

Planning Division Response to Questions regarding Walkable Communities and Transit Corridor Districts

The following list constitutes questions raised, at the City Council Briefing, in the City Council Staff Report, the East Central Community Council and the Central City Community Council (received after the briefing) and staff issues regarding the proposed “Walkable Communities” and the Transit Corridor zoning district ordinances. Responses are in italics.

Does the ordinance address ensuring that display windows and glass are see through and are not just window dressing?

The ordinance requires a minimum depth of two feet behind the glass. The ordinance also defines the maximum reflectivity (so that the glass is not a mirror.)

Does the ordinance address preservation of existing housing or does it encourage demolition of residential buildings (such as Acoustic Music, Strong Court, etc.) The north side of 400 South between 700 and 900 East has viable housing.

There are no residentially used buildings facing 400 South, except Stanford Court – which is a new development that is consistent with the proposed ordinance. There are two residential building used for commercial purposes, both for Acoustic Music, on 400 South (between 800 and 900 East). There is nothing in the existing or proposed codes to guarantee their continued existence. Redevelopment from commercial to housing would not guarantee the structures continued existence either. Regulations to encourage preservation of the structure would require placing it on the historic register or within a local historic district. One Acoustic Music building has been architecturally altered, but not beyond renovation.

There are two residentially used structures on Strong Court that are within the existing CC Commercial Corridor zoning district. They have been commercially zoned for at least 50 years (400 South was rezoned between 1943 and 1955). If the Council wishes these homes to remain residential, an option may be to rezone them to SR-3, consistent with the remainder of Strong Court. Neither the existing nor proposed zoning guarantees the survival of the structures or their residential use (although the proposed zoning does make residential replacement more likely than the existing zoning).

Has the Permits and Licensing Services’ division reviewed the language of the ordinance?

The language used in the ordinance is mostly used elsewhere in the ordinance. It is not new. Planning Staff delivered new copies of the draft ordinance to the Permits Counter the morning after the briefing to receive the Permit’s Counter personnel input. The Permits Counter personnel reviewed the ordinance and had only one additional comment; they believe that the term block corner and mid block need to be defined (They are defined in the Downtown section of the ordinance but not in the TC portion. Staff suggests the final ordinance be amended to include that definition in the definitions section of the ordinance.

Does the ordinance have a comprehensive design theme to ensure the flavor / continuity of new construction throughout the corridor? There needs to be a design theme. It is not desirable to have a strip mall appearance along 400 South.

The design concepts are all very rudimentary. Every building could look different, although they would at least have glass at the ground level and be oriented to the sidewalk. Some cities have engaged in elaborate design review/themes (Sante Fe, Park City). The proposed ordinance changes are not anywhere near that level. An underlying premise to the new ordinance was to keep it simple and allow architects to create within minimal parameters.

Some people think it is desirable to have parking areas in front of businesses so patrons are not confused about where to park. If you push parking to the rear it may create a perception that there is no parking.

Since only a percentage of the façade is required to have a maximum setback, there are some opportunities for front yard parking (although they are greatly reduced.) A building such as Marriott Brighton Gardens could still be built in the RMU zoning district with its parking in the courtyard, because at least 25% of the façade meets the maximum setback.

A major purpose of this initiative is to facilitate habit change, if the majority of new developments have parking in areas other than the front yard; patrons are more likely to look for parking in areas other than the front yard.

The transit corridor zones do not allow gas stations and automobile-related businesses. What is the potential for automobile-related uses such as gas stations locating in commercial zones just outside the Transit Corridor zones and creating additional traffic impacts on surrounding residential neighborhoods?

This was a major item of discussion with the Planning Commission with two competing philosophies: Why should the auto be encouraged in a transit area? vs. Will eliminating the auto uses in the TC zone push these uses into the adjacent neighborhood?

The Planning Commission recommended allowing auto oriented uses, such as drive-in windows, as conditional uses rather than permitted uses in order to assure design control. (The former bank at Trolley Corners had a drive through window through the building and was still very urban in its relationship to the pedestrian. Other auto uses could be treated similarly.) The original draft of the ordinance allowed gas stations as a conditional use. The Planning Commission recommended prohibiting them.

