

City Council Announcements

April 3, 2007

A. Information Needed by Council Staff

1. Attached is a letter that would request the administration look at another issue relating to the proposed private streets policy – private utilities. Is the Council ok authorizing the Chair to send this letter?

2. **Legislative Action Item:** (Please see attached)

Council Member Jill Love would like to request that the Administration develop a “formula free business” and “form based” commercial zoning classification or regulations to be applied to small-scale, unique commercial areas within the City.

- Formula businesses, generally known as “chain stores”, include retail stores, restaurants, hotels and other establishments that are required by contract to adopt standardized services, methods of operation, décor, uniforms, and architecture including interior and exterior design, signage or other features virtually identical to businesses located in other communities or nationwide.
- Form based zoning regulations typically address building size, design, scale and massing, traffic, parking, and commercial district character through community design guidelines. In some cases, a maximum overall district size is also established for the commercial zoning classification.

A major objective in implementing this type of zoning regulation is to establish a more equitable playing field for locally-owned and operated businesses to compete in the market place. The intent would not be to preclude a formula business or chain store from locating in a specific location but to require the business to establish a unique establishment that does not conform according to a centralized formula. Refinements in the Zoning Ordinance would ensure that new development is in scale and consistent with the surrounding neighborhood.

Potential areas that could be considered in Salt Lake City include 1500 East and 1500 South, 900 East and 900 South, 1300 South and 1700 East, 2100 South and 2100 East, the Kmart/WalMart property at 2705 Parley’s Way and the Sugar House Business District. Mayor Anderson has mentioned application of this type of zoning along 300 South. Depending upon the outcome of initial efforts, locations in the Avenues, Capitol Hill, RosePark/Faripark, Poplar Grove/Glendale, and People’s Freeway communities could be considered in the future.

Would the Council support this Legislative Action?

3. Utah League of Cities & Towns Legislative Policy Committee Membership: The Utah League of Cities & Towns has mailed forms for joining or renewing membership on the League’s Legislative Policy Committee. Currently, Council Members Jill Love and Eric Jergensen serve on the committee. However, according to the League, the City Council has another seat on the Policy Committee due to Council Member Love’s office on the League’s Executive Committee. The League would like to have the attached forms returned to the League office by April 9. Who

on the Council would like to serve on the Legislative Policy Committee with Council Members Love and Jergensen?

4. Attached is a Grant application submitted by the City.

April X, 2007

Dear Mayor Anderson:

Based on a situation raised by a constituent, Council Members have been meeting with Administrative staff from Planning and Public Utilities to discuss various issues surrounding the idea of having the City take ownership of private streets and their utilities - more specifically the issue of private utilities within these subdivisions. Administrative Staff has been extremely cooperative in outlining the various policy implications and budgetary issues.

The Council's Private Streets subcommittee would like to request a recommendation from the Administration on whether an amendment to the Private Streets Policy (previously transmitted to the Council) may be in order to more specifically address the issue of dedicating private utilities within a private subdivision to public ownership.

The following are concerns that have been highlighted specific to the constituent request. The subcommittee would like these to be addressed in any policy transmitted:

- Whether or not the private utility is fed by City utilities (this opens up the issue of who is "at fault" if a private utility were to fail);
- Whether or not access is sufficient to a private utility (gated vs. non-gated subdivisions);
- Setting up a list of criteria that a private subdivision must meet before requesting the City take ownership of utilities;
- An updated cost analysis of taking over and upgrading, as necessary, private utilities to City standards based on the criteria mentioned above. This cost analysis could contemplate scenarios of full to partial City financial responsibility (i.e. through an SID process);
- Whether it is good long-term City policy to require that all new private subdivisions have utilities built to City standards;
- Whether the City should change its policy and take ownership of all utilities in private subdivisions (existing and in the future).

The Council subcommittee requests that the Administration review these policy implications and budget issues and forward formal recommendations to the Council.

Sincerely,

Van Turner
Salt Lake City Council Chair
District Two

VT/jab

MEMORANDUM

DATE: March 30, 2007

TO: Council Members

FROM: Council Member Jill Love

SUBJECT: Legislative Action – request to create a “formula free business” and “form based” commercial zoning classification or regulations that may be applied to small-scale, unique commercial areas within the City

CC: Mayor Ross C. Anderson, Sam Guevara, DJ Baxter, Lyn Creswell, Alison McFarlane, EDWARD BUTTERFIELD, Ed Rutan, Lynn Pace, Louis Zunguze, Chris Shoop, George Shaw, Orion Goff, Cheri Coffey, Doug Wheelwright, Larry Butcher, Joel Paterson, Craig Spangenberg, Kevin LoPiccolo, Valda Tarbet, Jan Aramaki, Marge Harvey, Sylvia Jones, Lehua Weaver, Cindy Rockwood, Russell Weeks, Jennifer Bruno, Barry Esham, Michael Stott, Gwen Springmeyer

I would appreciate the Council’s support for a Legislative Action requesting that the Administration develop a “formula free business” and “form based” commercial zoning classification to be applied to small-scale, unique commercial areas within the City. I am aware of a recent trend where some cities have taken proactive steps by establishing formula free/form based business zoning regulations to support and strengthen local businesses and preserve the unique character of the community. A major objective in implementing this type of zoning regulation is to establish a more equitable playing field for locally-owned and operated businesses to compete in the market place.

