

**Salt Lake City Council**

**AGENDA**

**City Council Chambers  
City & County Building  
451 South State Street, Room 315  
Salt Lake City, Utah**

***Tuesday, January 22<sup>nd</sup>, 2002  
6:00 p.m.***

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5:00 p.m., some Council Members may dine together in Room 343 at the City & County Building. (The room is open to the public.)

- A. **WORK SESSION:** (briefing time lengths are approximations only.)  
5:30 – 5:55 p.m., Room 326, City & County Building, 451 South State Street.

**(Items from the following list that Council is unable to complete in Work Session from 5:30-5:55 p.m. will be addressed in a Work Session setting following the Consent Agenda.)**

1. Report of the Executive Director, including review of Council information items and announcements. (Estimated time: 5 minutes)
2. The Council will interview Sandra Hatch prior to consideration of an appointment to the City and County Building Conservancy Committee. (Estimated time: 5 minutes)
3. (Tentative) The Council will receive an update regarding issues at the 2002 Legislative Session. (Estimated time: 10 minutes)
4. The Council will receive a briefing regarding PriceWaterhouseCoopers' audit of the City's Financial Statements for the year ended June 30, 2001 and the auditor's letter regarding internal controls. (Estimated time: 10 minutes)

**See attachment**

5. (Tentative) The Council will receive a briefing from the Administration regarding the Olympics. (Estimated time: 15 minutes)
6. The Council will receive a briefing regarding a temporary parking lot located at 404 West 400 South. (Estimated time: 5 minutes)
7. The Council will hold a discussion regarding the Council's labor policy and a proposed labor protocol agreement with the Administration. (Estimated time: 10 minutes)
8. The Council will receive a briefing on a proposed agreement with the Public Safety Command. (Tentative) (Estimated time: 10 minutes)
9. The Council will consider a motion to enter into an Executive Session, in keeping with Utah Code, to discuss the deployment of security personnel, devices, or systems.

- B. **OPENING CEREMONY:**

1. Pledge of Allegiance.

2. Approve the minutes of January 8, 2002 minutes.

C. COMMENTS:

1. Questions to the Mayor from the City Council.
2. Comments to the City Council (Comments are taken on any item not scheduled for a public hearing, as well as on any other City business. Comments are limited to two minutes.)

D. PUBLIC HEARINGS:

1. Ordinance: Petition No. 400-01-67, request to construct a temporary parking lot at approximately 559 West North Temple in the Gateway Mixed-Use zoning district  
Accept public comment and consider adopting an ordinance amending Chapter 3.52.050.D of the Salt Lake City Code, authorizing the construction of a temporary parking lot located at approximately 559 West North Temple related to a large-scale special event of national or international significance, pursuant to Petition No. 400-01-67.  
(O 02-2)

Staff Recommendation: Close and consider options.

2. Ordinance: Petition No. 400-01-17, amend the Salt Lake City Zoning Ordinance to allow house museums as a conditional use of Landmark Sites in Residential Districts  
Accept public comment and consider adopting an ordinance amending the Salt Lake City Code to allow house museums as a conditional use of Landmark Sites in Residential Districts, pursuant to Petition No. 400-01-17  
(P 01-21)

Staff Recommendation: Close and consider options.

**See attachment**

E. NEW BUSINESS:

(None)

F. UNFINISHED BUSINESS:

1. Ordinance: Amend Chapter 3.50 of the Salt Lake City Code, relating to commercially related special events and free expression activities  
Consider adopting an ordinance amending Chapter 3.50 of the Salt Lake City Code, relating to commercially related special events and free expression activities.  
(O 02-7)

Staff Recommendation: Adopt.

2. Ordinance: Enact new Chapter 11.12.110 of the Salt Lake City Code to prohibit wearing masks with the intent to perform or while performing specified criminal activities  
Consider adopting an ordinance enacting new Chapter 11.12.110 of the Salt Lake City Code to prohibit wearing masks with the intent to perform or while performing specified criminal activities.  
(O 02-8)

Staff Recommendation: Adopt.

