



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer  
Policy Analyst

**DATE:** May 16, 2023

**RE: Downtown Building Height and Street Activation Text Amendment  
PLNPCM2022-00529**

Item Schedule:

Briefing: April 4, May 16, 2023

Set Date: April 4, 2023

Public Hearing: April 18, May 2, 2023

Potential Action: June 6, 2023

## UPDATE FOR MAY 16, 2023

There are several outstanding issues related to the proposed text amendment which are summarized below that the Council may wish to discuss.

### *Effective Date of Ordinance*

Some construction projects may be substantially designed at the time the proposed ordinance is adopted and negatively impacted by requirements within the new ordinance. Other projects may be on hold until the ordinance is adopted so they can be developed with designs not available under the current ordinance.

To help resolve these conflicting impacts, the Council may wish to consider allowing applicants to choose either the current or proposed ordinance for a period of four to six months following ordinance adoption. Completed applications would need to be submitted to either the Planning Division or Building Services within this period to be considered under the current ordinance. The Council may recall a similar process was included in the off-street parking ordinance adopted in 2022.

### *FB-UN2 Concerns*

The Council received constituent concerns about the impact proposed changes to the FB-UN2 zoning designation may have. A resident expressed concern with the proposed changes to when upper floor setbacks in the FB-UN2 zoning district are triggered for properties adjacent to parcels with lower maximum heights.



The current ordinance requires a setback when adjacent to zoning districts with a maximum building height of 35 feet or less. The proposed ordinance calls for the setback to be triggered when multifamily developments are adjacent to zoning districts with a maximum building height of 30 feet or less. (It should be noted the proposed ordinance calls for the setback to be triggered when rowhouse developments in the FB-UN2 zoning district are adjacent to zoning with a maximum building height of 35 feet or less.) The constituent believes this change will exclude setbacks from being required in many areas where FB-UN2 is used, and he encouraged the Council to keep the existing requirement.

Another resident shared her concern with the impact FB-UN2 will have in other parts of the city. Her recommendation is for the Council to either remove FB-UN2 from the proposed ordinance or limit the proposed changes to only the Downtown Plan area. The latter would result in two versions of FB-UN2.

#### *D-4 Height*

There is some community interest in additional height up to 145 feet in the Downtown D-4 zoning district. Council staff also received a request to maintain the current height limit of 75 feet, or up to 120 feet through design review, in this zoning district. Planning staff recommends, and the draft ordinance includes, retaining the current height limit.

#### *G-MU Height*

The Utah Transit Authority would like to increase the allowed height in the Gateway Mixed Use (G-MU) zoning district to accommodate a larger proposed headquarters building.

#### *Clarification of the Sugar House Business District (CSHBD) design standards*

Planning staff identified an error in the CSHBD design standards to incorporate a 15-foot setback for buildings above 60 feet in height. Planning recommends eliminating this change and retaining the current step back requirement for buildings taller than 45 feet. For buildings in the CSHBD that abut single- or two-family districts Planning recommends a step back of 15' be incorporated at 30 feet.

#### *Clarifying Ground Floor Use Standards*

Following the last briefing for this item, Planning made some technical changes clarifying language to the ground floor use standards. These include clarification on uses that are considered “active.” Ground floor residential is included as an active use. The option for ground floor use and visual interest allows for pedestrian interaction through porches, colonnades, bays, etc. to count as visual interest in the proposed ordinance.

### **POTENTIAL STRAW POLLS**

1. Does the Council support allowing applicants to utilize either the current or proposed ordinance for completed applications as outlined above, for up to 6 months?
2. Does the Council support Planning staff’s recommendation to require setbacks for multifamily residential developments adjacent to zoning districts with a maximum height of 30 feet?
3. Does the Council support either removing FB-UN2 from the proposed ordinance or limiting the proposed FB-UN2 changes to the Downtown Plan area?
4. Does the Council support Planning staff’s recommendation to remove the setback requirements for buildings in the D-1 (Central Business District) zone?
5. Does the Council wish to require bird-friendly glass in buildings?