Potential areas that could be considered in Salt Lake City include 1500 East and 1500 South, 900 East and 900 South, 1300 South and 1700 East, 2100 South and 2100 East, the Kmart/WalMart property at 2705 Parley’s Way and the Sugar House Business District. Mayor Anderson has mentioned application of this type of zoning along 300 South. Depending upon the outcome of initial efforts, locations in the Avenues, Capitol Hill, RosePark/Faripark, Poplar Grove/Glendale, and People’s Freeway communities could be considered in the future.

Formula businesses, generally known as “chain stores”, include retail stores, restaurants, hotels and other establishments that are required by contract to adopt standardized services, methods of operation, décor, uniforms, and architecture including interior and exterior design, signage or other features virtually identical to businesses located in other communities or nationwide. Formula restaurants include businesses that are devoted to the preparation and offering of food and beverages for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangements to offer any of the following: standardized menus, ingredients, food preparation, décor, uniforms, architecture including interior and exterior design, signage or other similar standardized features. Typically movie theaters, hotels, motels, grocery stores and automobile service stations are excluded from formula business regulations.

Form based zoning regulations typically address building size, design, scale and massing, traffic, parking, and commercial district character through community design guidelines. In some cases, a maximum overall district size is established for the commercial zoning classification.

The intent would not be to preclude a formula business or chain store from locating in a specific location but to require the business to establish a unique establishment that does not conform according to a centralized formula. The scale and design of improvements to existing development is an important factor in the overall aesthetic character of certain commercial areas. Refinements in the Zoning Ordinance would ensure that new development is in scale and consistent with the surrounding neighborhood. I believe that regulating formula businesses is necessary to preserve the unique and historic character of smaller commercial areas in the City.

An article in the March 2003 Zoning News entitled *Combating 'Sameness' with a Formula Business Ordinance* written by Stephen Svete, AICP, quotes the following statistics from Stacy Mitchell, a researcher for the Minneapolis-based Institute for Local Self-Reliance (ILSR) and the author of *The Hometown Advantage*. "According to Mitchell, more than 13,000 local pharmacies have closed their doors since 1990. As of 2002, independent bookstores accounted for less than 15 percent of book sales, a decline from 58 percent in 1972."

Information obtained from the American Planning Association Planning Advisory Service includes the following examples of formula free/form based businesses zoning regulations and cities that have currently implemented them.

- Examples of formula free/form based business zoning regulations include a variety of options:
 - A. Use of special use permits or conditional use with specific criteria and a public process for new and the expansion of existing businesses.
 - B. Limiting the number of formula businesses allowed in a district or citywide.
 - C. Total prohibition of formula businesses citywide.
 - D. Regulations applied to a specific geographic area through use of an overlay or creation of a specific zoning classification.
 - E. Expedited permit processes for non-formula businesses.
 - F. Limiting the total size of buildings, lots or the zoning district.
 - G. Assessing community impacts both locally and regionally.
 - H. Establishing design guidelines that allow for formula businesses as long as they meet scale, character, etc. of the area.

- Examples of cities that have established formula free/form based business zoning regulations include:
 - A. Bainbridge Island, Washington – prohibits formula take-out food restaurants in all zones
 - B. Sanibel, Florida – prohibits formula restaurants
 - C. Port Jefferson, New York – prohibits formula fast food restaurants from the historic commercial and waterfront districts
 - D. Arcata, California – limits the number of formula restaurants
 - E. California:
 1. Calistoga – prohibits formula restaurants and visitor accommodations and requires that other formula businesses undergo review and apply for a special use permit
 2. Carmel-by-the-Sea – prohibits formula fast food, drive-in and restaurants in the city
 3. Coronado – limits both formula retail and restaurant businesses - regulates the number, location and operation of formula fast food restaurants, requires formula retail businesses obtain a special use permit
 4. Pacific Grove – prohibits formula fast food/take-out restaurants
 5. San Francisco – formula businesses require neighborhood notification and review, public hearing, prohibited in certain areas, use of conditional use in other instances
 - North Beach Neighborhood Commercial District – does not permit retail coffee stores (coffeehouses) without conditional use authorization
 6. Sausalito – formula retail businesses (new and expansion of existing businesses) require conditional use process
 7. Solvang – prohibits formula restaurants

I would like to emphasize that the intent is to preserve the unique character of smaller, distinct commercial areas. I believe this action would assist in maintaining the long-term economic health of the City as a whole through promoting a balanced mix of local, regional and national-based businesses and small and medium sized businesses. I would appreciate the support of Council Members in asking the Administration to develop formula free and form based business zoning regulations and provide the Council with options or recommendations.

