

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**City & County Building**  
**451 South State Street, Room 326**  
**Salt Lake City, Utah 84111**  
**Wednesday, June 8, 2022**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at approximately 5:30 pm. Audio recordings of the Planning Commission meetings are retained for a period of time. These minutes are a summary of the meeting. For complete commentary and presentation of the meeting, please visit <https://www.youtube.com/c/SLCLiveMeetings>.

Present for the Planning Commission meeting were Chairperson Amy Barry, Vice-Chairperson Maurine Bachman, Commissioners, Jon Lee, Levi de Oliveira, Brenda Scheer, Aimee Burrows, Andra Ghent, Rich Tuttle, Adrienne Bell, and Mike Christensen. Commissioner Andres Paredes was excused.

Planning Staff members present at the meeting were: Director Nick Norris, Planning Manager Kelsey Lindquist, Senior City Attorney Hannah Vickery, Planning Manager Amy Thompson, Urban Planner Amanda Roman, Senior Planner Nannette Larsen, and Administrative Assistant Aubrey Clark.

**Approval of the Minutes**

**Vice-Chair Maurine Bachman motioned to approve the May 11, 2022 meeting minutes. Commissioner Andra Ghent seconded the motion. Vice-Chair Maurine Bachman and Commissioners, Brenda Scheer, Aimee Burrows, Andra Ghent, Rich Tuttle, Adrienne Bell, and Mike Christensen voted "yes". The motion passed. Commissioner Jon Lee abstained due to being absent from that meeting. Commissioner Levi de Oliveira was not yet in attendance.**

**REPORT OF THE CHAIR AND VICE CHAIR**

Chair Amy Barry stated that she has nothing to report.

Vice-Chair Maurine Bachman stated that she has nothing to report.

**REPORT OF THE DIRECTOR**

Direct Nick Norris reported on the approval of the Western Gardens Rezone from City Council. He also reported that there are several new Planning employees that will be presenting before the Commission. He stated that management is doing everything they can to make sure the new employees are successful. He also stated that the Planning Division has received training to help with their presentations.

Commissioner Levi de Oliveira joined the meeting.

**PLANNING COMMISSION DISCUSSION**

Commissioner Ghent asked for clarification on "permitted uses" in Sugarhouse Business District One. She noted that while walkability is a "key" criterion for the zoning code, "restaurant drive- throughs" are a permitted use. Direct Norris stated that a code amendment would be required for specificity. Only the mayor, the City Council and the Planning Commission can initiate zoning code amendments. Following discussion regarding whether to move forward, the Planning Commission could then place the issue on a future agenda for public notice and comment.

Commissioner Brenda Scheer stated that over the past two-three months important Planning Commission recommendations to the City Council, including parking and single-room occupancy, seemed to be “stuck.” Director Norris explained that the Commission staff has addressed the City Council twice in the past 18 months regarding Commission recommendations and also met with members in smaller groups. The City Council is interested in aligning Planning Commission recommendations with “Growing SLC,” the City’s housing plan. The Sugarhouse recommendations have been adopted. Now that the budget process is ending, Director Norris expects that outstanding Planning Commission items will soon be addressed. Regarding the parking issue in particular, Commission staff were directed by the Council to do additional time-consuming research into the specific effects of removing parking requirements for non-residential use in lots of 10,000 square feet—twice the size of the current rule—in order to promote small-scale development. The overall workload of Planning Division staff delayed that project, but it was completed, and an analysis with recommendations has been forwarded to the Council.

Commissioner Aimee Burrows stated that she didn’t know that the staff reports existed prior to being on a Community Council. She advises that members of the public asking questions of the Planning Commission staff should be directed to staff reports. She would like the Planning Commission to receive copies of all responses to public questions. Director Norris stated that the staff report includes public comments and responses when received prior to the staff report being created. Staff responses to questions from the public do include clarifications of ordinance issues. Depending on the timing of the comments, some public comments are forwarded to the City Council. He said that it would be possible to inform the Planning Commission of all public inquiries and responses.

