

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Blake Thomas
Director

CITY COUNCIL TRANSMITTAL

jill love
jill love (Apr 8, 2024 14:46 MDT)
Jill Love, Chief Administrative Officer

Date Received: 04/08/2024
Date sent to Council: 04/08/2024

TO: Salt Lake City Council
Victoria Petro, Chair

DATE: 04/05/2024

FROM: Blake Thomas, Director, Department of Community & Neighborhoods

BTH

SUBJECT: PLNPCM2023-00646 Text Amendment to prohibit demolition of dwelling units for parking uses

STAFF CONTACT: Cassie Younger, Senior Planner, cassie.younger@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council adopt the proposed ordinance

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

The City recently adopted Thriving in Place (TIP), a strategy and action plan addressing housing and community displacement issues. As part of a package of City Code amendments intended to implement TIP, the Housing Loss Mitigation Ordinance (HLMO) was repealed, and new regulations are being adopted to address housing displacement. The HLMO required a mitigation plan for proposals to expand parking in residential zoning districts. The proposed zoning ordinance amendment is intended to replace this regulation with new, stronger regulations to prohibit the demolition of housing for parking.

Planning Staff reviewed TIP and existing zoning regulations and recommended the following new zoning regulations to the Planning Commission:

1. Prevent the demolition of housing for the development of commercial parking lots, park-and-ride lots, and off-site parking facilities.
2. Prevent the demolition of housing if it results in the expansion of existing parking or the development of new parking.

The Planning Commission reviewed the proposed regulations and asked Planning Staff to revise and clarify regulation 2 above by stating expansion of parking or development of parking is prohibited unless it is part of a development project that replaces the housing being demolished. Planning Staff made the revisions and returned to the Planning Commission where the Commission voted to recommend approval of the new zoning regulations. The specific zoning rules recommended by the Planning Commission are as follows:

1. Prevent the demolition of housing if it results in the development of standalone parking uses. Standalone parking uses are commercial parking lots, park and ride lots, and off-site parking facilities. The proposed Zoning Ordinance text change would add a footnote to all of the parking-related land uses in each of the land use tables and would prohibit the particular use if it results in the demolition of a dwelling unit.
2. Prevent the expansion of parking for any existing land use when it includes the demolition of a dwelling unless it results in the replacement of the dwelling unit. The proposed amendments would add language to the Off-Street Parking chapter that would prohibit “increasing the number of parking stalls or modifying a parking lot” for existing uses if it results in a net loss of dwelling units. This language would allow for existing residential and commercial developments to add units or expand their current development while accommodating the required parking for their site, but not voluntary expansion of parking when including demolition of housing.

PUBLIC PROCESS:

- The Planning Division provided a 45-day comment period notice to all Recognized Community Organizations on December 20, 2023.
- An online open house has been on the Planning Division’s website since December 26, 2023.
- Public noticing of the Planning Commission hearing was completed on February 1, 2024.
- A Public hearing was held for this item at the February 14, 2024 meeting. The item was tabled.
- Planning Commission voted to recommend the City Council approve the text amendments as proposed at their meeting on February 28th, 2024.

Planning Commission (PC) Records

- a) [PC Agenda of February 14, 2024](#)
- b) [PC Minutes of February 14, 2024](#)
- c) [Planning Commission Staff Report of February 14, 2024](#)
- d) [PC Agenda of February 28, 2024](#)

- e) [PC Minutes of February 28, 2024](#)
- f) [Planning Commission Staff Report of February 28, 2024](#)

EXHIBITS:

1. Chronology
2. Notice of City Council Hearing
3. Petition Initiation Memo

SALT LAKE CITY ORDINANCE

No. _____ of 2024

(Amending the zoning text of various sections of Title 21A of the *Salt Lake City Code* pertaining to development of commercial parking facilities)

An ordinance amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to the development of commercial parking facilities pursuant to Petition No. PLNPCM2023-00646.

WHEREAS, on February 28, 2024, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on a petition submitted by Salt Lake City Mayor, Erin Mendenhall to amend Salt Lake City’s land use regulations pertaining to commercial parking facilities (Petition No. PLNPCM2023-00646); and

WHEREAS, at its February 28, 2024 meeting, the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the city’s best interests.

