



# Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

**To:** Salt Lake City Planning Commission  
**From:** Cassie Younger, Senior Planner, [cassie.younger@slcgov.com](mailto:cassie.younger@slcgov.com)  
**Date:** February 14, 2024  
**Re:** PLNPCM2023-00646: Parking Text Amendment

## Zoning Text Amendment

**PROPERTY ADDRESS:** Citywide  
**MASTER PLAN:** Plan Salt Lake  
**ZONING DISTRICT:** Citywide

### REQUEST:

Mayor Mendenhall has initiated a zoning text amendment to prohibit the demolition of housing for commercial parking lots/structures and the expansion of parking for existing uses. The City has recently adopted Thriving in Place (TIP), a strategy and action plan addressing housing and community displacement issues. This text amendment is part of a package of changes to City code that implements TIP and replaces the current Housing Loss Mitigation Ordinance (HLMO).

### RECOMMENDATION: Approval

Staff recommends the Planning Commission forward a positive recommendation to the City Council for Approval.

### ATTACHMENTS:

- A. [ATTACHMENT A: Proposed Zoning Text Updates](#)
- B. [ATTACHMENT B: Zoning Text Amendment Standards](#)
- C. [ATTACHMENT C: Public Process & Comments](#)
- D. [ATTACHMENT D: Department Review Comments](#)

### PROJECT DESCRIPTION

#### Background Information: Housing Loss Mitigation and Thriving in Place

Thriving in Place (TIP) was adopted by the City Council in 2023 and focuses on the prevention of displacement of people from their homes and neighborhoods. One of the key objectives of TIP is to “**Preserve** the affordable housing we have”, and the plan seeks to combat involuntary displacement, help all residents benefit from new development and investments, and continue making Salt Lake City a great place to call home. TIP identifies one type of displacement as “Direct Displacement”, which is when households are forced to move because they are evicted or because their building was demolished, often to make way for new development that is more expensive than the existing

housing. This is not as widespread as indirect displacement, when the cost of housing increases, forcing residents to move elsewhere due to unaffordable rent prices, but it is highly visible and extremely disruptive in people's lives.

Salt Lake City currently has a Housing Loss Mitigation Ordinance (HLMO) that requires a mitigation plan for any zoning petition that would permit a nonresidential use of land or if a development project would result in the net loss of housing units. The HLMO also specifically requires a mitigation plan for Conditional Use applications that request to expand parking in a residential zoning district. Options for mitigation include providing replacement housing or paying into the City's housing trust.

TIP states that the City's current Housing Loss Mitigation Ordinance (HLMO) is ineffective at mitigating the displacement of people from their homes and neighborhoods. The plan states that the ordinance should be repealed and policies that address displacement should be adopted throughout City Code. The Mayor has initiated a number of City Code amendments to implement TIP and this project is one of those amendments.

### **Proposed Changes to the Zoning Ordinance**

As mentioned above, the current HLMO requires a mitigation plan if a Conditional Use application is submitted to expand parking in a residential zoning district. One of the strategies in Thriving in Place is to repeal the HLMO and adopt new regulations that better address displacement in the City. Staff has reviewed TIP and is proposing the following two methods for preventing the demolition of housing for parking:

1. Prevent the demolition of housing if it results in the development of standalone parking uses. Standalone parking uses are commercial parking lots, park and ride lots, and off-site parking facilities. The proposed Zoning Ordinance text change would simply add a footnote to all of the parking-related land uses in each of the land use tables and would prohibit the particular use if it results in the demolition of a dwelling unit.
2. Prevent the demolition of housing if it results in the expansion of existing parking or the development of new parking. If an applicant wanted to expand a development's parking lot area for any reason, it would not be able to do so if it included the demolition of a dwelling unit. Any redevelopment with a parking lot or structure included would be prohibited when the demolition of existing housing is involved.

These recommendations would prohibit the demolition of housing when a parking use would be included in the replacement development. This aligns with one of Thriving in Place's main goals, which is to preserve existing affordable housing. "Naturally Occurring Affordable Housing" (sometimes called "NOAH") is at risk throughout the city as properties continue to redevelop and older housing is replaced with new "luxury" housing with higher rents. Thriving in Place seeks to actively combat this type of displacement and help all residents benefit from new development and investments throughout Salt Lake City.

