



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Christopher Lee, 801-535-7706, christopher.lee@slcgov.com

Date: August 3, 2016

Re: PLNPCM2016-00463: FB-UN2 (Form Based Urban Neighborhood) Zoning Text Amendment

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: N/A
PARCEL ID NUMBERS: N/A
MASTER PLAN: N/A
ZONING DISTRICT: FB-UN2

REQUEST: A request by the Salt Lake City Council to add side and rear yard setbacks and building setbacks to FB-UN2 zoned properties when adjacent to properties within a residential zoning district with a maximum building height less than 35 feet. As part of this text amendment, there is also a proposal to add general design standards to the form based section of the Salt Lake City Municipal Code.

RECOMMENDATION: Based on the analysis and findings presented in this report, Planning Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning text amendment in petition PLNPCM2016-00463.

The following motion is provided in support of the recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a favorable recommendation to the City Council regarding petition PLNPCM2016-00463 for text amendments to the FB-UN2 zoning district.

ATTACHMENTS:

- A. [Proposed Ordinance Changes](#)
- B. [Visual Models](#)
- C. [Analysis of Standards](#)
- D. [Public Process and Comments](#)
- E. [Department Comments](#)
- F. [Motions](#)

PROJECT DESCRIPTION:

At the June 7, 2016 City Council Meeting, the Council adopted “Alternate” Ordinance 23 of 2016 providing for an amendment to the Sugar House Master Plan and the creation of two new Form Based zoning districts: FB-SC (Special Purpose Corridor Core Subdistrict) and FB-SE (Special Purpose Corridor Edge Subdistrict). As part of that discussion, the City Council requested that a text change be made to the existing language of the FB-UN2 zoning district that focused on the following points:

1. A requirement for building setbacks for development on parcels zoned FB-UN2 when adjacent to certain residential parcels to mitigate potential impacts. Currently such a setback is only required when adjacent to the FB-UN1 zoning district.
2. A requirement that building setbacks be incorporated into the structural design for development on parcels zoned FB-UN2 when adjacent to certain residential parcels to mitigate potential impacts. Currently such a setback is only required when adjacent to the FB-UN1 zoning district.

This petition addresses that legislative intent and explores the best options to expand the setback and setback requirements within the FB-UN2 zone. Staff recommends leaving most of the standards as they are now but triggering increases not only when adjacent to the FB-UN1 zoning district, but for any residential zoning district that has a maximum building height less than 35 feet. The reasoning for that recommendation, along with a few other proposed changes, is discussed in the key issues section. The current language, along with all proposed changes, is included in Attachment A.

Additionally, as part of this text amendment, there is a proposal to add additional design standards to the form based section of the Salt Lake City Municipal Code. The proposed additional design standards currently apply to the FB-SC (Special Purpose Corridor Core Subdistrict) and FB-SE (Special Purpose Corridor Edge Subdistrict). They clarify how the ground floors of buildings can be designed and used, address parking garage issues, and address issues that have arisen regarding overall building scale. These standards were developed to address issues with some new developments that are not implementing citywide goals in terms of pedestrian orientation and impact to less intense zoning districts.

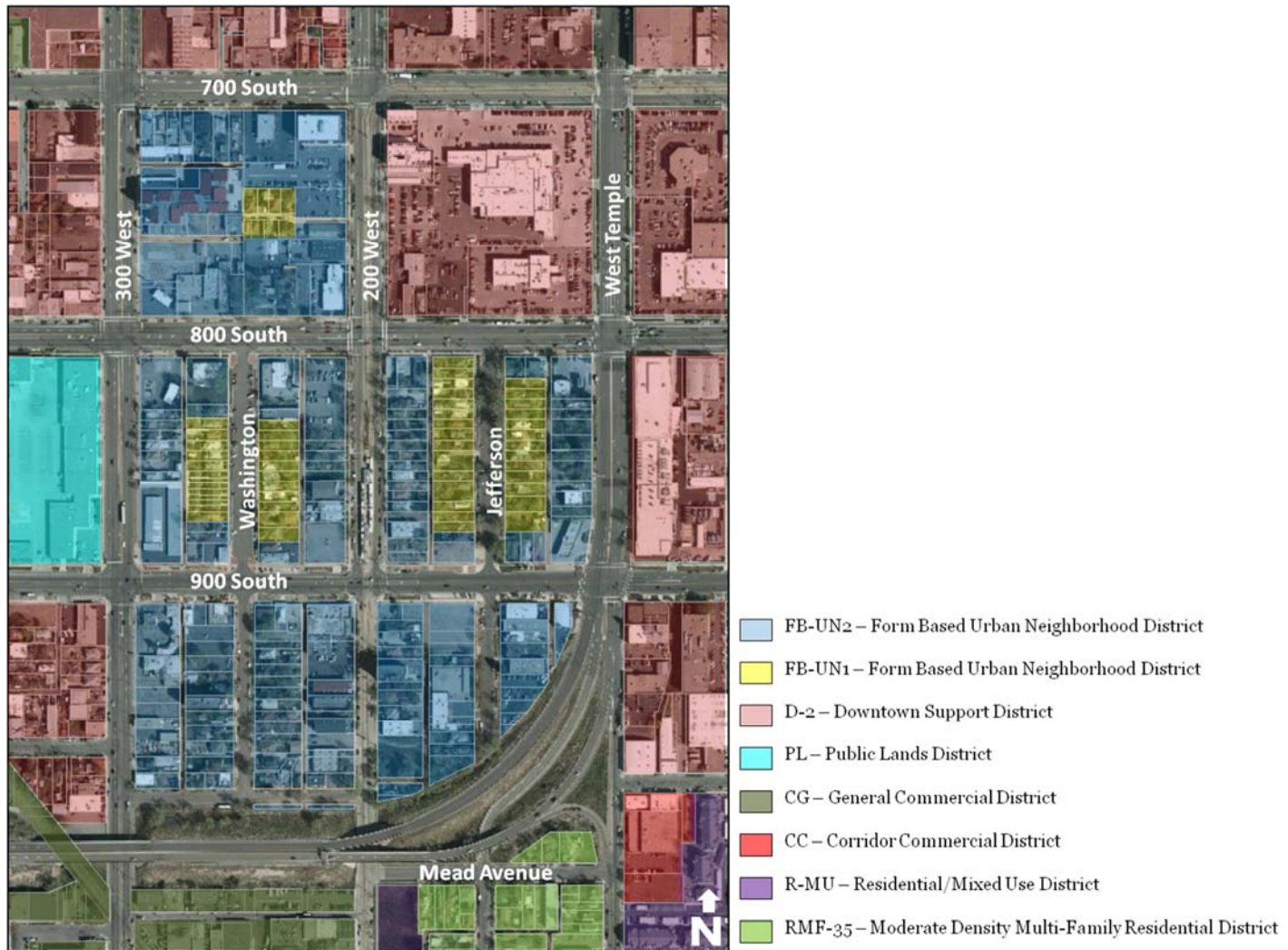
KEY ISSUES:

The key issues listed below have been identified through analysis of the project, neighbor and community input, and department review comments.

1. Current Limitations of the FB-UN2 Zone
2. Cottage Development Set Back Standards
3. Additional Design Standards
4. Interface with Overlay Zones
5. Utility of the FB-UN2 Zone in other Areas
6. Loss of Development Potential

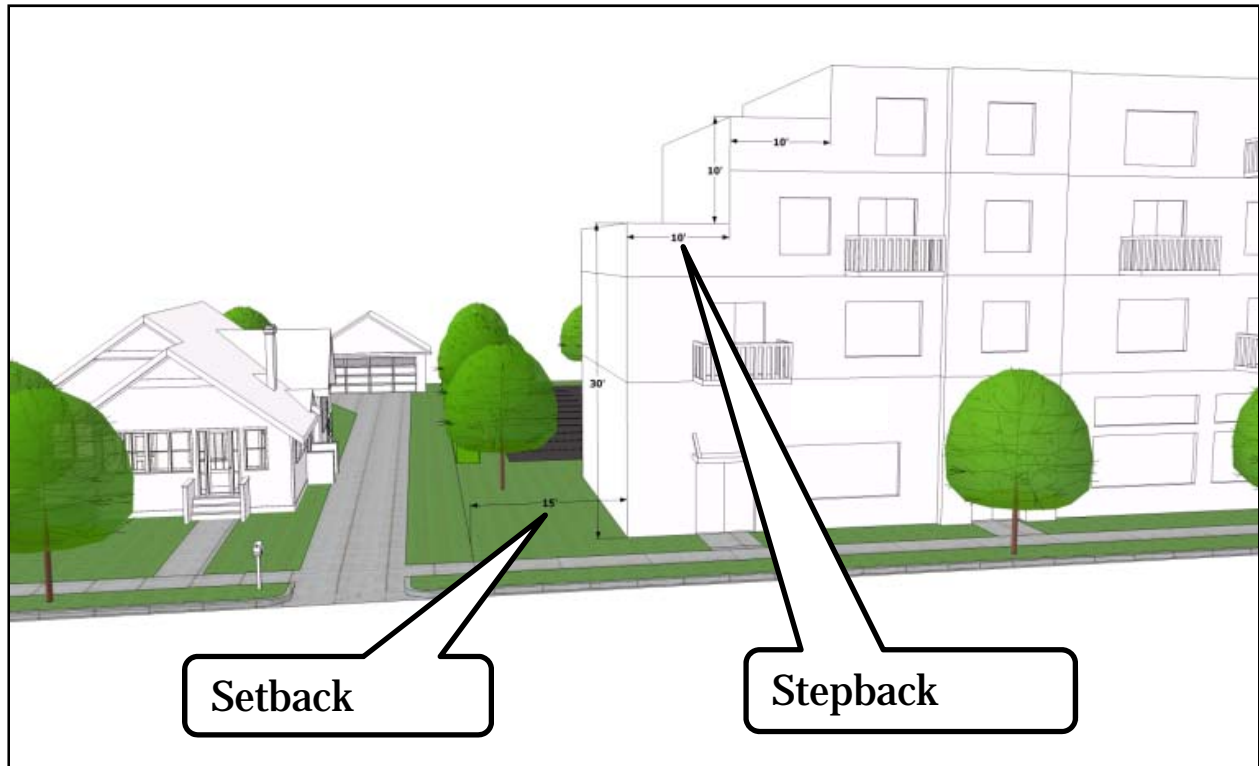
Issue 1 – Current Limitations of the FB-UN2 Zone

The FB-UN2 zone is a form based zoning district with a greater focus on building forms than on use regulation. It allows for a wide variation of uses and forms and could potentially be utilized widely across the city to promote mixed use development in appropriate locations. It is currently only located in the Central Ninth Neighborhood as illustrated by the following map:



Within the FB-UN2 zone, the only thing that currently triggers setbacks and increased setbacks is when the parcel under development is adjacent to a parcel (or parcels) that is zoned FB-UN1. The proposed text changes related to setbacks and setbacks would not impact any properties that are currently zoned FB-UN2 because none of them are adjacent to residential zoning districts. However, if the FB-UN2 zoning district were adopted in other areas of the city, it may be adjacent to residential districts with maximum heights less than 35 feet (see addendum A). Consequently, there is a desire to make the proposed changes to the FB-UN2 zone so that property owners on adjoining lots are not unduly impacted by new development.

