
M E M O R A N D U M

DATE: December 9, 2008
TO: City Council Members
FROM: Jennifer Bruno, Policy Analyst
RE: Proposed amendment to sunset provision of Ordinance 74 of 2006, providing for an expedited approval process for temporary construction-related activities in a portion of the Downtown area

Background

In October of 2006, the Council unanimously passed Ordinance 74 of 2006, which provides for an expedited approval process for temporary construction-related activities in a portion of the Downtown area (bounded by North Temple, 600 South, Interstate 15, and 200 East), and grants the authority to City administrative staff to modify certain City regulations for construction-related activities. The Council took this action on the policy basis that between 2006 and 2011, more than \$1.5 billion in public and private funds will be invested in the downtown, making it one of the most important redevelopment periods in the City's history, and that it is in the City's best interest to take a proactive approach in addressing the construction approval process needs. The sunset date of the original ordinance is October 21, 2008 (two years from publication).

Staff has attached the staff report from October 2006, if Council Member wish to obtain a more detailed analysis of the expedited approval process.

Current Request

The Administration is requesting that the sunset date be amended from October 21, 2008, to October 21, 2010, to continue to support the major construction activities that are ongoing in the downtown area. No other changes to the ordinance are requested at this time.

The Planning Commission reviewed this requested amendment on November 19, 2008, and voted unanimously to support the sunset date extension.

The City Council's action on December 9th (consent agenda) will set a date for a public hearing on January 6, 2009, at which point the Council may vote whether or not to extend the current sunset date.

SALT LAKE CITY CORPORATION

FRANK B. GRAY
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR



CITY COUNCIL TRANSMITTAL

David Everitt, Chief of Staff

Date Received: 12-1-08 12pm

Date Sent to City Council: 12/2/08

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: November 24, 2008

FROM: Frank Gray, Community & Economic
Development Department Director

RE: Request for amendment of the sunset provision of Ordinance 74 of 2006, which enacted an expedited approval process for temporary construction-related activities in a portion of the Downtown area, granting authority to City Administrative staff to modify certain City regulations for construction activities

12/1/08

STAFF CONTACTS: Everett Joyce, Senior Planner, at 535-7930 or
everett.joyce@slcgov.com

RECOMMENDATION: The Planning Commission in their November 19, 2008 meeting unanimously supported a recommendation that the City Council review and approve an amendment of the sunset provision for Ordinance 74 of 2006 extending the timeline for the use of temporary expedited permits within the Downtown area from October 21, 2008 to October 21, 2010.

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The City Council passed Ordinance 74 of 2006 to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area,

bounded by North Temple, 600 South, Interstate 15, and 200 East and granting the authority to City administrative staff to modify certain City regulations for construction-related activities.

This action was taken because during the five year period of 2006-2011, more than \$1.5 billion in (public and private) funds will be invested in the City's Downtown, making it one of the most significant periods of redevelopment in the City's history. It was determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the City Council adopted Ordinance 74 of 2006.

Analysis: The purpose of this request is to amend the sunset provision of Ordinance 74 of 2006 from October 21, 2008 to October 21, 2010 to continue support of the expedited approval process for major development activity within the Downtown area.

On November 19, 2008, the Planning Commission received a Report of the Director briefing the Commission the request for extension of the sunset provision of Ordinance 74 of 2006, which enacted an expedited approval process for temporary construction-related activities in a portion of the Downtown area, granting authority to City Administrative staff to modify certain City regulations for construction activities. The Planning Commission unanimously supported the extension of the sunset provision of Ordinance 74 of 2006.

Master Plan Considerations: Not applicable

PUBLIC PROCESS: Not applicable

RELEVANT ORDINANCES: An ordinance for an amendment of sunset provision for Ordinance 74 of 2006 is attached.

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Exhibit 1
Ordinance

**SALT LAKE CITY ORDINANCE
NO. _____ OF 2008
(Amending the sunset provision of Ordinance 74 of 2006 pertaining to the expedited
approval process of temporary construction related activities)**

**AN ORDINANCE AMENDING THE SUNSET PROVISION
SET FORTH IN ORDINANCE NO. 74 OF 2006 PERTAINING TO THE
EXPEDITED APPROVAL PROCESS**

WHEREAS, the City Council enacted Ordinance No. 74 of 2006 on October 17, 2006; and

WHEREAS, that ordinance included an expiration (or “sunset”) provision that would cause the ordinance to expire on October 21, 2008 and would cause all permits and approvals granted pursuant to that ordinance to expire twenty-four (24) months from the ordinance’s effective date, unless earlier amended, modified or repealed; and

WHEREAS, after a hearing before the Salt Lake City Council (“City Council”), the City Council finds good cause to extend the sunset date of Ordinance 74 of 2006 and has determined that the following ordinance is in the best interest of the City.

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

SECTION 1. Amendment of Sunset Date. That Ordinance No. 74 of 2006 shall be and hereby is amended to extend the expiration date of that ordinance from October 21, 2008 to October 21, 2010 unless earlier amended, modified or repealed.

SECTION 2. Expiration of Permits. That all permits issued pursuant to Ordinance 74 of 2006 shall expire on the dates stated on such permits, but not later than the expiration date of Ordinance 74 of 2006.

SECTION 3. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2008.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date NOVEMBER 25, 2008
Paul C. Nielson
PAUL C. NIELSON, SR. CITY ATTORNEY

Exhibit 2
City Council Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will consider extending the sunset provision of Ordinance 74 of 2006, which enacted an expedited approval process for temporary construction-related activities in a portion of the Downtown area, granting authority to City Administrative staff to modify certain City regulations for construction activities. The City Council passed Ordinance 74 of 2006 to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area, bounded by North Temple; 600 South; Interstate 15 and 200 East, and granting the authority to City administrative staff to modify certain City regulations for construction-related activities.

The request is to amend the sunset provision of Ordinance 74 of 2006 extends the expiration date from October 21, 2008 to October 21, 2010 to continue support of the expedited approval process for major development activity within the Downtown area.

As part of this request, the City Council is holding an advertised public hearing to receive comments regarding this petition request. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 P.M.

PLACE: City Council Chambers
Room 315
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, please contact Everett L. Joyce at 535-7930 or at Everett.joyce@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council Public Hearing. Accommodations may include alternate formats, interpreters and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA coordinator at 535-7971; TDD 535-6220.

Exhibit 3
Original Ordinance

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Expedited Approval Processes for Downtown Reconstruction Projects and Grant of Authority to City Administrative Staff to Modify Certain City Regulations Related to Construction Activities)

AN ORDINANCE ENACTING EXPEDITED APPROVAL PROCESSES FOR TEMPORARY CONSTRUCTION-RELATED ACTIVITIES IN A PORTION OF THE DOWNTOWN AREA, WHICH IS BOUNDED BY NORTH TEMPLE STREET; 600 SOUTH; INTERSTATE 15 AND 200 EAST, AND GRANTING THE AUTHORITY TO CITY ADMINISTRATIVE STAFF TO MODIFY CERTAIN CITY REGULATIONS FOR CONSTRUCTION ACTIVITIES, PURSUANT TO PETITION NO. 400-06-32.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed ordinance is in the best interest of the City;

WHEREAS, during the next two (2) to five (5) years more than one and a half billion dollars (\$1,500,000,000.00) in public and private funds will be invested in the City's downtown, making it one of the most significant periods of redevelopment in the City's history;

WHEREAS, the City finds that taking a proactive approach to address construction needs and impacts that will likely result from major construction activities in the downtown area is in the best interest of the City; and

WHEREAS, the City finds that facilitating expedited approval processes for temporary construction-related activities in the downtown area is in the best interest of the City.

