

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 9, 2008**

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

Present from the Planning Division were George Shaw, Planning Director; Doug Dansie, Senior Planner; Michael Maloy, Principal Planner; Joel Paterson, Planning Programs Supervisor, and Cecily Zuck, Senior Secretary. Lynn Pace, City Attorney; Orion Goff, Building Official; Lisa Shaffer, Development Review Administrator; and Kevin Young, Transportation Engineer were also present.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson 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, Susie McHugh, Prescott Muir, Kathy Scott, Chairperson Mathew Wirthlin and Vice Chairperson Mary Woodhead. Salt Lake City Staff present were: Doug Dansie, Joel Paterson, George Shaw and Doug Wheelwright.

WORK SESSION

(This discussion was held during dinner.)

Mr. Shaw noted that Planning Staff was reviewing the Planned Development Ordinance and asked that the Commission review the current language. He presented a handout to the Commissioners regarding Chapter 21A.54.150 of the Zoning Ordinance. Mr. Shaw stated that he felt the language; particularly 21A.54.150.A numbers 1 and 2, was not specific enough and asked that the Commissioners review this Ordinance and return their input to him in the next few days.

Chairperson Wirthlin noted he would like more background regarding the history of the ordinance.

Mr. Dansie stated that the Planned Development Ordinance had existed before the 1995 revision; however, it had not been widely used by developers. He stated that since that time, decision makers had become more amenable to controlling the design elements of such developments.

Mr. Shaw stated that the Commission should help Staff to identify what particular benefits the City should receive for allowing a developer to undergo the planned development process, noting that this process granted the developer the opportunity to apply for waivers with the Planning Commission of certain Salt Lake City Ordinance standards which would otherwise necessitate adherence.

Commissioner Muir noted that this ordinance could include a list of possible public amenities that the developer should consider including, and that the ordinance could require that the developer also make a monetary or service contribution to a City organization such as the Sorenson Center.

Mr. Shaw noted that one problem with the Planned Development Ordinance tended to be in the creation of private streets, that these streets were not clearly demarcated, which caused issues with residents on a regular basis.

Vice Chairperson Woodhead noted that she was interested in why these streets were not clearly demarcated.

Mr. Young stated that Transportation had discussed creating different colored street signs to make private streets clear to Public Service workers as well as residents, but the idea never passed the conceptual phase.

Commissioner De Lay noted her concern that there was also no environmental ordinance in place to guide developers.

Mr. Goff noted that this ordinance was a part of the new Mayor's plan, and would most likely be handled through a position initiated by the mayor; the sustainability director.

APPROVAL OF MINUTES from Wednesday, December 12, 2007.

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

Commissioner Muir made a motion to approve the minutes with noted changes. Vice Chairperson Woodhead seconded the motion. Commissioner Forbis abstained. All others voted 'Aye'. The minutes were approved.

REPORT OF THE CHAIR AND THE VICE-CHAIR

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

Chairperson Wirthlin noted that both Commissioner De Lay and Vice Chairperson Woodhead had attended a seminar and obtained certification as trained Planning Commissioners.

Chairperson Wirthlin stated that the City Council had elected Jill Remington-Love as their new Chair and Carlton Christensen as Vice Chair.

REPORT OF THE DIRECTOR

(This item was heard at 5:50 p.m.)

Mr. Shaw noted that Commissioner De Lay and Vice Chairperson Woodhead had compiled a list during the aforementioned seminar including topics which could be used for future training sessions or the next Planning Commission retreat. He stated that staff would be meeting with the Chair and Vice Chair of the Planning Commission in the next week or two to discuss the issues generated through that list and schedule training and a retreat for sometime in the next few months.

ISSUES ONLY HEARING

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

Petition 410-07-39, Gateway Hyatt Place Hotel Conditional Use- a request by the Boyer Company for a planned development at 55 North 400 West. This property is zoned Gateway Mixed Use (GMU) and is located in City Council District Three (Staff-Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

Chairperson Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie reviewed the request for the Commission noting that any development within the Gateway Mixed Use Zoning District necessitated review by the Planning Commission. He noted that the proposal was for a hotel on 400 West. Mr. Dansie stated that there was a second petition for the parcel not on the agenda that would be heard at a later date; a proposal to construct an office building southwest of the proposed hotel at the head of Rio Grande Street.

Mr. Dansie noted that in 1903, the City deeded part of 400 West to the Oregon Short Line Railroad, narrowing 400 West by 40 feet, and when the Boyer Company bought the property, this particular parcel of the property was not part of the original redevelopment plan and stipulation agreement with the City. Mr. Dansie noted that this meant there was existing street frontage over part of this land, but it was questionable as to who actually owned that property. He stated that this was an issue the City was currently attempting to resolve with the Boyer Company.

Mr. Dansie noted that the proposed design of the hotel would line up with the existing right-of-way on 400 West to include a porte cochere, a covered entryway for vehicles, and a two-way driveway. He stated that this would effect light rail traveling north on 400 West, part of the concern being that curbs would need to be moved between 6 and 8 feet and the driveway would need to be condensed, which would not allow for two-way traffic.

