



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Lex Traughber – Senior Planner
(801) 535-6184 or lex.traughber@slcgov.com
Date: December 8, 2021
Re: Western Gardens Zoning Map Amendment
Petition PLNPCM2021-00420

ZONING MAP AMENDMENT

PROPERTY ADDRESSES: 550 S. 600 East
PARCEL IDs: 16-06-476-029
ZONING DISTRICT: CN – Neighborhood Commercial
MASTER PLAN: Medium Residential/Mixed Use (10-50 Dwelling Units per Acre)

REQUEST: Tyler Morris, Cottonwood Residential, proposes to amend the zoning map to change the zoning for the 2.3 acre parcel noted above from CN – Neighborhood Commercial to FB-UN2 – Form Based Urban Neighborhood District in its entirety. The parcel is currently occupied by the Western Gardens commercial center. This zoning map amendment change will facilitate the redevelopment of this parcel into a multifamily residential project.

The Planning Commission's role in these applications is to provide a recommendation to the City Council, who has final decision-making authority.

RECOMMENDATION: Planning Staff recommends that the Planning Commission forward a positive recommendation regarding the proposed zoning map amendment on to the City Council for consideration.

ATTACHMENTS:

- A. [Vicinity Maps](#)
- B. [Applicant Information](#)
- C. [Master Plan & Zoning Discussion](#)
- D. [Analysis of Standards](#)
- E. [Public Process and Comments](#)
- F. [City Comments](#)

PROJECT DESCRIPTION: This proposed amendment of the zoning map is to change the zoning for the subject parcel from its current CN – Neighborhood Commercial to FB-UN2 – Form Based Urban Neighborhood District. This zoning map amendment change will facilitate the potential sale and redevelopment of this parcel, as a partnership between the current owner and Cottonwood Residential, into a multifamily residential project.

This site currently houses the Western Garden Center which has been a part of the community for many years. The intent of this project with an appropriately scaled residential use that provides its own parking, doesn't compete with, but rather supports, the adjacent commercial uses in Trolley Square and supports a walkable, diverse neighborhood with access to grocery stores and established public transportation systems.

The zone change to FB-UN2 respects the Central Community Master Plan desire for a transitional zone from the high density RO zoning to the north to the low-density single-family neighborhood to the south while allowing for multi-family housing uses that meet the purpose statement for the zone. This location with the FB-UN2 rezone will create a people-oriented place with diverse housing opportunities, convenient shopping and mass transit opportunities. There are opportunities for employment within walking distance and the final building design will need to be an appropriately scaled building(s) that respects the existing character of the neighborhood while increasing interconnection, access, and safety. This zone addresses adjacency to commercial vs. residential zones with specific step backs, yards, and height requirements that will create a transition. Additionally, the focus of this zone on form and how buildings are oriented to the public space means that concerns regarding massing will be directly addressed as part of the New Construction process with the Historic Landmark Commission.



The applicant has submitted a detailed rationale for the proposed amendment in their application. This information is attached for review (Attachment B). Potential zoning amendment approval would allow for residential or mixed-use type land uses in the future. The task at hand for the Planning Commission is to consider whether or not a rezone of the subject property is appropriate based on adopted City master plan policies and the adopted standards for entertaining rezone requests.

PHOTOS OF SUBJECT SITE:



The Western Garden property as viewed from 600 East.





The Western Garden parking lot.



Houses to the south of the WG parking lot that face 600 South.



View of Hawthorne Avenue looking west as the street dead ends into the west property line of the WG property.



Adjacent building on the northeast of the WG property.



Adjacent building to the north of the WG property.



View of Trolley Square from the WG parking lot looking east.

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: The redevelopment of the subject property is a multi-step and complex project. The rezone of the property is only the first step in the overall redevelopment.

The rezone request is the first of a series of applications that would need to be filed for City consideration. The subject properties are located in the Central City Local Historic District and as such are subject to the standards of the H – Historic Preservation Overlay Zone. Any new construction on the subject property would require the approval of the Historic Landmark Commission. Planned Development approval is also certainly in the realm of possibilities depending on the design of new construction.

Issue 2: Why the FB-UN2 Zone and why would it be appropriate?

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;
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.

Future development of the subject property has the potential to meet all of these criteria, and therefore could augment a desirable urban neighborhood and a positive amenity for the greater area. A thoughtfully designed mixed-use development of residential and commercial uses can provide options for housing types, options for shopping, dining, employment opportunities, and fulfilling daily needs within walking distance to mass transit. Future development will need to be appropriately scaled to respect the character of the existing neighborhood. This would be specifically addressed by the Historic Landmark Commission through approvals for new construction. Future development could also certainly contribute to the area by providing safe, accessible, and interconnected urban networks for people.

The FB-UN zones are located in areas of the City that are close to mass transit and more specifically to Trax stations. Planning Staff notes that the Trolley Square Trax Station is located within close proximity, 2 blocks to the north of the subject property on 400 South. The proximity of the Trax station is a primary reason that the FB-UN2 zone is appropriate as proposed.

To summarize, the FB-UN2 zone is appropriate at this location because there is the potential to realize all of the criteria specifically envisioned for creating an attractive urban neighborhood. It allows for the mix of uses if desired, it allows for future development flexibility, promotes create solutions in design, and most importantly is located within close proximity to mass transit. The request for a rezone to FB-UN2 is also consistent with Central Community Master Plan policy.

Issue 3: The property proposed for rezoning is subject to the standards of the H – Historic Preservation Overlay Zone.

It is essential to note that the property under discussion is located in the Central City Historic District and is therefore subject to the development standards of the H – Historic Preservation Overlay District. These standards are designed to realize future development that is compatible with the surrounding neighborhood and sensitive to the preservation of historic neighborhood resources. These standards take precedence over the base zone. This is important when considering future development because the H – Historic Preservation Overlay District outlines standards for new development that requires compatibility with surrounding structures and streetscapes. Of particular importance is building height. While the proposed FB-UN2 zone allows for structure up to 50 feet in height, the application of the H – Historic Preservation Overlay District may in fact limit building height in order to achieve compatibility with surrounding structure and streetscapes.

While the subject property fronts on 600 East and is adjacent to the Trolley Square shopping complex, it is also adjacent to less intense residential development existing on to the south and west. The mass and scale of surrounding development varies widely. Future development of the subject property will need to be sensitive to this surrounding mass and scale, and will need to be particularly sensitive in terms of building height and setbacks.

Future development on the subject site will fall under the purview of the Historic Landmark Commission. Development standards for new construction will certainly be applicable once the owner/applicant has specific development plans. Standards for the relocation of contributing structure and/or demolition of contributing structures may also come into play in future site development.

CONCLUSION:

The proposed master plan and zoning map amendments meet or are able to meet standards for these types of requests as outlined in Attachment D.

NEXT STEPS:

The Planning Commission's recommendation will be forwarded to the City Council for a final decision.

ATTACHMENT A: VICINITY MAPS



AREA ZONING



ATTACHMENT B: APPLICANT INFORMATION

Submittal Requirements:

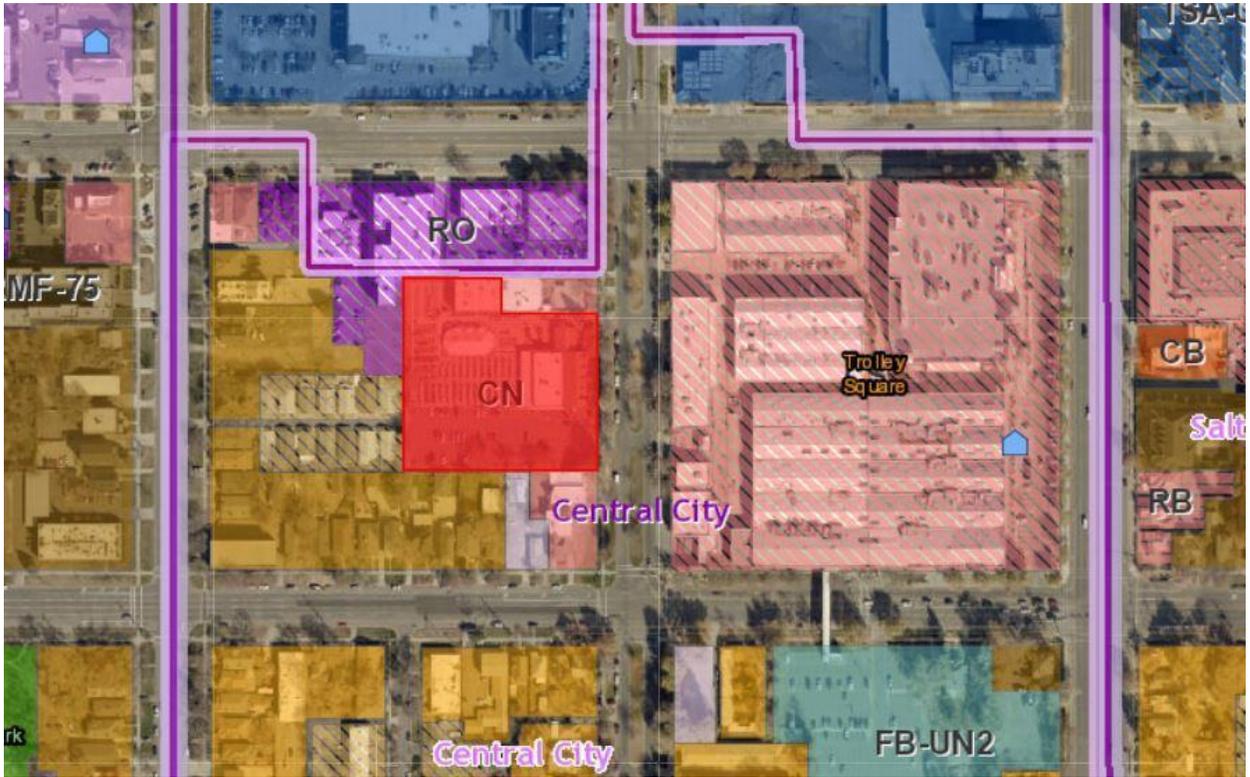
1. A statement declaring the purpose for the amendment.

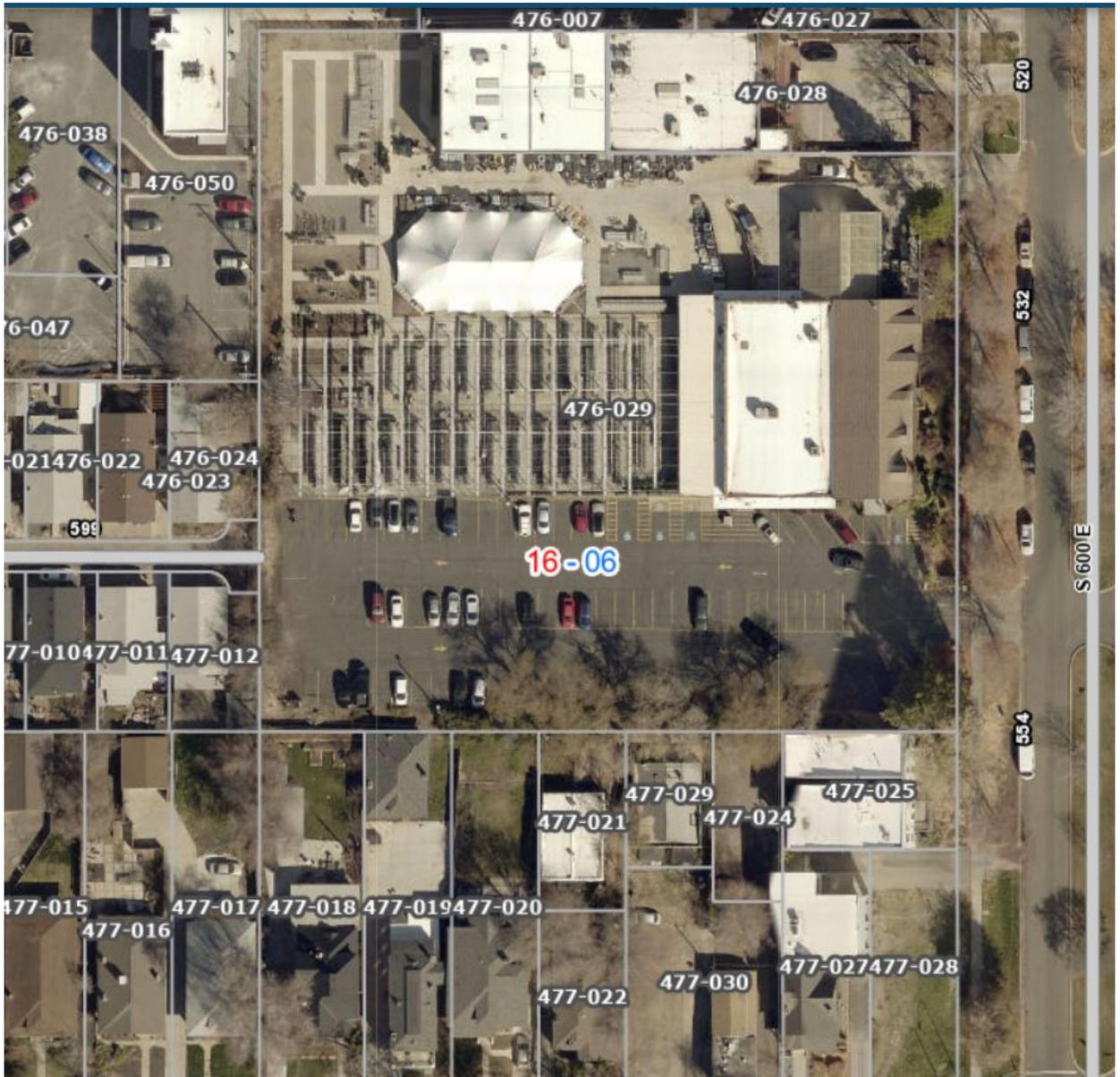
This proposed amendment of the zoning map is to change the zoning for the 2.3 acre parcel 16-06-476-029 from its current Commercial Neighborhood (CN) use to Form Based Urban Neighborhood District (FB-UN2) in its entirety. This zoning map amendment change will facilitate the potential sale and redevelopment of this parcel, as a partnership between the current owner and Cottonwood Residential, into a multifamily project.

This site currently houses the Western Garden Center which has been a part of the community for multiple years. The owners of this business view this redevelopment as a part of their retirement plan and would not plan to remain in business in this location under different circumstances. The building located on this parcel has been confirmed as a non-contributing structure within the historic overlay of this neighborhood.

The adjacent land use and zones within this block include CN, RO, RFM-35 and SR-3 as the block transitions from higher density, commercial and mixed uses (CN and RO) to a more residential scale that continues further South (RFM-35 and SR-3). The intent of this project to develop a multifamily project would strengthen this transition with an appropriate residential use that provides its own parking, doesn't compete but rather supports the adjacent commercial uses in Trolley Square and supports a walkable, diverse neighborhood with access to grocery stores and established public transportation systems.

