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August 1, 2021

TO: Amy Thompson

FROM: Judi Short, Vice Chair and Land Use Chair

Sugar House Community Council

RE: Petition PINPCM2019-00611 2166 South 900 East

We received an application for a text amendment that would impact the FB-SE Zoning district citywide. The FB-SE zone currently limits commercial or nonresidential uses to the first two stories and a height of 30'. The proposed amendment would allow for rooftop commercial or nonresidential uses above the two story limitation. We knew this was coming, because the bar has effectively already been built.

We advertised this in our SHCC newsletter, and flyered porches that were adjacent to a FB-SE property. We have received numerous comments, and they are attached.

In general, if you read the comments, folks think this is overly broad. The proposal we received came with a list of allowed uses in this zone. Here are the questions:

- Would this mean that any of those uses could be allowed on the roof? Like a child day care center?
- Is the roof by definition open air?
- What about accessible, does this mean every building that wants a rooftop use would need to put in an elevator?
- A large number of the negative comments have to do with noise. We think that there needs to be standards written into the text that specify what sort of sound deadening devices would be allowed. We are keenly aware that Salt Lake County does a terribly job of enforcing violations of the sound ordinance. How would sound emanating from these facilities be controlled?
- How tall they could be.
- Does this mean a building could be 28' tall with a 10 foot tall deck? Or would it have to be two floors of 10' plus the deck on top for a not to be exceeded height of 30"?
- What about amplified sound, would it be allowed? How could it be contained to the property and not spill over into the neighborhood?
- Would the owner be responsible to see that customers are civil to patrons and neighbors?

We would like to see the staff report contain many comments from people who didn't respond through the SHCC website. Those that live adjacent to one of these B-SE parcels, to see what they have to say.

Our recommendation is that this draft text amendment be rewritten for clarity, so that all these things are spelled out. And then, if you feel you must approve it, make it a conditional use. Put some qualifiers in, like parcels on a state road or something that might limit where these go. Or not adjacent to a single family home. Say that it must include sound barriers, specify hours of operation like maybe not open after 10 p.m. on school nights. This process absolutely needs the feedback of property owners adjacent to a lot that has such a proposal before the city, no over the counter permits will be satisfactory.

We think these can be nice amenities to our community, and add to the ambiance. But I guarantee you that someone buying a home next to a FB-SE parcel is probably clueless, and won't think to go to the zoning code to see the ramifications, so this needs to be a conditional use, so they are notified when something isi proposed. We are sorry that this requires more staff time, but it makes Salt Lake city a more pleasant place to live, when the neighbors feel their opinions matter, and are taken into consideration. Thank you.

Sugar House Community Council

www.sugarhousecouncil.org

Sugar House Community Council

Comments FB-SE Text Amendment

From: Arnold Bayer Klemens <2636 S HIGHLAND DR>

Subject:Roftop Use in the FB-SE Zone

What kinds of activities would be placed here? Would the noises from such activites disturb or impact the local homeowners? If so, this does not seem like a good idea.

From: Rene HENRICUS A SMINK <rsmink@hotmail.com><550 S 400 E>

Subject:Roftop Use in the FB-SE Zone

Yes please, This city needs rooftop terraces, not only in Sugarhouse but also downtown.

In Favor

1921 East Downington Ave>

Subject:Roftop Use in the FB-SE Zone

Safety and noise control are my two biggest concerns here. As these zones border residential areas, and most of these residential buildings are below 30 feet, sound would definitely carry to the homes. There might also be safety concerns for passerbys if items fall from these higher commercial areas.

From: Tyler Garzo cessing@sondroyo.com<Pre>refer not to provide

Subject:Roftop Use in the FB-SE Zone

This seems like a change appropriate only for the property in question, and not for the entire FB-SE zone as Salt Lake does not have appropriate capabilities for noise enforcement. I am interested in joining the meeting.

From: Christopher Sanchez < CMSAN7575@YAHOO.COM><1252 driggs ave>

Subject:Roftop Use in the FB-SE Zone

I would be for this if there was a hours of operation limit, could only be open certain hours and abide by nighttime noise ordinances. The reasons are is that these are in a mix used neighborhood. I feel noise levels and activity at night would be too much for the neighborhood.

