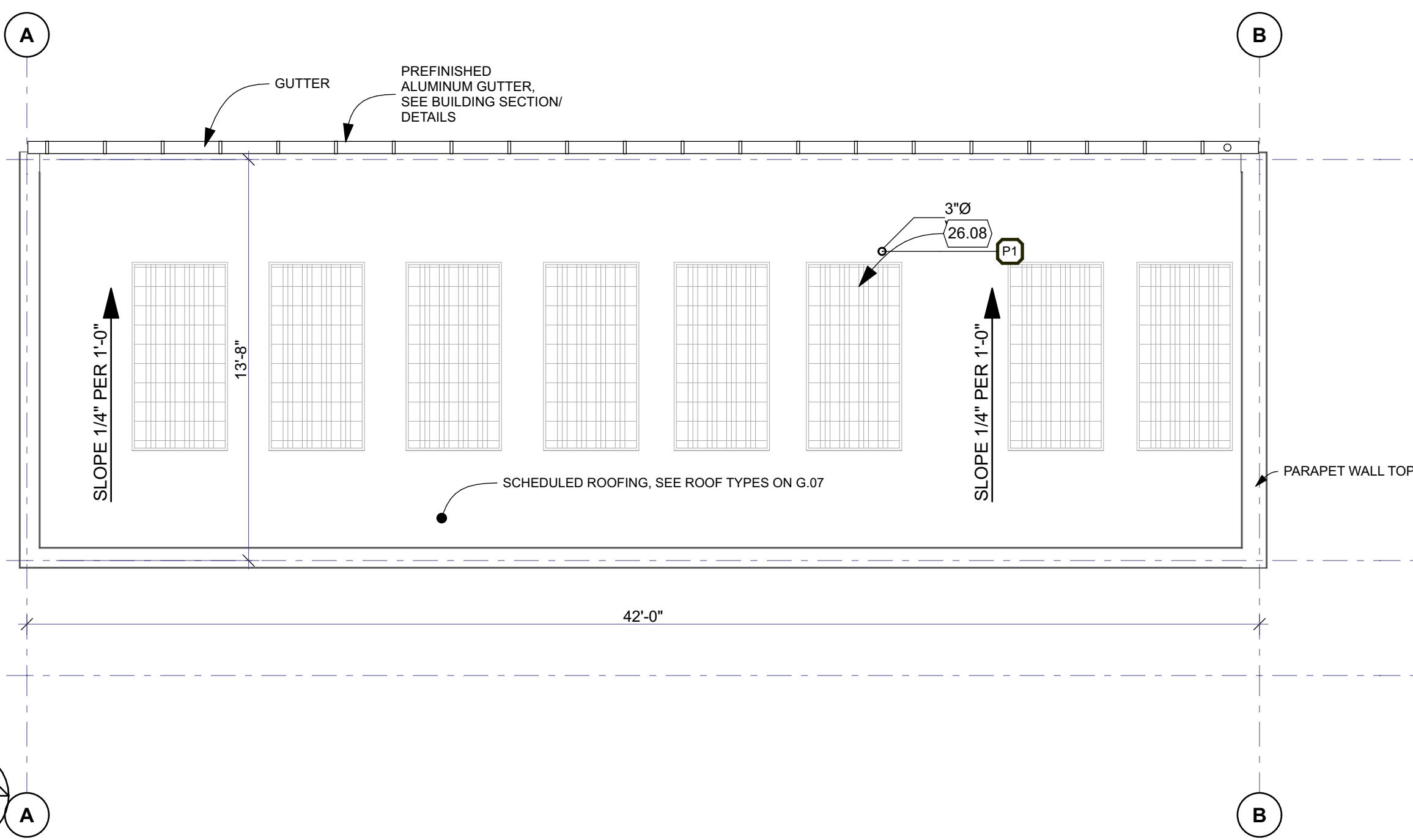
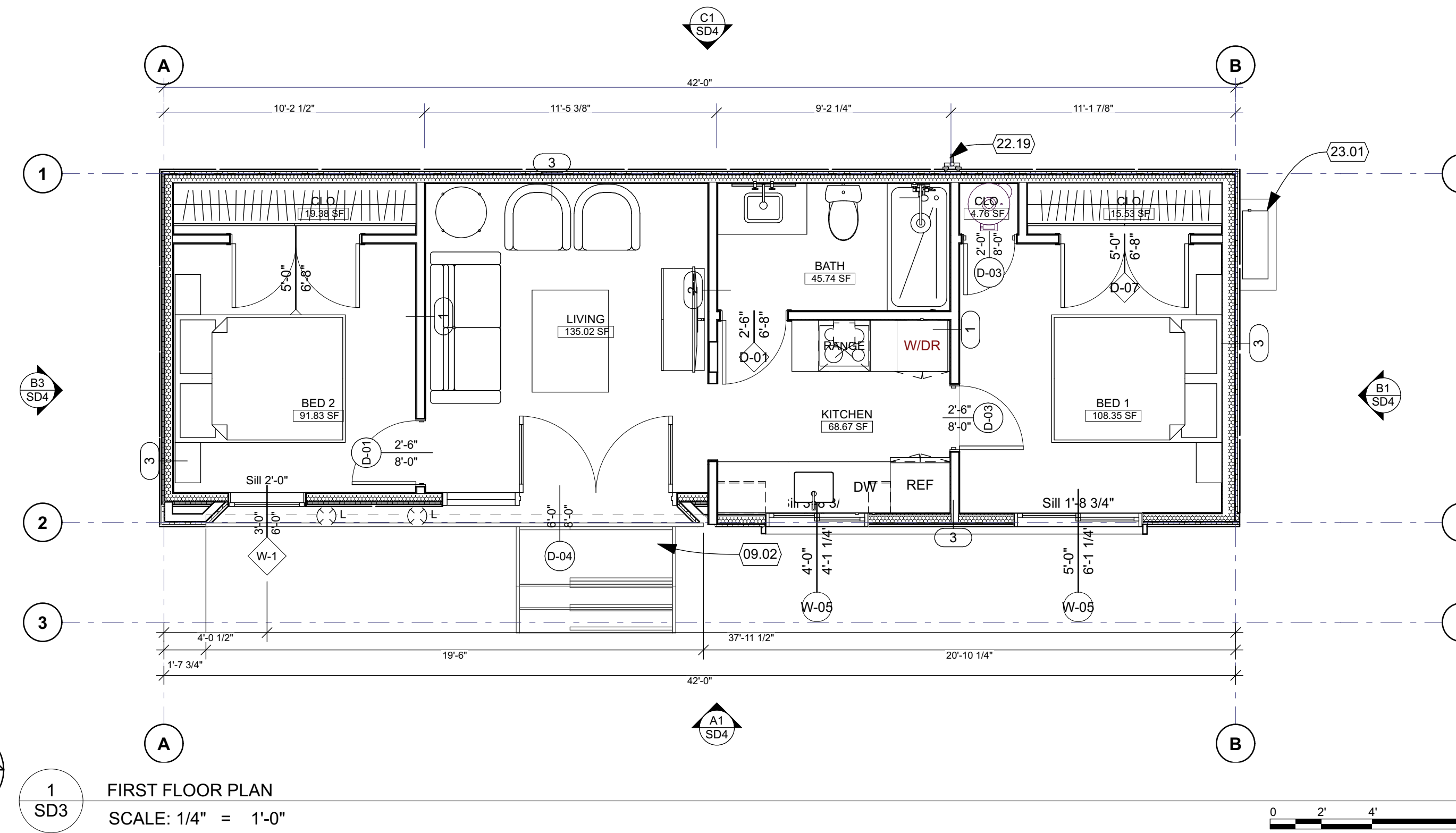
Modal