#### **PUBLIC HEARINGS**

**Kozo House Design Review Modifications at approximately 633 West 200 North** - Bryce Baker, representing the property owner, is requesting modifications to a Design Review that was approved by the Planning Commission on December 2, 2020. Then, on November 10, 2021, a one-year extension was granted. During that time there has been a change of developers and further modifications are now being proposed for new approval. In accordance with section 21A.59.080 the proposed modifications require approval from the Planning Commission. This project is located within the TSA-UC-T (Transit Station Area-Urban Core-Transition) zoning district located within Council District 3, represented by Chris Wharton. (Staff contact: Amy Thompson at (801-535-7281) or amy.thompson@slcgov.com) **Case number PLNPCM2020-00258**

Planning Manager Amy Thompson reviewed the petition, with the proposed changes outlined in the staff report. Minor changes in the appearance of the exterior building are largely tied to changes in the window configuration as a result of the changes in the configuration of the units. There are also design changes to address traffic concerns. A traffic study is also in process. Amy Thompson stated that staff recommend approval of the modifications. She explained that, should the Commission reject the new petition, the prior approval would stand, and construction could proceed under the formerly approved plan, which proposed more apartments (exclusively micro units) more retail space, but 39 fewer parking spaces.

The applicants, Bryce Baker, principal of DB Urban Communities and Mike Hollowpeter of Alpha Development, reviewed the project. Bryce Baker stated that while the previous developer has been replaced there has been no change in ownership. He stated that the new design is a response to public concerns about the project as previously presented even though the project was approved. Internal ramps will alleviate the need for a contentious parking access on 200 North. However, the new design of the parking area will increase the number of parking spaces. A traffic study is underway and not currently available. He thanked City staff and Mestizo’s coffee shop for helping to organize a community meeting to discuss the project. He mentioned other community organizations who have contributed to discussion

such as NeighborWorks and the Rose Park Brown Berets. Mr. Baker stated that a lot of work has gone into finding a plan for “what should be here.”

Chair Barry commented that she had vocally disapproved of the 200 North parking access on the previously plan and thanked Mr. Baker for addressing the problem. She then called for Commissioner questions.

Commissioner Scheer asked whether there would be a retail space as previously shown with a connection to the patio that is a “sunken living room.” Bryce Baker stated that the sunken living room is a corner space. Retail space along the east side of the building will be retained, but on the north side of the building there will be management offices and “community space”.

Commissioner Scheer also asked how removing the 200 North parking access would alter the street view of the upper “courtyard” area of the building. Mr. Baker stated that the third-floor functions, access, and street view would not change.

Commissioner Scheer pointed out that, unlike the current plan, the articulation of the top floor of the original building was distinguished from the other floors of the building. Mr. Baker stated that the sixth-floor functions (business center, business lounge, amenities, “flex office” and residential space) remain the same, the configuration of the garden area was switched from north to south. Mr. Baker said that he saw no significant changes in the appearance of the building.

## **PUBLIC HEARING**

Chair Barry opened the public hearing.

Seeing that no one wished to speak, Chair Barry closed the public hearing.

## **COMMISSION DISCUSSION**

Chair Barry agreed that there had been changes between the original and the second (approved) design and commended Commissioner Scheer for her questions related to the top floor design. Commissioner Scheer stated that changes had been made to the appearance previously approved design, and that she preferred the appearance of the top floor of the previously approved design.

Chair Barry then asked Mr. Baker whether he would be open to changing the articulation of the top floor of the present design to match that of the previous design. Mr. Baker responded that the deck wraps around three sides of the building and wondered whether the “balcony” was the concern.

Commissioner Lee stated that the 3D rendering was much clearer and showed minor changes. He also stated that he did not care of the “big hat” effect of a large “overhang” or “balcony.”

Commissioner Scheer agreed with Commissioner Lee that the issue amounted to personal preferences, and it was not a “huge” concern, but also would be simple to fix.

Commissioner Ghent commented that votes should not be tied to aesthetics, but standards.