From: Patrick DePaulis pdepaulis@me.com <1335 Westminster Ave>

From: George Venturino <george.venturino@gmail.com><2480 Highland Dr. Salt Lake City UT.> Subject:Roftop Use in the FB-SE Zone

I think if an establishment want to serve cocktails on their roof, that should be fine as long as it doesn't infringe on the privacy of the neighbors.

What concerns me more is the prospect of UTA tearing down my house on Highland Dr. to make way for an unnecessary street car line. Please let us know when you're going to address that. Thank you,

From: Julie Adams-Chatterley < jadamschatterley@gmail.com > < 1150 Ramona Ave, SLC 84105 > Subject:Roftop Use in the FB-SE Zone

How will these additional structures become ADA compliant? How often will construction be monitored and will there be continual monitoring after the structures have been built?

to me

From: Molly Jones <mollydooleyjones@gmail.com><2285 Hannibal st>

Subject:Roftop Use in the FB-SE Zone

I support allowing this change. Rooftops are an excellent way to add value to properties and businesses.

Unknown

I do think we need a bar on every roof along with grass and trees as the city and developers refuse to put in wide sidewalks, side walk cafes and bars or make our streets livable. We might as well move to the roof but demand they plant trees for shade and carbon sink! Then we would not have people parking in front of us or cruising the street or delivering amazon packages, all with polluting exhaust while we try to talk and sip our drink. I would approve the zoning change if we had to have at least one every block. Roof top pubs and sunset over the Great Salt Lake. Bravo. Salt Lake could be a leader!

From: George Chapman <<u>gechapman2@gmail.com</u>><1186S 1100E> Subject:Roftop Use in the FB-SE Zone Against it due to complaints about noise at a smaller rooftop bar next door

From: Steven Gottfredson <<u>gottfredson@gmail.com</u>><2120 Country Club Dr> Subject:Roftop Use in the FB-SE Zone Can you please provide examples of commercial rooftop uses? Are we talking solar panels? To me this proposal is written very cryptically. I don't believe the typical person understands what the impact is.

From: Lindsey Heinig < lindsey.heinig@gmail.com><2000 S Lake St> Subject:Roftop Use in the FB-SE Zone

As a homeowner next to a large parcel that would be effected by this I am opposed as it is written. The option of additional outdoor use that could infringe on privacy/ noise levels is not appropriate. Stipulations that barriers be built to lower noise/visuals on existing residential areas would be sufficient or granting a single use permit for this rooftop. Not changing the zoning on the whole area.

From: Tamara M Wright <1996 S Lake St> Subject:Roftop Use in the FB-SE Zone"><1996 S Lake St>

As an individual that lives in a residential neighborhood that will be directly affected by this I am against this due to privacy concerns, traffic concerns, blocking views, many things that will come with this. Also traffic is being impacted by all the high rise apartments as it is and that is a concern. In a recent meeting a few months back that I attended where the developer discussed their new buildings that were going to be where the 24 hour fitness and old liquor store were, someone asked (in a message as no one is allowed to directly speak in these Zoom meetings, hopefully we will get to in person meetings so people aren't censored like that anymore) about if a traffic study had been done. The developer answered that they were "working on this". This was after they blue prints had been drawn up and the development was happening, so regardless of the outcome traffic would be affected regardless of what the report says. I think Covid-19 and Zoom meetings have limited the amount of what residents can say and I would like for us to go back to in person meetings once again, so that I don't feel like those of us that oppose a lot of things going on can actually voice us, rather than have us muted online to not have a voice. I feel like this has been a time for the council here and other government bodies to do whatever they want and not have to answer to anyone due to the fact we have had limited communications available to us to say anything.

Wed, Jun 16, 3:52 PM (1 day ago)

From: Lucy Houser <houserlc@yahoo.com><1982 South 800 East, SLC 84105>

Subject:Roftop Use in the FB-SE Zone

I am generally in favor of the proposed change

From: Patty Wells patty.wells@gmail.com<<1025 E Garfield Ave>

Subject:Roftop Use in the FB-SE Zone

This is too wide a change. We could end up with noisy bars competing with each other and all of them too close to family homes. Please don't grant this change.

