



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Rylee Hall, Principal Planner
rylee.hall@slcgov.com or 801-535-6308
Date: November 9th, 2022, Published November 4th, 2022
Re: PLNPCM2022-00590– Detached Accessory Dwelling Unit

Conditional Use Permit

PROPERTY ADDRESS: 1331 South Emigration Circle

PARCEL ID: 16-09-459-011-0000

MASTER PLAN: East Bench

ZONING DISTRICT: R-1-5,000 Single Family Residential Zone

COUNCIL DISTRICT: District 6, Dan Dugan

REQUEST:

Russell Morley, the property owner, is requesting approval from the City for a conditional use permit to allow an ADU (Accessory Dwelling Unit) on property located at approximately 1331 South Emigration Circle. The proposed ADU will be within a new, detached accessory structure located to the rear of the house on the property.

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.

ATTACHMENTS:

- A. [Vicinity Plan](#)
- B. [Site Photos](#)
- C. [Plans Submitted by Applicant](#)
- D. [Zoning Standards for ADUs](#)
- E. [Conditional Use Standards](#)
- F. [Department Review Comments](#)
- G. [Public Process and Comments](#)

PROJECT DESCRIPTION

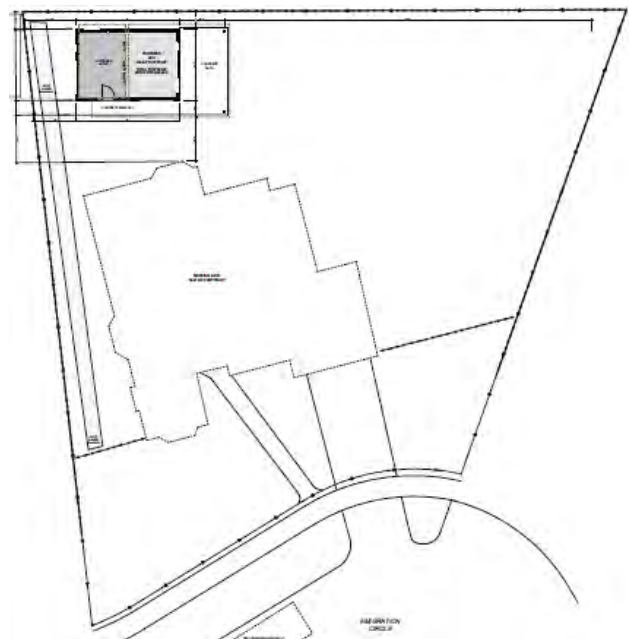


Russell Morley, the property owner, is seeking approval of a conditional use permit to establish an accessory dwelling unit (ADU) within a new detached accessory structure. The proposed ADU will have a footprint of 698 SF that includes a porch. The total livable interior area will measure approximately 400 SF and the total height of the structure will approximately 16 ft.

The property currently has an existing single-family home and is located within the R-1-5,000 Single Family Residential Zone. All neighboring properties are also within this Zone. This area is within the Wasatch Hollow Community Council District and is also near the boundaries of the Yalecrest Neighborhood Council. The applicable Master Plan for this area is the East Bench Master Plan, adopted in 2017.