The City Council may reevaluate specific uses for the proposed Transit Corridor zones and decide which are appropriate.

Businesses depend on auto patronage to survive, even if they have some pedestrian patronage. Therefore, the parking requirement should not be decreased.

None of the parking requirements were altered in the Walkable Communities ordinance. Parking was reduced in the proposed TC zoning districts because they are mapped, in their entirety, along 400 South, adjacent to light rail.

Design criteria are established for the front of buildings but not rear or sides of buildings. Near-by neighbors have expressed concern regarding the interface of new buildings with the surrounding low-scale, low-density residential neighborhoods. What is the rationale for not including additional design criteria dealing with architectural features for the back of a building and architectural compatibility with surrounding neighborhoods?

Requirements for light proof fencing, shielded lighting and shorter light poles are included in the draft ordinance. These are the same sorts of rudimentary standards placed on the front yard. Staff considered requiring windows and doors oriented to any rear parking lot, but ultimately did not place such a requirement in the ordinance because of the differing needs of individual retailers. The proposal does not get into design review, merely basic design concepts.

The Police Department provided a list of crime prevention recommendations that are not included in the draft. The Council may wish to request incorporating Crime Prevention Through Environmental Design CPTED concepts as identified by the Police Department and discussed by the Planning Commission and Historic Landmark Commission.

Many of these items were discussed, but it was decided that because of the wide variety of uses and needs, and the fact that CPTED principals can sometimes conflict with other policies (such as Historic Preservation guidelines) it was better left to reviewing CPTED at the site plan review level for specific projects rather than codifying it in the zoning ordinance. CPTED principles are used in designing specific developments and are part of the review process when development approvals are requested.

What options might be available to address the following:

- **Traffic circulation and pedestrian/traffic conflicts identified by the Transportation Division.**
- **Alternative parking solutions such as angle or mid-street parking. (Not applicable in the transit corridor zones, but may be in other areas where the walkable concept is applied.)**
- **Public way issues such as adequate pedestrian right of way to accommodate access, ease of movement, mobility and ADA accessibility.**

Bus stops, sidewalk widths, curb cuts, speed limits, etcetera are guided by administrative policy, rather than zoning code (zoning code applies to private land). These items are integral to the success of walkable communities and it would be appropriate to formally ask the Administration to review administrative policies in light of new zoning requirements.

Traffic speeds affect pedestrian safety. Having a larger setback could make it safer for pedestrians because they would be further away from traffic flow.

The zoning districts affected by walkable communities are within neighborhoods or are on streets with adequate sidewalks.

Normally setbacks are minimized in transit-oriented districts to decrease walking distance. However, in the proposed TC districts a 15-foot minimum setback remains for two reasons; it is part of the historical development pattern (it has been required for numerous years) and the sidewalks are narrow and adjacent to a busy fast street.

Has consideration been given to application of the proposed changes on a citywide basis versus use of an overlay-type of zoning applied to specific areas of the city? What are the pros and cons?

Staff believes these concepts are appropriate for all neighborhood commercial areas of the City to promote pedestrian oriented commercial development in and adjacent to residential neighborhoods. The CC zoning district is not covered by the proposed ordinance because of its primary location along Redwood Road and North Temple, where residents believe the auto-oriented development patterns are appropriate. The Planning Commission did spend considerable time evaluating where walkable concepts should apply.

One alternative would be to create overlay districts. Overlays are used to target specific areas of the City regardless of base zoning (historic districts are overlays). Overlay districts have been criticized as being cumbersome and confusing (for example; a developer may design to a base zoning district, only to find later that there are additional restrictions as part of the overlay).

Another alternative would be to create dual zoning districts (for example a CB zone and a walkable CB zone) and apply them more specifically. This would increase the number of zoning districts to administer.