From: Mattie Casey <mcasey13mt@gmail.com><1995 S Lake Street>

Subject:Roftop Use in the FB-SE Zone

I oppose this amendment as a homeowner directly next to buildings in the FB-SE zone. This will reduce privacy, increase noise, and increase traffic flow through our neighborhood. Our street already sees a significant number of vehicles that speed down to avoid the light at the 700E/2100S intersection only to encounter the dead end and speed back. The speed limit is never enforced and frequently cars catch air on the dip at the end of the block. This has been so forceful that one car knocked into the street light in front of our neighbors house. An amendment allowing rooftop uses will only be detrimental to this residential area and make it even more dangerous for pedestrians, cyclists, pets, wildlife and children.

From: Logan Horne < loganhorne 13@gmail.com >< 1995 s Lake St>

Subject:Roftop Use in the FB-SE Zone

As a local homeowner in the near vicinity, I oppose the proposal. I am most concerned about the increasing noise and traffic that this zoning change could cause. People already speed down our street, and we enjoy the small-town feel where dogs and children can play without fences with less fear of being hit by a car.

I am an enthusiastic supporter of local business, and I would gladly support a rooftop bar if the zoning change was limited to that building only!

Thank you for the opportunity to weigh in!

From: Lynn Schwarz < lsbx101@gmail.com> < 2023 East Crystal Ave, SLC 84104> Subject: Roftop Use in the FB-SE Zone

I am against this change in the FB-SE zoning. This is another example of what is, essentially, spot zoning by one developer to get what he wants for one project. There is no crying need or groundswell of yearning for this type of zoning change. This is one developer trying to get one project done after being denied during the usual process.

I am very concerned about the noise that will drift over to neighboring residences, especially when it is windy..Under no circumstances should amplified sound, whether from music or tvs broadcasting sports, be allowed and this prohibition must be included in any zoning code change. I assume that some type of screening structure will be necessary to keep away the bugs attracted by the lights in the summer. This will necessitate an at least 8 foot high screening structure, increasing the height of the roof top use, eventually becoming permanent.

While this may seem a relatively innocuous change, and not affect much of SLC, I am aware that SLC is in love with FB Zoning and would like to see much of SLC with this type of zoning. This could eventually be in effect in almost all of SLC.

Do not approve this change.

From: Troy Bowcutt < just.bowcutt@gmial.com >< 1946 S 900 E>

Subject:Roftop Use in the FB-SE Zone

I support the change, as I believe it will allow an increased diversity of use for business in the area. Providing more open air dining and gathering spots without crowding on to pedestrian areas, bike paths and parking.

Wed, Jun 16, 6:47 PM (4 days ago)

From: Shelley Reynolds <shelleyutah@yahoo.com><653 Wilson Avenue>

Subject:Roftop Use in the FB-SE Zone

I'd like to engage in this process being a long-time resident of the area.

Melissa Clyn via server.aqusagtechnologies.com

Wed, Jun 16, 7:43 PM (4 days ago)

From: Melissa Clyne <melclyne@gmail.com><1760 e Hollywood Ave>

From: Steven Parkin < <3011 South 700 East>

Subject:Roftop Use in the FB-SE Zone

I want this Rezone Request to be accepted; and then become an ideal example of rooftop commerce. If it advances, I will be among the citizenry that observe it over the coming months. Key points are; (1) customer noise levels, especially after sunset, (2) customer S-Line transit use rate, and (3) customer civility and interface with nearby businesses and residences.

Please represent me on these points if I miss the Zoom meeting.

Wed, Jun 16, 10:21 PM (4 days ago)

From: Anna Boller < <u>ANNABOLLER@WATERFORDSCHOOL.ORG</u> >< 1011 E. Hollywood Ave> Subject:Roftop Use in the FB-SE Zone

As a 28 year tax paying home owner and small business owner in Sugarhouse, I strongly oppose PLNPCM2021-00431 a Text Amendment to allow Rooftop Commercial Uses in the FB-SE Zone. (LIGHT BLUE).

