

Date/Time Opened	Contact Name	Subject	Description
2/8/2023 9:31	Luke Walker	(EXTERNAL) Policing issues	<p>On Sunday morning at around 6:30 AM there was a strange man sitting in a truck outside our house, we thought nothing of it. Fast forward to 6:30 PM, he's still there and my partner says, "Oh my god that guy is still there!? He was there when I left for work!" We use the buddy system and I politely ask him to leave. He talks back, we get rude, no progress is made. We're not trying to catch assault charges. So she calls non-emergency dispatch. "Hello? Yeah, this guy has been sitting in a truck outside of our house for, like, 12 hours. I'm concerned for my safety, could you send someone to maybe get him to leave?" One of the first questions they asked her was "What colour is he?". Yeah, seriously. A pair of police were dispatched and they just let him sit there because he "didn't seem threatening and had no prior charges", or whatever. Fast forward 12 hours, I'm on my way to work and he's still there muttering nonsense at anyone who passes his truck. I work for four hours and she hits me up "Sooooo, ALL the emergency responders showed up. There's the fire department, the paramedics, animal control, and the police." That all happens, and I come home. His truck is still there, though he's been taken to the hospital. There's paraphernalia all over my lawn and a broken meth pipe on my sidewalk. My home is near a school bus stop for pre-teen children and a youth community centre. Today his distraught, elderly mother came to my house to say that she was doing everything she could to come and pick up his car, that her son has been in the hospital for two days as of the time of this writing. Her face was so careworn that I couldn't do anything apart from wish her well and say goodbye.</p> <p>My point is that this entire situation should not have escalated as highly as it did. I'm not interested in semantics right now, but when a woman sends out a distress signal to the police saying that she feels endangered because a strange man has been sitting in a truck outside of her house for 12 hours one would think that the police should be right on top of it no matter the colour of said person's skin? Not only that, but why would they let the guy sit out there for so long to overdose or whatever so hard that the entire gamut of first responders had to show up to take him to the hospital AND STILL leave drug paraphernalia within view and reach of young school children? All of those people "in blue" have failed him, his mother, and this community so hard that I really don't know what else to do about it apart from vent to my friends on the internet about it.</p>

Date/Time Opened	Contact Name	Subject	Description
2/8/2023 9:37	Cindy Cromer	704 E 900 S	<p>Members of the City Council-My comments at the hearing about the proposed rezone at 704 E 900 S are below. I have highlighted my concern about the probable demolition of the historic house if you grant the rezoning without explicitly protecting the house from demolition. You will be increasing the value of the land because of the additional allowed uses. I will contact your staff and the Planning Division this week and get back to you. The value of the land is less under the R-2 zone than under the SNB. The commercial zoning will drive the demolition unless a development agreement prohibits it. Onward, cindy c. To Members of the City Council From Cindy Cromer RE 704 E 900 S 2/7/23 I often complain about the City's dilapidated ordinances. This proposal makes it crystal clear that we have rules which no longer serve the City's residents, if they ever did. The problems are 1 Construction and occupancy of units without permits 2 which do not meet the housing code 3 and are being used for short-term rentals in violation of the occupancy requirements and the zoning. And the City has no way to deal with these multiple violations efficiently without eliminating potential units which could, if brought up to code, and operated in compliance with the requirements for minimum occupancy, help address the City's shortage of housing. I thought that your discussion on January 17 involved protecting the house from demolition but I can't find that. Virtually everyone wants to see this prominent house remain on the corner. The rezone to a commercial zone will drive the demolition of the house at a future time. You have to protect this structure. You could write a development agreement prohibiting demolition or you could leave the zoning at R-2. You need to think about the public outcry if this building is demolished by any force other than an earthquake. I am personally appalled by the amount of staff time dedicated to dealing with these 3 problems which are in no way unique to this property. None of the solutions will work on the scale and scope that we need to use them to reclaim housing exploited as hotels, or the active use of housing which doesn't meet code. I am also insulted by the suggestion that a coffee shop on the first floor would be fine. No it would not. We can't surrender a unit of housing when there are coffee shops within 2 blocks in all directions. We need to get real about the value of housing vs. the value of being able to get a cup of coffee every 660 feet.</p>

