

DATE: September 22, 2006

TO: Salt Lake City Planning Commission

FROM: Doug Dansie, AICP, Principal Planner

RE: STAFF REPORT FOR THE SEPTEMBER 27, 2006 MEETING

CASE#: 400-06-32

APPLICANT: Salt Lake City Planning Commission

PROJECT LOCATION: North Temple to 600 South between Interstate 15 and 200 East. (see attached map)

PROJECT/PROPERTY SIZE: Not Applicable

COUNCIL DISTRICT: District 3, Councilmember Jergensen
District 4, Councilmember Saxton

REQUESTED ACTION: Ordinance amendments to facilitate expedited approval processes for temporary construction-related activities as it relates to the proposed mall redevelopment, light rail extension and other major projects planned for Downtown, and granting the authority to modify certain City regulations for construction activities to City Administrative staff. The ordinance, as written, will be in effect for 18 months from the time of adoption.

PROPOSED USE(S): Not Applicable

APPLICABLE LAND USE REGULATIONS: Salt Lake City Code, Title 21A, Zoning Ordinance Chapter Also, Chapter 12 of City Code: Vehicles and Traffic

12:56 Stopping, Standing and Parking (Parking Meter Fees)

Chapter 14 of the City Code Streets, Sidewalks and public spaces

Chapter 9- Health and Safety (9.28 relates to noise)

MASTER PLAN SPECIFICATIONS: City Vision and Strategic Plan, adopted in 1993
Many of the projects being expedited are consistent with the Downtown Master Plan (balanced transportation, vibrant retail core, etc.)

SUBJECT PROPERTY HISTORY: Not Applicable

ACCESS: Not Applicable

PROJECT DESCRIPTION:

During the next two to five years more than \$1.5 billion in (public and private) funds will be invested in the City's Downtown, making it one of the most significant periods of redevelopment in the City's history. During the course of working with the mall developers, light rail extension planners, and representatives of other major projects being planned for Downtown, the Administration has determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the Administration is proposing ordinance revisions to facilitate expedited approval processes for temporary construction-related activities.

The intent of this proposal is to anticipate construction-related issues that might negatively impact the timely completion of projects and create an overall negative perception if the City is not in a position to provide an immediate response. Below are listed the types of issues, the proposed approval body and the proposed approval process and standards. **Only items 1 and 2 pertain to the zoning ordinance, and therefore, the Planning Commission will only need to comment on these two items as part of this project.**

1. **Zoning Issues:** Signage (both business advertising and public necessity signs), landscaping requirements and the size and location of temporary buildings. Chapter 21A.46 Signs, 21A.48 Landscaping, and 21A.42 Temporary buildings

Approval Authority: Planning Director

Process & Approval Standards: Expedited Planned Development process using Planned Development evaluation standards as outlined in Chapter 54 of the Salt Lake City Zoning

Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

2. **Temporary Land Uses that Are Not Permitted in the Zoning District:** Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage. Chapter 21A.42 Temporary and uses.

Approval Authority: Planning Director

Process & Approval Standards: Standards for a Zoning Amendment as outlined in Chapter 50 of the Salt Lake City Zoning Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

3. **Modifications to driveway width and locations** Per Section 14.32 and 21A.44, the Transportation Division already has the authority to modify the standards for driveway width and location.
4. **Public Way Encroachments:** This category includes any structure located in the public way to facilitate an applicable Downtown construction project such as signage barricades, ramps, and similar temporary structures. (Section 14.32)

Approval Authority: City Civil Engineer and/or the City Transportation Engineer

Process & Approval Standards: Where not otherwise authorized by City Ordinance, for the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary public way encroachment approval" file that shall be maintained in the City Transportation Division office for public information during the duration of the temporary approval time frame.