The zone change to FB-UN2 respects the Central Community Master Plan desire for a transitional zone from the high density RO zoning to the north to the low density single family neighborhood to the south while allowing for multi-family housing uses that meet the purpose statement for the zone. This location with the FB-UN2 rezone will create a people-oriented place with diverse housing opportunities, convenient shopping and mass transit opportunities. There are opportunities for employment within walking distance and the design will be an appropriately scaled building(s) that respect the existing character of the neighborhood while increasing interconnection, access and safety. This zone addresses adjacency to commercial vs. residential zones with specific step back, yard and height requirements that will create a natural transition. Additionally the focus of this zone on form and how buildings are oriented to the public space means that concerns regarding massing will be directly addressed.





2. A description of the proposed use of the property being rezoned.

The proposed new use of this property is a multifamily residential development.

This new development under the new FB-UN2 zoning is located within the Central City Neighborhood and Historic District. This means that the plans for redevelopment will be subject to review by the Historic Landmark Commission (HLC) and the character and form of the design will be reviewed for compliance with the Historic Design Guidelines for New Construction Guidelines. This also allows the HLC to modify lot and bulk requirements per 21A.06.050.C.6. These requirements will promote continuity of the historic character of the neighborhood as a part of this new development. Additionally the FB-UN2 zone also has form requirements that the planning commission will review, providing two types of oversight.

It is the intent of the development to use these resources as an opportunity to create a unique community within the neighborhood that is an asset to the existing amenities and respects the adjacent residential zones and the streetscape. There will be no loss of historic structures or housing stock as a result of this development, in fact, housing stock will be increased to help address the current housing crisis in Salt Lake City.

3. List the reasons why the present zoning may not be appropriate for the area.

The present zoning, CN, is a low density zone that does not allow for multifamily uses. Additionally the commercial use of this location currently competes with the Trolley Square development while additional multi-family residential use would support this use and provide an adjacent workforce to support the retail and commercial functions.

This location, adjacent to commercial, retail and public transportation resources promotes walkable, sustainable living in the heart of the city. It creates a more appropriate transition to the adjacent low density residential neighborhood and provides housing opportunities.

4. Is the request amending the Zoning Map?

Yes; Address – 550 600 E Suite, Salt Lake City, UT 84102; Parcel #16-06-476-029

5. Is the request amending the text of the Zoning Ordinance?

Not Applicable

ATTACHMENT C: MASTER PLAN & ZONING DISCUSSION

ADJACENT LAND USES AND ZONING:

The adjacent land use and zones within this block include CN, RO, RFM-35, RMU-35 and SR-3 as the block transitions from higher density, commercial and mixed uses (CN and RO) to a more residential scale that continues further south (RFM-35 and SR-3).

The Salt Lake City Zoning Ordinance Standards and Purpose Statements include the following language that relates to this request.

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

Purpose Statement: 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;
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.

Staff Analysis: As previously discussed in “Key Issues” number 2 above, although there is no specific development proposed at this time, a multifamily residential development at the subject location could potentially fulfill all of the criteria noted in the purpose statement for the FB-UN2 zone. A request for a rezone for the properties proposed is therefore appropriate as it meets the proposed zoning purpose statement.

CITY WIDE MASTER PLAN CONSIDERATIONS:

Central Community Master Plan Policy

The Central Community Master Plan identifies the subject property as part of the Trolley Station Area for its proximity to TRAX.

The Trolley Station is defined as an Urban Neighborhood Station Area. Urban Neighborhoods are places that have an established development pattern that contain a mix of uses and can support an increase in residential density and supporting commercial activities. New development generally occurs as infill, occurring on undeveloped or underutilized properties. A compact development pattern is desired in order to focus new growth at the station and respect the existing scale and intensity of the surrounding neighborhood. The highest residential density and intensity of commercial land use occurs closest to the transit station and are scaled down the further one moves from the station.

The station area is comprised of core and transition areas. The purpose of creating the different areas is to recognize the scale and nature of existing development patterns and identify the appropriate locations for growth. The general concept is that bigger buildings with the most dwelling units and a higher intensity level of commercial space should be located closest to the station in the core. The transition area reduces the scale, mass and intensity of new development as it moves away from the core area.

Trolley Station is a unique Transit Station Area because it is located within the Central City Historic District. The Central City Historic District is centered on the 600 East landscaped medians, which are a character defining feature of the historic district. The policy of the Trolley Station Area is to prohibit further dissection of the 600 East medians for vehicular traffic and to maintain the historical 15 foot landscaped setback of building along 600 East.

Trolley Station Area Goals:

- The primary purpose of the Trolley Station Area is to provide housing and access to higher intensity employment, commercial centers, downtown, and to the University of Utah.
- Preserve the 600 East medians and prohibit further bisections of the medians for the purpose of allowing vehicular access and left turns to private property or streets.
- Identify zoning solutions for the block faces across from Trolley Square on 600 East and 600 South. The focus should be to encourage development on vacant parcels, increase residential density and promote the preservation and adaptive reuse of contributing structures.
- Encourage development that is compatible with the historic development pattern in the Central City Historic District where appropriate.

Staff Analysis: Because the Central Community Master Plan specifically outlines the above referenced goal for the subject property, Planning Staff supports the rezone of the applicant's property in order to realize future multifamily residential development. The zoning map amendment request is consistent with Trolley Station area goals as outlined in this plan.

21A.34.020 H- Historic Preservation Overlay District

Purpose Statement: In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H historic preservation overlay district is to:

1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;
2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;
3. Abate the destruction and demolition of historic structures;
4. Implement adopted plans of the city related to historic preservation;
5. Foster civic pride in the history of Salt Lake City;
6. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors;
7. Foster economic development consistent with historic preservation; and
8. Encourage social, economic and environmental sustainability.

Staff Analysis:

The purpose of the Historic Preservation Overlay District (21A.34.020A.2.) is to allow the development and redevelopment of historic properties with the caveat that any new development would need to be compatible with the existing development. An underlying goal of these provisions is to allow property owners to derive positive economic benefit and enjoyment from their property while balancing these actions and desires with protecting structures and sites that contribute to the unique cultural and historic fabric of the City. This purpose statement was intended to provide a balance between protection and development. While the H-Historic Preservation Overlay District is not directly applicable to the proposed property rezone, it will be critical as any future development plans move forward. Planning Staff wanted to note the importance of the Overlay at this time to put all interested parties on notice that the standards associated with the Overlay will play a significant role in the future development of the subject property.

Plan Salt Lake (2015)

Plan Salt Lake outlines an overall vision of sustainable growth and development in the city. This includes the development of a diverse mix of uses which is essential to accommodate responsible growth. At the same time, compatibility, how new development fits into the scale and character of existing neighborhoods is an important consideration. New development should be sensitive to the context of surrounding development while also providing opportunities for new growth.

Guiding Principles specifically outlined in Plan Salt Lake include the following:

Growing responsibly while providing people with choices about where they live, how they live, and how they get around.

A beautiful city that is people focused.

A balanced economy that produces quality jobs and foster an environment for commerce, local business, and industry to thrive.

The proposed zoning map amendment is aligned with the vision and guiding principles contained in Plan Salt Lake and are supported by the policies and strategies in the document.

ATTACHMENT D: ANALYSIS OF STANDARDS

ZONING MAP 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 to amend the zoning map, the City Council should consider the following:

Factor	Finding	Rationale
1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents.	Complies	Based on the existing land uses in the vicinity of the subject property, the development pattern of the surrounding neighborhood, and the adopted master plans, amending the zoning map for the subject parcels from CN (Neighborhood Commercial District) to FB-UN2 is appropriate.
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	Complies	<p>The purpose of the Zoning Ordinance is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and, in addition:</p> <ul style="list-style-type: none"> A. Lessen congestion in the streets or roads; B. Secure safety from fire and other dangers; C. Provide adequate light and air; D. Classify land uses and distribute land development and utilization; E. Protect the tax base; F. Secure economy in governmental expenditures; G. Foster the city's industrial, business and residential development; and H. Protect the environment. (Ord. 26-95 § 2(1-3), 1995) <p>The proposed zone change from CN to FB-UN2 would support the purposes of the zoning ordinance found in Chapter 21A.02.030: Purpose and Intent as outlined above. The change would help to distribute land and utilizations (D.), while helping to support the city's residential and business development (G.)</p>
3. The extent to which a proposed map amendment will affect adjacent properties;	Complies	It is Planning Staff's opinion that the proposed zoning map amendment could have a positive impact on adjacent properties with thoughtful future development with an emphasis on appropriate and compatible design.
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards	N/A	The subject property is located within the H- Historic Preservation Overlay and future development of the subject property will need to meet the development standards of this overlay.
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and	Complies	The proposal was reviewed by the various city departments tasked with administering public facilities and services (see comments – Attachment E). The city has the ability to provide services to the subject property. The infrastructure may need to be upgraded at the owner's expense in order to meet specific City requirements.

<p>recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.</p>		<p>If the rezone is approved, the proposal will need to comply with these requirements for future development or redevelopment of the site. Public Utilities, Engineering, Transportation, Fire, and Police and other departments will also be asked to review any specific development proposals submitted at that time.</p>
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ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

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.

June 24, 2021 – The applicant presented a proposal to rezone the subject property from CN to RO at the Central City Neighborhood Council meeting. Planning Staff was in attendance. Subsequent to the meeting on the basis of feedback from the community and Planning Staff, the applicant modified their proposal to change the zoning from CN to FB-UN2.

November 18, 2021 – The applicant presented a proposal to rezone the subject property from CN to FB-UN2 at the Central City Neighborhood Council meeting. Comments/notes are attached to this staff report in an email from Cindy Cromer dated 11/19/2021.

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

- Property posted on 11/24/2021.
- Notices mailed on 11/23/2021.
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on 11/24/2021.

Public Comment

Attached to this staff report is all the written public comment received as of the preparation and distribution of this document.



Attn: Lex Traugber
Re: Western Gardens Rezone.

Dear Planning Division,

The Central City Neighborhood Council (CCNC) has not held in-person meetings since March of 2020. We have, however, had 2 remote meetings via Zoom with the developers from Cottonwood Residential (Cottonwood) regarding the rezoning of the current site of Western Gardens from CN to a different zone. These meetings occurred because of the importance of the proposed redevelopment to the larger neighborhood and to the Central City Historic District specifically.

In the process of arranging both meetings, representatives from Cottonwood have cooperated regarding scheduling and have had members of their design team attend the meetings to respond to questions. The first meeting occurred on June 24 following the distribution of flyers in the surrounding blocks. At that time, the petition was for a change in zoning to RO, Residential Office, a zone introduced in the 1995 ordinance. Following that meeting, the developers modified the request to FBUN-2, one of the newer form-based zones.

On September 24, Cottonwood sent CCNC a possible massing study under the new application for FBUN-2. Currently there are no parcels on the block zoned with form-based codes. The block south of Trolley Square does include a recent application of FBUN-2 but the use has remained unchanged since the approval in 2017. The site proposed for rezoning currently contains a plant nursery with a large parking area and an office for architects. The surrounding historic resources on the block include the historic stable containing the architects' office, a private street of historic cottages on Hawthorne Court, historic multiple-unit and single-family residences on 600 S and 500 E, with a mix of multiple-unit residential and commercial structures on 500 S. The axis of the Central City Historic District with its historic landscaped medians is on 600 E. The block containing Trolley Square is a separate stand-alone historic district. The Central City Historic District extends from the edge of the South Temple Historic District to the stand-alone district containing Liberty Park. The block containing the proposed rezoning has historic resources identified as contributory on all 4 sides and the mid-century office buildings on 500 S are approaching the age for evaluation of contributory status. The former stable containing the architects' office is a unique resource not just in the Central City Historic District, but in Salt Lake City.

The updates about the proposal have been posted on CCNC's Facebook page and the applicants participated in a second remote meeting on November 18 along with their design team. The comments from the chat at that meeting are included below. The

community council did not take a vote on the proposal but encouraged attendees to comment directly to the Planning Division. Based on conversations since last June, it is accurate to say that many residents in CCNC and beyond are disappointed to learn that Western Gardens will no longer be available.

The proposed redevelopment accounts for over 20 percent of the acreage on the block and will have a significant impact on the surrounding area. We appreciate the consistency with which Cottonwood has contacted CCNC and coordinated meetings and information.

Sincerely,
Bekka Carlson, Chair
Central City Neighborhood Council

Excerpts from the chat questions/comments on the Western Gardens proposal during the 11/18 meeting via Zoom.

- If the rezone to FB-UN2 was approved, isn't it true you could build something with larger mass than the renderings you've shown, subject to Historic Landmark's Commission review? That is, you could get the zone, and then propose something larger and less sensitive to the neighborhood, correct?
- Lack of front yard setbacks are having repercussions in midrise development blocks in TSA and downtown, lots of dog owners desperate for any tiny bits of green, excessive hardscapes, lack of public amenities. Will the developers commit to the max setback as that is quite minimal already?
- As Cottonwood notes, many of the applicable master plans for the area speak to scaling down mass from the 4 story structures on 500 S as the block moves South towards the single-family homes on Hawthorne and 600 S. How does the developer feel extending a zone that allows up to 4 stories on a large part of the block achieves this "scaling down"? Isn't it more of an extension of mass rather than a transition?
- Between the length of time the owners have held the WG property and the requested re-zoning valuation gain, the owners stand to reap an enormous financial windfall. Given the potential impacts to the neighborhood, what are the public benefits - affordable units, public green space, net zero construction to address the climate emergency - would be appropriate?
- What about a 15 ' setback at 30' along the street?
- 600 E is a bikeway and supposed to be a neighborhood street with lower traffic volume. Dumping a parking garage full of cars onto the street at one point will pose a risk to pedestrians and cyclists and increase volume. I wish being adjacent to TRAX meant car-free living but in SLC people with any means own cars at high

rates. Transportation will claim the street can handle it but its relative. How do you plan to mitigate this? As a cyclist I already find 600 E in this section hostile.

- Will egress be right turn only in your current draft? Or does the driveway line up with a gap in the medians?
- 4 stories for this neighborhood, really anywhere on the parcel, is quite tall relative to the historic resources on the block. The Newhouse was pushed back from Hawthorne almost 100' from the property line from what the developer originally wanted with that project. This proposal has the same height as Newhouse within 30' of the homes on Hawthorne (20' to 3 stories, then another 10' to 4). I don't quite appreciate how this proposal is more sensitive to the neighborhood than the Newhouse.
- The front setback will be an issue with the HLC. Even the new Trolley buildings across the street have a front yard setback.
- Can you ask for a variance in FB2 to increase the setbacks?
- Are you aiming for LEED or any green certification?
- Given the legacy of the garden center would you consider including a community garden for residents and public?

From: [R.P](#)
To: [Traughber, Lex](#)
Subject: (EXTERNAL) Western Gardens Rezone / Hawthorne Ave
Date: Wednesday, December 1, 2021 9:47:55 AM

Hi Lex,

It was great to meet/chat with you last week.

There are a few things I'd like to add to the current discussion surrounding the re-zone of Western Gardens as well as the newly invigorated discussion of private streets including Hawthorne Ave.

