

DATE: June 8, 2006
TO: Salt Lake City Planning Commission
FROM: Everett L. Joyce, AICP
RE: STAFF REPORT FOR THE June 14, 2006 PLANNING COMMISSION MEETING

CASE#: 400-02-41 Zoning text and map amendment and master plan amendment

APPLICANT: Salt Lake City Planning Commission

PROJECT LOCATION: The Capitol Hill Protective Area Overlay District lies within the Capitol Hill and Avenues Communities. The general boundaries proposed are from Girard Avenue (550 North) to North Temple Street and from 200 West Street to “A” Street. (See Exhibit 1)

COUNCIL DISTRICT: District 3, Councilmember Jergensen

REQUESTED ACTION: Modify the existing Capitol Hill Protective Area Overlay District text to restrict height limits and modify the zoning map by expanding the western boundary of the overlay zone to 200 West and the southeast boundary to “A” Street. Amend the Capitol Hill Community Master Plan to accommodate the provisions of the compatible residential infill ordinance.

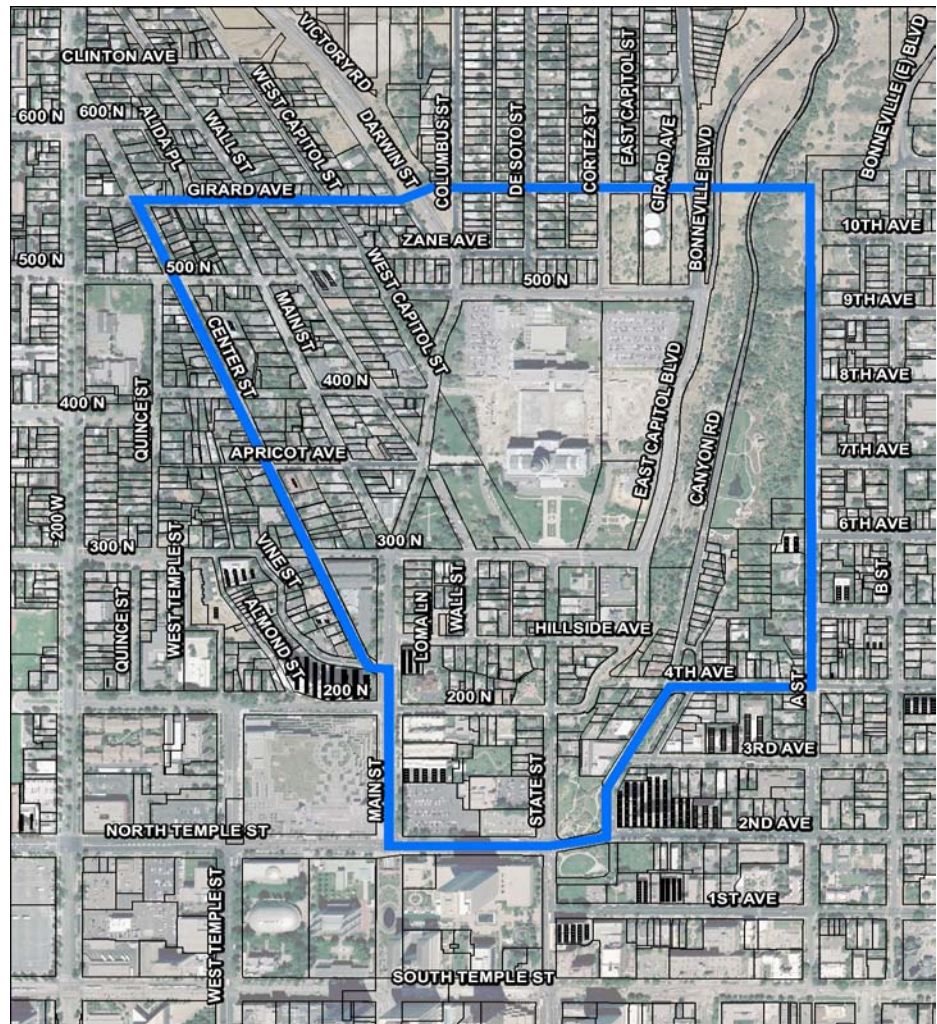
PROPOSED USE(S): The Capitol Hill Protective Area Overlay District restricts building heights and does not affect the types of land uses permitted within the base zoning districts.