Date/Time Opened	Contact Name	Subject	Description
2/8/2023 9:48	George Chapman	(EXTERNAL) Comments against 704E 900S rezone Item 9 on agenda PLNPCM2022-00251	<p>I urge the City to deny the attempt to rezone a property that is for sale and that has never followed the City laws regarding zoning and rentals. This property is not paying their fair share of taxes and it is increasing the cost of housing. A rezone will take a house that should be around \$600,000 and rent to families for \$2000 (a couple of years ago it was renting for \$1400 a month) and result in a house that will need to rent for \$4000 a month! That will push potential families out of the neighborhood and convert housing to single persons renting a room. That is why the cost of housing is going up. This landowner has always fought the City on zoning violations and the City has never been able to hold him to the law or to supposed agreements. So it is questionable why anyone in the City should believe that the landowner will follow any agreement, especially if he sells the property and the next owner can legally ignore the agreement. Short term rentals can increase the cost of housing and this property is a good example of a house that should be and could be rented to a family, and is instead generating double the revenue by renting to short term renters. Please deny this rezone request and demand, legally, that the owner get a sales tax and business license. He should be paying sales tax and the City should demand a transient room tax too (Legislature is working on it - Tax Commission recommends it.). The City can demand to see his Utah income tax papers to prove that he is paying the State required taxes. Airbnb does not give Tax Commission addresses and the taxes do not seem to be paid. This is an illegal operating business and the City should not bend over for him. George Chapman</p>

Date/Time Opened	Contact Name	Subject	Description
2/8/2023 17:03	Monica Hilding	Rezone at 704 East 900 South	<p>I'm writing to ask the city council to respect the negative recommendation from the Planning Commission and vote to deny any rezone of the property at 704 East 900South. • The historic house is legal as a duplex. It was at some point prior to this owner's purchase divided into 4 units without permits. The current out-of-state owner bought it as an investment but apparently did not do his homework on legal status or uses. The extra units are not up to code and would need retrofits to be legal as a 4-plex. Rezoning is not the right tool to fix this issue. • I've admired this beautiful historic home for years, and would hate to see it torn down because of a poor decision from the city council. The SNB zone allows numerous uses such as medical offices & retail shops, so housing would not necessarily be preserved if the zone is changed. • The owner stated at the Planning Commission hearing that he chooses to offer illegal short term rentals because he makes 40% more profit than long term rentals; his main problem is that someone reported him & he is trying to use rezoning to solve a problem of his own making. Many speculative owners in Salt Lake are faced with a similar temptation because it puts money in their pockets. • The owner is facing civil enforcement for both short term rentals and renting extra unpermitted units. If he is granted a rezone, apparently his enforcement problems & fines are dismissed. We have no information about the status of enforcement and if this has been settled yet. • By continuing to operate short-term rentals on the property, the owner continues to disregard existing city code despite enforcement efforts by the city. This behavior will likely continue and should not be rewarded by upzoning which increases the land value and thus is a monetary public gift to property owners. • Development agreements should not be used. They are private agreements negotiated behind closed doors that are poor civic tools that have substantial fairness, consistency, & enforceability issues. • Non-conforming uses and unit legalization are more protective of historic structures than rezones with conditions. These are just a few of the reasons the City Council should uphold the Planning Commission negative recommendation and deny any zoning change. We need to preserve affordable housing in old historic homes such as this. Granting the owner a rezone does the opposite and sets a precedence for others to follow.</p> <p>Please deny this rezone. Sincerely, Monica Hilding</p>
2/8/2023 17:05	Dolan Pritchett	I support changes that will incentivize the creation of accessory dwelling units	<p>Hi, I wanted to write in support of changes that would allow/incentivise more accessory dwelling units including removing the requirement that the owner of an ADU reside on the property.</p> <p>Thanks, Dolan</p>

