

Alcohol Normalization Ordinance Neighborhood Discussion Groups Report¹

As a permitted use under land-use code, alcohol establishments are required to conform to City and State Code and are not subject to the conditional use process as outlined in Chapter 21A.54 of the Salt Lake City Code. However, in zones where an alcohol related use is conditional, establishments are subject to the conditional use process outlined in Chapter 21A.54 of the Salt Lake City Code. Below are concerns, thoughts, and ideas expressed by participants during several discussion groups held regarding the alcohol normalization proposal. **The purpose of these meetings was not to reach a consensus on the issue. It was to discuss the proposal and catalogue the issues and concerns that the community had regarding the proposal so that The City could address the community’s concerns before the formal public hearings.** The comments noted are a summary of what facilitators heard from participants; they do not represent consensus or agreement, nor are the comments weighted or prioritized.

Issue	Comments from Neighborhood Discussion Groups	Salt Lake City Response
Buffer zone	<ul style="list-style-type: none"> • A buffer should be put in place between the establishment and residential areas. • If 200 feet is too close to a church or school, it is too close to a residence. 	<p>If the establishment is located in a zone where an alcohol establishment is a conditional use, the proposed subsection 21.A.36.200(D)(1)(iii) "Require[s] buffering where a tavern, social club, brewpub, or microbrewery abuts a residentially zoned parcel."</p>
Noise	<ul style="list-style-type: none"> • We don’t want to hear what is going on inside. • No outside music • Need noise abatement • Some residents by current establishments experience “shaking” because the noise is so loud at the establishment 	<p>All establishments are subject to noise regulations as outlined in Chapter 9.28 of the Salt Lake City Code and Regulation #21 of the Salt Lake Valley Health Department. Under current law, the decibel level at the property line has to generally fall between 50 and 60 decibels depending on the zones of the surrounding property and time of day.</p> <p>The discussion groups revealed a need on behalf of Salt Lake City to reassess its noise ordinances, regulations, and enforcement mechanisms. The Administration has committed to conducting this process.</p>

¹ This report contains all the issues raised in the eight Neighborhood Discussion Groups that Salt Lake City hosted. These eight groups were held between September 18th and November 24th of 2009. This report does not reflect changes made to the proposed ordinance after November 24, 2009. Please refer to the Proposed Text Amendment Relating to Alcohol Regulations FAQ dated January 6, 2010 for information regarding how the proposed text amendment has changed. For a complete list of Neighborhood Discussion Groups please refer to the end of this document.

<p>Lighting</p>	<ul style="list-style-type: none"> • Limit neon signs • Don't disturb the residences • Require enough to make it feel safe outside 	<p>As a permitted use, establishments must meet a minimum lighting safety standard. Bright lights must be aimed in a direction that will not cause a nuisance to the surrounding properties.</p> <p>As a conditional use, establishments must meet the same requirements as a permitted use. However, more restrictive requirements can be put in place.</p>
<p>Mitigate negative effects of outdoor smoking</p>	<ul style="list-style-type: none"> • We don't want second hand smoke blowing directly into adjacent residences (This concern was expressed in all of the discussion groups). • If people are required to be 25 feet away from a public building to smoke, they will be forced into residential areas to smoke. • Surrounding businesses don't like cigarette butts around their property. 	<p>As a permitted use, establishments must conform to state law which prohibits smoking inside a place of public access.</p> <p>For conditional uses, the proposal mitigates smoking the following ways: 1) the proposed subsection 21A.36.200(D)(1)(i)(f) states "Designation of a location for smoking tobacco outdoors in conformance with State law;" 2) Proposed Subsection 21A.3.200(D)(2)(iii) allows for "Consider[ation of] the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses, and buildings and designating a new area if the potential effects of the area in the security and operations plan appear to adversely affect neighboring residences, businesses, and buildings."</p>

<p>Security and Maintenance</p>	<ul style="list-style-type: none"> • Keep the property and surrounding area looking nice. • Maintain a pleasant smell • No early morning garbage pickup 	<p>Chapter 9.12 of the Salt Lake City Code requires property owners or lessees to keep the exterior of their property free from litter, as well as keeping the sidewalk and strips between the sidewalk and street free from litter. Additionally, section 9.36.040 prohibits “any brewery, distillery, tannery, livery stable, barn, laundry or factory of any kind, place or premises, to permit the same to become noisome, foul or offensive.”</p> <p>Alcohol establishments as a conditional use will have to conform with proposed subsection 21A.36.200(D)(1)(i) of the proposed ordinance which "Require[s] that a security and operations plan be prepared by the applicant and approved by the Salt Lake City Police Department and the Building Official, and filed with the City Recorder’s Office,"</p>
<p>Property Values</p>	<ul style="list-style-type: none"> • A neighborhood bar could negatively impact the immediate residential area. People may not be willing to invest in residential homes because of an undesirable location. • An alcohol establishment could be positive change in land use for the area 	<p>Current subsection 21A.54.080(B)(4)(a) of the Salt Lake City Code requires that “The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall: Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.”</p>

