



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: January 17, 2023

**RE: 704 East 900 South Zoning Map Amendment
PLNPCM2022-00251**

Item Schedule:

Briefing: January 17, 2023
Set Date: January 17, 2023
Public Hearing: February 7, 2023
Potential Action: February 21, 2023

The Council will be briefed about a proposal to amend the zoning map for the parcel at 704 East 900 South in Council District Five from its current R-2 (Single- and Two-Family Residential) zoning district to SNB (Small Neighborhood Business). The applicant's stated intent is to allow for future multiple-family use. It is worth noting any use allowed under the SNB zoning designation would be permitted at the location. These uses include a bed and breakfast (if a granted landmark site status), daycare, group home, multi-family, mixed-use, medical/dental office, retail goods and services establishments, among others.

The approximately 0.24-acre parcel includes a house consisting of four dwelling units, three of which were divided illegally, reportedly by a previous owner, and have been used as short-term rental units. These do not meet code requirements for separate housing units. The property is under enforcement action for short-term rental use. At the time this report was written, the home is listed for sale. The petitioner's application states bringing the building back to a single-family residence would cost more than \$1 million, which he is unable to afford. He believes bringing the dwelling units up to code would be less costly.

Planning staff recommended the Planning Commission forward a positive recommendation to the City Council for the proposal with a condition that the petitioner enter a development agreement with the city to construct at least one replacement dwelling unit to comply with Housing Loss Mitigation ordinance. A second recommended condition from Planning staff is the owner acknowledge nightly or short-term rentals would not be allowed on the property.

The Planning Commission reviewed this proposal at its October 12, 2022 meeting and held a public hearing. A representative from the East Central Community Council spoke at the briefing and was not supportive of the proposed rezone. They expressed concern a rezone to SNB would ultimately lead to a loss



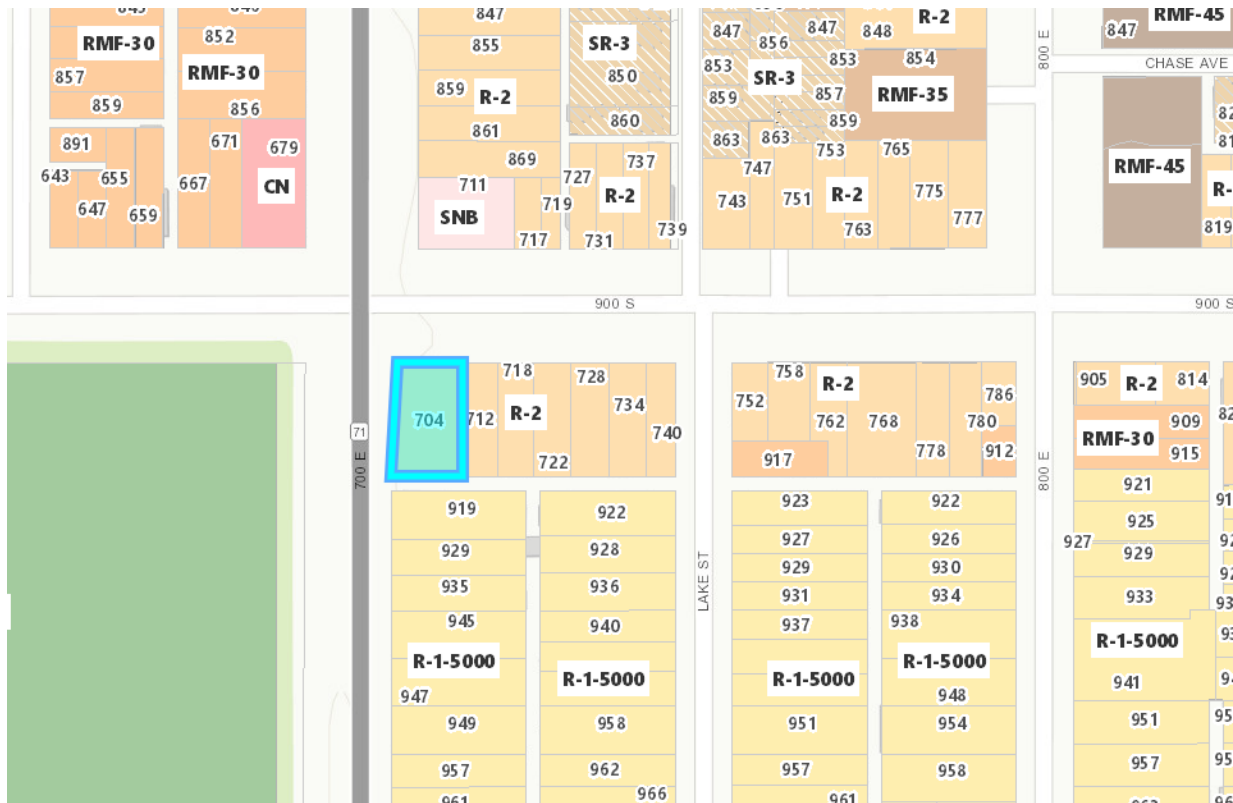
of housing, in part due to the property's increased value as commercial. They don't feel the proposal is consistent with the *Central Community Master Plan*.

