



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: September 5, 2023

**RE: Rezone & Text Amendment:
Fleet Block
PLNPCM2019- 00277**

PROJECT TIMELINE:

Briefing: October 6, 2020
Briefing: December 8, 2020
Briefing: November 22 2022
Briefing: July 18, 2023
Public Hearing 1: Nov 10, 2020
Public Hearing 2: Nov 17, 2020
Public Hearing 3: Sept 5, 2023
Potential Action: TBD

Work Session Summary

During the July 18 briefing, the council discussed the updates Planning staff made to the proposed ordinance based on Council direction. Ultimately, the Council expressed support for the updates, including separating the text amendment from the zoning map amendment and holding a public hearing. The hearing is set for September 5, 2023.

Planning staff said they would like to change the name for the proposed FBUN3 zoning district because they are planning additional zoning districts that will be in the FBUN umbrella. The updated ordinance includes the new designation that is Form Based Mixed Use 11 (FB-MU11).

Additionally, the Council discussed the disposition strategy presented by the Administration and expressed support for the proposed site plan that was presented.

The following information was provided for the July 18 work session briefing. It is provided again for background purposes.

NEW INFORMATION

During the November 22, 2022, briefing, the Council received an update on the Fleet Block disposition strategy as well as discussed the proposed zoning amendments pertaining to the FB-UN3 zone and potential rezone of the Fleet Block to FB-UN3. Additionally, the Council conducted a series of straw polls that provided direction to staff on changes pertaining to the draft zoning ordinance and the development strategy for the block. (See Section 3 below)

Since that last briefing, the Administration worked to incorporate the Council's recommended changes. On June 1 of this year, the Administration sent updated transmittals for the block's zoning and disposition strategy.

Based on that updated work, the Administration is requesting the Council review the updated zoning changes and disposition strategy and consider the following:

- 1) Approve the rezone as provided through a separate transmittal. The legislative function of rezoning the property must be finalized prior to initiating an RFQ/P process to ensure that procurement processes are based on an approved zoning district.
- 2) Indicate support for the Fleet Block public space to be located on the southeast quadrant of the block as demonstrated on Exhibit A – Fleet Block: Proposed Location of Public Space. If the Council is supportive, the Department of Public Lands will return to the Council at a later date to formally designate the public space as either a public square or park.
- 3) Provide any final policy direction on the development plan and budgetary considerations prior to the initiation of an RFQ or RFP process.

The updated information for July 18 is outlined in the following sections:

Section 1 – Policy Questions

Section 2 – Zoning Changes

Section 3 – Disposition strategy

Section 4 – Summary of Straw Polls Pertaining to Follow-up Information on Zoning
(November 22, 2022)

Section 1 – Policy Questions

- Is the Council ready to move the zoning petitions forward for potential action?
 - The Council could consider adopting the zoning text amendment that would codify the FB-UN3 zoning district and hold off on rezoning the Fleet Block.
 - The Council could move forward with both zoning amendments
- Does the Council support the proposed site plan that bisects the block into four quadrants, including a plaza/shared street, open space, midblock streets, and a nonmotorized midblock connection?
- Does the Council support the proposed RFQ/RFP process outlined in the transmittal letter?
 - Does the Council have any additional policy direction on the development plan and budgetary considerations prior to the initiation of an RFQ or RFP process?

Section 2 – Zoning Changes

At the November 22nd City Council meeting the Council requested the following revisions and additional information pertaining to the zoning changes. The changes were included by Planning staff are outlined below:

- **Split the ordinance into two parts**
The ordinance has been split up into two parts which would need to be adopted separately.
 - Zoning text amendment to adopt the code text.
 - Zoning map amendment to map the zone over the Fleet Block.
- **Lot Size Limits to Control Building Length Size**
The City Council asked for more information on the Planning Commission recommendation to consider a lot size limit for property in the FB-UN3 zone. Pages 3-4 of the transmittal letter outlines the issue and provides reasons why Planning Staff does not believe a lot size limit is necessary.

In summary, “[Planning] Staff recommends not imposing a maximum lot size limit, as the maximum façade length limit accomplishes the same intent and would better control development size in more situations than a lot size limit. Further, the Administration is proposing to break up the Fleet Block into multiple lots with an internal street and pedestrian walkway network, so a lot size limit is not necessary to ensure that breakup.” (Transmittal Letter, Page 4)

- **Ground Floor Modification**

The Council discussed strengthening the ground floor use requirement to ensure a use with a high level of activity would be on the ground floor of larger buildings. Planning staff proposed the following language to address this concern:

For buildings with street facing building facades over 100' in length:

1. A minimum length of 30% of the ground floor street facing façade shall consist of non-residential active uses allowed by 21A.37.050.A.1.
2. An additional minimum length of 45% of the ground floor street facing façade shall consist of any active uses allowed by 21A.37.050.A.1.
3. This footnote does not apply to the rowhouse building form.