APPLICABLE LAND USE REGULATIONS: 21A.50.050 Standards for general amendments.

MASTER PLAN SPECIFICATIONS: Capitol Hill Community Master Plan – Amendment to the Capitol Hill Protective Overlay District is a specific action item and implementation strategy of the Capitol Hill Community Master Plan. The Master Plan identifies establishing a 35 foot height maximum for all low-medium density residentially zoned properties with

a conditional use height allowance to 45 feet for existing medium-high density residential developments zoned Residential Multi-Family RMF-45 and RMF-75 in the Capitol Hill Protective Area Overlay District. The Master Plan also calls for expanding the district boundaries west and southeast. The intent of these policies is to help alleviate pressure on demolishing historic structures and to ensure that new structures are compatible with the historic district as well as protect the view of the Capitol.

Avenues Community Master Plan – The Avenues Community Master Plan does not contain specific policies relating to the Capitol Hill Protective Area Overlay District.



Existing Capitol Hill Protective Area Overlay Boundary

HISTORY

The City established the Capitol Hill Protective Area Overlay District in 1965 to limit height exceptions to the building height limits within underlying zoning districts in order to protect views to the State Capitol Building.

PROJECT DESCRIPTION:

The specific action proposed in the Capitol Hill Master Plan is to establish a 35 foot maximum height limit for all residentially zoned properties within the Capitol Hill Protective Area Overlay District unless the base zoning is more restrictive. Properties that are zoned Residential Multi-Family, RMF-45 and RMF-75 which have structures exceeding 35 feet in height can redevelop to a maximum of 45 feet in height through the conditional use process. These properties include:

- Zion Summit Condominiums (241 N Vine St.)
- Tara Condominiums (265 N Vine St.)
- Valli Hi Apartments (299 N Center St.)
- Kensington Apartments (180 N Main St.)
- Kimball Condominiums (150 N Main St.)
- Trevi Towers (245 N Vine St.)
- Capitol Hill Condominiums (87 W 300 N)
- Park Capitol Apartments (215 N Main St.)
- Deseret Apartments (158 N Main St.)

The Master Plan also calls for a 75 foot height limit in the UI zone unless the parcel is adjacent to a residential zoning district, in which the height limit is then limited to 50 feet.

The Capitol Hill Master Plan also proposes expansion of the Capitol Hill Protective Area Overlay District boundary west to 200 West Street and east to “A” Street.

Planning Staff proposes additional text modifications that establish exceptions for SR-1 and R-2 properties to exceed the base height limits if such height meets the compatible residential infill standards but does not exceed 35 feet. These exceptions are not listed in the Capitol Hill Community Master Plan and therefore, require amendment to the master plan.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

City Department Comments.

Transportation - The Transportation Division recognizes no undo impacts upon the transportation system by expanding the Capitol Hill Protective Area Overlay boundary and restricting height limits to a 35 foot maximum.

Public Utilities – The Salt Lake Public Utilities Department has identified that the Capitol Hill area has older infrastructure. As new development occurs, some areas will require upgrading of the existing water, sewer, and storm drainage systems. The proposed height restrictions will help alleviate the pressures that higher intensity development would place on the existing utility systems.

Fire Department – The Fire Department noted no objections to the proposed amendment. They would support approval of Petition 400-02-41.

Police Department – The Police Department states the proposed amendment would not have a significant impact on police services. Services are adequate at this time, but future needs are unknown. The Department is not sure that the amendment is a positive step. However, by limiting the height of future building projects there might be an effect on population density, which would minimize the burden on police services in the area.

Building Services Division – The Building Services and Licensing Division identified a concern regarding the tracking of the specific properties currently zoned Residential Multi-Family RMF-45 and RMF-75 as identified in the Capitol Hill Community Master Plan. A concern is the potential of overlooking the reduced height restriction for these properties, if there is not a tracking notation in the permit review system.

Public Services – The Public Services Department had no comments regarding the petition request.

Community Council Comments

Community Council(s) - The Capitol Hill Community Council reviewed the proposed text modifications at their May 19, 2006 meeting. The Capitol Hill Community Council voiced support of the proposed height limitations and boundary modifications.