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

SECTION 1. **Application for Expedited Process**: Notwithstanding other provisions in the Salt Lake City Code, any person may request an expedited approval process, which may include a request for a change, alteration, modification or waiver of any one or more of the regulations set forth in Section 2 of this ordinance.

Such request shall be in writing, addressed to the Community Development Director, shall describe the anticipated construction related activity and any modifications requested with reasonable specificity, and shall be accompanied by a \$300.00 application fee. This provision shall apply to only those projects which are located between North Temple Street; 600 South; Interstate 15 and 200 East.

SECTION 2. **Authority to Modify Regulations**: Upon receipt of a written application for an expedited approval process for a project which is located in the area referred to in the foregoing section, the Community Development Director, after consultation with the Planning Director, Transportation Engineer and/or City Engineer, as appropriate, has the authority to change, alter, modify or waive any one or more of the regulations set forth herein.

A. For the regulations listed below, any request for a change, alteration, modification or waiver shall be evaluated upon consideration of the standards for either a Special Exception set forth in Chapter 21A.52 of the Salt Lake City Code, or the

standards for a Planned Development set forth in Chapter 21A.54 of the Salt Lake City Code.

1. Sign regulations, as set forth in Section 21A.46.110 of the Salt Lake City Code;
2. General off street parking requirements, as set forth in Section 21A.44.020 of the Salt Lake City Code;
3. Landscaping and buffering requirements, as set forth in Chapter 21A.48 of the Salt Lake City Code;
4. Permitted temporary uses of construction trailers and temporary contractor's storage yards, as set forth in Section 21A.42.070(G) of the Salt Lake City Code, provided that the Zoning Administrator first finds that the project meets the standards set forth in Section 21A.42.070 of the Salt Lake City Code;
5. Setback regulations as set forth in Title 21A; and
6. Other land use regulations for temporary construction related activities.

B. For the additional regulations set forth below, any request for a change, alteration, modification or waiver shall be evaluated based on the standards referenced below.

1. Driveway construction, as set forth in Section 14.32.350 of the Salt Lake City Code, provided that the Transportation Engineer, to the extent required under Section 14.32.350, first issues a favorable recommendation;
2. Driveway restrictions, as set forth in Section 18.80.040 of the Salt Lake City Code;

3. Construction, excavation and obstruction in the public right of way, as set forth in Chapter 14.32 of the Salt Lake City Code, subject to the approval of the City Engineer; and

4. Regulations for controlling construction in the City's public way, subject to the approval of the City Engineer.

Any decision issued by the Community Development Director pursuant to the authority granted herein shall be in writing, delivered to the applicant and to the community council and abutting property owners, and a copy shall be kept in the Community Development Department files.

SECTION 3. **Notice to City Council**: The Community Development Director shall notify the City Council, in writing, within five (5) days of receipt of an application for expedited process, and the City Council shall have five (5) days thereafter to provide comment on the pending application.

SECTION 4. **Appeals**: Appeals shall be filed with the Planning Division, in writing, within ten (10) days following the Community Development Director's decision, addressed to the Planning Commission, and shall be accompanied by a \$200.00 appeal fee.

SECTION 5. **Sunset Provision**: This ordinance, and all permits and approvals granted pursuant to this ordinance, shall expire twenty-four (24) months from the effective date of this ordinance, unless earlier amended, modified or repealed.

SECTION 6. **Effective Date**: This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.
Published: _____.

I:\Ordinance 06\Expedited Permitting Processes for Downtown Reconstruction Projects - 10-16-06 clean.doc

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date Oct. 16, 2006
By Melanne [Signature]

Exhibit 4
Original Transmittal

Communication to the City Council



To: Rocky Fluhart, Chief Administrative Officer

Department of Community Development
Office of the Director

From: Louis Zunguze, Community Development Director

Date: September 13, 2006

CC: Brent Wilde, Community Development Deputy Director
Tim Harpst, Transportation Director
Alex Ikefuna, Planning & Zoning Enforcement Director

Re: Expedited Permitting for Downtown Reconstruction Projects

During the course of working with the mall developers, light rail extension planners, and representatives of other major projects being planned for Downtown, the Administration has determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the Administration is proposing ordinance revisions to facilitate expedited approval processes for temporary construction-related activities.

The information provided below is categorized into:

1. Issues that require immediate City Council action,
2. Issues for City Council consideration, and
3. Issues that require City Council direction.

The intent of this proposal is to anticipate construction-related issues that might negatively impact the timely completion of projects and create an overall negative perception if the City is not in a position to provide an immediate response.

In order to create a frame of reference, the boundaries for the area under discussion are:

North: North Temple
South: 600 South
West: Interstate 15
East: 200 East

1. Issues Requiring City Council Action

- Zoning Issues: Signage (both business advertising and public necessity signs), driveway width and location, landscaping requirements and the size and location of temporary buildings.

Approval Authority: Planning Director

Process & Approval Standards: Expedited Planned Development process and Planned Development evaluation standards as outlined in Chapter 54 of the Salt Lake City Zoning Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

- Temporary Land Uses that Are Not Permitted in the Zoning District: Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage.

Approval Authority: Planning Director

Process & Approval Standards: Standards for a Zoning Amendment as outlined in Chapter 50 of the Salt Lake City Zoning Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

- Public Way Encroachments: This category includes any structure located in the public way to facilitate an applicable Downtown construction project such as signage barricades, ramps, and similar temporary structures.

Approval Authority: City Civil Engineer and/or the City Transportation Engineer

Process & Approval Standards: Where not otherwise authorized by City Ordinance, for the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary public way encroachment approval" file that shall be maintained in the City Transportation Division office for public information during the duration of the temporary approval time frame.

2. Issues for City Council Consideration

- Parking Meter Fees: Bagging or removing parking meters during the construction phase of major projects in the Downtown area is an essential part of the construction process. City Ordinance requires that a fee of \$25 per day for each meter that is put out of operation during a construction process. To put this into perspective, \$25 per day for 365 days is \$9,125. As such, this is a significant expense for any major project that will eliminate many meters for an extended period of time. The City Council may want to consider whether it is in the City's best interest to temporarily reduce the cost of taking a meter out of operation for major projects as proposed or put a cap on the total amount charged.

Approval Authority: The City Council

Process & Approval Standards: If the City Council decides to reduce, eliminate, or cap fees for taking parking meters out of service, the approval process shall include a letter of approval in a "Temporary Parking Meter Bagging" file that shall be maintained in the Transportation Division office for public information during the duration of the temporary approval time frame. Upon receiving approval from the City Council for a reduced fee for taking a parking meter out of service, the City Transportation Engineer shall authorize the elimination of functioning parking meters, if the justification presented by the applicant is consistent with the Council's intent.

3. Issues Requiring City Council Direction

- Other Construction-Related Activities that May Require Expedited Approval: This category includes, but is not limited to unique holiday/winter needs, waiver of limitations regarding construction hours of operation, and applicable noise ordinances.

