

*****Note re: Main Street/City Creek Skybridge issue *****

Staff would like to note that in addition to information contained the in attached staff report, Section 3 of the February 5, 2008 binder that the Administration submitted to the Council includes a document from CCRI that describes the alternatives to a skybridge that were explored and presents a justification for the skybridge (See Attachment G of the November 29, 2006 Planning Commission Staff Report).

CCRI will be prepared to present and address these issues at the Council's Work Session briefing.

Please contact Council Staff if you have questions or need further information pertaining to this issue.

MEMORANDUM

DATE: March 19, 2008
TO: City Council Members
FROM: Russell Weeks
RE: Briefing: Proposed Ordinance Vacating a Portion of Air Space over Main Street
CC: Cindy Gust-Jenson, David Everitt, Lyn Creswell, Esther Hunter, Mary De La Mare-Schaefer, Ed Rutan, Jennifer Bruno, Lynn Pace, Joel Paterson, Sarah Church, Janice Jardine

This memorandum pertains to a proposed ordinance that would vacate a portion of air space above Main Street at about 50 South Main, to the extent necessary to build a skybridge as part of the City Creek Center, pursuant to Petition No. 400-06-38. Adoption of the proposed ordinance would constitute final design approval of the structure.

The City Council is scheduled to hold a public hearing on the proposed ordinance at its April 1 meeting. The Council tentatively is scheduled to make a final decision on the proposed ordinance at its meeting April 8.

This memorandum contains a section titled *New Information*. The new section appears after the *Potential Motions* section below.

This memorandum also contains several attachments including a copy of Ordinance No. 13 of 2007, and Planning Commission minutes, graphics and a chronology taken from the Administration transmittal and a binder titled *Overview of City Creek Center Project* that was provided by the Administration on February 5 this year. Council Members may wish to reference the binder further for a thorough overview of the project.

OPTIONS

- Adopt the proposed ordinance.
- Do not adopt the proposed ordinance and deny Petition No. 400-06-38.
- Amend the proposed ordinance.

POTENTIAL MOTIONS

Council staff will prepare potential motions after the April 1 public hearing.

NEW INFORMATION

After presentations by the petitioner on March 15 and March 18, the City Council made the following remarks:

The Council noted at the March 18 presentation that Ordinance No. 13 of 2007 listed several criteria on which the Council would base a decision of whether to grant or deny an exception to the standard prohibition of skybridges in view corridors.

One criterion that could contribute to a City Council granting an exception reads:

All other reasonable alternatives for creating a successful at-grade link between opposite sides of the street have been evaluated and found not to be feasible due to:

1. *A safety concern or*
2. *Physical barrier or*
3. *Insufficient integration of both sides of the development via an at-grade link*

The Council requested that the petitioner present details of its research into alternatives, including depictions of the alternatives and reasons why the alternatives would not work.

Another criterion reads: *The skywalk would be designed such that impacts on an identified view corridor would be minimal.* However, at the March 15 briefing and at the January 23 Planning Commission meeting the petitioner said that it wanted the design of the proposed skybridge to be integrated visually into the overall project and help make the project a single unit.

The Council requested that the petitioner review how it arrived at the final design to help the Council and the public understand the process the petitioner used to reach the bridge's design.

The Council also said that to reach a decision it would discuss whether or not the petitioner met each criterion listed in Ordinance No. 13. This memorandum lists findings by the Planning Division staff. However, two things should be noted. First, the Planning Division staff's findings were based on information received before the petitioner's presentation on January 23. Second, as noted in the *Key Points* section of this memorandum, the Planning Commission forwarded a favorable recommendation to the City Council.

KEY POINTS

- The last paragraph of Ordinance No. 13 of 2007 appears to give the City Council fairly wide latitude to require a developer to meet Council goals for "specific project and skywalk related design or other urban planning policy elements, criteria or conditions as part of the related street vacation action."
- The Planning Commission has recommended approval of the proposed ordinance.
- The petitioner appears to indicate that it has met the conditions of Planning Commission recommendations.

ISSUES/QUESTIONS FOR CONSIDERATION

- Given the last paragraph of Ordinance No. 13 of 2007, if Council Members have concerns about the project that the proposed skybridge is part, consideration of the proposed ordinance probably is the last opportunity to raise them.
- The proposed ordinance calls for the leasing of airspace for the proposed bridge. Leasing is an option that the City Council has discussed, but sale of the airspace remains an option. The Council may wish to discuss any potential legal issues involving either option in a closed session.
- The proposed ordinance includes three conditions recommended by the Planning Commission:
 - The approved plan for the skybridge shall use transparent glass in lieu of the applicant's proposal ... to minimize the visual impacts of the etched glass.
 - The permit for the City Creek project shall require that the amount of Main Street retail, as represented in the applicant's most recent plan, be maximized to encourage the use of the crosswalk at ground level; and that all four restaurant retail spaces adjacent to the skybridge have one primary ingress on Main Street.
 - The approved plan for the interior of the skybridge shall be designed to include design elements and/or furniture to create a destination focal point.

The City Council may wish to evaluate those conditions in its consideration of the ordinance.

DISCUSSION/BACKGROUND

The proposed ordinance would authorize the leasing of part of the airspace above Main Street to build a "skybridge" across it. The ordinance also would vacate part of the airspace and declare the part "no longer needed or available as a public street." The ordinance would limit the amount of airspace that would be leased "only to the extent necessary to construct a skybridge across Main Street." Generally, municipalities are stewards of public streets. Ownership of streets includes the streets themselves and what is below and above them.

THE BRIDGE

The proposed bridge would link two parts of the City Creek Center development which is bordered by South Temple, State 100 South and West Temple streets. The bridge would be about 130 feet long and 28 feet wide.¹ The bottom of the bridge would clear electrical catenary wire and poles that are part of the Utah Transit Authority light rail station, roughly 25 feet. Representatives of the petitioner estimate that the enclosed bridge would rise roughly 16-feet to 18-feet above the actual walkway.

The petitioner depicts the enclosed bridge as having glass etched to suggest wetland reeds except for a space in the bridge's center. That area would be clear to provide a space for viewing.² According to representatives of the petitioner, the bridge would have a v-shaped, gull-wing roof that would do two things. The middle of the roof will provide water drainage that won't spill onto

the UTA rail station or equipment below it, and the “wings” can be raised to ventilate the enclosed bridge.

THE ISSUE

On April 17, 2007, the City Council adopted Ordinance No. 13 of 2007. The ordinance amended the Salt Lake City Downtown Master Plan and Urban Design Element to allow the City Council to authorize exceptions to the Master Plan’s prohibition of “skywalks or other obstructions that would block view corridors Main, State, West Temple, South Temple, 100 South, 200 South, 300 South and 400 South streets.” The ordinance allows the City Council to grant “up to one exception per view corridor” – if the City Council finds the exception is justified under “extenuating circumstances and minimum requirements.” The circumstances and requirements are a favorable recommendation by the Salt Lake City Planning Commission and:

- A. *A unified development proposal which includes no less than 7.5 acres of retail/residential mixed use located on each of the two blocks on opposite sides of one of the streets listed above is submitted by the property owner/developer to the Planning Commission, and the unified development contains no other skywalk.*
- B. *All other reasonable alternatives for creating a successful at-grade link between opposite sides of the street have been evaluated and found not to be feasible due to:*
 - 1. *A safety concern or*
 - 2. *Physical barrier or*
 - 3. *Insufficient integration of both sides of the development via an at-grade link*
- C. *A finding is made that a compelling public interest exists through substantial demonstration of each of the following:*
 - 1. *The proposed development would contribute to the objective of creating an active, vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements such as elevators, escalators, or grand entrances.*
 - 2. *The skywalk would be designed such that impacts on an identified view corridor would be minimal.*
 - 3. *The proposed development utilizes urban design, architectural elements and visual connections including pedestrian linkages that actively enhance the project’s relationship to surrounding blocks and economic development opportunities for those blocks.*
- D. *Application of street level urban design elements for an entire project that enhance a primary pedestrian focus, requiring components including but not limited to all of the following:*
 - 1. *Maximize permeable block faces through actions including but not limited to:*
 - a) *Landscaped project entrances on each block face that open the block with pedestrian corridors, and;*
 - b) *Maximize visual permeability into a store or by a legitimate display window, and*
 - c) *Maximize outward facing retail on all block faces.*
 - 2. *Enhanced pedestrian amenities on all block faces such as but not limited to shading devices, signage and seating.*
 - 3. *Uses on all external block faces that support pedestrian activity including but not limited to restaurants, residential, or retail uses comparable to internal commercial activity.*

After recommendation from the Planning Commission, the City Council (as the land use authority) shall have final approval of a skywalk as part of the street vacation process authorized by State Code. The Council may choose, on an individual project basis, to add specific project and skywalk related design or other urban planning policy elements, criteria or conditions as part of the related street vacation action.

As the last paragraph of the ordinance indicates, the City Council appears to have fairly wide latitude to require a developer to meet Council goals for “specific project and skywalk related design or other urban planning policy elements, criteria or conditions as part of the related street vacation action.”

The issue before the City Council then, is not only to determine whether the proposed skybridge meets requirements outlined in Ordinance No. 13 of 2007 but to determine whether there are “specific project and skywalk related design or other urban planning policy elements, criteria or conditions” related to the proposed street vacation that the City Council may choose to add.

It should be noted that the Planning Commission on January 9, 2008, adopted a motion to grant limited planned-development approval of building footprints for the project and the issuance of building permits for underground improvements. It also adopted a motion to grant a conditional-use to allow additional building setback for property located at about 50 East 100 South.³

In addition, the Planning Commission on January 23, 2008, granted planned development approval for the City Creek Center project, declared the air-rights at about 50 South Main Street as surplus property, recommended City Council approval of the partial street closure requested in Petition No. 400-06-38, and recommended that the City Council approve the final design for the proposed skybridge.⁴

THE ORDINANCE

- The proposed ordinance would vacate a portion of the airspace above Main Street at about 50 South Main Street, “to the extent necessary” to build a skybridge as part of the City Creek Center project.
- The City would retain “all portions of the subsurface, surface, and airspace of Main Street located on all sides of the partial street closure ...”
- The City would convey the vacated property “by separate lease.” The term of the lease “shall be tied to the life of the retail portion” of the project.
- The ordinance contains several conditions including the following three recommended by the Planning Commission:
 - The approved plan for the skybridge shall use transparent glass in lieu of the applicant’s proposal ... to minimize the visual impacts of the etched glass.
 - The permit for the City Creek project shall require that the amount of Main Street retail, as represented in the applicant’s most recent plan, be maximized to encourage the use of the crosswalk at ground level; and that all four restaurant retail spaces adjacent to the skybridge have one primary ingress on Main Street.

- The approved plan for the interior of the skybridge shall be designed to include design elements and/or furniture to create a destination focal point.

PETITIONER

In presentations to the Planning Commission and in discussions, the petitioner has indicated the following items about the proposed skybridge:

- The proposed bridge is a single element and not a part of a skywalk system like those that are found in Minneapolis, Minnesota; Des Moines, Iowa; or Spokane, Washington.
- The proposed bridge is an integral part of the City Creek Center development and is key to successfully retaining retail business now and in the future.
- The proposed bridge should be enclosed because UTA has raised concerns about the safety of pedestrians on the bridge and below as well as potential adverse problems with facilities and equipment due to throwing items off an open bridge.
- The petitioner also contends that Salt Lake City has enough bad weather to argue against having an open bridge. (It should be noted that, according to the National Weather Service, Salt Lake City receives between 1.23 inches and 2.09 inches of precipitation each month between September 1 and June 1; has on average 140 days per year of cloudy skies; and 127 days per year where the temperature is 32 degrees or lower, mostly December through February.)
- The proposed etched items in the glass on the bridge are meant to repeat a pattern that will appear throughout the project.⁵
- The petitioner has designed a number of features along Main Street to encourage pedestrian traffic. The petition also plans to develop “mini-anchors” of retail that connect directly to public streets but not to the retail “galleria” to encourage street-level pedestrian traffic.⁶

PLANNING COMMISSION

The proposed ordinance is based on a motion adopted by the Planning Commission after a January 23 public hearing. The Commission adopted the motion 6-3.

The motion found that there is a compelling public interest to allow an exception to the Downtown Master Plan and Urban Design Element to allow construction of a skybridge above Main Street. The motion included a favorable recommendation to the City Council to approve a partial street vacation to allow the leasing of air rights at fair market value for the life of the retail portion of the project. The Commission also recommended three conditions:

- The approved plan for the skybridge shall use transparent glass in lieu of the applicant’s proposal ... to minimize the visual impacts of the etched glass.
- The permit for the City Creek project shall require that the amount of Main Street retail, as represented in the applicant’s most recent plan, be maximized to encourage the use of the crosswalk at ground level; and that all four restaurant retail spaces adjacent to the skybridge have one primary ingress on Main Street.
- The approved plan for the interior of the skybridge shall be designed to include design elements and/or furniture to create a destination focal point.

Much of the Planning Commission discussion was based on the following findings by the Planning Division staff. (It should be noted that the staff's findings were contained in a staff report written on January 18, 2007. The petitioner on January 23, 2007, presented the Planning Commission designs that attempted to address some concerns Planning Division staff raised in the findings.) The staff's findings are below in standard type after the italicized portions of Ordinance No. 13 of 2007:

A unified development proposal which includes no less than 7.5 acres of retail/residential mixed use located on each of the two blocks on opposite sides of one of the streets listed above is submitted by the property owner/developer to the Planning Commission, and the unified development contains no other skywalk.

The project meets the criteria because the City Creek Center site has more than 7.5 acres on each of Blocks 75 and 76. There are no other proposed skywalks across any other public right-of-way fronting the City Creek Center.⁷

All other reasonable alternatives for creating a successful at-grade link between opposite sides of the street have been evaluated and found not to be feasible due to:

- 1. A safety concern or*
- 2. Physical barrier or*
- 3. Insufficient integration of both sides of the development via an at-grade link*

All other reasonable alternatives were reviewed and appeared not to be feasible. The east and west portions of the planned project's galleria do not align with a (street-level) crosswalk which may create a safety concern if pedestrians choose to jaywalk (to cross Main Street or reach a UTA light rail station) instead of following the Main Street sidewalk north to the crosswalk. ... The integration of the east and west sides of the complex is diminished by the lack of alignment with the crosswalk.

The staff report said safety "is still a concern because of the off-setting crosswalk" and that "the project needs better integration on both sides of the development via the proposed at-grade link."⁸

A finding is made that a compelling public interest exists through substantial demonstration of each of the following:

- 1. The proposed development would contribute to the objective of creating an active, vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements such as elevators, escalators, or grand entrances.*

The proposed skybridge met the criteria because it has elevators and escalators at the Main Street entries on both sides of the street and that the project "needs greater connection" (to the street-level corridor) because of the project's proposed second level of retail.⁹

2. The skywalk would be designed such that impacts on an identified view corridor would be minimal.

The staff report said that although the skybridge appeared to add to existing obstructions on the Main Street view corridor, “with further refinement, additional impacts to the view corridor can be minimized.”

The report said that the City Creek Center project is designed as an open-air or semi-open-air development, so having an “enclosed element may be incongruent” with the project. The report also said that “art glass could be integrated into other areas of the project (other than the skybridge) if it is found that the art glass further reduces the transparency of the skybridge.”

The report said the view corridor “already may be compromised by the existence of TRAX and other street improvements.” The report noted that Ensign Peak “is not readily identifiable from the street level and that “the view corridor is further impacted by the existence of telecommunication towers on the ridgeline.”¹⁰

3. The proposed development utilizes urban design, architectural elements and visual connections including pedestrian linkages that actively enhance the project’s relationship to surrounding blocks and economic development opportunities for those blocks.