Date/Time Opened	Contact Name	Subject	Description
2/9/2023 13:11	Anthony Wright 1/2	ADU Proposal/D3	<p>I wanted to follow up with you and see if you were available to discuss the ADU ordinance. It is strange that the council who claims to be pro housing was in opposition to public sentiment outside of the lady who speaks to every issue at every meeting and the typical Yalecrest anti everything stance. For context, I want to share with you examples of what is happening with my rental properties in the current market. My single-family houses have mostly become room for rent situations where I have 4 or 5 unrelated people living in one house. This is a systemic change from a few years ago when it was primarily small families or couples. On one of my properties, a family of 6 has a grandmother sharing a room with 2 young kids. In addition, they have a family member who was evicted and illegally uses the camper in the back yard. I guess by code I should evict them. But I am not going to do that. They have nowhere to go. So, I will wait until the city forces me to do this. I again ask that you follow the studies that show that the only meaningful addition to ADU supply comes when owner occupancy is lifted. As I stated in my prior email, I am ready to build at least 10 of these ADUs as soon as this restriction is lifted. Without the removal, I will be building 0. If I were to build ADUs on my properties in your district, I would someday be selling the properties. This would allow the purchaser the chance to have multi-generational living, or an ADU to help offset the every rising cost of home ownership in this city. By not allowing me to build, you are putting the full brunt of ADU construction and financing on families who may not have the means to build them. Without removing the owner occupancy requirement, you will continue to see very few ADUs built. ADUs often cost upwards of 250k to build and many families who are already on the edge will not have the financial ability to build these. So, we will primarily be seeing pool houses and luxury ADUs built by wealthy homeowners who have the financial means to build them. It seems a concern for you is cars on the street. Well renting out 4 bedrooms to 4 or 5 people with cars is what I am currently doing. Adding an adu may make it so it's cheaper and one car for the adu and one or 2 for the house like was the norm a few years ago. Is the city going to require off street parking for each family with a teenager with a car? I understand that many on the council fear that non owner occupancy ADUs will become short term rentals and eat into the supply of housing stock; but you are voting to not allow this housing to even be built in the first place by non-owner occupants. You are not even allowing the chance for them to not be a short-term rental. Two questions for council:</p>

Date/Time Opened	Contact Name	Subject	Description
2/9/2023 13:11	Anthony Wright 2/2	CONTINUED! ADU Proposal/D3	Do you believe an owner occupant cannot turn an ADU into a short term rental? A non-owner occupant can own and rent any property in the city. So why make this zoning cutout for ADUs which is sure to doom their future construction? By not allowing non owner occupants and landlords to build additional housing on lots that they own, you will see landlords instead use the capital they have, not to build an ADU, but buy another home as a rental. I believe the council is trying to ensure non owner occupants cannot be enriched for building an ADU. I believe this will instead lead to more properties being purchased instead of improved with an ADU. If your plan is to force everyone into either a corporate apartment building, or allow only wealthy people to live in neighborhoods, I commend your efforts.
2/10/2023 9:56	Kayla Harris	ADU Amendments	Hello! Thank you, Darin, for your vote to remove the owner occupancy requirement during Tuesday's straw poll. I appreciate your work to make Salt Lake City a more affordable place to live. Best, Kayla
2/10/2023 10:11	Kali Das	FW: (EXTERNAL) FY23 Project Support Application Round 2 - Thank you for the grant to support our cultural activities	Dear Victoria, This is Kali from Ulhaas - The Bengali Association of Utah. We are a not-for-profit cultural organization of the Indian Bengali community living in and around Utah. Every year, we organize various arts & cultural events in Salt Lake City to preserve and promote our heritage, art & culture to the larger community in the valley. I am writing this mail to you to thank you and the city for providing financial assistance for our program. Our community members highly appreciate the grant from Salt Lake City. Thank you again. Kali Kali C Das Trustee - Ulhaas

Date/Time Opened	Contact Name	Subject	Description
2/10/2023 13:54	Jen Colby	Formal comment in opposition to zoning amendment at 704 E 900 South - please vote to deny **1 ATTACHMENT	<p>Please take the time to read through the minutes to follow the Commission's discussion and logic of their sound reasoning & recommendation against rezoning this parcel. Please also add these to the public record for this agenda item. Best, Jen Colby, MPA District 4 resident</p> <p>The Planning Commission sent you a unanimous negative recommendation after their review in October and unanimous public opposition. Please accept their conclusion and vote to deny this zoning change. The current zoning is correct for this property. The southeast blocks to the 9th & 9th commercial node and 1300 South are all zoned residential. According to the area master plan, this property zoning should be consistent with the adjacent ones. This corner lot context is quite different than the ones to the north. The neighborhood development pattern changes to primarily residential south of 900 South. The SNB Small Neighborhood Business zone would allow other commercial uses like medical offices, art galleries, and retail shops. It could result in the loss of all housing at this property. This is in conflict with Plan Salt Lake and the area master plan. Crafting a custom 1-lot special SNB zone via development agreement is maladministration. The owner values historic preservation so proposed requirements are a gift, not a concession. The rationale for this petition is that the current owner was apparently unaware that the Victorian house was broken up into 4 apartments without proper permits or zoning. They also do not meet fire or life-safety standards.</p> <p>If the city wants to retain some of these illegal units, you could update the city-wide non-conforming unit legalization code, and keep the residential zoning. A development agreement is the wrong tool to fix this and the Planning Commission wisely rejected this option. The owner could also restore the house to the legal number of units, like one of our neighbors did in the same situation. Property owners have responsibilities, not just limited rights. It should matter that the owner also continues to defy city code and offer short term rentals still as of today. Why? They are much more profitable, by his own public admission. This is a major problem in Salt Lake City and contributes to the housing shortage. How will city officials assure that short-term rental use won't continue, regardless of zoning? The track record to date is not reassuring. If you truly believe in equity, economic and social justice, it's a bad look to grant special favors to wealthy real estate investors who have the resources to fight back against legitimate civil enforcement. Please vote to deny the zoning amendment. Thank you.</p>
2/10/2023 13:56	Ruth Abbott	Keep ADU to 720 ft^2 * Increase setbacks *Firm up owner occupancy * press for height restrictions	I support: * Keep ADU to 720 ft^2 * Increase setbacks *Firm up owner occupancy * press for height restrictions.

