



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Grant Amann, Associate Planner
Date: February 22, 2023
Re: PLNPCM2022-00750 Big-D Construction Headquarters Conditional Use

Conditional Use

PROPERTY ADDRESS: 404 W 400 S
PARCEL ID: 15-01-327-016-0000
MASTER PLAN: Downtown
ZONING DISTRICT: D-3

REQUEST:

Big-D Construction, represented by Rob Moore and property owner VENTURE 404 WEST LC, is requesting Conditional Use approval to construct a 31,350 square foot 3-story addition to their existing 64,573 square foot office building at the above-stated address. The subject property is located in the D-3 (Downtown Warehouse / Residential) Zoning District. Commercial/office uses in buildings of three (3) stories or more without multi-family dwellings shall be allowed only as a conditional use and then only when the applicant has demonstrated that the proposed location is not suitable for multi-family residential use. The subject property is within Council District 2, represented by Alejandro Puy.

RECOMMENDATION:

Based on the information in this staff report, Planning Staff recommends that the Planning Commission approve the proposal as proposed subject to adhering to the regulations set forth in this report.

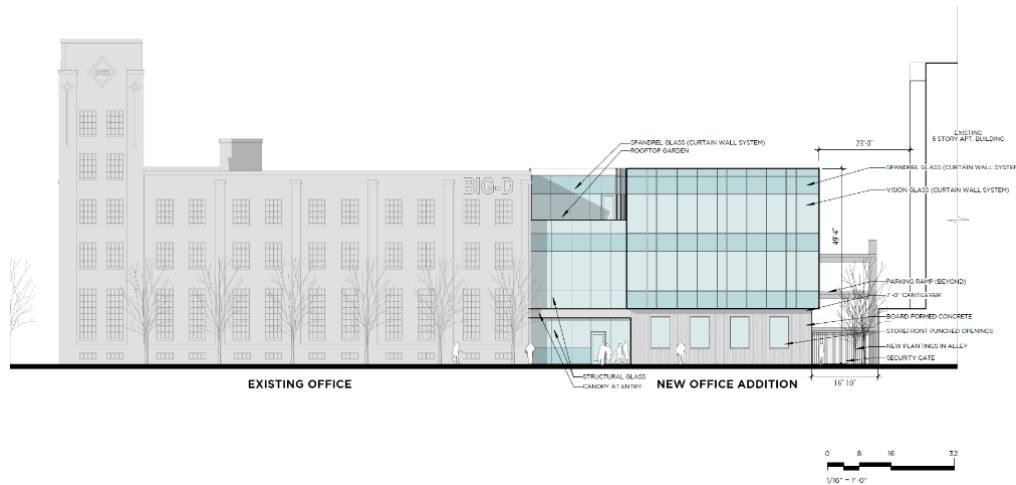
ATTACHMENTS:

- A. [ATTACHMENT A: Vicinity Map](#)
- B. [ATTACHMENT B: Applicant Materials](#)
- C. [ATTACHMENT C: Property and Vicinity Photos](#)
- D. [ATTACHMENT D: D-3 Zoning Standards](#)
- E. [ATTACHMENT E: Conditional Use Standards](#)
- F. [ATTACHMENT F: Public Process & Comments](#)
- G. [ATTACHMENT G: Department Review Comments](#)

PROJECT DESCRIPTION

This request is to construct additional office and parking to expand the existing owner, Big-D Construction's operations. The site currently contains the existing office and surface parking. The new construction will occur over the area currently occupied by the existing parking lot. The new building will include office, and support spaces. General hours of operation will be from 8:00 AM

EAST ELEVATION



– 5:00 PM.

The property is required to go through a new conditional use approval due to the proposed structure being 3 stories and a commercial use, which is regulated in 21A.30.040:C.3:

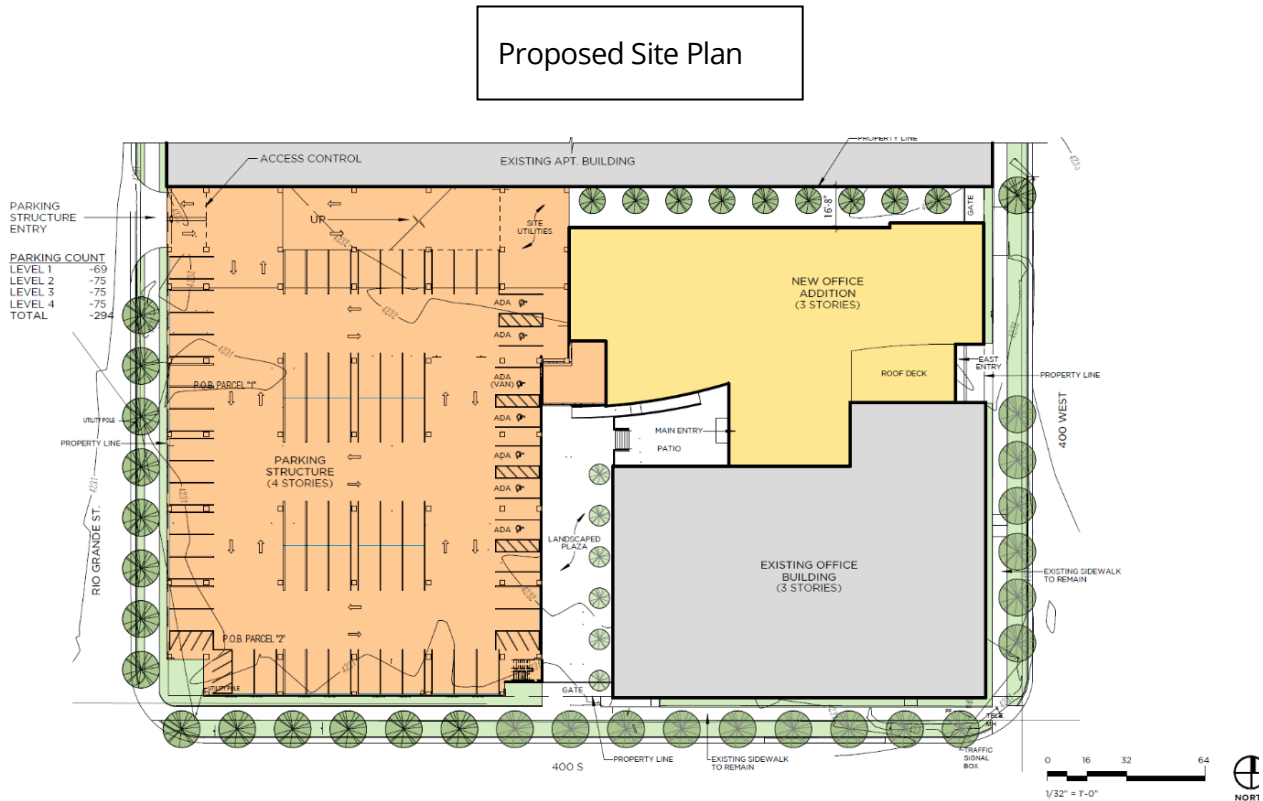
21A.30.040.C. Controls Over Mixed Use: The concept of mixed use is central to the nature of the D-3 Downtown Warehouse/Residential District. To ensure that mixed use developments provide for on site compatibility as well as neighborhood compatibility, the change of land use type or an increase in floor area by twenty five percent (25%) of existing principal buildings and the construction of buildings for new uses after April 12, 1995, shall conform to the following provisions. Construction related to the rehabilitation including remodeling or modification of existing uses, or the change of use to a similar use, shall not be subject to these provisions:

3. Commercial/office uses in buildings of three (3) stories or more without multi-family dwellings shall be allowed only as a conditional use and then only when the applicant has demonstrated that the proposed location is not suitable for multi-family residential use.

Big-D Construction owns the land and existing office building which are currently operating as the headquarters of their corporate office. As their business has expanded, they require additional office space and related vehicle capacity, the owner is applying for a Conditional Use to expand their existing facility and remain as the current HQ site. Accordingly, they would like to add the following:

- 1) A 31,350 sf 3-story addition to their existing 64,573 sf office building

2) A 4-level parking structure that is connected to the office building.



The Schematic Design Drawings for additional office building and parking structure layout is outlined in the submitted drawings. To reduce any anticipated detrimental effects, the applicant has proposed the following measures:

- The proposed addition's mass and scale is intentionally matched by Big-D to the existing historic structure and to blend with and enhance the streetscape /neighborhood.
- Big D is proposing to create a landscape buffer between new construction and the adjacent apartment building to the north to enhance views, which would benefit both properties although no setback or buffer is required.
- The proposed parking structure's height is intentionally limited by Big-D to protect views and scale for adjacent property and limit parking to encourage use of public transportation for the tenant's employees.

APPROVAL PROCESS AND COMMISSION AUTHORITY

Per section 21A.54.010.A of the zoning ordinance, Conditional Uses are allowed unless appropriate conditions cannot be applied, which, in the judgment of the Planning Commission, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. The Planning Commission has the authority to approve, approve with conditions, or deny the Conditional Use request.

If the application is denied, the Big-D Headquarters could still operate as they currently do, but they would not be able to expand the building size to the extent desired.

KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. Compliance with Adopted Master Plans
2. Site Suitability for Multi-Family Residential Use
3. Neighborhood Compatibility and Impact

Consideration 1: Compliance with Adopted Master Plans

The Master Plans that are applicable to the site are Plan Salt Lake and the Downtown Master Plan. Plan Salt Lake is a citywide vision that includes guiding principles for the development of the City. The plan is intended to support existing neighborhoods while also encouraging and supporting the continued growth of Salt Lake City. It states, “Salt Lake City neighborhoods are diverse, exciting, safe, and well maintained. We believe all of our neighborhoods should be inclusive and supportive of all people, at all stages of life including families, young people, and older adults.” The plan also provides the following initiatives intended to support growth:

- Locate new development in areas with existing infrastructure and amenities, such as transit and transportation corridors.
- Encourage a mix of land uses.
- Promote in fill and redevelopment of underutilized land.

This Big-D Headquarters expansion will help to comply with all of the listed initiatives in the following manner. The new development is located within 2 blocks from the Salt Lake Central TRAX station, which would help promote access to the structure without the necessity of driving a single occupancy vehicle and decrease the necessity of additional parking stalls. The land use proposed is not unique to the zone, but it would be considered a “mix of land use” types when considered with the multi-family and commercial uses when considering the development pattern of surrounding blocks. The project also helps promote infill and redevelopment of underutilized land by building on top of a former parking lot.