6. Does the Council support retaining the current setback requirements for buildings in the Sugar House Business District (CSHBD)?
7. Does the Council support retaining the current height limit in the Downtown D-4 zone?
8. Does the council support amending the ordinance to include UTA's request to remove maximum height limitation in the G-MU zoning district?

## **PUBLIC HEARING UPDATE**

Two people spoke at the May 2, 2023 continued public hearing. One commenter outlined her concerns about proposed changes to the FB-UN2 zoning district being applied citywide and potential negative impacts to low density neighborhoods.

The second commenter stated proposed changes to the General Commercial zone, including a mid-block walkway requirement, would make a planned home improvement store impossible to construct. This person submitted a letter to the Council which is included at the end of this report.

The Council closed the public hearing and deferred action to a future meeting.

Additional comments received via email expressed concern about required building setbacks in the FB-UN2 zone being lowered from 35 feet to 30 feet. The constituent asked that they remain at 35 feet.

Four people spoke at the April 18, 2023 public hearing. Commenters stated the FB-UN2 zoning district is a blank check for developers and is inappropriate for use in historic districts with lower density if additional limitations are not included. A desire to restrict changes in this text amendment to areas shown in the Administration's map was expressed.

Additional comments included a caution about a future lack of water if the city continues to grow, and a request for City oversight of development projects that remove single-family homes. There needs to be a balance between growth and preservation of neighborhoods.

A former Planning staff member expressed general support for the plan, but noted the G-MU zone was written specifically to be the forefront of downtown and not a wall blocking the city skyline. There have been historic policies of maintaining the view corridor to the LDS Temple from I-15 and I-80 and he requested criteria be included in design review to consider impacts development could have on this view corridor.

A written comment asked the Council to keep the 10-foot setback rule above 35 feet in FB-UN2 zone near residential areas with a maximum height of 35 feet. The new proposal reduces the required setback to 30 feet. The commenter thinks that the existing rule is better for creating a smoother transition in height when near zoning districts like RMF-35.

The Council continued the public hearing to a future meeting.

***The following information was provided for the April 4, 2023 Council briefing. It is included again for background purposes.***

## **BRIEFING UPDATE**

Following a presentation from Design Workshop, the Council expressed general support for the proposed changes to building heights and pedestrian engagement. Council Members discussed the proposed minimum ten-foot sidewalk width for new development or redeveloped properties. Comments included a desire for wider sidewalks depending on building height to enhance the pedestrian experience. Consistency in sidewalk width was also discussed. The consultant and Planning staff clarified the proposed ten-foot sidewalk width is a minimum, and additional width could be discussed at the design review stage. The intent was to balance the need for appropriate sidewalk width without creating an overly open feel in some downtown areas with very wide streets.

If a public right-of-way is not wide enough to accommodate a ten-foot sidewalk, a portion of it would be required on private property. It was noted that there will be inconsistencies when a property is developed or redeveloped with ten-foot sidewalks, but an adjacent property would not have the same requirement unless or until it is redeveloped.

Maximum height differences in the Depot District and Granary were also discussed. There is an opportunity to provide additional housing in the more industrial Granary neighborhood, but capping height lower than in the Depot District would make it more difficult to include affordable housing units. Planning staff stated there is a desire to strike a balance between existing warehouses in the Granary District that will hopefully be preserved through adaptive reuse, and very tall buildings being built on adjacent or nearby properties. Affordable housing in these areas is difficult because of what can be developed by right. Some additional height through the design review process is an incentive to include affordable housing.

Pedestrian amenities were also discussed, with a desire for ground floor commercial space serving the community rather than a gym, leasing office, etc. for building resident use. There was also a request to include bird-friendly glass in the building. Planning staff noted that can be included in the ordinance.

The April 18, 2023 public hearing does not include an option for online comments. The Council may consider continuing the public hearing to a future meeting to provide an additional opportunity for comments.