Date/Time Opened	Contact Name	Subject	Description
2/11/2023 13:44	Curtis R Olson	ADUs and Off Street Parking	We are very interested in creating an ADU. On street parking is a nightmare (one neighbor owns 5 cars and "parks" the stored vehicles on the street. We have a beautiful mature, park strip city tree taking up one half of our driveway I would never want removed. However, when attempting to obtain approval to widen our existing drive to allow for an ADU parking spot (which I believe is important), I have received considerable push back from the city engineers. Without parking I cannot risk the investment of an ADU. Parking is a problem. If it is required, or if an owner such as myself wants to provide off-street parking, there needs to be a method for owners to get approval to improve parking on their property, especially when city owned trees and facilities take up what would allow an ADU tenant to park without walking a block to get home. We have a mother in-law basement apartment which we would also like to offer for long term rental, even if we don't build an ADU. However, this same parking issue exists and property managers have viewed this as a detriment to the property.
2/13/2023 14:32	Lynn Pershing	Grants for micro gardens	Thank for sharing this admirable grant program. It would be more successful if the City wasn't simultaneously pushing increased density of external ADUs on single and multifamily lot parcels so that the garden or raised bed could actually be placed on the parcel land and Sun could actually reach the growing food stuffs One step forward, two back Lynn K Pershing
2/13/2023 14:34	Jim BROWN	ADU's	Don't you think it's crowded enough? Let's not start doubling up on each other this will get right out of hand. Please vote NO on ADU's. Jim
2/13/2023 14:38	Bonnie Barker	ADU's	I am not in favor of the amendments. I am concerned about height allowances. Adus should not be taller than existing homes on the lot. I am very concerned about parking issues. Infrastructure is not suited to allowing multiple homes in single residential lots.
2/14/2023 8:53	Olufunke Okuyemi	ADU Text Ammendmant	I do not agree with removing the 'conditional use' agreement for building detached ADU's. Please keep in place the process where property owners should still seek approval. And please do not change the requirement about the height of ADU's, they still should NOT be taller than the primary residence. Finally, please keep the size of detached ADUs at 720 square feet or less, lets not build monstrous ADUs in our yards. Thank you.

Date/Time Opened	Contact Name	Subject	Description
2/14/2023 11:06	Trevor Oven	ADU Ordinance update	<p>Hello Council Member Wharton, Thank you for supporting the changes to the ADU ordinance recommended by the Planning Commission. Removing the Conditional Use requirement will remove a large, unnecessary barrier for homeowners who want to build an ADU. I understand that the Council is not particularly interested in removing the owner-occupancy requirement altogether, but have you considered creating a pathway for removing it after a year or so? In theory, this wouldn't be very hard to administer. Homeowners could request to remove the owner occupancy requirement after a set period of time by updating their rental dwelling business license. Planning staff could easily look up the Civil Enforcement records for the property to confirm that the owner has not received any substantiated complaints from neighbors regarding short term rentals, noise, trash, etc. Planning staff could then update the homeowner's business license to state that they have met the criteria to remove the owner occupancy requirement. An alternative to this would be to make non-owner-occupied ADUs a Conditional Use (preferably an administrative Conditional Use) to add an additional layer of discretionary review. This could ensure that ADUs are being built by homeowners rather than corporations, and may be more palatable to for you and your constituents. Thank you for your time, and for being a great representative for our City. Trevor Ovenden</p>
2/14/2023 11:12	Jeff Laver	ADUs	<p>Hello city council, I am glad you are trying to find solutions to the homeless crisis and I know our community needs to be creative. However, I am glad to see that most of you stuck to the notion that ADUs should be owner occupied. I suspect that the real estate industry put a lot of effort into getting their people out to the recent meeting where ADUs were discussed. And I concede that eliminating the owner occupancy requirement would almost certainly increase the number of ADUs. But, at what cost? Eliminating owner occupancy requirements would potentially turn large areas of our city, that are now real neighborhoods, into absentee landlord owned slums. Surely, the seven of you can see that, right? -- Jeff Laver Author of A Happier Year</p>