3. Ordinance: Amend Section 5.72.130, Salt Lake City Code, relating to certificate of a public convenience and necessity being required for operation of a taxicab within the City  
Consider adopting an ordinance amending Section 5.72.130 of the Salt Lake City Code, relating to certificate of a public convenience and necessity being required for operation of a taxicab within the City.  
(O 02-5)

Staff Recommendation: Consider options.

4. Ordinance: Budget Amendment No. 4 (Olympic Funding Items)  
Consider adopting an ordinance amending Salt Lake City Ordinance No. 32 of 2001, which adopted the Final Biennial Budget of Salt Lake City, including the employment staffing document, for Fiscal Years 2001-2002 and 2002-2003.  
(B 01-12)

Staff Recommendation: Consider options.

G. CONSENT:

1. Ordinance: Petition No. 400-02-15, request to construct a temporary parking at approximately 404 West 400 South  
Set the date of February 5, 2002 at 5:00 p.m. to accept public comment and consider adopting an ordinance amending Chapter 3.52.050.D of the Salt Lake City Code, authorizing the construction of a temporary parking lot located at approximately 404 West 400 South related to a large-scale special event of national or international significance, pursuant to Petition No. 400-02-15.  
(O 02-9)

Staff Recommendation: Set date.

H. ADJOURNMENT:

Dated: January 18, 2002

By: \_\_\_\_\_  
Chief Deputy City Recorder

STATE OF UTAH )

COUNTY OF SALT LAKE ) : ss.

On the 18<sup>th</sup> day of January 2002, I personally delivered a copy of the foregoing notice to the Mayor and City Council and posted copies of the same in conspicuous view, at the following times and locations within the City & County Building, 451 South State Street, Salt Lake City, Utah:

1. At 5:00 p.m. in the City Recorder's Office, Room 415; and
2. At 5:00 p.m. in the Newsroom, Room 315.

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Chief Deputy City Recorder

Subscribed and sworn to before me this 18<sup>th</sup> day of January 2002.

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Notary Public residing in the State of Utah

Approval:

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Executive Director

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**Attachment to Item A-4**

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## M E M O R A N D U M

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**DATE:** January 18, 2001  
**TO:** Council Members  
**FROM:** Gary Mumford  
**RE:** **Salt Lake City's Comprehensive Annual Financial Report and Letter to Council and Mayor from Auditors**  
**CC:** Rocky Fluhart, Jay Magure, Gordon Hoskins, Elwin Heilmann, Scott Nixon

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### Comprehensive Annual Financial Report

The Department of Management Services recently issued the City's Comprehensive Annual Financial Report for the year ended June 30, 2001. The CPA firm PricewaterhouseCoopers audited the financial report. A representative of the CPA firm and representatives from the Department of Management Services will be present at the work session to answer any questions that the Council may have regarding the annual financial report.

### Management Letter

In performing the audit, the auditors reviewed the City's internal control structure in order to determine auditing procedures. Although the audit was not designed to provide complete assurance on the internal control structure, the auditors noted certain matters in a letter submitted to the Council and Mayor. The recommendations contained in this letter are designed to help the City make improvements and achieve operational efficiencies. City managers have included a response to the recommendations.

The auditors' comments relate to the following items:

1. Impact fees –
  - Develop system to manage activity relating to impact fees
2. Fidelity Bond
  - Adjust City Treasurer's fidelity bond to 2% of budgeted revenues to meet State requirements
3. New Financial Reporting Model
  - GASB statement 34 effective for Salt Lake City's fiscal year ending June 30, 2002
4. Cash Management
  - Monitor cash balances to avoid additional borrowing at Public Utilities (Invested cash exceeded available cash.)
  - One instance of a cash receipt not deposited within the required three days
5. Budgetary Compliance

- One instance where the public notice of a hearing for a budget amendment was not published
- One instance where expenditures exceeded appropriations (Emergency 911 Dispatch Fund)

**Attachment to Item D-2**

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**SALT LAKE CITY COUNCIL STAFF REPORT**

