

Staff Report

PLANNING DIVISION COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Casey Stewart – Principal Planner

(801) 535-6260 or casey.stewart@slcgov.com

Date: August 2, 2018 (for Aug 8 hearing date)

RE: PLNPCM2017-00590 – Zoning Text Amendment (FB-UN2)

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: approximately 231 West 900 South

PARCEL ID: 15-12-258-001

MASTER PLAN: Central Community Plan

ZONING DISTRICT: FB-UN2 Form Based Urban Neighborhood

REQUEST: The applicant, James Alfandre, agent for property owner, proposes to amend the zoning ordinance to increase the allowed building height from 4 stories (max of 50 feet) up to 5 stories (max of 65 feet) for the subject property in the FB-UN2 zoning district. The additional height is in anticipation of a new mixed-use project for the site.

RECOMMENDATION: Staff recommends that the Planning Commission forward a negative recommendation to the City Council for the proposed amendment to the Salt Lake City Zoning Ordinance, specifically the FB-UN2 zoning district building height allowances, for property located at approximately 231 West 900 South.

ATTACHMENTS:

- A. Vicinity Map
- **B.** Applicant Letter
- C. Photographs
- **D.** Public Process and Comments

PROJECT DESCRIPTION

The applicant wants to increase the allowed building height of the FB-UN2 zoning district for the subject property in anticipation of constructing a mixed-use development on the site, which is a corner property on Washington Street and 900 South. The current allowed building height for the property is 4 stories with a maximum of 50 feet. The amendment would include the property in a category of properties within the FB-UN2 zoning district that are allowed taller buildings of 5 stories with a maximum of 65 feet. The taller height was established for buildings that would be located at key street intersections within the area zoned FB-UN2 to incentivize development and activity at these corners and keep a distinction between the mid-block areas (lower buildings) and the key street corners (higher buildings), creating nodes of activity.

The applicant submitted a petition to amend Chapter 21A.27, which is entitled Form Based Districts, of the Zoning Title (see Attachment B – Letter from Applicant). Specifically, the applicant proposes the following language (see underlined text):

Table 21A.27.050E2 FB-UN2 Building Form Standards

Building Regulation		Building Form				
Building height and Cottage Development ¹ Placement:		Row House	Multi-Family Residential	Mixed Use	Storefront	
Н	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65 on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, 200 West at Fayette Avenue, Washington Street at 900 South, and 300 West at 800 or 900 South. All heights measured from established grade			

KEY ISSUES:

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

- Issue 1. Additional building height was opposed by 90 percent of attendees at the open house event.
- Issue 2. Noncompliance with applicable master plan policies.
- Issue 3. Noncompliance with zoning district purpose statement.

Issue 1 Building Height

Public comments provided by attendees of the open house for this proposal were predominantly opposed to the increased building height at a 10/1 ratio (see Attachment D – Public Comments). The Form Based Urban Neighborhood District (FB-UN) ordinance identifies areas for shorter buildings (up to 30 feet tall in the FB-UN1 District), and areas for taller buildings (up to 50 feet tall in the FB-UN2 District). However, certain corners within the FB-UN2 District are allowed an additional story and 15 feet of building height (see above table).

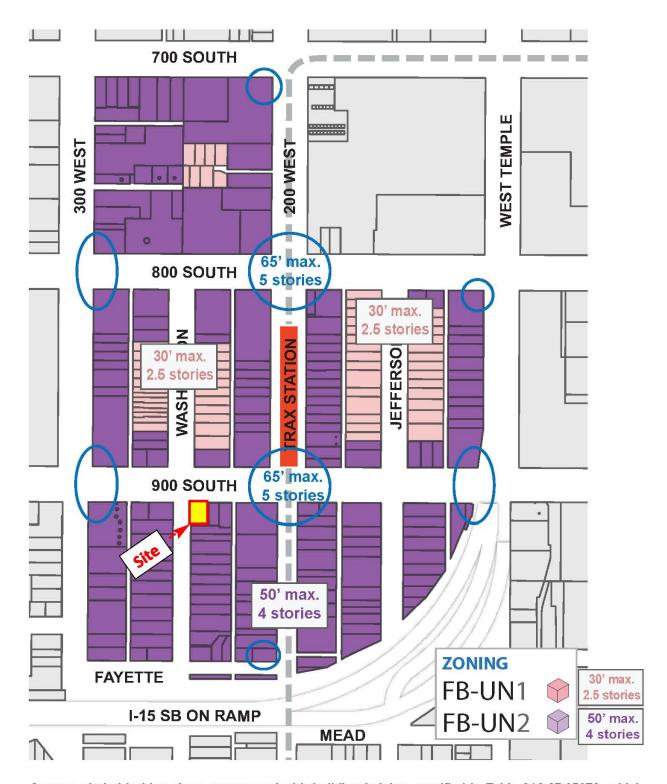
When the Planning Commission voted on December 12, 2012, to recommend adoption of the Form Based Urban Neighborhood District ordinance, only intersections located at 300 West Street and 800 or 900 South, and West Temple at 800 or 900 South were eligible for additional building height. However, based largely on public comment (from property owners) the City Council voted to include additional corner parcels located at the intersections of 200 West and 700, 800 or 900 South. At the time, no one proposed or discussed additional building height for the subject corner parcel located at 231 West 900 South, at the intersection of Washington Street and 900 South.

