



COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: July 18, 2023

RE: **1350, 1358, 1370 South West Temple Zoning Map Amendment**
PLNPCM2022-00810

Item Schedule:

Briefing: May 23, 2023

Set Date: June 6, 2023

Public Hearing: July 11, 2023

Potential Action: July 18, 2023

PUBLIC HEARING UPDATE

One person spoke at the July 11, 2023 public hearing expressing her support for rezoning the properties to TSA-UN-C with a maximum height of 75 feet rather than the requested TSA-UC-C zoning designation which allows heights up to 90 feet. The commenter noted the historic significance of single-family homes on two of the properties and acknowledged a lack of protection from demolition. She expressed appreciation for the visual documentation of the homes.

The commenter said the community does not have the bandwidth to propose an area historic district to help protect neighborhood historic structures.

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

BRIEFING UPDATE

At the May 23, 2023 briefing, several Council Members discussed the importance of ground floor activation that includes publicly accessible businesses to add to what is referred to as a festival street in the Ballpark Station Area Plan. Tenant amenities such as a leasing office or gym would not contribute to that objective.

Planning staff followed up with the petitioner after the briefing. They propose meeting the 80% ground floor activation requirement with a minimum of 60% devoted to uses that bring visitors to the site such as retail establishments and services, restaurants, bars, art and craft studios and/or other uses determined to be substantially similar by the Planning Director. The remaining required space would be used for tenant amenities other than parking (e.g., leasing office, mail room, gym, etc.).



In addition, the petitioner told Planning staff they anticipate 27 units on each of five floors (135 total units) with 8 2-bedroom, 14 1-bedroom, and 5 studio per floor. They also said they would consider up to 10% of the dwelling units at 80% area median income (AMI).

When asked about tenants in the homes, the petitioner said a resident of 1350 South West Temple moved due to neighborhood conditions, and the bookstore owner is in the process of moving from 1358 South.

A Council Member expressed a desire not to have the buildings vacant until the project is potentially constructed. The petitioner said that someone is planning to move into the house at 1350 South until it is demolished, and he is looking for a short-term tenant for the house at 1358 South.

The petitioner is proposing a development agreement requiring them to replace the housing unit within three years, allowing time to construct the new proposed building. In addition, they propose the existing buildings will have a maximum vacancy period of 24 months before demolition.

The following information was provided for May 23, 2023 Council briefing. It is included again for background purposes.

The Council will be briefed about a proposal to amend the zoning map for parcels at 1350 South, 1358 South, and 1370 South West Temple in City Council District Five from their current RB (Residential Business) zoning designation to TSA-UC-C (Transit Station Area Urban Center Core). The petitioner's stated objective is to consolidate the parcels, demolish the current structures, and construct a mixed-use development with residential units above ground floor retail.

