



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

---

To: Salt Lake City Planning Commission

From: David J. Gellner, Principal Planner - 801-535-6107 (david.gellner@slcgov.com)

Date: September 9, 2015

Re: Briefing on Proposed Changes to Zoning Ordinance Chapter 21A.36 – Community Business Zoning District and 21A.59 – Conditional Building and Site Design Review

---

## **BACKGROUND:**

On August 4, 2015, the City Council adopted a temporary ordinance that imposes a maximum building size of 20,000 square feet in the CB – Community Business zoning district. This ordinance also suspends the process to allow an increase in building size via the Conditional Building and Site Design Review (CBSDR) process for properties in the CB zoning district. As a temporary land use regulation, this ordinance is in effect for a period of 6 months from the effective date and expires on February 4, 2016. Related to the CB provisions are revisions to the standards for the CBSDR process. A memo from City Council requesting a review of the CBSDR process dated August 5, 2015 is attached to this report.

**PROJECT GOAL:** Address zoning standards in the CB zoning district that relate specifically to building size, any other standard in the CB district that has contributed to conflicts between commercially zoned properties and residentially zoned properties and consider if any new standards should be added to the CB zoning district. The standards in zoning ordinance section 21A.59 associated with the CBSDR process will also be analyzed to determine what changes are needed to make the process function better.

## **CURRENT AREAS ZONED CB:**

Several well-known nodes that are zoned CB have been the focus of recent petitions and planning efforts (i.e. – 9<sup>th</sup> and 9<sup>th</sup> and 21<sup>st</sup> and 21<sup>st</sup> areas). However, it is important to note that CB zoning district can also be found in numerous areas throughout the city. A map showing areas of the city that are currently designated as part of the CB zoning district is attached to this report.

## **IDENTIFIED ISSUES IN THE CURRENT CB ZONE:**

Recent developments in the CB zoning district have identified several issues with the standards in the district. The identified issues may be contributing to a development pattern and characteristics that are not desirable in various locations throughout the City. These issues include:

- Confusion regarding the maximum building size standard. The CB district includes a standard that is titled “maximum building size.” The title leads one to believe that there is a maximum building size in the zone. However, the language of this section provides a process for buildings that exceed either the identified footprint size and overall building square footage.
- The maximum building size identified is based on footprint and overall square footage and does not take into account the lot size. This kind of standard may work well for small lots,

but becomes problematic for large lots, which is why there is a review process for buildings that exceed the identified maximums. For instance, a 10,000 square foot lot could end up with almost 100% building coverage while a much larger lot may only have 50% building coverage. Different ways to review building mass and scale may be more appropriate in this zone. Examples may include limiting development to a percentage of lot size, requiring a review process for developments on larger lots, or having different standards for larger buildings.

- The setback and buffering requirements when adjacent to low density residential uses may not be sufficient. Buffering and landscaping between CB properties and neighboring residential land uses is an important design consideration and has been cited by neighbors during public hearings.
- There is no requirement for commercial uses on ground floors or no minimum requirements for commercial uses in mixed use buildings.
- There are no standards that address bulk and mass other than the maximum building standard. Standards that address the bulk and massing of buildings, and building height allowances need to be examined.
- The process to allow for additional building size is insufficient and does not give neighbors enough notice.

The temporary regulations enacted by the City Council require a relatively quick process. New regulations must be adopted by February 4, 2016. If no action is taken by that date, the temporary regulations are legally bound to expire and the City will be required to revert back to the regulations that were in place prior to the temporary regulations being adopted. Therefore, the Planning Division is expediting this process. This means that the public outreach and input process will be shorter than it normally would be. The temporary regulations only apply to the maximum building size in the CB district and do not apply to the CBSDR process.

#### **PUBLIC ENGAGEMENT FOR CB ZONING CHANGES:**

The following is a schedule of upcoming public outreach activities for this project:

- Initial discussion/briefing scheduled with the Planning Commission for September 9, 2015
- Public Open House scheduled for September 17, 2015
- Goal is to have a public hearing by the Planning Commission by end of October.
- Goal of having the transmittal to City Council by end of November.