The East Liberty Park Community Organization provided a letter supporting the proposed zoning map amendment with conditions which include rental use of the property would only be for 30+ day leases, and not allowing commercial or retail uses on the property.

Several other people spoke at the public hearing, all in opposition to the proposed zoning map amendment. Concerns cited included potential loss of affordable long-term rental housing units, a change to commercial use would negatively alter the residential nature of 900 South, and potential for the house to continue use as short-term rental units.

Following the hearing, the commission voted unanimously to forward a *negative* recommendation to the council for the proposal. The commission determined the proposed zoning map amendment does not support *Plan Salt Lake* because of housing loss. Commissioners also determined the Small Neighborhood Business zone will not necessarily decrease road congestion in the area.

Adjacent parcels are zoned R-2 and R-1/5,000 (single-family residential). A parcel across 900 South to the north is also zoned Small Neighborhood Business and is used as a medical office. A parcel to the northwest across 700 East and 900 South is zoned Neighborhood Commercial and used as a retail store. Liberty Park is directly west across 700 East.



Area zoning map with subject parcel highlighted
(Note: Liberty Park is the green shaded area)

Goal of the briefing: Review the proposed zoning map amendment, determine if the Council supports moving forward with the proposal.

POLICY QUESTIONS

1. The Council may wish to consider whether it wants to rezone property that is for sale.
2. The Council may wish to weigh Planning Staff's considerations (see below) with the Planning Commission's public hearing and discussion.
3. The Council may wish to ask if affordable housing could be included as a component of the development agreement suggested by Planning Staff.

ADDITIONAL INFORMATION

The Council is only being asked to consider rezoning the property. No plan for the property has been submitted to the City nor is it within the scope of the Council's authority to review such plans. Because zoning of a property can outlast the life of a building, any rezoning application should be considered on the merits of changing the zoning of that property, and potential future uses.

KEY CONSIDERATIONS

Planning staff identified four key considerations related to the proposal which are found on pages 4-7 of the Planning Commission staff report and summarized below. For the complete analysis, please see the staff report.

Consideration 1: Compatibility with Adopted Master Plans

The *Central Community Master Plan's (2005)* future land use map lists the subject parcel and two other commercial corner parcels at this intersection as "Nonconforming properties to be evaluated for appropriate land use designation." Planning staff found since the subject property is on the corner of an arterial road and large collector street, zoning compatibility is similar to the other corner commercial properties. It is Planning's opinion "the size of the dwelling is large enough to accommodate a commercial business, while blending with the neighborhood as a residential dwelling."

Planning staff reviewed how the proposal aligns with *Plan Salt Lake (2015)*. They cited the Plan's encouragement of small businesses and neighborhood nodes to help create community identity. Small neighborhood businesses on arterial and collector roads help reduce neighborhood impacts from traffic and parking associated with the businesses. Planning found the proposed zoning map amendment supports the spirit of *Plan Salt Lake*.

Consideration 2: Compatibility with Adjacent Properties

The Small Neighborhood Business zoning district provides areas for small commercial uses adjacent to residential land uses. Size and scale of these uses are limited to reduce impact to the residential areas. Setbacks, heights, and limited uses are similar to single-family zoning and can serve as a transitional zoning change with limited impact to residents.

The Victorian style home on the subject property (shown below) is larger than surrounding bungalow style homes and is on a lot twice the size of nearby lots on 900 South. Although zoning on this block face of 900 South is R-2 (single- or two-family residential), it is believed they are mostly single-family homes. Homes on the 700 East block face are zoned R-1/5,000 (single-family residential) and are a mix of bungalows and colonial revival style constructed in the early 1900's.

If the proposed zoning map amendment is adopted and the existing structure is retained, there would be little aesthetic change to the area. However, if the structure is demolished, a new building would likely be similar to the design of commercial buildings on the northeast and northwest corners of this intersection, though any style building could be constructed provided it meets zoning requirements.



*Photo of the subject property
Image Courtesy of Google*

Consideration 3: R-2 Zoning vs. SNB Zoning Development Potential

Planning staff identified some potential scenarios for the subject property if the requested zoning map amendment is adopted by the Council:

- The existing dwelling would remain and be legally converted to multifamily or a mixed-use of residential and retail.
- The existing dwelling could be demolished and a new building for a residential/commercial mix constructed.
- The existing dwelling could be demolished and a new building for only commercial constructed.
- Other listed land uses in the Small Neighborhood Business zone could be operated in the existing structure or in a newly constructed building if it meets building code and zoning requirements/setbacks.