Modal Services, LLC
132 S STATE ST
SALT LAKE CITY, UT 84111
P 801.413.4268
david@livemodal.com

MANUFACTURER
Modules, LLC
2256 S 5700 W
West Valley City, UT 84128
ben@modules.build
385-337-9881
Ben Sharp

KEY NOTES

- 05 METALS
- 05.02 L5X5X1/2
CONNECTED TO FOUNDATION AND SILL PER STRUCTURAL, TYP
- 09 FINISHES
- 09.02 BASIC STAIR AND DECK
SEE PER DETAILS FOR OPTIONS
- 22 PLUMBING
- 22.19 OPTIONAL FREEZE PROTECTED HOSE BIB
- 23 HEATING VENTILATING AND AIR CONDITIONING
- 23.01 HEATPUMP COMPRESSOR
MOUNTED TO SHELF ATTACHED TO SIDE OF BUILDING. PLACEMENT PER SITE PLACEMENT
- 26 ELECTRICAL
- 26.08 SOLAR PANELS
(OPTIONAL) ORIENTATION BASED ON SITE



MODAL 02 - ADU
Modules, LLC
535 Division Ln
Salt Lake City, UT 84106

CONDITIONAL USE PERMIT

REVISIONS	DESCRIPTION	DATE
#		

PROJECT #: M-22-007
SERIAL #: ML-02-000X
DRAWN BY: David Clayton AIA
ISSUE DATE: 05/13/2022

