



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHORHOOD DEVELOPMENT

To: Salt Lake City Planning Commission

From: Nick Norris, 801-535-6173, nick.norris@slcgov.com

Date: January 12, 2022

Re: PLNPCM2021-01033 Homeless Resource Center and Homeless Shelter Text Amendments

Zoning Text Amendment

MASTER PLAN: Plan Salt Lake, Downtown Plan, Central Community Plan, Westside Plan, Capitol Hill Community Plan

ZONING DISTRICT: *CG General Commercial; D2 Downtown Support; D3 Downtown Residential/Warehouse Zoning Districts*

REQUEST:

Salt Lake City Mayor Erin Mendenhall initiated a petition to amend the zoning ordinance as it relates to Homeless Resource Centers and Homeless Shelters. Specifically, the proposal includes:

1. Prohibit new, future homeless shelters or homeless resources centers in all zoning districts in the city.
2. Modify the conditional use standards for homeless shelters or homeless resource centers, and
3. Distinguish between temporary overflow shelters and permanent shelters and homeless resources centers that operate year-round and potentially allow temporary overflow homeless shelters in certain zones.

This proposal is being broken down into three parts, with Item 1 listed above being addressed first. Items 2 and 3 will be going through a more extensive public engagement process that will be extended into 2022 and will be presented to the Planning Commission later.

RECOMMENDATION:

Based on the analysis and findings of fact in this staff report, planning staff finds that the zoning amendments related to removing homeless resource centers and homeless shelters from the land use tables is necessary for the city to develop appropriate regulations that can appropriately consider the impact to surrounding neighborhoods, city resources and services, and the needs of people experiencing homelessness in the city. Removing the uses from the land use tables provides the city the time to develop future regulations and approval processes without the need to respond to any proposed homeless resource center or homeless shelter.

ATTACHMENTS:

- A. [Proposed Text Changes](#)
- B. [Petition Initiation Memo](#)
- C. [City Master Plan Policies](#)
- D. [Analysis of Factors – Zoning Text Amendment](#)
- E. [Public Process and Comments](#)
- F. [Department Review Comments](#)

Petition Description

Mayor Erin Mendenhall initiated this petition on October 4, 2021 in response to a homeless resource center/homeless shelter that was proposed in the Ballpark neighborhood of Salt Lake City. The neighborhood already has several homeless resource centers or homeless shelters or similarly related uses and services. The intent of initiating the petition was to pause any new homeless resource centers/homeless shelters so the city can analyze and adopt new regulations that can better consider the impacts to the City that go beyond the impacts afforded within the current conditional use process. The intent is not to permanently ban any new homeless resource centers or homeless shelters in the City.

The Planning Division utilized a provision commonly referred to as the “pending ordinance doctrine” so that any application for a new homeless resource center or homeless shelter can be set aside for up to 180 days to give the city the opportunity to adopt new zoning regulations. If new zoning regulations are not adopted within 180 days, then any application submitted during the period is required to be processed under the zoning regulations that existed at the time a complete application was submitted to the City.

Due to the time constraints, the Planning Division has determined that it is in the City’s best interest to process item 1 of this proposal first. If the City Council agrees to prohibit the subject uses as proposed, no new applications would be permitted until the City Council adopts new regulations authorizing the uses. This accomplishes the purpose of utilizing the pending ordinance doctrine and provides more time for public engagement and to work with stakeholders to update regulations and processes for the subject land uses.

Homeless Resource Centers and Homeless Shelters are defined land uses in the zoning code and listed as conditional use in three zoning districts:

- CG General Commercial

This is not
intended to be a
permanent
prohibition

The intent of this proposal is not to permanently prohibit homeless resource centers or homeless shelters from the city. Rather, it is a necessary step to finding an equitable process for locating these facilities in Salt Lake City that considers the well-being of those experiencing homelessness, nearby residents and business owners, and the equitable accommodation of these facilities in the region.

- D2 Downtown Support
- D3 Downtown Residential/Warehouse

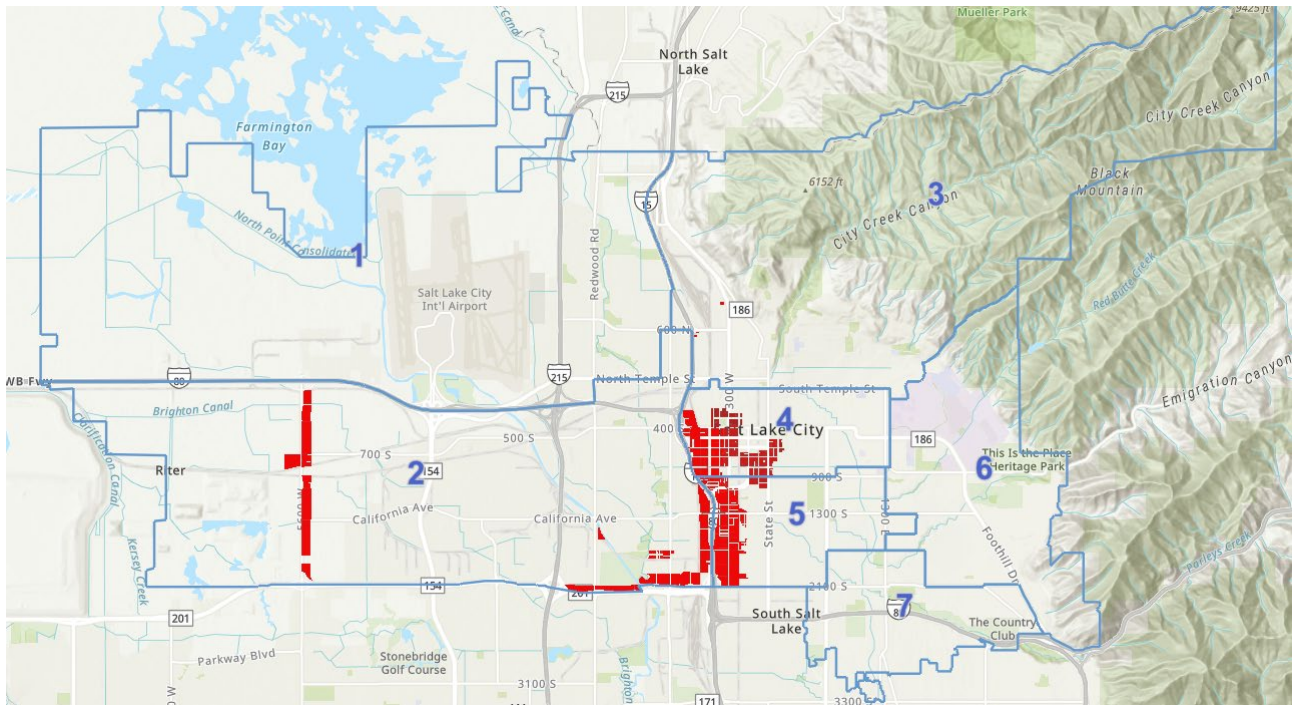


Figure 1: CG, D2, D3 Zoning Districts shown in red

This proposal would delete the “C” in the land use tables for the three zoning districts. A “C” in the land use tables indicates that a use is “conditional” and subject to the conditional use process in Chapter 21A.54 of city code. Permitted uses are indicated with a “P”. A listed use that does not have a “C” or a “P” in a specific zoning district in the land use table means that the use is not allowed in that zoning district. Deleting the “C” from the three zoning districts means that the uses are not allowed in those respective districts.

This first phase of this proposal includes adding clarifying language to 21A.33 Land Use Tables to clarify that a use without a “C” or “P” is not allowed. There is a statement in the zoning code that says this already, however it is in the definition section of the code and adding this to the introductory section of 21A.33 is a more intuitive and user-friendly location.

Zoning Ordinance section 21A.36.350 Qualifying Provisions for Homeless Resource Center or Homeless Shelter will be modified as part of this proposal to ensure that the provisions still apply to existing uses once the conditional uses are removed from the land use table. The applicability section of 21A.36.350 only discusses the uses as conditional uses. Modifying this language so that the regulations still apply is necessary to remove any vagueness about how they may qualify to an existing facility that is no longer listed as a conditional use or that existed prior to the requirement for a conditional use.

Applicable Review Processes and Standards

Review Processes: Zoning Text Amendment

Zoning text amendments are reviewed against a set of considerations in Zoning Code section 21A.50. The considerations are listed in [Attachment E](#). Planning staff is required by ordinance

to analyze proposed zoning amendments against existing adopted City policies and other related adopted City regulations. However, ultimately, a decision to amend the zoning ordinance is up to the discretion of the City Council. Zoning Ordinance section 21A.50 specifically states that a proposal should consider the factors listed for zoning amendments but the factors to be considered are not considered to be standards. This means that strict adherence to the listed factors is not required.

