



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: June 8, 2021

**RE: Zoning Map Amendment at Approximately 860 & 868 East 3rd Avenue
CN and SR-1A to R-MU-35 PLNPCM2020-00703**

Item Schedule:

Briefing: June 8, 2021

Set Date: June 8, 2021

Public Hearing: July 13, 2021

Potential Action: July 20, 2021

The Council will be briefed about an ordinance to amend the zoning map for properties located at approximately 860 and 868 East 3rd Avenue from their respective zoning designations of CN (Neighborhood Commercial) and SR-1A (Special Development Pattern Residential) to R-MU-35 (Residential/Mixed Use). The applicant would like to develop multi-family housing on the lots and submitted a conceptual redevelopment plan for the properties (found on pages 27-37 of the Administration's transmittal). It should be noted the plan is only conceptual and the rezone request is not associated with a specific project at this point.

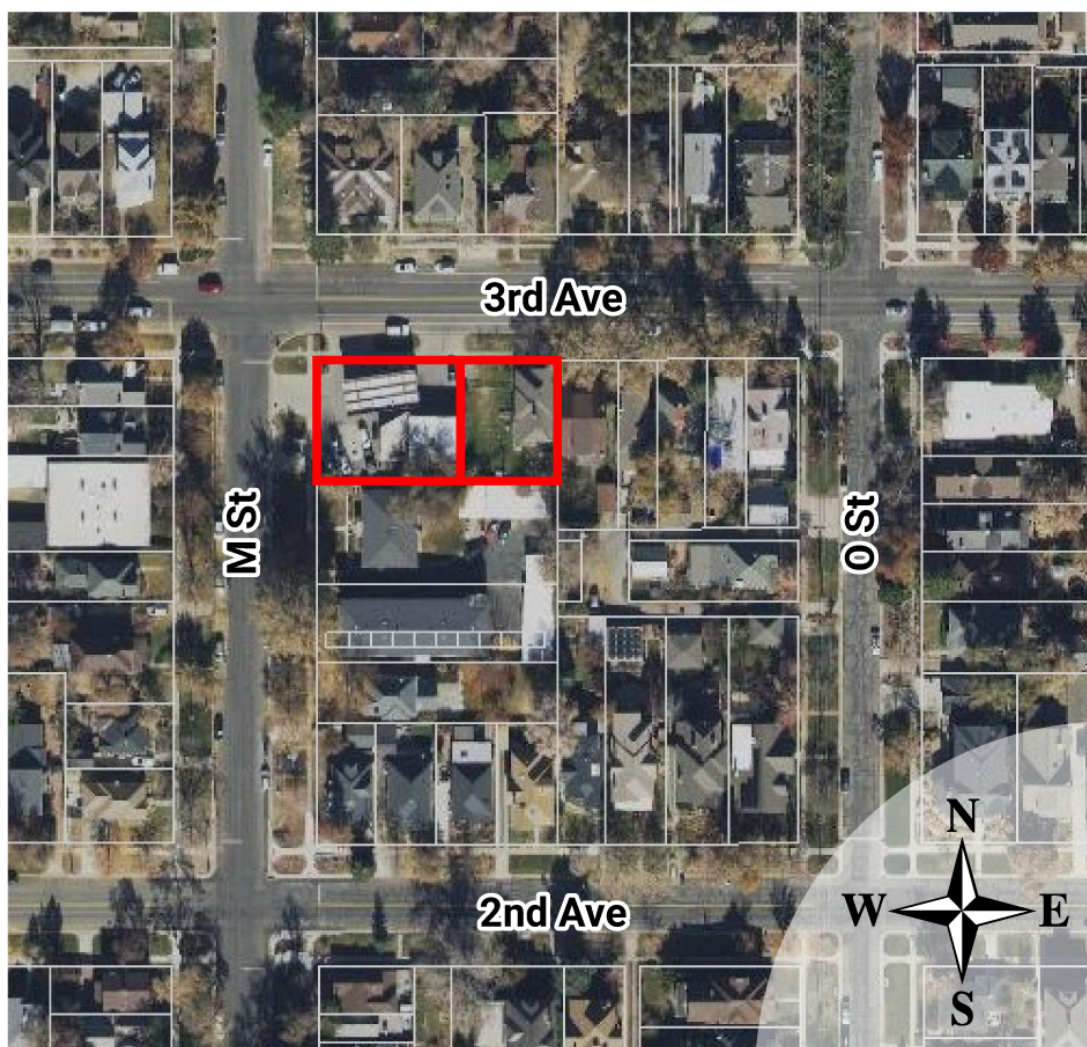
The subject properties are within the Avenues Local Historic District and include two structures. A gas station/auto repair business is located at 860 East 3rd Avenue. This building was constructed in 1962 and is listed as noncontributing to the historic district. A single-family dwelling was built in 1892 and is listed as a contributing structure to the historic district. Any demolition, new construction or exterior modifications would require a Certificate of Appropriateness issued administratively or through Historic Landmark Commission approval depending on the extent of modifications.