As a reminder, the following straw polls were included below in this report. Staff will reach out to you for your input on these and the policy question about UTA's request to maximize building height in the G-MU district to accommodate redevelopment plans.

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1. Does the Council support Planning staff's recommendation to remove the step back requirement for buildings in the D-1 (Central Business District) zone?
  2. Does the Council support the current requirement of a 15 foot step back for buildings in the Sugar House Business District (CSHBD) that are taller than 45 feet?
  3. Does the Council support requiring buildings in the CSHBD that abut single- or two-family zoning districts include a step back at 30 feet?
  4. Does the Council support other changes as recommended by Planning Staff (parking, landscaping requirements, etc.)?
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***The following information was provided for the April 4, 2023 Council briefing. It is included again for background purposes.***

The Council will be briefed about proposed amendments to the City's zoning ordinance pertaining to building heights and pedestrian engagement in the *Downtown Plan* area. The city worked with a consultant, Design Workshop, on the proposal.

Proposed changes would affect the following zoning districts as shown in the image below:

- D-1 (Downtown Central Business District)
- D-2 (Downtown Support)
- D-3 (Downtown Warehouse)
- D-4 (Downtown Secondary Business District)
- G-MU (Gateway Mixed Use)
- CG (General Commercial)
- FB-UN-1/2 (Form-Based Urban Neighborhood 1 and 2)

The Administration's proposal also recommends changes to the Design Standards found in Chapter 21A.37, and the Design Review process found in Chapter 21A.59 of *Salt Lake City Code*.

The proposal includes three main elements: Pedestrian Orientation, Human Scale Design, and Building Height. These are summarized below. Please see the attached presentation from Planning staff and Design Workshop to view a presentation the Planning Division provided that outlines the key changes.

#### *Pedestrian Orientation*

Under the proposal an area is considered pedestrian oriented if sidewalks and public spaces feel safe, welcoming, and free of barriers to those walking or using a wheelchair.