- There was some discussion of a pedestrian walkway between the proposed multifamily dwelling at Western Gardens. As one of two closest neighbors to that boundary, we would be amenable to this as an option with a few caveats. Hawthorne is a privately owned street that Salt Lake City has washed its hands of in terms of maintenance in recent years, resulting in current maintenance needs that the current neighbors have been unable to handle. In order to create a pedestrian walkway, we feel like Cottonwood could make the necessary repairs to Hawthorne (that SLC refuses to do) in order to create goodwill amongst the neighbors as well as increase livability/walkability for the entire neighborhood including the tenets of the proposed multifamily dwelling. From our perspective, SLC is more willing to make deals with developers, changes to the city plan and grant rezone requests than making repairs to streets that taxpayers live on - to gain goodwill, compliance, and community support, this is a small gesture that the Developer could make.
- Per the comments made by Jack Davis, my neighbor to the South, it's been made abundantly clear that the preservation of historic homes and districts in wealthier neighborhoods (ie, the Aves, Yalecrest, etc) have taken precedence over historic homes that were originally built for working-class people who helped build SLC and make it what it is today. I have lived in downtown Salt Lake City my entire life, for 20 years. When my husband and I were ready to purchase our first home, I was positive I wouldn't be able to find a home in this area that was either in our price range or that hadn't been destroyed and needed to be taken down to the studs. When we found our home on Hawthorne Ave in 2020, I instantly fell in love. Built in 1914, the homes on Hawthorne were built to house employees of the Trolley Company and have stood as an oasis in a changing downtown landscape. As a working-class, middle-class person myself, homeownership has become increasingly out of my grasp, and rather than flee Salt Lake's urban landscape, I was able to purchase my beloved historic home. We have already made a significant investment into our home because we plan on staying here for a long time. Recently with the proposed rezone, we have been considering leaving Salt Lake City altogether. Rather than an oasis in a historic district, we would have a 4 story building only 30 feet from our fenceline, significantly impacting our street, our neighborhood, and our quality of life.

- As previously indicated as well by Jack Davis, when the Newhouse Building was constructed, it was originally proposed at 35 feet setback - I believe it ended up at 100 or 105 feet in the end, in part due to concerns from neighbors and because it didn't meet the zoning requirements. I strongly believe that if this applies to Newhouse it should also apply to the Western Gardens rezone.

Thank you!

Randi Peery + John Hanlon
■ Hawthorne Ave

From: [John Davis](#)
To: [Traughber, Lex](#)
Cc: [Oktay, Michaela](#); [Norris, Nick](#)
Subject: (EXTERNAL) Evolution of Newhouse Apartments - Relevant to Western Gardens Proposal
Date: Tuesday, November 30, 2021 1:31:07 PM
Attachments: [Hawthorne Evolution-2.pdf](#)

Hi Lex,

As detailed in my public comment sent earlier this week, I believe there is a mismatch between some of the allowed massing, scale, and setbacks permitted under the proposed FB-UN2 zone for the Western Gardens parcel and preservation related considerations associated with the H overlay zone.

The COA application process for the Newhouse Apartments fronting 500 S offers certain insights relative to historic sensitivity considerations. I encourage you to review the evolution of the Newhouse project, as it provides insights relative to the compatibility of the proposed FB-UN2 zone with the applicable overlay zone and associated considerations. Notably, the original proposal for Newhouse was set back 30' from the rear property line of the cottages on Hawthorne. This was viewed by staff and the HLC as not being sufficiently historically sensitive. To address this, the applicant for Newhouse pushed the project 85' back from their original proposal for a total rear yard setback of 115'.

I've attached a document showing the footprint of the original Newhouse proposal, the proposal as approved, and relevant excerpts from the associated Staff Report.

Thank you for considering this information.

Best,

Jack

John P. Davis

Mobile: [REDACTED]

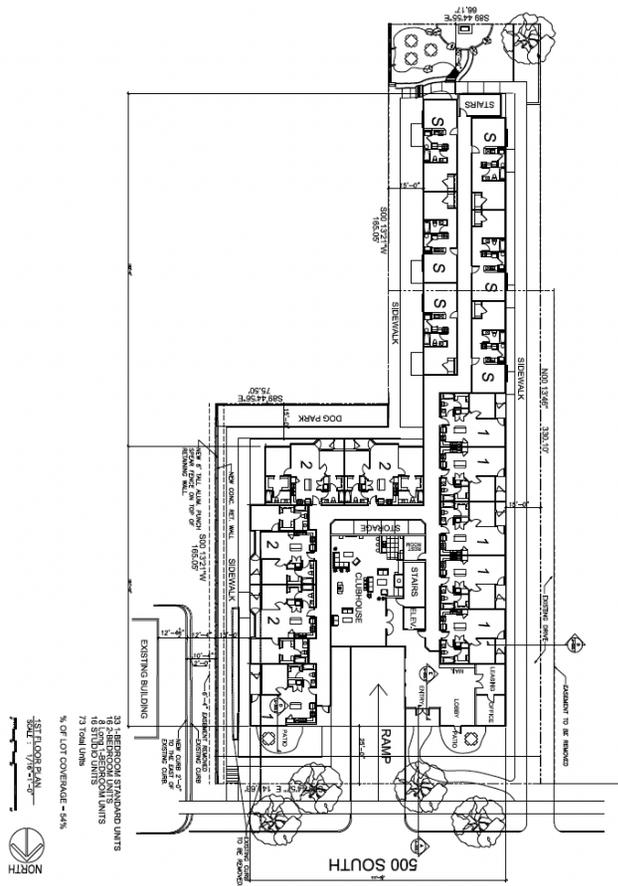
On Mon, Nov 29, 2021 at 8:17 AM Traughber, Lex <Lex.Traughber@slcgov.com> wrote:

Hi Jack,

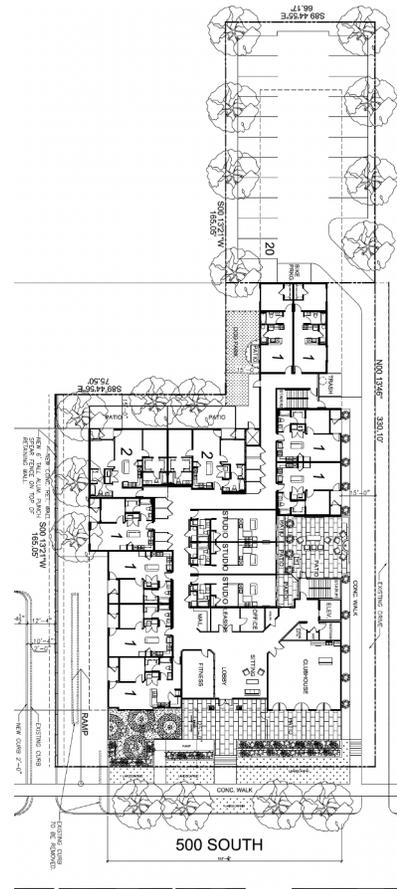
Thank you for your comments. I will forward them on to the members of the Planning Commission for their consideration.

LEX TRAUGHBER

Senior Planner



Newhouse Apartments
As Originally Proposed



Newhouse Apartments
As Approved

Note significantly increased rear yard setback from the cottages on Hawthorne - pulled back 85' from original proposal to 115' from rear property line

Comments
Public Comments

Two residents of Hawthorne Avenue spoke against the project at the October 4, 2012 Historic Landmark Commission meeting. Both stated that they did not receive mailed notices for the public hearing. Staff records show that notices were mailed to them and other owners/residents of Hawthorne Avenue. The residents also noted they did not like a tall building so close to the rear of their properties. Since that meeting, the building has been pulled back eighty-five feet (85') to be one-hundred fifteen feet (115') from the rear property lines of the homes on Hawthorne Avenue.

The other concern of the building's proposed height was that it would only be thirty feet (30') from the single family homes on Hawthorne Avenue to the rear. The building has now been pushed back to be one-hundred fifteen feet (115') from the homes on Hawthorne Avenue. The rear of the proposed development will be a surface parking lot. This separation will provide a break for the height difference between the multi-story apartment building and single story homes on Hawthorne Avenue.

Excerpts From
Newhouse Apartments
Staff Report

From: [John Davis](#)
To: [Traughber, Lex](#); [Tarbet, Nick](#); [Oktay, Michaela](#)
Cc: [Thomas, Blake](#); [Price, Angela](#)
Subject: (EXTERNAL) Davis - Public Comment Re: Western Gardens Rezone Proposal
Date: Sunday, November 28, 2021 10:16:49 AM
Attachments: [11_28_21 - Davis Western Gardens Planning Commision Comments.pdf](#)

Dear Planning Division,

I hope you had a very enjoyable holiday weekend. Thank you again for the Division's outreach regarding the Western Gardens rezone proposal. I have prepared the attached public comment detailing my assessment that the proposal to rezone the Western Gardens parcel to FB-UN2 does not meet the standards for a zoning map amendment under Salt Lake City Ordinance for a variety of reasons, largely due to non de minimis inconsistencies with applicable master plans.

Looking forward to discussing this issue with you when your time permits.

Thanks you,

Jack

John P. Davis

Mobile: [REDACTED]

JACK DAVIS

EMAIL [REDACTED]

November 28, 2021

RE: Public Comment on Proposed Western Gardens Rezone to FB-UN2

Dear Planning Division,

Thank you for keeping the community apprised regarding Cottonwood Residential's recent update to the Western Gardens rezone proposal, now requesting FB-UN2 zoning. My family and I live next to the subject parcels in a contributing historic Victorian home built in 1891 located on 600 South. We share a property line with the Western Gardens parcel. Like many longtime residents in the area as well as new neighbors, we were attracted to the unique combination of a historic neighborhood with great walkability to neighborhood-oriented businesses (e.g., Salt Lake Bagel Project, Beltex Meats, Western Gardens) as well as larger community destinations (e.g., Trolley Square, Liberty Park, etc.).

While I admittedly will miss the wonderful local contributions Western Gardens has made to our neighborhood and to Salt Lake City's urban gardens and landscapes for over a half century, I am encouraged that the parcel is being considered for residential development. Indeed, our City's master plans call for the eventual redevelopment of surface parking lots in the area and the Western Gardens parcel specifically towards more residential uses. That said, I strongly believe that any new development and zoning map amendments should be carefully scrutinized to determine appropriateness and compatibility with the surrounding context and neighborhood, especially when significant increases in permitted height, scale, and intensity of use are under consideration.

I am also encouraged by the consideration of form-based zoning in Salt Lake City. I am a strong supporter of the movement to form-based zoning in our City, as I believe form-based zoning works better than traditional use-based zoning to ensure smart growth and densification while also supporting compatible infill and preservation sensitive development. That said, my support of form-based zoning also recognizes that we should not simply ignore our master plans in favor of this new zoning type, but instead should intentionally and deliberately adapt and update our master plans as appropriate to accommodate form-based zoning. This can be done parcel by parcel through individual master plan amendment applications or, much more preferably, through a more deliberate and contemplative rework of our city's future land use maps by the Planning Division with extensive community outreach along the way.

After carefully reviewing the Western Gardens rezone proposal in detail, the relevant ordinance relating to the FB-UN2 Form Based Urban Neighborhood District reflected in Chapter 21A.27, and the applicable master plans, I believe that the proposed FB-UN2 zone sought by Cottonwood Residential is incompatible with Salt Lake City's applicable master plans, including the Central Community Master Plan and the Salt Lake City Community Preservation Plan. As such, ***I believe that the proposed rezone to FB-UN2 should be recommended for denial by the City Council.*** My reasoning, including an analysis of the applicable standards for zoning map amendments under Salt Lake City Ordinance, is detailed below and in the attached appendix.

The Western Gardens Parcel is Located at a Critical Interface in the Central City Local Historic District

The Central City Local Historic District (“LHD”) is the most threatened local historic district in Salt Lake City in terms of demolition of contributing historic resources and historically insensitive new development. Much of the historic integrity of the Central City LHD has been significantly degraded in the more commercial areas surrounding 400 South and 500 South, the exceptions being the original Trolley Square buildings, the Ensign Floral building, and a handful of contributing single and multifamily residential structures on the south side of 500 South.

The Western Gardens parcel is sited at a critical interface between the less intact areas of the Central City LHD and the largely intact residential areas extending towards Liberty Park. ***Notably, the Western Gardens parcel borders contributory historic resources in every cardinal direction:***

- To the North, 1-1.5 story Trolley Stables building, currently housing the VCBO firm, designated as “Eligible Significant” in the Central City LHD Reconnaissance Level Survey (“RLS”).
- To the East, the 600 East medians, a historically important feature forming the heart (and indeed the genesis) of the Central City LHD. In addition, the historic Trolley Square Barns, one of our City’s most recognizable historic resources, are located in close proximity to the east of the Western Gardens parcel.
- To the West, the wonderfully intact interior block cottage court of Hawthorne Avenue that includes over a dozen single story cottages designated as contributory to the District in the Central City RLS. Many have these homes have seen recent preservation-related investments.
- To the South, several single and multifamily home fronting 600 South (sharing a rear property line with the Western Gardens parcel) designated as contributory to the District in the Central City RLS. Many of these homes have seen significant preservation-related investment in the past decade.

The Central City LHD district is likely the least economically advantaged historic district in Salt Lake City. Much effort and attention in our City are spent on the preservation of the mansions and more affluent neighborhoods of South Temple, the Avenues, Yalecrest, and Capitol Hill, which invoke feelings of grandiose historical nostalgia. Less attention – at least within the broader community – is given the preservation of more modest historic homes and cottages of the kind seen on Hawthorne Avenue and elsewhere throughout the Central City LHD.

As an ardent preservationist, I believe that the buildings and stories we choose to preserve speak to our values as a community. As a community, we should not only preserve the stories of the mining magnates that built empires from their grand South Temple estates, but also the diverse stories of the miners and their families living in the far more modest historic housing and cottages of Central City. ***If Salt Lake City truly is a city that is inclusive, diverse, and strives for equity, both sets of stories should be equally important and reflected in our preservation ethos.***

Proposals Impacting Parcels Located at Important Interfaces in Our City Demand Scrutiny Relative to Preservation and Master Plan Related Impacts

e-ro-sion, noun

the gradual destruction or diminution of something

When reflecting on the Western Gardens rezone proposal and other similar projects which have had outsized potential and realized impacts to the Central City LHD, I find myself returning to the word “*erosion*.” A development proposal viewed in isolation may have limited, and potentially mitigatable, impacts to a historic district. Aggregated with other proposals, however, these limited impacts can become significant. Moreover, proposals involving larger parcels, like the Western Gardens site, have much more profound and permanent impacts.

In nature, erosion begins at boundaries and interfaces. In a historic district, the process can be similar. Planning and development decisions impacting the edges and interfaces within a historic district can, over time and in aggregate, erode the very fabric of the district. Insensitive human activity can accelerate erosional process in nature. Likewise, land use and development decisions that do not holistically consider impacts on our historic districts can accelerate the erosion of our historic resources. When historic districts are eroded, so are the stories embodied by their built environments.

As I detail below, Salt Lake City’s master plans include many prescriptions designed to prevent the erosion of our precious historic districts, including the Central City LHD. For their guidance to have a realized impact, however, policy and decision makers must carefully consider and apply the direction of these important community-developed visioning documents. This is especially critical for proposals impacting the edges and important interfaces of our local districts.

Water may wash away a few grains of sand at a time. In a short time scale, this impact may seem minimal. Over time, however, the process is additive, and what started as a few lost grains of sand can become a canyon.