KEY CONSIDERATIONS:

The below considerations were identified through the analysis of the proposal and the zoning amendment consideration standards:

1. [**The Conditional Use Process**](#)
2. [**Impact to Existing Homeless Resource Centers and Homeless Shelters**](#)
3. [**When will Items 2 and 3 be discussed?**](#)
4. [**Community Engagement**](#)

Consideration 1: Conditional Use Process

The zoning ordinance currently requires a homeless resource center or homeless shelter to go through a conditional use process. The conditional use process is intended to identify detrimental impacts to surrounding properties. If detrimental impacts are identified, the process allows for applying conditions to reduce the impacts. There are a few important considerations related to the conditional use process. The impact must be reasonably anticipated. A detrimental impact must be related directly to the proposed use and generated by the use. For example, a homeless resource center or homeless shelter may not be accountable for a person experiencing homelessness who is not a patron of the facility or who refuses to utilize the facility, but the use may be generating impacts of the use allows people to camp on or adjacent to their facility.

If a reasonably anticipated detrimental impact is identified, conditions can be placed to mitigate or reduce the impact. Under Utah Code section 10-9a-507 the impact only needs to be reduced, not eliminated.

If a condition can be imposed and the impact reduced, then a conditional use is required by Utah Code and City Ordinance to be approved with conditions. A conditional use can only be denied if a reasonably anticipated detrimental impact cannot be reduced through the application of a condition of approval.

The zoning code provides a list of detrimental impacts that are used to evaluate a conditional use. The city is required to provide adopted standards for approval for conditional uses and cannot apply standards that are not adopted by the City Council.

One of the concerns with the conditional use process is that the approval authority (Planning Commission) may not be aware of the impact to city services. Homeless resource centers and homeless shelters typically generate more public safety (police, fire, EMS) related calls than most other land uses. However, the conditional use process is not a great tool to analyze the service impacts or costs to provide services because the Planning Commission is not typically involved in city budget decisions or even aware of the budget impacts to other city departments.

Consideration 2: Impact to Existing Homeless Resource Centers and Homeless Shelters

Existing homeless resource centers and homeless shelters would technically become non-conforming uses with this change. This does not mean that the conditional approval goes away, it would still apply. However, it does necessitate some minor changes to ensure the requirements found in 21A.36.350 still apply. Those standards can be found here: [Homeless Resource Center and Homeless Shelter Standards](#)

The changes that are proposed now focus on the applicability section to ensure the regulations will still apply. The proposed changes are listed below (underlined text is new wording, strikethrough text is proposed to be deleted).

21A.36.350: ~~QUALIFYING—PROVISIONS~~ REGULATIONS FOR HOMELESS RESOURCE CENTERS ~~OR AND~~ HOMELESS SHELTERS:

A. 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. may be allowed as a conditional use, as identified in [chapter 21A.33](#), "Land Use Tables", of this title pursuant to the provisions of [chapter 21A.54](#), "Conditional Uses", of this title and the requirements of this section~~

Consideration 3: When will Items 2 and 3 be discussed?

Items 2 and 3 include the following:

2. Modify the conditional use standards for homeless shelters or homeless resource centers, and
3. Distinguish between temporary overflow shelters and permanent shelters and homeless resources centers that operate year-round and potentially allow temporary overflow homeless shelters in certain zones.

These items will be discussed starting in 2022. Both items likely require more thorough discussions with all stakeholders, including stakeholders outside the City.

Item 2 is listed as updating the conditional use standards. However, updating the conditional use standards may not be sufficient to address the full range of impacts, needs, and considerations that are associated with siting, operating, and responding to the variety of needs for these uses. It is possible that a different process will be used that puts the final decision-making authority on new homeless resource centers and homeless shelters with the City Council. Options being considered include the use of development agreements and an overlay zone that would be mapped (zoning map amendment) as part of the approval process for future homeless resource centers. As these would be new regulations and processes, it likely requires fairly well researched regulations and discussions with a wider variety of stakeholders. It would be necessary to include not just residents and business owners, but also service providers and other government agencies, including the State of Utah.

Part of the discussion will be to establish factors that consider the level of service provided in the city compared to other local jurisdictions in the area. This was reiterated by a legislative intent approved by the City Council on November __, 2021 that reads:

I further move the council initiate a legislative action asking the Administration review and come back with recommendations for prohibiting temporary shelters until other jurisdictions in Salt Lake County permit them.

This legislative intent relates directly to Item 3. Addressing it requires identifying some criteria for evaluating when other jurisdictions have accomplished this. This likely requires the gathering of data and researching other jurisdiction zoning regulation so that information can be used to establish the criteria. This also requires creating some sort of process to determine when the criteria have been satisfied, which is not likely to be accomplished by the April expiration of the 180-day pending ordinance period. Because these items are not in the existing city code, the Planning Division has separated the items out of consideration at this time but will start working on the proposal in 2022.

Consideration 4: Community Engagement

The 180-day pending ordinance doctrine and time of year are impediments to good community engagement. This is a major factor in the Planning Division in dividing the proposal into different parts and processing the separate items at different times. It is critical that Item 1 be processed first. Item 1 is removing the subject land uses from the land use code and is not creating any new impact to any neighborhood in the city that does not already exist. The community engagement and outreach on Item 1 has been limited due to the scope of the proposal and the time constraint of the 180-day pending ordinance period. All registered, recognized community organizations and the operators of existing homeless resource centers and homeless shelters have been notified of the proposal. That notice did include the full scope of the project and discussed splitting the scope to move Item 1 first and Items 2 and 3 later. An organization of community councils reached out and scheduled a community forum to discuss this proposal on December 16, 2022. The forum explained the overall process, with a focus on Item 1. A separate forum was conducted in Spanish was held on January 6, 2022. Emails and letters were received from The Road Home and a consortium of Community Councils listing concerns and issues with the proposal. On January 4, 2022 planning staff met with representatives from several service providers to discuss the proposal. The emails and letters can be found in Attachment F. A summary of the written materials and the meeting with service providers is provided below:

- Comments from the Road Home:
 - The Road Home is concerned with the possibility that removing the uses from the land use tables may result in a situation where the city does not create a new process to provide future facilities as the population and needs grow. The would prefer that there be a commitment to adopting Items 2 and 3 in 2-3 months.
 - The Road Home is concerned with the added costs that may have to be shouldered by the providers due to the changing operation requirements. The Road Home points out that they have limited funding and resources for both permanent and

temporary shelters and that there is an increase cost to complying with regulations that they may not have the resources for.

- The Road Home is concerned that a different process may remove the ability of the community as a whole to respond quickly to dire needs of sheltering the most vulnerable individuals during winter storms, heat waves, or other natural hazards including pandemics.
- The Road Home provided a list of more specific comments with the initial draft of the changes to the qualifying requirements that are already in the code. Those changes will be further discussed with Items 2 and 3. These comments primarily focus on the intent and purpose of the proposals and working to clarify those through the process so the providers can determine how to comply with such regulations, consider the cost of compliance, and the ability of the providers to provide the needed shelter within the confines of their budgets, staff, and other resources.
- Community Council Letter
 - The community supports the proposal in Item 1 but there are some concerns about the distinction between temporary and permanent shelters. There is concern that the definitions blur the distinction between the two because there is no distinction in how many consecutive years a temporary facility can operate. Instead, the definition includes a limit that a temporary shelter can only be active for a total of 6 months in a calendar year. In theory, a facility could open for 6 months every year.
 - The community is concerned that temporary shelters could still be concentrated in areas that currently have motels and government buildings. The areas that contain these uses tend to be the neighborhoods that are already home to homeless shelters and homeless related services.
 - The community council letter suggests that the Planning Commission consider requiring certain amenities within homeless resource centers, such as a health clinic to provide non-emergency care, claiming that the city spends between \$400,000 and \$500,000 in fire and medical visits every month. That number has not been verified.
 - The community council letter includes a section about the impacts to neighborhoods that contain a homeless resource center or homeless shelter. Most of these impacts are related to Items 2 and 3 of this proposal.
- Meeting with service providers
 - Is the city working through the state or the council of governments to encourage other communities to provide homeless services?
 - There is a concern that the city will not add the uses back into the code in a timely fashion. This could impact funding sources that are currently available at the federal level and from private donations. A prohibition on shelters would likely impact access to the funding.
 - Concerned with the impact to existing facilities if the operational requirement change. They would like some modifications to the regulations so it is clear what applies to current facilities and what applies to future facilities.

