




CITY COUNCIL TRANSMITTAL


Lisa Shaffer, Chief Administrative Officer

Date Received: 01/23/2023
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TO: Salt Lake City Council
Darin Mano, Chair

DATE: January 17, 2023

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



SUBJECT: Homeless Resource Center Text Amendment

STAFF CONTACT: Nick Norris, nick.norris@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council adopt the Homeless Resource Center Overlay Text Amendment and consider the modifications recommended by Planning Commission.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: The proposed Homeless Resource Center (HRC) Overlay text amendment is in response to the moratorium adopted by the City Council in April of 2022, ordinance 15A of 2022. The moratorium removed HRCs and homeless shelters from the land use tables. Prior to the moratorium, HRCs were allowed as conditional uses in the D-2 (Downtown Support), D-3 (Downtown Warehouse) and CG (General Commercial) zoning districts. To ensure clear guidance on developing a new process, the council provided the following project goals:

- The safety and welfare of those experiencing homelessness in the city.
- The impact to communities when HRCs and related services are concentrated.
- The impact that future HRCs have on city services.
- The financial ability of service providers to comply with regulations and still provide necessary shelter and/or services.
- Identifying the impacts that are the responsibility of the operator of an HRC and those impacts that should be the responsibility of others.

- Avoiding inequities in the locations of HRCs and homeless shelters.

In response to the established goals, staff sought a solution with the primary purpose to protect the safety and welfare of those experiencing homelessness within Salt Lake City. The developed proposal is the Homeless Resource Center Overlay Zoning District. The proposed HRC Overlay establishes regulations for future homeless resource centers and homeless shelters. Any future HRC or emergency shelter would require a zoning map amendment to apply the overlay. Once the HRC Overlay is mapped, a new HRC would be a permitted use. In order to address many of the comments and concerns provided by the public and city departments, the request to map the proposed HRC Overlay requires a great deal of information provided by the service provider, impacted city departments and the Director of Homeless Policy and Outreach associated with the Administration. The following information outlines the requirements and the process associated with the proposed HRC Overlay.

The service provider is required to provide the listed information upon submittal to apply the HRC Overlay to a specific property.

1. Development plans must meet the requirements of chapter 21A.58 and the following additional detail:
 - a. The plans shall include all labels for the function of each room or space, both indoor and outdoor, proposed for the facility.
 - b. All information that demonstrates compliance with the requirements in 21A.36.350.
2. The maximum total human occupancy the proposed facility is intended to serve.
3. A detailed list of all anticipated supportive services to be offered on the property, including a description of each service, where the service will be on the property and the square footage of the area designated for each service.
4. Any anticipated funding requests made to the city to operate the facility.

As part of the application process, staff and applicable city departments are required to compile the following information within 30 days of the application submittal.

1. Information regarding the impact to the police department which may include any data that demonstrates the services to existing homeless resource centers located in the city, the estimated cost of providing service by the police department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the police department to provide services to other parts of the city.
2. Information regarding the impact to the fire department which may include any data that demonstrates the services to existing homeless resource centers located in the city and the estimated cost of providing service by the fire department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the fire department to provide services to other parts of the city.
3. Information regarding the number of civil enforcement cases associated with existing homeless resource centers, including the types of complaints, and the estimated impact to civil enforcement workloads and ability to provide services to other parts of the city.
4. Information regarding accessibility of the site and its impact on Public Services.

5. The city provides an updated website to provide any and all city departments to contact for various complaints such as graffiti, encampment clean up, enforcement issues, and any other identified city service that may address impacts on the neighborhood from HRCs.
6. Data provided by the State Homeless Management Information System and the SL Valley Coalition to end homelessness regarding similar uses in Salt Lake County, including the total number of facilities, the total number of people who use the facilities, the number of individuals served with overnight tenancy in each facility, the average percentage of occupancy of the facilities, and the number of nights per year that the other facilities are at capacity to the extent that the information is available.
7. Data regarding the total number of beds available to people experiencing homelessness and the estimated number of people experiencing homelessness to the extent that the information is available.

To address many of the impacts and the concerns raised by city departments, as well as the public, staff created specific factors for the Planning Commission and the City Council to consider when applying the proposed overlay, which include the following:

1. The anticipated benefits to people experiencing homelessness provided by the facility in the proposed location.
2. The proximity of support services that benefit people who may use the facility and the ability of people to access services from the proposed location. If services are not within walking distance of the proposed facility, consideration of a transportation plan connecting support services to the facility.
3. The ratio of homeless related services provided in Salt Lake City compared to other jurisdictions in Salt Lake County.
4. The anticipated impact to city services, including fire, police, and any other city department that would be involved in providing services to the facility and the impact, if any, to the city providing services in other parts of the city.
5. The proximity to other homeless resource centers.
6. The effectiveness of the security and operations plan provided by the petitioner to address impacts created by the homeless resource center.
7. Equity between different neighborhoods in providing HRCs and other locations of impactful land uses. High impact land uses are those land uses that produce higher levels of pollution than the permitted uses in the underlying zone, and uses that attract crime or produce public nuisances, and land uses that located by a government entity or authorized by a government entity, that is not subject to the land use regulations of the city.
8. Demonstrated compliance with the requirements of 21A.36.350.