Date/Time Opened	Contact Name	Subject	Description
2/14/2023 11:26	Bernie Hart	A Lack of Political Courage.....or a high level of intentional ignorance	Councilmembers, When someone enters a treatment program they have an expectation based on implied promises by the provider and government funders that the program works. A realistic expectation that if it is funded, it must help everyone who enters treatment with their addictions. I am now fully aware that the treatment providers and government funders have failed to live up to their part of the implied contract. There is absolutely no data to support an assumption that programs work, and if they don't work, funders are not meeting their contractual and sworn duties or moral obligation to work to protect the most vulnerable members of our community. You are failing us. You are failing the most vulnerable in our community. It is now apparent that Salt Lake City is intentionally ignoring the fact that programs that have no data that suggests they work, are being funded.. So, if The City Council and The Mayor continue to act in an irresponsible manner and fail to add some level of accountability to those who provide services to the homeless community, it is my responsibility as an unofficial spokesperson for this underserved and unrepresented segment of our community to bring as much attention as I can to the situation. Bernie Hart Salt Lake City, Ut

Date/Time Opened	Contact Name	Subject	Description
2/15/2023 9:01	Jerry Schmidt	ADU Ordinance	<p>Dear Council members; I'm writing with regard to the ADU ordinance. In short, I am in SUPPORT of requirements that require an on-site parking spot, and I SUPPORT the owner-occupied requirement. I watched the working session remotely, and though I didn't make it down for the council meeting itself, I have seen some of that. PARKING - The exceptions on the parking requirement are curious to me. It seems there's an assumption that if the location is within a quarter-mile of a transportation route or a half-mile from a bike path, the occupant would be less apt to need a parking spot? It might just be on the contrary. It might just be the occupant uses mass transit and then the need for a place for a car is more needed for storage off the street.</p> <p>And with the increasing number of bike paths in the city, the bike path stipulation opens up almost all the city to this change. The city has made a number of decisions with regard to parking requirements for new construction that have caused problems. I know residents near the new apartments at 2700 South and 900 East are dismayed with the situation that only required 75% of the usual parking. And accompanying closures of parking areas on only one side of the street have further cut down availability and caused problems pitting residents against each other. Non-existent parking on 900 East and 2700 South is jammed. I'm aware of a situation where a large duplex was OK'd for a residential neighborhood. When college student renters moved into one side of the unit, they brought with them FOUR cars that combined with the THREE from the other side of the unit. Seven cars for one property and only two went in the garage. Next door is an illegal duplex the city failed to stop years ago and there's FOUR cars for that one, with only one car in the 80 foot driveway. So between these TWO properties, there were ELEVEN vehicles and only THREE were parked on site, EIGHT on the street in a residential neighborhood. When the occupants had a friend spend the night or weekend, which happened often, it was even worse.</p> <p>And college students who are renting don't seem to care as deeply about neighborhoods and there's often a lack of consideration for homeowners in the area. And when long-time residents voice their concerns about their neighborhood, they are negatively labeled "NIMBYS" and selfish. And just where do these vehicles go when it snows and they're supposed to be off the street?</p> <p>RESIDENCY REQUIREMENT - There's no doubt that the influx of out-of-state real estate buyers has exasperated the home ownership problem and I'm concerned not having a residency requirement will only add to this. These investors don't care about our neighborhoods, just monetary return.</p>