Mr. Dansie stated that as part of the approval process, the GMU Zoning District included a materials list which the applicant would need to adhere to. He noted that the Planning Commission was not making a decision at this time; however, he and the applicants were present to receive feedback on the Planning Commission's concerns, and then would move forward to resolve these issues, and then come back before the Commission for a decision.

Commissioner Scott noted that staff would be working with the applicant, UTA, Transportation, and the City Attorney to work through the property issue.

Mr. Dansie noted that staff did need to sit down with the applicant and various departments to determine what type of descriptive rights existed and how to address them.

Chairperson Wirthlin invited the applicant forward to comment at 6:00 p.m.

Jake Boyer, company representative and applicant, noted that the proposed Hyatt Hotel, which would be the first Hyatt in the Downtown area, was considered an integral part of the overall development at the Gateway to them. He noted that he was present to receive input from the Planning Commission and hoped to return to the Commission soon to receive final approval.

Commissioner Woodhead stated that it was her impression that the original plan was to have Rio Grande Street continue uninterrupted through the south of the Gateway development and retail uses would be created on both sides of the street.

Mr. Boyer noted that there had never been a specific long term plan for this portion of Rio Grande Street. He stated that they had considered approximately thirty different options before bringing this plan to the Commission.

Commissioner Woodhead noted her concerns that this development option would enclose the north side of the development, preventing connections to outside neighborhoods.

Mr. Boyer noted that he felt the inclusion of the sixth building would increase the walkability of the project through retail on all sides of the ground level, and integrate the development in a more cohesive way with the surrounding neighborhoods.

Commissioner Woodhead inquired if they were considering additional underground parking at this time.

Mr. Boyer noted that they would not be altering the parking at this time and would leave the above ground parking pad.

Commissioner Woodhead noted that she would like to see the applicant attempt to avoid enclosing the development against surrounding neighborhoods.

Commissioner Forbis noted his concern that the proposed driveway would be a two-way access point on 400 West and this would create traffic issues with the proposed TRAX extension. He inquired if it would be necessary for this to remain a two-way access point.

Mr. Dansie noted that this would be an issue, particularly with drivers on 400 West who desire to turn left into the development.

Mr. Boyer noted that the two-way driveway was not an absolute requirement, but felt it would be an asset.

Commissioner Chambless noted that in a previous meeting they had discussed the replacement of the North Temple Viaduct for TRAX and inquired how that would impact the spacing of this proposal.

Mr. Dansie noted that there would be a squeeze point at 400 West and North Temple but no other damaging impact to the proposal.

Commissioner Muir stated that the narrowing of 50 North would really be to accommodate a left hand turn lane on 400 West.

Mr. Boyer noted that this was true.

Chairperson Wirthlin opened up the hearing to the public at 6:07 p.m.

Luann Lakis, Vice Chair of the Downtown Community Council, noted that they would prefer to see underground parking at this location and would like to see some feedback from the developer on this issue.

Jay Christianson, 1334 East 100 South, noted his concern that the proposed office building on Rio Grande street might connect pedestrian traffic with the nearby Intermodal Hub.

Daniel Pacheco, with Neighborworks Salt Lake, stated that he was concerned regarding the timeline and how the approval of this project and subsequent construction would impact the realignment of the light rail.

Chairperson Wirthlin noted that there would be no approval this evening as it was an issues only hearing and invited staff forward to respond regarding a timeline.

Mr. Dansie noted that the company was eager to get approval for the project and would like to move forward soon. He stated that this was why it was important to first resolve the transportation and deed issues mentioned earlier.

Mr. Boyer stated that the owners had obligations with Hyatt to move swiftly on this project and noted that while he was not certain what the timeline for the TRAX realignment would be, he felt that they intended to work to resolve the transportation issues as soon as possible when the realignment was approved.

Commissioner Scott noted her concern that this would be an area of heavy pedestrian traffic due to the realignment and asked that the applicant remain cognizant of the pedestrian issues.

Mr. Boyer noted that the sixth gateway would be likely a retail use and would fail without the pedestrian traffic. He stated that it would therefore be disastrous to not make it pedestrian friendly.

Commissioner McDonough stated her concern that the design concept was fairly monumental, symmetrical, and this could not be comprehended in the surrounding design schematic. She noted that in terms of the development, the office space might be more flexible, or moveable, and the building could have better presence for the public if Rio Grande terminated in a small plaza.

Mr. Boyer noted that they wished to align the office building so that the view corridor along Rio Grande would center upon the building's entrance.

Commissioner McDonough stated that she felt the building would not give that impressive view, but by moving the building slightly north it might provide a wider aperture to frame that view.

Commissioner Forbis noted his concern regarding parking and inquired if the proposal would meet or exceed the City's requirements.

