



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer  
Policy Analyst

**DATE:** October 18, 2022

**RE:** **The Other Side Village (TOSV) Rezoning Application**  
**PLNPCM2021-00787**

Item Schedule:

Briefing: September 13, 2022

Set Date: August 29, 2022

Public Hearing: September 20,  
October 4, 2022

Potential Action: October 18, 2022

## PUBLIC HEARING UPDATE

Numerous people spoke at the September 20 and October 4, 2022 combined public hearings for the public benefits analysis, below market lease rate, and rezoning application. The majority of those who provided comments were supportive, noting The Other Side Academy's track record; the village would be an innovative approach; and the importance of additional housing as part of an overall program to help people transition out of homelessness. Those opposed to the village cited concerns with impacts to the neighborhood and residents; additional concentration of deeply affordable housing on the west side; and The Other Side Academy's lack of experience operating a program such as this.

The Council closed the public hearing and deferred action to a future Council meeting.

***The following information was provided for the September 20 and October 4, 2022 Council public hearing. It is provided again for background purposes.***

## BRIEFING UPDATE

At its September 13, 2022 briefing, much of the Council discussion was focused on advantages and disadvantages of rezoning portions of, or the entire subject parcels. Those in support of applying the proposed zoning designation to the entire parcels cited resulting split zoning, required additional public benefits analyses, and added workload to repeat the rezoning process. A Council Member stated rezoning entire parcels would demonstrate the City's commitment to install infrastructure in the area.



It was noted rezoning portions of the parcels as needed would provide the City with more control over development on the parcels, as each expansion would receive additional review. Input from area residents and those living at the village could also be provided for Council consideration prior to potential expansions. A desire to retain the current Public Lands zoning designation was expressed to allow the City to preserve options for the land.

The Administration clarified the two legislative processes involved with the pilot project. The first is a public benefits analysis presented at the September 6, 2022 Council briefing. If approved by the Council, it would authorize the City to enter a lease with the petitioner only for the proposed eight acre pilot site. The second process is potentially rezoning the parcels. Expansion of the village beyond the pilot area would require a new public benefits analysis. If the Council rezones the full parcels, future expansion will only require a new public benefits analysis to be reviewed and adopted. If a portion of the parcels is rezoned, both a public benefits analysis and zoning map amendment would be required for expanded use on the site.

The Council did not reach consensus on rezoning portions of, or entire parcels.

Planning staff responded to a question about what could be included in a development agreement stating a detailed site plan has not been submitted so details are unknown at this point. Planning also pointed out development agreements typically restrict uses, while in this instance, one could potentially expand uses. The Council would adopt such an agreement.

Concern was expressed regarding the profitability of commercial enterprises at the village and potential for the City to be asked to provide financial support.

A follow-up briefing is scheduled for the September 20, 2022 work session meeting.

---

***The following information was provided for the September 13, 2022 Council briefing. It is provided again for background purposes.***

The Council will be briefed about an ordinance requested by The Other Side Academy (TOSA) to amend zoning designations on portions of properties located at 1850 West Indiana Avenue, and 1965 West 500 South. Both properties are owned by Salt Lake City and zoned PL (Public Lands). The requested zoning designation is FB-UN2 (Form Based Urban Neighborhood District) to develop a walkable urban mixed-use neighborhood that would be known as “The Other Side Village” (TOSV) operated by TOSA. Permanent supportive housing for chronically homeless individuals, along with on-site healthcare, medical services, and community gathering spaces are anticipated under the proposal.

The proposed rezoning would apply to approximately 28.5 acres of the 1850 West Indiana Avenue parcel, and approximately 8.6 acres at 1965 South 500 West for a total of approximately 37.1 acres as shown in the image below. Total area of both parcels is approximately 83.43 acres. Approval by the Council would result in both parcels being “split zoned” (two zoning designations within each parcel). It has not been determined by the Administration whether the parcels would remain split zoned or subdivided. If the parcels are subdivided that is an administrative process and would not involve the Council.

Under the proposal, the City would retain ownership of the subject property and lease it to TOSA at a reduced rate. This was addressed separately at the Council work session on September 6, 2022 by Council Senior Public Policy Analyst Allison Rowland in her report reviewing the public benefit analysis for TOSV. (Note: Ms. Rowland’s report and the public benefits analysis are attached to this report.)

A specific site development proposal has not been submitted at this time however, the petitioner indicated, and the public benefits analysis is based on a “phased approach.” This would include an initial “demonstration” or pilot project on the southeast portion of the subject property.

According to information included with the public benefits analysis, the pilot project would consist of at least 54 deed-restricted tiny homes, six tiny homes for on-site staff who provide 24-hour coverage, and 25 tiny homes that would be offered as nightly rentals. The homes would measure between 280 and 400 square feet each. In addition, the pilot project would include community space, commercial space for income-generating projects, and space for on-site supportive services, as well as utility serve and related infrastructure, and roads, curbs, and gutters. Total costs are estimated at \$13.8 million, excluding land costs, which TOSA has indicated it will raise largely through donations and in-kind contributions. If the pilot project is successful future phases would then expand into other areas of the property. This rezoning action would accommodate those future phases, although future public benefits analysis would be needed before the City agrees to additional ground leases.