- There will be a need for future facilities in the city as the city grows.
- What types of metrics would be used to determine when other communities are providing a more fair share of services?
- The city cannot force other city's to take action, so if the City doesn't provide services, the unintended consequences could be more unsheltered people.
- Questions the role of federal regulations for religious organizations that provide homeless services and whether they are protected from local regulations prohibiting a homeless shelter if operated under the religious umbrella (the answer is yes, federal regulations under RLUIPA would apply).

The Planning Commission should consider the input received with an immediate focus on those comments related to Item 1, which has a more pressing timeline to adopt compared to items 2 and 3. The Planning Division does recognize the concerns raised by the Road Home with the concern that the City may not add a process to establish a homeless resource center or homeless shelter back into the zoning code. This is an understandable concern. The Planning Division is committed to continuing the discussion so that additional facilities can be considered as the need changes and the city grows, but also recognizes that addressing homelessness is a regional and state issue.

As items 2 and 3 progresses, the Division understands the need to consider the ability of service providers to operate within their budget constraints as well as the need to address negative impacts to neighborhoods.

The issues raised indicate the need to balance the impacts homeless resource centers have on a neighborhood and the cost to service providers to address impacts. It is also apparent that determining what impacts are the responsibility of the operators of a homeless resource centers will be a challenging aspect of this proposal. It is important to realize that zoning will not be the best tool to address all impacts, but can address some of the impacts. The depth of the issues and the need to have further discussions on how to approve homeless resource centers or homeless shelters in the future and the appropriate regulations demonstrate the importance of splitting this project into multiple parts.

DISCUSSION:

The proposal has been reviewed against the Zoning Amendment consideration criteria in Attachment [D](#).

The adopted plans of the city that are applicable to this proposal all suggest that homeless services be provided in Salt Lake City and that the services not be concentrated in specific neighborhoods. Adopting the proposal in Item 1 makes it easier for the city to have broad discussions about items 2 and 3 to find ways to implement the related city policies and consider impacts that are broader than what the conditional use process can consider.

NEXT STEPS:

Item 1 will be transmitted to the City Council regardless of the recommendation from the Planning Commission. The Commission realistically has two options with this proposal:

- Recommend that the council adopt the proposal related to removing the "C" from the land use tables.

- Recommend that the council not adopt the proposal.

Legally, the Planning Commission could table the proposal. This likely jeopardizes the ability of the city to have item adopted before the 180-day period expires. Tabling the item, even to the January 26th Planning Commission meeting reduces the amount of time that the City Council needs for briefings public hearings, and a final decision. The transmittal process of sending the record to the City Council after a Planning Commission recommendation requires certain information, including the ratified minutes of the Planning Commission meeting. This means that the transmittal would not likely be received in the City Council office until February 10th at the earliest. That would leave the City Council with limited options to schedule the required meetings and decide the matter.

The Planning Commission does have the authority to modify the proposal if there are concerns with the details of Item 1.

Although the Planning Division has prepared draft proposals for items 2 and 3 and the Planning Commission could legally make a recommendation on those items, it is not recommended. The reason the Division prepared that information was to be prepared for any unforeseen circumstance or issue that may arise with imposing the 180- day pending ordinance change. Items 2 and 3 have not been discussed with stakeholders in a manner that the issue warrants.

ATTACHMENT A: Proposed Text Changes

The following are the proposed text changes associated with this item. Underlined words are proposed additions; strikethrough are proposed deletions. (please note that text in blue are hyperlinks and are underlined as a result.)

The changes in 21A.33.010 are intended to clarify that a use that is not specifically listed in not allowed.

The changes in 21A.36.350 are intended to clarify that the standards in this section still apply once the conditional use is removed from the land use tables. The changes in this section do not create any new regulations.

The changes in 21A.62.030 improve consistency with the wording in the land use tables. While this change is not directly related to the homeless resource centers or homeless shelters, it is necessary to clarify how defined land uses related to the uses listed in the land use tables.

The changes to the land use tables in 21A.33.030 and 21A.33.050 indicate that the "C" will be removed next to the subject land uses. It also shows the removal of footnote that referenced a state code provision that has been repealed.

21A.33.010: GENERAL PROVISIONS:

A. Permitted Uses: The uses specified as permitted uses in sections [21A.33.020](#), [21A.33.030](#), [21A.33.035](#), [21A.33.040](#), [21A.33.050](#), [21A.33.060](#), [21A.33.070](#), and [21A.33.080](#) of this chapter, tables of permitted and conditional uses, are permitted provided that they comply with the general standards set forth in part IV of this title and all other applicable requirements of this title.

B. Conditional Uses: The uses specified as conditional uses in sections [21A.33.020](#), [21A.33.030](#), [21A.33.035](#), [21A.33.040](#), [21A.33.050](#), [21A.33.060](#), [21A.33.070](#), and [21A.33.080](#) of this chapter, tables of permitted and conditional uses, shall be allowed provided they are approved pursuant to the standards and procedures for conditional uses set forth in [chapter 21A.54](#) of this title, and comply with all other applicable requirements of this title.

C. Uses Not Permitted: ~~Any use specifically listed without a "P" or a "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district.~~ Any use not specifically permitted or conditionally permitted in the table of permitted and conditional uses for the specific zoning district is prohibited. Only uses listed as a "P" or a "C" in the table of permitted and conditional uses for a district shall be allowed where designated.

21A.36.350: ~~QUALIFYING PROVISIONS~~ REGULATIONS FOR HOMELESS RESOURCE CENTERS ~~OR AND~~ HOMELESS SHELTERS:

A. 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. ~~may be allowed as a conditional use, as identified in~~ [chapter 21A.33](#), "Land Use Tables", of this title ~~pursuant to the provisions of~~ [chapter 21A.54](#), "Conditional Uses", of this title ~~and the requirements of this section~~

21A.62.030: RULES FOR GENERIC DEFINITIONS:

A. Purpose ~~Of~~ Generic Definitions: Certain terms in this chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this title. These terms are referred to in this title as "generic" definitions. Examples of generic definitions used in this title are "retail goods establishment", "recreation (indoor)" and "light manufacturing".

B. Components ~~Of~~ Generic Definition: A generic definition has three (3) components: 1) a brief listing of examples of uses intended to be included within the scope of the definition; 2) an identification (where appropriate) of certain uses which are not meant to be included by the term; and 3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.

C. Uses Not ~~Listed Or Not Within Scope Of Generic Definition~~ a Defined Use: A use which is not specifically listed on the table of permitted and conditional uses for a zoning district, or which does not meet the definition of a specifically enumerated defined use fall within a generic definition as defined in this chapter, or as interpreted by the zoning administrator pursuant to chapter 21A.12 of this title, is prohibited.

21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

USE	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Homeless Resource Center						C²¹	
Homeless Shelter						C²¹	

Qualifying Provisions:

21. ~~Subject to conformance with the provisions of section 21A.36.350 of this title, the City may not prohibit construction of a homeless resource center or homeless shelter if the site is approved by and receives funding through the State Homeless Coordinating Committee, with the concurrence of the Housing and Community Development Division within the Department of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.~~

Section 4: Amending section 21A.33.050 Table of Permitted and Conditional Uses for Commercial Districts to remove "Homeless Resource Center" and "Homeless Shelter" uses from the Downtown zoning districts.

21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

USE	D-1	D-2	D-3	D-4
Homeless Resource Center		C¹⁵	C¹⁵	
Homeless Shelter		C¹⁵	C¹⁵	

15. ~~Subject to conformance with the provisions of section 21A.36.350 of this title, the City may not prohibit construction of a homeless resource center or homeless shelter if the site is approved by and receives funding through the State Homeless Coordinating Committee, with the concurrence of the Housing and Community Development Division within the Department of Workforce Services, in accordance with section 35A-8-604 of the Utah Code.~~

Section 7: Adding the following definition to 21A.62.040 Definitions of Terms in alphabetical order.

HOMELESS RESOURCE CENTER: An establishment ~~building or portion thereof~~ in which co-located supportive services such as sleeping, bathing, eating, laundry facilities, and housing case management is provided on an emergency basis for individuals experiencing homelessness. Additional services may include preparation and distribution of food; medical care and treatment; behavioral and mental health counseling; employment counseling; educational instruction, and vocational training.

Homeless Shelter: An establishment in which sleeping accommodations are provided on an emergency basis for individuals experiencing homelessness. ~~Any homeless shelter that began operation on or before January 1, 2016, may operate year round in accordance with section 10-9a-526 of the Utah Code.~~

ATTACHMENT B: Petition Initiation Memo



Petition Initiation Request

Planning Division
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Mendenhall
From: Nick Norris, Planning Director
Date: October 4, 2021
CC: Rachel Otto, Chief of Staff; Blake Thomas, CAN Director; file
Re: Initiating an amendment to Title 21A, the Zoning Ordinance, to prohibit new, future permanent homeless shelters or homeless resource centers in all City zones; to review and modify the conditional use permit standards for homeless shelters or homeless resource centers; and to distinguish between temporary overflow homeless shelters during the winter months and permanent homeless shelters and homeless resource centers.

