



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Diana Martinez, Principal Planner, diana.martinez@slcgov.com, 801-535-7215

Date: September 28, 2022

Re: PLNPCM2022-00251- Zoning Map Amendment

Zoning Map Amendment

PROPERTY ADDRESS:	704 E. 900 S.
PARCEL SIZE:	0.24 acres (Approx. 10,454 square feet)
PARCEL ID:	16-08-155-001-0000
MASTER PLAN:	Central Community
CURRENT ZONING DISTRICT:	R-2 (Single and Two-Family Residential)
PROPOSED ZONING DISTRICT:	SNB (Small Neighborhood Business)

REQUEST:

The property owner, Ale Gicqueau, is requesting to amend the zoning map for the property located at approximately 704 East 900 South (Parcel #16-08-155-001-0000). The proposal would rezone the property from R-2 (Single and Two-Family Residential) to SNB (Small Neighborhood Business). The subject property is approximately .24 acres or 10,454 square feet. The proposed amendment to the zoning map is intended to allow the property owner to accommodate four-units in the existing dwelling as residential multi-family. Floor plans were not submitted with this application.

RECOMMENDATION:

Based on the findings and analysis in this staff report and the factors to consider for zoning map amendments in 21A.50.050 of the zoning ordinance, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding this proposal with the following condition:

- The property owner enters into an agreement to construct at least one replacement dwelling unit in accordance with the Salt Lake City Code Section 18.97.030.A (Options for Mitigating Residential Loss, Replacement Housing).

ATTACHMENTS:

- A. Vicinity Maps
- B. Applicant's Narrative
- C. R-2 & SNB Zoning Comparison
- D. Master Plan Considerations
- E. Analysis of Zoning Amendment Standards
- F. Site Photographs
- G. Public Process & Comments
- H. City Department Review Comments
- I. Housing Loss Mitigation Plan

PROJECT DESCRIPTION:

The property owner, Ale Gicqueau, is requesting a zoning map amendment for his property from the current R-2 (Single and Two-family Residential) to SNB (Small Neighborhood Business) at approximately 704 east 900 south. The total area of the proposed zoning map amendment is approximately 0.24 acres or approximately 10,454 square feet.



There is an existing residential dwelling on the subject property, which was built in 1902. The existing dwelling contains four residential units. Three of the units were created without building permits and do not meet the current building code requirements as separate units.

These units have been rented out as nightly rentals for many years, and due to being under code enforcement violation for having illegal units and renting them as nightly rentals, the property owner now wishes to rezone the property in order to make the four units legal and to rent them as long term rentals. (Please refer to Attachment B for a detailed narrative submitted by the applicant for the proposed rezone.) A multi-family use would be permitted if it could meet all the required standards and building code requirements including off-street parking.

The existing dwelling is not in the local or national historic districts and is not listed as a landmark site, therefore, leaving it unprotected from the option of having it demolished and new construction taking place.

The subject property is located on the southeast corner of 700 east and 900 south. 700 east is a major vehicular and pedestrian corridor. The surrounding properties on the block are primarily zoned R-2 (Single and Two-family Residential), with the corner properties on the northeast and northwest being zoned SNB (Small neighborhood Business) and CN (Neighborhood Commercial) respectively. Liberty Park, which is directly to the west of the subject property, is zoned OS (Open Space).

Zoning Map Amendment Considerations

Planning staff is required by ordinance to analyze proposed zoning map amendments against existing adopted City policies and other related adopted City regulations. Planning staff is also directed to consider whether zoning text amendments implement best planning practices. However, ultimately, a decision to amend the zoning map is fully up to the discretion of the City Council. (The full list of factors to consider for a zoning map amendment are located in Attachment D.)

KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, neighbor and community input, and department reviews.

1. **Compatibility with Adopted Master Plans**
2. **Compatibility with adjacent properties**
3. **R-2 Zoning vs SNB zoning development potential**
4. **Housing Loss Mitigation Plan (Attachment I)**















Consideration 1: Compatibility with Adopted Master Plans

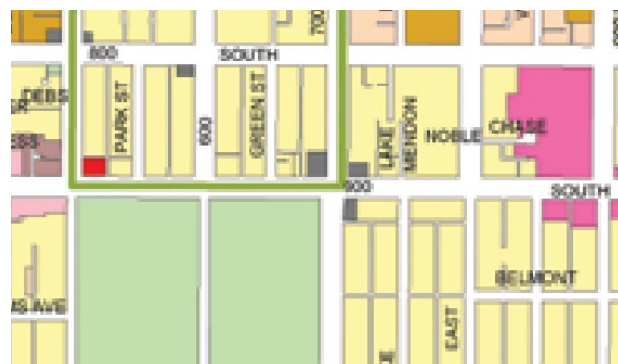
In evaluating a rezoning proposal one of the key considerations is if the proposal complies with the associated community master plan and the plan's future land use map that designates the intended future land uses for a property.

The Central Community Master Plan's future land use map shows the subject property and the other two commercial corners, as "*Nonconforming properties to be evaluated for appropriate land use designation.*" The corner pieces are unique to this area because of the property sizes, the uses that have been on them, and their locations along major transportation corridors. Because of this uniqueness, the Master Plan calls for further evaluation of these properties for what future land zoning could be.

The subject property, being a corner property, is more compatible with the northeast and northwest corners of the intersection, than with the properties that abut it to the east and south. The size of the dwelling is large enough to accommodate a commercial business, while blending with the neighborhood as a residential dwelling.

Future Land Use

 Low Density Residential (1-15 dwelling units/acre)	 Low Density Transit Oriented Development (1-20 dwelling units/acre)
 Low Medium Density Residential (10-20 dwelling units/acre) *	 Medium Density Transit Oriented Development (10-50 dwelling units/acre)
 Medium Density Residential (15-30 dwelling units/acre) *	 High Density Transit Oriented Development (50 or more dwelling units/acre)
 Medium High Density Residential (30-50 dwelling units/acre)	 Open Space
 High Density Residential (50 or more dwelling units/acre)	 Institutional
 Low Residential/Mixed Use (5-10 dwelling units/acre)	 Gateway Master Plan (Note: Future Land Use Shown in the Gateway Master Plan)
 Medium Residential/Mixed Use (10-50 dwelling units/acre)	 Non-conforming properties to be evaluated for appropriate land use designation. (Interim land use policy would be adjacent land use classifications)



Analysis of the community and neighborhood zoning district structure considers the potential for having Small Neighborhood Business zoning. The Nonconforming Properties Land Use Evaluation Map identifies nonconforming commercial business properties within the Central

Community. Whether or not the specific site is appropriate for small-scale commercial or residential land use designation depends on the compatibility to the uses in the immediate vicinity. For the subject property, being a corner property at the intersection of an arterial road and a large collector street, the zoning compatibility falls closer to the other corner commercial properties.