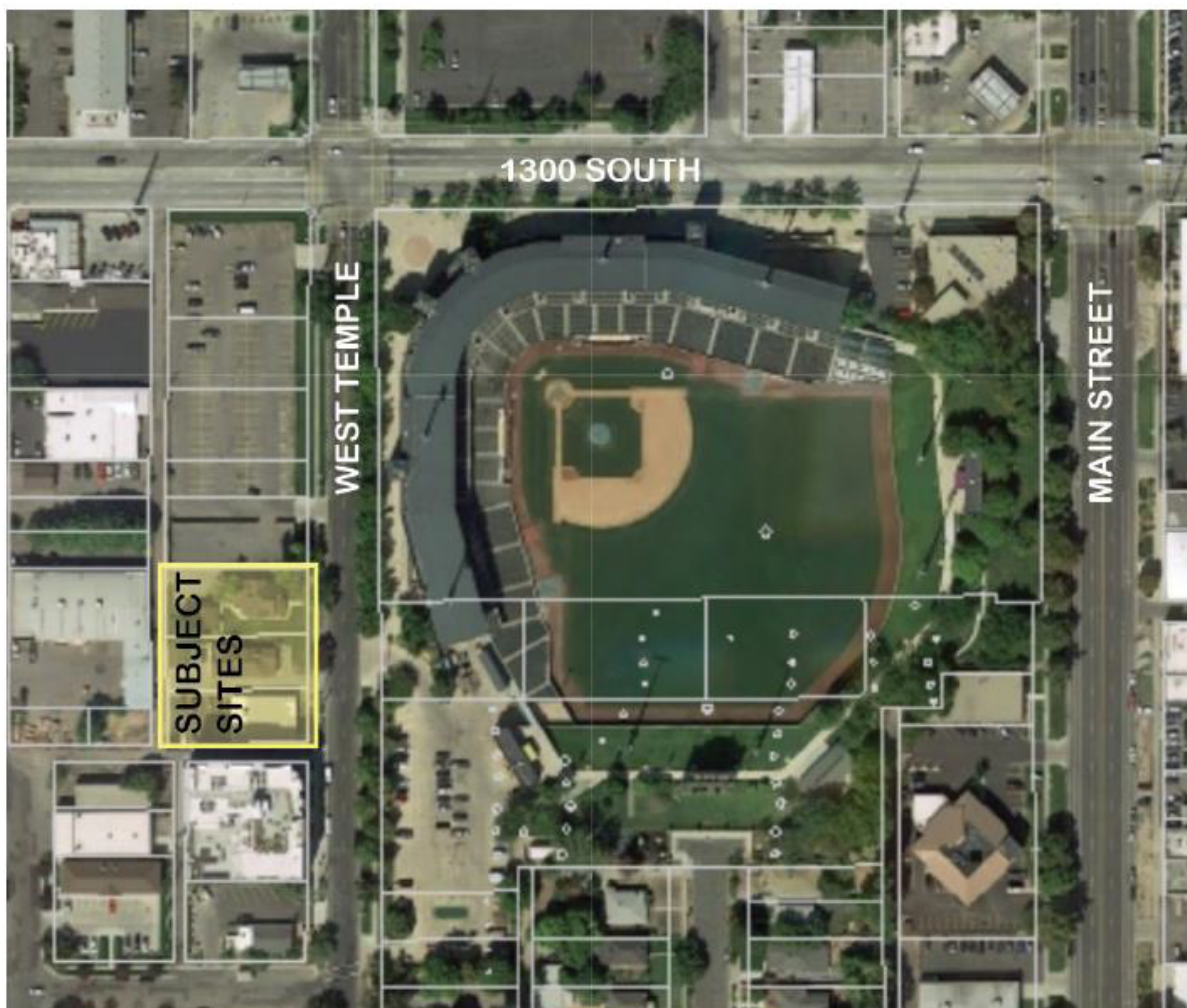
The parcels, shown in the image below, are located directly west of Smith's Ballpark and within the *Central Community Master Plan* area and the recently adopted *Ballpark Station Area Plan*. Both plans include future land use maps and the Station Area Plan's map applies to the subject parcels as it is directed to the ballpark neighborhood. The map designates the parcels' location as "Heart of the Neighborhood," and recommends a Transit Station Area Urban Station district, either the requested TSA-UC or TSA-UN (Transit Station Urban Neighborhood) district, for the area.

The zoning map amendment application was received before the *Ballpark Station Area Plan* was adopted by the Council. Because of this the petitioner was required to submit an application to amend the *Central Community Master Plan*. Once the *Ballpark Station Area Plan* was adopted and its future land use map applied to the area, the *Central Community Master Plan* amendment was no longer needed, and that application was closed.

Parcels at 1350 South and 1358 South each have a single-family home, and 1370 South has a single-story office building. The home at 1350 South was constructed in approximately 1903, and the 1358 South home, constructed around 1897, in recent years has been used as a library. The office building at 1370 South was constructed in 1968. None of the subject parcels are within a historic district, so the buildings are not protected from demolition either under current or proposed zoning. However, as discussed in Key Consideration 4, a visual record of the home at 1350 South was created and sent to the Marriott Library.

A six-story apartment building is located to the south of the office building across Albermarle Avenue. A parking lot serving the baseball stadium is located north of the home at 1350 South. Neither is part of the proposed zoning amendment, but they are mentioned to provide context of area land uses.

The Planning Commission reviewed the proposal at its January 11, 2023 meeting and held a public hearing at which one person spoke in support of the proposed rezone. The Commission voted unanimously to forward a positive recommendation to the City Council with a condition that the housing unit is replaced within 24 months. The petitioner informed Planning staff they would not be able to meet the timeline, so a development agreement was drafted to ensure the housing unit is replaced if the proposed project is developed. It is worth noting the home at 1358 South has been used as a business, so no dwelling units will be lost at that location if the structure is demolished.