Regarding building height, the Urban Design Element of the Salt Lake City Master Plan, which was published in 1990, provides the following policy:

Preserve and improve the visual form of the city through an appropriate building height profile and color scheme.

The historic urban form of Salt Lake City's Commercial Core relies on taller buildings—historically approximately 14 stories—at the corners of 10-acre blocks with lower buildings around them. Building heights should diminish away from the Core (page 11, italics added for emphasis).

The proposed amendment is for a corner property, however the corner is not considered a prominent corner within the district, as depicted in the following image of building heights of the FB-UN zoning districts, as ultimately adopted by the City Council originally in 2014. The subject site is not considered a corner of the historical "10-acre block" and allowing the tallest FB-UN building height would run counter to the visual form the FB-UN zoning districts are trying to achieve; where taller buildings are at the prominent intersection corners and shorter buildings are between those prominent corners.



Corners circled in blue above correspond with building heights specified in Table 21A.27.050E2, which permits 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, 200 West at Fayette Avenue, and 300 West at 800 or 900 South. All heights are measured from established grade.

Issue 2 Master Plan Compliance

Although the petition is a text amendment, it has a singular effect on property located at or near 231 West 900 South. The subject property is identified as "Central Business District Support" by the Central Community Master Plan and is within the "Central Ninth District" of the Downtown Plan, adopted May 2016.

The land use policy directions for this area, Central Ninth, are contained in the Downtown Plan.

"Central Ninth defines the downtown principle of providing housing choice. Pleasant, quiet streets and affordable urban living characterize the Central Ninth neighborhood. Older single-family homes clustered on half-size blocks provide gracious living opportunities in an intimate setting. They are mixed with low and mid-rise housing with higher densities along main streets, commercial corridors, and around the 900 South TRAX station. Transit-oriented development is exemplified in Central Ninth and made easy using a form-based code that emphasizes building orientation, scale and design over land use." (page 124)

Specified "Initiatives" for the Central Ninth area that affect this requested amendment:

- "Preserve the scale and low density residential character of interior streets: Montrose, Washington and Jefferson Streets north of 900 South." (page 125)
- "Enhance the small neighborhood business node at the 900 South 200 West intersection." (page 125)

The subject site is located <u>south</u> of 900 South, so it's not specifically within the focus area of the first initiative above. However, the initiative does indicate a preference toward retaining smaller scale buildings for the smaller, interior streets of the district. The second initiative refers to enhancing the business node at 900 south and 200 West, which is the main intersection east of the subject site. By allowing taller buildings at the subject corner, the node at 200 West would not be enhanced, but rather mimicked, thereby contributing to a "corridor" effect along 900 South rather than the preferred "node" effect.

The proposed amendment is not consistent with applicable master plan policies (as stated above). The currently -allowed building height is sufficient for this corner property, as readily indicated by the relatively recent creation of the FB-UN zoning districts. Building height was a prominent topic of discussion at that time (2014) and to change it without giving time for the original heights to settle in would be premature. Planning staff deems this proposal to be too soon after the original FB-UN ordinance to adequately assess the adequacy of the original ordinance.