Noise pollutions has already has increased to much objection in our zip code and needs amendments to DECREASE this rather than increase it. Increased noise from more bars, more drunken pedietrians, more parking and traffic, all impact negatively impact our neighborhood.

Sustainable development of the Sugarhouse area requires THOUGHTFUL PLANNING, not just planning that follows the business biased development..

We are already in DEMAND THAT EXCEEDS SUPPLY demand for every possible business, high rise, apartment, and other business development. It is TIME TO STOP THE FLOW AND STOP ALLOWING EXTRA PRIVALIDGES AND REQUIRING MORE COMMUNITY BASED INVESTMENT FROM ALL FUTURE BUILDERS!

Please, take a renewed look and the long term consequences of poor planning of all the development in this area. We need more community gathering spaces in front of any new building - not new burdens of NOISE POLLUTION.

Sincerely,
Anna Boller
drannaboller@bollerpsychologicalservices.com
801-661-1992

From: Barbara Boller < ANNABOLLER@WATERFORDSCHOOL.ORG >< 10o5 E. Hollywood Ave > Subject:Roftop Use in the FB-SE Zone

I strongly oppose PLNPCM2021-00431 a Text Amendment to allow Rooftop Commercial Uses in the FB-SE Zone. (LIGHT BLUE on city map).

I have owned a house on Hollywood Ave for 25 years. As a former resident of Arlington, Virginia, I have lived the consequences of unplanned growth in our downtown, which historically was very similar to Sugarhouse. High rises without adequate public gathering spaces and expanded side walks, high noise levels due to traffic and roof allowances, and all the other impacts of growth without consideration of long term healthy community quality of life aspects, turned that area into an unlivable area for all residents that have given up their homes to businesses and developments. These are significant populations that are part of the fabric of the desireability of the Sugarhouse Area. Our diversity of families, retirees, young couples, and diversity in all areas are part of our health and appeal.

Please, look at national studies of sustainable growth. Noise pollution has a significant impact on wellness and the health of communities.

Sincerely, Barbara Boller 1005 East Hollywood Ave. SLC, Utah 84105

From: Sarah L Woolsey < commsarahw@gmail.com"><1027 E Hollywood Ave , SLC UT 84105> Subject:Roftop Use in the FB-SE Zone">commsarahw@gmail.com>

I am OPPOSED to this change for 1 business owner. Please change it for his block only if his neighbors approve. We are faced with long standing sensory abuse from the commercial businesses like clubs that are in our area. I am not in favor of more opportunties to have late night noise in Sugarhouse. We are a mixed use area. We need to design as if we are mixed use. Open air bars are NOT needed. Closed bars are fine. Sound carries. I live far away and noise from these areas will affect us. Locations that are > 1 block away are heard in our bedroom and they are enclosed. The city does not enforce sound code, so I have no hope that this will be regulated whatsoever,

From: Jeff Laver <<u>cjefflaver@gmail.com</u>><1957 S 900 E>

Subject:Roftop Use in the FB-SE Zone

A rooftop bar or restaurant would produce too much noise. The music would destroy any tranquility within a two or three block radius

From: Thea Brannon < theabrannon@yahoo.com >< 1768 E Wilson > Subject: Rofton Use in the FR-SE Zone

Subject:Roftop Use in the FB-SE Zone

I believe this request should be categorically denied. Any such use would need to be approved as an exception to zoning rules as they stand. The residential areas abutting proposed rooftop uses would be adversely impacted. A rooftop bar would generate an incredible amount of noise disturbance to the adjoining neighborhood homes.

From: Shaunelle Eckman < sulrij@hotmail.com> < 1999 S Lake Street>

Subject:Roftop Use in the FB-SE Zone

We as residents are extremely frustrated with the density and overcrowding being foisted upon us. We do not have the infrastructure, amenities, water and streets to maintain this type of growth in our small sector of the city. As it is, we have to drive 2 miles out of our way to purchase groceries, due to the over-crowding at our closest grocery store. Our properties are already encroached upon by surrounding businesses and traffic, which includes our street being used as a shortcut to avoid traffic on 7th East. Speed limits are not obeyed, nor enforced and will surely increase as the population density increases. We have several families with small children and the traffic is a danger to them and animals domestic and wild. As it is, due to the aforementioned problems, we have little privacy, noise pollution from the surrounding streets and businesses, as well as light pollution from surrounding businesses. This is greatly affecting our well-being. Our neighborhood is pushed to it's limits with car traffic, foot traffic, crime, noise and adding anymore is just unfair to we as homeowners and citizens.

