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Salt Lake City Planning Commission
Salt Lake City Corporation

Regarding: PLNPCM2022-00251, 704 East 900 South Rezone

Dear Planning Staff and Planning Commissioners,

The East Central Community Council Executive Board **does not support the proposed rezoning of the property at 704 East 900 South from R-2 (Residential) to SNB (Commercial).**

We ask that the commission forward a negative recommendation to the City Council. **We believe that the petition does not meet the standards for zoning amendments for numerous reasons.**

Given the critical need for long-term, affordable rental housing in Salt Lake City, the current non-conforming use of this historic home in R-2 as a rental tri-plex is appropriate.

Additionally, we object to rezoning as a mechanism to bypass the administrative enforcement of code.

In the staff report, in addition to the standards in 21A.50.050 we ask that the planner fully address the following issues:

- ☑ **All Permitted and Conditional Uses under R2 vs. SMB and potential impacts.**
- ☑ **A summary of the owner's history of short-term rental use, current status of enforcement, and legal actions taken against Salt Lake City Corporation in response to enforcement.**
- ☑ **The status of enforceability of current ordinances and any proposed development agreements.**
- ☑ **The estimated number of existing illegal short term rental properties in the Central Community and thus the potential for additional rezoning requests to SNB as loophole to subvert the current ban on short term rentals if such a precedent were set.**



The residential zoning is consistent with the East Central South planning area current and future land use maps. As noted in the Central Community Master Plan, the character and zoning of the “Big Field” development patterns south of 900 S are quite distinct from the Plat of Zion layout north of 900 S. Therefore, the commercial property zoning on the NE and NW corners of the intersection are a distinctly different planning context than the SE corner property in question and should not be used for comparison.

The Central Community Master Plan future land use map shows the property as “Nonconforming properties to be evaluated for appropriate land use designation (interim land use policy would be adjacent land use classifications).” From the master plan, p. 9: “Allowing a non-conforming status to remain is better than rezoning the property to conform the use. Also, if a non-conforming use becomes abandoned or destroyed by natural causes, it should be replaced by a residential land use.”

As we understand it, at the time of master plan analysis, the property was used as a day care facility. At some point it was converted back to residential use. The current non-conforming status is now apparently due to the number of residential rental units within the historic structure, originally built as a single-family home. We concur that the appropriate land use designation noted in the master plan is “the same as the adjacent properties,” in this case low density residential.

The 900 S fronting properties to the east to Lake Street are R-2; all properties to the south extending to 1300 S are zoned R-1 5,000 between 700 E and Lake Street (~850 E). Therefore, R-2 remains the appropriate zoning and this petition should be denied.

We note that this owner has a track record of apparent repeated ordinance violations, in this case short term rentals that continue to this day as well as the Good Landlord Program, which clearly notes this.

Publicly available online records show that the owner has been using the property for short-term rentals since at least 2019, according to reviews posted to his listing on Airbnb. Therefore, three legal units of crucial long-term rental housing in a prime location have been lost during this time period and remain so. **We do not endorse the consideration to reward this type of behavior** and permanently remove these units from long term rental status through rezoning to a commercial zone that would allow nightly rentals or non-residential uses.

From the master plan p. 9: **“Owners of non-conforming properties need to be responsible and understand the complexities of owning such a property. They should be aware of and understand the zoning and the primary land uses in the area. The mitigation of impacts and/or the quality of the use depends on ownership and**



management of these uses.” This is particularly true of real estate investors who need to do their due diligence before investing in properties with intended use that violates zoning and city ordinances.

The executive board does not feel that spot rezoning is the appropriate mechanism to correct this, and do not support legalizing short-term rentals in residential zones.

From members of the Planning Commission to Utah Governor Cox, short term rentals are recognized as contributing to the current housing shortage.

They undermine the goals in the Growing Salt Lake Plan to preserve, improve, and stabilize existing housing stock. If the owner’s current intent is to legalize all units that had been subdivided in his building, rezoning to commercial is not the appropriate tool. We understand that the internal units also do not currently comply with fire code and other life/safety/fit premise standards for occupancy.

We are not clear on what future City enforcement mechanisms are in place to monitor an agreement with the City as well as the zoning requirements of this property. Non-conforming use status, as noted in the Central Community Master Plan, is a good tool for preservation of historic and naturally occurring affordable housing.

We are also concerned that rezoning to a commercial use will increase the likelihood of future demolition of the historic structure due to land price inflation and options open to future owners because of the multitude of potential alternative non-housing uses under SNB. Demolition would lead to the complete loss of the property’s contribution to neighborhood character. Even with retention of the house, potential non-housing uses under SNB are varied and conflict with the quality of life in this area.

Finally, we believe that the petition does not meet the standards for zoning amendments for numerous reasons, the most important as listed below.

Text in italics is directly quoted from city code.

21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

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.

No – is inconsistent with future land use map; master plan goals and objectives; and Growing Salt Lake plan.



2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.

No – the SNB zone purpose statement reads “...This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses.” This property is not a storefront nor is it an “older commercial structure;” it is clearly a residential structure that meets the purpose statement of the existing R-2 zone.

3. The extent to which a proposed map amendment will affect adjacent properties. The adjacent properties are residential. Short term rentals are highly disruptive to adjacent long-term tenants due to parking, noise, and activity levels, and more. Given that Salt Lake City only enforces on STRs after well-documented complaints and nearby residents are normally the source of such complaints, the STR use must be already causing harmful impacts. Rezoning to legalize such use is a violation of this standard. Further, given the potential non-residential business uses as permanent possibilities after a rezone, impacts to adjacent residential properties could be magnified.

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning district which may impose additional standards; and N/A – this property is not subject to any overlay zones.

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, storm water drainage systems, water supplies, and wastewater and refuse collection.

Unable to evaluate at this time. However, depending on which permitted, or conditional uses a property owner could choose under the proposed SNB zone, some public facilities, especially on-street parking, police, and water, could be inadequate.

For these many reasons, the East Central Community Council Executive Board requests that the Planning Staff Report and Planning Commission forward an unconditional negative recommendation to the City Council.

Sincerely,

The East Central Community Council Executive Board

Compiled by: Jen Colby, Community Development/Land Use Co-Trustee