Commissioner Scheer said, “design is part of what we do.”

Commissioner Barry called for a motion.

Commissioner Adrienne Bell commended Mr. Baker for his efforts in community engagement and proceeded to the motion.

## **MOTION**

**Commissioner Adrienne Bell stated, “Based on the analysis and findings listed in the staff report, information presented, and the input received during the public hearing, I move that the Planning Commission approve the modifications to the Design Review approval, petition PLNPCM2020-00258.”**

**Commissioner Mike Christensen seconded the motion.**

**Vice-Chair Maurine Bachman, and Commissioners Jon Lee, Brenda Scheer, Aimee Burrows, Andra Ghent, Rich Tuttle, Levi de Oliveira, Adrienne Bell, and Mike Christensen all voted “yes”. The motion passed.**

## **WORK SESSIONS**

**Ballpark Station Area Plan** - The Planning Commission received briefing on a new Station Area Plan in the Ballpark Neighborhood, which was initiated by Mayor Mendenhall. Planning staff requested that the Planning Commission hold a work session to discuss this small area plan and provide feedback to staff. Staff will then prepare the Ballpark Station Area Plan for Planning Commission review and recommendation to the City Council. The Ballpark Station Area Plan will encompass the area that runs roughly between 900 South to 1700 South, and State Street to I-15. The small area plan's boundaries are within both the Central Community and the Downtown Master Plans. The Ballpark Station Area Plan is located within Council District 5, represented by Darin Mano. (Staff contact: Nannette Larsen at 801-535-7645 or nannette.larsen@slcgov.com) **Case number PLNPCM2022-00323**

Senior Planner Nan Larsen reviewed the plan as outlined in the Staff Report. She noted extensive community outreach and stated that the key concepts of the plan will have significant impact on the neighborhood and enable it to absorb major growth. Included are “a sense of place,” especially for the Ball Park, pedestrian and bike friendly changes, and investment in green space. Future land use is also featured in the plan and has been modified to accommodate public comments. Nan Larsen stated that future land use was the most popular topic of public concern. Zoning updates and amendments will be required. It is anticipated that the plan will be ready for transmittal to the City Council by the end of summer or early fall.

Commissioner Barry praised the future land use map.

Commissioner Ghent stated that she would like to see better bike access along 1300 South.

Chair Barry stated that the raised pedestrian crosswalks on Main Street are impractical as presented, although she felt that they might be appropriate for West Temple. She suggests vaguer language to allow for multiple possibilities.

Commissioner Lee agreed that the pedestrian issue is a serious problem and suggested further study especially around 1300 South.

Commissioner Barry agreed. Commissioned Lee also suggested islands in the street to slow traffic. Commissioner Barry identified multiple locations that she felt ought to have crosswalks and suggested that input from “Traffic” would be needed.

Commissioner Barry asked the other Commissioners whether West Temple is the most appropriate to close for a festival and whether the land use development map is sufficient. She also asked whether the zones identified were appropriately marked. She commented that people from adjacent areas had made comments.

Commissioner Bell asked why only the west side of State Street was included in the Plan. Planning Director Nick Norris stated that the east of that section of State Street is very different in terms of the businesses it includes. Also, there is another small area plan, currently on hold, dedicated to State Street that would be a more appropriate way to address planning for state street. (It is called Life on State.)

Commissioner Lee said that he would like to see something that incentivizes the development of small businesses on that [east] side of the street.

Chair Barry asked why the Future Land Use Map did not include the section between Paxton Avenue and the freeway exit as part of the core zoning area.

Nan Larsen responded that staff had reasoned that ending the neighborhood by cutting off the north side of Paxton Avenue seemed appropriate, but she noted that a public comment similar to Chair Barry's remarks had since been received. Nan Larsen said that the issue would be discussed further. She confirmed for other commissioners that it is a mixed land use area.

Commissioner Barry then asked the commissioners whether the connectivity portion of the transportation plan is sufficient to meet intermodal needs.