Mr. Boyer noted that the proposed parking exceeded the ordinance requirements, but exceeded that requirement less with each additional development in the Gateway, creating a lower overall parking ratio supporting alternative transportation options.

Chairperson Wirthlin brought the issue back to the Commission for discussion at 6:24

Commissioner De Lay requested information from the applicant regarding any green building plans as well as parking impacts.

Chairperson Wirthlin noted that there were no further comments from the Commission and closed the Issues Only Hearing at 6:25 p.m.

PUBLIC HEARING

Petition 490-07-34, Hemingway, Stanley Subdivision Amendment- a request by Mr. and Mrs. Stanley represented by Gary Evershed of Lowell Construction Company for a subdivision amendment to amend the lot dimensions and the size and location of the buildable areas of lots 306 and 307. The two lots are located at 589 and 607 Capitol Park Avenue (295 East). The proposed amendment is in the Foothills Residential (FR-3) Zoning District in Council District Three (Staff- Michael Maloy at 535-7118 or michael.maloy@slcgov.com).

(This item was heard at 6:25 p.m.)

Chairperson Wirthlin recognized Michael Maloy as staff representative.

Mr. Maloy reviewed the proposal noting that this property had appeared before the Commission on November 28, 2007, the original proposal being to combine the parcels into a single lot. Mr. Maloy noted that this proposal had been denied by the Commission and the proposal before the Commission this evening was a revision of that original proposal. He stated that while this was considered a minor subdivision lot line adjustment, it was in the Foothills Residential District, and therefore required review and a decision by the Planning Commission. Mr. Maloy noted that the revised proposal had received approval from the Greater Avenues Community Council as well as the Homeowners Association in the neighborhood. He stated that he had not received any comments in favor or against the modified proposal and noted that Staff recommended approval based upon the findings and conditions listed in the Staff Report.

Chairperson Wirthlin invited the applicant forward to comment at 6:28 p.m.

Gary Evershed, with Lowell Construction and representing the Stanleys, noted that Mr. Carlson had given the applicant a suggestion which they decided to take under advisement. He stated that he felt everyone saw this change as positive.

Susan Clark-Stanley, the applicant, noted that they had never intended to leave lot 306 undeveloped, even though this had been stated in a letter from the Greater Avenues Community Council. She stated that she had a revised letter and the original letter should not be included in the Commission's decision.

Commissioner Wirthlin opened the hearing to the public at 6:31 p.m.

Shane Carlson, Greater Avenues Community Council (GACC), thanked staff for their diligence in returning this item to the Commission as soon as possible. He noted that the first letter conveyed his original understanding and he did not intend for that item to be included as a condition of support from the GACC.

Mrs. Clark-Stanley stated that she would want to ensure that stipulation not be included in the decision.

Commissioner De Lay noted that the restriction indicated in the original letter was not included as a condition of approval in the staff report.

Commissioner Wirthlin noted that there was no further public comment and brought the item back to the Commission for discussion at 6:35 p.m.

Commissioner De Lay noted that the staff report indicated alternative decisions which might be made by the Commission and inquired if this was a new staff standard; to include more options.

Mr. Shaw noted that this was the intent of including said options.

Commissioner Scott stated her concern regarding what type of structures would be allowed on Lot 306. She stated that it was not really an accessory piece of property and wondered what restrictions existed concerning any future construction.

Mr. Maloy noted that the City would still consider Lot 306 a buildable lot. He stated that the Commission would not be restricting the development of the lot in their decision and all allowable uses under the Zoning Ordinance could still be considered by the property owner.

Commissioner Woodhead noted her concern regarding the language of the fourth condition of approval in the staff report which seemed to indicate the Commission would be satisfied with: 'inadequate public improvements' and wondered if the condition should instead read, 'be brought up to current standards'.

Commissioner De Lay noted that this condition was taken from the standards of the Ordinance.

Commissioner De Lay made a motion to approve Petition 490-07-34 based upon testimony and findings of fact presented during the hearing, and subject to Section 21A.24.040.J, Maximum Lot Size from the Zoning Ordinance, and conditions 1-4 as listed in the Staff Report;

1. Approval is subject to compliance with all departmental comments attached to this staff report (see Attachment E- Departmental Comments).
2. Applicant shall prepare and submit to the City a final subdivision application and plat.
3. Final subdivision plat shall be recorded within 18 months of preliminary approval.
4. Any future development activities associated with this property will require that all inadequate or absent public improvements be installed. Additionally, any future development will be subject to requirements of the Zoning Ordinance.

Commissioner Forbis seconded the motion. All voted 'Aye'. The motion carried unanimously.