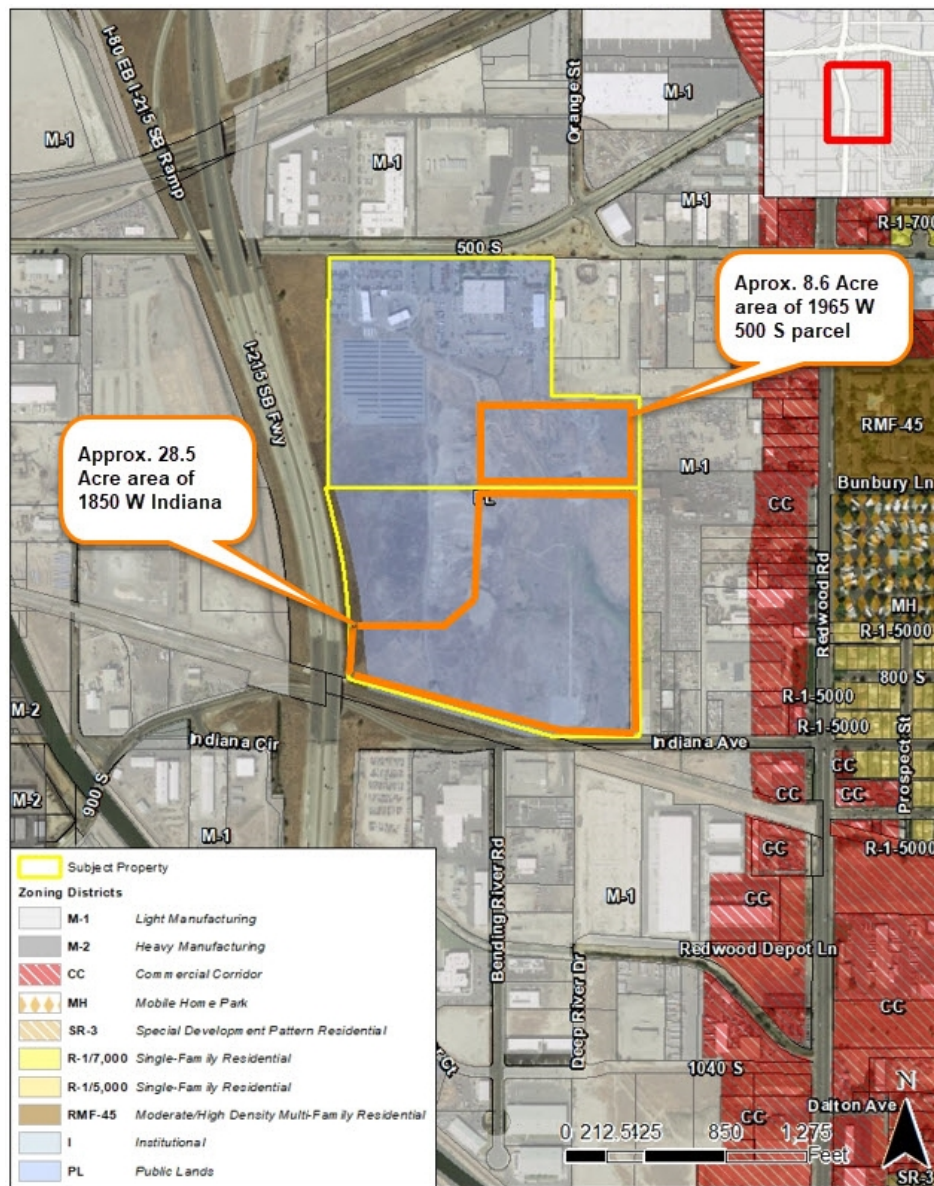
The Planning Commission followed Planning staff’s recommendation to forward a positive recommendation to the City Council. In addition, the Commission included the following with its recommendation.

*Whereas the community and the public should have the opportunity to plan the neighborhood with the large and potentially impactful project. We recommend that the Council ask the City staff to work with the applicant, businesses, and the community to prepare a development agreement prior to conveying the property. This plan needs to look at infrastructure, including transportation, services, Commercial development, and the buffering and protection of the existing business and the needs of the nearby residents.*

**Goal of the briefing:** Review the proposed master plan and zoning map amendments, determine if the Council supports moving forward with the proposal.