Date/Time Opened	Contact Name	Subject	Description
2/15/2023 9:01	Jerry Schmidt	CONTINUED! ADU Ordinance	<p>The ADU ordinance was established to help families and homeowners and we should keep it that way. The idea that we should “do what California did” to increase ADU’s is scary. I don’t want to look like California, thank you. “Planning” during a “crisis” often makes for bad decisions. These master plans and rules established before this chaotic growth were indicative of the vision for our neighborhoods, and to see so many standards set aside for cancerous growth is troubling. Everywhere you look, giant boxy apartment buildings are going up. Do we need to ruin our neighborhoods also? NO. Is there a time when we say “enough?” Jerry Schmidt</p>
2/15/2023 9:02	Amy Yuda	ADUs in Yalecrest	<p>I live in the Yalecrest neighborhood and I do not support any of the new city wide codes / proposed ADU Regulations. Please do not pass these new regulations. While ADUs may not be as intrusive in areas where people have large properties, they are detrimental to an area like Yalecrest, a historic neighborhood that is already having issues with people destroying historic homes to put in McMansions. The neighbor behind me has an enormous ADU—it’s hideous and close to power lines. He tried to put a window on the back, a window that completely would have invaded my families personal space, looking directly into my kitchen. Please do not pass these codes /regulations. Sincerely, Amy Yuda</p>

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326
Salt Lake City, Utah 84111
Wednesday, October 12, 2022

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at approximately 5:30 p.m. Audio recordings of the Planning Commission meetings are retained for a period of time. These minutes are a summary of the meeting. For complete commentary and presentation of the meeting, please visit <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Planning Commission meeting were Chairperson Maurine Bachman, Vice-Chair Mike Christensen, and Commissioners, Amy Barry, Aimee Burrows, Andres Paredes, Rich Tuttle, Andra Ghent, Jon Lee, and Levi de Oliveira. Commissioner Brenda Scheer was excused from the meeting.

Staff members present at the meeting were: Deputy Director Michaela Oktay, Planning Manager Wayne Mills, Principal Planner Diana Martinez, Principal Planner Aaron Barlow, Transportation Planner Joe Taylor, Senior City Attorney Paul Nielson, and Administrative Assistant David Schupick.

APPROVAL OF THE MINUTES

Commissioner Amy Barry moved to approve the minutes for September 28, 2022. Commissioner Jon Lee seconded the motion.

Chairperson Maurine Bachman, Vice-Chair Mike Christensen, and Commissioners Jon Lee, Amy Barry, Aimee Burrows, Andra Ghent, Rich Tuttle, and Levi de Oliveira voted “yes.”

Commissioners Andres Paredes abstained because of his absence from the meeting of September 28, 2022.

The motion passed, eight “yes” votes, and one abstention.

REPORT OF THE CHAIR AND VICE CHAIR

Chair Bachman stated that she had nothing to report.

Vice-chairperson Christensen said that he had nothing to report.

REPORT OF THE DIRECTOR

Planning Manager Wayne Mills stated that he had nothing to report.

PLANNING COMMISSION DISCUSSION

No discussion was raised by the commissioners.

PUBLIC HEARINGS

Zoning Map Amendment at approximately 704 E 900 S - The property owner, Ale Gicqueau, is requesting to amend the zoning map for the property located at approximately 704 East 900 South. 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

dwelling units in the structure. Currently, the recognized use of the property is a single-family dwelling. The property is located within Council District 5 represented by Darin Mano. (Staff contact: Diana Martinez at 801-535-7215 or diana.martinez@slcgov.com). **Case number PLNPCM2022-00251**

Principal Planner Diana Martinez addressed the Commission. She reminded the Commission that, while the current stated intent for rezoning is to allow the property owner to create future multifamily use, the requested new zone would allow for other uses. Diana Martinez informed the Commission that the applicant has been subject to code enforcement as a result of using the property for nightly rentals. The existing structure is a fourplex created by a previous owner that needs to meet code.

Diana Martinez stated that the requested zoning change is consistent with the relevant masterplan and added that, because the property is on a corner, it is a good location for flexible zoning with a low impact on residential properties. She cited two nearby properties that had been granted zoning changes—one to SNB and one to CB (Commercial Business). Diana Martinez stated that the staff recommendation is approval conditional upon a development agreement specifying construction of at least one dwelling to replace housing loss (as is required in code for housing loss mitigation) and a written statement on the part of the applicant acknowledging that the property may not be used for short-term rentals.

Commissioner Aimee Burrows asked for clarification of how the development agreement might affect the current zoning enforcement. Diana Martinez stated that if the City Council approves the rezone and the development agreement, the Planning Division position is that enforcement action should cease. She added that the property owner has committed to this understanding and agrees to “long-term rentals only.”

Commissioner Amy Barry stated that she understood that the staff report, and presentation, evaluated the SNB zone as appropriate to the neighborhood, but asked whether there is another zone that would more directly reflect the stated intentions of the property owner. Diana Martinez responded that the SNB zoning is the least “intensive” choice for the applicant to come into compliance and added that the applicant had initially requested the CB zone, which staff had found inappropriate for surrounding residences.