5. **Parking Meter Fees (Section 12.56.210 Parking Meters – Special Use Conditions and Fees, 14.12.130-Removal of Parking Meters, 12.56.325 – Loading Zones and Restricted Parking-Special Use Conditions and Fees):** Bagging or removing parking meters during the construction phase of major projects in the Downtown area is an essential part of the construction process. City Ordinance requires that a fee of \$25 per day for each meter that is put out of operation during a construction process. To put this into perspective, \$25 per day for 365 days is \$9,125. As such, this is a significant expense for any major project that will eliminate many meters for an extended period of time. The City Council may want to consider whether it is in the City's best interest to temporarily reduce the cost of taking a meter out of operation for major projects as proposed or put a cap on the total amount charged.

Approval Authority: The City Council

Process & Approval Standards: If the City Council decides to reduce, eliminate, or cap fees for taking parking meters out of service, the approval process shall include a letter of approval in a "Temporary Parking Meter Bagging" file that shall be maintained in the Transportation Division office for public information during the duration of the temporary approval time frame. Upon receiving approval from the City Council for a reduced fee for taking a parking meter out of service, the City Transportation Engineer shall authorize the elimination of functioning parking meters, if the justification presented by the applicant is consistent with the Council's intent.

6. **Other Construction-Related Activities that May Require Expedited Approval:** This category includes, but is not limited to unique holiday/winter needs, waiver of limitations regarding construction hours of operation (Salt Lake City Regulations, Section V), and applicable noise ordinances (Chapter 9.28).

Approval Authority: The authority to authorize exceptions to the various issues as identified above that might arise during a construction process, is varied and for issues such as noise County agencies will be involved.

Process & Approval Standards: The Administration is seeking direction from the City Council regarding this issue. The Administration could begin contacting the applicable agencies to initiate discussions pertaining to likely construction phase regulatory exceptions that may be necessary, or the City Council may prefer to take the lead regarding these issues. In establishing a decision-making process for the types of issues that may arise, the City should designate the authority to make decisions. Such decisions must be based on the justification for the request as presented by the applicant and be weighed against any potential negative impacts on adjacent property owners and uses.

Approval Authority (in consultation with the Community Development Director)

- Planning Director
- Transportation Division Director
- City Engineer

Appeal Process

The decision of the approval authority can be appealed to the Planning Commission

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS:

The comments received from pertinent City Departments/Divisions are attached to this staff report for review. There have been no comments received from citizens at this time. The following is a summary of the comments/concerns received:

A. Public Utilities:
[Comments forthcoming](#)

B. Engineering:

Doug-

I have reviewed petition 400-06-32: by the Salt Lake City Administration requesting an ordinance to accommodate expedited process for a temporary period of major construction activity.

As I reviewed this request, it resembled actions the city allowed to accommodate the 2002 Winter Olympics. With the construction of Crossroads Mall, the ZCMI Mall, the Hamilton high rise @222 south main, and other projects looming on the horizon, I believe there will be cause for temporary structures, barricading, and signage and other miscellaneous activity within the public way. Engineering will address these issues as the need arises to insure timely construction goals and more importantly, the safety of pedestrians and vehicular operators within the boundaries of North temple-600 S, from Interstate 15-200 east.

I hope this memo properly addresses the issues at hand.

Sincerely,

Craig w. Smith

SLC Engineering

Alex,

You requested information on hours of work, winter and holiday restrictions, barricading and ramps.

We have two documents that have been written to address work in the public way. They are:

[Chapter 14.32 of the SLC Code titled "Construction, Excavation and Obstruction in the Public Right-of-Way"](#)

["Regulations for Controlling Construction in the City's Public Way" \(I'll refer to these as the Regulations\)](#)

Hours of Work

The best reference for hours of work is based on noise and is found in Chapter 9.28.040.B.7 of the ordinance. It says:

The following acts are declared to be in violation of this chapter:

7. Construction Work. Operating, or causing to be used or operated, any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto:

a. In residential or commercial land use districts between the hours of nine p.m. and seven a.m. the following day or, between the hours of nine p.m. and nine a.m. when the following day is a Sunday or legal holiday,

b. In any land use district where such operation exceeds the second-level limits for an industrial land use as set forth in Section 9.28.060, or its successor;

The Regulations Section V.B. addresses peak traffic hour restrictions on major/collector streets by saying:

Construction operations will be conducted in a manner to minimize interference or interruption of roadway traffic. Except during emergency conditions or unless authorized by the Engineer, construction operations such as excavation, backfill and pavement restoration on major/collector and CBD area streets shall be prohibited during major events and the peak traffic hours of 7:00 to 9:00 am and 4:00 to 6:00 pm.

