



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Russell Weeks
Senior Policy Analyst

DATE: October 7, 2020

**RE: UNFINISHED BUSINESS: ZONING TEXT AMENDMENT TO
INCREASE G-MU HEIGHT LIMITS WITHIN A LIMITED AREA**

Item Schedule:

1st Briefing: January 14, 2020
2nd Briefing: April 21, 2020
3rd Briefing: August 3, 2020
Set Date: August 3, 2020
Public Hearing: September 1,
September 15, 2020
Potential Action: October 6,
2020

UPDATED INFORMATION

This section is a follow-up to the City Council's September 15 and September 1 public hearings on the proposed text amendment to increase building height limits within a limited area zoned as Gateway Mixed-Use.

The proposed ordinance is based on a petition by STACK Realty of Lehi to increase building height limits in a part of the zoned area. It should be noted that the Salt Lake City Planning Commission unanimously adopted a motion to forward a negative recommendation to the City Council at its October 23, 2019, meeting. It might be noted that the Planning Commission adopted the motion after a public hearing on the proposal. No one from the public spoke either for or against the proposal at the Planning Commission hearing.¹

The City Council's public hearing September 15, 2020, drew two speakers to the proposed amendments. One speaker spoke in favor of the amendments. The other speaker said the proposed amendments should include using affordable housing as an incentive for allowing more building height. Both speakers also submitted email comments voicing their positions.

The September 1 public hearing drew one speaker to the issue and one email. The speaker and the email supported the proposed ordinance.



Council staff has prepared a motion sheet for the Council’s formal consideration October 6 of the proposed amendments. The motions are based on the City Council’s options to approve, deny or amend the proposed ordinances based on land-use petitions:

- 1.) Adopt the proposed ordinance and adopt essentially two legislative intents:
 - a. to conduct a study of building heights throughout downtown Salt Lake City
 - b. to have the Administration establish a timeline and budget for the study so the Council can consider appropriating funds for the study during Fiscal Year 2021-2022.
- 2.) Adopt the proposed ordinance with amendments proposed by Council Members (Staff has not received any proposed amendments as of this writing) and adopt the legislative intents described in the first option.
- 3.) Do not adopt the proposed ordinance; deny the original land-use petition by STACK Realty; and adopt the legislative intents described in the first option.

Information below this sentence has appeared in previous City Council staff reports.

RECAP

STACK Realty has proposed to increase building heights within a geographic area roughly bordered by 250 South, 500 West Street, 350 South, and 600 West Street. After an April 21, 2020, work session discussion there was consensus among the Council, the Planning Division, and the petitioner that any new construction in that area would be subject to the City’s design review and design review standards set out in *Salt Lake City Municipal Code 21A.59.050*.

The proposed ordinance in the City Council meeting packets for September 15 is based on those two points.

Part of an August 11 City Council work session discussion involved questions of making sure that new structures in the proposed area contribute to the activity of the streets and sidewalks within the proposed area. One reason for that is 300 South Street between the Utah Transit Authority Central Station area on the west and the Rio Grande railway station on the east long has been viewed as a “festival street” for public events.

In email exchanges with Council staff, the Planning Division noted the following:

“The newer Design Review process focusses heavily on ground floor design, even when the request is for additional building height. The rationale for this is that large building masses can have a negative impact on the public realm, especially from building shadows, downdrafts, and human scale (that is there is a feeling of overwhelm from the large building mass). We also rely on the design standards of the base zoning district, in this case the G-MU, to establish requirements for ground floor design and visual interest. The G-MU requires more than most zoning districts: ground floor transparency (40% clear glass), *active ground floor uses* (italics Council staff), architectural character and materials, and public art among other uses.”²

It also should be noted that if the City Council adopts the proposed text amendment, new construction within the proposed area would require the Planning Commission to review the design of

projects for compliance with design standards, and all new construction in the Gateway Mixed-Use zone also is required to go through the planned development process.³

Report for August 11, 2020, Work Session

This is a follow-up to an April 21, 2020, City Council briefing and discussion about a proposed private-sector petition to increase height limits within a limited area zoned as Gateway Mixed-Use. The briefing was the Council's second pertaining to this issue. The first briefing occurred on January 14, 2020.