The Downtown Master Plan state’s that downtown will be the premier center for sustainable urban living, commerce, and cultural life in the Intermountain West. Downtown’s sense of purpose will be derived by its current role as the primary destination for culture and entertainment, the center of commerce, the seat of government for the State of Utah, and as an international center for a worldwide faith. Development of downtown as the center for dense urban living –comprised of housing, parks, local serving retail, and community services—will dominate downtown’s identity as a vibrant neighborhood.

The Big-D proposal will comply with the Plan by helping to fulfill two of its goals which are:

- A complete pedestrian network that makes walking downtown safe, convenient and comfortable
- Impactful projects that encourage new growth, spur private development, and bring more people downtown.

The proposal will make walking along adjacent streets safer by removing curb cuts on both 400 S and 400 W. As Pioneer Park is directly East of the site, there is expected foot traffic along these sidewalks, and any removed potential vehicle/pedestrian conflict points will help to make downtown safer for walking pedestrians. The proposal also helps to create an environment in which the long-time

construction company Big-D can expand and continue to provide growth to the city fulfilling the goal of being the center of commerce for the state.

Consideration 2: “Location Not Suitable for Multi-Family Residential Use”

Before commenting on the suitability of the site, it should be noted that the Downtown Building Heights ordinance that has been proposed and is awaiting review by the City Council would remove the section of code requiring a Conditional Use for commercial and office uses in the zone meaning this proposed use would be allowed by right.

In order to earn the Conditional Use approval, the applicant must indicate that the location is not suitable for multi-family residential use.

The applicant’s indication that the location is not suitable for multi-family residential use is as follows

- As the existing current use will be maintained for the entire site, it is not suitable for the owner/tenant to be required to develop a multi-family residential use on their HQ site.

The applicant indicates that because the entire site is already being used for purposes of the Headquarters, any expansion of the company’s operation would conflict with residential living space.

- To reduce any anticipated detrimental effects the applicant is also proposing the following:
 - The proposed addition’s mass and scale is intentionally matched to the existing historic structure and to blend with and enhance the streetscape /neighborhood.
 - Big D is also proposing creating a landscape buffer between new construction and the adjacent apartment building to enhance views, which would benefit both properties.
 - The proposed parking structure’s height is intentionally limited to protect views and scale for adjacent property and limit parking to encourage use of public transportation for the tenant’s employees.
 - The proposed addition will reduce traffic congestion on 400 West through the removal of curb cut entrance and improve the pedestrian safety for the adjacent apartment development.

It should also be noted that it may be necessary for a business to expand to continue healthy operations. Allowing the property owner to expand will help the longtime business to grow on their site.

Consideration 3: Neighborhood Compatibility and Impact

The surrounding uses adjacent to the property are:

- North: a multi-family housing complex
- East: across 400 West Street is Pioneer Park
- West: across Rio Grande Street is currently surface parking for the CCG building, and a new multi-family housing is in permitting to be built in the future.

- South: across 400 South Street is the 4th Street Clinic

Office and commercial uses are commonly found adjacent to one another in Downtown zones and are generally an accepted and expected use in such zones. The proposed use is expanding an established use on the property but in an upgraded facility and will remove a surface parking lot. The new facility is expected to continue to work compatibly within the context of its location and the size and scale fit in with the existing development.

The applicant has submitted architectural drawings and elevations for this project with an emphasis on the design of the office structure rather than the parking garage in the rear which is lacking some final details. The Conditional Use process is not a design review. Both proposed structures will need to meet all required design and zoning standards at the time of the building permit review. This process is to determine whether or not the proposal meets the standard which states that the use is only allowed if the property is found to be unsuitable for multi-family residential development.

STAFF RECOMMENDATION

The proposed development will comply with applicable adopted master plans by redeveloping an underutilized site. The proposal will be compatible with adjacent existing land uses, and land uses that are identified as permitted in the D-3 zone. The proposed location is not suitable for residential use because of the existing structure and headquarters operations that exist on the site.

The proposal complies with the standards for conditional use approval. After analyzing the proposal and the applicable standards, Planning Staff is of the opinion that there are no significant impacts to adjacent properties or public ways that need to be mitigated.

Therefore, based on the information in this staff report, Planning Staff recommends that the Planning Commission approve the proposal as proposed.

NEXT STEPS

Approval of the Request

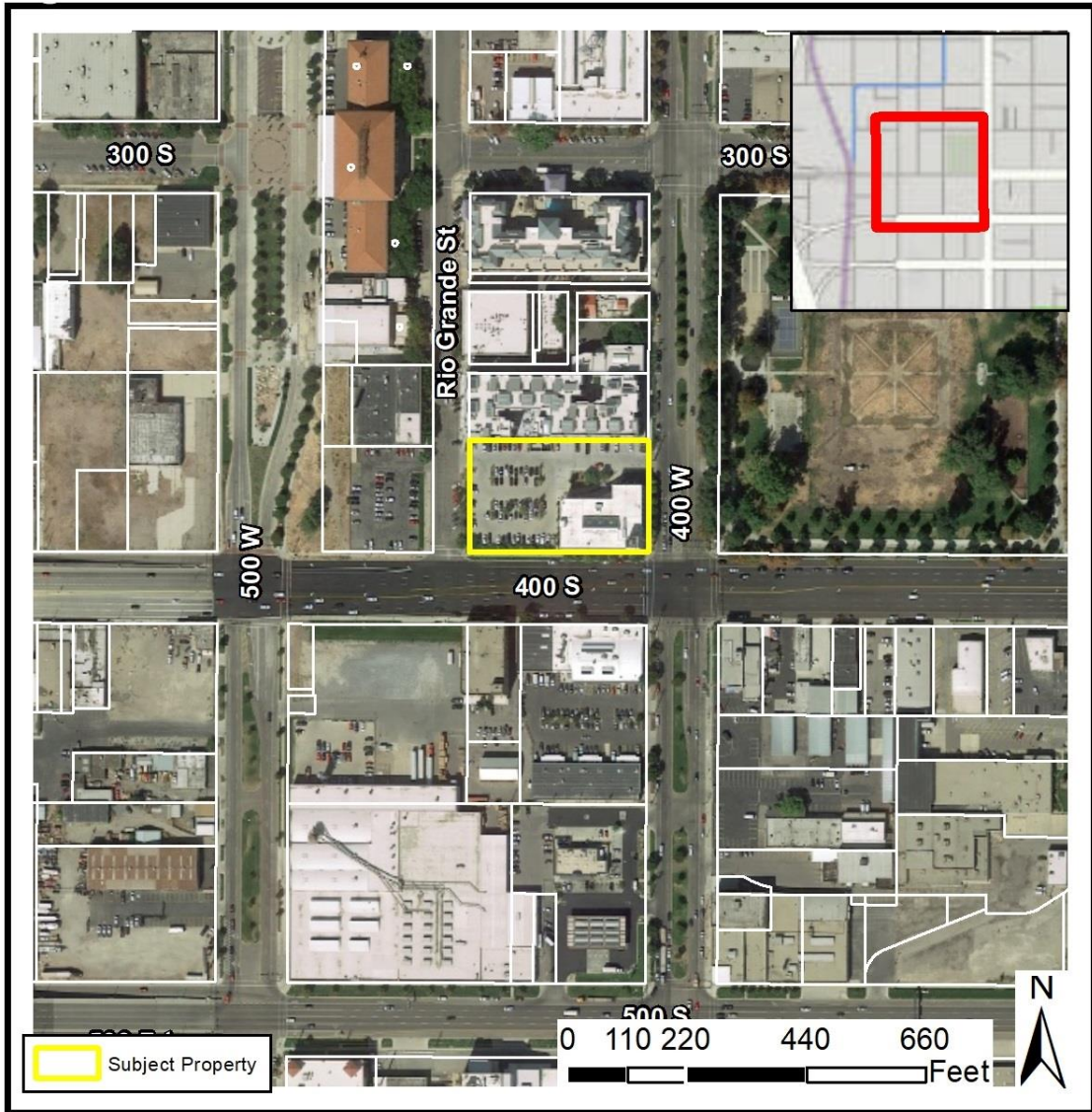
If the proposed Conditional Use is approved, the applicant may apply for a building permit for the remodeled and expanded floor area.

Denial of the Conditional Use Request

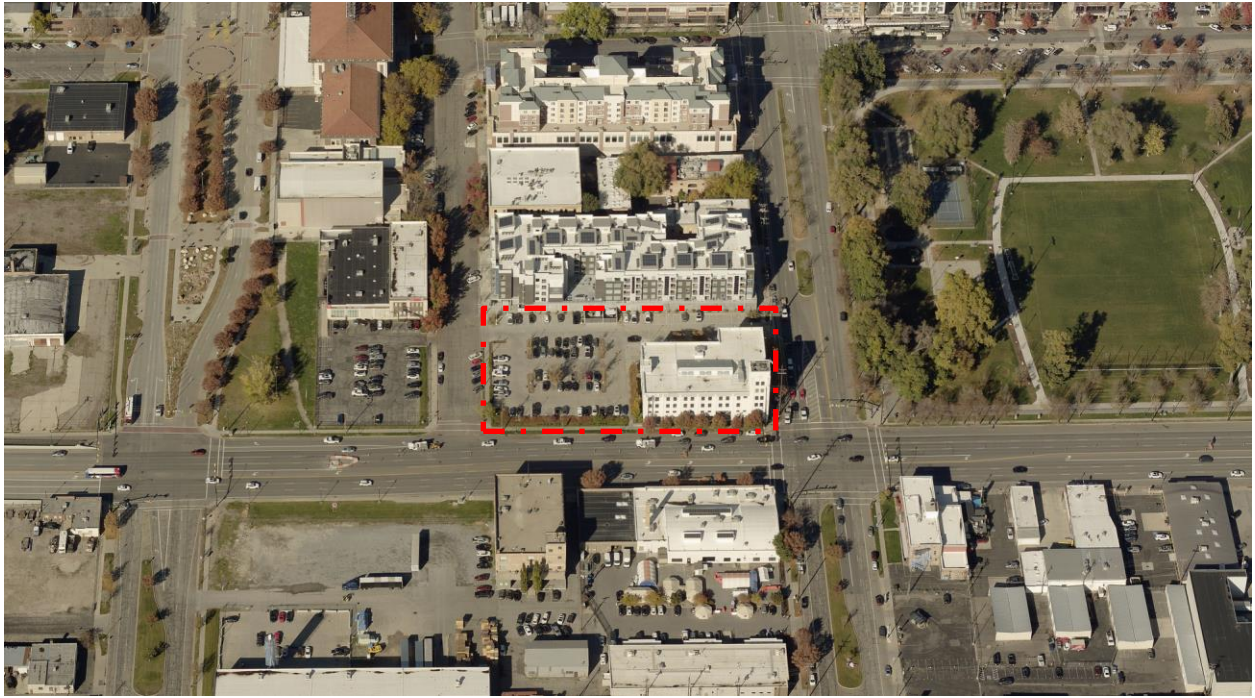
If the proposed Conditional Use is denied, the applicant may continue to operate the headquarters but may not expand the size of the building according to this proposal.

