

Summary of Cindy Cromer's issues from email dated July 5, 2008

p. 3 Section 2 G "Damage or Destruction"

The text reads that any conforming or nonconforming use which is "**damaged or destroyed by fire, collapse, explosion or other cause**" does not need to provide off-street parking or loading facilities, except for parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation.

That **other cause** could be voluntary demolition. In that case, the owner could demolish voluntarily and would then become exempt from current standards for loading and parking. The language in the parking ordinance would seem to give the owner a waiver on parking and loading requirements.

To alleviate this issue, the City doesn't could change "other cause" to "other nonintentional events beyond the owner's control."

p. 5 Section 3 L 3 & 4 "Off Site Parking Facilities"

The draft ordinance states, "Off-site parking within residential zones to support uses in the aforementioned zones or a legal non-conforming use in a residential zone may only be applied to properties occupied by an **existing non-residential use** and are subject to the conditional use process."

A vacant lot in a residential zone is a non-residential use, and therefore vacant land is an "existing non-residential use."

In all of the established neighborhoods in our City, a vacant lot in a residential zone only exists because the owner believes that the vacant land will be worth more later or that the City will give in and allow a parking lot if the owner just holds out longer. Cindy Cromer provides examples in her original message.

The proposed changes to the ordinance would allow a property owner to apply for a conditional use for a parking lot (even if a house is torn down).

Once you change the ordinance, your INTENT is to allow these parking lots in residential districts. In my neighborhood, we don't have language specific enough in the Master Plan to deny the application for a conditional use (Cindy Cromer).

p. 5 (bottom) & p. 6 (top) Section 3 L 4 "Off Site Parking Facilities"

"The deed or lease shall require the owner and/or heirs, successors or assigns to **maintain the required number of parking facilities for the duration of five (5) years' minimum contractual relationship**". This language perpetuates the existing problem with a 5 year lease requirement. Five-years is a very short time frame as commercial leases go and if the lease cannot be renegotiated, it is unlikely that another site will be available.

Church, Sarah

From: cindy cromer [3cinslc@live.com]
Sent: Wednesday, July 16, 2008 8:52 AM
To: Church, Sarah
Cc: Gust-Jenson, Cindy; Jardine, Janice; Ellen Reddick; lori gutierrez; melinda main; loggins merrill; joel briscoe; jodi bangerter; wayne green; Tom Mutter; polly hart; robin carbaugh; lisette gibson; Kirk Huffaker; Judi Short; Julia Robertson; arla funk; Betsey Burton; cathey dunn; grace sperry; Jen Colby; margaret brady; nancy saxton; pam pedersen; sydney fonnesbeck
Subject: FW: parking ordinance
Follow Up Flag: Follow up
Flag Status: Red

Sarah-My comments on the proposed parking ordinance are below. I have already sent them to Jill, Luke, Soren, and Eric. I also sent the comments to the Vest Pocket Business Coalition. Please enter them now as public comment and send them to all of the Council members. My remarks under PROBLEM 2 are consistent with the staff reports that you and Janice wrote and my comments at the two public hearings. PROBLEMS 1 and 3 are ones that I identified when I read the actual text of the ordinance. Thanks for your help in circulating these remarks. cindy

From: 3cinslc@live.com
 To: Council member Love, Garrott, Simonsen, and Jergensen
 CC: cindy.gust-jenson@slcgov.com; janice.jardine@slcgov.com; david.everitt@slcgov.com; frank.gray@slcgov.com; esther.hunter@slcgov.com; mary.delamare-schaefer@slcgov.com
 Subject: RE: parking ordinance
 Date: Wed, 9 Jul 2008 12:57:55 -0600

All-I realize that people are in and out of town between holidays but I can't wait until 7/22 to try to get my point across. Does anyone want a short field trip to see what happened regarding free-standing parking lots under the old ordinance? I could even e mail an intinerary and you could look on your own. The words "vacant" and "non-residential use" are not defined in the ordinance. To me that means that "vacant" is a "non-residential use." It certainly could not be considered a "residential use." Let me know if more examples would help. cindy

From: 3cinslc@live.com
 To: Council members Love, Garrott, Simonsen, and Jergensen
 CC: cindy.gust-jenson@slcgov.com; janice.jardine@slcgov.com; david.everitt@slcgov.com; frank.gray@slcgov.com; esther.hunter@slcgov.com; mary.delamare-schaefer@slcgov.com
 Subject: parking ordinance
 Date: Sat, 5 Jul 2008 19:05:44 -0600