Setbacks and stepbacks are two crucial tools which can be used to provide more space between structures and reduce the overall mass of buildings which serves to mitigate issues related to noise, views, and shading. A setback is the distance from an adjoining property line to where a building can be constructed. A stepback refers to the requirement that as a building increases in height that it also “steps back” from the edge of the structure so that the upper levels of a building are located further from the property line than the lower section of the structure.



Issue 2 – Cottage Development Setback Standards

The permitted building forms in the FB-UN2 zone consist of the following: cottage development, row house, multi-family residential, mixed use, and storefront. All of them, with the exception of the cottage development, allow four story buildings with a maximum height of 50 feet. In limited locations, buildings up to five stories with a maximum height of 65 feet are allowed. Cottage developments, on the other hand, can only have up to 2.5 stories with a maximum height of 30 feet.

The height of cottages are comparable to residential buildings less than 35 feet in height that this text amendment seeks to address. The R-1 zones allow for heights up to 28 feet, while the RMF-30 and RMF-35 zones respectively allow 30 and 35 feet. To offset this impact, this proposal would apply side yard and rear setbacks that are similar to those of other types of small lot, detached single family zoning districts.

Various zoning districts were evaluated when considering the cottage development setback standards. It was determined that the SR-1A zoning district has development patterns with small residential structures which would be most similar to a cottage development within the FB-UN2 zone. SR-1A is the zoning district for the majority of parcels in both the Avenues and the Marmalade neighborhoods. The side yard and rear yard setbacks in the SR-1A zone are the following:

	Side yard	Rear yard
SR-1A	Four feet (4') on one side and ten feet (10') on the other.	Twenty five percent (25%) of the lot depth, but not less than fifteen feet (15') and need not exceed thirty feet (30').

Given those existing standards in the SR-1A, the proposed setback requirements for cottage developments in the FB-UN2 zone is 4 feet for the side yard and 20 feet for the rear yard. (see attachment A).

Issue 3 – Additional Design Standards

The FB-UN2 zoning district currently has some design standards but they are not totally sufficient. Concerns regarding ground floor use and overall building design in larger scale developments in the city have been identified and the additional design standards serve to address them. They clarify how the ground floors of buildings can be designed and used, address parking garage issues, and seek to ensure that larger buildings fit within a diverse scale of structures. The additional design standards are important to include due to the potential for large scale buildings within the FB-UN2.

Following is a summary of the proposed additional design standards (see attachment A for full text):

- The maximum length of a building façade on a public street is 200 feet.
- Floors higher than 30 feet shall be stepped back 15 feet or incorporate balconies.
- All levels above the ground floor, must be at least 15% glass.
- Uses other than parking shall occupy at least seventy-five percent (75%) of the width of any street-facing building façade.
- Design standards for parking structures:
 - Parking structures shall improve visual character with an external skin.
 - The façades should express the internal function of the structure.
 - Drive ramps and parked cars shall be concealed from public view.
 - Elevators and stairs shall be easily viewable and accessible.
 - Signage shall be integrated into the design of the structure.
 - Interior garage lighting shall not be visible from the public realm.
 - Driveways are differentiated from sidewalks by color, texture, or paving materials.
 - On the street level, parking will be located behind other permitted uses.
 - Parking structures shall be designed to minimize vehicle noise and odors.

The additional design standards have already been incorporated into the FB-SC (Special Purpose Corridor Core Subdistrict) and FB-SE (Special Purpose Corridor Edge Subdistrict) that were adopted by the City Council on June 7, 2016. The adoption of them into the FB-UN2 zoning district would serve to not only improve design of future development projects, but also maintain consistency across all form based zoning districts within Salt Lake City. If future form based zoning districts were created, the additional design standards could potentially be utilized in those zones as well.

Issue 4 – Interface with Overlay Zones

Concerns have been raised regarding the potential of parcels being zoned FB-UN2 that also have an overlay. Historic overlays were specifically mentioned as areas of concern due to the perception that development patterns allowed within the FB-UN2 zone would be too different from those in the majority of historic districts within the city. However, the standards of overlay districts have been written to ensure that new development within those areas is carefully examined and must be compatible with existing historic structures. To ensure that the overlay standards are utilized, the Salt Lake City Zoning Code explicitly states that they always take precedent (21A.34.010): *“Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall control.”*

There has been a suggestion that the FB-UN2 section of the code should specifically state the fact that overlay district standards shall control. This could potentially be fine to include in the text of the proposed ordinance but isn't really necessary seeing as it is already prominently featured in the General Provisions section of the Overlay Districts chapter of the code. Additionally, if this were to be included in the text of the FB-UN2 zoning district, it should also be included in the text of all other zoning districts to maintain consistency. Placing language in only one zoning district that actually pertains to all, can cause confusion. Given these issues, Staff feels that if such a text change were to be made, it should be done via a distinct text amendment that includes all zoning districts.

Issue 5 – Utility of the FB-UN2 Zone in Other Areas

Some comments were received in regards to the adequacy of the proposed changes to the FB-UN2 zone if it is utilized through zoning map amendments in other areas of the city. Some are of the opinion that the zone was created specifically for the Central Ninth neighborhood where it is currently located and that the proposed changes were not examined in great enough depth to make it suitable for wider future use in other neighborhoods.