The Historic Landmark Commission recommended the City Council consider including planned development requirements for all new developments within the TC (transit corridor) zoning districts and also consider the development of design guidelines that would further clarify the compatibility issue in order to ensure new construction in the TC zoning districts does not negatively impact adjacent structures, especially relating to shadowing. The East Central Community Council recommends that restriction of sunlight penetration and air circulation need to be addressed during the review/approval process. They also suggest all development over 30 feet in height be considered a conditional use so that design review is automatically part of the process. The area between 700 and 950 East (the primary focus of concern) is within a National Historic District but not a City Historic District; therefore the Historic Landmark Commission would not review new construction in this area. The local Central City Historic District is located between 500 and 700 East along 400 South. The East Central Community Council recommends the City Council consider changing the height requirements to 75 feet on the south side of 400 South and 50 feet along the north side of 400 South between 700 and 950 East to minimize shadowing concerns along the north side of 400 South in this area. To Council staff's knowledge, the City has not addressed the concept of 'shadowing' in the past.

The attached ordinance represents the Planning Commission recommendation and does not include modifications suggested by the Historic Landmark Commission made after the Planning Commission approval. Would Council Members like to request that the City Attorney provide a new ordinance that addresses the changes recommended by the Historic Landmark Commission?

The proposed TC-50 zoning district could be modified to make all structures (or all buildings adjacent to specific uses or zoning, such as SR-3 zoning) taller than 30 feet a conditional use to receive public input and design review by the Planning Commission. The staff does not perceive a need for this in the TC-75 zoning district since the adjacent zoning allows 75-foot tall buildings (which is how the staff originally derived a 75-foot height limit for the TC-75 zone). The need for it in the TC-50 zone is a point of contention. Some members of the Historic Landmark Commission agreed with the citizens that four-story building would shade two story buildings and harm the neighborhood. Other Historic Landmark Commission members argued that four story apartments exist in the neighborhood and that the Historic Landmark Commission is presently trying to save the Juel Apartment building from demolition, which is built next to a one-story building (in the local Central City Historic District on 600 East). They argue that four story buildings are as much a part of the historical character as one story.

The only portion of TC-75 adjacent to zoning with lower maximum height regulations is near 600 East, which is zoned RMF-35. This is in a local historic district regulated by the Historic Preservation Overlay zone. As an overlay zone, the Historic Landmark Commission has the jurisdiction to determine compatibility of height regardless of the base maximum height. When the Historic Landmark Commission reviewed the proposed ordinance, they were not comfortable mandating a lower height in the local historic district but instead wanted to review projects on a case-by-case basis to ensure compatibility.

If the Council chooses to make additional height a conditional use in either the TC-75 or 50 zoning district, adding the Historic Landmark Commission recommended language would be appropriate.

The Transit Corridor TC-75 zone allows department stores as a conditional use. Based on recent discussions relating to department stores in the downtown and the Gateway development might there be unintended consequences by allowing department stores as a conditional use in the Transit Corridor TC-75 zone?

Department Stores were allowed as a conditional use because they are presently allowed as a permitted use in the CC zoning district. Fred Meyer is in the CS zoning district and is not affected buy this change. It is technically not a department store because it is less than 100,000 Sq. Ft. (There is a separate petition to analyze whether the existing CS zoning at the Family Center/ 400 South Market [Fred Meyer/Old Navy] should also be rezoned to TC-75). There have also been separate suggestions of a Target store on 400 South. If the Council feels Department Stores are inappropriate, they could be eliminated as a conditional use.

Are there any potential adverse impacts that may be created by eliminating the minimum lot area requirement for planned developments? The Central City Community Council believes eliminating the minimum lot size will encourage land banking and large development projects. The East Central Community Council believes this may eliminate de facto SROs in the TC-50 zone where they are proposed as a conditional use and that the City needs to develop a definitive policy statement regarding where Single Room Occupancy developments can be located. Currently location is defined on a map, which they believe can too easily be amended. This was discussed at the Planning Commission meeting.

Eliminating minimum lot size was an attempt to allow even small developments to take advantage of the Planned Development process in order to provide design flexibility (and design review).

None of the Downtown, RMU or Gateway zones have density limitations for housing.

The primary differences between an apartment building and a SRO is that SROs have a lower parking requirement (even when compared to the TC zones) and SROs allow shared bathroom and kitchen facilities. Apartments do not. The SRO Ordinance has been transmitted to the City Council for its consideration. Staff believes identifying appropriate locations for SROs on a map is the clearest way of identifying where these uses are appropriate. According to the draft SRO ordinance, a new SRO must be located in an area identified on the SRO map and be within a zoning district that allows SROs. Furthermore, there can only be one SRO per block face.