A request to map the HRC Overlay, the service provider would be required to submit a zoning map amendment application. This process requires a 45-day public input period, and at least one public hearing with the Planning Commission and a public hearing with the City Council. This proposal includes a mandatory timeline associated with scheduling of public hearings with the Planning Commission to streamline the approval process. In addition to the condensed timeline, staff integrated a requirement that the service provider must conduct engagement with individuals experiencing homelessness. Additionally, staff increased the public notification to

property owners and tenants from 300' to 450' to ensure that the broader community is informed of future HRC requests.

Planning Commission Recommendation

The Planning Commission provided a positive recommendation on the proposed HRC Overlay with two additional recommendations, which are included in the attached ordinance. The Planning Commission recommends the following language be adopted by the City Council:

- Homeless Resource Centers with up to 40 beds be approved through the conditional use process in any zoning district with residential uses.
- The City Council expedite the review and approval of a requested HRC Overlay within 90 days of the recommendation of Planning Commission.

Regarding the first recommendation, staff has not had the opportunity to research any anticipated impacts related to HRCs with an occupancy of 40 people. This may have unintended consequences that are unknown at this time.

PUBLIC PROCESS: Planning Staff conducted a series of stakeholder meetings, in order to gain valuable input on current impacts and a future amendment. The series of stakeholder meetings informed the HRC Overlay proposal.

- June 16, 2022 – Focus Group: Community Council Chairs
- July 5, 2022 – Focus Group: Advocates for People Experiencing Homelessness
- July 6, 2022 – Focus Group: Service Providers
- July 25, 2022 – Focus Group: Business Community
- July and August – Allison Dupler (Homeless Strategies and Outreach Coordinator in Mayor's Office) met with people experiencing homelessness at both HRCs, the Rescue Mission, and Nomad Alliance supply drive. A total of 68 people (54 sheltered, 14 unsheltered) provided input.
- Facebook Live Event: November 1, 2022
- Open House: November 10, 2022
- Online Open House: October 15th - November 30th. The required 45-day public input period was noticed on October 14th and ended on November 30th, 2022.

Input and comments received during the public process were used to draft the proposal. Input has also been received during the 45-day engagement period. Most input was provided through comments entered through the project website. There were 16 comments submitted online. Three commenters indicated that they support the proposal, four indicated that they do not support the proposal, and eight indicated that they could support the proposal with modifications. These comments are included in the PC staff report for December 14, 2022. Any comments provided after the publication of the PC staff report are included in Exhibit 4.

Planning Commission (PC) Records

- a) [PC Agenda December 14, 2022](#) (Click to Access)
- b) [PC Minutes December 14, 2022](#) (Click to Access)
- c) [PC Staff Report December 14, 2022](#) (Click to Access)
- d) [PC Agenda November 9, 2022](#) (Click to Access)
- e) [PC Minutes November 9, 2022](#) (Click to Access)
- f) [PC Staff Report November 9, 2022](#) (Click to Access Report)

EXHIBITS:

- 1) Project Chronology
- 2) Notice of City Council Public Hearing
- 3) Original Petition
- 4) Comments Received After Publication of PC Staff Report

1 SALT LAKE CITY ORDINANCE

2 No. _____ of 2023

3
4 (Adopting the Homeless Resource Center Overlay District, Adopting standards pertaining to
5 Temporary Homeless Resource Centers, Amending the zoning text of Section 21A.36.350 and
6 Chapter 21A.50 pertaining to Homeless Resource Centers and Development Agreements, and
7 Amending definitions in Title 21A associated with the foregoing)
8

9 An ordinance adopting the Homeless Resource Center Overlay District, adopting
10 standards pertaining to Temporary Homeless Resource Centers, amending the zoning text of
11 Section 21A.36.350 and Chapter 21A.50 pertaining to Homeless Resource Centers and
12 Development Agreements, and amending definitions in Title 21A associated with the foregoing
13 all pursuant to Petition No. PLNPCM2022-01068.

14 WHEREAS, on December 14, 2022, the Salt Lake City Planning Commission (“Planning
15 Commission”) held a public hearing on a petition submitted by the Salt Lake City Council (“City
16 Council”) to amend land use regulations pertaining to homeless resource centers (Petition No.
17 PLNPCM2022-01068); and

18 WHEREAS, at its December 14, 2022 meeting, the Planning Commission voted in favor
19 of forwarding a positive recommendation to the City Council on said petition; and

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

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

23 SECTION 1. Adopting Section 21A.34.160. That Section 21A.34.160 of the *Salt Lake*
24 *City Code* shall be and hereby is adopted as follows:

25 **21A.34.160: HOMELESS RESOURCE CENTER OVERLAY DISTRICT**

26 Purpose: The intent of the overlay is to consider the safety and welfare of those experiencing
27 homelessness while considering the impact to city services and adjacent neighborhoods and

minimize the effects on neighborhoods and populations that have traditionally been marginalized when considering locations for future homeless resource centers.