ATTACHMENT A: Vicinity Map

404 W 400 S Vicinity Map



Salt Lake City Planning Division 9/7/2022



ATTACHMENT B: Applicant Materials

BIG D HQ OFFICE ADD. & PARKING STRUCTURE SCHEMATIC DESIGN PACKAGE



PROJECT NAME: BIG D HQ OFFICE ADD. & PARKING STRUCTURE
PROJECT NUMBER: 2021.077.00
DATE: 03/08/22

375 WEST 200 SOUTH
SALT LAKE CITY, UT 84101
P 801.521.8600



SPATIAL SUMMARY

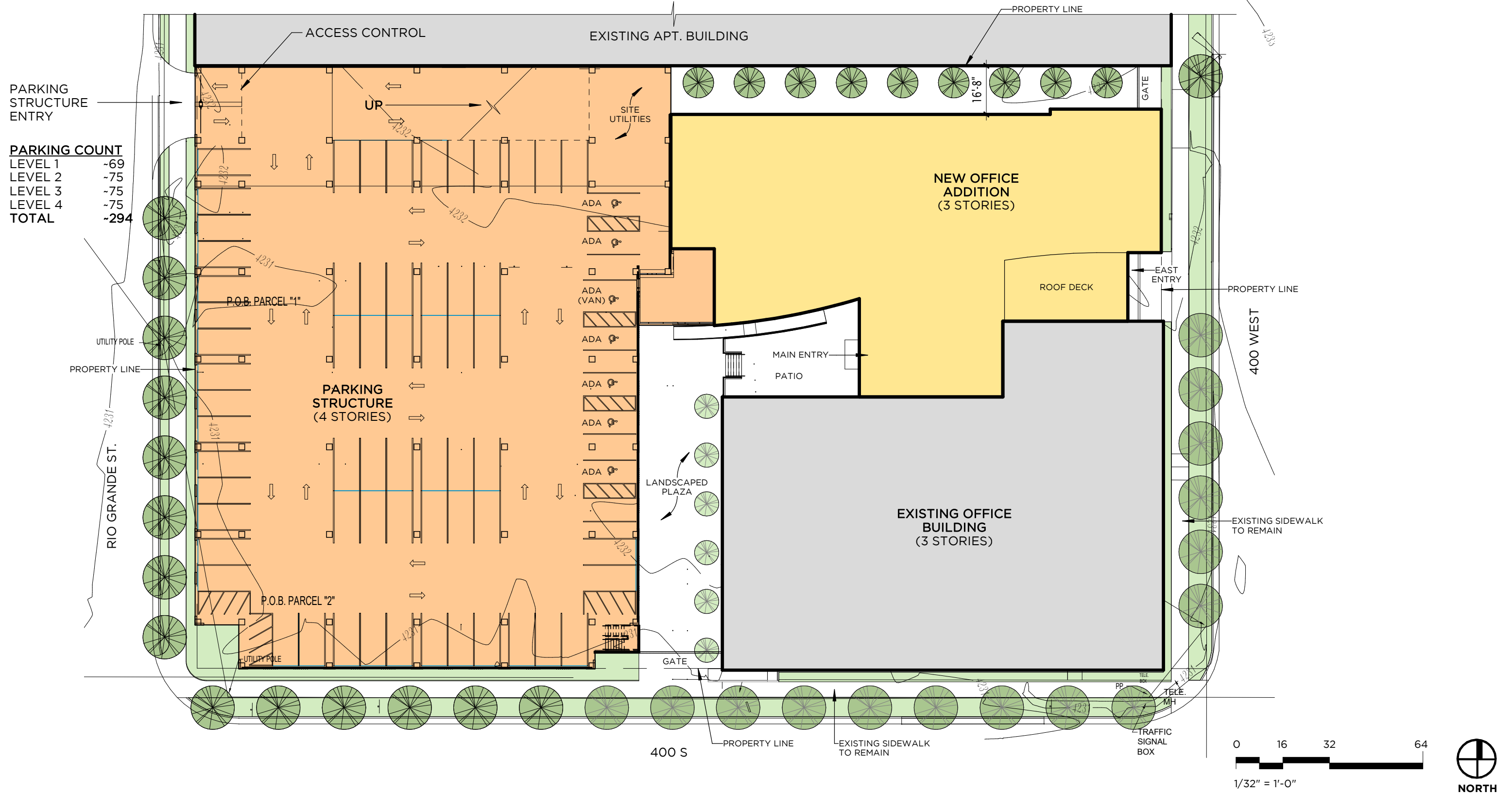
Existing SF	
Existing Level 01 (Basement)	15,918 SF
Existing Level 02	14,759 SF
Existing Mezzanine	5,757 SF
Existing Level 03	14,058 SF
Existing Level 04	14,081 SF
Existing Total	64,573 SF

Addition SF	
Proposed Level 01 Addition (Lobby)	12,032 SF
Proposed Level 02 Addition	9,495 SF
Proposed Level 03 Addition	9,764 SF
Addition Total	31,291 SF

Existing + Addition Total SF by Level	
Level 01 (Basement)	15,918 SF <i>(no change)</i>
Level 02	26,791 SF
Mezzanine	5,757 SF <i>(no change)</i>
Level 03	23,553 SF
Level 04	23,845 SF
Total Building SF	95,864 SF

The addition is a 50% increase in SF.

SITE PLAN

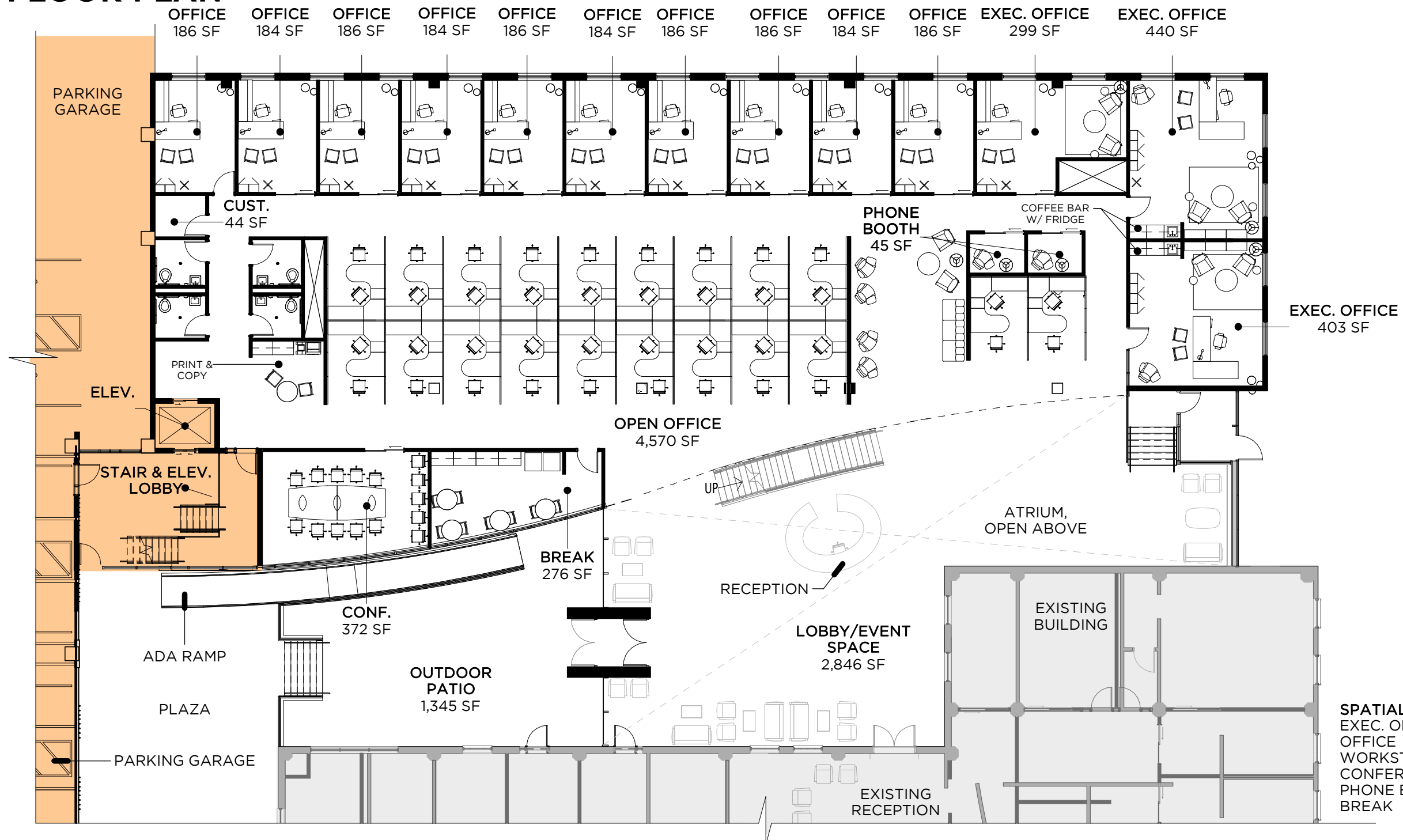


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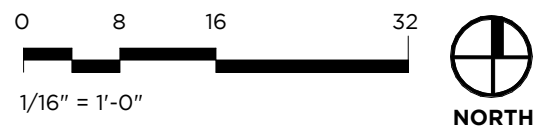