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**DATE:** January 18, 2002

**SUBJECT:** Petition No. 400-01-17- Planning Commission - request to amend the Zoning Ordinance to allow house museums as a conditional use in landmark sites in residential districts (Sec.21A.24.010.S)

**STAFF REPORT BY:** Janice Jardine, Land Use and Policy Analyst

<b>Document Type</b>	<b>Budget-Related Facts</b>	<b>Policy-Related Facts</b>	<b>Miscellaneous Facts</b>
Ordinance	The proposal has no budget impact.	The proposal is presented to revise an existing ordinance.	The Administration has clearly stated the positive aspects of the proposal.

**The Council received a briefing regarding this item on November 6, 2001. Please see the attached minutes for details.**

- **Council Members requested that the Administration contact the Community Councils in which Landmark sites or Historic Districts are located informing them of the proposed change to the ordinance.**
- **Planning staff sent a letter on November 9, 2001 to the Community Council Chairs.**
- **To date, Planning staff has not received comments from Community Council Chairs.**

**The following information was provided for the Council Work Session on November 6, 2001.**

**OPTIONS AND MOTIONS:**

1. ["I move that the Council"] Adopt an ordinance amending the text of the zoning ordinance to allow house museums as a conditional use in a landmark site in residential zoning districts.
2. ["I move that the Council"] Not adopt an ordinance amending the text of the zoning ordinance to allow house museums as a conditional use in a landmark site in residential zoning districts.

**KEY ELEMENTS**

- A. The proposed zoning text amendment would allow house museums as a conditional use in a landmark site in residential zoning districts. This action would facilitate the renovation and preservation of the

Wilford Woodruff farmhouse at 1604 South 500 East and enable the house to be used as an educational resource. The proposed text change would also apply citywide to properties listed on the City's Register of Cultural Resources. Planning staff has indicated that there are currently approximately 163 sites listed on the City's Register of Cultural Resources.

- B. The proposed text amendment would define a house museum as a dwelling unit, which is converted from its original principal use as a dwelling unit to a staffed institution dedicated to educational or aesthetic purposes. Such museum should include a staff who commands an appropriate body of special knowledge necessary to convey the historical, aesthetic or architectural attributes of the building and its collections to the general public. Such staff should also have the ability to reach museological decisions consonant with the experience of his or her peers and has access to and acquaintance with the literature of the field. Such museum should maintain either regular hours or be available for appointed visits such that access is reasonably convenient to the public, and that such museum operate during normal business hours and does not inherently exhibit noise, light or traffic conditions clearly debilitating to neighboring residents.
- C. The intent of the current zoning provision to allow non-residential uses in historic structures is to:
  - 1. Allow small-scale commercial uses that protect the residential character of the area.
  - 2. Provide an incentive for preservation of historically significant properties.
  - 3. Allow non-residential uses only a last resort to ensure preservation.
  - 4. Allow non-residential uses only when it is found that the proposed use will be compatible with surrounding land uses.
- D. The zoning ordinance currently allows three types of non-residential uses as conditional uses in Landmark sites (Sec. 21A.24.010.S Nonresidential Use of Landmark Sites in Residential Districts)
  - 1. Bed and Breakfast Establishments
  - 2. Offices
  - 3. Reception Centers
- E. In addition to the general standards for conditional uses, the following additional criteria are required:
  - 1. The structure is designated a landmark site on the City Register of Cultural Resources.
  - 2. The use is conducive to the preservation of the site.
  - 3. The use is compatible with the surrounding residential neighborhood.
  - 4. The use does not result in the removal of residential characteristics of the structure or site including mature landscaping.
  - 5. The change in use from residential to non-residential is necessary due to one of the following:
    - a. Probable demolition
    - b. Economic hardship (as provided in the historic preservation overlay district)
    - c. Excessive size of the landmark site for residential uses allowed in the residential district
  - 6. A preservation easement in favor of the city shall be placed upon the landmark site.
- F. The Administration's transmittal notes that allowing museums in other zoning classifications will be dealt with through the next "fine tuning" comprehensive zoning amendment process currently underway in the Planning Division. Museums are currently permitted uses in the Residential Business RB and Residential Mixed-Use RMU zoning districts.
- G. The Planning Commission voted to recommend that the City Council approve the proposed zoning text amendment. Issues discussed at the Planning Commission hearing included:
  - 1. The limited number of historic sites currently on the City register.
  - 2. The conditional use process provides a case-by-case evaluation of potential impacts and compatibility.