Active Use Definition: Active uses include retail establishments, retail services, civic spaces (theaters, museums, etc.), restaurants, bars, art and craft studios, and other uses determined to be substantially similar by the planning director and/or planning commission.

- **Ordinance Updates Due to Recent Code Changes and Potential Conflicts**

Planning Staff updated the land use table in the FB-UN3 ordinance to align with code changes made since the Fleet Block was transmitted in 2020:

- Technology Related Land Uses
- Significant Water Consuming Land Uses
- Congregate Care
- Single-Room Occupancy
- Downtown Building Heights

Also removed duplicate uses from the FB-UN3 land use list to avoid conflict and interpretation issues, such as “Office, Publishing Company” and “Store, Convenience,” as the uses are already allowed under general uses like “Office” and “Retail Goods Establishment.”

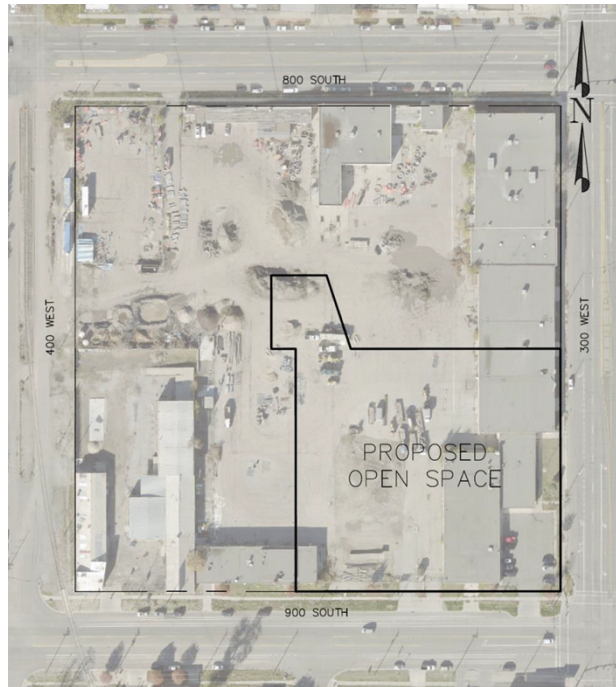
Section 3 – Disposition strategy

The Transmittal letter discusses the following topics in depth. Below is a short summary of each of these topics. See the Transmittal letter for full analysis.

- **Site Plan and Public Space** (*Transmittal Letter, Page 2*)

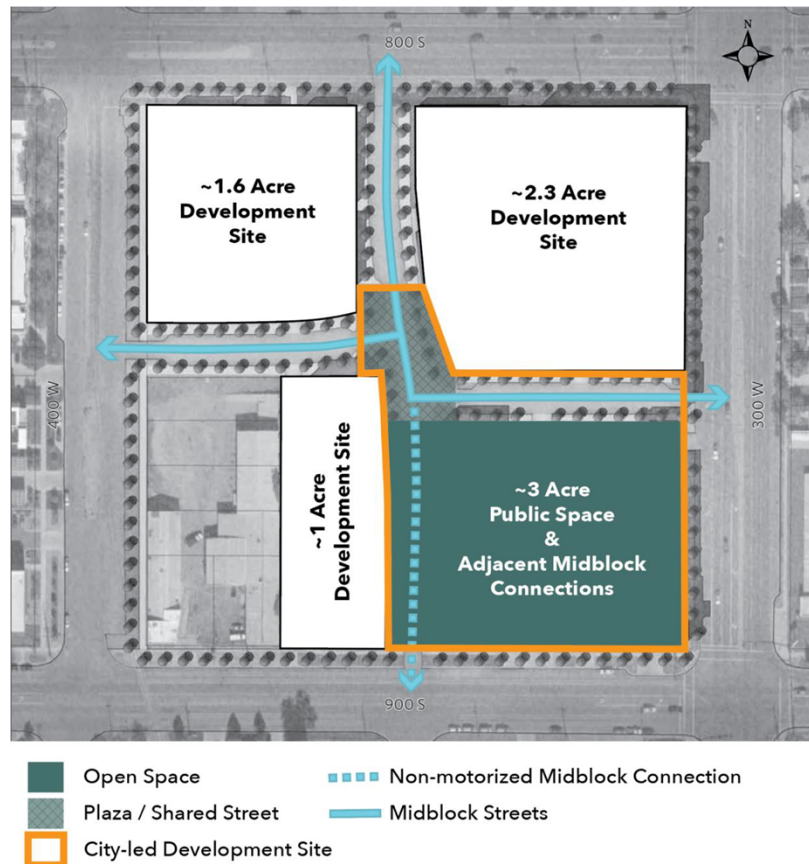
Based on the Council’s feedback provided during the November 2022 briefing and after completing a shadow analysis, the Administration is recommending that the public space be located on the south end of the block, on the 300 West 900 South corner for the following reasons (Transmittal Letter, pages 1-2):