This memo is to request that you initiate a petition for the Planning Division to begin the process of amending the zoning ordinance to prohibit new, future permanent homeless shelters or homeless resource centers in all City zones; to review and modify the conditional use permit standards for homeless shelters or homeless resource centers; and to distinguish between temporary overflow homeless shelters and permanent homeless shelters and homeless resource centers.

Salt Lake City, and more specifically, certain districts in the City, bear a higher burden than other municipalities in the State to provide shelter and services to the State's homeless population.

To ensure that the City is carefully addressing the location and type of shelters and services in the City, the Planning Division requests that a petition to amend City Code 21A, the Zoning Ordinance occur, resulting in the preparation of a land use ordinance to:

1. Prohibit new, future permanent homeless shelters or homeless resource centers in all zones in the City;
2. Modify the conditional use permit standards for homeless shelters or homeless resource centers; and
3. Distinguish between temporary overflow homeless shelters and permanent homeless shelters and homeless resource centers that operate year-round, and potentially allow temporary overflow homeless shelters in certain zones.

The Planning Division may declare application of the "pending ordinance rule", which is established in Utah Code Section 10-9a-509 as a means of prohibiting certain uses for up to 180 days from the time a land use regulation petition is initiated. The 180-day period is intended to give the municipality time to get the petition through the

planning commission and city council processes. The adoption process of the resulting ordinance will include review and recommendation by the Planning Commission prior to a review and decision by the City Council.

If you have any questions, please contact me.

Concurrence to initiating the zoning map amendment petition as noted above.


Erin Mendenhall (Oct 4, 2021 16:17 MDT)

Erin Mendenhall, Mayor

10/04/2021

Date

ATTACHMENT C: City Master Plan Policies

Homeless services and related land uses are discussed in the plans identified below. Not all of the Community Plans in the City mention homeless services.

Plan Salt Lake Elements and Considerations

Link: [Plan Salt Lake](#)

Plan Salt Lake (December 2015) outlines an overall vision of sustainable growth and development in the city. This includes the development of a diverse mix of uses which is essential to accommodate responsible growth. At the same time, compatibility, which is how new development fits into the scale and character of existing neighborhoods is an important consideration. Growth and change are a significant focus of Plan Salt Lake.

There are multiple initiatives in various sections of Plan Salt Lake that support the overall goal of the proposal.

- Housing
 - Support homeless services
- Equity
 - Recognize and advocate for the rights of all residents and visitors
 - Ensure access to all city amenities and services
 - Pursue equitable access to privately provided services and amenities across the city
- Government
 - Provide opportunities for public participation, input, and engagement throughout the decision-making process,
 - Facilitate open communication and transparency.
 - Encourage collaboration and partnerships to ensure efficiency and responsiveness
 - Maintain a safe and healthy natural and human environment

Downtown Plan

The Downtown Plan was adopted in 2016 and covers all the area where the D2 and D3 zoning districts are located. The D2 and D3 zoning districts are two of the three zoning districts that allow homeless resource centers and homeless shelters as a conditional use. The plan includes policies regarding homeless services in the downtown area. A goal of the plan is to integrate homeless services into neighborhoods, prioritizes a housing first approach, and suggests that the best locations for homeless services should be based on the needs of the homeless community and sensitivities of residents and businesses. The overall approach to this project is supported by the policies of the Downtown Plan.

Central Community Plan

The Central Community Plan includes areas of the city that are zoned CG, specifically the 300 West Corridor. However, the plan does not include much information or specific policies related

to homeless services. The plan includes homeless services in the “social services” section of the plan where Institutional land uses are discussed. There are not specific policies related to these uses, however one of the goals of the plan is to “minimize adverse impacts from existing uses.” This relates to one of the intents of making changes to the regulations of homeless resource centers and homeless shelters.

Westside Plan

The Westside Plan does not include any specific policies regarding homeless services. However, CG zoned land is located along the 2100 South Corridor.

Capitol Hill Community Plan

The Capitol Hill Community Planning area contains a small amount of CG zoned on 400 West near the intersection with Beck Street and near the intersection of 600 West and Girard Ave. The plan does not discuss homeless services.

ATTACHMENT D: Analysis of Factors – Zoning Text Amendment

ZONING TEXT AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;		As discussed earlier in this report, adopting this proposal removes barriers to the bigger discussion of the role zoning plays in regulating homeless resource centers and homeless shelters. The next steps of this proposal, Items 2 and 3, are more aligned with implementing applicable policies in adopted plans, but this proposal is necessary to be able to remove the potential of a new homeless resource center or homeless shelter from being in neighborhoods that are already home to existing facilities.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	This proposal does further the applicable purpose and intent statements of the zoning code.	The purpose statements of the zoning code are found in 21A.02.030. These are general purpose and intent statements that do not always apply to every zoning text amendment. The relevant purpose statements that apply to this proposal include classify land uses and distribute land development and utilization; secure economy in governmental expenditures; and foster the City's industrial, business, and residential development. This proposal does address the classification and distribution of land development because it relates directly to the allowed and use tables. With the intent of continuing to provide for and allow homeless services in the city on a proportionate level, this proposal contributes to the ability of the city to do that. Providing services to the subject uses does require some governmental expenditures. By taking this action the city is positioning itself to include the cost of services in future decisions regarding homeless resource centers and homeless shelters. This proposal also fosters the development within the city because it is a necessary step to help address needs and impacts for homeless services while reducing the impact the uses have on future development that includes the development of housing necessary for a housing first approach.
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	This factor is not relevant.	This proposal does not impact any overlay zoning districts.

<p>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</p>	<p>This proposal provides the opportunity for the city to better define the role zoning plays in regulating homeless resource centers and homeless shelters.</p>	<p>Homeless resource centers and homeless shelters are one of the most challenging land uses to regulate under a zoning code, primarily because regulating the land use is not typically adequate to promote the use of these facilities or offset the impacts that the uses have. This process at the least provides the opportunity for the city to discuss the role zoning plays on this issue and how it can best respond to the need, recognizing that zoning alone is not the ideal solution.</p>
<p>NOTES:</p>		

ATTACHMENT E: Public Process and Comments

Public Notice, Meetings, Comments

Public notice of this proposal began when the Mayor initiated the petition to start the zoning amendment process on October 4, 2021. The Planning Division invoked the pending notice doctrine on the same date. The 180-day period expires on April 2, 2022.

The proposed changes were outlined in a public information document and made available to the public on November 16, 2021. A notice was sent to all registered, recognized organizations via email on the same date. This started the 45-day public engagement period required by city code. The 45-day public engagement period ended on January 1, 2022. This date only identifies the end date of the 45-day engagement period and public input is still accepted.

During the 45-day period a group of community councils hosted a virtual public forum where the proposal was discussed, and people had the opportunity to ask questions. Information about the number of attendees has not been provided to the Planning Division as of January 5, 2022. A transcript of the questions that were submitted through the Q/A function of the virtual meeting platform has also not been provided.

Two written comments were submitted to the Planning Division prior to the production date of this staff report. Those comments follow below and have been summarized earlier in this report.

The Planning Division also met with homeless service providers to discuss the proposal on January 4, 2022. A summary of that meeting is also discussed earlier in the report.

Additional engagement and public dialogue will be done with items 2 and 3 as they progress.

ATTACHMENT F: **Department Review Comments**

This proposal was routed to multiple city departments for comment. The departments were provided with the same information that was made available to the public with the instruction that the first action as part of this proposal would be to remove the uses from the land use tables so they are not allowed in the CG, D2 and D3 zoning districts. The departments have not provided specific comments on this part of the proposal. City Departments and Divisions that are already involved with homeless services and response will be heavily involved with the remaining parts of this proposal. The departments that were sent information include:

- Attorney's Office
- Building Services
- Economic Development
- Engineering
- Fire
- Housing Stability
- Parks and Public Lands
- Police
- Public Services
- Redevelopment Agency
- Sustainability
- Transportation

December 31, 2021

Salt Lake City Corporation
451 South State Street, Room 406
Salt Lake City, UT 84114-5480
P.O. Box 145480

RE: PLNPCM2021-01033

Dear Salt Lake City Council and Planning Commission,

Thank you for the opportunity to provide comment on the proposed Zoning Text Amendments. We appreciate our long-standing partnership with Salt Lake City and are pleased to serve as an operator of safe and housing-focused resource centers. We look forward to discussion and clarification of the goals the City is trying to achieve with each of the proposed rules. As a provider of homeless services and an operator of homeless resource centers and homeless shelters, the rules as proposed would create significant administrative and financial burden to emergency homeless shelter providers, who are providing a critically needed service to the community. A substantial amount of additional funding for emergency homeless shelter programs would be necessary to implement all proposed changes.