- A. Applicability: The process and regulations found in this chapter apply to all homeless resource centers existing prior to January 1, 2023 and any proposed homeless resource centers mapped within the city. This overlay is prohibited in the M-1 and M-2 zoning districts.
- B. Applying to Zoning Map: A petition to apply this overlay shall be subject to the applicable provisions of 21A.50.
 - 1. A homeless resource center shall only be allowed if located within the homeless resource center overlay or as otherwise allowed by this title.
 - 2. City Council Action: In deciding to apply this overlay, the city council may consider a development agreement to address any benefit or impact that a proposed homeless resource center may have on the surroundings of the proposed location of the overlay. Upon receiving a recommendation from the planning commission on a petition to apply this overlay the city council shall render a decision on the petition within 90 days.
 - 3. Permitted Use: If approved by the city council, a homeless resource center shall be a permitted use within the boundary of the homeless resource center overlay district.
- C. A homeless resource center with an occupancy of up to 40 individuals experiencing homelessness is not required to be located within the homeless resource center overlay district, provided that such center is (1) located within a zoning district that permits residential uses, and (2) approved pursuant to Chapter 21A.54.
- D. Previously Approved Homeless Resource Centers and Homeless Shelters: An existing homeless resource center or homeless shelter that was approved as a conditional use prior to January 1, 2023 shall be subject to the specifics of the conditional use approval, and any subsequent modification to the approval, that were placed on the use at the time of approval, and subject to the following modification limitations:
 - 1. Modifications to prior conditional use approval. A modification to a prior conditional use shall be subject to 21A.54.135.
 - 2. Any modification beyond 21A.54.135 is subject to a zoning map amendment to apply this overlay.
- E. Applicability to Places of Worship. A place of worship is not required to petition for a zoning map amendment to apply this overlay provided any emergency shelter provided is part of the ecclesiastic function of the place of worship. A place of worship that provides emergency shelter to people experiencing homelessness shall comply with the provisions of 21A.36.350.

F. Complying with standards. Any existing or proposed homeless resource center or homeless shelter shall comply with the applicable provisions of this title, including but not limited to the requirements of the underlying zoning district and section 21A.36.350.

SECTION 2. Amending the Text of Section 21A.36.350. That Section 21A.36.350 of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

21A.36.350: STANDARDS FOR HOMELESS RESOURCE CENTERS

A. A homeless resource center or homeless shelter may be allowed pursuant to 21A.34 of this title and the requirements of this section. A homeless resource center or homeless shelter located within the city shall comply with the following regulations. Any homeless resource center or homeless shelter approved as a conditional use shall comply with these regulations and the requirements of the approved conditional use. The owner of the property where a homeless resource center or homeless shelter is located shall ensure that the operator complies with the requirements of this chapter.

1. Capacity Limit: a maximum of two hundred (200) unsheltered persons.

2. Security and operations plan. A plan shall be prepared by the applicant, and approved by the Salt Lake City Police Department and Community and Neighborhoods Department, and filed with the Recorder's Office. A security and operations plan shall include:

a. A community relations and complaint response program that identifies specific strategies and methods designed to maintain the premises in a clean and orderly condition, minimize potential conflicts with the owners/operators and uses of neighboring properties, and prohibit unlawful behavior by occupants of the homeless resource center or homeless shelter on the site. The community relations and complaint response program shall include at least the following elements:

(1) Identify a representative of the homeless resource center or homeless shelter, including the representative's name, telephone number, and email, who will meet with neighbors upon request to attempt to resolve any complaints regarding operation of the center;

(2) A dedicated 24 hour telephone line for the purpose of receiving complaints;

(3) Quarterly meetings with a community coordinating group, which shall be open to the public, to discuss and address concerns and issues that may be occurring as a result of the homeless resource center or homeless shelter operation. The operator may establish policies and procedures for the meetings, including rules of decorum. The meetings shall be advertised at least 10 days in advance by posting notice on the operator's website and a sign posted along the public street;

(4) Representatives from each of the following shall be included in the community coordinating group:

(A) The homeless resource center or homeless shelter;

(B) A business located within 1/4 mile of the site;

(C) A resident who lives within 1/4 mile of the site;

(D) A school, if any, located within 1/4 mile of the site;

(E) Chair of the community council, or designee, whose boundary encompasses the site;

(F) An individual who has previously received or is currently receiving services (i.e., client) from a homeless resource center or homeless shelter; and

(5) A written annual report, provided on or before February 15th of each year, from the operator of the homeless resource center or homeless shelter, provided to the City Planning Director, which shall be posted to the Planning Division website and which shall include the following information:

(A) List of individuals who have participated in the community coordinating group meetings;

(B) A summary of each community coordinating group meeting;

(C) A summary of complaints received from the community by the operator of the homeless resource center or homeless shelter; and

(D) An explanation of how complaints have been addressed/resolved.

b. A complaint response community relations program that includes strategies and methods designed to maintain the premises in a clean and orderly condition, minimize potential conflicts with the owners/operators and uses of neighboring property, and prohibit unlawful behavior by occupants of the homeless resource center or homeless shelter on the site or adjacent public right-of-way.

c. A provision requiring a representative of the homeless resource center or homeless shelter to meet with neighbors upon request to attempt to resolve any neighborhood complaints regarding operation of the center;

d. A requirement for continuous on-site security, which includes professional security personnel, monitored security cameras, trained emergency responders, and emergency alert systems.

