

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, January 23, 2008**

Present for the Planning Commission meeting were Chair Matthew Wirthlin, Vice Chair Mary Woodhead. Commissioners Tim Chambless, Babs De Lay, Robert Forbis, Peggy McDonough, Frank Algarin, Prescott Muir, Susie McHugh, and Kathy Scott,

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Cheri Coffey, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Katia Pace, Associate Planner, and Tami Hansen, Planning Commission Senior Secretary; and Lynn Pace, City Attorney.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Wirthlin called the meeting to order at 5:46 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Prescott Muir, Kathy Scott, Chair Mathew Wirthlin and Vice Chair Mary Woodhead. Salt Lake City Staff present were: Katia Pace, Joel Paterson, Cheri Coffey, George Shaw and Doug Wheelwright.

**APPROVAL OF MINUTES from Wednesday, January 9, 2008.**

*(This item was heard at 5:47 p.m.)*

**Commissioner De Lay made a motion to approve the minutes. Commissioner Forbis seconded the motion. Commissioner Algarin abstained. All others voted, "Aye". The minutes were approved.**

**REPORT OF THE CHAIR AND THE VICE-CHAIR**

*(This item was heard at 5:48p.m.)*

Chair Wirthlin stated that he and Vice Chair Woodhead had met with Planning Management Cheri Coffey, Doug Wheelwright, and Planning Director George Shaw. He noted that they all would be involved in interviewing candidates for the Assistant Planning Director position.

Chair Wirthlin noted that staff was planning a retreat and would like input from the Commissioners as to what they would like to see on the agenda.

**REPORT OF THE DIRECTOR**

*(This item was heard at 5:49 p.m.)*

Mr. Shaw stated that he would like to have the retreat on a Thursday night in February, and asked the Commissioners if they had a specific date in mind.

The Commissioners agreed they would like an email sent to them with a couple of dates so they could review their calendars and let Mr. Shaw know.

**PUBLIC HEARING**

*(This item was heard at 5:51 p.m.)*

**Petition 400-07-26 located at 728-766 North Redwood Road for a Zoning Map Amendment and Planned Development**—a request by Thomas T. Phung, to rezone the parcels at approximately 728, 732, 752 and 766 North Redwood Road from Single Family Residential (R-1/5,000) to Commercial Business (CB) and to approve a Planned Development to address frontage, and setback issues on the site. This proposal includes demolishing three residential dwellings to building a shopping center of approximately 35,000 square feet of retail and community oriented services. This property is located in City Council District One.

Chairperson Wirthlin recognized Katia Pace as staff representative.

Ms. Pace stated that there were three homes on the property that the applicant was requesting to be demolished, and the city ordinance requested that there be a housing mitigation. She noted that in 1999 the City Council approved rezoning the corner of 700 North and Redwood Road from Residential (R-1/5,000) to Commercial Business (CB), and shortly after the City Council requested a Master Plan amendment, which would show that the applicant's parcels were zoned as commercial property. Ms. Pace noted that the four community councils in the area were supportive of the project.

Ms. Pace stated that one of the criteria's of the master plan was to wait for a project that was comprehensive and cohesive, which is what this proposal does incorporating all four parcels, and the reason it is before the Planning Commission.

Ms. Pace noted that other mitigations that were stated in the criteria included: appropriate buffers, dumpsters to be screened, signage to be cohesive and transparency maximized by not placing signs on the windows and doors. Ms. Pace stated that all the buildings would need to have street frontage; however, the building on the east had a setback of 215 feet, and would not meet that criteria.

Ms. Pace noted that to meet the 75 percent building frontage the applicant added two small buildings, but was requesting that the two buildings could be removed because he felt that their size there would not be adequate for most tenants to occupy them. Ms. Pace noted that UDOT had jurisdiction over Redwood Road and they requested that the proposed project be aligned with the driveway that exists.

Ms. Pace stated that the Planning Staff recommended that the Planning Commission forwarded a positive recommendation to the City Council to rezone these properties.

Chair Wirthlin inquired about how the percentages of the building frontage were calculated and if the site plan reflected that the building percentage was currently 55 percent, or would it be 55 percent without the two small buildings the applicant wanted to remove.

Ms. Pace stated that the ordinance was written that the 75 percent was counting all of the buildings together; however, there might be some discrepancy as to how this calculated according to the building permit. She stated that without the two buildings the frontage would be 55 percent.

Chair Wirthlin inquired if with the small buildings that percentage was changed significantly.

Ms. Pace noted that with the two small buildings the site complied with the 75 percent.

Chair Wirthlin clarified that the applicant did not want the small buildings, but staff did because it brought the project into compliance with the ordinance.

Ms. Pace noted that originally this petition was not looked at as a planned development, which required the applicant to have those buildings there, but as a planned development there was some flexibility for the Commission to work with as to whether or not the buildings needed to be kept and if the project complied with the walkability criteria of the CB zoning.

Commissioner McHugh stated she did not understand how staff was computing the percentages because the little buildings were located in front of the back buildings, so it seemed staff was double counting the frontage.

Ms. Coffey stated that staff originally looked at the three buildings on the lot and the frontage of each building was taken, but on the back building the part that was blocked by the building in front of it was not counted, so a square footage of all of the buildings combined was turned into a final percentage, which was lower than the 75 percent required, but if the two smaller buildings were added it met that requirement.

Commissioner McHugh inquired if the part of the building that was blocked by the building on the north was not factored in, then how could the building in the back that was blocked by the two small buildings be counted.

Ms. Pace stated that the building on the east side, without the smaller buildings would be 100 percent frontage, the building on the north was 60 feet frontage, the building on the south was 60 feet frontage, equaling 220 feet and 75 percent of that was 165 feet, which would be required to have the appropriate frontage.

Commissioner Algarin inquired if as far as staff was concerned it does not matter if they are there or not, the Commission just needed to decide if they were fine with the design of the project and then have the flexibility to approve it with or without the two small buildings.

Mr. Shaw stated that was correct.

Ms. Coffey noted that the spirit of the ordinance was to make sure that the project was walkable, and if the Commission felt that without the buildings it was still walkable then they could use their authority to modify that regulation.

Commissioner McDonough inquired if the parking situation was meeting the ordinance or was requested by the applicant.

Ms. Pace stated that the parking was dependent on the tenants that the applicant brought into the project, but staff was requesting that the Planning Director review the final plans before a building permit could be issued.

Chair Wirthlin invited the applicant forward.

Fred Cox (architect representing the applicant) noted that the applicant agreed with the staff recommendations. He stated that the planned development was designed in a pedestrian-friendly U shape. He noted that the small buildings being proposed for demolition were houses that had been vacant for quite sometime due to fire and sewer damage.

Mr. Cox noted that if the Commission decided to not allow the applicant to demolish the two smaller buildings they would be used to bring small tenants in such as ice cream and taco stands, but by demolishing the buildings it would allow for ten to eleven more parking spaces and would increase the applicant's options.

Chair Wirthlin opened up the public hearing portion of the meeting. There were no community council chairs or public comments. Chair Wirthlin closed the public hearing.

Commissioner McDonough stated that she did not see a particular need for the two smaller buildings, because the project was just as walkable without them. She stated that it seemed that staff was trying to mathematically meet the ordinance quota rather than qualitatively meet it.

**Commissioner De Lay made a motion regarding Petitions 400-07-26 and 410-08-01, based on the findings of fact presented tonight and the testimony, that the Planning Commission transmit a favorable recommendation to the City Council for the rezoning of the subject properties from Residential (R-1/5,000) to Commercial Business (CB) according to the following findings:**

- 1. That the Northwest Community Master Plan Amendment states that commercial expansion on 700 North and Redwood Road is appropriate.**
- 2. That the Planning Commission accepts the Housing Mitigation Report.**
- 3. Prior to issuance of a building permit the applicant will donate to the Housing Trust Fund.**

4. **That all conditions be met before the zoning amendment is finalized.**

**And the Planning Commission approves the conditional use planned development with the following conditions:**

1. **That the Planning Commission approves a modified building frontage as shown on the site plan submitted by the applicant without the two smallest buildings.**
2. **That the lots be combined with one legal description.**
3. **That an avigation easement be provided.**
4. **The demolition of the housing should not occur until a building permit has been issued.**
5. **The Planning Commission delegates final authority for the site design, landscape plan, lighting plan, and signage agreement to the Planning Director and ensure it meets requirements and incorporates the CPTED principles where applicable.**
6. **The planned development is conditioned on approval of the Rezoning petition by the City Council.**

**Commissioner McDonough seconded the motion; all in favor voted, “Aye,” the motion carried unanimously.**

Chair Wirthlin announced a short break at 6:32 p.m.