FIRST FLOOR PLAN



SPATIAL INVENTORY

EXEC. OFFICE	3
OFFICE	10
WORKSTATION	20
CONFERENCE	1
PHONE BOOTH	2
BREAK	1

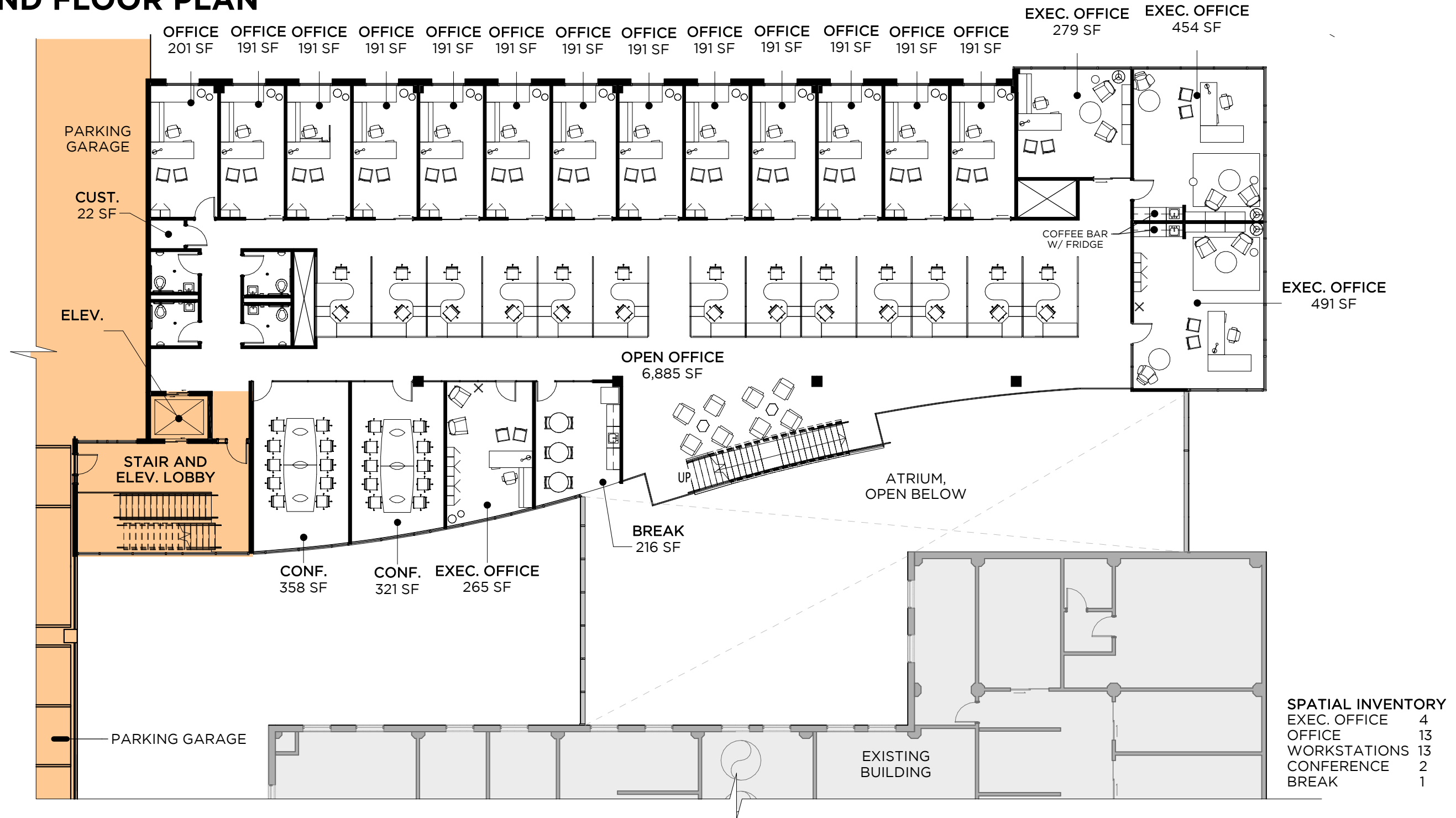


PROJECT NAME: BIG D HQ OFFICE ADD. & PARKING STRUCTURE
PROJECT NUMBER: 2021.077.00
DATE: 03/25/22

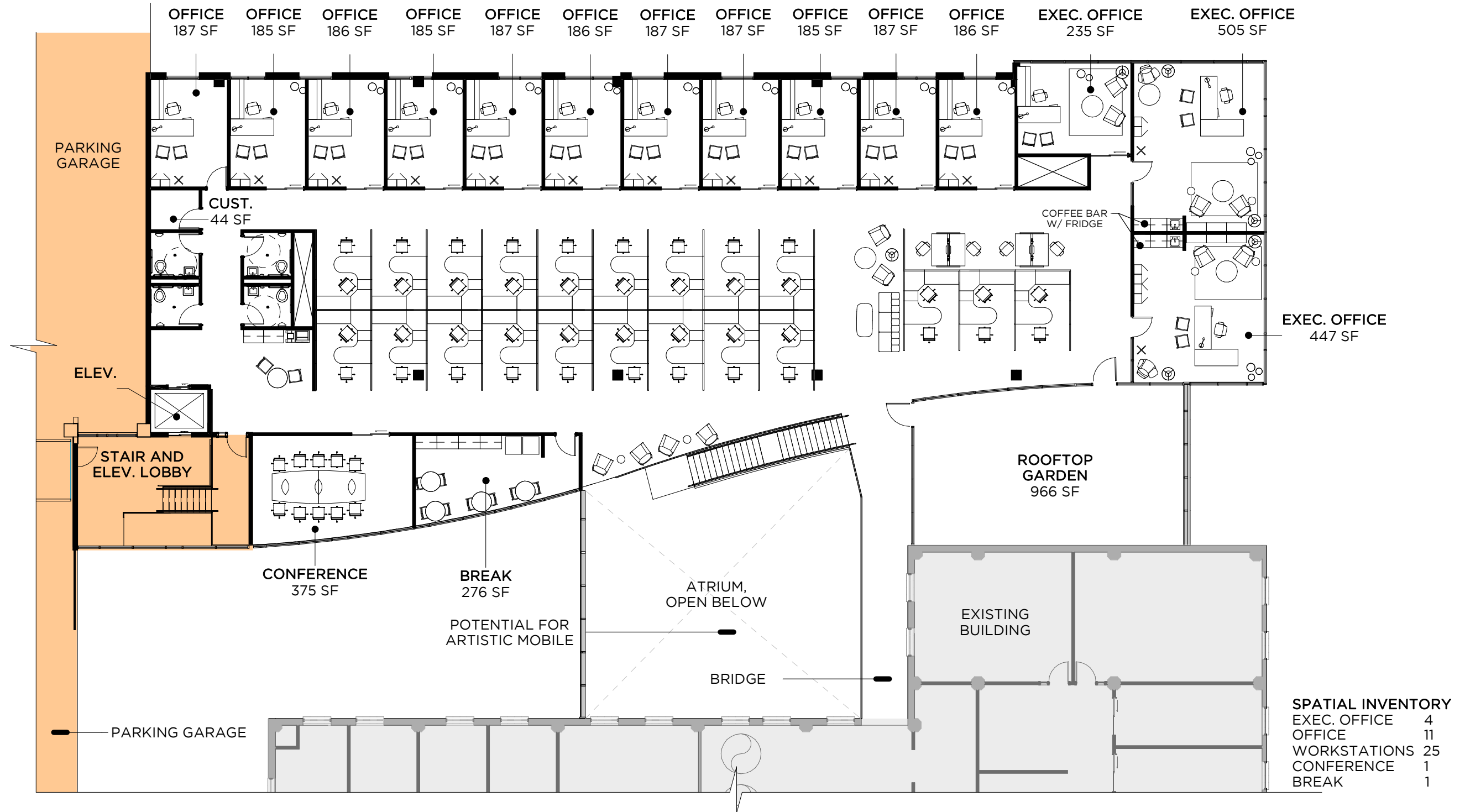
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SECOND FLOOR PLAN