This amendment does, in fact, go further than the former Housing Loss Mitigation Ordinance by outright prohibiting a use without the option of mitigation. The HLMO offered mitigation strategies, like offering replacement housing, or funding towards the City's housing trust fund, instead of an outright prohibition of a use. After a review of both TIP and the City's other guiding documents, Staff concludes that an outright prohibition is the best way to ensure that existing affordable housing is not demolished for parking uses in the city.

## KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. How the proposal helps implement city goals and policies identified in adopted plans.

### Consideration 1: How the proposal helps implement city goals and policies identified in adopted plans.

#### **Plan Salt Lake**

Plan Salt Lake is the visioning document that guides all the growth and development in the city. It emphasizes the need for the city to expand its housing stock for all income levels while maintaining the city as beautiful and people focused with the following initiatives:

**Housing:** Access to a wide variety of housing types for all income levels throughout the City, providing the basic human need for safety and responding to changing demographics

**Discussion:** By prohibiting the demolition of existing housing, the City maintains some of its “naturally occurring affordable housing” that is quickly being demolished in place of higher-cost redevelopments. While replacing housing with housing is a net gain, the demolition of housing for parking uses only results in a further housing deficit with added auto-centric uses and design.

**Beautiful City:** A beautiful city that is people focused.

*Initiatives:*

- Support and encourage architecture, development, and infrastructure that is people-focused;
- Reinforce and preserve neighborhood and district character and a strong sense of place.

**Discussion:** The creation of additional parking lots and structures throughout the city, especially when replacing much-needed housing, not does align with the City’s goals to be a beautiful, “people focused” city. The ordinance amendment is a means to prioritize housing residents rather than accommodating developments that would displace residents in return for parking lots. Using land and resources that only further the auto dependence of its citizens and reduces the housing capacity of the city does not contribute to a people focused initiative. The City’s priority should lie with its residents and their existing homes.

#### **Housing SLC**

Housing SLC 2023-2027 is a Housing Plan for Salt Lake City that identifies the city's greatest needs, barriers, and strategies to overcome the affordable housing crisis. The plan identifies the loss of existing housing as a major constraint to solving the affordable housing crisis in the city.

“Naturally occurring affordable housing (NOAH) is housing that is affordable without government restriction or subsidy. This is likely to be older housing that has not been updated and may lack the amenities included in newer housing developments. In a hot market, however, NOAH is at risk of being lost due to market-induced rent rises, renovations that lead to rent rises, sale of properties, or redevelopment.”

It recommends the preservation of any existing affordable housing as a strategy to alleviate this crisis. This proposed amendment prohibits the demolition of housing when a parking use is involved. Therefore, this amendment would support this strategy of Housing SLC.

## **NEXT STEPS**

The Planning Commission may make a positive or negative recommendation to the City Council on the proposed zoning text amendment. Prior to making a decision, the City Council will hold a briefing and an additional public hearing on the proposed zoning text amendment. The City Council may make additional modifications to the proposed zoning text amendment and/or make a final decision on the matter.

# ATTACHMENT A: Proposed Zoning Text Updates

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*The following are the specific Land Use Tables that will be amended. The following footnote will be added to all parking uses listed:*

“Prohibited when it includes the demolition of a dwelling unit.”

## **21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:**

Parking, Off Site <sup>22</sup>

Parking, park and ride lot shared with existing use <sup>22</sup>

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

Parking:

Commercial<sup>24</sup>

Off Site<sup>24</sup>

Park and ride lot <sup>24</sup>

Park and ride lot shared with existing use <sup>24</sup>

## **21A.33.035: TABLE OF PERMITTED AND CONDITIONAL USES FOR TRANSIT STATION AREA DISTRICTS:**

Parking:

Commercial (if located in a parking structure)<sup>13</sup>

Commercial (Surface Lot)<sup>13</sup>

Off Site<sup>13</sup>

Park and ride lot<sup>13</sup>

Park and ride lot shared with existing use <sup>13</sup>

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

Parking, commercial<sup>20</sup>

Parking, off-site<sup>20</sup>

## **21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:**

Parking:

Commercial<sup>10</sup>

Off Site<sup>10</sup>

Park and ride lot<sup>10</sup>

Park and ride lot shared with existing use <sup>10</sup>

**21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:**

Parking:

Commercial<sup>25</sup>

Off-Site<sup>25</sup>

Off-Site (to support uses in an OS or NOS Zoning District) <sup>25</sup>

Park and ride lot<sup>25</sup>

Park and ride lot shared with an existing use <sup>25</sup>

**21A.33.080: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED DISTRICTS:**

Parking, off site<sup>6</sup>

*To prohibit the demolition of housing for the expansion of existing parking areas, the following language would be added to the **21A.444 OFF-STREET PARKING, MOBILITY AND LOADING** chapter of the Zoning Ordinance*

**21A.44.020: APPLICABILITY:**

A. Amounts of Parking, Loading, and Drive-Through Facilities Required: The standards of this chapter are intended to establish: minimum and maximum amounts of vehicle parking; minimum required bicycle parking, minimum required loading facilities, and minimum capacity of drive-through facilities and shall apply to projects involving the activities listed below. In some instances, other standards of this chapter provide alternatives for required compliance. Certain exemptions are intended to encourage utilization of existing structures and preserve desirable characteristics of locations built prior to parking requirements.

1. New Development: Unless otherwise exempted by Section 21A.44.020.A.4, the standards in this chapter shall apply to all development and land uses upon adoption of this ordinance.

2. Expansion of Use or Structure: The number of off street parking and loading spaces for the expansion of a use or structure shall comply with the requirements of Table 21A.44.040-A, "Minimum and Maximum Off Street Parking" and the standards of this chapter when:

a. One or more additional dwelling units is created; or

b. The addition to or expansion of one or more structures or uses that, when considered together with any other expansions during the previous two-year period, would increase the total usable floor area of the structure(s) by more than twenty-five percent (25%); or

c. The addition to or expansion of one (1) or more structures or uses that requires conditional use permit approval.

3. Change of Use:

a. Except when located within an Urban Center or Transit Context, or as stated in Subsection b below, off street parking shall be provided pursuant to this chapter for any change of use that increases the minimum number of required vehicle parking spaces by:

(1) More than ten (10) parking spaces; or

(2) More than twenty-five percent (25%) of the parking spaces that currently exist on-site or on permitted off-site locations.

b. For changes in use in buildings built prior to 1944, no additional parking shall be required beyond what is existing.

4. Exemptions from Parking Requirements: The following shall be exempt from providing the minimum parking required by Table 21A.44.040-A, "Minimum and Maximum Off Street Parking", but shall comply with maximum parking allowed and location and design standards in Section 21A.44.060 if parking is provided:

a. Lots created prior to April 12, 1995 that are less than five thousand (5,000) square feet in lot area, except those being used for single-family, two-family, and twin home dwelling uses;

b. Expansions or enlargements that increase the square footage of usable floor area of an existing structure or parking requirements for the use by twenty-five percent (25%) or less, provided that existing off street parking and loading areas are not removed.

B. Location and Design: Section 21A.44.060, "Parking Location and Design", shall apply to all vehicle parking, bicycle parking, loading, and drive-through facilities, regardless of whether the project is subject to the requirements for additional parking spaces or other facilities pursuant to Subsection 21A.44.020.A above. Parking garages are subject to design standards found in Subsection 21A.44.060.A.16 and specific requirements of other zoning districts found in Subsection 21A.44.060.B. (Ord. 67-22, 2022)

C. Demolition of Housing for Parking: The demolition of a dwelling unit for the expansion of an existing parking lot or parking garage, or the development of a new parking lot or parking garage is prohibited.

# ATTACHMENT B: Zoning Text Amendment Standards

In making its decision concerning a proposed text amendment, the City Council should consider the following factors:

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;**

**Discussion:** As discussed in [Key Consideration #1](#), the proposed amendment aligns with the City's overall Plan Salt Lake, Housing SLC, and is tied to the City's newly initiated Thriving in Place.