e. A plan to maintain noise levels in compliance with [chapter 9.28](#) of this Code;

f. Design requirements that ensure any areas for client queuing take place strictly within an enclosed building;

g. Designation of a location for smoking tobacco outdoors in conformance with State laws;

h. A provision stating that any trash on the premises be collected and deposited in a trash receptacle by 6:00 A.M. the following day;

i. A provision stating that portable trash receptacles on the premises be emptied daily and that other receptacles be emptied at a minimum of once per week or as needed.

j. Designation of an indoor location within the site where emergency services can easily and privately provide necessary services to clients.

k. Visible signage at all public entrances indicating that firearms are not permitted inside the homeless shelter. A means of detecting firearms at all public entrances and the plan to ensure an individual is physically present at all entrances when the public entrance is in use. A secure storage area for a firearm for clients of the shelter but also clear policies to not collect information on the firearm while in storage at shelter. An abandonment plan if a firearm is left at the shelter for more than 7 days, process to relinquish to a law enforcement agency for disposal.

3. The applicant shall provide building and site plans that have been reviewed by a certified CPTED (Crime Prevention Through Environmental Design) professional credentialed by the International Crime Prevention Through Environmental Design Association or similar organization. The CPTED professional shall indicate that the plans comply with CPTED principles and be approved by the Salt Lake City Police Department. The police department may recommend modification to the plans to improve the safety of the site to the zoning administrator. The zoning administrator is authorized to allow modifications to the zoning regulations listed in this section in order to improve the safety of the site when the recommended modification is not permitted by the zoning ordinance. Modifications shall be limited to the following:

a. Fence height and fence design;

b. Landscaping;

c. Clear view distances at driveways;

d. Design standards when necessary to provide privacy for the operation of the homeless resource center.

4. Maintenance:

a. The building and site must be maintained free from graffiti, litter, garbage, and other items that constitute a nuisance;

b. The building must be maintained in good repair and all property damage is repaired in a timely manner;

c. All fencing, walls, paving, walkways and other site features must be maintained in good repair, and free from obstruction.

5. Building And Zoning Compliance: A homeless resource center or homeless shelter shall comply with all applicable building and zoning regulations.

176 B. Standards for Homeless Resource Centers (Temporary)

177 1. When Allowed: A homeless resource center (temporary) is allowed if the
178 following situations are present in the city:

179 a. The existing homeless resource centers and homeless shelters in the city are at full
180 capacity or are likely to be at full capacity due to temperatures dropping below 32 degrees or
181 heat index above 95 degrees Fahrenheit is reasonably expected; and

182 b. The city is required to provide emergency shelter by applicable state laws.

183 2. Location: A homeless resource center (temporary) may be located in existing
184 buildings within the city if:

185 a. The building proposed for a homeless resource center (temporary) complies with
186 one of the following:

187 (1) is located in a zoning district that allows hotels, motels, or multi-family
188 dwellings;

189 (2) is owned by a government entity regardless of underlying zoning; or

190 (3) was constructed as a hotel, motel, or other temporary lodging purpose.

191 b. The site contains permanent or temporary restrooms adequate for the determined
192 occupancy load.

193 c. The building complies with or can comply with applicable building and fire codes
194 deemed necessary by city officials who are qualified to make such a determination.

195 d. The building complies with the spacing requirements in Utah Code 35A-16-502
196 (11) regulating separation requirements or its successor. The separation requirement in 35A-16-
197 502 (11)(c) is waived upon adoption of this section by the Salt Lake City Council. The
198 requirement in 35A-16-502(11)(c) pertaining to community locations may be waived or reduced
199 by the director of community and neighborhoods department. The director of community and
200 neighborhoods department may also waive any future separation requirement that is added to
201 35A-16-502.

202 3. Security and Operations Plan: The operator of the facility provides the city with a
203 security and operations plan that includes:

204 a. Contact information for a 24 hour property manager who has responsibility for
205 administering the security and operations plan and addressing nuisances or compliance issues
206 required by applicable laws. The contact info must be clearly posted on the site and legible to
207 passers-by.

208 b. A description of the intake process for those that may be using the facility that can
209 occur entirely within the building or on the property in a manner that does not impact public
210 sidewalks.

c. Designated smoking areas on the property that are located in areas that comply with applicable laws and are at least 30 feet from a property line.

d. A property maintenance plan to ensure that the property is maintained free of litter and any waste.

e. A vicinity maintenance plan to ensure that the properties and public space within 660 feet of the property where the facility is located are free from any litter or waste and that requires the facility operator to respond to requests from property owners or occupants of the properties within 660 feet to remove any waste, including sanitization when necessary, that can be attributed to the occupants of the facility.

f. Visible signage at all public entrances indicating that firearms are not permitted inside the homeless shelter. A means of detecting firearms at all public entrances and the plan to ensure an individual is physically present at all entrances when the public entrance is in use. A secure storage area for a firearm for clients of the shelter but also clear policies to not collect information on the firearm while in storage at shelter. An abandonment plan if a firearm is left at the shelter for more than 7 days, process to relinquish to a law enforcement agency for disposal.

g. Provisions that address ingress and egress to the site. The zoning administrator may require features such as fences to regulate egress and ingress to the site.

h. A requirement for continuous on-site security which includes professional security personnel, monitored security cameras, trained emergency responders, and emergency alert systems.