Staff has prepared two draft motions for Council consideration. Staff also has included a "set date" for a public hearing on the Council's consent agenda. If the Council determines at the briefing to move ahead with the motions, it would set dates of September 1 and September 15 when it adopts the consent agenda. It has been the Council's practice since moving to digital meetings to hold a public hearing over two meetings to make sure people have enough time to comment.

The second of the two motions omits the following language originally discussed at the April 21 meeting: "*A determination of whether a separate land use for technology or digital campuses should be included in the City Code regulating land use.*" After reviewing the draft motion, Planning Division Director Nick Norris indicated that the Division already is working on the issue with the Economic Development Department, and it doesn't need to be part of the height study.⁴

The proposed motion also includes the following language: *It is the City Council's intent that a timeline and a budget for the study be established within six months of the adoption of this motion so the Council can consider appropriating funds for the study during Fiscal Year 2021-2022.*

It should be noted that the City Council office on July 15 received an informational transmittal titled *Strategy for Reallocating Planning Staff Resources* from the Administration. The proposed strategy includes the following language:

Address Downtown Building Heights Issues: Relatively low building heights are hampering growth; Building heights do not relate to building code requirements or construction types; Building heights do not support TOD around central station; design review process lacks standards to address key environmental impacts.

Solutions: Update building heights to match city goals for downtown development; align heights with construction types in the building code; increase allowed building heights where appropriate; add standards to address environmental impacts.

Staff resource: Team of 2-3 people working approximately 8 hours per week on the project. Tasks: Match building heights to construction types in building code, draft design review standards for environmental impact, authorize staff review of building height in the design review; identify appropriate building heights in the downtown zones; add buffering requirements when necessary.

Time: 1-2 months for research and study, two-three months to draft proposal (with the technical advisory committee), 1-2 months for engagement, 1-2 *months* for Planning Commission process.

Two questions for City Council consideration:

- Does the language in the *Strategy for Reallocating Planning Staff Resources* meet the timeline and budget intent language above it in the staff report?
- When would the Division start the process to address downtown building heights?

RECAP

Stack Real Estate of Lehi, Utah, has leased for 99 years three and one-fourth acres of property on the northwest corner of the block bordered by 300 South, 500 West, 400 South, and 600 West streets.

The company's petition essentially proposes three things that would apply in an area roughly bordered by 250 South, 500 West Street, 350 South, and 600 West Street.

- A minimum 100-foot height on corner buildings within the area.
- A maximum 190-foot height on corner buildings within the area.
- A maximum 100-foot height limit in mid-block areas, although taller buildings could be authorized through a design review process.⁵

The G-MU zone already has a minimum building height of 45 feet. One exception is the 200 South Street corridor where the minimum building height is 25 feet. The zone sets the maximum building height at 75 feet except for buildings with "non-flat" roofs. The allowed height limit for those buildings is 90 feet. In addition, a building may be allowed to reach 120 feet "through the (City's) design review process."⁶

At the end of the April 21 discussion, the Council determined to hold open Stack Realty's petition while City Council staff, and Planning Division staff and the Attorney's Office prepared a motion for the Council's formal consideration.

Motions prepared by Council staff and reviewed by the Planning Division and the Attorney's Office are attached to this follow-up report.

The first motion consists of two things:

- Adoption of language originally written by the petitioner in a proposed ordinance to increase building heights (described above) within the geographic area proposed by the petitioner.
- A requirement that new construction of buildings within the geographic area be subject to design review and design review standards set out in *Salt Lake City Municipal Code* 21A.59.050.

The second motion declares the City Council's intent to:

- 1.) Request Mayor Erin Mendenhall's Administration to initiate a study of building heights in the greater downtown, starting with the Station Center and North Temple Street areas, followed by areas identified for transit-oriented development, and then by areas that make up the greater downtown generally defined by the existing D-1, D-2, D-3, D-4 and G-MU zoning districts.
- 2.) Include in the study or in a separate study if necessary:

- A review of existing incentives for allowing building heights to exceed height limits and the potential to enact new incentives.
- A review of view corridors in existing master plans, and the effect taller buildings may have on them.
- The compatibility of higher buildings with any affordable housing overlay zone the Council may consider in the future.
- The effects of sunlight glare, and snow and ice hazards created by taller buildings and the potential inclusion of minimizing those effects as part of the design review process.