Chairperson Wirthlin called for a ten minute recess at 6:38 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 Conditional Use 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 conceptual planned development approval for building footprints, up to the podium level, of the proposed development and the locations of entrances to the proposed parking structures for Blocks 75 and 76 and to allow building permits to be issued for the below grade parking structures and Towers 6 and 7, levels P4 through street level on Block 76, and the associated mid-block ramp on West Temple prior to final Planned Development Approval. Final design approval for the overall project, including the proposed skybridge, will be considered at a future Planning Commission public hearing.**
- b. **Petition 410-07-44-a request for a Conditional Use approval to Increase Building Height and to allow Additional Building Setback for property located at approximately 50 East 100 South in the D-1 Central Business District to:**
 - i. **Allow construction of a building that would be approximately two hundred sixty-five feet (265') tall, which would exceed the D-1 Central Business District maximum building height regulation of one hundred feet (100') for amid-block building. This request is in addition to the previous Planning Commission approvals to allow adjustments in building height at other locations within the City Creek Center development; and**
 - ii. **Allow a portion of the building façade to be setback approximately fifteen feet (15') from the front property line which would exceed the D-1 Central Business District maximum front yard setback regulation of five feet (5') (Staff-Joel Paterson 535-6141 or joel.paterson@slcgov.com and Doug Dansie 535-6182 or doug.dansie@slcgov.com).**

(These items were heard concurrently at 6:48 p.m.)

Chairperson Wirthlin noted that there would be no final recommendation regarding the skybridge during the hearing. He then recognized Doug Dansie as staff representative.

Mr. Dansie noted that the staff report was broken into four sections; the first of which reviewed Conditional Use Standards; the second reviewed standards for Planned Developments; the third reviewed the City's skybridge policy as well as what issues remained for the Commission and Staff regarding the applicant's skybridge proposal; and the fourth section listed additional Commission and Staff questions.

Mr. Dansie noted that the staff report included a section addressing all issues raised at the last Planning Commission Meeting on December 12, 2007.

Mr. Dansie stated that, as a point of reference, there was data within the staff report exploring retail model alternatives to the two-story retail concept proposed by the applicant. He noted that staff had also included policy opinion on the skybridge and whether it should be enclosed or not. He stated that staff had issues with the Main Street interface; the applicant had done an excellent job of interfacing with other block faces, but not on Main Street. Mr. Dansie stated that staff felt that as proposed, architecturally speaking, there was nothing to distinguish the existing set crosswalk as part of the development.

Mr. Dansie stated that staff proposed the inclusion of a grand stairway into the main galleria. He noted that currently, the only way to access second level retail was to travel across the galleria to escalators on Main Street. Mr. Dansie noted that there were arguments against the grand staircase, that it would block views within City Creek as well as blocking retail frontage.

Mr. Dansie noted that staff recommended the Planning Commission grant preliminary approval of the Planned Development for construction to the podium level and approve Petition 410-07-44, additional building height, and setback modification for the building located at 50 East 100 South.

He noted that the Planning Commission should also give direction to the applicants and staff as how to address the Main Street crosswalk and façade, skybridge alternatives and treatment of the ZCMI façade.

Vice Chairperson Woodhead noted her concern regarding the language of the Staff Recommendation and asked for clarification regarding the difference between 'conceptual' and actual approval.

Mr. Dansie noted that it was simply a matter of approving the project to the ground, or 'podium', level and final approval for development details would be considered at the next Planning Commission Meeting.

Lynn Pace, City Attorney, noted that the Commission was being asked to approve specific portions of the development so that the applicant may pull a building permit on these aspects. He noted that conceptual approval would denote that the Commission was comfortable enough with the overall project to allow the applicant to receive a building permit and begin construction on the structural aspects of the development.

Mr. Dansie noted that if the Commission had particular concerns regarding building footprints or the location of a particular building, they may wish to hold off on approving this request.

Lisa Shaffer, Development Review Administrator, noted that staff was asking for approval of the underground elements and building footprints could be modified somewhat at a later date if necessary.

Mr. Pace noted that this was true, however, footings would be created and buildings could not be moved from their current locations after this approval was granted.

Chairperson Wirthlin noted that 'partial approval' might be a better term for the staff recommendation.

Mr. Shaw noted that the location of Tower 1 had already been approved by the Planning Commission, but they could reaffirm that approval during the current hearing. He stated that the intent of staff during this hearing was to ensure that the Commission was comfortable with locations of the buildings and moving forward, but wanted to address the Commission's concerns raised on December 12, 2007, and staff felt they could not come forward with a full planned development approval, including a recommendation on the skybridge, until those issues were resolved.

Commissioner De Lay noted that there were pictures of The Grove, a shopping center in Los Angeles, included in the staff report and wondered what the reason for this was.

Mr. Dansie noted that one of the criteria of the skybridge proposal was that other development layout alternatives had been explored. He noted that there was not enough space on the two blocks for a single level retailer and The Grove, was an example of a very successful mall, but many of the retailers were multi-level retail stores. He noted that it was given to the Commission as a point of information.

Chairperson Wirthlin invited the applicant forward to comment at 7:08 p.m.

Mr. Gibbons gave an overview of the presentation schedule stating that they would give a statement in terms of the process, present a video fly through of the development and then allow for a slow review of that presentation, with time for Commission comments and questions.