The commercial land use goals in the Master Plan call for the following: improve the current economic diversity of the Central Community, support cultural, shopping, and employment, promote pedestrian-oriented business, respond to the need for safer pedestrian interactions with automobile traffic and parking and to encourage and support quality small business development.

Plan Salt Lake (2015) encourages the development of small businesses, entrepreneurship, and neighborhood business nodes. Neighborhood and local businesses play an important role in place making and creating a unique community identity. Having small neighborhood businesses on properties that front along arterial and collector roads keeps businesses from impacting neighborhoods with traffic and parking issues, yet gives services, commerce and job opportunities to the neighborhood and the community. The proposed zoning change would allow for the establishment of this small business and support the spirit of Plan Salt Lake.

See Attachment D for policy statements and goals from various city plans that staff considered as part of the review of this rezone request.

Consideration 2: Compatibility with adjacent properties

The purpose of the Small Neighborhood Business Zoning District is to provide areas for small commercial uses to be located adjacent to residential land uses, including mid block. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian oriented development. This zoning district is appropriate in places where it is supported by a community master plan, small area master plan or other adopted City policies.

The setbacks, height and limited uses in the SNB zones were intended to be similar to those in the single-family zoning districts to serve as a transitional zoning change without significantly or negatively impacting the residential zones.

The existing dwelling on the subject property is aesthetically more dominate than the other dwellings on the block face to the north. The subject dwelling is a large Victorian style dwelling on a lot (10,000+ SF) twice as large as the other dwellings on the block face that are bungalow style dwellings on approximately 5,500 SF lots.

Most of the dwellings along 900 South, north of the subject property, appear to be mostly single-family dwellings although they are zoned R-2 (Single- Two-Family Residential).

The dwellings to the south of the subject property -that front along 700 East- are a mix of bungalow and colonial revival style dwellings built in the early 1900's. These properties along 700 East and the blocks to the east are zoned R-1-5,000.

In the immediate vicinity of the subject property, only the other corner properties are zoned non-residential. The property on the northeast corner is zoned SNB (Small Neighborhood Business) and currently has an office building on-site. The property to the northwest corner is zoned CN (Neighborhood Commercial), and currently has a retail goods establishment on-site. The entire southeast parcel is Liberty Park, which is zoned Open Space.

Unlike other zones in the area, the SNB zone has limited hours of operation for non-residential uses. Businesses in the SNB zone are open to the general public, no earlier than seven o'clock a.m. and no later than ten o'clock p.m.

If the subject property is rezoned to SNB and if the existing dwelling is retained, this will keep the visual compatibility of the immediate properties. If a new building is constructed, it would be more visibly compatible with those on the northeast and northwest corners of the intersection.

With a zone change, and if the existing dwelling is demolished, under the SNB zoning any style building could be built as long as it met the zoning requirements/setbacks. The SNB zone limits the height of buildings to twenty-five feet, however, in no instance shall the height exceed the height of any abutting Residential Zoning District along the block face. In the SNB Zone, new construction of a new principal building, parking lot or addition to an existing building for a non-residential use that includes the demolition of a commercial structure or a structure containing residential units may only be approved through a design review process pursuant to [chapter 21A.59](#) and provided, that in such cases the Planning Commission finds that the applicant has adequately demonstrated the following:

- a. The replacement use for properties containing residential units will include an equal or greater number of residential units; and*
- b. The structure is isolated from other structures and does not relate to other structures within the residential-business neighborhood. For purpose of this section, an isolated structure is a structure that does not meet the development pattern of the block face or block faces for corner properties; and*
- c. The design and condition of the structure is such that it does not make a material contribution to the character of the neighborhood. A structure is considered to make a material contribution when it is similar in scale, height, width, and solid to void ratio of openings in the principal street facing facade.*

The property does have a large parking area in the rear yard of the property. At an average of 2 parking spaces per 1,000 SF for retail goods/service establishments, parking could be placed on-site, if the existing dwelling stays. However, if the dwelling is demolished, any future building would have to comply with the parking requirements for the use occupying it. Since there is a right turning lane to the west of the subject property there is no on-street parking available to the west along 700 East. There is limited on-street parking in front of the subject property along 900 South.

There may be additional traffic caused by this development, but staff does not anticipate "congestion" on streets or roads as a result of the development because its location along an arterial street (700 E) and a collector street (900 S) as identified in the adopted major street plan.

Consideration 3: R-2 Zoning vs SNB zoning development potential

The development potential for the subject property if rezoned to SNB zoning would entail the following possible scenarios:

- the existing dwelling would remain and be legally converted to multifamily or a mixed use of residential and retail establishment.
- the existing dwelling could be demolished and a new building for a residential/commercial mix be built.
- the existing dwelling could be demolished and a new building for only commercial be built.
- other listed land uses in the SNB zone could be operated in the existing dwelling or in a new constructed building as long as it meets building code and zoning requirements/setbacks.

If rezoned to SNB, any new construction of a primary dwelling, parking lot or addition to an existing building for a non-residential use that includes the demolition of a commercial structure or a structure containing residential units may only be approved through a design review process pursuant to [chapter 21A.59](#). New construction would require setbacks compatible to the setbacks for the yards along the block face. Likewise, the height of a new primary building would be limited to 25 feet, and in no instance shall the height exceed the maximum height of any abutting Residential Zoning District along the block face. The intent is to keep the new construction compatible to the neighborhood in terms of density intensity, building configuration, building height and building bulk.

In addition, if a new building was constructed a seven-foot landscaping buffer would be required along the east and south property lines.