The staff report said the project aligns well with adjacent street blocks except for the crosswalk on Main Street. The report recommended that “extra measures are needed to guide pedestrians to the crosswalk.”¹¹

D. Application of street level urban design elements for an entire project that enhance a primary pedestrian focus, requiring components including but not limited to all of the following:

- 1. Maximize permeable block faces through actions including but not limited to:*
 - a. Landscaped project entrances on each block face that open the block with pedestrian corridors, and;*
 - b. Maximize visual permeability into a store or by a legitimate display window, and*
 - c. Maximize outward facing retail on all block faces.*
- 2. Enhanced pedestrian amenities on all block faces such as but not limited to shading devices, signage and seating.*
- 3. Uses on all external block faces that support pedestrian activity including but not limited to restaurants, residential, or retail uses comparable to internal commercial activity.*

The staff report said the applicant had “maximized visual permeability and commercial activity on all block spaces except Main Street.” It said the design for Main Street needed additional work to maximize retail frontage there, in part because escalators cut into retail frontage.

According to the staff report:

The level of activity on Main Street should take priority over the activity of the galleria, particularly since the crosswalk and the galleria do not align and extra measures are needed to guide pedestrians to the crosswalk. This perhaps could be accomplished by turning the escalators perpendicular to Main Street (impacting galleria retail frontage rather than Main Street, considering the use of spiral escalators that have a smaller footprint, or some other appropriate design solution.¹²

PETITIONER RESPONSE

At the January 23 public hearing representatives of the petitioner told the commission that the petitioner had complied with a number of issues raised by the Planning Division including:

- Re-evaluating safety issues along Main Street. The petitioner indicated that it had plans to plant an 18-inch-high hedge, bollards, a water feature to help guide people north and south along Main Street and a sculptural element which could be illuminated to guide pedestrians to the Main Street crosswalk.¹³
- Determining that repositioning escalators would result in a 22-foot by 40-foot space that would be “impossible” to lease to tenants the petitioner sought and that stairs and escalators would make “vertical transportation” visible and would allow for activity and animation on the street.¹⁴
- Some conditions in the Planning Division staff report seemed open-ended, and that the petitioner already had addressed them.¹⁵
- Four restaurants on Main Street “all would most likely have significant entrances from Main Street.”¹⁶

OTHER ISSUES

- According to the petitioner’s representatives, the City Creek Center project is part of a pilot program that follows criteria from the Green Building Council that may lead to a silver level of LEED certification for the entire project.¹⁷
- Planning Commissioner Prescott Muir raised concerns about the absence of display windows on the north side of the planned building that would house the Nordstrom department store.¹⁸
- Commissioner Muir also indicated Ordinance No. 13 of 2007 contained a contradiction in clauses C-1 and D-1-c.¹⁹

The clauses read:

C. A finding is made that a compelling public interest exists through substantial demonstration of each of the following:

- 1. The proposed development would contribute to the objective of creating an active, vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements such as elevators, escalators, or grand entrances.*

D. Application of street level urban design elements for an entire project that enhance a primary pedestrian focus, requiring components including but not limited to all of the following:

- 1. Maximize permeable block faces through actions including but not limited to:*
 - c) Maximize outward facing retail on all block faces.*

Commissioner Muir said the Planning Commission's charge was to determine whether one clause or the other should predominate in the project.

¹ Excerpt: Planning Commission Minutes, January 9, Page 5.

² Please see attached graphics.

³ Please see attached chronology from Administration.

⁴ Ibid.

⁵ Planning Commission meeting minutes, January 23, 2008, Pages 5 and 11.

⁶ Ibid. Page 14.

⁷ Planning Division staff report, January 18, 2007, Page 2.

⁸ Ibid. Pages 2 and 3.

⁹ Ibid. Page 3.

¹⁰ Ibid. Page. 3.

¹¹ Ibid. Page 4.

¹² Ibid. Page 4.

¹³ Planning Commission meeting minutes, January 23, 2008, Page 5.

¹⁴ Ibid. Pages 5 and 9.

¹⁵ Ibid. Pages 5 and 6.

¹⁶ Ibid. Page 14.

¹⁷ Ibid. Page 6.

¹⁸ Ibid. Page 9.

¹⁹ Ibid. Page 13.

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SALT LAKE CITY ORDINANCE

No. 13 of 2007

(Amending the Salt Lake Downtown Master Plan and the Urban Design Element)

AN ORDINANCE AMENDING THE SALT LAKE CITY DOWNTOWN MASTER PLAN AND THE URBAN DESIGN ELEMENT PURSUANT TO PETITION NO. 400-06-37

WHEREAS, Utah Code Annotated Section 10-9a-404 outlines the process for adopting or amending the City general plan; and

WHEREAS, after public hearings before the Planning Commission and the City Council, the City Council has determined that the following amendments to the Salt Lake City Downtown Master Plan and the Urban Design Element are in the best interests of the City;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. The Salt Lake City Downtown Master Plan, as previously adopted by the City, includes a section discussing "View Corridors". That section, currently located on page 30 of the Plan, shall be and hereby is amended to read as follows:

View Corridors: Views from downtown to the mountains and major landmarks should also be preserved. Skywalks or other obstructions that would block view corridors are prohibited on Main Street, State Street, West Temple, South Temple, 100 South, 200 South, 300 South and 400 South, and are discouraged on other streets.

The City Council, after recommendation by the Planning Commission, may authorize exceptions to the policy of prohibiting skywalks on Main Street, State Street, West Temple, South Temple, 100 South, 200 South, 300 South and 400 South, and allow for up to one skywalk per view corridor if they find justification based upon the following extenuating circumstances and minimum requirements:

- A. A unified development proposal which includes no less than 7.5 acres of retail/residential mixed use located on each of the two blocks on opposite sides of one of the streets listed above is submitted by the property owner / developer to the Planning Commission, and the unified development contains no other skywalk.
- B. All other reasonable alternatives for creating a successful at-grade link between opposite sides of the street have been evaluated and found not to be feasible due to:
 1. A safety concern or
 2. physical barrier or
 3. insufficient integration of both sides of the development via an at-grade link
- C. A finding is made that a compelling public interest exists through substantial demonstration of each of the following:

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1. The proposed development would contribute to the objective of creating an active, vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements such as elevators, escalators, or grand entrances.
 2. The skywalk would be designed such that impacts on an identified view corridor would be minimal.
 3. The proposed development utilizes urban design, architectural elements and visual connections including pedestrian linkages that actively enhance the project's relationship to surrounding blocks and economic development opportunities for those blocks.
- D. Application of street level urban design elements for an entire project that enhance a primary pedestrian focus, requiring components including but not limited to all of the following:
1. Maximize permeable block faces through actions including but not limited to:
 - a) Landscaped project entrances on each block face that open the block with pedestrian corridors, and;
 - b) Maximize visual permeability into a store or by a legitimate display window, and
 - c) Maximize outward facing retail on all block faces.
 2. Enhanced pedestrian amenities on all block faces such as but not limited to shading devices, signage and seating.
 3. Uses on all external block faces that support pedestrian activity including but not limited to restaurants, residential, or retail uses comparable to internal commercial activity.

After recommendation from the Planning Commission, the City Council (as the land use authority) shall have final approval of a skywalk as part of the street vacation process authorized by State Code. The Council may choose, on an individual project basis, to add specific project and skywalk related design or other urban planning policy elements, criteria or conditions as part of the related street vacation action.

SECTION 2. The Salt Lake City Urban Design Element, as previously adopted by the City, includes section identifying view corridors and discussing skybridges. Those sections, currently located on pages 20, 21, 23 and 87, shall be and hereby are amended to read as follows:

Page 20: Salt Lake City has many view corridors which influence both the urban form of the City and the development character of its districts and communities. The most prominent include the following (see Vista Protection Map). (Figure 8.)

- State Street corridor of the State Capitol Building and surrounding foothills.
- Exchange Place terminating at the Post Office Building.
- Main Street to the Daughters of the Utah Pioneers Museum.
- 200 South East to the University of Utah Park Building.
- 300 South terminating at the D&RGW Railroad Depot.
- South Temple from Union Pacific Depot to Federal Heights foothills.
- First Avenue terminating at the LDS Temple Square.
- West Temple Street.
- 100 South Street.
- 400 South Street.
- Ensign Peak.
- Oquirrh Vista.

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--Wasatch Foothills.

Page 21: The map entitled "Gateways and Vistas" shall be amended to designate West Temple Street, 100 South Street and 400 South Street as street view corridors.

Page 23: The use of skybridges should be carefully planned. Skybridges on streets identified as "major view corridors" should be prohibited, except as otherwise authorized in the Salt Lake City Downtown Master Plan.

Page 87: Emphasize street level open space first, inner block pedestrian networks second, and below and above grade networks third. Skyways should not take activity away from the street or detract from principal views, except as otherwise authorized in the Salt Lake City Downtown Master Plan.

SECTION 3: Copies of the revised Downtown Master Plan and the Urban Design Element shall be maintained in the office of the Salt Lake City Planning Division.

SECTION 4. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this 17th day of April, 2007.

Bill No. 13 of 2007.

Published: May 14, 2007.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 9, 2008**

Present for the Planning Commission meeting were Commissioners Tim Chambless, Babs De Lay, Robert Forbis, Peggy McDonough, Susie McHugh, Prescott Muir, Kathy Scott, Chairperson Matthew Wirthlin and Vice Chairperson Mary Woodhead. Commissioner Frank Algarin was excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Doug Dansie, Senior Planner; Michael Maloy, Principal Planner; Joel Paterson, Planning Programs Supervisor, and Cecily Zuck, Senior Secretary. Lynn Pace, City Attorney; Orion Goff, Building Official; Lisa Shaffer, Development Review Administrator; and Kevin Young, Transportation Engineer were also present.

Chairperson Wirthlin called for a ten minute recess at 6:38 p.m.

City Creek Center-The Salt Lake City Planning Commission is reviewing requests by City Creek Center Reserve, Inc. (CCRI) requesting approval for the City Creek Center, a mixed-use development on approximately twenty-five acres generally located between West Temple and 200 East, from South Temple to 100 South. This property is zoned Central Business District (D-1) and is located in City Council District Four. The specific requests to be considered by the Planning Commission include:

- a. Petition 410-06-38-a request for a Conditional Use Planned Development approval for overall site plan and design approval for the proposed City Creek Center development. During this public hearing the Planning Commission will consider granting conceptual planned development approval for building footprints, up to the podium level, of the proposed development and the locations of entrances to the proposed parking structures for Blocks 75 and 76 and to allow building permits to be issued for the below grade parking structures and Towers 6 and 7, levels P4 through street level on Block 76, and the associated mid-block ramp on West Temple prior to final Planned Development Approval. Final design approval for the overall project, including the proposed skybridge, will be considered at a future Planning Commission public hearing.
- b. Petition 410-07-44-a request for a Conditional Use approval to Increase Building Height and to allow Additional Building Setback for property located at approximately 50 East 100 South in the D-1 Central Business District to:
 - i. Allow construction of a building that would be approximately two hundred sixty-five feet (265') tall, which would exceed the D-1 Central Business District maximum building height regulation of one hundred feet (100') for amid-block building. This request is in addition to the previous Planning Commission approvals to allow adjustments in building height at other locations within the City Creek Center development; and
 - ii. Allow a portion of the building façade to be setback approximately fifteen feet (15') from the front property line which would exceed the D-1 Central Business District maximum front yard setback regulation of five feet (5') (Staff-Joel Paterson 535-6141 or joel.paterson@slcgov.com and Doug Dansie 535-6182 or doug.dansie@slcgov.com).

(These items were heard concurrently at 6:48 p.m.)

Chairperson Wirthlin noted that there would be no final recommendation regarding the skybridge during the hearing. He then recognized Doug Dansie as staff representative.

Mr. Dansie noted that the staff report was broken into four sections; the first of which reviewed Conditional Use Standards; the second reviewed standards for Planned Developments; the third reviewed the City's skybridge policy as well as what issues remained for the Commission and Staff regarding the applicant's skybridge proposal; and the fourth section listed additional Commission and Staff questions.

Mr. Dansie noted that the staff report included a section addressing all issues raised at the last Planning Commission Meeting on December 12, 2007.

Mr. Dansie stated that, as a point of reference, there was data within the staff report exploring retail model alternatives to the two-story retail concept proposed by the applicant. He noted that staff had also included policy opinion on the skybridge and whether it should be enclosed or not. He stated that staff had issues with the Main Street interface; the applicant had done an excellent job of interfacing with other block faces, but not on Main Street. Mr. Dansie stated that staff felt that as proposed, architecturally speaking, there was nothing to distinguish the existing set crosswalk as part of the development.

Mr. Dansie stated that staff proposed the inclusion of a grand stairway into the main galleria. He noted that currently, the only way to access second level retail was to travel across the galleria to escalators on Main Street. Mr. Dansie noted that there were arguments against the grand staircase, that it would block views within City Creek as well as blocking retail frontage.

Mr. Dansie noted that staff recommended the Planning Commission grant preliminary approval of the Planned Development for construction to the podium level and approve Petition 410-07-44, additional building height, and setback modification for the building located at 50 East 100 South.

He noted that the Planning Commission should also give direction to the applicants and staff as how to address the Main Street crosswalk and façade, skybridge alternatives and treatment of the ZCMI façade.

Vice Chairperson Woodhead noted her concern regarding the language of the Staff Recommendation and asked for clarification regarding the difference between 'conceptual' and actual approval.

Mr. Dansie noted that it was simply a matter of approving the project to the ground, or 'podium', level and final approval for development details would be considered at the next Planning Commission Meeting.

Lynn Pace, City Attorney, noted that the Commission was being asked to approve specific portions of the development so that the applicant may pull a building permit on these aspects. He noted that conceptual approval would denote that the Commission was comfortable enough with the overall project to allow the applicant to receive a building permit and begin construction on the structural aspects of the development.

Mr. Dansie noted that if the Commission had particular concerns regarding building footprints or the location of a particular building, they may wish to hold off on approving this request.

Lisa Shaffer, Development Review Administrator, noted that staff was asking for approval of the underground elements and building footprints could be modified somewhat at a later date if necessary.

Mr. Pace noted that this was true, however, footings would be created and buildings could not be moved from their current locations after this approval was granted.

Chairperson Wirthlin noted that 'partial approval' might be a better term for the staff recommendation.

Mr. Shaw noted that the location of Tower 1 had already been approved by the Planning Commission, but they could reaffirm that approval during the current hearing. He stated that the intent of staff during this hearing was to ensure that the Commission was comfortable with locations of the buildings and moving forward, but wanted to address the Commission's concerns raised on December 12, 2007, and staff felt they could not come forward with a full planned development approval, including a recommendation on the skybridge, until those issues were resolved.

Commissioner De Lay noted that there were pictures of The Grove, a shopping center in Los Angeles, included in the staff report and wondered what the reason for this was.

Mr. Dansie noted that one of the criteria of the skybridge proposal was that other development layout alternatives had been explored. He noted that there was not enough space on the two blocks for a single level retailer and The Grove, was an example of a very successful mall, but many of the retailers were multi-level retail stores. He noted that it was given to the Commission as a point of information.

Chairperson Wirthlin invited the applicant forward to comment at 7:08 p.m.

Mr. Gibbons gave an overview of the presentation schedule stating that they would give a statement in terms of the process, present a video fly through of the development and then allow for a slow review of that presentation, with time for Commission comments and questions.