Commissioner Christensen stated that he shared concerns stated, especially related to biking accessibility. He noted that Paxton Avenue is a bike route, but there is no safe way to cross Paxton Avenue at State Street.

Nan Larsen commented that 1300 South has been previously discussed by staff and found unsafe as a bike route. Several commissioners agreed.

Commissioner Mike Christensen wanted to know about proposed improvements for 1700 South, especially now that a new TRAX station has been proposed and is cited on the Future Land Use map.

Chair Barry was interested in a planning schedule for the 1700 South and 300 West area.

Direct Nick Norris said there will be an update for the 300 West corridor in the next 2 to 3 months.

**Downtown Building Height & Street Activation Briefing** - The Planning Commission received a briefing from Design Workshop on the Salt Lake City Planning Division's proposal to update portions of the Zoning Ordinance related to allowed building heights, required design features, and public space activation within the Downtown Master Plan area. The code revisions aim to accommodate growth and respond to new development pressures and develop standards for public spaces. Changes seek to have a positive impact on human-scale orientation, pedestrian accessibility, and community character. (Staff contacts: Kelsey Lindquist at [kelsey.lindquist@slcgov.com](mailto:kelsey.lindquist@slcgov.com) and Amanda Roman at [amanda.roman@slcgov.com](mailto:amanda.roman@slcgov.com)) **Case number PLNPCM2022-00529**

Consultants Jessica Garrow, principal, and Callie New, project manager, of Design Workshop and City Planner Kelsey Lindquist, reviewed the proposal, the methodology of fact finding—including a review of

other community plans—and community engagement. Community engagement included asking for preferences for three possible plans. Seven zones were identified within the downtown area—each with its own design standards. The proposal includes revised code language and adds language specific to height transitions to avoid extreme height variations between old and new buildings as a way to protect the character of older buildings and to mitigate possible wind-tunnel effects. However, height standards vary by district and will increase in many cases. The size of windows is also regulated with larger windows mandated for the ground floor in some cases. Reflective glass is largely prohibited.

Chair Barry asked about height changes within the Depot district. She was told that those standards would increase from 75 feet to 150 feet. Director Norris indicated that more changes are likely once the review of the 300 West corridor is underway.

Chair Barry found the definition of commercial use not appropriate for residential developments. She does not think that residential amenities are appropriate examples of commercial use and gave the example of almost mandating that apartment buildings have a gym on the ground floor simply because large windows and commercial use are required on the ground floor for “pedestrian activation.” She said that no positive interaction is added by that configuration. Chair Barry wants to consider “like to like items” because the purpose of the ground floor requirements is “activation of the street level”.

Commissioner Scheer made the point that “Zoning keeps you from doing something. It doesn’t make something happen.” She stated that if exclusively commercial enterprises are mandated there could be problems with vacant spaces in residential ground floors. Later, in response to Commissioner Ghent she added that it is highly likely that ground floor space in a residential complex is rented to a retailer whenever feasible. Responding to Commissioner Barry she said that amenities, too, have different definitions, stating that perhaps a coffee shop in an apartment building could be called an amenity. She then suggested that some issues might exceed the purview of the Planning Commission.

Commissioner Ghent commented that she is often surprised that more large developments don’t have retail facilities like “little bodegas.” She suggested that consideration should be given to whether large residential complexes could “take a loss” on actual commercial space. Commissioner Bell responded that “take a loss” might mean closing their doors.

Commissioner Bell then stated that, since the issue is pedestrian engagement, attention should be given to the “design tools” available to create that engagement. She added that “we can’t decide who can be the tenant.”

Chair Barry asked that Commission staff review the concerns behind this “trend” and report back.

Kelsey Lindquist responded that the trend has become an issue in other cities and agreed to follow up.

Chair Barry then asked for clarification of changes in the allowable length of building facades.

Kelsey Lindquist responded that the 200-foot façade length would remain in place. Jessica Garrow added that building length is not changing but rather it’s trying to add more detail of what it means in terms of materiality and transparency.

Chair Barry then asked what design factors should trigger a design review. She commented that she felt that factors other than building height should be considered.

