



MEMORANDUM

TO: Mayor and Council

FROM: Brett Lenart, Planning Manager

DATE: March 29, 2024

SUBJECT: **711 Church Planned Unit Development – Supplemental Regulations Amendments for City Council Consideration**

This memo outlines four proposed changes to the 711 Church – Planned Unit Development Ordinance for the upcoming Council agenda. City Planning Staff and the applicant have discussed modifications to the Supplemental Regulations. Staff supports two amendments to clarify language, while two other proposed changes are not recommended at this time, as they deviate from the version reviewed by the Planning Commission. The Planning Commission requested a public art requirement, which is summarized. A proposed motion is included for Council consideration of the proposed amendments.

Amendment 1 – LEED Certification

Proposed Amendment Language:

LEED Gold. Buildings shall achieve the Gold level of the U.S. Green Building Council Leadership in Energy and Environmental Development (LEED) Certification for new construction, version 4.0 or newer. Proof of registration is required at the time of building permit issuance and documentation of certification shall be provided within two years of issuance of the final certificate of occupancy. If the project fails to provide written certification of compliance within two years of issuance of the final certificate of occupancy, penalty and/or enforcement provisions specified in the Development Agreement shall apply.

This language would replace Section 4 PUD Regulations, E - Sustainability, 1) LEED of the ordinance included in the agenda packet.

Staff supports this change, reducing the LEED version from 4.1 to 4.0 or newer. The petitioner noted their building type doesn't fit well with LEED 4.1. This modification applies a known standard to the building. Additionally, LEED certifications involve building performance measures that can't be fully met at occupancy. Therefore, compliance is required within 2 years of opening, with enforcement provisions outlined in the Development Agreement.

Amendment #2 – Architectural Materials

Proposed Amendment Language:

[None, this modification would strike the following section of the ordinance as currently presented:]

Section 4 – PUD Regulations, G – Architectural Design and Materials, 2 – Materials.

Staff supports this change, which removes the requirement of UDC Section 5.17.C.1. This section mandates high-quality architectural materials, excluding EIFS. The proposed project plans rely on EIFS for energy efficiency goals.

Amendment #3 – Building Height

Proposed Amendment Language:

The minimum building height shall be 12 stories. The maximum permitted building height shall be 17 stories and 230 feet, inclusive of a double height first floor areas incorporating mezzanine type spaces and exclusive of mechanical penthouses and similar spaces.

The petitioner proposes this revised language to modify Section 4 – PUD Regulations, B. Area, Height and Placement, 2) Height. The change proposed by the petitioner is that the first floor use will incorporate a mezzanine, and presumably, the applicant is concerned that once building permits are submitted, the mezzanine may be considered an 18th story. Absent detailed plans being reviewed by the City, staff can't predict this.

The language presented to the City Council and public in the meeting packet is consistent with that considered by the Planning Commission, and City Planning staff is not proposing modification. If the Council desires to make this modification, staff recommends to simply strike “. . .17 stories and. . .” from the existing ordinance.

Amendment #4 – Geothermal System

Proposed Amendment Language:

“Geothermal Technologies: The Project will integrate ground source heat exchange technology into the building’s HVAC system, to facilitate 8% (or 642 MBH) of the building’s total MBH load. Additionally, the pumps for this heat exchange system will be connected to the back-up generators to offer these areas of the building as emergency tenant warming spaces during power outages.

This would add a geothermal component requirement to the building in perpetuity. This is a modest proportion of the building’s energy use. MBH is thousand BTUs per hour, a measure of the size of an HVAC system.

Public Art Requirement

As part of the consideration of PUD zoning at the Planning Commission, the Commission directed staff to incorporate a public art regulation. Staff proposed the included language which establishes the following requirements:

- A conceptual draft or preliminary design for public art to be installed will be proposed by the developer.
- A minimum of one public meeting will be held to solicit feedback on the proposed design.
- A final design and summary of the feedback received by the public will be submitted to the Planning Manager for consideration and approval. Approval will be considered by the following standards:
 - The accessibility of the art to the general public.
 - The cost/value of the art project being at least \$50,000. (Note staff proposed this to be ½% of the total development cost as established by the building permit issued for the site, and the petitioner modified this to \$50,000, which is presented in the ordinance).
 - The nature and quantify of feedback received on the design and the responsiveness of the developer to the feedback in the final design.

Proposed Motion

The language below provides a potential motion to support the staff-recommended modifications and the additional *developer-proposed modifications*:

I, [city councilmember] move that the 711 Church – Planned Unit Development Zoning Ordinance be modified as presented in the staff memorandum from March xx, 2024:

Amendment 1: Replace LEED language as proposed in memorandum.

Amendment 2: Strike Section 4 – PUD Regulations, G – Architectural Design and Materials, 2 – Materials from the Ordinance.

Amendment 3: Modify Section 4 – PUD Regulations, B – Area, Height, Placement, 2 – Height to strike “. . . 17 stories and . . .” to reflect only an overall building height limit of 230 feet.

Amendment 4: Add to Section 4 – PUD Regulations, E. Sustainability, a new geo-thermal requirement as follows:

If there is any additional information I can provide, please contact me at blenart@a2gov.org.