Setbacks

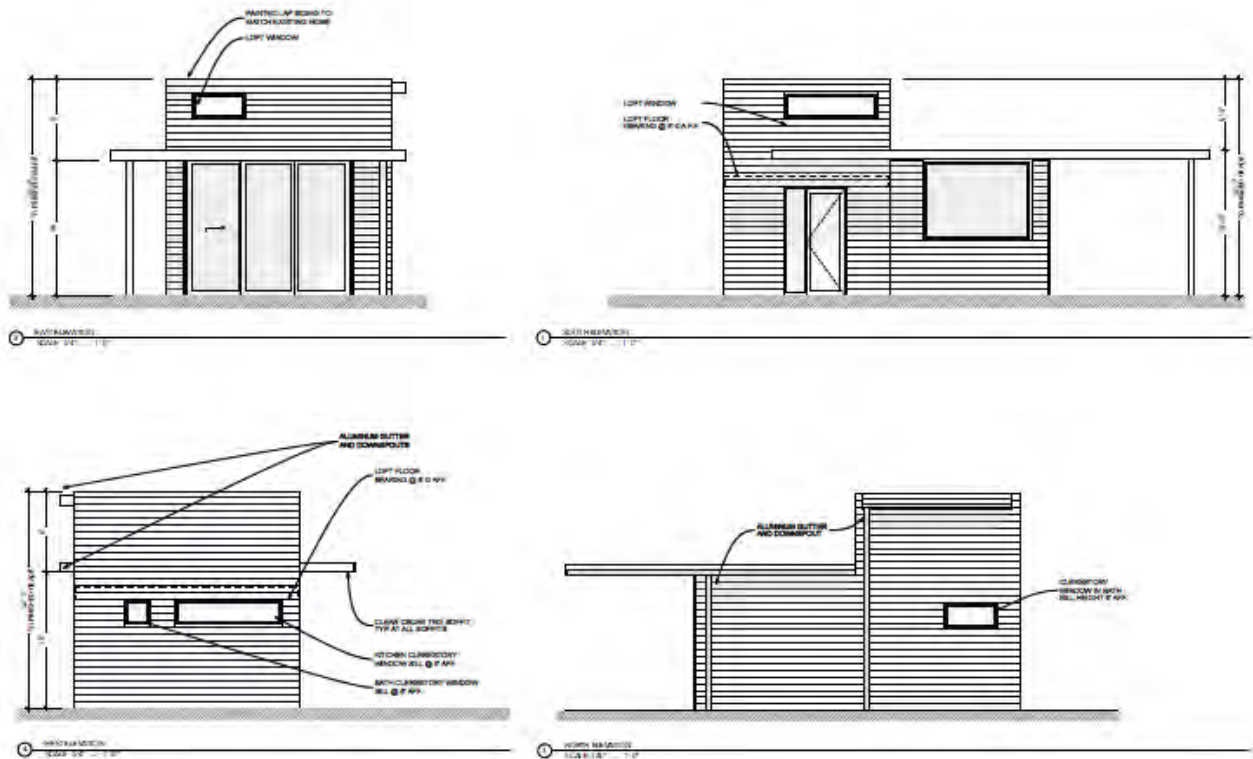
The new detached structure will be located to the rear of the home, close to the northwest corner of the property. The structure will be about 4 ft. from the rear (northern) property line, 10 ft. from the side (western) property line, and 10 ft. from the home (measured from extent of the eaves of the porch to the closest point of the existing home). The proposed structure will be at least 30 ft. from any neighboring principal structure. There is an existing shed in the location of the proposed structure that will be removed upon development.



Site Plan

Size and Lot Coverage

The subject property is approximately .34 acres (14,810 SF) and the existing lot coverage is 18% (2,665 SF) with the existing single-family dwelling. With the proposed accessory structure, 4.7% lot coverage will be added to the existing lot coverage, for a total of 22.7% (3,363 SF). In the R-1-5,000 (Single Family Residential District), the maximum allowable lot coverage is 40%, so the proposed lot coverage is within the allowable amount and complies with the applicable base zone requirements.



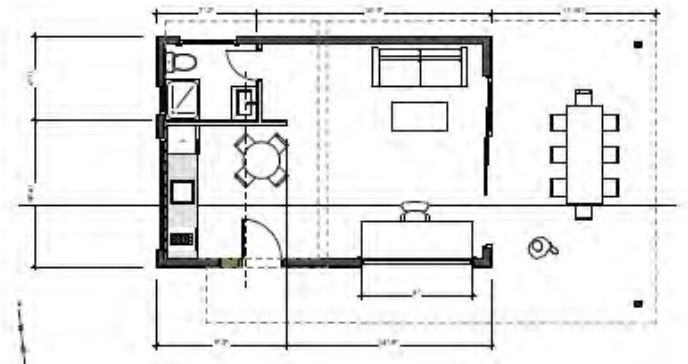
Elevations

Height and Architectural Features

The proposed structure will be approximately 16 ft. in height with a flat roof. The primary exterior material will be lap siding that matches the existing home.

Layout and Building Entrances

The ADU will be a studio-style unit, with the bed area located in the loft which will be open to the lower space. The main entrance of the ADU will face south, towards the rear of the home, and will not be visible from the street. The proposed design includes a secondary entrance by a sliding glass door, providing egress to the porch area, and facing towards the eastern property line of the property.



Floor Plan

Windows

The applicant has provided elevations showing the proposed windows and entrances. There are proposed windows on all facades of the structure. On the northern façade of the proposed structure, a window is proposed that will be about 4 ft. from the northern property line. Since the structure will be closer than 10 ft., the proposed window must be a skylight or clerestory window or include obscured glazing in its design. The window will be a clerestory window with a sill height of 6 ft.

Parking

The applicant is not required to provide on-site parking, as the parking requirement (1 space) for the ADU can be met by legal, on-street parking along the street frontage of Emigration Circle. There is an existing pedestrian pathway that will provide access from the street to the proposed structure. The required off-street parking for the residents of the primary dwelling will be provided in an existing, attached garage located on the eastern side of the home, and accessed from a driveway with frontage on Emigration Circle.

APPROVAL PROCESS AND COMMISSION AUTHORITY

The property is located in the R-1-5,000 (Single Family Residential District), which is a single-family zoning district. A conditional use review and permit 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 impacts 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. Staff has no recommended conditions of approval for this request. For complete analysis and findings in relation to zoning standards for an ADU and the Conditional Use standards, please refer to [Attachment D](#) and [Attachment E](#).