Approval Authority: The authority to authorize exceptions to the various issues as identified above that might arise during a construction process, is varied and for issues such as noise County agencies will be involved.

Process & Approval Standards: The Administration is seeking direction from the City Council regarding this issue. The Administration could begin contacting the applicable agencies to initiate discussions pertaining to likely construction phase regulatory exceptions that may be necessary, or the City Council may prefer to take the lead regarding these issues. In establishing a decision-making process for the types of issues that may arise, the City should designate the authority to make decisions. Such decisions must be based on the justification for the request as presented by the applicant and be weighed against any potential negative impacts on adjacent property owners and uses.

Recommendation


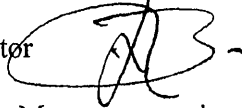
The Administration recommends that an ordinance be created to enable the City to grant temporary approval or regulatory exceptions for a variety of construction-related structures and activities and/or programs in the Downtown area as described above, during the construction phase of major Downtown development projects and light rail construction.

A. LOUIS ZUNGUZE
DIRECTOR
BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer  **DATE:** October 5, 2006
FROM: Louis Zunguze, Community Development Director 
RE: Petition 400-06-32 initiated by the Salt Lake City Mayor, requesting amendment to Salt Lake City Ordinances to facilitate expedited approval processes for temporary construction-related activities in a portion of Downtown area, bounded by North Temple; 600 South; Interstate 15 and 200 east, and granting the authority to City administrative staff to modify certain City regulations for construction-related activities.

STAFF CONTACTS: Doug Dansie, Principal Planner, at 535-6182 or
doug.dansie@slcgov.com

RECOMMENDATION: That the City Council schedule a briefing and a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: During the next two to five years, more than \$1.5 billion in (public and private) funds will be invested in the City's Downtown, making it one of the most significant periods of redevelopment in the City's history. During the course of working with the mall developers, light rail extension planners, and representatives of other major projects being planned for Downtown, the Administration has determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the Administration is proposing ordinance revisions to facilitate expedited approval processes for temporary construction-related activities.

Analysis: The purpose of this proposal is to anticipate construction-related issues that might negatively impact the timely start and completion of projects and put the City in a position to provide an immediate response. To implement this proposal, the Administration is proposing an ordinance that would be applied to the area bounded by North Temple, 600 South, Interstate 15, and 200 East. The proposed ordinance addresses the following issues:

- **Zoning**
 - Signage
 - Temporary uses
 - Driveway modifications

- **Public Way Encroachments**
 - Construction barricades
 - Construction ramps
 - Construction/Public safety signage
 - Parking meter fees
 - Loading zone restrictions

With respect to parking meter fees, the Administration seeks direction from the Council regarding whether these fees out to be paid in full, reduced, or have a not-to-exceed cap. Should the Council decide to maintain fees in full per current ordinance, the Administration requests the Council's assistance in determining a process for consideration of requests for reduced fees consistent with this proposed expediting ordinance.

- **Impacts of Construction**
 - Construction hours
 - Noise

Under the proposed ordinance, the Director of the Department of Community Development, in consultation with the Planning Director, Transportation Division Director, and/or City Engineer, has the authority to modify regulations in the following portions of City Code:

- Title 21A
- Chapter 14.32
- Chapter 14.12
- Chapter 18.80
- Chapter 12.56
- Chapter 9.28

The decision of the Director of the Department of Community Development can be appealed to the Planning Commission.

The proposed ordinance would expire 24 months from its effective date, unless it is previously amended, modified, or repealed.

Master Plan Considerations: *City Vision and Strategic Plan*, adopted in 1993, states as a goal that the City should “Develop business friendly licensing and regulatory practices.” Many of the projects being expedited are consistent with the Downtown Master Plan, such as maintaining a retail core on Main Street and creating a balanced transportation system.

PUBLIC PROCESS:

An open house was held September 21, 2006. There were no people in attendance. The Planning Commission held a public hearing on September 27, 2006. No substantive issues were raised by the Planning Commission or the general public. The Planning Commission unanimously voted to forward a positive recommendation to the City Council.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report (see Attachment 4b).

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 - a. Original Notice and Postmark
 - b. Staff Report: September 27, 2006
 - c. Minutes: September 27, 2006
5. Community Input
6. Original Petition

1. Chronology

Chronology

- September 13, 2006 Petition 400-06-32 submitted by Mayor Rocky Anderson.
- September 21, 2006 An open house was held to gain comment.
- Sept 19 – 26, 2006 Requested department input.
- September 27, 2006 The Planning Commission voted to forward a positive recommendation to the City Council regarding the expedited process.
- September 29, 2006 An ordinance was received from the City Attorney.

2. Proposed Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2006

(Expedited Approval Processes for Downtown Reconstruction Projects and Grant of Authority to City Administrative Staff to Modify Certain City Regulations Related to Construction Activities)

AN ORDINANCE ENACTING EXPEDITED APPROVAL PROCESSES FOR TEMPORARY CONSTRUCTION-RELATED ACTIVITIES IN A PORTION OF THE DOWNTOWN AREA, WHICH IS BOUNDED BY NORTH TEMPLE STREET; 600 SOUTH; INTERSTATE 15 AND 200 EAST, AND GRANTING THE AUTHORITY TO CITY ADMINISTRATIVE STAFF TO MODIFY CERTAIN CITY REGULATIONS FOR CONSTRUCTION ACTIVITIES, PURSUANT TO PETITION NO. 400-06-32.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed ordinance is in the best interest of the City;

WHEREAS, during the next two (2) to five (5) years more than one and a half billion dollars (\$1,500,000,000.00) in public and private funds will be invested in the City's downtown, making it one of the most significant periods of redevelopment in the City's history;

WHEREAS, the City finds that taking a proactive approach to address construction needs and impacts that will likely result from major construction activities in the downtown area is in the best interest of the City; and

WHEREAS, the City finds that facilitating expedited approval processes for temporary construction-related activities in the downtown area is in the best interest of the City.

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

SECTION 1. **Application for Expedited Process**: Notwithstanding other provisions in the Salt Lake City Code, any person may request an expedited approval process, which may include a request for a change, alteration, modification or waiver of any one or more of the regulations set forth in Section 2 of this ordinance.

Such request shall be in writing, addressed to the Community Development Director, shall describe the anticipated construction related activity and any modifications requested with reasonable specificity, and shall be accompanied by a \$300.00 application fee. This provision shall apply to only those projects which are located between North Temple Street; 600 South; Interstate 15 and 200 East.

SECTION 2. **Authority to Modify Regulations**: Upon receipt of a written application for an expedited approval process for a project which is located in the area referred to in the foregoing section, the Community Development Director, after consultation with the Planning Director, Transportation Engineer and/or City Engineer, as appropriate, has the authority to change, alter, modify or waive any one or more of the regulations set forth herein.

A. For the regulations listed below, any request for a change, alteration, modification or waiver shall be evaluated upon consideration of the standards for either a Special Exception set forth in Chapter 21A.52 of the Salt Lake City Code, or the

standards for a Planned Development set forth in Chapter 21A.54 of the Salt Lake City Code.