Our City’s Master Plans Are Important Community-Driven Visioning Documents

I place a high value on our City’s community-driven master planning efforts. Adopted city and community master plans provide important visioning tools to help guide the development of Salt Lake consistent with our community’s goals. As you know, our master plans are the result of significant efforts on the part of the Planning Division, the Planning Commission, and our city’s residents. *Indeed, Salt Lake City’s master plans are developed and refined through some of the most extensive public outreach processes that our City undertakes*, and are the product of countless hours of staff and policymakers’ time.

Salt Lake Ordinance relative to the FB-UN2 zone itself recognizes the importance of adherence to master planning documents. For example, the “Design Related Standards” of Chapter 21A.27.050(D) detailing the “Specific Intent” of the regulations pertaining to Salt Lake’s form-based zones, including FB-UN2, explicitly states that “[t]he design related standards are intended to ... *implement applicable master plans.*”

Master Plans and Future Land Use Maps Serve an Important Public Notice Function

Salt Lake City’s master plans and accompanying future land use maps not only help guide how our City develops, but also serve important public notice functions. Current property owners and/or

residents and future owners and/or developers can look to the City's master plans and accompanying future land use maps as a guide to our City's vision for the development of their properties and surrounding neighborhoods.

This public notice function of future land uses maps is specifically recognized in Salt Lake's own adopted master plans. For example, the Salt Lake City Community Preservation Plan ("SLCCPP"), adopted in 2012, specifically details on page II-6:

“Future Land Use Maps: The master plans each include a future land use map, which is intended to direct changes in use and intensity over time. These maps therefore have a huge influence on the City's ability to preserve historic structures and sites. *These maps are a blueprint to property owners and development entities as to what development potential to expect for their property in the future.*”

Emphasis added.

In this manner, Salt Lake City has recognized that the future land use maps of its master plans serve to notify the public as to the development potential of specific properties and surrounding neighborhoods of interest. The city also explicitly supports the proposition that these maps can be relied upon by the public as a tool in connection with guiding investment and other decisions impacted by current and future land use policy.

The Proposed Rezone to FB-UN2 of the Western Gardens Parcel is Incompatible with the Salt Lake City Community Preservation Plan

The SLCCPP articulates specific policies and actions that “will help preserve those areas of the City that are uniquely historic and tell the story of the City's historic past through spaces and structures, while also providing tools to stabilize neighborhoods and areas within the City that are connected by community character more than a specific historic uniqueness.” *SLCCPP at I-2.* The various policies and actions included in the SLCCPP call for base zoning to be consistent with the preservation of historic structures and areas in a local district. For example, Action 1 associated with Policy 3.3g of the SLCCPP, entitled “Assess Underlying Zoning” indicates that policymakers should:

“Assess underlying zoning to determine whether the zoning is consistent with preservation or conservation objectives *for an area*, and pursue zoning amendments to eliminate the conflicts with those long-term preservation or conservation objectives.”

Emphasis added.

The FB-UN2 zone allows for significantly increased building height when compared to the current CN zoning. For example, FB-UN2 allows for development up to 4 stories with a maximum height of 50' – ***double the height than that allowed by the current CN zoning and taller than all of the historic resources on the block.*** See *Salt Lake City Ordinance Table 21A.27.050.C - FB-UN2 Building Form Standards.* Furthermore, for certain buildings forms under the FB-UN2 zone, there are zero side yard setbacks and zero step backs when bordering non-residential zoning districts. When applied to the Western Gardens parcel, this includes the property line shared with the historically significant 1-1.5 story Trolley Stables building to the North.

The FB-UN2 represents a significant up zone of the parcel from its current base zoning. In view of the significant increases in height, scale, massing, and intensity of use that would be allowed by rezoning the subject parcel to FB-UN2, the proposed zoning amendment is inconsistent with the “long-term preservation or conservation objectives” of the Central City LHD and the preservation objectives articulated in the SLCCPP. Indeed, rather than “eliminat[ing] conflicts with ... long- term preservation or conservation objectives,” as encouraged by the SLCCPP, the proposed rezone to FB-UN2 would increase such conflicts.

The Proposed Zoning Map Amendment Would Create an Undesirable Mismatch Between Base Zoning and Historic Overlay Zoning, Frustrating Public Process at the Historic Landmark Commission

Mismatch between base zoning and the H historic preservation overlay zoning has the potential to create significant challenges when projects are presented to the Historic Landmark Commission (“HLC”) as part of the design review process for obtaining a Certificate of Appropriateness. The HLC regulates height, scale, and massing of proposed designs in accordance with applicable historic design guidelines. In my observations, however, the HLC has faced significant challenges when presented with infill project designs that have height, scale, and massing allowed by the underlying base zoning, but that are over scaled relative to proximate historic structures and preservation considerations

To illustrate, in the instant case, if a block face pattern study were conducted for the block of the Western Gardens parcel, it would likely result in an average block face height not more than 30’, potentially less. This estimated average block face height is 20’ less than the 50’ permitted height under FB-UN2. Accordingly, a development proposal built to the maximum permitted height allowed by the FB-UN2 zone would be wildly inappropriate and incompatible with the surrounding area and the proximate historic structures, including the historically significant Trolley Stables building. The HLC commission could thus be burdened with the challenge of denying design proposals that may be compatible with the underlying base zone but that are entirely incompatible with the historic overlay zoning.

Such a process is unduly burdensome on the HLC and can be extremely frustrating and expensive to developers attempting to balance more subjective design considerations articulated in the historic design guidelines with maximizing what is afforded by the underlying base zone of a property. Moreover, these issues can be almost entirely avoided if base zoning is well matched to historic preservation considerations. The significant public process issues created between base zoning and historic overlay zoning mismatch are a likely reason why Policy 3.3g, encouraging “[e]nsur[ing] that underlying zoning is supportive of preservation policies for the area in which historic or character preservation is proposed,” and associated actions were included in the SLCCPP.

The Proposed Rezone to FB-UN2 of the Western Gardens Parcel is Incompatible with the Stated Goals of the Central Community Master Plan

The proposed rezone of the Western Gardens parcel to FB-UN2 is inconsistent with many of the stated purposes, goals, objectives and policies of the City stated in the Central Community Master Plan (“CCMP”), as amended by Salt Lake City Ordinance No. 66 in 2012. Indeed, rather than supporting the adopted purposes, goals, objectives, and policies of the CCMP, the proposed zoning map amendment, if approved, would serve to frustrate the many of its stated purposes, goals, objectives, and policies of the CCMP.

The Western Gardens parcel is specifically identified in the CCMP as potentially benefiting from improved and intelligent zoning solutions. Specifically, as part of the stated “Trolley Station Area Goals,” the CCMP encourages:

“12. Identify[ing] zoning solutions for the block faces across from Trolley Square on 600 East and 600 South. The focus should be to encourage development on vacant parcels, **increase residential density and promote the preservation and adaptive reuse of contributing structures.**”

See Salt Lake City Ordinance No. 66 of 2012 Amending the CCMP, emphasis added.

Notably, the guidance to increase residential density and promote preservation of contributing historic structures are given equal weight in the CCMP. As the Western Gardens parcel is currently not zoned residential, any rezone to a zone permitting residential development would “increase residential density.” Nowhere does the CCMP call for high density residential, including in the associated future land use maps for the Western Gardens parcel. A change to a zone like FB-UN2, however, which allows development that is incompatible with the immediate area in terms of height, scale, massing, and/or intensity of use, however, would frustrate the preservation and adaptive reuse of contributing structures in the area of the Western Gardens site. Therefore, the zone would not promote, and indeed would frustrate “the preservation and adaptive reuse of contributing structures” in the immediate neighborhood. *See Salt Lake City Ordinance No. 66 of 2012 Amending the CCMP*

In addition, the FB-UN2 zone would not necessarily result in residential development. While Cottonwood Residential’s stated development intent is residential, the FB-UN2 zone **does not require that an eventual development include residential uses.** Indeed, under the FB-UN2 zone a variety of commercial uses, including hotels, are permitted. Therefore, if residential density is truly a goal of the City, the FB-UN2 zone likely is not the best suited zone to achieve this intent.

The Central Community Master Plan Repeatedly Emphasizes Zoning Solutions and Infill Development that Respects Historic Neighborhood Development Patterns

Throughout the CCMP, specifically in reference to the “Trolley Station Area,” are prescriptions relating the orienting zoning and land use towards the preservation of existing neighborhood development patterns. As the FB-UN2 zone allows for height, scale, massing, and intensity of use that is incompatible with the surround historic neighborhood and its development pattern, the proposed zone would be contrary to many of these stated goals.

Purposes, goals, objectives, and policies articulated in the CCMP that would be frustrated by approval the of proposed zoning map amendment to FB-UN2 include:

- “Maintain and improve the Central Community’s historic fabric.” *See “Guiding Principles” at page 1.*
- “Preserve historic structures and residential neighborhoods.” *See “Goals of this master plan” at page 3.*
- **“Residents prefer to protect the existing residential character and prevent construction of multiple family dwellings in low-density neighborhoods, especially those exceeding 14 dwelling units per acre.”** *See “Community input on Residential land uses” at page 9, emphasis added.*

- “Preserve and protect existing single- and multi-family residential dwellings within the Central Community through codes, regulations, and design review.” See Policy RLU-2.0 at page 10.
- “Preventing zoning changes for commercial land use encroachment into residential neighborhoods. Commercial land use encroachment occurs when new businesses are established on formerly residential properties and when existing neighborhood businesses appropriate contiguous residential properties. Both types of expanding commercial development often cause the demolition of residential structures for commercial land use. This has a severe impact on the character, livability, and stability of the existing residential neighborhood.” See “Community input on Commercial land uses” at page 100.
- “Ensure commercial land uses are compatible with neighboring properties.” See Policy CLU-4.0 at page 11.
- “Ensure that new development in areas where non-residential and residential land uses are mixed, preserves viable residential structures that contribute to the neighborhood fabric and character.” See Policy CLU-4.6 at page 12.
- “Most of the demolitions in Central City have occurred as a result of low intensity development on land that is zoned for high-density residential development or automobile-oriented commercial development... Both the zoning of properties within historic districts and the economic hardship ordinance need to be evaluated to encourage adaptive reuse rather than demolition of structures.” See *Demolitions in Historic Districts in the Central City Community* at page 17.
- “The goal for the Central City Historic District is stated in Design Guidelines for Residential Historic Districts in Salt Lake City, Central City Historic District, July 1, 1996, p. 174. ***“The most significant feature of this district is its overall scale and simple character of buildings as a group, as a part of the streetscape. As a result, the primary goal is to preserve the general, modest character of each block as a whole, as seen from the street.”*** See *Historic Preservation Goals* at page 18, *emphasis added*.
- ***“Central Community gives high priority to the preservation of historic structures and development patterns.”*** See Policy HP-1.0 at page 18, *emphasis added*.
- “Ensure that zoning is conducive to preservation of significant and contributing structures or properties.” See Policy HP-1.2 at page 18.
- ***“Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks.”*** See Policy HP-1.4 at page 18, *emphasis added*.

The CCMP is adopted Salt Lake City Ordinance that reflects the final product of an extensive public outreach process soliciting input from residents of the Central Community and Salt Lake City as a whole. As such, its stated purposes, goals, objectives, and policies, including those identified above, should not be ignored by approving an incompatible zone such as FB-UN2 for the parcel at issue.

The Proposed Rezone to FB-UN2 of the Western Gardens Parcel is Incompatible with the Future Land Use Maps of the Central Community Master Plan

The Central Community Future Land Use Map of the CCMP delineates a number of future land use categories. These categories are organized based on (1) type of use (e.g., commercial use, residential use, and/or mixed use) and (2) for residential and mixed-use categories, specific intensities of use defined by density ranges in the map legend in terms of “dwelling units/acre.” Included below is an excerpt from the Central Community Future Land Use Map, annotated to show the location of the Western Gardens parcel.



Annotated Excerpts from the Central Community Future Land Use Map

As shown above, the Western Gardens parcel (marked with the blue star), is designated as “Medium Residential/Mixed Use” with an associated density range between 10-50 dwelling units/acre. As recorded, the Western Gardens parcel is 2.28 acres. *Therefore, to comport with the maximum unit density considered by the Central Community Future Land Use Map of the “Medium Residential Mixed-Use Parcel,” any zoning of the Western Gardens parcel should allow no more than 114 units (2.28 acres * 50 units/acre).* A zone allowing more unit density for the parcel would be incompatible with the Central Community Future Land Use Map.

By its design, form-based zoning does not typically have specific density limitations, but instead is guided by building form, mass, and scale over types of use. This design is reflected in Salt Lake’s various form-based codes, including FB-UN2. For example, Salt Lake City Code Chapter 21A.27.010 (C)(1) provides:

“C. Intent Of Form Based Districts:

1. Statement Of Intent: Form based districts are intended to provide zoning regulations that focus on the form of development, the manner in which buildings are oriented toward public spaces, the scale of development, and the interaction of uses within the city ... Regulations within form based districts place emphasis on the built environment over land use.”

The most intensive building envelopes/forms permitted under FB-UN2 zoning are the multi-family, mixed-use, or store front building forms. Consistent with the intent of form-based zoning, these building forms have ***no*** minimum or maximum unit density requirements, as delineated in the FB-UN2 building form standards included in the annotated table below:

Building Regulation		Building Form				
		Cottage Development ¹	Row House	Multi-Family Residential	Mixed Use	Storefront
DU	Dwelling units per building form	1 per cottage	Minimum of 3; no maximum	No minimum or maximum		

**Salt Lake City Ordinance Table 21A.27.050.C
 FB-UN2 Building Form Standards**

In sum, FB-UN2 zoning does not have any unit density limitations, and indeed would allow for ***any number of units*** within the maximum building envelope permitted certain building forms.

As detailed above, the Central Community Future Land Use Map designates the Western Gardens parcel under the “Medium Density Residential/Mixed Use” future land use category. For the Western Gardens parcel, this future land use category would allow for no more than 114 units under the maximum allowed density associated with this category (i.e., 50 units/acre). FB-UN2 zoning, however, has no unit density limitations whatsoever for certain building forms. ***Accordingly, the maximum unit density allowed by the FB-UN2 zone (essentially unlimited) is entirely incongruent with the specific density range limitations of the “Medium Density Residential/Mixed Use” future land use category specified in the Central Community Future Land Use Map for the Western Gardens parcel.*** Therefore, the proposed rezone to FB-UN2 is incompatible with the Central Community Future Land Use Map of the CCMP.

Analysis of Standards for Zoning Map Amendments Under Salt Lake City Ordinance

Salt Lake Ordinance 21A.50.050, articulating the “Standards for General Amendments” to the zoning map, specifically states that in making a decision to amend the zoning map, the City Council should consider several specific factors. The proposed zoning map amendment of the subject parcels to FB-UN2, however, fails to comply with the majority of these factors. An analysis of the relevant factors at issue is appended to these comments.

The Proposed Zoning Map Amendment Allows for Permitted Uses That Could Degrade the Bikeability and Walkability of the Immediate Area and the Greater Neighborhood

As a form-based zone, FB-UN2 explicitly “emphasize[s] the form, scale, placement, and orientation of buildings” over specific permitted uses. *See Chapter 21A.27.010(B).* As such, the FB-

UN2 zone allows for a wide range of intensive permitted uses including, for example, boarding houses and hotels.