4. Limitations. A homeless resource center (temporary) approved under these regulations may only occupy a site once every four years.

5. Temporary Land Use Regulations: The city council may approve any homeless resource center (temporary) utilizing temporary land use approval authority prescribed under current laws.

SECTION 3. Amending the Text of Section 21A.50.030. That Section 21A.50.350 of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

21A.50.030: INITIATION:

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission. Applications for amendments may be initiated by the mayor, the city council, the planning commission, or the owner of the property included in the application, or the property owner's authorized agent. Applications related to Historic preservation overlay districts or landmark sites or the Homeless Resource Center Overlay shall be initiated as provided in chapter 21A.34 of this title.

SECTION 4. Amending the Text of Section 21A.50.040. That Section 21A.50.040 of the *Salt Lake City Code* shall be and hereby is amended to read as follows:

21A.50.040: PROCEDURE:

An amendment to the text of this title or to the zoning map initiated by any of the methods described in section 21A.50.030 of this chapter shall be processed in accordance with the following procedures:

A. Application: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district;
2. Street address and legal description of the property;
3. A complete description of the proposed use of the property where appropriate;
4. Site plans drawn to scale (where applicable); and
5. Related materials or data supporting the application as may be determined by the applicant and the zoning administrator.

B. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title. Application and noticing fees filed by the city council, planning commission or the mayor shall not be required. Application and noticing fees filed for designation within an H historic preservation overlay district or to establish a character conservation district shall not be required.

C. Determination Of Completeness: Upon receipt of an application for an amendment, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010, "General Application Procedures", of this title.

D. Staff Report: A staff report evaluating the amendment application shall be prepared by the planning director and shall contain at least the following information:

1. An analysis of any factors to be considered found in this title.
2. A discussion regarding input received from the public.
3. Input from other city departments or entities who have provided comments related to the proposal.

E. Planning Commission Public Hearing: The planning commission shall schedule and hold a public hearing on the completed application in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application

And Public Hearing Procedures", of this title. The following provisions apply for petitions to amend the zoning map that are requesting to applying the homeless resource center overlay district:

1. Zoning Map Amendments to locate the homeless resource center overlay can hold a public hearing with the planning commission during the required 45-day public notification period, as required in Section 2.60.050 of the Salt Lake City Code. No recommendation shall be made by the planning commission during the 45-day notification period.

2. During the 45-day public notification period, the petitioner shall arrange an opportunity for people who are experiencing homelessness to provide input on the proposed location of the homeless resource center overlay district.

3. Notice of the public hearing shall be sent via first class mail to property owners and tenants within 450 feet of the proposed boundaries of the petition to map the homeless resource center overlay.

4. The petition shall be scheduled for a recommendation from the planning commission at the first regularly scheduled commission meeting following the end of the 45-day notification period.

F. Planning Commission Decision: Following the public hearing, the planning commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the city council.

G. City Council Hearing: The city council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

H. City Council Decision: Following the hearing, the city council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional land may be zoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restricted classification, without new notice and hearing.

SECTION 5. Adopting Section 21A.50.060. That Section 21A.50.060 of the *Salt Lake City Code* shall be and hereby is adopted as follows:

21A.50.060: CONSIDERATION OF AMENDMENTS APPLYING THE HOMELESS RESOURCE CENTER OVERLAY DISTRICT.

A. Applicability. Any proposal to consider a petition that involves a zoning map amendment to apply the homeless resource center overlay district shall be subject to the additional requirements of this section in addition to any other requirement of this title.

B. Additional Submittal Requirements. In addition to the application requirements of this chapter, the following information shall be provided by the person submitting a zoning amendment petition that includes applying the homeless resource center overlay district.

1. Development plans meeting the requirements of chapter 21A.58 and the following additional detail:

a. The plans shall include all labels for the function of each room or space, both indoor and outdoor, proposed for the facility.

b. All information that demonstrates compliance with the requirements in 21A.36.350.

2. The maximum total human occupancy the proposed facility is intended to serve.

3. A detailed list of all the anticipated supportive services to be offered on the property, including a description of each service, where the service will be on the property and the square footage of the area designated for each service.

4. Any anticipated funding requests made to the city to operate the facility.

C. Information Provided by the City. After a complete application has been submitted to apply this overlay to property within the boundaries of the city, applicable city departments shall provide the Planning Division with the following information within 30 days:

1. Information regarding the impact to the police department which may include any data that demonstrates the services to existing homeless resources centers located in the city, the estimated cost of providing service by the police department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the police department to provide services to other parts of the city.

2. Information regarding the impact to the fire department which may include any data that demonstrates the services to existing homeless resources centers located in the city and the estimated cost of providing service by the fire department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the fire department to provide services to other parts of the city.

3. Information regarding the number of civil enforcement cases associated with existing homeless resource centers, including the types of complaints, and the estimated impact to civil enforcement workloads and ability to provide services to other parts of the city.