Mr. Williams noted that they felt there were four matters before the Commission. He stated that the first was the Planned Development application, second, the Conditional Use Application for additional building height and setbacks, third, the recommendation to City Council with regards to the projects compliance with the downtown plan amendments relating to the skybridge design, and fourth, a recommendation to City Council concerning the vacation of air rights over Main Street

Mr. Williams noted that the presentation was tailored as a response to rather specific questions presented by the Planning Commission on December 12, 2007. He noted that the applicants hoped to walk away with approval for the below grade construction as well as receive a finite list of issues, concerns and conditions from the Planning Commission so questions so that there might be an end to the process.

Mr. Locke gave a four minute video presentation of what the development would look like as currently proposed.

Mr. Locke then gave a PowerPoint presentation reviewing particular concerns of the Planning Commission including; ADA accessibility, crosswalks, block porosity, building elevations from slides included in the staff report and green roofs within the development.

Mr. Sullivan reviewed alternatives to the skybridge including retail all on one level, retail on a single block and the creation of an underground tunnel. He also reviewed shadow studies of Main Street, views of Ensign Peak and the skybridge as well as views of Ensign Peak from the proposed skybridge. He reviewed other skybridges in the area and a statement from UTA requesting that the skybridge be enclosed. Mr. Sullivan then reviewed the food court schematics, water features and proposed pet amenities.

Mr. Sullivan noted that he would slowly review the project video for the Commission and would welcome any questions from the Commission at this time.

Commissioner Scott stated that she would like to know how many retailers the project would encompass.

Mr. Williams noted that there was space for 125 retailers.

Commissioner Chambless inquired how many meters in length would the water be visible.

Mr. Williams noted that the water features would be visible for about 1200 feet (1200') in total.

Commissioner McDonough inquired about the arches framing the retractable roof skylight on the end wall and if the concept shown was indeed close to the desired end result.

Mr. Locke noted that they had worked a long time to try and eliminate some of the stronger lines in order to make the arch more transparent but had settled upon the current design, as it enabled the mechanical elements of the retractable roof and the proposed geometry allowed these retractable portions of the roof to seal when closed.

Commissioner Muir noted that the Westside Pavilion in Los Angeles had a several story complex with walkways facing the shops and a center galleria with escalators that tie levels together, and he inquired as to why that concept would not work in the proposed development.

Mr. Heckman noted that the applicants considered this to be a deadly environment to retail and that particular development in Los Angeles was experiencing difficulty with the format. He also noted that this arrangement would create retail and walkability impediments as well as block views inside and outside the development.

Mr. Williams noted that they had sacrificed frontage to put in the escalators, but felt that it was the best decision to balance the development.

Commissioner Forbis noted his concern that the underside of the bridge was very close to the top of the UTA station on Main Street and people might easily be able to tag the underside of the bridge with graffiti. He also wondered whose responsibility it would be to remove graffiti.

Mr. Williams noted that it would be their responsibility to remove that graffiti.

Mr. Locke noted that he was not certain as to what the exact difference in height between the two structures was, but noted that the dimension that TRAX had been concerned about was the proximity of the pantograph and cables to the underside of the bridge.

Commissioner Wirthlin stated that the applicant may want to approach UTA about modifying the roof of the station in some way to prevent people from trying to climb out and tag the underside of the bridge.

Commissioner De Lay noted that none of the overhead TRAX wires were shown in the rendering.

Mr. Williams noted that a concern raised by the City Council had been that creating a staircase parallel to the bridge at the Main street entrance would force people further into the block, away from Main Street, and by rotating that 90 degrees, they were more comfortable as it gave easy access to Main Street and the Downtown frontage beyond City Creek.

Mr. Sullivan noted that the proposed design was the culmination of several meetings with the City Council.

Vice Chairperson Woodhead inquired if the escalators could be stairs.

Mr. Locke and Mr. Sullivan noted that the proposal had started with stairs.

Mr. Locke noted that the Council insisted that people were concerned with convenience and felt that escalators were necessary.

Vice Chairperson Woodhead noted her concern regarding how long the development might last.

Mr. Williams noted that the intention by CCRI was for this to be a 50 to 100 year undertaking.

Mr. Gibbons noted that they were not intending to create a shopping mall, but rather improve the Downtown area. He noted that it was a bit of a hybrid, as it did connect into the City, but did include elements which made it more attractive to retailers. He noted that this proposal would accommodate several new concepts and allow them the frontage they deemed necessary.

Vice Chairperson Woodhead noted that it might be prudent for the City to lease air rights to the applicant in regards to the skybridge so the City may remove it once the use is no longer viable.

Mr. Sullivan noted that the City could impose a condition subsequent to the title in which the air rights would terminate if there was an abandonment of the use on either side of the street.

Commissioner Chambless noted that he felt stairs to be a more permanent and viable option than the escalators.

Mr. Gibbons noted that the applicants wanted the development to be a regional draw and if it didn't feel convenient for them, they wouldn't shop there.

Commissioner Chambless inquired how quickly a broken escalator might be fixed.

Mr. Heckman noted that a broken escalator was a functioning stairway.

Mr. Locke noted that there would also be elevators adjacent to all escalators.

Mr. Forbis inquired what would be unique about the proposed skybridge.

Mr. Sullivan noted that the applicant was designing it to vent and allow fresh air to flow through the bridge. It also would include unique art glass and add new perspectives to the view corridor from the bridge.

Commissioner Muir stated that he would like more information regarding the ZCMI façade and how the second-story windows would be utilized by Macy's. He noted that he would like to see alternatives to the proposed spandrel glass.

Mr. Williams noted that they would address this question a little later in the presentation.

Vice Chairperson Woodhead inquired how wide the skybridge would be.

Mr. Sullivan noted that it would be about 28 feet (28') wide and about 130 feet (130') long.

Vice Chairperson Woodhead inquired if there might be any outdoor food vendors within the development, such as taco carts.

Commissioner De Lay noted that this would be a very high-end development and that there would likely not be very many small businesses able to afford the lease.

Mr. Gibbons noted that having outdoor food vendors in the summer had actually been a suggestion made previously, and they would take that suggestion under advisement.

Commissioner Forbis inquired if the applicant intended to incorporate any xeriscaping into the development.

Mr. Sullivan noted that they did not intend to do any xeriscaping; however they did intend to use as many native plants as possible and would use drip irrigation.

Commissioner McDonough noted her concern that there was no sight line included from the food court to the State Street entrance in the presentation.

Mr. Locke noted that there would be a skylight that was not depicted in the renderings above the food court and an escalator and staircase leading out to State Street.

Mr. Sullivan noted that they had not animated the lighting yet on State Street, but the street frontage would include ample lighting and be very safe.

Commissioner Chambless noted that he would like to see this development connect with the Gateway Development in terms of walkability.

Mr. Sullivan noted that the intent was to expand this use down Main Street and increase the walkability in the area.

Commissioner Muir noted his concern regarding the design for the north face of Nordstrom's.

Mr. Locke noted that while it had not been addressed in the rendering, Nordstrom's intended to create more interest and glass entries and that it would not be a blank wall.

Mr. Williams noted that they could review that Nordstrom's wall later in the presentation.

Mr. Sullivan reviewed the Macy's façade. He noted that the blade signs would not be attached to the façade and would in fact be etched glass. He stated that the canopy would also be free-standing from the façade. Mr. Sullivan stated that the first floor would be comprised of all vision glass and pedestrians would be able to see into the actual store, with intermittent show windows.

Mr. Locke reviewed the ramp and stair access to the front of Macy's.

Mr. Sullivan noted that if the building were to be comprised entirely of transparent glass, the floors would not match the apertures of the façade.

Chairperson Wirthlin inquired about the first floor level retail and how it would interact with the outside streetscape.

Mr. Sullivan noted that there were several grade change challenges which made this option with below grade ramps and stairs the best option to still enliven the street level.

Mr. Williams noted that this was not a new addition with the plan.

Chairperson Wirthlin noted that "with the ZCMI development as he recalled, you entered the building and then stepped down, whereas here, you would step down outside and then enter the building.

Bob Corcoran, with Macy's, noted that the store floor levels were completely different. He stated that the structure would start as a level of the actual parking garage and in order to accommodate the façade, they pulled the wall out front and created the outdoor entrance. He noted that he was pleased with the fact that pedestrians entering from this side could survey the interior of the first floor before entering. Mr. Corcoran noted that the entrance would be very well lit and cleaned or cleared of snow on a regular basis, as well as covered by a canopy and accessible to everyone by the use of stairs or a ramp.

Grant Thomas, construction manager with CCRI, noted that they had discussed building placements previously with the Planning Commission and stated that they had felt the Commission was comfortable with these placements. He noted that the applicants were now requesting that they be allowed to continue this construction process up to the podium level.

Chairperson Wirthlin opened the hearing for public comment at 8:52 p.m.

Chairperson Wirthlin read a comment card from Jay Christianson, 1334 East 100 South, which stated that if the skybridge were built it should be open, and Taubman should at least make this compromise because of public outcry and the controversial nature of the skybridge.

Jim Webster, former chair of the Yalecrest Community Council, wondered why there were not more people present at the hearing. He stated that as a landscape architect he was encouraged to see the progress which had been made on the water feature aspects of the project and that he was also pleased to see that the concept of an open skybridge had been explored by the applicants.

Chairperson Wirthlin, seeing no further comments, closed the public portion of the hearing at 8:56 p.m.

Mr. Pace noted that the decision tonight would deal with the footprints of the buildings only and cosmetic details could be decided upon later.

Ms. Shaffer noted that the footings would determine that there would be buildings in those positions; however, there would be some flexibility as to the structures themselves afterwards.

Vice Chairperson Woodhead noted her concern that the Commission might shortchange the public in their due process to comment on the project by approving the below ground construction.

Mr. Pace noted that he was not concerned about there being a lack of public comment. He stated that below grade construction would dictate, to some extent, the building to be built above ground and if the Commission felt that this approval was tantamount to an approval of the overall project itself, or had issues with the site plan, they may wish to table it until the next meeting.

Ms. Shaffer noted that she believed staff felt that this request was not new in that there had been no objection previously to building locations and the things that the Commission was still seeking clarification on did not deal with the below ground construction.

Chairperson Wirthlin invited the applicants forward to respond at 9:01 p.m.

Commissioner McHugh noted that she would like to approach the two items to be voted upon one at a time and afterwards address the recommendations sought by staff regarding the concerns of the Commission.

Chairperson Wirthlin noted that he had thought the Commission would discuss everything and then make the decision at the end.

Commissioner Scott noted that a decision made that would impact the Main Street interface and a radical change to the plans would be necessary could affect the footprints of particular buildings, and stated that the Commission might be better off waiting to make a final decision on January 23, 2008.

Mr. Gibbons noted that there were elements of flexibility within the development; however, there were other elements with no flexibility. He stated that the positioning of the Social Hall Avenue corridor was an enormous undertaking and would not be at all easily realigned with the crosswalk. He noted that two weeks would be a significant hiccup for the applicants. He noted that there was enormous momentum which would be broken at this point if they ended up waiting for an approval.

Chairperson Wirthlin noted that the Commission didn't have to make a decision tonight, it was the applicant's risk, however, he stated that he felt it would be a mistake to delay the decision two more weeks.

Commissioner De Lay noted that the Commission's directions to staff were a separate issue which they could discuss later. She noted that the two issues before the Commission requiring a vote were straightforward as no one seemed to take issue with the placement of structures or the request for additional building height. She noted that she felt the Commission could make a motion on these issues.

Commissioner Forbis made a motion regarding Petition 410-06-38, based upon the testimony and findings of fact, to grant preliminary planned development approval as outlined in staff recommendation one of the staff report;

- 1 Grant preliminary planned development approval for building footprints, up to the podium level of the proposed development and the locations of entrances to the proposed parking structures on Blocks 75 and 76 and to allow building permits to be issued for the below grade parking structures and Towers 1,6 and 7, levels P4 through street level on Block 76, and the associated mid-block ramp on West Temple prior to final Plan Development approval.

Commissioner McHugh seconded the motion. All voted 'Aye'. The motion carried unanimously.

Commissioner Forbis made a motion to approve petition 410-07-44, based upon the testimony and findings of fact; requesting additional building height to allow the proposed building located at approximately 50 East and 100 South to be constructed to a height of approximately two hundred and sixty-five feet (265') and to allow a portion of the front façade to be setback approximately fifteen feet (15') from the front property line. Commissioner McHugh seconded the motion. All voted 'Aye'. The motion carried unanimously.

Discussion of remaining issues:

Mr. Shaw noted that the remaining issues that he noted during the hearing had been the grand staircase, the skybridge design, the crosswalk and design of the Main Street plaza area.

Vice Chairperson Woodhead noted that she was opposed to the idea of a straw vote on the planned development.

Commissioner Forbis noted that Commissioner Woodhead and Mr. Sullivan had raised the idea of conditioning the title upon the air rights being vacated at the time of the abandonment of the use of the skybridge.

Mr. Pace noted that if it was the Commission's intention to grant use of the air space only as long as the project was viable, the City Attorney's Office could figure out the legal language to achieve that.

Chairperson Wirthlin noted that there were therefore no other issues regarding the vacation of the air rights.

Commissioner McHugh noted that she would like to see venting of some sort on the skybridge and allow the sound of Main Street onto the bridge.

Commissioner Muir noted that this was not a vote and therefore might not be consensus on all of the issues. He stated that the applicant should put their best foot forward and see what prevails in two weeks. Commissioner Muir noted that he felt the bridge should be an open bridge and he was not convinced of the liability issue.

Commissioner Forbis noted his concern regarding the distance between the top of the TRAX station on Main Street and the bottom of the bridge. He stated that this issue needed to be addressed by the applicant.

Commissioner Scott noted that they would need to look at the Main Street crosswalk and wanted a rendering or graphic with obstructions. She also stated that she would like to see the crosswalk moved.

Mr. Shaw noted that there was no real way to move the crosswalk. He stated that his intent was to create a sense of arrival for the project and for the downtown area with pedestrian amenities and surrounding features.

Commissioner Scott noted that the applicant should then explore how to make the crosswalk more palatable to the pedestrian.

Commissioner Muir noted that he did not think the Commission should revisit the realignment of the main concourse and would rather see the barriers along the street removed.

Commissioner De Lay stated that she would like to see more public art incorporated into the development and encouraged the applicant to include this next time. She also noted that she would like to see more visuals regarding the expanded view corridors throughout the project.

Commissioner Scott noted that she was not yet convinced that the skybridge was entirely necessary.

Mr. Heckman noted that the project would not reach the critical mass necessary to remain viable unless the whole project were connected. He noted that The Grove, an example presented in the staff report was a very unique example, heavily subsidized by the City of Los Angeles and most of the retail uses were actually fake façades at the second level, only twenty percent of the retailers within that development had two levels of retail.

Mr. Gibbons noted that they had looked at a number of such centers in their research. He stated that the Grove was an inwardly oriented center and did not connect to its surroundings; it was not mixed use and did not include living space.

Commissioner Scott noted that the limited number of apertures within the development was not convenient for pedestrians who may have to walk several feet in order to access the second level of retail. She also noted that the skybridge might be so interesting as to keep pedestrians on the second level of retail and not travel downwards to the first level and onto Main Street.

Mr. Williams noted that the applicant's intent in the beginning was to bisect the large Salt Lake City blocks to create a more pedestrian friendly environment, more commensurate with other Western cities. He noted that they felt comfortable dividing the project into eight blocks.

Commissioner Scott noted that she did not feel the applicant needed to make the blocks smaller, but rather look at the access problem of getting into the stores, which still did not seem very inviting to the pedestrian.

