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CITY COUNCIL TRANSMITTAL

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TO: Salt Lake City Council
Chris Wharton, Chair

DATE:

FROM: Marcia L. White, Director Department of Community & Neighborhoods

SUBJECT: PLNPCM2019-00639 GMU Building Height Proposal and relationship to Downtown Master Plan

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DOCUMENT TYPE: Information Only

RECOMMENDATION: None at this time

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: On January 14, 2020 the City Council held a work session regarding PLNPCM2019-00639 which is a request to allow additional building height in portions of the GMU zone. The council provided the direction for the council staff to convene a meeting with council staff, the Planning Division, and the Redevelopment Agency to discuss the adopted master plans that are applicable to the area and the impacts that increasing the height may have on future development, the master plan, and other zoning related issues.. That meeting was held on February 6, 2020. At the meeting, the Planning Division and the RDA shared the same opinion that increasing building heights should be done on a comprehensive basis, particularly when the Downtown Master Plan suggests building heights that are less than the proposed height of this private petition.

The following discussion provides a brief description of the issues discussed at the February 6, 2020 meeting as well as concerns that the Planning Division has with the proposed approach. The intent is to provide the City Council with as much background information as possible before deciding on the proposal. The Planning Division recognizes and agrees with the applicant

and the RDA that the building heights in the downtown area need to change to accommodate growth.

- The need to accommodate growth where transit is reliable, frequent, and accessible; and
- That the Planning Division and RDA agree that height should be considered in a more comprehensive approach and recognize that making changes could require a large allocation of staff resources.

The following discussion provides a brief description of the potential issues with each of the above items as well as concerns that the Planning Division has with the proposed approach. The intent is to provide the City Council with as much background information as possible before making a decision on the proposal.

February 6, 2020 Meeting Discussion of Issues

Applicants Presentation: the presentation made by the applicant during the January 14, 2020 City Council briefing had not been seen by the Planning Commission or staff of the Planning Division. It is unknown if it is consistent with the adopted policies of the City found in the Downtown Master Plan for this reason.

The need to expand the central business district: The central business district is nearing capacity due to the pace of recent development, the presence of historic buildings, land banking, and the difficulties in developing underutilized parcels. This is not a negative, but not expanding the central business district will have a negative impact on downtown and the vision of the Downtown Master Plan will not be able to be achieved. This is relevant to the heights in the GMU zone because as the D1 zone expands, the development gap is reduced and the "pyramid concept" in the Downtown Master Plan becomes steeper. As the heights increase, they should increase in an incremental manner across the entirety of the area within the Downtown Plan.

The impacts of building height: The Planning Division does support increasing building heights in the downtown area. Increasing heights is necessary to help the city achieve a development, economic, social, and housing goals and is necessary to leverage property values to maintain property tax revenue.

However, the height of buildings does create impacts on adjacent properties as well as public spaces. Taller buildings create micro-climates that can reduce access to sunlight, create wind patterns that impact the sidewalk, create issues with falling snow or ice, and may produce glare that increases the ambient heat near the building. These impacts need to be considered when designing new buildings. The city does not have regulations that address these issues. *This proposal would not include a design review process which means there would be no oversight of these issues in the design of the building*.

Reducing sunlight has multiple effects, including blocking one property from being able to receive direct sunlight which could reduce the ability for that property to utilize solar energy, grow trees and plants, or utilize passive energy designs. The building could also

project long shadows in the winter that could reach the sidewalk on the opposite side of the street, creating icing issues for pedestrians and within the travel lanes on the street.

There are some benefits to shadows from buildings, including reducing the heat felt on the sidewalk during warmer months. Shadows can also lower the energy costs required to cool the interiors of buildings.

A tall building deflects winds in different directions. When wind hits the face of building, that wind is forced up, down, or around the building. When there are other tall buildings in the area, the wind is directed up or down. Moving air will travel in the direction of least resistance, which is typically down because the air moving above the building blocks the lower air from moving up. This results in the wind moving towards the ground until it hits the ground, where it then moves horizontally. This is evident when you walk past tall buildings, particularly at intersections and feel wind. Buildings can be designed to reduce this impact by including various step backs, weather protection like awnings, or building intrusions to deflect the wind before it hits the ground.