## **POLICY QUESTIONS**

1. The Council may wish to discuss how impacts such as additional residents and traffic in this area would be managed.
2. Rezoning portions of the subject parcels will result in “split-zoning.” The Council may wish to ask the Administration if there are plans to subdivide the lots or leave them with multiple zoning designations.
3. The Council may wish to discuss rezoning only the approximately 8 acre proposed pilot project site rather than the larger area.
4. During small group meetings with Council Members, TOSV envisions “thousands of visitors” to the Village each year. The Council may wish to ask if there are parking areas and restroom facilities anticipated to accommodate visitors.
5. Again, in small group meetings, TOSV representatives stated there would potentially be on-site short-term rentals available. The Council may wish to ask the Administration if the proposed zoning designation permits this use.
6. The Council may wish to ask what determines if the pilot project is deemed a success, and what thresholds will be judged to determine future phases. *Note: this is partially discussed in the staff report pertaining to the public benefits analysis.*



*Zoning Map with subject parcels outlined in yellow.  
Areas proposed for rezoning are outlined in orange.  
Image courtesy of Salt Lake City Planning Division*

## ADDITIONAL INFORMATION

Planning staff identified four key considerations with this proposal. They are summarized below. Please see pages 4-8 of the Planning Commission staff report for full details.

### Consideration 1-Neighborhood and City-Wide Master Plan Considerations

Planning staff reviewed the proposal and found it is not in conflict with, and generally supported by the Westside Master Plan, the 9-Line Community Reinvestment Plan, Plan Salt Lake, and Growing SLC.

### Consideration 2-Change in Zoning and Compatibility with Adjacent Properties

Planning staff noted concerns raised about impact the village might have on neighboring properties due to more people in an area that hasn't had a residential presence. Planning stated "...it is difficult, if not impossible, to predict the scale of these impacts other than to acknowledge that some impacts are likely to occur with such a change in land use. The Master Plan recognizes future changes in this area which

assumes that some impacts are likely to occur with land use changes. Additional infrastructure improvements such as sidewalks to accommodate pedestrians will help to lessen these impacts.”

When reviewing the proposed zoning change, Planning staff also noted the following: “Given the location of the property, development pattern, and surrounding zoning, it is staff’s opinion that the change in zoning from PL to FB-UN2 would not lead to changes that are incompatible with the existing development process.”

However, Planning recommended the City Council consider a requirement for additional buffering between the industrial and residential uses during the site development process.

### **Consideration 3-Consideration of Alternate Zoning Districts**

Planning staff considered other potential zoning designations and found the proposed FB-UN2 zoning district is the only one that would accommodate most uses listed by the applicant. (A memo with the analysis is included on pages 11-12 of the Planning Commission staff report.) Some uses are not listed, but zoning interpretations may allow some of these depending on scale, or they may be allowed as accessory uses. These will be reviewed in detail during any development proposal review.

Planning staff does not recommend changing to a zoning district other than the requested FB-UN2 designation.

### **Consideration 4-Site Conditions and Infrastructure**

The subject properties are vacant and do not have infrastructure to support the proposed use as a “tiny home village.” Significant infrastructure improvements will need to be made if the village is developed, however, the extent of any improvements is unknown until a development proposal is submitted.

Portions of both parcels were previously used as a landfill site. The Administration is involved with sampling and will work with State agencies on any needed site cleanup and mitigation. Any future development plan may be impacted but to what extent is unknown at this point.

In their application materials the petitioner acknowledged the former landfill site and said that area could be utilized for non-housing uses such as additional green space with walking paths and trees, parking for large community events, or potentially a solar farm to provide electricity to the village.

## **ANALYSIS OF STANDARDS**

Attachment E (pages 29-30) of the Planning Commission staff report outlines zoning map amendment standards that should be considered as the Council reviews this proposal. Planning staff found the proposed amendment complies with all applicable standards. Please see the Planning Commission staff report for full details.

## **PUBLIC PROCESS**

- August 13, 2021-Early notification announcement mailed to residents and property owners within 300 feet of the project site. Information included project details and information about how to access the online open house and provide input.
- August 23, 2021-Planning staff attended West Side Community Councils Open Forum. The applicant presented the proposal and answered questions about the project.
- August 31, 2021-Notice of the project and request for comments sent to Poplar Grove Community Council Chair. Courtesy notice also sent to Glendale Community Council Chair. (The Glendale

Community Council is outside of the 660-foot boundary of official notice but is the closest recognized organization adjacent to the project boundary.) Neither community council provided comments to Planning staff.

- Planning staff hosted an online open house from August 16, 2021-September 30, 2021 to solicit public comments about the proposal.
- October 27, 2021-The Planning Commission held a public hearing on the proposal. Numerous comments supportive of and opposed to the project were received by Planning staff prior to, during, and following the hearing. Comments supportive of the proposal noted it is an innovative approach to a complex issue. Those opposed primarily expressed concerns about impact the village may have on crime and other activities in the area. Comments sent to Planning staff are found in Attachment F (pages 31-103) of the Planning Commission staff report, and in Exhibit 5 (pages 32-59) of the Administration's transmittal to the City Council.
- October 27, 2021-The Planning Commission closed the public hearing and voted to forward a positive recommendation to the City Council.