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(s) 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. The proposed accessory structure could still potentially be built and used for another permitted use in the R-1-5,000 (Single Family Residential District), subject to meeting regulations for accessory buildings in 21A.40.050, however it could not be used as an accessory dwelling.

Attachment A: Vicinity Plan



Attachment B: Site Photos



View of the Street (Emigration Circle) & legal parking



View of the front of the home



View of the rear (northwest) corner of the property where the ADU will be located



View of the pathway from the front of the property to the ADU



View from the proposed location of the ADU of the eastern side of the property



View of the rear of the home from the proposed location of the ADU



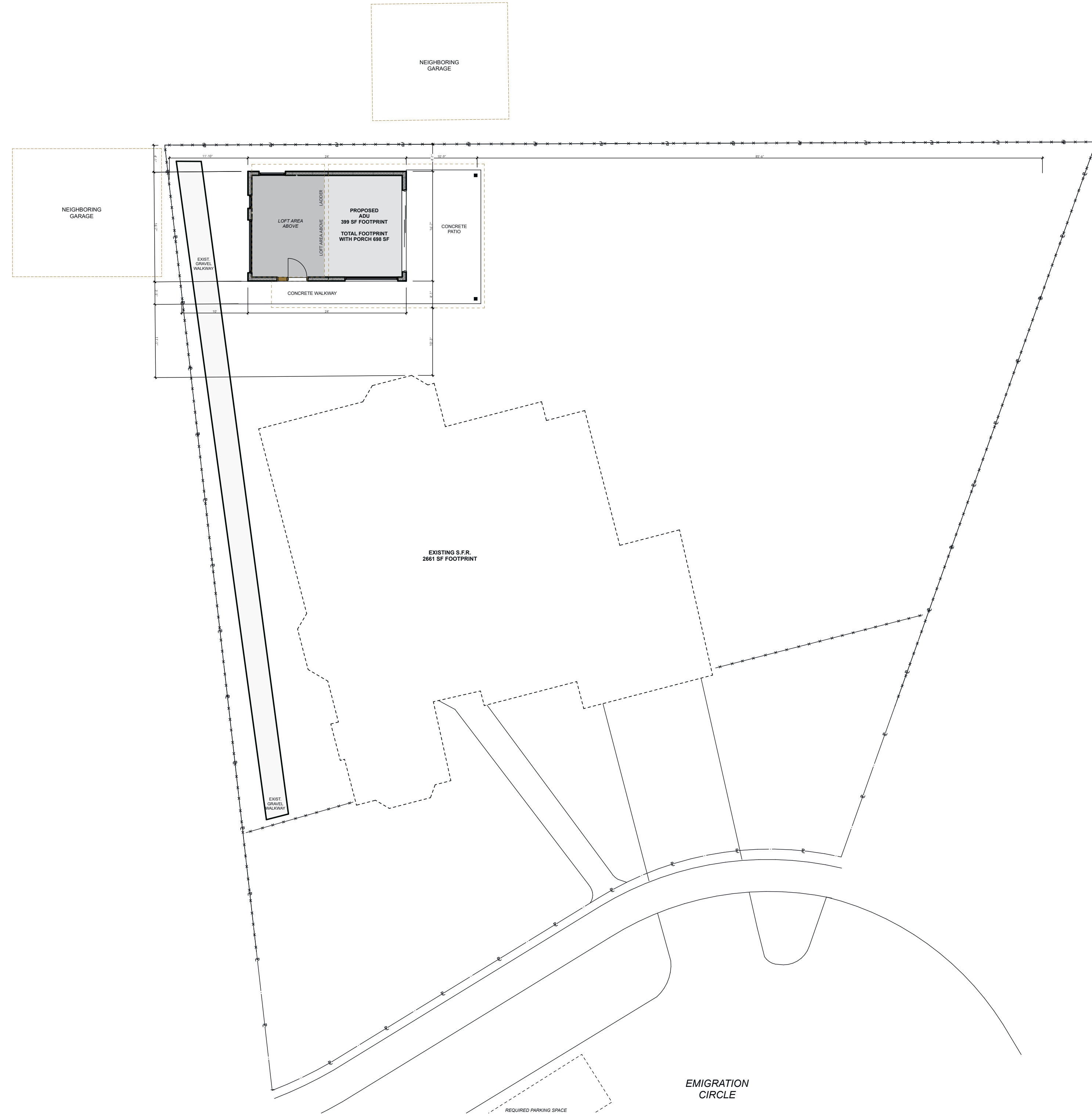
View the existing shed in the northwest corner of the property and proposed location of the ADU

Attachment C: Plans Submitted by Applicant

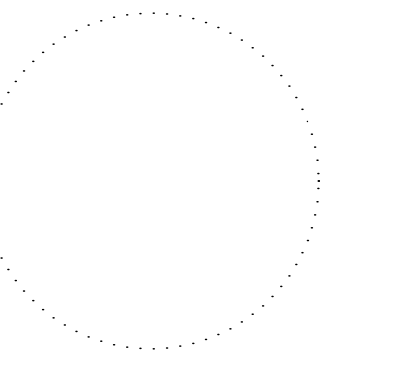
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1331 EMIGRATION CIRCLE