Zoning districts are tools with unique elements which can be utilized where they are considered the best fit by the citizenry and the City Council. Although the FB-UN2 currently exists in only one part of the city, that does not mean that it was specifically designed to be there and nowhere else. The proposed changes are meant to make the FB-UN2 zone more useful by providing greater mitigation for adjacent residential development.

Two respondents questioned a specific element of the existing language which states that, *“properties separated by an alley are not considered adjacent”*. That means that a property which typically would trigger the increased setbacks and stepbacks, would not do so when it is separated from a FB-UN2 property by an alley. The respondents are of the opinion that is not sufficient space and that the properties separated by alleys should still be considered adjacent.

Alleys can vary in width but most are at least 10 feet to accommodate the passage of cars in at least one direction. Many are wider than that. Staff is of the opinion that those alley widths, when combined with the baseline setbacks, should provide sufficient setbacks for new development.

Issue 6 – Loss of Development Potential

Some feedback against any changes to the existing FB-UN2 standards was received. These comments mostly focused on the perceived loss of development potential that would create somewhat smaller buildings when increased setbacks and stepbacks are triggered. Arguments were presented that the proposed changes to accommodate small residential development essentially constrains the FB-UN2 zone in such a way that it effectively loses its efficacy as a form based zone and becomes simply *“just another zone”*.

It is true that some square footage would be lost when the increased setbacks and stepbacks are required but that would not inherently change the nature of the zone or the types of buildings and uses that are allowed. These standards are only two of many that collectively create the character of the FB-UN2 zone. Making the proposed adjustments would not fundamentally change the character of the zone nor create an undue burden that would significantly hinder development on such parcels.

In fact, it could be argued that the proposal for increased setbacks and stepbacks would be positive for the FB-UN2 zone if zoning map amendments are made to utilize it in other areas of the city. The current standard which triggers the increases when adjacent to the FB-UN1 zone was incorporated to mitigate impacts on smaller buildings. By essentially extending the existing standard to residential zones, the original intent of the FB-UN2 zone is respected and maintained while providing the opportunity to utilize it more widely.

DISCUSSION:

When considering the proposed changes, it was apparent that the standards which are already codified provide simple, common sense, solutions to limiting the impacts of the height of development within the FB-UN2 zone when it occurs adjacent to a zone which has significantly lower maximum height standards. Adding similar requirements when the FB-UN2 zone is adjacent to other lower intensity zoning districts would make the zone more usable in other parts of the City.

The proposed additional design standards improve the FB-UN2 zone because they establish an acceptable standard of quality and design. The standards have already been analyzed when they were developed for the FB-SC and FB-SE zoning districts, which are similar to the FB-UN2 zone. Although

not specifically requested by the City Council, the Planning Division recommends that they be included in this petition for the simple reason of avoiding an additional process for addressing other issues in the FB-Un2 zone.

The proposal improves the FB-UN2 district where it is already mapped in the Central Ninth neighborhood and may improve compatibility in other areas if zoning map amendments are approved in the future. Additionally, it helps the city achieve development goals outlined in the City's master plans by responsibly accommodating population growth through a wide variety of housing options.

NEXT STEPS:

Regardless of the recommendation of the Planning Commission, the proposal will be sent to the City Council for a final decision. The City Council may approve the proposal, deny the proposal, or modify the proposal.

If the proposed zoning text amendments are approved as is, or with modifications, the required changes to the text of the applicable sections of 21A.27 of the Salt Lake City Municipal Code will be made.

If the zoning text amendments are denied, the text in section of 21A.27 of the Salt Lake City Municipal Code will remain the same.

ATTACHMENT A: PROPOSED ORDINANCE CHANGES

Proposed Text Change

The proposed setback and stepback changes in the FB-UN2 zoning district are illustrated below. Underlined sections are proposed additions while struck language will be eliminated. Everything else will remain the same.

		Building Form			
Building Regulation	Cottage Development ¹	Row House	Multi-Family Residential	Mixed Use	Store-front
S	Interior side yard	<u>4' setback required. Parcels separated by an alley are not considered adjacent</u>	Minimum of 15' along a side property line adjacent to FB-UN1 or any residential zoning district that has a <u>maximum building height less than 35 feet</u> , otherwise 4' setback required. Parcels separated by an alley are not considered adjacent	Minimum of 15' along a side property line adjacent to FB-UN1 or any residential zoning district that has a <u>maximum building height less than 35 feet</u> , otherwise no setback required. Parcels separated by an alley are not considered adjacent	
R	Rear yard	<u>Minimum of 20' along a rear property line adjacent to FB-UN1 or any residential zoning district that has a maximum building height less than 35 feet, otherwise no setback required. Parcels separated by an alley are not considered adjacent</u>	Minimum of 25' when <u>along a rear yard property line is adjacent to FB-UN1 or any residential zoning district that has a maximum building height less than 35 feet</u> , otherwise no setback required. Parcels separated by an alley are not considered adjacent	Minimum of 20' when <u>along a rear yard property line is adjacent to FB-UN1 or any residential zoning district that has a maximum building height less than 35 feet</u>	
U	Upper level step back	When adjacent to lot in the FB-UN1, b Buildings shall be stepped back 1 additional foot for every foot of building height above 35' <u>30 feet</u> along a side or property line adjacent to FB-UN1 or any residential zoning district that has a maximum building height less than 35 feet, <u>unless the building is set back from the property line 45 feet or more</u> . When a parcel in the FB-UN2 district is separated <u>by an alley</u> from a parcel in the FB-UN1 district by an alley, or any residential zoning district that has a maximum building height less than 35 feet , the width of the alley may be counted toward the upper level step back			