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

SECTION 1. Amending the Text of Table 21A.33.020. That Table 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts), shall be amended to add footnote 22, as follows:

- a. Footnote 22 will be added to two use categories as follows: “Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB Zones)²²” and “Parking, park and ride lot shared with existing use²²”.

- b. Footnote 22 shall be added to the end of the list of “Qualifying provisions:” as follows:

- 22. Prohibited when it includes the demolition of a dwelling unit.

SECTION 2. Amending the Text of Table 21A.33.030. That Table 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts), shall be amended to add footnote 24, as follows:

- a. Footnote 24 will be added to four use categories as follows: “Parking: Commercial²⁴”, “Parking: Off site²⁴”, “Parking: Park and ride lot²⁴”, and “Parking: Park and ride lot shared with existing use²⁴”.
- b. Footnote 24 shall be added to the end of the list of “Qualifying provisions:” as follows:

- 24. Prohibited when it includes the demolition of a dwelling unit.

SECTION 3. Amending the Text of Table 21A.33.035. That Table 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts), shall be amended to add footnote 13, as follows:

- a. Footnote 13 will be added to five use categories as follows: “Parking: Commercial (if located in a parking structure)¹³”, “Parking: Commercial (surface lot)^{3, 13}”, “Parking: Off site^{3, 13}”, “Parking: Park and ride lot^{3, 13}” and “Parking: Park and ride lot shared with existing use¹³”.
- b. Footnote 13 shall be added to the end of the list of “Qualifying provisions:” as follows:

- 13. Prohibited when it includes the demolition of a dwelling unit.

SECTION 4. Amending the Text of Table 21A.33.050. That Table 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts), shall be amended to add footnote 20, as follows:

- a. Footnote 20 will be added to two use categories as follows: “Parking, commercial²⁰” and “Parking, off site²⁰”.
- b. Footnote 20 shall be added to the end of the list of “Qualifying provisions:” as follows:

20. Prohibited when it includes the demolition of a dwelling unit.

SECTION 5. Amending the Text of Table 21A.33.060. That Table 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District), shall be amended to add footnote 10, as follows:

- a. Footnote 10 will be added to four use categories as follows: “Parking: Commercial¹⁰”, “Parking: Off site¹⁰”, “Parking: Park and ride lot¹⁰”, “Parking: Park and ride lot shared with existing use¹⁰”.
- b. Footnote 10 shall be added to the end of the list of “Qualifying provisions:” as follows:

10. Prohibited when it includes the demolition of a dwelling unit.

SECTION 6. Amending the Text of Table 21A.33.070. That Table 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts), shall be amended to add footnote 25, as follows:

- a. Footnote 25 will be added to five use categories as follows: “Parking: Commercial²⁵”, “Parking: Off site²⁵”, “Parking: Off site (to support uses in an OS or NOS Zoning District)²⁵”, “Parking: Park and ride lot²⁵”, “Parking: Park and ride lot shared with existing use²⁵”.
- b. Footnote 25 shall be added to the end of the list of “Qualifying provisions:” as follows:
 - 25. Prohibited when it includes the demolition of a dwelling unit.

SECTION 7. Amending the Text of Table 21A.33.080. That Table 21A.33.080 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in Form Based Districts), shall be amended to add footnote 9, as follows:

- a. Footnote 9 will be added to the use category “Parking, off site⁹”
- b. Footnote 9 shall be added to the end of the list of “Qualifying provisions:” as follows:
 - 9. Prohibited when it includes the demolition of a dwelling unit.

SECTION 8. Enacting the Text of Subsection 21A.44.020.C. That Section 21A.44.020 is hereby amended to add a new subsection C as follows:

- C. Demolition of Housing for Parking: The demolition of a dwelling unit for the purpose of increasing the number of parking stalls or modifying a parking lot for an existing land use is prohibited if the demolition results in a net loss of dwellings.

SECTION 9. 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 _____,
2024.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2024.

Published: _____.