Commissioner McHugh noted that there were entrances to all of the outward facing stores.

Mr. Heckman noted that this was true and many of these stores had entrances and exits on the interior of the development as well. He noted that the development was also introducing large stores to become anchor stores to the City.

Mr. Locke reviewed where store and residential entries would be located.

Commissioner Forbis noted that he would also like to see more porosity along Main Street for pedestrians.

Commissioner McDonough noted that she felt a grand staircase on Main Street would block views within the development and stated that she felt the escalators were well executed.

Commissioner Muir noted that he would like to see a better rendering of the North side of Nordstrom's.

Vice Chairperson Woodhead noted that she would like to see more stairs within the development.

Commissioner De Lay noted that there weren't a lot of two story retail uses around, however, this was their investment without any tax money and that they would want it to work. She therefore thought that they Commission should defer to them on what would work.

Mr. Locke noted that the demand for two story retail was very low, specifically due to the tremendous expense involved.

Mr. Williams noted that they had spent four years and thousands of hours to ensure that they were not building a 'mall'. He noted that a mall was inward facing and rather tried to create a facsimile of a street not involved with the public way.

Mr. Shaw noted that the concept of having one project means that it has to be connected in a better way than past attempts in the downtown area.

Commissioner McDonough noted that she would like to see a better interface between the design of the skybridge and the façade expression of the main entry of the two blocks. She stated that it had to do with the architectural detailing and expression and if it could be graceful and convincing in space and the vertical connections, it could be quite successful.

Commissioner Forbis stated that he requested more information about the project's LEED certification and what level of certification the applicant was seeking. He noted that he would also like to see some data on what types of alternative energy solutions the development would be seeking with Rocky Mountain Power.

Mr. Shaw noted that there was still the issue of what was visible on the facades when at the crosswalk on Main Street.

Mr. Dansie noted that pedestrian walkability near the crosswalk could be promoted in two ways; one would be to encourage pedestrians by modifying the sidewalks and adding trees and plantings, the other would be to activate the street front so that they would be walking by a use. Mr. Dansie noted that he felt the best answer would be to do both, but it may be possible that there should be some sort of visual cue, even if it's an art piece or architectural detail.

Mr. Locke reviewed the Main Street crossing facades.

Commissioner Scott noted that she would like to see more architectural articulation of these facades.

Mr. Sullivan noted that there would be a restaurant with outdoor dining at the crosswalk.

Mr. Locke reviewed the façade of Macy's.

Commissioner Scott inquired if there was a way to make the stair towers on either end more attractive.

Mr. Locke reviewed the stair tower treatment.

Commissioner Scott noted that she did not like the idea of spandrel glass on the Macy's building as it interacted with the ZCMI façade in a negative way.

Commissioner McHugh noted that there was a concern regarding light pollution to surrounding neighbors at night, so spandrel glass might be a positive solution.

Commissioner McDonough noted that she noted that she would like to see a rendering of the project's interface perpendicular to Main Street.

Mr. Shaw noted three main points in summary which related to the staff concerns:

- The idea of a grand staircase on Main Street was not feasible
- The bridge should be open to air flow; by vents, louvered windows or some other means
- The Commission would like to see more enlivened, accurate renderings of the Main Street crosswalk with fewer barriers to pedestrians.

Chairperson Wirthlin closed the hearing at 10:07 p.m.

Commissioner Muir noted that during the work session discussion earlier in the evening, it was brought up that when the Commission approved a conditional use they should clearly define what the advantages or remediation measures would be for the City to mitigate any negative connotations or offsets. He inquired if the Commission should then begin articulating what those remediation measures would be.

Mr. Shaw noted that as new planned developments - mostly residential, came forward, staff would include more scrutiny in their review and would approach the Planning Commission with a more detailed recommendation.

UNFINISHED BUSINESS

There was no unfinished business.

The meeting adjourned at 10:08 p.m.

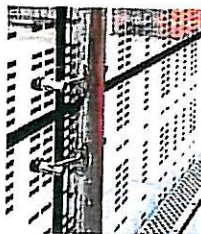
Cecily Zuck, Senior Secretary

WHY AN ENCLOSED BRIDGE?

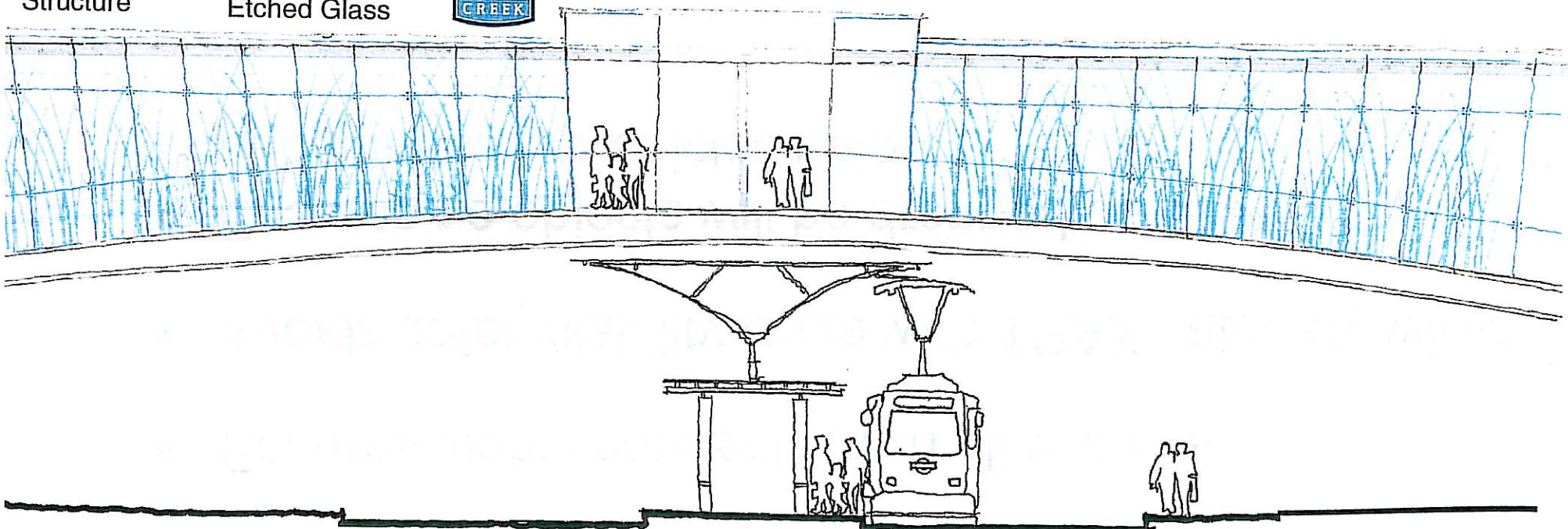
- Protects from severe wind/weather exposure in 130' span across main street and sidewalks
- Ensures viable connectivity in all weather
- Avoids safety/liability issue with TRAX catenary wires
- Ensures no objects will be dropped on TRAX, pedestrians or vehicles below



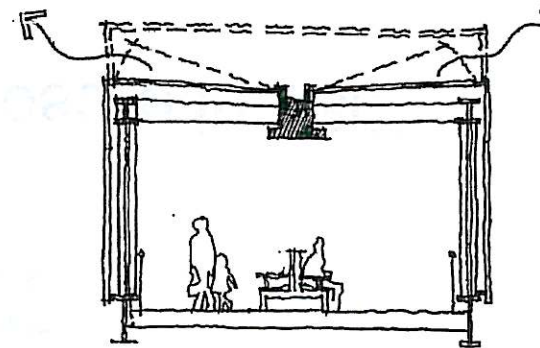
Structure



Etched Glass



- Clear span box truss
- Glass is external
- Etched glass pattern
- Central viewing room
- Natural ventilation







Chronology of Public Process & Planning Commission Actions

Date	Action
October 25, 2006	Issues Only Public Hearing (No decisions made)
November 1, 2006	Open House
November 11, 2006	Issues Only Public Hearing (No decisions made)
November 29, 2006	Planning Commission Public Hearing Petition 400-06-27 <u>Decision</u> – Recommended partial street closures on South Temple, Social Hall Avenue, West Temple and 100 South Petition 400-06-38 <u>Decision</u> – Recommended amendments to the Downtown Master Plan and the Urban Design Element
December 13, 2006	Planning Commission Issues Only Public Hearing (No decisions made)
January 10, 2007	Planning Commission Issues Only Public Hearing (No decisions made) Planning Commission Public Hearing Petition 410-06-41 <u>Decision</u> – Approved additional building height for parking structure on Social Hall Avenue
January 24, 2007	Planning Commission Issues Only Public Hearing (No decisions made)
February 6, 2007	Open House
February 14, 2007	Planning Commission Issues Only Public Hearing (No decisions made) Planning Commission Public Hearing Petition 410-06-38 <u>Decision</u> – Approved additional building height for towers on South Temple and 100 South and modified setback for tower on South Temple
August 20, 2007	Open House
August 22, 2007	Planning Commission Public Hearing Petition 410-06-38 <u>Decision</u> – Modified prior approval for additional building height for towers on South Temple and 100 South
November 29, 2007	Open House
December 12, 2007	Planning Commission Issues Only Public Hearing (No decisions made)
January 9, 2008	Planning Commission Public Hearing Petition 410-06-38 <u>Decision</u> – Granted limited Planned Development approval of the building footprints and to allow the issuance of building permits for the below grade improvements. Petition 410-07-44 <u>Decision</u> – Granted Conditional Use approval to allow increased building height and to allow additional building setback for property located at approximately 50 East 100 South.
January 23, 2008 (pending ratification of the minutes, anticipated on February 13, 2008)	Planning Commission Public Hearing Petition 410-06-38 <u>Decision</u> – Granted planned development approval for the City Creek Center project. Petition 400-06-38 <u>Decision</u> – Declared surplus the air-rights at approximately 50 South Main Street, and Recommended that the City Council approve the requested partial street closure. <u>Decision</u> – Recommended that the City Council grant final design approval for the proposed sky bridge.

Communication to the Planning Commission



Salt Lake City Planning Division

To: Salt Lake City Planning Commission

From: Doug Dansie, Senior Planner
Joel Paterson, Planning Programs Supervisor

Date: January 18, 2008

Re: January 23, 2008 Planning Commission Agenda
City Creek Center—the Salt Lake City Planning Commission is reviewing requests by City Creek Center Reserve, Inc. (CCRI) requesting approval for the City Creek Center, a mixed-use development on approximately twenty-five acres generally located between West Temple and 200 East, from South Temple to 100 South. This property is zoned Central Business District (D-1) and is located in City Council District Four. The specific request to be considered by the Planning Commission includes:

Petition 400-06-38—a request for a **Partial Street Closure** to allow the sale of air-rights over a portion of Main Street for the construction of a skybridge and the proposed design of the skybridge to be located at approximately 50 South Main Street.

Overview

On January 23, 2008, the Planning Commission will hold a public hearing to consider a request by City Creek Reserve, Inc. (CCRI) to vacate a portion of the air rights above Main Street and to permit the construction of a skybridge as part of the City Creek Center development proposal.

Attached is the staff report of January 9, 2008. Further analysis and recommendation of the skybridge and street closure are as follows:

Skybridge

SALT LAKE CITY ORDINANCE No. 13 of 2007 amended the Salt Lake City Downtown Master Plan and the Urban Design Element to accommodate skybridges under certain circumstances.

The following is the amended text of the Downtown Master Plan and Urban Design Element and associate analysis of the criteria for approving a skybridge with attached staff analysis and findings:

View Corridors: Views from downtown to the mountains and major landmarks should also be preserved. Skywalks or other obstructions that would block view corridors are prohibited on Main Street, State Street, West Temple, South Temple, 100 South, 200 South, 300 South and 400 South, and are discouraged on other streets.

The City Council, after recommendation by the Planning Commission, may authorize exceptions to the policy of prohibiting skywalks on Main Street, State Street, West Temple, South Temple, 100 South, 200 South, 300 South and 400 South, and allow for up to one skywalk per view corridor if they find justification based upon the following extenuating circumstances and minimum requirements:

- A. A unified development proposal which includes no less than 7.5 acres of retail/residential mixed use located on each of the two blocks on opposite sides of one of the streets listed above is submitted by the property owner / developer to the Planning Commission, and the unified development contains no other skywalk.**

Analysis: The City Creek Center site has more than 7.5 acres on both Blocks 75 and 76. There are no other proposed skywalks across any other public right-of-way fronting the City Creek Center.

Finding: The project meets these criteria.

- B. All other reasonable alternatives for creating a successful at-grade link between opposite sides of the street have been evaluated and found not to be feasible due to:**
- 1. A safety concern or**
 - 2. Physical barrier or**
 - 3. Insufficient integration of both sides of the development via an at-grade link**

Analysis: The skybridge is proposed to be across Main Street. Main Street accommodates both auto and rail traffic. The existing crosswalk is signalized and does not create a safety hazard for pedestrians. However, the east and west portions of the galleria do not align with the crosswalk which may create a safety concern if pedestrians choose to jaywalk instead of following the Main Street sidewalk north to the crosswalk. The Main Street traffic lanes and the TRAX line act as physical barriers. The integration of the east and west sides of the complex is diminished by the lack of alignment with the crosswalk.

Findings: All other reasonable alternatives have been reviewed and appear not to be feasible. However, safety is still a concern because of the off-setting

crosswalk. The Staff continues to have concern that the project needs better integration on both sides of the development via the proposed at-grade link.

- C. A finding is made that a compelling public interest exists through substantial demonstration of each of the following:**
- 1. The proposed development would contribute to the objective of creating an active, vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements such as elevators, escalators, or grand entrances.**

Analysis: The skybridge has both elevators and escalators at the Main Street entry on both sides of the street. The project needs greater connection based upon the proposed second level retail.

Finding: The skybridge meets these criteria.

- 2. The skywalk would be designed such that impacts on an identified view corridor would be minimal.**

Analysis: The view corridor up Main Street focuses on the Brigham Young Monument, the Daughters of Utah Pioneers Museum at the head of Main Street and Ensign Peak. The view corridor may already be compromised by the existence of TRAX and other street improvements. The skybridge design could be modified to be more open. The art glass could be integrated into other areas of the project (other than the skybridge) if it is found that the art glass further reduces the transparency of the skybridge. The City Creek Center project is designed as an open air or semi-open air development, except for the skybridge; therefore the proposed design as an enclosed element may be incongruent with the larger development.

Finding: From the street-level, Ensign Peak is not readily identifiable from the street level. The view corridor is further impacted by the existence of telecommunication towers on the ridgeline. The enclosed nature of the preliminary designs of the skybridge and the use of art glass increase the visual intrusion of the skybridge on the Main Street view corridor, however, from the skybridge-level the view may be enhanced. Although the skybridge appears to add to the existing obstructions to the Main Street view corridor, with further refinement, additional impacts to the view corridor can be minimized.

- 3. The proposed development utilizes urban design, architectural elements and visual connections including pedestrian linkages that actively enhance the project's relationship to surrounding blocks and economic development opportunities for those blocks.**

Analysis: The overall project aligns its major corridors with crosswalks, view corridors and major elements of all major blocks surrounding the project with the exception of the east/west galleria and the Main Street crosswalk. Therefore, extra measures are needed to guide pedestrians to the crosswalk.

Finding: The project aligns well with all adjacent blocks but does not align well with the crosswalk on Main Street.