The Greater Avenues Community Council previously deferred any decision on this petition to the Capitol Hill Community Council. Staff presented the proposed modifications to the Avenues Community Council on June 7, 2006 and they voiced support for proposed changes to modify the overlay text for consistency with the compatible residential infill ordinance.

ANALYSIS

Existing Zoning Text

The CHPA Capitol Hill Protective Area Overlay District prohibits the use of special provisions, special exceptions, conditional use, or incentives related to exceeding the maximum height allowed for the underlying zoning. Exceptions to exceed the base zone height limits are allowed for a church spire, tower or belfry, chimney, elevator bulkhead or a parapet wall or cornice. Exclusive of these exceptions, the building height limits are the base zoning height limit.

Proposed Text Changes

The basis for the proposed text changes are policy and implementation items within the Capitol Hill Community Master Plan and the recent adoption of residential compatible infill ordinances. The proposed text changes add a building height limit of 35 feet unless the base zone is more restrictive. The original building height exceptions are maintained along with the following additional exceptions:

- 1 Structures in the SR-1 and R-2 Zoning Districts may exceed the base zoning height where it is found the height meets the regulations of the compatible residential infill regulations or the H - Historic Preservation Overlay zoning standards and adopted design guidelines where applicable or thirty-five feet (35') whichever is more restrictive;
- 2 Existing structures in the RMF-45 and RMF-75 Zoning Districts that exceed thirty-five feet (35') in height, may redevelop to a maximum of forty-five feet (45') in height subject to the provisions of Section 21A.59, Conditional Building and Site Design Review;
3. On parcels in the UI - Urban Institutional Zoning District, the building height limit is seventy-five feet (75') unless the parcel is adjacent to a low density residential zoning district, in which case fifty feet (50') is the building height limit.

The boundary of the Capitol Hill Protective Overlay Area is expanded west to 200 West Street and east to A Street. (See Exhibit 1)

Impacts of the Proposed Text Changes

The proposed text changes create building height limits that are more restrictive than the base-zoning district. Properties with buildings that exceed the height limitations when voluntarily demolished must meet the new height limit restrictions of the Capitol Hill Protective Area Overlay District. However, existing structures that exceed the building height limitations may be rebuilt to the original building height if destroyed by fire or other natural calamity under the noncomplying structures ordinance (Section 21A.38).

Comments from the Building Services Division identified concerns regarding tracking of properties with height restrictions below the limits permitted within the base zoning district.

All properties within the Capitol Hill Protective Area Overlay District must be reviewed for consistency with the requirements of the overlay district. The City's parcel base map GIS system can identify parcels located within the overlay district. The parcel base map zoning information does not identify specific height limitations of the overlay district, but those existing parcels that exceed the height limit and are specifically identified in the Capitol Hill Master Plan can be flagged on the Permits Office computer system.

ZONING AMENDMENT FINDINGS

Section 21A.50.050 Standards for General Amendments.

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: The Capitol Hill Community Master Plan contains the following specific policy relating to the amendments to the Capitol Hill Protective Area Overlay District. (page 5)

Development Pressure High Density Residential

Because of its proximity to the Central Business District, the Kimball Neighborhood has developed as a higher density residential neighborhood. The neighborhood contains both historic and modern high-density apartment buildings. Most of the modern structures are not compatible with the historic character of the neighborhood in terms of height and architecture. Although there is little vacant land in the neighborhood, development pressures exist. Current zoning and historic district designation of most of the residentially zoned properties in the neighborhood minimizes the potential for major redevelopment of this neighborhood. Zoning or rezoning of the area should promote retention of historic properties and discourage development of structures which are incompatible in terms of height.

Establishing a 35 foot height maximum for all residentially zoned properties in the Capitol Hill Protective Area Overlay District and expanding the district boundaries west, will help alleviate pressure on demolishing historic structures and ensure that new structures are compatible with the historic district.