Issue 3 Zoning Compliance

As stated previously, the proposed amendment affects the FB-UN2 District, the purpose of which is provided in the following section of the Zoning Title:

21A.27.050 FB-UN1 and FB-UN2 Form Based Urban Neighborhood District

The purpose of the FB-UN form based urban neighborhood district is to create an urban neighborhood that provides the following:

- 1. Options for housing types;
- 2. Options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit;
- 3. Transportation options;
- 4. Access to employment opportunities within walking distance or close to mass transit;
- 5. Appropriately scaled buildings that respect the existing character of the neighborhood (italics added for emphasis);
- 6. Safe, accessible, and interconnected networks for people to move around in; and
- 7. Increased desirability as a place to work, live, play, and invest through higher quality form and design.

Regarding the existing character of the neighborhood, the subject property is occupied by a two-family dwelling and surrounded by the following land uses:

Address	Direction from Subject Property	Zoning District	Land Use	Building Height
227 W 900 S	East	FB-UN2	Commercial office	22'-0"
909-915 S Washington	South	FB-UN2	Commercial parking (vacant)	0'-0"
251 W 900 S	West	FB-UN2	Commercial Retail/bar	16'-0"

The existing land uses that surround the subject property are low in height.

Based on the above analysis, Planning Staff finds that the proposed amendment does not satisfy the purpose statement of the FB-UN Form Based Urban Neighborhood District.

DISCUSSION:

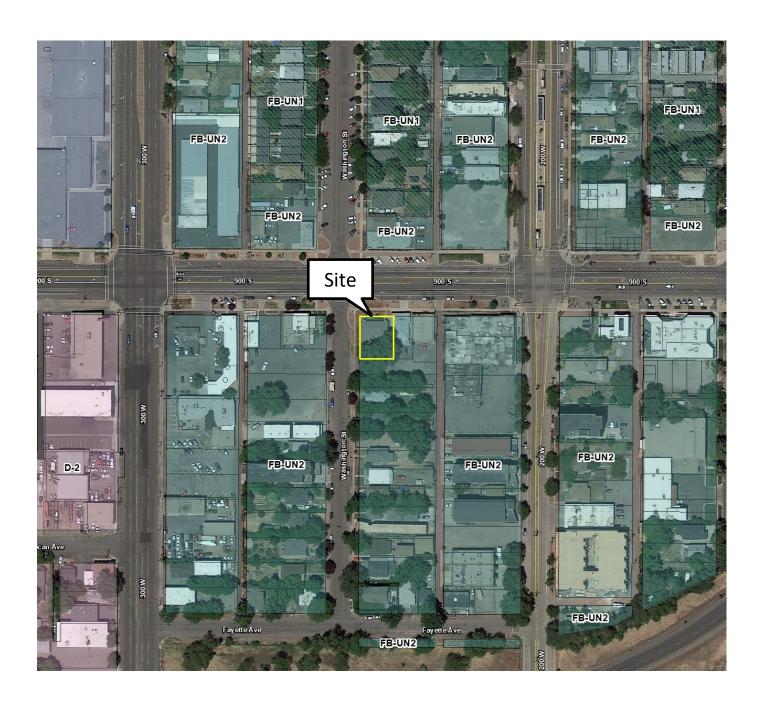
As per Section 21A.50.050 a decision to amend the text of the Zoning title by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the Planning Commission and City Council should consider the following:

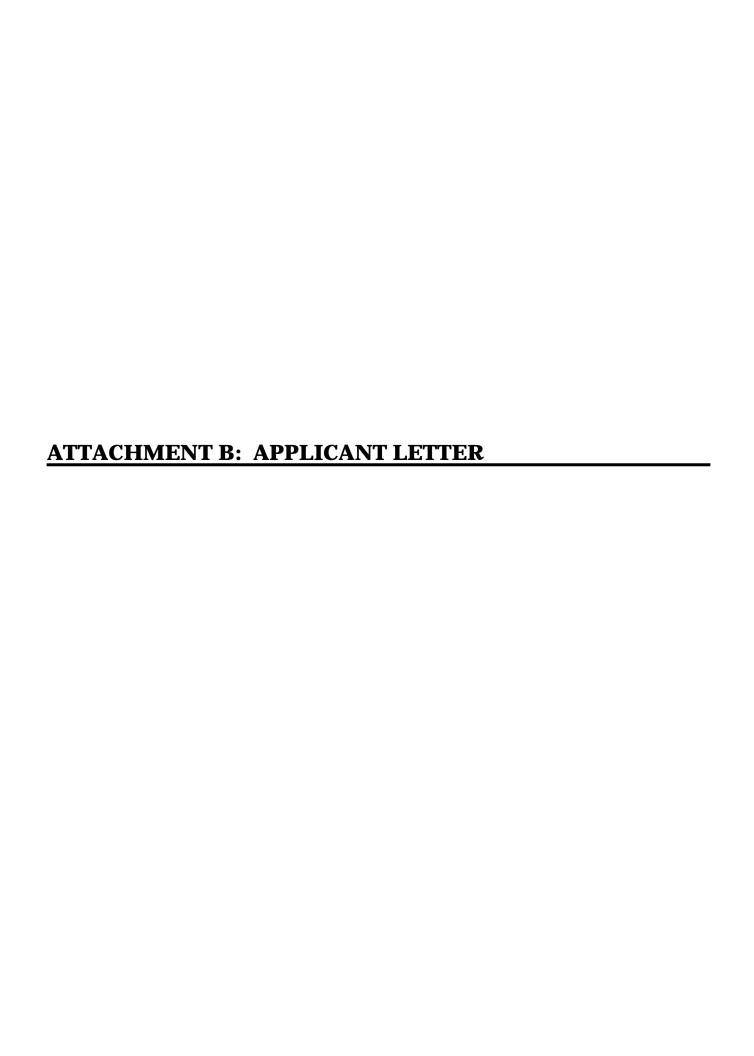
	T24 T4	D (1)
Factor	Finding	Rationale
Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Not consistent with adopted plans.	Proposal expands housing stock, promotes residential development downtown, and encourages use of mass transit to improve air quality, which policies are described in the 1995 Downtown Master Plan.
Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Does not further purpose of FB-UN district.	Through appropriate design regulations contained within the Form Based Urban Neighborhood District regulations, the proposed amendment will facilitate development in compliance with the purpose statement for the FB-UN2 District.
Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Not applicable	No overlay zoning districts exist for the subject property impacted by the proposed zoning amendment.
The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Not consistent with the goals of FB-UN district.	The proposed amendment is not consistent with the purposes of the FB-UN district due to its disregard of the preferred building height form and intersection nodes.
The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.	Existing public facilities and services will adequately serve development on the property affected by the proposed amendment.	No specific development design or proposal was provided with the application; however, the property is currently developed with adequate facilities. Upgrading facilities may be required for any new, more intense development.

NEXT STEPS:

The Planning Commission's recommendation will be transmitted to the City Council to conduct a public hearing and a decision to approve, modify, or deny the proposal. If the City Council grants approval of the petition, the applicant will be required to obtain all necessary permits for the project. If denied the property may be developed under existing building and zoning regulations, which allows a maximum of 4 stories and 50 feet of building height.

ATTACHMENT A: VICINITY MAP	<u>•</u>





The purpose of this amendment is to include the corner of 900 S and S Washington Street in the 65' height exception that exists at specific corners already including the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, 200 West at Fayette Avenue, and 300 West at 800 or 900 South.

We believe that 900 S, as a major neighborhood commercial street, should allow for this height at this corner to take advantage of being on 900 S right at a TRAX stop and the millions of dollars the City is going to invest in 900 S infrastructure in the next year.

Five-story height is very appropriate for this area as it is centered around TRAX and along a major commercial corridor, as already expressed by corners that have been designated for five stories.

This request is also in harmony with the city Housing Plan that specifies more density and height along mass transit lines.

Our property has severe environmental contamination that precludes us from any excavation and this extra story in height we're requesting will allow us to create a more successful mixed-use building with retail fronting 900 S.

Our proposal is to build mixed-use buildings of ground floor retail and residential above.

This request does not amend the zoning map.