These specific uses, and other permitted uses allowed in the FB-UN2 zone, are relatively intensive and atypical of the immediate area and the neighborhood as it extends south towards Liberty Park. Indeed, apart from Trolley Square, the vast majority if not all of the commercial businesses in the Central City LHD south of 500 South are relatively small in scale and are very neighborhood and pedestrian/bicycle-oriented. Certain permitted uses allowed in the FB-UN2 zone, including boarding houses and hotels, would stand in contrast to these more neighborhood pedestrian-oriented businesses. To illustrate, I believe it to be relatively rare for people to walk to a hotel outside the downtown core. This is especially the case if they already live in the neighborhood.

Potential development uses permitted by right under FB-UN2 could significantly increase the amount of vehicular traffic in the immediate area and would contribute to the degradation of the current bicycle and pedestrian-friendly character of this part of the Central City LHD. 600 East is a designated bicycle boulevard with reduced speed limits and unique bicycle friendly amenities. The impacts of the bicycle boulevard, however, are challenged by vehicular traffic in and out of the parking garage on the West side of Trolley Square. I am concerned that at least some of the permitted uses under FB-UN2 could significantly increase the amount of vehicular traffic in the area with the potential to contribute to the degradation of the current bicycle and pedestrian-friendly character of this part of Central City.

The Full Development Potential of the Proposed Zone Needs to be Considered by Policymakers, Not the Stated Intentions of the Developer

Cottonwood Residential has graciously presented their project to the Central City Community Council on two occasions. I sincerely appreciate their continued outreach to the community and willingness to share details of their proposal with the neighborhood. Notably, despite being notified well in advance, a representative from the Planning Division has not attended a community council meeting regarding the FB-UN2 zone for this parcel.

While I have continued concerns regarding the proposals shared by Cottonwood Residential, Cottonwood is admittedly currently proposing a project with certain elements (but not all) that are sensitive to the neighborhood, particularly along the South property line. That said, *rezoning proposals resulting in the grant of development rights should be scrutinized by policymakers independent of any specific projects, proposals, promises, site studies, 3-dimensional renderings, or the like.*

Before granting development potential by right, policymakers should consider the fullest impact of the proposed zone – that is, the maximum development potential in terms of height, massing, scale, and intensity of use for the zone - and whether it is appropriate for the neighborhood under the relevant standards. The impact of a rezoning to a neighborhood can be far greater and longer reaching than that reflected by the current intentions of a particular developer at a given time. Intentions may change, and properties may be transferred to different owners with different intentions, but the maximum developable potential by right under a particular zone will follow the parcel.

A Better Path Forward

I welcome and encourage new development in the area, especially when such development is neighborhood oriented, eliminates street-facing surface parking lots in a historic district, and is responsive to the purposes, goals, objectives, and policies stated in applicable master plans. That said, I strongly believe that any new development and zoning map amendments should be carefully

scrutinized to determine appropriateness and compatibility with the surrounding neighborhood, especially when increases in permitted height, scale, and intensity of use are under consideration. ***After carefully considering the subject properties and the FB-UN2 zone, I am firm in my conclusion that the FB-UN2 zone is not appropriate for the Western Garden parcel, and therefore oppose the proposed zoning map amendment.*** I am concerned that approval of this proposed zone would create a high likelihood of introducing significant planning conflicts in connection with any future development, including any Planned Development or Historic Certificate of Appropriateness approvals.

While the FB-UN2 zone is not appropriate for the subject parcel, other zones are available that would facilitate some of the developers stated objectives and would be more responsive to the specific prescriptions in our master plans. For example, the RMU-35 zone would seem to be very appropriate for the subject parcels. Indeed, the stated intent of the RMU-35 zone is to “provide a buffer for lower intensity residential uses and nearby collector, arterial streets, and higher intensity land uses. *Salt Lake City Ordinance 21A.24.164.* I strongly believe the RMU-35 zone would be more responsive and compatible with the purposes, goals, objectives, and policies articulated in applicable adopted master plans.

Thank you once again for you time and efforts on behalf of the residents and neighborhoods of Salt Lake City. I sincerely appreciate your careful consideration of these comments.

Thank you,



Jack Davis

Appendix - Analysis of Standards for Zoning Map Amendments

Appendix - Analysis of Standards for Zoning Map Amendments

Salt Lake Ordinance 21A.50.050, articulating the “Standards for General Amendments” to the zoning map, specifically states that, in making a decision to amend the zoning map, the City Council should consider several specific factors. The proposed zoning map amendment of the subject parcels to FB-UN2, however, fails to comply with these factors. An analysis of the relevant factors at issue is included below.

<u>Factor</u>	<u>Analysis and Rationale</u>
<p>1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents.</p>	<p><i>The proposed amendment fails to comply with this factor.</i></p> <p>As detailed in my preceding comments, the proposed zoning map amendment is inconsistent with many of the purposes, goals, objectives and policies of the city as stated through its various adopted master planning documents, including the Central Community Master Plan and the Salt Lake City Community Preservation Plan. Indeed, rather than support the adopted purposes, goals, objectives, and policies of the City, the proposed zoning map amendment, if approved, would serve to <u>frustrate</u> many of the purposes, goals, objectives, and policies articulated in multiple adopted master plan documents.</p>
<p>2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.</p>	<p><i>The proposed amendment fails to comply with this factor.</i></p> <p>The purpose statement of the FB-UN form-based zoning ordinance specifically articulates a desire for zoning that supports appropriately scaled buildings that respect the existing character of the neighborhood. Indeed, Salt Lake City Ordinance Section 21A.27.050: FB-UN1 and FB-UN2 Form-Based Urban Neighborhood District provides:</p> <p>“A. Purpose Statement: The purpose of the FB-UN form based urban neighborhood district is to create an urban neighborhood that provides the following ...</p> <p style="padding-left: 40px;">5. <u>Appropriately scaled buildings that respect the existing character of the neighborhood.</u>”</p> <p style="padding-left: 40px;"><i>Emphasis added.</i></p> <p>Moreover, the “Design Related Standards” articulated in the connection with the “Specific Intent of [the] Regulations” pertaining to the form-based zoning standards provide that:</p> <p style="padding-left: 40px;">“Design Related Standards: The design related standards are intended to ...</p> <p style="padding-left: 40px;">a. <u>Implement applicable master plans...</u></p>

Appendix - Analysis of Standards for Zoning Map Amendments

	<p>g. Provide areas for appropriate land uses that encourage use of public transit <u>and are compatible with the neighborhood</u>...</p> <p>i. Rehabilitate and reuse existing residential structures in the FB-UN1 zone when possible to efficiently use infrastructure and natural resources, and <u>preserve neighborhood character</u>.”</p> <p><i>Salt Lake Ordinance Section 21A.27.050.D, emphasis added.</i></p> <p>As detailed in my preceding comments, the proposed zoning map amendment to FB-UN2 would allow for development of a scale and intensity that is wildly inappropriate for the existing character of the immediate neighborhood/block and stands in stark contrast with existing development patterns in the Central City Local Historic District. Moreover, the proposed zoning map amendment to FB-UN2 fails to “implement applicable master plans,” would allow development that is not “compatible with the neighborhood,” and would not “preserve neighborhood character,” directly contrary to the specific intent articulated in connection with the “Design Related Standards” of the FB-UN2 zone.</p> <p>For at least these reasons, the proposed zoning map amendment does <u>not</u> further specific purpose statements included in the relevant zoning ordinance for FB-UN2.</p>
<p>3. The extent to which a proposed map amendment will affect adjacent properties.</p>	<p><i>The proposed amendment <u>fails</u> to comply with this factor.</i></p> <p>As detailed in my comments, the proposed map amendment to FB-UN2 would allow for development that is incompatible and entirely out of scale relative to existing adjacent single-story properties, many of which are contributing historic, one of which is historically significant. Indeed, the FB-UN2 allows for new development heights of up to 50’. Reduced setbacks aside, a 50’ structure would likely be the taller than any historic structure in the Central City LHD south of 500 S. This would allow for entirely incompatible development in terms of relative height, setbacks, and/or scale and massing, especially in view of the diminutive contributing single story apartment court located adjacent to the subject parcels.</p> <p>For at least these reasons, the proposed zoning map amendment will profoundly and determinately affect adjacent properties.</p>

Appendix - Analysis of Standards for Zoning Map Amendments

<p>4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.</p>	<p><i>The proposed amendment fails to comply with this factor.</i></p> <p>The purpose statement of the H Historic Preservation Overlay Zone focuses on compatibility of new development with existing development in historic districts:</p> <p>“Purpose Statement: In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H historic preservation overlay district is to...</p> <ol style="list-style-type: none">2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;3. Abate the destruction and demolition of historic structures;4. Implement adopted plans of the city related to historic preservation...” <p>As detailed in my preceding comments, the proposed zoning map amendment to FB-UN2 would allow for development of a scale and intensity that is inappropriate for the existing character of the Central City LHD and that contrasts with historic development patterns. The proposed zone would not “[a]bate the distribution and demolition of historic structures,” but instead would erode the integrity of the historic district, potentially threatening historic protections in the future. Finally, a rezone to FB-UN2 would not implement adopted plans of the city related to historic preservation, but instead would create an undesirable zoning mismatch between the base zone and the H Historic Preservation Overlay zone of the subject parcels, a specific concern identified in the SLCCPP.</p> <p>For at least these reasons, the proposed zoning map amendment is <u>not</u> consistent with the specific purpose statements and provisions included in the relevant zoning ordinance for the H Historic Preservation Overlay Zone.</p>
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From: [John Davis](#)
Cc: [Traughber, Lex](#)
Subject: (EXTERNAL) Central City Neighborhood Council – Western Gardens Rezone Planning Commission Virtual Meeting Information
Date: Sunday, November 28, 2021 4:39:24 PM

Hello Neighbor!

Thank you for having previously expressed interest in the Central City Neighborhood Council's efforts to inform the neighborhood regarding the proposed redevelopment and rezone of the Western Gardens parcel. We hope that you were able to attend one of our virtual meetings with the developer to discuss this proposal.

The rezone proposal is scheduled for a Public Hearing and consideration by the Planning Commission on **December 8, 2021 at 5:30 PM**. ***If you have comments or thoughts you would like to share with the Planning Division and the Planning Commission regarding the proposal, they may be emailed in advance of the meeting to lex.traughber@slcgov.com***. The hearing for the rezoning of Western Gardens is not first but the agenda can change and the hearings before Western Gardens project may not be long. If you wish to participate, logging in at 5:30 PM is advisable.

During the Planning Commission meeting on December 8th, there will be opportunity for the public to comment on the proposal during the Public Hearing portion of the meeting associated with the Western Gardens project.

The time for comments is strictly limited to 2 minutes per person. You will be cut off electronically if your comments exceed two minutes. If you have more than 2 minutes of comments, other neighbors may help to get your entire message across. During the meeting, the Planning Commission will likely make a recommendation to the City Council about the change in zoning.

If you are interested in participating during the Public Hearing portion of the meeting or providing written comments during the meeting, you may email planning.comments@slcgov.com or connect during the meeting on Webex at:

<https://bit.ly/slc-pc-12082021>

Instructions for using WebEx to participate in the Public Hearing are provided on the Planning Division's website at [SLC.GOV/Planning](https://slc.gov/planning)

If you encounter difficulty getting into the meeting, send an e-mail to planning.comments@slcgov.com with your phone number. The Planning staff will monitor that e-mail during the meeting and can connect you by phone.

The CCNC will update the Facebook page if there are changes to the scheduled meeting.

For any questions about participating in the Public Hearing or information regarding

the request for rezoning, please contact Cindy Cromer who will be responding to emails and phone messages on behalf of the CCNC: 3cinslc@live.com or 801 209-9225.

Thank you for your interest and involvement in the Central City community.

From: [LYNN Pershing](#)
To: [Oktay, Michaela](#); [Traughber, Lex](#)
Subject: (EXTERNAL) Case number PLNPCM2021-00420 Rezoning/new development of Western Garden site
Date: Tuesday, November 30, 2021 9:51:09 PM

Hi Lex and Michaela

KEEPYalecrest is a nonprofit organization whose mission is to “Keep Educating and Encouraging Preservation” in Yalecrest. As an historic district, we are therefore concerned about the proposed rezoning of the current Western Garden Site, as major zoning changes in the Central City historic District signals a further retreat by the city on historic preservation.

The following points identify issues that are in direct conflict with existing ordinances and development guidelines that need to be addressed

1. Rezoning this property to FBUN-2 is in direct conflict with the Central Community Master Plan and the Preservation Plan (2012). Master plans are the product of countless hours from the City Planning Department and Planning Commission with extensive public outreach efforts to City residents. They should not be undermined.
2. This site is part of an historic district and should be protected from a development that is detrimental to its character, identity and stability.

The Community Preservation Plan (2012) identifies a two track direction for preservation in the City: Historic Preservation and Community Character Preservation. While Historic Preservation tools can lead to both the preservation of important historic resources and preservation of the character of an area, in some neighborhoods (like the Western Garden site) the major goal is not to preserve the individual structure or site, but to “stabilize the area” with a development to better fit the needs and goals of the immediate neighborhood. A 10 plus story building is out-of-character in mass, scale and height from both residential and business buildings in that neighborhood.

3. According to the City, Middle Housing is desperately missing from housing stock in the City. According to urban planning experts, middle housing (~3 stories) is best located at the corners of a street face to minimize disruption of the cohesive existing residential and commercial buildings on the street face and block.

The proposed development however will be located in the Middle of the street face and is 10 plus stories. Mass, scale and height is not compatible with surrounding environment which is 3 or less stories. The proposed development will have detrimental effects on the street face and block by isolating the development from surrounding neighbors and interrupting the existing neighborhood cohesion, identity, and character.

4. 21A.27.010.B.3 says local streets (600 E is not an arterial) should have relatively low building height, similar to surrounding buildings. Surrounding buildings are 2-3

stories.

5. While affordable housing remains an ongoing issue for our City, the proposed development does not include affordable units-just market rate rental units. This issue cannot be overlooked. Affordable housing standards must be applied to this project.

We encourage a compatible design of this development to insure compliance with Historic District Guidelines and City ordinances on affordable housing and middle housing.

Respectfully
Lynn K Pershing
President
KEEPYalecrest

Sent from my iPhone

Sent from my iPhone

From: [Norris, Nick](#)
To: [John Davis](#); [Traughber, Lex](#)
Cc: [Valdemoros, Ana](#); [Tarbet, Nick](#)
Subject: RE: (EXTERNAL) Western Gardens Rezone - Small Area Plan for the Trolley Square Area
Date: Monday, May 24, 2021 5:15:52 PM

Jack,

Thank you for sending this along. The Planning Division absolutely supports more community planning and recognizes the need for fine grained comprehensive planning to help address current growth demand and guide future land use decisions. The need is great city wide. However, we do not currently have the resources to take on these efforts and prioritizing the limited resources we do have is challenging and being sought by most neighborhoods in the city. I encourage you to contact the city council about the need to address growth related issues in the city, support the efforts to remove regulations and processes that do not improve outcomes, and allocating resources so that more of the planning needs of the city can be addressed sooner rather than later.