The meeting reconvened at 6:39 p.m.

**City Creek Center**—the Salt Lake City Planning Commission is reviewing requests by City Creek Center Reserve, Inc. (CCRI) requesting approval for the City Creek Center, a mixed-use development on approximately twenty-five acres generally located between West Temple and 200 East, from South Temple to 100 South. This property is zoned Central Business District (D-1) and is located in City Council District Four. The specific requests to be considered by the Planning Commission include:

- a. **Petition 410-06-38**—a request for a **Planned Development** approval for overall site plan and design approval for the proposed City Creek Center development. During this public hearing the Planning Commission will consider granting final planned development approval for the overall project, including the proposed skybridge at approximately 50 South Main Street.
- b. **Petition 400-06-38**—a request for a **partial street closure** at approximately 50 South Main Street to allow the sale of air-rights over a portion of Main Street for the construction of a skybridge (Staff—Doug Dansie at 535-6182 or [doug.dansie@slcgov.com](mailto:doug.dansie@slcgov.com) and Joel Paterson at 535-6141 or [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)).

*(This item was heard at 6:40 p.m.)*

Commissioner Muir brought to the attention of the Commission that his company was hired by the Downtown Alliance to do a cultural master plan of the two blocks south of the City Creek project, which was being funded by forty property owners, one of which was CCRI. He inquired if the rest of the Commission felt that was an issue.

The Commission agreed that they felt there were no conflicts.

Mr. Shaw noted that because of some issues brought up at the December 12 Planning Commission meeting, and additional questions about the Main Street plaza and skybridge, staff felt that CCRI and

the Commission needed additional time to fully explore some of these issues, but staff felt that after CCRI's presentation tonight the Commission had enough information to make a motion.

Chairperson Wirthlin recognized Joel Paterson as staff representative.

Mr. Paterson stated that the Commissions approval tonight would include Blocks 75 (ZCMI) and 76 (Crossroads Mall) and would not include Block 74 (Social Hall). He stated that Planning Staff recommended that the Commission grant planned development approval for the City Creek Center with the following conditions:

1. All windows are actual windows; no imitation/false windows are permitted. Spandrel glass is limited to "bridge" pieces that connect transparent or translucent glass together; it is not acceptable as a glass/window substitute. Instead of false windows, architectural detailing and lighting is encouraged. Required ground level glass should be in the form of transparent windows or transparent display windows.

Mr. Paterson noted that staff's concern with the use of spandrel glass was with Macey's and the use of the old ZCMI façade; it was proposed that at the ground level all of the glass along the front of Macey's would be see through glass and would provide views into the store, on the upper levels there would be a few display windows; however, significant use of spandrel glass was being proposed. He noted that staff's concern was that using large amounts of spandrel glass could convey an image of dead space. He noted that the ZCMI façade was a historic Landmark site, therefore the Historic Landmark Commission would have final design approval for the reuse of the façade, but any recommendations by the Commission could be forwarded on to them. Mr. Paterson stated that the applicants expressed concern with the conditions broad nature.

Chair Wirthlin inquired if any recommendations made by the Planning Commission for the Historic Landmark Commission should be included in the motion.

Mr. Shaw noted that the conditions listed in the staff report were somewhat open ended because of some of the information that CCRI would be presenting later in the meeting, so the Commission should review them after the presentation and streamline or delete the conditions.

2. Main Street retail be maximized and designed to stimulate walking from east/west galleria/mall corridor to the crosswalk, rather than rely solely on the design of the sidewalk/paving to guide pedestrians.
3. The public way be designed at the Main Street entry to facilitate and encourage pedestrians to use the crosswalk. This may be accomplished by the addition of water features, or other design items to highlight the importance of the crosswalk.
4. The Main Street façade is highlighted at the crosswalk with art and/or architectural features to physically highlight the location and importance of the crosswalk.
5. All public way improvements conform to Salt Lake City standards, including paving materials, venting, public furniture, signage and tree and lighting spacing. Final design of the public way improvement shall be delegated to the Planning Director to ensure conformance with the planned development approval.
6. The Planning Director has final approval over details of the plan to ensure conformance with the planned development approval. Major changes or alterations will be returned to the Planning Commission or Planning Commission subcommittee for consideration.

Mr. Paterson stated that the applicants had mentioned in previous meetings that the Main Street crosswalk would lead into a restaurant space on the east side of the street and would align with a residential lobby on the west side. He stated that as the Commission received additional information from the applicant tonight, conditions three and four would need to be modified.

Mr. Paterson stated that some of the criteria adopted by the City Council for consideration of skybridges based upon the following extenuating circumstances and minimum requirements included:

- A. *A unified development proposal, which includes no less than 7.5 acres of retail/residential mixed use, located on each of the two blocks on opposite sides of one of the streets listed above is submitted by the property owner/developer to the Planning Commission, and the unified development contains no other skywalk.*

*Analysis:* The City Creek Center site has more than 7.5 acres on both Blocks 75 and 76. There are no other proposed skywalks across any other public right-of-way fronting the City Creek Center.

*Finding:* The project meets these criteria.

- B. *All other reasonable alternatives for creating a successful at grade link between opposite sides of the street have been evaluated and found not to be feasible due to:*

1. *A safety concern or*
2. *Physical barrier or*
3. *Insufficient integration of both sides of the development via an at grade link*

*Analysis:* The skybridge is proposed to be across Main Street. Main Street accommodates both auto and rail traffic. The existing crosswalk is signalized and does not create a safety hazard for pedestrians; however, the east and west portions of the galleria do not align with the crosswalk, which may create a safety concern if pedestrians choose to jaywalk instead of following the Main Street sidewalk north to the crosswalk. The Main Street traffic lanes and the TRAX line act as physical barriers. The integration of the east and west sides of the complex is diminished by the lack of alignment with the crosswalk.

Mr. Paterson noted that the applicants and staff had gone through many alternatives in order to connect the project without a skybridge; however, due to the size of the project and the amount of retail, the applicant needed a critical mass to make the project viable, and if these blocks function independently that critical mass will not be reached. Staff also raised some concern about the alignment of the crosswalk and the east/west galleria, and possible safety concerns that might arise from that.

- C. *A finding is made that a compelling public interest exists through substantial demonstration of each of the following:*

1. *The proposed development would contribute to the objective of creating an active, vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements such as elevators, escalators, or grand entrances.*

*Analysis:* The skybridge has both elevators and escalators at the Main Street entry on both sides of the street. The project needs greater connection based upon the proposed second level retail.

Mr. Paterson noted that the developers had shown on many occasions how they plan to connect the second level to Main Street and the galleria; and locations for the escalators, stairways, and elevators at either end of the skybridge were previously discussed throughout the past year. He stated that staff and the Commissioner have looked at alternatives for placement of these amenities.

2. *The skywalk would be designed such that impacts on an identified view corridor would be minimal.*

*Analysis:* The view corridor up Main Street focuses on the Brigham Young Monument, the Daughters of Utah Pioneers Museum at the head of Main Street and Ensign Peak. The view corridor may already be compromised by the existence of TRAX and other street improvements. The skybridge design could be modified to be more open. The art glass could be integrated into other areas of the project (other than the skybridge) if it is found that the art glass further reduces the transparency of the skybridge. The City Creek Center project is designed as an open air or semi-open air development, except for the skybridge; therefore the proposed design as an enclosed element may be incongruent with the larger development.