3.) Set a six-month deadline for the Council to receive a timeline and budget from the date the City Council adopts the motion, so the Council can consider appropriating funds for the downtown height study during Fiscal Year 2021-2022.

The motions are based on Council staff notes of the City Council’s discussion April 21, a Council staff review of a video recording of the April 21 meeting, and Planning Division responses to a Council staff summary of a May 4, 2020, meeting that involved Council staff, the Planning Division, and the Attorney’s Office. (Please see Attachment)

To review:

- The Planning Commission at its October 23, 2019, meeting adopted a motion to forward a negative recommendation to the City Council about the proposed text amendment.
- The City Council can approve, reject, or amend proposed text amendments.
- Amending the proposed text amendment submitted by the petitioner would not require the Planning Commission to review the City Council’s amendment because any amendment by the Council would affect only land uses within the original petition to change the text.
- There was some uncertainty expressed at the April 21, 2020, briefing session about adopting a proposed text amendment for a specific area where existing zoning regulations affecting a larger area already are in place. However,
 - The City Council on April 21 appeared to concur that the area east of the Utah Transit Authority’s Central Station has remained undeveloped since the City Council first adopted the *Gateway District Land Use and Development Master Plan* on August 11, 1998.¹
 - Concerns voiced by two City Council Members on whether the proposed text amendment was the right tool to address new development in the area were, perhaps, balanced by Planning Division administrators saying that – with design review included in the proposed amendment – the amendment would be a first step toward a larger study of building heights in the greater downtown.

¹ Language from Page 12 of the 1998 plan might be worth noting: “The potential development of an intermodal station along 600 West and 200 South would provide an opportunity for transit oriented development (TOD) in which community needs and services are combined with those of commuters to benefit the neighborhood as well as the transit system. 300 South Street between the intermodal station and the Rio Grande Depot should develop as a pedestrian oriented plaza and street and make a visual and physical connection with the Depot.”

- The petitioners concurred with the Planning Division’s observation in an April 27 letter to the City Council Chair and Council Members. The letter said in part, “To actively market the site and bring another large tenant into the heart of the project, STACK would prefer to proceed with our current petition, subject to the design review process. We agree with your staff and council that a broader study of height and density within the quarter mile ring around the Intermodal Hub specifically will only confirm a SMART community strategy.”⁷ (Please see attachment.)
- Council Members also voiced interest in addressing denser, higher development in the Station Center area, the North Temple area, and Mayor Mendenhall’s proposal for a linear technological or digital campus south of the Station Center area. They also discussed the appropriate place for incentives to encourage more green space in the downtown, the potential for an affordable housing overlay zone, and the preservation of view corridors in the City.
- Council Members and Planning Division staff also discussed the need for taller buildings throughout the greater downtown as the City’s population growth presses against the City’s boundaries.
- Planning Division administrators also voiced concerns about receiving enough clarity from the Council to help the Division understand how much staff and time should be devoted to the height study and whether an outside consultant should perform the study. They estimated that a study would take nine to twelve months after funds for the study were made available.

Other Pertinent Points

City Code 21A.59.020.B.1 says, in part: “Planning Commission Review: The following types of applications shall be reviewed by the Planning Commission ...: 1. When required in the specific zoning district.” If The City Council adopts the proposed text amendment, new construction within the proposed area would require the Planning Commission to review the projects’ design for compliance with design standards.

All new construction in the Gateway Mixed-Use zone also is required to go through the planned development process. According to the Planning Division, “While it is not a great practice to require two different processes, we do run design review and planned development processes concurrently. The Division hopes to eliminate the requirement for planned development review in the future and include triggers for design review, similar to what exists in the sugar house business district.”⁸

Report for April 21, 2020, Work Session

This is a follow-up to a January 14, 2020, City Council briefing and discussion pertaining to a proposed zoning text amendment to increase height limits within a limited area zoned as Gateway Mixed-Use. At the City Council’s direction staffs from the Council office, Planning Division and Redevelopment Agency met February 6, 2020, to discuss where to proceed with the proposal. The item was scheduled for a second briefing at the Council’s March 17 work session. However, because of issues related to the Covid-19 emergency the discussion was one of the issues pulled from the agenda that day.