There is nothing to stop land banking for larger projects at the present time in either the existing or proposed zoning. The increased height and density are intended to make residential and/or mixed-use projects economically easier to build than purely commercial projects.

Are there other potential areas citywide or zoning classifications that may be considered for the proposed transit corridor zones or where parking lots behind buildings should be required such as the Institutional and Urban Institutional zones? (Churches, schools, etc.)

The current ordinance focuses on commercial zoning adjacent to neighborhoods. The Council may wish to provide direction as to whether the walkable communities concept should be expanded to other uses/areas.

Whether the Council is comfortable to allow the provision for the Zoning Administrator or Planning Commission to waive, modify or grant exceptions to the requirements of the Zoning Ordinance. This is currently allowed in other sections of the Zoning Ordinance.

This was done to provide flexibility. The intent was to create a set of rules to get a permit over the counter, but to also create a process to accommodate developers who meet the intent of the ordinance but not necessarily the specific technical requirements. The Planned Development process authorizes the Planning Commission to modify regulations after a thorough review including a public input process.

The East Central Community Council recommends that this process be clarified regarding expansion requests so the intent of these ordinances cannot be subverted by incremental expansion. They recommend requiring a public process whenever expansion of a use or

building is requested.

The Zoning Administrator reviews applications for expansions of non-conforming uses and in-line additions made to existing development because the Planning Commission wished to have some flexibility in expanding existing uses (on existing sites). There are criteria listed as to what constitutes an expansion by an in-line addition (no more than 25% increase in area, etc).

Also, the Zoning Administrator may alter the glass requirements for historic building, on the advice of the Historic Landmark Commission or preservation planners (so as to not destroy historic character) or where structural stability is in question.

In order to consistently and clearly express the policy aspects that the Council supports, might it be appropriate to amend City master plans and other policy documents such as the Transportation Master Plan and the Urban Design Element?

No street classifications are being changed (although 400 South is a major transit street, it also remains a major arterial.)

The design concepts are consistent with the Urban Design Element.

Although the proposed ordinance is consistent with both master plans, the plans have not been updated recently. Updating the Transportation Master plan may provide a venue to clarify policy regarding sidewalk widths, driveways, etc in relation to transit. Updating the Urban Design Element may provide more specific design guidelines for conditional uses involving transit districts.

The Administration's transmittal for locating parking lots behind buildings notes presentations to the Business Advisory Board and various real estate organizations. Were the Transportation Advisory Board and the Vest Pocket Business organization involved in the review process? If so, what type of comments or input were received?

The Vest Pocket Coalition has a representative on the Business Advisory Board. No street classification is being proposed for change and in most instances all parking regulations stay the same (the TC zones being the exception – where parking requirement were reduced). A major goal of the Transportation Master Plan is to increase the use of mass transit. In their response to the review of the draft ordinance, the Transportation Division did not request staff present the draft ordinance to the Transportation Advisory Board. Because the ordinance does not alter the transit system, Planning Staff did not believe it was necessary.

Has consideration been given to the implementation of Envision Utah toolbox concepts or other planning tools from other cities such as:

- **Transfer of development rights**
- **Density bonuses**
- **Solar access protection**
- **Pedestrian-oriented street and public way designs**
- **Incentive programs such as Portland Oregon's transit-oriented development financial incentive programs using federal funds and tax exemptions**
- **Establishing an objective evaluation system such as a point system where a development is evaluated based on the criteria in the Zoning Ordinance and**

awarded points based on a scale or range of points to assess whether or not the standard is met.

All of these tools are available, however a conservative approach was used in developing this ordinance by focusing on language and concepts that already exist in our present ordinance.

The East Central Community Council recommends excluding the Bryant neighborhood from TC-50 zone from 700 E to 900 East blocks on the north side of 400 South. There are numerous single-family homes in this neighborhood, some recently restored, and no buildings taller than 2 ½ stories. Salt Lake City lacks a compatibility review process to address the interface between the proposed TC-50 zone and the single-family residences. Therefore, these two blocks need to be excluded from the TC-50 zone. Also do not extend the TC-50 zone to 950 East, for the same reasons noted above.