Mr. Paterson stated that as the Commission had observed from many field trips, the Main Street view corridor had already been somewhat impacted by the streetscape improvements, like trees and the TRAX development. He noted that the skybridge would definitely have somewhat of an impact, but staff had agreed that it would depend on the design of the skybridge if these impacts could be improved and minimized.

3. *The proposed development utilizes urban design, architectural elements and visual connections including: pedestrian linkages that actively enhance the project's relationship to surrounding blocks, and economic development opportunities for those blocks.*

*Analysis:* The overall project aligns its major corridors with crosswalks, view corridors and major elements of all major blocks surrounding the project with the exception of east/west galleria and the Main Street crosswalk. Therefore, extra measures are needed to guide pedestrians to the crosswalk.

Mr. Paterson stated that as staff reviewed this project they felt that the project connected positively to other parts of downtown, and retained views of important landmarks throughout the City as well as the view of the mountains. He stated that the biggest concern was the east/west galleria crosswalk connection, and the applicant agreed to incorporate a streetscape design that would help with those connections.

- D. *Application of street level urban design elements for an entire project that enhance a primary pedestrian focus, requiring components including, but not limited to all of the following:*

1. *Maximize permeable block faces through actions including but not limited to:*
  - a. *Landscape project entrances on each block face that open the block with pedestrian corridors, and;*
  - b. *Maximize visual permeability into a store or by a legitimate display window, and*
  - c. *Maximize outward facing retail on all block faces.*
2. *Enhanced pedestrian amenities on all block faces such as, but not limited to shading devices, signage and seating.*
3. *Uses on all external block faces that support pedestrian activity including, but not limited to restaurants, residential, or retail uses comparable to internal commercial activity.*

*Analysis:* The applicant has maximized visual permeability and commercial activity on all block faces except Main Street. Main Street needs additional design work to maximize the Main Street retail frontage. The use of escalators along the Main Street frontage, as opposed to the galleria, indicates a prioritizing of the galleria over Main Street. The level of retail activity on Main Street should be maximized in order to create the activity that will encourage pedestrian travel outside the direct travel path from east to west galleria to use the fixed location of the crosswalk.

Mr. Paterson stated that staff and the Commission had seen the project evolve over the past year and the applicant met and exceeds the street level glass requirements, the entrances into the retail spaces and the entrances into the project.

He stated that if the Planning Commission found that there was a compelling public interest to allow an exception to the Downtown Plan and the Urban Design Element and allow for the construction of the skybridge over the portion of Main Street, then the Commission should declare the subject portion of the air rights over Main Street as surplus property, and forward a favorable recommendation to the City Council to approve the partial street closure on Main Street and allow the lease or sale of air rights for fair market value to the petitioners.

Chair Wirthlin invited the representatives from CCRI to the table.

Mark Gibbons (President of City Creek Reserve Inc.) introduced Ron Locke (Taubman Company), Bill Williams (CCRI), Allan Sullivan (Counsel), and Bruce Heckman. He stated that numerous members of the Taubman Company and CCRI were present at the meeting, as well as Bob Corchran with Macy's. He noted that they were grateful to staff and the Commission for their laborious review and input, and for public input, which had defiantly made the project better.

Mr. Locke presented a PowerPoint presentation that reviewed Main Street activity, the skybridge, glass requirements. He noted that safety and pedestrian friendly solutions were reevaluated at the Main Street level, and there would be a low hedge planted along Main Street that would be eighteen inches (18") high, and bollards for sitting which were very comfortable and would cater to the pedestrian traffic rather than the vehicular traffic. He stated that there would also be a water feature that would help guide people north/south along Main Street. There would also be a sculpture element at either end of the crosswalk on Main Street which would be illuminated and easily seen by pedestrians to follow as a guide to the crosswalk placement.

Mr. Locke noted that they had changed the position of the escalator to allow pedestrians to move to and from the skybridge onto Main Street without being corralled deep into the project, and pedestrians would never lose sight of Main Street during this movement, creating a constant experience of the activity on the street. He noted that the only requirement was that the structural engineer of the project required brace framing, which was for seismic activity control for the entire eastern half of Block 76 (Crossroads Mall). He stated that the space gained from repositioning the escalators would be impossible to lease because its dimensions of 22 feet by approximately 40 feet, would not fit most fashion tenants.

Mr. Locke stated that the developers decided on an enclosed skybridge because of the change of seasons Utah experiences, and safety precautions due to the TRAX station that would run down Main Street and under the skybridge. He stated that as far as the actual bridge structure, it would include a ventilation system where the roof could be opened up to allow heat to escape, and to allow the air and sounds of Main Street into the structure. There would also be an observation deck in the center of the skybridge, for people to be able to sit and appreciate the view corridor up and down Main Street.

He noted that up close the skybridge would be a piece of art that would include etched glass that would feature the same environmental graphic system which would be found throughout the entire project. Mr. Locke stated that from far away the skybridge would appear rather transparent and not effect the view corridor. A box truss system would be used to allow for a clear span, no column support that would minimize the structure and allow it to be open. The glass would be clad on the exterior and allow the structure to be a more subtle feature.

Mr. Locke discussed how the skybridge would structurally connect to the end wall. There would be a natural slope and a spine down the center that would support drainage, and act as a hinge to allow the glass roof to open. There would also be stone clad columns below and decorative elements that would help visually support the skybridge itself. In the even of poor weather or for security reasons the roof would be able to close and still allow pedestrians to access doors along the structure to the viewing decks. Mr. Locke stated that as far as graffiti concerns underneath the skybridge, even if someone were able to get on top of the TRAX station structure, there would still be a 12 foot (12') clearing.



Mr. Williams stated that in regards to the spandrel glass, which is an opaque piece of glass that has a black surface behind it, the objective was to carry on the rhythms of a window surface where there structurally could not be a window. He noted that it was still the intent of the developers to meet the City's ordinance, which required 60 percent of see through glass on the ground floor. He noted that condition 1 from the staff report seemed very broad and it would preclude the use of spandrel glass which in many instances would be deemed appropriate.

Mr. Williams also noted that this caused concern in regards to the use of the ZCMI façade, which at the Historic Landmark Commissions request, Macy's should engage the architecture of the façade with the store design. He stated that on the ground floor of Macy's the 60 percent requirement would be met, but spandrel glass would be used as well.

Mr. Williams mentioned that the Commission had requested that the developers research and address alternative energy sources, and they spoke with Rocky Mountain Power, who suggested energy modeling to ensure that the project would contain the most efficient systems possible. Mr. Williams mentioned that as far as LEED credit, energy modeling and the reduction of energy use gave the project more LEED points versus onsite generation. A central plant was reviewed for the entire project; however, the space requirements and the capital cost mandated that the project be divided into smaller plants across the site.

Mr. Williams stated that they received criteria to follow from the Green Building Council, and each time the developers follow one of the criteria they receive one LEED point for it, the challenge of the system was the developer would not find out what level they had certified for; either silver, gold, or platinum, until the project was completed and the Green Building Council reviewed it. He stated that it was the applicant's goal on neighborhood development and new construction to certify, and currently they had more points than necessary for silver certification. He also mentioned that the City Creek project was chosen as one of fifty national projects to be supported as a pilot project, and as far as the certification of new buildings, each would be reviewed by the Green Building Council individually.

Mr. Gibbons stated that historically LEED certification was a building by building analysis; however, the pilot program, which CCRI was one of the first in the country to participate in, was a LEED certification for the project as a whole, which currently the City Creek project as a whole would achieve the silver level of certification after it was completed.

Mr. Williams mentioned that another concern that was addressed by the Commission was that of art integration, which could come in a variety of different mediums. He noted that memorable fountains types varied and would be placed through out the project, as well as interactive elements.

Mr. Sullivan asked that the Commission carefully consider the conditions in relation to the three petitions separately, so that the conditions do not mix, but are appropriately related to each specific petition. He stated that the applicant felt that staff had done a good job separating those conditions in the staff report. He asked that the conditions also relate to legal requirements and not to personal preferences, and that the Commissioners identify a requirement in the standards that should govern the deliberations before imposing the condition. He requested that those conditions be as specific as possible and not open ended, so the applicant was aware of specific points of compliance.