FLOOR, ROOF & FOUNDATION PLANS

SD3

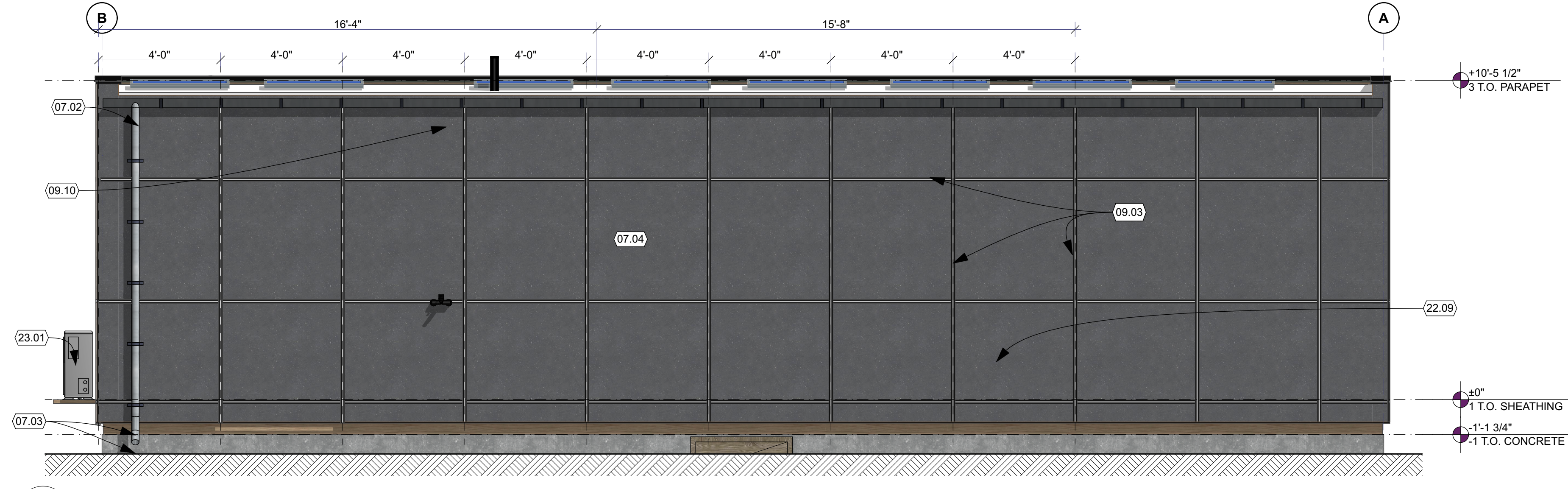
ELEVATION GENERAL NOTES

1. FIELD VERIFY ALL CONDITIONS BEFORE PROCEEDING WITH WORK.
2. ALL PENETRATIONS THROUGH THE EXTERIOR OF THE BUILDING SHALL BE SEALED AND MADE WEATHER TIGHT. INSTALLERS SHALL PROVIDE ALL REQUIRED FLASHING, SEALANT, AND WEATHER-PROOFING MATERIALS SPECIFIC TO THE TYPE OF PENETRATION. CUT HOLES ONLY AS LARGE AS REQUIRED TO FIT THE PENETRATING COMPONENT. ANY EXTRA OR MIS-PLACED HOLES SHALL BE PATCHED WITH THE SAME TYPE OF MATERIAL AND SEALED TO BE WEATHER TIGHT.
3. COORDINATE LOCATIONS OF EXHAUST VENTS AND INTAKE DUCTS AND EQUIPMENT. ENSURE CLEARANCE REQUIREMENTS ARE ACHIEVED AS PRESCRIBED IN THE GOVERNING CODE.
4. FLUE PIPES, EXHAUST DUCT, PLUMBING VENTS AND OTHER SUCH ROOF PENETRATIONS SHALL BE CONCEALED FROM VIEW FROM THE STREET.