A number of the proposed revisions ask that facility operators and private security serve in the role of police and civil enforcement officers. The proposed revisions require the owner and operators to bear these responsibilities without any legal authority to enforce them. There are significant concerns related to liability for actions occurring off property and outside of the program.

In the following pages, we have provided comments related to the proposed revisions. We greatly appreciate the opportunity to discuss these proposed revisions with Salt Lake City's Planning and Administrative staff, Planning Commission, and City Council.

We look forward to working with Salt Lake City and other municipalities to ensure that Salt Lake City and County have a comprehensive housing and support focused shelter system that meets the needs in our community.

Sincerely,


Michelle C. Flynn, Executive Director
The Road Home

PRESIDENT
Becky Pickle

SECRETARY
Christena Huntsman Durham

TREASURER
Dustin Allen

PAST PRESIDENT
Greg M. Johnson

EXECUTIVE DIRECTOR
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Sean A. Monson
Shawn Newell
Aspen Perry
Pauline Ploquin
Gloria Salazar
Chris Sotiriou
Charles Stormont
James Washington
Emily Wegener



Item 1: Prohibit any new permanent homeless resource centers and permanent homeless shelters from being in the city by making them prohibited uses in the land use tables found in the zoning code.

21A.33.030; 21A.33.050

- I. Removal of homeless resource centers and homeless shelters from the land use tables as conditional uses in the Commercial and Downtown districts.

Provider Comments: Emergency homeless shelter providers are concerned about the permanence of this zoning text amendment. While the Homeless Resource Center and Homeless Shelter Information Sheet outlines that the goal is not to prohibit all future homeless resource centers and shelters, there is no guarantee that the City Council will implement the proposed Homeless Resource Center Overlay Zoning District or implement in a timely manner. This would limit all homeless resource center and shelters to the existing locations. As Salt Lake City's population continues to grow, this permanent removal of all future sites will be detrimental to persons experiencing homelessness and the city, as many will be forced to experience unsheltered homelessness throughout Salt Lake City. We request that Salt Lake City leave the existing land use in place or in lieu of that, put a 60–90-day time limit in place to adopt a new zoning overlay.

Further, emergency homeless shelter providers are limited by funding restrictions and resources in siting and developing homeless resource centers and shelters, both temporary and permanent. Strict federal regulations require that sites meet minimum standards. Providers of emergency shelter services are generally nonprofit agencies operating on limited budgets. In turn, this limits our ability to provide services to a very small pool of parcels throughout the community. We may not have the resources or ability to move shelter services to another site. The Road Home has been working with partners to develop a non-congregate shelter option for highly vulnerable adults. It became even more clear during the COVID-19 pandemic that congregate facilities are highly dangerous for older adults and those with medical vulnerabilities. We need to move quickly in order to take advantage of federal funding available for this type of use such as a motel conversion.

Finally, this proposal is concerning as it removes the ability for the community as a whole to respond quickly to dire needs. Throughout the year, winter storms and heat waves require providers to be flexible and open to ensure that our community's most vulnerable individuals are sheltered from the elements. Removal of the existing zoning text removes the ability for our community and Salt Lake City to quickly implement new programs to address new needs.

Item 2: Modify the conditional use standards for homeless resource centers and homeless shelters.

21A.36.350: Regulations for Homeless Resource Centers and Homeless Shelters

- I. A1C. 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.
 - a. Limit the number of homeless persons who may occupy a homeless resource center for overnight accommodations to a maximum of two hundred (200) homeless persons.
 - i. The number may be reduced if an existing building is used if the building official or fire marshal of the city determines that the occupancy load is lower due to the building not complying with applicable building or fire regulations.

Provider Comments: The Road Home is concerned about decreasing the available emergency shelter beds in the community without contingencies in place to ensure individuals experiencing homelessness within Salt Lake City have access to shelter from the elements. While we do not anticipate any building or fire regulations to be out of compliance during our time as facility operators of the Gail Miller Resource Center, it is concerning that the number of individuals to be served may be decreased due to minor building code violations. We would propose that Salt Lake City clarify the severity of violations and correction process required prior to the building official and/or fire marshal being able to decrease the number of beds.

Further, we would like to acknowledge the capacity limit results in intense pressure to fill every bed every night and results in logistics of the system that leads to great challenges for those seeking services to know how and where to access shelter.

- II. A2B: A security and operations plan shall be prepared by the applicant and approved by the Salt Lake City Police Department and Community and Neighborhoods Department, prior to conditional use approval and updated once per calendar year after approval and filed with the Recorder's Office. A security and operations plan shall include:
 - a. 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. The program shall include resources to remove waste and graffiti from users of the facility that is left off the premises within 1,200 feet of the facility.

Provider Comments: We ask if there is any documentation showing that users of HRC facilities have contributed to graffiti in the area. It is unclear as outlined in code who would be responsible for determining if waste and graffiti were created or caused by users of the facilities. Without clarifying this process, this provision may be interpreted in a way in which operators may be required to support the removal of all waste and graffiti within the vicinity of the facilities. The Road Home is requesting information on resources available to support operators in removing waste and graffiti from users of the

facility left off the premises. Homeless resource center operators do not have sufficient funding to support the removal of waste and graffiti left off property. We were unable to locate in Salt Lake City code any requirement for other facilities to maintain property outside of their legal boundaries, including sexually-oriented businesses, community correctional facilities, and residential treatment facilities. It is unclear to operators how this requirement would be enforced and the potential impacts it may have on operational budgets.

- III. A2D: A provision requiring continuous on-site security and emergency services 24 hours per day, 7 days per week, which includes professional security personnel, monitored security cameras, trained emergency responders, and emergency alert systems. This provision shall include a requirement to provide adequate electronic storage to store footage recorded by security cameras for at least 21 days.

Provider Comments: The Road Home is requesting clarification on what certifications and trainings are required to meet the “trained emergency responder” standard as listed in the provision. Many staff and professional security personnel are trained in first aid, CPR, and other similar emergency-related activities, per State of Utah Department of Health and Human Services Office of Licensing Requirements for emergency homeless shelters. We would request that training requirements imposed by Salt Lake City mirror those already existing requirements for emergency shelter providers. The Road Home does not have any concerns about the electronic storage requirements as proposed, which are currently in place at the facilities we operate.

- IV. A2J: A process to limit access to areas used for storage of personal goods.

Provider Comments: We are requesting clarification on what the “process to limit access to areas used for storage of personal goods” requires to meet this provision and what problem this item is designed to resolve. The homeless resource centers operated by The Road Home were designed as dorm-style facilities. Individuals have an assigned bed which provides one storage tote to store personal items. This tote can be locked with a padlock from the individual or a padlock provided by The Road Home. For additional items, individuals can access additional storage kept in an area accessible only to staff. While the additional storage cannot be accessed by individuals without staff assistance, personal storage at each bed is made available to individuals throughout the day. It would not be feasible to limit access to the dorm area that individuals may store personal goods in. This provision would require that The Road Home store all personal goods in the secured storage area, which would greatly hinder individuals’ ability to be self-sufficient and access items as needed. It would also significantly increase staffing budgets, as more staff would need to be on-site to provide individuals with access to their secured storage. Additionally, there is not sufficient space within the designed secured storage areas to store all personal goods.

- V. A2K: A copy of any rules of conduct that occupants of the facility are expected to abide by and the consequences of not following the rules of conduct including a manner to transport any individual violating the rules to the police department or other facility.

Provider Comments: We are requesting clarification on transportation requirements. Individuals are provided the facility expectations when they complete an intake and are assigned a bed. The Road Home, Volunteers of America, Utah, and Shelter the Homeless have developed a Safety and Security Plan, which includes rule violation processes, that was created and reviewed with Salt Lake City Police Department and South Salt Lake Police Department as well as the Salt Lake Valley Coalition to End Homelessness Legal Rights and Safety Core Function Group. The agreed upon protocols include weekly meetings with the designated officer from Salt Lake City Police and Salt Lake City staff to review any and all concerns.

The Road Home does not have adequate resources and staffing to transport individuals in violation of the rules to the police department each time a rule is violated. Further, it is unclear to us why individuals in violation of facility rules but not legal laws must be transported to police. Salt Lake City Police Department is contacted as often as needed per day to report illegal activities, but not individual rule violations. It would be a burden to both The Road Home and Salt Lake City Police Department to transport these individuals to police without legal cause or safety concerns.