In response to a question from Commissioner Andra Ghent, Senior City Attorney Paul Nielson explained that a develop agreement would be recorded “against the property” thus creating a restriction on property use.

Commissioner Ghent also asked about the use of the property as a Bed and Breakfast, given that the property is not a landmark site, noting that only landmark sites can be used as bed and breakfast businesses. Deputy Planner Division Director Michaela Oktay added that a landmark site designation is a zoning map amendment based upon an “intensive level survey” of the property and the property history that must be reviewed by the Historic Landmarks Commission, the Planning Commission, and City Council.

Principal Planner Diana Martinez then clarified that the current R2 zone allows for two-family legal dwellings, but the development agreement calls for the replacement of only one unit because only one legal unit exists currently, even though four are used. Michaela Oktay explained that there is no requirement to provide replacement units up to the maximum unit numbers allowed in a zone. Commissioner Ghent commented that the SNB zone would allow for a mixture of business and one studio apartment on the property.

Commissioner Burrows asked for clarification regarding what building options were open to the property owner under the current code. Diana Martinez confirmed that, assuming building codes were met, the structure could be remodeled, creating up to two legal dwellings within the existing structure, “today.” Also, one single-room rental would be legally allowed for long term rental currently.

Senior City Attorney Paul Nielson confirmed for Commissioner Paredes that a civil enforcement matter has been concluded. Deputy Planning Division Director Michaela Oktay confirmed for Commissioner Burrows that, should the petition not be approved, the applicant would have to wait a full year before bringing another petition.

Applicant Ale Gicqueau gave a formal online presentation. He stated a fondness for Victorian era homes, described the interior condition of the property as “impeccable,” and noted four parking spaces on the lot. He listed the findings of his research on past owners, and uses, of the property stating that there was ample justification for gaining the status of an historical landmark and for non-conforming use (the four living areas were originally created around 2003 by the previous owner). He noted an investment of \$70,000 for solar panels. He expressed frustration in complying with City regulations.

Commissioner Andra Ghent asked the applicant why he chose to rent on a short-term basis, suggesting that, while the four-plex was technically illegal, the neighbors may not have had complaints if he had used the property for long-term rentals. Ale Gicqueau stated that he was unaware of the restrictions but that he found “Airbnb” style rentals to be more profitable.

Seeing no questions for staff, or the applicant from the Commission, Chair Bachman then called for public comment.

PUBLIC COMMENT

- Jen Colby (via internet) representing the East Central Community Council stated disapproval of the application. The Community Council believes that conversion to commercial use contributes to the growing problem of a loss of older residential housing. Jen Colby commended the commissioners for their questions. She suggested that seeking a zoning change to make the current arrangement legal is not necessary—particularly because the property is for sale. She stated that development agreements are often ineffective and also noted many enforcement efforts against this property. She stated that the area is predominantly residential, and the intersection should not be evaluated as though it were part of the 9th&9th district in assessing compatibility with the masterplan.
- Judy Short resident of the East Liberty Park neighborhood stated disapproval of the application. She cautioned that there is weak enforcement of housing loss mitigation agreements. She cited a housing loss mitigation ordinance that was noted as in process in the mayor’s 2021 housing report but cannot be found on the website currently. Also cited other pending ordinance changes that may enable the four units to remain in place.
- Cindy Cromer stated disapproval of the application. Noted that the intersection in question has only two corners in commercial use. Of those, one business predates the zoning code, and the other was a conversion from an allowed medical clinic to a spa. She said, “you have already made recommendations that would affect the options for this property,” and then noted code changes in ADUs and “density determinations” for the RMF zone are pending [City Council approval]. She then suggested an amnesty period would be appropriate. She said that failing to examine the cost

of bringing substandard units to code would cost the city needed housing units. She said that the SNB designation would allow nightly rentals [bed and breakfast] and would also be a loss of long-term housing.