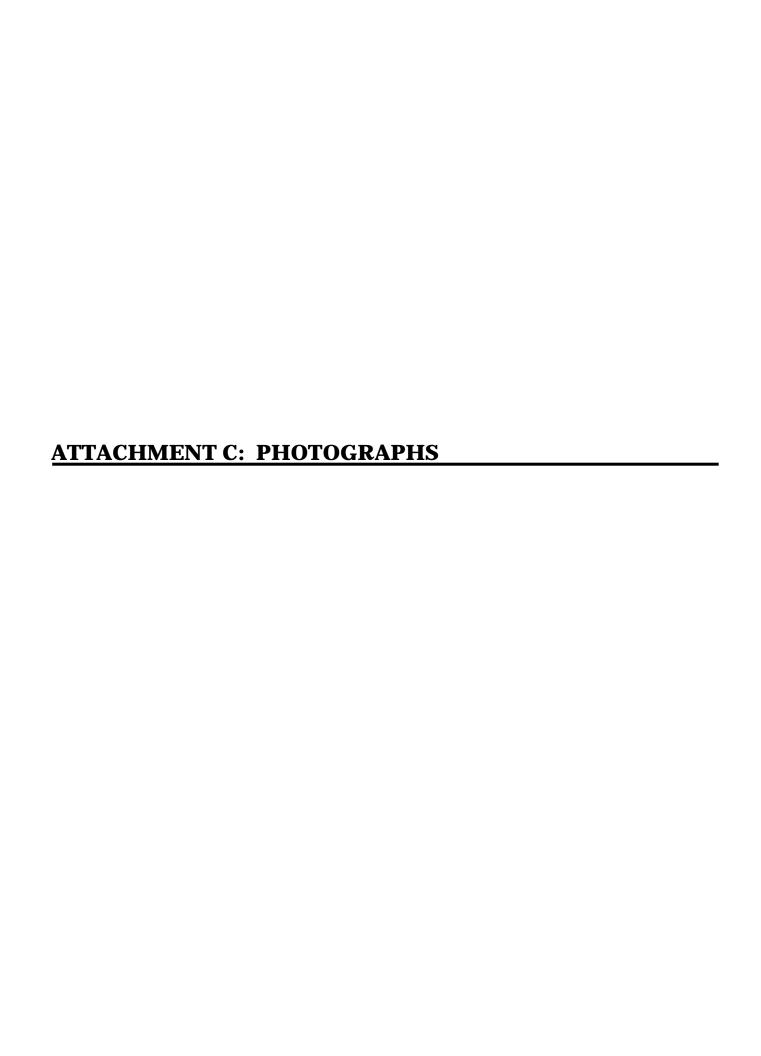
The request does ament the text of the 'Height' category of FB-UN2 zone.

TABLE 21A.27.050.C FB-UN2 BUILDING FORM STANDARDS

4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, 200 West at Fayette Avenue, the southeast corner of S Washington Street at 900 S and 300 West at 800 or 900 South. All heights measured from established grade.

Sincerely,

James Alfandre Urban Alfandre Urbanalfandre.com





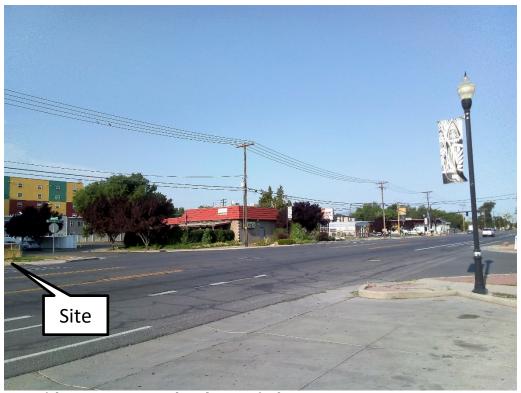
Oblique Aerial View of Subject Property (looking south, property outlined in yellow)



 $View \ of the \ subject \ property \ looking \ southeast \ across \ 900 \ South \ (note \ adjacent \ building \ heights \ to \ left \ of \ site).$