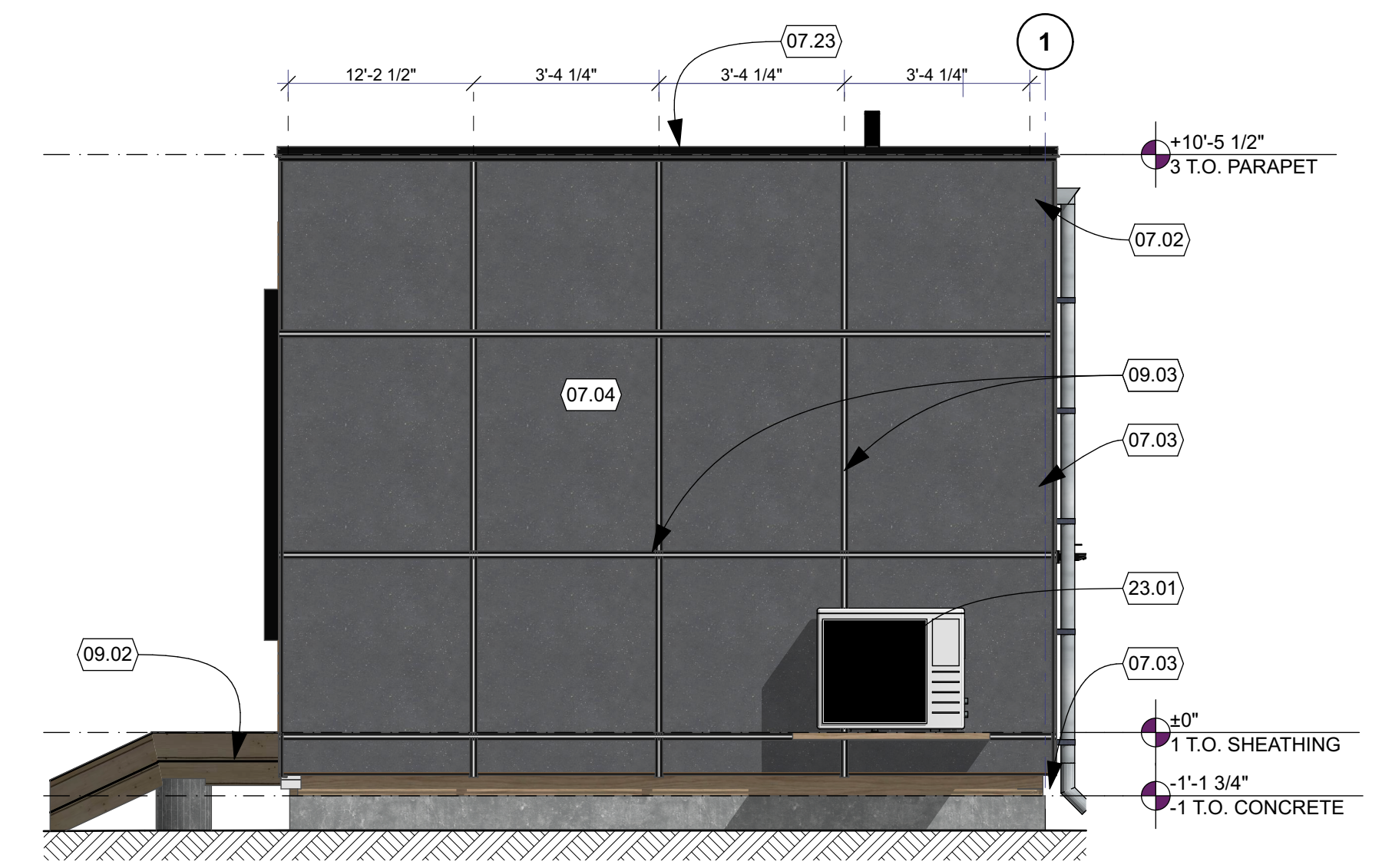
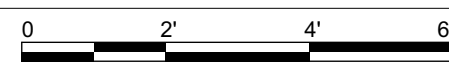
KEY NOTES

- 07 THERMAL AND MOISTURE PROTECTION
- 07.02 ROOF GUTTER
PREFINISHED MET. DOWNSPOT AND GUTTER, PAINT TO MATCH EXTERIOR TRIM
- 07.03 ELBOW AND SPLASH BLOCK
DOWNSPOUT ELBOW AND 24" SPLASH BLOCK
- 07.04 EXTERIOR SIDING
FIBER CEMENT SIDING SEE PURCHASE ORDER FOR TYPE AND COLOR
- 07.05 CORROSION RESISTANT VENT SCREEN
CORROSION RESISTANT VENT SCREEN AT LIFTING STRAP NOTCH, TYP OF 4
- 07.23 PARAPET CAP
METAL, PAINT TO MATCH DOOR TRIMS AND GUTTER
- 07.29 BEVELED SURFACE WITH SIDING AS PER PURCHASE ORDER.
- 08 OPENINGS
- 08.03 SCHEDULED WINDOW
- 09 FINISHES
- 09.02 BASIC STAIR AND DECK
SEE PER DETAILS FOR OPTIONS
- 09.03 WALL BASE
3" MDF PAINTED PR 3" BASE TILE IN BATH, TO MATCH FLOOR TILE
- 09.10 VENT
WALL EXHAUST VENT, PAINT GRILLE TO MATCH EXTERIOR TRIM
- 22 PLUMBING
- 22.09 EXTERIOR HOSE BIB
WITH FREEZE PREVENTION PER PLUMBING
- 23 HEATING VENTILATING AND AIR CONDITIONING
- 23.01 HEATPUMP COMPRESSOR
MOUNTED TO SHELF ATTACHED TO SIDE OF BUILDING, PLACEMENT PER SITE PLACEMENT
- 26 ELECTRICAL
- 26.03 LIGHT
PER ELECTRICAL