Policy Analyst Ben Luedtke contributed to this report.

Staff has attached three slides from a PowerPoint presentation to the Utah Transit Authority Board of Trustees meeting on March 25, 2020, and two PowerPoint presentations from the January 14 Council briefing. One presentation is from the Planning Division. The other is from the petitioner.

To recap, Stack Real Estate of Lehi, Utah, has leased for 99 years three and one-fourth acres of property in an area roughly bordered by 250 South, 500 West Street, 350 South, and 600 West Street. The company proposed a text amendment that would increase height restrictions from 120 feet to 190 feet for buildings on the corners of blocks in the area. It also would set minimum heights of 100 feet for buildings in the middle of the block within the area. The area is contained within a larger area bordered by 200 South, 500 West, 400 South, and 600 West streets. The larger area contains a significant amount of property managed by the Salt Lake City Redevelopment Agency.

The Planning Division staff recommended that the Planning Commission forward a negative recommendation to the City Council pertaining to the proposed amendment, and the Planning Commission unanimously adopted a motion to forward a negative recommendation at its October 23, 2019, meeting.

Because the City Council by law must act on land-use petitions, the Council held a briefing on January 14. After the briefing, the Council said it would like to have a follow-up briefing by the Planning Division on how the proposed project would intersect with transit nodes such as the Station Center intermodal hub. The briefing would include:

- The effect of taller buildings in the proposed area on the rest of the downtown.
- How can taller buildings around transit areas relate to the downtown core (D-1) heights?
- Is there room for buildings on corners in the G-MU zones to be allowed to be higher?
- What is the typical process for addressing requests for building heights taller than an ordinance allows?
- What should applicants requesting taller building heights be willing to do to get the higher limits?

Reduced to its most basic form, the City Council appears to have two policy options:

1. Keep things as they are or change them.
2. Focus only on the original proposed text amendment or refocus on an area larger than the one in the proposed text amendment.

NEW INFORMATION

Since the February 6, 2020, meeting involving the various staffs, several items germane to the discussion have occurred:

- Redevelopment Agency staff notified Council staff that the agency “has ended all former partnerships with entities for development of certain Station Center sites. We have no existing commitments to anyone in the development area. We are moving forward with the intent to market all of the properties to a master developer or team of developers through a RFQ/RFP process.”⁹

- Council staff learned at a February 21, 2020, meeting on a different topic that the Utah Department of Heritage and Arts would remain in the Rio Grande Railroad depot for another two to three years depending on state funds appropriated to build a new building on another site. The Department also probably would retain a presence in the older building even after a new structure is built.
- The Rio Grande depot was damaged in the March 18, 2020, earthquake, but repairs already are under way to stabilize the building. Once the building is stabilized, engineers can determine the full extent of damage, according to Jill Love, director of the Utah Department of Heritage and Arts. No timetable for when the building will reopen is available.
- The Utah Transit Authority Board of Trustees heard a preliminary proposal at its March 25, 2020, meeting to move the agency’s headquarters to the Central Station on 600 West Street. The plan was presented as part of the Board’s review of the March 18 earthquake’s effect on its headquarters building at 669 200 South. The preliminary proposal is based on “a currently proposed zoning change,” Paul Drake, UTA senior manager for Real Estate and Transit Oriented Development, told the Board. Mr. Drake said the proposal also is based on the *Salt Lake Central Station Area Plan* that the City Redevelopment Agency Board of Directors adopted in November 2018, and the UTA Board adopted in March 2019. (Please see attached graphics from a UTA PowerPoint presentation.)

It also should be noted that several high-level visions and potential developments touch on the area in question including:

- 400 South TRAX extension
- 400 West streetcar/TRAX extension
- UTA transit oriented development site (attached map)
- RDA Station Center development
- Future uses of the Rio Grande Depot starting with a potential State-funded study of the Depot’s mechanical and electrical systems and structure.
- Continued interest by The Downtown Alliance for a permanent public market in or near the Rio Grande Depot.
- Green loops encircling downtown from 900 South to 200 East to South/North Temple to 500 West
- Increasing the number of mid-block walkways in the Depot District (over two dozen identified in City plans)
- Urban Research Park-like area concentrated in the Depot District and south of 500 South Street.