From: george chapman < gechapman2@gmail.com >

Sent: Monday, June 21, 2021 9:17 PM

To: Judi Short <<u>judi.short@gmail.com</u>>; Thompson, Amy <<u>Amy.Thompson@slcgov.com</u>> **Cc:** Sugar House <<u>Minnesotaute76@gmail.com</u>>; Norris, Nick <<u>Nick.Norris@slcgov.com</u>>

Subject: (EXTERNAL) Comments on rooftop (bar) FB text amendment

I am against the text amendment since it creates a beautiful and extremely popular use without mitigating the negative impacts on adjacent properties, specifically parking, privacy and noise.

The parking on FB zones/Transit Zones is scheduled to go to almost nothing but a rooftop restaurant will be so popular that it will require much more on site parking. Adjacent single family home nighbors will lose parking for their visitors and adjacent commercial properties will be claiming the same on street parking that this building will claim.

The adjacent property north of 2166S 900E does have parking issues. Many customers use the Smiths lot (I watch them cross the street) and many park in front of the fire hydrant on the street. That is proof that there is not enough parking now.

The 900E project is proposing a pedestrian island in front of 2166S which requires removing parking on the 2166S westside. Even without the island (which interferes /stops truck left hand turns), there should not be parking near the crosswalk for visibility reasons.

A rooftop restaurant should have a setback from the edge due to the building actually taking up the sidewalk (City sold it to developer) and a rooftop open area could threaten the adjacent sidewalk pedestrians literally below. A setback from the front would also be a safety issue.

ADA requirements require an elevator.

This City keeps approving almost all conditional use applications, most recently with ADUs which is one reason why the ADU ordinance is being changed. Conditional use is not a solution. It is a problem.

This City prefers Citywide zoning, not one property at a time. The Form Based zoning, although developed for transit stations, is being allowed for areas and projects well away from transit stations so this text amendment could be used Citywide. Cleveland Court and Georgia Apartments were approved by the Planning Commission. The idea of rooftop restaurants and bars are too popular to refuse and the City should stand their ground and say no next to residences now. Or the City Council will have a big fight every week to stop rooftop restaurants and bars.

The main meeting for this project, which occurred when nearby residents heard that a rooftop bar or restaurant would be possible, clearly resulted in almost 90% against it due to potential noise and privacy concerns, and parking impacts.

I urge the SHCC and all communities in SLC to fight against this text amendment. This will be worse than the Brew Ha Ha project which suggested 6 on site parking spots for 155 potential restaurant seatings. The other parts of the building already need all of the on site parking. In fact it doesn't seem enough. A rooftop restaurant could/should easily double parking requirements.

George Chapman 1186 S 1100 E, SLC 8018677071

From: Meaghan Kelliher < kelliher.meaghan@gmail.com >< 1915 S 1300 E> Subject:Roftop Use in the FB-SE Zone

Just wanted to send in a quick comment to support this proposed change! I would love Sugarhouse to have more available rooftop bars and dining. After just returning from a visit to Chicago, where rooftop bars/dining is very popular, I can absolutely see how this would add to the character of our city.

Hi Judi, sorry, I was a bit late to the meeting, so not sure what I missed, however I was there when Soren expressed the idea that there needed to be something to address handicapped individuals access to the rooftop cafe/ bar. To not make that an expensive requirement/addition, Town Club installed an exterior lift for those members who were not able to use the stairs to the second floor. Admittedly that is not a popular alternative for some, but it does provide handicap access. This particular applicant's location does not appear to be in much of a residential neighborhood since there are also other eateries /businesses there; however if other applicants opt for rooftop dining, there should be noise reduction rules that would not negatively affect residents. Then, of course, there is as always the parking issue....Will we ever be able to solve that one?