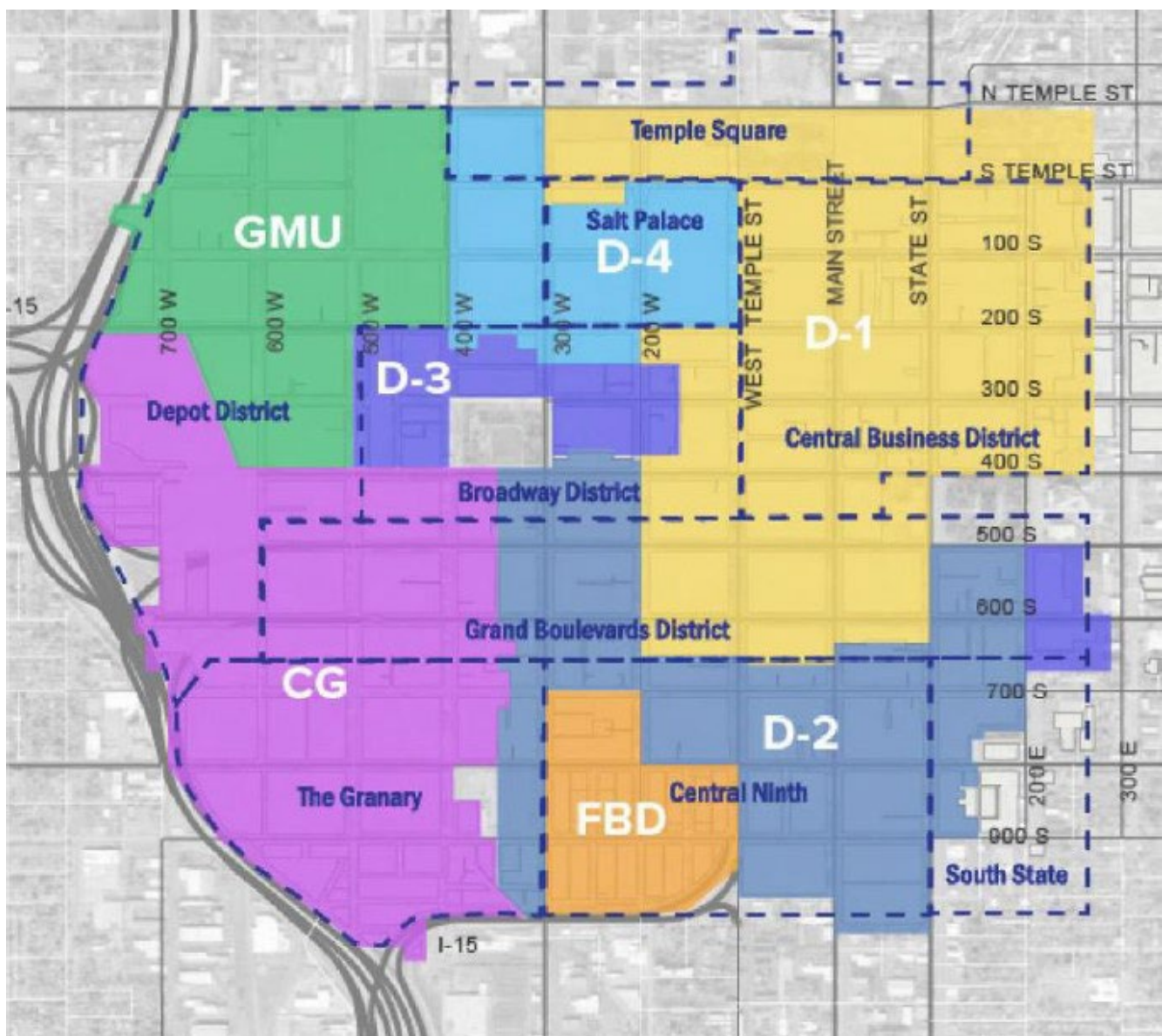
#### *Human Scale Design*

The proposal calls for development to be scaled toward humans through building form, visual interest, first floor activation, façade transparency, overhead elements, setbacks, and public access points.

#### *Building Height*

Building heights may be adjusted and will be considered as they preserve visual corridors, reflect the character of downtown's individual districts, and include public benefits for height bonuses.





*Downtown Plan Boundaries and Zoning Districts  
Image Courtesy Salt Lake City Planning Division*

## ADDITIONAL INFORMATION

After the Planning Commission forwarded its recommendation and Planning staff was preparing the ordinance in coordination with the Attorney's Office, they identified a few changes they would like to ask the Council to consider including the final ordinance:

- **Design standards for the D-1 (Central Business District) zoning district.** The draft ordinance includes an upper floor step back of 10' for buildings between 78'-104' and 15' for buildings taller than 104'. Step backs were introduced to additional districts outside the Sugar House Business District (CSHBD) and Form Based Urban Neighborhood-2 (FB-UN2) to encourage additional light and air in higher density districts.
  - Planning staff doesn't believe the D-1 (Central Business District) warrants a step back to this degree and recommends the Council remove this requirement, given the distinct feel of the downtown core.

- **Clarification in the Sugar House Business District (CSHBD) and Form Based Urban Neighborhood (FB-UN) design standards.** The draft ordinance includes a 15' step back for buildings in the CSHBD districts taller than 60'.
  - Planning staff recommends eliminating changes from the current step back requirement for buildings taller than 45'. For buildings in the CSHBD that abut single- or two-family districts Planning recommends a step back be incorporated at 30'.
- Omission of requirement for buildings in the Form Based Urban Neighborhood (FB-UN) zones taller than 30' to include a 15' step back was omitted in an earlier draft ordinance.
  - Planning Staff corrected that omission in the current draft ordinance.
- The recently adopted off-street parking ordinance is also being amended as part of this proposal due to language in the draft ordinance limiting size and location of surface parking in the Downtown (D-1, D-2, D-3, and D-4) and General Commercial (CG) zones.
  - Planning staff is recommending those changes be included in the draft ordinance.
- Changes to the Form Based District and Design Standards chapters in *City Code* making standards for the FB-UN1 and FB-UN2 consistent with the proposed FB-UN3 form-based zoning district being considered by the Council.
  - Proposed changes to open space landscaping requirements discussed during the Council briefing for the FB-UN3 zone are included.