NICK NORRIS

Director
Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-6173
CELL 801-641-1728
Email nick.norris@slcgov.com

WWW.SLC.GOV/PLANNING

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www.OurNeighborhoodsCAN.com

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From: John Davis <[REDACTED]>
Sent: Monday, May 24, 2021 4:06 PM
To: Traughber, Lex <Lex.Traughber@slcgov.com>
Cc: Norris, Nick <Nick.Norris@slcgov.com>; Valdemoros, Ana <Ana.Valdemoros@slcgov.com>;
Tarbet, Nick <Nick.Tarbet@slcgov.com>
Subject: (EXTERNAL) Western Gardens Rezone - Small Area Plan for the Trolley Square Area

Hi Lex,

I hope you are well. It's my understanding that you have been assigned the application to rezone the Western Gardens parcel from CN to RO. I am still formulating specific thoughts on this proposed rezone. That said, I am generally concerned that the immediate Trolley Square area and the

surrounding historic neighborhood has, in the past 10 years, seen significant interest from planning and development proposals, but has not benefited from more comprehensive planning decisions and processes specific to the area reflective of this interest. With this in mind, I believe there should be a small area plan developed for the Trolley Square area that should help guide any rezoning and development decisions for the area. My thoughts on this are detailed in the attached.

Feel free to give me a call anytime to discuss if you'd like.

Cheers,

Jack

John P. Davis



JACK DAVIS

May 24, 2020

RE: Public Comment on Proposed Western Gardens Rezone and Small Area Plan for the Trolley Square Area

Dear Lex,

I live in a contributing historic Victorian home built in 1891 in the Central City Historic District. Over the years, I have become an advocate for Central City and its historic neighborhoods. Central City is perhaps the least economically advantaged historic district in Salt Lake City and, as you know, has faced challenges over the years. Many of these challenges have stemmed from new development and planning decisions that have not fully addressed and recognized the unique historic character of Central City's neighborhoods or properly considered important areas and interfaces within the district more holistically.

I welcome new infill development sensitive to the Central City Historic District, but I am growing concerned that there have been many significant infill development projects impacting the immediate Trolley Square area over the past 10 years that have not comprehensively considered the development and preservation of the area as a whole. These projects have undergone several different Planning approval processes including rezones (such as Trolley Square south parcels to FB-UN2 and RMF-35 and the 6th x 6th Mixed Use to RMU-35) and parcel consolidations (such as the Newhouse Apartments development fronting 500 S), as well as COA design reviews before the Historic Landmark's Commission for larger new infill developments (projects like Newhouse and the Rose, which have been built, and others which, despite approvals, remaining in process such as Trolley Square south and the 6th x 6th Mixed Use projects).

Due to the serial nature of these proposals with different property owners, they have naturally been considered more individually/in isolation rather than as part of a more comprehensive planning and development assessment for the area, aside from some general consideration given to citywide Master Plans. The collective impact of these individual proposals to the immediate Trolley Square area and the Central City Historic District, however, is significant.

With more holistic planning solutions for the area in mind and additional large proposals presently on the horizon, I strongly believe that ***Planning should consider a small-area plan for guiding development in the Trolley Square area*** (or at a minimum the immediate block of the Western Gardens project). This tool has been used by Salt Lake City with success in the past. The proposed rezone for the Western Gardens parcel should proceed with such a small area plan in place.

The Western Gardens Parcel is Located at Critical Interface in the Central City Local Historic District

The Central City Historic District is perhaps the most threatened local historic district in Salt Lake City due to demolition of contributing historic resources and historically insensitive new

development in certain areas of the district. The Community Preservation Plan adopted in 2012 and the Central Community Master Plan (“CCMP”) specifically recognize these challenges to Central City.

The block where the Western Gardens parcel is located functions as a critical interface between the less intact areas of the historic district and the largely intact, smaller scale, residential areas extending South towards Liberty Park. The parcel borders a significant contributing commercial structure to the North (Trolley Stables), perhaps the most significant contributing commercial structure in the district and a character defining landscape feature to the East (Trolley Barns and 600 East landscaped medians), small intact contributing historic midblock cottage development to the West (Hawthorne Ave.), and small to medium scaled contributing historic homes to the South (contributing historic homes and duplexes fronting 600 S, as well as several small contributing historic cottages and duplexes located on or quite close to the South property line of the Western Gardens parcel). In short, from a historic infill perspective, the Western Gardens parcel presents unique preservation challenges in every direction.

A Small Area Plan Should be Considered for The Trolley Square Area and/or the Western Gardens Parcel

In view of the importance interface served by the Western Gardens parcel, actions impacting the parcel that are incompatible with preservation goals within the Central City Historic District should be avoided. Such incompatible actions will not only detrimentally impact the immediate area, but also the integrity of the greater historic neighborhood extending towards Liberty Park through erosion of historic character.

To help guide development the Trolley Square, I strongly believe that Planning should consider a small-area plan. This will help ensure projects proceed in the Trolley Square area proceed with an overall development and growth strategy in mind, rather than the spot adjustments to zoning on a project-by-project basis that we have seen over the past 10 years.

Salt Lake has used small area and corridor plans many times to help successfully guide development within areas of our city presenting unique planning and development challenges. To my knowledge there are 19 small area or corridor plans, 9 of which related to the central community. A comprehensive small area plan for the area would facilitate a planning process that focuses on the issues unique not just to a particular parcel, but also that of the overall area.

Please do not hesitate to reach out if you would like to discuss further.

Thank you,



Jack Davis

From: [John Davis](#)
To: [Norris, Nick](#)
Cc: [Traughber, Lex](#); [Valdemoros, Ana](#); [Tarbet, Nick](#); [Dugan, Dan](#); [Faris, Dennis](#); [Wharton, Chris](#); [Fowler, Amy](#); [Rogers, James](#); [Mano, Darin](#)
Subject: Re: (EXTERNAL) Western Gardens Rezone - Small Area Plan for the Trolley Square Area
Date: Tuesday, June 1, 2021 9:36:08 AM
Attachments: [J. Davis - Small Area Plan.pdf](#)

Hi Nick,

I am glad to hear that the Division is supportive of more comprehensive planning for Salt Lake City. I also appreciate that resources are limited. That said, I remain firm in my belief that even with limited resources, given the growth we are experiencing as a City, comprehensive small area planning has never been more critical if we are to build the type of dynamic and livable City with vibrant neighborhoods envisioned by most stakeholders.

If we are not actively engaged in fine grained compressive planning now, my fear is that the current development pressures will eliminate many opportunities to develop and preserve high-potential neighborhood and community nodes in our City. By way of illustration, the immediate block of the proposed Western Gardens parcel over the past 10 years has seen significant planning and development related activity, now impacting at least 1/3 of the total block acreage (Newhouse apartments, the Rose, 6th x 6th Mixed Use, and now Western Gardens). The general Trolley Square area has also seen significant planning and development activity, including Liberty Square, the South Trolley Square parking lot, and the Trolley Square parcel on the corner of 600 S and 600 E.

All of these decisions (and future decisions) would greatly benefit from more compressive planning guidance and processes specific to the area to facilitate improved rezoning (where necessary) and development decisions. Without this sort of researched guidance and small-area visioning, planning applications are considered more in isolation on a project-by-project basis, and opportunities for smarter area growth and contextually sensitive neighborhood focused development are lost.

I will certainly be advocating for more resources with the Council and the administration, and appreciate your and your team's efforts.

Don't hesitate to give me a call anytime you'd like to discuss.

Many thanks!

Jack Davis

John P. Davis


On Mon, May 24, 2021 at 5:15 PM Norris, Nick <Nick.Norris@slcgov.com> wrote:

Jack,

Thank your for sending this along. The Planning Division absolutely supports more community planning and recognizes the need for fine grained comprehensive planning to help address current growth demand and guide future land use decisions. The need is great city wide. However, we do not currently have the resources to take on these efforts and prioritizing the limited resources we do have is challenging and being sought by most neighborhoods in the city. I encourage you to contact the city council about the need to address growth related issues in the city, support the efforts to remove regulations and processes that do not improve outcomes, and allocating resources so that more of the planning needs of the city can be addressed sooner rather than later.

NICK NORRIS

Director

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL 801-535-6173

CELL 801-641-1728

Email nick.norris@slcgov.com

WWW.SLC.GOV/PLANNING

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From: John Davis <[REDACTED]>
Sent: Monday, May 24, 2021 4:06 PM
To: Traughber, Lex <Lex.Traughber@slcgov.com>
Cc: Norris, Nick <Nick.Norris@slcgov.com>; Valdemoros, Ana <Ana.Valdemoros@slcgov.com>; Tarbet, Nick <Nick.Tarbet@slcgov.com>
Subject: (EXTERNAL) Western Gardens Rezone - Small Area Plan for the Trolley Square Area

Hi Lex,

I hope you are well. It's my understanding that you have been assigned the application to rezone the Western Gardens parcel from CN to RO. I am still formulating specific thoughts on this proposed rezone. That said, I am generally concerned that the immediate Trolley Square area and the surrounding historic neighborhood has, in the past 10 years, seen significant interest from planning and development proposals, but has not benefited from more comprehensive planning decisions and processes specific to the area reflective of this interest. With this in mind, I believe there should be a small area plan developed for the Trolley Square area that should help guide any rezoning and development decisions for the area. My thoughts on this are detailed in the attached.

Feel free to give me a call anytime to discuss if you'd like.

Cheers,

Jack

John P. Davis
[REDACTED]

From: [cindy.cromer](#)
To: [Tarbet, Nick](#); [Oktay, Michaela](#); [Traugber, Lex](#)
Subject: (EXTERNAL) the missing tool: Small Area Plans
Date: Tuesday, June 1, 2021 6:19:45 PM

This is close to what I will say tonight to the City Council, if not exact. Apologies for being so down to the wire. I will copy Ryan and Tyler at Cottonwood separately. I have enough examples of ground hog day in my life and am not interested in another one. c

Because you are dealing with the budget, I thought my comments about land use tonight should focus on the financial consequences of wayward land use, in this case using the application by Trolley Square Ventures in 2016. Of course, the filing fee never begins to cover the quality of the Planning Division's work. I want to look at some of the other ways that the City went in the hole on the request from Trolley Square Ventures.

First, the City's position regarding notification was not upheld by the State Ombudsman for Property Rights. That didn't cost the City anything initially, but the City had to rewrite the ordinance based on the Ombudsman's opinion and that process took years of staff time. The City also had to rewrite the ordinance for the FBUN-2 zone which was never intended to be used next to any zone except FBUN-1, and there was no FBUN-1 anywhere in the historic district, much less adjacent to the proposed rezone. The hearing at the Planning Commission had to be redone because of the issue of notification. And parts of my house became impassable from the accumulated clutter of this cat- and-mouse game in land use.

I don't know how to assign a cost to the time that the City attorneys and planners spent on this one project. The developer had an architect, an attorney, an historian, and a lobbyist on his payroll. The disruptions in my own life and the lives of my neighbors were considerable. And no one was opposed to the redevelopment of the parking lot. No one. Everyone was in favor of the redevelopment of the surface parking lot. Most of us had anticipated it for years.

In the rear-view mirror, it is clear to me that we should have started with a small area planning process for the block. A small area plan could have addressed the complexity of the historic overlay, the mix of existing zones, and the interface of commercial and residential uses. Previously, the City used this tool frequently, especially in the Central Community. The small area plans allowed development to proceed more efficiently and also identified ways to address problems in land use. We don't use them anymore. We don't take the tool out of the tool box because we don't have time or we don't have money or both. And we are proceeding in extremely inefficient and costly ways as a result.

From: [Mark Shanbrun](#)
To: [Traughber, Lex](#)
Subject: (EXTERNAL) Western Gardens zoning proposal
Date: Monday, June 14, 2021 11:43:58 AM

Lex,

Ref: Case number PLNPCM2021-00420 Western Gardens Zoning Map Amendment

As one of the homeowners whose property borders Western Gardens as well as possibly the largest shared border I am writing to alert the powers that be of some inherent major issues / problems.

First, my property, [REDACTED] is in the Historic District along with all of my neighbors. Westerns Gardens outdoor nursery borders my land as well as part of their parking lot. To live in the city and have such great neighbors as this is a wonderful thing. I get to enjoy the sunrise every morning which is especially pleasant most every day. Any building being close enough to impair the view and the sun would be a sad future.

Second; Referencing the apartment dwelling behind my house which borders my property on the north, MODA New House, I will remind the city planners of what took place and happened during it's construction. Their original proposal was to have the building come about 60' closer to my property which I disputed and fought until they revised the plans which moved the building back much further from my property which allowed space for more outdoor parking. About four years ago just as the building was all framed a fire erupted and caused a four alarm blaze behind my house which was visible throughout the entire valley. Had the building been closer to my house and my neighbors the fire department said the whole block would have been engulfed in flames! Got that? So, looking at this proposal for Western Gardens which wants a much larger development with much taller buildings and no idea how close they want to build to my property line is the most scary thing I can think of. Accidents do happen and we should be smart enough to alleviate as many as possible.

Third; Construction of any sort on this block is a sore subject for all concerned. Any breaking of the ground reverberates and is most concerning regarding my house and all the others on Hawthorne Ave being 110 years old. The construction that has taken place on this block always incurred issues of work starting before the allowed time (7am) and going beyond end time depending of the time of year. I personally complained to the city and safety dept. in this regard but it never stopped the time infringements. So, the property in question should not be available for rezoning of any sort!

Please strongly consider these issues and others you are a ware of so this proposal is denied for multiple reasons.

Kindest regards,

Mark J Shanbrun
[REDACTED]

Sent from my iPad

From: [John Davis](#)
To: [Traughber, Lex](#)
Cc: [Norris, Nick](#); [Tarbet, Nick](#); [Valdemoros, Ana](#); [Mano, Darin](#)
Subject: (EXTERNAL) Public Comment Re Western Gardens Rezone - Master Plan Amendment
Date: Sunday, June 27, 2021 2:43:33 PM
Attachments: [6 27 21 - J. Davis - Western Gardens Master Plan Amendment.pdf](#)

Hi Lex,

I hope you are well. Thank you for attending last week' CCNC meeting where the Western Garden's rezone proposal was discussed. I have prepared the attached public comment following the meeting regarding my assessment that the proposal by the applicant requires a master plan amendment.

Should you have any questions, please don't hesitate to reach out.

Thanks!

Jack

John P. Davis



JACK DAVIS

June 27, 2021

RE: Public Comment on Proposed Western Gardens Rezone to RO and Master Plan Amendment

Dear Lex,

I want to thank you for your time and effort attending last week's virtual Central City Neighborhood Council meeting where the proposed Western Gardens Rezone was presented. During the meeting, I inquired whether the nature of the proposed rezone to RO would require a master plan amendment in view of specific language and land use maps in the applicable city master plans for the area. **After refamiliarizing myself with the applicable master plans, I strongly believe that the proposed RO zone sought by the applicant is incompatible with the current future land use map of the Central Community Master Plan.**

I've included relevant excerpts from the Central Community Future Land Use Map of the Central Community Master Plan below, annotated to show the location of the Western Gardens parcel.



Annotated Excerpts from the Central Community Future Land Use Map

As shown above, the Western Gardens parcel (marked with the blue star), is designated as “Medium Residential Mixed Use” in the Central Community Master Plan. **The RO zone, however, is not a medium density residential mixed-use zone.** Indeed, the purpose statement for the “RO Residential/Office District” explicitly indicates: “This district is appropriate in areas of the City where the applicable master plans support high density mixed use development.” *Salt Lake City Code 21A.24.190, emphasis added.*

For at least the above reasons, I believe that the proposal to rezone to RO should, at a minimum, require an application for a master plan amendment. If the applicant is either not successful with an applicable master plan amendment request or chooses to proceed without a master plan amendment request, I believe the zoning map amendment request from CN to RO should be recommended for denial based on incompatibility with the future land use map for the area.