D. Application of street level urban design elements for an entire project that enhance a primary pedestrian focus, requiring components including but not limited to all of the following:

- 1. Maximize permeable block faces through actions including but not limited to:**
 - a) Landscaped project entrances on each block face that open the block with pedestrian corridors, and;**
 - b) Maximize visual permeability into a store or by a legitimate display window, and**
 - c) Maximize outward facing retail on all block faces.**
- 2. Enhanced pedestrian amenities on all block faces such as but not limited to shading devices, signage and seating.**
- 3. Uses on all external block faces that support pedestrian activity including but not limited to restaurants, residential, or retail uses comparable to internal commercial activity.**

Analysis: The applicant has maximized visual permeability and commercial activity on all block faces except Main Street. Main Street needs additional design work to maximize the Main Street retail frontage. The use of escalators along the Main Street frontage, as opposed to the galleria, indicates a prioritizing of the galleria over Main Street. The level of retail activity on Main Street should be maximized in order to create the activity that will encourage pedestrian travel outside the direct travel path from east to west galleria to use the fixed location of the crosswalk.

The Main Street frontage design needs to better highlight the crosswalk.

Finding: The level of activity on Main Street should take priority over the activity of the galleria, particularly since the crosswalk and the galleria do not align and extra measures are needed to guide pedestrians to the crosswalk. This perhaps could be accomplished by turning the escalators perpendicular to Main Street (impacting galleria retail frontage rather than Main Street), considering the use of unique spiral escalators that have a smaller footprint, or some other appropriate design solution.

More architectural detailing or art should be used to highlight the ground level walking path from the east/west galleria via Main Street and the crosswalk.

After recommendation from the Planning Commission, the City Council (as the land use authority) shall have final approval of a skywalk as part of the street vacation process authorized by State Code. The Council may choose, on an individual project basis, to add specific project and skywalk related design or other urban planning policy elements, criteria or conditions as part of the related street vacation action.

The Salt Lake City Urban Design Element was also amended to read as follows:

Page 20: *Salt Lake City has many view corridors which influence both the urban form of the City and the development character of its districts and communities. The most prominent include the following (see Vista Protection Map). (Figure 8.)*

- State Street corridor of the State Capitol Building and surrounding foothills.*
- Exchange Place terminating at the Post Office Building.*
- Main Street to the Daughters of the Utah Pioneers Museum.*
- 200 South East to the University of Utah Park Building.*
- 300 South terminating at the D&RGW Railroad Depot.*
- South Temple from Union Pacific Depot to Federal Heights foothills.*
- First Avenue terminating at the LDS Temple Square.*
- West Temple Street.*
- 100 South Street.*
- 400 South Street.*
- Ensign Peak.*
- Oquirrh Vista.*
- Wasatch Foothills.*

Page 21: *The map entitled "Gateways and Vistas" shall be amended to designate West Temple Street, 100 South Street and 400 South Street as street view corridors.*

Page 23: *The use of skybridges should be carefully planned. Skybridges on streets identified as "major view corridors" should be prohibited, except as otherwise authorized in the Salt Lake City Downtown Master Plan.*

Page 87: *Emphasize street level open space first, inner block pedestrian networks second, and below and above grade networks third. Skyways should not take activity away from the street or detract from principal views, except as otherwise authorized in the Salt Lake City Downtown Master Plan.*

Finding: The Urban Design Element refers to the criteria outlined in the Downtown Master Plan. Analysis and findings are included above.

Partial Street Closure

The Planning Commission must review the proposed partial street closure requests subject to the following Salt Lake City Council Policy Guidelines for Street Closures and Findings.

- 1. It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Discussion: The proposed partial street closures will not deny access to other properties in the general area and is designed to improve access between the east and west portion of City Creek Center. The proposed partial closure on Main Street involves air-rights only and will have little effect on the physical street level improvements. The Petitioner maintains that the Main Street proposal is required to provide sufficient pedestrian access between Blocks 75 and 76.

Finding: The proposed partial street closures will not deny access to adjacent properties.

- 2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial or industrial.**

Discussion: The Petitioner, CCRI, intends to purchase the property in question for each partial street closure. CCRI will negotiate with the City to determine the fair market value of the property.

Finding: The subject property will be sold or leased for fair market value.

- 3. There should be sufficient public policy reasons that justify the sale and/or closure of a public street and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.**

Discussion: If the Planning Commission finds that exceptions to the Downtown Plan and the Urban Design Element are justified by evaluation of the listed criteria, it follows that the Planning Commission can make a finding that there is sufficient public policy reason to justify the partial street closure and recommend that the City sell air-rights over Main Street for the Skybridge.

Finding: If the Planning Commission finds that there is a compelling public interest to allow an exception for a skybridge, it would follow that there are sufficient public policy reasons to justify the sale or lease of the air-rights over Main Street.

4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.

Discussion: The public policy reasons supporting the partial street closures on South Temple, West Temple, 100 South and Social Hall Avenue are discussed under City Council Policy Guideline 3 above. The alternative to these partial street closures would maintain the status quo but would eliminate the benefits created by the proposed closures; such as improved access to parking structures with a reduction in traffic and pedestrian conflicts. The public policy reasons for the proposed partial street closures on South Temple, West Temple, 100 South and Social Hall Avenue outweigh the alternatives. If the Planning Commission finds that an exception to the Downtown Plan and the Urban Design Element is justified by evaluation of the three listed criteria, it follows that the Planning Commission can make a finding that there are sufficient public policy reasons that outweigh alternatives to the proposed partial street closure and recommend that the City sell air-rights over Main Street for the Skybridge.

Finding: The public policy reasons for the proposed partial street closures on South Temple, West Temple, 100 South and Social Hall Avenue outweigh the alternatives and comply with this standard. If the Planning Commission finds that there is a compelling public interest to allow an exception for a skybridge, it would follow that the stated public policy reasons outweigh the alternatives to the partial closure of Main Street.

RECOMMENDATION:

Based on the analysis and findings presented in this report: If the Planning Commission finds that there is a compelling public interest to allow an exception to the Downtown Plan and the Urban Design Element to allow for the construction of a skybridge over a portion of Main Street, the Planning Division recommends that the Planning Commission declare the subject portion of the air-rights over Main Street as surplus property and forward a favorable recommendation to the City Council to approve the partial street closure on Main Street to allow the lease or sale of the air right at fair-market value to the Petitioners. Planning Commission approval is subject to the following conditions:

1. That the existing public and private utility infrastructure be maintained in a manner acceptable to the City's Public Utilities Department.
2. That the street closure ordinance be conditioned upon payment to the City of fair market value for the street property, consistent with Salt Lake City Code 2.58.
3. The term of sale/lease is tied to the life of the retail portion of the project.

Recommended Design considerations:

The staff recommends that if the skybridge is approved, the following recommendations be considered:

1. The skybridge is designed to be substantially open to the air on the sides to minimize visual impacts to the Main Street view corridor and be consistent with the open air design of the center.
2. The skybridge use transparent glass to minimize visual impact.
3. The skybridge be designed to be consistent with the architecture of the adjacent complex.
4. The escalators from the skybridge to the Main Street level be designed to minimize their impact on the retail frontage of Main Street.
5. Main Street retail is maximized to encourage the use of the crosswalk at ground level.
6. Interior of the skybridge be designed to include design elements and/or furniture to create a destination focal point.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 23, 2008**

Present for the Planning Commission meeting were Chair Matthew Wirthlin, Vice Chair Mary Woodhead, Commissioners Tim Chambless, Babs De Lay, Robert Forbis, Peggy McDonough, Frank Algarin, Prescott Muir, Susie McHugh, and Kathy Scott,

Present from the Planning Division were George Shaw, Planning Director; Doug Wheelwright, Deputy Planning Director; Cheri Coffey, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Katia Pace, Associate Planner, and Tami Hansen, Planning Commission Senior Secretary; and Lynn Pace, City Attorney.

The meeting reconvened at 6:39 p.m.

City Creek Center—the Salt Lake City Planning Commission is reviewing requests by City Creek Center Reserve, Inc. (CCRI) requesting approval for the City Creek Center, a mixed-use development on approximately twenty-five acres generally located between West Temple and 200 East, from South Temple to 100 South. This property is zoned Central Business District (D-1) and is located in City Council District Four. The specific requests to be considered by the Planning Commission include:

- a. **Petition 410-06-38**—a request for a **Planned Development** approval for overall site plan and design approval for the proposed City Creek Center development. During this public hearing the Planning Commission will consider granting final planned development approval for the overall project, including the proposed skybridge at approximately 50 South Main Street.
- b. **Petition 400-06-38**—a request for a **partial street closure** at approximately 50 South Main Street to allow the sale of air-rights over a portion of Main Street for the construction of a skybridge (Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com and Joel Paterson at 535-6141 or joel.paterson@slcgov.com).

(This item was heard at 6:40 p.m.)

Commissioner Muir brought to the attention of the Commission that his company was hired by the Downtown Alliance to do a cultural master plan of the two blocks south of the City Creek project, which was being funded by forty property owners, one of which was CCRI. He inquired if the rest of the Commission felt that was an issue.

The Commission agreed that they felt there were no conflicts.

Mr. Shaw noted that because of some issues brought up at the December 12 Planning Commission meeting, and additional questions about the Main Street plaza and skybridge, staff felt that CCRI and the Commission needed additional time to fully explore some of these issues, but staff felt that after CCRI's presentation tonight the Commission had enough information to make a motion.

Chairperson Wirthlin recognized Joel Paterson as staff representative.

Mr. Paterson stated that the Commission's approval tonight would include Blocks 75 (ZCMI) and 76 (Crossroads Mall) and would not include Block 74 (Social Hall). He stated that Planning Staff recommended that the Commission grant planned development approval for the City Creek Center with the following conditions:

1. All windows are actual windows; no imitation/false windows are permitted. Spandrel glass is limited to "bridge" pieces that connect transparent or translucent glass together; it is not acceptable as a glass/window substitute. Instead of false windows, architectural detailing

and lighting is encouraged. Required ground level glass should be in the form of transparent windows or transparent display windows.

Mr. Paterson noted that staff's concern with the use of spandrel glass was with Macey's and the use of the old ZCMI façade; it was proposed that at the ground level all of the glass along the front of Macey's would be see through glass and would provide views into the store, on the upper levels there would be a few display windows; however, significant use of spandrel glass was being proposed. He noted that staff's concern was that using large amounts of spandrel glass could convey an image of dead space. He noted that the ZCMI façade was a historic Landmark site, therefore the Historic Landmark Commission would have final design approval for the reuse of the façade, but any recommendations by the Commission could be forwarded on to them. Mr. Paterson stated that the applicants expressed concern with the conditions broad nature.

Chair Wirthlin inquired if any recommendations made by the Planning Commission for the Historic Landmark Commission should be included in the motion.

Mr. Shaw noted that the conditions listed in the staff report were somewhat open ended because of some of the information that CCRI would be presenting later in the meeting, so the Commission should review them after the presentation and streamline or delete the conditions.

2. Main Street retail be maximized and designed to stimulate walking from east/west galleria/mall corridor to the crosswalk, rather than rely solely on the design of the sidewalk/paving to guide pedestrians.
3. The public way be designed at the Main Street entry to facilitate and encourage pedestrians to use the crosswalk. This may be accomplished by the addition of water features, or other design items to highlight the importance of the crosswalk.
4. The Main Street façade is highlighted at the crosswalk with art and/or architectural features to physically highlight the location and importance of the crosswalk.
5. All public way improvements conform to Salt Lake City standards, including paving materials, venting, public furniture, signage and tree and lighting spacing. Final design of the public way improvement shall be delegated to the Planning Director to ensure conformance with the planned development approval.
6. The Planning Director has final approval over details of the plan to ensure conformance with the planned development approval. Major changes or alterations will be returned to the Planning Commission or Planning Commission subcommittee for consideration.

Mr. Paterson stated that the applicants had mentioned in previous meetings that the Main Street crosswalk would lead into a restaurant space on the east side of the street and would align with a residential lobby on the west side. He stated that as the Commission received additional information from the applicant tonight, conditions three and four would need to be modified.

Mr. Paterson stated that some of the criteria adopted by the City Council for consideration of skybridges based upon the following extenuating circumstances and minimum requirements included:

- A. *A unified development proposal, which includes no less than 7.5 acres of retail/residential mixed use, located on each of the two blocks on opposite sides of one of the streets listed above is submitted by the property owner/developer to the Planning Commission, and the unified development contains no other skywalk.*

Analysis: The City Creek Center site has more than 7.5 acres on both Blocks 75 and 76. "There are no other proposed skywalks across any other public right-of-way fronting the City Creek Center.

Finding: The project meets these criteria.

- B. *All other reasonable alternatives for creating a successful at grade link between opposite sides of the street have been evaluated and found not to be feasible due to:*

1. *A safety concern or*
2. *Physical barrier or*
3. *Insufficient integration of both sides of the development via an at grade link*

Analysis: The skybridge is proposed to be across Main Street. Main Street accommodates both auto and rail traffic. The existing crosswalk is signalized and does not create a safety hazard for pedestrians; however, the east and west portions of the galleria do not align with the crosswalk, which may create a safety concern if pedestrians choose to jaywalk instead of following the Main Street sidewalk north to the crosswalk. The Main Street traffic lanes and the TRAX line act as physical barriers. The integration of the east and west sides of the complex is diminished by the lack of alignment with the crosswalk.

Mr. Paterson noted that the applicants and staff had gone through many alternatives in order to connect the project without a skybridge; however, due to the size of the project and the amount of retail, the applicant needed a critical mass to make the project viable, and if these blocks function independently that critical mass will not be reached. Staff also raised some concern about the alignment of the crosswalk and the east/west galleria, and possible safety concerns that might arise from that.

- C. *A finding is made that a compelling public interest exists through substantial demonstration of each of the following:*

1. *The proposed development would contribute to the objective of creating an active, vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements such as elevators, escalators, or grand entrances.*

Analysis: The skybridge has both elevators and escalators at the Main Street entry on both sides of the street. The project needs greater connection based upon the proposed second level retail.

Mr. Paterson noted that the developers had shown on many occasions how they plan to connect the second level to Main Street and the galleria; and locations for the escalators, stairways, and elevators at either end of the skybridge were previously discussed throughout the past year. He stated that staff and the Commissioner have looked at alternatives for placement of these amenities.

2. *The skywalk would be designed such that impacts on an identified view corridor would be minimal.*

Analysis: The view corridor up Main Street focuses on the Brigham Young Monument, the Daughters of Utah Pioneers Museum at the head of Main Street and Ensign Peak. The view corridor may already be compromised by the existence of TRAX and other street improvements. The skybridge design could be modified to be more open. The art glass could be integrated into other areas of the project (other than the skybridge) if it is found that the art glass further reduces the transparency of the skybridge. The City Creek Center project is designed as an open air or semi-open air development, except for the skybridge; therefore the proposed design as an enclosed element may be incongruent with the larger development.

Mr. Paterson stated that as the Commission had observed from many field trips, the Main Street view corridor had already been somewhat impacted by the streetscape improvements, like trees and the TRAX development. He noted that the skybridge would definitely have somewhat of an impact, but staff had agreed that it would depend on the design of the skybridge if these impacts could be improved and minimized.

3. *The proposed development utilizes urban design, architectural elements and visual connections including: pedestrian linkages that actively enhance the project's relationship to surrounding blocks, and economic development opportunities for those blocks.*

Analysis: The overall project aligns its major corridors with crosswalks, view corridors and major elements of all major blocks surrounding the project with the exception of east/west galleria and the Main Street crosswalk. Therefore, extra measures are needed to guide pedestrians to the crosswalk.

Mr. Paterson stated that as staff reviewed this project they felt that the project connected positively to other parts of downtown, and retained views of important landmarks throughout the City as well as the view of the mountains. He stated that the biggest concern was the east/west galleria crosswalk connection, and the applicant agreed to incorporate a streetscape design that would help with those connections.