PLANNING DIVISION OBSERVATIONS

The Planning Division informational transmittal reviews issues raised in the February 6 meeting, raises concerns about the potential effects of increasing building heights in the Station Center area, and provides potential steps forward to address the text amendment petition.

The transmittal contains three potential ways to address the proposed text amendment:

- Include design review in the amendment. The item appears to be a key concern about the petition. The current ordinance allows building heights to rise to 120 feet, but requires buildings rising above 75 feet to undergo City design review. The proposed text amendment does not include language requiring design review. According to the Planning Division transmittal, “The design review process contains specific standards related to height that could address some of the issues in this report,” and requiring buildings over a certain height to undergo design review “would enable the Planning Commission to evaluate the impacts of height.”
- Allow non-residential buildings to be taller. The transmittal notes that state law appears to tolerate designating different heights for different kinds of buildings. However, one potential downside to that is allowing increased height might lead to the demolition of older buildings in areas zoned G-MU because of a building site’s increased potential for development, according to the transmittal.
- Create a “height map,” a kind of overlay zone that allows increased building heights within a specific zoning district. According to the City Attorney’s Office, an overlay zone would have to be created, designated as an overlay district, and added to City Code Chapter 21A.34, titled *Overlay Districts*. Adopting an overlay district essentially would require returning to the Planning Commission, including the full early notification process, according to the Attorney’s Office.

It also should be noted that if the City Council determined to expand the area beyond the original petition’s proposed borders, doing so would require returning to the Planning Commission, including the full early notification process, according to the Attorney’s Office.

According to the transmittal, parcels zoned for tall buildings in the Central Business District “is nearing capacity due to the pace of recent development” and other factors. The transmittal says the Planning Division supports a larger downtown – D1 – area, and increased building heights in the downtown area. The policies are based on existing master plans, including *Plan Salt Lake* (the citywide master plan) and the *Downtown Master Plan*.

However, the transmittal identifies two potential downsides to enacting increased building heights. First, the Planning Division is working on an affordable housing overlay zone. The zone includes “some incentive, typically additional development potential” in exchange for increased heights. Second, the potential use of transfers of development rights – using height in exchange for preserving historical buildings – might help preserve Salt Lake City’s historical fabric. In both cases, allowing increased building heights through ordinance text amendments might diminish the effectiveness of both incentives.

POLICY QUESTIONS

- Should the City Council adopt the amendment as proposed or revise it to encompass a larger area bordered by 200 South, 500 West, 400 South, and 600 West streets? *Again, it should be noted that any expansion of area beyond the area in the original petition would require another Planning Commission review.*

- The Council may wish to consider the timing of the text amendment and potential revisions to the proposed amendment and the Redevelopment Agency's plans to market properties it manages in the Station Center area.
- The Council may wish to discuss whether a broader or narrower scope for potential next steps is preferred such as looking at heights in all downtown zones, only G-MU zones or only the two-block Station Center area. An exact scope could guide the Administration's work on a potential overlay zone or height study.
- The Council may wish to discuss with the Administration how much parking should be allowed in transit areas.
- The Council may wish to request information on remaining developable sites in the downtown, especially the D1 zone which allows the tallest buildings in the city.

Report for January 14, 2020 Work Session

ISSUE AT-A-GLANCE

Goal of the briefing: To discuss a proposal to increase height restrictions within a limited area of an area zoned for gateway mixed uses.

- A company sought a zoning text amendment to increase height restrictions in an area zoned as Gateway Mixed-Use east of the Central Point intermodal hub. The proposed area for the new height restrictions is roughly bordered by 250 South, 500 West Street, 350 South, and 600 West Street.
- The proposed text amendment would have increased height restrictions in that area from 120 feet – with City design review – to 190 feet for buildings on corners. It also would have set minimum heights of 100 feet for buildings in the middle of the block within the area.
- The area is contained in a larger area bordered by 200 South, 500 West, 400 South, and 600 West streets. The Salt Lake City Redevelopment Agency manages a significant amount of property within the larger area, and the RDA Board has approved about \$19.3 million in funding for projects there. (Please see attachments Nos. 2 and 3.)
- The Planning Commission at its October 23, 2019, meeting adopted a motion to forward a negative recommendation to the City Council about the proposed text amendment. It cited concerns that the proposed amendment does not meet the intention of the GM-U zoning that was adopted in 2017 or the Downtown Master Plan. (Please see Page 4 for more discussion about the Planning Division staff report.)
- In a discussion between the petitioner and City Council staff and in a letter, the petitioner indicated that the original petition could be a first step toward making the area around the Central Station intermodal hub a truly transit oriented development, but an area roughly within a quarter-mile of the Central Station should be considered for denser transit oriented development. (Please See Attachment No. 4.)
- The petitioner's suggestion of expanding the area around the Central Station appears to comport with the *Salt Lake Central Station Area Plan* that the City Council, acting as