2. **Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;**

*The purpose of the zoning ordinance is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and to carry out the purposes of the Municipal Land Use Development and Management Act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:*

- A. *Lessen congestion in the streets or roads;*
- B. *Secure safety from fire and other dangers;*
- C. *Provide adequate light and air;*
- D. *Classify land uses and distribute land development and utilization;*
- E. *Protect the tax base;*
- F. *Secure economy in governmental expenditures;*
- G. *Foster the City's industrial, business and residential development; and*
- H. *Protect the environment.*

**Discussion:** The proposed amendment is in line with the purpose of the zoning ordinance by utilizing and distributing land development appropriately by keeping residential dwelling units intact when threatened to be replaced by auto-centric uses. Preventing parking uses from developing in areas where residents live may also result in lessening congestion on roads, reducing auto dependency, and protecting the environment, by prohibiting the demolition of housing and resources.



3. **Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and**

**Discussion:** This text amendment does not directly affect or conflict with any overlay zone within the city.

4. **The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

The American Planning Association recommends several strategies to increase affordable housing and decrease the prevalence of parking lots throughout American cities, choosing “[People over Parking](#)”. This text amendment somewhat marries the two. While not directly encouraging the creation of more affordable housing, it focuses on the preservation of “Naturally Occurring Affordable Housing”, sometimes referred to as NOAH, which the APA recommends to preserve as one strategy to reduce the housing crisis. This amendment also [discourages parking lots](#) and structures, which reduces the amount of land and resources solely devoted to cars within a city, another tenant of APA’s Planning recommendations. The large amount of land devoted to parking lots, structures, and spaces in the city, discourages walkable communities and uses up valuable land that could be better utilized for housing or commercial spaces. This text amendment is in line with the best professional practices of planning and design.

# ATTACHMENT C: Public Process & Comments

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## Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- December 20, 2023 – All Recognized Community Organizations were sent the 45 day required notice for recognized community organizations.
- December 20, 2023 – present – The project was posted to the Online Open House webpage.

Notice of the public hearing for the proposal included:

- February 1, 2024
  - Public hearing notice mailed
  - Public notice posted on City and State websites and Planning Division list serve

## Public Input:

One comment was received in support of this petition.

**From:** [Rachel Quist](#)  
**To:** [Younger, Cassie](#)  
**Subject:** (EXTERNAL) PLNPCM2023-00646 / Prohibit Demolition of Dwelling Units for Parking  
**Date:** Friday, February 2, 2024 11:48:46 AM

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**Caution:** This is an external email. Please be cautious when clicking links or opening attachments.

Ms Younger:

Regarding PLNPCM2023-00646 / Prohibit Demolition of Dwelling Units for Parking, please accept my public comment.

I am Rachel Quist and one of my interests is preserving the historic built environment and archaeological resources contained within the city. You may find some of my research and writing on my Instagram at [@rachels\\_slc\\_history](#) or [slchistory.org](#). I own a historic home within the Central City Historic District.

I support the text amendment to prohibit the demolition of housing for parking. Over the years I have seen many of SLC's historic homes (not located within historic districts) demolished for areas now used for parking (e.g. housing on Gale Street for Big O Tires parking). Often there is a promise of building something that would benefit the residents of the city but years later the parcel is still a graveled area primarily used for parking (e.g., the La France Apts now parking for the Greek Orthodox Church). It is disappointing. Especially since many of these housing units are often affordable housing and small multi-family units that are so desperately needed here.

I suggest the Planning Commission and City staff examine the proposed language carefully to eliminate any loopholes, such as the property owner saying the intent is not to make a parking lot but to \*eventually\* build something... and yet the result is a parking lot for several years; again, such as the La France situation.

I look at the demolition of historic buildings as a trade-off. If historic housing must be demolished, then the residents of the City should get back something better- and a parking lot is not better than housing.

Thank you

Rachel Quist  
SLC resident

# ATTACHMENT D: Department Review Comments

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This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

## **Engineering:**

Engineering has no objections.

## **Zoning:**

The proposed language in “C” at the end of the document only mentions parking lot. In the attached file I added “parking garage” to that language to be sure both types are included. I used the terms as they are defined in our current definitions section “parking lot” and “parking garage”. That would be my input on this text amendment.

## **Housing:**

Housing Stability Division has no comments for this proposed Zoning Text Amendment.

## **Urban Forestry:**

If Urban Forestry can continue to plant trees in the public ROW parkstrips every 30’, we support this amendment.

## **Sustainability:**

Sustainability supports this proposed zoning code amendment.

## **Transportation:**

I don’t have any issues with this amendment.

## **Public Utilities:**

Thank you for including Public Utilities on this review. I have no comments to provide.