Some of the uses that would be permitted in the SNB, that are not currently allowed in the R-2 zone include office use, medical/health office use, retail establishments, bed & breakfast uses and mixed-use developments. These uses could be accommodated in the existing structure. If a new building was constructed, the size of the building would be limited to the required setbacks and height, and would need to accommodate the required amount of parking on-site.

Consideration 4: Housing Loss Mitigation Plan (Attachment I)

One of the conditions that triggers the need for a Housing Loss Mitigation Plan is: “any petition for a zoning change that would permit a nonresidential use of land”, which this petition seeks to do. The Housing Loss Mitigation Plan has been reviewed by the city’s planning director and the director of community and neighborhoods and is found in Attachment I of this report. The report includes a housing impact statement and a plan for mitigating residential loss by entering into an agreement for replacement housing.

There is the possibility that the single-family home could eventually be demolished and/or replaced with a multifamily dwelling or commercial use development. This rezone will open the door for not only the replacement of one lost unit, but the development of additional dwelling units to help alleviate Salt Lake City’s housing shortage.

NEXT STEPS:

The Planning Commission can provide a positive or negative recommendation for the proposal and as part of a recommendation, can add conditions or request that changes be made to the proposal. The recommendation and any requested conditions/changes will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed zoning changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed zoning map amendment.

If ultimately approved by the City Council, the changes would be incorporated into the official City Zoning map. If the proposed zoning amendment is not approved by the City Council, the property could still be operated under its current R-2 zoning designation, however, the property would need to be converted back to a single-family dwelling or get approval for a two-family dwelling through building services and zoning. Four units would not be allowed in the R-2 zoning district, nor would nightly rentals of the units.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: APPLICANT'S NARRATIVE

Project Description for rezoning application



704E 900S an elegant historic 1901 Victorian property

A statement declaring the purpose for the amendment. A description of the proposed use of the property being rezoned.

Rezoning 704E 900S as commercial with SNB multi-family long-term rental would be consistent with the history and the type of the property. Our property is currently zoned as R2 but the property has been used for 15 years years for nightly rentals (temporary stay) with four separate units. We would like to rezone 704E 900S as SNB multi-family long-term rental to increase the number of quality housing in Salt Lake City. Please note all 4 units have been existing for over 15 years. We are only getting the current 4-plex compliant as the previous owner Barbara Brisco never completed the rezoning process over 10 years ago.

List the reasons why the present zoning may not be appropriate for the area.

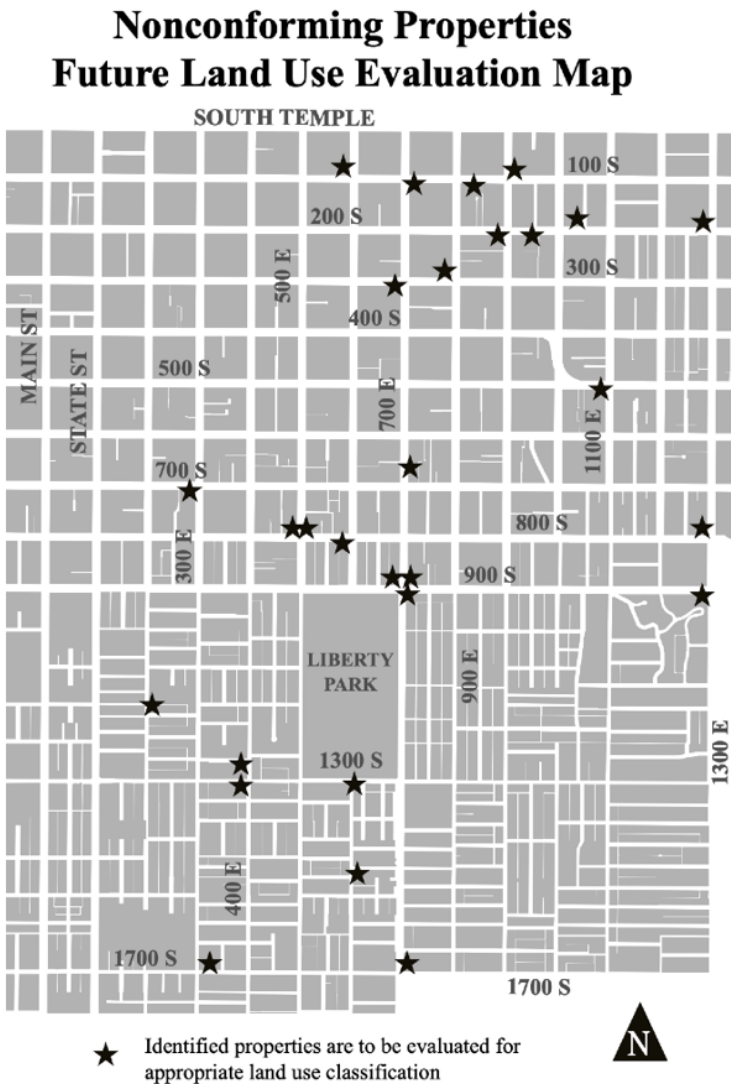
This property is a historic landmark as The Joseph E. Taylor mansion was added on the city's list of Historic Structures by former owner Barbara Brisco in 2012. It was built in 1901 by early Mormon pioneer, prominent church man and state legislator Elder Joseph E. Taylor. Former owner Barbara D Brisco, a devoted LDS member, invested \$700,000 to

restore the house according the spirit of the time. Joseph E. Taylor had 4 wives so this is probably why she remodeled it into a historic house with 4 different apartments as the 1904 Second Manifesto banned polygamy. This property was a place where Elder Joseph E. Taylor could safely interact with his wives and children during the years of plural marriage persecution and prosecution. When I bought the property from Barbara in 2017, I took upon myself to honor her vision and memory, and even more when she passed away in 2020.

Converting the property from the existing 4-plex in a single-family home would be cost-prohibitive as the cost would exceed the million dollar. As Salt Lake City is struggling

with fast growing population, it needs more house units not less. This is a large property with over 5,000 square feet so bringing it back to a single family home is non sensical as it is close to downtown. I am more than willing to make the necessary changes to comply with building code for this historic fourplex. We are only applying for the property to be rezoned to what is has been for many years: a fourplex. The current building architecture is sound and safe so complying to building code should be a reasonable endeavor.