PARCEL: 16-09-459-011-0000
ZONING - R1 - 5,000
ADU SETBACKS - 4' REAR / 4' SIDE / 10' FROM PRIMARY SFR
LOT COVERAGE EXISTING - 18%
LOT COVERAGE PROPOSED WITH ADU - 21%



1 SITE PLAN
SCALE: 3/32" = 1'-0"



MORLEY ADU

1331 EMIGRATION CIRCLE,
Salt Lake City, UT 84108

MARK	DATE	DESCRIPTION
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DATE: 10/25/22

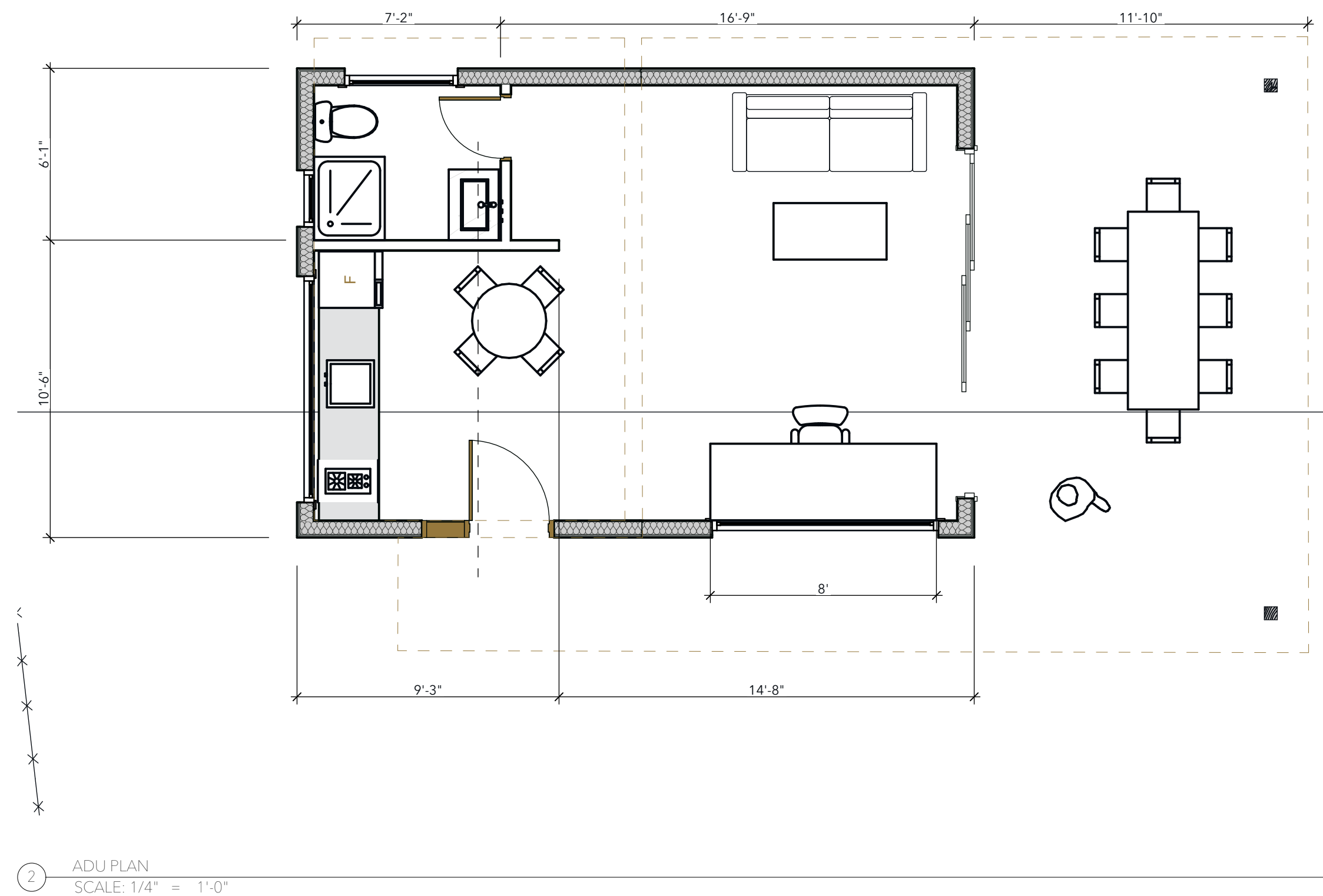
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COPYRIGHT