4. Information regarding accessibility of the site and its impact on public services.

5. The city provides an updated website to provide any and all city departments to contact for various complaints such as graffiti, encampment clean up, enforcement issues, and any other identified city service that may address impacts on the neighborhood from homeless resource centers.

6. Data provided by the State Homeless Management Information System and the SL Valley Coalition to end homelessness regarding similar uses in Salt Lake County, including the total number of facilities, the total number of people who use the facilities, the number of individuals served with overnight tenancy in each facility, the average percentage of occupancy of the facilities, and the number of nights per year that the other facilities are at capacity to the extent that the information is available.

7. Data regarding the total number of beds available to people experiencing homelessness and the estimated number of people currently experiencing homelessness to the extent that the information is available.

D. Additional Factors to Consider: In making a decision regarding a petition to map the homeless resource center overlay district, the planning commission and city council shall consider the following factors, in addition to those factors identified elsewhere in 21A.50:

1. The anticipated benefits to people experiencing homelessness provided by the facility in the proposed location.

2. The proximity of support services that benefit people who may use the facility and the ability of people to access services from the proposed location. If services are not within walking distance of the proposed facility, consideration of a transportation plan connecting support services to the facility.

3. The ratio of homeless related services provided in Salt Lake City compared to other jurisdictions in Salt Lake County.

4. The anticipated impact to city services, including fire, police, and any other city department that would be involved in providing services to the facility and the impact, if any, to the city providing services in other parts of the city.

5. The proximity to other homeless resource centers.

6. The effectiveness of the security and operations plan provided by the petitioner to address impacts created by the homeless resource center.

7. Equity between different neighborhoods in providing homeless resource centers and other locations of impactful land uses. High impact land uses are those land uses that produce higher levels of pollution than the permitted uses in the underlying zone, land uses that attract crime or produce public nuisances, and land uses that are located by a government entity or authorized by a government entity and that are not subject to the land use regulations of the city.

8. Demonstrated compliance with the requirements of 21A.36.350.

SECTION 6. Renumbering Section 21A.50.060. That Section 21A.50.060 "Limitation on Amendments" is hereby renumbered to Section 21A.50.070 of the *Salt Lake City Code*.

SECTION 7. Adopting Section 21A.50.080. That Section 21A.50.080 of the *Salt Lake City Code* shall be and hereby is adopted as follows:

21A.50.080: DEVELOPMENT AGREEMENTS.

The city council may consider applying requirements through an appropriate legal agreement with a petition for a zoning amendment when the city council determines that such an agreement is necessary to increase the benefit of the proposed zoning amendment and/or to address potential impacts to city services, surrounding land uses, public safety, and the health of current and future residents, business owners, and visitors to the city. The agreement may modify any applicable requirement of this Title provided the modification was proposed to and considered by the planning commission as required for any zoning amendment. Agreements that constrain the development potential or land uses of the subject property compared to what is authorized in the proposed zoning district are not required to be reviewed by the planning commission prior to consideration of the agreement.

SECTION 8. Renumbering Section 21A.50.070. That Section 21A.50.070 “Appeal of Decision” is hereby renumbered to Section 21A.50.090 of the *Salt Lake City Code*.

SECTION 9. Amending the Text of Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* shall be amended to include the following term:

Homeless Resource Center (Temporary)

SECTION 10. Amending the Text of Section 21A.60.040. That definitions of the terms “Homeless Resource Center” and “Homeless Shelter” be amended as set forth below and the term “Homeless Resource Center (Temporary)” be added to Section 21A.62.040 of the *Salt Lake City Code* as follows:

HOMELESS RESOURCE CENTER: A building or portion thereof which contains sleeping facilities for those experiencing homeless and operates year round. The facility may contain related services such as bathing, eating, laundry facilities, housing case management, medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and/or vocational training as defined in Utah State Code or its successor.

HOMELESS SHELTER: See the definition of Homeless Resource Center.

HOMELESS RESOURCE CENTER (Temporary): A building or portion thereof which contains sleeping facilities for no more than 150 people per night experiencing homelessness and operates for no more than 180 consecutive days or a total of 180 days in a calendar year between October 1 and April 30th of the following year. The facility may contain related services such as bathing,

eating, laundry facilities, housing case management, medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and/or vocational training as defined in Utah State Code or its successor.

SECTION 11. 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 _____, 2023.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2023.

Published: _____.

Ordinance Adopting Homeless Resource Overlay District

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: **January 11, 2023**

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

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1. Project Chronology

PROJECT CHRONOLGY

PETITIONS: PLNPCM2022-01068

June 16, 2022 Community Council Focus Group

July 5, 2022 Advocates for People Experiencing Homelessness Focus Group

July 6, 2022 Service Provider Focus Group

July 25, 2022 Business Community Focus Group

July/August 2022 Allison Dupler (Homeless Strategies and Outreach Coordinator) met with people experiencing homelessness at both HRCs, the Rescue Mission, and Nomad Alliance supply drive. A total of 68 people provided input.