Jill et al.-I picked up a copy of the draft parking ordinance from your staff on Wednesday and read it today. I knew what I would find because Janice's and Sara's staff reports were the bases for my comments at the 2 hearings. In reading the draft ordinance today, I have also found 2 other aspects of the ordinance which I think are highly problematic and are going to cause nothing but headaches and heartburn down the road. The only good news is that the business community does not seem heavily invested in the aspects of the ordinance that I find so negative. Here they are in chronological order in the draft text:

PROBLEM 1

p. 3 Section 2 G "Damage or Destruction" The language that is traditionally included is "act of God" and it is omitted here. The text reads instead "damaged or destroyed by fire, collapse, explosion or other cause." That other cause could be voluntary demolition as I see it. In that case, the owner could demolish voluntarily and would exempt from current standards for loading and parking. I think that Planning staff would require that the new building itself meet the current standards on a voluntary demolition but this language in the parking ordinance would seem to give..and I do mean GIVE..the owner a waiver on parking and loading requirements. If the City doesn't want to refer to God any more, the language could read, "other nonintentional events beyond the owner's control."

PROBLEM 2

p. 5 Section 3 L 3 & 4 The key language here is "existing non-residential use." The draft ordinance states, "Off-site parking within residential zones to support uses in the aforementioned zones or a legal non-conforming use in a residential zone may only be applied to properties occupied by an existing non-residential use and are subject to the conditional use process." Vacant land is an "existing non-residential use." The Planners may have a different idea of what is meant by that language but as far as interpretation is concerned, a vacant lot in a residential zone is a non-residential use. In all of the established neighborhoods in our City, a vacant lot in a residential zone only exists because the owner believes that the vacant land will be worth more later or that the City will give in and allow a parking lot if the owner just holds out longer. Our City is built-out. We have precious little in-fill to do and are looking to the NW Quadrant for expansion. Here are some examples:

1. Slaugh's Car Care on 800 E and 200 S owns the residentially zoned lot immediately north of their business. The vacant lot used to have a wonderful Victorian house on it which burned. Slaugh's has repeatedly asked the City for a rezone of the land to CN so that they can use it for a parking lot. They will not sell it. Your proposed changes to the ordinance would allow Slaugh's to apply for a conditional use for a parking lot. Conditional uses are forever. So, the parking lot in this neighborhood would be a permanent change in land use. There is no question that there would be housing on the residentially zoned parcel now if the owners would allow it. The East Central Community Council tried to participate in moving a frame triplex on the opposite side of 200 South to this vacant parcel. Slaugh's didn't want a residential use and turned down the offer of the triplex. New Frontiers (now Whole Foods) was willing to pay to move the triplex.
2. Parking lot on Lincoln Street to support a nonconforming medical clinic (Lincoln between 100 S and 200 S) There was a house here but the owner (Don Parker) of a nonconforming medical clinic on 1000 East wanted more parking. So, he tore down the house on what was otherwise a streetscape of housing on both sides of Lincoln and then came into the City for a conditional use for a parking lot in 1988. He got the parking lot and it is of course still there. No question in my mind that we would now have in-fill housing on this parcel if the City had not approved the parking lot. The medical clinic on 1000 East might have converted to housing too without the off-site parking lot.
3. Hermes Associates owned the high density residentially zoned land on 500 S/400 S and 600 E/500 E. Hermes wanted a commercial use. They tore down the housing and salted the earth (literally) and then they waited. Only a few years before the TRAX line was installed and we started talking about TOD, the City gave in and rezoned the R-7 land (that would have been 7 stories of housing) to commercial.
4. The Bryner Clinic owned 2 parcels off-site. They wanted to demolish the lovely two-story Colonial revival home at 744 E 300 S. The City said no in 1977. So, the Bryner Clinic used the house illegally as an office and used the remainder of the large site for parking illegally for 25 years. The City did everything possible to avoid enforcing on the Clinic. It took 5 of us, insisting on enforcement AND a corporate decision to go to Murray, to return the house the residential use. It is now surrounded by a garden and has a family living in it.
5. The second illegal parking lot for the Bryner Clinic was at 763 E 300 S. The Clinic purchased the 5 units with the intent of demolishing them but the City wouldn't give permission because the Clinic itself had become nonconforming. So, the Clinic used two of the units illegally and used the yard area for illegal parking. That went on from 1985 until 2003 when the Bryner Clinic decided to relocate and sold the property to me. The pattern in these examples is one of speculation, demolition, holding out, holding the neighborhood and the City hostage, and surrendering only when the location is no longer of interest. Houses are demolished, the City forgets that there was a house, and the City views the parcel as having a "non-residential use." I've got lots more examples, a entire file that I kept from 1988 until 1995 when the ordinance changed. The ones I've cited are the ones I look at every day.

