

PLANNING COMMISSION STAFF REPORT

Conditional Use



Salt Lake County District Attorney's Office Petition PLNPCM2011-00600

616 South State Street

December 14, 2011

Planning Division
Department of Community and
Economic Development

Applicant: Salt Lake County Facilities Management

Staff: Everett Joyce, 801-535-7930,
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Tax ID: 16-06-354-018

Current Zone: D-1 / D-2 Downtown Zoning Districts

Master Plan Designation: Downtown Master Plan and Central Community Master Plan identify as part of the Central Business District

Council District: Council District Four, Represented by Luke Garrott

Community Council: Downtown and Central City

Area: 2.29 acres

Current Use: Vacant buildings and parking lots

Applicable Land Use Regulations:

- Section 21A.30.020 D-1
- Section 21A.54 Conditional Uses

Attachments:

- A. Site Plan, Elevations, Renderings
- B. Public Input
- C. Department Comments

Request

This is a request by the Salt Lake County Facilities Management Division for conditional use approval for a proposed office structure that requires modification to the building setback and height allowances and first floor window treatment. An office building is a permitted use. The subject property is located at 616 South State Street. The parcel is split zoned, D-1 and D-2 Downtown Zoning Districts.

The proposed building is 90 feet in height and the minimum building height required is 100 feet. The site is a corner parcel and portions of the proposed building footprint exceed the five foot maximum front and corner side yard setbacks. The first floor windows are required to be non-reflective glass, the proposal includes translucent glass on the first floor street elevations.