1. Sign regulations, as set forth in Section 21A.46.110 of the Salt Lake City Code;

2. General off street parking requirements, as set forth in Section 21A.44.020 of the Salt Lake City Code;

3. Landscaping and buffering requirements, as set forth in Chapter 21A.48 of the Salt Lake City Code;

4. Permitted temporary uses of construction trailers and temporary contractor's storage yards, as set forth in Section 21A.42.070(G) of the Salt Lake City Code, provided that the Zoning Administrator first finds that the project meets the standards set forth in Section 21A.42.070 of the Salt Lake City Code;

5. Setback regulations as set forth in Title 21A; and

6. Other land use regulations for temporary construction related activities.

B. For the additional regulations set forth below, any request for a change, alteration, modification or waiver shall be evaluated based on the standards referenced below.

1. Driveway construction, as set forth in Section 14.32.350 of the Salt Lake City Code, provided that the Transportation Engineer, to the extent required under Section 14.32.350, first issues a favorable recommendation;

2. Driveway restrictions, as set forth in Section 18.80.040 of the Salt Lake City Code;

3. Parking meters—special use conditions and fees, as set forth in Section 12.56.210 of the Salt Lake City Code, subject to the approval of the Transportation Engineer;

4. Loading zones and restricted parking—special use conditions and fees, as set forth in Section 12.56.325 of the Salt Lake City Code;

5. Removal of parking meters, as set forth in Section 14.12.130 of the Salt Lake City Code, subject to the approval of the Transportation Engineer;

6. Noise control, as set forth in Chapter 9.28 of the Salt Lake City Code, provided that the requirements in Sections 9.28.050(E) and 9.28.070 are satisfied when the application requests an exemption or permit for relief from noise restrictions under Chapter 9.28;

7. Construction, excavation and obstruction in the public right of way, as set forth in Chapter 14.32 of the Salt Lake City Code, subject to the approval of the City Engineer; and

8. Regulations for controlling construction in the City's public way, subject to the approval of the City Engineer.

Any decision issued by the Community Development Director pursuant to the authority granted herein shall be in writing, delivered to the applicant and to the community council and abutting property owners, and a copy shall be kept in the Community Development Department files.

SECTION 3. **Appeals:** Appeals shall be filed with the Planning Division, in writing, within ten (10) days following the Community Development Director's decision,

addressed to the Planning Commission, and shall be accompanied by a \$200.00 appeal fee.

SECTION 4. **Sunset Provision:** This ordinance, and all permits and approvals granted pursuant to this ordinance, shall expire twenty-four (24) months from the effective date of this ordinance, unless earlier amended, modified or repealed.

SECTION 5. **Effective Date:** This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

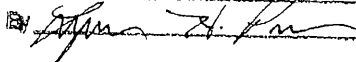
MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 9-29-06


3. City Council Public Hearing

a. Notice

b. Mailing List

a. Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing **Petition 400-06-32**.

As part of their study, the City Council is holding an advertised Public Hearing to receive comments regarding the petition to facilitate expedited approval processes for temporary construction-related activities in a portion of Downtown area, bounded by North Temple; 600 South; Interstate 15 and 200 east, and granting the authority to City administrative staff to modify certain City regulations for construction-related activities. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 P.M.

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Doug Dansie at 535-6182 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. If you are the owner of a rental property, please inform your tenants of this hearing. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at 535-7971; TDD 535-6021.

b. Mailing List

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JORDAN MEADOWS CHAIR
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FAIRPARK CHAIR
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CAPITOL HILL CHAIR
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S.L. CHAMBER OF COMMERCE
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HISPANIC CHAMBER OF COMMERCE
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SLC UT 84103

Rev: 8/10/2006 CINDY ROCKWOOD

4. Planning Commission

- a. Original Notice and Postmark
- b. Staff Report: September 27, 2006
- c. Minutes: September 27, 2006

a. Original Notice and Postmark

AMENDED
AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
 In Room 326 of the City & County Building at 451 South State Street
 Wednesday, September 27, 2006, at 5:45 p.m.

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting is open to the public for observation.

1. APPROVAL OF MINUTES from Wednesday, September 13, 2006.
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters
5. PUBLIC HEARINGS
 - a. **Petition 490-06-23** – A request by Pilot Travel Centers requesting preliminary subdivision amendment approval to consolidate several meets and bounds parcels and portions of the Charles S. Desky Third Addition Subdivision into a single 6.73 acre parcel of land located at approximately 25 North Redwood Road in a Corridor Commercial (CC) and Light Manufacturing (M-1) Zoning District. (Please see map on second page)(Staff – Ray McCandless at 535-7282 or ray.mccandless@slcgov.com)
 - b. **Petition No. 410-06-26** – A request by Cricket Communications, represented by Steve Van Vleet, for Conditional Use approvals to replace one existing utility pole for an antenna and to locate a private utility structure on a residential lot at approximately 530 North 1300 West in the R-1/7,000 (Single Family Residential) Zoning District. (Staff – Nick Britton at 535-7932 or email at nick.britton@slcgov.com)
 - c. **Petition No. 410-06-07** – A request by Michael W. Devine for conditional use approval to establish an office use in the Armstrong House located at approximately 1177 East South Temple Street in a Special Development Pattern Residential (SR-1A) Zoning District. The property is designated as a Landmark Site on the Salt Lake City Register of Cultural Resources. (Staff – Janice Lew at 535-7625 or janice.lew@slcgov.com)
 - d. **Petition No. 410-06-16** – A request by City Front Partners II LLC for a Planned Development for the construction of a 295 unit multi-family housing development located at approximately 660 West South Temple Street in the Gateway Mixed-Use (GMU) Zoning District. Included is a request to modify zoning requirements including but not limited to:
 - a. Allowing multiple buildings with a shared common area on a single lot;
 - b. Allowing surface parking facilities within block corner areas;
 - c. Modifications to the exterior building material requirements; and
 - d. Modifications to the landscape requirements.
 (Staff – Janice Lew at 535-7625 or janice.lew@slcgov.com)
 - e. **Petition 400-04-22** – A continuation of a petition initiated by Mayor Anderson to amend the Salt Lake City Zoning Ordinance relating to specialty housing facilities, including group homes, transitional victim homes, transitional treatment homes, and residential substance abuse homes. Specifically, the petition is to amend the definitions of these specialty housing types, and clarify standards for spacing requirements, criteria approval, and potential revocation of conditional uses once approval is granted. (Staff – Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com)
 - f. **Petition 410-06-34** – A request by George T. Mattena for conditional use approval to allow for the reconstruction of a single-family dwelling that exceeds twenty five percent (25%) of the original dwelling footprint at approximately 950 West 100 South The property is located in a General Commercial (CG) Zoning District. (Staff – Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com)
 - g. **Petition 410-06-22** – A petition by the Salt Lake City Planning Commission to clarify the City's residential and commercial landscape requirements. The proposed text amendment will specify the minimum amount of required landscaping for the front and corner side yards and address bonding requirements when the mandatory landscaping is not completed for multi-family dwellings and commercial development. (Staff – Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com)
 - h. **Petition 400-06-32** – A petition by the Salt Lake City Administration requesting to amend the City's ordinances as necessary to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area, which is bounded by North Temple Street, 600 South Interstate 15 and 200 East. (Staff: Louis Zunguze at 535-7117 or louis.zunguze@slcgov.com)

6. UNFINISHED BUSINESS

b. Staff Report: September 27, 2006

DATE: September 22, 2006

TO: Salt Lake City Planning Commission

FROM: Doug Dansie, AICP, Principal Planner

RE: **STAFF REPORT FOR THE SEPTEMBER 27, 2006 MEETING**

CASE#: 400-06-32

APPLICANT: Salt Lake City Planning Commission

PROJECT LOCATION: North Temple to 600 South between Interstate 15 and 200 East. (see attached map)

PROJECT/PROPERTY SIZE: Not Applicable

COUNCIL DISTRICT: District 3, Councilmember Jergensen
District 4, Councilmember Saxton

REQUESTED ACTION: Ordinance amendments to facilitate expedited approval processes for temporary construction-related activities as it relates to the proposed mall redevelopment, light rail extension and other major projects planned for Downtown, and granting the authority to modify certain City regulations for construction activities to City Administrative staff. The ordinance, as written, will be in effect for 18 months from the time of adoption.