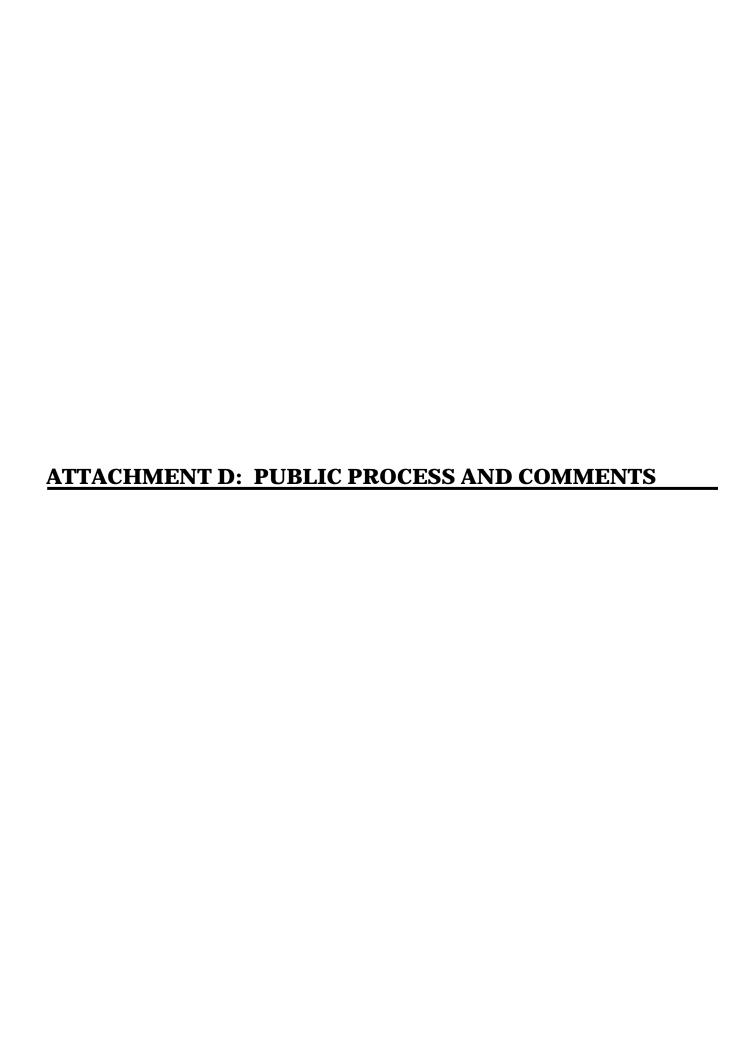
View of the subject property looking south across 900 South (multi-colored building in background was built in 2007 at height of 60 feet prior to the adoption of the FB-UN2 form-based code).



View of the opposite corner, directly west of subject property.



View of other corners looking north of subject site (far right).



Meetings & Public Notice

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project.

November 16, 2017: Notice of Application for sent to Ballpark Community Council, Downtown Community Council, and other recognized organizations per city ordinance.

December 6, 2017: Planning staff conducted a public open house. <u>A handful of neighboring citizens either attended and provided written comments or followed up with email comments. Written comments are included in Attachment D of this report.</u>

Notice of the Planning Commission public hearing for the proposal include:

- Notices mailed on July 27, 2018
- Property posted on July 30, 2018
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on July 26, 2018
- Newspaper notice posted in local newspaper July 28.

COMMENTS

None of the community councils or other organizations that were notified opted to discuss the amendment at their respective meetings. The open house was the source of public comments, which are included following this page. The predominant feedback offered was that of opposition to the additional height. Summary of the open house:

- 8 attendees
- 6 attendees gave written comments
- 5 different citizens provided email comments after the open house
- Of the total comments provided: 10 opposed and 1 supported the additional height.

December 6, 2017



Planning Division
Department of Community and
Neighborhoods

Proposed Zoning Text Amendment in FB-UN2 Form Based Urban Neighborhood District

Name:	Glenn Call
Address:	859 S. Weshington Street
	Salt Lake City UT Zip Code 84101
Phone:	E-mail
Comments:	We are very much against changing the zoning to
increase	building height. We've been activily trying to keep
the ma	ximum of any building at three stories.
	P taller building really are needed they should be
in the	Granery district where there are no individual
	nat world be impacted.

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. You can also provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, 451 South State Street Rm 406, Salt Lake City, UT 84114-5480. Please provide your comments by **December 31, 2017.**

December 6, 2017



Planning Division
Department of Community and
Neighborhoods

Proposed Zoning Text Amendment in FB-UN2 Form Based Urban Neighborhood District

Name:	Laurance Ce			
Address:	825 S 200W			
-	Salt Lake City	_Zip Code _	84101	
Phone:	E-mail _			
Comments: _	ok for suggested o	Lange		
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December 6, 2017



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Department of Community and
Neighborhoods

Proposed Zoning Text Amendment in FB-UN2 Form Based Urban Neighborhood District

Name:	DETH STRIEFEL
Address:	855 WASHINGTON
	SLC, UT 84101
	Zip Code
Phone:	E-mail
Comments:	1 THINK THE FEEDBACK PHOLDED BY
THE	HEIGHBONHOUP SIX YEARS AGO REMAINS,
THAT	THUEE STONIES IS THE PREFERENCE HEIGHT.
FOTO-	HEY DEVELOPMENTS AT THE CONHER OF
	BOUTH AND ZOO WEST HAUT MAINTAINED THIS
HEIGH-	T, AND THE PHECEDENT FOR THE ANEA IS SET
I	NOULD OPPOSE THE PROPOSED CHAHGE.