If the requested zoning map amendment is approved, the design review process would be required for the following:

- New construction of primary dwelling
- Parking lot
- Addition to an existing building for non-residential use that includes demolition of a commercial structure or a structure containing residential units.

If a new building was constructed, a seven-foot landscaping buffer would be required on the east and south property lines.

Some uses not currently allowed in the R-2 single- and two-family residential zoning district but allowed under Small Neighborhood Business district are below. A more complete list of permitted and conditional uses is found on page 15 of the Planning Commission staff report.

- Office use
- Medical/health office use
- Retail establishments
- Mixed-use development

- Bed & breakfast uses (provided the property is granted landmark site status)

Consideration 4: Housing Loss Mitigation Plan

A housing loss mitigation plan is required for “any petition for a zoning change that would permit a nonresidential use of land.” The proposed Small Neighborhood Business zoning designation allows uses other than residential, so a mitigation plan is required.

The housing loss mitigation report for the subject property is found on pages 30-34 of the Planning Commission staff report. In summary, the plan calls for mitigation of potential housing loss by entering a development agreement for replacement housing. It is worth noting the development agreement would require maintaining only one residential unit as the other three units on the subject property are not recognized as legal dwelling units.

ZONING COMPARISON

The following table is found on page 14-15 of the Planning Commission staff report. It is replicated here for convenience.

Regulation	Existing Zoning (R-2)	Proposed Zoning (SNB)
Lot Area/Width	5,000 square feet/50 feet for single-family detached dwellings; 4,000 square feet per dwelling/25 feet for twin home dwellings; 8,000 square feet/50 feet for two-family dwellings. Lots legally existing as of April 12, 1995 shall be considered legal conforming lots.	Multi-family dwellings 5,000 square feet/50 feet. Single-family detached 5,000 square feet/50 feet. Non-residential uses 5,000 square feet/50 feet.
Setbacks	Front yard-equal to average front yards of existing buildings within the block face. Corner side yard-10 feet. 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 with a minimum of 15 feet, maximum of 25 feet. (All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48.)	Front yard, corner side yard, and rear yards shall be equal to the required yard areas of the abutting zoning district along the block face. Buffer yards: any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Chapter 21A.28. (All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of Chapter 21A.48.)
Parking Setback	No specific parking setback regulations. Two parking spaces on-site per dwelling unit.	No parking is allowed within the front or corner side yard.
Building Height	Maximum building height:	Maximum building height: 25 feet.

	<p>Pitched roofs: 28 feet or the average height of other principal buildings on the block face.</p> <p>Flat roofs: 20 feet.</p>	(However, shall not exceed maximum height of any abutting residential zoning district along the block face.)
Open Space	No specific open space regulations.	Residential and mixed-uses containing residential use: 20% of the lot area.

ANALYSIS OF STANDARDS

Attachment E (pages 17-19) of the Planning Commission staff report outlines zoning map amendment standards that should be considered as the Council reviews this proposal. The standards and Planning staff’s findings are summarized below. Please see the Planning Commission staff report for additional information.

Factor	Planning Staff Finding
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.	<i>Complies</i>
Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	<i>Generally complies</i>
The extent to which a proposed map amendment will affect adjacent properties	<i>Complies</i>
Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.	<i>Complies</i>
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.	<i>Some public facilities and services may need to be upgraded if more intense use in SNB zone</i>

DEPARTMENT REVIEW COMMENTS

Attachment H (pages 28-29 of the Planning Commission staff report) includes City department review comments which are summarized below. Please see the staff report for additional information.

In its review of the proposals, Civil Enforcement noted a fourplex is not an allowed use within the existing zoning designation. Requirements to convert the building to a legal fourplex if the City Council adopts the requested zoning map amendment were provided.

Sustainability encouraged the petitioner to review City fee waivers and low-interest loan products to assist development and operation of affordable housing units.

Public Utilities stated redevelopment of the property may require additional utility improvements. Other departments had no objections to the proposals or did not provide comments.

PROJECT CHRONOLOGY

- March 16, 2022-Petition received by Planning Division.
- April 4, 2022-Petition assigned to Diana Martinez, Principal Planner.
- May 2, 2022-
 - Notice sent to East Central, Central City, and Liberty Wells Community Councils.
 - Notice mailed to property owners and residents within 300 feet of the property.
 - Project posted to the online open house webpage.
- September 30, 2022-Planning Commission public hearing notice mailed to property owners and residents within 300 feet of the property.
- October 2, 2022-Public hearing notice signs posted on property.
- October 6, 2022-Notice posted on listserv.
- October 12, 2022-Planning Commission public hearing. The Planning Commission voted unanimously to forward a *negative* recommendation to the City Council for the proposed zoning map amendment.
- December 1, 2022-Transmittal received in City Council Office.
- (Note-because the Planning Commission forwarded a negative recommendation to the City Council, no ordinance was requested of, or provided by the Attorney's Office.)