PROPOSED USE(S): Not Applicable

APPLICABLE LAND USE REGULATIONS: Salt Lake City Code, Title 21A, Zoning Ordinance Chapter
Also, Chapter 12 of City Code: Vehicles and Traffic
12:56 Stopping, Standing and Parking (Parking Meter Fees)

Chapter 14 of the City Code Streets, Sidewalks and public spaces
Chapter 9- Health and Safety (9.28 relates to noise)

MASTER PLAN SPECIFICATIONS: City Vision and Strategic Plan, adopted in 1993
Many of the projects being expedited are consistent with the Downtown Master Plan (balanced transportation, vibrant retail core, etc.)

SUBJECT PROPERTY HISTORY: Not Applicable

ACCESS: Not Applicable

PROJECT DESCRIPTION:

During the next two to five years more than \$1.5 billion in (public and private) funds will be invested in the City's Downtown, making it one of the most significant periods of redevelopment in the City's history. During the course of working with the mall developers, light rail extension planners, and representatives of other major projects being planned for Downtown, the Administration has determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the Administration is proposing ordinance revisions to facilitate expedited approval processes for temporary construction-related activities.

The intent of this proposal is to anticipate construction-related issues that might negatively impact the timely completion of projects and create an overall negative perception if the City is not in a position to provide an immediate response. Below are listed the types of issues, the proposed approval body and the proposed approval process and standards. **Only items 1 and 2 pertain to the zoning ordinance, and therefore, the Planning Commission will only need to comment on these two items as part of this project.**

3. **Zoning Issues:** Signage (both business advertising and public necessity signs), landscaping requirements and the size and location of temporary buildings. Chapter 21A.46 Signs, 21A.48 Landscaping, and 21A.42 Temporary buildings

Approval Authority: Planning Director

Process & Approval Standards: Expedited Planned Development process using Planned Development evaluation standards as outlined in Chapter 54 of the Salt Lake City Zoning Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

4. **Temporary Land Uses that Are Not Permitted in the Zoning District:** Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage. Chapter 21A.42 Temporary and uses.

Approval Authority: Planning Director

Process & Approval Standards: Standards for a Zoning Amendment as outlined in Chapter 50 of the Salt Lake City Zoning Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

3. **Modifications to driveway width and locations** Per Section 14.32 and 21A.44, the Transportation Division already has the authority to modify the standards for driveway width and location.

4. **Public Way Encroachments:** This category includes any structure located in the public way to facilitate an applicable Downtown construction project such as signage barricades, ramps, and similar temporary structures. (Section 14.32)

Approval Authority: City Civil Engineer and/or the City Transportation Engineer

Process & Approval Standards: Where not otherwise authorized by City Ordinance, for the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary public way encroachment approval" file that shall be maintained in the City Transportation Division office for public information during the duration of the temporary approval time frame.

5. **Parking Meter Fees (Section 12.56.210 Parking Meters – Special Use Conditions and Fees, 14.12.130-Removal of Parking Meters, 12.56.325 – Loading Zones and Restricted Parking-Special Use**

Conditions and Fees: Bagging or removing parking meters during the construction phase of major projects in the Downtown area is an essential part of the construction process. City Ordinance requires that a fee of \$25 per day for each meter that is put out of operation during a construction process. To put this into perspective, \$25 per day for 365 days is \$9,125. As such, this is a significant expense for any major project that will eliminate many meters for an extended period of time. The City Council may want to consider whether it is in the City's best interest to temporarily reduce the cost of taking a meter out of operation for major projects as proposed or put a cap on the total amount charged.

Approval Authority: The City Council

Process & Approval Standards: If the City Council decides to reduce, eliminate, or cap fees for taking parking meters out of service, the approval process shall include a letter of approval in a "Temporary Parking Meter Bagging" file that shall be maintained in the Transportation Division office for public information during the duration of the temporary approval time frame. Upon receiving approval from the City Council for a reduced fee for taking a parking meter out of service, the City Transportation Engineer shall authorize the elimination of functioning parking meters, if the justification presented by the applicant is consistent with the Council's intent.

6. **Other Construction-Related Activities that May Require Expedited Approval:** This category includes, but is not limited to unique holiday/winter needs, waiver of limitations regarding construction hours of operation (Salt Lake City Regulations, Section V), and applicable noise ordinances (Chapter 9.28).

Approval Authority: The authority to authorize exceptions to the various issues as identified above that might arise during a construction process, is varied and for issues such as noise County agencies will be involved.

Process & Approval Standards: The Administration is seeking direction from the City Council regarding this issue. The Administration could begin contacting the applicable agencies to initiate discussions pertaining to likely construction phase regulatory exceptions that may be necessary, or the City Council may prefer to take the lead regarding these issues. In establishing a decision-making process for the types of issues that may arise, the City should designate the authority to make decisions. Such decisions must be based on the justification for the request as presented by the applicant and be weighed against any potential negative impacts on adjacent property owners and uses.

Approval Authority (in consultation with the Community Development Director)

- Planning Director
- Transportation Division Director
- City Engineer

Appeal Process

The decision of the approval authority can be appealed to the Planning Commission

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS:

The comments received from pertinent City Departments/Divisions are attached to this staff report for review. There have been no comments received from citizens at this time. The following is a summary of the comments/concerns received:

A. **Public Utilities:**
Comments forthcoming

B. **Engineering:**
Doug-

I have reviewed petition 400-06-32: by the Salt Lake City Administration requesting an ordinance to accommodate expedited process for a temporary period of major construction activity.

As I reviewed this request, it resembled actions the city allowed to accommodate the 2002 Winter Olympics. With the construction of Crossroads Mall, the ZCMI Mall, the Hamilton high rise @222 south main, and other projects looming on the horizon, I believe there will be cause for temporary structures, barricading, and signage and other miscellaneous activity within the public way. Engineering will address these issues as the need arises to insure timely construction goals and more importantly, the safety of pedestrians and vehicular operators within the boundaries of North temple-600 S, from Interstate 15-200 east.

I hope this memo properly addresses the issues at hand.

Sincerely,

Craig w. Smith

SLC Engineering

Alex,

You requested information on hours of work, winter and holiday restrictions, barricading and ramps.