Aerial image with the subject parcels highlighted.
Image courtesy of Salt Lake City Planning Division

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

POLICY QUESTIONS

1. The Council may wish to ask Planning staff if the unknown future of Smith's Ballpark has an impact on their recommendation to amend the zoning map for the subject properties.
2. The Council may wish to ask the petitioner about the mix of apartments (studio, 1, 2, 3+ bedrooms) in the proposed development.
3. The Council may wish to ask the petitioner if any of the proposed apartments will be affordable units, and if so, at what percentage of AMI.

4. The Council may wish to ask how the petitioner plans to incorporate ground floor activation principles into the development.
5. The Council may wish to ask the petitioner about anticipated vehicle and bicycle parking in the proposed development.

KEY CONSIDERATIONS

Planning staff identified five key considerations related to the proposal which are found on pages 4-8 of the Planning Commission staff report and summarized below. For the complete analysis, please see the staff report.

Consideration 1-Compatibility with Applicable Master Plans

The subject parcels are in the area covered by the *Central Community Master Plan*, adopted in 2005. They are also within the Ballpark Station Area Plan adopted last year. Planning staff noted the small area plan takes precedence as it is focused on the ballpark community more directly than the master plan.

As discussed above, the subject parcels are in the “Heart of the Neighborhood” on the *Ballpark Station Area Plan* future land use map. A Transit Station Area Urban Neighborhood district is recommended for this area. Amending the zoning map would allow high-density mixed-use with ground floor retail and residences above. The area plan also calls for creating a festival street on West Temple between 1300 South and Albermarle Avenue. This would allow for community activities and may help with pedestrian-oriented development.

Plan Salt Lake, adopted in 2015, encourages “redevelopment of underutilized sites where public infrastructure is available and where it supports a mix of land uses.” Planning staff believes the subject sites meet the recommendation as they are within a half-mile of a light rail station and served by bus lines. They are also on an arterial street that connects to Interstate-15.

Consideration 2-Future Zoning Map Amendments to the Ballpark Station Area

The recently adopted Ballpark Station Area Plan recommends changes to assist with redevelopment and revitalization of the area. The plan calls for modifying TSA districts to better accommodate needs of the “Heart of the Ballpark Neighborhood.” The Mayor initiated a petition to amend the zoning map, so properties in the area comply with the *Ballpark Station Area Plan* future land use map. Planning staff is working on these modifications to rezone the area to TSA-UN-C.

This current petition is a request to rezone the property to TSA-UC-C, which has a maximum height of 90 feet. The TSA-UN-C zoning is 75 feet. If the current rezone request is approved and the petitioner submits a building permit application before the Administration’s petition is considered and potentially adopted by the Council, they would be able to construct a building up to 90 feet high.

Consideration 3-Concept Plan

A concept plan was submitted which provides an idea of what the petitioner is proposing for the site. If the proposed zoning map is approved by the Council, any use allowed in the TSA-UC-C zoning district would be allowed provided it meets standards for the district.

The Council is only being asked to consider rezoning the property. No formal site plan has been submitted to the City nor is it within the scope of the Council’s authority to review the plans. Because zoning of a property can outlast the life of a building, any rezoning application should be considered on the merits of changing the zoning of that property, not simply based on a potential project.



Concept drawing provided by petitioner.

Consideration 4-Community Feedback

The Ballpark Community Council discussed the proposal at its October 6, 2022 meeting. Much of the discussion focused on preserving the structures at 1350 South and 1358 South. As noted above, they are not protected from demolition either under the current or proposed zoning districts. The community council recommended that the property owner contact Preservation Utah for comment and create a record of the 1350 South home. Since the home does not have historic designation or protection, Preservation Utah did not comment on potential demolition of the sites. Responding to community input, the property owner and applicant created a visual record of the 1350 South home and forwarded it to the Marriott Library to keep in their records and make it available to the public.

Additional comments at the Community Council meeting included increased area traffic concerns, and an improved pedestrian environment on West Temple. City Transportation found infrastructure is sufficient to meet the needs of high-density use. As discussed above, the Ballpark Station Area Plan recommends density allowed for this area in the proposed TSA zoning district.

The “Heart of the Neighborhood” and overall Ballpark Station Area Plan encourage pedestrian-oriented development and redevelopment. Active ground floor uses of at least 80% street facing, and a minimum of 60% ground floor glass are required in the proposed TSA district. These and other required design standards are intended to improve the pedestrian experience and safety with more “eyes on the street.”