#### **CURRENT CBSDR PROCESS TRIGGERS:**

The CBSDR process has been established to allow for some flexibility in the administration of the zoning ordinance. Over the years, the process has been expanded to create more of a design review process for specific districts and specific design related standards. However, the review standards have not adjusted to these additional processes. The following is a listing of the current process triggers for the Conditional Building and Site Design Review process and the corresponding zoning district to which they apply.

- Additional Height: RMU-35, RMU-45, RMU, CN(sloping lot only), CB (sloping lot only), CC, CSHBD, CSHBD2, CG, M1, D1, D2, D3, D4, GMU, PL2, MU
- Design Standards: RMU-35, RMU-45, RMU, CN, SNB, CB, CC, CSHBD, CSHBD2-D1-D3, GMU, MU

- Building additions over a certain size: RO
- Building square footage: CB CSHBD2
- Modifications to maximum setback: CN, CB CSHBD CSHBD2 D1 D4 MU
- Parking setbacks: CN CB GMU MU
- New Construction: SNB
- Buffer yards: CSHBD CSHBD2
- TSA: any project that has a development score less than 100
- GMU: all conditional uses are also subject to the design review process as are any changes to ground floor use requirements
- Any planned development that also requires a conditional use for any commercial or mixed use project.

### **IDENTIFIED ISSUES IN THE CURRENT CBSDR PROCESS:**

The Planning Division is charged with administering the CBSDR process. Over the years, a number of issues have been identified with the current process and standards. These issues have been identified through the administration of the code, developers going through the process and the neighbors of projects that are being reviewed through this process.