**Goal of the briefing:** *Review the proposed text amendments, determine if the Council supports moving forward with the proposal.*

## POTENTIAL STRAW POLLS

1. Does the Council support Planning staff's recommendation to remove the step back requirement for buildings in the D-1 (Central Business District) zone?
2. Does the Council support the current requirement of a 15' step back for buildings in the Sugar House Business District (CSHBD) that are taller than 45'?
3. Does the Council support requiring buildings in the CSHBD that abut single- or two-family zoning districts include a step back at 30'?
4. Does the Council support other changes as recommended by Planning Staff (parking, landscaping requirements, etc.)?

## POLICY QUESTIONS

1. Additional height beyond what is allowed "by right" may be included through design review and would require a public benefit. The Council may wish to ask the Administration to specify what these benefits are and how they can be quantified and tracked for compliance (affordable housing for example).
2. The Council may wish to discuss minimum building heights and potential impacts they may have on developing some smaller parcels.
3. The draft ordinance includes changes to the Form Based District and Design Standards chapters of *City Code* that include FB-UN3 (Form Based Urban Neighborhood 3) the Council has been briefed about but has not yet adopted. These changes would make FB-UN3 zoning regulations consistent with proposed changes to the FB-UN1 and 2 zones. These include changes to open space landscaping requirements the Council discussed during the FB-UN3 briefing. The Council may

wish to ask the Administration for their recommendation on how to move forward without creating any text inconsistencies.

4. The Council may wish to discuss and consider the request from UTA to amend the proposal to maximize allowable height in the GMU district to accommodate redevelopment plans proximate to a potential future UTA headquarters (see chart at the end of this staff report for a comparison of building heights proposed in different downtown zones).

## **PUBLIC PROCESS**

Design Workshop, consultants for the proposal, held several stakeholder meetings with community council representatives, members of the development community, business and advocacy representatives, the Downtown Alliance, and the Disability and Accessibility Commission. Feedback from these meetings helped guide the proposal. In addition, a citywide survey gathered more than 450 responses from the broader community.

Stakeholder Zoom Meetings were held with the following:

- Chambers of Commerce and Development Community - November 30, 2021
- Community Council representatives - December 1, 2021
- Community representatives, including members of the Disability and Accessibility Commission - December 2, 2021
- Downtown Alliance - January 19, 2022

The public survey was published on Planning's website, listserv, Instagram, Twitter, and Facebook. The survey was open for three weeks and closed February 24, 2022.

Notice was mailed to property owners within the Downtown Plan area May 13, 2022.

The Planning Commission was briefed on the proposal at its June 8, 2022 meeting and held a public hearing August 18, 2022 at which one person spoke expressing support. The Commission voted unanimously to forward a positive recommendation on the amendments to the City Council.

The Utah Transit Authority (UTA) sent the attached letter to the Council expressing a desire for additional height in the Gateway Mixed Use (GMU) zone beyond what is in the proposal. UTA is preparing to redevelop property near the North Temple and Salt Lake Central Stations. These plans include relocating UTA's headquarters and potentially construct as many additional floors to the building as allowed by the City, and what the market will support.

UTA asked to further increase allowed height or eliminate the maximum allowed height in the GMU zoning district.