- It will support the Green Loop and 9 Line.
- A shade and shadow analysis indicates that this site will have less shade in the winter, thereby making the public space more usable year-round.
- While locating two of the development sites along 800 South may require design concessions to ensure adequate fire aerial access, the Administration believes that the benefits of locating the open space on the southeast quadrant outweigh the resulting negatives



Fleet Block Disposition Strategy Transmittal
Exhibit A Proposed Location of Public Spaces

- **Midblock Infrastructure** (*Transmittal Letter, Page 3*)
The updated Midblock connections are proposed to bisect the block into four quadrants as outlined in the proposed site plan below:



Fleet Block Disposition Strategy Transmittal Exhibit B: Proposed Site Plan

- **Budgetary Impacts** (*Transmittal Letter, Page 3-4*)

The Transmittal letter notes the goal is to have all the midblock connections owned and maintained by the City, which will ensure the public's rights to access and use the space to the greatest extent possible. Funding for these two segments could be leveraged from the land value of adjacent development sites or acquired through a forthcoming capital improvement program ("CIP") request.

Recently CAN completed a study by Common Ground Institute and Urban 3 on the Public Asset Yield ("PAY") model. Through the PAY model, which can be similar to an urban wealth fund model, cities develop underutilized properties as income-generating uses such as residential, office, and mixed-use communities.

The administration provided two options to transform the land value into a public benefit

1. Land Sales Proceeds: Sell property and utilize the sales proceeds as a capital investment to build on-site public benefits
2. Ground Lease Proceeds: Issue a ground lease to an income-generating development and capture lease revenue annually over time to implement public benefits

- **Request for Qualifications / Request for Proposal Process** (*Transmittal Letter, Page 4*)
The three development sites will be marketed competitively through either an RFQ or RFP process.

The procurement and development processes will include requirements to ensure that the ultimate development provides economic opportunities, affordable living, and cultural expression for all residents, particularly communities of low- and moderate-income and underrepresented groups.

The City will continue to involve the community in the development process through involving an inclusive selection committee to evaluate rankings and proposal, require a Community Benefits Agreement with potential developers and identification of metrics to track and measure outcomes that will hold the City and developers accountable to the community's vision for the block.

Section 4 –Summary of Straw Polls Pertaining to Follow-up Information on Zoning (from November 22, 2022)

1. Question E asked about landscaping requirements. Planning staff notes one way to address concerns that the open space is useable is to require a minimum length or width dimension for open space. This would increase the likelihood the space will be an amenity, rather than a narrow yard. *A minimum open space dimension of 15' x 15' has been added to broader Form Based zone changes that are part of the ongoing Downtown Building Heights regulations project. Amenity requirements, like seating, have also been added. The changes would affect all Form Based zones, including FB-UN3. The proposal received a positive recommendation from the Planning Commission and will be with the Council shortly.*

- ***Does the Council support amending the ordinance to require a minimum length/width for open space?***

No Change Needed - Downtown Height amendments will address this

2. Some expressed concern that allowing rooftop decks to count toward the open space requirement may not improve the overall design since it will be out view for most of the public who interact with the buildings

- ***Does the Council support allowing rooftop decks to count toward open space requirements?***
- ***If not, does the Council support requesting the Administration make recommendations for changes to the FB-UN3 code pertaining to rooftop decks counting toward open space requirements.***

Council did not support this change

3. Question G asked about active uses on 300 West. In Planning's response they note the ordinance requires 14' floors to "encourage and support the use of ground floor for more active uses in the long term even if not immediately viable." They further note there are other examples in City code that are used to preserve future options to convert space to "higher activity uses."

- ***Does the Council support asking the Administration to make recommendations for changes to the FB-UN3 code that would provide additional options to encourage high activity uses along 300 West?***

Planning will forward a recommendation

- If over a certain amount (TBD) of sf, could require active use.
- Building faced over x size must have x amount of ground floor commercial
- ***See response above.***

Planning Commission Requests

a. Limit lot sizes

- The Commission was concerned there may be very large developments on the Fleet Block and recommended there should be lot size limits to encourage small buildings and greater building variety.
- Generally, the City zoning code does not have maximum lot sizes, except within residential districts.

- In certain zoning districts, the scale of development is regulated by limiting building width and the length of blank walls. Those regulations are included in the proposed FB-UN3 zone.
- If the maximum lot size limitation were applied, such a limit would only be applicable to new subdivided lots, and existing lots of any size could be developed.
- Through the selling process, the City can divide up the Fleet Block into smaller lots without changes to the zoning.