THIRD FLOOR PLAN

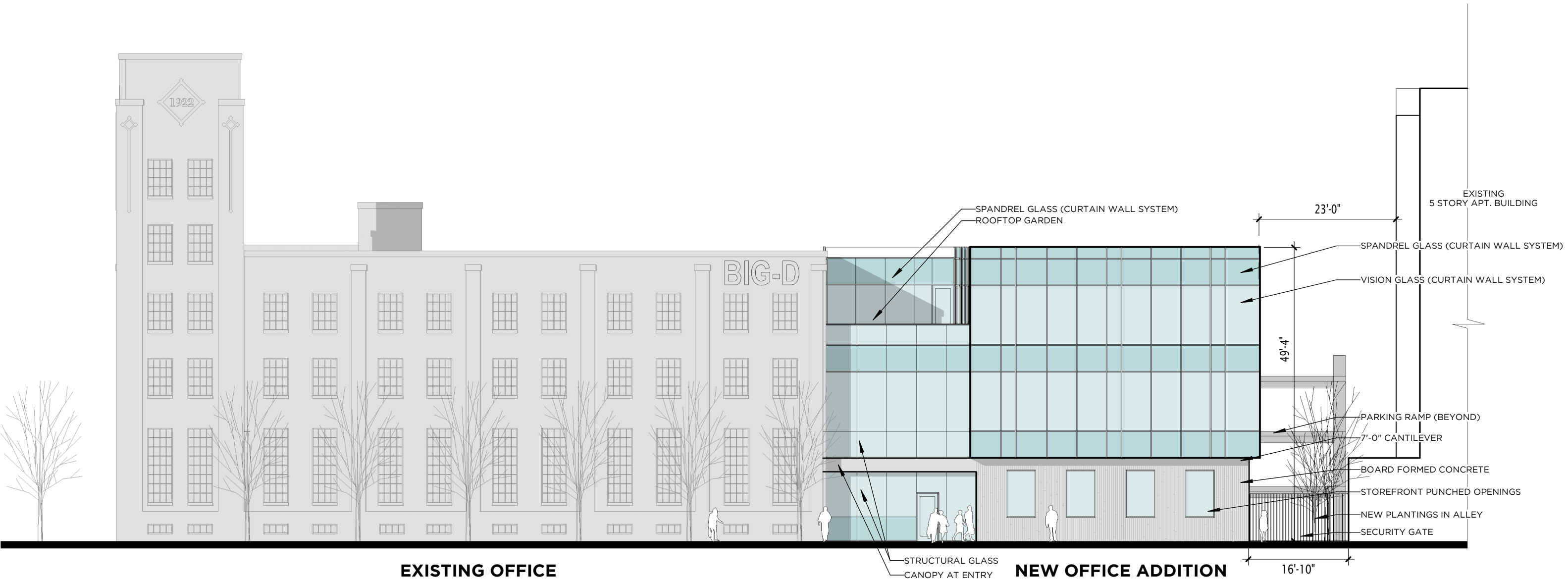


PROJECT NAME: BIG D HQ OFFICE ADD. & PARKING STRUCTURE
PROJECT NUMBER: 2021.077.00
DATE: 03/25/22

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EAST ELEVATION

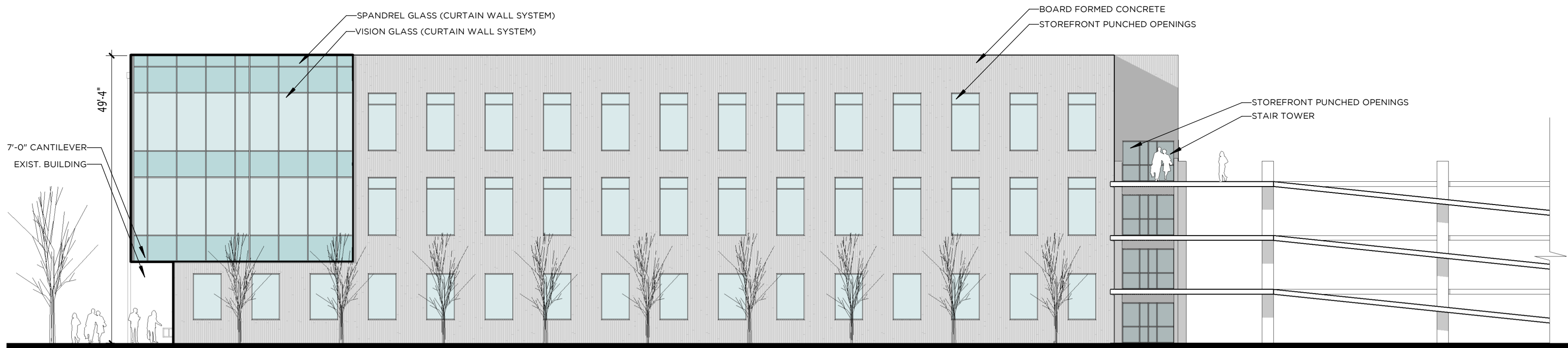


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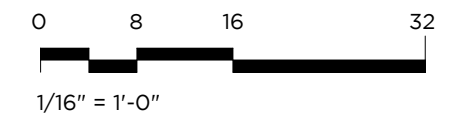


NORTH ELEVATION



NEW OFFICE ADDITION

NEW PARKING STRUCTURE



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SOUTH ELEVATION

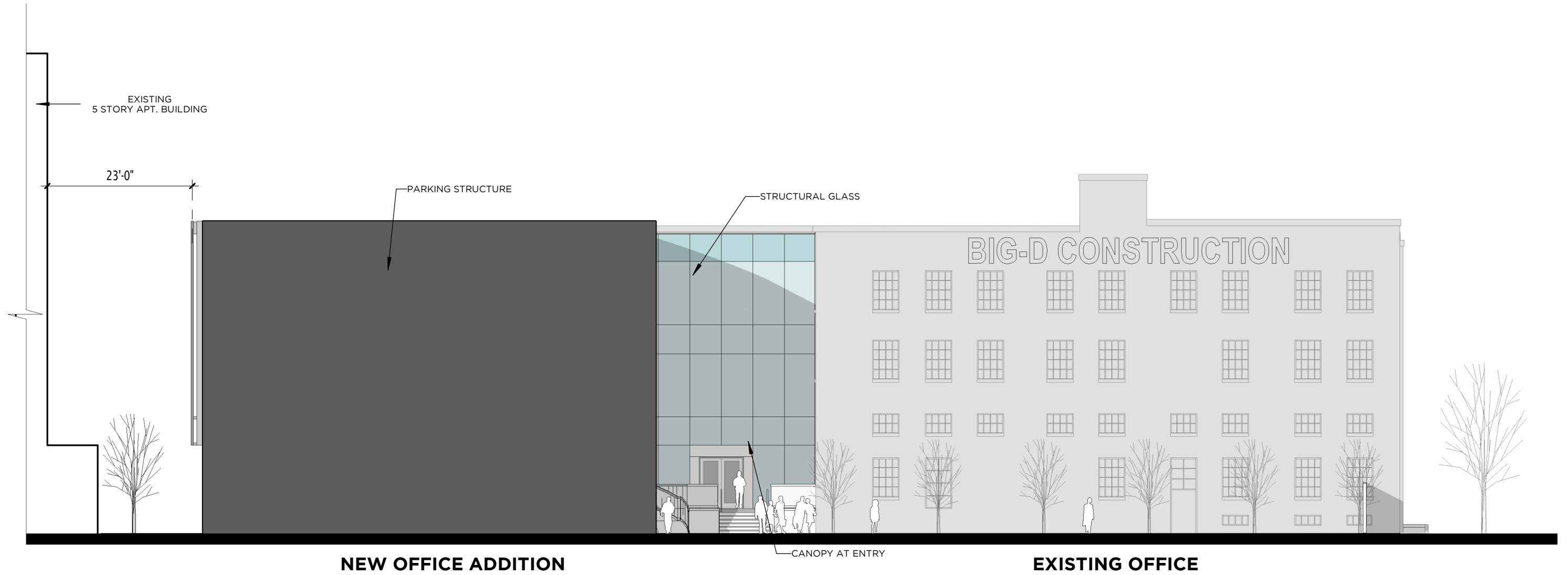


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WEST ELEVATION

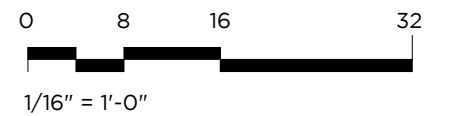
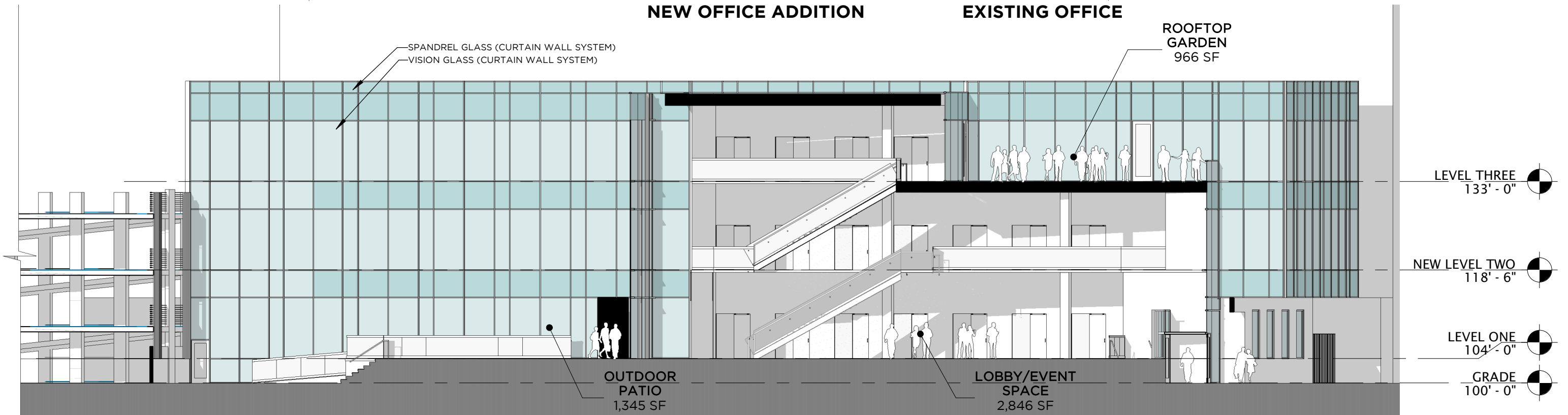
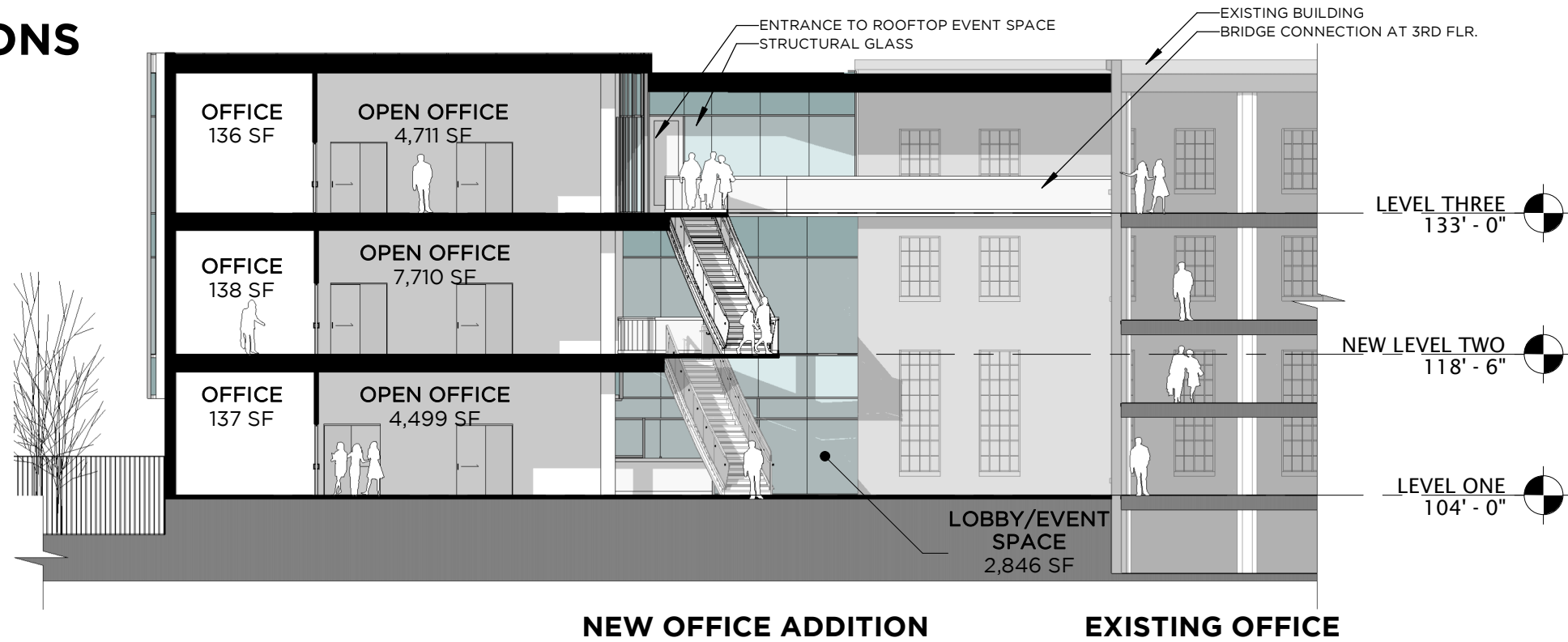