## **Current and Proposed Building Heights**

<b>Zoning District</b>	<b>Current Minimum Height</b>	<b>Proposed Minimum Height</b>	<b>Existing Maximum Height</b>	<b>Proposed Maximum Height</b>
<b>D-1</b> Central Business District	100'	100'	375' Corner Lots 100' mid-block	None >200' subject to conditions and design review



<b>D-2</b> Downtown Support District	65'	65'	120'	120' with conditions
<b>D-3</b> Downtown Warehouse	75'	75'	90'	180' with conditions
<b>D-4</b> Downtown Secondary Central Business District	N/A	N/A	75' (up to 120' through design review) 120' - 375' in permitted locations <sup>1</sup>	75' (up to 120' through design review) 120' - 375' in permitted locations <sup>1</sup> subject to conditions and design review
<b>GMU</b> Gateway District Mixed-use	45' 25' along 200 South Corridor	75'	75' flat roofs 90' non-flat roofs	Buildings over 90' up to 180' are subject to design review
<b>CG</b> General Commercial			60' 90' subject to design review	75' (76'-150' in Granary District with design review.) (76'-105' outside Granary District with design review.)
<b>FBD</b> Form Based District	N/A	N/A	30'	50'

<sup>1</sup>-The area bounded by South Temple, West Temple, 200 South, and 200 West

**PARR BROWN  
GEE & LOVELESS**

ATTORNEYS AT LAW

Robert A. McConnell  
Attorney at Law  
[rmcconnell@parrbrown.com](mailto:rmcconnell@parrbrown.com)

May 2, 2023

Via Hand Delivery

Salt Lake City Council  
Darin Mano, Chair  
Victoria Petro, Vice Chair  
Alejandro Puy  
Chris Wharton  
Aria Valdemoros  
Dan Dugan  
Amy Fowler  
451 South State Street, Room 304  
Salt Lake City, Utah 84111

Re: *Downtown Building Height and Street Activation Updates (Home Depot Matter ID #MATT-164248).*

Salt Lake City Council Members:

Our firm represents Home Depot, which asked us to submit this letter in connection with the proposed Downtown Building Height and Street Activation Updates (the “**Updates**”). Home Depot is presently under contract to purchase property located at 400 West 500 South (the “**Proposed Site**”). The Proposed Site is presently zoned General Commercial District (the “**CG Zone**”), which CG Zone allows the construction of a Home Depot retail location at the Proposed Site as a permitted use.

Home Depot has been working carefully with the City’s planning staff in exploring the development of the Proposed Site. Home Depot believes that process has resulted in a site plan that meets a wide variety of the City’s planning objectives, while also accommodating Home Depot’s operational needs. In fact, Home Depot plans to submit a Planned Development Application for the Proposed Site within the next week.

While generally laudable, application of the Updates to the GC Zone and, in turn, the Proposed Site, would effectively derail the entire proposed Home Depot project at the Proposed Site. In fact, Home Depot submits that many of the proposed revisions advanced pursuant to the Updates will make compliance very difficult for many expressly allowed uses in the CG Zone, including particularly, any large retailer, department store, mass merchandising store or warehouse club. Unless the City Council intends



passage of the Updates to impair the development of these allowed uses in the CG Zone, the Council should not extend the Updates to the CG Zone.

For example, while the site plan for the Proposed Site already includes roof top parking, it presently contemplates a row of double-sided parking along the front and portions of one side of the building. While this parking arrangement is unusual for Home Depot, the further elimination of this single remaining row of parking pursuant to the requirements of the Updates would be incredibly difficult, extremely costly and constitute a significant departure from Home Depot's operating model. In addition, application of the mid-block walkway requirement would effectively dissect the proposed store, which is operationally infeasible for a wide variety of reasons. Finally, updated glazing requirements, parking-walkway separations, and other material variation and architectural requirements present unique challenges to a large construction materials retailer.

As noted above, we suspect that the foregoing requirements imposed through the Updates will be incredibly difficult for any large box retailer, particularly those selling merchandise that requires vehicular transport.

For the foregoing reason, Home Depot respectfully submits that application of the Updates to the CG Zone is unwarranted and that the Updates should be limited to those zones where the conditional and permitted uses expressly allowed by the zone are not rendered practically infeasible upon application of the Updates.

Thank you for your time and consideration.

Respectfully,



Robert A. McConnell  
Justin P. Matkin

cc: Hope Depot  
Lars Anderson & Associates

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