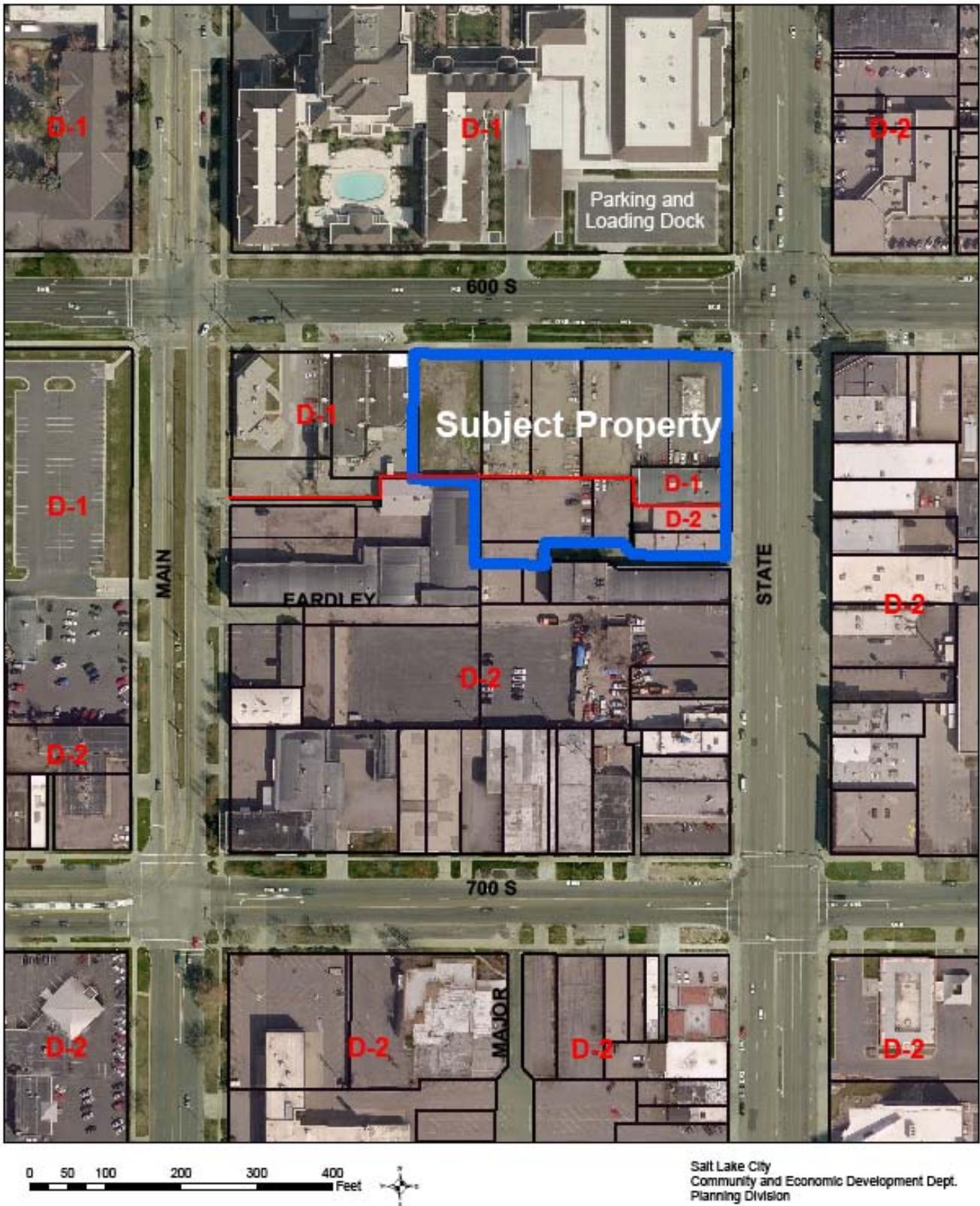
Staff Recommendation

Planning Staff recommends that the Planning Commission approve the conditional use for: building height less than 100 feet, front and corner side yard setbacks greater than five feet and to allow first floor translucent windows for a proposed office located at 616 South State Street subject to final site plan approval by the Planning Director.

Recommended Motions

Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the conditional use as presented for building height, building setbacks and first floor window treatment for the proposed Salt Lake County District Attorney's office at 616 South State Street located in the Downtown D-1 Zoning District subject to final site plan approval by the Planning Director.

Vicinity Map



Background

Project Description

The applicant is proposing to build an office building at 616 South State Street on a 2.29 acre parcel. The office building will house the Salt Lake County Attorney's Office and related support facilities. The subject site has been selected due to its proximity to the Scott M. Matheson Court House at 500 South and State Street.

The project consists of approximately 92,000 square foot, six story office building. The project is planned to be LEED Platinum Certified and Net Zero Energy Building (NZEB) A classification. To achieve efficient energy use, zero energy design departs significantly from conventional design and construction practice. Because of the design challenges and sensitivity to a site, net zero building designers must apply holistic design principles, and take advantage of assets available, such as passive solar orientation, natural ventilation, daylighting, thermal mass, and night time cooling. The proposed building will use primarily a metal panel façade system, with some concrete / precast elements punctuated by glazing. A large photo voltaic array forms a roof cap to the west wing of the building. The building's distinct facades are a reflection of their relationship to the impact of the sun throughout the day. The east and west facades include minimal windows to reduce heat gain and glare issues. The double skin and shading devices on the south facade are designed to provide needed shading and reduce heat gain while utilizing reflective louvers to bring daylight into the interior of the spaces. The site plan layout protects solar access to the building from being blocked by future development to the south.

The subject property is split zoned, D-1 on the north portion and D-2 on the south portion. The proposed office building lies within the D-1 zone and the D-2 portion of the site accommodates a photovoltaic panel structure over on-grade parking.

Zoning District Purpose Statements:

D-1 Central Business District: The purpose of the D-1 central business district is to provide for commercial and economic development within Salt Lake City's most urban and intense areas. A broad range of uses, including very high density housing, are intended to foster a twenty four (24) hour activity environment consistent with the area's function as the business, office, retail, entertainment, cultural and tourist center of the region. Development is intended to be very intense with high lot coverage and large buildings that are placed close together while being oriented towards the pedestrian with a strong emphasis on a safe and attractive streetscape and preserving the urban nature of the downtown area. This district is appropriate in areas where supported by applicable master plans. The standards are intended to achieve established objectives for urban design, pedestrian amenities and land use control.

D-1 Downtown Zoning Standards			
Requirements	Standard	Proposed Development Status	Impact on Development
Front / Corner Side Yard	5' Max Setback	Building setbacks exceed the 5' maximum setback	Conditional use approval required
Side / Rear Yard	No Minimum	The proposal meets this standard	None
Building Height	100'	The building height is 10 feet under the minimum building height	Conditional use approval required
Lot Area	10,000 s. f.	The proposal meets this standard	None
Lot Width	100'	The proposal meets this standard	None
First Floor Windows	40 % and non-reflective glass	The proposal incorporates a mix of vision and translucent glass	Conditional use approval required
Parking Lot Setback	75'	The proposal meets this standard	None

D-2 Downtown Support District: The purpose of the D-2 downtown support commercial district is to provide an area that fosters the development of a sustainable urban neighborhood that accommodates commercial, office, residential and other uses that relate to and support the central business district. Development within the D-2 downtown support commercial district is intended to be less intensive than that of the central business district, with high lot coverage and buildings placed close to the sidewalk. This district is appropriate in areas where supported by applicable master plans. Design standards are intended to promote pedestrian oriented development with a strong emphasis on a safe and attractive streetscape.