the RDA Board of Directors, adopted in November 2018, and that the UTA Board of Trustees adopted in March 2019.

- The City Council adopted the current gateway mixed use zoning on November 21, 2017. Part of the reason for adopting the zoning was to meet goals for the area contained in *The Downtown Plan* that the City Council adopted May 24, 2016.
- Redevelopment Agency staff supports increasing maximum building height limits within the larger area bordered by 200 South, 500 West, 400 South, and 600 West streets, but does not support increasing minimum building heights.¹⁰

The City Council appears to have three options:

1. Schedule a public hearing about the proposed petition and then formally consider whether to deny or approve the petition.
2. If the Council ultimately denies the petition, work with the petitioner and other interested parties to review whether denser and taller zoning designations other than Gateway Mixed-Use zoning should be employed.
3. Consider sending the petition application back to the Planning Commission to review increasing the area to include 200 South, 500 West, 400 South, and 600 West streets as part of a Gateway Mixed-Use “transit oriented development” overlay zone. The Commission then would make a formal recommendation to the City Council.

POLICY QUESTIONS

1. Does the current petition warrant further City Council consideration?
2. The stated purpose of Gateway Mixed-Use zoning is: “To implement the objectives of the adopted gateway development master plan and encourage the mixture of residential, commercial and assembly uses within an urban neighborhood atmosphere. ... Development in this district is intended to create an urban neighborhood that provides employment and economic development opportunities that are oriented toward the pedestrian with a strong emphasis on a safe and attractive streetscape. The standards are intended to achieve established objectives for urban and historic design, pedestrian amenities and land use regulation.” Would increasing maximum height restrictions alter the purpose of Gateway Mixed-Use zoning in the area under consideration?
3. The *Downtown Master Plan* identifies the Depot District Area, of which the blocks under consideration are a part, as mid-rise transit oriented development.¹¹ Would increasing maximum height limits meet the standard of mid-rise development?
4. How would changing current height limits affect projects within the borders of 200 South, 500 West, 400 South, and 600 West streets?
5. Would allowing increased height limits in the Station Center area detract from long-held City policy to maintain the Central Business District as the visually dominant center of the city?

ADDITIONAL & BACKGROUND INFORMATION

Stack Real Estate of Lehi, Utah, has leased for 99 years three and one-fourth acres of property on the northwest corner of the block bordered by 300 South, 500 West, 400 South, and 600 West streets. The company has developed or is developing large-scale office buildings in Lehi, Thanksgiving Point, Traverse Mountain, Sandy, and South Jordan.

The property on the City block is as a Gateway Mixed-Use area. The company on July 10, 2019, submitted a proposed text amendment to increase the G-MU zoning height restrictions in an area roughly bordered by 250 South, 500 West Street, 350 South, and 600 West Street. The plan was submitted through Architectural Nexus, the company's architect.

The property also is located in a Redevelopment Agency project area, but the agency has not received any applications for assistance from Stack Real Estate and has no current plans to participate in the development of the company's project.¹²

On October 23, 2019, the Salt Lake City Planning Commission unanimously adopted a motion to forward a negative recommendation to the City Council pertaining to the petition. The Planning Division had recommended that the Planning Commission forward a negative recommendation. The Commission voted after a public hearing at which no-one spoke. The Commission also received no written public comment on the issue.

The City Council by law must act on all land-use petitions. In this case, the Council has two options:

Stack Real Estate's petition essentially proposes three things in the area roughly bordered by 250 South, 500 West Street, 350 South, and 600 West Street.