We have two documents that have been written to address work in the public way. They are:

Chapter 14.32 of the SLC Code titled "Construction, Excavation and Obstruction in the Public Right-of-Way"

"Regulations for Controlling Construction in the City's Public Way" (I'll refer to these as the Regulations)

Hours of Work

The best reference for hours of work is based on noise and is found in Chapter 9.28.040.B.7 of the ordinance. It says:

The following acts are declared to be in violation of this chapter:

7. Construction Work. Operating, or causing to be used or operated, any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto:

a. In residential or commercial land use districts between the hours of nine p.m. and seven a.m. the following day or, between the hours of nine p.m. and nine a.m. when the following day is a Sunday or legal holiday,

b. In any land use district where such operation exceeds the second-level limits for an industrial land use as set forth in Section 9.28.060, or its successor;

The Regulations Section V.B. addresses peak traffic hour restrictions on major/collector streets by saying:

Construction operations will be conducted in a manner to minimize interference or interruption of roadway traffic. Except during emergency conditions or unless authorized by the Engineer, construction operations such as excavation, backfill and pavement restoration on major/collector and CBD area streets shall be prohibited during major events and the peak traffic hours of 7:00 to 9:00 am and 4:00 to 6:00 pm.

Winter and Holiday Restrictions

The best reference for winter hours or winter restrictions is found in the Regulations Section V.G. where it says:

Excavation of City right of way during the winter months (herein defined as November 15 to April 1) will be allowed only if the work is a new service connection, required maintenance or emergency or otherwise approved by the Engineer. Permanent repair of City right of way excavated in the winter may be delayed until April 1, provided the permittee provides and maintains a temporary asphaltic surface until such time as the permanent surfacing is accomplished.

Barricading and Ramps

There are multiple references to barricading in Chapter 14.32 and the Regulations. In 14.32.105 it says:

All excavations shall be conducted in a diligent and expeditious manner resulting in a minimum amount of interference of street and pedestrian traffic. All-weather pedestrian access shall be provided. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to provide safe and efficient traffic flow, and to prevent accidents involving property or persons. Barricades must be in place until all of the permittee's equipment is removed from the site and the excavation has been backfilled and the public way restoration has been completed.

In 14.32.130 of the ordinance addresses ramps by saying:

If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Said temporary improvement shall be safe for travel and convenient for users and consistent with city standards for such.

Let me know if I can be of further help.
Scott

C. **Building Services:**
Comments forthcoming

D. **Transportation:**
Alex:

I will plan to attend your open house tonight. I am meeting with Rocky Fluhart and DJ Baxter from 4:30 to 5:00 this afternoon to go over a Council briefing tonight on how the legislation on transportation funding adopted by the state legislature yesterday during their special session might impact the airport light rail project. That briefing should be right after your open house ends.

As for the ordinances that relate to this office's authority on determining driveway widths, the ordinances are:

- 14.32.350
- 21A.44.020

My office has the ability to allow wider than 40 foot wide driveways if we believe it makes sense to do so even though our standard maximum width is 40 feet. So, we need no additional authority, but it is good to let the Council know this.

As for the ordinances that relate to parking meter bagging fees and use of non-metered spaces, the ordinances are:

12.56.210 Parking Meters – Special Use Conditions and Fees

12.56.325 Loading Zones and Restricted Parking – Special Use Conditions and Fees

14.12.130 Removal of Parking Meters

City Council has set the fees for use of curb space on the public right-of-way. Only the Council can modify or waive those fees. My office does not have such authority. We must apply the ordinance and collect the fees before we issue permits to take this space out of public use by barricades, etc.

Timothy P. Harpst, P.E., PTOE

Transportation Director

Salt Lake City Transportation Division Phone: 801 535-6630

- E. **Fire:**
Comments forthcoming
- F. **City Attorney:**
Comments forthcoming
- G. **Community Councils and Citizens:** A public open house was held on September 21, 2006 and no people were in attendance.

ANALYSIS:

21A.50.050 Standards for general amendments.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

- A. **Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

Discussion: The City Vision and Strategic Plan (1993) states as a goal that the City should, "*Develop business friendly licensing and regulatory practices.*" The purposes of the proposed amendments is to allow an expedited approval process, on a temporary basis, for major projects in the Downtown area, as delineated on the attached map (Exhibit 1). This will help ensure approvals are made in a timely manner to accommodate the major development projects, which will result in a massive reinvestment in the Downtown, while mitigating negative perceptions of access and enjoyment of the Downtown as these projects are undertaken. The projects proposed to

be expedited are consistent with the Downtown Master Plan: such as maintain a retail core on main Street and creating a balanced transportation system.

Findings: Staff finds that providing expedited approval processes, on a temporary basis, to help facilitate major construction in the Downtown area is consistent with the goal of the City Vision and Strategic Plan by creating a business friendly regulatory practice and the goals of the Downtown master plan to implement critical projects.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The proposed amendments relate to the process and decision making authority for various changes that would be necessary to ensure an expedited approval process, on a temporary basis, in the area subject to the proposed changes. All changes would be required to meet existing standards for the respective type of change proposed, unless otherwise waived under authority of this ordinance. The proposed decision making authority (Planning Director) must ensure that the proposed change is in keeping with and meets the technical regulations and standards which currently exist in the ordinance. The proposed expedited measures will be reviewed by an expanded review committee similar to the Development Review Team (DRT). The expanded review committee will be under the authority of the Community Development Director, Planning Director, Transportation Director City Engineer, Public Utilities and Public Services.

Findings: The proposed temporary amendments will require review of existing standards to ensure the proposed zoning text change or construction project is harmonious with the overall character of the existing development in the immediate vicinity of the subject property.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The technical standards of the zoning ordinance generally will not change with the proposed amendments, unless otherwise deemed to be necessary by the proposed Review Team, which will function similar to the Development Review Team and be similar to the review team used during the 200 Winter Olympics.. Any temporary land use amendment must meet the standards of a zoning amendment which will ensure that adverse affects on adjacent properties are mitigated.

Findings: Standards are in place to ensure adverse impacts on adjacent properties are mitigated, modification of those standards will be reviewed by appropriate City staff.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed boundaries where the temporary processing provisions are proposed include portions of the Airport Flight Path Protection Overlay District, Zone H; the Groundwater Source Protection overlay District, Secondary Recharge Area; and various Landmark Sites within the Historic Preservation Overlay District. The proposal is a text amendment to change the decision making process for a temporary duration. Any development or land use change amendment within the proposed boundaries of the temporary regulations will have to meet the requirements of any applicable overlay zone.

Findings: The proposed amendments are designed to be consistent with the City's applicable overlay districts.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: The proposed ordinance allows for the expedition of projects with review by an expanded committee, similar to the Development Review Team. Individual projects will be reviewed by departments to insure their consistency with public utilities and services.

Findings: All pertinent City departments will have review authority on development proposals within these boundaries under the proposed amendments.

RECOMMENDATION:

In light of the comments, analysis and findings noted above, staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance. The proposal will provide the following benefits:

- Is designed to anticipate construction-related issues that might negatively impact the timely completion of projects and create an overall negative perception if the City is not in a position to provide an immediate response.
- Will facilitate expedited approval process for temporary construction-related activities.
- Minimize construction-related inconvenience and sending a message to people that City's Central Business District is still open for business.