Commissioner Lee said that he agreed. He said that building length should be a consideration of good architecture. He gave the example of a very long building designed in the style of a “turn-of-the-century building” can create a “Disneyland” effect because the size is not realistic for the period copied.

Commissioner Scheer asked whether there is a chart which lists proposed code changes by district and existing code. She cited examples of height restrictions—the changes in triggers for design review and the absolute height limits. She said that while the document, which exceeds 100 pages, does contain the information it is “buried.”

Kelsey Lindquist stated that the charts could be created.

Chair Barry then asked for overlay maps to view both zones and Council districts. She added that because this proposal extends to 900 South rather than 600 South, which has previously been considered the limits of downtown, it would be particularly useful.

Chair Berry then asked for clarification of exceptions to the height limits in cases of affordable housing. Nick Norris answered that it would apply to heights above 200 feet in D1 and that in fact there is a “menu” of public benefits, including affordable housing, that could be used to approve a petition to exceed the limit.

Commissioner Scheer was concerned that the options available would not necessarily benefit the public sufficiently to justify a significant increase in height—especially if some items are quite easy for the property owner to provide. She urged the commission to look at the issue closely and focus on the issue of incentivizing affordable housing.

Chair Barry agreed, stating that changes in the design review height threshold should be related to the affordable housing overlay zone.

Commissioner Scheer said that the current choices included open space, which she agreed could be a public benefit, but not at the current minimum of 500 square feet.

Commissioner Scheer commented that she liked much of the proposal. She cited setbacks and restrictions on glass but said that she wants “a sense of an image” as a “composite” for downtown. Consideration should focus more on material and massing, window openings, street level openings, all of which are part of the pedestrian experience.

Commissioner Ghent commented that she likes the increased density and the changes in “by right” heights. She said that it is hard for her to take “pedestrianness all that seriously” in the downtown area because of her own difficulty negotiating the streets that causes her to avoid the area.

Commissioner Scheer stated that building scale should relate to the streets and to walkways. Midblock walkways and sidewalks should be proportional to the buildings to which they provide access. She then praised the landscaping considerations laid out in the proposal. She said that they are a major part of urban design.

Commissioner Scheer said that failure to consider vertical and horizontal design changes in the current design guidelines has led to some “really terrible buildings in this city.” She suggested that “it might have something to do with the way we’re reviewing buildings,” adding that “20 to 30 different materials for a six-story building” is not appropriate.

Director Norris responded that changes could be made to materials requirements. He then added that changes to midblock walkways require consideration of legal standards because private property rights are usually involved. He stated that some standards are based on cases tried in the US Supreme Court.

Commissioner Scheer commented that the walkway width could be offset by a height increase. Director Norris agreed.

Commissioner Lee commented that midblock walkways enable design opportunities such as balconies, pass throughs, pedestrian bridges etc. He said that they don't have to be like they are in Chicago—essentially an alleyway with a dumpster. Rather, they should be “an opportunity to create pedestrian engagement.” He said that arcades, as protection against heat, with opportunities for outdoor dining are also possible extensions of midblock walkways. He stated that midblock walkways lead to better buildings.

Commissioner Christensen said that his concern is that currently there are many first-floor offices or banks that are not busy during the day and not at all busy at night. He would like some review of options for the situation.

Commissioner Scheer asked for Commission comments about the fact that increasing the height thresholds triggering Planning Commission review would mean that the staff would have design review authority over more projects.

Commissioner Ghent stated that the public always has the opportunity to address the staff and she supports the concept of “by right” construction. She has no objections to the new proposed limits because each additional design review leads to increased costs for a developer. Later adding that it hinders the Planning Commission goal of creating more affordable housing.

Chair Barry suggested that perhaps, when the requested changes to the design review document have been completed, the Planning Commission would have more confidence in the expanding the volume of projects delegated to staff. Later, she agreed with Commissioner Burrows that a matrix in conjunction with overlay maps would address many concerns.

Commissioner Scheer commented that design review can be a judgement call, therefore, she would like to see an architect on staff.