All corners of the large 700E and 900S are not residential. Haus of Aesthetics, Cummings Studio Chocolates and Liberty Park are in that corner. A little further away, Salt Lake eBikes is located at 1035 S



700 E and is zoned as single family home. This is also true for other Liberty Park businesses such as the Park Cafe located at 604 E 1300 S, St John's CCDC Liberty located at 475 Herbert Ave S, both zoned as single family homes according <https://maps.slcgov.com/mws/zoning-lg.htm>. Furthermore, there is a long history of commercial use for my property. In 1976, the Fantasyland Nursery School occupied the property serving the needs of working parents by taking care of their children. Thereby becoming a fixture in the community. My property has been used peacefully in a commercial capacity for about 50 years. In 1987, the property passed to the Little Rascals Nursery and Preschool which operated at the location until 2001. In 2001, David and Deanna Todd bought the property and ran a beauty salon on the busy corner. After facing similar persecution than me from the city, they got into money issues and defaulted on the loan. It then became a decaying and abandoned building until Barbara D Brisco made it her life mission to bring it back to life to honor the memory of Joseph E. Taylor and his polygamous family.

According the master plan, there are many nonconforming properties along mine. It does not seem to be an exhaustive list considering the properties I mentioned above surrounding Liberty Park that are not listed. It seems important to help existing properties to conform to the existing plan rather than putting them out of business through adverse persecution. This would be devastating for the local economy, community and the preservation of historic buildings.

One of the important goals of the master plan is to preserve historic structures and residential neighborhoods. As mentioned previously, 704E 900S is a historic landmark though it is not listed yet in the national registry. Joseph E. Taylor who built this house was an early LDS pioneer who came to Utah in 1852 and became a member of the Utah House of Representatives and the leading Sexton in Salt Lake City.

As per the requirements of the master plan, this property is integrated with the larger community. It provides housing opportunities for a range of family and income types, and support mixed-use, mixed-income, walkable neighborhoods. One of the four fundamental goals of the master plan is to provide unique and active places such as my property. It is well maintained, and I take pride in keeping the property in impeccable condition. I have four parking lots, one for each unit.

Historic buildings and sites offer styles of architecture that make these structures unique to the area. Historic development patterns make areas unique and provide a distinctive development character to the area. Local and national designation can result in preservation of historic sites, structures and neighborhood character.

I ensure that my historic property and landmark site is protected. Residents want stronger ordinances to allow for penalties where properties owners allow historic structures to deteriorate and all adverse actions against my building from the city enforcement officers have put this historic property in danger. With my ownership, this historic building has been well taken care of. I ensure to preserve the community's architectural heritage, historically significant sites and historic neighborhoods.

The preservation of the environment is also important to the master plan. To this effect, I have recently contracted a loan of \$71,654 to invest in solar panels and batteries to reduce carbon emissions and dependency on foreign oil. Significant reduction of my electric bills are paying for the loan monthly payments.

Is the request amending the Zoning Map?

Yes. I recommend for my property to be zoned as SNB multi-family long-term rental instead of R-2

If so, please list the parcel numbers to be changed.

Only parcel 16-08-155-001-0000

Is the request amending the text of the Zoning Ordinance? If so, please include language and the reference to the Zoning Ordinance to be changed.

No

ATTACHMENT C: R-2 AND SNB ZONING COMPARISONS

REGULATION	EXISTING ZONING (R-2)	PROPOSED ZONING (SNB)
Lot Area/Width	<p>5,000 SF/50 feet Single-Family detached dwellings. 4,000 SF per dwelling/25 feet Twin home dwellings 8,000 SF/50 feet Two-family dwellings</p> <p>Existing Lots: Lots legally existing as of April 12, 1995, shall be considered legal conforming lots.</p>	<p>Multi-Family Dwellings – 5,000 SF/50 feet Single Family Detached – 5,000 SF/50 feet</p> <p>Non-Residential Uses – 5,000 SF/50 feet</p>
Setbacks	<p>Front Yard – Equal to the average front yards of existing buildings within the block face Corner Side Yard – 10 FT Interior Side Yard – Twin home dwelling no side yard requirement along one side lot line. A ten-foot side yard along the other. Other uses: four feet on one side, ten feet on the other Rear Yard – 25% of the lot depth – minimum of 15', maximum of 25'</p> <p><i>*All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title</i></p>	<p>Front Yard & Corner Side Yard & Rear Yard – Shall be equal to the required yard areas of the abutting zoning district long the block face.</p> <p><i>*Buffer yards: any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Chapter 21A. 48.</i></p> <p><i>*All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title</i></p>
Parking Setback	<p>No specific parking setback regulations.</p> <p>Two parking spaces on-site per dwelling unit.</p>	<p>No parking is allowed within the front or corner side yard.</p>
Building Height	<p>Maximum Building Height:</p> <ol style="list-style-type: none"> 1. The maximum height of buildings with pitched roofs shall be: <ol style="list-style-type: none"> a. Twenty-eight feet (28') measured to the ridge of the roof; or b. The average height of other principal buildings on the block face. 	<p>Building Height- Twenty-five feet. However, in no instance shall the height exceed the maximum height of any abutting Residential Zoning District along the block face.</p>

	2. The maximum height of a flat roof building shall be twenty feet (20')	
Open Space	No specific open space regulations	Residential uses and mixed uses containing residential use - 20% of the lot area

The following uses are not currently allowed in the R-1 zoning district but are listed as permitted or conditional uses under the proposed SNB zoning district designation:

New Permitted	New Conditional
Art Gallery	Library
Bed & Breakfast	Office and reception center in landmark sites
Multi-Family	Wireless telecommunications facility
Single-Family Attached	
Mixed Use Development	
Museum	
Office	
Office, single practioner medical, dental, and health	
Recreation (indoor)	
Retail goods establishment	
Plant and garden shop with outdoor retail sales area	
Retail sales establishment	
Studio, art	

The uses in the table below are currently listed as permitted or conditional uses in the land use table for the R-2 zoning district. These uses below would be no longer be allowed under the proposed SNB zoning district:

Changing from Permitted to Not Allowed	Changing from Conditional to Not Allowed
Dwelling, accessory unit	Daycare center, child
Parking, park and ride lot shared with existing use	Dwelling, congregate care facility (small)
Urban Farm	
Changing from Permitted to Conditional	Changing from Conditional to Permitted
-none-	-none-

ATTACHMENT D: CITY PLAN CONSIDERATIONS

Adopted City Plan Policies and Guidance

Zoning map amendments are reviewed for compliance with city master plans and adopted policies. The below plans were adopted for the area:

- **Central City Master Plan (Current Community Plan)**
 - Residential – Place special emphasis on buffers, transition zones or insulation to minimize negative impacts from incompatible uses.
 - Commercial – Focus commercial activity on providing services to the area residents and not on competing with the Central Business District.
- **Plan Salt Lake**
 - Growth – Promote infill and redevelopment of underutilized land.
 - Housing – Direct new growth toward areas with existing infrastructure and services that have the potential to be people oriented.
 - Reinforce and preserve neighborhood and district character and a strong sense of place.
 - Preservation – Preserve and enhance neighborhood and district character.
 - Economy – Support the growth of small businesses, entrepreneurship and neighborhood business nodes.
- **Growing SLC**
 - Develop flexible zoning tools and regulations, with a focus along significant transportation routes.
 - Support diverse and vibrant neighborhoods by aligning land use policies that promote a housing market capable of accommodating residents throughout all stages of life.
- **Salt Lake City Comprehensive Housing Policy**

The Salt Lake City Comprehensive Housing Policy was adopted on March 1, 2016. The Housing Policy represents the City Council's efforts to establish a policy direction to address current conditions in Salt Lake City. The intent is that this direction will be followed whenever the City engages in housing funding assistance, zoning and land use planning, master planning neighborhoods, and creating economic incentives. Additionally, the Housing Policy is intended to achieve the following that relate to the requested rezone:

 - Foster and celebrate the urban residential tradition
 - Develop new housing opportunities throughout the City
 - Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households
- Economy – Support the growth of small businesses, entrepreneurship and neighborhood business nodes.

ATTACHMENT E: ANALYSIS OF ZONING AMENDMENT STANDARDS

ZONING MAP AMENDMENTS

21a.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the city council should consider the following:

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

<p>Finding: Plan Salt Lake (2015) encourages the development of small businesses, entrepreneurship, and neighborhood business nodes. The proposed zoning change would allow for the establishment of this small business and support the spirit of Plan Salt Lake.</p>

<p>The Central Community Plan does not identify a specific land use for this property because of the unique nature of the property and its location. However, because of its similarity to the northeast and northwest commercial properties, a land use designation of multi-family or small business commercial would keep the continuity of commercial being on the corners of large intersections.</p>
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<p>Discussion: The applicant is intending to keep and legalize the existing residential uses on the property, however, the map amendment to SNB gives him the option of having a mixed residential/small business commercial use on the property.</p>
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2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.
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<p>Finding: The proposal generally furthers the purpose statements of the zoning ordinance.</p>
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<p>Discussion:</p>

<p><u>21A.02.030 General Purpose and Intent of the Zoning Ordinance</u></p>

<p><i>The purpose of the zoning ordinance is to promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and, in addition:</i></p>
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- | |
|---|
| <ul style="list-style-type: none"><i>A. Lessen congestion in the streets or roads;</i><i>B. Secure safety from fire and other dangers;</i><i>C. Provide adequate light and air;</i><i>D. Classify land uses and distribute land development and utilization;</i><i>E. Protect the tax base;</i><i>F. Secure economy in governmental expenditures;</i><i>G. Foster the city's industrial, business and residential development; and</i><i>H. Protect the environment.</i> |
|---|

<p>The development generally supports or has no appreciable impact on these purposes. The proposal fosters the City's residential development and broadens the tax base by supporting more residents in the City. There may be additional traffic caused by this development, but staff does not anticipate "congestion" on streets or roads as a result of the development because its location along an arterial street (700 E) and a collector street (900 S) as identified in the adopted major street plan.</p>
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3. The extent to which a proposed map amendment will affect adjacent properties;

Finding: The proposed SNB zone will impose different regulations on development than the adjacent R-2 and R-1-5,000 zones to the east and south. The intent of the SNB zone is to be as compatible with adjacent properties and to have as minimal negative impacts on the area as possible. The SNB zone was designed to be compatible with neighboring zones with setbacks that meet the setbacks of the structures along the same block face, height that is limited to 25 feet (in no instances taller than those in the abutting residential zone), and limited uses that enhance the neighborhood and community.

Discussion:

The major differences between the zones are the possibility of having a mix use development of residential and small business commercial on the property, and the visual character change if the existing dwelling is demolished and a new constructed building is put on the property. Under the SNB Zone, any new construction or addition to the existing dwelling would require a Design Review process for approval.

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;

Finding: The map amendment doesn't conflict with any overlays that affect the property.

Discussion:

The property is not located within an overlay that would impose additional standards on the residential uses allowed on the property.

5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Finding: Some City's public facilities and services may need to be upgraded and improved if the residential density changes or if land use changes to a more intense use permitted in the SNB zone.

Discussion:

Roadways

The proposal will have minimal impacts to the area if the existing dwelling remains. If the three other units are legalized, impacts to the roadways and traffic will be about the same as existing conditions. If the existing dwelling is demolished and there is a land use change, transportation reviewers and planning staff may need to analyze the new impact. There may be additional traffic caused by this development, but staff does not anticipate "congestion" on streets or roads as a result of the development because its location along an arterial street (700 E) and a collector street (900 S) as identified in the adopted major street plan.

Parks and Recreation Facilities

The proposal is across the street from Liberty Park. Any new development would not negatively impact the park.

Police and Fire Protection

The development is located within an existing developed area with dedicated police and fire services. The services are adequate to serve additional residents.

Schools

The property is in the Salt Lake City School District and is within 1.5 miles to the nearest elementary, middle, and high schools. In addition, there are two private schools within 1.5 miles.

Library

The main Salt Lake City Library is located approximately 1.5 from the proposal.