Salt Lake City is in the process of developing a compatibility review process for this area. Planning Staff has initiated discussions for a meeting schedule to facilitate this process.

There are numerous one and two-story homes on the blocks adjacent to the proposed TC-50, but there are also three and four story apartments (see photos). It is the Planning staff's position that density in this neighborhood is more appropriate along 400 South than in the center of the blocks or on other streets because it may reduce pressure to redevelop lots that currently house historic structures.

The proposed zoning raises the height from 30 feet to 50 feet (two stories to four stories) for mixed-use buildings (only residential uses can take advantage of the additional height). Alternatives to excluding the north side of 400 South may include making all structures above 30 feet a conditional use, when adjacent to residential zones whose maximum height is 30 feet and/or rezoning the two homes in question along Strong Court to SR-3, from the existing CC zoning, to reduce potential commercial development of the properties.

The rezone petition refers to all CC property between 700 and 950 East. Technically the last addresses to the east are the Bagelry; 905 East and Village Inn; 910 East. Changing the map associated with the petition to read 910 rather than 950 may alleviate some fear.

The East Central Community Council recommends excluding additional drive-through businesses in the TC-50 or TC-75 zones, even as conditional uses. They believe drive-throughs encourage the use of cars contrary to the philosophy of this planning effort and increase safety risks for pedestrians as cars cross sidewalks. This issue relates to whether all auto uses should be excluded in the TC zones (which some argue merely forces them into the neighborhood) or accommodated so they do not become non-conforming. Staff chose to place many items in the conditional use process in order to guarantee master plan policy compliance and design review, rather than prohibit them outright. The Planning Commission closely evaluated what uses should be allowed in the TC zones. The current draft table of permitted and conditional uses reflects the Planning Commission's recommendation.

The East Central Community Council recommends excluding bus terminals, ambulance facilities, and park-and-ride lots. These uses also increase motorized vehicle crossing of sidewalks. They recommend locating park-and-ride facilities away from these zones and downtown areas in general, to encourage citizens to use mass transit for more of the commuting distance and to minimize automobile generated air pollution in these zones.

These uses are presently allowed in the CC zoning districts. They are proposed as conditional uses in the TC-75 but prohibited in the TC-50 zone.

The East Central Community Council recommends adding language to clarify design requirements for exits from underground garages. Designs need to assure motorists have maximum possible visibility of pedestrians on sidewalk. An example of poor design is the parking complex adjacent to the Broadway Theater.

Parking exit issues are normally reviewed through the site plan review process.

The East Central Community Council believes compatibility review is a significant missing piece of this process and needs to be included as suggested above.

Compatibility review or design review may be considered in addition to the proposed TC ordinance changes. The City has initiated discussion regarding a compatibility review process.

The Central City Community Council does not support the 75-foot height proposal. They believe all references of the TC-75 zoning should be deleted from the proposed ordinance to conform to the East Downtown Neighborhood Master Plan and the Central City Neighborhood Council's needs as a residential area. The East Downtown Neighborhood Master Plan identifies the need to protect view corridors and scenic vistas. The Community Council is concerned how the 75-foot high proposal will affect views. Rather than allowing 75-foot high structures to "warehouse" people, the Central City Community Council supports infill development of open space and housing. They do not support allowing building heights up to 120-feet as conditional uses.

The height limit for the proposed TC-75 zoning district was derived from adjacent zoning districts (the heights of adjacent zoning districts are listed in parenthesis on exhibit E of the draft ordinance). Staff does not believe it is logical to have a lower height limit on 400 South than on adjacent properties. The 75-foot height limit was derived with views of the City/County building and Cathedral of the Madeline view corridors in mind. The City/County building is 120 feet to the main roofline and 255 feet tall at the tower (the new library is 90 feet tall). The Cathedral is 185-feet tall (and is also at a higher elevation than the remainder of East Downtown). The East Downtown Master Plan identifies 75 feet as the height limit and allows up to 120 feet in the area near 200 South and 300 East. The previous height limit in the East Downtown area (prior to 1995) was over 200 feet (1.5 times the width of the street - plus setback bonuses). Seventy-five feet tall is necessary to accommodate a typical "pedestal" building, where the bottom two floors are of concrete construction (usually retail) and the top 4 floors are "stick built"

(which allow more affordable residential). This “pedestal” development is made possible by new interpretation of the building code and is commonly used in other cities.