Chair Barry suggested that greater specificity of intent language in the document revising zoning codes might address the concern.

Commissioner Lee said that overregulating design leads to buildings that fit the rules, but not the character of a city. Therefore, he said “outcomes are more important than regulations.” Chair Barry agreed saying that “outcomes” might equal intent.

Commissioner Bell suggested that a design advisory board of volunteer architects might solve the problem of fitting design to code. She also stated her concern that additional design review added to costs that then affected affordability.

Chair Barry, and Commissioners Scheer and Lee agreed that more scientifically based statistics are needed regarding the relationship of building height and walkway width to the wind-tunnel effect as is suggested in the memo that accompanies the proposal.

Chair Barry reiterated Planning Commission requests for revision and Commissioner Burrows commented that a matrix would be key to understanding those issues.

Callie New asked whether the focus of the concerns was height. Chair Barry stated that since the downtown area was essentially moving southwards, the map overlays would become increasingly important to deciding upon appropriate height. Kelsey Lindquist commented that the current maps reflect the city master plan.

Commissioner Scheer commented that the expanding height limits are expanding an urban environment to neighborhoods that might not have a high demand for tall buildings resulting in an uneven distribution of building heights. Later suggesting that certain decisions may amount to a preference for one tall building over multiple “medium” buildings.

Kelsey Lindquist responded that the height increases reflect an increase in requests. She also stated that neighborhood identity was taken into consideration in the process.

Commissioner Bell stated that it would amount to market demand.

Commissioner Scheer stated that a preference for a “medium size” city should be considered. Commissioner Lee responded that smaller developers are not able to build high buildings because of a variety of safety codes that add to cost are triggered at the height of 75 feet. He stated that larger developers would choose to exceed 100 feet because that is about the point at which profit can offset the cost of additional height.

Chair Barry then thanked the Design Workshop presenters and Kelsey Lindquist for their work and called for the next agenda item.

**Update to Policies and Procedures** - The Planning Commission considered changes to the policies and procedures of the commission. The proposed changes include addressing policies for electronic meetings, defining a quorum, and voting and the necessary formatting and numbering and correcting any grammar or spelling errors. The purpose of this proposal is to update the policies and procedures to comply with Utah Code requirements that took effect on May 4, 2022. The Commission may discuss other changes to the policies and procedures at their discretion.

Director Nick Norris reported on the changes that had been made to address issues raised by the Commissioners. Initial Land use applications have been removed from the consent agenda procedural language because those items have been consistently pulled from consent agendas. Additional language regarding the rules of decorum have been added. Changes specific to new state code relating to a quorum during hybrid meetings has been added. Changes have been made relating to the way in which recusal and abstention affect a quorum. However, no further changes to the definitions of recusal and abstention have been made to allow for discretion on the part of commissioners. He further stated that the reason for these changes is that there is not always a quorum if the bare minimum of commissioners is attending a meeting but one has to recuse themselves on an item. So, they wanted to clarify what qualifies as a quorum to address that.

Senior City Attorney Hannah Vickery responded to Chair Barry’s comment that the language did not specify whether a person who recused themselves needed to leave the room, or when they could return. Attorney Vickery stated that the language was in line with state law explaining that even though there would be a presumption that someone with a conflict should leave the room, it was not mandated in order to protect against the possibility of losing a quorum.

**MOTION**

**Commissioner Mike Christensen made a motion to adopt the Planning Commission Policies and Procedures.**

**Commissioner Brenda Scheer seconded the motion.**

**Vice-Chair Maurine Bachman, and Commissioners Brenda Scheer, Aimee Burrows, Andra Ghent, Rich Tuttle, Levi de Oliveira, Adrienne Bell, John Lee, and Mike Christensen all voted “yes”.  
The motion passed.**

The meeting adjourned at 8:05 PM.

*For Planning Commission agendas, staff reports, and minutes, visit the Planning Division’s website at [slc.gov/planning/public-meetings](http://slc.gov/planning/public-meetings). Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.*