Tall buildings do collect snow and ice. The One Utah Center frequently blocks entrances and portions of the sidewalk to reduce the risk of large amounts of snow sliding onto people on the sidewalk from the sloped roofs. Modern glass buildings build up ice on the outsides of the building because the material does not retain heat and modern construction prevents heat from escaping through the glass. Once the outside of the building warms up from air temperature increases, the ice falls from the building. These issues should be accounted for in the design of the building because they are direct impacts to the health and safety of the public. Our zoning code does not include design standards to address these issues without going through the design review process, but the design review process does not include review standards to address all of the impacts.

Growth near transit. Plan Salt Lake provides guidance on where and how the city should grow. One of the key guiding principles related to this is growing in areas that have the existing infrastructure to support future growth. Plan Salt Lake was in the adoption process at the same time as the Downtown Master Plan. The guiding principles of Plan Salt Lake were incorporated into the Downtown Plan through specific policies and action items. Growth around transit is a necessary part of the Downtown Plan and is necessary to help the city achieve adopted goals and policies. Growth has to be accommodated in comprehensive ways to ensure that the needs and impacts are addressed.

The Planning Division supports increasing the building heights in this area. *This proposal however does not provide the city with the ability to address growth in a way that mitigates the impact so that the growth is an overall benefit to the public.* Millions of tax dollars have been invested in the and it is appropriate for the city to review development in an appropriate manner to protect the public investment in the area so that growth provides an overall benefit to the community by implementing the city's adopted master plans.

Planning Division Concerns with the proposed approach

Consistency with Utah State Code. Utah Code 10-9a-505 (2) states "the legislative body shall endure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones." This has been interpreted by the Planning Division to mean that regulations within the same zoning district are applied equally. When it comes to building height, that means that unless the zoning district creates different types of buildings, that the same height regulations be applied to all buildings.

There are ways to allow additional building height in the same zoning district. This can be achieved by defining specific types or class of buildings (such as what is done in the form-based codes in the city), creating additional zoning districts, creating overlay districts, or by creating sub-districts. This proposal would create a height map within the GMU zone. *There is some concern that this proposal violates 10-9a-505, even though there are some zoning districts in the city that use the same approach (such as the height map in the RMU zoning district or the D-4 height overlay).*

Height and the relationship to affordable housing: Taller buildings are necessary to achieve the goals of the city in the downtown area. In urban areas, height is also one of the largest incentive cities can use to achieve other goals. The Planning Division is currently working on an affordable housing overlay. The overlay would provide some incentive, typically additional development potential, in exchange for providing a certain level of affordable housing. Increasing building heights reduces the effectiveness of an overlay such as this because it increases the development potential "by-right." When this increase in development potential is greater than what the current market can provide, the overlay becomes ineffective. Outside of the Central Business District, the building heights are low enough that the market may support additional building height through an affordable housing overlay.

Height and relationship to historic preservation
Preserving historic buildings is a stated goal of several adopted plans of the city, including Plan Salt Lake, The City Preservation Plan, and the Downtown Master Plan. Development potential has a direct impact on historic buildings and promotes the demolition of historic buildings when the market demand is high. Increasing building height increases the development potential of a property and promotes redevelopment. Downtown buildings that are not otherwise protected by being a designated local landmark or in a local historic district are at threat of demolition when the development potential and the economy are strong.

On this issue there are often competing and somewhat paradoxical approaches: increasing the development potential of the downtown area by expanding the Central Business District while at the same time finding a way to promote preservation. One tool that could be beneficial to help address this is the transfer of development rights.

The pressure to demolish and redevelop parcels with older buildings will continue to grow provided the economy is strong. One of the tools that can be used to help protect historic buildings and promote growth is transfer of development rights. This tool allows the unrealized development potential of a parcel to be transferred to another parcel in order to protect something of value, in this case historic buildings. This allows the property owner to sell that right to be applied elsewhere. However, for this to work the development demand on the receiving parcel must exceed the existing development right. Increasing the heights may make such a program ineffective. This tool also requires certain administrative oversight to regulate the long term development rights through a "bank" that tracks which parcels have transferred their rights and which parcels received those rights.