- D. *Application of street level urban design elements for an entire project that enhance a primary pedestrian focus, requiring components including, but not limited to all of the following:*

1. *Maximize permeable block faces through actions including but not limited to:*

- a. *Landscape project entrances on each block face that open the block with pedestrian corridors, and;*
- b. *Maximize visual permeability into a store or by a legitimate display window, and*
- c. *Maximize outward facing retail on all block faces.*

2. *Enhanced pedestrian amenities on all block faces such as, but not limited to shading devices, signage and seating.*

3. *Uses on all external block faces that support pedestrian activity including, but not limited to restaurants, residential, or retail uses comparable to internal commercial activity.*

Analysis: The applicant has maximized visual permeability and commercial activity on all block faces except Main Street. Main Street needs additional design work to maximize the Main Street retail frontage. The use of escalators along the Main Street frontage, as opposed to the galleria, indicates a prioritizing of the galleria over Main Street. The level of retail activity on Main Street should be maximized in order to create the activity that will encourage pedestrian travel outside the direct travel path from east to west galleria to use the fixed location of the crosswalk.

Mr. Paterson stated that staff and the Commission had seen the project evolve over the past year and the applicant met and exceeds the street level glass requirements, the entrances into the retail spaces and the entrances into the project.

He stated that if the Planning Commission found that there was a compelling public interest to allow an exception to the Downtown Plan and the Urban Design Element and allow for the construction of the skybridge over the portion of Main Street, then the Commission should declare the subject portion of the air rights over Main Street as surplus property, and forward a favorable recommendation to the City Council to approve the partial street closure on Main Street and allow the lease or sale of air rights for fair market value to the petitioners.

Chair Wirthlin invited the representatives from CCRI to the table.

Mark Gibbons (President of City Creek Reserve Inc.) introduced Ron Locke (Taubman Company), Bill Williams (CCRI), Allan Sullivan (Counsel), and Bruce Heckman. He stated that numerous members of the Taubman Company and CCRI were present at the meeting, as well as Bob Corchran with Macy's.

He noted that they were grateful to staff and the Commission for their laborious review and input, and for public input, which had defiantly made the project better.

Mr. Locke presented a PowerPoint presentation that reviewed Main Street activity, the skybridge, glass requirements. He noted that safety and pedestrian friendly solutions were reevaluated at the Main Street level, and there would be a low hedge planted along Main Street that would be eighteen inches (18") high, and bollards for sitting which were very comfortable and would cater to the pedestrian traffic rather than the vehicular traffic. He stated that there would also be a water feature that would help guide people north/south along Main Street. There would also be a sculpture element at either end of the crosswalk on Main Street which would be illuminated and easily seen by pedestrians to follow as a guide to the crosswalk placement.

Mr. Locke noted that they had changed the position of the escalator to allow pedestrians to move to and from the skybridge onto Main Street without being corralled deep into the project, and pedestrians would never lose sight of Main Street during this movement, creating a constant experience of the activity on the street. He noted that the only requirement was that the structural engineer of the project required brace framing, which was for seismic activity control for the entire eastern half of Block 76 (Crossroads Mall). He stated that the space gained from repositioning the escalators would be impossible to lease because its dimensions of 22 feet by approximately 40 feet, would not fit most fashion tenants.

Mr. Locke stated that the developers decided on an enclosed skybridge because of the change of seasons Utah experiences, and safety precautions due to the TRAX station that would run down Main Street and under the skybridge. He stated that as far as the actual bridge structure, it would include a ventilation system where the roof could be opened up to allow heat to escape, and to allow the air and sounds of Main Street into the structure. There would also be an observation deck in the center of the skybridge, for people to be able to sit and appreciate the view corridor up and down Main Street.

He noted that up close the skybridge would be a piece of art that would include etched glass that would feature the same environmental graphic system which would be found throughout the entire project. Mr. Locke stated that from far away the skybridge would appear rather transparent and not effect the view corridor. A box truss system would be used to allow for a clear span, no column support that would minimize the structure and allow it to be open. The glass would be clad on the exterior and allow the structure to be a more subtle feature.

Mr. Locke discussed how the skybridge would structurally connect to the end wall. There would be a natural slope and a spine down the center that would support drainage, and act as a hinge to allow the glass roof to open. There would also be stone clad columns below and decorative elements that would help visually support the skybridge itself. In the even of poor weather or for security reasons the roof would be able to close and still allow pedestrians to access doors along the structure to the viewing decks. Mr. Locke stated that as far as graffiti concerns underneath the skybridge, even if someone were able to get on top of the TRAX station structure, there would still be a 12 foot (12') clearing.

Mr. Williams stated that in regards to the spandrel glass, which is an opaque piece of glass that has a black surface behind it, the objective was to carry on the rhythms of a window surface where there structurally could not be a window. He noted that it was still the intent of the developers to meet the City's ordinance, which required 60 percent of see through glass on the ground floor. He noted that condition 1 from the staff report seemed very broad and it would preclude the use of spandrel glass which in many instances would be deemed appropriate.

Mr. Williams also noted that this caused concern in regards to the use of the ZCMI façade, which at the Historic Landmark Commissions request, Macy's should engage the architecture of the façade with the store design. He stated that on the ground floor of Macy's the 60 percent requirement would be met, but spandrel glass would be used as well.

Mr. Williams mentioned that the Commission had requested that the developers research and address alternative energy sources, and they spoke with Rocky Mountain Power, who suggested energy modeling to ensure that the project would contain the most efficient systems possible. Mr. Williams mentioned that as far as LEED credit, energy modeling and the reduction of energy use gave the

project more LEED points versus onsite generation. A central plant was reviewed for the entire project; however, the space requirements and the capital cost mandated that the project be divided into smaller plants across the site.

Mr. Williams stated that they received criteria to follow from the Green Building Council, and each time the developers follow one of the criteria they receive one LEED point for it, the challenge of the system was the developer would not find out what level they had certified for; either silver, gold, or platinum, until the project was completed and the Green Building Council reviewed it. He stated that it was the applicant's goal on neighborhood development and new construction to certify, and currently they had more points than necessary for silver certification. He also mentioned that the City Creek project was chosen as one of fifty national projects to be supported as a pilot project, and as far as the certification of new buildings, each would be reviewed by the Green Building Council individually.

Mr. Gibbons stated that historically LEED certification was a building by building analysis; however, the pilot program, which CCRI was one of the first in the country to participate in, was a LEED certification for the project as a whole, which currently the City Creek project as a whole would achieve the silver level of certification after it was completed.

Mr. Williams mentioned that another concern that was addressed by the Commission was that of art integration, which could come in a variety of different mediums. He noted that memorable fountains types varied and would be placed through out the project, as well as interactive elements.

Mr. Sullivan asked that the Commission carefully consider the conditions in relation to the three petitions separately, so that the conditions do not mix, but are appropriately related to each specific petition. He stated that the applicant felt that staff had done a good job separating those conditions in the staff report. He asked that the conditions also relate to legal requirements and not to personal preferences, and that the Commissioners identify a requirement in the standards that should govern the deliberations before imposing the condition. He requested that those conditions be as specific as possible and not open ended, so the applicant was aware of specific points of compliance.

Mr. Sullivan referenced the six conditions on page 2 of the staff report, and stated that the applicant agreed with the spandrel glass restrictions mentioned in condition 1, because of the last sentence which read, *Required ground level glass should be in the form of transparent windows or transparent display windows, and reflects what the zoning ordinance for the D-1 zone required.* He noted that this however, was an example of a general prohibition on the use of spandrel glass, because there were areas in the project where this type of glass would be required not only in Macy's, but in the condominium towers as well.

Mr. Sullivan stated that condition 2 also seemed ambiguous, and the applicant felt that they had already met this requirement, but if the Commission felt that the condition needed to be more fully met then they should be more specific. He also noted that the applicant felt that they had complied with conditions 3 and 4, that the public way be designed at the Main Street entry to facilitate and encourage pedestrian to use the crosswalk, and the Main Street façade be used at the crosswalk with art or architectural features to highlight the importance and location.

Mr. Sullivan noted that the applicant felt that the Commissions recommendations to the Historic Landmark Commission should be more clearly stated to read that the conditions are suggestions for the HLC, rather than based upon planned development approval.

Mr. Sullivan commented on Petition 410-06-38 (Street closure/skybridge) and stated that the applicant found it difficult to differentiate between concerns, items for discussion, and conditions. He stated that on page 3, Condition C, 2. *The skywalk would be designed such that impacts on an identified view corridor would be minimal.* He read from paragraph two, *The enclosed nature of the preliminary designs of the skybridge and the use of art glass increase the visual intrusion of the skybridge on the Main Street view corridor, however, from the skybridge-level the view may be enhanced. Although the skybridge appears to add to the existing obstructions to the Main Street view corridor, with further refinement, additional impacts to the view corridor can be minimized.* He concluded that if that was intended to be a condition of approval, the applicant felt they had satisfied it with the designs presented tonight, and asked that it be removed.

Mr. Sullivan referenced page 4, Condition D, reading from the analysis, *Main Street needs additional design work to maximize the Main Street retail frontage*. He stated that this was an example of an open-ended condition, and the applicant felt they had already complied with this; however, if the Commission chooses to keep this condition the applicant asked that they be more specific. He read the finding under Condition D, *[Pedestrian activity on Main Street] could be accomplished by turning the escalators perpendicular to Main Street (impacting galleria retail frontage rather than Main Street), considering the use of unique spiral escalators that have a smaller footprint, or some other appropriate design solution*. He noted that the applicant felt they had addressed this matter tonight.

Mr. Sullivan also pointed out that the applicant felt that some of the conditions of recommendation on page 8, needed to be removed or updated by the Commissioners. The conditions of recommendation are as follows:

1. *The skybridge is designed to be substantially open to the air on the sides to minimize visual impacts to the Main Street view corridor and be consistent with the open air design of the center.*

Which the applicant felt they had addressed and mitigated.

2. *The skybridge use transparent glass to minimize visual impact.*
3. *The skybridge be designed to be consistent with the architecture of the adjacent complex.*

The applicant felt they had satisfied this condition as well.

4. *The escalators from the skybridge to Main Streets level be designed to minimize their impact on the retail frontage of Main Street.*

Mr. Sullivan stated that the applicant felt they had shown tonight that the orientation of escalators on Main Street would maximize retail frontage and the vitality of Main Street.

5. *Main Street retail is maximized to encourage the use of the crosswalk at ground level.*
6. *Interior of the skybridge be designed to include design elements and/or furniture to create a destination focal point.*

Mr. Sullivan stated that this project was a collaborative process and had evolved over the past year plus from the ideas and input of city staff and citizens, and it was much better for it.

Commissioner Scott inquired about the east/west pedestrian crosswalk on Main Street, and where it led on either side of the street. She was concerned that the crosswalk on the west side of the street led pedestrians into a residential lobby.

Mr. Heckman noted that it was an entrance to a residential tower, but not the lobby which was located more south; however, there was retail space on either side of the crosswalk.

Commissioner Scott inquired if the applicants had spoken with the City Transportation Department; because it seemed from the drawings that Main Street did not have the appearance of a street, but more of a plaza.

Mr. Williams stated that there would be pavement color changes and scores that would be aesthetically pleasing, yet allow to keep TRAX operable.

Chair Wirthlin opened up the public portion of the hearing.

Jim Webster (938 Military Avenue) stated that he supported UTA's position on being concerned about having an open skybridge. He stated that it seemed that the barriers down Main Street had been mitigated to produce a more vibrant urban environment.

Cindy Cromer (816 East 100 South) stated she was thrilled to see that the orientation of the escalator had been changed, she complimented the Commission, the applicant, and all those who had had input on the project, saying that it had come a long, positive way since the beginning of the project. She stated that a lease of the air rights would be better for the City's interest long term, rather than the sale of the air rights for the skybridge, and there are enough property owners downtown that control enough acreage that they could qualify for a skybridge under the revised ordinance, so a lease agreement would discourage other applicants from petitioning for a skybridge. Ms. Cromer stated that a lease option would give the City completely defensible authority over any designs for future skybridges, and a lease agreement would also allow the City in the future to change the technology of mass transit on Main Street.

Commissioner McDonough inquired of Ms. Cromer what about the orientation of the escalators on Main Street she was happy about.

Ms. Cromer stated that she was happy to see that the developers had made a fair skybridge that allowed people to change levels without getting coerced into the project, and kept pedestrian traffic close to Main Street.

Commissioner Chambless inquired if she knew how often escalators exposed to the elements broke down, and if she had talk to lawyers about the difference between the lease and sale of the air rights.

Ms. Cromer stated that after review of the project plans she had not seen any escalators that were susceptible to the elements, they seemed rather protected. She noted that as far as talking to lawyers she had not, but was sure that Lynn Pace, City attorney would be able to help the Commission with that.

Kathleen Hill (1138 East 400 South) stated that she had studied skybridges for six months and wanted to point out that her research showed that they took life off of the street. She also said that safety was a concern because accidents tended to go up where a skybridge was built, because motorists were expecting pedestrians to be on the bridge and not on the street.

Commissioner De Lay inquired what type of development was under the skybridges that Ms. Hill studied.

Ms. Hill stated it was a mix of retail, restaurants, and businesses.

Mary Young (3260 Wasatch Pines, Granite UT 84092) stated that there were already a lot of TRAX/pedestrian related accidents, and with the increased numbers of people downtown pedestrians would increase. She stated that the skybridge was a great idea, but needed to be covered to protect TRAX, as well as the public from the elements. She also stated that she felt that the City Creek Center itself would enliven the downtown area astronomically. She stated that the skybridge design should be such that it was a major attraction and would enliven Main Street. Ms. Young also stated that the view corridor was not very strong, and an artistic design for the skybridge would actually enhance the view.

Alex Churchward (938 East 100 South) stated that the LDS church had been very generous with this development and he was happy with the potential of this project, but he was not convinced that the skybridge was needed.

Jay Christianson (1334 East 100 South) stated that he was opposed to an enclosed skybridge and displayed a rendering of a skybridge that would allow for it to be open. He stated that if in the future the skybridge was proven to create economic injustice and was hindering Main Street revitalization, the Taubman Company and CCRI should have to take it down at their own expense.

Richard Markosian (764 Wilson Avenue) stated he did not think the skybridge was necessary.

Commissioner Chambless inquired of Mr. Markosian how he thought the City Creek and Gateway projects could be linked.

Mr. Markosian stated that if the goal of the City Creek project was to obtain a critical mass of retail there was no way there could be a connection, and the City Creek development should consist of mainly residential spaces for those who want to live downtown in walkable communities.

Carla Wiese (Downtown Alliance) stated that the Downtown Alliance had previously gone on record expressing their support and encouragement for the City Creek project. This kind of density, energy, and concentration of people and activity was certainly a requisite to energize and animate the downtown area. The Alliance encouraged the Planning Commission to view the skybridge as an element that would help with the retail aspect and goal of the overall project, and if the skybridge was found to be a critical element to move this project forward, then it should be included.

David Hoza (209 West 200 North #306) stated that the project was great as far as bringing people in, but if there was a way that the City could remove the concentration of additional incoming traffic that this project would generate it would help with the already astounding amount of pollution we already experience in the valley. He suggested HUB transportation centers at different parts of the valley that would help mitigate the pollution from concentrated traffic.

Chair Wirthlin closed the public portion of the hearing, and declared a short break at 8:25 p.m.

The meeting was reconvened at 8:37p.m.

Chair Wirthlin invited the applicant back to the table.