Proposed Text Addition

Additional Design Standards Required for the Form Based Districts. These standards do not apply to the FB-UN1 zoning district:

- a. The maximum length of any building façade facing a street is two hundred feet (200’).
- b. Stepback Requirement: floors rising above thirty feet (30’) in height shall be stepped back fifteen (15) horizontal feet from the building foundation at grade for building elevations that are adjacent to a public street, public trail, or public open space. This stepback does not apply to buildings that have balconies on floors rising above 30 feet in height.
- c. For all floors or levels above the ground floor, a minimum of fifteen percent (15%) of all street facing façades must be glass.
- d. Commercial uses or businesses that face a greenway corridor may have a second floor balcony or patio. Rooftops can be used as patios and shall comply with all applicable zoning standards.
- e. Ground Floor Uses: On the ground floor, a permitted use other than parking shall occupy at least seventy-five percent (75%) of the width of any street-facing building façade. All portions of such ground floor spaces shall extend a minimum of twenty-five feet (25’) into the building. Parking may be located behind these spaces.
- f. Design standards for parking structures: The following standards shall apply to parking structure whether stand alone or incorporated into a building:
 - (1) Parking structures shall have an external skin designed to improve visual character when adjacent to a public street or other public space. Examples include heavy-gauge metal screen, precast concrete panels; live green or landscaped walls, laminated or safety glass, decorative photovoltaic panels or match the building materials and character of the principal use. The planning director may approve other decorative materials not listed if the materials are in keeping with the decorative nature of the parking structure.
 - (2) The architectural design of the façades should express the internal function of the structure. Façade elements should align to parking levels and there shall be no sloped surfaces visible from a public street, public trail, or public open space.
 - (3) Internal circulation must be designed such that parking surfaces are level (or without any slopes) along all primary façades. All ramping between levels need to be placed along the secondary façade or to the center of the structure. Parking structures shall be designed to conceal the view of all parked cars and drive ramps from public spaces.
 - (4) Elevator and stairs shall be highlighted architecturally so visitors, internally and externally, can easily access these entry points.
 - (5) Signage and way-finding shall be integrated with the architecture of the parking structure and be architecturally compatible with the design. Public parking structures entrances shall be clearly signed from public streets.
 - (6) Interior garage lighting should not produce glaring sources towards adjacent properties while providing safe and adequate lighting levels. Lighting within parking structures shall not be visible from the public realm. The use of sensor dimmable LEDs and white-stained ceilings are a good strategy to control light levels on site while improving energy efficiency.

- (7) Where a driveway crosses a public sidewalk, the driveway shall be a different color, texture, or paving material than the sidewalk to warn drivers of the possibility of pedestrians in the area.
- (8) The street level facing façades of all parking structures shall be wrapped along all street frontages with habitable space that is occupied by a use that is allowed in the zone as a permitted or conditional use.
- (9) Parking structures should be designed to minimize vehicle noise and odors on the public realm. Venting and fan locations should not be located next to public spaces and shall be located as far as possible from adjacent residential land uses.

ATTACHMENT B: VISUAL MODELS



ATTACHMENT C: ANALYSIS OF STANDARDS

Standards for General Amendments (21A.50.050)

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision about a text amendment, the City Council should consider the following:

Criteria	Finding	Rationale
<p>1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;</p>	<p>Complies</p>	<p>Nearly all Salt Lake City master plans and other policy documents discuss the importance of compatible residential infill development and its effect on maintaining the character of existing neighborhoods.</p> <p>Both the Growth and Housing sections of <i>Plan Salt Lake</i> emphasize the importance of responsibly accommodating population growth through a wide variety of housing options. Specific initiatives mention infill development on underutilized land, moderate density increases within existing neighborhoods where appropriate, and promotion of higher density residential in areas served by transit. All of those directives support this text change. The proposed ordinance helps ensure compatible development in residential neighborhoods and is consistent with adopted City documents.</p> <p>The city's Housing Plan calls for an increase in the housing supply throughout the city. Most of that new housing will be infill development. The plan calls for development that is mixed use and mixed income with designs that are contextually compatible with the surrounding structures and overall fabric of the neighborhood. Specifically the plan also calls for adding flexibility to the process and allowing for higher densities. The caveat being that added density should minimize any potential negative impacts. The proposal will further implement this plan by allowing additional density but minimizes negative impacts on surrounding properties with the requirement of setbacks and increased setbacks to mitigate impacts when located adjacent to low density residential uses.</p>

<p>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</p>	<p>Complies</p>	<p>The statement of intent for the Residential zoning districts states: <i>The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.</i></p> <p>The proposed amendments are intended to further the purpose statement by promoting in-fill development that is harmonious and compatible with existing residential development in the City.</p> <p>Most of the associated residential zones include that they are intended to “promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.” The proposal will help further the purpose of these zones.</p>
<p>3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and</p>	<p>Complies</p>	<p>There are no overlays in the Central Ninth neighborhood where the only FB-UN2 zoning district is currently located. However, seeing as this is a text amendment to a zoning district that could potentially be adopted in various locations across the city, the potential to be located where an overlay district is present, is rather likely. As per 21A.34.010.A “Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall control.” As such, if there is a conflict, the overlay districts will continue to take precedence and overrule the proposed underlying zoning regulations in those areas within an overlay district.</p>

<p>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</p>	<p>Complies</p>	<p>Form based zoning is widely regarded as a positive tool to improve development patterns in countless cities and towns across the country. They provide developers with flexibility in designing new development projects while respecting and addressing the building forms of existing development. Also, with a decreased emphasis on use, it can provide creative solutions for spaces that can help to enliven existing neighborhoods. The proposed text changes go further in addressing existing residential developments to mitigate potential impacts of taller buildings.</p>
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ATTACHMENT D: PUBLIC PROCESS & COMMENTS

Notice of Application to the Ball Park, Central, and East Central Community Councils:

A notice of application was sent to the Chair of each Community Council on July 6, 2016. They were sent a copy of the Current Initiatives sheet and informed of the open house scheduled for 7/28/2016.