I will be reviewing additional language in the applicable master plans in detail in short order, and will likely provide further comment regarding to the compatibility of the RO relative to the plans. That said, in the interests of efficiency, I wanted to be sure that the Planning Division is aware of the above discrepancy between the applicable future land use maps of the Central Community Master Plan and the current proposal from Cottonwood Development.

Thank you for your time in considering the above. Please do not hesitate to reach out if you would like to discuss further.

Thank you,

Jack Davis

From: [John Davis](#)
To: [Traughber, Lex](#)
Subject: (EXTERNAL) Public Comment Re Western Gardens Rezone to FB-UN2 - Master Plan Amendment
Date: Tuesday, September 21, 2021 9:21:23 AM
Attachments: [9 21 21 - J. Davis - Western Gardens FB-UN2 Master Plan Amendment.pdf](#)

Hi Lex,

I hope you are well. Thank you again for your outreach regarding the Western Gardens rezoning proposal. I have prepared the attached public comment regarding my assessment that the amended proposal to FB-UN2 requires a master plan amendment in view of conflicts with the current future land use maps of the Central Community Master Plan.

Looking forward to discussing this issue with you when your time permits.

Thanks!

Jack

John P. Davis



JACK DAVIS

September 21, 2021

RE: Public Comment on Proposed Western Gardens Rezone to FB-UN2 and Master Plan Amendment

Dear Lex,

I want to thank you for your keeping the community apprised regarding Cottonwood Residential's recent update to the Western Gardens rezone proposal, now requesting FB-UN2 zoning. In my view, this is an improvement over the applicant's prior rezone request for RO zoning.

After considering this change in some detail, I believe that the proposed FB-UN2 zone sought by Cottonwood is incompatible with the current Central Community Future Land Use Map of the Central Community Master Plan. For this reason, **I do not believe the proposed rezone to FB-UN2 should be considered without an accompanying application for a master plan amendment.** My reasoning is detailed below.

Future Land Use Maps Serve an Important Public Notice Function

Adopted city and community master plans, and specifically future land use maps included in our various master plans, provide important visioning tools to help guide the development of Salt Lake consistent with the community's goals. As you know, our master plans are the result of significant efforts on the part of the Planning Division and are developed and refined through some of the most extensive public outreach processes our city undertakes.

These master plans and accompanying future land use maps not only help guide how our city develops, but also serve important public notice functions. Current property owners and/or residents and future owners and/or developers can look to the city's master plans and accompanying future land use maps as a guide to our city's vision for the development of their properties and surrounding neighborhoods.

This public notice function of future land uses maps is specifically recognized in Salt Lake's own adopted master plans. For example, the 2012 Salt Lake City Community Preservation Plan specifically details on page II-6:

“Future Land Use Maps: The master plans each include a future land use map, which is intended to direct changes in use and intensity over time. These maps therefore have a huge influence on the City's ability to preserve historic structures and sites. *These maps are a blueprint to property owners and development entities as to what development potential to expect for their property in the future.*”

Emphasis added.

In this manner, Salt Lake City has recognized that the future land use maps of its master plans serve to notify the public as to the development potential of specific properties and surrounding neighborhoods of interest. The city also explicitly supports the proposition that these maps can be relied upon by the public as a tool in connection with guiding investment and other decisions impacted by current and future land use policy.

The Central Community Future Land Use Map Delineates Specific Density Ranges Associated with the Western Gardens Parcel

The Central Community Future Land Use Map of the Central Community Master Plan delineates a number of future land use categories. These categories are organized based on (1) type of use (e.g., commercial use, residential use, and/or mixed use) and (2) for residential and mixed-use categories, specific intensities of use defined by density ranges in the map legend in terms of “dwelling units/acre.” Included below is an excerpt from the Central Community Future Land Use Map, annotated to show the location of the Western Gardens parcel.



Annotated Excerpts from the Central Community Future Land Use Map

As shown above, the Western Gardens parcel (marked with the blue star), is designated as “Medium Residential/Mixed Use” with an associated density range between 10-50 dwelling units/acre. As recorded, the Western Gardens parcel is 2.28 acres. **Therefore, to comport with the maximum unit density considered by the Central Community Future Land Use Map of the “Medium Residential Mixed-Use Parcel,” any zoning of the Western Gardens parcel should allow no more than 114 units** (2.28 acres * 50 units/acre). A zone allowing more unit density for the parcel would be incompatible with the Central Community Future Land Use Map.

Form-Based Zones are Not Density Limited, Instead Focusing on Building Form, Mass, and Scale, over Density and Intensity of Use

To be clear, I am a strong supporter of the movement to form-based zoning in our city, as I believe form-based zoning works better than traditional use-based zoning to ensure smart growth and densification while also supporting compatible infill and preservation sensitive development. **That**

said, my support of form-based zoning also recognizes that we should not simply ignore our master plans in favor of form-based zoning, but instead should intentionally and deliberately adapt and update our master plans as appropriate to accommodate form-based zoning. This can be done parcel by parcel through individual master plan amendment applications or, much more preferably, through a more deliberate and contemplative rework of our city’s future land use maps by the Planning Division.

By its design, form-based zoning does not typically have specific density limitations, but instead is guided by building form, mass, and scale over types of use. This design is reflected in Salt Lake’s various form-based codes, including FB-UN2. For example, Salt Lake City Code Chapter 21A.27.010 (C)(1) provides:

“C. Intent Of Form Based Districts:

1. Statement Of Intent: Form based districts are intended to provide zoning regulations that focus on the form of development, the manner in which buildings are oriented toward public spaces, the scale of development, and the interaction of uses within the city ... Regulations within form based districts place emphasis on the built environment over land use.”

The most intensive building envelopes/forms permitted under FB-UN2 zoning are the multi-family, mixed-use, or store front building forms. Consistent with the intent of form-based zoning, these building forms have **no** minimum or maximum unit density requirements, as demonstrated by the FB-UN2 building form standards included in the annotated table below:

Building Regulation		Building Form				
		Cottage Development ¹	Row House	Multi-Family Residential	Mixed Use	Storefront
DU	Dwelling units per building form	1 per cottage	Minimum of 3; no maximum	No minimum or maximum		

**Salt Lake City Ordinance Table 21A.27.050.C
 FB-UN2 Building Form Standards**

In sum, FB-UN2 zoning does not have any unit density limitations, and indeed would allow for **any number of units** within the maximum building envelope permitted certain building forms.

FB-UN2 Zoning With No Unit Density Limitations is Incompatible with the Central Community Future Land Use Map Which Specifically Delineates Unit Density Ranges for the Western Gardens Parcel

As detailed previously, the Central Community Future Land Use Map designates the Western Gardens parcel under the “Medium Density Residential/Mixed Use” future land use category. For the Western Gardens parcel, this future land use category would allow for no more than 114 units under the maximum allowed density associated with this category (i.e., 50 units/acre). FB-UN2 zoning, however, has no unit density limitations whatsoever for certain building forms. **Accordingly, the maximum unit density allowed by the FB-UN2 zone (essentially unlimited) is entirely incongruent with the specific density range limitations of the “Medium Density**

Residential/Mixed Use” future land use category specified in the Central Community Future Land Use Map for the Western Gardens parcel.

Although a specific development proposal has not been considered in connection with this rezone proposal, it has been conveyed to the public that Cottonwood Residential is contemplating a project in excess of 114 units. While this intention was expressed previously in connection with RO zoning, it is at a minimum informative of some of the potential development goals of the property by Cottonwood.

An Amendment to the Central Community Future Land Use Map Should be Required if FB-UN2 Zoning is Pursued for the Western Gardens Parcel

As the maximum unit density allowed by FB-UN2 exceeds (potentially grossly) the specific density range limitations of the “Medium Density Residential/Mixed Use” future land use category for the Western Gardens parcel, rezoning the parcel to FB-UN2 **should require an application for a master plan amendment** if it is to proceed successfully. If the applicant is either not successful with an applicable master plan amendment request or chooses to proceed without a master plan amendment request, I believe the rezone request from CN to FB-UN2 should be recommended by the Planning Division for denial based on incompatibility with the future land use map for the area.

As you know from our prior interactions, I have a keen interest in ensuring effective public notice and engagement relative to land use policy and proposals in Salt Lake City. Ignoring our city’s adopted master plans would not only be contrary the determinations required for a rezone application, but would also negate the important public notice function served by our master plans and diminish the extensive efforts by the Planning Division and the public involved in developing these visioning documents.

Thank you for your time in considering the above. I look forward to discussing this issue with you as your time permits.

Thank you,


Jack Davis

From: [John Davis](#)
To: [Norris, Nick](#)
Cc: [Traughber, Lex](#); [Thompson, Amy](#); [Oktay, Michaela](#)
Subject: Re: (EXTERNAL) Public Comment Re Western Gardens Rezone to FB-UN2 - Master Plan Amendment
Date: Wednesday, October 6, 2021 4:44:28 PM

Hi Nick,

Thank you for the message and the detailed response.

I fully appreciate that the Planning Division cannot require an applicant to submit a master plan amendment along with an application for a zoning map amendment. That said, as you note, Salt Lake Ordinance 21A.50.050 requires that, when evaluating a proposed zoning map amendment, decision makers need to consider “[w]hether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents,” which include applicable City master plans.

For this reason, it would be prudent for an applicant to request a master plan amendment when there is an inconsistency between a proposed rezone and applicable master plans (even more so when there is a clear conflict). In the event the applicant chooses to not proceed with a master plan amendment request (or is ultimately not successful with such a request), I believe that an associated rezone application should be recommended for denial by the Planning Division based on incompatibility with the applicable master plan(s).

I also appreciate that strict compliance with master plans is not the standard under which zoning map amendments are judged, and that the relevant ordinance requires only “consisten[cy]” with stated purposes, goals, objectives, and policies of the City reflected in our master plans.

If the Western Garden’s rezone proposal were a case of *de minimis* non-compliance or inconsistency with the Central Community Master Plan, I would not be advocating for a master plan amendment. But that is not the case here. Instead, the Western Garden’s rezone proposal represents a significant deviation from the future land use maps of the Central Community Master Plan. Indeed, the maximum unit density allowed by the FB-UN2 zone (essentially unlimited) is entirely incongruent with the specific density range limitations for the “Medium Density Residential/Mixed Use” future land use category specified in the Central Community Future Land Use Map for the Western Garden’s parcel. Rezoning a parcel to essentially unlimited density, when the applicable master plan specifically delineates a maximum density of 114 units (50 unit/acre * 2.28 acres), cannot be reasonably considered a *de minimis* inconsistency.

I do recall that the Trolley Square South parking lot project, which indeed has the same future land use designation as the Western Gardens site, did not include a master plan

amendment. Many in the community at the time did, however, argue that a master plan amendment should have been involved in connection with the rezone application to FB-UN2 for that parcel. The primary argument at the time was that the proposed rezone was inconsistent with the Preservation Plan (indeed, the rezone to FB-UN2 rendered certain contributing historic structures on the parcel non-compliant with the new zoning). For the same reasons I've detailed above, however, I now also believe that the Trolley Square rezone should have involved a master plan amendment due to inconsistencies with the applicable future land use map. Past mistakes in process should not be considered guiding precedent.

I remain a proponent of form-based zoning and incremental densification across *all* neighborhoods in our City. My support of form-based zoning, however, also recognizes that we should not simply ignore our community-developed master plans in favor of form-based zoning. Instead, we should intentionally and deliberately adapt and update our master plans to better accommodate form-based zoning.

As you know, our master plans are the result of significant efforts on the part of the Planning Division and major investments by our City. They are developed and refined through some of the most extensive public outreach processes we undertake as a community. Many community members I've spoken with are growing progressively concerned that the goals and policies articulated in these master plans are not being fully considered in connection with land use decisions in our city and/or that certain adopted master plans are being elevated in our decision making while others are given less consideration. As someone who has a keen interest in ensuring effective public notice and engagement relative to land use policy and proposals in Salt Lake City, I place a very high value on City's master planning efforts and the extensive community engagement involved in developing these important visioning documents. I hope that in connection with the Western Garden's rezone application, as well as other land use proposals evaluated by the Division, our master plans are given the full and detailed attention they deserve.

Thanks for considering the above. Happy to discuss if you'd like.

Thanks,

Jack

John P. Davis



On Tue, Oct 5, 2021 at 1:49 PM Norris, Nick <Nick.Norris@slcgov.com> wrote:

Jack,

Lex asked me to respond to your comment about a master plan amendment being required for the proposed zoning amendment related to the Western Gardens site. The SLC Zoning Code 21A.02.040 says “All master plans or general plans adopted by the Planning Commission and City Council for the City, or for an area of the City, shall serve as an advisory guide for land use decisions. Amendments to the text of this title or zoning map should be consistent with the purposes, goals, objectives and policies of the applicable adopted master plan or general plan of Salt Lake City.” This section says that zoning amendments should be consistent. It does not require strict compliance with an adopted plan. This is consistent with what applicable state code says the role of plans are as well. Furthermore, section 21A.50.0050 says that an amendment to the zoning code is not controlled by any one standard and is up to the legislative discretion of the city council.

Based on this, technically we cannot require anyone to submit a master plan amendment along with a zoning amendment. An applicant can choose to move forward without one. There have been some instances where applicants have chosen to submit a master plan amendment due to the change and some instances where applicants have chosen not to. As you may recall, the Trolley Square parking lot on the south side of 600 South also went through a zoning amendment to change to this same zoning district. It has the same future land use designation as the Western Gardens site. A master plan amendment was not submitted or contemplated in that case either.

NICK NORRIS

Director

Planning Division

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL 801-535-6173

CELL 801-641-1728

Email nick.norris@slcgov.com

WWW.SLC.GOV/PLANNING

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as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.

From: John Davis [REDACTED]
Sent: Tuesday, September 21, 2021 9:21 AM
To: Traugher, Lex <Lex.Traugher@slcgov.com>
Subject: (EXTERNAL) Public Comment Re Western Gardens Rezone to FB-UN2 - Master Plan Amendment

Hi Lex,

I hope you are well. Thank you again for your outreach regarding the Western Gardens rezone proposal. I have prepared the attached public comment regarding my assessment that the amended proposal to FB-UN2 requires a master plan amendment in view of conflicts with the current future land use maps of the Central Community Master Plan.

Looking forward to discussing this issue with you when your time permits.

Thanks!

Jack

John P. Davis
[REDACTED]

From: [cindy cromer](#)
To: [REDACTED]
Cc: [Traughber, Lex](#)
Subject: Fw: (EXTERNAL) Re: Western Gardens Rezone Request
Date: Friday, October 22, 2021 6:46:41 AM
Attachments: [21-09-24 Western Gardens Presentation.pdf](#)

Tyler and Ryan-First, my apologies for the delay in responding to the attached renderings. They arrived at a time of year when I am dealing almost exclusively with my rental properties. I did send the attachment on to members of the community council, hoping that other members could respond while I could not. As far as I know, there was silence. I am going to circulate the comments below after sending them to you in an attempt to "jump start" the conversation within the community. My understanding from Lex is that he is already working on the staff report and anticipates a hearing before the Planning Commission in early December. CCNC will host another Zoom meeting which will have to be in November because of our delay in responding sooner.