D-2 Downtown Zoning Standards			
Requirements	Standard	Proposed Development Status	Impact on Development
Minimum Yard	None	The proposal meets this standard	None
Building Height	65'	The proposal meets this standard	None
Lot Area	No Minimum	The proposal meets this standard	None
Lot Width	No Minimum	The proposal meets this standard	None
Parking Lot Setback	None	The proposal meets this standard	None

Project Elements Requiring Conditional Use Approval

Conditional use approval is required for three different elements of the proposed project. These are:

1. Building setbacks greater than the five foot maximum from the front property line.
2. Building height less than the 100 foot minimum height requirement.
3. First floor windows are to be nonreflective and the applicant proposes a mix of vision glass and translucent glass.

The D-1 Zoning District allows modification of these ordinance standards through the conditional use process. The three conditional use elements are discussed below.

Site Location and Surrounding Character

In the Planning Commission’s evaluation and deliberation of this project the location and surrounding character should be noted. The subject parcel is located at the most southeastern portion of the D-1 Downtown Zoning area. The D-1 Zoning District in this area extends to State Street and to the parcels fronting of 600 South Street. Zoning district locations are shown on the vicinity map.

600 South – State Street Intersection

The four corner building setback character for the 600 South and State Street intersection is described below:

- The northwest corner of the intersection is zoned D-1 and consists of the Little America Grand Hotel and its associated loading dock, parking and staging areas. The hotel structures are setback approximately 100 feet from the property line. A parking and staging area is located in front of the building. The hotel along 600 South consists of one, two and four story structures.
- The northeast and southeast corners of the intersection are zoned D-2 and have structures located at or near the property line. The corner buildings are one story in height.
- The proposed building footprint on the southwest corner of the intersection will be located at the property line. The building anchors onto the corner of 600 South and State Street near the property line similar to the existing corner developments across State Street.

The two adjacent properties immediately west of the subject site are zoned D-1 and contain single story developments.

On 600 South in the adjacent park strip there is a 46,000 volt (46 kV) power line distribution network of poles and lines. The location of the overhead lines impact setback requirements along 600 South as well as construction methodology during building construction. The top portion of the proposed building needs to maintain a minimum setback of 25 feet from the power line poles.



Northwest Corner – 600 South and State Street
Two story, setback 100 feet



Southeast Corner – 600 South and State Street
One story, setback at property line



Northeast Corner – 600 South and State Street
One story, setback at property line



Properties west of subject site on 600 South
One story, setback ten feet and at property line

Public Notice, Meetings and Comments

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on December 1, 2011
- Public hearing notice posted on property on December 5, 2011.
- Public hearing notice posted on City and State websites on December 1, 2011.
- Public hearing notice emailed to the Planning Division listserv on December 1, 2011.

Public Comment

An Open House was held on November 17, 2011. Comments received at the Open House support the new structure but have concerns with the demolition of the two buildings on State Street at the south end of the property. The comment suggests it would be desirable to incorporate these buildings within the project design.

City Department Comments

The proposed development has been previously reviewed through the Development Review Team (DRT) site plan review process. The DRT comments are provided in Attachment C Department Comments. There were no comments from applicable City Departments / Divisions that cannot reasonably be fulfilled through the permit process or that warrant denial of the petition.

Options

The Planning Commission has the authority to approve, approve with conditions, or deny the request upon making appropriate findings for each standard. Failure to grant the conditional use would still allow the building to be built, but it would need to be redesigned to meet the ordinance standards. Modifying the building design to meet ordinance standards may impact the net zero energy design desired by the applicant. An approval with conditions would require the proposal to meet the conditions related to modification of the building height, building setback or first floor window treatment standards as imposed by the Planning Commission.

Analysis and Findings

Findings

21A.54.080 B. Specific Standards: A conditional use permit shall be approved unless the evidence presented shows that one (1) or more of the standards set forth in this subsection cannot be met. The Planning Commission, or, in the case of administrative conditional uses, the Planning Director or the Director's designee, may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

1. **Master Plan and Zoning Ordinance Compliance:** The proposed conditional use shall be:
 - a. Consistent with any policy set forth in the City-Wide, Community, and Small Area Master plan and future land use map applicable to the site where the conditional use will be located, and
 - b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Master Plan Analysis: Land use policy regarding this area is contained within the Downtown Master Plan, the Salt Lake City Urban Design Element and the Central Community Master Plan.