Notice of the open house for the proposal included:

On 7/14/2016 notices were mailed out to all properties that are currently within the FB-UN2 zoning district.

Notice of the public hearing for the proposal included:

Public notice published to local paper, posted on City and State websites and Planning Division list serve on July 30, 2016.

Public Input:

Public comments have been received in the form of phone calls, emails, letters, and comment sheets. All public comments, with the exception of phone calls, have been incorporated into this report (see following pages). Three total calls were received and each of them also followed up with emails or a comment sheet which are included in the record.

EMAILS:

I am against about the proposed FB-UN2 zoning district changes in or adjacent to local historic districts or single family home residential zoned areas.

These changes will have negative impacts on single family residential zoning districts. While I agree with adding general design standards to the form based section of the SLC Municipal Code to provide overarching guidelines to encourage quality development, I believe that design styles SHOULD be used should reflect those of the adjacent LHDs or areas listed on the National Register of Historic Places.

These form-based codes (CSHBD1 and CSHBD2) used in Sugarhouse, a once charming area, is now a mess. It has lost its soul.

If this language is adopted into this section of the code today, it would ultimately be utilized for additional form based districts throughout the City in the future. Strategic planning to preserve our downtown single family and/or middle housing zoning is critical to diversity of housing stock and encouraging families to reside in the SLC core.

--

Lynn Kennard Pershing, Ph.D.

District 6

tel:

email:

Chris,

Thank you for calling me back and confirming that my parcels beginning at the corner of 900 South and Fayette Ave. are NOT affected by this proposed zoning change.

When this type of zoning change is proposed, these are my thoughts and concerns:

When the city moves into existing residential areas and changes residential zoning to commercial zoning, the residents in these neighborhoods have every right to demand that setbacks be included that protect the quality of life in the existing residential area from the encroachment of the new commercial zone.

When a residential area and commercial area have existed side by side for years, and the commercial area is now, after many years being developed, the residents in the residential area do not have the right to demand that restrictions be added to the commercial zone. The people that purchased homes abutting an existing commercial zone did so of their own free will and choice. They may have enjoyed open space and less density for years, but when the day comes that the commercial land abutting their residential land is developed, it is wrong and grossly unfair to the owner of the commercial land to demand additional restrictions on the commercial property. People

that buy residential land abutting commercial land cannot cry foul and demand new restrictions that rob the commercial land owner of their rights and property values.

Please see that this statement is read into the record.

Thank you.

Michael Allred

Dear Mr Lee

i read the legal notice in paper regarding the plans to rezone and design. i wish to make it known that i am against both of these .i feel that this is nothing more then attempt to help developers get a strong foothold in order to build on smaller lots.

i will not be able to attend the meeting on Wednesday, aug 10, 2016. but i do wish to make my objections known.

please contact me if you have any questions.

thank you

Rebecca Baird

To Members of the Planning Commission
From Cindy Cromer
Re Revisions to the FB-UN2 Zone
August 2, 2016

This problematic zone and its association with the request from Trolley Square Ventures have consumed much of my time since February. There are plenty of related failures, including my own in 2013 when I failed to pay attention to the fact that the adoption of this zone was City-wide.

The FB-UN2 and its companion zone FB-UN1 were developed in response to a request from the RDA specifically for the West Gateway in the Ballpark neighborhood. There was public involvement in 2013, but it focused on the residents and owners in the immediate area. The current and former chair of the Ballpark Community Council learned about the shortcomings of the FB-UN2 from me.

There has been a public process for the proposed changes. The planner working on the proposal has contacted the chairs of the community councils where the zone is already in place and where it might be adopted in the immediate future. There was an open house on July 28, a week with a holiday. The planner prepared a detailed handout.

Considering however that the form-based code is only mentioned by definition in the Preservation Plan, the application of the FB-UN2 zone without regard for overlay zones is a significant omission. The first use of the FB-UN2 was tailored to a specific neighborhood which was the focus of the zone's

development. The proposed second application is in the Central City Historic District where 50 contributory structures have been demolished since the District's adoption. This District is without question the most vulnerable in the City. It is, to be blunt, being used as a guinea pig without adequate consideration of the relationship between a base zone designed to promote development and an overlay zone intended to promote preservation.

As usual, my message is that this proposal is not ready for prime time. Just like the original adoption of the FB-UN2, it is a rush job. My specific remarks on the proposed text follow.

When the proposed text refers to "any residential zoning district," I am assuming that this language means all zones in the residential chapter of 21A, including the RB and RMU zones.

The definition of parcels as not adjacent when separated by an alley can create an inequitable situation in historic parts of the City. A private alley can be as little as 8 feet wide, the width of a private driveway. In historic neighborhoods, a building can sit on a property line. In this case, the alley would offer about half of the separation between the historic building and the new one that would be required if the alley were not there. The width of the alley could conceivably be considered PART of the setback of 15 feet. For an alley of any width to replace a setback of 15 feet which would be required in the absence of the alley indicates to me a failure to appreciate how this ordinance would function in the historic parts of the City. Counting the alley toward the required setback would be consistent with the approach proposed for stepbacks.