Mr. Gibbons stated that the debate of a skybridge or no skybridge occurred over a year ago and the discussion tonight really related to the conditions as articulated in the amendment.

Commissioner Muir stated that he was afraid that the City Council and staffs obsession with connectivity between the second level of the project and Main Street at the skybridge juncture had led the Commission to this point. He stated that typically an outside corner of retail in a project like this was very valuable, and he had reviewed a diagram of Richards Street, where there was a vertical connection that was inline with the face of the stores and not aligned with the project intersection corners. He inquired, from a retail prospective how this functioned.

Mr. Heckman stated that stairs and escalators would now make the vertical transportation visible, and would also allow for activity and animation on the street.

Commissioner Muir stated that he had thought about how the Main Street connection could be more like the plaza like feel of Richards and Regents streets, where there were balconies that overlook the activities below, and where the escalators were freed up from any of the retail and was really tied to the plaza.

Mr. Heckman stated that on either side of the skybridge there would be glass overlooks in the center of the skybridge, which would be safe and enclosed.

Commissioner Muir stated that it seemed that everyone involved wanted it both ways, they wanted the connectivity at the juncture of the skybridge and Main Street, but also retail exposure that followed the pedestrians as they moved to and from the skybridge, and he felt the applicant was put in a double bind.

Mr. Locke noted that as the plan has evolved over the past four years, a lot had to be taken into consideration, which was more than just what do the retailers want and it is final. Currently, where the escalators were located was where the developers wanted them and what really worked the best.

Commissioner Muir inquired about the north façade, and stated that it was obvious that Nordstrom did not have a lot of display windows. They had followed the ordinance on West Temple, but the north side of the façade does not really engage pedestrians.

Mr. Locke noted that one of the practical considerations here was that Nordstrom wanted to do show windows where they would be appreciated because they were expensive to do, so they focused on West Temple, on the south side it would be less visible and quieter.

Mr. Heckman stated that there was a lot of discussion with the tenants at square one that the Commissioners have not had a lot of exposure to, but the developers have spent a lot of time with Nordstrom to not allow just a blank wall.

Commissioner Muir suggested that as for the ZCMI façade the voids that were filled with spandrel glass still looked like voids, and maybe the original fenestration and window character of the original façade should be looked at and added in to break the scale down.

Commissioner McDonough stated that because it was the Historic Landmark Commissions purview to decide on that, she suggested that the Commission craft their preferences and concerns into the motion, particularly involving the use of spandrel glass, and the developers design team needed to propose a very specific detailing on how this interface would occur with each glazing panel. She stated that the developers should be careful with their use of spandrel glass.

Commissioner Scott stated that the spandrel glass and the ZCMI façade did not seem to fit together. She inquired about the change of grade happening outside and inside of the store, because the grade change so close to the sidewalk almost looked like a mistake that was fixed with the use of ramps.

Mr. Locke stated that there were discussions with Macy's and they were comfortable with the grade change the way it occurred, and they were not in favor of taking the ramps and stairs inside the store because it would interfere with customer circulation and viewed as lost space.

Commissioner Algarin stated that he was impressed with what the developers have been able to do, as far as how they had negotiated with potential retailers to allow for window space, which was very valuable space and viewed as dollars per square foot. He stated that he felt the retailers were not going to give up any more space.

Commissioner De Lay stated that part of the LEED certification for a mixed use project becomes a major tourist attraction by virtue of this certification. She stated that part of that is being extremely sensitive to the landscaping throughout the entire project and especially how it synchronizes with the Riparian Overlay.

Mr. Gibbons noted that the developers were looking at that and one way to obtain LEED points was to use water conserving, native plants.

Commissioner De Lay stated that City Creek in the project is not the real City Creek, but a water feature and wanted to know how that was following the LEED precedence.

Mr. Locke stated that there were choices a developer could make to become LEED certified, so there might be certain points the developer would focus on and still obtain that certification even though other areas of the development might not meet LEED criteria.

Mr. Heckman noted there was a very sophisticated group of people working through the challenges of the landscaping of this project, including finding plants that could grow indoors and outdoors and have a local genesis, so there was a lot of behind the scenes research and work going on.

Commissioner De Lay inquired about Mr. Sullivan's comments on the conditions of recommendation, and wondered why the developers had a hard time with condition 3.

Mr. Williams stated that it seemed too broad because the developer was not sure as far as keeping the skybridge consistent with the rest of the project, what the Commission and City Council wanted it to be consistent with—the brick and stone, or glass and metal architecture.

Vice Chair Woodhead inquired about the underside of the skybridge.

Mr. Locke stated that the designers had recently tried to symbolically tie the bridge in with both blocks and the idea that the skybridge could be used artfully to suggest the flow of City Creek was looked at. He stated that the developers have tried to depict that using etched designs of grasses that might be found along the creek into the sides of the glass and having the floor of the skybridge contain a strip of glass that would represent the creek. To the sides of the glass strip would be artistic carvings and shapes, which would also allow light and color through to Main Street underneath the skybridge.

Vice Chair Woodhead inquired of Mr. Sullivan if he thought it was possible for the Commission to affirmatively vote for the planned development and not allow the skybridge.

Mr. Sullivan stated that if the Commission voted negatively for the skybridge, then they would have to craft language for the City Council that the planned development only be approved depending on the Council's affirmative decision for a skybridge.

Chair Wirthlin inquired of Mr. Lynn Pace (City Attorney) on how he felt the Commission should vote.

Mr. Pace stated that the Commission's decision on the planned development would significantly depend on whether or not the Commission approved the skybridge, so he suggested that the Commission vote on the skybridge first and then depending on whether or not it was approved would in turn effect the decision on the planned development.

Commissioner Scott inquired what the developers found while researching skybridges.

Mr. Heckman stated that one of the key points that should be focused on was that it served as a pedestrian connector and not a total skybridge system that extended throughout the entire downtown area.

Chair Wirthlin thanked the applicants and brought the discussion back to the Commission.

Commissioner McDonough stated that as far as the recommended condition 5, that the applicant had been concerned about, *Main Street retail is maximized to encourage the use of the crosswalk at ground level.* She stated she still felt torn between the dilemma of having the developers activate Main Street via vertical connection, and the Commissioners should be taking into account condition C...*a compelling interest exists through substantial demonstration of...creating an active vibrant streetscape by connecting people easily from upper levels to the street level corridor and maximizing public movement through architectural elements.*

Commissioner McDonough inquired about the distinction between people moving throughout the project and vibrancy, and wondered if seeing people moving to and from on the street established a vibrant streetscape. She stated that when she looked at the plan she saw forty plus lineal feet of skybridge that was essentially impenetrable, which the developers had suggested that if people could be viewed from Main Street inside the skybridge, it meant that there was vibrancy.

Commissioner McDonough stated that though there were renderings of tables and chairs along Main Street, she did not find that a believable use and she would like more actual connection.

Commissioner Scott stated she felt that went back to different apertures, and penetrable store fronts and office use on Main Street, which would be her definition of vibrancy, not just watching but being able to penetrate the project.

Mr. Heckman stated that the developers have done their best to show the Commissioners how permeable the project would be, one of the unique aspects of this project was that there will be bigger stores than there are elsewhere and most of them were concentrated along the Main Street frontage along with many entrances, so that it would not be a long, isolated wall.

Chair Wirthlin noted that he would like the Commission to review the text in the staff report, and try to work with the language that the City Council had given to the Commission to work with. He stated that the objective was not to create an active vibrant streetscape, but to see how the language already told how it would be accomplished. The City Council had already determined that creating an active vibrant

streetscape was done by connecting people from the upper levels to the street level, and the Commission was somewhat stuck with that judgment that the Council had already made.

Commissioner Algarin agreed with Chair Wirthlin that the way the City Council had addressed the skybridge had created an either/or scenario and the Commission had done the best that they could. He stated that he would rather see the action of pedestrians moving throughout the project up and down in clear visual sight so that people coming into the project knew there was that access to and from the skybridge to the other side of Main Street or just to the upper levels of the development.

Commissioner De Lay noted that as she had observed from being a resident downtown that Main Street in the summer time was already a very vibrant and energetic place, and now with the new development it would enhance that atmosphere. She stated that for a year the Commission had deliberated this and not once had any business on Main Street come to cry out that this project would not work for them.

Vice Chair Woodhead disagreed with Chair Wirthlin's reading of the text. She read on page 2, *The City Council, after recommendation by the Planning Commission, may authorize exceptions to the policy of prohibiting skywalks...if they find justification based upon the following extenuating circumstances and minimum requirements.* She felt that the Commission did have some leeway, and if the Commission made a recommendation to the City Council based on the fact that the Commission found elements in the plan that would create a less than vibrant streetscape, then they were entitled to do that.

Chair Wirthlin went through the conditions, and stated that as far as Condition A on page two, he did not feel that there were many applicants that could meet this requirement as Ms. Cindy Cromer had suggested, because this ordinance was created for this project.

Commissioner Scott disagreed that this ordinance was only developed for this project, that there would be other situations in the future.

Chair Wirthlin focused on Condition B.

Commissioner Muir stated that he disagreed with the staff's findings, and thought that the safety issues were self-imposed and that the most viable argument for this was Condition B, 3, *Insufficient integration of both sides of the development via an at-grade link.*

Commissioner Scott noted that in regards to Conditions B, 1 and 2, the skybridge would probably exacerbate the safety and physical barrier concerns, due to the fact that motorists would view the streetscape, especially with the skybridge in the area, with the perception that the pedestrians were using the skybridge and not crossing the street. She suggested that there needed to be heavy demarcation of the pavement on the street, because it looked too much like a plaza, and the pedestrians may not be very wise and lulled into a sense of false safety.

Commissioner McHugh inquired if there was a traffic light there.

Mr. Gibbons noted there was.

Commissioner McHugh stated that a traffic light should be significant enough to alert motorists and pedestrians of pertinent traffic laws in the area.

Commissioner Forbis noted that UTA along with the City Police Department do a great job when new areas like this open up as far as patrolling and notification, and he felt people would quickly adapt to the new surroundings.

Vice Chair Woodhead stated that as far as Condition B, 1 and 2, she was not convinced there was a problem with those, and pedestrians have been crossing streets for a long time and the notion that the presence of TRAX and traffic suggests crossing the street would be unfeasible does not make sense.

She noted that as far as the skybridge being used as an east/west connection as part of the plan, there could have been attention paid to making that link work better and the developers made a choice not

to do that. She stated that the fact that previously two large malls existed across from each other and were successful for a long time proves that the skybridge was not vital to have this work.

Commissioner Algarin stated that all the Commission had to do was agree that one of the conditions proved that this was feasible not all three of Condition B, 1-3, which he stated had been done.

Chair Wirthlin focused the Commissions attention to Condition C, 2.

Commissioner De Lay stated that she had spent sometime on Main Street and found that the view corridor was already significantly compromised by TRAX, and what was really interesting was that she felt that the skybridge would become the number one place to stand to get a good picture of the view corridor, which would elevate them above the TRAX lines, so in a way it was going to open up the view.

Commissioner Scott stated that she felt that a skybridge would still impact the view corridor greater than a couple of TRAX lines and cables.

Commissioner Algarin stated that it did not seem significant to focus on a view corridor which was only wide enough to have ten people look at it at a time, where as to get the area invigorated by using a skybridge it seemed to not be a very impressive view, and did not make sense.

Mr. Shaw stated that he too had walked Main Street to see what was really visible and what was not and the only time that the view corridor was visible all the way to Ensign Peak was when you were in the middle of the crosswalk in the line of traffic.

Commissioner Scott stated that she still struggled with the fact that there would be an observation deck on the skybridge to observe the view corridor, and felt it hindered the view even more.

Commissioner Chambless stated that a view was in the eye of the beholder, he realized TRAX was a problem, but in the summertime there was also the obstruction of the trees, so why compromise these two things with a skybridge. He stated that what was being done was creating art in the center of the street, rather than a façade and it was an obstruction that the public would be living with for decades.

Commissioner McHugh stated that the deconstruction of the word minimal in the language seems to be what some of the Commissioners are hung up on.

Commissioner Muir agreed, and noted that with prescribed language from the City Council there was already built in contradictions, so it was the Commissioners role to decide what was the most in compliance with that language, and then argued the fact that the language stated that there should be no artistry effect, it should be as transparent as possible, and that staff's recommendations suggest that it should be a gathering place, and though he agreed with that, it did not comply with the language that was given by the City Council. He stated that if the skybridge were to be created as a gathering place it would require a bigger, wider bridge which was also less minimal.

He stated that he felt the City Council had put the Commission in a box, and felt they just wanted the Commission to hand it back to them, which created lost opportunities and only they were empowered to adjust the language. Commissioner Muir stated that Condition C, 1 was in contradiction with Condition D, 1, C. *which stated that retail frontage would be maximized and the vertical transportation* and he felt that one came at the expense of the other. He stated that he felt that the Commission was only charged with making a guesstimate about what should predominate.

Commissioner Scott stated that the Commission was boxed in, but the City Council had asked for input and recommendations, and whether they take it into consideration or not was their choice.

Chair Wirthlin directed the discussion to Condition C, 3.

Commissioner Scott stated that the project did not line up on Main Street as it did on Reagents and Richards street.

Mr. Heckman stated that there were impediments with alignment throughout the project with underground parking and other elements that had to be taken into consideration.

Chair Wirthlin directed the discussion to Condition D.

Vice Chair Woodhead stated that it seemed that the applicant had tended to make the skybridge connector a far more pleasant way to move through the project than the street level, which she felt was one of the fundamental problems because during bad weather people would not be inclined to leave the enclosed areas.

Commissioner Algarin agreed that it seemed it was the developers intent to keep people inside the project, but to recognize that people will want to go down to Main Street to access those outside stores, otherwise the whole thing will fail.

Chair Wirthlin stated that the main TRAX station for downtown will be dropping off hundreds of people in the middle of Main Street, and he did not feel that the retail that was not enclosed or connected by the skybridge would be ignored.

Commissioner De Lay stated that she did not agree with Vice Chair Woodhead because 4 million people are already visiting Temple Square across from the development year round and there was no way that people would not circulate through this project, it was a place where people would walk around downtown.

Mr. Heckman stated that part of the design was that the mini-anchors do not open into the retail galleria, people would have to go out on Main Street to get to them, and they were designed to draw people up and down that street.

Commissioner McDonough inquired about the four restaurant spaces.

Mr. Heckman noted the one on the northwest side did not open into the mall, but the other three did, but all would most likely have significant entrances from Main Street.

Vice Chair Woodhead stated that she did not think people would be trapped in the project, but would people's perception be let's go downtown today, or let's go to City Creek today, and she was worried that people would say let's go to City Creek, not let's go to Macey's and walk down Main Street, despite the fact there are external features, the retail was largely directed internally.

Commissioner McHugh disagreed with Vice Chair Woodhead.

Commissioner Forbis stated that a year ago the Commission had this discussion on whether or not the City Creek development would revitalize the area. He stated that Salt Lake City was never going to have a downtown where people could go from bar to bar to bar, so this was the best shot for a reemerging vibrancy of downtown and he hoped that smaller and locally ran business would locate there, and based on private conversations with people there was already the intent to do that.

Commissioner Muir inquired about what should predominate, the vertical circulation between the two levels, or the continuity of the retail at the interface with Main Street. He stated he was leaning toward the continuity of retail, because if this existed people would progress along that edge, which was Main Street.

Commissioner Algarin disagreed, saying it was the ability to move up and down that was important and that the continuity of the retail space was built around traffic flow and exposure to the retail.

Chair Wirthlin stated that he felt that they were both important, but the City Council had already made a strong point about the connectivity and both had to be taken into consideration and made successful.