The result I would like to see is an evaluation, analysis and recommendations that address at a minimum:

- A. Potential legal issues. (Please note - Coronado's formula retail ordinance was upheld by a California Appeals Court decision in June 2003)
- B. Zoning regulations.
- C. Master plan amendments, if necessary.
- D. Other issues that may be identified by the Council or the Administration.

Thank you for your consideration of this Legislative Action request.



WANTED:

A Few Good Municipal Officials to Serve on the ULCT Legislative Policy Committee

Appointments for the 2007-2008 LPC Committee to be made in April

Interested in becoming involved in the legislative process? Want to make a difference for communities statewide? Submit your name for consideration to serve on the ULCT's 2007-08 Legislative Policy Committee.

Each April, during the Midyear Conference ULCT Board meeting, the ULCT Board of Directors seats a new Legislative Policy Committee to serve during the legislative interim and the next legislative session. This committee plays a significant role in anticipating and dealing with legislative issues as they evolve, not only during the legislative session, but also throughout the year.

Composed of elected and appointed officials throughout the state, the Legislative Policy Committee meets weekly during the legislative session and monthly throughout the interim. During these meetings, legislative and policy issues are brought before the committee via municipal officials, legislators, citizens, business leaders or other associations. The Committee discusses these issues, determines a position based on discussions, information provided, or recommendations from the League's staff or other municipal staff.

The Legislative Policy Committee is an important asset to the League; depending on the issues, members will be asked to serve on subcommittees, discuss issues with their mayors, councils, staffs, or their legislators and report findings to the whole committee. While the committee is a lot of work, committee membership certainly has its privileges, which include: involvement in the policy-making process, networking with other elected and appointed officials from throughout the state, and let's not forget the opportunity to attend lunch meetings!

While **ALL** municipal officials are welcome to attend the Policy Committee meetings and provide input, we have begun to limit the **voting representation** to 3 individuals per city; one individual representing the mayors office (mayor, mayor staff, etc), one individual representing the council office (councilmember, council staff person, etc.), and one at-large member (city attorney, city manager, planner, etc). This has been done due to the welcome, but overwhelming participation on this important committee. Please keep this in mind when submitting names for the LPC Committee. If you wish to stay informed, but not necessarily be a voting member on the committee you can also fill out the attached form and simply select "non-voting" member in the appropriate field. By doing so, you will be added to all of our mailing and emailing lists where frequent updates and pertinent information is distributed.

If you are interested in serving on the ULCT Legislative Policy Committee, please fill out the attached form and send it to Lincoln Shurtz at the League office (mail: 50 South 600 East, Ste. 150, Salt Lake City, UT 84102; FAX: 801-531-1872; or e-mail: lshurtz@ulct.org (Faxing is preferred). **Those who served on the 2006-2007 Committee are also asked to resubmit the information in order to be reconsidered.**

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The following form should be completed and submitted to the League office by Monday, April 9, 2007. Questions / Concerns? Call Lincoln Shurtz at 801-328-1601.

Name: _____ Title: _____

City/Town: _____ County: _____

Phone: _____ Fax: _____ Email (Critical): _____

Mailing Address: _____

Are you a returning Policy Committee Member? YES NO Unsure

Would you like to be a voting or non-voting member of the committee? VOTING NON-VOTING

Grant Submission Update Memo

TO: Sam Guevera, Steve Fawcett, Cindy Gust-Jenson

FROM: Grant Acquisition Team

DATE: 3/30/2007

SUBJECT: Accident Investigations Grant

FUNDING AGENCY: Utah Highway Safety Council

REQUESTED AMOUNT: \$15,000

DEPARTMENT APPLYING: Police Department

COLLABORATING AGENCIES: Utah Highway Safety Council, Salt Lake City Police Department

DATE SUBMITTED: March 22, 2007

SPECIFICS:

- Training Supplies Equipment
- Personnel:
- Existing New Overtime Only Requires Funding After Grant
- Match Required In Kind Cash
- Computer Software Development In House Contract Services:
- New Program (City not performing function now)

GRANT DETAILS:

The Salt Lake City Police Department is seeking funding to receive accident investigation equipment and software in the amount of \$15,000. The equipment includes mapping software, pocket pc's, cases and cameras. This equipment will aid our accident investigators in responding to serious injury/fatal traffic accidents. The squad encompasses 10 field response officers, 3 detective positions and one supervisor.

The focus of this squad is to reduce traffic accidents through enforcement and investigation. Most of these accidents involve alcohol.

The squad uses two systems to diagram and record accident scenes. One system uses speed gun laser to plot points in a diagram. The second uses a photo-grametry system to record the scene. Both have benefits in different locations and weather conditions. The equipment we are using was obtained through grant funding, and is reaching the end of its service life. All of the equipment has been in use for at least five years.