Mr. Williams noted that they felt there were four matters before the Commission. He stated that the first was the Planned Development application, second, the Conditional Use Application for additional building height and setbacks, third, the recommendation to City Council with regards to the projects compliance with the downtown plan amendments relating to the skybridge design, and fourth, a recommendation to City Council concerning the vacation of air rights over Main Street

Mr. Williams noted that the presentation was tailored as a response to rather specific questions presented by the Planning Commission on December 12, 2007. He noted that the applicants hoped to walk away with approval for the below grade construction as well as receive a finite list of issues, concerns and conditions from the Planning Commission so questions so that there might be an end to the process.

Mr. Locke gave a four minute video presentation of what the development would look like as currently proposed.

Mr. Locke then gave a PowerPoint presentation reviewing particular concerns of the Planning Commission including; ADA accessibility, crosswalks, block porosity, building elevations from slides included in the staff report and green roofs within the development.

Mr. Sullivan reviewed alternatives to the skybridge including retail all on one level, retail on a single block and the creation of an underground tunnel. He also reviewed shadow studies of Main Street, views of Ensign Peak and the skybridge as well as views of Ensign Peak from the proposed skybridge. He reviewed other skybridges in the area and a statement from UTA requesting that the skybridge be enclosed. Mr. Sullivan then reviewed the food court schematics, water features and proposed pet amenities.

Mr. Sullivan noted that he would slowly review the project video for the Commission and would welcome any questions from the Commission at this time.

Commissioner Scott stated that she would like to know how many retailers the project would encompass.

Mr. Williams noted that there was space for 125 retailers.

Commissioner Chambless inquired how many meters in length would the water be visible.

Mr. Williams noted that the water features would be visible for about 1200 feet (1200') in total.

Commissioner McDonough inquired about the arches framing the retractable roof skylight on the end wall and if the concept shown was indeed close to the desired end result.

Mr. Locke noted that they had worked a long time to try and eliminate some of the stronger lines in order to make the arch more transparent but had settled upon the current design, as it enabled the mechanical

elements of the retractable roof and the proposed geometry allowed these retractable portions of the roof to seal when closed.

Commissioner Muir noted that the Westside Pavilion in Los Angeles had a several story complex with walkways facing the shops and a center galleria with escalators that tie levels together, and he inquired as to why that concept would not work in the proposed development.

Mr. Heckman noted that the applicants considered this to be a deadly environment to retail and that particular development in Los Angeles was experiencing difficulty with the format. He also noted that this arrangement would create retail and walkability impediments as well as block views inside and outside the development.

Mr. Williams noted that they had sacrificed frontage to put in the escalators, but felt that it was the best decision to balance the development.

Commissioner Forbis noted his concern that the underside of the bridge was very close to the top of the UTA station on Main Street and people might easily be able to tag the underside of the bridge with graffiti. He also wondered whose responsibility it would be to remove graffiti.

Mr. Williams noted that it would be their responsibility to remove that graffiti.

Mr. Locke noted that he was not certain as to what the exact difference in height between the two structures was, but noted that the dimension that TRAX had been concerned about was the proximity of the pantograph and cables to the underside of the bridge.

Commissioner Wirthlin stated that the applicant may want to approach UTA about modifying the roof of the station in some way to prevent people from trying to climb out and tag the underside of the bridge.

Commissioner De Lay noted that none of the overhead TRAX wires were shown in the rendering.

Mr. Williams noted that a concern raised by the City Council had been that creating a staircase parallel to the bridge at the Main street entrance would force people further into the block, away from Main Street, and by rotating that 90 degrees, they were more comfortable as it gave easy access to Main Street and the Downtown frontage beyond City Creek.

Mr. Sullivan noted that the proposed design was the culmination of several meetings with the City Council.

Vice Chairperson Woodhead inquired if the escalators could be stairs.

Mr. Locke and Mr. Sullivan noted that the proposal had started with stairs.

Mr. Locke noted that the Council insisted that people were concerned with convenience and felt that escalators were necessary.

Vice Chairperson Woodhead noted her concern regarding how long the development might last.

Mr. Williams noted that the intention by CCRI was for this to be a 50 to 100 year undertaking.

Mr. Gibbons noted that they were not intending to create a shopping mall, but rather improve the Downtown area. He noted that it was a bit of a hybrid, as it did connect into the City, but did include elements which made it more attractive to retailers. He noted that this proposal would accommodate several new concepts and allow them the frontage they deemed necessary.

Vice Chairperson Woodhead noted that it might be prudent for the City to lease air rights to the applicant in regards to the skybridge so the City may remove it once the use is no longer viable.

Mr. Sullivan noted that the City could impose a condition subsequent to the title in which the air rights would terminate if there was an abandonment of the use on either side of the street.

Commissioner Chambless noted that he felt stairs to be a more permanent and viable option than the escalators.

Mr. Gibbons noted that the applicants wanted the development to be a regional draw and if it didn't feel convenient for them, they wouldn't shop there.

Commissioner Chambless inquired how quickly a broken escalator might be fixed.