The 1995 Downtown Master Plan and the 1990 Urban Design Element does not contain any specific design review issues related to the specific conditional use requests.

The 2005 Central Community Master Plan identifies the project area as part of the Downtown neighborhood planning area and the land use designation is Central Business District. The master plan contains the following policy related to the proposed development.

Land use policy for government purposes

Policy INSLU-4.0. Provide government facilities accessible to the public that meet the needs of the community.

- INSLU-4.1. Encourage the concentration of government office facilities and courts in the Central Business District with convenient access to light rail in order to provide easy availability to the greatest number of people.
- INSLU-4.3. Ensure City and encourage Federal State and County entities that the architecture of new government or public buildings complements and enhances the urban design of the community.

Central Community Master Plan Committee Goals And Recommendations – Addendum, identifies the following recommendations.

- Support the Salt Lake City Green program.
- Use high performance / energy efficient practices in buildings constructed by the City or using City funds to reduce energy and resource costs.

Findings: The zoning ordinance identifies a building height minimum of 100 feet, a maximum building setback of five feet and the use of nonreflective glass on the ground floor. The ordinance allows modification of these standards through the conditional use process. The proposed office building height, setbacks and window treatments are consistent with the City master plan.

- 2. Use Compatibility:** The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:
- a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
 - b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
 - iii. Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
 - iv. Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;
 - c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
 - d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
 - e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land

uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed use; and

- f. Whether detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed is likely to occur based on an inventory of uses within one-quarter (1/4) mile of the exterior boundary of the subject property.

Analysis: The proposed use is a permitted use in the D-1 and D-2 Zoning District. The proposal will require upgrades to utility lines that service the subject property. These upgrades would be a requirement for a permitted use of similar scale and the conditional use approval would not affect these requirements.

The type of use is an office building and its location would not have any adverse impacts on adjacent properties any more than permitted uses. The property is a corner parcel with access on two arterial streets. Driveway locations are subject to UDOT approval. The proposed site plan may need to be reconfigured depending upon the outcome of UDOT final review and approval. At this time UDOT is restricting driveway access onto State Street, the final outcome of this decision is pending. For this reason staff is recommending that the Planning Commission give final site plan design approval to the Planning Director.

Finding: The proposed conditional use is compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site.

3. **Design Compatibility:** The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:
 - a. Site design and location of parking lots, access ways, and delivery areas;
 - b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
 - c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
 - d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.

Analysis: The proposal is consistent with City Code subject to design review and conditional use approval for the three conditional use elements; building height, building setback and first floor window treatment.

Building Height

The D-1 Zoning District requires a minimum building height of 100 feet. This requirement may be modified through the conditional use process. The building height is measured at the roof level, which for the sixth floor of the west wing is 90 feet. Additional building height is provided through the placement of a roof equipment enclosure and a large photo voltaic array that forms a roof cap to the west wing of the building, these elements at their highest point have an elevation of 103 feet. The east wing of the building consists of a five story and a two story portion. The two story portion is at the corner of 600 South and State Street with a thirty foot building height.

Surrounding properties have a building character of one or two story structures. The D-1 zoned properties to the west are one story developments. The Little America Grand Hotel across from the subject parcel contains four story hotel room wings and a two story support facility building which is setback behind a loading dock area and a parking lot. The development on the east side of State Street and south of the project site consist of one and two story structures.

Building Setback

The D-1 requires the building be setback no more than five feet from the front property line. This requirement may be modified through the conditional use process. Additional setback of the building is requested along both the 600 South and State Street frontages. These requests relate to the building footprint location which is a result of being responsive to the façade design, the provision of plazas along both street frontages and setback from the utility power lines on 600 South Street. The building consists of two main sections, an east and west wing with a central entrance located between the two wings that is accessible from both street frontages. The entrance locations separate the different facility functions of the public service areas (east wing) from the private offices (west wing). The angled building setbacks and plazas help to direct pedestrians to the main entrances of the building. This design function creates additional walking distance. However, the plazas and façade design provide a desirable experience for its users.

The east wing anchors the corner of 600 South and State Street. This portion of the proposed development houses the major public use area and is located at this corner to minimize the walking distance to the court complex on 500 South and State Street. This portion of the building at the corner of State Street and 600 South will be built within the five foot maximum setback required in the D-1 Zoning District. On State Street a portion of the building angles back towards the State Street plaza and building entrance and exceeds the five foot maximum setback and angles from 10 – 17 feet back of the property line.