- ***Would the Council like to request the Administration draft regulations for consideration that would limit the potential size of lots on the Fleet Block?***
Council requested more information. Examples may be helpful.

b. Require that lots have frontage on rights-of-way or streets

- The Planning Commission expressed concern regarding row houses (townhomes) where some of the units are oriented to the side yard.
- They requested the City Council consider regulations that would require all units in a row house project to be located along a public street or other public right-of-way.
- The proposed ordinance presented to the Planning Commission requires every building to have public street frontage and the portion of the building along the street must address the street with limited setbacks, high quality building materials, glass minimums, and significant entrance features.
- The proposed zoning also includes an allowance for a rowhouse building to have some units that don't face the street and are accessed from private sidewalks interior to a site. *The allowance is similar to that recently adopted by the Council for the RMF-30 zone.*

- ***Does the Council want to request the Administration draft regulations for consideration that would require all units to front a public street?***
Council did not support this change

c. Limit the size of parking lots with a maximum lot size

- The Planning Commission was concerned there could be large surface parking lots in the middle of blocks, like those in the Sugar House Business District, located behind or to the side of buildings.
- In the FB-UN3 zone, there is a maximum parking stall number limit that should generally limit the potential for large surface parking lots.
- The City doesn't currently have limits on parking lot sizes in any zone, except regarding the number of stalls allowed.
- If a surface parking lot size limit was imposed, there would need to be analysis regarding its impact on the ability of potential businesses in this area to provide reasonable parking within the dimensions.

- ***Would the Council like to request the Administration draft regulations for consideration that would limit surface parking lot size in the FB-UN3 zone?***

Council did not support this change

d. Require the midblock walkways but allow them to be flexible in their location

- The Planning Commission wanted to ensure there would be flexibility in the final location of mid-block walkways shown in the Downtown Plan for the Fleet Block, rather than requiring walkways to cross the block through the block's exact center.
- The zoning proposal includes language used in other City zones provides flexibility in exact walkway location, but additional language could be added to emphasize the flexibility.
- Although no consideration was added to its recommendation, the Commission discussed how the Fleet Block property would be sold to a private developer, including if and how the

property would be broken up into new mid-block streets, and if any public plaza/park property would be kept.

- The Commission expressed a desire to see the block being broken up for smaller developments with mid-block streets, as opposed to one large, single development for the whole block. Staff informed the Commission the City could break up the block through the City's property sale process and could require new streets through the block.

- ***Would the Council like to request the Administration draft regulations for consideration that would ensure flexibility in locating mid-block walkways on the Fleet Block?***

Council did not support this change – this was fleet block specific

The following information was provided for the November 22, 2022, briefing. It is provided again for background purposes.

ISSUE AT-A-GLANCE

The Council will receive an update on proposed zoning amendments and disposition strategy for the City-owned property known as the Fleet Block, located between 300 and 400 West and between 800 and 900 South.

Until 2010, most of this block was utilized by the City to manage its vehicle fleet. After the fleet function was moved to a facility farther west, the City conducted due diligence and various studies to prepare the property for redevelopment.

The goal of these efforts is to turn this City-owned property into a community asset that will contribute to the economic, social, and environmental betterment of the city. Based on previous Council and community input and discussion, any redevelopment will need to balance developer interest, land use and compatibility, and the significant community interest in the property focused on art murals painted on the building walls.

The staff report is outlined in the following manner:

- Background Information
- Request for Proposal strategy and policy considerations – *starting on page 3 of the staff report (key questions for the Council from the Administration)*
- Zoning Amendments
 - Summary of Zoning Amendments
 - Planning Commission Recommended Changes
 - Responses to questions raised during the October 6, 2020, work session briefing
 - Zoning Policy Questions

BACKGROUND INFORMATION

In 2019, former Mayor Biskupski initiated a zoning amendment to create a new zone titled Form-Based Urban Neighborhood 3 (FB-UN3) and rezone the Fleet Block to FB-UN3.

The Fleet Block property became a focal point of community expression and interest during the summer of 2020 amidst calls for social justice and reform for police practices. In fall of 2020, the Council held a series of briefings and public hearings pertaining to the zoning amendments.

Many constituents spoke during the fall 2020 Council meetings and public hearings on this issue and covered various main themes, including:

- significant number of comments in favor of preserving the area or part of the area for a community gathering space such as park, open space area or community garden
- some comments recommending a community center
- requests to save the murals; requests to incorporate the murals into future open space or development
- requests for community to be included in conversation; some called for the City to establish a community advisory group to help guide the development process
- some expressed opposition to housing and commercial development on the Fleet Block
- some commenters expressed a desire to see the block developed as it has been a blight in their neighborhood for years
- importance of the area as a community gathering space was emphasized

Due to the public comments provided, the Council decided additional, meaningful public outreach was needed to help identify the vision for the Fleet Block and define what the public benefits could look like before redevelopment and zoning decisions were made.