Consideration 5-Rezone and Existing Structures

If approved, the proposed zoning map amendments will render the existing structures nonconforming under the new zoning district. Required minimum building height, maximum setbacks, and several design standards under TSA would not be met. As the sites are being redeveloped all TSA-UC-C standards would need to be adhered to. Also, a TSA development score is required for site redevelopment. This score allows design flexibility while implementing the City’s vision for station area plans, and measures compatibility between proposed projects and the plan. The subject sites would be eligible for points awarded for reducing or eliminating nonconformity on the site.

Planning staff found the proposal meets the overall area goals of the *Ballpark Station Area Plan* and *Plan Salt Lake*, for creating higher density housing near light rail, and for providing attainable housing. The

proposed zoning map amendments meet housing loss mitigation standards if a development agreement requiring replacement of the loss of one residential unit is included.

ZONING COMPARISON

	<i>RB (Current)</i>	<i>TSA-UC-C (Proposed)</i>
<i>Maximum Building Height</i>	30 feet	90 feet (Buildings with a roof that has at least 2 sloping planes may be allowed up to 105 feet.)
<i>Front Setback</i>	20% of lot depth, but need not exceed 25 feet. (For buildings legally existing on April 12, 1995, the front yard shall be no greater than the existing yard.)	None required (At least 50% of the street facing building façade shall be within 5 feet of the front or corner side property line.)
<i>Side Setback</i>	Corner side yard: 10 feet Interior side yard: 6 feet provided that on interior lots one yard must be at least 10 feet. (For buildings legally existing on April 12, 1995, the front yard shall be no greater than the existing yard.)	Minimum: None, except a 25 foot setback is required when adjacent to an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 Zoning District. The minimum shall increase 1 foot for every 1 foot increase in building height above 25 feet and is applied to the portion of the building over 25 feet in height. (At least 50% of the street facing building façade shall be within 5 feet of the front or corner side property line.)
<i>Rear Setback</i>	25% of the lot depth, but the yard need not exceed 30 feet.	Minimum: None, except a 25 foot setback is required when adjacent to an OS, R-1, R-2, SR, RMF-30, RMF-35 or RMF-45 Zoning District. The minimum shall increase 1 foot for every 1 foot increase in building height above 25 feet and is applied to the portion of the building over 25 feet in height. (At least 50% of the street facing building façade shall be within 5 feet of the front or corner side property line.)
<i>Lot Size</i>	Minimum lot area: 5,000 square feet for single family detached dwellings or retail service establishments when located within an existing building originally designed for residential use.	Minimum lot area: 2,500 square feet Minimum lot width: 40 feet (Any legally existing lot may be developed without having to comply with the minimum lot size or width requirements.)

Analysis of Factors

Attachment E (pages 26-28) of the Planning Commission staff report outlines zoning map amendment standards that should be considered as the Council reviews this proposal. The standards and findings are summarized below. In brief, Planning staff felt the proposed TSA-UC-C zoning complies with the applicable

standards. Please see the Planning Commission staff report for additional information.

Factor	Finding
Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents.	<i>Complies</i>
Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	<i>Complies</i>
The extent to which a proposed map amendment will affect adjacent properties	<i>Complies</i>
Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.	<i>Not applicable</i>
The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.	<i>Complies</i>

City Department Review

During City review of the petitions, no responding departments or divisions expressed concerns with the proposal, but stated additional review and permits would be required if the property is developed.

PROJECT CHRONOLOGY

- August 11, 2022-Petition for zoning map amendment received by Planning Division.
- September 1, 2022-Petition assigned to Nannette Larsen, Senior Planner.
- September 14, 2022-Master plan amendment application submitted.
- September 22, 2022-Information about petition sent to Ballpark Community Council Chair, and surrounding neighbors and property owners within 300 feet of the sites.
- October 6, 2022-Ballpark Community Council meeting to discuss amendments.
- October 18, 2022-Ballpark Station Area Plan adopted. Master plan amendment no longer needed, and that application is closed.
- December 27, 2022-Planning Commission public hearing notice mailed to surrounding neighbors and property owners and posted to City and State websites.
- December 29, 2022-Planning Commission public hearing notice posted on the property.
- January 11, 2023-Planning Commission public hearing. The Planning Commission voted unanimously to forward a positive recommendation to the City Council for the proposed zoning map amendment.

- January 24, 2023-Ordinance requested from Attorney's Office.
- January 25, 2023-Planning received signed ordinance from the Attorney's Office.
- February 23, 2023-Development agreement sent to Attorney's Office.
- April 10, 2023-Development agreement received from the Attorney's Office.
- April 28, 2023-Transmittal received in City Council Office.