3. Historic Landmark Commission review would be required for any exterior changes to the structure.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:**

Council Members may wish to discuss with the Administration additional criteria or other types of uses that may be appropriate for the conditional use process in Landmark sites. The Planning staff report notes:

- a. Staff anticipates few, if any, applications for house museums with a restaurant use.
- b. Potential conditional use applicants have inquired about combining a restaurant with a bed and breakfast establishment or a reception center.
- c. Restaurants should not be allowed as part of a house museum facility unless the use is in a zoning district that allows restaurants as a permitted or conditional use.
- d. Restaurants represent a higher level of activity and have the potential for creating a negative impact in a residential zone by attracting more traffic and parking and by creating disruptive noise and offensive odors.

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

The City's Strategic Plan and the Futures Commission Report contain statements that recognize the City's historical heritage, and maintaining buildings and neighborhoods as a vital component of an exciting, livable city. The documents express concepts such as:

- a. Preservation strategies for buildings and neighborhoods.
- b. Rehabilitation of historic buildings for cultural uses whenever possible.
- c. Efforts to restore and adaptively reuse historic resources.
- d. Providing assistance to property owners in solving challenges of adaptive reuse.
- e. Developing programs to enhance and preserve the City's cultural history and character.

The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Applicable policy concepts include:

- a. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
- b. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
- c. Ensure that building restoration and new construction enhance district character.
- d. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
- e. Treat building height, scale and character as significant features of a district's image.
- f. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

## **BACKGROUND:**

The Administration's transmittal provides a detailed background relating to the proposed zoning ordinance text amendment. The Planning staff report provides findings of fact that support the criteria established in the City's Zoning Ordinance, Sec. 21A.50.050 - Standards for General Zoning Amendments. Please refer to the Planning staff report for specific findings of fact and discussion of compliance with individual standards. Key points are summarized below:

- A. The Planning Commission's original request was to analyze the conditional use criteria for structures listed on the City Register of Cultural Resources. The intent was to address buildings that could be threatened with demolition or relocation, but could not accommodate current conditional use options due to their small size or structural fragility.
- B. The proposed text amendment request was initiated in response to concerns expressed by Ms. Maren Jeppsen, owner of the Wilford Woodruff farmhouse at 1604 South 500 East.
- C. Ms. Jeppsen noted that the costs to preserve and stabilize the house are such that it is not economically feasible to renovate the house as a single-family dwelling and the existing non-residential uses permitted in landmark sites would be detrimental to developing the educational potential of the structure.
- D. Ms. Jeppsen is in the process of forming a non-profit corporation that will raise money to stabilize and repair the farmhouse and for future educational efforts related to the house. Ms. Jeppsen is pursuing the building's use as a museum to:
  1. Educate interested parties in the role of Wilford Woodruff in Utah and LDS history.
  2. Display the construction and architectural evolution of the structure.

## **CHRONOLOGY:**

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

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|------------------|---|
| • June 7, 2000   | Historic Landmark Commission discussion               |
| • June 7, 2001   | Mayor's monthly meeting with Community Council Chairs |
| • June 20, 2001  | Historic Landmark Commission meeting                  |
| • July 11, 2001  | Liberty Wells Community Council meeting               |
| • August 2, 2001 | Planning Commission Hearing                           |

cc: Rocky Fluhart, Jay Magure, Roger Cutler, Lynn Pace, David Dobbins, Stephen Goldsmith, Brent Wilde, Doug Wheelwright, Elizabeth Giraud, Janne Nielsen, Scott Barraclough

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment, House Museums