From: Rebecca W Davis <<u>rdavis2655@gmail.com</u>><1564 E Blaine Ave. SLC 84105> Subject:Roftop Use in the FB-SE Zone

I am opposed to the proposal submitted for a text amendment that would impact the FBSE zoning district citywide to accommodate rooftop restaurant. seating above the first two stories of a proposed restaurant in Sugarhouse. This would have a negative impact on the residential areas that surround commercial properties in these FBSE zoned neighborhoods. There would be noise and privacy issues in residential neighborhoods close to the commercial properties in the zone. Rooftop restaurants belong in commercial areas that are not surrounded by residential areas. The city could look at this from a city-wide perspective rather than have this zoning change request for one property impact all commercial properties in this zoning district throughout the city.

to me, Amy, Landon, nick

I am against the text amendment since it creates a beautiful and extremely popular use without mitigating the negative impacts on adjacent properties, specifically parking, privacy and noise.

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I urge the SHCC and all communities in SLC to fight against this text amendment. This will be worse than the Brew Ha Ha project which suggested 6 on site parking spots for 155 potential restaurant seatings. The other parts of the building already need all of the on site parking. In fact it doesn't seem enough. A rooftop restaurant could/should easily double parking requirements. George Chapman 1186 S 1100 E, SLC 8018677071

Good afternoon Amy,

Regarding the zoning text amendment for FB-SE Commercial Rooftop Uses:

I do not support this zoning text amendment. The property in question has been zoned incorrectly as it has substantial setbacks from residential property and as well as commercial neighbors on a busy street. Trying to modify all of FB-SE because it is "easier" is inappropriate. FB-SE does not need 3rd floor rooftop restaurants/bars projecting the sound and music of drunk millenials until SLC has more aggressive noise ordinance enforcement.

Alternatively, revise FB-SE to allow ANY rooftop commercial uses only as a conditional use. Include 2nd story rooftop commercial in this conditional use group. Basically, make the zoning a little more restrictive as a sort of compromise for the people who live here. Masonry walls shielding rooftop spaces from any residential single family properties and a setback that is double the footprint of the roof seem like reasonable sound mitigation.

Thank you, Tyler Garzo 520 E Wilmington Ave

Dear Mr. Guymon:

My name is Ben Raskin and I'm a candidate for Salt Lake City Council District 7. I participated in last night's Sugar House Community Council transportation subcommittee meeting and wanted to share a couple of thoughts regarding the rezoning of the property on 2166 South 900 East.

I support the rezoning for the rooftop bar. Not only would it be good to have an additional restaurant in the community, esthetically, I think it's been a successful remodel. I'm looking forward to touring the building today at 6:00 p.m. and seeing the potential the property might have. As a former bartender (20+ years), I'm curious to see if the building has the bones to be one of the new hot spots in town.

In addition, I walked my dog around the building this morning and agree that sound should not be a problem. If residents are not worried about the noise from Trolley Wing Company's upstairs patio, this building should not present too much additional noise in the area. And frankly, I like the idea of the building being occupied with a staff to take care of the surrounding area. There is human waste and urine on the outside of the building plus trash blown into the nooks. I'm confident whoever occupies the building would put a stop to that immediately—or at least go hose it off.

As I mentioned last night in the chat, my concern is the licensing of the business. I paced off the distance from the abandoned tennis courts on Sugarmont and 900 East and it's pretty close to the 300 feet. I am making the renovation of the Boys & Girls Club a priority for my campaign. The state has some pretty whacky liquor laws, and I would encourage you to find out if potential tenants are able to get a restaurant/club license. In addition, the thoroughfare of S-Line can be considered a park and it would be unfortunate if the city voted on the rezone and the state says no to being able to serve alcohol.

The renovation to the building is the kind of development I fully support. I like investors saving and improving buildings in the community. The preserve first/raze second method is preferable to some other development in the community. I still think of the Este Pizza building as the old Russian restaurant when I first moved to town 22 years ago. Feel free to contact me at 801-918-7440 if you have any follow up questions.

Best wishes, Ben Raskin