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. You can also provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, 451 South State Street Rm 406, Salt Lake City, UT 84114-5480. Please provide your comments by **December 31, 2017.**

December 6, 2017



Planning Division
Department of Community and
Neighborhoods

Proposed Zoning Text Amendment in FB-UN2 Form Based Urban Neighborhood District

Name:	Abe & Sara Shaw
Address:	909, 915 3925 So. Jefferson
	SLC , UT
	Zip Code 8+101
Phone:	E-mail
Comments:	the FBUNZ WORKS Well as Is. It lends
itself	to a nice neighborhood feeling since there are
a far	amant of homes and existing businesses
	n height. Adding taller buildings on the
pinn	eter of the blocks will drawf the shorter
build	igs that to have a max. allowable height of
50 f	t. We have 3 proparities on Jefforson that
Will	be adversely affected by lining 200 w. and 900s
	de your contact information so we can notify you of other meetings or hearings on
	ou may submit this sheet before the end of the Open House. You can also provide
your comme	ents via e-mail at michael.maloy@slcgov.com or via mail at the following address:

Michael Maloy, Salt Lake City Planning Division, PO Box 145480, 451 South State Street Rm 406,

Salt Lake City, UT 84114-5480. Please provide your comments by December 31, 2017.

With taller building than are currently allowed. Please Leave the zoning as is . Sarashaw

Consideration of cerrent property owners, particularly residential owners who have medo their mestnest intentions Known by maintaining homes in this area should take precedent. SLC negls nive hour, lg. penalizing current homowiers with an established history, is not fair. This penalty will come if faller buildings are allowed as the character of grality of the neighborhord dominishes,

Note: Fam a commercial pryperty owner in FBUNY 2 recognizing the road for an enhanced regidential Component in order forths neglibrations to be successful.

December 6, 2017



Planning Division
Department of Community and
Neighborhoods

Proposed Zoning Text Amendment in FB-UN2 Form Based Urban Neighborhood District

Name:	LANCE	VAV	BURFA	/			
Address:	859 SLC	Wa	shing	tan 51	3		m=12
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Phone:		B	E-	mail			
Comments:	I Am	ve	fect n	Against hom	the energy an	height adjust	stmar S
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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. You can also provide your comments via e-mail at michael.maloy@slcgov.com or via mail at the following address: Michael Maloy, Salt Lake City Planning Division, PO Box 145480, 451 South State Street Rm 406, Salt Lake City, UT 84114-5480. Please provide your comments by December 31, 2017.

From: Boudreaux, Madelyn (GE Healthcare)

Sent: Thursday, December 07, 2017 1:29 PM

To: Maloy, Michael

Subject: FB-UN2 proposed zoning change for Central 9th

Follow Up Flag: Follow up Flag Status: Flagged

I am a resident and home owner in the Central 9th area.

I oppose the proposal of designating more parcels to be allowed to go up to 65 feet.

While I am excited about the changes in my neighborhood, I'd like to see a few years pass with the current development under the FB-UN2 zoning regulations to see how they affect the neighborhood. I think that Granary (which already has a lot of taller and larger warehouses) would be a better district for higher buildings, while Central 9th – with the many single family homes still occupied – would begin to feel crowded and unbalanced with these bigger structures at this time.

Thank you, Madelyn Boudreaux 843 South 300 West Salt Lake City, UT 84101

From: Frederick Federer

Sent: Thursday, December 07, 2017 10:23 AM

To: Maloy, Michael

Subject: PLNPCM2017-00590 FBUN-2 feedback

Follow Up Flag: Follow up Flag Status: Flagged

Hi Michael,

Nice to see you and talk with you at the open house last night. I have owned and lived on Jefferson St for about 15 years and love watching the Central 9th neighborhood develop.