Mr. Sullivan referenced the six conditions on page 2 of the staff report, and stated that the applicant agreed with the spandrel glass restrictions mentioned in condition 1, because of the last sentence which read, *Required ground level glass should be in the form of transparent windows or transparent display windows*, and reflects what the zoning ordinance for the D-1 zone required. He noted that this however, was an example of a general prohibition on the use of spandrel glass, because there were areas in the project where this type of glass would be required not only in Macy's, but in the condominium towers as well.

Mr. Sullivan stated that condition 2 also seemed ambiguous, and the applicant felt that they had already met this requirement, but if the Commission felt that the condition needed to be more fully met then they should be more specific. He also noted that the applicant felt that they had complied with conditions 3 and 4, that the public way be designed at the Main Street entry to facilitate and encourage

pedestrian to use the crosswalk, and the Main Street façade be used at the crosswalk with art or architectural features to highlight the importance and location.

Mr. Sullivan noted that the applicant felt that the Commissions recommendations to the Historic Landmark Commission should be more clearly stated to read that the conditions are suggestions for the HLC, rather than based upon planned development approval.

Mr. Sullivan commented on Petition410-06-38 (Street closure/skybridge) and stated that the applicant found it difficult to differentiate between concerns, items for discussion, and conditions. He stated that on page 3, Condition C, 2. *The skywalk would be designed such that impacts on an identified view corridor would be minimal.* He read from paragraph two, *The enclosed nature of the preliminary designs of the skybridge and the use of art glass increase the visual intrusion of the skybridge on the Main Street view corridor, however, from the skybridge-level the view may be enhanced. Although the skybridge appears to add to the existing obstructions to the Main Street view corridor, with further refinement, additional impacts to the view corridor can be minimized.* He concluded that if that was intended to be a condition of approval, the applicant felt they had satisfied it with the designs presented tonight, and asked that it be removed.

Mr. Sullivan referenced page 4, Condition D, reading from the analysis, *Main Street needs additional design work to maximize the Main Street retail frontage.* He stated that this was an example of an open-ended condition, and the applicant felt they had already complied with this; however, if the Commission chooses to keep this condition the applicant asked that they be more specific. He read the finding under Condition D, *[Pedestrian activity on Main Street] could be accomplished by turning the escalators perpendicular to Main Street (impacting galleria retail frontage rather than Main Street), considering the use of unique spiral escalators that have a smaller footprint, or some other appropriate design solution.* He noted that the applicant felt they had addressed this matter tonight.

Mr. Sullivan also pointed out that the applicant felt that some of the conditions of recommendation on page 8, needed to be removed or updated by the Commissioners. The conditions of recommendation are as follows:

1. *The skybridge is designed to be substantially open to the air on the sides to minimize visual impacts to the Main Street view corridor and be consistent with the open air design of the center.*

Which the applicant felt they had addressed and mitigated.

2. *The skybridge use transparent glass to minimize visual impact.*
3. *The skybridge be designed to be consistent with the architecture of the adjacent complex.*

The applicant felt they had satisfied this condition as well.

4. *The escalators from the skybridge to Main Streets level be designed to minimize their impact on the retail frontage of Main Street.*

Mr. Sullivan stated that the applicant felt they had shown tonight that the orientation of escalators on Main Street would maximize retail frontage and the vitality of Main Street.

5. *Main Street retail is maximized to encourage the use of the crosswalk at ground level.*
6. *Interior of the skybridge be designed to include design elements and/or furniture to create a destination focal point.*

Mr. Sullivan stated that this project was a collaborative process and had evolved over the past year plus from the ideas and input of city staff and citizens, and it was much better for it.

Commissioner Scott inquired about the east/west pedestrian crosswalk on Main Street, and where it led on either side of the street. She was concerned that the crosswalk on the west side of the street led pedestrians into a residential lobby.

Mr. Heckman noted that it was an entrance to a residential tower, but not the lobby which was located more south; however, there was retail space on either side of the crosswalk.

Commissioner Scott inquired if the applicants had spoken with the City Transportation Department; because it seemed from the drawings that Main Street did not have the appearance of a street, but more of a plaza.

Mr. Williams stated that there would be pavement color changes and scores that would be aesthetically pleasing, yet allow to keep TRAX operable.

Chair Wirthlin opened up the public portion of the hearing.

Jim Webster (938 Military Avenue) stated that he supported UTA's position on being concerned about having an open skybridge. He stated that it seemed that the barriers down Main Street had been mitigated to produce a more vibrant urban environment.

Cindy Cromer (816 East 100 South) stated she was thrilled to see that the orientation of the escalator had been changed, she complimented the Commission, the applicant, and all those who had had input on the project, saying that it had come a long, positive way since the beginning of the project. She stated that a lease of the air rights would be better for the City's interest long term, rather than the sale of the air rights for the skybridge, and there are enough property owners downtown that control enough acreage that they could qualify for a skybridge under the revised ordinance, so a lease agreement would discourage other applicants from petitioning for a skybridge. Ms. Cromer stated that a lease option would give the City completely defensible authority over any designs for future skybridges, and a lease agreement would also allow the City in the future to change the technology of mass transit on Main Street.

Commissioner McDonough inquired of Ms. Cromer what about the orientation of the escalators on Main Street she was happy about.

Ms. Cromer stated that she was happy to see that the developers had made a fair skybridge that allowed people to change levels without getting coerced into the project, and kept pedestrian traffic close to Main Street.

Commissioner Chambless inquired if she knew how often escalators exposed to the elements broke down, and if she had talk to lawyers about the difference between the lease and sale of the air rights.

Ms. Cromer stated that after review of the project plans she had not seen any escalators that were susceptible to the elements, they seemed rather protected. She noted that as far as talking to lawyers she had not, but was sure that Lynn Pace, City attorney would be able to help the Commission with that.

Kathleen Hill (1138 East 400 South) stated that she had studied skybridges for six months and wanted to point out that her research showed that they took life off of the street. She also said that safety was a concern because accidents tended to go up where a skybridge was built, because motorists were expecting pedestrians to be on the bridge and not on the street.

Commissioner De Lay inquired what type of development was under the skybridges that Ms. Hill studied.

Ms. Hill stated it was a mix of retail, restaurants, and businesses.

Mary Young (3260 Wasatch Pines, Granite UT 84092) stated that there were already a lot of TRAX/pedestrian related accidents, and with the increased numbers of people downtown pedestrians would increase. She stated that the skybridge was a great idea, but needed to be covered to protect TRAX, as well as the public from the elements. She also stated that she felt that the City Creek Center itself would enliven the downtown area astronomically. She stated that the skybridge design should be such that it was a major attraction and would enliven Main Street. Ms. Young also stated that the view corridor was not very strong, and an artistic design for the skybridge would actually enhance the view.

Alex Churchward (938 East 100 South) stated that the LDS church had been very generous with this development and he was happy with the potential of this project, but he was not convinced that the skybridge was needed.

Jay Christianson (1334 East 100 South) stated that he was opposed to an enclosed skybridge and displayed a rendering of a skybridge that would allow for it to be open. He stated that if in the future the skybridge was proven to create economic injustice and was hindering Main Street revitalization, the Taubman Company and CCRl should have to take it down at their own expense.

Richard Markosian (764 Wilson Avenue) stated he did not think the skybridge was necessary.

Commissioner Chambless inquired of Mr. Markosian how he thought the City Creek and Gateway projects could be linked.

Mr. Markosian stated that if the goal of the City Creek project was to obtain a critical mass of retail there was no way there could be a connection, and the City Creek development should consist of mainly residential spaces for those who want to live downtown in walkable communities.

Carla Wiese (Downtown Alliance) stated that the Downtown Alliance had previously gone on record expressing their support and encouragement for the City Creek project. This kind of density, energy, and concentration of people and activity was certainly a requisite to energize and animate the downtown area. The Alliance encouraged the Planning Commission to view the skybridge as an element that would help with the retail aspect and goal of the overall project, and if the skybridge was found to be a critical element to move this project forward, then it should be included.