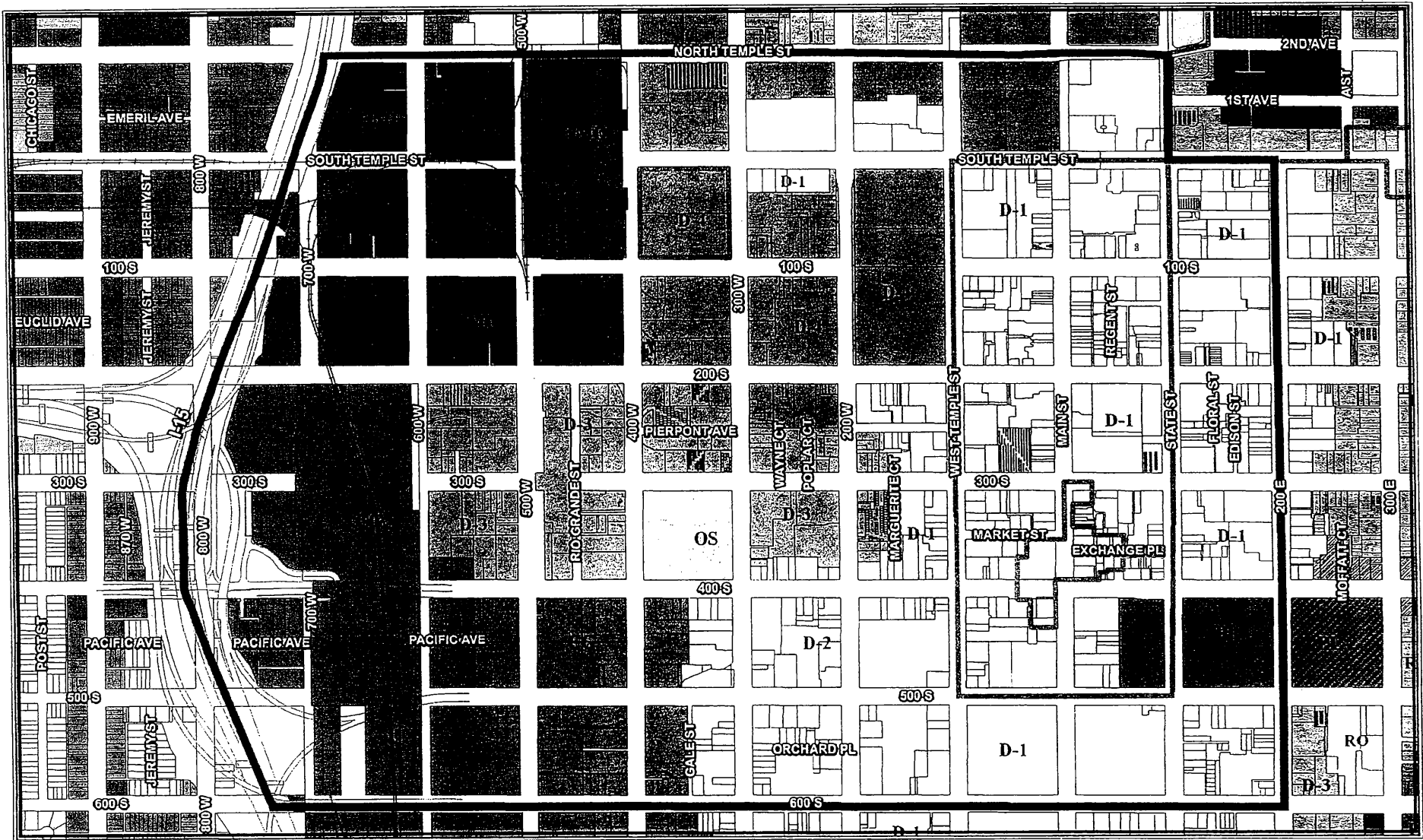
The ordinance will sunset 18 months from the time of its adoption, and can be renewed if the need still exists.

Doug Dansie, AICP
Principal Planner

Attachments: Exhibit 1 – Map of area to be covered by the ordinance
Exhibit 2 – Proposed Ordinance

Exhibit 1
Map of area to be covered by the ordinance

Expedited Approval Process for Temporary Construction-Related Activities in a Portion of the Downtown Area



- | | | | | | |
|--|-----------------------------|--|--|---|---|
| Boundary Area | BP, Business Park | D-1, Central Business District | OS, Open Space | RB, Residential/Business | RO, Residential/Office |
| Historic Preservation Overlay District | CB, Community Business | D-2, Downtown Support District | PL, Public Lands | RMF-30, Low Density Multifamily Residential | SR-1, Special Development Pattern Residential |
| Delta Center Sign Overlay District | CC, Commercial Corridor | D-3, Downtown Warehouse/Residential | PL-2, Public Lands | RMF-35, Moderate Density Multifamily Residential | SR-3, Special Development Pattern Residential |
| Downtown Main St Core Overlay District | CG, General Commercial | D-4, Secondary Central Business District | R-1-5000, Single Family Residential | RMF-45, Moderate/High Density Multifamily Residential | TC-75, Transa Corridor District |
| | CN, Neighborhood Commercial | GMU, Gateway Mixed Use | R-2, Single and Two-Family Residential | RMF-75, High Density Multifamily Residential | UI, Urban Institutional |
| | CS, Community Shopping | I, Institutional | R-MU, Residential/Mixed Use | | |



Exhibit 2
Proposed Ordinance

c. Minutes

DRAFT

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, September 27, 2006**

DRAFT

Present for the Planning Commission meeting were Tim Chambless, Babs De Lay, Robert Forbis, Kathy Scott and Matthew Wirthlin (Vice Chair), Peggy McDonough (Chair) and Prescott Muir. Frank Algarin and Mary Woodhead were excused from the meeting.

Present from the Planning Division were Alexander Ikefuna, Planning Director; Cheri Coffey, Deputy Planning Director; Kevin LoPiccolo, Zoning Administrator; Lex Traughber, Principal Planner; Cindy Rockwood, Acting Planning Commission Secretary; and Cecily Zuck, Senior Secretary. Melanie Reif from the Attorney's Office was also present.

A roll is being kept of all who attended the Planning Commission Meeting. Acting Chairperson McDonough called the meeting to order at 5:47 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Frank Algarin, Tim Chambless, Susie McHugh, Kathy Scott and Matthew Wirthlin. Planning Division Staff present were Lex Traughber and Kevin LoPiccolo.

Petition 400-06-32 – A petition by the Salt Lake City Administration requesting to amend the City's ordinances as necessary to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area, which is bounded by North Temple Street; 600 South; Interstate 15 and 200 East

(This item was heard at 10:34 p.m.)

Chairperson McDonough recognized Mr. Zunguze and Mr. Dansie as representatives of the petition request. Mr. Dansie stated that the ordinance language is forthcoming and will be similar to the temporary ordinances implemented during the 2002 Winter Olympics. He explained that during the Olympics a special ordinance was adopted to accommodate temporary uses not consistent with the current ordinance and utilizing a management group to cover Olympics-related events and temporary issues. Mr. Dansie noted that many development projects are anticipated for the Downtown Area within the next few years; for example, the mall reconstruction, the Hamilton Office Tower and Light Rail construction. He added that the construction could require special accommodations, including temporary trailers, signage, and some off-site parking. *(He later noted that off-site parking was not raised in the staff report, but might appear as a need during construction.)* Mr. Dansie clarified that the request is for a temporary ordinance with a sunset clause of eighteen months. He acknowledged that it is difficult to adopt an ordinance when there is no language; however, he asked that the Planning Commission consider endorsing the concept of the proposed ordinance.