SHEET TITLE

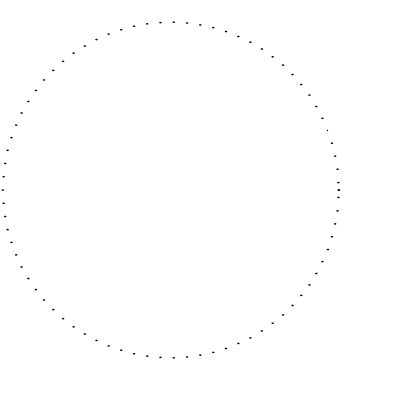
**SITE PLAN -
CONDITIONAL
USE**

A100



Inhabit

SALT LAKE CITY UTAH
PHONE 801.410.0175
BRAD@INHABITDESIGNBUILD.COM



MORLEY ADU

1331 EMIGRATION CIRCLE,
Salt Lake City, UT 84108

MARK	DATE	DESCRIPTION

DATE: 9/19/22
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SHEET TITLE
ADU PLAN AND
IMAGES

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Attachment D: Zoning Standards for ADUs

21A.24.070 - R-1-5,000 Single Family Residential District:

Purpose Statement: The purpose of the R-1/5,000 Single-Family Residential District is to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the City as identified in the applicable community Master Plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

UNDERLYING ZONING STANDARDS	PROPOSED	COMPLIES?
MINIMUM LOT AREA: 5,000 square feet	The subject lot is 14,810 SF (0.34 acres) in size was legally established. No changes are proposed to the existing lot area with the proposed conditional use permit.	Yes
MINIMUM LOT WIDTH: 50 Feet	The subject lot ranges from approximately 95 ft. wide to 140 ft. wide, from south to north. This lot was legally established, and no changes are proposed to the existing lot width with the proposed conditional use permit.	Yes
MAXIMUM BUILDING HEIGHT: 28 Feet (Buildings with a pitched roof)	The proposed accessory structure is approximately 16 feet in height.	Yes
MINIMUM YARD REQUIREMENTS: <ul style="list-style-type: none"> • Side or Rear Yard: 10 ft. or 4 ft • Other Side or Rear Yard: 10 ft. or 4 ft Distance from residences: 10 feet	The proposed detached structure in which the ADU will be established includes a 'loft' area that will be considered livable area, and therefore counted as a 2 nd story. The Code language for side and rear setbacks for an ADU with a 2 nd story is ambiguous. A recent Administrative Interpretation clarified how the setback requirements should be applied. This interpretation determined that the required setback (10 ft.) is required from the rear OR side property line, but not both. Whichever side or rear yard setback that is not 10 ft. is required to be a minimum of 4 ft. in width. The applicant is proposing a setback of 10 ft. to 11 ft. 10 in. from the western property line, and about 4 ft. from the northern property line, so the proposal satisfies the requirements for setbacks for an ADU. The ADU will also be 10 ft. from the home (measured	Yes

	from extent of the eaves of the porch to the closest point of the existing home) and over 85 ft. from the opposite side (eastern) property line.	
MAXIMUM BUILDING COVERAGE: 40% of total lot size	The subject property is approximately .34 acres (14,810 SF) and the existing lot coverage is 18% (2,665 SF) with the existing single-family dwelling. With the proposed accessory structure, 4.7% lot coverage will be added to the existing lot coverage, for a total of 22.7% (3,363 SF).	Yes

21A.40.200 – ACCESSORY DWELLING UNITS:

ADU STANDARDS	PROPOSED	COMPLIES?
SIZE & FOOTPRINT: ADU footprint shall not exceed 720 SF or 50% of the footprint of the primary dwelling, whichever is less, and the dwelling unit may not have more than 650 SF.	The proposed ADU has a footprint of about 700 SF in size, including a porch area on the southern and eastern sides. The total interior, livable area of the ADU will be approximately 400 SF.	Yes
BUILDING HEIGHT: 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.	The existing home is approximately 16 ft. tall, the proposed ADU will also be approximately 16 ft. tall.	Yes
ENTRANCE LOCATIONS: Entrance Locations: The entrance to an accessory dwelling unit in an accessory building shall be located: <ol style="list-style-type: none"> 1) Facing an alley, public street or facing the rear facade of the single family dwelling on the same property. 2) Facing a side or rear property line provided the entrance is located a minimum of ten feet (10') from the side or rear property line. 3) Exterior stairs leading to an entrance shall be located a minimum of ten feet (10') from a side or rear property line unless the applicable side or rear property line is adjacent to an alley in which case the minimum setback for the 	The primary entrance of the proposed ADU will face the rear façade of the existing home on the same property. There is a proposed secondary entrance facing the side property line to the east, with a setback of over 85 ft.	Yes