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BUILDING SECTIONS



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EAST PERSPECTIVE



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SOUTH PERSPECTIVE

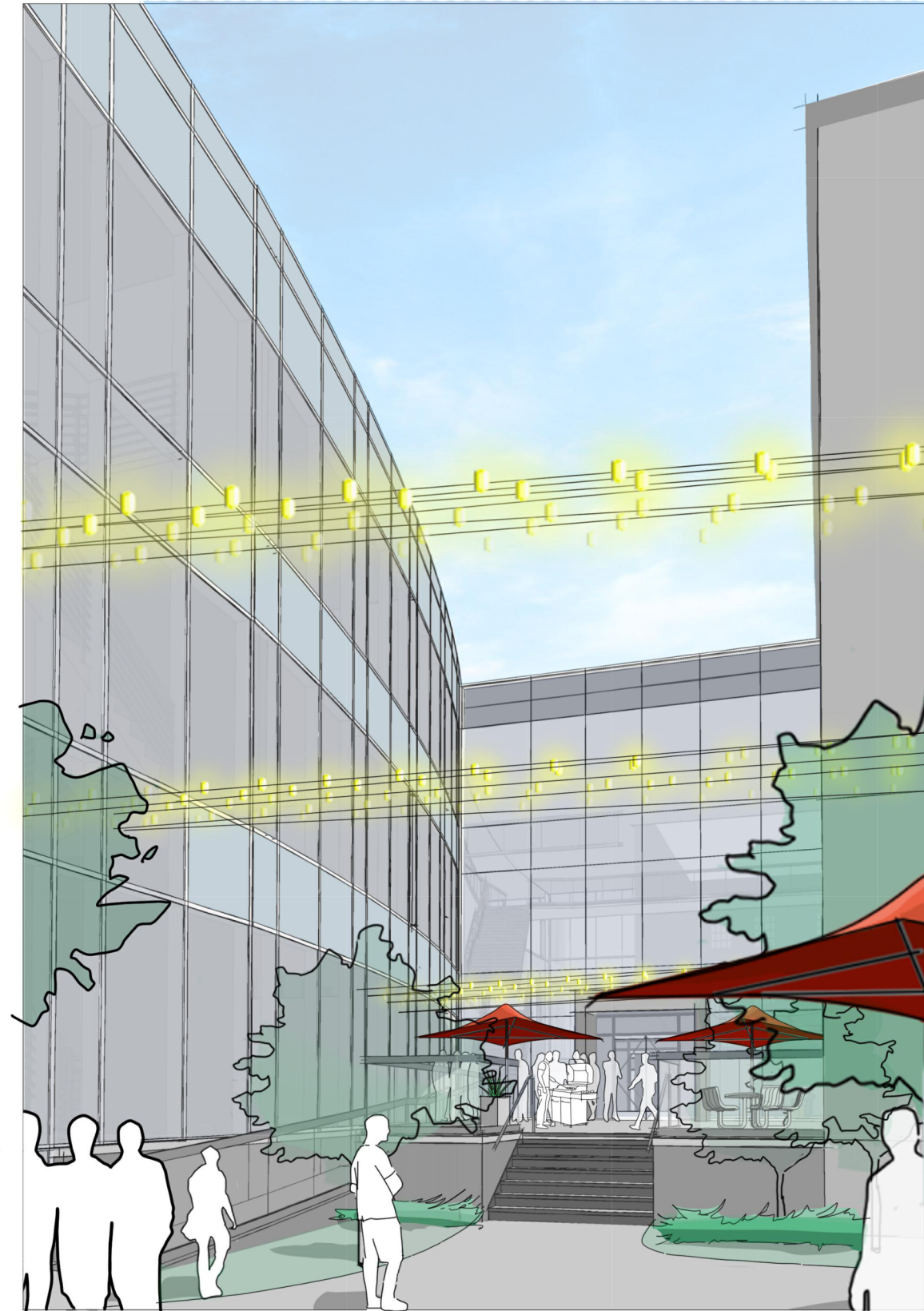


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WEST ENTRY PERSPECTIVE



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ATTACHMENT C: Property and Vicinity Photos





ATTACHMENT D: D-3 Zoning Standards

D-3 (Downtown Warehouse / Residential District)

Purpose Statement: The purpose of the D-3 The purpose of the D-3 Downtown Warehouse/Residential District is to provide for the reuse of existing warehouse buildings for multi-family and mixed use while also allowing for continued retail, office and warehouse use within the district. The reuse of existing buildings and the construction of new buildings are to be done as multi-family residential or mixed use developments containing retail or office uses on the lower floors and residential on the upper floors. This district is appropriate in areas where supported by applicable master plans. The standards are intended to create a unique and sustainable downtown neighborhood with a strong emphasis on urban design, adaptive reuse of existing buildings, alternative forms of transportation and pedestrian orientation.

Standard	Requirement	Proposed	Finding
<p>B. Uses: Uses in the D-3 Downtown Warehouse/Residential District as specified in section 21A.33.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this title, are permitted subject to the provisions of this chapter and</p>	<p>Office is listed as a permitted use. Parking (Off site) is a permitted use.</p>	<p>The new addition will include additional office space. The applicant desires a new parking structure for employees.</p>	<p>Complies, office is a permitted use.</p>

other applicable provisions of this title.			
<p>C. Controls Over Mixed Use: The concept of mixed use is central to the nature of the D-3 Downtown Warehouse/Residential District. To ensure that mixed use developments provide for on site compatibility as well as neighborhood compatibility, the change of land use type or an increase in floor area by twenty five percent (25%) of existing principal buildings and the construction of buildings for new uses after April 12, 1995, shall conform to the following provisions.</p>	<p>3. Commercial/office uses in buildings of three (3) stories or more without multi-family dwellings shall be allowed only as a conditional use and then only when the applicant has demonstrated that the proposed location is not suitable for multi-family residential use</p>	<p>The new addition will include commercial/office use in a building greater than 3 stories.</p>	<p>Does not comply unless approved as a Conditional Use</p>
<p>D. Lot Size Requirements: No minimum lot area or lot width shall be required.</p>	n/a	None required.	Complies
<p>E. Maximum Building Heights: No building shall exceed seventy five feet (75'). Buildings taller than seventy five feet (75') but less than ninety feet (90') may be authorized through the design review process, provided the additional height is supported by the applicable master plan, the overall square footage of the buildings is greater than fifty percent (50%) residential use, and subject to the requirements of chapter 21A.59 of this title.</p>	75'	<p>The proposed office addition will match the existing office height, at 49'-4", with 3 floors. It will be shorter than the existing 5 story apt. building to the north. The proposed parking structure will be 4 stories in height at 31'-8" in height.</p>	Complies
<p>F. Minimum Yard Requirements: None required, except for surface parking lots.</p>	n/a	None Required	Complies
<p>G. Mid Block Walkways: As a part of the City's plan for the downtown area, it is intended that mid block walkways be provided to facilitate pedestrian movement within the area. To delineate the public need for such walkways, the</p>	<p>No mid-block walkway is identified for the project area.</p>	None required	Complies

<p>City has formulated an official plan for their location and implementation, which is on file at the Planning Division Office. All buildings constructed within the D-3 Downtown District shall conform to this plan for mid block walkways.</p>			
<p>H. Minimum Open Space Area: All lots containing dwelling units shall provide common open space area in the amount of twenty percent (20%) of the lot area. This common open space area may take the form of ground level plazas, interior atriums, landscape areas, roof gardens and decks on top of buildings or other such forms of open space available for the common use by residents of the property.</p>	<p>All lots containing dwelling units shall provide common open space area in the amount of twenty percent (20%) of the lot area.</p>	<p>The proposal does not include dwelling units. Does not apply.</p>	<p>Complies</p>

ATTACHMENT E: Conditional Use Standards

An application for a conditional use is required by city code 21A.54 and Utah Code 10-9a-507 to be approved if the proposal complies with the adopted standards of review and if any reasonably anticipated detrimental impact can be mitigated. Under Utah Code 10-9a-507, the standards must be objective and mitigating any reasonably anticipated detrimental impact is required to be interpreted to mean reduce, not eliminate, the impact.

The Finding for each standard is the recommendation of the Planning Division based on the facts associated with the proposal, the discussion that follows, and the input received during the engagement process. Input received after the staff report is published has not been considered in this report.

<p>21A.54.080.A: Approval Standards</p>
<p>Standard 1: The use complies with applicable provisions of this title;</p>
<p>Finding: Complies</p>
<p>Discussion: The property is located in the D-3 (Downtown Warehouse/ Residential) zoning district. Per Section 21A.33.050 – Table of Permitted and Conditional Uses for Downtown Districts of the Zoning Ordinance, the use of office is a permitted use. It is the size of the proposed structure housing the office use which requires a Conditional Use approval.</p>

Standard 2: The use is compatible, or with conditions of approval can be made compatible, with surrounding uses

Finding: Complies

Discussion: Surrounding uses include a residential multifamily development immediately to the North. There are several light industrial and office spaces directly South of University/400 S. There is a retail office furniture store, CCG, directly to the west, across Rio Grande St. Office. These types of uses are commonly found in Downtown zones and are generally an accepted and expected use in such zones. The proposed use is expanding an established use on the property but in a larger facility. The new facility is expected to continue to work compatibly within the context of its location and the size and scale fit in with the existing development.

Standard 3: The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Finding: Complies

Discussion: In the Downtown Master Plan, the goals of the plan support commercial and office uses. Parking structures are also a supported use. The use is already established within the neighborhood and is in concert with the overall goals of the Master Plan and the anticipated character of the area over time. The proposal does not present a conflict with the Master Plan and is discussed in more detail in the “Key Considerations” section of this report.

Standard 4: The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions

Finding: Complies

Discussion: 4. Staff found no detrimental impacts that require mitigation.

21A.54.080.B: Detrimental Effects Determination

1. This title specifically authorizes the use where it is located;

Finding: No Detrimental Impact

Discussion: Office space is a permitted use in the D-3 zone. On-site parking is a permitted use in the D-3 zone, and the parking will be used exclusively by Big-D and its employees.

- Anticipated operating/delivery hours:
 - Business activities and operation hours will be same as the current (8am – 5pm).

- Expected employees:
 - The users expect to host approximately 100 additional employees in the new building.
 - The new building will host approximately 100 total additional seats for private offices and workstations.
 - The owner has not discussed the project with the owner of the multi-housing on north of The property then the way that the the property.

2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;

Finding: No Detrimental Impact

Discussion: The Downtown Plan does mention creating an environment which is friendly to office and commercial uses like this petition proposes.