Commissioner Muir stated that it was appropriate to point out the built in contradiction that the City Council had created. For example you could not have a minimal skybridge with art elements that call attention to it; it is either one or the other.

Commissioner Chambless agreed.

Commissioner De Lay stated that she was getting the sense that each member of the Commission had already made up their mind, but the air rights have not been discussed on whether they are leased or sold. She stated she would like to see a lease with an end date, because if the skybridge did not work, the applicant would have to remove it at their own cost.

Commissioner Algarin stated that the leasing should be tied to the length of the project.

Mr. Pace stated that the Commission should make sure they do not convey away the air rights over the street for a longer period of time than the development, so it would make sense to tie the length of the two together.

Commissioner McHugh inquired about Vice Chair Woodhead's idea from a previous meeting that if at some point the project dies the air rights would revert back to the City.

Vice Chair Woodhead stated that it does make sense to make that part of the recommendation and that Mr. Sullivan and Mr. Pace should discuss that.

Commissioner Forbis made a motion regarding Petition 400-06-38 a request for a partial street closure to allow the sale or lease of air rights over a portion of Main Street for the construction of a skybridge and the proposed design of the skybridge to be located at approximately 50 South Main Street. Based on the analysis and findings as well as testimony presented this evening and the staff report, the Planning Commission finds that there is a compelling public interest to allow an exception to the Downtown plan and the Urban Design Element to allow for the construction of a skybridge over a portion of Main Street. The Planning Commission forwards the recommendation that the subject portion of the air rights over Main Street is surplus property, and a favorable recommendation be forwarded to the City Council to approve the partial street closure at Main Street to allow the lease of the air right at fair market value to the petitions, subject to the following conditions, with changes to condition 2 and 3:

1. That the existing public and private utility infrastructure be maintained in a manner acceptable to the City's Public Utilities Department.
2. That the street closure ordinance be conditioned upon payment of the City of fair market value for the lease of street property, consistent with Salt Lake City Code 2.58.
3. The term of the lease is tied to the life of the retail portion of the project

The Planning Commission recommends that if the skybridge is approved, the following recommendations 2, 5, and 6, be considered as found in the staff report on page 8:

~~The skybridge is designed to be substantially open to the air on the sides to minimize visual impacts to the Main Street view corridor and be consistent with the open air design of the center.~~

1. The skybridge use transparent glass to minimize visual impact.

~~The skybridge be designed to be consistent with the architecture of the adjacent complex.~~

~~The escalators from the skybridge to the Main Street level be designed to minimize their impact on the retail frontage of Main Street.~~

2. Main Street retail is maximized to encourage the use of the crosswalk at ground level.
3. Interior of the skybridge be designed to include design elements and/or furniture to create a destination focal point.

Commissioner De Lay seconded the motion.

Commissioner McDonough inquired why Commissioner Forbis had not included condition 4.

Commissioner Forbis stated that during the discussion he came to the conclusion that that criteria had already been met and did not need to be included.

Commissioner McDonough then inquired why he was including condition 5 because they tend to go hand in hand.

Commissioner Muir stated that the language still seemed ambiguous, and was the Commission approving this or not.

Commission Muir amended the conditions of the motion to read:

2. The skybridge use transparent glass in lieu of the applicant's proposal to minimize the visual impacts of the etched glass.

Commissioner McHugh inquired if that meant no grass or other art effects on the skybridge.

Commissioner Muir stated he thought that staff was saying they wanted to see purely transparent glass.

Mr. Shaw stated that as the applicant presented the skybridge proposal tonight, it looked as if the glass could still be transparent with etching.

Commissioner Muir amended condition 2 to state that the skybridge use transparent glass as represented by the applicant's most current depiction.

Commissioner McHugh seconded the amendment to condition 2.

Commissioner Muir inquired if condition 5 should be stricken or changed.

Commission Muir amended condition 5 to read, Main Street retail as represented in the applicant's most recent plan.

Commissioner McDonough stated she would like to add to condition 5; all four restaurant retail spaces adjacent to the skybridge must have one primary ingress at the Main Street face.

Commissioner Forbis agreed.

Chair Wirthlin asked if that would fit better into the conditions for the planned development.

Commissioner McDonough said it would fit, but it also has to do with Main Street vibrancy.

Commissioner De Lay seconded the amendment to condition 5.

Commissioners De Lay, Forbis, Algarin, McHugh, McDonough, and Muir voted, "Aye". Commissioners Chambless, Scott, and Vice Chair Woodhead voted, "No". The motion passed and a positive recommendation was forwarded to the City Council.

Chair Wirthlin inquired of the Commissioners what they wanted to discuss in regards to the planned development before a motion was voted on.

Commissioner McDonough inquired if the Commission wanted to send a more specific message to City Council about the dilemma of the language, rather than letting them discover it.

Commissioner Muir stated that the minutes of the meeting should be detailed, which would be sufficient enough to include the contradictions that the City Council should pay attention to. He stated

that obviously the developer had taken a position relevant to these conflicts, and the City Council needed to decide if it was the appropriate response.

Chair Wirthlin stated that another option discussed would be to have himself or another member of the Commission represent their decisions at the City Council hearing to clarify discussion from this meeting in the minutes, which might help them interpret the suggestions and ideas of the Commission.

Commissioner Forbis stated that was a good idea or the Chair could also send a letter.

Commissioners De Lay felt that was a good idea to go in person. She also stated that she was fine with the planned development, but inquired of Commissioners Muir and McDonough if they wanted to address their concerns with spandrel windows. She stated that on the bottom of page 2 of the staff report it stated, *The approval does not constitute approval of the Macy's/ZCMI façade, which, as a Landmark Site, must be reviewed by the Historic Landmark Commission under a separate application. Condition 1...does not apply to [this façade] and will be forwarded to the Historic Landmark Commission.* She stated she was okay with that paragraph ending there to add as a condition 7, and inquired if for environmental purposes the Commission would be willing to add as a condition 8 stating that the applicant will try for the minimum LEED certification as promised.

Mr. Cochran stated that the choices that Macy's is looking at in regards to condition 1, the use of spandrel glass could be removed if the Planning Commission liked and have just a concrete façade. He stated that Macy's has made a huge attempt to try to bring the façade back to life, and spandrel glass in the stairwells that are showing glass that are earthquake proof, which could be removed as well to read architecturally as a window, but was only a blank concrete panel. He stated that as far as the entrances, ramps, and ceilings, Macy's has made a huge attempt to bring the façade back to life, and to come back and say that the Commission will not approve this or would like the retailer to start over seems a bit confusing.

Commissioner Forbis stated that given the tone of the conversation in the meeting, the Commission would not be asking for a concrete background.

Mr. Chocran stated that by taking away the spandrel glass that is what the Commission would be doing.

Commissioner De Lay stated that was not the Commission's intent, the design is fine and the Commission felt like the applicant would continue to work on that design with the Historic Landmark Commission, the Commission was trying to clarify the spandrel glass for the entire project at this time.

Mr. Chocran stated that spandrel glass does have a use within this entire project.

Commissioner Forbis stated that this is the reason Mr. Sullivan was commenting on condition one, and why the Commission was discussing the spandrel glass issues.

Commissioner Muir noted that going through the conditions it seemed that the Commission could eliminate some of them and reference the applicant's presentation tonight. He stated that he agreed with the applicant and he felt that limiting spandrel glass throughout the project would not be appropriate, especially for the high rises.

Commissioner De Lay inquired if Commission Muir was suggesting that they strike condition 1.

Commissioner Muir stated that he would strike conditions 1 and 2.

Commissioner Forbis inquired if condition 1 should be completely taking out or just keep the last sentence.

Commissioner De Lay stated the applicant still had to follow the ordinance to get a building permit and the last line of condition 1, *required ground level glass should be in the form of transparent windows or transparent display windows*, is already part of the ordinance.

Commissioner Muir stated that conditions 2, 3, and 4 were already positively shown in the plan presented by the applicant tonight, so either the Commission accepts the plan or they need to designate specifically why it was rejected.

Commissioner Muir stated that conditions 5 and 6 should be included and 7 is only a condition of approval that the Historic Landmarks Commission was capable of reviewing.

Commissioner Forbis stated that he would support Commissioner De Lay on her recommendation that the applicant agree to meet the minimum LEED certification.

Commissioner Scott stated that these are recommendations and not conditions and it is important that the Historic Landmarks Commission receive this.

Commissioner De Lay disagreed.

Commissioner Scott stated that this does not affect approval or disapproval it was merely a recommendation.

Vice Chair Woodhead stated they were conditions.

Chair Wirthlin stated that the last paragraph was not a condition, but just a recommendation to the Historic Landmark Commission, but it seemed that Commissioner Muir did not want to add that.

Commissioner McDonough inquired if in regards to condition 1 the language, *required ground level glass should be in the form of transparent windows or transparent display windows*, were left in, it seemed to be worded a little differently than what the ordinance required, because right now the ordinance allowed spandrel glass at ground level in some cases.

Mr. Paterson stated that the ordinance required that percentage along the Main Street corridor and that 60 percent of the ground level façade should be done in transparent glass, or visibly have some type of display window that showed activity at the street level.

Commissioner McDonough stated that it seemed condition 1 was asking for more transparent glass than the ordinance.

Chair Wirthlin stated that according to the ordinance 40 percent of the ground level could be spandrel glass.

Commissioner McDonough stated that the applicant had stated that they would deliver more than the ordinance required on the ground level.

Mr. Heckman stated that currently in the plan there was spandrel glass at ground level, especially on the stair towers to cover the structural bracing.

Mr. Paterson stated that staff would like some direction from the Commission to pass onto the Historic Landmark Commission, other designs, alternatives, backlighting the spandrel glass, etc. which would show some type of activity and not just a black piece of spandrel glass.

Commissioner De Lay inquired if the Commission wanted condition one included.

Commissioner McDonough stated that it is not bad to keep the last sentence that was mentioned.

Chair Wirthlin stated that the Commission could also add clarifying language that stated, *as per the applicant's most recent presentation*.

Commissioner De Lay made a motion regarding Petition 410-06-38 that the Planning Commission approve the City Creek Center Planned Development with the following conditions:

1. Required ground level glass should be in the form of transparent windows or transparent display windows as shown tonight in the applicant's most recent presentation, but no less than what the ordinance requires.

Main Street retail be maximized and designed to stimulate walking from the east/west galleria/mall corridor to the crosswalk, rather than rely solely on the design of the sidewalk/paving to guide pedestrians.

The public way be designed at the Main Street entry to facilitate and encourage pedestrians to use the crosswalk. This may be accomplished by the addition of water features, art or other design items to highlight the importance of the crosswalk.

The Main Street facade is highlighted at the crosswalk with art and/or architectural features to physically highlight the location and importance of the crosswalk.

2. All public way improvements conform to Salt Lake City Standards, including paving materials, venting, public furniture, signage and tree and lighting spacing. Final design of the public way improvement shall be delegated to the Planning Director to ensure conformance with the planned development approval.
3. The Planning Director has final approval over details of the plan to ensure conformance with the planned development approval. Major changes or alterations will be returned to the Planning Commission or Planning Commission sub-committee for consideration.
4. The applicant agrees, as presented, to try to meet the minimum LEED standard certification for the project.
5. Clarification that the Planning Commission's approval does not constitute approval for the Macy's ZCMI facade due to it's designation as a Landmarks site, and must be reviewed by the Historic Landmark Commission under a separate application, and therefore Condition 1 does apply to the Macy's ZCMI facade and will be forwarded to the Historic Landmark Commission along with all of the minutes from the Planning Commission hearings and recommendations from the past year plus.

Commissioner Algarin seconded the motion.

Mr. Pace inquired about the language of the motion, which stated that condition 1 be based on the applicant's presentation, which he felt had not been that specific, so he suggested that Commissioner De Lay craft the language to read, as per the applicant's presentation, but no less than what the ordinance requires.

Commissioner De Lay agreed with Mr. Pace.

Commissioner McDonough suggested re-crafting the recommendation in number 5, and inquired if the Commissioner could make a formal recommendation to suggest how they would like to see the Macy's ZCMI facade treated, which was what the Historic Landmark Commission had requested.

Mr. Shaw stated that if the Commission had input they wanted the Historic Landmarks Commission to consider it should be crafted into the motion.

Commissioner De Lay and McDonough suggested that this input was made separately from the motion.

Commissioner Scott inquired why Commissioner De Lay had eliminated conditions 2, and 3, because she felt that the design of the project would force pedestrians to travel 80 feet north to cross the street and then travel 80 feet south again to get back into the project, and she felt the burden should be on the developer to not just rely on sidewalk paving, but to have other guides along the way to enhance

the pedestrian experience on Main Street. She also noted that condition 3 was important to make sure the applicant encourages pedestrians to use the crosswalk, not necessarily barriers.

Mr. Shaw stated that condition 2 has been settled, but he would agree with Commissioner Scott on condition 3, because he felt that the applicant had addressed safe pedestrian crossing in their presentation, but they might be able to come back with something more efficient.

Commissioner De Lay stated she would not be willing to reflect those changes in the motion.

Commissioner Muir stated that the Commission had an obligation to the developers to be specific, he stated that condition 6 stated that their compliance with the Commissions directives is subject to the final interpretation of the Planning Director, but he felt that the Commission should atleast signal the applicants if they are on the right track or not, and if not then what do they need to do.

Mr. Shaw stated that Commissioner Muir should make it clear also for the City Council that the reason two of the conditions were removed was because it was clear in the applicants presentation that those conditions were adequately taken care of.

Chair Wirthlin stated that the City Council did not have final approval.

Mr. Shaw stated, they were not the decision making body, but they would be reviewing it.

Commissioner McDonough proposed an amendment to the motion that all of the entrances that have been shown on the perimeter of the blocks are strictly ingress and not used only as emergency egress only and locked.

Commissioner De Lay stated she would accept that amendment.

Mr. Williams stated that as far as residential uses, there are several entrances that are locked for security purposes unless a resident has clearance to be let in.

Commissioner McDonough stated she was only refereeing to retail uses, and in the interest of permeability and connectivity, a pedestrian could feasibly access retail shopping from Main Street as well as having access from interior of the project.

Commissioner Scott stated that she understood the arrows shown on the PowerPoint presentation indicated ways to leave Main Street and move into the development.

Mr. Williams stated that the arrows represented a combination of uses, including residential and retail, of which the residential would be locked and the resident would need a card to enter.

Commissioner Scott stated then they were not entrances.

Mr. Williams stated they were permeable.

Commissioner De Lay stated that whether those entrances were locked or not they still functioned as ingress and egress.

Commissioner McDonough stated she was only trying to stop a situation where a retail door on Main Street is used only for emergency egress.

Mr. Williams stated that there are exit doors from retail facilities onto Main Street because a mini anchor has to be able to get out onto a public way.

Mr. Heckman noted that this includes the caveat that where the ingress/egress arrows are located on the diagram they might move ten or fifteen feet depending on the retailer.

Vice Chair Woodhead stated that she had been struggling with whether or not she could vote against the skybridge and vote for the planned development, but her inclination is that she will vote positively

for the planned development because she felt it is a really good project and can be incredibly successful exactly as it is without the skybridge.

Commissioner Chambless expressed his appreciation to the developers for the fountains, the sidewalk art, the native plants and trees, the green roofs, and creative lighting.

Commissioner Forbis seconded the amendment.

All in favor voted, "Aye", the motion carried unanimously.

Commissioner De Lay expressed her appreciation for the applicant working with the Commission the past year.

Mr. Gibbons thanked the Commission for their input.

The meeting adjourned at 10:27 p.m.

Tami Hansen, Planning Commission Secretary