The Council decided to postpone considering the zoning amendments until a plan to conduct additional public outreach was agreed upon. At that time, the Council expressed general support for the concepts of the zoning amendments; however, they felt with the enhanced focus on the block, additional public outreach was needed. There has been general agreement between the Administration and Council on components for the public process and goals based on previous conversations. Emphasis would include:

1. Creation of a meaningful community gathering space on the block such as a park/public square or open space.
2. Features that represent the history of marginalized members of the community and the fight, struggle, and advancement of the community's efforts for equality, fair representation, and justice
3. Space for the incubation, growth, and economic success of small and local businesses
4. Affordable and accessible housing

At a December 2020 Council briefing, the Council directed staff to work with the Community & Neighborhoods Department (CAN) and the Attorney's Office to outline potential conditions to the zoning amendments that would help ensure a meaningful public process is completed. The process would help identify community benefits and be the basis of draft motions for the Council's consideration. For example, adoption of the rezone would be connected with:

1. An opportunity to review and provide input on the Administration's future planning efforts (a Request For Information or RFI).
2. Completing a public engagement process that would further explore the vision for future Fleet Block redevelopment and what the public benefits could look like.

In January 2022, the Administration issued a Request-for-Information (RFI) for the Fleet Block. The purpose of the RFI was to *"explore options available to the City to develop the Property and to learn from the prior experience of others in developing complex urban infill projects. The RFI was intended solely to assist in informing the City's approach to developing the Property."* Staff note: An *"RFI"* is generally considered a more general information-gathering exercise, intended to be a lower-barrier for a variety of interested parties who may respond with ideas. An *"RFP"* is generally considered a more technical process and typically follows an RFI.

Responses to the RFI were due at the end of February. An internal City technical committee reviewed responses and utilized the information to draft a future Request for Proposal (RFP) specific to development proposals.

In April of this year the Administration briefed the Council on Fleet Block, including the public process, rezone process, and development constraints of the block. The Council provided feedback emphasizing the importance of equality and inclusion. Previous large City property assemblages were offered to a single development team, often favoring partners with greater existing wealth and experience. At that time, the Council provided input encouraging the Administration to consider a different approach which could give other, less-capitalized partners an opportunity to participate.

According to the Transmittal letter, since the last briefing in April, the Administration has “considered ways to not only infuse equity into the resulting development, providing affordable housing, affordable commercial space, and public space, but to also market and develop the property in a way that is more accessible to an inclusive group of partners. In consideration of the Council’s feedback, master plan policies, responses from the Request for Information (“RFI”), and development constraints, the Administration has developed an approach to create multiple development sites to be offered through a phased request for proposal (“RFP”) process. Dividing up the Fleet Block into multiple property offerings will be conducive for involving multiple development teams of varying scale and experience.”

This briefing will provide an update to the City Council and the community on those efforts and outline the next steps pertaining to the following:

1. Zoning recommendations that would; 1) create the FB-UN3 zoning district and 2) rezone the Fleet Block to FB-UN3,
2. Request for Proposal strategy and policy considerations

Request for Proposal (RFP) strategy and policy considerations

Property disposition is an Administrative function. However, the Council has zoning authority and must approve any potential future discounts to the fair market value of the Fleet Block. Therefore, the Administration is seeking policy guidance from the Council pertaining to the RFP and development scenarios of the block.

In addition to the policy questions below, the transmittal letter outlines the cost and process for the environmental remediation and the impact to the land value once midblock connections and public space are included.

1. Potential Policy Questions

The Administration’s transmittal outlined a few policy questions they are seeking feedback from the Council on.

a. Mid-Block Connections (*page 2 Transmittal Letter*)

If the council supports including midblock connections on the Fleet Block, the City would need to identify land designated as midblock connections through the subdivision process, prior to issuing the RFP.

Does the Council support maintaining City ownership of portions of the Fleet Block intended to be public in the future, or selling parcels to private property owners? Staff note: the Council could stipulate that a certain percentage of land be set aside as

public to provide flexibility for RFP respondents to locate those connections in a more appropriate manner.

Some questions have been raised about potential benefits and opportunities to the community if the fleet block was divided up into smaller developments instead of going with one master developer. Attachment A: Hypothetical Development Scenario, of the transmittal letter provides a hypothetical scenario of how the property could be subdivided to establish three separate development sites.