Water/Sewer/Storm Drainage

Public Utilities has reviewed the proposal and has no objections to the proposed rezone, however, noted that an increased density on the property may require offsite system improvements. A video inspection and condition assessment of the systems will be required prior to any remodel or increased occupancy or land use change.

Refuse Collection

Development may be served by the City's Recycling and Waste Services.

In general, the site is located within a developed area of the City. The change of zoning is not likely to increase the need for roadways, parks, recreation facilities, police, fire protection, or schools. Any future development would be reviewed by the Public Utilities department and if additional water or sewer capacity is required to serve the property, the owner/developer would need to make the necessary public improvements.

ATTACHMENT F: SITE PHOTOGRAPHS



Subject Property – Looking to the south from 900 South



View of the rear yard of the subject property



View of alley to the south of the subject property



Dwelling to the south of the subject property



View of the west side of subject property from 700 East



View of building on Northwest corner of 700 East/900 South



View of building on Northeast corner of 700 East/900 South



View of Liberty Park on the Southwest corner of 700 East/900 South

ATTACHMENT G: PUBLIC PROCESS & COMMENT

The following attachment lists the public meetings that have been held, and other public input opportunities, related to the proposed project. All written comments that were received throughout this process are included within this attachment.

EARLY NOTIFICATION:

May 2, 2022:

- A notice of application was sent to the chair of the East Central Community Council, which the subject property is within.
- Notice of application was also sent to the Central City, East Central and Liberty West Community Councils since they were within 600 feet of the subject property.
- The Community Councils were all given 45-days to respond with any concerns or comments.
 - The East Liberty Park Community Organization has submitted a letter regarding the application. It is attached.
- Notice of the application was also sent to property owners and residents within 300 feet of the project. The purpose of this notice is to inform surrounding property owners and residents that an application has been submitted, provide details regarding the request, outline steps in the planning review and decision-making process, and to let them know how to obtain more information and submit comments early on in the review process.

CITY OPEN HOUSE

Because the property is located within 600 feet of four community council districts, an online open house for the proposal began on **May 2, 2022**, in order to obtain feedback from residents and property owners and to provide information about the public process and city regulations. The ending date for the open house was **June 16, 2022**.

PUBLIC HEARING NOTICE

The Planning Division provided the following notices for the Planning Commission meeting:

- Mailed notice sent September 30, 2022
- Emailed notice to listserv sent October 6, 2022
- Public hearing notice signs posted on the property October 2, 2022

PUBLIC INPUT RECEIVED

Staff received one email in support of the rezone and six emails in concern/opposition to the rezone.



EAST LIBERTY PARK community organization

July 8, 2022

Dear Salt Lake City Planning Commissioners:

I am writing this letter in reference to Zoning Map Amendment PLNPCM2022-00251. This property at 704 E 900 South is located within the boundaries of ELPCO, and within proximity to the boundaries of Liberty Wells, Central City, and East Central community councils.

Based on communications with the SLC Planning Division, email and phone conversations with the property owner, and internal discussions within ELPCO and among the other councils, **ELPCO supports the petition to rezone 704 E 900 South from R-2 to SNB with the following notes and considerations:**

- 1) We want a stable and compliant long-term zoning solution for 704 E 900 South to retain the property as long-term rental housing for residents of the city. We recognize this property has a history of non-compliant usage with its zoning and we want to resolve all issues with the current property owner through this amendment process.
- 2) We want 704 E 900 South to be exclusively for housing and not for commercial or retail use on the first floor as is allowed under SNB zoning.
- 3) We support allowances for the current renovation of 704 E 900 South for older buildings outlined in "N1107.6 (R501.6) Historic buildings" to allow the property to meet residential codes as quickly as possible.
- 4) We support zoning and development decisions like this SNB rezoning that promote long-term rental properties (30+ days) to address the city's current housing shortage. We do not support solutions that allow for more short-term rentals in the city.
- 5) We appreciate the evidence of the SLC Planning Department working with property owners to resolve complex compliance and zoning issues.
- 6) We believe developing proactive working relationships with willing property owners with non-compliant zoning is the best way to identify and resolve these issues in both the short- and long-term.

In summary, ELPCO supports the petition rezone 704 E 900 South from R-2 to SNB with the guarantee that long-term rental housing remains the sole usage of the property. If ELPCO discovers that the current or new property owners are not retaining long-term rentals, we will take the necessary action to resolve these issues.

Thank you for your consideration:

Jason Stevenson
ELPCO, co-chair

PUBLIC COMMENTS:

Petition Number: PLNPCM2022-00251

Zoning District: R-2 (Single and Two-Family Residential)

Council District: District 5 – Represented by Darin Mano

Staff Planner: Diana Martinez

Email: diana.martinez@slcgov.com

Phone Number: 801.535.7215

Hi, Diana. I wanted to express my support for the rezoning of this lot/property with the stipulation that the historic structure isn't torn down.

I've lived in the neighborhood for 40 years, and even lived in the house kitty-corner to the lot when I was in college. I've always loved this historic home and hoped something more would be done with it. It's so close to 700 east, it would likely never be used as a single family property in it's grandeur ever again. Allowing multiple units makes sense, as long as the structure stays fairly unmolested.

Thank you

-Dana Wilson

this rezone should not be granted as we have plenty
of hotel space and dont need anymore air b and bs
the neighborhood has a lot of single families and im sure they dont want their neighborho
o to change

let the owner provide permanent housing which is in far greater need

if you allow this change youll allow my triplex to become hotel as well as the
home across the street

and the apartments along 900 east

will the planning commission start addressing permanent housing please

carolwicks

Greetings Diana,

I am writing with concerns about rezoning the property located at 704 E 900 S. I liveaway from this location and am concerned about the potential change this

Taking more single and multi family homes increasing the housing shortage and raising rental costs Seems incongruent with our city's needs Sent from my iPhone

Deborah Candler

Dear Ms. Martinez;

I have lived at this location for more than 30 years. The house on the corner is a challenging concern for our neighborhood because it's a large house within yards of the very busy 9th S - 7th E intersection.