PROBLEM 3

p. 5 (bottom) & p. 6 (top) "maintain the required number of parking facilities for the duration of five (5) years' minimum contractual relationship" This language perpetuates the existing problem with a 5 year lease

requirement. So, when Cancer Wellness House was approved as a conditional use on 1100 East in 2001, there was an agreement that the off-site parking for events in this R-2 neighborhood would be across the street at the hospital. The site of the off-site parking is now the new Medical Office Building for Salt Lake Regional. Fortunately, Cancer Wellness House hasn't held many events because the off-site parking has gone away. Five-years is a very short time frame as commercial leases go and if the lease cannot be renegotiated, it is unlikely that another site will be available.

In summary, Problems 1 and 2 are new, generated by this proposed ordinance. Problem 3 is already a problem and something that I think your staff would tell you to fix, not perpetuate.

Obviously, I am most invested in Problem 2. Once you change the ordinance, your INTENT is to allow these parking lots in residential districts. In my neighborhood, we don't have language specific enough in the Master Plan to deny the application for a conditional use. YOU WILL NEVER SEE THESE APPLICATIONS. You won't be able to do anything based on neighborhood sentiment. The Planning Commission will make the decision. So, let me know if you are going to proceed on July 22nd. I need to try to get some help from long time residents who remember what happened prior to 1995 if you are going to proceed with parking lots on residentially zoned land. Sorry to be so long-winded. I have been on this issue for a long time. c

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Church, Sarah

From: cindy cromer [3cinslc@live.com]
Sent: Wednesday, July 16, 2008 9:19 AM
To: Church, Sarah; Jardine, Janice
Cc: grace sperry; Jodi (SLC) Bangerter; joel briscoe; loggins merrill; lori gutierrez; Tom Mutter; melinda main
Subject: FW: parking lots in residential districts
Follow Up Flag: Follow up
Flag Status: Red

Sarah and Janice-I just stumbled across my remarks from the first public hearing on the parking ordinance. Apparently, I didn't turn them in as text. So, here they are based on my notes for the public record. cindy

From: 3cinslc@live.com
Subject: parking lots in residential districts
Date: Wed, 7 May 2008 09:01:50 -0600

Comment on the proposed changes to the parking ordinance: May 6, 2008
(based on notes, not delivered as text)

I own a nonconforming business property. I call it "the little building that could." Under the old ordinance, prior to 1995, the City allowed parking lots in residential zones. The result was the demolition of housing. In one night in the spring of 1988, the Planning Commission approved 3 petitions for parking lots in residential zones.

The protection for housing is inadequate. We do not have any standards for the approval of conditional uses. We have no way to say "no," thanks to LUDMA. This proposal does not even include housing mitigation.

A parking lot is one of the most permanent of land uses. I would rank a parking lot as only slightly less permanent than a cemetery.

You are without question taking the best sites for infill housing out of consideration. In doing so, you will put more pressure on existing housing and make it more likely that existing and more affordable housing will be demolished.

If you doubt the damage this ordinance will do to our housing, I invite you on a tour of the Bryant neighborhood. It has the highest concentration of nonconforming uses in the City. We have 22 nonconforming medical clinics. That's just the medical clinics.

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July 1, 2008

Mayor Ralph Becker
Members, Salt Lake City Council
Mr. Frank Gray, Director, Community and Economic Development

Re: Proposed Ordinance Amendments – Land Use and Parking

We are opposed to the proposed zoning ordinance amendment that would revise applicable land use definitions, decrease the number of off-street parking stalls currently required for businesses and allow options for expanded shared parking opportunities. Specifically, we are opposed to lowering or eliminating the required off-street parking ratios in CN zones that abut single-family residential zones.