Does the Council wish to provide policy guidance on subdividing Fleet Block into smaller development sites?

b. Park Space (page 3 Transmittal Letter)

To move forward with the RFP process the City must identify where any public space will be located. The transmittal letter notes key considerations include the public feedback and alcohol buffers

Does the Council wish to provide feedback on the location of public space on the Fleet Block? See staff note above.

c. Zoning (page 4 Transmittal Letter)

Since December 2020, the Council held off considering the zoning changes while the Administration conducted further, meaningful public process. The intent of the process was to help identify potential community benefits of the block and gather feedback on potential future uses on the block.

Two steps the Council asked to have completed before considering the zoning changes are:

1. An opportunity to review and provide input on the Administration's future planning efforts (an RFI).
2. Completing a public engagement process that would further explore the vision for future redevelopment of Fleet Block and what public benefits could be included.

The Council was briefed on the RFI in April 2022. The RFP transmittal outlines additional public engagement the Administration conducted.

Does the Council feel the goals for more public engagement and opportunity to provide input on the RFI have been satisfied?

If yes, does the Council support setting a date to consider adopting the zoning changes at a Council meeting?

d. RFP – Equity and Inclusion provisions (Page 5 Transmittal Letter)

The Transmittal letter notes the RFPs will include requirements to ensure the forthcoming development provides economic opportunities, affordable living, and cultural expression for all residents, particularly communities of low- and moderate-income and minority communities. An Inclusive Committee will be established to help review and rank responses to the RFP.

Additionally, a community benefit agreement to ensure the community's interest are addressed in future development and metrics to track the outcomes will be part of the development process

Does the Council have any question about how equity and inclusion factors will be included in the RFP process?

Zoning Amendments

1. Summary of Zoning Amendments
2. Planning Commission Recommended Changes
3. Responses to questions raised during the October 6, 2020, work session briefing
4. Zoning Policy Questions

1. Summary of Zoning Amendments

Text Amendment: Establish Development Standards and Land Uses

The Planning Division drafted development standards for the FB-UN3 zoning district. FB-UN3 is meant to complement the existing FB-UN 1 and FB-UN2 zoning districts which are found mainly in the Central 9th neighborhood. According to Planning staff,

“The zone would have similar regulations to the FB-UN2 zone, which is mapped on the blocks around 900 South and 200 West and allows for four to five story tall mixed-use development.

The FB-UN3 zone would primarily differ in that it would include requirements for mid-block walkways, allow more intense commercial land uses, such as light manufacturing and industrial assembly, and allow for greater height.

The differences are intended to reflect the broad mix of land uses expected with the block and the surrounding "Granary" area and various Downtown Plan policies for the area that support a mix of housing choices and clean industries.” (*Planning Commission staff report, page 3*)

Below is a summary of key form-based concepts for the proposed the FB-UN3 zoning district. It is also outlined in detail on pages 3-6 of the Planning Commission staff report. It is provided here for ease of access.

Additionally, Planning staff created a graphical summary of the proposed FB-UN3 regulations. See Attachment B to view that summary.

Rezone the Fleet Block to FB-UN 3

The City owns the majority of the Fleet Block. However, the southwest corner is privately owned. The owner of that portion of the block asked to be included in the rezone.

Vicinity Map

(Page 2 Planning Commission Staff Report)



Building Form Types

- Row house (townhome)
- Storefront (a commercial building - retail, office, etc.)
- Vertical Mixed-Use (a building with ground floor commercial and residential above)
- Multi-family (an apartment or condominium building)

General Building Standards

- Height Limits
 - 40' for rowhouse and 85' for vertical mixed-use/multi-family/storefront (125' through Design Review.)
- Front Setback Limits and Build-To Lines
 - Requires that buildings are located close to the sidewalk
- Open Space Requirements
 - 10% of lot area and can be yards, plazas, rooftop decks, similar
 - 25% of unit footprint for row houses
- Ground Floor Use Minimums
 - 75% of the width of ground floor facade must be an active use (not parking) and have a minimum depth of 25' - meant to ensure activity occurs next to pedestrians along ground floor facades
 - Exception for rowhomes- use space must have 10' depth
 - Along 900 South, the required ground floor space is limited to the following uses: retail goods establishments, retail service establishments, public service portions of businesses, restaurants, taverns/brewpubs, bar establishments, art galleries, theaters, or performing art facilities.
 - Exception for row houses, must be live/work and have 25' depth
- Minimum Ground Floor Heights
 - Min. 14' to ensure flexible, viable active spaces in the long-term

- Mid-block Walkway Installation
 - Required where mapped in the Downtown Master Plan, generally through the middle of blocks. Meant to increase pedestrian accessibility through additional walking routes on large City blocks.
- Entry Features for Dwellings
 - Every ground floor dwelling unit adjacent to a street must include an entry feature, such as a porch, stoop, shopfront, terrace, etc.
 - For row houses, each dwelling unit must include an entry feature even if the unit is not street facing
- Rowhome Frontage
 - Rowhome lots without frontage along a street allowed with a final plat that documents access easements for lots and includes a shared infrastructure reserve study disclosure
 - Rowhomes adjacent to the street must incorporate a street facing entry feature