David Hoza (209 West 200 North #306) stated that the project was great as far as bringing people in, but if there was a way that the City could remove the concentration of additional incoming traffic that this project would generate it would help with the already astounding amount of pollution we already experience in the valley. He suggested HUB transportation centers at different parts of the valley that would help mitigate the pollution from concentrated traffic.

Chair Wirthlin closed the public portion of the hearing, and declared a short break at 8:25 p.m.

The meeting was reconvened at 8:37p.m.

Chair Wirthlin invited the applicant back to the table.

Mr. Gibbons stated that the debate of a skybridge or no skybridge occurred over a year ago and the discussion tonight really related to the conditions as articulated in the amendment.

Commissioner Muir stated that he was afraid that the City Council and staffs obsession with connectivity between the second level of the project and Main Street at the skybridge juncture had led the Commission to this point. He stated that typically an outside corner of retail in a project like this was very valuable, and he had reviewed a diagram of Richards Street, where there was a vertical connection that was inline with the face of the stores and not aligned with the project intersection corners. He inquired, from a retail prospective how this functioned.

Mr. Heckman stated that stairs and escalators would now make the vertical transportation visible, and would also allow for activity and animation on the street.

Commissioner Muir stated that he had thought about how the Main Street connection could be more like the plaza like feel of Richards and Regents streets, where there were balconies that overlook the activities below, and where the escalators were freed up from any of the retail and was really tied to the plaza.

Mr. Heckman stated that on either side of the skybridge there would be glass overlooks in the center of the skybridge, which would be safe and enclosed.

Commissioner Muir stated that it seemed that everyone involved wanted it both ways, they wanted the connectivity at the juncture of the skybridge and Main Street, but also retail exposure that followed the pedestrians as they moved to and from the skybridge, and he felt the applicant was put in a double bind.

Mr. Locke noted that as the plan has evolved over the past four years, a lot had to be taken into consideration, which was more than just what do the retailers want and it is final. Currently, where the escalators were located was where the developers wanted them and what really worked the best.

Commissioner Muir inquired about the north façade, and stated that it was obvious that Nordstrom did not have a lot of display windows. They had followed the ordinance on West Temple, but the north side of the façade does not really engage pedestrians.

Mr. Locke noted that one of the practical considerations here was that Nordstrom wanted to do show windows where they would be appreciated because they were expensive to do, so they focused on West Temple, on the south side it would be less visible and quieter.

Mr. Heckman stated that there was a lot of discussion with the tenants at square one that the Commissioners have not had a lot of exposure to, but the developers have spent a lot of time with Nordstrom to not allow just a blank wall.

Commissioner Muir suggested that as for the ZCMI façade the voids that were filled with spandrel glass still looked like voids, and maybe the originally fenestration and window character of the original façade should be looked at and added in to break the scale down.

Commissioner McDonough stated that because it was the Historic Landmark Commissions purview to decide on that, she suggested that the Commission craft their preferences and concerns into the motion, particularly involving the use of spandrel glass, and the developers design team needed to propose a very specific detailing on how this interface would occur with each glazing panel. She stated that the developers should be careful with their use of spandrel glass.

Commissioner Scott stated that the spandrel glass and the ZCMI façade did not seem to fit together. She inquired about the change of grade happening outside and inside of the store, because the grade change so close to the sidewalk almost looked like a mistake that was fixed with the use of ramps.

Mr. Locke stated that there were discussions with Macy's and they were comfortable with the grade change the way it occurred, and they were not in favor of taking the ramps and stairs inside the store because it would interfere with customer circulation and viewed as lost space.

Commissioner Algarin stated that he was impressed with what the developers have been able to do, as far as how they had negotiated with potential retailers to allow for window space, which was very valuable space and viewed as dollars per square foot. He stated that he felt the retailers were not going to give up any more space.

Commissioner De Lay stated that part of the LEED certification for a mixed use project becomes a major tourist attraction by virtue of this certification. She stated that part of that is being extremely sensitive to the landscaping throughout the entire project and especially how it synchronizes with the Riparian Overlay.

Mr. Gibbons noted that the developers were looking at that and one way to obtain LEED points was to use water conserving, native plants.

Commissioner De Lay stated that City Creek in the project is not the real City Creek, but a water feature and wanted to know how that was following the LEED precedence.

Mr. Locke stated that there were choices a developer could make to become LEED certified, so there might be certain points the developer would focus on and still obtain that certification even though other areas of the development might not meet LEED criteria.

Mr. Heckman noted there was a very sophisticated group of people working through the challenges of the landscaping of this project, including finding plants that could grow indoors and outdoors and have a local genesis, so there was a lot of behind the scenes research and work going on.

Commissioner De Lay inquired about Mr. Sullivan's comments on the conditions of recommendation, and wondered why the developers had a hard time with condition 3.

Mr. Williams stated that it seemed too broad because the developer was not sure as far as keeping the skybridge consistent with the rest of the project, what the Commission and City Council wanted it to be consistent with—the brick and stone, or glass and metal architecture.

Vice Chair Woodhead inquired about the underside of the skybridge.

Mr. Locke stated that the designers had recently tried to symbolically tie the bridge in with both blocks and the idea that the skybridge could be used artfully to suggest the flow of City Creek was looked at. He stated that the developers have tried to depict that using etched designs of grasses that might be found along the creek into the sides of the glass and having the floor of the skybridge contain a strip of glass that would represent the creek. To the sides of the glass strip would be artistic carvings and shapes, which would also allow light and color through to Main Street underneath the skybridge.

Vice Chair Woodhead inquired of Mr. Sullivan if he thought it was possible for the Commission to affirmatively vote for the planned development and not allow the skybridge.

Mr. Sullivan stated that if the Commission voted negatively for the skybridge, then they would have to craft language for the City Council that the planned development only be approved depending on the Council's affirmative decision for a skybridge.

Chair Wirthlin inquired of Mr. Lynn Pace (City Attorney) on how he felt the Commission should vote.

Mr. Pace stated that the Commission's decision on the planned development would significantly depend on whether or not the Commission approved the skybridge, so he suggested that the Commission vote on the skybridge first and then depending on whether or not it was approved would in turn effect the decision on the planned development.

Commissioner Scott inquired what the developers found while researching skybridges.

Mr. Heckman stated that one of the key points that should be focused on was that it served as a pedestrian connector and not a total skybridge system that extended throughout the entire downtown area.

Chair Wirthlin thanked the applicants and brought the discussion back to the Commission.

Commissioner McDonough stated that as far as the recommended condition 5, that the applicant had been concerned about, *Main Street retail is maximized to encourage the use of the crosswalk at ground level*. She stated she still felt torn between the dilemma of having the developers activate Main Street via vertical connection, and the Commissioners should be taking into account condition C...*a compelling interest exists through substantial demonstration of...creating an active vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements*.

Commissioner McDonough inquired about the distinction between people moving throughout the project and vibrancy, and wondered if seeing people moving to and from on the street established a vibrant streetscape. She stated that when she looked at the plan she saw forty plus lineal feet of skybridge that was essentially impenetrable, which the developers had suggested that if people could be viewed from Main Street inside the skybridge, it meant that there was vibrancy.

Commissioner McDonough stated that though there were renderings of tables and chairs along Main Street, she did not find that a believable use and she would like more actual connection.

Commissioner Scott stated she felt that went back to different apertures, and penetrable store fronts and office use on Main Street, which would be her definition of vibrancy, not just watching but being able to penetrate the project.

Mr. Heckman stated that the developers have done their best to show the Commissioners how permeable the project would be, one of the unique aspects of this project was that there will be bigger stores than there are elsewhere and most of them were concentrated along the Main Street frontage along with many entrances, so that it would not be a long, isolated wall.

Chair Wirthlin noted that he would like the Commission to review the text in the staff report, and try to work with the language that the City Council had given to the Commission to work with. He stated that the objective was not to create an active vibrant streetscape, but to see how the language already told how it would be accomplished. The City Council had already determined that creating an active vibrant streetscape was done by connecting people from the upper levels to the street level, and the Commission was somewhat stuck with that judgment that the Council had already made.