<p>accessory building applies to the stairs.</p>		
<p>REQUIREMENTS FOR WINDOWS:</p> <ol style="list-style-type: none"> 1) Windows facing the side or rear property lines within 10' of the property lines must use clerestories, skylights, or obscured glazing. 2) Windows shall be of a similar dimension as those used on the primary dwelling. 3) Windows on the ground floor may be retained if compliant with Building and Fire Codes. Windows on the second floor must be brought into compliance with this section. 	<ol style="list-style-type: none"> 1) The proposed accessory structure includes a window facing the rear property line that is within 10 ft. from the property line. The proposed window will be a clerestory window with a sill height of 6 ft. 2) The proposed windows are similar to those on the existing primary dwelling. 3) This is a new structure, so no windows will be retained from a previously existing structure. The windows within the loft area, facing the south property line and rear of the home, are compliant with these requirements. 	<p>Yes</p>
<p>BALCONIES AND DECKS:</p> <ol style="list-style-type: none"> 1) Shall not exceed 80 square feet in size. 2) Shall not be closer than 10 feet to a side or rear property line, unless adjacent to an alley. 3) No rooftop decks permitted 	<p>No decks or balconies are proposed. There is a proposed porch area which will be composed of a cedar soffit eave, with aluminum paneling, overhanging concrete. Any portion of the proposed ADU, including the porch, meets all applicable setback requirements.</p>	<p>N/A</p>
<p>PARKING: Minimum of one parking space on site.</p> <p>*This requirement may be waived if there is legal on-street parking along the street frontage of the property OR if the property is within ¼ mile of a transit stop.</p>	<p>Legal on-street parking along Emigration Circle is existing, so the on-site parking space requirement may be waived. There is an existing pedestrian pathway that will provide access from the street to the proposed structure.</p>	<p>Yes</p>

Attachment E: Conditional Use Standards

21A.40.200 – ACCESSORY DWELLING UNITS: In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for a conditional use permit.

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 reducing, not eliminating, 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 proposed use will comply with the applicable provisions of the Salt Lake City Zoning Ordinance;
Finding: The proposed use will comply with the applicable provisions of the Salt Lake City Zoning Ordinance.
Discussion: The proposed ADU use is located in the R-1/5,000 Single-Family Residential District which allows for an ADU to be approved through the conditional use process subject to meeting the specific regulations for an ADU in section 21A.40.200 of the zoning ordinance. As analyzed in Attachment D , the ADU complies with the requirements of 21A.40.200.
Standard 2: The use is compatible, or with conditions of approval can be made compatible, with surrounding uses
Finding: The proposed development and use is generally compatible with the surrounding uses.
Discussion: Proposed ADUs are anticipated in the R-1/5,000 Single-Family Residential District 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;

Finding:

The use is consistent with applicable adopted city planning policies, documents, and master plans.

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.

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-1/5,000 Single-Family Residential 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 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 an existing single-family dwelling with one driveway access from Emigration Circle. There is no alley access to the property and the site has already been established. Parking for the primary dwelling will be provided in an existing, attached garage or in the driveway in front of the home. There will be no changes to existing grade on the lot. Pedestrian access to the ADU will be provided by a pathway on the western side of the property. 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 permitted along Emigration Circle and will 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 an existing gravel pathway from the front of the property, which will be readily accessible to cyclists and pedestrians, that will provide access to the ADU,

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

Finding: No Detrimental Impact

Discussion:

The site has been designed with one access point for the residence, to minimize any potential areas of conflict with vehicles in the abutting/adjacent street. No impacts to the service level of the adjacent streets 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 permitted along Emigration Circle to service the residents of the ADU.

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

<p>Discussion:</p> <p>The proposed use is an accessory residential structure and is compatible with the surrounding uses that are also residential.</p>
<p>14. Signs and lighting are compatible with, and do not negatively impact surrounding uses;</p>
<p>Finding: No Detrimental Impact</p>
<p>Discussion:</p> <p>Signs are not associated with this proposal. No lighting is proposed beyond average residential lighting fixtures.</p>
<p>15. The proposed use does not undermine preservation of historic resources and structures.</p>
<p>Finding: No Detrimental Impact</p>
<p>Discussion:</p> <p>The accessory or primary building are not a historical structures and the establishment of an ADU does not affect any surrounding historic structures.</p>

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: Department Review Comments

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

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

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

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

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

Public Utilities: (Kristeen Beitel at kristeen.beitel@slcgov.com)

The proposed ADU will need to meet all SLCDPU requirements prior to permitting. Please see additional comments.

The following comments are provided for information only and do not provide official project review or approval. Comments are provided to assist in design and development by providing guidance for project requirements.