Converting the home to 4 dwelling units makes sense to me in maintaining the residential nature of our block. I object, however, to any zoning proposal that is in any sense commercial rather than residential for our block. We are faced with increasing density in our area because we have worked hard to make our residences attractive. Our proximity to downtown increases pressures for growth as well. Residential zoning must remain a safeguard against itinerant increases in vehicular as well as visiting pedestrian traffic for us.

The Commercial building north and across from the 704 E property represents reasons enough for my observation. With all due respect to the desire for viable preservation of the investment in that beautiful and large house on the corner, another commercial zoning in our blocks here will diminish the appreciable character of our neighborhood. It may as much as devalue the property more than preserve it. Please maintain a residential zoning at 704 E for increased, but modest, density there.

Respectfully,
Mark L Lawrence

The proposed amendment to the zoning map is intended to allow the property owner to accommodate four-units in the existing dwelling to be used as hotel/motel use (allowing nightly rentals as a conditional use). Floor plans were not submitted with this application.

Petition Number: PLNPCM2022-00251

We are supposed to be fighting against short term rentals in residential neighborhoods, not encouraging them. Don't rezone or allow this.
George Chapman

Diana,

I am OPPOSED to this rezone. Many of us have know that this guy was using this property as a nightly rental for quite some time. He systematically removed affordable housing off the market and turned the rental into a lucrative nightly rental motel and made thousands of dollars off the backs of neighbors and displaced renters for himself. How selfish! We have seen his ads on air bnb etc. It's been no secret. And now.....he wants special treatment again....

Keep our neighborhoods from turning into motel districts.

No on the rezone.

Carol Steffens

I am worried about the parking for a building with multiple units, instead of just one unit. Using it as an AIRB&B type property will cause even more traffic in the area. Street parking is not available many times when people are home. People park down lake street that live in the houses on 900 south between 700 east and Lake Street.

Changing it to four units and having people visiting with possibly 2 cars per unit is unacceptable, unless they increase their off street parking to accommodate 5 to 8 vehicles.

Thank you.

Eric Wilson

Dear Ms. Martinez

I'm writing in behalf of the Liberty Wells Community Council. We appreciated your including us on this application even though it is not within the boundaries of LWCC albeit, it is on the border.

We have discussed it and have not and will not take a position either for or against it.

Best regards

Bill Davis - Chair

Liberty Wells Community Council

ATTACHMENT H: CITY DEPARTMENT REVIEW COMMENTS

Transportation – Kevin Young (kevin.young@slcgov.com)

Transportation has no issues or comments related to this rezone request.

Sustainability – Tony Milner (tony.milner@slcgov.com)

The following is the Housing Stability Division's comments on the proposed rezone application, PLNPCM2022-00251, in relation to Salt Lake City's *Growing SLC: A Five Year Housing Plan, 2018-2022*. Housing Plan link,

http://www.slcdocs.com/hand/Growing_SLC_Final_No_Attachments.pdf :

Recommendations:

Salt Lake City is committed to increasing the number of residential units, increasing the number of affordable/income-restricted units, and increasing equity in housing.

Separate from the City's zoning allowances and prohibited uses regarding hotels and short-term rentals, this rezone request would result in the loss of 4 current residential units for the purpose of non-residential use of the property, and thus subject to the City's Housing Loss Mitigation Code, 18.97, https://codelibrary.amlegal.com/codes/saltlakecityut/latest/saltlakecity_ut/o-o-o-62402

We encourage the developer to review the City's available fee waivers and low-interest loan products that support the development and operations of affordable units in the City, <https://www.slc.gov/hand/affordable-residential-development-resources/>

- For example: Code 18.98.060: *EXEMPTIONS: "E. The following housing may be exempt from the payment of impact fees, to the following extent: 1. A one hundred percent (100%) exemption shall be granted for rental housing for which the annualized rent per dwelling unit does not exceed thirty percent (30%) of the annual income of a family whose annual income equals sixty percent (60%) of the median income for Salt Lake City, as determined by HUD;"*

Police- Lamar Ewell (lamar.ewell@slcgov.com)

The Police Department has no issues with this request.

Civil Enforcement – Antonio Padilla (Antonio.padilla@slcgov.com)

The current zone for your property at 704 E 900 S is R-2. A fourplex is not a permitted or conditional use in this zoning district and is therefore prohibited. The City recognizes your building as a single-family home only; as such, we cannot provide a list of required code upgrades as a fourplex because the current zoning does not authorize such use.

The building was converted to four units without the proper permits and zoning approvals. Under the current zoning and acknowledging you don't currently reside on the property, the only way to

resolve the enforcement issues is to convert the building back to a single-family home by removing the three excess dwelling units. Permits are required for any work. Alternatively, if you were to reside on the property, you could pursue an internal ADU (see below for more detail).

The meeting with Erika was to discuss a hypothetical scenario in the event the City Council, in its legislative discretion, decides to rezone the property. In the event the City Council rezones the property to allow for a fourplex, the typical code requirements for a fourplex building are fire separations between units, separate HVAC systems, fire prevention systems, etc. But you will need to pursue appropriate building permits following the grant of a rezone (if the City Council elects to grant it) to determine building code compliance.

As we stated during the meeting with Erika, we recommend you consult with an architect and general contractor to get an idea of the costs associated with converting a single-family home to a fourplex (in the event that your petition for rezoning is approved by the City Council). The City, as the regulator, only reviews plans submitted by licensed contractors. The City does not provide a property owner with plans. You will need plans in order to obtain a building permit.

Internal ADUs are only permitted in single-family homes, and only one ADU is allowed. You could obtain a building permit to convert your current three excess dwelling units to one provided you as the owner resides on the property.

Public Utilities – Jason Draper (jason.draper@slcgov.com)

No utility objections to the proposed rezone. However, increased density and use may require offsite system improvements. The sewer was installed in 1909 when Clara Taylor owned the home. A video inspection and condition assessment will be required prior to any remodel or increased occupancy.

ATTACHMENT I: HOUSING LOSS MITIGATION PLAN



Housing Loss Mitigation Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

704 E 900 S - Zoning Map Amendment

Petition PLNPCM2022-00251

PROJECT DESCRIPTION

Existing Conditions

The property owner, Ale Gicqueau, is requesting to amend the zoning map for the property located at approximately 704 E 900 S (Parcel #16-08-155-001-0000). The proposal would rezone the property from R-2 (Single and Two-Family Residential) to SNB (Small Neighborhood Business). The subject property is approximately .24 acres or 10,454 square feet. The proposed amendment to the zoning map is intended to allow the property owner to accommodate four units in the existing building. Floor plans were not submitted with this application.