Regarding the design standards for buildings: The City has now adopted design guidelines for all types of buildings in historic districts-commercial, multi-family, and low density residential. It is critical to indicate in the text of the FB-UN2 that an overlay zone supersedes the design standards in the form-based code. In fact, a statement about the relationship between overlay zones, whether historic or environmental, and base zones should be in every chapter of the zoning ordinance, including the one on form-based codes.

In summary, I don't believe that this proposal has been tested against Salt Lake's diverse neighborhoods for compatibility. The relationship to historic district overlay zones in particular is not articulated at all. It is inappropriate to defer to Landmarks an issue that is fundamentally about zoning. And no one can assume that the Landmarks Commission will survive the next session of the State Legislature.

Douglas F. White

ATTORNEY AT LAW

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July 28, 2016

Chris Lee
Associate Planner
Salt Lake City Planning and Zoning
451 South State Street
Salt Lake City, Utah

RE: Comments to the Text Amendments to the FB-UN2 Zone
Open House July 28, 2016

Dear Mr. Lee,

These statements and comments are filed on behalf of Trolley Square Ventures, LLC and S.K. Hart Properties, LLC.

Permit me to respond to the proposed text amendments to the FB-UN2 Zone as follows:

1. This particular zone is a tool of great importance. It has special importance when applied to the downtown metropolitan area encouraging mixed use development. Although this zone has not yet experienced wide spread use I believe it is the future land use tool for Salt Lake City. As such, it should not be minimized and marginalized into “just another zone”. Many of the proposed text amendments do just that. In particular, the proposed setbacks and building stepback changes.

2. During the past three years, in the process of developing the old at-grade parking lot just South of Trolley Square and in compliance with the Central Community Master Plan, we have made a careful study all of Salt Lake City’s commercial and residential zones. This comprehensive research was done at all times while consulting with the Salt Lake City Planning and Zoning Staff and chief administrators. It was the unanimous consensus of all involved that the FB-UN2 Zone would accomplish the owners expectations for the property and the City’s social needs. As a direct result of those extensive endeavors, at great expense of time and money, plans and designs were developed. These development plans and the rezone of the property have been in the City’s legal process since December of 2015.

3. Now, the text amendments were actually presented to us minutes before the public hearing for our rezone, the newly proposed text amendments to the FB-UN2 zone will dramatically effect the size and scale of the Trolley Square development if not make it impossible to build.

4. The very reason the FB-UN2 Zone is being used for the development is because it allows for unique building orientation on the property with little or no required building setbacks or building stepbacks, depending on the review of the Historical Landmark Commission. The text amendments would completely eliminate these key features of the FB-UN2 Zone.

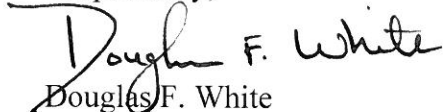
5. Text amendments mandating a 15' minimum interior setback and a 20' minimum rear yard set back and also mandating building stepbacks (one foot of stepback for every foot of building height over 30') very substantially reduces the useable/buildable square footage of the property. This has an immediate and direct impact on whether the property can financially support being developed at all. As such, any setback should not exceed 10' and should be set at a maximum. There should be no "stepback" requirement since this totally defeats the purpose of "Form Based" zoning. To do so simply converts the form based zone to "another zone." Setbacks and stepback requirements, if any, should be established only on a case by case basis depending on the neighborhood and the orientation of the building in relation to its surrounding streetscape.

6. Assuming arguendo, that setbacks and stepbacks become mandated (which would substantially reduce useable land on a valuable piece of property) the equitable thing to do is to allow the stepbacked building more height. Maximum height of a building in the FB-UN2 Zone is four stories not to exceed 50'. Even so there are already eight (8) locations exempted from this height limitation. See 21A.27.050E2, Salt Lake City Zoning Code. As such, it is recommended that if setbacks and stepbacks are imposed then the height of La building should be increased to a maximum of 65'.

7. Lastly, I think we all need to keep in mind that all developments are subject to financial constraints. Even blighted areas may take substantial resources to make them useable and in compliance with current codes and social desires. The more property consumed by setbacks and stepbacks the more expensive the development becomes. The more expensive the development becomes the more expensive the housing becomes. We need to find the right balance.

Thank you for the opportunity to respond to the proposed text amendments FB-UN2. We are available to discuss these concerns and any others.