October 15, 2022 Online Open House from October 15th-November 30th, 2022

November 1, 2022 Facebook Live Event

November 10, 2022 Open House

November 9, 2022 Planning Commission Briefing

December 14, 2022 Planning Commission Public Hearing

2. Notice of City Council Public Hearing

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering **Petition PLNPCM2022-01068**

On December 14, 2022, the Planning Commission held a public hearing and voted to recommend approval of the proposed Homeless Resource Center Overlay Zoning District by the City Council. A petition initiated by the City Council through Ordinance 15B of 2022 to establish a process for approving future homeless resource centers in the city, modifies existing standards for homeless resource centers and homeless shelters, and make other necessary and related modifications to Title 21A Zoning. The proposal includes adopting the Homeless Resource Center Overlay Zoning District, modifying section 21A.36.350 Standards for Homeless Resource Centers, adding provisions for temporary/seasonal homeless resource centers that incorporate recent changes to Utah Code, modifying chapter 21A.50 to add factors to consider when mapping the homeless resource center overlay and other related changes, and modifying defined terms. The City Council may amend other related chapters and sections of Title 21A Zoning as part of this proposal. 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: TBD

TIME: 7:00 PM

**PLACE: Electronic and in-person options.
451 South State Street, Room 326, Salt Lake City, Utah**

**** This meeting will be held via electronic means, while also providing for an in-person opportunity 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, including WebEx connection information, please visit www.slc.gov/council/virtual-meetings. Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to council.comments@slcgov.com. 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 Kelsey Lindquist (385) 226-7227 between the hours of 8:00 a.m. and 5:00 p.m, Monday through Friday, or via email at kelsey.lindquist@slcgov.com.

The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “planning” tab and entering the petition number PLNPCM2022-01068

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. To make a request, please contact the City Council Office at council.comments@slcgov.com, (801)535-7600, or relay service 711.

4. Public Comments After Publication of PC Staff Report



December 14, 2022

TO: Salt Lake City Planning Commission

FROM: Judi Short, First Vice Chair and Land Use Chair,
Sugar House Community Council

RE: PLNPCM2022-01068 Homeless Resource Center Code Amendments

I am sorry that I cannot be in attendance at the meeting December 14. We have moved our regular Sugar House Community Council meeting to December 14 because Mayor Mendenhall is able to be present.

We agree that the use shall be suspended for 180 days. And we agree that Option 2 Equity, and Option 3 Options, should be taken through the public process. This can be resolved during the 180 days. Part of the public process should include engaging with the unsheltered residents in the city. Finances need to be a consideration when determining a site and a provider. What if you said that no HRC can be located within 1.5 miles of another HRC instead of "areas that contain an HRC" It may not always be possible to require that they don't exist in areas where these type of uses already exist. Is that one per Zoning code, one per block? You could define an area(s) where an HRC could not be mapped.

You could stipulate that a zoning map amendment take no longer than 6 months from date of application to approval. You need to come up with a list of all things the HRC is responsible for, spell them out, and include things that all the other agencies are doing. Come up with a list of all the things the various agencies and HRCs are responsible for, and make them all responsible for all of it. There is a pretty good list in this staff report. This might eliminate the silos, where staff are doing their exact job description, not looking out for the whole community. **Make them all responsible.** Everyone is responsible for all of it, or the whole team fails. Try to locate services where the people who need it will be, to avoid extra travel time, which may be difficult to schedule and still keep the regular work schedule of that individual.

Find out why some providers work, like the YWCA, while others fail. Have the good ones work to train the others. Set this up so they are all on the same team. We know with different pots of gold to fund this, that may be more difficult, but maybe all the gold goes into the same pot, and the GOLD QUEEN doles it out based on results. Then, make a list of everything people experiencing homelessness need. Decide how that will be determined, and who will monitor the success. Quarterly, get the team together to assess how it is working.

I think what bothers me the most about this, is that you are arranging the deck chairs, and when you get through, you might have another ship or two, but you still haven't solved the problem. The problem is that surrounding every HRC there is chaos. People hang out outside the building. Others show up to hang out with those who are hanging out. Still more come because there might be someone in the crowd who needs a fix. And maybe some in the crowd are looking for a fix. And people throw their trash on the ground, whether it is in front of the HRS, or two blocks away, because no one is showing them that is not the expected way to behave. And the neighborhood around the HRS is not happy. Have someone assigned to talk to the neighbors.

My recommendation to you is that as part of your approval process for this tonight, or next week, you come up with a deadline for when all of these various teams and providers all over the city (medical, social workers, cooks, launderers, job trainers, job providers, janitors, etc.) have a clear-cut plan in place to make this happen, with criteria to tell them if they are winning or losing. And, these criteria must be in place **BEFORE the Certificate of Occupancy is issued.** And then each HRC reports to the city quarterly, or twice a year. Hold people accountable.

And you, as a Planning Commission, ask for reports from time to time, to find out how things are working, or not working.

COMMENTS FROM SHCC REGARDING HOMELESS SHELTER TEXT AMENDMENTS

I may be reading this proposal wrong, as I did it fairly quickly, but here are my thoughts:

The Overlay District proposal seems to be a way to get any request for a Resource Center or Shelter to require a Zoning Text Amendment. It would not allow new Resource Centers or Shelters in any district any more as a conditional use so therefore not at all any more.

I like the new requirements for any new Resource Center or Shelter as it includes all the stuff we wanted 5 (or more) years ago when they were first proposed.