The 50-ft height could be acceptable to the Central City Community Council, but they want to evaluate the sites the Planning Division and developers are considering and the development they are planning.

The TC-50 zoning district is proposed to replace existing CC zoning between 700 and 910 East. The City Council may modify this district to include conditional use design review if it chooses, which would require a public input process.

The Planning Division has engaged the services of an intern from the University of Utah, to assist in modeling the mass and character of buildings along 400 South.

The height of 50 feet was derived from the fact that building code allows “stick-built” buildings to be 4 stories or 50-feet tall.

The Central City Community Council does not support a reduction in the parking requirement for TOD. They do not believe people are ready to give up their cars or reduce their parking and traffic habits or needs. They believe there needs to be more mass transit options.

The decreased reliance on the automobile, in favor of transit, is one of the underlying goals of the new zoning district.

The Central City Community Council does not support car washes and other facilities to accommodate the car in the TOD districts.

This is similar to the debate the Planning Commission had regarding accommodating the auto or pressing it into adjacent zoning districts. The Planning Commission settled on conditional use language rather than prohibiting these uses.

The Central City Community Council does not support allowing offices as permitted uses in the TC zones. They believe this will be similar to the R-7 zone and will lead to more offices in the area and residential buildings to be converted to offices. If offices are a permitted use, then regulations must be clarified with specific restrictions.

Offices are presently allowed in the CC zoning district. Offices would also be allowed in the new TC zoning districts, but would continue to be limited to 30 feet in height. Only residential uses are allowed to take advantage of the increased height.

Could we create (or hire a consultant to create) a set of guidelines regarding walkables communities? This would give the applicant a clearer understanding of what is acceptable but still allow for discretion. If the applicant meets these guidelines then they could possibly be administratively approved. (Similar process to administrative approvals of Historic Preservation regulations.) The conditional use out is too lengthy. Pedestrian orientation can be achieved sometimes without requiring the building to be built near the sidewalk.

Pedestrian use can be achieved without buildings being built near the sidewalk, although on a macro scale, buildings near the sidewalk are generally friendlier than those that are not. While design guidelines are possible to use, this version of the ordinance was written in an attempt to use existing language and processes. The conditional use “out” is the only formal system for design review we have at the moment (except the Historic Landmarks review). Design guidelines can certainly be drawn up, similar to historic district guidelines, however, such guidelines are far more elaborate and subjective than the present proposal and would still require some sort of Planning Commission conditional use process or design review board to handle appeals of administrative decisions. In the past, the City Council has been reluctant to create a design review board.

ADDITIONAL ISSUE

Billboards on 400 South.

The new TC zoning districts replace both the land use and on-premise signage requirements of the existing CC Commercial Corridor on 400 South, however the issue of billboards was not discussed. 400 South is presently listed as a “Special Gateway” street in the billboard section of the sign ordinance, which means the street has its own “cap and replace” program and “bank account” where a new billboard can only be constructed when an old billboard is removed. This is different from a “Gateway” street, where once billboards are removed they are banked to be relocated elsewhere in the city, but cannot be rebuilt on the Gateway street.

With the new streetscape of 400 South (trees, lighting etc) and the new zoning encouraging residential uses on the upper floors of buildings, the question has been raised as to whether 400 South should be reclassified from a Special Gateway to a Gateway street, to encourage long term attrition and removal of billboards.

There are presently six billboards located on 400 South; one on the Burger King lot at 200 East, three on the Stoneground building at approximately 251 East, one at 7-11 at 300 East and one at Pizza Hut near 800 East (all are on the north side of the street). As a practical matter, the boards on the Stoneground building will not be removed in the near future because the billboard company sold the building while maintaining a permanent easement for the billboards. The other three boards are on sites that may eventually be redeveloped.

The City Council may address this issue as part of this ordinance change (which will require notification to the billboard industry), leave this issue as it is, or remand it to the Planning Commission for further study.