Policies

- *Maintain low density zoning patterns to protect low density segments of the neighborhood.*
- *Modify the zoning in residential areas between approximately 150 North and 300 North and between Main Street and Canyon Road to encourage preservation of historic structures and allow for, but not increase, existing heights and densities.*
- *Ensure that historic preservation is a priority in this neighborhood and that infill development is compatible with and complies with adopted design guidelines to ensure the existing historic character of the neighborhood is retained.*

Action Items

- *Expand the boundaries of the Capitol Hill Protective Overlay District west to 200 West Street and east to “A” Street.*
- 1. • *Modify the existing Capitol Hill Protective Area Overlay District to establish a 35 foot maximum height limit for all residentially zoned properties within the Overlay Zone. For residentially zoned properties with a zoning classification where the maximum height is 35 feet or less, the maximum height of the underlying zoning classification will prevail. For residentially zoned properties which are currently zoned Residential Multi-Family RMF-45 and RMF-75 which have existing structures exceeding 35 feet in height, the modification will allow these properties to redevelop to a maximum of 45 feet in height through a conditional use process. These properties include:*

<i>Zion Summit Condominiums (241 N Vine St. [08-36-438])</i>	<i>Trevi Towers (245 N Vine St. [08-36-437])</i>
<i>Tara Condominiums (265 N Vine St. [08-36-434])</i>	<i>Capitol Hill Condominiums (87 W 300 N [08-36-431-001])</i>
<i>Valli Hi Apartments (299 N Center St. [08-36-435-001])</i>	<i>Park Capitol Apartments (215 N Main St [08-36-436-001])</i>
<i>Kensington Apartments (180 N Main St [09-31-309-030])</i>	<i>Deseret Apartments (158 N Main St [09-31-309-024])</i>
<i>Kimball Condominiums (150 N Main St [09-31-356])</i>	

The Capitol Hill Master Plan contains the following Urban Design policy. (page 14)

Any application requesting approval to exceed base height regulations within the Capitol Hill Community should be specifically analyzed to ensure protection of any view corridors.

Expansion of the boundaries of the Capitol Hill Protective Area Overlay District and modification of the building height limitations are specific implementation action items identified in the Capitol Hill Community Master Plan. (page 14) The Capitol Hill Protective Area Overlay District was established to limit the use of height exceptions within the base zoning districts. The proposed amendments limit building heights through specific height limitations and height exceptions are proposed to be limited through the Conditional Building and Site Design Review process and the compatible residential infill development process to address the overall purpose of the Capitol Hill Protective Area Overlay District, that being to protect views of the State Capitol. The proposed modifications maintain residential zoning patterns and ensure infill development is compatible and complies with the existing historic character of the neighborhood.

Findings: The proposed amendments are consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

B. Findings: Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The Capitol Hill Protective Overlay District boundary includes portions of the Kimball, Marmalade, Desoto-Cortez, Lowell and Ensign Downs neighborhoods within the Capitol Hill and Avenues Communities. The Marmalade, Desoto-Cortez, and Ensign Downs neighborhoods consist of low-medium density development patterns. The Kimball and Lowell neighborhoods consist of medium-high density development patterns. The medium-high density neighborhoods include modern medium/high and high-density multi-family residential uses including Zion Summit Condominiums, which is a two tower 12 story development.

Expansion of the boundary of the Capitol Hill Protective Area Overlay District is harmonious with the purpose and intent of the overlay zone. The Capitol Hill Protective Area Overlay District was set up to limit the exceptions to height standards only and not restrict the permitted height limits of the underlying base zoning districts. The reduced height limitations support the protection of views to the Utah State Capitol Building. The proposed reduced height limitations aid in ensuring the historic development pattern is preserved within the Capitol Hill area and within the southwest corner of the Avenues Community. The existing Zoning Ordinance and State Code permit replacement of noncomplying development that exceeds the existing and proposed height limitations if destroyed by fire or natural calamity.

Findings: The proposed boundary expansion and height limitations to the Capitol Hill Protective Area Overlay District are harmonious with the overall character of existing development.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The base zoning height or 35 foot height limitation affects numerous properties in the Capitol Hill Community and the Avenues Community. Any property with a building that exceeds the building height limits if being voluntarily redeveloped is affected by the proposed text amendment.

Recent State and City Code changes permit the restoration of nonconforming and noncomplying properties, when destroyed by fire or natural calamity. New development or voluntary redevelopment of noncomplying properties would be limited to the building height limits of the Capitol Hill Protective Area Overlay District.