Winter and Holiday Restrictions

The best reference for winter hours or winter restrictions is found in the Regulations Section V.G. where it says:

Excavation of City right of way during the winter months (herein defined as November 15 to April 1) will be allowed only if the work is a new service connection, required maintenance or emergency or otherwise approved by the Engineer. Permanent repair of City right of way excavated in the winter may be delayed until April 1, provided the permittee provides and maintains a temporary asphaltic surface until such time as the permanent surfacing is accomplished.

Barricading and Ramps

There are multiple references to barricading in Chapter 14.32 and the Regulations. In 14.32.105 it says:

All excavations shall be conducted in a diligent and expeditious manner resulting in a minimum amount of interference of street and pedestrian traffic. All-weather pedestrian access shall be provided. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to provide safe and efficient traffic flow, and to prevent accidents involving property or persons. Barricades must be in place until all of the permittee's equipment is removed from the site and the excavation has been backfilled and the public way restoration has been completed.

In 14.32.130 of the ordinance addresses ramps by saying:

If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Said temporary improvement shall be safe for travel and convenient for users and consistent with city standards for such.

Let me know if I can be of further help.
Scott

C. Building Services:
Comments forthcoming

D. Transportation:
Alex:

I will plan to attend your open house tonight. I am meeting with Rocky Fluhart and DJ Baxter from 4:30 to 5:00 this afternoon to go over a Council briefing tonight on how the legislation on transportation funding adopted by the state legislature yesterday during their special session might impact the airport light rail project. That briefing should be right after your open house ends.

As for the ordinances that relate to this office's authority on determining driveway widths, the ordinances are:

14.32.350
21A.44.020

My office has the ability to allow wider than 40 foot wide driveways if we believe it makes sense to do so even though our standard maximum width is 40 feet. So, we need no additional authority, but it is good to let the Council know this.

As for the ordinances that relate to parking meter bagging fees and use of non-metered spaces, the ordinances are:

12.56.210 Parking Meters – Special Use Conditions and Fees

12.56.325 Loading Zones and Restricted Parking – Special Use Conditions and Fees

14.12.130 Removal of Parking Meters

City Council has set the fees for use of curb space on the public right-of-way. Only the Council can modify or waive those fees. My office does not have such authority. We must apply the ordinance and collect the fees before we issue permits to take this space out of public use by barricades, etc.

Timothy P. Harpst, P.E., PTOE

Transportation Director

Salt Lake City Transportation Division Phone: 801 535-6630

- E. Fire:**
Comments forthcoming
- F. City Attorney:**
Comments forthcoming
- G. Community Councils and Citizens:** A public open house was held on September 21, 2006 and no people were in attendance.

ANALYSIS:

21A.50.050 Standards for general amendments.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

- 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 City Vision and Strategic Plan (1993) states as a goal that the City should, “*Develop business friendly licensing and regulatory practices.*” The purposes of the proposed amendments is to allow an expedited approval process, on a temporary basis, for major projects in the Downtown area, as delineated on the attached map (Exhibit 1). This will help ensure approvals are made in a timely manner to accommodate the major development projects, which will result in a massive reinvestment in the Downtown, while mitigating negative perceptions of access and enjoyment of the Downtown as these projects are undertaken. The projects proposed to

be expedited are consistent with the Downtown Master Plan: such as maintain a retail core on main Street and creating a balanced transportation system.

Findings: Staff finds that providing expedited approval processes, on a temporary basis, to help facilitate major construction in the Downtown area is consistent with the goal of the City Vision and Strategic Plan by creating a business friendly regulatory practice and the goals of the Downtown master plan to implement critical projects.