<p>Community Council Involvement</p>	<ul style="list-style-type: none"> • How is a community council notified that someone in their area is applying for an alcohol license etc.? • Community Council’s should have a say in what comes into their communities. 	<p>All residents of Salt Lake City can research building permits online using Accela. If the alcohol establishment requires a conditional use permit, the community councils will be notified pursuant to section 2.62 of the Salt Lake City Code.</p>
<p>Parking</p>	<ul style="list-style-type: none"> • The City should take an active leadership role in developing a city-wide parking discussion. • Parking impacts on neighborhood streets from commercial areas is a city-wide problem. • Residential neighborhoods should not shoulder the burden of parking 	<p>The discussion groups revealed a need on behalf of Salt Lake City to reassess its parking ordinances, regulations, and enforcement mechanisms. The Administration has committed to conducting this process.</p> <p>Additionally, the Planning Commission considers parking as it determines and establishment’s compatibility with the surrounding area(Salt Lake City Code subsection 21A.54.080(B)(2)). The proposal does not change this</p>
<p>Traffic</p>	<ul style="list-style-type: none"> • If a bar opens in the area with an occupancy of 100, potentially 100 cars could enter the neighborhood. This could cause problems in an area where parking is already at a premium. • It is one thing to live in an area adjacent to a commercial district where most traffic associated with the business is gone by 5 or 6 pm. It is another thing to continue to have high traffic in the area because of businesses that operate in the evenings. • We can tolerate daytime business traffic, it’s the nighttime business traffic we have a problem with. • There are some dangerous intersections on Foothill Drive. Adding these businesses could make the traffic in the area even 	<p>To determine use compatibility, the Planning Commission must consider the impact to traffic, and on and off-site parking, before granting a conditional use (Salt Lake City Code subsection 21A.54.080(B)(2)).</p>

	<p>worse.</p> <ul style="list-style-type: none"> • More pedestrians on Foothill Drive could be problematic because that road is already difficult for pedestrians to cross. • Traffic problems in the surrounding areas could worsen because drivers will use neighborhood streets to bypass the commercial areas. • Don't allow establishments to be built unless they are located on a major street. 	
<p>Increased enforcement</p>	<ul style="list-style-type: none"> • How can residents find out if a bar is complying with city code? • Enforcement is needed. Are these "neighborhood bars" enforceable? • Who is the enforcing agency? • Current enforcement does not work. • Who will enforce the laws? • "Police are not responding to neighborhood complaints." • If there are multiple violations, the establishment needs to be shut down • What resources does the city have to enforce the proposal? 	<p>Salt Lake City monitors the need for additional police in all of the City's neighborhoods. This will be assessed as part of the normal procedures and processes.</p>
<p>Re-licensing for violators</p>	<ul style="list-style-type: none"> • Re-licensing requirements should be stiffer for establishments that the police are called to frequently. • "Establishments should be shut down for frequent cop calls." • Revoke license for multiple violations. 	<p>City Staff is currently reviewing this issue.</p>

<p>Concentration of alcohol establishments</p>	<ul style="list-style-type: none"> • “Just because businesses are eligible doesn’t mean that they will set up shop, it simply won’t make sense in certain areas with such low drinking populations.” • “What’s wrong with what we have now?” • “Neighborhood bars” are driven in part by residential density. Not all neighborhoods are dense enough to support alcohol establishments. • Instead of opening neighborhoods up to alcohol establishments, liberalize the restrictions in downtown and make people go there to drink. • These changes go too far. If change is going to happen, limit it to a couple of zones and see how it works. • Opening up so many zones to alcohol establishments may spread out alcohol establishments so far that no “neighborhood bars” can exist. • Bars should only be in downtown. • There is a concern that one neighborhood might be able to lobby the City Council and cancel out other neighborhoods’ expansions and establishments. Can that happen? 	<p>As part of the proposal, Salt Lake City is seeking to develop a clear and direct policy that is easily understandable by the public and business community. It is believed by the Administration that the concentration of alcohol establishments in the neighborhood commercial nodes will be sufficiently regulated by the State licensing requirements, the availability and cost of land in the neighborhood areas, and as a function of supply and demand in the free market.</p>
<p>Zones where alcohol uses will be permitted or conditional</p>	<ul style="list-style-type: none"> • Some zones don’t make sense. There are single parcels surrounded by single family residences. Alcohol establishments don’t belong there. • Keep alcohol establishments in existing commercial nodes. 	<p>After receiving input from the neighborhood discussion groups, city staff is looking at all zones in the city to determine what zones alcohol related uses should be able to expand to.</p>