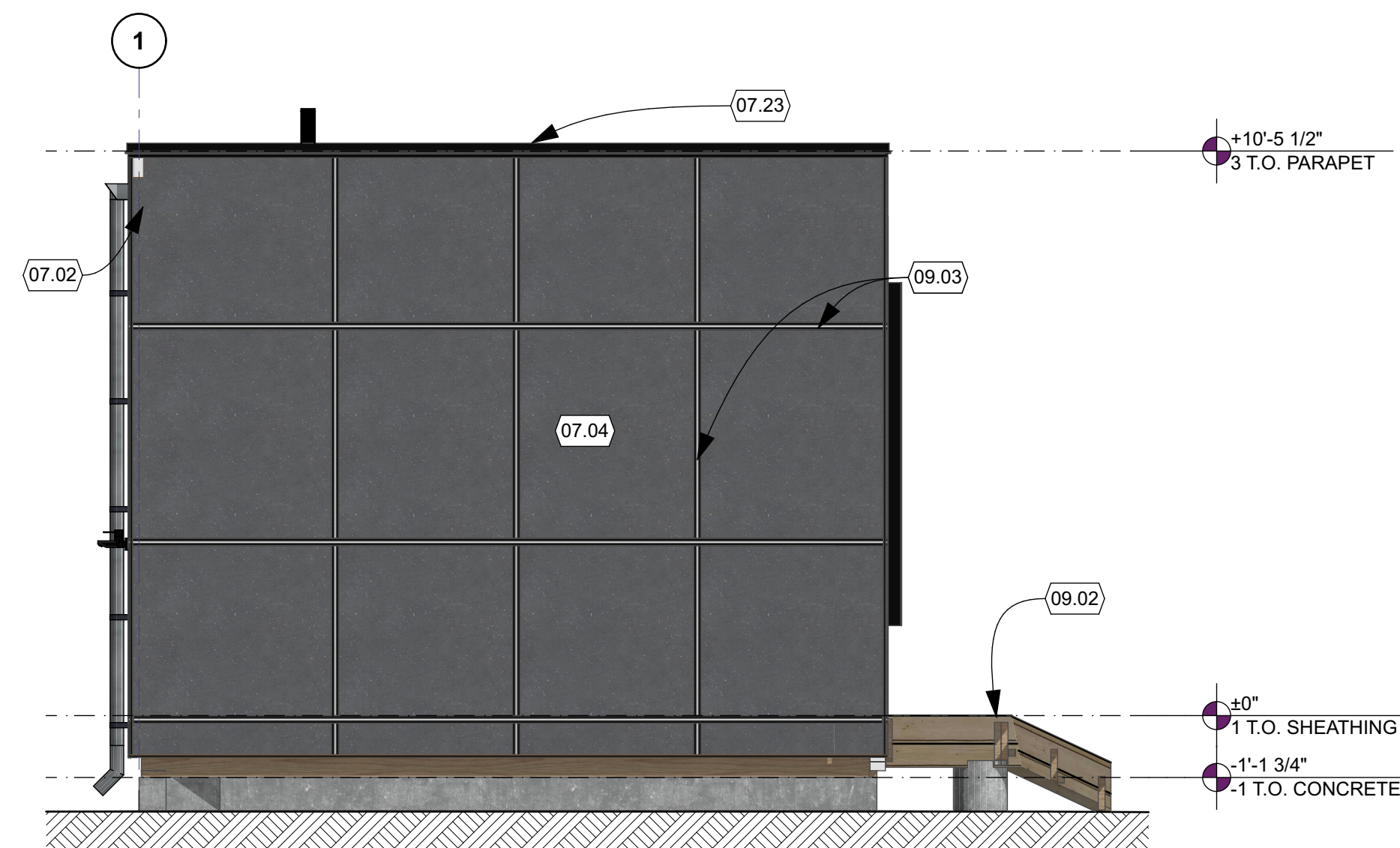
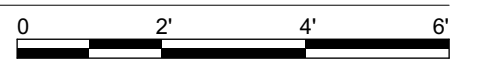
EXTERIOR FINISH OPTIONS:	
STANDARD, MAIN FINISH:	(CHOICE AND COLOR PER CUSTOMER PURCHASE ORDER)
FIBER CEMENT, BOARD AND BATTON	
FIBER CEMENT, PANELS	
CEDAR SIDING	
STANDING SEAM METAL (SMALL BATTON VERTICAL)	
WILDLIFE URBAN INTERFACE (WUI, ALSO APPLIES TO WILDFIRE ZONES IN OTHER STATES):	(CHOICE AND COLOR PER CUSTOMER PURCHASE ORDER)
SAME AS FIBER CEMENT IN STANDARD	
STANDING SEAM METAL (SMALL BATTON VERTICAL)	
ACCENT (INSET BEVEL):	
CEDAR	
COMPOSITE/FIBER CEMENT BY CUSTOMER PO	
ROOFING:	
60 MIL CARLISLE SINGLE PLY TPO MEMBRANE ROOF, WHITE, CLASS A FIRE RATED	
60 MIL CARLISLE SINGLE PLY PVC MEMBRANE ROOF, WHITE, CLASS A FIRE RATED	
SPRAY APPLIED POLYURETHANE ROOF	
STANDING SEAM METAL ROOF	



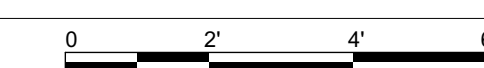
C1 REAR ELEVATION
SD4 SCALE: 3/8" = 1'-0"



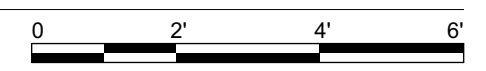
B1 RIGHT SIDE ELEVATION
SD4 SCALE: 3/8" = 1'-0"



B3 LEFT SIDE ELEVATION
SD4 SCALE: 3/8" = 1'-0"



A1 FRONT ELEVATION
SD4 SCALE: 3/8" = 1'-0"



REVISIONS	DESCRIPTION	DATE
#		

PROJECT #:	M-22-007
SERIAL #:	ML-02-000X
DRAWN BY:	David Clayton AIA
ISSUE DATE:	05/13/2022

BUILDING ELEVATIONS

SD4

ADU Project Description - 535 E Division Ln

Overview

The MODAL 02 is a two-bedroom, one-bathroom, 567-square foot footprint Accessory Dwelling Unit (ADU) built in compliance with current residential building codes (IBC/IRC 2018).