Mr. Heckman noted that a broken escalator was a functioning stairway.

Mr. Locke noted that there would also be elevators adjacent to all escalators.

Mr. Forbis inquired what would be unique about the proposed skybridge.

Mr. Sullivan noted that the applicant was designing it to vent and allow fresh air to flow through the bridge. It also would include unique art glass and add new perspectives to the view corridor from the bridge.

Commissioner Muir stated that he would like more information regarding the ZCMI façade and how the second-story windows would be utilized by Macy's. He noted that he would like to see alternatives to the proposed spandrel glass.

Mr. Williams noted that they would address this question a little later in the presentation.

Vice Chairperson Woodhead inquired how wide the skybridge would be.

Mr. Sullivan noted that it would be about 28 feet (28') wide and about 130 feet (130') long.

Vice Chairperson Woodhead inquired if there might be any outdoor food vendors within the development, such as taco carts.

Commissioner De Lay noted that this would be a very high-end development and that there would likely not be very many small businesses able to afford the lease.

Mr. Gibbons noted that having outdoor food vendors in the summer had actually been a suggestion made previously, and they would take that suggestion under advisement.

Commissioner Forbis inquired if the applicant intended to incorporate any xeriscaping into the development.

Mr. Sullivan noted that they did not intend to do any xeriscaping; however they did intend to use as many native plants as possible and would use drip irrigation.

Commissioner McDonough noted her concern that there was no sight line included from the food court to the State Street entrance in the presentation.

Mr. Locke noted that there would be a skylight that was not depicted in the renderings above the food court and an escalator and staircase leading out to State Street.

Mr. Sullivan noted that they had not animated the lighting yet on State Street, but the street frontage would include ample lighting and be very safe.

Commissioner Chambless noted that he would like to see this development connect with the Gateway Development in terms of walkability.

Mr. Sullivan noted that the intent was to expand this use down Main Street and increase the walkability in the area.

Commissioner Muir noted his concern regarding the design for the north face of Nordstrom's.

Mr. Locke noted that while it had not been addressed in the rendering, Nordstrom's intended to create more interest and glass entries and that it would not be a blank wall.

Mr. Williams noted that they could review that Nordstrom's wall later in the presentation.

Mr. Sullivan reviewed the Macy's façade. He noted that the blade signs would not be attached to the façade and would in fact be etched glass. He stated that the canopy would also be free-standing from the façade. Mr. Sullivan stated that the first floor would be comprised of all vision glass and pedestrians would be able to see into the actual store, with intermittent show windows.

Mr. Locke reviewed the ramp and stair access to the front of Macy's.

Mr. Sullivan noted that if the building were to be comprised entirely of transparent glass, the floors would not match the apertures of the façade.

Chairperson Wirthlin inquired about the first floor level retail and how it would interact with the outside streetscape.

Mr. Sullivan noted that there were several grade change challenges which made this option with below grade ramps and stairs the best option to still enliven the street level.

Mr. Williams noted that this was not a new addition with the plan.

Chairperson Wirthlin noted that with the ZCMI development as he recalled, you entered the building and then stepped down, whereas here, you would step down outside and then enter the building.

Bob Corcoran, with Macy's, noted that the store floor levels were completely different. He stated that the structure would start as a level of the actual parking garage and in order to accommodate the façade, they pulled the wall out front and created the outdoor entrance. He noted that he was pleased with the fact that pedestrians entering from this side could survey the interior of the first floor before entering. Mr. Corcoran noted that the entrance would be very well lit and cleaned or cleared of snow on a regular basis, as well as covered by a canopy and accessible to everyone by the use of stairs or a ramp.

Grant Thomas, construction manager with CCRI, noted that they had discussed building placements previously with the Planning Commission and stated that they had felt the Commission was comfortable with these placements. He noted that the applicants were now requesting that they be allowed to continue this construction process up to the podium level.

Chairperson Wirthlin opened the hearing for public comment at 8:52 p.m.

Chairperson Wirthlin read a comment card from Jay Christianson, 1334 East 100 South, which stated that if the skybridge were built it should be open, and Taubman should at least make this compromise because of public outcry and the controversial nature of the skybridge.

Jim Webster, former chair of the Yalecrest Community Council, wondered why there were not more people present at the hearing. He stated that as a landscape architect he was encouraged to see the progress which had been made on the water feature aspects of the project and that he was also pleased to see that the concept of an open skybridge had been explored by the applicants.

Chairperson Wirthlin, seeing no further comments, closed the public portion of the hearing at 8:56 p.m.

Mr. Pace noted that the decision tonight would deal with the footprints of the buildings only and cosmetic details could be decided upon later.

Ms. Shaffer noted that the footings would determine that there would be buildings in those positions; however, there would be some flexibility as to the structures themselves afterwards.

Vice Chairperson Woodhead noted her concern that the Commission might shortchange the public in their due process to comment on the project by approving the below ground construction.