After reviewing the proposal I am against it. The map you provided actually surprised me with how many parcels in the area currently allow for buildings up to 65'. This is not as obvious when looking at the maps in the zoning documents for the area. I think there are plenty of 65' high parcels allowed right now, and after seeing how tall the Greenprint Apartments are in real life (which I assume are 50') there is no reason that the midblock FBUN-2 parcels need to be 65'.

I believe a 65' wall of buildings along the TRAX stop could create an isolating feeling on the single family home portions of Jefferson and Washington. On lots like those on the 900 South end of Jefferson Street a 65' foot high building would become a massive sunblock to the single family homes just to the north.

The residents in the area are excited to have the area become an mix of old and new single and multi-family housing types and I think this has the potential to destroy that vision. If we allow 65' height in such a large area I fear that Central 9th may become another transit oriented giant apartment hub like those built further south on the TRAX line (ie 4500 South). Development like that would absolutely destroy the diverse character of the neighborhood. It is that character that we residents greatly value and make it such a unique and interesting pocket of the city.

I would not be against 65' high buildings for a few of the proposed parcels. So why not leave it as is and let the developers ask for a variance on a parcel by parcel basis? Let's not make such a sweeping change.

Best, Frederick Federer 817 S Jefferson St

From: Paul Johnson

Sent: Thursday, December 07, 2017 12:45 PM

To: Maloy, Michael

Subject: FB-UN2 Height Amendment

Follow Up Flag: Follow up Flag Status: Flagged

Hello Michael.

Please pass on my comments regarding the request by James Alfandre for a Zoning Text Amendment for the Central 9th neighborhood.

I'm opposed to this request. It would have been nice to speak to James Alfandre who made the request but he did not attend the open house while I was there. This request is understandably based upon his owning land which would be effected by this change. The Central 9th has dozens of projects currently being built but most are not yet complete. I think we need to see these existing projects completed to really understand how the existing FB-UN2 zoning is currently working out. As all parties involved are aware FB-UN2 is still fairly new to the neighborhood and we really should take a few years to be certain the current zoning is adequately working before making any further changes. Even with only a small percentage of new projects already completed we're seeing dramatic traffic and parking changes on the streets and alleyways of the Central 9th. The neighborhood needs to catch it's breath before deciding if even bigger structures should be accommodated. This is a quality of life issue for the Central 9th and this change is not appropriate at this time.

Thank you, Paul Johnson 858 S. Washington Street, SLC

From: mattmateus@gmail.com on behalf of Matt Mateus

Sent: Thursday, December 07, 2017 12:55 PM

To: Maloy, Michael **Subject:** FBUN 2 Proposal

Follow Up Flag: Follow up Flag Status: Flagged

Hi Michael,

I was unable to attend the meeting last night, but I definitely want to provide you with our families thoughts on the proposed allowable height discussion.

Put clearly, we are opposed to increasing the heights to 65 feet for various reasons. For many years, we have had thoughtful discussions around the codes and heights in Central 9th. Time and time again, especially for those of us who have lived in this neighborhood for well over a decade, we have had a clear vision of what this neighborhood has the potential to be, a thoughtfully and intentionally designed community for a diverse demographic. We have had many discussions about the allowable heights. We discussed and agreed that 50 feet is conducive to the community that we are passionate about creating. And, to allow, or go against this restriction clearly disenfranchises the voice that we have as a community and sends a clear message about how and when our voices are heard and valued.

I think it's important to point out that we have been very supportive of the developments and specific projects in our community over the past 10 years. I have personally participated on several selection committees and provided hours of time with city and RDA representatives to help foster the building of a strong neighborhood community.

I believe that this allowance would be detrimental to our community and what we have worked to hard to create.

Thank you for your consideration.

Best.

Matt and Tamara Mateus 826 S Jefferson Street

OPEN HOUSE

Proposed Zoning Text Amendment in FB-UN2 District

ATTENDANCE ROLL

December 6, 2017

PRINT NAME Laurance Lee
ADDRESS_ 825 5 200 W
ZIP CODE
EMAIL
PRINT NAME Sharn Jacobsen
PRINT NAME Shavn Jacobsen ADDRESS 818 5 800 E
ZIP CODE
EMAIL
PRINT NAME Alex Hamil
ADDRESS 848 S. Washington St.
ZIP CODE 84101
EMAIL
PRINT NAME
ADDRESS
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EMAIL
PRINT NAME
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