Under the conceptual plan, the two lots would be combined, the gas station/auto repair shop would be demolished, and the single-family dwelling would be preserved. Six for sale, three story attached townhomes with two car garages are proposed in the plan.

Planning staff noted rezoning the properties has potential to lose a commercial node in the neighborhood resulting in reduced services. They recommended to the Planning Commission that the rezone be conditioned on inclusion of a commercial component on the corner. The Planning Commission found the



condition was not appropriate. The Commission forwarded a positive recommendation to the City Council for the proposed rezone.



Aerial image of subject properties outlined in red.

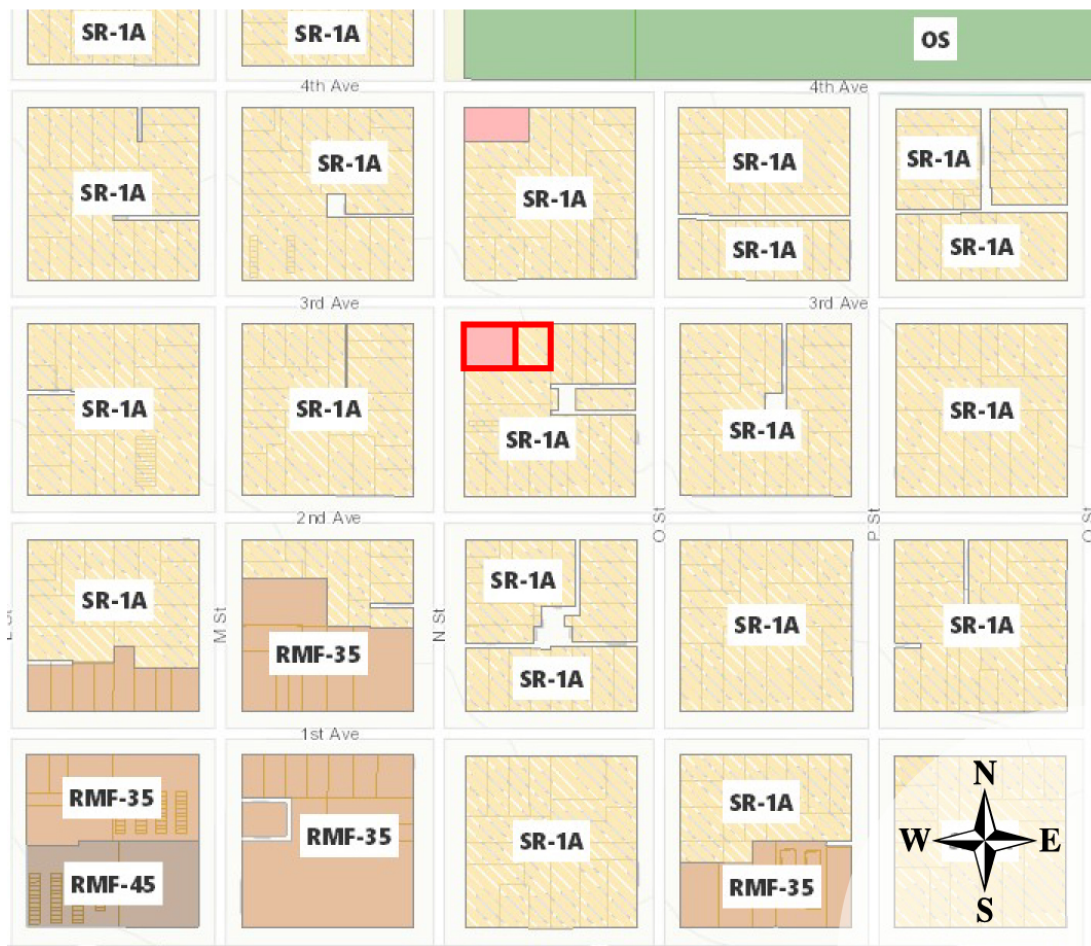
Goal of the briefing: Review the proposed zoning map amendment, determine if the Council supports moving forward with the proposal.

POLICY QUESTION

Is the Council supportive of the proposed rezone?