Ordinance limiting parking facility expansions (final)v1

APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date: March 19, 2024

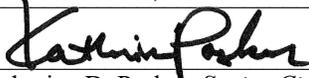
By: 
Katherine D. Pasker, *Senior City Attorney*

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1) CHRONOLOGY

PROJECT CHRONOLOGY

Petition: PLNPCM2023-00646

- August 4, 2023** Mayor initiated a petition for a zoning text amendment that would prohibit the demolition of housing to construct standalone commercial parking lots/ structures.
- October 12, 2023** Petition PLNPCM2023-00646 was assigned to Cassie Younger, Senior Planner, for staff analysis and processing.
- November 15, 2023** Notice was sent to all Recognized Community Organizations informing them of the petition.
- November 20, 2023** The proposal was posted for an online open house. The proposal can still be viewed online.
- December 30, 2023** The 45-day public comment period for Recognized Organizations ended.
- February 1, 2024** Agenda posted to the Planning Commission website and the State of Utah Public Notice webpage.
- Public hearing notice sign with project information and notice of the Planning Commission public hearing posted at various libraries throughout the city.
- February 9, 2024** Planning Commission Staff Report was posted.
- February 14, 2024** Planning Commission held a public hearing and tabled the item with directions to Staff to clarify the proposed language.
- February 23, 2024** Staff report with requested modifications was posted
- February 28, 2024** Planning Commission discussed the changes and voted to recommend approval of the proposed text amendments to the City Council
- March 1, 2024** Staff requested ordinance from the Attorney's office
- March 19, 2024** Ordinance from Attorney's office was received.

2) NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering **Petition PLNPCM2023-00646**, a Zoning Text Amendment to prohibit the demolition of dwelling units for stand-alone parking uses and the expansion or modification of parking for existing uses.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

DATE:

TIME: 7:00 pm

PLACE: 451 South State Street, Room 326, Salt Lake City, Utah

**** This meeting will be held in-person, to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, please visit www.sl.gov/council. Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to council.comments@sl.gov. All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Cassie Younger at 801-535-6211 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at cassie.younger@sl.gov

The application details can be accessed at <https://citizenportal.sl.gov.com/>, by selecting the “Planning” tab and entering the petition number PLNPCM2023-00646

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two weeks in advance. If you have a request, please contact the City Council Office at council.comments@sl.gov, (801)535-7600, or relay service 711.

3) PETITION INITIATION MEMO



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Erin Mendenhall

Cc: Lisa Shaffer, Chief Administrative Officer; Blake Thomas, Department of Community and Neighborhoods Director; Michaela Oktay, Deputy Planning Director

From: Nick Norris, Planning Director

Date: August 4, 2023

Re: Amendments related to the demolition of residential dwelling units for commercial parking

The Planning Division is requesting that you initiate a zoning text amendment that would prohibit the demolition of housing to construct standalone commercial parking lots/structures. The City has recently completed the final draft of Thriving in Place (TIP), a strategy and action plan addressing housing and community displacement issues in the City. This text amendment is intended to be part of the package of changes that implement TIP and replace the current Housing Loss Mitigation (HLM) Ordinance.

The existing HLM ordinance requires a housing loss mitigation report when:

- a demolition permit, if issued, would result in the loss of a housing unit when located in a residential zoning district,
- A petition for a conditional use to authorize or expand vehicle parking in a residential or mixed-use zoning district, and
- And any zoning change that would permit a nonresidential use that includes within its boundaries a residential dwelling.

TIP includes a series of recommendations to replace the housing loss mitigation ordinance. This initiation would address the second bullet above by restricting when a parking lot can replace housing. Petitions have already been initiated to address zoning amendments that are likely to result in the demolition of housing.

The public process will include a minimum 45-day public input period before the Planning Commission holds a public hearing. All registered recognized organizations will be notified of the proposal.

This memo includes a signature block to initiate the petition if that is the decided course of action. If the decided course of action is to not initiate the application, the signature block can remain blank. Please notify the Planning Division when the memo is signed or if the decision is made to not initiate the petition.

Please contact me at ext. 6173 or nick.norris@slcgov.com if you have any questions. Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.


Erin Mendenhall (Aug 4, 2023 17:15 MDT)

Erin Mendenhall, Mayor

08/04/2023

Date