- Footprint: 567 SqFt
- Bedroom: 2
- Bathroom: 1
- Length: 42 ft
- Width: 13.5 ft
- Height: 11 ft 6 in

Features

Exterior

- Cladding: Fiber Cement Panels
- 2x6 Timber Frame Construction
- PVC Roofing System
- R48 Roofing/ R30 Flooring Insulation
- R21 Wall Insulation
- Dual Pane Black-on-Black Composite Windows & Doors
- Custom Exterior Patio Lights
- Plug and Play Utility Hookups

Interior

- 9' Ceilings
- Fully Equipped Kitchen: Garbage Disposal, Dishwasher, Fridge/Freezer, 4-Burner Electric Stove, and Electric Oven
- Solid Wood Soft-Close Kitchen Cabinetry with Built-In Lighting
- Full-Size Bathroom with Vanity Light and Mirror Included, Stacked Washer and Dryer
- Vinyl Plank Flooring
- 9'x8' Glass Entry Door
- Duct System for Heating and Cooling

Site Specifications

- This Conditional Use application proposes one Accessory Dwelling Unit (ADU) to be placed at 535 E. Division Ln, currently, a single-family home located in the R-1/7,000 zone.
- The property is 9,583.2 SQ.FT. or .22 acres and has an existing single-family dwelling with a footprint of 1,140 SQ.FT. and does not exceed more than 50% of the ADU size (567 SQ.FT.).
- Existing lot coverage is 16% and with the ADU, 22%. This will not exceed the 40% maximum building coverage allowed in the R-1/7,000 zone.
- Existing rear yard coverage is 0.08% and with the ADU, 18%. This will not exceed the 50% rear yard coverage allowed for ADU's.
- Setbacks are as follows: rear yard: (4'), side yards: (4' West, 19'-1 ½" East).
- The proposed ADU would be placed 68'-8 ½" behind the primary dwelling and the closest primary dwelling on an adjacent property would be 72'.
- The entrance for the proposed ADU is oriented towards the rear of the primary dwelling.
- There is an existing detached garage in the rear yard with a footprint of 440 SQ.FT. The unit would be facing the detached garage and would have a separation distance of 37'-6 ½".
- The south elevation will have aluminum-clad solid wood single-light fixed panel dual-action french doors that are 9' wide by 8' high and two 3' wide by 6' high windows to both bedrooms. The north, east, & west elevations have no openings.
- Parking will be provided for the ADU occupant(s) on the street in front of the property.
- The proposed ADU will be 301' away from the nearest fire hydrant measured from the furthest point of the unit. The proposed ADU would be the third structure added to this property and does not meet the requirement to be within 150' of the nearest fire department access road. To meet this requirement, we will equip the ADU with an approved automatic sprinkler system.
- Sewer, power, and water service to the ADU will be connected to the existing primary dwelling's utility lines. We will perform a televised sewer lateral inspection on the existing

sewer line to see the condition prior to connecting to the ADU. All utility design and construction will comply with APWA Standards and SLCPU Standard Practices. All utilities will be separated by a minimum of 5 feet horizontally and 12 inches vertically. Water and sewer lines will be separated by a minimum of 10 feet horizontally and 18 inches vertically.

- For installation, we will crane the unit into the rear yard.
- The proposed use of the ADU is as a home for the property owner's children. The property owner intends to comply with all applicable laws and ordinances.

ATTACHMENT C: Property and Vicinity Photos



Subject Property



Adjacent neighbor to the west



Adjacent neighbor to the east

ATTACHMENT D: ADU Zoning Standards

21A.40.200 – ACCESSORY DWELLING UNITS:

Standard	Proposed	Findings
<p>Size</p> <p><i>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).</i></p>	<p>Principal dwelling is approximately 1,140 SF.</p> <p>Fifty percent (50%) of principal dwelling equals approximately 570 SF.</p> <p>Proposed ADU is approximately 567 SF.</p>	<p>Complies</p>
<p>Maximum Coverage</p> <p><i>The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot.</i></p> <p><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></p>	<p>Lot size is approximately 9,761 SF.</p> <p>Forty percent (40%) of the lot is approximately 3,905 SF.</p> <p>Primary Dwelling: 1,140 SF Proposed ADU: 567 SF Existing Garage: 440 SF Total Coverage: 2,147 SF</p> <p>The surface coverage of all principal and proposed accessory buildings (including the proposed ADU and garage) will be approximately 22% of the lot.</p> <p>Approx. rear yard area: 5,663 SF Proposed ADU: 567 SF Existing Garage: 440 SF Yard Coverage: 1,007 SF</p>	<p>Complies</p>
<p>Building Height</p> <p><i>The maximum height of an accessory building containing an accessory dwelling unit shall not exceed the height of the single-family dwelling on the property or exceed seventeen feet (17') in height, whichever is less.</i></p>	<p>The proposed structure containing the ADU will have a flat roof, with a height of approximately 12 feet.</p>	<p>Complies</p>