Commissioner Algarin agreed with Chair Wirthlin that the way the City Council had addressed the skybridge had created an either or scenario and the Commission had done the best that they could. He stated that he would rather see the action of pedestrians moving throughout the project up and down in clear visual sight so that people coming into the project knew there was that access to and from the skybridge to the other side of Main Street or just to the upper levels of the development.

Commissioner De Lay noted that as she had observed from being a resident downtown that Main Street in the summer time was already a very vibrant and energetic place, and now with the new development it would enhance that atmosphere. She stated that for a year the Commission had deliberated this and not once had any business on Main Street come to cry out that this project would not work for them.

Vice Chair Woodhead disagreed with Chair Wirthlin's reading of the text. She read on page 2, *The City Council, after recommendation by the Planning Commission, may authorize exceptions to the policy of prohibiting skywalks...if they find justification based upon the following extenuating circumstances and minimum requirements.* She felt that the Commission did have some leeway, and if the Commission made a recommendation to the City Council based on the fact that the Commission found elements in the plan that would create a less than vibrant streetscape, then they were entitled to do that.

Chair Wirthlin went through the conditions, and stated that as far as Condition A on page two, he did not feel that there were many applicants that could meet this requirement as Ms. Cindy Cromer had suggested, because this ordinance was created for this project

Commissioner Scott disagreed that this ordinance was only developed for this project, that there would be other situations in the future.

Chair Wirthlin focused on Condition B.

Commissioner Muir stated that he disagreed with the staffs findings, and thought that the safety issues were self imposed and that the most viable argument for this was Condition B, 3, *Insufficient integration of both sides of the development via an at grade link.*

Commissioner Scott noted that in regards to Conditions B, 1 and 2, the skybridge would probably exacerbate the safety and physical barrier concerns, due to the fact that motorists would view the streetscape, especially with the skybridge in the area, with the perception that the pedestrians were using the skybridge and not crossing the street. She suggested that there needed to be heavy demarcation of the pavement on the street, because it looked too much like a plaza, and the pedestrians may not be very wise and lulled into a sense of false safety.

Commissioner McHugh inquired if there was a traffic light there.

Mr. Gibbons noted there was.

Commissioner McHugh stated that a traffic light should be significant enough to alert motorists and pedestrians of pertinent traffic laws in the area.

Commissioner Forbis noted that UTA along with the City Police Department do a great job when new areas like this open up as far as patrolling and notification, and he felt people would quickly adapt to the new surroundings.

Vice Chair Woodhead stated that as far as Condition B, 1 and 2, she was not convinced there was a problem with those, and pedestrians have been crossing streets for a long time and the notion that the presence of TRAX and traffic suggests crossing the street would be unfeasible does not make sense.

She noted that as far as the skybridge being used as an east/west connection as part of the plan, there could have been attention paid to making that link work better and the developers made a choice not to do that. She stated that the fact that previously two large malls existed across from each other and were successful for a long time proves that the skybridge was not vital to have this work.

Commissioner Algarin stated that all the Commission had to do was agree that one of the conditions proved that this was feasible not all three of Condition B, 1-3, which he stated had been done.

Chair Wirthlin focused the Commission's attention to Condition C, 2.

Commissioner De Lay stated that she had spent sometime on Main Street and found that the view corridor was already significantly compromised by TRAX, and what was really interesting was that she felt that the skybridge would become the number one place to stand to get a good picture of the view corridor, which would elevate them above the TRAX lines, so in a way it was going to open up the view.

Commissioner Scott stated that she felt that a skybridge would still impact the view corridor greater than a couple of TRAX lines and cables.

Commissioner Algarin stated that it did not seem significant to focus on a view corridor which was only wide enough to have ten people look at it at a time, whereas to get the area invigorated by using a skybridge it seemed to not be a very impressive view, and did not make sense.

Mr. Shaw stated that he too had walked Main Street to see what was really visible and what was not and the only time that the view corridor was visible all the way to Ensign Peak was when you were in the middle of the crosswalk in the line of traffic.

Commissioner Scott stated that she still struggled with the fact that there would be an observation deck on the skybridge to observe the view corridor, and felt it hindered the view even more.

Commissioner Chambless stated that a view was in the eye of the beholder, he realized TRAX was a problem, but in the summertime there was also the obstruction of the trees, so why compromise these two things with a skybridge. He stated that what was being done was creating art in the center of the street, rather than a façade and it was an obstruction that the public would be living with for decades.

Commissioner McHugh stated that the deconstruction of the word minimal in the language seems to be what some of the Commissioners are hung up on.

Commissioner Muir agreed, and noted that with prescribed language from the City Council there was already built in contradictions, so it was the Commissioners' role to decide what was the most in compliance with that language, and then argued the fact that the language stated that their should be no artistry effect, it should be as transparent as possible, and that staff's recommendations suggest that it should be a gathering place, and though he agreed with that, it did not comply with the language that was given by the City Council. He stated that if the skybridge were to be created as a gathering place it would require a bigger, wider bridge which was also less minimal.

He stated that he felt the City Council had put the Commission in a box, and felt they just wanted the Commission to hand it back to them, which created lost opportunities and only they were empowered



to adjust the language. Commissioner Muir stated that Condition C, 1 was in contradiction with Condition D, 1, C. *which stated that retail frontage would be maximized and the vertical transportation* and he felt that one came at the expense of the other. He stated that he felt that the Commission was only charged with making a guesstimate about what should predominate.

Commissioner Scott stated that the Commission was boxed in, but the City Council had asked for input and recommendations, and whether they take it into consideration or not was their choice.

Chair Wirthlin directed the discussion to Condition C, 3.

Commissioner Scott stated that the project did not line up on Main Street as it did on Reagents and Richards street.

Mr. Heckman stated that there were impediments with alignment throughout the project with underground parking and other elements that had to be taken into consideration.

Chair Wirthlin directed the discussion to Condition D.

Vice Chair Woodhead stated that it seemed that the applicant had tended to make the skybridge connector a far more pleasant way to move through the project than the street level, which she felt was one of the fundamental problems because during bad weather people would not be inclined to leave the enclosed areas.

Commissioner Algarin agreed that it seemed it was the developers intent to keep people inside the project, but to recognize that people will want to go down to Main Street to access those outside stores, otherwise the whole thing will fail.

Chair Wirthlin stated that the main TRAX station for downtown will be dropping off hundreds of people in the middle of Main Street, and he did not feel that the retail that was not enclosed or connected by the skybridge would be ignored.

Commissioner De Lay stated that she did not agree with Vice Chair Woodhead because 4 million people are already visiting Temple Square across from the development year round and there was no way that people would not circulate through this project, it was a place where people would walk around downtown.

Mr. Heckman stated that part of the design was that the mini-anchors do not open into the retail galleria, people would have to go out on Main Street to get to them, and they were designed to draw people up and down that street.

Commissioner McDonough inquired about the four restaurant spaces.

Mr. Heckman noted the one on the northwest side did not open into the mall, but the other three did, but all would most likely have significant entrances from Main Street.

Vice Chair Woodhead stated that she did not think people would be trapped in the project, but would people's perception be let's go downtown today, or let's go to City Creek today, and she was worried that people would say let's go to City Creek, not let's go to Macey's and walk down Main Street, despite the fact there are external features, the retail was largely directed internally.

Commissioner McHugh disagreed with Vice Chair Woodhead.

Commissioner Forbis stated that a year ago the Commission had this discussion on whether or not the City Creek development would revitalize the area. He stated that Salt Lake City was never going to have a downtown where people could go from bar to bar to bar, so this was the best shot for a reemerging vibrancy of downtown and he hoped that smaller and locally ran business would locate there, and based on private conversations with people there was already the intent to do that.

Commissioner Muir inquired about what should predominate, the vertical circulation between the two levels, or the continuity of the retail at the interface with Main Street. He stated he was leaning toward the continuity of retail, because if this existed people would progress along that edge, which was Main Street.

Commissioner Algarin disagreed, saying it was the ability to move up and down that was important and that the continuity of the retail space was built around traffic flow and exposure to the retail.