The Overflow proposal also seems OK except for the use of an unused government building, with no limits on location, that I could discern. That might be problematic, though I think the Capitol when the Legislature is not in session is a great solution.

Hope this makes sense. We can't continue to have floating overflow shelters thrown together at the last second. **Lynn Schwartz**

Judi, I am in support of item 1, prohibiting new homeless resource centers or shelters in Salt Lake City. It will provide the city with the ability to have more control over where these facilities are located in the city.

I look forward to learning more about items 2 and 3. Thanks, **Becky Davis**

I guess I agree with the mayor's prohibition of new permanent shelters, since apparently there wasn't a way to require adequate screening of all issues before the big hubbub about the one proposed near the VOA site. But can you have homeless shelters with total elimination of problems rather than reduction?

With regard to 2 & 3, I have a lot of questions. Think it's a great idea to have Andrew J come to address the issue. With regard to the temporary shelter requirements, they would seem quite stringent and expensive depending. I wonder if there were really a lot of problems when there was the temporary shelter in the old DI building. If there were, I certainly wasn't aware, and I went to the area all the time.

I daresay you know if there were problems. **Thea Brannon**

It is too complicated for me as I am not acquainted with all the issues of the current rules or changes requested, etc. I have to trust that those on the city council have carefully studied the issue and this is the best current solution and that the rules if adopted are reversible in the future if the situation changes. I would like to know Amy Fowler's views.

I can voice my philosophy about the issue of homelessness. Resources should be provided by all shelters. Shelters should be dispersed in the city. Maybe Sugar House should have a shelter to spread the problem and wake people up to being a bit kinder and more human and willing to help. Other cities should provide shelters. West Valley is larger than SLC and yet they don't have one. It is a county and state issue and not just a city issue. State and county funds should come to SLC if other cities are not willing to proportionately share in the cost.

Every winter we have a crisis of getting people inside. There should be a plan in place as to where this will be and it should be done in the summer and just planned for.

What to do about those who don't want to come into a shelter in any weather. Many of these people are with mental health issues, fear of robbing what they have, abuse, ptsd, drugs etc. I am talking about those in the encampments in parks like Sugar House or the Jordan River Parkway. These people want to be outside with their community of neighbor campers who share a meal or protect their things. I think the city should have a sponsored campground which is much cheaper than a structure. It can have requirements for admittance, resident hosts, resources, Toilet and shower facilities, dish washing, student health clinic, policing and a place to build a warm fire. All much cheaper and acceptable than the current situation of encampments.. Community Volunteers can help, residents can clean and there can be green areas, trees, picnic tables. This is where some people feel safe and we should admit it. Homeless is a medical, social, poverty issue and there are many ways to help. Many will disagree with me but we know there are those who will not go to shelters, permanent or temporary. This issue should be addressed by those planning and developing rules for the homeless. **Suzanne S. Stensaas**

Judi, I just have one concern about the Homeless Resource Center Amendments and maybe it's because I am unaware of how the new facilities will be paid for from the point of acquiring the land on which to build a new facility or to remodel

an existing facility. I know the state legislature has appropriated money to address the homeless problem in the state, but it's not enough money. So entities who want to open and operate a new Homeless Resource Center could apply for federal, state or city/county funds to accomplish this as well as use donations if the entity is a non-profit organization.

Under the submittal requirements, one requirement is

"Identified funding sources to operate the facility and any anticipated funding requests made to the city to operate the facility"

I assume some of the new resource centers will be run by government entities, so taxpayers will foot the bill. I'm concerned about private entities running into financial difficulties trying to operate homeless resource centers if they don't get grants or governmental funding that they may need to cover their financial obligations.

BECKY DAVIS

Homeless Resource Center Zoning

cindy cromer [REDACTED]

Wed 12/14/2022 4:52 PM

To: cindy cromer [REDACTED]

To members of the SLC Planning Commission

Re Homeless Resource Centers-Zoning

December 14, 2022

First I want to point out that my neighborhoods...Central City and Bryant....are not receiving equitable treatment. The staff report does mention the East Downtown but Central City hosts the Geraldine King HRC and both Central City and Bryant have abundant group homes, transitional housing, drug treatment facilities, and so forth. One of the many iterations of Odyssey House is next to one of my 4-plexes. The residents at the House of Hope walk past my commercial building every day.

Secondly, I look at the proposed timeline for establishing possible sites with dismay. Dealing with real estate in Salt Lake is like being Captain Hook with the crocodile haunting you with tick-tock, tick-tock. I cannot imagine a seller holding his or her breath while the potential buyer goes through the process of finding out if the site will work. And the ambiguity will drain the resources of the well-intentioned organization hoping to get permission. And some of you may remember the proposal for a HRC on Simpson Avenue and the upheaval it caused in that Sugar House neighborhood. I don't see the proposed timeline working for any of the parties involved. As someone who worried about whether one of the HRCs would be located near one of my own investments, seriously worried, I cannot support the ambiguity in the location of facilities. I completed the questionnaire on-line and indicated that I didn't see the proposed timeframe working for anyone, not the seller, not the purchaser, and certainly not the residents and business owners. Listening for the tick-toc of costly time slipping away is not helpful for anyone; worrying that the biggest investment you've ever made could be undermined is very stressful.