ADDITIONAL INFORMATION

As shown on the map below, properties surrounding the subject parcels are almost exclusively zoned SR-1A with some RMF-35 and RMF-45 (Moderate Density and Moderate/High Density Multi-Family Residential) zoning to the south and southwest, closer to South Temple.



*Zoning map with subject parcels outlined in red.
(Salt Lake City Cemetery is green area at upper right.)*

Attachment E of the Planning Commission staff report (pages 42-45 of the Administration’s transmittal) includes tables outlining existing conditions and development standards, and land use comparison for the existing SR-1A and CN zoning designations and the proposed R-MU-35 zoning.

KEY CONSIDERATIONS

Three key considerations were identified through Planning’s analysis of the proposed project, neighbor and community input, and department reviews. A summary of each is below. See pages 18-21 of the Administration’s transmittal for the complete analysis.

Consideration 1: Development Plans and Rezone Request

Rezone requests do not need to be associated with specific projects and are not typically conditioned on one. As mentioned above, the applicant provided a conceptual plan for the properties to indicate their intentions. Planning staff noted the development could change as the design progresses or due to unforeseen circumstances. Therefore, the rezone request should be considered on its own merits.

According to Planning staff, the proposed R-MU-35 zoning has potential to result in more density within the combined properties than is currently attainable. Lot consolidation and single zoning designation would allow for easier siting of a new building and provide an additional 10’ in permitted height (35’ vs. current 25’). It is Planning’s opinion increased development potential resulting from the proposed rezone should not increase potential negative impacts to adjacent properties and the neighborhood.

The proposed R-MU-35 zoning designation would require a 10' landscape buffer on the south and east property lines. The corner parcel's current CN zoning requires a minimum 7' buffer and the existing structures are noncomplying. The increased buffer requirement could minimize impacts of the potential rezone to neighboring properties.

Although the *Avenues Master Plan* discourages increased density in the neighborhood, the plan was adopted in 1987 when there was less focus on building form. In the Planning Commission staff report it states "Recent planning best practices show that building form has more impact in neighborhood character than density itself, and that density can support community's livability, walkability and promote the efficient use of resources." More recent master plans including *Plan Salt Lake* and the City's Housing Plan, *Growing SLC* encourage density in areas that can accommodate it. Planning staff's understanding is the *Avenues Master Plan*'s overall goal is to promote and protect compatible development rather than strictly limit housing units. More information can be found in Attachment D of the Planning Commission staff report (pages 39-41 of the Administration's transmittal).

Regardless of whether the City Council votes to rezone the subject properties, the Historic Landmark Commission would review scale, size, and form of new structures as well as potential modifications to existing buildings to determine if they are appropriate for the historic district.

Increased density is often correlated with additional parking demand and traffic. The proposed zone requires one parking stall per dwelling unit, which would be required in a new development. As noted above, the conceptual plan includes a two-car garage for each townhome (though what is eventually built may be different from the concept plan). Planning staff stated parking requirements for the proposed zoning designation are appropriate for the area.

Consideration 2: Loss of Commercial Use in a Neighborhood Zone

Planning staff research indicates 868 East 3rd Avenue has been used for commercial use for more than a century. A 1911 Sanborn map shows a store at this location, and a Sanborn map as well as an aerial photograph from the 1950's show a store and dwelling on this parcel. Permit records suggest the store and dwelling were demolished prior to the 1962 service station construction.

Although the *Avenues Master Plan* is a main guiding document for the neighborhood, it was adopted in 1987, which is earlier than most current master plans. Planning staff noted this should be taken into account when considering neighborhood and citywide goals. The plan has some relevancy since the area has not changed significantly. The *Avenues Master Plan* recommends commercial uses in some neighborhood nodes where long-established businesses are located.

Planning staff stated commercial uses of an appropriate scale for the neighborhood could be desirable and serve community needs. They suggested the corner property's existing commercial zoning provides an opportunity for residents' needs, support walkability and a more livable community.

Planning noted that under the proposed mixed-use zone both residential and commercial uses are allowed. This would allow for strictly commercial or residential development or mixed-use. Planning pointed out a distinction between R-MU-35 and CN in which the latter requires a commercial component in order to construct a residential development.

Planning staff recommended the rezone be conditioned on future development containing a commercial component on the corner property. As mentioned above, the Planning Commission did not include this condition in its recommendation to the City Council.