<p>Activities allowed in the alcohol establishment</p>	<ul style="list-style-type: none"> • No go-go girls • No all age clubs • Require the age limit be 21 	<p>State law prohibits anyone under the age of 21 from entering alcohol establishments.</p> <p>All establishments, whether they are conditional or permitted uses, are required to abide by state and city code with regards to the types of activities allowed.</p>
<p>Size and scale</p>	<ul style="list-style-type: none"> • The size and scale needs to be considered. Participants don't want the bar to become a "city bar." It needs to be a neighborhood bar. • Limit the height of the building so that views are unobstructed, and the character of the neighborhood is preserved • The building architecture should conform with existing the neighborhood style 	<p>According to current Salt Lake City code, subsection 21A.54.080(B)(3) the size and scale of a building must be compatible with the character of the area for a conditional use permit to be granted.</p>
<p>Vibrancy in neighborhoods</p>	<ul style="list-style-type: none"> • Vibrant businesses contribute to neighborhoods. • Businesses have the resources to manage impacts. • We want neighborhood business "nodes" that we can walk to. • The Red Butte Café is a good example of what these establishments should be like. • "Neighborhood bars" bring an undesirable element into the neighborhood and make it less inviting to pedestrian traffic. • It would be nice to have a neighborhood wine bar that residents can walk to on a warm summer evening 	<p>Neighborhood commercial hubs help foster a sense of community and allow services to be close to residents. By allowing alcohol establishments to expand, as conditional uses, into some neighborhood commercial zones, the city hopes to revitalize the areas while still maintaining the unique feel of each of Salt Lake City's diverse neighborhoods.</p>
<p>Community welfare and safety</p>	<ul style="list-style-type: none"> • There is a concern that patrons will be rude to residents. • We should encourage the use of alcohol. • "Neighborhood bars" might keep those who 	<p>Public safety is always a top priority. The Salt Lake City Police and Prosecutors Office take DUI issues very seriously. For the past several years, Salt Lake City Prosecutor Sim Gill has made DUI issues a</p>

	<p>drink off the road.</p> <ul style="list-style-type: none"> • Bars and Taverns bring an increase in crime. • Some neighborhoods already have a high number of establishments such as half-way houses and recovery centers in them that make residents feel uneasy. Adding an alcohol establishment in these areas will only add to feelings of uneasiness. • Some residents are concerned about the behavior of the patrons after they leave the establishment. They already wake up to alcohol bottles littered over their property, and have to deal with drunken individuals urinating on their house. They don't want anything that might increase the possibility of this behavior happening more often. • More garbage in the area will attract more rodents. • We don't want drunk drivers driving through the neighborhoods (mentioned in all neighborhood groups). • Fear of street fights. • Prostitution • Require a security presence. Some neighborhoods have a problem with "straight edgers." • It is not enough to have bouncers, because when people are kicked out of the bar, the problem goes to the streets. • Alcohol users have their rights too. They just need to be monitored. • People are driving to bars downtown and then driving home drunk. 	<p>priority and will continue to actively pursue enforcement.</p> <p>Chapter 9.12 of the Salt Lake City Code requires property owners or lessees to keep the exterior of their property free from litter, as well as keeping the sidewalk and strips between the sidewalk and street free from litter. Additionally, section 9.36.040 prohibits "any brewery, distillery, tannery, livery stable, barn, laundry or factory of any kind, place or premises, to permit the same to become noisome, foul or offensive."</p> <p>Proposed subsection 21A.36.200(D)(1)(i)(g) requires the security and maintenance plan have "a provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by 6 a.m. the following day, including and smoking and parking lot areas;"</p>
<p>Affect on businesses</p>	<ul style="list-style-type: none"> • The changes have the potential of drawing more businesses from out of state. 	<p>Businesses are an important part of neighborhoods. Salt Lake City has many programs to help both local, and out of state businesses grow</p>