- Mark Laurence 30-year resident of the neighborhood stated disapproval of the application. Cited a precedent for maintaining R2 when non-conforming property was sold after being used as a childcare center. He speculated that the high sales price reflects the profit potential of SNB zoning.
- Keenan Wells (via internet) stated disapproval of the application. Noted that the house was “currently active” on Airbnb. Also stated that the owner has not made an Historic Landmark application. Quoted the listed sales price of the house as \$1.6 million. Stated that short-term rentals reduce available long-term rental properties—thereby increasing the price of long-term rentals.
- Monica Hilding (via internet) stated disapproval of the application. Cited the dominance of residential housing south of 900 South and the important role of older homes in providing affordable housing in the area. She disputed the compatibility of the requested zoning change with the masterplan. Cited short-term rentals as a threat to the housing supply and noted difficulties in enforcing rules against them.
- Rich Wilcox (via internet) stated disapproval of the application. Stated that R2 was “appropriate” for the area because it is predominantly residential, and because older homes are “the largest pool of affordable housing.” Cited “preserving” housing stock as a masterplan goal. Objected to short-term rental use.
- Kristina Rob stated disapproval of the application. Incoming chair of ELPCO. A letter has been submitted. She asked the Commission to note each condition listed within the letter.
- Greg Joy stated disapproval of the application. Neighbor. Concerned about the possibility of a business or a new “cube” multistory housing unit. Asked for clarification of the requirements for “replacement” housing.
- Karen (via email) stated disapproval of the application. Neighbor. Wants to protect the residential character of the neighborhood. Noted noise and extra visitor-parking problems related to the subject property. Concerned that investors are competing with couples, or individuals, for home purchases.
- Deborah Candler (via email) stated disapproval of the application. Neighbor. Concerned about the continuing problems related to parking, and other issues, from the renters of this property. Concerned that student housing is shrinking.
- Rachel Critchell (via internet) stated disapproval of the application. Neighbor. Also sent an email.

Seeing that no one else from the public wished to speak, and no more comments submitted by email, Chair Bachman closed the public comment period.

Senior City Attorney Paul Nielson stated, in reference to the question from Greg Joy, that the default maximum replacement amount of housing units would be “whatever the zoning allows,” however a maximum would not be relevant to a development agreement [which would be tied directly to the count of *legal* residences to be replaced].

In response to a question from Commissioner Burrows Diana Martinez explained that designation of the property as an historic landmark site would allow the owner to operate a bed and breakfast business, which is different than the hotel and motel section of City Code. Use as an “Airbnb” would be prohibited

regardless of the zoning. In response to a follow up question, the applicant explained that he continues to face fines of for his non-compliance. He stated that bringing four units to code (which would be allowed in the using the SNB zone) would cost him \$1 million, and, therefore, he needs to sell. Deputy Director Michaela Oktay subsequently reiterated that there had been no petition for a Historic Landmark site designation and so the conditional use options available to a bed and breakfast owner were not currently available to this applicant.

Later Commission discussion determined that applicant's history of noncompliance should not be a consideration in the Commission's decision.

Commissioner Burrows said that she agreed with testimony that the area south of 900 South had a residential character not consistent with the SNB zoning. She said that creating a development agreement that required the applicant to agree with City code was not standard practice.

Commissioner Andres Paredes then asked what options the applicant would have if the petition were denied. Diana Martinez said that the owner could obtain a building permit either to reduce the number of units to two, or to convert the house to a single-family dwelling.

Commissioner Barry stated that while she appreciated the staff analysis, she believed that there were other options available to help the applicant achieve his stated goals, and she was prepared to make a motion. Commissioner Christensen pointed out that the motion language provided did not identify the motion as a recommendation and therefore should be altered.

MOTION

Commissioner Amy Barry stated, "Based on the information presented, and the input received during the public hearing, I move that the Commission forward a negative recommendation for the 704 E. 900 S. rezone application PLNPCM2022-00251, because evidence has not been presented that demonstrates the proposal complies with the following standards:

- 1. Plan Salt Lake is not supported by this application because the housing loss does not support the goals of Plan Salt Lake.**
- 2. The SNB zone will not necessarily decrease congestion on the road.**

The motion was seconded by Vice-Chair Mike Christensen.

Chairperson Maurine Bachman, Vice-Chair Mike Christensen, and Commissioners, Levi de Oliveira, Rich Tuttle, Andra Ghent, Amy Barry, Aimee Burrows, Jon Lee, and Andres Paredes voted "yes."

The motion passed unanimously.

Three Eagles Planned Development at approximately 1375 S 1000 W - Trent Hatch of Trillie Property Solutions LLC, the property owner, is requesting Planned Development approval to subdivide the property at approximately 1375 S 1000 West into three lots in order to construct three single-family houses on the site. A Planned Development review is required because one of the three proposed lots would not abut 1000 West. The R-1/7,000 Zoning District (where the property is located) requires new lots to front a public street. The subject property is located within Council District 2, represented by