Chair Wirthlin stated that he felt that they were both important, but the City Council had already made a strong point about the connectivity and both had to be taken into consideration and made successful.

Commissioner Muir stated that it was appropriate to point out the built in contradiction that the City Council had created. For example you could not have a minimal skybridge with art elements that call attention to it; it is either one or the other.

Commissioner Chambless agreed.

Commissioner De Lay stated that she was getting the sense that each member of the Commission had already made up their mind, but the air rights have not been discussed on whether they are leased or sold. She stated she would like to see a lease with an end date, because if the skybridge did not work, the applicant would have to remove it at their own cost.

Commissioner Algarin stated that the leasing should be tied to the length of the project.

Mr. Pace stated that the Commission should make sure they do not convey away the air rights over the street for a longer period of time than the development, so it would make sense to tie the length of the two together.

Commissioner McHugh inquired about Vice Chair Woodhead's idea from a previous meeting that if at some point the project dies the air rights would revert back to the City.

Vice Chair Woodhead stated that it does make sense to make that part of the recommendation and that Mr. Sullivan and Mr. Pace should discuss that.

**Commissioner Forbis made a motion regarding Petition 400-06-38 a request for a partial street closure to allow the sale or lease of air rights over a portion of Main Street for the construction of a skybridge and the proposed design of the skybridge to be located at approximately 50 South Main Street. Based on the analysis and findings as well as testimony presented this evening and the staff report, the Planning Commission finds that there is a compelling public interest to allow an exception to the Downtown plan and the Urban Design Element to allow for the construction of a skybridge over a portion of Main Street. The Planning Commission forwards the recommendation that the subject portion of the air rights over Main Street is surplus property, and a favorable recommendation be forwarded to the City Council to approve the partial street closure at Main Street to allow the lease of the air right at fair market value to the petitions, subject to the following conditions, with changes to condition 2 and 3:**

- 1. That the existing public and private utility infrastructure be maintained in a manner acceptable to the City's Public Utilities Department.**
- 2. That the street closure ordinance be conditioned upon payment of the City of fair market value for the lease of street property, consistent with Salt Lake City Code 2.58.**
- 3. The term of the lease is tied to the life of the retail portion of the project**

**The Planning Commission recommends that if the skybridge is approved, the following recommendations 2, 5, and 6, be considered as found in the staff report on page 8:**

~~The skybridge is designed to be substantially open to the air on the sides to minimize visual impacts to the Main Street view corridor and be consistent with the open air design of the center.~~

**1. The skybridge use transparent glass to minimize visual impact.**

~~The skybridge be designed to be consistent with the architecture of the adjacent complex.~~

~~The escalators from the skybridge to the Main Street level be designed to minimize their impact on the retail frontage of Main Street.~~

**2. Main Street retail is maximized to encourage the use of the crosswalk at ground level.**

**3. Interior of the skybridge be designed to include design elements and/or furniture to create a destination focal point.**

**Commissioner De Lay seconded the motion.**

Commissioner McDonough inquired why Commissioner Forbis had not included condition 4.

Commissioner Forbis stated that during the discussion he came to the conclusion that that criteria had already been met and did not need to be included.

Commissioner McDonough then inquired why he was including condition 5 because they tend to go hand in hand.

Commissioner Muir stated that the language still seemed ambiguous, and was the Commission approving this or not.

Commission Muir amended the conditions of the motion to read:

2. The skybridge use transparent glass in lieu of the applicant's proposal to minimize the visual impacts of the etched glass.

Commissioner McHugh inquired if that meant no grass or other art effects on the skybridge.

Commissioner Muir stated he thought that staff was saying they wanted to see purely transparent glass.

Mr. Shaw stated that as the applicant presented the skybridge proposal tonight, it looked as if the glass could still be transparent with etching.

**Commissioner Muir amended condition 2 to state that the skybridge use transparent glass as represented by the applicant's most current depiction.**

**Commissioner McHugh seconded the amendment to condition 2.**

Commissioner Muir inquired if condition 5 should be stricken or changed.

**Commission Muir amended condition 5 to read, Main Street retail as represented in the applicant's most recent plan.**

**Commissioner McDonough stated she would like to add to condition 5; all four restaurant retail spaces adjacent to the skybridge must have one primary ingress at the Main Street face.**

Commissioner Forbis agreed.

Chair Wirthlin asked if that would fit better into the conditions for the planned development.

Commissioner McDonough said it would fit, but it also has to do with Main Street vibrancy.

**Commissioner De Lay seconded the amendment to condition 5.**

**Commissioners De Lay, Forbis, Algarin, McHugh, McDonough, and Muir voted, "Aye". Commissioners Chambless, Scott, and Vice Chair Woodhead voted, "No". The motion passed and a positive recommendation was forwarded to the City Council.**

Chair Wirthlin inquired of the Commissioners what they wanted to discuss in regards to the planned development before a motion was voted on.

Commissioner McDonough inquired if the Commission wanted to send a more specific message to City Council about the dilemma of the language, rather than letting them discover it.

Commissioner Muir stated that the minutes of the meeting should be detailed, which would be sufficient enough to include the contradictions that the City Council should pay attention to. He stated that obviously the developer had taken a position relevant to these conflicts, and the City Council needed to decide if it was the appropriate response.

Chair Wirthlin stated that another option discussed would be to have himself or another member of the Commission represent their decisions at the City Council hearing to clarify discussion from this meeting in the minutes, which might help them interpret the suggestions and ideas of the Commission.

Commissioner Forbis stated that was a good idea or the Chair could also send a letter.

Commissioners De Lay felt that was a good idea to go in person. She also stated that she was fine with the planned development, but inquired of Commissioners Muir and McDonough if they wanted to address their concerns with spandrel windows. She stated that on the bottom of page 2 of the staff report it stated, *The approval does not constitute approval of the Macy's/ZCMI façade, which, as a Landmark Site, must be reviewed by the Historic Landmark Commission under a separate application. Condition 1...does not apply to [this façade] and will be forwarded to the Historic Landmark Commission.* She stated she was okay with that paragraph ending there to add as a condition 7, and inquired if for environmental purposes the Commission would be willing to add as a condition 8 stating that the applicant will try for the minimum LEED certification as promised.

Mr. Cochran stated that the choices that Macy's is looking at in regards to condition 1, the use of spandrel glass could be removed if the Planning Commission liked and have just a concrete façade. He stated that Macy's has made a huge attempt to try to bring the façade back to life, and spandrel glass in the stairwells that are showing glass that are earthquake proof, which could be removed as well to read architecturally as a window, but was only a blank concrete panel. He stated that as far as the entrances, ramps, and ceilings, Macy's has made a huge attempt to bring the façade back to life, and to come back and say that the Commission will not approve this or would like the retailer to start over seems a bit confusing.

Commissioner Forbis stated that given the tone of the conversation in the meeting, the Commission would not be asking for a concrete background.

Mr. Chocran stated that by taking away the spandrel glass that is what the Commission would be doing.

Commissioner De Lay stated that was not the Commissions intent, the design is fine and the Commission felt like the applicant would continue to work on that design with the Historic Landmark Commission, the Commission was trying to clarify the spandrel glass for the entire project at this time.

Mr. Chocran stated that spandrel glass does have a use within this entire project.

Commissioner Forbis stated that this is the reason Mr. Sullivan was commenting on condition one, and why the Commission was discussing the spandrel glass issues.

Commissioner Muir noted that going through the conditions it seemed that the Commission could eliminate some of them and reference the applicant's presentation tonight. He stated that he agreed with the applicant and he felt that limiting spandrel glass throughout the project would not be appropriate, especially for the high rises.

Commissioner De Lay inquired if Commission Muir was suggesting that they strike condition 1.

Commissioner Muir stated that he would strike conditions 1 and 2.

Commissioner Forbis inquired if condition 1 should be completely taking out or just keep the last sentence.

Commissioner De Lay stated the applicant still had to follow the ordinance to get a building permit and the last line of condition 1, *required ground level glass should be in the form of transparent windows or transparent display windows*, is already part of the ordinance.