- Public Utility permit, connection, survey, and inspection fees will apply.
- All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.
- All utilities must meet horizontal and vertical clearance requirements. Water and sewer lines require 10 ft minimum horizontal separation and 18" minimum vertical separation. Sewer must maintain 5 ft minimum horizontal separation and 12" vertical separation from any non-water utilities. Water must maintain 3 ft minimum horizontal separation and 12" vertical separation from any non-sewer utilities.
- Utilities cannot cross property lines without appropriate easements and agreements between property owners.
- Site utility and grading plans will be required for building permit review. Other plans such as erosion control plans and plumbing plans may also be required, depending on the scope of work. Submit supporting documents and calculations along with the plans.
- One culinary water meter is allowed per parcel. Water service for the ADU will need to be provided from the existing water meter (i.e. connect new water service after the water meter or from the existing home). No new water meter and water service will be permitted.
- The ADU will need its own sewer lateral connecting to the public sewer main. If it is desired to connect to the existing home and utilize the existing sewer lateral, then the existing sewer lateral must first pass a video inspection with a SLCDPU inspector present.

Transportation: (Kevin Young at kevin.young@slcgov.com)

1. I have no issues or concerns regarding this proposed ADU. The parking requirement for the ADU can be met with available on-street parking.

Building Code: (James McCormack at james.mccormack@slc.gov.com)

1. A separate building permit and plan review will be conducted to address any Building Code issues.

Attachment G: 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:

- September 20th, 2022 – Notice of the project was provided to the Wasatch Hollow Community Council and Yalecrest Neighborhood Council. The 45-day early engagement period to receive comments from the Community Council expired November 4th, 2022. Comments from the Yalecrest Neighborhood Council have been received and are included as part of this Staff Report (see next page).
- September 20th, 2022 – Property owners and residents within 300 feet of the development were provided early notification of the proposal.

Notice of the public hearing for the proposal included:

- October 26th, 2022
 - Public hearing notice sign posted on the property
- October 28th, 2022
 - Public hearing notice mailed
 - Public notice posted on City and State websites and Planning Division list serve

Public Input:

As of the publication of the staff report, Staff has received 2 public comments a via email (these comments are attached below). One comment had concerns if the ADU was taller than the home, and the other comment generally related to concerns with the noticing process and opposition to the proposal in general. The proposed ADU will not be taller than the home and meets all standards for an ADU as discussed in [Attachment D: Zoning Standards for ADUs](#). All noticing requirements were met the proposal according to City Code 21A.10.020 Public Hearing Notice Requirements.

Staff has also received a letter from the Yalecrest Community Council. The Council did not give a position, but did list several concerns related to parking, the proposed height and setbacks, windows, and architectural style. The comments also included requests for clarification on the requirements for ADU's, and a request that the proposal ... "include 3/4" minimum columnar type trees (spaced at 7' o.c. minimum) be planted between the planned ADU and the fences on the north and west," to improve the privacy of the neighbors and also soften the aesthetic impacts of the ADU. The comment also included the following statement: "We would encourage the planning staff to add tree planting between ADUs and adjoining properties as a requirement of all future ADU's to help soften their impact aesthetically and help maintain privacy. Stylistic compatibility of the architecture of the ADU to the surrounding homes should also be encouraged."

Parking for the proposed ADU will be provided on-street, along the frontage of the property, on Emigration Circle. The requirements for parking for an ADU allow the on-site parking requirement to be waived if legal on-street parking is available along the street frontage of the subject property, which is the case. Staff does not anticipate the proposed on-street parking will create challenges or negative effects on Emigration Circle. The Transportation Department has also reviewed the proposal and indicated they have no concerns with the parking requirement being met by available on-street

parking. The proposed ADU will not be taller than the home, and meets all requirements for height, setbacks, windows, and all other standards for ADUs as discussed in [Attachment D: Zoning Standards for ADUs](#). While the proposal is not subject to any design requirements, the applicant has indicated the siding used on the ADU will match the existing home, lessening its visual impact.

There is an existing fence around the rear yard of the property. It is Staff's opinion that additional screening is not necessary to screen the proposed ADU from neighboring properties. On the northern façade of the proposed structure, there will be a small clerestory window located in the bathroom. The window will have a sill height at 6 ft. and will be approximately 2 ft. by 4 ft. in dimensions. This window will face the rear yard of the neighboring property to the north and will be over 40 ft. from the existing home on this property. The western façade of the proposed structure includes 2 clerestory windows, located in the bathroom and kitchen, both with a sill height at 6 ft. These windows are setback 10 ft. from the western property line and face the rear of an existing accessory structure on the property directly to the west of the site. These windows will be at about 40 ft. from the existing home on this property and will likely not be visible. The Planning Commission may choose to add additional screening per the request from the Yalecrest Neighborhood Council to plant trees between the ADU and the fence on the north and west, if they believe it is necessary to mitigate a potential negative impact stemming from the proposal. Staff has not included this as a condition of approval.

Staff has noted the recommendation from the Yalecrest Community Council to include additional requirements for ADUs in the form of landscape buffers and architectural design standards. Adding these requirements to the City Code would require a code text amendment, which includes a separate approval process and is outside of the scope of this petition.

Any public comments received after the publication of the Staff Report and up to the public hearing meeting will be forwarded to the Planning Commission and included in the public record.