- VI. A2L: A plan to reduce loitering within ¼ mile radius of the facility that includes a method to inform the police department regarding any individual who refuses to obey instructions about loitering.

Provider Comments: The Road Home is requesting clarification on what constitutes loitering and how operators are expected to enforce loitering expectations without any legal authority to operate and regulate activities off property. Salt Lake City Code 14.20.100 addresses what constitutes loitering on sidewalk, which is limited to loitering in a manner which obstructs free use of the sidewalk by other pedestrians or vehicles.

As noted earlier, we were unable to find any city code that require businesses or similar facilities to regulate activities outside of their legal boundaries (excluding regular maintenance on public sidewalks). The Road Home and third-party security personnel currently inform police regarding events occurring onsite, but do not have capacity to monitor and enforce activities off property. Per Utah State Code 76-8-5-512, a person is guilty of a class B misdemeanor if they impersonate a peace officer with intent to induce another to submit to his pretended official authority. The Road Home is concerned that third-party security personnel may be misconstrued as law enforcement officers by instructing loitering individuals that under Salt Lake City's conditional use permit, they are required to vacate the area within ¼ mile of the facility.

The Road Home is supportive of continuing to work closely with law enforcement to address illegal activities that occur onsite or in line of sight of the facility. Requiring homeless service provider staff and security personnel to act as peace officers would be inappropriate, as these individuals are not trained or certified by Salt Lake City to act as such.

- VII. A2M: Information about the staff to client ratio and how the number of staff to clients meets industry standards. If no industry standard is available, the facility shall have a minimum of one staff for every 25 clients the sleep at the facility.

Provider Comments: The State of Utah's Department of Health and Human Services Office of Licensing requires a client-to-staff ratio of 40 to 1. We are requesting that Salt Lake City align its staffing requirements with the State of Utah's industry standard for homeless resource centers and emergency shelters, as there is a significant discrepancy between the two figures. Requiring a higher staffing requirement will impose higher operational costs for the facilities located in Salt Lake City, which are currently staffed at the State of Utah's required ratios.

- VIII. A2N: Documentation of security patrols provided by the operator related to the frequency of patrolling the area within ¼ mile of the facility, the manner in how the patrols are done, and reporting of incidences encountered during the patrols and the action taken to report or respond to the incidences.

Provider Comments: This provision as proposed may result in increased operational costs to the owner of the facilities, who hold the contracts for security personnel. We would need clarification from Salt Lake City on what this requirement would look like in practice and whether the owner, who manages this reporting know, has the resources to require this information and reporting from the private security personnel.

Operators are concerned about the potential liability of operators acting outside of their programmatic scope and off-property. General liability insurance typically only applies to specific programs and properties within the scope of an agency. Requiring operators to be responsible for events and incidents occurring offsite may require providers and contractors to obtain additional insurance or higher cost policies, further inflating the cost of operating homeless resource centers.

The increase to operating costs is a significant consideration. Third-party security is one of the largest costs to the owner. Requiring off-site patrols at a yet-to-be-determined frequency could require that a minimum of two security personnel be hired on shift at all times to ensure interior security is not compromised. This could equate to roughly \$420,000 of additional security costs for operators and owners to bear.

- IX. A2O: A requirement for all visitors to log in and out of the facility.

Provider Comments: We request clarification on the issue this requirement is attempting to address. Individuals are screened as they enter the facility. Each time an individual enters the facility, they are subject to a physical search of their person and their belongings by private security personnel. Visitors are required to check in with the front desk staff and subject to the same search. Visitors are given a visitor pass and required to check out when they leave to return the visitor pass. The only visitors allowed onsite are service provider staff from other organizations or individuals meeting with The Road Home staff,

such as funders and auditors. It is worth noting that The Road Home does not have exclusive access of the building and cannot control visitors brought in by the owner of the facility, city enforcement officers, emergency personnel and so on.

- X. A2P: A check in and check out process for all clients.

Provider Comments: All individuals seeking services meet with intake upon entering the facility. Guest expectations are reviewed, including prohibited items. If beds are available, an individual is assigned a bed and allowed to enter the facility. As they enter, they are required to go through the private security screening to verify that no prohibited items enter the facility.

Individuals are not required to check out as they leave the facility. Requiring the individuals served to check out with desk staff each time they leave the facility would be a considerable barrier to them, as they are frequently leaving the facility to work, explore housing opportunities, and access other community services. Delaying that process by requiring individual check outs may negatively impact their progress towards self-sufficiency and housing stability.

Increased costs are another factor. Additional staffing would be required to oversee a guest checkout process. Additional security personnel may also be needed, as a formalized checkout process would crowd the entry and exit ways of the facility. We did explore an option of an electronic guest bed card with a turnstile that required check out but the significant resources needed to implement such a plan were not available.

- XI. A3C6: Overnight parking of recreation vehicles is prohibited on the site or in the right of way within ¼ mile of the facility.

Provider Comments: The Road Home is requesting clarification on the expectations of operators related to this provision. While the resource center operator can prohibit parking of recreation vehicles on its site, it has no legal authority to prohibit individuals from parking their recreation vehicles in the right of way within ¼ mile of the facility. Enforcement of parking regulations in the public right of way falls to the police and civil enforcement, not individual service providers. If some of our guests do have such a vehicle, not allowing parking onsite or nearby would be a barrier to shelter entry.

- XII. A3C4: The facility include the following types of amenities within the facility. These provisions do not apply to facilities established prior to January 1, 2022:
- a. A health clinic
 - b. Laundry facilities
 - c. Outdoor recreation areas
 - d. Dining and kitchen facilities
 - e. A donation drop off area
 - f. Client storage

Provider Comments: The Road Home is concerned about these requirements as they may pertain to temporary overflow shelter for inclement weather. There is no provision within this section of code that clearly states that temporary overflow shelters would not be subject to this site requirements. While these amenities are present in the homeless resource centers, they are unlikely to be present in locations utilized for temporary winter overflow shelter. Requiring these amenities in a temporary overflow facility would in practice ban all winter overflow shelter, as it is highly unlikely that a location including all of these amenities would be available to utilize to providers at a reasonable cost for overflow. This will significantly increase the cost of winter overflow facilities, if the facilities are even able to secure a location to begin operations. The larger concern is that this provision will preclude all overflow facilities from operating, leading to a substantial loss of life in inclement weather for unsheltered persons unable to access shelter.

- XIII. A3C5: The facility shall provide a transportation plan if the facility is located more than ¼ mile from a high frequency transit route.

Provider Comments: The Road Home is requesting clarification on what would be required in a transportation plan and what definition the city is utilizing for “high-frequency transit route.” There is not a high-frequency rail line within ¼ mile of the Gail Miller Resource Center. Ballpark Station is roughly 0.6 miles from the facility and Central Pointe Station is approximately 1 mile away. Individuals in need of transportation can request support from case managers, who have a limited number of agency vehicles available to assist with transportation requests. Other resources, such as cab vouchers and bus passes, may be available at some points in the year, depending on grant funding. Case managers support individuals in accessing low-income bus passes through various community programs.

If the expectation is for operators to directly provide transportation to individuals to move them out of the ¼ mile vicinity of the facility, a substantial increase in costs would occur. Additional vehicles and staffing would be needed to support this requirement. If the intent of this provision is to ensure that individuals have access to transportation resources, this is already in place through resource center case management. If the intent is for operators to directly transport all individuals out of the neighborhoods in which the resource centers reside, this is not feasible and would drastically increase operational costs.

- XIV. A3C6: The operator of the facility provide a quarterly report to the Housing Stabilization Division that includes data on the demographics of people who use the facility on a nightly basis including the % occupancy on each night during the quarter, average length of stay, and frequency of use by individuals staying at the shelter.

Provider Comments: The Road Home currently provides statistics to Salt Lake City’s Homeless Outreach and Strategies Team related to number of clients served, occupancy percentages, and average lengths of stay. We request clarification on the “frequency of use by individuals staying at the shelter.” Without a signed release of information each individual, The Road Home would be unable to provide details related to individual use of the facilities. Information related to individual users of the facility is protected by federal and state regulations. The only capacity in which The Road Home could share information related to individual users would be during funding monitorings from Salt Lake City’s Housing Stabilization

Division, which would still require that information only be provided as it relates directly to the existing contracts in place. Protected personal information outside of the contract scope would not be available to the city.

XV. A3C7: No requirement in this section may be modified through the planned development process.

Provider Comments: No comments.

Item 3: Distinguish between temporary overflow shelters and permanent shelters and homeless resource centers that operate year-round and potentially allow temporary overflow homeless shelters in certain zones.