Commissioner Muir stated that conditions 2, 3, and 4 were already positively shown in the plan presented by the applicant tonight, so either the Commission accepts the plan or they need to designate specifically why is was rejected.

Commissioner Muir stated that conditions 5 and 6 should be included and 7 is only a condition of approval that the Historic Landmarks Commission was capable of reviewing.

Commissioner Forbis stated that he would support Commissioner De Lay on her recommendation that the applicant agree to meet the minimum LEED certification.

Commissioner Scott stated that these are recommendations and not conditions and it is important that the Historic Landmarks Commission receive this.

Commissioner De Lay disagreed.

Commissioner Scott stated that this does not affect approval or disapproval it was merely a recommendation.

Vice Chair Woodhead stated they were conditions.

Chair Wirthlin stated that the last paragraph was not a condition, but just a recommendation to the Historic Landmark Commission, but it seemed that Commissioner Muir did not want to add that.

Commissioner McDonough inquired if in regards to condition 1 the language, *required ground level glass should be in the form of transparent windows or transparent display windows*, were left in, it seemed to be worded a little differently than what the ordinance required, because right now the ordinance allowed spandrel glass at ground level in some cases.

Mr. Paterson stated that the ordinance required that percentage along the Main Street corridor and that 60 percent of the ground level façade should be done in transparent glass, or visibly have some type of display window that showed activity at the street level.

Commissioner McDonough stated that it seemed condition 1 was asking for more transparent glass than the ordinance.

Chair Wirthlin stated that according to the ordinance 40 percent of the ground level could be spandrel glass.

Commissioner McDonough stated that the applicant had stated that they would deliver more than the ordinance required on the ground level.

Mr. Heckman stated that currently in the plan there was spandrel glass at ground level, especially on the stair towers to cover the structural bracing.

Mr. Paterson stated that staff would like some direction from the Commission to pass onto the Historic Landmark Commission, other designs, alternatives, backlighting the spandrel glass, etc. which would show some type of activity and not just a black piece of spandrel glass.

Commissioner De Lay inquired if the Commission wanted condition one included.

Commissioner McDonough stated that it is not bad to keep the last sentence that was mentioned.

Chair Wirthlin stated that the Commission could also add clarifying language that stated, *as per the applicant's most recent presentation*.

**Commissioner De Lay made a motion regarding Petition 410-06-38 that the Planning Commission approve the City Creek Center Planned Development with the following conditions:**

1. **Required ground level glass should be in the form of transparent windows or transparent display windows as shown tonight in the applicant's most recent presentation, but no less than what the ordinance requires.**

~~**Main Street retail be maximized and designed to stimulate walking from the east/west Galleria/mall corridor to the crosswalk, rather than rely solely on the design of the sidewalk/paving to guide pedestrians.**~~

~~**The public way be designed at the Main Street entry to facilitate and encourage pedestrians to use the crosswalk. This may be accomplished by the addition of water features, art or other design items to highlight the importance of the crosswalk.**~~

~~**The Main Street façade is highlighted at the crosswalk with art and/or architectural features to physically highlight the location and importance of the crosswalk.**~~

2. **All public way improvements conform to Salt Lake City Standards, including paving materials, venting, public furniture, signage and tree and lighting spacing. Final design of the public way improvement shall be delegated to the Planning Director to ensure conformance with the planned development approval.**
3. **The Planning Director has final approval over details of the plan to ensure conformance with the planned development approval. Major changes or alterations will be returned to the Planning Commission or Planning Commission sub-committee for consideration.**
4. **The applicant agrees, as presented, to try to meet the minimum LEED standard certification for the project.**
5. **Clarification that the Planning Commission's approval does not constitute approval for the Macy's ZCMI façade due to its designation as a Landmarks site, and must be reviewed by the Historic Landmark Commission under a separate application, and therefore Condition 1 does apply to the Macy's ZCMI façade and will be forwarded to the Historic Landmark Commission along with all of the minutes from the Planning Commission hearings and recommendations from the past year plus.**

**Commissioner Algarin seconded the motion.**

Mr. Pace inquired about the language of the motion, which stated that condition 1 be based on the applicant's presentation, which he felt had not been that specific, so he suggested that Commissioner De Lay craft the language to read, as per the applicant's presentation, but no less than what the ordinance requires.

Commissioner De Lay agreed with Mr. Pace.

Commissioner McDonough suggested re-crafting the recommendation in number 5, and inquired if the Commissioner could make a formal recommendation to suggest how they would like to see the Macy's ZCMI façade treated, which was what the Historic Landmark Commission had requested.

Mr. Shaw stated that if the Commission had input they wanted the Historic Landmarks Commission to consider it should be crafted into the motion.

Commissioner De Lay and McDonough suggested that this input was made separately from the motion.

Commissioner Scott inquired why Commissioner De Lay had eliminated conditions 2, and 3, because she felt that the design of the project would force pedestrians to travel 80 feet north to cross the street and then travel 80 feet south again to get back into the project, and she felt the burden should be on the developer to not just rely on sidewalk paving, but to have other guides along the way to enhance the pedestrian experience on Main Street. She also noted that condition 3 was important to make sure the applicant encourages pedestrians to use the crosswalk, not necessarily barriers.

Mr. Shaw stated that condition 2 has been settled, but he would agree with Commissioner Scott on condition 3, because he felt that the applicant had addressed safe pedestrian crossing in their presentation, but they might be able to come back with something more efficient.

Commissioner De Lay stated she would not be willing to reflect those changes in the motion.

Commissioner Muir stated that the Commission had an obligation to the developers to be specific, he stated that condition 6 stated that their compliance with the Commissions directives is subject to the final interpretation of the Planning Director, but he felt that the Commission should at least signal the applicants if they are on the right track or not, and if not then what do they need to do.

Mr. Shaw stated that Commissioner Muir should make it clear also for the City Council that the reason two of the conditions were removed was because it was clear in the applicants presentation that those conditions were adequately taken care of.

Chair Wirthlin stated that the City Council did not have final approval.

Mr. Shaw stated, they were not the decision making body, but they would be reviewing it.

**Commissioner McDonough proposed an amendment to the motion that all of the entrances that have been shown on the perimeter of the blocks are strictly ingress and not used only as emergency egress only and locked.**

**Commissioner De Lay stated she would accept that amendment.**

Mr. Williams stated that as far as residential uses, there are several entrances that are locked for security purposes unless a resident has clearance to be let in.

Commissioner McDonough stated she was only refereeing to retail uses, and in the interest of permeability and connectivity, a pedestrian could feasibly access retail shopping from Main Street as well as having access from interior of the project.

Commissioner Scott stated that she understood the arrows shown on the PowerPoint presentation indicated ways to leave Main Street and move into the development.

Mr. Williams stated that the arrows represented a combination of uses, including residential and retail, of which the residential would be locked and the resident would need a card to enter.

Commissioner Scott stated then they were not entrances.

Mr. Williams stated they were permeable.

Commissioner De Lay stated that whether those entrances were locked or not they still functioned as ingress and egress.

Commissioner McDonough stated she was only trying to stop a situation where a retail door on Main Street is used only for emergency egress.

Mr. Williams stated that there are exit doors from retail facilities onto Main Street because a mini anchor has to be able to get out onto a public way.

Mr. Heckman noted that this includes the caveat that where the ingress/egress arrows are located on the diagram they might move ten or fifteen feet depending on the retailer.

Vice Chair Woodhead stated that she had been struggling with whether or not she could vote against the skybridge and vote for the planned development, but her inclination is that she will vote positively for the planned development because she felt it is a really good project and can be incredibly successful exactly as it is without the skybridge.

Commissioner Chambless expressed his appreciation to the developers for the fountains, the sidewalk art, the native plants and trees, the green roofs, and creative lighting.

**Commissioner Forbis seconded the amendment.**

**All in favor voted, "Aye", the motion carried unanimously.**

Commissioner De Lay expressed her appreciation for the applicant working with the Commission the past year.

Mr. Gibbons thanked the Commission for their input.

The meeting adjourned at 10:27 p.m.

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Tami Hansen, Planning Commission Secretary