Findings: The proposed amendment to exceed the base zoning district relevant to height, up to 35 feet where it is found to comply with the compatible residential infill and or historic preservation regulations will help to alleviate some of the concerns of the restrictions of the base zoning height regulations while still ensuring compatible

residential development. Existing noncomplying ordinance text protects properties by permitting reconstruction if destroyed by fire or natural calamity. The proposed height limits in the Capitol Hill Protective Area Overlay District do not adversely affect any adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Discussion: The proposed modifications are specific to the Capitol Hill Protective Overlay District. Other overlay districts in the area are the H - Historic Preservation Overlay District and the Groundwater Source Protection Overlay District. The proposed modifications will assist in ensuring that new construction within the H - Historic Preservation Overlay District is compatible with the historic character of the area by allowing additional height where is found to meet the adopted historic preservation standards and guidelines. Limiting building heights can help reduce development pressure to demolish historic structures for the benefit of increased density through redevelopment of properties within the historic districts. The proposed text changes do not modify any of the applicable requirements of the Groundwater Source Protection Overlay District.

Findings: The proposed amendment is consistent with the provisions of applicable Overlay Zoning Districts.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: The Salt Lake Public Utilities Department has identified that the Capitol Hill area has older infrastructure. As new development occurs, some areas will require upgrading of the existing water, sewer, and storm drainage systems. The proposed height restrictions will help alleviate the pressures that higher intensity development would place on the existing utility systems. The Transportation Division has identified the proposed text changes and boundary expansion would not impose any undue hardship upon the existing transportation facilities. The proposed text modifications expanding the Capitol Hill Protective Area Overlay boundary and restricting building heights will assist in stabilizing the overall development intensity of the area and therefore, minimizing the potential impacts upon the provision of public facilities and services.

Findings: The proposed text modifications to the Capitol Hill Protective Area Overlay District do not limit the ability to provide adequate public facilities and services, including roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

MASTER PLAN AMENDMENT

Discussion: The proposed Capitol Hill Area Protective Overlay text amendment is consistent with the City's master plan except the proposed height exception for the SR-1 and R-2 Zoning Districts. The master plan policies did not envision a compatible residential infill ordinance that would reduce the maximum height allowed in this area. In other parts of the City where the compatible residential infill ordinance pertains the height limit can be modified through a process to ensure compatibility. Without an amendment to the Capitol Hill Protective Area Overlay text, that same process cannot be afforded to the owners of property within the Capitol Hill Protective Area Overlay District. Because the Capitol Hill Master Plan is so specific as to the changes to this overlay, Staff was of the opinion that the master plan should be modified to be consistent with these provisions. The compatible infill building height exception supports the City's Housing Plan policy for the preservation of housing stock. The compatible infill exceptions support historic preservation through ensuring appropriate building mass for additions and new construction.

Finding: The compatible infill height exception for the SR-1 and R-2 Zoning Districts within the Capitol Hill Protective Area Overlay District is consistent with the City's Housing Policy Plan and Historic Preservation goals in providing incentives for development within neighborhoods to sustain existing community character and features.

A notice for the Master Plan amendment was published in the Salt Lake City Tribune and Deseret News on May 31, 2006 meeting State Law requirements for Master Plan amendments.

RECOMMENDATION:

Based on the findings of fact, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to take the following actions:

1. Amend the Capitol Hill Protective Area Overlay District text to:
 - a. restrict building height limits to 35 feet in residential zoning districts with exceptions for RMF-45 and RMF-75 properties with existing buildings that exceed 35 feet may be rebuilt to 45' through the Conditional Building and Site Design Review process;
 - b. Allow special exceptions in the SR-1 and R-2 zoning districts to meet compatible residential infill and/or H Preservation Overlay standards up to the 35 feet;
 - c. Limit UI Zoning District building height to 75 feet unless adjacent to a residential zoning district, then the building height limit is 50 feet.
2. Modify the Zoning Map to expand the boundaries of the Capitol Hill Protective Area Overlay District west to 200 West Street and east to A Street; and
3. Amend the Capitol Hill Master Plan text to support building height exceptions when found consistent with the regulations of the residential compatible infill ordinance and or the H Historic Preservation regulations of the City.

Exhibits: Exhibit 1: Proposed Modifications – Height Limits and Boundary Expansion; Exhibit 2: Proposed Text; and Exhibit 3: Department Comments