The west wing on 600 South at the ground floor elevation is set back 28-46 feet from the front property line. The setback varies due to the angle of the building footprint on the site. The varied setback provides for a plaza space along the north elevation of the building at the ground floor level. The building setback at the sixth floor projects out from the ground floor elevation, partially covering the plaza.

The State Street plaza contains benches and several trees. It is located adjacent to a bus turnout provided as part of this development. The 600 South Street plaza has landscape amenities, the plaza is on the north side of the building and the façade of the building projects over the plaza. Even though the proposed building maintains a plaza and has additional setback beyond five feet, the façade treatment of the 600 South Street elevation is not a typical flat wall. The varied angles of the elevation, the plaza

with the building projecting overhead and the plaza landscaping elements all create an attractive pedestrian environment.

Salt Lake City encouraged urban plazas in the 60's and 70's; but found that many of these plazas were sterile and do little to encourage pedestrian activity. Often they became hot and /or windy places that only served to increase the walking distance of pedestrians. The five foot setback requirement was intended to ensure that buildings be built close to the sidewalk unless there were measures to create a plaza that enhanced the pedestrian environment.

Windows – First Floor Glazing

The D-1 Zoning District requires nonreflective glass on the first floor street elevations. This requirement may be modified through the conditional use process. The proposed development has a mix of vision and translucent glass.

The applicant has identified that the District Attorney's office is the gathering place for victims and witnesses to crimes prior to going to court proceedings at the Scott Matheson Courthouse located a little over a block to the North on State Street. The programmatic space requirements of the building dictate that the public witness/victim gathering room should be located at the Northeast corner of the building, to have the best access to the corner for victims, witnesses and attorneys to walk to the Scott Matheson Courthouse. Victims and witnesses of crime arrive at the District Attorney's office on the day of court, check in and sometimes wait up to three hours prior to their court time in the witness waiting room. The victims and witnesses are likely under stress and nervous. There is a concern that people waiting in this large room (up to 100 people on busy days) will feel uncomfortable and like they are on display if there are large clear glazed windows around this room.

The project team understands that the zoning requirement dictates that at least 40% of the façade on the first floor at the State Street elevation must be glass, which is at odds with the visual privacy desired by users of the space. The plan to use 50% translucent glazing along the Northeast corner of the building maintains the spirit of the zoning requirements, while providing a modicum of visual privacy. The design team reviewed numerous design alternatives for this area and believe that the translucent glazing in a regular storefront window frame is appropriate for the street façade and maintains the appeal of street front glazing desired by the zoning requirements.

Finding: The additional building setbacks augment the building's architecture and allow for plazas that direct access to the office building entrances. Maintaining store front windows with a mix of vision and translucent glass as well as the provision of plazas on both street front elevations provides an enhanced pedestrian environment. The proposed development is compatible with the character of the area. Allowing the conditional use design elements requested will not result in a loss of scale with development and uses in the surrounding area.

- 4. Detriment to Persons or Property:** The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:
- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
 - b. Not encroach on any river or stream, or direct runoff into a river or stream;
 - c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;

- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Analysis: The proposed design elements requiring conditional use will not be a detriment to the health, safety and general welfare of the public.

Finding: The proposed development will not emit any known pollutant into the ground or air. The proposed development should not introduce any hazardous or potential for damage to adjacent property that cannot be mitigated. Granting the conditional use has no effect on health, safety, and general welfare of persons, nor is it injurious to property and improvements in the community, existing surrounding uses, buildings, or structures.

- 5. **Compliance with Other Applicable Regulations:** The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Finding: The proposed development activity is required to comply with other applicable regulations. The proposed project design elements addressed in this conditional use do not have other applicable design regulations.

Board, Commission, Administrative Options

If approved, the applicant can incorporate the proposed design elements. If approved with conditions then the building and site plan would need to be modified to meet conditions prior to permitting the proposed office complex. If denied the applicant would meet to consider significant design modification and the proposed design would be significantly impacted in its ability to meet the green design elements proposed.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Conditional uses are administrative items that are regulated by State Law as well as City Ordinance. State law *10-9a-507 Conditional Uses* states that “a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. If the Planning Commission determines that this is the case, then the Commission must make findings related to specific standards, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated. Below is a potential motion that may be used in cases where the Hearing Officer determines a conditional use should be denied.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow decreased building height, excess setbacks and translucent window treatments on the first floor for the proposed office development. The proposed conditional use will create detrimental effects. Therefore, the proposed conditional use is not compliant with the following standards:

- 1. Compliant with Master Plan and Zoning Ordinance.

2. Compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.
3. Compatible with the character of the area where the use will be located
4. Will not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures.
5. The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.