Context: As I have said before, the size of the Western Gardens (WG) parcel warrants a small area study, an examination of the context. That isn't going to happen. The City no longer plans ahead; it just reacts. The FBUN-2 was not created for application in an historic district; it was created to facilitate massive redevelopment in the Central 9th area and then adopted City-wide. I do not view the previous application of the FBUN-2 in the Central City Historic District as a success story, even after the setbacks from traditional zoning were added. Like the previous application of the FBUN-2 for Trolley Square, the WG site is on an edge, but the WG site has more diverse surrounding land uses and building forms with lower density housing, higher density multiple-unit housing, and office uses currently on the block. Wrapping up the consideration of context, I have to say that there is no use which will be as good a neighbor as Western Gardens. We do not need the market-rate housing you anticipate providing as much as we need a garden center in the City. I have not calculated how many miles I will have to drive when Western Gardens closes. There simply is no substitute for the current use.

Existing Resources: The historic stable (VCBO's offices) is the most unique of the historic resources on the block. There are no surviving barns or stables in the Historic District as far as I know, unless you want to count the historic trolley "barns." In the past 15 years, there has been significant reinvestment in the houses on 600 S. The working-class housing on Hawthorne, one of the defining characteristics of the District, is one of the best of the surviving courts. There are new townhomes and renovated historic structures on 500 E. The most recent large-scale addition to the block, the multiple family housing built at The Newhouse and now a Moda property, is, in my opinion one of the major failures of the design review process at HLC in the past 15 years.

Relevant Previous Approvals: I view both the "Newhouse" and the approved plans for Trolley

Square's expansion as failures for different reasons. The "Newhouse" has blank walls on 3 sides, anticipating that perhaps the next round of development could cover them up. (Please do.) The entrance for the parking is on the front facade. And the front facade does that "lipstick on a pig" effort to camouflage incompatible mass. Trolley Square's expansion on the other hand fails to recreate an interior block environment, like the ones which characterize the neighborhood. This last point is very relevant for your proposal, which also shows no deference to the concept of creating a desirable environment in the center of the block.

Caveats: Everything about this site is challenging. It has far fewer edges than the expansion of Trolley Square but there are abundant resources to respect. I identified many of them as Existing Resources above. Additionally the scale of the existing buildings on the block is mixed. Trolley Square's proposal was the elephant walking into the room. This block already has a building that got too big at the "Newhouse." Just to make the situation more complicated, the setbacks on 600 E vary widely because of the historic setback of the stable. And the stable and the streetscape on 600 are the most important historic resources west of Trolley Square. AND the site is too big to be respectful of its surroundings. I saw the same thing happen with the redevelopment of the Wonder Bread site as Liberty Boulevard. The site was too big for a single use to have the diversity characteristic of the surrounding neighborhood. In short, I am saying up front, before launching, that this is not easy. But then all the low hanging fruit is gone.

Moving Forward: It is a plus that you are proposing more than one building. However, the opening between the buildings needs to align with Hawthorne Court. It appears that the architects made a stab at doing that but then backed off to get the north-south depth of the structure. Some studies of how light will penetrate the block would be helpful. The northern building is far too close to the historic front yard setback and stable on its northeast corner. Everyone will still see the sterile south and east facades of the "Newhouse." The setback from 600 East appears to come to the public sidewalk which is frankly why I do not trust this zone. (Renderings of 600 E fail to capture the character of the "parkings," the landscaped medians.)

Of course there will be balconies and those "lipstick on a pig" changes in materials to break up the facades, but the proposed gap labeled "open space creating relief and diversity along the street" fails completely (utterly and totally) to recreate a desirable interior block environment. If it really is open space, you will have to secure it for the foreseeable future as I am having to do with my properties on 600 E. Please build security into the design.

Please indicate on future rendering the ingress and egress from the site. The neighborhood has recently taken on Google Fiber regarding the preservation of the landscaped medians in 600 E. They were the basis for the application for historic district status 30 years ago. Ingress and egress to your site cannot compromise them further.

Let's see if my remarks trigger any comments from neighbors. I will contact Bekka about another Zoom meeting which will need to coordinate with your schedules and Lex'.

Sincerely, cindy c. [REDACTED]

From: Tyler Morris [REDACTED] >
Sent: Friday, September 24, 2021 10:34 AM
To: cindy cromer [REDACTED]; Traughber, Lex <Lex.Traughber@slcgov.com>; Central City 1 [REDACTED]
Cc: Ryan Heath [REDACTED]
Subject: RE: (EXTERNAL) Re: Western Gardens Rezone Request

Cindy and Bekka,

I've attached a brief presentation of the preliminary massings for the Western Gardens project that we're contemplating under the newly requested FB-UN2 zoning. We've tried to include enough perspectives, along with massings for the existing buildings, for this to be illustrative of the project as approached from any side of the site.

I am available for questions that arise as people have time to review and consider these materials and I look forward to the opportunity to discuss this and the updated zoning request with the Community Council.

Best,

Tyler Morris | Senior Vice President, Acquisitions



[REDACTED]
[REDACTED]
www.cottonwoodres.com

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From: [cindy cromer](#)
To: [REDACTED]
Cc: [Traughber, Lex](#)
Subject: Fw: Fw: (EXTERNAL) Re: Western Gardens Rezone Request
Date: Monday, October 25, 2021 9:35:50 PM

Tyler and Ryan-More comments from CCNC. I expect to receive some from Jack Davis as well. I hope to establish some possible dates for another Zoom meeting in the next couple of days and will get back to you and Lex about your availability. I need to check the City's agendas for conflicts because Ana and Darin may want to attend.

Sincerely, cindy c.

From: Nicholas Rupp [REDACTED]
Sent: Monday, October 25, 2021 7:51 PM
To: cindy cromer [REDACTED]
Subject: Re: Fw: (EXTERNAL) Re: Western Gardens Rezone Request

My brief comments are below; I apologize I don't have time to dive in extensively. I do want to thank Cottonwood for hearing previous concerns and making some adjustments, but I don't know that any scale that is financially feasible for them is going to be amenable to the character of the block.

- Facade length on 600 East is appropriate, though we always prefer to see fine-grained development rather than repeated uniform structures. Even if there is a break in the structure, if it is the same design in the same materials, it still feels monolithic to a pedestrian, which is our primary concern along 600 East.
- The attempt at a view corridor east from Hawthorne is appreciated, but it fails if it's not aligned with Hawthorne. This is an excellent opportunity to create a midblock connection between 500 and 600 East. I know the residents of Hawthorne may prefer their street remain a court, but a narrow, midblock connection would be best practice on this block.
- The height on 600 East is still too high, even with the stepping. The majority of the west side of 600 East along the entire Central City Historic District is 1 and 2 stories. I'd LOVE to see townhomes/Brownstones along 600 East (2 stories) but I expect that is not financially possible.
- Since it's not a Brownstone, setback on 600 East is far too small. Look at the setbacks between 600 and 700 South on the west side of 600 East in comparison, or even at the existing setback of Ivy House. The Ivy House setback is the closest any new development should be.
- I agree with Cindy that the north building is too close to VCBO, and it could move south if the midblock connection aligned with Hawthorne.
- The development as a whole is still too big given all the other structures on the block. Again, when it's the same design in the same materials, it doesn't matter if it's broken up into multiple buildings, it's still a monolith to pedestrians and immediate neighbors. (Franky, I'd prefer to see a new PUD of single-family homes---even egregiously overpriced ones---rather than another monolith of a building.)
- I can't tell from the renderings if there's anything happening to the 600 East medians,

but regardless they must remain completely untouched: no left-turn cutouts, no additional openings to allow vehicles to turn around. This is completely non-negotiable.

- We need increased residential density in this city. But the historic districts are the last place we should get it.

Nicholas Rupp, MCMP, LEHS
[REDACTED]

On Fri, Oct 22, 2021 at 7:29 AM cindy cromer <[REDACTED]> wrote:

all-I'm hoping that my comments below precipitate some from you. Bekka and I need to get going on another Zoom meeting ffor CCNC. You can send your comments directly to Cottonwood or send them to me and I will bundle them. I sent you these renderings as soon as I received them in September and then had to deal with other commitments. c

From: cindy cromer <[REDACTED]>

Sent: Friday, October 22, 2021 6:45 AM

To: [REDACTED]
[REDACTED]

Cc: lex traughber <lex.traughber@slcgov.com>

Subject: Fw: (EXTERNAL) Re: Western Gardens Rezone Request

Tyler and Ryan-First, my apologies for the delay in responding to the attached renderings. They arrived at a time of year when I am dealing almost exclusively with my rental properties. I did send the attachment on to members of the community council, hoping that other members could respond while I could not. As far as I know, there was silence. I am going to circulate the comments below after sending them to you in an attempt to "jump start" the conversation within the community. My understanding from Lex is that he is already working on the staff report and anticipates a hearing before the Planning Commission in early December. CCNC will host another Zoom meeting which will have to be in November because of our delay in responding sooner.

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From: Tyler Morris <[REDACTED]>
Sent: Friday, September 24, 2021 10:34 AM
To: cindy cromer <[REDACTED]>; Traughber, Lex <Lex.Traughber@slcgov.com>; Central City 1 [REDACTED]>
Cc: Ryan Heath <[REDACTED]>
Subject: RE: (EXTERNAL) Re: Western Gardens Rezone Request

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Best,

Tyler Morris | Senior Vice President, Acquisitions



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[Redacted]

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From: [cindy cromer](#)
To: [REDACTED]
Cc: [Traughber, Lex](#); [Central City 1](#)
Subject: (EXTERNAL) Fw: CCNC 11/18 Western Gardens Meeting Notes/Questions
Date: Friday, November 19, 2021 10:03:48 AM

Ryan and Tyler-Jack Davis is so quick. Here are the comments from Chat at last night's meeting. Please share with your team if that would be useful. I have copied Lex, and CCNC will add some sort of cover letter for his staff report. Sincerely, cindy c.

I've included below excerpts from the chat questions/comments on the Western Gardens proposal during last night's meeting. As Cindy recommended, we should make sure these get to Planning in some way/form (and eventually to the Planning Commissioners).

- If the rezone to FB-UN2 was approved, isn't it true you could build something with larger mass than the renderings you've shown, subject to Historic Landmark's Commission review? That is, you could get the zone, and then propose something larger and less sensitive to the neighborhood, correct?
- Lack of front yard setbacks are having repercussions in midrise development blocks in TSA and downtown, lots of dog owners desperate for any tiny bits of green, excessive hardscapes, lack of public amenities. Will the developers commit to the max setback as that is quite minimal already?
- As Cottonwood notes, many of the applicable master plans for the area speak to scaling down mass from the 4 story structures on 500 S as the block moves South towards the Single-family homes on Hawthorne and 600 S. How does the developer feel extending a zone that allows up to 4 stories on a large part of the block achieves this "scaling down"? Isn't it more of an extension of mass rather than a transition?
- Between the length of time the owners have held the WG property and the requested re-zoning valuation gain, the owners stand to reap an enormous financial windfall. Given the potential impacts to the neighborhood, what are the public benefits - affordable units, public green space, net zero construction to address the climate emergency - would be appropriate?
- What about a 15' setback at 30' along the street?
- 600 E is a bikeway and supposed to be a neighborhood street with lower traffic volume. Dumping a parking garage full of cars onto the street at one point will pose a risk to pedestrians and cyclists and increase volume. I wish being adjacent to TRAX meant car-free living but in SLC people with any means own cars at high rates.

Transportation will claim the street can handle it but its relative. How do you plan to mitigate this? As a cyclist I already find 600 E in this section hostile.

- Will egress be right turn only in your current draft? Or does the driveway line up with a gap in the medians?

- 4 stories for this neighborhood, really anywhere on the parcel, is quite tall relative to the historic resources on the block. The Newhouse was pushed back from Hawthorne almost 100' from the property line from what the developer originally wanted with that project. This proposal has the same height as Newhouse within 30' of the homes on Hawthorne (20' to 3 stories, then another 10' to 4). I don't quite appreciate how this proposal is more sensitive to the neighborhood than the Newhouse.

- The front setback will be an issue with the HLC. Even the new Trolley buildings across the street have a front yard setback.

- Can you ask for a variance in FB2 to increase the setbacks?

- Are you aiming for LEED or any green certification?

- Given the legacy of the garden center would you consider including a community garden for residents and public?

From: [LYNN Pershing](#)
To: [Traughber, Lex](#)
Subject: (EXTERNAL) Case number PLNPCM2021-00420
Date: Tuesday, November 23, 2021 4:45:01 PM

While I'm not against use of this property for multifamily housing, I AM AGAINST A TOWER MORE THAN 3 stories in this residential area

Lynn K Pershing

[REDACTED]

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Lynn K. Pershing, Ph.D.

[REDACTED]

ATTACHMENT F: CITY COMMENTS



Work Flow History Report

550 S 600 E

PLNPCM2021-00420

Date	Task/Inspection	Status/Result	Action By	Comments
4/26/2021	Pre-Screen	Accepted	Anglin, Anna	
4/26/2021	Pre-Screen	In Progress	Anglin, Anna	<p>Tyler</p> <p>I have reviewed your application for a zoning amendment and it has cleared the prescreen process. Due to the significant volume of applications in the queue, it may be several weeks before your application is assigned to a planner for processing. When the planner assigned to your application does their comprehensive review of your materials, they will determine if your application is complete. Please be prepared that the planner may require additional information at that time.</p> <p>There is a fee balance of \$63.25 that needs to be paid. I have attached instructions on how to pay it online. The petition number is PLNPCM2021-00420 – Rezone to RO. Please let me know when the balance is paid so I can accept the application and it can be assigned a planner.</p> <p>Thanks,</p> <p>ANNA ANGLIN Principal Planner</p>
5/17/2021	Staff Assignment	Assigned	Traughber, Lex	
5/20/2021	Police Review	Complete	Traughber, Lex	Police Department has no issues with the zoning change. - Lamar Ewell
5/20/2021	Public Utility Review	Complete	Draper, Jason	<p>No public utility objection to the proposed zone change.</p> <p>Development of this property to mixed use or residential will likely require updates to the water system in 600 East.</p>
5/20/2021	Staff Assignment	Routed	Traughber, Lex	
5/20/2021	Transportation Review	Complete	Barry, Michael	Transportation has no issues with this zoning map amendment.
5/25/2021	Zoning Review	Complete	Michelsen, Alan	No concerns with the proposed rezoning from C-N to R-O.
5/26/2021	Building Review	Complete	Christopher, Todd	No comments.
5/27/2021	Planning Dept Review	In Progress	Traughber, Lex	
6/7/2021	Engineering Review	Complete	Weiler, Scott	No objections.
11/22/2021	Community Council Review	Complete	Traughber, Lex	
11/22/2021	Planning Dept Review	Complete	Traughber, Lex	
11/22/2021	Staff Review and Report	Management Review	Traughber, Lex	
11/24/2021	Planning Commission Hearing	Scheduled	Traughber, Lex	
11/24/2021	Staff Review and Report	Planning Hearing	Traughber, Lex	