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

Discussion: The proposed amendments relate to the process and decision making authority for various changes that would be necessary to ensure an expedited approval process, on a temporary basis, in the area subject to the proposed changes. All changes would be required to meet existing standards for the respective type of change proposed, unless otherwise waived under authority of this ordinance. The proposed decision making authority (Planning Director) must ensure that the proposed change is in keeping with and meets the technical regulations and standards which currently exist in the ordinance. The proposed expedited measures will be reviewed by an expanded review committee similar to the Development Review Team (DRT). The expanded review committee will be under the authority of the Community Development Director, Planning Director, Transportation Director City Engineer, Public Utilities and Public Services.

Findings: The proposed temporary amendments will require review of existing standards to ensure the proposed zoning text change or construction project is harmonious with the overall character of the existing development in the immediate vicinity of the subject property.

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

Discussion: The technical standards of the zoning ordinance generally will not change with the proposed amendments, unless otherwise deemed to be necessary by the proposed Review Team, which will function similar to the Development Review Team and be similar to the review team used during the 200 Winter Olympics.. Any temporary land use amendment must meet the standards of a zoning amendment which will ensure that adverse affects on adjacent properties are mitigated.

Findings: Standards are in place to ensure adverse impacts on adjacent properties are mitigated, modification of those standards will be reviewed by appropriate City staff.

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

Discussion: The proposed boundaries where the temporary processing provisions are proposed include portions of the Airport Flight Path Protection Overlay District, Zone H;

the Groundwater Source Protection overlay District, Secondary Recharge Area; and various Landmark Sites within the Historic Preservation Overlay District. The proposal is a text amendment to change the decision making process for a temporary duration. Any development or land use change amendment within the proposed boundaries of the temporary regulations will have to meet the requirements of any applicable overlay zone.

Findings: The proposed amendments are designed to be consistent with the City's applicable overlay 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 proposed ordinance allows for the expedition of projects with review by an expanded committee, similar to the Development Review Team. Individual projects will be reviewed by departments to insure their consistency with public utilities and services.

Findings: All pertinent City departments will have review authority on development proposals within these boundaries under the proposed amendments.

RECOMMENDATION:

In light of the comments, analysis and findings noted above, staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance. The proposal will provide the following benefits:

- Is designed to anticipate construction-related issues that might negatively impact the timely completion of projects and create an overall negative perception if the City is not in a position to provide an immediate response.
- Will facilitate expedited approval process for temporary construction-related activities.
- Minimize construction-related inconvenience and sending a message to people that City's Central Business District is still open for business.

The ordinance will sunset 18 months from the time of its adoption, and can be renewed if the need still exists.