This Big-D Headquarters expansion will help to comply with Plan Salt Lake. With close proximity to the Salt Lake Central station, the project would help promote access to the structure without the necessity of driving a single occupancy vehicle and decrease the necessity of additional parking stalls. The project also helps promote infill and redevelopment of underutilized land by building on top of a former parking lot.

The proposal will comply with the goals of the Downtown Master Plan. It will make walking along adjacent streets safer by removing curb cuts on both 400 S and 400 W. As Pioneer Park is directly East of the site, there is expected foot traffic along these sidewalks, and any removed potential vehicle/pedestrian conflict points will help to make downtown safer for walking pedestrians.

3. The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;

Finding: No Detrimental Impact

Discussion: The proposed use will change the existing use by building on top of existing surface parking. The surrounding area includes commercial and office uses as well as multi-family residential to the North of the subject property. The scale is average for the neighborhood and compatible with the D-3 zone. It should be noted that the applicant could add building height further than what is proposed because the permitted maximum building height in the zone is 75 feet with an allowance to request up to 90 feet through the Design Review process.

- The land uses adjacent to the property
 - North: a multi-family housing complex
 - East: across 400 West Street is Pioneer Park

- West: across Rio Grande Street is currently surface parking for the CCG building, and a new multi-family housing is in permitting to be built in the very near future.
- South: across 400 South Street is the 4th Street Clinic

4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;

Finding: No Detrimental Impact

Discussion: The proposed building is approximately 49’ tall with a flat roof and matches the existing scale and design of the existing building. The residential apartment building to the North is roughly 70’ tall with a flat roof. As such, the proposed design will fit in with the existing development in the area. The project will have to meet all zoning and design standards required of new developments in the zoning district. These design standards include requirements for ground floor glass and durable exterior building materials. These design standards must be met for both the expansion of the structure as well as the parking structure.

The current plans given in this report do not fully demonstrate a complete elevations diagram that adheres to Design Standards. However, in order to obtain a building permit, the parking structure will be required to adhere to all zoning and design standards.

5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;

Finding: No Detrimental Impact

Discussion: There are 3 existing access drives onto the property. With this project, the vehicle access along 400 W and 400 S will be removed, limiting vehicular access to the existing entry along Rio Grande St. The access points and driveway will not impede traffic flow, and the removal of 2 access points along busy roads will mitigate vehicle traffic along the property. Pedestrian access points will remain along the East and South sides of the property.

6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;

Finding: No Detrimental Impact

Discussion: The internal site circulation includes the parking garage which will allow traffic to flow through the parking area smoothly. The property includes sidewalks and walkways to the front and rear entrances. There are no anticipated detrimental impacts on adjacent properties from the internal circulation on this site.

7. The site is designed to enable access and circulation for pedestrian and bicycles;

Finding: No Detrimental Impact

Discussion: The site accommodates pedestrians through sidewalks and pathways to entrances, including a landscaped plaza. The landscaped plaza will not be for public access. There are full side walks around the perimeter of the project, and by removing two vehicle entrances there will be less points of possible collision between pedestrians and vehicles.

8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;

Finding: No Detrimental Impact

Discussion: The proposed use is anticipated to be standard in nature for the area and will not unreasonably impact the service levels at 400 S or 400 W.

9. The location and design of off street parking complies with applicable standards of this code;

Finding: No Detrimental Impact

Discussion: The proposed parking will consist of 294 standard parking stalls. Based on section 21A.44, General Office uses require 3 spaces per 1,000 square feet of usable floor area, plus 1 1/4 spaces per 1,000 square feet of usable floor area for each additional level. The new parking ordinance came into effect on February 18, 2023, and the project will comply with this plan.

10. Utility capacity is sufficient to support the use at normal service levels;

Finding: No Detrimental Impact

Discussion: The site is within a developed area with all utility infrastructure in place. The site currently has both water and sewer service. Salt Lake City Public Utilities has been involved in the review process and will work through the building permit process to ensure that the utility infrastructure is adequate for the proposed facility.

11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;

Finding: No Detrimental Impact

Discussion: The project will be surrounded by landscaping on almost all sides. The proposed landscaping will be between any structures and any surrounding roads. Proposed landscaping will also be between the expansion and the existing building to the North, but not between the parking structure and the building to the North. Although there is no proposed buffer, the parking structures of both properties will be next to each other. As there are no required side yard setbacks in the zoning district there are no requirements for either building to establish a buffer between

each other and therefore it is within both property owner's rights to build on their property line. Additionally, the project is surrounded by similar uses and so no buffering is required.

12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke;

Finding: No Detrimental Impact

Discussion: There is no indication that the proposed project will introduce any environmental damage to the surrounding area.

13. The hours of operation and delivery of the use are compatible with surrounding uses;

Finding: No Detrimental Impact

Discussion: According to the applicant, the anticipated hours of normal operation will be compatible with surrounding uses, from 8am-5pm.

14. Signs and lighting are compatible with, and do not negatively impact surrounding uses;

Finding: No Detrimental Impact

Discussion: Any signs and lighting will be confined to that necessary to provide safety on the site including for adequate security while being minimized in order to not impact adjacent properties.

15. The proposed use does not undermine preservation of historic resources and structures.

Finding: No Detrimental Impact

Discussion: No contributing structure will be affected and the existing structure will be preserved.

According to Zoning Code Section 21A.54.080.C, the Planning Commission may impose conditions related to the standards and detrimental impacts listed above if a condition is necessary for compliance with the standards of approval or any applicable zoning regulation and to reduce any reasonably anticipated detrimental impact. Conditions may be related to:

1. Conditions on the scope of the use; its character, location, hours and methods of operation, architecture, signage, construction, landscaping, access, loading and parking, sanitation, drainage and utilities, fencing and screening, and setbacks; and

2. Conditions needed to mitigate any natural hazards; assure public safety; address environmental impacts; and mitigate dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, and radiation.

After a public hearing is held, planning staff can help the commission identify and determine if information provided warrants further discussion on any potential non-compliance or detrimental impact that may require a condition of approval.

ATTACHMENT F: Public Process & Comments

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- September 12, 2022 – The Downtown Alliance and Downtown Community Council were sent the 45-day required notice for recognized community organizations. The groups did not provide comments.
- September 12, 2022 - Property owners and residents within 300 feet of the development were provided early notification of the proposal.
- February 9, 2023 – Property owners and residents within 300 feet of the development were provided early notification of the Public Hearing.

Public Input:

As of the publishing of this report one public comment has been received in opposition.

October 24, 2022

Grant Amann, Associate Planner
grant.amann@slcgov.com
(801) 535-6171

Re: 404 W. 400 S. Conditional Use Application

Dear Mr. Amann,

Big-D Construction (“Big-D”) filed an application with the Salt Lake City Planning Department, seeking: (1) approval to construct a 31,350 square foot 3-story addition to their existing 64,573 square foot office building; and (2) approval to construct a 4-level parking structure that is connected to the office building. Our client, Red Hill Realty Investors, L.P., owns Downtown 360 (“Downtown 360”)—the apartment complex adjacent to Big-D’s property. As Big-D’s immediate neighbors, Downtown 360 and its tenants will be directly negatively impacted by Big-D’s proposed changes. Thus, we submit this formal comment in opposition to Big-D’s application for conditional use.

I. The Proposed Office Building Expansion Must Comply with Current Zoning Standards.

In its Project Description, Big-D relies on an isolated sentence taken out of context from paragraph C of Salt Lake City’s Zoning Ordinance 21A.30.040 to support its erroneous statement that, “[t]he current historic 5-story office building was approved in the early 2000s as an exception to the mixed-use limitations and thus the proposed addition/modification should need not comply per the zoning ordinance.” The current Big D office building was approved as a legal

nonconforming use—*i.e.*, as an exception to the mixed-use requirement under the zoning ordinance. However, this designation does not mean that a nonconforming use can be expanded or changed without conforming to the current zone. Big-D’s proposed addition/modification to its office building exceeds the 25% limit and therefore must comply with the current zoning as set forth in detail below.

Rather than relying on isolated phrases or sentences, it is appropriate to consider Paragraph C of the applicable zoning ordinance in its entirety. Paragraph C states:

Controls Over Mixed Use: The concept of mixed use is central to the nature of the D-3 Downtown Warehouse/Residential District. To ensure that mixed use developments provide for on site compatibility as well as neighborhood compatibility, the change of land use type or **an increase in floor area by twenty five percent (25%) of existing principal buildings and the construction of buildings for new uses after April 12, 1995, shall conform to the following provisions.** Construction related to the rehabilitation including remodeling or modification of existing uses, or the change of use to a similar use, shall not be subject to these provisions:

1. Buildings containing commercial/office uses located above the second story shall incorporate multi-family dwellings, boarding house, bed and breakfast, or hotel uses in the amount of at least fifty percent (50%) of the total floor area of the building;
2. Commercial/office uses shall be permitted as the sole use in two-story buildings only; and
3. Commercial/office uses in buildings of three (3) stories or more without multi-family dwellings shall be allowed only as a conditional use and then only when the applicant has demonstrated that the proposed location is not suitable for multi-family residential use.

Salt Lake City Zoning Ordinance 21A.30.040: D-3 Downtown Warehouse/Residential District ¶ C (emphasis added).

The ordinance plainly states that a remodel/modification of an existing use is subject to the provisions of the ordinance if there is “an increase in floor area by 25%.” Big-D’s current office

building is 64,573 square feet. The proposed expansion is 31,350 square feet. This proposed office expansion is clearly greater than a 25% increase in floor area, which makes the proposed office building expansion subject to the zoning ordinance. As such, Big-D must obtain a conditional use permit to be able to construct the proposed office building expansion. Per the zoning ordinance, this conditional use will only be allowed “when the applicant has demonstrated that the proposed location is not suitable for multi-family residential use.” §21A.30.040(C)(3). Big-D has made no effort to meet this requirement and has instead relied solely on a false assumption that the proposed office expansion is not subject to the zoning ordinance. Because Big-D has made no effort to demonstrate that the proposed location is not suitable for multi-family residential use, Big-D’s application should be denied.

II. The Proposed Office Building and Parking Structure Defeat the Intent of the Zoning Ordinance Standards.

The zoning ordinance for this Downtown Warehouse/Residential District (21A.30.040) states that the standards set forth for this district are “intended to create a unique and sustainable downtown neighborhood with a strong emphasis on urban design, adaptive reuse of existing buildings, alternative forms of transportation and pedestrian orientation.”