Respectfully,


Douglas F. White

cc: Khosrow B. Semnani

OPEN HOUSE
PROPOSED TEXT CHANGES TO FB-UN2 ZONING DISTRICT
ATTENDANCE ROLL
July 28, 2016

PRINT NAME <u>James Hamil</u> ADDRESS <u>848 S. Washington St.</u> ZIP CODE <u>84101</u> EMAIL <u>james.a.hamilton@gmail.com</u>	PRINT NAME <u>Douglas F. White</u> ADDRESS <u>630 E. S. Temple.</u> ZIP CODE _____ EMAIL <u>dfwatty@gmail.com.</u>
PRINT NAME <u>Matt Gray</u> ADDRESS <u>440 East 300 South</u> ZIP CODE <u>84111</u> EMAIL <u>MattGraySLC@gmail.com</u>	PRINT NAME <u>JEFF BARR</u> ADDRESS <u>1957 S 400 E</u> ZIP CODE <u>84115</u> EMAIL <u>JEFF JEFF.BARR@OUTLOOK.COM</u>
PRINT NAME <u>JACK DAVIS</u> ADDRESS <u>543 E 600S</u> ZIP CODE <u>84102</u> EMAIL <u>johnphillipclavis@gmail.com</u>	PRINT NAME <u>Byron CANNON</u> ADDRESS <u>677 S. 600 E</u> ZIP CODE _____ EMAIL <u>byron.cannon@utah.edu</u>
PRINT NAME <u>CINDY CROMER</u> ADDRESS <u>3cinslc@live.com</u> ZIP CODE <u>84102</u> EMAIL _____	PRINT NAME _____ ADDRESS _____ ZIP CODE _____ EMAIL _____
PRINT NAME <u>Judi Short</u> ADDRESS <u>862 Harrison Ave</u> ZIP CODE <u>84105</u> EMAIL <u>judi.short@gmail.com</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____ EMAIL _____

OPEN HOUSE PUBLIC COMMENT SHEET

July 28, 2016



Planning Division
Department of Community
and Neighborhoods

Proposed Text Changes to the FB-UN2 Zoning District

Name: CINDY CROMER

Address: _____

_____ Zip Code _____

Phone: 801 209-9225 E-mail 3cinslc@live.com

Comments: ① Please add a statement at the beginning of the form-based section indicating that where form-based zones occur with an overlay zone, the overlay zone takes precedence. This statement should be at the beginning of all sections but is especially important with the development-driven approach evident in form-based codes.

② Please consider Salt Lake's many neighbor-

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at chris.lee@slcgov.com or via mail at the following address: Christopher Lee, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by 8/3/2016.

hoods to make sure that the FB-UN2 fits neighborhoods besides West Gateway. As originally drafted, the FB-UN2 appears tailored for the West Gateway, not the entire City.

OPEN HOUSE PUBLIC COMMENT SHEET

July 28, 2016



Planning Division
Department of Community
and Neighborhoods

Proposed Text Changes to the FB-UN2 Zoning District

Name: JACK DAVIS

Address: 543 EAST 600 SOUTH

SALT LAKE CITY, UTAH

Zip Code 84102

Phone: 408.329.8174 E-mail johnphilipdavis@gmail.com

Comments: THE PROPOSED TEXT AMENDMENTS ADDRESS MANY

CONCERNS RELATING TO SETBACKS AND STEPBCKS WHEN FB-UN2

IS USED FOR INFILL PROJECTS THAT ARE NOT ADJACENT TO FB-UN1.

I BELIEVE THIS TEXT AMENDMENT PROCESS SHOULD REWORK

FB-UN2 WITH INFILL IN MIND IN A MANNER THAT

INCREASES DENSITY WHILE MINIMIZING IMPACT TO EXISTING

NEIGHBORHOOD CHARACTER. WITH THIS IN MIND, OTHER

CHANGES THAT WOULD IMPROVE FB-UN2'S APPLICATION IN

CONNECTION WITH INFILL COULD INCLUDE EXAMINING CERTAIN

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ALLOWED USES UNDER FB-UN2 THAT ARE MORE IMPACTFUL
TO EXISTING NEIGHBOR FABRIC (E.G. HOTELS, FOOD PROCESSING FACILITIES, ETC.),
CONSIDERING SETBACKS AND STEPBCKS FOR PARCELS THAT BORDER

RELATIVELY NARROW CITY STREETS (E.G., PARK STREET) - BUILDING UP TO THE PROPERTY LINE ADJACENT TO A NARROW ALLEY LINED BY SINGLE FAMILY HOMES WOULD NOT BE APPROPRIATE^{ETC.} THERE ARE NO MINIMUM PARKING REQUIREMENTS AS WELL, WHICH POTENTIALLY COULD RESULT IN DETRIMENTAL NEIGHBORHOOD IMPACTS WHEN USED IN INFILL APPLICATIONS. OVERALL, FB-UNZ HAS A LOT OF POTENTIAL TO REALIZE QUALITY INFILL IF IT IS REWORKED WITH INFILL IN MWO.

**OPEN HOUSE
PUBLIC COMMENT SHEET**

July 28, 2016



Planning Division
Department of Community
and Neighborhoods

Proposed Text Changes to the FB-UN2 Zoning District

Name: Byron Cannon

Address: 677 S. 600 East

PLC Zip Code 84102

Phone: _____ E-mail byron.cannon@utah.edu

Comments: As owner of 677/681 S. 600 E. I
Support all measures to require future
development under FB-UN2 zoning
to respect set backs that will be in
keeping with the character of the neighborhood
This concern applies specifically to
the proposal to rezone the area south of
the present Frolley Square business block

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at chris.lee@slcgov.com or via mail at the following address: Christopher Lee, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by 8/3/2016.

ATTACHMENT E: DEPARTMENT REVIEW COMMENTS

Zoning

No zoning related issues.

Engineering

No comments.

Transportation

No comments.

Public Utilities

No comments.

Fire

I do not see any issues with the fire code as this is proposed.

Due to fire department access and fire rated construction would still be required or providing alternate means and methods for any special circumstances in accordance with IFC.

ATTACHMENT F: MOTIONS

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project meets the applicable standards for zoning text amendments and therefore recommends that the Planning Commission forward a positive recommendation to the City Council.

Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation to the City Council for the proposed zoning text amendments.

Not Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a negative recommendation to the City Council for the proposed zoning text amendments.

(The Planning Commission shall make findings on the Zoning Amendment standards and specifically state which standard or standards are not being complied with. Please see Attachment C for applicable standards.)