21.A.36.350: Regulations for Homeless Resource Centers and Homeless Shelters

- I. B1. A Homeless Resource Center (temporary) is allowed if one or more of the following situations is present in the City:
 - a. The existing homeless resource centers and homeless shelters in the city are at full capacity or are likely to be at full capacity during the months of October – April.

Provider Comments: The Road Home is requesting clarification on how Salt Lake City will make its determination regarding capacity each year in order to determine if a temporary homeless resource center is allowed. Specifically, we would like to know which data sources Salt Lake City would utilize in its analysis of capacity or if written verification of capacity from providers would be sufficient to allow a temporary facility. Furthermore, we recognize the dangers of the cold winter months and also point out the dangerous conditions that can occur at other times during the year. We request that Salt Lake City consider a “Code Blue” option that would include using existing facilities such as HRCs as well as other municipal buildings when dangerous weather conditions develop.

- II. B2. Subject to the land use tables, a homeless resource center (temporary) may only be located in existing buildings within the city if:
 - a. The building is located in a zoning district that allows hotels, motels, or is owned by a government entity.
 - b. The building was constructed as a hotel, motel, or other temporary lodging purpose or as an institutional use with internal spaces of sufficient size to accommodate the use;
 - c. The building contains restrooms adequate for the determined occupancy load;
 - d. The building complies with or can comply with applicable building and fire codes deemed necessary by City officials who are qualified to make such a determination.

Provider Comments: The Road Home is requesting information on how Salt Lake City determines adequate restrooms for the determined occupancy load and sufficient size of institutional uses with internal spaces to accommodate the use. It is unclear how these determinations would be made and what the process would be to appeal determinations. Temporary restrooms are a viable option to meet these requirements. We also suggest that other vacant commercial buildings should be included as an option.

The Road Home is also requesting clarification on how these requirements would apply to the temporary winter overflow homeless shelter that The Road Home operates out of the St. Vincent de Paul dining hall each winter. If the site does not qualify as an institutional use with internal spaces of sufficient size to accommodate the use, it would appear to not be allowable under the proposed text. The 65 beds provided at this site each winter are critical, especially as we face a current bed deficit of 300 this winter.

- III. B3A. Security and Operations Plan: The operator of the facility provides the City with a security and operations plan that includes:
- a. Contact information for a 24 hour property manager who has responsibility for administering the security and operations plan and addressing nuisances or compliance issues required by applicable laws. The contact info must be clearly posted on the site and legible to passers-by.

Provider Comments: The Road Home is requesting clarification on the requirements related to this provision. Staff would be onsite during the operation of an overflow facility 24 hours per day and available to address nuisances and compliance issues. The city's expectation of having one designated person be available 24 hours per day to address potential nuisances and complaints is not feasible and would likely violate employment laws in place to protect employees. Contact information for the program manager and onsite staff can be made available and the property manager can oversee the complaint resolution process and respond within 24-48 hours. Complaints of criminal behavior should be directed to SLPD.

- IV. B3B. Security and Operations Plan: The operator of the facility provides the City with a security and operations plan that includes:
- a. A description of the intake process for those that may be using the facility that can occur entirely within the building or on the property in a manner that does not impact public sidewalks, public property, or adjacent property.

Provider Comments: The Road Home is seeking clarification on how this provision would impact operations at temporary overflow sites such as the Weigand Center and the St. Vincent de Paul dining hall. Intakes are done as quickly as is possible to reduce time spent unsheltered and staff work to ensure intake lines are primarily on property; however, individuals may be in the vicinity and not directly on the property while waiting for the intake process. We request changing wording to "in a manner that minimizes impact on public sidewalks, public property or adjacent property."

- V. B3C. Security and Operations Plan: The operator of the facility provides the City with a security and operations plan that includes:
- a. Designated smoking areas on the property that are located in an area that complies with applicable laws and is at least 30 feet from any property line.

Provider Comments: The Road Home is seeking clarification on this provision as it is unclear what shelter operators would be required to comply with in relation to the 30 feet provision. In some instances, it may not be feasible to require smoking to only occur from at least 30 feet from all property lines. This would be dependent on the lot size and property layout. Individuals are not allowed to smoke within the temporary or permanent shelters in any area other than the designated outdoor space. Given the severe limitations of operating a winter overflow facility, it may not be reasonable to require this additional barrier to providing services. In practice, this may prohibit winter overflow shelters from operating if no sites meet this stipulation.

- VI. B3D. Security and Operations Plan: The operator of the facility provides the City with a security and operations plan that includes:
- a. A property maintenance plan to ensure that the property is maintained free of litter and any waste.

Provider Comments: The Road Home is requesting clarification on the specific requirements to be included in a property maintenance plan.

- VII. B3E. Security and Operations Plan: The operator of the facility provides the City with a security and operations plan that includes:
- a. 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 or visitors of the facility.

Provider Comments: The Road Home is committed to being good neighbors and seeking resources for staff or contractors to pick up litter on the property and surrounding sidewalks. We request clarification of the 660 feet area. This could result in increasing emergency shelter operation expenses, which are incredibly scarce and hard to come by.

- VIII. B3F. Security and Operations Plan: The operator of the facility provides the City with a security and operations plan that includes:
- i. A minimum of two security personnel employed by the operator or on site 24 hours per day.

Provider Comments: The Road Home is requesting clarification on how this requirement would apply to temporary shelters that only operate during evening hours, such as the St. Vincent de Paul dining hall. The Road Home contracts for security personnel to be onsite during the operating hours, but does not provide security personnel 24 hours per day as the space is utilized for other purposes during daytime hours.

- IX. B4A: Operational Requirements:
- a. Laundry facilities are available onsite.

Provider Comments: The Road Home and other shelter providers may be able to provide emergency shelter services at a temporary facility and utilize industrial equipment at other sites for the sanitation of bed linens, towels, and other non-personal items. Individuals at the facilities are generally required to find their own means of sanitizing their belongings, such as community laundromats. Requiring onsite laundry facilities limits the ability of both Salt Lake City and The Road Home in responding to overflow needs quickly, as this limits the number of potential sites. The Road Home is also seeking clarification on how this provision would apply to overnight-only facilities, such as the St. Vincent de Paul dining hall, which operates only at night throughout the winter and does not have onsite laundry facilities.

- X. B4B: Operational Requirements:
- a. Medical resources that can provide basic treatment, non-life-threatening medical needs are available on the site 24 hours per day while the facility is open.

Provider Comments: This provision as written would substantially increase the costs of operating a temporary winter overflow shelter. Front-line staff are generally trained in first aid, CPR, and Naloxone reversal kits. Aside from these basic skills, staff are not licensed or authorized to provide other medical care. Hiring and staffing a facility with a medical professional for 24 hours per day would be a substantial cost to operators and in the current employment market, it is unlikely that we could even find medical staff who are willing to work for such a temporary program. Hiring the basic level of a Certified Nursing Assistant for each shift (a minimum of three total employees) would represent approximately \$136,000 in additional salary and benefit costs to operators. These expenses would not generally be eligible under typical federal homeless shelter operational funding.

- XI. B4C: Operational Requirements:
b. Visitors shall not be allowed.

Provider Comments: The Road Home is requesting clarification on who would be considered a visitor under this provision. We frequently coordinate with other service providers in the community to have them come onsite to temporary emergency shelters and connect individuals to services they are in need of. Without clarification on this provision, these individuals would not be allowed onsite as they may be considered visitors.

- XII. B4D: Operational Requirements:
c. A log must be kept of all clients using the facility.

Provider Comments: The Road Home has no concerns about this item as this process is already in place. We are willing and happy to report any non-identifying information and data as requested by Salt Lake City.

- XIII. B4E: Operational Requirements:
d. The perimeter of the site is secure with a fence that prevents people not using the facility from entering the site. Notwithstanding any other provision of this code, a 6-foot high fence may be located along the perimeter of the facility provided it does not block access to any public sidewalk or space.

Provider Comments: Requiring the installation and maintenance of a fence around a temporary homeless resource center may increase operational costs.

- XIV. B4F: Operational Requirements:
e. Personnel to patrol the site at least once per hour to ensure the site is clean, that the perimeter fence is in good condition, that the requirements of this section are complied with, and that no illegal activity is occurring on the property.

Provider Comments: Private security personnel conduct regular rounds at both temporary and permanent facilities. This requirement may lead to an increase in the number of security personnel onsite, resulting in an increased cost to operate temporary winter overflow shelter.