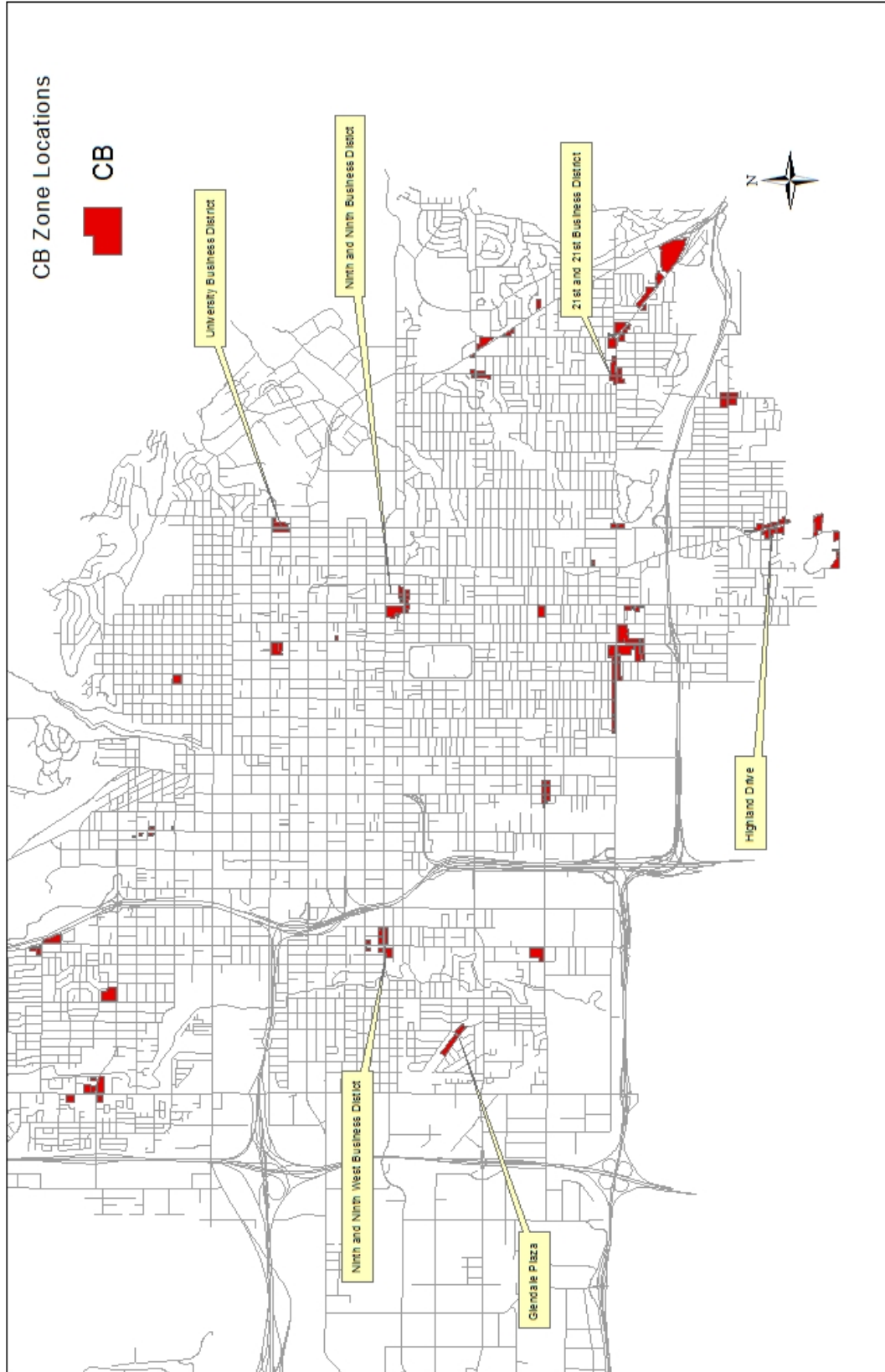
- The name CBSDR (Conditional Building and Site Design Review) is somewhat confusing since it is not Conditional. Clarity in terminology would help the public, our commission and others.
- There are currently no standards to deal with the bulk, mass, size, scale and height of buildings.
- Some zoning districts require that most projects go through the CBSDR process such as the SNB, GMU and TSA. Any Planned Development that is a Conditional Use is also subject to the CBSDR process. The value added by requiring the CBSDR process in addition is questionable in some cases and lacks a complete set of standards to address the issues.
- The standards for a building over a certain size bring in other requirements, for example, open space. Depending on lot size, purpose of the zoning district and other adjacent amenities this may not be practical or desirable. For example, the D-1 zoning district is intended to produce tall buildings with large square footages. Requiring 10% open space on a 20,000 square foot lot in the D-1 zone conflicts with the purpose and standards of the D-1 zoning district.
- The current CBSDR is not clear in terms of providing the Planning Commission discretion to deny a project if the standards are not met.
- The standards in 21A.59.060 are written in a way that ties each to every project whereas some may not be applicable. We need standards that relate to the specific triggers.
- Standard L in the current CBSDR regulations is problematic. The language essentially makes our master and general plans regulatory, which runs contrary to the intent of our plans and State Law (LUDMA - Title 10, Chapter 9a, Part 4, Section 405) and other sections of the City's zoning ordinance.
- The notification process is inadequate for some of the reasons why a project may be going through the CBSDR process. A project wanting to modify the ground floor glass requirement on Main Street is far different than a new commercial building in a neighborhood commercial district.

**APPROACHES TO FIX THE ORDINANCE:**

There are several ways to improve the CBSDR process and standards. Over the next few months the Planning Division will perform public outreach to identify the issues and analyze various solutions for each issue. The process for CBSDR is not as time sensitive as the changes to the CB zoning district, but need to happen quickly because more and more projects are being processed through this process. Ideally the CB changes and the CBSDR changes will be processed simultaneously. Below are some initial ideas on how to address the issues that have already been identified:

- Improve and expand standards to address all the various process triggers.
- Creation of specific standards for the triggers that do not currently have standards.
- Identify what standards apply to specific triggers.

# Current CB Zoning District Areas in the City



# Attachment A



## LEGISLATIVE ACTION

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Nick Tarbet, Analyst

**DATE:** August 5, 2015

**RE: Legislative Action: Conditional Building and Site Design Review Process**

On Tuesday, August 4, 2015, the Salt Lake City Council approved a Legislative Action requesting a review of the Conditional Building and Site Design Review process - 21A.59 of the Salt Lake City Zoning Ordinance.

This was approved 5-0 (Council Members Garrott and Rogers were absent).

The Intent is to review the Conditional Building and Site Design Review process to make recommendations for more criteria in the conditions or not allow the additional building space.