Design Standards

- Entryway Installation
 - Facade must include an entry feature- porch, stoop, shopfront, terrace, etc.
 - One entry required for every 75' of facade
- Glass/Window Minimums
 - 60% of ground floor facade and 15% of upper floor facade must be glass.
- Blank Wall Limits
 - No blank wall that is uninterrupted by doors, windows, or other projections, over 30' in length.
- High Quality Exterior Building Material Minimums
 - Min. 70% of facade must be quality, durable material- brick, fiber-cement, textured concrete, etc.
- Balcony Requirements for Dwellings Units
 - Dwelling units on upper levels facing a street must have a balcony
- Upper Floor Step-back Requirement and Balcony Inclusion Alternative
 - Floors above the 30' height level facing a public street must be stepped back 15' or include balconies
- Parking Structure Design Requirements
 - Includes variety of requirements for the facade and ground level activation
- Build-to Line Alternatives
 - Allows for plazas, arcades, outdoor dining to count toward meeting minimum build-to line requirements (the setback that a minimum percentage of the building must be built to), allowing buildings to be set-back behind these features

Parking and Driveway Regulations

The zone includes limits on driveways and parking to limit their impact on the pedestrian experience:

- Driveway number and location limits - 1 driveway per street face
- Parking limited to behind/ side of buildings
- No minimum parking requirement due to proximity to transit (same requirement as neighboring FB-UN1 and FB-UN2 zones)

Streetscape Requirements

Every building form must comply with general streetscape improvement requirements. These include regulations on:

- Street trees (min. 1 every 30 feet)
- Sidewalk widths (min. 8 feet)
- Streetlights (required where identified in City streetlight plans)

Land Uses

The proposed allowed land uses are broad and are intended to reflect the Downtown Master Plans call for an integration of "urban family living" and "clean industry" uses. Staff believes the design controls of the form-based code allow for a larger assortment of uses without generally having the same level of concern for compatibility and conflicts that would likely exist under a traditional code. Outdoor manufacturing and outdoor equipment storage uses would not be allowed, to avoid noise and visual conflicts. Storage/warehouse uses, which have limited human activity, would not be allowed on the ground floor next to the sidewalk.

- Broad variety of allowed uses (from townhomes up to light manufacturing)

Please see Attachment C to view the proposed land use table.

Signs

Sign regulations proposed for this zone generally match the FB-UN2 zoning allowances, with some exceptions, taking into consideration the proposed higher scale of development in the FB-UN3. This includes some additional sign types, such as monument signs, marquee signs and building oriented flat signs (generally a major tenant or name of building).

Other Related Amendments

As part of this proposal, staff is including additions and clarifications to some general regulations for development under the Form-Based Code chapter. This includes:

- Clarifying the list of allowed exterior building materials
- Allowing modifications to design requirements through the "Design Review" chapter, which has standards related to such modifications. Currently, modification requests must go through the Planned Development process which does not address design specifically, unlike the Design Review chapter.

2. Planning Commission Recommended Changes

Pages 3-4 of the transmittal letter outlines four recommendations the Planning Commission requested the Council consider. If the Council supports the concepts raised by the Planning Commission, which are outlined below, the Administration can prepare draft language to be considered for inclusion in the final ordinance.

e. Limit lot sizes

The Commission was concerned there may be very large developments on the Fleet Block and recommended there should be lot size limits to encourage small buildings and greater building variety.

- Generally, the City zoning code does not have maximum lot sizes, except within residential districts.
- In certain zoning districts, the scale of development is regulated by limiting building width and the length of blank walls. Those regulations are included in the proposed FB-UN3 zone.
- If the maximum lot size limitation were applied, such a limit would only be applicable to new subdivided lots, and existing lots of any size could be developed.
- Through the selling process, the City can divide up the Fleet Block into smaller lots without changes to the zoning.

Would the Council like to request the Administration draft regulations for consideration that would limit the potential size of lots on the Fleet Block?

f. Require that lots have frontage on rights-of-way or streets

- The Planning Commission expressed concern regarding row houses (townhomes) where some of the units are oriented to the side yard.
- They requested the City Council consider regulations that would require all units in a row house project to be located along a public street or other public right-of-way.
- The proposed ordinance presented to the Planning Commission requires every building to have public street frontage and the portion of the building along the street must address the street with limited setbacks, high quality building materials, glass minimums, and significant entrance features.
- The proposed zoning also includes an allowance for a rowhouse building to have some units that don't face the street and are accessed from private sidewalks interior to a site. *The allowance is similar to that recently adopted by the Council for the RMF-30 zone.*

Does the Council want to request the Administration draft regulations for consideration that would require all units to front a public street?

g. Limit the size of parking lots with a maximum lot size

- The Planning Commission was a concerned there could be large surface parking lots in the middle of blocks, like those in the Sugar House Business District, located behind or to the side of buildings.
- In the FB-UN3 zone, there is a maximum parking stall number limit that should generally limit the potential for large surface parking lots.
- The City doesn't currently have limits on parking lot sizes in any zone, except regarding the number of stalls allowed.
- If a surface parking lot size limit was imposed, there would need to be analysis regarding its impact on the ability of potential businesses in this area to provide reasonable parking within the dimensions.