The applicant's zoning amendment requests for the property are as follows:

- Existing zoning - R-2 (Single and Two-Family Residential)
- Proposed zoning - SNB (Small Neighborhood Business)



The city recognizes the property as a single-family dwelling. However, the subject property currently contains four housing units in one building. The excess units that currently exist were created without any city approvals and are not permitted under the current zoning. If the zoning map amendment request is approved, the applicant intends to go through the permitting process to legalize the four units by changing the use of the property from a single-family to a multi-family building. The floor plans of the proposed multi-family dwelling will be submitted to the city on a later date.

Proposed Zoning Map Amendment

There is not a requirement in the SNB zone to include residential uses in new developments so a development that includes no residential uses would be allowed on the property. Because this application is a "petition(s) for a zoning change that would permit a nonresidential use of land," a Housing Loss Mitigation Plan is required. Housing Loss Mitigation Plans are reviewed by the city's Planning Director and the Director of Community and Neighborhoods. The plan includes a housing impact statement and a method for mitigating residential loss.

Attachments

A. Site Photos

HOUSING IMPACT STATEMENT

Housing Mitigation Ordinance Compliance

The Housing Mitigation Ordinance requires a housing impact statement which includes the following:

- 1. Identify the essential adverse impacts on the residential character of the area subject of the petition;**

The residential character of the neighborhood will not change if the property owner continues to use this building as a single-family or multi-family dwelling. However, if the rezone is approved, the property owner could change the property to nonresidential uses, including commercial, and could include the demolition of the existing building. Uses such as retail goods and service establishments could impact the area with increased traffic and parking.

- 2. Identify by address any dwelling units targeted for demolition, following the granting of the petition;**

No dwelling units are targeted for demolition with the proposed rezone. The rezone would allow the property owner to legalize the existing excess units and, if the property is able to come into compliance with city regulations, add more units to the city's housing stock.

- 3. Separately for each dwelling unit targeted for demolition, state its current fair market value, if that unit were in a reasonable state of repair and met all applicable building, fire, and health codes;**

a. No units are slated for demolition at this time.

b. 704 E 900 S – According to Salt Lake County Assessor Records, the building is worth \$850,300.00 and it is classified as a Single-Family Residence.

c. According to Building Services (Code Enforcement division), the existing dwelling units are not meeting current building, fire, and health codes.

- 4. State the number of square feet of land zoned for residential use that would be rezoned or conditionally permitted to be used for purposes sought in the petition, other than residential housing and appurtenant uses; and**

The total lot area, 10,454 SF, would be rezoned to SNB, which allows for residential and nonresidential uses.

- 5. Specify a mitigation plan to address the loss of residentially zoned land, residential units, or residential character.**

Section 18.97.130 outlines three options for the mitigation of housing loss. These options are:

A. Construction of replacement housing,

B. Payment of a fee based on difference between the existing housing market value and the cost of replacement, and

C. Payment of a flat mitigation fee if demonstrated that the costs of calculating and analyzing the various methods of mitigation are unreasonably excessive in relationship to the rough estimated costs of constitutionally permitted mitigation).

Discussion:

The options outlined do not address the specific situation with this rezone, where no residential building is targeted for demolition. However, the rezone itself would allow for the elimination of an existing housing unit.

Option A - The applicant proposes to mitigate the residential loss by keeping the property as residential. Staff could recommend that the rezone be conditioned on maintaining a residential use on the property or on the applicant entering a development agreement with the city to replace the housing unit in case of a change of use or demolition.

Option B - Under this option, the applicant would pay into the City's Housing Trust Fund an amount calculated as the difference between the market value of the home, as determined by the Salt Lake County Assessor's Office, and the replacement cost of building a new dwelling unit of similar size and meeting all existing building, fire, and other applicable law (excluding land value).

The Salt Lake County Assessor's Office shows the market value of the single-family dwelling as \$850,300.00, which does not include the market value of the land.

The replacement cost is calculated using the Building Valuation Data published by the International Code Council. The most recent data from the ICC was published in February 2022 and, indicates the construction cost per square foot for R-3 (One- and Two-family Dwellings) Type VB is \$150.87/SF of finished floor area and \$23.20/SF of unfinished floor area. This rate considers only the costs of construction and does not include the land costs. Type VB is the typical construction type for residential buildings due to the use of the building and the buildings occupant load.

Market value of the property (based on County assessment) = \$850,300.00

Replacement cost (4,909 SF finished + 92 SF unfinished) = \$742,755.23

Difference = \$107,544.77

Because market value exceeds the replacement cost of the existing single-family home a mitigation fee equal to the difference would be required.

FINDINGS

Planning Staff is recommending that the Planning Commission forward a positive recommendation regarding the rezone on to the City Council. Consideration must be given to the following findings if the rezone is approved:

- The proposed rezone could result in a net loss of one dwelling unit.
- Although not specific to this situation, options A & B of the Housing Loss Mitigation ordinance have been considered.
- The applicant is proposing to maintain the building and legalize the existing four dwelling units, which could satisfy Option A.
- Option B shows that the replacement cost of the existing housing unit is less than the market value of the structure, and therefore a mitigation fee would be required.

- A development agreement to maintain at least one dwelling unit is recommended as a condition of approval since the applicant already intends to make the existing building a multi-family dwelling. The development agreement must be reviewed by the City Attorney and place the applicant under legal obligation to maintain a residential use on the property.

DETERMINATION OF MITIGATION

Based on the findings outlined in this report, the Director of Community and Neighborhoods has determined the applicant should enter a development agreement for the replacement of at least one dwelling unit to comply in a satisfactory manner with the Housing Loss Mitigation standards outlined by Title 18.97.



Orion Goff
Deputy Director of Community and
Neighborhoods

Date: 09/12/2022



Subject Property – 704 E. 900 S.



Subject Property – Back view



Subject Property – View from 700 East



Subject Property – View of west side of dwelling