From: [Hall, Rylee](#)
To: [Diane Whittaker](#)
Subject: RE: (EXTERNAL) Detached Accessory Dwelling Unit (ADU) at 1331 South Emigration Circle
Date: Monday, October 10, 2022 9:42:00 AM

Hi Diane,

The ADU is not permitted to be taller than the home, measured from finished grade to peak. Please let me know if you have any additional comments or concerns.

Thanks,

RYLEE HALL

She/her

Principal Planner

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL 801-535-6308

EMAIL rylee.hall@slcgov.com

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Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: Diane Whittaker [REDACTED]
Sent: Thursday, October 6, 2022 12:10 PM
To: Hall, Rylee <Rylee.Hall@slcgov.com>
Subject: (EXTERNAL) Detached Accessory Dwelling Unit (ADU) at 1331 South Emigration Circle

I oppose this ADU if it's height is taller than the house at the front of the lot. Otherwise, its OK

From: [Taymour Semnani](#)
To: [Hall, Rylee](#)
Subject: RE: (EXTERNAL) PLNPCM2022-00590
Date: Wednesday, October 12, 2022 11:52:42 AM

Dear Rylee,

I received a notification for the electronic open house. It states the start of the public comment period is October 2, 2022. However, I didn't receive the notice until over a week after the comment period started. In fact, the envelope is post-marked October 5, 2022, two days after the comment period is scheduled to start.

For these reasons, I take issue with the city's compliance with the public comment requirements.

Thank You,

Taymour B. Semnani

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comment from the Yalecrest Neighborhood Council

October 27, 2022

Re: Petition Number: PLNPCM2022-00590

Staff Planner: Rylee Hall

Email: rylee.hall@slcgov.com

Phone Number: 801.535.6308



Rylee,

The Yalecrest Neighborhood Council was invited to comment on a detached ADU request at 1331 South Emigration Circle (See photo above). The property is a pie-shaped lot with an existing 2,600 SF home. The ADU would be a total of 700 SF (dwelling and porch) and be built at the back of the property. It would be 4 feet from the fence that separates it from the adjacent neighbor's lot to the north – 1750 East 1300 South.

Under the bulk requirements in the current ADU code (3a) states that the ADU may not exceed 650 SF. It appears this project exceeds that requirement unless we have misinterpreted it. We're asking the city

for clarification since the proposed project would be a total of 700 SF, even though the livable space would be 400 SF.

The applicant, Russell Morley, indicated that tenant parking would be accommodated on the street – Emigration Circle – not the property. Given that eight homes are located on the Circle and parking may be a premium if all the homes need street parking spaces to accommodate residents as well as friends, family, or others who may drop by or visit, does adding one or two more cars from the ADU tenant create challenges? City code 21A.40.200 (E.1. g) requires a minimum of one on-site parking space, which can be waived if the resident has a legal street parking space. How many legal street parking spaces does the resident at 1331 Emigration Circle currently have and, if the ADU is approved, will more street spaces be needed for the ADU tenants?

The height of the proposed ADU is 16 feet. This will have a visual impact on the backyard of the adjacent neighbor's home. Architectural drawings show that the ADU will be situated on the northwest corner of the property – to the west of the neighbor's garage on the other side of the fence. The ADU will "look down" on the property directly north (1750) as well as the residential property northwest (1744). (See photo) Although not a second story – it's described as a loft – does the provision in the code that it be 10 feet from the boundary fence apply here?

Windows will be properly constructed (clerestory) but will be 6-feet from the ground. It's unclear if light from those windows will shine into adjoining neighbors' properties during the night – depending on the height of the fence that borders the adjoining properties.

Josh Stewart, an architect, and co-Vice Chair of the Yalecrest Neighborhood Council, reviewed the application and expressed "concern about the aesthetic and social impacts of ADUs to existing communities. While recognizing the significant demand for housing (particularly housing that is more affordable) in Salt Lake City, Wasatch Hollow and the adjoining neighborhoods feature traditional style architecture. New modern style ADUs can be incompatible and detract from the charm and beauty of the existing architectural fabric."

Stewart continues: "While we recognize that this ADU is planned to be modern in its appearance and also have windows facing neighboring parcels, we therefore request that the ADU at 1331 South Emigration Circle include 3/4" minimum columnar type trees (spaced at 7' o.c. minimum) be planted between the planned ADU and the fences on the north and west. This will improve the privacy of the neighbors and also soften the aesthetic impacts of the ADU."

Stewart concludes by saying, "We would encourage the planning staff to add tree planting between ADUs and adjoining properties as a requirement of all future ADU's to help soften their impact aesthetically and help maintain privacy. Stylistic compatibility of the architecture of the ADU to the surrounding homes should also be encouraged."

This report was approved by the elected officers of the Yalecrest Neighborhood Council.

Respectfully,

Janet (Jan) Hemming
Chair

Officers: Josh Stewart, James Payor, Tom Lund and Jennifer Evans