Would the Council like to request the Administration draft regulations for consideration that would limit surface parking lot size in the FB-UN3 zone?

h. Require the midblock walkways but allow them to be flexible in their location

- The Planning Commission wanted to ensure there would be flexibility in the final location of mid-block walkways shown in the Downtown Plan for the Fleet Block, rather than requiring walkways to cross the block through the exact center of the block.
- The zoning proposal includes language used in other City zones provides flexibility in exact walkway location, but additional language could be added to emphasize the flexibility.
- Although no consideration was added to its recommendation, the Commission discussed how the Fleet Block property would be sold to a private developer, including if and how the property would be broken up into new mid-block streets, and if any public plaza/park property would be kept.
- The Commission expressed a desire in seeing the block being broken up for smaller developments with mid-block streets, as opposed to one large, single development for the whole block. Staff informed the Commission the City could break up the block through the City's property sale process and could require new streets through the block.

Would the Council like to request the Administration draft regulations for consideration that would ensure flexibility in locating mid-block walkways on the Fleet Block?

3. Responses to questions raised during the October 6, 2020 work session briefing

During the October 6, 2020 work session briefing the Council raised questions about the proposed zoning amendments. The list of questions is outlined below. **Please see Attachment D** for the Administration's responses to these questions. Staff will be prepared to review these questions one by one and answer additional questions the Council may have.

- A. Can the proposed ordinance require any open space be open to the public?
- B. Questions were raised about potentially increasing the amount of open space required by the ordinance. Concerns were expressed that may be considered a taking.
 - How, if at all, would requiring more open space be consider a taking if the City owns the property?
 - Would the taking concern apply to other privately owned properties that may be potentially rezoned to FB-UN3?
 - Would increasing the amount of required open space potentially impede some kinds of development?
 - Does requiring open space attract some kinds of development?
- C. Could the Administration explain if there is a difference between open space required by the ordinance and the City designating some of the City owned fleet block as a park/green/open space?
- D. Can the City designate as much of city-owned portions of the Fleet Block a park/open space as it wants?
 - What is the process for the City to designate a park area?

- E. Could Planning Staff further explain landscaping requirements for the various type of buildings in the FB-UN3 and if it would be appropriate to increase vegetation requirements for the larger buildings?
 - Would vegetation on rooftops be allowed (roof gardens, green roofs, etc.)?
- F. Concerns were raised about the center of Fleet Block becoming a large parking lot.
 - Are there provisions in the ordinance that would prevent this from happening or could they be added?
- G. The ordinance requires ground floor uses on 900 South to be active uses such as retail establishments, restaurants, etc. Could active uses be required on 300 West too?
 - Would providing some exceptions make it more feasible?

Potential Straw Polls Pertaining to Follow-up Information on Zoning

- 4. Question E asked about landscaping requirements. Planning staff notes one way to address concerns that the open space is useable is to require a minimum length or width dimension for open space. This would increase the likelihood the space will be an amenity, rather than a narrow yard. *A minimum open space dimension of 15' x 15' has been added to broader Form Based zone changes that are part of the ongoing Downtown Building Heights regulations project. Amenity requirements, like seating, have also been added. The changes would affect all Form Based zones, including FB-UN3. The proposal received a positive recommendation from the Planning Commission and will be with the Council shortly.*
 - ***Does the Council support amending the ordinance to require a minimum length/width for open space?***
- 5. Some expressed concern that allowing rooftop decks to count toward the open space requirement may not improve the overall design since it will be out view for most of the public who interact with the buildings
 - ***Does the Council support allowing rooftop decks to count toward open space requirements?***
 - ***If not, does the Council support requesting the Administration make recommendations for changes to the FB-UN3 code pertaining to rooftop decks counting toward open space requirements.***
- 6. Question G asked about active uses on 300 West. In Planning's response they note the ordinance requires 14' floors to "encourage and support the use of ground floor for more active uses in the long term even if not immediately viable." They further note there are other examples in City code that are used to preserve future options to convert space to "higher activity uses."
 - ***Does the Council support asking the Administration to make recommendations for changes to the FB-UN3 code that would provide additional options to encourage high activity uses along 300 West?***