Mr. Pace noted that he was not concerned about there being a lack of public comment. He stated that below grade construction would dictate, to some extent, the building to be built above ground and if the Commission felt that this approval was tantamount to an approval of the overall project itself, or had issues with the site plan, they may wish to table it until the next meeting.

Ms. Shaffer noted that she believed staff felt that this request was not new in that there had been no objection previously to building locations and the things that the Commission was still seeking clarification on did not deal with the below ground construction.

Chairperson Wirthlin invited the applicants forward to respond at 9:01 p.m.

Commissioner McHugh noted that she would like to approach the two items to be voted upon one at a time and afterwards address the recommendations sought by staff regarding the concerns of the Commission.

Chairperson Wirthlin noted that he had thought the Commission would discuss everything and then make the decision at the end.

Commissioner Scott noted that a decision made that would impact the Main Street interface and a radical change to the plans would be necessary could affect the footprints of particular buildings, and stated that the Commission might be better off waiting to make a final decision on January 23, 2008.

Mr. Gibbons noted that there were elements of flexibility within the development; however, there were other elements with no flexibility. He stated that the positioning of the Social Hall Avenue corridor was an enormous undertaking and would not be at all easily realigned with the crosswalk. He noted that two weeks would be a significant hiccup for the applicants. He noted that there was enormous momentum which would be broken at this point if they ended up waiting for an approval.

Chairperson Wirthlin noted that the Commission didn't have to make a decision tonight, it was the applicant's risk, however, he stated that he felt it would be a mistake to delay the decision two more weeks.

Commissioner De Lay noted that the Commission's directions to staff were a separate issue which they could discuss later. She noted that the two issues before the Commission requiring a vote were straightforward as no one seemed to take issue with the placement of structures or the request for additional building height. She noted that she felt the Commission could make a motion on these issues.

Commissioner Forbis made a motion regarding Petition 410-06-38, based upon the testimony and findings of fact, to grant preliminary planned development approval as outlined in staff recommendation one of the staff report;

- 1 Grant preliminary planned development approval for building footprints, up to the podium level of the proposed development and the locations of entrances to the proposed parking structures on Blocks 75 and 76 and to allow building permits to be issued for the below grade parking structures and Towers 1,6 and 7, levels P4 through street level on Block 76, and the associated mid-block ramp on West Temple prior to final Plan Development approval.**

Commissioner McHugh seconded the motion. All voted 'Aye'. The motion carried unanimously.

Commissioner Forbis made a motion to approve petition 410-07-44, based upon the testimony and findings of fact; requesting additional building height to allow the proposed building located at approximately 50 East and 100 South to be constructed to a height of approximately two hundred and sixty-five feet (265') and to allow a portion of the front façade to be setback approximately fifteen feet (15') from the front property line. Commissioner McHugh seconded the motion. All voted 'Aye'. The motion carried unanimously.

Discussion of remaining issues:

Mr. Shaw noted that the remaining issues that he noted during the hearing had been the grand staircase, the skybridge design, the crosswalk and design of the Main Street plaza area.

Vice Chairperson Woodhead noted that she was opposed to the idea of a straw vote on the planned development.

Commissioner Forbis noted that Commissioner Woodhead and Mr. Sullivan had raised the idea of conditioning the title upon the air rights being vacated at the time of the abandonment of the use of the skybridge.

Mr. Pace noted that if it was the Commission's intention to grant use of the air space only as long as the project was viable, the City Attorney's Office could figure out the legal language to achieve that.

Chairperson Wirthlin noted that there were therefore no other issues regarding the vacation of the air rights.

Commissioner McHugh noted that she would like to see venting of some sort on the skybridge and allow the sound of Main Street onto the bridge.

Commissioner Muir noted that this was not a vote and therefore might not be consensus on all of the issues. He stated that the applicant should put their best foot forward and see what prevails in two weeks. Commissioner Muir noted that he felt the bridge should be an open bridge and he was not convinced of the liability issue.

Commissioner Forbis noted his concern regarding the distance between the top of the TRAX station on Main Street and the bottom of the bridge. He stated that this issue needed to be addressed by the applicant.

Commissioner Scott noted that they would need to look at the Main Street crosswalk and wanted a rendering or graphic with obstructions. She also stated that she would like to see the crosswalk moved.

Mr. Shaw noted that there was no real way to move the crosswalk. He stated that his intent was to create a sense of arrival for the project and for the downtown area with pedestrian amenities and surrounding features.

Commissioner Scott noted that the applicant should then explore how to make the crosswalk more palatable to the pedestrian.

Commissioner Muir noted that he did not think the Commission should revisit the realignment of the main concourse and would rather see the barriers along the street removed.

Commissioner De Lay stated that she would like to see more public art incorporated into the development and encouraged the applicant to include this next time. She also noted that she would like to see more visuals regarding the expanded view corridors throughout the project.

Commissioner Scott noted that she was not yet convinced that the skybridge was entirely necessary.