	<ul style="list-style-type: none"> • These changes could encourage locally owned businesses to open, and help them be successful. • Eliminating the overlay map and putting all requirements in the zoning ordinance will simplify the process and reduce confusion. • Businesses spend money based on the zoning map, but lose it based on the alcohol overlay map. 	<p>and develop. The administration feels that the changes to business licensing and the land use code with regards to alcohol normalization will help foster economic development throughout the city.</p>
<p>The public process</p>	<ul style="list-style-type: none"> • The City was inconsiderate to area residents by scheduling discussion groups at the same time community council's monthly meeting. • There was a general appreciation that Salt Lake City was trying to simplify the city code in relation to alcohol related uses, as well as aligning city definitions with state definitions. • Community Council's should have been contacted earlier so they could put it on the agenda of their community council meeting. 	<p>As The City works to improve transparency within city government, we recognize that mistakes may happen. We appreciate the feedback that residents have given as we have tried to engage them in this extended public process. We will incorporate these suggestions as we work to improve citizen involvement in the public process.</p>
<p>Questions that need to be considered</p>	<ul style="list-style-type: none"> • How does a community council formulate conditions for a conditional use? • How does a community council report back to the City with its recommendations? • Why not keep an overlay map, but extend the overlay map into specific areas? • Instead of making sweeping changes to where alcohol establishments can go, make a small change, limited to a small number of zones and see how it works. 	<p>Participants of the discussion groups raised important questions regarding current city ordinances and proposed ordinance. The administration is considering each of these questions.</p>

	<ul style="list-style-type: none"> • Why are we changing so much? • Will these establishments serve the neighborhood or the population that commutes to and from SLC each day? • SLC is making a lot of changes right now to their land use code (conditional use process) can we wait to act on this until we know the consequences of the changes to the land use code? • Can we limit the changes to South Temple, 15th and 15th, 9th and 9th, and 13th East? • What is the difference between a permitted and conditional use? • Why are we concerned with Glendale? We need to be concerned with Marmalade and 9th and 9th. • Do alcohol establishments cause an increase in crime? Does the City have any statistics? 	
<p>Condition Summary: As part of the discussion group discussion, participants were asked what conditions, if any, Salt Lake City could place on alcohol establishments to make the participant more comfortable with the City moving forward with its proposal. Salt Lake City did not require or ask participants to direct their ideas towards a specific concern, although many of the conditions parallel the issues discussed by participants.</p>		
<p>Hours of operation (every group mentioned this).</p>	<p>According to current Salt Lake City code subsection 21A.54.080(B)(2) states that “Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property” Must be considered in granting a conditional use permit.</p>	
<p>Prohibit alcohol establishments from opening before 5 pm so that it is after kids are through walking home from school.</p>	<p>Limiting the hours of operation is allowed under Chapter 21A.54 of the Salt Lake City Code.</p>	
<p>No late night (after midnight) activities</p>	<p>Limiting the hours of operation is allowed under Chapter 21A.54 of the Salt Lake City Code.</p>	

No music outdoors	Proposed subsections 21A.36.200(D)(1)(i)(d and e)) requires that the security and maintenance plan prepared by the applicant include “a provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit”; as well as “Prohibiting electronically amplified sound in any exterior portion of the premises;”
Limited Delivery Hours	This condition is addressed in the current Chapter 21A.54 of the Salt Lake City Code
Building height requirements so that views are unobstructed	According to current Salt Lake City code, subsection 21A.54.080(B)(3) the size and scale of a building must be compatible with the character of the area for a conditional use permit to be granted.
No big dance clubs or “late night scenes”	Pursuant to Chapter 9.04 of the Salt Lake City Code, dancing is not allowed in alcohol establishments without a license.
Require a security presence	This would be part of the Security Plan that is required
Require a 200 foot distance requirement around parcels zoned for residential use	City Staff is considering under what conditions this might be appropriate.
Require establishments to be 2 city blocks away from a residence.	City Staff is considering under what conditions this might be appropriate.
Require sign standards that prohibit the placement of alcohol brand signs from hanging in the window	City Staff is considering under what conditions this might be appropriate.
Require design standards so the establishment fits with the existing character of the neighborhood	City Staff is considering under what conditions this might be appropriate.

Neighborhood Discussion Groups:

Downtown: September 18, 2009 and October 7, 2009

Sugar House/ 15th and 15th/ Emigration Market: October 8, 2009

9th and 9th: October 8, 2009

Foothill Drive and Parley’s Way: October 12, 2009

The Avenues and 1300 East: October 14, 2009

West Side: October 15, 2009

Capitol Hill: November 24, 2009