Doug Dansie, AICP
Principal Planner

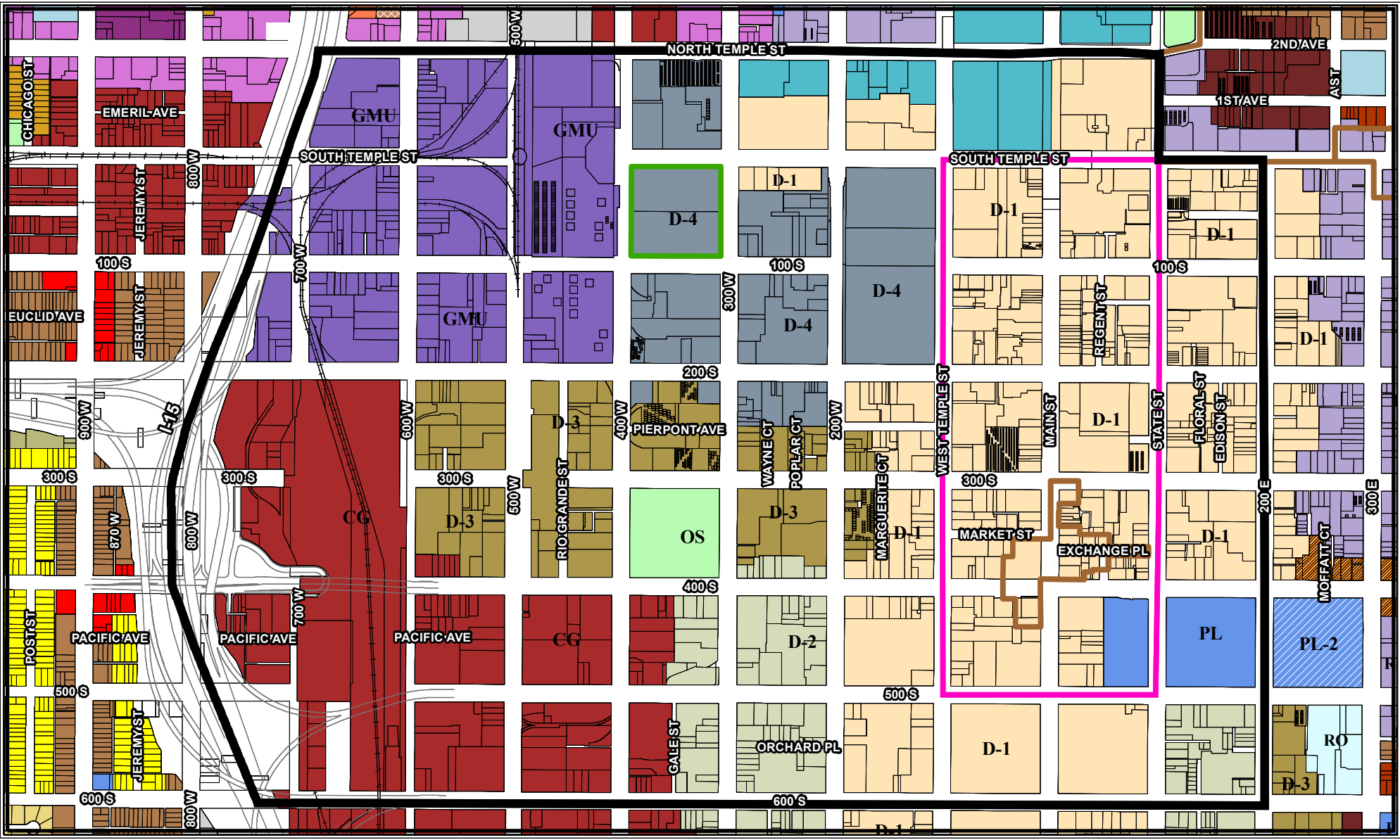
Attachments: Exhibit 1 – Map of area to be covered by the ordinance
Exhibit 2 – Proposed Ordinance

Exhibit 1
Map of area to be covered by the ordinance

Exhibit 2
Proposed Ordinance

Ordinance forthcoming

Expedited Approval Process for Temporary Construction-Related Activities in a Portion of the Downtown Area



- | | | | | |
|---|---|---|---|--|
| <ul style="list-style-type: none"> Boundary Area Historic Preservation Overlay District Delta Center Sign Overlay District Downtown Main St Core Overlay District | <ul style="list-style-type: none"> BP, Business Park CB, Community Business CC, Commercial Corridor CG, General Commercial CN, Neighborhood Commercial CS, Community Shopping | <ul style="list-style-type: none"> D-1, Central Business District D-2, Downtown Support District D-3, Downtown Warehouse/Residential D-4, Secondary Central Business District OS, Open Space PL, Public Lands PL-2, Public Lands R-1-5000, Single Family Residential R-2, Single and Two-Family Residential R-MU, Residential/Mixed Use | <ul style="list-style-type: none"> RB, Residential/Business RMF-30, Low Density Multifamily Residential RMF-35, Moderate Density Multifamily Residential RMF-45, Moderate/High Density Multifamily Residential RMF-75, High Density Multifamily Residential | <ul style="list-style-type: none"> RO, Residential/Office SR-1, Special Development Pattern Residential SR-3, Special Development Pattern Residential TC-75, Transit Corridor District UI, Urban Institutional |
|---|---|---|---|--|