<p><i>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.</i></p>		
<p>Side or Rear Yard Setbacks</p> <p><i>New Accessory Buildings: Shall be located a minimum of four feet (4') from any side or rear lot line.</i></p>	<p>Side [West] Lot Line: 4 feet Side [East] Lot Line: 19 feet Rear [North] Lot Line: 4 feet</p>	Complies
<p>Separation</p> <p><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></p>	<p>The proposed ADU is approximately 68 feet from the principal dwelling on the same parcel.</p> <p>The nearest single-family dwelling on an adjacent property is approximately 72 feet away (the house on the property to the west).</p>	Complies
<p>Entrance Locations</p> <p><i>The entrance to an ADU in an accessory building shall be located:</i></p> <p><i>(1) Facing an alley, public street or facing the rear façade of the single family dwelling on the same property.</i></p>	<p>The entrance for the proposed ADU is oriented towards the rear façade of the principal structure on the lot.</p>	Complies
<p>Requirement for Windows</p> <p><i>Windows on an accessory building containing an ADU shall comply with the following standards:</i></p> <p><i>(1) Windows shall be no larger than necessary to comply with the minimum Building Code requirements for egress where required.</i></p> <p><i>(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 rear property line is adjacent to an alley.</i></p> <p><i>(3) Except as required in subsection E3g(1) of this section, windows shall maintain a similar dimension and design as the</i></p>	<p>Windows are only proposed on the south façade of the ADU. The south façade faces the principal structure. The proposed windows are similar in size and profile as the windows found on the principal structure and meet the minimum Building Code requirements for egress.</p>	Complies

<p><i>windows found on the principal structure.</i></p>		
<p>Parking</p> <p><i>An ADU 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 use 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 requirement may be waived if:</i></p> <p><i>1) Legally located on street parking is available along the street frontage of the subject property; or</i></p> <p><i>The subject property is located within one-quarter (1/4) mile of transit stop.</i></p>	<p>The applicant has proposed parking in the space available on Division Lane in front of the subject property.</p>	<p>Complies</p>

ATTACHMENT E: Conditional Use Standards

Conditional Use Standards

An application for a conditional use is required by city code 21A.54 and Utah Code 10-9a-507 to be approved if the proposal complies with the adopted standards of review and if any reasonably anticipated detrimental impact can be mitigated. Under Utah Code 10-9a-507, the standards must be objective and mitigating any reasonably anticipated detrimental impact is required to be interpreted to mean reduce, not eliminate, the impact.

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report.

21A.54.080.A: Approval Standards
Standard 1: The use complies with applicable provisions of this title;
Finding: Complies
Discussion: The proposed ADU use is located in the R-1/7,000 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 Attachment D , the ADU complies with the requirements of 21A.40.200.
Standard 2: The use is compatible, or with conditions of approval can be made compatible, with surrounding uses
Finding: Complies
Discussion: Proposed ADUs are anticipated in the R-1/7,000 Single Family Residential Zone and are 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 property is located in an established single-family neighborhood and the ADU meets all the requirements in terms of setbacks, separation between adjacent houses, and separation from the primary house on the property.
Standard 3: The use is consistent with applicable adopted city planning policies, documents, and master plans; and
Finding: Complies

Discussion:

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 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.

Standard 4: The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions

Finding: Complies

Discussion:

In analyzing the anticipated detrimental effects of the proposed use, Staff finds that with the conditions identified in the analysis, which are none, the request complies with the criteria listed below. The Planning Commission shall determine compliance with each of the following:

21A.54.080.B: Detrimental Effects Determination

1. This title specifically authorizes the use where it is located;

Finding: No Detrimental Impact

Discussion:

The proposed ADU is an accessory residential use and is allowed as a conditional use within the R-1/7,000 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;

Finding: No Detrimental Impact

Discussion:

The use is permitted as a conditional use in the underlying zoning district and supports the goal of increasing housing options found in *Growing Salt Lake*. The ADU is not altering the primary dwelling unit and is a residential use in a residential 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;

Finding: No Detrimental Impact

Discussion:

Uses surrounding the property are single-family residential uses. The proposal complies with the size requirements for an ADU which can be up to 650 gross square feet 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;

Finding: No Detrimental Impact

Discussion:

As discussed above, the scale of the proposal is compatible with the main house on the property as well as surrounding structures and meets the footprint and height requirements for an ADU.

5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;

Finding: No Detrimental Impact

Discussion:

The property has a single-family dwelling with driveway access from the neighboring parcel. There is no alley access to the rear and the site has already been established. Parking for the primary dwelling will be provided in an existing, detached garage. There will be no changes to existing grade on the lot. No impact to traffic flows is anticipated.