Consideration 3: Expansion of nonresidential uses into residential area

As discussed above, the proposed R-MU-35 zoning allows for both residential and commercial uses without requiring mixed-use. This would allow the 860 East 3rd Avenue property to be developed as multi-family residential. There is also the potential for non-residential use at 868 East 3rd Avenue, which could result in expanding commercial uses into a long-established residential area. Planning staff pointed out the 868 East 3rd Avenue structure's contributing status to the local historic district provides some assurance. It would be difficult to demolish the building or use it in a way that would not preserve its integrity. Conversion to a different use would likely require improvements to comply with current code. Exterior modifications would require a Certificate of Appropriateness.

Chapter 18.97 Salt Lake City Code requires a housing mitigation plan for property rezones permitting non-residential uses on a parcel with housing units. The chapter does not contemplate situations where no residential building is anticipated to be demolished, but the difference between housing value and replacement cost was assessed for the existing dwelling unit at 868 East 3rd Avenue. This is included in Attachment H of the Planning Commission staff report (pages 50-62 of the Administration's transmittal). The report determined the applicant is not responsible for mitigating the housing loss resulting from this proposed rezone.

ZONING DISTRICT COMPARISON

Attachment E of the Planning Commission staff report (pages 42-45 of the Administration's transmittal) includes a table listing existing conditions and development standards. A land use comparison table is included as well. A summary of existing and proposed zoning designations is included below. Please see the transmittal for additional information.

Development Standard	CN <i>Existing Zoning 860 East 3rd Ave.</i>	SR-1A <i>Existing Zoning 868 East 3rd Ave.</i>	R-MU-35 (Proposed)
Lot Area	16,500 sq ft max.	5,000 sq ft min	5,000 sq ft minimum for conditional use
Maximum Height	25'	23'	20' non-residential 35' residential <i>*see specific provisions below table</i>
Front Yard Setback	15' minimum, 25' maximum for 65% of façade	Average of front yards of buildings on block face	5' minimum, 15' maximum
Rear Yard Setback	10'	25% of lot depth, 15' minimum, 30' maximum	25% of lot depth, but need not exceed 30'
Side Yard Setback	None	4' and 10'	Corner-5' minimum, 15' maximum. Interior-none unless abutting single- or two-family residential. Then 10' min. and 1' for every 1' greater than 25'

Maximum Building Coverage	None beyond setback requirements	40%	None beyond open space requirement
Open Space	None	None	20%
Landscape Buffer	7' if abutting residential district	None	10' if abutting single/two-family residential

* E. Maximum Building Height: The maximum building height shall not exceed thirty five feet (35'), except that nonresidential buildings and uses shall be limited by subsections E1, E2, E3 and E4 of this section. Buildings taller than thirty five feet (35'), up to a maximum of forty five feet (45'), may be authorized through the design review process ([chapter 21A.59](#) of this title); and provided that the proposed height is supported by the applicable master plan.

1. Maximum height for nonresidential buildings: Twenty feet (20').
2. Nonresidential uses are only permitted on the ground floor of any structure.
3. Nonresidential uses in landmark sites are exempt from the maximum height for nonresidential buildings and the maximum floor area coverage limitations.
4. For any property abutting a Single-Family or Two-Family Residential District, the maximum height is limited to thirty five feet (35') and may not be increased through any process

ANALYSIS OF STANDARDS

Attachment F of the Planning Commission staff report (pages 46-47 of the Administration's transmittal) outlines zoning map amendment standards that should be considered as the Council reviews this proposal. Planning staff found this proposal complies with applicable standards with the aforementioned condition of maintaining commercial use at the corner 860 East 3rd Avenue property. As noted previously, the Planning Commission did not include this condition in its recommendation to the Council. Please see the Planning Commission staff report for full details.

PUBLIC PROCESS

- October 16, 2020 Notice sent to the Greater Avenues Community Council requesting comments. The community council chair did not ask Planning staff to present at the meeting. No public comments were provided by the community council.
- Early notice was sent October 30, 2020 to property owners and residents within 300 feet of the subject properties.
- Planning Commission public hearing notice was posted on the property November 19, 2020. Public hearing notices mailed to nearby residents and property owners November 20, 2020 and posted to City and State websites on this date.
- The Planning Commission held a public hearing December 2, 2020. Four people expressed opposition to the proposed rezone or shared concerns with parking and traffic. The Planning Commission forwarded a positive recommendation to the City Council for the proposed rezone.
- Planning staff received two additional comments on the proposed rezone. A neighboring property owner called to express opposition citing concerns of impact to the neighborhood from increased density and traffic. The other comment was provided by email and was supportive of the proposal. The email is included on page 49 of the Administration's transmittal.
- This proposed project was presented to the Historic Landmark Commission January 7, 2021. The commission was generally supportive of the proposal.
- As of the writing of this report, Council staff has not received comments on the proposed rezone. Any comments received will be forwarded to the Council.