The issue of building height demonstrates the intricate nature of regulating building heights, how quickly development pressures can change and why master plans are considered guiding documents. Within the last few years, there have been several instances where proposals for additional building height have been scaled down or a change not supported. The first was with the changes to the TSA zoning district and the building heights in the Urban Core area of the TSA zone. This was discussed during the public process and there was no support to increase the heights. This area where the additional height was being considered was adjacent to the GMU zone on the north side of North Temple. The second location was along 400 South east of 200 East (adjacent to a D1 zone) to 400 East. Both times the policies of the applicable master plans were followed and the height maintained as is. The height issue was again raised during the approval process for the Exchange Project, located at 400 South and 300 East. The developer stated that their building would have been taller if the zoning would have allowed more height. This example provides some guidance regarding the ability of an affordable housing overlay to grant additional building height when affordable units are provided.

Recently there have been two requests to increase the height in the D-4 zone, which is adjacent to the D-1 zone and located between South Temple and 200 South and West Temple and 300 West.

- Convention Center Hotel: Despite bordering the D1 zone and having D1 zoning extend as far west as 300 West (along South Temple), the height was limited to 375 feet and only in the area between West Temple and 200 West and South Temple to 200 South.

- Block 67: The developers of Block 67 later made a request to increase the building height in the D-4 zone for a portion of their project located on the corner of 200 South and 200 West –extending the convention center overlay farther west. That proposal was scaled down to a portion of a specific parcel instead of the full request to be consistent with a view corridor found in the Urban Design Element. This is a relevant example because the same view corridor extends through the central station area and is one of the reasons why the heights were established.

These examples are pointed out to help provide some recent history and context on requests to modify building height requirements that were viewed differently than the current proposal. The Downtown Master Plan supports increasing building heights in the Downtown area and the

recent development pressures have provided better understanding of the development needs and constrains related to building heights in most of the downtown area. But there are mixed messages being sent regarding when the height recommendations in adopted master plans are to be followed or not followed. The Planning Division does agree with others who have said that the view corridor is no longer relevant because the public views are or could be blocked by buildings built to the existing height in the GMU zone. Furthermore, the Planning Division does not support policies that promote private views over development needs of the city or views that are only visible from a vehicle travelling on an interstate. The most prominent public view that is elevated in this area is from the 400 South bridge. This bridge includes sidewalks and provides an elevated view towards the central business district. The top of the bridge is approximately 35 feet above the ground. The adjacent parcels to the north are zoned GMU and D3. Both zones have a permitted building height up to 75 feet in height, with additional height authorized through the design review process. The current zoning regulations would permit buildings to block the views of the historic buildings in the Central Business District from this vantage point.

Moving Forward
The pending proposal before the city council could be improved to address at least some of the issues identified above and the council has the authority to do so. Specifically, requiring buildings over a certain height to go through the design review process would enable the Planning Commission to evaluate the impacts of height. The design review process contains specific standards related to height that could address some of the issues in this report:

- Modulating taller buildings to establish steps in the building facades;
- Minimize shallow impacts, and
- Including features that serve as wind breaks above the first floor of the building.
- The design of the roof and cornice lines to complement surrounding buildings and build a cohesive pattern with the rest of the building.

The proposal eliminates design review for additional height for the area in question.

The uniformity law is a more challenging component to overcome. The simplest path forward would be to allow nonresidential buildings to be taller. This creates a different standard for two different types of buildings. However, it would ultimately lead to the demolition of most of the older building stock in the GMU zone because it would increase the development potential. This area is in a national historic district and city policies support preserving historic buildings in national historic districts.

The Planning Division does believe that there is an argument to be made that a height map within a specific zoning district could be interpreted to be a form of an overlay because it applies different regulations to a specific geographic area for a specific purpose and the city has a history of utilizing a similar approach. The City Attorney's Office may not support this argument.

PUBLIC PROCESS: See the previous transmittal on this petition.