January 3, 2022

To Nick Norris, David Gellner, and Members of the Planning Commission:

The Ballpark, Central 9th Community Councils, Westside community advocates, and others are grateful for the opportunity to respond to the proposed Homeless Resource Centers and Shelters Zoning Text Amendments and the Planning Petition Information Sheet for PLNPCM2021-01033. We support the moratorium on new permanent shelters in Salt Lake City and the proposal from Mayor Erin Mendenhall to remove Homeless Resource Centers (HRCs) and Homeless Shelters from the land use tables in the CG, D2, and D3 zoning districts.

We understand that the Salt Lake City Planning Commission will consider a proposed overlay district and standards for homeless resource centers and homeless shelters at a later date, after the January 12, 2022 meeting when the Commission will consider removing HRCs and Homeless Shelters from land use tables.

We have been asked for feedback with regard to four issues:

1. The proposal to delete homeless resource centers and homeless shelters from the zoning code until such time that the city can work with the community to identify a new approval process for future homeless resource centers and homeless shelters and any issues or concerns you may have with this process.

While we support removing HRCs and homeless shelters from the zoning code to develop new processes to regulate siting these facilities, we are deeply concerned with what could amount to a surface-level distinction that the new code makes between “temporary” and “permanent” shelters. Mayor Mendenhall has stated the need to develop a public discourse mechanism as part of a careful process for siting new permanent HRCs and homeless shelters in Salt Lake City.

However, it seems that the definitions in the newly proposed code blur the distinction between “temporary” and “permanent.” They propose that a temporary shelter would be allowed to operate 6 months of the year when the existing HRCs and shelters are full (which they have been since they opened) or the mayor declares a state of emergency. As written, a temporary shelter could be located at any motel, hotel, or government-owned building. The newly-proposed code has no limit on the number of years a “temporary” shelter would be allowed to operate, nor limits on how many “temporary” shelters may be located within a certain geographic area. Under this proposal as written, any neighborhood with motels, hotels, or government buildings may find themselves host to multiple seasonal shelters that would operate 6 months out of the year, for every year, with no mechanism for community input. This outcome would not be equitable, and we urge the Planning Division to revisit the definition of “temporary” with an awareness of the communities that are already host to a concentration of motels, homelessness services, and permanent supportive housing. In the words of Salt Lake

City Council Member Victoria Petro-Eschler, “I in no way make light of the crisis, nor do I absolve myself of the responsibility to work toward permanent and sustainable solutions. But, winter comes on a predictable schedule each year. To ask the City to shoulder this burden once is an emergency. To have been asked now several times, with the Westside targeted significantly, is a pattern. This pattern should disqualify this type of ask on an emergency basis. Instead, it's a seasonal request.”

2. How to improve the operation of homeless resource centers and homeless shelters for people who use the centers or shelters.

Recent data show that when combined, the Gail Miller and Geraldine E. King HRCs in Salt Lake City accrue approximately \$400,000 - \$500,000 in fire and medical service visits every month. As part of addressing challenges identified with the existing homeless resource centers and homeless shelter uses, we urge the Planning Division to reconsider requiring certain amenities within existing homeless resource facilities, such as including a health clinic to provide non-emergency care. Funding full-time medical staff for these centers would reduce the burden on emergency services and allow guests of the resource centers to develop meaningful longitudinal relationships with professionals who would be familiar with their medical histories.

3. How your community has been impacted by homeless resource centers or homeless shelters and ideas to reduce negative impacts. Issues that are not zoning issues or that are better addressed through other tools will be separated out and provided to other entities that can address the non-zoning related issues.

(See response to #4, below.)

4. How your community has been impacted by temporary overflow shelters and ideas to reduce negative impacts.

As proposed, there is not a meaningful distinction between “temporary” shelters and permanent shelters, so we grouped the discussion of these impacts together. Our concerns about the overconcentration of shelters apply to any shelter however defined, i.e. temporary or permanent.

In particular, the repeated attempts that amount to an overconcentration of homelessness services proposed for the Ballpark and Central 9th neighborhoods suggest a profound lack of commitment to the scattered site model agreed upon by the Homeless Services Site Evaluation Commission, convened by Salt Lake City Mayor Ralph Becker and Salt Lake County Mayor Ben McAdams. Immediately after welcoming a new HRC to the Ballpark neighborhood in 2019, the Ballpark community learned of plans to use the former State Liquor Store at 1457 S. Main Street as a homeless overflow shelter through coverage by The Salt Lake Tribune (*A closed state liquor store was being readied to house homeless individuals — but a spokesman says no longer*, October 16, 2019 <https://www.sltrib.com/news/politics/2019/10/16/closed-state-liquor/>). Similarly, the Ballpark and Central 9th neighborhoods learned of the proposal for a new

low-barrier overflow homeless shelter on 252 W. Brooklyn Avenue from an article in The Salt Lake Tribune from August 2021 (*Detox center in Salt Lake City's Ballpark neighborhood may become an overflow homeless shelter*, August 25, 2021 <https://www.sltrib.com/news/2021/08/25/detox-center-salt-lake/>).

Although neither proposal ultimately moved forward, the fact that the neighborhood continues to be proposed as an appropriate location for overflow homeless shelters is deeply concerning. That some of the same stakeholders who participated in developing plans for these proposed overflow facilities served on or adjacent to the recent Homeless Services Site Evaluation Commission only emphasizes the lack of consensus with regard to the value of the scattered site model and speaks to the need to codify the scattered site model into zoning.

Similar circumstances are emerging on the City's Westside where the Ramada Inn at 1659 West North Temple was assigned as a shelter with little to no advance notice to or comment from the communities affected. The City cannot have it both ways in these circumstances where they deny involvement in decision-making on the front end and then ask for an approval vote of the City Council on the back end. The "emergency" nature being attached to this assignment belies the fact that the Ramada location (and others abandoned for economic impact considerations) was being actively evaluated for some considerable time prior to the notification with virtually no information provided to the communities or their elected leaders. Any future activities of this nature must be governed by transparency and dialogue with affected communities and their leaders. As importantly, a more judicious protocol for the use of the term "emergency" should be established.

We therefore ask that an anti-density stipulation be added to the new zoning code that would prevent the over-concentration of homeless services in any one area of Salt Lake City to better serve the communities that host these resources and those who use them.

We echo the sentiments of then-Council Member Erin Mendenhall who saw the wisdom of not overconcentrating services in communities. With the support and signatures of other District 5 community leaders, she put a similar request in writing to then-Lieutenant Governor Spencer Cox on October 16, 2019:

"...Residents of District 5 are alarmed at the possibility their community will be compelled to host an emergency facility in addition to the two new homeless resource centers (HRCs)...

Please support our community as we draw together to continue the work of bringing this area back into safety and stability. The new HRC environments will support vastly better outcomes for people seeking services and should not be jeopardized by the placement of a nearby emergency shelter. This new environment will suffer if an emergency shelter—which, undoubtedly, is a must for people experiencing homelessness—is also located proximate to the new centers. The urgent need for

emergency shelter should be met with a plan that supports, and does not counteract, progress made with supportive services so far.

Please make a clear and unequivocal commitment that our community will not be compelled to host this or similar additional facilities.”

Finally, any discussion regarding the Homeless Resource Centers and Shelters Zoning Text Amendments would most benefit from involving state-level stakeholders as soon as possible. Members of the Utah Homelessness Council Executive Committee should be given the opportunity to make meaningful contributions to the discussion and hear concerns from community stakeholders. These conversations should not be siloed. If we don't work to build consensus now, early in the process of drafting these policies, we risk rendering any zoning amendments moot via being overridden by a legislative action during the 2022 or 2023 legislative session.

Let's strive to get on the same page about equitable policies.

Sincerely,

Amy J. Hawkins, PhD
Chair, Ballpark Community Council

The Ballpark Community Council

The Central 9th Community Council

Richard Holman, Westside Community Advocate
Past Chair and Founder, Westside Coalition

Ellen Reddick
Chair, Bonneville Hills Community Council

Jan Hemming
Chair, Yalecrest Neighborhood Council

Kevin S. Parke
Chair, Rose Park Community Council

Esther Hunter
Chair, East Central Community Council

Margie Broschinsky and the North Temple Community Improvement Alliance

Nigel Swaby

Community Advocate

ATTACHMENT F: **Department Review Comments**

This proposal was routed to multiple city departments for comment. The departments were provided with the same information that was made available to the public with the instruction that the first action as part of this proposal would be to remove the uses from the land use tables so they are not allowed in the CG, D2 and D3 zoning districts. The departments have not provided specific comments on this part of the proposal. City Departments and Divisions that are already involved with homeless services and response will be heavily involved with the remaining parts of this proposal. The departments that were sent information include:

- Attorney's Office
- Building Services
- Economic Development
- Engineering
- Fire
- Housing Stability
- Parks and Public Lands
- Police
- Public Services
- Redevelopment Agency
- Sustainability
- Transportation