Commissioner Scott requested clarification from Mr. Dansie regarding the staff report reference to only approving according to the following standards:

1. Zoning Issues: Signage (both business advertising and public necessity signs), landscaping requirements and the size and location of temporary building. Chapter 21A.46 Signs, 21A.48 Landscaping, and 21A.42 Temporary building.
2. Temporary Land Uses that Are Not Permitted in the Zoning District: Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage. Chapter 21A.42 Temporary and uses.

Mr. Dansie stated that Commissioner Scott's understanding was correct. He added that many of the other issues have the power to be waived by the Transportation Engineer and do not apply to the zoning code; for example, driveway approaches and bagging parking meters.

Commissioner De Lay inquired if the language contained within the proposed ordinance was of the same nature as those adopted for the 2002 Winter Olympics.

Mr. Zunguze stated that the language will not be of the same nature. He stated that Salt Lake City is at the precipice of many major developments in the Downtown Area; an enormous opportunity for investment. Mr. Zunguze added that the proposed ordinance will ensure that there will be no undue delays in requests for demolitions, or other necessary construction. Mr. Zunguze stated that the second motivation for the proposed ordinance was to expedite the process of construction itself; therefore, ensuring the return to a pristine Downtown Area as soon as possible. Mr. Zunguze included that the Planning Commission would still review the projects within their purview. He added that the process the proposed ordinance would strongly affect is related to site staging.

Mr. Dansie added that although the proposed language is not the same as the ordinance adopted for the Olympics, some of the issues will be. He provided some examples including, potential temporary signage, temporary buildings, and possible temporary retail buildings.

Mr. Ikefuna acknowledged that the temporary authority provided by the proposed ordinance does not include long-range planning such as the Downtown Transportation Master Plan or the Downtown Master Plan updates. He added that the delegation of such authority is legal and that is why staff is requesting consideration of the temporary ordinance, to expedite the approval process for construction related activities.

Chairperson McDonough opened the Public Hearing at 10:42 p.m. She read into the record a letter dated September 27, 2006 from the Salt Lake Chamber in support of the petition.

Seeing or hearing no additional request to make comments, Chairperson McDonough closed the public hearing.

Commissioner Chambless inquired if eighteen months would be adequate time for the projects affected by this ordinance to be completed.

Mr. Dansie replied that it might not be, but that a request for an extension would be pursued if necessary. Mr. Zunguze added that the proposed timeline would provide incentive to the applicants to complete their projects quickly.

Regarding Petition 400-06-32, Commissioner Scott made a motion that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance pertaining to the following items:

1. Zoning Issues: Signage (both business advertising and public necessity signs), landscaping requirements and the size and location of temporary building. Chapter 21A.46 Signs, 21A.48 Landscaping, and 21A.42 Temporary building.
2. Temporary Land Uses that Are Not Permitted in the Zoning District: Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage. Chapter 21A.42 Temporary and uses.

Based upon the findings and analysis in the staff report, Commissioner Scott also included in the motion that the support of off-site parking be added to the petition for the

purposes of facilitating construction activities and with the understanding that the ordinance will sunset eighteen months after its adoption; with an option for renewal.

Discussion of the Motion

Mr. Zunguze noted that the sunset clause be granted for twenty-four months (two years) instead of eighteen months.

Commissioner Scott suggested an amendment to the motion extending the sunset clause from eighteen months to twenty-four months (two years). Commissioner Wirthlin seconded the motion and the amendment. All voted "Aye". The motion passed.

5. Community Input

The Downtown Community Council
A Community Council Organization of Salt Lake City

24 September 2006

Salt Lake City Planning Commission
Salt Lake City Corporation
451 South State Street
Salt Lake City, UT 84111

Re: Proposed temporary modifications of Salt Lake City ordinances to facilitate downtown construction.

Dear Members of the Commission,

I am writing on behalf of the Downtown Community Council to communicate the Council's concerns regarding the City's petition to amend the City's ordinances as necessary to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area. This proposal has been brought to the attention of our members, and the general feedback has been supportive.

The residents and the businesses that already are at home in our downtown see renovations and improvements in our community as a long-term benefit to all in our area, and to the City and the State of Utah. And there is a reasonable level of awareness that the process of arriving at the end of these many proposed changes and improvements will involve some inconvenience on the part of all who use downtown.

Comments to date have been supportive of the concept incorporated into these proposals, that would allow greater flexibility to City staff and the many contractors and suppliers involved in the projects to solve problems early on, and to take steps that will minimize any dislocation or disruption related to specific work. Specifically, mention was made of the need to keep materials and equipment off the streets to the fullest extent possible, and to minimize the number of street parking spaces that are bagged as well as keep the period of time this occurs to the shortest possible.

Sincerely,

Christopher Viavant, Chair
Downtown Community Council
c/o 404 South 400 West
Salt Lake City, UT 84101
801-364-5576



**Salt Lake
Chamber**
Utah's Business Leader™

175 East 400 South, Suite 600
Salt Lake City, Utah 84111
801.364.3631 • Fax 801.328.5098
www.saltlakechamber.org

September 27, 2006

Peggy McDonough, Chairperson
Salt Lake City Planning Commission
51 South State Street, Room 406
Salt Lake City UT 84111

Dear Ms. McDonough:

Salt Lake City's downtown is on the verge of an investment boon. This investment provides an unparalleled opportunity to shape a first-rate central business district in the heart of Utah's capital city.

It is incumbent upon today's business and political leaders to facilitate this investment in a manner that serves the broad interests of the community, accelerates the construction process, and protects adjacent property owners. In this regard, the Salt Lake Chamber supports **Petition #400-06-32** to amend city ordinances to facilitate expedited approval processes for temporary construction-related activities in a portion of the downtown area.

In supporting this ordinance, we would also find it helpful for this ordinance, and other means, to require project owners to work in partnership with the jointly-hired (business community and Salt Lake City) construction impact ombudsman to ensure that the interests of adjacent property owners are protected. The city should find multiple ways to leverage the regulatory responsibilities of the city to mitigate construction impacts. As a business community, we seek a stronger partnership with project owners in this regard and ask for your support.

The Salt Lake Chamber and, our affiliate, the Downtown Alliance, stand ready to help with construction-related activities downtown.

Sincerely,

Lane Beattie
President and CEO

6. Original Petition

Memo



Department of Community Development
Office of the Director

To: Alex Ikefuna, Planning Director

From: Rocky Anderson, Mayor *RCA*

Date: 09/13/2006

CC: Louis Zunguze, Community Development Director
Brent Wilde, Community Development Deputy Director

Re: Expedited approval process for temporary construction-related activities in a portion of the Downtown area

The Salt Lake City Administration requests that a petition be initiated for ordinance revisions to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area, which is bounded by North Temple; 600 South; Interstate 15 and 200 East.

During the course of working with mall developers, light rail extension planners, and representatives of other major projects being planned for Downtown, the Administration has determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area.

The intent of this proposal is to anticipate construction-related issues that might negatively impact the timely completion of projects and create an overall negative perception if the City is not in a position to provide an immediate response.

Petition No. 400-06-32

By Mayor Rocky Anderson

Is requesting to authorize Ordinance amendments to facilitate expedited approval processes for temporary construction-related activities as it relates to the proposed mall redevelopment, light rail extension and other major projects planned for Downtown, and granting the authority to modify certain City regulations for construction activities to City Administrative staff. The ordinance, as written, will be in effect for 24 months from the time of adoption.

Date Filed _____

Address _____