Here, the current office building is already nonconforming because it does not contain a mixed use. The fact that the current office building is nonconforming supports the denial by the Planning Department of Big-D’s conditional use application for the office building expansion and for the parking structure. Big D is proposing to construct a 31,350 square-foot addition to their existing office building and a 294-space parking garage. The proposed parking garage would add approximately 9.5 parking spaces per 1,000 square feet of new office space. This is excessive.

Granting a conditional use for an unnecessarily large and very visible parking structure that is specifically intended to support a proposed office building expansion that also requires conditional use approval because it does not comply with the mixed-use requirement would defeat the intent for strong urban design focused on pedestrian orientation.

If the City allows continual exceptions to the mixed-use requirement and grants conditional use permits for unsightly and excessively large parking structures, the entire district becomes less walkable and less appealing as a “live where you work” urban neighborhood. Further, as the proposed parking structure is prominently visible, it will likely have a negative impact on the public realm and the pedestrian experience.

III. Traffic/Congestion Issues:

Big-D indicated that the expanded office space will accommodate 100 additional employees. But Big-D’s proposed parking garage has 294 parking spaces. Thus, it seems likely that the garage is being constructed to serve not only the 100 new employees that will work in the proposed office building expansion but also to serve other Big-D employees that are currently working in the existing office building and are either parking off site, carpooling, or taking public transportation. These employees will now be incentivized to drive to work and park on this site, greatly adding to the traffic coming and going from Downtown 360’s neighboring property. Instead, Big D should be considering creative options, such as converting its employees to flexible work schedules with remote-work options or promoting carpooling and public transportation to decrease the number of employees parking on-site each day.

Big D claims that the proposed addition and parking garage will reduce traffic congestion on 400 West through the removal of the curb cut entrance and will improve pedestrian safety. Even if there is a reduction of traffic on 400 West, there would seemingly be a significant increase in traffic to Rio Grande Street. Notably, Big D does not cite to a traffic study or provide any factual data/information about how it expects to decrease traffic in the area while adding up to 294 extra cars to the daily commute. Some salient questions that a traffic study may be able to answer are: (1) Is the proposed parking structure designed to enable access and circulation for pedestrians and bicycles?; (2) Do the access points and driveways direct traffic onto major streets?; (3) What are the current traffic patterns and capacity?; and (4) What burden would an additional 294 cars create in the area? Surely, a traffic study must be undertaken and completed so the impact can be clearly understood and considered.

IV. Other Public Safety Issues:

In addition to heavy traffic congestion, other safety repercussions include heightened noise levels and the potential for increased criminal activity. Additional people in the area will inevitably lead to increased noise. Furthermore, parking structures can be magnets for criminal activity. These issues should be taken into consideration as they affect the public health, safety, and general welfare of the residents of this District.

V. Environmental Impact Issues:

There are two environmental issues to consider. The first issue is light pollution. The proposed parking structure is near surrounding residential uses, and lighting of the proposed parking structure may spill onto the neighboring residential properties. The second issue is water

pollution. Large parking structures notoriously increase stormwater runoff of oil, grease, heavy metals, and sediments, which will likely pollute the waterways.

VI. Aesthetic Issues:

Big-D's proposed structures will block the Downtown 360 tenants' views and access to sunlight. In Big-D's application, it included a list of ways that it planned to reduce the detrimental effects of its proposed projects, two of which are: (1) Big D proposes creating a landscape buffer between the proposed new construction and the Downtown 360 apartment building, ostensibly to "enhance views"; and (2) Big-D states that it intentionally limited the height of the proposed parking structure to protect views and scale for adjacent properties.

Big-D's proposed landscape buffer certainly does not enhance the views from Downtown 360's property. And contrary to Big-D's assertion that the "limited height" of the proposed parking structure would protect the views from Downtown 360's property, the proposed office building expansion and proposed parking structure would actually destroy the tenants' views. In addition to blocking views, the proposed structure will cast a shadow over the Downtown 360 second-floor courtyard, which will result in a significant decrease in quality of life for the tenants. A landscape buffer is woefully insufficient to compensate for the fact that the proposed structures themselves will obstruct the views and block sunlight from reaching my client's property.

VII. Lack-of Proper Notice:

Big-D's Planning Petition Information for PLNPCM2022-00750 indicates that "Notice has . . . been sent to property owners and residents within 300 feet of the project to obtain public input and comments on the proposal." But Downtown 360 did not receive proper notice; it only

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learned about Big D's conditional use application through its investment sales broker who happened to have independent knowledge about the pending application.

CONCLUSION

As set forth above, Big D failed to conform its proposed office building expansion to the existing zoning requirements and the conditional use permit should therefore be denied. Notwithstanding the foregoing, even if Big D amends its application to meet the zoning requirements, no reasonable condition(s) can be imposed to mitigate the reasonably anticipated negative effects that Big-D's proposed office expansion and proposed parking structure will have on Downtown 360 and other neighboring properties. As such, we ask you to deny Big-D's application for conditional use.

Sincerely,

PARSONS BEHLE & LATIMER

/s/ Lauren Reber

S. Lauren Reber
Attorney at Law

SLR:mlk

ATTACHMENT G: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

Fire:

- Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into; and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- Buildings or portions of buildings constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Additional fire hydrants may be necessary dependent on total square footage and required fire flows in accordance with IFC appendix B and C
- Fire department connections shall be located on the street address side of buildings, fully visible and recognizable from the street, and have a fire hydrant within 100-feet on the same side of the street.
*Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.
- Aerial fire apparatus access roads shall be provided where the highest roof surface exceeds 30 feet measured from grade plane. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater. Some exceptions have been added by SLC; those can be obtained from this office.
- Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Aerial access routes shall be located not less than 15 feet and not greater than 30 feet from the building and shall be positioned parallel to one entire side of the building.
- Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.
- Buildings or facilities exceeding 30 feet or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

Public Utilities:

Public Utilities comments have been provided to assist in the future development of the property. The following comments are provided for information only and do not provide official project review or approval. Comments are provided to assist in design and development by providing guidance for project requirements.

- Public Utility permit, connection, survey, and inspection fees will apply.
- All utility design and construction must comply with APWA Standards and SLCPU Standard Practices.
- All utilities must meet horizontal and vertical clearance requirements. Water and sewer lines require 10 ft minimum horizontal separation and 18" minimum vertical separation. Sewer must maintain 5 ft minimum

horizontal separation and 12" vertical separation from any non-water utilities. Water must maintain 3 ft minimum horizontal separation and 12" vertical separation from any non-sewer utilities.

- Public street lighting improvement requirements will be determined during building permit application review.
- Utilities cannot cross property lines without appropriate easements and agreements between property owners.
- Site utility and grading plans will be required for building permit review. Site utility plans should include all existing and proposed utilities, including water, irrigation, fire, sewer, stormwater, street lighting, power, gas, and communications. Grading plans should include arrows directing stormwater away from neighboring property. Please refer to APWA, SLCDPU Standard Practices, and the SLC Design Process Guide (<http://www.slcdocs.com/utilities/PDF%20Files/SLC%20Design%20Process%20Manual.pdf>) for utility design requirements. SLCDPU Standard Practice No. 5 specifically addresses required standard materials and appurtenances. Other plans such as erosion control plans and plumbing plans may also be required, depending on the scope of work. Submit supporting documents and calculations along with the plans.
- Applicant must provide fire flow, culinary water, and sewer demand calculations to SLCDPU for review. The public sewer and water system will be modeled with these demands. If the water demand is not adequately delivered by the existing main, then a water main upsizing will be required at the property owner's expense. The expected maximum daily flow (gpd) from the development will be modeled to determine the impacts on the public sewer system. If one or more sewer lines reaches of the sewer system reach capacity as a result of the development, sewer main upsizing will be required at the property owner's expense. Required improvements on the public water and sewer system will be determined by the Development Review Engineer and may be downstream from the project site. A plan and profile of the new main(s) and engineer's cost estimate must be submitted for review. Design drawings and cost estimate must be stamped and signed by a professional engineer. The property owner is required to bond for the amount of the approved cost estimate.
- One culinary water meter is permitted per parcel and fire services, as required, will be permitted for this property. If the parcel is larger than 0.5 acres, a separate irrigation meter is also permitted. Each service must have a separate tap to the main.
- Covered parking area drains are required to be treated to remove solids and oils prior to discharge to the sanitary sewer. These drains cannot be discharged to the storm drain. Use a sand/oil separator or similar device. A 4ft diameter sampling manhole must be located downstream of the device and upstream of any other connections.
- Site stormwater must be collected on site and routed to the public storm drain system. Stormwater cannot discharge across property lines or public sidewalks.
- Stormwater treatment is required prior to discharge to the public storm drain. Utilize stormwater Best Management Practices (BMP's) to remove solids and oils. Green Infrastructure should be used whenever possible. Green Infrastructure and LID treatment of stormwater is a design requirement and required by the Salt Lake City UPDES permit for Municipal Separate Storm Sewer System (MS4). This permit was updated with this requirement in June 2021. The applicant will need to provide options for stormwater treatment and retention for the 80th percentile storm. If additional property is not available, there are other options such as green roof or other BMP's. Lack of room or cost is generally not an exception for this requirement. If green infrastructure is not used, then applicant must provide documentation of what green infrastructure measures were considered and why these were not deemed feasible. Please verify that plans include appropriate treatment measures. Please visit the following websites for guidance with Low Impact Development: <https://deq.utah.gov/water-quality/low-impact->

[development?form=MY01SV&OCID=MY01SV](https://documents.deq.utah.gov/water-quality/stormwater/updes/DWQ-2019-000161.pdf?form=MY01SV&OCID=MY01SV) and <https://documents.deq.utah.gov/water-quality/stormwater/updes/DWQ-2019-000161.pdf?form=MY01SV&OCID=MY01SV>.

- Stormwater detention is required for this project. The allowable release rate is 0.2 cfs per acre. Detention must be sized using the 100-year 3-hour design storm using the farmer Fletcher rainfall distribution. Provide a complete Technical Drainage Study including all calculations, figures, model output, certification, summary, and discussion.
- Projects larger than one acre require that a Stormwater Pollution Prevention Plan (SWPPP) and Technical Drainage Study are submitted for review.

Engineering

Engineering code compliance review required. Additional comments may arise with permit application and code review.

Transportation

Transportation code compliance review required. Additional comments may arise with permit application and code review.

Building

- No Building Code comments/issues at this time for Conditional Use Permit application.
- All new construction within the corporate limits of Salt Lake City shall be per the State of Utah adopted construction codes and to include any state or local amendments to those codes. RE: Title 15A State Construction and Fire Codes Act.
- Existing structures on adjacent parcels shall not be made less complying to the construction codes than it was before the proposed construction.