- A minimum 100-foot height on corner buildings within the area.
- A maximum 190-foot height on corner buildings within the area.
- A maximum 100-foot height limit in mid-block areas, although taller buildings could be authorized through a design review process.¹³

The G-MU zone already has a minimum building height of 45 feet. One exception is 200 South Street corridor where the minimum building height is 25 feet. The zone sets the maximum building height at 75 feet except for buildings with "non-flat" roofs. The allowed height limit for those buildings is 90 feet. In addition, a building may be allowed to reach 120 feet "through the (City's) design review process."¹⁴

At the Planning Commission public hearing, Planning Division staff listed four critiques of the proposed amendment:

- The proposed amendment does not meet the intention of the GM-U zoning that was adopted in 2017 or the *Downtown Master Plan*.
- The proposed text amendment contains no design review for buildings in the "Station Center Core" area proposed by the petitioners.
- The proposal appears to be for an office building with no residential use or uses that might activate the streets around the building.
- The proposed amendment is based only on a conceptual plan and not a more defined plan that would help the Planning staff visualize how the company intends to develop the property.

It should be noted that Stack Real Estate and Architectural Nexus have responded to each of the critiques in the letter attached to the Council staff report. (Attachment No. 4.)

The Planning Division staff and Planning Commission also have acknowledged that the proposed text amendment meets some goals in City plans. According to the Administration transmittal:

This proposed zoning text amendment could provide some positive benefits to the subject area as illustrated by certain elements of *Plan Salt Lake* that could be viewed to support the increase in height. The plan broadly supports objectives such as growth, economic development, proximity to transit options, on a city-wide basis which could be well served by taller buildings. Additionally, there is an ever increasing demand for housing across Salt Lake City which could potentially be addressed by taller residential buildings.¹⁵

Speaking to the Planning Commission, City Planner Mr. Lee said the main concerns the Planning Division had involved:

- What would be the standards of review for the project if the City adopted the proposed text amendment?
- It appeared that Stack Real Estate had a concept in mind but no concrete plan.¹⁶

Planning Commissioner Weston Clark said the City's decision to locate an intermodal hub along 600 West Street was a decision to increase density in the area. Other commissioners noted that the Gateway Mixed-Use ordinance increased density but also guided the character of an area that would complement but not compete with the Central Business District. In addition, the commissioners said they sympathized with the proposal to increase the height of structures immediately east of the Salt Lake Central intermodal hub, but the October 23 public hearing was not the forum where the ultimate decision should be made.¹⁷

In brief discussions and emails with City Council staff, the Planning Division and Redevelopment Agency made the following points:

- There is some merit in the idea of higher buildings in the area east of the Central Station intermodal hub, but two questions remain: Is the area in the proposed text amendment the right place for higher structures, and might the entire area bordered by 200 South, 500 West, 400 South, and 600 West streets be designated for higher structures?
- A minimum height requirement beyond what already exists in the G-MU zoning would adversely affect projects on property under RDA management.

According to an email from the Redevelopment Agency:

“RDA Staff would encourage the Council to consider maintaining the existing minimum building height requirements in the G-MU zone and increasing the maximum permitted building height. A human-scaled pedestrian environment could be maintained by requiring/encouraging building setbacks once a certain height is reached. ... The RDA would encourage the Council to reconsider the proposed boundary for the increased height. It is not apparent how the boundary was chosen, and the RDA owns vacant properties to the immediate north and south that could

benefit from an increased height allowance. It may make sense for the Council to explore the feasibility of permitting additional building height (therefore, density) in more parts of the G-MU zone, especially areas closer to I-15 and the Intermodal Hub.”¹⁸

Zoning and Plans

The City Council adopted Ordinance No. 64 of 2017 on November 21, 2017, that changed zoning in the area bordered by 300 South, 500 West, 400 South, and 600 West streets from general commercial and downtown/warehouse residential district to gateway mixed-use. The goal of the zone change was to “facilitate the development of Station Center, a Redevelopment Agency (RDA) project area located in the same general area.”¹⁹

The purpose of zoning an area for gateway mixed-use is:

To implement the objectives of the adopted gateway development master plan and encourage the mixture of residential, commercial and assembly uses within an urban neighborhood atmosphere. The 200 South corridor is intended to encourage commercial development on an urban scale and the 500 West corridor is intended to be a primary residential corridor from North Temple to 400 South. Development in this district is intended to create an urban neighborhood that provides employment and economic development opportunities that are oriented toward the pedestrian with a strong emphasis on a safe and attractive streetscape. The standards are intended to achieve established objectives for urban and historic design, pedestrian amenities and land use regulation.²⁰

It might be noted that the G-MU ordinance contains the following section: “All new construction of principal buildings, uses, or additions that increase the floor area and/or parking requirement by twenty five percent (25%) in the G-MU Gateway-Mixed Use District may be approved only as a planned development in conformance with the provisions of chapter 21A.55 of this title.”

The purpose statement of chapter 21A.55 (Planned Developments) says in part:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development incorporates special development characteristics that help to achieve City goals identified in adopted Master Plans and that provide an overall benefit to the community as determined by the planned development objectives.

A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible with adjacent and nearby land developments.

In other words, the City can exercise at least some kind of design control over projects in areas zoned as gateway mixed-use.

Some concerns about increasing building heights beyond the maximum 120 feet in the Station Center area involve the stated goals in various master plans and other plans about preserving the preeminence of the Central Business District. Making the Central Business District visually, commercially, and culturally the most predominant area of downtown at least since the 1962 *Second Century Plan*.

The 1988 *Salt Lake Regional Urban Design Assistance Team* study said boundaries for the Central Business District “need to be defined and reinforced. Sixth South should define the southern boundary. Eastern migration of high-density core commercial uses, like office buildings, should not continue beyond 200 East.”²¹

The *Salt Lake City Urban Design Element*, a document central to subsequent City master plans, identified Salt Lake City as having “a distinctive urban form created by a concentrated business core surrounded by low-rise auxiliary commercial activities.”²² Other concepts in the *Element* included “encourage the future expansion of the Commercial Core into the West Downtown area” and to “emphasize commercial and high density housing in the West Downtown area with a special warehouse conservation district in conjunction between the Commercial Core and Triad.”²³

The more recent *Salt Lake Central Station Area Plan* adopted by the Redevelopment Agency Board of Directors and the Utah Transit Authority Board of Trustees depicts the area around Central Station as a dense development with at least one high-rise structure on UTA property. Please see attached pages.) If fully implemented, the plan might influence how the area east of the station is developed.

¹ Video, Planning Commission meeting, October 23, 2019.

² Email, Molly Robinson, August 17, 2020,

³ City Code 21A.59.020.B.1 and email, Nick Norris, May 14, 2020.

⁴ Email, Nick Norris, August 3, 2020

⁵ Attachment No. 5, Planning Commission Staff Report, Christopher Lee, October 17, 2019, Pages 32-33.

⁶ City Code, 21A.31.020: G-MU Gateway Mixed-Use District, Section D.E and D.E.1.

⁷ Letter to City Council Chair Chris Wharton, Andrew Bybee, Nathan Ricks, April 27, 2020.

⁸ Email, Nick Norris, May 14, 2020.

⁹ Email, Ashley Ogden, March 6, 2020.

¹⁰ Email, Cara Lindsley, January 7, 2020.

¹¹ *Downtown Master Plan*, Page 12.

¹² Email, Cara Lindsley, January 7, 2020.

¹³ Attachment No. 5, Planning Commission Staff Report, Christopher Lee, October 17, 2019, Pages 32-33.

¹⁴ City Code, 21A.31.020: G-MU Gateway Mixed-Use District, Section D.E and D.E.1.

¹⁵ Transmittal, November 21, 2019, Christopher Lee, Page 3.

¹⁶ Video, Planning Commission meeting, October 23, 2019, 52:44 to 54:00.

¹⁷ Video, Planning Commission meeting, October 23, 2019, 50:00 to 55:00.

¹⁸ Email, Cara Lindsley, January 7, 2020.

¹⁹ Salt Lake City Council meeting minutes, November 17, 2017, 7:33:59 p.m.

²⁰ 21A.31.020.A.

²¹ Salt Lake R/UDAT *Our Future by Design*, 1988, Page 14.

²² *Salt Lake City Urban Design Element*, Harvey Boyd, 1990, Page 5.

²³ *Urban Design Element*, Page 9.