Mr. Heckman noted that the project would not reach the critical mass necessary to remain viable unless the whole project were connected. He noted that The Grove, an example presented in the staff report was a very unique example, heavily subsidized by the City of Los Angeles and most of the retail uses were actually fake façades at the second level, only twenty percent of the retailers within that development had two levels of retail.

Mr. Gibbons noted that they had looked at a number of such centers in their research. He stated that the Grove was an inwardly oriented center and did not connect to its surroundings; it was not mixed use and did not include living space.

Commissioner Scott noted that the limited number of apertures within the development was not convenient for pedestrians who may have to walk several feet in order to access the second level of retail. She also noted that the skybridge might be so interesting as to keep pedestrians on the second level of retail and not travel downwards to the first level and onto Main Street.

Mr. Williams noted that the applicant's intent in the beginning was to bisect the large Salt Lake City blocks to create a more pedestrian friendly environment, more commensurate with other Western cities. He noted that they felt comfortable dividing the project into eight blocks.

Commissioner Scott noted that she did not feel the applicant needed to make the blocks smaller, but rather look at the access problem of getting into the stores, which still did not seem very inviting to the pedestrian.

Commissioner McHugh noted that there were entrances to all of the outward facing stores.

Mr. Heckman noted that this was true and many of these stores had entrances and exits on the interior of the development as well. He noted that the development was also introducing large stores to become anchor stores to the City.

Mr. Locke reviewed where store and residential entries would be located.

Commissioner Forbis noted that he would also like to see more porosity along Main Street for pedestrians.

Commissioner McDonough noted that she felt a grand staircase on Main Street would block views within the development and stated that she felt the escalators were well executed.

Commissioner Muir noted that he would like to see a better rendering of the North side of Nordstrom's.

Vice Chairperson Woodhead noted that she would like to see more stairs within the development.

Commissioner De Lay noted that there weren't a lot of two story retail uses around, however, this was their investment without any tax money and that they would want it to work. She therefore thought that they Commission should defer to them on what would work.

Mr. Locke noted that the demand for two story retail was very low, specifically due to the tremendous expense involved.

Mr. Williams noted that they had spent four years and thousands of hours to ensure that they were not building a 'mall'. He noted that a mall was inward facing and rather tried to create a facsimile of a street not involved with the public way.

Mr. Shaw noted that the concept of having one project means that it has to be connected in a better way than past attempts in the downtown area.

Commissioner McDonough noted that she would like to see a better interface between the design of the skybridge and the façade expression of the main entry of the two blocks. She stated that it had to do with the architectural detailing and expression and if it could be graceful and convincing in space and the vertical connections, it could be quite successful.

Commissioner Forbis stated that he requested more information about the project's LEED certification and what level of certification the applicant was seeking. He noted that he would also like to see some data on what types of alternative energy solutions the development would be seeking with Rocky Mountain Power.

Mr. Shaw noted that there was still the issue of what was visible on the facades when at the crosswalk on Main Street.

Mr. Dansie noted that pedestrian walkability near the crosswalk could be promoted in two ways; one would be to encourage pedestrians by modifying the sidewalks and adding trees and plantings, the other would be to activate the street front so that they would be walking by a use. Mr. Dansie noted that he felt the best answer would be to do both, but it may be possible that there should be some sort of visual cue, even if it's an art piece or architectural detail.

Mr. Locke reviewed the Main Street crossing facades.

Commissioner Scott noted that she would like to see more architectural articulation of these facades.

Mr. Sullivan noted that there would be a restaurant with outdoor dining at the crosswalk.

Mr. Locke reviewed the façade of Macy's.

Commissioner Scott inquired if there was a way to make the stair towers on either end more attractive.

Mr. Locke reviewed the stair tower treatment.

Commissioner Scott noted that she did not like the idea of spandrel glass on the Macy's building as it interacted with the ZCMI façade in a negative way.

Commissioner McHugh noted that there was a concern regarding light pollution to surrounding neighbors at night, so spandrel glass might be a positive solution.

Commissioner McDonough noted that she noted that she would like to see a rendering of the project's interface perpendicular to Main Street.

Mr. Shaw noted three main points in summary which related to the staff concerns:

- The idea of a grand staircase on Main Street was not feasible
- The bridge should be open to air flow; by vents, louvered windows or some other means
- The Commission would like to see more enlivened, accurate renderings of the Main Street crosswalk with fewer barriers to pedestrians.

Chairperson Wirthlin closed the hearing at 10:07 p.m.

Commissioner Muir noted that during the work session discussion earlier in the evening, it was brought up that when the Commission approved a conditional use they should clearly define what the advantages or remediation measures would be for the City to mitigate any negative connotations or offsets. He inquired if the Commission should then begin articulating what those remediation measures would be.

Mr. Shaw noted that as new planned developments - mostly residential, came forward, staff would include more scrutiny in their review and would approach the Planning Commission with a more detailed recommendation.

UNFINISHED BUSINESS

There was no unfinished business.

The meeting adjourned at 10:08 p.m.

Cecily Zuck, Senior Secretary