Smart Growth parking best practices is a growing trend around the country, and it is only right that Salt Lake City follow suit. However, it should be noted that changing local zoning ordinances to more accurately reflect *local parking demand and circumstances* is only *one* step in effectively meeting the goal of reducing car trips. Reduced parking requirements are dependent on several additional factors including a project's proximity to transit, surrounding land uses, demographics of prospective users, implementation of transportation demand management programs, payment of fees in lieu of parking, parking maximums, area-wide parking caps, and shared parking solutions. As long as free and close parking is still available on the adjacent residential streets, car trips aren't going to be reduced. Additionally, soft "incentives" such as pedestrian benches, stroller parking and bicycle racks placed in front of businesses isn't going to reduce car trips. Parking is already at a premium in our neighborhoods; giving free curbside parking to visitors while reducing on-site parking isn't going to manage the problem and will only invite more congestion and traffic.

Parking demand in the Yalecrest CN zone already exceeds on-site supply and spillover into the adjacent residential neighborhood is a daily occurrence. Given the existing conditions it shouldn't be surprising that we oppose the parking supply management strategy *as proposed*. We are not a high-density neighborhood, we are not mixed use and we are not near adequate public transportation. But our CN zone has expanded with destination business that has brought increased traffic to the neighborhood. Considering the time and money that we've put into our homes, it's certainly reasonable to fear that with the proposed ordinance change, our neighborhood will become even more flooded by spillover parking with even more cars bringing more traffic and congestion onto our residential streets. The notion that "costs" to adjacent residents due to a successful business are justified is unacceptable. The city should instead engage in a dialogue that will lead to broader implementation of "win-win" parking solutions, enhancing the attractiveness, convenience, and quality of life in communities across the city. If the city

would like to reduce or remove on-site parking requirements to increase flexibility for businesses, they must also address resident's concerns.

The enthusiasm expressed by the business community towards the proposed amendment is obvious. Business owners and developers can build a bigger building on a smaller lot with minimal on-site parking since parking will still be provided for them on public streets. Residents close to CN zones should rightfully expect some protection from the growing problem experienced by spillover parking. In addition to a shared parking solution, which incidentally could have been implemented in the Yalecrest CN zone long ago, the city should also implement residential parking benefit districts. An expanded residential permit program should be created to accommodate residential areas adjacent to CN zones since the current program is targeted to large trip generators such as the University. (Salt Lake City requires that 70 percent of the cars on the street be from outside the area. Numerous cities - Seattle, Portland, and Arlington, Virginia for example - require only 25 percent of the cars be from outside the area.) The city should then charge non-residents to park in unused resident spaces and invest some of the revenue in neighborhood and city improvement projects.

Before the City Council adopts the proposed changes to the zoning ordinance, they must further revise the proposed changes to protect the interests of the residents as well as the businesses. The very intention of Salt Lake's CN zone is "to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact on residential uses". This codified CN zone ordinance should be upheld and we are opposed to the proposed changes that are in direct conflict with its intention and purpose.

Sincerely,





Auto Service

Quality Price

QUALITY SERVICE NEW/REPAIRS
WASH/WAXING OIL CHANGES
TIRE ROTATIONS

1715
1710
1705
1695



June 26, 2008

To Whom It May Concerned:

We the undersigned, all of whom own small businesses and represent small business organizations, endorse the modification of parking standards proposed by the city as described to us in a meeting on June 26th. The proposal begins with a 2 spaces/1,000 sq. ft. requirement for businesses in CB and CN zones and allows progressive exemptions from that requirement if businesses (1) provide pedestrian friendly amenities, (2) limit the time allowed for on-street parking, or (3) provide angled parking.

Many of us have wanted for years to work with the city in a spirit of cooperation and feel that this proposal is an opportunity to do just that. We fully support both the proposal itself and the impulse behind it since it evidences a wish on the city's part to work in a progressive way with both businesses and residents. As business owners, we feel the proposal allows us room to grow while at the same time addressing residential impact by (1) encouraging foot traffic, (2) providing more parking spaces near the businesses and (3) making maximum use of those spaces already in use near businesses.

We are grateful to the Salt Lake City Council, to the Department of Community and Economic Development, and to the Mayor's office for their interest in creating a vibrant city full of walkable neighborhoods and thriving independent businesses. Such progressive legislation as this proposal promises to be will have huge positive economic impact on Salt Lake City—impact that will help the city provide the services necessary to all of us.

Sincerely,

Betsy Burton,
Chair, Local First Utah
Co-founder, Vest Pocket Business Alliance,
Owner, The King's English Bookshop