6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;

Finding: No Detrimental Impact

Discussion:

On-street parking is being used 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;

Finding: No Detrimental Impact

Discussion:

There is paved access from the front property line towards the proposed ADU which will be readily accessible by cyclists and pedestrians visiting the ADU residence.

8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;

Finding: No Detrimental Impact

Discussion:

There is vehicular access to the site. No unreasonable impacts to the service level of the adjacent streets or alleys are anticipated.

9. The location and design of off street parking complies with applicable standards of this code;

Finding: No Detrimental Impact

Discussion:

As discussed in other areas of this analysis, on-street parking is proposed to service the residents of the ADU. This complies with the parking standards of the ADU code.

10. Utility capacity is sufficient to support the use at normal service levels;

Finding: No Detrimental Impact

Discussion:

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;

Finding: No Detrimental Impact

Discussion:

The surrounding properties are all residential uses, and the proposed use is also residential. There are no incompatible uses to screen, buffer, or separate as part of this request.

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;

Finding: No Detrimental Impact

Discussion:

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. The proposed use is not anticipated to contribute to noise, air, or water pollution beyond what is generally expected of residential uses

13. The hours of operation and delivery of the use are compatible with surrounding uses;

Finding: No Detrimental Impact

Discussion:

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;

Finding: No Detrimental Impact

Discussion:

Signs are not associated with this proposal. No lighting is proposed beyond average residential lighting fixtures.

15. The proposed use does not undermine preservation of historic resources and structures.

Finding: No Detrimental Impact

Discussion:

The property is not located within a Local Historic District, and the proposal does not involve the removal or destruction of any historic resources or structures.

According to Zoning Code Section 21A.54.080.C, the Planning Commission may impose conditions related to the standards and detrimental impacts listed above if a condition is necessary for compliance with the standards of approval or any applicable zoning regulation and to reduce any reasonably anticipated detrimental impact. Conditions may be related to:

1. Conditions on the scope of the use; its character, location, hours and methods of operation, architecture, signage, construction, landscaping, access, loading and parking, sanitation, drainage and utilities, fencing and screening, and setbacks; and
2. Conditions needed to mitigate any natural hazards; assure public safety; address environmental impacts; and mitigate dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, and radiation.

After a public hearing is held, planning staff can help the commission identify and determine if information provided warrants further discussion on any potential non-compliance or detrimental impact that may require a condition of approval.

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:

- June 15, 2022 – The Sugar House Community Council was sent the 45 day required notice for recognized community organizations. At the point of publication, the Council has not submitted formal comments to the Planning Commission.
 - The Sugar House Community Council did have this item on an agenda and staff was in attendance to provide answers to process related questions. A question came up concerning parking on an adjacent parcel owned by the same property owner. The ADU ordinance requires an off-street parking space for the ADU which must be on the same parcel as the ADU itself. That requirement can be waived if there is legally located on-street parking available directly adjacent to the parcel. While there is plenty of existing off-street parking provided on the eastern parcel, it is on a different parcel than the ADU itself and therefore cannot be counted as the one parking space required by the ADU ordinance. Therefore, for the purposes of this report, the parking standard must be met by using the on-street parking exemption.
- June 15, 2022 - Property owners and residents within 300 feet of the development were provided early notification of the proposal. No comments have been received at the time of publishing. Any comments received after publication of the staff report will be forwarded to the Planning Commission.

Notice of the public hearing for the proposal included:

- September 16, 2022
 - Public hearing notice sign posted on the property
- September 16, 2022
 - Public hearing notice mailed
 - Public notice posted on City and State websites and Planning Division list serve

ATTACHMENT G: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

Public Utility: Jason Draper (jason.draper@slcgov.com)

The existing water main in Division Lane is a 4" water line. If additional hydrants or fire sprinklers are needed for this project, the water main will need to be replaced. This should be resolved prior to building permit application.

The sewer lateral for this home is connected into the park street sewer.

Building permit review is required for this project.

Zoning: Katilynn Harris (katilynn.harris@slcgov.com or 801-535-6179)

Owner occupancy:

Proof of owner occupancy through legal documentation will be required at time of permitting.

Parking:

provide dimensions of the proposed on street parking area.

Building height:

Exact building height as measured from grade to top of the parapet wall will be required at time of permitting. Appears to comply with the 17' height maximum.

Deed restriction:

A deed restriction will need to be recorded with the County Recorder's office prior to permit issuance.

Appears to meet all other zoning standards.

Planning Staff Note: These comments will be addressed at the building permit stage.

Building Code: Will Warlick (william.warlick@slcgov.com or 801-535-7292)

No Building Code issues found at this time// Submittal of permit application to abide by current Code adoptions and Residential login check list for linear review. Permanent footing & foundation required.

Planning Staff Note: Final approval from Building Code will be required at the building permit stage.

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

Parking for the ADU is satisfied on street.

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

The project description page conveys the necessary requirements of the Fire Code, including the hydrant location and distance along with the need to have a fire sprinkler system installed in the ADU due to exceeding the distance from a fire access road.